

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

TUESDAY, OCTOBER 7, 2008

FIRST SPECIAL SESSION OF 2007-2008

No. 52

HOUSE OF REPRESENTATIVES

The House convened at 11:29 a.m., e.d.t.

THE SPEAKER (DENNIS M. O'BRIEN) PRESIDING

PRAYER

The SPEAKER. Without objection, the prayer and Pledge recited in today's regular session will serve as the prayer and Pledge for today's special session.

REV. LOUISE WILLIAMS BISHOP, member of the House of Representatives, offered the following prayer:

Thank you, Mr. Speaker.

Let us pray:

O God, our Heavenly Father, Thou who art the creator of every living thing, Thou who stood on the edges of time and spat out the Seven Seas and commanded the darkness and the light and flung the stars to the furthest corners of the night and set the sun ablazing in the heaven and waved Your hand over everything and commanded that it come forth – the fish, the fowl, the birds, the bees, and all that there is – and we now stand in this House of Representatives today asking that the same wisdom that You gave to our Founding Forefathers, that You will allow it to rest with us, and bring to us, as we come today to do the business of the Commonwealth of Pennsylvania and its people, give us that same wisdom that was here in the beginning with our Founding Forefathers.

Allow the lines that separate us to become closer together so that we may come in harmony on those things that benefit our people, those things that have our people concerned. Let us come together. Grant unto us Your grace and Your mercy that will keep us in perfect peace.

We ask these and all blessings in Your mighty name. Amen.

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, approval of the Journal of Monday, October 6, 2008, will be postponed until printed. The Chair hears no objection.

LEAVES OF ABSENCE

The SPEAKER. The Chair turns to requests for leaves of absence. The Chair recognizes the majority whip, who requests that Representative RAMALEY of Beaver County and Representative ROEBUCK of Philadelphia County be placed on leave. The Chair hears no objection. The leaves will be granted.

The Chair recognizes the minority whip, who requests that Representative BENNINGHOFF from Centre County be placed on leave. The Chair hears no objection. 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.

The following roll call was recorded:

PRESENT—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
Bennington	Gillespie	Melio	Scavello
Beyer	Gingrich	Mensch	Schroder
Biancucci	Godshall	Metcalfe	Seip
Bishop	Goodman	Micozzie	Shapiro
Blackwell	Grell	Millard	Shimkus
Boback	Grucela	Miller	Sipthroth
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.	Perry	Turzai
Daley	Kenney	Perzel	Vereb
Dally	Kessler	Petrarca	Vitali
DeLuca	Killion	Petri	Vulakovich

Denlinger	King	Petrone	Wagner
DePasquale	Kirkland	Phillips	Walko
Dermody	Kortz	Pickett	Wansacz
DeWeese	Kotik	Preston	Waters
DiGirolamo	Kula	Pyle	Watson
Donatucci	Leach	Quigley	Wheatley
Eachus	Lentz	Quinn	White
Ellis	Levdansky	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	Rohrer	Speaker
Freeman	Mantz		

ADDITIONS—0

NOT VOTING—0

EXCUSED—3

Benninghoff	Ramaley	Roebuck
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LEAVES ADDED—11

Adolph	Bishop	Mackereth	Oliver
Argall	Cappelli	Micozzie	Rubley
Bastian	Leach	Mustio	

LEAVES CANCELED—5

Argall	Mustio	Ramaley	Roebuck
Benninghoff			

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

BILL REREPORTED FROM COMMITTEE

SB 25, PN 54

By Rep. D. EVANS

An Act amending the act of November 30, 2004 (P.L.1672, No.213), known as the Alternative Energy Portfolio Standards Act, further defining "alternative energy sources" and "Tier II alternative energy source"; and further providing for alternative energy portfolio standards.

APPROPRIATIONS.

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

ANNOUNCEMENT BY SPEAKER

The SPEAKER. If the Chair can have the attention of the members, the Chair will remind members that we are in special session and advise the members of rule 10 on debate in special session, as it is somewhat different than regular session. No member except the majority and minority leaders may speak more than twice on any question without the consent of the House. The sponsor of a bill or an amendment shall be entitled to be recognized twice. A maker of a debatable motion shall be entitled to be recognized twice, but all other members shall be recognized only once. When recognized, no member except the

majority and minority leader may debate any debatable question for more than 5 minutes each time the member is recognized. The Chair thanks the members for their cooperation.

