

December 28, 2023

VIA ELECTRONIC FILING

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor
Harrisburg, PA 17120

RE: **Docket Nos. F-2019-3008809 and F-2019-3008832**

Secretary Chiavetta:

Attached for filing are four (4) EXHIBITS to accompany the Complainants' *Reply Exceptions (2nd Corrected)* which was filed on Dec. 20, 2023 (Confirmation # 2510948) in the above-referenced proceeding. These four EXHIBITS include:

- EXHIBIT 1 -To EXCEPTION NO. 2, Paragraph 21 - HB 2200 Printer's No. 4429 (Sept. 23, 2008)
- EXHIBIT 2 -To EXCEPTION NO. 2, Paragraph 22 - HB 2200 Printer's No. 4526 (Oct. 7, 2008)
- EXHIBIT 3 -To EXCEPTION NO. 2, Paragraph 23 - Legislative Journal - PA Senate (Oct. 8, 2008)
- EXHIBIT 4 -To EXCEPTION NO. 2, Paragraph 23 - Legislative Journal - PA House (Oct. 8, 2008)

Respectfully submitted,



John Holder, Janet Holder

CERTIFICATE OF SERVICE

We hereby certify that true and correct copies of the four (4) EXHIBITS to accompany the Complainants' *Reply Exceptions (2nd Corrected)*, and which are identified in the preceding letter to the Secretary's Office, have been served upon the following persons in the manner indicated, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant):

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Date: December 28, 2023



THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2200 Session of
2008

INTRODUCED BY GEORGE, McCALL, BELFANTI, CALTAGIRONE, CONKLIN,
DALEY, N. P. GOODMAN, HARHAI, HARKINS, KULA, MANDERINO,
McGEEHAN, VITALI, J. WHITE, WALKO, SURRA, DeLUCA, DERMODY,
GRUCELA, JOSEPHS, JAMES, GINGRICH, FREEMAN, K. SMITH,
McILVAINE SMITH, YOUNGBLOOD AND FRANKEL, JANUARY 15, 2008

SENATOR TOMLINSON, CONSUMER PROTECTION AND PROFESSIONAL
LICENSURE, IN SENATE, RE-REPORTED AS AMENDED, OCTOBER 7, 2008

AN ACT

1 Amending Title 66 (Public Utilities) of the Pennsylvania
2 Consolidated Statutes, ~~providing for recovery of certain~~ <—
3 ~~labor relations expenses; further providing for definitions;~~
4 ~~providing for adoption of energy efficiency and demand side~~
5 ~~response; and further providing for duties of electric~~
6 ~~distribution companies. FURTHER PROVIDING FOR DEFINITIONS;~~ <—
7 ~~PROVIDING FOR ENERGY EFFICIENCY AND CONSERVATION; FURTHER~~
8 ~~PROVIDING FOR DUTIES OF ELECTRIC DISTRIBUTION COMPANIES; AND~~
9 ~~PROVIDING FOR PROCUREMENT. FURTHER PROVIDING FOR DIRECTOR OF~~ <—
10 OPERATIONS, SECRETARY, EMPLOYEES AND CONSULTANTS; REPEALING
11 PROVISIONS RELATING TO OFFICE OF TRIAL STAFF; FURTHER
12 PROVIDING FOR BUREAUS AND OFFICES; PROVIDING FOR OTHER
13 BUREAUS, OFFICES AND POSITIONS; FURTHER PROVIDING FOR
14 ELECTRIC UTILITY DEFINITIONS; PROVIDING FOR ENERGY EFFICIENCY
15 AND CONSERVATION PROGRAM AND FOR ENERGY EFFICIENCY AND
16 CONSERVATION; FURTHER PROVIDING FOR DUTIES OF ELECTRIC
17 DISTRIBUTION COMPANIES AND FOR MARKET POWER REMEDIATION; AND
18 PROVIDING FOR PROCUREMENT, FOR ADDITIONAL ALTERNATIVE ENERGY
19 SOURCES AND FOR CARBON DIOXIDE SEQUESTRATION NETWORK.

20 THE GENERAL ASSEMBLY RECOGNIZES THE FOLLOWING PUBLIC POLICY

21 FINDINGS AND DECLARES THAT THE FOLLOWING OBJECTIVES OF THE

22 COMMONWEALTH ARE SERVED BY THIS ACT:

23 (1) THE HEALTH, SAFETY AND PROSPERITY OF ALL CITIZENS OF

1 THIS COMMONWEALTH ARE INHERENTLY DEPENDENT UPON THE
2 AVAILABILITY OF ADEQUATE, RELIABLE, AFFORDABLE, EFFICIENT AND
3 ENVIRONMENTALLY SUSTAINABLE ELECTRIC SERVICE AT THE LEAST
4 COST, TAKING INTO ACCOUNT ANY BENEFITS OF PRICE STABILITY,
5 OVER TIME AND THE IMPACT ON THE ENVIRONMENT.

6 (2) IT IS IN THE PUBLIC INTEREST TO ADOPT ENERGY
7 EFFICIENCY AND CONSERVATION MEASURES AND TO IMPLEMENT ENERGY
8 PROCUREMENT REQUIREMENTS DESIGNED TO ENSURE THAT ELECTRICITY
9 OBTAINED REDUCES THE POSSIBILITY OF ELECTRIC PRICE
10 INSTABILITY, PROMOTES ECONOMIC GROWTH AND ENSURES AFFORDABLE
11 AND AVAILABLE ELECTRIC SERVICE TO ALL RESIDENTS.

12 (3) IT IS IN THE PUBLIC INTEREST TO EXPAND THE USE OF
13 ALTERNATIVE ENERGY AND TO EXPLORE THE FEASIBILITY OF NEW
14 SOURCES OF ALTERNATIVE ENERGY TO PROVIDE ELECTRIC GENERATION
15 IN THIS COMMONWEALTH.

16 The General Assembly of the Commonwealth of Pennsylvania
17 hereby enacts as follows:

18 ~~Section 1. Title 66 of the Pennsylvania Consolidated~~ <—
19 ~~Statutes is amended by adding a section to read:~~

20 ~~§ 1329. Recovery of certain labor relations expenses.~~

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

30 Section 2. Section 2803 of Title 66 is amended by adding

1 definitions to read:

2 ~~§ 2803. Definitions.~~

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

6 ~~"Affiliated interest." As defined in section 2101 (relating
7 to definition of affiliated interest).~~

8 * * *

9 ~~"Cost effective." In relation to a program being evaluated,
10 satisfaction of the total resource cost test.~~

11 * * *

12 ~~"Demand side response." Load management technologies,
13 management practices or other strategies employed by retail
14 customers that decrease peak electricity demand or shift demand
15 from on peak to off peak periods provided that:~~

16 ~~(1) The measure is installed on or after the effective
17 date of this section at the service location of a retail
18 customer.~~

19 ~~(2) The measure reduces the peak demand or cost of
20 energy by the retail customer.~~

21 ~~(3) The costs of the acquisition or installation of the
22 measure are directly incurred in whole or in part by the
23 electric distribution company.~~

24 * * *

25 ~~"Energy efficiency." Technologies, management practices or
26 other strategies or measures employed by retail customers that
27 reduce electricity consumption provided that:~~

28 ~~(1) The measure is installed on or after the effective
29 date of this definition at the service location of a retail
30 customer.~~

1 ~~(2) The measure reduces the consumption of energy by the~~
2 ~~retail customer.~~

3 ~~(3) The costs of the acquisition or installation of the~~
4 ~~measure are directly incurred in whole or in part by the~~
5 ~~electric distribution company.~~

6 ~~"Independent entity." An entity with no direct or indirect~~
7 ~~ownership, partnership or other affiliated interest with an~~
8 ~~electric distribution company.~~

9 ~~"Peak demand." The highest electrical requirement occurring~~
10 ~~during a specified period. For an electric distribution company,~~
11 ~~the term means the sum of the metered consumption for all retail~~
12 ~~customers over that period.~~

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

15 * * *

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

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

26 ~~(2) Enable time of use rates and real time price~~
27 ~~programs.~~

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

- 1 ~~(i) the customer;~~
2 ~~(ii) the customer's utility; or~~
3 ~~(iii) a third party engaged by the customer or the~~
4 ~~customer's utility.~~

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

8 ~~"Total resources cost test." A standard test that is met if,~~
9 ~~over the effective life of the program, the avoided supply side~~
10 ~~monetary costs are greater than the monetary costs of the~~
11 ~~demand side programs borne by both the electric distribution~~
12 ~~company and the participants.~~

13 ~~* * *~~

14 ~~Section 3. Title 66 is amended by adding a section to read:~~
15 ~~§ 2806.1. Adoption of procedures encouraging energy efficiency~~
16 ~~and demand side response.~~

17 ~~(a) Program. The commission shall develop a program to~~
18 ~~provide for the implementation of cost effective programs that~~
19 ~~reduce energy demand and consumption within the service~~
20 ~~territories of all electric distribution companies throughout~~
21 ~~this Commonwealth. The program shall include, but is not limited~~
22 ~~to, the following:~~

23 ~~(1) Selecting a program administrator to develop and~~
24 ~~oversee the delivery of energy efficiency and demand side~~
25 ~~response programs within the service territory of each~~
26 ~~electric distribution company within this Commonwealth.~~

27 ~~(2) Implementing the necessary administrative and~~
28 ~~financial mechanisms that will enable the program~~
29 ~~administrator to develop and oversee the provision of energy~~
30 ~~efficiency and demand side response programs within the~~

~~service territory of each electric distribution company within this Commonwealth, including the levying of assessments in accordance with sections 510 (relating to assessment for regulatory expenses upon public utilities), 1307 (relating to sliding scale of rates; adjustments) and 1308 (relating to voluntary changes in rates). The commission shall not approve or implement and shall not assess or charge to customers the costs of energy efficiency or demand response programs to the extent that the costs of such programs exceed 2% of the total annual revenues of the electric distribution company from all sources, including default service generation revenues as of January 1, 2007. This funding limit shall not include amounts provided for by the low income usage reduction programs established under regulations at 52 Pa. Code Ch. 58 (relating to residential low income usage reduction programs).~~

~~(3) Implementing the necessary administrative and financial mechanisms that facilitate a system of third party entities to deliver all or portions of the energy efficiency and demand side response programs within the service territory of each electric distribution company within this Commonwealth, including the levying of assessments in accordance with sections 510, 1307 and 1308. The commission may order the electric distribution company to pay the third party entity for services rendered in an electric distribution company's respective service territory pursuant to this section. The electric distribution company may be a third party entity.~~

~~(b) Selection of program administrator. The commission shall implement the following procedures when selecting a~~

1 ~~program administrator:~~

2 ~~(1) The commission shall prepare a request for proposals~~
3 ~~for a program administrator to provide for the development~~
4 ~~and delivery of the energy efficiency and demand side~~
5 ~~response programs in the service territories of all electric~~
6 ~~distribution companies and shall make the request for~~
7 ~~proposals available for public comment.~~

8 ~~(2) The commission shall, within 60 days of the~~
9 ~~completion of the public comment period, issue the final~~
10 ~~request for proposals.~~

11 ~~(3) The commission shall, based on a competitive bid~~
12 ~~process, select an independent entity to serve as the energy~~
13 ~~efficiency and demand side response program administrator.~~

14 ~~(4) The commission shall include as a part of its~~
15 ~~agreement with the program administrator a system of~~
16 ~~performance parameters and a financial mechanism that~~
17 ~~provides incentives for exceeding established performance~~
18 ~~parameters and penalties for third parties not meeting~~
19 ~~established performance parameters.~~

20 ~~(c) Powers and duties of program administrator. The program~~
21 ~~administrator shall have powers and duties assigned by the~~
22 ~~commission. The powers and duties shall include, but not be~~
23 ~~limited to:~~

24 ~~(1) Soliciting through a competitive procurement process~~
25 ~~within each electric distribution company service territory a~~
26 ~~program of providing energy efficiency and demand side~~
27 ~~response programs to residential, commercial and industrial~~
28 ~~customers utilizing third party entities.~~

29 ~~(2) Ensuring that each proposal includes, but is not~~
30 ~~limited to:~~

1 ~~(i) A clear delineation of how the program will be~~
2 ~~conducted.~~

3 ~~(ii) The types of specific program measures to be~~
4 ~~offered.~~

5 ~~(iii) The cost and benefit of each program to be~~
6 ~~offered.~~

7 ~~(iv) A process for monitoring and verifying results,~~
8 ~~data collection and management procedures, program~~
9 ~~evaluation processes and financial management strategies.~~

10 ~~(3) In its review of each proposal received:~~

11 ~~(i) Taking into account the unique circumstances of~~
12 ~~each electric distribution company's service territory.~~

13 ~~(ii) Finding that each program is cost effective and~~
14 ~~that the portfolio of programs is designed to provide~~
15 ~~every affected customer class with the opportunity to~~
16 ~~participate and benefit economically.~~

17 ~~(iii) Determining the cost effectiveness of energy~~
18 ~~efficiency and demand side response measures using the~~
19 ~~total resource cost test.~~

20 ~~(4) Recommending to the commission those entities best~~
21 ~~suited to provide energy efficiency and demand side response~~
22 ~~programs within the service territory of each electric~~
23 ~~distribution company.~~

24 ~~(5) In the event no qualified proposals are received~~
25 ~~that meet the required plan goals in an electric distribution~~
26 ~~company service territory to conduct the program activities:~~

27 ~~(i) Issuing a subsequent request for proposals with~~
28 ~~plan goals that are reduced no more than necessary to~~
29 ~~obtain qualified proposals to provide program activities.~~

30 ~~The lowered plan goals for energy efficiency and demand~~

1 ~~side response shall only be in effect for that year.~~

2 ~~(ii) In subsequent years, utilizing the plan goals~~
3 ~~unless no qualified proposals are received to conduct the~~
4 ~~program activities that meet the plan goals, the program~~
5 ~~administrator shall issue a subsequent request for~~
6 ~~proposals in accordance with the procedures identified in~~
7 ~~this subparagraph.~~

8 ~~(6) Executing agreements on behalf of the commission~~
9 ~~with the selected entity in each electric distribution~~
10 ~~company service territory to conduct the energy efficiency~~
11 ~~and demand side response program. As part of these agreements~~
12 ~~the program administrator shall ensure that:~~

13 ~~(i) The programs offered by the selected entity are~~
14 ~~provided equitably across all customer classes.~~

15 ~~(ii) A clearly defined process for financial~~
16 ~~compensation for the entity delivering the program which~~
17 ~~is tied to defined goals for performance regarding~~
18 ~~program activities accomplished, energy cost savings on a~~
19 ~~per customer basis and utility wide basis and overall~~
20 ~~energy and peak demand reduction is established.~~

21 ~~(iii) A system of incentives and penalties for~~
22 ~~performance of contractual activities above and below~~
23 ~~predetermined levels is in place.~~

24 ~~(iv) There is a set contract term which may include~~
25 ~~an initial three year term with renewal terms of varied~~
26 ~~length.~~

27 ~~(7) Submitting reports to the commission at such times~~
28 ~~and in such manner as the commission directs.~~

29 ~~(d) Commission review of recommendations. The commission~~
30 ~~shall review the recommendations made by the program~~

1 ~~administrator regarding those entities best suited to provide~~
2 ~~energy efficiency and demand side response programs within the~~
3 ~~service territory of each electric distribution company. The~~
4 ~~commission shall approve or disapprove the recommendations made~~
5 ~~by the program administrator.~~

6 ~~(1) The commission review of the recommendations of the~~
7 ~~program administrator shall be limited to ensuring that:~~

8 ~~(i) There is no evidence of fraud or market abuse.~~

9 ~~(ii) Any costs entered into are borne by the~~
10 ~~appropriate parties and that costs, including the costs~~
11 ~~of subsection (c)(6)(iii) incentives, related to the~~
12 ~~provision of the contracted services are borne by the~~
13 ~~appropriate customer class.~~

14 ~~(iii) There will be provided, in a cost effective~~
15 ~~manner, a program that provides energy efficiency and~~
16 ~~demand side response measures to all customer classes~~
17 ~~throughout the service territory of each electric~~
18 ~~distribution company.~~

19 ~~(2) If the commission approves a third party entity to~~
20 ~~conduct the program, the commission shall ensure the program~~
21 ~~administrator finalizes the agreement between the commission~~
22 ~~and the third party entity selected to provide the program of~~
23 ~~energy efficiency and demand side response.~~

24 ~~(3) In the event the commission disapproves the~~
25 ~~recommendation of the program administrator, the commission~~
26 ~~shall provide a rationale for this decision and direct the~~
27 ~~program administrator on a course of action.~~

28 ~~(c) Plan goals. The program administrator shall ensure that~~
29 ~~each proposal submitted by a third party entity to deliver a~~
30 ~~program of energy efficiency and demand side response measures~~

1 ~~includes meeting the following energy saving goals:~~

2 ~~(1) The following relate to energy efficiency goals:~~

3 ~~(i) By May 31, 2011, total annual deliveries to~~
4 ~~retail customers of electric distribution companies shall~~
5 ~~be reduced by a minimum of 1%. This load reduction shall~~
6 ~~be measured against the expected load forecasted by the~~
7 ~~commission for June 1, 2010, through May 31, 2011, based~~
8 ~~on load for the period June 1, 2007, through May 31,~~
9 ~~2008, with provision made for weather adjustments and~~
10 ~~extraordinary load that the electric distribution company~~
11 ~~must serve. The commission shall determine and make~~
12 ~~public the forecasts to be used for each electric~~
13 ~~distribution company no later than August 31, 2008. The~~
14 ~~program administrator shall ensure that a third party~~
15 ~~entity meets the goals contained in this section through~~
16 ~~the implementation of a program of energy efficiency~~
17 ~~measures throughout the service territory of the electric~~
18 ~~distribution company.~~

19 ~~(ii) By May 31, 2013, total annual deliveries to~~
20 ~~retail customers of electric distribution companies shall~~
21 ~~be reduced by a minimum of 2.5%. This load reduction~~
22 ~~shall be measured against the expected load forecasted by~~
23 ~~the commission for June 1, 2012, through May 31, 2013,~~
24 ~~based on load for the period June 1, 2007, through May~~
25 ~~31, 2008, with provision made for weather adjustments and~~
26 ~~extraordinary load that the electric distribution company~~
27 ~~must serve. The commission shall determine and make~~
28 ~~public the forecasts to be used for each electric~~
29 ~~distribution company no later than August 31, 2008. The~~
30 ~~program administrator shall ensure that a third party~~

1 ~~entity meets the goals contained in this section through~~
2 ~~the implementation of a program of energy efficiency~~
3 ~~measures throughout the service territory of the electric~~
4 ~~distribution company.~~

5 ~~(iii) By November 30, 2013, the program~~
6 ~~administrator shall evaluate the costs and benefits of~~
7 ~~these energy efficiency and conservation programs. If the~~
8 ~~benefits have been shown to exceed the costs, consistent~~
9 ~~with the total resource cost test, the program~~
10 ~~administrator, in consultation with the commission, shall~~
11 ~~set additional, incremental energy efficiency and~~
12 ~~conservation goals for the period ending May 31, 2018.~~

13 ~~(iv) After May 31, 2018, the program administrator~~
14 ~~shall continue to evaluate the costs and benefits of~~
15 ~~efficiency and conservation measures and, in consultation~~
16 ~~with the commission, may adopt additional incremental~~
17 ~~load reduction standards for electric distribution~~
18 ~~companies.~~

19 ~~(2) The following relate to demand side response~~
20 ~~measures:~~

21 ~~(i) Cost effective demand side response measures to~~
22 ~~reduce peak demand by a minimum of 4% in the 100 hours of~~
23 ~~highest demand with provision made for weather~~
24 ~~adjustments and extraordinary load that the electric~~
25 ~~distribution company must serve shall be implemented in~~
26 ~~each electric distribution company's service territory.~~
27 ~~This reduction will be measured against the electric~~
28 ~~distribution company's peak demand in the 100 hours of~~
29 ~~greatest demand for June 1, 2007, through May 31, 2008.~~
30 ~~The reductions shall be accomplished by May 31, 2012.~~

1 ~~(ii) By November 30, 2012, the program administrator~~
2 ~~shall compare the total costs of these demand side~~
3 ~~response measures to the total savings in energy and~~
4 ~~capacity costs to retail customers of this Commonwealth.~~
5 ~~If the benefits have been shown to exceed the costs,~~
6 ~~consistent with the total resource cost test, the~~
7 ~~commission shall order additional peak demand reductions~~
8 ~~for the 100 hours of greatest demand or an alternative~~
9 ~~measure adopted by the commission. The reductions shall~~
10 ~~be measured from the electric distribution company's peak~~
11 ~~demand for the period from June 1, 2011, through May 31,~~
12 ~~2012. The mandated reductions shall be accomplished no~~
13 ~~later than May 31, 2017.~~

14 ~~(iii) After May 31, 2017, the program administrator~~
15 ~~shall continue to evaluate the costs and benefits of~~
16 ~~demand side response measures and may, in consultation~~
17 ~~with the commission, adopt additional incremental peak~~
18 ~~load reduction standards.~~

19 ~~(f) Measurements and verification. The commission shall~~
20 ~~establish standards by which the program administrator submits~~
21 ~~to the commission an annual report, which includes that~~
22 ~~information relating to the actions and results of the energy~~
23 ~~efficiency and demand side response programs undertaken within~~
24 ~~each electric distribution service territory by each third party~~
25 ~~entity.~~

26 ~~(1) The report shall include, but not be limited to:~~

27 ~~(i) Documentation of program expenditures.~~

28 ~~(ii) Measurement and verification of savings~~
29 ~~resulting from programs.~~

30 ~~(iii) Evaluation of the cost effectiveness of~~

1 ~~expenditures.~~

2 ~~(iv) Any other information the commission may~~
3 ~~require pursuant to its rulemaking authority.~~

4 ~~(2) The program administrator, upon consultation with~~
5 ~~the commission, shall direct a third party entity to modify~~
6 ~~or terminate a particular energy efficiency or a demand side~~
7 ~~response program if, after an adequate period for~~
8 ~~implementation of the program, the commission determines the~~
9 ~~program is not sufficiently meeting its goals and purposes.~~

10 ~~(3) In the event an energy efficiency or demand side~~
11 ~~response program is terminated, the program administrator~~
12 ~~shall require the third party entity to submit a revised~~
13 ~~program describing the actions to be undertaken to either~~
14 ~~offer a substitute program or increase the availability of~~
15 ~~existing programs to make up for the effect of the terminated~~
16 ~~program on its overall program goals.~~

17 ~~(g) Responsibilities of electric distribution companies.—~~
18 ~~Each electric distribution company that does not seek to be a~~
19 ~~third party entity shall:~~

20 ~~(1) Cooperate with the program administrator as needed~~
21 ~~in its efforts to competitively procure the services of a~~
22 ~~third party entity to provide an energy efficiency and~~
23 ~~demand side response program within the service territory of~~
24 ~~the electric distribution company.~~

25 ~~(2) Provide information necessary to effectively~~
26 ~~facilitate the work of the selected third party entity in~~
27 ~~conducting the energy efficiency and demand side response~~
28 ~~program.~~

29 ~~(3) Provide assistance as may be requested by the~~
30 ~~program administrator in reviewing proposals from third party~~

~~entities seeking to provide energy efficiency and demand side response programs within their service territories.~~

~~(4) Provide assistance as may be requested by the program administrator to facilitate the successful execution of the contract agreement with the third party entities to provide an energy efficiency and demand side response program within their service territories.~~

~~(h) Recovery of administrative and program costs. An electric distribution company may fully recover all administrative costs, including, but not limited to, costs incurred under subsections (a)(3) and (g)(1), (2), (3) and (4), that the commission determines are prudently incurred and reasonable in amount pursuant to implementing a program to deliver cost effective energy efficiency and demand side response activities through a third party entity. Program and administrative costs shall be recovered on a full and current basis by the electric distribution company from customers through a reconcilable automatic adjustment clause pursuant to section 1307. Energy efficiency and demand side resource programs shall be deemed to be a new service offered for the first time under section 2804(4)(vi) (relating to standards for restructuring of electric industry).~~

~~(i) Reporting. The commission shall submit an annual report to the General Assembly describing the results of the programs implemented by each of the electric distribution companies, including, but not limited to:~~

~~(1) The costs, benefits and reductions in energy costs.~~

~~(2) Energy use by customer class within this Commonwealth.~~

~~(3) Reductions in overall peak demand and projections~~

1 ~~toward complying with the overall target reduction goals of~~
2 ~~this section.~~

3 ~~(j) Definitions. For purposes of this section, the term~~
4 ~~"electric distribution company" shall mean a public utility~~
5 ~~providing facilities for the jurisdictional transmission and~~
6 ~~distribution of electricity to 100,000 or more retail customers~~
7 ~~in this Commonwealth.~~

8 Section 4. ~~Section 2807(e) of Title 66 is amended by adding~~
9 ~~a paragraph to read:~~

10 ~~§ 2807. Duties of electric distribution companies.~~

11 ~~* * *~~

12 ~~(e) Obligation to serve. * * *~~

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

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

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

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

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

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

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

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

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

1 ~~adjustments).~~

2 ~~In no event shall lost or decreased revenues by an~~
3 ~~electric distribution company due to reduced electricity~~
4 ~~consumption or shifting energy demand be considered a~~
5 ~~cost of smart meter technology. Smart meter technology~~
6 ~~shall be deemed to be a new service offered for the first~~
7 ~~time under section 2804(4)(vi) (relating to standards for~~
8 ~~restructuring of electric industry).~~

9 ~~(iv) By January 1, 2010, or at the end of the~~
10 ~~applicable generation rate cap period, whichever is~~
11 ~~later, a default service provider shall submit to the~~
12 ~~commission one or more proposed time of use rates and a~~
13 ~~real time price plan. The commission shall approve or~~
14 ~~modify the time of use rates and real time price plan~~
15 ~~within six months of submittal. The default service~~
16 ~~provider shall offer commission approved time of use~~
17 ~~rates and a real time price plan to all residential and~~
18 ~~commercial customers that have been provided with smart~~
19 ~~meter technology within 60 days of installation of the~~
20 ~~smart meter technology or commission approval of the~~
21 ~~time of use rates and a real time price plan, whichever~~
22 ~~is later. Customer participation in time of use rates or~~
23 ~~real time pricing shall be voluntary and shall only be~~
24 ~~provided with the affirmative consent of the customer.~~
25 ~~The default service provider shall submit an annual~~
26 ~~report to the commission on the participation in the~~
27 ~~time of use and real time price programs and the efficacy~~
28 ~~of the programs in affecting energy demand and~~
29 ~~consumption and the effect on wholesale market prices.~~

30 ~~(v) For purposes of this paragraph, the term~~

1 ~~"electric distribution company" shall mean a public~~
2 ~~utility providing facilities for the jurisdictional~~
3 ~~transmission and distribution of electricity to 100,000~~
4 ~~or more retail customers in this Commonwealth.~~

5 Section 5. ~~This act shall take effect immediately.~~

6 SECTION 1. ~~SECTION 2803 OF TITLE 66 OF THE PENNSYLVANIA~~ <—
7 ~~CONSOLIDATED STATUTES IS AMENDED BY ADDING DEFINITIONS TO READ:~~
8 ~~§ 2803. DEFINITIONS.~~

9 ~~THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS CHAPTER~~
10 ~~SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE~~
11 ~~CONTEXT CLEARLY INDICATES OTHERWISE:~~

12 * * *

13 ~~"BILATERAL CONTRACT." AN AGREEMENT, AS APPROVED BY THE~~
14 ~~PENNSYLVANIA PUBLIC UTILITY COMMISSION, REACHED BY TWO PARTIES,~~
15 ~~EACH ACTING IN ITS OWN INDEPENDENT SELF INTEREST, AS A RESULT OF~~
16 ~~NEGOTIATIONS FREE OF UNDUE INFLUENCE, DURESS OR FAVORITISM, IN~~
17 ~~WHICH THE ELECTRIC ENERGY SUPPLIER AGREES TO SELL AND THE~~
18 ~~ELECTRIC DISTRIBUTION COMPANY AGREES TO BUY A QUANTITY OF~~
19 ~~ELECTRIC ENERGY AT A SPECIFIED PRICE FOR A SPECIFIED PERIOD OF~~
20 ~~TIME UNDER TERMS AGREED TO BY BOTH PARTIES, AND WHICH FOLLOWS A~~
21 ~~STANDARD INDUSTRY TEMPLATE WIDELY ACCEPTED IN THE INDUSTRY OR~~
22 ~~VARIATIONS THERETO ACCEPTED BY THE PARTIES. STANDARD INDUSTRY~~
23 ~~TEMPLATES MAY INCLUDE THE EEI MASTER AGREEMENT FOR PHYSICAL~~
24 ~~ENERGY PURCHASES AND SALES AND THE ISDA MASTER AGREEMENT FOR~~
25 ~~FINANCIAL ENERGY PURCHASES AND SALES.~~

26 * * *

27 ~~"DEFAULT SERVICE PROVIDER." AN ELECTRIC DISTRIBUTION COMPANY~~
28 ~~WITHIN ITS CERTIFIED SERVICE TERRITORY OR AN ALTERNATIVE~~
29 ~~SUPPLIER APPROVED BY THE PENNSYLVANIA PUBLIC UTILITY COMMISSION~~
30 ~~THAT PROVIDES GENERATION SERVICE TO RETAIL ELECTRIC CUSTOMERS~~

1 WHO:-

2 ~~(1) CONTRACT FOR ELECTRIC POWER, INCLUDING ENERGY AND~~
3 ~~CAPACITY, AND THE CHOSEN ELECTRIC GENERATION SUPPLIER DOES~~
4 ~~NOT SUPPLY THE SERVICE; OR~~

5 ~~(2) DO NOT CHOOSE AN ALTERNATIVE ELECTRIC GENERATION~~
6 ~~SUPPLIER.~~

7 SECTION 2. TITLE 66 IS AMENDED BY ADDING A SECTION TO READ:-

8 ~~§ 2806.1. ENERGY EFFICIENCY AND CONSERVATION.~~

9 ~~(A) PROGRAM. THE COMMISSION SHALL ADOPT A PROGRAM TO~~
10 ~~REQUIRE ELECTRIC DISTRIBUTION COMPANIES TO ADOPT AND IMPLEMENT~~
11 ~~COST EFFECTIVE ENERGY EFFICIENCY AND CONSERVATION PLANS TO~~
12 ~~REDUCE ENERGY DEMAND AND CONSUMPTION WITHIN THE SERVICE~~
13 ~~TERRITORIES OF ALL ELECTRIC DISTRIBUTION COMPANIES IN THIS~~
14 ~~COMMONWEALTH. THE PROGRAM SHALL INCLUDE:-~~

15 ~~(1) PROCEDURES FOR THE APPROVAL OF PLANS SUBMITTED UNDER~~
16 ~~SUBSECTION (B).~~

17 ~~(2) A PLAN EVALUATION PROCESS INCLUDING A PROCESS TO~~
18 ~~MONITOR AND VERIFY DATA COLLECTION, QUALITY ASSURANCE AND~~
19 ~~RESULTS SUBMITTED.~~

20 ~~(3) AN ANALYSIS OF THE COST AND BENEFIT OF EACH PLAN~~
21 ~~SUBMITTED UNDER SUBSECTION (B) IN ACCORDANCE WITH A TOTAL~~
22 ~~RESOURCE COST TEST.~~

23 ~~(4) AN ANALYSIS OF HOW THE PROGRAM AND INDIVIDUAL PLANS~~
24 ~~WILL ENABLE EACH ELECTRIC DISTRIBUTION COMPANY TO ACHIEVE THE~~
25 ~~REQUIREMENTS FOR REDUCTION IN CONSUMPTION UNDER SUBSECTIONS~~
26 ~~(C) AND (D).~~

27 ~~(5) STANDARDS TO ENSURE THAT EACH PLAN INCLUDES A~~
28 ~~VARIETY OF ENERGY EFFICIENCY AND CONSERVATION MEASURES AND~~
29 ~~WILL PROVIDE THE MEASURES EQUITABLY TO ALL CLASSES OF~~
30 ~~CUSTOMERS.~~

1 ~~(6) PROCEDURES TO REVIEW ALL PROPOSED CONTRACTS PRIOR TO~~
2 ~~THE EXECUTION OF THE CONTRACT WITH THIRD PARTY ENTITIES TO~~
3 ~~IMPLEMENT THE PLAN. THE COMMISSION MAY ORDER THE MODIFICATION~~
4 ~~OF A PROPOSED CONTRACT TO ENSURE THAT THE PLAN IS ADEQUATE.~~

5 ~~(7) PROCEDURES TO ENSURE COMPLIANCE WITH REQUIREMENTS~~
6 ~~FOR REDUCTION IN CONSUMPTION UNDER SUBSECTIONS (C) AND (D).~~

7 ~~(8) A REQUIREMENT FOR THE PARTICIPATION OF THIRD PARTY~~
8 ~~ENTITIES IN THE IMPLEMENTATION OF ALL OR PART OF A PLAN.~~

9 ~~(9) A PROCESS TO LINK REDUCTIONS IN CONSUMPTION TO THE~~
10 ~~COMPENSATION OF THIRD PARTY ENTITIES.~~

11 ~~(10) PROCEDURES FOR THE LEVY OF ASSESSMENTS IN~~
12 ~~ACCORDANCE WITH SECTIONS 510 (RELATING TO ASSESSMENT FOR~~
13 ~~REGULATORY EXPENSES UPON PUBLIC UTILITIES) AND 1308 (RELATING~~
14 ~~TO VOLUNTARY CHANGES IN RATES) SUBJECT TO THE LIMITATIONS OF~~
15 ~~SUBSECTION (G) TO FUND PLANS FILED UNDER SUBSECTION (B)~~
16 ~~SUBJECT TO THE LIMITATIONS SET FORTH UNDER SUBSECTION (G).~~

17 ~~(B) DUTIES OF ELECTRIC DISTRIBUTION COMPANIES.~~

18 ~~(1) (I) BY NOVEMBER 15, 2008, EACH ELECTRIC~~
19 ~~DISTRIBUTION COMPANY SHALL DEVELOP AND FILE AN ENERGY~~
20 ~~EFFICIENCY AND CONSERVATION PLAN WITH THE COMMISSION FOR~~
21 ~~APPROVAL TO MEET THE REQUIREMENTS OF SUBSECTION (A) AND~~
22 ~~THE REQUIREMENTS FOR REDUCTION IN CONSUMPTION UNDER~~
23 ~~SUBSECTIONS (C) AND (D). THE PLAN SHALL BE IMPLEMENTED~~
24 ~~UPON APPROVAL BY THE COMMISSION AND SHALL COMPLY WITH ALL~~
25 ~~OF THE FOLLOWING:~~

26 ~~(A) INCLUDE SPECIFIC PROPOSALS TO IMPLEMENT~~
27 ~~ENERGY EFFICIENCY AND CONSERVATION MEASURES TO~~
28 ~~ACHIEVE THE REQUIRED REDUCTIONS IN CONSUMPTION UNDER~~
29 ~~SUBSECTIONS (C) AND (D).~~

30 ~~(B) A MINIMUM OF 10% OF THE REQUIRED REDUCTIONS~~

1 ~~IN CONSUMPTION UNDER SUBSECTIONS (C) AND (D) SHALL BE~~
2 ~~OBTAINED FROM UNITS OF FEDERAL, STATE AND LOCAL~~
3 ~~GOVERNMENT, INCLUDING MUNICIPALITIES, SCHOOL~~
4 ~~DISTRICTS, INSTITUTIONS OF HIGHER EDUCATION AND~~
5 ~~NONPROFIT ENTITIES.~~

6 ~~(C) THE MANNER IN WHICH PERFORMANCE WILL BE~~
7 ~~MEASURED, VERIFIED AND EVALUATED.~~

8 ~~(D) THE MANNER IN WHICH THE PLAN WILL ACHIEVE~~
9 ~~THE REQUIREMENTS OF THE PROGRAM UNDER SUBSECTION (A)~~
10 ~~AND THE REQUIRED REDUCTIONS IN CONSUMPTION UNDER~~
11 ~~SUBSECTIONS (C) AND (D).~~

12 ~~(E) INCLUDE A CONTRACT WITH ONE OR MORE THIRD-~~
13 ~~PARTY ENTITIES TO IMPLEMENT THE PLAN OR A PORTION OF~~
14 ~~THE PLAN AS APPROVED BY THE COMMISSION.~~

15 ~~(F) INCLUDE ESTIMATES OF THE COST OF~~
16 ~~IMPLEMENTATION OF THE ENERGY EFFICIENCY AND~~
17 ~~CONSERVATION MEASURES IN THE PLAN.~~

18 ~~(G) INCLUDE SPECIFIC ENERGY EFFICIENCY MEASURES~~
19 ~~FOR HOUSEHOLDS AT OR BELOW 150% OF THE FEDERAL~~
20 ~~POVERTY INCOME GUIDELINES. THE NUMBER OF MEASURES~~
21 ~~SHALL BE PROPORTIONATE TO THOSE HOUSEHOLDS' SHARE OF~~
22 ~~THE TOTAL ENERGY USAGE IN THIS COMMONWEALTH. THE~~
23 ~~ELECTRIC DISTRIBUTION COMPANY SHALL COORDINATE~~
24 ~~MEASURES UNDER THIS CLAUSE WITH OTHER PROGRAMS~~
25 ~~ADMINISTERED BY THE COMMISSION OR ANOTHER FEDERAL OR~~
26 ~~STATE AGENCY. THE EXPENDITURES OF AN ELECTRIC~~
27 ~~DISTRIBUTION COMPANY UNDER THIS CLAUSE SHALL BE IN~~
28 ~~ADDITION TO EXPENDITURES MADE UNDER 52 PA. CODE CH.~~
29 ~~58 (RELATING TO RESIDENTIAL LOW INCOME USAGE~~
30 ~~REDUCTION PROGRAMS).~~

1 ~~(H) INCLUDE A PROPOSED COST RECOVERY TARIFF~~
2 ~~MECHANISM TO FUND THE ENERGY EFFICIENCY AND~~
3 ~~CONSERVATION MEASURES AND TO ENSURE RECOVERY OF THE~~
4 ~~PRUDENT AND REASONABLE COSTS OF THE PLAN AS APPROVED~~
5 ~~BY THE COMMISSION.~~

6 ~~(I) A DEMONSTRATION THAT THE PLAN IS COST-~~
7 ~~EFFECTIVE USING A TOTAL RESOURCE COST TEST OR OTHER~~
8 ~~COST BENEFIT ANALYSIS APPROVED BY THE COMMISSION AND~~
9 ~~PROVIDES A DIVERSE CROSS SECTION OF ALTERNATIVES FOR~~
10 ~~CUSTOMERS OF ALL RATE CLASSES.~~

11 ~~(J) REQUIRE AN ANNUAL INDEPENDENT EVALUATION OF~~
12 ~~THE PERFORMANCE OF THE COST EFFECTIVENESS OF THE PLAN~~
13 ~~AND A FULL REVIEW OF THE FIVE YEAR RESULTS OF THE~~
14 ~~PLAN AND, TO THE EXTENT PRACTICABLE, HOW THE PLAN~~
15 ~~WILL BE ADJUSTED ON A GOING FORWARD BASIS AS A RESULT~~
16 ~~OF THE EVALUATION.~~

17 ~~(II) A NEW PLAN SHALL BE FILED WITH THE COMMISSION~~
18 ~~EVERY FIVE YEARS OR AS OTHERWISE REQUIRED BY THE~~
19 ~~COMMISSION. THE PLAN SHALL SET FORTH THE MANNER IN WHICH~~
20 ~~THE COMPANY WILL MEET THE REQUIRED REDUCTIONS IN~~
21 ~~CONSUMPTION UNDER SUBSECTIONS (C) AND (D).~~

22 ~~(III) NO MORE THAN 2% OF FUNDS AVAILABLE TO~~
23 ~~IMPLEMENT A PLAN UNDER THIS SUBSECTION SHALL BE ALLOCATED~~
24 ~~FOR EXPERIMENTAL EQUIPMENT OR DEVICES.~~

25 ~~(2) THE COMMISSION SHALL DIRECT AN ELECTRIC DISTRIBUTION~~
26 ~~COMPANY TO MODIFY OR TERMINATE ANY PART OF A PLAN APPROVED~~
27 ~~UNDER THIS SECTION IF, AFTER AN ADEQUATE PERIOD FOR~~
28 ~~IMPLEMENTATION, THE COMMISSION DETERMINES THAT AN ENERGY~~
29 ~~EFFICIENCY OR CONSERVATION MEASURE INCLUDED IN THE PLAN IS~~
30 ~~NOT EFFECTIVE.~~

1 ~~(3) IF PART OF A PLAN IS MODIFIED OR TERMINATED UNDER~~
2 ~~PARAGRAPH (2), THE ELECTRIC DISTRIBUTION COMPANY SHALL SUBMIT~~
3 ~~A REVISED PLAN DESCRIBING ACTIONS TO BE TAKEN TO OFFER~~
4 ~~SUBSTITUTE MEASURES OR TO INCREASE THE AVAILABILITY OF~~
5 ~~EXISTING MEASURES IN THE PLAN TO ACHIEVE THE REQUIRED~~
6 ~~REDUCTIONS IN CONSUMPTION UNDER SUBSECTIONS (C) AND (D).~~

7 ~~(C) REDUCTIONS IN CONSUMPTION. EACH ELECTRIC DISTRIBUTION~~
8 ~~COMPANY SHALL REDUCE CONSUMPTION AS FOLLOWS:~~

9 ~~(1) BY MAY 31, 2011, EACH ELECTRIC DISTRIBUTION COMPANY~~
10 ~~SHALL REDUCE ITS TOTAL ANNUAL WEATHER NORMALIZED DELIVERIES~~
11 ~~TO RETAIL CUSTOMERS BY A MINIMUM OF 1%. THE 1% LOAD REDUCTION~~
12 ~~IN CONSUMPTION SHALL BE MEASURED AGAINST THE ELECTRIC~~
13 ~~DISTRIBUTION COMPANY'S EXPECTED LOAD AS FORECASTED BY THE~~
14 ~~COMMISSION FOR JUNE 1, 2007 THROUGH MAY 31, 2008, WITH~~
15 ~~PROVISIONS MADE FOR WEATHER ADJUSTMENTS AND EXTRAORDINARY~~
16 ~~LOADS THAT THE ELECTRIC DISTRIBUTION COMPANY MUST SERVE.~~

17 ~~(2) BY MAY 31, 2013, EACH ELECTRIC DISTRIBUTION COMPANY~~
18 ~~SHALL REDUCE ITS TOTAL ANNUAL WEATHER NORMALIZED DELIVERIES~~
19 ~~TO RETAIL CUSTOMERS BY A MINIMUM OF 2.5%. THE 2.5% LOAD~~
20 ~~REDUCTION IN CONSUMPTION SHALL BE MEASURED AGAINST THE~~
21 ~~ELECTRIC DISTRIBUTION COMPANY'S EXPECTED LOAD AS FORECASTED~~
22 ~~BY THE COMMISSION FOR JUNE 1, 2007, THROUGH MAY 31, 2008,~~
23 ~~WITH PROVISION MADE FOR WEATHER ADJUSTMENTS AND EXTRAORDINARY~~
24 ~~LOADS THAT THE ELECTRIC DISTRIBUTION COMPANY MUST SERVE.~~

25 ~~(3) BY NOVEMBER 30, 2013, THE COMMISSION SHALL EVALUATE~~
26 ~~THE COSTS AND BENEFITS OF THE PROGRAM ESTABLISHED UNDER~~
27 ~~SUBSECTION (A) AND ENERGY EFFICIENCY AND CONSERVATION PLANS~~
28 ~~SUBMITTED TO THE PROGRAM. THE EVALUATION SHALL BE CONSISTENT~~
29 ~~WITH A TOTAL RESOURCE COST TEST OR A COST VERSUS BENEFIT~~
30 ~~MEASUREMENT DETERMINED BY THE COMMISSION. IF THE COMMISSION~~

1 ~~DETERMINES THAT THE BENEFITS OF THE PROGRAM EXCEED THE COSTS,~~
2 ~~THE COMMISSION SHALL ADOPT ADDITIONAL INCREMENTAL REQUIRED~~
3 ~~REDUCTIONS IN CONSUMPTION FOR THE PERIOD ENDING MAY 31, 2018.~~

4 ~~(4) AFTER MAY 31, 2018, THE COMMISSION SHALL CONTINUE TO~~
5 ~~EVALUATE THE COSTS AND BENEFITS OF THE PROGRAM ESTABLISHED~~
6 ~~UNDER SUBSECTION (A) AND ENERGY EFFICIENCY AND CONSERVATION~~
7 ~~PLANS APPROVED UNDER SUBSECTION (A). IF THE COMMISSION~~
8 ~~DETERMINES THAT THE BENEFITS OF THE PROGRAM EXCEED THE COSTS,~~
9 ~~THE COMMISSION MAY REQUIRE AND APPROVE ADDITIONAL PLANS TO~~
10 ~~ACHIEVE INCREMENTAL REQUIREMENTS FOR REDUCTION IN CONSUMPTION~~
11 ~~FOR ELECTRIC DISTRIBUTION COMPANIES. EACH PLAN SHALL BE FOR A~~
12 ~~TERM NOT TO EXCEED FIVE YEARS.~~

13 ~~(D) PEAK DEMAND. EACH ELECTRIC DISTRIBUTION COMPANY SHALL~~
14 ~~IMPLEMENT ENERGY EFFICIENCY AND CONSERVATION MEASURES TO ACHIEVE~~
15 ~~THE FOLLOWING REDUCTIONS IN CONSUMPTION:~~

16 ~~(1) BY MAY 31, 2013, EACH ENERGY DISTRIBUTION COMPANY~~
17 ~~SHALL REDUCE ITS WEATHER NORMALIZED DELIVERIES TO RETAIL~~
18 ~~CUSTOMERS BY A MINIMUM OF 4% IN THE 100 HOURS OF HIGHEST~~
19 ~~DEMAND. THE REDUCTION SHALL BE MEASURED AGAINST THE ELECTRIC~~
20 ~~DISTRIBUTION COMPANY'S PEAK DEMAND IN THE 100 HOURS OF~~
21 ~~GREATEST DEMAND FOR JUNE 1, 2007, THROUGH MAY 31, 2008.~~

22 ~~(2) BY NOVEMBER 30, 2013, THE COMMISSION SHALL COMPARE~~
23 ~~THE TOTAL COSTS OF ENERGY EFFICIENCY AND CONSERVATION PLANS~~
24 ~~IMPLEMENTED UNDER THIS SECTION TO THE TOTAL SAVINGS IN ENERGY~~
25 ~~AND CAPACITY COSTS TO RETAIL CUSTOMERS IN THIS COMMONWEALTH.~~
26 ~~IF THE COMMISSION DETERMINES THAT THE BENEFITS OF THE~~
27 ~~MEASURES EXCEED THE COSTS, THE COMMISSION SHALL SET~~
28 ~~ADDITIONAL INCREMENTAL REQUIREMENTS FOR REDUCTION IN PEAK~~
29 ~~DEMAND FOR THE 100 HOURS OF GREATEST DEMAND OR AN ALTERNATIVE~~
30 ~~REDUCTION APPROVED BY THE COMMISSION. REDUCTIONS IN~~

1 ~~CONSUMPTION SHALL BE MEASURED FROM THE ELECTRIC DISTRIBUTION~~
2 ~~COMPANY'S PEAK DEMAND FOR THE PERIOD FROM JUNE 1, 2011,~~
3 ~~THROUGH MAY 31, 2012. THE REDUCTIONS IN CONSUMPTION REQUIRED~~
4 ~~BY THE COMMISSION SHALL BE ACCOMPLISHED NO LATER THAN MAY 31,~~
5 ~~2017.~~

6 ~~(E) COMMISSION APPROVAL. THE COMMISSION SHALL APPROVE OR~~
7 ~~DISAPPROVE A PLAN FILED UNDER SUBSECTION (B) WITHIN 120 DAYS OF~~
8 ~~SUBMISSION. THE FOLLOWING SHALL APPLY TO AN ORDER DISAPPROVING A~~
9 ~~PLAN:~~

10 ~~(1) THE COMMISSION SHALL DESCRIBE IN DETAIL THE REASONS~~
11 ~~FOR THE DISAPPROVAL.~~

12 ~~(2) THE ELECTRIC DISTRIBUTION COMPANY SHALL HAVE 60 DAYS~~
13 ~~TO FILE A REVISED PLAN TO ADDRESS THE DEFICIENCIES IDENTIFIED~~
14 ~~BY THE COMMISSION.~~

15 ~~(F) PENALTIES.~~

16 ~~(1) THE FOLLOWING SHALL APPLY FOR FAILURE TO SUBMIT A~~
17 ~~PLAN:~~

18 ~~(I) AN ELECTRIC DISTRIBUTION COMPANY THAT FAILS TO~~
19 ~~FILE A PLAN UNDER SUBSECTION (B) SHALL BE SUBJECT TO A~~
20 ~~CIVIL PENALTY OF \$100,000 PER DAY UNTIL THE PLAN IS~~
21 ~~FILED.~~

22 ~~(II) AN ELECTRIC DISTRIBUTION COMPANY THAT FAILS TO~~
23 ~~FILE A REVISED PLAN UNDER SUBSECTION (E)(2) SHALL BE~~
24 ~~SUBJECT TO A CIVIL PENALTY OF \$100,000 PER DAY UNTIL THE~~
25 ~~PLAN IS FILED.~~

26 ~~(III) PENALTIES COLLECTED UNDER THIS PARAGRAPH SHALL~~
27 ~~BE DEPOSITED IN THE LOW INCOME ELECTRIC CUSTOMER~~
28 ~~ASSISTANCE PROGRAM OF THE ENERGY DISTRIBUTION COMPANY FOR~~
29 ~~THE RESPECTIVE SERVICE TERRITORY.~~

30 ~~(2) THE FOLLOWING SHALL APPLY TO AN ELECTRIC~~

~~DISTRIBUTION COMPANY THAT FAILS TO ACHIEVE THE REDUCTIONS IN CONSUMPTION REQUIRED UNDER SUBSECTION (C) OR (D):~~

~~(I) THE ELECTRIC DISTRIBUTION COMPANY SHALL BE SUBJECT TO A CIVIL PENALTY OF UP TO \$5,000,000 FOR FAILURE TO ACHIEVE THE REQUIRED REDUCTIONS IN CONSUMPTION UNDER SUBSECTION (C) OR (D). ANY PENALTY PAID BY AN ELECTRIC DISTRIBUTION COMPANY UNDER THIS SUBPARAGRAPH SHALL NOT BE RECOVERABLE FROM RATEPAYERS.~~

~~(II) IF AN ELECTRIC DISTRIBUTION COMPANY FAILS TO ACHIEVE THE REQUIRED REDUCTIONS IN CONSUMPTION UNDER SUBSECTION (C) OR (D) BY 2013, RESPONSIBILITY TO ACHIEVE THE REDUCTIONS IN CONSUMPTION SHALL BE TRANSFERRED TO THE COMMISSION. THE COMMISSION SHALL DO ALL OF THE FOLLOWING:~~

~~(A) IMPLEMENT A PLAN TO ACHIEVE THE REQUIRED REDUCTIONS IN CONSUMPTION UNDER SUBSECTION (C) OR (D).~~

~~(B) CONTRACT WITH THIRD PARTY ENTITIES AS NECESSARY TO IMPLEMENT ANY PORTION OF THE PLAN.~~

~~(III) THE PROVISIONS OF SUBPARAGRAPH (II) SHALL APPLY IN EACH SUBSEQUENT FIVE YEAR PERIOD IF THE ELECTRIC DISTRIBUTION COMPANY FAILS TO ACHIEVE THE REDUCTION STANDARDS UNDER SUBSECTION (C) OR (D).~~

~~(G) LIMITATION ON COSTS. THE TOTAL COST OF ANY PLAN REQUIRED UNDER THIS SECTION SHALL NOT EXCEED 2% OF THE ELECTRIC DISTRIBUTION COMPANY'S TOTAL ANNUAL REVENUE AS OF DECEMBER 31, 2006. NO MORE THAN 1% OF THE 2% OF THE COMPANY'S TOTAL ANNUAL REVENUE MAY BE USED FOR THE ADMINISTRATIVE COSTS OF THE ELECTRIC DISTRIBUTION COMPANY. THE LIMITATION UNDER THIS PARAGRAPH SHALL NOT INCLUDE THE COST OF LOW INCOME USAGE REDUCTION PROGRAMS ESTABLISHED UNDER 52 PA. CODE CH. 58 (RELATING TO RESIDENTIAL~~

1 ~~LOW INCOME USAGE REDUCTION PROGRAMS).~~

2 ~~(H) REPORT. THE FOLLOWING SHALL APPLY:~~

3 ~~(1) EACH ELECTRIC DISTRIBUTION COMPANY SHALL SUBMIT AN~~
4 ~~ANNUAL REPORT TO THE COMMISSION RELATING TO THE RESULTS OF~~
5 ~~THE ENERGY EFFICIENCY AND CONSERVATION PLAN WITHIN THE~~
6 ~~ELECTRIC DISTRIBUTION SERVICE TERRITORY. THE REPORT SHALL~~
7 ~~INCLUDE ALL OF THE FOLLOWING:~~

8 ~~(I) DOCUMENTATION OF PROGRAM EXPENDITURES.~~

9 ~~(II) MEASUREMENT AND VERIFICATION OF ENERGY SAVINGS~~
10 ~~UNDER THE PLAN.~~

11 ~~(III) EVALUATION OF THE COST EFFECTIVENESS OF~~
12 ~~EXPENDITURES.~~

13 ~~(IV) ANY OTHER INFORMATION REQUIRED BY THE~~
14 ~~COMMISSION.~~

15 ~~(2) BEGINNING FIVE YEARS FOLLOWING THE EFFECTIVE DATE OF~~
16 ~~THIS SECTION AND ANNUALLY THEREAFTER, THE COMMISSION SHALL~~
17 ~~SUBMIT A REPORT TO THE CONSUMER PROTECTION AND PROFESSIONAL~~
18 ~~LICENSURE COMMITTEE OF THE SENATE AND THE CONSUMER AFFAIRS~~
19 ~~COMMITTEE OF THE HOUSE OF REPRESENTATIVES.~~

20 ~~(I) EXISTING FUNDING SOURCES. EACH ELECTRIC DISTRIBUTION~~
21 ~~COMPANY SHALL PROVIDE A LIST OF ALL ELIGIBLE FEDERAL AND STATE~~
22 ~~FUNDING PROGRAMS.~~

23 ~~(J) RECOVERY. IN NO CASE SHALL DECREASED REVENUES OF AN~~
24 ~~ELECTRIC DISTRIBUTION COMPANY DUE TO REDUCED ENERGY CONSUMPTION~~
25 ~~OR CHANGES IN ENERGY DEMAND BE CONSIDERED A RECOVERABLE COST.~~

26 ~~(K) APPLICABILITY. THIS SECTION SHALL NOT APPLY TO AN~~
27 ~~ELECTRIC DISTRIBUTION COMPANY WITH FEWER THAN 100,000 CUSTOMERS.~~

28 ~~(L) DEFINITIONS. AS USED IN THIS SECTION, THE FOLLOWING~~
29 ~~WORDS AND PHRASES SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS~~
30 ~~SUBSECTION:~~

~~"ELECTRIC DISTRIBUTION COMPANY TOTAL ANNUAL REVENUE."
AMOUNTS PAID TO THE ELECTRIC DISTRIBUTION COMPANY FOR
GENERATION, TRANSMISSION, DISTRIBUTION AND SURCHARGES BY RETAIL
CUSTOMERS.~~

~~"ENERGY EFFICIENCY AND CONSERVATION MEASURES."~~

~~(1) TECHNOLOGIES, MANAGEMENT PRACTICES OR OTHER MEASURES
EMPLOYED BY RETAIL CUSTOMERS THAT REDUCE ELECTRICITY
CONSUMPTION OR DEMAND IF ALL OF THE FOLLOWING APPLY:~~

~~(I) THE TECHNOLOGY, PRACTICE OR OTHER MEASURE IS
INSTALLED ON OR AFTER THE EFFECTIVE DATE OF THIS SECTION
AT THE LOCATION OF A RETAIL CUSTOMER.~~

~~(II) THE TECHNOLOGY, PRACTICE OR OTHER MEASURE
REDUCES CONSUMPTION OF ENERGY BY THE RETAIL CUSTOMER.~~

~~(III) THE COST OF THE ACQUISITION OR INSTALLATION OF
THE MEASURE IS DIRECTLY INCURRED IN WHOLE OR IN PART BY
THE ELECTRIC DISTRIBUTION COMPANY.~~

~~(2) ENERGY EFFICIENCY AND CONSERVATION MEASURES SHALL
INCLUDE SOLAR OR SOLAR PHOTOVOLTAIC PANELS, ENERGY EFFICIENT
WINDOWS AND DOORS, ENERGY EFFICIENT LIGHTING, INCLUDING EXIT
SIGN RETROFIT, HIGH BAY FLUORESCENT RETROFIT AND PEDESTRIAN
AND TRAFFIC SIGNAL CONVERSION, GEOTHERMAL HEATING,
INSULATION, AIR SEALING, REFLECTIVE ROOF COATINGS, ENERGY
EFFICIENT HEATING AND COOLING EQUIPMENT OR SYSTEMS AND ENERGY
EFFICIENT APPLIANCES AND OTHER TECHNOLOGIES, PRACTICES OR
MEASURES APPROVED BY THE COMMISSION.~~

~~"PEAK DEMAND." THE HIGHEST ELECTRICAL REQUIREMENT OCCURRING
DURING A SPECIFIED PERIOD. FOR AN ELECTRIC DISTRIBUTION COMPANY,
THE TERM SHALL MEAN THE SUM OF THE METERED CONSUMPTION FOR ALL
RETAIL CUSTOMERS OVER THAT PERIOD.~~

~~"QUALITY ASSURANCE." ALL OF THE FOLLOWING:~~

1 ~~(1) THE AUDITING OF BUILDINGS, EQUIPMENT AND PROCESSES~~
2 ~~TO DETERMINE THE COST EFFECTIVENESS OF ENERGY EFFICIENCY AND~~
3 ~~CONSERVATION MEASURES USING NATIONALLY RECOGNIZED TOOLS AND~~
4 ~~CERTIFICATION PROGRAMS.~~

5 ~~(2) INDEPENDENT INSPECTION OF COMPLETED ENERGY~~
6 ~~EFFICIENCY AND CONSERVATION MEASURES COMPLETED BY THIRD PARTY~~
7 ~~ENTITIES TO EVALUATE THE QUALITY OF THE COMPLETED MEASURE.~~

8 ~~"REAL TIME PRICE." A RATE THAT DIRECTLY REFLECTS THE~~
9 ~~DIFFERENT COST OF ENERGY DURING EACH HOUR.~~

10 ~~"THIRD PARTY ENTITY." AN ENTITY WITH NO DIRECT OR INDIRECT~~
11 ~~OWNERSHIP, PARTNERSHIP OR OTHER AFFILIATED INTEREST WITH AN~~
12 ~~ELECTRIC DISTRIBUTION COMPANY.~~

13 ~~"TIME OF USE RATE." A RATE THAT REFLECTS THE COSTS OF~~
14 ~~SERVING CUSTOMERS DURING DIFFERENT TIME PERIODS, INCLUDING OFF-~~
15 ~~PEAK AND ON PEAK PERIODS, BUT NOT AS FREQUENTLY AS EACH HOUR.~~

16 ~~"TOTAL RESOURCE COST TEST." A STANDARD TEST THAT IS MET IF,~~
17 ~~OVER THE EFFECTIVE LIFE OF EACH PLAN NOT TO EXCEED FIVE YEARS,~~
18 ~~THE AVOIDED MONETARY COSTS OF SUPPLYING ELECTRICITY ARE GREATER~~
19 ~~THAN THE MONETARY COSTS OF ENERGY EFFICIENCY MEASURES AND~~
20 ~~CONSERVATION OF CONSUMPTION.~~

21 ~~SECTION 3. SECTION 2807(E) OF TITLE 66 IS AMENDED AND THE~~
22 ~~SECTION IS AMENDED BY ADDING SUBSECTIONS TO READ:~~

23 ~~§ 2807. DUTIES OF ELECTRIC DISTRIBUTION COMPANIES.~~

24 ~~* * *~~

25 ~~(E) OBLIGATION TO SERVE. [AN ELECTRIC DISTRIBUTION~~
26 ~~COMPANY'S] A DEFAULT SERVICE PROVIDER'S OBLIGATION TO PROVIDE~~
27 ~~ELECTRIC GENERATION SUPPLY SERVICE FOLLOWING [IMPLEMENTATION OF~~
28 ~~RESTRUCTURING AND THE CHOICE OF ALTERNATIVE GENERATION BY A~~
29 ~~CUSTOMER] THE EXPIRATION OF A GENERATION RATE CAP SPECIFIED~~
30 ~~UNDER SECTION 2804(4) (RELATING TO STANDARDS FOR RESTRUCTURING~~

1 ~~OF ELECTRIC INDUSTRY) OR A RESTRUCTURING PLAN UNDER SECTION~~
2 ~~2806(F) (RELATING TO IMPLEMENTATION, PILOT PROGRAMS AND~~
3 ~~PERFORMANCE BASED RATES) IS REVISED AS FOLLOWS:~~

4 ~~(1) WHILE AN ELECTRIC DISTRIBUTION COMPANY COLLECTS~~
5 ~~EITHER A COMPETITIVE TRANSITION CHARGE OR AN INTANGIBLE~~
6 ~~TRANSITION CHARGE OR UNTIL 100% OF ITS CUSTOMERS HAVE CHOICE,~~
7 ~~WHICHEVER IS LONGER, THE ELECTRIC DISTRIBUTION COMPANY SHALL~~
8 ~~CONTINUE TO HAVE THE FULL OBLIGATION TO SERVE, INCLUDING THE~~
9 ~~CONNECTION OF CUSTOMERS, THE DELIVERY OF ELECTRIC ENERGY AND~~
10 ~~THE PRODUCTION OR ACQUISITION OF ELECTRIC ENERGY FOR~~
11 ~~CUSTOMERS.~~

12 ~~{(2) AT THE END OF THE TRANSITION PERIOD, THE COMMISSION~~
13 ~~SHALL PROMULGATE REGULATIONS TO DEFINE THE ELECTRIC~~
14 ~~DISTRIBUTION COMPANY'S OBLIGATION TO CONNECT AND DELIVER AND~~
15 ~~ACQUIRE ELECTRICITY UNDER PARAGRAPH (3) THAT WILL EXIST AT~~
16 ~~THE END OF THE PHASE IN PERIOD.~~

17 ~~(3) IF A CUSTOMER CONTRACTS FOR ELECTRIC ENERGY AND IT~~
18 ~~IS NOT DELIVERED OR IF A CUSTOMER DOES NOT CHOOSE AN~~
19 ~~ALTERNATIVE ELECTRIC GENERATION SUPPLIER, THE ELECTRIC~~
20 ~~DISTRIBUTION COMPANY OR COMMISSION APPROVED ALTERNATIVE~~
21 ~~SUPPLIER SHALL ACQUIRE ELECTRIC ENERGY AT PREVAILING MARKET~~
22 ~~PRICES TO SERVE THAT CUSTOMER AND SHALL RECOVER FULLY ALL~~
23 ~~REASONABLE COSTS.}~~

24 ~~(3.1) (I) FOLLOWING THE EXPIRATION OF AN ELECTRIC~~
25 ~~DISTRIBUTION COMPANY'S OBLIGATION TO PROVIDE ELECTRIC~~
26 ~~GENERATION SUPPLY SERVICE TO RETAIL CUSTOMERS AT CAPPED~~
27 ~~RATES, IF A CUSTOMER CONTRACTS FOR ELECTRIC GENERATION~~
28 ~~SUPPLY SERVICE AND THE CHOSEN ELECTRIC GENERATION~~
29 ~~SUPPLIER DOES NOT PROVIDE THE SERVICE OR IF A CUSTOMER~~
30 ~~DOES NOT CHOOSE AN ALTERNATIVE ELECTRIC GENERATION~~

1 ~~SUPPLIER, THE DEFAULT SERVICE PROVIDER SHALL PROVIDE~~
2 ~~ELECTRIC GENERATION SUPPLY SERVICE TO THAT CUSTOMER~~
3 ~~PURSUANT TO A COMMISSION APPROVED COMPETITIVE PROCUREMENT~~
4 ~~PLAN. THE ELECTRIC POWER ACQUIRED SHALL BE PROCURED~~
5 ~~THROUGH COMPETITIVE PROCUREMENT PROCESSES AND SHALL~~
6 ~~INCLUDE ONE OR MORE OF THE FOLLOWING:~~

7 ~~(A) AUCTIONS.~~

8 ~~(B) REQUESTS FOR PROPOSAL.~~

9 ~~(C) BILATERAL AGREEMENTS ENTERED INTO AT THE~~
10 ~~SOLE DISCRETION OF THE DEFAULT SERVICE PROVIDER WHICH~~
11 ~~SHALL BE AT PRICES WHICH ARE:~~

12 ~~(I) NO GREATER THAN THE COST OF OBTAINING~~
13 ~~GENERATION UNDER COMPARABLE TERMS IN THE~~
14 ~~WHOLESALE MARKET, AS DETERMINED BY THE COMMISSION~~
15 ~~AT THE TIME OF EXECUTION OF THE CONTRACT; OR~~

16 ~~(II) CONSISTENT WITH A COMMISSION APPROVED~~
17 ~~COMPETITION PROCUREMENT PROCESS. ANY AGREEMENT~~
18 ~~BETWEEN AFFILIATED PARTIES SHALL BE SUBJECT TO~~
19 ~~REVIEW AND APPROVAL OF THE PENNSYLVANIA PUBLIC~~
20 ~~UTILITY COMMISSION UNDER CHAPTER 21 (RELATING TO~~
21 ~~RELATIONS WITH AFFILIATED INTERESTS). IN NO CASE~~
22 ~~SHALL THE COST OF OBTAINING GENERATION FROM ANY~~
23 ~~AFFILIATED INTEREST BE GREATER THAN THE COST OF~~
24 ~~OBTAINING GENERATION UNDER COMPARABLE TERMS IN~~
25 ~~THE WHOLESALE MARKET AT THE TIME OF EXECUTION OF~~
26 ~~THE CONTRACT.~~

27 ~~(II) THE PROVISIONS OF THIS PARAGRAPH SHALL APPLY TO~~
28 ~~ANY TYPE OF FUEL PURCHASED BY A DEFAULT SERVICE PROVIDER~~
29 ~~TO PROVIDE ELECTRIC GENERATION SUPPLY SERVICE, INCLUDING~~
30 ~~FUEL REQUIRED TO BE PURCHASED UNDER THE ACT OF NOVEMBER~~

~~30, 2004 (P.L.1672, NO.213), KNOWN AS THE ALTERNATIVE ENERGY PORTFOLIO STANDARDS ACT.~~

~~(3.2) THE ELECTRIC POWER PROCURED PURSUANT TO PARAGRAPH (3.1) SHALL INCLUDE A PRUDENT MIX OF THE FOLLOWING:~~

~~(I) SPOT MARKET PURCHASES.~~

~~(II) SHORT TERM CONTRACTS.~~

~~(III) LONG TERM PURCHASE CONTRACTS, ENTERED INTO AS A RESULT OF AN AUCTION, REQUEST FOR PROPOSAL OR BILATERAL CONTRACT THAT IS FREE OF UNDUE INFLUENCE, DURESS OR FAVORITISM, OF NOT LESS THAN THREE AND NOT MORE THAN 20 YEARS, UNLESS THE COMMISSION DETERMINES A LONGER TERM IS NECESSARY FOR THE RELIABILITY IN THE ACQUISITION OF GENERATION AND IT IS IN THE BEST INTEREST OF CONSUMERS TO EXTEND THE TERM OF THE CONTRACT BEYOND 20 YEARS. THE DEFAULT SERVICE PROVIDER SHALL HAVE SOLE DISCRETION TO DETERMINE THE SOURCE, FUEL TYPE AND LENGTH OF CONTRACT.~~

~~(3.3) THE PRUDENT MIX OF CONTRACTS ENTERED INTO PURSUANT TO PARAGRAPH (3.2) SHALL BE DESIGNED TO ENSURE:~~

~~(I) ADEQUATE AND RELIABLE SERVICE.~~

~~(II) THE LEAST COST TO CUSTOMERS OVER TIME.~~

~~(III) COMPLIANCE WITH THE REQUIREMENTS OF PARAGRAPH~~

~~(3.1).~~

~~(3.4) THE DEFAULT SERVICE PROVIDER SHALL FILE A PLAN FOR COMPETITIVE PROCUREMENT WITH THE COMMISSION AND OBTAIN COMMISSION APPROVAL OF THE PLAN CONSIDERING THE STANDARDS IN PARAGRAPHS (3.1), (3.2) AND (3.3) BEFORE THE COMPETITIVE PROCESS IS IMPLEMENTED. THE COMMISSION SHALL HOLD HEARINGS AS NECESSARY ON THE PROPOSED PLAN. IF THE COMMISSION FAILS TO ISSUE A FINAL ORDER ON THE PLAN WITHIN NINE MONTHS OF THE DATE THAT THE PLAN IS FILED, THE PLAN SHALL BE DEEMED TO BE~~

1 ~~APPROVED AND THE DEFAULT SERVICE PROVIDER MAY IMPLEMENT THE~~
2 ~~PLAN AS FILED. COSTS INCURRED THROUGH AN APPROVED COMPETITIVE~~
3 ~~PROCUREMENT PLAN SHALL BE DEEMED TO BE THE LEAST COST OVER~~
4 ~~TIME AS REQUIRED UNDER PARAGRAPH (3.3).~~

5 ~~(3.5) AT THE TIME THE COMMISSION EVALUATES THE PLAN AND~~
6 ~~PRIOR TO APPROVAL, IN DETERMINING IF THE DEFAULT ELECTRIC~~
7 ~~SERVICE PROVIDER'S PLAN OBTAINS GENERATION SUPPLY AT THE~~
8 ~~LEAST COST, THE COMMISSION SHALL CONSIDER THE DEFAULT SERVICE~~
9 ~~PROVIDER'S OBLIGATION TO PROVIDE ADEQUATE AND RELIABLE~~
10 ~~SERVICE TO THE CUSTOMERS AND THAT THE DEFAULT SERVICE~~
11 ~~PROVIDER HAS OBTAINED A PRUDENT MIX OF CONTRACTS TO OBTAIN~~
12 ~~LEAST COST ON LONG TERM, SHORT TERM AND SPOT MARKET BASIS AND~~
13 ~~SHALL MAKE SPECIFIC FINDINGS WHICH SHALL INCLUDE THE~~
14 ~~FOLLOWING:~~

15 ~~(I) THE DEFAULT SERVICE PROVIDER'S PLAN INCLUDES~~
16 ~~PRUDENT STEPS NECESSARY TO NEGOTIATE FAVORABLE GENERATION~~
17 ~~SUPPLY CONTRACTS.~~

18 ~~(II) THE DEFAULT SERVICE PROVIDER'S PLAN INCLUDES~~
19 ~~PRUDENT STEPS NECESSARY TO OBTAIN LEAST COST GENERATION~~
20 ~~SUPPLY CONTRACTS ON A LONG TERM, SHORT TERM AND SPOT~~
21 ~~MARKET BASIS.~~

22 ~~(III) NEITHER THE DEFAULT SERVICE PROVIDER NOR ITS~~
23 ~~AFFILIATED INTEREST HAS WITHHELD OR ASKED TO WITHHOLD~~
24 ~~FROM THE MARKET ANY GENERATION SUPPLY WHICH SHOULD HAVE~~
25 ~~BEEN UTILIZED AS PART OF THE LEAST COST PROCUREMENT~~
26 ~~POLICY.~~

27 ~~(3.6) NOTWITHSTANDING SECTIONS 508 (RELATING TO POWER OF~~
28 ~~COMMISSION TO VARY, REFORM AND REVISE CONTRACTS) AND 2102~~
29 ~~(RELATING TO APPROVAL OF CONTRACTS WITH AFFILIATED~~
30 ~~INTERESTS), THE COMMISSION SHALL NOT MODIFY CONTRACTS OR~~

1 ~~DISALLOW COSTS ASSOCIATED WITH AN APPROVED PROCUREMENT~~
2 ~~PROCESS WHEN IT HAS REVIEWED AND APPROVED THE RESULTS OF THE~~
3 ~~PROCUREMENT.~~

4 ~~(3.7) NOTWITHSTANDING ANY OTHER PROVISION OF THIS TITLE~~
5 ~~TO THE CONTRARY, THE COMMISSION MAY MODIFY CONTRACTS OR~~
6 ~~DISALLOW COSTS WHEN THE PARTY SEEKING RECOVERY OF THE COSTS~~
7 ~~IS AT FAULT ASSOCIATED WITH CONTRACTS ENTERED INTO PURSUANT~~
8 ~~TO A COMMISSION APPROVED PROCUREMENT PLAN IF THE COMMISSION~~
9 ~~DETERMINES AFTER A HEARING THAT:~~

10 ~~(I) THE CONTRACT HAS NOT BEEN IMPLEMENTED OR~~
11 ~~APPROVED OR DOES NOT COMPLY WITH THE COMMISSION APPROVED~~
12 ~~PROCUREMENT PLAN; OR~~

13 ~~(II) THERE HAS BEEN FRAUD, COLLUSION OR MARKET~~
14 ~~MANIPULATION WITH REGARD TO THESE CONTRACTS.~~

15 ~~(3.8) THE DEFAULT SERVICE PROVIDER SHALL HAVE THE RIGHT~~
16 ~~TO RECOVER ON A FULL AND CURRENT BASIS, PURSUANT TO A~~
17 ~~RECONCILABLE AUTOMATIC ADJUSTMENT CLAUSE UNDER SECTION 1307~~
18 ~~(RELATING TO SLIDING SCALE OF RATES; ADJUSTMENTS), ALL COSTS~~
19 ~~INCURRED UNDER THIS SECTION AND A COMMISSION APPROVED~~
20 ~~COMPETITIVE PROCUREMENT PLAN.~~

21 ~~(4) IF A CUSTOMER THAT CHOOSES AN ALTERNATIVE SUPPLIER~~
22 ~~AND SUBSEQUENTLY DESIRES TO RETURN TO THE LOCAL DISTRIBUTION~~
23 ~~COMPANY FOR GENERATION SERVICE, THE LOCAL DISTRIBUTION~~
24 ~~COMPANY SHALL TREAT THAT CUSTOMER EXACTLY AS IT WOULD ANY NEW~~
25 ~~APPLICANT FOR ENERGY SERVICE.~~

26 ~~(5) (I) NOTWITHSTANDING PARAGRAPH [(3)] (3.1), THE~~
27 ~~ELECTRIC DISTRIBUTION COMPANY OR COMMISSION APPROVED~~
28 ~~ALTERNATIVE SUPPLIER MAY, IN ITS SOLE DISCRETION, OFFER~~
29 ~~LARGE CUSTOMERS WITH A PEAK DEMAND OF 15 MEGAWATTS OR~~
30 ~~GREATER AT ONE METER AT A LOCATION IN ITS SERVICE~~

1 ~~TERRITORY ANY NEGOTIATED RATE FOR SERVICE AT ALL OF THE~~
2 ~~CUSTOMERS' LOCATIONS WITHIN THE SERVICE TERRITORY FOR ANY~~
3 ~~DURATION AGREED UPON BY THE ELECTRIC DISTRIBUTION COMPANY~~
4 ~~OR COMMISSION APPROVED ALTERNATIVE SUPPLIER AND THE LARGE~~
5 ~~CUSTOMER. THE COMMISSION SHALL PERMIT, BUT SHALL NOT~~
6 ~~REQUIRE, AN ELECTRIC DISTRIBUTION COMPANY OR COMMISSION-~~
7 ~~APPROVED ALTERNATIVE SUPPLIER TO PROVIDE SERVICE TO LARGE~~
8 ~~CUSTOMERS UNDER THIS PARAGRAPH. CONTRACT RATES ENTERED~~
9 ~~INTO UNDER THIS PARAGRAPH SHALL BE SUBJECT TO REVIEW BY~~
10 ~~THE COMMISSION IN ORDER TO ENSURE THAT ALL COSTS RELATED~~
11 ~~TO THE RATES ARE BORNE BY THE PARTIES TO THE CONTRACT AND~~
12 ~~THAT NO COSTS RELATED TO THE RATES ARE BORNE BY OTHER~~
13 ~~CUSTOMERS OR CUSTOMER CLASSES. IF NO COSTS RELATED TO THE~~
14 ~~RATES ARE BORNE BY OTHER CUSTOMERS OR CUSTOMER CLASSES,~~
15 ~~THE COMMISSION SHALL APPROVE THE CONTRACT WITHIN 90 DAYS~~
16 ~~OF ITS FILING, OR IT SHALL BE DEEMED APPROVED BY~~
17 ~~OPERATION OF LAW UPON EXPIRATION OF THE 90 DAYS.~~
18 ~~INFORMATION SUBMITTED UNDER THIS PARAGRAPH SHALL BE~~
19 ~~SUBJECT TO THE COMMISSION'S PROCEDURES FOR THE FILING OF~~
20 ~~CONFIDENTIAL AND PROPRIETARY INFORMATION.~~

21 ~~(II) FOR PURPOSES OF PROVIDING SERVICE UNDER THIS~~
22 ~~PARAGRAPH TO CUSTOMERS WITH A PEAK DEMAND OF 20 MEGAWATTS~~
23 ~~OR GREATER AT ONE METER AT A LOCATION WITHIN THAT~~
24 ~~DISTRIBUTION COMPANY'S SERVICE TERRITORY, AN ELECTRIC~~
25 ~~DISTRIBUTION COMPANY THAT HAS COMPLETED ITS RESTRUCTURING~~
26 ~~TRANSITION PERIOD AS OF THE EFFECTIVE DATE OF THIS~~
27 ~~PARAGRAPH MAY, IN ITS SOLE DISCRETION, ACQUIRE AN~~
28 ~~INTEREST IN A GENERATION FACILITY OR CONSTRUCT A~~
29 ~~GENERATION FACILITY SPECIFICALLY TO MEET THE ENERGY~~
30 ~~REQUIREMENTS OF THE CUSTOMERS, INCLUDING THE ELECTRIC~~

1 ~~REQUIREMENTS OF THE CUSTOMERS' OTHER BILLING LOCATIONS~~
2 ~~WITHIN ITS SERVICE TERRITORY. THE ELECTRIC DISTRIBUTION~~
3 ~~COMPANY MUST COMMENCE CONSTRUCTION OF THE GENERATION~~
4 ~~FACILITY OR CONTRACT TO ACQUIRE THE GENERATION INTEREST~~
5 ~~WITHIN THREE YEARS AFTER THE EFFECTIVE DATE OF THIS~~
6 ~~PARAGRAPH, EXCEPT THAT THE ELECTRIC DISTRIBUTION COMPANY~~
7 ~~MAY ADD TO THE GENERATION FACILITIES IT COMMENCED~~
8 ~~CONSTRUCTION OR CONTRACTED TO ACQUIRE AFTER THIS THREE-~~
9 ~~YEAR PERIOD TO SERVE ADDITIONAL LOAD OF CUSTOMERS FOR~~
10 ~~WHOM IT COMMENCED CONSTRUCTION OR CONTRACTED TO ACQUIRE~~
11 ~~GENERATION WITHIN THREE YEARS. NOTHING IN THIS PARAGRAPH~~
12 ~~REQUIRES OR AUTHORIZES THE COMMISSION TO REQUIRE AN~~
13 ~~ELECTRIC DISTRIBUTION COMPANY TO COMMENCE CONSTRUCTION OR~~
14 ~~ACQUIRE AN INTEREST IN A GENERATION FACILITY. THE~~
15 ~~ELECTRIC DISTRIBUTION COMPANY'S INTEREST IN THE~~
16 ~~GENERATION FACILITY IT BUILT OR CONTRACTED TO ACQUIRE~~
17 ~~SHALL BE NO LARGER THAN NECESSARY TO MEET PEAK DEMAND OF~~
18 ~~CUSTOMERS SERVED UNDER THIS SUBPARAGRAPH. DURING TIMES~~
19 ~~WHEN THE CUSTOMER'S DEMAND IS LESS THAN THE ELECTRIC~~
20 ~~DISTRIBUTION COMPANY'S GENERATION INTEREST, THE ELECTRIC~~
21 ~~DISTRIBUTION COMPANY MAY SELL EXCESS POWER ON THE~~
22 ~~WHOLESALE MARKET. AT NO TIME SHALL THE COSTS ASSOCIATED~~
23 ~~WITH THE GENERATING FACILITY INTERESTS BE INCLUDED IN~~
24 ~~RATE BASE OR OTHERWISE REFLECTED IN RATES. THE GENERATION~~
25 ~~FACILITY INTERESTS SHALL NOT BE COMMISSION REGULATED~~
26 ~~ASSETS.~~

27 ~~(6) A DEFAULT SERVICE PLAN APPROVED BY THE COMMISSION~~
28 ~~PRIOR TO THE EFFECTIVE DATE OF THIS SECTION SHALL REMAIN IN~~
29 ~~EFFECT THROUGH ITS APPROVED TERM. AT ITS SOLE DISCRETION, THE~~
30 ~~DEFAULT SERVICE PROVIDER MAY PROPOSE AMENDMENTS TO ITS~~

1 ~~APPROVED PLAN THAT ARE CONSISTENT WITH THIS SECTION, AND THE~~
2 ~~COMMISSION SHALL ISSUE A DECISION WHETHER TO APPROVE OR~~
3 ~~DISAPPROVE THE PROPOSED AMENDMENTS WITHIN NINE MONTHS OF THE~~
4 ~~DATE THAT THE AMENDMENTS ARE FILED. IF THE COMMISSION FAILS~~
5 ~~TO ISSUE A FINAL ORDER WITHIN NINE MONTHS, THE AMENDMENTS~~
6 ~~SHALL BE DEEMED TO BE APPROVED AND THE DEFAULT SERVICE~~
7 ~~PROVIDER MAY IMPLEMENT THE AMENDMENTS AS FILED.~~

8 ~~(7) THE DEFAULT SERVICE PROVIDER SHALL OFFER RESIDENTIAL~~
9 ~~AND SMALL BUSINESS CUSTOMERS A GENERATION SUPPLY SERVICE RATE~~
10 ~~THAT SHALL CHANGE NO MORE FREQUENTLY THAN ON A QUARTERLY~~
11 ~~BASIS. ALL DEFAULT SERVICE RATES SHALL BE REVIEWED BY THE~~
12 ~~COMMISSION TO ENSURE THAT THE COSTS OF PROVIDING SERVICE TO~~
13 ~~EACH CUSTOMER CLASS ARE NOT SUBSIDIZED BY ANY OTHER CLASS.~~

14 ~~(F) SMART METER TECHNOLOGY AND TIME OF USE RATES.~~

15 ~~(1) WITHIN NINE MONTHS AFTER THE EFFECTIVE DATE OF THIS~~
16 ~~PARAGRAPH, ELECTRIC DISTRIBUTION COMPANIES SHALL FILE A SMART~~
17 ~~METER TECHNOLOGY PROCUREMENT AND INSTALLATION PLAN WITH THE~~
18 ~~COMMISSION FOR APPROVAL. THE PLAN SHALL DESCRIBE THE SMART~~
19 ~~METER TECHNOLOGIES THE ELECTRIC DISTRIBUTION COMPANY PROPOSES~~
20 ~~TO INSTALL IN ACCORDANCE WITH PARAGRAPH (2).~~

21 ~~(2) ELECTRIC DISTRIBUTION COMPANIES SHALL FURNISH SMART~~
22 ~~METER TECHNOLOGY AS FOLLOWS:~~

23 ~~(I) UPON REQUEST TO A CUSTOMER THAT AGREES TO PAY~~
24 ~~THE COST OF THE SMART METER.~~

25 ~~(II) IN THE CONSTRUCTION OF A NEW RESIDENCE OR NEW~~
26 ~~BUILDING TO BE USED BY A COMMERCIAL CUSTOMER.~~

27 ~~(III) IN ACCORDANCE WITH A SCHEDULE OF REPLACEMENT~~
28 ~~OF FULL DEPRECIATION OF EXISTING METERS.~~

29 ~~(3) ELECTRIC DISTRIBUTION COMPANIES SHALL, WITH CUSTOMER~~
30 ~~CONSENT, MAKE AVAILABLE ELECTRONIC ACCESS TO CUSTOMER METER~~

1 ~~DATA TO THIRD PARTIES, INCLUDING ELECTRIC GENERATION~~
2 ~~SUPPLIERS AND PROVIDERS OF CONSERVATION AND LOAN MANAGEMENT~~
3 ~~SERVICES.~~

4 ~~(4) AN ELECTRIC DISTRIBUTION COMPANY SHALL NOT BE~~
5 ~~PERMITTED TO RECOVER THE COSTS, AS DETERMINED BY THE~~
6 ~~COMMISSION, OF PROVIDING SMART METER TECHNOLOGY UNDER~~
7 ~~PARAGRAPH (2).~~

8 ~~(5) IN NO EVENT SHALL LOST OR DECREASED REVENUES BY AN~~
9 ~~ELECTRIC DISTRIBUTION COMPANY DUE TO REDUCED ELECTRICITY~~
10 ~~CONSUMPTION OR SHIFTING ENERGY DEMAND BE CONSIDERED A COST OF~~
11 ~~SMART METER TECHNOLOGY.~~

12 ~~(6) BY JANUARY 1, 2010, OR AT THE END OF THE APPLICABLE~~
13 ~~GENERATION RATE CAP PERIOD, WHICHEVER IS LATER, A DEFAULT~~
14 ~~SERVICE PROVIDER SHALL SUBMIT TO THE COMMISSION ONE OR MORE~~
15 ~~PROPOSED TIME OF USE RATES AND REAL TIME PRICE PLANS. THE~~
16 ~~COMMISSION SHALL APPROVE OR MODIFY THE TIME OF USE RATES AND~~
17 ~~REAL TIME PRICE PLAN WITHIN SIX MONTHS OF SUBMITTAL. THE~~
18 ~~DEFAULT SERVICE PROVIDER SHALL OFFER THE RATES AND REAL TIME~~
19 ~~PRICE PLAN TO ALL RESIDENTIAL AND COMMERCIAL CUSTOMERS THAT~~
20 ~~HAVE BEEN PROVIDED WITH SMART METER TECHNOLOGY WITHIN 60 DAYS~~
21 ~~OF INSTALLATION OF THE SMART METER TECHNOLOGY OR COMMISSION~~
22 ~~APPROVAL OF THE TIME OF USE RATES AND REAL TIME PRICE PLAN,~~
23 ~~WHICHEVER IS LATER. RESIDENTIAL OR COMMERCIAL CUSTOMERS MAY~~
24 ~~ELECT TO PARTICIPATE IN TIME OF USE RATES OR REAL TIME~~
25 ~~PRICING. THE DEFAULT SERVICE PROVIDER SHALL SUBMIT AN ANNUAL~~
26 ~~REPORT TO THE COMMISSION ON THE PARTICIPATION IN THE TIME OF~~
27 ~~USE AND REAL TIME PRICE PROGRAMS AND THE EFFICACY OF THE~~
28 ~~PROGRAMS IN AFFECTING ENERGY DEMAND AND CONSUMPTION AND THE~~
29 ~~EFFECT ON WHOLESALE MARKET PRICES.~~

30 ~~(7) THE PROVISIONS OF THIS SUBSECTION SHALL NOT APPLY TO~~

~~AN ELECTRIC DISTRIBUTION COMPANY WITH 100,000 OR FEWER CUSTOMERS.~~

~~(G) DEFINITION. AS USED IN THIS SECTION, THE TERM "SMART METER TECHNOLOGY" MEANS TECHNOLOGY, INCLUDING METERING TECHNOLOGY AND NETWORK COMMUNICATIONS TECHNOLOGY CAPABLE OF BIDIRECTIONAL COMMUNICATION, THAT RECORDS ELECTRICITY USAGE ON AT LEAST AN HOURLY BASIS, INCLUDING RELATED ELECTRIC DISTRIBUTION SYSTEM UPGRADES TO ENABLE THE TECHNOLOGY. THE TECHNOLOGY SHALL PROVIDE CUSTOMERS WITH DIRECT ACCESS TO AND USE OF PRICE AND CONSUMPTION INFORMATION. THE TECHNOLOGY SHALL ALSO:~~

~~(1) DIRECTLY PROVIDE CUSTOMERS WITH INFORMATION ON THEIR HOURLY CONSUMPTION.~~

~~(2) ENABLE TIME OF USE RATES AND REAL TIME PRICE PROGRAMS.~~

~~(3) EFFECTIVELY SUPPORT THE AUTOMATIC CONTROL OF THE CUSTOMER'S ELECTRICITY CONSUMPTION BY ONE OR MORE OF THE FOLLOWING AS SELECTED BY THE CUSTOMER:~~

~~(I) THE CUSTOMER;~~

~~(II) THE CUSTOMER'S UTILITY; OR~~

~~(III) A THIRD PARTY ENGAGED BY THE CUSTOMER OR THE CUSTOMER'S UTILITY.~~

~~(4) PROVIDE A MEANS TO OBTAIN REAL TIME CONSUMPTION INFORMATION FROM A METER SUCH AS AN INSTALLED PORT OR OUTPUT FOR TRANSMITTING METER PULSE DATA EXTERNAL TO THE METER TO BE USED BY THE CUSTOMER, THE ELECTRIC DISTRIBUTION COMPANY OR A THIRD PARTY ENGAGED BY THE CUSTOMER IN THE ELECTRIC DISTRIBUTION COMPANY.~~

~~SECTION 4. TITLE 66 IS AMENDED BY ADDING A SECTION TO READ: § 2813. PROCUREMENT OF POWER.~~

~~EXCEPT AS PROVIDED UNDER THE ACT OF NOVEMBER 30, 2004~~

1 ~~(P.L.1672, NO.213), KNOWN AS THE ALTERNATIVE ENERGY PORTFOLIO~~
2 ~~STANDARDS ACT, THE COMMISSION MAY NOT ORDER A DEFAULT SERVICE~~
3 ~~PROVIDER TO PROCURE POWER FROM A SPECIFIC GENERATION SUPPLIER,~~
4 ~~FROM A SPECIFIC GENERATION FUEL TYPE OR FROM NEW GENERATION~~
5 ~~ONLY.~~

6 ~~SECTION 5. THIS ACT SHALL TAKE EFFECT IN 60 DAYS.~~

7 SECTION 1. SECTION 305(A) OF TITLE 66 OF THE PENNSYLVANIA
8 CONSOLIDATED STATUTES IS AMENDED TO READ:

<—

9 § 305. DIRECTOR OF OPERATIONS, SECRETARY, EMPLOYEES AND
10 CONSULTANTS.

