

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

TUESDAY, JUNE 28, 2011

SESSION OF 2011

195TH OF THE GENERAL ASSEMBLY

No. 55

HOUSE OF REPRESENTATIVES

The House convened at 10 a.m., e.d.t.

THE SPEAKER (SAMUEL H. SMITH) PRESIDING

PRAYER

The SPEAKER. The prayer this morning will be offered by the Reverend Keith Yoder, St. John's Lutheran Church, Birdsboro.

REV. KEITH YODER, Guest Chaplain of the House of Representatives, offered the following prayer:

Mr. Speaker, men and women of the legislature, as a Lutheran Church-Missouri Synod pastor, I would like to thank the members of the House of Representatives for the privilege afforded me this morning. And I thank you for the service to the State of Pennsylvania on behalf of the many who live within our State borders, the people whom you serve, and for my father, Harry D. Yoder, Colonel, U.S. Air Force (Retired), and recently called home to his eternal home, whom you honor today. And from the people of St. John's Lutheran Church in Gibraltar in Birdsboro, I bring you greetings.

Let us pray:

Heavenly Father, thank You for the privilege to serve by Your sovereign grace the people of the State of Pennsylvania. We pray Your presence and favor on these elected Representatives, that they may confidently expect the favor and help of Almighty God. For Your glory and for the people we serve, we pray Your wisdom, strength, fidelity, and integrity be granted to these servants.

Gracious God, wash over each one with Your Holy Spirit, that they may clearly discern and rightly follow the path You have set before them. We pray Your grace be upon each Representative as they wrestle with the most difficult of issues. Grant wisdom to all and courage to face unpopular but necessary decisions so that Pennsylvania can once again be on sound fiscal ground and be a place where all men and women can live and work. If we can but seek Your ways and humble ourselves to follow You, this can be done.

Forgive us for our folly and sin, lead us into the paths of righteousness and peace, and restore our State, the Commonwealth of Pennsylvania, to faithfulness and Your blessing.

We ask these things in the precious name above all names, Jesus Christ, the Savior and Lord. Amen.

PLEDGE OF ALLEGIANCE

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

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, the approval of the Journal of Monday, June 27, 2011, 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. CUTLER, from Lancaster County for the day; the gentleman, Mr. HESS, from Bedford County for the day; the gentleman, Mr. REICHLEY, from Lehigh County for the day; and the gentleman, Mr. John EVANS, from Erie County for the day. Without objection, the leaves will be granted.

The Speaker turns to the minority whip, who requests a leave of absence for the gentleman, Mr. BRENNAN, from Lehigh for the day, and the gentleman, Mr. BUXTON, from Dauphin County for the day. Without objection, the leaves will be granted.

The Speaker is about to take the master roll call.

LEAVES OF ABSENCE

The SPEAKER. The Speaker returns to leaves of absence and recognizes the minority whip, who asks for a leave of absence for the gentleman, Mr. CONKLIN, from Centre County for the day, and the gentleman, Mr. STABACK, from Lackawanna County for the day. Without objection, the leaves will be granted.

The minority whip additionally asks for a leave of absence for the lady, Ms. MUNDY, from Luzerne County for the day. Without objection, leave will be granted.

HOUSE BILLS INTRODUCED AND REFERRED

No. 1742 By Representative PETRI

An Act providing for the elimination of property tax for older Pennsylvanians, for a one-year cap on real property tax increases for school property tax purposes and for the elimination of authority to

levy real property taxes for the support of public schools; imposing additional duties on the Department of Education; providing for the transfer of certain funds; and making related repeals.

Referred to Committee on FINANCE, June 28, 2011.

No. 1743 By Representative PETRI

An Act amending Title 72 (Taxation and Fiscal Affairs) of the Pennsylvania Consolidated Statutes, providing for property tax payments.

Referred to Committee on FINANCE, June 28, 2011.

No. 1744 By Representatives BENNINGHOFF, READSHAW, AUMENT, BARRAR, BOYD, BRIGGS, V. BROWN, CALTAGIRONE, COHEN, CUTLER, DALEY, DAVIDSON, DAVIS, DELISSIO, DENLINGER, DePASQUALE, ELLIS, J. EVANS, EVERETT, FABRIZIO, FARRY, FREEMAN, GALLOWAY, GIBBONS, GILLEN, GODSHALL, GOODMAN, GROVE, HESS, HUTCHINSON, JOSEPHS, M. K. KELLER, KNOWLES, MAHONEY, MAJOR, MARSHALL, MASSER, MILLARD, MILLER, MIRABITO, MUNDY, MYERS, PASHINSKI, PICKETT, QUIGLEY, RAPP, REED, REICHLEY, SAYLOR, SCAVELLO, SCHRODER, STABACK, TAYLOR, TOBASH, VULAKOVICH and WATSON

An Act amending the act of June 29, 1953 (P.L.304, No.66), known as the Vital Statistics Law of 1953, further providing for death and fetal death registration information for certificates, for coroner referrals and for pronouncement of death by a professional nurse.

Referred to Committee on HEALTH, June 28, 2011.

No. 1745 By Representatives PAYTON and JOHNSON

An Act amending the act of July 9, 2008 (1st Sp.Sess., P.L.1873, No.1), known as the Alternative Energy Investment Act, providing for plug-in vehicle charging station tax credits.

Referred to Committee on ENVIRONMENTAL RESOURCES AND ENERGY, June 28, 2011.

No. 1746 By Representatives PAYTON and JOHNSON

An Act amending the act of July 9, 2008 (1st Sp.Sess., P.L.1873, No.1), known as the Alternative Energy Investment Act, providing for plug-in vehicle charging station grants; and making an appropriation.

Referred to Committee on ENVIRONMENTAL RESOURCES AND ENERGY, June 28, 2011.

No. 1747 By Representatives PAYTON and JOHNSON

An Act amending the act of July 9, 2008 (1st Sp.Sess., P.L.1873, No.1), known as the Alternative Energy Investment Act, providing for plug-in vehicle charging station tax credit.

Referred to Committee on FINANCE, June 28, 2011.

No. 1748 By Representatives WHITE, CALTAGIRONE, HALUSKA, HORNAMAN, ROEBUCK and SCAVELLO

An Act amending Title 58 (Oil and Gas) of the Pennsylvania Consolidated Statutes, imposing a natural gas impact fee.

Referred to Committee on ENVIRONMENTAL RESOURCES AND ENERGY, June 28, 2011.

No. 1749 By Representatives STABACK, KAVULICH, MURPHY and K. SMITH

An Act amending the act of August 9, 1955 (P.L.323, No.130), known as The County Code, in fiscal affairs, further providing for authorization of hotel tax.

Referred to Committee on TOURISM AND RECREATIONAL DEVELOPMENT, June 28, 2011.

No. 1751 By Representative KULA

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

Referred to Committee on TRANSPORTATION, June 28, 2011.

No. 1752 By Representatives ELLIS, EVERETT, GROVE, HESS, KOTIK, MILLARD, O'NEILL, REICHLEY, SACCONI, SWANGER and WATSON

An Act amending the act of February 17, 1994 (P.L.73, No.7), known as the Contractor and Subcontractor Payment Act, further providing for applicable law.

Referred to Committee on LABOR AND INDUSTRY, June 28, 2011.

SENATE BILL FOR CONCURRENCE

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

SB 638, PN 1390

Referred to Committee on HEALTH, June 28, 2011.

MASTER ROLL CALL

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

The following roll call was recorded:

PRESENT—194

Adolph	Emrick	Kortz	Rapp
Aument	Evankovich	Kotik	Ravenstahl
Baker	Evans, D.	Krieger	Readshaw
Barbin	Everett	Kula	Reed
Barrar	Fabrizio	Lawrence	Reese
Bear	Farry	Longietti	Roae
Benninghoff	Fleck	Maher	Rock
Bishop	Frankel	Mahoney	Roebuck
Bloom	Freeman	Major	Ross
Boback	Gabler	Maloney	Sabatina
Boyd	Galloway	Mann	Saccone
Boyle, B.	Geist	Markosek	Sainato
Boyle, K.	George	Marshall	Samuelson
Bradford	Gerber	Marsico	Santarsiero

Briggs	Gergely	Masser	Santoni
Brooks	Gibbons	Matzie	Saylor
Brown, R.	Gillen	McGeehan	Scavello
Brown, V.	Gillespie	Metcalfe	Schroder
Brownlee	Gingrich	Metzgar	Shapiro
Burns	Godshall	Miccarelli	Simmons
Caltagirone	Goodman	Micozzie	Smith, K.
Carroll	Grell	Millard	Smith, M.
Causer	Grove	Miller	Sonney
Christiana	Hackett	Milne	Stephens
Clymer	Hahn	Mirabito	Stern
Cohen	Haluska	Moul	Stevenson
Costa, D.	Hanna	Mullery	Sturla
Costa, P.	Harhai	Murphy	Swanger
Cox	Harhart	Murt	Tallman
Creighton	Harkins	Mustio	Taylor
Cruz	Harper	Myers	Thomas
Culver	Harris	Neuman	Tobash
Curry	Heffley	O'Brien, D.	Toepel
Daley	Helm	O'Brien, M.	Toohil
Davidson	Hennessey	O'Neill	Truitt
Davis	Hickernell	Oberlander	Turzai
Day	Hornaman	Parker	Vereb
Deasy	Hutchinson	Pashinski	Vitali
DeLissio	Johnson	Payne	Vulakovich
DeLozier	Josephs	Payton	Wagner
DeLuca	Kampf	Peifer	Waters
Denlinger	Kauffman	Perry	Watson
DePasquale	Kavulich	Petrarca	Wheatley
Dermody	Keller, F.	Petri	White
DeWeese	Keller, M.K.	Pickett	Williams
DiGirolamo	Keller, W.	Preston	Youngblood
Donatucci	Killion	Pyle	
Dunbar	Kirkland	Quigley	Smith, S.,
Ellis	Knowles	Quinn	Speaker

ADDITIONS—0

NOT VOTING—0

EXCUSED—9

Brennan	Cutler	Hess	Reichley
Buxton	Evans, J.	Mundy	Staback
Conklin			

LEAVES ADDED—2

Godshall	Sabatina
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LEAVES CANCELED—6

Buxton	Evans, J.	Reichley	Staback
Conklin	Mundy		

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

UNCONTESTED CALENDAR

RESOLUTION PURSUANT TO RULE 35

Mr. AUMENT called up **HR 346, PN 2148**, entitled:

A Resolution recognizing September 5 through 15, 2011, as "Pennsylvania Returning Heroes VIP (Vacation in PA) Weeks" in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—194

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

NAYS—0

NOT VOTING—0

EXCUSED—9

Brennan	Cutler	Hess	Reichley
Buxton	Evans, J.	Mundy	Staback
Conklin			

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

The SPEAKER. Will the House please come to order. If the members would please take their seats. We are about to do a condolence resolution. The Speaker would appreciate the members' attention.

LEAVES OF ABSENCE CANCELED

The SPEAKER. The Speaker returns to leaves of absence and recognizes the presence of the gentleman from Centre County, Mr. Conklin, on the floor. His name will be added back to the master roll call, as well as the lady from Luzerne, Ms. Mundy. Her name will be added back to the roll call, without objection.

If the members would please take their seats for the purpose of a condolence resolution.

CALENDAR

RESOLUTION PURSUANT TO RULE 35

Mr. MALONEY called up **HR 338, PN 2095**, entitled:

A Resolution honoring the life of United States Air Force Colonel (Retired) Harry David Yoder, of Boyertown, Berks County, who died on May 8, 2011.

On the question,
Will the House adopt the resolution?

The SPEAKER. On that question, the Speaker recognizes the gentleman, Mr. Maloney, from Berks County.

Mr. MALONEY. Thank you, Mr. Speaker.

We are honored here today to have with us in the hall of the House, from my hometown, Boyertown, the wife of the late Col. Harry D. Yoder, Mrs. Ardath Yoder, her son, and members of her family.

Today I ask for your affirmative vote to support HR 338, which memorializes the life of United States Air Force Colonel, a Berks County native, Harry David Yoder, who passed away May 8 of this year.

In 1945, 2 days after V-J Day, then Miss Ardath Davidheiser married a young 29-year-old Army Air Corps officer, Harry Yoder – 29 years old. This coming August would have been their 66th wedding anniversary. Although both Ardath and Harry grew up in the Boyertown area, they actually met at the Pennsylvania Grand Canyon near Wellsboro, Tioga County. Both families were on vacation, and their mothers were friends from church.

Before World War II, Col. Harry Yoder worked the family farm in New Berlinville. He graduated from Boyertown High School, attended the Pottstown Business School, and worked in the purchasing department of the Boyertown Burial Casket Company.

Colonel Yoder owned a 1937 Taylorcraft airplane with his cousin, Irvin Landis, who was later killed in World War II. Colonel Yoder was also a 1959 graduate of the University of Maryland.

He was a career serviceman, beginning with the Air Corps. That transitioned to the Air Force, retiring as a full-bird colonel. Colonel Yoder flew combat missions as a B-24 bomber pilot.

He flew two missions on D-day, and he flew supply and personnel missions during the Berlin Airlift. He also served his country during the Korean conflict and Vietnam.

Colonel Yoder's awards included the Legion of Merit with oak leaf cluster, the Distinguished Flying Cross, and the Air Medal with eight oak leaf clusters. He retired from the Air Force in 1969, but his work was far from finished.

Colonel Yoder went to work for Lockheed Aircraft on the C-5 Galaxy project. The C-5 is one of the largest aircrafts in the world and is still today the largest airlifter in the Air Force inventory.

While employed by Lockheed Martin, Colonel Yoder wrote a thesis on cargo plane battle supply in the Middle East. That plan was used by Gen. Norman Schwarzkopf preparing for the first Iraq war against Saddam Hussein.

Later Colonel Yoder came home to Boyertown and worked as the president and later owner of the Boyertown Auto Body Works. Years later his partnership group sold the company, and he went to work for Thomas Truck Body Company in Reading, Berks County.

Colonel Yoder also worked for several years as a consultant with National Penn Bank in Boyertown, assisting businesses to prepare business plans as they sought capital loans. His community work resulted in rewards for his work as a citizen leader with the Boy Scouts of America. Throughout his life, service remained the hallmark of Colonel Yoder's life in the form of his philanthropy and membership on numerous boards and committees.

Colonel Yoder's son, Rev. Keith Yoder, told me his dad was all about two things. In everything he did, in everything anybody did, he believed it should be done right and to the best of their ability. The other was to figure out what you wanted or what was needed and then work hard until you reached that goal. Colonel Yoder's battle cry all his life was "duty, honor, country." He loved being a Berks County, Pennsylvania, boy, and he thought there was no better place to live.

FAMILY INTRODUCED

Mr. MALONEY. As I said before, we are joined today by the colonel's wife, Ardath; his son, Rev. Keith Yoder, who offered today's prayer; his wife, Sandra; along with Colonel Yoder's grandson, Hans.

Please join me in honoring the family and the life of Col. Harry D. Yoder, a great man, husband, father, grandfather, businessman, Pennsylvanian, and United States Air Force veteran, who served so that we could all live in freedom.

I ask for your support of HR 338. Thank you, Mr. Speaker.

The SPEAKER. The question is, will the House adopt the resolution?

The Speaker would ask the members and all guests to stand as a sign of respect for the family of a hero veteran. A moment of silence.

(Whereupon, the members of the House and all visitors stood in a moment of silence in solemn respect to the memory of United States Air Force Colonel (Retired) Harry D. Yoder.)

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

The following roll call was recorded:

YEAS—196

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

NAYS—0

NOT VOTING—0

EXCUSED—7

Brennan	Cutler	Hess	Staback
Buxton	Evans, J.	Reichley	

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

GUESTS INTRODUCED

The SPEAKER. The Speaker would like to welcome a few other guests that are with us today.

Located to the left of the rostrum, we welcome Bill Schulz, the creator of the Returning Heroes VIP (vacation in PA) Program. Through this program, Lancaster County businesses donate free and discounted packages to returning combat veterans so they can reunite and vacation with their families. Bill is a Vietnam war veteran, a retired U.S. Army civilian recruiter, and seated with Bill is Chris Barrett, the president and CEO of the Pennsylvania Dutch Convention and Visitors Bureau. They are here today as guests of Representative Aument. Will our guests please rise, and welcome to the hall of the House.

And also located to the left of the rostrum, we have the son of Representative Kurt Masser. His name is Glenn Masser. He is on summer break from law school in Florida. Please rise, and welcome to the hall of the House.

STATEMENT BY MR. MCGEEHAN

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

Mr. MCGEEHAN. Thank you, Mr. Speaker.

Mr. Speaker, I would ask for the indulgence of the House on unanimous consent.

The SPEAKER. The gentleman may proceed under unanimous consent.

Mr. MCGEEHAN. Thank you, Mr. Speaker.

Mr. Speaker, as a Philadelphian who is used to the rough-and-tumble world of big-city life, we oftentimes, those from Philadelphia and other big cities, are really inured from that—

The SPEAKER. Will the gentleman suspend for a second?

The gentleman may proceed. I apologize.

Mr. MCGEEHAN. Thank you, Mr. Speaker.

Mr. Speaker, many times it is the case, coming from a big city, that we are inured from the daily violence that visits our city. The events of the last 3 days in Philadelphia, though, have shaken even the most hardened of hearts of big-city Philadelphians.

Mr. Speaker, unbelievably, 33 people have been shot in the last 3 days in the streets of Philadelphia. Mr. Speaker, whether it is in the schools or whether it is in the streets of Philadelphia, this level of violence is unacceptable. Mr. Speaker, to be clear, this is happening in other cities and other States, and I am encouraged to see the mayor and the police commissioner condemn this level of violence and really pledge to bring these criminals to justice.

Mr. Speaker, Philadelphia cannot continue to be a great city when we have this unrestrained and wanton violence visiting our streets, and the level of violence is incredible. Mr. Speaker, among those 33 that were shot, as it is reported in the newspapers, were three young girls – one aged 6, one aged 10, and another 15. Mr. Speaker, it shocks the conscience to see this level of violence happening in our great city.

Mr. Speaker, when we return in the fall, I hope to work with members of this chamber, both Democrats and Republicans, to try to craft a solution to address this spiraling violence that is occurring in Philadelphia. Mr. Speaker, there is no greater challenge to this House and to this Commonwealth than to protect the decent law-abiding citizens of Philadelphia who are the majority of citizens. And, Mr. Speaker, I know that this House joins with me in pledging their support for the mayor and the police commissioner in solving this violence problem and in condemning in the strongest terms those who are perpetuating this violence.

Thank you for your indulgence, Mr. Speaker.

STATEMENT BY MR. WATERS

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

Mr. WATERS. I am requesting unanimous consent, Mr. Speaker.

The SPEAKER. The gentleman may proceed under unanimous consent.

Mr. WATERS. Thank you, Mr. Speaker.

Mr. Speaker, I just want to also continue the conversation that my colleague from Philadelphia just started to address; a very serious issue.

One of the major roles of government is to protect its citizens, and when we read the newspapers and read about the violent crime that we see happening in the urban cities – Philadelphia being one, the city of Chester is another, Pittsburgh, and other places around this Commonwealth – it becomes more and more incumbent upon us to find out how can we affect this in a way where we provide our citizens with public safety, to make sure that they are not afraid to sit on their porch; not afraid to go to a recreation center; not afraid to go to the store; not afraid to go out shopping; not afraid to go to school. How can we as lawmakers do maybe a more effective job in terms of deterring crime in a way other than just coming up with new laws that have an effect on some but probably do not go as far as they should when we see acts of violence like this? What can we do to make sure our citizens realize that what we are doing up here will positively impact the conditions and the quality of life that they expect and deserve – and deserve – as law-abiding citizens and taxpayers?

We are the lawmakers, and we have a great opportunity here to effect change in a way, but we are going to have to be a little creative, because going in the same path that we are going in in terms of tough-on-crime legislation has not produced the results that we want. We have got to be not just tough on crime; we have got to be smart on crime and we have got to be right on crime. But more importantly, we have got to find out, how can we reduce crime? How can we do a better job of being crime stoppers?

People who are out here using these guns and shooting people, as my colleague from Philadelphia just mentioned 33 people being shot in 3 days; that is an average of 11 people a day, including children, who were shot. Innocent people were shot. How can we find a way to get to the source of these illegal weapons? And that does not impede in any kind of way with anyone's Second Amendment rights at all. These people committing these crimes are not protected by the Second

Amendment. These people committing these crimes are criminals, and they have guns, illegal guns, and we have to find out how they are getting these guns.

So I would say that maybe we should put together a special task force to get to the heart of this and figure out how we can stop this. How can we stop this? How can we also commit ourselves? Perhaps in sessions gone by we have concentrated on certain problems in our Commonwealth, including education and others, where we came together and put together a committee as a whole, where we as lawmakers could sit down and address these public safety issues, so we as governors, we as shop stewards, we as lawmakers and representatives of all the 12 1/2 million people of this Commonwealth, to come up with a sound approach to end and stop this senseless violence.

I thank you, Mr. Speaker, for your indulgence.

The SPEAKER. The Speaker thanks the gentleman.

STATEMENT BY MR. THOMAS

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

Mr. THOMAS. Unanimous consent, Mr. Speaker.

The SPEAKER. The gentleman is recognized under unanimous consent, and I would ask the members to also be aware of the voting schedule, that we do not belabor things too long. But the gentleman is recognized under unanimous consent.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, I just stand to concur with my two colleagues from Philadelphia County in a call for this chamber coming together to deal with escalating violence in Philadelphia County, escalating violence in York County, escalating violence in Delaware County, escalating violence in Chester. Mr. Speaker, this is not a problem that is just endemic to Philadelphia County. Wherever there is systemic unemployment, where there is systemic lack of self-esteem, where there are failing schools – there are a number of issues that can be associated with these communities where there is escalating violence.

So I am glad to join my colleagues in asking members from both sides of the aisle, because I know that there are some things going on in York, there are some things going on in Darby, there are some things going on in Chester, and there are some things going on right here in Harrisburg that we need to come together and deal with on behalf of our communities that are facing these challenges.

So I want to thank my colleagues, and, Mr. Speaker, I thank you for giving me this opportunity.

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 151, PN 1426**, entitled:

An Act amending the act of January 8, 1960 (1959 P.L.2119, No.787), known as the Air Pollution Control Act, further providing for disposition of fees, fines and civil penalties.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

(Bill analysis was read.)

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

The question is, shall the bill pass finally?

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

Mr. VITALI. Thank you, Mr. Speaker.

I rise in opposition to SB 151.

SB 151 is a good bill, but this is the wrong time for SB 151. SB 151 would take moneys from the Clean Air Fund, moneys we desperately need now. What this bill would do would be for certain air pollution fines of \$50,000 or more, it would divert 25 percent of those funds away from the Clean Air Fund and towards local uses. And again, I genuinely support, I genuinely support this concept.

Mr. Speaker, this would take approximately \$1.158 million a year from the Clean Air Fund. Mr. Speaker, the Clean Air Fund needs this money. It funds the entire clean air program in Pennsylvania, about 150 positions. This fund is needed to do such things as make sure our air is clean from the pollution that the Marcellus drilling will bring. I have been speaking with the director of air program for the Department of Environmental Protection, and they indicate that we are up to about 5,000 tons of NOx per year from Marcellus drilling.

Mr. Speaker, this Clean Air Fund, according to people with intimate knowledge of the workings of the department, will be running out of money in several years. According to the Governor's budget projections, it has shrunk in the past 2 years and is projected to shrink even further in the current budget. According to the Governor's budget, which he proposed in February, this fund had \$56 million in it in fiscal year '09-'10, \$49 million in fiscal year '10-'11, and \$37 million projected for this upcoming year – clearly a downward trend.

Mr. Speaker, this Clean Air Fund is vital to protect our air. Mr. Speaker, the Department of Environmental Protection has been slashed year after year for the past several years, and the current budget, according to the print sheet just distributed by the Republican Caucus, cuts it even further.

Mr. Speaker, the General Fund's component of the Department of Environmental Protection was \$200 million in 2006. It has been slashed. The current fiscal year brought this \$200 million amount down to \$145 million. Mr. Speaker, in the proposed budget by Governor Corbett, this \$145 million went down to \$138 million. Mr. Speaker, in the budget Chairman Adolph moved out of the House, this \$138 million went down to \$136 million. And, Mr. Speaker, the agreement reached by the Senate and the House and the Governor brought that down to \$135 million. This budget is being whittled away to nothing and is putting the health and safety of the citizens of Pennsylvania at risk. This budget shows a total disregard for the concept of environmental protection, and SB 151 makes a bad situation even worse.

