

# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

WEDNESDAY, DECEMBER 7, 2011

SESSION OF 2011

195TH OF THE GENERAL ASSEMBLY

No. 81

### HOUSE OF REPRESENTATIVES

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

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

#### PRAYER

HON. BRYAN BARBIN, member of the House of Representatives, offered the following prayer:

Gracious God, we bow our heads in praise and thanksgiving.

We thank You for this day, an opportunity to shine in Your eyes. We thank You for Your greatest gift, freedom, the responsibility to choose between good and evil.

As public servants, we acknowledge that our authority comes from You and requires us to be wise stewards of Your great bounty. Let us always remember Your divinely inspired law: "That all persons living in this province who confess and acknowledge the one almighty and eternal God, to be the creator, upholder and ruler of the world, and that hold themselves obliged in conscience to live peaceably and justly in civil society shall in no ways be molested or prejudiced for their religious persuasion or practice in matters of faith and worship, nor shall they be compelled at any time to frequent or maintain any religious worship, place or ministry whatsoever." Colonial Records, 1676.

We give thanks that liberty of conscience guaranteed in this Commonwealth since 1676 ensured that Pennsylvania became the home to all persecuted people of the earth, who under Your guidance extended this ideal, resulting in the greatest government the world has ever known.

In performing our work, let us all here assembled see with Your eyes and say yes to the direction You place in each of our hearts.

Bless the sacrifice of our soldiers of all wars, bind up their wounds, and comfort their families.

We, Your children, say amen.

#### PLEDGE OF ALLEGIANCE

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

### JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, the approval of the Journal of Tuesday, December 6, 2011, will be postponed until printed.

### BILLS REPORTED FROM COMMITTEES, CONSIDERED FIRST TIME, AND TABLED

**HB 193, PN 2834** (Amended) By Rep. HUTCHINSON

An Act requiring the design, construction and renovation of State-owned or State-leased buildings to comply with specified energy and environmental building standards; and providing for the powers and duties of the Department of General Services.

#### ENVIRONMENTAL RESOURCES AND ENERGY.

**HB 1232, PN 2835** (Amended) By Rep. GEIST

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for automated red light enforcement systems in first class cities, for applicability and uniformity of law and for disposition and use of liquid fuels and fuels tax.

#### TRANSPORTATION.

**HB 1813, PN 2323** By Rep. HUTCHINSON

An Act amending the act of May 31, 1945 (P.L.1198, No.418), known as the Surface Mining Conservation and Reclamation Act, further providing for mining permit, reclamation plan and bond; and providing for land reclamation financial guarantees.

#### ENVIRONMENTAL RESOURCES AND ENERGY.

**HB 1830, PN 2607** By Rep. GEIST

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for special plates for individuals in the service of the United States Merchant Marine.

#### TRANSPORTATION.

**HB 1904, PN 2596** By Rep. METCALFE

An Act amending the act of May 11, 1911 (P.L.271, No.173), entitled "An act empowering the United States of America to acquire land in the State of Pennsylvania for National Forest Reserves, by

purchase or by condemnation proceedings; and granting to the United States of America all rights necessary for control and regulation of such reserves," further providing for enforcement.

STATE GOVERNMENT.

HB 2027, PN 2776

By Rep. GEIST

An Act designating State Route 422, from its intersection with State Route 724 in the Borough of Sinking Spring, Berks County, to the west end of the Borough of Robesonia, Berks County, as the Kyle D. Pagerly Memorial Highway.

TRANSPORTATION.

HB 2036, PN 2836 (Amended)

By Rep. GEIST

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in licensing of drivers, further providing for judicial review and for cancellation of driver's license; and in commercial drivers, further providing for definitions; providing for type of driving certification requirements, for medical certification and for noncompliance with certification requirements; and further providing for commercial driver's license and for disqualification.

TRANSPORTATION.

SB 995, PN 1842 (Amended)

By Rep. HUTCHINSON

An Act amending Title 35 (Health and Safety) of the Pennsylvania Consolidated Statutes, in Commonwealth services, requiring that the operator of each permitted unconventional wells within Pennsylvania post certain 911 response information at the entrance to each unconventional well site.

ENVIRONMENTAL RESOURCES AND ENERGY.

RESOLUTION REPORTED FROM COMMITTEE

HR 438, PN 2507

By Rep. HUTCHINSON

A Resolution urging the City of Philadelphia to establish a year-round program providing for the safe removal and adequate disposal of illegally discarded waste tires.

ENVIRONMENTAL RESOURCES AND ENERGY.

SENATE MESSAGE

HOUSE BILL

CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, returned HB 1337, PN 1535, with information that the Senate has passed the same without amendment.

BILL SIGNED BY SPEAKER

Bill numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the title was publicly read as follows:

HB 1337, PN 1535

An Act authorizing the turn back from the Commonwealth to Ward Township, Tioga County, of the road known as Old Possessions Road in Ward Township, Tioga County; and providing for the powers and duties of the Secretary of Conservation and Natural Resources.

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

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 from Montgomery County, Mr. GODSHALL, for the day; the gentleman from Delaware County, Mr. HACKETT, for the day; the gentleman from Philadelphia County, Mr. Dennis O'BRIEN, for the day; and the gentleman from Montgomery County, Mr. MURT, for the day. Without objection, the leaves will be granted.

The Speaker recognizes the minority whip, who requests a leave of absence for the gentleman, Mr. DeLUCA, from Allegheny County for the day; the gentleman, Mr. KOTIK, from Allegheny County for the day; and the lady, Ms. WAGNER, from Allegheny County for the day. Without objection, the leaves will be granted.

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—195

Table with 4 columns of names: Adolph, Baker, Barbin, Barrar, Bear, Benninghoff, Bishop, Bloom, Boback, Boyd, Boyle, B., Boyle, K., Bradford, Brennan, Briggs, Brooks, Brown, R., Brown, V., Brownlee, Burns, Buxton, Caltagirone, Carroll, Causer, Christiana, Clymer, Cohen, Dunbar, Ellis, Emrick, Evankovich, Evans, D., Evans, J., Everett, Fabrizio, Farry, Fleck, Frankel, Freeman, Gabler, Galloway, Geist, George, Gerber, Gergely, Gibbons, Gillen, Gillespie, Gingrich, Goodman, Grell, Grove, Hahn, Haluska, Hanna, Kirkland, Knowles, Kortz, Krieger, Kula, Lawrence, Longietti, Maher, Mahoney, Major, Maloney, Mann, Markosek, Marshall, Marsico, Masser, Matzie, McGeehan, Metcalfe, Metzgar, Miccarelli, Micozzie, Millard, Miller, Milne, Mirabito, Moul, Mullery, Rapp, Ravenstahl, Readshaw, Reed, Reese, Reichley, Roae, Rock, Roebuck, Ross, Sabatina, Saccone, Sainato, Samuelson, Santarsiero, Santoni, Saylor, Scavello, Schroder, Shapiro, Smith, K., Smith, M., Sonney, Staback, Stephens, Stern, Stevenson, Surla

Conklin	Harhai	Mundy	Swanger
Costa, D.	Harhart	Murphy	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
Cutler	Hess	Parker	Turzai
Daley	Hickernell	Pashinski	Vereb
Davidson	Hornaman	Payne	Vitali
Davis	Hutchinson	Payton	Vulakovich
Day	Johnson	Peifer	Waters
Deasy	Josephs	Perry	Watson
DeLissio	Kampf	Petrarca	Wheatley
DeLozier	Kauffman	Petri	White
Denlinger	Kavulich	Pickett	Williams
DePasquale	Keller, F.	Preston	Youngblood
Dermody	Keller, M.K.	Pyle	
DeWeese	Keller, W.	Quigley	Smith, S.,
DiGirolamo	Killion	Quinn	Speaker
Donatucci			

ADDITIONS—0

NOT VOTING—0

EXCUSED—8

DeLuca	Hackett	Murt	Simmons
Godshall	Kotik	O'Brien, D.	Wagner

LEAVES ADDED—1

Miccarelli

LEAVES CANCELED—1

Miccarelli

The SPEAKER. On the master roll call, 195 members voting in the affirmative as present, a quorum is present.

GUESTS INTRODUCED

The SPEAKER. If I could have the members' attention, we would like to introduce some of the guests that are with us today.

Located to the left of the rostrum, the Speaker welcomes Rob Fields and Cheryl Carrillo, and they are the guests of Representative Clymer. Will our guests please rise. Welcome to the hall of the House.

Also to the left of the rostrum, we would like to welcome Susan and Douglas Marshall, Janet Starwood, and Ruth Pfeffer, and they are the guests of Representative Shapiro. Will our guests please rise. Welcome to the hall of the House.

And in the well of the House, we would like to welcome guest page Meghan MacIntyre. She is here as a guest of Representative Toepel, as well as her father, Richard MacIntyre, who is sitting over here to the left. Will our guests please rise. Welcome to the hall of the House.

And we also have a couple of guest pages that are the guests of Representative Culver. They are obviously down here in the well of the House: Heather Beveridge and Alexa Spaventa. Welcome to the hall of the House.

The House will come to order. If the members would please take their seats.

Members will please take their seats. The Speaker would appreciate the attention of the members. We have some extra special guests here today, and they are in conjunction with a resolution that is on the uncontested calendar, which we are about to take up, and I would like to have the members' attention, please.

UNCONTESTED CALENDAR

RESOLUTIONS PURSUANT TO RULE 35

Mr. GILLEN called up **HR 374, PN 2333**, entitled:

A Resolution commemorating December 7, 2011, as "Pearl Harbor Remembrance Day."

\* \* \*

Mr. CLYMER called up **HR 498, PN 2706**, entitled:

A Resolution designating the month of November 2011 as "King James Bible Heritage Month" in Pennsylvania.

On the question,  
Will the House adopt the resolutions?

The following roll call was recorded:

YEAS—195

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

NAYS—0

NOT VOTING—0

EXCUSED—8

DeLuca	Hackett	Murt	Simmons
Godshall	Kotik	O'Brien, D.	Wagner

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

The SPEAKER. If I could please have the members' attention, and I would appreciate if you would take your seats. If you need to have a conversation, take it to the rear of the House. Thank you.

**PEARL HARBOR REMEMBRANCE DAY**

**STATEMENT BY SPEAKER**

The SPEAKER. Today marks the 70th anniversary of the attack on Pearl Harbor. It was an event that launched the United States into World War II and profoundly impacted the course of our nation's history. And today we are very honored to have with us three men who were there when the sirens were sounded and the bombs were dropped. They are three men for whom December 7, 1941, will always live in unique infamy.

**GUESTS INTRODUCED**

The SPEAKER. Gentlemen, we are forever indebted to you for your service and your sacrifices on behalf of our nation, and I would ask you each to please stand as I introduce you to the members of the House of Representatives: 1st Lt. Joseph Lockard; Fireman First Class Lyle Koenig; and Sgt. Joseph DeLucia.

Also seated with our veterans are Fireman First Class Koenig's wife, Irma, and Sergeant DeLucia's daughter, Sherry Keane; and in the rear of the House are Sharon and Steve Wagner, who are escorting the guests here today. You are also welcome to the hall of the House, and we hope you enjoy your visit with us today.

The group is here as guests of Representatives Gillen, Marsico, Cox, and Toepel.

**STATEMENT BY MR. GILLEN**

The SPEAKER. I would like to recognize Representative Gillen under unanimous consent for remarks on HR 374.

Mr. GILLEN. Thank you, Mr. Speaker.

On the morning of December 7, 1941, six Japanese aircraft carriers unleashed hundreds of men and machines and munitions and they headed in the direction not only of Pearl Harbor but of Hickam Field and Wheeler Army Airfield. Mr. Speaker, on that morning 70 years ago, on the receiving end at a duty station that they had been called to was Joseph DeLucia – he was in his barracks at Hickam Field that morning; Joseph Lockard was manning his radar station, perched 530 feet above the Pacific Ocean; and Lyle Koenig was in the bowels of the USS Aylwin, a World War I air destroyer.

Mr. Speaker, on that day, over 2400 Americans were killed, 1200 were injured, 19 ships were either sunk, damaged, or beached. There were some 188 aircraft that were destroyed, another 155 aircraft damaged. Mr. Speaker, something that was not sunk that morning, something that was not destroyed that morning, something that was not killed that morning, Mr. Speaker, was the American spirit. It did not die that morning. The quest for liberty, Mr. Speaker, was not sunk that morning, and the character of America was not destroyed that morning 70 years ago today.

Some have remarked that the Greatest Generation was made on that day. Perhaps. Certainly the Greatest Generation was manifest on that day 70 years ago.

Joseph Lockard was at his post by 4 a.m. on that morning, manning his portable radar installation. By 7:02 a.m., he spotted something on the radar he had never seen before. He reported it; in fact, he reported it multiple times. Mr. Speaker, he is history's sentinel. He issued the first warning about an impending attack at Pearl Harbor.

Joseph DeLucia was in his barracks at Hickam Field that morning. He raced outside amidst the commotion and the fury and the flame and the fire. He looked back and he saw that the mess hall had been destroyed, and along with it, many of his friends. He raced over to a hangar which had been hit by the Japanese and he pulled out an airplane so it could fly and fight another day. Indeed, these heroes flew and fought another day. For DeLucia, it took him to places like Midway and Guadalcanal, because the American spirit was not destroyed that day.

Several months ago I was in the home of Lyle and Irma Koenig, who are with us here this morning. Several things stuck out in my mind from that conversation I had with the Koenigs. Interestingly enough, he said to me, he tried to join the Navy in 1939. He passed all of his tests with flying colors. Then they discovered that he had a little flaw: He was one-quarter inch too short for the United States Navy. Mr. Koenig related to me, that problem was quickly solved on September 1, 1939, when Germany attacked Poland. By September 9, Mr. Koenig was tall enough for the United States Navy, because his country needed him.

He was in the bowels of the Aylwin on December 7, 1941, and he heard the clatter and din of war above, and he raced out of the engine room onto the deck and he looked around about him, and across the bay he saw the Utah belly up, facing the

sky. He heard machine gun fire. He looked up and he saw a Japanese plane racing by. He said to himself that day, and he said to me the day of our interview a couple of months ago, I knew we were at war.

But, Mr. Speaker, that character was not made that day; it was manifest that day. The character of December 7, 1941, was developed and toughened and hardened and refined in the mills of Pennsylvania. It was assayed in the minds of Pennsylvania. It was tempered by the heat of an august farmer's field in Pennsylvania. Indeed, Mr. Koenig remarked to me that joining the Navy was easy compared to what he faced on his 189-acre Berks County farm.

Mr. Speaker, let it suffice today for me to borrow from Lincoln, borrow from MacArthur, and borrow from Churchill: What is said this day will not be long remembered, but let us never, never, never forget Pearl Harbor. Let us never forget duty and honor and country. Mr. Speaker, let us never forget the sacrifices of these men and women who served and for those that paid the ultimate sacrifice.

Mr. Speaker, on December 7, 1941, Americans heard for the last time earthly sounds – the sounds of engines, the sounds of explosions, the rattle of machine gun fire. And in the twinkling of an eye, Mr. Speaker, they heard an eternal sound: "Well done, thou good and faithful servant."

Mr. Speaker, the Pearl Harbor Survivors Association has asked of us one thing and one thing only. They are not interested in a piece of legislation. They were not even interested in citations. They have asked of us one thing, Mr. Speaker: They have asked today that we might remember.

In the sight of heaven and these assembled witnesses, we, the State legislature of Pennsylvania, commit ourselves, as long as we have breath, to remembering you and your sacrifice and your fallen comrades at Pearl Harbor. Well done.

#### STATEMENT BY MR. CALTAGIRONE

The SPEAKER. The Speaker recognizes the gentleman from Berks County, Mr. Caltagirone, on unanimous consent relative to the resolution.

Mr. CALTAGIRONE. Thank you, Mr. Speaker.

I would like to share some thoughts with my fellow members.

Today as we celebrate the 70th anniversary of the bombing of Pearl Harbor, I want to remember some veterans that hold a special place in my heart. Mr. Speaker, my brother, Samuel, the oldest member of the family who had served distinguished service in the United States Navy in the South Pacific, just recently passed away. Though wounded by shrapnel, my brother served his full tour of duty, returning to the States at the end of the war.

Mr. Speaker, and many of you knew my brother, Anthony, who worked here as a Sergeant at Arms for a number of years in this august body, he served in the Army Air Corps, World War II – Guam, Okinawa.

And last but not least, Mr. Speaker, in my district office I have the honor of a retired Federal judge who is working for me. His name is Eugene Wisniewski. He served 25 years on the

Federal bench. He served as a naval fighter pilot and was shot down over the Sea of Japan, survived, and finished his tour of duty.

Today we remember the men and women like my brothers, Sam and Anthony, and Gene who sacrificed for our country so that we may be free. Today I thank them and praise them and for all those who have lost their life on that very horrible, fateful day, December 7, 1941.

Another interesting sidelight: my father. I come from a family of 12 children. Two of the brothers, of course, were serving in the military. My father went and enlisted to be with his sons, and they rejected him on two counts: One, he worked in the War Industries building tanks; and two, they told him he had his army of his own to take care of, the 12 children minus the 2 sons, and they refused to let him enlist.

And finally, today, my daughter, Christine, who also worked in the House for a few years doing writing, is now serving in Kabul, Afghanistan, with the United States State Department for the last 2 1/2 years.

Mr. Speaker, members, God bless our veterans, God bless our military men and women serving today, and God bless the United States of America.

#### STATEMENT BY MAJORITY LEADER

The SPEAKER. The gentleman, Mr. Turzai, is recognized.

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

On this monumental anniversary, I would just like to cite a few of the words from President Franklin D. Roosevelt when he asked Congress to declare war on Japan after the surprise attack at Pearl Harbor. He starts off, as many of us know the famous language, "Yesterday, December 7th, 1941 – a date which will live in infamy – the United States of America was suddenly and deliberately attacked by naval and air forces of the Empire of Japan." He goes on to recount how a peaceful United States was trying to work out differences with Japan and that in a surprise attack, a sneak attack while those negotiations were going on, the Japanese went after our soldiers and sailors in the Hawaiian Islands, and many, many of them died.

He asked, "As Commander-in-Chief of the Army and Navy I have directed that all measures be taken for our defense, that always will our whole nation remember the character of the onslaught against us.

"No matter how long it may take us to overcome this premeditated invasion, the American people, in their righteous might, will win through to absolute victory."

Because of great individuals like these, and you can imagine, we get to look back in history and know the outcome, but when your entire navy was almost decimated by that attack and you did not have much of an army – I think it was the 17th largest in the world at the time – you can imagine that the American people were quite frightened. But the young men and women, my father who served in the Pacific, my aunt who served in the Pacific, and many of our relatives and these great individuals rose to the task. America survived. Freedom not only survived but prevailed.

Thank you very much.

The SPEAKER. The Speaker thanks the gentleman.

**STATEMENT BY MR. GEIST**

The SPEAKER. Does the gentleman from Blair County, Mr. Geist, seek recognition under unanimous consent? The gentleman is in order.

Mr. GEIST. Yes, I do, Mr. Speaker. Thank you very much.

And I hope they have the TVs on back in my district office. I want to rise today to praise a veteran who works in our office. His name is Julius "Sky" Iacurto, and he is a wonderful man, had a wonderful career in the Navy during World War II, and he flew in the back seat of a torpedo bomber off carriers. He went to Saint Francis University on the GI Bill and had a wonderful, long career, and retired from OVR (Office of Vocational Rehabilitation) in the State and came to work for us many, many, many years ago and still works every day and just is an amazing man.

And our veterans like that really need to be recognized. These guys did just a fabulous, fabulous service to the country, and it is guys like Sky that really make this a worthwhile job and a worthwhile position. And I know that Kelly and a whole bunch of people here know Sky well, and if you heard him and listened to him, you would never ever know what that man saw.

So congratulations to all the veterans.

The SPEAKER. The Speaker thanks the gentleman.

**STATEMENT BY MR. DERMODY**

The SPEAKER. The gentleman, Mr. Dermody, is recognized.

Mr. DERMODY. Thank you, Mr. Speaker.

Mr. Speaker, I, too, just on behalf of the Democratic Caucus, would like to say thank you today to the veterans of Pearl Harbor who are with us today and, of course, all of those veterans and their families and all those who sacrificed so much that day on December 7, 1941. But it really is an honor to be able to join together today with this ceremony recognizing what happened at Pearl Harbor and what happened afterwards and recognizing the service of our veterans that are here today. And also just saying thank you to the members of this House that have served so honorably for our country overseas.

So on behalf of the caucus, thank you, guys. Thank you very much, gentlemen, for your service, and it is an honor to be able to join with you today in this ceremony.

Thank you, Mr. Speaker.

The SPEAKER. The Speaker thanks the gentleman.

For the information of the members, our guests will be in room 60, East Wing, at approximately 12:30, if anybody wants to say something personal or just talk to them a little bit, given the history and living history that they were a part of on that very dreadful day.

So thank you all, again, for being with us and hope you enjoy your visit to the Capitol and to the House of Representatives today, and thank you for your service.

Are there any announcements?

**APPROPRIATIONS COMMITTEE MEETING**

The SPEAKER. For the purpose of an announcement, the gentleman from Delaware County, Mr. Adolph, is recognized.

Mr. ADOLPH. Thank you, Mr. Speaker.

Mr. Speaker, I would like to announce a House Appropriations Committee meeting immediately at the break in the majority caucus room. Thank you.

The SPEAKER. Appropriations will meet immediately at the break in the majority caucus room.

**REPUBLICAN CAUCUS**

The SPEAKER. For the purpose of a caucus announcement, the lady from Susquehanna, Ms. Major, is recognized.

Ms. MAJOR. Thank you, Mr. Speaker.

I would like to announce that Republicans will caucus today at noon. I would ask all Republicans to please report to our caucus room at 12 noon, and we would be prepared to come back on the floor at 1:30.

Thank you, Mr. Speaker.

**DEMOCRATIC CAUCUS**

The SPEAKER. The gentleman from Allegheny County, Mr. Frankel, is recognized for a caucus announcement.

Mr. FRANKEL. Thank you, Mr. Speaker.

Democrats will caucus at noon. Democrats will caucus at noon. Thank you.

**RECESS**

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

**RECESS EXTENDED**

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

**AFTER RECESS**

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

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

**HB 1823, PN 2839** (Amended)

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 terms and courses of study, further providing for teaching safe driving of motor vehicles.

EDUCATION.

**SB 560, PN 728**

By Rep. CLYMER

An Act establishing the State Military College Legislative Appointment Initiative Program.

EDUCATION.

**SB 743, PN 1843 (Amended)**

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 terms and courses of study, further providing for teaching safe driving of motor vehicles.

EDUCATION.

**BILLS REREPORTED FROM COMMITTEE****HB 17, PN 2466**

By Rep. ADOLPH

An Act designating the Pickertown Road Bridge carrying Pickertown Road over the U.S. Route 202 Parkway in Warrington Township, Bucks County, as the Robert V. Cotton Bridge.

APPROPRIATIONS.

**HB 578, PN 1646**

By Rep. ADOLPH

An Act amending the act of August 9, 1955 (P.L.323, No.130), known as The County Code, further providing for the governing board of the convention center authority.

APPROPRIATIONS.

**HB 1905, PN 2833**

By Rep. ADOLPH

An Act amending Title 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes, further providing for general provisions, for special rules for gifts and for liability; providing for liability for refusal to accept acknowledged power of attorney; and further providing for validity.

APPROPRIATIONS.

**SB 366, PN 351**

By Rep. ADOLPH

An Act amending the act of December 22, 1983 (P.L.306, No.84), known as the Board of Vehicles Act, further providing for definitions, for licensure and for State Board of Vehicle Manufacturers, Dealers and Salespersons.

APPROPRIATIONS.

**SB 957, PN 1804**

By Rep. ADOLPH

An Act amending the act of October 5, 1978 (P.L.1109, No.261), known as the Osteopathic Medical Practice Act, further providing for definitions, for State Board of Osteopathic Medicine, for athletic trainers and for reasons for refusal, revocation or suspension of license.

APPROPRIATIONS.

**SB 967, PN 1805**

By Rep. ADOLPH

An Act amending the act of December 20, 1985 (P.L.457, No.112), known as the Medical Practice Act of 1985, further providing for definitions, for the State Board of Medicine and for athletic trainers.

APPROPRIATIONS.

**RESOLUTION REPORTED  
FROM COMMITTEE****HR 423, PN 2446**

By Rep. TURZAI

A Resolution directing the Legislative Budget and Finance Committee to study existing State aid funding formulas.

APPROPRIATIONS.