11 (A) DIRECTOR OF OPERATIONS.--THE COMMISSION MAY APPOINT A
12 DIRECTOR OF OPERATIONS WHO SHALL SERVE AT THE PLEASURE OF THE
13 COMMISSION AND SHALL BE RESPONSIBLE FOR THE DAY-TO-DAY
14 ADMINISTRATION AND OPERATION OF THE BUREAUS AND OFFICES OF THE
15 COMMISSION, EXCEPT THAT THE DIRECTOR OF OPERATIONS SHALL HAVE
16 RESPONSIBILITY FOR THE [OFFICE OF TRIAL STAFF] PROSECUTORIAL
17 FUNCTION ONLY WITH REGARD TO ADMINISTRATIVE MATTERS.

18 * * *

19 SECTION 1.1. SECTION 306 OF TITLE 66 IS REPEALED:

20 [§ 306. OFFICE OF TRIAL STAFF.

21 (A) GENERAL RULE.--THE OFFICE OF TRIAL STAFF TO THE
22 PENNSYLVANIA PUBLIC UTILITY COMMISSION IS HEREBY CREATED. THE
23 DIRECTOR OF TRIAL STAFF, WHO SHALL BE THE CHIEF PROSECUTOR OF
24 THE COMMISSION, SHALL BE APPOINTED BY THE COMMISSION AND HOLD
25 OFFICE AT ITS PLEASURE. THE COMMISSION SHALL ASSIGN A PERMANENT
26 STAFF OF SUCH LEGAL, TECHNICAL AND OTHER EMPLOYEES OF THE
27 COMMISSION AS MAY BE REQUIRED FOR THE PROPER CONDUCT OF THE WORK
28 OF THE OFFICE OF TRIAL STAFF. EMPLOYEES ASSIGNED TO THE OFFICE
29 OF TRIAL STAFF SHALL BE UNDER THE SUPERVISION OF THE DIRECTOR OF
30 TRIAL STAFF AND SHALL NOT BE ASSIGNED TO ANY DUTIES OTHER THAN

1 WITH THE OFFICE OF TRIAL STAFF, EXCEPT AS THE COMMISSION MAY ON
2 A TEMPORARY CASE-BY-CASE BASIS PERMIT WHERE THE PERFORMANCE OF
3 SUCH OTHER DUTIES WILL NOT REPRESENT, OR CREATE THE APPEARANCE
4 OF, A CONFLICT OF INTEREST. THE COMMISSION MAY DESIGNATE
5 EMPLOYEES OF THE OFFICE OF TRIAL STAFF TO SERVE AS DEPUTIES TO
6 THE DIRECTOR OF TRIAL STAFF. THE DIRECTOR OF TRIAL STAFF MAY
7 RECOMMEND PERSONS FOR CONSIDERATION BY THE COMMISSION AS
8 EMPLOYEES UNDER HIS SUPERVISION. ATTORNEYS ASSIGNED TO THE
9 OFFICE OF TRIAL STAFF MAY BE REMOVED BY THE COMMISSION ONLY FOR
10 GOOD CAUSE. THE COMPENSATION OF THE DIRECTOR OF TRIAL STAFF AND
11 THE EMPLOYEES UNDER HIS SUPERVISION SHALL BE FIXED BY THE
12 COMMISSION. THE DIRECTOR OF TRIAL STAFF SHALL REPORT AND BE
13 RESPONSIBLE DIRECTLY TO THE COMMISSION, PROVIDED THAT THE
14 DIRECTOR OF TRIAL STAFF SHALL BE RESPONSIBLE TO THE COMMISSION
15 THROUGH THE DIRECTOR OF OPERATIONS ONLY FOR PURPOSES OF
16 ADMINISTRATIVE MATTERS.

17 (B) POWER AND DUTIES.--

18 (1) THE OFFICE OF TRIAL STAFF SHALL BE RESPONSIBLE FOR
19 AND SHALL ASSIST IN THE DEVELOPMENT OF, CHALLENGE OF AND
20 REPRESENTATION ON THE RECORD OF ALL MATTERS IN THE PUBLIC
21 INTEREST IN ALL COMMISSION PROCEEDINGS EXCEPT THOSE INVOLVING
22 TRANSPORTATION, SAFETY, EMINENT DOMAIN, SITING, SERVICE
23 ISSUES HAVING NO IMPACT ON RATES AND ABILITY TO PAY, PROVIDED
24 THAT THE DIRECTOR OF TRIAL STAFF MAY PETITION THE COMMISSION
25 OR MAY BE DIRECTED BY THE COMMISSION TO INTERVENE TO PROTECT
26 THE PUBLIC INTEREST IN ANY PROCEEDING INVOLVING
27 TRANSPORTATION, SAFETY, EMINENT DOMAIN, SITING, SERVICE
28 ISSUES HAVING NO IMPACT ON RATES AND ABILITY TO PAY. TO
29 ASSIST IN CARRYING OUT HIS POWERS AND DUTIES UNDER THIS
30 SECTION, THE DIRECTOR OF TRIAL STAFF SHALL SUPERVISE THE

1 ACTIVITIES OF THE OFFICE OF TRIAL STAFF IN ALL COMMISSION
2 PROCEEDINGS IN WHICH HE PARTICIPATES. IF THE DIRECTOR OF
3 TRIAL STAFF IS OF THE OPINION THAT THE INITIATION OF A
4 PROCEEDING IS NECESSARY TO PROTECT THE PUBLIC INTEREST, HE
5 SHALL REQUEST THAT THE COMMISSION INITIATE THE APPROPRIATE
6 PROCEEDING. WHEN HE PARTICIPATES IN A COMMISSION PROCEEDING,
7 IT SHALL BE THE DUTY AND RESPONSIBILITY OF THE DIRECTOR OF
8 TRIAL STAFF TO PROSECUTE IN THAT PROCEEDING.

9 (2) IN ADDITION TO ANY OTHER RESPONSIBILITY CONVEYED
10 UPON IT BY THE COMMISSION, THE OFFICE OF TRIAL STAFF SHALL
11 SUBMIT A REPORT TO THE COMMISSION RECOMMENDING WHETHER THE
12 COMMISSION SHOULD ENTER UPON A HEARING IN ORDER TO
13 INVESTIGATE THE JUSTNESS AND REASONABLENESS OF A TARIFF FILED
14 PURSUANT TO SECTION 1308 (RELATING TO VOLUNTARY CHANGES IN
15 RATES), TO SUSPEND THE EFFECTIVENESS OF SUCH TARIFF, TO ALLOW
16 SUCH TARIFF TO BE SUSPENDED BY OPERATION OF LAW OR TO ALLOW
17 TEMPORARY RATES PURSUANT TO SECTION 1310 (RELATING TO
18 TEMPORARY RATES). THE REPORT:

19 (I) SHALL RECOMMEND ONLY THE INITIAL ACTION WHICH
20 THE COMMISSION SHOULD TAKE AND SHALL NOT CONTAIN AN
21 OPINION AS TO THE PORTION OF A PROPOSED RATE INCREASE
22 WHICH APPEARS TO BE JUST AND REASONABLE, UNLESS THE
23 REPORT INCLUDES A FINDING THAT THE PROPOSED RATE INCREASE
24 APPEARS TO BE JUST AND REASONABLE IN ITS ENTIRETY;

25 (II) SHALL BE RELEASED TO THE PUBLIC IF THE REPORT
26 RECOMMENDS THAT NO HEARINGS NEED TO BE HELD REGARDING THE
27 PROPOSED TARIFF OR THAT THE PROPOSED TARIFF SHOULD NOT BE
28 SUSPENDED, AND MAY BE RELEASED TO THE PUBLIC IN OTHER
29 CIRCUMSTANCES WHEN, IN THE OPINION OF THE COMMISSION,
30 SUCH RELEASE WOULD BE IN THE PUBLIC INTEREST;

1 (III) SHALL BE CONSIDERED ONLY AS AN INDICATION OF
2 THE OFFICE OF TRIAL STAFF'S OPINION REGARDING WHETHER
3 THERE SHOULD BE A HEARING ON THE PROPOSED TARIFF OR
4 WHETHER THE PROPOSED TARIFF SHOULD BE SUSPENDED; AND

5 (IV) SHALL NOT BE CONSIDERED AS EVIDENCE OF THE
6 OFFICE OF TRIAL STAFF'S OPINION REGARDING THE JUSTNESS
7 AND REASONABLENESS OF ANY PROPOSED TARIFF IN ANY
8 SUBSEQUENT COMMISSION PROCEEDING.

9 (3) EXCEPT FOR THE DUTIES SET OUT IN PARAGRAPH (2),
10 NEITHER THE DIRECTOR OF TRIAL STAFF NOR ANY EMPLOYEE WHOM THE
11 DIRECTOR OF TRIAL STAFF SUPERVISES SHALL COMMUNICATE WITH THE
12 COMMISSION, AN ADMINISTRATIVE LAW JUDGE OR ANY OTHER EMPLOYEE
13 OF THE COMMISSION WHO IS DECIDING OR ADVISING IN THE DECISION
14 IN AN ON-THE-RECORD PROCEEDING, WHETHER CONTESTED OR
15 UNCONTESTED, AS DEFINED IN SECTION 332(C) (RELATING TO
16 PROCEDURES IN GENERAL), EXCEPT THROUGH THE PRACTICE AND
17 PROCEDURE AVAILABLE TO ALL PARTIES TO COMMISSION
18 PROCEEDINGS.]

19 SECTION 1.2. SECTION 308(A)(2) AND (4), (B), (C), (E), (F)
20 AND (G) OF TITLE 66 ARE AMENDED TO READ:

21 § 308. BUREAUS AND OFFICES.

22 (A) ENUMERATION.--THERE SHALL BE ESTABLISHED WITHIN THE
23 COMMISSION THE FOLLOWING BUREAUS AND FUNCTIONS:

24 * * *

25 [(2) BUREAU OF CONSERVATION, ECONOMICS AND ENERGY
26 PLANNING.]

27 * * *

28 [(4) OFFICE OF SPECIAL ASSISTANTS.]

29 (B) LAW BUREAU.--THE LAW BUREAU SHALL BE A MULTIFUNCTION
30 LEGAL STAFF, CONSISTING OF A PROSECUTORY FUNCTION, AN ADVISORY

1 FUNCTION, A REPRESENTATIONAL FUNCTION AND AN ENFORCEMENT
2 FUNCTION. THE DIRECTOR OF THE LAW BUREAU SHALL BE THE CHIEF
3 COUNSEL OF THE COMMISSION AND SHALL SERVE AT THE PLEASURE OF THE
4 COMMISSION. THE COMMISSION MAY ALSO, FROM TIME TO TIME, APPOINT
5 SUCH ASSISTANT COUNSEL TO THE COMMISSION AS MAY BE REQUIRED FOR
6 THE PROPER CONDUCT OF THE WORK OF THE LAW BUREAU. ASSISTANT
7 COUNSEL MAY BE REMOVED BY THE COMMISSION ONLY FOR GOOD CAUSE.
8 THE LAW BUREAU SHALL ADVISE THE COMMISSION ON ANY AND ALL
9 MATTERS. NO COUNSEL SHALL IN THE SAME CASE OR A FACTUALLY
10 RELATED CASE PERFORM DUTIES IN THE PROSECUTORY AND ADVISORY
11 FUNCTIONS, IF SUCH PERFORMANCE WOULD REPRESENT A CONFLICT OF
12 INTEREST. EXCEPT FOR LITIGATION REFERRED TO THE ATTORNEY GENERAL
13 OR OTHER APPROPRIATE OUTSIDE COUNSEL, THE LAW BUREAU SOLELY
14 SHALL BE RESPONSIBLE TO REPRESENT THE COMMISSION UPON APPEALS
15 AND OTHER HEARINGS IN THE COURTS OF COMMON PLEAS AND IN THE
16 COMMONWEALTH COURT, SUPREME COURT OR OTHER COURTS OF THIS
17 COMMONWEALTH OR IN ANY FEDERAL COURT OR AGENCY AND IN ACTIONS
18 INSTITUTED TO RECOVER PENALTIES AND TO ENFORCE REGULATIONS AND
19 ORDERS OF THE COMMISSION. [NO MEMBER OF THE LAW BUREAU SHALL
20 PARTICIPATE IN ANY PROSECUTORY FUNCTION IN ANY MATTER] IF
21 NECESSARY TO PROTECT THE PUBLIC INTEREST, THE LAW BUREAU,
22 PURSUANT TO ITS PROSECUTORIAL FUNCTION, MAY INITIATE AND
23 PARTICIPATE IN PROCEEDINGS BEFORE THE COMMISSION UNLESS DIRECTED
24 BY THE COMMISSION TO DO SO IN A PROCEEDING INVOLVING
25 TRANSPORTATION, SAFETY, EMINENT DOMAIN, SITING, SERVICE ISSUES
26 HAVING NO IMPACT ON RATES OR ABILITY TO PAY OR ASSIST THE OFFICE
27 OF TRIAL STAFF IN CARRYING OUT THE DUTIES OF THE OFFICE OF TRIAL
28 STAFF, NOR SHALL ANY MEMBER OF THE LAW BUREAU RECEIVE ASSISTANCE
29 FROM THE OFFICE OF TRIAL STAFF IN THE PERFORMANCE OF HIS DUTIES.
30 EXCEPT AS PROVIDED IN THIS SECTION, THE LAW BUREAU MAY RECEIVE

1 ASSISTANCE FROM ANY OTHER BUREAU OR OFFICE OF THE COMMISSION AS
2 DETERMINED TO BE NECESSARY.

3 [(C) BUREAU OF CONSERVATION, ECONOMICS AND ENERGY
4 PLANNING.--THE BUREAU OF CONSERVATION, ECONOMICS AND ENERGY
5 PLANNING SHALL CONDUCT STUDIES AND RESEARCH ALL MATTERS WITHIN
6 THE COMMISSION'S JURISDICTION AND ADVISE THE COMMISSION OF THE
7 RESULTS THEREOF IN ORDER TO ENABLE THE COMMISSION TO PROVIDE
8 PROSPECTIVE REGULATION IN THE BEST INTEREST OF ALL PARTIES
9 CONCERNED. SUCH STUDIES AND RESEARCH SHALL INCLUDE LONG RANGE
10 FORECASTING OF ENERGY NEEDS AND DEVELOPMENT; RESEARCH INTO THE
11 USE OF NEW, EFFICIENT AND ECONOMIC METHODS OF ENERGY PRODUCTION;
12 THE REVIEW OF THE EFFICIENCY OF THE PRESENT GENERATING SYSTEMS
13 OPERATED WITHIN THIS COMMONWEALTH; AND THE DEVELOPMENT OF AN
14 EFFECTIVE PROGRAM OF ENERGY CONSERVATION. THE COMMISSION SHALL
15 REQUIRE ALL ELECTRIC AND GAS PUBLIC UTILITIES SUBJECT TO ITS
16 JURISDICTION TO FILE WITH IT AN ANNUAL CONSERVATION REPORT WHICH
17 SHOWS THE PLANS AND PROGRESS ACHIEVED ON PROGRAMS OF ENERGY
18 CONSERVATION. THE COMMISSION SHALL, BY RULE, PRESCRIBE
19 GUIDELINES FOR THE FORM AND MANNER OF SUCH ANNUAL CONSERVATION
20 REPORT WHICH REPORT SHALL DESCRIBE THE CURRENT AND PROPOSED
21 PROGRAMS OF EACH SUCH UTILITY DESIGNED TO EDUCATE AND ENCOURAGE
22 ITS CUSTOMERS IN THE OPTIMUM, EFFECTIVE AND EFFICIENT USE BY
23 THEM OF ELECTRIC AND GAS ENERGY. THE REPORT SHALL INCLUDE AN
24 ACCOUNTING OF THE MONETARY AND PERSONNEL RESOURCES ACTUALLY OR
25 PROPOSED TO BE EXPENDED OR DEVOTED TO AND THE ACTUAL OR
26 ANTICIPATED RESULTS OF SUCH PROGRAMS. THE BUREAU SHALL REVIEW
27 ALL PROPOSALS FOR ELECTRIC AND GAS PUBLIC UTILITY PLANT
28 EXPANSION AND SHALL SUBMIT FOR CONSIDERATION OF THE COMMISSION
29 ITS FINDINGS ON WHAT IMPACT, IF ANY, THE ELECTRIC AND GAS PUBLIC
30 UTILITY PLANT EXPANSION WILL HAVE ON RATES CHARGED BY THE PUBLIC

1 UTILITY.]

2 * * *

3 [(E) OFFICE OF SPECIAL ASSISTANTS.--THE OFFICE OF SPECIAL
4 ASSISTANTS SHALL BE A SUPPORT STAFF WHICH SHALL BE RESPONSIBLE
5 TO ASSIST IN THE PREPARATION OF COMMISSION ORDERS AND SHALL
6 PERFORM SUCH OTHER ADVISORY DUTIES AS MAY BE REQUIRED OF IT BY
7 THE COMMISSION. NO MEMBER OF THE OFFICE OF SPECIAL ASSISTANTS
8 SHALL PARTICIPATE IN ANY PROSECUTORY FUNCTION IN ANY MATTER
9 BEFORE THE COMMISSION. NO MEMBER OF THE OFFICE OF SPECIAL
10 ASSISTANTS SHALL ASSIST THE OFFICE OF TRIAL STAFF IN CARRYING
11 OUT THE DUTIES OF THE OFFICE OF TRIAL STAFF, NOR SHALL ANY
12 MEMBER OF THE OFFICE OF SPECIAL ASSISTANTS RECEIVE ASSISTANCE
13 FROM THE OFFICE OF TRIAL STAFF IN THE PERFORMANCE OF HIS DUTIES.
14 EXCEPT AS PROVIDED IN THIS SECTION, THE OFFICE OF SPECIAL
15 ASSISTANTS MAY RECEIVE ASSISTANCE FROM, OR PROVIDE ASSISTANCE
16 TO, ANY OTHER BUREAU OR OFFICE OF THE COMMISSION AS DETERMINED
17 TO BE NECESSARY.

18 (F) OTHER BUREAUS AND OFFICES.--THE COMMISSION SHALL
19 ESTABLISH SUCH BUREAU OR BUREAUS TO PERFORM SUCH DUTIES AS THE
20 COMMISSION MAY PRESCRIBE REGARDING ALL MATTERS RESPECTING RATES
21 OF PUBLIC UTILITIES AND ALL MATTERS RESPECTING COMMON CARRIERS
22 AND CONTRACT CARRIERS. THE ESTABLISHMENT OF THESE BUREAUS SHALL
23 NOT BE CONSTRUED TO PROHIBIT THE COMMISSION FROM ESTABLISHING
24 ANY ADDITIONAL BUREAUS WHICH THE COMMISSION FINDS NECESSARY TO
25 PROTECT THE INTERESTS OF THE PEOPLE OF THIS COMMONWEALTH. THE
26 BUREAUS MAY PERFORM SUCH OTHER DUTIES NOT INCONSISTENT WITH LAW
27 AS THE COMMISSION MAY DIRECT.

28 (G) STAFF TESTIMONY.--MEMBERS OF THE STAFF OF THE
29 COMMISSION, EXCEPT FOR THE OFFICE OF SPECIAL ASSISTANTS, SHALL
30 APPEAR AND PRESENT TESTIMONY IN ANY PROCEEDING BEFORE THE

1 COMMISSION WHEN CALLED BY THE COMMISSION, THE CHIEF COUNSEL, THE
2 DIRECTOR OF TRIAL STAFF OR ANY OF THE PARTIES TO THE PROCEEDING.
3 IN ADDITION TO ANY CROSS-EXAMINATION BY THE OFFICE OF TRIAL
4 STAFF AS PROVIDED IN SECTION 306 (RELATING TO OFFICE OF TRIAL
5 STAFF) OR THE CHIEF COUNSEL, ANY MEMBER OF THE COMMISSION STAFF
6 WHO PARTICIPATES IN THE ANALYSIS, REVIEW AND CONCLUSIONS IN ANY
7 PROCEEDINGS BEFORE THE COMMISSION MAY, IN THE DISCRETION OF THE
8 OFFICE OF TRIAL STAFF OR THE CHIEF COUNSEL AND WITH THE CONSENT
9 OF THE PRESIDING OFFICER, CROSS-EXAMINE ANY WITNESS PRESENTED BY
10 THE PARTIES TO THE PROCEEDING AT THE PUBLIC HEARING.]

11 SECTION 1.3. TITLE 66 IS AMENDED BY ADDING A SECTION TO
12 READ:

13 § 308.2. OTHER BUREAUS, OFFICES AND POSITIONS.

14 (A) ESTABLISHMENT OF OTHER BUREAUS, OFFICES AND POSITIONS.--
15 IN ADDITION TO THE SPECIFIC BUREAUS ESTABLISHED IN THIS PART,
16 THE COMMISSION MAY ESTABLISH OTHER BUREAUS, OFFICES AND
17 POSITIONS TO PERFORM THE FOLLOWING FUNCTIONS:

18 (1) REVIEW AND PROVIDE ADVICE REGARDING APPLICATIONS,
19 PETITIONS, TARIFF FILINGS AND OTHER MATTERS FILED WITH THE
20 COMMISSION.

21 (2) PROVIDE ADVICE, REVIEW EXCEPTIONS AND PREPARE ORDERS
22 REGARDING MATTERS TO BE ADJUDICATED.

23 (3) CONDUCT FINANCIAL REVIEWS, EARNINGS ANALYSES AND
24 OTHER FINANCIAL STUDIES.

25 (4) CONDUCT ECONOMIC RESEARCH, FORECASTING, ENERGY
26 CONSERVATION STUDIES, COST STUDIES AND OTHER ECONOMIC STUDIES
27 RELATED TO PUBLIC UTILITIES.

28 (5) MONITOR INDUSTRY MARKETS TO DETECT ANTICOMPETITIVE,
29 DISCRIMINATORY OR OTHER UNLAWFUL CONDUCT.

30 (6) INSURE ADEQUATE MAINTENANCE, SAFETY AND RELIABILITY

1 OF UTILITY NETWORKS.

2 (7) INSURE ADEQUATE SERVICE QUALITY, EFFICIENCY AND
3 AVAILABILITY AT JUST AND REASONABLE RATES.

4 (8) CONDUCT FINANCIAL, MANAGEMENT, OPERATIONAL AND
5 SPECIAL AUDITS.

6 (9) PROVIDE CONSUMER INFORMATION, CONSUMER PROTECTION
7 AND INFORMAL RESOLUTION OF COMPLAINTS.

8 (10) INSURE ADEQUATE SAFETY, INSURANCE, FITNESS AND
9 OTHER REQUIREMENTS RELEVANT TO TRANSPORTATION UTILITIES.

10 (11) TAKE APPROPRIATE ENFORCEMENT ACTIONS, INCLUDING
11 RATE PROCEEDINGS, SERVICE PROCEEDINGS AND ALLOCATION
12 PROCEEDINGS, NECESSARY TO INSURE COMPLIANCE WITH THIS TITLE,
13 COMMISSION REGULATIONS AND ORDERS.

14 (12) PERFORM OTHER FUNCTIONS THE COMMISSION DEEMS
15 NECESSARY FOR THE PROPER WORK OF THE COMMISSION.

16 (B) PROHIBITION ON COMMINGLING OF FUNCTIONS.--A COMMISSION
17 EMPLOYEE ENGAGED IN A PROSECUTORY FUNCTION MAY NOT, IN THAT
18 MATTER OR A FACTUALLY RELATED MATTER, PROVIDE ADVICE OR
19 ASSISTANCE TO A COMMISSION EMPLOYEE PERFORMING AN ADVISORY
20 FUNCTION AS TO THAT MATTER.

21 SECTION 1.4. SECTION 2803 OF TITLE 66 IS AMENDED BY ADDING
22 DEFINITIONS TO READ:

23 § 2803. DEFINITIONS.

24 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS CHAPTER
25 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
26 CONTEXT CLEARLY INDICATES OTHERWISE:

27 * * *

28 "BILATERAL CONTRACT." AN AGREEMENT, AS APPROVED BY THE
29 PENNSYLVANIA PUBLIC UTILITY COMMISSION, REACHED BY TWO PARTIES,
30 EACH ACTING IN ITS OWN INDEPENDENT SELF-INTEREST, AS A RESULT OF

1 NEGOTIATIONS FREE OF UNDUE INFLUENCE, DURESS OR FAVORITISM, IN
2 WHICH THE ELECTRIC ENERGY SUPPLIER AGREES TO SELL AND THE
3 ELECTRIC DISTRIBUTION COMPANY AGREES TO BUY A QUANTITY OF
4 ELECTRIC ENERGY AT A SPECIFIED PRICE FOR A SPECIFIED PERIOD OF
5 TIME UNDER TERMS AGREED TO BY BOTH PARTIES, AND WHICH FOLLOWS A
6 STANDARD INDUSTRY TEMPLATE WIDELY ACCEPTED IN THE INDUSTRY OR
7 VARIATIONS THERETO ACCEPTED BY THE PARTIES. STANDARD INDUSTRY
8 TEMPLATES MAY INCLUDE THE EEI MASTER AGREEMENT FOR PHYSICAL
9 ENERGY PURCHASES AND SALES AND THE ISDA MASTER AGREEMENT FOR
10 FINANCIAL ENERGY PURCHASES AND SALES.

11 * * *

12 "DEFAULT SERVICE PROVIDER." AN ELECTRIC DISTRIBUTION COMPANY
13 WITHIN ITS CERTIFIED SERVICE TERRITORY OR AN ALTERNATIVE
14 SUPPLIER APPROVED BY THE PENNSYLVANIA PUBLIC UTILITY COMMISSION
15 THAT PROVIDES GENERATION SERVICE TO RETAIL ELECTRIC CUSTOMERS
16 WHO:

17 (1) CONTRACT FOR ELECTRIC POWER, INCLUDING ENERGY AND
18 CAPACITY, AND THE CHOSEN ELECTRIC GENERATION SUPPLIER DOES
19 NOT SUPPLY THE SERVICE; OR

20 (2) DO NOT CHOOSE AN ALTERNATIVE ELECTRIC GENERATION
21 SUPPLIER.

22 * * *

23 SECTION 2. TITLE 66 IS AMENDED BY ADDING SECTIONS TO READ:
24 § 2806.1. ENERGY EFFICIENCY AND CONSERVATION PROGRAM.

25 (A) PROGRAM.--THE COMMISSION SHALL, BY JANUARY 15, 2009,
26 ADOPT AN ENERGY EFFICIENCY AND CONSERVATION PROGRAM TO REQUIRE
27 ELECTRIC DISTRIBUTION COMPANIES TO ADOPT AND IMPLEMENT COST-
28 EFFECTIVE ENERGY EFFICIENCY AND CONSERVATION PLANS TO REDUCE
29 ENERGY DEMAND AND CONSUMPTION WITHIN THE SERVICE TERRITORY OF
30 EACH ELECTRIC DISTRIBUTION COMPANY IN THIS COMMONWEALTH. THE

1 PROGRAM SHALL INCLUDE:

2 (1) PROCEDURES FOR THE APPROVAL OF PLANS SUBMITTED UNDER
3 SUBSECTION (B).

4 (2) AN EVALUATION PROCESS, INCLUDING A PROCESS TO
5 MONITOR AND VERIFY DATA COLLECTION, QUALITY ASSURANCE AND
6 RESULTS OF EACH PLAN AND THE PROGRAM.

7 (3) AN ANALYSIS OF THE COST AND BENEFIT OF EACH PLAN
8 SUBMITTED UNDER SUBSECTION (B) IN ACCORDANCE WITH A TOTAL
9 RESOURCE COST TEST APPROVED BY THE COMMISSION.

10 (4) AN ANALYSIS OF HOW THE PROGRAM AND INDIVIDUAL PLANS
11 WILL ENABLE EACH ELECTRIC DISTRIBUTION COMPANY TO ACHIEVE OR
12 EXCEED THE REQUIREMENTS FOR REDUCTION IN CONSUMPTION UNDER
13 SUBSECTIONS (C) AND (D).

14 (5) STANDARDS TO ENSURE THAT EACH PLAN INCLUDES A
15 VARIETY OF ENERGY EFFICIENCY AND CONSERVATION MEASURES AND
16 WILL PROVIDE THE MEASURES EQUITABLY TO ALL CLASSES OF
17 CUSTOMERS.

18 (6) PROCEDURES TO MAKE RECOMMENDATIONS AS TO ADDITIONAL
19 MEASURES THAT WILL ENABLE AN ELECTRIC DISTRIBUTION COMPANY TO
20 IMPROVE ITS PLAN AND EXCEED THE REQUIRED REDUCTIONS IN
21 CONSUMPTION UNDER SUBSECTIONS (C) AND (D).

22 (7) PROCEDURES TO REQUIRE THAT ELECTRIC DISTRIBUTION
23 COMPANIES COMPETITIVELY BID ALL CONTRACTS WITH CONSERVATION
24 SERVICE PROVIDERS.

25 (8) PROCEDURES TO REVIEW ALL PROPOSED CONTRACTS PRIOR TO
26 THE EXECUTION OF THE CONTRACT WITH CONSERVATION SERVICE
27 PROVIDERS TO IMPLEMENT THE PLAN. THE COMMISSION MAY ORDER THE
28 MODIFICATION OF A PROPOSED CONTRACT TO ENSURE THAT THE PLAN
29 MEETS THE REQUIREMENTS FOR REDUCTION IN DEMAND AND
30 CONSUMPTION UNDER SUBSECTIONS (C) AND (D).

1 (9) PROCEDURES TO ENSURE COMPLIANCE WITH REQUIREMENTS
2 FOR REDUCTION IN CONSUMPTION UNDER SUBSECTIONS (C) AND (D).

3 (10) A REQUIREMENT FOR THE PARTICIPATION OF CONSERVATION
4 SERVICE PROVIDERS IN THE IMPLEMENTATION OF ALL OR PART OF A
5 PLAN.

6 (11) COST RECOVERY TO ENSURE THAT MEASURES APPROVED ARE
7 FINANCED BY THE SAME CUSTOMER CLASS THAT WILL RECEIVE THE
8 DIRECT ENERGY AND CONSERVATION BENEFITS.

9 (B) DUTIES OF ELECTRIC DISTRIBUTION COMPANIES.--

10 (1) (I) BY JULY 1, 2009, EACH ELECTRIC DISTRIBUTION
11 COMPANY SHALL DEVELOP AND FILE AN ENERGY EFFICIENCY AND
12 CONSERVATION PLAN WITH THE COMMISSION FOR APPROVAL TO
13 MEET THE REQUIREMENTS OF SUBSECTION (A) AND THE
14 REQUIREMENTS FOR REDUCTION IN CONSUMPTION UNDER
15 SUBSECTIONS (C) AND (D). THE PLAN SHALL BE IMPLEMENTED
16 UPON APPROVAL BY THE COMMISSION. THE FOLLOWING ARE THE
17 PLAN REQUIREMENTS:

18 (A) THE PLAN SHALL INCLUDE SPECIFIC PROPOSALS TO
19 IMPLEMENT ENERGY EFFICIENCY AND CONSERVATION MEASURES
20 TO ACHIEVE OR EXCEED THE REQUIRED REDUCTIONS IN
21 CONSUMPTION UNDER SUBSECTIONS (C) AND (D).

22 (B) A MINIMUM OF 10% OF THE REQUIRED REDUCTIONS
23 IN CONSUMPTION UNDER SUBSECTIONS (C) AND (D) SHALL BE
24 OBTAINED FROM UNITS OF FEDERAL, STATE AND LOCAL
25 GOVERNMENT, INCLUDING MUNICIPALITIES, SCHOOL
26 DISTRICTS, INSTITUTIONS OF HIGHER EDUCATION AND
27 NONPROFIT ENTITIES.

28 (C) THE PLAN SHALL EXPLAIN HOW QUALITY ASSURANCE
29 AND PERFORMANCE WILL BE MEASURED, VERIFIED AND
30 EVALUATED.

1 (D) THE PLAN SHALL STATE THE MANNER IN WHICH THE
2 PLAN WILL ACHIEVE THE REQUIREMENTS OF THE PROGRAM
3 UNDER SUBSECTION (A) AND WILL ACHIEVE OR EXCEED THE
4 REQUIRED REDUCTIONS IN CONSUMPTION UNDER SUBSECTIONS
5 (C) AND (D).

6 (E) THE PLAN SHALL INCLUDE A CONTRACT WITH ONE
7 OR MORE CONSERVATION SERVICE PROVIDERS SELECTED BY
8 COMPETITIVE BID TO IMPLEMENT THE PLAN OR A PORTION OF
9 THE PLAN AS APPROVED BY THE COMMISSION.

10 (F) THE PLAN SHALL INCLUDE ESTIMATES OF THE COST
11 OF IMPLEMENTATION OF THE ENERGY EFFICIENCY AND
12 CONSERVATION MEASURES IN THE PLAN.

13 (G) THE PLAN SHALL INCLUDE SPECIFIC ENERGY
14 EFFICIENCY MEASURES FOR HOUSEHOLDS AT OR BELOW 150%
15 OF THE FEDERAL POVERTY INCOME GUIDELINES. THE NUMBER
16 OF MEASURES SHALL BE PROPORTIONATE TO THOSE
17 HOUSEHOLDS' SHARE OF THE TOTAL ENERGY USAGE IN THE
18 SERVICE TERRITORY. THE ELECTRIC DISTRIBUTION COMPANY
19 SHALL COORDINATE MEASURES UNDER THIS CLAUSE WITH
20 OTHER PROGRAMS ADMINISTERED BY THE COMMISSION OR
21 ANOTHER FEDERAL OR STATE AGENCY. THE EXPENDITURES OF
22 AN ELECTRIC DISTRIBUTION COMPANY UNDER THIS CLAUSE
23 SHALL BE IN ADDITION TO EXPENDITURES MADE UNDER 52
24 PA. CODE CH. 58 (RELATING TO RESIDENTIAL LOW INCOME
25 USAGE REDUCTION PROGRAMS).

26 (H) THE PLAN SHALL INCLUDE A PROPOSED COST-
27 RECOVERY TARIFF MECHANISM, IN ACCORDANCE WITH SECTION
28 1307 (RELATING TO SLIDING SCALE OR RATES;
29 ADJUSTMENTS), TO FUND THE ENERGY EFFICIENCY AND
30 CONSERVATION MEASURES AND TO ENSURE FULL AND CURRENT

1 RECOVERY OF THE PRUDENT AND REASONABLE COSTS OF THE
2 PLAN, INCLUDING ADMINISTRATIVE COSTS, AS APPROVED BY
3 THE COMMISSION.

4 (I) THE ELECTRIC DISTRIBUTION COMPANY SHALL
5 DEMONSTRATE THAT THE PLAN IS COST-EFFECTIVE USING A
6 TOTAL RESOURCE COST TEST APPROVED BY THE COMMISSION
7 AND PROVIDES A DIVERSE CROSS SECTION OF ALTERNATIVES
8 FOR CUSTOMERS OF ALL RATE CLASSES.

9 (J) THE PLAN SHALL REQUIRE AN ANNUAL INDEPENDENT
10 EVALUATION OF ITS COST-EFFECTIVENESS AND A FULL
11 REVIEW OF THE RESULTS OF EACH FIVE-YEAR PLAN REQUIRED
12 UNDER SUBSECTION (C)(3) AND, TO THE EXTENT PRACTICAL,
13 HOW THE PLAN WILL BE ADJUSTED ON A GOING-FORWARD
14 BASIS AS A RESULT OF THE EVALUATION.

15 (K) THE PLAN SHALL INCLUDE AN ANALYSIS OF THE
16 ELECTRIC DISTRIBUTION COMPANY'S ADMINISTRATIVE COSTS.

17 (II) A NEW PLAN SHALL BE FILED WITH THE COMMISSION
18 EVERY FIVE YEARS OR AS OTHERWISE REQUIRED BY THE
19 COMMISSION. THE PLAN SHALL SET FORTH THE MANNER IN WHICH
20 THE COMPANY WILL MEET THE REQUIRED REDUCTIONS IN
21 CONSUMPTION UNDER SUBSECTIONS (C) AND (D).

22 (III) NO MORE THAN 2% OF FUNDS AVAILABLE TO
23 IMPLEMENT A PLAN UNDER THIS SUBSECTION SHALL BE ALLOCATED
24 FOR EXPERIMENTAL EQUIPMENT OR DEVICES.

25 (2) THE COMMISSION SHALL DIRECT AN ELECTRIC DISTRIBUTION
26 COMPANY TO MODIFY OR TERMINATE ANY PART OF A PLAN APPROVED
27 UNDER THIS SECTION IF, AFTER AN ADEQUATE PERIOD FOR
28 IMPLEMENTATION, THE COMMISSION DETERMINES THAT AN ENERGY
29 EFFICIENCY OR CONSERVATION MEASURE INCLUDED IN THE PLAN WILL
30 NOT ACHIEVE THE REQUIRED REDUCTIONS IN CONSUMPTION IN A COST-

1 EFFECTIVE MANNER UNDER SUBSECTIONS (C) AND (D).

2 (3) IF PART OF A PLAN IS MODIFIED OR TERMINATED UNDER
3 PARAGRAPH (2), THE ELECTRIC DISTRIBUTION COMPANY SHALL SUBMIT
4 A REVISED PLAN DESCRIBING ACTIONS TO BE TAKEN TO OFFER
5 SUBSTITUTE MEASURES OR TO INCREASE THE AVAILABILITY OF
6 EXISTING MEASURES IN THE PLAN TO ACHIEVE THE REQUIRED
7 REDUCTIONS IN CONSUMPTION UNDER SUBSECTIONS (C) AND (D).

8 (C) REDUCTIONS IN CONSUMPTION.--THE PLANS ADOPTED UNDER
9 SUBSECTION (B) SHALL REDUCE ELECTRIC CONSUMPTION AS FOLLOWS:

10 (1) BY MAY 31, 2011, TOTAL ANNUAL WEATHER-NORMALIZED
11 CONSUMPTION OF THE RETAIL CUSTOMERS OF EACH ELECTRIC
12 DISTRIBUTION COMPANY SHALL BE REDUCED BY A MINIMUM OF 1%. THE
13 1% LOAD REDUCTION IN CONSUMPTION SHALL BE MEASURED AGAINST
14 THE ELECTRIC DISTRIBUTION COMPANY'S EXPECTED LOAD AS
15 FORECASTED BY THE COMMISSION FOR JUNE 1, 2009, THROUGH MAY
16 31, 2010, WITH PROVISIONS MADE FOR WEATHER ADJUSTMENTS AND
17 EXTRAORDINARY LOADS THAT THE ELECTRIC DISTRIBUTION COMPANY
18 MUST SERVE.

19 (2) BY MAY 31, 2013, THE TOTAL ANNUAL WEATHER-NORMALIZED
20 CONSUMPTION OF THE RETAIL CUSTOMERS OF EACH ELECTRIC
21 DISTRIBUTION COMPANY SHALL BE REDUCED BY A MINIMUM OF 3%. THE
22 3% LOAD REDUCTION IN CONSUMPTION SHALL BE MEASURED AGAINST
23 THE ELECTRIC DISTRIBUTION COMPANY'S EXPECTED LOAD AS
24 FORECASTED BY THE COMMISSION FOR JUNE 1, 2009, THROUGH MAY
25 31, 2010, WITH PROVISION MADE FOR WEATHER ADJUSTMENTS AND
26 EXTRAORDINARY LOADS THAT THE ELECTRIC DISTRIBUTION COMPANY
27 MUST SERVE.

28 (3) BY NOVEMBER 30, 2013, AND EVERY FIVE YEARS
29 THEREAFTER, THE COMMISSION SHALL EVALUATE THE COSTS AND
30 BENEFITS OF THE PROGRAM ESTABLISHED UNDER SUBSECTION (A) AND

1 OF APPROVED ENERGY EFFICIENCY AND CONSERVATION PLANS
2 SUBMITTED TO THE PROGRAM. THE EVALUATION SHALL BE CONSISTENT
3 WITH A TOTAL RESOURCE COST TEST OR A COST-BENEFIT ANALYSIS
4 DETERMINED BY THE COMMISSION. IF THE COMMISSION DETERMINES
5 THAT THE BENEFITS OF THE PROGRAM EXCEED THE COSTS, THE
6 COMMISSION SHALL ADOPT ADDITIONAL REQUIRED INCREMENTAL
7 REDUCTIONS IN CONSUMPTION.

8 (D) PEAK DEMAND.--THE PLANS ADOPTED UNDER SUBSECTION (B)
9 SHALL REDUCE ELECTRIC DEMAND AS FOLLOWS:

10 (1) BY MAY 31, 2013, THE WEATHER-NORMALIZED DEMAND OF
11 THE RETAIL CUSTOMERS OF EACH ELECTRIC DISTRIBUTION COMPANY
12 SHALL BE REDUCED BY A MINIMUM OF 4.5% OF ANNUAL SYSTEM PEAK
13 DEMAND IN THE 100 HOURS OF HIGHEST DEMAND. THE REDUCTION
14 SHALL BE MEASURED AGAINST THE ELECTRIC DISTRIBUTION COMPANY'S
15 PEAK DEMAND FOR JUNE 1, 2007, THROUGH MAY 31, 2008.

16 (2) BY NOVEMBER 30, 2013, THE COMMISSION SHALL COMPARE
17 THE TOTAL COSTS OF ENERGY EFFICIENCY AND CONSERVATION PLANS
18 IMPLEMENTED UNDER THIS SECTION TO THE TOTAL SAVINGS IN ENERGY
19 AND CAPACITY COSTS TO RETAIL CUSTOMERS IN THIS COMMONWEALTH
20 OR OTHER COSTS DETERMINED BY THE COMMISSION. IF THE
21 COMMISSION DETERMINES THAT THE BENEFITS OF THE PLANS EXCEED
22 THE COSTS, THE COMMISSION SHALL SET ADDITIONAL INCREMENTAL
23 REQUIREMENTS FOR REDUCTION IN PEAK DEMAND FOR THE 100 HOURS
24 OF GREATEST DEMAND OR AN ALTERNATIVE REDUCTION APPROVED BY
25 THE COMMISSION. REDUCTIONS IN DEMAND SHALL BE MEASURED FROM
26 THE ELECTRIC DISTRIBUTION COMPANY'S PEAK DEMAND FOR THE
27 PERIOD FROM JUNE 1, 2011, THROUGH MAY 31, 2012. THE
28 REDUCTIONS IN CONSUMPTION REQUIRED BY THE COMMISSION SHALL BE
29 ACCOMPLISHED NO LATER THAN MAY 31, 2017.

30 (E) COMMISSION APPROVAL.--

1 (1) THE COMMISSION SHALL CONDUCT A PUBLIC HEARING ON
2 EACH PLAN AND ALLOW FOR THE SUBMISSION OF RECOMMENDATIONS BY
3 THE OFFICE OF CONSUMER ADVOCATE AND THE OFFICE OF SMALL
4 BUSINESS ADVOCATE AND BY MEMBERS OF THE PUBLIC AS TO HOW THE
5 ELECTRIC DISTRIBUTION COMPANY COULD IMPROVE ITS PLAN OR
6 EXCEED THE REQUIRED REDUCTIONS IN CONSUMPTION UNDER
7 SUBSECTIONS (C) AND (D).

8 (2) THE COMMISSION SHALL APPROVE OR DISAPPROVE A PLAN
9 FILED UNDER SUBSECTION (B) WITHIN 120 DAYS OF SUBMISSION. THE
10 FOLLOWING SHALL APPLY TO AN ORDER DISAPPROVING A PLAN:

11 (I) THE COMMISSION SHALL DESCRIBE IN DETAIL THE
12 REASONS FOR THE DISAPPROVAL.

13 (II) THE ELECTRIC DISTRIBUTION COMPANY SHALL HAVE 60
14 DAYS TO FILE A REVISED PLAN TO ADDRESS THE DEFICIENCIES
15 IDENTIFIED BY THE COMMISSION. THE REVISED PLAN SHALL BE
16 APPROVED OR DISAPPROVED BY THE COMMISSION WITHIN 60 DAYS.

17 (F) PENALTIES.--

18 (1) THE FOLLOWING SHALL APPLY FOR FAILURE TO SUBMIT A
19 PLAN:

20 (I) AN ELECTRIC DISTRIBUTION COMPANY THAT FAILS TO
21 FILE A PLAN UNDER SUBSECTION (B) SHALL BE SUBJECT TO A
22 CIVIL PENALTY OF \$100,000 PER DAY UNTIL THE PLAN IS
23 FILED.

24 (II) AN ELECTRIC DISTRIBUTION COMPANY THAT FAILS TO
25 FILE A REVISED PLAN UNDER SUBSECTION (E)(2)(II) SHALL BE
26 SUBJECT TO A CIVIL PENALTY OF \$100,000 PER DAY UNTIL THE
27 PLAN IS FILED.

28 (III) PENALTIES COLLECTED UNDER THIS PARAGRAPH SHALL
29 BE DEPOSITED IN THE LOW-INCOME ELECTRIC CUSTOMER
30 ASSISTANCE PROGRAM OF THE ENERGY DISTRIBUTION COMPANY FOR

1 THE RESPECTIVE SERVICE TERRITORY.

2 (2) THE FOLLOWING SHALL APPLY TO AN ELECTRIC
3 DISTRIBUTION COMPANY THAT FAILS TO ACHIEVE THE REDUCTIONS IN
4 CONSUMPTION REQUIRED UNDER SUBSECTION (C) OR (D):

5 (I) THE ELECTRIC DISTRIBUTION COMPANY SHALL BE
6 SUBJECT TO A CIVIL PENALTY NOT LESS THAN \$1,000,000 AND
7 NOT TO EXCEED \$20,000,000 FOR FAILURE TO ACHIEVE THE
8 REQUIRED REDUCTIONS IN CONSUMPTION UNDER SUBSECTION (C)
9 OR (D). ANY PENALTY PAID BY AN ELECTRIC DISTRIBUTION
10 COMPANY UNDER THIS SUBPARAGRAPH SHALL NOT BE RECOVERABLE
11 FROM RATEPAYERS.

12 (II) IF AN ELECTRIC DISTRIBUTION COMPANY FAILS TO
13 ACHIEVE THE REQUIRED REDUCTIONS IN CONSUMPTION UNDER
14 SUBSECTION (C) OR (D), RESPONSIBILITY TO ACHIEVE THE
15 REDUCTIONS IN CONSUMPTION SHALL BE TRANSFERRED TO THE
16 COMMISSION. THE COMMISSION SHALL DO ALL OF THE FOLLOWING:

17 (A) IMPLEMENT A PLAN TO ACHIEVE THE REQUIRED
18 REDUCTIONS IN CONSUMPTION UNDER SUBSECTION (C) OR
19 (D).

20 (B) CONTRACT WITH CONSERVATION SERVICE PROVIDERS
21 AS NECESSARY TO IMPLEMENT ANY PORTION OF THE PLAN.

22 (G) LIMITATION ON COSTS.--THE TOTAL COST OF ANY PLAN
23 REQUIRED UNDER THIS SECTION SHALL NOT EXCEED 2% OF THE ELECTRIC
24 DISTRIBUTION COMPANY'S TOTAL ANNUAL REVENUE AS OF DECEMBER 31,
25 2006. THE PROVISIONS OF THIS PARAGRAPH SHALL NOT APPLY TO THE
26 COST OF LOW-INCOME USAGE REDUCTION PROGRAMS ESTABLISHED UNDER 52
27 PA. CODE CH. 58 (RELATING TO RESIDENTIAL LOW INCOME USAGE
28 REDUCTION PROGRAMS).

29 (H) COSTS.--THE COMMISSION SHALL RECOVER FROM ELECTRIC
30 DISTRIBUTION COMPANIES THE COSTS OF IMPLEMENTING THE PROGRAM

1 ESTABLISHED UNDER THIS SECTION.

2 (I) REPORT.--THE FOLLOWING SHALL APPLY:

3 (1) EACH ELECTRIC DISTRIBUTION COMPANY SHALL SUBMIT AN
4 ANNUAL REPORT TO THE COMMISSION RELATING TO THE RESULTS OF
5 THE ENERGY EFFICIENCY AND CONSERVATION PLAN WITHIN EACH
6 ELECTRIC DISTRIBUTION SERVICE TERRITORY. THE REPORT SHALL
7 INCLUDE ALL OF THE FOLLOWING:

8 (I) DOCUMENTATION OF PROGRAM EXPENDITURES.

9 (II) MEASUREMENT AND VERIFICATION OF ENERGY SAVINGS
10 UNDER THE PLAN.

11 (III) EVALUATION OF THE COST-EFFECTIVENESS OF
12 EXPENDITURES.

13 (IV) ANY OTHER INFORMATION REQUIRED BY THE
14 COMMISSION.

15 (2) BEGINNING FIVE YEARS FOLLOWING THE EFFECTIVE DATE OF
16 THIS SECTION AND ANNUALLY THEREAFTER, THE COMMISSION SHALL
17 SUBMIT A REPORT TO THE CONSUMER PROTECTION AND PROFESSIONAL
18 LICENSURE COMMITTEE OF THE SENATE AND THE CONSUMER AFFAIRS
19 COMMITTEE OF THE HOUSE OF REPRESENTATIVES.

20 (J) EXISTING FUNDING SOURCES.--EACH ELECTRIC DISTRIBUTION
21 COMPANY SHALL, UPON REQUEST BY ANY PERSON, PROVIDE A LIST OF ALL
22 ELIGIBLE FEDERAL AND STATE FUNDING PROGRAMS AVAILABLE TO
23 RATEPAYERS FOR ENERGY EFFICIENCY AND CONSERVATION. THE LIST
24 SHALL BE POSTED ON THE ELECTRIC DISTRIBUTION COMPANY'S INTERNET
25 WEBSITE.

26 (K) RECOVERY.--

27 (1) AN ELECTRIC DISTRIBUTION COMPANY SHALL RECOVER ON A
28 FULL AND CURRENT BASIS FROM CUSTOMERS, THROUGH A RECONCILABLE
29 ADJUSTMENT CLAUSE UNDER SECTION 1307, ALL REASONABLE AND
30 PRUDENT COSTS INCURRED IN THE PROVISION OR MANAGEMENT OF A

1 PLAN PROVIDED UNDER THIS SECTION. THIS PARAGRAPH SHALL APPLY
2 TO ALL ELECTRIC DISTRIBUTION COMPANIES, INCLUDING ELECTRIC
3 DISTRIBUTION COMPANIES SUBJECT TO GENERATION OR OTHER RATE
4 CAPS.

5 (2) EXCEPT AS SET FORTH IN PARAGRAPH (3), DECREASED
6 REVENUES OF AN ELECTRIC DISTRIBUTION COMPANY DUE TO REDUCED
7 ENERGY CONSUMPTION OR CHANGES IN ENERGY DEMAND SHALL NOT BE A
8 RECOVERABLE COST UNDER A RECONCILABLE AUTOMATIC ADJUSTMENT
9 CLAUSE.

10 (3) DECREASED REVENUE AND REDUCED ENERGY CONSUMPTION MAY
11 BE REFLECTED IN REVENUE AND SALES DATA USED TO CALCULATE
12 RATES IN A DISTRIBUTION-BASE RATE PROCEEDING FILED BY AN
13 ELECTRIC DISTRIBUTION COMPANY UNDER SECTION 1308 (RELATING TO
14 VOLUNTARY CHANGES IN RATES).

15 (L) APPLICABILITY.--THIS SECTION SHALL NOT APPLY TO AN
16 ELECTRIC DISTRIBUTION COMPANY WITH FEWER THAN 100,000 CUSTOMERS.

17 (M) DEFINITIONS.--AS USED IN THIS SECTION, THE FOLLOWING
18 WORDS AND PHRASES SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS
19 SUBSECTION:

20 "CONSERVATION SERVICE PROVIDER." AN ENTITY THAT PROVIDES
21 INFORMATION AND TECHNICAL ASSISTANCE ON MEASURES TO ENABLE A
22 PERSON TO INCREASE ENERGY EFFICIENCY OR REDUCE ENERGY
23 CONSUMPTION AND THAT HAS NO DIRECT OR INDIRECT OWNERSHIP,
24 PARTNERSHIP OR OTHER AFFILIATED INTEREST WITH AN ELECTRIC
25 DISTRIBUTION COMPANY.

26 "ELECTRIC DISTRIBUTION COMPANY TOTAL ANNUAL REVENUE."
27 AMOUNTS PAID TO THE ELECTRIC DISTRIBUTION COMPANY FOR
28 GENERATION, TRANSMISSION, DISTRIBUTION AND SURCHARGES BY RETAIL
29 CUSTOMERS.

30 "ENERGY EFFICIENCY AND CONSERVATION MEASURES."

1 (1) TECHNOLOGIES, MANAGEMENT PRACTICES OR OTHER MEASURES
2 EMPLOYED BY RETAIL CUSTOMERS THAT REDUCE ELECTRICITY
3 CONSUMPTION OR DEMAND IF ALL OF THE FOLLOWING APPLY:

4 (I) THE TECHNOLOGY, PRACTICE OR OTHER MEASURE IS
5 INSTALLED ON OR AFTER THE EFFECTIVE DATE OF THIS SECTION
6 AT THE LOCATION OF A RETAIL CUSTOMER.

7 (II) THE TECHNOLOGY, PRACTICE OR OTHER MEASURE
8 REDUCES CONSUMPTION OF ENERGY OR PEAK LOAD BY THE RETAIL
9 CUSTOMER.

10 (III) THE COST OF THE ACQUISITION OR INSTALLATION OF
11 THE MEASURE IS DIRECTLY INCURRED IN WHOLE OR IN PART BY
12 THE ELECTRIC DISTRIBUTION COMPANY.

13 (2) ENERGY EFFICIENCY AND CONSERVATION MEASURES SHALL
14 INCLUDE SOLAR OR SOLAR PHOTOVOLTAIC PANELS, ENERGY EFFICIENT
15 WINDOWS AND DOORS, ENERGY EFFICIENT LIGHTING, INCLUDING EXIT
16 SIGN RETROFIT, HIGH BAY FLUORESCENT RETROFIT AND PEDESTRIAN
17 AND TRAFFIC SIGNAL CONVERSION, GEOTHERMAL HEATING,
18 INSULATION, AIR SEALING, REFLECTIVE ROOF COATINGS, ENERGY
19 EFFICIENT HEATING AND COOLING EQUIPMENT OR SYSTEMS AND ENERGY
20 EFFICIENT APPLIANCES AND OTHER TECHNOLOGIES, PRACTICES OR
21 MEASURES APPROVED BY THE COMMISSION.

22 "PEAK DEMAND." THE HIGHEST ELECTRICAL REQUIREMENT OCCURRING
23 DURING A SPECIFIED PERIOD. FOR AN ELECTRIC DISTRIBUTION COMPANY,
24 THE TERM SHALL MEAN THE SUM OF THE METERED CONSUMPTION FOR ALL
25 RETAIL CUSTOMERS OVER THAT PERIOD.

26 "QUALITY ASSURANCE." ALL OF THE FOLLOWING:

27 (1) THE AUDITING OF BUILDINGS, EQUIPMENT AND PROCESSES
28 TO DETERMINE THE COST-EFFECTIVENESS OF ENERGY EFFICIENCY AND
29 CONSERVATION MEASURES USING NATIONALLY RECOGNIZED TOOLS AND
30 CERTIFICATION PROGRAMS.

1 (2) INDEPENDENT INSPECTION OF COMPLETED ENERGY
2 EFFICIENCY AND CONSERVATION MEASURES COMPLETED BY THIRD-PARTY
3 ENTITIES TO EVALUATE THE QUALITY OF THE COMPLETED MEASURE.

4 "REAL-TIME PRICE." A RATE THAT DIRECTLY REFLECTS THE
5 DIFFERENT COST OF ENERGY DURING EACH HOUR.

6 "TIME-OF-USE RATE." A RATE THAT REFLECTS THE COSTS OF
7 SERVING CUSTOMERS DURING DIFFERENT TIME PERIODS, INCLUDING OFF-
8 PEAK AND ON-PEAK PERIODS, BUT NOT AS FREQUENTLY AS EACH HOUR.

9 "TOTAL RESOURCE COST TEST." A STANDARD TEST THAT IS MET IF,
10 OVER THE EFFECTIVE LIFE OF EACH PLAN NOT TO EXCEED 15 YEARS, THE
11 NET PRESENT VALUE OF THE AVOIDED MONETARY COST OF SUPPLYING
12 ELECTRICITY IS GREATER THAN THE NET PRESENT VALUE OF THE
13 MONETARY COST OF ENERGY EFFICIENCY CONSERVATION MEASURES.

14 § 2806.2. ENERGY EFFICIENCY AND CONSERVATION.

15 (A) REGISTRY.--THE COMMISSION SHALL, BY MARCH 1, 2009,
16 ESTABLISH A REGISTRY OF APPROVED PERSONS QUALIFIED TO PROVIDE
17 CONSERVATION SERVICES TO ALL CLASSES OF CUSTOMERS. IN ORDER TO
18 BE INCLUDED IN THE REGISTRY, A CONSERVATION SERVICE PROVIDER
19 MUST MEET EXPERIENCE AND OTHER QUALIFICATIONS DETERMINED BY THE
20 COMMISSION.

21 (B) APPLICATION.--THE COMMISSION SHALL DEVELOP AN
22 APPLICATION FOR REGISTRATION UNDER SUBSECTION (A) AND MAY CHARGE
23 A REASONABLE REGISTRATION FEE.

24 SECTION 3. SECTION 2807(E) OF TITLE 66 IS AMENDED AND THE
25 SECTION IS AMENDED BY ADDING SUBSECTIONS TO READ:

26 § 2807. DUTIES OF ELECTRIC DISTRIBUTION COMPANIES.

27 * * *

28 (E) OBLIGATION TO SERVE.--[AN ELECTRIC DISTRIBUTION
29 COMPANY'S] A DEFAULT SERVICE PROVIDER'S OBLIGATION TO PROVIDE
30 ELECTRIC GENERATION SUPPLY SERVICE FOLLOWING [IMPLEMENTATION OF

1 RESTRUCTURING AND THE CHOICE OF ALTERNATIVE GENERATION BY A
2 CUSTOMER] THE EXPIRATION OF A GENERATION RATE CAP SPECIFIED
3 UNDER SECTION 2804(4) (RELATING TO STANDARDS FOR RESTRUCTURING
4 OF ELECTRIC INDUSTRY) OR A RESTRUCTURING PLAN UNDER SECTION
5 2806(F) (RELATING TO IMPLEMENTATION, PILOT PROGRAMS AND
6 PERFORMANCE-BASED RATES) IS REVISED AS FOLLOWS:

7 (1) WHILE AN ELECTRIC DISTRIBUTION COMPANY COLLECTS
8 EITHER A COMPETITIVE TRANSITION CHARGE OR AN INTANGIBLE
9 TRANSITION CHARGE OR UNTIL 100% OF ITS CUSTOMERS HAVE CHOICE,
10 WHICHEVER IS LONGER, THE ELECTRIC DISTRIBUTION COMPANY SHALL
11 CONTINUE TO HAVE THE FULL OBLIGATION TO SERVE, INCLUDING THE
12 CONNECTION OF CUSTOMERS, THE DELIVERY OF ELECTRIC ENERGY AND
13 THE PRODUCTION OR ACQUISITION OF ELECTRIC ENERGY FOR
14 CUSTOMERS.

15 [(2) AT THE END OF THE TRANSITION PERIOD, THE COMMISSION
16 SHALL PROMULGATE REGULATIONS TO DEFINE THE ELECTRIC
17 DISTRIBUTION COMPANY'S OBLIGATION TO CONNECT AND DELIVER AND
18 ACQUIRE ELECTRICITY UNDER PARAGRAPH (3) THAT WILL EXIST AT
19 THE END OF THE PHASE-IN PERIOD.

20 (3) IF A CUSTOMER CONTRACTS FOR ELECTRIC ENERGY AND IT
21 IS NOT DELIVERED OR IF A CUSTOMER DOES NOT CHOOSE AN
22 ALTERNATIVE ELECTRIC GENERATION SUPPLIER, THE ELECTRIC
23 DISTRIBUTION COMPANY OR COMMISSION-APPROVED ALTERNATIVE
24 SUPPLIER SHALL ACQUIRE ELECTRIC ENERGY AT PREVAILING MARKET
25 PRICES TO SERVE THAT CUSTOMER AND SHALL RECOVER FULLY ALL
26 REASONABLE COSTS.]

27 (3.1) FOLLOWING THE EXPIRATION OF AN ELECTRIC
28 DISTRIBUTION COMPANY'S OBLIGATION TO PROVIDE ELECTRIC
29 GENERATION SUPPLY SERVICE TO RETAIL CUSTOMERS AT CAPPED
30 RATES, IF A CUSTOMER CONTRACTS FOR ELECTRIC GENERATION SUPPLY

1 SERVICE AND THE CHOSEN ELECTRIC GENERATION SUPPLIER DOES NOT
2 PROVIDE THE SERVICE OR IF A CUSTOMER DOES NOT CHOOSE AN
3 ALTERNATIVE ELECTRIC GENERATION SUPPLIER, THE DEFAULT SERVICE
4 PROVIDER SHALL PROVIDE ELECTRIC GENERATION SUPPLY SERVICE TO
5 THAT CUSTOMER PURSUANT TO A COMMISSION-APPROVED COMPETITIVE
6 PROCUREMENT PLAN. THE ELECTRIC POWER ACQUIRED SHALL BE
7 PROCURED THROUGH COMPETITIVE PROCUREMENT PROCESSES AND SHALL
8 INCLUDE ONE OR MORE OF THE FOLLOWING:

9 (I) AUCTIONS.

10 (II) REQUESTS FOR PROPOSAL.

11 (III) BILATERAL AGREEMENTS ENTERED INTO AT THE SOLE
12 DISCRETION OF THE DEFAULT SERVICE PROVIDER WHICH SHALL BE
13 AT PRICES WHICH ARE:

14 (A) NO GREATER THAN THE COST OF OBTAINING
15 GENERATION UNDER COMPARABLE TERMS IN THE WHOLESALE
16 MARKET, AS DETERMINED BY THE COMMISSION AT THE TIME
17 OF EXECUTION OF THE CONTRACT; OR

18 (B) CONSISTENT WITH A COMMISSION-APPROVED
19 COMPETITION PROCUREMENT PROCESS. ANY AGREEMENT
20 BETWEEN AFFILIATED PARTIES SHALL BE SUBJECT TO REVIEW
21 AND APPROVAL OF THE PENNSYLVANIA PUBLIC UTILITY
22 COMMISSION UNDER CHAPTER 21 (RELATING TO RELATIONS
23 WITH AFFILIATED INTERESTS). IN NO CASE SHALL THE COST
24 OF OBTAINING GENERATION FROM ANY AFFILIATED INTEREST
25 BE GREATER THAN THE COST OF OBTAINING GENERATION
26 UNDER COMPARABLE TERMS IN THE WHOLESALE MARKET AT THE
27 TIME OF EXECUTION OF THE CONTRACT.

28 (3.2) THE ELECTRIC POWER PROCURED PURSUANT TO PARAGRAPH
29 (3.1) SHALL INCLUDE A PRUDENT MIX OF THE FOLLOWING:

30 (I) SPOT MARKET PURCHASES.

1 (II) SHORT-TERM CONTRACTS.

2 (III) LONG-TERM PURCHASE CONTRACTS, ENTERED INTO AS
3 A RESULT OF AN AUCTION, REQUEST FOR PROPOSAL OR BILATERAL
4 CONTRACT THAT IS FREE OF UNDUE INFLUENCE, DURESS OR
5 FAVORITISM, OF MORE THAN FOUR AND NOT MORE THAN 20 YEARS.
6 THE DEFAULT SERVICE PROVIDER SHALL HAVE SOLE DISCRETION
7 TO DETERMINE THE SOURCE AND FUEL TYPE. LONG-TERM PURCHASE
8 CONTRACTS UNDER THIS SUBPARAGRAPH MAY NOT CONSTITUTE MORE
9 THAN 25% OF THE DEFAULT SERVICE PROVIDER'S PROJECTED
10 DEFAULT SERVICE LOAD UNLESS THE COMMISSION, AFTER A
11 HEARING, DETERMINES FOR GOOD CAUSE THAT A GREATER PORTION
12 OF LOAD IS NECESSARY TO ACHIEVE LEAST COST PROCUREMENT.
13 THIS SUBPARAGRAPH SHALL NOT APPLY TO CONTRACTS EXECUTED
14 UNDER PARAGRAPH (5).

15 (3.3) THE COMMISSION MAY DETERMINE THAT A CONTRACT IS
16 REQUIRED TO BE EXTENDED FOR A LONGER TERM OF UP TO 20 YEARS,
17 IF THE EXTENSION IS NECESSARY TO ENSURE ADEQUATE AND RELIABLE
18 SERVICE AT LEAST COST TO CUSTOMERS OVER TIME.

19 (3.4) THE PRUDENT MIX OF CONTRACTS ENTERED INTO PURSUANT
20 TO PARAGRAPHS (3.2) AND (3.3) SHALL BE DESIGNED TO ENSURE:

21 (I) ADEQUATE AND RELIABLE SERVICE.

22 (II) THE LEAST COST TO CUSTOMERS OVER TIME.

23 (III) COMPLIANCE WITH THE REQUIREMENTS OF PARAGRAPH

24 (3.1).

25 (3.5) EXCEPT AS SET FORTH IN PARAGRAPH (5)(II), THE
26 PROVISIONS OF THIS SECTION SHALL APPLY TO ANY TYPE OF ENERGY
27 PURCHASED BY A DEFAULT SERVICE PROVIDER TO PROVIDE ELECTRIC
28 GENERATION SUPPLY SERVICE, INCLUDING ENERGY OR ALTERNATIVE
29 ENERGY PORTFOLIO STANDARDS CREDITS REQUIRED TO BE PURCHASED
30 UNDER THE ACT OF NOVEMBER 30, 2004 (P.L.1672, NO.213), KNOWN

1 AS THE ALTERNATIVE ENERGY PORTFOLIO STANDARDS ACT. THE
2 COMMISSION SHALL APPLY PARAGRAPH (3.4) TO COMPARABLE TYPES OF
3 ENERGY SOURCES.

4 (3.6) THE DEFAULT SERVICE PROVIDER SHALL FILE A PLAN FOR
5 COMPETITIVE PROCUREMENT WITH THE COMMISSION AND OBTAIN
6 COMMISSION APPROVAL OF THE PLAN CONSIDERING THE STANDARDS IN
7 PARAGRAPHS (3.1), (3.2), (3.3) AND (3.4) BEFORE THE
8 COMPETITIVE PROCESS IS IMPLEMENTED. THE COMMISSION SHALL HOLD
9 HEARINGS AS NECESSARY ON THE PROPOSED PLAN. IF THE COMMISSION
10 FAILS TO ISSUE A FINAL ORDER ON THE PLAN WITHIN NINE MONTHS
11 OF THE DATE THAT THE PLAN IS FILED, THE PLAN SHALL BE DEEMED
12 TO BE APPROVED AND THE DEFAULT SERVICE PROVIDER MAY IMPLEMENT
13 THE PLAN AS FILED. COSTS INCURRED THROUGH AN APPROVED
14 COMPETITIVE PROCUREMENT PLAN SHALL BE DEEMED TO BE THE LEAST
15 COST OVER TIME AS REQUIRED UNDER PARAGRAPH (3.4)(II).

16 (3.7) AT THE TIME THE COMMISSION EVALUATES THE PLAN AND
17 PRIOR TO APPROVAL, IN DETERMINING IF THE DEFAULT ELECTRIC
18 SERVICE PROVIDER'S PLAN OBTAINS GENERATION SUPPLY AT THE
19 LEAST COST, THE COMMISSION SHALL CONSIDER THE DEFAULT SERVICE
20 PROVIDER'S OBLIGATION TO PROVIDE ADEQUATE AND RELIABLE
21 SERVICE TO CUSTOMERS AND THAT THE DEFAULT SERVICE PROVIDER
22 HAS OBTAINED A PRUDENT MIX OF CONTRACTS TO OBTAIN LEAST COST
23 ON A LONG-TERM, SHORT-TERM AND SPOT MARKET BASIS AND SHALL
24 MAKE SPECIFIC FINDINGS WHICH SHALL INCLUDE THE FOLLOWING:

25 (I) THE DEFAULT SERVICE PROVIDER'S PLAN INCLUDES
26 PRUDENT STEPS NECESSARY TO NEGOTIATE FAVORABLE GENERATION
27 SUPPLY CONTRACTS.

28 (II) THE DEFAULT SERVICE PROVIDER'S PLAN INCLUDES
29 PRUDENT STEPS NECESSARY TO OBTAIN LEAST COST GENERATION
30 SUPPLY CONTRACTS ON A LONG-TERM, SHORT-TERM AND SPOT

1 MARKET BASIS.

2 (III) NEITHER THE DEFAULT SERVICE PROVIDER NOR ITS
3 AFFILIATED INTEREST HAS WITHHELD FROM THE MARKET ANY
4 GENERATION SUPPLY IN A MANNER THAT VIOLATES FEDERAL LAW.

5 (3.8) NOTWITHSTANDING SECTIONS 508 (RELATING TO POWER OF
6 COMMISSION TO VARY, REFORM AND REVISE CONTRACTS) AND 2102
7 (RELATING TO APPROVAL OF CONTRACTS WITH AFFILIATED
8 INTERESTS), THE COMMISSION MAY MODIFY CONTRACTS OR DISALLOW
9 COSTS ONLY WHEN THE PARTY SEEKING RECOVERY OF THE COSTS OF A
10 PROCUREMENT PLAN IS, AFTER HEARING, FOUND TO BE AT FAULT FOR
11 THE FOLLOWING:

12 (I) NOT COMPLYING WITH THE COMMISSION-APPROVED
13 PROCUREMENT PLAN; OR

14 (II) THE COMMISSION OF FRAUD, COLLUSION OR MARKET
15 MANIPULATION WITH REGARD TO THESE CONTRACTS.

16 (3.9) THE DEFAULT SERVICE PROVIDER SHALL HAVE THE RIGHT
17 TO RECOVER ON A FULL AND CURRENT BASIS, PURSUANT TO A
18 RECONCILABLE AUTOMATIC ADJUSTMENT CLAUSE UNDER SECTION 1307
19 (RELATING TO SLIDING SCALE OF RATES; ADJUSTMENTS), ALL
20 REASONABLE COSTS INCURRED UNDER THIS SECTION AND A
21 COMMISSION-APPROVED COMPETITIVE PROCUREMENT PLAN.

22 (4) IF A CUSTOMER THAT CHOOSES AN ALTERNATIVE SUPPLIER
23 AND SUBSEQUENTLY DESIRES TO RETURN TO THE LOCAL DISTRIBUTION
24 COMPANY FOR GENERATION SERVICE, THE LOCAL DISTRIBUTION
25 COMPANY SHALL TREAT THAT CUSTOMER EXACTLY AS IT WOULD ANY NEW
26 APPLICANT FOR ENERGY SERVICE.

27 (5) (I) NOTWITHSTANDING PARAGRAPH [(3)] (3.1), THE
28 ELECTRIC DISTRIBUTION COMPANY OR COMMISSION-APPROVED
29 ALTERNATIVE SUPPLIER MAY, IN ITS SOLE DISCRETION, OFFER
30 LARGE CUSTOMERS WITH A PEAK DEMAND OF 15 MEGAWATTS OR

1 GREATER AT ONE METER AT A LOCATION IN ITS SERVICE
2 TERRITORY ANY NEGOTIATED RATE FOR SERVICE AT ALL OF THE
3 CUSTOMERS' LOCATIONS WITHIN THE SERVICE TERRITORY FOR ANY
4 DURATION AGREED UPON BY THE ELECTRIC DISTRIBUTION COMPANY
5 OR COMMISSION-APPROVED ALTERNATIVE SUPPLIER AND THE LARGE
6 CUSTOMER. THE COMMISSION SHALL PERMIT, BUT SHALL NOT
7 REQUIRE, AN ELECTRIC DISTRIBUTION COMPANY OR COMMISSION-
8 APPROVED ALTERNATIVE SUPPLIER TO PROVIDE SERVICE TO LARGE
9 CUSTOMERS UNDER THIS PARAGRAPH. CONTRACT RATES ENTERED
10 INTO UNDER THIS PARAGRAPH SHALL BE SUBJECT TO REVIEW BY
11 THE COMMISSION IN ORDER TO ENSURE THAT ALL COSTS RELATED
12 TO THE RATES ARE BORNE BY THE PARTIES TO THE CONTRACT AND
13 THAT NO COSTS RELATED TO THE RATES ARE BORNE BY OTHER
14 CUSTOMERS OR CUSTOMER CLASSES. IF NO COSTS RELATED TO THE
15 RATES ARE BORNE BY OTHER CUSTOMERS OR CUSTOMER CLASSES,
16 THE COMMISSION SHALL APPROVE THE CONTRACT WITHIN 90 DAYS
17 OF ITS FILING, OR IT SHALL BE DEEMED APPROVED BY
18 OPERATION OF LAW UPON EXPIRATION OF THE 90 DAYS.
19 INFORMATION SUBMITTED UNDER THIS PARAGRAPH SHALL BE
20 SUBJECT TO THE COMMISSION'S PROCEDURES FOR THE FILING OF
21 CONFIDENTIAL AND PROPRIETARY INFORMATION.

22 (II) FOR PURPOSES OF PROVIDING SERVICE UNDER THIS
23 PARAGRAPH TO CUSTOMERS WITH A PEAK DEMAND OF 20 MEGAWATTS
24 OR GREATER AT ONE METER AT A LOCATION WITHIN THAT
25 DISTRIBUTION COMPANY'S SERVICE TERRITORY, AN ELECTRIC
26 DISTRIBUTION COMPANY THAT HAS COMPLETED ITS RESTRUCTURING
27 TRANSITION PERIOD AS OF THE EFFECTIVE DATE OF THIS
28 PARAGRAPH MAY, IN ITS SOLE DISCRETION, ACQUIRE AN
29 INTEREST IN A GENERATION FACILITY OR CONSTRUCT A
30 GENERATION FACILITY SPECIFICALLY TO MEET THE ENERGY

1 REQUIREMENTS OF THE CUSTOMERS, INCLUDING THE ELECTRIC
2 REQUIREMENTS OF THE CUSTOMERS' OTHER BILLING LOCATIONS
3 WITHIN ITS SERVICE TERRITORY. THE ELECTRIC DISTRIBUTION
4 COMPANY MUST COMMENCE CONSTRUCTION OF THE GENERATION
5 FACILITY OR CONTRACT TO ACQUIRE THE GENERATION INTEREST
6 WITHIN THREE YEARS AFTER THE EFFECTIVE DATE OF THIS
7 PARAGRAPH, EXCEPT THAT THE ELECTRIC DISTRIBUTION COMPANY
8 MAY ADD TO THE GENERATION FACILITIES IT COMMENCED
9 CONSTRUCTION OR CONTRACTED TO ACQUIRE AFTER THIS THREE-
10 YEAR PERIOD TO SERVE ADDITIONAL LOAD OF CUSTOMERS FOR
11 WHOM IT COMMENCED CONSTRUCTION OR CONTRACTED TO ACQUIRE
12 GENERATION WITHIN THREE YEARS. NOTHING IN THIS PARAGRAPH
13 REQUIRES OR AUTHORIZES THE COMMISSION TO REQUIRE AN
14 ELECTRIC DISTRIBUTION COMPANY TO COMMENCE CONSTRUCTION OR
15 ACQUIRE AN INTEREST IN A GENERATION FACILITY. THE
16 ELECTRIC DISTRIBUTION COMPANY'S INTEREST IN THE
17 GENERATION FACILITY IT BUILT OR CONTRACTED TO ACQUIRE
18 SHALL BE NO LARGER THAN NECESSARY TO MEET PEAK DEMAND OF
19 CUSTOMERS SERVED UNDER THIS SUBPARAGRAPH. DURING TIMES
20 WHEN THE CUSTOMER'S DEMAND IS LESS THAN THE ELECTRIC
21 DISTRIBUTION COMPANY'S GENERATION INTEREST, THE ELECTRIC
22 DISTRIBUTION COMPANY MAY SELL EXCESS POWER ON THE
23 WHOLESALE MARKET. AT NO TIME SHALL THE COSTS ASSOCIATED
24 WITH THE GENERATING FACILITY INTERESTS BE INCLUDED IN
25 RATE BASE OR OTHERWISE REFLECTED IN RATES. THE GENERATION
26 FACILITY INTERESTS SHALL NOT BE COMMISSION-REGULATED
27 ASSETS.

28 (6) A DEFAULT SERVICE PLAN APPROVED BY THE COMMISSION
29 PRIOR TO THE EFFECTIVE DATE OF THIS SECTION SHALL REMAIN IN
30 EFFECT THROUGH ITS APPROVED TERM. AT ITS SOLE DISCRETION, THE

1 DEFAULT SERVICE PROVIDER MAY PROPOSE AMENDMENTS TO ITS
2 APPROVED PLAN THAT ARE CONSISTENT WITH THIS SECTION, AND THE
3 COMMISSION SHALL ISSUE A DECISION WHETHER TO APPROVE OR
4 DISAPPROVE THE PROPOSED AMENDMENTS WITHIN NINE MONTHS OF THE
5 DATE THAT THE AMENDMENTS ARE FILED. IF THE COMMISSION FAILS
6 TO ISSUE A FINAL ORDER WITHIN NINE MONTHS, THE AMENDMENTS
7 SHALL BE DEEMED TO BE APPROVED AND THE DEFAULT SERVICE
8 PROVIDER MAY IMPLEMENT THE AMENDMENTS AS FILED.

9 (7) THE DEFAULT SERVICE PROVIDER SHALL OFFER RESIDENTIAL
10 AND SMALL BUSINESS CUSTOMERS A GENERATION SUPPLY SERVICE RATE
11 THAT SHALL CHANGE NO MORE FREQUENTLY THAN ON A QUARTERLY
12 BASIS. ALL DEFAULT SERVICE RATES SHALL BE REVIEWED BY THE
13 COMMISSION TO ENSURE THAT THE COSTS OF PROVIDING SERVICE TO
14 EACH CUSTOMER CLASS ARE NOT SUBSIDIZED BY ANY OTHER CLASS.

15 (F) SMART METER TECHNOLOGY AND TIME OF USE RATES.--

16 (1) WITHIN NINE MONTHS AFTER THE EFFECTIVE DATE OF THIS
17 PARAGRAPH, ELECTRIC DISTRIBUTION COMPANIES SHALL FILE A SMART
18 METER TECHNOLOGY PROCUREMENT AND INSTALLATION PLAN WITH THE
19 COMMISSION FOR APPROVAL. THE PLAN SHALL DESCRIBE THE SMART
20 METER TECHNOLOGIES THE ELECTRIC DISTRIBUTION COMPANY PROPOSES
21 TO INSTALL IN ACCORDANCE WITH PARAGRAPH (2).

22 (2) ELECTRIC DISTRIBUTION COMPANIES SHALL FURNISH SMART
23 METER TECHNOLOGY AS FOLLOWS:

24 (I) UPON REQUEST FROM A CUSTOMER THAT AGREES TO PAY
25 THE COST OF THE SMART METER AT THE TIME OF THE REQUEST.

26 (II) IN NEW BUILDING CONSTRUCTION.

27 (III) IN ACCORDANCE WITH A DEPRECIATION SCHEDULE NOT
28 TO EXCEED 15 YEARS.

29 (3) ELECTRIC DISTRIBUTION COMPANIES SHALL, WITH CUSTOMER
30 CONSENT, MAKE AVAILABLE DIRECT METER ACCESS AND ELECTRONIC

1 ACCESS TO CUSTOMER METER DATA TO THIRD PARTIES, INCLUDING
2 ELECTRIC GENERATION SUPPLIERS AND PROVIDERS OF CONSERVATION
3 AND LOAD MANAGEMENT SERVICES.

4 (4) IN NO EVENT SHALL LOST OR DECREASED REVENUES BY AN
5 ELECTRIC DISTRIBUTION COMPANY DUE TO REDUCED ELECTRICITY
6 CONSUMPTION OR SHIFTING ENERGY DEMAND BE CONSIDERED ANY OF
7 THE FOLLOWING:

8 (I) A COST OF SMART METER TECHNOLOGY RECOVERABLE
9 UNDER A RECONCILABLE AUTOMATIC ADJUSTMENT CLAUSE UNDER
10 SECTION 1307(B), EXCEPT THAT DECREASED REVENUES AND
11 REDUCED ENERGY CONSUMPTION MAY BE REFLECTED IN THE
12 REVENUE AND SALES DATA USED TO CALCULATE RATES IN A
13 DISTRIBUTION RATE BASE RATE PROCEEDING FILED UNDER
14 SECTION 1308 (RELATING TO VOLUNTARY CHANGE IN RATES).

