

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

WEDNESDAY, JULY 2, 2014

SESSION OF 2014

198TH OF THE GENERAL ASSEMBLY

No. 50

HOUSE OF REPRESENTATIVES

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

THE SPEAKER (SAMUEL H. SMITH) PRESIDING

PRAYER

HON. THADDEUS KIRKLAND, member of the House of Representatives, offered the following prayer:

Let us pray:

This is the day that the Lord has made, and in spite of our trials and in spite of our tribulation, in spite of our indifferences, in spite of going through what we go through, we will still rejoice and be glad in it, be glad in it because it is a day that we have never seen nor witnessed before, a day filled with brand-new mercies, another opportunity to work things out and to get it right.

And so, Father God, we give You thanks this morning because You are our God and God all by Yourself. We realize that millions did not make it today, but because of Your grace and Your mercy, we are standing here today in Your presence, and so, God, we give You thanks.

And now, God, we ask You for the wisdom and understanding from on high – wisdom and understanding to do that which is pleasing in Your eyes; wisdom and understanding to govern these dying, Your people; wisdom and understanding to come together and work things out.

And so, God, we ask that You would be present in our lives, that You would hear our prayer, and that You would order our footsteps. We say this prayer in the mighty and matchless name of Your son, Jesus, the Christ. With thanksgiving, our soul says, Amen.

PLEDGE OF ALLEGIANCE

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

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, the approval of the Journal of Tuesday, July 1, 2014, will be postponed until printed.

LEAVES OF ABSENCE

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

The Speaker recognizes the minority whip, who requests a leave of absence for the gentleman, Mr. EVANS, from Philadelphia County for the day. Without objection, the leave will be granted.

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

MASTER ROLL CALL

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

(Members proceeded to vote.)

LEAVE OF ABSENCE

The SPEAKER. The Speaker returns to leaves of absence and recognizes the minority whip, who requests a leave of absence for the lady from Montgomery County, Mrs. DEAN. Without objection, the leave will be granted.

MASTER ROLL CALL CONTINUED

The following roll call was recorded:

PRESENT—199

Adolph	English	Kortz	Pyle
Aument	Evankovich	Kotik	Quinn
Baker	Everett	Krieger	Rapp
Barbin	Fabrizio	Kula	Ravenstahl
Barrar	Farina	Lawrence	Readshaw
Benninghoff	Farry	Longietti	Reed
Bishop	Fee	Lucas	Reese
Bizzarro	Fleck	Mackenzie	Regan
Bloom	Flynn	Maher	Roae
Boback	Frankel	Mahoney	Rock
Boyle, B.	Freeman	Major	Roebuck
Boyle, K.	Gabler	Maloney	Ross
Bradford	Gainey	Markosek	Rozzi
Briggs	Galloway	Marshall	Sabatina

Brooks	Gergely	Marsico	Saccone
Brown, R.	Gibbons	Masser	Sainato
Brown, V.	Gillen	Matzie	Samuelson
Brownlee	Gillespie	McCarter	Sankey
Burns	Gingrich	McGeehan	Santarsiero
Caltagirone	Godshall	McGinnis	Saylor
Carroll	Goodman	McNeill	Scavello
Causer	Greiner	Mentzer	Schlossberg
Christiana	Grell	Metcalfe	Schreiber
Clay	Grove	Metzgar	Simmons
Clymer	Hackett	Miccarelli	Sims
Cohen	Haggerty	Micozzie	Smith
Conklin	Hahn	Millard	Snyder
Corbin	Haluska	Miller, D.	Sonney
Costa, D.	Hanna	Miller, R.	Stevens
Costa, P.	Harhai	Milne	Stern
Cox	Harhart	Mirabito	Stevenson
Cruz	Harkins	Miranda	Sturla
Culver	Harper	Molchany	Swanger
Cutler	Harris, A.	Moul	Tallman
Daley, M.	Harris, J.	Mullery	Taylor
Daley, P.	Heffley	Mundy	Thomas
Davidson	Helm	Murt	Tobash
Davis	Hickernell	Mustio	Toepel
Day	James	Neilson	Toohil
Deasy	Kampf	Neuman	Topper
DeLissio	Kauffman	O'Brien	Truitt
Delozier	Kavulich	O'Neill	Turzai
DeLuca	Keller, F.	Oberlander	Vereb
Denlinger	Keller, M.K.	Painter	Vitali
Dermody	Keller, W.	Parker	Waters
DiGirolamo	Killion	Pashinski	Watson
Donatucci	Kim	Payne	Wheatley
Dunbar	Kinsey	Peifer	White
Ellis	Kirkland	Petrarca	Youngblood
Emrick	Knowles	Pickett	

ADDITIONS—0

NOT VOTING—0

EXCUSED—4

Dean	Evans	Hennessey	Petri
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LEAVES ADDED—1

Miccarelli

LEAVES CANCELED—1

Hennessey

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

REMARKS SUBMITTED FOR THE RECORD

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

Mr. Speaker, it is my privilege to bring to the attention of the Speaker and the members of the Pennsylvania House of Representatives the name of Daniel A. Bondarchuk, who has been awarded Scouting's highest honor – Eagle Scout.

Mr. Speaker, I would like to read to the members of the House of Representatives the following citation of merit honoring Daniel A. Bondarchuk.

Whereas, Daniel A. Bondarchuk earned the Eagle Award in Scouting. This is the highest award that Boy Scouts can bestow and as such represents great sacrifice and tremendous effort on the part of this young man. Daniel is a member of Troop 10.

Now therefore, Mr. Speaker and members of the House of Representatives, it is my privilege to congratulate and place in the Legislative Journal the name of Daniel A. Bondarchuk.

* * *

Mr. Speaker, it is my privilege to bring to the attention of the Speaker and the members of the Pennsylvania House of Representatives the name of John Jude Capinas III, who has recently been awarded Scouting's highest honor – Eagle Scout.

Mr. Speaker, I would like to read to the members of the House of Representatives the following citation of merit honoring John Jude Capinas III.

Whereas, John Jude Capinas III earned the Eagle Award in Scouting. This is the highest award that Boy Scouts can bestow and as such represents great sacrifice and tremendous effort on the part of this young man. John is a member of Troop 153.

Now therefore, Mr. Speaker and members of the House of Representatives, it is my privilege to congratulate and place in the Legislative Journal the name of John Jude Capinas III.

* * *

Mr. Speaker, it is my privilege to bring to the attention of the Speaker and the members of the Pennsylvania House of Representatives the name of Austin Tyler Cookson, who has recently been awarded Scouting's highest honor – Eagle Scout.

Mr. Speaker, I would like to read to the members of the House of Representatives the following citation of merit honoring Austin Tyler Cookson.

Whereas, Austin Tyler Cookson earned the Eagle Award in Scouting. This is the highest award that Boy Scouts can bestow and as such represents great sacrifice and tremendous effort on the part of this young man. Austin is a member of Troop 21.

Now therefore, Mr. Speaker and members of the House of Representatives, it is my privilege to congratulate and place in the Legislative Journal the name of Austin Tyler Cookson

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Mr. Speaker, it is my privilege to bring to the attention of the Speaker and the members of the Pennsylvania House of Representatives the name of Derek Cvetkovic, who has recently been awarded Scouting's highest honor – Eagle Scout.

Mr. Speaker, I would like to read to the members of the House of Representatives the following citation of merit honoring Derek Cvetkovic.

Whereas, Derek Cvetkovic earned the Eagle Award in Scouting. This is the highest award that Boy Scouts can bestow and as such represents great sacrifice and tremendous effort on the part of this young man. Derek is a member of Troop 19.

Now therefore, Mr. Speaker and members of the House of Representatives, it is my privilege to congratulate and place in the Legislative Journal the name of Derek Cvetkovic.

* * *

Mr. Speaker, it is my privilege to bring to the attention of the Speaker and the members of the Pennsylvania House of Representatives the name of Kyle Denton, who has recently been awarded Scouting's highest honor – Eagle Scout.

Mr. Speaker, I would like to read to the members of the House of Representatives the following citation of merit honoring Kyle Denton.

Whereas, Kyle Denton earned the Eagle Award in Scouting. This is the highest award that Boy Scouts can bestow and as such represents great sacrifice and tremendous effort on the part of this young man. Kyle is a member of Troop 21.

Now therefore, Mr. Speaker and members of the House of Representatives, it is my privilege to congratulate and place in the Legislative Journal the name of Kyle Denton.

* * *

Mr. Speaker, it is my privilege to bring to the attention of the Speaker and the members of the Pennsylvania House of Representatives the name of Connor P. Good, who has recently been awarded Scouting's highest honor – Eagle Scout.

Mr. Speaker, I would like to read to the members of the House of Representatives the following citation of merit honoring Connor P. Good.

Whereas, Connor P. Good earned the Eagle Award in Scouting. This is the highest award that Boy Scouts can bestow and as such represents great sacrifice and tremendous effort on the part of this young man. Connor is a member of Troop 82.

Now therefore, Mr. Speaker and members of the House of Representatives, it is my privilege to congratulate and place in the Legislative Journal the name of Connor P. Good.

* * *

Mr. Speaker, it is my privilege to bring to the attention of the Speaker and the members of the Pennsylvania House of Representatives the name of Jeffrey Kay, who has recently been awarded Scouting's highest honor – Eagle Scout.

Mr. Speaker, I would like to read to the members of the House of Representatives the following citation of merit honoring Jeffrey Kay.

Whereas, Jeffrey Kay earned the Eagle Award in Scouting. This is the highest award that Boy Scouts can bestow and as such represents great sacrifice and tremendous effort on the part of this young man. Jeffrey is a member of Troop 19.

Now therefore, Mr. Speaker and members of the House of Representatives, it is my privilege to congratulate and place in the Legislative Journal the name of Jeffrey Kay.

* * *

Mr. Speaker, it is my privilege to bring to the attention of the Speaker and the members of the Pennsylvania House of Representatives the name of Shane Patrick Lydon, who has recently been awarded Scouting's highest honor – Eagle Scout.

Mr. Speaker, I would like to read to the members of the House of Representatives the following citation of merit honoring Shane Patrick Lydon.

Whereas, Shane Patrick Lydon earned the Eagle Award in Scouting. This is the highest award that Boy Scouts can bestow and as such represents great sacrifice and tremendous effort on the part of this young man. Shane is a member of Troop 153.

Now therefore, Mr. Speaker and members of the House of Representatives, it is my privilege to congratulate and place in the Legislative Journal the name of Shane Patrick Lydon.

* * *

Mr. Speaker, it is my privilege to bring to the attention of the Speaker and the members of the Pennsylvania House of Representatives the name of Jacob Miller, who has recently been awarded Scouting's highest honor – Eagle Scout.

Mr. Speaker, I would like to read to the members of the House of Representatives the following citation of merit honoring Jacob Miller.

Whereas, Jacob Miller earned the Eagle Award in Scouting. This is the highest award that Boy Scouts can bestow and as such represents great sacrifice and tremendous effort on the part of this young man. Jacob is a member of Troop 10.

Now therefore, Mr. Speaker and members of the House of Representatives, it is my privilege to congratulate and place in the Legislative Journal the name of Jacob Miller.

* * *

Mr. Speaker, it is my privilege to bring to the attention of the Speaker and the members of the Pennsylvania House of Representatives the name of Alexander Pavio, who has recently been awarded Scouting's highest honor – Eagle Scout.

Mr. Speaker, I would like to read to the members of the House of Representatives the following citation of merit honoring Alexander Pavio.

Whereas, Alexander Pavio earned the Eagle Award in Scouting. This is the highest award that Boy Scouts can bestow and as such represents great sacrifice and tremendous effort on the part of this young man. Alexander is a member of Troop 21.

Now therefore, Mr. Speaker and members of the House of Representatives, it is my privilege to congratulate and place in the Legislative Journal the name of Alexander Pavio.

* * *

Mr. Speaker, it is my privilege to bring to the attention of the Speaker and the members of the Pennsylvania House of Representatives the name of Tyler James Plunkett, who has recently been awarded Scouting's highest honor – Eagle Scout.

Mr. Speaker, I would like to read to the members of the House of Representatives the following citation of merit honoring Tyler James Plunkett.

Whereas, Tyler James Plunkett earned the Eagle Award in Scouting. This is the highest award that Boy Scouts can bestow and as such represents great sacrifice and tremendous effort on the part of this young man. Tyler is a member of Troop 82.

Now therefore, Mr. Speaker and members of the House of Representatives, it is my privilege to congratulate and place in the Legislative Journal the name of Tyler James Plunkett.

* * *

Mr. Speaker, it is my privilege to bring to the attention of the Speaker and the members of the Pennsylvania House of Representatives the name of John B. Thomas, who has recently been awarded Scouting's highest honor – Eagle Scout.

Mr. Speaker, I would like to read to the members of the House of Representatives the following citation of merit honoring John B. Thomas.

Whereas, John B. Thomas earned the Eagle Award in Scouting. This is the highest award that Boy Scouts can bestow and as such represents great sacrifice and tremendous effort on the part of this young man. John is a member of Troop 19.

Now therefore, Mr. Speaker and members of the House of Representatives, it is my privilege to congratulate and place in the Legislative Journal the name of John B. Thomas.

* * *

Mr. Speaker, it is my privilege to bring to the attention of the Speaker and the members of the Pennsylvania House of Representatives the name of Taylor Valentine, who has recently been awarded Scouting's highest honor – Eagle Scout.

Mr. Speaker, I would like to read to the members of the House of Representatives the following citation of merit honoring Taylor Valentine.

Whereas, Taylor Valentine earned the Eagle Award in Scouting. This is the highest award that Boy Scouts can bestow and as such represents great sacrifice and tremendous effort on the part of this young man. Taylor is a member of Troop 82.

Now therefore, Mr. Speaker and members of the House of Representatives, it is my privilege to congratulate and place in the Legislative Journal the name of Taylor Valentine.

UNCONTESTED CALENDAR

RESOLUTIONS PURSUANT TO RULE 35

Mr. NEILSON called up **HR 934, PN 3905**, entitled:

A Resolution commemorating the 80th anniversary of the publication of the Northeast Times in Philadelphia.

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Mr. WATERS called up **HR 937, PN 3908**, entitled:

A Resolution recognizing participating in sports and cheering for sports as a unifying force among the citizens of this Commonwealth and the United States.

* * *

Mrs. CORBIN called up **HR 938, PN 3909**, entitled:

A Resolution recognizing the month of August 2014 as "National Immunization Awareness Month."

* * *

Mr. FARRY called up **HR 943, PN 3925**, entitled:

A Resolution commemorating the first anniversary of the 19 Granite Mountain Hotshot members who gave their lives in the line of duty.

* * *

Ms. HELM called up **HR 945, PN 3927**, entitled:

A Resolution recognizing the Borough of Paxtang on its 100th anniversary.

On the question,
Will the House adopt the resolutions?

The following roll call was recorded:

YEAS—199

Adolph	English	Kortz	Pyle
Aument	Evankovich	Kotik	Quinn
Baker	Everett	Krieger	Rapp
Barbin	Fabrizio	Kula	Ravenstahl
Barrar	Farina	Lawrence	Readshaw
Benninghoff	Farry	Longietti	Reed
Bishop	Fee	Lucas	Reese
Bizzarro	Fleck	Mackenzie	Regan
Bloom	Flynn	Maher	Roe
Boback	Frankel	Mahoney	Rock
Boyle, B.	Freeman	Major	Roebuck

Boyle, K.	Gabler	Maloney	Ross
Bradford	Gainey	Markosek	Rozzi
Briggs	Galloway	Marshall	Sabatina
Brooks	Gergely	Marsico	Saccone
Brown, R.	Gibbons	Masser	Sainato
Brown, V.	Gillen	Matzie	Samuelson
Brownlee	Gillespie	McCarter	Sankey
Burns	Gingrich	McGeehan	Santarsiero
Caltagirone	Godshall	McGinnis	Saylor
Carroll	Goodman	McNeill	Scavello
Causer	Greiner	Mentzer	Schlossberg
Christiana	Grell	Metcalfe	Schreiber
Clay	Grove	Metzgar	Simmons
Clymer	Hackett	Miccarelli	Sims
Cohen	Haggerty	Micozzie	Smith
Conklin	Hahn	Millard	Snyder
Corbin	Haluska	Miller, D.	Sonney
Costa, D.	Hanna	Miller, R.	Stephens
Costa, P.	Harhai	Milne	Stern
Cox	Harhart	Mirabito	Stevenson
Cruz	Harkins	Miranda	Sturla
Culver	Harper	Molchany	Swanger
Cutler	Harris, A.	Moul	Tallman
Daley, M.	Harris, J.	Mullery	Taylor
Daley, P.	Heffley	Mundy	Thomas
Davidson	Helm	Murt	Tobash
Davis	Hickernell	Mustio	Toepel
Day	James	Neilson	Toohil
Deasy	Kampf	Neuman	Topper
DeLissio	Kauffman	O'Brien	Truitt
Delozier	Kavulich	O'Neill	Turzai
DeLuca	Keller, F.	Oberlander	Vereb
Denlinger	Keller, M.K.	Painter	Vitali
Dermody	Keller, W.	Parker	Waters
DiGirolamo	Killion	Pashinski	Watson
Donatucci	Kim	Payne	Wheatley
Dunbar	Kinsey	Peifer	White
Ellis	Kirkland	Petrarca	Youngblood
Emrick	Knowles	Pickett	

NAYS—0

NOT VOTING—0

EXCUSED—4

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

REMARKS SUBMITTED FOR THE RECORD

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

Thank you, Mr. Speaker.

Sports and sporting events can bring people together from all races, creeds, and colors as witnessed by major international competitions such as the Olympic Games. I know many of you have been watching the World Cup closely, and despite the crushing defeat we witnessed yesterday, it was certainly an exhilarating journey and the American team has a lot to be proud of.

In Pennsylvania sports make up a universal language that unites people, from urban to suburban areas, and breaks down barriers, whether they are ethnic, religious, economic, or social.

While some might think that my Eagles jersey separates me from those who favor a different jersey, our shared passion actually connects us in a way few other things are able to. It does not matter if you are

rooting for the Pirates or the Phillies, the Flyers or the Penguins, the Eagles or the Steelers, sports have the ability to bring our communities together, so long as you are not wearing a Cowboys jersey.

Sports have the ability to spur change and right wrongs in our society. In the 1930s Jesse Owens and Joe Louis gave a divided America a common hero to stand behind when they competed against Nazi athletes. Jackie Robinson broke the color barrier and set our nation down a new course when he took the field as a Brooklyn Dodger in 1946.

In 1948 Southern Methodist University asked its competitor to leave behind an African-American player and Cheltenham native Wallace "Wally" Triplett. Team Captain Steve Suhey answered their request with a simple phrase that you may be familiar with – "We are Penn State." That was the end of the discussion and the birth of a rallying cheer we hear today.

And in 1980 an Olympic hockey game between two rival superpowers brought the world to the edge of its seat. The Soviet team played fiercely, but America won the game that would go on to be known as "The Miracle on Ice." While the game brought us closer together as Americans, I also think it actually helped lessen the animosity, in the long term at least, that was a hallmark of the Cold War.

That competition and participation in sports at local, State, national, and international levels enriches athletes and fans alike and brings people of all ages, genders, races, and languages together. For those reasons I ask that you support the resolution.

Thank you, Mr. Speaker.

CALENDAR

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 1409, PN 2176**, 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 unlawful acts by manufacturers or distributors.

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

(Bill analysis was read.)

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—197

Adolph	English	Kortz	Pyle
Aument	Evankovich	Kotik	Quinn
Baker	Everett	Krieger	Rapp
Barbin	Fabrizio	Kula	Ravenstahl
Barrar	Farina	Lawrence	Readshaw
Benninghoff	Farry	Longietti	Reed
Bishop	Fee	Lucas	Reese
Bizzarro	Fleck	Mackenzie	Regan
Bloom	Flynn	Maher	Roae
Boback	Frankel	Mahoney	Rock
Boyle, B.	Freeman	Major	Roebuck
Boyle, K.	Gabler	Maloney	Ross

Bradford	Gainey	Markosek	Rozzi
Briggs	Galloway	Marshall	Sabatina
Brooks	Gergely	Marsico	Saccone
Brown, R.	Gibbons	Masser	Sainato
Brown, V.	Gillespie	Matzie	Samuelson
Brownlee	Gingrich	McCarter	Sankey
Burns	Godshall	McGeehan	Santarsiero
Caltagirone	Goodman	McGinnis	Saylor
Carroll	Greiner	McNeill	Scavello
Causer	Grell	Mentzer	Schlossberg
Christiana	Grove	Metzgar	Schreiber
Clay	Hackett	Miccarelli	Simmons
Clymer	Haggerty	Micozzie	Sims
Cohen	Hahn	Millard	Smith
Conklin	Haluska	Miller, D.	Snyder
Corbin	Hanna	Miller, R.	Sonney
Costa, D.	Harhai	Milne	Stephens
Costa, P.	Harhart	Mirabito	Stern
Cox	Harkins	Miranda	Stevenson
Cruz	Harper	Molchany	Sturla
Culver	Harris, A.	Moul	Swanger
Cutler	Harris, J.	Mullery	Tallman
Daley, M.	Heffley	Mundy	Taylor
Daley, P.	Helm	Murt	Thomas
Davidson	Hickernell	Mustio	Tobash
Davis	James	Neilson	Toepel
Day	Kampf	Neuman	Toohil
Deasy	Kauffman	O'Brien	Topper
DeLissio	Kavulich	O'Neill	Truitt
DeLozier	Keller, F.	Oberlander	Turzai
DeLuca	Keller, M.K.	Painter	Vereb
Denlinger	Keller, W.	Parker	Vitali
Dermody	Killion	Pashinski	Waters
DiGirolamo	Kim	Payne	Watson
Donatucci	Kinsey	Peifer	Wheatley
Dunbar	Kirkland	Petrarca	White
Ellis	Knowles	Pickett	Youngblood
Emrick			

NAYS—2

Gillen	Metcalfe
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NOT VOTING—0

EXCUSED—4

Dean	Evans	Hennessey	Petri
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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 without amendment.

**BILLS ON CONCURRENCE
IN SENATE AMENDMENTS**

The House proceeded to consideration of concurrence in Senate amendments to **HB 2334, PN 3896**, entitled:

A Supplement to the act of April 1, 1863 (P.L.213, No.227), entitled "An act to accept the grant of Public Lands, by the United States, to the several states, for the endowment of Agricultural Colleges," making appropriations for carrying the same into effect; providing for a basis for payments of such appropriations, for a method of accounting for the funds appropriated and for certain fiscal information disclosure; and making an appropriation from a restricted account within the Agricultural College Land Scrip Fund.

On the question,
Will the House concur in Senate amendments?

The SPEAKER. Moved by the gentleman, Mr. Adolph, that the House concur in the amendments inserted by the Senate.

The Speaker recognizes the gentleman, Mr. Adolph, for a brief description of Senate amendments.

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

Mr. Speaker, HB 2334 is the 2014-15 fiscal year appropriation bill for Penn State University. The Senate amended the bill by increasing the appropriation for the Pennsylvania College of Technology by \$2 million – from \$15.584 million to \$17.584 million. Along with the general support appropriation of \$214 million also included in the bill for Penn State, HB 2334 will provide a total of \$231.694 million to Penn State University from the Commonwealth's General Fund in the year 2014-15.

Mr. Speaker, I urge a "yes" vote on concurring with the Senate amendment to HB 2334. Thank you.

The SPEAKER. The question is, will the House concur in the amendments inserted by the Senate?

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

Mr. MARKOSEK. Thank you, Mr. Speaker.

I agree with the majority chair of the Appropriations Committee, and I would urge all members to vote "yes" on HB 2334. 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—193

Adolph	Emrick	Knowles	Pyle
Aument	English	Kortz	Quinn
Baker	Evankovich	Kotik	Rapp
Barbin	Everett	Krieger	Ravenstahl
Barrar	Fabrizio	Kula	Readshaw
Benninghoff	Farina	Lawrence	Reed
Bishop	Farry	Longietti	Reese
Bizzarro	Fee	Lucas	Regan
Bloom	Fleck	Mackenzie	Roae
Boback	Flynn	Maher	Rock
Boyle, B.	Frankel	Mahoney	Roebuck
Boyle, K.	Freeman	Major	Ross
Bradford	Gabler	Maloney	Rozzi
Briggs	Gainey	Markosek	Sabatina
Brooks	Galloway	Marshall	Saccone
Brown, R.	Gergely	Marsico	Sainato
Brown, V.	Gibbons	Masser	Samuelson
Brownlee	Gillen	Matzie	Sankey
Burns	Gillespie	McCarter	Santarsiero
Caltagirone	Gingrich	McGeehan	Saylor
Carroll	Godshall	McNeill	Scavello
Causar	Goodman	Mentzer	Schlossberg
Christiana	Greiner	Metzgar	Schreiber
Clay	Grell	Miccarelli	Simmons
Clymer	Grove	Micozzie	Sims
Cohen	Hackett	Millard	Smith
Conklin	Haggerty	Miller, D.	Snyder
Corbin	Hahn	Miller, R.	Sonney
Costa, D.	Hanna	Milne	Stephens

Costa, P.	Harhai	Mirabito	Stern
Cox	Harhart	Miranda	Stevenson
Cruz	Harkins	Molchany	Sturla
Culver	Harper	Mullery	Swanger
Cutler	Harris, A.	Mundy	Tallman
Daley, M.	Harris, J.	Murt	Taylor
Daley, P.	Heffley	Mustio	Thomas
Davidson	Helm	Neilson	Tobash
Davis	Hickernell	Neuman	Toepel
Day	James	O'Brien	Toohil
Deasy	Kampf	O'Neill	Topper
DeLissio	Kauffman	Oberlander	Turzai
DeLozier	Kavulich	Painter	Vereb
DeLuca	Keller, M.K.	Parker	Vitali
Denlinger	Keller, W.	Pashinski	Waters
Dermody	Killion	Payne	Watson
DiGrolamo	Kim	Peifer	Wheatley
Donatucci	Kinsey	Petrarca	White
Dunbar	Kirkland	Pickett	Youngblood
Ellis			

NAYS—6

Haluska	McGinnis	Moul	Truitt
Keller, F.	Metcalfe		

NOT VOTING—0

EXCUSED—4

Dean	Evans	Hennessey	Petri
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The two-thirds 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 2169, PN 3718**, entitled:

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, reenacting and further providing for elk hunting licenses; and abrogating a regulation.

