

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

Wednesday, JUNE 27, 2012

SESSION OF 2012

196TH OF THE GENERAL ASSEMBLY

No. 50

HOUSE OF REPRESENTATIVES

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

THE SPEAKER (SAMUEL H. SMITH) PRESIDING

PRAYER

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

Thank you, Mr. Speaker.

Let us pray:

Good morning, God.

As always, we are eternally grateful for another opportunity to enter into Your divine presence and just say thank You. Yes, thank You for this beautiful day that You have given us. We will rejoice and be glad in it. And we thank You for all of Your wonderful gifts – the gift of life, the gift of health, the gift of family, the gift of love, the gift of service – but most of all, we thank God for You, the gift of You, for You are indeed our creator and the creator of every good and perfect gift. Thank You.

As this day unfolds before us, God, we welcome You. We welcome the challenges that this new day brings – serving the needy, changing the things that we can – and we are meeting those challenges, challenging us with the knowledge that all things are possible if we listen with our hearts and not with our ears.

God, we have always known You as a lamp unto our feet and a light unto our pathway. So help us as we move forward today to trust in You, to trust in You in all things, and to follow You in all of Your wisdom, especially as we struggle with the issue of balancing the budget for the Commonwealth of Pennsylvania, trying to find ways to take little and make much from it. As always we follow Your lead, Your guiding hand, and ask that You touch the hearts of each and every one of us that we do the right thing.

As we work together for the common wealth of Pennsylvania and the people we all love so dearly, we thank You once again. 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, June 26, 2012, will be postponed until printed.

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

HB 2505, PN 3815

By Rep. HESS

An Act reenacting and amending the act of May 16, 2002 (P.L.315, No.46), known as the Community Services Block Grant Act, extending the expiration of the act; and making editorial changes.

COMMERCE.

VOTE CORRECTION

The SPEAKER. The lady from Luzerne, Ms. Boback, is recognized for the purpose of correcting the record.

Ms. BOBACK. Thank you, Mr. Speaker.

On SB 367 I was recorded as a "yea," and I want to be recorded as a "nay."

The SPEAKER. The Speaker thanks the lady. Her remarks will be noted for the record.

Ms. BOBACK. Thank you.

BILL REREPORTED FROM COMMITTEE

SB 1466, PN 2335 (Amended)

By Rep. ADOLPH

An Act to provide from the General Fund for the expenses of the Executive and Judicial Departments, the State Government Support Agencies and the General Assembly of the Commonwealth, the public debt and the public schools for the fiscal year July 1, 2012, to June 30, 2013, for certain institutions and organizations, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2012; to provide appropriations from the State Lottery Fund, the Tobacco Settlement Fund, the Aviation Restricted Revenue Account, the Hazardous Material Response Fund, The State Stores Fund, the Milk Marketing Fund, the Home Investment Trust Fund, the Emergency Medical Services Operating Fund, the Tuition Payment Fund, the Banking Department Fund, the Firearm Records Check Fund, the Ben Franklin Technology Development Authority Fund, the Oil and Gas Lease Fund, the Home Improvement Account and the Cigarette Fire Safety and Firefighter Protection Act Enforcement Fund, to the Executive Department; to provide appropriations from the Judicial Computer System Augmentation Account to the Judicial

Department for the fiscal year July 1, 2012, to June 30, 2013; to provide appropriations from the Motor License Fund for the fiscal year July 1, 2012, to June 30, 2013, for the proper operation of several departments of the Commonwealth and the Pennsylvania State Police authorized to spend Motor License Fund moneys; to provide for the appropriation of Federal funds to the Executive Department of the Commonwealth and for the payment of bills remaining unpaid at the close of the fiscal year ending June 30, 2012; and to provide for the additional appropriation of Federal and State funds from the General Fund for the Executive Department of the Commonwealth for the fiscal year July 1, 2011, to June 30, 2012, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2012, and to provide appropriations from the Motor License Fund, the Home Improvement Account and the Cigarette Fire Safety and Firefighter Protection Act Enforcement Fund for the fiscal year July 1, 2011, to June 30, 2012, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2012.

APPROPRIATIONS.

ANNOUNCEMENT BY MR. NEUMAN

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

Mr. NEUMAN. Mr. Speaker, I rise to give my intent to call up Discharge Resolution No. 4 on Friday or thereafter.

The SPEAKER. The Speaker thanks the gentleman, and it is noted for the record.

Mr. NEUMAN. Thank you.

GUESTS INTRODUCED

The SPEAKER. If I could have the members' attention, some of our guests are up in the balcony, I apologize. They are just leaving, but I wanted to introduce them. They were the participants in the Keystone Girls State conference that were visiting the Capitol today. Welcome to the hall of the House anyway. Sorry; some of you were leaving. I apologize.

If I could recognize a few of the other guests that are with us: To the left of the Speaker, Representative Bishop's grandsons, Raphael Mazache and Nathaniel Mazache, are with her. Will our guests please rise. Welcome to the hall of the House.

Also, as a guest of Representative Dean, we would like to welcome Brian Good, who is located here to the left of the rostrum. Welcome. Please rise.

And serving as an intern in Representative Barbin's office this summer, we would like to welcome Jerrell Hardison. Welcome to the hall of the House.

And as the guests of Representatives Stern, Geist, Kula, and Boback, we would like to welcome some royalty. They are located here to the left of the rostrum: Julianne Biddle, who is Miss Teen Pennsylvania International 2012; Kelsey Landy, Miss Pennsylvania International 2012; and Kimberly McLendon, Mrs. Pennsylvania International 2012.

And also to the left of the rostrum, we want to welcome Representative Truitt's son, Daniel. Daniel, please rise. Welcome to the hall of the House.

LEAVES OF ABSENCE

The SPEAKER. There are no leaves of absence requested at this time.

MASTER ROLL CALL

The SPEAKER. We are about to take the master roll call. Members will proceed to vote.

The following roll call was recorded:

PRESENT—201

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

ADDITIONS—0

NOT VOTING—0

EXCUSED—0

LEAVES ADDED—2

Kirkland Metcalfe

The SPEAKER. Two hundred and one members having voted on the master roll call, a quorum is present.

The House will come to order.

We obviously have some other caucus-type business and at least one committee meeting to be called here, so we are basically just going to have announcements and then go towards caucus-type events.

STATE GOVERNMENT COMMITTEE MEETING

The SPEAKER. The gentleman from Butler County, Mr. Metcalfe, with an announcement relative to a committee meeting.

Mr. METCALFE. Thank you, Mr. Speaker.

Mr. Speaker, I would like to announce a meeting of the House State Government Committee. We will be meeting at 11:45, as long as we have broken from the floor. If we have not broken by then, then we will be meeting as soon as we break, but tentatively now at 11:45 in 60 East Wing to potentially consider HB 1840, and I also have SB 161 on the schedule and any other business that might be brought before the committee, Mr. Speaker.

So that is a meeting of the House State Government Committee in 60 East Wing at 11:45, or if the House breaks at a later time, whenever the House breaks. Thank you, Mr. Speaker.

The SPEAKER. We will be breaking in a few minutes.

The State Government Committee will be meeting in 60 East Wing at 11:45.

LOCAL GOVERNMENT COMMITTEE MEETING

The SPEAKER. The gentleman from Lancaster County, Mr. Creighton, for a committee announcement.

Mr. CREIGHTON. Thank you, Mr. Speaker.

I am calling a meeting at 3 o'clock in G-50 for Local Government; Local Government, G-50, at 3 o'clock. Thank you.

The SPEAKER. There will be a Local Government Committee meeting in G-50 at 3 o'clock.

HEALTH COMMITTEE MEETING

The SPEAKER. The gentleman from Tioga, Mr. Baker, for what purpose do you rise? Committee announcement?

Mr. BAKER. Committee announcement.

The SPEAKER. The gentleman may make his announcement.

Mr. BAKER. Thank you, Mr. Speaker.

The Health Committee will meet immediately upon the break in room B-31; a Health Committee meeting immediately upon the break in room B-31. Thank you, Mr. Speaker.

The SPEAKER. There will be an immediate Health Committee meeting in B-31.

REPUBLICAN CAUCUS

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

Ms. MAJOR. Thank you, Mr. Speaker.

I would like to announce Republicans will be caucusing today at 2 p.m. I would ask our Republican members to please report to our caucus room at 2. We would be prepared to come back on the floor at 4 p.m. Thank you.

DEMOCRATIC CAUCUS

The SPEAKER. The gentleman, Mr. Frankel, from Allegheny County for a Democratic caucus announcement?

Mr. FRANKEL. Thank you.

The Democratic members are going to caucus at 12:30; Democrats will caucus at 12:30. Thank you.

LOCAL GOVERNMENT COMMITTEE MEETING

The SPEAKER. The gentleman from Lancaster County, Mr. Creighton.

Mr. CREIGHTON. Thank you, Mr. Speaker.

I apologize. We want to do a meeting on Local Government, G-50, at 3:30.

The SPEAKER. The Local Government Committee meeting has been changed to 3:30.

Mr. CREIGHTON. Yes, sir. Thank you.

The SPEAKER. The Speaker thanks the gentleman.

RECESS

The SPEAKER. Seeing no further announcements, this House stands in recess until 4 p.m., unless sooner recalled by the Speaker.

RECESS EXTENDED

The time of recess was extended until 4:15 p.m.; further extended until 4:30 p.m.

AFTER RECESS

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

THE SPEAKER PRO TEMPORE (JOHN MAHER) PRESIDING

BILLS REPORTED FROM COMMITTEES, CONSIDERED FIRST TIME, AND TABLED

SB 5, PN 2336 (Amended)

By Rep. BAKER

An Act establishing the Community-Based Health Care (CHC) Program in the Department of Health; providing for hospital health clinics and for mobile prenatal and natal care demonstration project.

HEALTH.

SB 161, PN 2297

By Rep. METCALFE

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, providing for criteria for institutions of purely public charity.

STATE GOVERNMENT.

**RESOLUTIONS REPORTED
FROM COMMITTEES**

HR 659, PN 3339

By Rep. BAKER

A Resolution declaring youth violence as a public health epidemic and supporting the establishment of Statewide trauma-informed education.

HEALTH.

HR 774, PN 3857 (Amended)

By Rep. CREIGHTON

A Resolution establishing a select committee to investigate and review the interrelationship between all current sources of school district and local government tax revenue, with a focus on property taxes, the current system of Federal and State funding of school districts and other local government functions.

LOCAL GOVERNMENT.

LEAVE OF ABSENCE

The SPEAKER pro tempore. The Chair recognizes the majority whip, who asks that the gentleman from Butler County, Representative METCALFE, be placed on leave for the balance of the day. Without objection, the leave is so granted.

**HOUSE RESOLUTIONS
INTRODUCED AND REFERRED**

No. 791 By Representatives JOSEPHS, BENNINGHOFF, BOYD, B. BOYLE, K. BOYLE, BRIGGS, V. BROWN, CALTAGIRONE, CUTLER, DALEY, DAVIS, DAVIDSON, DeLUCA, DePASQUALE, FABRIZIO, HARPER, KIRKLAND, McGEEHAN, MIRABITO, MUNDY, MURT, M. O'BRIEN, PARKER, SAMUELSON, SANTONI and VITALI

A Resolution amending the Rules of the House of Representatives, further providing for acquiring lands of the Commonwealth.

Referred to Committee on RULES, June 27, 2012.

No. 792 By Representative CUTLER

A Resolution urging the Pennsylvania Supreme Court to study the impact on certain entities caused by the Pennsylvania Rules of Civil Procedure that allow broad latitude to plaintiffs in the bringing of certain tort cases and to examine the efficacy and justice of expanding the Supreme Court's 2002 rule on venue for cases of alleged medical professional liability to all civil proceedings.

Referred to Committee on JUDICIARY, June 27, 2012.

**HOUSE BILLS
INTRODUCED AND REFERRED**

No. 2493 By Representatives WHITE, K. BOYLE, CALTAGIRONE, CARROLL, DALEY, GERGELY, HORNAMAN, JOSEPHS, KORTZ, KOTIK, LONGIETTI, MURT, PAYTON, STEPHENS, YOUNGBLOOD and HALUSKA

An Act establishing the Energy Employment Legacy Fund; and providing for powers and duties of the Department of Revenue.

Referred to Committee on ENVIRONMENTAL RESOURCES AND ENERGY, June 27, 2012.

No. 2515 By Representatives STEPHENS, O'NEILL, BRENNAN, BROOKS, CLYMER, D. COSTA, COX, DAVIS, DePASQUALE, J. EVANS, FARRY, GIBBONS, GINGRICH, HESS, HORNAMAN, KORTZ, MILLER, MURT, PICKETT, ROCK, SAYLOR, SIMMONS, STABACK, SWANGER, WHITE and RAVENSTAHL

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for the offense of cruelty to animals.

Referred to Committee on JUDICIARY, June 27, 2012.

No. 2516 By Representatives CRUZ, YOUNGBLOOD, BROWNLEE, M. O'BRIEN and THOMAS

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in wiretapping and electronic surveillance, providing for unmanned aircraft surveillance.

Referred to Committee on JUDICIARY, June 27, 2012.

No. 2517 By Representatives HEFFLEY, BOYD, GEIST and SAYLOR

An Act amending Title 74 (Transportation) of the Pennsylvania Consolidated Statutes, providing for annual limitation on expenditure from Motor License Fund; and establishing the Pennsylvania State Police Fund.

Referred to Committee on TRANSPORTATION, June 27, 2012.

No. 2518 By Representatives BENNINGHOFF, BROOKS, CALTAGIRONE, CARROLL, CLYMER, CUTLER, DALEY, EVANKOVICH, FLECK, GIBBONS, GINGRICH, GODSHALL, GOODMAN, GROVE, HARHART, HESS, HORNAMAN, JAMES, JOSEPHS, LONGIETTI, MANN, MICOZZIE, MURT, MUSTIO, O'NEILL, QUINN, ROCK, SCHMOTZER and VULAKOVICH

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, further defining "proof of identification."

Referred to Committee on STATE GOVERNMENT, June 27, 2012.

No. 2519 By Representatives BENNINGHOFF, AUMENT, BOYD, CALTAGIRONE, GILLEN, GINGRICH, GODSHALL, GROVE, HARRIS, F. KELLER, METCALFE, MILNE and SWANGER

An Act amending the act of December 31, 1965 (P.L.1257, No.511), known as The Local Tax Enabling Act, further providing for delegation of taxing powers and restrictions.

Referred to Committee on FINANCE, June 27, 2012.

No. 2520 By Representatives WATERS, HALUSKA, JOSEPHS, FABRIZIO, V. BROWN, McGEEHAN, M. O'BRIEN, PAYTON, JAMES and PARKER

An Act amending Titles 5 (Athletics and Sports), 18 (Crimes and Offenses), 23 (Domestic Relations), 42 (Judiciary and Judicial Procedure), 61 (Prisons and Parole) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes, revising the law on criminalizing and sentencing for controlled substances; making editorial changes; and making related repeals.

Referred to Committee on JUDICIARY, June 27, 2012.

The SPEAKER pro tempore. The House will be at ease temporarily.

The House will come to order.

CALENDAR

BILLS ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 1980, PN 2767**, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in district superintendents and assistant district superintendents, further providing for eligibility; in professional employees, further providing for rating system and for payment of salaries in cases of sickness, injury or death; and, in State Board of Education, further providing for powers and duties of board.

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

Mr. **AUMENT** offered the following amendment
No. **A12622**:

Amend Bill, page 1, line 13, by striking out the bracket before "incompetency"

Amend Bill, page 1, line 13, by striking out the bracket after "or"

Amend Bill, page 3, lines 14 through 27, by striking out all of said lines and inserting
achievement. The fifty per centum (50%) shall be comprised of the following:

(A) Fifteen per centum (15%) building level data including, but not limited to, all of the following:

(I) Student performance on assessments.

(II) Value-added assessment system data made available by the department under section 221.

(III) Graduation rate as reported to the department under section 222.

(IV) Promotion rate.

(V) Attendance rate as reported to the department under section 2512.

(VI) AP course participation.

(VII) SAT/PSAT data.

(B) Fifteen per centum (15%) teacher-specific data including, but not limited to, student achievement attributable to a specific teacher as measured by all the the following:

(I) Student performance on assessments.

(II) Value-added assessment system data made available by the department under section 221.

(III) Progress in meeting the goals of student individualized education plans required under the Individuals with Disabilities Education Act (Public Law 91-230, 20 U.S.C. § 1400 et seq.).

(IV) Locally developed school district rubrics.

(C) Twenty per centum (20%) elective data including measures of student achievement that are locally developed and selected by the school district from a list approved by the department and published in the Pennsylvania Bulletin by June 30 of each year, which shall include, but not be limited to, the following:

(I) District-designed measures and examinations.

(II) Nationally recognized standardized tests.

(III) Industry certification examinations.

(IV) Student projects pursuant to local requirements.

(V) Student portfolios pursuant to local requirements.

Amend Bill, page 4, line 2, by inserting after "SUBSECTION" and includes the weights given to the multiple measures of student performance contained in paragraph (1)(ii)

Amend Bill, page 4, line 23, by striking out "(v)" and inserting (2)

Amend Bill, page 4, line 23, by striking out the comma after "performance" and inserting shall be

Amend Bill, page 4, by inserting between lines 26 and 27

(i) The fifty per centum (50%) shall be comprised of the following:

(A) Fifteen per centum (15%) building level data including, but not limited to, all of the following:

(I) Student performance on assessments.

(II) Value-added assessment system data made available by the department under section 221.

(III) Graduation rate as reported to the department under section 222.

(IV) Promotion rate.

(V) Attendance rate as reported to the department under section 2512.

(VI) AP course participation.

(VII) SAT/PSAT data.

(B) Fifteen per centum (15%) correlation data based on teacher-level measures.

(C) Twenty per centum (20%) elective data including measures of student achievement that are locally developed and selected by the school district from a list approved by the department and published in the Pennsylvania Bulletin by June 30 of each year, which shall include, but not be limited to, the following:

(I) District designed measures and examinations.

(II) Nationally recognized standardized tests.

(III) Industry certification examinations.

(IV) Student projects pursuant to local requirements.

(V) Student portfolios pursuant to local requirements.

Amend Bill, page 4, line 27, by striking out "(2)" and inserting (3)

Amend Bill, page 5, line 1, by inserting after "SUBSECTION" and includes the weights given to the multiple measures of student performance contained in paragraph (2)(i)

Amend Bill, page 5, line 22, by striking out "measured as provided for in subsection (b)(1)(ii), but"

Amend Bill, page 5, line 29, by inserting after "SUBSECTION" and includes the weights given to the multiple measures of student achievement contained in subsection (d)(1)(v)

Amend Bill, page 6, line 28, by striking out "or 'failing'" shall be

considered unsatisfactory." and inserting shall be considered satisfactory, except that any subsequent overall rating of "needs improvement" issued by the same employer within ten (10) years of the first overall performance rating of "needs improvement" where the employe is in the same certification shall be considered unsatisfactory.