**HOUSE RESOLUTIONS  
INTRODUCED AND REFERRED**

**No. 516** By Representatives BISHOP, McGEEHAN, BROWNLEE, PARKER, THOMAS, SACCONI and YOUNGBLOOD

A Concurrent Resolution committing the General Assembly to withholding funding for The Pennsylvania State University until completion of the investigation involving the university and its football program.

Referred to Committee on RULES, December 7, 2011.

**No. 519** By Representatives EMRICK, FREEMAN, CLYMER, HENNESSEY, KAUFFMAN, O'NEILL, ROCK, STERN and YOUNGBLOOD

A Resolution memorializing the Delaware River Joint Toll Bridge Commission to rescind the toll rate increase approved in May 2011 and implemented on July 1, 2011.

Referred to Committee on TRANSPORTATION, December 7, 2011.

**HOUSE BILLS  
INTRODUCED AND REFERRED**

**No. 1855** By Representatives MILLER, GEORGE, GODSHALL, HARPER, CALTAGIRONE, DONATUCCI, GINGRICH, PETRI, QUINN, ROSS, SCHRODER, K. SMITH, STEPHENS, STURLA, SWANGER and YOUNGBLOOD

An Act amending Title 27 (Environmental Resources) of the Pennsylvania Consolidated Statutes, in conservation and natural resources, providing for water well construction standards.

Referred to Committee on CONSUMER AFFAIRS, December 7, 2011.

**No. 2046** By Representatives D. O'BRIEN, BISHOP, MURT, FABRIZIO, LONGIETTI, VULAKOVICH, READSHAW, TALLMAN and MURPHY

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for persons required to report suspected child abuse.

Referred to Committee on JUDICIARY, December 7, 2011.

**No. 2047** By Representatives D. O'BRIEN, BISHOP, MURT, LONGIETTI, VULAKOVICH, FABRIZIO, READSHAW and TALLMAN

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for penalties for failure to report or to refer.

Referred to Committee on JUDICIARY, December 7, 2011.

**No. 2048** By Representatives D. O'BRIEN, BISHOP, MURT, VULAKOVICH, FABRIZIO, READSHAW and TALLMAN

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for penalties for failure to report or to refer.

Referred to Committee on JUDICIARY, December 7, 2011.

**No. 2049** By Representatives D. O'BRIEN, BISHOP, MURT, LONGIETTI, FABRIZIO, READSHAW and TALLMAN

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for limitations of time for commencement of civil action arising from childhood sexual abuse.

Referred to Committee on JUDICIARY, December 7, 2011.

**No. 2050** By Representatives D. O'BRIEN, BISHOP, MURT, FABRIZIO and READSHAW

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for limitations of time for commencement of civil action arising from childhood sexual abuse.

Referred to Committee on JUDICIARY, December 7, 2011.

**No. 2057** By Representatives BISHOP, McGEEHAN, DALEY and YOUNGBLOOD

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for the right to bail.

Referred to Committee on JUDICIARY, December 7, 2011.

**No. 2058** By Representatives BISHOP, McGEEHAN, BROWNLEE, DALEY, DePASQUALE, GERBER, GOODMAN, HEFFLEY, MURPHY, M. O'BRIEN, REESE, SACCONI and YOUNGBLOOD

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in limitation of time, further providing for unlimited time to bring civil actions, for tolling limitations of civil actions, for unlimited time to bring criminal actions and for limitation of serious criminal actions.

Referred to Committee on JUDICIARY, December 7, 2011.

**No. 2059** By Representatives MILLER, AUMENT, BOYD, CREIGHTON, FLECK, GIBBONS, GROVE, KAUFFMAN, M. K. KELLER, KILLION, MOUL, MURT, PICKETT, ROSS, SCAVELLO, SCHRODER, STURLA, SWANGER and TALLMAN

An Act amending the act of June 30, 1981 (P.L.128, No.43), known as the Agricultural Area Security Law, further providing for the purchase of agricultural conservation easements; and abrogating regulations.

Referred to Committee on AGRICULTURE AND RURAL AFFAIRS, December 7, 2011.

**No. 2060** By Representatives TALLMAN, BARBIN, BRADFORD, BROOKS, CAUSER, DiGIROLAMO, EVERETT, FABRIZIO, FLECK, GABLER, GEIST, GEORGE, GILLEN, GRELL, GROVE, HAHN, HARHART, HARPER, HEFFLEY, HENNESSEY, HESS, HICKERNELL, KAUFFMAN, KNOWLES, MAJOR, MALONEY, MARSICO, MILLARD, MILLER, MIRABITO, MOUL, OBERLANDER, O'NEILL, RAPP, REICHLEY, ROAE, ROCK, SCAVELLO, SONNEY, STEVENSON, SWANGER, TAYLOR and VULAKOVICH

An Act designating a bridge carrying State Route 94 over Bermudian Creek in Latimore Township, Adams County, as the Sgt. Michael C. Weigand Memorial Bridge.

Referred to Committee on TRANSPORTATION, December 7, 2011.

**No. 2061** By Representatives GODSHALL, CLYMER, GEIST, GROVE, HEFFLEY, PAYTON, ROCK and PRESTON

An Act providing for streamlined procedures for reviewing applications for the modification or collocation of wireless communications facilities and wireless support structures.

Referred to Committee on CONSUMER AFFAIRS, December 7, 2011.

**No. 2063** By Representatives CARROLL, BRENNAN, D. COSTA, DALEY, GOODMAN, METZGAR, MURT, READSHAW, K. SMITH, STABACK and YOUNGBLOOD

An Act amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, in protection of property and waters, further prohibiting sale of certain fish, reptiles and amphibians.

Referred to Committee on GAME AND FISHERIES, December 7, 2011.

**No. 2064** By Representatives CARROLL, GOODMAN, CLYMER, D. COSTA, DeLUCA, GEIST, GROVE, HARKINS, HORNAMAN, KAVULICH, MILLARD, MUNDY, M. O'BRIEN, O'NEILL, PEIFER, SCHRODER, STABACK, SWANGER, TAYLOR, TRUITT and YOUNGBLOOD

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for operation following suspension of registration.

Referred to Committee on TRANSPORTATION, December 7, 2011.

**No. 2065** By Representatives BARBIN, HORNAMAN, MURT, KAVULICH, BISHOP, BOYD, B. BOYLE, K. BOYLE, BRADFORD, BRENNAN, BRIGGS, BROWNLEE, BURNS, BUXTON, CALTAGIRONE, CARROLL, COHEN, CONKLIN, D. COSTA, P. COSTA, CREIGHTON, CRUZ, CURRY, DALEY, DAVIS, DAVIDSON, DEASY, DELISSIO, DeLUCA, DePASQUALE,



DERMODY, DeWEESE, DONATUCCI, D. EVANS, FABRIZIO, FRANKEL, FREEMAN, GALLOWAY, GERBER, GEORGE, GERGELY, GIBBONS, GOODMAN, HALUSKA, HANNA, HARHAI, HARKINS, JOHNSON, JOSEPHS, W. KELLER, KIRKLAND, KORTZ, KOTIK, KULA, LONGIETTI, MAHONEY, MALONEY, MANN, MARKOSEK, MATZIE, McGEEHAN, MILLARD, MIRABITO, MUNDY, MURPHY, NEUMAN, M. O'BRIEN, PARKER, PASHINSKI, PAYTON, PETRARCA, PRESTON, RAVENSTAHL, READSHAW, REICHLEY, SABATINA, SAINATO, SAMUELSON, SANTARSIERO, SANTONI, SHAPIRO, SIMMONS, K. SMITH, M. SMITH, STABACK, STEPHENS, STERN, STURLA, SWANGER, WILLIAMS, YOUNGBLOOD, CUTLER, THOMAS, WATERS, WHEATLEY, WHITE, CAUSER, SACCONI, VULAKOVICH, MICCARELLI, MULLERY, O'NEILL, STEVENSON, HESS, V. BROWN and FARRY

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, providing for the Vets First Tax Credit Program to honor veterans for their service to our country and provide incentives for their employment.

Referred to Committee on FINANCE, December 7, 2011.

**No. 2067** By Representatives M. SMITH, BISHOP, BOBACK, BRIGGS, V. BROWN, CALTAGIRONE, COHEN, D. COSTA, DALEY, DAVIS, DEASY, DeLUCA, FABRIZIO, GEIST, GEORGE, GIBBONS, GILLEN, HALUSKA, HORNAMAN, JOSEPHS, KORTZ, MAHONEY, MILLARD, MURT, QUINN, READSHAW, STABACK, STEVENSON, TALLMAN, THOMAS, VULAKOVICH, WHITE and YOUNGBLOOD

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in school health services, providing for school access to emergency epinephrine.

Referred to Committee on EDUCATION, December 7, 2011.

**No. 2068** By Representatives M. SMITH, BISHOP, BOBACK, BRIGGS, V. BROWN, CALTAGIRONE, COHEN, D. COSTA, DALEY, DAVIS, DEASY, DeLUCA, FABRIZIO, GEIST, GEORGE, GIBBONS, GILLEN, HALUSKA, HORNAMAN, JOSEPHS, KORTZ, MAHONEY, MILLARD, MURT, QUINN, READSHAW, STABACK, STEVENSON, TALLMAN, THOMAS, WHITE and YOUNGBLOOD

An Act requiring the Department of Health to adopt regulations for the approval of training programs relating to the possession and administration of epinephrine in emergency situations; authorizing certain individuals to obtain a prescription for, purchase and administer epinephrine in emergency situations; and limiting liability.

Referred to Committee on HEALTH, December 7, 2011.

**No. 2069** By Representatives M. SMITH, BISHOP, BOBACK, BRIGGS, V. BROWN, CALTAGIRONE, COHEN, D. COSTA, DALEY, DAVIS, DEASY, DeLUCA, FABRIZIO, GEIST, GEORGE, GIBBONS, GILLEN, HALUSKA, HORNAMAN, JOSEPHS, KORTZ, MAHONEY, MILLARD, MURT, QUINN, READSHAW, STABACK, STEVENSON, TALLMAN, THOMAS, WHITE and YOUNGBLOOD

An Act permitting certain establishments to obtain a prescription for and maintain epinephrine kits; requiring the Department of Health to adopt regulations for the approval of certain training programs relating to the possession and administration of epinephrine in emergency situations; and limiting liability.

Referred to Committee on HEALTH, December 7, 2011.

**No. 2070** By Representatives MOUL, GRELL, GEIST, KAUFFMAN, FLECK, SWANGER, YOUNGBLOOD and DALEY

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 charter school requirements.

Referred to Committee on EDUCATION, December 7, 2011.

### SENATE BILLS FOR CONCURRENCE

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

#### SB 539, PN 545

Referred to Committee on JUDICIARY, December 7, 2011.

#### SB 775, PN 1826

Referred to Committee on JUDICIARY, December 7, 2011.

#### SB 1174, PN 1631

Referred to Committee on URBAN AFFAIRS, December 7, 2011.

### SENATE MESSAGE

#### AMENDED HOUSE BILL RETURNED FOR CONCURRENCE AND REFERRED TO COMMITTEE ON RULES

The clerk of the Senate, being introduced, returned **HB 242, PN 2815**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

### SENATE MESSAGE

#### HOUSE BILL CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, returned **HB 639, PN 640**, with information that the Senate has passed the same without amendment.

### BILLS SIGNED BY SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

**HB 639, PN 640**

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, in optional affordable housing funding, further providing for affordable housing programs fee in cities of first class.

**SB 361, PN 1598**

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 disclosure of records.

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

**RULES COMMITTEE MEETING**

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

The House will be at ease for a few minutes while that committee meets.

The House will come to order.

**BILL ON CONCURRENCE  
REPORTED FROM COMMITTEE****HB 242, PN 2815**

By Rep. TURZAI

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, further providing for definitions, for authority to issue liquor licenses to hotels, restaurants and clubs, for sales by liquor licensees and restrictions, for prohibited interlocking business, for public venue license, for malt and brewed beverages retail licenses, for prohibitions against the grant of licenses, for sales by manufacturers of malt or brewed beverages and minimum quantities, for distributors' and importing distributors' restrictions on sales, storage, for retail dispensers' restrictions on purchases and sales, for brand registration, for breweries, for licenses not assignable and transfers, for renewal of licenses and temporary provisions for licensees in armed service, for responsible alcohol management, for unlawful acts relative to liquor, alcohol and liquor licensees, for unlawful acts relative to malt or brewed beverages and licensees, for hours of operation relative to manufacturers, importing distributors and distributors, for unlawful acts relative to liquor, malt and brewed beverages and licensees, for rights of municipalities preserved, for reporting of worthless checks, for limited wineries and for distilleries.

RULES.

**BILL REREPORTED FROM COMMITTEE****SB 858, PN 1360**

By Rep. TURZAI

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in district and assistant superintendents, further providing for eligibility; and making editorial changes.

RULES.

**DECISION OF CHAIR RESCINDED  
ON SB 858**

The SPEAKER. Without objection, the Speaker rescinds its announcement that SB 858 had received second consideration.

**CALENDAR****BILL ON SECOND CONSIDERATION**

The House proceeded to second consideration of **HB 1977, PN 2735**, entitled:

An Act amending Title 40 (Insurance) of the Pennsylvania Consolidated Statutes, providing for compliance with Federal health care legislation.

On the question,

Will the House agree to the bill on second consideration?

Mr. **PASHINSKI** offered the following amendment No. **A07021**:

Amend Bill, page 3, line 3, by inserting after "made"  
or, in the case of a medical emergency, as defined under 18  
Pa.C.S. § 3203 (relating to definitions)

On the question,

Will the House agree to the amendment?

The SPEAKER. If we could have the members' attention. It is pretty loud in here. We would appreciate if the members would hold the conversations down a little bit. The Speaker thanks the members.

Perhaps could we clear the aisles a little bit? Would the members please take their seats or take the conversations to the rear of the House. Thank you.

The gentleman, Mr. Pashinski, is in order, on the amendment.

Mr. PASHINSKI. Thank you, Mr. Speaker. I appreciate that.

Mr. Speaker, I rise in support of A07021 due to the fact that the magnificent creation of the human body is extremely complex, and a total understanding of that complexity is only understood by the good Lord and nature. This amendment would indeed help preserve the health of those mothers, expectant mothers, during problems of an extreme medical condition. I encourage the members of this House to support this on behalf of those that have the kinds of complications that occur, rare though may be, to ensure that there will be no financial harm to the family and to allow the mother the opportunity to have birth of children in the future.

There are extenuating circumstances revolving around some medical conditions that prohibit the mother from being qualified under HB 1977. This amendment would allow for the health of the mother and complete and close the gap. It would indeed work for, which a delay will create serious risk or substantial and irreversible impairment of major bodily function. This amendment will protect the health of the mother.

I encourage your support. Thank you, Mr. Speaker.

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

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

Mr. CUTLER. Thank you, Mr. Speaker.

I rise to oppose the proposed amendment for the following reasons, Mr. Speaker.

I believe that while the gentleman has wonderful intentions to make sure that the amount and type of coverage that is provided is consistent and compassionate, I would argue that by including this amendment in the proposed language, it would actually make it inconsistent with the current Abortion Control Act and the surrounding statutes and the body of case law that has been developed since its passage many years ago.

Specifically, Mr. Speaker, Title 18, 3215, subsection (c), says, "No Commonwealth funds and no Federal funds which are appropriated by the Commonwealth shall be expended by any State or local government agency for the performance of abortion,..." and then it goes into a laundry list of exceptions, Mr. Speaker. Mr. Speaker, we are operating in somewhat of unknown territory, because the insurance exchange, which will be created in the future in order to comply with the Federal health care act is not yet created, but what we do know or can probably determine with some amount of reasonableness is that public funds will in fact be utilized in setting up, maintaining, and working through this structure.

Mr. Speaker, I believe to include inconsistent definitions between the two statutes will only serve to confuse those individuals who are seeking health care. Mr. Speaker, there are other adequate provisions, both within and without, that allow this type of coverage to be purchased privately, and I would respectfully urge a "no" vote on the proposed amendment. Thank you.

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

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

Mr. PETRI. Mr. Speaker, may I please interrogate the maker of the amendment?

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

Mr. PETRI. Could the gentleman kindly explain, Mr. Speaker, is it his intent to create the opportunity in a medical emergency, as defined under the Abortion Control Act, to provide options for the mother?

Mr. PASHINSKI. The determination of that would be based upon the physician's opinion as to the condition of the mother.

Mr. PETRI. And, Mr. Speaker, is this exactly the same as it is under current law, under the existing Abortion Control Act, so that you are really not expanding any sense of when this circumstance could arise. Is that not correct?

Mr. PASHINSKI. Yes, and if you would allow me to read the definition of "medical emergency," I think it would explain it perfectly: "That condition which, on the basis of the physician's good faith clinical judgment, so complicates the medical condition of a pregnant woman as to necessitate the immediate abortion of her pregnancy to avert her death or for which a delay will create serious risk of substantial and irreversible impairment of major bodily function."

Mr. PETRI. On the bill, Mr. Speaker.

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

Mr. PETRI. Mr. Speaker, we are in fact embarking on a new area that is riddled with uncertainties. The underlying bill creates a circumstance where we are attempting to define when and when not or when it is not allowed to use public moneys for purposes of abortion procedures. The gentleman's amendment crafts a very important exception, and some may argue that it already exists in the law. I say that in order to make sure it is absolutely and abundantly clear, that the members should support this amendment.

In the instance of death or serious and permanent bodily harm, I certainly would not want anyone to go through this procedure and find out that they ended up having to pay a medical bill because they were not allowed to obtain private insurance for such a circumstance. I mean, imagine the insult to injury to come home, after losing a child, your life being spared, and then you get a medical bill because your private insurance company was not allowed to cover the circumstance.

So for me, this clarification is an important measure, and I would ask the members to support this measure.

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

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

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

I concur with the gentleman, Mr. Cutler, from Lancaster County and respectfully request a "no" vote on this amendment.

We would like to keep this legislation clean, Mr. Speaker. The pro-life organizations are, as I understand it, not supportive of these amendments, and it is also my understanding that they very much appreciate the effort and the underlying themes of this legislation and to keep the legislation clean.

So notwithstanding the kind gentleman's efforts and concerns, I respectfully ask a "no" vote on this amendment and any other subsequent amendments. Thank you, Mr. Speaker.

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

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

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

And I certainly respect everyone's opinion. This is certainly a subject that has caused great concern for many, many years.

I venture to say all of us in here are pro-life, and I wonder, I ask all of you, have you ever been in that situation where you as a person would have to choose between your own life and the life of your prospective child? Or if you were a spouse and would have to choose between your wife or the life of that newborn child? All we are trying to do here, Mr. Speaker, is protect the health of the woman who seriously desires to have that child. We are talking about wanted pregnancies, Mr. Speaker. We are not talking about unwanted pregnancies. We are talking about mothers who want their children, who, through no fault of their own, are experiencing extreme medical conditions which will reflect upon their future, their future health, whether or not they are able to have children in the future or not.

The measures and the steps that are taken medically at the time of this point are absolutely critical for the health of that mother to continue to produce life, and I would encourage all of you to think very carefully about this. I read what a "medical emergency" was. It is in Title 18.

I urge all of you to vote "yes" for this very important amendment. Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—74

Bishop	DePasquale	Mann	Samuelson
Boyle, B.	Dermody	McGeehan	Santarsiero
Boyle, K.	DeWeese	Milne	Santoni
Bradford	Donatucci	Mirabito	Scavello
Brennan	Evans, D.	Mullery	Shapiro
Briggs	Fabrizio	Mundy	Smith, M.
Brown, V.	Farry	Murphy	Staback
Brownlee	Frankel	Myers	Stephens
Buxton	Freeman	O'Brien, M.	Sturla
Caltagirone	Gerber	O'Neill	Thomas
Carroll	Goodman	Parker	Toepel
Cohen	Haluska	Pashinski	Truitt
Cruz	Harhart	Payton	Vitali
Curry	Harper	Petri	Waters
Daley	Hennessey	Quinn	Watson
Davidson	Johnson	Roebuck	Wheatley
Davis	Josephs	Ross	Williams
DeLissio	Keller, W.	Sabatina	Youngblood
Delozier	Kirkland		

NAYS—121

Adolph	Evans, J.	Knowles	Pyle
Aument	Everett	Kortz	Quigley
Baker	Fleck	Krieger	Rapp
Barbin	Gabler	Kula	Ravenstahl
Barrar	Galloway	Lawrence	Readshaw
Bear	Geist	Longiatti	Reed
Benninghoff	George	Maher	Reese
Bloom	Gergely	Mahoney	Reichley
Boback	Gibbons	Major	Roae
Boyd	Gillen	Maloney	Rock
Brooks	Gillespie	Markosek	Saccone
Brown, R.	Gingrich	Marshall	Sainato
Burns	Grell	Marsico	Saylor
Causar	Grove	Masser	Schroder
Christiana	Hahn	Matzie	Smith, K.
Clymer	Hanna	Metcalfe	Sonney
Conklin	Harhai	Metzgar	Stern
Costa, D.	Harkins	Miccarelli	Stevenson
Costa, P.	Harris	Micozzie	Swanger
Cox	Heffley	Millard	Tallman
Creighton	Helm	Miller	Taylor
Culver	Hess	Moul	Tobash
Cutler	Hickernell	Mustio	Toohil
Day	Hornaman	Neuman	Turzai
Deasy	Hutchinson	Oberlander	Vereb
Denlinger	Kampf	Payne	Vulakovich
DiGirolamo	Kauffman	Peifer	White
Dunbar	Kavulich	Perry	
Ellis	Keller, F.	Petrarca	Smith, S., Speaker
Emrick	Keller, M.K.	Pickett	
Evanovich	Killion	Preston	

NOT VOTING—0

EXCUSED—8

DeLuca	Hackett	Murt	Simmons
Godshall	Kotik	O'Brien, D.	Wagner

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

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

Ms. **DeLISSIO** offered the following amendment  
No. **A07030**:

Amend Bill, page 2, line 28, by striking out all of said line and inserting  
abortion unless:

(1) the insured fully pays for the cost of such coverage;

or

(2) the reason the abortion is performed is one for

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

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

Ms. DeLISSIO. Thank you, Mr. Speaker.

In the current bill, HB 1977, if a private citizen using private dollars chooses to buy health-care coverage that includes the opportunity to have an abortion covered, they are precluded from doing that. So my very high concern is the fact that we are taking the limitations that are on a Medicaid recipient and extrapolating them to private citizens using private dollars, and this amendment will then allow private citizens using private dollars to buy insurance that is within the health exchange that would also offer abortion coverage if an insurance company chose to do that.

Thank you, Mr. Speaker.

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

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

Mr. CUTLER. Thank you, Mr. Speaker.

I respectfully request a "no" vote on the proposed amendment for the following reasons.

Mr. Speaker, when the Federal government passed the health care reform act, they very clearly outlined the conditions by which we as the State could operate to opt out of this coverage. Mr. Speaker, furthermore, our Commonwealth has a very long history of not allowing the use of any Commonwealth or Federal funds in the furtherance of an abortion.

Mr. Speaker, I had spoken to this earlier regarding this prohibition, and to quote the rule again, it says that the Commonwealth funds or Federal funds shall not be expended by any State or local government agency for the performance of an abortion with three exceptions. While I skipped the exceptions last time, I think it is important to include them this time. It is cases where it is necessary to avert the death of the mother, rape, or incest.

Mr. Speaker, given that the framework, which still needs to be created for this exchange at some point in the future, is yet unknown, the one thing that we do know, again, is that public funds are highly likely to be involved in the creation of this. Mr. Speaker, once we expend those dollars, we create a framework within which these products will be offered, and our Abortion Control Act very clearly says that we cannot expend any public money for the furtherance of abortions.

Furthermore, Mr. Speaker, even if this were not the case, I would argue that this amendment is drafted improperly. If you look at where it is inserted into the underlying bill, it does not exclude, in lines 29 and 30, the underlying reference to Title 18 and would, therefore, be inconsistent if inserted into the bill as drafted.

For those reasons, Mr. Speaker, being that, one, I believe it is drafted improperly and has an inappropriate reference in it that is not internally consistent; and two, that we have a longstanding history of not utilizing any Federal funds or Commonwealth funds in the furtherance of an abortion; and three, Mr. Speaker, and probably most importantly, the Federal government has said that we can do this. They have said under which pretenses we as the Commonwealth can operate, and I believe that we should exercise that power as we have in the past and not allow for the public use of public money for publicly funded abortions and respectfully request a "no" vote.

Thank you.

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

On that question, the Speaker recognizes the gentleman from Montgomery County, Mr. Shapiro.

Mr. SHAPIRO. Thank you, Mr. Speaker.