On the question,
Will the House concur in Senate amendments?

The SPEAKER. Moved by the gentleman, Mr. Gabler, that the House concur in the amendments inserted by the Senate.

The question is, will the House concur in Senate amendments?

The Speaker recognizes the gentleman, Mr. Turzai, for a brief description of Senate amendments.

Mr. TURZAI. Mr. Speaker, this bill, sponsored by the good gentleman from Clearfield and Elk Counties, deals with the licenses for the Elk County Center. There were just some technical changes made by the Senate, and we would ask a "yes" vote on concurrence.

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—199

Adolph	English	Kortz	Pyle
Aument	Evankovich	Kotik	Quinn
Baker	Everett	Krieger	Rapp
Barbin	Fabrizio	Kula	Ravenstahl
Barrar	Farina	Lawrence	Readshaw
Benninghoff	Farry	Longietti	Reed
Bishop	Fee	Lucas	Reese
Bizzarro	Fleck	Mackenzie	Regan
Bloom	Flynn	Maher	Roae
Boback	Frankel	Mahoney	Rock
Boyle, B.	Freeman	Major	Roebuck
Boyle, K.	Gabler	Maloney	Ross
Bradford	Gainey	Markosek	Rozzi
Briggs	Galloway	Marshall	Sabatina
Brooks	Gergely	Marsico	Saccone
Brown, R.	Gibbons	Masser	Sainato
Brown, V.	Gillen	Matzie	Samuelson
Brownlee	Gillespie	McCarter	Sankey
Burns	Gingrich	McGeehan	Santarsiero
Caltagirone	Godshall	McGinnis	Saylor
Carroll	Goodman	McNeill	Scavello
Causar	Greiner	Mentzer	Schlossberg
Christiana	Grell	Metcalfe	Schreiber
Clay	Grove	Metzgar	Simmons
Clymer	Hackett	Miccarelli	Sims
Cohen	Haggerty	Micozzie	Smith
Conklin	Hahn	Millard	Snyder
Corbin	Haluska	Miller, D.	Sonney
Costa, D.	Hanna	Miller, R.	Stephens
Costa, P.	Harhai	Milne	Stern
Cox	Harhart	Mirabito	Stevenson
Cruz	Harkins	Miranda	Sturla
Culver	Harper	Molchany	Swanger
Cutler	Harris, A.	Moul	Tallman
Daley, M.	Harris, J.	Mullery	Taylor
Daley, P.	Heffley	Mundy	Thomas
Davidson	Helm	Murt	Tobash
Davis	Hickernell	Mustio	Toepel
Day	James	Neilson	Toohil
Deasy	Kampf	Neuman	Topper
DeLissio	Kauffman	O'Brien	Truitt
Delozier	Kavulich	O'Neill	Turzai
DeLuca	Keller, F.	Oberlander	Vereb
Denlinger	Keller, M.K.	Painter	Vitali
Dermody	Keller, W.	Parker	Waters
DiGirolamo	Killion	Pashinski	Watson
Donatucci	Kim	Payne	Wheatley
Dunbar	Kinsey	Peifer	White
Ellis	Kirkland	Petrarca	Youngblood
Emrick	Knowles	Pickett	

NAYS—0

NOT VOTING—0

EXCUSED—4

Dean	Evans	Hennessey	Petri
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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.

RESOLUTION PURSUANT TO RULE 35

Mr. BRIGGS called up **HR 939, PN 3910**, entitled:

A Resolution commemorating the life of Arthur L. Powell for his long-standing economic and philanthropic contributions to this Commonwealth.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—199

Adolph	English	Kortz	Pyle
Aument	Evankovich	Kotik	Quinn
Baker	Everett	Krieger	Rapp
Barbin	Fabrizio	Kula	Ravenstahl
Barrar	Farina	Lawrence	Readshaw
Benninghoff	Farry	Longietti	Reed
Bishop	Fee	Lucas	Reese
Bizzarro	Fleck	Mackenzie	Regan
Bloom	Flynn	Maher	Roae
Boback	Frankel	Mahoney	Rock
Boyle, B.	Freeman	Major	Roebuck
Boyle, K.	Gabler	Maloney	Ross
Bradford	Gainey	Markosek	Rozzi
Briggs	Galloway	Marshall	Sabatina
Brooks	Gergely	Marsico	Saccone
Brown, R.	Gibbons	Masser	Sainato
Brown, V.	Gillen	Matzie	Samuelson
Brownlee	Gillespie	McCarter	Sankey
Burns	Gingrich	McGeehan	Santarsiero
Caltagirone	Godshall	McGinnis	Saylor
Carroll	Goodman	McNeill	Scavello
Causar	Greiner	Mentzer	Schlossberg
Christiana	Grell	Metcalfe	Schreiber
Clay	Grove	Metzgar	Simmons
Clymer	Hackett	Miccarelli	Sims
Cohen	Haggerty	Micozzie	Smith
Conklin	Hahn	Millard	Snyder
Corbin	Haluska	Miller, D.	Sonney
Costa, D.	Hanna	Miller, R.	Stephens
Costa, P.	Harhai	Milne	Stern
Cox	Harhart	Mirabito	Stevenson
Cruz	Harkins	Miranda	Sturla
Culver	Harper	Molchany	Swanger
Cutler	Harris, A.	Moul	Tallman
Daley, M.	Harris, J.	Mullery	Taylor
Daley, P.	Heffley	Mundy	Thomas
Davidson	Helm	Murt	Tobash
Davis	Hickernell	Mustio	Toepel
Day	James	Neilson	Toohil
Deasy	Kampf	Neuman	Topper
DeLissio	Kauffman	O'Brien	Truitt
Delozier	Kavulich	O'Neill	Turzai
DeLuca	Keller, F.	Oberlander	Vereb
Denlinger	Keller, M.K.	Painter	Vitali
Dermody	Keller, W.	Parker	Waters
DiGirolamo	Killion	Pashinski	Watson
Donatucci	Kim	Payne	Wheatley
Dunbar	Kinsey	Peifer	White
Ellis	Kirkland	Petrarca	Youngblood
Emrick	Knowles	Pickett	

NAYS—0

NOT VOTING—0

EXCUSED—4

Dean	Evans	Hennessey	Petri
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The majority having voted in the affirmative, the question was determined in the affirmative and the resolution was adopted.

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 2169, PN 3718

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, reenacting and further providing for elk hunting licenses; and abrogating a regulation.

HB 2334, PN 3896

A Supplement to the act of April 1, 1863 (P.L.213, No.227), entitled "An act to accept the grant of Public Lands, by the United States, to the several states, for the endowment of Agricultural Colleges," making appropriations for carrying the same into effect; providing for a basis for payments of such appropriations, for a method of accounting for the funds appropriated and for certain fiscal information disclosure; and making an appropriation from a restricted account within the Agricultural College Land Scrip Fund.

SB 1409, PN 2176

An Act amending the act of December 22, 1983 (P.L.306, No.84), known as the Board of Vehicles Act, further providing for unlawful acts by manufacturers or distributors.

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

VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS COMMITTEE MEETING

The SPEAKER. Is the gentleman from Delaware County, Mr. Barrar, seeking recognition for a committee announcement? The gentleman may proceed.

Mr. BARRAR. Thank you, Mr. Speaker.

The Veterans Affairs Committee is having an immediate meeting in room G-50 to consider two House bills and a resolution. That is in G-50 immediately at the break. Thank you, Mr. Speaker.

The SPEAKER. The Veterans Affairs and Emergency Preparedness Committee will meet in room G-50 immediately at the break.

LABOR AND INDUSTRY COMMITTEE MEETING

The SPEAKER. The Speaker recognizes the gentleman from Monroe County, Mr. Scavello, for an announcement.

Mr. SCAVELLO. Thank you, Mr. Speaker.

At the break we are going to resume our meeting from yesterday, the Labor and Industry Committee meeting, at room 39, East Wing.

Thank you, Mr. Speaker.

The SPEAKER. There will be a Labor and Industry Committee meeting in room 39, East Wing, at the break.

RECESS

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

AFTER RECESS

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

COMMUNICATION FROM DEPARTMENT OF ENVIRONMENTAL PROTECTION

The SPEAKER. The Speaker acknowledges receipt of the Industrial Land Recycling Fund Annual Report, fiscal year July 1, 2012, to June 30, 2013, from the Department of Environmental Protection.

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

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

HB 2377, PN 3819

By Rep. BARRAR

An Act amending Title 35 (Health and Safety) of the Pennsylvania Consolidated Statutes, further providing for definitions and for laws suspended during emergency assignments.

VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS.

BILL REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

SB 1423, PN 2142

By Rep. BARRAR

An Act amending Title 35 (Health and Safety) of the Pennsylvania Consolidated Statutes, further providing for assistance to volunteer fire companies, ambulance service and rescue squads; and making a related repeal.

VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS.

RESOLUTION REPORTED FROM COMMITTEE

HR 942, PN 3924

By Rep. BARRAR

A Resolution urging the President of the United States and the Federal Government to take every necessary step to secure the release of United States Marine Sgt. Andrew Tahmooressi from Mexican custody.

VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS.

The SPEAKER. The House will come to order.

LEAVE OF ABSENCE CANCELED

The SPEAKER. The Speaker turns to leaves of absence and recognizes the presence of the gentleman from Chester County, Mr. Hennessey, on the floor of the House. Without objection, his name will be added back to the master roll call.

The House will come to order.

MOTION TO RESCIND

The SPEAKER. The Speaker recognizes the majority leader, Mr. Turzai.

Mr. TURZAI. Thank you, Mr. Speaker.

I move that we rescind our action of Tuesday, July 1, 2014, whereby the House voted in favor of recommitting HB 1353 to the Human Services Committee. Thank you.

The SPEAKER. The majority leader moves that the House rescind its approval of the motion to recommit HB 1353 to the Human Services Committee.

As the members may or may not be aware, a motion to recommit is a procedural motion and cannot be reconsidered. However, section 481 of Mason's Manual provides as follows: "A legislative body can rescind an action previously taken as long as no vested rights have arisen from the original action. In this respect the motion to rescind is in effect the same as the motion to reconsider.

"The motion to rescind may be made at any subsequent meeting as long as no rights have intervened and is not limited to any specific or particular time during which the motion can be made."

Additionally, the motion to rescind has been used on a number of occasions in the House – June 8, 1999; October 4, 2004; and July 16, 2007 – to rescind other procedural motions when such motions could not be reconsidered.

The motion is therefore in order.

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

The SPEAKER. The Speaker recognizes the gentleman, Mr. Turzai, on the motion.

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

In moving that we rescind our action of Tuesday, July 1, 2014, whereby the House voted in favor of recommitting HB 1353 to the Human Services Committee, we would ask that the bill be brought out to the floor by virtue of that motion. We will continue to have further discussions, important discussions about the substance of that bill and its amendments over the summer and will retake up the issue in the fall. So we would ask that it be brought back to the floor here before we do the Fiscal Code. Thank you very much, Mr. Speaker.

PARLIAMENTARY INQUIRIES

The SPEAKER. On the question, the Speaker recognizes the gentleman from Allegheny County, Mr. Dermody.

Mr. DERMODY. Thank you, Mr. Speaker.

Mr. Speaker, the rule that you are citing here today, I do not believe that has ever been used to discharge a bill from

committee and in an effort to discharge a bill that is not in possession of the House. Is that the case?

The SPEAKER. You have a parliamentary inquiry?

Mr. DERMODY. A parliamentary inquiry, yes.

The SPEAKER. It is not a discharge resolution. That is another remedy that the House has when a bill has been referred to the committee by the Speaker. The difference here is that the full House made an action that is not subject to a simple reconsideration motion like we frequently do with other amendments or actions, and therefore the Mason's Manual provides for a motion to rescind where the whole House still has the ability to change, reverse an action in which the whole House took.

Mr. DERMODY. Does that prior precedent— An additional point of parliamentary inquiry.

The SPEAKER. The gentleman may proceed.

Mr. DERMODY. Does that prior precedent refer in any way or pertain to a bill ever being released from a committee? The proper way for the House would be a discharge resolution.

The SPEAKER. As I said, this is not a discharge resolution as being presented. It is a motion by an action of the full House, and the full House, under the motion to rescind, has the ability by way of a vote of the full House to rescind an action, and the difference is that the whole House made an action. It can rescind that action.

Mr. DERMODY. Have we ever rescinded a vote of referral to a committee in the past?

The SPEAKER. I am not aware if it was specifically used for that. However, the motion to rescind is designed to be applicable where a motion to reconsider is not permitted under rule.

Mr. DERMODY. The rule I believe you cited, Mr. Speaker, and what actions can be rescinded suggests that you cannot do that as long as no vested rights have arisen, but I believe they have arisen with it being referred to a committee because the chairman now has the right to consider the bill, to amend the bill.

The SPEAKER. The vested right, as I read Mason's Manual, would be more if they had taken action, if they have done something to change the substance of what was there. Since there has been no real intervening action, the House as a whole, and this is the critical element, is that generally all of our rules and generally Mason's Manual provides that the whole House always has the ability to do or undo a previous action of the whole House. For instance, if the House amends a bill on second consideration and then refers it back to the committee with the exception of the appropriations bill, the committee cannot undo an action of the full House.

Similarly, you want to talk about the discharge resolution. The discharge resolution, what differentiates that is that the discharge resolution is changing an action that the Speaker unilaterally refers a bill to committee upon introduction and the whole House wants to get at that bill. Therefore, they have that ability. One hundred and two, a majority, can discharge that bill. In this case while the rules do not provide for a simple reconsideration, Mason's Manual and the rules do provide for a simple majority to rescind an action taken by the full House, and that is the critical element of this.

Mr. DERMODY. Mr. Speaker, in section 3 in the rule that you cited, I believe it is 481 in the manual—

The SPEAKER. Excuse me; where were you? I did not hear you.

Mr. DERMODY. In Mason's, section 3 says, "When an authorized act has been carried out, the power to rescind does not exist," and I would suggest that the authorized act was the referral to the committee and the committee chairman has possession of the bill. So there is no longer a right to rescind when that act has been carried out.

The SPEAKER. We believe that 3— We believe that 3 and 4, in the sections that you are referring to, are tied together in referring to a contractual action, so that if there was a legal action having taken, then obviously you cannot rescind that obligation.

Mr. DERMODY. So your ruling is that— Mr. Speaker, point of parliamentary inquiry.

The SPEAKER. The gentleman may proceed.

Mr. DERMODY. So your ruling is that anytime, by a simple majority, that a bill is rereferred back to a committee, that the House can rescind that ruling no matter what. The chairman has nothing to do with it, and the bill can automatically be — will come back here to the floor.

The SPEAKER. If committee A refers a bill out with a recommendation to recommit to another committee, which happens time to time, technically, although I read that across the desk, technically that is done by the acclamation "without objection" of the whole House. We do not normally have a vote on it. It is not a vote to recommit. In the sense of a recorded vote, it is an action where the Speaker basically says, you know, the bill— Actually, I usually say, "Without objection, the bill will be so rereferred." Therefore, if you did not want that bill to be rereferred to that committee, you could have taken I will call it objection to it and ask for a vote on that with objection. You could have objected to that. The whole House has now rereferred that bill to the committee, not the Speaker upon initial introduction, and that is the difference. It was an action of the whole House.

So to answer your question, yes, if it is a bill that has been rereferred, the whole House has, without objection, referred a bill back to another committee, and this motion to rescind would be available to call that into question or reverse that action, assuming that the committee has not taken any action on that bill in the interim.

Mr. DERMODY. Thank you, Mr. Speaker.

The SPEAKER. The question is—

Mr. DERMODY. Mr. Speaker?

The SPEAKER. The gentleman is in order.

Mr. DERMODY. On the motion.

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

Mr. DERMODY. I understand your ruling, Mr. Speaker.

I would like to suggest that this is terrible precedent for the future. It is terrible precedent for our committee chairmen that we can rescind a ruling, to send it back, and the bill in possession of a chairman and in possession of that committee can now be reported from that committee or a ruling that it should go there rescinded on a simple majority of the State House, and I think it is a mistake. Thank you, Mr. Speaker.

The SPEAKER. For what purpose does the gentleman, Mr. Hanna, from Clinton County rise?

Mr. HANNA. To speak on the motion, Mr. Speaker.

The SPEAKER. The gentleman is in order.

Mr. HANNA. Mr. Speaker, I certainly oppose the motion to rescind, and I would like to point out to the full House and

particularly the chairmen in the House that this completely removes your control of legislation that has been referred to you. And there is no sense in even having a committee process if you are not going to be able to control bills that have been sent to you so that you can properly vet those bills, amend those bills, and then refer them to the full House or report them to the full House. This action will say that anytime a majority wants to take a bill away from a chairman, no matter what that chairman says, this House could do that. Now, that is not the way we operate, that is not the way the rules read, and it is my position that this ruling completely eviscerates the rules of the House. You add to that what happened just 2 short years ago when a similar ruling was made about discharge resolutions and we eviscerated the discharge resolution process. We said that when you discharge, when you file a discharge petition and you follow through with that discharge petition in accordance with the rules, the Speaker and the Parliamentarian made the decision that they could simply just rerefer to a different committee.

So the pattern that we are seeing here is that the rules do not matter, and if you vote today to eviscerate committee chairmen's control of legislation that is properly referred to them, you are completely ignoring the rules of the House, the past precedent of the House, and what we should be doing. So I encourage a "no" vote.

The SPEAKER. The ruling does not affect a bill that is referred to a committee by the Speaker initially. The ruling only refers to when the full House makes a rereferral.

PARLIAMENTARY INQUIRIES

The SPEAKER. For what purpose does the gentleman from Northampton County, Mr. Samuelson, rise?

Mr. SAMUELSON. A parliamentary inquiry.

The SPEAKER. The gentleman may state his inquiry.

Mr. SAMUELSON. The Speaker just stated that it only refers to bills referred by the whole House and not bills referred by the Speaker. That in itself is a parliamentary interpretation. Could that interpretation not be changed by the Speaker the next day or the day after and then all 2,400 bills before this House of Representatives could be pulled out of committee, circumventing the discharge resolution process?

The SPEAKER. The ruling, I will restate it, is based on the fundamental premise that our rules have embodied, is that an action by the full House can always be undone by the full House. It is sort of a layman's way of saying that without getting too technical. They can undo an action they did unless something has intervened as action by that committee in this case.

Mr. SAMUELSON. Okay.

What about — second parliamentary inquiry — if the Speaker's ruling is that an action of the full House can be rescinded by the full House, every day we vote in this House on third consideration of bills, and the House of Representatives votes on a bill, and normally, that would be sent to the Senate. Now, with this new, with this new interpretation, are you saying that the House, after they vote and send a bill to the Senate, could rescind and take the bill back even though the Senate already has it? What is the difference in that action?

The SPEAKER. First of all, a vote on third consideration, for instance, is subject to a simple reconsideration motion, point one.

Second, a bill by a vote of the majority through resolution can ask the Senate to send a bill back that has already been voted and delivered to the Senate in fact, and although I am not totally familiar with the history of that, I would suggest that if it were just that same day or the very next day, a resolution of that nature would be honored. However, if that bill had already been referred to committee in the Senate, then an action would have been taken on it by the Senate and they would probably say it is too late. But we do in fact have a procedure via resolution, and that would be a simple majority, again, would have the ability to rescind an action of sending a bill to the Senate. We have that authority now.

Mr. SAMUELSON. All right. Well, I am a little confused, because when we pass a bill, the Speaker announces that bill has been sent to the Senate. Now, sometimes the Senate takes 5 or 6 or 7 or 10 days to actually refer a bill to committee. Are you saying that if there is no intervening action, if the Senate has not actually referred the bill to the committee, the House could say, just kidding; we are going to rescind our vote; we are going to take that bill back from the Senate, even though it has already been delivered to the Senate? Is that covered under the section of Mason's Manual that you are referring to?

The SPEAKER. It is not related to this section because that is an action that by rule is subject to a motion to reconsider and the element where we are allowed to ask for that bill out. I am checking with the Parliamentarian as to whether or not the Senate has to comply with our request. But nevertheless, the House has the authority to rescind, reconsider its vote on third consideration, and ask for a bill to be returned. Just give me one minute.

For your clarification, under rule 36, "Privileged Resolutions," is where it speaks to it. It does not detail what the Senate's responsibility is to react to that, but it is rule 36, "Privileged Resolutions," No. "(2) Recalling from or returning bills to the Senate."

Mr. SAMUELSON. Final parliamentary inquiry.

Is there a time limit on when an action of this House can be rescinded? Are you setting a time limit of 24 hours, 48 hours, 2 weeks, 3 months?

The SPEAKER. I do not believe there is any set time limit. It is, basically, that no vested action has arisen from the original action.

Mr. SAMUELSON. Okay.

Thank you for the parliamentary inquiries.

May I speak briefly on the motion?

The SPEAKER. The gentleman may speak.

Mr. SAMUELSON. Okay.

To me, as one of the committee chairs in this House, it seems like this motion today opens up a can of worms, lots of unanswered questions about when a bill could be rescinded – whether it is internal, just in the House of Representatives; whether it has involved the State Senate; whether the State Senate would have to honor our action.

I think we do have a procedure that is spelled out in the rules that we all voted on in January 2013, and the procedure is called a discharge resolution. It is a difficult procedure. Once a bill has been referred to a committee, you have to get a set number of signatures. I believe it is 25. You have to have a bill already have 15 days in the committee. You cannot just yank it out of the committee 2 or 3 or 4 days later. That procedure is set. We followed that for decades.

And I would suggest voting "no" on this motion. If we would approve this motion, all 2,400 bills that have been referred to committee are potentially subject to this new procedure. I urge a "no" vote on the motion to rescind. Thank you.

The SPEAKER. Once again, the Speaker feels obligated to correct the record. This ruling does not apply to any bill or resolution referred to committee by the Speaker. It addresses only an action where the entire House voted to refer a bill to a committee – rerefer a bill to a committee. It does not apply to every bill that is moving through this legislature. It only applies to an action of the whole House.

The Speaker recognizes the gentleman from Allegheny County, Mr. Turzai.

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

The history of HB 1353 is it was referred to State Government May 17 of 2013 and it was reported as amended on June 25 of 2013 and was later rereported as committed on September 23 of 2013.

The fact of the matter is, this particular piece of legislation did go through the committee process, and subject to rule 78 of our rules and section 481 of Mason's, there is a purpose for a motion to rescind. This is exactly the type of situation to which it applies; otherwise, the rule would be superfluous. This is different than a discharge resolution situation where a bill has been in committee. This is rescinding an action that was taken on July 1 and putting it back into place on the floor.

It is very straightforward, and we would ask members to vote "yes."

PARLIAMENTARY INQUIRIES

The SPEAKER. For what purpose does the gentleman from Washington County, Mr. Neuman, rise?

Mr. NEUMAN. Mr. Speaker, I have a parliamentary inquiry, please.

The SPEAKER. The gentleman may state his inquiry.

Mr. NEUMAN. Thank you, Mr. Speaker.

You had stated earlier that the difference between this motion to rescind and a motion to reconsider is based – or a discharge resolution is based on the fact that the Speaker referred something to committee versus the whole House referring something to a committee. Is that correct?

The SPEAKER. I believe that is essentially what I said.

Mr. NEUMAN. Mr. Speaker, whenever you unilaterally— You unilaterally do not have power to control to send something to committee without the affirmation of the House. Is that correct?

The SPEAKER. No. When a bill is introduced, the Speaker unilaterally gets to, you know, play the first card, gets to make the first referral. To follow that thought, to maybe jump ahead, if the House did not approve of that action, the House would go through the discharge resolution process. If the House then pulled that bill out of that committee and referred it to another committee, the House as a whole could move that bill to another committee because it is an action of the whole House. It has taken command of the legislation. The initial action, though, of a bill being introduced and referred is an authority that is vested in the Speaker unilaterally just, you know, apart from the whole House.

Mr. NEUMAN. Mr. Speaker, whenever you refer to the committee, do you ask if there is any objection from the House or is it just—

The SPEAKER. No.