Mr. Speaker, I understand the motivations of the Senator from Delaware County who is advancing this bill, and I respect that. This is a way for him to get money into his district, because he represents a district including Sunoco. Sunoco is a company which has had air fines, and fines will result in moneys to his district. But, Mr. Speaker, this is not the time to be taking more money from the Department of Environmental

Protection, and it is not the time to be taking money from the Clean Air Fund.

Mr. Speaker, I have spoken with the director of air programs, Joyce Epps, a very well-respected woman. I spoke with her last month in the presence of DEP personnel, and, Mr. Speaker, she tells me she needs more people. She has lost about 15 people in the central office and does not even know how many people there are in the regional office. She needs more people. Mr. Speaker—

The SPEAKER. The gentleman will suspend.

POINTS OF ORDER

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

Mr. MICOZZIE. Point of order, Mr. Speaker.

The SPEAKER. The gentleman will state his point of order.

Mr. MICOZZIE. Mr. Speaker, the Representative from Delaware County has made some remarks of the intent of the Appropriations chairman as far as having different businesses in Delaware County and passing a budget that will allow or try to get funding for his campaign. I think that is totally out of order, Mr. Speaker.

The SPEAKER. The gentleman's point of order is well taken and the—

Mr. MICOZZIE. Mr. Speaker?

The SPEAKER. Does the gentleman have a further point of order?

Mr. MICOZZIE. Yes, Mr. Speaker.

Those remarks ought to be stricken from the record, Mr. Speaker.

Mr. VITALI. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. In response to the gentleman Mr. Micozzie's point of parliamentary inquiry, the gentleman, Mr. Vitali, was crossing over the line of questioning motives for the actions of the House, and that is improper debate.

As to the second inquiry, we will have to review; we will have to take a look at what was said, and we will certainly consider that second request.

The gentleman, Mr. Vitali, is recognized on the bill and may continue, and the Speaker would instruct the member not to question the motives or to direct motives and should speak to the merits of the bill.

Mr. VITALI. Thank you, Mr. Speaker.

I would like to clear the record. No statements were made with regard to campaign contributions.

The SPEAKER. The gentleman will suspend.

This is not a debate between you and me. You may continue on the bill, on the merits of the bill.

Mr. VITALI. Thank you, Mr. Speaker.

Mr. Speaker, the Clean Air Fund and the program it runs needs more money, not less. This bill takes money from that program. The budget slashes environmental protection generally. This bill, while it would be an appropriate bill in good times, is a bad bill when we are slashing the Department of Environmental Protection budget, Mr. Speaker.

Mr. Speaker, I ask for a negative vote.

The SPEAKER. The Speaker thanks the gentleman.

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

Mr. MAHER. I would ask the gentleman from Montgomery County how his amendment would have changed this legislation, but it would have been a rhetorical question, because despite the passion displayed, the gentleman filed no suggestion about how things might be different. Nothing. I am glad that he remembers that he voted year after year after year after year after year after year to cut funding for the Department of Environmental Protection. I am glad that he has found his low-water mark. Congratulations.

But do not be confused. This bill does not take any money from DEP. It takes nothing. It takes nothing from the Safe Water Act, because what this bill provides is that in the event that the strict enforcement that this administration has undertaken to protect Pennsylvania's natural resources, in the event that that strict enforcement causes fines at unprecedented levels to be collected – which is by itself a message to those who would foul our air and water; we are anticipating fines at record levels for such bad behavior – that if those record-level fines are encountered, that some of those fines go back to the very communities that directly suffered the harm.

Now, why that is so appalling to the gentleman who just yesterday was speaking about how many Pennsylvanians love to go into the woods and like to hike and like trails and like this and like that, apparently his passion for those subjects has abated. But this bill takes nothing away from promoting clean water and clean air, but it does ensure that those who are directly affected by violations will receive some of the proceeds from the strict enforcement under this administration.

Thank you, Mr. Speaker.

The SPEAKER. The Speaker thanks the gentleman.

The question is, shall the bill pass finally?

On that question, the Speaker recognizes the gentleman from Chester County, Mr. Ross.

Mr. ROSS. Thank you, Mr. Speaker, and I must unfortunately dispute my colleague from Delaware County on the impact of this bill.

First of all, a minimum of \$1.85 million must always be maintained in the fund before any of these grants would go out.

Secondly, the fines are not being changed at all. They will continue to flow in as before.

Thirdly, this fund is available for grants to address the problems associated with air pollution, and it is entirely logical that some of those grants should go directly to the communities that are most directly experiencing air pollution. So once you have certified that there is a minimum of \$1.85 million left in this fund, to have additional moneys available, a quarter of the additional fund money available for local community impact, is entirely appropriate. That is where the problems are being experienced most severely. That is where the remediation is needed most desperately.

So I think this is an entirely sensible approach, a fair approach. I recommend a favorable vote on SB 151.

The SPEAKER. The question is, shall the bill pass finally?

On that question, the Speaker recognizes the gentleman from Venango County, Mr. Hutchinson.

Mr. HUTCHINSON. Thank you, Mr. Speaker.

I, too, rise in support of final passage of SB 151.

Mr. Speaker, contrary to what was said earlier about the resources available to DEP, in the Appropriations hearings held earlier this year the Secretary of DEP assured the House that he does have the resources necessary to run his department, and I am going to take him at his word on that.

Mr. Speaker, I also think the important underlying factor behind this bill is the fact that through this legislation, we will be sharing a small portion of fine money with the local communities, and that is important because it is the local communities that were impacted by the violations in the first place. And I think it is only fair that in those communities that have felt the brunt of some violation of environmental law, that they get to share in a small way with the fine money that was collected by DEP. Those are the citizens who were impacted. They are the ones who should share in some of the fine money.

I think this is an excellent piece of legislation that I ask my colleagues to support on final passage. Thank you, Mr. Speaker.

The SPEAKER. The question is, shall the bill pass finally?

On that question, the Speaker recognizes the gentleman from Northampton, Mr. Freeman.

Mr. FREEMAN. Thank you, Mr. Speaker.

Mr. Speaker, I rise to oppose SB 151. I think the gentleman from Delaware County who spoke before me laid out the real problems with this legislation as it is currently comprised.

The Clean Air Fund is meant to fund environmental enforcement of air pollution standards. You do not want to take away from that fund if you want to ensure clean air here in the Commonwealth of Pennsylvania.

Now, some of the previous speakers who are in favor of this legislation have said it is only fair to divert some of the money to the affected community, and while I am very sympathetic to any local government that is trying to address its local needs, I am not sure this is the pot of money you want to draw from to achieve that. In fact, I think it is probably going to undercut the effectiveness of our environmental enforcement agencies to be able to ensure a good quality air standard when they are deprived of funding, even on a small scale.

It is a pot of money which is dwindling. We do not want to take from it further. It is critical to proper enforcement of air pollution standards, and it serves no one's benefit to divert this money to build a park or other purposes that have a very localized nature.

Now, there is a need to address those local issues, and I think we have failed in that aspect by not properly funding the Environmental Stewardship Fund. That is our environmental fund for dealing with things like acquisition of open space, recreation expansion, a whole array of environmental issues and concerns, where we can provide money at the local level. That Environmental Stewardship Fund has been depleted as well. The way in which we provide money for that is if we would wake up and enact a severance tax here in Pennsylvania of the extraction of natural gas in Pennsylvania and utilize some of that money to refurbish, or to replenish rather, the moneys that we need in the Environmental Stewardship Fund for the kind of projects that are envisioned in SB 151.

Air pollution does not know municipal boundaries. It goes beyond the municipal boundary in which the violation takes place. To divert money from a fund which is set up specifically to provide for environmental air pollution enforcement and give it to one community because the source point of that pollution is in that community does nothing to help the other communities that may have also been affected by that air pollution once it crosses across the municipal lines. This legislation is not very well thought out in terms of its implications. It would deprive the very important environmental protection fund of the resources it needs to protect our air quality here in Pennsylvania. I would urge the members to vote "no."

The SPEAKER. The question is, shall the bill pass finally?

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

Mr. VITALI. Thank you, Mr. Speaker.

I actually agree with some of what was said by the chairman of the Environmental Committee and the gentleman from Allegheny County. With regard to the chairman of the Environmental Committee, I do think it is a good piece of legislation. I do think it is appropriate in the right circumstance that moneys go to local municipalities who are impacted. I do think that is a good concept. I do think it is a good concept, but simply not at this, not at this time, not at this time when we are continuing to slash, and even in the budget we will be presented with in a day or two, continuing to slash funding for environmental protection.

Mr. Speaker, it is – and it is fine – these programs listed in this bill, things like trails and things like parks. They are good uses. They are good uses, but when we are not adequately doing things like taking mercury out of the air, which is a dangerous neurotoxin, not dealing with SOx (sulfur oxide) and NOx (nitrogen oxide) and other volatile organic compounds that can get into the lungs, respiratory systems – that needs to take precedence over trails and parks. Mr. Speaker, I understand that parks and trails and other things are beneficial to municipalities, but it is not their core function to remove mercury and NOx and SOx and VOCs (volatile organic compounds) from the air. They are just not geared up to do that. I could be wrong. I know they do not do it in my communities. We do not do that in our communities as municipal governments.

Mr. Speaker, I also agree with the gentleman from Allegheny County, and I understand his query about why no amendments were filed. The reason no amendments were filed is, I essentially think it is a good bill; I just think this is not the time for that bill. So I am not going to amend the bill because it is a good bill. The problem is the timing is not right.

MOTION TO TABLE

Mr. VITALI. Therefore, I move to table this bill so that we can take another look at this good bill next year when our funding may be different for these programs. So I so move.

The SPEAKER. Would the gentleman please restate his motion?

Mr. VITALI. Motion to table.

The SPEAKER. The gentleman from Delaware, Mr. Vitali, has moved that SB 151 be placed on the table.

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

The SPEAKER. On that question, does the gentleman seek recognition?

Mr. VITALI. Just very—

The SPEAKER. The gentleman, on the question to table.

Mr. VITALI. Just very quickly to recap. I think it is appropriate to table this so we can revisit this good bill at a later date when our funding situation for clean air programs is different. There are pending but stopped, proposed but stopped fee packages that would fund the air program. They were proposed but stopped. Now, if these fee packages would move forward, that would give us more money for the Clean Air

Fund, which would allow us to deal with things, but we do not know if they are going to continue. Next year's budget might be better. Next year's budget might give us more money for the Department of Environmental Protection.

The SPEAKER. The gentleman, the question is why we should table or not table the bill.

Mr. VITALI. What I am trying to get at is, tabling would allow us to put a pause to this to see how circumstances develop. If circumstances develop which are more favorable and bring more revenues to the Clean Air Fund, then it would be a good thing to move that bill at that later time, because there would be more moneys in it and this bill could effectuate its good purposes. So it is good to wait to see if we can get more money in so we would not put the core functions of preventing dangerous air pollution at risk. So I ask for a "yes" vote on my motion to table.

The SPEAKER. On the question to table, the Speaker recognizes the majority whip, Mr. Saylor.

Mr. SAYLOR. Thank you, Mr. Speaker.

The gentleman himself has admitted, from Delaware County, that this is a good bill. The bottom line is, this bill gives the opportunity for local governments where these things are happening to use this money to clean up those kinds of problems. It is a bill that has been talked about for a long time. Municipalities have been asking for this kind of funding for them, an opportunity instead of taking money out of the community, putting it back in and leaving it there so they can solve problems. This bill, it is time for this bill to move forward, and I ask for a negative vote, not to table this bill at this time, and move forward.

The SPEAKER. On the motion to table, the Speaker recognizes the minority leader, Mr. Dermody.

Mr. DERMODY. Thank you, Mr. Speaker.

Mr. Speaker, I believe the motion is in order, that Representative Vitali has made a compelling argument, that more time and more study for this bill would be very helpful. I urge the members to vote "yes" on the motion to table.

LEAVES OF ABSENCE CANCELED

The SPEAKER. The Speaker returns to leaves of absence and recognizes the presence of the gentleman from Lackawanna, Mr. Staback, on the floor of the House as well as the gentleman from Lehigh County, Mr. Reichley, on the floor of the House. Their names will be added back to the master roll call.

CONSIDERATION OF SB 151 CONTINUED

The SPEAKER. The question before the House is, shall we table SB 151?

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

The following roll call was recorded:

YEAS—67

Barbin	DeLissio	Hornaman	Payton
Bishop	DeLuca	Johnson	Preston
Boyle, B.	DePasquale	Josephs	Roebuck

Boyle, K.	Dermody	Keller, W.	Sabatina
Bradford	DeWeese	Kirkland	Samuelson
Briggs	Donatucci	Kula	Santarsiero
Brown, V.	Evans, D.	Mahoney	Santoni
Brownlee	Fabrizio	Mann	Smith, K.
Caltagirone	Frankel	Markosek	Sturla
Cohen	Freeman	McGeehan	Thomas
Conklin	George	Mirabito	Vitali
Costa, D.	Gerber	Mundy	Wagner
Costa, P.	Gibbons	Murphy	Waters
Cruz	Goodman	Myers	Wheatley
Curry	Haluska	O'Brien, M.	Williams
Daley	Hanna	Parker	Youngblood
Davidson	Harkins	Pashinski	

NAYS—131

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

NOT VOTING—0

EXCUSED—5

Brennan	Cutler	Evans, J.	Hess
Buxton			

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

On the question recurring,
Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—177

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

NAYS—21

Bradford	Freeman	O'Brien, M.	Santarsiero
Briggs	Johnson	Parker	Thomas
Brown, V.	Josephs	Payton	Vitali
Curry	Mundy	Roebuck	Wheatley
Davidson	Myers	Samuelson	Williams
DeLissio			

NOT VOTING—0

EXCUSED—5

Brennan	Cutler	Evans, J.	Hess
Buxton			

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

Ordered, That the clerk return the same to the Senate with the information that the House has passed the same with amendment in which the concurrence of the Senate is requested.

The SPEAKER. The House will be at ease for a moment.

* * *

The House proceeded to third consideration of **SB 387, PN 373**, entitled:

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

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

(Bill analysis was read.)

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—198

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

DeLissio	Josephs	Payton	Vulakovich
DeLozier	Kampf	Peifer	Wagner
DeLuca	Kauffman	Perry	Waters
Denlinger	Kavulich	Petrarca	Watson
DePasquale	Keller, F.	Petri	Wheatley
Dermody	Keller, M.K.	Pickett	White
DeWeese	Keller, W.	Preston	Williams
DiGirolamo	Killion	Pyle	Youngblood
Donatucci	Kirkland	Quigley	
Dunbar	Knowles	Quinn	Smith, S.,
Ellis	Kortz	Rapp	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—5

Brennan	Cutler	Evans, J.	Hess
Buxton			

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

Ordered, That the clerk return the same to the Senate with the information that the House has passed the same without amendment.

* * *

The House proceeded to third consideration of **HB 1683, PN 2185**, entitled:

An Act amending the act of July 2, 1984 (P.L.561, No.112), known as the Pennsylvania Conservation Corps Act, further providing for the definitions of "department" and "secretary"; and transferring the administration of the Pennsylvania Conservation Corps from the Department of Labor and Industry to the Department of Conservation and Natural Resources.

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—187

Adolph	Evans, D.	Kotik	Quinn
Aument	Everett	Krieger	Rapp
Baker	Fabrizio	Kula	Ravenstahl
Barbin	Farry	Lawrence	Readshaw
Barrar	Fleck	Longietti	Reed
Bear	Frankel	Maher	Reese
Benninghoff	Freeman	Mahoney	Reichley
Bishop	Gabler	Major	Roae
Bloom	Geist	Maloney	Rock
Boback	George	Mann	Roebuck
Brooks	Gerber	Markosek	Ross
	Gergely	Marshall	Sabatina

Brown, R.	Gibbons	Marsico	Saccone
Brown, V.	Gillen	Masser	Sainato
Brownlee	Gillespie	Matzie	Santoni
Burns	Gingrich	McGeehan	Saylor
Caltagirone	Godshall	Metcalfe	Scavello
Carroll	Goodman	Metzgar	Schroder
Causar	Grell	Miccarelli	Simmons
Christiana	Grove	Micozzie	Smith, K.
Clymer	Hackett	Millard	Sonney
Cohen	Hahn	Miller	Staback
Conklin	Haluska	Milne	Stephens
Costa, D.	Hanna	Mirabito	Stern
Costa, P.	Harhai	Moul	Stevenson
Cox	Harhart	Mullery	Sturla
Creighton	Harkins	Mundy	Swanger
Cruz	Harper	Murphy	Tallman
Culver	Harris	Murt	Taylor
Curry	Heffley	Mustio	Thomas
Daley	Helm	Myers	Tobash
Davidson	Hennessey	O'Brien, D.	Toepel
Davis	Hickernell	O'Brien, M.	Toohil
Day	Hornaman	O'Neill	Truitt
Deasy	Hutchinson	Oberlander	Turzai
DeLissio	Johnson	Parker	Verbe
Delozier	Josephs	Pashinski	Vitali
DeLuca	Kampf	Payne	Vulakovich
Denlinger	Kauffman	Payton	Wagner
DePasquale	Kavulich	Peifer	Waters
Dermody	Keller, F.	Perry	Watson
DeWeese	Keller, M.K.	Petrarca	White
DiGirolamo	Keller, W.	Petri	Williams
Donatucci	Killion	Pickett	Youngblood
Dunbar	Kirkland	Preston	
Ellis	Knowles	Pyle	Smith, S., Speaker
Emrick	Kortz	Quigley	
Evankovich			

NAYS—11

Boyle, B.	Briggs	Samuelson	Smith, M.
Boyle, K.	Galloway	Santarsiero	Wheatley
Bradford	Neuman	Shapiro	

NOT VOTING—0

EXCUSED—5

Brennan	Cutler	Evans, J.	Hess
Buxton			

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

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

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

HB 1610, PN 2118

By Rep. CLYMER

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

EDUCATION.

**BILLS REPORTED FROM COMMITTEE,
CONSIDERED FIRST TIME, AND Tabled**

SB 200, PN 1403

By Rep. CLYMER

An Act establishing standards for managing concussions and traumatic brain injuries to student athletes; assigning duties to the Department of Health and the Department of Education; and imposing penalties.

EDUCATION.

SB 389, PN 1200

By Rep. CLYMER

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

EDUCATION.

**BILL REPORTED AND REREFERRED TO
COMMITTEE ON APPROPRIATIONS**

HB 704, PN 2056

By Rep. CLYMER

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, further providing for definitions; and providing for the distribution of special education funding for student achievement and instruction of eligible students and for special education accountability.

Reported from Committee on EDUCATION with request that it be rereferred to Committee on APPROPRIATIONS.

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

GUESTS INTRODUCED

The SPEAKER. I just want to make one other recognition of some guests who are with us. Located in the rear of the House, we would like to welcome the Minersville Area High School Softball Team. They were victorious in the 2011 PIAA State Class A Championship. This is their eighth straight championship, and they have won more State championships than any girls softball team in Pennsylvania. They are here with Representative Goodman today. Welcome to the hall of the House, girls.

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

HB 1716, PN 2178

By Rep. SCHRODER

An Act amending Title 4 (Amusements) of the Pennsylvania Consolidated Statutes, further providing for Category 3 slot machine license.

GAMING OVERSIGHT.

FINANCE COMMITTEE MEETING

The SPEAKER. Does the gentleman, Mr. Benninghoff, seek recognition for the purpose of an announcement?

Mr. BENNINGHOFF. Yes. Thank you, Mr. Speaker.

The House Finance Committee will meet in room 39 directly after the break for a very short meeting. Thank you.

The SPEAKER. The Speaker thanks the gentleman.

There will be a Finance Committee meeting in room 39 at the break.

REPUBLICAN CAUCUS

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

Ms. MAJOR. Thank you, Mr. Speaker.

I would like to announce that Republicans will caucus at 11:45. I would ask our Republican members to please report to our caucus room at 11:45. We would be prepared to come back on the floor at 1 p.m. Thank you.

APPROPRIATIONS COMMITTEE MEETING

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

Mr. ADOLPH. Thank you, Mr. Speaker.

Mr. Speaker, I would like to announce a House Appropriations Committee meeting at 1:15 in the majority caucus room; 1:15, majority caucus room. Thank you.

The SPEAKER. There will be an Appropriations Committee meeting at 1:15 in the majority caucus room.

DEMOCRATIC CAUCUS

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

Mr. FRANKEL. Thank you, Mr. Speaker.

Democrats will also caucus at 11:45; Democratic caucus at 11:45. Thank you.

ANNOUNCEMENT BY SPEAKER

The SPEAKER. We are about to recess. For the information of the members, we are going to adjust the return time. Contrary to what the majority caucus chairwoman said, we intend to be back at 1:30, just for the information of the members. We have a couple other committee meetings to fit in so we will be back at 1:30.

RECESS

The SPEAKER. This House stands in recess until 1:30, unless sooner recalled by the Speaker.

RECESS EXTENDED

The time of recess was extended until 2:15 p.m.

AFTER RECESS

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

**BILL REPORTED FROM COMMITTEE,
CONSIDERED FIRST TIME, AND Tabled****SB 330, PN 980**

By Rep. BENNINGHOFF

An Act amending the act of June 27, 2006 (1st Sp.Sess., P.L.1873, No.1), known as the Taxpayer Relief Act, further providing for installment payment of school real property taxes.

FINANCE.

BILLS REREPORTED FROM COMMITTEE**HB 247, PN 1752**

By Rep. ADOLPH

An Act amending the act of December 4, 1996 (P.L.911, No.147), known as the Telemarketer Registration Act, further providing for definitions.

APPROPRIATIONS.

HB 651, PN 651

By Rep. ADOLPH

An Act to promote the general welfare and stimulate the economy of the Commonwealth by requiring that all government agencies purchase only flags manufactured in the United States; and imposing a penalty.

APPROPRIATIONS.

HB 816, PN 1853

By Rep. ADOLPH

An Act amending the act of July 9, 1987 (P.L.220, No.39), known as the Social Workers, Marriage and Family Therapists and Professional Counselors Act, further providing for qualifications for license.

APPROPRIATIONS.

HB 1691, PN 2182

By Rep. ADOLPH

An Act amending the act of July 28, 1988 (P.L.556, No.101), known as the Municipal Waste Planning, Recycling and Waste Reduction Act, in general provisions, defining "yard waste," and in grants, further providing for general limitations.

APPROPRIATIONS.

SB 163, PN 148

By Rep. ADOLPH

An Act designating a bridge on that portion of State Route 0006 over the Lackawaxen River, Honesdale Borough, Wayne County, as the Brigadier General Richard J. Tallman Memorial Bridge.

APPROPRIATIONS.

SB 263, PN 240

By Rep. ADOLPH

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

APPROPRIATIONS.

SB 723, PN 707

By Rep. ADOLPH

An Act designating the bridge that connects South Williamsport to Williamsport, known as the Market Street Bridge, carrying U.S. Route 15 over the Susquehanna River in Loyalsock Township, Lycoming County, as the Carl E. Stotz Memorial Little League Bridge.

APPROPRIATIONS.

LEAVE OF ABSENCE CANCELED

The SPEAKER. The Speaker returns to leaves of absence and notices the presence of the gentleman from Erie, Mr. Evans, John Evans, who is on the floor of the House. His name will be added to the master roll call.

The House will come to order. Members will please take their seats.

GUESTS INTRODUCED

The SPEAKER. I just wanted to introduce a couple other guests that are with us today. Located to the left of the rostrum, we welcome Tory McClintock and Sarah Pierson. Tory is from North Wales and will be a junior at Gwynedd Mercy Academy High School this fall. Sarah is from Lansdale and will be beginning her sophomore year at George Washington University in September. They are guests of Representative Kate Harper. Please stand. Welcome to the hall of the House.

CALENDAR CONTINUED**BILL ON THIRD CONSIDERATION**

The House proceeded to third consideration of **HB 1731, PN 2222**, 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 agree to the bill on third consideration?
Bill was agreed to.

(Bill analysis was read.)

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

If the members would kindly take their seats, keep the conversations down. We would appreciate their support.

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?

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

Mr. ADOLPH. Thank you, Mr. Speaker.

Mr. Speaker, this is the nonpreferred appropriation to Penn State University in the amount of \$227,694,000.

The SPEAKER. Is the gentleman, Mr. Thomas, seeking recognition on this legislation?

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, may I interrogate the chairman of the Appropriations Committee?

The SPEAKER. The gentleman indicates he will stand for interrogation.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, just two questions, really. One, we know that this is not the 50-percent cut that was proposed initially, and we thank you for that.