SUPPLEMENTAL CALENDAR A

BILL ON SECOND CONSIDERATION

The House proceeded to second consideration of **SB 25, PN 54**, entitled:

An Act amending the act of November 30, 2004 (P.L.1672, No.213), known as the Alternative Energy Portfolio Standards Act, further defining "alternative energy sources" and "Tier II alternative energy source"; and further providing for alternative energy portfolio standards.

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

Mr. **DePASQUALE** offered the following amendment No. **A09615**:

Amend Title, page 1, lines 8 and 9, by striking out all of line 8 and "alternative energy source"; and" in line 9

Amend Title, page 1, line 9, by inserting after "providing" for definitions and

Amend Title, page 1, line 10, by removing the period after "standards" and inserting

; and providing for a carbon dioxide sequestration network.

Amend Sec. 1, page 1, line 16, by inserting after "amended"

and the section is amended by adding definitions

Amend Sec. 1 (Sec. 2), page 2, line 16, by striking out all of said line and inserting

[provided] including facilities where:

Amend Sec. 1 (Sec. 2), page 5, line 25, by striking out all of said line and inserting

(14) Advanced coal combustion with limited carbon emissions, which means the production of electric power from a generation facility that:

(i) is fueled by coal or gas derived from an advanced coal gasification plant;

(ii) captures, either in the advanced coal gasification plant or in the electrical generation facility, and sequesters at least the following amount of all carbon dioxide produced:

(A) 20% in the first three years of operation;

(B) 40% in years four through six of operation;

(C) 60% in years seven through nine of operation;

(D) 90% in year ten and thereafter; and

(E) the requirement under clause (D) shall be waived if commercially proven and project financeable technology is not available; and

(iii) has been designed to accommodate the required additional processing equipment to produce power with a maximum of 1,000 pounds of carbon dioxide emissions per megawatt hour.

"Carbon dioxide sequestration network." A geological subsurface formation such as a deep saline aquifer with suitable cap rock, sealing faults and anticlines that allow for the storage of carbon

dioxide in a supercritical phase, combined with a network of compression, dehydration and leak detection monitoring equipment and pipelines to transport carbon dioxide captured by an advanced coal combustion with limited carbon emissions plant to an underground storage site. The term shall not include use of the carbon dioxide for enhanced oil recovery.

* * *

"Enhanced oil recovery." The use of carbon dioxide injection or other techniques for increasing the amount of oil that can be extracted from an oil field.

* * *

Amend Sec. 1 (Sec. 2), page 6, by inserting between lines 5 and 6
(6.1) Advanced coal combustion with limited carbon emissions.

Amend Sec. 2, page 6, line 8, by striking out "3(b)" and inserting
3

Amend Sec. 2 (Sec. 3), page 6, line 11, by striking out all of said line and inserting

(a) General compliance and cost recovery.—

(1) From the effective date of this act through and including the 15th year after enactment of this act and each year thereafter, the electric energy sold by an electric distribution company or electric generation supplier to retail electric customers in this Commonwealth shall be comprised of electricity generated from alternative energy sources and in the percentage amounts as described under subsections (b) and [(c)] (c.1).

(2) Electric distribution companies and electric generation suppliers shall satisfy both requirements set forth in subsections (b) and [(c)] (c.1), provided, however, that an electric distribution company or an electric generation supplier shall be excused from its obligations under this section to the extent that the commission determines that force majeure exists.