Mr. NEUMAN. —referred to the committee?

The SPEAKER. No, I do not. That is a power that is vested singularly in the Speaker, and arguably, to continue my fundamental point on this, is that the whole House, you can elect a new Speaker. I mean, I realize that is an extreme example, and I am not encouraging it by any stretch of the way.

Mr. NEUMAN. Thank you, Mr. Speaker.

The SPEAKER. However, that is where that authority was vested. The day you elected someone Speaker, you gave that person, among other things, that power.

Mr. NEUMAN. Yes, Mr. Speaker, and I did vote for you.

A further parliamentary inquiry, please.

The SPEAKER. The gentleman may continue.

Mr. NEUMAN. You are comparing a motion to rescind to a motion to reconsider. Are we considering those essentially the same motion, just with two different actions?

The SPEAKER. No. Many actions of this House are by rule identified as being subject to a motion to reconsider. The motion to rescind is provided for in the cases where that reconsideration motion does not apply. So they are – perhaps it is one of those things that there is not a lot of difference when you are talking about it, but there is a difference, because a motion to reconsider does not apply. Therefore, the motion to rescind – again, and it only – my ruling is that it only applies by an action of the whole House. The whole House always has some mechanism to do or undo its own actions up until the point that there was a reactive action to that first action.

Mr. NEUMAN. So but for the whole House referring it to the committee, you are considering these two motions have essentially the same – they are the same action?

The SPEAKER. While the result may be similar, the action is different in that the House took an action. It, a majority, has the ability to undo an action.

Mr. NEUMAN. Thank you, Mr. Speaker.

Mr. Speaker, chapter 42 of Mason's states that many courts do treat these two motions as one motion in the preface of the "Motion to Rescind." So are we using that standard that they are different in ways in which they are brought up but same within the action, the actual action of the motion to rescind versus the motion to reconsider?

The SPEAKER. It is not replacing, it is not replacing the motion to reconsider. In some cases a motion to reconsider is in order—

Mr. NEUMAN. Thank you, Mr. Speaker.

The SPEAKER. —and in this case a motion to rescind is in order.

Mr. NEUMAN. Mr. Speaker, in order to have a motion to reconsider, the House must have possession of the bill. Is that correct?

The SPEAKER. The reconsideration motion would apply and is permissible when the House is in possession of a bill or has just considered an amendment. Yes, if that is what you are getting at.

Mr. NEUMAN. So a motion to rescind, does the House have to have possession of the bill similar to the motion to reconsider?

The SPEAKER. The motion to rescind may not apply only to moving a bill. It could be another action, I presume, that otherwise was not subject to a motion to reconsider. The fundamental point, though, is that an action of the full House can be undone by the full House.

Mr. NEUMAN. But does the House have to have possession of the bill to have a motion to rescind? We are acting on a bill we do not have possession on.

The SPEAKER. Depending on how you are defining "possession," the House arguably has possession of the bills because it is still within a committee of the House. It is not a bill that is, you know, in the Senate.

Mr. NEUMAN. Mr. Speaker, the Speaker ruled in 2008 that a bill that was in the Appropriations Committee meant that the full House did not have possession of that bill and therefore the House, the House, since they did not have possession, could not act on that bill because it was in the possession of the Appropriations Committee.

The SPEAKER. I said it depended on which way you are going to use the word "possession" in that context. And furthermore, furthermore, we are not acting on the bill. We are rescinding an action of the House, which the action was to refer the bill.

Mr. NEUMAN. Mr. Speaker, I believe similarly in 2008 they were trying to perform an action on a bill or an action of the House, whichever you want to consider it, they were trying to perform an action on that bill or action of the House, and it was deemed that they could not because they do not have possession of it. They are not allowed because it is not actually in the House. How is that different from this situation? And furthermore, within that ruling, the remedy is within the discharge resolution process, and that is why we have that rule in the House. If you want to get it out of committee, then this ruling states you have to use the discharge resolution process.

The SPEAKER. Simply put, we are not acting on the bill per se. We are rescinding an action of the House.

Mr. NEUMAN. Okay.

Mr. Speaker, on the motion.

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

Mr. NEUMAN. Thank you, Mr. Speaker, for dealing with the questions that I was asking.

But I want people to pay particular attention to this action. I mean, we are considering a motion on a bill. The bill is listed on the board right now. We are considering an action on this bill that we do not have possession of. That is a dangerous, dangerous precedent to send to our chairmen. That means that in the future this can be pointed to to show that even though we do not have possession of a bill which is sitting in committee, we can act on it, and that is a dangerous, dangerous precedent that we are setting for this institution, for future institutions for actions on the House and actions on bills.

Mr. Speaker, I would humbly ask and request that we vote this motion down and do not circumvent the process that is set in place in our rules and do not circumvent the precedent that has been set in this institution for decades. Thank you, Mr. Speaker.

PARLIAMENTARY INQUIRIES

The SPEAKER. The Speaker recognizes the gentleman from Northampton County, Mr. Freeman.

Mr. FREEMAN. Thank you, Mr. Speaker.

Mr. Speaker, I would like to ask for some parliamentary inquiry.

The SPEAKER. The gentleman may state his inquiry.

Mr. FREEMAN. Is it the Chair's understanding that our rules as written down in this rulebook are the dominant procedure to follow, only to be supplemented by Mason's and/or Jefferson's Manual in the absence of explicit direction by our own rules. Is that correct?

The SPEAKER. The rules of the House are primary, obviously, but they clearly provide for applying past precedent or Mason's Manual.

Mr. FREEMAN. If I may, Mr. Speaker, as part of my further parliamentary inquiry, rule 78, which deals with parliamentary authority, states clearly, "Mason's Manual supplemented by Jefferson's Manual of Legislative Procedure shall be the parliamentary authority of the House, if applicable and not inconsistent with" either "the Constitution of Pennsylvania, the laws of Pennsylvania applicable to the General Assembly, the Rules of the House, the established precedents of the House and the established customs and usages of the House." To my reading, Mr. Speaker, and again I ask your inquiry on this, does that not make the rules that we have in our rulebook supreme over Mason's and Jefferson's, only allowing Mason's and Jefferson's to intervene in the actions of this House as a supplement in areas where we are not specific in the rules of the House set down in our adopted rules of the House?

The SPEAKER. I do not think I have a fundamental disagreement with your interpretation other than that Mason's Manual is applicable in instances where the rules are not addressing a specific action.

Mr. FREEMAN. So therefore, Mr. Speaker, again with my parliamentary inquiry, it is a supplement, not the supreme governing of the rules of how we proceed, it is a supplement where either there is vagueness or no direction given in our own rules. Would you not say that is the understanding of the Chair?

The SPEAKER. I am not sure exactly what the point is other than that we have forever, since I have been here certainly, used Mason's Manual to supplement the rules and to provide authority or precedent or some basis for any action that is taken by a simple majority of the House.

Mr. FREEMAN. Further parliamentary inquiry, if I may, Mr. Speaker.

Did I understand the Speaker to say that there are some actions the Speaker takes which he can rescind and other actions that are rescindable only by the full body of the House. Is that correct?

The SPEAKER. State that again, please.

Mr. FREEMAN. There are some actions the Speaker takes that he can rescind and other actions which would require rescinding by the full body of the House, which I believe the Speaker is ruling on as it pertains to referring a bill to committee, as we did the other day.

The SPEAKER. The only action that I made reference to today, and I am not sure if there are others off the top of my head, was the initial action of referring a bill to committee. That was the only one I made reference to.

Mr. FREEMAN. Okay.

The SPEAKER. I do not know if there are others.

Mr. FREEMAN. But am I clear in my understanding, Mr. Speaker, that in this regard you are saying that since it was an action of the House, the House therefore has the authority through Mason's to rescind that decision?

The SPEAKER. Yes. Fundamentally, at the core of the ruling is that a majority of the House always has the ability to do or undo an action of the House.

Mr. FREEMAN. In the course of this session, Mr. Speaker, you have on occasion, I believe in the previous session as well, rescinded moving a bill from second to third. Does not the action of moving a bill from second to third require a vote of the full House to take it to that level? And if it is the precedent of the Chair that we are now saying that rescissions of that nature that pertain to the full House can only take the action of the full House, that in the future you will have to require the House to vote on rescinding on a moving of a bill from second to third, from third back to second?

The SPEAKER. In fact, yes. The Speaker, myself, and previous prior Speakers have— For instance, when I say, "Will the House agree to the bill? Agreed to," at the end of second consideration, I have rescinded, other Speakers before me have rescinded that action to bring the bill back on to second. That is, although I do not think I state it that way probably, perhaps I should, that is an action that would be – you could call for a vote on that. If I take a bill that we moved past second to third and I announced I am rescinding that action, that is clearly something that is done somewhat without objection, although I am not sure that I certainly always say "without objection," but that is an action where I rescind something, but I am not doing that unilaterally. I am doing it standing here in front of you. If you objected, you could have called that up, you could have asked for a vote on that rescission that was rescinded by the Speaker. That is a without-objection kind of thing.

Mr. FREEMAN. So just to be clear on that aspect of the power of rescinding, is it the Chair's understanding that when in the future the Chair says, "the Chair rescinds," having moved from third and goes back to second, that could in fact require by an action of any member requesting it a vote of the House to make that move?

The SPEAKER. Absolutely, and we have voted that.

Mr. FREEMAN. But I noticed in the past—

The SPEAKER. If there is an objection to rescinding from third back to second, absolutely.

Mr. FREEMAN. So in the future we can request a vote on that action—

The SPEAKER. Absolutely. In the past you could have; absolutely.

Mr. FREEMAN. If I could speak to the motion before us, Mr. Speaker.

The SPEAKER. The gentleman may.

Mr. FREEMAN. I thank the Chair for their kind indulgence of my parliamentary inquiries.

Mr. Speaker, I have been a member of this chamber for 28 years. I have served in the minority and I have served in the majority, and when we play fast and loose with the rules in how we interpret the rules and seek creative ways in which to circumvent the rules, we undermine how we are perceived in the eyes of the people who send us here and we debase the process. I know sometimes we dwell a little too much on process, but in a democracy, process is a very important ingredient. It defines fairness. It defines an understanding of

whether something has the consensus of an elected body. It defines whether it has legitimacy.

When it comes to an issue such as this, it is clear from this reading that Mason's, and even by the actions, or the mention, the references by the Speaker, it is clear that Mason's is a supplement to our rules. We have a procedure, as other speakers have mentioned, on how to take a bill back from committee. It is not through some rescinding process which has never been applied here in this measure. It is through the discharge resolution process, which is clearly stated in our rules, which stipulates a process in which we are required to abide by to bring a bill back from committee once this House has taken that action to send it to a committee. Mason's is a supplement. This rulebook is what guides us in our procedure. To adopt this notion of rescinding, we violate this rulebook, which clearly states how you go about getting a bill back that was rereferred to committee. This trumps Mason's and we should abide by that. If you wish to change this, then let us put a resolution before this chamber to amend our rules to provide for this procedure, but let us not be clever. Let us not circumvent the process. Let us not debase an important ingredient on how this institution operates. We lose the integrity of this place and the validity of this place if we do not abide by the rules that we set down for the operation of this place.

I would urge the members, both Democrat and Republican, to reject this motion.

PARLIAMENTARY INQUIRY

The SPEAKER. On the motion, the Speaker recognizes the gentleman from Lancaster County, Mr. Sturla.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, earlier there was a question about possession, and I guess, as best I can tell, it depends on what your definition of "is" is, but from a procedural standpoint, Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman may state his inquiry.

Mr. STURLA. Mr. Speaker, the rescission would be a full vote of the House. Would it then be in order to have a vote to rescind the rescission?

The SPEAKER. No. But you could make another motion to recommit.

Mr. STURLA. Okay. So if the rescission vote is successful, there could be another motion made to recommit to another committee, but then that would be a full vote of the House and so there could be another rescission vote to try and do that even though it was just an action of the House. Am I correct in that?

The SPEAKER. A 102-vote majority or simple majority, actually, on an action like this, a simple majority of the members voting could do that if that is what they chose to do.

Mr. STURLA. Mr. Speaker, also as I understand your description of your ruling is you have said that this only applies to items that had a vote of at least 102 members in the House, and that when you refer bills for second consideration and things, you simply ask – you refer them without objection. In the future if some future Speaker decides that on second consideration they refer bills with consent of the House as opposed to without objection of the House, would that be considered the full force of 102 members of the House and that would allow then any bill to be rescinded from committee based on this ruling?

The SPEAKER. Let me be clear again. When a bill is introduced and I refer it, the procedure there is, if you do not like what committee it went to, is the discharge resolution process. If a committee refers a bill out, at that point in time the House can post it on the calendar, which is normal. It could be a motion of the majority leader to rerefer it to another committee. Sometimes upon referral out of committee, the committee says with a recommendation to rerefer. When I announce that, when I read that across the desk, that rereferral is without objection and that would be an action of the full House, without objection, and yes, that would be subject – you could apply this ruling to undo that action.

Mr. STURLA. Okay. So any bill that comes out of a committee, gets put on the calendar, and then eventually gets rereferred back to committee, which is hundreds of bills each session, is subject to this ruling.

The SPEAKER. We actually take a voice vote on those. I mean, you know, not everybody yells out. I only have a couple that cooperate, but yes, those are actions by the whole House.

Mr. STURLA. So you are saying that even though most people believe that this would only apply to this one bill, that it actually applies to hundreds of bills that are currently in committee that have been rereferred?

The SPEAKER. Over the course of the session, I mean, I do not know what the number is, but it would be an action— An action of the House is the fundamental core of—

Mr. STURLA. So, for example, Mr. Speaker, HB 300, which was rereferred to the State Government Committee, or the bill on minimum wage are all subject to rescission.

The SPEAKER. No. They were referred initially.

Mr. STURLA. None of those bills were rereferred to committee?

The SPEAKER. They were not rereferred. They were referred.

Mr. STURLA. So any bill that did, though, make it to the calendar and then was rereferred is subject to this form of rescission?

The SPEAKER. I do not know how many times to say it. A bill that is referred goes one way in terms of the House's ability to deal with it, and a bill that is rereferred by the whole House is always reachable by the whole House.

Mr. STURLA. Okay. Thank you, Mr. Speaker.

If I could, on the—

The SPEAKER. The gentleman is in order.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, I believe what we just learned was that it is not just this bill that we are talking about. We are talking about any bill that made it out of your committee and either got referred to another committee – rereferred to another committee or rereferred back to your committee because we just were not ready to vote on it at the time, we did not want to carry it on the calendar, and any committee chairman knows that those bills are numerous in their committee. And if this procedure, this clever parliamentary maneuver is allowed, then all those bills are subject to this same sort of action. I think it is a bad precedent to set. There is not a precedent for it prior to this. In fact, there have been rulings that said you could not do it prior to this.

Mr. Speaker, as little as less than 2 hours ago, the Governor of this State held a press conference where he said he thought it was terrible that procedural maneuvers were used to block a vote on the bill, terrible that procedural maneuvers were used. Back in January of 2011, the majority leader said, and I quote, that he would not use clever parliamentary maneuvers. Now, this may actually not qualify as being a clever parliamentary maneuver. I think it is just a power-grab parliamentary maneuver, because what it does is says that the majority leader can any day pull a bill out of your committee. That is the precedent that this will set, all because today, as I understand it, they want to pull a bill out not to vote on it, just to show that they could, just to show that if you just can bring it back out of committee, you have the power to control the committees. That is a bad precedent. That is not what this chamber should be about. That is an insult to this institution that has been ongoing and operating under the rules and procedures as amended, as Representative Freeman talked about, for more than 250 years. That is an affront to the people of Pennsylvania. That is blindly a blatant power grab.

Thank you, Mr. Speaker.

The SPEAKER. For what purpose does the gentleman from Lancaster County, Mr. Cutler, rise?

Mr. CUTLER. Thank you, Mr. Speaker.

To speak on the motion, if I may.

The SPEAKER. The gentleman is in order.

Mr. CUTLER. Thank you, Mr. Speaker.

Mr. Speaker, I know that I have a reputation for diligent adherence to the rules, and I often get issues raised with me depending on some of my votes and how we proceed with some of the rules.

But, Mr. Speaker, I want to give some brief history regarding the rule to rescind. I believe that there has been some misunderstanding about our House rules and the supplements that we utilize in order to clarify those House rules. Mr. Speaker, reading from rule 78, "Mason's Manual supplemented by Jefferson's Manual...shall be the parliamentary authority of the House, if applicable and not inconsistent with the Constitution..., the laws of Pennsylvania applicable to the General Assembly, the Rules of the House, the established precedents of the House and the established customs...."

Mr. Speaker, we are dealing specifically with the motion to rescind. The motion to rescind is found nowhere in our rules. Therefore, Mr. Speaker, the motion to rescind is not inconsistent with our rules, and therefore, we would then be directed into the supplements that we have identified. In this particular case it is Mason's Manual.

Mr. Speaker, if you look at Mason's Manual, it is 579 pages long and it certainly contemplates many situations that our House rules do not. I would argue that we have done this in order to make our rules more efficient and then to not have to print lengthy manuals for each of us to reference for the more commonly used rules.

Mr. Speaker, these rules, as applied and as incorporated, are utilized in conjunction with one another. As I said earlier, the motion to rescind is not specifically prohibited in our rules; therefore, we should go to the supplemental selections that we have also indicated in our rules. Mr. Speaker, in regards to the

specific rule, I believe that it has been abundantly clear and pointed out by the Speaker himself in regard to how this rule should be applied.

It has been raised and offered that we could perhaps use a discharge petition in order to reverse this course of action. That, Mr. Speaker, is inconsistent with our rules. Our rules clearly indicate that a discharge petition is only in order after 15 days. Fifteen days have not yet passed. While I understand the mental exercises associated with talking and hypotheticals, the only mechanism, as allowed by Mason's Manual, is the motion that is currently before us and has been appropriately made – and I would argue should be appropriately supported.

The discharge resolution is not in order. The Speaker has clearly said that a motion to reconsider is not in order. Mr. Speaker, to not allow the motion to rescind would handicap our ability to carry on as a legislative body. Mr. Speaker, furthermore, I would offer that it is the only action that we can take to reconsider or rescind this particular action. That is our procedural remedies that are afforded to us as members of the House, and it is absolutely in order and should be supported. Thank you.

HUMAN SERVICES COMMITTEE MEETING

The SPEAKER. On the question, the Speaker recognizes the gentleman from Bucks County, Mr. DiGirolamo.

Mr. DiGIROLAMO. Thank you, Mr. Speaker.

In the interest of saving time tonight, Mr. Speaker – we have been here for a long time – I would like to call an immediate meeting of the Human Services Committee in 60 East Wing; immediate meeting of the Human Services Committee in 60 East Wing. Thank you.

The SPEAKER. There will be an immediate meeting of the Human Services Committee in 60 East Wing.

The House will be at ease for a few minutes for the duration of the meeting.

The House will come to order.

MOTION WITHDRAWN

The SPEAKER. The motion has been withdrawn.

STATEMENT BY MR. DiGIROLAMO

The SPEAKER. The Speaker recognizes the gentleman from Bucks County, Mr. DiGirolamo, under unanimous consent.

Mr. DiGIROLAMO. Thank you, Mr. Speaker.

You know, I want to state for the record that I have a great deal of respect for the leaders on both sides of the aisle and absolutely a great deal of respect for the Speaker also, and as I said in my statements on the floor earlier in the week when I made my motion, I really appreciate the hard work of the gentlemen, the three gentlemen especially, who worked on this issue.

I am happy to report that the bill has been referred out of committee and is now to the floor. But I also would like to state that I still have opposition to the bill as it is, and if the bill came up for a vote, I would have been a "no" vote.

So I am still hoping that Representative Grell, who has offered to do that, will work over the summer with all interested parties and possibly come up with a plan in the fall that might be agreeable to all parties.

Thank you, Mr. Speaker.

BILL REREPORTED FROM COMMITTEE

HB 1353, PN 2152

By Rep. DiGIROLAMO

An Act amending Titles 51 (Military Affairs) and 71 (State Government) of the Pennsylvania Consolidated Statutes, in Title 51, in employment preferences and pensions, further providing for military leaves of absence; in Title 71, in retirement for State employees and officers, further providing for definitions, for preliminary provisions and for membership, credited service, classes of service, and eligibility benefits, providing for State Employees' Defined Contribution Plan, further providing for contributions, for benefits and for administration, funds and accounts; and making editorial changes.

HUMAN SERVICES.

STATEMENT BY MR. THOMAS

The SPEAKER. For what purpose does the gentleman from Philadelphia County, Mr. Thomas, rise?

Mr. THOMAS. Thank you, Mr. Speaker.

Unanimous consent.

Mr. Speaker, I just wanted to extend my thanks and appreciation to you, majority leader, my leader, and to the gentleman from Bucks County.

I think wise minds came together and did the right thing. Once a bill goes to a committee, it is in control of that committee, and the way to move it out of a committee is by rereferring it either back to the House or to another committee, and so I am glad that folks came face to face with that fact, history, and practice of this great institution and took heed in governing themselves accordingly, and I thank all of you.

The SPEAKER. The Speaker thanks the gentleman.

CALENDAR CONTINUED

BILL ON CONCURRENCE IN SENATE AMENDMENTS AS AMENDED

The House proceeded to consideration of concurrence in Senate amendments to the following **HB 278, PN 3930**, as further amended by the House Rules Committee:

An Act amending the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, in Treasury Department, further providing for investment of money; in disposition of abandoned and unclaimed property, further providing for definitions, for property held by financial institutions, for property held by insurers, for property held by utilities, for property held by business associations, for property held by fiduciaries, for property held by courts and public officers and agencies, for miscellaneous property held for or owing to another and for report of property subject to custody and control of the Commonwealth, providing for certificate of finder registration, for revocation of finder registration and for appeals, further providing for examination of records, for proceeding to compel reporting or delivery and for penalties, and providing for relation to Electronic Signatures in Global and National Commerce Act; in inquisitorial powers of fiscal officers, further providing for examination and adjustment of public accounts and the collection of amounts due the Commonwealth; in oil

and gas wells, providing for legislative findings and further providing for appropriation, for the Department of Conservation and Natural Resources and for additional transfers; in special funds, further providing for funding, establishing the H2O PA Account, and providing for other grants; in additional special funds, further providing for use of fund, providing for termination, for transfer to Public School Employees' Retirement System, and further providing for distributions from Pennsylvania Race Horse Development Fund; in general budget implementation, further providing for State Civil Service Commission; providing for Environmental Quality Board, for surcharges and for other agencies; providing for rural regional college for underserved counties, for 2014-2015 budget implementation and for 2014-2015 restrictions on appropriations for funds and accounts; and making related repeals.

On the question,

Will the House concur in Senate amendments as amended by the Rules Committee?

FILMING PERMISSION

The SPEAKER. The Speaker gives permission for media access to the House floor to Christine Maddela and Wayne Wright of NBC 10 News Philadelphia for videotaping for approximately 10 minutes.

CONSIDERATION OF HB 278 CONTINUED

The SPEAKER. The question is, will the House concur in the amendments inserted by the Senate as amended by the House?

Moved by the gentleman, Mr. Turzai, that the House concur in the amendments.

The Speaker recognizes the gentleman, Mr. Adolph, for a description of Senate amendments as amended by the House.

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

Mr. Speaker, if I can get the members' attention. I would like to go over an omnibus Fiscal Code amendment that was put in Rules Committee last evening.

HB 278 was comprehensively amended in Senate Appropriations with an omnibus amendment. On July 1, 2014, this bill was amended in House Rules, including the following changes: the reinsertion of provisions providing for reimbursement to critical access hospitals that had been in HB 278 as it passed the House of Representatives 198 to 0 on September 23, 2013; also the removal of provisions relating to the bank shares tax; also the removal of changes to the City Revitalization and Improvement Zones, better known as CRIZ program; also removal of a transfer that was a duplicate to a transfer in the general appropriations bill; in addition, a removal of language relating to the basic education formula enhancement in the budget implementation article, as well as technical and typographical corrections to provisions relating to sewer extensions and in legislative intent.

The SPEAKER. The question is, will the House concur in the amendments inserted by the Senate as amended by the House?

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

Mr. MARKOSEK. Thank you, Mr. Speaker.

Mr. Speaker, as we know, the Fiscal Code is the set of instructions for the Commonwealth budget, and without going over and over again about the budget and how mismanaged and missed opportunities and gimmick-laden it is, and now in front

of us we have a Fiscal Code that is the instructions for how to run a mismanaged budget.

So without a whole lot of conversation about it here tonight – this afternoon, I get up as the chairman of the Appropriations Committee and I will not be supporting the Fiscal Code, and for all the reasons that I have said over and over again, and everybody in this room has heard my many, many reasons in criticizing the budget and not being for the budget and I would ask that we vote "no" on the Fiscal Code.

Thank you, Mr. Speaker.

The SPEAKER. The question is, will the House concur in the amendments inserted by the Senate as amended by the House?

On that question, the Speaker recognizes the gentleman from Tioga County, Mr. Baker.

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

I rise to support HB 278 on concurrence.

As was enunciated earlier by the chairman of the Appropriations Committee, the Fiscal Code was amended in the Senate, it passed the House unanimously, to help our 13 rural critical access hospitals. The Fiscal Code implements the \$29.1 billion spending plan of the State budget to drive out the funding contained therein.