15 (II) A RECOVERABLE COST.

16 (5) BY JANUARY 1, 2010, OR AT THE END OF THE APPLICABLE
17 GENERATION RATE CAP PERIOD, WHICHEVER IS LATER, A DEFAULT
18 SERVICE PROVIDER SHALL SUBMIT TO THE COMMISSION ONE OR MORE
19 PROPOSED TIME-OF-USE RATES AND REAL-TIME PRICE PLANS. THE
20 COMMISSION SHALL APPROVE OR MODIFY THE TIME-OF-USE RATES AND
21 REAL-TIME PRICE PLAN WITHIN SIX MONTHS OF SUBMITTAL. THE
22 DEFAULT SERVICE PROVIDER SHALL OFFER THE TIME-OF-USE RATES
23 AND REAL-TIME PRICE PLAN TO ALL CUSTOMERS THAT HAVE BEEN
24 PROVIDED WITH SMART METER TECHNOLOGY UNDER PARAGRAPH
25 (2)(III). RESIDENTIAL OR COMMERCIAL CUSTOMERS MAY ELECT TO
26 PARTICIPATE IN TIME-OF-USE RATES OR REAL-TIME PRICING. THE
27 DEFAULT SERVICE PROVIDER SHALL SUBMIT AN ANNUAL REPORT TO THE
28 PRICE PROGRAMS AND THE EFFICACY OF THE PROGRAMS IN AFFECTING
29 ENERGY DEMAND AND CONSUMPTION AND THE EFFECT ON WHOLESALE
30 MARKET PRICES.

1 (6) THE PROVISIONS OF THIS SUBSECTION SHALL NOT APPLY TO
2 AN ELECTRIC DISTRIBUTION COMPANY WITH 100,000 OR FEWER
3 CUSTOMERS.

4 (7) AN ELECTRIC DISTRIBUTION COMPANY MAY RECOVER
5 REASONABLE AND PRUDENT COSTS OF PROVIDING SMART METER
6 TECHNOLOGY UNDER PARAGRAPH (2)(II) AND (III), AS DETERMINED
7 BY THE COMMISSION. THIS PARAGRAPH INCLUDES ANNUAL
8 DEPRECIATION AND CAPITAL COSTS OVER THE LIFE OF THE SMART
9 METER TECHNOLOGY AND THE COST OF ANY SYSTEM UPGRADES THAT THE
10 ELECTRIC DISTRIBUTION COMPANY MAY REQUIRE TO ENABLE THE USE
11 OF THE SMART METER TECHNOLOGY WHICH ARE INCURRED AFTER THE
12 EFFECTIVE DATE OF THIS PARAGRAPH LESS OPERATING AND CAPITAL
13 COST SAVINGS REALIZED BY THE ELECTRIC DISTRIBUTION COMPANY
14 FROM THE INSTALLATION AND USE OF THE SMART METER TECHNOLOGY.
15 SMART METER TECHNOLOGY SHALL BE DEEMED TO BE A NEW SERVICE
16 OFFERED FOR THE FIRST TIME UNDER SECTION 2804(4)(VI). AN
17 ELECTRIC DISTRIBUTION COMPANY MAY RECOVER SMART METER
18 TECHNOLOGY COSTS:

19 (I) THROUGH BASE RATES, INCLUDING A DEFERRAL FOR
20 FUTURE BASE RATE RECOVERY OF CURRENT BASIS WITH CARRYING
21 CHARGE AS DETERMINED BY THE COMMISSION; OR

22 (II) ON A FULL AND CURRENT BASIS THROUGH A
23 RECONCILABLE AUTOMATIC ADJUSTMENT CLAUSE UNDER SECTION
24 1307.

25 (G) DEFINITION.--AS USED IN THIS SECTION, THE TERM "SMART
26 METER TECHNOLOGY" MEANS TECHNOLOGY, INCLUDING METERING
27 TECHNOLOGY AND NETWORK COMMUNICATIONS TECHNOLOGY CAPABLE OF
28 BIDIRECTIONAL COMMUNICATION, THAT RECORDS ELECTRICITY USAGE ON
29 AT LEAST AN HOURLY BASIS, INCLUDING RELATED ELECTRIC
30 DISTRIBUTION SYSTEM UPGRADES TO ENABLE THE TECHNOLOGY. THE

1 TECHNOLOGY SHALL PROVIDE CUSTOMERS WITH DIRECT ACCESS TO AND USE
2 OF PRICE AND CONSUMPTION INFORMATION. THE TECHNOLOGY SHALL ALSO:

3 (1) DIRECTLY PROVIDE CUSTOMERS WITH INFORMATION ON THEIR
4 HOURLY CONSUMPTION.

5 (2) ENABLE TIME-OF-USE RATES AND REAL-TIME PRICE
6 PROGRAMS.

7 (3) EFFECTIVELY SUPPORT THE AUTOMATIC CONTROL OF THE
8 CUSTOMER'S ELECTRICITY CONSUMPTION BY ONE OR MORE OF THE
9 FOLLOWING AS SELECTED BY THE CUSTOMER:

10 (I) THE CUSTOMER;

11 (II) THE CUSTOMER'S UTILITY; OR

12 (III) A THIRD PARTY ENGAGED BY THE CUSTOMER OR THE
13 CUSTOMER'S UTILITY.

14 SECTION 4. SECTION 2811 OF TITLE 66 IS AMENDED BY ADDING A
15 SUBSECTION TO READ:

16 § 2811. MARKET POWER REMEDIATION.

17 * * *

18 (E.1) MARKET MISCONDUCT.--

19 (1) IF AN ELECTRIC DISTRIBUTION COMPANY OR ANY OF ITS
20 AFFILIATED COMPANIES OR ANY COMPANY THAT AN ELECTRIC
21 DISTRIBUTION COMPANY HAS PURCHASED GENERATION FROM IS FOUND
22 GUILTY OF MARKET MANIPULATION, EXERCISING MARKET POWER OR
23 COLLUSION BY THE FEDERAL ENERGY REGULATORY COMMISSION OR ANY
24 FEDERAL OR STATE COURT OR, IF AN ELECTRIC DISTRIBUTION
25 COMPANY OR ANY ONE OF ITS AFFILIATED COMPANIES OR ANY COMPANY
26 THAT AN ELECTRIC DISTRIBUTION COMPANY HAS PURCHASED
27 GENERATION FROM SETTLES A CLAIM OF MARKET MANIPULATION,
28 EXERCISING MARKET POWER OR COLLUSION THAT IS BROUGHT BY A
29 REGIONAL TRANSMISSION OPERATOR'S MARKET MONITORING UNIT, THE
30 FEDERAL ENERGY REGULATORY COMMISSION OR ANOTHER ENTITY, THE

1 COMMISSION:

2 (I) SHALL DIRECT THE ELECTRIC DISTRIBUTION COMPANY
3 TO TAKE ANY AND ALL REASONABLE ACTION TO QUANTIFY THE
4 EFFECT OF THE MARKET MISCONDUCT UPON PENNSYLVANIA
5 RATEPAYERS.

6 (II) FOLLOWING PUBLIC HEARING ON THE MATTER AND A
7 FINDING OF PUBLIC INTEREST, MAY DIRECT THE ELECTRIC
8 DISTRIBUTION COMPANY TO TAKE ANY AND ALL REASONABLE LEGAL
9 ACTION, INCLUDING THE FILING OF A LAWSUIT AS MAY BE
10 NECESSARY, TO RECOVER THE QUANTIFIED DAMAGES WHICH SHALL
11 BE USED TO RECOMPENSE PENNSYLVANIA RATEPAYERS AFFECTED BY
12 THE MARKET MISCONDUCT.

13 (2) IF THE ELECTRIC DISTRIBUTION COMPANY FAILS TO PURSUE
14 REASONABLE ACTION TO QUANTIFY OR SEEK RECOVERY OF DAMAGES FOR
15 PENNSYLVANIA RATEPAYERS AFFECTED BY MARKET MANIPULATION, THE
16 EXERCISE OF MARKET POWER OR COLLUSION, THE COMMISSION IS
17 AUTHORIZED, FOLLOWING NOTICE AND AN OPPORTUNITY OF THE
18 ELECTRIC DISTRIBUTION COMPANY TO COMPLY OR CONTEST, TO ASSESS
19 A CIVIL PENALTY, WHICH SHALL NOT BE RECOVERED IN RATES, OF
20 NOT MORE THAN \$10,000 PER DAY FOR FAILURE OR NEGLIGENCE TO OBEY
21 AN ORDER OF THE COMMISSION, THE CONTINUANCE OF THE FAILURE OR
22 NEGLECT BEING A SEPARATE OFFENSE.

23 (3) ANY MONETARY DAMAGES RECOVERED BY THE ELECTRIC
24 DISTRIBUTION COMPANY SHALL BE PAID TO AFFECTED PENNSYLVANIA
25 RATEPAYERS IN THE FORM OF A CREDIT TO THEIR ELECTRIC BILLS OR
26 AS REFUNDS.

27 (4) THE PROVISIONS OF THIS SUBSECTION SHALL BE HELD TO
28 BE IN ADDITION TO AND NOT IN SUBSTITUTION FOR OR LIMITATION
29 OF ANY OTHER PROVISIONS OF THIS TITLE.

30 * * *

1 SECTION 5. TITLE 66 IS AMENDED BY ADDING SECTIONS TO READ:
2 § 2813. PROCUREMENT OF POWER.

3 EXCEPT AS PROVIDED UNDER THE ACT OF NOVEMBER 30, 2004
4 (P.L.1672, NO.213), KNOWN AS THE ALTERNATIVE ENERGY PORTFOLIO
5 STANDARDS ACT, THE COMMISSION MAY NOT ORDER A DEFAULT SERVICE
6 PROVIDER TO PROCURE POWER FROM A SPECIFIC GENERATION SUPPLIER,
7 FROM A SPECIFIC GENERATION FUEL TYPE OR FROM NEW GENERATION
8 ONLY.

9 § 2814. ADDITIONAL ALTERNATIVE ENERGY SOURCES.

10 (A) ALTERNATIVE ENERGY SOURCES.--THE TERM "ALTERNATIVE
11 ENERGY SOURCES" AS DEFINED UNDER SECTION 2 OF THE ACT OF
12 NOVEMBER 30, 2004 (P.L.1672, NO.213), KNOWN AS THE ALTERNATIVE
13 ENERGY PORTFOLIO STANDARDS ACT, SHALL ALSO INCLUDE LOW-IMPACT
14 HYDROPOWER CONSISTING OF ANY TECHNOLOGY THAT PRODUCES ELECTRIC
15 POWER AND THAT HARNESSSES THE HYDROELECTRIC POTENTIAL OF MOVING
16 WATER IMPOUNDMENTS IF ONE OF THE FOLLOWING APPLIES:

17 (1) (I) THE HYDROPOWER SOURCE HAS A FEDERAL ENERGY
18 REGULATORY COMMISSION LICENSED CAPACITY OF 21 MEGAWATTS
19 OR LESS; AND

20 (II) THE LICENSE FOR THE HYDROPOWER SOURCE WAS
21 ISSUED BY THE FEDERAL ENERGY REGULATORY COMMISSION ON OR
22 PRIOR TO JANUARY 1, 1984, AND HELD ON JULY 1, 2007, IN
23 WHOLE OR IN PART BY A MUNICIPALITY LOCATED WHOLLY WITHIN
24 THIS COMMONWEALTH OR BY AN ELECTRIC COOPERATIVE
25 INCORPORATED IN THIS COMMONWEALTH.

26 (2) THE INCREMENTAL HYDROELECTRIC DEVELOPMENT:

27 (I) DOES NOT ADVERSELY CHANGE EXISTING IMPACTS TO
28 AQUATIC SYSTEMS;

29 (II) MEETS THE CERTIFICATION STANDARDS ESTABLISHED
30 BY THE LOW IMPACT HYDROPOWER INSTITUTE AND AMERICAN

1 RIVERS, INC., OR THEIR SUCCESSORS;

2 (III) PROVIDES AN ADEQUATE WATER FLOW FOR PROTECTION
3 OF AQUATIC LIFE AND FOR SAFE AND EFFECTIVE FISH PASSAGE;

4 (IV) PROTECTS AGAINST EROSION; AND

5 (V) PROTECTS CULTURAL AND HISTORIC RESOURCES.

6 (B) BIOMASS.--THE TERM "BIOMASS ENERGY" AS DEFINED UNDER
7 SECTION 2 OF THE ALTERNATIVE ENERGY PORTFOLIO STANDARDS ACT
8 SHALL ALSO INCLUDE THE GENERATION OF ELECTRICITY UTILIZING BY-
9 PRODUCTS OF THE PULPING PROCESS AND WOOD MANUFACTURING PROCESS,
10 INCLUDING BARK, WOOD CHIPS, SAWDUST AND LIGNINS IN SPENT PULPING
11 LIQUORS. ELECTRICITY FROM BIOMASS ENERGY UNDER THIS SUBSECTION
12 GENERATED INSIDE THIS COMMONWEALTH SHALL BE ELIGIBLE AS A TIER I
13 ALTERNATIVE ENERGY SOURCE. ELECTRICITY FROM BIOMASS ENERGY UNDER
14 THIS SUBSECTION GENERATED OUTSIDE THIS COMMONWEALTH SHALL BE
15 ELIGIBLE AS A TIER II ALTERNATIVE ENERGY SOURCE.

16 (C) INCREASE IN TIER I.--THE COMMISSION SHALL AT LEAST
17 QUARTERLY INCREASE THE PERCENTAGE SHARE OF TIER I ALTERNATIVE
18 ENERGY SOURCES REQUIRED TO BE SOLD BY AN ELECTRIC DISTRIBUTION
19 COMPANY OR ELECTRIC GENERATION SUPPLIER UNDER SECTION 3(B)(1) OF
20 THE ALTERNATIVE ENERGY PORTFOLIO STANDARDS ACT TO REFLECT ANY
21 NEW BIOMASS ENERGY OR LOW-IMPACT HYDROPOWER RESOURCES THAT
22 QUALIFY AS A TIER I ALTERNATIVE ENERGY SOURCE UNDER THIS
23 SECTION. NO NEW RESOURCE QUALIFYING AS BIOMASS ENERGY OR LOW-
24 IMPACT HYDROPOWER UNDER THIS SECTION SHALL BE ELIGIBLE TO
25 GENERATE TIER I ALTERNATIVE ENERGY CREDITS UNTIL THE COMMISSION
26 HAS INCREASED THE PERCENTAGE SHARE OF TIER I TO REFLECT THESE
27 ADDITIONAL RESOURCES.

28 § 2815. CARBON DIOXIDE SEQUESTRATION NETWORK.

29 (A) ASSESSMENT.--

30 (1) BY APRIL 1, 2009, THE DEPARTMENT SHALL COMPLETE A

1 STUDY TO IDENTIFY SUITABLE GEOLOGICAL FORMATIONS, INCLUDING
2 SITES WITHIN OR IN PROXIMITY TO THE MEDINA, TUSCARORA OR
3 ORISKANY SANDSTONE FORMATION FOR THE LOCATION OF A STATE
4 NETWORK.

5 (2) BY JUNE 1, 2009, THE DEPARTMENT, IN CONSULTATION
6 WITH THE COMMISSION, SHALL HIRE ONE OR MORE INDEPENDENT
7 EXPERTS PURSUANT TO 62 PA.C.S. PT. I (RELATING TO
8 COMMONWEALTH PROCUREMENT CODE), AS NECESSARY, TO CONDUCT AN
9 ASSESSMENT OF THE FOLLOWING:

10 (I) ESTIMATES OF CAPITAL REQUIREMENTS AND
11 EXPENDITURES NECESSARY FOR THE ESTABLISHMENT, OPERATION
12 AND MAINTENANCE OF A STATE NETWORK.

13 (II) THE COLLECTION OF DATA TO ALLOW A SAFETY
14 ASSESSMENT.

15 (III) AN ASSESSMENT OF ALL POTENTIAL RISK TO
16 INDIVIDUALS, PROPERTY AND THE ENVIRONMENT ASSOCIATED WITH
17 THE GEOLOGICAL SEQUESTRATION OF CARBON DIOXIDE IN A STATE
18 NETWORK. THE ASSESSMENT, WHICH SHALL BE COMPLETED BY
19 OCTOBER 1, 2009, SHALL INCLUDE AN ANALYSIS OF THE
20 FOLLOWING:

21 (A) EXISTING FEDERAL AND STATE REGULATORY
22 STANDARDS FOR THE STORAGE OF CARBON DIOXIDE.

23 (B) FACTORS CONTAINED IN THE UNITED STATES
24 ENVIRONMENTAL PROTECTION AGENCY'S VULNERABILITY
25 EVALUATION FRAMEWORK FOR GEOLOGIC SEQUESTRATION OF
26 CARBON DIOXIDE (EPA 430-R-08-009, DATED JULY 10,
27 2008).

28 (C) THE DIFFERENT TYPES OF INSURANCE, BONDS,
29 OTHER INSTRUMENTS AND RECOMMENDED LEVELS OF INSURANCE
30 WHICH SHOULD BE CARRIED BY THE OPERATOR OF THE STATE

1 NETWORK DURING THE CONSTRUCTION AND OPERATION OF THE
2 STATE NETWORK.

3 (D) THE AVAILABILITY OF COMMERCIAL INSURANCE.

4 (E) MODELS FOR THE ESTABLISHMENT OF A
5 COMMONWEALTH FUND TO PROVIDE PROTECTION AGAINST RISK
6 TO BE FUNDED BY THE OPERATOR.

7 (B) TRANSMISSION OF STUDY AND ASSESSMENT.--

8 (1) THE DEPARTMENT SHALL SUBMIT THE STUDY CONDUCTED
9 UNDER SUBSECTION (A)(1) TO THE GOVERNOR, THE CHAIRMAN AND
10 MINORITY CHAIRMAN OF THE ENVIRONMENTAL RESOURCES AND ENERGY
11 COMMITTEE OF THE SENATE, THE CHAIRMAN AND MINORITY CHAIRMAN
12 OF THE ENVIRONMENTAL RESOURCES AND ENERGY COMMITTEE OF THE
13 HOUSE OF REPRESENTATIVES AND THE DEPARTMENT NO LATER THAN MAY
14 1, 2009.

15 (2) THE INDEPENDENT EXPERT SHALL SUBMIT THE FINAL
16 ASSESSMENT UNDER SUBSECTION (A)(2) TO THE GOVERNOR, THE
17 CHAIRMAN AND MINORITY CHAIRMAN OF THE ENVIRONMENTAL RESOURCES
18 AND ENERGY COMMITTEE OF THE SENATE, THE CHAIRMAN AND MINORITY
19 CHAIRMAN OF THE ENVIRONMENTAL RESOURCES AND ENERGY COMMITTEE
20 OF THE HOUSE OF REPRESENTATIVES AND THE DEPARTMENT NO LATER
21 THAN NOVEMBER 1, 2009.

22 (C) DEPARTMENT.--THE FOLLOWING SHALL APPLY:

23 (1) THE DEPARTMENT SHALL REVIEW THE ASSESSMENT SUBMITTED
24 UNDER SUBSECTION (A)(2) AND ALL GEOLOGIC SEQUESTRATION
25 REQUIREMENTS ASSOCIATED WITH A STATE NETWORK, INCLUDING
26 GEOLOGICAL SITE CHARACTERIZATION, MODELING AND VERIFICATION
27 OF FLUID MOVEMENT, CORRECTIVE ACTION, WELL CONSTRUCTION,
28 OPERATION, MECHANICAL INTEGRITY TESTING, MONITORING AND SITE
29 CLOSURE.

30 (2) FOLLOWING THE REVIEW UNDER PARAGRAPH (1), THE

1 DEPARTMENT MAY CONDUCT A PILOT PROJECT TO DETERMINE THE
2 VIABILITY OF ESTABLISHING A STATE NETWORK IN THIS
3 COMMONWEALTH.

4 (D) DEFINITIONS.--AS USED IN THIS SECTION, THE FOLLOWING
5 WORDS AND PHRASES SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS
6 SUBSECTION:

7 "CARBON DIOXIDE SEQUESTRATION." THE STORAGE OF CARBON
8 DIOXIDE IN A SUPERCRITICAL PHASE WITHIN A GEOLOGICAL SUBSURFACE
9 FORMATION SUCH AS A DEEP SALINE AQUIFER WITH SUITABLE CAP ROCK,
10 SEALING FAULTS AND ANTICLINES THAT INCLUDES COMPRESSION,
11 DEHYDRATION AND LEAK DETECTION MONITORING EQUIPMENT AND
12 PIPELINES TO TRANSPORT CARBON DIOXIDE CAPTURED BY AN ADVANCED
13 COAL COMBUSTION WITH LIMITED CARBON EMISSIONS PLANT TO AN
14 UNDERGROUND STORAGE SITE. THE TERM SHALL NOT INCLUDE USE OF THE
15 CARBON DIOXIDE FOR ENHANCED OIL RECOVERY.

16 "DEPARTMENT." THE DEPARTMENT OF CONSERVATION AND NATURAL
17 RESOURCES OF THE COMMONWEALTH.

18 "STATE NETWORK." A CARBON DIOXIDE SEQUESTRATION NETWORK
19 ESTABLISHED ON LANDS OWNED BY THE COMMONWEALTH, OR LANDS ON
20 WHICH THE COMMONWEALTH HAS ACQUIRED THE RIGHT TO STORE CARBON
21 DIOXIDE, THAT HAVE BEEN DESIGNATED BY THE DEPARTMENT OF
22 CONSERVATION AND NATURAL RESOURCES FOR THE STORAGE OF CARBON
23 DIOXIDE.

24 SECTION 6. THIS ACT SHALL TAKE EFFECT IN 30 DAYS.

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2200 Session of
2008

INTRODUCED BY GEORGE, McCALL, BELFANTI, CALTAGIRONE, CONKLIN,
DALEY, GOODMAN, HARHAI, HARKINS, KULA, MANDERINO, McGEEHAN,
VITALI, J. WHITE, WALKO, SURRA, DeLUCA, DERMODY, GRUCELA,
JOSEPHS, JAMES, GINGRICH, FREEMAN, K. SMITH, McILVAINE SMITH,
YOUNGBLOOD AND FRANKEL, JANUARY 15, 2008

SENATOR TOMLINSON, CONSUMER PROTECTION AND PROFESSIONAL
LICENSURE, IN SENATE, AS AMENDED, SEPTEMBER 23, 2008

AN ACT

1 Amending Title 66 (Public Utilities) of the Pennsylvania
2 Consolidated Statutes, ~~providing for recovery of certain~~ <—
3 ~~labor relations expenses; further providing for definitions;~~
4 ~~providing for adoption of energy efficiency and demand side~~
5 ~~response; and further providing for duties of electric~~
6 ~~distribution companies.~~ FURTHER PROVIDING FOR DEFINITIONS; <—
7 PROVIDING FOR ENERGY EFFICIENCY AND CONSERVATION; FURTHER
8 PROVIDING FOR DUTIES OF ELECTRIC DISTRIBUTION COMPANIES; AND
9 PROVIDING FOR PROCUREMENT.

10 The General Assembly of the Commonwealth of Pennsylvania
11 hereby enacts as follows:

12 ~~Section 1. Title 66 of the Pennsylvania Consolidated~~ <—
13 ~~Statutes is amended by adding a section to read:~~

14 ~~§ 1329. Recovery of certain labor relations expenses.~~

15 ~~No public utility may charge its customers as a permissible~~
16 ~~operating expense for ratemaking purposes any portion of the~~
17 ~~direct or indirect cost of meetings, publications, consultants,~~
18 ~~attorneys or other professional services and expenses associated~~

~~1 with the utility's efforts to dissuade the employees of the
2 utility, or the employees of any affiliated interest of the
3 utility as defined in section 2101 (relating to definition of
4 affiliated interest), from becoming or remaining a member in, or
5 otherwise being represented by, any labor union.~~

~~6 Section 2. Section 2803 of Title 66 is amended by adding
7 definitions to read:~~

~~8 § 2803. Definitions.~~

~~9 The following words and phrases when used in this chapter
10 shall have the meanings given to them in this section unless the
11 context clearly indicates otherwise:~~

~~12 "Affiliated interest." As defined in section 2101 (relating
13 to definition of affiliated interest).~~

~~14 * * *~~

~~15 "Cost effective." In relation to a program being evaluated,
16 satisfaction of the total resource cost test.~~

~~17 * * *~~

~~18 "Demand side response." Load management technologies,
19 management practices or other strategies employed by retail
20 customers that decrease peak electricity demand or shift demand
21 from on peak to off peak periods provided that:~~

~~22 (1) The measure is installed on or after the effective
23 date of this section at the service location of a retail
24 customer.~~

~~25 (2) The measure reduces the peak demand or cost of
26 energy by the retail customer.~~

~~27 (3) The costs of the acquisition or installation of the
28 measure are directly incurred in whole or in part by the
29 electric distribution company.~~

~~30 * * *~~

~~"Energy efficiency." Technologies, management practices or other strategies or measures employed by retail customers that reduce electricity consumption provided that:~~

~~(1) The measure is installed on or after the effective date of this definition at the service location of a retail customer.~~

~~(2) The measure reduces the consumption of energy by the retail customer.~~

~~(3) The costs of the acquisition or installation of the measure are directly incurred in whole or in part by the electric distribution company.~~

~~"Independent entity." An entity with no direct or indirect ownership, partnership or other affiliated interest with an electric distribution company.~~

~~"Peak demand." The highest electrical requirement occurring during a specified period. For an electric distribution company, the term means the sum of the metered consumption for all retail customers over that period.~~

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

~~* * *~~

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

~~(1) Directly provide customers with information on their~~

1 ~~hourly consumption.~~

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

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

7 ~~(i) the customer;~~

8 ~~(ii) the customer's utility; or~~

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

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

14 ~~"Total resources cost test." A standard test that is met if,~~
15 ~~over the effective life of the program, the avoided supply side~~
16 ~~monetary costs are greater than the monetary costs of the~~
17 ~~demand side programs borne by both the electric distribution~~
18 ~~company and the participants.~~

19 * * *

20 ~~Section 3. Title 66 is amended by adding a section to read:~~
21 ~~§ 2806.1. Adoption of procedures encouraging energy efficiency~~
22 ~~and demand side response.~~

23 ~~(a) Program. The commission shall develop a program to~~
24 ~~provide for the implementation of cost effective programs that~~
25 ~~reduce energy demand and consumption within the service~~
26 ~~territories of all electric distribution companies throughout~~
27 ~~this Commonwealth. The program shall include, but is not limited~~
28 ~~to, the following:~~

29 ~~(1) Selecting a program administrator to develop and~~
30 ~~oversee the delivery of energy efficiency and demand side~~

1 ~~response programs within the service territory of each~~
2 ~~electric distribution company within this Commonwealth.~~

3 ~~(2) Implementing the necessary administrative and~~
4 ~~financial mechanisms that will enable the program~~
5 ~~administrator to develop and oversee the provision of energy~~
6 ~~efficiency and demand side response programs within the~~
7 ~~service territory of each electric distribution company~~
8 ~~within this Commonwealth, including the levying of~~
9 ~~assessments in accordance with sections 510 (relating to~~
10 ~~assessment for regulatory expenses upon public utilities),~~
11 ~~1307 (relating to sliding scale of rates; adjustments) and~~
12 ~~1308 (relating to voluntary changes in rates). The commission~~
13 ~~shall not approve or implement and shall not assess or charge~~
14 ~~to customers the costs of energy efficiency or demand-~~
15 ~~response programs to the extent that the costs of such~~
16 ~~programs exceed 2% of the total annual revenues of the~~
17 ~~electric distribution company from all sources, including~~
18 ~~default service generation revenues as of January 1, 2007.~~
19 ~~This funding limit shall not include amounts provided for by~~
20 ~~the low income usage reduction programs established under~~
21 ~~regulations at 52 Pa. Code Ch. 58 (relating to residential~~
22 ~~low income usage reduction programs).~~

23 ~~(3) Implementing the necessary administrative and~~
24 ~~financial mechanisms that facilitate a system of third party~~
25 ~~entities to deliver all or portions of the energy efficiency~~
26 ~~and demand side response programs within the service~~
27 ~~territory of each electric distribution company within this~~
28 ~~Commonwealth, including the levying of assessments in~~
29 ~~accordance with sections 510, 1307 and 1308. The commission~~
30 ~~may order the electric distribution company to pay the third-~~

~~party entity for services rendered in an electric distribution company's respective service territory pursuant to this section. The electric distribution company may be a third party entity.~~

~~(b) Selection of program administrator. The commission shall implement the following procedures when selecting a program administrator:~~

~~(1) The commission shall prepare a request for proposals for a program administrator to provide for the development and delivery of the energy efficiency and demand side response programs in the service territories of all electric distribution companies and shall make the request for proposals available for public comment.~~

~~(2) The commission shall, within 60 days of the completion of the public comment period, issue the final request for proposals.~~

~~(3) The commission shall, based on a competitive bid process, select an independent entity to serve as the energy efficiency and demand side response program administrator.~~

~~(4) The commission shall include as a part of its agreement with the program administrator a system of performance parameters and a financial mechanism that provides incentives for exceeding established performance parameters and penalties for third parties not meeting established performance parameters.~~

~~(c) Powers and duties of program administrator. The program administrator shall have powers and duties assigned by the commission. The powers and duties shall include, but not be limited to:~~

~~(1) Soliciting through a competitive procurement process~~

~~within each electric distribution company service territory a program of providing energy efficiency and demand side response programs to residential, commercial and industrial customers utilizing third party entities.~~

~~(2) Ensuring that each proposal includes, but is not limited to:~~

~~(i) A clear delineation of how the program will be conducted.~~

~~(ii) The types of specific program measures to be offered.~~

~~(iii) The cost and benefit of each program to be offered.~~

~~(iv) A process for monitoring and verifying results, data collection and management procedures, program evaluation processes and financial management strategies.~~

~~(3) In its review of each proposal received:~~

~~(i) Taking into account the unique circumstances of each electric distribution company's service territory.~~

~~(ii) Finding that each program is cost effective and that the portfolio of programs is designed to provide every affected customer class with the opportunity to participate and benefit economically.~~

~~(iii) Determining the cost effectiveness of energy efficiency and demand side response measures using the total resource cost test.~~

~~(4) Recommending to the commission those entities best suited to provide energy efficiency and demand side response programs within the service territory of each electric distribution company.~~

~~(5) In the event no qualified proposals are received~~

1 ~~that meet the required plan goals in an electric distribution~~
2 ~~company service territory to conduct the program activities:~~

3 ~~(i) Issuing a subsequent request for proposals with~~
4 ~~plan goals that are reduced no more than necessary to~~
5 ~~obtain qualified proposals to provide program activities.~~
6 ~~The lowered plan goals for energy efficiency and demand-~~
7 ~~side response shall only be in effect for that year.~~

8 ~~(ii) In subsequent years, utilizing the plan goals~~
9 ~~unless no qualified proposals are received to conduct the~~
10 ~~program activities that meet the plan goals, the program~~
11 ~~administrator shall issue a subsequent request for~~
12 ~~proposals in accordance with the procedures identified in~~
13 ~~this subparagraph.~~

14 ~~(6) Executing agreements on behalf of the commission~~
15 ~~with the selected entity in each electric distribution~~
16 ~~company service territory to conduct the energy efficiency~~
17 ~~and demand side response program. As part of these agreements~~
18 ~~the program administrator shall ensure that:~~

19 ~~(i) The programs offered by the selected entity are~~
20 ~~provided equitably across all customer classes.~~

21 ~~(ii) A clearly defined process for financial~~
22 ~~compensation for the entity delivering the program which~~
23 ~~is tied to defined goals for performance regarding~~
24 ~~program activities accomplished, energy cost savings on a~~
25 ~~per customer basis and utility wide basis and overall~~
26 ~~energy and peak demand reduction is established.~~

27 ~~(iii) A system of incentives and penalties for~~
28 ~~performance of contractual activities above and below~~
29 ~~predetermined levels is in place.~~

30 ~~(iv) There is a set contract term which may include~~

1 ~~an initial three year term with renewal terms of varied~~
2 ~~length.~~

3 ~~(7) Submitting reports to the commission at such times~~
4 ~~and in such manner as the commission directs.~~

5 ~~(d) Commission review of recommendations. The commission~~
6 ~~shall review the recommendations made by the program~~
7 ~~administrator regarding those entities best suited to provide~~
8 ~~energy efficiency and demand side response programs within the~~
9 ~~service territory of each electric distribution company. The~~
10 ~~commission shall approve or disapprove the recommendations made~~
11 ~~by the program administrator.~~

12 ~~(1) The commission review of the recommendations of the~~
13 ~~program administrator shall be limited to ensuring that:~~

14 ~~(i) There is no evidence of fraud or market abuse.~~

15 ~~(ii) Any costs entered into are borne by the~~
16 ~~appropriate parties and that costs, including the costs~~
17 ~~of subsection (c)(6)(iii) incentives, related to the~~
18 ~~provision of the contracted services are borne by the~~
19 ~~appropriate customer class.~~

20 ~~(iii) There will be provided, in a cost effective~~
21 ~~manner, a program that provides energy efficiency and~~
22 ~~demand side response measures to all customer classes~~
23 ~~throughout the service territory of each electric~~
24 ~~distribution company.~~

25 ~~(2) If the commission approves a third party entity to~~
26 ~~conduct the program, the commission shall ensure the program~~
27 ~~administrator finalizes the agreement between the commission~~
28 ~~and the third party entity selected to provide the program of~~
29 ~~energy efficiency and demand side response.~~

30 ~~(3) In the event the commission disapproves the~~

1 ~~recommendation of the program administrator, the commission~~
2 ~~shall provide a rationale for this decision and direct the~~
3 ~~program administrator on a course of action.~~

4 ~~(c) Plan goals. The program administrator shall ensure that~~
5 ~~each proposal submitted by a third party entity to deliver a~~
6 ~~program of energy efficiency and demand side response measures~~
7 ~~includes meeting the following energy saving goals:~~

8 ~~(1) The following relate to energy efficiency goals:~~

9 ~~(i) By May 31, 2011, total annual deliveries to~~
10 ~~retail customers of electric distribution companies shall~~
11 ~~be reduced by a minimum of 1%. This load reduction shall~~
12 ~~be measured against the expected load forecasted by the~~
13 ~~commission for June 1, 2010, through May 31, 2011, based~~
14 ~~on load for the period June 1, 2007, through May 31,~~
15 ~~2008, with provision made for weather adjustments and~~
16 ~~extraordinary load that the electric distribution company~~
17 ~~must serve. The commission shall determine and make~~
18 ~~public the forecasts to be used for each electric~~
19 ~~distribution company no later than August 31, 2008. The~~
20 ~~program administrator shall ensure that a third party~~
21 ~~entity meets the goals contained in this section through~~
22 ~~the implementation of a program of energy efficiency~~
23 ~~measures throughout the service territory of the electric~~
24 ~~distribution company.~~

25 ~~(ii) By May 31, 2013, total annual deliveries to~~
26 ~~retail customers of electric distribution companies shall~~
27 ~~be reduced by a minimum of 2.5%. This load reduction~~
28 ~~shall be measured against the expected load forecasted by~~
29 ~~the commission for June 1, 2012, through May 31, 2013,~~
30 ~~based on load for the period June 1, 2007, through May~~

1 ~~31, 2008, with provision made for weather adjustments and~~
2 ~~extraordinary load that the electric distribution company~~
3 ~~must serve. The commission shall determine and make~~
4 ~~public the forecasts to be used for each electric~~
5 ~~distribution company no later than August 31, 2008. The~~
6 ~~program administrator shall ensure that a third party~~
7 ~~entity meets the goals contained in this section through~~
8 ~~the implementation of a program of energy efficiency~~
9 ~~measures throughout the service territory of the electric~~
10 ~~distribution company.~~

11 ~~(iii) By November 30, 2013, the program~~
12 ~~administrator shall evaluate the costs and benefits of~~
13 ~~these energy efficiency and conservation programs. If the~~
14 ~~benefits have been shown to exceed the costs, consistent~~
15 ~~with the total resource cost test, the program~~
16 ~~administrator, in consultation with the commission, shall~~
17 ~~set additional, incremental energy efficiency and~~
18 ~~conservation goals for the period ending May 31, 2018.~~

19 ~~(iv) After May 31, 2018, the program administrator~~
20 ~~shall continue to evaluate the costs and benefits of~~
21 ~~efficiency and conservation measures and, in consultation~~
22 ~~with the commission, may adopt additional incremental~~
23 ~~load reduction standards for electric distribution~~
24 ~~companies.~~

25 ~~(2) The following relate to demand side response~~
26 ~~measures:~~

27 ~~(i) Cost effective demand side response measures to~~
28 ~~reduce peak demand by a minimum of 4% in the 100 hours of~~
29 ~~highest demand with provision made for weather~~
30 ~~adjustments and extraordinary load that the electric~~

~~distribution company must serve shall be implemented in each electric distribution company's service territory. This reduction will be measured against the electric distribution company's peak demand in the 100 hours of greatest demand for June 1, 2007, through May 31, 2008. The reductions shall be accomplished by May 31, 2012.~~

~~(ii) By November 30, 2012, the program administrator shall compare the total costs of these demand side response measures to the total savings in energy and capacity costs to retail customers of this Commonwealth. If the benefits have been shown to exceed the costs, consistent with the total resource cost test, the commission shall order additional peak demand reductions for the 100 hours of greatest demand or an alternative measure adopted by the commission. The reductions shall be measured from the electric distribution company's peak demand for the period from June 1, 2011, through May 31, 2012. The mandated reductions shall be accomplished no later than May 31, 2017.~~

~~(iii) After May 31, 2017, the program administrator shall continue to evaluate the costs and benefits of demand side response measures and may, in consultation with the commission, adopt additional incremental peak load reduction standards.~~

~~(f) Measurements and verification. The commission shall establish standards by which the program administrator submits to the commission an annual report, which includes that information relating to the actions and results of the energy efficiency and demand side response programs undertaken within each electric distribution service territory by each third party~~

1 entity.

2 ~~(1) The report shall include, but not be limited to:~~

3 ~~(i) Documentation of program expenditures.~~

4 ~~(ii) Measurement and verification of savings~~
5 ~~resulting from programs.~~

6 ~~(iii) Evaluation of the cost effectiveness of~~
7 ~~expenditures.~~

8 ~~(iv) Any other information the commission may~~
9 ~~require pursuant to its rulemaking authority.~~

10 ~~(2) The program administrator, upon consultation with~~
11 ~~the commission, shall direct a third party entity to modify~~
12 ~~or terminate a particular energy efficiency or a demand side~~
13 ~~response program if, after an adequate period for~~
14 ~~implementation of the program, the commission determines the~~
15 ~~program is not sufficiently meeting its goals and purposes.~~

16 ~~(3) In the event an energy efficiency or demand side~~
17 ~~response program is terminated, the program administrator~~
18 ~~shall require the third party entity to submit a revised~~
19 ~~program describing the actions to be undertaken to either~~
20 ~~offer a substitute program or increase the availability of~~
21 ~~existing programs to make up for the effect of the terminated~~
22 ~~program on its overall program goals.~~

23 ~~(g) Responsibilities of electric distribution companies.~~

24 ~~Each electric distribution company that does not seek to be a~~
25 ~~third party entity shall:~~

26 ~~(1) Cooperate with the program administrator as needed~~
27 ~~in its efforts to competitively procure the services of a~~
28 ~~third party entity to provide an energy efficiency and~~
29 ~~demand side response program within the service territory of~~
30 ~~the electric distribution company.~~

1 ~~(2) Provide information necessary to effectively~~
2 ~~facilitate the work of the selected third party entity in~~
3 ~~conducting the energy efficiency and demand side response~~
4 ~~program.~~

5 ~~(3) Provide assistance as may be requested by the~~
6 ~~program administrator in reviewing proposals from third party~~
7 ~~entities seeking to provide energy efficiency and demand side~~
8 ~~response programs within their service territories.~~

9 ~~(4) Provide assistance as may be requested by the~~
10 ~~program administrator to facilitate the successful execution~~
11 ~~of the contract agreement with the third party entities to~~
12 ~~provide an energy efficiency and demand side response program~~
13 ~~within their service territories.~~

14 ~~(h) Recovery of administrative and program costs. An~~
15 ~~electric distribution company may fully recover all~~
16 ~~administrative costs, including, but not limited to, costs~~
17 ~~incurred under subsections (a)(3) and (g)(1), (2), (3) and (4),~~
18 ~~that the commission determines are prudently incurred and~~
19 ~~reasonable in amount pursuant to implementing a program to~~
20 ~~deliver cost effective energy efficiency and demand side~~
21 ~~response activities through a third party entity. Program and~~
22 ~~administrative costs shall be recovered on a full and current~~
23 ~~basis by the electric distribution company from customers~~
24 ~~through a reconcilable automatic adjustment clause pursuant to~~
25 ~~section 1307. Energy efficiency and demand side resource~~
26 ~~programs shall be deemed to be a new service offered for the~~
27 ~~first time under section 2804(4)(vi) (relating to standards for~~
28 ~~restructuring of electric industry).~~

29 ~~(i) Reporting. The commission shall submit an annual report~~
30 ~~to the General Assembly describing the results of the programs~~

1 ~~implemented by each of the electric distribution companies,~~
2 ~~including, but not limited to:~~

3 ~~(1) The costs, benefits and reductions in energy costs.~~

4 ~~(2) Energy use by customer class within this~~
5 ~~Commonwealth.~~

6 ~~(3) Reductions in overall peak demand and projections~~
7 ~~toward complying with the overall target reduction goals of~~
8 ~~this section.~~

9 ~~(j) Definitions. For purposes of this section, the term~~
10 ~~"electric distribution company" shall mean a public utility~~
11 ~~providing facilities for the jurisdictional transmission and~~
12 ~~distribution of electricity to 100,000 or more retail customers~~
13 ~~in this Commonwealth.~~

14 Section 4. Section 2807(e) of Title 66 is amended by adding
15 a paragraph to read:

16 ~~§ 2807. Duties of electric distribution companies.~~

17 * * *

18 ~~(e) Obligation to serve. * * *~~

19 ~~(6) (i) Within nine months after the effective date of~~
20 ~~this paragraph, electric distribution companies shall~~
21 ~~file a smart meter technology procurement and~~
22 ~~installation plan with the commission for approval and~~
23 ~~make the plan available for public comment for a minimum~~
24 ~~of 30 days. The plan shall describe the smart meter~~
25 ~~technologies the electric distribution company proposes~~
26 ~~to install, how the smart meter technology meets the~~
27 ~~requirements of this paragraph and how the smart meter~~
28 ~~technology shall be installed according to this~~
29 ~~paragraph. In addition, the plan shall ensure that all~~
30 ~~smart meter technology installation and maintenance work~~

1 ~~shall be performed by adequately trained and qualified~~
2 ~~personnel and that, to the extent practical, such work~~
3 ~~shall be offered initially to employees of the electric~~
4 ~~distribution company.~~

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

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

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

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

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

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

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

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

8 ~~In no event shall lost or decreased revenues by an~~
9 ~~electric distribution company due to reduced electricity~~
10 ~~consumption or shifting energy demand be considered a~~
11 ~~cost of smart meter technology. Smart meter technology~~
12 ~~shall be deemed to be a new service offered for the first~~
13 ~~time under section 2804(4)(vi) (relating to standards for~~
14 ~~restructuring of electric industry).~~

15 ~~(iv) By January 1, 2010, or at the end of the~~
16 ~~applicable generation rate cap period, whichever is~~
17 ~~later, a default service provider shall submit to the~~
18 ~~commission one or more proposed time of use rates and a~~
19 ~~real time price plan. The commission shall approve or~~
20 ~~modify the time of use rates and real time price plan~~
21 ~~within six months of submittal. The default service~~
22 ~~provider shall offer commission approved time of use~~
23 ~~rates and a real time price plan to all residential and~~
24 ~~commercial customers that have been provided with smart~~
25 ~~meter technology within 60 days of installation of the~~
26 ~~smart meter technology or commission approval of the~~
27 ~~time of use rates and a real time price plan, whichever~~
28 ~~is later. Customer participation in time of use rates or~~
29 ~~real time pricing shall be voluntary and shall only be~~
30 ~~provided with the affirmative consent of the customer.~~

~~The default service provider shall submit an annual report to the commission on the participation in the time of use and real time price programs and the efficacy of the programs in affecting energy demand and consumption and the effect on wholesale market prices.~~

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

~~Section 5. This act shall take effect immediately.~~

SECTION 1. SECTION 2803 OF TITLE 66 OF THE PENNSYLVANIA CONSOLIDATED STATUTES IS AMENDED BY ADDING DEFINITIONS TO READ:

§ 2803. DEFINITIONS.

THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS CHAPTER SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE:

* * *

"BILATERAL CONTRACT." AN AGREEMENT, AS APPROVED BY THE PENNSYLVANIA PUBLIC UTILITY COMMISSION, REACHED BY TWO PARTIES, EACH ACTING IN ITS OWN INDEPENDENT SELF-INTEREST, AS A RESULT OF NEGOTIATIONS FREE OF UNDUE INFLUENCE, DURESS OR FAVORITISM, IN WHICH THE ELECTRIC ENERGY SUPPLIER AGREES TO SELL AND THE ELECTRIC DISTRIBUTION COMPANY AGREES TO BUY A QUANTITY OF ELECTRIC ENERGY AT A SPECIFIED PRICE FOR A SPECIFIED PERIOD OF TIME UNDER TERMS AGREED TO BY BOTH PARTIES, AND WHICH FOLLOWS A STANDARD INDUSTRY TEMPLATE WIDELY ACCEPTED IN THE INDUSTRY OR VARIATIONS THERETO ACCEPTED BY THE PARTIES. STANDARD INDUSTRY TEMPLATES MAY INCLUDE THE EEI MASTER AGREEMENT FOR PHYSICAL ENERGY PURCHASES AND SALES AND THE ISDA MASTER AGREEMENT FOR

1 FINANCIAL ENERGY PURCHASES AND SALES.

2 * * *

3 "DEFAULT SERVICE PROVIDER." AN ELECTRIC DISTRIBUTION COMPANY
4 WITHIN ITS CERTIFIED SERVICE TERRITORY OR AN ALTERNATIVE
5 SUPPLIER APPROVED BY THE PENNSYLVANIA PUBLIC UTILITY COMMISSION
6 THAT PROVIDES GENERATION SERVICE TO RETAIL ELECTRIC CUSTOMERS
7 WHO:

8 (1) CONTRACT FOR ELECTRIC POWER, INCLUDING ENERGY AND
9 CAPACITY, AND THE CHOSEN ELECTRIC GENERATION SUPPLIER DOES
10 NOT SUPPLY THE SERVICE; OR

11 (2) DO NOT CHOOSE AN ALTERNATIVE ELECTRIC GENERATION
12 SUPPLIER.

13 SECTION 2. TITLE 66 IS AMENDED BY ADDING A SECTION TO READ:

14 § 2806.1. ENERGY EFFICIENCY AND CONSERVATION.

15 (A) PROGRAM.--THE COMMISSION SHALL ADOPT A PROGRAM TO
16 REQUIRE ELECTRIC DISTRIBUTION COMPANIES TO ADOPT AND IMPLEMENT
17 COST-EFFECTIVE ENERGY EFFICIENCY AND CONSERVATION PLANS TO
18 REDUCE ENERGY DEMAND AND CONSUMPTION WITHIN THE SERVICE
19 TERRITORIES OF ALL ELECTRIC DISTRIBUTION COMPANIES IN THIS
20 COMMONWEALTH. THE PROGRAM SHALL INCLUDE:

21 (1) PROCEDURES FOR THE APPROVAL OF PLANS SUBMITTED UNDER
22 SUBSECTION (B).

23 (2) A PLAN EVALUATION PROCESS INCLUDING A PROCESS TO
24 MONITOR AND VERIFY DATA COLLECTION, QUALITY ASSURANCE AND
25 RESULTS SUBMITTED.

26 (3) AN ANALYSIS OF THE COST AND BENEFIT OF EACH PLAN
27 SUBMITTED UNDER SUBSECTION (B) IN ACCORDANCE WITH A TOTAL
28 RESOURCE COST TEST.

29 (4) AN ANALYSIS OF HOW THE PROGRAM AND INDIVIDUAL PLANS
30 WILL ENABLE EACH ELECTRIC DISTRIBUTION COMPANY TO ACHIEVE THE

1 REQUIREMENTS FOR REDUCTION IN CONSUMPTION UNDER SUBSECTIONS
2 (C) AND (D).

3 (5) STANDARDS TO ENSURE THAT EACH PLAN INCLUDES A
4 VARIETY OF ENERGY EFFICIENCY AND CONSERVATION MEASURES AND
5 WILL PROVIDE THE MEASURES EQUITABLY TO ALL CLASSES OF
6 CUSTOMERS.

7 (6) PROCEDURES TO REVIEW ALL PROPOSED CONTRACTS PRIOR TO
8 THE EXECUTION OF THE CONTRACT WITH THIRD-PARTY ENTITIES TO
9 IMPLEMENT THE PLAN. THE COMMISSION MAY ORDER THE MODIFICATION
10 OF A PROPOSED CONTRACT TO ENSURE THAT THE PLAN IS ADEQUATE.

11 (7) PROCEDURES TO ENSURE COMPLIANCE WITH REQUIREMENTS
12 FOR REDUCTION IN CONSUMPTION UNDER SUBSECTIONS (C) AND (D).

13 (8) A REQUIREMENT FOR THE PARTICIPATION OF THIRD-PARTY
14 ENTITIES IN THE IMPLEMENTATION OF ALL OR PART OF A PLAN.

15 (9) A PROCESS TO LINK REDUCTIONS IN CONSUMPTION TO THE
16 COMPENSATION OF THIRD-PARTY ENTITIES.

17 (10) PROCEDURES FOR THE LEVY OF ASSESSMENTS IN
18 ACCORDANCE WITH SECTIONS 510 (RELATING TO ASSESSMENT FOR
19 REGULATORY EXPENSES UPON PUBLIC UTILITIES) AND 1308 (RELATING
20 TO VOLUNTARY CHANGES IN RATES) SUBJECT TO THE LIMITATIONS OF
21 SUBSECTION (G) TO FUND PLANS FILED UNDER SUBSECTION (B)
22 SUBJECT TO THE LIMITATIONS SET FORTH UNDER SUBSECTION (G).

23 (B) DUTIES OF ELECTRIC DISTRIBUTION COMPANIES.--

24 (1) (I) BY NOVEMBER 15, 2008, EACH ELECTRIC
25 DISTRIBUTION COMPANY SHALL DEVELOP AND FILE AN ENERGY
26 EFFICIENCY AND CONSERVATION PLAN WITH THE COMMISSION FOR
27 APPROVAL TO MEET THE REQUIREMENTS OF SUBSECTION (A) AND
28 THE REQUIREMENTS FOR REDUCTION IN CONSUMPTION UNDER
29 SUBSECTIONS (C) AND (D). THE PLAN SHALL BE IMPLEMENTED
30 UPON APPROVAL BY THE COMMISSION AND SHALL COMPLY WITH ALL

1 OF THE FOLLOWING:

2 (A) INCLUDE SPECIFIC PROPOSALS TO IMPLEMENT
3 ENERGY EFFICIENCY AND CONSERVATION MEASURES TO
4 ACHIEVE THE REQUIRED REDUCTIONS IN CONSUMPTION UNDER
5 SUBSECTIONS (C) AND (D).

6 (B) A MINIMUM OF 10% OF THE REQUIRED REDUCTIONS
7 IN CONSUMPTION UNDER SUBSECTIONS (C) AND (D) SHALL BE
8 OBTAINED FROM UNITS OF FEDERAL, STATE AND LOCAL
9 GOVERNMENT, INCLUDING MUNICIPALITIES, SCHOOL
10 DISTRICTS, INSTITUTIONS OF HIGHER EDUCATION AND
11 NONPROFIT ENTITIES.

12 (C) THE MANNER IN WHICH PERFORMANCE WILL BE
13 MEASURED, VERIFIED AND EVALUATED.

14 (D) THE MANNER IN WHICH THE PLAN WILL ACHIEVE
15 THE REQUIREMENTS OF THE PROGRAM UNDER SUBSECTION (A)
16 AND THE REQUIRED REDUCTIONS IN CONSUMPTION UNDER
17 SUBSECTIONS (C) AND (D).

18 (E) INCLUDE A CONTRACT WITH ONE OR MORE THIRD-
19 PARTY ENTITIES TO IMPLEMENT THE PLAN OR A PORTION OF
20 THE PLAN AS APPROVED BY THE COMMISSION.

21 (F) INCLUDE ESTIMATES OF THE COST OF
22 IMPLEMENTATION OF THE ENERGY EFFICIENCY AND
23 CONSERVATION MEASURES IN THE PLAN.

24 (G) INCLUDE SPECIFIC ENERGY EFFICIENCY MEASURES
25 FOR HOUSEHOLDS AT OR BELOW 150% OF THE FEDERAL
26 POVERTY INCOME GUIDELINES. THE NUMBER OF MEASURES
27 SHALL BE PROPORTIONATE TO THOSE HOUSEHOLDS' SHARE OF
28 THE TOTAL ENERGY USAGE IN THIS COMMONWEALTH. THE
29 ELECTRIC DISTRIBUTION COMPANY SHALL COORDINATE
30 MEASURES UNDER THIS CLAUSE WITH OTHER PROGRAMS

1 ADMINISTERED BY THE COMMISSION OR ANOTHER FEDERAL OR
2 STATE AGENCY. THE EXPENDITURES OF AN ELECTRIC
3 DISTRIBUTION COMPANY UNDER THIS CLAUSE SHALL BE IN
4 ADDITION TO EXPENDITURES MADE UNDER 52 PA. CODE CH.
5 58 (RELATING TO RESIDENTIAL LOW INCOME USAGE
6 REDUCTION PROGRAMS).

7 (H) INCLUDE A PROPOSED COST-RECOVERY TARIFF
8 MECHANISM TO FUND THE ENERGY EFFICIENCY AND
9 CONSERVATION MEASURES AND TO ENSURE RECOVERY OF THE
10 PRUDENT AND REASONABLE COSTS OF THE PLAN AS APPROVED
11 BY THE COMMISSION.

12 (I) A DEMONSTRATION THAT THE PLAN IS COST-
13 EFFECTIVE USING A TOTAL RESOURCE COST TEST OR OTHER
14 COST-BENEFIT ANALYSIS APPROVED BY THE COMMISSION AND
15 PROVIDES A DIVERSE CROSS SECTION OF ALTERNATIVES FOR
16 CUSTOMERS OF ALL RATE CLASSES.

17 (J) REQUIRE AN ANNUAL INDEPENDENT EVALUATION OF
18 THE PERFORMANCE OF THE COST-EFFECTIVENESS OF THE PLAN
19 AND A FULL REVIEW OF THE FIVE-YEAR RESULTS OF THE
20 PLAN AND, TO THE EXTENT PRACTICABLE, HOW THE PLAN
21 WILL BE ADJUSTED ON A GOING-FORWARD BASIS AS A RESULT
22 OF THE EVALUATION.

23 (II) A NEW PLAN SHALL BE FILED WITH THE COMMISSION
24 EVERY FIVE YEARS OR AS OTHERWISE REQUIRED BY THE
25 COMMISSION. THE PLAN SHALL SET FORTH THE MANNER IN WHICH
26 THE COMPANY WILL MEET THE REQUIRED REDUCTIONS IN
27 CONSUMPTION UNDER SUBSECTIONS (C) AND (D).

28 (III) NO MORE THAN 2% OF FUNDS AVAILABLE TO
29 IMPLEMENT A PLAN UNDER THIS SUBSECTION SHALL BE ALLOCATED
30 FOR EXPERIMENTAL EQUIPMENT OR DEVICES.

1 (2) THE COMMISSION SHALL DIRECT AN ELECTRIC DISTRIBUTION
2 COMPANY TO MODIFY OR TERMINATE ANY PART OF A PLAN APPROVED
3 UNDER THIS SECTION IF, AFTER AN ADEQUATE PERIOD FOR
4 IMPLEMENTATION, THE COMMISSION DETERMINES THAT AN ENERGY
5 EFFICIENCY OR CONSERVATION MEASURE INCLUDED IN THE PLAN IS
6 NOT EFFECTIVE.

7 (3) IF PART OF A PLAN IS MODIFIED OR TERMINATED UNDER
8 PARAGRAPH (2), THE ELECTRIC DISTRIBUTION COMPANY SHALL SUBMIT
9 A REVISED PLAN DESCRIBING ACTIONS TO BE TAKEN TO OFFER
10 SUBSTITUTE MEASURES OR TO INCREASE THE AVAILABILITY OF
11 EXISTING MEASURES IN THE PLAN TO ACHIEVE THE REQUIRED
12 REDUCTIONS IN CONSUMPTION UNDER SUBSECTIONS (C) AND (D).

13 (C) REDUCTIONS IN CONSUMPTION.--EACH ELECTRIC DISTRIBUTION
14 COMPANY SHALL REDUCE CONSUMPTION AS FOLLOWS:

15 (1) BY MAY 31, 2011, EACH ELECTRIC DISTRIBUTION COMPANY
16 SHALL REDUCE ITS TOTAL ANNUAL WEATHER-NORMALIZED DELIVERIES
17 TO RETAIL CUSTOMERS BY A MINIMUM OF 1%. THE 1% LOAD REDUCTION
18 IN CONSUMPTION SHALL BE MEASURED AGAINST THE ELECTRIC
19 DISTRIBUTION COMPANY'S EXPECTED LOAD AS FORECASTED BY THE
20 COMMISSION FOR JUNE 1, 2007 THROUGH MAY 31, 2008, WITH
21 PROVISIONS MADE FOR WEATHER ADJUSTMENTS AND EXTRAORDINARY
22 LOADS THAT THE ELECTRIC DISTRIBUTION COMPANY MUST SERVE.

23 (2) BY MAY 31, 2013, EACH ELECTRIC DISTRIBUTION COMPANY
24 SHALL REDUCE ITS TOTAL ANNUAL WEATHER-NORMALIZED DELIVERIES
25 TO RETAIL CUSTOMERS BY A MINIMUM OF 2.5%. THE 2.5% LOAD
26 REDUCTION IN CONSUMPTION SHALL BE MEASURED AGAINST THE
27 ELECTRIC DISTRIBUTION COMPANY'S EXPECTED LOAD AS FORECASTED
28 BY THE COMMISSION FOR JUNE 1, 2007, THROUGH MAY 31, 2008,
29 WITH PROVISION MADE FOR WEATHER ADJUSTMENTS AND EXTRAORDINARY
30 LOADS THAT THE ELECTRIC DISTRIBUTION COMPANY MUST SERVE.

1 (3) BY NOVEMBER 30, 2013, THE COMMISSION SHALL EVALUATE
2 THE COSTS AND BENEFITS OF THE PROGRAM ESTABLISHED UNDER
3 SUBSECTION (A) AND ENERGY EFFICIENCY AND CONSERVATION PLANS
4 SUBMITTED TO THE PROGRAM. THE EVALUATION SHALL BE CONSISTENT
5 WITH A TOTAL RESOURCE COST TEST OR A COST VERSUS BENEFIT
6 MEASUREMENT DETERMINED BY THE COMMISSION. IF THE COMMISSION
7 DETERMINES THAT THE BENEFITS OF THE PROGRAM EXCEED THE COSTS,
8 THE COMMISSION SHALL ADOPT ADDITIONAL INCREMENTAL REQUIRED
9 REDUCTIONS IN CONSUMPTION FOR THE PERIOD ENDING MAY 31, 2018.

10 (4) AFTER MAY 31, 2018, THE COMMISSION SHALL CONTINUE TO
11 EVALUATE THE COSTS AND BENEFITS OF THE PROGRAM ESTABLISHED
12 UNDER SUBSECTION (A) AND ENERGY EFFICIENCY AND CONSERVATION
13 PLANS APPROVED UNDER SUBSECTION (A). IF THE COMMISSION
14 DETERMINES THAT THE BENEFITS OF THE PROGRAM EXCEED THE COSTS,
15 THE COMMISSION MAY REQUIRE AND APPROVE ADDITIONAL PLANS TO
16 ACHIEVE INCREMENTAL REQUIREMENTS FOR REDUCTION IN CONSUMPTION
17 FOR ELECTRIC DISTRIBUTION COMPANIES. EACH PLAN SHALL BE FOR A
18 TERM NOT TO EXCEED FIVE YEARS.

19 (D) PEAK DEMAND.--EACH ELECTRIC DISTRIBUTION COMPANY SHALL
20 IMPLEMENT ENERGY EFFICIENCY AND CONSERVATION MEASURES TO ACHIEVE
21 THE FOLLOWING REDUCTIONS IN CONSUMPTION:

22 (1) BY MAY 31, 2013, EACH ENERGY DISTRIBUTION COMPANY
23 SHALL REDUCE ITS WEATHER-NORMALIZED DELIVERIES TO RETAIL
24 CUSTOMERS BY A MINIMUM OF 4% IN THE 100 HOURS OF HIGHEST
25 DEMAND. THE REDUCTION SHALL BE MEASURED AGAINST THE ELECTRIC
26 DISTRIBUTION COMPANY'S PEAK DEMAND IN THE 100 HOURS OF
27 GREATEST DEMAND FOR JUNE 1, 2007, THROUGH MAY 31, 2008.

28 (2) BY NOVEMBER 30, 2013, THE COMMISSION SHALL COMPARE
29 THE TOTAL COSTS OF ENERGY EFFICIENCY AND CONSERVATION PLANS
30 IMPLEMENTED UNDER THIS SECTION TO THE TOTAL SAVINGS IN ENERGY

1 AND CAPACITY COSTS TO RETAIL CUSTOMERS IN THIS COMMONWEALTH.
2 IF THE COMMISSION DETERMINES THAT THE BENEFITS OF THE
3 MEASURES EXCEED THE COSTS, THE COMMISSION SHALL SET
4 ADDITIONAL INCREMENTAL REQUIREMENTS FOR REDUCTION IN PEAK
5 DEMAND FOR THE 100 HOURS OF GREATEST DEMAND OR AN ALTERNATIVE
6 REDUCTION APPROVED BY THE COMMISSION. REDUCTIONS IN
7 CONSUMPTION SHALL BE MEASURED FROM THE ELECTRIC DISTRIBUTION
8 COMPANY'S PEAK DEMAND FOR THE PERIOD FROM JUNE 1, 2011,
9 THROUGH MAY 31, 2012. THE REDUCTIONS IN CONSUMPTION REQUIRED
10 BY THE COMMISSION SHALL BE ACCOMPLISHED NO LATER THAN MAY 31,
11 2017.

12 (E) COMMISSION APPROVAL.--THE COMMISSION SHALL APPROVE OR
13 DISAPPROVE A PLAN FILED UNDER SUBSECTION (B) WITHIN 120 DAYS OF
14 SUBMISSION. THE FOLLOWING SHALL APPLY TO AN ORDER DISAPPROVING A
15 PLAN:

16 (1) THE COMMISSION SHALL DESCRIBE IN DETAIL THE REASONS
17 FOR THE DISAPPROVAL.

18 (2) THE ELECTRIC DISTRIBUTION COMPANY SHALL HAVE 60 DAYS
19 TO FILE A REVISED PLAN TO ADDRESS THE DEFICIENCIES IDENTIFIED
20 BY THE COMMISSION.

21 (F) PENALTIES.--

22 (1) THE FOLLOWING SHALL APPLY FOR FAILURE TO SUBMIT A
23 PLAN:

24 (I) AN ELECTRIC DISTRIBUTION COMPANY THAT FAILS TO
25 FILE A PLAN UNDER SUBSECTION (B) SHALL BE SUBJECT TO A
26 CIVIL PENALTY OF \$100,000 PER DAY UNTIL THE PLAN IS
27 FILED.

28 (II) AN ELECTRIC DISTRIBUTION COMPANY THAT FAILS TO
29 FILE A REVISED PLAN UNDER SUBSECTION (E)(2) SHALL BE
30 SUBJECT TO A CIVIL PENALTY OF \$100,000 PER DAY UNTIL THE

1 PLAN IS FILED.

2 (III) PENALTIES COLLECTED UNDER THIS PARAGRAPH SHALL
3 BE DEPOSITED IN THE LOW-INCOME ELECTRIC CUSTOMER
4 ASSISTANCE PROGRAM OF THE ENERGY DISTRIBUTION COMPANY FOR
5 THE RESPECTIVE SERVICE TERRITORY.

6 (2) THE FOLLOWING SHALL APPLY TO AN ELECTRIC
7 DISTRIBUTION COMPANY THAT FAILS TO ACHIEVE THE REDUCTIONS IN
8 CONSUMPTION REQUIRED UNDER SUBSECTION (C) OR (D):

9 (I) THE ELECTRIC DISTRIBUTION COMPANY SHALL BE
10 SUBJECT TO A CIVIL PENALTY OF UP TO \$5,000,000 FOR
11 FAILURE TO ACHIEVE THE REQUIRED REDUCTIONS IN CONSUMPTION
12 UNDER SUBSECTION (C) OR (D). ANY PENALTY PAID BY AN
13 ELECTRIC DISTRIBUTION COMPANY UNDER THIS SUBPARAGRAPH
14 SHALL NOT BE RECOVERABLE FROM RATEPAYERS.

15 (II) IF AN ELECTRIC DISTRIBUTION COMPANY FAILS TO
16 ACHIEVE THE REQUIRED REDUCTIONS IN CONSUMPTION UNDER
17 SUBSECTION (C) OR (D) BY 2013, RESPONSIBILITY TO ACHIEVE
18 THE REDUCTIONS IN CONSUMPTION SHALL BE TRANSFERRED TO THE
19 COMMISSION. THE COMMISSION SHALL DO ALL OF THE FOLLOWING:

20 (A) IMPLEMENT A PLAN TO ACHIEVE THE REQUIRED
21 REDUCTIONS IN CONSUMPTION UNDER SUBSECTION (C) OR
22 (D).

23 (B) CONTRACT WITH THIRD-PARTY ENTITIES AS
24 NECESSARY TO IMPLEMENT ANY PORTION OF THE PLAN.

25 (III) THE PROVISIONS OF SUBPARAGRAPH (II) SHALL
26 APPLY IN EACH SUBSEQUENT FIVE-YEAR PERIOD IF THE ELECTRIC
27 DISTRIBUTION COMPANY FAILS TO ACHIEVE THE REDUCTION
28 STANDARDS UNDER SUBSECTION (C) OR (D).

29 (G) LIMITATION ON COSTS.--THE TOTAL COST OF ANY PLAN
30 REQUIRED UNDER THIS SECTION SHALL NOT EXCEED 2% OF THE ELECTRIC

1 DISTRIBUTION COMPANY'S TOTAL ANNUAL REVENUE AS OF DECEMBER 31,
2 2006. NO MORE THAN 1% OF THE 2% OF THE COMPANY'S TOTAL ANNUAL
3 REVENUE MAY BE USED FOR THE ADMINISTRATIVE COSTS OF THE ELECTRIC
4 DISTRIBUTION COMPANY. THE LIMITATION UNDER THIS PARAGRAPH SHALL
5 NOT INCLUDE THE COST OF LOW-INCOME USAGE REDUCTION PROGRAMS
6 ESTABLISHED UNDER 52 PA. CODE CH. 58 (RELATING TO RESIDENTIAL
7 LOW INCOME USAGE REDUCTION PROGRAMS).

8 (H) REPORT.--THE FOLLOWING SHALL APPLY:

9 (1) EACH ELECTRIC DISTRIBUTION COMPANY SHALL SUBMIT AN
10 ANNUAL REPORT TO THE COMMISSION RELATING TO THE RESULTS OF
11 THE ENERGY EFFICIENCY AND CONSERVATION PLAN WITHIN THE
12 ELECTRIC DISTRIBUTION SERVICE TERRITORY. THE REPORT SHALL
13 INCLUDE ALL OF THE FOLLOWING:

14 (I) DOCUMENTATION OF PROGRAM EXPENDITURES.

15 (II) MEASUREMENT AND VERIFICATION OF ENERGY SAVINGS
16 UNDER THE PLAN.

17 (III) EVALUATION OF THE COST-EFFECTIVENESS OF
18 EXPENDITURES.

19 (IV) ANY OTHER INFORMATION REQUIRED BY THE
20 COMMISSION.

21 (2) BEGINNING FIVE YEARS FOLLOWING THE EFFECTIVE DATE OF
22 THIS SECTION AND ANNUALLY THEREAFTER, THE COMMISSION SHALL
23 SUBMIT A REPORT TO THE CONSUMER PROTECTION AND PROFESSIONAL
24 LICENSURE COMMITTEE OF THE SENATE AND THE CONSUMER AFFAIRS
25 COMMITTEE OF THE HOUSE OF REPRESENTATIVES.

26 (I) EXISTING FUNDING SOURCES.--EACH ELECTRIC DISTRIBUTION
27 COMPANY SHALL PROVIDE A LIST OF ALL ELIGIBLE FEDERAL AND STATE
28 FUNDING PROGRAMS.

29 (J) RECOVERY.--IN NO CASE SHALL DECREASED REVENUES OF AN
30 ELECTRIC DISTRIBUTION COMPANY DUE TO REDUCED ENERGY CONSUMPTION

1 OR CHANGES IN ENERGY DEMAND BE CONSIDERED A RECOVERABLE COST.

2 (K) APPLICABILITY.--THIS SECTION SHALL NOT APPLY TO AN
3 ELECTRIC DISTRIBUTION COMPANY WITH FEWER THAN 100,000 CUSTOMERS.

4 (L) DEFINITIONS.--AS USED IN THIS SECTION, THE FOLLOWING
5 WORDS AND PHRASES SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS
6 SUBSECTION:

7 "ELECTRIC DISTRIBUTION COMPANY TOTAL ANNUAL REVENUE."
8 AMOUNTS PAID TO THE ELECTRIC DISTRIBUTION COMPANY FOR
9 GENERATION, TRANSMISSION, DISTRIBUTION AND SURCHARGES BY RETAIL
10 CUSTOMERS.

11 "ENERGY EFFICIENCY AND CONSERVATION MEASURES."

12 (1) TECHNOLOGIES, MANAGEMENT PRACTICES OR OTHER MEASURES
13 EMPLOYED BY RETAIL CUSTOMERS THAT REDUCE ELECTRICITY
14 CONSUMPTION OR DEMAND IF ALL OF THE FOLLOWING APPLY:

15 (I) THE TECHNOLOGY, PRACTICE OR OTHER MEASURE IS
16 INSTALLED ON OR AFTER THE EFFECTIVE DATE OF THIS SECTION
17 AT THE LOCATION OF A RETAIL CUSTOMER.

18 (II) THE TECHNOLOGY, PRACTICE OR OTHER MEASURE
19 REDUCES CONSUMPTION OF ENERGY BY THE RETAIL CUSTOMER.

20 (III) THE COST OF THE ACQUISITION OR INSTALLATION OF
21 THE MEASURE IS DIRECTLY INCURRED IN WHOLE OR IN PART BY
22 THE ELECTRIC DISTRIBUTION COMPANY.

23 (2) ENERGY EFFICIENCY AND CONSERVATION MEASURES SHALL
24 INCLUDE SOLAR OR SOLAR PHOTOVOLTAIC PANELS, ENERGY EFFICIENT
25 WINDOWS AND DOORS, ENERGY EFFICIENT LIGHTING, INCLUDING EXIT
26 SIGN RETROFIT, HIGH BAY FLUORESCENT RETROFIT AND PEDESTRIAN
27 AND TRAFFIC SIGNAL CONVERSION, GEOTHERMAL HEATING,
28 INSULATION, AIR SEALING, REFLECTIVE ROOF COATINGS, ENERGY
29 EFFICIENT HEATING AND COOLING EQUIPMENT OR SYSTEMS AND ENERGY
30 EFFICIENT APPLIANCES AND OTHER TECHNOLOGIES, PRACTICES OR

1 MEASURES APPROVED BY THE COMMISSION.

2 "PEAK DEMAND." THE HIGHEST ELECTRICAL REQUIREMENT OCCURRING
3 DURING A SPECIFIED PERIOD. FOR AN ELECTRIC DISTRIBUTION COMPANY,
4 THE TERM SHALL MEAN THE SUM OF THE METERED CONSUMPTION FOR ALL
5 RETAIL CUSTOMERS OVER THAT PERIOD.

6 "QUALITY ASSURANCE." ALL OF THE FOLLOWING:

7 (1) THE AUDITING OF BUILDINGS, EQUIPMENT AND PROCESSES
8 TO DETERMINE THE COST-EFFECTIVENESS OF ENERGY EFFICIENCY AND
9 CONSERVATION MEASURES USING NATIONALLY RECOGNIZED TOOLS AND
10 CERTIFICATION PROGRAMS.

11 (2) INDEPENDENT INSPECTION OF COMPLETED ENERGY
12 EFFICIENCY AND CONSERVATION MEASURES COMPLETED BY THIRD-PARTY
13 ENTITIES TO EVALUATE THE QUALITY OF THE COMPLETED MEASURE.

14 "REAL-TIME PRICE." A RATE THAT DIRECTLY REFLECTS THE
15 DIFFERENT COST OF ENERGY DURING EACH HOUR.

16 "THIRD-PARTY ENTITY." AN ENTITY WITH NO DIRECT OR INDIRECT
17 OWNERSHIP, PARTNERSHIP OR OTHER AFFILIATED INTEREST WITH AN
18 ELECTRIC DISTRIBUTION COMPANY.

19 "TIME-OF-USE RATE." A RATE THAT REFLECTS THE COSTS OF
20 SERVING CUSTOMERS DURING DIFFERENT TIME PERIODS, INCLUDING OFF-
21 PEAK AND ON-PEAK PERIODS, BUT NOT AS FREQUENTLY AS EACH HOUR.

22 "TOTAL RESOURCE COST TEST." A STANDARD TEST THAT IS MET IF,
23 OVER THE EFFECTIVE LIFE OF EACH PLAN NOT TO EXCEED FIVE YEARS,
24 THE AVOIDED MONETARY COSTS OF SUPPLYING ELECTRICITY ARE GREATER
25 THAN THE MONETARY COSTS OF ENERGY EFFICIENCY MEASURES AND
26 CONSERVATION OF CONSUMPTION.

27 SECTION 3. SECTION 2807(E) OF TITLE 66 IS AMENDED AND THE
28 SECTION IS AMENDED BY ADDING SUBSECTIONS TO READ:

29 § 2807. DUTIES OF ELECTRIC DISTRIBUTION COMPANIES.

30 * * *

1 (E) OBLIGATION TO SERVE.--[AN ELECTRIC DISTRIBUTION
2 COMPANY'S] A DEFAULT SERVICE PROVIDER'S OBLIGATION TO PROVIDE
3 ELECTRIC GENERATION SUPPLY SERVICE FOLLOWING [IMPLEMENTATION OF
4 RESTRUCTURING AND THE CHOICE OF ALTERNATIVE GENERATION BY A
5 CUSTOMER] THE EXPIRATION OF A GENERATION RATE CAP SPECIFIED
6 UNDER SECTION 2804(4) (RELATING TO STANDARDS FOR RESTRUCTURING
7 OF ELECTRIC INDUSTRY) OR A RESTRUCTURING PLAN UNDER SECTION
8 2806(F) (RELATING TO IMPLEMENTATION, PILOT PROGRAMS AND
9 PERFORMANCE-BASED RATES) IS REVISED AS FOLLOWS:

10 (1) WHILE AN ELECTRIC DISTRIBUTION COMPANY COLLECTS
11 EITHER A COMPETITIVE TRANSITION CHARGE OR AN INTANGIBLE
12 TRANSITION CHARGE OR UNTIL 100% OF ITS CUSTOMERS HAVE CHOICE,
13 WHICHEVER IS LONGER, THE ELECTRIC DISTRIBUTION COMPANY SHALL
14 CONTINUE TO HAVE THE FULL OBLIGATION TO SERVE, INCLUDING THE
15 CONNECTION OF CUSTOMERS, THE DELIVERY OF ELECTRIC ENERGY AND
16 THE PRODUCTION OR ACQUISITION OF ELECTRIC ENERGY FOR
17 CUSTOMERS.

18 [(2) AT THE END OF THE TRANSITION PERIOD, THE COMMISSION
19 SHALL PROMULGATE REGULATIONS TO DEFINE THE ELECTRIC
20 DISTRIBUTION COMPANY'S OBLIGATION TO CONNECT AND DELIVER AND
21 ACQUIRE ELECTRICITY UNDER PARAGRAPH (3) THAT WILL EXIST AT
22 THE END OF THE PHASE-IN PERIOD.

23 (3) IF A CUSTOMER CONTRACTS FOR ELECTRIC ENERGY AND IT
24 IS NOT DELIVERED OR IF A CUSTOMER DOES NOT CHOOSE AN
25 ALTERNATIVE ELECTRIC GENERATION SUPPLIER, THE ELECTRIC
26 DISTRIBUTION COMPANY OR COMMISSION-APPROVED ALTERNATIVE
27 SUPPLIER SHALL ACQUIRE ELECTRIC ENERGY AT PREVAILING MARKET
28 PRICES TO SERVE THAT CUSTOMER AND SHALL RECOVER FULLY ALL
29 REASONABLE COSTS.]

30 (3.1) (I) FOLLOWING THE EXPIRATION OF AN ELECTRIC

1 DISTRIBUTION COMPANY'S OBLIGATION TO PROVIDE ELECTRIC
2 GENERATION SUPPLY SERVICE TO RETAIL CUSTOMERS AT CAPPED
3 RATES, IF A CUSTOMER CONTRACTS FOR ELECTRIC GENERATION
4 SUPPLY SERVICE AND THE CHOSEN ELECTRIC GENERATION
5 SUPPLIER DOES NOT PROVIDE THE SERVICE OR IF A CUSTOMER
6 DOES NOT CHOOSE AN ALTERNATIVE ELECTRIC GENERATION
7 SUPPLIER, THE DEFAULT SERVICE PROVIDER SHALL PROVIDE
8 ELECTRIC GENERATION SUPPLY SERVICE TO THAT CUSTOMER
9 PURSUANT TO A COMMISSION-APPROVED COMPETITIVE PROCUREMENT
10 PLAN. THE ELECTRIC POWER ACQUIRED SHALL BE PROCURED
11 THROUGH COMPETITIVE PROCUREMENT PROCESSES AND SHALL
12 INCLUDE ONE OR MORE OF THE FOLLOWING:

13 (A) AUCTIONS.

14 (B) REQUESTS FOR PROPOSAL.

15 (C) BILATERAL AGREEMENTS ENTERED INTO AT THE
16 SOLE DISCRETION OF THE DEFAULT SERVICE PROVIDER WHICH
17 SHALL BE AT PRICES WHICH ARE:

18 (I) NO GREATER THAN THE COST OF OBTAINING
19 GENERATION UNDER COMPARABLE TERMS IN THE
20 WHOLESALE MARKET, AS DETERMINED BY THE COMMISSION
21 AT THE TIME OF EXECUTION OF THE CONTRACT; OR

22 (II) CONSISTENT WITH A COMMISSION-APPROVED
23 COMPETITION PROCUREMENT PROCESS. ANY AGREEMENT
24 BETWEEN AFFILIATED PARTIES SHALL BE SUBJECT TO
25 REVIEW AND APPROVAL OF THE PENNSYLVANIA PUBLIC
26 UTILITY COMMISSION UNDER CHAPTER 21 (RELATING TO
27 RELATIONS WITH AFFILIATED INTERESTS). IN NO CASE
28 SHALL THE COST OF OBTAINING GENERATION FROM ANY
29 AFFILIATED INTEREST BE GREATER THAN THE COST OF
30 OBTAINING GENERATION UNDER COMPARABLE TERMS IN

1 THE WHOLESALE MARKET AT THE TIME OF EXECUTION OF
2 THE CONTRACT.

3 (II) THE PROVISIONS OF THIS PARAGRAPH SHALL APPLY TO
4 ANY TYPE OF FUEL PURCHASED BY A DEFAULT SERVICE PROVIDER
5 TO PROVIDE ELECTRIC GENERATION SUPPLY SERVICE, INCLUDING
6 FUEL REQUIRED TO BE PURCHASED UNDER THE ACT OF NOVEMBER
7 30, 2004 (P.L.1672, NO.213), KNOWN AS THE ALTERNATIVE
8 ENERGY PORTFOLIO STANDARDS ACT.

9 (3.2) THE ELECTRIC POWER PROCURED PURSUANT TO PARAGRAPH
10 (3.1) SHALL INCLUDE A PRUDENT MIX OF THE FOLLOWING:

11 (I) SPOT MARKET PURCHASES.

12 (II) SHORT-TERM CONTRACTS.

13 (III) LONG-TERM PURCHASE CONTRACTS, ENTERED INTO AS
14 A RESULT OF AN AUCTION, REQUEST FOR PROPOSAL OR BILATERAL
15 CONTRACT THAT IS FREE OF UNDUE INFLUENCE, DURESS OR
16 FAVORITISM, OF NOT LESS THAN THREE AND NOT MORE THAN 20
17 YEARS, UNLESS THE COMMISSION DETERMINES A LONGER TERM IS
18 NECESSARY FOR THE RELIABILITY IN THE ACQUISITION OF
19 GENERATION AND IT IS IN THE BEST INTEREST OF CONSUMERS TO
20 EXTEND THE TERM OF THE CONTRACT BEYOND 20 YEARS. THE
21 DEFAULT SERVICE PROVIDER SHALL HAVE SOLE DISCRETION TO
22 DETERMINE THE SOURCE, FUEL TYPE AND LENGTH OF CONTRACT.

23 (3.3) THE PRUDENT MIX OF CONTRACTS ENTERED INTO PURSUANT
24 TO PARAGRAPH (3.2) SHALL BE DESIGNED TO ENSURE:

25 (I) ADEQUATE AND RELIABLE SERVICE.

26 (II) THE LEAST COST TO CUSTOMERS OVER TIME.

27 (III) COMPLIANCE WITH THE REQUIREMENTS OF PARAGRAPH

28 (3.1).

29 (3.4) THE DEFAULT SERVICE PROVIDER SHALL FILE A PLAN FOR
30 COMPETITIVE PROCUREMENT WITH THE COMMISSION AND OBTAIN

1 COMMISSION APPROVAL OF THE PLAN CONSIDERING THE STANDARDS IN
2 PARAGRAPHS (3.1), (3.2) AND (3.3) BEFORE THE COMPETITIVE
3 PROCESS IS IMPLEMENTED. THE COMMISSION SHALL HOLD HEARINGS AS
4 NECESSARY ON THE PROPOSED PLAN. IF THE COMMISSION FAILS TO
5 ISSUE A FINAL ORDER ON THE PLAN WITHIN NINE MONTHS OF THE
6 DATE THAT THE PLAN IS FILED, THE PLAN SHALL BE DEEMED TO BE
7 APPROVED AND THE DEFAULT SERVICE PROVIDER MAY IMPLEMENT THE
8 PLAN AS FILED. COSTS INCURRED THROUGH AN APPROVED COMPETITIVE
9 PROCUREMENT PLAN SHALL BE DEEMED TO BE THE LEAST COST OVER
10 TIME AS REQUIRED UNDER PARAGRAPH (3.3).

11 (3.5) AT THE TIME THE COMMISSION EVALUATES THE PLAN AND
12 PRIOR TO APPROVAL, IN DETERMINING IF THE DEFAULT ELECTRIC
13 SERVICE PROVIDER'S PLAN OBTAINS GENERATION SUPPLY AT THE
14 LEAST COST, THE COMMISSION SHALL CONSIDER THE DEFAULT SERVICE
15 PROVIDER'S OBLIGATION TO PROVIDE ADEQUATE AND RELIABLE
16 SERVICE TO THE CUSTOMERS AND THAT THE DEFAULT SERVICE
17 PROVIDER HAS OBTAINED A PRUDENT MIX OF CONTRACTS TO OBTAIN
18 LEAST COST ON LONG-TERM, SHORT-TERM AND SPOT MARKET BASIS AND
19 SHALL MAKE SPECIFIC FINDINGS WHICH SHALL INCLUDE THE
20 FOLLOWING:

21 (I) THE DEFAULT SERVICE PROVIDER'S PLAN INCLUDES
22 PRUDENT STEPS NECESSARY TO NEGOTIATE FAVORABLE GENERATION
23 SUPPLY CONTRACTS.

24 (II) THE DEFAULT SERVICE PROVIDER'S PLAN INCLUDES
25 PRUDENT STEPS NECESSARY TO OBTAIN LEAST COST GENERATION
26 SUPPLY CONTRACTS ON A LONG-TERM, SHORT-TERM AND SPOT
27 MARKET BASIS.

28 (III) NEITHER THE DEFAULT SERVICE PROVIDER NOR ITS
29 AFFILIATED INTEREST HAS WITHHELD OR ASKED TO WITHHOLD
30 FROM THE MARKET ANY GENERATION SUPPLY WHICH SHOULD HAVE

1 BEEN UTILIZED AS PART OF THE LEAST COST PROCUREMENT
2 POLICY.

3 (3.6) NOTWITHSTANDING SECTIONS 508 (RELATING TO POWER OF
4 COMMISSION TO VARY, REFORM AND REVISE CONTRACTS) AND 2102
5 (RELATING TO APPROVAL OF CONTRACTS WITH AFFILIATED
6 INTERESTS), THE COMMISSION SHALL NOT MODIFY CONTRACTS OR
7 DISALLOW COSTS ASSOCIATED WITH AN APPROVED PROCUREMENT
8 PROCESS WHEN IT HAS REVIEWED AND APPROVED THE RESULTS OF THE
9 PROCUREMENT.