(4) An overall performance rating of "failing" shall be considered unsatisfactory.

(5) An overall performance rating of "needs improvement" or "failing" shall require the employe to participate in a performance improvement plan. No employe shall be rated "needs improvement" or "failing" based solely upon student test scores.

(6) The department shall develop a rating scale to reflect student performance measures and employe observation results and to establish overall score ranges for each of the four rating categories under subsection (f)(1).

Amend Bill, page 7, by inserting between lines 22 and 23

(4) No employe shall be dismissed under section 1122 unless the employe has been provided a description based on a completed rating tool provided for under this section, which includes a description based upon classroom observations of deficiencies in practice supported by detailed anecdotal records that justify the unsatisfactory rating.

Amend Bill, page 8, lines 19 through 30, by striking out all of said lines and inserting

(m) For any collective bargaining agreements negotiated by a school district and an exclusive representative of the employes in accordance with the act of July 23, 1970 (P.L.563, No.195), known as the "Public Employe Relations Act," after the effective date of this subsection, those agreements cannot provide for a rating system other than as provided for in this section. A provision in any agreement or contract in effect on the effective date of this subsection that provides for a rating system in conflict with this section shall be discontinued in any new or renewed agreement or contract.

Amend Bill, page 10, by inserting between lines 2 and 3

(6.1) The term "performance improvement plan" shall mean a plan, designed by a district with the input of the employe, that may include mentoring, coaching, recommendations for professional development and intensive supervision based on the contents of the rating tool provided for under this section.

Amend Bill, page 10, by inserting between lines 5 and 6

(p) An employe's individual rating form shall not be subject to disclosure under the act of February 14, 2008 (P.L.6, No.3), known as the "Right-to-Know Law."

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. On that question, the gentleman, Mr. Aument, may proceed with a brief explanation of his amendment.

Mr. AUMENT. Mr. Speaker, thank you for calling up amendment 12622.

Today we have an opportunity to serve the children and families of this Commonwealth by advancing legislation that will improve the quality of their schools and their educational experience. We have an opportunity to treat educators as the professionals they are and as they deserve by putting in place an evaluation system that provides them with useful and meaningful feedback that will help identify best practices, allow for the sharing of those best practices, and provide struggling teachers with the help and the feedback they need to improve in their craft. We have an opportunity here today with this amendment to better ensure our young people are prepared for the future that awaits them, and equip them to be active participants and productive members of our communities.

Education is an economic issue. This is a jobs issue. Solid research points to the dramatic impact, long-term financial impact a teacher can have on a student. I contend this amendment and the underlying bill that it supports strengthens and is good for students, good for teachers, and good for the long-term economic health of this Commonwealth.

The amendment that I offer today is the result of many discussions, the collaboration of educators and administrators, legislators and policymakers over the course of many months. The House Education Committee held a public hearing and extensive debate. The members of that committee, both the majority and minority chairs, are to be commended for their work and the time that they have given this issue. There is an ongoing State pilot program with 119 school entities and 5,000 teacher participants, and I have interacted regularly with the teachers taking part in this pilot. The amendment I offer today is a reflection of those conversations and the input received.

The amendment adds clarifying language that ratings will not be based solely on student test scores, because that was never the intent. The intent is to base half of a classroom teacher's and principal's evaluation on multiple measures of student performance, multiple measures including but not limited to achievement on assessments, PVAAS (Pennsylvania Value-Added Assessment System) growth measures, and numerous elective measures chosen at the local level that may include things other than tests.

Mr. Speaker, we know there are many barriers to student success, but research is conclusive that a highly effective teacher can – and many teachers are all across this Commonwealth – overcome those barriers, whether those barriers be students' own motivation, family situation, or socioeconomic status. It is a highly effective teacher that can shout down the lie that poverty is destiny. Today we have an opportunity to stand with our children and our teachers, and I ask for your support of amendment 12622.

LEAVE OF ABSENCE

The SPEAKER pro tempore. The Chair recognizes the minority whip, who asks that the gentleman from Philadelphia, Representative KIRKLAND, be placed on leave for the balance of the day. Without objection, leave is granted.

CONSIDERATION OF HB 1980 CONTINUED

The SPEAKER pro tempore. On the question, the Chair recognizes the gentleman from Luzerne County, Representative Carroll, on the amendment.

Mr. CARROLL. Thank you, Mr. Speaker.

Mr. Speaker, I rise today in support of the Aument amendment. This amendment is the product of many, many hours of work. I compliment the sponsor of the amendment and all stakeholders for reaching an agreement that will serve the children of this Commonwealth well, will serve the teachers of this Commonwealth well, and will serve the citizens of this Commonwealth well.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. On the amendment, those in favor shall vote "aye"; those opposed, "nay." Members— The clerk will strike the vote.

For what purpose does the gentleman seek recognition from Luzerne County?

Mr. PASHINSKI. On the amendment, Mr. Speaker.

The SPEAKER pro tempore. On the amendment, you may proceed.

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

I also rise in support of the efforts of Representative Aument and those that put this together.

Just a little bit of clarification as we begin to prepare for this vote. Having been involved in education for many years, I find it very, very refreshing and helpful that the effort has been made to such a degree that we have an evaluation system that can indeed be fairer to the evaluator, also to the teachers, and especially to the students.

And I would like to point out that when we have a school system that is successful, it is based upon the efforts of so many, and of course it begins with the members of the board, who have the power to hire superintendents and principals – they become the managers, of course; the teachers within the classrooms; their support staff. Everyone plays a major role in the success or failure of that school system – the community, the Department of Education, the government, and of course, the parents.

This is a great step, because this evaluation will also be evaluating the teachers in the charter school system. I think that is extremely important in order to make sure we have an equal playing field. But let us not make a mistake here, and keep in mind this very important point: You could have a great staff that is dedicated, knowledgeable, people who are willing to give their all for the betterment of their children that they teach, but without a solid management team, without solid principals and superintendents to manage that qualified staff, that staff could fail.

It is truly important that the evaluation system be equally as just for those that are doing the evaluation as well as those that are being evaluated. I encourage a greater effort in making sure that all our principals, superintendents, those doing the evaluation receive the proper education in order to do an objective, qualified, unbiased, and accurate evaluation.

I stand in favor of this amendment. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Philadelphia, Representative Roebuck, on the amendment.

Mr. ROEBUCK. Thank you, Mr. Speaker.

We have before us a piece of legislation that has evolved. It has been a piece of legislation that has attempted to encompass the opinion of a number of different stakeholders. There has been an open debate about it, and we shaped a piece of legislation that I think is positive and good. It is a piece of legislation that will help to establish a system that will allow us to evaluate more effectively teachers, teacher performance, and ensure that we have the best qualified, the highly qualified teachers in classrooms to educate students.

I would note, however, Mr. Speaker, that this is part of an ongoing process. It is clear that we need to put this into place to see how it works and probably come back and review it at some point in the future and make it better. But I also would emphasize that the strength of a school rests not on teachers only but also on leaders, on principals, and I would have wished that we had put together a bill that would in fact call for the evaluation of principals at the same time we are trying to strengthen our evaluation of teachers. That needs to be done.

I just took part in a conversation at the National Conference of State Legislatures in Colorado, and one of the things that was brought out in that discussion as we looked at what was happening across all of the States in the United States is that many States have in place already effective systems of evaluation, and most of those started from the top down. They started with making sure you had highly qualified principals in place, and then looked to make sure that you had highly qualified teachers. You can, Mr. Speaker, have a school full of competent, highly qualified teachers, but if you have a poor leader, those teachers will not succeed.

So we need to continue this process, and I will look forward to that continuing endeavor, and I would urge our support of this amendment as part of the legislation that is before us. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes, on the amendment, the gentleman from Lancaster County, Representative Sturla.

Mr. STURLA. Thanks, Mr. Speaker.

Mr. Speaker, I rise in support of the Aument amendment, and I do so because I think it is a reasonable compromise at this point in time. However, as was pointed out by the Education Committee chairman, I think it is something that we are going to have to make sure we come back and follow and watch and perhaps adjust, and the reason I say that is because I want to tell you a little story about the elementary school that my kids went to. They were on a distressed school list back during the Ridge administration because those kids on average scored in the bottom quartile of the PSSAs (Pennsylvania System of School Assessment) statewide. And the rap on that school was that they must have bad teachers, because otherwise, those kids would not be doing so poorly on the statewide PSSAs. So as any good parent would do, I went to the principal and said, "What is the deal? Do you really have bad teachers in your school?" And he said, "Well, let me show you something. We had 87 fifth graders take the PSSAs, and they scored in the bottom quartile of statewide averages." So I said, "Gosh, bad teachers, right?" He said, "Well, no, not really, because of those 87 children, 12 had been in that school since first grade." That school was a school that had 500 students total. They would start in September with 500 kids. During the year 350 kids would leave that school and 350 new kids would come into that school, and that happened year after year after year, because that school served several homeless shelters. He said, "Now, let me tell you about the 12 kids in that fifth grade class that took the PSSAs that had been in our school since first grade. They scored in the top quartile of statewide averages." In a school that had 70 percent turnover, the kids that actually were there and had contact with the teachers that were otherwise labeled as "bad teachers" were actually performing better than kids statewide.

And so it depends on whose system of measurement you use to determine whether a teacher is really doing well or not, because under one system, those teachers were complete and utter failures, and under another system, they were some of the best darn teachers in this State. I have a tendency to believe they were some of the best darn teachers in the State because my kids turned out okay.

One of the concerns that was raised to bring us to this point was that the current system has 99.5 percent of all teachers getting a satisfactory performance rating, and the tag line is, common sense tells you that just cannot be true. Well, if 99.5 percent is not okay, that begs the question, what is okay?

What is the criteria? If under the new assessment system that we are going to do, if 99.5 percent do a satisfactory job, will we say that the new assessment system is bogus or will we say, gosh, I guess it was working? What happens if only 70 percent of the teachers appear to be qualified under that? Will that be the new benchmark by which we say every year, unless 30 percent of the teachers are rated as unsatisfactory, we will know that something is wrong with the system?

What is the new benchmark? We do not know what it is. So I think we need to go back and look at this in future years, because when you look at other professions, and I do not want to pick on any particular profession, but teachers go to school. They get their degree. They get their license. They do continuing education, and I hope that 99.5 percent are doing a satisfactory job. People say, yeah, but look at the outcome. They obviously cannot be doing their job if there are kids that are still failing. Well, what if in the medical profession we said, you know, there are people that die every day. We better start ripping away doctors' licenses because just look at the statistics. There are people that die every day. Doctors obviously are not doing their job. Ninety-nine point five percent of them retain their licenses every year. Something is wrong. What if we said, look, barbers, 99.5 percent of them get to retain their licenses. You do not have to look very far—

The SPEAKER pro tempore. Will the gentleman suspend.

There will be an opportunity to speak on the bill as a whole later. Could you stay focused on the amendment, please.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, this amendment is an improvement, a vast improvement over the underlying bill itself, but it is still going to need review in future years. I would urge and encourage a positive vote on this amendment, but do not think that our job is done.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. Before I recognize, for the second time, the maker of the amendment, is there anyone else seeking recognition?

The gentleman from Lancaster, Mr. Aument, is recognized for the second time on the amendment. You may proceed.

Mr. AUMENT. Thank you, Mr. Speaker.

I thank the members on both sides of the aisle who have provided such important input to this legislation who have voiced their support today. Again, I extend my gratitude to the minority and majority chairmen of the Education Committee.

And a few comments were made in regards to principal and administrator evaluations, and I just want to ensure – it will be on the final bill tomorrow – but ensure that members do know that the principal evaluation is contained within the underlying bill.

I appreciate your support on amendment 12622.

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

The following roll call was recorded:

YEAS—199

Adolph	Dunbar	Killion	Quigley
Aument	Ellis	Knowles	Quinn
Baker	Emrick	Kortz	Rapp
Barbin	Evankovich	Kotik	Ravenstahl
Barrar	Evans, D.	Krieger	Readshaw

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

NAYS—0

NOT VOTING—0

EXCUSED—2

Kirkland Metcalfe

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. HARKINS offered the following amendment No. A12465:

Amend Bill, page 1, line 6, by inserting after "system"
; and further providing for payment of salaries in cases of
sickness, injury or death
Amend Bill, page 10, by inserting between lines 5 and 6
Section 2. Section 1154(c) of the act, amended December 22,

1965, (P.L.1180, No.467), is amended to read:

Section 1154. Payment of Salaries in Cases of Sickness, Injury or Death.—* * *

(c) Whenever a professional or temporary professional employe is absent because of the death of a near relative, there shall be no deduction in the salary of said employe for absence on the day of the funeral. The board of school directors may extend the period of absence with pay in its discretion as the exigencies of the case may warrant. A near relative shall be defined as a first cousin, grandfather, grandmother, grandchild, aunt, uncle, niece, nephew, son-in-law, daughter-in-law, brother-in-law or sister-in-law.

* * *

Amend Bill, page 10, line 6, by striking out "2" and inserting
3

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

The SPEAKER pro tempore. On that question, the Chair recognizes the gentleman from Erie County, Representative Harkins, for a brief explanation of his amendment.

Mr. HARKINS. Thank you, Mr. Speaker.

This amendment, Mr. Speaker, deals with a grandparent as an employee of a school district. It is an agreed-to amendment, and it guarantees bereavement leave for a death of a grandchild.

The SPEAKER pro tempore. While we overcome some technical difficulties to allow the amendment to appear on your screens, would the clerk reread the amendment, please, amendment A12465.

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

The clerk read the following amendment No. **A12465**:

Amend Bill, page 1, line 6, by inserting after "system"
; and further providing for payment of salaries in cases of sickness, injury or death

Amend Bill, page 10, by inserting between lines 5 and 6

Section 2. Section 1154(c) of the act, amended December 22, 1965, (P.L.1180, No.467), is amended to read:

Section 1154. Payment of Salaries in Cases of Sickness, Injury or Death.—* * *

(c) Whenever a professional or temporary professional employe is absent because of the death of a near relative, there shall be no deduction in the salary of said employe for absence on the day of the funeral. The board of school directors may extend the period of absence with pay in its discretion as the exigencies of the case may warrant. A near relative shall be defined as a first cousin, grandfather, grandmother, grandchild, aunt, uncle, niece, nephew, son-in-law, daughter-in-law, brother-in-law or sister-in-law.

* * *

Amend Bill, page 10, line 6, by striking out "2" and inserting
3

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

The SPEAKER pro tempore. On the amendment, the Chair recognizes the gentleman from Bucks County, Representative Clymer.

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, this is an agreed-to amendment and would ask support by the members. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—199

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

NAYS—0

NOT VOTING—0

EXCUSED—2

Kirkland Metcalfe

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

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

Mr. **GERGELY** offered the following amendment No. **A12478**:

Amend Bill, page 1, line 5, by inserting after "thereto," in district superintendents and assistant district superintendents, further providing for eligibility; and,

Amend Bill, page 1, lines 9 through 11, by striking out all of said lines and inserting

Section 1. Section 1003(b) of the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, amended June 30, 2011 (P.L.112, No.24), is amended to read:

Section 1003. Eligibility.—* * *

(b) Notwithstanding the requirements of subsection (a), a person shall be eligible for election or appointment as a district superintendent or assistant district superintendent if he holds a graduate degree from an accredited higher education institution in business, management or finance or has earned a juris doctorate degree from an accredited law school and has at least four (4) years of relevant experience in business, finance, law or management.

* * *

Section 2. Section 1123 of the act, amended March 29, 1996 (P.L.47, No.16), is amended to read:

Amend Bill, page 10, line 6, by striking out "2" and inserting

3

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

The **SPEAKER** pro tempore. On that question, the Chair recognizes the gentleman from Allegheny County, Representative Gergely, for a brief explanation of his amendment.

Mr. **GERGELY**. Thank you, Mr. Speaker.

This amendment has already been put into other legislation that we have done. It simply makes a J.D. (juris doctorate) available for a superintendent position within school districts, public school districts. I appreciate your support.

The **SPEAKER** pro tempore. The Chair thanks the gentleman.

On the question, the Chair recognizes the gentleman from Bucks County, Representative Clymer.

Mr. **CLYMER**. Thank you, Mr. Speaker.

Mr. Speaker, this amendment is also an agreed-to amendment, and I would ask members to support the amendment. Thank you.

The **SPEAKER** pro tempore. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—193

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

NAYS—6

Gillen	Smith, K.	Truitt	Wheatley
Pashinski	Toohil		

NOT VOTING—0

EXCUSED—2

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

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

DECISION OF CHAIR RESCINDED

The SPEAKER pro tempore. I am sorry. Without objection, the Chair rescinds that announcement that the bill was agreed to on second consideration as amended.

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

Mr. ROEBUCK offered the following amendment No. A12468:

Amend Bill, page 1, line 6, by inserting after "system" ; and further providing for powers and duties of board
 Amend Bill, page 10, line 6, by striking out all of said line and inserting
 Section 2. Section 2603-B(h), added March 30, 1988 (P.L.321, No.43), is amended to read:
 Section 2603-B. Powers and Duties of the Board.—* * *
 (h) Every five (5) years, the board shall adopt a master plan for higher education which shall be for the guidance of the Governor, the General Assembly, and all institutions of higher education financed wholly or in part from State appropriations. The master plan shall:
 [(1) define the role of each type of institution (State-owned universities, State-related universities, community colleges, private colleges and universities and off-campus centers of any of these and other institutions authorized to grant degrees) in this Commonwealth;
 (2) recommend enrollment levels for each such institution;
 (3) recommend methods for governance;
 (4) recommend methods for the distribution of State funds among the institutions;
 (5) evaluate the status of physical plants and technical equipment and project needs;
 (6) evaluate the status of and projection of manpower needs;
 (7) evaluate enrollment accessibility to institutions of higher learning by the public; and
 (8) otherwise provide for an orderly development of institutions of higher education in this Commonwealth.]
(1) describe the current higher education landscape in this Commonwealth;
(2) identify unmet needs and gaps with regard to career fields, geographic and financial access;
(3) identify emerging higher education issues and recommend strategies and options designed to address the issues;
(4) identify gaps and opportunities for collaboration with basic education, work force development programs, economic development and other related systems; and
(5) outline a plan for action by the board to revise or update its higher education regulations.

* * *

Section 3. This act shall take effect in 60 days.

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

The SPEAKER pro tempore. The Chair recognizes the gentleman from Philadelphia, Representative Roebuck, for a brief explanation of his amendment.

Mr. ROEBUCK. Thank you, Mr. Speaker.
 This is the amendment for the plan for higher education in the Commonwealth of Pennsylvania. It is language we adopted before, and I would ask that again we would add this language to this bill.

I would appreciate the support of the members. Thank you, Mr. Speaker.

