

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

WEDNESDAY, APRIL 24, 2013

SESSION OF 2013

197TH OF THE GENERAL ASSEMBLY

No. 29

HOUSE OF REPRESENTATIVES

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

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

PRAYER

The SPEAKER. This morning the prayer will be offered by Rev. Ron Bachman, Grace Evangelical Congregational Church, Columbia.

REV. RON BACHMAN, Guest Chaplain of the House of Representatives, offered the following prayer:

Good morning. It is a pleasure to see all of you people again. Praise the Lord. Let us look to the Lord in prayer.

O Father God, certainly we want to thank You for the safety in the night past and for bringing us to this new day. And now, Father God, our creator, our redeemer, and a fountain of wisdom, whose laws are good and gracious and trustworthy, I pray and ask that You would by the power of the Holy Spirit guide and bless this legislature with wisdom to do only those things today that would bring glory and honor to Yourself and to the people of this great State of Pennsylvania.

And, Father, I pray for all the legislators and their staffs and the floor staff and everybody within the sound of my voice and ask that You would bless them all today, and may everything that we say or do ultimately bring glory and honor to our risen and soon coming again Lord and Savior.

We pray in His name and for His sake. Amen.

PLEDGE OF ALLEGIANCE

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

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, the approval of the Journal of Tuesday, April 23, 2013, will be postponed until printed.

The House will be at ease for a moment.

The House will come to order.

HOUSE BILLS INTRODUCED AND REFERRED

No. 1253 By Representatives HARPER, MILLARD, MOUL, GINGRICH, TOOHL and FREEMAN

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 and for administration and enforcement.

Referred to Committee on LOCAL GOVERNMENT, April 24, 2013.

No. 1254 By Representatives O'NEILL, R. BROWN, CARROLL, COHEN, D. COSTA, DAVIS, FREEMAN, GODSHALL, C. HARRIS, MOLCHANY, MOUL, MUNDY, PEIFER, PETRI, SCAVELLO, SWANGER and TOEPEL

An Act amending Title 68 (Real and Personal Property) of the Pennsylvania Consolidated Statutes, in management of the condominium, cooperatives and planned community, further providing for quorums; and providing for management of condominiums, cooperatives and planned communities.

Referred to Committee on URBAN AFFAIRS, April 24, 2013.

No. 1255 By Representatives C. HARRIS, COHEN, D. COSTA, DENLINGER, YOUNGBLOOD, MAHONEY, OBERLANDER, GOODMAN and EVERETT

An Act amending the act of July 23, 1970 (P.L.563, No.195), known as the Public Employe Relations Act, in representation, further providing for appropriateness of a unit; in collective bargaining impasse, further providing for impasse to a panel of arbitrators; and, in strikes, further providing for prohibition.

Referred to Committee on STATE GOVERNMENT, April 24, 2013.

No. 1256 By Representatives TRUITT, CUTLER, GODSHALL, TALLMAN, MAHONEY, SWANGER, BLOOM, LAWRENCE, HICKERNELL, AUMENT and ROCK

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, further providing for public school system by prohibiting certain strikes and lockouts.

Referred to Committee on EDUCATION, April 24, 2013.

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. TOBASH, from Schuylkill County for the day. Without objection, the leave will be granted.

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

MASTER ROLL CALL

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

The following roll call was recorded:

PRESENT—197

Adolph	Emrick	Kinsey	Peifer
Aument	English	Kirkland	Petrarca
Baker	Evankovich	Knowles	Petri
Barbin	Evans	Kortz	Pickett
Barrar	Everett	Kotik	Pyle
Benninghoff	Fabrizio	Krieger	Quinn
Bishop	Farina	Kula	Rapp
Bizzarro	Farry	Lawrence	Ravenstahl
Bloom	Fee	Longietti	Readshaw
Boback	Fleck	Lucas	Reed
Boyle, B.	Flynn	Mackenzie	Reese
Boyle, K.	Freeman	Maher	Regan
Bradford	Gabler	Mahoney	Roae
Briggs	Gainey	Major	Rock
Brooks	Galloway	Maloney	Roebuck
Brown, R.	Gergely	Markosek	Ross
Brown, V.	Gibbons	Marshall	Rozzi
Brownlee	Gillen	Marsico	Sabatina
Burns	Gillespie	Masser	Saccone
Caltagirone	Gingrich	Matzie	Sainato
Carroll	Godshall	McCarter	Samuelson
Causser	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	Toepel
Deasy	Hickernell	Neilson	Toohil
DeLissio	James	Neuman	Truitt
Delozier	Kampf	O'Brien	Turzai
DeLuca	Kauffman	O'Neill	Vereb
Denlinger	Kavulich	Oberlander	Vitali
Dermody	Keller, F.	Painter	Waters
DiGirolamo	Keller, M.K.	Parker	Watson
Donatucci	Keller, W.	Pashinski	White
Dunbar	Kim	Payne	Youngblood
Ellis			

ADDITIONS—0**NOT VOTING—0****EXCUSED—4**

Frankel	Killion	Tobash	Wheatley
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LEAVES ADDED—4

Evans	Galloway	Maloney	Murt
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LEAVES CANCELED—2

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

GUESTS INTRODUCED

The SPEAKER. The House will come to order. I appreciate if the members would take their seats, clear the aisles a little bit. I want to introduce some of the guests that are with us. I would appreciate your courtesy. Could I have the members' attention, please. Kindly clear the aisles. I would like to introduce some of the guests that are with us today.

Located in the rear of the House, we would like to welcome Nelly Grampp, founder of Joey's Eagles, a nonprofit organization established in 1996 in memory of Nelly's son, Joseph Grampp. The goal of the organization is to provide support for families with children and young adults facing cancer and other serious chronic illnesses. Accompanying Nelly are Claudette Dyches and Kim Long, board members, and Sable Machado, Nelly's sister. They are here today as guests of Representatives Scavello, Rosemary Brown, Peifer, and Carroll. Will our guests please rise, over here to the left side. Welcome to the hall of the House.

As guests of Representative Mary Jo Daley, we would like to welcome the seventh grade democracy class from AIM Academy in Conshohocken, and they are up in the gallery. Give us a wave. Welcome to the hall of the House.

Guest pages located in the well of the House from AIM Academy in Conshohocken are Dallen Moore, Jack Mannke, Maire Francisco, Scott Rounick, Seamus Kearney, and Emily Ecclestone, and they are also guests of Mary Jo Daley. Welcome to the hall of the House.

**SALISBURY HIGH SCHOOL
BOYS SWIMMING AND DIVING TEAM
PRESENTED**

The SPEAKER. I would like to invite Representatives Simmons, McNeill, and Mackenzie to the rostrum for the purpose of presenting a citation to the Salisbury Boys Swim Team.

Mr. SIMMONS. Thank you, Mr. Speaker.

This morning I rise with great pride to speak about the achievements of some outstanding athletes from Salisbury High School in Lehigh County. Dedication, commitment, putting forth the full effort, going the extra mile, are all phrases we as

State legislators use daily, but how often do we meet a group of young men who truly reflect these words?

Mr. Speaker, I have the privilege of recognizing such a group today – the members of the 2013 PIAA Class AA Championship Salisbury High School Boys Swimming and Diving Team and its coaches. I am joined on the rostrum by Jason Reinhard, head coach of the Salisbury High School Boys Swimming and Diving Team, along with team members Jon Anderson, Tim Costantini, Garrett Collins, and Eric Tatum. The rest of the team and assistant coaches are also here, and I would ask them to now rise along with their parents and other supporters who are joining us in the gallery.

Mr. Speaker, the Falcons made history last month at the State championship meet at Bucknell University when they became the first Salisbury squad in any sport to capture a team State title. Please join me in giving the 2013 PIAA Class AA Swimming and Diving Champions another warm welcome and applause to celebrate this historic victory.

Mr. Speaker, the team won the State title in dramatic fashion by taking the final event of the meet, the 400 freestyle relay. Going into the race, the Falcons trailed the Bellefonte Area School District by a single point, but Jon, Tim, Garrett, and Eric gave it all they had when they touched the wall first. This was truly a team championship, with 9 out of 10 boys scoring points in the State meet, including diver Dennis Bonner.

Swimming is a grueling sport that requires hours upon hours of training. This team put in the miles, and all of that hard work in the pool paid off in the end with a first-place finish. Making their State title even more noteworthy is the fact that the Falcons do not even have a pool that they call their own.

Mr. Speaker, first-year head coach Jason Reinhard and his assistants, Jim Hersh and Alex Dapewicz, need to be recognized as well for their dedication and leadership which inspired every member of the team to do his best in the water and on the diving board. And let us not forget about the parents and other family members who supported the team at every meet.

I heartily congratulate the Salisbury High School Boys Swimming and Diving Team upon its stellar season and championship victory. You are all to be congratulated for skillfully using your abilities with unflagging dedication in pursuit of athletic excellence. I offer best wishes for success in all your future endeavors. Congratulations.

Thank you, Mr. Speaker.

The SPEAKER. The Speaker thanks the gentleman.

LOWER MERION HIGH SCHOOL BOYS BASKETBALL TEAM PRESENTED

The SPEAKER. I would like to invite Representatives Briggs, DeLissio, Mary Jo Daley, and McCarter to the rostrum for the purpose of presenting a citation to the Lower Merion High School Boys Basketball Team.

The gentleman may proceed.

Mr. BRIGGS. Thank you, Mr. Speaker.

Representatives Daley, DeLissio, and I represent a terrific school district that we are very proud to have in our legislative districts, and I am happy that they are joining me. Steve McCarter was a high school teacher 34 years at the Lower Merion High School, and I am happy that he is behind me as well.

Just this week it was announced that Lower Merion School District is among the 14 nationwide honorees of the first-ever U.S. Department of Education Green Ribbon School District Sustainability Award. Last month Lower Merion School District was named one of the nation's "Best Communities for Music Education," which honors schools for exceptional efforts to maintain music as part of the core curriculum.

But today we are here to recognize the Lower Merion High School Aces as this year's PIAA Boys AAAA State Champs. If you guys want to stand and take the acknowledgment, thank you very much for coming.

Behind me are Coach Gregg Downer; seniors B.J. Johnson, Raheem Hall, Yohanny Dalember; great athletes all behind me. I was fortunate to have been at the game for an amazing night a couple weeks ago. The Aces did what the experts thought was impossible, shocking Chester 63-47 to win the 2013 PIAA State title. This was serious history in the making and likely the single greatest victory in the history of their proud program.

To put it in perspective, the Aces took down a legendary Chester team that had won 78 games in a row over a 3-year period against Pennsylvania opponents – a team that had beaten them by double digits in each of the last three meetings. And Lower Merion did it convincingly, taking the lead in the second quarter and never looking back. When Raheem Hall found Yohanny Dalember for the nightcapping dunk in the closing seconds, the Dawg Pound absolutely celebrated deliriously – hit a level of noise and insanity that was pretty amazing for a school group.

Lower Merion finished the 2013 season 30-3, tied for the best record in program history and number 21 national ranking and earned a second straight, undefeated Central League Championship. This is Lower Merion's seventh State title and third for Coach Gregg Downer in five trips to the finals.

The Aces even have more to celebrate, though. Coach Downer was named Pennsylvania Coach of the Year for the third time, senior B.J. Johnson earned First Team All-State honors for the second consecutive season, senior Raheem Hall became the first Lower Merion player to start on three consecutive State playoff teams since 1943, and Yohanny Dalember was named Second Team All-State. Not surprisingly, the Aces were named 2013 Team of the Year in Pennsylvania.

For these reasons and for many more, I am proud to welcome the 2013 Lower Merion Aces and Gregg Downer, coach, and the rest of the coaches to the Capitol, and thank you so much for your time.

The SPEAKER. The Speaker thanks the gentleman.

The House will be at ease for a moment.

The House will come to order.

UNCONTESTED CALENDAR

RESOLUTIONS PURSUANT TO RULE 35

Mr. BAKER called up **HR 228, PN 1439**, entitled:

A Resolution designating April 27, 2013, as "YMCA's Healthy Kids Day" in Pennsylvania.

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Mr. MIRABITO called up **HR 239, PN 1462**, entitled:

A Resolution designating the month of March 2013 as "Music in Our Schools Month" in Pennsylvania.

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Mr. EMRICK called up **HR 263, PN 1547**, entitled:

A Resolution observing the month of May 2013 as "Preeclampsia Awareness Month" in Pennsylvania.

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Ms. DELOZIER called up **HR 268, PN 1581**, entitled:

A Resolution designating the week of April 22 through 28, 2013, as "State Squires Week" in Pennsylvania.

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Ms. DONATUCCI called up **HR 269, PN 1582**, entitled:

A Resolution designating the month of May 2013 as "Sleep Apnea Awareness Month" in Pennsylvania.

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Mr. LAWRENCE called up **HR 270, PN 1583**, entitled:

A Resolution declaring the week of April 29 through May 3, 2013, as "Pennsylvania Academic Competition Week" in Pennsylvania; and urging the Department of Education, local school districts and intermediate units to participate in the 22nd annual Statewide Pennsylvania Academic Competition on May 3, 2013.

On the question,
Will the House adopt the resolutions?