Mr. Speaker, I rise in support of the DeLissio amendment. The underlying issue, as I understand it in the underlying bill put forth by the good gentleman from Tioga, is to ensure that no State money is being used for abortion. I understand, Mr. Speaker, in this chamber, and I have been here long enough to know that the issue politically has somewhat been settled in terms of the pro-life/pro-choice spectrum and position within this chamber, but, Mr. Speaker, respectfully, this issue goes beyond that.

The gentleman from Tioga suggests that we should not use State money for the purposes of women's health, and if one accepts the gentleman's position, as I am sure many in this chamber do, then this amendment is just for you, and this amendment, Mr. Speaker, is consistent with that viewpoint.

The gentleman from Lancaster, who is a good friend, although we respectfully disagree on this issue, said that there is a longstanding history in the Commonwealth that must be maintained, and specifically said that we should not or we do not allow the use of Commonwealth or Federal funds for abortion in this Commonwealth and that that is the longstanding history that ought to be maintained. Well, Mr. Speaker, supporting the DeLissio amendment and the inclusion of the DeLissio amendment in the underlying bill helps maintain that long history that the gentleman from Lancaster discussed. And it is very specific. The language is very short and very to the point. It says that the abortion will not be covered by the Commonwealth and in fact the insured must, under the DeLissio amendment, fully pay for, fully pay for the cost of such coverage – fully pay for.

And, Mr. Speaker, respectfully to the gentleman from Lancaster, I think it is drafted properly. It is drafted so properly that it makes it clear that the insured must fully pay for it, and obviously, Mr. Speaker, if the insured is fully paying for it, then no State money is being expended on behalf of that woman's health choice.

Mr. Speaker, we must remember that even if one's opinion in this chamber is to not support a woman's right to choose, the underlying law in this Commonwealth, the underlying law in this country, is that a woman has a right to make that choice, and in this case, with the DeLissio amendment, she is making that choice with her own money, not with State money.

And so, Mr. Speaker, if your aim is the aim of the gentleman from Tioga, if your aim is the aim that the gentleman from Lancaster has, and that is to keep all State money out of this women's health option, this women's health legal option, then support the DeLissio amendment, ensure that the insured is paying the full cost of such a procedure, and let us not undermine the legal right that is afforded to women here in Pennsylvania. Let us protect that legal right, and let us pass the DeLissio amendment.

Thank you, Mr. Speaker.

## LEAVE OF ABSENCE

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

## CONSIDERATION OF HB 1977 CONTINUED

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

On that question, the Speaker recognizes the gentleman from Montgomery County, Mr. Gerber.

Mr. GERBER. Thank you, Mr. Speaker.

Mr. Speaker, I, too, rise in support of the amendment we are currently debating, amendment 7030, first for the reasons stated by the prior speaker, and second, because for those of us that actually do care about free market principles, this amendment simply gives consumers choice. This amendment says that if you pay for your health insurance through the exchange, you can pick a plan that covers certain treatments.

We hear, particularly from the other side all the time, let the free market dictate what consumers will do. Why do we not let consumers make a choice? I guess my question for the people in this chamber who intend to vote "no" on this amendment, why do you think you are better able to make a choice for the consumer? Why do you think you should be making the decision that a consumer should be making? Why do you suppose you are superior? Why do you believe that your judgment is more sound than that of the rest of the residents of Pennsylvania? Because you have been elected? Is that what this is? Is this arrogance from a legislative body? You think because you were elected, you should be able to decide what a consumer buys at this exchange, not the consumer? I do not think so. I really do not think you think that way, but I think it is important that you understand that is how this vote could be viewed, particularly for those of you that have stood up time and time again saying, let the consumer decide; let the free market dictate what will happen. Well, this is a pro-free market amendment, and I urge a "yes" vote on A7030.

Thank you, Mr. Speaker.

**POINT OF ORDER**

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

On that question, the Speaker recognizes the gentleman from Montgomery County, Mr. Shapiro, for the second time.

Mr. SHAPIRO. Mr. Speaker, not for the second time. Just a point of order.

I mistakenly referred to the bill as the gentleman from Tioga's and in fact it is not; it is the gentelady from Armstrong.

The SPEAKER. From Clarion County.

Mr. SHAPIRO. From Clarion; excuse me. Thank you, Mr. Speaker.

The SPEAKER. The Speaker thanks the gentleman.

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

On that question, the Speaker recognizes the gentleman from York County, Mr. DePasquale.

Mr. DePASQUALE. Thank you, Mr. Speaker.

This amendment is simple. Whether you agree or disagree with a woman's right to choose on the issue of abortion, what the gentelady from Philadelphia is looking to do is, as part of the health exchange, allow people to choose to have abortion covered as part of their own health-care plan, that they can pay for it with their own money. That is what the gentelady is trying to do.

We talk about freedom of choice here a lot, giving people the freedom to do what they wish with their own money. That is simply what this amendment does, making sure that if a woman or a family wants to have abortion covered as part of their own health-care plan, that they can pay for it with their own money, and I would ask for a "yes" vote on the amendment.

Thank you, Mr. Speaker.

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

On that question, the Speaker recognizes the gentleman from Lancaster, Mr. Cutler, for the second time.

Mr. CUTLER. Thank you, Mr. Speaker.

I would like to further clarify some of my prior remarks and those of some of the gentlemen who preceded me.

Mr. Speaker, for those of us who want to support choice and the ability to buy products outside of the exchange, I would offer subsection (d) found on page 3, lines 10 through 15. It very clearly says, "Option.—Nothing in this section shall prohibit an individual from purchasing optional supplemental abortion coverage provided the individual pays a separate premium for the coverage" – and this is the important part – "and obtains the coverage outside of the health insurance exchange." Mr. Speaker, that choice is already being offered under subsection (d) in the gentelady's proposal. There is no need to offer it redundantly in a prior section, Mr. Speaker. And furthermore, I would offer that in order to maintain consistency with the Abortion Control Act, I do not believe it can be offered in the public exchange in and of itself.

Mr. Speaker, it is also not like we are producing some kind of new mandate on those insurance companies who are already offering these policies. Mr. Speaker, Title 18, 3215, subsection (e), already lays out that "All insurers who make available health care and disability insurance policies in this Commonwealth shall make available such policies which contain an express exclusion of coverage for abortion services not necessary...." to those covered under the exceptions.

Mr. Speaker, these individuals will already be able to offer the insurance policies in the current framework utilizing public dollars to set that framework up. Mr. Speaker, furthermore, the choice to buy additional outside coverage is already preserved in the existing language, and therefore, this amendment is not necessary.

Thank you, and I would urge a "no" vote.

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

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

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

I concur with the previous speaker from Lancaster County in his remarks and rise to oppose the gentelady's amendment. It is very clear in the legislation that it does not prohibit, in the underlying bill it does not prohibit an individual from purchasing abortion coverage for a separate premium outside a health insurance exchange.

Now, the Federal law incentivizes States to develop health insurance exchanges, and the Commonwealth is probably likely to create its own health insurance exchange and, in so doing, most likely will draw down Federal funding to help it do that. That is public dollars; that is taxpayer dollars. Every poll I have seen strongly opposes taxpayer dollars being utilized for abortions.

Mr. Speaker, this legislation, notwithstanding this amendment, was passed and is a companion bill to SB 3 that passed with bipartisan support, a vote of 37 to 12, and we are trying to keep this legislation identical to the Senate bill that passed with bipartisan support without these additional amendments. And I strongly urge opposition to this amendment and moving next week toward final passage of the bill.

Thank you, Mr. Speaker.

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

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

Mr. STERN. Thank you, Mr. Speaker.

I am not going to continue this dialogue. I would just ask for a "no" vote on the DeLissio amendment.

As previously stated by the previous two speakers, the language is already in HB 1977 that would provide for this amendment, so it is really not necessary. And in keeping with longstanding tradition of the Commonwealth, use of public funds, I would ask for a "no" vote.

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

On that question, the Speaker recognizes the gentleman from Montgomery County, Mr. Gerber, for the second time.

Mr. GERBER. Thank you, Mr. Speaker, for your indulgence and allowing me to rise for a second time.

We have now had this back and forth on whether or not we are truly creating a free market. You have to think about what you are actually saying here, and what you are actually saying here is, for those people who can afford to get insurance somewhere other than the exchange, we will let them choose. So if you are wealthy or you are employed at a company or in a job where you have a strong health insurance program, you can get all the services you want covered by health insurance. But if you are not wealthy or you are not fortunate enough to have a job with a good benefits program, you are going to have to go through the exchange, and at the exchange, we are not going to

give you choice. Wealthy, you have choice; not wealthy, you do not have choice. We are creating a class-warfare situation here. We allow those with wealth, those with good jobs and good benefits, to have free market choice and those without those benefits an exchange that will not operate like a free market.

And we hear the argument that this is because public funds are going to be used here. Well, Mr. Speaker, public funds are used everywhere. Who do you think regulates the insurance industry at the State level? Our Insurance Commissioner. What do you think funds some of those operations? Public funds. You could extend that public-funding argument to everything that goes on in this Commonwealth. This is not about public funds, Mr. Speaker. Let us be honest about the debate. You are seizing an opportunity to try to drive your own ideology down the throats of poorer Pennsylvanians. That is what this is about.

So let us be honest with the public what you are doing; let us be honest with the public about what you are saying, and what you are saying with a "no" vote on this amendment is that you do not believe people who are less fortunate or people who do not have great benefits at their work should have the freedom of choice. And not just the freedom of choice, of course, of what insurance product they will have, but you are taking a woman's right to choose away, because you are making it unaffordable. That is what you are doing, and you are using this as a vehicle to do it and you are using this as a vehicle to do it to a segment of our society that you know is not in a position to really stand up and fight. And that, Mr. Speaker, is why I find this to be so reprehensible, and again, I encourage a "yes" vote on amendment 7030.

Thank you, Mr. Speaker.

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

On that question, the Speaker recognizes the lady from Philadelphia County, Ms. DeLissio, for the second time.

Ms. DeLISSIO. Thank you, Mr. Speaker.

Mr. Speaker, I appreciate everybody's comments here this afternoon. Again, my concern is that the health exchange, which indeed has a lot of moving parts, a lot of it is very much undetermined. This language, the way the bill is written currently, would totally preclude small businesses and individual citizens who already today have limited choices as to where to go for health insurance products, it would further limit those groups of people who have their own private dollars to do this. And one of the benefits of a health exchange is to provide competitively priced products to the marketplace. I doubt that we will find these competitively priced products outside of the exchange as well. They will be very sub-par at best.

So the amendment is drafted accurately. It does preserve all of the Federal requirements that are there. I respect those requirements. This language is not about ideology. This language is about the ability to have, as many individuals and small businesses have, competitive insurance options in the Commonwealth of Pennsylvania as much as possible. And I respectfully request a "yes" vote on this amendment, and thank you for putting up with a somewhat raspy voice.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

#### YEAS—55

Bishop	Davis	Kirkland	Samuelson
Boyle, B.	DeLissio	Mann	Santarsiero
Boyle, K.	DePasquale	McGeehan	Shapiro
Bradford	Dermody	Mullery	Smith, K.
Brennan	DeWeese	Mundy	Smith, M.
Briggs	Evans, D.	Murphy	Sturla
Brown, V.	Fabrizio	Myers	Thomas
Brownlee	Frankel	O'Brien, M.	Vitali
Buxton	Freeman	Parker	Waters
Cohen	Galloway	Pashinski	Wheatley
Cruz	Gerber	Payton	White
Curry	Johnson	Roebuck	Williams
Daley	Josephs	Ross	Youngblood
Davidson	Keller, W.	Sabatina	

#### NAYS—139

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

#### NOT VOTING—0

#### EXCUSED—9

DeLuca	Kotik	Murt	Simmons
Godshall	Miccarelli	O'Brien, D.	Wagner
Hackett			

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

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

### SUPPLEMENTAL CALENDAR B

#### BILL ON CONCURRENCE IN SENATE AMENDMENTS

The House proceeded to consideration of concurrence in Senate amendments to **HB 242, PN 2815**, entitled:

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, further providing for definitions, for authority to issue liquor licenses to hotels, restaurants and clubs, for sales by liquor licensees and restrictions, for prohibited interlocking business, for public venue license, for malt and brewed beverages retail licenses, for prohibitions against the grant of licenses, for sales by manufacturers of malt or brewed beverages and minimum quantities, for distributors' and importing distributors' restrictions on sales, storage, for retail dispensers' restrictions on purchases and sales, for brand registration, for breweries, for licenses not assignable and transfers, for renewal of licenses and temporary provisions for licenses in armed service, for responsible alcohol management, for unlawful acts relative to liquor, alcohol and liquor licensees, for unlawful acts relative to malt or brewed beverages and licensees, for hours of operation relative to manufacturers, importing distributors and distributors, for unlawful acts relative to liquor, malt and brewed beverages and licensees, for rights of municipalities preserved, for reporting of worthless checks, for limited wineries and for distilleries.

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

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

The Speaker recognizes the gentleman from Bucks County, Mr. Clymer, for a brief description of Senate amendments.

Mr. CLYMER. Mr. Speaker—

The SPEAKER. The gentleman will suspend. Thank you.

The Speaker will come back to you, Mr. Clymer.

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

Mr. EVERETT. Thank you, Mr. Speaker.

HB 242 was passed out of the House of Representatives and consisted of a provision that would allow for limited distilleries, which would allow small distilleries to have the same ability that small wineries and small group hubs do at this point. That passed overwhelmingly out of the House and went to the Senate.

The Senate has significantly amended HB 242 and has added some features of which I support all of. It adds two new special-occasion permits and has some clarifications on what public officials can and cannot hold licenses. It allows for the expansion of the time that beer distributors can sell their product on Sundays. It allows for restaurants that apply for a special license to be able to serve alcoholic beverages before 11 o'clock. It allows for interior connections between licensed businesses. It makes a small change to the limited winery law. It allows small brewers in PA and group hubs to sell supplies for home brewers. It allows the sales of publications in distributors. And it makes some changes in recordkeeping required by premises holders and recordkeeping by licensees and makes some small changes in noise violations.

And if anybody has any questions on any of the specifics of those, we can get into the exact language. I think these are all good and commonsense provisions to the Liquor Code and would ask for a "yes" vote on concurrence in the Senate amendments. Thank you.

#### PARLIAMENTARY INQUIRY

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

For what purpose does the gentleman, Mr. Petri, from Bucks County rise?

Mr. PETRI. A parliamentary inquiry.

The SPEAKER. The gentleman may state his inquiry.

Mr. PETRI. Mr. Speaker, in conformance with the various ethics provisions, House rules, and the Constitution of Pennsylvania, I would request to be recused from this vote, as I believe while it is not absolutely apparent that I have a conflict, there is certainly the appearance, and I would therefore request to be recused.

The SPEAKER. The gentleman's request will be honored. He will be excused from the vote on this bill.

Mr. PETRI. Thank you. Thank you, Mr. Speaker.

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

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

Mr. CLYMER. Thank you, Mr. Speaker, and I will be brief.

Mr. Speaker, this bill is once again a major expansion of the use of alcohol here in Pennsylvania. I wish I could stand before you and report that underage drinking was under control, but I cannot. I wish I could report that DUIs, drinking while under the influence, were no longer being reported by law enforcement officers, but I cannot. I wish I could report that binge drinking was becoming history, but I cannot. I wish that I could report that family abuse created by alcohol addiction was on the decline, but I cannot. I wish I could report that intoxicated drivers were no longer taking innocent life. Unfortunately, these problems continue.

Mr. Speaker, HB 242 greatly expands the use of alcoholic beverages. There are no additional members of law enforcement to control and to supervise and have oversight over this expansion of alcohol, and therefore, I will be voting in the negative.

Thank you, Mr. Speaker.

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

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

Mr. O'NEILL. Thank you, Mr. Speaker. I appreciate it.

Mr. Speaker, I just want to ask for a concurrence on the bill as well. But most importantly, I would like to reach out to the two chairmen of the House Liquor Committee, Liquor Control Committee, and their staff because of all the hard work they have done in putting this omnibus bill together. It has been a long time since we have been able to move things through both chambers through this committee because of many issues. And I just want to commend the chairmen, especially Chairman Taylor, because over the past year, they have really



accomplished quite a bit for the people of Pennsylvania and for the people of this chamber.

Thank you. And to their staff as well.

On the question recurring,

Will the House concur in Senate amendments?

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

The following roll call was recorded:

YEAS—164

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

NAYS—29

Aument	Culver	Hickernell	Rapp
Bear	Cutler	Hutchinson	Roae
Bloom	Denlinger	Keller, F.	Saccone
Boyd	Dunbar	Lawrence	Shapiro
Brooks	Emrick	Maloney	Stevenson
Clymer	Gillen	Metzgar	Swanger
Cox	Gillespie	Oberlander	Tallman
Creighton			

NOT VOTING—1

Petri

EXCUSED—9

DeLuca	Kotik	Murt	Simmons
Godshall	Miccarelli	O'Brien, D.	Wagner
Hackett			

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

Ordered, That the clerk inform the Senate accordingly.

**BILL SIGNED BY SPEAKER**

Bill numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the title was publicly read as follows:

**HB 242, PN 2815**

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, further providing for definitions, for authority to issue liquor licenses to hotels, restaurants and clubs, for sales by liquor licensees and restrictions, for prohibited interlocking business, for public venue license, for malt and brewed beverages retail licenses, for prohibitions against the grant of licenses, for sales by manufacturers of malt or brewed beverages and minimum quantities, for distributors' and importing distributors' restrictions on sales, storage, for retail dispensers' restrictions on purchases and sales, for brand registration, for breweries, for licenses not assignable and transfers, for renewal of licenses and temporary provisions for licensees in armed service, for responsible alcohol management, for unlawful acts relative to liquor, alcohol and liquor licensees, for unlawful acts relative to malt or brewed beverages and licensees, for hours of operation relative to manufacturers, importing distributors and distributors, for unlawful acts relative to liquor, malt and brewed beverages and licensees, for rights of municipalities preserved, for reporting of worthless checks, for limited wineries and for distilleries.

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

**CALENDAR CONTINUED**

**BILLS ON THIRD CONSIDERATION**

The House proceeded to third consideration of **HB 2012, PN 2820**, entitled:

An Act amending Title 4 (Amusements) of the Pennsylvania Consolidated Statutes, in gaming, further providing for licensing of principals and for financial and employment interests.

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—194

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

NAYS—0

NOT VOTING—0

EXCUSED—9

DeLuca	Kotik	Murt	Simmons
Godshall	Miccarelli	O'Brien, D.	Wagner
Hackett			

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 638, PN 1828**, entitled:

An Act amending the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, in public assistance, further providing for definitions; and, in public assistance, providing for mileage reimbursement for individuals receiving methadone treatment.

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—189

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

NAYS-5

Brown, V. DeLissio	Josephs	Parker	Payton
-----------------------	---------	--------	--------

NOT VOTING-0

EXCUSED-9

DeLuca Godshall Hackett	Kotik Miccarelli	Murt O'Brien, D.	Simmons Wagner
-------------------------------	---------------------	---------------------	-------------------

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

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

\* \* \*

The House proceeded to third consideration of **HB 1397, PN 2821**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for the offense of sexual assault by sports official, volunteer or employee of nonprofit association.

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-194

Adolph	Donatucci	Killion	Rapp
Aument	Dunbar	Kirkland	Ravenstahl
Baker	Ellis	Knowles	Readshaw
Barbin	Emrick	Kortz	Reed
Barrar	Evankovich	Krieger	Reese
Bear	Evans, D.	Kula	Reichley
Benninghoff	Evans, J.	Lawrence	Roae
Bishop	Everett	Longietti	Rock
Bloom	Fabrizio	Maher	Roebuck
Boback	Farry	Mahoney	Ross
Boyd	Fleck	Major	Sabatina
Boyle, B.	Frankel	Maloney	Saccone
Boyle, K.	Freeman	Mann	Sainato
Bradford	Gabler	Markosek	Samuelson
Brennan	Galloway	Marshall	Santarsiero
Briggs	Geist	Marsico	Santoni
Brooks	George	Masser	Saylor
Brown, R.	Gerber	Matzie	Scavello
Brown, V.	Gergely	McGeehan	Schroder
Brownlee	Gibbons	Metcalfe	Shapiro
Burns	Gillen	Metzgar	Smith, K.
Buxton	Gillespie	Micozzie	Smith, M.
Caltagirone	Gingrich	Millard	Sonney

Carroll	Goodman	Miller	Staback
Causler	Grell	Milne	Stephens
Christiana	Grove	Mirabito	Stern
Clymer	Hahn	Moul	Stevenson
Cohen	Haluska	Mullery	Sturla
Conklin	Hanna	Mundy	Swanger
Costa, D.	Harhai	Murphy	Tallman
Costa, P.	Harhart	Mustio	Taylor
Cox	Harkins	Myers	Thomas
Creighton	Harper	Neuman	Tobash
Cruz	Harris	O'Brien, M.	Toepel
Culver	Heffley	O'Neill	Toohil
Curry	Helm	Oberlander	Truitt
Cutler	Hennessey	Parker	Turzai
Daley	Hess	Pashinski	Vereb
Davidson	Hickernell	Payne	Vitali
Davis	Hornaman	Payton	Vulakovich
Day	Hutchinson	Peifer	Waters
Deasy	Johnson	Perry	Watson
DeLissio	Josephs	Petrarca	Wheatley
Delozier	Kampf	Petri	White
Denlinger	Kauffman	Pickett	Williams
DePasquale	Kavulich	Preston	Youngblood
Dermody	Keller, F.	Pyle	
DeWeese	Keller, M.K.	Quigley	Smith, S., Speaker
DiGirolamo	Keller, W.	Quinn	

NAYS-0

NOT VOTING-0

EXCUSED-9

DeLuca Godshall Hackett	Kotik Miccarelli	Murt O'Brien, D.	Simmons Wagner
-------------------------------	---------------------	---------------------	-------------------

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.

VOTE CORRECTIONS

The SPEAKER. For what purpose does the gentleman from Allegheny County, Mr. Preston, rise?

Mr. PRESTON. To correct the record, Mr. Speaker.

The SPEAKER. The gentleman may state his correction.

Mr. PRESTON. On HB 1977, on amendments A7021 by Mr. Pashinski and A7030, Ms. DeLissio, my button malfunctioned, and it has since been corrected, but I was recorded in the negative. I would like the record to show that I would have voted in the "yea."

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

For what purpose does the lady from Clarion, Ms. Oberlander, rise?

Ms. OBERLANDER. To correct the record, Mr. Speaker.

The SPEAKER. The lady may state her correction.

Ms. OBERLANDER. On HB 242, I was recorded in the negative and would like to be recorded in the positive, please.

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

Ms. OBERLANDER. Thank you.

SUPPLEMENTAL CALENDAR A

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1905, PN 2833**, entitled:

An Act amending Title 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes, further providing for general provisions, for special rules for gifts and for liability; providing for liability for refusal to accept acknowledged power of attorney; and further providing for validity.

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—194

Table listing names of members who voted 'YEAS' for HB 1905, including Adolph, Aument, Baker, Barbin, Barrar, Bear, Benninghoff, Bishop, Bloom, Boback, Boyd, Boyle, B., Boyle, K., Bradford, Brennan, Briggs, Brooks, Brown, R., Brown, V., Brownlee, Burns, Buxton, Caltagirone, Carroll, Causer, Christiana, Clymer, Cohen, Conklin, Costa, D., Costa, P., Cox, Creighton, Cruz, Culver, Curry, Cutler, Daley, Davidson, Davis, Day, Deasy, Donatucci, Dunbar, Ellis, Emrick, Evankovich, Evans, D., Evans, J., Everett, Fabrizio, Farry, Fleck, Frankel, Freeman, Gabler, Galloway, Geist, George, Gerber, Gergely, Gibbons, Gillen, Gillespie, Gingrich, Goodman, Grell, Grove, Hahn, Haluska, Hanna, Harhai, Harhart, Harkins, Harper, Harris, Heffley, Helm, Hennessey, Hess, Hickernell, Hornaman, Hutchinson, Johnson, Killion, Kirkland, Knowles, Kortz, Krieger, Kula, Lawrence, Longietti, Maher, Mahoney, Major, Maloney, Mann, Markosek, Marshall, Marsico, Masser, Matzie, McGeehan, Metcalfe, Metzgar, Micozzie, Millard, Miller, Milne, Mirabito, Moul, Mullery, Mundy, Murphy, Mustio, Myers, Neuman, O'Brien, M., O'Neill, Oberlander, Parker, Pashinski, Payne, Payton, Peifer, Perry, Rapp, Ravenstahl, Readshaw, Reed, Reese, Reichley, Roae, Rock, Roebuck, Ross, Sabatina, Saccone, Sainato, Samuelson, Santarsiero, Santoni, Saylor, Scavello, Schroder, Shapiro, Smith, K., Smith, M., Sonney, Staback, Stephens, Stern, Stevenson, Sturla, Swanger, Tallman, Taylor, Thomas, Tobash, Toepel, Toohil, Truitt, Turzai, Vereb, Vitali, Vulakovich, Waters, Watson.