The SPEAKER pro tempore. On the amendment, the Chair recognizes the gentleman from Bucks County, Representative Clymer.

Mr. CLYMER. Thank you, Mr. Speaker.
 Mr. Speaker, this amendment also is an agreed-to amendment, and I would ask support of the members. Thank you.

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

The following roll call was recorded:

YEAS—199

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

DePasquale	Keller, F.	Pickett	
Dermody	Keller, M.K.	Preston	Smith, S.,
DiGirolamo	Keller, W.	Pyle	Speaker
Donatucci			

NAYS-0

NOT VOTING-0

EXCUSED-2

Kirkland Metcalfe

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 pro tempore. The House will be at ease temporarily.

The House will come to order.

The Chair recognizes the gentleman from Allegheny County, Representative DeLuca.

Representative DeLuca, it is the understanding of the Chair that you are withdrawing your amendments other than 12579, and after offering brief remarks on 12579, will be withdrawing that as well. Is that correct?

The gentleman indicates that is correct, and you are recognized for that purpose.

Mr. DeLUCA. Thank you, Mr. Speaker.

Mr. Speaker, as you said, I will be withdrawing this amendment after talking to the majority education chairman, but I want to explain this commonsense proposal.

Simply put, this amendment requires that anyone offered a job in one of our public schools undergoes a preemployment drug screening once they receive that job offer. Preemployment drug screening would be paid for by the applicant and submitted prior to being allowed in the classroom or coming into contact with one of our precious elements: our schoolchildren. We require potential school employees to submit to criminal background checks and child abuse clearances, yet we do not require proof that these same individuals are free from using illegal drugs.

Law enforcement, public safety employees, even school bus drivers, even part-time employees for summer school, summer employees for the turnpike and PENNDOT have to submit to a preemployment drug test before they are hired. Mr. Speaker, studies indicated that in any given year nearly 50 million American workers are required to submit to preemployment drug testing. If those 50 million employees are required to be prescreened, certainly any potential school employee who will have daily contact with our children should be held to the same health and safety standard.

Mr. Speaker, we have heard what has happened before in one of our higher education schools, so we must do everything that we can to make sure that school employees have clean criminal records, clean child abuse histories, and that they are

prescreened for possible illegal drugs before they are allowed to be in contact and work with our children. We require our schools to be drug-free zones.

Well, let me say, certainly there should be a future school employee who should be free of drugs before he is hired. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentelady from Montgomery County, Representative Harper.

It is our understanding that you intend to withdraw the amendments that you have filed, and I recognize you for that purpose.

Ms. HARPER. Thank you very much, Mr. Speaker.

I have two amendments to this bill. One would provide for strike-free education in Pennsylvania public schools, and the second would allow school boards the flexibility of, if necessary, laying off professional staff for economic reasons that they can demonstrate.

But in the interest of moving this very important teacher evaluation bill forward with the agreement of the relevant stakeholders, I am withdrawing both of those amendments now.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. It is the understanding of the Chair that all other amendments filed to this bill have been withdrawn. If anyone believes otherwise, please speak now.

The House will be at ease temporarily.

The House will come to order.

The Chair repeats that it is his understanding that all further amendments have been withdrawn.

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.)

* * *

The House proceeded to second consideration of **SB 1115, PN 2203**, entitled:

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

On the question,

Will the House agree to the bill on second consideration?

Mr. O'NEILL offered the following amendment No. **A12661**:

Amend Bill, page 1, line 5, by inserting after "thereto," in preliminary provisions, establishing the Special Education Funding Commission; and imposing duties on the Department of Education; in reimbursements by the Commonwealth and between school districts,

Amend Bill, page 1, lines 11 through 14, by striking out all of said lines and inserting

Section 1. The act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, is amended by adding a section to read:

Section 120. Special Education Funding Commission.—(a) There is hereby established a Special Education Funding Commission.

(b) The Special Education Funding Commission shall review and make recommendations related to special education funding as provided in this section.

(c) (1) The commission shall consist of the following members:

(i) The chairman and minority chairman of the Education Committee of the Senate and the chairman and minority chairman of the Education Committee of the House of Representatives, or their designees.

(ii) Two (2) legislators from each of the four (4) legislative caucuses, to be appointed by the President pro tempore of the Senate and the Speaker of the House of Representatives, with the consent of the Majority and Minority Leaders of the Senate and the Majority and Minority Leaders of the House of Representatives.

(iii) The Secretary of Education, or a designee.

(iv) The Secretary of the Budget, or a designee.

(v) The Deputy Secretary for Elementary and Secondary Education, or a designee.

(2) The commission shall appoint a member to serve as chairperson of the commission.

(d) The commission shall hold its first meeting within thirty (30) days of the effective date of this section. Regardless of whether the Governor or all legislative caucuses have actually approved members to the commission.

(e) The commission shall hold meetings at the call of the chairman.

(f) The members may not receive compensation for their services, but must be reimbursed for all necessary travel and other reasonable expenses incurred in connection with the performance of their duties as members of the commission.

(g) The General Assembly shall provide administrative support, meeting space and any other assistance required by the commission to carry out its duties under this section in cooperation with the Governor's Budget Office and the department. The department shall provide the commission with data, research and other information upon request by the commission.

(h) The commission shall identify factors that may be used to determine the distribution of a change in special education funding among the school districts in this Commonwealth.

(i) The commission shall have all of the following powers and duties:

(1) Review and make recommendations related to special education funding in this Commonwealth.

(2) Consult with and utilize experts to assist in carrying out the duties under this subsection.

(3) Receive input from interested parties, including, but not limited to, charter school and cyber charter school operators.

(4) Hold public hearings in different regions of this Commonwealth.

(5) Issue a report of its findings to the Governor, the President pro tempore of the Senate, the Majority Leader and Minority Leader of the Senate, the Education Committee of the Senate, the Speaker of the House of Representatives, the Majority Leader and Minority Leader of the House of Representatives, the Education Committee of the House of Representatives, the Secretary of Education and the State Board of Education not later than November 30, 2012.

(6) Determine the factors under this paragraph that may include all of the following:

(i) Three (3) categories of eligible students, established so that students with disabilities typically requiring the least-intensive range of services would compromise category 1, students with disabilities typically requiring a middle range of services would compromise category 2 and students with disabilities typically requiring the most intensive range of services would compromise category 3. The commission shall determine a description of and parameters for each of the three (3) categories.

(ii) A student count for each school district for each of the three

(3) most recent years for each category of eligible students. For category 3, the number of eligible students residing or enrolled in the school district and classified in category 3, except that the number of eligible students included who are placed by the school district and served in public or private separate schools, residential placements or homebound or hospital placements must be identified separately.

(iii) A weighting factor that differs from each of the three (3) categories of students with disabilities based on the typical range of services for each category. The weighting may include adjustments for any of the following:

(A) The market value/personal income aid ratio for each of the three (3) most recent years for each school district.

(B) The equalized millage rate averaged for each of the three (3) most recent years for each school district.

(C) Geographic price differences identified for each school district of the department.

(D) A proportional system for distributing the changes in special education funding among the school districts, based on factors listed in this subparagraph.

(iv) Development and implementation by the department of improved systems for collecting and documenting student enrollment and membership in public schools, including revised methods for calculating average daily membership.

(v) Other factors related to the distribution of special education funding.

(7) Review and consider special education funding factors utilized in operation throughout the United States.

(8) In developing the special education funding factors under subsection (h) and in completing the report required under this subsection, consider the impact these factors may have on the distribution of special education funding among the school districts.

(9) Review the administration of State and regional special education programs and services to determine if cost savings may be achieved and make recommendations to implement the savings.

(10) Consult with and utilize experts to assist them in carrying out the duties under this subsection.

(11) Prior to recommending a special education formula under this section, consider nationally accepted accounting and budgeting standards.

(j) The special education formula developed by the commission shall not go into effect unless the formula is approved by an act of the General Assembly enacted after the effective date of this section.

(k) Every five years the commission shall be reconstituted under subsection (c) and shall meet and hold public hearings to review the operations of the special education funding provision of this section, shall make a further report and issue the report to the recipients listed in subsection (i)(5). When in receipt of a further report recommending changes to the special education funding formula, the General Assembly shall consider and take action to enact the formula into law in accordance with subsection (j).

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

"Commission." The Special Education Funding Commission established under this section.

"Department." The Department of Education of the Commonwealth.

Section 2. Section 2501(h) of the act, added July 9, 2008 (P.L.846, No.61), is amended and the section is amended by adding clauses to read:

Amend Bill, page 3, lines 22 through 24, by striking out all of lines 22 and 23 and "(39)" in line 24 and inserting

(38)

Amend Bill, page 3, line 26, by striking out "(40)" and inserting

(39)

Amend Bill, page 3, line 29, by striking out "2" and inserting

3

Amend Bill, page 4, lines 1 through 30; pages 5 through 9, lines

1 through 30; page 10, lines 1 through 16, by striking out "(a) The " in line 1, all of lines 2 through 30 on page 4, all of lines 1 through 30 on pages 5 through 9, all of lines 1 through 15 and "~~(c) (K)~~" in line 16 on page 10 and inserting

(a)

Amend Bill, page 11, line 9, by striking out "(L)" and inserting

(b)

Amend Bill, page 11, lines 9 through 11, by striking out "SPECIAL EDUCATION " in line 9, all of line 10 and "SUBSEQUENT SCHOOL YEAR" in line 11 and inserting

funds are appropriated any year

Amend Bill, page 11, lines 11 and 12, by striking out "ABOVE THE AMOUNT " in line 11 and "OF SPECIAL EDUCATION FUNDING IN THE BASE YEAR" in line 12

Amend Bill, page 11, line 14, by striking out "AND" and inserting a comma

Amend Bill, page 11, line 14, by inserting after "schools" and cyber charter schools

Amend Bill, page 12, line 5, by striking out "AND" and inserting a comma

Amend Bill, page 12, line 6, by inserting after "SCHOOLS" and cyber charter schools

Amend Bill, page 12, line 22, by striking out "equal to" and inserting

not less than

Amend Bill, page 13, lines 11 through 19, by striking out all of said lines

Amend Bill, page 14, line 6, by striking out "and"

Amend Bill, page 14, line 7, by striking out the period after "plan" and inserting
: and

(v) provide guidance related to plan resubmission.

Amend Bill, page 14, lines 15 through 22, by striking out ", with specific focus on individual schools, grade " in line 15, all of lines 16 through 21 and "functional skills, and other factors" in line 22

Amend Bill, page 14, line 24, by inserting after "district:" and

Amend Bill, page 14, lines 25 through 30, by striking out all of lines 25 through 29 and "(v)" in line 30 and inserting

(iv)

Amend Bill, page 15, line 7, by striking out "shall" and inserting may

Amend Bill, page 15, lines 15 through 22, by striking out "staff in " in line 15, all of lines 16 through 21 and "program obligations" in line 22 and inserting

any other resources as appropriate

Amend Bill, page 15, lines 23 and 24, by striking out "By April 15, 2012-2013, AND BY APRIL 15 OF EACH" in line 23 and "year thereafter" in line 24 and inserting

Pursuant to the timetable set forth in section 218

Amend Bill, page 15, lines 26 through 28, by striking out "based on overall" in line 26, all of line 27 and "show in detail how the increase above the index will be used" in line 28 and inserting

by attaching the district's special education expenditures as reported on the annual financial reports

Amend Bill, page 15, line 30; page 16, lines 1 and 2, by striking out "Unless a school " in line 30 on page 15, all of line 1 and "broadly to reflect the receipt of new funding, the" in line 2 on page 16 and inserting

The

Amend Bill, page 16, line 4, by striking out "mandated"

Amend Bill, page 16, lines 11 and 12, by striking out "issue guidelines for" in line 11 and "the suggested use of State funds" in line 12 and inserting

identify resources

Amend Bill, page 16, line 22, by striking out "specialist"

Amend Bill, page 16, line 23, by striking out "reducing caseloads" and inserting

caseload management

Amend Bill, page 16, lines 28 through 30; page 17, line 1, by striking out "Nothing under this subsection shall be construed to" in line 28, all of lines 29 and 30 on page 16 and all of line 1 on page 17 and inserting

The Department of Education shall make the resources identified in paragraph (3) available to all educational entities in this Commonwealth.

Amend Bill, page 17, line 11, by striking out "shall" and inserting may

Amend Bill, page 17, lines 22 through 26, by striking out "identify at any time and at least annually all school" in line 22, all of lines 23 through 25 and "progress to meet" in line 26 and inserting post on its Internet website each school district's progress on meeting

Amend Bill, page 18, line 20, by striking out "Appropriate" and inserting

The Department of Education may take

Amend Bill, page 18, lines 21 through 24, by striking out "may be" in line 21, all of lines 22 and 23 and "district" in line 24 and inserting

if the Department of Education determines that a school district has over-identified a student

Amend Bill, page 20, lines 10 through 12, by striking out "Notwithstanding any other provision of this section, if" in line 10, all of line 11 and "2509.13 for the 2011-2012 school year, the" in line 12 and inserting

The

Amend Bill, page 20, line 18, by striking out "2509.16" and inserting

2509.14

Amend Bill, page 20, line 21, by striking out "the" and inserting a

Amend Bill, page 20, line 22, by striking out "2509.13" and inserting

120

Amend Bill, page 20, lines 28 through 30; page 21, lines 1 through 10, by striking out all of lines 28 through 30 on page 20, all of lines 1 through 9 and "(b) Nothing under subsection (a) or any other provision of" in line 10 on page 21 and inserting

Section 2509.16. Protections.—(a) Nothing under the provisions of

Amend Bill, page 21, line 18, by striking out "3" and inserting 4

Amend Bill, page 21, line 21, by striking out "4" and inserting 5

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. The gentleman from Bucks County, Representative O'Neill, is recognized for a brief explanation of his amendment.

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

Mr. Speaker, first of all I would like to thank on this amendment my good friends from the other side of the aisle: the chairman of the Education Committee, who helped us carry the load with this, as well as Representative Sturla, who really helped us carry the load with this over the last couple years.

What this amendment does is it clarifies some technical language on accountability to make sure that we are not putting unfunded mandates and unrealistic mandates on the school districts. The second thing it does, it does give the Governor three appointees to the commission. And the last thing it does is it makes sure that it stays a legislative commission and that the

reports on the funding formula come back to this body for appropriate action.

The SPEAKER pro tempore. On the question of the amendment, the Chair recognizes the gentleman from Delaware County, Representative Vitali.

Mr. VITALI. I just wanted to bring to the Speaker's attention, there is no language on the screen at the moment.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—199

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

NAYS—0

NOT VOTING—0

EXCUSED—2

Kirkland Metcalfe

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 pro tempore. The Chair recognizes the gentleman from Bucks County, Representative O'Neill, who seeks an immediate suspension of the rules for the consideration of amendment—

The House will be at ease temporarily.

The House will come to order.

BILL PASSED OVER TEMPORARILY

The SPEAKER pro tempore. For the information of the members, SB 1115 will be over temporarily.

STATEMENT BY MS. YOUNGBLOOD

The SPEAKER pro tempore. For what purpose does the gentelady from Philadelphia County, Representative Rosita Youngblood, seek recognition?

Ms. YOUNGBLOOD. Thank you, Mr. Speaker.

For a point of personal privilege.

The SPEAKER pro tempore. The gentelady may proceed.

Ms. YOUNGBLOOD. Mr. Speaker, I had the privilege last night of watching "Frontline" on PBS (Public Broadcasting Service), "Dollars and Dentists." I was very disturbed about the clinics that I saw and what they were doing to some of our children, when I found that children the ages of 3 and 4 were getting medical caps and root canals and other dentistry procedures. Plus—

The SPEAKER pro tempore. Will the gentelady suspend.

A question of personal privilege affects the rights and reputations of a member.

Ms. YOUNGBLOOD. Unanimous consent.

The SPEAKER pro tempore. Unless it affects the rights and reputation of yourself, I am afraid you are not in order under a motion of personal privilege. If you are seeking to speak under unanimous consent—

Ms. YOUNGBLOOD. Unanimous consent, Mr. Speaker.

The SPEAKER pro tempore. Without objection, you may proceed.

Ms. YOUNGBLOOD. Mr. Speaker, I had the privilege last night of watching "Frontline: Dollars and Dentists," and what I saw I found very disturbing, what is happening in the industry. From Kool Smiles to Aspen, all these dental clinics that are popping up all over the place, they are capping 3- and 4-year-olds' teeth as well as doing root canals, issuing credit cards to people to pay for their dentistry, which really floored me when I saw it was Chase Medical. I sent that video to every member of the House to view, because I think it is important

that we really look and see what is really going on in our communities and try to protect the citizenry of some of the things that are happening in the dental industry. Thank you.

RESOLUTION

Mr. GODSHALL called up **HR 750, PN 3635**, entitled:

A Resolution memorializing the President and the Congress of the United States to provide for the storage of used nuclear fuel.

On the question,
Will the House adopt the resolution?

Ms. **JOSEPHS** offered the following amendment No. **A11688**:

Amend Resolution, page 3, lines 16 through 18, by striking out "or," in line 16, all of line 17 and "utility ratepayers" in line 18

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

The SPEAKER pro tempore. On that question, the Chair recognizes the gentelady from Philadelphia, Representative Josephs, for a brief explanation of her amendment.

Ms. JOSEPHS. Thank you, Mr. Speaker.

This amendment removes the language that calls for refunding the money that is in the national nuclear waste trust fund. Why, why am I doing this? Because when interim and final storage facilities are built for high-level nuclear waste and spent fuel – and they have to be built; we have to, we must build these storage facilities, and it is not a role of every State to build one in its particular territory – this must be a national program, and we must do this to ensure our safety and the safety of many future generations.

If the trust fund moneys have to be refunded to the utilities and/or their ratepayers, when we come to build this, money will be unavailable because it will have been refunded. That means that the taxpayer is going to be assessed in one way or another to pay for this disposal, which is an absolute necessity and will happen.

Now, I understand that, from discussion in the committee, although the prime sponsor could not be present, that the committee members felt, they liked, or many of them liked the words I would like to take out. They thought it would be a threat to the Federal government and they thought that it would never happen, so why not leave it in? My argument is, if it is never going to happen, why have it there?

And the second point I want to make on this amendment is that the national government does not need a threat. It is already moving forward, and I will submit for the record a letter to members of the National Conference of State Legislatures – one letter from two delegates – to the Honorable Harry Reid and the Honorable Mitch McConnell. This letter talks about a movement forward. Section 312 of the Energy and Water Development and Related Agencies Appropriations Act was reported by the Senate Appropriations Committee. It creates a pilot program within the Department of Energy to license, construct, and operate consolidated interim storage facilities as needed for spent nuclear fuel and high-level radioactive waste.

So in my opinion and in the opinion of delegates from the NCSL, the Federal government is moving forward. It does not need to be threatened, and we need not saddle the taxpayers with a project that has to be done, will be very expensive, and for which there is already money, if we do not refund it.

