

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

TUESDAY, APRIL 16, 2013

SESSION OF 2013

197TH OF THE GENERAL ASSEMBLY

No. 25

HOUSE OF REPRESENTATIVES

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

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

PRAYER

HON. MICHAEL K. HANNA, member of the House of Representatives, offered the following prayer:

Generous God, You provide for the lilies of the field and the birds of the air and You promise to take care of us even when our faith is small. Bless us as we examine the use of Your gifts and seek to use them fairly, honestly, and prudently to better our Commonwealth and meet the needs of our citizens.

During this time of deliberation, as we estimate our needs and allocate our resources, may we remember that we are doing Your work, not our own. We pray for Your guidance to help those struggling across Pennsylvania, and especially for those suffering in Boston today as our nation mourns yet another senseless act of violence.

Lord, may we see this session day as a way of serving You. May all that we do today be for Your honor and glory. In Your name we pray. Amen.

PLEDGE OF ALLEGIANCE

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

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, the approval of the Journal of Monday, April 15, 2013, will be postponed until printed.

The House will come to order.

BILLS REPORTED FROM COMMITTEES, CONSIDERED FIRST TIME, AND TABLED

HB 484, PN 507 By Rep. SCAVELLO

An Act amending the act of November 10, 1999 (P.L.491, No.45), known as the Pennsylvania Construction Code Act, further providing for applicability of act to swimming pools and spas.

LABOR AND INDUSTRY.

HB 665, PN 1495 (Amended) By Rep. SCAVELLO

An Act amending the act of August 15, 1961 (P.L.987, No.442), known as the Pennsylvania Prevailing Wage Act, further providing for definitions; further providing for specifications; and providing for protection of workmen.

LABOR AND INDUSTRY.

HB 796, PN 1496 (Amended) By Rep. SCAVELLO

An Act amending the act of August 15, 1961 (P.L.987, No.442), known as the Pennsylvania Prevailing Wage Act, raising the threshold for applicability; further providing for specifications; and providing for protection of workmen.

LABOR AND INDUSTRY.

HB 798, PN 1493 (Amended) By Rep. CAUSER

An Act amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, further providing for organization of commission.

GAME AND FISHERIES.

HB 828, PN 1494 (Amended) By Rep. CAUSER

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for organization of commission.

GAME AND FISHERIES.

HB 891, PN 1032 By Rep. CAUSER

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for permitted acts.

GAME AND FISHERIES.

HB 1130, PN 1497 (Amended) By Rep. SCAVELLO

An Act relating to, in labor and employment settings, the protection of user names, passwords or other means necessary to access a private or personal social media account, service or Internet website.

LABOR AND INDUSTRY.

SB 623, PN 929 (Amended) By Rep. CAUSER

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, in hunting and furtaking licenses, further providing for license requirements and for unlawful acts concerning licenses.

GAME AND FISHERIES.

HOUSE RESOLUTIONS INTRODUCED AND REFERRED

No. 249 By Representatives SWANGER, BAKER, BARRAR, CLYMER, KAUFFMAN, MILLARD, MOUL, READSHAW, TALLMAN and TOOHL

A Resolution supporting continued and increased development and delivery of oil derived from North American oil reserves to American refineries and urging the President and Congress of the United States to support the continued and increased production and use of American natural gas.

Referred to Committee on STATE GOVERNMENT, April 16, 2013.

No. 250 By Representatives METZGAR, BARRAR, TURZAI, AUMENT, BAKER, BOBACK, BURNS, CALTAGIRONE, COHEN, FLECK, FLYNN, GIBBONS, GOODMAN, KAUFFMAN, KOTIK, McGEEHAN, PAINTER, SAYLOR, VEREB, C. HARRIS, MAJOR, PICKETT, KORTZ, HARHAI, SANKEY, MAHONEY, MARSHALL, MILLER, SWANGER, QUINN, CUTLER and MIRABITO

A Resolution encouraging the United States Navy to commission the USS Somerset in Philadelphia, Pennsylvania, where space is readily available for the commissioning and accompanying ceremony.

Referred to Committee on STATE GOVERNMENT, April 16, 2013.

HOUSE BILLS INTRODUCED AND REFERRED

No. 1197 By Representatives OBERLANDER, AUMENT, BARRAR, BLOOM, BROOKS, CAUSER, CHRISTIANA, CUTLER, DENLINGER, DUNBAR, GABLER, GILLEN, GREINER, GROVE, C. HARRIS, JAMES, KAUFFMAN, LAWRENCE, MILNE, MOUL, MUNDY, REESE, ROAE, SANKEY, SAYLOR, SIMMONS, SONNEY, STEVENSON, SWANGER, TOEPEL, TOOHL, TRUITT, VEREB, METCALFE and EVERETT

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, establishing the Bureau of Toll Administration within the Department of Transportation; providing for the assumption by the Department of Transportation of the functions of the Pennsylvania Turnpike Commission, for assumption by the Commonwealth of the financing functions of the commission, for transfer to the Department of Transportation and State Treasurer of land, buildings, personal property and employees of the commission, for the abolition of the commission and the offices of Turnpike Commissioner; and making an inconsistent repeal of various acts relating to the Pennsylvania Turnpike.

Referred to Committee on TRANSPORTATION, April 16, 2013.

No. 1198 By Representatives SWANGER, COHEN, GINGRICH and C. HARRIS

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for unlawful devices and methods.

Referred to Committee on GAME AND FISHERIES, April 16, 2013.

No. 1199 By Representatives SWANGER, HEFFLEY, AUMENT, BARRAR, BLOOM, CAUSER, CUTLER, DUNBAR, GILLEN, GRELL, C. HARRIS, KAUFFMAN, M. K. KELLER, MAJOR, MASSER, OBERLANDER, ROCK, TALLMAN, WATSON, EVERETT and PETRI

An Act amending the act of August 9, 1955 (P.L.323, No.130), known as The County Code, further providing for applicability and for the abolishment of the office of jury commissioner.

Referred to Committee on LOCAL GOVERNMENT, April 16, 2013.

No. 1200 By Representatives STURLA, D. COSTA, CALTAGIRONE, KORTZ, SIMS, COHEN and KINSEY

An Act amending the act of December 19, 1974 (P.L.973, No.319), known as the Pennsylvania Farmland and Forest Land Assessment Act of 1974, further providing for applications for preferential assessments.

Referred to Committee on AGRICULTURE AND RURAL AFFAIRS, April 16, 2013.

No. 1201 By Representatives BARBIN, KOTIK, McGEEHAN, PASHINSKI, ROZZI, O'BRIEN, MOUL, PAINTER, MILLARD, FRANKEL, DeLUCA, MILLER, KORTZ, SCHLOSSBERG, CALTAGIRONE and CARROLL

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in post-trial matters, further providing for report by district attorney.

Referred to Committee on JUDICIARY, April 16, 2013.

No. 1202 By Representatives REGAN, ROZZI, KORTZ, STEPHENS, BOBACK, TOEPEL, M. K. KELLER, HAGGERTY, SAYLOR, KNOWLES, MILLARD, HICKERNELL, MILLER, KAUFFMAN, C. HARRIS, D. COSTA, GINGRICH, GOODMAN, TOOHL, MARSICO, MOUL, ROCK, QUINN and VEREB

An Act amending Title 75 of the Pennsylvania Consolidated Statutes, further providing for fleeing or attempting to elude police officer.

Referred to Committee on TRANSPORTATION, April 16, 2013.

No. 1203 By Representatives MOUL, O'NEILL, KILLION, BARRAR, PICKETT, READSHAW, P. DALEY, M. K. KELLER, DUNBAR, MILLER, KAUFFMAN, D. COSTA, GINGRICH, GOODMAN, KIRKLAND, TOOHL, MICOZZIE, KORTZ, CALTAGIRONE, ROCK, EVERETT and QUINN

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 firefighter and emergency service training.

Referred to Committee on EDUCATION, April 16, 2013.

No. 1204 By Representatives GRELL, M. K. KELLER, PICKETT, DUNBAR, MILLARD, CARROLL, MILLER, CALTAGIRONE, C. HARRIS, CUTLER, GINGRICH, COHEN, MOUL, GROVE and ROCK

An Act amending Title 24 (Education) of the Pennsylvania Consolidated Statutes, providing for rights and duties of school employees and members.

Referred to Committee on EDUCATION, April 16, 2013.

No. 1205 By Representatives BARRAR, SAINATO, KORTZ, V. BROWN, CALTAGIRONE, COHEN, HARHART, HARKINS, C. HARRIS, MURT, READSHAW and SACCONI

An Act amending the act of August 26, 1971 (P.L.351, No.91), known as the State Lottery Law, further providing for statement of purpose, for powers and duties of secretary and for disposition of funds; and providing for instant lottery game to benefit veterans.

Referred to Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, April 16, 2013.

No. 1206 By Representatives KAUFFMAN, METCALFE, SWANGER, BARRAR, MILLARD, KNOWLES, BLOOM, AUMENT, TALLMAN, CUTLER, MALONEY, ROCK, RAPP, C. HARRIS, CLYMER, HEFFLEY, MILLER, GINGRICH, STEVENSON, MOUL and GROVE

An Act prohibiting the Commonwealth and local government units from taking certain actions relating to implementation of Agenda 21 that infringe upon or restrict private property rights.

Referred to Committee on LOCAL GOVERNMENT, April 16, 2013.

No. 1207 By Representatives CHRISTIANA, EMRICK, PICKETT, MILLARD, MICOZZIE, B. BOYLE, KAUFFMAN, KILLION, AUMENT, DUNBAR, READSHAW, ROCK, C. HARRIS, VEREB, SWANGER, GINGRICH, PETRI and BLOOM

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 limitations.

Referred to Committee on EDUCATION, April 16, 2013.

No. 1208 By Representatives MACKENZIE, AUMENT, BAKER, BARRAR, BISHOP, BLOOM, BOBACK, K. BOYLE, R. BROWN, V. BROWN, CALTAGIRONE, CAUSER, CHRISTIANA, SCHLEGEL CULVER, CUTLER, DAVIS, DENLINGER, ELLIS, EMRICK, EVANKOVICH, EVERETT, FARRY, FLECK, GABLER, GILLEN, GINGRICH, GODSHALL, GRELL, GROVE, HAGGERTY, HAHN, C. HARRIS, HEFFLEY, HESS, KAUFFMAN, F. KELLER, KNOWLES, KORTZ, KRIEGER, LAWRENCE, MALONEY, MARSHALL, MARSICO, MASSER, MATZIE, McGEEHAN, METZGAR, MILLARD, MILNE, MOUL, NEILSON, O'NEILL, OBERLANDER, PEIFER, PICKETT, QUINN, READSHAW, REESE, REGAN, ROAE, ROCK, ROSS, SANKEY, SAYLOR, SCAVELLO, SIMMONS,

STEPHENS, STERN, STEVENSON, SWANGER, TALLMAN, TOBASH, TOEPEL, TOOHIL, TRUITT, TURZAI, WATSON and DUNBAR

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

Referred to Committee on FINANCE, April 16, 2013.

No. 1209 By Representatives HARKINS, CALTAGIRONE, KOTIK, FABRIZIO, McGEEHAN, SONNEY, COHEN, W. KELLER, CARROLL, NEILSON, PARKER, HARHAI, GOODMAN, KAVULICH, READSHAW, O'BRIEN, B. BOYLE, SABATINA, NEUMAN, K. BOYLE, DONATUCCI, P. COSTA, WHITE, SNYDER, WATERS, GALLOWAY and FLYNN

An Act amending the act of November 10, 1999 (P.L.491, No.45), known as the Pennsylvania Construction Code Act, further providing for definitions, for Uniform Construction Code Review and Advisory Council and for revised or successor codes.

Referred to Committee on LABOR AND INDUSTRY, April 16, 2013.

SENATE BILL FOR CONCURRENCE

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

SB 196, PN 716

Referred to Committee on ENVIRONMENTAL RESOURCES AND ENERGY, April 16, 2013.

SENATE MESSAGE

RECESS RESOLUTION FOR CONCURRENCE

The clerk of the Senate, being introduced, presented the following extract from the Journal of the Senate, which was read as follows:

In the Senate,
April 15, 2013

RESOLVED, (the House of Representatives concurring), Pursuant to Article II, Section 14 of the Pennsylvania Constitution, that when the Senate recesses this week, it reconvene on Monday, April 29, 2013, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, Pursuant to Article II, Section 14 of the Pennsylvania Constitution, that when the Senate recesses the week of April 29, 2013, it reconvene on Monday, May 6, 2013, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, Pursuant to Article II, Section 14 of the Pennsylvania Constitution, that when the House of Representatives recesses this week, it reconvene on Monday, April 22, 2013, unless sooner recalled by the Speaker of the House of Representatives; and be it further

RESOLVED, Pursuant to Article II, Section 14 of the Pennsylvania Constitution, that when the House of Representatives recesses the week of April 22, 2013, it reconvene on Monday, May 6, 2013, unless sooner recalled by the Speaker of the House of Representatives.

Ordered, That the clerk present the same to the House of Representatives for its concurrence.

On the question,
Will the House concur in the resolution of the Senate?
Resolution was concurred in.
Ordered, That the clerk inform the Senate accordingly.

LEAVES OF ABSENCE

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

The minority whip indicates there are no requests for leaves of absence at the moment.

MASTER ROLL CALL

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

The following roll call was recorded:

PRESENT—198

Adolph	Emrick	Kinsey	Petrarca
Aument	English	Kirkland	Petri
Baker	Evankovich	Knowles	Pickett
Barbin	Evans	Kortz	Pyle
Barrar	Fabrizio	Kotik	Quinn
Benninghoff	Farina	Krieger	Rapp
Bishop	Farry	Kula	Ravenstahl
Bizzarro	Fee	Lawrence	Readshaw
Bloom	Fleck	Longiotti	Reed
Boback	Flynn	Lucas	Reese
Boyle, B.	Frankel	Mackenzie	Regan
Boyle, K.	Freeman	Maher	Roae
Bradford	Gabler	Mahoney	Rock
Briggs	Gainey	Major	Roebuck
Brooks	Galloway	Maloney	Ross
Brown, R.	Gergely	Markosek	Rozzi
Brown, V.	Gibbons	Marshall	Sabatina
Brownlee	Gillen	Masser	Saccone
Burns	Gillespie	Matzie	Sainato
Caltagirone	Gingrich	McCarter	Samuelson
Carroll	Godshall	McGeehan	Sankey
Causar	Goodman	McGinnis	Santarsiero
Christiana	Greiner	McNeill	Saylor
Clay	Grell	Mentzer	Scavello
Clymer	Grove	Metcalfe	Schlossberg
Cohen	Hackett	Metzgar	Simmons
Conklin	Haggerty	Miccarelli	Sims
Corbin	Hahn	Micozzie	Smith
Costa, D.	Haluska	Millard	Snyder
Costa, P.	Hanna	Miller	Sonney
Cox	Harhai	Milne	Stephens
Cruz	Harhart	Mirabito	Stern
Culver	Harkins	Miranda	Stevenson
Cutler	Harper	Molchany	Sturla
Daley, M.	Harris, A.	Moul	Swanger
Daley, P.	Harris, J.	Mullery	Tallman
Davidson	Heffley	Mundy	Taylor
Davis	Helm	Murt	Thomas
Day	Hennessey	Mustio	Tobash
Dean	Hess	Neilson	Toepel

Deasy	Hickernell	Neuman	Toohil
DeLissio	James	O'Brien	Truitt
Delozier	Kampf	O'Neill	Turzai
DeLuca	Kauffman	Oberlander	Vitali
Denlinger	Kavulich	Painter	Waters
Dermody	Keller, F.	Parker	Watson
DiGirolamo	Keller, M.K.	Pashinski	Wheatley
Donatucci	Keller, W.	Payne	White
Dunbar	Killion	Peifer	Youngblood
Ellis	Kim		

ADDITIONS—0

NOT VOTING—0

EXCUSED—3

Everett	Marsico	Vereb
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LEAVES ADDED—4

Bishop	Evans	Sturla	Wheatley
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LEAVES CANCELED—2

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

If I could have the members' attention. I would appreciate you holding the conversations down. If necessary, take them to the rear of the House. I would like to introduce some of the guests that are with us today. I would appreciate the members holding the conversations down.

GUESTS INTRODUCED

The SPEAKER. Located in the rear of the House and in the gallery, we would like to welcome administrators, faculty, and students representing the 14 State System of Higher Education universities across the Commonwealth. They are in Harrisburg for the State System's Advocacy Day, and while we probably all have guests here related to this group, they are officially the guests of Representative Baker and Representative Hanna. Will our guests please rise, from the State System. Welcome to the hall of the House.

Also located in the gallery, we would like to welcome students from the Philadelphia Catholic Forensics League. The students attend St. Ephrem School, St. Joseph the Protector School, and Waldron Mercy Academy, and they are here today as guests of Representative DiGirolamo, Representative Dean, and Representative Mary Jo Daley. Will our guests please rise, up in the gallery. Welcome to the hall of the House.

Also in the gallery, we would like to welcome a number of students who attend the Scranton School for Deaf and Hard of Hearing Children. They are here with their teachers to meet their legislators and to witness the legislative process. They are the guests of Representative Rosemary Brown, Representative Flynn, Representative Mundy, Representative Pashinski, Representative Petri, Representative Scavello, Representative Tallman, and Representative Toohil. Will our guests in the gallery from Scranton please rise. Welcome to the hall of the House.

Located to the left of the rostrum, I would like to welcome two officers of the Grand Lodge of Free and Accepted Masons of Pennsylvania: Right Worshipful Grand Master Jay Smith and Deputy Grand Master Robert Bateman. They are here today as guests of Representative Payne and Representative Readshaw and the Masonic Caucus. Will our guests please rise. Welcome to the hall of the House.

Also located to the left of the rostrum and guests of Representative Quinn, we would like to welcome Virginia Lindler, Catherine Coccagna, Caitlin Whelan, Tracy Tillger, and Lizzie Tillger. Welcome to the hall of the House.

Located in the rear of the House, we would like to welcome the Prime Time Senior Citizen Group of Calvary Bible Fellowship in Coopersburg. They are the guests of Representative Simmons. Will our guests please rise. Welcome to the hall of the House.

Also in the rear of the House, as guests of Representative Milne, I would like to welcome seventh and eighth grade students from Church Farm School. Will our guests please rise.

Also in the rear of the House, we would like to welcome the Bucktail Youth Leadership Group from Lock Haven, and they are here to learn about State government and are the guests of Representative Hanna. Will those guests please rise. They are right back in the center. Welcome to the hall of the House.

Also, in the well of the House, we would like to welcome guest page Michael Perry, who is a guest of Representative Swanger. Welcome to the hall of the House.

And additionally, as guests of Representative Delozier, we have guest pages Sarah Strausser and Brian Peters, and they attend Bible Baptist School. Welcome to the hall of the House.

UNCONTESTED CALENDAR

RESOLUTIONS PURSUANT TO RULE 35

Mr. PAYNE called up **HR 155, PN 1162**, entitled:

A Resolution commemorating the 282nd anniversary of the establishment of the Grand Lodge of Free and Accepted Masons of Pennsylvania.

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Ms. QUINN called up **HR 167, PN 1195**, entitled:

A Resolution honoring BAYADA Home Health Care for 38 years of providing in-home care.

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Mr. BAKER called up **HR 237, PN 1460**, entitled:

A Resolution designating April 16, 2013, as "World Voice Day" in Pennsylvania.

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Mr. CALTAGIRONE called up **HR 242, PN 1464**, entitled:

A Resolution recognizing dwarfism.

On the question,
Will the House adopt the resolutions?

The following roll call was recorded:

YEAS—198

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

NAYS—0

NOT VOTING—0

EXCUSED—3

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

STATEMENT BY MR. PAYNE

The SPEAKER. The Speaker recognizes the gentleman from Dauphin County, Mr. Payne, under unanimous consent relative to one of the resolutions just adopted.

The gentleman, Mr. Payne, is in order and may proceed.

Mr. PAYNE. Thank you, Mr. Speaker.

Mr. Speaker, on behalf of the Masonic Caucus, I wanted to thank all the members of the House for voting for HR 155. It honors the 282d anniversary of the Grand Lodge in Philadelphia. On behalf of all the charitable work they do, I want to congratulate both the Grand Lodge and all the members and thank the Speaker for the support of HR 155.

The SPEAKER. The Speaker thanks the gentleman.

STATEMENT BY MS. QUINN

The SPEAKER. The Speaker recognizes the lady from Bucks County, Ms. Quinn, under unanimous consent relative to one of the resolutions just adopted.

Ms. QUINN. Thank you, Mr. Speaker.

And, colleagues, I would like to thank all of you for the warm welcome that you have given to BAYADA Home Health Care nurses and employees today, as you have seen them throughout the Capitol dressed in red.

BAYADA Home Health Care was founded in 1975 in Philadelphia by Mark Baiada. The company assists by providing nursing, rehabilitative, therapeutic, hospice, and assistive care, personal care services in the home. BAYADA is unique in their commitment to culture driven by its core values of compassion, excellency, and reliability. Mr. Speaker, they serve more than 20,000 clients in the Commonwealth. They employ over 10,000 of our constituents, and I appreciate the support in your vote for that resolution.

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

The House will come to order.

CALENDAR**RESOLUTIONS PURSUANT TO RULE 35**

Ms. BOBACK called up **HR 217, PN 1364**, entitled:

A Resolution honoring the legacy of Hannah Callowhill Penn, the first woman who governed Pennsylvania.

On the question,
Will the House adopt the resolution?

The SPEAKER. On that question, the Speaker recognizes the lady from Luzerne County, Ms. Boback.

Ms. BOBACK. Thank you, Mr. Speaker.

I would like to know how many in here knew that Pennsylvania has the distinct honor to claim the first woman to govern what became the Commonwealth and ultimately our great State called Pennsylvania? This resolution honors the legacy of this woman, Hannah Callowhill Penn.

William Penn, founder of the Province of Pennsylvania, married Hannah Callowhill Penn in 16—

The SPEAKER. Will the lady suspend. I apologize. Will the lady suspend just a minute.

I would appreciate if the members could just hold the conversations down a little bit. It is really noisy in here. Just kind of tone them down a couple of degrees. I appreciate it very much. Thank you.

I apologize. The lady may proceed.

Ms. BOBACK. Thank you, Mr. Speaker.

William Penn, founder of the Province of Pennsylvania, married Hannah Callowhill Penn in 1696. When William Penn became incapacitated by a stroke in 1712, Hannah Callowhill Penn governed the Province of Pennsylvania in his name and handled all of his financial and legal affairs for the next 6 years until his death in 1718. At the time of William Penn's death, the colony was in financial debt. Hannah Penn, through her strong leadership and fiscal management, was successful in restoring financial stability before her death in 1726.

As a result of her actions, Hannah Penn shall not only be remembered as the first woman who governed what became a colony and later became the great State named "Pennsylvania," but also the first woman to govern in what would become the United States of America.

My hope is that you will endorse this resolution honoring the great Hannah Penn. Thank you.

The SPEAKER. The Speaker recognizes the lady from Delaware County, Mrs. Davidson, under unanimous consent on the resolution. The lady is in order.

Mrs. DAVIDSON. Thank you, Mr. Speaker.

I join my colleague, the lady from the other side of the aisle and leader of the Republican Ladies of the House Caucus. As the Ladies of the House Caucus leader for the Democratic side of the aisle, we see that ladies in leadership have led in very unique and astonishing ways, even when their leadership was not fully recognized. Going back to one of my heroines, Elizabeth I, who governed England for over 50 years and was ruling over men at a time when many believed that women should never be in a leadership role, but she did it with grace and dignity, honoring the men and their supporters that were around her, and we see that this wife of William Penn also did the same as a great leader here in our Commonwealth of Pennsylvania.

So I thank you for supporting this resolution.

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

The following roll call was recorded:

YEAS—198

Adolph	Emrick	Kinsey	Petrarca
Aument	English	Kirkland	Petri
Baker	Evankovich	Knowles	Pickett
Barbin	Evans	Kortz	Pyle
Barrar	Fabrizio	Kotik	Quinn
Benninghoff	Farina	Krieger	Rapp
Bishop	Farry	Kula	Ravenstahl
Bizzarro	Fee	Lawrence	Readshaw
Bloom	Fleck	Longietti	Reed
Boback	Flynn	Lucas	Reese
Boyle, B.	Frankel	Mackenzie	Regan
Boyle, K.	Freeman	Maher	Roae
Bradford	Gabler	Mahoney	Rock

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

NAYS—0

NOT VOTING—0

EXCUSED—3

Everett Marsico Vereb

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

* * *

Mr. GILLEN called up **HR 246, PN 1468**, entitled:

A Resolution memorializing Margaret Thatcher as a great American friend and British patriot.

RESOLUTION PASSED OVER

The SPEAKER. HR 246 will be over for the day.

APPROPRIATIONS COMMITTEE MEETING

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

Mr. ADOLPH. Thank you very much, Mr. Speaker.
Mr. Speaker, there will be a House Appropriations Committee meeting immediately in the majority caucus room. Thank you.
The SPEAKER. There will be an immediate Appropriations Committee meeting in the majority caucus room.

REPUBLICAN CAUCUS

The SPEAKER. The Speaker recognizes the lady from Susquehanna County, Ms. Major, for the purpose of a caucus announcement.
Ms. MAJOR. Thank you, Mr. Speaker.
I would like to announce that Republicans will caucus today at 11:45. I would ask our Republican members to please report to our caucus room at 11:45. We would be prepared to come back on the floor at 1:30. Thank you, Mr. Speaker.

DEMOCRATIC CAUCUS

The SPEAKER. The Speaker recognizes the gentleman from Allegheny County, Mr. Frankel, for a caucus announcement.
Mr. FRANKEL. Thank you, Mr. Speaker.
The Democrats will also caucus at 11:45. The Democrats will caucus at 11:45. Thank you.

RECESS

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

RECESS EXTENDED

The time of recess was extended until 1:45 p.m.

AFTER RECESS

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

BILLS REREPORTED FROM COMMITTEE

HB 1112, PN 1426 By Rep. ADOLPH

An Act authorizing the Department of General Services, with the approval of the Department of Military and Veterans Affairs and the Governor, to grant and convey, at a price to be determined through a competitive bid process, certain lands, buildings and improvements used as State armories throughout this Commonwealth.

APPROPRIATIONS.

HB 1115, PN 1352 By Rep. ADOLPH

An Act authorizing the Department of General Services, with the approval of the Department of Military and Veterans Affairs and the Governor, to dedicate, grant and convey a right-of-way for a roadway situate in East Hanover Township, Lebanon County.

APPROPRIATIONS.

HB 1116, PN 1427

By Rep. ADOLPH

An Act authorizing the Department of General Services, with the approval of the Department of Military and Veterans Affairs and the Governor, to grant and convey to First Capital Equities, Inc., certain land of the Commonwealth of Pennsylvania situate in East Hanover Township, Lebanon County, being a portion of Fort Indiantown Gap lands.

APPROPRIATIONS.

HB 1119, PN 1356

By Rep. ADOLPH

An Act authorizing the Department of General Services, with the approval of the Department of Military and Veterans Affairs and the Governor, to grant and convey to Uptown Entertainment Alliance, or its successors or assigns, certain lands, buildings and improvements situate in the Borough of West Chester, Chester County.

APPROPRIATIONS.

GUESTS INTRODUCED

The SPEAKER. If I could have the members' attention, I would like to recognize some additional guests that are with us this afternoon.

Located up in the gallery, we would like to welcome the 11th grade government class from Rocky Grove High School in Franklin, and they are here today as the guests of Representative Lee James. Will our guests please rise or give us a wave. Welcome to the hall of the House.

CALENDAR CONTINUED**BILLS ON SECOND CONSIDERATION**

The House proceeded to second consideration of **HB 515, PN 1452**, entitled:

An Act amending the act of July 31, 1968 (P.L.805, No.247), known as the Pennsylvania Municipalities Planning Code, further providing for definitions; and providing for mailed notice in certain proceedings.

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 668, PN 756**, entitled:

An Act amending the act of May 1, 1933 (P.L.103, No.69), known as The Second Class Township Code, in contracts, further providing for letting contracts.

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 669, PN 757**, entitled:

An Act amending the act of June 24, 1931 (P.L.1206, No.331), known as The First Class Township Code, in contracts, further providing for general regulations concerning contracts.

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 1056, PN 1284**, entitled:

An Act amending the act of May 1, 1933 (P.L.216, No.76), known as The Dental Law, providing for temporary volunteer dental licenses.

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

LEAVE OF ABSENCE

The SPEAKER. The Speaker returns to leaves of absence and recognizes the minority whip, who requests a leave of absence for the lady from Philadelphia, Ms. BISHOP, for the remainder of the day. Without objection, the leave will be granted.

BILLS ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 431, PN 1428**, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, in child protective services, further providing for education and training.

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

Mr. **ROZZI** offered the following amendment No. **A00806**:

Amend Bill, page 2, line 18, by striking out "CURRICULUM" and inserting

curricula

Amend Bill, page 2, by inserting between lines 23 and 24

(4) A licensing board with jurisdiction over professional licensees identified as mandated reporters under this chapter may exempt an applicant or licensee from the training or continuing education required by this paragraph if all of the following apply:

(i) The applicant or licensee submits documentation acceptable to the licensing board that the person has already completed child abuse recognition training.