Table listing names of members who did not vote 'YEAS' for HB 1905, including DeLissio, Delozier, Denlinger, DePasquale, Dermody, DeWeese, DiGirolamo, Josephs, Kampf, Kauffman, Kavulich, Keller, F., Keller, M.K., Keller, W., Petrarca, Petri, Pickett, Preston, Pyle, Quigley, Quinn, Wheatley, White, Williams, Youngblood, Smith, S., Speaker.

NAYS—0

NOT VOTING—0

EXCUSED—9

Table listing names of members who were excused from voting for HB 1905, including DeLuca, Godshall, Hackett, Kotik, Miccarelli, Murt, O'Brien, D., Simmons, Wagner.

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 578, PN 1646**, entitled:

An Act amending the act of August 9, 1955 (P.L.323, No.130), known as The County Code, further providing for the governing board of the convention center authority.

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—194

Table listing names of members who voted 'YEAS' for HB 578, including Adolph, Aument, Baker, Barbin, Barrar, Bear, Benninghoff, Bishop, Bloom, Boback, Boyd, Boyle, B., Boyle, K., Bradford, Brennan, Briggs, Brooks, Brown, R., Brown, V., Carroll, Causer, Christiana, Clymer, Cohen, Conklin, Costa, D., Costa, P., Cox, Creighton, Cruz, Culver, Curry, Cutler, Daley, Davidson, Davis, Day, Deasy, Donatucci, Dunbar, Ellis, Emrick, Evankovich, Evans, D., Evans, J., Everett, Fabrizio, Farry, Fleck, Frankel, Freeman, Gabler, Galloway, Geist, George, Gerber, Gergely, Gibbons, Gillen, Gillespie, Gingrich, Goodman, Grell, Grove, Hahn, Haluska, Hanna, Harhai, Harhart, Harkins, Harper, Harris, Heffley, Helm, Hennessey, Hess, Hickernell, Hornaman, Hutchinson, Johnson, Killion, Kirkland, Knowles, Kortz, Krieger, Kula, Lawrence, Longietti, Maher, Mahoney, Ross, Sabatina, Saccone, Sainato, Samuelson, Santarsiero, Santoni, Saylor, Scavello, Schroder, Shapiro, Smith, K., Smith, M., Sonney, Staback, Stephens, Stern, Stevenson, Sturla, Swanger, Tallman, Taylor, Thomas, Tobash, Toepel, Toohil, Truitt, Turzai, Vereb, Vitali, Vulakovich, Waters, Watson.

Brownlee	Gibbons	Metcalf	Shapiro
Burns	Gillen	Metzgar	Smith, K.
Buxton	Gillespie	Micozzie	Smith, M.
Caltagirone	Gingrich	Millard	Sonney
Carroll	Goodman	Miller	Staback
Causar	Grell	Milne	Stephens
Christiana	Grove	Mirabito	Stern
Clymer	Hahn	Moul	Stevenson
Cohen	Haluska	Mullery	Sturla
Conklin	Hanna	Mundy	Swanger
Costa, D.	Harhai	Murphy	Tallman
Costa, P.	Harhart	Mustio	Taylor
Cox	Harkins	Myers	Thomas
Creighton	Harper	Neuman	Tobash
Cruz	Harris	O'Brien, M.	Toepel
Culver	Heffley	O'Neill	Toohil
Curry	Helm	Oberlander	Truitt
Cutler	Hennessey	Parker	Turzai
Daley	Hess	Pashinski	Vereb
Davidson	Hickernell	Payne	Vitali
Davis	Hornaman	Payton	Vulakovich
Day	Hutchinson	Peifer	Waters
Deasy	Johnson	Perry	Watson
DeLissio	Josephs	Petrarca	Wheatley
Delozier	Kampf	Petri	White
Denlinger	Kauffman	Pickett	Williams
DePasquale	Kavulich	Preston	Youngblood
Dermody	Keller, F.	Pyle	
DeWeese	Keller, M.K.	Quigley	Smith, S.,
DiGirolamo	Keller, W.	Quinn	Speaker

NAYS-0

NOT VOTING-0

EXCUSED-9

DeLuca	Kotik	Murt	Simmons
Godshall	Miccarelli	O'Brien, D.	Wagner
Hackett			

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 366, PN 351**, entitled:

An Act amending the act of December 22, 1983 (P.L.306, No.84), known as the Board of Vehicles Act, further providing for definitions, for licensure and for State Board of Vehicle Manufacturers, Dealers and Salespersons.

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.

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

The following roll call was recorded:

YEAS-194

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

NAYS-0

NOT VOTING-0

EXCUSED-9

DeLuca	Kotik	Murt	Simmons
Godshall	Miccarelli	O'Brien, D.	Wagner
Hackett			

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 957, PN 1804**, entitled:

An Act amending the act of October 5, 1978 (P.L.1109, No.261), known as the Osteopathic Medical Practice Act, further providing for definitions, for State Board of Osteopathic Medicine, for athletic trainers and for reasons for refusal, revocation or suspension of license.

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—194

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

DePasquale	Kavulich	Preston	Youngblood
Dermody	Keller, F.	Pyle	
DeWeese	Keller, M.K.	Quigley	Smith, S.,
DiGirolamo	Keller, W.	Quinn	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—9

DeLuca	Kotik	Murt	Simmons
Godshall	Miccarelli	O'Brien, D.	Wagner
Hackett			

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

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

\* \* \*

The House proceeded to third consideration of **SB 967, PN 1805**, entitled:

An Act amending the act of December 20, 1985 (P.L.457, No.112), known as the Medical Practice Act of 1985, further providing for definitions, for the State Board of Medicine and for athletic trainers.

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—194

Adolph	Donatucci	Killion	Rapp
Aument	Dunbar	Kirkland	Ravenstahl
Baker	Ellis	Knowles	Readshaw
Barbin	Emrick	Kortz	Reed
Barrar	Evankovich	Krieger	Reese
Bear	Evans, D.	Kula	Reichley
Benninghoff	Evans, J.	Lawrence	Roae
Bishop	Everett	Longietti	Rock
Bloom	Fabrizio	Maher	Roebuck
Boback	Farry	Mahoney	Ross
Boyd	Fleck	Major	Sabatina
Boyle, B.	Frankel	Maloney	Saccone
Boyle, K.	Freeman	Mann	Sainato
Bradford	Gabler	Markosek	Samuelson
Brennan	Galloway	Marshall	Santarsiero
Briggs	Geist	Marsico	Santoni
Brooks	George	Masser	Saylor

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

NAYS-0

NOT VOTING-0

EXCUSED-9

DeLuca	Kotik	Murt	Simmons
Godshall	Miccarelli	O'Brien, D.	Wagner
Hackett			

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

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

\* \* \*

The House proceeded to third consideration of **HB 17, PN 2466**, entitled:

An Act designating the Pickertown Road Bridge carrying Pickertown Road over the U.S. Route 202 Parkway in Warrington Township, Bucks County, as the Robert V. Cotton Bridge.

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-194

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

NAYS-0

NOT VOTING-0

EXCUSED-9

DeLuca	Kotik	Murt	Simmons
Godshall	Miccarelli	O'Brien, D.	Wagner
Hackett			

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.

## CALENDAR CONTINUED

## BILLS ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 2005, PN 2492**, entitled:

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

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

The SPEAKER. The Speaker has been informed that the amendments that have been filed to HB 2005 have been withdrawn.

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

\* \* \*

The House proceeded to second consideration of **HB 761, PN 2590**, entitled:

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, in realty transfer tax, further providing for definitions, for excluded transactions and for acquired company.

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

Mr. **STURLA** offered the following amendment No. **A06893**:

Amend Bill, page 1, line 10, by inserting after "penalties," in sales and use tax, further providing for discount; and Amend Bill, page 1, lines 15 through 19, by striking out all of said lines and inserting

Section 1. Section 227 of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, is amended to read:

Section 227. Discount.—If a return is filed by a licensee with \$1,000,000 or less in taxable sales, and the tax shown to be due thereon less any discount is paid all within the time prescribed, the licensee shall be entitled to credit and apply against the tax payable by him a discount of one per cent of the amount of the tax collected by him on and after the effective date of this article, as compensation for the expense of collecting and remitting the same and as a consideration of the prompt payment thereof.

Section 2. The definitions of "association," "corporation," "family farm corporation" and "family farm partnership" in section 1101-C of the act, amended July 2, 1986 (P.L.318, No.77) and April 23, 1998 (P.L.239, No.45), are amended to read:

Amend Bill, page 3, line 23, by striking out "2" and inserting  
3

Amend Bill, page 6, line 2, by striking out all of said line and inserting

Section 4. This act applies as follows:

(1) Except as set forth in paragraph (2), this act shall apply retroactively to

Amend Bill, page 6, by inserting between lines 3 and 4

(2) The amendment of section 227 of the act applies to tax years beginning after December 31, 2011.

Amend Bill, page 6, line 4, by striking out "4" and inserting  
5

Amend Bill, page 6, line 6, by striking out "5" and inserting  
6

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

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

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, this is a fairly simple amendment. It provides that the current sales tax vendor discount would only apply to licensees with \$1 million in taxable sales or less, thus helping to close some of that gap that we have in budget issues and eliminate the 1-percent giveaway that we give to large, big-box retailers for applying or complying with the law in Pennsylvania.

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

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

Mr. CUTLER. Thank you, Mr. Speaker.

Mr. Speaker, I respectfully oppose the proposed amendment for the following reasons. While the gentleman from Lancaster, I think, has a good idea, Mr. Speaker, in that we should take a serious look at the discounts provided to those vendors who are submitting their sales tax simply as required by law, Mr. Speaker, I would offer the following assessment of his amendment. By simply saying those vendors with \$1 million or less in taxable sales, we unfortunately create a two-tiered system by which individuals would have to report. Mr. Speaker, I think a more appropriate way would have simply been to say, let us exempt the first million dollars of everyone's sale because that would treat everyone equally under the Tax Code.

However, as drafted, I do think that the amendment unfortunately is fundamentally flawed, and I would even argue that it is unconstitutional, but I would respectfully request a "no" vote because I do not believe it is in the best interest of this body to advocate for policy to treat two different groups of people that are being treated supposedly fair under the tax system in a different manner. Mr. Speaker, I believe this idea has merit. I think it should be looked at, but unfortunately, I do not believe it should be looked at under this bill because of that drafting error. Mr. Speaker, if we want to take a look at it, I think it is a great idea, but this is not the way to do it and I respectfully urge a "no" vote. Thank you.

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

On that question, the Speaker recognizes the gentleman from Centre County, Mr. Conklin.

Mr. CONKLIN. Thank you, Mr. Speaker.

Mr. Speaker, would it be possible to ask the maker of the amendment a couple questions?

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

Mr. CONKLIN. I want to thank the maker of the amendment. Just to get my hands around this, can you explain to me a little bit, because I know a lot of folks it is foreign about this vendor discount. Can you just explain to me about, for instance, when I go in and I pay 6-percent sales tax to my



vendor, is that 6 percent coming to the State or can you explain a little bit of where that money is going?

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, currently the way tax collections operate is that the vendor collects the 6 percent for the State and then the State says if you actually give us that money that you have collected, we will give you 1 percent of it.

Mr. CONKLIN. So basically what you are saying today, when a consumer goes to the store and they pay their 6 percent, they are really not paying 6 percent, they are just giving the vendor just a little extra money.

Mr. STURLA. That is correct, Mr. Speaker.

And what this amendment tries to do is set out—I understand for small businesses that there is some bookwork in collecting some of these taxes. You know, it used to be that they sat down with a pen and paper and filled out some forms. Now most of them punch a button on a computer, but there is something involved with that. But there is the same amount of work for a small vendor as there is for a very large vendor. So what this does is it says we will give you some ability to recoup some of those dollars for the work you are doing for the State as a vendor, but we are not going to allow it if you are a huge retailer with more than \$1 million in sales.

And if I could, to the last speaker's point, currently in the State income tax, we exempt people at a certain level and say, if you make more than that, you actually pay the State income tax, and if you meet the poverty exemption, you do not pay the State income tax. Now, if we wanted to apply the formula that the past speaker had hoped for, we would say everybody would get their first \$10,000 or \$20,000 exempted on State income tax and then you would pay after that, and I would be for a system like that in the State income tax also. We could actually collect a reasonable amount of State income tax that way. But this is how we do tax in the State of Pennsylvania. So this is simply following the way we do other taxes and tax exemptions in the State of Pennsylvania.

Mr. CONKLIN. I want to thank the speaker. You actually answered my second question, and I just have one more question for the speaker. Last year we cut education funding to many of our rural schools, those school districts that are in the middle of the State of Pennsylvania who desperately need money to educate their children but instead faced raising taxes. I am just curious, if we would do something like this, do you have any idea of approximately how much money that we could actually bring in to help lower property taxes, especially in the rural areas of Pennsylvania?

Mr. STURLA. Yes, Mr. Speaker.

Currently the sales tax vendor discount costs Pennsylvania \$74 million. Nearly \$12 million of that went to 10 corporations with sales exceeding \$1 billion in the State. Let me repeat that, \$12 million went to 10 corporations. So under this amendment, there would be \$12 million more for the schools in Pennsylvania and 10 corporations that would not be getting their vendor discount.

Mr. CONKLIN. Thank you, Mr. Speaker.

Mr. Speaker, may I speak on the amendment?

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

Mr. CONKLIN. I think this is a very good amendment. I want to thank the gentleman for bringing it forward. You know, over the last few years we have talked a lot about how we could help out the State without costing the taxpayers any

money. Well, we have reached a point that we have an amendment that we can actually take that money that our citizens of Pennsylvania are paying and use their tax dollars, rather than allowing large corporations to benefit, actually take those tax dollars that are not part of the price of consuming a product but are actually tax dollars that the citizens pay, thinking it is going to help out their communities, and I think it is an excellent way for us to take some of these millions of dollars, bring it back in and help our local tax dollars by perhaps putting this toward our school systems and helping lower those school taxes that we can no longer afford.

So for that reason, I am asking my colleagues to join with us and vote for this amendment. It is a very good amendment. Thank you, Mr. Speaker.

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

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

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, this amendment is pretty simple. Do you want the money that Pennsylvanians have paid in taxes as sales tax, do you want \$12 million of that to come to the State to be redistributed back to the citizens of Pennsylvania, or do you want that \$12 million to go to 10 corporations? That is what this is about; \$12 million for Pennsylvanians, that is a dollar per Pennsylvanian, or \$12 million to 10 corporations. It is that plain and simple.

Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

#### YEAS—74

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

#### NAYS—120

Adolph	Farry	Longietti	Reese
Aument	Fleck	Maher	Reichley
Baker	Gabler	Major	Roae
Barbin	Geist	Maloney	Rock
Barrar	Gergely	Marshall	Ross
Bear	Gillen	Marsico	Saccone
Benninghoff	Gillespie	Masser	Sainato
Bloom	Gingrich	Metcalfe	Saylor
Boback	Grell	Metzgar	Scavello
Boyd	Grove	Micozzie	Schroder

Brooks	Hahn	Millard	Shapiro
Brown, R.	Harhai	Miller	Smith, M.
Burns	Harhart	Milne	Sonney
Causser	Harper	Moul	Stephens
Christiana	Harris	Mustio	Stern
Clymer	Heffley	Neuman	Stevenson
Cox	Helm	O'Neill	Swanger
Creighton	Hennessey	Oberlander	Tallman
Culver	Hess	Payne	Taylor
Cutler	Hickernell	Peifer	Tobash
Day	Hutchinson	Perry	Toepel
Delozier	Kampf	Petrarca	Toohil
Denlinger	Kauffman	Petri	Truitt
DePasquale	Keller, F.	Pickett	Turzai
DiGirolamo	Keller, M.K.	Pyle	Vereb
Dunbar	Killion	Quigley	Vulakovich
Ellis	Knowles	Quinn	Watson
Emrick	Kortz	Rapp	
Evankovich	Krieger	Readshaw	Smith, S.,
Evans, J.	Kula	Reed	Speaker
Everett	Lawrence		

NOT VOTING—0

EXCUSED—9

DeLuca	Kotik	Murt	Simmons
Godshall	Miccarelli	O'Brien, D.	Wagner
Hackett			

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

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

Mr. **VITALI** offered the following amendment No. **A06952**:

Amend Bill, page 1, line 12, by inserting after "company"  
; and providing for taxation of natural gas drilling and for  
transfers and distributions

Amend Bill, page 6, by inserting between lines 1 and 2  
Section 2.1. The act is amended by adding an article to read:

**ARTICLE XXIX-G**

**EFFECTS OF NATURAL GAS DRILLING**

Sec.

2901-G. Scope of article.

2902-G. Definitions.

2903-G. Imposition of tax.

2904-G. Return and payment.

2905-G. Natural gas severance tax registration.

2905.1-G. Meters.

2906-G. Assessments.

2907-G. Time for assessment.

2908-G. Extension of assessment period.

2909-G. Reassessments.

2910-G. Interest.

2911-G. Penalties.

2912-G. Criminal acts.

2913-G. Abatement of additions or penalties.

2914-G. Bulk and auction sales.

2915-G. Collection upon failure to request reassessment, review or  
appeal.

2916-G. Tax liens.

2917-G. Tax suit reciprocity.

2918-G. Service.

2919-G. Refunds.

2920-G. Refund petition.

2921-G. Rules and regulations.

2922-G. Recordkeeping.

2923-G. Examinations.

2924-G. Unauthorized disclosure.

2925-G. Cooperation with other governments.

2926-G. Bonds.

2927-G. Accounts established.

2928-G. Transfers and distributions.

2929-G. Appropriation.

Section 2901-G. Scope of article.

This article shall relate to the ability of all counties within this Commonwealth to ameliorate the effects of natural gas drilling that occur within their borders.

Section 2902-G. 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:

"Account." The Natural Gas Severance Tax Account.

"Accredited laboratory." A facility engaged in the testing and calibration of scientific measurement devices and certified by the Department of Environmental Protection as having met the department's standards for accreditation.

"Association." A partnership, limited partnership or any other form of unincorporated enterprise owned or conducted by two or more persons.

"Base rate." The rate under section 2903-G(b).

"Coal bed methane." Gas which can be produced from coal beds, coal seams, mined-out areas or gob wells.

"Corporation." A corporation, joint stock association, limited liability company, business trust or any other incorporated enterprise organized under the laws of this Commonwealth, the United States or any other state, territory or foreign country or dependency.

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

"Meter." A device to measure the passage of volumes of gases or liquids past a certain point.

"Municipality." A city, borough, incorporated town or township.

"Natural gas." A fossil fuel consisting of a mixture of hydrocarbon gases, primarily methane, possibly including ethane, propane, butane, pentane, carbon dioxide, oxygen, nitrogen and hydrogen sulfide and other gas species. The term includes natural gas from oil fields known as associated gas or casing head gas, natural gas fields known as nonassociated gas, coal beds, shale beds and other formations. The term does not include coal bed methane.

"Nonproducing site." A point of severance that is not capable of producing natural gas in paying quantities.

"Paying quantities." Profit to the producer, however small, over the producer's current operating expenses.

"Person." A natural person or a corporation, fiduciary, association or other entity, including the Commonwealth, its political subdivisions, instrumentalities and authorities. When the term is used in a clause prescribing and imposing a penalty or imposing a fine or imprisonment, or both, the term shall include the members, as applied to an association, and the officers, as applied to a corporation.

"Producer." A person who engages or continues within this Commonwealth in the business of severing natural gas for sale, profit or commercial use. The term does not include a person who severs natural gas from a storage field.

"Producing site." A point of severance capable of producing natural gas in paying quantities.

"Reporting period." A calendar month in which natural gas is severed.

"Secretary." The Secretary of Revenue of the Commonwealth.

"Sever." To extract or otherwise remove natural gas from the soil or water of this Commonwealth.

"Severance." The extraction or other removal of natural gas from the soil or water of this Commonwealth.

"Severing." Extracting or otherwise removing natural gas from

the soil or water of this Commonwealth.

"Storage field." A natural formation or other site that is used to store natural gas that did not originate from and has been injected into the formation or site.

"Tax." The tax imposed under this article.

"Tax rate adjustment index." The amount calculated under section 2903-G(b) by which the rate of the tax imposed under section 2903-G(b) as adjusted annually.

"Taxpayer." A person subject to the tax imposed by this article.

"Unit." A thousand cubic feet of natural gas measured at the wellhead at a temperature of 60 degrees Fahrenheit and an absolute pressure of 14.73 pounds per square inch in accordance with American Gas Association Standards and according to Boyle's Law for the measurement of gas under varying pressures with deviations as follows:

(1) The average absolute atmospheric pressure shall be assumed to be 14.4 pounds to the square inch, regardless of elevation or location of point of delivery above sea level or variations in atmospheric pressure from time to time.

(2) The temperature of the gas passing the meters shall be determined by the continuous use of a recording thermometer installed to properly record the temperature of gas flowing through the meters. The arithmetic average of the temperature recorded each 24-hour day shall be used in computing gas volumes. If a recording thermometer is not installed, or is installed and not operating properly, an average flowing temperature of 60 degrees Fahrenheit shall be used in computing gas volume.

(3) The specific gravity of the gas shall be determined annually by tests made by the use of an Edwards or Acme gravity balance, or at intervals as found necessary in practice. Specific gravity determinations shall be used in computing gas volumes.

(4) The deviation of the natural gas from Boyle's Law shall be determined by annual tests or at other shorter intervals as found necessary in practice. The apparatus and method used in making the test shall be in accordance with recommendations of the National Bureau of Standards or Report No. 3 of the Gas Measurement Committee of the American Gas Association, or amendments thereto. The results of the tests shall be used in computing the volume of gas delivered under this article.

"Wellhead meter." A meter placed at a producing or nonproducing site to measure the volume of natural gas severed for which a wellhead meter certification has been issued.

"Wellhead meter certification." A report issued by an accredited laboratory certifying the accuracy of a wellhead meter.

Section 2903-G. Imposition of tax.

(a) Establishment.—There is levied a privilege tax on every producer that severs natural gas.

(b) Rate.—The tax imposed in subsection (a) shall be 5% of the gross value of units severed at the wellhead during a reporting period, plus 4.6¢ per unit severed.

Section 2904-G. Return and payment.

(a) Requirement.—Every producer is required to file a return with the department, on a form prescribed by the department, which shall include all of the following:

(1) The number of natural gas units severed by the producer for the reporting period.

(2) The number of producing sites used by the producer for the severance of natural gas in each county and municipality.

(3) The amount of tax due under section 2903-G.

(b) Filing.—The return required by subsection (a) shall be filed with the department within 15 days following the end of a reporting period.

(c) Deadline.—The tax imposed under section 2903-G is due on the day the return is required to be filed and becomes delinquent if not remitted to the department by that date.

Section 2905-G. Natural gas severance tax registration.

(a) Application.—Before a producer severs natural gas in this

Commonwealth, the producer shall apply to the department for a natural gas severance tax registration certificate.

(a.1) Application fee.—The department may charge an application fee to cover the administrative costs associated with the application and registration process. If the department charges an application fee, the department shall not issue a registration certificate until the producer has paid the application fee.

(a.2) Declaration.—The producer shall include in its application a declaration of all producing sites and nonproducing sites used by the producer for the severance of natural gas. The declaration shall include copies of wellhead meter certifications for each site. The producer is required to update the declaration when the producer adds or removes a producing site or nonproducing site in this Commonwealth or when there is a change in the status of a producing site or nonproducing site or when the producer uses a different accredited laboratory to issue a wellhead meter certification. The producer shall update the declaration within 30 days after a calendar month in which a change to the declaration occurs.

(b) Issuance.—Except as provided in subsection (c), after the receipt of an application, the department shall issue a registration certificate under subsection (a). The registration certificate shall be nonassignable. All registrants shall be required to renew their registration certificates and wellhead meter certifications on a staggered renewal system established by the department. After the initial staggered renewal period, a registration certificate or a wellhead meter certification issued shall be valid for a period of five years.

