

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

TUESDAY, MAY 6, 2014

SESSION OF 2014

198TH 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. Today the prayer will be offered by Rev. Dennis Keen, Spring City United Methodist Church, Spring City, Pennsylvania.

REV. DENNIS KEEN, Guest Chaplain of the House of Representatives, offered the following prayer:

Good morning.

Let us pray:

O God, You have blessed Your people with a variety of gifts. Thank You for the gifts that You have given to these individuals who are the Representatives and leaders of this fine Commonwealth, men and women who love Your people and who can walk with them, who feel their pain and share their joys, who dream their dreams and strive to accompany them to their common goal.

By Your love and grace, with the presence and the power of Your spirit, empower these leaders of Pennsylvania to be bold and daring, commissioning them to transform our political system, to serve Your people. As we move our Commonwealth forward by working together, let us always be mindful of those inspiring words spoken by President Abraham Lincoln when he reminded a nation that we are a government that is "...of the people, by the people," and "for the people...."

Now, God, continue to bless all the elected leaders of our local municipalities, our county officials, and school board members throughout this State.

Lastly, God bless the United States of America. Amen.

PLEDGE OF ALLEGIANCE

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

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, the approval of the Journal of Monday, May 5, 2014, will be postponed until printed.

BILLS REPORTED FROM COMMITTEES, CONSIDERED FIRST TIME, AND TABLED

HB 2045, PN 3532 (Amended) By Rep. GILLESPIE

An Act authorizing local taxing authorities to provide for tax exemption incentives for certain deteriorated industrial, commercial, business and residential property and for new construction in deteriorated areas of economically depressed communities; providing for an exemption schedule; and establishing standards and qualifications.

URBAN AFFAIRS.

HB 2128, PN 3247 By Rep. GILLESPIE

An Act providing for the annual designation and holiday observance of the third Saturday in June as "Juneteenth National Freedom Day" in this Commonwealth.

URBAN AFFAIRS.

HB 2141, PN 3534 (Amended) By Rep. GILLESPIE

An Act amending Titles 64 (Public Authorities and Quasi-Public Corporations) and 72 (Taxation and Fiscal Affairs) of the Pennsylvania Consolidated Statutes, in Title 64, providing for community development authorities; and, in Title 72, providing for microenterprise assistance.

URBAN AFFAIRS.

HB 2203, PN 3533 (Amended) By Rep. DiGIROLAMO

An Act restricting access to the prescription painkiller Zohydro.

HUMAN SERVICES.

HB 2204, PN 3526 By Rep. DiGIROLAMO

An Act amending the act of December 19, 1990 (P.L.1372, No.212), known as the Early Intervention Services System Act, further providing for definitions and for child identification, assessment and tracking system.

HUMAN SERVICES.

HOUSE BILLS INTRODUCED AND REFERRED

No. 1949 By Representatives ROEBUCK, STURLA, FRANKEL, LONGIETTI, SANTARSIERO, O'BRIEN, TRUITT, MURT, YOUNGBLOOD, FREEMAN, V. BROWN,

McGEEHAN, THOMAS, BISHOP, SCHLOSSBERG, HAGGERTY, GAINEY, SCHREIBER, CRUZ, KOTIK, PARKER, MUNDY, McCARTER, SAMUELSON, BROWNLEE, KINSEY, DeLUCA, COHEN, KIRKLAND and DAVIDSON

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in education support services and educational assistance programs, further providing for the educational assistance program; and establishing the Educational Assistance Program for Academic Improvement.

Referred to Committee on EDUCATION, May 6, 2014.

No. 2227 By Representatives EVANKOVICH, AUMENT, BLOOM, CUTLER, FEE, GREINER, GROVE, HICKERNELL, McGINNIS, R. MILLER, OBERLANDER and SAYLOR

An Act amending the act of July 23, 1970 (P.L.563, No.195), known as the Public Employe Relations Act, providing for notice to members of an employee organization; further providing for proper subjects of bargaining; and providing for collective bargaining agreements.

Referred to Committee on STATE GOVERNMENT, May 6, 2014.