Voting for and supporting our State's Fiscal Code today allows for a record investment of education funds of \$10 1/2 billion to be paid to our 500 school districts. Overall, \$11.1 billion is allocated to education, \$314 million more for basic education purposes, \$20 million more for special education. A lot of people should be credited with those incredible increases in these difficult economic times.

Voting for and supporting our Fiscal Code allows for \$11.2 billion to be allocated for the State's health and welfare programs, which arguably contain 98 percent of the money spent on health care, such as managed care, medical assistance, autism, intellectual disabilities, newborn screenings, breast cancer screenings, to name a few. Education funding and health and welfare represent 75 percent of the entire State budget, and when you add in corrections, that costs another \$2 billion, 80 percent of the entire State budget is allocated by passing the State Fiscal Code in those three categories alone.

Additionally and often overlooked, there are \$22.4 billion in Federal funds that go along with the \$29.1 billion in State general funds, for a total of \$51.5 billion that you have an opportunity to vote on and allocate and drive out this evening. For DPW (Department of Public Welfare), there were \$11.2 billion in State funds and \$17 1/2 billion in Federal funds, for a combined total of \$28.7 billion, almost as much as the entire State budget.

The Fiscal Code drives out funding for home and community-based services, tobacco use prevention and cessation, health-related research, cancer research, uncompensated care, managed care, drug and alcohol programs, child advocacy funding, newborn screening, medical services to children in need, funding for adult cystic fibrosis and respiratory illness, lupus, biotech research, and research for regenerative medicine, hepatitis—

The SPEAKER. Will the gentleman suspend for a moment, please.

For what purpose does the gentleman, Mr. Markosek, rise?

Mr. MARKOSEK. Mr. Speaker, I think the gentleman is talking about the general appropriations bill and not the Fiscal Code.

The SPEAKER. As he was framing it, I believe he was saying that the Fiscal Code is what implements some of that. I follow your line of thinking and would certainly urge the gentleman, Mr. Baker, to address those things that are driven in the Fiscal Code. The gentleman may continue.

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

Indeed, if it was not for the Fiscal Code, we could not spend and drive out those allocations of dollars, and I think it is important for the members to know exactly what they are voting for. We all know that we cannot drive out the money for the General Fund budget without the Fiscal Code passing, and we need to know what we are voting for. It is very, very important to the members to understand that this is an incredibly important bill next to the General Fund budget itself.

Additionally, this funds diabetes, \$13 million increase for intellectual disabilities to reduce waiting lists by 1,250 individuals. We have funding in there for viral research, drug research, clinical trials related to cancer, funding for child-care assistance, trauma centers, academic medical centers, cleft palate treatment, and MH and MR (mental health and mental retardation) services. The Fiscal Code also drives out funding for environmental programs and services, including heritage parks and funding for agriculture research and promotion, tourism and marketing, \$11 1/2 million more to train four new State Police cadet classes and add 350 troopers to protect and to serve. Also, this Fiscal Code drives out a very important \$5 million in additional funding for the Attorney General's Office to fight crime and drug interdiction.

And lastly, Mr. Speaker, I would like to thank our leaders as well as our staff for the enormous body of work contained within the State budget plan as well as the Fiscal Code that implements and drives out the \$29.1 billion in State funds, as well as the \$17 1/2 billion in Federal funds that provides \$51 1/2 billion for our 12 1/2 million citizens in Pennsylvania.

I ask for support in concurrence of this legislation. Thank you very much, Mr. Speaker.

The SPEAKER. The question is, will the House concur in the amendments inserted by the Senate as amended by the House?

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

Mr. VITALI. Thank you, Mr. Speaker.

I rise in opposition to HB 278.

I want to focus in on two provisions of this bill which I think make this bill unacceptable.

The first provision is section 8.7, which deals with the leasing of State lands to raise money for the Commonwealth budget. It involves a \$95 million transfer from the Oil and Gas Lease Fund to the General Fund. The second provision I want to talk about deals with the attempt by the Fiscal Code to regulate conventional gas well and unconventional gas well regulations. I think this is an inappropriate place to do this in the Fiscal Code.

Mr. Speaker, first on the issue of State forest leasing. Mr. Speaker, this bill, in addition to taking \$95 million from the Oil and Gas Lease Fund, makes certain findings which the legislature would be making which not only are inappropriate but are an attempt to influence a pending court case relating to the use of these funds brought about by the environmental defense council and attorney John Childe. This one finding contained in this Fiscal Code is that leasing of State lands is necessary to fund the budget.

Mr. Speaker, leasing of State lands, leasing of our State park and forest lands certainly are not necessary to balance the budget, and in fact, there are much better ways, including the severance tax.

The second finding this bill makes is that the Oil and Gas Lease Fund is not a constitutional trust. This again is a direct attempt to influence pending court litigation. Mr. Speaker, let me at this point read Pennsylvania's Constitution, Article I, section 27, "Pennsylvania's public natural resources are the common property of all the people, including generations yet to come. As trustee of these resources, the Commonwealth shall conserve and maintain them for the benefit of all the people."

Mr. Speaker, State parks and forests are a treasure and we have both a moral and a constitutional obligation to protect them. It is understood that we, as a Commonwealth, use these resources in our forests to raise revenues from time to time. We have a history of timbering, oil, and now gas. Yet, the standard that we have used in the past and should be using in the future when we decide to develop our State lands is not how much money we need, but what is sustainable. Regrettably, we forgot that and in this Fiscal Code have ignored that. It is bad public policy to make development decisions with regard to our State lands based on budgetary needs.

Mr. Speaker, we made this same mistake in 2008 and 2010. We decided what budget number we needed and then decided to develop State lands based on that. This was a mistake and that mistake did not become clear to me until recently when I was hiking through Loyalsock State Forest and I saw how gas lines had marred the beauty of this beautiful State forest and realized that we were part, that I was part of the decision that caused this beautiful State forest to be desecrated. Let us not make that – let us not make that mistake again.

Governor Rendell signed a moratorium in 2010, and when he signed that moratorium to prohibit further State land leasing, he made a finding – the Department of Conservation and Natural Resources made a finding that no more State lands were suitable for development.

Mr. Speaker, drilling is a highly industrial activity. I have been to drilling sites on many occasions. It really chews up the land with roads and retention basins and clearing of land, breaking up of ecosystems, laying of gas lines, and so forth.

Governor Corbett made a huge mistake when he revoked that moratorium, and since then, and even now, after his budget has been passed, he has refused to announce any details—

The SPEAKER. The gentleman will suspend. The gentleman will suspend.

I think when you start talking about conversations outside of the hall of the House, it is not even close to being on the bill. I would urge you to confine your debate to the substance of the bill that is before us.

Mr. VITALI. I will, Mr. Speaker.

This bill before us contains \$95 million in transfers that are predicated upon the leasing of State lands. Although this bill determines transfers, we do not know as a chamber what State parks, what State forests will be developed as a result of the decisions we are making today. One reason to vote against this is we do not have that information. We are being asked to buy a pig in a poke.

Again, there is a better way to raise this revenue than leasing off State lands, and that is the severance tax.

The second point I want to make in addition to the inappropriateness of leasing off more State lands to balance the budget is the inappropriateness in this bill of trying to determine conventional and nonconventional gas regulations. Mr. Speaker, essentially what section 1741 of this bill is, it is an insertion of HB 2350. We essentially have chosen not to move forward with that bill or SB 1378, but rather to circumvent the legislative process and insert the substance of those bills into this Fiscal Code.

You may have gotten a letter from the Pennsylvania Environmental Council which calls this maneuver, calls what we are doing today, quote, "an affront to transparency and the legislative process." That letter raises the question, would conventional wells be fully exempt from all regs until a new guidance document is developed? That I think is what we risk if we pass this.

What we also risk if we pass this is going back to square one, going back to square one on all of the chapter 78 surface regs, all of the regulations that have been moving through the pipeline for about 2 years with regard to oil and gas development from the day we passed Act 13, starting at square one, if we pass, if we pass this bill today.

Mr. Speaker, unconventional drilling is problematic. It should be regulated, should be regulated strictly. And, Mr. Speaker, it is wrong for us to pass this bill and take those regulations back to square one. Mr. Speaker, because of these two reasons, I have several motions to make.

MOTION TO SUSPEND RULES

Mr. VITALI. I first move that the rules be suspended for immediate consideration of amendment 9183, which establishes a moratorium on any further leasing of Commonwealth lands for drilling. I so move.

The SPEAKER. The gentleman from Delaware County, Mr. Vitali, moves to suspend the rules for the immediate consideration of amendment A09183, correct? 9183?

Mr. VITALI. That would be amendment 9183.

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

The SPEAKER. On the motion to suspend the rules— On the motion to suspend, is the gentleman seeking recognition on that as well?

Mr. VITALI. Briefly, I am.

This will probably be the only opportunity we will have to convey to the public where we stand on this issue. The public overwhelmingly supports the moratorium that Governor Rendell put in in 2010. It overwhelmingly opposes the leasing of further State lands.

Mr. Speaker, this will be the probably one vote we will have between now and the next election to let the public know where we stand on this issue. So I would ask for an affirmative vote to suspend the rules so we can move to the amendment in chief.

The SPEAKER. On the motion to suspend, the Speaker recognizes the majority leader, Mr. Turzai.

Mr. TURZAI. Thank you, Mr. Speaker.

I rise in opposition to the motion to suspend.

We have spent significant time on HB 278, the Fiscal Code. I would ask all the members to suspend so that we can complete the budget process. Thank you.

I apologize. Let me be clear – to not suspend. Please arise in opposition to the motion to suspend. Please do not suspend. We have spent a lot of time on 278, and we need to get to the underlying vote.

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

The following roll call was recorded:

YEAS—70

Bishop	Fabrizio	Kula	Petrarca
Boyle, B.	Farina	Longiotti	Ravenstahl
Boyle, K.	Flynn	Mahoney	Readshaw
Bradford	Frankel	Markosek	Roebuck
Briggs	Freeman	Matzie	Sabatina
Brownlee	Galloway	McCarter	Sainato
Caltagirone	Gibbons	McGeehan	Samuelson
Carroll	Goodman	McNeill	Santarsiero
Cohen	Haggerty	Milne	Schlossberg
Conklin	Haluska	Mirabito	Schreiber
Costa, D.	Hanna	Molchany	Sims
Costa, P.	Harhai	Mundy	Snyder
Daley, M.	Harkins	Neilson	Sturla
Davidson	Kavulich	Neuman	Vitali
Davis	Kim	O'Brien	Waters
Deasy	Kinsey	Painter	Wheatley
DeLuca	Kirkland	Pashinski	White
Dermody	Kotik		

NAYS—130

Adolph	Evankovich	Kortz	Quinn
Aument	Everett	Krieger	Rapp
Baker	Farry	Lawrence	Reed
Barbin	Fee	Lucas	Reese
Barrar	Fleck	Mackenzie	Regan
Benninghoff	Gabler	Maher	Roae
Bizzarro	Gainey	Major	Rock
Bloom	Gergely	Maloney	Ross
Boback	Gillen	Marshall	Rozzi
Brooks	Gillespie	Marsico	Sacccone
Brown, R.	Gingrich	Masser	Sankey
Brown, V.	Godshall	McGinnis	Saylor
Burns	Greiner	Mentzer	Scavello
Causser	Grell	Metcalfe	Simmons
Christiana	Grove	Metzgar	Smith
Clay	Hackett	Miccarelli	Sonney
Clymer	Hahn	Micozzie	Stephens
Corbin	Harhart	Millard	Stern
Cox	Harper	Miller, D.	Stevenson
Cruz	Harris, A.	Miller, R.	Swanger
Culver	Harris, J.	Miranda	Tallman
Cutler	Heffley	Moul	Taylor
Daley, P.	Helm	Mullery	Thomas
Day	Hennessey	Murt	Tobash
DeLissio	Hickernell	Mustio	Toepel
Delozier	James	O'Neill	Toohil
Denlinger	Kampf	Oberlander	Topper
DiGiolamo	Kauffman	Parker	Truitt
Donatucci	Keller, F.	Payne	Turzai
Dunbar	Keller, M.K.	Peifer	Vereb
Ellis	Keller, W.	Pickett	Watson
Emrick	Killion	Pyle	Youngblood
English	Knowles		

NOT VOTING—0

EXCUSED—3

Dean Evans Petri

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 concur in Senate amendments as amended by the Rules Committee?

The SPEAKER. Is the gentleman, Mr. Vitali, seeking further recognition on the bill?

Mr. VITALI. Well, I think procedurally I am still at my first time at the mike, and after that motion has been disposed of, I now want to resume the floor to make a second motion.

MOTION TO SUSPEND RULES

The SPEAKER. The gentleman may state his motion.

Mr. VITALI. Thank you, Mr. Speaker.

With regard to the second topic we talked about, the issue of attempting through this Fiscal Code to regulate unconventional and conventional wells, in a sense trying to push through HB 2350 and the inappropriateness of doing that because of the danger of going without regulations for this industry for another significant period of time, I would move for the immediate consideration of amendment 91 – suspension of the rules for the immediate consideration of amendment 9184, which deletes from the bill that language referred to.

The SPEAKER. The gentleman from Delaware County, Mr. Vitali, moves for a suspension of the rules for the immediate consideration of amendment A09184.

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

The SPEAKER. On the motion to suspend the rules, is the gentleman, Mr. Vitali, seeking recognition on that motion?

Mr. VITALI. Mr. Speaker, again, at the risk of repeating myself, wrong way to do legislation. If this amendment does not get in, what we are doing or what we are putting in are surface regulations of the oil and gas industry, back to square one after 2 years of working on them. We are leaving the unconventional industry perhaps without regulation.

So I think it is the – pulling this out, pulling this language out will not affect any monetary issues. It will just require the legislative process to continue as is. So I think the appropriate thing to do legislatively is to pull this language out. So I ask for an affirmative vote on the motion to suspend.

The SPEAKER. On the motion to suspend, the Speaker recognizes the gentleman from Allegheny County, Mr. Turzai.

Mr. TURZAI. I would ask the members to please not suspend the rules and to vote this motion down. Thank you.

The SPEAKER. On the motion to suspend, those voting—
For what purpose does the gentleman from Clinton County, Mr. Hanna, rise?

Mr. HANNA. To speak on the motion.

The SPEAKER. I can recognize you on behalf of the majority leader, but there is a limited debate, so as long as we are under the understanding that, or the minority leader, as long as we are under the understanding that you are speaking on his behalf, the gentleman is in order.

Mr. HANNA. He is absolutely okay with that.

The SPEAKER. The gentleman is in order.

Mr. HANNA. Thank you, Mr. Speaker.

Mr. Speaker, I rise to urge a "yes" vote on suspension of the rules. Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—79

Bishop	Deasy	Kim	Pashinski
Bizzarro	DeLissio	Kinsey	Petrarca
Boyle, B.	DeLuca	Kirkland	Ravenstahl
Boyle, K.	Dermoddy	Kortz	Readshaw
Bradford	Fabrizio	Kotik	Roebuck
Briggs	Farina	Kula	Rozzi
Brown, V.	Flynn	Longiotti	Sabatina
Brownlee	Frankel	Mahoney	Sainato
Burns	Freeman	Markosek	Samuelson
Caltagirone	Gainey	Matzie	Santarsiero
Carroll	Galloway	McCarter	Schlossberg
Clay	Gergely	McGeehan	Schreiber
Cohen	Gibbons	McNeill	Snyder
Conklin	Goodman	Mirabito	Sturla
Costa, D.	Haggerty	Molchany	Vitali
Costa, P.	Haluska	Mundy	Waters
Cruz	Hanna	Neilson	Wheatley
Daley, M.	Harhai	Neuman	White
Davidson	Harkins	O'Brien	Youngblood
Davis	Kavulich	Painter	

NAYS—121

Adolph	Fleck	Mackenzie	Rapp
Aument	Gabler	Maher	Reed
Baker	Gillen	Major	Reese
Barbin	Gillespie	Maloney	Regan
Barrar	Gingrich	Marshall	Roae
Benninghoff	Godshall	Marsico	Rock
Bloom	Greiner	Masser	Ross
Boback	Grell	McGinnis	Saccone
Brooks	Grove	Mentzer	Sankey
Brown, R.	Hackett	Metcalfe	Saylor
Causser	Hahn	Metzgar	Scavello
Christiana	Harhart	Miccarelli	Simmons
Clymer	Harper	Micozzie	Sims
Corbin	Harris, A.	Millard	Smith
Cox	Harris, J.	Miller, D.	Sonney
Culver	Heffley	Miller, R.	Stephens
Cutler	Helm	Milne	Stern
Daley, P.	Hennessey	Miranda	Stevenson
Day	Hickernell	Moul	Swanger
Delozier	James	Mullery	Tallman
Denlinger	Kampf	Murt	Taylor
DiGirolamo	Kauffman	Mustio	Thomas
Donatucci	Keller, F.	O'Neill	Tobash
Dunbar	Keller, M.K.	Oberlander	Toepel
Ellis	Keller, W.	Parker	Toohil
Emrick	Killion	Payne	Topper
English	Knowles	Peifer	Truitt
Evankovich	Krieger	Pickett	Turzai
Everett	Lawrence	Pyle	Vereb
Farry	Lucas	Quinn	Watson

Fee

NOT VOTING—0

EXCUSED—3

Dean Evans Petri

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 concur in Senate amendments as amended by the Rules Committee?

The SPEAKER. Is the gentleman, Mr. Vitali, seeking to continue on the bill?

Mr. VITALI. Well, there is good news and bad news. I will be withdrawing my other amendments, but I do have one final — not so fast. Do not get your hopes up yet.

But I do want to make one further motion on this bill because I think it is important that certain things be said about this.

CONSTITUTIONAL POINT OF ORDER

Mr. VITALI. So I move that this bill, specifically the consideration of this bill, be declared unconstitutional for several provisions of Pennsylvania's Constitution which I will delineate.

The SPEAKER. The gentleman will let me put the motion before the House.

Mr. VITALI. I—

The SPEAKER. Just suspend one minute, please.

Just to be clear, the gentleman, Mr. Vitali, is raising the question of constitutionality of this bill, correct?

Mr. VITALI. That is correct.

The SPEAKER. What section of the Constitution?

Mr. VITALI. Mr. Speaker, Article III, section 1; Article III, section 2; Article III, section 3; and Article III, section 4.

The SPEAKER. The gentleman, Mr. Vitali, raises the point of order that HB 278, PN 3930, is unconstitutional.

The Speaker, under rule 4, is required to submit questions affecting the constitutionality of a bill to the House for decision, which the Chair now does.

On the question,
Will the House sustain the constitutionality of the bill?

The SPEAKER. Is the gentleman, Mr. Vitali, seeking recognition on that motion?

Mr. VITALI. I am, Mr. Speaker.

The SPEAKER. The gentleman is in order.

Mr. VITALI. With regard to Article III, section 1— And again, I bring this up because this chamber continues to ignore the Constitution we have been sworn to uphold. There is a certain process which should be followed, even though that process might be inconvenient and time-consuming and not yield the result that a given person might want, but it is the Constitution, and it is important that we think about that, and that is why I am raising this motion.

Article III, section 1, states, "...no bill shall be...altered...to change its original purpose." The original purpose of this bill was the Department of Welfare reimbursement of critical access hospital legislation. Again, the original purpose of this bill was the Department of Welfare reimbursement of critical access hospital legislation.

Mr. Speaker, we have already talked about various items in this bill such as State forest leasing and unconventional drilling regulation and many other things that have nothing to do with the original intent of this bill. So for that reason alone, this should be declared unconstitutional.

It says – Article III, section 2, states that "No bill shall be considered unless referred to a committee...." Mr. Speaker, clearly the bills we have talked about here, especially 2350 and the other, have not gone through the committee process.

Mr. Speaker, Article III, section 3, states that "No bill shall be passed containing more than one subject...." Mr. Speaker, this bill contains numerous subjects, subject after subject, and clearly puts members in the position of taking inconsistent positions on issues.

Mr. Speaker, Article III, section 4, "Every bill shall be considered on three..." separate "...days in each House." Mr. Speaker, we just got the bulk of this legislation last night, and this is an attempt to do an end-around on the rule, the constitutional provision that every bill should be considered on three separate days in each House.

For those reasons this bill I believe to be unconstitutional, and I would ask that we vote to so find it.

The SPEAKER. On the question of constitutionality, the Speaker recognizes the gentleman, Mr. Saylor, from York County.

Mr. SAYLOR. Thank you, Mr. Speaker.

I rise in support that this bill is constitutional.

The General Assembly is given full opportunity to amend and even expand a bill and not run afoul of constitutional prohibitions, as cited in the case of *Pennsylvanians Against Gambling Expansion Fund, Inc.* (Pennsylvania Supreme Court in 2005), *Christ the King Manor* (Commonwealth Court, 2006, upheld by the PA Supreme Court), *Stilp v. Commonwealth of Pennsylvania*.

Again, we argue that this bill is constitutional and the Supreme Court has ruled that we may expand a bill with amendments. Thank you, Mr. Speaker.

The SPEAKER. On the question of constitutionality, those voting "aye" will vote to declare the bill to be constitutional; those voting "no" will vote to declare the bill to be unconstitutional.

On the question recurring,
Will the House sustain the constitutionality of the bill?

The following roll call was recorded:

YEAS—117

Adolph	Fleck	Knowles	Quinn
Aument	Gabler	Krieger	Rapp
Baker	Gergely	Lawrence	Reed
Barrar	Gibbons	Lucas	Reese
Benninghoff	Gillen	Mackenzie	Regan
Bloom	Gillespie	Maher	Roae
Boback	Gingrich	Major	Rock
Brooks	Godshall	Maloney	Ross

Brown, R.	Goodman	Marshall	Saccone
Carroll	Greiner	Marsico	Sankey
Causer	Grell	Masser	Saylor
Christiana	Grove	McGinnis	Scavello
Clymer	Hackett	Mentzer	Schreiber
Corbin	Hahn	Metcalfe	Simmons
Cox	Harhart	Metzgar	Smith
Culver	Harper	Miccarelli	Sonney
Cutler	Harris, A.	Micozzie	Stephens
Daley, P.	Heffley	Millard	Stern
Day	Helm	Miller, R.	Stevenson
Delozier	Hennessey	Milne	Swanger
Denlinger	Hickernell	Moul	Tallman
DiGirolamo	James	Murt	Taylor
Dunbar	Kampf	Mustio	Tobash
Ellis	Kauffman	O'Neill	Toepel
Emrick	Kavulich	Oberlander	Toohil
English	Keller, F.	Payne	Topper
Evankovich	Keller, M.K.	Peifer	Turzai
Everett	Keller, W.	Pickett	Vereb
Farry	Killion	Pyle	Watson
Fee			

NAYS—83

Barbin	DeLissio	Kotik	Petrarca
Bishop	DeLuca	Kula	Ravenstahl
Bizzarro	Dermody	Longietti	Readshaw
Boyle, B.	Donatucci	Mahoney	Roebuck
Boyle, K.	Fabrizio	Markosek	Rozzi
Bradford	Farina	Matzie	Sabatina
Briggs	Flynn	McCarter	Sainato
Brown, V.	Frankel	McGeehan	Samuelson
Brownlee	Freeman	McNeill	Santarsiero
Burns	Gainey	Miller, D.	Schlossberg
Caltagirone	Galloway	Mirabito	Sims
Clay	Haggerty	Miranda	Snyder
Cohen	Haluska	Molchany	Sturla
Conklin	Hanna	Mullery	Thomas
Costa, D.	Harhai	Mundy	Truitt
Costa, P.	Harkins	Neilson	Vitali
Cruz	Harris, J.	Neuman	Waters
Daley, M.	Kim	O'Brien	Wheatley
Davidson	Kinsey	Painter	White
Davis	Kirkland	Parker	Youngblood
Deasy	Kortz	Pashinski	

NOT VOTING—0

EXCUSED—3

Dean	Evans	Petri
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The majority having voted in the affirmative, the question was determined in the affirmative and the constitutionality of the bill was sustained.

On the question recurring,
Will the House concur in Senate amendments as amended by the Rules Committee?

REMARKS SUBMITTED FOR THE RECORD

The SPEAKER. On that question, the Speaker recognizes the gentleman from Montgomery County, Mr. Stephens.

Mr. STEPHENS. Thank you, Mr. Speaker.

I just have some remarks to submit for the record.

The SPEAKER. The gentleman will deliver the remarks to the clerk and they will be noted in the record.

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

Mr. Speaker, while I have serious reservations about the constitutionality of HB 278 relative to the single-subject rule and have voiced these concerns, I recognize this bill is the vehicle for components of the budget important to my constituents, including the Ready to Learn Block Grants, the special education funding formula corrections, and the new scholarship program for middle-income families. I recognize if I am interested in supporting these initiatives – and I am – this is my only opportunity to do so.

On the substance, there are certainly components of the bill that I might oppose if considered individually, but when taken as a whole, I believe the pros significantly outweigh the cons and I will be supporting this bill tonight.

Thank you.

The SPEAKER. The question is, will the House concur in the amendments inserted by the Senate as amended by the House?

On that question, the Speaker recognizes the gentleman from Lancaster County, Mr. Sturla.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, I rise in opposition to HB 278.