Mr. ADOLPH. That is correct. That is correct.

Mr. THOMAS. This currently reflects a 19-percent cut in funding, correct?

Mr. ADOLPH. From last year's appropriation, which includes approximately \$15,791,000 in Federal stimulus money. If you take out the Federal stimulus money, it is about a 13-percent decrease—

Mr. THOMAS. Thank you.

Mr. ADOLPH. —of State money.

Mr. THOMAS. Mr. Speaker, okay. So this reflects a 13-percent decrease?

Mr. ADOLPH. That is correct.

Mr. THOMAS. My next question is, has there been any conversation with Penn State on the increased tuition that is going to occur to make up the 13-percent increase? I guess the population that I am kind of, that I would like to think that I am standing for – academically driven young people who just do not have the money to pay tuition and costs in 201 – and so to that end, you know, again, my question is, has there been any conversation about holding the line on tuition or not increasing tuition beyond a certain level?

Mr. ADOLPH. Mr. Speaker, when the president of Penn State University was in front of the Appropriations Committee during the hearings, at that particular time we were informed by the president that there was not discussion regarding tuition for the fall based upon any particular appropriation. I am sure by now, the trustees of this university have made plans. I can tell you this, and I have mentioned this in the past and I am sure you are going to be pleased with this, Mr. Speaker: In addition to the State grants, which will be appropriated by the General Assembly in the next few days, the Pennsylvania Higher Education Assistance Agency has also made a contribution of over \$50 million, which will increase the State grant program for the maximum amount up to \$4200. So for those students that you are talking about, they will receive a big boost in State grants of up to about \$4200, which in my opinion, Mr. Speaker, should alleviate an awful lot of any increase in tuition that may occur.

Mr. THOMAS. Mr. Speaker, that is good news and I thank you for that information. I hope that Penn State has been listening to the conversation that we have been having and that Penn State is sensitive to the concerns that we have raised regarding parents and students who need to participate but just are having financial problems. I will only say to them to take heed and govern themselves accordingly. Thank you.

The SPEAKER. The question is, shall the bill pass finally? On that question, did the lady, Mrs. Davidson, seek recognition on this legislation? The lady is recognized on the bill.

Mrs. DAVIDSON. Thank you, Mr. Speaker. I just have one brief question of interrogation, if the gentleman will stand.

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

Mrs. DAVIDSON. Thank you, Mr. Speaker. Just for a point of clarification, I just wanted to make sure that I am assuming correctly. As we went through the various stages of the appropriation for Penn State from the original cut of 51 percent, down to 24 percent, I believe you just said it is 13 percent. As a part of that discussion at the time, the presidents indicated that they were going to have to close campuses at a 51-percent cut. Now at this current level, I am wondering if the Brandywine campus is still on the chopping block, as far as you know?

Mr. ADOLPH. Mr. Speaker, I would be very, very surprised with this appropriation that the Brandywine campus that is in Delaware County would be on the list of closings. I did not even know there was a list by Penn State University regarding closing of their satellite campuses. However, I have not received any information regarding any closing of any satellite campuses. I do know that Brandywine campus, that serves our community very well, has a full capacity as far as enrollment is concerned. So I would be very surprised if this appropriation would cause any serious thinking about closing a satellite campus.

Mrs. DAVIDSON. Thank you. Mr. ADOLPH. Thank you. Mrs. DAVIDSON. Thank you, Mr. Speaker. The SPEAKER. The question is, shall the bill pass finally? Agreeable to the provisions of the Constitution, the yeas and nays will now be taken. The members will— Pause just one second, please. Hold the vote there.

LEAVE OF ABSENCE

The SPEAKER. The Speaker returns to leaves of absence and requests a leave of absence for the gentleman, Mr. SABATINA, from Philadelphia. Without objection, the leave is granted.

CONSIDERATION OF HB 1731 CONTINUED

On the question recurring, Shall the bill pass finally? The SPEAKER. Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

The following roll call was recorded:

YEAS-178

Table with 4 columns of names: Adolph, Aument, Baker, Barbin, Barrar, Bear, Benninghoff, Evans, D., Evans, J., Everett, Fabrizio, Farry, Fleck, Frankel, Knowles, Kotik, Krieger, Kula, Lawrence, Longiotti, Maher, Quigley, Quinn, Rapp, Readshaw, Reed, Reese, Reichley

Table with 4 columns of names: Bishop, Bloom, Boback, Boyd, Boyle, B., Boyle, K., Briggs, Brooks, Brown, R., Brown, V., Caltagirone, Carroll, Causer, Christiana, Clymer, Cohen, Conklin, Costa, D., Costa, P., Cox, Creighton, Culver, Curry, Daley, Davidson, Davis, Day, Deasy, Delozier, DeLuca, Denlinger, Dermody, DiGirolamo, Donatucci, Dunbar, Ellis, Emrick, Evankovich, Freeman, Gabler, Galloway, Geist, George, Gerber, Gibbons, Gillen, Gillespie, Gingrich, Godshall, Goodman, Grell, Grove, Hackett, Hahn, Hanna, Harhai, Harhart, Harkins, Harper, Harris, Heffley, Helm, Hennessey, Hickernell, Hornaman, Hutchinson, Johnson, Josephs, Kampf, Kauffman, Kavulich, Keller, F., Keller, M.K., Keller, W., Killion, Kirkland, Major, Maloney, Mann, Markosek, Marshall, Marsico, Masser, Matzie, McGeehan, Metcalfe, Metzgar, Miccarelli, Micozzie, Millard, Miller, Milne, Mirabito, Moul, Mullery, Mundy, Murt, Mustio, Myers, Neuman, O'Brien, D., O'Brien, M., O'Neill, Oberlander, Parker, Payne, Payton, Peifer, Perry, Petrarca, Petri, Pickett, Preston, Pyle, Roae, Rock, Roebuck, Ross, Saccone, Sainato, Santoni, Saylor, Scavello, Schroder, Shapiro, Simmons, Smith, K., Sonney, Staback, Stephens, Stern, Stevenson, Swanger, Tallman, Taylor, Thomas, Tobash, Toepel, Toohil, Truitt, Turzai, Vereb, Vitali, Vulakovich, Wagner, Waters, Watson, Wheatley, Williams, Smith, S., Speaker

NAYS-20

Table with 4 columns of names: Bradford, Brownlee, Burns, Cruz, DeLissio, DePasquale, DeWeese, Gergely, Haluska, Kortz, Mahoney, Murphy, Pashinski, Ravenstahl, Samuelson, Santarsiero, Smith, M., Sturla, White, Youngblood

NOT VOTING-0

EXCUSED-5

Table with 4 columns of names: Brennan, Buxton, Cutler, Hess, Sabatina

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

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

HB 1728 RECONSIDERED

The SPEAKER. The Chair is in receipt of a reconsideration motion. These are relative to a couple bills from yesterday, not on the vote we just passed.

Moved by Representatives Dermody and Hanna that the vote by which HB 1728, PN 2193, was defeated on the 27th of June be reconsidered.

Without objection, the Speaker rescinds its statement that HB 1728 was agreed to on third consideration.

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

The following roll call was recorded:

YEAS—172

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

NAYS—26

Benninghoff	DeWeese	Kortz	Schroder
Bloom	Dunbar	Krieger	Smith, M.
Burns	Fleck	Marsico	Tallman
Cox	Gergely	Perry	Truitt
Creighton	Haluska	Petrarca	White
Cruz	Kauffman	Ravenstahl	Youngblood
Delozier	Keller, F.		

NOT VOTING—0

EXCUSED—5

Brennan	Cutler	Hess	Sabatina
Buxton			

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

The SPEAKER. HB 1728 will be reconsidered.

HB 1729 RECONSIDERED

The SPEAKER. The Speaker is in receipt of an additional reconsideration motion from yesterday filed by members Dermody and Hanna, moving that the vote by which HB 1729, PN 2194, was defeated on June 27th be reconsidered.

Without objection, the Speaker rescinds its statement that HB 1729 was agreed to on third consideration.

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

The following roll call was recorded:

YEAS—176

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

NAYS—22

Barbin	Delozier	Krieger	Smith, M.
Benninghoff	DeWeese	Marsico	Tallman
Burns	Dunbar	Pashinski	Truitt
Cox	Gergely	Ravenstahl	White
Creighton	Haluska	Schroder	Youngblood
Cruz	Kortz		

NOT VOTING—0

EXCUSED—5

Brennan Cutler Hess Sabatina
Buxton

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

The SPEAKER. HB 1729 will be reconsidered.

HB 1727 RECONSIDERED

The SPEAKER. The Speaker is in receipt of one additional motion to reconsider. Representatives Maher and Mustio move that the vote by which HB 1727, PN 2192, was defeated on the 27th of June be reconsidered.

Without objection, the Speaker rescinds its statement that HB 1727 was agreed to on third consideration.

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

The following roll call was recorded:

YEAS—176

Adolph	Everett	Kula	Rapp
Aument	Fabrizio	Lawrence	Readshaw
Baker	Farry	Longiatti	Reed
Barbin	Fleck	Maher	Reese
Barrar	Frankel	Mahoney	Reichley
Bear	Freeman	Major	Roae
Bishop	Gabler	Maloney	Rock
Boback	Galloway	Mann	Roebuck
Boyd	Geist	Markosek	Ross
Boyle, B.	George	Marshall	Saccone
Boyle, K.	Gerber	Masser	Sainato
Briggs	Gibbons	Matzie	Samuelson
Brooks	Gillen	McGeehan	Santoni
Brown, R.	Gillespie	Metcalfe	Saylor
Brown, V.	Gingrich	Metzgar	Scavello
Brownlee	Godshall	Miccarelli	Shapiro
Caltagirone	Goodman	Micozzie	Simmons
Carroll	Grell	Millard	Smith, K.
Causar	Grove	Miller	Smith, M.
Christiana	Hackett	Milne	Sonney
Clymer	Hahn	Mirabito	Staback
Cohen	Hanna	Moul	Stephens
Conklin	Harhai	Mullery	Stern
Costa, D.	Harhart	Mundy	Stevenson
Costa, P.	Harkins	Murphy	Sturla
Cox	Harper	Murt	Swanger
Culver	Harris	Mustio	Taylor
Curry	Heffley	Myers	Thomas
Daley	Helm	Neuman	Tobash
Davidson	Hennessey	O'Brien, D.	Toepel
Davis	Hickernell	O'Brien, M.	Toohil
Day	Hornaman	O'Neill	Turzai
Deasy	Hutchinson	Oberlander	Vereb
DeLissio	Johnson	Parker	Vitali
DeLuca	Josephs	Payne	Vulakovich
Denlinger	Kampf	Payton	Wagner
DePasquale	Kavulich	Peifer	Waters
Dermody	Keller, F.	Perry	Watson
DiGirolamo	Keller, M.K.	Petri	Wheatley

Donatucci	Keller, W.	Pickett	White
Ellis	Killion	Preston	Williams
Emrick	Kirkland	Pyle	
Evankovich	Knowles	Quigley	Smith, S.,
Evans, D.	Kotik	Quinn	Speaker
Evans, J.	Krieger		

NAYS—22

Benninghoff	Delozier	Kortz	Santarsiero
Bloom	DeWeese	Marsico	Schroder
Bradford	Dunbar	Pashinski	Tallman
Burns	Gergely	Petrarca	Truitt
Creighton	Haluska	Ravenstahl	Youngblood
Cruz	Kauffman		

NOT VOTING—0

EXCUSED—5

Brennan Cutler Hess Sabatina
Buxton

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

The SPEAKER. HB 1727 will be reconsidered.

SUPPLEMENTAL CALENDAR B

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1727, PN 2192**, entitled:

A Supplement to the act of July 28, 1966 (3rd Sp.Sess., P.L.87, No.3), known as the University of Pittsburgh—Commonwealth Act, making appropriations for carrying the same into effect; and providing for a basis for payments of such appropriations, for a method of accounting for the funds appropriated and for certain fiscal information disclosure.

On the question recurring,
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?

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

Mr. ADOLPH. Thank you, Mr. Speaker.

Mr. Speaker, this represents the nonpreferred appropriation to the University of Pittsburgh in the amount of \$136,076,000. I urge a "yes" vote.

On the question recurring,
Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—179

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

NAYS—19

Bradford	DePasquale	Mahoney	Samuelson
Burns	DeWeese	Murphy	Santarsiero
Cruz	Gergely	Pashinski	Sturla
Davidson	Haluska	Petrarca	Youngblood
DeLissio	Kortz	Ravenstahl	

NOT VOTING—0

EXCUSED—5

Brennan	Cutler	Hess	Sabatina
Buxton			

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

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

* * *

The House proceeded to third consideration of **HB 1728, PN 2193**, entitled:

A Supplement to the act of November 30, 1965 (P.L.843, No.355), known as the Temple University—Commonwealth Act, making appropriations for carrying the same into effect; providing for a basis for payments of such appropriations; and providing a method of accounting for the funds appropriated and for certain fiscal information disclosure.

On the question recurring,
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?

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

Mr. ADOLPH. Thank you, Mr. Speaker.

Mr. Speaker, this represents the nonpreferred appropriation for Temple University in the amount of 139,917,000. I urge a "yes" vote.

The SPEAKER. The question is, shall the bill pass finally?

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

Mr. THOMAS. Mr. Speaker, I am proud to stand and say that Temple University has indicated that it will be holding down tuition increases so that parents and children that attend that great university will not have to worry about, or not worry as much, about their ability to send their kids to Temple and get a quality education. They know that once they get into Temple University that they are going to be able to get a quality education. Temple, for a while now, has been in the business of providing a top, top, A-plus, global education in Philadelphia County. So I stand to support and encourage my colleagues from both sides of the aisle to vote "yes" on this great university, Temple University.

On the question recurring,
Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—178

Adolph	Evankovich	Kirkland	Quigley
Aument	Evans, D.	Knowles	Quinn
Baker	Evans, J.	Kotik	Rapp
Barbin	Everett	Krieger	Readshaw
Barrar	Fabrizio	Kula	Reed
Bear	Farry	Lawrence	Reese
Benninghoff	Fleck	Longiatti	Reichley
Bishop	Frankel	Maher	Roae
Bloom	Freeman	Major	Rock
Boback	Gabler	Maloney	Roebuck

Boyd	Galloway	Mann	Ross
Boyle, B.	Geist	Markosek	Sacone
Boyle, K.	George	Marshall	Sainato
Briggs	Gerber	Marsico	Santoni
Brooks	Gibbons	Masser	Saylor
Brown, R.	Gillen	Matzie	Scavello
Brown, V.	Gillespie	McGeehan	Schroder
Brownlee	Gingrich	Metcalfe	Shapiro
Caltagirone	Godshall	Metzgar	Simmons
Carroll	Goodman	Miccarelli	Smith, K.
Causar	Grell	Micozzie	Sonney
Christiana	Grove	Millard	Staback
Clymer	Hackett	Miller	Stephens
Cohen	Hahn	Milne	Stern
Conklin	Hanna	Mirabito	Stevenson
Costa, D.	Harhai	Moul	Swanger
Costa, P.	Harhart	Mullery	Tallman
Cox	Harkins	Mundy	Taylor
Creighton	Harper	Murt	Thomas
Culver	Harris	Mustio	Tobash
Curry	Heffley	Myers	Toepel
Daley	Helm	Neuman	Toohil
Davidson	Hennessey	O'Brien, D.	Truitt
Davis	Hickernell	O'Brien, M.	Turzai
Day	Hornaman	O'Neill	Vereb
Deasy	Hutchinson	Oberlander	Vitali
Delozier	Johnson	Parker	Vulakovich
DeLuca	Josephs	Payne	Wagner
Denlinger	Kampf	Payton	Waters
Dermody	Kauffman	Peifer	Watson
DiGirolamo	Kavulich	Perry	Wheatley
Donatucci	Keller, F.	Petri	Williams
Dunbar	Keller, M.K.	Pickett	
Ellis	Keller, W.	Preston	Smith, S., Speaker
Emrick	Killion	Pyle	

NAYS—20

Bradford	DeWeese	Murphy	Santarsiero
Burns	Gergely	Pashinski	Smith, M.
Cruz	Haluska	Petrarca	Sturla
DeLissio	Kortz	Ravenstahl	White
DePasquale	Mahoney	Samuelson	Youngblood

NOT VOTING—0

EXCUSED—5

Brennan	Cutler	Hess	Sabatina
Buxton			

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

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

* * *

The House proceeded to third consideration of **HB 1729, PN 2194**, entitled:

An Act making appropriations to the Trustees of the University of Pennsylvania.

On the question recurring,
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?

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

Mr. ADOLPH. Thank you, Mr. Speaker.

Mr. Speaker, this represents the nonpreferred appropriation to the University of Pennsylvania veterinary college. I urge a "yes" vote.

The SPEAKER. The question is, shall the bill pass finally?

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

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, would the chair stand for interrogation?

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

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, I understand that Temple, University of Pittsburgh, and I believe Lincoln University, but the University of Pittsburgh and Temple in particular, received a 13-percent decrease. The numbers seem to indicate that this university is receiving only a 6-percent reduction in appropriation rather than a 13-percent reduction. Is that correct?

Mr. ADOLPH. Mr. Speaker, if I understand your question, you are asking what is the percentage decrease to the University of Pennsylvania?

Mr. THOMAS. Yes; it is my understanding—

Mr. ADOLPH. It is 6 percent as compared to last year's appropriation.

Mr. THOMAS. So this is based on what happened last year rather than what the State-relateds are facing this year?

Mr. ADOLPH. Yeah, this is a 6-percent decrease as compared to last year's appropriation. I just want to remind all the members of the General Assembly that this is the only veterinary college that we have in the Commonwealth of Pennsylvania.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. ADOLPH. Thank you.

The SPEAKER. The question is, shall the bill pass finally?

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

Mr. BARBIN. Thank you, Mr. Speaker.

I rise in opposition to this bill and my reasons are simple. We have a \$3 to \$4 billion deficit. I appreciate the ability to review the general appropriations bill before we were to vote on this bill, but since we are not putting the money back in for full-day kindergarten, I cannot vote for an appropriation of only a 6-percent cut for the University of Pennsylvania. I applaud all their good work and they are a fine veterinarian school, but the money is too tight to be spending it when we cannot spend money on full-day kindergarten.

Thank you, Mr. Speaker.

The SPEAKER. The question is, shall the bill pass finally?

On that question, the Speaker recognizes the gentleman from Chester County, Mr. Ross.

Mr. ROSS. Thank you, Mr. Speaker.

I want to point out that the veterinary school had received a very substantial cut last year. They still are being cut again this year. Not only is this money going to provide necessary tuition assistance to veterinary students, but also, some of this money is

going to critical food safety programs that will keep those very children that the former, my colleague, has indicated concern about healthy so that they may be able to go to school later. Thank you.

The SPEAKER. The question is, shall the bill pass finally?

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

Mr. ROEBUCK. Thank you, Mr. Speaker.

I wanted just to point out in response to the inquiry about the amount of money going to the University of Pennsylvania and to its veterinary school that the university does in fact subsidize each Pennsylvania student who goes there. Their tuition is substantially reduced by the money that this General Assembly provides to the university. I might also reference the fact, and since this was equated to kindergarten, that although the money we give does not directly go to the general appropriation for the university – it goes only to the veterinary school – the university has in fact taken the initiative to create a K to 8 public school, which they also subsidize with their own revenues, and indeed, the Penn Alexander School has become the finest elementary school in the city of Philadelphia, public elementary school in the city of Philadelphia.

Thank you, Mr. Speaker.

On the question recurring,
Shall the bill pass finally?

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

(Members proceeded to vote.)

LEAVE OF ABSENCE CANCELED

The SPEAKER. The Speaker returns to leaves of absence and recognizes the presence of the gentleman from Dauphin County, Mr. Buxton. His name will be added to the master roll call.

CONSIDERATION OF HB 1729 CONTINUED

On the question recurring,
Shall the bill pass finally?

The following roll call was recorded:

YEAS—178

Adolph	Evans, D.	Kotik	Quinn
Aument	Evans, J.	Krieger	Rapp
Baker	Everett	Kula	Readshaw
Barrar	Fabrizio	Lawrence	Reed
Bear	Farry	Longietti	Reese
Benninghoff	Fleck	Maher	Reichley
Bishop	Frankel	Major	Roae
Bloom	Freeman	Maloney	Rock
Boback	Gabler	Mann	Roebuck
Boyd	Galloway	Markosek	Ross
Boyle, B.	Geist	Marshall	Saccone
Boyle, K.	George	Marsico	Sainato
Briggs	Gerber	Masser	Santoni
Brooks	Gibbons	Matzie	Saylor
Brown, R.	Gillen	McGeehan	Scavello
Brown, V.	Gillespie	Metcalfe	Schroder
Brownlee	Gingrich	Metzgar	Shapiro
Buxton	Godshall	Miccarelli	Simmons

Caltagirone	Goodman	Micozzie	Smith, K.
Carroll	Grell	Millard	Sonney
Causser	Grove	Miller	Staback
Christiana	Hackett	Milne	Stephens
Clymer	Hahn	Mirabito	Stern
Cohen	Hanna	Moul	Stevenson
Conklin	Harhai	Mullery	Sturla
Costa, D.	Harhart	Mundy	Swanger
Costa, P.	Harkins	Murt	Tallman
Cox	Harper	Mustio	Taylor
Creighton	Harris	Myers	Thomas
Culver	Heffley	Neuman	Tobash
Curry	Helm	O'Brien, D.	Toepel
Daley	Hennessey	O'Brien, M.	Toohil
Davis	Hickernell	O'Neill	Truitt
Day	Hutchinson	Oberlander	Turzai
Deasy	Johnson	Parker	Vereb
Delozier	Josephs	Payne	Vitali
DeLuca	Kampf	Payton	Vulakovich
Denlinger	Kauffman	Peifer	Wagner
Dermody	Kavulich	Perry	Waters
DiGirolo	Keller, F.	Petrarca	Watson
Donatucci	Keller, M.K.	Petri	Wheatley
Dunbar	Keller, W.	Pickett	Williams
Ellis	Killion	Preston	
Emrick	Kirkland	Pyle	Smith, S.,
Evankovich	Knowles	Quigley	Speaker

NAYS—21

Barbin	DePasquale	Kortz	Samuelson
Bradford	DeWeese	Mahoney	Santarsiero
Burns	Gergely	Murphy	Smith, M.
Cruz	Haluska	Pashinski	White
Davidson	Hornaman	Ravenstahl	Youngblood
DeLissio			

NOT VOTING—0

EXCUSED—4

Brennan	Cutler	Hess	Sabatina
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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 bill passed finally.

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

HB 1730 RECONSIDERED

The SPEAKER. The Speaker is in receipt of an additional reconsideration motion. Moved by Representatives Harper and Saylor that the vote by which HB 1730, PN 2195, passed on June 27th be reconsidered.

Without objection, the Speaker rescinds its statement that HB 1730 was agreed to on third consideration.

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

(Members proceeded to vote.)

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 Montgomery County,

Mr. GODSHALL, for the remainder of the day. Without objection, the leave will be granted.

**RECONSIDERATION OF HB 1730
CONTINUED**

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

The following roll call was recorded:

YEAS—162

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

NAYS—36

Benninghoff	Gabler	Krieger	Santarsiero
Bloom	Gergely	Mahoney	Schroder
Burns	Gingrich	Marsico	Simmons
Cox	Grell	Metcalfe	Smith, M.
Creighton	Haluska	Murphy	Tallman
Delozier	Hutchinson	Pashinski	Truitt
DeWeese	Kauffman	Perry	Wagner
Dunbar	Keller, M.K.	Ravenstahl	Wheatley
Evankovich	Kortz	Reichley	White

NOT VOTING—0

EXCUSED—5

Brennan	Godshall	Hess	Sabatina
Cutler			

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

The SPEAKER. HB 1730 will be reconsidered.

On the question recurring,
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?

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

Mr. ADOLPH. Thank you, Mr. Speaker.

Mr. Speaker, this represents the nonpreferred appropriation to Lincoln University for \$11,163,000. I urge a "yes" vote.

The SPEAKER. The question is, shall the bill pass finally?

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

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, two things. Number one, I want to thank the chairman of the Appropriations Committee. We spoke to him some time earlier about the major, major financial situation that Lincoln was in last year based on a formula that was not fair, so it did not benefit from ARRA (American Recovery and Reinvestment Act of 2009) as much as its State-related partners benefited from. The chair sat down and met with some folks, and I think they have kind of worked things out. But the people need to know that Lincoln University is the only institution in Pennsylvania and in the country that produces more African-American mathematicians and African-Americans in science.