(3) All costs for:

(i) the purchase of electricity generated from alternative energy sources, including the costs of the regional transmission organization, in excess of the regional transmission organization real-time locational marginal pricing, or its successor, at the delivery point of the alternative energy source for the electrical production of the alternative energy sources; and

(ii) payments for alternative energy credits,

in both cases that are voluntarily acquired by an electric distribution company during the cost recovery period on behalf of its customers shall be deferred as a regulatory asset by the electric distribution company and fully recovered, with a return on the unamortized balance, pursuant to an automatic energy adjustment clause under 66 Pa.C.S. § 1307 (relating to sliding scale of rates; adjustments) as a cost of generation supply under 66 Pa.C.S. § 2807 (relating to duties of electric distribution companies) in the first year after the expiration of its cost-recovery period. After the cost-recovery period, any direct or indirect costs for the purchase by electric distribution of resources to comply with this section, including, but not limited to, the purchase of electricity generated from alternative energy sources, payments for alternative energy credits, cost of credits banked, payments to any third party administrators for performance under this act and costs levied by a regional transmission organization to ensure that alternative energy sources are reliable, shall be recovered on a full and current basis pursuant to an automatic energy adjustment clause under 66 Pa.C.S. § 1307 as a cost of generation supply under 66 Pa.C.S. § 2807.

Amend Sec. 2 (Sec. 3), page 9, line 5, by striking out all of said line and inserting

[(c) Tier II share.—Of the electrical energy required to be sold from alternative energy sources identified in Tier II, the percentage that must be from these technologies is for:

(1) Years 1 through 4 - 4.2%.

(2) Years 5 through 9 - 6.2%.

(3) Years 10 through 14 - 8.2%.

(4) Years 15 and thereafter - 10.0%.]

(c.1) Tier II and advanced coal combustion with limited carbon emissions shares.—

(1) Of the electrical energy required to be sold from alternative energy sources identified in Tier II, the percentage that must be from these technologies, other than from advanced coal combustion with limited carbon emissions, is for:

(i) Years 1 through 4 - 4.2%.

(ii) Years 5 through 9 - 6.2%.

(iii) Year 10 - 8.2%.

(2) Commencing in year 11 with the reporting period which begins June 1, 2016, and continuing for each reporting period thereafter, the Tier II requirements shall be as follows:

(i) Years 11 through 14 - 11.2%.

(ii) Year 15 and thereafter - 13%.

(3) (i) The total electric energy sold by an electric distribution company or electric generation supplier to retail electric customers in this Commonwealth that must be sold from advanced coal combustion with limited carbon emissions is all of the electric energy available from advanced coal combustion with limited carbon emissions up to a maximum of 3% of the total electric energy sold by an electric distribution company or electric generation supplier to retail electric customers in this Commonwealth for the reporting period which begins June 1, 2016, and for each reporting period thereafter pursuant to paragraph (2).

(ii) If at any time on or after June 1, 2016, the network provided for under section 8.1 is not available to receive carbon dioxide for sequestration through no fault of an advanced coal combustion with limited carbon emissions facility, a facility need not sequester carbon dioxide in order to generate alternative energy credits provided the facility demonstrates to the department's satisfaction that the facility is capable of capturing the amount of carbon dioxide required under paragraph (14)(ii) of the definition of "alternative energy sources" in section 2.

(iii) On or after December 31, 2016, if the commission determines that construction of an advanced coal combustion with limited carbon emissions facility has not been commenced, the determination shall constitute force majeure, and electric distribution companies and electric generation suppliers shall be excused from all or part of their obligation under this paragraph, as determined by the commission.

(4) Upon review and approval of the commission, an electric distribution company may enter into a long-term contract of up to 20 years to purchase the energy, capacity or alternative energy credits of an advanced coal combustion with limited carbon emissions facility. The contract shall provide for cost recovery of costs associated with carbon capture, including, but not limited to, any fees charged by the Department of Conservation and Natural Resources under section 8.1(b) with regard to the carbon dioxide sequestration network. The commission must determine that the contract is reasonable, taking into consideration the following:

(i) the price of the resource purchased;

(ii) the price of alternative energy credits, provided that the cost of an alternative energy credit purchased from advanced coal combustion with limited carbon emissions shall not exceed \$45 per megawatt hour (MWh); and

(iii) prior to the effective date of the contract, the value of any carbon emission credits or other credits that the seller obtains from the resource; and

(iv) after the effective date of the contract the value of any additional Federal or State credits shall be reflected in the price of the resource in a manner which recognizes savings to customers and does not reduce the economic return to the seller, provided, that the seller demonstrates that it has made a commercially reasonable effort to distribute any economic incentives it has realized to electric distribution companies.