I ask for support for my amendment. Thank you, Mr. Speaker.

LETTER SUBMITTED FOR THE RECORD

Ms. JOSEPHS submitted a letter for the Legislative Journal.

(For letter, see Appendix.)

The SPEAKER pro tempore. The Chair recognizes, on the question of the amendment, the gentleman from Montgomery County, Representative Godshall.

Mr. GODSHALL. Thank you, Mr. Speaker.

This nuclear fuel management program actually started in 1982 when the Federal government said we are going to be responsible for spent nuclear rods, nuclear fuel rods. Nothing was done for a while. Then we went out and we selected a site in Nevada, the Yucca Flat Mountain, and that project was stopped by the present administration. The development of that project, which was a finalized waste fuel site, was stopped a couple years ago, and a Blue Ribbon Commission was born in 2010. The Blue Ribbon Commission said, "Adopt legislation enabling the construction of one or more centralized interim nuclear fuel storage facilities through directives to the United States Department of Energy and through incentives to interested communities funded by the accumulated Nuclear Waste Fund...."

"Recognize that there are communities that are willing to host centralized fuel storage facilities and states that are ready to voluntarily accept used fuel."

So what my amendment does, it does not— So at this point there is \$27 billion that is laying in a fund down in Washington. Seven hundred and fifty million dollars more is being collected every year from the ratepayers by the Federal government. Nothing is being done since the Blue Ribbon Commission was formed. It is laying there. The money is being collected from your taxpayers, your electric users, the same as mine.

All I am saying with this amendment is that either adopt what the Blue Ribbon Commission said you should do, that would be to develop a couple of interim sites, because we cannot keep storing these spent nuclear rods at 100-and-some locations around the country. Do what you are supposed to do. Do what your legislation said you should do, and if you do not do it, if you do not do it, then give the money back to the people that paid it in, but \$750 million a year is going into the development of something that is not being developed. So I am saying either develop it, or give the money back and stop the money going in. Thank you.

The SPEAKER pro tempore. On the amendment, the gentelady from Philadelphia is recognized for a second time. Representative Josephs, you may proceed.

Ms. JOSEPHS. Thank you.

I assume I am the only speaker, so I will be the last speaker. Is that correct?

The SPEAKER pro tempore. It depends, I suppose, how long you continue.

Ms. JOSEPHS. All right. I will attempt to adhere—

The SPEAKER pro tempore. And in fact, for your information, I will let you know you have already attracted another speaker.

Ms. JOSEPHS. Well, if it is all right with the Speaker – I am being attacked by some bug here – to let myself be the last person, please.

The SPEAKER pro tempore. I am sorry; I am not following the lady. Is the lady declining further comment?

Ms. JOSEPHS. I would like to be, aside from the maker of the resolution, the last person to speak, Mr. Speaker.

The SPEAKER pro tempore. It would appear at the moment that you are. I will ask the indulgence of the members, and I see that you have done a nice job of recruiting other speakers, Representative Josephs.

And I recognize the gentlelady from Luzerne County, Representative Boback, on the amendment.

Ms. BOBACK. Thank you, Mr. Speaker.

May I interrogate the maker of the resolution, please?

The SPEAKER pro tempore. The gentlelady indicates she will receive your interrogation. You may proceed.

Ms. BOBACK. The maker of the resolution, not the amendment, sir; the maker of the resolution.

The SPEAKER pro tempore. The gentleman indicates he will receive your interrogation, and the Chair apologizes. You may proceed.

Ms. BOBACK. Thank you.

Right now the spent rods, the waste, where is that being held?

Mr. GODSHALL. Right now the spent fuel cells are being held on-site at over 100 locations around the country, including 5 in Pennsylvania.

Ms. BOBACK. So I do have a power plant in my district, a nuclear power plant. Now, that means these rods are on premises, correct?

Mr. GODSHALL. That is correct.

Ms. BOBACK. But the power plant is still paying to rent at Yucca Mountain, correct?

Mr. GODSHALL. You are paying to establish a site, which is not being established, and at the same time you are also paying because the Federal government is being penalized. In a court case they are paying fines for not doing what they were supposed to be doing, so they are actually paying fines with your taxpayer dollars to do what they – and then you are paying, on top of that, \$750 million for establishing sites that are not being established.

Ms. BOBACK. And one more, if I may clarify then. So the waste is being held on the premises of the power plant. Ratepayers are paying more because there is actually rent-paying to the Federal government, which should have stored the waste but is not taking the waste. And the ratepayers actually have to put up with the waste on their locale. Is that correct?

Mr. GODSHALL. That is exactly correct.

Ms. BOBACK. I support your resolution wholeheartedly. Thank you.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. Is the lady seeking recognition on the amendment? No.

Are there any other members seeking recognition on the amendment?

The gentleman from Clearfield County, Representative George, on the amendment.

Mr. GEORGE. I will not be very long, Mr. Speaker. Thank you.

But I just want to say—

The SPEAKER pro tempore. Thank you.

Mr. GEORGE. I just want to say this to provide a little information. Years ago as the chairman of the Conservation Committee, we went down to Barnwell, South Carolina. It was low-level that we were concerned about when that Governor refused to take any more.

But basically what Mr. Godshall is saying is accurate. If we do not put that stuff where it belongs and it continues to languish in front of the plant, we are remiss. So I agree with the gentleman. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the maker of the amendment, Representative Josephs, for the second time.

And Representative Godshall, as the maker of the resolution, I think the maker of the amendment has deferred to you as the final speaker. Is everybody happy?

Representative Josephs, you may proceed.

Ms. JOSEPHS. Thank you, Mr. Speaker.

I thank the speakers before me and particularly the lady from Lackawanna for clarifying a point. I am not against what the Blue Ribbon Commission said. They were right: We should urge the Federal government to move forward and do what it said it would do back in the 1980s. What I am objecting to – and the Blue Ribbon Commission did not say this – I am objecting to the phrase in the amendment, in the bill, in the resolution that says that the money will be refunded. The ratepayers have already paid for it. If that money is disbursed, the taxpayers are going to pay for disposing of this nuclear waste. The Blue Ribbon Commission did not say, never said, not one word was breathed. You can look through their letter; you can look through their resolution. You will never find a recommendation that says refund the money.

I am for this resolution, but I am not for refunding the money to the ratepayers, because then the taxpayers will pay. We have to do it. We are passing this on to the taxpayer. The money is already there. The letter that I read, which went to the Senate and to the House, demonstrates that they are finally moving forward, following the recommendations of the Blue Ribbon Commission. The Blue Ribbon Commission did not ever breathe a word, did not say a word, does not want us to refund the money.

I am for the resolution. It will be a much better resolution with my amendment, and if it goes through, I will certainly support it and vote for it. Thank you, Mr. Speaker.

The SPEAKER pro tempore. For the final word on the amendment, the Chair recognizes the gentleman from Montgomery County, Representative Godshall.

Mr. GODSHALL. Thank you, Mr. Speaker.

Very briefly, the Blue Ribbon Commission was established to set to do something about the nuclear waste which is being stored around the country. It was to be stored at certain locations, or a singular location, because they were afraid it was going to get in the hands of the wrong people, and that was simply why these storage facilities are being asked for by the Blue Ribbon Commission. And there are communities out there that are willing to host the centralized fuel storage facility in their communities, and there are States that are willing to do it.

We know they are willing to do it. So at the same time when we are paying in \$750 million a year to the Federal government, the Federal government is being fined by court order for not doing what they are supposed to be doing and is using taxpayers' money to pay those fines to the power plant owners to store the spent fuel rods that they, the Federal government, are supposed to be handling.

So anyway, I ask for a negative vote on the amendment. Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—27

Brown, V.	Donatucci	McGeehan	Sabatina
Brownlee	Evans, D.	Mundy	Sturla
Caltagirone	George	Myers	Vitali
Cohen	Hornaman	O'Brien, M.	Waters
Cruz	James	Parker	Wheatley
Curry	Josephs	Pashinski	Williams
Davidson	Keller, W.	Roebuck	

NAYS—172

Adolph	Ellis	Knowles	Quigley
Aument	Emrick	Kortz	Quinn
Baker	Evankovich	Kotik	Rapp
Barbin	Evans, J.	Krieger	Ravenstahl
Barrar	Everett	Kula	Readshaw
Bear	Fabrizio	Lawrence	Reed
Benninghoff	Farry	Longiatti	Reese
Bishop	Fleck	Mackenzie	Roe
Bloom	Frankel	Maher	Rock
Boback	Freeman	Mahoney	Ross
Boyd	Gabler	Major	Saccone
Boyle, B.	Galloway	Maloney	Sainato
Boyle, K.	Geist	Mann	Samuelson
Bradford	Gerber	Markosek	Santarsiero
Brennan	Gergely	Marshall	Santoni
Briggs	Gibbons	Marsico	Saylor
Brooks	Gillen	Masser	Scavello
Brown, R.	Gillespie	Matzie	Schmotzer
Burns	Gingrich	Metzgar	Simmons
Buxton	Godshall	Miccarelli	Smith, K.
Carroll	Goodman	Micozzie	Smith, M.
Causar	Grell	Millard	Sonney
Christiana	Grove	Miller	Staback
Clymer	Hackett	Milne	Stephens
Conklin	Hahn	Mirabito	Stern
Costa, D.	Haluska	Moul	Stevenson
Costa, P.	Hanna	Mullery	Swanger
Cox	Harhai	Murphy	Tallman
Creighton	Harhart	Murt	Taylor
Culver	Harkins	Mustio	Thomas
Cutler	Harper	Neilson	Tobash
Daley	Harris	Neuman	Toepel
Davis	Heffley	O'Neill	Toohil
Day	Helm	Oberlander	Truitt
Dean	Hennessey	Payne	Turzai
Deasy	Hess	Payton	Vereb
DeLissio	Hickernell	Peifer	Vulakovich
Delozier	Hutchinson	Perry	Watson
DeLuca	Kampf	Petrarca	White
Denlinger	Kauffman	Petri	Youngblood
DePasquale	Kavulich	Pickett	
Dermody	Keller, F.	Preston	Smith, S., Speaker
DiGirolamo	Keller, M.K.	Pyle	
Dunbar	Killion		

NOT VOTING—0

EXCUSED—2

Kirkland Metcalfe

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 adopt the resolution?

Ms. **JOSEPHS** offered the following amendment
No. **A11760**:

Amend Resolution, page 2, line 29, by striking out "fuel management" and inserting
waste

Amend Resolution, page 3, line 14, by striking out "fuel management" and inserting
waste

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

The **SPEAKER** pro tempore. On that question, the Chair recognizes the gentlelady from Philadelphia, Representative Josephs, for a brief explanation of the amendment.

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

I tried to introduce this amendment and work it in committee, but I was not allowed to.

What it does is changes the term in quotes, "fuel management program," end quote, to "waste management program." That is how it appears in the other — the one other resolution, which is like this that has come out of the States, come out of Minnesota. They commend the President's Blue Ribbon Commission on America's Nuclear Future, but their resolution uses consistently the term "waste management program." The maker of the resolution also uses "waste management program" in some places, but in other places "fuel management program." I am just trying to clarify.

We want to make sure that only the waste fuel, the highly reactive waste or spent fuel is what we are talking about. We want to make sure Congress understands that is what we are concerned about, not some other kind of waste which may come from nuclear power plants.

It is small, but clarity on paper I think is very important. Thank you, Mr. Speaker.

The **SPEAKER** pro tempore. The Chair recognizes the gentleman from Montgomery County, Representative Godshall, on the amendment.

Mr. **GODSHALL**. I ask for a negative vote on this.

I use the term "nuclear fuel management program," which is synonymous, I guess, with what we are talking about. It really is not waste as such. The spent fuel rods are used in every European country, I think, and recycled, and so forth. That is the same thing that can happen here. So we are talking about a recyclable item, but because of some Federal program that was developed back, I believe, in the Carter and in the Ford

administrations that said we should not be recycling these fuel rods in this country, which might change anytime, it is really waste, but it is not waste. It is a nuclear fuel management program, and I ask for a negative vote.

The SPEAKER pro tempore. On the amendment, are there any other members seeking recognition?

If not, does Representative Josephs wish to be recognized for a second time? You may proceed.

Ms. JOSEPHS. Thank you, Mr. Speaker.

Leaving this language unchanged could allow the nuclear industry to use the trust fund, if it is not refunded, to manage fuel at any stage, not just waste fuel or spent fuel, not the stuff that we are worried about, the high-level nuclear waste, the high-level radioactive nuclear waste, but fuel at any stage.

I just want to be clear: What we want to tell the Federal government to do is to move ahead, move ahead quickly, moved ahead decisively, which they are starting to do. I am not going to defend the fact that they have not done anything since the 1980s, but now they are.

The SPEAKER pro tempore. Would the gentlelady please suspend and keep your remarks focused to your very nicely written, tightly written amendment.

Ms. JOSEPHS. Thank you, Mr. Speaker, for the compliment. I appreciate it.

And I again ask for an amendment which does not do any harm to the resolution. It just makes it better. I am in favor of the resolution.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentlelady.

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

The following roll call was recorded:

YEAS—52

Bishop	Davis	James	Payton
Boyle, B.	Dean	Josephs	Roebuck
Boyle, K.	DeLissio	Kavulich	Sabatina
Bradford	DePasquale	Keller, W.	Samuelson
Briggs	Dermoddy	McGeehan	Santarsiero
Brown, V.	Donatucci	Mullery	Smith, K.
Brownlee	Evans, D.	Mundy	Sturla
Caltagirone	Frankel	Murphy	Thomas
Carroll	Freeman	Myers	Vitali
Cohen	George	Neilson	Waters
Cruz	Gerber	O'Brien, M.	Wheatley
Curry	Hanna	Parker	Williams
Davidson	Hornaman	Pashinski	Youngblood

NAYS—147

Adolph	Fabrizio	Krieger	Quinn
Aument	Farry	Kula	Rapp
Baker	Fleck	Lawrence	Ravenstahl
Barbin	Gabler	Longietti	Readshaw
Barrar	Galloway	Mackenzie	Reed
Bear	Geist	Maher	Reese
Benninghoff	Gergely	Mahoney	Roae
Bloom	Gibbons	Major	Rock
Boback	Gillen	Maloney	Ross
Boyd	Gillespie	Mann	Saccone
Brennan	Gingrich	Markosek	Sainato
Brooks	Godshall	Marshall	Santoni
Brown, R.	Goodman	Marsico	Saylor
Burns	Grell	Masser	Scavello

Buxton	Grove	Matzie	Schmotzer
Causer	Hackett	Metzgar	Simmons
Christiana	Hahn	Miccarelli	Smith, M.
Clymer	Haluska	Micozzie	Sonney
Conklin	Harhai	Millard	Staback
Costa, D.	Harhart	Miller	Stephens
Costa, P.	Harkins	Milne	Stern
Cox	Harper	Mirabito	Stevenson
Creighton	Harris	Moul	Swanger
Culver	Heffley	Murt	Tallman
Cutler	Helm	Mustio	Taylor
Daley	Hennessey	Neuman	Tobash
Day	Hess	O'Neill	Toepel
Deasy	Hickernell	Oberlander	Toohil
Delozier	Hutchinson	Payne	Truitt
DeLuca	Kampf	Peifer	Turzai
Denlinger	Kauffman	Perry	Vereb
DiGirolamo	Keller, F.	Petrarca	Vulakovich
Dunbar	Keller, M.K.	Petri	Watson
Ellis	Killion	Pickett	White
Emrick	Knowles	Preston	
Evankovich	Kortz	Pyle	Smith, S.,
Evans, J.	Kotik	Quigley	Speaker
Everett			

NOT VOTING—0

EXCUSED—2

Kirkland Metcalfe

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 adopt the resolution?

The following roll call was recorded:

YEAS—199

Adolph	Dunbar	Killion	Quigley
Aument	Ellis	Knowles	Quinn
Baker	Emrick	Kortz	Rapp
Barbin	Evankovich	Kotik	Ravenstahl
Barrar	Evans, D.	Krieger	Readshaw
Bear	Evans, J.	Kula	Reed
Benninghoff	Everett	Lawrence	Reese
Bishop	Fabrizio	Longietti	Roae
Bloom	Farry	Mackenzie	Rock
Boback	Fleck	Maher	Roebuck
Boyd	Frankel	Mahoney	Ross
Boyle, B.	Freeman	Major	Sabatina
Boyle, K.	Gabler	Maloney	Saccone
Bradford	Galloway	Mann	Sainato
Brennan	Geist	Markosek	Samuelson
Briggs	George	Marshall	Santarsiero
Brooks	Gerber	Marsico	Santoni
Brown, R.	Gergely	Masser	Saylor
Brown, V.	Gibbons	Matzie	Scavello
Brownlee	Gillen	McGeehan	Schmotzer
Burns	Gillespie	Metzgar	Simmons
Buxton	Gingrich	Miccarelli	Smith, K.
Caltagirone	Godshall	Micozzie	Smith, M.
Carroll	Goodman	Millard	Sonney
Causer	Grell	Miller	Staback
Christiana	Grove	Milne	Stephens
Clymer	Hackett	Mirabito	Stern
Cohen	Hahn	Moul	Stevenson
Conklin	Haluska	Mullery	Sturla
Costa, D.	Hanna	Mundy	Swanger
Costa, P.	Harhai	Murphy	Tallman

Cox	Harhart	Murt	Taylor
Creighton	Harkins	Mustio	Thomas
Cruz	Harper	Myers	Tobash
Culver	Harris	Neilson	Toepel
Curry	Heffley	Neuman	Toohil
Cutler	Helm	O'Brien, M.	Truitt
Daley	Hennessey	O'Neill	Turzai
Davidson	Hess	Oberlander	Vereb
Davis	Hickernell	Parker	Vitali
Day	Hornaman	Pashinski	Vulakovich
Dean	Hutchinson	Payne	Waters
Deasy	James	Payton	Watson
DeLissio	Josephs	Peifer	Wheatley
Delozier	Kampf	Perry	White
DeLuca	Kauffman	Petrarca	Williams
Denlinger	Kavulich	Petri	Youngblood
DePasquale	Keller, F.	Pickett	
Dermody	Keller, M.K.	Preston	Smith, S.,
DiGirolamo	Keller, W.	Pyle	Speaker
Donatucci			

NAYS-0

NOT VOTING-0

EXCUSED-2

Kirkland Metcalfe

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

CONSIDERATION OF SB 1115 CONTINUED

AMENDMENT A12661 RECONSIDERED

The SPEAKER pro tempore. The Chair returns to consideration of SB 1115 and is in possession of a motion to reconsider the vote by which amendment 12661 was passed on this day. That motion to reconsider is presented by Representatives O'Neill and Clymer.

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

The SPEAKER pro tempore. On the question of reconsideration, the Chair recognizes the gentleman from Bucks County, Representative O'Neill.