(ii) The training was:

(A) required by section 1205.6 of the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, and the training program was approved by the Department of Education in consultation with the Department of Public Welfare; or

(B) required by the act of June 13, 1967

(P.L.31, No.21), known as the Public Welfare Code, and the training program was approved by the Department of Public Welfare.
(iii) The amount of training received equals or exceeds the amount of training or continuing education required by this paragraph.

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

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

Mr. ROZZI. Thank you, Mr. Speaker.

My amendment is simply that these professionals that are already getting this training in CE (continuing education) courses, that they are not going to be repeating the training over again. So I ask for your support on my amendment 806.

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

On that question, the Speaker recognizes the lady from Lebanon County, Mrs. Gingrich.

Mrs. GINGRICH. Mr. Speaker, thank you very much.

I want to thank my colleague from Berks County for bringing this to our attention to secure the language to make sure that it is clear, concise, and understandable, and covers those that need to be covered.

Thank you. I urge support for the amendment.

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

The following roll call was recorded:

YEAS—197

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

Daley, P.	Harris, J.	Moul	Swanger
Davidson	Heffley	Mullery	Tallman
Davis	Helm	Mundy	Taylor
Day	Hennessey	Murt	Thomas
Dean	Hess	Mustio	Tobash
Deasy	Hickernell	Neilson	Toepel
DeLissio	James	Neuman	Toohil
Delozier	Kampf	O'Brien	Truitt
DeLuca	Kauffman	O'Neill	Turzai
Denlinger	Kavulich	Oberlander	Vitali
Dermody	Keller, F.	Painter	Waters
DiGirolamo	Keller, M.K.	Parker	Watson
Donatucci	Keller, W.	Pashinski	Wheatley
Dunbar	Killion	Payne	White
Ellis	Kim	Peifer	Youngblood
Emrick			

NAYS—0

NOT VOTING—0

EXCUSED—4

Bishop	Everett	Marsico	Vereb
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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,
 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 **HB 432, PN 1429**, entitled:

An Act amending the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, in departmental powers and duties as to supervision and licensing, further providing for definitions; and providing for child abuse recognition and reporting training.

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

Mr. **ROZZI** offered the following amendment No. **A00807**:

Amend Bill, page 3, by inserting between lines 13 and 14
(4) A person may be exempted from the requirements of this section if all of the following apply:

(i) The person provides documentation that the person has already completed child abuse recognition and reporting training.

(ii) The training was:
(A) required by section 1205.6 of the act of March 10, 1949 (P.L.30, No.14), known as the "Public School Code of 1949," and the training program was approved by the Department of Education in consultation with the Department of Public Welfare; or

(B) required by 23 Pa.C.S. Ch. 63 (relating to child protective services) and the training program was approved by the Department of Public Welfare.

(iii) The amount of training received equals or exceeds the amount of training required by this section.

Amend Bill, page 5, by inserting between lines 16 and 17

(4) A person may be exempted from the requirements of this section, if all of the following apply:

(i) The person provides documentation that the person has already completed child abuse recognition and reporting training.

(ii) The training was:

(A) required by section 1205.6 of the act of March 10, 1949 (P.L.30, No.14), known as the "Public School Code of 1949," and the training program was approved by the Department of Education in consultation with the Department of Public Welfare; or

(B) required by 23 Pa.C.S. Ch. 63 (relating to child protective services) and the training program was approved by the Department of Public Welfare.

(iii) The amount of training received equals or exceeds the amount of training required by this section.

Amend Bill, page 7, by inserting between lines 5 and 6

(4) A person may be exempted from the requirements of this section if all of the following apply:

(i) The person provides documentation that the person has already completed child abuse recognition and reporting training.

(ii) The training was:

(A) required by section 1205.6 of the act of March 10, 1949 (P.L.30, No.14), known as the "Public School Code of 1949," and the training program was approved by the Department of Education in consultation with the Department of Public Welfare; or

(B) required by 23 Pa.C.S. Ch. 63 (relating to child protective services) and the training program was approved by the Department of Public Welfare.

(iii) The amount of training received equals or exceeds the amount of training required by this section.

On the question,

Will the House agree to the amendment?

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

Mr. ROZZI. Thank you, Mr. Speaker.

Again, this is about duplicate training. We need our people doing the job that is at hand here. So I ask you for your support on amendment 807.

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

On that question, the Speaker recognizes the lady from Lebanon County, Mrs. Gingrich.

Mrs. GINGRICH. Thank you, Mr. Speaker, once again, and I thank my colleague once again.

If you read the bill, you realize he is doing it twice so that we have the language correct in this one that covers the entities that are licensed by the State, so I urge support. Thank you.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—197

Adolph	English	Kinsey	Petrarca
Aument	Evankovich	Kirkland	Petri
Baker	Evans	Knowles	Pickett
Barbin	Fabrizio	Kortz	Pyle
Barrar	Farina	Kotik	Quinn
Benninghoff	Farry	Krieger	Rapp
Bizzarro	Fee	Kula	Ravenstahl
Bloom	Fleck	Lawrence	Readshaw
Boback	Flynn	Longietti	Reed
Boyle, B.	Frankel	Lucas	Reese
Boyle, K.	Freeman	Mackenzie	Regan

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

NAYS—0

NOT VOTING—0

EXCUSED—4

Bishop	Everett	Marsico	Vereb
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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,

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

Mr. DERMODY offered the following amendment No. A00924:

Amend Bill, page 2, line 25, by inserting after "CHILDREN" and foster parents

Amend Bill, page 3, line 6, by inserting after "HIRE" or approval as a foster parent

On the question,

Will the House agree to the amendment?

The SPEAKER. For the information of the members, I will just add that that amendment had been filed under the name of the lady from Philadelphia, Ms. Bishop; however, she is on

leave. Therefore, the Democrat leader is actually going to call the amendment up.

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

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

Mr. DERMODY. Thank you, Mr. Speaker.

Mr. Speaker, this is a technical amendment and I understand that it is an agreed-to amendment. I ask for the members' support.

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

On that question, the Speaker recognizes the lady from Lebanon County, Mrs. Gingrich.

Mrs. GINGRICH. Thank you, Mr. Speaker, once again.

And I thank the leader for standing in, and you are right. This is a technical amendment, and we do support it.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—197

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

Dunbar	Killion	Payne	White
Ellis	Kim	Peifer	Youngblood
Emrick			

NAYS—0

NOT VOTING—0

EXCUSED—4

Bishop	Everett	Marsico	Vereb
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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.

(Bill as amended will be reprinted.)

* * *

The House proceeded to second consideration of **SB 436, PN 884**, entitled:

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, further providing for Voting Standards Development Board.

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

Mr. **SCHLOSSBERG** offered the following amendment
No. **A00708**:

Amend Bill, page 1, line 12, by inserting after "Board"
and for notice of November elections; providing for early
voting; and further providing for duties of election officials
Amend Bill, page 2, by inserting between lines 15 and 16
Section 2. Section 1201 of the act, amended July 14, 1961

(P.L.647, No.333), is amended to read:

Section 1201. Notice of November Elections.—The county board of each county shall, not earlier than [ten] fifteen days nor later than [three] nine days before each November election, give notice of the same by newspaper publication in the county in accordance with the provisions of section 106 of this act, said notice to be published twice in counties of the first class and once in all other counties. Such notice shall set forth—(a) the officers to be elected in the State at large, or in said county, or in any district of which said county or part thereof forms a part, or in any city, borough, township, school district, poor district, ward or other district which is contained in such county; (b) the names of the candidates for election to Federal, State, county and city offices, whose names will appear upon the ballots or ballot labels; (c) the text of all constitutional amendments and other questions to be submitted at such election; (d) the places at which the election is to be held in the various election districts of the county; and (e) the date of the election and the hours during which the polls will be open. Such notice may include a portion of the form of ballot or diagram of the face of the voting machine in reduced size.

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

Section 1201.3. Early Voting Period.—Notwithstanding any other provision of this act to the contrary, the county board of each county shall provide for early voting to begin eight days prior to the dates of

elections established in accordance with Article VI. The early voting period shall end seven days after the early voting start date.

Section 1201.4. Early Voting Sites.—(a) The county board of each county shall designate early voting sites where electors may cast their ballots during the early voting period established in accordance with section 1201.3.

(b) The early voting sites shall include the office of the county board of elections and sites designated by the county board within the election district. The early voting sites shall be geographically located to provide electors in the election district an equal opportunity to cast a ballot. Aside from the office of the county board of elections, the county board is prohibited from designating early voting sites outside the geographical boundary of election districts within their county. The county board shall make available at these sites the same cards of instructions and supplies required under section 1202 of this act.

(c) During the early voting period, the county board shall appoint, in the same manner, clerks of elections and machine inspectors at each designated early voting polling place as provided for under Article IV.

Section 1203.1. Meeting of Election Officers for Early Voting; Voter's Certificates.—(a) The provisions of section 1208 regarding meeting of election officers shall apply to the early voting period.

(b) At each early voting site, the county board shall prepare a suitable number of voter's certificates as provided for in section 1203. Each elector who appears to vote at an early voting site shall complete a voter certificate and shall present to an election officer one of the forms of photo identification as established in section 1210, if such photo identification is required.

Section 1205.1. Days and Times for Opening and Closing Polls at Early Voting Sites.—The county board of each county shall designate the early voting sites to be open from 8 A. M. to 7 P. M. each weekday during the early voting period and from 1 P. M. to 5 P. M. on Saturday and Sunday during the early voting period. Early voting sites shall allow any person in line at the closing of an early voting site to cast a vote.

Section 1205.2. Extending Absentee Eligibility.—A qualified elector, as defined in section 102, shall continue to be eligible for an absentee ballot if the qualified elector is expected to be absent from his election district during the early voting period and on election day and meets the conditions under section 102(w).

Section 4. Section 1225 of the act is amended by adding subsections to read:

Section 1225. Signing and Disposition of Returns, District Register and Voting Check List; Posting; Return of Ballot Boxes.—* * *

(d) During early voting periods, each judge of elections shall make the voter check list available no later than twelve o'clock noon of each day and shall be contemporaneously provided to the Secretary of the Commonwealth but shall not tabulate votes prior to the close of the polls on election day. The ballot of each elector voting early shall be counted even if the elector dies on or before election day. The county board shall maintain a voting check list in such a way to ensure that electors are prohibited from casting additional ballots at either an early voting site or on election day in their precinct.

(e) Each early voting site designated by the county board shall submit a detailed report of security procedures to secure the ballots prior to the early voting period to the Secretary of the Commonwealth.

Amend Bill, page 2, line 16, by striking out "2" and inserting

5

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

AMENDMENT WITHDRAWN

The SPEAKER. On that question, the Speaker recognizes the gentleman from Lehigh County, Mr. Schlossberg.

Mr. SCHLOSSBERG. Thank you, Mr. Speaker.

Mr. Speaker, I introduced this amendment because I think it is vital that we allow the people of Pennsylvania to vote and we allow them to vote at a time and a place that is convenient to them.

However, after reviewing the amendment, it has become apparent there are some drafting errors. Therefore, I will withdraw the amendment and hopefully reintroduce it at a later date.

The SPEAKER. The Speaker thanks the gentleman, and the amendment is withdrawn.

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

Mr. COHEN offered the following amendment No. **A00746**:

Amend Bill, page 2, line 1, by inserting a bracket before "On"
Amend Bill, page 2, line 1, by inserting after "the" where it occurs the second time

] The

Amend Bill, page 2, line 3, by inserting after "system"
or any category of voting system

Amend Bill, page 2, line 4, by inserting after "standards"
and any changes thereto

Amend Bill, page 2, line 11, by striking out the bracket before the period after "law"

Amend Bill, page 2, line 11, by striking out "] UNTIL" and inserting

At

Amend Bill, page 2, line 14, by striking out "THE" and inserting

the

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

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

The House will come to order.

The question is, will the House agree to the amendment?
On that question, the Speaker recognizes the gentleman from Philadelphia County, Mr. Cohen.

Mr. COHEN. Mr. Speaker, one of the legacies of the contested 2000 election in Florida for the Presidency of the United States was the Help America Vote Act, which set up standards for what counts as a vote nationally and gave the States discretion to also set standards.

Pennsylvania has taken the traditionally unusual position of passing standards for 2-year periods at one time. Since the HAVA Act passed in 2001 or 2002, we have passed the same standards numerous times. Sometimes we missed a year and then for that year we have had no standards.

SB 436 as amended in the State Government Committee goes a step forward in that it sets up longer term standards than 2 years, which is a very, very positive step, but it says that these standards shall be suspended if any new machine, technology is adopted by any county. We of course have 67 counties in the State. There are people in these county governments who are endlessly creative. There are all sorts of new voting

technologies out there all the time, and so this version does not guarantee certainty. It is better than every 2 years, but it does not guarantee certainty.

What this amendment does is it says that all the standards will stay in effect for the existing machines and the existing technology regardless of what new technology is adopted. So if, like, Erie County or Juniata County or Huntingdon County or any other county adopts a new machine with new technologies, we can set new standards for that technology, but for the remaining counties that do not use new technologies, the standards stay the same until such time as we change them. This would guarantee a much greater degree of certainty than either we have right now or this bill as amended provides.

I think what we need is certainty in what the voting standards are. That will save an enormous amount of litigation and aggravation for candidates. It makes clear to each candidate's legal team and each candidate's team of voter education what the standards are, and makes sure that they have the ability to educate their supporters as to what the standards are for correctly casting a vote.

I urge support of this amendment.

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

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

Mr. METCALFE. Thank you, Mr. Speaker.

Mr. Speaker, I ask for the members to vote "no" on the Cohen amendment.

Mr. Speaker, we had amended this legislation, SB 436, in committee. We communicated with the Senate State Government Committee chair, who is the author of this legislation, and his office was agreeable to the changes that we made, and really, the changes that we made were just common sense, Mr. Speaker. Since the initial publication of the voting standards in 2002, we have had the opportunity on four occasions – in '04, '06, '09, and '11 – to exercise oversight in the election process, apply and reapply the standards to the Commonwealth elections. Now, this bill is going to extend that so that we do not have to do that every 2 or 3 years in the future, that we would allow the current standards to be put into place in the law indefinitely until there was a new voting technology that would be utilized, Mr. Speaker.

So if and when a new voting technology is created, the Help America Vote Act will require that we use that technology and that we establish voting standards for it. A voting standards development board or a similar entity would have to be reconstituted at that time, and when that board is reconstituted to create new standards, it is the perfect opportunity. It is only logical that they would also reevaluate the existing standards to make sure that there are no glitches, that there are no problems that have arisen since our last adoption, which will be this year on the current standards, Mr. Speaker.

So this approach is just ensuring that the legislature is able to continue to exercise its oversight in the election process in regards to standards. It is common sense; it is logical. For the author of this amendment to try and undo it is illogical to me. It does not make sense, and I would ask for a "no" vote on this amendment, Mr. Speaker.

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

On that question, the Speaker recognizes the gentleman from Philadelphia County, Mr. Cohen, for the second time.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, a standard has to have some degree of stability or it is not much of a standard. That is the basic point. A standard that can be changed statewide by the action of some county commissioner somewhere is not much of a standard.

These standards are good standards. They have been adopted in Democratic administrations and Republican administrations. There is no reason why they should change merely because some county adopts a new technology. Maybe you need new standards for the new technology, but you do not need new standards for the old technologies.

I would urge support for this amendment.

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

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

Mr. METCALFE. Thank you, Mr. Speaker.

Mr. Speaker, I think the previous speaker is creating confusion, Mr. Speaker, because what we are talking about here is if we are going to allow a new technology to be used, standards would have to be developed for the votes that would be cast using that new technology. We would have to by law create a new standard for that new technology, Mr. Speaker. And it just makes sense at that time to reevaluate the standards that we have been using and adopt them all together at the same time, just as we have been doing the previous four times since 2002, Mr. Speaker, only now we are saying we do not have to do this every 2 or 3 years. We will only have to do it when a new technology is introduced, not when a county commissioner is making a decision, Mr. Speaker. That has nothing to do with it. When the State allows for a new technology to be used in the voting process, then we will have to develop standards that could be applied to that technology statewide, Mr. Speaker, which is our responsibility, and at that time we would reevaluate all previously existing standards to make sure that they are still sound and still ensuring integrity, Mr. Speaker, in our election process.

I would ask for a "no" vote, Mr. Speaker, to this amendment.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—89

Barbin	DeLissio	Keller, W.	Painter
Bizzarro	DeLuca	Kim	Parker
Boyle, B.	Dermody	Kinsey	Pashinski
Boyle, K.	Donatucci	Kirkland	Petrarca
Bradford	Evans	Kortz	Ravenstahl
Briggs	Fabrizio	Kotik	Readshaw
Brown, V.	Farina	Kula	Roebuck
Brownlee	Flynn	Longietti	Rozzi
Burns	Frankel	Mahoney	Sabatina
Caltagirone	Freeman	Markosek	Sainato
Carroll	Gainey	Matzie	Samuelson
Clay	Galloway	McCarter	Santarsiero
Cohen	Gergely	McGeehan	Schlossberg
Conklin	Gibbons	McNeill	Sims
Costa, D.	Goodman	Mirabito	Snyder
Costa, P.	Haggerty	Miranda	Sturla
Cruz	Haluska	Molchany	Thomas
Daley, M.	Hanna	Mullery	Vitali
Daley, P.	Harhai	Mundy	Waters
Davidson	Harkins	Neilson	Wheatley

Davis	Harris, J.	Neuman	White
Dean	Kavulich	O'Brien	Youngblood
Deasy			

NAYS—108

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

NOT VOTING—0

EXCUSED—4

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

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

Mrs. DEAN offered the following amendment No. **A00800**:

Amend Bill, page 1, lines 11 and 12, by striking out "further providing for Voting Standards" in line 11 and all of line 12 and inserting
in Secretary of the Commonwealth, further providing for requirements relating to voter identification and for Voting Standards Development Board; in preparation for and conduct of primaries and elections, further providing for manner of applying to vote, persons entitled to vote, voter's certificates, entries to be made in district register, numbered lists of voters and challenges; in voting by qualified absentee electors, further providing for applications for official absentee ballots, for approval of application for absentee ballot, for delivering or mailing ballots, for canvassing of official absentee ballots and for public records; and providing for enforcement and for a special procedure at certain elections.

Amend Bill, page 1, lines 15 through 17, by striking out all of said lines and inserting

Section 1. Section 102(z.5) of the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, added March 14, 2012 (P.L.195, No.18), is repealed:

Section 102. Definitions.—The following words, when used in this act, shall have the following meanings, unless otherwise clearly

apparent from the context:

* * *

[(z.5) The words "proof of identification" shall mean:

(1) In the case of an elector who has a religious objection to being photographed, a valid-without-photo driver's license or a valid-without-photo identification card issued by the Department of Transportation.

(2) For an elector who appears to vote under section 1210, a document that:

(i) shows the name of the individual to whom the document was issued and the name substantially conforms to the name of the individual as it appears in the district register;

(ii) shows a photograph of the individual to whom the document was issued;

(iii) includes an expiration date and is not expired, except:

(A) for a document issued by the Department of Transportation which is not more than twelve (12) months past the expiration date; or

(B) in the case of a document from an agency of the Armed forces of the United States or their reserve components, including the Pennsylvania National Guard, establishing that the elector is a current member of or a veteran of the United States Armed Forces or National Guard which does not designate a specific date on which the document expires, but includes a designation that the expiration date is indefinite; and

(iv) was issued by one of the following:

(A) The United States Government.

(B) The Commonwealth of Pennsylvania.

(C) A municipality of this Commonwealth to an employee of that municipality.

(D) An accredited Pennsylvania public or private institution of higher learning.

(E) A Pennsylvania care facility.

(3) For a qualified absentee elector under section 1301:

(i) in the case of an elector who has been issued a current and valid driver's license, the elector's driver's license number;

(ii) in the case of an elector who has not been issued a current and valid driver's license, the last four digits of the elector's Social Security number;

(iii) in the case of an elector who has a religious objection to being photographed, a copy of a document that satisfies paragraph (1); or

(iv) in the case of an elector who has not been issued a current and valid driver's license or Social Security number, a copy of a document that satisfies paragraph (2).]

Section 2. Section 204(h) of the act, amended May 13, 2011

(P.L.13, No.3), is amended to read:

Amend Bill, page 2, by inserting between lines 15 and 16

Section 3. Section 206 of the act, added March 14, 2012

(P.L.195, No.18), is repealed:

[Section 206. Requirements Relating to Voter Identification.—(a)

The Secretary of the Commonwealth shall prepare and disseminate information to the public regarding the proof of identification requirements established under sections 1210 and 1302.

(b) Notwithstanding the provisions of 75 Pa.C.S. § 1510(b) (relating to issuance and content of driver's license) to the contrary, the Department of Transportation shall issue an identification card described in 75 Pa.C.S. § 1510(b) at no cost to any registered elector who has made application therefor and has included with the completed application a statement signed by the elector declaring under oath or affirmation that the elector does not possess proof of identification as defined in section 102(z.5)(2) and requires proof of identification for voting purposes.

(c) The Secretary of the Commonwealth shall prepare the form of the statement described in subsection (b) and shall distribute the form to the counties and the Department of Transportation. The Secretary of the Commonwealth, the Secretary of Transportation and the county boards of election shall disseminate information to the public regarding the availability of identification cards under

subsection (b).]

Section 4. Sections 1210(a), (a.1), (a.2), (a.3), (a.4)(1) and (5) and (f), 1302(e), (e.2) and (j), 1302.2(c), (d) and (f), 1305, 1308(g)(2) and (3), (h) and (i) and 1309, added or amended March 14, 2012 (P.L.195, No.18), are amended to read:

Section 1210. Manner of Applying to Vote; Persons Entitled to Vote; Voter's Certificates; Entries to Be Made in District Register; Numbered Lists of Voters; Challenges.—(a) At every primary and election each elector who appears to vote in that election district for the first time and who desires to vote shall first present to an election officer [proof of identification.] one of the following forms of photo identification:

- (1) a valid driver's license or identification card issued by the Department of Transportation;
- (2) a valid identification card issued by any other agency of the Commonwealth;
- (3) a valid identification card issued by the United States Government;
- (4) a valid United States passport;
- (5) a valid student identification card;
- (6) a valid employee identification card;
- (7) a valid armed forces of the United States identification card.

The election officer shall examine the [proof of] identification presented by the elector and sign an affidavit stating that this has been done.

(a.1) Where the elector does not have a photo identification as provided for in subsection (a), the elector shall present for examination one of the following forms of identification that shows the name and address of the elector:

- (1) nonphoto identification issued by the Commonwealth, or any agency thereof;
- (2) nonphoto identification issued by the United States Government, or agency thereof;
- (3) a firearm permit;
- (4) a current utility bill;
- (5) a current bank statement;
- (6) a paycheck;
- (7) a government check.

The election officer shall examine the identification presented by the elector and sign an affidavit stating that this has been done.

(a.2) [If any of the following apply, the elector shall be permitted to cast a provisional ballot in accordance with subsection (a.4):

- (1) The elector is unable to produce proof of identification:
 - (i) on the grounds that the elector is indigent and unable to obtain proof of identification without the payment of a fee; or
 - (ii) on any other grounds.
- (2) The elector's proof of identification is challenged by the judge of elections.]

If the elector is unable to produce identification or the elector's identification is challenged by the judge of elections, the elector shall be permitted to cast a provisional ballot in accordance with subsection (a.4).

(a.3) [(1)] All electors, including any elector that shows [proof of] identification pursuant to subsection (a), shall subsequently sign a voter's certificate in blue, black or blue-black ink with a fountain pen or ball point pen, and, unless he is a State or Federal employe who has registered under any registration act without declaring his residence by street and number, he shall insert his address therein, and hand the same to the election officer in charge of the district register.

[(2)] Such election officer shall thereupon announce the elector's name so that it may be heard by all members of the election board and by all watchers present in the polling place and shall compare the elector's signature on his voter's certificate with his signature in the district register. If, upon such comparison, the signature upon the voter's certificate appears to be genuine, the elector who has signed the certificate shall, if otherwise qualified, be permitted to vote: Provided,

That if the signature on the voter's certificate, as compared with the signature as recorded in the district register, shall not be deemed authentic by any of the election officers, such elector shall not be denied the right to vote for that reason, but shall be considered challenged as to identity and required to make the affidavit and produce the evidence as provided in subsection (d) of this section.

[(3)] When an elector has been found entitled to vote, the election officer who examined his voter's certificate and compared his signature shall sign his name or initials on the voter's certificate, shall, if the elector's signature is not readily legible, print such elector's name over his signature, and the number of the stub of the ballot issued to him or his number in the order of admission to the voting machines, and at primaries a letter or abbreviation designating the party in whose primary he votes shall also be entered by one of the election officers or clerks.

[(4)] As each voter is found to be qualified and votes, the election officer in charge of the district register shall write or stamp the date of the election or primary, the number of the stub of the ballot issued to him or his number in the order of admission to the voting machines, and at primaries a letter or abbreviation designating the party in whose primary he votes, and shall sign his name or initials in the proper space on the registration card of such voter contained in the district register.

[(5)] As each voter votes, his name in the order of voting shall be recorded in two (2) numbered lists of voters provided for that purpose, with the addition of a note of each voter's party enrollment after his name at primaries.

(a.4) (1) At all elections an individual who claims to be properly registered and eligible to vote at the election district but whose name does not appear on the district register and whose registration cannot be determined by the inspectors of election or the county election board shall be permitted to cast a provisional ballot. Individuals who [appear to vote] are voting for the first time at the election district shall be required to produce [proof of] identification pursuant to subsection (a) or (a.1) and if unable to do so shall be permitted to cast a provisional ballot. An individual presenting a judicial order to vote shall be permitted to cast a provisional ballot.

* * *

(5) (i) Except as provided in subclause (ii), if it is determined that the individual was registered and entitled to vote at the election district where the ballot was cast, the county board of elections shall compare the signature on the provisional ballot envelope with the signature on the elector's registration form and, if the signatures are determined to be genuine, shall count the ballot if the county board of elections confirms that the individual did not cast any other ballot, including an absentee ballot, in the election.

(ii) A provisional ballot shall not be counted if:

- (A) either the provisional ballot envelope under clause (3) or the affidavit under clause (2) is not signed by the individual;
- (B) the signature required under clause (3) and the signature required under clause (2) are either not genuine or are not executed by the same individual;
- (C) a provisional ballot envelope does not contain a secrecy envelope;

[(D)] in the case of a provisional ballot that was cast under subsection (a.2)(1)(i), within six calendar days following the election the elector fails to appear before the county board of elections to execute an affirmation or the county board of elections does not receive an electronic, facsimile or paper copy of an affirmation affirming, under penalty of perjury, that the elector is the same individual who personally appeared before the district election board on the day of the election and cast a provisional ballot and that the elector is indigent and unable to obtain proof of identification without the payment of a fee; or

(E) in the case of a provisional ballot that was cast under subsection (a.2)(1)(ii), within six calendar days following the election, the elector fails to appear before the county board of elections to present proof of identification and execute an affirmation or the county board of elections does not receive an electronic, facsimile or paper

copy of the proof of identification and an affirmation affirming, under penalty of perjury, that the elector is the same individual who personally appeared before the district election board on the day of the election and cast a provisional ballot.]

(iii) One authorized representative of each candidate in an election and one representative from each party shall be permitted to remain in the room in which deliberation or determination of subclause (ii) is being made.

[(f) As used in this section, "care facility" means any of the following:

(1) A long-term care nursing facility as defined in section 802.1 of the act of July 19, 1979 (P.L.130, No.48), known as the "Health Care Facilities Act."

(2) An assisted living residence or a personal care home as defined in section 1001 of the act of June 13, 1967 (P.L.31, No.21), known as the "Public Welfare Code."]

Section 1302. Applications for Official Absentee Ballots.—

(e) Any qualified bedridden or hospitalized veteran absent from the municipality of his residence and unable to attend his polling place because of such illness or physical disability, regardless of whether he is registered or enrolled, may apply at any time before any primary or election for an official absentee ballot on any official county board of election form addressed to the Secretary of the Commonwealth of Pennsylvania or the county board of elections of the county in which his voting residence is located.

The application shall contain the following information: Residence at the time of becoming bedridden or hospitalized, length of time a citizen, length of residence in Pennsylvania, date of birth, length of time a resident in voting district, voting district if known, party choice in case of primary, name and address of present residence or hospital at which hospitalized. When such application is received by the Secretary of the Commonwealth, it shall be forwarded to the proper county board of elections.

The application for an official absentee ballot for any primary or election shall be made on information supplied over the signature of the bedridden or hospitalized veteran as required in the preceding subsection. Any qualified registered elector, including a spouse or dependent referred to in subsection (l) of section 1301, who expects to be or is absent from the municipality of his residence because his duties, occupation or business require him to be elsewhere on the day of any primary or election and any qualified registered elector who is unable to attend his polling place on the day of any primary or election because of illness or physical disability and any qualified registered bedridden or hospitalized veteran in the county of residence, or in the case of a county employe who cannot vote due to duties on election day relating to the conduct of the election, or in the case of a person who will not attend a polling place because of the observance of a religious holiday, may apply to the county board of elections of the county in which his voting residence is located for an Official Absentee Ballot. Such application shall be made upon an official application form supplied by the county board of elections. Such official application form shall be determined and prescribed by the Secretary of the Commonwealth of Pennsylvania.