The following roll call was recorded:

YEAS—197

Adolph	Emrick	Kinsey	Peifer
Aument	English	Kirkland	Petrarca
Baker	Evankovich	Knowles	Petri
Barbin	Evans	Kortz	Pickett
Barrar	Everett	Kotik	Pyle
Benninghoff	Fabrizio	Krieger	Quinn
Bishop	Farina	Kula	Rapp
Bizzarro	Farry	Lawrence	Ravenstahl
Bloom	Fee	Longietti	Readshaw
Boback	Fleck	Lucas	Reed
Boyle, B.	Flynn	Mackenzie	Reese
Boyle, K.	Freeman	Maher	Regan
Bradford	Gabler	Mahoney	Roae
Briggs	Gainey	Major	Rock
Brooks	Galloway	Maloney	Roebuck
Brown, R.	Gergely	Markosek	Ross
Brown, V.	Gibbons	Marshall	Rozzi
Brownlee	Gillen	Marsico	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	Toepel
Deasy	Hickernell	Neilson	Toohil
DeLissio	James	Neuman	Truitt
Delozier	Kampf	O'Brien	Turzai
DeLuca	Kauffman	O'Neill	Vereb
Denlinger	Kavulich	Oberlander	Vitali
Dermody	Keller, F.	Painter	Waters
DiGirolamo	Keller, M.K.	Parker	Watson
Donatucci	Keller, W.	Pashinski	White
Dunbar	Kim	Payne	Youngblood
Ellis			

NAYS—0

NOT VOTING—0

EXCUSED—4

Frankel	Killion	Tobash	Wheatley
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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. EMRICK

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

Mr. EMRICK. Thank you, Mr. Speaker.

I just want to take a second to personally thank Dawn Detweiler for her tireless efforts for raising awareness for preeclampsia. I would also like to thank everyone who voted to support HR 263, which recognizes May 2013 as "Preeclampsia Awareness Month" in Pennsylvania.

Preeclampsia is a dangerous condition of pregnancy that can lead to both premature birth and significant health risks for the mother and baby and, in its severest form, can lead to maternal and/or infant mortality. More than 300,000 cases of preeclampsia are diagnosed in the United States each year, with 25 percent of those—

The SPEAKER. The gentleman will suspend for a second.

It is really loud. I would appreciate if the members would kindly hold their conversations down. If the members kindly hold the conversations down, please. I would appreciate just a little bit of decorum here. I know everybody has something else on their mind, but if we could just hold the conversations down a little bit, I would appreciate it. Thank you.

The gentleman, Mr. Emrick, may proceed.

Mr. EMRICK. Thank you, Mr. Speaker.

More than 300,000 cases of preeclampsia are diagnosed in the United States each year, with 25 percent of those cases classified as severe. The condition is characterized by high blood pressure and, if left untreated, can develop into eclampsia, the life-threatening occurrence of seizures during pregnancy.

Postpartum preeclampsia may also occur up to 6 weeks following delivery even if symptoms were not present during the pregnancy itself.

A good prenatal care routine is critical in helping to prevent this dangerous and potential deadly condition.

Again, thank you to all who supported and voted to raise awareness for preeclampsia and for supporting HR 263.

Thank you, Mr. Speaker.

The SPEAKER. The Speaker thanks the gentleman.

STATEMENT BY MS. DELOZIER

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

Ms. DELOZIER. Thank you, Mr. Speaker.

I rise today to offer HR 268, a resolution that designates this week, April 22 through 28, as "State Squires Week" in Pennsylvania.

Since the early days of its founding, the Knights of Columbus organization has worked to foster the development of young people as they follow paths to adulthood. We all should be supporting our community organizations that help our young become good leaders. The Columbian Squires, which is the official youth organization of the Knights of Columbus, is a leadership development program for Catholic men between the ages of 10 and 18. Today more than 25,000 young men worldwide participate in the Columbian Squires local units called circles. The Knights of Columbus and the Columbian Squires not only uphold the values of the church but of our communities.

This weekend the Pennsylvania State Squires Convention will be held in Mechanicsburg, in my district, with many of my constituents in attendance. The theme of this year's convention is "Faith, Freedom, and the Future." I wish them a very successful convention. I look forward to seeing many of these young men as our future leaders, and I thank you very much for the support of this resolution.

Thank you, Mr. Speaker.

The SPEAKER. The Speaker thanks the lady.

UNCONTESTED SUPPLEMENTAL CALENDAR A

RESOLUTIONS PURSUANT TO RULE 35

Mr. MILLER called up **HR 271, PN 1597**, entitled:

A Resolution designating the week of May 5 through 11, 2013, as "Drinking Water Week" in Pennsylvania.

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Mr. BARRAR called up **HR 273, PN 1598**, entitled:

A Resolution designating May 1, 2013, as "Loyalty Day" in Pennsylvania.

On the question,

Will the House adopt the resolutions?

The following roll call was recorded:

YEAS—197

Adolph	Emrick	Kinsey	Peifer
Aument	English	Kirkland	Petrarca
Baker	Evankovich	Knowles	Petri
Barbin	Evans	Kortz	Pickett
Barrar	Everett	Kotik	Pyle
Benninghoff	Fabrizio	Krieger	Quinn
Bishop	Farina	Kula	Rapp
Bizzarro	Farry	Lawrence	Ravenstahl
Bloom	Fee	Longietti	Readshaw
Boback	Fleck	Lucas	Reed
Boyle, B.	Flynn	Mackenzie	Reese
Boyle, K.	Freeman	Maher	Regan
Bradford	Gabler	Mahoney	Roae
Briggs	Gainey	Major	Rock
Brooks	Galloway	Maloney	Roebuck
Brown, R.	Gergely	Markosek	Ross
Brown, V.	Gibbons	Marshall	Rozzi
Brownlee	Gillen	Marsico	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	Toepel
Deasy	Hickernell	Neilson	Toohil
DeLissio	James	Neuman	Truitt
Delozier	Kampf	O'Brien	Turzai
DeLuca	Kauffman	O'Neill	Vereb
Denlinger	Kavulich	Oberlander	Vitali
Dermody	Keller, F.	Painter	Waters
DiGirolamo	Keller, M.K.	Parker	Watson
Donatucci	Keller, W.	Pashinski	White
Dunbar	Kim	Payne	Youngblood
Ellis			

NAYS—0

NOT VOTING—0

EXCUSED—4

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

SUPPLEMENTAL CALENDAR B**RESOLUTION PURSUANT TO RULE 35**

Ms. BROWNEE called up **HR 274, PN 1599**, entitled:

A Resolution supporting Nagorno-Karabakh's right to self-determination and efforts to develop its democracy.

On the question,
Will the House adopt the resolution?

(Members proceeded to vote.)

VOTE STRICKEN

The SPEAKER. Strike the vote.

RESOLUTION PASSED OVER

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

Mr. COHEN. Mr. Speaker, could this resolution be passed over?

The SPEAKER. Will the gentleman just hold on a minute.
The House will be at ease for a minute.

The resolution will be over.

**RESOLUTION REPORTED
FROM COMMITTEE**

HR 250, PN 1499

By Rep. METCALFE

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.

STATE GOVERNMENT.

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

HB 1031, PN 1229

By Rep. CLYMER

An Act establishing the Pennsylvania Community College Affordability Task Force within the Department of Education; and providing for its powers and duties and for administrative support.

EDUCATION.

HB 1123, PN 1372

By Rep. CLYMER

An Act amending the act of January 28, 1988 (P.L.24, No.11), known as the Private Academic Schools Act, further providing for definitions, for State Board of Private Academic Schools, for powers and duties of board, for application for license, for issuance and renewal of license, for directory of private academic schools, for requirements for licensure and operation, for enforcement, refusal, suspension or revocation of license and for promulgation of rules and regulations.

EDUCATION.

HB 1164, PN 1605 (Amended)

By Rep. CLYMER

An Act providing for veteran students to receive a course scheduling preference at public institutions of higher education.

EDUCATION.

**ENVIRONMENTAL RESOURCES AND
ENERGY COMMITTEE MEETING**

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

Mr. MILLER. Thank you, Mr. Speaker.

I would like to remind the members of the House Environmental Resources and Energy Committee, at the call of the Chair, we will meet in G-50 Irvis Office Building; that is G-50 Irvis Office Building, for a brief meeting to rerefer a bill.

Thank you, Mr. Speaker.

The SPEAKER. Environmental Resources and Energy Committee will meet in G-50 Irvis Office Building at the call of the Chair.

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 an immediate House Appropriations Committee meeting in the majority caucus room. Thank you.

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

REPUBLICAN CAUCUS

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

Ms. MAJOR. Thank you, Mr. Speaker.

I would like to announce that Republicans will caucus today at 12:30. I would ask our Republican members to please report to our caucus room at 12:30. We would be prepared to come back on the floor at 1 p.m.

Thank you, Mr. Speaker.

DEMOCRATIC CAUCUS

The SPEAKER. The Speaker recognizes the gentleman from Clinton County, Mr. Hanna, for the purpose of a caucus announcement.

Mr. HANNA. Thank you, Mr. Speaker.

Democrats will caucus at 12:30 as well.

Thank you, Mr. Speaker.

RECESS

The SPEAKER. The House will be in recess until 1 o'clock, unless sooner recalled by the Speaker.

RECESS EXTENDED

The time of recess was extended until 1:23 p.m.

AFTER RECESS**THE SPEAKER PRO TEMPORE
(DARYL D. METCALFE) PRESIDING**

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

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

HB 1172, PN 1606 (Amended) By Rep. ADOLPH

An Act amending the act of December 31, 1965 (P.L.1257, No.511), known as The Local Tax Enabling Act, further providing for limitations on rates of specific taxes.

APPROPRIATIONS.**BILLS REREPORTED FROM COMMITTEE**

HB 987, PN 1151 By Rep. ADOLPH

An Act designating the bridge that carries State Route 973 over Loyalsock Creek in Upper Fairfield Township and Eldred Township, Lycoming County, as the George E. Logue, Sr. Memorial Bridge.

APPROPRIATIONS.

HB 992, PN 1595 By Rep. ADOLPH

An Act amending Title 15 (Corporations and Unincorporated Associations) of the Pennsylvania Consolidated Statutes, further providing for definitions; providing for electronic signatures in global and national commerce; in administration, further providing for applicability, functions, documents and processing; in fees, further providing for documents, schedules and disposition of funds; renaming the Corporation Bureau; making related repeals; and imposing duties on the Department of State and the Legislative Reference Bureau.

APPROPRIATIONS.

HB 1124, PN 1596 By Rep. ADOLPH

An Act amending Title 7 (Banks and Banking) of the Pennsylvania Consolidated Statutes, further providing for definitions, for license requirements, for exceptions to license requirements, for general requirements, for mortgage loan business prohibitions, for requirements as to open-end loans, for application for license, for prelicensing and continuing education, for licensee requirements, for licensee limitations, for surrender of license, for authority of department, for suspension, revocation or refusal, for penalties, for applicability and for procedure for determination on noncompliance with Federal law.

APPROPRIATIONS.

HB 1128, PN 1377 By Rep. ADOLPH

An Act amending Title 12 (Commerce and Trade) of the Pennsylvania Consolidated Statutes, codifying the provisions of the Motor Vehicle Sales Finance Act and the Goods and Services Installment Sales Act; making conforming amendments to Titles 7 and 42; and making related repeals.

APPROPRIATIONS.

SB 623, PN 951 By Rep. ADOLPH

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.

APPROPRIATIONS.

SB 808, PN 837 By Rep. ADOLPH

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

APPROPRIATIONS.**LEAVE OF ABSENCE CANCELED**

The SPEAKER pro tempore. The Speaker recognizes Representative Frankel back on the floor. His name will be added to the roll.

LEAVE OF ABSENCE

The SPEAKER pro tempore. The Speaker recognizes the minority whip, who requests that Representative GALLOWAY will be put on leave for the remainder of the day, from Bucks County.

CALENDAR**BILLS ON THIRD CONSIDERATION**

The House proceeded to third consideration of **HB 798, PN 1493**, entitled:

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

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

(Bill analysis was read.)

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—178

Adolph	Evankovich	Kinsey	Petrarca
Aument	Everett	Kirkland	Petri
Baker	Fabrizio	Knowles	Pickett
Barrar	Farina	Kortz	Pyle
Benninghoff	Farry	Kotik	Quinn
Bishop	Fee	Krieger	Rapp

Bizzarro	Fleck	Lawrence	Ravenstahl
Bloom	Flynn	Longietti	Readshaw
Boback	Frankel	Lucas	Reed
Boyle, B.	Gabler	Mackenzie	Reese
Brooks	Gainey	Maher	Regan
Brown, R.	Gergely	Mahoney	Roae
Brown, V.	Gibbons	Major	Rock
Brownlee	Gillen	Maloney	Roebuck
Burns	Gillespie	Markosek	Ross
Caltagirone	Gingrich	Marshall	Sabatina
Carroll	Godshall	Marsico	Sacone
Causser	Goodman	Masser	Sainato
Christiana	Greiner	Matzie	Samuelson
Clay	Grell	McGeehan	Sankey
Clymer	Grove	McGinnis	Saylor
Cohen	Hackett	Mentzer	Scavello
Conklin	Haggerty	Metcalfe	Schlossberg
Corbin	Hahn	Metzgar	Simmons
Costa, D.	Haluska	Miccarelli	Sims
Costa, P.	Hanna	Micozzie	Smith
Cox	Harhai	Millard	Snyder
Cruz	Harhart	Miller	Sonney
Culver	Harkins	Milne	Stephens
Cutler	Harper	Mirabito	Stern
Daley, P.	Harris, A.	Miranda	Stevenson
Davidson	Harris, J.	Molchany	Swanger
Day	Heffley	Moul	Tallman
Deasy	Helm	Murt	Taylor
DeLissio	Hennessey	Mustio	Thomas
Delozier	Hess	Neilson	Toepel
DeLuca	Hickernell	Neuman	Toohil
Denlinger	James	O'Brien	Truitt
Dermody	Kampf	O'Neill	Turzai
DiGirolamo	Kauffman	Oberlander	Vereb
Donatucci	Kavulich	Parker	Waters
Dunbar	Keller, F.	Pashinski	Watson
Ellis	Keller, M.K.	Payne	White
Emrick	Keller, W.	Peifer	Youngblood
English	Kim		

NAYS—19

Barbin	Davis	McCarter	Rozzi
Boyle, K.	Dean	McNeill	Santarsiero
Bradford	Evans	Mullery	Sturla
Briggs	Freeman	Mundy	Vitali
Daley, M.	Kula	Painter	

NOT VOTING—0

EXCUSED—4

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

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

REMARKS SUBMITTED FOR THE RECORD

The SPEAKER pro tempore. For what purpose does the gentleman, Mr. Heffley, rise?