Normally I would save these comments for an Education Code bill, but because the Education Code changes required this year are put in this Fiscal Code bill, I will add these comments about the Fiscal Code bill.

Mr. Speaker, this bill does not provide for an adequate and fair funding formula for school districts. It does dictate that the money gets pushed out to school districts in a way that is wholly unfair.

Mr. Speaker, for example, in the last 4 years this body has abandoned the funding formula for basic education that we had previously used to fund school districts, and as a result of that, the cumulative effects of not adhering to a rational funding formula have led to the following.

Mr. Speaker, one of the wealthiest school districts in the State, Radnor Township, is realizing \$2,956 per classroom less than they were, total than they were for the last 4 years – for the last 4 years as compared to the year 2010-2011. Now, you know, \$3,000 per classroom does not seem like a whole lot in tough economic times, and for a wealthy school district, I think they have been able to weather the storm. And there are other school districts in a similar situation: Tredyffrin/Easttown, they have been shortchanged \$3,457 per classroom in the last 4 years; Upper St. Clair, \$4,911 per classroom in the last 4 years; Garnet Valley, \$4,681 shortchanged in the last 4 years; and North Allegheny School District, \$6,927 worth of cuts per classroom in the last 4 years. Sounds like a fairly decent record in tough economic times, but those are out of a list of 20 of the school districts that fared the best.

Now, here are some of the 20 worst. Philadelphia City School District has been cut in the last 4 years a cumulative \$135,992 per classroom. That is not per school building; that is per classroom. Now, I will point out that that is calculated on a per classroom of 25 kids. You cannot find a classroom in the school district of Philadelphia that has 25 kids in it anymore. It is more like 40.

Mr. Speaker, the total revenue cuts to the school district of Philadelphia when compared to 2010-2011 are more than \$1 billion in the school district of Philadelphia alone, \$1 billion worth of cuts.

Mr. Speaker, the Pittsburgh School District in the last 4 years has suffered cuts of \$96,077 per classroom. Start thinking about an elementary school that has two classrooms of first graders and two classrooms of second graders, one of those small schools. Now think about cutting nearly \$100,000 worth of teachers and resources per classroom out of that school in the last 4 years.

But you know, it is not just the big-city school districts, Mr. Speaker. Mr. Speaker, Midland Borough School District has seen cuts of \$72,158 per classroom in the last 4 years. Clairton City School District has seen cuts of \$80,421 per classroom in the last 4 years; West Branch Area School District, cuts of \$77,991 per classroom in the last 4 years; Corry Area School District, \$73,645 per classroom in the last 4 years; Kane Area School District, \$73,438 per classroom in the last 4 years; Columbia Borough School District, \$71,892 per classroom in the last 4 years.

Mr. Speaker, these are not big-city schools; these are small schools in rural areas that are struggling.

Now, today when the Governor held a press conference, he said the reason they are struggling is because we have not done a pension bill. But all of you know that there is no pension proposal that has been placed before the House that does anything to ameliorate any of these cuts for at least 30 years. These are cuts that were made by this administration with the full support of members on the other side of the aisle in both the House and the Senate to eviscerate school funding. These kids are the ones that are suffering.

Mr. Speaker, Norristown School District, \$38,498 per classroom; Northampton Area School District, \$33,567 per classroom; Northern Lehigh, \$52,207 per classroom. Mr. Speaker, across the board – urban, suburban, rural – these cuts have hurt children in the State of Pennsylvania.

Mr. Speaker, this bill does nothing, I repeat, does nothing to help that situation and in some cases, as was pointed out because we continue to fund the wealthiest school districts while we cut funding for the poorest school districts, has made the problem worse.

Mr. Speaker, I ask for a "no" vote.

The SPEAKER. The question is, will the House concur in the amendments inserted by the Senate as amended by the House?

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

Mr. CLYMER. Thank you, Mr. Speaker, and I will try to be brief. I stand in support of HB 278.

I will deal with some of the highlights of the education issues in the Fiscal Code.

There is a provision requiring PDE (Pennsylvania Department of Education) to designate a nonprofit organization to establish a rural regional college to serve a rural multicounty region underserved by existing institutions of higher education, and that was HB 1701 that received unanimous vote. There is a school construction provision which will allow PDE to distribute available construction reimbursement funding to more school districts. There is some \$306 million there. Twenty million dollar increase for special education which will be distributed to school districts through a new special education funding formula. The existing funding is to be distributed to school districts as it was in the 2013-14 fiscal year.

Distribution of basic education funding is included at the level that was in place for the 2013-14 fiscal year with the same distribution to school districts; a community college funding formula for 2014-2015 fiscal year, which includes \$3.5 million increase to be distributed on a pro rata basis among the community colleges.

A library funding formula is included for the 2014-15 fiscal year.

You have heard much conversation and discussion on the distribution of a new Ready to Learn Block Grant, \$100 million; an Accountability Block Grant, \$100 million. Continued distribution of equipment grants for career and technical centers and school districts with approved vocational programs is included. And finally, the Ready to Succeed Scholarship Program that is created within PHEAA (Pennsylvania Higher Education Assistance Agency), \$5 million for designated students.

Thank you, Mr. Speaker, and again I ask for support of this legislation.

The SPEAKER. The question is, will the House concur in the amendments inserted by the Senate as amended by the House?

I do not see anybody else seeking recognition on this bill. However, by rule, we are not allowed to vote it until approximately 9:30.

RULES COMMITTEE MEETING

The SPEAKER. The Speaker recognizes the gentleman, Mr. Turzai, from Allegheny County.

Mr. TURZAI. Thank you very much.

We will have a 6:45 p.m. Rules Committee meeting at the Appropriations conference room, a 6:45 p.m. Rules Committee meeting in the Appropriations conference room. I would ask all members – Republican members of the Rules Committee to meet in the majority leader's office at 6:30 – all Republican members of the Rules Committee to meet in the majority leader's office at 6:30.

The SPEAKER. There will be a 6:45 p.m. Rules Committee meeting in the Appropriations conference room.

REPUBLICAN CAUCUS

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

Ms. MAJOR. Thank you, Mr. Speaker.

I would like to announce Republicans will caucus at 7 p.m. I would ask our Republican members to please report to our caucus at 7 p.m. We would be prepared to come back on the floor at 7:30. Thank you, Mr. Speaker.

DEMOCRATIC CAUCUS

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

Mr. FRANKEL. Mr. Speaker, Democrats will caucus at 7 o'clock. Democrats will caucus at 7 o'clock. Thank you.

RECESS

The SPEAKER. This House stands in recess until 7:30, unless sooner recalled by the Speaker.

RECESS EXTENDED

The time of recess was extended until 7:50 p.m.; further extended until 8:15 p.m.

AFTER RECESS

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

BILLS ON CONCURRENCE REPORTED FROM COMMITTEE

HB 1177, PN 3931 (Amended)

By Rep. TURZAI

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, providing for appeal of decision by school reform commission; further providing for initiative of electors seeking consolidation or merger with new home rule charter; providing for a hotel room rental tax in certain third class counties; further providing for investment authority funds; providing for authorization of a hotel tax in certain counties of the fourth class, for second class township hotel room rental tax and for local option cigarette tax in school districts of the first class and for local sales tax revenues in cities of the first class; and making an editorial change.

RULES.

HB 1337, PN 3900

By Rep. TURZAI

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in facilities and supplies relating to judicial computer system, further providing for surcharge and for fee deposit into the Access to Justice Account; and, in disposition of obsolete records, further providing for form of permanent recordation and for copies of destroyed records.

RULES.

HB 2107, PN 3866

By Rep. TURZAI

An Act amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in definition of sexual offenses, providing for unlawful dissemination of intimate image; and, in particular rights and immunities, providing for damages in actions for unlawful dissemination of intimate image.

RULES.

HB 2111, PN 3841

By Rep. TURZAI

An Act requiring certain health care practitioners to disseminate information relating to Down syndrome; and imposing duties on the Department of Health.

RULES.

**REPORTS OF
COMMITTEE ON COMMITTEES**

The SPEAKER. The clerk will read the supplemental reports from the Committee on Committees.

The following reports were read:

COMMITTEE ON COMMITTEES

SUPPLEMENTAL REPORT

In the House of Representatives,
July 2, 2014

Resolved that,

Representative Schlossberg, Lehigh County, is elected a member of the Urban Affairs Committee vice Representative Neilson resigned.

Respectfully submitted,
Rep. Marc Gergely
Chairman
Committee on Committees

* * *

COMMITTEE ON COMMITTEES

SUPPLEMENTAL REPORT

In the House of Representatives,
July 2, 2014

Resolved that,

Representative Flynn, Lackawanna County, is elected a member of the Gaming Oversight Committee vice Representative Neilson resigned.

Respectfully submitted,
Rep. Marc Gergely
Chairman
Committee on Committees

* * *

COMMITTEE ON COMMITTEES

SUPPLEMENTAL REPORT

In the House of Representatives,
July 2, 2014

Resolved that,

Representative Painter, Montgomery County, is elected a member of the Commerce Committee vice Representative Neilson resigned.

Respectfully submitted,
Rep. Marc Gergely
Chairman
Committee on Committees

On the question,
Will the House adopt the resolutions?
Resolutions were adopted.

ANNOUNCEMENT BY SPEAKER

The SPEAKER. If I could have the members' attention, just an announcement really unrelated to any of the legislation and legislative activities.

Over the summer months the Chief Clerk hopes to do some cleaning around the desks and asked me to ask you all to please remove any personal items or perishable items. I know none of you have any candy in your desks. Any of that kind of stuff from the desks, just make it a little easier for them to do some of the cleaning they need to do through the summer months.

So before you leave tonight, please police your area. Thank you.

BILL PASSED OVER TEMPORARILY

The SPEAKER. HB 278 being over temporarily, let us turn to today's House calendar supplemental A.

SUPPLEMENTAL CALENDAR A

**BILLS ON CONCURRENCE
IN SENATE AMENDMENTS**

The House proceeded to consideration of concurrence in Senate amendments to **HB 1337, PN 3900**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in facilities and supplies relating to judicial computer system, further providing for surcharge and for fee deposit into the Access to Justice Account; and, in disposition of obsolete records, further providing for form of permanent recordation and for copies of destroyed records.

On the question,
Will the House concur in Senate amendments?

The SPEAKER. Moved by the lady, Ms. Toohil, that the House concur in the amendments inserted by the Senate.

I recognize the lady, Ms. Toohil, for a brief description of Senate amendments.

Ms. TOOHIL. Thank you, Mr. Speaker.

HB 1337 was passed by the House with a vote of 198 to 0 on September 23, 2013. It provides an additional dollar to the Access to Justice Account, which goes to pay for legal services for indigent, working poor, and underprivileged people.

The Senate amended the bill to provide that the temporary surcharge which goes to the Judiciary Computer System Augmentation Account will be in effect until December 31, 2017. The fee was set to expire December 31, 2014.

In addition, the Senate amended the bill so that the temporary fee going to the judiciary under the surcharge is raised \$1. I would ask my colleagues for an affirmative vote. Thank you, Mr. Speaker.

The SPEAKER. The question is, will the House concur in the amendments inserted by the Senate?

On that question, the Speaker recognizes the gentleman from Berks County, Mr. Caltagirone.

Mr. CALTAGIRONE. Thank you, Mr. Speaker.

I will be brief.

I just want to compliment the lady on the fine job that she did with this legislation. It is absolutely needed.

REMARKS SUBMITTED FOR THE RECORD

Mr. CALTAGIRONE. And I would like to submit some remarks for the record.

And I would urge the members to vote in favor of her legislation.

The SPEAKER. The gentleman will deliver his remarks to the clerk and they will be noted in the record.

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

Mr. Speaker, today I stand to respectfully request that my colleagues on both sides of the aisle support HB 1337. Mr. Speaker, this legislation is very important to the legal aid community. The legal aid community provides legal representation to low-income citizens and gives them a voice in important legal proceedings affecting their lives.

This bill is expected to produce \$2.5 million to the Access to Justice Fund. Mr. Speaker, that is not a lot of money, but it is a start. I wish we could get them more funding, but we have to start somewhere.

Mr. Speaker, this issue hits close to home for me. A few weeks ago a single mother of seven was sent to jail because she could not afford to pay a truancy fine. Unfortunately, Eileen DiNino died in the Berks County jail. We need to make sure our jails are reserved for violent and predatory criminals and not poor single mothers struggling to do their best to make ends meet.

Eileen DiNino should never have been in jail simply because she was poor and could not afford to pay fines, but she was, and she died among the murderers, rapists, and drug dealers in the Berks County jail. Low-income citizens are at an extreme disadvantage in the legal system, and this bill will help to put some of them on equal footing.

Mr. Speaker, justice should not depend on how much money you have in your bank account. The Commonwealth must assure that all of its citizens have the ability to obtain legal counsel during critical life-changing events. We should not be sending people to jail simply because they cannot afford to pay an attorney or they cannot afford to pay a parking ticket or truancy fine.

Mr. Speaker, what happened to Eileen DiNino just is not right and we need to do more to protect the most vulnerable citizens among us. We need to step up and provide this funding for legal aid. My hope is that we can provide this funding, and even more in the future, so that there will not be another Eileen DiNino.

Mr. Speaker, I implore all the members to stand with me and the prime sponsor and support HB 1337. 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—197

Adolph	English	Knowles	Pyle
Aument	Evankovich	Kortz	Quinn
Baker	Everett	Kotik	Rapp
Barbin	Fabrizio	Krieger	Ravenstahl
Barrar	Farina	Kula	Readshaw
Benninghoff	Farry	Lawrence	Reed
Bishop	Fee	Longietti	Reese
Bizzarro	Fleck	Lucas	Regan
Bloom	Flynn	Mackenzie	Roae
Boback	Frankel	Maher	Rock
Boyle, B.	Freeman	Mahoney	Roebuck
Boyle, K.	Gabler	Major	Ross

Bradford	Gainey	Maloney	Rozzi
Briggs	Galloway	Markosek	Sabatina
Brooks	Gergely	Marshall	Saccone
Brown, R.	Gibbons	Marsico	Sainato
Brown, V.	Gillespie	Masser	Samuelson
Brownlee	Gingrich	Matzie	Sankey
Burns	Godshall	McCarter	Santarsiero
Caltagirone	Goodman	McGeehan	Saylor
Carroll	Greiner	McGinnis	Scavello
Causer	Grell	McNeill	Schlossberg
Christiana	Grove	Mentzer	Schreiber
Clay	Hackett	Metzgar	Simmons
Clymer	Haggerty	Miccarelli	Sims
Cohen	Hahn	Micozzie	Smith
Conklin	Haluska	Millard	Snyder
Corbin	Hanna	Miller, D.	Sonney
Costa, D.	Harhai	Miller, R.	Stephens
Costa, P.	Harhart	Milne	Stern
Cox	Harkins	Mirabito	Stevenson
Cruz	Harper	Miranda	Sturla
Culver	Harris, A.	Molchany	Swanger
Cutler	Harris, J.	Moul	Tallman
Daley, M.	Heffley	Mullery	Taylor
Daley, P.	Helm	Mundy	Thomas
Davidson	Hennessey	Murt	Tobash
Davis	Hickernell	Mustio	Toepel
Day	James	Neilson	Toohil
Deasy	Kampf	Neuman	Topper
DeLissio	Kauffman	O'Brien	Truitt
DeLozier	Kavulich	O'Neill	Turzai
DeLuca	Keller, F.	Oberlander	Vereb
Denlinger	Keller, M.K.	Painter	Vitali
Dermody	Keller, W.	Parker	Waters
DiGirolamo	Killion	Pashinski	Watson
Donatucci	Kim	Payne	Wheatley
Dunbar	Kinsey	Peifer	White
Ellis	Kirkland	Pickett	Youngblood
Emrick			

NAYS—3

Gillen	Metcalfe	Petrarca
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NOT VOTING—0

EXCUSED—3

Dean	Evans	Petri
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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 House proceeded to consideration of concurrence in Senate amendments to **HB 2107, PN 3866**, entitled:

An Act amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in definition of sexual offenses, providing for unlawful dissemination of intimate image; and, in particular rights and immunities, providing for damages in actions for unlawful dissemination of intimate image.

On the question,
Will the House concur in Senate amendments?

The SPEAKER. Moved by the gentleman, Mr. Murt, that the House concur in the amendments inserted by the Senate.

The Speaker recognizes the gentleman, Mr. Murt, for a brief description of Senate amendments.

Mr. MURT. Thank you, Mr. Speaker.

Mr. Speaker, HB 2107 creates the offense of unlawful dissemination of an intimate image. The bill was aimed at penalizing the process of revenge pornography.

The Senate has amended our bill in two ways. It changed the mental state necessary to establish guilt. As the bill left the House, the language read, "...with intent to cause emotional distress...." The Senate changed that to read, "...with intent to harass, annoy or alarm..." the person depicted.

The second amendment the Senate made was increasing the grading of the crime. As the bill left the House, the offense was graded as a misdemeanor of the third degree with a maximum penalty of up to 6 months imprisonment and a fine of up to \$1,000 or both. The Senate amendment makes it a misdemeanor of the second degree to commit this offense against an adult with a maximum penalty of 2 years imprisonment with a \$5,000 fine.

The SPEAKER. The question is, will the House concur in the amendments inserted by the Senate?

On that question the Speaker recognizes the gentleman from Philadelphia County, Mr. Harris.

Mr. J. HARRIS. Thank you, Mr. Speaker.

Mr. Speaker, I rise in support of the concurring vote on HB 2107.

When this bill left the chamber, I had some questions about the bill. I wanted to thank the gentleman, Mr. Murt. I also want to thank Senator Greenleaf for addressing the concerns, in strengthening this bill. So I thank the gentlemen for working in a bipartisan fashion to ensure that this bill is the best it could be. Thanks, 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—200

Adolph	English	Knowles	Pickett
Aument	Evankovich	Kortz	Pyle
Baker	Everett	Kotik	Quinn
Barbin	Fabrizio	Krieger	Rapp
Barrar	Farina	Kula	Ravenstahl
Benninghoff	Farry	Lawrence	Readshaw
Bishop	Fee	Longietti	Reed
Bizzarro	Fleck	Lucas	Reese
Bloom	Flynn	Mackenzie	Regan
Boback	Frankel	Maher	Roae
Boyle, B.	Freeman	Mahoney	Rock
Boyle, K.	Gabler	Major	Roebuck
Bradford	Gainey	Maloney	Ross
Briggs	Galloway	Markosek	Rozzi
Brooks	Gergely	Marshall	Sabatina
Brown, R.	Gibbons	Marsico	Saccone
Brown, V.	Gillen	Masser	Sainato
Brownlee	Gillespie	Matzie	Samuelson
Burns	Gingrich	McCarter	Sankey
Caltagirone	Godshall	McGeehan	Santarsiero
Carroll	Goodman	McGinnis	Saylor
Causar	Greiner	McNeill	Scavello
Christiana	Grell	Mentzer	Schlossberg
Clay	Grove	Metcalfe	Schreiber
Clymer	Hackett	Metzgar	Simmons

Cohen	Haggerty	Miccarelli	Sims
Conklin	Hahn	Micozzie	Smith
Corbin	Haluska	Millard	Snyder
Costa, D.	Hanna	Miller, D.	Sonney
Costa, P.	Harhai	Miller, R.	Stephens
Cox	Harhart	Milne	Stern
Cruz	Harkins	Mirabito	Stevenson
Culver	Harper	Miranda	Sturla
Cutler	Harris, A.	Molchany	Swanger
Daley, M.	Harris, J.	Moul	Tallman
Daley, P.	Heffley	Mullery	Taylor
Davidson	Helm	Mundy	Thomas
Davis	Hennessey	Murt	Tobash
Day	Hickernell	Mustio	Toepel
Deasy	James	Neilson	Toohil
DeLissio	Kampf	Neuman	Topper
DeLozier	Kauffman	O'Brien	Truitt
DeLuca	Kavulich	O'Neill	Turzai
Denlinger	Keller, F.	Oberlander	Vereb
Dermody	Keller, M.K.	Painter	Vitali
DiGirolo	Keller, W.	Parker	Waters
Donatucci	Killion	Pashinski	Watson
Dunbar	Kim	Payne	Wheatley
Ellis	Kinsey	Peifer	White
Emrick	Kirkland	Petrarca	Youngblood

NAYS—0

NOT VOTING—0

EXCUSED—3

Dean Evans 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.

STATEMENT BY MR. MURT

The SPEAKER. For what purpose does the gentleman from Montgomery County, Mr. Murt, rise?

Mr. MURT. Mr. Speaker, I would like to thank my colleagues for their affirmative vote and also the hard work afforded by Representative Tarah Toohil, for her work on this legislation.

REMARKS SUBMITTED FOR THE RECORD

Mr. MURT. And I would like to submit further remarks for the record.

The SPEAKER. The gentleman will deliver his remarks for the record and they will be noted.

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

I want to thank my colleagues for passing such a significant piece of legislation.

This is an important victory for men and women who too often make rash decisions while trusting a partner without thinking of the consequences that can cost them a relationship or a job, all while suffering bitter humiliation.

Revenge porn is a despicable act that takes and destroys trust and degrades a partner for no good reason but retribution. I urge the Governor to sign this bill to make it a crime to distribute the visual

depiction of another engaged in sexual conduct to cause emotional distress to the person depicted. This horrendous practice is used by spurned partners to hurt another. It is nothing short of cyber extortion and humiliation, and it should be considered a crime.

I am also pleased that prosecution is allowed if either the victim or perpetrator is located in Pennsylvania. This way if the person who sends these images is from another State, but the victim is from Pennsylvania, local prosecutors would be able to reach into the other State and charge that person.

Again, I thank my colleagues for their support in passing this legislation.

**BILL ON CONCURRENCE
IN SENATE AMENDMENTS**

The House proceeded to consideration of concurrence in Senate amendments to **HB 2111, PN 3841**, entitled:

An Act requiring certain health care practitioners to disseminate information relating to Down syndrome; and imposing duties on the Department of Health.

On the question,
Will the House concur in Senate amendments?

The SPEAKER. Moved by the gentleman, Mr. Marshall, that the House concur in the amendments inserted by the Senate.

The Speaker recognizes the gentleman, Mr. Marshall, for a brief description of the Senate amendments.

Mr. MARSHALL. Thank you, Mr. Speaker.

The Senate removed reference to specific organizations in this bill, and I would ask for an affirmative vote. 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—196

Adolph	Evankovich	Knowles	Pyle
Aument	Everett	Kortz	Quinn
Baker	Fabrizio	Kotik	Rapp
Barbin	Farina	Krieger	Ravenstahl
Barrar	Farry	Kula	Readshaw
Benninghoff	Fee	Lawrence	Reed
Bishop	Fleck	Longietti	Reese
Bizzarro	Flynn	Lucas	Regan
Bloom	Frankel	Mackenzie	Roae
Boback	Freeman	Maher	Rock
Boyle, B.	Gabler	Mahoney	Roebuck
Boyle, K.	Gainey	Major	Ross
Bradford	Galloway	Maloney	Rozzi
Briggs	Gergely	Markosek	Sabatina
Brooks	Gibbons	Marshall	Saccone
Brown, R.	Gillen	Marsico	Sainato
Brown, V.	Gillespie	Masser	Samuelson
Brownlee	Gingrich	Matzie	Sankey
Burns	Godshall	McGeehan	Santarsiero
Caltagirone	Goodman	McGinnis	Saylor
Carroll	Greiner	McNeill	Scavello
Causar	Grell	Mentzer	Schlossberg
Christiana	Grove	Metcalfe	Schreiber
Clay	Hackett	Metzgar	Simmons
Clymer	Haggerty	Miccarelli	Sims
Cohen	Hahn	Micozzie	Smith
Conklin	Haluska	Millard	Snyder

Corbin	Hanna	Miller, D.	Sonney
Costa, D.	Harhai	Miller, R.	Stephens
Costa, P.	Harhart	Milne	Stern
Cox	Harkins	Mirabito	Stevenson
Cruz	Harper	Miranda	Sturla
Culver	Harris, A.	Molchany	Swanger
Cutler	Harris, J.	Moul	Tallman
Daley, P.	Heffley	Mullery	Taylor
Davidson	Helm	Mundy	Thomas
Davis	Hennessey	Murt	Tobash
Day	Hickernell	Mustio	Toepel
Deasy	James	Neilson	Toohil
Delozier	Kampf	Neuman	Topper
DeLuca	Kauffman	O'Brien	Truitt
Denlinger	Kavulich	O'Neill	Turzai
Dermody	Keller, F.	Oberlander	Vereb
DiGirolamo	Keller, M.K.	Parker	Vitali
Donatucci	Keller, W.	Pashinski	Waters
Dunbar	Killion	Payne	Watson
Ellis	Kim	Peifer	Wheatley
Emrick	Kinsey	Petrarca	White
English	Kirkland	Pickett	Youngblood

NAYS—4

Daley, M.	DeLissio	McCarter	Painter
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NOT VOTING—0

EXCUSED—3

Dean	Evans	Petri
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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.