(d) Exemption during cost-recovery period.—Compliance with subsections (a), (b) and [(c)] (c.1) shall not be required for any electric distribution company that has not reached the end of its cost-recovery period or for electric generation supplier sales in the service territory of an electric distribution company that has not reached the end of its cost-recovery period. At the conclusion of an electric distribution company's cost-recovery period, this exception shall no longer apply, and compliance shall be required at the percentages in effect at that time. Electric distribution companies and electric generation suppliers whose sales are exempted under this subsection and who voluntarily sell electricity generated from Tier I and Tier II sources during the cost-recovery period may bank credits consistent with subsection (e)(7).

(e) Alternative energy credits.—

(1) The commission shall establish an alternative energy credits program as needed to implement this act. The provision of services pursuant to this section shall be exempt from the competitive procurement procedures of 62 Pa.C.S. (relating to procurement).

(2) The commission shall approve an independent entity to serve as the alternative energy credits program administrator. The administrator shall have those powers and duties assigned by commission regulations. Such powers and duties shall include, but not be limited to, the following:

(i) To create and administer an alternative energy credits certification, tracking and reporting program. This program should include, at a minimum, a process for qualifying alternative energy systems and determining the manner credits can be created, accounted for, transferred and retired.

(ii) To submit reports to the commission at such times and in such manner as the commission shall direct.

(3) All qualifying alternative energy systems must include a qualifying meter to record the cumulative electric production to verify the advanced energy credit value. Qualifying meters will be approved by the commission as defined in paragraph (4).

(4) (i) An electric distribution company or electric generation supplier shall comply with the applicable requirements of this section by purchasing sufficient alternative energy credits and submitting documentation of compliance to the program administrator.

(ii) For purposes of this subsection, one alternative energy credit shall represent one megawatt hour of qualified alternative electric generation, whether self-generated, purchased along with the electric commodity or separately through a tradable instrument and otherwise meeting the requirements of commission regulations and the program administrator.

(5) The alternative energy credits program shall include provisions requiring a reporting period as defined in section 2 for all covered entities under this act. The alternative energy credits program shall also include a true-up period as defined in section 2. The true-up period shall provide entities covered under this act the ability to obtain the required number of alternative energy credits or to make up any shortfall of the alternative energy credits they may be required to obtain to comply with this

act. A force majeure provision shall also be provided for under the true-up period provisions.

(6) An electric distribution company and electric generation supplier may bank or place in reserve alternative energy credits produced in one reporting year for compliance in either or both of the two subsequent reporting years, subject to the limitations set forth in this subsection and provided that the electric distribution company and electric generation supplier are in compliance for all previous reporting years. In addition, the electric distribution company and electric generation supplier shall demonstrate to the satisfaction of the commission that such credits:

(i) were in excess of the alternative energy credits needed for compliance in the year in which they were generated and that such excess credits have not previously been used for compliance under this act;

(ii) were produced by the generation of electrical energy by alternative energy sources and sold to retail customers during the year in which they were generated; and

(iii) have not otherwise been nor will be sold, retired, claimed or represented as part of satisfying compliance with alternative or renewable energy portfolio standards in other states.

(7) An electric distribution company or an electric generation supplier with sales that are exempted under subsection (d) may bank credits for retail sales of electricity generated from Tier I and Tier II sources made prior to the end of the cost-recovery period and after the effective date of this act. Bankable credits shall be limited to credits associated with electricity sold from Tier I and Tier II sources during a reporting year which exceeds the volume of sales from such sources by an electric distribution company or electric generation supplier during the 12-month period immediately preceding the effective date of this act. All credits banked under this subsection shall be available for compliance with subsections (b) and [(c)] (c.1) for no more than two reporting years following the conclusion of the cost-recovery period.

(8) The commission or its designee shall develop a registry of pertinent information regarding all available alternative energy credits, credit transactions among electric distribution companies and electric generation suppliers, the number of alternative energy credits sold or transferred and the price paid for the sale or transfer of the credits. The registry shall provide current information to electric distribution companies, electric generation suppliers and the general public on the status of alternative energy credits created, sold or transferred within this Commonwealth.