10 (3.7) NOTWITHSTANDING ANY OTHER PROVISION OF THIS TITLE
11 TO THE CONTRARY, THE COMMISSION MAY MODIFY CONTRACTS OR
12 DISALLOW COSTS WHEN THE PARTY SEEKING RECOVERY OF THE COSTS
13 IS AT FAULT ASSOCIATED WITH CONTRACTS ENTERED INTO PURSUANT
14 TO A COMMISSION-APPROVED PROCUREMENT PLAN IF THE COMMISSION
15 DETERMINES AFTER A HEARING THAT:

16 (I) THE CONTRACT HAS NOT BEEN IMPLEMENTED OR
17 APPROVED OR DOES NOT COMPLY WITH THE COMMISSION-APPROVED
18 PROCUREMENT PLAN; OR

19 (II) THERE HAS BEEN FRAUD, COLLUSION OR MARKET
20 MANIPULATION WITH REGARD TO THESE CONTRACTS.

21 (3.8) THE DEFAULT SERVICE PROVIDER SHALL HAVE THE RIGHT
22 TO RECOVER ON A FULL AND CURRENT BASIS, PURSUANT TO A
23 RECONCILABLE AUTOMATIC ADJUSTMENT CLAUSE UNDER SECTION 1307
24 (RELATING TO SLIDING SCALE OF RATES; ADJUSTMENTS), ALL COSTS
25 INCURRED UNDER THIS SECTION AND A COMMISSION-APPROVED
26 COMPETITIVE PROCUREMENT PLAN.

27 (4) IF A CUSTOMER THAT CHOOSES AN ALTERNATIVE SUPPLIER
28 AND SUBSEQUENTLY DESIRES TO RETURN TO THE LOCAL DISTRIBUTION
29 COMPANY FOR GENERATION SERVICE, THE LOCAL DISTRIBUTION
30 COMPANY SHALL TREAT THAT CUSTOMER EXACTLY AS IT WOULD ANY NEW

1 APPLICANT FOR ENERGY SERVICE.

2 (5) (I) NOTWITHSTANDING PARAGRAPH [(3)] (3.1), THE
3 ELECTRIC DISTRIBUTION COMPANY OR COMMISSION-APPROVED
4 ALTERNATIVE SUPPLIER MAY, IN ITS SOLE DISCRETION, OFFER
5 LARGE CUSTOMERS WITH A PEAK DEMAND OF 15 MEGAWATTS OR
6 GREATER AT ONE METER AT A LOCATION IN ITS SERVICE
7 TERRITORY ANY NEGOTIATED RATE FOR SERVICE AT ALL OF THE
8 CUSTOMERS' LOCATIONS WITHIN THE SERVICE TERRITORY FOR ANY
9 DURATION AGREED UPON BY THE ELECTRIC DISTRIBUTION COMPANY
10 OR COMMISSION-APPROVED ALTERNATIVE SUPPLIER AND THE LARGE
11 CUSTOMER. THE COMMISSION SHALL PERMIT, BUT SHALL NOT
12 REQUIRE, AN ELECTRIC DISTRIBUTION COMPANY OR COMMISSION-
13 APPROVED ALTERNATIVE SUPPLIER TO PROVIDE SERVICE TO LARGE
14 CUSTOMERS UNDER THIS PARAGRAPH. CONTRACT RATES ENTERED
15 INTO UNDER THIS PARAGRAPH SHALL BE SUBJECT TO REVIEW BY
16 THE COMMISSION IN ORDER TO ENSURE THAT ALL COSTS RELATED
17 TO THE RATES ARE BORNE BY THE PARTIES TO THE CONTRACT AND
18 THAT NO COSTS RELATED TO THE RATES ARE BORNE BY OTHER
19 CUSTOMERS OR CUSTOMER CLASSES. IF NO COSTS RELATED TO THE
20 RATES ARE BORNE BY OTHER CUSTOMERS OR CUSTOMER CLASSES,
21 THE COMMISSION SHALL APPROVE THE CONTRACT WITHIN 90 DAYS
22 OF ITS FILING, OR IT SHALL BE DEEMED APPROVED BY
23 OPERATION OF LAW UPON EXPIRATION OF THE 90 DAYS.
24 INFORMATION SUBMITTED UNDER THIS PARAGRAPH SHALL BE
25 SUBJECT TO THE COMMISSION'S PROCEDURES FOR THE FILING OF
26 CONFIDENTIAL AND PROPRIETARY INFORMATION.

27 (II) FOR PURPOSES OF PROVIDING SERVICE UNDER THIS
28 PARAGRAPH TO CUSTOMERS WITH A PEAK DEMAND OF 20 MEGAWATTS
29 OR GREATER AT ONE METER AT A LOCATION WITHIN THAT
30 DISTRIBUTION COMPANY'S SERVICE TERRITORY, AN ELECTRIC

1 DISTRIBUTION COMPANY THAT HAS COMPLETED ITS RESTRUCTURING
2 TRANSITION PERIOD AS OF THE EFFECTIVE DATE OF THIS
3 PARAGRAPH MAY, IN ITS SOLE DISCRETION, ACQUIRE AN
4 INTEREST IN A GENERATION FACILITY OR CONSTRUCT A
5 GENERATION FACILITY SPECIFICALLY TO MEET THE ENERGY
6 REQUIREMENTS OF THE CUSTOMERS, INCLUDING THE ELECTRIC
7 REQUIREMENTS OF THE CUSTOMERS' OTHER BILLING LOCATIONS
8 WITHIN ITS SERVICE TERRITORY. THE ELECTRIC DISTRIBUTION
9 COMPANY MUST COMMENCE CONSTRUCTION OF THE GENERATION
10 FACILITY OR CONTRACT TO ACQUIRE THE GENERATION INTEREST
11 WITHIN THREE YEARS AFTER THE EFFECTIVE DATE OF THIS
12 PARAGRAPH, EXCEPT THAT THE ELECTRIC DISTRIBUTION COMPANY
13 MAY ADD TO THE GENERATION FACILITIES IT COMMENCED
14 CONSTRUCTION OR CONTRACTED TO ACQUIRE AFTER THIS THREE-
15 YEAR PERIOD TO SERVE ADDITIONAL LOAD OF CUSTOMERS FOR
16 WHOM IT COMMENCED CONSTRUCTION OR CONTRACTED TO ACQUIRE
17 GENERATION WITHIN THREE YEARS. NOTHING IN THIS PARAGRAPH
18 REQUIRES OR AUTHORIZES THE COMMISSION TO REQUIRE AN
19 ELECTRIC DISTRIBUTION COMPANY TO COMMENCE CONSTRUCTION OR
20 ACQUIRE AN INTEREST IN A GENERATION FACILITY. THE
21 ELECTRIC DISTRIBUTION COMPANY'S INTEREST IN THE
22 GENERATION FACILITY IT BUILT OR CONTRACTED TO ACQUIRE
23 SHALL BE NO LARGER THAN NECESSARY TO MEET PEAK DEMAND OF
24 CUSTOMERS SERVED UNDER THIS SUBPARAGRAPH. DURING TIMES
25 WHEN THE CUSTOMER'S DEMAND IS LESS THAN THE ELECTRIC
26 DISTRIBUTION COMPANY'S GENERATION INTEREST, THE ELECTRIC
27 DISTRIBUTION COMPANY MAY SELL EXCESS POWER ON THE
28 WHOLESALE MARKET. AT NO TIME SHALL THE COSTS ASSOCIATED
29 WITH THE GENERATING FACILITY INTERESTS BE INCLUDED IN
30 RATE BASE OR OTHERWISE REFLECTED IN RATES. THE GENERATION

1 FACILITY INTERESTS SHALL NOT BE COMMISSION-REGULATED
2 ASSETS.

3 (6) A DEFAULT SERVICE PLAN APPROVED BY THE COMMISSION
4 PRIOR TO THE EFFECTIVE DATE OF THIS SECTION SHALL REMAIN IN
5 EFFECT THROUGH ITS APPROVED TERM. AT ITS SOLE DISCRETION, THE
6 DEFAULT SERVICE PROVIDER MAY PROPOSE AMENDMENTS TO ITS
7 APPROVED PLAN THAT ARE CONSISTENT WITH THIS SECTION, AND THE
8 COMMISSION SHALL ISSUE A DECISION WHETHER TO APPROVE OR
9 DISAPPROVE THE PROPOSED AMENDMENTS WITHIN NINE MONTHS OF THE
10 DATE THAT THE AMENDMENTS ARE FILED. IF THE COMMISSION FAILS
11 TO ISSUE A FINAL ORDER WITHIN NINE MONTHS, THE AMENDMENTS
12 SHALL BE DEEMED TO BE APPROVED AND THE DEFAULT SERVICE
13 PROVIDER MAY IMPLEMENT THE AMENDMENTS AS FILED.

14 (7) THE DEFAULT SERVICE PROVIDER SHALL OFFER RESIDENTIAL
15 AND SMALL BUSINESS CUSTOMERS A GENERATION SUPPLY SERVICE RATE
16 THAT SHALL CHANGE NO MORE FREQUENTLY THAN ON A QUARTERLY
17 BASIS. ALL DEFAULT SERVICE RATES SHALL BE REVIEWED BY THE
18 COMMISSION TO ENSURE THAT THE COSTS OF PROVIDING SERVICE TO
19 EACH CUSTOMER CLASS ARE NOT SUBSIDIZED BY ANY OTHER CLASS.

20 (F) SMART METER TECHNOLOGY AND TIME OF USE RATES.--

21 (1) WITHIN NINE MONTHS AFTER THE EFFECTIVE DATE OF THIS
22 PARAGRAPH, ELECTRIC DISTRIBUTION COMPANIES SHALL FILE A SMART
23 METER TECHNOLOGY PROCUREMENT AND INSTALLATION PLAN WITH THE
24 COMMISSION FOR APPROVAL. THE PLAN SHALL DESCRIBE THE SMART
25 METER TECHNOLOGIES THE ELECTRIC DISTRIBUTION COMPANY PROPOSES
26 TO INSTALL IN ACCORDANCE WITH PARAGRAPH (2).

27 (2) ELECTRIC DISTRIBUTION COMPANIES SHALL FURNISH SMART
28 METER TECHNOLOGY AS FOLLOWS:

29 (I) UPON REQUEST TO A CUSTOMER THAT AGREES TO PAY
30 THE COST OF THE SMART METER.

1 (II) IN THE CONSTRUCTION OF A NEW RESIDENCE OR NEW
2 BUILDING TO BE USED BY A COMMERCIAL CUSTOMER.

3 (III) IN ACCORDANCE WITH A SCHEDULE OF REPLACEMENT
4 OF FULL DEPRECIATION OF EXISTING METERS.

5 (3) ELECTRIC DISTRIBUTION COMPANIES SHALL, WITH CUSTOMER
6 CONSENT, MAKE AVAILABLE ELECTRONIC ACCESS TO CUSTOMER METER
7 DATA TO THIRD PARTIES, INCLUDING ELECTRIC GENERATION
8 SUPPLIERS AND PROVIDERS OF CONSERVATION AND LOAN MANAGEMENT
9 SERVICES.

10 (4) AN ELECTRIC DISTRIBUTION COMPANY SHALL NOT BE
11 PERMITTED TO RECOVER THE COSTS, AS DETERMINED BY THE
12 COMMISSION, OF PROVIDING SMART METER TECHNOLOGY UNDER
13 PARAGRAPH (2).

14 (5) IN NO EVENT SHALL LOST OR DECREASED REVENUES BY AN
15 ELECTRIC DISTRIBUTION COMPANY DUE TO REDUCED ELECTRICITY
16 CONSUMPTION OR SHIFTING ENERGY DEMAND BE CONSIDERED A COST OF
17 SMART METER TECHNOLOGY.

18 (6) BY JANUARY 1, 2010, OR AT THE END OF THE APPLICABLE
19 GENERATION RATE CAP PERIOD, WHICHEVER IS LATER, A DEFAULT
20 SERVICE PROVIDER SHALL SUBMIT TO THE COMMISSION ONE OR MORE
21 PROPOSED TIME-OF-USE RATES AND REAL-TIME PRICE PLANS. THE
22 COMMISSION SHALL APPROVE OR MODIFY THE TIME-OF-USE RATES AND
23 REAL-TIME PRICE PLAN WITHIN SIX MONTHS OF SUBMITTAL. THE
24 DEFAULT SERVICE PROVIDER SHALL OFFER THE RATES AND REAL-TIME
25 PRICE PLAN TO ALL RESIDENTIAL AND COMMERCIAL CUSTOMERS THAT
26 HAVE BEEN PROVIDED WITH SMART METER TECHNOLOGY WITHIN 60 DAYS
27 OF INSTALLATION OF THE SMART METER TECHNOLOGY OR COMMISSION
28 APPROVAL OF THE TIME-OF-USE RATES AND REAL-TIME PRICE PLAN,
29 WHICHEVER IS LATER. RESIDENTIAL OR COMMERCIAL CUSTOMERS MAY
30 ELECT TO PARTICIPATE IN TIME-OF-USE RATES OR REAL-TIME

1 PRICING. THE DEFAULT SERVICE PROVIDER SHALL SUBMIT AN ANNUAL
2 REPORT TO THE COMMISSION ON THE PARTICIPATION IN THE TIME-OF-
3 USE AND REAL-TIME PRICE PROGRAMS AND THE EFFICACY OF THE
4 PROGRAMS IN AFFECTING ENERGY DEMAND AND CONSUMPTION AND THE
5 EFFECT ON WHOLESALE MARKET PRICES.

6 (7) THE PROVISIONS OF THIS SUBSECTION SHALL NOT APPLY TO
7 AN ELECTRIC DISTRIBUTION COMPANY WITH 100,000 OR FEWER
8 CUSTOMERS.

9 (G) DEFINITION.--AS USED IN THIS SECTION, THE TERM "SMART
10 METER TECHNOLOGY" MEANS TECHNOLOGY, INCLUDING METERING
11 TECHNOLOGY AND NETWORK COMMUNICATIONS TECHNOLOGY CAPABLE OF
12 BIDIRECTIONAL COMMUNICATION, THAT RECORDS ELECTRICITY USAGE ON
13 AT LEAST AN HOURLY BASIS, INCLUDING RELATED ELECTRIC
14 DISTRIBUTION SYSTEM UPGRADES TO ENABLE THE TECHNOLOGY. THE
15 TECHNOLOGY SHALL PROVIDE CUSTOMERS WITH DIRECT ACCESS TO AND USE
16 OF PRICE AND CONSUMPTION INFORMATION. THE TECHNOLOGY SHALL ALSO:

17 (1) DIRECTLY PROVIDE CUSTOMERS WITH INFORMATION ON THEIR
18 HOURLY CONSUMPTION.

19 (2) ENABLE TIME-OF-USE RATES AND REAL-TIME PRICE
20 PROGRAMS.

21 (3) EFFECTIVELY SUPPORT THE AUTOMATIC CONTROL OF THE
22 CUSTOMER'S ELECTRICITY CONSUMPTION BY ONE OR MORE OF THE
23 FOLLOWING AS SELECTED BY THE CUSTOMER:

24 (I) THE CUSTOMER;

25 (II) THE CUSTOMER'S UTILITY; OR

26 (III) A THIRD PARTY ENGAGED BY THE CUSTOMER OR THE
27 CUSTOMER'S UTILITY.

28 (4) PROVIDE A MEANS TO OBTAIN REAL-TIME CONSUMPTION
29 INFORMATION FROM A METER SUCH AS AN INSTALLED PORT OR OUTPUT
30 FOR TRANSMITTING METER PULSE DATA EXTERNAL TO THE METER TO BE

1 USED BY THE CUSTOMER, THE ELECTRIC DISTRIBUTION COMPANY OR A
2 THIRD PARTY ENGAGED BY THE CUSTOMER IN THE ELECTRIC
3 DISTRIBUTION COMPANY.

4 SECTION 4. TITLE 66 IS AMENDED BY ADDING A SECTION TO READ:
5 § 2813. PROCUREMENT OF POWER.

6 EXCEPT AS PROVIDED UNDER THE ACT OF NOVEMBER 30, 2004
7 (P.L.1672, NO.213), KNOWN AS THE ALTERNATIVE ENERGY PORTFOLIO
8 STANDARDS ACT, THE COMMISSION MAY NOT ORDER A DEFAULT SERVICE
9 PROVIDER TO PROCURE POWER FROM A SPECIFIC GENERATION SUPPLIER,
10 FROM A SPECIFIC GENERATION FUEL TYPE OR FROM NEW GENERATION
11 ONLY.

12 SECTION 5. THIS ACT SHALL TAKE EFFECT IN 60 DAYS.

COMMONWEALTH OF PENNSYLVANIA
Legislative Journal

WEDNESDAY, OCTOBER 8, 2008

SESSION OF 2008 192ND OF THE GENERAL ASSEMBLY

No. 64

SENATE

WEDNESDAY, October 8, 2008

The Senate met at 10 a.m., Eastern Daylight Saving Time.

The PRESIDENT pro tempore (Joseph B. Scarnati III) in the Chair.

PRAYER

The Chaplain, Reverend LOUIS BUTCHER, of Brightside Baptist Church, Lancaster, offered the following prayer:

Let us pray.

Our father and our God, we come today with thanksgiving in our hearts and praise on our lips to You, the sovereign of the universe. We observe Your handiwork, and we certainly stand in awe. You are truly an awesome God. Today, we have much to be thankful for. First, You have smiled upon this nation and its people. Despite our problems, we remain the land of the free and the home of the brave. You have endowed us with life, liberty, and the pursuit of happiness, which has made us the greatest nation on Earth.

We come now to ask Your blessings upon the various elements of this union. Be gracious to our President and the branches of our government. Grant wisdom and insight to lead Your people prudently. Watch over us and keep us safe in a world prone to terrorism and violence. Bless our children and our seasoned citizens, the millions of workers who make this republic strong. More than that, remember our courageous young men and women who stand in harm's way to defend our freedom around the globe.

Bless the Commonwealth of Pennsylvania, if You will. Give unto us prosperity and good will. Bless each branch of our State government, and shed Your grace upon the Senate where we stand. Give wisdom to these legislators that they may, in a bipartisan way, do what is best for the citizens of this State. Be with the leadership and help them to make wise decisions.

We ask these things of You with humility and reverence. Grant them, if You will, in Jesus' name. Amen.

The PRESIDENT pro tempore. The Chair thanks Reverend Butcher, who is the guest today of Senator Armstrong.

PLEDGE OF ALLEGIANCE

(The Pledge of Allegiance was recited by those assembled.)

COMMUNICATIONS FROM THE GOVERNOR

**RECALL COMMUNICATIONS
REFERRED TO COMMITTEE**

The PRESIDENT pro tempore laid before the Senate the following communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows and referred to the Committee on Rules and Executive Nominations:

**MEMBER OF THE PENNSYLVANIA ECONOMIC
DEVELOPMENT FINANCING AUTHORITY**

October 8, 2008

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated June 12, 2008, for the appointment of David E. Landau, 11 Oak Knoll Drive, Wallingford 19086, Delaware County, Ninth Senatorial District, as a member of the Pennsylvania Economic Development Financing Authority, to serve for a term of four years and until his successor is appointed and qualified, vice William Davis, Williamsport, resigned.

I respectfully request the return to me of the official message of nomination on the premises.

EDWARD G. RENDELL
Governor

**MEMBER OF THE PENNSYLVANIA ECONOMIC
DEVELOPMENT FINANCING AUTHORITY**

October 8, 2008

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated June 13, 2008, for the appointment of Fred P. Rinaldi, Esquire, One Lee Court, Old Forge 18518, Lackawanna County, Twenty-second Senatorial District, as a member of the Pennsylvania Economic Development Financing Authority, to serve for a term of four years and until his successor is appointed and qualified, vice C. Talbot Heppenstall, Jr., Pittsburgh, resigned.

I respectfully request the return to me of the official message of nomination on the premises.

EDWARD G. RENDELL
Governor

HOUSE MESSAGES

SENATE BILL RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives returned to the Senate **SB 768**, with the information the House has passed the same with amendments in which the concurrence of the Senate is requested.

The PRESIDENT pro tempore. Pursuant to Senate Rule XIV, section 6, this bill will be referred to the Committee on Rules and Executive Nominations.

HOUSE CONCURS IN SENATE BILLS

The Clerk of the House of Representatives returned to the Senate **SB 908** and **SB 1019**, with the information the House has passed the same without amendments.

BILLS INTRODUCED AND REFERRED

The PRESIDENT pro tempore laid before the Senate the following Senate Bills numbered, entitled, and referred as follows, which were read by the Clerk:

October 8, 2008

Senators ORIE and COSTA presented to the Chair **SB 1602**, entitled:

An Act amending the act of July 28, 1953 (P.L.723, No.230), known as the Second Class County Code, providing for an inmate medical services program, for deposits and for recovery of costs.

Which was committed to the Committee on JUDICIARY, October 8, 2008.

Senators McILHINNEY, COSTA, RAFFERTY, BAKER, FONTANA, CORMAN, M. WHITE, ERICKSON, ORIE, TOMLINSON, GORDNER, O'PAKE, WASHINGTON, BOSCOLA, RHOADES, KASUNIC, PILEGGI, MUSTO, BRUBAKER, C. WILLIAMS, MELLOW, BROWNE and GREENLEAF presented to the Chair **SB 1603**, entitled:

An Act providing for quarterly interim payments to certain providers of community mental retardation services; and providing for powers and duties of the Department of Public Welfare.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, October 8, 2008.

Senators WAUGH, PILEGGI, WONDERLING, ORIE, RHOADES and BRUBAKER presented to the Chair **SB 1604**, entitled:

An Act amending the act of December 17, 1981 (P.L.435, No.135), known as the Race Horse Industry Reform Act, further providing for the composition of the State Horse Racing Commission.

Which was committed to the Committee on STATE GOVERNMENT, October 8, 2008.

Senators WAUGH, RAFFERTY, MUSTO, FONTANA, TARTAGLIONE, LOGAN, WONDERLING, PUNT,

BRUBAKER, TOMLINSON, STACK, GREENLEAF, WASHINGTON and BOSCOLA presented to the Chair **SB 1605**, entitled:

An Act establishing a grant program for municipal fire and emergency services organizations; and providing for grant funding.

Which was committed to the Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, October 8, 2008.

Senators WAUGH, ERICKSON, RAFFERTY, MUSTO, FONTANA, COSTA, TARTAGLIONE, LOGAN, WONDERLING, PUNT, BRUBAKER, TOMLINSON, GREENLEAF, M. WHITE, ORIE, WASHINGTON and FUMO presented to the Chair **SB 1606**, entitled:

An Act providing for the establishment and operation of the Pennsylvania Law Enforcement Officer Alert System; and imposing powers and duties on the Pennsylvania State Police and the Department of Transportation.

Which was committed to the Committee on LAW AND JUSTICE, October 8, 2008.

Senator WAUGH presented to the Chair **SB 1607**, entitled:

An Act amending the act of August 9, 1955 (P.L.323, No.130), known as The County Code, providing for a referendum and question when damages are not agreed to; and further providing for county to furnish bond when seeking possession of land.

Which was committed to the Committee on LOCAL GOVERNMENT, October 8, 2008.

Senators ORIE, RAFFERTY, C. WILLIAMS, COSTA, FONTANA, WAUGH, O'PAKE, WONDERLING, LOGAN, TOMLINSON, PICCOLA, STACK and WASHINGTON presented to the Chair **SB 1608**, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, requiring criminal background checks.

Which was committed to the Committee on EDUCATION, October 8, 2008.

Senator ORIE presented to the Chair **SB 1609**, entitled:

An Act designating a portion of Route 8 in the Borough of Etna, Allegheny County, as the Chief Warrant Officer Michael J. Novosel Memorial Highway; and making a related repeal.

Which was committed to the Committee on TRANSPORTATION, October 8, 2008.

Senators McILHINNEY, FONTANA, M. WHITE, COSTA, TARTAGLIONE, ERICKSON, O'PAKE, RHOADES, MUSTO, RAFFERTY, BOSCOLA, WAUGH, LOGAN and STACK presented to the Chair **SB 1610**, entitled:

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, further providing for definitions and for classes of income.

Which was committed to the Committee on FINANCE, October 8, 2008.

RESOLUTION INTRODUCED AND REFERRED

The PRESIDENT pro tempore laid before the Senate the following Senate Resolution numbered, entitled, and referred as follows, which was read by the Clerk:

October 8, 2008

Senators ORIE, WASHINGTON, RAFFERTY, KASUNIC, RHOADES, WAUGH, KITCHEN and GREENLEAF presented to the Chair **SR 413**, entitled:

A Resolution memorializing the Congress of the United States to amend existing "food-to-fuel" mandates and immediately embark on a series of policy remedies aimed at the production of advanced biofuels.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, October 8, 2008.

BILLS SIGNED

The PRESIDENT pro tempore (Joseph B. Scarnati III) in the presence of the Senate signed the following bills:

SB 684, SB 908, SB 1019, SB 1225, SB 1308, SB 1503, HB 420, HB 1147, HB 1634 and HB 2233.

**SPECIAL ORDER OF BUSINESS
ANNOUNCEMENT BY THE SECRETARY**

The SECRETARY. Consent has been given for the Committee on Environmental Resources and Energy to meet off the floor to consider certain Environmental Quality Board regulations.

LEGISLATIVE LEAVES

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Delaware, Senator Pileggi.

Senator PILEGGI. Mr. President, I request a temporary Capitol leave for Senator Piccola.

The PRESIDENT pro tempore. Senator Pileggi requests a temporary Capitol leave for Senator Piccola.

The Chair recognizes the gentleman from Berks, Senator O'Pake.

Senator O'PAKE. Mr. President, I request legislative leaves for Senator Mellow and Senator Washington.

The PRESIDENT pro tempore. Senator O'Pake requests legislative leaves for Senator Mellow and Senator Washington.

Without objection, the leaves will be granted.

CALENDAR

THIRD CONSIDERATION CALENDAR

HB 1723 CALLED UP OUT OF ORDER

HB 1723 (Pr. No. 4513) -- Without objection, the bill was called up out of order, from page 5 of the Third Consideration Calendar, by Senator PILEGGI, as a Special Order of Business.

**BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE**

HB 1723 (Pr. No. 4513) -- The Senate proceeded to consideration of the bill, entitled:

An Act designating a section of US Route 15 in Tioga Township, Tioga County, as the Senator Roger A. Madigan Highway; designating the bridge on State Route 655 on Main Street, Belleville, Union Township, Mifflin County, as the Curt Zook Memorial Bridge; designating the Newtown 413 Bypass as the Officer Gregg Memorial Bypass; and designating the Walnut Street Bridge in the City of Johnstown, Cambria County, as the Martin Luther King, Jr., Memorial Bridge.

Considered the third time and agreed to,
And the amendments made thereto having been printed as required by the Constitution,

On the question,
Shall the bill pass finally?

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Delaware, Senator Pileggi.

Senator PILEGGI. Mr. President, for the information of the Members, this is a road-naming bill including the amendment that we adopted yesterday designating a section of U.S. Route 15 in Tioga County as the Senator Roger A. Madigan Highway.

And the question recurring,
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

YEA-49

Armstrong	Fontana	Orie	Tomlinson
Baker	Fumo	Piccola	Vance
Boscola	Gordner	Pileggi	Washington
Browne	Greenleaf	Pippy	Waugh
Brubaker	Hughes	Punt	White, Donald
Corman	Kasunic	Rafferty	White, Mary Jo
Costa	Kitchen	Regola	Williams, Anthony H.
Dinniman	LaValle	Rhoades	Williams, Constance
Earl	Logan	Robbins	Wonderling
Eichelberger	McIlhinney	Scarnati	Wozniak
Erickson	Mellow	Stack	
Ferlo	Musto	Stout	
Folmer	O'Pake	Tartaglione	

NAY-0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

**SPECIAL ORDER OF BUSINESS
GUESTS OF SENATOR JOHN EICHELBERGER
PRESENTED TO THE SENATE**

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Blair, Senator Eichelberger.

Senator EICHELBERGER. Mr. President, it is a privilege for me to welcome today, as a guest Page, 11-year-old Patrick Reagan Keefer, who is here with me from Fulton County. He is from McConnellsburg. He is a fifth grader at Fulton County Christian

School, and he already has quite an impressive resume for his young age. He is a member of the 4H gun club and Little League baseball and basketball teams. He has assisted with many campaigns, including county treasurer races and county commissioner races, and he has been to three National Republican Conventions, including the most recent one in Minnesota.

Patrick is here with his mother, a Fulton County commissioner, Bonnie Mellott-Keefe, who is seated in the gallery, and Bonnie has been a good friend of mine for a long time. Mr. President, please join me in offering Patrick and his mother our traditional warm Senate welcome.

The PRESIDENT pro tempore. Would the guests of Senator Eichelberger please rise so the Senate may welcome you.
(Applause.)

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Mercer, Senator Robbins.

Senator ROBBINS. Mr. President, I just want to add to the story of Patrick. He also collects autographs, and he has gotten hundreds of autographs of political leaders. If any Senator in here would want to give Patrick their autograph, he would certainly appreciate it, and he would take that back home with great pride.

Thank you, Mr. President.

**GUEST OF SENATOR J. BARRY STOUT
PRESENTED TO THE SENATE**

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Washington, Senator Stout.

Senator STOUT. Mr. President, it is my honor and pleasure today to introduce a young lady in the gallery who is visiting the Capitol. Her name is Michelle Ferenz. Michelle is a senior at California University of Pennsylvania majoring in social work, and she has been recognized as a University Scholar. This semester, she has served as an intern in my district office, and she has had a lot of interfacing with the senior citizens and other constituents in my district. I am really impressed with her enthusiasm and the work she has done. So I think it has been a good experience for her. She will be pursuing a master's degree next year.

Now I would like her to be recognized. She is a resident of Bentleyville. She and her husband have lived there for the last 9 years, and she is originally a resident of Charleroi. Would the Senate give a warm welcome to Michelle Ferenz.

The PRESIDENT pro tempore. Would the guest of Senator Stout please rise for a Senate welcome.

(Applause.)

**GUESTS OF SENATOR MICHAEL A. O'PAKE
PRESENTED TO THE SENATE**

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Berks, Senator O'Pake.

Senator O'PAKE. Mr. President, also in the gallery are Mr. and Mrs. James P. Stewart of Mooresville, in Berks County. Jim supported the Prospectus Berco's 14th Annual Golf Tournament fundraiser by winning A Day at the Capitol with your State Senator. This was a surprise birthday present for his wife, Sally. Jim is a buyer with Carpenter Technology Corporation in Reading, a specialty steel manufacturer, and Sally is a CPA with the CPA firm of Reinsel Kuntz Leshner. They have two sons, ages 6 and 4.

They are in the gallery, and I ask that the Chair extend the usual warm welcome of the Senate to Mr. and Mrs. James P. Stewart.

The PRESIDENT pro tempore. Would the guests of Senator O'Pake please rise so the Senate may welcome you.

(Applause.)

CONSIDERATION OF CALENDAR RESUMED

THIRD CONSIDERATION CALENDAR RESUMED

BILLS OUT OF ORDER

Without objection, the following bills on today's Calendar were called out of order by Senator PILEGGI, as Special Orders of Business.

**BILLS REREPORTED FROM COMMITTEE
AS AMENDED ON THIRD CONSIDERATION
AND FINAL PASSAGE**

HB 1845 (Pr. No. 4528) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for sentence for murder and murder of unborn child; providing for the offense of criminal homicide of law enforcement officer and for the offense of assault of law enforcement officer; imposing penalties; further providing for false reports to law enforcement authorities; in firearms, further providing for ineligibility for possession or dealing, for required licensure, for emergency prohibitions, for licenses, for possession with altered manufacturer's number, for sale or transfer, for Pennsylvania State Police, for altering or obliterating marks of identification, for firearm tracing and for procedure; establishing the Straw Purchase Prevention Education Program and the Straw Purchase Prevention Education Fund; further providing for limitation of actions; prescribing sentences for offenses committed against law enforcement officer; and abrogating a regulation.

Considered the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Delaware, Senator Pileggi.

Senator PILEGGI. Mr. President, for the information of the Members, this is the bill that amends the laws regarding straw purchases, and also, we placed an amendment in the bill yesterday that deals with assaults on police officers.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

YEA-50

Armstrong	Fontana	O'Pake	Tartaglione
Baker	Fumo	Orie	Tomlinson
Boscola	Gordner	Piccola	Vance
Browne	Greenleaf	Pileggi	Washington

Brubaker	Hughes	Pippy	Waugh
Corman	Kasunic	Punt	White, Donald
Costa	Kitchen	Rafferty	White, Mary Jo
Dinniman	LaValle	Regola	Williams, Anthony H.
Earll	Logan	Rhoades	Williams, Constance
Eichelberger	Madigan	Robbins	Wonderling
Erickson	McIlhinney	Scarnati	Wozniak
Ferlo	Mellow	Stack	
Folmer	Musto	Stout	

NAY-0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

HB 2499 (Pr. No. 4523) -- The Senate proceeded to consideration of the bill, entitled:

An Act regulating massage therapy; establishing the State Board of Massage Therapy; providing for funds, for licensure, for disciplinary action, for remedies, for penalties and for preemption.

Considered the third time and agreed to,
And the amendments made thereto having been printed as required by the Constitution,

On the question,
Shall the bill pass finally?

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Delaware, Senator Pileggi.

Senator PILEGGI. Mr. President, for the information of the Members, this is a bill that deals with massage therapy and licensure for massage therapy.

And the question recurring,
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

YEA-48

Baker	Fontana	Musto	Stack
Boscola	Fumo	O'Pake	Stout
Browne	Gordner	Orie	Tartaglione
Brubaker	Greenleaf	Piccola	Tomlinson
Corman	Hughes	Pileggi	Vance
Costa	Kasunic	Pippy	Washington
Dinniman	Kitchen	Punt	Waugh
Earll	LaValle	Rafferty	White, Donald
Eichelberger	Logan	Regola	Williams, Anthony H.
Erickson	Madigan	Rhoades	Williams, Constance
Ferlo	McIlhinney	Robbins	Wonderling
Folmer	Mellow	Scarnati	Wozniak

NAY-2

Armstrong	White, Mary Jo
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A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 647 (Pr. No. 4519) -- The Senate proceeded to consideration of the bill, entitled:

An Act relating to crane operator licensure; establishing the State Board of Crane Operators; conferring powers and imposing duties relative to regulating the practice of crane operation; imposing penalties; and making an appropriation.

Considered the third time and agreed to,
And the amendments made thereto having been printed as required by the Constitution,

On the question,
Shall the bill pass finally?

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Delaware, Senator Pileggi.

Senator PILEGGI. Mr. President, for the information of the Members, this bill deals with crane operator licensure.

And the question recurring,
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

YEA-50

Armstrong	Fontana	O'Pake	Tartaglione
Baker	Fumo	Orie	Tomlinson
Boscola	Gordner	Piccola	Vance
Browne	Greenleaf	Pileggi	Washington
Brubaker	Hughes	Pippy	Waugh
Corman	Kasunic	Punt	White, Donald
Costa	Kitchen	Rafferty	White, Mary Jo
Dinniman	LaValle	Regola	Williams, Anthony H.
Earll	Logan	Rhoades	Williams, Constance
Eichelberger	Madigan	Robbins	Wonderling
Erickson	McIlhinney	Scarnati	Wozniak
Ferlo	Mellow	Stack	
Folmer	Musto	Stout	

NAY-0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

HB 1664 (Pr. No. 4520) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for theft of leased property; and, in wiretapping and electronic surveillance, further providing for disclosure of contents and for expiration of chapter.

Considered the third time and agreed to,
And the amendments made thereto having been printed as required by the Constitution,

On the question,
Shall the bill pass finally?

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Delaware, Senator Pileggi.

Senator PILEGGI. Mr. President, for the information of the Members, this is a bill that deals with amendments to the State's wiretap law.

And the question recurring,
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

YEA-49

Armstrong	Fontana	Orie	Tomlinson
Baker	Gordner	Piccola	Vance
Boscola	Greenleaf	Pileggi	Washington
Browne	Hughes	Pippy	Waugh
Brubaker	Kasunic	Punt	White, Donald
Corman	Kitchen	Rafferty	White, Mary Jo
Costa	LaValle	Regola	Williams, Anthony H.
Dinniman	Logan	Rhoades	Williams, Constance
Earl	Madigan	Robbins	Wonderling
Eichelberger	McIlhinney	Scarnati	Wozniak
Erickson	Mellow	Stack	
Ferlo	Musto	Stout	
Folmer	O'Pake	Tartaglione	

NAY-1

Fumo

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

HB 2722 (Pr. No. 4224) -- The Senate proceeded to consideration of the bill, entitled:

An Act designating the bridges on State Route 830 over Interstate 80 in Washington Township, Jefferson County, as the SFC Michael J. Tully Memorial Bridges.

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Delaware, Senator Pileggi.

Senator PILEGGI. Mr. President, for the information of the Members, this bill names a bridge in Washington Township, Jefferson County.

And the question recurring,
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

YEA-50

Armstrong	Fontana	O'Pake	Tartaglione
Baker	Fumo	Orie	Tomlinson
Boscola	Gordner	Piccola	Vance
Browne	Greenleaf	Pileggi	Washington
Brubaker	Hughes	Pippy	Waugh
Corman	Kasunic	Punt	White, Donald
Costa	Kitchen	Rafferty	White, Mary Jo
Dinniman	LaValle	Regola	Williams, Anthony H.
Earl	Logan	Rhoades	Williams, Constance
Eichelberger	Madigan	Robbins	Wonderling
Erickson	McIlhinney	Scarnati	Wozniak
Ferlo	Mellow	Stack	
Folmer	Musto	Stout	

NAY-0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

LEGISLATIVE LEAVE CANCELLED

The PRESIDENT pro tempore. Senator Piccola has returned, and his temporary Capitol leave is cancelled.

CONSIDERATION OF CALENDAR RESUMED

THIRD CONSIDERATION CALENDAR RESUMED

RECONSIDERATION OF HB 2499

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 2499 (Pr. No. 4523) -- Senator O'PAKE. Mr. President, I move that the Senate do now reconsider the vote by which House Bill No. 2499, Printer's No. 4523, passed finally.

A voice vote having been taken, the question was determined in the affirmative.

And the question recurring,
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

YEA-47

Baker	Fontana	O'Pake	Stout
Boscola	Fumo	Orie	Tartaglione
Browne	Gordner	Piccola	Tomlinson
Brubaker	Greenleaf	Pileggi	Vance
Corman	Hughes	Pippy	Washington
Costa	Kasunic	Punt	Waugh
Dinniman	Kitchen	Rafferty	White, Donald
Earll	LaValle	Regola	Williams, Anthony H.
Eichelberger	Madigan	Rhoades	Williams, Constance
Erickson	McIlhinney	Robbins	Wonderling
Ferlo	Mellow	Scarnati	Wozniak
Folmer	Musto	Stack	

NAY-3

Armstrong	Logan	White, Mary Jo
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A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

**BILL ON CONCURRENCE IN HOUSE
AMENDMENTS AS AMENDED**

**SENATE CONCURS IN HOUSE
AMENDMENTS AS AMENDED**

SB 740 (Pr. No. 2499) -- The Senate proceeded to consideration of the bill, entitled:

An Act authorizing certain lands in Centre County to be conveyed; authorizing the Borough of Old Forge, Lackawanna County, to transfer, sell and convey certain Project 70 lands free of restrictions imposed by the Project 70 Land Acquisition and Borrowing Act; authorizing and directing the Department of General Services, with the approval of the Governor, to grant and convey to the Philadelphia Regional Port Authority certain lands situate in the 39th Ward of the City of Philadelphia; and providing for Commonwealth ownership of submerged lands; and authorizing and directing the Department of General Services, with the approval of the Governor and the Department of Military and Veterans' Affairs, to grant and convey to the Schuylkill YMCA certain lands and building situate in the Borough of Pottsville, Schuylkill County.

On the question,

Will the Senate concur in the amendments made by the House, as further amended by the Senate, to Senate Bill No. 740?

Senator PILEGGI. Mr. President, I move that the Senate do concur in the amendments made by the House, as further amended by the Senate, to Senate Bill No. 740.

On the question,

Will the Senate agree to the motion?

The yeas and nays were required by Senator PILEGGI and were as follows, viz:

YEA-50

Armstrong	Fontana	O'Pake	Tartaglione
Baker	Fumo	Orie	Tomlinson
Boscola	Gordner	Piccola	Vance
Browne	Greenleaf	Pileggi	Washington
Brubaker	Hughes	Pippy	Waugh
Corman	Kasunic	Punt	White, Donald
Costa	Kitchen	Rafferty	White, Mary Jo
Dinniman	LaValle	Regola	Williams, Anthony H.
Earll	Logan	Rhoades	Williams, Constance
Eichelberger	Madigan	Robbins	Wonderling
Erickson	McIlhinney	Scarnati	Wozniak
Ferlo	Mellow	Stack	
Folmer	Musto	Stout	

NAY-0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate inform the House of Representatives accordingly.

RECESS

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Delaware, Senator Pileggi.

Senator PILEGGI. Mr. President, I request a recess of the Senate for the purpose, first, of a meeting of the Committee on Rules and Executive Nominations to be held in the Rules room, to be followed by a Republican caucus in the Majority Caucus Room.

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Berks, Senator O'Pake.

Senator O'PAKE. Mr. President, at the conclusion of the meeting of the Committee on Rules and Executive Nominations, I ask that the Democrats report to our caucus room.

The PRESIDENT pro tempore. For purposes of a meeting of the Committee on Rules and Executive Nominations, to be followed by Republican and Democratic caucuses, without objection, the Senate stands in recess.

AFTER RECESS

The PRESIDENT pro tempore. The time of recess having expired, the Senate will come to order.

BILLS REPORTED FROM COMMITTEE

Senator PILEGGI, from the Committee on Rules and Executive Nominations, reported the following bills:

SB 263 (Pr. No. 2453) (Rereported) (Concurrence)

An Act amending the act of June 21, 1939 (P.L.566, No.284), known as The Pennsylvania Occupational Disease Act, providing further benefits.

SB 768 (Pr. No. 2431) (Rereported) (Concurrence)

An Act amending Title 64 (Public Authorities and Quasi-Public Corporations) of the Pennsylvania Consolidated Statutes, further providing for the definitions of "commercial lending activities" and "commercial lending institutions" and for the First Industries Program.

SB 1107 (Pr. No. 2472) (Rereported) (Concurrence)

An Act amending Titles 23 (Domestic Relations) and 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, further providing for modification of existing custody orders; and providing for protection of deployed members of the Pennsylvania National Guard and reserve components in child custody arrangements.

SB 1504 (Pr. No. 2454) (Rereported) (Concurrence)

An Act providing for the highway capital budget project itemization for the fiscal year 2008-2009 to be financed from current revenue or by the incurring of debt.

CONSIDERATION OF CALENDAR RESUMED

BILL ON CONCURRENCE IN HOUSE AMENDMENTS TO SENATE AMENDMENTS AS AMENDED

SENATE CONCURS IN HOUSE AMENDMENTS TO SENATE AMENDMENTS AS AMENDED

HB 1096 (Pr. No. 4527) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of November 10, 1999 (P.L.491, No.45), known as the Pennsylvania Construction Code Act, further providing for definitions; establishing the Uniform Construction Code Review and Advisory Council; and further providing for revised or successor codes and for training of inspectors.

On the question,

Will the Senate concur in the amendments made by the House to Senate amendments, as further amended by the Senate, to House Bill No. 1096?

Senator PILEGGI. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate amendments, as further amended by the Senate, to House Bill No. 1096.

On the question,

Will the Senate agree to the motion?

The yeas and nays were required by Senator PILEGGI and were as follows, viz:

YEA-50

Armstrong	Fontana	O'Pake	Tartaglione
Baker	Fumo	Orie	Tomlinson
Boscola	Gordner	Piccola	Vance
Browne	Greenleaf	Pileggi	Washington
Brubaker	Hughes	Pippy	Waugh
Corman	Kasunic	Punt	White, Donald
Costa	Kitchen	Rafferty	White, Mary Jo
Dinniman	LaValle	Regola	Williams, Anthony H.
Earl	Logan	Rhoades	Williams, Constance
Eichelberger	Madigan	Robbins	Wonderling
Erickson	McIlhinney	Scarnati	Wozniak
Ferlo	Mellow	Stack	
Folmer	Musto	Stout	

NAY-0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate inform the House of Representatives accordingly.

THIRD CONSIDERATION CALENDAR RESUMED

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 2200 (Pr. No. 4526) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, further providing for director of operations, secretary, employees and consultants; repealing provisions relating to office of trial staff; further providing for bureaus and offices; providing for other bureaus, offices and positions; further providing for electric utility definitions; providing for energy efficiency and conservation program and for energy efficiency and conservation; further providing for duties of electric distribution companies and for market power remediation; and providing for procurement, for additional alternative energy sources and for carbon dioxide sequestration network.

Considered the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The PRESIDENT pro tempore. The Chair recognizes the gentleman from **Bucks, Senator Tomlinson.**

Senator TOMLINSON. Mr. President, I rise to ask for support for House Bill No. 2200 as amended by the Senate. I think this is very, very important legislation for our consumers today who consume power and energy in Pennsylvania. House Bill No. 2200 is, I think, a large step forward. The Governor of the State of Pennsylvania, Ed Rendell, has been a leader in a new energy policy, and this legislation contains many of those items in there.

It includes demand-side reduction, conservation, that I think is going to help the consumer, in the long run, to reduce the demand on power. We are requiring a reduction of 3 percent by the year 2013 and 4 1/2 percent for peak power, and I think that is extremely important as we go forward with an energy policy, Mr. President. **It also contains language in there that we will have smart meters. It is not mandated, but it allows for the deployment of smart meters through a depreciation process, through new home construction process, and through the depreciation of 15 years, and for anyone who wants to purchase a smart meter which they feel will help them manage their electric load better.**

I think probably the most important reason that we do this is the procurement language. As many of you know, we fought, in the last few months, trying to get mitigation for rate caps coming off. So that is a year or 2 away in some instances, and I think we have more time to fight that battle, but something that I think will help the consumer immediately will be the fact that we have new procurement standards. We no longer are going to use market pricing. We are going to use best pricing or least price for the consumer, and I think that helps the consumer in the end, when utilities are able to go out and compete for power as they purchase it for the distribution company.

I think that by offering these different tools and giving some latitude, people are not locked into buying power in 1 day for the rest of their contracts. Many of you are aware of the Pike County

situation, where after the episode of Katrina, Pike County and that utility up there were forced to buy their power the day after the hurricane, and of course, the rates were extremely high. Under our provisions here for procurement, we would be able to prevent that. And so for that reason, I think that would be a huge step forward in trying to bring electric rates down for the consumers in Pennsylvania.

I am disappointed. I fought hard to try to get mitigation. I do not think that is possible now, but I do not think that chapter is closed. I think that we are going to stand here and fight hard in these next 2 years and fight for mitigation or fight to make sure that any rate increases when the caps come off are not onerous for our consumers. But I think it is important today that we step forward and take these steps when it comes to demand-side reduction, to energy conservation, and to procurement, to make sure that we are moving forward with a very sensible energy policy in Pennsylvania.

I want to thank several people here. I want to thank Senator Boscola, my counterpart on the committee, for her hard fight and her cooperation. I want to thank my counterparts in the House, Representative McCall and Representative Preston. I want to thank our staffs. Fran Cleaver and Kathy Eakin have worked extremely hard, along with Bernie Kieklak and Christopher Craig, who have done an outstanding job, particularly, I think, in representing the interests of the consumer in this.

We are very, very fortunate in Pennsylvania to have some very strong utility companies, and we are, in fact, an exporter of power. We are, in fact, very energy-independent. We export probably 40 percent of the power we produce. Thirty-five percent of our power is produced by nuclear, and we are, of course, very, very rich in coal resources in Pennsylvania. So I think we have a great base in our energy policies and in our energy companies here to be able to go on and move into some of our alternative energies, to move into a better energy policy, as the Governor has asked for.

So I think this is a great compromise bill. It has been hard-fought. There are very, very strong and passionate positions on both sides of this issue. But I think it is time now to move forward, help the consumer, move forward with a forward-thinking energy policy that the Governor has put forward, and pass this bill today. So for that reason, Mr. President, I ask for a favorable vote on House Bill No. 2200 as amended by the Senate.

The PRESIDENT pro tempore. The Chair recognizes the gentlewoman from **Northampton, Senator Boscola.**

Senator BOSCOLA. Mr. President, as we all know, electric rate caps are scheduled to expire in Pennsylvania's five largest electric companies in 2010. And if we do nothing, if we do nothing to protect millions of electric customers from rate shock, the people we represent will see their bills go up by 30, 40, 50, and up to 70 percent in some areas, and that will be overnight.

Today, in House Bill No. 2200, we can finally do something to help millions of ratepayers hold on to more of their money instead of having to send it to their electric company. The procurement provisions contained in this bill will force power companies to purchase least-cost fuel instead of purchasing coal or natural gas or uranium at prevailing market rates, which is more expensive. It also gives Pennsylvania's Consumer Advocate the

tools he needs to keep electric prices as low as possible in the future. That is why our Consumer Advocate endorses this bill today, and personally assured me late last night that passing House Bill No. 2200 today is the right thing to do.

The other major provision of this bill deals with energy conservation and some very important steps that we all need to take for electric use. So-called smart meters by themselves are not magically -- anyone's monthly electric bill is not going to go down just because you are getting a smart meter. That will not happen. But this new technology will reward customers who are smart enough to realize that they can use electricity when it is cheapest during off-peak hours and pay a lower rate. **We also made sure that smart meters would not be mandated for every single ratepayer. Not only is that a smarter approach to smart meter deployment, but it will also save electric customers hundreds of millions of dollars paying for something that will not provide a real benefit in their own households.**

There is also strong market manipulation language in House Bill No. 2200, and that is what Senator Mellow insisted on being part of this bill. He should be commended for that, and we should not overlook that critical provision, because it will insure that real competition will not be undermined by existing power companies manipulating the wholesale market or the retail market to their own advantage.

What is not contained in this bill, unfortunately, is a real rate relief mitigation plan that I think the Senate needs to pass eventually. As everyone in this Chamber knows, that is what I have been fighting for for the past 2 years, and I do not doubt anybody knows that I am passionate about it, and this is just the beginning of this fight. Now, have we reached an agreement on mitigation yet? No. Despite our best efforts and ongoing negotiations that lasted into early morning, we have not. But I believe we are getting there.

And I know for a fact that we are closer to real rate mitigation now than we were 2 weeks ago or 2 months ago or 2 years ago. If there is anyone who wants to dispute that, you just have to take my word for it. And you can ask Senator Pileggi and Senator Tomlinson. They both sat in marathon sessions, negotiating sessions, and they want what we all want. We want Pennsylvania power companies to put up their own money to make it easier for customers to afford the new deregulated electric rates in 2010 and 2011. To do that will cost billions of dollars, billions, billions, that the companies would have given to their shareholders or slickly added to their profits.

So real rate relief, not just some Christmas card program or a plan to add some coupons, stuff some coupons in your pocket and save \$10 off your next purchase of a \$30,000 solar panel, that is not real rate relief. Just because it did not all come together at the eleventh hour like it does in the movies does not mean that we are done and that mitigation is dead. I have too much respect for Senator Pileggi, Chairman Tomlinson, Senator Fumo, and Senator Mellow to doubt that we will have a mitigation plan in place before rate caps come off. I also know that Governor Rendell will not rest until we have a mitigation plan in place that helps the ratepayers, small businesses, and our most vulnerable industries from this rate shock.

Together, we have put a tremendous amount of time into making this bill good for ratepayers and good for Pennsylvania. I

want to thank Senator Pileggi and Kathy Eakin and Dave Woods on his staff, Senator Tomlinson for going above and beyond the call of duty on this very, very complicated issue, and of course, my shopping partner, Fran Cleaver on his staff. I want to also thank Senator Mellow and Senator Fumo for their faith in me during these times when the obstacles seemed almost insurmountable, and both Gladys Brown and Christopher "Wing Man" Craig, who distinguished themselves in the heat of so many battles here and so many late, late nights and early mornings of hard, hard work.

Our job is not finished. There is still a lot of work to do. As of today, we have 449 days left to get it done before the rate caps come off, and get it done right. And as of today, after talking to Governor Rendell, he had indicated that he will take the bus that he goes around in across the State, and we are going to talk rate mitigation come January and February and take that bus to every corner of the State until we get a rate mitigation plan in effect before 2010.

Thank you, Mr. President. I thank everybody for all their hard work, and let us try to move forward. Thank you.

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Schuylkill, Senator Rhoades.

Senator RHOADES. Mr. President, first, I want to applaud everyone who has worked so hard on this particular issue - Senator Tomlinson and his staff, Senator Pileggi, and everyone who has been involved and committed to this. I really do think we have a good piece of legislation, but I am going to agree with the gentlewoman from Northampton, because I will tell you what, 10 years ago may have been--and I say may have been--the first and the only time I voted for deregulation.

But the decision I made then was based on what I perceived to be the statements made to me, and as I saw it, that this would result in lower or at least the same level playing field rates for consumers. There was no talk then of a cost increase. There was no talk of a projection increase. There was no talk of a 35- or 40-percent increase at the end. And we still allowed the stranded costs. Then I look over that 10-year period, and the local company I have has made billions of dollars of profit, has been able to distribute very fine dividends to its stockholders. That is fine. That is excellent. That is good.

We have gone from a regulated monopoly to an unregulated monopoly, and I have problems with that. I do not want to move on any piece of legislation until I see the mitigation piece and how it is going to affect the consumers. Then I will say we should do the whole thing. I want to see how it affects the consumers, what it is going to mean to them, and how we are going to put it in place. I know, I hear, well, we will give them a 75-percent break, then a 50-percent break, then a 25-percent break, but as a company borrows that money, you know who is going to end up paying the interest on it. Or I will tell you what, you put your deposit in, and I will give you 6 percent now. Why do I have to go through that gyration when I should have had an understanding, at least it was projected to me, that all things will remain basically the same, except now, you will be able to go out and be at least more competitive. I have not seen that.

Another grave concern I have, too, is I want to make sure that PPL retirees, and those are the people I am talking about, have their pension system put in a separate account. I do not want to

end up like Bethlehem Steel, where it ended up that they closed down, and then I had people looking for pensions. I want these kinds of things to be understood, and I want to know what the consumer is really going to have to pay before I can pass on anything. So for that reason, I will be voting "no."

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Allegheny, Senator Ferlo.

Senator FERLO. Mr. President, with all due respect to all the self-congratulatory accolades being expressed, I am very disappointed in the final outcome represented in this bill, House Bill No. 2200, and it quite honestly represents a sucker punch in the face of electric ratepayers, both individual homeowners and ratepayers at a residential level, as well as those in the small business community, and even larger businesses that are going to have to continue to bear exorbitant rate hikes and rate increases when it comes to electricity.

I am disappointed mostly because as a benchmark piece of legislation, this legislation does not admit or declare in some type of form the horrendous failure that so-called electric choice has been. The State legislature should be held accountable for a bad decision made over 10 years ago in creating so-called electric choice. The only electric choice we have, basically, is to continue to pay exorbitant electric rates.

There is no true competition. There is basically an almost fraudulent methodology by which electricity is purchased on the PJM marketplace. We have companies going to Wall Street, blatantly and with very clear annual statements and reports, even documenting the amount of profiteering that they are going to make off the backs of ratepayers. And as one of my most brilliant colleagues reported at a press conference in June, the rate hikes will basically represent probably the largest tax increase on the backs of Pennsylvania residents and businesses, although it will not be in the form of taxes. It will come through the back door in the form of higher electric rates.

Needless to say, I am less than pleased. I have three amendments here. Two deal, actually, with the issue that everybody seems to say they want, and that is rate mitigation. Well, I have two amendments right here. One is to extend the rate caps to 2013. Another one is to implement a more modified rate cap over a 5-year period at 9 percent per year, which would at least create less pain for residents and small businesses. I am also concerned, at a third level, about the fact that this legislature, just 2 1/2 years ago, removed the so-called Chapter 14 provisions, which at least provided some consumer protections under the Public Utility Commission code.

We have had over 60 house fires in this State in the last 2 years since the removal of the Chapter 14 consumer rights provisions, where people have actually died in their houses, people trying to keep gas and light on either illegally or inappropriately, or during the winter months, trying to use kerosene heaters, lighting wood and fuel. That is a horrendous situation, and given the harsh reality of the economics of this country right now, today, and what everybody admits is going to be hard times for the next several years, I find it reprehensible that we are not able to proceed with some level of rate cap mitigation in this bill and, as well, some restoration of consumer rights to provide opportunities to ban winter shutoffs, to allow a more rational and reasonable reconnect policy as to how much people have to pay to get

their gas and light put back on by the utility company, to allow the Public Utility Commission to reenter as the mediator between the utility companies' narrow self-interests and the ratepayer. Right now, say you are on the phone with some operator, you do not even know if the operator works in China or India or Asia, and you are trying to argue about some consumer right that you feel you have to try to get a more reasonable reconnection. You have no rights whatsoever. We should restore that. And I have amendments that do that.

It is clear, however, that there are important elements in this bill that I certainly would not want to oppose or argue with, because I have fought hard. I have fought hard for some of the provisions that are in this bill, including the provision for the least-cost purchase price, and that is very important. And there are other elements of this bill that none of us would want to argue about, because, in fact, they are moving forward in trying to create a more level playing field between outright profiteering and the ability of small businesses and residences to survive in our Commonwealth with a needed, basic right to electricity.

So I am betwixt and between. There is not majority support to support these amendments, so I am not going to go forward in a Don Quixote fashion and offer amendments on the mitigation side of the equation, and I believe that come January, when people will be freezing to death, maybe there will be an ability for both sides of the aisle, in a nonpartisan way, to come together to talk about restoring some of the consumer protections.

So at this eleventh hour, as my colleague reported, I think it is important that we move forward on the bill, but I do think it is inappropriate that we were not able--and we keep saying we are rushed, it is the eleventh hour. I mean, we do not set the agenda on this side of the aisle. You all do on the aisle opposite. I do not know what says that we have to leave today. I know there is an election coming up in a few weeks. I do not know what says that we cannot reconvene to really deal with the rate cap mitigation. It is not rocket science.

So I am very disappointed, but I think it is important that we try to move forward on this bill, and accordingly, Mr. President, I will not be offering the amendments. Thank you.

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Beaver, Senator LaValle.

Senator LaVALLE. Mr. President, as most people probably know, up until about an hour ago, I was prepared to vote "no" on this bill simply because I really wanted to see rate cap mitigation included. I thought that was the direction we were going. Since that time, and I want to be on record, the Governor has assured us that beginning in January, he will do all that he can to address that issue. Senator Boscola has been committed to addressing the issue and working as hard as she can possibly work to get the rate cap mitigation included, or at least address that issue next year. So although I am not very happy with not having it in now, I am prepared to vote "yes."

As Senator Ferlo said, there are some good things in the bill. However, you know, I am not going to be here next year, so the guy who takes my place when the rates go sky high, he can take all the complaining, and I will be one of the complainers. So, hopefully, we will do something to relieve him of that pain.

Thank you, Mr. President.

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Philadelphia, Senator Fumo.

Senator FUMO. Mr. President, I want to thank Senator Ferlo for not offering his amendments today, because I think that would have ultimately denied us the opportunity of voting on House Bill No. 2200. I want to thank Senator LaValle and the other Members of my Caucus who were negative and are now positive. But I also want to echo some of the comments, in two particular areas.

This is not a bad bill. This is not a vote against mitigation, which we all seem to want, in one form or another, but this is a step in the right direction. The procurement portions of this bill will result in immediate ratepayer savings. As was mentioned earlier, and I just want to reemphasize, this legislation will change the current law and force utilities to purchase their electricity at the least possible rate, the lowest-cost rate, not the phony market rate that the current law allows them to do.

Secondly, it will require them to have a mix in their portfolio of long-term, short-term, and middle-term contracts, which will ultimately also benefit the consumer. It will require them, in that portfolio, to have at least some long-term contracts, more than 4 years, but not less than 20. And as was also said, the amendment will impose significant safeguards intended to prevent market manipulation and self-dealing.

In addition to that, the bill has been amended to say that the maximum fine will not be \$5 million, which to some of these large utilities is just merely the cost of operation, but rather \$20 million, which is some pain.

Then, on the demand side, we do have long-term goals and positions that will save us energy in the long run. But like everything else, no one wants to hear about that, because it is not going to really kick in for 8 to 10 years. But it is there, and future generations will be the beneficiaries of that. In addition, we did not mandate smart meters, but we made them optional. We did say in new construction, where they really are practical, they will be put in.

So this is not a bad vote for anybody. What has been explained to me in the main argument that I have heard is that, gee, we blew an opportunity. We had some leverage. We had no leverage with utility companies on this bill. This was similar to the guy who stands there with a gun to his head and says to the other guy, if you move, I will shoot. There was no leverage against utility companies in this bill.

Next, I want to address, because I, too, will not be here, but I was here in 1996 when I not only voted against deregulation, I predicted that there would not be any competition, and regrettably, my prediction has come true. But then I sued PECO, and I was the one who got the 8-percent reduction and the current caps that we have. Now I am beginning to think it was the right thing to do. We saved people billions of dollars, but when it comes off, they are going to be upset.

In addition to that, the people have not yet gotten the message. That is why I think the utility companies have made a major strategic mistake by not attempting to resolve mitigation at this stage. What is going to happen is every day they delay in coming to the table, and every day we do not do anything about mitigation in the next Session, more and more pressure is going to be built up

against them. And I know the reality here, having served here over 30 years. We are usually dealing with this lobbyist versus that lobbyist, this union versus this construction company, and all these special interests. For the first time, when this begins to become a reality, the power base will not be with any lobbyist, will not be with any special interest group. It will be with those who are with the people. The people will rebel. The people will demand mitigation far in excess, far in excess to what we are willing to compromise with today. But the utilities will ultimately pay for that arrogance.

Lastly, because I will not be here, the way to serve consumers is not to get \$1.5 billion, \$2 billion, \$5 billion, \$10 billion, \$20 billion into this, because we are now dealing with an unregulated utility industry. We have never done that before. They were always regulated, until 1996, when we deregulated, and then immediately, they had the caps imposed upon them so no one ever suffered or saw the reality of an unregulated monopoly, and that is what we have here. So when that happens, getting \$1 billion or \$10 billion is not going to help, because they are not regulated. They will just get it back again. It is a shell game. The only real way to protect the consumer is to devise a scheme that would have in it some sort of index with a ceiling that would go forth in perpetuity, and that ceiling might be inflation plus 2 percent, 3 percent, or whatever. But that will do two things. That will give consumers predictability in where their rates are going, it will protect them from the gouging, and it will also give utility companies predictability. That should be the goal you strive for in the next Session.

But in the end, voting for this bill is a major step forward, and this will save consumers and ratepayers money right now. It is not that we are not doing anything for them. We are. We would like to do more. We will do this now, given the reality. So I urge everyone to vote in the affirmative, and from what I understand on our side of the aisle, that will be a reality. I am very happy about that, and I want to thank my colleagues for that, and I would hope on the other side that we can get very near that unanimous number as well, to show the public that we do care, that we do have concerns for what is going to hit them. Because right now, they are getting beat up every which way from Sunday with the stock market, with their IRAs, savings accounts, the cost of food, the cost of gasoline, the cost of heating oil. We can help them with this. This is a step in that direction, and we should do more, and I am positive we will do more in the next Session.

Thank you, Mr. President.

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Bucks, Senator Tomlinson.

Senator TOMLINSON. Mr. President, I will be brief. I just want to reiterate that the utilities were never held at leverage. The utilities were never who we could get anything out of. It was always the Governor's proposal on energy. It was the Governor whom I was looking forward to bringing in to help us, against the utilities, to bring about mitigation. The Governor stepped up, the Governor stepped in, and the Governor had meetings.

The Governor called in all the CEOs and executives from the utility companies. I was in some of those meetings, and my colleagues from the other side of the aisle were in some of those meetings, and we tried very, very hard. And some utilities

stepped up. Some utilities offered some plans. Some utilities did not. I do not think it is something we can do piecemeal. I do not think it is something we can do with one utility and not with another utility. We just did not get all of the utilities together. But that is not a reason not to vote for this legislation.

This legislation-- I cannot believe that the utilities can be happy about the procurement language that we are about to propose. I think this procurement language helps the consumer, gives the PUC oversight over these contracts, allows them to look at these contracts to make sure that there is not any manipulation in the contracts. So I think we have given more tools to the consumer by allowing this.

Right now, there are actually two cases before the PUC. If we vote this out and the Governor signs this, that will give the PUC the power to actually help the consumer in those two rate cases because we changed the standards from market to best price or least price for the consumer, instead of market price. So I think it is extremely important to the consumer that we move this forward. It is extremely important when we start moving this energy policy into the new technologies, into the meters. Not everyone believes in universal meters and mandatory meters, but it is a technology that we have to move into. It is a technology that I think, in the future, is going to show more benefit to the consumer. And certainly, we should start to manage our demand side. We have to bring that peak power load down.

So there is a lot of good in this legislation. It is extremely important, I think, that we move forward, and the fight is not over. I want to thank Senator LaValle for his passion in the meetings that we have had on this. He has done a wonderful job standing up for the consumer. I want to thank Senator Ferlo for his passion, and I know he is going to continue to be here to help us fight that fight. But the leverage is not on this legislation, the leverage was on the Governor holding up his legislation to help me leverage the utilities. The Governor has done that, and I am confident the Governor is going to continue to help us fight the utilities and fight and bring about an equitable settlement with them.

So, with that, I think this is a very good bill. It is a good compromise bill. I think the administration has given up a lot to get this done, and I think we have given up a lot to get this done. Not everybody is totally happy with this. I know the Governor would like to have seen a little bit more. I would like to have seen a little bit more. I think it is a good compromise bill, and I ask for an affirmative vote. I would also like to thank Senator Fumo, whom I did not mention before, who has worked very, very hard to try to bring this thing together. And I thank Senator Fumo very much for his help on this.

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Delaware, Senator Pileggi.

Senator PILEGGI. Mr. President, I will be brief. I do not want to repeat all of the comments that have been made, many of them valid. I do want to address a couple of comments made, the comments by Senator Ferlo regarding the shutoff legislation that was contained in an amendment he planned to offer. I had told him privately, and I will repeat publicly, that I am willing to work with him on that important issue as we move toward the next Session, and hopefully we can reach an improvement in the cur-

rent law as it pertains to people facing both shutoff notices and the difficult task of being reconnected to utilities once they go through a shutoff process.

As to the issue of mitigation, I share Senator Boscola's comments as to the importance of that litigation being worked on and addressed here. I have said publicly that that was probably the most important topic that we needed to address in the various topics of energy legislation. Unfortunately, we simply were not able to reach an agreement on legislation to deal with that now, but I will continue to work with Senator Boscola and the other Members of the Senate who are interested in this topic. It is something that we absolutely have to do for consumers in Pennsylvania going forward.

I do want to commend Senator Tomlinson for his leadership on this issue and his patience over, now, almost 2 years in working through these issues; Senator Boscola and the leadership on the other side of the aisle, Senator Mellow and Senator Fumo, in working through these difficult issues; and also their staffs who worked very long hours. Although not complete because we do not have the mitigation legislation as part of this package, I think this is a tremendous improvement in the law in Pennsylvania on demand-side management and on procurement, and it is certainly something worthy of support by every Member of this body. I urge an affirmative vote.

Thank you, Mr. President.

LEGISLATIVE LEAVE

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Delaware, Senator Pileggi.

Senator PILEGGI. Mr. President, I request a legislative leave for Senator Punt.

The PRESIDENT pro tempore. Senator Pileggi requests a legislative leave for Senator Punt. Without objection, the leave will be granted.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

YEA-47

Armstrong	Fumo	O'Pake	Tartaglione
Baker	Gordner	Orie	Tomlinson
Boscola	Greenleaf	Piccola	Vance
Browne	Hughes	Pileggi	Washington
Brubaker	Kasunic	Pippy	Waugh
Corman	Kitchen	Punt	White, Donald
Costa	LaValle	Rafferty	White, Mary Jo
Dinniman	Logan	Regola	Williams, Anthony H.
Earll	Madigan	Robbins	Williams, Constance
Erickson	Mellhinney	Scarnati	Wonderling
Ferlo	Mellow	Stack	Wozniak
Fontana	Musto	Stout	

NAY-3

Eichelberger	Folmer	Rhoades
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A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

HB 2294 (Pr. No. 4525) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for the licensure of persons providing debt management services and for the powers and duties of the Department of Banking; requiring surety bonds; prohibiting certain fees and costs; providing for debt management plans; and prohibiting certain acts by persons providing debt management services.

Considered the third time and agreed to,
And the amendments made thereto having been printed as required by the Constitution,

On the question,
Shall the bill pass finally?

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Allegheny, Senator Costa.

Senator COSTA. Mr. President, I offer remarks for the record.

The PRESIDENT pro tempore. The remarks will be spread upon the record.

(The following prepared remarks were made part of the record at the request of the gentleman from Allegheny, Senator COSTA:)

Mr. President, I rise in support of this bill and to make a few brief remarks.

First, I would like to thank Senator Browne, Senator Greenleaf, Senator Stack, and Senator Fumo for their work on this important piece of legislation. Their efforts helped to address many of the concerns expressed by nonprofit consumer credit counseling agencies and made this bill a much better product.

For the first time, this legislation establishes a regulatory framework governing consumer credit counseling agencies, both for-profit and nonprofit agencies. We are in the midst of one of the greatest financial crises in our nation's history. A large part of the problem we are experiencing has to do with consumer debt. For better or worse, many in our communities have gotten in over their heads. In this atmosphere, many will rely on credit counseling agencies to provide advice and guidance, as well as assistance to put them into a debt management or debt settlement program.

Now is a great time for this legislation because it will impose strong regulation through the Department of Banking on the entities that will provide this important advice and services to consumers. Currently, there is no requirement to be licensed to offer debt management services or debt settlement services in Pennsylvania.

The bill would require that those offering debt management services be licensed, bonded, and certified. Further, the bill offers significant enforcement powers to the Department of Banking as well as remedies for aggrieved persons. The bill sets limitations on fees a consumer may be charged. This is an important consumer protection change to the law, as there currently are no limitations on the fees a consumer may be charged.

The legislation requires entities offering debt management services or debt settlement services to be licensed by the department and to operate according to regulations promulgated by the department. Those offering debt management services would also be required to renew their license on a yearly basis.

The application for a license would require the applicant to disclose any ownership interest of any officer, director, agent, or employee in an

affiliate, subsidiary, or any business that will provide any service to a consumer. The applicant would have to prove financial stability by providing, as evidence, an audit opinion from an independent certified public accountant. The applicant would have to prove it is insured against dishonesty, fraud, theft, and other malfeasance on the part of its employees, officers, directors, or principals.

The legislation gives the Attorney General enforcement action pursuant to the Unfair Trade Practices Act as well as provides individuals with a private right of action under the Unfair Trade Practices Act.

The licensee is required to file an annual report with the department concerning the services conducted in the previous year and authorizes a \$100-per-day fine for every day the report is late. Most significantly, the licensee is required to provide a free consumer education program to consumers before even offering a debt management plan to a consumer. The consumer education program must be designed to improve personal and household financial management and financial literacy. It must also be tailored for each consumer to provide education about budgeting, saving, investing, debt management, and maintaining credit-worthiness.

Before the consumer enters into an agreement, a financial analysis of the situation must be prepared with a good-faith determination of how the consumer will benefit from the debt management services with an explanation of that benefit. The licensee would be prohibited from providing debt management services absent that benefit. The licensee is required to orally review the analysis, budget, and debt management services and provide copies of them to the consumer.

Mr. President, this bill contains significant consumer protections in this previously unregulated area. I ask for an affirmative vote on the bill.

Thank you.

And the question recurring,
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

YEA-43

Armstrong	Folmer	O'Pake	Stack
Baker	Fontana	Orie	Stout
Boscola	Gordner	Piccola	Tomlinson
Browne	Greenleaf	Pileggi	Vance
Brubaker	Kasunic	Pippy	Waugh
Corman	LaValle	Punt	White, Donald
Costa	Logan	Rafferty	White, Mary Jo
Dinniman	Madigan	Regola	Williams, Anthony H.
Earll	McIlhinney	Rhoades	Wonderling
Eichelberger	Mellow	Robbins	Wozniak
Erickson	Musto	Scarnati	

NAY-7

Ferlo	Hughes	Tartaglione	Williams, Constance
Fumo	Kitchen	Washington	

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

HB 2289 (Pr. No. 4518) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for desecration, theft or sale of venerated objects.

Considered the third time and agreed to,
And the amendments made thereto having been printed as required by the Constitution,

On the question,
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

YEA-50

Armstrong	Fontana	O'Pake	Tartaglione
Baker	Fumo	Orie	Tomlinson
Boscola	Gordner	Piccola	Vance
Browne	Greenleaf	Pileggi	Washington
Brubaker	Hughes	Pippy	Waugh
Corman	Kasunic	Punt	White, Donald
Costa	Kitchen	Rafferty	White, Mary Jo
Dinniman	LaValle	Regola	Williams, Anthony H.
Earll	Logan	Rhoades	Williams, Constance
Eichelberger	Madigan	Robbins	Wonderling
Erickson	McIlhinney	Scarnati	Wozniak
Ferlo	Mellow	Stack	
Folmer	Musto	Stout	

NAY-0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

HB 2188 (Pr. No. 4521) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for court-appointed conservators to bring residential, commercial and industrial buildings into municipal code compliance when owners fail to comply.

Considered the third time and agreed to,
And the amendments made thereto having been printed as required by the Constitution,

On the question,
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

YEA-50

Armstrong	Fontana	O'Pake	Tartaglione
Baker	Fumo	Orie	Tomlinson
Boscola	Gordner	Piccola	Vance
Browne	Greenleaf	Pileggi	Washington
Brubaker	Hughes	Pippy	Waugh
Corman	Kasunic	Punt	White, Donald
Costa	Kitchen	Rafferty	White, Mary Jo
Dinniman	LaValle	Regola	Williams, Anthony H.
Earll	Logan	Rhoades	Williams, Constance
Eichelberger	Madigan	Robbins	Wonderling

Erickson	McIlhinney	Scarnati	Wozniak
Ferlo	Mellow	Stack	
Folmer	Musto	Stout	

NAY-0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

HB 2629 (Pr. No. 4517) -- The Senate proceeded to consideration of the bill, entitled:

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

Considered the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

YEA-50

Armstrong	Fontana	O'Pake	Tartaglione
Baker	Fumo	Orie	Tomlinson
Boscola	Gordner	Piccola	Vance
Browne	Greenleaf	Pileggi	Washington
Brubaker	Hughes	Pippy	Waugh
Corman	Kasunic	Punt	White, Donald
Costa	Kitchen	Rafferty	White, Mary Jo
Dinniman	LaValle	Regola	Williams, Anthony H.
Earll	Logan	Rhoades	Williams, Constance
Eichelberger	Madigan	Robbins	Wonderling
Erickson	McIlhinney	Scarnati	Wozniak
Ferlo	Mellow	Stack	
Folmer	Musto	Stout	

NAY-0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

HB 347 (Pr. No. 4509) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in general provisions, further providing for definitions; in registration of vehicles, further providing for issuance and reissuance of registration plates and for lost, stolen, damaged or illegible registration plate; in licensing of drivers, further providing for issuance and content of driver's license; in commercial drivers, further providing for definitions for requirement for commercial driver's license, for commer-

cial driver's license qualification standards and for disqualification; in fees, further providing for exemptions from other fees; in rules of the road in general, further providing for speed timing devices; in inspection of vehicles, further providing for inspection by police or Commonwealth personnel; in size, weight and load, further providing for securing loads in vehicles, for height of vehicles and for permit for movement during course of manufacture; in powers of department and local authorities, further providing for promulgation of rules and regulations by department; and in snowmobiles and all-terrain vehicles, further providing for definitions.

Considered the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

YEA-50

Armstrong	Fontana	O'Pake	Tartaglione
Baker	Fumo	Orie	Tomlinson
Boscola	Gordner	Piccola	Vance
Browne	Greenleaf	Pileggi	Washington
Brubaker	Hughes	Pippy	Waugh
Corman	Kasunic	Punt	White, Donald
Costa	Kitchen	Rafferty	White, Mary Jo
Dinniman	LaValle	Regola	Williams, Anthony H.
Earll	Logan	Rhoades	Williams, Constance
Eichelberger	Madigan	Robbins	Wonderling
Erickson	McIlhinney	Scarnati	Wozniak
Ferlo	Mellow	Stack	
Folmer	Musto	Stout	

NAY-0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

HB 1543 (Pr. No. 4489) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for expungement of criminal history record.

Considered the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The PRESIDENT pro tempore. The Chair recognizes the gentlewoman from Philadelphia, Senator Kitchen.

Senator KITCHEN. Mr. President, this is a very important bill, and it will help hundreds of people across Pennsylvania,

especially our young people. I would like to thank Senator Pileggi, Senator Greenleaf, Senator Mellow, and Senator Costa. We have been working together for several years, and this did not go quite as far as I would like, or as far as some of the people who are working on it would like, but at least this is a step in the right direction. So I would like to thank all Members of the Senate for considering this bill. Thank you.

And the question recurring,
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

YEA-50

Armstrong	Fontana	O'Pake	Tartaglione
Baker	Fumo	Orie	Tomlinson
Boscola	Gordner	Piccola	Vance
Browne	Greenleaf	Pileggi	Washington
Brubaker	Hughes	Pippy	Waugh
Corman	Kasunic	Punt	White, Donald
Costa	Kitchen	Rafferty	White, Mary Jo
Dinniman	LaValle	Regola	Williams, Anthony H.
Earll	Logan	Rhoades	Williams, Constance
Eichelberger	Madigan	Robbins	Wonderling
Erickson	McIlhinney	Scarnati	Wozniak
Ferlo	Mellow	Stack	
Folmer	Musto	Stout	

NAY-0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

HB 2034 (Pr. No. 3198) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for long-term care patient access to pharmaceuticals; and conferring powers and duties on the State Board of Pharmacy.

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

YEA-50

Armstrong	Fontana	O'Pake	Tartaglione
Baker	Fumo	Orie	Tomlinson
Boscola	Gordner	Piccola	Vance
Browne	Greenleaf	Pileggi	Washington
Brubaker	Hughes	Pippy	Waugh
Corman	Kasunic	Punt	White, Donald
Costa	Kitchen	Rafferty	White, Mary Jo
Dinniman	LaValle	Regola	Williams, Anthony H.

Earll	Logan	Rhoades	Williams, Constance
Eichelberger	Madigan	Robbins	Wonderling
Erickson	McIlhinney	Scarnati	Wozniak
Ferlo	Mellow	Stack	
Folmer	Musto	Stout	

NAY-0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

**SPECIAL ORDER OF BUSINESS
SUPPLEMENTAL CALENDAR No. 1**

SENATE CONCURS IN HOUSE AMENDMENTS

SB 263 (Pr. No. 2453) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 21, 1939 (P.L.566, No.284), known as The Pennsylvania Occupational Disease Act, providing further benefits.

On the question,
Will the Senate concur in the amendments made by the House to Senate Bill No. 263?

Senator PILEGGI. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 263.

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

The yeas and nays were required by Senator PILEGGI and were as follows, viz:

YEA-50

Armstrong	Fontana	O'Pake	Tartaglione
Baker	Fumo	Orie	Tomlinson
Boscola	Gordner	Piccola	Vance
Browne	Greenleaf	Pileggi	Washington
Brubaker	Hughes	Pippy	Waugh
Corman	Kasunic	Punt	White, Donald
Costa	Kitchen	Rafferty	White, Mary Jo
Dinniman	LaValle	Regola	Williams, Anthony H.
Earll	Logan	Rhoades	Williams, Constance
Eichelberger	Madigan	Robbins	Wonderling
Erickson	McIlhinney	Scarnati	Wozniak
Ferlo	Mellow	Stack	
Folmer	Musto	Stout	

NAY-0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate inform the House of Representatives accordingly.

SENATE CONCURS IN HOUSE AMENDMENTS

SB 768 (Pr. No. 2431) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 64 (Public Authorities and Quasi-Public Corporations) of the Pennsylvania Consolidated Statutes, further providing for the definitions of "commercial lending activities" and "commercial lending institutions" and for the First Industries Program.

On the question,
Will the Senate concur in the amendments made by the House to Senate Bill No. 768?

Senator PILEGGI. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 768.

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

The yeas and nays were required by Senator PILEGGI and were as follows, viz:

YEA-50

Armstrong	Fontana	O'Pake	Tartaglione
Baker	Fumo	Orie	Tomlinson
Boscola	Gordner	Piccola	Vance
Browne	Greenleaf	Pileggi	Washington
Brubaker	Hughes	Pippy	Waugh
Corman	Kasunic	Punt	White, Donald
Costa	Kitchen	Rafferty	White, Mary Jo
Dinniman	LaValle	Regola	Williams, Anthony H.
Earll	Logan	Rhoades	Williams, Constance
Eichelberger	Madigan	Robbins	Wonderling
Erickson	McIlhinney	Scarnati	Wozniak
Ferlo	Mellow	Stack	
Folmer	Musto	Stout	

NAY-0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate inform the House of Representatives accordingly.

SENATE CONCURS IN HOUSE AMENDMENTS

SB 1107 (Pr. No. 2472) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Titles 23 (Domestic Relations) and 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, further providing for modification of existing custody orders; and providing for protection of deployed members of the Pennsylvania National Guard and reserve components in child custody arrangements.

On the question,
Will the Senate concur in the amendments made by the House to Senate Bill No. 1107?

Senator PILEGGI. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 1107.

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

The yeas and nays were required by Senator PILEGGI and were as follows, viz:

YEA-50

Armstrong	Fontana	O'Pake	Tartaglione
Baker	Fumo	Orie	Tomlinson
Boscola	Gordner	Piccola	Vance
Browne	Greenleaf	Pileggi	Washington
Brubaker	Hughes	Pippy	Waugh
Corman	Kasunic	Punt	White, Donald
Costa	Kitchen	Rafferty	White, Mary Jo
Dinniman	LaValle	Regola	Williams, Anthony H.
Earll	Logan	Rhoades	Williams, Constance
Eichelberger	Madigan	Robbins	Wonderling
Erickson	McIlhinney	Scarnati	Wozniak
Ferlo	Mellow	Stack	
Folmer	Musto	Stout	

NAY-0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate inform the House of Representatives accordingly.

SENATE CONCURS IN HOUSE AMENDMENTS

SB 1504 (Pr. No. 2454) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for the highway capital budget project itemization for the fiscal year 2008-2009 to be financed from current revenue or by the incurring of debt.

On the question,
Will the Senate concur in the amendments made by the House to Senate Bill No. 1504?

Senator PILEGGI. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 1504.

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

The yeas and nays were required by Senator PILEGGI and were as follows, viz:

YEA-50

Armstrong	Fontana	O'Pake	Tartaglione
Baker	Fumo	Orie	Tomlinson
Boscola	Gordner	Piccola	Vance
Browne	Greenleaf	Pileggi	Washington
Brubaker	Hughes	Pippy	Waugh
Corman	Kasunic	Punt	White, Donald

Costa	Kitchen	Rafferty	White, Mary Jo
Dinniman	LaValle	Regola	Williams, Anthony H.
Earll	Logan	Rhoades	Williams, Constance
Eichelberger	Madigan	Robbins	Wonderling
Erickson	McIlhinney	Scarnati	Wozniak
Ferlo	Mellow	Stack	
Folmer	Musto	Stout	

NAY-0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate inform the House of Representatives accordingly.

CONSIDERATION OF CALENDAR RESUMED

THIRD CONSIDERATION CALENDAR RESUMED

BILL REREPORTED FROM COMMITTEE AS AMENDED ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 2525 (Pr. No. 4524) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 7, 1982 (P.L. 784, No. 225), known as the Dog Law, further providing for definitions, for issuance of dog licenses, for applications for dog licenses, for license certificates, for kennels, for requirements for kennels, for out-of-State dealer license, for bills of sale, for revocation, suspension or refusal of kennel licenses, for transportation of dogs, for health certificates for importation, for inspections of premises and dogs and for additional duties of department; providing for refusal of entry and for the Canine Health Board; further providing for seizure and detention of dogs, for confinement of dogs, for dog bites, for registration, for certain requirements, for control of dangerous dogs, for public safety, for selling, bartering or trading dogs, for damages caused by coyotes, for burdens of proof, for enforcement and for violations; providing for exemption; further defining "releasing agency"; and making editorial changes.

Considered the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Lancaster, Senator Brubaker.

Senator BRUBAKER. Mr. President, I appreciate this opportunity to make remarks here today on House Bill No. 2525. This important legislation provides for a humane and healthy environment for dogs living in commercial breeding operations, something that an overwhelming number of Pennsylvanians desire for this Assembly to do.

I believe that breeding dogs, including the commercial breeding of dogs, can be conducted humanely. There are numerous--let me emphasize--there are numerous good and reputable breeders in Pennsylvania. This legislation allows for a doubling of the primary enclosure; unfettered access to outdoor exercise, except in situations approved by a veterinary board; a prohibition on wire flooring; veterinary care every 6 months for all dogs in kennels; a prohibition on the stacking of cages; and a Canine Health

Board made up of veterinarians who will determine ventilation, lighting standards, and types of flooring that will be permitted based on acceptable animal husbandry practices. No longer will a dog in a licensed kennel in Pennsylvania be permitted to spend its entire life in a cage, never setting foot on solid ground. We were able to make these improvements while still providing for an environment in which the business of breeding dogs in Pennsylvania can continue. As I said when House Bill No. 2525 came to the Senate, I would not support a bill that arbitrarily shuts down kennels regardless of the quality of their breeding operation.