(1) The application of any qualified registered elector, including spouse or dependent referred to in subsection (l) of section 1301, who expects to be or is absent from the municipality of his residence because his duties, occupation or business require him to be elsewhere on the day of any primary or election, or in the case of a county employe who cannot vote due to duties on election day relating to the conduct of the election, or in the case of a person who will not attend a polling place because of the observance of a religious holiday, shall be signed by the applicant and shall include the surname and given name or names of the applicant, [proof of identification,] his occupation, date of birth, length of time a resident in voting district, voting district if known, place of residence, post office address to which ballot is to be mailed, the reason for his absence, and such other information as shall

make clear to the county board of elections the applicant's right to an official absentee ballot.

(2) The application of any qualified registered elector who is unable to attend his polling place on the day of any primary or election because of illness or physical disability and the application of any qualified registered bedridden or hospitalized veteran in the county of residence shall be signed by the applicant and shall include surname and given name or names of the applicant, [proof of identification,] his occupation, date of birth, residence at the time of becoming bedridden or hospitalized, length of time a resident in voting district, voting district if known, place of residence, post office address to which ballot is to be mailed, and such other information as shall make clear to the county board of elections the applicant's right to an official ballot. In addition, the application of such electors shall include a declaration stating the nature of their disability or illness, and the name, office address and office telephone number of their attending physician: Provided, however, That in the event any elector entitled to an absentee ballot under this subsection be unable to sign his application because of illness or physical disability, he shall be excused from signing upon making a statement which shall be witnessed by one adult person in substantially the following form: I hereby state that I am unable to sign my application for an absentee ballot without assistance because I am unable to write by reason of my illness or physical disability. I have made or have received assistance in making my mark in lieu of my signature.

(Mark)

(Date)

(Complete Address of Witness)

(Signature of Witness)

(e.2) Notwithstanding the other provisions of this act any qualified elector who expects to be or is absent from the municipality of his residence because his duties, occupation or business require him to be elsewhere on the day of any election or a county employe who cannot vote due to duties on election day relating to the conduct of the election or a person who will not attend a polling place because of the observance of a religious holiday may make an application for an absentee ballot by mail by sending a letter to the county board of elections in the county in which his voting residence is located. The letter shall be signed by the applicant and contain his name[,] and place of residence[and proof of identification].

[(j) Notwithstanding the provisions of this section requiring proof of identification, a qualified absentee elector shall not be required to provide proof of identification if the elector is entitled to vote by absentee ballot under the Uniformed and Overseas Citizens Absentee Voting Act (Public Law 99-410, 100 Stat. 924) or by an alternative ballot under the Voting Accessibility for the Elderly and Handicapped Act (Public Law 98-435, 98 Stat. 1678).]

Section 1302.2. Approval of Application for Absentee Ballot.—

(c) The county board of elections, upon receipt of any application of a qualified elector required to be registered under the provisions of preceding section 1301, shall determine the qualifications of such applicant by [verifying the proof of identification and] comparing the information set forth on such application with the information contained on the applicant's permanent registration card. If the board is satisfied that the applicant is qualified to receive an official absentee ballot, the application shall be marked "approved." Such approval decision shall be final and binding, except that challenges may be made only on the ground that the applicant did not possess the qualifications of an absentee elector. Such challenges must be made to the county board of elections prior to 5:00 o'clock P. M. on the first Friday prior to the election. When so approved, the registration commission shall cause an absentee voter's temporary registration card to be inserted in the district register on top of and along with the permanent registration card. The absentee voter's temporary registration card shall be in the

color and form prescribed in subsection (e) of this section:

Provided, however, That the duties of the county boards of elections and the registration commissions with respect to the insertion of the absentee voter's temporary registration card of any elector from the district register as set forth in section 1302.2 shall include only such applications and emergency applications as are received on or before the first Tuesday prior to the primary or election. In all cases where applications are received after the first Tuesday prior to the primary or election and before five o'clock P. M. on the first Friday prior to the primary or election, the county board of elections shall determine the qualifications of such applicant by [verifying the proof of identification and] comparing the information set forth on such application with the information contained on the applicant's duplicate registration card on file in the General Register (also referred to as the Master File) in the office of the Registration Commission and shall cause the name and residence (and at primaries, the party enrollment) to be inserted in the Military, Veterans and Emergency Civilian Absentee Voters File as provided in section 1302.3, subsection (b). In addition, the local district boards of elections shall, upon canvassing the official absentee ballots under section 1308, examine the voting check list of the election district of said elector's residence and satisfy itself that such elector did not cast any ballot other than the one properly issued to him under his absentee ballot application. In all cases where the examination of the local district board of elections discloses that an elector did vote a ballot other than the one properly issued to him under the absentee ballot application, the local district board of elections shall thereupon cancel said absentee ballot and said elector shall be subject to the penalties as hereinafter set forth.

(d) In the event that any application for an official absentee ballot is not approved by the county board of elections, the elector shall be notified immediately to that effect with a statement by the county board of the reasons for the disapproval. [For those applicants whose proof of identification was not provided with the application or could not be verified by the board, the board shall send notice to the elector with the absentee ballot requiring the elector to provide proof of identification with the absentee ballot or the ballot will not be counted.]

* * *

[(f) Notwithstanding the provisions of this section, a qualified absentee elector shall not be required to provide proof of identification if the elector is entitled to vote by absentee ballot under the Uniformed and Overseas Citizens Absentee Voting Act (Public Law 99-410, 100 Stat. 924) or by an alternative ballot under the Voting Accessibility for the Elderly and Handicapped Act (Public Law 98-435, 98 Stat. 1678).]

Section 1305. Delivering or Mailing Ballots.—

(a) The county board of elections upon receipt and approval of an application filed by any elector qualified in accordance with the provisions of section 1301, subsections (a) to (h), inclusive, shall not later than fifty days prior to the day of the primary or not later than seventy days prior to the day of the election commence to deliver or mail to such elector who has included with said application a statement that he or she is unable to vote during the regular absentee balloting period by reason of living or performing military service in an extremely remote or isolated area of the world, and not later than forty-five days prior to the day of the primary or election commence to deliver or mail to all other such electors as provided for in section 1301, subsections (a) to (h), inclusive, official absentee ballots or special write-in absentee ballots as prescribed by subsection (d) of section 1303 when official absentee ballots are not yet printed; as additional applications of such electors are received, the board shall deliver or mail official absentee ballots or special write-in absentee ballots when official absentee ballots are not yet printed to such additional electors within forty-eight hours after approval of their application. If the calling of a special election would make it impossible to comply with the forty-five day delivery or mailing requirement of this section, then the county board of elections shall mail absentee ballots or special write-in absentee ballots within five days of the county board's receipt of the information necessary to prepare said ballots.

(b) The county board of elections upon receipt and approval of an application filed by any elector qualified in accordance with the provisions of section 1301, subsections (i) to (l), inclusive, shall commence to deliver or mail official absentee ballots on the second Tuesday prior to the primary or election. [For those applicants whose proof of identification was not provided with the application or could not be verified by the board, the board shall send the notice required under section 1302.2(d) with the absentee ballot.] As additional applications are received and approved, the board shall deliver or mail official absentee ballots to such additional electors within forty-eight hours.

[(c) Notwithstanding the provisions of this section, a qualified absentee elector shall not be required to provide proof of identification if the elector is entitled to vote by absentee ballot under the Uniformed and Overseas Citizens Absentee Voting Act (Public Law 99-410, 100 Stat. 924) or by an alternative ballot under the Voting Accessibility for the Elderly and Handicapped Act (Public Law 98-435, 98 Stat. 1678).]

Section 1308. Canvassing of Official Absentee Ballots.—* * *

(g) * * *

(2) The county board of elections shall meet on the eighth day following the election to canvass the absentee ballots received under this subsection[and subsection (h)(2)]. One authorized representative of each candidate in an election and one representative from each political party shall be permitted to remain in the room in which the absentee ballots are canvassed. Representatives shall be permitted to challenge any absentee elector in accordance with the provisions of paragraph (3).

(3) When the county board meets to canvass absentee ballots under paragraph (2), the board shall examine the declaration on the envelope of each ballot not set aside under subsection (d) and shall compare the information thereon with that contained in the "Registered Absentee Voters File," the absentee voters' list and/or the "Military Veterans and Emergency Civilians Absentee Voters File," whichever is applicable. If the county board [has verified the proof of identification as required under this act and] is satisfied that the declaration is sufficient and the information contained in the "Registered Absentee Voters File," the absentee voters' list and/or the "Military Veterans and Emergency Civilians Absentee Voters File" verifies his right to vote, the county board shall announce the name of the elector and shall give any candidate representative or party representative present an opportunity to challenge any absentee elector upon the ground or grounds: (i) that the absentee elector is not a qualified elector; or (ii) that the absentee elector was within the municipality of his residence on the day of the primary or election during the period the polls were open, except where he was in the military service or except in the case where his ballot was obtained for the reason that he was unable to appear personally at the polling place because of illness or physical disability; or (iii) that the absentee elector was able to appear personally at the polling place on the day of the primary or election during the period the polls were open in the case his ballot was obtained for the reason that he was unable to appear personally at the polling place because of illness or physical disability. Upon challenge of any absentee elector, as set forth herein, the board shall mark "challenged" on the envelope together with the reasons therefor, and the same shall be set aside unopened pending final determination of the challenge according to the procedure described in paragraph (5).

* * *

[(h) For those absentee ballots for which proof of identification has not been received or could not be verified:

(1) If the proof of identification is received and verified by the county board of elections prior to the distribution of the absentee ballots to the local election districts, then the county shall distribute the absentee ballots for which proof of identification is received and verified, along with the other absentee ballots, to the absentee voter's respective election district. If the county board of elections does not receive or is not able to verify the proof of identification for an elector prior to the absentee ballots' being sent to the appropriate local election districts, the county board shall keep the absentee ballot and follow the

procedures set forth in paragraph (2) or (3), whichever is applicable.

(2) If the proof of identification is received and verified after the absentee ballots have been distributed to the appropriate local election districts, but prior to the sixth calendar day following the election, then the county board of elections shall canvass the absentee ballots under this subsection in accordance with subsection (g)(2), unless the elector appeared to vote at the proper polling place for the purpose of casting a ballot, then the absentee ballot cast by that elector shall be declared void.

(3) If an elector fails to provide proof of identification that can be verified by the county board of elections by the sixth calendar day following the election, then the absentee ballot shall not be counted.

(i) Notwithstanding the provisions of this section, a qualified absentee elector shall not be required to provide proof of identification if the elector is entitled to vote by absentee ballot under the Uniformed and Overseas Citizens Absentee Voting Act (Public Law 99-410, 100 Stat. 924) or by an alternative ballot under the Voting Accessibility for the Elderly and Handicapped Act (Public Law 98-435, 98 Stat. 1678).]

Section 1309. Public Records.—All official absentee ballots, files, applications for such ballots and envelopes on which the executed declarations appear, and all information and lists are hereby designated and declared to be public records and shall be safely kept for a period of two years, except that no [proof of identification shall be made public, nor shall] information concerning a military elector shall be made public which is expressly forbidden by the [War] Department [of Defense] because of military security.

Section 5. Section 1854 of the act, added March 14, 2012 (P.L.195, No.18), is repealed:

[Section 1854. Enforcement.—(a) The Attorney General shall have prosecutorial jurisdiction over all violations committed under this act.

(b) The district attorney of any county in which a violation has occurred shall have concurrent powers and responsibilities with the Attorney General over violations committed under this act.]

Amend Bill, page 2, line 16, by striking out "2" and inserting
6

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

The SPEAKER. On that question, the Speaker recognizes the lady from Montgomery County, Mrs. Dean.

Mrs. DEAN. Thank you, Mr. Speaker.

Mr. Speaker, my amendment, 800, would simply repeal Act 18 of 2012, commonly known as the voter ID bill.

This General Assembly and the citizens of the Commonwealth learned from our experiences last year just how wrongheaded this legislation is. This is a bill that has cost the Commonwealth millions of dollars while attempting to fix a problem that did not exist and no one could find a simple example of. It added tremendous hardship and confusion to many voters, especially the working poor, students, and seniors. I think we could all be proud to go back to our districts and say, regarding voter ID, the bill that costs millions and attempted to deny hundreds of thousands the vote, that it is repealed. In essence, we would be saying, "Voter ID in Pennsylvania: over and done."

Thank you, Mr. Speaker.

GERMANENESS QUESTIONED

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

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

Mr. METCALFE. Thank you, Mr. Speaker.

Mr. Speaker, I would make a motion that this amendment is not germane, Mr. Speaker.

The SPEAKER. The gentleman from Butler County, Mr. Metcalfe, has raised the question of whether amendment A00800 is germane.

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

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

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

Mr. METCALFE. Thank you, Mr. Speaker.

Mr. Speaker, the unifying theme of SB 436, as evidenced in the title of the bill, is voting standards, Mr. Speaker, found in Article II of the Election Code relating to the Secretary of the Commonwealth.

The amendment proposes to amend a different article, Article XII, relating to "Preparation For and Conduct of...Elections," Mr. Speaker. The subject matter of the amendment relates to voter identification. Thus, the subject matter of the amendment does not fall within the unifying theme of the bill, Mr. Speaker, and therefore is not germane, Mr. Speaker, and I would ask the members to support the motion on germaneness, that it is not germane, Mr. Speaker.

The SPEAKER. On the question of germaneness, the Speaker recognizes the lady from Montgomery County, Mrs. Dean.

Mrs. DEAN. Thank you, Mr. Speaker.

On the question of germaneness, this underlying bill is relevant because it is a part of the Election Code bill. In fact, the underlying bill addresses and establishes what constitutes a valid vote. Mr. Speaker, my amendment could not be any more germane because it speaks to the proof needed to be an actual voter, proof that constitutes how somebody can get in there and cast an actual vote. They both pertain to the Election Code. They both deal with the same act. We must learn from our experiences, and I respectfully submit that this amendment is germane and improves the underlying bill.

Thank you, Mr. Speaker.

The SPEAKER. On the question of germaneness, the Speaker recognizes the gentleman from Philadelphia County, Mr. Cohen.

Mr. COHEN. Thank you, Mr. Speaker.

I strongly agree with the lady from Montgomery County. This amendment to this bill is germane. Both of these bills deal with the standards for counting the votes of voters. The original bill deals with the question of what a vote looks like in terms of in a paper ballot situation, whether it could be an X or a check or a circle on a ballot, and this is eminently germane to that because this deals with what is a standard for a person coming up to the voting booth and being allowed to vote. It is a matter of voting standards. We have a strong difference in the House of Representatives as to what the voting standards should be, and that difference is strongly manifest in the voter ID bill.

We have been voting on election laws for many, many years. Traditionally, any amendment to the Election Code has been considered germane to any other Election Code bill. If this motion passes, it would be setting a new standard which will

restrict access for amendments to the Election Code. We ought not to restrict access to the Election Code.

I urge a vote for germaneness of this amendment.

The SPEAKER. On the question of germaneness, the Speaker recognizes the gentleman from Northampton County, Mr. Samuelson.

Mr. SAMUELSON. Thank you, Mr. Speaker.

This amendment is absolutely germane to this legislation. When you think about it, this is a bill about the Election Code and this amendment is about the Election Code. The bill sets requirements for voting standards, and last year the House majority tried to establish a new voting standard, the voter ID requirement, which made it more difficult for thousands and thousands of people to vote. So the subject matter of Representative Dean's amendment is absolutely germane.

But I have to tell you, I am not surprised to hear the Republican chair of the State Government Committee stand up and say this is not germane, because when you think about it, what did that voter ID law say to the citizens of Pennsylvania? The Republican voter ID law said, your vote is not germane.

The SPEAKER. The gentleman will suspend.

I believe you have wandered off whether or not this is germane and are now talking about an issue that was previously before us.

Mr. SAMUELSON. Let me bring it back to a specific example. In the Lehigh Valley last fall, each of us had experiences with the implementation of this law. After it passed and before it was put on hold by the Supreme Court, each of us was doing our best to get the word out to get people the new voter ID. One case that came to my attention was a 92-year-old woman in the Lehigh Valley—

The SPEAKER. The gentleman will suspend.

Mr. SAMUELSON. —who had to wait in line—

The SPEAKER. The gentleman will suspend.

That is not the question before the House. The question before the House is whether or not this amendment is germane to the bill. You are talking about the substance of a piece of legislation that was already through this process and was signed into law a while ago, and the question before the House is whether or not amendment 800 is germane to this bill.

Mr. SAMUELSON. Okay. I will wrap up by saying, I was trying to make the point that the difficulty that 92-year-old woman faced last year standing in line at PENNDOT to preserve her right to vote, which she had exercised her entire life, that matters. Representative Dean's amendment would repeal the voter ID law and correct that situation for this 92-year-old woman but also thousands of other people, and it is absolutely germane to the subject matter of this bill. It is about the Election Code.

The amendment is in order, and I urge a "yes" vote on the matter of germaneness.

The SPEAKER. On the question of germaneness, the Speaker recognizes the gentleman from Bucks County, Mr. Santarsiero.

Mr. SANTARSIERO. Thank you, Mr. Speaker.

Mr. Speaker, I will endeavor not to wander off the well-worn path of germaneness; well-worn, of course, because this is one of scores of germaneness motions we have faced in this House in the last 2 1/2 years or so.

Mr. Speaker, this amendment is clearly germane, and one is left with the question as to why the gentleman, who was able to get a clearly unneeded law passed in the first place, fears a vote on the substance. I urge the gentleman to withdraw the germaneness motion, and if he in fact believes that he is right on the substance of the law, to allow this amendment to be debated and ultimately voted upon on this substance, because it is the substance of this law that is the question here, and making this motion, which is clearly without any basis, is merely a transparent attempt—

The SPEAKER. The gentleman will suspend.

Mr. SANTARSIERO. —to avoid that discussion.

The SPEAKER. The gentleman will suspend.

You are dangerously close to drawing motives, which is improper, and I would just caution you on that fact.

Mr. SANTARSIERO. Mr. Speaker, thank you.

You are correct, and I apologize for that. I did not intend that. I was so preoccupied with not wandering off the path of germaneness that I wandered into something else, and I should not have—

The SPEAKER. The Speaker thanks the gentleman.

Mr. SANTARSIERO. —so I do apologize for that.

However, I still urge the members to vote "no" on this motion and allow this issue to be debated on its merits. Thank you.

The SPEAKER. On the question of germaneness, the Speaker recognizes the gentleman from Allegheny County, Mr. Maher.

Mr. MAHER. Had this germaneness motion been made in February, I would probably agree with those who would hold the amendment were germane. But it is April, and in between we had March, and in March our courts ruled in a matter of the Pennsylvania State Association of Jury Commissioners. The Supreme Court issued an opinion on March 14 that changed the standards for a single-subject rule, which is the court's way of talking about germaneness. And one of the issues involved with that court case was the question of amending two articles within a single code and to mix obligations of one branch of government with another, or I daresay, the responsibilities of individuals versus the duties of government.

With this new, tougher standard for what is germane and what constitutes a single subject, I think the gentleman who moved that this is not germane is in fact correct. I regret the Supreme Court's decision. I think it makes our life more complicated. But the motion as to germaneness is entirely consistent with the opinion issued by the Supreme Court in March of this very year, and I would ask the members to respect the court's opinion and agree that this amendment is not germane.

Thank you, Mr. Speaker.

The SPEAKER. On the question of germaneness, the Speaker recognizes the gentleman from Northampton County, Mr. Freeman.

Mr. FREEMAN. Thank you, Mr. Speaker.

Mr. Speaker, I rise to support the germaneness of the amendment. The amendment offered by the lady from Montgomery County deals with the Election Code. This bill deals with the Election Code, and the two issues that are before us could not be closer. Her amendment is in fact germane.

The gentleman who just spoke before me, the gentleman from Allegheny County, put forth the point that the court ruled that there is a new standard given their ruling on the jury commissioner bill. In reality, there is not a new standard. The court could tomorrow rule differently and based upon the facts of the case that are before them, so you cannot apply that ruling in the case of our decision on germaneness.

The true guide on germaneness comes from Mason's Manual. When we have a doubt as to whether we are clear enough in our own House rules as to the germaneness of a proposal, the answer lies in Mason's Manual. I would direct the members of the House to section 402 of Mason's Manual dealing with amendments that have to be germane, and direct them specifically to point 3: "To be germane, the amendment is required only to relate to the same subject," which this amendment does. "It may entirely change the effect of or be in conflict with the spirit of the original motion or measure and still be germane to the subject." This amendment meets that test.

Point 4: "An entirely new proposal may be substituted by amendment as long as it is germane to the main purpose of the original proposal." This amendment is germane to the Election Code. Hence, it is germane.

I urge the members to stand by the appropriate way of dealing with the issue of germaneness, to stand by the fact that germaneness should be determined on the substance of the issue before us and not based upon political expediency. This amendment is germane, and I urge members of this House to vote as such.

The SPEAKER. On the question of germaneness, the Speaker recognizes the gentleman from Luzerne County, Mr. Pashinski.

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

I ask that the gentleman from Butler please stand for brief interrogation.

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

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

Your bill is talking about requirements for voting standards. Is that correct?

Mr. METCALFE. That is correct.

Mr. PASHINSKI. Is voting age a standard that would be included?

Mr. METCALFE. The standards that we are dealing with are what is acceptable for a vote when it is cast, and it is in Article II of the Election Code. The current amendment would amend Article XII. So the other— We are not talking about the criteria that one has to meet to be an eligible voter. We are talking about votes being cast—

Mr. PASHINSKI. But the question is—

Mr. METCALFE. —not who is casting them.

Mr. PASHINSKI. —is voting age considered a standard, a standard requirement in voting?

Mr. METCALFE. No, not under the standards that we are currently talking about. The standards we are talking about pertain to the standards that are set to have a vote be acceptable or not, not who is casting the vote. That would be something that would be dealt with over in Article XII, as I said, as this amendment does. We are dealing with Article II. This is not about standards in general. This is about standards specifically for the votes being cast, not by whom they are cast.

Mr. PASHINSKI. Could you identify what those standards are?

Mr. METCALFE. Some of it is actually a visual, a visual rendition of the standard.

The SPEAKER. Will the gentlemen both suspend, please.

I have a little trouble, I feel like you are getting into debating the bill almost and what the bill says. I realize that at some point what the bill says and what the amendment says is part and parcel of a germaneness debate. I would just ask you not to get too far into debating the bill's substance versus the amendment, and try to stay on the point of germaneness.

Mr. PASHINSKI. And I appreciate that, Mr. Speaker. I am just trying to get an understanding. We are talking about the word "standards," and you have identified that the standards that you are referring to are not the standards that I am referring to, which are the individual voting requirement standards. So I just want— You do not have to give them all to me but a few of the standards you are citing in that particular article.

Mr. METCALFE. Mr. Speaker, I cannot explain this any more clearly than that what we are talking about are the standards that are acceptable when a vote is cast as to whether or not that vote will be acceptable or not. It is not dealing with the individuals who are casting the vote, which is what the amendment would do under Article XII of the Election Code. We are talking about Article II of the Election Code, which is the reason for my motion that it is not germane, Mr. Speaker.

And beyond that, I am not going to accept any further questions because they are not to the motion, Mr. Speaker.

The SPEAKER. Is the gentleman, Mr. Pashinski, seeking to continue recognition on the motion of germaneness?

Mr. PASHINSKI. Yes, Mr. Speaker, I am.

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

Mr. PASHINSKI. I do appreciate the Representative from Butler's comments, and I appreciate those and respect those.

I am having difficulty when it comes to the standard, because I believe if a vote is going to be considered authentic and you require certain standards to authenticate that, it seems to me that the age requirement, the residency requirement, the proper-ID requirement, the signature requirement are the things that determine whether or not that vote is identified as being authentic.

I believe the gentleman from Northampton stated very clearly from the rules book that this indeed is an amendment that is germane, and it is vital that this body take this amendment in full consideration of the words, of the meaning, and the requirements and not look upon an ideological view.

I stand here to support the germaneness of this amendment. Thank you, Mr. Speaker.

The SPEAKER. On the question of germaneness, the Speaker recognizes the gentleman from Lancaster County, Mr. Cutler.

Mr. CUTLER. Thank you, Mr. Speaker.

I rise in support of the gentleman's motion that this amendment is not germane, and for the record, Mr. Speaker, I would like to briefly run through some of the recent court rulings that the gentleman from Allegheny just briefly touched on.

Mr. Speaker, I think it is important to note that this is not a new debate. It has been one that has been raging on for nearly a decade now. The original case defining the single-subject rule

would be the *City of Philadelphia v. Commonwealth*. It was decided in the Supreme Court in 2003. In that decision, the Supreme Court said there had to be a single unifying subject to which all of the provisions of the act are relevant. Mr. Speaker, perhaps if this was the final case that dealt with this issue, the argument that this item is germane would in fact be accurate; however, there have been multiple cases since then which have further restricted the interpretation of what is germane.

Mr. Speaker, I would like to point out the following cases: *Pennsylvanians Against Gambling Expansion*, or PAGE, was decided in the Supreme Court in 2005; *Neiman* at the Superior Court level in 2013.

Mr. Speaker, there is really a two-part test. First, a title of the bill must clearly express the substance of the proposed law, which I believe everyone would agree is the standard for ballots, electronic ballots, and the methods associated with that. And then the second, the differing topics within the bill must be germane to each other. Mr. Speaker, the subject matter of this amendment is clearly the repeal of the voter ID act. Mr. Speaker, that is dealing with the qualifications of voters.

Mr. Speaker, the underlying bill is dealing with standards for ballots, the mechanism by which the votes are counted. Furthermore, the qualifications for voters are the amendment; two separate subject matters.

Mr. Speaker, if there remains any question, I think we have to take into consideration the most recent court decision in March of 2013 regarding some legislation that successfully passed and was signed into law regarding the abolishment of the jury commissioners being within the purview of the county commissioners. Mr. Speaker, there were several key items that the court highlighted as to why they threw that item out. They are as follows: The powers of the county commissioners as simply too broad of a topic in order to unite them under the issue of germaneness. The idea that auctioning personal property and eliminating the office of jury commissioner was simply too far apart. Mr. Speaker, furthermore, they highlighted that the act mixed executive decisions through the auctions and legislative decisions through the abolishment of the jury commissioner. And finally, they pointed out that the bill amended two different articles in the County Code.

Mr. Speaker, I would offer the following points: one, this deals with the powers surrounding the standards for ballots, electronic ballots, and the voting standards. That is clearly one subject matter. The other subject matter, Mr. Speaker, is that the qualifications for voters are an individualized matter that are based on our Constitution and they are based on statute.

Furthermore, Mr. Speaker, the standards for ballots and their determination on how that is applied is vested in a State board. The qualifications for voters is vested in the county board. Mr. Speaker, the county board really relies on the statutory interpretation that is located there, whereas the standard for ballots is really the mechanism by which elections are carried out – powers versus voting standards, executive versus legislative methods, and most importantly, and I think the one that is most marked, is the departure and the fact that it amends two separate sections of the code, II versus XII, which the chairman of the State Government Committee has already pointed out.

Mr. Speaker, like the gentleman from Allegheny County, I am somewhat disappointed by the court's decision and their strict interpretation of the issue of germaneness, but regardless of our underlying agreements or beliefs in the issue, we have to

respect that knowing full well that any piece of legislation might be challenged and go to the Supreme Court, and we have to assume that they are going to apply the exact same standards that they have clearly articulated in the most recent case in March of this year.

Mr. Speaker, I think that the powers, the different titles, and the items that they cover are significantly different, and for that reason, we should support the motion that this is not germane. Thank you.

The SPEAKER. On the question of germaneness, the Speaker recognizes the gentleman from Cambria County, Mr. Barbin.

Mr. BARBIN. Thank you, Mr. Speaker.

I rise in support of this amendment as germane. There are those in the House that have a different opinion, both lawyers and nonlawyers, who have ventured into the area of interpreting what will be germane by the Supreme Court despite the fact that this case is still not decided for purposes of the next election. I think that is a mistake, and I think that is a good reason why we ought to have a vote on this bill.

There are people in this legislature that say this issue was decided 10 years ago because of a court case. This issue was decided 150 years ago when three major pieces of legislation decided who was going to vote and what those voting standards would be. In 1867, 90 percent of the people were able to vote because the country at the time said – 13th Amendment, 14th Amendment, 15th Amendment – we are going to let everybody vote. One hundred years later we were still fighting for that right to vote for this same reason—

The SPEAKER. Will the gentleman suspend.

Mr. BARBIN. —because somebody raised—

The SPEAKER. Will the gentleman suspend.

Mr. BARBIN. —the germaneness issue.

The SPEAKER. Will the gentleman suspend.

I am thinking you have drifted off of whether or not this amendment is germane to this bill before us, and I would urge you to focus on the immediate—

Mr. BARBIN. I will try to wrap it up quickly—

The SPEAKER. —question before the House.

Mr. BARBIN. —and we will have a difference of opinion on germaneness. I am sure our votes will be different.

But for the public that is listening to this, the bottom line on germaneness is, there is an amendment that says this bill that is moving forward today will create a situation that will not allow a fair vote. That took 100 years to decide. After the 1866 constitutional amendments, we still did not have a fair vote. In 1901, 10 percent of African-Americans could vote. Ninety percent voted in 1866. It took us—

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

Mr. BARBIN. Okay.

I will try—

The SPEAKER. The gentleman will suspend.

I am just having trouble seeing where your tie is to whether or not—

Mr. BARBIN. I will tie it up in 10 seconds.