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

We would appreciate support for this second consideration. We are waiting for a reprint on this amendment due to a technical correction.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Allegheny County, the minority leader, Representative Dermody.

Mr. DERMODY. Thank you, Mr. Speaker.

Mr. Speaker, I would urge the members to support the motion for reconsideration.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS-199

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

NAYS-0

NOT VOTING-0

EXCUSED-2

Kirkland Metcalfe

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

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

AMENDMENT WITHDRAWN

The SPEAKER pro tempore. The Chair recognizes the gentleman from Bucks County, Representative O'Neill, who withdraws amendment 12661.

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

MOTION TO SUSPEND RULES

The SPEAKER pro tempore. The Chair recognizes the same gentleman for his motion for a suspension of the rules for the immediate consideration of amendment A12705, which the clerk shall read. I am sorry; the clerk need not read.

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

MOTION WITHDRAWN

The SPEAKER pro tempore. On the question of suspension, the Chair recognizes the gentleman from Bucks County, Mr. O'Neill.

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

Mr. Speaker, this is the same amendment that we—

The SPEAKER pro tempore. For the information of the members, amendment A12705, to which the motion to suspend pertained, is actually a corrective reprint of amendment A12661 and is therefore in order absent suspension. So I assume the gentleman from Bucks County is withdrawing his motion to suspend the rules. The gentleman indicates that he is.

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

Mr. O'NEILL offered the following amendment No. **A12705**:

Amend Bill, page 1, line 5, by inserting after "thereto," in preliminary provisions, establishing the Special Education Funding Commission; and imposing duties on the Department of Education; in reimbursements by the Commonwealth and between school districts,

Amend Bill, page 1, lines 11 through 14, by striking out all of said lines and inserting

Section 1. The act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, is amended by adding a section to read:

Section 120. Special Education Funding Commission.—(a) There is hereby established a Special Education Funding Commission.

(b) The Special Education Funding Commission shall review and make recommendations related to special education funding as provided in this section.

(c) (1) The commission shall consist of the following members:

(i) The chairman and minority chairman of the Education Committee of the Senate and the chairman and minority chairman of the Education Committee of the House of Representatives, or their designees.

(ii) Two (2) legislators from each of the four (4) legislative caucuses, to be appointed by the President pro tempore of the Senate

and the Speaker of the House of Representatives, with the consent of the Majority and Minority Leaders of the Senate and the Majority and Minority Leaders of the House of Representatives.

(iii) The Secretary of Education, or a designee.

(iv) The Secretary of the Budget, or a designee.

(v) The Deputy Secretary for Elementary and Secondary Education, or a designee.

(2) The commission shall appoint a member to serve as chairperson of the commission.

(d) The commission shall hold its first meeting within thirty (30) days of the effective date of this section. Regardless of whether the Governor or all legislative caucuses have actually approved members to the commission.

(e) The commission shall hold meetings at the call of the chairman.

(f) The members may not receive compensation for their services, but must be reimbursed for all necessary travel and other reasonable expenses incurred in connection with the performance of their duties as members of the commission.

(g) The General Assembly shall provide administrative support, meeting space and any other assistance required by the commission to carry out its duties under this section in cooperation with the Governor's Budget Office and the department. The department shall provide the commission with data, research and other information upon request by the commission.

(h) The commission shall identify factors that may be used to determine the distribution of a change in special education funding among the school districts in this Commonwealth.

(i) The commission shall have all of the following powers and duties:

(1) Review and make recommendations related to special education funding in this Commonwealth.

(2) Consult with and utilize experts to assist in carrying out the duties under this subsection.

(3) Receive input from interested parties, including, but not limited to, charter school and cyber charter school operators.

(4) Hold public hearings in different regions of this Commonwealth.

(5) Issue a report of its findings to the Governor, the President pro tempore of the Senate, the Majority Leader and Minority Leader of the Senate, the Education Committee of the Senate, the Speaker of the House of Representatives, the Majority Leader and Minority Leader of the House of Representatives, the Education Committee of the House of Representatives, the Secretary of Education and the State Board of Education not later than November 30, 2012.

(6) Determine the factors under this paragraph that may include all of the following:

(i) Three (3) categories of eligible students, established so that students with disabilities typically requiring the least-intensive range of services would compromise category 1, students with disabilities typically requiring a middle range of services would compromise category 2 and students with disabilities typically requiring the most intensive range of services would compromise category 3. The commission shall determine a description of and parameters for each of the three (3) categories.

(ii) A student count for each school district for each of the three (3) most recent years for each category of eligible students. For category 3, the number of eligible students residing or enrolled in the school district and classified in category 3, except that the number of eligible students included who are placed by the school district and served in public or private separate schools, residential placements or homebound or hospital placements must be identified separately.

(iii) A weighting factor that differs from each of the three (3) categories of students with disabilities based on the typical range of services for each category. The weighting may include adjustments for any of the following:

(A) The market value/personal income aid ratio for each of the three (3) most recent years for each school district.

(B) The equalized millage rate averaged for each of the three (3) most recent years for each school district.

(C) Geographic price differences identified for each school district of the department.

(D) A proportional system for distributing the changes in special education funding among the school districts, based on factors listed in this subparagraph.

(iv) Development and implementation by the department of improved systems for collecting and documenting student enrollment and membership in public schools, including revised methods for calculating average daily membership.

(v) Other factors related to the distribution of special education funding.

(7) Review and consider special education funding factors utilized in operation throughout the United States.

(8) In developing the special education funding factors under subsection (h) and in completing the report required under this subsection, consider the impact these factors may have on the distribution of special education funding among the school districts.

(9) Review the administration of State and regional special education programs and services to determine if cost savings may be achieved and make recommendations to implement the savings.

(10) Consult with and utilize experts to assist them in carrying out the duties under this subsection.

(11) Prior to recommending a special education formula under this section, consider nationally accepted accounting and budgeting standards.

(j) The special education formula developed by the commission shall not go into effect unless the formula is approved by an act of the General Assembly enacted after the effective date of this section.

(k) Every five years the commission shall be reconstituted under subsection (c) and shall meet and hold public hearings to review the operations of the special education funding provision of this section, shall make a further report and issue the report to the recipients listed in subsection (i)(5). When in receipt of a further report recommending changes to the special education funding formula, the General Assembly shall consider and take action to enact the formula into law in accordance with subsection (j).

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

"Commission." The Special Education Funding Commission established under this section.

"Department." The Department of Education of the Commonwealth.

Section 2. Section 2501(26) of the act, added July 9, 2008 (P.L.846, No.61), is amended and the section is amended by adding clauses to read:

Amend Bill, page 3, lines 22 through 24, by striking out all of lines 22 and 23 and "(39)" in line 24 and inserting

(38)

Amend Bill, page 3, line 26, by striking out "(40)" and inserting

(39)

Amend Bill, page 3, line 29, by striking out "2" and inserting

3

Amend Bill, page 4, lines 1 through 30; pages 5 through 9, lines 1 through 30; page 10, lines 1 through 16, by striking out "(a) The " in line 1, all of lines 2 through 30 on page 4, all of lines 1 through 30 on pages 5 through 9, all of lines 1 through 15 and "~~(K)~~ (K)" in line 16 on page 10 and inserting

(a)

Amend Bill, page 11, line 9, by striking out "(L)" and inserting

(b)

Amend Bill, page 11, lines 9 through 11, by striking out "SPECIAL EDUCATION " in line 9, all of line 10 and

"SUBSEQUENT SCHOOL YEAR" in line 11 and inserting

funds are appropriated any year

Amend Bill, page 11, lines 11 and 12, by striking out "ABOVE

THE AMOUNT " in line 11 and "OF SPECIAL EDUCATION FUNDING IN THE BASE YEAR" in line 12

Amend Bill, page 11, line 14, by striking out "AND" and inserting a comma

Amend Bill, page 11, line 14, by inserting after "schools" and cyber charter schools

Amend Bill, page 12, line 5, by striking out "AND" and inserting a comma

Amend Bill, page 12, line 6, by inserting after "SCHOOLS" and cyber charter schools

Amend Bill, page 12, line 22, by striking out "equal to" and inserting

not less than

Amend Bill, page 13, lines 11 through 19, by striking out all of said lines

Amend Bill, page 14, line 6, by striking out "and"

Amend Bill, page 14, line 7, by striking out the period after

"plan" and inserting

; and

(v) provide guidance related to plan resubmission.

Amend Bill, page 14, lines 15 through 22, by striking out ", with specific focus on individual schools, grade " in line 15, all of lines 16 through 21 and "functional skills, and other factors" in line 22

Amend Bill, page 14, line 24, by inserting after "district:"

and

Amend Bill, page 14, lines 25 through 30, by striking out all of lines 25 through 29 and "(v)" in line 30 and inserting

(iv)

Amend Bill, page 15, line 7, by striking out "shall" and inserting

may

Amend Bill, page 15, lines 15 through 22, by striking out "staff in " in line 15, all of lines 16 through 21 and "program obligations" in line 22 and inserting

any other resources as appropriate

Amend Bill, page 15, lines 23 and 24, by striking out "By April 15, 2012-2013, AND BY APRIL 15 OF EACH" in line 23 and "year thereafter" in line 24 and inserting

Pursuant to the timetable set forth in section 218

Amend Bill, page 15, lines 26 through 28, by striking out "based on overall " in line 26, all of line 27 and "show in detail how the increase above the index will be used" in line 28 and inserting

by attaching the district's special education expenditures as reported on the annual financial reports

Amend Bill, page 15, line 30; page 16, lines 1 and 2, by striking out "Unless a school " in line 30 on page 15, all of line 1 and "broadly to reflect the receipt of new funding, the" in line 2 on page 16 and inserting

The

Amend Bill, page 16, line 4, by striking out "mandated"

Amend Bill, page 16, lines 11 and 12, by striking out "issue guidelines for " in line 11 and "the suggested use of State funds" in line 12 and inserting

identify resources

Amend Bill, page 16, line 22, by striking out "specialist"

Amend Bill, page 16, line 23, by striking out "reducing caseloads" and inserting

caseload management

Amend Bill, page 16, lines 28 through 30; page 17, line 1, by striking out "Nothing under this subsection shall be construed to " in line 28, all of lines 29 and 30 on page 16 and all of line 1 on page 17 and inserting

The Department of Education shall make the resources identified in paragraph (3) available to all educational entities in this Commonwealth.

Amend Bill, page 17, line 11, by striking out "shall" and inserting

may

Amend Bill, page 17, lines 22 through 26, by striking out "identify at any time and at least annually all school " in line 22, all of

lines 23 through 25 and "progress to meet" in line 26 and inserting post on its Internet website each school district's progress on meeting

Amend Bill, page 18, line 20, by striking out "Appropriate" and inserting

The Department of Education may take

Amend Bill, page 18, lines 21 through 24, by striking out "may be" in line 21, all of lines 22 and 23 and "district" in line 24 and inserting

if the Department of Education determines that a school district has over-identified a student

Amend Bill, page 20, lines 10 through 12, by striking out "Notwithstanding any other provision of this section, if:" in line 10, all of line 11 and "2509.13 for the 2011-2012 school year, the" in line 12 and inserting

The

Amend Bill, page 20, line 21, by striking out "the" and inserting a

Amend Bill, page 20, line 22, by striking out "2509.13" and inserting

120

Amend Bill, page 20, lines 28 through 30; page 21, lines 1 through 10, by striking out all of said lines on page 20, all of lines 1 through 9 and "(b) Nothing under subsection (a) or any other provision of" in line 10 on page 21 and inserting

Section 2509.17. Protections.—Nothing under the provisions of

Amend Bill, page 21, line 18, by striking out "3" and inserting 4

Amend Bill, page 21, line 21, by striking out "4" and inserting 5

On the question, Will the House agree to the amendment? (Members proceeded to vote.)

APPROPRIATIONS COMMITTEE MEETING

The SPEAKER pro tempore. The Chair recognizes the gentleman from Delaware County, the chairman of the Appropriations Committee, Representative Adolph, for an announcement.

Mr. ADOLPH. Thank you very much, Mr. Speaker. Mr. Speaker, there will be an immediate Appropriations Committee meeting in the majority caucus room. Thank you.

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

The Chair thanks his friends on the other side of the aisle. Nothing is in order during the taking of the roll, but the bell has been rung.

CONSIDERATION OF SB 1115 CONTINUED

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

The following roll call was recorded:

YEAS—199

Table with 4 columns: Adolph, Aument, Baker, Dunbar, Ellis, Emrick, Killion, Knowles, Kortz, Quigley, Quinn, Rapp

Table with 4 columns: 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, Dean, Deasy, DeLissio, Delozier, DeLuca, Denlinger, DePasquale, Dermody, DiGirolamo, Donatucci, Evankovich, Evans, D., Evans, J., Everett, Fabrizio, Farry, Fleck, Frankel, Freeman, Gabler, Galloway, Geist, George, Gerber, Gergely, Gibbons, Gillen, Gillespie, Gingrich, Godshall, Goodman, Grell, Grove, Hackett, Hahn, Haluska, Hanna, Harhai, Harhart, Harkins, Harper, Harris, Heffley, Helm, Hennessey, Hess, Hickernell, Hornaman, Hutchinson, James, Josephs, Kampf, Kauffman, Kavulich, Keller, F., Keller, M.K., Keller, W., Kotik, Krieger, Kula, Lawrence, Longietti, Mackenzie, Maher, Mahoney, Major, Maloney, Mann, Markosek, Marshall, Marsico, Masser, Matzie, McGeehan, Metzgar, Miccarelli, Micozzie, Millard, Miller, Milne, Mirabito, Moul, Mullery, Mundy, Murphy, Murt, Mustio, Myers, Neilson, Neuman, O'Brien, M., O'Neill, Oberlander, Parker, Pashinski, Payne, Payton, Peifer, Perry, Petrarca, Petri, Pickett, Preston, Pyle, Ravenstahl, Readshaw, Reed, Reese, Roae, Rock, Roebuck, Ross, Sabatina, Saccone, Sainato, Samuelson, Santarsiero, Santoni, Saylor, Scavello, Schmotzer, Simmons, Smith, K., Smith, M., Sonney, Staback, Stephens, Stern, Stevenson, Sturla, Swanger, Tallman, Taylor, Thomas, Tobash, Toepel, Toohil, Truitt, Turzai, Vereb, Vitali, Vulakovich, Waters, Watson, Wheatley, White, Williams, Youngblood, Smith, S., Speaker

NAYS—0

NOT VOTING—0

EXCUSED—2

Kirkland Metcalfe

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

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

(Bill as amended will be reprinted.)

FINANCE COMMITTEE MEETING

The SPEAKER pro tempore. The Chair recognizes the gentleman from Centre County, Representative Benninghoff, for the purpose of an announcement.

Mr. BENNINGHOFF. Thank you, Mr. Speaker.

I just wanted to announce that there will be a Finance Committee meeting, shortly following the Appropriations Committee meeting, in B-31 in the basement of the Main Capitol. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

There will be a Finance Committee meeting, after the Appropriations Committee meeting, in room B-31 in the basement of the Capitol.

It is the understanding of the Chair the expectation is that these meetings will be brisk. The House will be at ease during the course of these meetings, but I urge members to not stray far.

The gentlelady from Luzerne, Representative Mundy, is seeking recognition for the purpose of an announcement?

Ms. MUNDY. Not an announcement, Mr. Speaker. I have a question.

The SPEAKER pro tempore. And the nature of your question is?

Ms. MUNDY. I would like to know what is on the agenda for this Finance Committee meeting I am just now learning about?

The SPEAKER pro tempore. I believe that the chairman will be able to better inform you of that at the meeting.

Ms. MUNDY. So the Democrats get absolutely no notice of what bills will be considered—

The SPEAKER pro tempore. The gentlelady is not in order, but I recognize the gentleman from Centre County, Representative Benninghoff, chairman of the Finance Committee, who seeks to, I think, provide further information about your announcement.

You are recognized for the announcement expansion.

Mr. BENNINGHOFF. Thank you, Mr. Speaker.

In honor of your request of us being brisk, I overlooked announcing what was going to be spoken about, but we will be going over HB 386. My apologies to the Democrat chairwoman and any committee members that might have been offended by my oversight. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman and appreciates his effort towards good bipartisan cooperation.

The House will be at ease.

The House will come to order.

RULES COMMITTEE MEETING

The SPEAKER pro tempore. The Chair recognizes the gentleman from Allegheny County, the majority leader, Representative Turzai, for the purpose of an announcement.

Mr. TURZAI. I would like to call an immediate Rules Committee meeting in the Appropriations conference room; an immediate Rules Committee meeting in the Appropriations

conference room. I would like as many members to be there and not use proxies, please. Rules Committee in the Appropriations conference room.

The SPEAKER pro tempore. There will be an immediate Rules Committee meeting in the Appropriations conference room.

The House will be at ease.

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

The SPEAKER. The House will come to order.

SENATE MESSAGE**HOUSE BILL
CONCURRED IN BY SENATE**

The clerk of the Senate, being introduced, returned **HB 1269, PN 2161**, with information that the Senate has passed the same without amendment.

SENATE MESSAGE**AMENDED HOUSE BILLS RETURNED
FOR CONCURRENCE AND
REFERRED TO COMMITTEE ON RULES**

The clerk of the Senate, being introduced, returned **HB 1055, PN 3577; HB 1525, PN 3714; and HB 1934, PN 3589**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

BILLS SIGNED BY SPEAKER

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

HB 1269, PN 2161

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for a special license plate for recipients of the Silver Star, Bronze Star and Bronze Star for Valor and for special plates for recipients of Distinguished Service Cross, Distinguished Flying Cross, Navy Cross or Air Force Cross.

SB 8, PN 2269

An Act establishing the Pennsylvania eHealth Partnership Authority and the Pennsylvania eHealth Partnership Fund; providing for consent and confidentiality of health information; and establishing civil immunity under certain circumstances.

SB 707, PN 694

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, further providing for educational leave of absence.

SB 866, PN 2270

An Act amending Title 35 (Health and Safety) of the Pennsylvania Consolidated Statutes, in Commonwealth services, further providing for the Volunteer Companies Loan Fund; in grants to volunteer fire companies and volunteer services, further providing for scope of chapter, definitions, establishment and award of grants, providing for additional funding and further providing for allocation of appropriated funds and for expiration of authority; and making editorial changes.

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

The SPEAKER. The House will be at ease.

**THE SPEAKER PRO TEMPORE
(JOHN MAHER) PRESIDING**

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

BILLS REREPORTED FROM COMMITTEE**HB 2348, PN 3844** By Rep. ADOLPH

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, further providing for extension of time to file reports, for changes made by Federal Government, for petition for reassessment and for petition procedure; providing for compromise by secretary; and further providing for petitions for refunds.

APPROPRIATIONS.

SB 237, PN 722 By Rep. ADOLPH

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in budget and finance, further providing for Commonwealth portion of fines.