No. 2244 By Representatives MICOZZIE, McGEEHAN, CALTAGIRONE, KILLION, K. BOYLE, HARHART, PAYNE, GODSHALL, MILLARD, YOUNGBLOOD, BROWNLEE, READSHAW, MARSHALL, C. HARRIS, MURT, BAKER, WATSON, R. MILLER, KORTZ, CLYMER, MILNE, DONATUCCI and COHEN

A Supplement to the act of December 8, 1982 (P.L.848, No.235), known as the Highway-Railroad and Highway Bridge Capital Budget Act for 1982-1983, itemizing additional State and local bridge projects.

Referred to Committee on TRANSPORTATION, May 6, 2014.

SENATE BILL FOR CONCURRENCE

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

SB 1224, PN 1950

Referred to Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, May 6, 2014.

SENATE MESSAGE

HOUSE BILL CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, returned **HB 2019, PN 3004**, with information that the Senate has passed the same without amendment.

SENATE MESSAGE

RECESS RESOLUTION FOR CONCURRENCE

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

In the Senate,
May 5, 2014

RESOLVED, (the House of Representatives concurring), Pursuant to Article II, Section 14 of the Pennsylvania Constitution, that when the Senate recesses this week, it reconvene on Monday, June 2, 2014, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, Pursuant to Article II, Section 14 of the Pennsylvania Constitution, that when the House of Representatives recesses this week, it reconvene on Monday, June 2, 2014, unless sooner recalled by the Speaker of the House of Representatives.

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

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

BILL SIGNED BY SPEAKER

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

HB 2019, PN 3004

An Act designating a bridge on that portion of S.R. 128 over Buffalo Creek, Freeport Borough, Armstrong County, as the Freeport Veterans Bridge.

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

COMMUNICATION FROM INDEPENDENT FISCAL OFFICE

The SPEAKER. The Speaker acknowledges receipt of the Independent Fiscal Office's Initial Revenue Estimate for Fiscal Year 2014-15, submitted in accordance with 71 Pa.C.S. § 4105.

(Copy of communication is on file with the Journal clerk.)

LEAVES OF ABSENCE

The SPEAKER. The Speaker turns to leaves of absence. The majority whip indicates there are no requests for leaves of absence today.

The Speaker recognizes the minority whip, who requests a leave of absence for the gentleman, Mr. Brendan BOYLE, from Philadelphia County for the day; the gentleman, Mr. EVANS, from Philadelphia County for the day; and the gentleman, Mr. BRIGGS, from Montgomery County for the day. Without objection, the leaves will be granted.

The House will be at ease for a moment.

The House will come to order.

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—200

| | | | |
|-------------|--------------|------------|-------------|
| Adolph | Evankovich | Kortz | Pickett |
| Aument | Everett | Kotik | Pyle |
| Baker | Fabrizio | Krieger | Quinn |
| Barbin | Farina | Kula | Rapp |
| Barrar | Farry | Lawrence | Ravenstahl |
| Benninghoff | Fee | Longiatti | Readshaw |
| Bishop | Fleck | Lucas | Reed |
| Bizzarro | Flynn | Mackenzie | Reese |
| Bloom | Frankel | Maher | Regan |
| Boback | Freeman | Mahoney | Roae |
| Boyle, K. | Gabler | Major | Rock |
| Bradford | Gainey | Maloney | Roebuck |
| Brooks | Galloway | 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 | Schreiber |
| Conklin | Haggerty | Miccarelli | Simmons |
| Corbin | Hahn | Micozzie | Sims |
| Costa, D. | Haluska | Millard | Smith |
| Costa, P. | Hanna | Miller, D. | Snyder |
| Cox | Harhai | Miller, R. | 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 | Hickernell | Mustio | Tobash |
| Deasy | James | Neilson | Toepel |
| DeLissio | Kampf | Neuman | Toohil |
| Delozier | Kauffman | O'Brien | Topper |
| DeLuca | Kavulich | O'Neill | Truitt |
| Denlinger | Keller, F. | Oberlander | Turzai |
| Dermody | Keller, M.K. | Painter | Veréb |
| DiGirolamo | Keller, W. | Parker | Vitali |
| Donatucci | Killion | Pashinski | Waters |
| Dunbar | Kim | Payne | Watson |
| Ellis | Kinsey | Peifer | Wheatley |
| Emrick | Kirkland | Petrarca | White |
| English | Knowles | Petri | Youngblood |

ADDITIONS—0

NOT VOTING—0

EXCUSED—3

Boyle, B. Briggs Evans

LEAVES ADDED—2

Boyle, B. Micozzie

LEAVES CANCELED—2

Boyle, B. Briggs

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

GUESTS INTRODUCED

The SPEAKER. The House will come to order. I would appreciate the members taking their seats. I would appreciate your attention and courtesy. I would like to introduce some of the many guests that are with us today. Thank you.