(c) Refusal, suspension or revocation.—The department may refuse to issue, suspend or revoke a registration certificate if the applicant or registrant has not filed required State tax reports and paid State taxes not subject to a timely perfected administrative or judicial appeal or subject to a duly authorized deferred payment plan. The department shall notify the applicant or registrant of any refusal, suspension or revocation. The notice shall contain a statement that the refusal, suspension or revocation may be made public. The notice shall be made by first class mail. An applicant or registrant aggrieved by the determination of the department may file an appeal under the provisions for administrative appeals in this act. In the case of a suspension or revocation which is appealed, the registration certificate shall remain valid pending a final outcome of the appeals process. Notwithstanding sections 274, 353(f), 408(b), 603, 702, 802, 904 and 1102 or any other provision of law, if no appeal is taken or if an appeal is taken and denied at the conclusion of the appeal process the department may disclose, by publication or otherwise, the identity of a producer and the fact that the producer's registration certificate has been refused, suspended or revoked under this subsection. Disclosure may include the basis for refusal, suspension or revocation.

(d) Violation.—A person severing natural gas in this Commonwealth without holding a valid registration certificate under subsection (b) shall be guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of not less than \$300 nor more than \$1,500. In the event the person convicted defaults in the payment of the fine, he shall be sentenced to imprisonment for not less than five days nor more than 30 days. The penalties imposed by this subsection shall be in addition to any other penalties imposed by this article. For purposes of this subsection, the severing of natural gas during any calendar day shall constitute a separate violation. The secretary may designate employees of the department to enforce the provisions of this subsection. The employees shall exhibit proof of and be within the scope of the designation when instituting proceedings as provided by the Pennsylvania Rules of Criminal Procedure.

(e) Failure to obtain registration certificate.—Failure to obtain or hold a valid registration certificate does not relieve a person from liability for the tax imposed by this article.

Section 2905.1-G. Meters.

A producer shall provide for and maintain a discrete wellhead meter where natural gas is severed. A producer shall ensure that the meters are maintained according to industry standards. Any wellhead meter installed after the effective date of this section shall be a digital

meter.

Section 2906-G. Assessments.

(a) Authorization and requirement.—The department is authorized and shall make the inquiries, determinations and assessments of the tax imposed under this article, including interest, additions and penalties imposed under this article.

(b) Notice.—The notice of assessment and demand for payment shall be mailed to the taxpayer. The notice shall set forth the basis of the assessment. The department shall send the notice of assessment to the taxpayer at its registered address via certified mail if the assessment increases the taxpayer's tax liability by \$300. Otherwise, the notice of assessment may be sent via regular mail.

Section 2907-G. Time for assessment.

(a) Requirement.—An assessment as provided under section 2906-G shall be made within three years after the date when the return provided for by section 2904-G is filed or the end of the year in which the tax liability arises, whichever shall occur last. For the purposes of this subsection and subsection (b), a return filed before the last day prescribed for the filing period shall be considered as filed on the last day.

(b) Exception.—If the taxpayer underpays the correct amount of the tax due by 25% or more, the tax may be assessed within six years after the date the return was filed.

(c) Intent to evade.—Where no return is filed or where the taxpayer files a false or fraudulent return with intent to evade the tax imposed by this article, the assessment may be made at any time.

(d) Erroneous credit or refund.—Within three years of the granting of a refund or credit or within the period in which an assessment or reassessment may have been issued by the department for the taxable period for which the refund was granted, whichever period shall last occur, the department may issue an assessment to recover a refund or credit made or allowed erroneously.

Section 2908-G. Extension of assessment period.

Notwithstanding the provisions of this article, the assessment period may be extended in the event a taxpayer has provided written consent before the expiration of the period provided in section 2907-G for a tax assessment. The amount of tax due may be assessed at any time within the extended period. The period may be extended further by subsequent written consents made before the expiration of the extended period.

Section 2909-G. Reassessments.

A taxpayer against whom an assessment is made may petition the department for a reassessment under Article XXVII.

Section 2910-G. Interest.

The department shall assess interest on any delinquent tax at the rate prescribed under section 806 of the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code.

Section 2911-G. Penalties.

The department shall enforce the following penalties:

(1) A penalty against a producer without a natural gas severance tax registration certificate. The penalty shall be \$1 for every unit severed without a valid registration certificate. The department may assess this penalty separately from or in conjunction with any assessment of the natural gas severance tax.

(2) A penalty against a producer for failure to timely file a return as required under section 2904-G. The penalty shall be 5% of the tax liability to be reported on the return for each day beyond the due date that the return is not filed.

(3) In addition to the penalty under paragraph (2), a penalty against the producer for a willful failure to timely file a return. The penalty shall be 200% of the tax liability required to be reported on the return.

(4) A penalty against a producer for failure to timely pay the tax as required by section 2904-G(c). The penalty shall be 5% of the amount of tax due for each day beyond the payment date that the tax is not paid.

Section 2912-G. Criminal acts.

(a) Fraudulent return.—Any person with intent to defraud the

Commonwealth, who willfully makes or causes to be made a return required by this article which is false, is guilty of a misdemeanor and shall, upon conviction, be sentenced to pay a fine of not more than \$2,000 or to imprisonment for not more than three years, or both.

(b) Other crimes.—

(1) Except as otherwise provided by subsection (a), a person is guilty of a misdemeanor and shall, upon conviction, be sentenced to pay a fine of not more than \$1,000 and costs of prosecution or to imprisonment for not more than one year, or both, for any of the following:

(i) Willfully failing to timely remit the tax to the department.

(ii) Willfully failing or neglecting to timely file a return or report required by this article.

(iii) Refusing to timely pay a tax, penalty or interest imposed or provided for by this article.

(iv) Willfully failing to preserve its books, papers and records as directed by the department.

(v) Refusing to permit the department or its authorized agents to examine its books, records or papers.

(vi) Knowingly making any incomplete, false or fraudulent return or report.

(vii) Preventing or attempting to prevent the full disclosure of the amount of natural gas severance tax due.

(viii) Providing any person with a false statement as to the payment of the tax imposed under this article with respect to any pertinent facts.

(ix) Making, uttering or issuing a false or fraudulent statement.

(2) The penalties imposed by this section shall be in addition to other penalties imposed by this article.

Section 2913-G. Abatement of additions or penalties.

Upon the filing of a petition for reassessment or a petition for refund by a taxpayer as provided under this article, additions or penalties imposed upon the taxpayer by this article may be waived or abated in whole or in part where the petitioner establishes that he acted in good faith, without negligence and with no intent to defraud.

Section 2914-G. Bulk and auction sales.

A person that sells or causes to be sold at auction, or that sells or transfers in bulk, 51% or more of a stock of goods, wares or merchandise of any kind, fixtures, machinery, equipment, buildings or real estate involved in a business for which the person holds a registration certificate or is required to obtain a registration certificate under the provisions of this article shall be subject to the provisions of section 1403 of the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code.

Section 2915-G. Collection upon failure to request reassessment, review or appeal.

(a) Power of department.—The department may collect the tax imposed under this article:

(1) If an assessment of the tax is not paid within 30 days after notice to the taxpayer when no petition for reassessment has been filed.

(2) Within 60 days of the reassessment, if no petition for review has been filed.

(3) If no appeal has been made, within 30 days of:

(i) the Board of Finance and Revenue's decision of a petition for review; or

(ii) the expiration of the board's time for acting upon the petition.

(4) In all cases of judicial sales, receiverships, assignments or bankruptcies.

(b) Prohibition.—In a case for the collection of taxes under subsection (a), the taxpayer against whom they were assessed shall not be permitted to set up a ground of defense that might have been determined by the department, the Board of Finance and Revenue or

the courts, provided that the defense of failure of the department to mail notice of assessment or reassessment to the taxpayer and the defense of payment of assessment or reassessment may be raised in proceedings for collection by a motion to stay the proceedings.  
Section 2916-G. Tax liens.

(a) Lien imposed.—If any taxpayer neglects or refuses to pay the tax imposed under this article for which the taxpayer is liable under this article after demand, the amount, including interest, addition or penalty, together with additional costs that may accrue, shall be a lien in favor of the Commonwealth upon the real and personal property of the taxpayer but only after the same has been entered and docketed of record by the prothonotary of the county where the property is situated. The department may, at any time, transmit to the prothonotaries of the respective counties certified copies of all liens imposed by this section. It shall be the duty of the prothonotary receiving the lien to enter and docket the same of record to the office of the prothonotary. The lien shall be indexed as judgments are now indexed. No prothonotary shall require as a condition precedent to the entry of the lien the payment of costs incidental to its entry.

(b) Priority of lien and effect on judicial sale.—Except for the costs of the sale and the writ upon which the sale was made and real estate taxes and municipal claims against the property, a lien imposed under this section shall have priority from the date of its recording and shall be fully paid and satisfied out of the proceeds of any judicial sale of property subject to the lien, before any other obligation, judgment, claim, lien or estate to which the property may subsequently become subject, but shall be subordinate to mortgages and other liens existing and duly recorded or entered of record prior to the recording of the lien.

(c) No discharge by sale on junior lien.—In the case of a judicial sale of property subject to a lien imposed under this section, upon a lien or claim over which the lien imposed under this section has priority, the sale shall discharge the lien imposed under this section to the extent only that the proceeds are applied to its payment, and the lien shall continue in full force and effect as to the balance remaining unpaid. There shall be no inquisition or condemnation upon any judicial sale of real estate made by the Commonwealth under the provisions of this article. The lien shall continue as provided in the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, and a writ of execution may directly issue upon the lien without the issuance and prosecution to judgment of a writ of scire facias, provided that not less than ten days before issuance of any execution on the lien, notice of the filing and the effect of the lien shall be sent by registered mail to the taxpayer at its last known post office address, provided further that the lien shall have no effect upon any stock of goods, wares or merchandise regularly sold or leased in the ordinary course of business by the taxpayer against whom the lien has been entered, unless and until a writ of execution has been issued and a levy made upon the stock of goods, wares and merchandise.

(d) Duty of prothonotary.—Any willful failure of any prothonotary to carry out any duty imposed upon him by this section shall be a misdemeanor. Upon conviction, he shall be sentenced to pay a fine of not more than \$1,000 and costs of prosecution or to imprisonment for not more than one year, or both.

(e) Priority.—Except as provided in this article, the distribution, voluntary or compulsory, in receivership, bankruptcy or otherwise of the property or estate of any person, all taxes imposed by this article which are due and unpaid and are not collectible under the provisions of section 225 shall be paid from the first money available for distribution in priority to all other claims and liens, except as the laws of the United States may give priority to a claim to the Federal Government. A person charged with the administration or distribution of the property or estate who violates the provisions of this section shall be personally liable for the taxes imposed by this article which are accrued and unpaid and chargeable against the person whose property or estate is being administered or distributed.

(f) Other remedies.—Subject to the limitations contained in this article as to the assessment of taxes, nothing contained in this section shall be construed to restrict, prohibit or limit the use by the department

in collecting taxes due and payable of another remedy or procedure available at law or equity for the collection of debts.

Section 2917-G. Tax suit reciprocity.

The courts of this Commonwealth shall recognize and enforce liabilities for natural gas severance or extraction taxes lawfully imposed by any other state, provided that the other state recognizes and enforces the tax imposed under this article.

Section 2918-G. Service.

A producer is deemed to have appointed the Secretary of the Commonwealth its agent for the acceptance of service of process or notice in a proceeding for the enforcement of the civil provisions of this article and service made upon the Secretary of the Commonwealth as agent shall be of the same legal force and validity as if the service had been personally made upon the producer. Where service cannot be made upon the producer in the manner provided by other laws of this Commonwealth relating to service of process, service may be made upon the Secretary of the Commonwealth. In that case, a copy of the process or notice shall be personally served upon any agent or representative of the producer who may be found within this Commonwealth or, where no agent or representative may be found, a copy of the process or notice shall be sent via registered mail to the producer at the last known address of its principal place of business, home office or residence.

Section 2919-G. Refunds.

Under Article XXVII, the department shall refund all taxes, interest and penalties paid to the Commonwealth under the provisions of this article to which the Commonwealth is not rightfully entitled. The refunds shall be made to the person or the person's heirs, successors, assigns or other personal representatives who paid the tax, provided that no refund shall be made under this section regarding a payment made by reason of an assessment where a taxpayer has filed a petition for reassessment under section 2702 to the extent the petition is adverse to the taxpayer by a decision which is no longer subject to further review or appeal. Nothing in this article shall prohibit a taxpayer who has filed a timely petition for reassessment from amending it to a petition for refund where the petitioner paid the tax assessed.

Section 2920-G. Refund petition.

(a) General rule.—Except as provided for in subsection (b), the refund or credit of tax, interest or penalty provided for by section 2919-G shall be made only where the person who has paid the tax files a petition for refund with the department under Article XXVII within the time limits of section 3003.1.

(b) Natural gas severance tax.—A refund or credit of tax, interest or penalty paid as a result of an assessment made by the department under section 2905-G shall be made only where the person who has paid the tax files with the department a petition for a refund with the department under Article XXVII within the time limits of section 3003.1. The filing of a petition for refund under the provisions of this subsection shall not affect the abatement of interest, additions or penalties to which the person may be entitled by reason of his payment of the assessment.

Section 2921-G. Rules and regulations.

The department is charged with the enforcement of the provisions of this article and is authorized and empowered to prescribe, adopt, promulgate and enforce rules and regulations not inconsistent with the provisions of this article relating to any matter or thing pertaining to the administration and enforcement of the provisions of this article and the collection of taxes, penalties and interest imposed by this article. The department may prescribe the extent, if any, to which any of the rules and regulations shall be applied without retroactive effect.

Section 2922-G. Recordkeeping.

(a) General rule.—Every person liable for any tax imposed by this article, or for the collection of the tax, shall keep records, including those enumerated in subsection (b), render statements, make returns and comply with the rules and regulations as the department may prescribe regarding matters pertinent to the person's business.

Whenever it is necessary, the department may require a person, by notice served upon the person or by regulations, to make returns, render statements or keep records as the department deems sufficient to show whether or not a person is liable to pay tax under this article.

(a.1) Records.—Records to be maintained are:

(1) Wellhead meter charts for each reporting period and the meter calibration and maintenance records. If turbine meters are in use, the maintenance records will be made available to the department upon request.

(2) Records, statements and other instruments furnished to a producer by a person to whom the producer delivers for sale, transport or delivery of natural gas.

(3) Records, statements and other instruments as the department may prescribe by regulation.

(b) Records of nonresidents.—A nonresident who does business in this Commonwealth as a producer shall keep adequate records of the business and of the tax due as a result. The records shall be retained within this Commonwealth unless retention outside this Commonwealth is authorized by the department. The department may require a taxpayer who desires to retain records outside this Commonwealth to assume reasonable out-of-State audit expenses.

(c) Keeping of separate records.—A producer who is engaged in another business or businesses which do not involve the severing of natural gas taxable under this article shall keep separate books and records of the businesses so as to show the taxable severing of natural gas under this article separately from other business activities not taxable hereunder. If any person fails to keep separate books and records, the person shall be liable for a penalty equaling 100% of tax due under this article for the period where separate records were not maintained.

Section 2923-G. Examinations.

The department or any of its authorized agents are authorized to examine the books, papers and records of any taxpayer in order to verify the accuracy and completeness of any return made or, if no return was made, to ascertain and assess the tax imposed by this article. The department may require the preservation of all books, papers and records for any period deemed proper by it but not to exceed three years from the end of the calendar year to which the records relate. Every taxpayer is required to give to the department or its agent the means, facilities and opportunity for examinations and investigations under this section. The department is further authorized to examine any person, under oath, concerning the taxable severing of natural gas by any taxpayer or concerning any other matter relating to the enforcement or administration of this article, and to this end may compel the production of books, papers and records and the attendance of all persons whether as parties or witnesses whom it believes to have knowledge of relevant matters. The procedure for the hearings or examinations shall be the same as that provided by the act of April 9, 1929 (P.L.343, No. 176), known as The Fiscal Code.

Section 2924-G. Unauthorized disclosure.

Any information gained by the department as a result of any return, examination, investigation, hearing or verification required or authorized by this article shall be confidential except for official purposes and except in accordance with proper judicial order or as otherwise provided by law, and any person unlawfully divulging the information shall be guilty of a misdemeanor and shall, upon conviction, be sentenced to pay a fine of not more than \$1,000 and costs of prosecution or to imprisonment for not more than one year, or both.

Section 2925-G. Cooperation with other governments.

Notwithstanding the provisions of section 2917-G, the department may permit the Commissioner of the Internal Revenue Service of the United States, the proper officer of any state or the authorized representative of either of them to inspect the tax returns of any taxpayer, or may furnish to the commissioner or officer or to either of their authorized representative an abstract of the return of any taxpayer, or supply him with information concerning any item contained in any return or disclosed by the report of any examination or

investigation of the return of any taxpayer. This permission shall be granted only if the laws of the United States or another state grant substantially similar privileges to the proper officer of the Commonwealth charged with the administration of this article.  
Section 2926-G. Bonds.

(a) Taxpayer to file bond.—The department may require a nonresident natural person or any foreign corporation, association, fiduciary or other entity, not authorized to do business within this Commonwealth or not having an established place of business in this Commonwealth and subject to the tax imposed by section 2903-G, to file a bond issued by a surety company authorized to do business in this Commonwealth and approved by the Insurance Commissioner as to solvency and responsibility, in amounts as it may fix, to secure the payment of any tax or penalties due or which may become due from a nonresident natural person, corporation, association, fiduciary or other entity whenever it deems it necessary to protect the revenues obtained under this article. The department may also require a bond of a person petitioning the department for reassessment in the case of any assessment over \$500 or where, in its opinion, the ultimate collection is in jeopardy. For a period of three years, the department may require a bond of any person who has, on three or more occasions within a 12-month period, either filed a return or made payment to the department more than 30 days late. In the event the department determines a taxpayer is required to file a bond, it shall give notice to the taxpayer specifying the amount of the bond required. The taxpayer shall file the bond within five days after notice is given by the department unless, within five days, the taxpayer shall request in writing a hearing before the secretary or his representative. At the hearing, the necessity, propriety and amount of the bond shall be determined by the secretary or the secretary's representative. The determination shall be final and the taxpayer shall comply with it within 15 days after notice is mailed to the taxpayer.

(b) Securities in lieu of bond.—In lieu of the bond required by this section securities approved by the department or cash in a prescribed amount may be deposited. The securities or cash shall be kept in the custody of the department. The department may apply the securities or cash to the tax imposed by this article and interest or penalties due without notice to the depositor. The securities may be sold by the department to pay the tax and/or interest or penalties due at public or private sale upon five days' written notice to the depositor.

(c) Failure to file bond.—The department may file a lien under section 2916-G against any taxpayer who fails to file a bond when required to do so under this section. All funds received upon execution of the judgment on the lien shall be refunded to the taxpayer with 3% interest, should a final determination be made that it does not owe any payment to the department.

Section 2927-G. Accounts established.

(a) Natural Gas Severance Tax Account.—

(1) The Natural Gas Severance Tax Account is established as a restricted account within the General Fund.

(2) The proceeds of the tax imposed under section 2903-G and penalties and interest imposed under this article, less the amounts appropriated under section 2929-G, shall be deposited into the account.

(3) The money in the account shall only be used in accordance with section 2928-G.

(b) Local Government Services Account.—

(1) The Local Government Services Account is established as a restricted account within the General Fund.

(2) The allocation under section 2928-G(a)(3) shall be deposited into the Local Government Services Account and shall be distributed as provided in section 2928-G(b).

Section 2928-G. Transfers and distributions.

(a) Monthly transfers and distributions.—On the last business day of each calendar month, the State Treasurer shall make the following transfers and distributions of the money in the Natural Gas Severance Tax Account:

(1) Thirty-two percent to the General Fund.

(2) Twenty-nine and six-tenths percent to the Environmental Stewardship Fund.

(3) Thirty-two percent to the Local Government Services Account, to be further distributed by the State Treasurer under subsection (c).

(4) One and six-tenths percent to the Hazardous Sites Cleanup Fund.

(5) One and three-tenths percent to the Conservation District Fund for distribution to county conservation districts pursuant to guidelines established by the State Conservation Commission.

(6) One and four-tenths percent to the Pennsylvania Fish and Boat Commission.

(7) One and three-tenths percent to the Department of Public Welfare to provide cash and crisis grants to low-income households under the Low Income Home Energy Assistance Program.

(8) Eight-tenths of one percent to the Department of Environmental Protection for State dam removal, restoration and repair projects.

(b) Quarterly distributions.—On the last business day of each period of three calendar months, the State Treasurer shall make the following distributions from the money in the Local Government Services Account:

(1) Thirty percent to counties with producing sites to be used as provided in subsection (c). The money under this subparagraph shall be distributed to each eligible county based on the following formula:

(i) Divide:

(A) the number of producing sites in the county; by

(B) the total number of producing sites in all of the counties in this Commonwealth.

(ii) Multiply:

(A) the quotient under subparagraph (i); by

(B) the amount of money available for distribution under this paragraph.

(2) Forty-five percent to municipalities with producing sites. Subject to paragraph (3), the money under this paragraph shall be distributed to each eligible municipality based on the following formula:

(i) Divide:

(A) the number of producing sites in the municipality; by

(B) the total number of producing sites in all municipalities in this Commonwealth.

(ii) Multiply:

(A) the quotient under subparagraph (i); by

(B) the amount of money available for distribution under this paragraph.

(3) All of the following apply to the distribution under paragraph (2):

(i) The amount distributed to a municipality shall not exceed 50% of the municipality's total budget for fiscal year 2011-2012, adjusted for inflation in subsequent years by an amount not to exceed an annual cost-of-living adjustment calculated by applying the Annual Percent Change in the Consumer Price Index for all Urban Consumers immediately prior to the date the adjustment is due to take effect. The amount distributed under this subparagraph shall be used for the following purposes:

(A) Reconstruction, maintenance and repair of municipal roadways and bridges, which the municipality has determined have been or are being used extensively to transport natural gas or

equipment related to the production of natural gas.

(B) Preservation and improvement of municipal water supplies.

(C) Maintenance and capital improvements to municipal waste and sewage systems.

(D) Preservation and reclamation of the surface waters of the municipality.

(E) Other lawful purposes reasonably related to the health, welfare and safety consequences of severing natural gas in the municipality.

(ii) Any funds not distributed to the municipalities in a county because of the budgetary limitations under subparagraph (i) shall be distributed to the county to be used solely for grants to municipalities to defer the cost of regional cooperation endeavors undertaken by the municipalities within the county.

(4) Fifteen percent to municipalities with no producing sites located in a county with producing sites. Subject to paragraph (5), the money under this paragraph shall be distributed to each eligible municipality based on the following formula:

(i) Divide:

(A) the number of producing sites in the county; by

(B) the total number of producing sites in all counties in this Commonwealth.

(ii) Multiply:

(A) the quotient under subparagraph (i); by

(B) the amount of money available for distribution under this paragraph.

(5) All of the following apply to the distribution under paragraph (4):

(i) Subject to the limitation in subparagraph (ii), the State Treasurer shall distribute an equal share to each eligible municipality within the same county.

(ii) The amount distributed to a municipality shall not exceed 50% of the municipality's total budget for fiscal year 2011-2012, adjusted for inflation in subsequent years by an amount not to exceed an annual cost-of-living adjustment calculated by applying the Annual Percent Change in the Consumer Price Index for all Urban Consumers immediately prior to the date the adjustment is due to take effect. The amount distributed under this subparagraph shall be used for the following purposes:

(A) Reconstruction, maintenance and repair of municipal roadways and bridges, which the municipality has determined have been or are being used extensively to transport natural gas or equipment related to the production of natural gas.

(B) Preservation and improvement of municipal water supplies.

(C) Maintenance and capital improvements to municipal waste and sewage systems.

(D) Preservation and reclamation of surface waters of the municipality.

(E) Other lawful purposes reasonably related to the health, welfare and safety consequences of severing natural gas in municipalities within the county.

(iii) Any funds not distributed to the municipalities in a county because of the budgetary

limitations under subparagraph (ii) shall be distributed to the county to be used solely for grants to municipalities to defer the cost of regional cooperation endeavors undertaken by the municipalities within the county.

(6) Ten percent to the Pennsylvania Emergency Management Agency to be distributed to fire and ambulance services in counties with producing sites in accordance with the procedures established in 35 Pa.C.S. Ch. 78 (relating to grants to volunteer fire companies and volunteer services).

(7) Only producing sites and nonproducing sites on which the tax is levied under section 2903-G(a) during the three-month period for which transfers and distributions are made shall be included in any of the calculations made under paragraphs (1), (2) and (4) for that three-month period.

(c) Distributions to counties.—

(1) The governing body of counties receiving distributions under subsection (b)(1) shall administer the funds received. The governing body shall give priority to the reconstruction, repair and maintenance of county roadways and bridges, which the governing body has determined have been or are being used to transport natural gas or equipment related to the production of natural gas. The governing body shall allocate the remainder to the county or its municipalities for any of the purposes enumerated in subsection (b)(3) or (5). A simple majority vote of all of the members of the governing body shall be required for any action under this paragraph.