APPROPRIATIONS.

SB 1301, PN 2334 By Rep. ADOLPH

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, in assessments of persons and property, providing for cities and counties of the first class, further providing for definitions and for administration and procedure and providing for applicability.

APPROPRIATIONS.

**BILLS ON CONCURRENCE
REPORTED FROM COMMITTEE**

HB 75, PN 3827 By Rep. TURZAI

An Act amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, making changes necessary for the administration and implementation of the act of December 20, 2011 (P.L.446, No.111), entitled "An Act amending Titles 18 (Crimes and Offenses), 23 (Domestic Relations), 42 (Judiciary and Judicial Procedure), 44 (Law and Justice) and 61 (Prisons and Parole) of the Pennsylvania Consolidated Statutes, extensively revising provisions relating to registration of sexual offenders pursuant to Federal mandate; and making editorial changes," in the areas of perjury and falsification in official matters, dissemination of criminal history record information, disposition of children generally, court-ordered involuntary treatment of certain sexually violent persons and registration of sexual offenders;

and, in juvenile matters, further providing for definitions and for disposition of dependent child.

RULES.

HB 823, PN 3792 By Rep. TURZAI

An Act amending the act of July 31, 1968 (P.L.805, No.247), known as the Pennsylvania Municipalities Planning Code, in subdivision and land development, providing for notice to school district; in planned residential development, further providing for application for final approval; and providing for wastewater processing cooperative planning.

RULES.

HB 1343, PN 3828 By Rep. TURZAI

An Act authorizing State-owned universities and the employees thereof to enter into certain agreements with affiliated entities; providing for doctoral degrees; and making related repeals.

RULES.

BILLS REREPORTED FROM COMMITTEE**HB 1643, PN 2059** By Rep. TURZAI

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in snowmobiles and all-terrain vehicles, further providing for operation by persons under age 16.

RULES.

HB 2368, PN 3824 By Rep. TURZAI

An Act amending the act of November 30, 1965 (P.L.847, No.356), known as the Banking Code of 1965, further providing for definitions, for persons authorized to engage in business of receiving deposits and money for transmission, for corporations authorized to act as fiduciary, for retention of records and admissibility of copies in evidence, for emergency powers and for acquisitions, and offers to acquire, shares of banks, bank and trust companies, trust companies and national banks; repealing provisions relating to prohibition against certain acquisitions, to legal holidays and to limitation on deposit of Commonwealth funds; further providing for additional powers of incorporated institutions related to conduct of business, for persons bound by bylaws and execution of instruments, for general lending powers, for direct leasing of personal property and for limits on indebtedness of one customer including purchased paper; repealing provisions relating to installment loans including revolving credit plans, to real estate loans, to authorizing certain loans for commercial, business, professional, agricultural or nonprofit purposes including revolving credit plans, to authorizing monthly interest loans for individuals, partnerships and other unincorporated entities, to alternate basis for interest charges by institutions, to charging interest at rates permitted competing lenders, to notice of annual fees and refunds on credit cards of affiliate banks, to authorization of fees for revolving credit plans and to extensions of credit to individuals, partnerships and unincorporated associations; further providing for application of chapter, for actions required, permitted or prohibited in fiduciary capacity, for transfer of fiduciary accounts and for investments; repealing provisions relating to real estate loans; further providing for lending powers and direct leasing of personal property; repealing provisions relating to conditional powers of savings banks; providing for pledges for deposits, limits on indebtedness of one customer including purchased paper; further providing for tentative trusts, for authorized offices, for authorization of new branches, for approval of branch by department and for branches outside Pennsylvania; repealing provisions relating to branches acquired from the receiver of a closed institution or from an institution in danger of closing; further providing for articles of incorporation and for certificate of authorization to do

business; providing for organization as a limited liability company; further providing for minimum capital, for classes of shares, for share certificates, for cash dividends, for redemption and acquisition of redeemable shares and statement of reduction of authorized shares, for number, qualifications and eligibility of directors or trustees, for audits and reports by directors or trustees, accountants and internal auditors and for prohibitions applicable to directors, trustees, officers, employees and attorneys; repealing provisions relating to indemnity and immunity of certain directors; providing for standard of care and justifiable reliance; further providing for articles of amendment, for authority to merge or consolidate, for requirements for a merger or consolidation, for mergers, consolidations and conversions of savings banks, for right of shareholders to receive payment for shares following a control transaction, for articles of conversion, for voluntary dissolution prior to commencement of business, for certificate of election for voluntary dissolution and for articles of dissolution; repealing provisions relating to examinations and reports, to examination of affiliates and persons performing bank services, to relationship of institutions and their personnel with officials and employees of department and to additional powers of the Department of Banking; and further providing for penalties and criminal provisions applicable to directors, trustees, officers, employees and attorneys of institutions and for penalties applicable to persons subject to this act.

RULES.

HB 2369, PN 3774

By Rep. TURZAI

An Act amending the act of May 15, 1933 (P.L.565, No.111), known as the Department of Banking Code, further providing for general scope of supervision and exercise of discretion, for assessment of expenses of department upon institutions, for disclosure of information forbidden, penalty and exceptions, for examination of corporations or persons affiliated with institutions and for orders by department; and providing for implementation of the Consumer Financial Protection Act of 2010.

RULES.

HB 2370, PN 3763

By Rep. TURZAI

An Act amending the act of January 30, 1974 (P.L.13, No.6), referred to as the Loan Interest and Protection Law, further providing for residential mortgage interest rates and for effect on inconsistent acts.

RULES.

SUPPLEMENTAL CALENDAR A

BILLS ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 2368, PN 3824**, entitled:

An Act amending the act of November 30, 1965 (P.L.847, No.356), known as the Banking Code of 1965, further providing for definitions, for persons authorized to engage in business of receiving deposits and money for transmission, for corporations authorized to act as fiduciary, for retention of records and admissibility of copies in evidence, for emergency powers and for acquisitions, and offers to acquire, shares of banks, bank and trust companies, trust companies and national banks; repealing provisions relating to prohibition against certain acquisitions, to legal holidays and to limitation on deposit of Commonwealth funds; further providing for additional powers of incorporated institutions related to conduct of business, for persons bound by bylaws and execution of instruments, for general lending powers, for direct leasing of personal property and for limits on indebtedness of one customer including purchased paper; repealing provisions relating to installment loans including revolving credit plans, to real estate loans, to authorizing certain loans for commercial, business, professional, agricultural or nonprofit purposes including

revolving credit plans, to authorizing monthly interest loans for individuals, partnerships and other unincorporated entities, to alternate basis for interest charges by institutions, to charging interest at rates permitted competing lenders, to notice of annual fees and refunds on credit cards of affiliate banks, to authorization of fees for revolving credit plans and to extensions of credit to individuals, partnerships and unincorporated associations; further providing for application of chapter, for actions required, permitted or prohibited in fiduciary capacity, for transfer of fiduciary accounts and for investments; repealing provisions relating to real estate loans; further providing for lending powers and direct leasing of personal property; repealing provisions relating to conditional powers of savings banks; providing for pledges for deposits, limits on indebtedness of one customer including purchased paper; further providing for tentative trusts, for authorized offices, for authorization of new branches, for approval of branch by department and for branches outside Pennsylvania; repealing provisions relating to branches acquired from the receiver of a closed institution or from an institution in danger of closing; further providing for articles of incorporation and for certificate of authorization to do business; providing for organization as a limited liability company; further providing for minimum capital, for classes of shares, for share certificates, for cash dividends, for redemption and acquisition of redeemable shares and statement of reduction of authorized shares, for number, qualifications and eligibility of directors or trustees, for audits and reports by directors or trustees, accountants and internal auditors and for prohibitions applicable to directors, trustees, officers, employees and attorneys; repealing provisions relating to indemnity and immunity of certain directors; providing for standard of care and justifiable reliance; further providing for articles of amendment, for authority to merge or consolidate, for requirements for a merger or consolidation, for mergers, consolidations and conversions of savings banks, for right of shareholders to receive payment for shares following a control transaction, for articles of conversion, for voluntary dissolution prior to commencement of business, for certificate of election for voluntary dissolution and for articles of dissolution; repealing provisions relating to examinations and reports, to examination of affiliates and persons performing bank services, to relationship of institutions and their personnel with officials and employees of department and to additional powers of the Department of Banking; and further providing for penalties and criminal provisions applicable to directors, trustees, officers, employees and attorneys of institutions and for penalties applicable to persons subject to this act.

On the question,

Will the House agree to the bill on second consideration?

The SPEAKER pro tempore. It is the understanding of the Chair that the gentledady from Delaware County, Representative Davidson, intends to withdraw her amendments. Is that correct?

The gentledady from Delaware County, Representative Davidson, is recognized for the purpose of withdrawing her amendments.

Mrs. DAVIDSON. Thank you, Mr. Speaker.

After extensive discussions with the banking industry representatives, I am going to withdraw this amendment at this time, but I want to note for the record, Mr. Speaker, that there are a lot of fees, \$30 billion in fees being charged to consumers that are not being protected under the banking laws that have been passed by the Federal government.

Just recently, Mr. Speaker, in California, Wells Fargo was required to pay \$203 million after a judge decided that the institution had deliberately manipulated the banking order of checks as to maximize fees. Citibank has recently voluntarily changed its policy on posting so that the order is low to high. Other State-chartered and federally chartered banks have not done so, but I am working with them and members and stakeholders on both sides of the aisle to make sure that consumers are protected, but I will withdraw at this time.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentledady.

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 2369, PN 3774**, entitled:

An Act amending the act of May 15, 1933 (P.L.565, No.111), known as the Department of Banking Code, further providing for general scope of supervision and exercise of discretion, for assessment of expenses of department upon institutions, for disclosure of information forbidden, penalty and exceptions, for examination of corporations or persons affiliated with institutions and for orders by department; and providing for implementation of the Consumer Financial Protection Act of 2010.

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

* * *

The House proceeded to second consideration of **HB 2370, PN 3763**, entitled:

An Act amending the act of January 30, 1974 (P.L.13, No.6), referred to as the Loan Interest and Protection Law, further providing for residential mortgage interest rates and for effect on inconsistent acts.

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

* * *

The House proceeded to second consideration of **HB 1643, PN 2059**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in snowmobiles and all-terrain vehicles, further providing for operation by persons under age 16.

On the question,
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 75, PN 3827**, entitled:

An Act amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, making changes necessary for the administration and implementation of the act of December 20, 2011 (P.L.446, No.111),

entitled "An Act amending Titles 18 (Crimes and Offenses), 23 (Domestic Relations), 42 (Judiciary and Judicial Procedure), 44 (Law and Justice) and 61 (Prisons and Parole) of the Pennsylvania Consolidated Statutes, extensively revising provisions relating to registration of sexual offenders pursuant to Federal mandate; and making editorial changes," in the areas of perjury and falsification in official matters, dissemination of criminal history record information, disposition of children generally, court-ordered involuntary treatment of certain sexually violent persons and registration of sexual offenders; and, in juvenile matters, further providing for definitions and for disposition of dependent child.

On the question,
Will the House concur in Senate amendments?
The SPEAKER pro tempore. Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

The following roll call was recorded:

YEAS—199

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

NAYS—0

NOT VOTING—0

EXCUSED—2

Kirkland

Metcalfe

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

Ordered, That the clerk inform the Senate accordingly.

STATEMENT BY MR. MARSICO

REMARKS SUBMITTED FOR THE RECORD

The SPEAKER pro tempore. The Chair recognizes the gentleman from Dauphin County, Representative Marsico, under unanimous consent. You may proceed.

Mr. MARSICO. Thank you, Mr. Speaker.

I just want to thank the members for their support of this bill. I thank the Democrat chair of the committee for his support and staff, and I want to submit the remainder of my remarks for the record.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

HB 75 represents critical and necessary fine-tuning of Act 111 of 2011, which protects Pennsylvanians from harm by requiring the registration of sexual offenders and community notification regarding sexually violent predators.

Earlier this session the General Assembly acted boldly and decisively – and in a bipartisan fashion – when it enacted Act 111 into law. Act 111 brought Pennsylvania into compliance with the Federal Adam Walsh Child Protection and Safety Act of 2006 by dramatically updating our Megan's Law.

In fact, Act 111 is Megan's Law 2.0, to use computer parlance. The periods of registration are longer than under Megan's Law 1.0, and the information to which the community can have access is greater than under Megan's Law. There is even a feature on the public Web site, which is up and running, which will allow a citizen to choose a geographic area and then receive e-mail alerts from the Pennsylvania State Police if a sexual offender moves into that area.

I am very proud to say that Act 111 was written by the House of Representatives. Although the process started with a Senate Bill, it is the House language which became law. Act 111 represents a bipartisan effort among members, Representative Caltagirone and me, and our respective staffs. I am even prouder to say that this House approved Act 111 on December 13, 2011, by a vote of 196-0.

Act 111 is effective December 20, 2012. On that date the provisions of Adam Walsh will become effective and Megan's Law will expire. When the House and Senate came together to work on the final product, we knew that with a piece of legislation this big – some 272 pages – there would be a need for fine-tuning. HB 75 is that fine-tuning.

Just as with Act 111 of 2011, HB 75 is bipartisan in nature. It is the culmination of work on the part of Chairman Caltagirone and his staff, members of the House Judiciary Committee, and our staff.

I ask my colleagues, as they did on December 13, 2011, in the case of Act 111 of 2011, to vote in favor of HB 75.

BILLS ON CONCURRENCE IN SENATE AMENDMENTS

The House proceeded to consideration of concurrence in Senate amendments to **HB 823, PN 3792**, entitled:

An Act amending the act of July 31, 1968 (P.L.805, No.247), known as the Pennsylvania Municipalities Planning Code, in subdivision and land development, providing for notice to school district; in planned residential development, further providing for application for final approval; and providing for wastewater processing cooperative planning.

On the question,

Will the House concur in Senate amendments?

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

The following roll call was recorded:

YEAS—194

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

NAYS—5

Bloom Hutchinson Rapp Truitt
Causer

NOT VOTING—0

EXCUSED—2

Kirkland Metcalfe

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

Ordered, That the clerk inform the Senate accordingly.

* * *

The House proceeded to consideration of concurrence in Senate amendments to **HB 1343, PN 3828**, entitled:

An Act authorizing State-owned universities and the employees thereof to enter into certain agreements with affiliated entities; providing for doctoral degrees; and making related repeals.

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

The SPEAKER pro tempore. On that question, the Chair recognizes the gentleman from Tioga County, Representative Baker.

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

This is the Higher Education Modernization Act. It passed unanimously earlier. It has been a great bipartisan effort with various colleagues, and it will help transform and modernize our 14 State universities, level the playing field, and I appreciate your support.

I would like to particularly thank the gentleman from Clinton County for his bipartisan effort and work on this legislation.

Thank you very much, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

REMARKS SUBMITTED FOR THE RECORD

The SPEAKER pro tempore. On the question, the Chair recognizes the gentleman from Clinton County, Representative Hanna.

Mr. HANNA. Mr. Speaker, I rise in support of the bill, and I will just submit my comments for the record.

The SPEAKER pro tempore. The Chair thanks the gentleman, and he may submit his remarks.

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

Thank you Mr. Speaker.

Mr. Speaker, HB 1343 creates the Higher Education Modernization Act. This legislation, which I worked on with my colleague, Chairman Baker, authorizes State-owned universities and their employees to enter into agreements with private affiliated entities and for those private

entities to solicit and manage donations from the private sector for the direct benefit of the PASSHE (Pennsylvania State System of Higher Education) universities. Our State System universities have relationships with affiliated entities such as the student association, alumni association, and foundation, which are nonprofit corporations that exist solely to support PASSHE universities.

Current interpretations of the Adverse Interest Act and the Ethics Act prohibit university employees from raising funds for these affiliated entities, such as scholarship funds. Raising private funds from donors is a necessary facet of public higher education today. Indeed, it is a part of the job description for many PASSHE employees, including presidents, vice presidents, athletic directors, deans, and others.

HB 1343 is a solution to this problem. It allows for integrated relationships between PASSHE universities and those nonprofit Pennsylvania corporations with the sole purpose of benefiting the State System of Higher Education or a State-owned university.

PASSHE and their employees are permitted to voluntarily provide services to an affiliated entity; serve as agents, officers, or representatives of an affiliated entity; jointly engage in fundraising with an affiliated entity as long as the moneys are used to directly benefit the PASSHE or a State-owned university.

Safeguards were put in place so that employees and their immediate family members are not, I repeat, not permitted to receive anything of value from an affiliated entity. The affiliated entities are not agencies of the Commonwealth. They are private corporations and not authorized to enter into any transactions or agreements on behalf of PASSHE or a State-owned university.

Mr. Speaker, HB 1343 goes one step further in allowing our universities to provide a quality education to their students. The legislation also allows for the establishment of doctoral programs at all PASSHE universities. The Indiana University of Pennsylvania (IUP) Act of 1965 predated the existence of the State System of Higher Education. Under that statute, IUP was granted the right to offer Ph.D. (doctor of philosophy) programs. No other State colleges were offering doctoral programs at that time. Act 188 of 1982, creating the State System of Higher Education, changed those provisions to restrict all PASSHE universities except IUP from providing doctoral-level education. The restrictions added in Act 188 actually were a step backward for the system, as no such restrictions were present in the original 1965 doctoral statute and were contrary to the expressed intent of the act. The lack of such programs in PASSHE universities means that Commonwealth citizens do not have a high-quality, low-cost option to pursue these degrees.

Again, HB 1343 is a solution to this problem. It returns to the original intent of the statute giving PASSHE universities the right to offer applied doctoral programs independently.

All State-owned universities may, after approval from the board, provide graduation instruction at the doctoral level in areas of study leading to professional doctorates or applied doctorates, except for the doctor of philosophy (Ph.D.) degree.

State-owned universities must comply with and satisfy all requirements deemed necessary in order to provide doctoral-level degrees. These requirements include institutional plan and readiness, need for the program, academic integrity, assessment and accreditation, and resource sufficiency.

As a Representative having a State System school in my district, State System alum, and member of the PASSHE Board of Governors, I ask my colleagues for an affirmative vote on this critical piece of legislation for the benefit of our students.

Thank you Mr. Speaker.

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

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

The following roll call was recorded:

YEAS—199

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

NAYS—0

NOT VOTING—0

EXCUSED—2

Kirkland Metcalfe

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

Ordered, That the clerk inform the Senate accordingly.

SUPPLEMENTAL CALENDAR D

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 2348, PN 3844**, entitled:

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, further providing for extension of time to file reports, for changes made by Federal Government, for petition for reassessment and for petition procedure; providing for compromise by secretary; and further providing for petitions for refunds.

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

(Bill analysis was read.)

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

The question is, shall the bill pass finally?

On that question, the Chair recognizes the gentlelady from Luzerne County, Representative Mundy.

Ms. MUNDY. Thank you, Mr. Speaker.