The work of this bill required a great deal of bipartisan cooperation by numerous people, including those persons in the Governor's Office, in the House and in the Senate, many interested parties, and volumes and volumes of people from the general public. We have heard thousands of people who spoke on this issue through e-mails, letters, phone calls, and visits. Let me guarantee you, your voice was heard, and I applaud you for being involved in your legislative process. The various interest groups on this were well-represented and were available at all times.

Representative Hanna and Representative Hershey in the House and their staffs worked tirelessly on this bill all through this summer. Chairman O'Pake, my counterpart on the Senate Committee on Agriculture and Rural Affairs, and Neil McAuliffe on Senator O'Pake's staff guided this bill through the committee with expertise and professionalism at all times. My fellow committee members listened and worked with me to improve House Bill No. 2525, and I appreciate their dedication to this issue.

I applaud Senator Armstrong and his staff, including Russ Miller, for their willingness to have a discussion which was necessary to move this bill forward through the Committee on Appropriations. Senator Pileggi was instrumental in moving this forward as well. Of course, we could not be here without the diligence of Governor Rendell on this issue. Secretary Steve Crawford was also always accessible and reasonable and willing to talk through some very difficult negotiations. Will Danowski, Greg Thall, and the staff of the Department of Agriculture worked tirelessly on this issue as well.

This bill is not perfect in the eyes of many. But perhaps, in an effort to gain perfect legislation, many times we end up with no legislation. House Bill No. 2525 came out of the House of Representatives with only 17 negative votes out of 203 Members. It received unanimous and bipartisan support for the amendments offered in the Senate Committee on Agriculture and Rural Affairs, and received unanimous and bipartisan support for the amendments offered in the Senate Committee on Appropriations.

This is the process of democracy. Everyone agreed something needed to be done. What that something looked like is where we all differ, but we all agreed that through a collaborative process, we could ultimately unite in House Bill No. 2525 as it came out of the Committee on Appropriations.

As a result of this, treatment of dogs in Pennsylvania will continue to be improved and will be treated in a humane and healthy manner. I urge my colleagues to support House Bill No. 2525 in its current form so we can send this bill back to the House of Representatives for concurrence and for the Governor to sign. Thank you.

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Berks, Senator O'Pake.

Senator O'PAKE. Mr. President, I also rise in support of House Bill No. 2525, and I urge my colleagues on both sides of the aisle to support it. First of all, I would like to commend Senator Brubaker and his staff. They did an excellent job working with the many interests involved in this and in taking a 91-page bill that came from the House of Representatives and actually improving upon it. The Governor's Office was most cooperative, as were the humane societies, the veterinarians, and all those who had an interest in improving the quality of life for our dogs who are in commercial kennels throughout Pennsylvania.

This is the puppy mill bill that has been written about and discussed so fervently in the past few months, even making national headlines. Unfortunately, because of the inhumane actions of a few commercial kennel operators, Pennsylvania had gained a reputation nationally as the puppy mill capital of the East Coast. It is a reputation that stained our image and one that we need to address, which we did here. I got over 5,000 e-mails in 1 day from all across the nation. I am sure most of you had the same experience.

House Bill No. 2525, which is now 101 pages long, will go a long way in improving conditions in Pennsylvania. It creates a new definition for commercial kennels, and it will specify how they must house dogs, treat them, exercise them, and provide proper veterinary care. It gives the Department of Agriculture the power it needs to enforce these provisions. It also provides that dogs in commercial kennels can only be euthanized by a veterinarian. I think all of us were shocked this past summer when a breeder in my senatorial district decided to shoot all of his dogs, 80 of them, rather than provide minimal veterinary care for some of them.

Since the bill arrived here 3 weeks ago, it has been amended by the Senate Committee on Agriculture and Rural Affairs and the Committee on Appropriations. As a result of these amendments, I believe we are passing a far better bill than what came over here from the House. The Governor has said he will sign this bill, and most of the major shareholders are also in support. I urge an affirmative vote on House Bill No. 2525.

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Lancaster, Senator Armstrong.

Senator ARMSTRONG. Mr. President, I just want to put on the record some information so it is clarified from my point of view. One of the sticking points of this legislation was what they call unfettered access, so that a dog in an enclosure could have access to an exercise area at any time. What this bill did was it vastly increased the area of the enclosure where a dog lives, but then they had this exercise area out there which would be double that size. The problem we have with kennels that are built, current kennels, is it would be very expensive to retrofit them, and they would be much, much bigger.

We said, how about if you have an area that would be even bigger than the area that current law would have set? In other words, let us say it is 200 feet, they have an area that is 400 feet that they could take them to that is not unfettered, but they would take the dogs there and leave them there for a couple of hours and bring them back. Well, the administration brought up a good point, saying that if the dog warden shows up and says, well, has

your dog been exercised, they could say, well, you just missed them, because the dogs were out there for 2 hours, and we just put them back in the cage 10 minutes ago, and you missed them. So we said, well, how about if we have some system in which you can verify positively through microchips or through video systems that they were in an exercise area that would be even greater than what this law will have. And they said, well, that is something they would consider, because if not, some of these kennel owners would be put out of business. So what they said was, if you come up with a plan in which you can go before the Canine Health Board and show them what your program is for exercise, they can rule on this on a case-by-case basis, and if you have an exercise area which you can prove they have been in so many hours a day, they would sign off on it.

So that is a very important part of this legislation, because without that, a lot of these kennel owners may be put out of business, and we do not want to hurt anybody out there. I appreciate the administration being willing to work with us on this, and I do support the bill and thank all those people who worked diligently on this.

Thank you, Mr. President.

And the question recurring,
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

YEA-49

Armstrong	Fumo	Orie	Tomlinson
Baker	Gordner	Piccola	Vance
Boscola	Greenleaf	Pileggi	Washington
Browne	Hughes	Pippy	Waugh
Brubaker	Kasunic	Punt	White, Donald
Corman	Kitchen	Rafferty	White, Mary Jo
Costa	LaValle	Regola	Williams, Anthony H.
Dinniman	Logan	Rhoades	Williams, Constance
Earll	Madigan	Robbins	Wonderling
Erickson	McIlhinney	Scarnati	Wozniak
Ferlo	Mellow	Stack	
Folmer	Musto	Stout	
Fontana	O'Pake	Tartaglione	

NAY-1

Eichelberger

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

HOUSE MESSAGES

HOUSE CONCURS IN SENATE AMENDMENTS TO HOUSE AMENDMENTS TO SENATE BILL

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to House amendments to **SB 740**.

SENATE BILLS RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives returned to the Senate **SB 100** and **SB 295**, with the information the House has passed the same with amendments in which the concurrence of the Senate is requested.

The PRESIDENT pro tempore. Pursuant to Senate Rule XIV, section 6, the bills will be referred to the Committee on Rules and Executive Nominations.

HOUSE CONCURS IN SENATE AMENDMENTS TO HOUSE BILLS

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to **HB 44** and **HB 834**.

DISCHARGE PETITION

The PRESIDENT pro tempore laid before the Senate the following communication, which was read by the Clerk as follows:

October 8, 2008

A PETITION

To place before the Senate the nomination of Fred P. Rinaldi, Esquire, as a member of the Pennsylvania Economic Development Financing Authority.

TO: The Presiding Officer of the Senate:

WE, The undersigned members of the Senate, pursuant to section 8(b) of Article IV of the Constitution of Pennsylvania, do hereby request that you place the nomination of Fred P. Rinaldi, Esquire, Old Forge, Pennsylvania, as a member of the Pennsylvania Economic Development Financing Authority, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

Robert D. Robbins
Joseph B. Scarnati III
Dominic F. Pileggi
Jane C. Orié
Michael L. Waugh

The PRESIDENT pro tempore. The communication will be laid on the table.

COMMUNICATIONS FROM THE GOVERNOR REPORTED FROM COMMITTEE ON RULES AND EXECUTIVE NOMINATIONS

Senator ROBBINS, from the Committee on Rules and Executive Nominations, reported communications from His Excellency, the Governor of the Commonwealth, recalling the following nominations, which were read by the Clerk as follows:

MEMBER OF THE PENNSYLVANIA ECONOMIC
DEVELOPMENT FINANCING AUTHORITY

October 8, 2008

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated June 12, 2008, for the appointment of David E. Landau, 11 Oak Knoll Drive, Wallingford 19086, Delaware County, Ninth Senatorial District, as a member of the Pennsylvania Economic Development Financing Authority, to serve for a term of four years and until his successor is appointed and qualified, vice William Davis, Williamsport, resigned.

I respectfully request the return to me of the official message of nomination on the premises.

EDWARD G. RENDELL
Governor

MEMBER OF THE PENNSYLVANIA ECONOMIC
DEVELOPMENT FINANCING AUTHORITY

October 8, 2008

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated June 13, 2008, for the appointment of Fred P. Rinaldi, Esquire, One Lee Court, Old Forge 18518, Lackawanna County, Twenty-second Senatorial District, as a member of the Pennsylvania Economic Development Financing Authority, to serve for a term of four years and until his successor is appointed and qualified, vice C. Talbot Heppenstall, Jr., Pittsburgh, resigned.

I respectfully request the return to me of the official message of nomination on the premises.

EDWARD G. RENDELL
Governor

NOMINATIONS RETURNED TO THE GOVERNOR

Senator ROBBINS. Mr. President, I request that the nominations just read by the Clerk be returned to His Excellency, the Governor.

COMMUNICATION FROM THE GOVERNOR**NOMINATION REFERRED TO COMMITTEE**

The PRESIDENT pro tempore laid before the Senate the following communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows and referred to the Committee on Rules and Executive Nominations:

COMMONWEALTH TRUSTEE OF THE
UNIVERSITY OF PITTSBURGH OF THE
COMMONWEALTH SYSTEM OF HIGHER EDUCATION

October 8, 2008

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Ira J. Gumberg, 5222 Wilkins Heights Road, Pittsburgh 15217, Allegheny County, Forty-third Senatorial District, for reappointment as a Commonwealth Trustee of the University

of Pittsburgh of the Commonwealth System of Higher Education, to serve until October 5, 2012, and until his successor is appointed and qualified.

EDWARD G. RENDELL
Governor

HOUSE MESSAGES

HOUSE CONCURS IN SENATE AMENDMENTS TO HOUSE BILLS

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to **HB 647, HB 747, HB 949, HB 1027, HB 1044, HB 1511, HB 1664, HB 1723, HB 1845 and HB 2499.**

SENATE BILLS RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives returned to the Senate **SB 763 and SB 1258**, with the information the House has passed the same with amendments in which the concurrence of the Senate is requested.

The PRESIDENT pro tempore. Pursuant to Senate Rule XIV, section 6, this bill will be referred to the Committee on Rules and Executive Nominations.

CONSIDERATION OF CALENDAR RESUMED

BILL ON CONCURRENCE IN HOUSE AMENDMENTS AS AMENDED

SENATE CONCURS IN HOUSE AMENDMENTS AS AMENDED

SB 1114 (Pr. No. 2489) -- The Senate proceeded to consideration of the bill, entitled:

An Act designating the scenic view adjacent to State Route 40 in Wharton Township, Fayette County, as the "Blue Star Point Lookout"; designating the portion of US Route 20, known as West 26th Street, in Millcreek Township, Erie County, from Peninsula Drive to Powell Avenue as the John W. Groters Memorial Highway; designating a portion of Cottman Avenue (Route 73), Burholme section, City of Philadelphia, as the Police Sergeant Stephen Liczbinski Memorial Highway; designating the bridge on State Route 259 dividing Bolivar Borough and Fairfield Township, Westmoreland County, as the Glenn McMaster Memorial Bridge.

On the question,

Will the Senate concur in the amendments made by the House, as further amended by the Senate, to Senate Bill No. 1114?

Senator PILEGGI. Mr. President, I move that the Senate do concur in the amendments made by the House, as further amended by the Senate, to Senate Bill No. 1114.

On the question,

Will the Senate agree to the motion?

The yeas and nays were required by Senator PILEGGI and were as follows, viz:

YEA-50

Armstrong	Fontana	O'Pake	Tartaglione
Baker	Fumo	Orie	Tomlinson
Boscola	Gordner	Piccola	Vance
Browne	Greenleaf	Pileggi	Washington
Brubaker	Hughes	Pippy	Waugh
Corman	Kasunic	Punt	White, Donald
Costa	Kitchen	Rafferty	White, Mary Jo
Dinniman	LaValle	Regola	Williams, Anthony H.
Earl	Logan	Rhoades	Williams, Constance
Eichelberger	Madigan	Robbins	Wonderling
Erickson	McIlhinney	Scarnati	Wozniak
Ferlo	Mellow	Stack	
Folmer	Musto	Stout	

NAY-0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate inform the House of Representatives accordingly.

BILL REREPORTED FROM COMMITTEE AS AMENDED ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 1413 (Pr. No. 2476) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for revocation of habitual offender's license, for driving while operating privilege is suspended or revoked, for permitting violation of title, for homicide by vehicle and for habitual offenders.

Considered the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

YEA-50

Armstrong	Fontana	O'Pake	Tartaglione
Baker	Fumo	Orie	Tomlinson
Boscola	Gordner	Piccola	Vance
Browne	Greenleaf	Pileggi	Washington
Brubaker	Hughes	Pippy	Waugh
Corman	Kasunic	Punt	White, Donald
Costa	Kitchen	Rafferty	White, Mary Jo
Dinniman	LaValle	Regola	Williams, Anthony H.
Earl	Logan	Rhoades	Williams, Constance
Eichelberger	Madigan	Robbins	Wonderling
Erickson	McIlhinney	Scarnati	Wozniak
Ferlo	Mellow	Stack	
Folmer	Musto	Stout	

NAY-0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 2644 (Pr. No. 3986) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 10, 1974 (P.L.852, No.287), referred to as the Underground Utility Line Protection Law, further providing for duties of facility owners.

Considered the third time and agreed to,

On the question, Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

YEA-50

Table with 4 columns of names: Armstrong, Baker, Boscola, Browne, Brubaker, Corman, Costa, Dinniman, Earl, Eichelberger, Erickson, Ferlo, Folmer, Fontana, Fumo, Gordner, Greenleaf, Hughes, Kasunic, Kitchen, LaValle, Logan, Madigan, McIlhinney, Mellow, Musto, O'Pake, Ori, Piccola, Pileggi, Pippy, Punt, Rafferty, Regola, Rhoades, Robbins, Scarnati, Stack, Stout, Tartaglione, Tomlinson, Vance, Washington, Waugh, White, Donald, White, Mary Jo, Williams, Anthony H., Williams, Constance, Wonderling, Wozniak

NAY-0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

SPECIAL ORDER OF BUSINESS ANNOUNCEMENT BY THE SECRETARY

The SECRETARY. Consent has been given for the Committee on Rules and Executive Nominations to add Senate Bill No. 1028 to the agenda for today's meeting.

LEGISLATIVE LEAVES

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Berks, Senator O'Pake.

Senator O'PAKE. Mr. President, I request legislative leaves for Senator Connie Williams and Senator Dinniman.

The PRESIDENT pro tempore. Senator O'Pake requests legislative leaves for Senator Connie Williams and Senator Dinniman. Without objection, the leaves will be granted.

RECESS

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Delaware, Senator Pileggi.

Senator PILEGGI. Mr. President, I request a recess of the Senate for the purpose of a meeting of the Committee on Rules and Executive Nominations to be held in the Rules room.

The PRESIDENT pro tempore. For the purpose of a meeting of the Committee on Rules and Executive Nominations to be held in the Rules room, without objection, the Senate stands in recess.

AFTER RECESS

The PRESIDENT pro tempore. The time of recess having expired, the Senate will come to order.

BILLS REPORTED FROM COMMITTEE

Senator PILEGGI, from the Committee on Rules and Executive Nominations, reported the following bills:

SB 100 (Pr. No. 2484) (Rereported) (Concurrence)

An Act providing for the regulation of home improvement contracts and for the registration of certain contractors; prohibiting certain acts; and providing for penalties.

SB 295 (Pr. No. 2485) (Rereported) (Concurrence)

An Act providing for idling restrictions on diesel-powered motor vehicles; and imposing a penalty.

SB 763 (Pr. No. 2500) (Rereported) (Concurrence)

An Act amending the act of December 31, 1965 (P.L.1257, No.511), known as The Local Tax Enabling Act, further providing for delegation of taxing powers and restrictions; further providing for the levying of the mercantile or business privilege tax; transferring the Optional Occupation Tax Elimination Act and further providing for definitions, for earned income tax rate limits, for resolutions and for binding referendums and providing for applicability of income tax on personal income; and repealing the Optional Occupation Tax Elimination Act and provisions of the Taxpayer Relief Act.

SB 1028 (Pr. No. 2471) (Rereported) (Concurrence)

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

SB 1258 (Pr. No. 2487) (Rereported) (Concurrence)

An Act amending the act of May 21, 1943 (P.L.571, No.254), known as The Fourth to Eighth Class and Selective County Assessment Law, expanding the scope of the act; further providing for application of the act and for appeals by municipalities; and making a related repeal.

LEGISLATIVE LEAVE

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Delaware, Senator Pileggi.

Senator PILEGGI. Mr. President, I request a legislative leave for Senator Brubaker.

The PRESIDENT pro tempore. Senator Pileggi requests a legislative leave for Senator Brubaker. Without objection, the leave will be granted.

**SPECIAL ORDER OF BUSINESS
SUPPLEMENTAL CALENDAR No. 2**

SB 295 CALLED UP OUT OF ORDER

SB 295 (Pr. No. 2485) -- Without objection, the bill was called up out of order, from page 1 of Supplemental Calendar No. 2, by Senator PILEGGI, as a Special Order of Business.

SENATE CONCURS IN HOUSE AMENDMENTS

SB 295 (Pr. No. 2485) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for idling restrictions on diesel-powered motor vehicles; and imposing a penalty.

On the question,
Will the Senate concur in the amendments made by the House to Senate Bill No. 295?

Senator PILEGGI. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 295.

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

The yeas and nays were required by Senator PILEGGI and were as follows, viz:

YEA-50

Armstrong	Fontana	O'Pake	Tartaglione
Baker	Fumo	Orie	Tomlinson
Boscola	Gordner	Piccola	Vance
Browne	Greenleaf	Pileggi	Washington
Brubaker	Hughes	Pippy	Waugh
Corman	Kasunic	Punt	White, Donald
Costa	Kitchen	Rafferty	White, Mary Jo
Dinniman	LaValle	Regola	Williams, Anthony H.
Earll	Logan	Rhoades	Williams, Constance
Eichelberger	Madigan	Robbins	Wonderling
Erickson	McIlhinney	Scarnati	Wozniak
Ferlo	Mellow	Stack	
Folmer	Musto	Stout	

NAY-0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate inform the House of Representatives accordingly.

SENATE CONCURS IN HOUSE AMENDMENTS

SB 100 (Pr. No. 2484) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for the regulation of home improvement contracts and for the registration of certain contractors; prohibiting certain acts; and providing for penalties.

On the question,
Will the Senate concur in the amendments made by the House to Senate Bill No. 100?

Senator PILEGGI. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 100.

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

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Delaware, Senator Pileggi.

Senator PILEGGI. Mr. President, on behalf of Senator Brubaker, I offer remarks for the record in connection with Senate Bill No. 100.

The PRESIDENT pro tempore. The remarks will be spread upon the record.

(The following prepared remarks were made part of the record at the request of the gentleman from Delaware, Senator PILEGGI, on behalf of the gentleman from Lancaster, Senator BRUBAKER:)

I am going to support this bill, but I note the Pennsylvania Landscape and Nursery Association's opposition to Senate Bill No. 100. This important industry generates \$5.6 billion per year in economic activity, employing nearly 100,000 Pennsylvanians.

Pennsylvania is one of the top producers of nursery and floriculture in the nation. The green industry is the fastest growing agricultural sector in Pennsylvania, and as chairman of the Senate Committee on Agriculture and Rural Affairs, I feel it is important to reflect their concerns.

Member companies of the PLNA specialize in the installation and maintenance of plant material but are subject to the provisions of Senate Bill No. 100 because they may also install walkways, irrigation, retaining walls, and other hardscape features in conjunction with the installation of plant material.

Under this legislation, our landscapers will fall under sometimes duplicate, paperwork-heavy regulatory systems. As I said, I will support this bill, as I believe it is a strong bill that will improve consumer protection. But I look forward to working with my colleagues to address this issue in the next legislative Session so that Pennsylvania's important and growing landscape and nursery industry can follow one set of reasonable rules. Thank you.

And the question recurring,
Will the Senate agree to the motion?

The yeas and nays were required by Senator PILEGGI and were as follows, viz:

YEA-39

Baker	Gordner	Musto	Stout
Boscola	Greenleaf	Orie	Tartaglione
Browne	Hughes	Pileggi	Tomlinson
Brubaker	Kasunic	Pippy	Washington
Corman	Kitchen	Punt	Waugh
Costa	LaValle	Rafferty	Williams, Anthony H.

Dinniman	Logan	Rhoades	Williams, Constance
Erickson	Madigan	Robbins	Wonderling
Fontana	McIlhinney	Scarnati	Wozniak
Fumo	Mellow	Stack	

NAY-11

Armstrong	Ferlo	Piccola	White, Donald
Earll	Folmer	Regola	White, Mary Jo
Eichelberger	O'Pake	Vance	

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate inform the House of Representatives accordingly.

SB 1258 CALLED UP OUT OF ORDER

SB 1258 (Pr. No. 2487) -- Without objection, the bill was called up out of order, from page 2 of Supplemental Calendar No. 2, by Senator PILEGGI, as a Special Order of Business.

SENATE CONCURS IN HOUSE AMENDMENTS

SB 1258 (Pr. No. 2487) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 21, 1943 (P.L.571, No.254), known as The Fourth to Eighth Class and Selective County Assessment Law, expanding the scope of the act; further providing for application of the act and for appeals by municipalities; and making a related repeal.

On the question,

Will the Senate concur in the amendments made by the House to Senate Bill No. 1258?

Senator PILEGGI. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 1258.

On the question,

Will the Senate agree to the motion?

The yeas and nays were required by Senator PILEGGI and were as follows, viz:

YEA-38

Armstrong	Fontana	Musto	Robbins
Baker	Fumo	O'Pake	Scarnati
Boscola	Greenleaf	Orie	Stout
Browne	Hughes	Piccola	Tomlinson
Corman	Kasunic	Pileggi	Washington
Costa	LaValle	Pippy	Waugh
Dinniman	Logan	Punt	White, Donald
Earll	Madigan	Rafferty	Wozniak
Erickson	McIlhinney	Regola	
Folmer	Mellow	Rhoades	

NAY-12

Brubaker	Gordner	Tartaglione	Williams, Anthony H.
Eichelberger	Kitchen	Vance	Williams, Constance
Ferlo	Stack	White, Mary Jo	Wonderling

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate inform the House of Representatives accordingly.

SENATE CONCURS IN HOUSE AMENDMENTS

SB 763 (Pr. No. 2500) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 31, 1965 (P.L.1257, No.511), known as The Local Tax Enabling Act, further providing for delegation of taxing powers and restrictions; further providing for the levying of the mercantile or business privilege tax; transferring the Optional Occupation Tax Elimination Act and further providing for definitions, for earned income tax rate limits, for resolutions and for binding referendums and providing for applicability of income tax on personal income; and repealing the Optional Occupation Tax Elimination Act and provisions of the Taxpayer Relief Act.

On the question,

Will the Senate concur in the amendments made by the House to Senate Bill No. 763?

Senator PILEGGI. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 763.

On the question,

Will the Senate agree to the motion?

The yeas and nays were required by Senator PILEGGI and were as follows, viz:

YEA-50

Armstrong	Fontana	O'Pake	Tartaglione
Baker	Fumo	Orie	Tomlinson
Boscola	Gordner	Piccola	Vance
Browne	Greenleaf	Pileggi	Washington
Brubaker	Hughes	Pippy	Waugh
Corman	Kasunic	Punt	White, Donald
Costa	Kitchen	Rafferty	White, Mary Jo
Dinniman	LaValle	Regola	Williams, Anthony H.
Earll	Logan	Rhoades	Williams, Constance
Eichelberger	Madigan	Robbins	Wonderling
Erickson	McIlhinney	Scarnati	Wozniak
Ferlo	Mellow	Stack	
Folmer	Musto	Stout	

NAY-0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate inform the House of Representatives accordingly.

SENATE CONCURS IN HOUSE AMENDMENTS

SB 1028 (Pr. No. 2471) -- The Senate proceeded to consideration of the bill, entitled:

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

On the question,

Will the Senate concur in the amendments made by the House to Senate Bill No. 1028?

Senator PILEGGI. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 1028.

On the question,

Will the Senate agree to the motion?

The yeas and nays were required by Senator PILEGGI and were as follows, viz:

YEA-50

Armstrong	Fontana	O'Pake	Tartaglione
Baker	Fumo	Orie	Tomlinson
Boscola	Gordner	Piccola	Vance
Browne	Greenleaf	Pileggi	Washington
Brubaker	Hughes	Pippy	Waugh
Corman	Kasunic	Punt	White, Donald
Costa	Kitchen	Rafferty	White, Mary Jo
Dinniman	LaValle	Regola	Williams, Anthony H.
Earll	Logan	Rhoades	Williams, Constance
Eichelberger	Madigan	Robbins	Wonderling
Erickson	McIlhinney	Scarnati	Wozniak
Ferlo	Mellow	Stack	
Folmer	Musto	Stout	

NAY-0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate inform the House of Representatives accordingly.

SENATE RESOLUTIONS ADOPTED

Senator TOMLINSON, by unanimous consent, offered **Senate Resolution No. 414**, entitled:

A Resolution designating the week of October 6 through 12, 2008, as "Learn and Serve Challenge Week" in Pennsylvania.

Which was read, considered, and adopted by voice vote.

Senators C. WILLIAMS, WONDERLING, PILEGGI, COSTA, FUMO, PIPPY, FONTANA, STACK, BOSCOLA, STOUT, BAKER, TARTAGLIONE, ERICKSON, EARLL, KASUNIC, HUGHES, BROWNE, MUSTO, LAVALLE, FERLO, BRUBAKER and GREENLEAF, by unanimous consent, offered **Senate Resolution No. 415**, entitled:

A Resolution designating November 19, 2008, as "Pennsylvania Geographic Information System Day."

On the question,

Will the Senate adopt the resolution?

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Berks, Senator O'Pake.

Senator O'PAKE. Mr. President, I offer the following remarks for the record on behalf of Senator Connie Williams.

The PRESIDENT pro tempore. The remarks will be spread upon the record.

(The following prepared remarks were made part of the record at the request of the gentleman from Berks, Senator O'PAKE, on behalf of the gentlewoman from Montgomery, Senator CONNIE WILLIAMS:)

I ask for your support in declaring November 19, 2008, as "Pennsylvania GIS Day." GIS, or Geographic Information System, is a progressive technology that has transformed the way we live and work.

Have you ever wondered how the navigation system in your car actually knows where to go? How can a tiny iPod store 25,000 songs? How do soldiers know every inch of their surroundings when they are at the base of huge mountain ranges? The answer, ladies and gentlemen, is GIS technology.

Geospatial technologies, like GIS, global positioning systems (GPS), and digital mapping, have become everyday tools that we rely on to deliver public safety and emergency response. It is used in medicine, economic development, homeland security, education, workforce analysis, transportation, agriculture, historical preservation, and even for travel and advertising.

If you would like to see some good examples of GIS technology, you should take a few minutes to visit some of the GIS exhibits in the Capitol Rotunda on November 19. You will be amazed at how this type of technology has changed daily living.

The United States Department of Labor has identified geospatial technology, biotechnology, and nanotechnology as the three technologies with the greatest potential for growth and job creation. Employment in the geospatial technology industry is growing by 10 percent to 13 percent per year, and the demand for geospatial technology services is creating new jobs in a wide range of fields. Pennsylvania is a leader in research and training in geospatial technology and is home to many of the nation's leading geospatial technology firms.

I hope you will join me in drawing attention to GIS by declaring November 19, 2008, as "Pennsylvania GIS Day."

And the question recurring,

Will the Senate adopt the resolution?

A voice vote having been taken, the question was determined in the affirmative.

Senators ORIE, PILEGGI, RAFFERTY, FERLO, FONTANA, COSTA, KASUNIC, TARTAGLIONE, BOSCOLA, GREENLEAF, ERICKSON, STOUT, STACK, WONDERLING, PIPPY, A. WILLIAMS, EARLL, MUSTO, LAVALLE, FUMO and VANCE, by unanimous consent, offered **Senate Resolution No. 416**, entitled:

A Resolution designating October 30, 2008, as "Cogan's Syndrome Awareness Day" in Pennsylvania.

On the question,

Will the Senate adopt the resolution?

The PRESIDENT pro tempore. The Chair recognizes the gentlewoman from Allegheny, Senator Orie.

Senator ORIE. Mr. President, I offer my remarks for the record.

The PRESIDENT pro tempore. The remarks will be spread upon the record.

(The following prepared remarks were made part of the record at the request of the gentlewoman from Allegheny, Senator ORIE:)

Cogan's Syndrome is thought to be an autoimmune disorder. At the onset of Cogan's Syndrome, patients experience red, painful and light-sensitive eyes and blurred vision. Shortly following the eye symptoms, patients develop dizziness, balance problems, ringing in the ears, and hearing loss. The symptoms of Cogan's Syndrome can progress rapidly to bilateral deafness that can become permanent within 2 years.

Cogan's Syndrome primarily targets children and young adults 20 to 30 years of age. Many people with Cogan's Syndrome have permanent visual or hearing damage. However, most patients are able to manage their symptoms and limit complications of the disease with treatment.

Those of you who have served in the House within the past 11 years may recall John Stouffer, who was a messenger. He is one individual whom I personally know who has been afflicted with Cogan's Syndrome, and it has taken a toll on him.

I offer this resolution to have the Senate designate October 30, 2008, as "Cogan's Syndrome Awareness Day" in Pennsylvania.

And the question recurring,

Will the Senate adopt the resolution?

A voice vote having been taken, the question was determined in the affirmative.

Senators ARMSTRONG and BRUBAKER, by unanimous consent, offered **Senate Resolution No. 417**, entitled:

A Resolution designating November 8, 2008, as "Charles Demuth Day" in Pennsylvania.

Which was read, considered, and adopted by voice vote.

Senators GORDNER and STACK, by unanimous consent, offered **Senate Resolution No. 418**, entitled:

A Resolution designating the month of November 2008 as "Lung Cancer Awareness Month" in Pennsylvania.

On the question,

Will the Senate adopt the resolution?

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Columbia, Senator Gordner.

Senator GORDNER. Mr. President, just very briefly, this designates the month of November as "Lung Cancer Awareness Month."

I was contacted by a constituent who is a little younger than I am, and she recently found out that she has stage IV lung cancer. She has two young children, and she has never smoked in her life. She had been under care for 2 years, and they had looked at a variety of different types of ailments, including breast cancer, until they finally diagnosed lung cancer. Again, because she had never been a smoker, they frankly did not look at that immediately, and then, unfortunately, once they did discover the true reason for her ailments, they realized that she was in stage IV.

It is hard to believe, but lung cancer is the leading cause of cancer deaths in the world, this nation, and this Commonwealth. In 2007, over 160,000 people died of lung cancer. There are an estimated 213,000 new cases of lung cancer and 439 deaths from lung cancer each day in this nation. Very frankly, the doctors have given her a limited amount of time to live. She is living each day as if it could be her last. She felt very strongly, when contacting my office, that she wanted to have this resolution introduced so she could do everything she could to make sure that people are aware of the significance of lung cancer, whether they smoke or not, and lead to efforts to try to eradicate this ailment.

Thank you, Mr. President, for allowing me to say these words, and I ask the Senate for its adoption.

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Philadelphia, Senator Stack.

Senator STACK. Mr. President, I am happy to rise with my colleague, Senator Gordner, on this important issue.

Interestingly enough, I also-- it was a different constituent who had contacted me with regard to lung cancer, and as Senator Gordner pointed out, it is a terrible disease, with 160,000 people passing away from lung cancer in 2007. Among the leading causes of lung cancer are smoking, secondhand smoke, which this body has dealt with intimately, radon, and on-the-job exposure to carcinogens.

So, too many people contract this terrible disease, and far too many people pass away from lung cancer. As Senator Gordner pointed out, it is great that constituents contact us to talk about how important is the issue of awareness, whether it is in the medical community or our community at large, awareness and education about lung cancer and prevention is necessary to reduce the incidence of this disease.

So it is my hope, along with my colleague, Senator Gordner, that we will help raise awareness of the disease of lung cancer and unanimously pass this resolution.

And the question recurring,

Will the Senate adopt the resolution?

A voice vote having been taken, the question was determined in the affirmative.

UNFINISHED BUSINESS PETITIONS AND REMONSTRANCES

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Philadelphia, Senator Stack.

Senator STACK. Mr. President, last night, this Chamber, I think, struck a decisive blow against violence against police officers in Philadelphia and across this State. I want to take this opportunity to thank all my colleagues in this Chamber for helping us attach my amendment, which placed a 20-year mandatory minimum sentence on offenders who would shoot a firearm at police officers.

We had a great team effort here in the State Senate, not only my colleagues from Philadelphia, but also Senator Pileggi and his tremendous staff and, of course, my friends and colleagues, Senator Orié and Senator Rafferty, with whom I have worked on many law enforcement issues. I was proud that we were able to adopt the language, which is so important in my Senate district,

for one, because the last four Philadelphia police officers who have been killed by guns in the line of duty have all been from my Senate district. But it is not confined to Philadelphia. In fact, in Pennsylvania, gun violence against police officers is up 83 percent. In the rest of the country, it is up as well, only 13 percent. I am glad that we were able to take some action.

I have been notified that the House unanimously passed our legislation with our strong 20-year mandatory minimum language, and now we are just waiting for the Governor to sign it. In fact, we call on him to sign that legislation to take a decisive blow against violence against our police officers. After all, they are the ones who keep us safe, and we all owe them a debt of gratitude.

So, I want to thank the Senate on behalf of police officers, and once again, I would like to thank my colleagues, Senator Rafferty, Senator Pileggi, and Senator Orie.

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Montgomery, Senator Rafferty.

Senator RAFFERTY. Mr. President, I am proud to stand here today with Senator Stack to congratulate the Members of the Senate and the House for passage of this bill.

Unfortunately, we are seeing a growing trend in this country of disrespect for authority. We today, in the Commonwealth of Pennsylvania, sent a strong statement to the criminal element that if you so much as attempt to harm one of our police officers, you will serve a 20-year mandatory sentence. There is no discretion. If you have a gun in your hand, and you discharge it in the direction of a police officer, 20 years in prison. We owe that to our police officers, who day in and day out put their lives on the line, and we need to send that message to the criminal element to say it is not going to happen here in Pennsylvania. It is not going to be tolerated here in Pennsylvania.

Mr. President, with my friends and colleagues, Senator Stack from Philadelphia County, Senator Orie from Allegheny County, and our staffs, in particular Mike, Matt, and Mark, we were able to fashion this amendment and put it into the bill, which will go to enhance criminal penalties and, at the same time, let our police officers know of our support for them. I do want to thank, as well, Senator Pileggi and his staff and Senator Mellow and his staff for working with us on this amendment.

There are a number of people who will run around now and take credit for it. It originated in the Senate of Pennsylvania, in this Chamber. The Senate of Pennsylvania is the one that said we need to take action, and we did so with this amendment. I am proud today to see that it passed both Chambers.

May God continue to bless the men and women who serve us in the law enforcement community here in the Commonwealth of Pennsylvania.

Thank you, Mr. President.

JOURNALS APPROVED

The PRESIDENT pro tempore. The Journals of the Sessions of September 23, 2008, and September 24, 2008, are now in print.

The Clerk proceeded to read the Journals of the Sessions of September 23, 2008, and September 24, 2008, when, on motion of Senator PILEGGI, and agreed to by voice vote, further reading was dispensed with and the Journals were approved.

CONGRATULATORY RESOLUTIONS

The PRESIDENT pro tempore laid before the Senate the following resolutions, which were read, considered, and adopted by voice vote:

Congratulations of the Senate were extended to Mr. and Mrs. George Krause, Chaplain Grover George DeVault, Ethan Andrew Wentworth and to Manheim Township Middle School by Senator Armstrong.

Congratulations of the Senate were extended to Mr. and Mrs. Robert Gasper, Mr. and Mrs. Robert D. Moore, Mr. and Mrs. Albert Schickner, Mr. and Mrs. Samuel Bosch, Mr. and Mrs. Leo Beilman, Mr. and Mrs. Joseph B. Gries, Mr. and Mrs. Anthony Adamitis, Mr. and Mrs. Donald Stanton, Ryan S. Williams, Kyle Piazza, Alexander Barbolish, Anna Tensa Bauer, Rachael Scarpa, Mae Sylvia, Sabino Picarello, Kendra M. Hubert, Charlotte Montross Hadsall, Andrew J. Bergey, Rudy Schemitz, Jr., Robert John Michael Knash, Allied Services Foundation of Clarks Summit and to the Oakdale United Methodist Church of Hunlock Creek by Senator Baker.

Congratulations of the Senate were extended to John P. Moses by Senators Baker, Mellow, and Musto.

Congratulations of the Senate were extended to Mr. and Mrs. Toby Bell, Reverend Clyde R. McRae, Jeffrey A. Parks, Albert William Hoppes, Timothy Woodbridge, Marilyn Muniz, David Thomas Harrington, Brian Witmer, James Policelli, Kenneth Shook, Joseph Oblick, citizens of the Borough of Fountain Hill and St. Luke's Hospital and Health Network, Pinebrook Services for Children and Youth of Allentown, Liberty Fire Company No. 2 of Bangor and to Wegmans of Allentown by Senator Boscola.

Congratulations of the Senate were extended to Rocco Fiorentino, Visual Impairment and Blindness Services of Bethlehem and to the Holy Family Parish by Senators Boscola and Browne.

Congratulations of the Senate were extended to Vincent Vicari and to Frank Oieni by Senators Boscola and Wonderling.

Congratulations of the Senate were extended to Mr. and Mrs. Scott MacLaren, Dr. Kimberly S. Filipkowski, Charles Kirkwood, Connie Roberts, Michael J. Baxter and to Sharon Taylor by Senator Boscola and others.

Congratulations of the Senate were extended to Mr. and Mrs. Ray Hamm, Mr. and Mrs. Arthur W. Laudenslager, Mr. and Mrs. Wilbur Diehl, Dr. Bruce Basch, Scott Stevenson, Judith Kaminski, Cetronia Ambulance Corps of Allentown, Housing Association and Development Corporation of Allentown, Trexler Library at Muhlenberg College of Allentown and to ProtoCAM of Northampton by Senator Browne.

Congratulations of the Senate were extended to Mr. and Mrs. William Grube, Dr. Alan S. Brau, Dr. Rajeev Rohatgi, Dr. Jay S. Talsania, Air Products and to the Wildlands Conservancy by Senator Browne and others.

Congratulations of the Senate were extended to Mr. and Mrs. William F. Becker, Mr. and Mrs. Michael Leininger, Mr. and Mrs. Leon Stoltzfus, Mr. and Mrs. Stephen P. Meier, Esther Kass, Adam Joseph Kilp, David Denlinger, Rachele Hinerman, Dana Elizabeth Sensenig, Warwick High School Marching Band, St. Luke's Episcopal Church of Mount Joy, New Holland Manufacturing Center, St. Luke's United Church of Christ of Lititz and

to Lancaster Farmland Trust and the Lancaster County Agricultural Preserve Board by Senator Brubaker.

Congratulations of the Senate were extended to Dr. Michael K. Curley by Senators Brubaker and Armstrong.

Congratulations of the Senate were extended to Mr. and Mrs. Burton Henry, Mr. and Mrs. Larry L. Harshbarger, Mr. and Mrs. John J. Hayward, Mr. and Mrs. Harold D. Penepacker, Mr. and Mrs. Michael W. Barner, Mr. and Mrs. George E. Hackenberry, Jr., Mr. and Mrs. William R. Frazee, Mr. and Mrs. Robert E. Beatty, Mr. and Mrs. Melvin Shrock, Mr. and Mrs. Forrest Clay Erdley, Mr. and Mrs. James P. Fritz, Mr. and Mrs. Mike Ammon, Mr. and Mrs. Dennis M. King, the Reverend James Bramer, Dr. David M. Rice, Julianna G. Miller, Stewart Kirk, Kyle Joseph Krisch, Chalmer Kline, Beth A. Rocco, Stanley Forrest Stewart, Lucien Ryan, Colin Morella, Dennis L. Campbell, Andrew Gary Parzanese, Ethan R. Lucas, Mountain View Elementary School of Mifflin, Penn State Cooperative Extension in Juniata County, Fike Brothers Carpet One Floor and Home of Yeagertown, citizens of the Village of Boalsburg, Bellefonte Family YMCA, McVeytown Presbyterian Church, Animal Hospital of Rye and to the Mount Nittany Medical Center of State College by Senator Corman.

Congratulations of the Senate were extended to the Honorable William Peduto, Dr. Lynn C. Yanyo, Josh Baker, Scott Feher, Martha W. Isler, Richard K. Rubinoff, University of Pittsburgh College of General Studies and to St. Michael's the Archangel Orthodox Church of Rankin by Senator Costa.

Congratulations of the Senate were extended to Mr. and Mrs. Joseph Rider, the Reverend Carl A. Turner, Sr., Dr. Dorothy H.L. Carroll, Dr. Levi Wingard, Andy Wilson, Lucy C. Lanza, Richard A. Kunsch, Sr., Samuel J. McMaster, Dallas Krapf, Dale Krapf, Joanne Campbell Brown, Dolly Wideman-Scott, Ismael Ishaka, Sittina Andhuindine, Jarrett Clary, Maurice J. Comeau, Krishanth Paramjothy, Frank Milliman, James Stormer, Margaret Gusz, Mary Lou Amole, Robert Lee Kirkner III, Kevin Charles Helm, John Richard Jengo, Evan S. Kroboth, Dallas E. Matthews, Steven J. Plaughter, Joseph R. Polito, Jr., Kathleen P. Shields, Sean O'Brien, Gene Williams, Joseph P. Brennan, Paoli Village Shoppes, All4 of Kimberton, Barclay Friends Nursing Home of West Chester, citizens of Tredyffrin Township, West Chester Railroad Heritage Association, Crime Victims' Center of Chester County, Inc., Epsilon Omega Zeta Chapter of Zeta Phi Beta Sorority, Inc., of West Chester, and to the School at Church Farm of Exton by Senator Dinniman.

Congratulations of the Senate were extended to Calvin M. Books by Senators Dinniman and O'Pake.

Congratulations of the Senate were extended to John A. Ciccarone and to Dansko, Inc., of West Grove, by Senators Dinniman and Pileggi.

Congratulations of the Senate were extended to Rhoda Mavromanolis, Jarad Stephen Winget and to Joseph Padraic McGroarty by Senators Dinniman and Rafferty.

Congratulations of the Senate were extended to Dr. Zane H. Gates, Vera Athella Foster Jay, Shirley Pechter, Donald Joseph Gallace, Brian C. Isenberg, Peter B. Hart, Mount Union VFW 13- and 14-Year-Old All-Star Baseball Team and to the Mount Union VFW 15- and 16-Year-Old All-Star Baseball Team by Senator Eichelberger.

Congratulations of the Senate were extended to Colonel Roger R. Ullman, Nancy C. Derby, Thomas Joseph Dugan and to Christine Olinger Toy by Senator Erickson.

Congratulations of the Senate were extended to the Honorable Luke Robert Ravenstahl, Dr. Karol L. Galcik, Justin Daniel Jankowski and to Kyle Sarver by Senator Ferlo.

Congratulations of the Senate were extended to Senior Master Sergeant Richard S. Rettew, Alexander Moffitt, Spencer D. Kenley, Lebanon Family Health Services and to the Pennsylvania National Guard at Fort Indiantown Gap by Senator Folmer.

Congratulations of the Senate were extended to Davis James Baratta and to Brandon Wolfe by Senator Fontana.

Congratulations of the Senate were extended to Jason Tarap by Senators Fontana and Pippy.

Congratulations of the Senate were extended to Fred Druding, Sr., Kelly McGuire and to Philadelphia Mennonite High School by Senator Fumo.

Congratulations of the Senate were extended to the Reverend and Mrs. Charles Hess, Mr. and Mrs. Robert J. Forcheskie, Mr. and Mrs. Melvin Reed, Mr. and Mrs. Edward Burket, Mr. and Mrs. Blake Snyder, Mr. and Mrs. Wayne Laidacker, Mr. and Mrs. Francis Callahan, Sr., the Honorable Donna J. Coombe, Andrew Robert Dorion, Jonathan Michael Benkovic, Kevin T. Hower, Herbert Eugene Wiand, Donald N. Rishe, Paul D. Metrocavage, Jordan Tyler Dunkelberger, Tucker Alan Swigart, Murray Holdren, Nathaniel D. Linn, First United Methodist Church of Mount Carmel and to Durdach Bros., Inc., of Paxinos, by Senator Gordner.

Congratulations of the Senate were extended to Mr. and Mrs. Walter Ringer, Mr. and Mrs. Louis Wagenheiser, the Honorable R. Sam Valenza, Chief Rocco Wack, Agnes M. Judge, Matthew D. Craig, Chad Mueller, Kyle R. McCarney, Matt Burns, Thomas E. Parsons, Christopher Magni, William B. Eagan, Clifton McFatridge, Viola E. Keller, John T. Acton, Jacqueline Litzenberger, Samuel B. Kenney, Patricia Levenberg, Joseph Fuchs, John Mahon, Mark J. Roberts, Jr., Fort Washington Fire Company No. 1, Greater Willow Grove Golf Open and to the Willow Grove Foundation by Senator Greenleaf.

Congratulations of the Senate were extended to Bruce Goodman by Senators Greenleaf and Rafferty.

Congratulations of the Senate were extended to the Reverend Dr. La Verne Adams, Bishop Felix F. Poser, the Reverend Jeffrey N. Leath, the Reverend Ralph Ciampa and to Chaplain Christopher Brown by Senator Hughes.

Congratulations of the Senate were extended to Mr. and Mrs. Ralph Leister, the Honorable Bob Bastian, Sarah Bell McDonald, James T. Pruss, North Star High School Girls' Volleyball Team of Boswell, World War II Veterans and to the Laurel Highland Telephone Company of Stahlstown by Senator Kasunic.

Congratulations of the Senate were extended to the Reverend Paul R. Lee, Dr. Traci Lynn, Willie J. Daniels, Jr., Denise Wright, Hattie M. Johnson, Deloris Holloway James, Alvin Fink, Kathleen Goodwin and to Alpha J. Jordan by Senator Kitchen.

Congratulations of the Senate were extended to the Honorable Frank L. Oliver by Senator Kitchen and others.

Congratulations of the Senate were extended to Mark Wallace, Daniel L. Lesnick, Matthew J. Uhring, Joshua T.

Schumacher and to the citizens of the City of Lower Burrell by Senator Logan.

Congratulations of the Senate were extended to Mr. and Mrs. Charles DeWalt, Mr. and Mrs. James Hulslander, Mr. and Mrs. Richard Rockefeller, Mr. and Mrs. Craig W. Griffis, Mr. and Mrs. Harry Jones, Chief Francis Lindsey, Marie Martha Wygrala, Robert Waltz, Quinn Michael Yeager, Joyce A. Grant, Eric R. Warner, Joshua Allan Harris, Nicholas E. Weisbrod and to Jonathon Charles Harris by Senator Madigan.

Congratulations of the Senate were extended to the Honorable Kathy Babb, Jacob Thomas Cinciripini, Tatjana Skokna, Mac Mackenzie, Christopher B. Chandor, Charles McHenry, Barbara Clark, Erik Phillip Payn and to the Yardley-Makefield Fire Company by Senator McIlhinney.

Congratulations of the Senate were extended to Dr. Norman L. Loux by Senators McIlhinney and Greenleaf.

Congratulations of the Senate were extended to Anastasiya Koziychuk, Nikolaj Folmer, Sarah Scott and to Maryann Molishus by Senators McIlhinney and Tomlinson.

Congratulations of the Senate were extended to Kyle Patrick Haab, Lillian Goldstein, Louis A. Nivert, Sara Worley and to Catholic Social Services of Lackawanna County by Senator Mel-low.

Congratulations of the Senate were extended to Jillian Layaou, Sheryl Ann Klus and to Joseph J. Rymar by Senator Musto.

Congratulations of the Senate were extended to Mr. and Mrs. William Matthews, Rose M. Caltagirone, Eric Thomas Houghton, Anthony J. Perate, Michael F. Perate, Richard J. Kline, Stephen L. Bonino, Samuel Quinn Dieffenbach, Christian W. Jones, David J.P. Tobias, Ryan T. Dzojko, Alexander P. Moffitt, members of the Rotary Club of Reading, members of Christ DeLong's United Church of Christ of Topton, management and employees of the Bally Block Company and to the members of Washington Presbyterian Church of Reading by Senator O'Pake.

Congratulations of the Senate were extended to Dr. James C. Manley, Robert T. Stehle, Nick Petar Jovonovich, Steven Francis Comer, Philip Joseph Marchetti, Megan McLaughlin, Bruno Sammartino, Saint Ursula Parish of Allison Park, Mars Area High School Boys' Soccer Team, Parental Stress Center of Pittsburgh and to the Mediation Council of Western Pennsylvania by Senator Orie.

Congratulations of the Senate were extended to Carlow University of Pittsburgh by Senators Orie and Ferlo.

Congratulations of the Senate were extended to the Butler County Symphony Association by Senators Orie, D. White, and Robbins.

Congratulations of the Senate were extended to the Allegheny Valley Association of Churches by Senator Orie and others.

Congratulations of the Senate were extended to Mr. and Mrs. Harry Kelly, Mr. and Mrs. Richard Miller, Mr. and Mrs. Leroy Hoover, Mr. and Mrs. Darrell Carlson, Mr. and Mrs. Steve Heinbaugh, Mr. and Mrs. Rickie Yeager, Mr. and Mrs. Kendall Hanna, Mr. and Mrs. Gary DeFlorentis, Mr. and Mrs. Timothy Neher, Mr. and Mrs. Earl Black, Mr. and Mrs. Kevin Noll, Mr. and Mrs. Mike Rothermel, Dr. Deborah L. Wortham, Jennifer Fetter, Miranda Crotsley, Skip Becker, William Lehr, Jr., Roberta K. Davis, Lynne R. Ravas, David F. Scott, Isom Mobley

III, Adam Feeser, Fritz Fire Protection, Inc., of Penbrook, Gilbert L. Dailey Funeral Home of Penbrook, Penbrook Church of God, Pennsylvania Properties of Penbrook and to St. Stephen's Episcopal School of Harrisburg by Senator Piccola.

Congratulations of the Senate were extended to the Reverend Dr. Ronnie B. Tucker, Sr., by Senators Piccola and Punt.

Congratulations of the Senate were extended to the Senator John J. Shumaker Public Safety Center at Harrisburg Area Community College by Senators Piccola and Vance.

Congratulations of the Senate were extended to the Robert J. Dietz 2008 Class of Eagles by Senator Piccola and others.

Congratulations of the Senate were extended to Chief David D. Houser, Jr., Carol Shireen Kelly Petersen, Jered Benjamin Hook and to Nathan Alan Iler by Senator Pileggi.

Congratulations of the Senate were extended to Albie Mercer, Andy J. Gallagher, David J. Vaglia, Shaun Michael Corrigan, Edward M. Doychak, Jr., Katie Bradford, Erik Nathaniel Hess, Joseph F. Mort, Andrew J. Hinch, Noah Wenzel, Ken Wagner, Nancy B. Smith, Susan Gold, Carlie McGinty, Joe Ravita, Jay Weaver, Lorraine Wagner, Carrie A. Hahn and to Peters Township Veterans of Foreign Wars Post 764 Ambulance Service by Senator Pippy.

Congratulations of the Senate were extended to J. Christopher Donahue by Senators Pippy and Costa.

Congratulations of the Senate were extended to the Reverend Timothy J. Kielley, Patrick Naugle, Jerry J. Warnement and to the Landis McCleaf Detachment of the Marine Corps League of Chambersburg by Senator Punt.

Congratulations of the Senate were extended to Chief Noel A. Roy, David Mendenko, Daniel Scott Melville, Howard Michael Kelly II, Brian Patrick Dix, Community Health and Dental Care of Pottstown, Methacton 16 and Under Girls' Softball Team, Friendship Hook, Ladder, Hose and Ambulance Company of Royersford and to the Audubon Recreation Association 12-Year-Old All-Star Baseball Team by Senator Rafferty.

Congratulations of the Senate were extended to Elizabeth L. Haines by Senators Rafferty and Wonderling.

Congratulations of the Senate were extended to Montgomery County Community College by Senator Rafferty and others.

Congratulations of the Senate were extended to Joseph Garchar, Christopher John Lukas, Rebecca Snyder, Michael Barlock and to the West Newton Community Festival Committee by Senator Regola.

Congratulations of the Senate were extended to Jarrod Nathan Kunkel and to Esther Roberts by Senator Rhoades.

Congratulations of the Senate were extended to Mr. and Mrs. Paul W. Gerasimek, Mr. and Mrs. O. Leon Watson, Mr. and Mrs. Willis Fry, Cadet Lieutenant Colonel Nichole L. McCandless, Captain Sandra M. Fleming, Captain Daniel R. Wilson, Dr. Bernie Hoyt, Andrew Michael Bullman, Dale W. Deist, Helen Bradford Gallant, Steve Gurgovits, Christopher Gallick, Kelsy Daugherty, Domenic Andolina, Elizabeth H. George, Bruce W. Stainbrook, Ellen M. Aurand, Earle F. Bogacki, Titusville Council on the Arts, Greenville Business and Professional Women, Crawford County Farm Bureau, Farrell Moose Lodge 55 and to the Bloomfield Township Volunteer Fire Department by Senator Robbins.

Congratulations of the Senate were extended to Mr. and Mrs. James D. McCarrier, Mr. and Mrs. Robert F. Bish, Mr. and Mrs. Paul Johnson, Mr. and Mrs. Myles Shipling, Mr. and Mrs. Carl McKinley, Mr. and Mrs. Donald W. Himes, Mr. and Mrs. E. DeRoy Tubbs, Mr. and Mrs. Irvin Grinnen, Dr. Warren H. Riegel, Aaron L. Haag, Caleb McGarvey, Zacharey James Vancise, BFG Manufacturing Services of Punxsutawney, Hitachi Metals Automotive Components USA, LLC, of Lawrenceville, Cliffe's and The Prescription Center of Ridgway, Ridgway YMCA, Ward Manufacturing, LLC, of Blossburg, Emery Towers of Bradford and to the Ridgway Trinity United Methodist Church by Senator Scarnati.

Congratulations of the Senate were extended to Minna Wolf, Richard Bowes, Shanin Specter, Joseph Dietrich and to Saint Leo Council No. 1294 of the Knights of Columbus by Senator Stack.

Congratulations of the Senate were extended to Dr. and Mrs. Thomas C. Wilkinson, Mr. and Mrs. Louis Allen Boissin, Mr. and Mrs. Harry Cope, Sr., Mr. and Mrs. Charles Bishop, Mr. and Mrs. James Skoda, Mr. and Mrs. Eugene Brumage, Mr. and Mrs. Stanley R. Kazarick, Mr. and Mrs. William P. Guy, Mr. and Mrs. David Vaglia, Mr. and Mrs. James R. Church, Mr. and Mrs. Stanley Warco, Mr. and Mrs. Frank Cargiene, Mr. and Mrs. George R. Brown, Mr. and Mrs. Peter Lucas, Mr. and Mrs. James Speck, Thomas P. Fuller, Sandy Seybold and to the Donora Smog Museum by Senator Stout.

Congratulations of the Senate were extended to the Honorable Michael A. Nutter, Angel Ortiz, Michael Cardone, Jr., Charity Reed, Gwen Adams, Nina Reid, Teresa Carter, Minnie Farrell, Tia Scott, Dorothy Purvis, Doris Lanier, Josephine Smith, Nancy Cherone, Matt Pappajohn, Marchelle Bailey, Thomas K. Gilhool, Kendra Davis, Ashley Vasquez, Enrique Richardson, Aida Rosado, Mary Jackson, Cardinal Bevilacqua Community Center of Philadelphia and to the Mann Older Adult Center of Philadelphia by Senator Tartaglione.

Congratulations of the Senate were extended to Michael Cardone, Jr., by Senators Tartaglione, Kitchen, and Stack.

Congratulations of the Senate were extended to Lieutenant General Ronald S. Coleman, Rear Admiral (Select) Kenneth J. Braithwaite II, Colonel Harris H. Brooks, Colonel Philip M. DeHennis, Rudy Young, Joseph Farrell, Stephen J. Harmelin, Gayle Benjamin, Melissa Wallace, Marina Salvatore, Audrey Rubanich, Dorothy Vosik, Alexandra Myers, Corey Pinkas, Stephanie Andreoli, Shane Britton, Alyssa Booth and to George Daka by Senator Tomlinson.

Congratulations of the Senate were extended to Bucks County Technical High School and to the Ancient Order of Hibernians, Michael Dougherty Division 1 Bucks County, by Senators Tomlinson and McIlhinney.

Congratulations of the Senate were extended to Dr. Sister Francesca Onley by Senators Tomlinson, Stack, and McIlhinney.

Congratulations of the Senate were extended to the Reverend Dr. Robert B. Ives, Jason Wesley Smith II, Andrew Frohm, E. Raymond Dumas, Jacob P. Hilliard, Sean Kunst, Karen F. Snider, Harold W. Fry, Dylan Michael Wright, Thomas Marcucci, Cumberland Valley High School Boys' Water Polo Team of Mechanicsburg and to the West Shore Chamber of Commerce of Camp Hill by Senator Vance.

Congratulations of the Senate were extended to Mr. and Mrs. Martin B. McCann, Jr., the Honorable Harold James, Michael Joseph Phillips, Lane Michael Ackerman, Brendan Michael Williams, Richard Duncan, Kenneth G. Hoffman, Jan Marino, Omari R. Bingam, Leandra Rae Poole, Erica Chandler, Carl George and to Janes Memorial United Methodist Church of Philadelphia by Senator Washington.

Congratulations of the Senate were extended to Mr. and Mrs. Henry Ritter, Kagen T. Shue, Ritchie P. Blymier, Michael J. Schiffhauer, Patrick J. Walker, Christopher Thomas Nielson Olson, Margaret Manifold Lanian Schuman, David Walker, Joseph Yahnke, Julie Yahnke, Dylan Oliver and to Anne Marie Scheeler by Senator Waugh.

Congratulations of the Senate were extended to the Reverend and Mrs. James McCaulley, the Reverend and Mrs. Richard Molgaard, Mr. and Mrs. Dale Sleppy, Mr. and Mrs. John Aloï, Mr. and Mrs. John Graham, Mr. and Mrs. Charles Brocius, Mr. and Mrs. William Smith, Mr. and Mrs. Joseph C. Lydic, Mr. and Mrs. Harold G. Behm, Mr. and Mrs. Ronald Hawkins, Mr. and Mrs. Alfred J. Novak, Mr. and Mrs. Don Santillo, Vincent Joseph Gray, David James Clawson II, Brett McCracken, Mary Beth Renze, Homer-Center High School of Homer City, 422 Homes of Indiana, Union Township Fire Company and to the Brady Township Fire, Rescue and Ambulance Company by Senator D. White.

Congratulations of the Senate were extended to Mr. and Mrs. Cecil Gourley, Mr. and Mrs. William McKissick, Mr. and Mrs. Bill Krepp, Mr. and Mrs. James Hanna, Travis John Campbell, Bradley J. Maher, Evan John Huff, Hillary Moore, Eric Williams, Seventh Street Elementary School of Franklin and to the Erie Street Church of God of Franklin by Senator M.J. White.

Congratulations of the Senate were extended to Doloris S. Miller, Donald C. Miller, Sr., Ruth Arlyne Price-Campbell and to Mercy Fitzgerald Hospital of Darby by Senator A.H. Williams.

Congratulations of the Senate were extended to Madaline Maria Glenn Dunn by Senators A.H. Williams and Hughes.

Congratulations of the Senate were extended to bench2BUSINESS by Senators A.H. Williams, C. Williams, and Wonderling.

Congratulations of the Senate were extended to Mr. and Mrs. Cecile Bean, Beth McGowen, Anthony J. Carli, Matthew Denis Kavanagh, Marianne Volandt, Kyle M. McClure, Robert John Masciantonio, Sharon Hyland Keyser, Michael Tachau Anderson, Susan Tachau, Rachael Jones, David DeStefano, Abby Silverman, Christopher Parisi, Karisa Nelson, Dan Kelly, Genevieve Jordan, employees of the Home Depot of Plymouth Meeting, employees of the Home Depot of King of Prussia, members of Washington Fire Company No. 1 of Conshohocken, members of Conshohocken Fire Company No. 2, Norristown Area High School Marching Band, the third grade class at Plymouth Meeting Friends School and to Troop Bala One of the Boy Scouts of America of Bala Cynwyd by Senator C. Williams.

Congratulations of the Senate were extended to Superintendent of Police Joseph J. Daly by Senators C. Williams and Erickson.

Congratulations of the Senate were extended to Mr. and Mrs. Richard Miller, Mr. and Mrs. Bob Byers, Mr. and Mrs. Charles

Habecker, the Honorable John J. Horner, Jr., Chief Scott C. McElree, Howard Campbell, James Van Horn, Joseph Anthony Marlin, Frank W. Hawk, Andrew Rockwell Carter, Ryan Stephen Hassick, James Smith, Quakertown Veterinary Clinic, Children's Developmental Program, Inc., of Quakertown, Family YMCA of Easton, Phillipsburg and Vicinity, Williams Restaurant of Easton, Tender Care Pediatrics of Easton and to Rhetch, Inc., of Coopersburg, by Senator Wonderling.

Congratulations of the Senate were extended to Mr. and Mrs. Giacomo Famularo, Chief Richard Nace and to Raymond J. DeRaymond by Senators Wonderling and Boscola.

Congratulations of the Senate were extended to Margaret Walson and to Edward Walson by Senators Wonderling and Browne.

Congratulations of the Senate were extended to Mr. and Mrs. William Grube, the Reverend Daniel G. Gambet, Dale Remaley, Donald Battle, Connie J. Deemer, Kim W. Snyder, Mary Kositz, Phyllis Bindics, Frederick W. Rentschler, Brett Morrow, Joe Lennert, Bob Gilly, Robert P. Daday, Kevin Cassese and the Lehigh University Lacrosse Team, Saucon Creek Watershed Association of Hellertown, Friends of Hall Square of Nazareth, Air Products and Chemicals, Inc., of Allentown, Lehigh Valley Hospital and Health Network of Allentown, Roxy Theatre of Northampton, Penn Treaty Network of America of Allentown, OraSure Technologies, Inc., of Bethlehem, Just Born, Inc., of Bethlehem, Highmark Blue Shield of Allentown, Two Rivers Health and Wellness Foundation of Easton and to the Bethlehem Area Vocational School, Northampton Campus, by Senator Wonderling and others.

Congratulations of the Senate were extended to Mr. and Mrs. Edward H. Summerson, Mr. and Mrs. Franklin R. Gentzyel, Mr. and Mrs. Collis Smeal, Mr. and Mrs. Fred Arnold, Mr. and Mrs. William Housley, Mr. and Mrs. R. Charles Louder, Mr. and Mrs. Boyd Lehman, Mr. and Mrs. Richard Boxler, Mr. and Mrs. Edwin Causer, Michael Daniel Sexton, Zack Higgins, Alison Terndrup, Vanessa Ashurst, Alivia Lucas, Colleen Long, Chelsea Seeley, Luke M. Ingraham, Chris Whiting, Elizabeth Jeanne Gleason, Harriet Goff, Christian Home of Johnstown, Inc., Memorial Medical Center, Ricker Brothers Florist and Gifts of Lock Haven and to the citizens of the City of Lock Haven by Senator Wozniak.

CONDOLENCE RESOLUTION

The PRESIDENT pro tempore laid before the Senate the following resolution, which was read, considered, and adopted by voice vote:

Condolences of the Senate were extended to the family of the late Carole Lucille Salvi by Senator Washington.

POSTHUMOUS CITATIONS

The PRESIDENT pro tempore laid before the Senate the following citations, which were read, considered, and adopted by voice vote:

A posthumous citation honoring the late Alton W. Knappenberger was extended to the family by Senators Dinniman and O'Pake.

A posthumous citation honoring the late Helen Richey was extended to the family by Senator Logan.

A posthumous citation honoring the late William Basilone was extended to the family by Senator Robbins.

A posthumous citation honoring the late James C. Ebbert was extended to the family by Senator Wonderling.

BILLS SIGNED

The PRESIDENT pro tempore (Joseph B. Scarnati III) in the presence of the Senate signed the following bills:

SB 100, SB 263, SB 295, SB 740, SB 763, SB 768, SB 1028, SB 1107, SB 1258, SB 1504, HB 44, HB 647, HB 747, HB 834, HB 949, HB 1027, HB 1044, HB 1511, HB 1664, HB 1723, HB 1845, HB 2034, HB 2499 and HB 2722.

HOUSE MESSAGES

HOUSE CONCURS IN SENATE AMENDMENTS TO HOUSE BILLS

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to **HB 301, HB 1096, HB 2200, HB 2289, HB 2294, HB 2525 and HB 2629.**

BILLS SIGNED

The PRESIDENT pro tempore (Joseph B. Scarnati III) in the presence of the Senate signed the following bills:

HB 301, HB 1096, HB 2200, HB 2289, HB 2294, HB 2525, HB 2629 and HB 2644.

SENATE CONCURRENT RESOLUTION ADOPTED

WEEKLY RECESS

Senator PILEGGI offered the following resolution, which was read, considered, and adopted by voice vote:

In the Senate, October 8, 2008

RESOLVED, (the House of Representatives concurring), Pursuant to Article II, Section 14, of the Pennsylvania Constitution, that when the Regular Session of the Senate recesses this week, it reconvene at the call of the President Pro Tempore of the Senate; and be it further

RESOLVED, Pursuant to Article II, Section 14, of the Pennsylvania Constitution, that when the Regular Session of the House of Representatives recesses this week, it reconvene at the call of the Speaker of the House of Representatives.

Ordered, That the Secretary of the Senate present the same to the House of Representatives for concurrence.

REMAINING BILLS ON CALENDAR LAID ON THE TABLE

Senator PILEGGI. Mr. President, I move that the remaining items on today's Calendar be laid upon the table.

The PRESIDENT pro tempore. Senator Pileggi requests that the remaining items on today's Calendar be laid upon the table.

The motion was agreed to by voice vote.

ANNOUNCEMENTS BY THE SECRETARY

The following announcements were read by the Secretary of the Senate:

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

WEDNESDAY, OCTOBER 8, 2008

Off the Floor	RULES AND EXECUTIVE NOMINATIONS (to consider Senate Bills No. 100, 263, 295, 763, 768, 1028, 1107, 1114, 1258 and 1504; and certain executive nominations)	Rules Cmte. Conf. Rm.
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Off the Floor	ENVIRONMENTAL RESOURCES AND ENERGY (to consider certain Environmental Quality Board regulations, including diesel truck idling and triennial review of water quality standards)	Rules Cmte. Conf. Rm.
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TUESDAY, OCTOBER 14, 2008

11:00 A.M.	PUBLIC HEALTH AND WELFARE (public hearing on Senate Bill No. 1255)	Room 8E-A East Wing
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RECESS

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Delaware, Senator Pileggi.

Senator PILEGGI. Mr. President, I move that the Senate do now recess to the call of the President pro tempore.

The motion was agreed to by voice vote.

AFTER RECESS

The PRESIDENT pro tempore. The time of recess having expired, the Senate will come to order.

RECESS

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Delaware, Senator Pileggi.

Senator PILEGGI. Mr. President, I move that the Senate do now recess until Thursday, November 20, 2008, at 3:30 p.m., Eastern Standard Time.

The motion was agreed to by voice vote.

The Senate recessed at 1:51 p.m., Eastern Daylight Saving Time.

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

WEDNESDAY, OCTOBER 8, 2008

SESSION OF 2008

192D OF THE GENERAL ASSEMBLY

No. 65

HOUSE OF REPRESENTATIVES

The House convened at 9 a.m., e.d.t.

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

PRAYER

HON. THOMAS C. CREIGHTON, member of the House of Representatives, offered the following prayer:

Let us please bow:

The Heavens declare Your glory, O God. The earth reveals Your handiwork. We thank You today for our Founding Fathers who were guided by Your wisdom. We pray that Your will will be done and You will lift up leaders with integrity and wisdom in these chaotic times. Be with us not to be anxious about anything, but in everything, by prayer and supplication and thanksgiving, present our request to You, O Lord. Give us a steady spirit and a peace of mind and the wisdom to accomplish the duties that are set before us in this chamber today. We offer gratitude that You have a purpose for each of us, that Your purpose is to serve You and to serve the people of Pennsylvania. We offer gratitude that You are in control and that Yours is the power and the glory forever. Amen.

PLEDGE OF ALLEGIANCE

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

JOURNAL APPROVAL POSTPONED

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

LEAVES OF ABSENCE

The SPEAKER. The Chair turns to requests for leaves of absence and recognizes the majority whip, who requests that Representative RAMALEY of Beaver County be placed on leave. The Chair hears no objection. The leave will be granted.

The Chair recognizes the minority whip, Representative Argall, who requests that Representative PERRY of York County, Representative REICHLEY, and Representative BEYER be placed on leave. The Chair hears no objection. The leaves will be granted.

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

Members will report to the floor.

MASTER ROLL CALL

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

(Members proceeded to vote.)

LEAVE OF ABSENCE

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

MASTER ROLL CALL CONTINUED

The following roll call was recorded:

PRESENT—197

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

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

ADDITIONS—0

NOT VOTING—0

EXCUSED—6

Beyer	Ramaley	Schroder	Vereb
Perry	Reichley		

LEAVES ADDED—16

Adolph	Clymer	Hershey	Petri
Barrar	Frankel	Josephs	Shapiro
Bastian	Freeman	Leach	Tangretti
Benninghoff	Harper	Micozzie	Wojnaroski

LEAVES CANCELED—7

Barrar	Perry	Reichley	Vereb
Harper	Ramaley	Schroder	

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

SENATE MESSAGE

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

The clerk of the Senate, being introduced, returned **HB 1511, PN 4439**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

SENATE MESSAGE

HOUSE BILLS
CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, returned **HB 420, PN 484; HB 1147, PN 1396; HB 1634, PN 4003; and HB 2233, PN 3498**, with information that the Senate has passed the same without amendment.

BILLS SIGNED BY SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HB 420, PN 484

An Act amending the act of April 23, 2002 (P.L.298, No.39), known as the Main Street Act, further providing for the Main Street Program.

HB 1147, PN 1396

An Act amending the act of November 24, 1998 (P.L.874, No.110), known as the Motor Vehicle Chop Shop and Illegally Obtained and Altered Property Act, further providing for the definition of "chop shop."

HB 1634, PN 4003

An Act providing for uniform methods to satisfy required municipal registration of deeds and conveyances; permitting access of information in lieu of registration; prohibiting municipalities from requiring municipal registration of deeds prior to recordation by recorders of deeds; and making inconsistent repeals.

HB 2233, PN 3498

An Act amending the act of February 9, 2004 (P.L.61, No.7), known as the Elm Street Program Act, further providing for program requirements and for guidelines; and repealing the expiration date of the act.

SB 884, PN 2433

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, restricting municipalities from regulating amateur radio service communications.

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

The SPEAKER. The Chair announces its intention to recess regular session and go into special session at 9:14 a.m.

RECESS

The SPEAKER. Regular session of the House will now stand in recess.

AFTER RECESS

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

GUESTS INTRODUCED

The SPEAKER. The Chair welcomes, as guest pages, Anthony Callo and Jimmy Hanzimanolis, as the guests of Representative Scavello. They are seated in the well of the House. Would you please stand and be recognized.

Seated to the left of the Speaker is Lauren Evans. Lauren is a constituent outreach specialist in Representative Payne's Hershey office. Would you please stand and be recognized.

REMARKS SUBMITTED FOR THE RECORD

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

Mr. Speaker, please welcome again the following guest pages:

Anthony Callo from Stroudsburg. Anthony is a student at Stroudsburg Middle School, a Boy Scout with Troop 85, and a drummer in the school band. Please welcome Anthony's parents, Kim and Mark Callo, who are seated in the gallery.

James Hanzimanolis from Bartonsville. James attends Swiftwater Intermediate School where he received high honors. Please welcome James's father, George Hanzimanolis, in the gallery.

CALENDAR

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of SB 768, PN 2431, entitled:

An Act amending Title 64 (Public Authorities and Quasi-Public Corporations) of the Pennsylvania Consolidated Statutes, further providing for the definitions of "commercial lending activities" and "commercial lending institutions" and for the First Industries Program.

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

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

(Bill analysis was read.)

The SPEAKER. The question is, shall the bill pass finally? Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

The following roll call was recorded:

YEAS-197

Table listing names of representatives who voted 'YEAS' (197 total). Names include Adolph, Argall, Baker, Barrar, Bastian, Bear, Belfanti, Benninghoff, Bennington, Biancucci, Bishop, Blackwell, Boback, Boyd, Brennan, Brooks, Buxton, Caltagirone, Cappelli, Freeman, Gabig, Galloway, Geist, George, Gerber, Gergely, Gibbons, Gillespie, Gingrich, Godshall, Goodman, Grell, Grucela, Haluska, Hanna, Harhai, Harhart, Harkins, Mann, Mantz, Markosek, Marshall, Marsico, McCall, McGeehan, McI. Smith, McIlhattan, Melio, Mensch, Metcalfe, Micozzie, Millard, Miller, Milne, Moul, Moyer, Mundy, Rohrer, Ross, Rubley, Sabatina, Sainato, Samuelson, Santoni, Saylor, Scavello, Seip, Shapiro, Shimkus, Siproth, Smith, K., Smith, M., Smith, S., Solobay, Sonney, Staback.

Table listing names of representatives who did not vote 'YEAS'. Names include Carroll, Casorio, Causer, Civera, Clymer, Cohen, Conklin, Costa, Cox, Creighton, Cruz, Curry, Cutler, Daley, Dally, DeLuca, Denlinger, DePasquale, Dermody, DeWeese, DiGirolamo, Donatucci, Eachus, Ellis, Evans, D., Evans, J., Everett, Fabrizio, Fairchild, Fleck, Frankel, Harper, Harris, Helm, Hennessey, Hershey, Hess, Hickernell, Hornaman, Hutchinson, James, Josephs, Kauffman, Keller, M.K., Keller, W., Kenney, Kessler, Killion, King, Kirkland, Kortz, Kotik, Kula, Leach, Lentz, Levdansky, Longietti, Mackereth, Maher, Mahoney, Major, Manderino, Murt, Mustio, Myers, Nailor, Nickol, O'Brien, M., O'Neill, Oliver, Pallone, Parker, Pashinski, Payne, Payton, Peifer, Perzel, Petrarca, Petri, Petrone, Phillips, Pickett, Preston, Pyle, Quigley, Quinn, Rapp, Raymond, Readshaw, Reed, Roae, Rock, Roebuck, Stairs, Steil, Stern, Stevenson, Sturla, Surra, Swanger, Tangretti, Taylor, J., Taylor, R., Thomas, True, Turzai, Vitali, Vulakovich, Wagner, Walko, Wansacz, Waters, Watson, Wheatley, White, Williams, Wojnarowski, Yewcic, Youngblood, Yudichak, O'Brien, D., Speaker.

NAYS-0

NOT VOTING-0

EXCUSED-6

Table listing names of representatives who were excused: Beyer, Perry, Ramaley, Reichley, Schroder, Vereb.

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

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

* * *

The House proceeded to third consideration of HB 120, PN 4514, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, further providing for compulsory school attendance and for exceptions to compulsory school attendance; and requiring all public school districts in this Commonwealth to conduct interviews for all students who withdraw or are illegally absent from school.

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

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

Representative Saylor, please come to the rostrum.

DECISION OF CHAIR RESCINDED

The SPEAKER. Without objection, the Chair rescinds its announcement that HB 120 was moved to final passage and was agreed to on third consideration.

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

BILL PASSED OVER TEMPORARILY

The SPEAKER. This bill is over temporarily.

* * *

The House proceeded to third consideration of **SB 1019, PN 1711**, entitled:

An Act amending the act of December 22, 1983 (P.L.306, No.84), known as the Board of Vehicles Act, further providing for definitions, for grounds for disciplinary proceedings for vehicle shows, off-premise sales and exhibitions; providing for recreational vehicle shows, recreational vehicle off-premise sales, recreational vehicle exhibitions and recreational vehicle rallies; and further providing for vehicle shows, off-premise sales and exhibitions on Sundays.

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

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

(Bill analysis was read.)

The SPEAKER. The question is, shall the bill pass finally?

LEAVE OF ABSENCE CANCELED

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

CONSIDERATION OF SB 1019 CONTINUED

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—198

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

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

NAYS—0

NOT VOTING—0

EXCUSED—5

Beyer	Ramaley	Schroder	Vereb
Perry			

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

Ordered, That the clerk return the same to the Senate with the information that the House has passed the same without amendment.

* * *

The House proceeded to third consideration of **HB 2518, PN 4440**, entitled:

An Act authorizing the Commonwealth of Pennsylvania to join the Interstate Compact on Educational Opportunity for Military Children; providing for the form of the compact; imposing additional powers and duties on the Governor, the Secretary of the Commonwealth and the compact commissioner; and establishing the State Council on Interstate Educational Opportunity for Military Children.

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

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

(Bill analysis was read.)

The SPEAKER. The question is, shall the bill pass finally?
Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

The following roll call was recorded:

YEAS—198

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

NAYS—0

NOT VOTING—0

EXCUSED—5

Beyer	Ramaley	Schroder	Vereb
Perry			

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

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

* * *

The House proceeded to third consideration of **SB 908, PN 2374**, entitled:

An Act amending the act of December 22, 1983 (P.L.327, No.85), known as the Auctioneer and Auction Licensing Act, further providing for auctioneer and apprentice auctioneer licenses.

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

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

(Bill analysis was read.)

The SPEAKER. The question is, shall the bill pass finally?
Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

The following roll call was recorded:

YEAS—191

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

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

NAYS—7

Causar	Hutchinson	Metcalfe	Sonney
Creighton	McIlhattan	Rapp	

NOT VOTING—0

EXCUSED—5

Beyer	Ramaley	Schroder	Vereb
Perry			

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

Ordered, That the clerk return the same to the Senate with the information that the House has passed the same without amendment.

STATEMENT BY MS. JOSEPHS

The SPEAKER. For what purpose does the gentlelady, Representative Babette Josephs, rise?

Ms. JOSEPHS. To speak under unanimous consent, Mr. Speaker.

The SPEAKER. Members will please take their seats.

The lady is in order and may proceed.

Ms. JOSEPHS. Thank you, Mr. Speaker.

I am standing here today, my friends, to talk to you a little bit about the importance of the holiday that my people all over the world will be celebrating this afternoon and tomorrow.

The SPEAKER. Will the lady suspend for one moment.

The noise level is entirely too loud. Members will take their seats. Conferences will break up.

The lady is in order.

Ms. JOSEPHS. Thank you, Mr. Speaker. Thank you, my friends.

As you know, we celebrated, about 9 days ago, the beginning of the new year, Rosh Hashanah. The year is 5769. Ten days of atonement and repentance start at Rosh Hashanah and end at Yom Kippur. As most of you know, days in the Israeli calendar and the Jewish calendar start in the evening at sundown and end at sundown the next day, a custom that is carried over in the Christian religion when people celebrate Christmas Eve, which is as important in some people's calendar as Christmas Day. For us, sundown today, Kol Nidre, is the most important day in the

liturgical calendar, and it is very hard to explain how important it is; it is Good Friday and Christmas and Easter all in one and more.

In Israel during this day, the airport is closed, people do not drive, there is no radio broadcast, there is no television broadcast, all the businesses are closed, and people celebrate by repenting and atoning – atoning for their sins against God, against other people, and asking for forgiveness from God. I have been told that this fast day— And we not only fast, we abstain, some of us, from wearing leather, from anointing ourselves with perfume. We ought to not only abstain from food, but also from drink from sundown to sundown. I have been told that in concentration camps, people who were lucky to get a scrap of bread and a cup of gruel every 2 or 3 days turned those away on Yom Kippur in order to stand with people around the world and celebrate this holiday and ask for forgiveness and to atone for sins.

I stand here feeling incredibly blessed, which is something else we are commanded to remind ourselves, that I live in a country where my rights are protected by law and where I, as many, many other people, am allowed to serve in a body that represents the citizens of this country. This is very, very unusual in the 5769 years that we have been keeping track of time. I want to end by saying something, a blessing that my grandfather used to say not only on Yom Kippur, but also on Shabbat. On Yom Kippur, before we started our fast, while we ate our last meal early in the afternoon before sundown, he would say to us – and it was not only to the family, it was to all the people, all the children of Israel, and all the children of God – may the Lord, and I say it in the same spirit, may the Lord bless you and keep you. May the Lord maketh his light to shine upon you. May the Lord lift up his countenance upon you and grant you peace. Amen and shalom.

Thank you, Mr. Speaker.

**THE SPEAKER PRO TEMPORE
(MATTHEW E. BAKER) PRESIDING**

The SPEAKER pro tempore. The Chair thanks the lady.

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

The SPEAKER. The Chair invites Representative Merle Phillips to the podium.

Members will please take their seats. Members will please take their seats. Conferences will break up in the side aisles, center aisles, the well of the House. Members will take their seats.

**DEPARTURE OF DUSTIN KNIGHT
TO U.S. MARINE CORPS****REMARKS BY MR. PHILLIPS**

Mr. PHILLIPS. Thank you, Mr. Speaker, and thank you for allowing me to offer a few words as we bid Sergeant at Arms Dustin Knight good luck as he begins a new chapter in his life with the United States Marine Corps.

As a Marine for over 60 years, I wanted to share with you some words of wisdom. When Dustin joins the Marines, he will be joining an elite group of men and women dedicated to our country and preserving the freedoms we hold dear. For more than 230 years the Marines have been proudly serving our country and they continue today fighting terrorism and Al-Qaeda and keeping the peace in hot spots around the world. Like Representatives DeWeese, Belfanti, Wheatley, Readshaw, and Goodman, who are Marines, we are a proud bunch. We have a unique bond, a camaraderie that few groups of men have. We were, and still are, Marines. Dustin, we are pleased you have decided to join our ranks. Granted, your training in Parris Island, South Carolina, will be tough; after all, a Marine's training has never been easy, and it is not designed to be easy, but it is well worth the sacrifice you are putting forth. The bravery, heroism, and selflessness of all Marines, wherever they are serving, have added significantly to our rich legacy and measured up to the high standards that have come to epitomize all who wear the eagle, globe, and anchor.

In my 4 1/2 years of active-duty service in the Marines and my years in the Reserves, I learned an unbroken tradition of proud, loyal service. I learned above all else in duty, honor, and country, and I strove to honor that commitment. In every battle and skirmish since the birth of our Corps, Marines have distinguished themselves with greatest honor, winning new accolades on each occasion until the term "Marine" has come to signify all that is in the highest in military efficiency and virtue. With it, we all receive from that the eternal spirit, which has animated our Corps from generation to generation and has been the distinguishing mark of Marines in every age. So long as this spirit continues to flourish, Marines will be found equal to every emergency in the future as they have been in the past, and the men of our country will regard us as worthy successors to the long line of illustrious men who have served as soldiers of the sea since the founding of the Corps.

Mr. Speaker, I would like to join my colleagues in wishing Dustin safe travels. We will continue to keep him and his family – along with all soldiers, airmen, and sailors fighting for our country – in our thoughts and in our hearts as they serve our country. Dustin, thank you for serving our country, and we wish you well.

Thank you very much.

The SPEAKER. Dustin, on behalf of all of the veterans in the House and this great institution, I would like to thank Merle Phillips for those wonderful words. Unfortunately, too many times we have recognized our fallen heroes posthumously. We want to congratulate you and thank you for your courage and your sense of patriotic duty. We wish you Godspeed, and the thoughts and prayers of all of us will be with you.

RESOLUTIONS

Mr. GEORGE called up **HR 546, PN 3041**, entitled:

A Resolution urging the Congress of the United States to exercise due diligence on behalf of the citizens of this Commonwealth and of this nation by implementing oversight, inquiry and investigation into gas and energy prices to ensure that these exceedingly high prices are both necessary and ethically ascertained.

On the question,
Will the House adopt the resolution?

(Members proceeded to vote.)

LEAVE OF ABSENCE

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

CONSIDERATION OF HR 546 CONTINUED

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

The following roll call was recorded:

YEAS—197

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

NAYS—0

NOT VOTING—0

EXCUSED—6

Beyer	Perry	Schroder	Vereb
Harper	Ramaley		

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

* * *

Mr. GEORGE called up **HR 719, PN 3646**, entitled:

A Resolution endorsing the request for Federal funding to address vitally important water resource needs.

On the question,
Will the House adopt the resolution?

The SPEAKER. Representative George.

Will the gentleman move to another microphone. There seems to be a technical difficulty.

Mr. GEORGE. Thank you, Mr. Speaker.