Lincoln University is the only institution that has produced a United States Supreme Court Justice, the Honorable Thurgood Marshall; produced a president of a country, the President of Ghana; and an artist like Langston Hughes, who graduated from Lincoln University. So it is a shining light in the Commonwealth of Pennsylvania, so to whatever end the Chair and the Governor can help Lincoln get some parity as it relates to the loss of ARRA funds and the short ARRA dollars that it received last year. So, Mr. Speaker, I want to thank you and thank the other people that met with folks on behalf of Lincoln to try and get that worked out. Thank you.

On the question recurring,
Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—187

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

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

NAYS—11

Bradford	Haluska	Murphy	Samuelson
Burns	Kortz	Pashinski	Santarsiero
DeLissio	Mahoney	Ravenstahl	

NOT VOTING—0

EXCUSED—5

Brennan	Godshall	Hess	Sabatina
Cutler			

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

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

STATEMENT BY MR. SCHRODER

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

Mr. SCHRODER. Mr. Speaker, just to speak briefly on unanimous consent.

The SPEAKER. The gentleman may proceed under unanimous consent.

Mr. SCHRODER. Mr. Speaker, I ended up voting for the appropriation for Lincoln University, but just so there is no misunderstanding as to my apparent hesitation last night and today for doing so, there is a situation at Lincoln University that causes me and some others great concern. There is a certain professor by the name of Kaukab Siddique, who I think can only be described as a radical Islamic professor.

The SPEAKER. The gentleman will suspend.

I have heard an objection, and your unanimous consent has been withdrawn.

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

APPROPRIATIONS COMMITTEE MEETING

The SPEAKER. The Speaker recognizes the gentleman, Mr. Adolph, for the purpose of making an announcement.

Mr. ADOLPH. Thank you, Mr. Speaker.

Mr. Speaker, there will be an immediate meeting of the House Appropriations Committee in the majority caucus room; immediate meeting, House Appropriations Committee, majority caucus room. Thank you.

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

For the information of the members, without objection, the Speaker gives the committee permission to meet immediately. We will take no votes while they are gone.

COMMERCE COMMITTEE MEETING

The SPEAKER. For what purpose does the gentleman, Mr. O'Neill, rise?

Mr. O'NEILL. For a committee meeting, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. O'NEILL. Mr. Speaker, as acting chairman of the House Commerce Committee, I would like to call an immediate meeting in room B-31 for a very short vote on a bill that needs to be done before Thursday.

The SPEAKER. The Speaker thanks the gentleman.

There will be an immediate meeting of the House Commerce Committee in room B-31.

The House will be at ease.

The House will come to order.

BILL REREPORTED FROM COMMITTEE

SB 907, PN 1243

By Rep. ADOLPH

An Act amending the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, in special funds, reviving and further providing for investments.

APPROPRIATIONS.

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

SB 1007, PN 1121

By Rep. O'NEILL

An Act amending Title 64 (Public Authorities and Quasi-Public Corporations) of the Pennsylvania Consolidated Statutes, further providing for the First Industries Program.

COMMERCE.

GUESTS INTRODUCED

The SPEAKER. If we could have the members' attention, the Speaker wants to welcome a couple of guest pages who are with us today. They are not exactly guests of the House; they are sons of a couple of our members: Kevin Murphy, son of Representative Kevin Murphy, and Andrew Gergely, son of Representative Marc Gergely.

ANNOUNCEMENT BY SPEAKER

The SPEAKER. If I could have the members' attention. During the break, the lady from Delaware County, Mrs. Davidson, came up and spoke to me and indicated that she wished to withdraw her objection to the previous unanimous consent, and I am very much appreciative of her acknowledgement.

STATEMENT BY MRS. DAVIDSON

The SPEAKER. Before I go back to the gentleman from Chester, I would like to recognize the lady, Mrs. Davidson, under unanimous consent.

The lady may proceed.

Mrs. DAVIDSON. Thank you, Mr. Speaker.

I just wanted to say that I am withdrawing my objection, because contrary to my core belief I made the objection. My core belief is that every member of this House has a right to exercise their First Amendment rights, and every member of this House has a right to speak on behalf of their constituents. So I withdraw my objection on those grounds.

The SPEAKER. The Speaker thanks the lady kindly.

STATEMENT BY MR. SCHRODER

The SPEAKER. The gentleman, Mr. Schroder, is recognized under unanimous consent and may continue.

Mr. SCHRODER. Thank you, Mr. Speaker.

I would sincerely like to thank the lady from Delaware County for her consideration in that, and I deeply appreciate it. As I said to her during a little conference during the break, I promise I will not abuse my privilege here at the microphone. Back when we were on the appropriation for Lincoln University, the gentleman from Philadelphia stood up in support of the appropriation for Lincoln and made a number of very good observations that I absolutely agree with. Lincoln has been an outstanding and fine school, which has produced wonderful

graduates which have contributed not only to this Commonwealth, but to our nation at large, and it has a very rich history that is very deserving of note and praise.

As I started to say, though, there is one situation that is troubling to many of us – I think it should be troubling to all of us – dealing with a particular professor who has made no secret, frankly, of some very vile views, some very anti-Semitic views, and views that, you know, have statements and they are on the Internet and YouTube, the videos at various rallies, where this individual has made very vile comments about Jews, about the country of Israel, and has made it clear on numerous occasions that this person denies the existence of the Holocaust.

Now, Mr. Speaker, it is my view that you can have any opinion that you want, just as we can in the hall of the House, right here in the hall of the House in exercising our constitutional rights to speech. I do believe, however, that someone who in such a fashion rejects recorded history and rejects the facts of an incident or a series of incidents so horrible as the Holocaust, I think there is a real question as to whether that individual is fit to teach our students on a college campus. Now, this has been brought to the attention by various Senators and House members to the administration of Lincoln. I guess our frustration is that the Lincoln administration has not seen fit to take serious steps or serious actions to deal with this particular individual. They state that it is because of issues of academic freedom and whatnot that they can. But as I said, I think it goes to a person's fitness to teach our young people and what kind of teaching and inoculation they will be getting, you know, during their career, and particularly in this individual's classes.

So there were members who have been spoken about this, written letters to Lincoln over the past few months, and we were trying to decide, some of us, whether to openly oppose the appropriation based upon that very inability or unwillingness of Lincoln to take this with the seriousness which we thought. We decided that that was probably not the correct course to take at this time, but I did want to make sure that the General Assembly is apprised of the issue, and I do call upon the administration at Lincoln University to engage in dialogue with us, to make sure that this individual is not engaging in this type of activity, this type of hate speech and just a revisionist view of history, which will end up being very harmful to students in his classroom.

So once again, I appreciate the indulgence of the House for a few moments. I, once again, appreciate the gentle lady removing her objection, and I thank you for your attention.

The SPEAKER. The Speaker thanks the gentleman.

The House will come to order.

SUPPLEMENTAL CALENDAR C

BILL ON SECOND CONSIDERATION

The House proceeded to second consideration of **SB 907, PN 1243**, entitled:

An Act amending the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, in special funds, reviving and further providing for investments.

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

Mr. **ADOLPH** offered the following amendment
No. **A04388**:

Amend Bill, page 1, line 30, by striking out "in special funds," and inserting
providing for time for filing returns for certain sales and use taxpayers; establishing a restricted account within the Agricultural College Land Scrip Fund; in borrowing for capital facilities, further providing for definitions, for Neighborhood Improvement Zone Fund, for Keystone Opportunity Zone and for duration and providing for Commonwealth pledges and for confidentiality, providing for financially distressed municipalities and for Keystone Special Development Zones; in education tax credits, making an editorial change and providing for Department of Revenue and for Department of Community and Economic Development; in special funds, further providing for funding and

Amend Bill, page 1, line 31, by inserting after "investments"
; providing for 2011-2012 budget implementation and restrictions; in general budget implementation, further providing for executive offices and for the Auditor General, providing for Pennsylvania Infrastructure Investment Authority Accounts, further providing for the Pennsylvania Higher Education Assistance Agency, repealing provisions related to the Legislative Department, providing for the Catastrophic Loss Benefits Continuation Fund and further providing for the State Gaming Fund; in 2010-2011 budget implementation, further providing for the Department of Education; providing for audits; and making related repeals

Amend Bill, page 2, lines 1 through 3, by striking out all of said lines and inserting

Section 1. The act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, is amended by adding sections to read:

Section 202.2. Time for Filing Returns for Certain Sales and Use Taxpayers.—(a) Notwithstanding section 217 of the act of March 4, 1971 (P.L.6, No.2), known as the "Tax Reform Code of 1971," after May 31, 2011, for every sales and use tax licensee whose total sales and use tax reported or required to be reported for the third calendar quarter of the preceding year equals or exceeds twenty-five thousand dollars (\$25,000), the licensee shall, on or before the twentieth day of each month, file a single sales and use tax return consisting of all of the following:

(1) Except as provided in paragraph (2), an amount equal to fifty per centum of the licensee's total sales and use tax liability reported or required to be reported for the same month in the preceding calendar year if the licensee was a monthly sales and use tax filer. If the licensee was a quarterly or semi-annual sales and use tax filer, an amount equal to fifty per centum of the licensee's average total sales and use tax liability reported or required to be reported for that tax period in the preceding calendar year. The average total sales and use tax liability shall be the total sales and use tax liability reported or required to be reported for the tax period divided by the number of months in that tax period. For licensees that were not in business during the same month in the preceding calendar year or were in business for only a portion of that month, an amount equal to fifty per centum of the average total sales and use tax liability reported or required to be reported for each tax period the licensee has been in business. If the licensee is filing a sales and use tax liability for the first time with no preceding tax periods, the amount shall be zero.

(2) For a return due June 20, 2011, the percentage used in the calculation under paragraph (1) shall be fifty-five per centum.

(3) An amount equal to the sales and use taxes due for the preceding month, less any amounts paid in the preceding month as required by paragraph (1).

(b) The sales and use tax required to be reported under this section shall be due and payable by the licensee on the day the return is required to be filed and all payments must accompany the return.

(c) The department shall determine whether the amounts reported under this section shall be remitted as one combined payment or as two separate payments.

(d) The department may require the filing of the returns and the payments for filers under this section by electronic means approved by the department.

(e) If a licensee required to remit payments under this section fails to make a timely payment or makes a payment which is less than the required amount, the department may, in addition to any applicable penalties, impose an additional penalty equal to five per centum of the amount due under this section which was not timely paid. The penalty under this subsection shall be determined when the tax return is filed for the tax period.

(f) A reference in statute or regulation to section 217 of the "Tax Reform Code of 1971" shall also be deemed a reference to this section.

Section 507. Restricted Account within Agricultural College Land Scrip Fund.—(a) A restricted account is hereby established within the Agricultural College Land Scrip Fund for the purpose of funding agricultural research programs and agricultural extension services.

(b) The restricted account established under this section shall consist of such moneys as are appropriated or transferred to the restricted account.

(c) Following an appropriation or transfer, the State Treasurer shall pay, on an equal monthly basis during the fiscal year, the money in the restricted account to the Commonwealth's land grant university for agricultural research programs and for agricultural extension services.

(d) Money deposited in the Agricultural College Land Scrip Fund prior to the effective date of this section, and the interest earned thereon, shall be paid pursuant 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," and the act of May 7, 1923 (P.L.145, No.110), entitled "An act providing for the redemption and cancellation of the bond issued under the act, approved April third, one thousand eight hundred and seventy-two (Pamphlet Laws, thirty-nine), entitled 'An act directing the sale of the bonds composing the Agricultural College land scrip fund, and authorizing the issue of a new bond in lieu thereof, and abolishing the board commissioners created by act of April first, one thousand eight hundred and sixty-three,' and for the investment of the moneys in the fund resulting from such redemption, and the payment of the interest therefrom by the Sinking Fund Commission to Pennsylvania State College."

Section 1.1. The definition of "contracting authority" in section 1602-B of the act, added October 9, 2009 (P.L.537, No.50), is amended and the section is amended by adding definitions to read:
Section 1602-B. Definitions.

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

"Bonds." Includes notes, instruments, refunding notes and bonds and other evidences of indebtedness or obligations.

* * *

"Contracting authority." An authority created under 53 Pa.C.S. Ch. 56 (relating to municipal authorities) for the purpose of designating a neighborhood improvement zone and constructing a facility or other authority created under the laws of this Commonwealth which is eligible to apply for and receive redevelopment assistance capital grants under Chapter 3 of the act of February 9, 1999 (P.L.1, No.1), known as the Capital Facilities Debt Enabling Act[, and which is under a contract with the Office of the Budget to receive those grants].

"Department." The Department of Revenue of the Commonwealth.

* * *

Section 1.2. Section 1604-B(b) introductory paragraph and (9), (c) introductory paragraph, (d) and (e) of the act, added October 9, 2009 (P.L.537, No.50), are amended and the section is amended by adding subsections to read:

Section 1604-B. Neighborhood Improvement Zone Fund.

* * *

(a.1) Certification.—

(1) Within 30 days of the end of each calendar year, each qualified business shall file a report with the department which complies with all of the following:

(i) States each State tax, calculated in accordance with subsection (b), which was paid by the qualified business in the prior calendar year.

(ii) Lists each State tax refund which complies with all of the following:

(A) The refund is for a tax:

(I) set forth in subsection (b); and

(II) certified as paid under subsection (b).

(B) The refund was received in the prior calendar year by the qualified business.

(iii) Is in a form and manner required by the department.

(2) In addition to any penalties imposed under the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, for failure to timely pay State taxes, failure to file a timely and complete report under paragraph (1) shall result in the imposition of a penalty of 10% of all State taxes, calculated in accordance with subsection (b), which were payable by the qualified business in the prior calendar year.

(3) Any penalty imposed under this subsection shall be imposed, assessed and collected by the department under the provisions for imposing, assessing and collecting penalties under Article II of the Tax Reform Code of 1971. When the penalty is received, the money shall be transferred from the General Fund to the fund.

(4) Within 30 days of the end of each calendar year, each qualified business shall file a report with the local taxing authority reporting all local taxes, calculated in accordance with subsection (b), which were paid by the qualified business in the prior calendar year. The report from each qualified business shall also list any local tax refunds of taxes set forth in subsection (b) received in the prior calendar year by the qualified business and any refunds related to the local taxes as calculated in accordance with subsection (b). The report shall be in a form and manner required by the department.

(b) Calculation.—Within 60 days of the end of each [quarter] calendar year, the [Department of Revenue shall calculate the amounts under this subsection for improvement and development in the neighborhood improvement zone, the facility complex and the facility. The contracting authority shall provide good faith estimates of quarterly amounts to be calculated in a form and manner required by the Department of Revenue. The Department of Revenue] department shall [estimate the quarterly amounts, subject to an annual reconciliation, and shall] certify the amounts of State taxes paid, less any State tax refunds received, by the qualified businesses filing reports under subsection (a.1)(1) to the Office of the Budget [within 90 days of the end of a fiscal quarter]. Beginning in 2012 and in each calendar year thereafter, by November 1, the department shall calculate, in accordance with this subsection, amounts of State taxes actually received by the Commonwealth from each qualified business that filed a report under subsection (a.1)(1) in the prior calendar year; and the department shall certify the amounts received to the office. An entity collecting a local tax within the neighborhood improvement zone shall, within 30 days of the end of [a fiscal quarter] each calendar year, submit all of the local taxes [collected that are to be calculated under this subsection] that are to be calculated under this subsection and which were paid in the prior calendar year, less any certified local tax refunds received by a qualified business in the prior calendar year, to the State Treasurer [for transfer] to be deposited in the fund under subsection (d). This subsection shall not apply to any taxes subject to a

valid pledge or security interest entered into in order to secure debt service on bonds if the pledge or security interest was entered into prior to May 1, 2011, and is still in effect. The following shall be the amounts calculated and certified:

* * *

(9) Except for a tax levied against real property and notwithstanding any other law, an amount equal to any tax imposed by the Commonwealth or any of its political subdivisions on a qualified business engaged in an activity within the neighborhood improvement zone or directly or indirectly on any sale or purchase of goods or services, where the point of sale or purchase is within the neighborhood improvement zone.

(c) [Income] State tax liability apportionment.—For the purpose of making the calculations under subsection (b), the [taxable income of a corporation that is] State tax liability of a qualified business shall be apportioned to the neighborhood improvement zone by multiplying the Pennsylvania [taxable income] State tax liability by a fraction, the numerator of which is the property factor plus the payroll factor plus the sales factor and the denominator of which is three, in accordance with the following:

(d) Transfers.—

(1) Within ten days of receiving [notification] certification under subsection (b), the Secretary of the Budget shall direct the State Treasurer to, notwithstanding any other law, transfer the amounts [calculated] certified under subsection (b) from the General Fund to the fund. Beginning in 2013 and in each year thereafter, the amounts certified by the secretary to the State Treasurer and the amounts transferred by the State Treasurer to the fund shall be determined as follows:

(i) Add amounts certified by the department under subsection (b) for the prior calendar year.

(ii) Subtract from the sum under subparagraph (i) any State tax refunds paid as certified by the department under subsection (b).

(iii) Add to the difference under subparagraph (ii) any amounts certified under subsection (b) with respect to the second prior calendar year.

(iv) Subtract from the sum under subparagraph (iii) any amounts certified under subsection (b) which are less than the amounts previously certified under subsection (b) with respect to the second prior calendar year.

(2) The State Treasurer shall provide [quarterly payments] an annual transfer to the contracting authority until the bonds issued to finance and refinance the improvement and development of the neighborhood improvement zone and the construction of the [contracted] facility or facility complex are retired. [The payment in each quarter] Each annual transfer to the contracting authority shall be equal to the balance of the fund on the [last day of the prior calendar quarter] date of the transfer under paragraph (1).

(e) Restriction on use of funds.—Funds transferred under subsection (d):

(1) May only be utilized for payment of debt service on bonds issued for the improvement and development of all or any part of the neighborhood improvement zone and the purpose of constructing a facility or facility complex, for payment of debt service on bonds issued to refund those bonds and to replenish amounts required in any debt service reserve funds established to pay debt service on bonds. The term of a bond to be refunded shall not exceed the maximum term permitted for the original bond issued for the improvement or development of the neighborhood improvement zone and the construction of a facility or facility complex.

(2) May not be utilized for purposes of renovating or repairing a facility or facility complex, except for capital maintenance and improvement projects.

* * *

(g) Excess money.—Within 30 days of the end of each calendar year, any money remaining in the fund at the end of the prior calendar year after the required payments under subsection (d)(2) were made in the prior calendar year shall be refunded in the following manner:

(1) Money shall first be returned to the General Fund to the extent that the excess money is part of the transfer under subsection (d)(1).

(2) Money shall next be paid to the contracting authority to the extent that the amounts paid under subsection (d)(2) consisted of local taxes. The contracting authority shall return the money to the appropriate entities collecting local tax who submitted the local taxes to the State Treasurer under subsection (b).

Section 1.3. Sections 1605-B and 1606-B of the act, added October 9, 2009 (P.L.537, No.50), are amended to read:

Section 1605-B. Keystone Opportunity Zone.

[Within 30 days of the effective date of this section] Before September 1, 2011, the city shall apply to the [department] Department of Community and Economic Development to decertify and remove the designation of all or part of the Keystone Opportunity Zone [in accordance with] on behalf of all political subdivisions. The provisions of section 309 of the act of October 6, 1998 (P.L.705, No.92), known as the Keystone Opportunity Zone, Keystone Opportunity Expansion Zone and Keystone Opportunity Improvement Zone Act shall be deemed satisfied as to all political subdivisions. The [department] Department of Community and Economic Development shall act on the application within 30 days.

Section 1606-B. Duration.

The neighborhood improvement zone shall be in effect for a period equal to [the length of time of the bonds that are initially issued.] one year following retirement of all bonds issued to finance or refinance the improvement and development of the neighborhood improvement zone or the construction of the facility or the facility complex. The maximum term of the bond, including the refunding of the bond, shall not exceed 30 years.

Section 1.4. The act is amended by adding sections to read:
Section 1607-B. Commonwealth pledges.

If and to the extent that the contracting authority pledges amounts required to be transferred to the fund under section 1604-B for the payment of bonds issued by the contracting authority, until all bonds secured by the pledge of the contracting authority, together with the interest on the bonds, are fully paid or provided for, the Commonwealth pledges to and agrees with any person, firm, corporation or government agency, whether in this Commonwealth or elsewhere, and to and with any Federal agency subscribing to or acquiring the bonds issued by the contracting authority that the Commonwealth itself will not, nor will it authorize any government entity to, abolish or reduce the size of the neighborhood improvement zone; to amend or repeal section 1604-B(a.1), (b) or (d); to limit or alter the rights vested in the contracting authority in a manner inconsistent with the obligations of the contracting authority with respect to the bonds issued by the contracting authority; or to otherwise impair revenues to be paid under this article to the contracting authority necessary to pay debt service on bonds. Nothing in this section shall limit the authority of the Commonwealth or any government entity to change the rate, tax bases or any subject of any specific tax or repealing or enacting any tax.

Section 1608-B. Confidentiality.

Notwithstanding any law providing for the confidentiality of tax records, the contracting authority and the local taxing authorities shall have access to any reports and certifications filed under this article, and the contracting authority shall have access to any State or local tax information filed by a qualified business in the Neighborhood Improvement Zone solely for the purpose of documenting the certifications required by this article. Any other use of the tax information shall be prohibited as provided under law.

Section 1.5. The act is amended by adding an article to read:

ARTICLE XVI-D.1

FINANCIALLY DISTRESSED MUNICIPALITIES

Section 1601-D.1. Administrative oversight.

(a) Scope.—This section applies to a city of the third class which is determined to be financially distressed under section 203 of the act of July 10, 1987 (P.L.246, No.47), known as the Municipalities Financial Recovery Act.

(b) Limitation on bankruptcy.—Notwithstanding any other provision of law, including section 261 of the Municipalities Financial Recovery Act, no distressed city may file a petition for relief under 11 U.S.C. Ch. 9 (relating to adjustment of debts of a municipality) or any other Federal bankruptcy law, and no government agency may authorize the distressed city to become a debtor under 11 U.S.C. Ch. 9 or any other Federal bankruptcy law.

(c) Penalty.—If a city subject to this section fails to comply with subsection (b), all Commonwealth funding to the city shall be suspended.

(d) Expiration.—This section shall expire July 1, 2012.

Section 1.6. Article XVI-F heading of the act, added July 6, 2010 (P.L.279, No.46), is amended to read:

ARTICLE XVI-F

[(RESERVED)]

KEYSTONE SPECIAL DEVELOPMENT ZONE

Section 1.7. The act is amended by adding sections to read:

Section 1601-F. Scope of article.

This article relates to the Keystone Special Development Zone program.

Section 1602-F. Definitions.

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

"Affiliate." As follows:

(1) An entity which is part of the same "affiliated group," as defined in section 1504(a) of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 1504(a)), as a Keystone Special Development Zone employer; or

(2) An entity that would be part of the same "affiliated group" except that the entity or the Keystone Special Development employer is not a corporation.

"Department." The Department of Community and Economic Development of the Commonwealth.

"Employee." An individual who:

(1) is employed in this Commonwealth by a Keystone Special Development Zone employer, or its predecessor, after the effective date of this article;

(2) is employed for at least 35 hours per week by a Keystone Special Development Zone employer; and

(3) spends at least 90% of his or her working time for the Keystone Special Development Zone employer at the Keystone Special Development Zone location.

"Full-time equivalent employee." The whole number of employees, rounded down, that equals the sum of:

(1) the total paid hours, including paid time off and family leave under the Family and Medical Leave Act of 1993 (Public Law 103-3, 29 U.S.C. § 2601 et seq.), of all of a Keystone Special Development Zone employer's employees classified as nonexempt during the Keystone Special Development Zone employer's tax year divided by 2000; and

(2) a total number arrived at by adding, for each Keystone Special Development Zone employer's employee classified as exempt scheduled to work at least 35 hours per week, the fraction equal to the portion of the year the exempt employee was paid by the Keystone Special Development Zone employer. Whether an employee shall be classified as exempt or nonexempt shall be determined under the Fair Labor Standards Act of 1938 (52 Stat. 1060, 29 U.S.C. § 201 et seq.).

The calculation under this definition excludes employees previously employed by an affiliate and employees previously employed by the Keystone Special Development Zone employer outside of a Keystone

Special Development Zone.

"Keystone Special Development Zone." A parcel of real property that meets all of the following:

(1) On July 1, 2011, was within a special industrial area, as described in section 305(a) of the act of May 19, 1995 (P.L.4, No.2), known as the Land Recycling and Environmental Remediation Standards Act, for which the Department of Environmental Protection has executed a special industrial area consent order and agreement, as provided under section 502(a) of the Land Recycling and Environmental Remediation Standards Act.