The SPEAKER. —amendment 800 is germane to SB 436, and I would urge you to—

Mr. BARBIN. There has been an argument on germaneness that the decision has been decided by the Supreme Court, and all I am trying to say as to why it is germane is, today we could change the law, just like they did 100 years after 1866, and

actually give people the right to vote. That is what this amendment does.

I urge a vote for germaneness.

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

Mr. STURLA. Thank you, Mr. Speaker.

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

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

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, is it my understanding that the reason you are saying that this is not germane is because it affects two different articles in the same code?

Mr. METCALFE. Mr. Speaker, we have outlined why it is not germane. The amendment itself is amending Article XII. The bill is amending Article II. The amendment deals with people. The bill deals with machines. I think it is very obvious to anyone that takes a look at it, Mr. Speaker, that we are dealing with two different subjects here. This is not germane, this amendment, to the underlying bill, Mr. Speaker.

Mr. STURLA. So, Mr. Speaker, I guess my question is, so you are saying that because it deals with two different articles of the same code, that it is not germane?

Mr. METCALFE. Mr. Speaker, as I outlined in my opening remarks, the unifying theme of SB 436 is evidenced in the title as voting standards, Mr. Speaker, and you find those in Article II. The amendment proposes to amend a different article, Article XII, Mr. Speaker, relating to preparation for and conduct of elections. The subject matter of the amendment relates to voter identification. It is not the same subject, Mr. Speaker, therefore it is not germane.

Mr. STURLA. Thank you, Mr. Speaker.

The SPEAKER. Is the gentleman, Mr. Sturla, seeking recognition further on the question before the House?

Mr. STURLA. Yes, Mr. Speaker.

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

Mr. STURLA. Mr. Speaker, essentially what we have heard here is that if it amends two different sections of the same code, it would be eventually ruled unconstitutional by a court and therefore it is not germane. Mr. Speaker, if that is the standard by which we now move legislation in this House, because unless it is a new freestanding act, every bill in this House amends existing law, and nearly every bill that we run in this House touches on more than one article in the code that it is amending. Mr. Speaker, I would contend that more than 50 percent of what was passed in this House under this standard of germaneness would be ruled unconstitutional by the courts. If this is the new standard by which you all cast a vote, if you say that this is in fact not germane, then I hope that you will stick with that same standard in being consistent as bills come up in the near future, because my guess is that you will not be able to vote "yes" on half of the legislation that comes before this House.

Mr. Speaker, I get it when one part of the code deals with personal property taxes and another part of the code deals with abolishing a political post. That is sort of like even though they are both under the county commissioners code, one is sort of like apples and the other is sort of like orange crates; they both have something to do with fruit but they really are not the same.

But in this particular case, we are talking about voting standards and voting standards. There really is no difference.

Mr. Speaker, I would hope that members would vote to say that this amendment is germane, but if not, please understand why the stated purpose is that you are claiming it is not germane. It is because it affects two articles in the same code. I would then ask you, if you vote that this is not germane, to apply that same standard to every piece of legislation that comes before this House, because someone will remind you about that.

Thank you, Mr. Speaker.

The SPEAKER. On the question of germaneness, the Speaker recognizes the gentleman from Philadelphia County, Mr. Thomas.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, will the Representative stand for interrogation?

The SPEAKER. The gentleman, Mr. Metcalfe, indicates that he will stand for interrogation. You may proceed.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, I was in my office and got a lot of calls from folks about this conversation on whether or not the gentledady's amendment, which deals with voter ID, whether or not that is germane to SB 426. And I was talking to people and I was thinking about it, and my mind kind of went back to a very lengthy conversation that we had around voter ID, and I think that if we could pull up the record today, we would be able to show remarks that you had made during that conversation. And one of the things that kind of came out of several comments that you made was about standards, why voter ID was needed, because we needed some standard, some foundation, some uniformity in making determinations about whether who should be voting and who should not be voting. And when I thought about that, I said to myself, what standards today are different from the standards that occurred around that conversation? And why is it today you are raising the germaneness issue around standards contained in SB 426 but are not in line with standards that you articulated during the voter ID conversation?

Mr. METCALFE. Well, Mr. Speaker, we are dealing with the standards for the ballots being cast, for the machines where the ballot is being cast. We are not dealing, Mr. Speaker, with the people who are casting those and the qualifications of those individuals to cast a ballot, Mr. Speaker.

This SB 436 is dealing with what we have dealt with over the years four times before since 2002, and that is to ensure that we have standards that are set on when a ballot should be accepted, what has to be done with a ballot for that ballot to be counted. It is dealing with the machines and the ballots being cast. It is not dealing with the people casting them, Mr. Speaker, and I do not understand how your side of the aisle has created that confusion and accepted that confusion, because it is very clear, if you read the bill, that the standard we are talking about are standards for the ballots, the machines where the ballots are being cast, not for the people casting them. It is not the standards we are talking about, Mr. Speaker. And we can take you back to the original language of the bill, but you have got to pull that bill up on your laptop there and take a look at the bill, because that will show you exactly what kind of standards we are dealing with, Mr. Speaker.

Mr. THOMAS. But, Mr. Speaker, this conversation we are having today on standards for ballots, we are having this conversation because we are talking about something that is going to be available to people, correct? I mean, without people

participating, the ballots are moot. I mean, there is no relevance to the ballots, correct?

Mr. METCALFE. Mr. Speaker, we are talking about standards that are adopted by a State-level entity that we have created to adopt those standards. We are not talking about the criteria, the standard by which somebody is acceptable to be accepted as a legitimate voter, as a legal voter in this State, Mr. Speaker. That is something different. That is something that is put into law that is taken care of at the county level, at the judge of elections level. When somebody is coming in to cast their vote, they have got to sign in and show that they are the individual that is actually there to cast the vote. That is a different standard, Mr. Speaker, than we are talking about. We are talking about standards that are being acceptable that are set by an entity at the State level, not an entity at the county level or at the precinct level, on individuals at the precinct level who are determining that somebody has met those criteria for being an eligible voter, Mr. Speaker.

Mr. Speaker, the standards we are talking about, once again, are dealing with the ballot being cast, the machine casting that vote that the vote is being cast on, not the individuals casting the vote, Mr. Speaker. That is not part of this legislation and so it should not be part of the amendment to amend the legislation because it is a different subject, Mr. Speaker.

Mr. THOMAS. Mr. Speaker, do both of these things belong in the Election Code?

Mr. METCALFE. Yes, Mr. Speaker, as I said, one in Article II and one in Article XII, Mr. Speaker, different subjects that we are dealing with. They might both be in the same code, but they are different subjects, Mr. Speaker, which is why I made the motion that it is not germane.

Mr. THOMAS. Thank you. Thank you, Mr. Speaker.

Mr. Speaker, my interrogation is concluded.

The SPEAKER. Is the gentleman seeking additional recognition on the question?

Mr. THOMAS. Thank you, Mr. Speaker.

The SPEAKER. The gentleman is in order.

Mr. THOMAS. Mr. Speaker, as I heard some earlier speakers, it should be clear to us on both sides of the aisle, whether you are D or R, I, whatever, we are in the same statute. We are in the Pennsylvania Election Code. We are talking about issues that are inextricably intertwined. We cannot have a conversation about ballots without talking about people. I mean, this is not a scientific study.

The gentlelady's amendment is germane. Now, unless we want to define what "germaneness" means, we must vote that her amendment is germane to SB 436. And as our mommas used to say to us, that sometimes it is not necessary to get paralysis of analysis. You know, you become so academically driven until you lose the point. And we can do a lengthy analysis today and tomorrow and whenever, but her amendment does not warrant that kind of conversation. She is not talking about a statute that is contrary to the statute that is contained in SB 436. She is not talking about substance that is contrary to substance contained in SB 436.

Now, I know some people do not want to deal with the voter ID issue, but all of us, we have a unique opportunity today to put an end to an ugly policy that came out of this body. And it is kind of sad, too, because if I remember correctly, the voter ID

law only got out of the House pursuant to a motion to move the question, not pursuant to a healthy debate, but pursuant to a motion to move the previous question.

The SPEAKER. Will the gentleman suspend.

The question before us is germaneness, not a motion to move the previous question.

Mr. THOMAS. On germaneness. This is germane. If this is not germane, then we would be redefining a whole body of information around the rule of germaneness.

Our good friend, Representative Freeman, he gave you the factual definition of "germaneness." He also gave you the technical definition of "germaneness." Now, what we need to do, without fail, is to vote "yes" on the question of whether the gentlelady from Montgomery's amendment is germane. It is germane.

Thank you, Mr. Speaker.

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

Mr. DERMODY. Thank you, Mr. Speaker.

Mr. Speaker, back in the 2005-2006 session, there was a debate here in the House on an Election Code bill, and that Election Code bill had to do with the reporting and disclosure requirements for our candidates' affidavits. Now, during the course of that debate, our prime sponsor here today, the gentleman from Butler, offered an amendment to that bill dealing with disclosure and reporting requirements for our candidates' affidavits; he offered an amendment that would require every voter to present an ID, a voter ID at every election. Now, we all know that the gentleman from Butler would never offer an amendment that was not germane, and that amendment passed that day. So here we are today debating an amendment that deals with voting standards, that is the voter ID bill.

Now, back in 2005-2006, the voter ID bill was germane with a bill that determined our reporting requirements and disclosure requirements for our candidates' affidavits. Now, if voter ID was germane then, it certainly is germane to this voter ID bill right now, and we ought to vote and make sure this amendment gets heard today.

Thank you, Mr. Speaker.

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

(Members proceeded to vote.)

LEAVE OF ABSENCE CANCELED

The SPEAKER. The Speaker returns to leaves of absence and recognizes the gentleman from Montgomery County, Mr. Vereb, on the floor of the House. His name will be added back to the master roll call.

CONSIDERATION OF SB 436 CONTINUED

On the question recurring,

Will the House sustain the germaneness of the amendment?

The following roll call was recorded:

YEAS—91

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

NAYS—107

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

NOT VOTING—0

EXCUSED—3

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

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

MOTION TO REVERT TO PRIOR PRINTER'S NUMBER

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

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, I move that we go back to the prior printer's number of the bill so we will be faced with the Senate bill. If we pass the Senate bill unamended, the bill could be signed into law today and we can know we will have voting standards in time for the May primary election. If we do not pass this—

The SPEAKER. Will the gentleman suspend.

Let me just state the motion so then the question is moving to a prior printer's number.

The gentleman from Philadelphia County, Mr. Cohen, has moved to revert to prior printer's No. 377 – that is the information that was given to me. Is it the correct printer's number? – has moved to revert to prior printer's No. 377 for SB 436.

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

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

Mr. COHEN. Thank you.

Mr. Speaker, if we pass this motion to go back to the prior printer's number, as soon as this bill passes the House – it should be tomorrow – Governor Corbett can sign it into law and we will have voting standards for the May primary. If we do not pass it and the bill just goes back to the Senate, we may or may not have voting standards in the May primary election.

Voting standards are helpful. Sometimes there are close votes for offices. Sometimes it makes a difference whether you check a box with a check mark or an X or you put a zero outside the box. Sometimes these little technical questions actually make a difference in who wins an election. If we pass this motion and go back to the prior printer's number, Governor Corbett could sign the same voting standards that we have used before into law tomorrow. Without that, we have no voting standards.

The SPEAKER. On the motion to revert to prior printer's number, the Speaker recognizes the gentleman from Butler County, Mr. Metcalfe.

Mr. METCALFE. Thank you, Mr. Speaker.

Mr. Speaker, I would ask for a "no" vote on this motion. The maker of the motion already had his bite at the apple. He attempted to get his amendment into the bill. We defeated that on one of the first votes that we had here on this piece of legislation today, Mr. Speaker.

Mr. Speaker, the bill as amended, as I said, too, I had spoken with the Senator's office who authored the bill, the chairman of the State Government Committee in the Senate. His office was agreeable to the amendment that we made. We need to get this back over to the Senate so that they can pass it and send it to the Governor's desk.

The amendment that we made in the State Government Committee was logical. It was just common sense. It was ensuring that we had legislative oversight for all of the standards in the future when we had to adopt a new technology

and had to adopt standards for a new technology that might be used at some date in the future that we do not know about, Mr. Speaker.

So just a logical change in the amendment, and I would ask for the members' support in sending SB 436 back to the Senate, and by doing that, we will have to defeat this motion by the minority chairman, Mr. Speaker. So I would ask for a "no" vote on this motion, Mr. Speaker.

The SPEAKER. On the motion to revert to prior printer's No. 377, those in favor of reverting will vote "aye"; those opposed to reverting will vote "no."

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

The following roll call was recorded:

YEAS—89

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

NAYS—109

Adolph	Gabler	Lucas	Rapp
Aument	Gillen	Mackenzie	Reed
Baker	Gillespie	Maher	Reese
Barrar	Gingrich	Major	Regan
Benninghoff	Godshall	Maloney	Roae
Bloom	Greiner	Marshall	Rock
Boback	Grell	Masser	Ross
Brooks	Grove	McGinnis	Saccone
Brown, R.	Hackett	Mentzer	Sankey
Causar	Hahn	Metcalfe	Saylor
Christiana	Harhart	Metzgar	Scavello
Clymer	Harper	Miccarelli	Simmons
Corbin	Harris, A.	Micozzie	Smith
Cox	Heffley	Millard	Sonney
Culver	Helm	Miller	Stephens
Cutler	Hennessey	Milne	Stern
Day	Hess	Moul	Stevenson
Delozier	Hickernell	Murt	Swanger
Denlinger	James	Mustio	Tallman
DiGiolamo	Kampf	O'Neill	Taylor
Dunbar	Kauffman	Oberlander	Tobash
Ellis	Keller, F.	Payne	Toepel
Emrick	Keller, M.K.	Peifer	Toohil
English	Killion	Petri	Truitt
Evankovich	Knowles	Pickett	Turzai

Farry	Krieger	Pyle	Vereb
Fee	Lawrence	Quinn	Watson
Fleck			

NOT VOTING—0

EXCUSED—3

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

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

RESOLUTION

Mr. KORTZ called up **HR 150, PN 1139**, entitled:

A Resolution memorializing the Supreme Court of Pennsylvania to adopt the amendment or addition of Rules of Criminal Procedure 513 and 513.1 and their comments.

On the question,
Will the House adopt the resolution?

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

Mr. KORTZ. Thank you, Mr. Speaker.

I bring HR 150 before the House today for consideration. Mr. Speaker, this resolution would request that the Supreme Court adopt rules 513 and 513.1, which would basically delay the dissemination of arrest warrant information. Sir, it basically would build in a 10-day delay or until execution of the arrest warrant, and this is designed to help protect our men and women in uniform when they are doing their lawful duty, especially one of the most hazardous times, during arrest.

Sir, we do have the formal backing of the Attorney General's Office and the F.O.P. (Fraternal Order of Police). And I want to offer my thanks to my colleague from Lancaster County, Representative Cutler, who has worked with me on this over the last two sessions, and a special thanks to the majority chair of the Judiciary Committee, Representative Marsico, and the minority chair, Representative Caltagirone, for help ushering this through, and I would ask for an affirmative vote. Thank you, sir.

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

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

Mr. CUTLER. Thank you, Mr. Speaker.

I wanted to rise in support of this resolution and thank the gentleman for his efforts. As he indicated, we have been working on this for some time and he has stayed focused on this issue because I think the protection of our officers is paramount. And I appreciate his attention to this issue and bringing it up in the first place and would certainly also appreciate an affirmative vote.

Likewise, I would like to thank both the Republican and Democratic chairs of the Judiciary Committee for bringing it up so quickly in the hopes that we might encourage the Supreme Court to finally adopt this rule.

Thank you.

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

The following roll call was recorded:

YEAS—198

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

NAYS—0

NOT VOTING—0

EXCUSED—3

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

BILL ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 301, PN 1430**, entitled:

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, providing for a natural gas fleet vehicle tax credit; and imposing penalties.

On the question,

Will the House agree to the bill on second consideration?

Mr. **SAYLOR** offered the following amendment
No. A00867:

Amend Bill, page 2, line 13, by inserting after "that"
operates on 100% natural gas fuel and

Amend Bill, page 3, lines 9 and 10, by striking out "natural gas motor vehicle" and inserting

dedicated compressed natural gas vehicle or a new dedicated liquefied natural gas vehicle

Amend Bill, page 3, line 10, by striking out "motor" where it occurs the second time

Amend Bill, page 3, lines 13 through 16, by striking out all of said lines and inserting

"Natural gas conversion plan." A company's plan to convert at least five fleet vehicles to dedicated compressed natural gas or dedicated liquefied natural gas vehicles by purchasing new dedicated compressed natural gas or new dedicated liquefied natural gas vehicles.

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

Community and Economic Development

Amend Bill, page 3, line 21, by striking out "may" and inserting will

Amend Bill, page 3, line 27, by striking out "comprehensive"

Amend Bill, page 4, line 2, by inserting after "FOR"

dedicated

Amend Bill, page 4, line 3, by inserting after "FOR"

dedicated

Amend Bill, page 4, line 7, by striking out "start date" and inserting

completion of the natural gas conversion plan

Amend Bill, page 4, line 22, by striking out "and retrofit"

Amend Bill, page 4, line 23, by striking out "chapter" and

inserting

article

Amend Bill, page 6, lines 1 through 3, by striking out all of said lines

Amend Bill, page 6, by inserting between lines 17 and 18

(e) Limitation of application roll-over.—An application not approved by June 30 may not be returned to the committee for review. The department shall notify an applicant whose application has not been approved by June 30 that a new application for the natural gas fleet vehicle tax credit must be filed with the department in order for the applicant to continue to be considered for a natural gas fleet vehicle tax credit.

Amend Bill, page 6, line 18, by striking out "(E)" and inserting (f)

Amend Bill, page 6, lines 23 through 27, by striking out all of said lines and inserting

(3) The start date.

(4) A signed statement that the company intends to complete its conversion plan within four years from the start date

and remain in this Commonwealth for five years from the date its conversion plan is completed.

(5) Any other information as the department, in conjunction with the Department of Revenue, deems appropriate. Amend Bill, page 7, lines 2 through 5, by striking out all of said lines and inserting

(g) Certificate.—Upon execution of the contract required under subsection (f), the department shall:

(1) verify with the Department of Revenue that the company has filed all required State tax reports and returns for all applicable tax years and paid any balance of State tax due as determined at settlement, assessment or determination by the Department of Revenue;

(2) award the company a natural gas fleet vehicle tax credit; and

(3) issue the company a natural gas fleet vehicle tax credit certificate.

(h) Notice of completion.—Upon completion of the conversion plan, the company shall notify the department on a form required by the department.

Amend Bill, page 8, lines 1 through 4, by striking out all of lines 1 through 3 and "the date the company first submits a certificate." in line 4 and inserting

(c) Carryforward, carryback and refund.—A company may carry forward all or any unused portion of the tax credit for a period of five years from the start date.

Amend Bill, page 8, line 16, by inserting after "made."

The amount of the tax credit a purchaser or assignee may use against any one qualified tax liability may not exceed 75% of the qualified tax liability for the taxable year.

Amend Bill, page 8, by inserting between lines 24 and 25

(4) Before an application is approved, the Department of Revenue shall make a finding that the applicant has filed all required State tax reports and returns for all applicable tax years and paid any balance of State tax due as determined at settlement, assessment or determination by the Department of Revenue.

Amend Bill, page 9, by inserting between lines 6 and 7 Section 1704.1-G.2. Verification of continued eligibility.

(a) Tax credit.—Each fiscal year, a company awarded a tax credit under this article shall, on a form required by the department, provide the department with documentation that the company is in compliance with this article and the contract executed under section 1703-G.2(f).

(b) Notice of completion.—A company that has provided notice of completion as required under section 1703-G.2(h) shall annually provide documentation that the company is in compliance with this article for a period of five years from the date the notice of completion is given to the department.

Amend Bill, page 9, line 7, by striking out "Penalties" and inserting

Recapture

Amend Bill, page 9, line 11, by striking out "natural gas" and inserting

dedicated compressed natural gas or dedicated liquefied natural gas

Amend Bill, page 9, line 13, by striking out "start"

Amend Bill, page 9, line 13, by inserting after "date"

notice of completion was given to the department

Amend Bill, page 9, line 17, by inserting after "years"

from the start date

Amend Bill, page 9, line 20, by inserting after "a" where it occurs the second time

company did not maintain Pennsylvania registration or a

Amend Bill, page 10, line 17, by striking out "A company shall not be entitled to" and inserting

The department may not award

On the question,

Will the House agree to the amendment?

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

Mr. SAYLOR. Thank you, Mr. Speaker.

This amendment is offered after working with the gentleman from Allegheny County and his legislative team, the minority leader, and changes that his caucus wishes to see in the bill, and we agreed wholeheartedly with him and other members of his caucus to put in this bill.

Some changes: We defined the fleet as five vehicles or more. We also put in here the definition of exactly a "compressed natural gas vehicle" is to include a vehicle that must operate with 100 percent of compressed natural gas.

We also changed the makeup of the committee and took — excuse me a second, Mr. Speaker — the Marcellus Shale Coalition as well as the oil and gas coalition off of the task force on deciding where the grants would take place.

That is basically the gist of the amendment, Mr. Speaker.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—198

Adolph	English	Kirkland	Petri
Aument	Evankovich	Knowles	Pickett
Baker	Evans	Kortz	Pyle
Barbin	Fabrizio	Kotik	Quinn
Barrar	Farina	Krieger	Rapp
Benninghoff	Farry	Kula	Ravenstahl
Bizzarro	Fee	Lawrence	Readshaw
Bloom	Fleck	Longietti	Reed
Boback	Flynn	Lucas	Reese
Boyle, B.	Frankel	Mackenzie	Regan
Boyle, K.	Freeman	Maher	Roae
Bradford	Gabler	Mahoney	Rock
Briggs	Gainey	Major	Roebuck
Brooks	Galloway	Maloney	Ross
Brown, R.	Gergely	Markosek	Rozzi
Brown, V.	Gibbons	Marshall	Sabatina
Brownlee	Gillen	Masser	Saccione
Burns	Gillespie	Matzie	Sainato
Caltagirone	Gingrich	McCarter	Samuelson
Carroll	Godshall	McGeehan	Sankey
Causar	Goodman	McGinnis	Santarsiero
Christiana	Greiner	McNeill	Saylor
Clay	Grell	Mentzer	Scavello
Clymer	Grove	Metcalfe	Schlossberg
Cohen	Hackett	Metzgar	Simmons
Conklin	Haggerty	Miccarelli	Sims
Corbin	Hahn	Micozzie	Smith
Costa, D.	Haluska	Millard	Snyder
Costa, P.	Hanna	Miller	Sonney
Cox	Harhai	Milne	Stephens
Cruz	Harhart	Mirabito	Stern
Culver	Harkins	Miranda	Stevenson
Cutler	Harper	Molchany	Sturla
Daley, M.	Harris, A.	Moul	Swanger
Daley, P.	Harris, J.	Mullery	Tallman
Davidson	Heffley	Mundy	Taylor
Davis	Helm	Murt	Thomas
Day	Hennessey	Mustio	Tobash
Dean	Hess	Neilson	Toepel
Deasy	Hickernell	Neuman	Toohil

DeLissio	James	O'Brien	Truitt
DeLozier	Kampf	O'Neill	Turzai
DeLuca	Kauffman	Oberlander	Vereb
Denlinger	Kavulich	Painter	Vitali
Dermody	Keller, F.	Parker	Waters
DiGirolamo	Keller, M.K.	Pashinski	Watson
Donatucci	Keller, W.	Payne	Wheatley
Dunbar	Killion	Peifer	White
Ellis	Kim	Petrarca	Youngblood
Emrick	Kinsey		

NAYS—0

NOT VOTING—0

EXCUSED—3

Bishop	Everett	Marsico
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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,

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

Mr. **STURLA** offered the following amendment No. **A00727**:

Amend Bill, page 9, line 23, by striking out "unforeseen industry trends"

On the question,

Will the House agree to the amendment?

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

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, this amendment simply removes the language that says "unforeseen industry trends" as a reason why DCED (Department of Community and Economic Development) can waive penalties for failure for a company to complete a conversion plan.

Mr. Speaker, I am not sure what unforeseen industry trends are, but my guess is, an unforeseen industry trend could be something as much as, I did not like the way the air smelled that day. You know, there is no standard by which we know what an unforeseen industry trend is. Could it be that the price of gas went up 10 cents a million cubic feet? Did it drop 10 cents a million cubic feet? Did somebody decide that something happened? Was there a bomb dropped somewhere? You name it. I cannot imagine to think of the number of unforeseen industry trends that could go on.

And so the notion that anybody – and who determines that an unforeseen industry trend actually occurred? Essentially, what we have done is created a loophole here that you could drive a truck through, and anybody that wants to convert will convert, and anybody that does not we will take their credit and just not bother to convert.

This is simply trying to protect the taxpayers of Pennsylvania who would be losing tax dollars under these proposals to help aid an industry that gets to pick and choose whether or not they want to comply with the tax credit requirements or not.

I ask for an affirmative vote. Thank you, Mr. Speaker.

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

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

Mr. SAYLOR. Thank you, Mr. Speaker.

Again, this amendment is not necessary. Every Governor gets an opportunity to appoint a Secretary of Community and Economic Development. We have had a lot of great Secretaries, both Democratic and Republican Secretaries, over the years. Surely a Secretary of Community and Economic Development is not going to do something that is not in the best interest of Pennsylvania, giving away dollars to a company and then forgiving a company if it violates our rules of this Commonwealth.

So there is no need for this. I believe that the Secretaries over many, many years of many, many Governors have protected this Commonwealth from these kinds of allegations, and it is just, in my personal opinion, there are opportunities. As we all know with modernization, we have to give people flexibility. Who knows what those possibilities are? I do not disagree with Representative Sturla; I cannot name those right now. But that is the point of giving the Secretary that jurisdiction to make those decisions as he or she, Secretary of DCED, sees fit, and we as the General Assembly, if we see at a later point in time, which, again, I do not see that happening, we have an opportunity as a General Assembly to file our complaints with the current Governor at that time.

So I do not see the need for this. I think driving a Mack truck through, this is kind of a large exaggeration. The Secretary, herself or himself, will make those determinations.

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

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

Excuse me. We will back up from that and recognize the gentleman from Allegheny County, Mr. Dermody, on the amendment.

Mr. DERMODY. Thank you, Mr. Speaker.

Mr. Speaker, this amendment just makes sense. "Unforeseen industry trends," they do not even define what industry they are talking about. I mean, whoever the Secretary is, is going to need some help and some guidance to figure out what the heck this legislation is talking about. To remove this makes some sense. To have unforeseen industry trends – what does that mean? What industry we are talking about? What does trends mean? You could get more than a Mack truck through this piece of legislation.

We ought to adopt the Sturla amendment so these bills can make some sense. Thank you, Mr. Speaker.

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

Now on that, we will recognize the gentleman, Mr. Sturla, for the second time.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, whether or not you agree with the fact that there should be tax credits or not, the reality is that there is a bill here that puts out some standards by which those credits would be given. If we do not need to have the loophole of saying unforeseen industry trends because we trust, implicitly trust, whoever a Secretary of DCED might be to make the appropriate decision, why do we even have the rest of the legislation here?

Why do we not just say we are giving a tax credit and it is up to the Secretary of DCED to decide who gets it? It would be real simple – one line. Just go ahead. Here is \$30 million. You figure out whom to give it to, because we implicitly trust the person. We know that if they did anything we did not like, we would file a grievance later on and protest wildly and all sorts of things could happen.

The reason we do not do that is because we want to provide some guidelines by which people have to operate. We have a responsibility to our constituents who pay taxes who then give credits, those same taxes to industry to say, here is the standard by which you need to operate. This amendment says, that is fine, but then do not put a big loophole in there that says, oh, and by the way, you can get out of those standards if there is an unforeseen industry trend, which by his own admission, the maker of the bill says we do not define and he could not define, and he does not even know what they might be. Why would we provide a loophole like that if we are going to do anything at all?

Mr. Speaker, I urge a "yes" vote to tighten this so that we know who is going to get credits and who is not.

Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—89

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

NAYS—109

Adolph	Gabler	Lucas	Rapp
Aument	Gillen	Mackenzie	Reed
Baker	Gillespie	Maher	Reese
Barrar	Gingrich	Major	Regan
Benninghoff	Godshall	Maloney	Roae
Bloom	Greiner	Marshall	Rock
Boback	Grell	Masser	Ross
Brooks	Grove	McGinnis	Saccone
Brown, R.	Hackett	Mentzer	Sankey
Causar	Hahn	Metcalfe	Saylor
Christiana	Harhart	Metzgar	Scavello
Clymer	Harper	Miccarelli	Simmons
Corbin	Harris, A.	Micozzie	Smith
Cox	Heffley	Millard	Sonney

Culver	Helm	Miller	Stephens
Cutler	Hennessey	Milne	Stern
Day	Hess	Moul	Stevenson
Delozier	Hickernell	Murt	Swanger
Denlinger	James	Mustio	Tallman
DiGirolamo	Kampf	O'Neill	Taylor
Dunbar	Kauffman	Oberlander	Tobash
Ellis	Keller, F.	Payne	Toepel
Emrick	Keller, M.K.	Peifer	Toohil
English	Killion	Petri	Truitt
Evankovich	Knowles	Pickett	Turzai
Farry	Krieger	Pyle	Vereb
Fee	Lawrence	Quinn	Watson
Fleck			

NOT VOTING—0

EXCUSED—3

Bishop Everett Marsico

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

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

Mr. **STURLA** offered the following amendment
No. **A00736**:

Amend Bill, page 2, lines 5 and 6, by striking out all of said lines
Amend Bill, page 5, lines 6 through 30; page 6, lines 1 through 4,
by striking out all of lines 6 through 30 on page 5, all of lines 1 through
3 and "(C)" in line 4 on page 6 and inserting

(b)

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

, review and approval

Amend Bill, page 6, lines 7 through 12, by striking out "BY THE
COMMITTEE AND RANKED BASED ON NATURAL GAS" in line
7, all of lines 8 through 11 and "approve the applications according to
their" in line 12 and inserting

and approved by the Commonwealth Financing Authority
according to its

Amend Bill, page 6, lines 16 and 17, by striking out all of said
lines and inserting

The Commonwealth Financing Authority shall notify the
department of its determinations under this subsection.