The 110th U.S. Congress enacted the Water Resources and Development Act of 2007, which provides for the allocation of funds to several interstate river basin commissions, which our Commonwealth is a party. The purpose of the Mid-Atlantic commission is to provide equitable shares of funding for planning and management activities to avoid conflicts among States that share the same watershed. Our Federal government has handed down this unfunded mandate, which has shifted the financial responsibilities to member States of the Mid-Atlantic commission, including our Commonwealth. I believe the States should handle their own problems, but I also believe that Washington needs to provision that the States have adequate funding if the Federal government is going to micromanage this Commonwealth's affairs. I ask that we send this resolution to the Congress.

Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—197

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

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

NAYS—0

NOT VOTING—0

EXCUSED—6

Beyer	Perry	Schroder	Vereb
Harper	Ramaley		

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

LEAVE OF ABSENCE CANCELED

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

COLLIN RAY PRESENTED

The SPEAKER. The Chair invites Representative Payne to the podium for the presentation of a citation.

Members will please take their seats.

Representative Payne is in order and may proceed.

Mr. PAYNE. Thank you, Mr. Speaker.

Mr. Speaker, my fellow colleagues, I would like to present to you today Collin Ray, a senior at Middletown Area High School. He is the son of Jodi and Matthew Ray of Middletown. Collin captured the gold medal in the Class AA Boys Discus Throw event during the 2008 PIAA State Track and Field Championships held at Shippensburg University. His throw was 157 feet and 11 inches. His gold-medal winning throw was the first for the Middletown Blue Raiders Track and

Field Team since 1992. I ask my colleagues to give him a warm welcome and a round of applause.

Thank you very much, Mr. Speaker.

RESOLUTIONS PURSUANT TO RULE 35

Mr. GEIST called up HR 598, PN 3244, entitled:

A Resolution honoring Chick Dillen upon his retirement as editor of "Ward-Wide News," a publication which he edited for more than 50 years.

On the question, Will the House adopt the resolution?

RESOLUTION PASSED OVER TEMPORARILY

The SPEAKER. This resolution will be over temporarily.

* * *

Mr. SIPTROTH called up HR 792, PN 3935, entitled:

A Resolution commemorating the month of November 2008 as "National Adoption Awareness Month" in Pennsylvania.

On the question, Will the House adopt the resolution?

The SPEAKER. The Chair recognizes Representative Siptroth on the resolution.

Mr. SIPTROTH. Thank you, Mr. Speaker, and good morning.

National Adoption Awareness Month is an annual tradition to encourage caring families to adopt young people in need of loving homes. It is also a time to recognize, honor, and thank adoptive and foster families who have offered their support, love, and home to a child in need. Adoptive families are an illustration of the best people America and Pennsylvania have to offer. Parents have the greatest influence on a child's life. Families help children thrive by encouraging them to aim high, work hard, and make good choices that will lead to healthy, satisfying lives. By recognizing this annual celebration, we can encourage loving families to connect with the children who need them and honor those who already have. I ask all of my colleagues today to pay tribute to the parents who have opened their hearts and homes and helped provide love and stability for young people by recognizing National Adoption Awareness Month and supporting HR 792.

Thank you very much, Mr. Speaker.

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

The following roll call was recorded:

YEAS—198

Table with 4 columns: Adolph, Argall, Baker, Barrar, Bastian, Freeman, Gabig, Galloway, Geist, George, Mantz, Markosek, Marshall, Marsico, McCall, Rohrer, Ross, Rubley, Sabatina, Sainato

Table with 4 columns: Bear, Belfanti, Benninghoff, Bennington, Biancucci, Bishop, Blackwell, Boback, Boyd, Brennan, Brooks, Buxton, Caltagirone, Cappelli, Carroll, Casorio, Casuer, Civera, Clymer, Cohen, Conklin, Costa, Cox, Creighton, Cruz, Curry, Cutler, Daley, Dally, DeLuca, Denlinger, DePasquale, Dermody, DeWeese, DiGirolamo, Donatucci, Eachus, Ellis, Evans, D., Evans, J., Everett, Fabrizio, Fairchild, Fleck, Frankel, Gerber, Gergely, Gibbons, Gillespie, Gingrich, Godshall, Goodman, Grell, Grucela, Haluska, Hanna, Harhai, Harhart, Harkins, Harris, Helm, Hennessey, Hershey, Hess, Hickernell, Hornaman, Hutchinson, James, Josephs, Kauffman, Keller, M.K., Keller, W., Kenney, Kessler, Killion, King, Kirkland, Kortz, Kotik, Kula, Leach, Lentz, Levdansky, Longiotti, Mackereth, Maher, Mahoney, Major, Manderino, Mann, McGeehan, McI. Smith, McIlhattan, Melio, Mensch, Metcalfe, Micozzie, Millard, Miller, Milne, Moul, Moyer, Mundy, Murt, Mustio, Myers, Nailor, Nickol, O'Brien, M., O'Neill, Oliver, Pallone, Parker, Pashinski, Payne, Payton, Peifer, Perzel, Petrarca, Petri, Petrone, Phillips, Pickett, Preston, Pyle, Quigley, Quinn, Rapp, Raymond, Readshaw, Reed, Reichley, Roae, Rock, Roebuck, Samuelson, Santoni, Saylor, Scavello, Schroder, Seip, Shapiro, Shimkus, Siptroth, Smith, K., Smith, M., Smith, S., Solobay, Sonney, Staback, Stairs, Steil, Stern, Stevenson, Sturla, Surra, Swanger, Tangretti, Taylor, J., Taylor, R., Thomas, True, Turzai, Vitali, Vulakovich, Wagner, Walko, Wansacz, Waters, Watson, Wheatley, White, Williams, Wojnaroski, Yewcic, Youngblood, Yudichak, O'Brien, D., Speaker

NAYS—0

NOT VOTING—0

EXCUSED—5

Table with 4 columns: Beyer, Harper, Perry, Ramaley, Vereb

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

* * *

Mr. DePASQUALE called up HR 846, PN 4212, entitled:

A Resolution commending the philanthropic and civic initiative of the York-based Dentsply International in assisting the Donated Dental Services program.

On the question, Will the House adopt the resolution?

The following roll call was recorded:

YEAS—198

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

NAYS—0

NOT VOTING—0

EXCUSED—5

Beyer	Perry	Ramaley	Vereb
Harper			

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

* * *

Mr. WOJNAROSKI called up **HR 858, PN 4261**, entitled:

A Resolution designating the month of November 2008 as "Alzheimer's Disease Awareness Month" in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—198

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

NAYS—0

NOT VOTING—0

EXCUSED—5

Beyer	Perry	Ramaley	Vereb
Harper			

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

* * *

Ms. RAPP called up **HR 868, PN 4289**, entitled:

A Resolution designating the month of November 2008 as "Retinoblastoma Awareness Month" in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—198

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

NAYS—0

NOT VOTING—0

EXCUSED—5

Beyer	Perry	Ramaley	Vereb
Harper			

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

* * *

Mr. KING called up **HR 879, PN 4307**, entitled:

A Resolution recognizing the month of November 2008 as "National Family Caregiver Month" in Pennsylvania, and commending the service and dedication family caregivers provide to older adults.

On the question,
Will the House adopt the resolution?

RESOLUTION PASSED OVER TEMPORARILY

The SPEAKER. This resolution will be over temporarily.

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

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

* * *

Mr. CARROLL called up **HR 904, PN 4423**, entitled:

A Resolution mourning the loss of First Lieutenant Jeffrey F. DePrimo, who gave his life in the line of duty on May 20, 2008.

On the question,
Will the House adopt the resolution?

The SPEAKER. The Chair recognizes Representative Carroll on the resolution.

Mr. CARROLL. Thank you, Mr. Speaker.

All too often during this session, I have had to listen to my colleagues as they stood before this chamber and shared their sorrowful account of a hometown patriot who sacrificed his or her life for our country in a land far from home. I prayed the day would not come when I would have to stand before you and share such a tragedy. Sadly, that prayer was not realized. I rise today to offer HR 904 in honor of 1st Lt. Jeffrey F. DePrimo of Pittston, Pennsylvania, who lost his life in service to our country on May 20, 2008, while serving in Ghazni, Afghanistan. He was only 35 years old when an IED (improvised explosive device) exploded under his Humvee.

Lieutenant DePrimo joined the 109th Infantry Division, 1st Battalion, Delta Company, West Pittston, in 2003 and was commissioned in 2005 as an officer. He was assigned to Company B, 3d Battalion, 103d Armor Regiment. He was a 1991 graduate of Seton Catholic High School in Pittston and attended Marywood University in Scranton. Besides his love of the military, Jeff also was an accomplished classical guitarist who composed, performed, and produced original music. He was a loving son, devoted brother, and dedicated friend. His absence in the lives of family, comrades, and friends is immeasurable. I doubt many residents of our community had ever heard of Ghazni, Afghanistan, or even knew exactly where it was located. However, Jeff knew the interest of our community and our nation would be best served by his presence there, and he was among the first to volunteer for deployment.

This selfless act of service, commitment, and patriotism is unmatched by most of us, and his sacrifice will forever be remembered in the greater Pittston community as that of an exceptional hero. For his heroism, he was posthumously awarded the Purple Heart and the Combat Action Badge.

Jeff is survived by his parents, Joseph DePrimo and Helen Ann Gitmos DePrimo; his grandmother, Kathryn Gitmos; sisters Danielle DePrimo and Jodi Calabro, as well as aunts, uncles, and cousins.

Our community, State, and nation are better places thanks to Jeff's time with us. I call upon all of my colleagues in the Pennsylvania House of Representatives to join with me in honoring 1st Lt. Jeffrey F. DePrimo, a Pennsylvania patriot.

The SPEAKER. Members and guest will please rise as a sign of respect for our fallen hero, 1st Lt. Jeffrey DePrimo.

(Whereupon, the members of the House and all visitors stood in a moment of silence in solemn respect to the memory of 1st Lt. Jeffrey F. DePrimo.)

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

The following roll call was recorded:

YEAS—198

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

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

NAYS—0

NOT VOTING—0

EXCUSED—5

Beyer	Perry	Ramaley	Vereb
Harper			

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

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

DEMOCRATIC CAUCUS

RULES COMMITTEE MEETING

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

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, there will be an immediate Democratic caucus. The Democratic caucus will be followed by a Rules Committee meeting at 10:45, and we are scheduled to be back on the floor at 10:50. I urge all of the members to attend the caucus. There will be decisions made about the future of our caucus that I think you all will want to participate in. Thank you.

The SPEAKER. There will be an immediate Democratic caucus followed by a Rules Committee meeting at 10:45.

REPUBLICAN CAUCUS

The SPEAKER. Representative Major.

Miss MAJOR. Thank you, Mr. Speaker.

I also would like to announce a Republican caucus immediately at the call of the recess. All Republicans should report to caucus at the call of the recess. Thank you.

The SPEAKER. The Chair thanks the lady.

FORMER MEMBER WELCOMED

The SPEAKER. The Chair would like to direct the members' attention to the rear of the House and recognize a former member and good friend, Representative Vern Pyles. Would you please stand up.

Welcome back to the floor of the House, Vern.

RECESS

The SPEAKER. This House will now stand in recess until 10:50 a.m., unless sooner recalled by the Speaker.

AFTER RECESS

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

The SPEAKER. The House will come to order.
The members will take their seats.

"THE HOUSE COMES HOME 2008"**REMARKS BY SPEAKER**

The SPEAKER. Today is an extraordinary day for the House as we celebrate a historic homecoming. It has been 4 years since we have had the pleasure of having our former colleagues come back to this chamber.

We welcome back our colleagues who have gone on to other places and other vocations. Members from across Pennsylvania and other States, 50 in all, have joined us here this morning and are seated in the rear of the chamber – they are not seated, but that is okay – retired legislators, gentlemen, and gentlewomen. Our current members, especially the newer ones, can learn a lot from your experiences here and from your experiences after you left the House.

Many of you have gone on to do great things. From your midst are members of the United States Congress, gubernatorial candidates – do we have any successful gubernatorial candidates? I am not sure – Cabinet Secretaries, Federal and State judges, members of the Senate, mayors, some have become business leaders, lobbyists, and educators. Whatever your calling was when you left the House, you share with current members an enduring bond that lasts a lifetime and which began on swearing-in day for each one of us. We invite you to share your stories today and tonight, as many of us will have dinner together.

Former members, we are so pleased to have you here. Would you please stand for recognition as we welcome you back to our House. Welcome home. Would you please stand and be recognized.

And just as a point of information, whatever is said on this side of that brass rail is privileged, what is said behind that brass rail is not. So just keep that in mind.

SUPPLEMENTAL CALENDAR C**BILL ON CONCURRENCE
IN SENATE AMENDMENTS**

The House proceeded to consideration of concurrence in Senate amendments to **HB 834, PN 4510**, entitled:

An Act relating to hours of employment of health care employees; providing for penalties and remedies; and imposing powers and duties on the Department of Labor and Industry.

On the question,
Will the House concur in Senate amendments?

The SPEAKER. The Chair recognizes Representative DiGirolamo.

Mr. DiGIROLAMO. Mr. Speaker, would the maker of the bill stand for a brief period of interrogation?

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

Mr. DiGIROLAMO. Thank you, Mr. Speaker.

The SPEAKER. The gentleman will suspend for a moment.

The Chair will ask all members to please take their seats. The noise level is entirely too loud. The Chair thanks the members.

Representative DiGirolamo is in order and may proceed.

Mr. DiGIROLAMO. Thank you, Mr. Speaker.

Mr. Speaker, how do the amendments that were added in by the Senate impact mandatory overtime for nurses and direct-patient-care workers?

Mr. SURRA. Thank you, Mr. Speaker.

The language inserted by the Senate does not really significantly alter the original intent of the legislation, which prohibits the utilization of mandatory overtime as a means to staff a health-care facility.

The Senate amendment that was added added an exception to the list of unforeseeable emergent circumstances that would allow a health-care facility to require mandatory overtime for nurses and other direct-patient-care workers. The new exception adds "unexpected absence" to the list so that if an unexpected absence occurs at the beginning of an employee's shift that could not be prudently planned for and would significantly impact patient safety, then the facility could require mandating overtime if they comply with the other restrictions in the bill such as: assigns additional hours as a last resort, exhausts reasonable efforts to obtain other staffing, provides up to 1 hour for an employee to arrange for child care or to take care of a disabled or elderly family member.

An example of when a facility should not utilize mandatory overtime would be if the facility has 10 nurses or direct-patient-care workers scheduled to staff a shift and 2 to 4 of the employees call off. That situation could be prudently planned for by the facility and therefore should not qualify for utilization of mandatory overtime.

The SPEAKER. Will the gentleman suspend.

The House will be at ease for one second.

The House will come to order.

**BILLS ON CONCURRENCE
REPORTED FROM COMMITTEE****HB 301, PN 4508**

By Rep. DeWEESE

An Act amending Titles 23 (Domestic Relations) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further defining "hearing officer"; replacing the title "bail commissioner" with "arraignment court magistrate"; further providing for the number of judges in the courts of common pleas, for the Minor Judiciary Education Board, for the course of instruction and examination for certain minor judiciary and for subpoena; and, in registration of sexual offenders, further providing for registration.

RULES.**HB 747, PN 3227**

By Rep. DeWEESE

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, providing for a special license and license auction to hunt one elk.

RULES.

HB 834, PN 4510

By Rep. DeWEESE

An Act relating to hours of employment of health care employees; providing for penalties and remedies; and imposing powers and duties on the Department of Labor and Industry.

RULES.

HB 1027, PN 4340

By Rep. DeWEESE

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for willful failure to pay support order.

RULES.

HB 1044, PN 3639

By Rep. DeWEESE

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, further providing for powers and duties of the Municipal Police Officers' Education and Training Commission and for police training.

RULES.

HB 1511, PN 4439 By Rep. DeWEESE

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in juvenile matters, adding definitions; further providing for notice and hearing, for other basic rights and for adjudications of juveniles.

RULES.

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

CONSIDERATION OF HB 834 CONTINUED

The SPEAKER. The Chair had previously called up concurrence in HB 834. We will now resume debate on that concurrence.

Representative Surra.

Mr. SURRA. Thank you again, Mr. Speaker.

In summation, it is important to note that the term "unforeseeable emergent circumstances" "...does not include vacancies that arise as a result of chronic short staffing."

The other only change that the Senate added was that it changed the effective date of the legislation to July 1, 2009.

Mr. DiGIROLAMO. Mr. Speaker? Mr. Speaker?

The SPEAKER. The noise level on the floor is entirely too loud. Members will take their seats. Conferences in the center and side aisles will break up. Members will take their seats. Members will please take their seats. Members and guests will please take their seats. Conferences in the rear, side, and center aisles, in the well of the House, will break up immediately. Members and guests will please take their seats. The Chair will announce one more time and ask members and guests to please take their seats. The noise level is entirely too loud.

Representative DiGirolamo.

Mr. DiGIROLAMO. Thank you, Mr. Speaker.

I am finished with my interrogation. May I comment on the bill as amended?

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

Mr. DiGIROLAMO. Okay. Thank you, Mr. Speaker.

Mr. Speaker, I am very proud; my daughter, Mary, just recently graduated from Penn State University with a degree in nursing and is presently working at one of our local hospitals.

Not only for our nurses across the State of Pennsylvania and the direct-care patients, but also on behalf of patient safety, I would ask all the members to vote in favor of HB 834.

Thank you, Mr. Speaker.

LEAVE OF ABSENCE CANCELED

The SPEAKER. The Chair recognizes the presence of Representative Kate Harper on the floor. Her name will be added to the master roll.

CONSIDERATION OF HB 834 CONTINUED

The SPEAKER. Representative Surra.

Mr. SURRA. Thank you, Mr. Speaker. I will be brief.

I know we have a very heavy schedule for the short time we have, but it has been 8 years that we have been working on this issue, and I want to thank members on both sides of the aisle. This has been truly a bipartisan effort and a lot of help over in the Senate also. Senator Tartaglione was the driving force in that chamber, and without Senator Gordner's leadership in the Labor Committee, we would have not been able to push this bill to the point that it is right now. It passed the Senate 49 to 0.

In the House, members on both sides have worked very, very hard on this, but I want to particularly point out my good friend and colleague, Representative Gene DiGirolamo. He has really, really put his heart and soul into this effort. When the Republicans were in the majority, he was the prime sponsor, and he tried to push it across the goal line and fell a little bit short, but finally, we were able to do so.

I want to thank Representative Belfanti's staff, who put a lot of time in. I want to thank all the stakeholders who put in their efforts, all the nurses and health-care workers who came to the Capitol for so many rallies over the years.

Finally, I want to thank my staff for the hard work that they have done. Without all these people cooperating, we would not be here at this point today.

This bill passed the House, again, 166 to 31. It is a better bill now, as it helps some of the health-care facilities with some of the issues that they had, and those are the Senate amendments.

This legislation will make Pennsylvania a safer place for our patients and better workplaces for our health-care workers, and I encourage, once again, a vote in the affirmative.

Thank you, Mr. Speaker.

The SPEAKER. Representative Cutler.

Mr. CUTLER. Thank you, Mr. Speaker.

I would just like to briefly ask for a nonconcurrence on HB 834 as a former health-care professional. I personally have worked in health care for the better part of 13 years, and my entire family still works in this industry – my mom, my grandmother, my sister, and my wife.

I still have some major concerns with HB 834. It has nothing to do with giving control to the hospital. This has everything to do with allowing us as professionals to care for patients, because the individuals in each individual unit are the ones who

are best situated and best know how to respond to their patients' needs.

I am fearful that the definitions contained in this bill simply are too vague; too vague because it is described as, you know, nonemergent or, for example, what constitutes a last-second change? Because an hour before the end of your shift, one of your colleagues could be in an accident on the way to work, one of your colleagues could go into labor and then would not be able to report for a subsequent shift. What happens then when there is no one there to care for the patients and it is the end of the shift? Do they go home? I would hope not, but I think that these particular pieces could be fixed, and that is why I am going to ask for the nonconcurrency.

We have heard that there is a shortage in health care, and I would agree. Back there in the nineties that was the case, but given the uncertain economic times that we are in currently, I believe that health care is probably one of the most resistant industries for economic downturns.

Additionally, I checked with some of our local schools. We are being told that young people will not go into health care because of forced overtime; this is simply not true. One of my local schools had over a thousand applications – a thousand applications for approximately 400 slots. They turned away 60 percent of the people who applied because they just did not have the capacity and the classroom space to take everyone who had applied to the program.

I agree that the staff shortages in the hospital need fixed. I absolutely believe that it could be improved. I think we could help improve it by increasing the availability of staff in the hospitals themselves, not by mandating some arbitrary, you-cannot-work-more-than-X-number-of-hours-in-a-day standard from Harrisburg.

Good intentions, unfortunately, sometimes lead to bad results, and that is why I am fearful of this bill, and I will ask for a nonconcurrency not so that the issue dies, but that it can go to a conference committee and the final details can be worked out.

Again, as a health-care professional, I just think it is best that Harrisburg try not to micromanage the hospitals and let the nurses and the x-ray techs, such as myself, care for the patients the way that we know how. We know our limits. We can set good policy, and that is all I am asking.

Thank you.

On the question recurring,

Will the House concur in Senate amendments?

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

The following roll call was recorded:

YEAS—186

Adolph	Gabig	Mantz	Rubley
Argall	Galloway	Markosek	Sabatina
Baker	Geist	Marshall	Sainato
Barrar	George	Marsico	Samuelson
Bastian	Gerber	McCall	Santoni
Belfanti	Gergely	McGeehan	Scavello
Benninghoff	Gibbons	McI. Smith	Schroder
Bennington	Gingrich	McIlhattan	Seip
Bianucci	Godshall	Melio	Shapiro
Bishop	Goodman	Millard	Shimkus
Blackwell	Grell	Milne	Siptroth

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

NAYS—13

Bear	Gillespie	Mensch	Miller
Cox	Mackereth	Metcalfe	Rohrer
Cutler	Maher	Micozzie	Saylor
Denlinger			

NOT VOTING—0

EXCUSED—4

Beyer	Perry	Ramaley	Vereb
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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

CALENDAR CONTINUED

BILL ON CONCURRENCE
IN SENATE AMENDMENTS

The House proceeded to consideration of concurrence in Senate amendments to **HB 44, PN 4414**, entitled:

An Act prohibiting the sale, installation and disposal of mercury thermostats; and prescribing penalties.

On the question,
Will the House concur in Senate amendments?

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

The following roll call was recorded:

YEAS—199

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

NAYS—0

NOT VOTING—0

EXCUSED—4

Beyer	Perry	Ramaley	Vereb
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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

The SPEAKER. The Chair announces its intention to recess regular session and go into special session at 11:54 a.m.

RECESS

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

AFTER RECESS

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

The SPEAKER. The House will be at ease.

The House will come to order.

CALENDAR CONTINUED

CONSIDERATION OF HR 598 CONTINUED

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

The SPEAKER. The Chair recognizes Representative Geist on the resolution.

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

I cannot tell you how proud I am of Chick Dillen. He is a fabulous guy. He has had fathered four wonderful children, one better than the other three because I married her, and today we have with him his wife, Pat. Chick, I would ask Chick to stand up and get a round of applause from the House.

Beside Chick is my brother by law, Clay Angle, and a great guy, and his son is with him today. And for you people that follow the arts, I am especially proud of Tyler. Tyler is a unique, unique performer. He is a solo dancer with the New York City Ballet, and he is going to be starring in the movie, the remake of the movie "Fame," and Tyler is with us back here. So stand up, Tyler.

It is amazing for anybody to have a career that lasts longer than 10 years in a job. Twenty years is a really long term anymore, but can you imagine being the editor of a continuous newsletter for 57 years, and that is what Chick did for Ward Trucking Corporation. He was an executive there. He did everything from doing the windows to loading trucks, and he has had just one great career, and I am really pleased to honor this resolution. We believe that 57 years as an editor is the longest term ever in the State of Pennsylvania, and we want to honor that.

So I would ask for a "yes" vote on the resolution. Thank you.

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

The following roll call was recorded:

YEAS—199

Adolph	Gabig	Mantz	Rohrer
Argall	Galloway	Markosek	Ross
Baker	Geist	Marshall	Rubley

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

NAYS—0

NOT VOTING—0

EXCUSED—4

Beyer	Perry	Ramaley	Vereb
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The majority having voted in the affirmative, the question was determined in the affirmative and the resolution was adopted.

GUESTS INTRODUCED

The SPEAKER. The Chair would like to recognize, in the rear of the House, the distinguished district attorney from the city of Philadelphia, Lynne Abraham. Welcome to the floor of the House.

The Chair would like to recognize, as the guests of Representative Kate Harper and Representative Bob Godshall, seated to the left of the Speaker, from the Montgomery County Boroughs Association, Susan Patton and Jocelyn Tenney from

North Wales Borough. Jocelyn is the president of the Boroughs Association. Mark Forunier from Telford Borough is also here. Would you please stand and be recognized.

Please welcome to the floor of the House, as the guests of Representative Scott Boyd, Jill and Megan Blank of Leola, Pennsylvania. Jill and Megan are serving today as guest pages. Their mother, Cynthia Blank, is seated in the gallery. Would you please stand and be recognized.

Please welcome, as the guests of Representative Mario Scavello, Connor Cassady from Stroudsburg. Connor is a seventh grader from Stroudsburg Middle School. He is active with the band, baseball, and the honors program. Please welcome Connor's parents, Andrea and David Gwyn. Would you please stand and be recognized.

The Chair welcomes Heather Axelrod, an intern for Representative Brennan and a student at Lehigh University. Heather is seated in the balcony. Would you please stand and be recognized.

HB 834 RECONSIDERED

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

Mr. MICOZZIE. I submitted a—

The SPEAKER. The Chair thanks the gentleman.

The Chair is in receipt of a reconsideration motion from Representative Micozzie and Representative Sam Smith, who move the vote by which HB 834, PN 4510, was agreed to on concurrence on the 8th day of October be reconsidered.

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

(Members proceeded to vote.)

LEAVE OF ABSENCE CANCELED

The SPEAKER. The Chair recognizes Mike Vereb on the floor. His name will be added to the master roll.

RECONSIDERATION OF HB 834 CONTINUED

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

The following roll call was recorded:

YEAS—191

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

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

NAYS-9

Bennington	Hornaman	Kotik	Readshaw
Casorio	Kortz	Petrone	Wojnaroski
DeLuca			

NOT VOTING-0

EXCUSED-3

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

On the question recurring,

Will the House concur in Senate amendments?

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

The following roll call was recorded:

YEAS-189

Adolph	Galloway	Markosek	Sabatina
Argall	Geist	Marshall	Sainato
Baker	George	Marsico	Samuelson
Barrar	Gerber	McCall	Santoni
Bastian	Gergely	McGeehan	Scavello
Belfanti	Gibbons	McI. Smith	Schroder
Benninghoff	Gingrich	McIlhattan	Seip
Bennington	Godshall	Melio	Shapiro
Biancucci	Goodman	Micozzie	Shimkus
Bishop	Grell	Millard	Siptroth
Blackwell	Grucela	Milne	Smith, K.
Boback	Haluska	Moul	Smith, M.

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

NAYS-11

Bear	Denlinger	Mensch	Rohrer
Cox	Gillespie	Metcalfe	Saylor
Cutler	Mackereth	Miller	

NOT VOTING-0

EXCUSED-3

Beyer	Perry	Ramaley
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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

SENATE MESSAGE

HOUSE BILL
CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, returned **HB 2722, PN 4224**, with information that the Senate has passed the same without amendment.

SENATE MESSAGE

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

The clerk of the Senate, being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives by amending said amendments to **SB 740, PN 2499**.

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

SENATE MESSAGE

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

The clerk of the Senate, being introduced, returned **HB 647, PN 4519; HB 1664, PN 4520; HB 1723, PN 4513; HB 1845, PN 4528; and HB 2499, PN 4523**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

BILLS SIGNED BY SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HB 44, PN 4414

An Act prohibiting the sale, installation and disposal of mercury thermostats; and prescribing penalties.

HB 834, PN 4510

An Act relating to hours of employment of health care employees; providing for penalties and remedies; and imposing powers and duties on the Department of Labor and Industry.

HB 2722, PN 4224

An Act designating the bridges on State Route 830 over Interstate 80 in Washington Township, Jefferson County, as the SFC Michael J. Tully Memorial Bridges.

SB 684, PN 2475

An Act providing for child death review.

SB 908, PN 2374

An Act amending the act of December 22, 1983 (P.L.327, No.85), known as the Auctioneer and Auction Licensing Act, further providing for auctioneer and apprentice auctioneer licenses.

SB 1019, PN 1711

An Act amending the act of December 22, 1983 (P.L.306, No.84), known as the Board of Vehicles Act, further providing for definitions, for grounds for disciplinary proceedings for vehicle shows, off-premise sales and exhibitions; providing for recreational vehicle shows, recreational vehicle off-premise sales, recreational vehicle exhibitions

and recreational vehicle rallies; and further providing for vehicle shows, off-premise sales and exhibitions on Sundays.

SB 1225, PN 2413

An Act amending Title 35 (Health and Safety) of the Pennsylvania Consolidated Statutes, providing for mutual aid.

SB 1308, PN 2416

An Act authorizing the Pennsylvania Fish and Boat Commission to grant and convey to Solebury Township, certain lands situate in Solebury Township, Bucks County; and authorizing the Department of General Services, with the approval of the Governor, to convey a certain easement in the City of Philadelphia.

SB 1503, PN 2474

A Supplement to the act of December 8, 1982 (P.L.848, No.235), known as the Highway-Railroad and Highway Bridge Capital Budget Supplemental Act for 2008-2009, itemizing additional State and local bridge projects.

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

The SPEAKER. The House will come to order.

RESOLUTION PURSUANT TO RULE 35

Mr. MILLARD called up **HR 925, PN 4497**, entitled:

A Resolution designating the month of November 2008 as "Lung Cancer Awareness Month" in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—200

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

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

NAYS-0

NOT VOTING-0

EXCUSED-3

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

SUPPLEMENTAL CALENDAR C CONTINUED

BILLS ON CONCURRENCE IN SENATE AMENDMENTS

The House proceeded to consideration of concurrence in Senate amendments to **HB 1044, PN 3639**, entitled:

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, further providing for powers and duties of the Municipal Police Officers' Education and Training Commission and for police training.

On the question,

Will the House concur in Senate amendments?

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

The following roll call was recorded:

YEAS-200

Adolph	Gabig	Markosek	Ross
Argall	Galloway	Marshall	Rubley
Baker	Geist	Marsico	Sabatina
Barrar	George	McCall	Sainato
Bastian	Gerber	McGeehan	Samuelson
Bear	Gergely	McI. Smith	Santoni
Belfanti	Gibbons	McIlhattan	Saylor
Benninghoff	Gillespie	Melio	Scavello
Bennington	Gingrich	Mensch	Schroder
Bianucci	Godshall	Metcalfe	Seip
Bishop	Goodman	Micozzie	Shapiro

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

NAYS-0

NOT VOTING-0

EXCUSED-3

Beyer	Perry	Ramaley
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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

The SPEAKER. The House will be at ease.

The House will come to order.

* * *

The House proceeded to consideration of concurrence in Senate amendments to **HB 1511, PN 4439**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in juvenile matters, adding definitions; further providing for notice and hearing, for other basic rights and for adjudications of juveniles.

On the question,

Will the House concur in Senate amendments?

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

The following roll call was recorded:

YEAS—199

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

NAYS—1

Maher

NOT VOTING—0

EXCUSED—3

Beyer Perry Ramaley

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

The SPEAKER. The House will be at ease.

The House will come to order.

CALENDAR CONTINUED

RESOLUTIONS PURSUANT TO RULE 35

Mr. MELIO called up **HR 910, PN 4448**, entitled:

A Resolution designating the month of September 2008 as "Brain Aneurysm Awareness Month" in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—200

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

NAYS—0

NOT VOTING—0

EXCUSED—3

Beyer Perry Ramaley

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

* * *

Mr. BUXTON called up **HR 911, PN 4449**, entitled:

A Resolution designating October 16, 2008, as "Conflict Resolution Day" in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—200

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

Everett	Maher	Reichley	Youngblood
Fabrizio	Mahoney	Roae	Yudichak
Fairchild	Major	Rock	
Fleck	Manderino	Roebuck	O'Brien, D.,
Frankel	Mann	Rohrer	Speaker
Freeman	Mantz		

NAYS—0

NOT VOTING—0

EXCUSED—3

Beyer Perry Ramaley

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

* * *

Mr. ADOLPH called up **HR 912, PN 4473**, entitled:

A Resolution honoring Christopher J. Ferguson, Commander, United States Navy, on being named to command the National Aeronautics and Space Administration space shuttle mission STS-126 to the International Space Station targeted for launch in November 2008.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—200

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

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

NAYS-0

NOT VOTING-0

EXCUSED-3

Beyer Perry Ramaley

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

* * *

Mr. GODSHALL called up **HR 913, PN 4450**, entitled:

A Resolution designating October 21, 2008, as "Biomedical Research Day" in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS-200

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

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

NAYS-0

NOT VOTING-0

EXCUSED-3

Beyer Perry Ramaley

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

The SPEAKER. The House will be at ease.

The House will come to order.

CONSIDERATION OF HB 120 CONTINUED

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

MOTION TO SUSPEND RULES

The SPEAKER. The Chair recognizes Representative Saylor, who moves to suspend the rules for the consideration of amendment A09764, which the clerk will read.

The clerk read the following amendment No. **A09764**:

Amend Title, page 1, line 5, by inserting after "thereto," " in preliminary provisions,

Amend Title, page 1, line 6, by inserting after "attendance" , for prohibition of certain regulations for the 2008-2009 fiscal year

Amend Sec. 1, page 1, lines 12 through 14, by striking out all of said lines and inserting

Section 1. Section 117 of the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, added July 9, 2008 (P.L.846, No.61), is amended to read:

Section 117. Prohibition of Certain Regulations for the 2008-2009 Fiscal Year.—(a) Notwithstanding any provision of law to the contrary, in the 2008-2009 fiscal year, a regulation to change or

establish high school graduation requirements shall not be further promulgated, approved or proposed.

(b) No Federal or State funds shall be expended by the Department of Education for the development of any component of a Statewide system of high school graduation requirements until such time as express authority has been granted by act of the General Assembly.

Section 1.1. Section 1327 of the act is amended by adding a subsection to read:

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

The SPEAKER. The Chair recognizes Representative Saylor on the motion to suspend the rules.

Mr. SAYLOR. Mr. Speaker, I rise to suspend the rules to offer this amendment.

Back earlier this year in July when we passed our State budget, our State budget from the State House and the State Senate, Republicans and Democrats alike, had stated to the Governor that we did not want any action taken on our GCAs (graduation competency assessments), the graduation competency tests, and the Governor has moved forward with an expenditure of \$9 million of our Commonwealth dollars for an RFP (request for proposal) to awarding of a contract for these tests before the State has even drawn up any kind of curriculum. So I rise today. This amendment forbids the Governor from spending those dollars at this time.

So I ask for an affirmative vote in suspending the rules, Mr. Speaker.

The SPEAKER. On the motion to suspend the rules, Representative Keith McCall.

Mr. McCALL. Thank you, Mr. Speaker.

Mr. Speaker, we would oppose the suspension of the rules at this time.

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

The following roll call was recorded:

YEAS—106

Table with 4 columns of names: Adolph, Argall, Baker, Barrar, Bastian, Bear, Benninghoff, Boback, Boyd, Brooks, Cappelli, Causer, Civera, Clymer, Cox, Creighton, Cutler, Dally, Denlinger, DePasquale, DiGiroloam, Ellis, Evans, J., Everett, Freeman, Geist, Gillespie, Gingrich, Godshall, Grucela, Harhart, Harper, Harris, Helm, Hennessey, Hershey, Hess, Hickernell, Hutchinson, Kauffman, Keller, M.K., Kenney, Killion, Kotik, Mackereth, Maher, Major, Mantz, McIlhattan, Mensch, Metcalfe, Micozzie, Millard, Miller, Milne, Moul, Moyer, Mustio, Nailor, Nickol, O'Neill, Payne, Peifer, Perzel, Petri, Phillips, Pickett, Pyle, Quigley, Rapp, Raymond, Reichley, Roae, Rock, Rohrer, Ross, Rubley, Samuelson, Saylor, Scavello, Schroder, Siptroth, Smith, S., Sonney, Stairs, Steil, Stern, Stevenson, Sturla, Swanger, Taylor, J., True, Turzai, Vereb, Vulakovich

Table with 4 columns of names: Fairchild, Fleck, Frankel, Marshall, Marsico, McI. Smith, Readshaw, Reed, Watson, Yewcic

NAYS—94

Table with 4 columns of names: Belfanti, Bennington, Biancucci, Bishop, Blackwell, Brennan, Buxton, Caltagirone, Carroll, Casorio, Cohen, Conklin, Costa, Cruz, Curry, Daley, DeLuca, Dermody, DeWeese, Donatucci, Eachus, Evans, D., Fabrizio, Gabig, Galloway, George, Gerber, Gergely, Gibbons, Goodman, Grell, Haluska, Hanna, Harhai, Harkins, Hornaman, James, Josephs, Keller, W., Kessler, King, Kirkland, Kortz, Kula, Leach, Lentz, Levdansky, Longiotti, Mahoney, Manderino, Mann, Markosek, McCall, McGeehan, Melio, Mundy, Murt, Myers, O'Brien, M., Oliver, Pallone, Parker, Pashinski, Payton, Petrarca, Petrone, Preston, Roebuck, Sabatina, Sainato, Santoni, Seip, Shapiro, Shimkus, Smith, K., Smith, M., Solobay, Staback, Surra, Tangretti, Taylor, R., Thomas, Vitali, Wagner, Walko, Wansacz, Waters, Wheatley, White, Williams, Wojnaroski, Youngblood, Yudichak, O'Brien, D., Speaker

NOT VOTING—0

EXCUSED—3

Table with 3 columns of names: Beyer, Perry, Ramaley

Less than a majority of the members required by the rules having voted in the affirmative, the question was determined in the negative and the motion was not agreed to.

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

MOTION TO SUSPEND RULES

The SPEAKER. The Chair recognizes Representative Godshall, who moves to suspend the rules for the consideration of amendment A09757.

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

The SPEAKER. The Chair recognizes Representative Godshall on the motion to suspend the rules.

Mr. GODSHALL. Thank you, Mr. Speaker.

I knew the results, what would happen on suspension of the rules. This amendment that I was offering had to do with schools after Labor Day, starting schools after Labor Day, which is an important topic for an awful lot of people, an awful lot of kids whose jobs depend on working that week.

It is an issue that has been before the House. All I have ever wanted to do was get an up-or-down vote on this issue and have not been able to do it, and I know that this is not the time.

MOTION WITHDRAWN

Mr. GODSHALL. So I will be withdrawing this amendment, especially since it requires a suspension of the rules.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the bill on third consideration?

The SPEAKER. Representative Metcalfe.

Does the gentleman seek recognition on final passage?

Mr. METCALFE. Yes, Mr. Speaker.

The SPEAKER. The gentleman will wait until the Chair announces it. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

(Bill analysis was read.)

The SPEAKER. The question is, shall the bill pass finally?

The Chair recognizes Representative Metcalfe.

Mr. METCALFE. Thank you, Mr. Speaker.

Mr. Speaker, if the sponsor would submit to a couple of quick questions of interrogation.

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

The Chair will once again ask members to please break their conferences up, asks members to please take their seats, and take their conferences off the floor. The noise level is entirely too loud.

Representative Metcalfe.

Mr. METCALFE. Thank you, Mr. Speaker.

Mr. Speaker, reading the bill, I understand the intent of the sponsor of the bill is to try and ensure that we have more of our young adults graduating from the schools across the State of Pennsylvania, which is a concern that I share. I do have some concerns on the way this legislation approaches it. I just wanted to clarify the understanding of the legislation.

Mr. Speaker, as I read the bill and look at considering it here, it appears that when a young adult, who is of legal age to decide that they no longer wish to attend a public school in Pennsylvania, would decide that they are going to quit school, that this legislation would require the school district to attempt to advance a survey with that student to question them to try and determine why they were dropping out of school. Is that correct, Mr. Speaker?

Mr. ROEBUCK. Mr. Speaker, the intent would be that at the point that a young person would determine to drop out of school, at least they would be advised of the options they had, and the intent would be to try and encourage them to at least finish their education through high school.

Mr. METCALFE. Mr. Speaker, the survey that this legislation would require the school district to attempt to give to that young adult that would decide to quit school, that survey

would be put forth after the young adult decided they no longer wanted to attend school. Is that correct?

Mr. ROEBUCK. That is my understanding, Mr. Speaker.

Mr. METCALFE. Thank you, Mr. Speaker.

Now, Mr. Speaker, if this young adult who says that they no longer want to attend the public school system that they have been attending and they are going to quit attending school, if they decline to give any answers to the survey or to cooperate with the school district in providing this information, then this legislation appears to then require the school district to attempt to gain this information from the parents of that young adult. Is that correct, Mr. Speaker?

Mr. ROEBUCK. That is correct, Mr. Speaker.

Mr. METCALFE. Thank you, Mr. Speaker.

Now, Mr. Speaker, if the parents then determine that they do not have any personal knowledge because their young adult has not chosen to share that with them as to why they are quitting school, they have to work when the school district is asking them to cooperate with this survey, if the parents then say, you know what? You need to talk to our young adult who is now of legal age to quit school. We are not going to do this survey. We are not going to cooperate with you on this. It appears that this legislation would then allow for the school district to impose a civil penalty on those parents. Is that correct, Mr. Speaker?

Mr. ROEBUCK. It is an option, Mr. Speaker. My understanding, from having talked to those who have been in this circumstance, is that it is oftentimes at this point that there is a recognition of the downside of dropping out of school, and the intent is to make that clear. It is an option; it is not mandatory.

Mr. METCALFE. So, Mr. Speaker, let me ask, the way that the legislation is written, would the school district be allowed to impose a civil penalty on the parents for not cooperating with the survey that the young adult refused to take?

Mr. ROEBUCK. Yes, they could but it is not required.

Mr. METCALFE. So the school district could impose a penalty, but this law would not require the school district to impose a penalty?

Mr. ROEBUCK. That is correct, Mr. Speaker.

Mr. METCALFE. And trying to determine what that penalty would be from a quick question of research staff, it appears that the penalty would not be able to exceed a \$300 fine. It could be \$300 or less according to section 1333 that references it in this legislation. Is that the intent and is that correct, Mr. Speaker?

Mr. ROEBUCK. That is correct, Mr. Speaker.

Mr. METCALFE. Thank you, Mr. Speaker.

I appreciate the prime sponsor entertaining my questions.

If I could just make a couple of brief comments, Mr. Speaker?

The SPEAKER. Representative Metcalfe is in order and may proceed with his comments.

Mr. METCALFE. Thank you, Mr. Speaker.

Mr. Speaker, I share the sponsor's concern for our young adults that choose not to take full advantage of the education that is being provided to them by their parents and the taxpayers of Pennsylvania. For anybody that is a young adult to quit school before they receive their graduation certificate, I think, is a very unwise move on the part of that young adult.

But, Mr. Speaker, we do have in law age requirements for attending school. We do allow a young adult at a certain age to determine that they would no longer like to complete that course of education, and to set in place a new law that would attempt to survey them, I think would be fine, Mr. Speaker. I think it

would be fine to try and survey their parents, Mr. Speaker, to find out why the young adult is quitting, but at this point we would actually allow a school district to impose up to a \$300 fine on parents who may not have any immediate knowledge of why their young adult is choosing not to cooperate because their young adult might not be cooperating with them. We have allowed that young adult to make the decision. I think it is very bad policy for us to allow a penalty to be imposed on another adult for a young adult's decision that they do not have any control over, Mr. Speaker.

Mr. Speaker, I mean, it is a good thing to hold parents accountable for the actions of their children that are under their guardianship and their direction through those course of years that they can exercise their parental responsibilities, but, Mr. Speaker, at that point in time that the government has said this young adult has the right to make this decision and then we would impose a penalty on their adult parents for their decision that they have no control over, Mr. Speaker, I do not believe is a good policy. I do not believe that it will do anything but cause more grief on behalf of those parents whose young adult has chosen not to continue their education in the school system that is currently being paid for by the taxpayers.

Mr. Speaker, I think a \$300 fine is something that could be a severe hardship to many families across this Commonwealth that are working week to week to make ends meet for their families, may have younger children that are still in the system. That \$300 would buy quite a few pairs of shoes, quite a few lunches, Mr. Speaker.

Mr. Speaker, I know it is not mandatory that the school district would impose that penalty, but I do not believe that we should even allow it to be an option. This is a law that would be put in place to give a school district the option of creating this fine, thereby we would be the ones responsible for allowing that penalty to be imposed on the parents.

Mr. Speaker, I would ask for a negative vote on HB 120.
Thank you, Mr. Speaker.

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—118

Argall	Frankel	Manderino	Seip
Belfanti	Freeman	Mann	Shapiro
Bennington	Galloway	Mantz	Shimkus
Bianucci	George	Markosek	Siptroth
Bishop	Gerber	McCall	Smith, K.
Blackwell	Gergely	McGeehan	Smith, M.
Boback	Gibbons	Melio	Solobay
Brennan	Goodman	Moyer	Staback
Buxton	Grucela	Mundy	Stairs
Caltagirone	Haluska	Murt	Sturla
Cappelli	Hanna	Myers	Surra
Carroll	Harhai	O'Brien, M.	Tangretti
Casorio	Harkins	Oliver	Taylor, J.
Cohen	Harper	Pallone	Taylor, R.
Conklin	Hornaman	Parker	Thomas
Costa	James	Pashinski	Vereb
Cruz	Josephs	Payton	Vitali
Curry	Keller, W.	Perzel	Wagner
Daley	Kenney	Petri	Walko
DeLuca	Kessler	Petrone	Wansacz

DePasquale	King	Preston	Waters
Dermody	Kirkland	Quinn	Wheatley
DeWeese	Kortz	Readshaw	White
DiGirolamo	Kotik	Roebuck	Williams
Donatucci	Kula	Rubley	Wojnaroski
Eachus	Leach	Sabatina	Youngblood
Evans, D.	Lentz	Sainato	Yudichak
Evans, J.	Levdansky	Samuelson	
Fabrizio	Longietti	Santoni	O'Brien, D., Speaker
Fleck	Mackereth	Scavello	

NAYS—82

Adolph	Gillespie	McIlhattan	Raymond
Baker	Gingrich	Mensch	Reed
Barrar	Godshall	Metcalfe	Reichley
Bastian	Grell	Micozzie	Roae
Bear	Harhart	Millard	Rock
Benninghoff	Harris	Miller	Rohrer
Boyd	Helm	Milne	Ross
Brooks	Hennessey	Moul	Saylor
Causer	Hershey	Mustio	Schroder
Civera	Hess	Nailor	Smith, S.
Clymer	Hickernell	Nickol	Sonney
Cox	Hutchinson	O'Neill	Steil
Creighton	Kauffman	Payne	Stern
Cutler	Keller, M.K.	Peifer	Stevenson
Dally	Killion	Petrarca	Swanger
Denlinger	Maher	Phillips	True
Ellis	Mahoney	Pickett	Turzai
Everett	Major	Pyle	Vulakovich
Fairchild	Marshall	Quigley	Watson
Gabig	Marsico	Rapp	Yewic
Geist	McI. Smith		

NOT VOTING—0

EXCUSED—3

Beyer	Perry	Ramaley
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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.

BILL ON CONCURRENCE IN SENATE AMENDMENTS

The House proceeded to consideration of concurrence in Senate amendments to **HB 949, PN 4428**, entitled:

An Act amending the act of July 10, 1990 (P.L.404, No.98), known as the Real Estate Appraisers Certification Act, further providing for real estate appraiser certification required, for application and qualifications and for certification renewal, licensure renewal and records.

On the question,
Will the House concur in Senate amendments?

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

The following roll call was recorded:

YEAS—200

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

NAYS—0

NOT VOTING—0

EXCUSED—3

Beyer	Perry	Ramaley
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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

The SPEAKER. The House will be at ease.

The House will come to order.

SUPPLEMENTAL CALENDAR C CONTINUED

BILL ON CONCURRENCE
IN SENATE AMENDMENTS

The House proceeded to consideration of concurrence in Senate amendments to **HB 1027, PN 4340**, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for willful failure to pay support order.

On the question,

Will the House concur in Senate amendments?

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

The following roll call was recorded:

YEAS—200

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

NAYS-0

NOT VOTING-0

EXCUSED-3

Beyer Perry Ramaley

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

The SPEAKER. The House will be at ease.

The House will come to order.

GUESTS INTRODUCED

The SPEAKER. The Chair welcomes the fourth graders from Wallenpaupack South Elementary School. They are the guests of Representative Mike Peifer. They are in the balcony. Would you please stand and be recognized. That is where I learned how to water ski; not well, but I learned.

The House will come to order.

CALENDAR CONTINUED

CONSIDERATION OF HR 879 CONTINUED

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

The following roll call was recorded:

YEAS-200

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

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

NAYS-0

NOT VOTING-0

EXCUSED-3

Beyer Perry Ramaley

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

* * *

Mr. SCHRODER called up **HR 926, PN 4498**, entitled:

A Resolution designating the week of October 5 through 11, 2008, as "Latex Allergy Awareness Week" in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS-200

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

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

NAYS-0

NOT VOTING-0

EXCUSED-3

Beyer Perry Ramaley

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

* * *

Mr. MILLER called up **HR 928, PN 4499**, entitled:

A Resolution declaring October 26 through November 1, 2008, as "Juvenile Detention Centers Week," throughout Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS-200

Adolph	Gabig	Markosek	Ross
Argall	Galloway	Marshall	Rubley
Baker	Geist	Marsico	Sabatina
Barrar	George	McCall	Sainato
Bastian	Gerber	McGeehan	Samuelson
Bear	Gergely	McI. Smith	Santoni
Belfanti	Gibbons	McIlhattan	Saylor
Benninghoff	Gillespie	Melio	Scavello
Bennington	Gingrich	Mensch	Schroder
Bianucci	Godshall	Metcalfe	Seip
Bishop	Goodman	Micozzie	Shapiro

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

NAYS-0

NOT VOTING-0

EXCUSED-3

Beyer Perry Ramaley

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

DEMOCRATIC CAUCUS

RULES COMMITTEE MEETING

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

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, we will have an immediate Democratic caucus, we will have a Rules Committee meeting at 1:05, and our goal is to be back on the floor at 1:15.

The SPEAKER. The Rules Committee will meet at 1:05.

REPUBLICAN CAUCUS

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

I would like to announce a Republican caucus immediately at the call of the recess. Republicans, please report to caucus. Thank you.

The SPEAKER. The Chair thanks the lady.

VOTE CORRECTION

The SPEAKER. For what purpose does Representative Marguerite Quinn rise?

Ms. QUINN. To correct the record, Mr. Speaker.

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

Ms. QUINN. On HB 120, I was recorded in the affirmative and I would like to be in the negative.

The SPEAKER. The Chair thanks the lady. Her remarks will be spread upon the record.

Ms. QUINN. Thank you.

RECESS

The SPEAKER. Are there any other announcements?

Seeing none, this House will stand in recess until 1:15, unless sooner recalled by the Chair.

AFTER RECESS

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

**BILLS ON CONCURRENCE
REPORTED FROM COMMITTEE**

HB 647, PN 4519 By Rep. DeWEESE

An Act relating to crane operator licensure; establishing the State Board of Crane Operators; conferring powers and imposing duties relative to regulating the practice of crane operation; imposing penalties; and making an appropriation.

RULES.

HB 1664, PN 4520 By Rep. DeWEESE

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for theft of leased property; and, in wiretapping and electronic surveillance, further providing for disclosure of contents and for expiration of chapter.

RULES.

HB 1723, PN 4513 By Rep. DeWEESE

An Act designating a section of US Route 15 in Tioga Township, Tioga County, as the Senator Roger A. Madigan Highway; designating the bridge on State Route 655 on Main Street, Belleville, Union Township, Mifflin County, as the Curt Zook Memorial Bridge; designating the Newtown 413 Bypass as the Officer Gregg Memorial Bypass; and designating the Walnut Street Bridge in the City of Johnstown, Cambria County, as the Martin Luther King, Jr., Memorial Bridge.

RULES.

HB 1845, PN 4528 By Rep. DeWEESE

An Act amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for sentence for murder and murder of unborn child; providing for the offense of criminal homicide of law enforcement officer and for the offense of assault of law enforcement officer; imposing penalties; further providing for false reports to law enforcement authorities; in firearms, further providing for ineligibility for possession or dealing, for required licensure, for emergency prohibitions, for licenses, for possession with altered manufacturer's number, for sale or transfer, for Pennsylvania State Police, for altering or obliterating marks of identification, for firearm tracing and for procedure; establishing the Straw Purchase Prevention Education Program and the Straw Purchase Prevention Education Fund; further providing for limitation of actions; prescribing sentences for offenses committed against law enforcement officer; and abrogating a regulation.

RULES.

HB 2499, PN 4523 By Rep. DeWEESE

An Act regulating massage therapy; establishing the State Board of Massage Therapy; providing for funds, for licensure, for disciplinary action, for remedies, for penalties and for preemption.

RULES.

SB 740, PN 2499 By Rep. DeWEESE

An Act authorizing certain lands in Centre County to be conveyed; authorizing the Borough of Old Forge, Lackawanna County, to transfer, sell and convey certain Project 70 lands free of restrictions imposed by the Project 70 Land Acquisition and Borrowing Act; authorizing and directing the Department of General Services, with the approval of the Governor, to grant and convey to the Philadelphia Regional Port Authority certain lands situate in the 39th Ward of the City of Philadelphia; and providing for Commonwealth ownership of submerged lands; and authorizing and directing the Department of General Services, with the approval of the Governor and the Department of Military and Veterans' Affairs, to grant and convey to the Schuylkill YMCA certain lands and building situate in the Borough of Pottsville, Schuylkill County.

RULES.

LEAVE OF ABSENCE

The SPEAKER. The Chair recognizes the majority whip, who requests that Representative FRANKEL be placed on leave. The Chair hears no objection. Leave will be granted.

The House will come to order.

RULES 21(E) and 24 SUSPENDED

The SPEAKER. The Chair recognizes the majority whip, Representative McCall.

Mr. McCALL. Thank you, Mr. Speaker.

Mr. Speaker, I would ask that the House suspend rule 24 and rule 21(e) for the immediate consideration of HB 747, HB 1845, SB 100, SB 295, HB 647, HB 1664, HB 2499, HB 1723, and SB 740.

The SPEAKER. The gentleman, Representative McCall, moves to suspend rules 21(e) and 24.

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

The following roll call was recorded:

YEAS—155

Adolph	Fairchild	Mackereth	Rubley
Argall	Fleck	Mahoney	Sabatina
Barrar	Freeman	Major	Sainato
Bastian	Gabig	Manderino	Santoni
Belfanti	Galloway	Mann	Saylor
Bennington	Geist	Mantz	Scavello
Biancucci	George	Markosek	Seip
Bishop	Gerber	McCall	Shapiro
Blackwell	Gergely	McGeehan	Shimkus
Boback	Gibbons	Melio	Siptroth
Brennan	Gillespie	Metcalfe	Smith, K.
Brooks	Gingrich	Micozzie	Smith, M.
Buxton	Goodman	Millard	Smith, S.
Caltagirone	Grucela	Miller	Solobay
Cappelli	Haluska	Moul	Sonney
Carroll	Hanna	Moyer	Staback
Casorio	Harhai	Mundy	Stern
Causar	Harhart	Myers	Stevenson
Civera	Harkins	Nickol	Sturla
Cohen	Harris	O'Brien, M.	Surra
Conklin	Helm	Oliver	Tangretti
Costa	Hennessey	Pallone	Taylor, J.
Cox	Hershey	Parker	Taylor, R.
Cruz	Hess	Pashinski	Thomas
Curry	Hornaman	Payne	Vitali
Daley	James	Payton	Wagner
Dally	Josephs	Perzel	Walko
DeLuca	Keller, W.	Petrarca	Wansacz
Denlinger	Kenney	Petri	Waters
DePasquale	Kessler	Petrone	Wheatley
Dermody	Killion	Phillips	White
DeWeese	Kirkland	Preston	Williams
DiGirolamo	Kortz	Pyle	Wojnaroski
Donatucci	Kotik	Raymond	Yewcic
Eachus	Kula	Readshaw	Youngblood
Ellis	Leach	Rock	Yudichak
Evans, D.	Lentz	Roebuck	
Evans, J.	Levdansky	Rohrer	O'Brien, D.,
Everett	Longietti	Ross	Speaker
Fabrizio			

NAYS—44

Baker	Hutchinson	Murt	Roae
Bear	Kauffman	Mustio	Samuelson
Benninghoff	Keller, M.K.	Nailor	Schroder
Boyd	King	O'Neill	Stairs
Clymer	Maher	Peifer	Steil
Creighton	Marshall	Pickett	Swanger
Cutler	Marsico	Quigley	True
Godshall	McI. Smith	Quinn	Turzai
Grell	McIlhattan	Rapp	Vereb
Harper	Mensch	Reed	Vulakovich
Hickernell	Milne	Reichley	Watson

NOT VOTING—0

EXCUSED—4

Beyer	Frankel	Perry	Ramaley
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A majority of the members required by the rules having voted in the affirmative, the question was determined in the affirmative and the motion was agreed to.

SUPPLEMENTAL CALENDAR D

BILLS ON CONCURRENCE
IN SENATE AMENDMENTS

The House proceeded to consideration of concurrence in Senate amendments to **HB 647, PN 4519**, entitled:

An Act relating to crane operator licensure; establishing the State Board of Crane Operators; conferring powers and imposing duties relative to regulating the practice of crane operation; imposing penalties; and making an appropriation.

On the question,

Will the House concur in Senate amendments?

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

The following roll call was recorded:

YEAS—180

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

NAYS—19

Benninghoff	Denlinger	Kauffman	Roae
Brooks	Everett	Keller, M.K.	Rock
Causer	Gillespie	Mantz	Rohrer
Cox	Grell	Metcalfe	Stevenson
Creighton	Hutchinson	Rapp	

NOT VOTING—0

EXCUSED—4

Beyer	Frankel	Perry	Ramaley
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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

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The House proceeded to consideration of concurrence in Senate amendments to **HB 1845, PN 4528**, entitled:

An Act amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for sentence for murder and murder of unborn child; providing for the offense of criminal homicide of law enforcement officer and for the offense of assault of law enforcement officer; imposing penalties; further providing for false reports to law enforcement authorities; in firearms, further providing for ineligibility for possession or dealing, for required licensure, for emergency prohibitions, for licenses, for possession with altered manufacturer's number, for sale or transfer, for Pennsylvania State Police, for altering or obliterating marks of identification, for firearm tracing and for procedure; establishing the Straw Purchase Prevention Education Program and the Straw Purchase Prevention Education Fund; further providing for limitation of actions; prescribing sentences for offenses committed against law enforcement officer; and abrogating a regulation.

On the question,

Will the House concur in Senate amendments?

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

The following roll call was recorded:

YEAS—199

Adolph	Galloway	Markosek	Ross
Argall	Geist	Marshall	Rubley
Baker	George	Marsico	Sabatina
Barrar	Gerber	McCall	Sainato
Bastian	Gergely	McGeehan	Samuelson
Bear	Gibbons	McI. Smith	Santoni
Belfanti	Gillespie	McIlhattan	Saylor
Benninghoff	Gingrich	Melio	Scavello
Bennington	Godshall	Mensch	Schroder
Bianucci	Goodman	Metcalfe	Seip
Bishop	Grell	Micozzie	Shapiro
Blackwell	Grucela	Millard	Shimkus
Boback	Haluska	Miller	Siptroth
Boyd	Hanna	Milne	Smith, K.
Brennan	Harhai	Moul	Smith, M.
Brooks	Harhart	Moyer	Smith, S.
Buxton	Harkins	Mundy	Solobay
Caltagirone	Harper	Murt	Sonney
Cappelli	Harris	Mustio	Staback

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

NAYS—0

NOT VOTING—0

EXCUSED—4

Beyer	Frankel	Perry	Ramaley
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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

REMARKS SUBMITTED FOR THE RECORD

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

All of us are aware of the recent increases in criminal gun violence in the Commonwealth. Law enforcement and others have expressed serious concerns about the phenomenon of "straw purchasers" who legally purchase guns from firearm dealers and turn around to provide those same guns to criminals. Section 6111 of our Crimes Code contains, among other things, language which criminalizes the conduct of these "straw purchasers."

Recent information from the Pennsylvania Sentencing Commission indicates that from 2004-2006, there were less than 100 convictions for 6111 offenses each year. While I am encouraged by recent reports of significant arrests and illegal gun seizures by the Attorney General's task force in Philadelphia, I have concerns that it may take time to put together cases for 6111 straw purchase prosecutions.

My amendment included in HB 1845 would increase the statute of limitations for offenses involving straw purchases of firearms as well as knowingly making false statements on the forms associated with firearm purchases. The statute of limitations for these offenses would be increased to 5 years.

I want to thank the House and the Senate for voting for the above amendment. This language will make our streets safer.

The SPEAKER. The House will be at ease.

The House will come to order.

**BILLS ON CONCURRENCE
IN SENATE AMENDMENTS**

The House proceeded to consideration of concurrence in Senate amendments to **HB 2499, PN 4523**, entitled:

An Act regulating massage therapy; establishing the State Board of Massage Therapy; providing for funds, for licensure, for disciplinary action, for remedies, for penalties and for preemption.

On the question,

Will the House concur in Senate amendments?

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

The following roll call was recorded:

YEAS—191

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

Fleck	Manderino	Rohrer	
Freeman	Mann	Ross	O'Brien, D.,
Gabig	Mantz	Rubley	Speaker
Galloway			

NAYS—8

Benninghoff	Creighton	Metcalfe	Rapp
Causar	Hutchinson	Pyle	Road

NOT VOTING—0

EXCUSED—4

Beyer	Frankel	Perry	Ramaley
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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

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The House proceeded to consideration of concurrence in Senate amendments to **HB 1723, PN 4513**, entitled:

An Act designating a section of US Route 15 in Tioga Township, Tioga County, as the Senator Roger A. Madigan Highway; designating the bridge on State Route 655 on Main Street, Belleville, Union Township, Mifflin County, as the Curt Zook Memorial Bridge; designating the Newtown 413 Bypass as the Officer Gregg Memorial Bypass; and designating the Walnut Street Bridge in the City of Johnstown, Cambria County, as the Martin Luther King, Jr., Memorial Bridge.

On the question,

Will the House concur in Senate amendments?

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

The following roll call was recorded:

YEAS—199

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

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

NAYS-0

NOT VOTING-0

EXCUSED-4

Beyer	Frankel	Perry	Ramaley
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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

The SPEAKER. The House will be at ease.

The House will come to order.

CALENDAR CONTINUED

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 100, PN 2484**, entitled:

An Act providing for the regulation of home improvement contracts and for the registration of certain contractors; prohibiting certain acts; and providing for penalties.

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

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

(Bill analysis was read.)

The SPEAKER. The question is, shall the bill pass finally?

Representative Metcalfe.

Mr. METCALFE. Mr. Speaker, is it an appropriate time to speak on final passage?

The SPEAKER. The gentleman is recognized to speak on final passage.

Mr. METCALFE. Thank you, Mr. Speaker.

Mr. Speaker, I know that we have heard some argument that this would be good legislation because we are not going to be licensing those small business people that are out there working as contractors and doing home improvement and those types of things. But as I understand the legislation, it provides for a registry and requires the small business owners that are out there working day to day now, doing home improvements and such, that they would be required to pay a registry fee of what I believe is \$50 a year that would ultimately be a \$25 fee a year.

Mr. Speaker, this is a cost that many of these small business folks are not incurring right now, and with the state of the current economy and the prices of gasoline and the other economic factors that are weighing on everybody's minds very heavily, I do not think it is a wise policy move to advance a policy that is going to, yet again, ask our small business people to pay more to the government so they can try and keep themselves employed and create jobs.

Mr. Speaker, I know that there are problems out there throughout the State where somebody might be taken as they are looking for a contractor, but I do not believe the right policy decision is to penalize all contractors and all small business people for what some might do that could otherwise be dealt with in another manner through our law enforcement and through other laws that we have.

I am going to be voting in the negative, and I would ask all those who do appreciate job creators and small business people to vote "no" and vote to not impose yet another fee on our small business owners. Thank you, Mr. Speaker.

Mr. PRESTON. Mr. Speaker?

The SPEAKER. Representative Preston.

Mr. PRESTON. Thank you, Mr. Speaker.

I am going to ask the members who care and support small business owners and an awful lot of the consumers and senior citizens across this State to support the Tomlinson bill.

We have had this in the Consumer Affairs Committee, but not only that, it has been 10 to 15 years we have been working on these types of issues. Is it the answer to all things? No; the next term we are going to have to look at further things. But the issue of registration and some of these things are very important in today's market, because we have so many different people who go across different county lines. This will be able to give your consumers and other businesspeople who are even going to use subcontractors to know if they have had other problems in other areas of the State or other counties or other municipalities.

Also, I guess I would like to thank Representative McCall and also especially Representative Shimkus. They also had similar bills relative to this, but this is the best vehicle to be able to solve a problem that has been going on a lot of years. If you care about small business, if you care about reputable, good small businesses, if you care about those contractors who want to be able to have a good name so we can weed out those who have not been so responsible, if you care about the senior citizens or the young couple who is buying a first-time starter house and they want to be able to remodel it and not be able to be ripped off, this helps the answer so that people can check ahead of time and verify, not just call the local municipality,

because sometimes we have contractors that deal with over 100 separate municipalities. This will give them a chance. It also will give a chance for local district attorneys to be able to be a little bit more forthcoming and be able to get those bad guys, and so the good contractors can make the money that they need and provide the jobs in the Commonwealth that we need.

So again, I would like to thank Senator Tomlinson, Representative McCall, and Representative Shimkus in supporting SB 100 so that we can get on with the people's business. Thank you.

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

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

Mr. Speaker, I, too, rise in opposition to this legislation for two reasons.

One, Mr. Speaker, this legislation is clearly overkill in regards to the amount of registration and regulation that it imposes on the people that work in this industry. I think it just goes way too far on the heavy-hand-of-government side of things.

But probably more importantly, Mr. Speaker, the reason I oppose this bill is because it is not going to protect the consumers in the way that it is designed or the way that it is portrayed. Fundamentally, Mr. Speaker, the way this bill currently reads, when a person comes in to agree or to sign a contract with a home improvement contractor, they are going to be required to pay 20 percent up front and the other remaining portion has to be collected at a later date, the implication being, Mr. Speaker, that I as the consumer would be able to withhold that additional money until the end of the home improvement contract, until the job was done and I am satisfied. But in reality, Mr. Speaker, the way this bill reads – and I fail to understand this at all, Mr. Speaker – the way it reads, you are going to be able to go in and swipe your credit card, if it is at a retail-type store, or with an individual small contractor you are going to pay the 20 percent, and virtually the next minute or the next day or whatever that contractor or person providing those services chooses, you could be required to pay virtually the next minute. It just requires two sets of papers. It does not allow me as the consumer to hold back the 10 or 15 or 20 percent until the job is done, and it just baffles me, Mr. Speaker.

The way to empower consumers in this issue, to provide them protection, is to do what most reputable contractors do: They tell you, you are going to pay up front basically what I need to buy the materials and get this project started. You are going to pay me a certain amount, perhaps when I get started or somewhere in the course of the action, and you are going to be allowed to hold back 10, 15 percent so that when the job is done and the contractor comes back out and the consumer says, "I am satisfied," or "I'm not paying you that last 10 percent until you fix something here on the corner trim," that is the simple way to resolve this, is to allow the consumer the ability to hold back that 10 percent or 15 percent until the consumer is satisfied. This legislation implies that but it does not require that, and in fact in many instances, consumers are going to still be paying the full price before the job is complete. That is not going to provide the protection. You are going to be stuck going a different route, and it just is going to be a cumbersome process for both the consumer and for the individual contractor, and I think it is just a wrong approach to solving a serious problem.

Thank you, Mr. Speaker.

The SPEAKER. Representative Melio.

Mr. MELIO. Thank you, Mr. Speaker.

The Association of Builders supports this bill. The reputable builders have no problem with this bill. We are not concerned about the reputable ones; we are concerned about those who just call themselves contractors and rip off the people, which they have done so much in my community, leaving the people with hazardous bills because they cannot locate these contractors, find out who they are. They just rip off the customers and take off, and there is no way to find out who they are.

The district attorney, the Bucks County Consumer Protection agent, all these people, Senator Tomlinson put in a lot of time in this bill. This is for the little guy. I would hope that you would support the poor people in my district who have been ripped off, and I would please ask you to support this bill. Thank you.

The SPEAKER. Representative McCall.

Mr. McCALL. Thank you, Mr. Speaker.

Mr. Speaker, I would ask that we pass SB 100.

Mr. Speaker, a lot of the members on the other side of the aisle will remember Representative Chris Wogan. When the gentleman was chairman of the Consumer Affairs Committee, I was the minority chairman of the House Consumer Affairs Committee, and one of the regular complaints that we received on that committee was people coming to us saying, you have to do something to regulate home contractors. We sat down with then Attorney General Mike Fisher and worked out legislation that is a hybrid of what you see before you today.

This is a culmination of about 15 years of work started by Representative Wogan, Judge Wogan, today Senator Tomlinson. I have legislation as well that deals with the same issue, except I go even further. I provide a guarantee fund so people can come back and get dollars if they are ripped off by unscrupulous contractors.

The reality is, the Attorney General has told us time and time again that it is a problem that we have to address. Everybody around us has some form of licensure – and we are not even talking about licensure here; we are merely talking about registration – everybody around us requires contractors to be licensed or registered in some way, and it is time Pennsylvania follows suit and does the same thing.

Dear God, people, we tell barbers – barbers – we make them get a license to cut your hair for \$8, yet somebody could pull up to my driveway in a pickup truck, I hire them for a \$20,000 or \$30,000 contract, and there is no requirement, number one, that he could even read a ruler, but he has to be licensed or be registered in any way. That is all that we are asking. We are just saying, we want you to register so we can follow whether or not you are good or bad.

My local builders, they call it a jobs bill, because it is going to get rid of those unscrupulous contractors. That is all we are asking to do here. We are not saying we want you to be able to read a ruler. You should be able to, but we are not saying that we want you to do that. We merely want you to register with the Attorney General and provide a registration number, 50 bucks – \$25 every 2 years so the Attorney General could help with the enforcement of this act.

I do not think that is unreasonable. We tell our licensure boards, they pay hundreds of dollars for some of these licenses. We are not even saying that; we merely want you to register. So if you do perpetrate a crime, we are going to be able to go after you and put teeth into this legislation that allows the Attorney General to go after these unscrupulous contractors. It is registration. It is nothing more than registration and a

requirement that a written contract be in place so we have an enforceable document, so when somebody goes to get recourse in these situations, they will have the ability to get that recourse.

In 2007 complaints against home improvement contractors ranked seventh overall for complaints received by the Bureau of Consumer Protection and fourth highest among complaints filed by senior citizens. That is from the Attorney General's Office. That is what their statistics are.

Mr. Speaker, it is high time that this State steps up to the plate and asks contractors to merely register so we can keep track of the good and the bad. This is a very, very important piece of legislation. It has been vetted for well over 15 years. This is, I think, a first step in combating the problems that we have with consumer fraud with home contractors, and I would ask that the House of Representatives supports this legislation.

The SPEAKER. Representative Maher.

Mr. MAHER. Thank you, Mr. Speaker.

I am certain that every member of this body wishes to protect consumers from unscrupulous, fly-by-night contractors. So far so good. And that is how this bill is advertised – so far so good. But here is the rub: As we established yesterday, the bill actually strips existing protections away from consumers. The little guy we have heard folks refer to today, the little guy who is doing a contract that is \$500 or less, will have absolutely no ability to have recourse if he is ripped off. In fact, this bill creates, indemnifies and creates immunity for crooks. The bill says that if a homeowner makes an agreement with someone for \$500 or less, that that contract will be unenforceable and invalid, which means the consumer has no rights to enforce it – none. That is wrong. Under common law right now, the consumer has that. He can go to a magistrate and seek recourse.

Now, if this was not intended, it could have been repaired. In fact, I reached out across the aisle and said, let us sort this out; let us repair it. If it is a technical problem, we could have still had a technical amendment today. But the other side had no interest in repairing this, so apparently it is their intent that the little guy cannot have any protection, any recourse, if he is ripped off. The bad guys will be able to show up in court holding this bill and saying, look here, Mr. Magistrate, I am exempt; this contract is not enforceable; I am free as a bird. The magistrate is going to have to say, sorry, constituent of ours, your legislator voted to deny you the right to recover when you are ripped off. That is just wrong.

Another thing that is very bad in this legislation is to prohibit consumers from having more than a third of their cash being refundable. Under existing law, if an individual who is hiring a contractor wants to make an arrangement where every dollar on the table is refundable until they are satisfied with the job, they can do that. The way this bill is written, it says that no more than one-third can be refundable, and the rest of it then is not refundable. So if the job goes bad, if you pass this bill the way it is, when that consumer gets ripped off and wants his money back, the person who is ripping them off is going to bring your work into the court and say, "Your Honor, no more than a third of this is refundable," and the judge reading this, if this becomes law, will say to your constituent, "I'm sorry, but your legislator voted to prohibit you from getting more than a third of your money back. There is nothing I can do."

Now, I will bet those constituents will be delighted when they learn these lessons from the School of Hard Knocks. And again, if this is not intended, let us repair it. If these are technical problems, let us repair it. We could still do technical

corrections on third consideration today, but the majority did not want to have corrections. The majority wants this bill to go forward with these flaws that undermine the rights of the little guy and grant immunity for the bad guys. That is not consumer protection, and if it was not intended, if it was not intended, it should have been corrected, and the fact that it was not corrected tells me that that is part of the plan. So do not call this consumer protection. You are taking rights from your constituents and empowering the bad guys who will go into court holding this bill, and it is their "get out of jail free" card, so to speak.

It is a shame. It is important legislation. It could have been done right. Why is it not being done right? I am hearing, all these years, all this study, all this effort; why not do it right? It could have taken 10 minutes to write the amendment that would be necessary to repair these things if they are actually unintended, if they are actually technical defects, but instead, there is a determination by the majority to go forward with this bill knowing it is going to hurt consumers. That is just a shame.

Thank you, Mr. Speaker.

The SPEAKER. Representative Boyd.

Mr. BOYD. Thank you, Mr. Speaker.

I was wondering if perhaps the gentleman from Carbon County might stand for just real brief interrogation?

A couple of quick questions about the bill: How does somebody, under the current structure of the bill, do a project time and material? I just recently completed a fairly substantial renovation to my home, and by and large it was done time and material. So the contract did not specify a deposit, those kinds of things. Would this legislation preclude those types of agreements?

The SPEAKER. Has the gentleman asked Representative McCall to stand for interrogation?

Mr. BOYD. Yes.

The SPEAKER. The gentleman indicates he will. The gentleman is in order, and he may proceed.

Mr. BOYD. Oh, he nodded. Sorry about that, Mr. Speaker.

Mr. McCALL. Under the legislation, that would have to be outlined in the contract that you make between you and the contractor.

Mr. BOYD. So there is nothing in this legislation that would preclude those types of agreements since there is nothing—

Mr. McCALL. That is correct.

Mr. BOYD. And then this second question: In terms of the deposit, the 30 percent down, the project that I did with the contractor, by his own standards, he only requested \$100 down and then there was a payment schedule at certain periods of time in the project, when so much work was done. The \$100 was not 30 percent of the project.

Mr. McCALL. Right.

Mr. BOYD. Can we still do those types of agreements, or are they going to be required now to get me to give 30 percent up front?

Mr. McCALL. Yeah; it is up to a minimum of the 30 percent. So if that is what you articulate in that written contract with that payment schedule, it would be okay under this act.

Mr. BOYD. So it actually would be more of a maximum of 30 percent.

Mr. McCALL. Correct.

Mr. BOYD. But if the contractor so desires to only take a stipend down and then have—

Mr. McCALL. No more than 30 percent.

Mr. BOYD. Okay. That answers my questions.

Thank you, Mr. Speaker. Thanks.

The SPEAKER. Representative Gabig.

Mr. GABIG. Thank you, Mr. Speaker.

I want to speak in favor of passage of SB 100. I want to again – I think I did yesterday – thank the Representative from Carbon County, Summit Hill, where they have \$8 haircuts. I got to get up there more often, and I need one.

This bill is important. It is not perfect. I voted for some amendments yesterday that I thought would have improved it. They did not pass. But what is going on here, there is going to be a cost to people that do not do anything wrong, good people. Both the consumers and the businesses are going to have to pay a cost right now under this provision.

Just like any enforcement provision we have, that will be true. We pay for police forces and district attorneys. We are going to pay for some new judges, maybe. We pay for these things. When you go to the bank, you pay to make sure that people cannot rip you off. Unfortunately, there are people out there taking advantage and victimizing people.

Who pays the cost right now? That cost is being borne right this very minute, and it has been going on for years and years; it is the victims of these fraudulent operators – many of whom are organized crime – they operate across State lines and county lines and they come into communities and just rip off people, and it is usually the elderly. And people say, oh, if they are dumb enough to take this; I have heard that comment.

A lot of people that are elderly from that generation that I have known and looked in the eyes, they came from a much more trusting era of our country. I do not know what else to say. They trust people, and when somebody comes up to them and says they are going to do a job, they believe them. And they have had much of their life's savings stolen by these kinds of crooks, and the D.A.s and the AGs (Attorneys General) cannot do anything about it under our current law. This gives them a tool to go after these operators.

I have had communication— Why I really wanted to stand up, I said many of these points yesterday. It is not a perfect bill; I agree with that, and maybe down the road, we can continue to work to improve it, but it needs to be passed. It is a Republican sponsor of this bill. We keep saying "the other side" as if this is some kind of partisan issue.

Let me say this also: The Republican Attorney General's Office supports this bill as amended. The Republican Attorney General of Pennsylvania supports this bill so he can do his job better to protect the citizens of this Commonwealth.

So I would ask the members on this side of the aisle to support this important piece of legislation.

The SPEAKER. Representative Kessler.

Mr. KESSLER. Thank you, Mr. Speaker.

Two very important points that you have to consider before you vote on this bill. I have been a township supervisor for 14 years, and there are some townships out there that require licensed contracts and some do not require contractors to get a license. So these contractors that are looking to take advantage of people are going to go to the townships that do not require a license to be registered, will be able to go to those townships and take advantage and there will be no record of them whatsoever.

Another important point: Many small contractors and middle-sized contractors work in multiple townships. So if they

are working in seven or eight townships and all seven and eight of those townships require a contractor's license and a fee, they are going to be paying more money than just paying one fee to the State and being registered for the State. So that is a big advantage to the small contractors and the middle-sized contractors, where now they will only have to register in one place rather than possibly seven or eight different townships and municipalities.

Thank you, Mr. Speaker.

The SPEAKER. Representative Preston, for the second time.

Mr. PRESTON. Thank you, Mr. Speaker.

The previous speaker was correct. This is not an issue about Democrat or Republican; this is about people.

When the chief law enforcement officer of this State says that this helps give him a chance to be able to do his job to be able to protect our citizens and our constituents, I think that is important.

As you heard the history from Representative McCall going all the way back to a friend on the Republican side, Chris Wogan, now the Honorable Judge Wogan, this is so important. When we voted this bill out of committee, I had gotten a call before we had the committee meeting, and it was from the State directors of AARP. After the committee meeting, I had gone over because they were having a forum, and when I told them that this had passed out of the committee, they said this was part of their legislative agenda this term.

AARP supports this bill totally, 100 percent. Yes, we know we still can do more in the future, and we are going to do this. But on behalf of our senior citizens and AARP, along with all of the other people across this State, let us pass this bill. This is good for consumers; this is good for business; this is good for today. Thank you.

FILMING PERMISSION

The SPEAKER. The Chair wishes to advise members he has given permission to John Eirkson of ABC-27 Harrisburg to film with videotape on the floor for 10 minutes.

CONSIDERATION OF SB 100 CONTINUED

The SPEAKER. Representative McCall.

Mr. McCALL. Thank you, Mr. Speaker.

Just for clarification of the record on one of the statements that was made on the floor about the little guy, I want to reassure all of you that the little guy is still protected, and he is protected through the Unfair Trade Practices Act.

The legislation says \$500, that \$500 threshold. The \$500 threshold is in there because the Unfair Trade Practices Act addresses that issue. Here is what it says: Contracts made by one of our constituents for goods and services for \$25 or more must be reduced to a written contract or they must be provided with the written receipt. So anything under \$500 but with a contract of \$25 or more is already covered under the Unfair Trade Practices Act. That is the reason why we wrote the legislation or why we wrote it that way. And if you look at page 23, section 10, any violation of this act is also a violation of the Unfair Trade Practices Act. So there is redundancy in the language, and we are making sure that the little guy is protected as well.

I would ask for an affirmative vote on SB 100. Thank you, Mr. Speaker.

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—169

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

NAYS—30

Argall	Ellis	Major	Reed
Bastian	Everett	Marsico	Roae
Brooks	Gingrich	McIlhattan	Rock
Causer	Hershey	Metcalfe	Rohrer
Cox	Hutchinson	Millard	Smith, S.
Creighton	Kauffman	Pickett	Stevenson
Cutler	Keller, M.K.	Rapp	Swanger
Denlinger	Maher		

NOT VOTING—0

EXCUSED—4

Beyer	Frankel	Perry	Ramaley
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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 return the same to the Senate with the information that the House has passed the same with amendment in which the concurrence of the Senate is requested.

The SPEAKER. The House will be at ease.

The House will come to order.

* * *

The House proceeded to third consideration of **SB 295, PN 2485**, entitled:

An Act providing for idling restrictions on diesel-powered motor vehicles; and imposing a penalty.

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

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

(Bill analysis was read.)

The SPEAKER. The question is, shall the bill pass finally?

Representative Gabig.

Mr. GABIG. Just briefly, this is the anti-idling legislation that has been worked on over the course of this session. I will remind my colleagues, I introduced a similar bill 2 years ago, last session, and it was a House bill and it was reintroduced this year. The Transportation Committee took it up, all these bills. Of course, though, we are dealing with the Senate bill here, and it is not unusual with a bicameral General Assembly when we seem to do a lot of Senate bills.

But I wanted to thank personally— This is a good piece of legislation. It is supported by the businesses and the industry. It is supported by the DEP (Department of Environmental Protection) and PENNDOT. And I wanted to thank Chairman Joe Markosek – "Say It Is So Joe" Markosek. I wanted to thank his staff, Stacey Ritter especially. She did yeoman's work. We did a lot of those amendments yesterday. I see her over there; thank you. Bob Mustin. They did a lot of work on this thing on our side, of course: Greg Grasa on our staff; Transportation, Rick Geist; and Eric Bugaile.

It is important. I want to ask my colleagues to join me in passing this over to the Senate so that we can get it done – Senator Browne, Pat Browne, who used to be a House member. I know everybody on Transportation— Did everybody on Transportation, did this pass unanimously out of the Transportation Committee? Transportation, they voted on it? Good. It has been changed. It has been a little bit improved.

PennFuture supports this, and I know that that concerns a lot of members that PennFuture is supportive of this, but so does the industry. It will prevent— Here is what this prevents. It prevents all these different boroughs and towns from having their own idling, anti-idling things, which would have just been a big morass for the industry. So this will be a statewide

standard, an industry standard. It will help clean our air and make our industry a stronger industry here in Pennsylvania. Thank you.

LEAVE OF ABSENCE

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

CONSIDERATION OF SB 295 CONTINUED

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—189

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

NAYS—9

Brooks	Everett	Metcalfe	Rapp
Causar	Hutchinson	Pyle	Roae
Ellis			

NOT VOTING—0

EXCUSED—5

Beyer	Perry	Ramaley	Shapiro
Frankel			

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

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

The SPEAKER. The House will be at ease.

Mr. DeWEESE. Mr. Speaker?
The SPEAKER. The House will come to order.

LEAVE OF ABSENCE

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

Mr. DeWEESE. I would like to put the gentleman, Mr. TANGRETTI from Westmoreland County, on leave for the remainder of the day.

The SPEAKER. The Chair thanks the gentleman. Leave will be granted, without objection. The Chair sees no objection.

**MOTION TO SUSPEND
RULES 21(E) AND 24**

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

Mr. SEIP. To make a motion, Mr. Speaker.
The SPEAKER. The gentleman is in order.
Mr. SEIP. Thank you, Mr. Speaker.

I move that we suspend rule 24 and rule 21(e) governing the 24-hour waiting period so we can vote immediately on SB 1258.

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Representative Seip, moves to suspend rules 24 and 21(e).