(2) On July 1, 2011, had no permanent vertical structures affixed to it.

(3) Is certified by the Department of Environmental Protection as meeting the requirements of paragraphs (1) and (2).

"Keystone Special Development Zone employer." A person or entity subject to the taxes imposed under Article III, IV, VI, VII, VIII or XV of the act of March 4, 1971 (P.L.6, No.2) known as the Tax Reform Code of 1971, who employs one or more employees at a Keystone Special Development Zone. The term shall include a pass-through entity. The term shall not include any of the following:

(1) An employer who, after January 1, 1990, intentionally or negligently caused or contributed to, in any material respect, a level of regulated substance above the cleanup standards in the act of May 19, 1995 (P.L.4, No.2), known as the Land Recycling and Environmental Remediation Standards Act, on, in or under the Keystone Special Development Zone at which an employee is employed.

(2) An employer engaged in construction improvements on a Keystone Special Development Zone.

"Pass-through entity." A partnership as defined in section 301(n.0) of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, or a Pennsylvania S corporation as defined in section 301(n.1) of the Tax Reform Code of 1971.

"Qualified tax liability." Any tax owed by a Keystone Special Development Zone employer attributable to a business activity conducted within a Keystone Special Development Zone for a tax year under Article III, IV, VI, VII, VIII or XV of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971.

Section 1603-F. Keystone Special Development Zone tax credit.

(a) Tax credit.—A Keystone Special Development Zone employer shall be entitled to claim a tax credit against its qualified tax liability as provided in this article.

(b) Process.—

(1) A Keystone Special Development Zone employer shall notify the department of its qualification for a tax credit under this article by February 1 for tax credits earned during a taxable year ending in the prior calendar year.

(2) The notification shall contain the following:

(i) The name, address and taxpayer identification number of the Keystone Special Development Zone employer.

(ii) Verification that it is a Keystone Special Development Zone employer located in a Keystone Special Development Zone.

(iii) The names, addresses and Social Security numbers of all employees for which the credit is claimed.

(iv) Verification that each employee identified in subparagraph (iii) spent at least 90% of the employee's working time for the Keystone Special Development Zone employer at the employer's Keystone Special Development Zone location.

(v) Any other information required by the department.

(3) To qualify for the credit, the Department of Revenue must certify that the Keystone Special Development Zone employer is current with all tax liabilities.

(4) By March 1 of each year the department shall send

the Keystone Special Development Zone employer who submitted the notification a certificate of its qualification for the credit, which certificate the Keystone Special Development Zone employer shall present to the Department of Revenue when filing its return claiming the credit.

(c) Amount.—The amount of the tax credit a Keystone Special Development Zone employer may earn in any tax year shall be equal to \$2,100 for each full-time equivalent employee in excess of the number of full-time equivalent employees employed by the Keystone Special Development Zone employer prior to January 1, 2012.

(d) Application of tax credits.—A Keystone Special Development Zone employer must first use its Keystone Special Development Zone tax credit against its qualified tax liability.

(d.1) Sale or assignment of tax credit.—

(1) If the Keystone Special Development Zone employer is entitled to a credit in any year that exceeds its qualified tax liability for that year, upon application to and approval by the department, a Keystone Special Development Zone employer which has been awarded a tax credit may sell or assign, in whole or in part, the tax credit granted to the Keystone Special Development Zone employer. The application must be on the form required by the department and must include or demonstrate all of the following:

(i) The applicant's name and address.

(ii) A copy of the tax credit certificate previously issued by the department.

(iii) A statement as to whether any part of the tax credit has been applied to tax liability of the applicant and the amount so applied.

(iv) Any other information required by the department.

(2) The department shall review the application and, upon being satisfied that all requirements have been met, shall approve the application and shall notify the Department of Revenue.

(3) The purchaser or assignee of all or a portion of a Keystone Special Development Zone tax credit under this section shall claim the credit in the taxable year in which the purchase or assignment is made. The purchaser or assignee of a tax credit may use the tax credit against any tax liability of the purchaser or assignee under Article III, IV, VI, VII, VIII or XV of the Tax Reform Code of 1971. The amount of the tax credit used may not exceed 75% of the purchaser's or assignee's tax liability for the taxable year. The purchaser or assignee may not carry over, carry back, obtain a refund of or assign the Keystone Special Development Zone credit. The purchaser or assignee shall notify the department and the Department of Revenue of the seller or assignor of the Keystone Special Development Zone tax credit in compliance with procedures specified by the department.

(e) Use and carryforward.—

(1) A Keystone Special Development Zone employer may earn the tax credit allowed under this article beginning in any tax year beginning in 2012 and for a period of up to ten tax years during the 15-year period beginning July 1, 2012, and ending June 30, 2026.

(2) A Keystone Special Development Zone employer may carry forward for up to ten years a tax credit earned under this article:

(i) which it is unable to use; or

(ii) which it does not sell or assign.

(3) Tax credits carried forward under paragraph (2) shall be used on a first-in-first-out basis.

(f) Dual-use prohibited.—In a given year, a Keystone Special Development Zone employer may only earn tax credits under subsection (c) or (d) or under the act of October 6, 1998 (P.L.705, No.92), known as the Keystone Opportunity Zone, Keystone Opportunity Expansion Zone and Keystone Opportunity Improvement Zone Act. A Keystone Special Development Zone employer may not

claim a credit under both this section and Article XVIII-B of the Tax Reform Code of 1971.

(g) Pass-through entities.—

(1) If a Keystone Special Development Zone employer is a pass-through entity and it has any unused tax credit under subsection (c), (d) or (e), it may elect in writing, according to procedures established by the Department of Revenue, to transfer all or a portion of the credit to shareholders, members or partners in proportion to the share of the entity's distributive income to which the shareholder, member or partner is entitled.

(2) A Keystone Special Development Zone employer that is a pass-through entity, and a shareholder, member or partner of that Keystone Special Development Zone employer may not both claim the Keystone Special Development Zone tax credit earned by the Keystone Special Development Zone employer for any tax year.

(3) A shareholder, member or partner of a Keystone Special Development Zone employer that is a pass-through entity to whom a credit is transferred under this subsection shall immediately claim the credit in the taxable year in which the transfer is made.

(h) Transfer.—Any tax credit or tax credit carryforward that a Keystone Special Development Zone employer is entitled to use may be transferred to a successor entity of the Keystone Special Development Zone employer.

(i) Penalties.—The following shall apply:

(1) A company which receives Keystone Special Development Zone tax credits and fails to substantially maintain the operations related to the Keystone Special Development Zone tax credits in this Commonwealth for a period of five years from the date the company first submits a Keystone Special Development Zone tax credit certificate to the Department of Revenue shall be required to refund to the Commonwealth the total amount of credits granted, with interest and a penalty of 20% of the amount of credits granted.

(2) The department may waive the penalties in subsection (a) if it is determined that a company's operations were not maintained or the new jobs were not created because of circumstances beyond the company's control. Circumstances include natural disasters, unforeseen industry trends or a loss of a major supplier or market.

Section 1604-F. Tax liability attributable to Keystone Special Development Zone.

(a) Determinations of attributable tax liability.—Tax liability attributable to business activity conducted within a Keystone Special Development Zone shall be computed, construed, administered and enforced in conformity with Article III, IV, VI, VII, VIII or XV of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, whichever is applicable, and with specific reference to the following:

(1) If the entire business of the employer in this Commonwealth is transacted wholly within the Keystone Special Development Zone, the tax liability attributable to business activity within a Keystone Special Development Zone shall consist of the Pennsylvania income as determined under Article III, IV, VI, VII, VIII or XV, whichever is applicable, of the Tax Reform Code of 1971.

(2) If the entire business of the employer in this Commonwealth is not transacted wholly within the Keystone Special Development Zone, the tax liability of an employer in a Keystone Special Development Zone shall be determined upon such portion of the Pennsylvania tax liability of such employer attributable to business activity conducted within the Keystone Special Development Zone and apportioned in accordance with subsection (b).

(b) Tax liability apportionment.—The tax liability of an employer shall be apportioned to the Keystone Special Development Zone by multiplying the Pennsylvania tax liability by a fraction, the numerator

of which is the property factor plus the payroll factor and the denominator of which is two, in accordance with the following:

(1) The property factor is a fraction, the numerator of which is the average value of the employer's real and tangible personal property owned or rented and used in the Keystone Special Development Zone during the tax period and the denominator of which is the average value of the employer's real and tangible personal property owned or rented and used in this Commonwealth during the tax period but shall not include the security interest of any employer as seller or lessor in personal property sold or leased under a conditional sale, bailment lease, chattel mortgage or other contract providing for the retention of a lien or title as security for the sales price of the property.

(2) The payroll factor is a fraction, the numerator of which is the total amount paid in the Keystone Special Development Zone during the tax period by the employer to an employee as compensation and the denominator of which is the total compensation paid by the employer in this Commonwealth during the tax period.

Section 1.8. The heading of Article XVI-H of the act, added July 6, 2010 (P.L.279, No.46), is amended to read:

ARTICLE XVI-H

[EDUCATIONAL] TAX CREDITS

Section 1.9. The act is amended by adding sections to read:

Section 1602-H. Department of Revenue.

For fiscal year 2011-2012 and each fiscal year thereafter and notwithstanding section 1709-B(a) of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, the amount of credits approved by the Department of Revenue under Article XVII-B of the Tax Reform Code of 1971 shall not exceed \$55,000,000 in a fiscal year; and \$11,000,000 of that amount shall be allocated exclusively for small business. As used in this section, the term "small business" has the meaning ascribed in section 1702-B of the Tax Reform Code of 1971.

Section 1603-H. Department of Community and Economic Development.

For fiscal year 2011-2012 and each fiscal year thereafter, the Department of Community and Economic Development may approve tax credits as follows:

(1) Notwithstanding section 1707-D(a) of the Tax Reform Code of 1971, the aggregate amount of tax credits awarded under Article XVII-D of the Tax Reform Code of 1971 shall not exceed \$60,000,000 in a fiscal year.

(2) Notwithstanding section 1804-B(e) of the Tax Reform Code of 1971, awards by the department shall not exceed \$10,100,000 in tax credits under Article XVIII-B of the Tax Reform Code of 1971.

Section 2. Section 1702-A of the act, amended July 4, 2008 (P.L.629, No.53), is amended to read:

Section 1702-A. Funding.

(a) Intent.—It is hereby declared as the intent and goal of the General Assembly to create a stabilization reserve in an eventual amount of 6% of the revenues of the General Fund of the Commonwealth.

(b) Transfer of portion of surplus.—

(1) Except as may be provided in paragraph (2), for fiscal years beginning after June 30, 2002, the following apply:

(i) Except as set forth in this paragraph, if the Secretary of the Budget certifies that there is a surplus in the General Fund for a specific fiscal year, 25% of the surplus shall be deposited by the end of the next succeeding quarter into the Budget Stabilization Reserve Fund.

(ii) If the Secretary of the Budget certifies, after June 30, 2005, that there is a surplus in the General Fund for the fiscal year 2004-2005, 15% of the surplus shall be deposited by the end of the next succeeding quarter into the Budget Stabilization Reserve Fund.

(iii) No amount of the surplus in the General Fund for fiscal year 2007-2008 may be deposited into the Budget Stabilization Reserve Fund.

(iv) No amount of the surplus in the General Fund for fiscal year 2010-2011 may be deposited into the Budget Stabilization Reserve Fund.

(2) If, at the end of any fiscal year, the ending balance of the Budget Stabilization Reserve Fund equals or exceeds 6% of the actual General Fund revenues received for the fiscal year in which the surplus occurs, 10% of the surplus shall be deposited by the end of the next succeeding quarter into the Budget Reserve Stabilization Fund.

(c) Appropriated funds.—The General Assembly may at any time provide additional amounts from any funds available to this Commonwealth as an appropriation to the Budget Stabilization Reserve Fund.

Section 2.1. The heading of Subarticle D of Article XVII-A of the act, added July 7, 2005 (P.L.174, No.41), is reenacted to read:

Amend Bill, page 2, line 6, by striking out "2" and inserting

2.2

Amend Bill, page 3, line 12, by striking out "3" and inserting

2.3

Amend Bill, page 3, by inserting between lines 16 and 17

Section 3. Repeals are as follows:

(1) The General Assembly finds and declares as follows:

(i) Each year, articles on budget implementation are added to the act.

(ii) These articles are temporary in nature but are placed permanently into the act, utilizing article numbers and section numbers.

(iii) Reusing article numbers and section numbers will keep the text of the act more concise.

(iv) The repeal under paragraph (2) is necessary to effectuate paragraph (1)(iii).

(2) Articles XVII-B and XVII-C of the act, added July 5, 2006 (P.L.296, No.66), and amended or repealed in part July 17, 2007 (P.L.141, No.42), are repealed.

Section 4. The act is amended by adding articles to read:

ARTICLE XVII-B

2011-2012 BUDGET IMPLEMENTATION

SUBARTICLE A

PRELIMINARY PROVISIONS

Section 1701-B. Applicability of article.

Except as specifically provided in this article, this article applies to the General Appropriation Act of 2011 and all other appropriation acts of 2011.

Section 1702-B. Definitions and abbreviations.

(a) Definitions.—The following words and phrases when used in this article shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"General Appropriation Act." The act of _____, 2011 (P.L. No.1A), known as the General Appropriation Act of 2011.

"Secretary." The Secretary of the Budget of the Commonwealth.

(b) Abbreviations.—The following abbreviations when used in this article shall have the meanings given to them in this section:

"AIDS." Acquired Immune Deficiency Syndrome.

"ARC." Appalachian Regional Commission.

"ARRA." The American Recovery and Reinvestment Act of 2009 (Public Law 111-5, 123 Stat. 115).

"BG." Block Grant.

"CCDFBG." Child Care and Development Fund Block Grant.

"CSBG." Community Services Block Grant.

"DCSI." Drug Control and Systems Improvement Formula Grant Program.

"DFSC." The Safe and Drug-Free Schools and Communities Act (Public Law 107-110, 20 U.S.C. § 7101 et seq.).

"DOE." Department of Energy.

"EEOC." Equal Employment Opportunity Commission.

"EPA." Environmental Protection Agency.

"ESEA." The Elementary and Secondary Education Act of 1965 (Public Law 89-10, 20 U.S.C. § 6301 et seq.).

"FEMA." Federal Emergency Management Agency.

"FTA." Federal Transit Administration.

"HUD." Department of Housing and Urban Development.

"LIHEABG." Low-Income Home Energy Assistance Block Grant.

"LSTA." The Library Services and Technology Act (Public Law 104-208, 20 U.S.C. § 9101 et seq.).

"MCHSBG." Maternal and Child Health Services Block Grant.

"MHSBG." Mental Health Services Block Grant.

"MR." Mental Retardation.

"PAFE." Pennsylvania Agricultural Food Exposition.

"PHHSBG." Preventive Health and Health Services Block Grant.

"RSAT." Residential Substance Abuse Treatment.

"SABG." Substance Abuse Block Grant.

"SCDBG." Small Communities Development Block Grant.

"SDA." Service Delivery Area.

"SSBG." Social Services Block Grant.

"TANF." Temporary Assistance for Needy Families.

"TANFBG." Temporary Assistance for Needy Families Block Grant.

"TEFAP." Temporary Emergency Food Assistance Program.

"WIA." The Workforce Investment Act of 1998 (Public Law 105-220, 112 Stat. 936).

"WIC." Women, Infants and Children Program.

SUBARTICLE B

EXECUTIVE DEPARTMENTS

Section 1711-B. Governor (Reserved).

Section 1712-B. Executive Offices.

Funds for intermediate punishment treatment programs shall be allocated in the same proportion as funding provided in fiscal year 2010-2011 for intermediate punishment programs and for intermediate punishment drug and alcohol treatment.

Section 1713-B. Lieutenant Governor (Reserved).

Section 1714-B. Attorney General (Reserved).

Section 1715-B. Auditor General (Reserved).

Section 1716-B. Treasury Department (Reserved).

Section 1717-B. Department of Aging (Reserved).

Section 1718-B. Department of Agriculture.

No less than 80% of the funds appropriated for hardwoods research and promotion shall be equally distributed among the hardwood utilization groups of this Commonwealth established prior to the effective date of this section.

Section 1719-B. Department of Community and Economic Development.

The following shall apply to appropriations for the Department of Community and Economic Development:

(1) For fiscal year 2011-2012, funds appropriated to Keystone Communities shall include allocations for the Main Street and Elm Street programs in amounts not less than the amounts allocated in fiscal year 2010-2011.

(2) Funds appropriated for Partnerships for Regional Economic Performance shall be allocated to Industrial Development Corporations, Industrial Resource Centers, Local Development Districts and Small Business Development Centers. Forty percent of the funds appropriated shall be pro rata allocated to the entity in proportion to the 2010-2011 appropriations to the entities. The department shall provide notice of the allocation by October 1, 2011. The remaining 60% of funds appropriated for this program shall be distributed in accordance with program guidelines.

Section 1720-B. Department of Conservation and Natural Resources (Reserved).

Section 1721-B. Department of Corrections (Reserved).

Section 1722-B. Department of Education.

The following shall apply to appropriations for the Department of Education in the General Appropriation Act:

(1) Notwithstanding 24 Pa.C.S. § 8329(a) (relating to payments on account of social security deductions from appropriations), when calculating payments by the Commonwealth under 24 Pa.C.S. § 8329, the Department of Education shall treat wages paid out of the ARRA State Stabilization Fund, wages paid out of the ARRA funds appropriated for Individuals with Disabilities Education (Part B - Preschool-Age 3-5) or wages paid out of the Education Jobs Fund grant as covered wages which are not federally funded.

(2) Notwithstanding the provisions of section 1724-A of the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, and 24 Pa.C.S. section 8329 (relating to payments on account of social security deductions from appropriations), no payments shall be made to charter schools or cyber charter schools authorized under the provisions of Article XVII-A of the Public School Code of 1949 or any successor provisions contained in the Public School Code of 1949, from funds appropriated for school employees social security.

Section 1723-B. Department of Environmental Protection.

The following shall apply to appropriations for the Department of Environmental Protection in the General Appropriation Act:

(1) (Reserved).

(2) Notwithstanding the provisions of section 502 of the act of July 9, 2008 (1st Sp.Sess., P.L.1873, No.1), known as the Alternative Energy Investment Act, in fiscal year 2011-2012, no funds shall be appropriated from the General Fund to the department for the Consumer Energy Program. Any appropriation for fiscal year 2011-2012 is revoked.

Section 1724-B. Department of General Services (Reserved).

Section 1725-B. Department of Health.

The following shall apply to appropriations for the Department of Health in the General Appropriation Act:

(1) Funds appropriated for lupus programs shall be distributed in the same proportion as distributed in fiscal year 2010-2011.

(2) Funds appropriated for biotechnology research include \$750,000 for a regenerative medicine center located in a county of the second class and \$1,036,000 for an institution for hepatitis and virus research located in a county of the second class A, which conducts research related to developing new therapies for viral hepatitis and liver cancer.

Section 1726-B. Insurance Department (Reserved).

Section 1727-B. Department of Labor and Industry.

The following shall apply to appropriations for the Department of Labor and Industry in the General Appropriation Act:

(1) The appropriation for payment to the Vocational Rehabilitation Fund for work of the State Board of Vocational Rehabilitation includes \$2,153,000 for a Statewide professional service provider association for the blind to provide specialized services and prevention of blindness services and \$431,000 to provide specialized services and prevention of blindness services in cities of the first class.

(2) For the "Reed Act-Unemployment Insurance" and "Reed Act-Employment Services and Unemployment Insurance" appropriations, the total amount which may be obligated shall not exceed the limitations under section 903 of the Social Security Act (49 Stat. 620, 42 U.S.C. § 1103).

Section 1728-B. Department of Military and Veterans Affairs (Reserved).

Section 1729-B. Department of Public Welfare.

The following shall apply to appropriations for the Department of Public Welfare from the General Appropriation Act:

(1) Authorized transfers for child-care services. The following shall apply:

(i) The department, upon approval of the secretary, may transfer Federal funds appropriated for

TANFBG child care assistance to the CCDFBG child-care services appropriation to provide child-care services to additional low-income families if the transfer of funds will not result in a deficit in the appropriation. The secretary shall provide notice ten days prior to a transfer under this subparagraph to the chairman and minority chairman of the Appropriations Committee of the Senate and the chairman and minority chairman of the Appropriations Committee of the House of Representatives.

(ii) The department, upon approval of the secretary, may transfer Federal funds appropriated for CCDFBG child care assistance to the CCDFBG child-care services appropriation to provide child-care services to additional low-income families, provided that the transfer of funds will not result in a deficit in the appropriation. The secretary shall provide notice ten days prior to a transfer under this subparagraph to the chairman and minority chairman of the Appropriations Committee of the Senate and the chairman and minority chairman of the Appropriations Committee of the House of Representatives.

(2) Federal and State medical assistance payments. The following shall apply:

(i) No funds appropriated for approved capitation plans shall be used to pay a provider who fails to supply information in a form required by the department in order to facilitate claims for Federal financial participation for services rendered to general assistance clients.

(ii) For fiscal year 2011-2012, payments to hospitals for Community Access Fund grants shall be distributed under the formulas utilized for these grants in fiscal year 2010-2011. If the total funding available for Community Access Fund payments in fiscal year 2011-2012 is less than that available in fiscal year 2010-2011, payments shall be made on a pro rata basis.

(iii) Funds appropriated for medical assistance transportation shall only be utilized as a payment of last resort for transportation for eligible medical assistance recipients.

(iv) Amounts allocated from funds appropriated for medical assistance outpatient services for the Select Plan for Women Preventative Health Services shall be used for women's medical services, including noninvasive contraception supplies.

(v) Federal or State funds appropriated under the General Appropriation Act in accordance with Article VIII-H of the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, not used to make payments to hospitals qualifying as Level III trauma centers shall be used to make payments to hospitals qualifying as Levels I and II trauma centers.

(vi) Qualifying university-affiliated physician practice plans which received funds for the fiscal year 2010-2011 shall not receive any less than 50% of the State appropriation made available to those university-affiliated physician practice plans during fiscal year 2010-2011.

(vii) Qualifying State-related academic medical centers which received funds for the fiscal year 2010-2011 shall not receive any less than 50% of the State appropriation made available to those academic medical centers during fiscal year 2010-2011. From funds appropriated for qualifying State-related academic medical centers, \$2,000,000 shall be distributed to an academic medical center located in a third class county with a population between 210,000 and 215,000 under

the 2010 Federal decennial census, \$500,000 shall be distributed to an academic medical center located in a third class county with a population between 279,000 and 282,000 under the 2010 Federal decennial census and \$500,000 to an academic medical center located in a city of the first class who did not receive funding during fiscal year 2010-2011.

(3) Breast cancer screening. The following shall apply:

(i) Funds appropriated for breast cancer screening may be used for women's medical services, including noninvasive contraception supplies.

(ii) (Reserved).

(4) Women's service programs. The following shall apply:

(i) Funds appropriated for women's service programs grants to nonprofit agencies whose primary function is to provide alternatives to abortion shall be expended to provide services to women until childbirth and for up to 12 months thereafter, including food, shelter, clothing, health care, counseling, adoption services, parenting classes, assistance for postdelivery stress and other supportive programs and services and for related outreach programs. Agencies may subcontract with other nonprofit entities which operate projects designed specifically to provide all or a portion of these services. Projects receiving funds referred to in this subparagraph shall not promote, refer for or perform abortions or engage in any counseling which is inconsistent with the appropriation referred to in this subparagraph and shall be physically and financially separate from any component of any legal entity engaging in such activities.

(ii) Federal funds appropriated for TANFBG Alternatives to Abortion shall be utilized solely for services to women whose gross family income is below 185% of the Federal poverty guidelines.

(5) County children and youth programs. The following shall apply:

(i) No more than 50% of funds allocated from the State appropriation for county children and youth programs to each county shall be expended until each county submits to the department data for the prior State fiscal year, and updated quarterly, on the unduplicated caseloads, unduplicated services and number of caseworkers by county program. Data shall be submitted in a form acceptable to the department. A copy of the data shall be sent to the chairman and minority chairman of the Appropriations Committee of the Senate and to the chairman and the minority chairman of the Appropriations Committee of the House of Representatives.

(ii) Reimbursement for children and youth services made under section 704.1 of the Public Welfare Code shall not exceed the amount of State funds appropriated. It is the intent of the General Assembly that counties do not experience any adverse fiscal impact due to the department's maximization efforts.