Amend Bill, page 6, line 18, by striking out "(E)" and inserting

(c)

Amend Bill, page 7, line 2, by striking out "(F)" and inserting

(d)

Amend Bill, page 7, line 3, by striking out "(E)" and inserting

(c)

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

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

Mr. **STURLA**. Thank you, Mr. Speaker.

Mr. Speaker, this simply removes the Natural Gas Fleet Vehicle Tax Credit Committee and replaces them with the Commonwealth Financing Authority, which already exists and already has standards set up for reviewing applications. The

CFA has tried-and-true rules, standards, and procedures that apply to the application process, and it is a process by which the CFA operates, and it is also more transparent. Rather than replicating or duplicating and creating repetitive committees to do things for this State, this is using an existing committee, the Commonwealth Financing Authority, to review these applications and avoid duplication.

Thank you, Mr. Speaker.

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

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

Mr. SAYLOR. Thank you, Mr. Speaker.

Again, tax credits in this Commonwealth are decided by the Secretary of DCED and the committee that is made up of the Secretaries of Revenue, Environmental Protection, Transportation, and DCED. Those are the people who can best decide what the needs of this Commonwealth are when it comes to vehicles that would get this tax credit and review the financial plan. We have no other organization such as the CFA – they have not in the past reviewed any kind of tax credits and/or approval. I do not see a need to run this one by the CFA as well, Mr. Speaker.

I ask for a "no" vote on the amendment.

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

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

Mr. DERMODY. Thank you, Mr. Speaker.

Mr. Speaker, this amendment is important if these bills are going to have any impact whatsoever. This committee that is appointed ranks the applications. They can rank them any way they want. They send them to the department, they send them to DCED, and the Secretary can pick any application he wants, and he can totally disregard the rankings of this committee.

The gentleman from Lancaster is correct. We have an operation in effect right now with the CFA that has a fine history of ranking projects, has criteria by which they rank these projects, and do a great job of awarding them. It is in place. The legislature has a role. The legislature should have a role, and it makes sense and it is transparent, as opposed to this system which implements some committee, has a committee in a room rank projects and that ranking system is not binding any way whatsoever, and the Secretary can pick whatever project or whatever application he wants. The CFA is a transparent way to get this done in a way that keeps the legislature in the loop also.

I urge the approval of the Sturla amendment. Thank you, Mr. Speaker.

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

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

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, what this amendment does is places this with a review committee that already exists. There is no need to create another one, no need to create more redundancy. You know, I hear people talk all the time about all the bureaucratic nonsense that there is, where we have review process after review process after review process. Well, here we go creating another review process that we do not need. We already have

one in place, and what this amendment would do is allow that one that is in place to do the review rather than creating a new review committee.

I ask an affirmative vote. Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—89

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

NAYS—109

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

NOT VOTING—0

EXCUSED—3

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

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

Mr. **WHITE** offered the following amendment No. **A00740**:

Amend Bill, page 4, by inserting between lines 27 and 28
(c) Ineligibility.—A company shall not be eligible to receive a tax credit under this article if the company has any outstanding financial obligations, including fees, fines, taxes or impact fee payments, to the Commonwealth.

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

The **SPEAKER**. On that question, the Speaker recognizes the gentleman from Washington County, Mr. White.

Mr. **WHITE**. Thank you, Mr. Speaker.

This amendment is pretty simple, and what it does is it takes a good idea and it makes sure that the people that are taking advantage of it are the responsible corporate citizens of Pennsylvania. What this amendment would say is that a company would be ineligible for this credit if they have outstanding financial obligations to the Commonwealth – not just in taxes, but also in fines or impact fee payments that are due to the Commonwealth.

Some of these companies that may be applying for this are also companies that are paying the impact fee, and I think it would be wrong to allow them to benefit from the credit if they are not making their obligation to make their payments.

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

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

Mr. **SAYLOR**. Thank you, Mr. Speaker.

I ask for a negative vote on the amendment.

Most of what the gentleman is asking to be put in there has already been incorporated in an earlier amendment we voted and put into the bill, so there is no need for this amendment.

Thank you, Mr. Speaker.

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

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

Mr. **MAHER**. The gentleman has a noble intent but a poor drafting ability, because the amendment as written would disqualify essentially any employer or anybody that collects sales tax in Pennsylvania, because those entities withhold amounts that are then due to be remitted. Those are in fact outstanding obligations to the Commonwealth even if they are not yet due and payable. If he had meant things that were past due, he might have written it as such, but he did not. So this amendment, as noble as it sounds, would actually serve to disqualify just about any company in Pennsylvania that has any employees or sells any products.

So I would ask you to oppose the amendment, Mr. Speaker.

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

On the question, the Speaker recognizes the gentleman, Mr. White, for a second time.

Mr. **WHITE**. Thank you, Mr. Speaker.

In reference to my colleague's previous comments, I think that this is a matter of interpretation. I respect his knowledge of our laws and the way that he thinks they should be interpreted, but this is language that would be, I think, interpreted with some common sense.

And let us just be clear. If we vote this amendment down, we are saying that companies that have fines pending by the DEP (Department of Environmental Protection) or companies that have not made their obligated payments for the impact fee – which at this point I believe there is about \$9 million outstanding – we are going to reward them, reward them for failure to pay by giving them a tax credit.

So you can hang on semantics all you want, but at the end of the day, a "no" vote on this amendment is rewarding wrongdoers, which I do not think is the message we want to be sending out of this chamber when it comes to the natural gas industry. I ask for an affirmative vote.

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

The following roll call was recorded:

YEAS—89

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

NAYS—109

Adolph	Gabler	Lucas	Rapp
Aument	Gillen	Mackenzie	Reed
Baker	Gillespie	Maher	Reese
Barrar	Gingrich	Major	Regan
Benninghoff	Godshall	Maloney	Roae
Bloom	Greiner	Marshall	Rock
Boback	Grell	Masser	Ross
Brooks	Grove	McGinnis	Saccone
Brown, R.	Hackett	Mentzer	Sankey
Causer	Hahn	Metcalfe	Saylor
Christiana	Harhart	Metzgar	Scavello
Clymer	Harper	Miccarelli	Simmons
Corbin	Harris, A.	Micozzie	Smith
Cox	Heffley	Millard	Sonney
Culver	Helm	Miller	Stephens
Cutler	Hennessey	Milne	Stern

Day	Hess	Moul	Stevenson
DeLozier	Hickernell	Murt	Swanger
Denlinger	James	Mustio	Tallman
DiGirolamo	Kampf	O'Neill	Taylor
Dunbar	Kauffman	Oberlander	Tobash
Ellis	Keller, F.	Payne	Toepel
Emrick	Keller, M.K.	Peifer	Toohil
English	Killion	Petri	Truitt
Evankovich	Knowles	Pickett	Turzai
Farry	Krieger	Pyle	Vereb
Fee	Lawrence	Quinn	Watson
Fleck			

NOT VOTING—0

EXCUSED—3

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

On the question recurring,

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

Mr. **WHITE** offered the following amendment No. **A00745**:

Amend Bill, page 6, lines 1 through 3, by striking out all of said lines and inserting

(5) The Governor.

(6) The chairperson of the Majority Caucus of the

Senate.

(7) The chairperson of the Minority Caucus of the

Senate.

(8) The chairperson of the Majority Caucus of the House of Representatives.

(9) The chairperson of the Minority Caucus of the House of Representatives.

On the question,

Will the House agree to the amendment?

The **SPEAKER**. On that question, the Speaker recognizes the gentleman from Washington County, Mr. White.

Mr. **WHITE**. Thank you, Mr. Speaker.

This amendment is extremely simple. What it does is it adds designees to the committee determining who is going to get these tax credits from the Governor and each of the four legislative caucuses. What this does is it allows us, as the legislature, to maintain a little bit of control and accountability in this process.

If any of you in this chamber have dealt with the executive branch on some of these issues – I am looking at this list; the Secretary of the DEP pops out as someone that is not necessarily always so willing to get back in touch with this branch.

So we are the ones who have put these policies into place. We are the ones putting this tax credit into place. It would only make common sense that we would be able to have bipartisan input into how these credits will be put out. Thank you.

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

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

Mr. **SAYLOR**. Thank you, Mr. Speaker.

We have already incorporated some of the parts of this amendment in the previous amendment we approved earlier today. We do not see any need to include the Governor in this decisionmaking process, and we believe the amendment is appropriate as we had drafted it and voted for it earlier today.

Thank you, Mr. Speaker.

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

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

Mr. **WHITE**. Thank you, Mr. Speaker.

I do respect my friend from York County. You know, if you do not think the Governor should have any input in this, why was this thing solely made up of Cabinet Secretaries, which are solely appointed by the Governor?

This is an instance where we as a legislative body should have some input as to how this policy will be driven. It is not partisan; it is bipartisan. Each of the four legislative caucuses will have a designee.

So if we do not think this chamber deserves to have a voice in this debate, vote "no." If you think we do, vote "yes." Thank you.

LEAVE OF ABSENCE

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

CONSIDERATION OF HB 301 CONTINUED

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—88

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

NAYS—109

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

NOT VOTING—0

EXCUSED—4

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

On the question recurring,

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

Mr. **STURLA** offered the following amendment No. **A00722**:

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

Amend Bill, page 10, line 2, by inserting after "approved" the names of taxpayers who receive a waiver under section 1705-G.2(c), the amount of penalties waived under 1705-G.2(c), and the reason for the waiver

On the question,

Will the House agree to the amendment?

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

Mr. **STURLA**. Thank you, Mr. Speaker.

Mr. Speaker, this simply requires the disclosure of names of taxpayers who receive a waiver from penalties and the amount of the penalties that were waived in the report to the General Assembly. I believe this is just an amendment to try to gain more transparency in this legislation.

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

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

Mr. **SAYLOR**. Thank you, Mr. Speaker.

It is my pleasure to support the gentleman's amendment, from Lancaster County.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—192

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

NAYS—5

Causar	Rapp	Roae	Ross
Metcalfe			

NOT VOTING—0

EXCUSED—4

Bishop	Everett	Marsico	Wheatley
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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?

Mr. **SANTARSIERO** offered the following amendment No. **A00870**:

Amend Bill, page 1, line 11, by striking out "and"

Amend Bill, page 1, line 11, by inserting after "penalties"
; providing for natural gas severance fee; and establishing
the Natural Gas Severance Fee Account

Amend Bill, page 1, line 15, by striking out "an article" and
inserting
articles

Amend Bill, page 10, by inserting between lines 24 and 25

ARTICLE XVII-G.3

NATURAL GAS SEVERANCE FEE

Section 1701-G.3. Definitions.

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

"Account." The Natural Gas Severance Fee Account established in section 1728-G.3.

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

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

"Average annual price of natural gas." The arithmetic mean of the New York Mercantile Exchange (NYMEX) Henry Hub settled price on the last trading day of each month of a calendar year as reported by the Wall Street Journal for the 12-month period ending March 31.

"Base fee." The fee under section 1702-G.3(a).

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

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

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

"Fee." The fee imposed under this article.

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

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

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

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

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

"Person." A natural person or a corporation, fiduciary, association or other entity, including the Commonwealth, its political subdivisions, instrumentalities and authorities. When the term is used in a clause prescribing and imposing a penalty or imposing a fine or

imprisonment, or both, the term shall include the members, as applied to an association, and the officers, as applied to a corporation.

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

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

"Reporting period." Every three successive calendar months beginning January 1, 2012.

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

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

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

"Stripper well." A producing site or a nonproducing site that is not capable of producing and does not produce more than 90,000 cubic feet of natural gas per day.

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

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

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

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

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

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

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

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

Section 1702-G.3. Imposition of natural gas severance fee.

(a) Establishment.—Beginning January 1, 2014, there shall be levied a natural gas severance fee on every producer. The fee shall not be imposed on units severed from a stripper well unless:

(1) The stripper well is one of multiple producing sites or nonproducing sites, the combined volumes of gas produced by all of which sites are measured by a single wellhead meter as provided in section 1706-G.3.

(2) The combined volumes of gas produced by all the producing sites or nonproducing sites described in paragraph (1) is more than 90,000 cubic feet of natural gas per day.

(a.1) Exemptions.—The fee shall not be imposed on the

following:

(1) Units severed by a producer and sold and delivered to a manufacturer of tangible personal property, as defined in section 201(m), for the manufacturer's use within this Commonwealth if the units have been severed from one or more producing sites or nonproducing sites on property owned by the manufacturer.

(2) Units provided free of charge to the owner of the surface under which the gas is severed if the surface owner is the end user of the gas.

(b) Base fee.—The base fee shall be 20¢ per unit severed at the wellhead.

Section 1703-G.3. Fee adjustment index.

(a) Annual adjustment.—The base fee shall be adjusted annually by the amount of the fee adjustment index as calculated under subsection (c), provided that the adjusted fee shall never be less than the base fee. The adjusted fee shall be effective for the next fiscal year.

(b) Determination of adjustment.—On or before April 30 of each year following the effective date of this section, the department shall calculate and determine the amount of the fee adjustment index.

(c) Calculation of adjustment.—The fee adjustment index shall be determined as follows:

(1) If 8% of the average annual price of natural gas is less than the base fee, the fee adjustment index shall be zero and the adjusted fee shall be the base fee.

(2) If 8% of the average annual price of natural gas is greater than the base fee, the fee adjustment index shall be 50% of the difference between 8% of the average annual price of natural gas and the base fee. The adjusted fee shall be the resulting fee adjustment index plus the base fee rounded to the nearest whole cent.

(d) Publication of adjustment.—The department shall forward the amount of the fee adjustment index and the adjusted fee, as determined under subsection (c), to the Legislative Reference Bureau for publication in the Pennsylvania Bulletin by May 1 of each year and shall simultaneously provide the information to producers by written notice. Failure to publish or provide to producers the amount of the fee adjustment index and the adjusted fee shall not affect the applicability of the adjusted fee under subsection (b).

(e) Discontinuance of data.—If publication of the NYMEX Henry Hub average monthly natural gas price data is discontinued, the adjusted fee then in effect shall not be adjusted until a comparable method for determining the fee adjustment index is adopted by the General Assembly.

(f) Other adjustments.—If the base data of the NYMEX Henry Hub average monthly natural gas price is substantially revised, the department shall, when determining the amount of the fee adjustment index under subsection (c), make appropriate changes to ensure that the fee adjustment index is reasonably consistent with the result that would have been attained had the substantial revision not been made. If the department is unable to make reasonable changes sufficient to ensure a consistent result, the adjusted fee then in effect shall not be adjusted until a comparable method for determining the fee adjustment index is adopted by the General Assembly.

(g) Application of fee determinations.—The provisions of this section shall affect only the determination of the fee imposed under section 1702-G.3. The provisions of this section are not intended nor shall they be construed to affect any other determination, including, but not limited to, the determination of royalty due under mineral leases. Notwithstanding any other provision of law, the fee imposed under section 1702-G.3 shall not reduce any royalty payments due under mineral leases, and the producer shall not recover any portion of the fee paid from the royalty owner through other means of deduction or reallocation, notwithstanding any provision in the lease, contract or agreement.

Section 1704-G.3. Return and payment.

(a) Return.—A producer shall submit a return and payment of the fee to the department on a form prescribed by the department for each

reporting period. The return shall include the following:

(1) The units of production severed by the producer during the reporting period.

(2) The number of producing sites of a producer in each county and municipality.

(3) The amount due for the reporting period.

(b) Filing.—The return required under subsection (a) shall be filed with the department within 25 days following the end of a reporting period.

(c) Deadline.—The fee imposed under section 1702-G.3 is due on the day the return is required to be filed and becomes delinquent if not remitted to the department by that date.

(d) Deposit.—Fees collected shall be deposited into the account. Section 1705-G.3. Natural gas severance fee registration.

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

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

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

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

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

(d) Violation.—A person severing natural gas in this Commonwealth without holding a valid registration certificate under subsection (b) shall be guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of not less than \$300 nor more than \$1,500. In the event the person convicted defaults in the payment of the fine, he shall be sentenced to imprisonment for not less than five days nor more than 30 days. The penalties imposed by this subsection

shall be in addition to any other penalties imposed by this article. For purposes of this subsection, the severing of natural gas during any calendar day shall constitute a separate violation. The secretary may designate employees of the department to enforce the provisions of this subsection. The employees shall exhibit proof of and be within the scope of the designation when instituting proceedings as provided by the Pennsylvania Rules of Criminal Procedure.

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

Section 1706-G.3. Meters.

(a) General rule.—Except as provided in subsection (b), a producer shall provide for and maintain a discrete wellhead meter where natural gas is severed. A producer shall ensure that the meters are maintained according to industry standards. Any wellhead meter installed after the effective date of this section shall be a digital meter.

(b) Exception.—If a producer has multiple producing sites or nonproducing sites, the combined volumes of gas produced by all of which sites are measured by a single wellhead meter, the producer shall not be required to provide for a discrete wellhead meter at any of those producing sites or nonproducing sites that is also a stripper well.

Section 1707-G.3. Assessments.

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

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

Section 1708-G.3. Time for assessment.

(a) Requirement.—An assessment as provided under section 1707-G.3 shall be made within three years after the date when the return provided for by section 1704-G.3 is filed or the end of the year in which the tax liability arises, whichever shall occur last. For the purposes of this subsection and subsection (b), a return filed before the last day prescribed for the filing period shall be considered as filed on the last day.

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

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

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

Section 1709-G.3. Extension of assessment period.

Notwithstanding the provisions of this article, the assessment period may be extended in the event a taxpayer has provided written consent before the expiration of the period provided in section 1708-G.3 for a fee assessment. The amount of fee due may be assessed at any time within the extended period. The period may be extended further by subsequent written consents made before the expiration of the extended period.

Section 1710-G.3. Reassessments.

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

Section 1711-G.3. Interest.

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

Section 1712-G.3. Penalties.

The department shall enforce the following penalties:

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

(2) A penalty against a producer for failure to timely file a return as required under section 1704-G.3. The penalty shall be 5% of the fee liability to be reported on the return for each day beyond the due date that the return is not filed.

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

(4) A penalty against a producer for failure to pay the fee by the deadline under section 1704-G.3. The penalty shall be 5% of the amount of fee due for each day beyond the payment date that the fee is not paid.

Section 1713-G.3. Criminal acts.

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

(b) Other crimes.—

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

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

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

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

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

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

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

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

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

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

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

Section 1714-G.3. Abatement of additions or penalties.

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

Section 1715-G.3. Bulk and auction sales.

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

Section 1716-G.3. Collection upon failure to request reassessment, review or appeal.

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

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

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

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

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

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

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

(b) Prohibition.—In a case for the collection of fees under subsection (a), the taxpayer against whom they were assessed shall not be permitted to set up a ground of defense that might have been determined by the department, the Board of Finance and Revenue or the courts, provided that the defense of failure of the department to mail notice of assessment or reassessment to the taxpayer and the defense of payment of assessment or reassessment may be raised in proceedings for collection by a motion to stay the proceedings.
Section 1717-G.3. Tax liens.

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

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

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

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

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

(f) Other remedies.—Subject to the limitations contained in this article as to the assessment of fees, nothing contained in this section shall be construed to restrict, prohibit or limit the use by the department in collecting fees due and payable of another remedy or procedure available at law or equity for the collection of debts.

Section 1718-G.3. Tax suit reciprocity.

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

Section 1719-G.3. Service.

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

Section 1720-G.3. Refunds.

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

Section 1721-G.3. Refund petition.

(a) General rule.—Except as provided for in subsection (b), the refund or credit of fee, interest or penalty provided for by section 1720-G.3 shall be made only where the person who has paid the fee files a petition for refund with the department under Article XXVII, within the time limits of section 3003.1.

(b) Natural gas severance fee.—A refund or credit of fees, interest or penalty paid as a result of an assessment made by the department under section 1705-G.3 shall be made only where the person who has paid the fee files with the department a petition for a refund with the department under Article XXVII within the time limits of section

3003.1. The filing of a petition for refund, under the provisions of this subsection, shall not affect the abatement of interest, additions or penalties to which the person may be entitled by reason of his payment of the assessment.

Section 1722-G.3. Rules and regulations.

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

Section 1723-G.3. Recordkeeping.

(a) General rule.—Every person liable for any fee imposed by this article, or for the collection of the fee, shall keep records, including those enumerated in subsection (b), render statements, make returns and comply with the rules and regulations as the department may prescribe regarding matters pertinent to the person's business. Whenever it is necessary, the department may require a person, by notice served upon the person or by regulations, to make returns, render statements or keep records as the department deems sufficient to show whether or not a person is liable to pay fees under this article.

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

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

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

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

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

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

Section 1724-G.3. Examinations.

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

Section 1725-G.3. Unauthorized disclosure.

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

Section 1726-G.3. Cooperation with other governments.

Notwithstanding the provisions of section 1718-G.3, the department may permit the Commissioner of the Internal Revenue Service of the United States, the proper officer of any state or the authorized representative of either of them to inspect the returns of any taxpayer, or may furnish to the commissioner or officer or to either of their authorized representative an abstract of the return of any taxpayer, or supply him with information concerning any item contained in any return or disclosed by the report of any examination or investigation of the return of any taxpayer. This permission shall be granted only if the laws of the United States or another state grant substantially similar privileges to the proper officer of the Commonwealth charged with the administration of this article.

Section 1727-G.3. Bonds.

(a) Taxpayer to file bond.—The department may require a nonresident natural person or any foreign corporation, association, fiduciary or other entity, not authorized to do business within this Commonwealth or not having an established place of business in this Commonwealth and subject to the fee imposed under section 1702-G.3, to file a bond issued by a surety company authorized to do business in this Commonwealth and approved by the Insurance Commissioner as to solvency and responsibility, in amounts as it may fix, to secure the payment of any fee or penalties due or which may become due from a nonresident natural person, corporation, association, fiduciary or other entity whenever it deems it necessary to protect the revenues obtained under this article. The department may also require a bond of a person petitioning the department for reassessment in the case of any assessment over \$500 or where, in its opinion, the ultimate collection is in jeopardy. For a period of three years, the department may require a bond of any person who has, on three or more occasions within a 12-month period, either filed a return or made payment to the department more than 30 days late. In the event the department determines a taxpayer is required to file a bond, it shall give notice to the taxpayer specifying the amount of the bond required. The taxpayer shall file the bond within five days after notice is given by the department unless, within five days, the taxpayer shall request in writing a hearing before the secretary or his representative. At the hearing, the necessity, propriety and amount of the bond shall be determined by the secretary or the secretary's representative. The determination shall be final and the taxpayer shall comply with it within 15 days after notice is mailed to the taxpayer.

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

(c) Failure to file bond.—The department may file a lien under section 1717-G.3 against any taxpayer who fails to file a bond when required to do so under this section. All funds received upon execution of the judgment on the lien shall be refunded to the taxpayer with 3% interest, should a final determination be made that it does not owe any payment to the department.

Section 1728-G.3. Natural Gas Severance Fee Account established.

(a) Establishment.—The Natural Gas Severance Fee Account is established as a restricted account within the General Fund.

(b) Use.—The money in the account shall be used to fund the natural gas vehicle tax credit established under Article XIX-B.

(c) Remaining funds.—Any funds remaining in the account following the appropriation under subsection (b) shall be deposited into the Unconventional Gas Well Fund established under 58 Pa.C.S. § 2314 (relating to distribution of fee).

(d) Nonlapse.—The money in the fund is continuously appropriated into the fund. This appropriation shall not lapse at the end of any fiscal year.

Section 1729-G.3. Appropriation.

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

On the question,

Will the House agree to the amendment?

AMENDMENT WITHDRAWN

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

Mr. SANTARSIERO. Mr. Speaker, I am withdrawing that amendment.

The SPEAKER. The Speaker thanks the gentleman.

On the question recurring,

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

Mr. **BRADFORD** offered the following amendment No. **A00871**:

Amend Bill, page 1, line 10, by inserting after "penalties," providing for a tobacco product tax; establishing the Tobacco Product Tax Account;

Amend Bill, page 1, line 15, by striking out "an article" and inserting

articles

Amend Bill, page 1, by inserting between lines 16 and 17

ARTICLE XII-A

CIGARETTE AND OTHER TOBACCO PRODUCTS TAX

Section 1201-A. Definitions.

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

"Cigarette." Any roll for smoking made wholly or in part of tobacco, the wrapper or cover of which is made of any substance or material other than tobacco regardless of the size or shape of the roll and regardless of whether or not the tobacco is flavored, adulterated or mixed with any other ingredient. The term cigarette shall not include cigars, little cigars or cigarillos.

"Smokeless tobacco." A product containing finely cut, ground, powdered, blended or leaf tobacco made primarily for individual consumption which is intended to be placed in the oral or nasal cavity and not intended to be smoked. The term includes chewing tobacco, dipping tobacco and snuff.

"Tobacco product." A product containing tobacco for consumption. The term includes a cigar, a little cigar, a cigarillo, pipe tobacco, smokeless tobacco, roll-your-own, smoking tobacco, bidis or beedies and kretek. The term does not include a cigarette.

"Tobacco product distributor or wholesaler." A person engaged in the business of selling tobacco products that sells, exchanges or distributes tobacco products to retailers, consumers or other wholesalers or distributors in this Commonwealth. The term includes a tobacco products manufacturer that has within this Commonwealth any

office, sales house or other place of business.

"Wholesale price." The price for which a tobacco manufacturer sells a tobacco product to a tobacco product distributor or wholesaler, exclusive of any discount, rebate or other reduction.

Section 1202-A. Incidence and rate of tax on tobacco products.

(a) General rule.—Except as set forth in subsection (d), a tax is imposed on a tobacco product sold or held for sale in this Commonwealth by a tobacco products distributor or wholesaler to a retailer or consumer. The tax is imposed on the tobacco product wholesale price, regardless of the actual price at which the tobacco product is sold and regardless of whether the tobacco product is sold.

(b) Purchase of stamp.—A tobacco products distributor or wholesaler that brings tobacco products or causes tobacco products to be brought into this Commonwealth is liable for the tax imposed by this section. The tax imposed is to be paid by the purchase of stamps as provided in this article. The stamp shall be affixed to or impressed upon each package of tobacco product.

(c) Tax.—The tax imposed by this section shall be at the rate of 59.2% of the wholesale price of the tobacco product.

(d) Applicability.—The tax under this section does not apply to a tobacco product which the Commonwealth is prohibited from taxing under the laws of the United States. It shall be presumed that all tobacco products within this Commonwealth are subject to tax. The burden of proof of exemption under this subsection is on the taxpayer or remitter claiming exemption.

Section 1203-A. Tobacco Product Tax Account.

(a) Creation.—A restricted receipts account known as the Tobacco Product Tax Account is created in the State Treasury.

(b) Funding.—Funds obtained from the imposition of the tax under section 1202-A shall be deposited into the Tobacco Product Tax Account to be used to fund natural gas fleet vehicle tax credit programs.

(c) Lapse.—Any funds not used for the purpose under subsection (b) during a fiscal year shall lapse into the General Fund.

On the question,

Will the House agree to the amendment?

AMENDMENT WITHDRAWN

The SPEAKER. The gentleman indicates he is also withdrawing that amendment.

The Speaker thanks the gentleman.

On the question recurring,

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

The SPEAKER. On that question, the Speaker recognizes the gentleman from Bucks County, Mr. Santarsiero, who calls up amendment A01060, which, before the clerk reads it, is a corrective reprint to amendment A0882. Therefore, the gentleman calls up amendment A01060, which the clerk will read.

On the question recurring,

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

Mr. **SANTARSIERO** offered the following amendment No. **A01060**:

Amend Bill, page 1, line 10, by inserting after "a"

Marcellus Shale job creation tax credit and for a

Amend Bill, page 1, line 15, by striking out "an article" and

inserting

articles

Amend Bill, page 10, line 25, by striking out all of said line and inserting

ARTICLE XVII-J

MARCELLUS SHALE JOB CREATION TAX CREDIT

Section 1701-J. Definitions.

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

"Base period." As follows:

(1) Except as set forth in paragraph (2), the three years immediately preceding the date on which a company may begin creating new jobs which may be eligible for job creation tax credits.

(2) If a company has been in business in this Commonwealth for less than three years, the period which it has been in business in this Commonwealth.

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

"Job creation tax credits." Tax credits for job creation for which the department has issued a certificate under this article.

"New job." A full-time job, the average hourly rate, excluding benefits, for which must be at least 350% of the Federal minimum wage, created within a municipality located in this Commonwealth by a company within three years from the start date. The term includes a job which was previously held by a nonresident and is filled by a resident. The term does not include a temporary or seasonal job.

"Nonresident." An individual who does not reside in this Commonwealth.