LEAVE OF ABSENCE

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

CALENDAR CONTINUED

**BILL ON CONCURRENCE
IN SENATE AMENDMENTS**

The House proceeded to consideration of concurrence in Senate amendments to **HB 2355, PN 3897**, entitled:

An Act providing for the capital budget for the fiscal year 2014-2015; itemizing redevelopment assistance capital projects to be constructed or acquired or assisted by the Department of Community and Economic Development, together with their estimated financial costs; authorizing the incurring of debt without the approval of the electors for the purpose of financing the projects to be constructed, acquired or assisted by the Department of Community and Economic Development; and making appropriations.

On the question,
Will the House concur in Senate amendments?

The SPEAKER. Moved by the gentleman, Mr. Adolph, that the House concur in the amendments inserted by the Senate.

The Speaker recognizes the gentleman, Mr. Adolph, for a brief description of Senate amendments.

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

Mr. Speaker, HB 2355 is the Capital Budget Act for 2014-15. This bill specifies the maximum principal amount of the debt to be incurred by the Commonwealth during the year 2014-15 for capital projects itemized and capital projects itemization acts and released by the Governor for construction.

The Senate amended the bill to increase the maximum bond authorization for public improvement projects in 2014-15 by \$30 million – from \$695 million to \$725 million. The total debt authorization over all the capital budget categories is \$1.295 billion. The Senate also included a project itemization for a redevelopment assistance project in the amount of \$20 million in Allegheny County.

Mr. Speaker, this is legislation we need to enact every year as part of our annual budget process. It allows the administration to pay the bills for construction projects in process throughout the entire Commonwealth.

Mr. Speaker, I urge a "yes" vote on concurring with the Senate amendments to HB 2355. Thank you.

The SPEAKER. The question is, will the House concur in the amendments inserted by the Senate?

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

Mr. MARKOSEK. Thank you, Mr. Speaker.

Mr. Speaker, I agree with the majority chair of the Appropriations Committee. I am going to concur on HB 2355 and would ask that all of you do as well. 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

Adolph	Donatucci	Kim	Pyle
Aument	Ellis	Kinsey	Quinn
Baker	English	Kirkland	Rapp
Barbin	Evankovich	Knowles	Ravenstahl
Barrar	Everett	Kortz	Readshaw
Benninghoff	Fabrizio	Kotik	Reed
Bishop	Farina	Kula	Reese
Bizzarro	Farry	Longietti	Regan
Boback	Fee	Lucas	Rock
Boyle, B.	Fleck	Maher	Roebuck
Boyle, K.	Flynn	Mahoney	Ross
Bradford	Frankel	Major	Rozzi
Briggs	Freeman	Markosek	Sabatina
Brooks	Gainey	Marshall	Saccone
Brown, R.	Galloway	Marsico	Samuelson
Brown, V.	Gergely	Masser	Sankey
Brownlee	Gillespie	Matzie	Santarsiero
Caltagirone	Gingrich	McCarter	Saylor
Carroll	Godshall	McGeehan	Scavello
Causar	Goodman	McNeill	Schlossberg
Christiana	Greiner	Mentzer	Schreiber
Clay	Grell	Micozzie	Sims
Clymer	Grove	Millard	Smith
Cohen	Hackett	Miller, D.	Snyder
Conklin	Haggerty	Miller, R.	Sonney

Corbin	Hahn	Milne	Stephens
Costa, D.	Hanna	Miranda	Stern
Costa, P.	Harhart	Molchany	Stevenson
Cruz	Harkins	Moul	Sturla
Culver	Harper	Mullery	Swanger
Cutler	Harris, A.	Mundy	Taylor
Daley, M.	Harris, J.	Murt	Thomas
Daley, P.	Heffley	Mustio	Tobash
Davidson	Helm	Neilson	Toepel
Davis	Hennessey	Neuman	Toohil
Day	Hickernell	O'Brien	Topper
Deasy	James	O'Neill	Turzai
DeLissio	Kampf	Oberlander	Vereb
Delozier	Kauffman	Parker	Vitali
DeLuca	Kavulich	Pashinski	Waters
Denlinger	Keller, M.K.	Payne	Watson
Dermody	Keller, W.	Peifer	Wheatley
DiGirolamo	Killion	Pickett	Youngblood

NAYS—27

Bloom	Gillen	Maloney	Roae
Burns	Haluska	McGinnis	Sainato
Cox	Harhai	Metcalfe	Simmmons
Dunbar	Keller, F.	Metzgar	Tallman
Emrick	Krieger	Mirabito	Truitt
Gabler	Lawrence	Painter	White
Gibbons	Mackenzie	Petrarca	

NOT VOTING—0

EXCUSED—4

Dean	Evans	Miccarelli	Petri
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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.

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 1337, PN 3900

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in facilities and supplies relating to judicial computer system, further providing for surcharge and for fee deposit into the Access to Justice Account; and, in disposition of obsolete records, further providing for form of permanent recordation and for copies of destroyed records.

HB 2107, PN 3866

An Act amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in definition of sexual offenses, providing for unlawful dissemination of intimate image; and, in particular rights and immunities, providing for damages in actions for unlawful dissemination of intimate image.

HB 2111, PN 3841

An Act requiring certain health care practitioners to disseminate information relating to Down syndrome; and imposing duties on the Department of Health.

HB 2355, PN 3897

An Act providing for the capital budget for the fiscal year 2014-2015; itemizing redevelopment assistance capital projects to be constructed or acquired or assisted by the Department of Community and Economic Development, together with their estimated financial costs; authorizing the incurring of debt without the approval of the electors for the purpose of financing the projects to be constructed, acquired or assisted by the Department of Community and Economic Development; and making appropriations.

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

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 1401, PN 2228**, entitled:

An Act renaming the West Chestnut Street Bridge in Coudersport Borough, Potter County, as the Private Edwin Tubbs Memorial Bridge; renaming the State Route 872 Bridge near Coudersport Borough/Eulalia Township Border, Potter County, as the Specialist Donald Stiles Memorial Bridge; designating a bridge on that portion of S.R. 49 over the Cowanesque River between Dennis Hill Road and Church Street in Harrison Township, Potter County, as the Private First Class Roger P. Downey Memorial Bridge; and designating a bridge on that portion of State Route 56, partially in Seward Borough, Westmoreland County, and partially in East Wheatfield Township, Indiana County, over the Conemaugh River as the Pfc. James E. Ludwig Memorial Bridge.

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

RULES SUSPENDED

The SPEAKER. On that question, the Speaker recognizes the gentleman from Allegheny County, Mr. Turzai.

Mr. TURZAI. Thank you, sir.

I move to suspend the rules to consider three amendments to SB 1401. Those amendments are amendment 9049, the good gentleman from Bucks County; amendment 9050, the good lady from Northampton County; and amendment 9051, the good gentleman from Carbon County; and then for immediate consideration of the bill on third and final passage – and that is with respect to SB 1401.

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

The SPEAKER. On the motion to suspend, the Speaker recognizes the gentleman from Allegheny County, Mr. Dermody.

Mr. DERMODY. Thank you, Mr. Speaker.

Mr. Speaker, I would urge all the members to support the motion to suspend.

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

The following roll call was recorded:

YEAS—184

Adolph	Ellis	Killion	Petrarca
Aument	Emrick	Kim	Pickett
Baker	English	Kinsey	Pyle
Barbin	Evankovich	Kirkland	Quinn
Barrar	Everett	Knowles	Ravenstahl
Benninghoff	Fabrizio	Kortz	Readshaw
Bishop	Farina	Kotik	Reed
Bizzarro	Farry	Krieger	Reese
Bloom	Fee	Kula	Regan
Boback	Fleck	Longietti	Rock
Boyle, B.	Flynn	Lucas	Roebuck
Boyle, K.	Frankel	Mackenzie	Ross
Bradford	Freeman	Maher	Rozzi
Briggs	Gabler	Mahoney	Saccone
Brooks	Gainey	Major	Sainato
Brown, R.	Galloway	Maloney	Sankey
Brown, V.	Gergely	Markosek	Santarsiero
Brownlee	Gibbons	Marshall	Saylor
Burns	Gillespie	Marsico	Scavello
Caltagirone	Gingrich	Masser	Schlossberg
Carroll	Godshall	Matzie	Schreiber
Causer	Goodman	McCarter	Simmons
Christiana	Greiner	McGeehan	Sims
Clay	Grove	McNeill	Smith
Clymer	Hackett	Mentzer	Snyder
Cohen	Haggerty	Metcalfe	Sonney
Conklin	Hahn	Micozzie	Stephens
Corbin	Haluska	Millard	Stern
Costa, D.	Hanna	Miller, R.	Stevenson
Costa, P.	Harhai	Mirabito	Sturla
Cox	Harhart	Miranda	Swanger
Cruz	Harkins	Molchany	Tallman
Culver	Harper	Moul	Taylor
Daley, M.	Harris, A.	Mundy	Thomas
Daley, P.	Harris, J.	Murt	Tobash
Davis	Heffley	Mustio	Toepel
Day	Helm	Neilson	Toohil
Deasy	Hennessey	Neuman	Topper
DeLissio	Hickernell	O'Brien	Turzai
Delozier	James	O'Neill	Vereb
DeLuca	Kampf	Oberlander	Vitali
Denlinger	Kauffman	Painter	Waters
Dermody	Kavulich	Parker	Watson
DiGirolamo	Keller, F.	Pashinski	Wheatley
Donatucci	Keller, M.K.	Payne	White
Dunbar	Keller, W.	Peifer	Youngblood

NAYS—15

Cutler	Lawrence	Milne	Sabatina
Davidson	McGinnis	Mullery	Samuelson
Gillen	Metzgar	Rapp	Truitt
Grell	Miller, D.	Roae	

NOT VOTING—0**EXCUSED—4**

Dean	Evans	Miccarelli	Petri
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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.

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

Mr. O'NEILL offered the following amendment No. A09049:

Amend Bill, page 1, line 9, by striking out "AND" Amend Bill, page 1, line 13, by inserting after "BRIDGE" ; and designating a portion of Pennsylvania Route 263 in Bucks County as the Officer Bradley M. Fox Memorial Highway

Amend Bill, page 4, by inserting between lines 9 and 10 Section 5. Officer Bradley M. Fox Memorial Highway.

(a) Findings.—

(1) Police Officer Bradley M. Fox, a native of Gilbertsville, Pennsylvania, was born on September 14, 1977.

(2) Officer Fox graduated from William Tennent High School in Warminster, Pennsylvania, where he was a talented hockey player.

(3) Officer Fox had a distinguished ten-year career in the United States Marine Corps, where he completed two tours of duty in Iraq (2003) and Afghanistan (2005-2006) and earned the rank of Staff Sergeant.

(4) Officer Fox's military citations include the Navy and Marine Corps Achievement Medal, Combat Action Ribbon, Navy Presidential Unit Citation, Selected Marine Corps Reserve (X3) Medal, National Defense Service Medal, Iraq Campaign Medal, Global War on Terrorism Expeditionary Medal, Navy Sea Service Deployment Ribbon and the Armed Forces Reserve Medal.

(5) Officer Fox was a seven-year veteran of the Plymouth Township Police Department and a graduate of the Philadelphia Police Canine Academy.

(6) Officer Fox was killed in the line of duty on September 13, 2012, when he and his K-9 partner, Jake, were ambushed by a suspect they had been pursuing on foot.

(b) Designation.—The section of Pennsylvania Route 263 in Bucks County from West Street Road (Route 132) to West Bristol Road is hereby designated the Officer Bradley M. Fox Memorial Highway.

(c) Signs.—The Department of Transportation shall erect and maintain appropriate signs displaying the name of the highway to traffic in both directions on the highway.

Amend Bill, page 4, line 10, by striking out "5" and inserting

6

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

The SPEAKER. On that question, the Speaker recognizes the gentleman from Bucks County, Mr. O'Neill.

Mr. O'NEILL. Thank you, Mr. Speaker.

Amendment 09049 is in honor of Bradley Fox, one of our fallen police officers who grew up in my district, in my hometown, and was a police officer in Plymouth Township, and lived — his family, his wife, and his children — lived in Representative Marcy Toepel's district. So we would respectfully request that we place this into the bill so that we can name a portion of the road in his honor. Thank you.

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

On that question, the Speaker recognizes the lady from Northampton County, Ms. Hahn.

Sorry; we misunderstood you.

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

The following roll call was recorded:

YEAS—199

Table with 4 columns of names: Adolph, Aument, Baker, Barbin, Barrar, Benninghoff, Bishop, Bizzarro, Bloom, Boback, Boyle, B., Boyle, K., Bradford, Briggs, Brooks, Brown, R., Brown, V., Brownlee, Burns, Caltagirone, Carroll, Causer, Christiana, Clay, Clymer, Cohen, Conklin, Corbin, Costa, D., Costa, P., Cox, Cruz, Culver, Cutler, Daley, M., Daley, P., Davidson, Davis, Day, Deasy, DeLissio, Delozier, DeLuca, Denlinger, Dermody, DiGirolamo, Donatucci, Dunbar, Ellis, Emrick, English, Evankovich, Everett, Fabrizio, Farina, Farry, Fee, Fleck, Flynn, Frankel, Freeman, Gabler, Gainey, Galloway, Gergely, Gibbons, Gillen, Gillespie, Gingrich, Godshall, Goodman, Greiner, Grell, Grove, Hackett, Haggerty, Hahn, Haluska, Hanna, Harhai, Harhart, Harkins, Harper, Harris, A., Harris, J., Heffley, Helm, Hennessey, Hickernell, James, Kampf, Kauffman, Kavulich, Keller, F., Keller, M.K., Keller, W., Killion, Kim, Kinsey, Kirkland, Knowles, Kortz, Kotik, Krieger, Kula, Lawrence, Longietti, Lucas, Mackenzie, Maher, Mahoney, Major, Maloney, Markosek, Marshall, Marsico, Masser, Matzie, McCarter, McGeehan, McGinnis, McNeill, Mentzer, Metcalfe, Metzgar, Micozzie, Millard, Miller, D., Miller, R., Milne, Mirabito, Miranda, Molchany, Moul, Mullery, Mundy, Murt, Mustio, Neilson, Neuman, O'Brien, O'Neill, Oberlander, Painter, Parker, Pashinski, Payne, Peifer, Petrarca, Pickett, Pyle, Quinn, Rapp, Ravenstahl, Readshaw, Reed, Reese, Regan, Roae, Rock, Roebuck, Ross, Rozzi, Sabatina, Saccone, Sainato, Samuelson, Sankey, Santarsiero, Saylor, Scavello, Schlossberg, Schreiber, Simmons, Sims, Smith, Snyder, Sonney, Stephens, Stern, Stevenson, Sturla, Swanger, Tallman, Taylor, Thomas, Tobash, Toepel, Toohil, Topper, Truitt, Turzai, Vereb, Vitali, Waters, Watson, Wheatley, White, Youngblood

NAYS—0

NOT VOTING—0

EXCUSED—4

Table with 4 columns of names: Dean, Evans, Miccarelli, Petri

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?

Ms. **HAHN** offered the following amendment No. **A09050**:

Amend Bill, page 1, line 9, by striking out "AND"
 Amend Bill, page 1, line 13, by striking out the period after
 "BRIDGE" and inserting
 ; and designating a portion of Bushkill Center Road in Northampton
 County as the Veterans Memorial Highway.
 Amend Bill, page 4, by inserting between lines 9 and 10
 Section 5. Veterans Memorial Highway.

(a) Findings.—

(1) Residents of Bushkill Township in Northampton
 County have fought in every military conflict, including World
 War II, the Korean War, the Vietnam War, Operations Desert
 Storm and Desert Shield and the recent conflicts in Iraq and
 Afghanistan.

(2) Hundreds of veterans and their families have made
 unimaginable and innumerable sacrifices in defense of the United
 States.

(b) Designation.—The section of Bushkill Center Road in
 Northampton County from State Route 512 to Jacobsburg Road is
 hereby designated the Veterans Memorial Highway.

(c) Signs.—The Department of Transportation shall erect and
 maintain appropriate signs displaying the name of the highway to
 traffic in both directions on the highway.

Amend Bill, page 4, line 10, by striking out "5" and inserting

6

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

The **SPEAKER**. On that question, the Speaker recognizes the
 lady from Northampton County, Ms. Hahn.

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

Amendment 09050 designates a portion of Bushkill Center
 Road in Northampton County as the "Veterans Memorial
 Highway." Thank you.

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

The following roll call was recorded:

YEAS—199

Adolph	English	Knowles	Pyle
Aument	Evankovich	Kortz	Quinn
Baker	Everett	Kotik	Rapp
Barbin	Fabrizio	Krieger	Ravenstahl
Barrar	Farina	Kula	Readshaw
Benninghoff	Farry	Lawrence	Reed
Bishop	Fee	Longietti	Reese
Bizzarro	Fleck	Lucas	Regan
Bloom	Flynn	Mackenzie	Roae
Boback	Frankel	Maher	Rock
Boyle, B.	Freeman	Mahoney	Roebuck
Boyle, K.	Gabler	Major	Ross
Bradford	Gainey	Maloney	Rozzi
Briggs	Galloway	Markosek	Sabatina
Brooks	Gergely	Marshall	Saccone
Brown, R.	Gibbons	Marsico	Sainato
Brown, V.	Gillen	Masser	Samuelson
Brownlee	Gillespie	Matzie	Sankey
Burns	Gingrich	McCarter	Santarsiero
Caltagirone	Godshall	McGeehan	Saylor
Carroll	Goodman	McGinnis	Scavello
Causar	Greiner	McNeill	Schlossberg
Christiana	Grell	Mentzer	Schreiber
Clay	Grove	Metcalfe	Simmons
Clymer	Hackett	Metzgar	Sims

Cohen	Haggerty	Micozzie	Smith
Conklin	Hahn	Millard	Snyder
Corbin	Haluska	Miller, D.	Sonney
Costa, D.	Hanna	Miller, R.	Stephens
Costa, P.	Harhai	Milne	Stern
Cox	Harhart	Mirabito	Stevenson
Cruz	Harkins	Miranda	Sturla
Culver	Harper	Molchany	Swanger
Cutler	Harris, A.	Moul	Tallman
Daley, M.	Harris, J.	Mullery	Taylor
Daley, P.	Heffley	Mundy	Thomas
Davidson	Helm	Murt	Tobash
Davis	Hennessey	Mustio	Toepel
Day	Hickernell	Neilson	Toohil
Deasy	James	Neuman	Topper
DeLissio	Kampf	O'Brien	Truitt
DeLozier	Kauffman	O'Neill	Turzai
DeLuca	Kavulich	Oberlander	Vereb
Denlinger	Keller, F.	Painter	Vitali
Dermody	Keller, M.K.	Parker	Waters
DiGirolamo	Keller, W.	Pashinski	Watson
Donatucci	Killion	Payne	Wheatley
Dunbar	Kim	Peifer	White
Ellis	Kinsey	Petrarca	Youngblood
Emrick	Kirkland	Pickett	

NAYS—0

NOT VOTING—0

EXCUSED—4

Dean	Evans	Miccarelli	Petri
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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 third consideration as
 amended?

Mr. **HEFFLEY** offered the following amendment
 No. **A09051**:

Amend Bill, page 1, line 9, by striking out "AND"
 Amend Bill, page 1, line 13, by striking out the period after
 "BRIDGE" and inserting
 ; and designating a bridge to be constructed on that portion of State
 Route 903 over the Lehigh River, Jim Thorpe Borough, Carbon
 County, as the Sgt. Andrew J. "AJ" Baddick Memorial Bridge.
 Amend Bill, page 4, by inserting between lines 9 and 10
 Section 5. Sgt. Andrew J. "AJ" Baddick Memorial Bridge.
 (a) Findings.—The General Assembly finds and declares as
 follows:

(1) Sgt. Andrew J. "AJ" Baddick was a native of Jim
 Thorpe, Carbon County, and a 1997 graduate of Jim Thorpe Area
 Senior High School.

(2) Sgt. Baddick enlisted in the United States Army in
 1999 and graduated from Jump School at Fort Benning, Georgia,
 on February 14, 2001.

(3) Later that same year, Sgt. Baddick reenlisted in the
 United States Army for six years.

(4) In 2002, Sgt. Baddick was awarded the Army
 Commendation Medal for Meritorious Service while assigned as
 a Dismounted Infantryman in recognition of loyalty and
 commitment to excellence.

(5) Later that same year, Sgt. Baddick was deployed to
 Afghanistan as part of Operation Enduring Freedom.

(6) Sgt. Baddick received the Soldier's Medal which is awarded to any member of the United States Armed Forces who, while serving in any capacity with the United States Army, distinguishes himself by heroism not involving actual conflict with an enemy.

(7) Sgt. Baddick was honorably serving his country while on active duty in Iraq on September 29, 2003, when he gave his life attempting to rescue a fellow soldier from a submerged military vehicle.

(8) Sgt. Baddick, beloved son of Ann Callen Baddick and Joseph Baddick, was posthumously awarded the Bronze Star.

(b) Designation.—The bridge to be constructed on State Route 903 over the Lehigh River in Jim Thorpe Borough, Carbon County, is hereby designated the Sgt. Andrew J. "AJ" Baddick Memorial Bridge.

(c) Signs.—The Department of Transportation shall erect and maintain appropriate signs displaying the name of the bridge to traffic in both directions on the bridge.

Amend Bill, page 4, line 10, by striking out "5" and inserting

6

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

The SPEAKER. On that question, the Speaker recognizes the gentleman from Carbon County, Mr. Heffley.

Mr. HEFFLEY. Thank you, Mr. Speaker.

Amendment A09051 designates a newly constructed bridge on State Route 903 over the Lehigh River in Jim Thorpe Borough in Carbon County as the "Sgt. Andrew 'AJ' Baddick Memorial Bridge." A.J. was a graduate of Jim Thorpe High School in 1997 and lost his life serving in Iraq on September 29, 2003. I would ask my colleagues for an affirmative vote.

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

The following roll call was recorded:

YEAS—199

Adolph	English	Knowles	Pyle
Aument	Evankovich	Kortz	Quinn
Baker	Everett	Kotik	Rapp
Barbin	Fabrizio	Krieger	Ravenstahl
Barrar	Farina	Kula	Readshaw
Benninghoff	Farry	Lawrence	Reed
Bishop	Fee	Longietti	Reese
Bizzarro	Fleck	Lucas	Regan
Bloom	Flynn	Mackenzie	Roae
Boback	Frankel	Maher	Rock
Boyle, B.	Freeman	Mahoney	Roebuck
Boyle, K.	Gabler	Major	Ross
Bradford	Gainey	Maloney	Rozzi
Briggs	Galloway	Markosek	Sabatina
Brooks	Gergely	Marshall	Saccone
Brown, R.	Gibbons	Marsico	Sainato
Brown, V.	Gillen	Masser	Samuelson
Brownlee	Gillespie	Matzie	Sankey
Burns	Gingrich	McCarter	Santarsiero
Caltagirone	Godshall	McGeehan	Saylor
Carroll	Goodman	McGinnis	Scavello
Causser	Greiner	McNeill	Schlossberg
Christiana	Grell	Mentzer	Schreiber
Clay	Grove	Metcalfe	Simmons
Clymer	Hackett	Metzgar	Sims
Cohen	Haggerty	Micozzie	Smith
Conklin	Hahn	Millard	Snyder
Corbin	Haluska	Miller, D.	Sonney
Costa, D.	Hanna	Miller, R.	Stephens
Costa, P.	Harhai	Milne	Stern

Cox	Harhart	Mirabito	Stevenson
Cruz	Harkins	Miranda	Sturla
Culver	Harper	Molchany	Swanger
Cutler	Harris, A.	Moul	Tallman
Daley, M.	Harris, J.	Mullery	Taylor
Daley, P.	Heffley	Mundy	Thomas
Davidson	Helm	Murt	Tobash
Davis	Hennessey	Mustio	Toepel
Day	Hickernell	Neilson	Toohil
Deasy	James	Neuman	Topper
DeLissio	Kampf	O'Brien	Truitt
Delozier	Kauffman	O'Neill	Turzai
DeLuca	Kavulich	Oberlander	Vereb
Denlinger	Keller, F.	Painter	Vitali
Dermody	Keller, M.K.	Parker	Waters
DiGirolamo	Keller, W.	Pashinski	Watson
Donatucci	Killion	Payne	Wheatley
Dunbar	Kim	Peifer	White
Ellis	Kinsey	Petrarca	Youngblood
Emrick	Kirkland	Pickett	

NAYS—0

NOT VOTING—0

EXCUSED—4

Dean	Evans	Miccarelli	Petri
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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 third consideration as amended?
Bill as amended was agreed to.

(Bill analysis was read.)