(6) Community-based family centers. No funds appropriated for community-based family centers may be considered as part of the base for calculation of the county child welfare needs-based budget for a fiscal year.

(7) County human services. The Department of Public Welfare shall convene a working group comprised of Department of Public Welfare personnel and the County Commissioners Association of Pennsylvania for the purpose of developing mutually agreeable pilot programs for allocation of county human services funding as multiple purpose grants, permitting

counties to utilize funds at the county level normally provided in categorical allocations, such as child welfare, mental health, substance abuse and similar programs. The Department of Public Welfare shall report jointly developed recommendations to the General Assembly no later than October 31, 2011, with the intent of establishing the multipurpose pilot grant programs in the 2012-2013 budget.

(8) Funds appropriated shall not be used to privatize the forensic unit of any State mental institution.

(9) The provisions of 8 U.S.C. §§ 1611 (relating to aliens who are not qualified aliens ineligible for Federal public benefits), 1612 (relating to limited eligibility of qualified aliens for certain Federal programs) and 1642 (relating to verification of eligibility for Federal public benefits) shall apply to payments and providers.

(10) From funds appropriated for autism intervention and services, \$450,000 shall be distributed to a behavioral health facility located in a fifth class county with a population between 130,000 and 135,000 under the 2010 Federal decennial census that operates a center for autism and developmental disabilities.

Section 1730-B. Department of Revenue.

Notwithstanding section 1705-D(f) of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, a purchaser or assignee may carry forward a tax credit purchased or assigned in calendar year 2011 against qualified tax liabilities incurred in the next taxable year. If a credit is carried over to the succeeding taxable year, it shall be reduced by the amount that was used as a credit during the immediately preceding taxable year.

Section 1731-B. Department of State (Reserved).

Section 1732-B. Department of Transportation (Reserved).

Section 1733-B. Pennsylvania State Police.

The following shall apply to appropriations for the Pennsylvania State Police from the General Appropriation Act:

(1) Payments made to municipalities under 53 Pa.C.S. § 2170 (relating to reimbursement of expenses) shall be limited to funds available. If funds are not available to make full payments, the Municipal Police Officers' Education and Training Commission shall make payments on a pro rata basis.

(2) (Reserved).

Section 1734-B. State Civil Service Commission (Reserved).

Section 1735-B. Pennsylvania Emergency Management Agency (Reserved).

Section 1736-B. Pennsylvania Fish and Boat Commission (Reserved).

Section 1737-B. State System of Higher Education (Reserved).

Section 1737.1-B. State-related institutions (Reserved).

Section 1738-B. Pennsylvania Higher Education Assistance Agency (Reserved).

Section 1739-B. Pennsylvania Historical and Museum Commission (Reserved).

Section 1740-B. Pennsylvania Infrastructure Investment Authority (Reserved).

Section 1741-B. Environmental Hearing Board (Reserved).

Section 1742-B. Pennsylvania Board of Probation and Parole (Reserved).

Section 1743-B. Pennsylvania Public Television Network Commission (Reserved).

Section 1744-B. Pennsylvania Securities Commission (Reserved).

Section 1745-B. State Tax Equalization Board (Reserved).

Section 1746-B. (Reserved).

Section 1747-B. (Reserved).

Section 1748-B. (Reserved).

Section 1749-B. Thaddeus Stevens College of Technology (Reserved).

Section 1750-B. Pennsylvania Housing Finance Agency (Reserved).

Section 1751-B. LIHEABG (Reserved).

SUBARTICLE C

STATE GOVERNMENT SUPPORT AGENCIES

Section 1761-B. Health Care Cost Containment Council.

The Health Care Cost Containment Council shall submit a report

to the chairman and minority chairman of the Appropriations Committee of the Senate and the chairman and minority chairman of the Appropriations Committee of the House of Representatives specifying the amount and source of proceeds received from the sale of data by the council. The report shall supplement the annual report of financial expenditures required under section 17.1 of the act of July 8, 1986 (P.L.408, No.89), known as the Health Care Cost Containment Act. The proceeds received from the sale of data may be used for the operations of the council.

Section 1762-B. State Ethics Commission (Reserved).

Section 1763-B. Legislative Reference Bureau (Reserved).

Section 1764-B. Legislative Budget and Finance Committee (Reserved).

Section 1765-B. Legislative Data Processing Committee (Reserved).

Section 1766-B. Joint State Government Commission (Reserved).

Section 1767-B. Joint Legislative Air and Water Pollution Control and Conservation Committee (Reserved).

Section 1768-B. Legislative Audit Advisory Commission (Reserved).

Section 1769-B. Independent Regulatory Review Commission (Reserved).

Section 1770-B. Capitol Preservation Committee (Reserved).

Section 1771-B. Pennsylvania Commission on Sentencing (Reserved).

Section 1772-B. Center for Rural Pennsylvania (Reserved).

Section 1773-B. Commonwealth Mail Processing Center (Reserved).

Section 1774-B. Transfers.

During the 2011-2012 fiscal year, any amount unexpended on the effective date of the General Appropriations Act of 2011 may, upon the written concurrence of the President pro tempore of the Senate, the Speaker of the House of Representatives, the Majority Leader of the Senate and the Majority Leader of the House of Representatives, be transferred between any of the following accounts:

(1) Legislative Reference Bureau.

(2) Legislative Budget and Finance Committee.

(3) Legislative Data Processing Committee.

(4) Joint State Government Commission.

(5) Local Government Commission.

(6) Legislative Audit Advisory Commission.

(7) Center for Rural Pennsylvania.

(8) Commonwealth Mail Processing Center.

(9) Joint Legislative Air and Water Pollution Control and Conservation Committee.

SUBARTICLE D

JUDICIAL DEPARTMENT

Section 1781-B. Supreme Court (Reserved).

Section 1782-B. Superior Court (Reserved).

Section 1783-B. Commonwealth Court (Reserved).

Section 1784-B. Courts of common pleas (Reserved).

Section 1785-B. Community courts; magisterial district judges (Reserved).

Section 1786-B. Philadelphia Traffic Court (Reserved).

Section 1787-B. Philadelphia Municipal Court (Reserved).

Section 1788-B. Judicial Conduct Board (Reserved).

Section 1789-B. Court of Judicial Discipline (Reserved).

Section 1790-B. Juror cost reimbursement (Reserved).

Section 1791-B. County court reimbursement (Reserved).

Section 1792-B. Senior judges (Reserved).

Section 1793-B. Transfer of funds by Supreme Court (Reserved).

SUBARTICLE E

GENERAL ASSEMBLY

(RESERVED)

ARTICLE XVII-C

2011-2012 RESTRICTIONS ON APPROPRIATIONS FOR FUNDS AND ACCOUNTS

Section 1701-C. Applicability of article.

Except as specifically provided in this article, this article applies to the General Appropriation Act of 2011 and all other appropriation acts of 2011.

Section 1702-C. State Lottery Fund.

(1) Funds appropriated for PENNCARE shall not be utilized for administrative costs by the Department of Aging.

(2) (Reserved).

Section 1703-C. Energy Conservation and Assistance Fund (Reserved).

Section 1704-C. Judicial Computer System Augmentation Account (Reserved).

Section 1704.1-C. Access to Justice Account (Reserved).

Section 1705-C. Emergency Medical Services Operating Fund (Reserved).

Section 1706-C. State Stores Fund (Reserved).

Section 1707-C. Motor License Fund (Reserved).

Section 1708-C. Hazardous Material Response Fund (Reserved).

Section 1709-C. Milk Marketing Fund (Reserved).

Section 1710-C. Home Investment Trust Fund (Reserved).

Section 1711-C. Tuition Payment Fund (Reserved).

Section 1712-C. Banking Department Fund (Reserved).

Section 1713-C. Firearm Records Check Fund (Reserved).

Section 1714-C. Ben Franklin Technology Development Authority Fund (Reserved).

Section 1715-C. Tobacco Settlement Fund.

(a) Deposits.—

(1) Notwithstanding sections 303(b)(2), (3) and (4) and 306 of the act of June 26, 2001 (P.L.755, No.77), known as the Tobacco Settlement Act, the following shall apply:

(i) For fiscal year 2011-2012, the strategic contribution payments received in fiscal year 2010-2011 pursuant to the Master Settlement Agreement shall remain in the Tobacco Settlement Fund.

(ii) For fiscal year 2011-2012, the funds appropriated under section 306(b)(1)(i) of the Tobacco Settlement Act shall remain in the Tobacco Settlement Fund.

(iii) For fiscal year 2011-2012, 36% of the money appropriated under section 306(b)(1)(iii) of the Tobacco Settlement Act may not be expended, transferred or lapsed but shall remain in the Tobacco Settlement Fund.

(iv) For fiscal year 2011-2012, 33.3% of the money appropriated under section 306(b)(1)(vi) of the Tobacco Settlement Act may not be expended, transferred or lapsed but shall remain in the Tobacco Settlement Fund.

(v) For fiscal year 2011-2012, 50% of the money appropriated under section 306(b)(1)(v) of the Tobacco Settlement Act may not be expended, transferred or lapsed but shall remain in the Tobacco Settlement Fund.

(2) Money deposited into the fund under paragraph (1) shall be appropriated for health-related purposes. If applicable, the amount appropriated in accordance with this paragraph shall be matched by appropriated Federal augmenting funds.

(b) Use of funds.—Funds deposited in the Tobacco Settlement Fund from payments received in April 2011 and April 2012 shall be used to make appropriations pursuant to this section and section 306 of the Tobacco Settlement Act.

(c) Allocation.—Funding for local programs under section 708(b) of the Tobacco Settlement Act shall be allocated as follows:

(1) Thirty percent of grant funding to primary contractors for local programs shall be allocated equally among each of the 67 counties.

(2) The remaining 70% of grant funding to primary contractors for local programs shall be allocated on a per capita basis of each county with a population greater than 60,000. The per capita formula shall be applied only to that portion of the population that is greater than 60,000 for each county.

(3) Budgets shall be developed by each primary contractor to reflect service planning and expenditures in each county. Each primary contractor will ensure that services are

available to residents of each county and must expend the allocated funds on a per-county basis pursuant to paragraphs (1) and (2).

(4) The Department of Health shall compile a detailed annual report of expenditures per county and the specific programs offered in each region. This report shall be made available on the publicly available Internet website of the Department of Health 60 days following the close of each fiscal year.

(5) During the third quarter of the fiscal year, funds which have not been spent within a service area may be reallocated to support programming in the same region.

(d) Use of money for lobbying prohibited.—No money derived from an appropriation by the General Assembly from the Tobacco Settlement Fund may be used for the lobbying of any State public official.

(e) Health Venture Account investments.—Notwithstanding Chapter 3 of the Tobacco Settlement Act, all assets, nonliquid investments, contractually obligated money, return on investments, and any other money or assets in the Health Venture Investment Account shall be retained in the Health Venture Investment Account for continued investment by the Tobacco Settlement Investment Board in health care, biotechnology or any other health-related businesses which are expected to grow substantially in the future. The requirements for venture capital investments outlined in section 305(f) of the Tobacco Settlement Act shall be maintained.

Section 1716-C. Restricted receipts accounts.

(a) General provisions.—The secretary may create restricted receipt accounts for the purpose of administering Federal grants only for the purposes designated in this section.

(b) Department of Community and Economic Development.—The following restricted receipt accounts may be established for the Department of Community and Economic Development:

- (1) ARC Housing Revolving Loan Program.
- (2) (Reserved).

(c) Department of Conservation and Natural Resources.—The following restricted receipt accounts may be established for the Department of Conservation and Natural Resources:

- (1) Federal Aid to Volunteer Fire Companies.
- (2) Federal Land and Water Conservation Fund Act.
- (3) National Forest Reserve Allotment.
- (4) Federal Land and Water Conservation Fund Act - Conservation and Natural Resources.

(d) Department of Education.—The following restricted receipt accounts may be established for the Department of Education:

- (1) Education of the Disabled - Part C.
- (2) LSTA - Library Grants.
- (3) The Pennsylvania State University Federal Aid.
- (4) Emergency Immigration Education Assistance.
- (5) Education of the Disabled - Part D.
- (6) Homeless Adult Assistance Program.
- (7) Severely Handicapped.
- (8) Medical Assistance Reimbursements to Local Education Agencies.

(e) Department of Environmental Protection.—The following restricted receipt accounts may be established for the Department of Environmental Protection:

- (1) Federal Water Resources Planning Act.
- (2) Flood Control Payments.
- (3) Soil and Water Conservation Act - Inventory of Programs.

(f) Department of Health.—The following restricted receipt accounts may be established for the Department of Health:

- (1) Share Loan Program.
- (2) (Reserved).

(g) Department of Transportation.—The following restricted receipt accounts may be established for the Department of Transportation:

(1) Capital Assistance Elderly and Handicapped Programs.

(2) Railroad Rehabilitation and Improvement Assistance.

(3) Ridesharing/Van Pool Program - Acquisition.

(h) Pennsylvania Emergency Management Agency.—The following restricted receipt accounts may be established for the Pennsylvania Emergency Management Agency:

(1) Receipts from Federal Government - Disaster Relief - Disaster Relief Assistance to State and Political Subdivisions.

(2) (Reserved).

(i) Pennsylvania Historical and Museum Commission.—The following restricted receipt accounts may be established for the Pennsylvania Historical and Museum Commission:

(1) Federal Grant - National Historic Preservation Act.

(2) (Reserved).

(j) Executive Offices.—The following restricted receipt accounts may be established for the Executive Offices:

(1) Retired Employees Medicare Part D.

(2) Justice Assistance.

(3) Juvenile Accountability Incentive.

(4) Early Retiree Reinsurance Program.

Section 1720-C. State Gaming Fund (Reserved).

Section 5. Sections 1712-E and 1715-E of the act, added July 17, 2007 (P.L.141, No.42), are amended to read:

Section 1712-E. Executive Offices.

(a) Appropriations.—The following shall apply to appropriations for the Executive Offices:

(1) Pennsylvania Commission on Crime and Delinquency. Funds remaining after application of section 202 of a General Appropriation Act for the appropriation for grants-in-aid for intermediate punishment programs shall be distributed to counties based on the following formula:

(i) Fifty percent shall be based on the proportion of offenders diverted from the county prison system to county intermediate punishment programs.

(ii) Fifty percent shall be based on the proportion of offenders diverted from the State correctional system to the county prison system.

(2) Grants for specialized probation services, including school-based, community-based, intensive supervision and aftercare services, shall be provided in accordance with standards adopted by the Juvenile Court Judges Commission.

(b) Purchase cards.—The Office of the Budget shall, where practicable, maximize the use of purchase cards for financial transactions involving the Commonwealth in accordance with an interagency agreement establishing usage guidelines between the office and the Treasury Department.

(c) Treasury Offset Program.—

(1) The Office of the Budget is authorized to enter into an agreement with the United States to participate in the Treasury Offset Program under 31 U.S.C. § 3716 (relating to administrative offset) for the collection of any debts owed to Commonwealth agencies. The agreement may provide for the United States to submit debts owed to Federal agencies for offset against Commonwealth payments and provide for the Commonwealth to submit debts owed to Commonwealth agencies for offset against Federal payments.

(2) The Treasurer of the United States shall reduce any Commonwealth payment by the amount of any Federal debt submitted in accordance with the agreement authorized by this subsection and pay the amount to the appropriate Federal official in accordance with the procedures specified in the agreement.

Section 1715-E. Auditor General.

The following shall apply to appropriations to the Auditor General:

(1) Funds appropriated to the Department of the Auditor General shall be for the purpose of performing postaudits in accordance with generally accepted government auditing

standards.

(2) [(Reserved).] If the Auditor General fails to deliver an annual audit of Commonwealth-managed federally funded programs by March 31, 2012 and each March 31 thereafter, in accordance with the Single Audit Act of 1984 (Public Law 98-502, 31 U.S.C. § 7501 et seq.) and related guidance issued by the United States Office of Management and Budget, the State Treasurer shall not authorize the release of any funds appropriated to the Auditor General in the quarter following the failure of the Auditor General to deliver the audit. The Auditor General shall not bill any Commonwealth agency to make up for any funding deficiency caused by the State Treasurer withholding payments under this paragraph.

Section 6. The act is amended by adding a section to read:

Section 1719.1-E. Pennsylvania Infrastructure Investment Authority Accounts.

Fifteen million dollars in funds allocated to PENNVEST under 27 Pa.C.S. § 6104(d)(6) (relating to fund) shall be transferred from the authority to the Pennsylvania Gaming Economic Development and Tourism Fund. Funds deposited into the Pennsylvania Gaming Economic Development and Tourism Fund shall be included in fund distribution made under section 301 of the act of July 9, 2008 (P.L.908, No.63), known as the H2O PA Act, and shall be used by the Commonwealth Financing Authority to support the H2O program established in that act. The Commonwealth Financing Authority shall repay to the authority the funds transferred under this section by June 30, 2020. Section 10(f) of the act of March 1, 1988 (P.L.82, No.16), known as the Pennsylvania Infrastructure Investment Authority Act, shall not apply to this transfer.

Section 7. Section 1738-E of the act, added July 17, 2007 (P.L.141, No.42), is amended to read:

Section 1738-E. Pennsylvania Higher Education Assistance Agency [(Reserved)].

(a) Appropriations.—The following shall apply to appropriations for the Pennsylvania Higher Education Assistance Agency from the General Appropriation Act:

(1) The Pennsylvania Higher Education Assistance Agency shall use funds appropriated for matching payments for student aid funds to maximize the receipt of Federal funds to the fullest extent possible.

(2) No college, university or institution receiving a direct appropriation from the Commonwealth shall be eligible to participate in the institutional assistance grants program.

(b) Blind and deaf student program.—

(1) The Pennsylvania Higher Education Assistance Agency may, in conformance with policies, standards, rules and regulations adopted by the State Board of Education, contract with institutions of higher education for the awarding of higher education equal opportunity program grants. Programs for which grants may be awarded shall include remedial learning services, counseling services or tutorial services. Funds provided under this subsection may not be used to pay tuition, room and board or other institutional costs or fees incurred by students.

(2) Each institution of higher education requesting a grant to provide a program under this subsection shall submit an application in a form and manner as the agency may require. The application shall include a description of the nature and the methods by which all funds granted will be used by the applicant institution to contribute to the provision, maintenance or improvement of programs designed to enhance opportunities for disadvantaged part-time and full-time students to achieve their educational goals.

(3) The Pennsylvania Higher Education Assistance Agency shall use funds appropriated for higher education of blind or deaf students to make grants for defraying the necessary expenses of any students who are blind or deaf and who are regularly enrolled students pursuing a course of study or profession in a university, college, conservatory of music,

normal, professional or vocation school approved by the Department of Education. In order to receive a grant, a blind or deaf student who desires to attend, or who is attending, a school or institution shall apply as required under paragraph (2). Grant awards shall be established annually by the Pennsylvania Higher Education Assistance Agency based on available resources.

(4) Up to 2.5% of funds appropriated annually to carry out the purposes of this subsection may be used to pay the costs of administration.

(5) Beginning July 1, 2011, the rights, powers and duties exercised by the Secretary of Education under the former act of August 31, 1971 (P.L.423, No.101), known as the Higher Education Equal Opportunity Act, are transferred to and shall be exercised by the Pennsylvania Higher Education Assistance Agency. Existing regulations promulgated under the former Higher Education Equal Opportunity Act shall continue in full force and effect by the Pennsylvania Higher Education Assistance Agency until the agency promulgates new or additional regulations.

(6) The agency shall have access to student level data that is collected by the Department of Education that relates to the administration of this subsection in accordance with Federal and State law.

(7) As used in this subsection, the following words and phrases shall have the meanings given to them in this paragraph unless the context clearly indicates otherwise:

"Full-time student." A bona fide resident of this Commonwealth who has been admitted as a full-time student to an institution of higher education and who is economically and educationally disadvantaged in accordance with criteria established by the State Board of Education.

"Institutions of higher education." A postsecondary institution in this Commonwealth authorized to award degrees.

"Part-time student." A bona fide resident of this Commonwealth who:

(1) Has been admitted into a degree program as a less than full-time student in an institution of higher education.

(2) Is enrolled in at least the equivalent of six semester credits or 225 clock hours of instruction per semester in an institution of higher education.

(3) Is economically and educationally disadvantaged in accordance with the criteria established by the State Board of Education.

Section 8. Subarticle C heading of Article XVII-E and sections 1761-E, 1762-E, 1763-E, 1764-E, 1765-E, 1766-E, 1767-E, 1768-E, 1769-E, 1770-E, 1771-E, 1772-E, 1773-E, 1774-E and 1775-E of the act, added July 17, 2007 (P.L.141, No.42), are repealed:

[SUBARTICLE C

LEGISLATIVE DEPARTMENT

Section 1761-E. Senate (Reserved).

Section 1762-E. House of Representatives (Reserved).

Section 1763-E. Legislative Reference Bureau.

(1) Notwithstanding any other provision of law to the contrary, including 62 Pa.C.S. (relating to procurement), the Pennsylvania Consolidated Statutes, advance copies of statutes, volumes of the Laws of Pennsylvania and other publications shall be printed under contracts entered into by the Legislative Reference Bureau and distributed as determined by the bureau. Money from sales shall be paid to the bureau or the Department of General Services, as the bureau shall determine, and that money shall be paid into the State Treasury to the credit of the General Fund. Money from sales is hereby appropriated from the General Fund to the Legislative Reference Bureau for the editing, printing and distribution of the Pennsylvania Consolidated Statutes, advance copies of statutes, volumes of the Laws of Pennsylvania and other publications and for related expenses.

(2) Contingent expenses connected with the work of the bureau shall be paid on warrants of the State Treasurer in favor of the director on the presentation of the director's requisitions.

(3) The director shall file an accounting of the contingent expenses, together with supporting documents whenever possible, in the office of the bureau.

Section 1764-E. Legislative Budget and Finance Committee (Reserved).

Section 1765-E. Legislative Data Processing Committee (Reserved).

Section 1766-E. Joint State Government Commission (Reserved).

Section 1767-E. Local Government Commission (Reserved).

Section 1768-E. Joint Legislative Air and Water Pollution Control and Conservation Committee (Reserved).

Section 1769-E. Legislative Audit Advisory Commission (Reserved).

Section 1770-E. Independent Regulatory Review Commission (Reserved).

Section 1771-E. Capitol Preservation Committee (Reserved).

Section 1772-E. Pennsylvania Commission on Sentencing (Reserved).

Section 1773-E. Center for Rural Pennsylvania (Reserved).

Section 1774-E. Commonwealth Mail Processing Center (Reserved).

Section 1775-E. Chief Clerk of the Senate and Chief Clerk of the House of Representatives (Reserved.)

Section 9. The act is amended by adding a section to read:

Section 1798-E. Catastrophic Loss Benefits Continuation Fund.

For fiscal year 2011-2012 and for each fiscal year thereafter, all surcharges collected under 75 Pa.C.S. § 6506 (relating to surcharge) by any division of the Unified Judicial System shall be deposited in the General Fund upon receipt.

Section 10. Section 1799-E of the act, amended or added July 17, 2007 (P.L.141, No.42) and July 6, 2010 (P.L.279, No.46), is amended to read:

Section 1799-E. State Gaming Fund.

(a) Transfers for Volunteer Fire Company and Volunteer Ambulance Service Grant Act.—Commencing with fiscal year 2007-2008 and continuing annually thereafter, the sum of \$25,000,000 shall be transferred from the State Gaming Fund to the General Fund and is hereby appropriated on a continuing basis to the Pennsylvania Emergency Management Agency for the purpose of making grants [in accordance with Chapter 7 of the act of July 31, 2003 (P.L.73, No.17), known as the Volunteer Fire Company and Volunteer Ambulance Service Grant Act] under 35 Pa.C.S. Ch. 78 (relating to grants to volunteer fire companies and volunteer services). Annually, the sum of \$22,000,000 shall be expended for the purpose of making grants to eligible volunteer fire companies [pursuant to Chapter 3 of the Volunteer Fire Company and Volunteer Ambulance Service Grant Act] under 35 Pa.C.S. Ch. 78 Subch. B (relating to volunteer fire company grant program). Annually, the sum of \$3,000,000 shall be expended for the purpose of making grants to eligible volunteer ambulance services [pursuant to Chapter 5 of the Volunteer Fire Company and Volunteer Ambulance Service Grant Act] under 35 Pa.C.S. Ch. 78 Subch. C (relating to volunteer ambulance service grant program).

(b) (Reserved).