(2) Commencing in 2013, before February 1, each county receiving distributions under subsection (b)(1) shall prepare and deliver a report to the Governor, the Secretary of the Senate and the Chief Clerk of the House of Representatives detailing the expenditure of funds. The Department of Community and Economic Development shall have the authority to audit a county's use of such funds and each county receiving funds shall make their financial records and other documents relating to its use of funds available to the department.

(d) Distributions to municipalities.—

(1) Commencing in 2013, before February 1, each municipality receiving distributions under subsection (b)(2) or (4) shall prepare and deliver a report to the Governor, the Secretary of the Senate and the Chief Clerk of the House of Representatives detailing the expenditure of funds.

(2) The Department of Community and Economic Development shall have the authority to audit a municipality's use of the funds. Each municipality receiving funds shall make financial records and other documents relating to its use of the funds available to the Department of Community and Economic Development.

(e) Administration.—The department shall make the calculations required for the transfers and distributions under this section and shall submit the calculations to the State Treasurer in sufficient time for the State Treasurer to make the transfers and distributions as required by this section.

Section 2929-G. Appropriation.

The amount of the proceeds from the tax imposed by this article as shall be necessary for the payment of refunds, enforcement or administration under this article is hereby appropriated to the department for those purposes.

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

The amendment of the definitions of "association," "corporation," "family farm corporation" and "family farm partnership" in section 1101-C of the act and sections 1102-C.3(19), (19.1) and (20) and 1102-C.5 of the act

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

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

Mr. VITALI. Thank you, Mr. Speaker.

What this amendment is, is a conversion of my HB 33 to an amendment, and that would impose a severance tax of approximately 5.9 percent on Marcellus drilling. That would yield approximately, according to the PA Budget and Policy Center, \$492 million to the Commonwealth in 2012, increasing up to \$671 million to the Commonwealth in 2015. The distribution of these proceeds would go one-third to the General Fund; one-third to environmental programs, most of which would be the Environmental Stewardship Fund; and one-third to local governments.

Mr. Speaker, I think this presents the House with the opportunity to send a message to the Senate that we need to pass a drilling tax in conformance to the wishes of the people of Pennsylvania. Mr. Speaker, we desperately need moneys in our General Fund, and this bill will provide some of those funds. It will prevent us from making the severe cuts to basic education, higher education, health care, which we had to do last budget.

Also, I believe that the amount given to the Environmental Stewardship Fund from this source is superior to the way we did it in HB 1950 because this way it is being paid for by the drillers instead of depleting the Oil and Gas Lease Fund. The Oil and Gas Lease Fund is needed for a backlog of conservation programs. This also gives money to local governments, and in fact, this gives every bit as much money to local governments as 1950 did, because although the percentage is lower, the rate is higher. In other words, 1950 only had a 1-percent rate and we gave most of that to local governments or about three-quarters of a percent. This bill has a 6-percent rate, and we are giving a third, or in effect, 2 percent. So this bill actually gives double, double, to your local governments than would be under the bill, 1950, we passed.

Mr. Speaker, this bill has broad-based support, many environmental groups have come out in support of this, and I would ask for an affirmative vote. Thank you.

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

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

Mr. CUTLER. Thank you, Mr. Speaker.

Mr. Speaker, I would like to give a brief history of HB 761 because I think it is pertinent to the underlying amendment for the following reasons. HB 761 deals solely with the business ownership interests in family farms. That is the only area that that bill deals with, and there is a very good reason for it. Several years ago there was a policy change in a prior administration where farmers who had farmed their land for generations and perhaps were incorporated under a variety of other laws, a general partnership perhaps, two brothers working together, and they wanted to change to a limited liability corporation or partnership, our Department of Revenue said that was a taxable event and would trigger the realty transfer tax as that property moved, despite their interests and percentage of ownership not significantly changing.

Mr. Speaker, the underlying amendment deals solely with the severance tax.

The SPEAKER. Will the gentleman suspend.



**POINT OF ORDER**

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

Mr. VITALI. Point of order, Mr. Speaker.

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

Mr. VITALI. The gentleman is not speaking on the amendment.

The SPEAKER. Pardon me. I did not hear you. I apologize.

Mr. VITALI. The gentleman is not speaking on the amendment. I would ask him to direct his remarks to the support of the severance tax bill contained in the amendment.

The SPEAKER. The gentleman has stated his point of order.

The Speaker would ask the gentleman, Mr. Cutler, to focus his remarks toward the amendment that is before us.

Mr. CUTLER. Absolutely. Thank you, Mr. Speaker.

The reason I was providing the background information is because this amendment deals with the Marcellus severance tax. It is an issue that is so fundamentally different that it is not germane to the underlying title of the bill, Mr. Speaker, and I felt that it was adequate to lay that foundation prior to simply making a motion.

**GERMANENESS QUESTIONED**

Mr. CUTLER. And at this time I would like to make the motion that the proposed severance tax amendment is not germane to the underlying bill and should be voted accordingly. Thank you.

The SPEAKER. The gentleman from Lancaster, Mr. Cutler, has raised the question of whether amendment A06952 is germane.

Under House rule 27, questions involving whether an amendment is germane to the subject shall be decided by the House.

On the question,  
Will the House sustain the germaneness of the amendment?

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

Mr. CUTLER. Thank you, Mr. Speaker.

Very simply, the bill deals with a single item, that of the realty transfer tax amongst those individuals changing their farm ownership. The amendment is an issue that is so fundamentally different that we spent hours and days debating it in this session and prior. Therefore, I would argue that the underlying amendment has no relative relation to the underlying bill and respectfully request that it be ruled to be not germane to the underlying title. Thank you.

The SPEAKER. On the question of germaneness, the Speaker recognizes the gentleman from Delaware County, Mr. Vitali.

Mr. VITALI. Thank you, Mr. Speaker.

The gentleman's bill modifies the Tax Reform Code. This amendment which I am offering is a tax bill. It is also appropriate in the Tax Reform Code. It has been the tradition of this House to— It is at the discretion of this House to decide what is germane and what is not germane. The House has within

its discretion to find if they choose to that this tax-related amendment is germane to a Tax Reform Code bill. We have in our authority to do that, and I ask that we so do that to effectuate the wishes of the people of this Commonwealth.

The SPEAKER. The question is germaneness of amendment A06952. Those believing the amendment is germane will vote "aye"; those who believe the amendment is not germane will vote "no."

On the question recurring,  
Will the House sustain the germaneness of the amendment?

The following roll call was recorded:

**YEAS—88**

Barbin	Deasy	Josephs	Petrarca
Bishop	DeLissio	Kavulich	Preston
Boyle, B.	DePasquale	Keller, W.	Ravenstahl
Boyle, K.	Dermody	Kirkland	Readshaw
Bradford	DeWeese	Kortz	Roebuck
Brennan	Donatucci	Kula	Sabatina
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	Waters
Curry	Harhai	O'Brien, M.	Wheatley
Daley	Harkins	Parker	White
Davidson	Hornaman	Pashinski	Williams
Davis	Johnson	Payton	Youngblood

**NAYS—106**

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

**NOT VOTING—0**

## EXCUSED—9

DeLuca	Kotik	Murt	Simmons
Godshall	Miccarelli	O'Brien, D.	Wagner
Hackett			

Less than the majority having voted in the affirmative, the question was determined in the negative and the amendment was declared not germane.

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

The SPEAKER. Does the gentleman from Montgomery County, Mr. Gerber, seek recognition relative to withdrawing his amendments? He is recognized for that purpose.

Mr. GERBER. Thank you, Mr. Speaker.

Yes, you are right. I stand to withdraw three amendments, Mr. Speaker: A7022, 7023, and 7024. Mr. Speaker, if I may, these are amendments that embody changes in Tax Code that have historically been supported by both parties in a very strong bipartisan, cooperative effort over the last several budgets. One would move us closer to and eventually get to a single sales factor, and that relates, of course, to the corporate net income tax, Mr. Speaker. The second one deals with net operating loss carry forward. Over the years, Mr. Speaker, as you know, we have raised the cap and even added percentage language into the Tax Code to enable both small businesses and large businesses to carry a greater portion of their losses forward to offset profits and of course make our business climate more friendly, more hospitable, and hopefully more attractive to new companies and companies that might move from other States. The third amendment that I am withdrawing, Mr. Speaker, increases the amount of money we would be putting into the R&D (research and development) tax credit. The R&D tax credit, Mr. Speaker, as you know and the members of the chamber know, has been a very strong force in growing, particularly, the pharmaceutical industry, biopharmaceutical industry here in Pennsylvania, which is a critical component to the economy in southeastern Pennsylvania.

So again, Mr. Speaker, it was moving to a single sales factor with the corporate net income tax, increasing the cap and a percentage on the net operating loss carry forward, and increasing the amount of money we put in the R&D tax credit program.

I look forward, Mr. Speaker, to working with you and the majority leader and the minority leader to hopefully advance all of these issues later this session, probably closer to budget time when we have a better sense of where the State's revenues are and what the financial outlook is. Thank you again, Mr. Speaker. I withdraw these amendments.

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

\* \* \*

The House proceeded to second consideration of **HB 1864, PN 2401**, entitled:

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, in inheritance tax, further providing for transfers not subject to tax.

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

Ms. **JOSEPHS** offered the following amendment  
No. **A07004**:

Amend Bill, page 1, line 10, by inserting after "providing"  
for definitions,  
Amend Bill, page 1, line 11, by inserting after "tax"  
and for rate of tax  
Amend Bill, page 1, lines 14 through 16, by striking out all of  
said lines and inserting

Section 1. Section 2102 of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, is amended by adding a definition to read:

Section 2102. Definitions.—The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

\* \* \*

"Domestic partnership." A relationship between two individuals who:

- (1) are at least 18 years of age;
- (2) are not related to each other by blood or marriage within four degrees of consanguinity;
- (3) are not married or in a civil union or domestic partnership with another individual; and
- (4) agree to be in a relationship of mutual interdependence in which each individual contributes to the maintenance and support of the other individual and the relationship, even if both individuals are not required to contribute equally to the relationship.

\* \* \*

Section 2. Section 2111 of the act is amended by adding a subsection to read:

Amend Bill, page 2, by inserting between lines 3 and 4

Section 3. Section 2116(a) of the act, amended May 24, 2000 (P.L.106, No.23), is amended to read:

Section 2116. Inheritance Tax.—(a) (1) Inheritance tax upon the transfer of property passing to or for the use of any of the following shall be at the rate of four and one-half per cent:

- (i) grandfather, grandmother, father, mother, except transfers under subclause (1.2), and lineal descendants; or
  - (ii) wife or widow and husband or widower of a child.
- (1.1) Inheritance tax upon the transfer of property passing to or for the use of a husband or wife shall be:

(i) At the rate of three per cent for estates of decedents dying on or after July 1, 1994, and before January 1, 1995.

(ii) At a rate of zero per cent for estates of decedents dying on or after January 1, 1995.

(1.2) Inheritance tax upon the transfer of property from a child twenty-one years of age or younger to or for the use of a natural parent, an adoptive parent or a stepparent of the child shall be at the rate of zero per cent.

(1.3) Inheritance tax upon the transfer of property passing to or for the use of a sibling shall be at the rate of twelve per cent.

(1.4) Inheritance tax upon the transfer of property passing from an individual in a domestic partnership to or for the use of the other individual in the domestic partnership shall be at the rate of zero per cent for estates of decedents dying on or after January 1, 2012. The department may require an individual who asserts a domestic partnership under this subclause to provide:

(i) An affidavit signed under penalty of perjury by two individuals stating that they have established a domestic partnership.

(ii) Proof of any two of the following existing prior to death:

(A) Joint liability of the individuals for a mortgage, lease or loan.

(B) The designation of one of the individuals as the primary beneficiary under a life insurance policy on the life of the other individual or under a retirement plan of the other individual.

(C) The designation of one of the individuals as the primary beneficiary of the will of the other individual.

(D) A durable power of attorney for health care or financial management granted by one of the individuals to the other individual.

(E) Joint ownership or lease by the individuals of real estate or a motor vehicle.

(F) A joint checking account, joint investments or a joint credit account.

(G) A joint renter's or homeowner's insurance policy.

(H) Coverage on a health insurance policy.

(I) Joint responsibility for child care, such as guardianship or school documents.

(J) A relationship or cohabitation contract.

(2) Inheritance tax upon the transfer of property passing to or for the use of all persons other than those designated in subclause (1), (1.1), (1.2) [or], (1.3) or (1.4) or exempt under section 2111(m) shall be at the rate of fifteen per cent.

(3) When property passes to or for the use of a husband and wife with right of survivorship, one of whom is taxable at a rate lower than the other, the lower rate of tax shall be applied to the entire interest.

\* \* \*

Amend Bill, page 2, line 4, by striking out "2" and inserting  
4

Amend Bill, page 2, line 6, by striking out "3" and inserting  
5

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

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

Ms. JOSEPHS. Thank you, Mr. Speaker. Pardon my sort of coldy voice.

Mr. Speaker, while we are in the spirit of identifying appropriate entities that should be exempt from paying inheritance tax, I offer this amendment, No. 7004, in an effort to provide equity in the law as it applies to unmarried couples who are in a committed relationship. Under my amendment, the surviving partner of a person who became deceased during that relationship would be exempt from paying an inheritance tax upon the transfer of property passing from an individual in a domestic partnership to or for the use of the other individual in the domestic partnership. Under current law, only spouses and parents of children under the age of 21 are exempt from paying taxes on property that is bequeathed.

Also under current law, a self-described domestic partner would be subjected to a 15-percent inheritance tax upon the death of his or her partner. Such a tax could cost upwards of tens of thousands of dollars. The inheritance tax for the living domestic partner could be quite burdensome to that partner when coupled with the emotional trauma that would be endured

at the death of a loved one. My amendment does not say, Mr. Speaker, that anybody who presents himself or herself and says, oh, I was in a partnership with the person who passed away gets a chance to be exempt from this 15-percent tax. There are many criteria, and it would be quite clear when you hear what I have to finish saying.

Mr. Speaker, I have a feeling nobody can really hear, so before I get into the nitty-gritty, perhaps you could ask people to take their conversations out of the room.

The SPEAKER. The lady will suspend.

If the members would kindly hold the conversations down. The Speaker would appreciate it if the members, if they need a conversation, to take it to the rear of the House, please.

The Speaker thanks the members. The lady may proceed.

Ms. JOSEPHS. Thank you, Mr. Speaker.

My amendment specifically defines the term "domestic partnership" as "A relationship between two individuals..." both of whom are over "...18 years of age; are not related to each other by blood or marriage...; not married or in a civil union or domestic partnership with another..." person; and these people are in agreement "...to be in a relationship of mutual interdependence in which each individual contributes to the maintenance and support of the other individual and the relationship, even if both individuals..." or neither individual, even if neither individual is required by law to contribute to the maintenance and support of his or her partner or the relationship.

Further, my amendment also says that the individuals asserting a domestic partnership would need to proffer positive evidence of the relationship by submitting a signed affidavit and proof, and I am going to read a list of documents that would prove that it is a committed relationship and tell you now that any two of those documents would be proof enough under my amendment. And these would have to be executed prior to the death of one of the partners. This is the list. They would have to show "Joint liability of the individuals for a mortgage, lease, or loan. The designation of one of the individuals as the primary beneficiary under a life insurance policy on the life of the other individual or under a retirement plan of the other individual. The designation of one of the individuals as the primary beneficiary of the will of the other..." Or "A durable power of attorney for health care or financial..." arrangements "...granted by one of the individuals to the other..." Or "Joint ownership or lease by the individuals of real estate or a motor vehicle." Or "A joint checking account, joint investments or a joint credit account." Or "A joint renter's or homeowner's insurance policy" or "Coverage on a health insurance policy" or "Joint responsibility for child care, such as guardianship or school documents" and/or "A relationship or cohabitation contract." If a couple in question in which one partner has passed away can provide two of these documents, two of these kinds of proof, under my amendment, we would say that this was a committed relationship, and upon the death of one partner, the second partner could inherit property and not pay this very high 15-percent property tax.

Now, Mr. Speaker, I believe that the institution of marriage is a very special one. People may or may not know I was married for 30 years in a very happy, productive relationship. I would still be in that relationship if my husband were still alive. So I certainly understand, cherish, and respect the institution of marriage. But some people find themselves in

situations where they simply cannot marry the person they love the most, who they are maintaining, with whom they have entangled, as I described, their financial arrangements. Some widows or widowers or divorced individuals find it unacceptable to remarry because they believe they have married once and they do not want to marry again for religious and personal philosophy reasons, but yet, they are in a loving relationship. They have shown their affection for their partner, and they ought to be able to realize, I believe, property left to them by their partner without paying this high tax.

There are some people, especially the elderly, who receive much-needed death benefits from their previous partners, perhaps their spouses, and they cannot afford to face revocation of these benefits by marrying a second person with whom they have fallen in love. Other couples in our Commonwealth are prevented by law from entering into marriage for the sole reason that our State does not allow partners of the same sex to marry each other, and so they cannot marry, even though they may really desperately want to and I believe, as a human right, ought to be allowed to.

Nevertheless, these, and I say in quotes, "nontraditional arrangements" do not preclude one from loving another individual wholeheartedly and accepting the responsibility that comes along with a monogamous relationship of mutual interdependence where both parties contribute to each other financially and to the relationship itself. I believe in light of the last discussions we have had, that it is much better, and I agree in this case with my colleagues from the other side, to allow individual citizens of Pennsylvania to spend their own money, not to be sending it to State government. There might be property that needs to be improved. The surviving person of one of these relationships may desperately need this property or this money in order to survive. I believe that person ought to be allowed to get the property, the money, without the tax.

I urge all of you, colleagues on both sides of the aisle, to vote "yes" to this amendment, and I thank you, Mr. Speaker.

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

On that question, the Speaker recognizes the gentleman from Cumberland County, Mr. Bloom.

Mr. BLOOM. Thank you, Mr. Speaker.

Mr. Speaker, this is not an agreed-to amendment, and I respectfully request that the members would vote "no" on the amendment.

Thank you, Mr. Speaker.

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

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

Ms. JOSEPHS. Thank you, Mr. Speaker.

This is a tax cut. You will be voting for a tax cut when you vote for this amendment, and I have to believe it would be with the approval of Grover Norquist. So me and Grover, or more grammatically correct, Grover and myself are on the same page, and I am only asking that a majority of people in this House be on the same page as Mr. Norquist and myself.

Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the amendment?

(Members proceeded to vote.)

### LEAVE OF ABSENCE CANCELED

The SPEAKER. The Speaker recognizes the presence of the gentleman from Delaware County, Mr. Miccarelli, on the floor of the House. His name will be added back to the master roll call.

### CONSIDERATION OF HB 1864 CONTINUED

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

The following roll call was recorded:

#### YEAS—57

Bishop	Davis	Josephs	Roebuck
Boyle, B.	Deasy	Keller, W.	Sabatina
Boyle, K.	DeLissio	Kirkland	Samuelson
Bradford	DePasquale	Mann	Santarsiero
Brennan	Dermody	Matzie	Santoni
Briggs	DeWeese	McGeehan	Shapiro
Brown, V.	Evans, D.	Mundy	Smith, M.
Brownlee	Fabrizio	Myers	Sturla
Buxton	Frankel	O'Brien, M.	Thomas
Cohen	Freeman	Parker	Vitali
Conklin	Galloway	Pashinski	Waters
Costa, D.	Gerber	Payton	Wheatley
Costa, P.	Harkins	Preston	Williams
Curry	Johnson	Ravenstahl	Youngblood
Daley			

#### NAYS—138

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

NOT VOTING—0

EXCUSED—8

DeLuca	Hackett	Murt	Simmons
Godshall	Kotik	O'Brien, D.	Wagner

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

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

Mr. **VITALI** offered the following amendment No. **A06953**:

Amend Bill, page 1, line 11, by inserting after "tax"  
; and providing for taxation of natural gas drilling and for  
transfers and distributions

Amend Bill, page 2, by inserting between lines 3 and 4  
Section 1.1. The act is amended by adding an article to read:

ARTICLE XXIX-G  
EFFECTS OF NATURAL GAS DRILLING

Sec.

2901-G. Scope of article.

2902-G. Definitions.

2903-G. Imposition of tax.

2904-G. Return and payment.

2905-G. Natural gas severance tax registration.

2905.1-G. Meters.

2906-G. Assessments.

2907-G. Time for assessment.

2908-G. Extension of assessment period.

2909-G. Reassessments.

2910-G. Interest.

2911-G. Penalties.

2912-G. Criminal acts.

2913-G. Abatement of additions or penalties.

2914-G. Bulk and auction sales.

2915-G. Collection upon failure to request reassessment, review or  
appeal.

2916-G. Tax liens.

2917-G. Tax suit reciprocity.

2918-G. Service.

2919-G. Refunds.

2920-G. Refund petition.

2921-G. Rules and regulations.

2922-G. Recordkeeping.

2923-G. Examinations.

2924-G. Unauthorized disclosure.

2925-G. Cooperation with other governments.

2926-G. Bonds.

2927-G. Accounts established.

2928-G. Transfers and distributions.

2929-G. Appropriation.

Section 2901-G. Scope of article.

This article shall relate to the ability of all counties within this  
Commonwealth to ameliorate the effects of natural gas drilling that  
occur within their borders.

Section 2902-G. 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:

"Account." The Natural Gas Severance Tax Account.

"Accredited laboratory." A facility engaged in the testing and  
calibration of scientific measurement devices and certified by the

Department of Environmental Protection as having met the  
department's standards for accreditation.

"Association." A partnership, limited partnership or any other  
form of unincorporated enterprise owned or conducted by two or more  
persons.

"Base rate." The rate under section 2903-G(b).

"Coal bed methane." Gas which can be produced from coal beds,  
coal seams, mined-out areas or gob wells.

"Corporation." A corporation, joint stock association, limited  
liability company, business trust or any other incorporated enterprise  
organized under the laws of this Commonwealth, the United States or  
any other state, territory or foreign country or dependency.

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

"Meter." A device to measure the passage of volumes of gases or  
liquids past a certain point.

"Municipality." A city, borough, incorporated town or township.

"Natural gas." A fossil fuel consisting of a mixture of  
hydrocarbon gases, primarily methane, possibly including ethane,  
propane, butane, pentane, carbon dioxide, oxygen, nitrogen and  
hydrogen sulfide and other gas species. The term includes natural gas  
from oil fields known as associated gas or casing head gas, natural gas  
fields known as nonassociated gas, coal beds, shale beds and other  
formations. The term does not include coal bed methane.

"Nonproducing site." A point of severance that is not capable of  
producing natural gas in paying quantities.

"Paying quantities." Profit to the producer, however small, over  
the producer's current operating expenses.

"Person." A natural person or a corporation, fiduciary,  
association or other entity, including the Commonwealth, its political  
subdivisions, instrumentalities and authorities. When the term is used  
in a clause prescribing and imposing a penalty or imposing a fine or  
imprisonment, or both, the term shall include the members, as applied  
to an association, and the officers, as applied to a corporation.

"Producer." A person who engages or continues within this  
Commonwealth in the business of severing natural gas for sale, profit  
or commercial use. The term does not include a person who severs  
natural gas from a storage field.

"Producing site." A point of severance capable of producing  
natural gas in paying quantities.

"Reporting period." A calendar month in which natural gas is  
severed.

"Secretary." The Secretary of Revenue of the Commonwealth.

"Sever." To extract or otherwise remove natural gas from the soil  
or water of this Commonwealth.

"Severance." The extraction or other removal of natural gas from  
the soil or water of this Commonwealth.

"Severing." Extracting or otherwise removing natural gas from  
the soil or water of this Commonwealth.

"Storage field." A natural formation or other site that is used to  
store natural gas that did not originate from and has been injected into  
the formation or site.

"Tax." The tax imposed under this article.

"Tax rate adjustment index." The amount calculated under  
section 2903-G(b) by which the rate of the tax imposed under section  
2903-G(b) as adjusted annually.

"Taxpayer." A person subject to the tax imposed by this article.

"Unit." A thousand cubic feet of natural gas measured at the  
wellhead at a temperature of 60 degrees Fahrenheit and an absolute  
pressure of 14.73 pounds per square inch in accordance with American  
Gas Association Standards and according to Boyle's Law for the  
measurement of gas under varying pressures with deviations as  
follows:

(1) The average absolute atmospheric pressure shall be  
assumed to be 14.4 pounds to the square inch, regardless of  
elevation or location of point of delivery above sea level or  
variations in atmospheric pressure from time to time.