(9) The commission may impose an administrative fee on an alternative energy credit transaction. The amount of this fee may not exceed the actual direct cost of processing the transaction by the alternative energy credits administrator. The commission is authorized to utilize up to 5% of the alternative compliance fees generated under subsection (f) for administrative expenses directly associated with this act.

(10) The commission shall establish regulations governing the verification and tracking of energy efficiency and demand-side management measures pursuant to this act, which shall include benefits to all utility customer classes. When developing regulations, the commission must give reasonable consideration to existing and proposed regulations and rules in existence in the regional transmission organizations that manage the transmission system in any part of this Commonwealth. All verified reductions shall accrue credits starting with the passage of this act.

(11) The commission shall within 120 days of the effective date of this act develop a depreciation schedule for alternative energy credits created through demand-side

management, energy efficiency and load management technologies and shall develop standards for tracking and verifying savings from energy efficiency, load management and demand-side management measures. The commission shall allow for a 60-day public comment period and shall issue final standards within 30 days of the close of the public comment period.

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

(f) Alternative compliance payment.—

(1) At the end of each program year, the program administrator shall provide a report to the commission and to each covered electric distribution company showing their status level of alternative energy acquisition.

(2) The commission shall conduct a review of each determination made under subsections (b) and [(c)] (c.1). If, after notice and hearing, the commission determines that an electric distribution company or electric generation supplier has failed to comply with subsections (b) and [(c)] (c.1), the commission shall impose an alternative compliance payment on that company or supplier.

(3) The alternative compliance payment, with the exception of the solar photovoltaic share compliance requirement set forth in subsection (b)(2), shall be \$45 times the number of additional alternative energy credits needed in order to comply with subsection (b) or [(c)] (c.1).

(4) The alternative compliance payment for the solar photovoltaic share shall be 200% of the average market value of solar renewable energy credits sold during the reporting period within the service region of the regional transmission organization, including, where applicable, the levelized up-front rebates received by sellers of solar renewable energy credits in other jurisdictions in the PJM Interconnection, L.L.C. transmission organization (PJM) or its successor.

(5) The commission shall establish a process to provide for, at least annually, a review of the alternative energy market within this Commonwealth and the service territories of the regional transmission organizations that manage the transmission system in any part of this Commonwealth. The commission will use the results of this study to identify any needed changes to the cost associated with the alternative compliance payment program. If the commission finds that the costs associated with the alternative compliance payment program must be changed, the commission shall present these findings to the General Assembly for legislative enactment.

(g) Transfer to sustainable development funds.—

(1) Notwithstanding the provisions of 66 Pa.C.S. §§ 511 (relating to disposition, appropriation and disbursement of assessments and fees) and 3315 (relating to disposition of fines and penalties), alternative compliance payments imposed pursuant to this act shall be paid into Pennsylvania's Sustainable Energy Funds created under the commission's restructuring orders under 66 Pa.C.S. Ch. 28 (relating to restructuring of electric utility industry). Alternative compliance payments shall be paid into a special fund of the Pennsylvania Sustainable Energy Board, established by the commission under Docket M-00031715, and made available to the Regional Sustainable Energy Funds under procedures and guidelines approved by the Pennsylvania Energy Board.

(2) The alternative compliance payments shall be utilized solely for projects that will increase the amount of

electric energy generated from alternative energy resources for purposes of compliance with subsections (b) and [(c)] (c.1).

(h) Nonseverability.—The provisions of subsection (a) are declared to be nonseverable. If any provision of subsection (a) is held invalid, the remaining provisions of this act shall be void.

Amend Bill, page 9, line 6, by striking out all of said line and inserting

Section 3. The act is amended by adding sections to read:

Section 8.1. Carbon dioxide sequestration network.

(a) Establishment.—The Commonwealth shall develop, own and operate a carbon dioxide sequestration network utilizing appropriate geological formations on Commonwealth-owned or other lands where the Commonwealth has, or acquires, the right to store carbon dioxide. The Commonwealth-owned carbon dioxide sequestration network may only be utilized to store carbon dioxide generated within this Commonwealth.