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

The SPEAKER pro tempore. The gentleman is in order and may submit his remarks.

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

Thank you, Mr. Speaker.

This commonsense legislation will provide much-needed accountability to the general public and fulfill the Fish and Boat Commission's mission to look after the boating and fishing interests of Pennsylvanians.

My bill aims to hold the commissioners more accountable to the public through the appointment and confirmation process through the Senate and ensures that we have the most qualified commissioners serving our Commonwealth.

Under current law, a Fish and Boat Commissioner's term of service is 8 years and a member who fills a vacancy of less than 4 years is eligible for reappointment. However, a member who serves a full 8-year term, or fills a vacancy for more than 4 years, is not eligible for reappointment for a period of 8 years.

HB 798, if enacted, would establish a term of 4 years with the opportunity for additional terms through reappointment.

This proposal would also remove limitations on service, allowing for multiple 4-year terms of continuous service, and vacancies may still be filled for partial terms.

The number of fishing licenses sold annually in Pennsylvania has decreased sharply over the past decade, while the cost of fishing licenses continues to rise.

Similarly, the annual trout stocking has been reduced from a high of 5.2 million trout stocked to 3.2 million. Fish and Boat Commission internal regulations have restricted stocking opportunities and have not taken local interests into consideration.

It is important that we have the best qualified commissioners serving our Commonwealth. We want to ensure commissioners will serve the best interest of the fishing and boating community while at the same time protecting the Commonwealth's waterways.

Shorter terms will provide needed oversight and provide much-needed accountability to the general public while at the time fulfilling its mission to look after the boating and fishing interests of Pennsylvanians.

* * *

The House proceeded to third consideration of **HB 828, PN 1494**, entitled:

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

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

(Bill analysis was read.)

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—165

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

NAYS—32

Barbin	Dean	Kula	Rozzi
Boyle, K.	DeLissio	Mahoney	Samuelson
Bradford	Evans	McCarter	Santarsiero
Briggs	Frankel	McNeill	Sims
Cohen	Freeman	Molchany	Sturla
Daley, M.	Gibbons	Mullery	Thomas
Davidson	Harris, J.	Mundy	Vitali
Davis	Kim	Painter	White

NOT VOTING—0

EXCUSED—4

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

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

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The House proceeded to third consideration of **HB 891, PN 1032**, entitled:

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

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

(Bill analysis was read.)

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

The question is, shall the bill pass finally?

LEAVE OF ABSENCE CANCELED

The SPEAKER pro tempore. The Speaker recognizes Representative Tobash, who is back on the floor. He shall be added to the roll call.

CONSIDERATION OF HB 891 CONTINUED

On the question recurring,
Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—198

Adolph	Emrick	Kirkland	Petrarca
Aument	English	Knowles	Petri
Baker	Evankovich	Kortz	Pickett
Barbin	Evans	Kotik	Pyle
Barrar	Everett	Krieger	Quinn
Benninghoff	Fabrizio	Kula	Rapp
Bishop	Farina	Lawrence	Ravenstahl
Bizzarro	Farry	Longietti	Readshaw
Bloom	Fee	Lucas	Reed
Boback	Fleck	Mackenzie	Reese
Boyle, B.	Flynn	Maher	Regan
Boyle, K.	Frankel	Mahoney	Roae
Bradford	Freeman	Major	Rock
Briggs	Gabler	Maloney	Roebuck
Brooks	Gainey	Markosek	Ross
Brown, R.	Gergely	Marshall	Rozzi
Brown, V.	Gibbons	Marsico	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	Vereb
Denlinger	Kavulich	Painter	Vitali
Dermody	Keller, F.	Parker	Waters
DiGirolamo	Keller, M.K.	Pashinski	Watson
Donatucci	Keller, W.	Payne	White
Dunbar	Kim	Peifer	Youngblood
Ellis	Kinsey		

NAYS—0

NOT VOTING—0

EXCUSED—3

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

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

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The House proceeded to third consideration of **HB 807, PN 918**, entitled:

An Act amending Title 35 (Health and Safety) of the Pennsylvania Consolidated Statutes, further providing for funds.

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

(Bill analysis was read.)

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

The question is, shall the bill pass finally?

On the question— The gentleman waives off.

On the question recurring,
Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—198

Adolph	Emrick	Kirkland	Petrarca
Aument	English	Knowles	Petri
Baker	Evankovich	Kortz	Pickett
Barbin	Evans	Kotik	Pyle

Barrar	Everett	Krieger	Quinn
Benninghoff	Fabrizio	Kula	Rapp
Bishop	Farina	Lawrence	Ravenstahl
Bizzarro	Farry	Longietti	Readshaw
Bloom	Fee	Lucas	Reed
Boback	Fleck	Mackenzie	Reese
Boyle, B.	Flynn	Maher	Regan
Boyle, K.	Frankel	Mahoney	Roae
Bradford	Freeman	Major	Rock
Briggs	Gabler	Maloney	Roebuck
Brooks	Gainey	Markosek	Ross
Brown, R.	Gergely	Marshall	Rozzi
Brown, V.	Gibbons	Marsico	Sabatina
Brownlee	Gillen	Masser	Sacone
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	White
Dunbar	Kim	Peifer	Youngblood
Ellis	Kinsey		

NAYS—0

NOT VOTING—0

EXCUSED—3

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

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

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The House proceeded to third consideration of **HB 307, PN 545**, entitled:

An Act amending the act of January 8, 1960 (1959 P.L.2119, No.787), known as the Air Pollution Control Act, providing for the Clean Vehicles Program.

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

(Bill analysis was read.)

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

The question is, shall the bill pass finally?

The Speaker recognizes the gentleman, Representative Vitali, from Delaware County.

Mr. VITALI. Thank you, Mr. Speaker.

Initially, I would, by way of interrogation, ask the maker to explain the bill and the policy reasons behind it.

The SPEAKER pro tempore. Will the gentleman, Representative Evankovich, stand for interrogation? The gentleman acknowledges that he will.

Representative Vitali.

Mr. VITALI. If you could just start us off by explaining the bill and the reasons behind offering it now.

Mr. EVANKOVICH. Yeah. Thank you, Mr. Speaker.

Mr. Speaker, HB 307 very simply codifies in statute that the State of Pennsylvania will not adopt the CARB (California Air Resources Board) certifications for dual-fuel engine vehicles and defer to the EPA (Environmental Protection Agency) certification on those vehicles.

Under current law, the CARB standards are not – the CARB certification is not required. All this does is say that in the future we will not adopt that certification.

Mr. VITALI. Thank you, Mr. Speaker.

That concludes my interrogation. I would like to speak on the bill.

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

Mr. VITALI. Thank you, Mr. Speaker.

This is kind of a complicated bill to get your head around, but I think just for the information of the members, I just wanted to talk about some of the things we do know. It does deal with cars and light vehicles, light trucks and cars. It does deal with vehicles who have been converted from conventional vehicles like gasoline to natural gas, and it does deal with certifications required by the manufacturers of those conversions. It begins to get murky when we get into the certification issue and what Pennsylvania is abiding by now.

Mr. Speaker, right now we, by reference, use the certification standards of the California Air Resource Board. These standards are more protective of the air than EPA standards, which are viewed by some as minimal. The standards this bill would take away are referenced to these more strict CARB standards as it were. The environmental groups who have weighed in on this issue oppose – specifically, Clean Air Council, PennEnvironment – oppose this legislation because they make standards that are less protective of the air.

We can debate this, but before I make a motion, I want to make one final point. The final point is that these standards, these CARB standards, these California Air Resource Board standards that our law currently incorporates us into, are about to change. They are about to change within a week. The CARB, California Air Resource Board, is about to put out new

standards. They are due out by May 1. They are standards they have been working in conjunction with industry for. They are standards believed to be more amenable to industry, but they also are expected to be more protective of health and the environment.

MOTION TO POSTPONE

Mr. VITALI. Because new standards will be coming out shortly and because there are other questions relating to this bill, I would move to postpone generally consideration of HB 307, and I so move.

The SPEAKER pro tempore. The gentleman, Mr. Vitali, has moved to postpone consideration of HB 307.

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

The SPEAKER pro tempore. The Speaker recognizes Representative Vitali on the question.

Mr. VITALI. I am just going to add a couple more points to that because I think we summed it up adequately there.

But it is unclear right now whether Pennsylvania can move away from CARB standards and still be in compliance with its obligations under the Federal Clean Air Act, so that is a question mark. And there is still a question mark as to whether the DEP (Department of Environmental Protection) is appropriate in not enforcing CARB standards right now.

So there are a number of questions in addition to the new proposed regulations coming out, which I think need to be clarified. So I think it is appropriate we put off consideration of this until at least those new standards come out. There are no exigent circumstances here. There is no one who is going to be prejudiced if we do not do this. So by simply delaying this until we get that information, I think, would be the prudent thing for this body to do. Thank you.

The SPEAKER pro tempore. On the motion, the Speaker recognizes the minority leader, Representative Dermody.

Mr. DERMODY. Thank you, Mr. Speaker.

Mr. Speaker, the gentleman from Delaware County is correct. We will have new CARB standards, new regulations, we propose next week. So we are not asking for a postponement forever, but just, I think it makes sense for us to have the opportunity, for this legislature to have the opportunity to review these new regulations, evaluate them, and see if they do help our environment, see if we can adopt them. I understand that many of them will be changing, may be more industry-friendly, but we do not know that, and we will not know that unless we wait, take the time to properly evaluate them, make sure we take the time to properly protect our environment, and make sure that we are doing the right thing for everybody involved. This short delay will give us the opportunity to do just that, review these new regs, see what impact they will have, and then make a decision whether we should move forward.

We should support the motion to postpone. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Speaker recognizes the sponsor of the legislation in regards to the motion, Representative Evankovich.

Mr. EVANKOVICH. Thank you, Mr. Speaker.

I would ask the members to oppose the motion to postpone. This bill has been debated. It has been debated on three separate days. The underlying bill does not deal with standards, whether they are EPA standards or CARB standards. It merely says that we will not adopt the CARB certification requirement. We could create our own Pennsylvania certification requirement. But what we are trying to do is we are trying to take away the requirement that in order to bring an engine to market that is dual-fuel, you have to go through two certifications. We want to eliminate the dual-certification requirement.

My understanding is that the standards, whether they are the EPA standards or the current CARB standards, are substantively the same. I would ask the members to please oppose the motion to postpone.

LEAVE OF ABSENCE

The SPEAKER pro tempore. The Speaker recognizes the minority whip, who has placed Representative EVANS on leave for the remainder of the day. Without objection, the leave is granted.

CONSIDERATION OF HB 307 CONTINUED

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

The following roll call was recorded:

YEAS—83

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

NAYS—114

Adolph	Gabler	Mackenzie	Quinn
Aument	Gergely	Maher	Rapp
Baker	Gibbons	Major	Reed
Barrar	Gillen	Maloney	Reese
Benninghoff	Gillespie	Marshall	Regan
Bloom	Gingrich	Marsico	Roae
Boback	Godshall	Masser	Rock
Brooks	Greiner	McGinnis	Ross
Brown, R.	Grell	Mentzer	Saccone
Causar	Grove	Metcalfe	Sankey
Christiana	Hackett	Metzgar	Saylor
Clymer	Hahn	Miccarelli	Scavello

Corbin	Harhart	Micozzie	Simmons
Cox	Harper	Millard	Smith
Culver	Harris, A.	Miller	Sonney
Cutler	Heffley	Milne	Stephens
Day	Helm	Moul	Stern
Delozier	Hennessey	Mullery	Stevenson
Denlinger	Hess	Murt	Swanger
DiGirolamo	Hickernell	Mustio	Tallman
Dunbar	James	O'Neill	Taylor
Ellis	Kampf	Oberlander	Tobash
Emrick	Kauffman	Payne	Toepel
English	Keller, F.	Peifer	Toohil
Evankovich	Keller, M.K.	Petrarca	Truitt
Everett	Knowles	Petri	Turzai
Farry	Krieger	Pickett	Vereb
Fee	Lawrence	Pyle	Watson
Fleck	Lucas		

NOT VOTING—0

EXCUSED—4

Evans	Galloway	Killion	Wheatley
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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,
Shall the bill pass finally?

The SPEAKER pro tempore. Agreeable to the provisions of the Constitution, the yeas and nays— Is the gentleman, Representative Vitali, seeking further recognition?

Mr. VITALI. On the bill.

The SPEAKER pro tempore. On the bill, Representative Vitali.

Mr. VITALI. Not to beat this to death, I just want to make the point that CARB standards are more protective of the air than EPA standards. This bill is opposed by Clean Air Council, who monitors these issues, as well as other environmental groups. A vote for this bill would be to remove protection of the quality of the air. So it would be an antienvironmental vote, and I would ask for a "no" vote.