(c) Performance audit.—Notwithstanding section 408, a performance audit of the Pennsylvania Gaming Control Board commenced in 2007 by the Auditor General shall be paid for from funds appropriated to the Auditor General.

(d) Utilization.—The board shall not encumber or commit funds obtained from any source, including a commercial loan or the sale of gaming receipts, unless appropriated by the General Assembly.

(e) Assessments for property tax relief.—Notwithstanding subsection (g) or any other provision of law to the contrary, if the Secretary of the Budget authorizes a transfer from the Property Tax Relief Reserve Fund and determines that the moneys in the fund are insufficient to support the transfer, the Secretary of the Budget shall notify the Pennsylvania Gaming Control Board and, upon notification, the board shall immediately assess each slot machine licensee for the repayment [of the loans authorized] of the insufficiency in an amount that is proportional to each slot machine licensee's gross terminal revenue. The amount shall be deducted from amounts owed under sections 1720-G, 1720-I and 1720-K in an amount that is proportional to each slot machine licensee's gross terminal revenue.

(f) Appropriations solely from assessments.—Beginning in fiscal year 2010-2011 and each fiscal year thereafter, all funds for the operation of the Pennsylvania State Police, the Department of Revenue and the Attorney General shall be appropriated solely from an assessment on gross terminal revenue from accounts under 4 Pa.C.S. § 1401 (relating to slot machine licensee deposits) in an amount equal to that appropriated by the General Assembly for that fiscal year. The Pennsylvania State Police, Department of Revenue or Attorney General shall not assess any charge, fee, cost of operations or other payment from a licensed gaming entity in excess of amounts appropriated in any such fiscal year unless specifically authorized by law.

(g) Establishment of repayment schedule.—No later than June 30, 2011, the Pennsylvania Gaming Control Board, in consultation with all licensed gaming entities, shall establish a schedule governing the repayment by licensed gaming entities of loans provided to the Pennsylvania Gaming Control Board under sections 1720-G, 1720-I and 1720-K. The following shall apply:

(1) Repayment of loans provided to the Pennsylvania Gaming Control Board pursuant to sections 1720-G, 1720-I and 1720-K by licensed gaming entities shall begin [at such time as at least 11 slot machine licenses have been issued and 11 licensed gaming entities have commenced operation of slot machines] January 1, 2012.

(2) The Pennsylvania Gaming Control Board shall establish a repayment schedule that, at a minimum:

(i) Sets forth the dates upon which the repayments shall be due. Payments may be required on a quarterly, semiannual or annual basis.

(ii) Assesses to each slot machine licensee costs for repayment of loans from the Property Tax Relief Reserve Fund made under sections 1720-G, 1720-I and 1720-K in an amount that is proportional to each slot machine licensee's gross terminal revenue.

(iii) Results in full repayment of amounts loaned pursuant to sections 1720-G, 1720-I and 1720-K not earlier than five years nor later than ten years following commencement of the loan repayments by the slot machine licensee.

Section 11. Section 1722-L(a)(11) of the act, added July 6, 2010 (P.L.279, No.46), is amended to read:

Section 1722-L. Department of Education.

(a) General rule.—The following shall apply to appropriations for the Department of Education in the General Appropriation Act for the fiscal year beginning July 1, 2010:

(11) Notwithstanding the provisions of 24 Pa.C.S. § 8329(a) (relating to payments on account of social security deductions from appropriations) when calculating payments by the Commonwealth under 24 Pa.C.S. § 8329, the Department of Education shall treat wages paid out of the ARRA State Stabilization Fund or out of ARRA funds appropriated for Individual with Disabilities Education (Part B - Preschool -Age 3-5) out of the Education Jobs Fund Grant as covered wages which are not federally funded.

Section 12. The act is amended by adding an article to read:

ARTICLE XVII-O

AUDITS

Section 1701-O. Audits of Race Horse Development Funds.

The following shall apply:

(1) By December 31, 2011, and each December 31 thereafter, the Department of Agriculture, in conjunction with the Office of the Budget, shall conduct a financial audit of all funds distributed under 4 Pa.C.S. § 1406(a) (relating to distributions from Pennsylvania Race Horse Development Fund) for the prior fiscal year. The audit shall include recommendations for changes relating to the maintenance, use or administration of these funds.

(2) The audits and audited financial statements required

under this section and 4 Pa.C.S. § 1406(e) for fiscal years ending prior to June 30, 2011, shall be open for public inspection and provided, within 60 days of the effective date of this section, to the persons listed in paragraph (5).

(3) The following apply:

(i) Notwithstanding 4 Pa.C.S. § 1406(e), each horsemen's organization shall, within 90 days after the end of the organization's fiscal year, prepare annual financial statements in accordance with generally accepted accounting principles for the horsemen's organization and all of its affiliates.

(ii) The financial statements required under subparagraph (i) shall be prepared beginning in the horsemen's organization fiscal year ending prior to June 30, 2011, and for each fiscal year thereafter.

(iii) The financial statements required under subparagraph (i) shall include additional information as necessary to reconcile the information in the financial statement to the amounts received by the horsemen's organization during the same fiscal year.

(4) The department may engage independent certified public accountants to conduct the audit under paragraph (1) and to audit the annual financial statements and accompanying information filed under paragraph (3) for each fiscal year. The department shall provide copies of each audit to the persons listed in paragraph (5)(ii), (iii), (iv) and (v).

(5) The horsemen's organization shall provide all financial statements, reports and additional information required under paragraph (3) to all of the following within 90 days of the end of the organization's fiscal year:

(i) The department.

(ii) The chairman and minority chairman of the Community, Economic and Recreational Development Committee of the Senate and the chairman and minority chairman of the Gaming Oversight Committee of the House of Representatives.

(iii) The chairman and minority chairman of the Agriculture and Rural Affairs Committee of the Senate and the chairman and minority chairmen of the Agriculture and Rural Affairs Committee of the House of Representatives.

(iv) The Pennsylvania Gaming Control Board.

(v) The State Horse Racing Commission and the State Harness Racing Commission.

(6) All distributions under 4 Pa.C.S. § 1406 shall be suspended for any horsemen's organization that the department certifies is out of compliance with the requirements of this section.

(7) Each horsemen's organization shall cooperate fully with all audits under this section and shall reimburse the department for all fees and costs to administer this section.

(8) For the purposes of this section, the term "horsemen's organization" shall have the same meaning as defined under 4 Pa.C.S. § 1103 (relating to definitions).

Section 13. Repeals are as follows:

(1) Section 217 of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, is repealed insofar as it is inconsistent with the addition of section 202.2 of the act.

(2) The General Assembly declares that the repeal under paragraph (4)(i) is necessary to effectuate the amendment of section 1738-E of the act.

(3) The General Assembly declares that the repeals under paragraph (4)(ii) and (iii) are necessary to effectuate the addition of section 1798-E of the act.

(4) The following acts and parts of acts are repealed:

(i) The act of August 31, 1971 (P.L.423, No.101), known as the Higher Education Equal

Opportunity Act.

(ii) Section 712(m) of the act of March 20, 2002 (P.L.154, No.13), known as the Medical Care Availability and Reduction of Error (Mcare) Act.

(iii) The provisions of 75 Pa.C.S. § 6506(b).

Amend Bill, page 3, line 17, by striking out all of said line and inserting

Section 14. The following shall apply:

(1) The reenactment or amendment of Article XVII-A Amend Bill, page 3, by inserting between lines 19 and 20

(2) The amendment of section 1722-L of the act shall apply retroactively to July 1, 2010.

Amend Bill, page 3, line 20, by striking out "5" and inserting 15

On the question,

Will the House agree to the amendment?

The SPEAKER. On that question, the Speaker recognizes the gentleman from Delaware County, Mr. Adolph.

Mr. ADOLPH. Thank you, Mr. Speaker.

Mr. Speaker, amendment A04388 amends SB 907. It revises the sales tax semimonthly payment schedule. It also creates a restricted account within the Ag College Land Scrip Fund. It makes technical changes to Act 50 of 2009 related to neighborhood improvement zones. It further provides for the financially distressed municipalities. It provides for Keystone Special Development Zones. It makes necessary tax credit program changes as called for in the budget, aligns the Budget Stabilization Reserve Fund provisions with the ARRA requirements. It outlines provisions necessary to accurately direct General Fund dollars. It allows the Health Care Cost Containment Council to retain all proceeds from the sale of data. It also provides for the funding to the tobacco settlement programs and assigns a portion for health-related purposes. It makes the use of purchase cards permanent, authorizes the Budget Office to participate in the Federal vendor payment offset program. It also withholds funds from the Auditor General if the annual audit of federally funded programs is not timely filed. It transfers \$15 million from PENNVEST to the Pennsylvania Gaming Economic Development and Tourism Fund as a loan. It also transfers the disadvantaged student grant program from Education to PHEAA. It also permanently redirects moving violation surcharges from the Auto CAT Fund to the General Fund. It also makes changes in the State Gaming Fund relating to the repayment of the loans. And finally, Mr. Speaker, it requires additional financial statements and audits of the gaming funds received by the horsemen's organizations.

I ask the members to please support amendment A04388. Thank you for your support.

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

On that question, the Speaker recognizes the minority leader, Mr. Dermody.

Mr. DERMODY. Thank you, Mr. Speaker.

Mr. Speaker, while this amendment helps some Pennsylvanians, it effectively implements a very bad budget bill that does hurt most Pennsylvanians, and I ask all members to vote against it.

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

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

Mr. MUSTIO. Thank you, Mr. Speaker.

If I could interrogate the maker of the amendment?

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

Mr. MUSTIO. Thank you, Mr. Speaker.

In the explanation of the amendment, I heard you mention something about the revision of the sales tax reporting. In my legislative district, I know there had been some concerns recently over the change that was made within the past year or so, I believe, and I think there was some legislation that was introduced in the House and also by Senator Brown in the Senate to address that going back to the prior way the system was handled. Is that what this amendment is addressing?

Mr. ADOLPH. That is correct. Act 48 of 2009 provided for semimonthly payments beginning in June of 2011. This amendment implements the Department of Revenue's revised policy relating to the sales tax filing frequency. The amendment eliminates semimonthly payments and requires an advanced payment of 50 percent of the preceding calendar year's liability to be paid in one payment by the 20th of the following month.

Mr. MUSTIO. Thank you, Mr. Speaker.

Mr. ADOLPH. Thank you.

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

Those in favor of the amendment will the vote "aye"; those opposed "nay." The members will proceed— Mr.

MARKOSEK. Mr. Speaker?

The SPEAKER. Excuse me.

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

On that question, the Speaker recognizes the gentleman, the minority Appropriations chairman, Mr. Markosek.

Mr. MARKOSEK. Thank you, Mr. Speaker.

Just a brief interrogation of the maker of the amendment, please?

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

Mr. MARKOSEK. Mr. Speaker, I note that no amount of the surplus of the General Assembly – or the General Fund; excuse me – for the fiscal year '10-'11 may be deposited in the Rainy Day Fund. Would the maker of the amendment explain where the nearly \$700 million in surplus is going to go?

Mr. ADOLPH. Thank you, Mr. Speaker.

Mr. Speaker, this amendment provides that no amount of the fiscal year 2010-2011 may be transferred into the Rainy Day Fund. It is my recollection, because there is still some ARRA money involved, that there is no Rainy Day Fund that can be set up at this time. However, we have had this debate and I am sure we are going to have debate the next several days regarding the revenues over expenses. The money will be kept. And as the gentleman knows, we have some outstanding liabilities facing this Commonwealth. This money will be used to pay some of the debt as well as some of the outstanding liabilities facing us.

Mr. MARKOSEK. Mr. Speaker, thank you.

That really does not answer the question of what we do with the \$700 million if it— For whatever the purpose is, it has to be appropriated; as far as we know, it has not. It seems like it is just hanging out there somewhere. It is \$700 million that we

know it is; I think as of today, my staff tells me it was \$611 million. We have a couple of days left. We have an expectation of about \$80 million to come in before the end of the fiscal year, so that puts us at about \$700 million that I think all of the members in the General Assembly here would like to have an answer as to how that will be appropriated, where it is, what line items it may or may not be in, and what is happening with that. Thank you.

Mr. ADOLPH. It is my understanding, Mr. Speaker, that only the Budget Secretary is going to certify the revenue, and until he certifies the amount of revenue, we do not know exactly how much money we will have left over.

Mr. MARKOSEK. Well, that is really— Yeah, it is really— We know the Budget Secretary has to do that. We get that part. There is \$700 million laying on the table and I do not think we are getting, really, very good answers as to where that money is going, whether it is certified today or tomorrow or the next day. We know for a fact that we have got about \$611 million in the hopper already, with another \$80 million still to come in before the end of the month. That is a lot of extra money. So to our knowledge, and with the printouts that we have, we are trying to locate where that money is accounted for.

Mr. ADOLPH. Mr. Speaker, first of all, I have explained many times regarding the liabilities facing the Commonwealth. The gentleman will not accept the liabilities that are facing this Commonwealth of Pennsylvania. Without accepting that and reading the Commonwealth Court decision that we owe over \$700 million to the Mcare (Medical Care Availability and Reduction of Error) Fund, \$4 billion to the Pennsylvania Unemployment Fund that we owe the Feds, so forth and so on, actually our outstanding liabilities are over \$50 billion. We do not have \$700 million with nothing to spend it on. We have to pay our liabilities. The gentleman does not understand our balance sheet. We do have cash in the bank, but we have outstanding liabilities that we have to set this money aside to address. Later on, if this money, if these liabilities are not out there, which they are out there, but if we do have to pay them, if we went ahead and spent this \$700 million and did not have a balanced budget, we then would have to go back, for example, some of these universities that we just funded, we would have to go back and take money away from them unless we do an added supplemental appropriation.

Mr. MARKOSEK. Mr. Speaker, we do not necessarily disagree that we have some of these liabilities and debts out there. Our question, and I have not really had a good answer, is where is the appropriation? If we are taking care of one of those so-called liabilities or debts, should we not have that appropriated to be going for that particular liability? That is not there. It seems that your amendment and the printouts that we have had so far have ignored this, what I would call the 700,000,000-pound gorilla sitting at the table. It is there. It is there. We all know it is there. I mean, we are not fooling anybody. Even the public knows it is there. And I think it is only fair that those of us in the legislature that are going to have to vote on this understand where that money is going, how it is accounted for, where it is in the budget, and how it is going to be spent. If you say that there is a good reason or there are good reasons to spend it on certain programs, I certainly would like to be involved with those negotiations and where and what programs those are, but at least tell us where that money is so that we can see where it is actually going.

Mr. ADOLPH. One more time, Mr. Speaker: Everyone in this House knows that that money is in the General Appropriations Fund. Until the Secretary of the Budget certifies the balance sheet, and he does not do that until he signs the budget, that is when we will know where the money will be headed. Until that time, this is the way the budget process moves on. We will know that once the Budget Secretary certifies the amount of cash available and not until that time. If the gentleman wants to wait and delay the budget process once again— We need to move this bill in order to get the general appropriations budget in line and on time for the first time in 8 years.

Mr. MARKOSEK. Thank you, Mr. Speaker.

Mr. Speaker, that ends my interrogation. I would like to speak on the amendment.

The SPEAKER. The gentleman is in order on the bill – on the amendment; excuse me.

Mr. MARKOSEK. Thank you, Mr. Speaker.

Mr. Speaker, I really do not have a whole lot more to say. I think we have said it many, many times. There is, you can use whatever number you like, but it is a minimum of \$700 million. We can get into some of the other minutia about how it really can translate into twice that could be used towards the General Fund budget starting this coming Friday, but even if you do not want to get into that argument, we know that there is roughly \$700 million there. It is unaccounted for; \$700 million unaccounted for. And even if we accept the premise that my friend, the gentleman, the maker of the amendment has pointed out, even if we accept that premise that we have other debts, let us allocate the money to pay for those debts then. If you are admitting that you have not, and we all know you have the money, then should we not be allocating that money for those debts at this time? Otherwise, it is sitting out there in limbo. It is \$700 million that we do not know where it is. I think the people of Pennsylvania – not us, not just the Democratic Party here or the Republican Party – the people of Pennsylvania; it is their money. We always hear that it is their money. Where is their money? We do not know. Where is the money? Where is the people's money? That is the issue here. And, Mr. Speaker, I would urge all members, until we get some better answers to these questions, I would urge all members to vote "no" on this particular amendment. Thank you.

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

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

Mr. BARBIN. Thank you, Mr. Speaker.

I have one question for Chairman Adolph.

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

Mr. BARBIN. Thank you, Mr. Speaker.

Mr. Speaker, does this new language of this bill require charter or cyber schools to cut costs like traditional public schools or transfer the \$108 million of unreserved, undesignated funds for the benefit of the Commonwealth during this hour of need?

Mr. ADOLPH. Thank you, Mr. Speaker.

There is no language in this amendment that talks about charter schools.

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

Mr. ADOLPH. You are welcome.

Mr. BARBIN. Mr. Speaker, on the bill, or on the amendment?

The SPEAKER. The gentleman may proceed on the amendment.

REMARKS AND REPORT SUBMITTED FOR THE RECORD

Mr. BARBIN. Mr. Speaker, in the interest of time, I will submit the remainder of my remarks for the record. I will be voting "no" on this amendment.

The SPEAKER. The Speaker thanks the gentleman.

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

Mr. Speaker, the budget cuts proposed for public education exceed \$1 billion. Spending on charter schools exceeds \$900 million. Under Pennsylvania law, charter and cyber schools are public schools; however, they are not required to make any cuts while this budget has imposed huge burdens on traditional public schools to cut costs by as much as 15 to 20 percent. No such reduction was required of charter and cyber schools despite the fact that a recent RAND study of PA cyber schools found that nearly two-thirds of them would be categorized as failing schools. If the taxpayers of this Commonwealth are to be protected from excess spending, all public schools should bear the same burden.

In September 2010 the Auditor General, Jack Wagner, issued a special report on charter and cyber school funding mechanisms and after audit recommended a moratorium on any additional charters being granted until the funding problems were fixed. Auditor General Wagner recommended that the legislature amend school law to require charter schools to perform a year-end reconciliation of tuition payments against actual student cost. He also suggested that if such a recommendation were followed, the need for reimbursed subsidies would be reduced or eliminated and recommended that law be changed so that charter schools cannot continue to retain \$108 million in unreserved and undesignated funds.

As we struggle to ensure the right of every Pennsylvania child to receive a quality education, the continuing failure to address weaknesses in nonperforming charter and cyber charter schools, while mandating 15- to 20-percent cuts to traditional public schools, makes no sense and continues government expenditures at unsustainable levels. If we are to protect the taxpayers, all must pay something and all should share in cuts. If 15-percent cuts were made to the \$900 million appropriated for nonprofit public schools, sufficient funds would be freed to restore full-day kindergarten. By continuing to cast a blind eye to charter schools and not require them to account for their costs is arbitrary, capricious, and in opposition to the public good.

I urge all members of this Assembly to support this language which would require charter and cyber charter schools to be held to the same standards as traditional public schools in providing the greatest good to the greatest number of the Commonwealth's greatest asset.

Mr. Speaker, I will submit the remainder of my remarks for the record which include the special report from Auditor General Jack Wagner, "The Commonwealth Should Revise Its Charter and Cyber Charter School Funding Mechanisms."

Thank you, Mr. Speaker.

(For report, see Appendix.)

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

On that question, the Speaker recognizes the gentleman from Northampton County, Mr. Samuelson.

Mr. SAMUELSON. Thank you, Mr. Speaker.

I have interrogation for the chair of the Appropriations Committee.

The SPEAKER. The Speaker apologizes. Would the gentleman repeat?

Mr. SAMUELSON. I would like to interrogate the chair of the Appropriations Committee.

The SPEAKER. The Speaker apologizes again to the gentleman. The gentleman, Mr. Adolph, indicates he will stand for interrogation. You may proceed.

Mr. SAMUELSON. My follow-up question is on the surplus, the revenues over expenses. As of the end of May, it was \$540 million; now estimates are about \$700 million. This amendment we are voting on right now— Now, we have only had a few minutes to look at it. We had an Appropriations meeting about half an hour ago, and half an hour ago there was no amendment; now there is a 36-page amendment. So we are trying our best to digest the 36-page amendment. Page 15, line 17, has a very interesting statement. It says, "No amount of the surplus in the General Fund for fiscal year 2010-2011 may be deposited into the Budget Stabilization Reserve Fund." If I am reading that correctly, this amendment prohibits the surplus from being deposited into the Rainy Day Fund. Is that correct?

Mr. ADOLPH. That is correct.

Mr. SAMUELSON. Okay; next question. When we debated the budget a month ago, there were several members on this side of the aisle who talked about that surplus and argued that some of that surplus should be used to lessen the impact of the education cuts. At that time we were told, this is not a General Fund surplus. It cannot be used in the General Fund; it should be saved in the Rainy Day Fund. So my question is, if the money is not in the General Fund and not in the Rainy Day Fund, where is the money? "Show me the money," as Cuba Gooding, Jr., would say. Where is the money if it is not in the General Fund or the Rainy Day Fund?

Mr. ADOLPH. Mr. Speaker, until the Budget Secretary certifies the revenue, we will not know the exact amount of cash available.

Mr. SAMUELSON. Thank you.

I know we will not know the exact amount, but should not this legislature give some direction to where that money should be applied? Should it go to the General Fund? Should it go to the Rainy Day Fund? Should it go to lessen the impact of these severe education cuts? Should we not give the leadership and not leave it totally up to the Budget Secretary?

Mr. ADOLPH. Mr. Speaker, number one, it cannot go into the Rainy Day Fund. Number two, number two, that is not done in the Fiscal Code bill; that is done in the general appropriations bill.

Mr. SAMUELSON. My last question, does this 36-page amendment put the surplus money in some third account that we do not know about, another place? Where is the surplus if this amendment would pass?

Mr. ADOLPH. This amendment does not address the money that you are talking about.

Mr. SAMUELSON. Thank you, Mr. Speaker.

That ends my interrogation. I would like to speak on the amendment.

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

Mr. SAMUELSON. The challenge of passing an amendment like this on very short notice is it appears that this amendment addresses Keystone Development Zones, film tax credits, Rainy Day Fund, regional partnerships, Department of Education, Department of Public Welfare, Tobacco Settlement, another aspect of the Tobacco Settlement, health venture accounts, PHEAA, Race Horse Development Fund – many different topics. It is 36 pages long; very hard to analyze exactly what the impact is. We have a bill, I think it is a two-page bill, with a 36-page amendment making several significant changes, and it is very difficult for us here on the House floor without the time to analyze this to understand exactly what the implications of the gentleman's proposal are. The one we have been talking about is a significant issue. People all across Pennsylvania have been talking about the deep cuts in this proposed budget that the Republican side is putting forward. Yet on the other hand, there is a surplus of perhaps \$700 million. And here as we are voting today, we do not know where that money is going. We are told that it cannot be spent in the General Fund. We read on page 15 of this amendment that it is not going to the Rainy Day Fund. And so we really do not know where the proposal suggests that the money goes.

In my experience with the 12 previous budgets that I have been here to vote on, the legislature sets the direction of the fiscal policy. The legislature passes the budget. The legislature does not leave it to a Budget Secretary to make a determination after the budget bill and the Fiscal Code pass. I think there are a lot of questions with this amendment, a \$700 million question with this amendment that I do not think anyone on this House floor knows the answer to. I would be very concerned if we are setting up a new fund that we do not know about. I am very concerned if we are told that the money cannot be spent in the General Fund when we have all these priorities that are not being addressed in the budget bill.

So I think all of these questions lead to some extreme caution as we are looking at a 36-page amendment for the first time. And until those questions can be answered, including the significant question of what is proposed to happen to the State surplus – a \$700 million question – I think we should vote "no" on this amendment. Thank you, Mr. Speaker.

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

Is the gentleman, Mr. Adolph, seeking recognition?

Mr. ADOLPH. Thank you, Mr. Speaker.

I only have a few brief comments left because I have an awful lot of respect for the gentleman from Lehigh, and I know he is one of the members in this legislature that reads every line to every bill that comes out of here, and he may have missed that this amendment has been online for over 24 hours. I think if he was aware of that, he would have done it, because the man is very, very detailed. The last comment is that only the Budget Secretary of the Commonwealth of Pennsylvania can certify these revenues. It is the job of the General Assembly to estimate these revenues, and they do not become certified until the Budget Secretary signs the budget.

Thank you, and I ask for an affirmative vote on this amendment. Thank you.

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

The following roll call was recorded:

YEAS—108

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

NAYS—90

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

NOT VOTING—0

EXCUSED—5

Brennan	Godshall	Hess	Sabatina
Cutler			

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

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

The SPEAKER. The bill will be reprinted as amended.