(2) The temperature of the gas passing the meters shall

be determined by the continuous use of a recording thermometer installed to properly record the temperature of gas flowing through the meters. The arithmetic average of the temperature recorded each 24-hour day shall be used in computing gas volumes. If a recording thermometer is not installed, or is installed and not operating properly, an average flowing temperature of 60 degrees Fahrenheit shall be used in computing gas volume.

(3) The specific gravity of the gas shall be determined annually by tests made by the use of an Edwards or Acme gravity balance, or at intervals as found necessary in practice. Specific gravity determinations shall be used in computing gas volumes.

(4) The deviation of the natural gas from Boyle's Law shall be determined by annual tests or at other shorter intervals as found necessary in practice. The apparatus and method used in making the test shall be in accordance with recommendations of the National Bureau of Standards or Report No. 3 of the Gas Measurement Committee of the American Gas Association, or amendments thereto. The results of the tests shall be used in computing the volume of gas delivered under this article.

"Wellhead meter." A meter placed at a producing or nonproducing site to measure the volume of natural gas severed for which a wellhead meter certification has been issued.

"Wellhead meter certification." A report issued by an accredited laboratory certifying the accuracy of a wellhead meter.

Section 2903-G. Imposition of tax.

(a) Establishment.—There is levied a privilege tax on every producer that severs natural gas.

(b) Rate.—The tax imposed in subsection (a) shall be 5% of the gross value of units severed at the wellhead during a reporting period, plus 4.6¢ per unit severed.

Section 2904-G. Return and payment.

(a) Requirement.—Every producer is required to file a return with the department, on a form prescribed by the department, which shall include all of the following:

(1) The number of natural gas units severed by the producer for the reporting period.

(2) The number of producing sites used by the producer for the severance of natural gas in each county and municipality.

(3) The amount of tax due under section 2903-G.

(b) Filing.—The return required by subsection (a) shall be filed with the department within 15 days following the end of a reporting period.

(c) Deadline.—The tax imposed under section 2903-G is due on the day the return is required to be filed and becomes delinquent if not remitted to the department by that date.

Section 2905-G. Natural gas severance tax registration.

(a) Application.—Before a producer severs natural gas in this Commonwealth, the producer shall apply to the department for a natural gas severance tax registration certificate.

(a.1) Application fee.—The department may charge an application fee to cover the administrative costs associated with the application and registration process. If the department charges an application fee, the department shall not issue a registration certificate until the producer has paid the application fee.

(a.2) Declaration.—The producer shall include in its application a declaration of all producing sites and nonproducing sites used by the producer for the severance of natural gas. The declaration shall include copies of wellhead meter certifications for each site. The producer is required to update the declaration when the producer adds or removes a producing site or nonproducing site in this Commonwealth or when there is a change in the status of a producing site or nonproducing site or when the producer uses a different accredited laboratory to issue a wellhead meter certification. The producer shall update the declaration within 30 days after a calendar month in which a change to the declaration occurs.

(b) Issuance.—Except as provided in subsection (c), after the receipt of an application, the department shall issue a registration

certificate under subsection (a). The registration certificate shall be nonassignable. All registrants shall be required to renew their registration certificates and wellhead meter certifications on a staggered renewal system established by the department. After the initial staggered renewal period, a registration certificate or a wellhead meter certification issued shall be valid for a period of five years.

(c) Refusal, suspension or revocation.—The department may refuse to issue, suspend or revoke a registration certificate if the applicant or registrant has not filed required State tax reports and paid State taxes not subject to a timely perfected administrative or judicial appeal or subject to a duly authorized deferred payment plan. The department shall notify the applicant or registrant of any refusal, suspension or revocation. The notice shall contain a statement that the refusal, suspension or revocation may be made public. The notice shall be made by first class mail. An applicant or registrant aggrieved by the determination of the department may file an appeal under the provisions for administrative appeals in this act. In the case of a suspension or revocation which is appealed, the registration certificate shall remain valid pending a final outcome of the appeals process. Notwithstanding sections 274, 353(f), 408(b), 603, 702, 802, 904 and 1102 or any other provision of law, if no appeal is taken or if an appeal is taken and denied at the conclusion of the appeal process the department may disclose, by publication or otherwise, the identity of a producer and the fact that the producer's registration certificate has been refused, suspended or revoked under this subsection. Disclosure may include the basis for refusal, suspension or revocation.

(d) Violation.—A person severing natural gas in this Commonwealth without holding a valid registration certificate under subsection (b) shall be guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of not less than \$300 nor more than \$1,500. In the event the person convicted defaults in the payment of the fine, he shall be sentenced to imprisonment for not less than five days nor more than 30 days. The penalties imposed by this subsection shall be in addition to any other penalties imposed by this article. For purposes of this subsection, the severing of natural gas during any calendar day shall constitute a separate violation. The secretary may designate employees of the department to enforce the provisions of this subsection. The employees shall exhibit proof of and be within the scope of the designation when instituting proceedings as provided by the Pennsylvania Rules of Criminal Procedure.

(e) Failure to obtain registration certificate.—Failure to obtain or hold a valid registration certificate does not relieve a person from liability for the tax imposed by this article.

Section 2905.1-G. Meters.

A producer shall provide for and maintain a discrete wellhead meter where natural gas is severed. A producer shall ensure that the meters are maintained according to industry standards. Any wellhead meter installed after the effective date of this section shall be a digital meter.

Section 2906-G. Assessments.

(a) Authorization and requirement.—The department is authorized and shall make the inquiries, determinations and assessments of the tax imposed under this article, including interest, additions and penalties imposed under this article.

(b) Notice.—The notice of assessment and demand for payment shall be mailed to the taxpayer. The notice shall set forth the basis of the assessment. The department shall send the notice of assessment to the taxpayer at its registered address via certified mail if the assessment increases the taxpayer's tax liability by \$300. Otherwise, the notice of assessment may be sent via regular mail.

Section 2907-G. Time for assessment.

(a) Requirement.—An assessment as provided under section 2906-G shall be made within three years after the date when the return provided for by section 2904-G is filed or the end of the year in which the tax liability arises, whichever shall occur last. For the purposes of this subsection and subsection (b), a return filed before the last day prescribed for the filing period shall be considered as filed on the last day.

(b) Exception.—If the taxpayer underpays the correct amount of the tax due by 25% or more, the tax may be assessed within six years after the date the return was filed.

(c) Intent to evade.—Where no return is filed or where the taxpayer files a false or fraudulent return with intent to evade the tax imposed by this article, the assessment may be made at any time.

(d) Erroneous credit or refund.—Within three years of the granting of a refund or credit or within the period in which an assessment or reassessment may have been issued by the department for the taxable period for which the refund was granted, whichever period shall last occur, the department may issue an assessment to recover a refund or credit made or allowed erroneously.

Section 2908-G. Extension of assessment period.

Notwithstanding the provisions of this article, the assessment period may be extended in the event a taxpayer has provided written consent before the expiration of the period provided in section 2907-G for a tax assessment. The amount of tax due may be assessed at any time within the extended period. The period may be extended further by subsequent written consents made before the expiration of the extended period.

Section 2909-G. Reassessments.

A taxpayer against whom an assessment is made may petition the department for a reassessment under Article XXVII.

Section 2910-G. Interest.

The department shall assess interest on any delinquent tax at the rate prescribed under section 806 of the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code.

Section 2911-G. Penalties.

The department shall enforce the following penalties:

(1) A penalty against a producer without a natural gas severance tax registration certificate. The penalty shall be \$1 for every unit severed without a valid registration certificate. The department may assess this penalty separately from or in conjunction with any assessment of the natural gas severance tax.

(2) A penalty against a producer for failure to timely file a return as required under section 2904-G. The penalty shall be 5% of the tax liability to be reported on the return for each day beyond the due date that the return is not filed.

(3) In addition to the penalty under paragraph (2), a penalty against the producer for a willful failure to timely file a return. The penalty shall be 200% of the tax liability required to be reported on the return.

(4) A penalty against a producer for failure to timely pay the tax as required by section 2904-G(c). The penalty shall be 5% of the amount of tax due for each day beyond the payment date that the tax is not paid.

Section 2912-G. Criminal acts.

(a) Fraudulent return.—Any person with intent to defraud the Commonwealth, who willfully makes or causes to be made a return required by this article which is false, is guilty of a misdemeanor and shall, upon conviction, be sentenced to pay a fine of not more than \$2,000 or to imprisonment for not more than three years, or both.

(b) Other crimes.—

(1) Except as otherwise provided by subsection (a), a person is guilty of a misdemeanor and shall, upon conviction, be sentenced to pay a fine of not more than \$1,000 and costs of prosecution or to imprisonment for not more than one year, or both, for any of the following:

(i) Willfully failing to timely remit the tax to the department.

(ii) Willfully failing or neglecting to timely file a return or report required by this article.

(iii) Refusing to timely pay a tax, penalty or interest imposed or provided for by this article.

(iv) Willfully failing to preserve its books, papers and records as directed by the department.

(v) Refusing to permit the department or its authorized agents to examine its books, records or

papers.

(vi) Knowingly making any incomplete, false or fraudulent return or report.

(vii) Preventing or attempting to prevent the full disclosure of the amount of natural gas severance tax due.

(viii) Providing any person with a false statement as to the payment of the tax imposed under this article with respect to any pertinent facts.

(ix) Making, uttering or issuing a false or fraudulent statement.

(2) The penalties imposed by this section shall be in addition to other penalties imposed by this article.

Section 2913-G. Abatement of additions or penalties.

Upon the filing of a petition for reassessment or a petition for refund by a taxpayer as provided under this article, additions or penalties imposed upon the taxpayer by this article may be waived or abated in whole or in part where the petitioner establishes that he acted in good faith, without negligence and with no intent to defraud.

Section 2914-G. Bulk and auction sales.

A person that sells or causes to be sold at auction, or that sells or transfers in bulk, 51% or more of a stock of goods, wares or merchandise of any kind, fixtures, machinery, equipment, buildings or real estate involved in a business for which the person holds a registration certificate or is required to obtain a registration certificate under the provisions of this article shall be subject to the provisions of section 1403 of the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code.

Section 2915-G. Collection upon failure to request reassessment, review or appeal.

(a) Power of department.—The department may collect the tax imposed under this article:

(1) If an assessment of the tax is not paid within 30 days after notice to the taxpayer when no petition for reassessment has been filed.

(2) Within 60 days of the reassessment, if no petition for review has been filed.

(3) If no appeal has been made, within 30 days of:

(i) the Board of Finance and Revenue's decision of a petition for review; or

(ii) the expiration of the board's time for acting upon the petition.

(4) In all cases of judicial sales, receiverships, assignments or bankruptcies.

(b) Prohibition.—In a case for the collection of taxes under subsection (a), the taxpayer against whom they were assessed shall not be permitted to set up a ground of defense that might have been determined by the department, the Board of Finance and Revenue or the courts, provided that the defense of failure of the department to mail notice of assessment or reassessment to the taxpayer and the defense of payment of assessment or reassessment may be raised in proceedings for collection by a motion to stay the proceedings.

Section 2916-G. Tax liens.

(a) Lien imposed.—If any taxpayer neglects or refuses to pay the tax imposed under this article for which the taxpayer is liable under this article after demand, the amount, including interest, addition or penalty, together with additional costs that may accrue, shall be a lien in favor of the Commonwealth upon the real and personal property of the taxpayer but only after the same has been entered and docketed of record by the prothonotary of the county where the property is situated. The department may, at any time, transmit to the prothonotaries of the respective counties certified copies of all liens imposed by this section. It shall be the duty of the prothonotary receiving the lien to enter and docket the same of record to the office of the prothonotary. The lien shall be indexed as judgments are now indexed. No prothonotary shall require as a condition precedent to the entry of the lien the payment of costs incidental to its entry.

(b) Priority of lien and effect on judicial sale.—Except for the

costs of the sale and the writ upon which the sale was made and real estate taxes and municipal claims against the property, a lien imposed under this section shall have priority from the date of its recording and shall be fully paid and satisfied out of the proceeds of any judicial sale of property subject to the lien, before any other obligation, judgment, claim, lien or estate to which the property may subsequently become subject, but shall be subordinate to mortgages and other liens existing and duly recorded or entered of record prior to the recording of the lien.

(c) No discharge by sale on junior lien.—In the case of a judicial sale of property subject to a lien imposed under this section, upon a lien or claim over which the lien imposed under this section has priority, the sale shall discharge the lien imposed under this section to the extent only that the proceeds are applied to its payment, and the lien shall continue in full force and effect as to the balance remaining unpaid. There shall be no inquisition or condemnation upon any judicial sale of real estate made by the Commonwealth under the provisions of this article. The lien shall continue as provided in the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, and a writ of execution may directly issue upon the lien without the issuance and prosecution to judgment of a writ of scire facias, provided that not less than ten days before issuance of any execution on the lien, notice of the filing and the effect of the lien shall be sent by registered mail to the taxpayer at its last known post office address, provided further that the lien shall have no effect upon any stock of goods, wares or merchandise regularly sold or leased in the ordinary course of business by the taxpayer against whom the lien has been entered, unless and until a writ of execution has been issued and a levy made upon the stock of goods, wares and merchandise.

(d) Duty of prothonotary.—Any willful failure of any prothonotary to carry out any duty imposed upon him by this section shall be a misdemeanor. Upon conviction, he shall be sentenced to pay a fine of not more than \$1,000 and costs of prosecution or to imprisonment for not more than one year, or both.

(e) Priority.—Except as provided in this article, the distribution, voluntary or compulsory, in receivership, bankruptcy or otherwise of the property or estate of any person, all taxes imposed by this article which are due and unpaid and are not collectible under the provisions of section 225 shall be paid from the first money available for distribution in priority to all other claims and liens, except as the laws of the United States may give priority to a claim to the Federal Government. A person charged with the administration or distribution of the property or estate who violates the provisions of this section shall be personally liable for the taxes imposed by this article which are accrued and unpaid and chargeable against the person whose property or estate is being administered or distributed.

(f) Other remedies.—Subject to the limitations contained in this article as to the assessment of taxes, nothing contained in this section shall be construed to restrict, prohibit or limit the use by the department in collecting taxes due and payable of another remedy or procedure available at law or equity for the collection of debts.

#### Section 2917-G. Tax suit reciprocity.

The courts of this Commonwealth shall recognize and enforce liabilities for natural gas severance or extraction taxes lawfully imposed by any other state, provided that the other state recognizes and enforces the tax imposed under this article.

#### Section 2918-G. Service.

A producer is deemed to have appointed the Secretary of the Commonwealth its agent for the acceptance of service of process or notice in a proceeding for the enforcement of the civil provisions of this article and service made upon the Secretary of the Commonwealth as agent shall be of the same legal force and validity as if the service had been personally made upon the producer. Where service cannot be made upon the producer in the manner provided by other laws of this Commonwealth relating to service of process, service may be made upon the Secretary of the Commonwealth. In that case, a copy of the process or notice shall be personally served upon any agent or representative of the producer who may be found within this Commonwealth or, where no agent or representative may be found, a

copy of the process or notice shall be sent via registered mail to the producer at the last known address of its principal place of business, home office or residence.

#### Section 2919-G. Refunds.

Under Article XXVII, the department shall refund all taxes, interest and penalties paid to the Commonwealth under the provisions of this article to which the Commonwealth is not rightfully entitled. The refunds shall be made to the person or the person's heirs, successors, assigns or other personal representatives who paid the tax, provided that no refund shall be made under this section regarding a payment made by reason of an assessment where a taxpayer has filed a petition for reassessment under section 2702 to the extent the petition is adverse to the taxpayer by a decision which is no longer subject to further review or appeal. Nothing in this article shall prohibit a taxpayer who has filed a timely petition for reassessment from amending it to a petition for refund where the petitioner paid the tax assessed.

#### Section 2920-G. Refund petition.

(a) General rule.—Except as provided for in subsection (b), the refund or credit of tax, interest or penalty provided for by section 2919-G shall be made only where the person who has paid the tax files a petition for refund with the department under Article XXVII within the time limits of section 3003.1.

(b) Natural gas severance tax.—A refund or credit of tax, interest or penalty paid as a result of an assessment made by the department under section 2905-G shall be made only where the person who has paid the tax files with the department a petition for a refund with the department under Article XXVII within the time limits of section 3003.1. The filing of a petition for refund under the provisions of this subsection shall not affect the abatement of interest, additions or penalties to which the person may be entitled by reason of his payment of the assessment.

#### Section 2921-G. Rules and regulations.

The department is charged with the enforcement of the provisions of this article and is authorized and empowered to prescribe, adopt, promulgate and enforce rules and regulations not inconsistent with the provisions of this article relating to any matter or thing pertaining to the administration and enforcement of the provisions of this article and the collection of taxes, penalties and interest imposed by this article. The department may prescribe the extent, if any, to which any of the rules and regulations shall be applied without retroactive effect.

#### Section 2922-G. Recordkeeping.

(a) General rule.—Every person liable for any tax imposed by this article, or for the collection of the tax, shall keep records, including those enumerated in subsection (b), render statements, make returns and comply with the rules and regulations as the department may prescribe regarding matters pertinent to the person's business. Whenever it is necessary, the department may require a person, by notice served upon the person or by regulations, to make returns, render statements or keep records as the department deems sufficient to show whether or not a person is liable to pay tax under this article.

##### (a.1) Records.—Records to be maintained are:

(1) Wellhead meter charts for each reporting period and the meter calibration and maintenance records. If turbine meters are in use, the maintenance records will be made available to the department upon request.

(2) Records, statements and other instruments furnished to a producer by a person to whom the producer delivers for sale, transport or delivery of natural gas.

(3) Records, statements and other instruments as the department may prescribe by regulation.

(b) Records of nonresidents.—A nonresident who does business in this Commonwealth as a producer shall keep adequate records of the business and of the tax due as a result. The records shall be retained within this Commonwealth unless retention outside this Commonwealth is authorized by the department. The department may require a taxpayer who desires to retain records outside this



Commonwealth to assume reasonable out-of-State audit expenses.

(c) Keeping of separate records.—A producer who is engaged in another business or businesses which do not involve the severing of natural gas taxable under this article shall keep separate books and records of the businesses so as to show the taxable severing of natural gas under this article separately from other business activities not taxable hereunder. If any person fails to keep separate books and records, the person shall be liable for a penalty equaling 100% of tax due under this article for the period where separate records were not maintained.

Section 2923-G. Examinations.

The department or any of its authorized agents are authorized to examine the books, papers and records of any taxpayer in order to verify the accuracy and completeness of any return made or, if no return was made, to ascertain and assess the tax imposed by this article. The department may require the preservation of all books, papers and records for any period deemed proper by it but not to exceed three years from the end of the calendar year to which the records relate. Every taxpayer is required to give to the department or its agent the means, facilities and opportunity for examinations and investigations under this section. The department is further authorized to examine any person, under oath, concerning the taxable severing of natural gas by any taxpayer or concerning any other matter relating to the enforcement or administration of this article, and to this end may compel the production of books, papers and records and the attendance of all persons whether as parties or witnesses whom it believes to have knowledge of relevant matters. The procedure for the hearings or examinations shall be the same as that provided by the act of April 9, 1929 (P.L.343, No. 176), known as The Fiscal Code.

Section 2924-G. Unauthorized disclosure.

Any information gained by the department as a result of any return, examination, investigation, hearing or verification required or authorized by this article shall be confidential except for official purposes and except in accordance with proper judicial order or as otherwise provided by law, and any person unlawfully divulging the information shall be guilty of a misdemeanor and shall, upon conviction, be sentenced to pay a fine of not more than \$1,000 and costs of prosecution or to imprisonment for not more than one year, or both.

Section 2925-G. Cooperation with other governments.

Notwithstanding the provisions of section 2917-G, the department may permit the Commissioner of the Internal Revenue Service of the United States, the proper officer of any state or the authorized representative of either of them to inspect the tax returns of any taxpayer, or may furnish to the commissioner or officer or to either of their authorized representative an abstract of the return of any taxpayer, or supply him with information concerning any item contained in any return or disclosed by the report of any examination or investigation of the return of any taxpayer. This permission shall be granted only if the laws of the United States or another state grant substantially similar privileges to the proper officer of the Commonwealth charged with the administration of this article.

Section 2926-G. Bonds.

(a) Taxpayer to file bond.—The department may require a nonresident natural person or any foreign corporation, association, fiduciary or other entity, not authorized to do business within this Commonwealth or not having an established place of business in this Commonwealth and subject to the tax imposed by section 2903-G, to file a bond issued by a surety company authorized to do business in this Commonwealth and approved by the Insurance Commissioner as to solvency and responsibility, in amounts as it may fix, to secure the payment of any tax or penalties due or which may become due from a nonresident natural person, corporation, association, fiduciary or other entity whenever it deems it necessary to protect the revenues obtained under this article. The department may also require a bond of a person petitioning the department for reassessment in the case of any assessment over \$500 or where, in its opinion, the ultimate collection is in jeopardy. For a period of three years, the department may require a

bond of any person who has, on three or more occasions within a 12-month period, either filed a return or made payment to the department more than 30 days late. In the event the department determines a taxpayer is required to file a bond, it shall give notice to the taxpayer specifying the amount of the bond required. The taxpayer shall file the bond within five days after notice is given by the department unless, within five days, the taxpayer shall request in writing a hearing before the secretary or his representative. At the hearing, the necessity, propriety and amount of the bond shall be determined by the secretary or the secretary's representative. The determination shall be final and the taxpayer shall comply with it within 15 days after notice is mailed to the taxpayer.

(b) Securities in lieu of bond.—In lieu of the bond required by this section securities approved by the department or cash in a prescribed amount may be deposited. The securities or cash shall be kept in the custody of the department. The department may apply the securities or cash to the tax imposed by this article and interest or penalties due without notice to the depositor. The securities may be sold by the department to pay the tax and/or interest or penalties due at public or private sale upon five days' written notice to the depositor.

(c) Failure to file bond.—The department may file a lien under section 2916-G against any taxpayer who fails to file a bond when required to do so under this section. All funds received upon execution of the judgment on the lien shall be refunded to the taxpayer with 3% interest, should a final determination be made that it does not owe any payment to the department.

Section 2927-G. Accounts established.

(a) Natural Gas Severance Tax Account.—

(1) The Natural Gas Severance Tax Account is established as a restricted account within the General Fund.

(2) The proceeds of the tax imposed under section 2903-G and penalties and interest imposed under this article, less the amounts appropriated under section 2929-G, shall be deposited into the account.

(3) The money in the account shall only be used in accordance with section 2928-G.

(b) Local Government Services Account.—

(1) The Local Government Services Account is established as a restricted account within the General Fund.

(2) The allocation under section 2928-G(a)(3) shall be deposited into the Local Government Services Account and shall be distributed as provided in section 2928-G(b).

Section 2928-G. Transfers and distributions.

(a) Monthly transfers and distributions.—On the last business day of each calendar month, the State Treasurer shall make the following transfers and distributions of the money in the Natural Gas Severance Tax Account:

(1) Thirty-two percent to the General Fund.

(2) Twenty-nine and six-tenths percent to the Environmental Stewardship Fund.

(3) Thirty-two percent to the Local Government Services Account, to be further distributed by the State Treasurer under subsection (c).

(4) One and six-tenths percent to the Hazardous Sites Cleanup Fund.

(5) One and three-tenths percent to the Conservation District Fund for distribution to county conservation districts pursuant to guidelines established by the State Conservation Commission.

(6) One and four-tenths percent to the Pennsylvania Fish and Boat Commission.

(7) One and three-tenths percent to the Department of Public Welfare to provide cash and crisis grants to low-income households under the Low Income Home Energy Assistance Program.

(8) Eight-tenths of one percent to the Department of Environmental Protection for State dam removal, restoration and repair projects.

(b) Quarterly distributions.—On the last business day of each period of three calendar months, the State Treasurer shall make the following distributions from the money in the Local Government Services Account:

(1) Thirty percent to counties with producing sites to be used as provided in subsection (c). The money under this subparagraph shall be distributed to each eligible county based on the following formula:

(i) Divide:

(A) the number of producing sites in the county; by

(B) the total number of producing sites in all of the counties in this Commonwealth.

(ii) Multiply:

(A) the quotient under subparagraph (i); by

(B) the amount of money available for distribution under this paragraph.

(2) Forty-five percent to municipalities with producing sites. Subject to paragraph (3), the money under this paragraph shall be distributed to each eligible municipality based on the following formula:

(i) Divide:

(A) the number of producing sites in the municipality; by

(B) the total number of producing sites in all municipalities in this Commonwealth.