On the question recurring,
Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—140

Adolph	Farina	Kotik	Pickett
Aument	Farry	Krieger	Pyle
Baker	Fee	Kula	Quinn
Barbin	Fleck	Lawrence	Rapp
Barrar	Gabler	Longietti	Ravenstahl
Benninghoff	Gergely	Lucas	Readshaw
Bizzarro	Gibbons	Mackenzie	Reed
Bloom	Gillen	Maher	Reese
Boback	Gillespie	Major	Regan
Brooks	Gingrich	Maloney	Roae
Brown, R.	Godshall	Marshall	Rock
Burns	Greiner	Marsico	Ross
Carroll	Grell	Masser	Saccone
Causar	Grove	Matzie	Sainato

Christiana	Hackett	McGinnis	Sankey
Clymer	Hahn	Mentzer	Saylor
Conklin	Haluska	Metcalfe	Scavello
Corbin	Harhai	Metzgar	Simmons
Costa, D.	Harhart	Miccarelli	Smith
Cox	Harkins	Micozzie	Snyder
Culver	Harper	Millard	Sonney
Cutler	Harris, A.	Miller	Stephens
Daley, P.	Heffley	Milne	Stern
Day	Helm	Mirabito	Stevenson
Deasy	Hennessey	Moul	Swanger
Delozier	Hess	Mullery	Tallman
DeLuca	Hickernell	Murt	Taylor
Denlinger	James	Mustio	Tobash
DiGirolamo	Kampf	Neuman	Toepel
Dunbar	Kauffman	O'Neill	Toohil
Ellis	Kavulich	Oberlander	Truitt
Emrick	Keller, F.	Payne	Turzai
English	Keller, M.K.	Peifer	Vereb
Evankovich	Knowles	Petrarca	Watson
Everett	Kortz	Petri	White

NAYS—57

Bishop	Dean	Kim	Parker
Boyle, B.	DeLissio	Kinsey	Pashinski
Boyle, K.	Dermody	Kirkland	Roebuck
Bradford	Donatucci	Mahoney	Rozzi
Briggs	Fabrizio	Markosek	Sabatina
Brown, V.	Flynn	McCarter	Samuelson
Brownlee	Frankel	McGeehan	Santarsiero
Caltagirone	Freeman	McNeill	Schlossberg
Clay	Gainey	Miranda	Sims
Cohen	Goodman	Molchany	Sturla
Costa, P.	Haggerty	Mundy	Thomas
Cruz	Hanna	Neilson	Vitali
Daley, M.	Harris, J.	O'Brien	Waters
Davidson	Keller, W.	Painter	Youngblood
Davis			

NOT VOTING—0

EXCUSED—4

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

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

BILLS ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 1190, PN 1486**, entitled:

An Act amending the act of July 19, 1979 (P.L.130, No.48), known as the Health Care Facilities Act, in licensing of health care facilities, further providing for definitions, for licensure, for term and content of license and for reliance on accrediting agencies and Federal Government; and providing for reliance on national accreditation organizations for hospitals.

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

Mr. **CUTLER** offered the following amendment
No. **A01231**:

Amend Bill, page 7, line 8, by inserting after "status"
, if the hospital provides a copy of the final report to the department within ten business days of the hospital receiving it from the approved accreditation organization

Amend Bill, page 7, lines 11 through 13, by striking out "a conditional" in line 11, all of line 12 and "final denial of" in line 13 and inserting

anything less than full

Amend Bill, page 7, lines 16 through 19, by striking out all of lines 16 through 18 and "(2)" in line 19 and inserting

(1)

Amend Bill, page 7, line 22, by striking out "(3)" and inserting
(2)

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. On that question, the Chair recognizes Mr. Cutler.

Mr. CUTLER. Thank you, Mr. Speaker.

Very briefly, this amendment would actually update a term inside of the bill. In an attempt to describe the licensing process for anything less than full licensure, we created a list. Anytime you create a list, you always worry that you perhaps left something out. So instead, we changed it simply to the phrase of "anything less than full" licensure.

Additionally, we made one change in regards to the accrediting report being submitted to the department to ensure that that actually does occur and the department has the ability to compel that report to be delivered. I would appreciate an affirmative vote. Thank you.

The SPEAKER pro tempore. The Speaker thanks the gentleman.

The Speaker recognizes Representative Fabrizio on the amendment.

Mr. FABRIZIO. Thank you, Mr. Speaker.

This is an agreed-to amendment. I ask our membership to vote for it.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—197

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

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

NAYS—0

NOT VOTING—0

EXCUSED—4

Evans	Galloway	Killion	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,
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 5, PN 967**, entitled:

An Act establishing the Community-Based Health Care Program in the Department of Health; and providing for hospital health clinics and for limitations.

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

Mr. **K. BOYLE** offered the following amendment
No. **A01210**:

Amend Bill, page 6, line 18, by striking out "and" and inserting a comma

Amend Bill, page 6, line 18, by inserting after "services"
, medical nutrition therapy and nutrition counseling
provided by registered dietitians

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

AMENDMENT WITHDRAWN

The SPEAKER pro tempore. The Speaker recognizes— The gentleman is signifying that he is going to withdraw the amendment?

Mr. K. BOYLE. Yes.

The SPEAKER pro tempore. Thank you.
The Speaker thanks the gentleman.

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

* * *

The House proceeded to second consideration of **HB 440, PN 1575**, entitled:

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, in sales tax, further providing for definitions, for credit against tax and for local receivers of use tax; in personal income tax, further providing for definitions, for classes of income and for taxability of partners; providing for tax treatment determined at partnership level and for tax imposed at partnership level; further providing for income of a Pennsylvania S corporation, for income taxes imposed by other states, for general rule, for return of Pennsylvania S corporation and for requirements concerning returns, notices, records and statements; in corporate net income tax, further providing for definitions, for imposition of tax and for reports and payment of tax; and, in realty transfer tax, further providing for definitions, for imposition and for acquired company; further providing for coal waste removal and ultraclean fuels tax credit; and, in inheritance tax, further providing for exemption for poverty.

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

Mr. **DENLINGER** offered the following amendment
No. **A01215**:

Amend Bill, page 13, lines 23 through 26, by striking out all of said lines and inserting

Section 2. Section 301(t) of the act, added August 31, 1971 (P.L.362, No.93), is amended and the section is amended by adding subsections to read:

Amend Bill, page 14, lines 17 through 23, by striking out all of said lines

Amend Bill, page 14, line 25, by striking out "(O.3)" and inserting

(o.4)

Amend Bill, page 15, lines 1 through 6, by striking out all of said lines

Amend Bill, page 44, line 28, by striking out "(N.1), (N.2), (O.3)" and inserting
(n.2), (o.4)

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

The SPEAKER pro tempore. On that question, the Chair recognizes Mr. Denlinger.

Mr. DENLINGER. Thank you, Mr. Speaker.

Amendment A1215 is a technical amendment that deals with the numeric classifications of S corporations, and it is needed to correct—

The SPEAKER pro tempore. The gentleman will suspend.

If the House could come to order.

The gentleman, Mr. Denlinger.

Mr. DENLINGER. Thank you, Mr. Speaker.

This amendment is technical in nature, and it is provided to clean up some numeric classifications under S corp. designation. It is an agreed-to amendment.

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

The following roll call was recorded:

YEAS—197

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

Donatucci	Kim	Payne	White
Dunbar	Kinsey	Peifer	Youngblood
Ellis			

NAYS—0

NOT VOTING—0

EXCUSED—4

Evans	Galloway	Killion	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,
Will the House agree to the bill on second consideration as amended?
Bill as amended was agreed to.

DECISION OF CHAIR RESCINDED

The SPEAKER pro tempore. Without objection, the Chair rescinds its statement that HB 440 was agreed to on second consideration as amended.

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

Mr. **DENLINGER** offered the following amendment
No. **A01207**:

Amend Bill, page 29, by inserting between lines 2 and 3
(iv) This subparagraph does not apply to sales of services by a corporation, company, association, limited partnership, joint-stock association, copartnership or person that pays or would pay the tax imposed by section 1101 on gross receipts described under section 1101(a)(2) or (3). In the case of an owner of a single member limited liability company, limited liability company, partnership or other disregarded or pass-through entity, the determination as to whether taxes have been or would be paid under section 1101 must be made with reference to both the payment of tax by the owner and the disregarded or pass-through entity. An entity meeting the criteria under this clause shall compute sales in this Commonwealth, other than sales from tangible personal property, in accordance with paragraph (17).

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

The SPEAKER pro tempore. On that question, the Chair recognizes Mr. Denlinger.

Mr. DENLINGER. Thank you, Mr. Speaker.

Amendment A1207 is offered as an addendum to the market sourcing component that was contained in HB 883 and is now amended into HB 440. Amendment A1207 is based on my concern that the inclusion of wireless communication entities under market sourcing represents a highly burdensome rate of tax when we consider that wireless entities are also charged the gross receipts tax and that the combining of the two taxes would significantly limit the ability of wireless providers to grow and make capital investments in our State. In addition to wireless

providers, satellite broadcasting firms have also reached out, and they also will see significant challenges to their business model under the current language in HB 440.

REMARKS SUBMITTED FOR THE RECORD

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

Thank you Mr. Speaker.

Amendment A01207 is offered as an addendum to the market sourcing component that was contained in my HB 883 and which has now been amended into HB 440. Market sourcing, for the benefit of the members, represents a change in nexus, or taxable location for service industries doing business in Pennsylvania. Under current tax law, the point of taxation is presumed to be the base of operations, usually the headquarters, of the entity being taxed. Under market sourcing, the nexus or taxable event is moved to the location where the service is delivered. The underlying goal of market sourcing is to lure service-providing entities into Pennsylvania, since they would be able to locate here with the knowledge that services provided in the other 49 States and beyond would not be taxed by the Commonwealth.

Amendment A01207 is based on my concern that the inclusion of wireless communications entities under market sourcing represents a highly burdensome level of tax when we consider that wireless entities are also charged the gross receipts tax and that the combining of the two taxes would significantly limit the ability of wireless providers to grow and make capital investments in our State.

In addition to wireless providers, satellite broadcasting firms have also reached out and they also will see significant challenges to their business model under the current language in HB 440.

Mr. Speaker, while these concerns are sincerely held, after working with our staff on the proper language to address the matter, I have come to believe that additional tax and legal research needs to be performed to arrive at a more complete solution to the tax burden issue. For that reason I will withdraw amendment A01207, in the hope that these points can be addressed by the Senate or through the conference committee process. Thank you.

AMENDMENT WITHDRAWN

Mr. DENLINGER. Mr. Speaker, while these concerns are sincerely held, after working with our staff on the proper language to address the matter, I have come to believe that additional tax and legal research needs to be performed to arrive at a more complete solution to the tax burden issue. For that reason I will withdraw amendment A1207 in the hope that these points can be addressed by the Senate or through the conference committee process. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman for withdrawing amendment 1207.

On the question recurring,

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

Ms. MUNDY offered the following amendment No. A01200:

Amend Bill, page 26, lines 2 through 30; page 27, lines 1 through 21, by striking out all of said lines on said pages and inserting

(3) "Taxable income." 1. * * *

(t) For purposes of computing its net income under this chapter, a taxpayer shall add back all of the following:

(1) Otherwise deductible intangible expenses directly or

indirectly paid, accrued or incurred in connection with one or more direct or indirect transactions with one or more related members.

(2) Otherwise deductible interest paid, accrued or incurred to a related member during the taxable year.

(u) (1) If the related member was subject to tax in this Commonwealth, another state or possession of the United States or a foreign nation or a combination of those governmental entities on a tax base that included the interest expense or intangible expense paid, accrued or incurred by the taxpayer, the taxpayer shall receive a credit against tax due in this Commonwealth in an amount equal to the higher of the tax paid by the related member with respect to the portion of its income representing the interest expense or the intangible expense paid, accrued or incurred by the taxpayer, or the tax that would have been paid by the related member with respect to that portion of its income if:

(A) that portion of its income had not been offset by expenses or losses; or

(B) the tax liability had not been offset by a credit or credits.

(2) The credit determined under subparagraph (1) shall be multiplied by the apportionment factor of the taxpayer in this Commonwealth, but may not exceed the taxpayer's liability in this Commonwealth attributable to the net income taxed as a result of the adjustment required by paragraph (t).

(v) (1) The adjustment required under paragraph (t) and the credit allowed under paragraph (u) shall not apply:

(A) To the portion of the intangible expense that the taxpayer establishes by clear and convincing evidence meets both of the following requirements:

(i) the related member during the same taxable year directly or indirectly paid, accrued or incurred the portion to a person that is not a related member; and

(ii) the transaction giving rise to the intangible expense between the taxpayer and the related member was undertaken for a valid business purpose.

(B) If the taxpayer establishes by clear and convincing evidence that:

(i) the transaction giving rise to interest expense between the taxpayer and the related member was undertaken for a valid business purpose; and

(ii) the interest expense was paid, accrued or incurred using terms that reflect an arm's length relationship.

(C) If the taxpayer establishes by clear and convincing evidence that:

(i) the related member was subject to tax on its net income in this Commonwealth, another state or possession of the United States or a combination of those governmental entities;

(ii) the tax base for the tax included the interest expense or the intangible expense paid, accrued or incurred by the taxpayer; and

(iii) the aggregate effective rate of tax applied to the related member is no less than four per cent.

(D) If the taxpayer establishes by clear and convincing evidence that:

(i) the interest expense or the intangible expense was paid, accrued or incurred to a related member organized under the laws of a country other than the United States;

(ii) the related member's income from the transaction was subject to a comprehensive income tax treaty between the country and the United States;

(iii) the related member's income from the transaction was taxed in the country at a tax rate at least equal to that imposed by the Commonwealth; and

(iv) the interest expense or intangible expense was paid, accrued or incurred pursuant to a transaction that was undertaken for a valid business purpose and using terms that reflect an arm's length relationship.

(E) If the taxpayer and the department agree in writing to the application or use of alternative adjustments or computations. The department may, in its discretion, agree to the application or use of

alternative adjustments or computations when it concludes that in the absence of the agreement the income of the taxpayer would not be properly reflected.

(2) (Reserved).

(w) Nothing under paragraph (t), (u) or (v) shall be construed to limit or negate the department's authority to enter into agreements and compromises allowed by law.

Amend Bill, page 30, lines 9 through 30; page 31, lines 1 through 25, by striking out all of said lines on said pages and inserting

(8) "Aggregate effective rate of tax." The sum of the effective rates of tax imposed by the Commonwealth, another state or a possession of the United States or any combination of those governmental entities on a related member.