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—199

Adolph	English	Knowles	Pyle
Aument	Evankovich	Kortz	Quinn
Baker	Everett	Kotik	Rapp
Barbin	Fabrizio	Krieger	Ravenstahl
Barrar	Farina	Kula	Readshaw
Benninghoff	Farry	Lawrence	Reed
Bishop	Fee	Longietti	Reese
Bizzarro	Fleck	Lucas	Regan
Bloom	Flynn	Mackenzie	Roae
Boback	Frankel	Maher	Rock
Boyle, B.	Freeman	Mahoney	Roebuck
Boyle, K.	Gabler	Major	Ross
Bradford	Gainey	Maloney	Rozzi
Briggs	Galloway	Markosek	Sabatina
Brooks	Gergely	Marshall	Saccone
Brown, R.	Gibbons	Marsico	Sainato
Brown, V.	Gillen	Masser	Samuelson
Brownlee	Gillespie	Matzie	Sankey
Burns	Gingrich	McCarter	Santarsiero
Caltagirone	Godshall	McGeehan	Saylor

Carroll	Goodman	McGinnis	Scavello
Causser	Greiner	McNeill	Schlossberg
Christiana	Grell	Mentzer	Schreiber
Clay	Grove	Metcalfe	Simmons
Clymer	Hackett	Metzgar	Sims
Cohen	Haggerty	Micozzie	Smith
Conklin	Hahn	Millard	Snyder
Corbin	Haluska	Miller, D.	Sonney
Costa, D.	Hanna	Miller, R.	Stephens
Costa, P.	Harhai	Milne	Stern
Cox	Harhart	Mirabito	Stevenson
Cruz	Harkins	Miranda	Sturla
Culver	Harper	Molchany	Swanger
Cutler	Harris, A.	Moul	Tallman
Daley, M.	Harris, J.	Mullery	Taylor
Daley, P.	Heffley	Mundy	Thomas
Davidson	Helm	Murt	Tobash
Davis	Hennessey	Mustio	Toepel
Day	Hickernell	Neilson	Toohil
Deasy	James	Neuman	Topper
DeLissio	Kampf	O'Brien	Truitt
Delozier	Kauffman	O'Neill	Turzai
DeLuca	Kavulich	Oberlander	Vereb
Denlinger	Keller, F.	Painter	Vitali
Dermody	Keller, M.K.	Parker	Waters
DiGirolamo	Keller, W.	Pashinski	Watson
Donatucci	Killion	Payne	Wheatley
Dunbar	Kim	Peifer	White
Ellis	Kinsey	Petrarca	Youngblood
Emrick	Kirkland	Pickett	

NAYS-0

NOT VOTING-0

EXCUSED-4

Dean	Evans	Miccarelli	Petri
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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.

MOTION TO PROCEED TO CONSIDERATION UNDER RULE 21

The SPEAKER. The Speaker recognizes the majority leader, Mr. Turzai.

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

The last three pieces of legislation before us for the evening are HB 278, HB 1177, and HR 924. We would like to move to proceed so we could have votes on HB 278, HB 1177, and HR 924.

Thank you.

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

The SPEAKER. On the motion to proceed, the Speaker recognizes the gentleman from Allegheny County, Mr. Dermody.

Mr. DERMODY. Thank you, Mr. Speaker.

Mr. Speaker, I would urge all the members to support the motion to proceed.

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

The following roll call was recorded:

YEAS-176

Adolph	Dunbar	Keller, W.	Pyle
Aument	Ellis	Killion	Quinn
Baker	English	Kim	Rapp
Barbin	Evankovich	Kinsey	Ravenstahl
Barrar	Everett	Kirkland	Readshaw
Benninghoff	Fabrizio	Knowles	Reed
Bishop	Farina	Kortz	Reese
Bizzarro	Farry	Kotik	Regan
Bloom	Fee	Kula	Rock
Boback	Fleck	Lawrence	Roebuck
Boyle, K.	Flynn	Longietti	Ross
Bradford	Frankel	Lucas	Rozzi
Briggs	Gabler	Mackenzie	Saccone
Brooks	Gainey	Mahoney	Sainato
Brown, R.	Galloway	Major	Sankey
Brown, V.	Gergely	Maloney	Santarsiero
Brownlee	Gibbons	Markosek	Saylor
Burns	Gillespie	Marshall	Scavello
Caltagirone	Gingrich	Marsico	Schlossberg
Carroll	Godshall	Masser	Schreiber
Causser	Goodman	Matzie	Simmons
Christiana	Greiner	McGeehan	Sims
Clay	Grove	McNeill	Smith
Clymer	Hackett	Mentzer	Snyder
Cohen	Haggerty	Micozzie	Sonney
Conklin	Hahn	Millard	Stephens
Corbin	Haluska	Miller, R.	Stern
Costa, D.	Hanna	Milne	Stevenson
Costa, P.	Harhai	Mirabito	Sturla
Cox	Harhart	Miranda	Swanger
Cruz	Harkins	Molchany	Taylor
Culver	Harper	Moul	Thomas
Daley, M.	Harris, A.	Mundy	Tobash
Daley, P.	Harris, J.	Murt	Toepel
Davidson	Heffley	Mustio	Toohil
Davis	Helm	Neilson	Topper
Day	Hennessey	O'Brien	Turzai
Deasy	Hickernell	O'Neill	Vereb
DeLissio	James	Oberlander	Vitali
Delozier	Kampf	Parker	Waters
DeLuca	Kauffman	Pashinski	Watson
Denlinger	Kavulich	Payne	Wheatley
Dermody	Keller, F.	Peifer	White
DiGirolamo	Keller, M.K.	Pickett	Youngblood

NAYS-23

Boyle, B.	Grell	Metzgar	Roae
Cutler	Krieger	Miller, D.	Sabatina
Donatucci	Maher	Mullery	Samuelson
Emrick	McCarter	Neuman	Tallman
Freeman	McGinnis	Painter	Truitt
Gillen	Metcalfe	Petrarca	

NOT VOTING-0

EXCUSED-4

Dean	Evans	Miccarelli	Petri
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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.

CONSIDERATION OF HB 278 CONTINUED

The SPEAKER. Returning to consideration of HB 278, PN 3930, on page 11 of today's House calendar for concurrence in Senate amendments.

On the question recurring,
Will the House concur in Senate amendments as amended by the Rules Committee?

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

The following roll call was recorded:

YEAS—121

Adolph	Fee	Lawrence	Rapp
Aument	Fleck	Lucas	Reed
Baker	Gabler	Mackenzie	Reese
Barrar	Gillespie	Maher	Regan
Benninghoff	Gingrich	Major	Roae
Bishop	Godshall	Maloney	Rock
Bloom	Greiner	Marshall	Ross
Brooks	Grell	Marsico	Saccone
Brown, R.	Grove	Masser	Sankey
Brown, V.	Hackett	McGeehan	Saylor
Brownlee	Haggerty	Mentzer	Scavello
Causer	Hahn	Metcalfe	Sims
Christiana	Harhart	Micozzie	Smith
Clay	Harper	Millard	Sonney
Clymer	Harris, A.	Miller, R.	Stephens
Corbin	Harris, J.	Milne	Stern
Cox	Heffley	Miranda	Stevenson
Culver	Helm	Moul	Swanger
Cutler	Hennessey	Murt	Tallman
Day	Hickernell	Mustio	Taylor
DeLissio	James	Neilson	Thomas
Delozier	Kampf	O'Brien	Tobash
Denlinger	Kauffman	O'Neill	Toepel
Donatucci	Keller, F.	Oberlander	Toohil
Dunbar	Keller, M.K.	Parker	Topper
Ellis	Keller, W.	Payne	Turzai
Emrick	Killion	Peifer	Vereb
English	Kinsey	Pickett	Waters
Evankovich	Knowles	Pyle	Watson
Everett	Krieger	Quinn	Youngblood
Farry			

NAYS—78

Barbin	DeLuca	Kirkland	Pashinski
Bizzarro	Dermody	Kortz	Petrarca
Boback	DiGirolamo	Kotik	Ravenstahl
Boyle, B.	Fabrizio	Kula	Readshaw
Boyle, K.	Farina	Longietti	Roebuck
Bradford	Flynn	Mahoney	Rozzi
Briggs	Frankel	Markosek	Sabatina
Burns	Freeman	Matzie	Sainato
Caltagirone	Gainey	McCarter	Samuelson
Carroll	Galloway	McGinnis	Santarsiero
Cohen	Gergely	McNeill	Schlossberg
Conklin	Gibbons	Metzgar	Schreiber
Costa, D.	Gillen	Miller, D.	Simmons
Costa, P.	Goodman	Mirabito	Snyder
Cruz	Haluska	Molchany	Sturla
Daley, M.	Hanna	Mullery	Truitt
Daley, P.	Harhai	Mundy	Vitali
Davidson	Harkins	Neuman	Wheatley
Davis	Kavulich	Painter	White
Deasy	Kim		

NOT VOTING—0

EXCUSED—4

Dean Evans Miccarelli Petri

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments as amended by the Rules Committee were concurred in.

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

RESOLUTION

Mr. MOUL called up **HR 924, PN 3848**, entitled:

A Resolution urging the rejection of the recommendations for natural gas vehicle fuel standards recently proffered by the National Conference on Weights and Measures.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—181

Adolph	Fabrizio	Knowles	Pickett
Aument	Farina	Kortz	Pyle
Baker	Farry	Kotik	Quinn
Barbin	Fee	Krieger	Rapp
Barrar	Fleck	Kula	Ravenstahl
Benninghoff	Flynn	Lawrence	Readshaw
Bishop	Frankel	Longietti	Reed
Bizzarro	Gabler	Lucas	Reese
Bloom	Gainey	Mackenzie	Regan
Boback	Galloway	Maher	Roae
Bradford	Gergely	Mahoney	Rock
Brooks	Gibbons	Major	Roebuck
Brown, R.	Gillen	Maloney	Ross
Brown, V.	Gillespie	Markosek	Rozzi
Burns	Gingrich	Marshall	Sabatina
Caltagirone	Godshall	Marsico	Saccone
Carroll	Goodman	Masser	Sainato
Causer	Greiner	Matzie	Sankey
Christiana	Grell	McGeehan	Santarsiero
Clay	Grove	McGinnis	Saylor
Clymer	Hackett	McNeill	Scavello
Cohen	Haggerty	Mentzer	Schreiber
Conklin	Hahn	Metcalfe	Simmons
Corbin	Haluska	Metzgar	Smith
Costa, D.	Hanna	Micozzie	Snyder
Costa, P.	Harhai	Millard	Sonney
Cox	Harhart	Miller, R.	Stephens
Cruz	Harkins	Milne	Stern
Culver	Harper	Mirabito	Stevenson
Cutler	Harris, A.	Molchany	Swanger
Daley, P.	Harris, J.	Moul	Tallman
Davis	Heffley	Mullery	Taylor
Day	Helm	Mundy	Thomas
Deasy	Hennessey	Murt	Tobash
DeLissio	Hickernell	Mustio	Toepel
Delozier	James	Neilson	Toohil
DeLuca	Kampf	Neuman	Topper
Denlinger	Kauffman	O'Brien	Truitt
Dermody	Kavulich	O'Neill	Turzai
DiGirolamo	Keller, F.	Oberlander	Vereb
Dunbar	Keller, M.K.	Parker	Waters
Ellis	Keller, W.	Pashinski	Watson
Emrick	Killion	Payne	Wheatley

English Evankovich Everett	Kim Kirkland	Peifer Petrarca	White Youngblood
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NAYS—18

Boyle, B.	Davidson	Miller, D.	Schlossberg
Boyle, K.	Donatucci	Miranda	Sims
Briggs	Freeman	Painter	Sturla
Brownlee	Kinsey	Samuelson	Vitali
Daley, M.	McCarter		

NOT VOTING—0

EXCUSED—4

Dean	Evans	Miccarelli	Petri
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The majority having voted in the affirmative, the question was determined in the affirmative and the resolution was adopted.

The SPEAKER. For what purpose does the gentleman from Adams County, Mr. Moul, rise?

Mr. MOUL. Thank you, Mr. Speaker.

I am just a—

The SPEAKER. The gentleman will suspend. For what purpose does the gentleman rise?

Mr. MOUL. Unanimous consent on HR 924, please.

The SPEAKER. I think I have heard a few objections.

Mr. MOUL. I rescind. Thank you, Mr. Speaker.

The SPEAKER. You rescind that? You rescind that request?

Seriously, if the gentleman did have remarks he wanted to submit for the record, that would be acceptable.

REMARKS SUBMITTED FOR THE RECORD

The SPEAKER. For what purpose does the gentleman from Philadelphia, Mr. Neilson, rise?

Mr. NEILSON. Personal privilege. No? Mr. Speaker—

The SPEAKER. I thought you were rising to submit some remarks for the record.

Mr. NEILSON. Okay. That is what I was going to say next.

Mr. Speaker, I would just like to say thanks and submit some additional comments for the record.

The SPEAKER. Deliver the remarks to the clerk and they will be noted in the record.

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

Mr. Speaker, while I delivered my farewell remarks to the members last week, I wanted to add a few things. Today seems to be my last day in the chamber as this budget process comes to a close. I wanted to thank once again the leadership teams on both sides of the aisle and you yourself, Mr. Speaker, for all your hard work on behalf of the residents of the 169th Legislative District, my family, and the Commonwealth. The sacrifices you have all made for the State of Pennsylvania are never reported in the newspapers, so I thought it appropriate to make it part of the record here today and say thank you.

Today I would like again to mention my family for the record one last time prior to my departure as a member of this great body. My

wife, Doris Neilson; sons – Edward J. Neilson II, Robert T. Neilson, Kevin M. Neilson, Steven D. Neilson, and Ryan D. Neilson – I love you all dearly and I will be home soon.

To my closest friends and family, especially Mike Nimmo, Chuck Barreras, along with my brothers, Todd and Tom Neilson, and cousin Timmy, you have all stood by my side for a long time. In all times, good and bad and happy and sad, you guys never blinked on me and I will never on you and I wanted to take this opportunity to make it a part of the House record here today along with a special thanks. You were here on this floor on my first day and I wanted you to be part of my last.

I have been blessed with great parents. Although my parents were divorced when I was just a kid, I was fortunate to say the least. To have four parents to care about me, I am truly blessed. My mother, Barbra Stafford; my father, Tom Neilson; my stepfather, Robert Stafford; and stepmother, Jeannie Neilson, I want to let you know I love you and thank you for everything, including my brothers and sisters, because life would not have been the same without all of you.

To my mother, Barbra Stafford, whom I lost a few years back, but even today, still seems like it was yesterday. I know you are watching over me, and I hope I made you proud. You always said I would do well, but who would have thought I could achieve all this – you did. I wish you were here to see it and share this experience with me.

My in-laws have also kept me strong, and their support should be recorded here today, and I wanted to thank them for welcoming me into your family and allowing me your daughter's hand. Doris Sloan, Danny and Diane Hinds – I love you all.

In closing, while I did not make mention of all my family and friends, I am thankful to each and every one of you. In the next few weeks, I will be joining Philadelphia City Council as your voice and vote. In May of this year, Democratic committee members nominated me to run in a special election for council at large. The unanimous support I received from all the ward leaders of Philadelphia and the help from all the committeepeople throughout elevated me to a clear victory. The opportunity to be a member of Philadelphia City Council would not have been possible without each and every one of you, and I am grateful.

Moving forward, I will need your help again. To be certain that we build a better Philly for our children, it will be your guidance and advice along the way that will be certain we succeed. The challenges our city faces will not be overcome unless we do this together. My tenure in the PA House of Representatives has taught me that no one cares more about our city than those within. Philadelphia is Pennsylvania; we are the only first-class city within.

We need to push our leaders to do better from Washington to Harrisburg. If we fail as leaders of our great city, the State will fail, so please stand with me in building a better Philadelphia and Pennsylvania and help me unite them as one.

Mr. Speaker, again, I want to thank all of my colleagues of the PA House of Representatives for their friendship and support throughout my tenure. Thank you for respecting my voice as I did yours, and please keep fighting for your neighbors. I hope this is not a good-bye, for as I depart for Philadelphia City Council chambers I will be back to ask for your support and guidance on the many important issues that may arise in the future. I look forward to working together to resolving them and building a better Commonwealth for all.

Thank you, Mr. Speaker.

SUPPLEMENTAL CALENDAR B

**BILL ON CONCURRENCE
IN SENATE AMENDMENTS
AS AMENDED**

The House proceeded to consideration of concurrence in Senate amendments to the following **HB 1177, PN 3931**, as further amended by the House Rules Committee:

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, providing for appeal of decision by school reform commission; further providing for initiative of electors seeking consolidation or merger with new home rule charter; providing for a hotel room rental tax in certain third class counties; further providing for investment authority funds; providing for authorization of a hotel tax in certain counties of the fourth class, for second class township hotel room rental tax and for local option cigarette tax in school districts of the first class and for local sales tax revenues in cities of the first class; and making an editorial change.

On the question,
Will the House concur in Senate amendments as amended by the Rules Committee?

RULES SUSPENDED

The SPEAKER. On that question, I will recognize the gentleman from Allegheny County, Mr. Turzai.

Mr. TURZAI. Thank you, Mr. Speaker.

I move to suspend the rules so that we can consider amendment 9201 to HB 1177 and then to vote the bill immediately; 9201 takes out the—

The SPEAKER. The gentleman will let me put the motion before, then you can explain it.

The gentleman, Mr. Turzai, moves for a suspension of the rules for the immediate consideration of amendment A09201.

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

The following roll call was recorded:

YEAS—174

Adolph	Dunbar	Killion	Pickett
Aument	Ellis	Kim	Pyle
Baker	English	Kinsey	Quinn
Barbin	Evankovich	Kirkland	Ravenstahl
Barrar	Everett	Knowles	Readshaw
Benninghoff	Fabrizio	Kortz	Reed
Bishop	Farina	Kotik	Reese
Bizzarro	Farry	Kula	Regan
Bloom	Fee	Longietti	Roebuck
Boback	Fleck	Lucas	Ross
Boyle, B.	Flynn	Mackenzie	Rozzi
Boyle, K.	Frankel	Mahoney	Sabatina
Bradford	Freeman	Major	Saccone
Briggs	Gabler	Maloney	Sankey
Brooks	Gainey	Markosek	Santarsiero
Brown, R.	Galloway	Marshall	Saylor
Brown, V.	Gergely	Marsico	Scavello
Brownlee	Gibbons	Masser	Schlossberg
Burns	Gillespie	Matzie	Schreiber
Caltagirone	Gingrich	McCarter	Sims
Carroll	Godshall	McGeehan	Smith
Causar	Goodman	McNeill	Snyder
Christiana	Greiner	Mentzer	Sonney
Clay	Grove	Micozzie	Stephens
Clymer	Hackett	Millard	Stern
Cohen	Haggerty	Miller, R.	Stevenson
Conklin	Hahn	Mirabito	Sturla
Corbin	Haluska	Miranda	Swanger
Costa, D.	Hanna	Molchany	Tallman
Costa, P.	Harhart	Moul	Taylor
Cox	Harkins	Mundy	Thomas
Cruz	Harper	Murt	Tobash
Culver	Harris, A.	Mustio	Toepel
Daley, M.	Harris, J.	Neilson	Toohil
Daley, P.	Heffley	Neuman	Topper
Davis	Helm	O'Brien	Turzai

Day	Hennessey	O'Neill	Vereb
Deasy	Hickernell	Oberlander	Vitali
DeLissio	James	Parker	Waters
DeLozier	Kampf	Pashinski	Watson
DeLuca	Kavulich	Payne	Wheatley
Denlinger	Keller, F.	Peifer	White
Dermody	Keller, M.K.	Petrarca	Youngblood
DiGirolamo	Keller, W.		

NAYS—25

Cutler	Kauffman	Metzgar	Roae
Davidson	Krieger	Miller, D.	Rock
Donatucci	Lawrence	Milne	Sainato
Emrick	Maher	Mullery	Samuelson
Gillen	McGinnis	Painter	Simmons
Grell	Metcalfe	Rapp	Truitt
Harhai			

NOT VOTING—0

EXCUSED—4

Dean	Evans	Miccarelli	Petri
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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.

On the question recurring,
Will the House concur in Senate amendments as amended by the Rules Committee?

Mr. **TURZAI** offered the following amendment No. **A09201**:

Amend Bill, page 19, lines 8 through 30; page 20, lines 1 through 30; page 21, lines 1 through 20, by striking out "HOTEL ROOM RENTAL TAX IN CERTAIN FOURTH CLASS COUNTIES." in line 8, all of lines 9 through 30 on page 19, all of lines 1 through 30 on page 20 and all of lines 1 through 20 on page 21 and inserting

(Reserved).

Amend Bill, page 28, line 16, by striking out "8723,"

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

The SPEAKER. On that question, the Speaker recognizes the gentleman from Allegheny County, Mr. Turzai.

Mr. TURZAI. Yes, sir.

This amendment removes the hotel room rental tax in Schuylkill County. It removes that tax in its entirety. Thank you.

It removes the additional tax that is provided in the statute, so the hotel room rental tax that would have been the additional tax in Schuylkill County is removed.

The SPEAKER. On the amendment, the Speaker recognizes the gentleman from Allegheny County, Mr. Dermody.

Mr. DERMODY. Thank you, Mr. Speaker.

I would urge the members to support the amendment.

The SPEAKER. On the amendment, the Speaker recognizes the gentleman from Westmoreland County, Mr. Krieger.

Mr. KRIEGER. Thank you, Mr. Speaker.

And I do realize speaking at this point in the night on this day will not make me the most popular man in the chamber, but I probably ruined that chance long ago anyway.

Thank you for the opportunity here. I want to talk about a couple things I think are important. It is the eleventh hour—I have said enough. I think I will wait till the bill. Sorry.

The SPEAKER. The Speaker thanks the gentleman.

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

The following roll call was recorded:

YEAS—199

Adolph	English	Knowles	Pyle
Aument	Evankovich	Kortz	Quinn
Baker	Everett	Kotik	Rapp
Barbin	Fabrizio	Krieger	Ravenstahl
Barrar	Farina	Kula	Readshaw
Benninghoff	Farry	Lawrence	Reed
Bishop	Fee	Longiatti	Reese
Bizzarro	Fleck	Lucas	Regan
Bloom	Flynn	Mackenzie	Roae
Boback	Frankel	Maher	Rock
Boyle, B.	Freeman	Mahoney	Roebuck
Boyle, K.	Gabler	Major	Ross
Bradford	Gainey	Maloney	Rozzi
Briggs	Galloway	Markosek	Sabatina
Brooks	Gergely	Marshall	Saccone
Brown, R.	Gibbons	Marsico	Sainato
Brown, V.	Gillen	Masser	Samuelson
Brownlee	Gillespie	Matzie	Sankey
Burns	Gingrich	McCarter	Santarsiero
Caltagirone	Godshall	McGeehan	Saylor
Carroll	Goodman	McGinnis	Scavello
Causser	Greiner	McNeill	Schlossberg
Christiana	Grell	Mentzer	Schreiber
Clay	Grove	Metcalfe	Simmons
Clymer	Hackett	Metzgar	Sims
Cohen	Haggerty	Micozzie	Smith
Conklin	Hahn	Millard	Snyder
Corbin	Haluska	Miller, D.	Sonney
Costa, D.	Hanna	Miller, R.	Stephens
Costa, P.	Harhai	Milne	Stern
Cox	Harhart	Mirabito	Stevenson
Cruz	Harkins	Miranda	Sturla
Culver	Harper	Molchany	Swanger
Cutler	Harris, A.	Moul	Tallman
Daley, M.	Harris, J.	Mullery	Taylor
Daley, P.	Heffley	Mundy	Thomas
Davidson	Helm	Murt	Tobash
Davis	Hennessey	Mustio	Toepel
Day	Hickernell	Neilson	Toohil
Deasy	James	Neuman	Topper
DeLissio	Kampf	O'Brien	Truitt
Delozier	Kauffman	O'Neill	Turzai
DeLuca	Kavulich	Oberlander	Vereb
Denlinger	Keller, F.	Painter	Vitali
Dermody	Keller, M.K.	Parker	Waters
DiGirolando	Keller, W.	Pashinski	Watson
Donatucci	Killion	Payne	Wheatley
Dunbar	Kim	Peifer	White
Ellis	Kinsey	Petrarca	Youngblood
Emrick	Kirkland	Pickett	

NAYS—0

NOT VOTING—0

EXCUSED—4

Dean Evans Miccarelli Petri

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 concur in Senate amendments as amended by the Rules Committee as amended?

The SPEAKER. Moved by the gentleman, Mr. Turzai, that the House concur in the amendments.

The Speaker recognizes the gentleman, Mr. Turzai, for a brief description of the Senate amendments as amended by the House.

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

In HB 1177, as amended by the House, the hotel room tax for Washington County and the hotel room tax for York County remain with a technical correction. In addition, the language with respect to the Allegheny County Airport Authority and its ability to issue commercial paper remains included in HB 1177. With respect to the enabling legislation with respect to the city of Philadelphia for a cigarette tax, that remains in the legislation. Language was added that would allow if an applicant for a charter school to the reform commission in the city of Philadelphia is denied a charter school, it has the same right of appeal to the charter appeals board as every other charter school applicant does in the Commonwealth of Pennsylvania.

That explains the amendments as it was amended here in the House.

The SPEAKER. The question is, will the House concur in the amendments inserted by the Senate as amended by the House?

On that question, the Speaker recognizes the gentleman from Westmoreland County, Mr. Krieger.

Mr. KRIEGER. Thank you, Mr. Speaker.

And I know it is late and I will try to be brief. I thought there are a couple things we need to think about as we consider this bill at the eleventh hour – in fact, almost literally the eleventh hour.

We are talking about another tax increase. Now, many of you will argue and say that it is an enabling statute. That means we are not really raising taxes; we are allowing Philadelphia to do it. Certainly that is true. But I think we all have a responsibility as members of this House, not just for our districts but to speak for all the people of the Commonwealth of Pennsylvania. I understand Philadelphia is unique in many ways, just like Westmoreland County is unique in other ways.