I rise in opposition to this bill as it was amended yesterday. As amended this bill gives the Secretary of Revenue the sole authority to compromise any civil tax matter within the jurisdiction of the Department of Revenue. If this bill becomes law, the Secretary of Revenue would be able to decide the outcome of tax disputes with no checks or balances, behind closed doors, in secret, with no accountability whatsoever.

Mr. Speaker, power corrupts; absolute power corrupts absolutely. I believe that good public policy requires more checks and balances, accountability, and transparency for decisions of this nature. Good public policy would not vest this absolute power in the hands of one individual.

I would be happy to vote for the bill if it comes back from the Senate without the language that we amended into it yesterday. The underlying bill was fine. This amendment simply is not good public policy and it is not good government. It is an invitation to political favoritism and corruption, and I would urge a "no" vote.

The SPEAKER pro tempore. On the question, the Chair recognizes the gentleman from Delaware County, Representative Vitali. The gentleman waives off.

On the question, the Chair recognizes the gentleman from Cambria County, Representative Barbin.

Mr. BARBIN. I also rise in opposition to this last amendment to the bill. Under the terms of the Fiscal Code, generally the Auditor General has the right to sign off on a settlement, and I believe that the language that is included in this bill creates a severe constitutional question as to whether we have overstepped the boundaries.

The other question that is raised by the language of the bill is, as we speak today, the State Attorney General has the right to compromise State tax cases after there has been a review at the

Board of Appeals, after there has been a review at the Board of Finance and Revenue, and once you file a petition in Commonwealth Court, the Attorney General is the person who compromises. He does it with the advice of the Secretary of Revenue. This is a bad procedure that has not been vetted. For that reason I ask for everyone to vote in opposition to this bill as it is currently prepared.

The SPEAKER pro tempore. On the question, the Chair recognizes the gentleman from Lancaster County, Representative Sturla.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, will the maker of the bill rise for a brief interrogation?

The SPEAKER pro tempore. He indicates he will be happy to receive your interrogation. You may proceed.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, can you give us examples of other States that allow the Secretary of the Department of Revenue the authority to negotiate any and all tax matters in their States?

Mr. MILNE. Mr. Speaker, my main concern is doing what is best for the Commonwealth of Pennsylvania, and perhaps Pennsylvania has found a better way to do it than any other States in the nation. My interest is doing what is best for the taxpayers of Pennsylvania, and I believe that this bill will help increase efficiency, reduce cost, and make an appeals process that works better for the taxpayers of Pennsylvania. We are the legislature of the Commonwealth of Pennsylvania. We do not govern any other State.

Thank you, Mr. Speaker.

Mr. STURLA. Mr. Speaker, am I to understand that that means you do not know of any other States in the nation that allow this kind of unprecedented power?

Mr. MILNE. Mr. Speaker, my interest is doing what is best for the Commonwealth of Pennsylvania and the taxpayers of Pennsylvania. Thank you, Mr. Speaker.

Mr. STURLA. Mr. Speaker, again, can you name a single State that allows their Secretary of Revenue—

The SPEAKER pro tempore. With all due respect, I would ask the gentleman to suspend.

Your question has been clear. I believe you have had the response that is going to be afforded.

Do you have further interrogation?

Mr. STURLA. Yes, Mr. Speaker.

Mr. Speaker, yesterday it was stated that this mirrors Federal law. Would you agree that this mirrors Federal law?

Mr. MILNE. Mr. Speaker, what I said was in general the idea of this legislation is to bring Pennsylvania standards and the Pennsylvania Tax Code in some better alignment with Federal standards and Federal practices and trying to make it a little simpler for the Pennsylvania taxpayers who may have a matter that has both Federal and State jurisdiction so that when a Federal decision gets made, it automatically will also be done at the State level, and this increases the efficiency of the decision for both the State Department of Revenue as well as the taxpayer.

Mr. STURLA. Mr. Speaker, so then you are saying that this legislation carries the same provisions as the Federal tax law does with regard to decisions by the Secretary of Revenue?

Mr. MILNE. Mr. Speaker, what I indicated is that the spirit and the general intent of this legislation is to help bring Federal standards and the Federal Tax Code and the State standards and the State tax code into some better degree of alignment, which

is something we have done at least over the last 6 years that I have been in the legislature, trying to bring those two sets of standards and two sets of codes into a little bit better alignment, which is in the best interest of the taxpayers of Pennsylvania.

Mr. STURLA. Mr. Speaker, under the Federal law, the IRS (Internal Revenue Service) compromises. If you do a compromise with the IRS, you have to include a payment of 20 percent if you want a lump-sum deal. Does this bill mirror Federal law in that sense?

Mr. MILNE. This bill does not have that particular comparable provision in it in terms of a down payment or a pro rata payment in the process of making the compromise with settlement.

Mr. STURLA. Mr. Speaker, under the Federal IRS law, if you make a deal and then fail to pay the IRS with periodic payments, the IRS can cancel the deal. Does your legislation contain any provisions like that?

Mr. MILNE. Mr. Speaker, that is not the intent of this legislation, and therefore, no, there is not a provision exactly as you describe it in it. However, it is well documented and well established what the State Department of Revenue can do with a taxpayer who fails to satisfy a judgment against the taxpayer. Nothing in this bill will reduce those standards or take away existing powers and responsibilities of the State Department of Revenue to pursue and prosecute, if necessary, a taxpayer who fails to meet any assessment and/or any judgments that have been rendered against him or her.

Mr. STURLA. Mr. Speaker, under that scenario where there is a deal made and the person fails to make a payment, would it make that deal null and void?

Mr. MILNE. Mr. Speaker, there is nothing in this bill that would reduce the current powers of the Pennsylvania Department of Revenue to pursue a taxpayer who fails to satisfy a judgment against him or her.

Mr. STURLA. Mr. Speaker, does that current law and regulation allow for the nullification of deals by the Secretary of Revenue that is currently not in law?

Mr. MILNE. Mr. Speaker, it is well established in current State law the many powers that the State Department of Revenue currently has to pursue a taxpayer who fails to satisfy a judgment, an appeal, an assessment, and nothing in this bill will reduce those powers that are currently ascribed to the State Department of Revenue. So in that sense, I have confidence that the State Department of Revenue will have the disposal at its means to handle any taxpayer that for whatever reason fails to meet the standards that are pursued and done through this particular piece of legislation. I think current law is clear, extensive, and is currently available to the Department of Revenue.

Mr. STURLA. Mr. Speaker, under Federal law the IRS, when they have a compromise with someone who has a tax liability, any decision that involves more than \$50,000 requires a written legal opinion by the department's counsel to be kept on file. Does this legislation require similar legal counsel opinion?

Mr. MILNE. No. This current legislation does not do so. That was not the intent or purpose of this legislation. And again, I think current law that the Department of Revenue has at its disposal will more than satisfactorily handle cases that come before it that are triggered by this particular piece of legislation.

Mr. STURLA. Mr. Speaker, under Federal law a business owner can ask for a compromise under very limited circumstances, but their employees can also report tax fraud and

get whistleblower protection and a reward. Is there anything in this bill that allows for any whistleblower protection?

Mr. MILNE. The whistleblower protections of the Commonwealth of Pennsylvania writ large are well established in current State law. They are certainly something that is currently available to any such employees of an employer who is pursuing a process under this legislation. There is nothing in this legislation that would remove, rescind, reduce the current whistleblower avenues that any citizen of Pennsylvania could pursue if they so deem necessary.

Mr. STURLA. Thank you, Mr. Speaker.

If I could, on the bill?

The SPEAKER pro tempore. The gentleman is in order.

Mr. STURLA. Thank you, Mr. Speaker.

Even with the current laws that we have regarding the Board of Assessment Appeals and the reviews by various agencies including the Attorney General's Office, in recent years there have been concerns raised by employees, one in particular in the Attorney General's Office, that said that even the Attorney General was, after a deal had been struck, passing it on to collection agencies so that they could take their cut out of the deal, and in some cases, lowering the agreements. That is with numerous people having overview and numerous people having to sign off on the decisions.

Mr. Speaker, under this legislation, the bill that was amended will create a tax czar with unprecedented power, and it will authorize the Secretary of Revenue to compromise with anyone as he sees fit on any civil tax matter within the Commonwealth. All of this will be conducted behind closed doors and by this legislation in secret, and the details will not be made public. At the very least, you would think we would have the Attorney General sign off on the final compromise.

Mr. Speaker, this bill establishes a system that will encourage corruption. The new tax czar will have the ability to offer special deals, essentially being able to wipe out the tax liability of friends, family members, campaign contributors, and many others.

Now, Mr. Speaker, I have met the current Secretary of Revenue, and he seems like a decent and upstanding individual, but this bill does not just apply to the current Secretary of Revenue; this applies to any Secretary of Revenue.

The worst part about this bill is that no one will even know what is happening, because he does not even have to tell anyone he is making the deal. Mr. Speaker, just last year in Idaho, Chairman Royce Chigbrow of the Idaho State Tax Commission was accused by employees of helping his son's accounting firm and intervening on behalf of the friends in civil tax matters.

Mr. Speaker, we were told yesterday that this bill mirrors Federal policy and yet we just heard that that is not true. It does not provide for whistleblower protections or a report of tax cheats, gross negligence, or political favors. I am also concerned that this bill is retroactive. So someone who has already paid their taxes and come to an agreement can come back and say, "Hey, how would you like to do a favor for me?"

Mr. Speaker, this does not set any limits for these backdoor deals. It does not say, in order to expedite matters in low-level tax concerns, \$1,000, \$5,000. No, it does not say that. No limits whatsoever. It could be millions; it could be hundreds of millions.

Mr. Speaker, at the very least, why are we not following the policies of other States that allow only qualifying financially distressed taxpayers the opportunity to put overwhelming tax

liabilities behind them by paying a reasonable amount in a compromise? Other States provide checks and balances by having the Attorney General or the State Supreme Court justice approve the compromises over a certain amount. Other States say that this does not apply to everyone, because if you are able to pay the tax and the State believes you should pay the tax, you cannot go in and get a deal.

Why would we create a tax czar in this Commonwealth that is allowed to operate in secrecy? This bill runs contrary to promoting an effective, efficient, and open government. We heard time and time again that this was going to be an administration that was open, and yet now we are creating a situation where backroom deals with one person can be done in secret without the public ever knowing. Do you honestly believe your constituents want you to vote for a proposal that gives the Secretary of Revenue and, by default, Governor Corbett the power to manipulate civil tax matters as they see fit? You will be giving up all oversight of tax matters in the State of Pennsylvania.

Mr. Speaker, this is bad legislation and it should be defeated. Thank you.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Bucks County, Representative Petri, on the question.

Mr. PETRI. Mr. Speaker, I must respectfully disagree with the previous speakers on this bill. I have read the bill, and what it clearly says is that some authority for compromising tax liability for civil purposes will be given to the Secretary after guidelines are promulgated. Now, Mr. Speaker, we do not have those guidelines in front of us. They may be very strict and they may be moderately strict, but we certainly will have an opportunity to comment on those guidelines.

Mr. Speaker, there is not a week that does not go by where I do not have a complaint from a constituent about an unfair or unjust result associated with a compromise or payment of taxes in this Commonwealth. In fact, I have a number of friends and the like that are C.P.A.s (certified public accountants), and their desks are chock-full of improper results.

But let me share one that I personally was involved with just to demonstrate how, quite frankly, unfair our department and our guidelines can be. A gentleman calls up. He has received a notice from the Commonwealth and from a collection agency, so he calls the collection agency. What is this about? It turns out it is about a tax from 3, 4 years prior that involved a corporation that he was then an officer of, and he was smart enough to have figured out that it must have related to a tax that attached to him personally because it was not paid by his former partner. Because he has outstanding credit, he decided to pay the tax, and then he began his research. And what did he find out? He found out that in fact the tax was never due, that he had no obligation to pay it, and that the Department of Revenue had wrongfully sent out a collector of tax debt to take his money improperly. Then the State Representative for the 178th District enters the appearance and makes a couple calls, like we all do. The Board of Finance and Review says, "Well, he did not file an appeal." Well, of course he did not file an appeal. He did not know he owed the tax until 4 years later. "He did not ask for a refund." Of course he did not. We sent out authorities to collect and grasp his asset. And so they said, "Even though he paid it, even though we acknowledge he did not owe it, we cannot give it back." Imagine that poor State Representative when he had to explain to his constituent that this is the system that exists in

Pennsylvania. And if this were an isolated incident, I would not stand up and spend the time.

I have to commend the maker from Chester County on this to come up with a new method. We want to be similar to the IRS? The IRS has a lot more authority than the Pennsylvania Department of Revenue does in resolving disputes and compromises. What we have done with our system is clogged the courts full of appeals to the Board of Finance and Review, to the Commonwealth Courts on tax collections where they cannot be collected because the corporation is under, where there are improper results and we need a new method. So to say, in my opinion, Mr. Speaker, that we are going to have a new method which is going to be promulgated with guidelines that we all have an opportunity to comment on, to me that is a good result for the taxpayer, and I want to thank the gentleman from Chester County.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and, on the question, recognizes the gentleman from Philadelphia, Representative Cohen.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, one of the perennial issues of government at any level is to what degree government should be government of laws and to what degree government should be government of individuals. In other words, how much is going to be decided by laws applying to everybody equally and how much is going to be provided by who knows whom and what the personal relationship is between the individual person and the government.

One of America's contributions to the whole art of government has been the idea that there ought to be laws applying equally to everybody. That was not the case in Great Britain, that was not the case in just about any government that ever existed before the American government existed, and now here we are taking a giant step away from the principle that government ought to be a government of laws and not of individuals.

Our Constitution says that all taxes shall be equal upon the same class of people. This is an attempt to make an end run around that. If somebody has a hard-luck story, they might be able to negotiate a better deal. If somebody is a friend of the Governor or a legislator or a campaign contributor or a person just who is active in the community, they might be able to negotiate a better deal. There is not going to be any more equality. There is not going to be any more consistency. And somebody goes to an accountant and the accountant figures out he owes \$50,000 in taxes, and the accountant says, "Do you want to pay this or should we seek a compromise with the State government? Maybe we can get away with only \$20,000 in taxes." And some accountants will have a better relationship with whoever is making the decision at the Department of Revenue than other accountants will, and some individuals will have better relationships with people in the Department of Revenue than other individuals will.

There is inherent favoritism here even if nobody does anything illegal, but as the Representative from Lancaster indicated, there is no reason to believe that nobody is going to do anything illegal, because instead of having fixed tax obligations, it is all up in the air. And we have had problems from time to time with individual revenue agents, and we even had problems from time to time with individual Secretaries of Revenue. At least two individual Secretaries of Revenue in the

last 40 years have been convicted of things, including one today. Secretaries of Revenue are not perfect nor is government nor are accountants nor is any class of people, and the reason we have general rules applying to everyone is because we are recognizing the inherent imperfection of human beings.

This bill seriously erodes the principle in our State Constitution of uniform taxation. Under this bill there is not going to be any more uniform taxation. It is just going to be a matter of who you know, how much clout you have. That is all it is going to be if we enact this legislation. There will be no more uniform taxes, and this will be different from the Federal government. Federal tax law has numerous reported cases. There are endless volumes written on Federal tax law. Every case that is decided, whether it is in the name of the person or anonymously, is reported. Federal tax law is highly complex, highly regulated. There is a large wall of separation between the IRS and the White House and the Congress. Those large walls of separation do not exist between the Department of Revenue and the legislature or the executive branch.

This bill is a serious, serious mistake. It will be one of the biggest mistakes made in the history of State government. A lot of people in the future are going to be interested in who voted for this and who voted against it. I think everybody here ought to vote against it.

The SPEAKER pro tempore. On the question of final passage, the Chair recognizes the gentleman from Allegheny County, Representative Preston.

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

From what I am hearing that here in the democracy of the United States of America, no other States, not any of the other 49 have this great idea that we are about to vote on in HB 2348. Now, somehow there must be a genius somewhere here in Pennsylvania. Somehow there must have been a thought or an idea that was presented that no one in the history of 200 years of the Commonwealth of Pennsylvania and a couple hundred years in the history of the United States have they passed a law to do this. Now, there are other countries across the world that do this where people have no rights. They are not called democracies.

And I am trying to figure out, what is it that here in Pennsylvania that we know that nobody else in any of the 49 States knows and that is why we are going to do it in HB 2348? Somewhere along the line I tried to deal with my cognitive mind. I cannot come up empirically or quantitatively in any concept to think that the odds of 300 million people in one country are not doing this, but here in great Pennsylvania this is a great idea. Time has come to do this, to take away the rights, the sovereign rights of taxpayers.

Somehow one individual must have come up with this. I do not know who because we have not heard, but if we are going to vote for this, come on. The United States of America, the democracy in 49 other States is not doing this, but somehow maybe it is just like the metric system that we are the only country still doing it. I do not really understand this, and I have not heard a reason why we are doing this other than the fact that it is going to give someone else some power, but no one else in America, none of the 49 States of America is doing this with a 300-year history. Come on. We have heard about serfdoms and tax collectors in other countries, sextons, prefects, and everyone else, but yet here, in a sense, in Pennsylvania we are maybe about to come across something that is not so democratic as possible.

I do not see why we should vote for this if no one else is going to vote for it in the United States, and I am going to vote "no." Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes, on the question of final passage, the chairman of the Finance Committee, from Centre County, Representative Benninghoff.

Mr. BENNINGHOFF. Thank you, Mr. Speaker.

While I do not claim to be a tax wizard or an electronics wizard, it is my understanding, I think the State of Louisiana has a proposal or actually a policy like this, and I believe there might be a couple of other States, so I do not think this is unique to Pennsylvania. But I think we need to take in mind what we are talking about here. We are talking about the Secretary of Revenue and the appointee, which then has to be reviewed and passed by we the legislature. These guys are not arbitrarily just picked out of the sky. We are talking about a staff of almost 50 people in the Department of Revenue to look at appeals, looking at 30,000 cases. We are trying to streamline for you and my citizens so that when they have a problem, we can try to simplify this and try to get it to some type of resolution and let them move on the burden of these taxation problems.

More importantly, keep in mind that you, the members of this legislature and members of specific committees, have the opportunity – and really, the fiduciary responsibility, especially those of us on Finance and those that sit on Appropriations – to help review these regulations. After this bill gets passed, there will be regulations that have to be drafted that give specific guidelines to the duties and oversight of the Secretary. We are not creating a czar. We are trying to streamline things so that the public, who has been strangulated by this pressure trying to come into compliance and/or take care of some of their outstanding commitments, can do it in a more timely fashion.

I would ask you in closing to keep in mind that IRS agents do this on a day-to-day basis and much more simpler. Every day agents have the authority to try to work out a compromise with our constituents. Why would we not want the Commonwealth to be leading on an example like this rather than waiting for some other State to do it?