"Qualified apprenticeship training program." A program registered with the Apprenticeship and Training council within the Department of Labor and Industry that is in compliance with applicable Federal and State laws and regulations and which requires at least 2,000 but not more than 10,000 hours of on-the-job apprenticeship training.

"Resident." Any natural person who is considered a resident of this Commonwealth under this act.

"Start date." The date on which a company may begin creating new jobs which may be eligible for job creation tax credits.

"Year one." A one-year period immediately following the start date.

"Year three." A one-year period immediately following the end of year two.

"Year two." A one-year period immediately following the end of year one.

Section 1702-J. Eligibility.

In order to be eligible to receive job creation tax credits under this article, a company must demonstrate to the department the following:

(1) The company's financial stability and the project's financial viability.

(2) The company's express intent to maintain operations in this Commonwealth for a period of five years from the date the company submits its tax credit certificate to the Department of Revenue.

(3) The company is in conformity with industry laws and regulations overseen and enforced by the Department of Environmental Protection.

Section 1703-J. Application process.

(a) Application.—A company must complete and submit to the department a job creation tax credit application along with a copy of the permit issued by the Department of Environmental Protection providing that the company has obtained the necessary permit allowing the company to drill in this Commonwealth or a statement from the Department of Environmental Protection stating the same. The Department of Environmental Protection shall notify the Department of Labor and Industry, the Department of Revenue and the department

upon suspension or revocation of drilling permits or other changes that affect the company's ability to continuously drill in this Commonwealth.

(b) Applicant priority.—The department shall give priority to eligible applicants that will place the following workers in new jobs:

(1) Workers who have completed a qualified apprenticeship training program or a job training program approved by the Department of Labor and Industry.

(2) Dislocated workers under the act of December 18, 2001 (P.L.949, No.114), known as the Workforce Development Act, who meet any one of the following conditions:

(i) Have been terminated or laid off or have received notice of termination or layoff, and are eligible for or have exhausted unemployment compensation benefits.

(ii) Are unlikely to return to the industry or occupation in which the individuals were employed.

(iii) Have been terminated or received notice of termination as a result of the permanent closure or relocation of a plant, facility or plant operation in which the individuals were employed.

(iv) Are chronically unemployed.

(v) Have limited opportunities of employment in the geographic area in which the individuals reside.

(vi) Are individuals who may face substantial barriers to employment because of age or disability.

(3) Workers who have been unemployed for at least six months.

(4) Underemployed workers who require skill training to meet industry demands or increase employment opportunities.

(c) Approval.—If the department approves the company's application, the department and the company shall execute a commitment letter containing the following:

(1) A description of the project.

(2) The number of new jobs to be created.

(3) The amount of private capital investment in the project.

(4) The maximum job creation tax credit amount the company may claim.

(5) A signed statement that the company intends to maintain its operation in this Commonwealth for five years from the start date.

(6) A signed statement from the company that the company will provide to the department a list of workers which satisfies the requirements of subsection (b) for which the company will claim tax credit, including documentation of each worker's status as a resident of this Commonwealth.

(7) Such other information as the department deems appropriate.

(d) Commitment letter.—After a commitment letter has been signed by both the Commonwealth and the company, the company shall receive a job creation tax credit certificate and filing information.

Section 1704-J. Tax credits.

(a) Maximum amount.—A company may claim a tax credit of \$2,500 per new job created and up to the maximum job creation tax credit amount specified in the commitment letter.

(b) Determination of new jobs created.—

(1) New jobs shall be deemed created in year one to the extent that the company's average employment by quarter during year one exceeds the company's average employment level during the company's base period, as adjusted for any job held by a nonresident during the period which is no longer held by a nonresident.

(2) New jobs shall be deemed created in year two to the extent that the company's average employment by quarter during year two exceeds the company's average employment by quarter during year one.

(3) New jobs shall be deemed created in year three to the

extent that the company's average employment by quarter during year three exceeds the company's average employment by quarter during year two.

(c) Applicable taxes.—A company may apply the tax credit to 100% of the company's corporate net income tax, capital stock and franchise tax or the capital stock and franchise tax of a shareholder of the company if the company is a Pennsylvania S corporation, personal income tax or the personal income tax of shareholders of a Pennsylvania S corporation or any combination thereof.

(d) Tax credit term.—A company may claim the job creation tax credit for each new job created, as approved by the department, for a period determined by the department but not to exceed five years from the date the company first submits a job creation tax credit certificate.

(e) Availability of tax credits.—Each fiscal year, \$25,000,000 in tax credits shall be made available to the department and may be awarded by the department in accordance with this article.

Section 1705-J. Prohibitions.

The following actions with regard to job creation tax credits are prohibited:

(1) Approval of jobs that have been created prior to the start date, unless the job was held by a nonresident who has been replaced by a resident.

(2) The assignment, transfer or use of credits by any other company, provided, however, that tax credits may be assigned in whole or in part to an affiliated entity. As used in this paragraph, the term "affiliated entity" means an entity which is part of the same "affiliated group," as defined by section 1504(a)(1) of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 1504(a)(1)), as the company awarded the credit.

Section 1706-J. Penalties.

(a) Failure to create jobs.—A company which receives job creation tax credits and fails to create the approved number of new jobs within three years of the start date will be required to refund to the Commonwealth the total amount of credit or credits granted.

(b) Waiver.—The department may waive the penalties outlined in subsection (a) if it is determined that a company's operations were not maintained or the new jobs were not created because of circumstances beyond the company's control. Such circumstances include natural disasters or unforeseen industry trends.

Section 1707-J. Annual reports.

(a) Contents.—The department shall provide an annual report on job creation tax credits which at a minimum shall include:

(1) A list of all job creation tax credit certificates provided during the previous fiscal year.

(2) The name and location of each company receiving job creation tax credit certificates.

(3) An analysis of the job creation tax credits' ability to create jobs in this Commonwealth.

(4) Any other information that may be deemed relevant by the department.

(b) Submission.—The annual report shall be submitted to the Governor, the Majority Leader of the Senate, the Minority Leader of the Senate, the Majority Leader of the House of Representatives and the Minority Leader of the House of Representatives by March 1 of the first full year following the effective date of this section and March 1 of each year thereafter.

Section 1708-J. Notice of availability of tax credits.

The department shall publish notice of the availability of the job creation tax credit on its publicly accessible Internet website and make information available annually to the Department of Labor and Industry Workforce Investment Board for distribution to local boards.

Section 2. This act shall take effect as follows:

(1) The addition of Article XVII-J of the act shall take effect immediately.

(2) This section shall take effect immediately.

(3) The remainder of this act shall take effect in 60 days.

On the question,

Will the House agree to the amendment?

PARLIAMENTARY INQUIRY

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

Mr. SANTARSIERO. Thank you, Mr. Speaker.

Before I address that amendment, I have a point of parliamentary inquiry.

The SPEAKER. The gentleman may state his inquiry.

Mr. SANTARSIERO. Mr. Speaker, I offered a number of amendments: A00756, A00759, A00763, and A00766. I was inquiring as to the status of those amendments.

The SPEAKER. We have not gotten to those yet. They are on the list.

Mr. SANTARSIERO. If that is the answer, Mr. Speaker, that was my inquiry.

The SPEAKER. Perhaps I did not follow you. Would you restate your parliamentary inquiry?

Mr. SANTARSIERO. Mr. Speaker, it was not clear to me what order we were going in in terms of the amendments, so I was inquiring as to the order of those amendments and when they would be brought up.

The SPEAKER. I have the order up here.

Mr. SANTARSIERO. That is why I was inquiring, Mr. Speaker.

The SPEAKER. Does the gentleman have a further parliamentary inquiry?

Mr. SANTARSIERO. I do not, Mr. Speaker.

AMENDMENT WITHDRAWN

The SPEAKER. Is the gentleman seeking recognition on amendment A1060?

Mr. SANTARSIERO. I am withdrawing that amendment, Mr. Speaker.

The SPEAKER. The Speaker thanks the gentleman.

On the question recurring,

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

The SPEAKER. For the information of the members, the Pennsylvania Supreme Court has clearly stated that "...the mandates of Article III, Section 3..." of the Pennsylvania Constitution "...are achieved only 'where the provisions added during the legislative process assist in carrying out a bill's main objective or are otherwise 'germane' to the bill's subject as reflected in its title.' "

The bills under consideration today pertain to a natural gas fleet vehicle tax credit in HB 301, a natural gas corridor tax credit in HB 305, and a natural gas vehicle tax credit in HB 309. Only those amendments pertaining to the subject matter are in order. Tax credits for other purposes and severance fees and taxes for natural gas extractions do not assist in carrying out the main objective of the bill and thus are out of order. Accordingly, the following amendments to HB 301 are out of order because they violate House rule 20: amendments A0756, A0759, A0763, A0766, A0770, A0773, A0774, A0775, A0776, A0873, and A0919.

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

PARLIAMENTARY INQUIRY

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

Mr. STURLA. Parliamentary inquiry.

The SPEAKER. The gentleman may state his inquiry.

Mr. STURLA. Mr. Speaker, if an amendment that called for a severance tax on Marcellus Shale was then used to pay for the tax credit, would that be in order?

The SPEAKER. No.

Mr. STURLA. Could you perhaps elaborate a little more as to why something that paid for the tax credit that was in the bill would not be considered in order?

The SPEAKER. The Speaker is not required to stand, nor is it proper to stand, for interrogation. I have made the ruling which I stated fairly clearly for the record. And additionally, if the gentleman has a specific amendment to the bill, I would rule on it specifically.

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

RULING OF CHAIR APPEALED

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

Mr. DERMODY. Mr. Speaker, I rise to appeal the ruling of the Chair that those amendments of 301 that you have just read are out of order pursuant to the single-subject rule.

The SPEAKER. Let me state the challenge to the ruling of the Chair for the record.

The gentleman, Mr. Dermody, has challenged the ruling of the Chair, which was previously stated for the record.

On the question,

Shall the decision of the Chair stand as the judgment of the House?

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

Mr. DERMODY. Thank you, Mr. Speaker.

Mr. Speaker, HB 301 proposes to siphon \$25 million a year of corporate giveaways from the General Fund to large corporations at the expense of working middle-class Pennsylvanians. HB 301 is fiscally irresponsible, taking \$25 million out of the State coffers, out of our budget, every year, and forcing even more painful cuts to education, to our senior citizens, to our human services. Many of the amendments that you have just ruled out of order propose to fix the shortcomings of 301 by raising revenue to pay for the corporate tax cuts contained in the bill without having to ask our children and our most vulnerable citizens to hand out and suffer even more in favor of handouts to large corporations.

Mr. Speaker, HB 301 proposes a tax credit, and the amendments that you have just ruled out of order propose a way to pay for those tax credits. Amendments do not get any more germane than that. It is the single subject, and I urge all our

members to overturn the ruling of the Chair that these amendments are out of order for violating the single-subject rule.

The SPEAKER. On the question of the appeal to the ruling of the Chair, the Speaker recognizes the gentleman from Allegheny County, Mr. Turzai.

Mr. TURZAI. Thank you, Mr. Speaker.

I would urge the members to vote to uphold the ruling of the Chair. Rule 20, "Bills Confined to One Subject" is short and to the point: "No bill shall be passed containing more than one subject, which shall be clearly expressed in its title, except a general appropriation bill or a bill codifying or compiling the law or a part thereof."

There is significant case law in addition to Article III, section 3 of the Pennsylvania Constitution. The amendments at issue violate rule 20, "Bills Confined to One Subject."

We would ask the members to support and uphold the ruling of the Chair. Thank you.

PARLIAMENTARY INQUIRY

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

Mr. VITALI. Parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman may state his inquiry.

Mr. VITALI. Mr. Speaker, I was intending to appeal the ruling of the Chair with regard to A919. My inquiry is, is it appropriate to group all of these amendments together in one argument? And I raise that question because each of the different amendments, and there are multiple amendments, has different subject matter to them, and each has to be weighed on their own merits as to whether they violate the single-subject rule. My intent was to simply make argument with regard to A919.

So my question is, how can I do that when we are grouping these all together?

The SPEAKER. The gentleman would be in order to challenge the ruling of the Chair as it pertains to the specific amendment that may be of interest; however, the ruling as it was stated is inclusive of all amendments, and it is an accepted practice.

Mr. VITALI. Would it be appropriate maybe to do a sidebar right now, because I think we are coming onto a question which may set precedent, and I think rather than doing this in a— Would it make sense to sidebar on this one?

The SPEAKER. This is not a precedent-setting ruling in terms of including multiple amendments as out of order for the same purpose.

Mr. VITALI. Right. Okay. So for me to get to the point where I can make argument that amendment 919 is not violative of rule 20, how can I get to that point?

The SPEAKER. The gentleman would be in order and is recognized to do that at this point in time, and you would do that in the context of asking the members to not support the ruling of the Chair.

Mr. VITALI. The problem, though, Mr. Speaker, is that the vote would be on a number of amendments, some of which may violate the single-subject rule and some which may not. So I am trying to get at an isolated vote on whether amendment 919 isolates the single-subject rule.

The SPEAKER. The gentleman would be in order to make his arguments as to why amendment A0919 is not in violation of rule 20. I would suggest that if the gentleman were to prevail in that argument, he would be doing a favor to the makers of the other amendments that are also subject to this ruling.

Mr. VITALI. That is not my purpose, Mr. Speaker.

I am trying to get an isolated vote on whether my amendment violates the single-subject rule, and I think the rules entitle me to that.

So I would ask for a ruling on whether I am entitled to a separate vote on amendment 919.

The SPEAKER. Would the gentleman restate that. I am not sure I followed you.

Mr. VITALI. I am asking for a ruling on whether I am entitled to a separate vote on amendment 919 as to whether that violates rule 20.

The SPEAKER. The Speaker will accommodate the gentleman and rule that it is appropriate to include multiple amendments when declaring them in violation of rule 20.

RULING OF CHAIR APPEALED

Mr. VITALI. I appeal the ruling of the Chair.

The SPEAKER. Just for clarification to the members, it is the opinion of the Chair that the ruling that the gentleman from Delaware County just asked for logically takes precedence over the— The challenge that the gentleman made of the ruling takes precedence over the previous challenge to the ruling of the Chair made by the gentleman from Allegheny, Mr. Dermody. We will refer to that as ruling number two of the day. Therefore, I will present that question to the House at this point in time.

Shall the decision of the Chair stand as the judgment of the House? The ruling, just to be clear, was that it is proper or acceptable practice to include multiple amendments when the Speaker declares them, in his judgment declares them in violation of rule 20.

On the question,

Shall the decision of the Chair stand as the judgment of the House?

The SPEAKER. On that question, the gentleman, Mr. Vitali, has challenged that ruling, and he is in order to address that question.

Mr. VITALI. Thank you, Mr. Speaker.

The gentleman from the Lehigh Valley has just pointed out an ultimate irony here. The argument here in ruling these amendments out of order is the single-subject rule, and the purpose of the single-subject rule is to prevent unlike things from being forced into one vote. Mr. Speaker, what I am asking is that unlike things not be grouped into a single vote.

Mr. Speaker, each of these half a dozen – do not know how many there are – amendments has a different set of fact scenarios. Each of these has a subject matter which is slightly different. Each of these deserves a hearing on their own merits. I feel I can make a good case with regard to my amendment, and I feel that case should be heard by this body. Mr. Speaker, that case may be diluted by other amendments. Mr. Speaker, you are, by this ruling, taking away the ability of this body to pass on each individual case. Mr. Speaker, that is violative of the single-subject rule.

Mr. Speaker, I feel my amendment is pretty clear. My amendment involves a tax on natural gas to fund an activity which supports natural gas production. My amendment deals with natural gas production and it amends a bill that deals with natural gas production. I think that is a pretty good argument.

Mr. Speaker, my amendment is a severance tax, a 3-percent severance tax that 70 percent of Pennsylvanians have expressed support of. Mr. Speaker, my amendment is a tax. This bill is a Tax Code bill. Mr. Speaker, that is the same subject.

Mr. Speaker, the bill in chief detracts moneys from the General Fund; it detracts moneys from the General Fund to incent natural gas vehicles. My amendment puts moneys in the General Fund that can be used to fund this. So I am providing, one, I am providing a needed funding source; two, it deals with natural gas production; and three, they are Tax Code bills. I think I can make a very compelling argument that my amendment does not violate this single-subject rule but it is the same.

A severance tax is germane. It is something Pennsylvanians want. We desperately need the revenue. And I would ask, Mr. Speaker, rather than setting a bad precedent here, rather than setting a bad precedent here, we simply back up, back up a couple of steps and handle each of these individually.

So I would ask for support of my appeal of the ruling of the Chair. It just makes sense.

The SPEAKER. The Speaker thanks the gentleman.

The House will be at ease for a minute.

The House will come to order.

PARLIAMENTARY INQUIRY

The SPEAKER. On the question before the House, which is challenging the ruling of the Chair as to whether or not the amendments can be ruled out of order in a group as opposed to singularly, on that question, the Speaker recognizes the gentleman from Washington County, Mr. Pete Daley.

Mr. DALEY. Thank you, Mr. Speaker.

Point of parliamentary inquiry.

The SPEAKER. The gentleman may state his inquiry.

Mr. DALEY. Prior to the last speaker raising his point of order or his parliamentary inquiry, the subsequent challenge of the ruling of the Chair, I think the Speaker had indicated the reason why he was making this decision is because it is based upon precedent that was set in the House, a fundamentally like dictum. I mean, it is not actually in the rule of what we fundamentally function under Mason's. My understanding is there is a principle called ad seriatim, and this goes directly and lies to the heart of the issue here. Ad seriatim is when you have a list of subjects that are not pertinent to each one, each one must be voted individually – ad seriatim.

And I ask that, the parliamentary inquiry that I have to the Parliamentarian would be, is this issue not specifically addressed in Mason's for ad seriatim because of the variety of subjects for each one of these amendments?

The SPEAKER. The question the gentleman raises in the form of a parliamentary inquiry is arguably a restatement of the appeal by the gentleman, the ruling that was given and the appeal by the gentleman from Delaware County.

Mr. DALEY. Mr. Speaker, it is, but more specific to the issue at hand before the body of functioning rules that we do

function under. We do not function under precedent, per se, or previous dictum by other Speakers, but sometimes I know this Speaker and other Speakers have, but that is all predicated upon the rules of order that we function under, and I am trying to draw the point to the Speaker in a parliamentary inquiry, is specifically this is the issue that I think we need to address here, Mr. Speaker.

The SPEAKER. And I am saying that it is the question that the gentleman from Delaware County, Mr. Vitali, has challenged. If the gentleman from Washington wants to invoke that as an argument why the ruling of the Chair should be overturned, that would be his prerogative, but I believe you are in essence restating or reasking the very question that the gentleman from Delaware has challenged.

Mr. DALEY. Mr. Speaker, I am not offering it as a form of argument. It is a parliamentary inquiry made to the Parliamentarian that is that what we are doing here—

The SPEAKER. Well, the questions are directed to the Speaker, not to the Parliamentarian.

Mr. DALEY. I understand that, Mr. Speaker, and all respect to the Speaker, that is what I am doing. I am making that inquiry to you to ask whomever it may be at the dais who would make that determination.

The SPEAKER. The question the gentleman is posing is somewhat, is not necessarily relevant, because I have already ruled on that point. As I mentioned before, if you believe there is something in Mason's Manual or some other book of parliamentary procedure that can support your argument as to why the ruling of the Chair was incorrect, then I would suggest that that would be part of your argument; however, the question before the House is the appeal to the ruling of the Chair.

Mr. DALEY. Mr. Speaker, I do not think it is my place to do that. I think it is you as a Speaker and the Parliamentarian to make that decision. I am raising the inquiry, but I absolutely do, Mr. Speaker, think it is relevant because you are addressing one concern of one member. I am raising concern for all those amendments, Mr. Speaker. Each one of those amendments should be voted on individually, Mr. Speaker, not just this particular amendment; therefore, it is relevant.

The SPEAKER. You are now debating the ruling of the Chair and whether or not it should be overturned, and the Speaker has made a ruling and I would suggest that is the question before the House.

Mr. DALEY. Mr. Speaker, in all due respect, I am not trying to be obstreperous. I am just trying to get to the meat of the issue here. I am not going to appeal this decision which is appealing that decision which is appealing that decision. I just offer that as a parliamentary note to the Speaker and ask that that be considered at some point once this matter moves forward.

Thank you, Mr. Speaker.

The SPEAKER. The Speaker thanks the gentleman.

On the question of the appeal to the ruling of the Chair, the Speaker recognizes the gentleman from Clinton County, Mr. Hanna.

Mr. HANNA. Thank you, Mr. Speaker.

Mr. Speaker, I echo the comments of the gentleman from Delaware County as well as those of the minority leader.

Mr. Speaker, the Vitali amendment enacts a much-needed severance tax within the Tax Reform Code just as the underlying bill is amending the Tax Reform Code, and therefore, it is not violative of the single-subject rule. The underlying bill will cost the State's General Fund budget \$25 million each year through the Tax Reform Code for natural gas projects. The Vitali amendment actually puts money into the State's General Fund budget through the Tax Reform Code from the natural gas industry.

Mr. Speaker, the similarities between the Vitali amendment and the bill are both legal and obvious, applying the standards that have been set forth by our courts for the single-subject requirement. Number one, the topic is the same, simply whether a tax credit for natural gas should be offset by a severance tax for natural gas. Two, both are the purview of the legislative process. Three—

The SPEAKER. Will the gentleman suspend.

I obviously will give you a little more range, but let me just restate, the question before the House is the challenge of the ruling of the Chair. The ruling of the Chair was that it was proper or is proper to group a series of amendments when ruling them out of order or in violation of rule 20. That is the question before the House, not so much the substance of the various amendments.

I just urge the member to focus on the actual question before the House. Is it proper – or improper, to rephrase it – to group a series of amendments when determining they are out of order?

Mr. HANNA. Mr. Speaker, it is clear that we should be able to vote for each one of these individually for the very reasons that I am stating, that each individual amendment has substance which must be dealt with individually, and that is the reason that I am reciting the importance of finding that the Vitali amendment is in fact not violative of the single-subject rule.

And as I said, the court decision's parameters are met. As I stated, number one and number two have already been met. Number three, the bill creates Article XVII, which authorizes tax credits, and the Vitali amendment creates Article XVIII to pay for those very same tax credits.

In fact, Mr. Speaker, you ruled that the court decision says an amendment must assist in carrying out the main purpose of the bill. What could be more important than paying for these credits with the funds from the very same industry that will receive the bill's tax credits?

Mr. Speaker, in essence, a vote to rule the Vitali amendment out of order is a vote to make permanent the over \$1 billion of cuts that have happened to our schools over the last couple of years, and to add another \$25 million—

The SPEAKER. The gentleman will suspend.

Mr. HANNA. —in cuts to—

The SPEAKER. The gentleman will suspend.

The question is whether or not the ruling of the Chair would be sustained. The ruling of the Chair was whether or not it was proper to group a series of amendments when ruling them out of order. You have strayed from that significantly.

Mr. HANNA. Thank you, Mr. Speaker.

Mr. Speaker, I ask that my colleagues join me in overturning the ruling of the Chair so that we can in fact deal with the Vitali amendment which will pay for the corporate giveaways that this Marcellus Works package proposes.

Thank you, Mr. Speaker.

PARLIAMENTARY INQUIRY

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

Mr. SANTARSIERO. Thank you, Mr. Speaker.

Mr. Speaker, I have a point of parliamentary inquiry I would like to present.

The SPEAKER. The gentleman may state his point of parliamentary inquiry.

Mr. SANTARSIERO. Thank you, Mr. Speaker.

Mr. Speaker, as I understand it, a little while ago now the Chair called up amendment A00870, which was one of the amendments that I had offered, and I decided to withdraw that amendment. That amendment would have created a severance fee, which in part would have paid for the underlying credit in the bill.

My inquiry, Mr. Speaker, arises from a subsequent statement that you made that such an amendment, or for example, the amendment that the gentleman from Delaware County has proposed to create a severance tax to help pay for this credit, would be out of order.

The SPEAKER. Gentleman, I am having trouble hearing you.

Mr. SANTARSIERO. I am sorry. I was—

The SPEAKER. Not necessarily it is so loud, I just need you to—

Mr. SANTARSIERO. I think I was not close enough to the microphone. Excuse me, Mr. Speaker.

Mr. Speaker, what I said was that a short while ago you had called up amendment A00870, which was an amendment that I had offered that would have created a severance fee that would have in part paid for the underlying credit in the bill. I decided to withdraw that amendment. Subsequent to that, Mr. Speaker, as we came up to this latest group of amendments that the Chair ruled out of order, Mr. Speaker, I believe you said that an amendment such as amendment 870 would have been out of order, which was the reason why, for example, the gentleman from Delaware County's severance tax bill, or amendment, was ruled out of order.

So the point of my inquiry, Mr. Speaker, is to get clarification, because it seems as if the ruling and that statement were inconsistent; in other words, allowing 870 to go forward and then ruling that a very similar amendment was out of order.

The SPEAKER. The gentleman's point is well taken. Perhaps I should have included it in the group of amendments that I have ruled out of order, and in fact, that question could have been raised even after I had called it up, but fundamentally the gentleman is correct. It should – by being consistent, it should have been in; that was an oversight in that I did not include it in the other amendments, because it is similar in context and intent with the amendments I have ruled out. If the gentleman had not withdrawn it, we may have gone, "Wait a minute," and then procedurally challenged either the germaneness or the worthiness of the amendment from a ruling perspective.

Mr. SANTARSIERO. Okay. I appreciate that, Mr. Speaker. I asked the question in part because similar amendments have been filed to the two subsequent bills, HBs 305 and 309, and in fact, there are amendments to those bills that also would impose a tax, for example, on smokeless tobacco to help pay for the credits.

And I am not asking the Chair to rule at this point, but I suppose that we are to take it that those will be likely ruled out of order as well?

The SPEAKER. We will adjust the list going forward, if that was what the gentleman was looking for me to do.

Mr. SANTARSIERO. I am not asking you to do that, Mr. Speaker, but I do want to make it clear as we go forward, because if we are going to have an appeal of the Chair's ruling, I want to make sure we understand what the appeal is going to be, and ultimately, obviously, we need to understand what the Speaker's ruling will be.

So I do think, you know, the point was that this was an inconsistency, but I appreciate the Speaker's clarification.

The SPEAKER. And the gentleman's perspective is well taken.

Mr. SANTARSIERO. Thank you.

The SPEAKER. On the question, is the gentleman, Mr. Turzai, seeking recognition, the gentleman from Allegheny County?

The gentleman, Mr. Turzai, from Allegheny County is recognized.

Mr. TURZAI. Mr. Speaker, just again for the edification of the members, we had in front of the body the motion to appeal from the minority leader. That motion to appeal dealt with whether or not the particular amendments that were ruled out of order should have been ruled out of order. I do not believe we have had a vote on that yet, Mr. Speaker. Now the good gentleman from Delaware County has raised an appeal, and my understanding of his appeal is this: He is questioning, in his appeal, the authority of the Speaker to in fact – does the Speaker have the authority's power to rule amendments out of order based on rule 20; his deals with rule 4.

And House rule 4 states that "The Speaker shall decide all questions of order subject to an appeal..." I would ask the members to vote to uphold the Chair's authority to make the decision that he made based on rule 4, which clearly states that "The Speaker shall decide all questions of order subject to an appeal..." It is clearly within the prerogative of the Speaker in the interests of the efficiency of the process to rule on the same question as applied to multiple amendments subject to appeal. When we were in the minority, this was a practice that was utilized as well.

I would ask all members to please uphold the ruling of the Chair. Thank you.

The SPEAKER. On the question, those who favor sustaining the Chair's decision will vote "aye"; those opposed, "nay."

On the question recurring,

Shall the decision of the Chair stand as the judgment of the House?

The following roll call was recorded:

YEAS—109

Adolph	Gabler	Lucas	Rapp
Aument	Gillen	Mackenzie	Reed
Baker	Gillespie	Maher	Reese
Barrar	Gingrich	Major	Regan
Benninghoff	Godshall	Maloney	Roae
Bloom	Greiner	Marshall	Rock
Boback	Grell	Masser	Ross

Brooks	Grove	McGinnis	Sacone
Brown, R.	Hackett	Mentzer	Sankey
Causser	Hahn	Metcalfe	Saylor
Christiana	Harhart	Metzgar	Scavello
Clymer	Harper	Miccarelli	Simmons
Corbin	Harris, A.	Micozzie	Smith
Cox	Heffley	Millard	Sonney
Culver	Helm	Miller	Stephens
Cutler	Hennessey	Milne	Stern
Day	Hess	Moul	Stevenson
Delozier	Hickernell	Murt	Swanger
Denlinger	James	Mustio	Tallman
DiGirolamo	Kampf	O'Neill	Taylor
Dunbar	Kauffman	Oberlander	Tobash
Ellis	Keller, F.	Payne	Toepel
Emrick	Keller, M.K.	Peifer	Toohil
English	Killion	Petri	Truitt
Evankovich	Knowles	Pickett	Turzai
Farry	Krieger	Pyle	Vereb
Fee	Lawrence	Quinn	Watson
Fleck			

NAYS—88

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

NOT VOTING—0

EXCUSED—4

Bishop	Everett	Marsico	Wheatley
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Less than a majority of the members elected to the House having voted in the negative, the decision of the Chair stood as the judgment of the House.