Located on the rostrum beside the Chair, we would like to welcome our Guest Chaplain's wife, Linda Keen, and sitting in the rear of the church are – or in the rear of the House are church members. I know, this is no church. Sitting in the rear of the House are church members Pattie King and Sarah Allred, and they are here today as guests of Representative Painter. Will our guests please rise, and welcome to the hall of the House.

Located to the left of the rostrum, we would like to welcome officers of the Delta Sigma Theta Sorority: Dr. T. Renee Randleman, Marveta E. Coleman, Theljewa Garrett, Maxine Harvey, and Karrie Burgess. And at the rear of the House and in the gallery are a number of sorority members here for the annual Delta Day in Harrisburg, and they are here as guests of Representative Parker. Will our guests please rise.

Also to the left of the rostrum, we would like to welcome guests of Representative Taylor: Jimmy and Jenna Bayona, and Kristina Scott. And in the gallery are Courtney, Patti, Jim, and Cassidy Rankin, Jason and Jessica Lewis, Carolyn Fairburn, and Emilie Bayona. Will our guests please rise. Welcome to the hall of the House.

Also to the left of the rostrum, we would like to welcome Maj. Robert Dixon and Maj. Hester Dixon. They are city commanders for the Salvation Army of Greater Philadelphia, and in the rear of the House are additional Salvation Army leaders, also as guests of Representative Parker today. Welcome to the hall of the House. Please rise.

HERSHEY HIGH SCHOOL GIRLS SWIM TEAM PRESENTED

The SPEAKER. I would like to invite Representative Payne to the rostrum for the purpose of presenting a citation to the Hershey High School Girls Swim Team.

The gentleman, Mr. Payne, may proceed.

Mr. PAYNE. Thank you, Mr. Speaker.

Today I am pleased to once again present members of the Hershey High School Girls Swim Team. They won the PIAA State Swimming and Diving Class AAA Championship held on March 12-15 at Bucknell University by amassing 279 points.

Meaghan Raab, Vivian Tafuto, Gabi Broschard, and Colette Robinson won the 200 medley relay and set a new PIAA State meet record of 1:42.09. This broke the current State record, which was also set by this girls swim team, of 1:44.

Gold was won in the 200 relay by the team of Kaley Buchanan, Jenny Young, Colette Robinson, and Madelyn Veith, with a time of 1:33.81.

In the 400 free relay, Kaley, Vivian, Madelyn, and Meaghan set a new State record of 3:21.34, which broke the previous State record, again set by the Hershey team in 2011. There is a pattern here about the Hershey Girls Swim Team.

Madelyn Veith won the gold in the 50 free with a time of 23.13 and also won the gold in the 100 free with a time of 50.45.

Vivian Tafuto finished first in the 100 breaststroke with a time of 1:01.81.

Meaghan Raab won the 100 backstroke by setting a new State record of 53.08, won the 200 individual medley by a State record of 1:57.13, and was named the 2013-14 PIAA Class AAA Girls Most Valuable Swimmer.

Joining me up front for the 10th year in a row – let me repeat that for my colleagues – the 10th year in a row is coach Greg Fastrich, and the girls team captains – thank you; 10 years in a row. Thank you very much.

The girls team captains: Madelyn Veith, Gabrielle Broschard, and Meaghan Raab. The other members of the girls team are in the rear of the House with assistant coach Jeff Fastrich and Hershey High School principal Dale Reimann. Would they please stand and be recognized; rear of the House – Hershey girls.

And, Mr. Speaker, I have to add one final note. These girls beat a swim team from North Allegheny School District, which happens to be from the majority leader's school district – a little extra-sweet pleasure that they beat his team. I am just hoping the majority leader does not hold any grudges against me.

Congratulations, girls, for setting record upon record. Welcome to the Capitol again, and may I see you back next year for 11 years in a row. Thank you.

The SPEAKER. The Speaker thanks the gentleman, and the House will be at ease for a minute or two.

The House will come to order.