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

The following roll call was recorded:

YEAS—126

Argall	Gerber	Markosek	Scavello
Baker	Gergely	McCall	Schroder
Belfanti	Gibbons	McGeehan	Seip
Bennington	Godshall	McI. Smith	Shimkus
Bianucci	Goodman	Melio	Siptroth

Bishop	Grucela	Moul	Smith, K.
Blackwell	Haluska	Moyer	Smith, M.
Brennan	Hanna	Mundy	Smith, S.
Buxton	Harhai	Myers	Solobay
Caltagirone	Harkins	Nickol	Staback
Cappelli	Harper	O'Brien, M.	Sturla
Carroll	Harris	Oliver	Surra
Casorio	Hornaman	Pallone	Taylor, J.
Cohen	James	Parker	Taylor, R.
Conklin	Josephs	Pashinski	Thomas
Costa	Keller, W.	Payton	Vereb
Cruz	Kenney	Peifer	Vitali
Curry	Kessler	Petrarca	Wagner
Daley	King	Petri	Walko
DeLuca	Kirkland	Petrone	Wansacz
DePasquale	Kortz	Phillips	Waters
Dermody	Kotik	Preston	Watson
DeWeese	Kula	Quinn	Wheatley
DiGirolamo	Leach	Readshaw	White
Donatucci	Lentz	Reichley	Williams
Eachus	Levdansky	Roebuck	Wojnarowski
Evans, D.	Longietti	Rohrer	Yewcic
Fabrizio	Mackereth	Rubley	Youngblood
Freeman	Mahoney	Sabatina	Yudichak
Galloway	Manderino	Sainato	
Geist	Mann	Santoni	O'Brien, D.,
George	Mantz	Saylor	Speaker

NAYS—71

Adolph	Everett	Major	Quigley
Barrar	Fairchild	Marshall	Rapp
Bastian	Fleck	Marsico	Raymond
Bear	Gabig	McIlhattan	Reed
Benninghoff	Gillespie	Mensch	Roe
Boback	Gingrich	Metcalfe	Rock
Boyd	Grell	Micozzie	Ross
Brooks	Harhart	Millard	Samuelson
Causar	Helm	Miller	Sonney
Civera	Hennessey	Milne	Stairs
Clymer	Hershey	Murt	Steil
Cox	Hess	Mustio	Stern
Creighton	Hickernell	Nailor	Stevenson
Cutler	Hutchinson	O'Neill	Swanger
Dally	Kauffman	Payne	True
Denlinger	Keller, M.K.	Perzel	Turzai
Ellis	Killion	Pickett	Vulakovich
Evans, J.	Maher	Pyle	

NOT VOTING—0

EXCUSED—6

Beyer	Perry	Shapiro	Tangretti
Frankel	Ramaley		

Less than a majority of the members required by the rules having voted in the affirmative, the question was determined in the negative and the motion was not agreed to.

SUPPLEMENTAL CALENDAR C CONTINUED

**BILL ON CONCURRENCE
IN SENATE AMENDMENTS**

The House proceeded to consideration of concurrence in Senate amendments to **HB 747, PN 3227**, entitled:

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, providing for a special license and license auction to hunt one elk.

On the question,
Will the House concur in Senate amendments?

POINT OF ORDER

The SPEAKER. For what purpose does the gentleman rise?
Mr. MAHER. A point of order, Mr. Speaker.

The SPEAKER. The gentleman will state his point of order.

Mr. MAHER. The rules do not permit the Speaker to disregard members seeking recognition on the floor.

The SPEAKER. The gentleman— The gentleman will—

Mr. MAHER. I was seeking recognition immediately after the last vote was enrolled.

The SPEAKER. The gentleman will cease. The gentleman will—

Mr. MAHER. Mr. Speaker, I have the floor and I am not yielding. I am making my—

The SPEAKER. The gentleman does not have the floor. The gentleman was recognized for a point of order. The gentleman was not recognized; the Chair was announcing another bill.

On the question recurring,
Will the House concur in Senate amendments?

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

The following roll call was recorded:

YEAS—197

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

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

NAYS-0

NOT VOTING-0

EXCUSED-6

Beyer	Perry	Shapiro	Tangretti
Frankel	Ramaley		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

SUPPLEMENTAL CALENDAR D CONTINUED

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

The House proceeded to consideration of concurrence in Senate amendments to House amendments to **SB 740, PN 2499**, entitled:

An Act authorizing certain lands in Centre County to be conveyed; authorizing the Borough of Old Forge, Lackawanna County, to transfer, sell and convey certain Project 70 lands free of restrictions imposed by the Project 70 Land Acquisition and Borrowing Act; authorizing and directing the Department of General Services, with the approval of the Governor, to grant and convey to the Philadelphia Regional Port Authority certain lands situate in the 39th Ward of the City of Philadelphia; and providing for Commonwealth ownership of submerged lands; and authorizing and directing the Department of General Services, with the approval of the Governor and the Department of Military and Veterans' Affairs, to grant and convey to the Schuylkill YMCA certain lands and building situate in the Borough of Pottsville, Schuylkill County.

On the question,

Will the House concur in Senate amendments to House amendments?

The SPEAKER. For what purpose does the gentleman rise?

Mr. MAHER. Thank you, Mr. Speaker. I am glad you were able to spot me.

I rise to assert that— It is for the record—

The SPEAKER. Is the gentleman speaking on concurrence?

Mr. MAHER. —that once again I was seeking recognition as a point of order, Mr. Speaker.

The SPEAKER. The gentleman is out of order.

On the question recurring,

Will the House concur in Senate amendments to House amendments?

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

The following roll call was recorded:

YEAS-197

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

NAYS-0

NOT VOTING-0

EXCUSED-6

Beyer	Perry	Shapiro	Tangretti
Frankel	Ramaley		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments to House amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

**BILL ON CONCURRENCE
IN SENATE AMENDMENTS**

The House proceeded to consideration of concurrence in Senate amendments to **HB 1664, PN 4520**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for theft of leased property; and, in wiretapping and electronic surveillance, further providing for disclosure of contents and for expiration of chapter.

On the question,
Will the House concur in Senate amendments?

The SPEAKER. Those voting to concur will vote "aye"; those voting to nonconcur will vote "nay"— Representative Caltagirone.

Mr. CALTAGIRONE. Thank you, Mr. Speaker.

Mr. Speaker, the Wiretapping and Electronic Surveillance Act will sunset on December 31 of this year unless we pass legislation to reenact its provisions.

I intend to vote "no" on concurrence in the amendments to HB 1664 because I am appalled that this bill has been chosen as the vehicle to reenact the wiretapping statute. I introduced this bill, HB 1664, to address an issue relating to the theft of leased property, a subject which has no relationship whatsoever to the wiretap act.

In the recent *Marcavage* decision, the court made it clear that we may not constitutionally change the original purpose of a bill by adding an amendment containing unrelated subject matter. The offense of theft of leased property is not a predicate offense which may be used to authorize wiretaps, and I see no relationship between the two subject matters.

Mr. Speaker, may I have some order please?

The SPEAKER. The gentleman is correct.

Conferences on the floor of the House will break up immediately. Members will take their seats. Conferences in the well of the House will break up immediately. Conferences in the middle and side aisles will break up. Members will please take their seats.

The gentleman, Representative Caltagirone, is in order and may proceed.

Mr. CALTAGIRONE. Thank you, Mr. Speaker.

I think this legislation is extremely important, and I think you will realize the importance of it if in fact this legislation gets approved and if there is a challenge to it.

By utilizing HB 1664 as a vehicle to reenact the wiretap, we are jeopardizing every investigation and prosecution conducted by a State or local law enforcement agency which involves a wiretap. This issue will be in court the first time a defendant is convicted using evidence obtained by a wiretap, authorized by this legislative action. I believe that under the *Marcavage* precedent, the reenactment of the wiretap act may very well be invalidated.

Wiretaps are an essential tool in many drug prosecutions and many other criminal investigations. This issue is far too important to address in this reckless manner. We need to reenact the wiretap act in a responsible manner, and if this House and the Senate must return in November to do so, so be it; then that is what we must do.

I would like to quote just a few paragraphs from the *Marcavage* decision. This came from the court itself. The

"two-prong test for determining whether legislation violates..." the State Constitution, as having been so altered or amended as to change its original purpose requires that "First, the Court must consider the legislation's original purpose and compare it to the final purpose to determine whether there has been an alteration or amendment that changed the original purpose. Second, the Court must consider whether the title and contents of the legislation are deceptive in their final form. The challenged legislation must survive both inquiries to pass constitutional muster." And in determining whether the legislation violates the State constitutional prohibition against alteration or amendment so as to change the original purpose of the bill, a "Court must view the legislation's original purpose in 'reasonably broad terms,' so as to provide the General Assembly with a 'full opportunity to amend and even expand a bill, and not run afoul of the constitutional prohibition on an alteration or amendment that changes its original purpose.'" Constitution, Article III, section 1.

I would hope that the members would consider this and act accordingly. I would urge you to vote "no" on concurrence.

Thank you, Mr. Speaker.

DOCUMENTS SUBMITTED FOR THE RECORD

Mr. CALTAGIRONE. I would like to submit these remarks and the actual appeal that was made by the Commonwealth on this case as part of the official record.

Thank you, Mr. Speaker.

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

Mr. CALTAGIRONE submitted documents for the Legislative Journal.

(For documents, see Appendix.)

The SPEAKER. Does Representative Reichley seek recognition on concurrence?

The gentleman, Representative Vereb.

Mr. VEREB. Thank you, Mr. Speaker.

With greatest respect to the chairman – we certainly have worked on this issue in depth – using some words, reckless, and some other words that were used, I respectfully ask that we vote to concur, and I will tell you why. We do have a vehicle here that we could certainly suspend the rules that both chairmen worked on diligently. I worked on it with them. We could certainly send it over to the Senate, but we do have a vehicle here, and the vehicle is a Title 18 bill which addresses written communication and its original intent, the written communication to detect crimes. That is the original intent of this bill. In this case, it is theft.

So we are working off of a bill that is to detect written communication in the commission of a crime. So I argue that it is in fact constitutional because what was added was how oral communication can be used to detect crimes, including that of theft, but certainly not limited to that. That case was certainly spelled out in *DeWeese v. Weaver*, and I will just state one paragraph. "[T]here is no violation of this clause when various subjects are connected with and germane to the one general object of the legislation. Plurality of subjects is not

objectionable so long as they are reasonably germane to each other."

I feel this is certainly germane, certainly constitutional because both issues deal with detection of communication that is being used or was used in a commission of a crime. I urge the members that we knew for a number of years when this expiration was, and if it ends up in court, then that is why we have the Judiciary, but I feel confident in speaking with the Parliamentarian and speaking with the Senate and speaking with our House counsel that it is constitutional. I recommend that we vote to concur.

Thank you, Mr. Speaker.

The SPEAKER. Representative Caltagirone.

Mr. CALTAGIRONE. Respectfully, Mr. Speaker, I would like to read part of the remarks by the court concerning this very case on the *Marcavage* issue, where he had ethnic intimidation and agricultural terrorism blended together. This is a quote, "However, to conclude that the General Assembly could initiate a piece of legislation in the context of the Crimes Code and rely upon that concept as a unifying justification for amendments to bills under the Crimes Code that contain no nexus to the conduct to which the original legislation was directed would stretch the Supreme Court's meaning of 'reasonably broad terms.' As directed by the Supreme Court, when we 'hypothesize, based on the text of the initial bill,' we cannot conclude that the amendments retained the original purpose of" that House bill at the time, "1493."

I think they were very, very explicit, very clear in what they have forewarned us about, mixing various issues in legislation. I warn you, I think we are treading on very dangerous grounds. This jeopardizes potentially all future wiretap cases that could be challenged in a court of law.

Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes Representative Vereb for the second time.

Mr. VEREB. Mr. Speaker, thank you, again.

And I just suggest to the body, it really did not have to come down to loading up a bill that is germane, but here we are and the fact of the matter is, whether we are coming back in November, whether the Senate is coming back in November, if we are both not here in November, the wiretap law expires. So we can face the definite, which is if the wiretap law expires, anyone, anywhere, anyhow, any way can intercept any electronic communications. In any case, any way, anywhere, anyhow, those records can be released. So I urge the body to please vote in favor of concurrence for the reason that the price of no action is complete exposure – not just us as legislators, but the Pennsylvania public, and obviously, that is what we all agree we are here to protect.

Thank you, Mr. Speaker.

On the question recurring,

Will the House concur in Senate amendments?

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

The following roll call was recorded:

YEAS—172

Adolph	Gabig	Markosek	Rohrer
Argall	Galloway	Marshall	Ross

Baker	Geist	Marsico	Rubley
Barrar	George	McCall	Sabatina
Bastian	Gerber	McGeehan	Sainato
Bear	Gergely	McI. Smith	Samuelson
Belfanti	Gibbons	McIlhattan	Saylor
Benninghoff	Gillespie	Mensch	Scavello
Bennington	Gingrich	Metcalfe	Schroder
Biancucci	Godshall	Micozzie	Seip
Boback	Goodman	Millard	Shimkus
Boyd	Grell	Miller	Siptroth
Brooks	Grucela	Milne	Smith, K.
Buxton	Haluska	Moul	Smith, M.
Cappelli	Hanna	Moyer	Smith, S.
Casorio	Harhai	Mundy	Solobay
Causer	Harhart	Murt	Sonney
Civera	Harper	Mustio	Stairs
Clymer	Harris	Nailor	Stern
Cohen	Helm	Nickol	Stevenson
Conklin	Hennessey	O'Brien, M.	Sturla
Costa	Hershey	O'Neill	Surra
Cox	Hess	Oliver	Swanger
Creighton	Hickernell	Pallone	Taylor, J.
Cruz	Hornaman	Pashinski	Taylor, R.
Curry	Hutchinson	Payne	True
Cutler	Kauffman	Peifer	Turzai
Daley	Keller, M.K.	Perzel	Vereb
Dally	Keller, W.	Petri	Vulakovich
DeLuca	Kenney	Phillips	Wagner
Denlinger	Kessler	Pickett	Walko
DePasquale	Killion	Preston	Wansacz
Dermody	King	Pyle	Waters
DeWeese	Kirkland	Quigley	Watson
DiGirolamo	Kortz	Quinn	Wheatley
Donatucci	Kotik	Rapp	White
Eachus	Leach	Raymond	Wojnaroski
Ellis	Levdansky	Readshaw	Yewcic
Evans, D.	Longiatti	Reed	Youngblood
Evans, J.	Mackereth	Reichley	Yudichak
Everett	Maher	Roae	
Fairchild	Mahoney	Rock	O'Brien, D., Speaker
Fleck	Major	Roebuck	
Freeman	Mann		

NAYS—24

Bishop	Harkins	Melio	Santoni
Blackwell	James	Myers	Staback
Brennan	Kula	Parker	Steil
Caltagirone	Lentz	Payton	Thomas
Carroll	Manderino	Petrarca	Vitali
Fabrizio	Mantz	Petrone	Williams

NOT VOTING—1

Josephs

EXCUSED—6

Beyer	Perry	Shapiro	Tangretti
Frankel	Ramaley		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

The SPEAKER. The House will be at ease.

The House will come to order.

CALENDAR CONTINUED**BILL ON THIRD CONSIDERATION**

The House proceeded to third consideration of **SB 763, PN 1444**, entitled:

An Act amending the act of December 31, 1965 (P.L.1257, No.511), known as The Local Tax Enabling Act, further providing for delegation of taxing powers and restrictions.

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

MOTION TO SUSPEND RULES

The SPEAKER. The following amendment is substantive in nature.

The Chair recognizes the gentleman from Berks County, Representative Mantz, who moves to suspend the rules for the purpose of offering amendment No. A08547, which the clerk will read.

The clerk read the following amendment No. **A08547**:

Amend Sec. 2, page 17, line 18, by striking out "2007" and inserting
2008

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

The SPEAKER. The Chair recognizes Representative Mantz on the motion to suspend.

LEAVES OF ABSENCE

The SPEAKER. The Chair recognizes the majority whip, who requests that Representative LEACH and Representative JOSEPHS be placed on leave. The Chair hears no objection. The leaves will be granted.

CONSIDERATION OF SB 763 CONTINUED**MOTION WITHDRAWN**

Mr. MANTZ. Mr. Speaker, it is my understanding that there is an agreed-to amendment, specifically, A9529. Therefore, with that understanding, I ask that my amendment be held over.

The SPEAKER. The gentleman holds his amendment over to see what happens with the other amendment. The Chair thanks the gentleman.

Mr. MANTZ. Thank you.

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

RULES SUSPENDED

The SPEAKER. The following amendment is substantive in nature and requires suspension of the rules.

The Chair recognizes the gentleman from Beaver County, Representative Biancucci, who makes a motion to suspend the rules for the purpose of offering amendment A09712, which the clerk will read.

The clerk read the following amendment No. **A09712**:

Amend Title, page 1, line 23, by removing the period after "restrictions" and inserting
; further providing for the levying of the mercantile or business privilege tax; transferring the Optional Occupation Tax Elimination Act and further providing for definitions, for earned income tax rate limits, for resolutions and for binding referendums and providing for applicability of income tax on personal income; and repealing the Optional Occupation Tax Elimination Act and provisions of the Taxpayer Relief Act.

Amend Bill, page 15, lines 11 through 30; page 16, lines 1 through 30; page 17, lines 1 through 15, by striking out all of said lines on said pages and inserting

Section 1. Sections 301.1 and 311(2) of the act of December 31, 1965 (P.L.1257, No.511), known as The Local Tax Enabling Act, amended July 2, 2008 (P.L.197, No.32), are amended to read:

Section 301.1. Delegation of Taxing Powers and Restrictions Thereon.—(a) The duly constituted authorities of the following political subdivisions, cities of the second class, cities of the second class A, cities of the third class, boroughs, towns, townships of the first class, townships of the second class, school districts of the second class, school districts of the third class, and school districts of the fourth class, in all cases including independent school districts may, in their discretion, by ordinance or resolution, for general revenue purposes, levy, assess and collect or provide for the levying, assessment and collection of such taxes as they shall determine on persons, transactions, occupations, privileges, subjects and personal property within the limits of such political subdivisions, and upon the transfer of real property, or of any interest in real property, situate within the political subdivision levying and assessing the tax, regardless of where the instruments making the transfers are made, executed or delivered or where the actual settlements on such transfer take place. The taxing authority may provide that the transferee shall remain liable for any unpaid realty transfer taxes imposed by virtue of this chapter.

(b) Each local taxing authority may, by ordinance or resolution, exempt any person whose total income from all sources is less than twelve thousand dollars (\$12,000) per annum from the per capita or similar head tax, occupation tax or earned income tax, or any portion thereof, and may adopt regulations for the processing of claims for exemptions.

(c) (1) Each political subdivision levying the local services tax shall exempt the following persons from the local services tax:

(i) Any person who has served in any war or armed conflict in which the United States was engaged and is honorably discharged or released under honorable circumstances from active service if, as a result of military service, the person is blind, paraplegic or a double or quadruple amputee or has a service-connected disability declared by the United States Veterans' Administration or its successor to be a total one hundred percent permanent disability.

(ii) Any person who serves as a member of a reserve component of the armed forces and is called to active duty at any time during the taxable year.

(2) For purposes of this subsection, "reserve component of the armed forces" shall mean the United States Army Reserve, United States Navy Reserve, United States Marine Corps Reserve, United States Coast Guard Reserve, United States Air Force Reserve, the Pennsylvania Army National Guard or the Pennsylvania Air National Guard.

(d) Each political subdivision levying the local services tax at a rate exceeding ten dollars (\$10) shall, and each political subdivision levying the local services tax at a rate of ten dollars (\$10) or less may,

by ordinance or resolution, exempt any person from the local services tax whose total earned income and net profits from all sources within the political subdivision is less than twelve thousand dollars (\$12,000) for the calendar year in which the local services tax is levied.

(e) (1) A person seeking to claim an exemption from the local services tax may annually file an exemption certificate with the political subdivision levying the tax and with the person's employer affirming that the person reasonably expects to receive earned income and net profits from all sources within the political subdivision of less than twelve thousand dollars (\$12,000) in the calendar year for which the exemption certificate is filed. In the event the political subdivision utilizes a tax collection officer pursuant to section 10 of this act, the political subdivision shall provide a copy of the exemption certificate to that officer. The exemption certificate shall have attached to it a copy of all the employee's last pay stubs or W-2 forms from employment within the political subdivision for the year prior to the fiscal year for which the employee is requesting to be exempted from the local services tax. Upon receipt of the exemption certificate and until otherwise instructed by the political subdivision levying the tax or except as required by clause (2), the employer shall not withhold the tax from the person during the calendar year or the remainder of the calendar year for which the exemption certificate applies. Employers shall ensure that the exemption certificate forms are readily available to employees at all times and shall furnish each new employee with a form at the time of hiring. The Department of Community and Economic Development shall develop and make available to political subdivisions and employers uniform exemption certificates required by this clause.

(2) With respect to a person who claimed an exemption for a given calendar year from the local services tax, upon notification to an employer by the person or by the political subdivision that the person has received earned income and net profits from all sources within that political subdivision equal to or in excess of twelve thousand dollars (\$12,000) in that calendar year or that the person is otherwise ineligible for the tax exemption for that calendar year, or upon an employer's payment to the person of earned income within that political subdivision in an amount equal to or in excess of twelve thousand dollars (\$12,000) in that calendar year, an employer shall withhold the local services tax from the person under clause (3).

(3) If a person who claimed an exemption for a given calendar year from the local services tax becomes subject to the tax for the calendar year under clause (2), the employer shall withhold the tax for the remainder of that calendar year. The employer shall withhold from the person, for the first payroll period after receipt of the notification under clause (2), a lump sum equal to the amount of tax that was not withheld from the person due to the exemption claimed by the person under this subsection, plus the per payroll amount due for that first payroll period. The amount of tax withheld per payroll period for the remaining payroll periods in that calendar year shall be the same amount withheld for other employees. In the event the employment of a person subject to withholding of the tax under this clause is subsequently severed in that calendar year, the person shall be liable for any outstanding balance of tax due, and the political subdivision levying the tax may pursue collection under this act.

(4) Except as provided in clause (2), it is the intent of this subsection that employers shall not be responsible for investigating exemption certificates, monitoring tax exemption eligibility or exempting any employee from a local services tax.

(f) Such local authorities shall not have authority by virtue of this act:

(1) To levy, assess and collect or provide for the levying, assessment and collection of any tax on the transfer of real property when the transfer is by will or mortgage or the intestate laws of this Commonwealth or on a transfer by the owner of previously occupied residential premises to a builder of new residential premises when such previously occupied residential premises is taken in trade by such builder as part of the consideration from the purchaser of a new previously unoccupied single family residential premises or on a transfer between corporations operating housing projects pursuant to

the housing and redevelopment assistance law and the shareholders thereof, or on a transfer between nonprofit industrial development agencies and industrial corporations purchasing from them, or on transfer to or from nonprofit industrial development agencies, or on a transfer between husband and wife, or on a transfer between persons who were previously husband and wife but who have since been divorced; provided such transfer is made within three months of the date of the granting of the final decree in divorce, or the decree of equitable distribution of marital property, whichever is later, and the property or interest therein, subject to such transfer, was acquired by the husband and wife, or husband or wife, prior to the granting of the final decree in divorce, or on a transfer between parent and child or the spouse of such a child, or between parent and trustee for the benefit of a child or the spouse of such child, or on a transfer between a grandparent and grandchild or the spouse of such grandchild, or on a transfer between brother and sister or brother and brother or sister and sister or the spouse of such brother or sister, or on a transfer to a conservancy which possesses a tax-exempt status pursuant to section 501(c)(3) of the Internal Revenue Code, and which has as its primary purpose the preservation of land for historic, recreational, scenic, agricultural or open space opportunities, by and between a principal and straw party for the purpose of placing a mortgage or ground rent upon the premises, or on a correctional deed without consideration, or on a transfer to the United States, the Commonwealth of Pennsylvania, or to any of their instrumentalities, agencies or political subdivisions, by gift, dedication or deed in lieu of condemnation, or deed of confirmation in connection with condemnation proceedings, or reconveyance by the condemning body of the property condemned to the owner of record at the time of condemnation which reconveyance may include property line adjustments provided said reconveyance is made within one year from the date of condemnation[, leases,]; or leases or lease transactions; or on a conveyance to a trustee under a recorded trust agreement for the express purpose of holding title in trust as security for a debt contracted at the time of the conveyance under which the trustee is not the lender and requiring the trustee to make reconveyance to the grantor-borrower upon the repayment of the debt, or a transfer within a family from a sole proprietor family member to a family farm corporation, or in any sheriff sale instituted by a mortgagee in which the purchaser of said sheriff sale is the mortgagee who instituted said sale, or on a privilege, transaction, subject, occupation or personal property which is now or does hereafter become subject to a State tax or license fee;

(2) To levy, assess or collect a tax on the gross receipts from utility service of any person or company whose rates and services are fixed and regulated by the Pennsylvania Public Utility Commission or on any public utility services rendered by any such person or company or on any privilege or transaction involving the rendering of any such public utility service;

(3) Except on sales of admission to places of amusement, other than on sales of admission to professional baseball events in a city of the third class with a population of not less than one hundred six thousand and not more than one hundred seven thousand based on the 2000 Federal decennial census, or on sales or other transfers of title or possession of property, to levy, assess or collect a tax on the privilege of employing such tangible property as is now or does hereafter become subject to a State tax; and for the purposes of this clause, real property rented for camping purposes shall not be considered a place of amusement;

(4) To levy, assess and collect a tax on goods and articles manufactured in such political subdivision or on the by-products of manufacture, or on minerals, timber, natural resources and farm products produced in such political subdivision or on the preparation or processing thereof for use or market, or on any privilege, act or transaction related to the business of manufacturing, the production, preparation or processing of minerals, timber and natural resources, or farm products, by manufacturers, by producers and by farmers with respect to the goods, articles and products of their own manufacture, production or growth, or on any privilege, act or transaction relating to

the business of processing by-products of manufacture, or on the transportation, loading, unloading or dumping or storage of such goods, articles, products or by-products; except that local authorities may levy, assess and collect a local services tax and taxes on the occupation, per capita and earned income or net profits of natural persons engaged in the above activities whether doing business as individual proprietorship or as members of partnerships or other associations;

(5) To levy, assess or collect a tax on salaries, wages, commissions, compensation and earned income of nonresidents of the political subdivisions: Provided, That this limitation (5) shall apply only to school districts of the second, third and fourth classes;

(6) To levy, assess or collect a tax on personal property subject to taxation by counties or on personal property owned by persons, associations and corporations specifically exempted by law from taxation under the county personal property tax law: Provided, That this limitation (6) shall not apply to cities of the second class;

(7) To levy, assess or collect a tax on membership in or membership dues, fees or assessment of charitable, religious, beneficial or nonprofit organizations including but not limited to sportsmen, recreational, golf and tennis clubs, girl and boy scout troops and councils;

(8) To levy, assess or collect any tax on a mobilehome or house trailer subject to a real property tax unless the same tax is levied, assessed and collected on other real property in the political subdivision.

(9) To levy, assess or collect any tax on individuals for the privilege of engaging in an occupation except that such a tax, to be known as the local services tax, may be levied, assessed and collected only by the political subdivision of the taxpayer's place of employment. The following apply:

(i) If a local services tax is levied at a combined rate exceeding ten dollars (\$10) in a calendar year, a person subject to the local services tax shall be assessed a pro rata share of the tax for each payroll period in which the person is engaging in an occupation. The pro rata share of the tax assessed on the person for a payroll period shall be determined by dividing the combined rate of the local services tax levied for the calendar year by the number of payroll periods established by the employer for the calendar year. For purposes of determining the pro rata share, an employer shall round down the amount of the tax collected each payroll period to the nearest one-hundredth of a dollar. Collection of the local services tax levied under this subclause shall be made on a payroll period basis for each payroll period in which the person is engaging in an occupation, except as provided in subclause (v).

(ii) If a school district levied an emergency and municipal services tax on the effective date of this subclause, the school district may continue to levy the local services tax in the same amount the school district collected on the effective date of this subclause. However, if a municipality located in whole or in part within the school district subsequently levies the local services tax, the school district may only collect five dollars (\$5) on persons employed within the municipality each calendar year. A school district that did not levy an emergency and municipal services tax on the effective date of this subclause shall be prohibited from levying the local services tax. If a school district and a municipality located in whole or in part within the school district both levy a local services tax at a combined rate exceeding ten dollars (\$10), the school district's pro rata share of the aggregate local services taxes levied on persons employed within the municipality shall be collected by the municipality or its tax officer based on payroll periods as provided under subclause (i) and shall be paid to the school district on a quarterly basis within sixty days of receipt by the municipality or its tax officer.

(iii) Except as provided in subclause (ii), no person shall be subject to the payment of the local services tax by more than one political subdivision during each payroll period as established by subclause (iv).

(iv) With respect to a person subject to the local services tax at a combined rate exceeding ten dollars (\$10), the situs of the tax shall be

the place of employment on the first day the person becomes subject to the tax during each payroll period. With respect to a person subject to the local services tax at a combined rate of not more than ten dollars (\$10), the situs of the tax shall be the place of employment determined as of the day the person first becomes subject to the tax during the calendar year. In the event a person is engaged in more than one occupation, that is, concurrent employment, or an occupation which requires the person working in more than one political subdivision during a payroll period, the priority of claim to collect the local services tax shall be in the following order: first, the political subdivision in which a person maintains the person's principal office or is principally employed; second, the political subdivision in which the person resides and works, if the tax is levied by that political subdivision; and third, the political subdivision in which a person is employed and which imposes the tax nearest in miles to the person's home.

(v) In the case of concurrent employment, an employer shall refrain from withholding the local services tax if the employe provides a recent pay statement from a principal employer that includes the name of the employer, the length of the payroll period and the amount of the local services tax withheld and a statement from the employe that the pay statement is from the employe's principal employer and the employe will notify other employers of a change in principal place of employment within two weeks of its occurrence. The Department of Community and Economic Development shall develop a uniform employee statement form.

(vi) The local services tax shall be no more than fifty-two dollars (\$52) on each person for each calendar year, irrespective of the number of political subdivisions within which a person may be employed. A political subdivision shall provide a taxpayer a receipt of payment upon request by the taxpayer.

(vii) Political subdivisions shall adopt regulations for the processing of refund claims for overpaid local services taxes for any calendar year. The regulations shall be consistent with 53 Pa.C.S. §§ 8425 (relating to refunds of overpayments) and 8426 (relating to interest on overpayment). Refunds made within seventy-five days of a refund request or seventy-five days after the last day the employer is required to remit the local services tax for the last quarter of the calendar year under section 312 of this act, whichever is later, shall not be subject to interest imposed under 53 Pa.C.S. § 8426. Political subdivisions shall only provide refunds for amounts overpaid in a calendar year that exceed one dollar (\$1).

(viii) The Department of Community and Economic Development shall provide suggested forms and technical assistance to facilitate the administration of the local services tax for political subdivisions and reduce the burden of implementation, accounting and compliance for employers and taxpayers.

(ix) For purposes of this clause, "combined rate" shall mean the aggregate annual rate of the local services tax levied by a school district and a municipality located in whole or in part within the school district.

(10) To levy, assess or collect a tax on admissions to motion picture theatres: Provided, That this limitation (10) shall not apply to cities of the second class.

(11) To levy, assess or collect a tax on the construction of or improvement to residential dwellings or upon the application for or issuance of permits for the construction of or improvements to residential dwellings.

(12) To levy, assess and collect a mercantile or business privilege tax on gross receipts or part thereof which are: (i) discounts allowed to purchasers as cash discounts for prompt payment of their bills; (ii) charges advanced by a seller for freight, delivery or other transportation for the purchaser in accordance with the terms of a contract of sale; (iii) received upon the sale of an article of personal property which was acquired by the seller as a trade-in to the extent that the gross receipts in the sale of the article taken in trade does not exceed the amount of trade-in allowance made in acquiring such article; (iv) refunds, credits or allowances given to a purchaser on

account of defects in goods sold or merchandise returned; (v) Pennsylvania sales tax; (vi) based on the value of exchanges or transfers between one seller and another seller who transfers property with the understanding that property of an identical description will be returned at a subsequent date; however, when sellers engaged in similar lines of business exchange property and one of them makes payment to the other in addition to the property exchanged, the additional payment received may be included in the gross receipts of the seller receiving such additional cash payments; (vii) of sellers from sales to other sellers in the same line where the seller transfers the title or possession at the same price for which the seller acquired the merchandise; or (viii) transfers between one department, branch or division of a corporation or other business entity of goods, wares and merchandise to another department, branch or division of the same corporation or business entity and which are recorded on the books to reflect such interdepartmental transactions.

(13) To levy, assess or collect an amusement or admissions tax on membership, membership dues, fees or assessments, donations, contributions or monetary charges of any character whatsoever paid by the general public, or a limited or selected number thereof, for such persons to enter into any place, indoors or outdoors, to engage in any activities, the predominant purpose or nature of which is exercise, fitness, health maintenance, improvement or rehabilitation, health or nutrition education, or weight control.

(14) Except by cities of the second class, to levy, assess or collect a tax on payroll amounts generated as a result of business activity.

(15) Except by cities of the second class in which a sports stadium or arena that has received public funds in connection with its construction or maintenance is located, to levy, assess and collect a publicly funded facility usage fee upon those nonresident individuals who use such facility to engage in an athletic event or otherwise render a performance for which they receive remuneration.

(16) To levy, assess or collect an amusement or admissions tax on the charge imposed upon a patron for the sale of admission to or for the privilege of admission to a bowling alley or bowling lane to engage in one or more games of bowling.

Section 311. Limitations on Rates of Specific Taxes.—No taxes levied under the provisions of this chapter shall be levied by any political subdivision on the following subjects exceeding the rates specified in this section:

* * *

(2) On each dollar of the whole volume of business transacted by wholesale dealers in goods, wares and merchandise, one mill, by retail dealers in goods, wares and merchandise and by proprietors of restaurants or other places where food, drink and refreshments are served, one and one-half mills; except in cities of the second class, where rates shall not exceed one mill on wholesale dealers and two mills on retail dealers and proprietors. No such tax shall be levied on the dollar volume of business transacted by wholesale and retail dealers derived from the resale of goods, wares and merchandise, taken by any dealer as a trade-in or as part payment for other goods, wares and merchandise, except to the extent that the resale price exceeds the trade-in allowance. When a political subdivision which currently levies, assesses or collects a mercantile or business privilege tax on gross receipts under section 533 of the act of December 13, 1988 (P.L.1121, No.145), known as the "Local Tax Reform Act," merges with one or more political subdivisions to form a new political subdivision on or after August 1, 2008, the new political subdivision may levy that mercantile or business privilege tax but not at a rate greater than the rate necessary to generate the same revenues generated in the last fiscal year that the merging political subdivision generated before the merger. If the merging political subdivision had previously shared the rate of taxation with another political subdivision, the nonmerging political subdivision which had shared the rate is capped at the rate it was previously levying.

* * *

Section 2. The act is amended by adding a chapter to read:

CHAPTER 4

OPTIONAL OCCUPATION TAX ELIMINATION

Section 401. Scope.

This act relates to optional occupation tax elimination.

Section 402. Definitions.

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

"Earned income tax." A tax on earned income and net profits levied under this act or a tax on earned income and net profits levied under the act of June 27, 2006 (1st Sp.Sess., P.L.1873, No.1), known as the Taxpayer Relief Act.

"Election officials." The county board of elections of a county.

"Governing body." A city council, borough council, incorporated town council, board of township commissioners, board of township supervisors, a governing council of a home rule municipality or optional plan municipality, a governing council of any similar general purpose unit of government which may hereafter be created by statute or a board of school directors of a school district.

"Income tax." An earned income tax or a personal income tax imposed under this chapter.

"Occupation tax." A tax based upon an assessed valuation of a particular trade, occupation or profession. The term includes a tax imposed on a flat rate on all trades, occupations or professions. The term does not include a tax upon persons employed in a taxing district, commonly known as an occupational privilege tax.

"Personal income tax." A tax on income enumerated under section 303 of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, as determined by the Department of Revenue, subject to any correction or fraud, evasion or error as finally determined by the Commonwealth and levied pursuant to the act of June 27, 2006 (1st Sp.Sess., P.L.1873, No.1), known as the Taxpayer Relief Act.

"Political subdivision." Any city, borough, incorporated town, township or school district.

"Taxpayer Relief Act." The act of June 27, 2006 (1st Sp.Sess., P.L.1873, No.1), known as the Taxpayer Relief Act.

Section 403. Occupation tax replacement generally.

A political subdivision that levies an occupation tax may replace the revenues provided by the occupation tax by increasing the rate of the income tax as provided in this chapter.

Section 404. Income tax rate limits.

(a) Income tax rate limits.—For the first fiscal year beginning after approval of the referendum under section 407 and each fiscal year thereafter, the governing body of a political subdivision using the procedures authorized by this chapter shall be authorized to impose an income tax at a rate not exceeding the maximum income tax rate as calculated under subsection (b) or (b.1).

(b) Calculation of maximum earned income tax rate.—The maximum earned income tax rate shall be determined by taking the sum of the rates calculated under paragraphs (1) and (2) and limited by paragraph (3):

(1) The rate of the earned income tax that would have resulted in the collection by the political subdivision of an amount equal to the amount collected from the occupation tax. The calculation by a school district under this paragraph shall be made using actual revenue collections for the fiscal year ending in 2002. The calculation by a municipality under this paragraph shall be made using actual revenue collections for the calendar year ending December 31, 2001.

(2) The rate at which the earned income tax was collected by a school district for the fiscal year ending in 2002 or the rate at which the earned income tax was collected by a municipality for the calendar year ending December 31, 2001.

(3) The tax rate determined under paragraphs (1) and (2) shall be rounded off to the nearest increment of ten hundredths of one percent.

The maximum rate of the earned income tax calculated under this subsection shall not be subject to the limits on the earned income tax specified in section 311(3).

(b.1) Calculation of maximum income tax rate.—The maximum income tax rate for a school district that levied an occupation tax for the fiscal year ending in 2009 or a municipality that levied an occupation tax for the calendar year ending December 31, 2008, shall be determined by taking the sum of the rates calculated under paragraphs (1) and (2) and limited by paragraph (3):

(1) The rate of the income tax that would have resulted in the collection by the political subdivision of an amount equal to the amount collected from the occupation tax. The calculation by a school district under this paragraph shall be made using actual revenue collections for the fiscal year ending in 2009. The calculation by a municipality under this paragraph shall be made using actual revenue collections for the calendar year ending December 31, 2008.

(2) The rate at which the income tax was collected by a school district for the fiscal year ending in 2009 or the rate at which an earned income tax was collected by a municipality for the calendar year ending December 31, 2008.

(3) The tax rate determined under paragraphs (1) and (2) shall be rounded off to the nearest increment of ten hundredths of one percent.

The maximum rate of the income tax calculated under this subsection shall not be subject to the limits on the earned income tax specified under section 311(3).

(c) Other rates of taxation.—If a municipality or school district, both of which impose an earned income tax on the same individual under this act or the Taxpayer Relief Act and both of which are limited to or have agreed upon a division of the tax rate in accordance with section 311 or 304 of the Taxpayer Relief Act, and the municipality or school district receives voter approval under section 407 and opts to increase the rate of income tax in excess of that limit or agreement, then the municipality or school district which does not receive voter approval shall remain subject to that limit or agreement.
Section 405. Occupation tax prohibited.

(a) General rule.—For the first fiscal year beginning after approval of the referendum required under section 407 and each fiscal year thereafter, a political subdivision is prohibited from levying, assessing or collecting an occupation tax.

(b) Occupation assessment tax roll.—In a county where no political subdivision levies the tax, the county shall not be required under the provisions of this or another statute to maintain the occupation assessment tax roll.

(c) Applicability.—This section shall not apply to the collection of delinquent occupation taxes.
Section 406. Resolution required.

The governing body may seek authority to increase the maximum limits of the income tax by adopting a resolution to place a referendum on the ballot pursuant to section 407. The governing body shall transmit a copy of the resolution to the appropriate election officials. Prior to approving the resolution, the governing body shall:

(1) Give public notice of its intent to adopt the resolution in the manner provided by section 306.

(2) Conduct at least one public hearing regarding eliminating the occupation tax and increasing the maximum rate of the income tax.

Section 407. Binding referendum.

(a) Referendum to be held.—A political subdivision may increase the maximum rate of the income tax only by obtaining the approval of the electorate of the affected political subdivision in a public referendum at the general or municipal election preceding the fiscal year when the maximum rate of the income tax will be increased. The election officials shall cause a question to be placed on the ballot at the first general or municipal election occurring at least 90 days after their receipt of the resolution required in section 406.

(b) Contents of question.—The referendum question must state the maximum rate of the income tax calculated under section 404 and that the additional revenue generated by an increase in the income tax will be used to eliminate the occupation tax. The question shall be in clear language that is readily understandable by a layperson. For the purpose of illustration, a referendum question may be framed as follows:

Do you favor increasing the rate of the (earned or personal) income tax to a maximum of X%, with the requirement that the increase be used to eliminate the occupation tax?

(c) Vote.—If a majority of the electors voting on the question vote "yes," then the governing body shall be authorized to implement an increase in the income tax pursuant to section 404 and shall be required to eliminate the occupation tax as required by section 405. If a majority of the electors voting on the question vote "no," the governing body shall have no authority to increase the rate of the income tax above the maximum rate otherwise provided by law.

(d) Voting proceedings.—Proceedings under this section shall be in accordance with the provisions of the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code.
Section 408. Applicability.

This chapter shall apply to political subdivisions which levy an occupation tax on the date of enactment of this section.

Section 409. Applicability of personal income tax.

Nothing in this chapter shall be construed to authorize a municipality to levy, assess or collect a personal income tax. The authority to levy, assess or collect a personal income tax shall only apply to a school district in which a board of school directors sought to impose a personal income tax under section 321(c) of the Taxpayer Relief Act and the referendum under section 331.2 or 332 of the Taxpayer Relief Act is approved by the electorate under the Taxpayer Relief Act.

Section 3. Repeals are as follows:

(1) The General Assembly declares that the repeals under paragraphs (2) and (3) are necessary to effectuate the provisions of this act.

(2) The act of June 22, 2001 (P.L.374, No.24), known as the Optional Occupation Tax Elimination Act, is repealed.

(3) The last sentence of section 303(1) of the act of June 27, 2006 (1st Sp.Sess., P.L.1873, No.1), known as the Taxpayer Relief Act, is repealed.

Amend Sec. 2, page 17, line 16, by striking out "2" where it appears the first time and inserting

4

Amend Sec. 2, page 17, line 16, by striking out "2" where it appears the second time and inserting

301.1(f)(1)

Amend Sec. 2, page 17, line 18, by striking out "2007" and inserting

2008

Amend Sec. 3, page 17, line 19, by striking out "3" and inserting

5

On the question,

Will the House agree to the motion?

LEAVE OF ABSENCE

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

CONSIDERATION OF SB 763 CONTINUED

The SPEAKER. The Chair recognizes Representative Biancucci on the motion to suspend.

Mr. BIANCUCCI. Thank you, Mr. Speaker.

Mr. Speaker, I ask to suspend the rules to introduce an amendment that has an impact on the future of consolidations in the Commonwealth of Pennsylvania.

The SPEAKER. The gentleman's motion is to suspend for a substantive amendment on third consideration and also so the bill can move to third consideration. Is that correct?

Mr. BIANCUCCI. That is correct, Mr. Speaker.

The SPEAKER. And final passage?

Mr. BIANCUCCI. My amendment also includes language by Representative Nickol and Representative Mantz.

The SPEAKER. For the information of the members, the request for suspension of the rules is for the offering of a substantive amendment on third consideration, and further, that the bill then can be voted on final passage.

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

The following roll call was recorded:

YEAS—165

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

NAYS—29

Benninghoff	Kauffman	Murt	Roae
Brooks	Keller, M.K.	Mustio	Rock
Cox	Maher	Nailor	Rohrer
Cutler	Marshall	O'Neill	Samuelson
Gabig	Mensch	Rapp	Steil
Grell	Metcalf	Reed	Swanger
Harper	Milne	Reichley	Vereb
Hutchinson			

NOT VOTING—0

EXCUSED—9

Beyer	Josephs	Perry	Shapiro
Clymer	Leach	Ramaley	Tangretti
Frankel			

A majority of the members required by the rules having voted in the affirmative, the question was determined in the affirmative and the motion was agreed to.

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

Mr. BIANCUCCI offered the following amendment No. **A09712:**

Amend Title, page 1, line 23, by removing the period after "restrictions" and inserting ; further providing for the levying of the mercantile or business privilege tax; transferring the Optional Occupation Tax Elimination Act and further providing for definitions, for earned income tax rate limits, for resolutions and for binding referendums and providing for applicability of income tax on personal income; and repealing the Optional Occupation Tax Elimination Act and provisions of the Taxpayer Relief Act.

Amend Bill, page 15, lines 11 through 30; page 16, lines 1 through 30; page 17, lines 1 through 15, by striking out all of said lines on said pages and inserting

Section 1. Sections 301.1 and 311(2) of the act of December 31, 1965 (P.L.1257, No.511), known as The Local Tax Enabling Act, amended July 2, 2008 (P.L.197, No.32), are amended to read:

Section 301.1. Delegation of Taxing Powers and Restrictions Thereon.—(a) The duly constituted authorities of the following political subdivisions, cities of the second class, cities of the second class A, cities of the third class, boroughs, towns, townships of the first class, townships of the second class, school districts of the second class, school districts of the third class, and school districts of the fourth class, in all cases including independent school districts may, in their discretion, by ordinance or resolution, for general revenue purposes, levy, assess and collect or provide for the levying, assessment and collection of such taxes as they shall determine on persons, transactions, occupations, privileges, subjects and personal property within the limits of such political subdivisions, and upon the transfer of real property, or of any interest in real property, situate within the political subdivision levying and assessing the tax, regardless of where the instruments making the transfers are made, executed or delivered or where the actual settlements on such transfer take place. The taxing authority may provide that the transferee shall remain liable for any unpaid realty transfer taxes imposed by virtue of this chapter.

(b) Each local taxing authority may, by ordinance or resolution, exempt any person whose total income from all sources is less than twelve thousand dollars (\$12,000) per annum from the per capita or similar head tax, occupation tax or earned income tax, or any portion

thereof, and may adopt regulations for the processing of claims for exemptions.

(c) (1) Each political subdivision levying the local services tax shall exempt the following persons from the local services tax:

(i) Any person who has served in any war or armed conflict in which the United States was engaged and is honorably discharged or released under honorable circumstances from active service if, as a result of military service, the person is blind, paraplegic or a double or quadruple amputee or has a service-connected disability declared by the United States Veterans' Administration or its successor to be a total one hundred percent permanent disability.

(ii) Any person who serves as a member of a reserve component of the armed forces and is called to active duty at any time during the taxable year.

(2) For purposes of this subsection, "reserve component of the armed forces" shall mean the United States Army Reserve, United States Navy Reserve, United States Marine Corps Reserve, United States Coast Guard Reserve, United States Air Force Reserve, the Pennsylvania Army National Guard or the Pennsylvania Air National Guard.

(d) Each political subdivision levying the local services tax at a rate exceeding ten dollars (\$10) shall, and each political subdivision levying the local services tax at a rate of ten dollars (\$10) or less may, by ordinance or resolution, exempt any person from the local services tax whose total earned income and net profits from all sources within the political subdivision is less than twelve thousand dollars (\$12,000) for the calendar year in which the local services tax is levied.

(e) (1) A person seeking to claim an exemption from the local services tax may annually file an exemption certificate with the political subdivision levying the tax and with the person's employer affirming that the person reasonably expects to receive earned income and net profits from all sources within the political subdivision of less than twelve thousand dollars (\$12,000) in the calendar year for which the exemption certificate is filed. In the event the political subdivision utilizes a tax collection officer pursuant to section 10 of this act, the political subdivision shall provide a copy of the exemption certificate to that officer. The exemption certificate shall have attached to it a copy of all the employee's last pay stubs or W-2 forms from employment within the political subdivision for the year prior to the fiscal year for which the employee is requesting to be exempted from the local services tax. Upon receipt of the exemption certificate and until otherwise instructed by the political subdivision levying the tax or except as required by clause (2), the employer shall not withhold the tax from the person during the calendar year or the remainder of the calendar year for which the exemption certificate applies. Employers shall ensure that the exemption certificate forms are readily available to employees at all times and shall furnish each new employee with a form at the time of hiring. The Department of Community and Economic Development shall develop and make available to political subdivisions and employers uniform exemption certificates required by this clause.

(2) With respect to a person who claimed an exemption for a given calendar year from the local services tax, upon notification to an employer by the person or by the political subdivision that the person has received earned income and net profits from all sources within that political subdivision equal to or in excess of twelve thousand dollars (\$12,000) in that calendar year or that the person is otherwise ineligible for the tax exemption for that calendar year, or upon an employer's payment to the person of earned income within that political subdivision in an amount equal to or in excess of twelve thousand dollars (\$12,000) in that calendar year, an employer shall withhold the local services tax from the person under clause (3).

(3) If a person who claimed an exemption for a given calendar year from the local services tax becomes subject to the tax for the calendar year under clause (2), the employer shall withhold the tax for the remainder of that calendar year. The employer shall withhold from the person, for the first payroll period after receipt of the notification under clause (2), a lump sum equal to the amount of tax that was not withheld from the person due to the exemption claimed by the person

under this subsection, plus the per payroll amount due for that first payroll period. The amount of tax withheld per payroll period for the remaining payroll periods in that calendar year shall be the same amount withheld for other employees. In the event the employment of a person subject to withholding of the tax under this clause is subsequently severed in that calendar year, the person shall be liable for any outstanding balance of tax due, and the political subdivision levying the tax may pursue collection under this act.

(4) Except as provided in clause (2), it is the intent of this subsection that employers shall not be responsible for investigating exemption certificates, monitoring tax exemption eligibility or exempting any employee from a local services tax.

(f) Such local authorities shall not have authority by virtue of this act:

(1) To levy, assess and collect or provide for the levying, assessment and collection of any tax on the transfer of real property when the transfer is by will or mortgage or the intestate laws of this Commonwealth or on a transfer by the owner of previously occupied residential premises to a builder of new residential premises when such previously occupied residential premises is taken in trade by such builder as part of the consideration from the purchaser of a new previously unoccupied single family residential premises or on a transfer between corporations operating housing projects pursuant to the housing and redevelopment assistance law and the shareholders thereof, or on a transfer between nonprofit industrial development agencies and industrial corporations purchasing from them, or on transfer to or from nonprofit industrial development agencies, or on a transfer between husband and wife, or on a transfer between persons who were previously husband and wife but who have since been divorced; provided such transfer is made within three months of the date of the granting of the final decree in divorce, or the decree of equitable distribution of marital property, whichever is later, and the property or interest therein, subject to such transfer, was acquired by the husband and wife, or husband or wife, prior to the granting of the final decree in divorce, or on a transfer between parent and child or the spouse of such a child, or between parent and trustee for the benefit of a child or the spouse of such child, or on a transfer between a grandparent and grandchild or the spouse of such grandchild, or on a transfer between brother and sister or brother and brother or sister and sister or the spouse of such brother or sister, or on a transfer to a conservancy which possesses a tax-exempt status pursuant to section 501(c)(3) of the Internal Revenue Code, and which has as its primary purpose the preservation of land for historic, recreational, scenic, agricultural or open space opportunities, by and between a principal and straw party for the purpose of placing a mortgage or ground rent upon the premises, or on a correctional deed without consideration, or on a transfer to the United States, the Commonwealth of Pennsylvania, or to any of their instrumentalities, agencies or political subdivisions, by gift, dedication or deed in lieu of condemnation, or deed of confirmation in connection with condemnation proceedings, or reconveyance by the condemning body of the property condemned to the owner of record at the time of condemnation which reconveyance may include property line adjustments provided said reconveyance is made within one year from the date of condemnation[, leases.]; or leases or lease transactions; or on a conveyance to a trustee under a recorded trust agreement for the express purpose of holding title in trust as security for a debt contracted at the time of the conveyance under which the trustee is not the lender and requiring the trustee to make reconveyance to the grantor-borrower upon the repayment of the debt, or a transfer within a family from a sole proprietor family member to a family farm corporation, or in any sheriff sale instituted by a mortgagee in which the purchaser of said sheriff sale is the mortgagee who instituted said sale, or on a privilege, transaction, subject, occupation or personal property which is now or does hereafter become subject to a State tax or license fee;

(2) To levy, assess or collect a tax on the gross receipts from utility service of any person or company whose rates and services are fixed and regulated by the Pennsylvania Public Utility Commission or

on any public utility services rendered by any such person or company or on any privilege or transaction involving the rendering of any such public utility service;

(3) Except on sales of admission to places of amusement, other than on sales of admission to professional baseball events in a city of the third class with a population of not less than one hundred six thousand and not more than one hundred seven thousand based on the 2000 Federal decennial census, or on sales or other transfers of title or possession of property, to levy, assess or collect a tax on the privilege of employing such tangible property as is now or does hereafter become subject to a State tax; and for the purposes of this clause, real property rented for camping purposes shall not be considered a place of amusement;

(4) To levy, assess and collect a tax on goods and articles manufactured in such political subdivision or on the by-products of manufacture, or on minerals, timber, natural resources and farm products produced in such political subdivision or on the preparation or processing thereof for use or market, or on any privilege, act or transaction related to the business of manufacturing, the production, preparation or processing of minerals, timber and natural resources, or farm products, by manufacturers, by producers and by farmers with respect to the goods, articles and products of their own manufacture, production or growth, or on any privilege, act or transaction relating to the business of processing by-products of manufacture, or on the transportation, loading, unloading or dumping or storage of such goods, articles, products or by-products; except that local authorities may levy, assess and collect a local services tax and taxes on the occupation, per capita and earned income or net profits of natural persons engaged in the above activities whether doing business as individual proprietorship or as members of partnerships or other associations;

(5) To levy, assess or collect a tax on salaries, wages, commissions, compensation and earned income of nonresidents of the political subdivisions: Provided, That this limitation (5) shall apply only to school districts of the second, third and fourth classes;

(6) To levy, assess or collect a tax on personal property subject to taxation by counties or on personal property owned by persons, associations and corporations specifically exempted by law from taxation under the county personal property tax law: Provided, That this limitation (6) shall not apply to cities of the second class;

(7) To levy, assess or collect a tax on membership in or membership dues, fees or assessment of charitable, religious, beneficial or nonprofit organizations including but not limited to sportsmens, recreational, golf and tennis clubs, girl and boy scout troops and councils;

(8) To levy, assess or collect any tax on a mobilehome or house trailer subject to a real property tax unless the same tax is levied, assessed and collected on other real property in the political subdivision.

(9) To levy, assess or collect any tax on individuals for the privilege of engaging in an occupation except that such a tax, to be known as the local services tax, may be levied, assessed and collected only by the political subdivision of the taxpayer's place of employment. The following apply:

(i) If a local services tax is levied at a combined rate exceeding ten dollars (\$10) in a calendar year, a person subject to the local services tax shall be assessed a pro rata share of the tax for each payroll period in which the person is engaging in an occupation. The pro rata share of the tax assessed on the person for a payroll period shall be determined by dividing the combined rate of the local services tax levied for the calendar year by the number of payroll periods established by the employer for the calendar year. For purposes of determining the pro rata share, an employer shall round down the amount of the tax collected each payroll period to the nearest one-hundredth of a dollar. Collection of the local services tax levied under this subclause shall be made on a payroll period basis for each payroll period in which the person is engaging in an occupation, except as provided in subclause (v).

(ii) If a school district levied an emergency and municipal services tax on the effective date of this subclause, the school district may continue to levy the local services tax in the same amount the school district collected on the effective date of this subclause. However, if a municipality located in whole or in part within the school district subsequently levies the local services tax, the school district may only collect five dollars (\$5) on persons employed within the municipality each calendar year. A school district that did not levy an emergency and municipal services tax on the effective date of this subclause shall be prohibited from levying the local services tax. If a school district and a municipality located in whole or in part within the school district both levy a local services tax at a combined rate exceeding ten dollars (\$10), the school district's pro rata share of the aggregate local services taxes levied on persons employed within the municipality shall be collected by the municipality or its tax officer based on payroll periods as provided under subclause (i) and shall be paid to the school district on a quarterly basis within sixty days of receipt by the municipality or its tax officer.

(iii) Except as provided in subclause (ii), no person shall be subject to the payment of the local services tax by more than one political subdivision during each payroll period as established by subclause (iv).

(iv) With respect to a person subject to the local services tax at a combined rate exceeding ten dollars (\$10), the situs of the tax shall be the place of employment on the first day the person becomes subject to the tax during each payroll period. With respect to a person subject to the local services tax at a combined rate of not more than ten dollars (\$10), the situs of the tax shall be the place of employment determined as of the day the person first becomes subject to the tax during the calendar year. In the event a person is engaged in more than one occupation, that is, concurrent employment, or an occupation which requires the person working in more than one political subdivision during a payroll period, the priority of claim to collect the local services tax shall be in the following order: first, the political subdivision in which a person maintains the person's principal office or is principally employed; second, the political subdivision in which the person resides and works, if the tax is levied by that political subdivision; and third, the political subdivision in which a person is employed and which imposes the tax nearest in miles to the person's home.

(v) In the case of concurrent employment, an employer shall refrain from withholding the local services tax if the employe provides a recent pay statement from a principal employer that includes the name of the employer, the length of the payroll period and the amount of the local services tax withheld and a statement from the employe that the pay statement is from the employe's principal employer and the employe will notify other employers of a change in principal place of employment within two weeks of its occurrence. The Department of Community and Economic Development shall develop a uniform employe statement form.

(vi) The local services tax shall be no more than fifty-two dollars (\$52) on each person for each calendar year, irrespective of the number of political subdivisions within which a person may be employed. A political subdivision shall provide a taxpayer a receipt of payment upon request by the taxpayer.

(vii) Political subdivisions shall adopt regulations for the processing of refund claims for overpaid local services taxes for any calendar year. The regulations shall be consistent with 53 Pa.C.S. §§ 8425 (relating to refunds of overpayments) and 8426 (relating to interest on overpayment). Refunds made within seventy-five days of a refund request or seventy-five days after the last day the employer is required to remit the local services tax for the last quarter of the calendar year under section 312 of this act, whichever is later, shall not be subject to interest imposed under 53 Pa.C.S. § 8426. Political subdivisions shall only provide refunds for amounts overpaid in a calendar year that exceed one dollar (\$1).

(viii) The Department of Community and Economic Development shall provide suggested forms and technical assistance to

facilitate the administration of the local services tax for political subdivisions and reduce the burden of implementation, accounting and compliance for employers and taxpayers.

(ix) For purposes of this clause, "combined rate" shall mean the aggregate annual rate of the local services tax levied by a school district and a municipality located in whole or in part within the school district.

(10) To levy, assess or collect a tax on admissions to motion picture theatres: Provided, That this limitation (10) shall not apply to cities of the second class.

(11) To levy, assess or collect a tax on the construction of or improvement to residential dwellings or upon the application for or issuance of permits for the construction of or improvements to residential dwellings.

(12) To levy, assess and collect a mercantile or business privilege tax on gross receipts or part thereof which are: (i) discounts allowed to purchasers as cash discounts for prompt payment of their bills; (ii) charges advanced by a seller for freight, delivery or other transportation for the purchaser in accordance with the terms of a contract of sale; (iii) received upon the sale of an article of personal property which was acquired by the seller as a trade-in to the extent that the gross receipts in the sale of the article taken in trade does not exceed the amount of trade-in allowance made in acquiring such article; (iv) refunds, credits or allowances given to a purchaser on account of defects in goods sold or merchandise returned; (v) Pennsylvania sales tax; (vi) based on the value of exchanges or transfers between one seller and another seller who transfers property with the understanding that property of an identical description will be returned at a subsequent date; however, when sellers engaged in similar lines of business exchange property and one of them makes payment to the other in addition to the property exchanged, the additional payment received may be included in the gross receipts of the seller receiving such additional cash payments; (vii) of sellers from sales to other sellers in the same line where the seller transfers the title or possession at the same price for which the seller acquired the merchandise; or (viii) transfers between one department, branch or division of a corporation or other business entity of goods, wares and merchandise to another department, branch or division of the same corporation or business entity and which are recorded on the books to reflect such interdepartmental transactions.

(13) To levy, assess or collect an amusement or admissions tax on membership, membership dues, fees or assessments, donations, contributions or monetary charges of any character whatsoever paid by the general public, or a limited or selected number thereof, for such persons to enter into any place, indoors or outdoors, to engage in any activities, the predominant purpose or nature of which is exercise, fitness, health maintenance, improvement or rehabilitation, health or nutrition education, or weight control.

(14) Except by cities of the second class, to levy, assess or collect a tax on payroll amounts generated as a result of business activity.

(15) Except by cities of the second class in which a sports stadium or arena that has received public funds in connection with its construction or maintenance is located, to levy, assess and collect a publicly funded facility usage fee upon those nonresident individuals who use such facility to engage in an athletic event or otherwise render a performance for which they receive remuneration.

(16) To levy, assess or collect an amusement or admissions tax on the charge imposed upon a patron for the sale of admission to or for the privilege of admission to a bowling alley or bowling lane to engage in one or more games of bowling.

Section 311. Limitations on Rates of Specific Taxes.—No taxes levied under the provisions of this chapter shall be levied by any political subdivision on the following subjects exceeding the rates specified in this section:

* * *

(2) On each dollar of the whole volume of business transacted by wholesale dealers in goods, wares and merchandise, one mill,

by retail dealers in goods, wares and merchandise and by proprietors of restaurants or other places where food, drink and refreshments are served, one and one-half mills; except in cities of the second class, where rates shall not exceed one mill on wholesale dealers and two mills on retail dealers and proprietors. No such tax shall be levied on the dollar volume of business transacted by wholesale and retail dealers derived from the resale of goods, wares and merchandise, taken by any dealer as a trade-in or as part payment for other goods, wares and merchandise, except to the extent that the resale price exceeds the trade-in allowance. When a political subdivision which currently levies, assesses or collects a mercantile or business privilege tax on gross receipts under section 533 of the act of December 13, 1988 (P.L.1121, No.145), known as the "Local Tax Reform Act," merges with one or more political subdivisions to form a new political subdivision on or after August 1, 2008, the new political subdivision may levy that mercantile or business privilege tax but not at a rate greater than the rate necessary to generate the same revenues generated in the last fiscal year that the merging political subdivision generated before the merger. If the merging political subdivision had previously shared the rate of taxation with another political subdivision, the nonmerging political subdivision which had shared the rate is capped at the rate it was previously levying.

* * *

Section 2. The act is amended by adding a chapter to read:

CHAPTER 4

OPTIONAL OCCUPATION TAX ELIMINATION

Section 401. Scope.

This act relates to optional occupation tax elimination.

Section 402. Definitions.

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

"Earned income tax." A tax on earned income and net profits levied under this act or a tax on earned income and net profits levied under the act of June 27, 2006 (1st Sp.Sess., P.L.1873, No.1), known as the Taxpayer Relief Act.

"Election officials." The county board of elections of a county.

"Governing body." A city council, borough council, incorporated town council, board of township commissioners, board of township supervisors, a governing council of a home rule municipality or optional plan municipality, a governing council of any similar general purpose unit of government which may hereafter be created by statute or a board of school directors of a school district.

"Income tax." An earned income tax or a personal income tax imposed under this chapter.

"Occupation tax." A tax based upon an assessed valuation of a particular trade, occupation or profession. The term includes a tax imposed on a flat rate on all trades, occupations or professions. The term does not include a tax upon persons employed in a taxing district, commonly known as an occupational privilege tax.

"Personal income tax." A tax on income enumerated under section 303 of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, as determined by the Department of Revenue, subject to any correction or fraud, evasion or error as finally determined by the Commonwealth and levied pursuant to the act of June 27, 2006 (1st Sp.Sess., P.L.1873, No.1), known as the Taxpayer Relief Act.

"Political subdivision." Any city, borough, incorporated town, township or school district.

"Taxpayer Relief Act." The act of June 27, 2006 (1st Sp.Sess., P.L.1873, No.1), known as the Taxpayer Relief Act.

Section 403. Occupation tax replacement generally.

A political subdivision that levies an occupation tax may replace the revenues provided by the occupation tax by increasing the rate of the income tax as provided in this chapter.

Section 404. Income tax rate limits.

(a) Income tax rate limits.—For the first fiscal year beginning after approval of the referendum under section 407 and each fiscal year

thereafter, the governing body of a political subdivision using the procedures authorized by this chapter shall be authorized to impose an income tax at a rate not exceeding the maximum income tax rate as calculated under subsection (b) or (b.1).

(b) Calculation of maximum earned income tax rate.—The maximum earned income tax rate shall be determined by taking the sum of the rates calculated under paragraphs (1) and (2) and limited by paragraph (3):

(1) The rate of the earned income tax that would have resulted in the collection by the political subdivision of an amount equal to the amount collected from the occupation tax. The calculation by a school district under this paragraph shall be made using actual revenue collections for the fiscal year ending in 2002. The calculation by a municipality under this paragraph shall be made using actual revenue collections for the calendar year ending December 31, 2001.

(2) The rate at which the earned income tax was collected by a school district for the fiscal year ending in 2002 or the rate at which the earned income tax was collected by a municipality for the calendar year ending December 31, 2001.

(3) The tax rate determined under paragraphs (1) and (2) shall be rounded off to the nearest increment of ten hundredths of one percent.

The maximum rate of the earned income tax calculated under this subsection shall not be subject to the limits on the earned income tax specified in section 311(3).

(b.1) Calculation of maximum income tax rate.—The maximum income tax rate for a school district that levied an occupation tax for the fiscal year ending in 2009 or a municipality that levied an occupation tax for the calendar year ending December 31, 2008, shall be determined by taking the sum of the rates calculated under paragraphs (1) and (2) and limited by paragraph (3):

(1) The rate of the income tax that would have resulted in the collection by the political subdivision of an amount equal to the amount collected from the occupation tax. The calculation by a school district under this paragraph shall be made using actual revenue collections for the fiscal year ending in 2009. The calculation by a municipality under this paragraph shall be made using actual revenue collections for the calendar year ending December 31, 2008.

(2) The rate at which the income tax was collected by a school district for the fiscal year ending in 2009 or the rate at which an earned income tax was collected by a municipality for the calendar year ending December 31, 2008.

(3) The tax rate determined under paragraphs (1) and (2) shall be rounded off to the nearest increment of ten hundredths of one percent.

The maximum rate of the income tax calculated under this subsection shall not be subject to the limits on the earned income tax specified under section 311(3).

(c) Other rates of taxation.—If a municipality or school district, both of which impose an earned income tax on the same individual under this act or the Taxpayer Relief Act and both of which are limited to or have agreed upon a division of the tax rate in accordance with section 311 or 304 of the Taxpayer Relief Act, and the municipality or school district receives voter approval under section 407 and opts to increase the rate of income tax in excess of that limit or agreement, then the municipality or school district which does not receive voter approval shall remain subject to that limit or agreement.

Section 405. Occupation tax prohibited.

(a) General rule.—For the first fiscal year beginning after approval of the referendum required under section 407 and each fiscal year thereafter, a political subdivision is prohibited from levying, assessing or collecting an occupation tax.

(b) Occupation assessment tax roll.—In a county where no political subdivision levies the tax, the county shall not be required under the provisions of this or another statute to maintain the occupation assessment tax roll.

(c) Applicability.—This section shall not apply to the collection of delinquent occupation taxes.

Section 406. Resolution required.

The governing body may seek authority to increase the maximum limits of the income tax by adopting a resolution to place a referendum on the ballot pursuant to section 407. The governing body shall transmit a copy of the resolution to the appropriate election officials. Prior to approving the resolution, the governing body shall:

(1) Give public notice of its intent to adopt the resolution in the manner provided by section 306.

(2) Conduct at least one public hearing regarding eliminating the occupation tax and increasing the maximum rate of the income tax.

Section 407. Binding referendum.

(a) Referendum to be held.—A political subdivision may increase the maximum rate of the income tax only by obtaining the approval of the electorate of the affected political subdivision in a public referendum at the general or municipal election preceding the fiscal year when the maximum rate of the income tax will be increased. The election officials shall cause a question to be placed on the ballot at the first general or municipal election occurring at least 90 days after their receipt of the resolution required in section 406.

(b) Contents of question.—The referendum question must state the maximum rate of the income tax calculated under section 404 and that the additional revenue generated by an increase in the income tax will be used to eliminate the occupation tax. The question shall be in clear language that is readily understandable by a layperson. For the purpose of illustration, a referendum question may be framed as follows:

Do you favor increasing the rate of the (earned or personal) income tax to a maximum of X%, with the requirement that the increase be used to eliminate the occupation tax?

(c) Vote.—If a majority of the electors voting on the question vote "yes," then the governing body shall be authorized to implement an increase in the income tax pursuant to section 404 and shall be required to eliminate the occupation tax as required by section 405. If a majority of the electors voting on the question vote "no," the governing body shall have no authority to increase the rate of the income tax above the maximum rate otherwise provided by law.

(d) Voting proceedings.—Proceedings under this section shall be in accordance with the provisions of the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code.

Section 408. Applicability.

This chapter shall apply to political subdivisions which levy an occupation tax on the date of enactment of this section.

Section 409. Applicability of personal income tax.

Nothing in this chapter shall be construed to authorize a municipality to levy, assess or collect a personal income tax. The authority to levy, assess or collect a personal income tax shall only apply to a school district in which a board of school directors sought to impose a personal income tax under section 321(c) of the Taxpayer Relief Act and the referendum under section 331.2 or 332 of the Taxpayer Relief Act is approved by the electorate under the Taxpayer Relief Act.

Section 3. Repeals are as follows:

(1) The General Assembly declares that the repeals under paragraphs (2) and (3) are necessary to effectuate the provisions of this act.

(2) The act of June 22, 2001 (P.L.374, No.24), known as the Optional Occupation Tax Elimination Act, is repealed.

(3) The last sentence of section 303(1) of the act of June 27, 2006 (1st Sp.Sess., P.L.1873, No.1), known as the Taxpayer Relief Act, is repealed.

Amend Sec. 2, page 17, line 16, by striking out "2" where it appears the first time and inserting

Amend Sec. 2, page 17, line 16, by striking out "2" where it appears the second time and inserting

301.1(f)(1)

Amend Sec. 2, page 17, line 18, by striking out "2007" and inserting

2008

Amend Sec. 3, page 17, line 19, by striking out "3" and inserting
5

On the question,

Will the House agree to the amendment?

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

Mr. BIANCUCCI. Thank you, Mr. Speaker.

Mr. Speaker, this amendment addresses an issue of when a merging school district that currently levies a mercantile tax merges with a school district that does not. It states that a political subdivision may – and I emphasize "may" – levy this tax, but not at a rate greater than the rate necessary to generate the same revenues generated that last fiscal year.

This amendment would provide the merged school district with an opportunity to study this issue and make an educated determination as to its need. I ask for an affirmative vote.

The SPEAKER. Representative Turzai, on the amendment.

Mr. TURZAI. Just a request for the Speaker; I want to correct the record. I was marked on the motion to suspend as a "yes," and I would like the record to reflect a "no."

The SPEAKER. Can the gentleman— After this vote, the gentleman will be recognized for that purpose.

Mr. TURZAI. Okay. Thank you.

The SPEAKER. Representative Nickol, on the amendment.

Mr. NICKOL. Thank you, Mr. Speaker.

There was an earlier draft of this amendment and there, I think, is perhaps some confusion among members as to what exactly this amendment does versus the earlier draft. I would like to clarify it, particularly for the members of my caucus which focused on the original bill, original draft.

The gentleman from Beaver County has two school districts which are combining, and I think we can all relate to the fact in our own areas that maybe we should have municipalities or school districts that perhaps should look at making a combination where they could perhaps save taxpayers some money and operate more efficiently. However, whenever you do propose such a merger, you encounter certain problems, as have occurred in the school districts in his area, where you have a tax like a business privilege tax levied in one, but not in the other. And due to the uniformity clause in the State Constitution, you cannot have a tax on half of the residents or half of the businesses in the school district and not on the other half. So you have to find some way to come up with the revenue for the new entity to replace that that would be lost through the tax either by continuing the tax and putting it on all residents or by taking that tax and putting it on all homeowners.

In this case, what this legislation would do, in the earlier draft of the legislation, or of the amendment, what it would have done is allow the tax at the current rate to be levied on everyone, which would have been a tax bonanza for the school district because the business tax would have been extended to more businesses. This draft is much different than that. It puts a cap on the revenue so that the tax would continue at a reduced rate so that in the portion of the school district that previously

had the business tax, the rate would actually drop and the portion of the school district that did not have the tax, they would for the first time have a tax, but at that reduced rate. The total revenue of the tax would be capped, and in the future with inflation, that tax rate would fall over time. It is an uncomfortable alternative for anyone in government to have to make a decision like this, but the alternative to this bill would be placing this tax burden on every property owner in the school district, which is something I think that you would not want to see either. So it is a very difficult choice. I think this legislation, what it does is it gives that school district the choice to make as to whether they want to continue that business levy at a reduced rate on everyone and capped from here on out, or whether they want to just eliminate that tax and place the tax on all homeowners or all property owners.

I personally appreciate that dilemma and I appreciate the need for this legislation, to have this combination of two school districts. I would encourage members to look on this favorably, and I myself will be voting in favor of the amendment.

Thank you, Mr. Speaker.

The SPEAKER. Representative Biancucci, for the second time.

Mr. BIANCUCCI. Yes, Mr. Speaker.

I would like to thank Representative Nickol for the explanation and add this to it. I would like to say that from my perspective, the two school districts in my area have voluntarily stepped up for this merger. Currently this mercantile tax brings in \$300,000-plus. This reflects a mill and a half in that current school district that can be distributed amongst the property tax relief in that area. So I would ask for an affirmative vote on this. Thank you.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—192

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

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

NAYS-2

Maher	Mustio
-------	--------

NOT VOTING-0

EXCUSED-9

Beyer	Josephs	Perry	Shapiro
Clymer	Leach	Ramaley	Tangretti
Frankel			

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 third consideration as amended?

The SPEAKER. Does Representative Mantz wish to offer his amendment?

LEAVE OF ABSENCE

The SPEAKER. The Chair recognizes the majority whip, who requests that Representative FREEMAN be placed on leave. The Chair hears no objection. The leave will be granted.

CONSIDERATION OF SB 763 CONTINUED

The SPEAKER. The Chair recognizes Representative Mantz. Mr. MANTZ. Mr. Speaker, I withdraw my amendment, 8547.

The SPEAKER. The Chair thanks the gentleman.

Does Representative Nickol wish to offer his amendment?

The Chair thanks the gentleman.

On the question recurring,

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

Bill as amended was agreed to.

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

(Bill analysis was read.)

The SPEAKER. The question is, shall the bill pass finally? Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

The following roll call was recorded:

YEAS-193

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

NAYS-0

NOT VOTING-0

EXCUSED-10

Beyer	Freeman	Perry	Shapiro
Clymer	Josephs	Ramaley	Tangretti
Frankel	Leach		

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

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

VOTE CORRECTION

The SPEAKER. The Chair recognizes the gentleman, Mr. Turzai.

Mr. TURZAI. Mr. Speaker, on the motion to suspend the rules for amendment A09712, I would like to be recorded as a "no" vote.

The SPEAKER. The Chair thanks the gentleman, and his remarks will be spread upon the record.

SENATE MESSAGE

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

The clerk of the Senate, being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives to Senate amendments by further amending House amendments to Senate amendments to **HB 1096, PN 4527**.

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

SENATE MESSAGE

HOUSE BILL CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, returned **HB 2034, PN 3198**, with information that the Senate has passed the same without amendment.

SENATE MESSAGE

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

The clerk of the Senate, being introduced, returned **HB 347, PN 4509; HB 1543, PN 4489; HB 2188, PN 4521; HB 2200, PN 4526; HB 2289, PN 4518; HB 2294, PN 4525; HB 2525, PN 4524; and HB 2629, PN 4517**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

RULES COMMITTEE MEETING

DEMOCRATIC CAUCUS

The SPEAKER. The Chair recognizes the majority whip for an announcement.

Mr. McCALL. Thank you, Mr. Speaker.

Mr. Speaker, I would like to call an immediate meeting of the House Rules Committee in the majority caucus room, followed by a Democratic caucus; back on the floor by 4 o'clock.

The SPEAKER. The Chair thanks the gentleman.

The Rules Committee will meet immediately in the majority caucus room and will be followed by a Democratic caucus.

REPUBLICAN CAUCUS

The SPEAKER. Representative Major.

Miss MAJOR. Thank you, Mr. Speaker.

I would like to announce an immediate Republican caucus at the call of the recess. Thank you.

The SPEAKER. The Chair thanks the lady.

RECESS

The SPEAKER. This House will stand in recess until 4 p.m., unless sooner recalled by the Speaker.

AFTER RECESS

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

BILLS SIGNED BY SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HB 647, PN 4519

An Act relating to crane operator licensure; establishing the State Board of Crane Operators; conferring powers and imposing duties relative to regulating the practice of crane operation; imposing penalties; and making an appropriation.

HB 747, PN 3227

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, providing for a special license and license auction to hunt one elk.

HB 949, PN 4428

An Act amending the act of July 10, 1990 (P.L.404, No.98), known as the Real Estate Appraisers Certification Act, further providing for real estate appraiser certification required, for application and qualifications and for certification renewal, licensure renewal and records.

HB 1027, PN 4340

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for willful failure to pay support order.

HB 1044, PN 3639

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

duties of the Municipal Police Officers' Education and Training Commission and for police training.

HB 1511, PN 4439

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in juvenile matters, adding definitions; further providing for notice and hearing, for other basic rights and for adjudications of juveniles.

HB 1664, PN 4520

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for theft of leased property; and, in wiretapping and electronic surveillance, further providing for disclosure of contents and for expiration of chapter.

HB 1723, PN 4513

An Act designating a section of US Route 15 in Tioga Township, Tioga County, as the Senator Roger A. Madigan Highway; designating the bridge on State Route 655 on Main Street, Belleville, Union Township, Mifflin County, as the Curt Zook Memorial Bridge; designating the Newtown 413 Bypass as the Officer Gregg Memorial Bypass; and designating the Walnut Street Bridge in the City of Johnstown, Cambria County, as the Martin Luther King, Jr., Memorial Bridge.

HB 1845, PN 4528

An Act amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for sentence for murder and murder of unborn child; providing for the offense of criminal homicide of law enforcement officer and for the offense of assault of law enforcement officer; imposing penalties; further providing for false reports to law enforcement authorities; in firearms, further providing for ineligibility for possession or dealing, for required licensure, for emergency prohibitions, for licenses, for possession with altered manufacturer's number, for sale or transfer, for Pennsylvania State Police, for altering or obliterating marks of identification, for firearm tracing and for procedure; establishing the Straw Purchase Prevention Education Program and the Straw Purchase Prevention Education Fund; further providing for limitation of actions; prescribing sentences for offenses committed against law enforcement officer; and abrogating a regulation.

HB 2034, PN 3198

An Act providing for long-term care patient access to pharmaceuticals; and conferring powers and duties on the State Board of Pharmacy.

HB 2499, PN 4523

An Act regulating massage therapy; establishing the State Board of Massage Therapy; providing for funds, for licensure, for disciplinary action, for remedies, for penalties and for preemption.

SB 740, PN 2499

An Act authorizing certain lands in Centre County to be conveyed; authorizing the Borough of Old Forge, Lackawanna County, to transfer, sell and convey certain Project 70 lands free of restrictions imposed by the Project 70 Land Acquisition and Borrowing Act; authorizing and directing the Department of General Services, with the approval of the Governor, to grant and convey to the Philadelphia Regional Port Authority certain lands situate in the 39th Ward of the City of Philadelphia; and providing for Commonwealth ownership of submerged lands; and authorizing and directing the Department of General Services, with the approval of the Governor and the Department of Military and Veterans' Affairs, to grant and convey to

the Schuylkill YMCA certain lands and building situate in the Borough of Pottsville, Schuylkill County.

SB 768, PN 2431

An Act amending Title 64 (Public Authorities and Quasi-Public Corporations) of the Pennsylvania Consolidated Statutes, further providing for the definitions of "commercial lending activities" and "commercial lending institutions" and for the First Industries Program.

SB 1107, PN 2472

An Act amending Titles 23 (Domestic Relations) and 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, further providing for modification of existing custody orders; and providing for protection of deployed members of the Pennsylvania National Guard and reserve components in child custody arrangements.

SB 1504, PN 2454

An Act providing for the highway capital budget project itemization for the fiscal year 2008-2009 to be financed from current revenue or by the incurring of debt.

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

LEAVES OF ABSENCE

The SPEAKER. The Chair recognizes the majority whip, who requests that Representative WOJNAROSKI be placed on leave. The Chair hears no objection. The leave will be granted.

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

The House will be at ease.

The House will come to order.

**BILLS ON CONCURRENCE
REPORTED FROM COMMITTEE**

HB 1096, PN 4527

By Rep. DeWEESE

An Act amending the act of November 10, 1999 (P.L.491, No.45), known as the Pennsylvania Construction Code Act, further providing for definitions; establishing the Uniform Construction Code Review and Advisory Council; and further providing for revised or successor codes and for training of inspectors.

RULES.

HB 2200, PN 4526

By Rep. DeWEESE

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, further providing for director of operations, secretary, employees and consultants; repealing provisions relating to office of trial staff; further providing for bureaus and offices; providing for other bureaus, offices and positions; further providing for electric utility definitions; providing for energy efficiency and conservation program and for energy efficiency and conservation; further providing for duties of electric distribution companies and for market power remediation; and providing for procurement, for additional alternative energy sources and for carbon dioxide sequestration network.

RULES.

HB 2289, PN 4518

By Rep. DeWEESE

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for desecration, theft or sale of venerated objects.

RULES.

HB 2294, PN 4525

By Rep. DeWEESE

An Act providing for the licensure of persons providing debt management services and for the powers and duties of the Department of Banking; requiring surety bonds; prohibiting certain fees and costs; providing for debt management plans; and prohibiting certain acts by persons providing debt management services.

RULES.

HB 2525, PN 4524

By Rep. DeWEESE

An Act amending the act of December 7, 1982 (P.L.784, No.225), known as the Dog Law, further providing for definitions, for issuance of dog licenses, for applications for dog licenses, for license certificates, for kennels, for requirements for kennels, for out-of-State dealer license, for bills of sale, for revocation, suspension or refusal of kennel licenses, for transportation of dogs, for health certificates for importation, for inspections of premises and dogs and for additional duties of department; providing for refusal of entry and for the Canine Health Board; further providing for seizure and detention of dogs, for confinement of dogs, for dog bites, for registration, for certain requirements, for control of dangerous dogs, for public safety, for selling, bartering or trading dogs, for damages caused by coyotes, for burdens of proof, for enforcement and for violations; providing for exemption; further defining "releasing agency"; and making editorial changes.

RULES.

HB 2629, PN 4517

By Rep. DeWEESE

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

RULES.

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

The House will be at ease.

The House will come to order.

CALENDAR CONTINUED**RESOLUTION**

Mr. PETRONE called up **HR 845, PN 4204**, entitled:

A Resolution directing the Joint State Government Commission to conduct an in-depth study of the subject of developments of regional significance and impact; and requiring a report.

On the question,
Will the House adopt the resolution?

The SPEAKER. Representative Petrone.

Mr. PETRONE. Thank you, Mr. Speaker.

Mr. Speaker, HR 845 would direct the Joint State Government Commission to reconstitute the task force and advisory committee established under HR 897 of the session of 2006 in order "...to conduct an in-depth study of the subject of developments of regional significance...." Many of you may recall, HR 897 of last session directed the Joint State Government Commission to conduct an in-depth investigation into the massive landslide that occurred at a commercial development site in Kilbuck Township, Allegheny County, on September 19, 2006. Moreover, the resolution authorized a thorough review of all applicable State and local permit approval processes and the appointment of a legislative task force and an advisory committee to assist a task force.

I served as chairman of the task force. The other members of the task force were Representatives Mustio, Ramaley, and Vulakovich. The advisory committee was composed of attorneys, geologists, engineers, land-use planners, local and county government officials, community activists, small business owners, and representatives from relevant State departments and several other legislative agencies.

"On June 9, 2008, the task force authorized the release of the report of the task force and advisory committee and the introduction of the legislation..." to establish a proposed geologically hazardous areas act. Additionally, "As part of the findings and recommendations...the task force and advisory committee acknowledged that further consideration, discussion and analysis should be given to the subject of developments of regional significance and impact, which," due to time constraints, "was addressed only briefly in the report..."

HR 845 enjoys bipartisan support. All four members of the task force, established under the prior resolution, are the joint sponsors of the resolution before us today. I respectfully request the support of all my colleagues for an affirmative vote on HR 845 so that the important work begun under HR 897 of the session of 2006 can be completed.

Thank you very much, Mr. Speaker.

The SPEAKER. Representative Mustio.

Mr. MUSTIO. Thank you, Mr. Speaker.

I also rise in support of the resolution.

If I may have the liberty of complimenting Representative Petrone for his leadership on the task force and drafting of this resolution to address an issue that the task force had identified that we hope will result in legislation to prevent a significant situation that happened in the Ohio Valley, that had a tremendous economic impact, from happening anywhere else in the State. In addition, I think Representative Petrone and the other members of the task force would like the public to know that that road will be opening, I believe in January, finally, after several years of closure because of that catastrophe.

Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—191

Argall	Geist	Marshall	Rohrer
Baker	George	Marsico	Ross
Barrar	Gerber	McCall	Rubley

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

NAYS—0

NOT VOTING—0

EXCUSED—12

Adolph	Frankel	Leach	Shapiro
Beyer	Freeman	Perry	Tangretti
Clymer	Josephs	Ramaley	Wojnaroski

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

The SPEAKER. The House will be at ease.

The House will come to order.

LEAVES OF ABSENCE

The SPEAKER. The Chair recognizes the minority whip, who requests that Representative BASTIAN and Representative BARRAR be placed on leave. The Chair hears no objection. The leaves will be granted.

The House will be at ease.

The House will come to order.

STATEMENT BY MR. PETRONE

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

Mr. PETRONE. Thank you, Mr. Speaker.

Mr. Speaker, a point of personal privilege.

The SPEAKER. Does the gentleman wish to be recognized under the provision of unanimous consent?

Mr. PETRONE. Yes, Mr. Speaker.

The SPEAKER. The gentleman is in order.

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

Mr. Speaker and colleagues, on Saturday, October the 4th, we celebrated in Pittsburgh the 250th birthday of the city of Pittsburgh. Some of you are aware of that; some of you are not.