(ii) Multiply:

(A) the quotient under subparagraph (i); by

(B) the amount of money available for distribution under this paragraph.

(3) All of the following apply to the distribution under paragraph (2):

(i) The amount distributed to a municipality shall not exceed 50% of the municipality's total budget for fiscal year 2011-2012, adjusted for inflation in subsequent years by an amount not to exceed an annual cost-of-living adjustment calculated by applying the Annual Percent Change in the Consumer Price Index for all Urban Consumers immediately prior to the date the adjustment is due to take effect. The amount distributed under this subparagraph shall be used for the following purposes:

(A) Reconstruction, maintenance and repair of municipal roadways and bridges, which the municipality has determined have been or are being used extensively to transport natural gas or equipment related to the production of natural gas.

(B) Preservation and improvement of municipal water supplies.

(C) Maintenance and capital improvements to municipal waste and sewage systems.

(D) Preservation and reclamation of the surface waters of the municipality.

(E) Other lawful purposes reasonably related to the health, welfare and safety consequences of severing natural gas in the municipality.

(ii) Any funds not distributed to the municipalities in a county because of the budgetary limitations under subparagraph (i) shall be distributed to the county to be used solely for grants to municipalities to defer the cost of regional cooperation endeavors undertaken by the municipalities within the county.

(4) Fifteen percent to municipalities with no producing

sites located in a county with producing sites. Subject to paragraph (5), the money under this paragraph shall be distributed to each eligible municipality based on the following formula:

(i) Divide:

(A) the number of producing sites in the county; by

(B) the total number of producing sites in all counties in this Commonwealth.

(ii) Multiply:

(A) the quotient under subparagraph (i); by

(B) the amount of money available for distribution under this paragraph.

(5) All of the following apply to the distribution under paragraph (4):

(i) Subject to the limitation in subparagraph (ii), the State Treasurer shall distribute an equal share to each eligible municipality within the same county.

(ii) The amount distributed to a municipality shall not exceed 50% of the municipality's total budget for fiscal year 2011-2012, adjusted for inflation in subsequent years by an amount not to exceed an annual cost-of-living adjustment calculated by applying the Annual Percent Change in the Consumer Price Index for all Urban Consumers immediately prior to the date the adjustment is due to take effect. The amount distributed under this subparagraph shall be used for the following purposes:

(A) Reconstruction, maintenance and repair of municipal roadways and bridges, which the municipality has determined have been or are being used extensively to transport natural gas or equipment related to the production of natural gas.

(B) Preservation and improvement of municipal water supplies.

(C) Maintenance and capital improvements to municipal waste and sewage systems.

(D) Preservation and reclamation of surface waters of the municipality.

(E) Other lawful purposes reasonably related to the health, welfare and safety consequences of severing natural gas in municipalities within the county.

(iii) Any funds not distributed to the municipalities in a county because of the budgetary limitations under subparagraph (ii) shall be distributed to the county to be used solely for grants to municipalities to defer the cost of regional cooperation endeavors undertaken by the municipalities within the county.

(6) Ten percent to the Pennsylvania Emergency Management Agency to be distributed to fire and ambulance services in counties with producing sites in accordance with the procedures established in 35 Pa.C.S. Ch. 78 (relating to grants to volunteer fire companies and volunteer services).

(7) Only producing sites and nonproducing sites on which the tax is levied under section 2903-G(a) during the three-month period for which transfers and distributions are made shall be included in any of the calculations made under paragraphs (1), (2) and (4) for that three-month period.

(c) Distributions to counties.—

(1) The governing body of counties receiving distributions under subsection (b)(1) shall administer the funds received. The governing body shall give priority to the reconstruction, repair and maintenance of county roadways and bridges, which the governing body has determined have been or

are being used to transport natural gas or equipment related to the production of natural gas. The governing body shall allocate the remainder to the county or its municipalities for any of the purposes enumerated in subsection (b)(3) or (5). A simple majority vote of all of the members of the governing body shall be required for any action under this paragraph.

(2) Commencing in 2013, before February 1, each county receiving distributions under subsection (b)(1) shall prepare and deliver a report to the Governor, the Secretary of the Senate and the Chief Clerk of the House of Representatives detailing the expenditure of funds. The Department of Community and Economic Development shall have the authority to audit a county's use of such funds and each county receiving funds shall make their financial records and other documents relating to its use of funds available to the department.

(d) Distributions to municipalities.—

(1) Commencing in 2013, before February 1, each municipality receiving distributions under subsection (b)(2) or (4) shall prepare and deliver a report to the Governor, the Secretary of the Senate and the Chief Clerk of the House of Representatives detailing the expenditure of funds.

(2) The Department of Community and Economic Development shall have the authority to audit a municipality's use of the funds. Each municipality receiving funds shall make financial records and other documents relating to its use of funds available to the Department of Community and Economic Development.

(e) Administration.—The department shall make the calculations required for the transfers and distributions under this section and shall submit the calculations to the State Treasurer in sufficient time for the State Treasurer to make the transfers and distributions as required by this section.

Section 2929-G. Appropriation.

The amount of the proceeds from the tax imposed by this article as shall be necessary for the payment of refunds, enforcement or administration under this article is hereby appropriated to the department for those purposes.

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

AMENDMENT WITHDRAWN

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

Mr. VITALI. Thank you, Mr. Speaker.

This is the identical HB 33 amendment, and I will be withdrawing this amendment because we already debated this issue.

The SPEAKER. The Speaker thanks the gentleman.

It is the Speaker's understanding that the other amendments filed to HB 1864 have been withdrawn. And the Sturla amendment, A06894, is identical to the amendment which was defeated on a previous bill; therefore, it is out of order.

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

\* \* \*

The House proceeded to second consideration of **HB 1983, PN 2764**, entitled:

An Act amending the act of December 18, 1996 (P.L.1066, No.159), known as the Accident and Health Filing Reform Act, dividing the act into Federal compliance and Commonwealth exclusivity; in Federal compliance, further providing for definitions, for required filings, for review procedure, for notice of disapproval, for use of disapproved forms or rates, for review of form or rate disapproval, for disapproval after use, for filing of provider contracts, for record maintenance, for public comment and for penalties and providing for regulations and for expiration; in Commonwealth exclusivity, providing for regulations and for action by the Insurance Commissioner; and making editorial changes.

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

Mr. **MICOZZIE** offered the following amendment  
No. **A06968**:

Amend Bill, page 4, line 22, by inserting after "Commonwealth"  
for other than excepted benefits as described in section 2791(c) of the Public Health Service Act (110 Stat. 1972, 42 U.S.C. § 300-gg-91(c))

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

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

Mr. MICOZZIE. Thank you, Mr. Speaker.

Amendment 06968 clarifies that the cash-only, disease-specific, and other limited benefit policies, their proposed rate increases would not be subject to Insurance Department review.

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

The following roll call was recorded:

YEAS—195

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

Clymer	Haluska	Moul	Stevenson
Cohen	Hanna	Mullery	Sturla
Conklin	Harhai	Mundy	Swanger
Costa, D.	Harhart	Murphy	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
Cutler	Hess	Parker	Turzai
Daley	Hickernell	Pashinski	Vereb
Davidson	Hornaman	Payne	Vitali
Davis	Hutchinson	Payton	Vulakovich
Day	Johnson	Peifer	Waters
Deasy	Josephs	Perry	Watson
DeLissio	Kampf	Petrarca	Wheatley
Delozier	Kauffman	Petri	White
Denlinger	Kavulich	Pickett	Williams
DePasquale	Keller, F.	Preston	Youngblood
Dermody	Keller, M.K.	Pyle	
DeWeese	Keller, W.	Quigley	Smith, S.,
DiGirolamo	Killion	Quinn	Speaker
Donatucci			

NAYS—0

NOT VOTING—0

EXCUSED—8

DeLuca	Hackett	Murt	Simmons
Godshall	Kotik	O'Brien, D.	Wagner

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

On the question,

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

Mr. **MATZIE** offered the following amendment No. **A06944**:

Amend Bill, page 16, lines 29 and 30, by striking out "more than" in line 29 and "one person" in line 30 and inserting a large or small group

Amend Bill, page 17, line 1, by inserting after "policies" or franchise accident and sickness insurance policies

Amend Bill, page 17, line 1, by striking out "section 621.3" and inserting sections 621.3 and 621.4

Amend Bill, page 17, line 20, by inserting after "society" health maintenance organization

Amend Bill, page 18, by inserting between lines 7 and 8 "Small group." A group that purchases accident and health insurance in the small group market, as defined in section 2791(e)(5) of the Public Health Service Act (110 Stat. 1972, 42 U.S.C. § 300gg-91(e)(5)), provided, however, that for plan years beginning prior to January 1, 2016, or other date as established in Federal law, "50 employees" is substituted for "100 employees" in the definition of "small employer" in section 2791(e)(4) of the Public Health Service Act.

Amend Bill, page 19, lines 6 through 8, by striking out "hospital plan" in line 6, all of line 7 and "HMO" in line 8 and inserting insurer

Amend Bill, page 19, line 8, by inserting after "for" small group

Amend Bill, page 19, lines 12 and 13, by striking out "hospital plan corporation, professional health" in line 12 and "services plan corporation and HMO shall establish" in line 13 and inserting insurer shall establish and file with the department prior to use

Amend Bill, page 19, lines 15 through 17, by striking out "existing hospital" in line 15, all of line 16 and "corporations and HMOs" in line 17 and inserting insurers

Amend Bill, page 19, lines 20 and 21, by striking out "hospital plan corporation, professional" in line 20 and "health services plan corporation or HMO" in line 21 and inserting insurer

On the question,

Will the House agree to the amendment?

The SPEAKER. On that question, the Speaker recognizes the gentleman from Beaver, Mr. Matzie.

Mr. MATZIE. Thank you, Mr. Speaker.

First of all, I would like to thank the chairman for offering this bill along with the minority chairman, Chairman DeLuca. It is an excellent bill, but I think that this very important amendment makes it better. This amendment would revert the rate review process back to current law in the event that the Affordable Care Act would be overturned. This amendment would include for-profit insurers in the rate review process. Under current statute, only nonprofit insurers and HMOs (health maintenance organizations) are reviewed. I ask for an affirmative vote.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—112

Barbin	DeWeese	Kortz	Quinn
Barrar	DiGirolamo	Kula	Ravenstahl
Bishop	Donatucci	Longietti	Readshaw
Boyle, B.	Evans, D.	Mahoney	Roebuck
Boyle, K.	Fabrizio	Mann	Ross
Bradford	Farry	Markosek	Sabatina
Brennan	Frankel	Marshall	Sainato
Briggs	Freeman	Marsico	Samuelson
Brown, V.	Gabler	Matzie	Santarsiero
Brownlee	Galloway	McGeehan	Santoni
Burns	George	Metzgar	Scavello
Buxton	Gerber	Miccarelli	Shapiro
Caltagirone	Gergely	Mirabito	Smith, K.
Carroll	Gibbons	Mullery	Smith, M.
Cohen	Goodman	Mundy	Sonney
Conklin	Grell	Murphy	Staback
Costa, D.	Haluska	Mustio	Stern
Costa, P.	Hanna	Myers	Sturla
Cruz	Harhai	Neuman	Swanger
Curry	Harkins	O'Brien, M.	Taylor
Daley	Helm	O'Neill	Thomas
Davidson	Hornaman	Parker	Vitali
Davis	Johnson	Pashinski	Vulakovich
Deasy	Josephs	Payne	Waters
DeLissio	Kavulich	Payton	Wheatley
Delozier	Keller, M.K.	Petrarca	White
DePasquale	Keller, W.	Petri	Williams
Dermody	Kirkland	Preston	Youngblood

NAYS—83

Adolph	Evankovich	Killion	Reed
Aument	Evans, J.	Knowles	Reese
Baker	Everett	Krieger	Reichley
Bear	Fleck	Lawrence	Roae
Benninghoff	Geist	Maher	Rock
Bloom	Gillen	Major	Saccone
Boback	Gillespie	Maloney	Saylor
Boyd	Gingrich	Masser	Schroder
Brooks	Grove	Metcalfe	Stephens
Brown, R.	Hahn	Micozzie	Stevenson
Causar	Harhart	Millard	Tallman
Christiana	Harper	Miller	Tobash
Clymer	Harris	Milne	Toepel
Cox	Heffley	Moul	Toohil
Creighton	Hennessey	Oberlander	Truitt
Culver	Hess	Peifer	Turzai
Cutler	Hickernell	Perry	Vereb
Day	Hutchinson	Pickett	Watson
Denlinger	Kampf	Pyle	
Dunbar	Kauffman	Quigley	Smith, S., Speaker
Ellis	Keller, F.	Rapp	
Emrick			

NOT VOTING—0

EXCUSED—8

DeLuca	Hackett	Murt	Simmons
Godshall	Kotik	O'Brien, D.	Wagner

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

On the question recurring,

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

The SPEAKER. It is the Speaker's understanding that all the other amendments to HB 1983 have been withdrawn. However, the gentleman from Allegheny County, Mr. Frankel, seeks recognition relative to the withdrawal of his amendments.

The gentleman is recognized for that purpose.

Mr. FRANKEL. Thank you, Mr. Speaker.

As the Speaker noted, I will be pulling all four amendments to HB 1983, and I just wanted to speak briefly about it. Thanks to the interest of the House and Senate Insurance Committees, I have participated in no fewer than four public hearings on the contract dispute between UPMC (University of Pittsburgh Medical Center) and Highmark. This issue has been and will continue to be of major importance to the citizens of western Pennsylvania, and we are giving it very serious consideration. I am grateful to say that these hearings have been extremely useful. We now know, at least in part, how the insurance law could be strengthened to create a better, more competitive health-care system.

We need stronger contract laws to prevent those sweetheart deals that protect both insurers and providers from real competition based on price and quality. We need transparency so that we can stop current practices of moving procedures around like houses on a Monopoly board just so a hospital can charge more money for the exact same service, and we need a contract between our major insurer and our major provider so that our whole community has access to the specialty hospitals

we built and to give time to rebuild a competitive health-care marketplace in western Pennsylvania.

My amendments address these issues, which I know are not only concerns of mine but concerns of many of the members here from western Pennsylvania, and I will be pulling these amendments today in order for us to focus on the underlying bill. But I do so with the understanding that my colleague and my friend from across the aisle from Allegheny County will soon introduce two bills which seek to address the UPMC-Highmark issue, and those bills will be given serious consideration, both in committee and on this House floor. I also do so with the understanding that while these bills would be a good first step, there are still several important health-care issues that we must address in order to provide the citizens of the Commonwealth with the health-care access, coverage, and transparency they need and deserve.

I will continue to work for this legislation and work in a bipartisan basis to ensure that we get those qualities in our health-care system from all of our providers and all of our insurers.

Thank you, Mr. Speaker.

The SPEAKER. The Speaker thanks the gentleman.

For what purpose does the gentleman, Mr. Micozzie, seek recognition?

On the question recurring,

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

Bill as amended was agreed to.

Mr. MICOZZIE. On the bill. On the bill.

The SPEAKER. The Speaker apologizes.

Mr. MICOZZIE. Thank you, Mr. Speaker.

DECISION OF CHAIR RESCINDED

The SPEAKER. Without objection, the Speaker rescinds his notice that the bill has been given second consideration.

On the question recurring,

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

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

Mr. MICOZZIE. Thank you, Mr. Speaker.

I rise for a positive vote on HB 1983. HB 1983 is a carefully crafted piece of legislation that brings Pennsylvania in compliance with the Federal Health Care Reform Act. HB 1983 has received the blessings of the Obama administration and needs to be enacted swiftly to bring our State in compliance with rate review of insurance premiums.

Also, Mr. Speaker, I would like to thank my colleagues on the other side who withdrew their amendments. In this issue, it showed a complete bipartisan togetherness.

Thank you, Mr. Speaker.

On the question recurring,

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

Bill as amended was agreed to.

(Bill as amended will be reprinted.)

VOTE CORRECTION

The SPEAKER. For what purpose does the gentleman from Montgomery County, Mr. Stephens, seek recognition?

Mr. STEPHENS. To correct the record, Mr. Speaker.

The SPEAKER. The gentleman may state his correction.

Mr. STEPHENS. On HB 1983, amendment 06944, I was inadvertently recorded in the negative and I wish to be recorded in the affirmative.

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

Mr. STEPHENS. Thank you.

\* \* \*

The House proceeded to second consideration of HB 1976, PN 2808, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for original jurisdiction and venue in courts of common pleas; and providing for venue in personal injury actions against corporations and similar entities.

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

Mr. CUTLER offered the following amendment No. A06998:

Amend Bill, page 2, line 30, by inserting after "where" all or a predominant part of

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

The SPEAKER. On that question, the Speaker recognizes the gentleman from Lancaster County, Mr. Cutler.

Mr. CUTLER. Thank you, Mr. Speaker.

Very briefly, this amendment would simply create some consistency in the actual bill regarding some of the terminology that we use so it is somewhat technical in nature. I would simply ask for your affirmative vote. Thank you.

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

The following roll call was recorded:

YEAS-189

Table listing names of members who voted 'YEAS' (189 total): Adolph, Aument, Baker, Barbin, Barrar, Bear, Benninghoff, Bishop, Bloom, Boback, Boyd, Boyle, B., Boyle, K., DiGirolamo, Donatucci, Dunbar, Ellis, Emrick, Evankovich, Evans, D., Everett, Fabrizio, Farry, Fleck, Frankel, Freeman, Kirkland, Knowles, Kortz, Krieger, Kula, Lawrence, Longiotti, Maher, Mahoney, Major, Maloney, Mann, Markosek, Ravenstahl, Readshaw, Reed, Reese, Reichley, Roae, Rock, Roebuck, Ross, Sabatina, Saccone, Sainato, Samuelson.

Table listing names of members who voted 'NAYS' (6 total): Bradford, Brennan, Briggs, Brooks, Brown, R., Brown, V., Brownlee, Burns, Buxton, Caltagirone, Carroll, Causer, Christiana, Clymer, Cohen, Conklin, Costa, D., Costa, P., Cox, Creighton, Cruz, Culver, Curry, Cutler, Daley, Davidson, Davis, Day, Deasy, DeLissio, Delozier, Denlinger, DePasquale, Dermody, DeWeese, Gabler, Galloway, Geist, George, Gerber, Gergely, Gibbons, Gillen, Gillespie, Gingrich, Goodman, Grell, Grove, Hahn, Haluska, Hanna, Harhai, Harhart, Harkins, Harris, Heffley, Helm, Hess, Hickernell, Hornaman, Hutchinson, Johnson, Josephs, Kampf, Kauffman, Kavulich, Keller, F., Keller, M.K., Keller, W., Killion, Marshall, Marsico, Masser, Matzie, McGeehan, Metcalfe, Metzgar, Millard, Miller, Milne, Mirabito, Moul, Mullery, Mundy, Murphy, Mustio, Myers, Neuman, O'Brien, M., O'Neill, Oberlander, Parker, Pashinski, Payne, Payton, Peifer, Perry, Petrarca, Petri, Pickett, Preston, Pyle, Quigley, Quinn, Rapp, Santarsiero, Santoni, Saylor, Scavello, Schroder, Shapiro, Smith, K., Smith, M., Sonney, Staback, Stephens, Stern, Stevenson, Sturla, Swanger, Tallman, Taylor, Thomas, Tobash, Toepel, Toohil, Truitt, Turzai, Vitali, Vulakovich, Waters, Watson, Wheatley, White, Williams, Youngblood, Smith, S., Speaker.

NAYS-6

Table listing names of members who voted 'NAYS' (6 total): Evans, J., Harper, Hennessey, Miccarelli, Micozzie, Vereb.

NOT VOTING-0

EXCUSED-8

Table listing names of members who were 'EXCUSED' (8 total): DeLuca, Godshall, Hackett, Kotik, Murt, O'Brien, D., Simmons, Wagner.

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?

The SPEAKER. It is the Speaker's understanding that the other amendments have been withdrawn.

The gentleman from Montgomery County, Mr. Gerber, is recognized for the purpose of withdrawing his amendment.

Mr. GERBER. Thank you, Mr. Speaker.

Yes, I am going to withdraw this amendment, Mr. Speaker. This amendment, again, attempts to institute a false claims act here in Pennsylvania. We are one of a few States left that does not have a false claims act on the books. This is a bipartisan effort. This is something that has been introduced by both Democrats and Republicans in this chamber. It is a bill that has passed out of this chamber in other sessions. It is an attempt to

deter bad actors from committing fraud against the Commonwealth, and it would empower the Commonwealth to go after those who try to steal from the Commonwealth with the force of treble damages.

We have in recent times – when I say recent times, I mean the last several weeks – seen some major cases of fraud against the Commonwealth that have cost the Commonwealth hundreds of millions of dollars. One recently settled, and I think that is why we have a bipartisan interest in trying to advance a false claims bill, but again, Mr. Speaker, I am withdrawing it in the spirit of bipartisan cooperation and overtures from colleagues on the other side of the aisle who are interested in seeing a law like this on the books here in Pennsylvania. Thank you, Mr. Speaker.

The SPEAKER. The Speaker thanks the gentleman.

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

Bill as amended was agreed to.

(Bill as amended will be reprinted.)

### REPORT OF COMMITTEE ON COMMITTEES

The SPEAKER. The Speaker acknowledges a supplemental report from the Democratic Committee on Committees, which the clerk will read.

The following report was read:

#### COMMITTEE ON COMMITTEES SUPPLEMENTAL REPORT

In the House of Representatives,  
December 7, 2011

Resolved that,

Representative Brandon P. Neuman, Washington County, is elected a member of the Judiciary Committee vice Representative Josh Shapiro resigned.

Respectfully submitted,  
Rep. R. Ted Harhai  
Chairman  
Committee on Committees

On the question,  
Will the House adopt the resolution?  
Resolution was adopted.

### BILLS RECOMMITTED

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

HB 761;  
HB 1864;  
HB 1976;

HB 1977;  
HB 1983; and  
HB 2005.

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

### BILLS REMOVED FROM TABLE

The SPEAKER. The Speaker recognizes the majority leader, who moves that the following bills be removed from the tabled calendar and placed on the active calendar:

HB 1685;  
HB 1702;  
HB 1769;  
HB 1960;  
SB 9; and  
SB 242.

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

### BILLS REMOVED FROM TABLE

The SPEAKER. The Speaker recognizes the majority leader, who moves that the following bills be removed from the tabled calendar and placed on the active calendar:

HB 592;  
HB 865;  
HB 1100; and  
SB 159.

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

### BILLS TABLED

The SPEAKER. The Speaker recognizes the majority leader, who moves that the following bills be removed from the active calendar and placed on the tabled calendar:

HB 592;  
HB 865;  
HB 1100; and  
SB 159.

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

### ANNOUNCEMENT BY SPEAKER

The SPEAKER. For the information of the members, there will be no further votes.

**VOTE CORRECTION**

The SPEAKER. Is the gentleman from Monroe County, Mr. Scavello, seeking recognition?

Mr. SCAVELLO. Yes, Mr. Speaker; to correct the record.

The SPEAKER. The gentleman may state his correction.

Mr. SCAVELLO. On amendment No. A07021 on HB 1977, I was recorded in the positive; I would like to be recorded in the negative.

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

Mr. SCAVELLO. Thank you, Mr. Speaker.

**VOTE CORRECTION**

The SPEAKER. For what purpose does the lady from Philadelphia, Ms. Brownlee, seek recognition?

Ms. BROWNLEE. Unanimous consent, Mr. Speaker.

The SPEAKER. The lady is recognized under unanimous consent.

Ms. BROWNLEE. Mr. Speaker, on SB 638, final passage, I was recorded as a "yea" and that should have been a "nay."

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

Ms. BROWNLEE. Thank you, Mr. Speaker.

**VOTE CORRECTION**

The SPEAKER. For what purpose does the lady from Mercer County, Mrs. Brooks, seek recognition?

Mrs. BROOKS. I would like to correct the record, Mr. Speaker.

The SPEAKER. The gentlelady may state her correction.

Mrs. BROOKS. On HB 1983, amendment 6944, I was recorded in the negative, and I would like to be recorded in the affirmative.

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

Mrs. BROOKS. Thank you.

**BILLS AND RESOLUTIONS PASSED OVER**

The SPEAKER. Without objection, all remaining bills and resolutions on today's calendar will be passed over. The Chair hears no objection.

**ADJOURNMENT**

The SPEAKER. Seeing no further business before the House, the Speaker recognizes the gentleman, Mr. Maloney, from Berks County, who moves that this House do adjourn until Monday, December 12, 2011, at 1 p.m., e.s.t., unless sooner recalled by the Speaker.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 4:45 p.m., e.s.t., the House adjourned.