(9) "Effective rate of tax." The maximum statutory rate of tax imposed by the Commonwealth, another state or a possession of the United States on a related member's net income multiplied by the apportionment percentage, if any, applicable to the related member under the laws of that jurisdiction. For purposes of this definition, the following shall apply:

(A) The effective rate of tax shall be zero if the related member's net income tax liability in the jurisdiction is reported on a combined or consolidated return including both the taxpayer and the related member where the reported transactions between the taxpayer and the related member are eliminated or offset.

(B) When computing the effective rate of tax for a jurisdiction in which a related member's net income is eliminated or offset by a credit or similar adjustment that is dependent upon the related member either maintaining or managing intangible property or collecting interest income in that jurisdiction, the maximum statutory rate of tax imposed by the jurisdiction shall be decreased to reflect the statutory rate of tax that applies to the related member as effectively reduced by the credit or similar adjustment.

(10) "Interest expense." Amounts directly or indirectly allowed as deductions under section 163 of the Internal Revenue Code of 1986 (26 U.S.C. § 163) for purposes of determining taxable income under the Internal Revenue Code of 1986.

(11) "Intangible expense." The term includes:

1. Expenses, losses and costs for, related to, or in connection directly or indirectly with, the direct or indirect acquisition, use, maintenance or management, ownership, sale, exchange, or any other disposition of intangible property to the extent the amounts are allowed as deductions or costs in determining taxable income before operating loss deductions and special deductions for the taxable year under the Internal Revenue Code of 1986.

2. Losses related to, or incurred in connection directly or indirectly with, factoring transactions or discounting transactions.

3. Royalty, patent, technical and copyright fees.

4. Licensing fees.

5. Other similar expenses and costs.

(12) "Intangible property." The term includes patents, patent applications, trade names, trademarks, service marks, copyrights, mask works, trade secrets and similar types of intangible assets.

(13) "Related entity." Any of the following:

1. A stockholder who is an individual or a member of the stockholder's family under section 318 of the Internal Revenue Code of 1986 (26 U.S.C. § 318) if the stockholder and the members of the stockholder's family own, directly, indirectly, beneficially or constructively, in the aggregate, at least fifty per cent of the value of the taxpayer's outstanding stock.

2. A stockholder or a stockholder's partnership, limited liability company, estate, trust or corporation, if the stockholder and the stockholder's partnerships, limited liability companies, estates, trusts and corporations own directly, indirectly, beneficially or constructively, in the aggregate, at least fifty per cent of the value of the taxpayer's outstanding stock.

3. A corporation or a party related to the corporation in a manner that would require an attribution of stock from the corporation to the party or from the party to the corporation under the attribution rules of

the Internal Revenue Code of 1986 if the taxpayer owns, directly, indirectly, beneficially or constructively, at least fifty per cent of the value of the corporation's outstanding stock. The attribution rules of the Internal Revenue Code of 1986 shall apply for purposes of determining whether the ownership requirements of this definition have been met.

(14) "Related member." A person that, with respect to the taxpayer during all or any portion of the taxable year, is any of the following:

1. A related entity.

2. A component member as defined in section 1563(b) of the Internal Revenue Code of 1986 (26 U.S.C. § 1563(b)).

3. A person to or from whom there is attribution of stock ownership in accordance with section 1563(e) of the Internal Revenue Code of 1986 (26 U.S.C. § 1563(e)).

4. A person that, notwithstanding its form of organization, bears the same relationship to the taxpayer as a person described in subclauses 1, 2 and 3.

(15) "Valid business purpose." As follows:

1. One or more business purposes which alone or in combination constitute the primary motivation for a business activity or transaction and the activity or transaction changes in a meaningful way, apart from tax effects, the economic position of the taxpayer.

2. For the purpose of subclause 1, the following shall apply:

(A) A business purpose shall not include the avoidance or reduction of taxation.

(B) The economic position of the taxpayer shall include an increase in the market share of the taxpayer or the entry by the taxpayer into new business markets.

Amend Bill, page 45, line 8, by inserting after "401(3)(T),"

(u), (v) and (w),

Amend Bill, page 45, line 9, by striking out "AND (11)" and inserting

, (11), (12), (13), (14) and (15)

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. On that question, the Chair recognizes Ms. Mundy.

Ms. MUNDY. Thank you, Mr. Speaker.

You know, I still believe that combined reporting is the most comprehensive and fairest approach to closing all corporate tax loopholes. However, it appears that the majority is not interested in closing all corporate tax loopholes, and so I offer this amendment, which is based on the same premise as the add-back language in HB 440. But unlike the bill, my amendment truly does close the infamous Delaware loophole and in the right way. My amendment levels the playing field for Pennsylvania businesses, and unlike the underlying bill, it is more than just window dressing.

We must adopt this amendment if we want to do what the bill sponsor claims it does, because as currently drafted, HB 440 does not, I repeat, HB 440 does not close the Delaware loophole. The language is so broad and riddled with exceptions that it is ineffective and meaningless in terms of closing the Delaware loophole. When corporations skirt their tax obligations, everyone pays more. Individuals pay more, families pay more, and our small businesses pay more. Everyone shoulders a greater tax burden because corporations can hire tax experts to seek out loopholes in the law to avoid paying their fair share of Pennsylvania's taxes.

My amendment speaks to basic tax fairness. The Delaware loophole is not fair and must be closed. We should not require Pennsylvania's small businesses and taxpayers to shoulder the

burden while multistate corporations are allowed to shirk their tax obligations by using corporate tax loopholes.

HB 440 requires companies to add back expenses to their—

The SPEAKER pro tempore. If the lady could suspend for a moment.

If the House could come to order.

You may proceed.

Ms. MUNDY. Thank you, Mr. Speaker.

HB 440 requires companies to add back expenses to their Pennsylvania income, including interest and expenses paid to related companies in other States, but it offers a broad exception for transactions directly related to a valid business purpose. This means that a company can easily skirt the law by claiming a valid business purpose. Most similar laws in other States are written to provide clear guidance and make it hard to avoid compliance. HB 440 does not do that, and that makes it the weakest corporate tax avoidance bill in the nation.

HB 440 also requires the Department of Revenue, instead of the company, to bear the burden of proof. This creates an enforcement problem for the department that they will not be able to meet. The bill also presumes that transactions conducted at fair market price are legitimate, which creates a huge blanket exemption. Exemption, that is the word used constantly when discussing this bill. There are too many exemptions, which make it meaningless in terms of closing the loophole. My amendment was modeled after the Multistate Tax Commission's language which would require corporations to add back their expenses, add back expenses to their taxable income for the use of patents, trademarks, copyrights, and interest expenses, all while setting a higher standard for allowing these deductions, and it places the burden of proof on the companies rather than the Department of Revenue to show that their deductions are valid.

As Revenue Secretary Dan Meuser told the Associated Press last year when asked about this bill, we do not want "...a short-term answer that sounds good." I think he is right. We want real tax fairness that gets the job done. Frankly, without this amendment, HB 440, which includes an enormous reduction in the CNI (corporate net income) tax rate and an increase in the net operating loss carryforward, then this bill becomes just another corporate tax giveaway. If our goal is to truly close the Delaware loophole and create true tax fairness, we need this amendment to pass, and so I ask for your support.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentledady.

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

Mr. DeLUCA. Thank you, Mr. Speaker.

Would the gentledady stand for interrogation, please? The last time we had this 440 bill, I voted for this bill, and I want to know what your amendment, you explained some of it, but how would it benefit me to vote for your amendment instead of voting for 440, which I voted for last time?

The SPEAKER pro tempore. The gentleman is seeking interrogation of the—

Mr. DeLUCA. Yes. That is what I am asking her, how it would benefit me, Mr. Speaker—

The SPEAKER pro tempore. The gentleman may proceed.

Mr. DeLUCA. —voting for her amendment, because I did vote for HB 440.

The SPEAKER pro tempore. The gentleman may proceed on interrogation.

Mr. DeLUCA. Okay. Thank you.

First of all, would this, as we are looking for more State revenue, would this create more State revenue, your amendment, instead of HB 440?

Ms. MUNDY. According to the fiscal note, yes, it would.

Mr. DeLUCA. What is that fiscal note?

Ms. MUNDY. Mr. Speaker, my amendment, this amendment that we are discussing right now, only talks about the add-back provision. I believe if I am not mistaken that the underlying bill— The fiscal note says, "Adoption of this amendment would result in increased revenues to Commonwealth estimated to be approximately \$100 million in any taxable year."

Mr. DeLUCA. Adoption of your amendment?

Ms. MUNDY. Yes.

Mr. DeLUCA. What other differences that you illuminated would be beneficial for me, as a member who voted for 440, to vote for your amendment?

Ms. MUNDY. Well, as I said in my remarks, the underlying bill does not close the corporate tax loopholes that we are seeking to close, and it does not level the playing field for those companies that are already paying corporate taxes in Pennsylvania. Those companies that can afford to hire expensive accounting firms that can seek out these loopholes will continue to do so unless we tighten up the language in the underlying bill, and that is what my amendment seeks to do. It takes away the exemptions, some of the exemptions, and it puts the enforcement responsibility on the company as opposed to the department and eliminates the requirement that the department go and seek out the loopholes that have been used. It requires the company to justify the exemptions that they have used.

Mr. DeLUCA. Has any other State adopted your type of amendment?

Ms. MUNDY. Most States have much stronger add-back provisions than the underlying bill. As I said, this add-back bill that is being presented to us is little more than window dressing without my amendment. It does not close the Delaware loophole.

Mr. DeLUCA. Thank you, Mr. Speaker.

I am done with the interrogation. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Indiana, Representative Reed.

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

I would ask the members to oppose amendment A01200. And in follow-up to the previous gentleman's question, no other State in the nation has adopted this version of the add-back proposal. No other State has adopted the Multistate Tax Commission's add-back proposal because the other States find it overly burdensome to businesses, to job creators, but also to the regulatory agencies that are tasked with actually collecting those revenues.

Case in point is the State of New York, who a number of years ago, back in 2003, implemented a portion of this particular add-back proposal as it deals with pure interest in May of 2003. Four months later, in October of 2003, the State repealed that particular portion because they found not only was it overly burdensome for the businesses or job creators, but their

regulatory agency could not actually comply with those particular regulations themselves.

Mr. Speaker, we have had this discussion ad nauseam over the last couple of years. This body had that discussion 1 year ago almost exactly. We voted in a bipartisan manner to support the add-back changes as encompassed in the original bill, 2150, last session and in HB 440 today, and we voted to reject in a bipartisan fashion this particular amendment as it was proposed a year ago today.

I would ask our members to oppose this amendment, and let us get on with the business of closing the Delaware loophole, creating a level playing field for all job creators across this Commonwealth, increasing our competitiveness, and putting folks back to work in Pennsylvania.

Thank you very much, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentlelady, Representative Mundy, for the second time.

The Chair rescinds that recognition and recognizes the minority leader, Representative Dermody—

Mr. DERMODY. Thank you, Mr. Speaker.

The SPEAKER pro tempore. —for comments on the amendment.

Mr. DERMODY. Thank you, Mr. Speaker.

Mr. Speaker, this amendment is simply about tax fairness, and it is about everybody paying their fair share, because if this bill passes without this amendment, there is no closing the Delaware loophole. It does not get closed, and nobody pays their fair share. The largest corporations will get a tax break, and middle-class taxpayers and small businesses will pay more. Nobody will pay their fair share.

This amendment makes sure that all Pennsylvanians do the right thing when it comes to paying their taxes. Workers, large corporations, small businesses, will all pay their fair share, and we will absolutely once and for all close the Delaware loophole. Do not be fooled, without the Mundy amendment, that will not happen. We need to pass this amendment to make this bill an effective and fair tax package for all Pennsylvanians.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the minority leader.

The Chair recognizes the gentlelady, Representative Mundy.

The Chair recognizes not Representative Mundy; the Chair recognizes the minority whip, Representative Hanna, before we go to Representative Mundy.

Representative Hanna, on the amendment.

Mr. HANNA. Thank you, Mr. Speaker.

Mr. Speaker, we are just trying to make sure that the sponsor of the amendment gets to go last on the amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman.

Mr. HANNA. Thank you.

Just briefly, Mr. Speaker, I think it is important that we take the time to review the fiscal note and some of the additional information that was mailed to all of us about this particular bill and about this amendment. The numbers that you need to recognize, the fiscal note is abundantly clear. This amendment raises money, a minimum of \$100 million according to the fiscal note, but if you look at some of the other estimates, maybe raising as much as \$449 million. That is a plus, somewhere between \$100 and \$449 million.

The information you received today indicates that the unamended bill, if passed unamended, will cost the Commonwealth \$760 million. That means that we could be making a vote right here that could cost us, looking at both sides of it, around a billion dollars. We cannot afford to let this bill go unamended. We have to amend this so that we actually do close the loophole and do collect the dollars that we need to run the Commonwealth.

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

The SPEAKER pro tempore. The Chair thanks the minority whip.

Before we recognize the gentlelady, Representative Mundy, for her second recognition on the amendment, is there anyone else who would like to be recognized on the amendment?

The Chair recognizes the gentlelady, Representative Mundy, for the second time on her amendment.

Ms. MUNDY. Thank you, Mr. Speaker.

You know, in two successive sessions, the maker of the bill has tried to tell us that New York adopted an add-back provision and then rejected it. New York has gone to combined reporting. New York has one of the stronger provisions to close loopholes. No State has a loophole closure bill as weak as the one that you are being asked to support. Without my amendment, this bill does not close the Delaware loophole, it does not create the tax fairness that we are seeking, and it is nothing more than a corporate tax cut, given the other provisions in the bill. So let us provide a little balance here.

Support my amendment, please, if you are truly interested in closing the Delaware loophole.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentlelady.