(b) Costs.—The Department of Conservation and Natural Resources shall charge reasonable fees to recover the total cost, less any nonreimbursable Federal funding, of establishing, constructing and operating the carbon dioxide sequestration network. Recoverable costs shall include the acquisition of land or of the right to store carbon dioxide. Costs shall be recovered in the form of fees collected from entities that transport to, deposit in or otherwise utilize the carbon dioxide sequestration network.

(c) Carbon dioxide sequestration network study.—

(1) In order to facilitate the requirements of subsection (a), subject to the availability of appropriations or other funding, the Department of Conservation and Natural Resources shall conduct a carbon dioxide sequestration network study to identify suitable geological formations, including, but not limited to, sites within or in proximity to the Medina, Tuscarora or Oriskany Sandstone formations, and to provide estimates of capital requirements and expenditures, including fees, necessary for establishment of the network. The study may be undertaken by Department of Conservation and Natural Resources personnel. All or a portion of the study may be conducted by the Department of Conservation and Natural Resources pursuant to 62 Pa.C.S. Pt. I (relating to Commonwealth Procurement Code).

(2) The study shall include an assessment of the risks associated with geologic sequestration of carbon dioxide in the carbon dioxide sequestration network. The risk assessment shall:

(i) take into account existing Federal and State regulatory standards for safe geologic storage;

(ii) include, at a minimum, those factors of geologic sequestration contained in the United States Environmental Protection Agency's Vulnerability Evaluation Framework for Geologic Sequestration of Carbon Dioxide (EPA 430-R-08-009, dated July 10, 2008); and

(iii) provide recommendations for the minimum level of liability insurance which should be carried by the operator of the carbon dioxide sequestration network while the network is under construction and during the first four years of operation.

(3) The Department of Conservation and Natural Resources shall complete the study required by paragraph (1) and submit a copy of the completed study to the Governor and to the chairman and minority chairman of the Environmental Resources and Energy Committee of the Senate and the chairman and minority chairman of the Environmental Resources and Energy Committee of the House of Representatives no later than June 30, 2010. Interim reports on the status and results of the study shall be provided by the Department of Conservation and Natural Resources to the Governor and to the chairman and minority chairman of the Environmental Resources and Energy Committee of the Senate and the chairman and minority chairman of the Environmental Resources and Energy

Committee of the House of Representatives by December 31, 2008, and December 31, 2009.

(d) Permitting and insurance requirements.—

(1) As part of the permitting process, the department shall review the risk assessment and geologic sequestration requirements associated with a carbon dioxide sequestration network, including, but not limited to, geologic site characterization, modeling and verification of fluid movement, corrective action, well construction, operation, mechanical integrity testing, monitoring and site closure. No carbon dioxide may be accepted for sequestration until all applicable permits have been approved.

(2) The operator of a carbon dioxide sequestration network shall obtain liability insurance in at least the minimum amount recommended in the risk assessment under subsection (c)(2)(iii). At least six months prior to the commencement of the fifth year of operation of the carbon dioxide sequestration network, the operator shall obtain a new risk assessment which includes recommendations for the minimum level of liability insurance which should be carried by the operator during the fifth year of operation. Prior to commencement of the fifth year of operation, the operator shall obtain liability insurance in at least the minimum amount recommended in the risk assessment. Thereafter, the operator shall have a new risk assessment prepared biennially, with recommendations for the minimum level of liability insurance which should be carried by the operator during the next two years of operation, and shall obtain liability insurance in at least the minimum amount recommended in the risk assessment in order to continue to operate the carbon dioxide sequestration network. A copy of each risk assessment and proof of insurance shall be provided by the operator to the Department of Conservation and Natural Resources, the chairman and minority chairman of the Environmental Resources and Energy Committee of the Senate and the chairman and minority chairman of the Environmental Resources and Energy Committee of the House of Representatives.