The SPEAKER. That question being settled, the question before the House is the appeal of the ruling of the Chair, submitted by the gentleman from Allegheny County, Mr. Dermody. That question, to restate it shortly or quickly, it was that that group of amendments are out of order under rule 20.

On the question recurring,

Shall the decision of the Chair stand as the judgment of the House?

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

Mr. SANTARSIERO. Thank you, Mr. Speaker.

Mr. Speaker, I rise to support the minority leader's motion. It is clear that there is a single subject with respect to all of these amendments and the underlying bill. The underlying bill provides a tax credit. Amendment 756, for example, provides a tax credit of \$1,000 per year to our active-duty personnel for their travel expenses; 759 provides a \$1,000-a-year tax credit for personal income tax, to be offset against personal income tax for parents with special needs; A00763 provides a \$1,000-a-year tax credit for out-of-pocket expenses borne by our teachers for things that they buy for the classroom. We have a tax credit that provides for the offset of prescription drugs for our elderly.

Mr. Speaker, these are critical needs of our constituents, of the people of Pennsylvania, and they are tax credits just like the underlying corporate tax credits that this bill would give. And a vote against this motion and to not allow, essentially, these amendments to be brought up for a substantive debate and vote is essentially to vote against our seniors, to vote against our active-duty personnel, to vote against our teachers who are trying to help kids in the classroom out of their own pocket. And Mr. Speaker, that is something this House should never, never do.

So I urge my colleagues on both sides of the aisle to support the minority leader's motion and the appeal of the Chair on this issue. Thank you.

The SPEAKER. On the question, is the gentleman from Delaware County, Mr. Vitali, seeking recognition on the question?

Mr. VITALI. I am, Mr. Speaker.

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

Mr. VITALI. Mr. Speaker, I wanted to argue that my amendment should be in order, and by way of background, I will just give you the facts of the amendment so we may have that discussion.

It would impose a 3-percent severance tax at the wellhead for natural gas extracted in Pennsylvania, and that would yield about \$185 million a year. The reason that 3 percent was chosen, because combined with the impact fee, it would be about a 6-percent tax per year, which would make us very competitive with other States like West Virginia—

The SPEAKER. Will the gentleman suspend one minute, please.

I am more than willing to give you the ability to give a brief description of the amendment.

Mr. VITALI. Right.

The SPEAKER. I would suggest that when you start into the reasons why, now you have started to debate the amendment and that is not the question before the House. So I am going to give you the leeway to give a brief description of the amendment as a way of framing your argument, but I am not going to let you wander off into why that amendment does or proposes to do what it does.

Mr. VITALI. Fair enough, fair enough.

The moneys, the \$186 million or whatever it would be per year, would go to the General Fund, and I think that is important in understanding why this is the same subject. It would go to the General Fund, and that could be used for the tax credit, to fund this tax credit which takes about \$25 million a year from the General Fund. This severance tax, which would put money into the General Fund, would be a source for that tax credit, along

with education and transportation and all the other things that Pennsylvania so desperately needs.

I will not mention, because it is not relevant, the overwhelming public support for this. I will not mention other States like Texas having a 6-percent—

The SPEAKER. The gentleman will suspend.

Mr. VITALI. I agree, that is out of order.

The SPEAKER. Yeah, that is out of order.

Mr. VITALI. And I will not mention these other States either.

But now that I have done that, Mr. Speaker, again I just sort of want to bring this down to why this really is of the same subject as the bill in chief.

As we mentioned before, the bill in chief is in the Tax Code. This is an amendment to the – this clearly is a tax, so Tax Code bill tax. The bill in chief deals with expanding the production of natural gas. Natural gas vehicles are meant to expand the production of natural gas. This is a tax on the production of natural gas, so you have that same subject matter: production of natural gas. In both the amendment and the bill, production of natural gas is the subject matter, and my amendment provides a funding source. Bills need funding sources. My amendment puts money into the General Fund, and this bill takes money out of the General Fund.

So for those three reasons, this amendment is of the same subject, and I just might state parenthetically, this may be the only severance tax bill this chamber gets this term, so it may be the one vote that defines you on your position on this issue. So people should take that into account in the vote they are about to take here.

So then I would— What vote are we asking for, a "no" vote on your ruling?

The SPEAKER. Yes; the question will be framed, those in favor of sustaining the Chair's decision will vote "aye"; those opposed will be "no."

I believe that would suggest that your position would be a "no" vote.

Mr. VITALI. So then I urge a "no" vote to keep you consistent with 70 percent of Pennsylvanians and their viewpoints.

Thank you, Mr. Speaker.

The SPEAKER. On the question, the Speaker recognizes the gentleman from Washington County, Mr. Pete Daley.

Mr. DALEY. Thank you, Mr. Speaker.

I, unlike my last two colleagues, do support their effort to overturn the decision of the Chair; however, Mr. Speaker, I want to talk about another issue here. It is the precedent we are setting.

Now, the majority leader just said in the last debate that this was a vote on giving you the authority to make that decision, I do not think there is any member of this House that does not believe that the Speaker has the authority to make that decision. The challenge is to the decision itself. No one challenges your authority other than the fact the decision, Mr. Speaker, and I think you are a great Speaker and I have a lot of respect for you. I have known you for many years.

However, I think this is a bad decision because it lumps a number of amendments together all at once. Now, that could come back and bite any other legislature, any other time, by any other Speaker, because we established that precedent today. And what I am simply saying to you is that a Speaker could get

up in front of us and make a decision that all of the amendments today are out of order and that is the decision of the Speaker. That is why in Mason's, that is why in the rules, that these things should be done ad seriatim, one at a time, so we as the deliberative body in a democracy can debate that.

These types of decisions bring tyranny. We need to protect democracy. We need to make sure that every legislature, everybody – Democrat, Republican side, and any future legislature – knows that every issue is going to be debated one at a time.

I ask that we overturn the decision of the Chair. Thank you, Mr. Speaker.

The SPEAKER. The Speaker thanks the gentleman.

On the question, the Speaker recognizes the gentleman from Clearfield County, Mr. Gabler.

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

I rise to urge the members of this Assembly to uphold, vote to uphold the ruling of the Speaker. Rule 20 clearly says that bills are to be confined to one subject. "No bill shall be passed containing more than one subject, which shall be clearly expressed in its title...." The underlying bill intends to create a tax credit that companies can apply for to convert their vehicles to 100 percent natural gas.

By way of example, I was reviewing the amendments that were filed to this bill, and I took interest in one in particular. I am very thankful for the opportunity that I have 2 weeks a year and 1 weekend a month to serve as a member of the Pennsylvania Army National Guard. Amendment 756 would have endeavored to create a tax credit for active-duty military personnel, but the problem is, when you get into the questions that come up with this amendment, the fact of the matter is it is clear that it is moving on to a separate subject. The amendment, for one thing, did not address the fact that active-duty travel is paid for by the government already. If done properly, this amendment would have created a tax credit for zero dollars.

So the amendment at best would have added a needless confusion to our tax law and needless language that would have created confusion—

The SPEAKER. The gentleman will suspend.

I am going to try to be fair and reasonable about this, but I will allow you, as I did the gentleman from Delaware, to give a brief description of the amendment, but I would not allow you to drift on to what the pros and cons are or what this amendment would do, because we are not debating the amendment. You can describe it and use that as a reason why you support or do not support the ruling of the Chair, but I am not going to entertain a debate on the pros and cons of the strengths and weaknesses of that amendment.

Mr. GABLER. Thank you, Mr. Speaker.

And I will simply conclude by saying that in addressing the amendment, it created confusion and it got into other issues which I think clearly makes this amendment an example of how these amendments collectively run afoul of the single-subject rule enumerated in rule 20. I think at worst this amendment, as an example, displayed an attempt to muddy the water on the issue, which is the underlying question of natural gas tax credits, and instead drag our military into an unrelated issue, which I think is something that is not appropriate for this chamber to do.

For that reason I would ask the members to vote to uphold the ruling of the Chair, and I thank the members.

The SPEAKER. The Speaker thanks the gentleman.

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

Mr. BRADFORD. Thank you, Mr. Speaker.

Mr. Speaker, I, too, rise in favor of the Representative from Allegheny's motion appealing the ruling of the Chair. For similar reasons, I believe that the single-subject ruling as applied in this case is somewhat misguided.

Yesterday we heard in the case of these tax credits that it is about jobs, jobs, jobs, and while I think that is a little bit of an oversimplification, I think it is about how do we pay for the tax credits that we are giving? If we are going to make tax expenditures, they need to be paid for, and there is no more common denominator than paying for the tax credits. If there is no pay-as-you-go, you either create huge deficits or you cut, cut, cut. And these amendments propose something novel, which is using a resource in the Commonwealth, natural gas industry, to use some of the severance tax to pay for these credits. It is that simple.

Some of the credits that are being proposed are for job creation. One of them that the gentleman mentions, and I will use as a for-instance, is \$2500 to spend on tax credits for small businesses who hire our veterans as we welcome them home. Now, I give a description of the amendment not to advocate one way or the other, but if we are going to use tax credits to incentivize job creation and we are going to target it for specific industries, can we not use it, instead of for multinational drilling industries, can we not use it for our veterans returning home to Pennsylvania? A \$2500 credit for small business is a way we can incentivize. It is part of the single subject, the subject being jobs, jobs, jobs.

So let us get back to the single subject, which is creating jobs, and let us target them for working Pennsylvanians, not for just multinational drilling companies but for the workers and the veterans returning home looking for work, and let us give them to small businesses who are going the hire those folks. So it is clearly a single subject and it is a Pennsylvania issue. It is germane and it is right and it is in front of this body here today and it is as simple as voting with the Representative from Allegheny on this motion.

So I join with him and ask for your support. Thank you, Mr. Speaker.

LEAVE OF ABSENCE

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

CONSIDERATION OF HB 301 CONTINUED

The SPEAKER. On the question, the Speaker recognizes the gentleman from Clinton County, Mr. Hanna.

Mr. HANNA. Thank you, Mr. Speaker.

Mr. Speaker, I also rise to ask for a vote to overturn the ruling of the Chair.

Mr. Speaker, what this debate is about today is how we pay for this package of bills; that is what this debate is about. What we are debating is whether or not we use natural gas to pay for

natural gas tax credits; that is what these amendments would do. Mr. Speaker, many of the amendments that you have just ruled out of order propose to fix the shortcomings of this package of bills by raising revenue to pay for the corporate tax cuts that are in this bill, without having to ask middle-class citizens to suffer for these corporate tax cuts.

Mr. Speaker, I ask that my colleagues join me in overturning the ruling of the Chair so that we can offer these amendments that will pay for the corporate giveaways that the Marcellus Works package proposes.

Thank you, Mr. Speaker.

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

Mr. TURZAI. Thank you.

I would ask the members to please vote to uphold the ruling of the Chair. Thank you.

The SPEAKER. On the question, those in favor of sustaining the Chair's decision will vote "aye"; those opposed, "no."

On the question recurring,

Shall the decision of the Chair stand as the judgment of the House?

The following roll call was recorded:

YEAS—109

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

NAYS—87

Barbin	Deasy	Kavulich	O'Brien
Bizzarro	DeLissio	Keller, W.	Painter
Boyle, B.	DeLuca	Kim	Parker
Boyle, K.	Dermody	Kinsey	Pashinski
Bradford	Donatucci	Kirkland	Petrarca
Briggs	Evans	Kortz	Ravenstahl
Brown, V.	Fabrizio	Kotik	Readshaw
Brownlee	Farina	Kula	Roebuck
Burns	Flynn	Longietti	Rozzi
Caltagirone	Frankel	Mahoney	Sabatina
Carroll	Freeman	Markosek	Sainato
Clay	Gainey	Matzie	Samuelson

Cohen	Galloway	McCarter	Santarsiero
Conklin	Gergely	McGeehan	Schlossberg
Costa, D.	Gibbons	McNeill	Sims
Costa, P.	Goodman	Mirabito	Snyder
Cruz	Haggerty	Miranda	Thomas
Daley, M.	Haluska	Molchany	Vitali
Daley, P.	Hanna	Mullery	Waters
Davidson	Harhai	Mundy	White
Davis	Harkins	Neilson	Youngblood
Dean	Harris, J.	Neuman	

NOT VOTING—0

EXCUSED—5

Bishop	Marsico	Sturla	Wheatley
Everett			

Less than a majority of the members elected to the House having voted in the negative, the decision of the Chair stood as the judgment of the House.

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 **HB 305, PN 1431**, entitled:

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, providing for a natural gas corridor tax credit; and imposing penalties.

On the question,

Will the House agree to the bill on second consideration?

Mr. **DENLINGER** offered the following amendment No. **A00869**:

Amend Bill, page 1, lines 10 and 11, by striking out "; and imposing penalties"

Amend Bill, page 2, line 18, by striking out "Revenue" and inserting

Community and Economic Development

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

Amend Bill, page 2, line 30, by inserting after "company's" natural gas

Amend Bill, page 2, line 30, by striking out "for natural gas fueling stations"

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

natural gas infrastructure

Amend Bill, page 3, line 30, by striking out "secretary" and inserting

Secretary of Revenue

Amend Bill, page 5, by inserting between lines 13 and 14

(d.1) Limitation of application roll-over.—An application that is not approved by June 30 may not be returned to the committee for review. The department shall notify an applicant whose application has not been approved by June 30 that a new application for the natural gas corridor tax credit must be filed with the department in order for the

applicant to continue to be considered for a natural gas corridor tax credit.

Amend Bill, page 5, by inserting between lines 22 and 23

(4) The start date.

Amend Bill, page 5, line 23, by striking out "(4)" and inserting

(5)

Amend Bill, page 5, line 23, by inserting after "department"

, in conjunction with the Department of Revenue.

Amend Bill, page 5, line 30, by inserting after "SHALL" verify with the Department of Revenue that the company filed the required State tax reports and returns for the applicable tax years and paid a balance of State tax due as determined at settlement, assessment or determination by the Department of Revenue and

Amend Bill, page 6, by inserting between lines 2 and 3

(g) Notice of completion.—Upon completion of the natural gas infrastructure plan, the company shall notify the department on a form required by the department.

Amend Bill, page 6, lines 24 through 27, by striking out "Term.—A company may claim the natural gas corridor tax" in line 24, all of lines 25 and 26 and "company first submits a certificate." in line 27 and inserting

Carryforward, carryback and refund.—A company may carry forward all or any unused portion of the tax credit for a period of five years from the start date.

Amend Bill, page 7, line 8, by inserting after "made."

The amount of the tax credit a purchaser or assignee may use against a qualified tax liability may not exceed 75% of the qualified tax liability for the taxable year.

Amend Bill, page 7, by inserting between lines 15 and 16

(4) Before an application is approved, the Department of Revenue must make a finding that the applicant filed the required State tax reports and returns for the applicable tax years and paid any balance of State tax due as determined at settlement or assessment or by the Department of Revenue.

Amend Bill, page 7, by inserting between lines 26 and 27

Section 1804-C.1. Verification of continued eligibility.

(a) Compliance documentation.—Each fiscal year, a company awarded a tax credit under this article shall, on a form required by the department, provide the department with documentation that the company is in compliance with the provisions of this article and the contract executed under section 1803-C(e).

(b) Continuation of documentation.—A company that provided notice of completion as required by section 1803-C(g) shall continue to provide documentation that the company is in compliance with the relevant provisions of this article for a period of five years from the date the notice of completion is given to the department.

Amend Bill, page 7, line 27, by striking out "Penalties" and inserting

Recapture

Amend Bill, page 8, line 1, by striking out "start date" and inserting

date notice of completion is given to the department

Amend Bill, page 8, line 9, by inserting after "that"

a company failed to operate the natural gas fueling station or

Amend Bill, page 9, line 6, by striking out "A company shall not be entitled to" and inserting

The department may not award

On the question,

Will the House agree to the amendment?

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

Mr. DENLINGER. Thank you, Mr. Speaker.

Amendment A00869 is a combination of technical corrections and language adjustments to the bill, with a few

items of more substance that were raised at the Finance Committee level and have been adjusted here in the bill, but largely, matters that are technical in nature.

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

The following roll call was recorded:

YEAS—196

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

NAYS—0

NOT VOTING—0

EXCUSED—5

Bishop	Marsico	Sturla	Wheatley
Everett			

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. ROAE offered the following amendment No. A00888:

Amend Bill, page 2, lines 14 and 15, by striking out "The portions of I-76, I-78, I-79, I-80, I-81, I-83 and I-95 AND I-276" and inserting

All Interstate highways, United States highways and State routes

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

The SPEAKER. On that question, the Speaker recognizes the gentleman from Crawford County, Mr. Roae.

Mr. ROAE. Thank you, Mr. Speaker.

What my amendment does, it removes the list of interstates from the bill. It lists eight of the interstates. My amendment deletes those eight and it adds a language that all interstate highways, U.S. highways, and State routes would be in the area where the tax credits would be allowed.

I ask the members for support.

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

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

Mr. DERMODY. Thank you, Mr. Speaker.

Mr. Speaker, we urge the members to support this amendment. Thank you.

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

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

Mr. DENLINGER. Thank you, Mr. Speaker.

Yes, this is indeed an agreed-to amendment. Throughout this process, quite a number of members on both sides of the aisle reached out to me and asked for the inclusion of a road in their district or in their area. This would lift the specific route designations and open up all interstates, State routes, and U.S. highways, and it is indeed a supported amendment. Thank you.

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

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

Ms. DeLISSIO. Thank you, Mr. Speaker.

Mr. Speaker, will the gentleman whose amendment it is stand for a question, please?

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

Ms. DeLISSIO. Thank you, Mr. Speaker.

Mr. Speaker, if I understand this correctly, and I may not, the idea of putting these stations was sort of strategic and targeted so there would be corridors, eligible corridors. Does this, and I understand that there were lots of folks weighing in who would like routes in their particular geography considered, but

does this not dilute that original strategy to have a targeted corridor so that folks who are actually going to use this fuel can get from point A to point B to point C without having to call their local roadside assistance?

Mr. ROAE. Actually, Mr. Speaker, DCED would still have the discretion of which ones to approve, so that would not really have an impact as your concerns are.

Ms. DeLISSIO. So, Mr. Speaker, to be clear, DCED may or may not decide to approach this in a strategic, coherent fashion so that these stations make some sense in contrast to something that was sort of scattershot. Did I understand that correctly?

Mr. ROAE. I do not think in that aspect, it does not really change how everything would work. You could make the same argument for if we kept the bill with the original list of highways. You know, what if they picked one area on one road, another area on another road? I mean, it is not really going to change that.

So I hear your concerns, but it is not really going to be a concern.

Ms. DeLISSIO. Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—196

Adolph	Emrick	Kim	Peifer
Aument	English	Kinsey	Petrarca
Baker	Evankovich	Kirkland	Petri
Barbin	Evans	Knowles	Pickett
Barrar	Fabrizio	Kortz	Pyle
Benninghoff	Farina	Kotik	Quinn
Bizzarro	Farry	Krieger	Rapp
Bloom	Fee	Kula	Ravenstahl
Boback	Fleck	Lawrence	Readshaw
Boyle, B.	Flynn	Longietti	Reed
Boyle, K.	Frankel	Lucas	Reese
Bradford	Freeman	Mackenzie	Regan
Briggs	Gabler	Maher	Roe
Brooks	Gainey	Mahoney	Rock
Brown, R.	Galloway	Major	Roebuck
Brown, V.	Gergely	Maloney	Ross
Brownlee	Gibbons	Markosek	Rozzi
Burns	Gillen	Marshall	Sabatina
Caltagirone	Gillespie	Masser	Saccone
Carroll	Gingrich	Matzie	Sainato
Causser	Godshall	McCarter	Samuelson
Christiana	Goodman	McGeehan	Sankey
Clay	Greiner	McGinnis	Santarsiero
Clymer	Grell	McNeill	Saylor
Cohen	Grove	Mentzer	Scavello
Conklin	Hackett	Metcalfe	Schlossberg
Corbin	Haggerty	Metzgar	Simmons
Costa, D.	Hahn	Miccarelli	Sims
Costa, P.	Haluska	Micozzie	Smith
Cox	Hanna	Millard	Snyder
Cruz	Harhai	Miller	Sonney
Culver	Harhart	Milne	Stephens
Cutler	Harkins	Mirabito	Stern
Daley, M.	Harper	Miranda	Stevenson
Daley, P.	Harris, A.	Molchany	Swanger
Davidson	Harris, J.	Moul	Tallman
Davis	Heffley	Mullery	Taylor
Day	Helm	Mundy	Thomas
Dean	Hennessey	Murt	Tobash
Deasy	Hess	Mustio	Toepel
DeLissio	Hickernell	Neilson	Toohil

DeLozier	James	Neuman	Truitt
DeLuca	Kampf	O'Brien	Turzai
Denlinger	Kauffman	O'Neill	Vereb
Dermody	Kavulich	Oberlander	Vitali
DiGirolamo	Keller, F.	Painter	Waters
Donatucci	Keller, M.K.	Parker	Watson
Dunbar	Keller, W.	Pashinski	White
Ellis	Killion	Payne	Youngblood

NAYS—0

NOT VOTING—0

EXCUSED—5

Bishop	Marsico	Sturla	Wheatley
Everett			

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?

Mrs. **DAVIDSON** offered the following amendment
No. **A00737**:

Amend Bill, page 4, lines 2 through 5, by striking out all of said lines

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

The **SPEAKER**. On that question, the Speaker recognizes the lady from Delaware County, Mrs. Davidson.

Mrs. **DAVIDSON**. Thank you, Mr. Speaker.

This is an agreed-to amendment. It simply strikes out the language that includes the Marcellus Shale Coalition members on the council.

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

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

Mr. **BENNINGHOFF**. Thank you, Mr. Speaker.

I just wanted to compliment the maker of the amendment. There was some heavy discussion in the committee hearing on this, and I thought this was a good suggested change that we can make in a bipartisan manner, and I would ask the members to join her and support it. Thank you.

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

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

Mr. **DENLINGER**. Thank you, Mr. Speaker.

This is indeed an agreed-to amendment. We appreciate the Representative from Delaware County bringing it forward, and I ask for an affirmative vote.

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

The following roll call was recorded:

YEAS—196

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

NAYS—0

NOT VOTING—0

EXCUSED—5

Bishop	Marsico	Sturla	Wheatley
Everett			

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. GALLOWAY offered the following amendment No. A00733:

Amend Bill, page 8, line 22, by striking out "and" and inserting a comma

Amend Bill, page 8, line 22, by inserting after "approved" , the names of taxpayers who receive a waiver under section 1805-C(c), the amount of penalties waived under section 1805-C(c) and the reason for the waiver

On the question,

Will the House agree to the amendment?

The SPEAKER. For the information of the members, that amendment had been filed under the gentleman from Lancaster County, Mr. Sturla's name; however, the gentleman, Mr. Galloway, will be offering the amendment up.

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

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

Mr. GALLOWAY. Thank you, Mr. Speaker.

The underlying bill allows a waiver from penalties if a convergent plan is not in place for various reasons. And this amendment would require the disclosure of the names and the amount of the penalty – of the names of the taxpayers and the amount of penalties waived, and I believe this is an agreed-to amendment.

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

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

Mr. DENLINGER. Thank you, Mr. Speaker.

This is indeed an agreed-to amendment, and I ask for an affirmative vote.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—196

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

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

NAYS-0

NOT VOTING-0

EXCUSED-5

Bishop	Marsico	Sturla	Wheatley
Everett			

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. The amendments A0742 and A0744 were previously defeated in consideration of the prior bill; therefore, they are out of order under rule 26.

The Speaker rescinds the previous ruling. While the language of the two amendments, 742 and 744, is identical, the fact that they are amending different bills that propose different programs suggests that the effect of the language is different. Therefore, the Speaker is not ruling – is reversing his decision to rule those amendments out of order.

On the question recurring,

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

Mr. **WHITE** offered the following amendment No. **A00742**:

Amend Bill, page 3, line 2, by inserting before "In"

(a) General rule.–

Amend Bill, page 3, by inserting between lines 12 and 13

(b) Ineligibility.–A company shall not be eligible to receive a tax credit under this article if the company has any outstanding financial obligations, including fees, fines, taxes or impact fee payments, to the Commonwealth.

On the question,

Will the House agree to the amendment?

The SPEAKER. On that question, the Speaker recognizes the gentleman from Washington County, Mr. White.

Mr. WHITE. Thank you, Mr. Speaker.

This is similar to an amendment we brought up on the previous bill, but as the Speaker indicated, it would have a different effect because it is a different program.

I do want to preface this, this is the amendment that would say that a company would be ineligible for this tax credit if it has outstanding financial obligations, such as fees, fines, taxes, or impact fee payments. And my friend from Allegheny County, in the previous debate, brought up a suggestion that this would be overly broad and would not do what we wanted it to do. Luckily, in this bill, thanks to the omnibus amendment that we have already passed, there is a clear definition in there given for tax compliance. So I think that taking what we have already done to make this bill better on the floor, we can now make it better still.

My amendment would not undo that omnibus amendment. It provides that clarification. So this is a way to very clearly say, only responsible companies that are making their obligations to the Commonwealth – by paying their impact fees, by paying any fines that may be assessed by the DEP – would be eligible for this credit.

I ask for an affirmative vote. Thank you.

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

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

Mr. MAHER. Thank you, Mr. Speaker.

Notwithstanding the comments of the gentleman, this amendment has the same fatal flaw as his prior amendment, which would serve to disqualify virtually every business in Pennsylvania from participating in this program. That is because businesses accrue obligations that are outstanding but may not be past due. So if his goal is to get to those who are out of compliance, I would suggest that in the future he would draft amendments that deal with people who are out of compliance with the law, not simply those who have obligations that may not yet be due.

So I would urge you to oppose this amendment because it would serve to disqualify probably just about every business in our State. Thank you.

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

On the question, the Speaker recognizes the gentleman, Mr. White, for a second time.

Mr. WHITE. Thank you, Mr. Speaker.

Again, to reiterate, the omnibus amendment that this chamber just passed unanimously goes through and gives a definition for tax compliance. So with due respect to my friend from Allegheny County, I would disagree with his assessment and say that there is clear language in here which defines tax delinquency. This is merely dealing with the people that have outstanding fines and impact fee money, that would be who we would be impacting. And I think to not approve this sends a horrible message to the people of Pennsylvania about how serious this chamber is about promoting responsible development of Marcellus Shale gas.

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

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

Mr. DENLINGER. Thank you, Mr. Speaker.

In the matter of the interpretation of the gentleman's amendment versus the interpretation of the gentleman from Allegheny County, I choose to go with the gentleman from Allegheny County. And for that reason, this is not an agreed-to amendment and I would ask for a negative vote. Thank you.

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

The following roll call was recorded:

YEAS—88

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

NAYS—108

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

NOT VOTING—0

EXCUSED—5

Bishop	Marsico	Sturla	Wheatley
Everett			

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

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

Mr. **WHITE** offered the following amendment No. **A00744**:

Amend Bill, page 4, lines 2 through 5, by striking out all of said lines and inserting

(v) The Governor.

(vi) The chairperson of the Majority Caucus of the Senate.

(vii) The chairperson of the Minority Caucus of the Senate.

(viii) The chairperson of the Majority Caucus of the House of Representatives.

(ix) The chairperson of the Minority Caucus of the House of Representatives.

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

The SPEAKER. On that question, the Speaker recognizes the gentleman from Washington County, Mr. White.

Mr. **WHITE**. Thank you, Mr. Speaker.

And if progress is made, you know, incrementally, I think we may be on our way to getting one of these approved several years from now.

This amendment is similar to one we have recently debated. Again, this would allow for each of the four legislative caucuses to appoint a member, along with the Governor, to appoint a member to the committee that will be determining eligibility and who will actually get these credits. This does nothing to weaken the impact of the bill. This is merely a statement of the intent of the legislature to have an active role in making sure that we are going to have a say in who actually gets these credits and uses them the right way.

And I would encourage a positive vote – but will not be expecting it.

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

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

Mr. DENLINGER. Thank you, Mr. Speaker.

Mr. Speaker, we substantively dealt with the heart of this gentleman's amendment through an agreed-to amendment offered by Representative Davidson of Delaware County, and so the largest point of concern has already been dealt with. While I appreciate the other points, I consider them minor and would ask for a negative vote on this amendment.

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

The following roll call was recorded:

YEAS—88

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

NAYS—108

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

NOT VOTING—0

EXCUSED—5

Bishop	Marsico	Sturla	Wheatley
Everett			

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

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

Mr. **SANTARSIERO** offered the following amendment
No. **A00732**:

Amend Bill, page 8, lines 12 and 13, by striking out "unforeseen industry trends"

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

The **SPEAKER**. That amendment had originally been filed under the gentleman from Lancaster, Mr. Sturla's name; however, he is on leave, so therefore, the gentleman from Bucks County, Mr. Santarsiero, is offering it up.

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

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

Mr. **SANTARSIERO**. Thank you, Mr. Speaker.

I am very happy for the opportunity to debate an amendment.

This amendment would merely strike the words—

The **SPEAKER**. The Speaker could advise you how you could do that more often.

Mr. **SANTARSIERO**. I would be happy for that advice. Thank you, Mr. Speaker.

This amendment would merely remove the words "unforeseen industry trends" as a reason why DCED can waive penalties for the failure of a company to complete an infrastructure plan. "Unforeseen industry trends," of course, is nowhere defined. It is a very ambiguous phrase.

And for the reasons stated previously, this is something that makes good sense to take out of the bill, and I would ask for the House to support this amendment.