On the question recurring,

Will the House agree to the amendment?

(Members proceeded to vote.)

LEAVE OF ABSENCE

The SPEAKER pro tempore. The Chair returns to leaves of absence and recognizes the majority whip, who asks that Representative MALONEY from Berks County be placed on leave for the remainder of the day.

CONSIDERATION OF HB 440 CONTINUED

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—87

Barbin	Dean	Keller, W.	Painter
Bishop	Deasy	Kim	Parker
Bizzarro	DeLissio	Kinsey	Pashinski
Boyle, B.	DeLuca	Kirkland	Petrarca
Boyle, K.	Dermody	Kortz	Ravenstahl
Bradford	Donatucci	Kotik	Readshaw
Briggs	Fabrizio	Kula	Roebuck
Brown, V.	Farina	Longietti	Rozzi

Brownlee	Flynn	Mahoney	Sabatina
Burns	Frankel	Markosek	Sainato
Caltagirone	Freeman	Matzie	Samuelson
Carroll	Gainey	McCarter	Santarsiero
Clay	Gergely	McGeehan	Schlossberg
Cohen	Gibbons	McNeill	Sims
Conklin	Goodman	Mirabito	Snyder
Costa, D.	Haggerty	Miranda	Sturla
Costa, P.	Haluska	Molchany	Thomas
Cruz	Hanna	Mullery	Vitali
Daley, M.	Harhai	Mundy	Waters
Daley, P.	Harkins	Neilson	White
Davidson	Harris, J.	Neuman	Youngblood
Davis	Kavulich	O'Brien	

NAYS—109

Adolph	Fleck	Lucas	Rapp
Aument	Gabler	Mackenzie	Reed
Baker	Gillen	Maher	Reese
Barrar	Gillespie	Major	Regan
Benninghoff	Gingrich	Marshall	Roe
Bloom	Godshall	Marsico	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	Knowles	Pickett	Turzai
Everett	Krieger	Pyle	Vereb
Farry	Lawrence	Quinn	Watson
Fee			

NOT VOTING—0

EXCUSED—5

Evans	Killion	Maloney	Wheatley
Galloway			

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?

Ms. **MUNDY** offered the following amendment
No. **A01205**:

Amend Bill, page 27, lines 3 and 4, by striking out all of said lines and inserting
if the transaction giving rise to the interest expenses and costs or intangible expenses and costs has a valid business purpose and economic substance and contains terms and conditions comparable to a similar arms-length transaction between unrelated parties. Tax avoidance may not be a significant motivation of entering into the

transaction. The affiliated entity involved in the transaction may not be primarily engaged in the acquisition, use, maintenance or management, ownership, sale, exchange or any other disposition of intangible property. If the development, purchase of or other costs related to the intangible property giving rise to the payment were shared in any way by the party making the payment, the party making the payment must have been compensated at a fair market, arms-length price for the costs. If the party making the payment was not compensated, the interest expenses and costs or intangible expenses and costs shall not be deductible.

Amend Bill, page 31, lines 23 through 25, by striking out "A TRANSACTION" in line 23 and all of lines 24 and 25 and inserting

The purpose must be established by the taxpayer using clear and convincing evidence, as further defined by department regulation.

On the question,

Will the House agree to the amendment?

The **SPEAKER** pro tempore. On that question, the Chair recognizes Ms. Mundy.

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

This amendment is not as strong as the last one, but it again attempts to truly close the Delaware loophole. This amendment establishes a higher and clearer standard for allowing intangible and interest expenses to be deducted from a corporation's taxable income. For example, it stipulates that a transaction must be for a valid business purpose, have real economic substance, have conditions comparable to open market transactions, and it stipulates that tax avoidance cannot be a significant motivation for the transaction to occur.

This amendment, too, places the burden of proof on the company to establish by clear and convincing evidence that they meet the necessary criteria for the deduction and does not place the onus on the Department of Revenue. The department is tasked with creating regulations that stipulate what type of evidence needs to be provided to substantiate the validity of the transaction.

This amendment strengthens the bill because the underlying bill allows corporations to continue to deduct intangible and interest expenses from their taxable income if it is simply directly related to a valid business purpose. It would not be hard for corporations to find reasons why a transaction is directly related to a valid business purpose. The threshold in the bill is not a stringent one since the transaction itself does not have to have a valid business purpose to get the deduction.

The bill also provides that any transaction done at arm's length is presumed to be directly related to a valid business purpose, creating another blanket exemption to the add-back rule. In other words, royalties or other intangible expenses paid to a related company could be set at fair market value and still accomplish the same goal: tax avoidance. My amendment removes the opportunities for corporations to do this.

This amendment strengthens the add-back provisions in the bill and is a first step in making the bill a better, more meaningful piece of legislation, and I urge your support.

Thank you, Mr. Speaker.

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

The Chair recognizes the gentleman from Indiana, Mr. Reed.

Mr. **REED**. Mr. Speaker, once again we have had this discussion before, we will have it again today. Clear and convincing, that standard set forth in this particular amendment

exists nowhere else in our Tax Code for any other particular discussion, and one of the reasons it is not used throughout our Tax Code is the possibility of litigation that would draw this out for years, if not decades. We would prefer to get revenue from the add-back as soon as possible to move Pennsylvania forward with a reasonable business tax system as opposed to jamming up our Tax Code in the courts for years.

So for that rationale, I would ask the members to oppose amendment A01205. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—86

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

NAYS—110

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

NOT VOTING—0

EXCUSED—5

Evans
Galloway

Killion

Maloney

Wheatley

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?

Ms. **MUNDY** offered the following amendment
No. **A01208**:

Amend Bill, page 27, line 3, by striking out "THAT WAS DIRECTLY RELATED TO" and inserting

incurred for

Amend Bill, page 31, lines 23 through 25, by striking out "A TRANSACTION" in line 23 and all of lines 24 and 25 and inserting

The purpose must be established by the taxpayer using clear and convincing evidence, as further defined by department regulation.

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

The SPEAKER pro tempore. On that question, the Chair recognizes Ms. Mundy.

Ms. MUNDY. Thank you, Mr. Speaker.

If you are at all interested in even slightly closing the Delaware loophole, I would ask your support for the following amendment, which does even less to close the Delaware loophole, but it still does more than the underlying bill. This amendment aims to strengthen the bill. It establishes a better standard for the add-back provisions. It eliminates the arm's-length presumption language in the bill. It requires that a transaction must be incurred for a valid business purpose in order to be deducted, and it makes the link more definitive. It also places the burden of proof on the company to establish by clear and convincing evidence that they meet the necessary criteria for the deduction rather than placing the onus on the Department of Revenue. The department is tasked with creating regulations to stipulate what type of evidence needs to be provided to substantiate the validity of a transaction. This helps create a clarity that makes it easier for taxpayers to comply with the law.

HB 440 allows corporations to continue to deduct intangibles, such as royalties for patents, copyrights, trademarks from their taxable income if a transaction is directly related to a valid business purpose. This is such a low threshold to meet because the transaction itself does not have to have a valid business purpose to qualify for the deduction.

The bill also provides that any transaction done at arm's length is presumed to be directly related to a valid business purpose, creating a blanket exemption to the add-back rule. In other words, royalties and other intangible expenses paid to a related company could be set at fair market value and still accomplish the same goal: tax avoidance.

All of the standards set forth in this amendment strengthen the add-back provisions of the bill and make it a better and more meaningful piece of legislation. If you truly want to at least close some of the corporate loopholes in this Commonwealth and not just give the illusion that you are doing so, stand up at a press conference and say we closed the Delaware loophole, oh, no, you did not, then you will vote for this amendment as a last resort, to do at least something to strengthen this bill, because otherwise, Mr. Speaker, you are just blowing smoke.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentlelady.

The Chair recognizes, on the amendment, the gentleman from Allegheny County, Mr. Maher.

Mr. MAHER. Thank you, Mr. Speaker.

If I might interrogate the maker of the amendment?

The SPEAKER pro tempore. The gentleman seeks interrogation of the gentlelady, Representative Mundy. She has agreed to stand for interrogation.

You may proceed.

Mr. MAHER. Thank you, Mr. Speaker.

Mr. Speaker, if I understand this amendment correctly, you are striking from the test for valid business purpose a transaction done at arm's length shall be presumed to be directly related to a valid business purpose and instead replacing it with this clear and convincing evidence standard.

Ms. MUNDY. Yes.

Mr. MAHER. Am I understanding that?

Ms. MUNDY. That is correct.

Mr. MAHER. Can you offer me any examples in your own experience of a transaction done at arm's length by a business that was not a valid business purpose?

Ms. MUNDY. I would suggest that there is no valid business purpose for the Toys "R" Us logo to be incorporated in Delaware. I would suggest that is not a valid business purpose. That is a tax dodge.

Mr. MAHER. All right.

Well, I thank the gentlelady.

Ms. MUNDY. You are welcome.

Mr. MAHER. I have concluded my interrogation.

The SPEAKER pro tempore. The gentleman may proceed on remarks on the amendment.

Mr. MAHER. The gentlelady's response was citing a circumstance, not a transaction, and when I ask— Well, let me just step back a second. I think this amendment, more than anything else we have talked about today, really offers an illustration of the divide between the points of view that exist in this chamber about how the real world should go about conducting business. The bill as proposed, and the standard that exists today, is that when two businesses enter into a transaction at arm's length, it is presumed to be for a valid business purpose. You might say that the underlying presumption is what some in this chamber might refer to as greed, which others would refer to as good business sense; that if you are writing a payment as a business to another business, chances are, you are doing that on purpose, and chances are, you are doing that for what you think is a fair price.

There are not too many businesses that make it a habit to pay something more than what they believe to be the fair price. But the gentlelady's proposal says, you know what, businesses do not really know what the fair price is to pay for something. That is not going to be how we decide whether or not the business

was actually trying to conduct business. Instead, we are going to turn it over to the bureaucrats and let the bureaucrats decide if there is clear and convincing evidence that this serves a valid business purpose.

Well, my friends, I side with those who believe that most people who are writing checks out of their own bank accounts or their business bank accounts believe that they are getting a fair exchange, and I do not believe that we should be leaving it up to bureaucrats to later decide whether or not the person who wrote that check had their head screwed on straight. Sometimes you make a good deal, sometimes you make a bad deal, but Monday morning quarterbacking by some bureaucrat should not replace the collective wisdom of the thousands and thousands of Pennsylvania businesses that are just trying to get about doing business, or as our dear friend, Bud George, would say, "bidness."

So I would ask you to join with me in standing up for the view of the world that folks know what a fair price is or aim to get a fair price and they do not need government to tell them whether or not that was clear and convincing evidence that they knew what the heck they were doing. So thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the amendment, those in favor of the amendment will vote "aye"— For a second time on the amendment, the Chair recognizes the gentlelady, Ms. Mundy.

Ms. MUNDY. You know, that was some excellent spin; really, really good spin. And I absolutely believe that businesses know how to transact business. They do it all the time, and the underlying bill itself is an acknowledgement that businesses in Pennsylvania are using corporate tax loopholes, and the gentleman claims to be closing those. But without asking for a clear and convincing standard of what transactions are being conducted between subsidiaries of the same business, you are allowing the loophole to remain open, and you know what, you know you are.

So I would strongly suggest that if you want to be totally in the right vein in terms of closing the Delaware loophole, that you support my amendment. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentlelady.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—87

Barbin	Dean	Keller, W.	Painter
Bishop	Deasy	Kim	Parker
Bizzarro	DeLissio	Kinsey	Pashinski
Boyle, B.	DeLuca	Kirkland	Petrarca
Boyle, K.	Dermody	Kortz	Ravenstahl
Bradford	Donatucci	Kotik	Readshaw
Briggs	Fabrizio	Kula	Roebuck
Brown, V.	Farina	Longietti	Rozzi
Brownlee	Flynn	Mahoney	Sabatina
Burns	Frankel	Markosek	Sainato
Caltagirone	Freeman	Matzie	Samuelson
Carroll	Gainey	McCarter	Santarsiero
Clay	Gergely	McGeehan	Schlossberg
Cohen	Gibbons	McNeill	Sims
Conklin	Goodman	Mirabito	Snyder

Costa, D.	Haggerty	Miranda	Sturla
Costa, P.	Haluska	Molchany	Thomas
Cruz	Hanna	Mullery	Vitali
Daley, M.	Harhai	Mundy	Waters
Daley, P.	Harkins	Neilson	White
Davidson	Harris, J.	Neuman	Youngblood
Davis	Kavulich	O'Brien	

NAYS—109

Adolph	Fleck	Lucas	Rapp
Aument	Gabler	Mackenzie	Reed
Baker	Gillen	Maher	Reese
Barrar	Gillespie	Major	Regan
Benninghoff	Gingrich	Marshall	Roae
Bloom	Godshall	Marsico	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	Knowles	Pickett	Turzai
Everett	Krieger	Pyle	Vereb
Farry	Lawrence	Quinn	Watson
Fee			

NOT VOTING—0

EXCUSED—5

Evans	Killion	Maloney	Wheatley
Galloway			

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 pro tempore. The Chair understands that the gentleman, Mr. Matzie, is going to withdraw amendment 1211 but would like to be recognized prior to withdrawal.

The Chair recognizes the gentleman, Mr. Matzie.

Mr. MATZIE. Thank you, Mr. Speaker.

My amendment would have amended the definition of "processing" within the sales and use tax section of the Tax Reform Code in order to add the crushing, milling, and sizing of fused aluminum oxide. Members should have received cosponsorship memos for a stand-alone bill.