I think this is a progressive action on our part as a Commonwealth in trying to make government a little more business-friendly with our constituents, and I would ask for your support and compliment Representative Milne for his strong efforts on this issue.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and, on the question of final passage, recognizes the gentleman from Allegheny County, Representative Kortz.

Mr. KORTZ. Thank you, Mr. Speaker.

I rise in opposition to HB 2348, Mr. Speaker.

Now, I understand we want to try to streamline the system, and I commend the gentleman for trying to do that. I think he was on the right path. However, this amendment really went too far, in my opinion. I think there is a lot of overreach. In an attempt to streamline this, I think we have some shortcuts, and shortcuts can sometimes lead to shenanigans. And "he who forgets history is doomed to relive it" is very true. If you go back to 1976, the Secretary of Revenue in 1976 was convicted. A gentleman from Bethel Park was doing some improper things, the Secretary of Revenue, and he ended up on the wrong side of the law.

I do not want to go back to those days. I thought we came in to reform this body, to do things right in government. This is not reform. This is antireform. We are going to regress if we vote this bill in. I think we should take another look at this and reconsider it, because we are giving unlimited power to the Secretary of Revenue. We are giving him unilateral ability to wipe out a tax bill if he so desires, and there is no oversight. We have no checks and balances. That is what is wrong with the bill. If there was some oversight, if we could see what was going on to prevent that type of abuse, I would vote for this, but we did not elect to put that in the amendments yesterday.

So, Mr. Speaker, while I understand the need to become more efficient – and I am all for that – I just feel that we went too far and that the light of day will not be shined on those decisions that are made by the Secretary of Revenue. So for those reasons, Mr. Speaker, I must oppose the bill, and I would ask my colleagues to consider that.

Thank you, sir.

The SPEAKER pro tempore. The Chair thanks the gentleman and, on the question of final passage, recognizes the gentleman from York County, Representative DePasquale.

Mr. DePASQUALE. Thank you, Mr. Speaker.

The Framers of our Federal and State Constitutions each designed a system of checks and balances. That is the system of our governance. HB 2348 turns that system of checks and balances on its ear, that system of checks and balances that has worked so well since the early seventies with the Secretary of Revenue.

And again, similar to the gentleman from Lancaster, I agree the current Secretary of Revenue I think is a good man. I think he is honest and upstanding. But history has shown that when you give one individual this much power, as the saying goes, power corrupts and absolute power corrupts absolutely. HB 2348 gives the Secretary of Revenue absolute power. It is against the principles of separation of power of our Federal and State Constitutions, and I ask that this House rejects this measure so we can keep the current system, which has appropriate checks and balances. If we need to improve efficiencies in that system, we should be doing that in a bipartisan way but not doing it at the expense of our system of governance, which hinges on separation of powers and checks and balances.

Mr. Speaker, thank you for your time, and I ask for this body to reject HB 2348.

The SPEAKER pro tempore. The Chair thanks the gentleman and, on the question of final passage, recognizes for the second time the gentlady from Luzerne County, Representative Mundy. The gentlady indicates that she is waiving off.

The Chair recognizes, for the second time, the gentleman from Allegheny County, Representative Preston.

Mr. PRESTON. Thank you, Mr. Speaker.

Will the gentleman stand for interrogation, the maker of the bill?

The SPEAKER pro tempore. The maker indicates that he will receive interrogation. You may proceed.

Mr. PRESTON. I will ask one question and make it as brief as I can.

I do understand what the qualifications and the functions of IRS revenue agents are, and I understand in the Department of Revenue what the qualifications are for the people who are

doing that job. The person that you say is the Secretary of Revenue, and our Secretary of Revenue is a very well-qualified individual, but could you tell me, under your legislation, what would be the qualifications for the Secretary of Revenue as compared to a judge or the IRS agents? Are there any qualifications for this person to make a decision on this?

Mr. MILNE. Mr. Speaker, the Secretary of the Department of Revenue, whether it is the current holder of the office or future such incumbents, is going to be an individual that is well-qualified in their fields, whether it be finance, taxation, business management. I believe they will have the intellectual aptitude to look at the facts and circumstances of the case, which will help them, in part, render a decision.

Secondly, as we all know, many of the State departments – government agencies, departments, divisions – are staffed by individuals who serve their career working in those particular departments and are some of the best experts in their fields for the various respective policy areas. So the department's Secretary will have much expertise in-house to be able to help guide his decisionmaking.

And thirdly, like any leader of any organization, the Secretary is certainly within the limits of confidentiality, certainly free to consult expertise and seek other guidance as necessary to help render a decision. And I believe, whether it is this incumbent or future Secretaries of either party and of any administration, they will be making good, professional judgments on a sound legal and financial basis.

Thank you, Mr. Speaker.

Mr. PRESTON. On the bill.

The SPEAKER pro tempore. The gentleman is in order and may proceed.

Mr. PRESTON. This is what I am talking about. We have adjudicative processes that are actually involved. But the title of any of our Secretaries – in this case, the Secretary of Revenue – there are no standards of personality, character, education, background, qualifications as compared to the agents that compile the information or any other type of quasi-judiciary type of situation where people must have certain minimum qualifications. There is nothing in here, with all due respect, that says the person even has to have the ability to read, write, or even effectively speak, to communicate, to have administrative skills, to run a business or financial areas. There are no qualifications for this at all, but yet in a sense here in Pennsylvania, we are going to make this decision that nobody else in all 49 other States is willing to do.

I have very strong reservations about that. I am not saying that this Governor does not make good skills, and he has appointed good, quality people, because I have met the current Secretary – a good individual. But history is important here. If it has not been done before, why are we setting precedent now to make this happen today and nobody else in all of the United States is willing to do it?

I still think this is not a bill we need to hunt for. Thank you.

The SPEAKER pro tempore. Are there any other members seeking recognition before the prime sponsor of the bill speaks for the second time?

The gentleman from Chester County, Representative Milne, you may proceed for the second time on final passage.

Mr. MILNE. Thank you, Mr. Speaker.

I would reinforce to the members that the idea of this legislation is to try to help deal with what can be an overwhelming volume of tax appeals and petitions that are filed

on an annual basis here in the Commonwealth of Pennsylvania. Yesterday I referenced it is approximately 24,000 petitions of appeal that go to the board of Revenue. There are about 1,000 cases that go to Commonwealth Court. Many of these cases, one example being proffered by the gentleman from Bucks County shows you the frustration and difficulty in trying to work through the backlog and how unfair that can be to the taxpayers of Pennsylvania.

This is certainly not about anybody trying to get out of paying taxes. This is about people trying to get a fair assessment of what their taxes should be and have it done in a timely fashion. A timely fashion is fair both to the taxpayer but also to the State and to the government that we all represent.

I happen to believe that this is an example where Pennsylvania can once again be a leader among nations. To me, that is a credit that no other State has yet begun to put in this new methodology. We have a chance to show an innovative path forward for trying to deal with tax assessments and tax appeals. And we do not have to follow other States; we can lead other States.

I would also note that if this is creating a tax czar, then by analogy we are saying that every IRS agent is a tax czar. This is not about creating a tax czar. The average IRS agent is empowered to work out compromises and make settlements in many, many instances, and that is purposefully so the appeal of the taxpayer or the problem of the taxpayer can be resolved expeditiously and efficiently, and this is just trying to extend that same kind of spirit and approach of trying to get tax appeals done quickly and fairly for all concerned.

I would note that none of this is to be thrust upon the taxpayer. It has been noted about whether the Secretary of the Department of Revenue would have undue power here. No taxpayer has to go through this part of the process. This is if the taxpayer voluntarily wants to go to this step in the process. The legislation does not take away any of the normal existing paths of appeal. They are already in place.

It does not abrogate the ability to go to Commonwealth Court. Even if a compromise is reached via the Secretary of the Department of Revenue, even at that point the taxpayer can still go to Commonwealth Court if they believe an unjust decision has been reached or a decision that was not handled as they would like to have seen the process played out.

If there are concerns about whistleblowing protection, if there are concerns about the ability to render complaints, that is maybe a fair observation about whistleblowing and protection writ large in this State, and those are pieces of legislation that writ large can be handled for the whistleblower laws that already exist in the State if there is an interest in trying to extend and enhance whistleblower protection laws that we have here in Pennsylvania already, not just for this matter but for all matters, generally speaking.

I would most primarily note that there is much in the way of checks and balances that are embedded in this legislation in the sense that we who are sitting here in this chamber, we are part of that process. Before this law goes fully into effect, regulations do have to be promulgated. Those regulations in part will certainly speak to what exactly the parameters of power are of the Secretary of the Department of Revenue, not just this Secretary but any Secretary, because I am certainly sensitive to the idea that the current incumbent obviously will not be in office in perpetuity, and we need to establish good rules of order for future Secretaries. I believe the parameters of the regulations

will cover the scope of power of the Secretary – the kind of appeal process that must be followed, time limits, other scrutiny, other checks that must receive sign-off before a compromise can be entered into.

All of us in this room as well as members of the general public, we have a right to comment on the regulations when they are promulgated. We have the right to be part of the public appeal process, the public comment process. As everyone here knows, it is very common for regulations to be noticed to our respective committees so committee members can be aware that regulations in an area of our jurisdiction have been promulgated and give individual members of the House the opportunity to comment.

And going forward, all of us as members of the House of Representatives, and in particular the Finance and Appropriations Committees, in perpetuity, we have the duty and the responsibility to serve that check-and-balance role that has been raised a number of times in this debate. And it is certainly a very important part of the process. I would be the first to concur that checks and balances must take place, and they will take place as long as those of us on the legislative side of State government continue our fiduciary responsibility on behalf of the taxpayers of Pennsylvania to provide oversight of the executive side, as we all do, and in particular as the Appropriations and the Finance Committees particularly have that under their portfolio to monitor this particular set of regulations, this particular law, and certainly the behavior and decisions and conduct of the Secretary of the Department of Revenue, not just this Secretary but all Secretaries for the next 200-plus years that the Commonwealth of Pennsylvania continues to exist.

So I have confidence that we are making a decision that is best for the taxpayers of Pennsylvania. It is best for the State of Pennsylvania. This is about making Pennsylvania a friendly place for taxpayers, and I believe that we are going to be able to handle our duties and responsibilities just fine as a State government.

So on the basis of all of that, I would certainly appreciate the concurrence of the members of the House of Representatives on HB 2348. Thank you very much.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question of final passage, those in favor shall vote "aye"— Oops; pardon me. The clerk will strike the vote.

For what purpose does the gentlelady from Luzerne County seek recognition?

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

The SPEAKER pro tempore. I am sorry?

Ms. MUNDY. To correct the record of what the gentleman just said. I would like to speak on the bill.

The SPEAKER pro tempore. If the lady would suspend.

The Chair has made it a habit of extending a courtesy to whomever offers an amendment or a bill of having the final word, and the Chair solicited— You are certainly, you are certainly going to be in order, but I would suggest that the courtesy which has been regularly extended to your side of the aisle should also attach to the other side of the aisle. And if you are seeking to correct the record, we correct the record typically after voting session. But you were in your right to be recognized. I would just ask members to please be considerate of one another on these sorts of questions.

You may proceed.

Ms. MUNDY. Mr. Speaker, I would not have risen if the gentleman was stating the facts. But on page 8 of the bill, lines 16 and 17, it says, "THE DEPARTMENT SHALL PROMULGATE GUIDELINES FOR THE APPROVAL OF COMPROMISES IN COMMONWEALTH TAX MATTERS." Guidelines are not regulations. They are not subject to regulatory process. They are not subject to oversight by the House Finance Committee or the Appropriations Committee or any other committee, and that is the problem. There is no oversight. These settlements will be made in secret with nobody watching and no oversight. That is the problem with the bill. That is my only problem with the bill.

Thank you, Mr. Speaker.

On the question recurring,
Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—102

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

NAYS—94

Barbin	DeLuca	Kotik	Ravenstahl
Bishop	DePasquale	Krieger	Readshaw
Boyle, B.	Dermody	Kula	Reese
Boyle, K.	Donatucci	Longietti	Roebuck
Bradford	Evans, D.	Mahoney	Sabatina
Brennan	Fabrizio	Mann	Sainato
Briggs	Frankel	Markosek	Samuelson
Brown, V.	Freeman	Masser	Santarsiero
Brownlee	Galloway	Matzie	Santoni
Burns	George	McGeehan	Schmotzer
Buxton	Gerber	Mirabito	Smith, K.
Carroll	Gergely	Mullery	Smith, M.
Cohen	Gibbons	Mundy	Staback
Conklin	Goodman	Murphy	Sturla
Costa, D.	Haluska	Myers	Thomas
Costa, P.	Hanna	Neilson	Truitt
Cruz	Harhai	Neuman	Vitali
Curry	Harkins	O'Brien, M.	Waters
Daley	Hornaman	Parker	Watson

Davidson	James	Pashinski	Wheatley
Davis	Josephs	Payton	White
Dean	Kavulich	Petrarca	Williams
Deasy	Keller, W.	Quinn	Youngblood
DeLissio	Kortz		

NOT VOTING—3

Metzgar	Oberlander	Preston
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EXCUSED—2

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

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

**ANNOUNCEMENT BY
SPEAKER PRO TEMPORE**

The SPEAKER pro tempore. For the information of the members, the House will convene tomorrow at 9:30 in the morning.

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

HB 386, PN 3859 (Amended) By Rep. BENNINGHOFF

An Act providing for a tax credit program to support community-based mental retardation services in this Commonwealth.

FINANCE.

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

HB 1776, PN 3369 By Rep. BENNINGHOFF

An Act providing for tax levies and information related to taxes; authorizing the imposition of a personal income tax or an earned income tax by a school district subject to voter approval; providing for imposition of and exclusions from a sales and use tax for the stabilization of education funding; establishing the Public Transportation Reserve Fund; providing for increase to the personal income tax, for certain licenses, for hotel occupancy tax, for procedure and administration of the tax, for expiration of authority to issue certain debt and for reporting by local government units of debt outstanding; establishing the Education Stabilization Fund; providing for disbursements from this fund and for certain rebates and assistance to senior citizens; and repealing certain provisions of The Local Tax Enabling Act, sales and use tax provisions of the Tax Reform Code of 1971 and provisions relating to senior citizens property tax and rent rebate assistance in the Taxpayer Relief Act.

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

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

For the information of the members, there will be no further votes.

VOTE CORRECTIONS

The SPEAKER pro tempore. For what purpose does the gentelady, Representative Oberlander, seek recognition?

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

On HB 2348 I was not recorded and would like to be recorded in the positive, please. Thank you.

The SPEAKER pro tempore. Let the record show that the lady's switch was not functioning and she should be recorded in the affirmative.

For what purpose does the gentleman from Allegheny, Representative Preston, seek recognition?

Mr. PRESTON. Thank you, Mr. Speaker.

On HB 2348 my button malfunctioned. I was not recorded. I would like to be recorded in the negative.

The SPEAKER pro tempore. The remarks of the gentleman and the malfunction will be spread upon the record.

Are there any other corrections of the record?

REMARKS SUBMITTED FOR THE RECORD

The SPEAKER pro tempore. For what purpose does the gentleman from Dauphin County, Mr. Marsico, seek recognition?

Mr. MARSICO. Mr. Speaker, I would like to submit remarks for the record on SB 351 that was passed yesterday.

The SPEAKER pro tempore. The Chair thanks the gentleman. You may submit those to the clerk for the record.

Mr. MARSICO. Thank you, Mr. Speaker.

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

Mr. Speaker, SB 351 is commonsense legislation that does two important things to protect those good samaritans among us who come to the aid of complete strangers in an emergency.

First, by protecting bystanders from civil lawsuits when those bystanders simply try to help another person in an emergency, this bill helps make Pennsylvania safer. It is an unfortunate truth that a fear of being sued can make a person afraid to intervene to help a stranger in an emergency. Now with this bill, there is no reason for a person ever to hesitate before helping someone who was injured in an accident.

Second, by encouraging the installation of automated external defibrillators, that lifesaving technology will be available to more Pennsylvanians at the moment they need it most. According to the American Heart Association, nearly 300,000 out-of-hospital heart attacks occur annually nationwide. Immediate bystander use of an automated external defibrillator can triple a victim's chance of survival in that situation.

Mr. Speaker, SB 351, as amended in the House Judiciary Committee, makes Pennsylvania safer. I urge you to support this bill.

The SPEAKER pro tempore. Any announcements?

BILLS RECOMMITTED

The SPEAKER pro tempore. The Chair recognizes the majority leader, who moves that the following bills be recommitted to the Committee on Appropriations:

HB 1643;
 HB 1980;
 HB 2368;
 HB 2369;
 HB 2370; and
 SB 1115.

On the question,
 Will the House agree to the motion?
 Motion was agreed to.

BILLS REMOVED FROM TABLE

The SPEAKER pro tempore. The Chair recognizes the majority leader, who moves that the following bills be removed from the tabled calendar and placed on the active calendar:

SB 1147;
 SB 1465;
 SB 1480;
 SB 1535;
 SB 1546; and
 SB 1551.

On the question,
 Will the House agree to the motion?
 Motion was agreed to.

BILL REMOVED FROM TABLE

The SPEAKER pro tempore. The Chair recognizes the majority leader, who moves that SB 1133 be removed from the tabled calendar and placed on the active calendar.

On the question,
 Will the House agree to the motion?
 Motion was agreed to.

BILL TABLED

The SPEAKER pro tempore. The Chair recognizes the majority leader, who moves that SB 1133 be removed from the active calendar and placed on the tabled calendar.

On the question,
 Will the House agree to the motion?
 Motion was agreed to.

CALENDAR CONTINUED

BILL ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 1972, PN 2965**, entitled:

An Act amending Title 12 (Commerce and Trade) of the Pennsylvania Consolidated Statutes, providing for a research and development tax credit; and making related repeals.

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

BILL TABLED

The SPEAKER pro tempore. The Chair recognizes the majority leader, who moves that HB 1972 be removed from the active calendar and placed on the tabled calendar.

On the question,
 Will the House agree to the motion?
 Motion was agreed to.

BILL REMOVED FROM TABLE

The SPEAKER pro tempore. The Chair recognizes the majority leader, who moves that HB 1972 be removed from the tabled calendar and placed on the active calendar.

On the question,
 Will the House agree to the motion?
 Motion was agreed to.

BILLS AND RESOLUTIONS PASSED OVER

The SPEAKER pro tempore. Without objection, all remaining bills and resolutions on today's calendar will be passed over. The Chair hears no objection.

ADJOURNMENT

The SPEAKER pro tempore. The Chair recognizes the gentleman, Representative Emrick, from Northampton County, who moves that this House do now adjourn until tomorrow, Thursday, June 28, 2012, at 9:30 a.m., e.d.t., unless sooner recalled by the Speaker.

On the question,
 Will the House agree to the motion?
 Motion was agreed to, and at 8:06 p.m., e.d.t., the House adjourned.