We have a responsibility to exercise our independent judgment and not to hand it to somebody else. We are talking about a cigarette tax. Now, the numbers I heard, the revenue is about \$90 million. I do not know how we get to that number, and I do not think we have had time to figure out if that is a good number. I just observe it is awfully easy, I would think, to drive across the city boundary of Philadelphia to buy your cigarettes and I wonder how many people are going to pay \$2 additional a pack to do that. If they are, I assume it is a

regressive tax. It is those least able to pay it who are going to be paying it. I think it is going to encourage a black market. So I will leave on the cigarette tax there.

The hotel tax; there are three counties, as I understand it, that are going to have special treatment here. Why are those three counties more special than any other county? You know what is going to happen tomorrow morning, you are going to have many people in this hall who are going to have their county commissioners call them and say, well, why did Schuylkill County, why did York County, why did Washington County get a deal that we did not get? Why are you not more effective? I think we are asking for trouble when we start creating a patchwork here. If it is a good thing that we raised the cigarette tax or if we raise the hotel tax in this case, why not do it for the whole Commonwealth? Now, I would argue that is not a good thing, but that would be more consistent. I guess I will leave it there.

Again, I think we all need to vote our consciences. I know we want to get out of here, but this is an important vote and I would ask you to consider that argument as you make your decision. Thank you, Mr. Speaker.

The SPEAKER. The question is, will the House concur in the amendments inserted by the Senate as amended by the House?

On that question, the Speaker recognizes the gentleman from Blair County, Mr. Stern.

Mr. STERN. Thank you, Mr. Speaker.

On HB 1177, I want to speak on behalf of the tourism industry in Pennsylvania, and I am speaking merely to that provision as far as this covers room taxes, and I am not going to get into the other provisions of what HB 1177 as amended in the Senate gets into, but what I wanted to discuss here was that the tourism industry, the lodging industry, and the Pennsylvania Association of Travel and Tourism are strongly opposed to the increases that are added under this bill for room tax.

There has been a task force that has been put together by the administration and all of the stakeholders in tourism to try to come up with one way in which to make uniform taxes in Pennsylvania as far as the bed tax. If this is enacted tonight, this bill, this amendment, we will end up looking at coming back in future General Assemblies, and each and every county is going to want to increase their own bed taxes. We are looking at about four dozen individual counties. So you are looking at about 48, 50 counties that are going to be coming to you asking for increases as well.

It would be better to do this from a tourism standpoint to make one uniform and one task force where they make a uniform recommendation that applies to the whole Commonwealth instead of doing it piecemeal, and if we continue to do it piecemeal, then you are going to be back voting these bed taxes again and again and again.

So this just gives special treatment to two specific counties and just carves them out under this legislation.

REMARKS SUBMITTED FOR THE RECORD

Mr. STERN. And I have remarks that I will submit for the record. I am not going to belabor the point tonight. I know it is late, but I stand on behalf of the Tourism Committee and also the industry itself opposing HB 1177 as amended in the Senate, and I would ask for nonconcurrency.

The SPEAKER. The gentleman will deliver his additional remarks to the clerk and they will be noted in the record.

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

All of you have received e-mails from the tourism and lodging industry strongly opposing HB 1177 on the basis of the hotel room tax amendments added by the Senate. I want to make it clear that the hotel industry was not involved in the discussions on these amendments.

Every time we have enacted or raised a county room tax, we have involved the lodging industry and received their support. After all, they are the ones most affected. They collect the tax and deal with competition in other counties that may have a lower tax. The tax revenue then goes to the local visitors bureau to promote tourism and put "heads in beds." Why else would hotels agree to a separate tax that no other industry pays? It is because more visitors means more money and jobs for everyone in the county.

Now we are going to impose additional room taxes on this important private-sector industry that provides tens of thousands of jobs, without even asking them to sit at the table. That is not the way we should do this.

Other counties have also expressed support for an increase to 5 percent, and this year a public-private tourism task force was formed to look into legislation that would authorize a rate increase for 54 counties as a whole. However, these counties in HB 1177 have asked for special treatment while the task force has been negotiating a comprehensive bill. And this special treatment will set a significant negative precedent for the entire State.

We already have a dozen local room tax laws, most of them covering just one or two counties. That is not an ideal situation, obviously. In Act 142 of 2000, we enacted comprehensive room tax legislation that covered the majority of counties, 45 of them, with one law. We did this for the sake of equal treatment and consistency, and so that the legislature would not have to keep enacting individual county room tax laws bill by bill. Consistent tax treatment across the State is good public policy for counties as well as for the hotel industry and visitors.

Now we are going the opposite way entirely. We are singling out some counties for increases and not others, just because their lawmakers want them to have it. We are setting a precedent that we will have to follow in the future. Are you ready to vote for another four dozen individual hotel tax increases in the next few years? I know your county commissioners will be on the phone to you tomorrow if this bill passes. They will want the same increase. But you have to ask: Why are we allowing some counties to get an increase but not others? Is this fair? Or is it special treatment? Is this the way good policy is enacted? Or is this a return to the bad old days where questionable bills were passed late at night, at the last minute?

Hotel tax dollars are traditionally earmarked for the county's official visitors bureau and are used specifically for tourism programs. That is true across the State in every one of the room tax laws we have.

Remember, the hotel industry has agreed to this special tax on their customers, a tax that no other industry is required to impose. They should be part of the decisionmaking process. The room tax is a tax on visitors in order to bring in even more visitors and visitor dollars. It needs to be used for tourism, and we need to keep rates as consistent as possible across the State. This bill moves us away from that policy.

If we keep enacting room taxes for counties on an individual basis and lose sight of how these dollars should be spent for the best return on investment, we lose our ability to attract visitors and hurt an industry that does so much to help our economy. Tourism provides billions of dollars and 460,000 jobs in Philadelphia, the Poconos, Lancaster, Gettysburg, Pittsburgh, Erie, the Laurel Highlands, and the coal regions, just to name a few. Our visitors bureaus have already lost millions in State matching grant money under this administration. The room tax is all they have left. If we jeopardize that, jobs will be lost, tax revenue will go down, and our second largest industry will suffer.

Furthermore, I believe this bill is unconstitutional on single-subject grounds. It began as a referendum on forming a local government study commission to study municipal mergers. Now it contains hotel room taxes, a cigarette tax for Philadelphia, and allowing airport authorities to invest in commercial paper, among other things. These issues are not related. Not even close. We make a point to rule nongermane amendments out of order on the floor of the House. Now we are going to approve a bill that is loaded with nongermane amendments, that a court would easily rule unconstitutional?

Please oppose HB 1177 with the Senate's room tax amendments.

The SPEAKER. The question is, will the House concur in the amendments inserted by the Senate as amended by the House?

REMARKS SUBMITTED FOR THE RECORD

The SPEAKER. On that question, the Speaker recognizes the gentleman from Westmoreland County, Mr. Evankovich.

Mr. EVANKOVICH. Thank you, Mr. Speaker.

Mr. Speaker, I would like to submit my comments for the record.

The SPEAKER. The Speaker thanks the gentleman.

Deliver the remarks to the clerk and they will be noted in the record.

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

Mr. Speaker, I stand before you tonight to speak on HB 1177. And, Mr. Speaker, while I understand the principles of the underlying bill, I fail to understand the inconsistency of philosophy that this bill represents.

Mr. Speaker, in this chamber we often hear about how Republican policies hurt the little guy. I find it troubling that we stand here tonight debating a bill to increase a massive regressive tax on the people of Philadelphia. By definition, a tax that hurts low-income people the most.

Mr. Speaker, according to a Centers for Disease Control study from 2012 of active smokers, the vast majority of smokers are non-White, living below the poverty level, with a GED (general equivalency diploma) or less.

Mr. Speaker, just so we understand what that means, the plan before us pushes a tax that low-income folks can least afford onto the shoulders of those same low-income Pennsylvanians. It is almost like we are taxing them twice. Mr. Speaker, this tax will hold them down more than any natural gas tax or closing a perceived tax loophole will ever lift them up.

Mr. Speaker, we have and will continue to hear about how this cigarette tax legislation is for the children of Philadelphia. Well, Mr. Speaker, did the Philadelphia School District start issuing paychecks to students? No, Mr. Speaker, this cigarette tax is not for the children of Philadelphia; this tax is in front of us today because of an inability to resolve the structural and unsustainable cost drivers in the school district.

The SPEAKER. The question is, will the House concur in the amendments inserted by the Senate as amended by the House?

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

Mr. SACCONI. Thank you, Mr. Speaker.

I am sorry. I know the hour is late, but there are a couple things on my heart and I just have to say them. My good friend from Westmoreland County, he talked a little bit about the tax –

the so-called sin tax – and I know a lot of people do not have a problem with a sin tax. They think, yeah, so what, you know, put a tax on smokers; it does not hurt anybody. But the truth is, this tax is highly regressive and it hurts poor people disproportionately. I am surprised. I would hope that my colleagues on the other side of the aisle would be against that. And I have heard it said that it is all about the children, and if we do not enact this tax, they are going to close the schools and they are going to lay off teachers and we are just helping the other side to help themselves.

So why is it that we never seem to talk about cost reductions? The solution always seems to be, stick it to the taxpayer. Let us talk about costs for a minute. I looked up some of the information here. The Philadelphia School District spends \$132 million per year on teacher health insurance, and they only contribute \$288,000. While the private sector averages about 30 percent, they are paying less than 1 percent. Now, they may have had some givebacks more recently than this data; I concede that. But nearly 400 employees make over \$100,000 a year in salary alone, \$50 million alone just for those 400 employees. That is a lot of money.

Paying all those high salaries, if we were in the private sector, we would say, well, should we not expect some superlative results for all that high pay? Yet their 4-year graduation rate is 20 percentage points below the State average and only 38 percent of 11th graders in 2012 were at or above proficiency. That is dismal, Mr. Speaker, that is dismal, when the State averages 60 percent.

Yet we are asking for more taxes to reward these dismal results. It is a failing system. And regardless of their performance, these employees receive their automatic step increases, their pay increases.

The SPEAKER. The gentleman will suspend.

I see the nexus to your argument in terms of the substance in the bill. I would just encourage you to try to get back to the tide of the bill and maybe not elaborate too far off of the subject that is before us, which is HB 1177.

Mr. SACCONI. Thank you, Mr. Speaker.

I am trying to wrap it up. It is my understanding that they are negotiating a contract right now, and I hope there are some salary decreases in there, but at the very least I hope they will include a freeze. But my point is, we should not be rewarding mediocre performance in educating our children; 200,000 kids doomed to a system that is not working.

Now, I know some people are going to say, oh, he is against Philadelphia. No, I am not. I am for 200,000 kids. I am an educator too, and I have worked with kids, young kids, most of my adult life, and I know how important it is that they get a good education. And I know when they are stuck in a bad system, it is a bad deal, and we should not keep rewarding that system with more money.

Now, I know there are good people on both sides of this. I know my colleagues from Philadelphia are going to get up and say the opposite. I know, I empathize with you. We have different backgrounds and we come at this differently. Even as educators, we look at this differently and we each have to do what is right in our own heart for those kids. And you may see it differently than I do. I am sure you do. So I am not against Philadelphia and I am not against your kids. I am for them. I want to help them. I want to help them by changing the system, not rewarding the same system we are in. So there is an old saying, to know what is right and not do it is the worst form

of cowardice. I just say, I have to do what is right in my mind. I encourage you to vote "no" on this amendment.

Thank you, Mr. Speaker.

The SPEAKER. The question is, will the House concur in the amendments inserted by the Senate as amended by the House?

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

Mr. METCALFE. Thank you, Mr. Speaker.

Mr. Speaker, it is really surprising to see so many advocating for this cigarette tax increase – I believe it is going to be \$2 a pack more – for inner-city Philadelphians mainly. Mr. Speaker, this tax is going to be paid by those who cannot escape the city. Mr. Speaker, the visitors to Philadelphia from the surrounding counties, they are going to make sure that they are taking their cigarettes to work with them. They are making sure that they are taking their cigarettes in to see the Liberty Bell with them. This tax is going to be paid mainly by the people in Philadelphia that cannot even afford to get out of the city for a day to find cigarettes, Mr. Speaker.

Mr. Speaker, this tax increase on Philadelphians tonight, on those who smoke— Mr. Speaker, I do not smoke, never have, do not think anybody should, but I think it is just wrong, Mr. Speaker, to impose this on the poorest of the poor in inner-city Philadelphia to supposedly pay for the kids when we know it is really just to pay for the teachers' unions demands, Mr. Speaker.

Mr. Speaker, those that will be voting, the majority of the Democratic Caucus that will vote for this tonight, Mr. Speaker, have been advocating to expand Medicaid under Obamacare. Well, the people that they want to put into that program are the very same people, some of them, that are going to have to pay this new tax. I mean, I see smiles on the other side of the aisle. I mean, you really can smile at the people in Philadelphia that are going to have to pay two bucks more? You are going to smile at their children, who are going to be neglected from certain things they need because their parents are addicted to nicotine and will be paying so much more through this cigarette tax increase? The cigarette tax increase that so many think they can get away with because so many might look down their nose at somebody who has an addiction to it and think that they need to pay the cigarette tax increase.

Mr. Speaker, this legislation here tonight, HB 1177, that came to us with the hotel tax increases and now this cigarette tax increase, which I think the hotel tax increase, I am glad my county is not included. I am sure that my county commissioners would like to be included. They like to spend as much as any other county commissioner does. And, Mr. Speaker, this cigarette tax is a regressive tax. It is not going to be paid by those who can really afford it. And the hypocrisy, the hypocrisy, Mr. Speaker, of claiming that you are for the poor and then you are going to turn around and vote for this tax increase tonight just reeks.

We have listened to the cries from the other side throughout the budget process. They did not put any votes up for the budget, but all of a sudden they come to the table and put up a few for the Fiscal Code that we did not really need them for.

Mr. DERMODY. Mr. Speaker?

Mr. METCALFE. Mr. Speaker, the cigarette tax increase—

Mr. DERMODY. Mr. Speaker?

Mr. METCALFE. —is an exchange—

Mr. DERMODY. Mr. Speaker?

Mr. METCALFE. —for a vote on the Fiscal Code—

The SPEAKER. The gentleman will suspend a minute. The gentleman will suspend.

For what purpose does the gentleman, Mr. Dermody, rise?

The House will come to order.

Mr. DERMODY. Just to note, I believe the speaker is— I am sorry.

The SPEAKER. The gentleman, Mr. Dermody, for what purpose do you rise?

Mr. DERMODY. I believe the speaker has strayed from the subject matter of this amendment and the discussion.

The SPEAKER. I always try to advise members to stay on the subject. I have been paying close attention to him. The gentleman has been pretty darn close to the subject.

The gentleman may proceed.

Mr. METCALFE. Thank you, Mr. Speaker.

Mr. Speaker, this cigarette tax increase is supposedly being given because the mayor was here in our halls today asking for it. Supposedly the Governor supports it. Mr. Speaker, the cigarette tax increase all for the children, cigarette tax being done for the children, for the educational system of Philadelphia, Mr. Speaker. Well, Mr. Speaker, this does not fix the problem. They will never have enough money.

Mr. Speaker, what fixes the problem is addressing the foundational problems of our educational system and the costs of our educational system. When you see the average salaries of Philadelphia schoolteachers compared to the rest of the State and you recognize that as a major driver for the pension problem we have, Mr. Speaker, you realize why they need this cigarette tax increase.

This cigarette tax increase—

The SPEAKER. The House will come to order. The House will come to order.

I think I have tried to be pretty fair about allowing people to speak, and there are times when we have to listen to something we do not want to listen to. I think I have been more than fair on that front. I would ask the members to allow the gentleman to speak. He is running up the edge of it, but he is still on the subject that is before us, and I would ask the members' indulgence, please.

The gentleman may proceed.

Mr. METCALFE. Thank you, Mr. Speaker.

Mr. Speaker, the need for the cigarette tax has been argued to be the financial needs of the Philadelphia School District. Mr. Speaker, there are other ways to address their financial needs without a cigarette tax increase that is going to be a regressive tax on the poor of Philadelphia.

I am from Butler County. My constituents will not pay this tax, but I am elected as a State legislator here to work to craft policies that benefit the whole Commonwealth, and tonight I speak on behalf of those Philadelphians that you Philadelphia legislators are getting ready to put a tax on. Those individuals that cannot escape your city because they cannot afford to are going to be forced to pay this tax, and the ones who have kids will be trimming their expenditures for the family to address their nicotine fix.

Mr. Speaker, this tax is wrong. This is the wrong way to address the needs of the Philadelphia School District, and I would ask for a "no" vote, Mr. Speaker.

The SPEAKER. The question is, will the House concur in the amendments inserted by the Senate as amended by the House?

VOTE CORRECTION

The SPEAKER. On that question, the Speaker recognizes the gentleman from Philadelphia County, Mr. Cruz.

Mr. CRUZ. This is to correct the record, Mr. Speaker.

I was voted in the negative on 278. I want to be an affirmative before we cast this vote.

Thank you, Mr. Speaker.

The SPEAKER. The gentleman's remarks will be noted for the record.

CONSIDERATION OF HB 1177 CONTINUED

The SPEAKER. The question is, will the House concur in the amendments inserted by the Senate as amended by the House?

REMARKS SUBMITTED FOR THE RECORD

The SPEAKER. On that question, the Speaker recognizes the gentleman from Montgomery County, Mr. Murt.

Mr. MURT. Thank you, Mr. Speaker.

Mr. Speaker, I would like to submit some remarks for the record in favor of HB 1177. Thank you.

The SPEAKER. The gentleman will deliver his remarks to the clerk and they will be noted for the record.

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

I rise in support of HB 1177. One aspect of this bill concerns a tax on cigarettes in Philadelphia and targeting all the revenues directly to Philadelphia city schools.

Mr. Speaker, let me be clear. What we are being asked to do this evening with HB 1177 is not to tax anyone, but instead to give the city of Philadelphia a tool to use to solve their own problems. The city has requested this action to raise the revenues which are critically needed to open city schools in September and to educate the 200,000 children who go to school in Philadelphia.

Mr. Speaker, I respectfully request that our members empower Philadelphia to solve their own fiscal problems and to work towards achieving their own revenues that are badly needed to open schools as scheduled in September.

I encourage an affirmative vote on 1177.

The SPEAKER. The question is, will the House concur in the amendments inserted by the Senate as amended by the House?

On that question, the Speaker recognizes the gentleman from Philadelphia County, Mr. Waters.

Mr. WATERS. Mr. Speaker, I would like to submit some remarks for an earlier resolution that was introduced.

The SPEAKER. All right. I am going to show that in the record after we have this vote because that was not the subject before us, but the gentleman will submit his remarks to the clerk and they will be noted in the record at the appropriate place.

Mr. WATERS. I will do it at the right time then, Mr. Speaker. No problem.

On the question recurring,

Will the House concur in Senate amendments as amended by the Rules Committee as amended?

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

The following roll call was recorded:

YEAS—119

Adolph	Everett	Killion	Quinn
Barrar	Fabrizio	Kim	Reed
Benninghoff	Farina	Kinsey	Regan
Bishop	Farry	Kirkland	Roebuck
Bizzarro	Fleck	Kula	Ross
Boyle, B.	Flynn	Lawrence	Rozzi
Boyle, K.	Frankel	Longietti	Sabatina
Bradford	Freeman	Lucas	Samuels
Briggs	Gainey	Mahoney	Santarsiero
Brown, R.	Galloway	Markosek	Saylor
Brown, V.	Gergely	Marsico	Scavello
Brownlee	Gibbons	Matzie	Schlossberg
Carroll	Gillespie	McCarter	Schreiber
Clay	Gingrich	McGeek	Sims
Cohen	Godshall	McNeill	Smith
Conklin	Goodman	Micozzie	Snyder
Corbin	Grell	Miller, D.	Sonney
Costa, D.	Grove	Miller, R.	Stephens
Costa, P.	Hackett	Miranda	Sturla
Cruz	Haggerty	Molchany	Taylor
Daley, M.	Hanna	Moul	Thomas
Daley, P.	Harkins	Mundy	Toohil
Davidson	Harper	Murt	Turzai
Davis	Harris, A.	Neilson	Vereb
DeLissio	Harris, J.	O'Brien	Vitali
DeLuca	Heffley	O'Neill	Waters
Dermody	Hennessey	Parker	Watson
DiGirolamo	Kampf	Pashinski	Wheatley
Donatucci	Kavulich	Payne	Youngblood
English	Keller, W.	Pyle	

NAYS—80

Aument	Emrick	Mackenzie	Pickett
Baker	Evankovich	Maher	Rapp
Barbin	Fee	Major	Ravenstahl
Bloom	Gabler	Maloney	Readshaw
Boback	Gillen	Marshall	Reese
Brooks	Greiner	Masser	Roae
Burns	Hahn	McGinnis	Rock
Caltagirone	Haluska	Mentzer	Saccone
Causar	Harhai	Metcalfe	Sainato
Christiana	Harhart	Metzgar	Sankey
Clymer	Helm	Millard	Simmons
Cox	Hickernell	Milne	Stern
Culver	James	Mirabito	Stevenson
Cutler	Kauffman	Mullery	Swanger
Day	Keller, F.	Mustio	Tallman
Deasy	Keller, M.K.	Neuman	Tobash
Delozier	Knowles	Oberlander	Toepel
Denlinger	Kortz	Painter	Topper
Dunbar	Kotik	Peifer	Truitt
Ellis	Krieger	Petrarca	White

NOT VOTING—0

EXCUSED—4

Dean	Evans	Miccarelli	Petri
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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 as amended by the Rules Committee as amended were concurred in.

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

The SPEAKER. I have a couple of housekeeping things to do when we are done, but just before you run off, if you would indulge me one minute or two.

I just wanted to, number one, wish the members – hopefully we will not be back here in the near future and we will be adjourning until September. I know that the members all have a lot of busy schedules to keep throughout the summer, and while we are not in legislative session, it does not mean that we are not working hard on behalf of the people of Pennsylvania.

But I wanted to also thank you, in spite of ending up on maybe a contentious issue – and I say this honestly and from the heart – we have had some times here when you were here for a week and a half straight on these kinds of stretch runs that get a little tough, you get a little tired, we get tired of each other, we get sick and tired of the people we even like, let alone the people we do not always get along with, but I thought that the overall debate, the comments of everybody, very much stayed to the principles and points that were before us. I thought that it was an exceptionally good stretch run in particular of, you know, kind of keeping the personalities out of it.

And as Speaker, I say that as a thank you because that is where it gets a little tough in my job, when it gets a little edgy, when it gets a little personal. So I wanted to thank you for your respect for me as Speaker and for your respect to all of us as a part of this institution. I wish you all a good break over the summer months, and God bless you and be safe.

That was not a farewell speech.

VOTE CORRECTIONS

The SPEAKER. For what purpose does the gentleman from Delaware County, Mr. Kirkland, rise?

Mr. KIRKLAND. Thank you, Mr. Speaker. To correct the record.

The SPEAKER. The gentleman may state his correction.

Mr. KIRKLAND. Thank you, Mr. Speaker.

On HB 1177 my switch malfunctioned. I would like to be recorded in the negative.

The SPEAKER. The gentleman's remarks will be noted in the record.

Mr. KIRKLAND. Thank you.

The SPEAKER. For what purpose does the gentleman from Schuylkill County, Mr. Knowles, rise?

Mr. KNOWLES. Mr. Speaker, to correct the record.

The SPEAKER. The gentleman will state his correction.

Mr. KNOWLES. Mr. Speaker, on HB 2355, concurrence of HB 2355, I was recorded as a "yes," and I would like to be recorded as a "no."

The SPEAKER. The gentleman's remarks will be noted in the record.

BILL REMOVED FROM TABLE

The SPEAKER. The Speaker recognizes the majority leader, who moves that SB 799 be removed from the tabled calendar and placed on the active calendar.

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

BILL TABLED

The SPEAKER. The Speaker recognizes the majority leader, who moves that SB 799 be removed from the active calendar and placed on the tabled calendar.

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

CALENDAR CONTINUED

BILL ON SECOND CONSIDERATION

The House proceeded to second consideration of **SB 704, PN 709**, entitled:

An Act amending the act of September 23, 1959 (P.L.970, No.400), referred to as the Second Class A City Employee Pension Law, further providing for credit for military service.

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

BILL TABLED

The SPEAKER. The Speaker recognizes the majority leader, who moves that SB 704 be removed from the active calendar and placed on the tabled calendar.

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

BILL REMOVED FROM TABLE

The SPEAKER. The Speaker recognizes the majority leader, who moves that SB 704 be removed from the tabled calendar and placed on the active calendar.

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

BILLS AND RESOLUTIONS PASSED OVER

The SPEAKER. Without objection, all remaining bills and resolutions on today's calendar will be passed over. The Chair hears no objection.

ADJOURNMENT

The SPEAKER. The Speaker recognizes the gentleman, Mr. English, from Allegheny County, who moves that this House do now adjourn until Monday, September 15, 2014, at 1 p.m., e.d.t., unless sooner recalled by the Speaker.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 9:33 p.m., e.d.t., the House adjourned.