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

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

Mr. **DENLINGER**. Thank you, Mr. Speaker.

I appreciate the gentleman's concern; however, I think it is important that as we consider this legislation, that it is important to give the Secretary of DCED some amount of latitude to deal with problematic or unforeseen situations, and I think it is just a point of prudence to give the amount of latitude that we specified in the bill.

Therefore, I think the inclusion of this language is appropriate and I would ask for a negative vote on the gentleman's amendment.

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

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

Mr. **SANTARSIERO**. Thank you, Mr. Speaker.

Mr. Speaker, I certainly understand the gentleman's desire to provide latitude. That is a reasonable aim, I believe, under the circumstances. But I believe there is latitude, and then there is latitude, and in this case, when there is very little direction given, that latitude could potentially turn into abuse, and that is the concern. It would be better, in my view, Mr. Speaker, to provide a bit more direction as to how the standards should apply, and that is why I offer this amendment.

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

The following roll call was recorded:

YEAS—87

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

NAYS—109

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

NOT VOTING—0

EXCUSED—5

Bishop	Marsico	Sturla	Wheatley
Everett			

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

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

Mr. **BARBIN** offered the following amendment
No. **A00927**:

Amend Bill, page 1, line 10, by inserting after "corridor "
and natural gas facility
Amend Bill, page 1, line 19, by inserting after "CORRIDOR "
AND NATURAL GAS FACILITY
Amend Bill, page 9, by inserting between lines 7 and 8
Section 1807.1-C. Natural gas facility.
(a) Use.—The sum of \$10,000,000 shall be used to make tax
credits available to transit authorities to build new compressed natural
gas facilities. The facilities must provide access to the public as well as
transit vehicles.
(b) Definitions.—The following words and phrases when used in
this section shall have the meanings given to them in this subsection
unless the context clearly indicates otherwise:
"Mass transit authority." An operator of regularly scheduled
transportation that is available to the general public and is provided
according to published schedules along designated published routes
with specified stopping points for the taking on and discharging of
passengers. The term does not include exclusive ride taxi services,
charter or sightseeing services, nonpublic transportation or school bus
or limousine services.

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

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

Mr. BARBIN. Thank you, Mr. Speaker.

This amendment provides \$10 million to be set aside in conjunction with the corridor program now defined. Under the bill without this amendment, \$5 million will be split, \$500,000 at a time – approximately half the cost of these pumping stations – which means that 10 pumping facilities will be located across the expanded corridor.

What this amendment does is to say that if we are ever going to provide for new markets, if the benefits in the natural gas credit are ever going to reach the consumer, then we have to have an infrastructure. What this would do is put \$10 million aside for the transit authorities, let them use the pumping facility themselves so that they can convert over their buses to natural gas, but also make that available to the public for credit card access.

Right now we have a severance tax that is not providing a benefit to the middle class, even though the natural gas cost to run a vehicle is half of gasoline. Right now our natural gas is moving in pipelines going to points outside of the country, but it is not providing a benefit to the Commonwealth because that money that is supposed to be creating jobs is not creating the jobs.

I salute the maker of this bill. I salute the maker of the other two Marcellus Works bills, but you cannot have somebody convert their fleet if they do not have somewhere to fill up their car or their truck. We are putting this backwards; if we put the \$10 million into infrastructure, we can get people to want to drive natural gas cars and people to want to have natural gas fleets. Five million dollars, ten pumping stations is not going to do it. I am in favor of natural gas tax credits. I voted for the tax credit bill in Beaver County.

I think this is a good bill but it could be made better with an additional \$10 million for the transit authorities, to move them along quicker and allow the public to use those facilities as well.

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

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

Mr. DENLINGER. Thank you, Mr. Speaker.

While I appreciate the gentleman's good intention, as a simple statement of financial fact, entities that are nonprofit in nature – and that would be transit authorities – really cannot be structured to receive tax credits. Tax credits are reductions in taxable income.

And so for that reason, this amendment really does not work from a logical standpoint. Again, I appreciate the gentleman's good intention, but this amendment really cannot function. So for that reason, I ask for a negative vote.

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

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

Mr. BARBIN. Mr. Speaker, again to the maker of this amendment, the whole purpose of a tax credit is to create a job. We do not have any jobs because we do not have any pumping facilities.

This bill could be amended had the bill been put out to the general public or even to the Democratic caucus to work with you to create a bill that would do that. Unfortunately, this bill moved through the process like bills always move through the process. What I do not understand and what I am questioning is, why can we not use the tax credits to provide the money to the people that will actually get a benefit?

We have got a billion dollars in credits to the ethane cracker plant. We have got \$30 million for one tax credit program. We got \$5 million for your corridor tax credit, but nobody wants to discuss whether or not 10 pumping facilities is actually going to create a new market. It is not.

This bill could have been improved. I was told at the Environmental Committee not to bring up my tax credit on the environmental parts of this bill because it was going to be handled with your bill. Well, my problem is, it is not being handled with your bill. The bill could go back to committee and provide benefits to the middle class, but for whatever reason, we are in a rush and the rush is not going to provide any jobs and the rush is not going to provide any middle-class relief from running their vehicles.

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

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

Mr. DENLINGER. Again, Mr. Speaker, I appreciate that the gentleman's motives are of the highest order, and quite simply, entities that do not pay tax cannot receive tax credits. If the amendment had been structured in such a way that there was a grant program put in place, that might have been a debate that we could have here and vote on. But entities that do not pay tax cannot be structured to receive tax credits, and that is the problem with this amendment and the reason I ask for a negative vote.

On the question recurring,

Will the House agree to the amendment?

(Members proceeded to vote.)

LEAVE OF ABSENCE

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

CONSIDERATION OF HB 305 CONTINUED

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—81

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

NAYS—114

Adolph	Gabler	Lucas	Quinn
Aument	Gillen	Mackenzie	Rapp
Baker	Gillespie	Maher	Reed
Barrar	Gingrich	Major	Reese
Benninghoff	Godshall	Maloney	Regan
Bloom	Greiner	Marshall	Roae
Boback	Grell	Masser	Rock
Brooks	Grove	McGinnis	Ross
Brown, R.	Hackett	Mentzer	Saccone
Carroll	Hahn	Metcalfe	Sankey
Causer	Harhart	Metzgar	Saylor
Christiana	Harper	Miccarelli	Scavello
Clymer	Harris, A.	Micozzie	Simmons
Corbin	Harris, J.	Millard	Smith
Cox	Heffley	Miller	Sonney
Culver	Helm	Milne	Stephens
Cutler	Hennessey	Mirabito	Stern
Day	Hess	Moul	Stevenson
Delozier	Hickernell	Mundy	Swanger
Denlinger	James	Murt	Tallman
DiGirolamo	Kampf	Mustio	Taylor
Dunbar	Kauffman	O'Neill	Tobash
Ellis	Kavulich	Oberlander	Toepel

Emrick	Keller, F.	Payne	Toohil
English	Keller, M.K.	Peifer	Truitt
Evankovich	Killion	Petri	Turzai
Farry	Knowles	Pickett	Vereb
Fee	Krieger	Pyle	Watson
Fleck	Lawrence		

NOT VOTING—0

EXCUSED—6

Bishop	Everett	Sturla	Wheatley
Evans	Marsico		

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

On the question recurring,

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

The SPEAKER. Pursuant to the same ruling the Speaker made when we considered HB 301, the following amendments to HB 305 are out of order because they violate House rule 20: amendment A0878, amendment A0916, amendment A0755, amendment A0758, amendment A0762, amendment A0881, amendment A0887, amendment A0889, amendment A0772, amendment A0765, amendment A0769, amendment A0777, amendment A0778, amendment A0779.

On the question recurring,

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

RULING OF CHAIR APPEALED

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

Mr. DERMODY. Mr. Speaker, I believe you have just ruled those amendments out of order. Is that correct?

The SPEAKER. That would be correct.

Mr. DERMODY. Similar to the last motion I made on the last bill, I would like to appeal the ruling of the Chair on your order that they are a violation of the single-subject rule.

The SPEAKER. The gentleman from Allegheny County, Mr. Dermody, has challenged the ruling of the Chair that the amendments noted – and I am not going to read them again – are out of order under rule 20, and has appealed the ruling of the Chair.

On the question,

Shall the decision of the Chair stand as the judgment of the House?

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

Mr. DERMODY. Thank you, Mr. Speaker.

Mr. Speaker, once again, similar to the arguments I made on the previous bill, once again we have a bill here that takes \$5 million out of our General Fund. It is a giveaway to some of the richest corporations in the world at the expense of working middle-class Pennsylvanians. Once again we are going to be

taking \$5 million every year out of our General Fund and making more painful cuts for our schools, our children, our seniors, our most vulnerable citizens. Similarly, Mr. Speaker, many of the amendments that you have just ruled out of order would have fixed the shortcomings in this bill. They would have proposed ways to raise the revenue to pay for these tax credits, and we could take the steps that we would need to take to protect our most valuable citizens, fund our schools, take care of our seniors.

Mr. Speaker, this bill proposes a tax credit and amendments that you have ruled out of order, and these amendments that we have just described, that you have just ruled out of order, are germane. They do not violate the single-subject rule. They are important for making these bills work, and we need to vote, we need to overturn your ruling and consider these amendments.

Thank you, Mr. Speaker.

The SPEAKER. The question is, shall the decision of the Chair stand as the judgment of the House?

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

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

I would ask the members to please vote to uphold the ruling of the Chair. Thank you.

PARLIAMENTARY INQUIRY

The SPEAKER. The question is, shall the decision of the Chair stand as the judgment of the House?

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

Mr. VITALI. Thank you, Mr. Speaker. Parliamentary inquiry.

The SPEAKER. The gentleman may state his inquiry.

Mr. VITALI. Could you read that list of amendments you are grouping together again? I just wanted to make sure what it includes and what it does not include.

The SPEAKER. The amendments were 878, 916, 755, 758, 762, 881, 887, 889, 772, 765, 769, 777, 778, and 779. If I might elaborate, trying to anticipate, the reason that I did not mention a couple of other amendments that might have been included is amendment A0862 is an amendment that has not been drafted by Reference Bureau, and amendment A0751 was replaced by amendment 916.

Mr. VITALI. Got it. Okay. Thank you, Mr. Speaker.

If I can speak on this motion.

The SPEAKER. On the question?

Mr. VITALI. Yes.

The SPEAKER. The gentleman is in order.

Mr. VITALI. I am not going to rehash the arguments we had on the previous bill. I just wanted to reiterate to the members that this grouping of amendments contains an amendment, 916, that would impose a 3-percent severance tax on natural gas, which would go into the General Fund and would help fund not only this program but many projects important to the citizens of Pennsylvania. So if you vote "yes" on this appeal, you will be basically voting against the opportunity to vote for a severance tax, something that our citizens have indicated their unequivocal favor of. So I would urge a "no" vote.

The SPEAKER. On the question, shall the decision of the Chair stand as the judgment of the House?

The Speaker recognizes the gentleman from Clinton County, Mr. Hanna.

Mr. HANNA. Thank you, Mr. Speaker.

Mr. Speaker, I rise to request a vote to overturn the ruling of the Chair. Mr. Speaker, make no mistake about it, our process is set up so that the only way we can change how these bills are paid for is if we amend these bills. If these bills pass unamended, then all of the funds to pay for these bills – the \$25 million in the last bill, the \$5 million in this bill, the \$30 million or whatever it is in the coming bill – all of those funds will come out of the General Fund. The only possible way for us to change that outcome is to amend these bills.

Now, the ruling of the Chair, at this point, on these amendments specifically says that we will not be able to offer amendments that suggest that the way these bills be paid for is to take it directly from funds from the severance tax or to increase the severance tax to raise the funds so that we could pay for these bills. Mr. Speaker, nothing could be more germane, nothing could be more a single subject than paying for natural gas with natural gas fees and taxes.

Mr. Speaker, our only opportunity to make sure that these funds do not come out of the General Fund but instead come from natural gas fees and taxes is to amend these bills. And the only way we are going to amend these bills is if we overturn the ruling of the Chair here today and rule that these amendments can be voted on individually so that we can ensure that we do not further deplete our General Fund. We are facing a budget year where the last 3, I believe the last 3 months' revenue collections have continued to decline, are below revenue projections for the year. The actual collections are declining. We are going to be facing a very difficult budget year, and if we continue to create a bigger, bigger hole in that budget by passing more and more tax credits without paying for them, then we are not going to be able to balance that budget when June 30 comes.

So, Mr. Speaker, I urge that we overturn the ruling of the Chair and that we consider these amendments so that we can find a way to pay for these tax credits that does not further deplete our General Fund.

Thank you, Mr. Speaker.

PARLIAMENTARY INQUIRY

The SPEAKER. Shall the decision of the Chair stand as the judgment of the House?

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

Mr. BRADFORD. Parliamentary inquiry.

The SPEAKER. The gentleman may state his inquiry.

Mr. BRADFORD. Amendment 871, what was the basis for finding that out of order?

I apologize; let me actually ask about 889 to HB 305.

The SPEAKER. That amendment, in essence, amended the cigarette – it amended Article XII-A of the Tax Reform Code of 1971, under which the subject and title of that article is "CIGARETTE AND OTHER TOBACCO PRODUCTS...."

Mr. BRADFORD. Understood.

And the basis for finding it out of order was single subject?

The SPEAKER. Yes. As per rule 20; yes, single subject.

Mr. BRADFORD. Okay.

And again, I know as the defender of precedent, one of the concerns I have is, under HB 301, a couple minutes ago, amendment 871, I offered an identical amendment, and at that time it was the ruling of the Chair that it was not violative of single subject. Can you give me some basis for why the distinction in your precedential ruling?

The SPEAKER. If I am—

Mr. BRADFORD. I just want to make sure that our precedent is being applied not arbitrarily but fairly without bias and consistently. And obviously, it would seem to me that if we were going to do a tobacco tax, that it would or would not violate single subject. They are identical amendments. They were two different bills, two identical bills in terms of what code they fall under, and we are getting very different rulings. I am just trying to find out from the Speaker, does that really violate single subject—

The SPEAKER. I believe the gentleman from Bucks County raised a similar point of order on the previous bill as well, and I would say that it was an oversight on the Speaker's part that I, to be consistent, I should have included it. It was an oversight on my part. Most likely, you had— I believe that I called it up and it was withdrawn or that you had voluntarily withdrawn, if I am not mistaken. I could be wrong about that. And had it been brought to my attention, I believe it would have fallen into the same ruling as with the gentleman from Bucks County, Mr. Santarsiero. It was basically an oversight on the part of the Speaker. Otherwise, I would have included it with the grouping on the previous bill.

Mr. BRADFORD. So, Mr. Speaker, what you are saying is, you were wrong the first time but you are correct this time? This time it does violate the single-subject rule?

The SPEAKER. That is not what I said. I said it was an oversight. Had I recognized the content of it, I would have included it, as I suggested to the gentleman from Bucks County. I would have included it with the grouping. Had it been considered, most likely, once it was opened up, I might have caught that. It was simply an oversight in trying to put the amendments that fell into that category that I deemed violative of rule 20. It was an oversight.

Mr. BRADFORD. On the motion, Mr. Speaker.

The SPEAKER. Just as a point of clarification, too, it is our reflection on the record that the gentleman withdrew the amendment voluntarily.

Mr. BRADFORD. Mr. Speaker?

The SPEAKER. So if you withdraw an amendment, I do not— You know, if you know I am going to rule an amendment out of order and you are going to lose the vote, maybe you might withdraw it voluntarily. Not that you knew that, but you did withdraw it.

Mr. BRADFORD. I think that in terms of precedent, though, I do not think the subjective intent of members really comes into play. I do not think we can know that. And again, you know, being for it before we are against it—

The SPEAKER. The gentleman will suspend.

You withdrew it before I ruled on that other group of amendments. Once you withdraw it, I do not need to go back and declare it, you know, in order or out of order, because you had voluntarily withdrawn it.

Mr. BRADFORD. And respectfully, Speaker, I think, though, if you look at the transcript as a whole, what you will find is, you were finding amendments out of order en bloc, en masse ahead of time. You had let that one get called up. I think it, the transcript, if we have to pull it up—

The SPEAKER. Well, I am not going to debate it further.

The fact is that I went through all of the amendments that we felt were in order. Many of the amendments that had been filed may have been withdrawn. When we got done with all of that, then I made the ruling to rule out whatever amendments were left at the end that fell into that category that I deemed to be out of order.

Mr. BRADFORD. Mr. Speaker, I do not mean to be argumentative. Obviously, there is a true difference of opinion. I think the transcript will shed a lot of light as to what happened. Obviously, I am fine with your ruling. I disagree, obviously firmly, with the substance, but I am more than willing to let it go if that be your preference.

The SPEAKER. The record is pretty clear. I mean, I am looking at the stenographer's notes, and your amendment was withdrawn. There was then one, two, three, four, five – or three other amendments considered. Some were withdrawn, and then at the end of that, I ruled on the amendments that were remaining that I had deemed out of order.

So you withdrew your amendment. I do not rule an amendment out of order that has been withdrawn.

Mr. BRADFORD. Mr. Speaker, like I said, on the bill, I would—

The SPEAKER. The gentleman— Okay. I appreciate your inquiry.

On the question, shall the decision of the Chair stand as the judgment of the House, the gentleman, Mr. Bradford, is recognized.

Mr. BRADFORD. Right.

On the motion. I think it is just imperative that as we go through these tax credit bills, that unless we are going to continue to cut, cut, cut from our General Fund, that we start not just having tax expenditures but also having revenues to offset them, and pay-as-you-go seems to be a pretty intelligent way to go about doing that. We have offered amendments that would deal with that in terms of severance taxes and smokeless tobacco, and I think when we ignore those revenues but go down a different course of giving tax cuts to big business at the expense of public schools and the such, I think we make a huge mistake. But I realize, understanding the ruling of the Speaker, that it would be impossible to propose those kinds of amendments.

So with that, I would ask that we support the motion from the member from Allegheny. And thank you, Mr. Speaker.

On the question recurring,

Shall the decision of the Chair stand as the judgment of the House?

The SPEAKER. Those in favor of sustaining the Chair's decision will vote "aye"; those opposed, "no."

(Members proceeded to vote.)

LEAVE OF ABSENCE CANCELED

The SPEAKER. The Speaker returns to leaves of absence and recognizes the presence on the floor of the gentleman from Lancaster County, Mr. Sturla. His name will be added back to the master roll call.

CONSIDERATION OF HB 305 CONTINUED

On the question recurring,
Shall the decision of the Chair stand as the judgment of the House?

The following roll call was recorded:

YEAS—109

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

NAYS—87

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

NOT VOTING—0

EXCUSED—5

Bishop Everett Marsico Wheatley
Evans

Less than a majority of the members elected to the House having voted in the negative, the decision of the Chair stood as the judgment of the House.

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 **HB 309, PN 1432**, entitled:

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, providing for a natural gas vehicle tax credit.

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

Mr. GROVE offered the following amendment No. **A00880**:

Amend Bill, page 3, lines 2 through 4, by striking out "The term shall include the shareholder of a Pennsylvania" in line 2 and all of lines 3 and 4

Amend Bill, page 4, line 12, by inserting after "SHALL" verify with the Department of Revenue that the taxpayer has filed all required State tax reports and returns for all applicable tax years and paid any balance of State tax due as determined at settlement, assessment or determination by the Department of Revenue and

Amend Bill, page 5, line 15, by inserting after "DEPARTMENT" , in conjunction with the Department of Revenue,

Amend Bill, page 5, by inserting between lines 27 and 28

(8) Before an application is approved under paragraph (6), the Department of Revenue shall make a finding that the applicant has filed all required State tax reports and returns for all applicable tax years and paid any balance of State tax due as determined at settlement, assessment or determination by the Department of Revenue.

Amend Bill, page 6, lines 20 through 30; page 7, lines 1 through 15, by striking out all of said lines on said pages and inserting **Section 1906-B. Pass-through entity.**

(a) General rule.—If a pass-through entity has any unused tax credit under section 1905-B, it may elect in writing, according to procedures established by the Department of Revenue, to transfer all or a portion of the credit to shareholders, members or partners, in proportion to the share of the entity's distributive income to which the shareholder, member or partner is entitled.

(b) Limitation.—A pass-through entity and a shareholder, member or partner of a pass-through entity shall not claim the credit under subsection (a) for the same qualified expense.

(c) Application.—A shareholder, member or partner of a pass-through entity to whom a credit is transferred under subsection (a) shall immediately claim the credit in the taxable year in which the transfer is made. The shareholder, member or partner may not carry forward,

carry back, obtain a refund of or sell or assign the credit.

Amend Bill, page 8, lines 11 through 15, by striking out "THE TERMINATION DATE IN SECTION 41(H) OF THE" in line 11 and all of lines 12 through 15 and inserting

A taxpayer shall not be entitled to a tax credit under this article if the taxpayer receives a tax credit for the same natural gas vehicle under any other program administered by the Commonwealth.

Amend Bill, page 8, line 22, by inserting after "CERTIFICATE."

This paragraph shall not apply if the taxpayer sells the vehicle in exchange for a vehicle which would also qualify for the tax credit.

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

The SPEAKER. On that question, the Speaker recognizes the gentleman from York County, Mr. Grove.

Mr. GROVE. Thank you, Mr. Speaker.

Amendment 880 adds tax compliance language, updates the pass-through entity language to ensure consistency with other tax credits, removes references to the Internal Revenue Code, clarifies what happens to the tax credit if the vehicle is sold or traded.

I appreciate my colleagues' affirmative vote. Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—196

Adolph	Emrick	Kinsey	Petrarca
Aument	English	Kirkland	Petri
Baker	Evankovich	Knowles	Pickett
Barbin	Fabrizio	Kortz	Pyle
Barrar	Farina	Kotik	Quinn
Benninghoff	Farry	Krieger	Rapp
Bizzarro	Fee	Kula	Ravenstahl
Bloom	Fleck	Lawrence	Readshaw
Boback	Flynn	Longietti	Reed
Boyle, B.	Frankel	Lucas	Reese
Boyle, K.	Freeman	Mackenzie	Regan
Bradford	Gabler	Maher	Roae
Briggs	Gainey	Mahoney	Rock
Brooks	Galloway	Major	Roebuck
Brown, R.	Gergely	Maloney	Ross
Brown, V.	Gibbons	Markosek	Rozzi
Brownlee	Gillen	Marshall	Sabatina
Burns	Gillespie	Masser	Saccone
Caltagirone	Gingrich	Matzie	Sainato
Carroll	Godshall	McCarter	Samuelson
Causer	Goodman	McGeehan	Sankey
Christiana	Greiner	McGinnis	Santarsiero
Clay	Grell	McNeill	Saylor
Clymer	Grove	Mentzer	Scavello
Cohen	Hackett	Metcalfe	Schlossberg
Conklin	Haggerty	Metzgar	Simmons
Corbin	Hahn	Miccarelli	Sims
Costa, D.	Haluska	Micozzie	Smith
Costa, P.	Hanna	Millard	Snyder
Cox	Harhai	Miller	Sonney
Cruz	Harhart	Milne	Stephens
Culver	Harkins	Mirabito	Stern
Cutler	Harper	Miranda	Stevenson
Daley, M.	Harris, A.	Molchany	Sturla
Daley, P.	Harris, J.	Moul	Swanger
Davidson	Heffley	Mullery	Tallman
Davis	Helm	Mundy	Taylor

Day	Hennessey	Murt	Thomas
Dean	Hess	Mustio	Tobash
Deasy	Hickernell	Neilson	Toepel
DeLissio	James	Neuman	Toohil
Delozier	Kampf	O'Brien	Truitt
DeLuca	Kauffman	O'Neill	Turzai
Denlinger	Kavulich	Oberlander	Verb
Dermody	Keller, F.	Painter	Vitali
DiGirolamo	Keller, M.K.	Parker	Waters
Donatucci	Keller, W.	Pashinski	Watson
Dunbar	Killion	Payne	White
Ellis	Kim	Peifer	Youngblood

NAYS—0

NOT VOTING—0

EXCUSED—5

Bishop	Everett	Marsico	Wheatley
Evans			

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. **WHITE** offered the following amendment No. **A00743**:

Amend Bill, page 3, line 21, by inserting before "A" where it occurs the first time

(a) General rule.—

Amend Bill, page 3, by inserting between lines 25 and 26

(b) Ineligibility.—A taxpayer shall not be eligible to receive a tax credit under this article if the taxpayer has any outstanding financial obligations, including fees, fines, taxes or impact fee payments, to the Commonwealth.

On the question,

Will the House agree to the amendment?

AMENDMENT WITHDRAWN

The SPEAKER. The gentleman indicates he is withdrawing the amendment. The Speaker thanks the gentleman.

On the question recurring,

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

The SPEAKER. Pursuant to the same reasoning as noted under consideration of HB 301, the following amendments to HB 309 are out of order because they violate rule 20: amendment A0754, amendment A0757, amendment A0761, amendment A0764, amendment A0768, amendment A0771, amendment A0780, amendment A0781, amendment A0782, amendment A0917, amendment A0822, amendment A0823, amendment A0824, amendment A0891.

On the question recurring,

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

RULING OF CHAIR APPEALED

The SPEAKER. On that question—

Mr. DERMODY. Mr. Speaker?

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

Mr. DERMODY. Mr. Speaker, I just believe you ruled several amendments out of order, and I would like to appeal the ruling of the Chair, ruling that the amendments are out of order pursuant to the single-subject rule.

The SPEAKER. The Speaker was just debating in his mind what the definition of "dilatatory" was; however, we will certainly entertain the gentleman's motion to appeal the ruling of the Chair.

The gentleman, Mr. Dermody, from Allegheny County has challenged the ruling of the Chair.

On the question,

Shall the decision of the Chair stand as the judgment of the House?

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

Mr. DERMODY. Thank you, Mr. Speaker. It was close.

The SPEAKER. Oh, it was close. We thought we would fire a warning shot.

Mr. DERMODY. All right.

Mr. Speaker, we have been here before, as we know, and for the same reasons that we have argued on the previous bills. But we are now up to \$60 million that will now be taken out of the General Fund, given to some of the richest corporations in the world at the expense of our educational system, our children, our senior citizens. We have amendments that are offered that are part of the amendments that are ruled out of order that would help pay for these tax credits, that would pay for them in a responsible way, and make sure that our General Fund money is used in a way that it should be used: for educating our children, for taking care of human services for our people who need it the most.

So I urge the members to overturn the ruling of the Chair. Thank you, Mr. Speaker.

On the question recurring,

Shall the decision of the Chair stand as the judgment of the House?

The SPEAKER. Those in favor of sustaining the Chair's decision will vote "aye"; those opposed, "no."

The following roll call was recorded:

YEAS—109

Adolph	Gabler	Lucas	Rapp
Aument	Gillen	Mackenzie	Reed
Baker	Gillespie	Maher	Reese
Barrar	Gingrich	Major	Regan
Benninghoff	Godshall	Maloney	Roae
Bloom	Greiner	Marshall	Rock
Boback	Grell	Masser	Ross
Brooks	Grove	McGinnis	Saccone
Brown, R.	Hackett	Mentzer	Sankey
Causar	Hahn	Metcalfe	Saylor
Christiana	Harhart	Metzgar	Scavello

Clymer	Harper	Miccarelli	Simmons
Corbin	Harris, A.	Micozzie	Smith
Cox	Heffley	Millard	Sonney
Culver	Helm	Miller	Stephens
Cutler	Hennessey	Milne	Stern
Day	Hess	Moul	Stevenson
Delozier	Hickernell	Murt	Swanger
Denlinger	James	Mustio	Tallman
DiGirolamo	Kampf	O'Neill	Taylor
Dunbar	Kauffman	Oberlander	Tobash
Ellis	Keller, F.	Payne	Toepel
Emrick	Keller, M.K.	Peifer	Toohil
English	Killion	Petri	Truitt
Evankovich	Knowles	Pickett	Turzai
Farry	Krieger	Pyle	Vereb
Fee	Lawrence	Quinn	Watson
Fleck			

NAYS—87

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

NOT VOTING—0

EXCUSED—5

Bishop	Everett	Marsico	Wheatley
Evans			

Less than a majority of the members elected to the House having voted in the negative, the decision of the Chair stood as the judgment of the House.

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 SPEAKER. I believe there will be no further recorded votes.

SENATE BILL FOR CONCURRENCE

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

SB 808, PN 837

Referred to Committee on LOCAL GOVERNMENT,
April 16, 2013.

BILLS RECOMMITTED

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

HB 301;
HB 305;
HB 309;
HB 431;
HB 432;
HB 515;
HB 668;
HB 669;
HB 1056; and
SB 436.

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

BILLS REMOVED FROM TABLE

The SPEAKER. The Speaker recognizes the majority leader, who moves that the following bills be removed from the tabled calendar and placed on the active calendar:

HB 302;
HB 303;
HB 306;
HB 307;
HB 308;
HB 663;
HB 818;
HB 1000;
HB 1029; and
SB 302.

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

BILLS AND RESOLUTIONS PASSED OVER

The SPEAKER. Without objection, all remaining bills and resolutions on today's calendar will be passed over. The Chair hears no objection.

ADJOURNMENT

The SPEAKER. Seeing no further business before the House, the Speaker recognizes the lady, Ms. Molchany, from Allegheny County, who moves that this House do adjourn until Wednesday, April 17, 2013, at 11 a.m., e.d.t., unless sooner recalled by the Speaker.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 5:36 p.m., e.d.t., the House adjourned.