In my legislative district, a company, U.S. Electrofused Minerals, has been a success story, quite frankly, since they relocated to Aliquippa, and in fact, they came to Aliquippa after a trip by then-Governor Tom Ridge to Brazil of all places, since

that has been in the news. Since then, they went from 7 employees to 23, but what they do is a specific thing. There are only four companies, I am told, in the country that do it, and the other three companies are doing it in other States, and they are all classified as a manufacturer. However, here in Pennsylvania, recently they are no longer being classified as a manufacturer.

I have been assured that the Finance Committee will look at this bill, take it up, and hopefully bring it as a stand-alone bill to the floor for a vote. Therefore, I will be withdrawing this amendment.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,

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

Mr. **STURLA** offered the following amendment
No. **A01240**:

Amend Bill, page 1, line 23, by inserting after "TAX;"

providing for annual list of corporations subject to tax;

Amend Bill, page 33, line 2, by striking out "12" and inserting
11.1

Amend Bill, page 33, by inserting between lines 18 and 19

Section 12. The act is amended by adding a section to read:

Section 408.2. Annual List of Corporations Subject to Tax.—By January 15 of each year, the department shall provide a list to the public of all corporations that are subject to the corporate net income tax. The list shall contain the mailing addresses of each corporation and the mailing addresses of all of their affiliated subsidiaries.

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. On that question, the Chair recognizes the gentleman, Mr. Sturla.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, this amendment would simply require that the Department of Revenue provide a list to the public of all corporations that are subject to the corporate net income tax. The list must also contain the mailing addresses of each corporation and the mailing addresses for all of their affiliated subsidiaries.

I keep hearing about how these corporations that shift profits out of State and have foreign subsidiaries and are avoiding taxation are doing nothing wrong, so there should be nothing wrong with us knowing who they are and where they are. The public has a right to know. We have heard a lot about transparency in government. These are businesses that are paying taxes in the State of Pennsylvania or not paying taxes in the State of Pennsylvania, have subsidiaries where they are either sheltering funds or not; I am not making any judgment on that. All that I am saying is that the citizens of Pennsylvania have a right to know who the corporations are that would be subject to a corporate net income tax in the State of Pennsylvania.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the amendment, the Chair recognizes the gentleman, Mr. Reed.

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

I would actually agree with the gentleman that I do believe it is reasonable for the people of Pennsylvania to know which companies are incorporated in such a way that they would be subject to the corporate net income tax, which is also why I am glad that that information is already readily available in Pennsylvania if you go to the Department of State, which requires all C corps to register with the Department of State.

Mr. Speaker, this amendment is unnecessary from that perspective and creates an unclear, an unclear burden on the Commonwealth as well on the second provision that requires the Commonwealth transmit all of that information to the public but not actually tell the Department of Revenue how they are actually to transmit that information to the public. Are they to send each and every person, each and every 12 or 13 million individuals across this Commonwealth a certified letter with the listing of all C corps? Are they to send it, you know, through the regular mail? Are they to advertise in the newspaper? Are they to do TV advertising? How are they actually to transmit that information to the public? Because under this particular amendment, it is not a make-readily-available-to-the-public amendment; it is a shall transmit all that information without actually telling the Department of Revenue how they are supposed to transmit that information over to the public.

We already have a system in place. It works very well. All you have to do is call up the Department of State and ask for the registry of C corps in Pennsylvania. This is unneeded, unnecessary, and just more bureaucracy in the future. I would ask the members to oppose the amendment. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the amendment, for the second time, the Chair recognizes the gentleman, Mr. Sturla.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, I would contend that that list does not contain the names and addresses of their affiliated subsidiaries that may or may not be subject to corporate taxes in the State of Pennsylvania. That is the part that is of interest to the public, and just as they provide that information to the public now, they could provide it to the public in the future. I do not really care how they provide it to the public as long as it is made available, but it does not require that those corporations that are subject to the C corporation taxes in the State of Pennsylvania provide a list of their subsidiaries, whether they be in-State, out-of-State, or out-of-country.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—87

Barbin	Dean	Keller, W.	Painter
Bishop	Deasy	Kim	Parker
Bizzarro	DeLissio	Kinsey	Pashinski
Boyle, B.	DeLuca	Kirkland	Petrarca
Boyle, K.	Dermoddy	Kortz	Ravenstahl
Bradford	Donatucci	Kotik	Readshaw

Briggs	Fabrizio	Kula	Roebuck
Brown, V.	Farina	Longietti	Rozzi
Brownlee	Flynn	Mahoney	Sabatina
Burns	Frankel	Markosek	Sainato
Caltagirone	Freeman	Matzie	Samuelson
Carroll	Gainey	McCarter	Santarsiero
Clay	Gergely	McGeehan	Schlossberg
Cohen	Gibbons	McNeill	Sims
Conklin	Goodman	Mirabito	Snyder
Costa, D.	Haggerty	Miranda	Sturla
Costa, P.	Haluska	Molchany	Thomas
Cruz	Hanna	Mullery	Vitali
Daley, M.	Harhai	Mundy	Waters
Daley, P.	Harkins	Neilson	White
Davidson	Harris, J.	Neuman	Youngblood
Davis	Kavulich	O'Brien	

NAYS—109

Adolph	Fleck	Lucas	Rapp
Aument	Gabler	Mackenzie	Reed
Baker	Gillen	Maher	Reese
Barrar	Gillespie	Major	Regan
Benninghoff	Gingrich	Marshall	Roae
Bloom	Godshall	Marsico	Rock
Boback	Greiner	Masser	Ross
Brooks	Grell	McGinnis	Sacccone
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	Knowles	Pickett	Turzai
Everett	Krieger	Pyle	Vereb
Farry	Lawrence	Quinn	Watson
Fee			

NOT VOTING—0

EXCUSED—5

Evans	Killion	Maloney	Wheatley
Galloway			

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. **A01241**:

Amend Bill, page 1, line 23, by inserting after "TAX" where it occurs the first time

; providing for State revenue impact study

Amend Bill, page 33, line 2, by striking out "12" and inserting
11.1

Amend Bill, page 33, by inserting between lines 18 and 19 Section 12. The act is amended by adding a section to read:
Section 408.2. State Revenue Impact Study.—By December 31, 2014, the department and the Independent Fiscal Office shall collaborate on a report that calculates the State revenue impact if mandatory unitary combined reporting were adopted in this Commonwealth. Certain assumptions may be used in the report and it shall be used for informational purposes only. The report shall be made available to the public and delivered to the members of the General Assembly.

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

The SPEAKER pro tempore. On that question, the Chair recognizes the gentleman, Mr. Sturla.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, whether or not you agree with the underlying bill, this amendment simply says that the Department of Revenue along with the Independent Fiscal Office "shall collaborate on a report that calculates the State revenue impact if mandatory unitary combined reporting were adopted in this Commonwealth."

Mr. Speaker, this is for informational purposes only, to know how much money, I believe, we would be passing on by not adopting unitary combined reporting. But, Mr. Speaker, even if you do not agree that we should be doing it, unless you know why you do not agree, unless you know how much revenue already would be generated, you are basically saying you want to keep your head in the sand.

Mr. Speaker, in 2004 the Department of Revenue tried to determine the impact of combined reporting and concluded that a revenue gain of \$315 million would be realized in tax year 2000. An interesting sidenote is that a few years later the Department of Revenue did a separate analysis of HB 1305 of 2003, an add-back proposal similar to HB 440, and found that only \$100 million would be realized, which I believe coincides with the fiscal note on this bill.

As policymakers, we need current analysis of all proposals so that we can make an educated vote and make educated votes in the future. So even if this passes and is put into law, HB 440, I would think that the members would be interested in knowing, well, what was it that we could have had if we had done unitary combined reporting instead? If not, then you basically have said, I really do not want to know the facts; I just want to vote on HB 440.

Mr. Speaker, I would encourage a "yes" vote.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes, on the amendment, the gentleman, Mr. Reed.

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

Again, I think the gentleman from Lancaster has a very good idea. I am just so very glad we have already done it, because actually, he and I were both requesters of just such a report from the IFO (Independent Fiscal Office) last fall, and in fact, that report entitled "Corporate Tax Base Erosion: Analysis of Policy Options" was actually delivered to our offices from the Independent Fiscal Office, and I have the letter right here, on March 4, 2013.

So we can pretty much already chalk this up to been there, done that. We have the information. All we have to do is read it.

I do not think we need to make them do the same exact study 2 months later.

I would ask the members to oppose the amendment. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

For the second time, the Chair recognizes, on the amendment, the gentleman, Mr. Sturla.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, the report that the gentleman cites was in fact delivered, but the report did not provide Pennsylvania-specific revenue estimates, a glaring omission. The report did attempt to use surveys of other State estimates and statistical analysis, but it did not give us anything Pennsylvania-specific.

Mr. Speaker, this is simply, do we want to know about our own State and what the fiscal policies are and how they relate to the laws we pass or do you want to keep your head in the sand? Are you afraid to know what the answer might be? I would encourage a "yes" vote.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair, on the amendment, recognizes for the second time, the gentleman, Mr. Reed.

Mr. REED. Mr. Speaker, just a point of clarity.

That exact information was actually available in this report. It is actually on page 52 of the report, about two-thirds of the way down, if the members are interested in getting through the report and taking a look at it. Pennsylvania-specific information, page 52 of the report. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

LEAVE OF ABSENCE

The SPEAKER pro tempore. The Chair returns to leaves of absence and recognizes the majority whip, who asks that the gentleman from Montgomery County, Representative MURT, be placed on leave for the remainder of the day.

CONSIDERATION OF HB 440 CONTINUED

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

The following roll call was recorded:

YEAS—87

Barbin	Dean	Keller, W.	Painter
Bishop	Deasy	Kim	Parker
Bizzarro	DeLissio	Kinsey	Pashinski
Boyle, B.	DeLuca	Kirkland	Petrarca
Boyle, K.	Dermody	Kortz	Ravenstahl
Bradford	Donatucci	Kotik	Readshaw
Briggs	Fabrizio	Kula	Roebuck
Brown, V.	Farina	Longietti	Rozzi
Brownlee	Flynn	Mahoney	Sabatina
Burns	Frankel	Markosek	Sainato
Caltagirone	Freeman	Matzie	Samuelson
Carroll	Gainey	McCarter	Santarsiero
Clay	Gergely	McGeehan	Schlossberg
Cohen	Gibbons	McNeill	Sims
Conklin	Goodman	Mirabito	Snyder
Costa, D.	Haggerty	Miranda	Sturla

Costa, P.	Haluska	Molchany	Thomas
Cruz	Hanna	Mullery	Vitali
Daley, M.	Harhai	Mundy	Waters
Daley, P.	Harkins	Neilson	White
Davidson	Harris, J.	Neuman	Youngblood
Davis	Kavulich	O'Brien	

NAYS—108

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

NOT VOTING—0

EXCUSED—6

Evans	Killion	Murt	Wheatley
Galloway	Maloney		

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?

Bill as amended was agreed to.

(Bill as amended will be reprinted.)

* * *

The House proceeded to second consideration of **SB 644, PN 618**, entitled:

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for the definition of "wild animals."

On the question,

Will the House agree to the bill on second consideration?

BILL RECOMMITTED

The SPEAKER pro tempore. The Chair recognizes the majority leader, who moves that SB 644 be recommitted to the Game and Fisheries Committee.

On the question,

Will the House agree to the motion?

Motion was agreed to.

* * *

The House proceeded to second consideration of **HB 484, PN 507**, entitled:

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.

On the question,

Will the House agree to the bill on second consideration?

Bill was agreed to.

SUPPLEMENTAL CALENDAR C

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 992, PN 1595**, entitled:

An Act amending Title 15 (Corporations and Unincorporated Associations) of the Pennsylvania Consolidated Statutes, further providing for definitions; providing for electronic signatures in global and national commerce; in administration, further providing for applicability, functions, documents and processing; in fees, further providing for documents, schedules and disposition of funds; renaming the Corporation Bureau; making related repeals; and imposing duties on the Department of State and the Legislative Reference Bureau.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

(Bill analysis was read.)

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

The question is, shall the bill pass finally?

The Chair recognizes the gentleman, Representative Matzie, on the bill.

Mr. MATZIE. Mr. Speaker, will the maker of the bill stand for brief interrogation?

The SPEAKER pro tempore. The gentleman indicates that he will. You may proceed.

Mr. MATZIE. Thank you, Mr. Speaker.

Mr. Speaker, after looking over the bill after the amendments passed yesterday, a couple of things came to mind, and I am just trying to get some clarity on the bill. I think it is a good bill, and it is a bill I plan on supporting. It has a list of fees to register a

corporation and file all types of corporate documents. Now, the fees in the bill appear at this time to be the same whether a corporation hand delivers these documents to the North Office Building or files them online.

So, Mr. Speaker, I am just trying get clarity, does HB 992 allow the Department of State to charge an extra fee to filing documents online or through using a mobile device as opposed to in person?

Mr. KAMPF. Mr. Speaker, the fees that are set forth in the legislation are identical to the fees that are in existing law except for one fee, an address change fee. That is reduced, actually, in the legislation. The department or the bureau will have the right through the rulemaking process for online charges once per year, if it so chooses, to seek to change or add to or reduce the fees.

Mr. MATZIE. Okay. Thank you, Mr. Speaker.

Mr. Speaker, one more question if you could. Does the bill allow the Department of State to charge an extra fee for using a credit or debit card to pay for the filing of any of the documents online? Are you aware of that?

Mr. KAMPF. So that the same piece of the existing law—Existing law is that they can charge for credit card fees. My understanding is, they do not currently do that. This legislation continues that right, which has never been exercised.

Mr. MATZIE. Thank you, Mr. Speaker. On the bill?

The SPEAKER pro tempore. The gentleman is in order on the bill.

Mr. MATZIE. Thank you, Mr. Speaker.

I thank the maker for the brief interrogation. I just wanted to get some clarity on those couple of issues. It is clear in the bill that fees can be adjusted by the department not more than once as he alluded to, and I think that raises a question that I tried to raise on another bill recently.