SUPPLEMENTAL CALENDAR A

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 247, PN 1752**, entitled:

An Act amending the act of December 4, 1996 (P.L.911, No.147), known as the Telemarketer Registration Act, further providing for definitions.

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

(Bill analysis was read.)

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—198

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

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

NAYS-0

NOT VOTING-0

EXCUSED-5

Brennan	Godshall	Hess	Sabatina
Cutler			

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

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

STATEMENT BY MR. GROVE

The SPEAKER. Does the gentleman from York, Mr. Grove, seek recognition under unanimous consent relative to the legislation that just passed?

Mr. GROVE. I am, Mr. Speaker.

The SPEAKER. The gentleman may proceed.

Mr. GROVE. Thank you, Mr. Speaker.

I just wanted to thank my colleagues for a unanimous vote of HB 247, which will help protect consumers from unwanted text messages.

Thank you, Mr. Speaker.

* * *

The House proceeded to third consideration of **HB 1691, PN 2182**, entitled:

An Act amending the act of July 28, 1988 (P.L.556, No.101), known as the Municipal Waste Planning, Recycling and Waste Reduction Act, in general provisions, defining "yard waste," and in grants, further providing for general limitations.

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?

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

Mr. VITALI. Thank you, Mr. Speaker.

I rise in opposition to the Godshall bill. Mr. Speaker, the Recycling Act, Act 101, which was passed about 20 years ago, had the intent of prohibiting the burning of leaves because the favored environmental method of disposing of leaves was composting. There are many good environmental advantages to composting, and the burning of leaves causes an increase in particulate matter and other air pollution-related problems, along with an increased incidence of the release of CO2, a greenhouse gas. It is my understanding that the Godshall bill is meant to address a problem in Montgomery County that he and the lady approaching the mike also are involved with with a given municipality. So to some degree, this is a bill designed at addressing the problem that I know three Reps in one municipality address.

Mr. Speaker, I know that the Department of Environmental Protection does not – although they have not had an official position on this, I know that over the years they have not been of the same mind as Representative Godshall on this issue. I think the feeling expressed by the department has been that if you want our money for recycling equipment, we do not want that equipment used to indirectly or directly facilitate the burning of leaves. We want those leaves composted.

So I would ask, Mr. Speaker, for a negative vote on this bill. I believe that is the correct position from an environmental perspective. Thank you.

The SPEAKER. The question is, shall the bill pass finally?

On that question, the Speaker recognizes the lady from Montgomery County, Ms. Harper.

Ms. HARPER. Thank you, Mr. Speaker.

Representative Godshall is on excused absence due to illness, and he asked me to convey to the members that he is sponsoring this bill as a small correction to an amendment that passed this House by a vote of 179 to 17 in 2002. At that time the Godshall amendment permitted communities to receive performance-based grants. These are grants they earned by recycling a certain tonnage of recyclable materials, but they were not getting them because they allowed the limited burning of yard waste. That amendment was passed in 2002, after then Secretary David Hess visited Representative Godshall's district and gave him the language that would accomplish the aim. This House passed that by a huge margin, and it also passed the Senate and became law. The communities received their recycling grants for several years.

Recently DEP has taken the position that the Godshall amendment is unclear and ambiguous, and they do not understand that it means that a community can still earn a performance-based recycling grant based on the tonnage that they recycle if they allow limited burning of yard waste. So Representative Godshall, along with myself and Representative Matt Bradford, has cosponsored a bill making the language

clearer that the limited burning of yard waste would not disqualify a community that has otherwise earned a performance-based recycling grant for recycling tonnages of recycled materials.

It is a very simple little bill. It does not change the law in any measurable respect but makes it easier for DEP to understand what the previously passed Godshall amendment means.

Thank you, Mr. Speaker. I would urge my colleagues to just give a speedy "yes" vote on this bill. It is not controversial at all.

The SPEAKER. The question is, shall the bill pass finally?

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

Mr. PERRY. Thank you, Mr. Speaker.

I rise in support of the Godshall bill and want to echo the comments of the gentelady that just spoke. The DEP has decided that it knows best what is good for Pennsylvania and is disregarding the intent and the will of this legislature. In simple layman's terms, it has decided that leaves are not yard waste and so you cannot burn them. I would suggest that if you are under Act 101 in your community, the ability to limitedly burn, in a limited fashion burn yard waste including leaves should be accepted. It is in the law. The law, Act 101, was superseded by a majority vote of this body in 2002, and the Department of Environmental Protection has decided it knows best and it is just going to disregard the will of this body. And this legislation seeks to address that and make it very clear that if you have some leaves in your yard that you would like to burn, that it would be okay to do that, and I urge your support of this bill. Thank you, Mr. Speaker.

**THE SPEAKER PRO TEMPORE
(JOHN MAHER) PRESIDING**

On the question recurring,
Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—183

Adolph	Evankovich	Kortz	Quinn
Aument	Evans, D.	Kotik	Rapp
Baker	Evans, J.	Krieger	Ravenstahl
Barbin	Everett	Kula	Readshaw
Barrar	Fabrizio	Lawrence	Reed
Bear	Farry	Longietti	Reese
Benninghoff	Fleck	Maher	Reichley
Bishop	Frankel	Major	Roae
Bloom	Freeman	Maloney	Rock
Boback	Gabler	Mann	Ross
Boyd	Galloway	Markosek	Saccone
Bradford	Geist	Marshall	Sainato
Brooks	George	Marsico	Samuelson
Brown, R.	Gerber	Masser	Santarsiero
Brown, V.	Gergely	Matzie	Saylor
Brownlee	Gibbons	McGeehan	Scavello
Burns	Gillen	Metcalfe	Schroder
Buxton	Gillespie	Metzgar	Shapiro
Carroll	Gingrich	Miccarelli	Simmons
Causar	Goodman	Micozzie	Smith, K.
Christiana	Grell	Millard	Smith, M.
Clymer	Grove	Miller	Sonney
Cohen	Hackett	Milne	Staback

Conklin	Hahn	Mirabito	Stephens
Costa, D.	Haluska	Moul	Stern
Costa, P.	Hanna	Mullery	Stevenson
Cox	Harhai	Mundy	Swanger
Creighton	Harhart	Murphy	Tallman
Cruz	Harper	Murt	Taylor
Culver	Harris	Mustio	Tobash
Daley	Heffley	Myers	Toepel
Davidson	Helm	Neuman	Toohil
Davis	Hennessey	O'Brien, D.	Truitt
Day	Hickernell	O'Neill	Turzai
Deasy	Hornaman	Oberlander	Vereb
DeLissio	Hutchinson	Parker	Vulakovich
DeLozier	Johnson	Pashinski	Wagner
DeLuca	Kampf	Payne	Waters
Denlinger	Kauffman	Peifer	Watson
DePasquale	Kavulich	Perry	Wheatley
Dermody	Keller, F.	Petrarca	White
DeWeese	Keller, M.K.	Petri	Williams
DiGirolamo	Keller, W.	Pickett	Youngblood
Donatucci	Killion	Preston	
Dunbar	Kirkland	Pyle	Smith, S., Speaker
Ellis	Knowles	Quigley	
Emrick			

NAYS—15

Boyle, B.	Curry	O'Brien, M.	Sturla
Boyle, K.	Harkins	Payton	Thomas
Briggs	Josephs	Roebuck	Vitali
Caltagirone	Mahoney	Santoni	

NOT VOTING—0

EXCUSED—5

Brennan	Godshall	Hess	Sabatina
Cutler			

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

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

* * *

The House proceeded to third consideration of **HB 816, PN 1853**, entitled:

An Act amending the act of July 9, 1987 (P.L.220, No.39), known as the Social Workers, Marriage and Family Therapists and Professional Counselors Act, further providing for qualifications for license.

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

(Bill analysis was read.)

The SPEAKER pro tempore. 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—196

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

NAYS—2

Ellis	O'Brien, D.
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NOT VOTING—0

EXCUSED—5

Brennan	Godshall	Hess	Sabatina
Cutler			

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

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

* * *

The House proceeded to third consideration of **HB 651, PN 651**, entitled:

An Act to promote the general welfare and stimulate the economy of the Commonwealth by requiring that all government agencies purchase only flags manufactured in the United States; and imposing a penalty.

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

(Bill analysis was read.)

The SPEAKER pro tempore. 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?

On that question, the Chair recognizes the gentleman, Mr. Clymer.

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, I want to thank the chairman of the State Government Committee for running this bill through and giving me the opportunity to speak on it in the full House.

The current policy of General Services is to make certain that all United States flags and Pennsylvania flags that are purchased by the Commonwealth of Pennsylvania for whatever agency or organization are U.S.A. made, but, you know, we are in these difficult economic times and we do not want ever to have a flag purchased by this Commonwealth to have a foreign label on it. That label, "U.S.A.," must always be on that flag. We are proud of that symbol and that label in particular. And this will help the textile industry as well, because the two manufacturers, one in New Jersey and one here in Pennsylvania, make thousands of flags in a 2-year session; that is the U.S. flag and the Pennsylvania flag.

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

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,
Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—198

Adolph	Ellis	Kortz	Rapp
Aument	Emrick	Kotik	Ravenstahl
Baker	Evankovich	Krieger	Readshaw
Barbin	Evans, D.	Kula	Reed
Barrar	Evans, J.	Lawrence	Reese
Bear	Everett	Longiatti	Reichley
Benninghoff	Fabrizio	Maher	Roae
Bishop	Farry	Mahoney	Rock
Bloom	Fleck	Major	Roebuck
Boback	Frankel	Maloney	Ross
Boyd	Freeman	Mann	Saccone

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

NAYS-0

NOT VOTING-0

EXCUSED-5

Brennan	Godshall	Hess	Sabatina
Cutler			

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

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

* * *

The House proceeded to third consideration of **SB 263, PN 240**, entitled:

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

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

(Bill analysis was read.)

The SPEAKER pro tempore. 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?

On the question of final passage, the Chair recognizes the gentledady from Philadelphia, Ms. Josephs.

Ms. JOSEPHS. Thank you, Mr. Speaker.

This is a bill that I have never been adamantly opposed to on the substance of the matter, but I want to talk about the procedure, the committee procedure that brought it to the House, because people are very often – and I am not the first person to have said that – against the bill simply because the procedure in their mind has been very flawed, and I think that this is a situation like that.

This bill was talked about in committee and before we could get any discussion going—

The SPEAKER pro tempore. Would the lady please suspend.
Ms. JOSEPHS. Certainly.

POINT OF ORDER

The SPEAKER pro tempore. For what purpose does the gentleman from Butler, Mr. Metcalfe, rise?

Mr. METCALFE. Thank you, Mr. Speaker.

Just final passage on a bill. I generally thought we were past the committee procedures and we are actually on final passage.

The SPEAKER pro tempore. Mr. Metcalfe, can you state the reason you are seeking recognition?

Mr. METCALFE. To request from the Speaker to ask the gentledady to speak on the final passage of the bill rather than the committee processes, as her interpretation may be.

The SPEAKER pro tempore. The Chair thanks the gentleman for his point of order and would encourage that the debate stay focused on the question of final passage.

Ms. Josephs, you may continue.

Ms. JOSEPHS. Thank you, Mr. Speaker.

As I said – I think you were momentarily diverted – people sometimes have objections or they are supporting a bill because of the substance, sometimes they have objections, and I have heard these arguments on the floor, and I think they go to final passage; otherwise, I certainly would not bring them forward.

Sometimes people have an objection to the procedure, the procedure that went on in committee where the question was called. The question was called. This is really, really unprecedented. I have never been in a committee meeting where the question was called. As a matter of fact, the esteemed majority leader said that he wanted most of the work of the House done in the committee, which I cited during the discussion, which really turned into an argument when the question was called. I think this is really, really undemocratic. What happened to transparency and reform? What happened to transparency and reform when we were not allowed to discuss in the committee any kind of committee work because the committee – it was according to the rules. I am not saying it was against the rules. I am saying it was just wrong for policy. It is embarrassing for us as a House to be dealing with a bill that was not discussed in committee because the majority party called the question. Questions can be called in committee, but they should not be called in committee. That is what the majority leader said. And it was particularly very inappropriate because in the

same committee meeting, we worked on a sunshine bill that passed out I believe—

The SPEAKER pro tempore. Ms. Josephs, I would ask that you remember we are speaking about final passage of SB 263. Thank you.

Ms. JOSEPHS. Thank you.

I am admonished and you are correct, Mr. Speaker.

I just think that this should be a "no" based on a very bad procedure. I think that that is as important as the substance. We have not really vetted the bill as we should, and I thank you for allowing me to say that, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentelady and recognizes, on the question of final passage, the gentleman from Delaware, Mr. Vitali.

Mr. VITALI. Thank you, Mr. Speaker.

I stand in opposition of SB 263. I just want to make several points about some of the dangers that this bill will pose should it be enacted. Mr. Speaker, I will use the words of PennEnvironment, quote, "SB 263 will hinder the development of much-needed regulations to protect our environment and public health in the Commonwealth." They oppose. This is PennFuture: "While the legislation may be well-intentioned, we believe it will hinder the development of necessary regulations to protect the environment and public health." The Citizens Advisory Council to the Department of Environmental Protection opposes. It talks about the potential abuse. It talks about "The criteria in the bill are vague at best and could be subject to misinterpretation and potential abuse by those who may oppose a regulation for any reason." Also opposed by Clean Water Action, quote, "This legislation was proposed in part due to the complaint by certain industries that recent environmental rulemakings, such as the wastewater treatment standards on oil and gas discharges...."

Mr. Speaker, this bill has more than procedural problems. This bill is promoted by those who would do danger to the environment. This bill would put at risk promulgating regulations to protect stream buffers; it would put at risk regulations that would designate exceptional value streams; it would put at risk regulations, such as we have just passed, to protect wastewater discharge. Mr. Speaker, this legislation would weaken the ability to promulgate regulations by various agencies that would protect the health and safety of our citizens, and I would ask for a "no" vote.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,
Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—153

Adolph	Evans, J.	Krieger	Quinn
Aument	Everett	Kula	Rapp
Baker	Fabrizio	Lawrence	Ravenstahl
Barbin	Farry	Longietti	Readshaw
Barrar	Fleck	Maher	Reed
Bear	Gabler	Mahoney	Reese
Benninghoff	Galloway	Major	Reichley
Bloom	Geist	Maloney	Roae
Boback	George	Markosek	Rock

Boyd	Gerber	Marshall	Ross
Brooks	Gergely	Marsico	Saccone
Brown, R.	Gibbons	Masser	Sainato
Burns	Gillen	Matzie	Saylor
Buxton	Gillespie	Metcalfe	Scavello
Caltagirone	Gingrich	Metzgar	Schroder
Carroll	Goodman	Miccarelli	Shapiro
Causer	Grell	Micozzie	Simmons
Christiana	Grove	Millard	Smith, K.
Clymer	Hackett	Miller	Smith, M.
Conklin	Hahn	Milne	Sonney
Costa, D.	Harhai	Mirabito	Stephens
Costa, P.	Harhart	Moul	Stern
Cox	Harkins	Mullery	Stevenson
Creighton	Harper	Murphy	Swanger
Culver	Harris	Murt	Tallman
Daley	Heffley	Mustio	Taylor
Day	Helm	Neuman	Tobash
Deasy	Hennessey	O'Brien, D.	Toepel
Delozier	Hickernell	O'Neill	Toohil
DeLuca	Hornaman	Oberlander	Truitt
Denlinger	Hutchinson	Payne	Turzai
DePasquale	Kampf	Peifer	Vereb
DeWeese	Kauffman	Perry	Vulakovich
DiGirolamo	Keller, F.	Petrarca	Watson
Dunbar	Keller, M.K.	Petri	White
Ellis	Killion	Pickett	
Emrick	Knowles	Preston	Smith, S., Speaker
Evankovich	Kortz	Pyle	
Evans, D.	Kotik	Quigley	

NAYS—45

Bishop	DeLissio	Kirkland	Santarsiero
Boyle, B.	Dermody	Mann	Santoni
Boyle, K.	Donatucci	McGeehan	Staback
Bradford	Frankel	Mundy	Sturla
Briggs	Freeman	Myers	Thomas
Brown, V.	Haluska	O'Brien, M.	Vitali
Brownlee	Hanna	Parker	Wagner
Cohen	Johnson	Pashinski	Waters
Cruz	Josephs	Payton	Wheatley
Curry	Kavulich	Roebuck	Williams
Davidson	Keller, W.	Samuelson	Youngblood
Davis			

NOT VOTING—0

EXCUSED—5

Brennan	Godshall	Hess	Sabatina
Cutler			

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.

HB 816 RECONSIDERED

The SPEAKER pro tempore. The Chair is in possession of a motion to reconsider the vote by which HB 816, PN 1853, was passed on this 28th day of June 2011 from Representative Denny O'Brien and Representative Julie Harhart.

Without objection, the Speaker rescinds its statement that HB 816 was agreed to on third consideration.

FORMER MEMBER WELCOMED

The SPEAKER pro tempore. A special note, a visitor. A former member from Luzerne County, the Honorable Jim Wansacz, has joined us in the back of the House.

**RECONSIDERATION OF HB 816
CONTINUED**

The SPEAKER pro tempore. The motion to reconsider the vote on HB 816, PN 1853, is the question before the House.

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

The following roll call was recorded:

YEAS—195

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

NAYS—3

Evankovich Hutchinson Truitt

NOT VOTING—0

EXCUSED—5

Brennan Godshall Hess Sabatina
Cutler

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

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

BILL PASSED OVER

The SPEAKER pro tempore. HB 816 is over for the day.

* * *

The House proceeded to third consideration of **SB 163, PN 148**, entitled:

An Act designating a bridge on that portion of State Route 0006 over the Lackawaxen River, Honesdale Borough, Wayne County, as the Brigadier General Richard J. Tallman Memorial Bridge.

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

(Bill analysis was read.)

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—198

Adolph	Ellis	Kortz	Rapp
Aument	Emrick	Kotik	Ravenstahl
Baker	Evankovich	Krieger	Readshaw
Barbin	Evans, D.	Kula	Reed
Barrar	Evans, J.	Lawrence	Reese
Bear	Everett	Longietti	Reichley
Benninghoff	Fabrizio	Maher	Roae
Bishop	Farry	Mahoney	Rock
Bloom	Fleck	Major	Roebuck
Boback	Frankel	Maloney	Ross
Boyd	Freeman	Mann	Saccone
Boyle, B.	Gabler	Markosek	Sainato
Boyle, K.	Galloway	Marshall	Samuelson
Bradford	Geist	Marsico	Santarsiero
Briggs	George	Masser	Santoni
Brooks	Gerber	Matzie	Saylor

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

NAYS-0

NOT VOTING-0

EXCUSED-5

Brennan	Godshall	Hess	Sabatina
Cutler			

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

Ordered, That the clerk return the same to the Senate with the information that the House has passed the same without amendment.

* * *

The House proceeded to third consideration of **SB 723, PN 707**, entitled:

An Act designating the bridge that connects South Williamsport to Williamsport, known as the Market Street Bridge, carrying U.S. Route 15 over the Susquehanna River in Loyalsock Township, Lycoming County, as the Carl E. Stotz Memorial Little League Bridge.

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

(Bill analysis was read.)

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS-198

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

NAYS-0

NOT VOTING-0

EXCUSED-5

Brennan	Godshall	Hess	Sabatina
Cutler			

- 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.

SENATE BILL FOR CONCURRENCE

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

SB 1151 , PN 1447

Referred to Committee on URBAN AFFAIRS, June 28, 2011.

URBAN AFFAIRS COMMITTEE MEETING

The SPEAKER pro tempore. For the purposes of an announcement, the Chair recognizes the gentleman, Mr. Ross.

Mr. ROSS. Thank you, Mr. Speaker.

I would like to announce for the members at this time there will be a House Urban Affairs Committee meeting tomorrow morning at 9, Ryan Office Building, room 205; that will be a voting meeting for the House Urban Affairs Committee tomorrow, 9 a.m., Ryan, 205. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

There will be an Urban Affairs Committee meeting tomorrow at 9 a.m. in room 205 of the Ryan Office Building.

DEMOCRATIC CAUCUS

The SPEAKER pro tempore. For the purpose of an announcement, the Chair recognizes the gentleman from Allegheny County, the minority caucus chair, Mr. Frankel.

Mr. FRANKEL. Thank you, Mr. Speaker.

The Democrats will caucus immediately. We will review the budget proposal in caucus immediately. Thank you very much.

STATEMENT BY MR. GERGELY

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Gergely, who seeks to address the House provided under unanimous consent. You may proceed.

Mr. GERGELY. Thank you, Mr. Speaker.

I just wanted to take a moment to congratulate a high school baseball team in my district. And so on behalf of Representatives Saccone, Dunbar, Costa, Kortz, and myself, we congratulate the Serra Catholic A Baseball Team for winning the State championship this year. This is their third try in a row. They made it to the semifinals for the last 3 years, and they won 4-nothing against a storied Reading Central Catholic, who this is the last athletic game Reading Central Catholic will ever play. Their school shut down after this baseball game. So it was a really unique game.

And some of you met my district justice, Tom Miller. His son, Chris, had an amazing on-base percentage of .845 this year and a batting average of .680. He is going to the Akron Zips for a full scholarship to play baseball. And a junior named Alaine Girman is now a junior at 23 and 0 in high school baseball. He has one more year at Serra. His ERA (earned run average) is .94.

So we probably expect Serra to be back playing again for the baseball championship, and on behalf of all the Representatives, we want to congratulate them. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

SENATE MESSAGE

AMENDED HOUSE BILLS RETURNED
FOR CONCURRENCE AND
REFERRED TO COMMITTEE ON RULES

The clerk of the Senate, being introduced, returned **HB 15, PN 2223; HB 38, PN 2224; and HB 463, PN 2226**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

SENATE MESSAGE

AMENDED SENATE BILL RETURNED
FOR CONCURRENCE AND
REFERRED TO COMMITTEE ON RULES

The clerk of the Senate, being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives by amending said amendments to **SB 1062, PN 1444**.

Ordered, That the clerk present the same to the House of Representatives for its concurrence.

The SPEAKER pro tempore. The House will be at ease for a moment.

REPUBLICAN CAUCUS

The SPEAKER pro tempore. The Chair recognizes the gentelady from Susquehanna County, the majority caucus chair, Ms. Major.

Ms. MAJOR. Thank you, Mr. Speaker.

There is no need for a Republican caucus this evening, but I would ask Republican members to please report to our caucus room tomorrow morning at 10, and we will be prepared to come on the floor at 11 a.m. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentelady.

APPROPRIATIONS COMMITTEE MEETING

The SPEAKER pro tempore. For the purpose of an announcement, the Chair recognizes the gentleman from Delaware County, the majority Appropriations chairman, Mr. Adolph.

Mr. ADOLPH. Thank you, Mr. Speaker.

Mr. Speaker, there will be a 5:30 House Appropriations Committee meeting in the majority caucus room; 5:30, Appropriations meeting, majority caucus room. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

There will be an Appropriations Committee meeting in the majority caucus room at 5:30.

The House will be at ease for another moment.

For the information of the members, there will be no further votes.

The members are reminded that the House will convene tomorrow morning at 11.

BILL RECOMMITTED

The SPEAKER pro tempore. The Chair recognizes the majority leader, who moves that SB 907 be recommitted to the Committee on Appropriations.

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

BILLS REMOVED FROM TABLE

The SPEAKER pro tempore. The Chair recognizes the majority leader, who moves the followings bills be removed from the tabled calendar and placed on the active calendar:

SB 105;
SB 330;
SB 448;
SB 552;
SB 732; and
SB 1007.

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

BILLS REMOVED FROM TABLE

The SPEAKER pro tempore. The Chair recognizes the majority leader, who moves that SB 242 and SB 508 be removed from the tabled calendar and placed on the active calendar.

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

BILLS TABLED

The SPEAKER pro tempore. The Chair recognizes the majority leader, who moves that SB 242 and SB 508 be removed from the active calendar and placed on the tabled calendar.

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

BILLS AND RESOLUTIONS PASSED OVER

The SPEAKER pro tempore. Without objection, all remaining bills and resolutions on today's calendar will be passed over. The Chair hears no objection.

ADJOURNMENT

The SPEAKER pro tempore. The Chair recognizes the gentleman from Northumberland County, Mr. Masser, who moves that this House do now adjourn until Wednesday, June 29, 2011, at 11 a.m., e.d.t., unless sooner recalled by the Speaker.

On the question,
Will the House agree to the motion?
Motion was agreed to, and at 5:13 p.m., e.d.t., the House adjourned.