More importantly, the reason I rise to call this to your attention is the fact that that evening – for those of you who were there, I know you feel the same way – we saw the greatest show on earth, really, live and in person. Mr. Zambelli, George Zambelli, the fireworks master, had 17 barges of fireworks and they shot them off from every bridge and building in the city of Pittsburgh for 40 minutes. It was the most spectacular display I have ever seen in my life, and I have seen them all over the world. I want to honor Mr. Zambelli and his family. I know of no American who is more welcome in more countries than Mr. Zambelli and the Zambelli fireworks company. He truly is welcome in every nation on earth. He should be an ambassador to the world. So whoever the next President is, I hope they will consider Mr. Zambelli and the Zambelli fireworks company as an ambassador because they do provide the greatest show on earth. Happy birthday, Pittsburgh – 2-5-0 – we are still with you.

Thank you, Mr. Speaker.

RULE 24 SUSPENDED

The SPEAKER. The Chair recognizes the majority whip, who moves to suspend rule 24 to allow SB 1258 to be considered on final passage.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—138

Argall	Galloway	Manderino	Sabatina
Baker	Geist	Mann	Sainato
Belfanti	George	Mantz	Santoni
Bennington	Gerber	Markosek	Saylor
Biancucci	Gergely	McCall	Scavello
Bishop	Gibbons	McGeehan	Seip
Blackwell	Gillespie	McI. Smith	Shimkus
Boback	Godshall	Melio	Siptroth
Brennan	Goodman	Millard	Smith, K.
Buxton	Grucela	Miller	Smith, M.
Caltagirone	Haluska	Moul	Smith, S.
Carroll	Hanna	Moyer	Solobay
Casorio	Harhai	Mundy	Staback
Causar	Harhart	Myers	Stairs

Civera	Harkins	Nickol	Sturla
Cohen	Harris	O'Brien, M.	Surra
Conklin	Hennessey	Oliver	Taylor, J.
Costa	Hershey	Pallone	Taylor, R.
Cruz	Hess	Parker	Thomas
Curry	Hornaman	Pashinski	Vereb
Daley	James	Payton	Vitali
Dally	Keller, W.	Peifer	Wagner
DeLuca	Kenney	Perzel	Walko
DePasquale	Kessler	Petrarca	Wansacz
Dermody	King	Petri	Waters
DeWeese	Kirkland	Petrone	Watson
DiGirolamo	Kortz	Phillips	Wheatley
Donatucci	Kotik	Pickett	White
Eachus	Kula	Preston	Williams
Evans, D.	Lentz	Readshaw	Yewcic
Evans, J.	Levdansky	Reed	Youngblood
Everett	Longietti	Reichley	Yudichak
Fabrizio	Mackereth	Roebuck	
Fairchild	Mahoney	Ross	O'Brien, D.,
Fleck	Major	Rubley	Speaker

NAYS—46

Bear	Hickernell	Milne	Rock
Benninghoff	Hutchinson	Murt	Rohrer
Boyd	Kauffman	Nailor	Samuelson
Brooks	Keller, M.K.	O'Neill	Schroder
Cox	Killion	Payne	Sonney
Cutler	Maher	Pyle	Steil
Denlinger	Marshall	Quigley	Stern
Ellis	Marsico	Quinn	Stevenson
Gabig	McIlhattan	Rapp	Swanger
Gingrich	Mensch	Raymond	True
Grell	Metcalf	Roae	Turzai
Helm	Micozzie		

NOT VOTING—5

Cappelli	Harper	Mustio	Vulakovich
Creighton			

EXCUSED—14

Adolph	Clymer	Leach	Shapiro
Barrar	Frankel	Perry	Tangretti
Bastian	Freeman	Ramaley	Wojnaroski
Beyer	Josephs		

A majority of the members required by the rules having voted in the affirmative, the question was determined in the affirmative and the motion was agreed to.

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 1258, PN 2487**, entitled:

An Act amending the act of May 21, 1943 (P.L.571, No.254), known as The Fourth to Eighth Class and Selective County Assessment Law, expanding the scope of the act; further providing for application of the act and for appeals by municipalities; and making a related repeal.

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

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

(Bill analysis was read.)

The SPEAKER. The question is, shall the bill pass finally?

Representative Maher.

Mr. MAHER. Mr. Speaker, I will speak on the bill, but I have been seeking recognition, as you well know.

The SPEAKER. The Chair will caution the gentleman to speak on the amendment and only the amendment or the Chair will move on to the next speaker.

Mr. MAHER. There is no amendment on the board, Mr. Speaker; it is on final passage.

The SPEAKER. Speak on final passage—

Mr. MAHER. Thank you, Mr. Speaker.

The SPEAKER. —or the Chair will move on.

Mr. MAHER. I am here to speak on final passage, but as I do that I will remind the Speaker that I do have the ability during speaking on final passage to make a motion, and I am going to make the motion to rescind third consideration because there was at least one member seeking recognition. So I have made a motion, Mr. Speaker, to rescind third consideration.

The SPEAKER. If the gentleman would approach the rostrum as to why he wants to rescind the Chair's announcement.

At the rostrum, please, Mr. Maher.

The House will be at ease.

(Conference held at Speaker's podium.)

The SPEAKER. The House will come to order.

DECISION OF CHAIR RESCINDED

The SPEAKER. Without objection, the Chair rescinds its announcement that this bill was agreed to on third consideration.

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

The SPEAKER. The House will come to order.

FILMING PERMISSION

The SPEAKER. The Chair advises members that he has given permission to James Romeo of WGAL-TV to videotape with audio.

CONSIDERATION OF SB 1258 CONTINUED**RESCISSION OF SUSPENSION OF RULES**

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

Mr. VULAKOVICH. Mr. Speaker, I rise to make a motion to rescind the suspension of the rules on SB 1258.

The SPEAKER. The gentleman moves to rescind the suspension—

Mr. VULAKOVICH. Of the rules.

The SPEAKER. On SB 1258.

Mr. VULAKOVICH. Right.

I attempted to push the button and it would not function.

On the question,

Will the House agree to the motion?

The SPEAKER. The Chair recognizes the gentleman on the motion.

Mr. DeWEESE. As a courtesy—

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

Mr. DeWEESE. As a courtesy, the gentleman's switch was malfunctioning; I think it is operative now, and this side has no objection to allowing the gentleman to have another vote.

The SPEAKER. In the future, if there is an issue like this, the Chair invites members to come to the rostrum and inform them of that malfunction.

Those in favor of the motion to rescind will vote "yes"; those against the motion will vote "no."

On the question recurring,

Will the House agree to the motion?

(Members proceeded to vote.)

The SPEAKER. There is nothing in order but the taking of the roll.

The following roll call was recorded:

YEAS—189

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

Eachus	Levdansky	Quigley	Watson
Ellis	Longiotti	Quinn	Wheatley
Evans, D.	Mackereth	Rapp	White
Evans, J.	Maher	Raymond	Williams
Everett	Mahoney	Readshaw	Yewcic
Fabrizio	Major	Reed	Youngblood
Fairchild	Manderino	Reichley	Yudichak
Fleck	Mann	Roae	
Gabig	Mantz	Rock	O'Brien, D., Speaker
Galloway	Markosek	Roebuck	
Geist	Marshall	Rohrer	

NAYS—0

NOT VOTING—0

EXCUSED—14

Adolph	Clymer	Leach	Shapiro
Barrar	Frankel	Perry	Tangretti
Bastian	Freeman	Ramaley	Wojnaroski
Beyer	Josephs		

A majority of the members required by the rules having voted in the affirmative, the question was determined in the affirmative and the motion was agreed to.

RULE 24 SUSPENDED

The SPEAKER. The Chair recognizes Representative McCall, who moves to suspend rule 24 so that SB 1258 can move to final passage.

On the question,

Will the House agree to the motion?

The SPEAKER. Representative Maher, on the motion.

Mr. MAHER. Thank you, Mr. Speaker.

The SPEAKER. The gentleman will suspend.

The gentleman is not in order. The debate on the suspension is limited to the leaders, the maker of the motion, and the maker of the bill.

POINT OF ORDER

The SPEAKER. The gentleman will state his point of order.

Mr. MAHER. Thank you, Mr. Speaker.

I was rising for a point of order, and I thank you for the opportunity to offer it, which is earlier today we voted on a motion to suspend rules in order to bring SB 1258 to the floor for an immediate vote. That motion to suspend was defeated. The rules of the House provide that once a question has been defeated, it or questions of similar effect cannot be brought up again in the same session. Now, this motion is slightly different on the surface, but is entirely equal in effect to the earlier motion. Therefore, I believe that this motion is out of order and violates our rules. I would suggest that – in the interest of bipartisan harmony – that a motion to reconsider the earlier vote by which suspension was defeated would be in order and then that motion itself could be reconsidered, but to establish a new practice whereby one motion to suspend can be followed by another, by another, by another seems contrary to our rules.

Thank you, Mr. Speaker.

The SPEAKER. Under Mason's, section 282, a motion to suspend the rules may be renewed if there is intervening business.

For what purpose does the gentleman rise?

Mr. MAHER. Thank you, Mr. Speaker.

I rise to appeal the decision of the Chair. I believe that this is not a renewal of the earlier motion; this is a new motion. I would suggest a renewal could be accomplished through a reconsideration motion as I suggested. I just encourage— We can get to the same point; let us just follow the rules to head down that path.

The SPEAKER. The Chair has made no ruling. If the gentleman— In the interest of abbreviating this dialogue, the Chair will make a ruling. The Chair rules that the gentleman's motion to renew the motion to suspend the rules was in order.

The Chair recognizes Representative Maher.

Mr. MAHER. I am sorry, sir; I did not understand what you just said. Could you repeat it for me?

The SPEAKER. The Chair announced that the Chair had made no ruling for the gentleman to appeal. In order to abbreviate this dialogue, the Chair will make a ruling, and that is that the gentleman's motion to renew was in order.

Mr. MAHER. Which gentleman's— Which motion, sir? I am not following you.

Are you talking about Mr. McCall's motion?

The SPEAKER. The gentleman will suspend.

The gentleman, Representative McCall, renewed his motion. That motion is in order. That is the ruling of the Chair.

RULING OF CHAIR APPEALED

Mr. MAHER. Thank you, Mr. Speaker.

I would like to appeal the decision of the Chair.

The SPEAKER. The gentleman, Representative Maher, has appealed the decision of the Chair. The decision is that the gentleman, Representative McCall's motion to renew was in order.

On the question,

Shall the decision of the Chair stand as the judgment of the House?

The SPEAKER. Those voting to sustain the decision of the Chair will vote "aye"; those voting to overturn the decision of the Chair will vote "nay."

On the question recurring,

Shall the decision of the Chair stand as the judgment of the House?

The following roll call was recorded:

YEAS—95

Belfanti	George	Mann	Shimkus
Bennington	Gerber	Markosek	Siptroth
Bianucci	Gergely	McCall	Smith, K.
Bishop	Gibbons	McGeehan	Smith, M.
Blackwell	Goodman	McI. Smith	Solobay
Brennan	Grucela	Melio	Staback
Buxton	Haluska	Mundy	Sturla
Caltagirone	Hanna	Myers	Surra
Carroll	Harhai	O'Brien, M.	Taylor, R.

Casorio	Harkins	Oliver	Thomas
Cohen	Hornaman	Pallone	Vitali
Conklin	James	Parker	Wagner
Costa	Keller, W.	Pashinski	Walko
Cruz	Kessler	Payton	Wansacz
Curry	King	Petrarca	Waters
Daley	Kirkland	Petrone	Wheatley
DeLuca	Kortz	Preston	White
DePasquale	Kotik	Readshaw	Williams
Dermody	Kula	Roebuck	Yewcic
DeWeese	Lentz	Sabatina	Youngblood
Donatucci	Levdansky	Sainato	Yudichak
Eachus	Longiotti	Samuelson	
Evans, D.	Mahoney	Santoni	O'Brien, D., Speaker
Fabrizio	Manderino	Seip	
Galloway			

NAYS—94

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

NOT VOTING—0

EXCUSED—14

Adolph	Clymer	Leach	Shapiro
Barrar	Frankel	Perry	Tangretti
Bastian	Freeman	Ramaley	Wojnaroski
Beyer	Josephs		

The majority having voted in the affirmative, the question was determined in the affirmative and the decision of the Chair stood as the judgment of the House.

SUSPENSION OF RULE 24 CONTINUED

The SPEAKER. The Chair returns to the motion of Representative McCall.

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

The following roll call was recorded:

YEAS—140

Argall	Gerber	McGeehan	Santoni
Bear	Gergely	McI. Smith	Saylor
Belfanti	Gibbons	Melio	Scavello
Benninghoff	Gillespie	Micozzie	Seip
Bennington	Goodman	Miller	Shimkus
Biancucci	Grucela	Moul	Siptroth
Bishop	Haluska	Moyer	Smith, K.
Blackwell	Hanna	Mundy	Smith, M.
Brennan	Harhai	Myers	Smith, S.
Buxton	Harhart	Nickol	Solobay
Caltagirone	Harkins	O'Brien, M.	Staback
Carroll	Harper	Oliver	Stairs
Casorio	Harris	Pallone	Stevenson
Civera	Helm	Parker	Sturla
Cohen	Hennessey	Pashinski	Surra
Conklin	Hornaman	Payne	Taylor, J.
Costa	James	Payton	Taylor, R.
Cox	Keller, W.	Peifer	Thomas
Creighton	Kenney	Perzel	Turzai
Cruz	Kessler	Petrarca	Vitali
Curry	Killion	Petri	Vulakovich
Daley	King	Petrone	Wagner
Dally	Kirkland	Phillips	Walko
DeLuca	Kortz	Preston	Wansacz
DePasquale	Kotik	Quinn	Waters
Dermody	Kula	Readshaw	Watson
DeWeese	Lentz	Reed	Wheatley
DiGirolamo	Levdansky	Reichley	White
Donatucci	Longietti	Rock	Williams
Eachus	Mackereth	Roebuck	Yewcic
Evans, D.	Mahoney	Rohrer	Youngblood
Everett	Major	Ross	Yudichak
Fabrizio	Manderino	Rubley	
Fairchild	Mann	Sabatina	O'Brien, D.,
Galloway	Markosek	Sainato	Speaker
George	McCall		

NAYS—49

Baker	Gingrich	Marsico	Quigley
Boback	Godshall	McIlhattan	Rapp
Boyd	Grell	Mensch	Raymond
Brooks	Hershey	Metcalfe	Roae
Cappelli	Hess	Millard	Samuelson
Causer	Hickernell	Milne	Schroder
Cutler	Hutchinson	Murt	Sonney
Denlinger	Kauffman	Mustio	Steil
Ellis	Keller, M.K.	Nailor	Stern
Evans, J.	Maher	O'Neill	Swanger
Fleck	Mantz	Pickett	True
Gabig	Marshall	Pyle	Vereb
Geist			

NOT VOTING—0

EXCUSED—14

Adolph	Clymer	Leach	Shapiro
Barrar	Frankel	Perry	Tangretti
Bastian	Freeman	Ramaley	Wojnaroski
Beyer	Josephs		

A majority of the members required by the rules having voted in the affirmative, the question was determined in the affirmative and the motion was agreed to.

CONSIDERATION OF SB 1258 CONTINUED

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

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

(Bill analysis was read.)

The SPEAKER. The question is, shall the bill pass finally?
Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

The following roll call was recorded:

YEAS—140

Argall	Galloway	McCall	Sabatina
Bear	George	McGeehan	Sainato
Belfanti	Gerber	McI. Smith	Samuelson
Benninghoff	Gergely	Melio	Santoni
Bennington	Gibbons	Mensch	Saylor
Biancucci	Godshall	Metcalfe	Scavello
Bishop	Goodman	Micozzie	Schroder
Blackwell	Grucela	Milne	Seip
Boyd	Haluska	Moul	Siptroth
Brennan	Hanna	Moyer	Smith, M.
Buxton	Harhai	Murt	Smith, S.
Caltagirone	Harhart	Myers	Solobay
Casorio	Harkins	Nickol	Staback
Civera	Harper	O'Brien, M.	Stairs
Cohen	Harris	Oliver	Sturla
Conklin	Hennessey	Pallone	Surra
Costa	Hickernell	Parker	Taylor, J.
Cox	Hornaman	Payton	Taylor, R.
Creighton	James	Peifer	True
Cruz	Keller, W.	Perzel	Vereb
Curry	Kenney	Petrarca	Vulakovich
Cutler	Kessler	Petri	Wagner
Daley	Killion	Petrone	Walko
Dally	King	Phillips	Wansacz
DeLuca	Kortz	Preston	Waters
Denlinger	Kotik	Quigley	Watson
DePasquale	Kula	Quinn	Wheatley
Dermody	Lentz	Raymond	White
DeWeese	Levdansky	Readshaw	Williams
DiGirolamo	Longietti	Reed	Yewcic
Donatucci	Mackereth	Reichley	Youngblood
Eachus	Mahoney	Roae	Yudichak
Evans, D.	Major	Roebuck	
Evans, J.	Mann	Rohrer	O'Brien, D.,
Everett	Mantz	Ross	Speaker
Fabrizio	Markosek		

NAYS—49

Baker	Grell	McIlhattan	Rock
Boback	Helm	Millard	Rubley
Brooks	Hershey	Miller	Shimkus
Cappelli	Hess	Mundy	Smith, K.
Carroll	Hutchinson	Mustio	Sonney
Causer	Kauffman	Nailor	Steil
Ellis	Keller, M.K.	O'Neill	Stern
Fairchild	Kirkland	Pashinski	Stevenson
Fleck	Maher	Payne	Swanger
Gabig	Manderino	Pickett	Thomas
Geist	Marshall	Pyle	Turzai
Gillespie	Marsico	Rapp	Vitali
Gingrich			

NOT VOTING—0

EXCUSED—14

Adolph	Clymer	Leach	Shapiro
Barrar	Frankel	Perry	Tangretti
Bastian	Freeman	Ramaley	Wojnaroski
Beyer	Josephs		

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

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

The SPEAKER. The House will be at ease.

The House will come to order.

VOTE CORRECTION

The SPEAKER. The Chair recognizes the gentleman, Mr. Ellis.

Mr. ELLIS. Mr. Speaker, I would like to be recorded in the affirmative on SB 1258.

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

SUPPLEMENTAL CALENDAR F

BILL ON CONCURRENCE IN SENATE AMENDMENTS

The House proceeded to consideration of concurrence in Senate amendments to **HB 2294, PN 4525**, entitled:

An Act providing for the licensure of persons providing debt management services and for the powers and duties of the Department of Banking; requiring surety bonds; prohibiting certain fees and costs; providing for debt management plans; and prohibiting certain acts by persons providing debt management services.

On the question,
Will the House concur in Senate amendments?

The SPEAKER. The House will be at ease.

The House will come to order.

MOTION TO SUSPEND RULE 21(E)

Mr. D. EVANS. Mr. Speaker? Mr. Speaker?

The SPEAKER. The Chair recognizes Representative Evans.

Mr. D. EVANS. I would like to make a motion for suspension of the rules for the purpose of voting on HB 2294.

The SPEAKER. The Chair cannot hear the gentleman.

Mr. D. EVANS. Mr. Speaker, 2294, rule 24.

I would like to make a motion for suspension of the rules.

The SPEAKER. The gentleman, Representative Evans, moves to suspend rule 24, the 24-hour requirement, so that HB 2294, PN 4525, can be—

Mr. D. EVANS. Let me make a correction, Mr. Speaker.

My understanding is rule 21(e).

The SPEAKER. The gentleman, Representative Evans, moves to suspend rule 21(e) so that HB 2294, PN 4525, can be considered.

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

(Members proceeded to vote.)

LEAVE OF ABSENCE CANCELED

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

CONSIDERATION OF HB 2294 CONTINUED

Mr. D. EVANS. Mr. Speaker?

The SPEAKER. Nothing is in order but the calling of the roll.

Mr. D. EVANS. The minority leader, he can speak for himself, but he said they did not have a chance to caucus on this bill.

VOTE STRICKEN

The SPEAKER. The clerk will strike the vote.

The Chair is under the impression from the statement of Representative Evans that the minority leader, the minority caucus has not had a chance to caucus on this. That is why the Chair struck the vote.

BILL PASSED OVER TEMPORARILY

The SPEAKER. HB 2294 will be over temporarily.

The House will be at ease.

The House will come to order.

Mr. D. EVANS. Mr. Speaker? Mr. Speaker?

The SPEAKER. The House will come to order.

The Chair recognizes Representative Evans.

Mr. D. EVANS. HB 2200, Mr. Speaker; I would like to call that up for a vote, please.

Mr. McCALL. We would like to call up HB 2200.

The SPEAKER. The Chair thanks the gentleman.

RULE 21(E) SUSPENDED

Mr. McCALL. Mr. Speaker?

The SPEAKER. The Chair recognizes the majority whip, Representative McCall.

Mr. McCALL. Thank you, Mr. Speaker.

Mr. Speaker, I would like to suspend rule 21(e) for the immediate consideration of HB 2200.

The SPEAKER. The gentleman, Representative McCall, moves to suspend rule 21(e) for the immediate consideration of HB 2200, PN 4526.

LEAVE OF ABSENCE

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

SUSPENSION OF RULE 21(E) CONTINUED

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

The following roll call was recorded:

YEAS—157

Argall	Geist	Marsico	Rubley
Baker	George	McCall	Sabatina
Belfanti	Gerber	McGeehan	Sainato
Bennington	Gergely	McI. Smith	Santoni
Bianucci	Gibbons	McIlhattan	Saylor
Bishop	Gillespie	Melio	Scavello
Blackwell	Godshall	Mensch	Seip
Boback	Goodman	Micozzie	Shimkus
Brennan	Grucela	Miller	Siptroth
Brooks	Haluska	Moul	Smith, K.
Buxton	Hanna	Moyer	Smith, M.
Caltagirone	Harhai	Mundy	Smith, S.
Cappelli	Harhart	Mustio	Solobay
Carroll	Harkins	Myers	Sonney
Casorio	Harper	Nailor	Staback
Causer	Harris	Nickol	Stairs
Civera	Helm	O'Brien, M.	Stevenson
Cohen	Hennessey	Oliver	Sturla
Conklin	Hershey	Pallone	Surra
Costa	Hornaman	Parker	Taylor, J.
Cox	James	Pashinski	Taylor, R.
Cruz	Keller, W.	Payne	Thomas
Curry	Kenney	Payton	Vereb
Daley	Kessler	Peifer	Vitali
Dally	Killion	Perzel	Vulakovich
DeLuca	King	Petrarca	Wagner
DePasquale	Kirkland	Petri	Walko
Dermody	Kortz	Petrone	Wansacz
DeWeese	Kotik	Phillips	Waters
DiGirolamo	Kula	Pickett	Watson
Donatucci	Lentz	Preston	Wheatley
Eachus	Levdansky	Pyle	White
Evans, D.	Longietti	Quinn	Williams
Evans, J.	Mackereth	Ramaley	Yewcic
Everett	Mahoney	Rapp	Youngblood
Fabrizio	Major	Raymond	Yudichak
Fairchild	Manderino	Readshaw	
Fleck	Mann	Reed	O'Brien, D.,
Gabig	Markosek	Roebuck	Speaker
Galloway	Marshall	Ross	

NAYS—32

Bear	Hess	Millard	Rohrer
Boyd	Hickernell	Milne	Samuelson
Creighton	Hutchinson	Murt	Schroder
Cutler	Kauffman	O'Neill	Steil
Denlinger	Keller, M.K.	Quigley	Stern
Ellis	Maher	Reichley	Swanger
Gingrich	Mantz	Roae	True
Grell	Metcalfe	Rock	Turzai

NOT VOTING—0

EXCUSED—14

Adolph	Beyer	Josephs	Shapiro
Barrar	Clymer	Leach	Tangretti
Bastian	Frankel	Perry	Wojnaroski
Benninghoff	Freeman		

A majority of the members required by the rules having voted in the affirmative, the question was determined in the affirmative and the motion was agreed to.

BILL ON CONCURRENCE IN SENATE AMENDMENTS

The House proceeded to consideration of concurrence in Senate amendments to **HB 2200, PN 4526**, entitled:

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, further providing for director of operations, secretary, employees and consultants; repealing provisions relating to office of trial staff; further providing for bureaus and offices; providing for other bureaus, offices and positions; further providing for electric utility definitions; providing for energy efficiency and conservation program and for energy efficiency and conservation; further providing for duties of electric distribution companies and for market power remediation; and providing for procurement, for additional alternative energy sources and for carbon dioxide sequestration network.

On the question,
Will the House concur in Senate amendments?

MOTION TO SUSPEND RULES

The SPEAKER. The Chair recognizes Representative Saylor, who moves to suspend the rules to offer amendment A09788.

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

MOTION WITHDRAWN

The SPEAKER. The Chair recognizes Representative Saylor on the motion.

Mr. SAYLOR. Mr. Speaker, I am in support of HB 2200, and to move the process along today – I think there are a lot of things we can do to improve HB 2200 – but to move the process along, I am going to withdraw those amendments at this time, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,
Will the House concur in Senate amendments?

The SPEAKER. Representative George.
Mr. GEORGE. Thank you, Mr. Speaker.

I know that many on both sides of the aisle have been patiently waiting to vote for this bill in that the majority, regardless of who they are, want to see because of the times and the economic situation that this General Assembly do something more than what has been done for some reason, even in the

Federal government, in protecting our consumers and those individuals that have been having a tough time.

Mr. Speaker, I hope you do not challenge. It has been said that the road to hell is often paved with good intentions. Unfortunately, this might be the scenario that I have created with HB 2200. The truth of the matter is there is much more that many of us would have liked to have seen, but I urge you to support this bill in that we do have time, should we have a bill signed into law, to be able to add to it, as I know I myself might like to do.

I know the legislation, unfortunately, eliminates the Office of Trial Staff, and as I understand, the Office of Trial Staff acts not unlike the Consumer Advocate but their mission is much broader.

Little has been said on why this was done, and the short time I have had the amended bill precludes me from an answer. The legislation has a cap of 25 percent on long-term contracts, which I think is somewhat advised. However, my biggest concern with the procurement language is it gives the utility sole discretion over the length of long-term contracts, which are defined as "contracts of more than 4 years."

Together I know we want to encourage and assure our constituency that we have their interest and their best regard, and I would urge that as a total body that we say to these constituents, these people that are concerned with the economic times, this is what we have been able to get and we will continue to keep your interest in mind.

I would urge, Mr. Speaker, that we support this bill.

Thank you very much.

The SPEAKER. Representative Ross.

Mr. ROSS. Thank you, Mr. Speaker.

The Senate has actually approached this issue in a different way than I would have, but I notice that there are some elements in this bill that are actually very interesting and I think very helpful; in particular, the change in the responsibilities being offered to the Public Utility Commission. I think the Senate decided that they wanted to do that because they wanted to make sure that the Public Utility Commission would have the ability, clearly and understandably, to go beyond the mere targets that are being offered in this bill and also to reach out to other entities that might be interested in creating conservation and demand-side management. I encourage them to go ahead and do that for the good of the ratepayers as a whole, because in fact, conservation and demand-side management are the only realistic ways that we are going to help the ratepayers of Pennsylvania soften the blow for the upcoming repeal of price caps. It is critical for Pennsylvania because many other States have already gone far ahead of us in this area – New York, California. We are at risk of falling behind in a competitive marketplace. It is critical for us to be able to offer businesses that might want to locate here, low-income homeowners that are currently here, and the ratepayers – whether they be commercial, industrial, or residential – the best possible opportunity to use the power that we have most efficiently and most cheaply.

So I urge a positive vote on HB 2200. I urge the Public Utility Commission to take full advantage of the power that is being granted additionally to them here and to do the best by the ratepayers to improve and increase conservation and demand-side management, which will save us all lots of money.

Thank you, Mr. Speaker.

The SPEAKER. Representative Metcalfe.

Mr. METCALFE. Thank you, Mr. Speaker.

I have got a bonus for all the members; I am going to keep my comments short.

Mr. Speaker, I think that for us to suspend the rules on such a significant issue as this, with a 79-page bill that was just caucused on briefly, and which we had a limited amount of time and we even ran out of time to caucus the additional bills, I do not think that this really speaks well. I think it is actually an indictment of the process that we are using here, an indictment of the Reform Commission that the Speaker actually formed earlier this session.

Mr. Speaker, I think that passing HB 2200 today as we approach the dark of night once again, when many of our colleagues needed to leave for their own reasons, as was mentioned earlier today, I think that the membership list is getting shorter, and I do not think that we should be taking this vote up today. It is a vote that needs to be vetted more; it is a vote that needs to be read more. I think a 79-page bill that you are going to push through with a suspension of the rules is what a quarter of this Assembly ran against the last time they ran to get elected, Mr. Speaker. I think when they came in here and took that oath, and many of them served on your Reform Commission, I do not think they envisioned the end of session voting for a 79-page bill that was dropped on our desks at the last minute, that has severe impacts on the marketplace and, in my opinion and I know in many of my colleagues' opinions, will drive the costs up for consumers, not down.

Once again with our economy in the state that it is in, I think that to try and satisfy the radical leftist groups like the Sierra Club and others who actually endorse this, I think is a wrong move, Mr. Speaker. I think it is time to stand with the people of Pennsylvania. It is time to reject this government-mandated-type control of our energy market. It is time for energy independence, Mr. Speaker, and more government controls through this type of legislation will not deliver it. It is not the type of reform that the people of Pennsylvania expect. They like a different type of bonus; they like to be looked out for by the people that are supposed to be representing them.

Thank you, Mr. Speaker.

The SPEAKER. Representative Turzai.

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

With respect to HB 2200, I will support concurrence although I think that we could have had a much better bill from the Senate. There are some positive aspects to this and I think those override the negative aspects. I would like to point out that a bill that we had done with respect to our energy independence task force, lead by Representative Stan Saylor and Representative Scott Hutchinson, resulted in a bill, HB 2300, that I thought addressed electric rate stabilization really quite succinctly.

The issue really is, in the first instance, are we going to maintain the course with electric deregulation that started under Governor Ridge? The answer to that should be yes, and concededly, HB 2200 does reinforce the notion that we need to maintain electric deregulation. It will benefit, in the short term and long term, consumers, and secondly, it will benefit the energy industry in terms of job growth and meeting the needs of Pennsylvania's citizens. So in that first instance, HB 2200 is important because it continues to pursue electric deregulation started under Governor Ridge.

Now, part of that deals with this issue of procurement. Now, I know that that seems like, as it was to many of us a new

concept for many in understanding electric deregulation, but to this audience and to the listening audience, procurement is this: utilities and suppliers who sell you your electricity – and we all use electricity, right? We are plugging in toasters, TVs, and turning on lights. When we are doing that, we need to meet those energy demands that we have in our homes and our businesses. How can those that buy that electricity, how can we get that at the most reasonable price possible? The more that the utility companies and the suppliers have options in the market to be able to go out and get their product, the better they are able to provide that product to us at competitive prices.

This bill does, in many ways, follow HB 2300, introduced by myself and Representative Saylor, in terms of the options for procurement for utilities and suppliers from generators that can ultimately be passed on as savings to consumers. That is important.

One of the things that the bill does not do that many of us wish it did do; we wish it would have dealt with the potential for increases in a complete transition to electric deregulation. We are in the middle of that process, right?

Now, a lot of people think that as the, quote, unquote, "caps come off" that we automatically get these increased prices. That is not true. In the southwest, in the Duquesne Light territory, where I am from, actually prices went down in large part because of the ability to look for a product on the market in a competitive, free-market approach, and those savings have been passed on to consumers. That has not been true in all regions.

One of the things we would have liked to have seen is a phase-in or phase-out-type plan that would have allowed some consistency in terms of the transition to electric deregulation in parts of the State. That is not a component part of the plan. Now, I guess there is a good side to that. One of the good sides is because the Governor of this administration, as part of their mitigation plan or stabilization plan, there has been essentially a desire to, I would say, extort or shake down money from the energy companies. We have seen that in other paradigms with this administration, and I am glad to see that for now that is not part of this package, because speaking for myself and I think many of my colleagues on this side of the aisle, we do not want to be part of that racket, and that is good.

I am fearful that there is a second part coming to this that is going to be a shakedown or extortion of money from energy companies to put more dollars in the hands of government, elected officials, or bureaucrats so that they can be big shots around the State. I am hoping that that is not the case and that we are not seeing a second part to this.

I think also, in the procurement aspects of it, there are parts of the procurement package I think they would have been better off sticking with HB 2300's strict language. I think parts of it, arguably, do attempt or butt up against FERC (Federal Energy Regulatory Commission) or the Federal regulations that apply in this area, and I hope it does not present a constitutional or legal issue. I think HB 2300's language on procurement would have been better, and there was an opportunity for some diversified portfolio, for the lack of a better phrase, in terms of how utilities and suppliers get their product from generators, but nonetheless, broader procurement or more flexible procurement is important.

I do think that there are some opportunities for conservation education. I am not in favor of the mandate-type approach but the educational type of approach where consumers can make those decisions for themselves. But in the end, despite some

misgivings in this version versus the version that Representative Saylor and myself and the Republican Caucus put on the table, the fact of the matter is the three strongest points in favor of this bill are these: electric deregulation will continue and the free market is ultimately in place, and I think that you will see growth in the energy industry and jobs here. I think you will see more product getting to people and meeting the citizens' needs for energy in this State. I think also that the procurement aspects enhance that opportunity, and the fact is, even though they do not have a mitigation or a stabilization component to this, at least, thank goodness, there was not a shakedown or extortion component to this particular bill, and I am hoping we do not see it in the future.

Given that, I would urge a "yes" vote. If the Republicans had an opportunity in the House to forge this bill alone, I think it would look different, but at least it is some steps in the right direction, and I would urge a "yes" vote.

Thank you very, very much.

The SPEAKER. Representative Thomas.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, I am not going to take too long. I was surprised, though – and the last speaker did a pretty good job – I was surprised to hear him supporting a Bud George bill, but I guess if you stay around long enough, a lot of things can happen.

I want to first thank Representative George for his stewardship in helping to bring about the conservation component of HB 2200. The conservation component is a component that will help Pennsylvania achieve some level of independence, hold down costs, and benefit consumers in the long run. But there is a marketplace component to HB 2200 which is extremely troubling, and it is that marketplace and it is that maintaining this environment of deregulation that is troubling.

If the events of the last couple weeks, the events facing this country and facing the financial markets across the world, if we did not learn anything else, we learned that deregulation is not a good thing for consumers, that we need to always be mindful of the impact on the people that we represent. It is this maintenance of this deregulation that causes me grave concern, and I hope that whatever happens with HB 2200 – and I am not promoting HB 2200 – but whatever happens with HB 2200, I ask Representative George, the author, I ask Representative Preston, the chair of Consumer Affairs, and I ask leadership from both sides to let us not take our eyes off of the ball. There are too many people in Pennsylvania that are literally sitting in darkness as we speak because they are unable to pay for electricity, gas, or any utilities, and we did not help them in December of 2004 when we gave the utility companies unfettered authority to turn on and turn off consumers' utilities almost at will.

So I hope that Representative George, Representative Preston, leadership from the minority side, that we do not take our eyes off of this ball and that at the end of the day, we do not step away from putting people over politics, from looking out for the interests of the people that we represent. I am excited that jobs will be created. I am excited with how energy will be conserved, but I am troubled by the current situation facing people all over Pennsylvania with respect to electricity and heat, and I am concerned about how the marketplace and deregulation are going to aggravate an already bad situation.

Thank you, Mr. Speaker.

The SPEAKER. Representative Reichley.

Mr. REICHLEY. Thank you, Mr. Speaker.

The hour is late respectively with our legislative day here. While it might be tempting to go through a lot of questioning, I think it is better just to put on the record my remarks regarding this legislation.

Quite frankly, Mr. Speaker, I think we are ducking our responsibility, but all we have heard from our constituents over the last few weeks and months is the need to address this question of whether rate caps will be extended, which I think is an unconstitutional provision and therefore illegal, or whether we are going to do something about mitigating the impact of increased prices at the end of 2009.

I think even the chairman, the majority chairman of the Environmental Committee would admit this legislation does not do one iota to address the issue of a mitigated rate structure. We received this bill 2 hours ago. It is 79 pages long. It is a huge power grab that we would authorize to the Public Utility Commission, and we are avoiding our responsibility to ensure for our constituents that we are mitigating, or lessening, the blow of rate increases starting in 2010.

In addition, some of our members know there is a separate regulatory body, the Federal Energy Regulatory Commission, which has exclusive purview under wholesale electricity rates. This legislation would seek to provide the Public Utility Commission of Pennsylvania with the comparable authority to interfere in the contracts by which wholesale electricity prices are set. Mr. Speaker, based upon correspondence I have had with the Public Utility Commission, that could potentially be unconstitutional.

I do not understand why we are in such a rush now at this eleventh hour to try to sell our constituency on the idea that we did something big when in fact we have done nothing except turn over our responsibility to the Public Utility Commission. They are certainly very well versed in these areas, but I do not think that serves as a justification for us to duck a tough one here. We still need to come back to this issue of mitigated rate structure, and instead of trying to suspend the rules and review a 79-page bill in less than 2 hours' time, we should have taken the opportunity to delay consideration of this bill. This chamber at least has had the guts to come back in November to consider tough pieces of legislation – the chamber on the other side of the building should have done the same thing – and we should be prepared to consider this kind of legislation in November and in January rather than rushing something through. I understand it is tempting to tell people, oh, we did something on electricity rates. With all due respect, you have done nothing.

So I would urge a "no" vote on this legislation. Thank you.

The SPEAKER. Representative McCall.

Mr. McCALL. Thank you, Mr. Speaker.

Mr. Speaker, I would ask that we concur in the Senate amendments.

I would agree with a lot of the previous speakers that this is a major first step. However, we are far from done in addressing the issues that the people of Pennsylvania want us to address. I think when you look at this legislation, it has been around the chamber now for 22 months, and I know a lot of our members really did not know what energy conservation was, demand-side management, smart meters, procurement, but in those 22 months we have all become well educated.

And one of the important aspects of this legislation is certainly what we are doing in conservation and demand-side management, because if we do not say to our utility companies

that we want you to further conserve and tell our constituents that we want them to cut down on demand and put together a plan to do that— We talk about rate mitigation; the cost to build the utilities that we will need in the next 20 or 30 years will far outweigh any cost of rate mitigation to our citizens. The cost to build more generation facilities is to the tune of \$20 to \$30 billion over the next 20 years. It is a cost that we cannot afford.

This legislation addresses that in saying to our utilities that we want you to conserve energy, and as a matter of fact, the bill that the Senate sent back to us is stronger than what we sent over to the Senate. The goals that they set are more stringent than the goals that we passed originally in this House of Representatives, and I think that in fact is a good thing.

This legislation is environmentally friendly and civically responsible because it also helps with the emissions and the clean-air concerns that many of us have with generation here in this Commonwealth.

We have not talked about what we are doing in the alternative energy portfolio as well, including low-impact hydropower plants to go online and put them into our first tier, or Tier I, of our alternative energy portfolio as well as defining what biomass is and allowing wood pulp and black liquor for electric generation and putting that into Tier I as well.

And then for all of those who are concerned about coal, what we are doing with clean coal technology: in doing a study to identify geological formations, doing a risk assessment and determining the viability of carbon sequestration in Pennsylvania so we can really capture some of these new and emerging technologies and put clean coal technology on the forefront of what we do here in Pennsylvania for generations.

So, Mr. Speaker, certainly it is not a perfect bill but it is a great first step, and the thing that I know we will all come back to in January is to work on a very aggressive rate mitigation plan, and that is the commitment that a lot of us have made when we started to work on HB 2200, to get that done, and we will get it done in the coming year.

I would ask the members to support HB 2200.

The SPEAKER. Representative Mensch.

Mr. MENSCH. Thank you, Mr. Speaker.

I would like to echo some of the sentiments that were just offered by the previous speaker. This is not the best bill that it could be, but I believe that it provides some benefits, and I think those benefits do outweigh the negatives.

The previous speaker mentioned that his primary goal, and I would agree with him, of this bill is to see that we lower the costs to our consumers and we do that in a free market and a competitive way. I think that is the important point that the previous speaker offered.

There is a lot of discussion when we talk about rate caps and we talk about mitigation that we focus too much on what I consider to be a red herring, and that is, do we regulate or do we deregulate? Certainly in today's economic climate there is some concern about regulation, but we cannot forget that we are in this position we are in with rate caps simply because of regulation.

I would also suggest that the economic landscape of our country is littered with bad examples of governments trying to regulate economic processes. All we have to do is look at the railroads as one example, Mr. Speaker. The railroads no longer really are a viable option for us because trucking was

deregulated at the same time that railroad regulation was strengthened.

I would also suggest in an environment that I lived for 35 years, the telecom industry, we had regulation that forced one company to compete in a very regulated environment while the rest of the companies were completely unregulated, and today all they did was bilk our investors out of billions of dollars. Where is MCI? Where is Adelphia? Where are these other companies today? They no longer exist.

So, Mr. Speaker, my comment is, let us move forward with HB 2200, but let us not focus on the wrong issue. Let us not focus on the regulation. Let us focus on the benefit that we can provide to the ratepayers in Pennsylvania. How do we get them the most affordable electric service in a competitive environment? I think we do that, Mr. Speaker, by taking the first step with HB 2200.

I agree with the previous speaker that in January this body needs to aggressively pursue a strategy for mitigation. Now, the electric companies themselves are already beginning to do that. That is truly the way to encourage it, but for those who cannot or will not, then we need to intercede. But again, I think we need to move cautiously in this whole area of regulation.

So, Mr. Speaker, with that I will suggest that we consider very strongly to concur on HB 2200 and begin the first step. Thank you.

LEAVES OF ABSENCE CANCELED

The SPEAKER. The Chair recognizes the presence of Representative Perry and Representative Barrar on the floor. Their names will be added to the master roll.

CONSIDERATION OF HB 2200 CONTINUED

On the question recurring,

Will the House concur in Senate amendments?

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

The following roll call was recorded:

YEAS—186

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

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

NAYS—4

Hutchinson	Maher	Metcalfe	Reichley
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NOT VOTING—1

Thomas

EXCUSED—12

Adolph	Beyer	Freeman	Shapiro
Bastian	Clymer	Josephs	Tangretti
Benninghoff	Frankel	Leach	Wojnaroski

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

The SPEAKER. The House will be at ease.

The House will come to order.

RULE 21(E) SUSPENDED

Mr. McCALL. Mr. Speaker?

The SPEAKER. The Chair recognizes Representative McCall.

Mr. McCALL. Thank you, Mr. Speaker.

Mr. Speaker, I would like to suspend rule 21(e) for the purpose of immediately considering HB 1096, HB 2294, HB 2629, and HB 2525.

The SPEAKER. The gentleman, Representative McCall, moves to suspend House rule 21(e) for the immediate consideration of HB 1096, HB 2294, HB 2525, and HB 2629.

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

The SPEAKER. The Chair recognizes the minority leader, Representative Smith, on the motion to suspend.

Mr. S. SMITH. Mr. Speaker, I rise to support the motion to suspend the rules.

And for the information of the members, it is my understanding that there will be these four bills and then two other bills that are in order timely that will not require a suspension of the rules that would pretty much conclude the bills to be voted.

So I support the motion to suspend the rules.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—160

Argall	Gergely	McCall	Rubley
Baker	Gibbons	McGeehan	Sabatina
Barrar	Gingrich	McI. Smith	Sainato
Belfanti	Godshall	McIlhattan	Santoni
Bennington	Goodman	Melio	Saylor
Bianucci	Grucela	Mensch	Scavello
Bishop	Haluska	Micozzie	Seip
Blackwell	Hanna	Millard	Shimkus
Boback	Harhai	Miller	Siptroth
Brennan	Harhart	Moul	Smith, K.
Buxton	Harkins	Moyer	Smith, M.
Caltagirone	Harper	Mundy	Smith, S.
Carroll	Harris	Mustio	Solobay
Casorio	Helm	Myers	Sonney
Civera	Hennessey	Nickol	Staback
Cohen	Hershey	O'Brien, M.	Stairs
Conklin	Hess	Oliver	Stern
Costa	Hornaman	Pallone	Stevenson
Creighton	James	Parker	Sturla
Cruz	Keller, M.K.	Pashinski	Surra
Curry	Keller, W.	Payne	Taylor, J.
Daley	Kenney	Payton	Taylor, R.
Dally	Killion	Peifer	Thomas
DeLuca	King	Perzel	Turzai
DePasquale	Kirkland	Petrarca	Vereb
Dermody	Kortz	Petri	Vitali
DeWeese	Kotik	Petrone	Vulakovich
DiGirolamo	Kula	Phillips	Wagner
Donatucci	Lentz	Pickett	Walko
Eachus	Levdansky	Preston	Wansacz
Ellis	Longietti	Pyle	Waters
Evans, D.	Mackereth	Quigley	Wheatley
Evans, J.	Maher	Quinn	White
Everett	Mahoney	Ramaley	Williams
Fabrizio	Major	Raymond	Yewcic
Fairchild	Manderino	Readshaw	Youngblood
Fleck	Mann	Reed	Yudichak
Galloway	Mantz	Reichley	
Geist	Markosek	Roebuck	O'Brien, D.,
George	Marshall	Ross	Speaker
Gerber	Marsico		

NAYS—30

Bear	Gillespie	Murt	Rohrer
Boyd	Grell	Nailor	Samuelson
Brooks	Hickernell	O'Neill	Schroder
Causar	Hutchinson	Perry	Steil
Cox	Kauffman	Rapp	Swanger
Cutler	Kessler	Roae	True
Denlinger	Metcalfe	Rock	Watson
Gabig	Milne		

NOT VOTING—1

Cappelli

EXCUSED—12

Adolph	Beyer	Freeman	Shapiro
Bastian	Clymer	Josephs	Tangretti
Benninghoff	Frankel	Leach	Wojnaroski

A majority of the members required by the rules having voted in the affirmative, the question was determined in the affirmative and the motion was agreed to.

BILLS ON CONCURRENCE IN SENATE AMENDMENTS

The House proceeded to consideration of concurrence in Senate amendments to **HB 2525, PN 4524**, entitled:

An Act amending the act of December 7, 1982 (P.L.784, No.225), known as the Dog Law, further providing for definitions, for issuance of dog licenses, for applications for dog licenses, for license certificates, for kennels, for requirements for kennels, for out-of-State dealer license, for bills of sale, for revocation, suspension or refusal of kennel licenses, for transportation of dogs, for health certificates for importation, for inspections of premises and dogs and for additional duties of department; providing for refusal of entry and for the Canine Health Board; further providing for seizure and detention of dogs, for confinement of dogs, for dog bites, for registration, for certain requirements, for control of dangerous dogs, for public safety, for selling, bartering or trading dogs, for damages caused by coyotes, for burdens of proof, for enforcement and for violations; providing for exemption; further defining "releasing agency"; and making editorial changes.

On the question,

Will the House concur in Senate amendments?

LEAVE OF ABSENCE

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

CONSIDERATION OF HB 2525 CONTINUED

The SPEAKER. Representative Stern.

Mr. STERN. Thank you, Mr. Speaker.

Mr. Speaker, I understand that the Senate made some significant changes to HB 2525 including some of the provisions that failed here on the House floor, and certainly I do believe that these changes are worthwhile and worthy. However, Mr. Speaker, I still think that this bill establishes standards that if good for the dogs in commercial kennels, they should be good for dogs in all kennels.

The bill is very clear that the new standards only apply to certain dogs because of how their owner does business, and there does not seem to be any authority to establish any similar standards for other dogs. It seems if the Governor truly wanted to protect the animals that end up in our homes, he would apply the same standards to the nonprofit shelters and to all dog breeders.

I refer you to page 33, line 5, of the bill and all the language that follows up to and including page 45, line 14, Mr. Speaker. These 12 pages include language to regulate "Kennel Class C license holders only," the additional protections relating to such things as regulating the primary enclosure structures including height, length, materials, and this list goes on and on; I am not going to read it here this evening. Ensuring compatibility of dogs within the same enclosure; requiring a veterinarian-client-patient relationship; applying strict standards for heating, cooling, and exchange of air; strict standards for odor abatement; lighting requirements; availability of food and water; applying specific sanitary conditions and pest control; requiring availability of exercise areas. All of these restrictions and more only apply to commercial kennel operators, Mr. Speaker. They do not apply to nonprofit kennels, boarding kennels, rescue kennels, or any other entity that is covered by this act.

Now, Mr. Speaker, the last time I checked, a dog is a dog is a dog. However, HB 2525 effectively says that only dogs in this Commonwealth that are entitled to these added protections are those that are housed in commercial kennels.

Mr. Speaker, I have additional comments that I will submit for the record.

REMARKS SUBMITTED FOR THE RECORD

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

Mr. Speaker, I understand that the Senate made some significant changes to HB 2525, including some provisions that failed here on the House floor. Certainly, I think those changes are worthy.

However, Mr. Speaker, I still think this bill establishes standards that if good for the dogs in commercial kennels, should be good for dogs in all kennels. The bill is very clear that the new standards only apply to certain dogs because of how their owner does business and there does not seem to be any authority to establish any similar standards for other dogs.

It seems if the Governor truly wanted to protect the animals that end up in our homes, he would apply the same standards to the nonprofit shelters and to all dog breeders.

I refer you to page 33, line 5, of the bill and all the language that follows, up to and including page 45, line 14, Mr. Speaker.

These 12 pages include language to regulate "Kennel Class C license holders only." The additional protections relating to such things as:

- Regulating the primary enclosure structures (including height, length, materials...the list goes on and on.)
- Ensuring compatibility of dogs within the same enclosure.
- Requiring a veterinarian-client-patient relationship.
- Applying strict standards for heating, cooling, and exchange of air.
- Strict standards for odor abatement.
- Lighting requirements.
- Availability of food and water.
- Applying specific sanitary conditions and pest control.
- Requiring availability of exercise areas.

All of these restrictions (and more) only apply to commercial kennel operators, Mr. Speaker. They do not apply to nonprofit kennels, boarding kennels, rescue kennels, or any other entity regulated by this act.

Now, Mr. Speaker, the last I checked, a dog is a dog is a dog. However, HB 2525 effectively says that the only dogs in the Commonwealth that are entitled to these added protections are those that are housed in commercial kennels.

Yet standards to protect against such harms as pest infestation, inadequate kennel size, inadequate availability of exercise facilities, spoiled food and bad water, Mr. Speaker, all impact the health and welfare of the dogs regardless of where they live. The type of harm that the prime sponsor intends to prevent by adding these additional "protections" for dogs in commercial kennels is the same type of harm that can come to dogs in nonprofit and rescue kennels.

I have heard from proponents of this legislation that these commercial kennels need to be more heavily regulated because the dogs from these kennels eventually find their way into people's homes. But, Mr. Speaker, I would venture to say that a large percentage of family dogs in Pennsylvania came from small, unregulated breeders, and rescue or nonprofit kennels.

When faced with an issue like this, where the Commonwealth chooses to make distinctions between classes of persons, courts must determine whether such classifications are constitutional under the Federal and Pennsylvania constitutional protection of equal protection under the law.

The equal protection clause of the 14th Amendment of the United States Constitution in pertinent part provides:

"No State shall...deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

Article I, section 1, of the Pennsylvania Constitution provides for similar protections.

Now, Mr. Speaker, I will not venture a guess as to whether this legislation is intended to target a discrete and insular minority (like the Amish, for example). If so, courts are loath to uphold such laws and apply the strictest of scrutiny to such classifications.

But given the plain language of HB 2525, there can be no question that the Commonwealth is treating commercial kennel operators with a heavy hand, while refusing to apply these same standards to any other type of kennel.

Such a classification, Mr. Speaker, sets up a situation in which the Commonwealth's policy must pass a rational basis test. Effectively, the classification must be reasonably related to a legitimate governmental purpose.

Since some of the hard-core advocates of this legislation are prone to refer to their pets as "their children," I would like to remind the members of the House of an instance in which our courts were called upon to apply an equal protection analysis. This Friday marks the 13th anniversary of the Pennsylvania Supreme Court's decision in *Curtis v. Kline*.

In 1995 our court was presented with a situation where a noncustodial parent was compelled by statute to pay for the postsecondary (college) costs of a child. Effectively, the PA Supreme Court was called upon to determine whether a child in one circumstance was entitled to greater protection under the law than a child in another circumstance.

In its analysis, the court applies a test to determine "whether any classification is founded on a real and genuine distinction rather than an artificial one." Much like this instance, the court held the law up to a rational basis test.

If you read Justice Zappala's opinion, he concluded that "Ultimately, we can conceive of no rational reason why those similarly situated with respect to needing funds for college education, should be treated unequally...."

Mr. Speaker, the Governor has made no secret that his goal, as reported most recently by his Agriculture Department press secretary, is to strengthen Pennsylvania dog laws and improve standards for the health and safety of dogs in commercial breeding kennels without affecting other types of kennels that house dogs.

I submit to you, Mr. Speaker, that if this legislation as currently written reaches the courts, and I believe that it will in relatively short order, we should not be surprised when the court finds absolutely no rational basis whatsoever in allowing the disparate treatment of animals merely because one entity is engaged in a commercial enterprise and another is not.

Mr. Speaker, I agree that standards could and should be improved, but ignoring the standards for all dogs in kennels seems to do a great disservice to an entire population of pets and likely violates the equal protection clause of the Pennsylvania and U.S. Constitutions.

For that reason, Mr. Speaker, I intend to cast a "no" vote.

Mr. STERN. But in my conclusion in my remarks here this evening, Mr. Speaker, the Governor has made no secret that his goal, as reported most recently by his Agriculture Department press secretary, is to strengthen Pennsylvania dog laws and improve the standards for the health and the safety of dogs in commercial breeding kennels without affecting other types of kennels that house dogs.

I submit to you, Mr. Speaker, that if this legislation as currently written reaches the courts, and I believe that it will in relatively short order, we should not be surprised when the court finds absolutely no rational basis whatsoever in allowing this disparate treatment of animals because one entity is engaged in a commercial enterprise and another is not.

Mr. Speaker, I agree that standards should and have been improved, but ignoring the standards for all dogs in kennels seems to do a great disservice to an entire population of pets and likely violates the equal protection clause of the Pennsylvania and U.S. Constitutions. For that reason, Mr. Speaker, I intend to cast a "no" vote.

The SPEAKER. Representative Stairs.

Mr. STAIRS. Thank you, Mr. Speaker.

I recognize that the Senate has made improvements to this bill, HB 2525, and I appreciate the work that went into developing it. I do support many of the provisions it contains because it will improve the conditions for dogs, and I say, in certain kennels, and I want to amplify that term, "certain kennels." However, I have remaining concerns, and that is why I am going to vote against this legislation.

I am concerned that the penalties are excessive, especially with the addition of civil penalties that seem to be designed to put certain kennels out of business. I am concerned that only currently licensed kennels may apply for indoor exercise areas if local zoning prohibits outdoor exercise and the Secretary may deny these requests.

I am concerned that private kennels have a higher level of protection than other types of kennels as related to search warrants. I am concerned about the violation of private property rights that can occur under these provisions. I am concerned that the standards established for dogs in commercial kennels do not apply to dogs in all kennels. I am especially concerned that the new standards do not apply to nonprofit kennels from which many pets are adopted to live in our homes.

Mr. Speaker, if this bill is intended to address the problem of proper care of dogs, it should apply to all dogs. And, Mr. Speaker, I am fearful that once we enact this legislation that the day in court will soon come and the courts will deem, with the irregularities of the bill and the lack of fairness, that it would be declared unconstitutional.

So I oppose it and very, very sadly do oppose it, because I do want to help the dogs of our Commonwealth.

Thank you, Mr. Speaker.

The SPEAKER. Representative Thomas.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, I rise to support concurrence on HB 2525.

I want to thank Representative Casorio for his leadership and his vision, and I want to thank the Governor's Office and thank all of the members of the majority and minority parties that came together on this very necessary legislative prescription.

I especially want to thank everybody for a provision that I offered, which is still in the bill, especially those of you from urban populations of Pennsylvania – Philadelphia, Pittsburgh, and other places in Pennsylvania, and maybe some places in suburban and rural Pennsylvania, but in urban Pennsylvania, we have these young thugs who will go around and use certain dogs to intimidate folks in order to carry out their drug trafficking or carry out their violence. I wanted to put a stop to that in Philadelphia and other places. So a provision in this bill says to these young thugs, primarily, that if your dog, if your dog is declared dangerous, you cannot bring that dog out without a muzzle on its mouth or you cannot keep that dog in the backyard or in an open area without its mouth being covered, and I think that that is going to help tremendously in reducing acts of intimidation and even reducing attacks that these dogs have made on children and have made on other people in our communities.

So I want to thank all of the authors of this excellent piece of legislation, and I ask for your support from my colleagues on both sides of the aisle. Thank you.

The SPEAKER. Representative Hanna.

Mr. HANNA. Thank you, Mr. Speaker.

I rise to urge concurrence on HB 2525. While the amendments of the Senate have watered-down provisions of this bill, it still is a good bill and is a great step forward for the regulation of these kennels.

I do want to respond to some of the concerns that were raised earlier by other members. The Department of Agriculture took over 14,000 public comments and the House Agriculture Committee took hours and hours of testimony, and if I could summarize the most important point that we were told, it would be this: that the original effort to change the regulation was too broad in that it attacked all kennels rather than just the problem kennels. We were told to focus, focus on the problem kennels, and that is what this legislation does as it addresses large commercial kennels, and that is why the legislation has taken that focus.

Again, I would urge concurrence, as this is a good piece of legislation that addresses the problem as it exists here in Pennsylvania today.

Thank you, Mr. Speaker.

The SPEAKER. Representative Eachus.

Mr. EACHUS. Thank you, Mr. Speaker.

I would just like to rise and say that HB 2525 is an advancement in the humane treatment of animals within this Commonwealth. We have had some sense externally across the country that Pennsylvania was the place where we did not value domestic dogs that were being raised in kennels. This advances the cause for the humane treatment of animals and really relinquishes some of the tough press.

This will help make sure that Pennsylvania moves forward in the humane treatment of animals. I just wanted to rise for a moment on concurrence. Thank you.

The SPEAKER. Representative Casorio.

Mr. CASORIO. Thank you, Mr. Speaker.

I will be brief. Thank you. Thank you very much.

I just want to take this moment to thank those on both sides of the aisle that have stood with us on this very important issue.

This is the day that we eliminate the black eye of Pennsylvania being the puppy mill capital of the East.

Mr. Speaker, 181 to 17 this bill passed the House. This bill passed the Senate 49 to 1. We have the Governor's assurance and certainty that he will sign this bill.

Again, I want to thank those folks on the other side of the aisle and my side of the aisle that have fought so hard, the constituents that have reached out to their members of the General Assembly and let them know that the mistreatment of thousands and thousands and thousands of dogs kept in deplorable, barbaric, inhumane, cruel, and draconian conditions will no longer stand in Pennsylvania, Mr. Speaker. I would strongly urge an affirmative vote on HB 2525.

Thank you, Mr. Speaker.

On the question recurring,

Will the House concur in Senate amendments?

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

The following roll call was recorded:

YEAS—183

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

Fairchild	Mantz	Reed	Yudichak
Gabig	Markosek	Reichley	
Galloway	Marshall	Roae	O'Brien, D.,
Geist	Marsico	Rock	Speaker
George			

NAYS—7

Cappelli	Hutchinson	Smith, S.	Stern
Fleck	Metcalfe	Stairs	

NOT VOTING—0

EXCUSED—13

Adolph	Clymer	Hershey	Shapiro
Bastian	Frankel	Josephs	Tangretti
Benninghoff	Freeman	Leach	Wojnarowski
Beyer			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

LEAVES OF ABSENCE

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

CONSIDERATION OF HB 2294 CONTINUED

On the question recurring,
Will the House concur in Senate amendments?

The SPEAKER. Representative Mark Cohen.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, I am going to support HB 2294, but I would like to read a short letter into the record from the Consumer Credit Counseling Service of Pennsylvania that was sent to the Senate because it clarifies the issues and perhaps gives us some sort of direction for the future. The letter from the credit counseling agency to the Senate reads as follows: "We appreciate your efforts in hearing our concerns regarding House Bill 2294.

"Our position on the issue of permitting for-profit companies to offer credit counseling to Pennsylvania's consumers has remained consistent: We oppose such a move because we believe it has the potential to harm consumers. However, when we learned the bill was likely to be passed, we began an energetic endeavor to educate our representatives about steps they could take to minimize that harm.

"House Bill 2294 moved quickly through the State House of Representatives, despite the concerns raised by the nonprofit community. Fortunately, through the work of State Senators Jay Costa, Jim Ferlo, Vincent Fumo, Stewart Greenleaf, Michael Stack, Connie Williams and their staff members, the bill's fast track was slowed so that the concerns of Pennsylvania's nonprofit credit counseling agencies could be heard.

"These agencies submitted amendments to the Senators, who, in turn, were able to develop a comprehensive amendment (A09563) that addresses a considerable number of the issues raised. We support the amendment (A09563) being proposed to House Bill 2294, and believe it represents significant improvements to the legislation.

"We are grateful for your support, and look forward to working with you in the future to ensure that current and proposed legislation has protections for Pennsylvania consumers who are facing financial challenges."

This letter is signed by Stephen J. Piotrowski, the president and CEO (chief executive officer) of Advantage Credit Counseling Service; Patricia Hasson, the president and CEO of the Consumer Credit Counseling Service of Delaware Valley; and Michael Elick, president and CEO of CCCS of Northeastern Pennsylvania.

I think the record should show their support, and I will be voting for concurrence.

The SPEAKER. Representative Thomas. The gentleman waives off.

Representative Maher.

Mr. MAHER. Thanks.

Credit counseling is a great thing, and I am just wondering if under this bill – and I do not know if there is somebody over there who might be able to answer this – but under this bill, would the majority Appropriations chairman be eligible for credit counseling for Pennsylvania's dire economic state?

Because I think we know that this budget that was passed this year is going to be a billion dollars or more out of whack. Pennsylvania is not really going to be able to pay its bills. I would hope that the Appropriations chairman, who has attended to credit counseling for others, might give some thought to credit counseling for the Appropriations majority members. Thank you.

On the question recurring,

Will the House concur in Senate amendments?

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

The following roll call was recorded:

YEAS-172

Argall	Galloway	McGeehan	Ross
Baker	Geist	McI. Smith	Rubley
Barrar	George	McIlhattan	Sabatina
Bear	Gerber	Melio	Sainato
Belfanti	Gergely	Mensch	Samuelson
Bennington	Gibbons	Metcalfe	Santoni
Biancucci	Gillespie	Millard	Saylor
Bishop	Godshall	Miller	Scavello
Blackwell	Goodman	Milne	Schroder
Boback	Grucela	Moul	Seip
Boyd	Haluska	Moyer	Shimkus
Brennan	Hanna	Mundy	Siptroth
Brooks	Harhai	Murt	Smith, K.
Buxton	Harhart	Mustio	Smith, M.
Caltagirone	Harkins	Myers	Smith, S.
Cappelli	Harper	Nailor	Solobay
Carrroll	Harris	Nickol	Sonney
Casorio	Helm	O'Brien, M.	Staback
Causser	Hennessey	O'Neill	Stairs
Civera	Hess	Oliver	Steil
Cohen	Hickernell	Pallone	Stern
Conklin	Hornaman	Pashinski	Stevenson

Costa	Hutchinson	Payne	Sturla
Cox	James	Payton	Surra
Creighton	Keller, W.	Peifer	Swanger
Cruz	Kenney	Perry	Taylor, J.
Curry	Kessler	Perzel	Taylor, R.
Cutler	Killion	Petrarca	True
Daley	King	Petrone	Vereb
Dally	Kirkland	Phillips	Vulakovich
DeLuca	Kortz	Pickett	Wagner
Denlinger	Kotik	Preston	Walko
DePasquale	Kula	Quigley	Wansacz
Dermody	Lentz	Quinn	Waters
DeWeese	Levdansky	Ramaley	Wheatley
DiGirolamo	Longietti	Rapp	White
Donatucci	Mackereth	Raymond	Williams
Eachus	Mahoney	Readshaw	Yewcic
Ellis	Major	Reed	Youngblood
Evans, D.	Mann	Reichley	Yudichak
Evans, J.	Mantz	Rock	
Fabrizio	Markosek	Roebuck	O'Brien, D.,
Fairchild	Marshall	Rohrer	Speaker
Fleck	McCall		

NAYS-16

Everett	Kauffman	Marsico	Thomas
Gabig	Keller, M.K.	Parker	Turzai
Gingrich	Maher	Pyle	Vitali
Grell	Manderino	Roae	Watson

NOT VOTING-0

EXCUSED-15

Adolph	Clymer	Josephs	Shapiro
Bastian	Frankel	Leach	Tangretti
Benninghoff	Freeman	Micozzie	Wojnaroski
Beyer	Hershey	Petri	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

* * *

The House proceeded to consideration of concurrence in Senate amendments to **HB 2629, PN 4517**, entitled:

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

On the question,

Will the House concur in Senate amendments?

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

The following roll call was recorded:

YEAS-188

Argall	George	McCall	Ross
Baker	Gerber	McGeehan	Rubley
Barrar	Gergely	McI. Smith	Sabatina
Bear	Gibbons	McIlhattan	Sainato
Belfanti	Gillespie	Melio	Samuelson
Bennington	Gingrich	Mensch	Santoni
Biancucci	Godshall	Metcalfe	Saylor

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

NAYS-0

NOT VOTING-0

EXCUSED-15

Adolph	Clymer	Josephs	Shapiro
Bastian	Frankel	Leach	Tangretti
Benninghoff	Freeman	Micozzie	Wojnaroski
Beyer	Hershey	Petri	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

* * *

The House proceeded to consideration of concurrence in Senate amendments to **HB 1096, PN 4527**, entitled:

An Act amending the act of November 10, 1999 (P.L.491, No.45), known as the Pennsylvania Construction Code Act, further providing for definitions; establishing the Uniform Construction Code Review and Advisory Council; and further providing for revised or successor codes and for training of inspectors.

On the question,
Will the House concur in Senate amendments?

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

The following roll call was recorded:

YEAS-188

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

NAYS-0

NOT VOTING-0

EXCUSED-15

Adolph	Clymer	Josephs	Shapiro
Bastian	Frankel	Leach	Tangretti
Benninghoff	Freeman	Micozzie	Wojnaroski
Beyer	Hershey	Petri	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

* * *

The House proceeded to consideration of concurrence in Senate amendments to **HB 2289, PN 4518**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for desecration, theft or sale of venerated objects.

On the question,

Will the House concur in Senate amendments?

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

The following roll call was recorded:

YEAS—188

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

NAYS—0

NOT VOTING—0

EXCUSED—15

Adolph	Clymer	Josephs	Shapiro
Bastian	Frankel	Leach	Tangretti
Benninghoff	Freeman	Micozzie	Wojnarowski
Beyer	Hershey	Petri	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

SUPPLEMENTAL CALENDAR C CONTINUED

**BILL ON CONCURRENCE
IN SENATE AMENDMENTS**

The House proceeded to consideration of concurrence in Senate amendments to **HB 301, PN 4508**, entitled:

An Act amending Titles 23 (Domestic Relations) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further defining "hearing officer"; replacing the title "bail commissioner" with "arraignment court magistrate"; further providing for the number of judges in the courts of common pleas, for the Minor Judiciary Education Board, for the course of instruction and examination for certain minor judiciary and for subpoena; and, in registration of sexual offenders, further providing for registration.

On the question,

Will the House concur in Senate amendments?

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

The following roll call was recorded:

YEAS—188

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

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

NAYS-0

NOT VOTING-0

EXCUSED-15

Adolph	Clymer	Josephs	Shapiro
Bastian	Frankel	Leach	Tangretti
Benninghoff	Freeman	Micozzie	Wojnaroski
Beyer	Hershey	Petri	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

SENATE MESSAGE

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

The clerk of the Senate, being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives by amending said amendments to **SB 1114, PN 2489**.

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

SENATE MESSAGE

HOUSE BILL
CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, returned **HB 2644, PN 3986**, with information that the Senate has passed the same without amendment.

SUPPLEMENTAL CALENDAR E

RESOLUTION PURSUANT TO RULE 35

Mr. CRUZ called up **HR 943, PN 4532**, entitled:

A Resolution urging the district council person of the seventh district of the City of Philadelphia to take action in order to name the

public school at G and Hunting Park Avenue in Philadelphia after Officer Isabel Nazario.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS-188

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

NAYS-0

NOT VOTING-0

EXCUSED-15

Adolph	Clymer	Josephs	Shapiro
Bastian	Frankel	Leach	Tangretti
Benninghoff	Freeman	Micozzie	Wojnaroski
Beyer	Hershey	Petri	

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

CALENDAR CONTINUED

RESOLUTION

Mr. FAIRCHILD called up **HR 929, PN 4490**, entitled:

A Resolution urging the Congress of the United States to restore full funding for fiscal year 2009-2010 and to provide the necessary \$2 million in the Federal fiscal year 2010-2011 budget and beyond for the National Oceanic and Atmospheric Administration to fully fund the Susquehanna Flood Forecasting and Warning System.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—188

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

NAYS—0

NOT VOTING—0

EXCUSED—15

Adolph	Clymer	Josephs	Shapiro
Bastian	Frankel	Leach	Tangretti
Benninghoff	Freeman	Micozzie	Wojnaroski
Beyer	Hershey	Petri	

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

RESOLUTIONS PURSUANT TO RULE 35

Mr. GRELL called up **HR 932, PN 4502**, entitled:

A Resolution designating October 30, 2008, as "Cogan's Syndrome Awareness Day" in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—188

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

Everett	Major	Reed	Yewcic
Fabrizio	Manderino	Reichley	Youngblood
Fairchild	Mann	Roae	Yudichak
Fleck	Mantz	Rock	
Gabig	Markosek	Roebuck	O'Brien, D.,
Galloway	Marshall	Rohrer	Speaker
Geist	Marsico		

NAYS—0

NOT VOTING—0

EXCUSED—15

Adolph	Clymer	Josephs	Shapiro
Bastian	Frankel	Leach	Tangretti
Benninghoff	Freeman	Micozzie	Wojnaroski
Beyer	Hershey	Petri	

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

* * *

Mr. MENSCH called up **HR 933, PN 4503**, entitled:

A Resolution designating the week of October 20 through 24, 2008, as "National Business Women's Week" in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—188

Argall	George	McCall	Ross
Baker	Gerber	McGeehan	Rubley
Barrar	Gergely	McI. Smith	Sabatina
Bear	Gibbons	McIlhattan	Sainato
Belfanti	Gillespie	Melio	Samuelson
Bennington	Gingrich	Mensch	Santoni
Biancucci	Godshall	Metcalfe	Saylor
Bishop	Goodman	Millard	Scavello
Blackwell	Grell	Miller	Schroder
Boback	Grucela	Milne	Seip
Boyd	Haluska	Moul	Shimkus
Brennan	Hanna	Moyer	Siptroth
Brooks	Harhai	Mundy	Smith, K.
Buxton	Harhart	Murt	Smith, M.
Caltagirone	Harkins	Mustio	Smith, S.
Cappelli	Harper	Myers	Solobay
Carroll	Harris	Nailor	Sonney
Casorio	Helm	Nickol	Staback
Causar	Hennessey	O'Brien, M.	Stairs
Civera	Hess	O'Neill	Steil
Cohen	Hickernell	Oliver	Stern
Conklin	Hornaman	Pallone	Stevenson
Costa	Hutchinson	Parker	Sturla
Cox	James	Pashinski	Surra
Creighton	Kauffman	Payne	Swanger
Cruz	Keller, M.K.	Payton	Taylor, J.
Curry	Keller, W.	Peifer	Taylor, R.
Cutler	Kenney	Perry	Thomas
Daley	Kessler	Perzel	True
Dally	Killion	Petrarca	Turzai
DeLuca	King	Petrone	Vereb
Denlinger	Kirkland	Phillips	Vitali
DePasquale	Kortz	Pickett	Vulakovich
Dermody	Kotik	Preston	Wagner

DeWeese	Kula	Pyle	Walko
DiGirolamo	Lentz	Quigley	Wansacz
Donatucci	Levdansky	Quinn	Waters
Eachus	Longiatti	Ramaley	Watson
Ellis	Mackereth	Rapp	Wheatley
Evans, D.	Maher	Raymond	White
Evans, J.	Mahoney	Readshaw	Williams
Everett	Major	Reed	Yewcic
Fabrizio	Manderino	Reichley	Youngblood
Fairchild	Mann	Roae	Yudichak
Fleck	Mantz	Rock	
Gabig	Markosek	Roebuck	O'Brien, D.,
Galloway	Marshall	Rohrer	Speaker
Geist	Marsico		

NAYS—0

NOT VOTING—0

EXCUSED—15

Adolph	Clymer	Josephs	Shapiro
Bastian	Frankel	Leach	Tangretti
Benninghoff	Freeman	Micozzie	Wojnaroski
Beyer	Hershey	Petri	

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

* * *

Mr. ROEBUCK called up **HR 939, PN 4516**, entitled:

A Resolution honoring the Philadelphia Phillies' remarkable achievement in clinching the National League East division title for the second consecutive year with their 4-3 victory over the Washington Nationals at Citizens Bank Park on September 27, 2008.

On the question,
Will the House adopt the resolution?

The SPEAKER. Let us hope there is another one after this.

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

The following roll call was recorded:

YEAS—188

Argall	George	McCall	Ross
Baker	Gerber	McGeehan	Rubley
Barrar	Gergely	McI. Smith	Sabatina
Bear	Gibbons	McIlhattan	Sainato
Belfanti	Gillespie	Melio	Samuelson
Bennington	Gingrich	Mensch	Santoni
Biancucci	Godshall	Metcalfe	Saylor
Bishop	Goodman	Millard	Scavello
Blackwell	Grell	Miller	Schroder
Boback	Grucela	Milne	Seip
Boyd	Haluska	Moul	Shimkus
Brennan	Hanna	Moyer	Siptroth
Brooks	Harhai	Mundy	Smith, K.
Buxton	Harhart	Murt	Smith, M.
Caltagirone	Harkins	Mustio	Smith, S.
Cappelli	Harper	Myers	Solobay
Carroll	Harris	Nailor	Sonney
Casorio	Helm	Nickol	Staback

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

NAYS—0

NOT VOTING—0

EXCUSED—15

Adolph	Clymer	Josephs	Shapiro
Bastian	Frankel	Leach	Tangretti
Benninghoff	Freeman	Micozzie	Wojnaroski
Beyer	Hershey	Petri	

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

RESOLUTION

Mr. DeWEESE called up **HR 559, PN 3109**, entitled:

A Resolution urging the Pennsylvania Supreme Court to enact a rule of criminal procedure allowing written jury instructions pertaining to the elements of each crime charged and any relevant defenses to be provided to jurors for use as part of the deliberative process by the jury.

On the question,
Will the House adopt the resolution?

RESOLUTION TABLED

The SPEAKER. The Chair recognizes the majority leader, who moves that HR 559 be removed from the active calendar and placed on the tabled bill calendar.

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

RESOLUTION REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader, who moves that HR 559 be removed from the tabled bill calendar and placed on the active calendar.

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

ANNOUNCEMENT BY SPEAKER

The SPEAKER. The Chair is very glad to inform the members there will be no more recorded votes this evening. The Chair will keep the desk open for communications with the Senate.

The Chair wishes everyone Godspeed and good luck in your elections.

STATEMENT BY MR. CRUZ

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

Mr. CRUZ. Mr. Speaker, I just wanted to take the opportunity to thank the members on both sides of the aisle for their vote on HR 943, naming the school in my district after fallen officer Nazario. So I wanted to thank the members on both sides.

The SPEAKER. The thoughts and prayers of this chamber are with the officer and her family.

REMARKS SUBMITTED FOR THE RECORD

The SPEAKER. Representative Wheatley; for what purpose does the gentleman rise?

Mr. WHEATLEY. I want to submit some comments for the record.

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

Mr. WHEATLEY. Thank you.

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

Each year around this time the Federal government honors selected schools, both public and private schools that are either academically superior or that demonstrate dramatic gains in student achievement to high levels. They are rural, urban, suburban, but they all have shown that with hard work and commitment to success that you can make a difference.

Oftentimes we and the general public highlight all of the problems and challenges that these institutions, the administrators, teachers, and parents do not do, and rarely do we take some time to step back and honor their great work, even if that work is not completely finished.

Well, my friends, I want to take some time today to join with the U.S. Department of Education and recognize the 12 Pennsylvania schools that will be honored on Oct. 20-21 in Washington, DC, as the 2008 Blue Ribbon Schools.

In addition to being recognized for their students' performances compared to other schools in the Commonwealth regarding their academic performance or in that they made dramatic improvements from one year to the next, these schools serve as models for others to follow.

I want to especially recognize the parents, teachers, administrators, and the students of George Washington Carver High School of Engineering & Science in the city of Philadelphia for their great work and for being Pennsylvania's only high school to make the list this year.

Also, I am extremely proud and honored to recognize the great work of the teachers, parents, administrators, and students of Manchester Academic Charter School, which happens to be in my district. They are the only Charter school to make the list this year and the first ever from the city of Pittsburgh.

But more importantly, I would like for this great House to honor and encourage the parents, students, teachers, and administrators from all 12 PA schools to continue to move aggressively forward with providing loving, nurturing, and high expectations and true results for our children and to encourage all of those schools who are working tremendously hard to provide great learning places for all of the children in the Commonwealth to continue to push forward.

So take a bow:

Chadds Ford Elementary School parents, teachers, and students in Delaware County.

George A. Ferrell Elementary School parents, teachers, and students in Lycoming County.

Harriet Child Elementary School parents, teacher, and students in Bradford County.

Homer-Center Junior/Senior High School parents, teachers, and students in Indiana County.

Kingwood Elementary School parents, teachers, and students in Somerset County.

Russell Conwell Middle School parents, teachers, and students in the city of Philadelphia.

Seventh Street Elementary School parents, teachers, and students in Venango County.

South Abington Elementary School parents, teachers, and students in Montgomery County.

St. Aloysius Academy parents, teachers, and students in Montgomery County.

St. John the Evangelist School parents, teachers, and students in Bucks County.

Job well done and keep up the great work.

The SPEAKER. Are there any other announcements?

BILLS SIGNED BY SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HB 301, PN 4508

An Act amending Titles 23 (Domestic Relations) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further defining "hearing officer"; replacing the title "bail commissioner" with "arraignment court magistrate"; further providing for the number of judges in the courts of common pleas, for the Minor Judiciary Education Board, for the course of instruction and examination for certain minor judiciary and for subpoena; and, in registration of sexual offenders, further providing for registration.

HB 1096, PN 4527

An Act amending the act of November 10, 1999 (P.L.491, No.45), known as the Pennsylvania Construction Code Act, further providing for definitions; establishing the Uniform Construction Code Review and Advisory Council; and further providing for revised or successor codes and for training of inspectors.

HB 2200, PN 4526

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, further providing for director of operations, secretary, employees and consultants; repealing provisions relating to office of trial staff; further providing for bureaus and offices; providing for other bureaus, offices and positions; further providing for electric utility definitions; providing for energy efficiency and conservation program and for energy efficiency and conservation; further providing for duties of electric distribution companies and for market power remediation; and providing for procurement, for additional alternative energy sources and for carbon dioxide sequestration network.

HB 2289, PN 4518

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for desecration, theft or sale of venerated objects.

HB 2294, PN 4525

An Act providing for the licensure of persons providing debt management services and for the powers and duties of the Department of Banking; requiring surety bonds; prohibiting certain fees and costs; providing for debt management plans; and prohibiting certain acts by persons providing debt management services.

HB 2525, PN 4524

An Act amending the act of December 7, 1982 (P.L.784, No.225), known as the Dog Law, further providing for definitions, for issuance of dog licenses, for applications for dog licenses, for license certificates, for kennels, for requirements for kennels, for out-of-State dealer license, for bills of sale, for revocation, suspension or refusal of kennel licenses, for transportation of dogs, for health certificates for importation, for inspections of premises and dogs and for additional duties of department; providing for refusal of entry and for the Canine Health Board; further providing for seizure and detention of dogs, for confinement of dogs, for dog bites, for registration, for certain requirements, for control of dangerous dogs, for public safety, for selling, bartering or trading dogs, for damages caused by coyotes, for burdens of proof, for enforcement and for violations; providing for exemption; further defining "releasing agency"; and making editorial changes.

HB 2629, PN 4517

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

HB 2644, PN 3986

An Act amending the act of December 10, 1974 (P.L.852, No.287), referred to as the Underground Utility Line Protection Law, further providing for duties of facility owners.

SB 100, PN 2484

An Act providing for the regulation of home improvement contracts and for the registration of certain contractors; prohibiting certain acts; and providing for penalties.

SB 263, PN 2453

An Act amending the act of June 21, 1939 (P.L.566, No.284), known as The Pennsylvania Occupational Disease Act, providing further benefits.

SB 295, PN 2485

An Act providing for idling restrictions on diesel-powered motor vehicles; and imposing a penalty.

SB 763, PN 2500

An Act amending the act of December 31, 1965 (P.L.1257, No.511), known as The Local Tax Enabling Act, further providing for delegation of taxing powers and restrictions; further providing for the levying of the mercantile or business privilege tax; transferring the Optional Occupation Tax Elimination Act and further providing for definitions, for earned income tax rate limits, for resolutions and for binding referendums and providing for applicability of income tax on personal income; and repealing the Optional Occupation Tax Elimination Act and provisions of the Taxpayer Relief Act.

SB 1028, PN 2471

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

SB 1258, PN 2487

An Act amending the act of May 21, 1943 (P.L.571, No.254), known as The Fourth to Eighth Class and Selective County Assessment Law, expanding the scope of the act; further providing for application of the act and for appeals by municipalities; and making a related repeal.

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

REMARKS SUBMITTED FOR THE RECORD

The SPEAKER. The Chair recognizes Representative Hanna. Mr. HANNA. Thank you, Mr. Speaker.

I would just like to submit some additional comments for the record on the Dog Law.

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

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

Dear House Speaker O'Brien:

HB 2525 represents a victory for our dogs, animal lovers, and consumers who buy dogs from commercial kennels. We had overwhelming public support evidenced by thousands of letters and e-mails asking us to strengthen the State's Dog Law and put an end to animal cruelty that is currently perfectly legal.

HB 2525 improves conditions for dogs and allows for better enforcement of the State's Dog Law. We have the Governor's assurance that he will sign this legislation.

The bill defines commercial kennels and sets standards for these kennels that generally mirror those required by the U.S. Department of Agriculture. It will have little, if any, impact on noncommercial kennels such as boarding kennels, private sporting or hobby kennels, pet stores, rescue shelters, or nonprofit kennels.

The bill:

- doubles required cage space for dogs;
- requires dogs to be examined by a licensed veterinarian at least every 6 months;
- prohibits the use of metal-strand flooring to protect dogs' paws and allow for drainage of fluids;

- prohibits stacking dogs' cages on top of each other;
- requires dogs to have access to an attached exercise area in almost all circumstances; and
- allows euthanization of dogs to be performed only by a veterinarian and only if it is deemed medically necessary to alleviate suffering.

As the House Agriculture and Rural Affairs Committee chairman, I worked with fellow legislators, animal advocacy groups and veterinarians to reach a compromise on the bill's language and get it through the legislature for a vote.

Although the bill was watered down somewhat in the Senate, this is still a good bill and a victory for dogs and dog lovers in Pennsylvania. It gives us better ability to enforce the Dog Law to keep dogs in commercial kennels safe and healthy, and I am proud to have supported it.

Sincerely,
Hon. Mike Hanna
D-Clinton/Centre

ADJOURNMENT RESOLUTION

Mr. DeWEESE offered the following resolution, which was read, considered, and adopted:

CONCURRENT RESOLUTION

RESOLVED, (the Senate concurring), That when the House adjourns this week, that it reconvene on Wednesday, November 12, 2008; and be it further

RESOLVED, That when the House adjourns November 12, 2008, it reconvene the week of November 17, 2008; and be it further

RESOLVED, That when the House adjourns the week of November 17, 2008, it reconvene at the call of the Chair.

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

The SPEAKER. The Chair announces its intention to recess regular session and go into special session at 7 p.m.

RECESS

The SPEAKER. Regular session of the House will now stand in recess.

AFTER RECESS

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

SENATE MESSAGE**RECESS RESOLUTION
FOR CONCURRENCE**

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

In the Senate,
October 8, 2008

RESOLVED, (the House of Representatives concurring), Pursuant to Article II, Section 14, of the Pennsylvania Constitution, that when the Regular Session of the Senate recesses this week, it reconvene at the call of the President Pro Tempore of the Senate; and be it further

RESOLVED, Pursuant to Article II, Section 14, of the Pennsylvania Constitution, that when the Regular Session of the House of Representatives recesses this week, it reconvene at the call of the Speaker of the House of Representatives.

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

On the question,
Will the House concur in the resolution of the Senate?
Resolution was concurred in.
Ordered, That the clerk inform the Senate accordingly.

The SPEAKER. The Chair announces its intention to recess regular session and reconvene special session at 7:22.

RECESS

The SPEAKER. Regular session of the House will now stand in recess.

AFTER RECESS

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

BILLS AND RESOLUTIONS PASSED OVER

The SPEAKER. Without objection, any remaining bills and resolutions on today's calendar will be passed over. The Chair hears no objection.

RECESS

The SPEAKER. The Chair recognizes Representative DePasquale of York, Pennsylvania, who moves that this House do now recess until Wednesday, November 12, 2008, at 1 p.m., e.s.t., unless sooner recalled by the Speaker.

On the question,
Will the House agree to the motion?
Motion was agreed to, and at 7:25 p.m., e.d.t., the House recessed.