In order to continue the process going, I am not going to raise any motion or any objection. In fact, I will be supporting the bill on final passage, but I would hope that the Senate would look at that, and that is something I would try and believe I will raise with the Senate as it gets over to the Senate.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Thomas, on final passage.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, would the maker of the bill stand for interrogation?

The SPEAKER pro tempore. The sponsor indicates that he will. You are in order to proceed.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, just so that I have a clear understanding, this is an increase in fees, right?

Mr. KAMPF. Mr. Speaker, the fees in the law do not change except for one, and that is reduced.

Mr. THOMAS. I did not get that.

In the case of one, what happens to that?

Mr. KAMPF. There is one fee in the law that under the legislation would change, it would go down. For an address change, it is currently \$70, \$75. It goes down to \$5.

Mr. THOMAS. So there is no increase in fees?

Mr. KAMPF. The existing fees do not change at all except for that one reduction. There are three proposed charges if you

want an expedited filing – if you want it in an hour, if you want it in 3 hours, or if you want it in 24 hours.

Mr. THOMAS. Is there any idea of how much revenue will be generated from this boutique filing?

Mr. KAMPF. For the expedited services, the increases are expected to raise an additional roughly \$1 million.

Mr. THOMAS. I like that, Mr. Speaker. Is that going toward job creation?

Mr. KAMPF. Mr. Speaker, was that a question? I am sorry; I did not hear. I did not hear.

Mr. THOMAS. Whether or not the additional revenues, estimated to be about a million dollars, will it go toward job creation, retention, or job growth? In other words, where would the additional revenue go?

Mr. KAMPF. Mr. Speaker, the current formula for the Bureau of Corporations is that it receives about one-third of the fees that come in, and the rest goes into the General Fund. So that formula for these new expedited fee charges will not change. It will be about a third to the bureau and two-thirds to the General Fund. However, there are some offsetting costs that accompany the legislation.

Overall, I think it is a general savings of about half a million dollars.

Mr. THOMAS. Mr. Speaker, thank you. Thank you for generating additional revenue, and at some point real soon, I would like to get with you on how we can dedicate all or a portion of that to something that we can agree on.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,

Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—194

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

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

NAYS-1

Metzgar

NOT VOTING-0

EXCUSED-6

Evans	Killion	Murt	Wheatley
Galloway	Maloney		

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

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

* * *

The House proceeded to third consideration of **HB 1124, PN 1596**, entitled:

An Act amending Title 7 (Banks and Banking) of the Pennsylvania Consolidated Statutes, further providing for definitions, for license requirements, for exceptions to license requirements, for general requirements, for mortgage loan business prohibitions, for requirements as to open-end loans, for application for license, for prelicensing and continuing education, for licensee requirements, for licensee limitations, for surrender of license, for authority of department, for suspension, revocation or refusal, for penalties, for applicability and for procedure for determination on noncompliance with Federal law.

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

(Bill analysis was read.)

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS-194

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

NAYS-1

Metzgar

NOT VOTING-0

EXCUSED-6

Evans	Killion	Murt	Wheatley
Galloway	Maloney		

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

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

* * *

The House proceeded to third consideration of **HB 1128, PN 1377**, entitled:

An Act amending Title 12 (Commerce and Trade) of the Pennsylvania Consolidated Statutes, codifying the provisions of the Motor Vehicle Sales Finance Act and the Goods and Services Installment Sales Act; making conforming amendments to Titles 7 and 42; and making related repeals.

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

(Bill analysis was read.)

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—195

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

DiGirolamo
Donatucci
Dunbar

Keller, M.K.
Keller, W.
Kim

Payne
Peifer
Petrarca

White
Youngblood

NAYS—0

NOT VOTING—0

EXCUSED—6

Evans
Galloway

Killion
Maloney

Murt

Wheatley

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

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

* * *

The House proceeded to third consideration of **SB 623, PN 951**, entitled:

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.

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

(Bill analysis was read.)

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—195

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

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

NAYS—0

NOT VOTING—0

EXCUSED—6

Evans	Killion	Murt	Wheatley
Galloway	Maloney		

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

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

* * *

The House proceeded to third consideration of **SB 808, PN 837**, entitled:

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.

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

(Bill analysis was read.)

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

The question is, shall the bill pass finally?

On the question, the Chair recognizes the gentleman, Mr. Hennessey.

Mr. HENNESSEY. Thank you, Mr. Speaker.

SB 808 would authorize our county commissioners across most of the Commonwealth to eliminate the position of jury commissioner within their counties by a simple-majority vote. I have been opposed to that idea consistently when it was introduced several sessions ago. Last session it was amended by the Senate, the concept was amended by the Senate into a bill which had passed, I think it was Representative Dunbar's bill, dealing with electronic auctions for townships. It was amended, that language eliminating jury commissioner posts, at the discretion of the county commissioners, was inserted into Representative Dunbar's bill. It passed, but when it came back from the Senate to the House, there was significant opposition on the concurrence vote.

What happened was it passed anyway in spite of that opposition, went to the Supreme Court, the Supreme Court threw it out, disqualified Act 140, I believe it was, because of the violation of the single-subject rule. It has now been reintroduced, and frankly, my concern has been, in addition to the idea that I do not think it is a particularly good idea to bring in tons of jurors into our county courts across the Commonwealth and then, you know, turn them over to a part-timer to try to answer their concerns, I did not want this House to rush to judgment just in a sense to get even with the Supreme Court by voting something that they had disqualified not on substance but on the violation of the single-subject rule.

Aside from that, I still intend to oppose and I still intend to vote "no," but I will submit the balance of my remarks for the record. I appreciate the opportunity to address the House this afternoon.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

REMARKS SUBMITTED FOR THE RECORD

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

This proposal would give county commissioners authority to eliminate the office of jury commissioner.

Jury commissioners have been around for 150 years and serve a useful function in overseeing composition of the jury pool. In addition, they guarantee fairness in the creation of jury pools and in the management of those pools by bipartisan oversight.

SB 808 will replace that process by authorizing county commissioners, by simple majority vote, to eliminate the position – a vote which might easily go the opposite way if just one of the people on the Board of Commission changed – and diminish the bipartisan protection/oversight of our jury system. Once undone – once eliminated – the jury commissioner positions would be impractical to reinstate.

Last week, in Chester County, 120 citizens were brought in as potential jurors; this week, 150 prospective grand jurors. Those potential jurors have questions about length of service, about being excused from jury duty, about sickness and family issues.

If our jury commissioners are eliminated, those citizens will still be in the courthouse, will still have those questions, and will still have family issues.

The difference will be that those citizens will be supervised, their questions will be answered, and their issues will be addressed by someone with other duties, probably within the court administrator's office; that person will have to fit the citizens' concerns in with his or her other responsibilities. We will lose the bipartisan review and the

guarantee of fairness, and the potential jurors will lose the personal, focused attention our jury commissioners provide.

Our citizens deserve better.

We should not eliminate a long proven position that serves our citizens well.

The reason most often advanced by those who would abolish the post of jury commissioner is to reduce expenses. But jury commissioners are generally the lowest paid row officers – with only two in each county – so the projected savings to the county's taxpayers is miniscule. But those two people in each county, they will pay with the loss of their job.

We should not trade our tradition and the constitutional oversight of the jury process for such a minimal return. We should not turn our citizens called for jury duty over to someone with divided responsibilities.

I offer a cautionary note to members:

This language allowing abolition of jury commissioners was amended last session into HB 1644 by the Senate. HB 1644 originally dealt with allowing the sale by municipalities of small lots of personal property by online Internet sales – a so-called electronic auction.

What had passed 196-0 in the House resulted – after the insertion of this language – with a concurrence vote of 149-40. Forty votes, relatively evenly divided between Republicans and Democrats, were changed by this language. There was substantial opposition.

We should not just rush to judgment and vote for this bill simply because the Supreme Court threw out last session's effort for violating the single-subject rule. Please vote against SB 808.

On the question recurring,

Shall the bill pass finally?

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

The following roll call was recorded:

YEAS–156

Adolph	Dunbar	Keller, W.	Petri
Aument	Emrick	Kim	Pickett
Baker	Evankovich	Kinsey	Pyle
Barbin	Everett	Kirkland	Quinn
Barrar	Fabrizio	Knowles	Rapp
Benninghoff	Farina	Kortz	Ravenstahl
Bishop	Farry	Lawrence	Readshaw
Bizzarro	Fee	Lucas	Reed
Bloom	Flynn	Mackenzie	Regan
Boback	Frankel	Maher	Rock
Boyle, B.	Freeman	Major	Ross
Boyle, K.	Gabler	Markosek	Rozzi
Brown, V.	Gainey	Marsico	Sabatina
Brownlee	Gergely	Masser	Saccone
Caltagirone	Gillen	Matzie	Samuelson
Carroll	Gillespie	McCarter	Sankey
Causar	Gingrich	McGeehan	Santarsiero
Christiana	Godshall	McGinnis	Saylor
Clay	Goodman	McNeill	Scavello
Clymer	Greiner	Mentzer	Schlossberg
Cohen	Grell	Metcalfe	Simmons
Corbin	Grove	Miccarelli	Sims
Costa, D.	Hackett	Micozzie	Smith
Cox	Haggerty	Millard	Snyder
Cruz	Hahn	Miller	Sonney
Culver	Hanna	Mirabito	Sturla
Cutler	Harhart	Miranda	Swanger
Daley, M.	Harkins	Molchany	Tallman
Daley, P.	Harris, A.	Moul	Taylor
Davidson	Harris, J.	Mullery	Thomas
Davis	Heffley	Mundy	Tobash
Day	Helm	Mustio	Toohil
Deasy	Hickernell	Neuman	Truitt
DeLissio	James	O'Neill	Turzai

Delozier	Kampf	Oberlander	Vitali
DeLuca	Kauffman	Painter	Waters
Denlinger	Kavulich	Parker	Watson
Dermody	Keller, F.	Pashinski	White
DiGirolamo	Keller, M.K.	Payne	Youngblood

NAYS–39

Bradford	English	Kula	Reese
Briggs	Fleck	Longietti	Roae
Brooks	Gibbons	Mahoney	Roebuck
Brown, R.	Haluska	Marshall	Sainato
Burns	Harhai	Metzgar	Stephens
Conklin	Harper	Milne	Stern
Costa, P.	Hennessey	Neilson	Stevenson
Dean	Hess	O'Brien	Toepel
Donatucci	Kotik	Peifer	Vereb
Ellis	Krieger	Petrarca	

NOT VOTING–0

EXCUSED–6

Evans	Killion	Murt	Wheatley
Galloway	Maloney		

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

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

* * *

The House proceeded to third consideration of **HB 987, PN 1151**, entitled:

An Act designating the bridge that carries State Route 973 over Loyalsock Creek in Upper Fairfield Township and Eldred Township, Lycoming County, as the George E. Logue, Sr. Memorial Bridge.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

(Bill analysis was read.)

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS–195

Adolph	Ellis	Kinsey	Petri
Aument	Emrick	Kirkland	Pickett
Baker	English	Knowles	Pyle
Barbin	Evankovich	Kortz	Quinn
Barrar	Everett	Kotik	Rapp
Benninghoff	Fabrizio	Krieger	Ravenstahl
Bishop	Farina	Kula	Readshaw
Bizzarro	Farry	Lawrence	Reed
Bloom	Fee	Longietti	Reese

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

NAYS—0

NOT VOTING—0

EXCUSED—6

Evans	Killion	Murt	Wheatley
Galloway	Maloney		

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

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

VOTE CORRECTION

The SPEAKER pro tempore. For what reason does the gentleman, Mr. Reed, rise?

Mr. REED. To correct the record.

The SPEAKER pro tempore. The gentleman is in order to correct the record.

Mr. REED. Mr. Speaker, I was recorded in the positive on SB 808. I would like to be recorded in the negative, please. Thank you.

The SPEAKER pro tempore. Let the record reflect the requested change by Representative Reed.

THE SPEAKER (SAMUEL H. SMITH) PRESIDING

BILL SIGNED BY SPEAKER

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

SB 808, PN 837

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.

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

BILL REPORTED AND REREFERRED TO COMMITTEE ON FINANCE

HB 1171, PN 1470

By Rep. MILLER

An Act amending the act of July 9, 2008 (1st Sp.Sess., P.L.1873, No.1), known as the Alternative Energy Investment Act, repealing provisions relating to the Alternative Energy Production Tax Credit Program.

Reported from Committee on ENVIRONMENTAL RESOURCES AND ENERGY with request that it be rereferred to Committee on FINANCE.

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

There will be no further recorded votes.

BILLS RECOMMITTED

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

HB 440;
HB 484;
HB 1190; and
SB 5.

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 25;
HB 85;
HB 261;

HB 474;
HB 925; and
HB 1217.

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

CALENDAR CONTINUED

BILL ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 410, PN 420**, entitled:

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, providing for the right to hunt, fish and harvest game.

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

BILL TABLED

The SPEAKER. The Speaker recognizes the majority leader, who moves that HB 410 be removed from the active calendar and placed on the tabled calendar.

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

BILL REMOVED FROM TABLE

The SPEAKER. The Speaker recognizes the majority leader, who moves that HB 410 be removed from the tabled calendar and placed on the active calendar.

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

BILLS AND RESOLUTIONS PASSED OVER

The SPEAKER. Without objection, all remaining bills and resolutions on today's calendar will be passed over. The Chair hears no objection.

ADJOURNMENT

The SPEAKER. Seeing no further business, the Speaker recognizes the gentleman, Mr. Sims, from Philadelphia County, who moves that this House do now adjourn until Monday, May 6, 2013, at 1 p.m., e.d.t., unless sooner recalled by the Speaker.

On the question,
Will the House agree to the motion?
Motion was agreed to, and at 3:30 p.m., e.d.t., the House adjourned.