(e) Title to carbon dioxide; immunity.—

(1) Upon transporting carbon dioxide to the property line of the Commonwealth-owned lands or other lands on which the Commonwealth's carbon dioxide sequestration network is located, the owner of an advanced coal combustion with limited carbon emissions plant shall transfer and convey and the Commonwealth shall accept and receive all rights, titles and interest in and to and any liabilities associated with the carbon dioxide, including any current or future environmental benefits, marketing claims, tradable credits, emissions allocations or offsets, voluntary or compliance-based, associated therewith, but not including alternative energy credits provided under section 3(e).

(2) Upon and after transfer and conveyance of carbon dioxide as provided under paragraph (1), the owner of an advanced coal combustion with limited carbon emissions plant shall be immune from any liabilities with regard to the storage of carbon dioxide within and the release, escape or migration of carbon dioxide from the Commonwealth's carbon dioxide sequestration network and subsurface storage site.

Section 8.2. Severability.

The provisions of this act are severable. If any provision of this act or its application to any individual or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application.

Section 4. This act shall take effect as follows:

- (1) The addition of section 8.1(c) of the act shall take effect immediately.
- (2) This section shall take effect immediately.
- (3) The remainder of this act shall take effect in 60 days.

On the question,

Will the House agree to the amendment?

The SPEAKER. The Chair will request that all conferences break up. Members will please take their seats. Conferences will break up immediately. Members will take their seats.

Representative DePasquale, on the amendment.

Mr. DePASQUALE. Mr. Speaker, this is an amendment to add clean coal carbon sequestration to the alternative energy portfolio standard, and I would ask for an affirmative vote.

On the question recurring,

Will the House agree to the amendment?

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
Bennington	Gillespie	Melio	Scavello
Beyer	Gingrich	Mensch	Schroder
Bianucci	Godshall	Metcalfe	Seip
Bishop	Goodman	Micozzie	Shapiro
Blackwell	Grell	Millard	Shimkus
Boback	Grucela	Miller	Sip troth
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.	Perry	Turzai
Daley	Kenney	Perzel	Vereb
Dally	Kessler	Petrarca	Vitali
DeLuca	Killion	Petri	Vulakovich
Denlinger	King	Petrone	Wagner
DePasquale	Kirkland	Phillips	Walko
Dermody	Kortz	Pickett	Wansacz
DeWeese	Kotik	Preston	Waters
DiGirolamo	Kula	Pyle	Watson
Donatucci	Leach	Quigley	Wheatley
Eachus	Lentz	Quinn	White
Ellis	Levdansky	Rapp	Williams
Evans, D.	Longiotti	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	Rohrer	Speaker
Freeman	Mantz		

NAYS—0

NOT VOTING—0

EXCUSED—3

Benninghoff Ramaley Roebuck

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

On the question,

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

Mr. **GERBER** offered the following amendment No. **A08437**:

Amend Title, page 1, line 8, by inserting after "sources" " , "municipal solid waste"

Amend Sec. 1, page 1, line 13, by inserting after "sources" " , "municipal solid waste"

Amend Sec. 1 (Sec. 2), page 5, by inserting between lines 25 and 26

"Municipal solid waste." The term shall mean energy from new, expanded and existing waste to energy facilities which the department has determined are in compliance with current environmental standards, including, but not limited to, all applicable requirements of the Clean Air Act (69 Stat. 322, 42 U.S.C. § 7401 et seq.) and associated permit restrictions and all applicable requirements of the act of July 7, 1980 (P.L.380, No.97), known as the Solid Waste Management Act.

* * *

On the question,

Will the House agree to the amendment?

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

The Chair recognizes Representative McCall.

Mr. **McCALL**. Thank you, Mr. Speaker.

Mr. Speaker, I would ask for an affirmative vote on the Gerber amendment. It simply adds new and expanded waste energy facilities to Tier II. Currently waste energy facilities are listed in Tier II. The Gerber amendment would expand that to new and expanded facility requirements in Tier II. It is an agreed-to amendment by the administration as well, and I would ask the members to support the amendment.

On the question recurring,

Will the House agree to the amendment?

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
Bennington	Gillespie	Melio	Scavello
Beyer	Gingrich	Mensch	Schroder

Bianucci	Godshall	Metcalfe	Seip
Bishop	Goodman	Micozzie	Shapiro
Blackwell	Grell	Millard	Shimkus
Boback	Grucela	Miller	Sipthoth
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.	Perry	Turzai
Daley	Kenney	Perzel	Vereb
Dally	Kessler	Petrarca	Vitali
DeLuca	Killion	Petri	Vulakovich
Denlinger	King	Petrone	Wagner
DePasquale	Kirkland	Phillips	Walko
Dermody	Kortz	Pickett	Wansacz
DeWeese	Kotik	Preston	Waters
DiGirolamo	Kula	Pyle	Watson
Donatucci	Leach	Quigley	Wheatley
Eachus	Lentz	Quinn	White
Ellis	Levdansky	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	Rohrer	
Freeman	Mantz		

NAYS—0

NOT VOTING—0

EXCUSED—3

Benninghoff Ramaley Roebuck

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

On the question recurring,

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

Mr. **CALTAGIRONE** offered the following amendment No. **A09013**:

Amend Sec. 1 (Sec. 2), page 4, line 27, by inserting brackets before and after "combusting" and inserting immediately thereafter

processing

Amend Sec. 1 (Sec. 2), page 6, by inserting between lines 6 and 7

(8) Any solid, nonhazardous waste material containing 10% or greater organic plant material and having a heat content rating of 20 million or greater BTUs (British Thermal Units) per ton.

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

AMENDMENT WITHDRAWN

The SPEAKER. The Chair recognizes Representative Caltagirone.

The gentleman withdraws the amendment. The Chair thanks the gentleman.

On the question recurring,

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

The SPEAKER. The Chair recognizes the gentleman from Elk County, Representative Surra, who offers amendment No. A08260.

The gentleman withdraws the amendment. The Chair thanks the gentleman.

On the question recurring,

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

Mr. **DePASQUALE** offered the following amendment No. **A08188**:

Amend Bill, page 9, by inserting between lines 5 and 6 Section 3. Severability.

The provisions of this act are severable. If any provision of this act or its application to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application.

Amend Sec. 3, page 9, line 6, by striking out "3" and inserting
4

On the question,

Will the House agree to the amendment?

AMENDMENT WITHDRAWN

The SPEAKER. The Chair recognizes Representative— The gentleman withdraws the amendment. The Chair thanks the gentleman.

On the question recurring,

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

The SPEAKER. The Chair recognizes the gentleman from York County, Representative Miller, who offers amendment A08— The gentleman withdraws. The Chair thanks the gentleman.

The Chair recognizes the gentleman from York County, Representative DePasquale, who offers amendment A08238, which the clerk will read— Withdrawn. The Chair thanks the gentleman.

The Chair recognizes the gentleman again, Representative DePasquale— Withdrawn.

Are all the gentleman's amendments withdrawn? The Chair thanks the gentleman.

Representative Miller's amendments are withdrawn.

The Chair recognizes the gentleman from Carbon County, Representative McCall— The gentleman withdraws.

On the question recurring,

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

Bill as amended was agreed to.

(Bill as amended will be reprinted.)

CALENDAR

BILL ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 17, PN 31**, entitled:

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, excluding the purchase price of hybrid electric vehicles and fuel efficient vehicles from the sales and use tax.

On the question,

Will the House agree to the bill on second consideration?

BILL TABLED

The SPEAKER. The Chair recognizes the majority leader, who moves that special session HB 17 be removed from the active calendar and placed on the tabled bill calendar.

On the question,

Will the House agree to the motion?

Motion was agreed to.

BILL REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader, who moves that special session HB 17 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.

The SPEAKER. Are there any further announcements in special session? Any further business?

The Chair sees no one seeking recognition.

BILL AND RESOLUTION PASSED OVER

The SPEAKER. Without objection, the remaining bill and resolution on today's calendar will be passed over. The Chair hears no objection.

ADJOURNMENT

The SPEAKER. The Chair recognizes Representative Cutler of Lancaster County, who moves this special session of the House do now adjourn until Wednesday, October 8, 2008, until the call of the Chair, unless sooner recalled by the Speaker.

On the question,
Will the House agree to the motion?
Motion was agreed to, and at 11:42 a.m., e.d.t., the House
adjourned.