GUESTS INTRODUCED

The SPEAKER. We have some more guests to introduce; I would appreciate the members' courtesy, please. Kindly hold the conversations down. Thank you.

Located in the rear of the House, we would like to welcome members of the Screen Actors Guild and the American Federation of Television and Radio Artists. As guests of Representative Murt, I would like to welcome David Morse, star of "St. Elsewhere," "The Hurt Locker," and "The Green Mile"; Melissa Fitzgerald, who was featured in "The West Wing" and the film "Frequency"; Helen McNutt; Mark Roberts;

Catherine Brown; John Wooten; Sylvia Kauders; and Meagan Hill. Will our guests please rise; located on the left side. Welcome to the hall of the House.

Also in the rear of the House, we would like to welcome participants in Representative Kampf's senior intern program. They are from Conestoga High School, and they are Hannah Conroy, Nathaniel Rome, and Christopher Hall. Will our guests please rise; over here by the left door. Welcome to the hall of the House.

Additionally as guests of Representative Kampf, in the rear of the House, we would like to welcome the group Teens Against Tobacco Use from the Phoenixville Area Middle School. Will our guests please rise. Welcome to the hall of the House.

And up in the gallery, we would like to welcome students and faculty from the Clarke Schools for Hearing and Speech, and they are here today as guests of Representative Adolph. Will our guests give us a wave; up in the gallery. Welcome to the hall of the House.

Some guest pages with us today, located in the well of the House. We would like to welcome guest page Darby Fly from Trinity High School, and Darby is here as a guest of Representative Delozier. Welcome to the hall of the House.

Also serving as guest pages are Catherine Dawton, Zac Misher, Ethan Cramer, Izzy Jolinger, and Grant Krain-Einhorn from the AIM Academy, and they are here today as guests of Representative Mary Jo Daley. Will our guests please rise. Welcome to the hall of the House.

And we have, as a guest of Representative Mullery, Zoe Matherne from Camp Hill serving as a guest page. Welcome to the hall of the House.

And up in the gallery, actually in the normal media section of the gallery, we would like to welcome members of the Blue Star Mothers of America. They are here today as guests of Representative Killion. Welcome to the hall of the House, and thank you.

HALIFAX HIGH SCHOOL ARCHERY TEAM PRESENTED

The SPEAKER. I would like to invite Representative Helm to the rostrum for the purpose of presenting a citation to the Halifax High School Archery Team.

The lady, Ms. Helm, may proceed.

Ms. HELM. Thank you, Mr. Speaker.

This morning I rise with great pride to speak about the achievements of some outstanding athletes from the Halifax Area School District.

Mr. Speaker, I have the privilege of recognizing the Halifax High School Archery Team for capturing the team championship trophy at the State tournament sponsored by the National Archery in the Schools Program. The competition took place in State College in March.

I am joined on the rostrum by team captains Hunter Enders, and Adam Sweigard, team members Kaitlyn Hutchinson and Amber Laudenslager, along with head coach Jared Shade. The rest of the team and assistant coaches are also here, and I would ask them to now rise, along with their parents and supporters. They are in the back. So please join me in giving them our usual warm House round of applause to celebrate their impressive victory. Thank you.

Mr. Speaker, this was the second consecutive State title for the team, which scored 3,304 points, its highest total in any competition. They successfully met Coach Shade's challenge to beat last year's score.

Archery is a sport that does not get a lot of publicity, which is one of the reasons why I am so pleased to be able to shine the spotlight on this fine group of dedicated athletes and commend them for a job well done. They put in hours and hours of practice, with the older members of the team leading by example and encouraging their younger, less-experienced teammates to give it their all. And all of their hard work paid off in the end with another first-place trophy.

Mr. Speaker, Coach Shade needs to be recognized as well for his dedication and leadership, which inspired every member of the team to do his or her very best. And let us not forget about the parents and other family members who supported the team at every competition and cheered them on at the State tournament.

We heartily congratulate the Halifax High School Archery Team for its stellar season and championship victory. Congratulations, and thank you, Mr. Speaker.

The SPEAKER. The Speaker thanks the lady.

REMARKS SUBMITTED FOR THE RECORD

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

Mr. Speaker, it is my privilege to bring to the attention of the Speaker and the members of the Pennsylvania House of Representatives the name of Andrew Nerges, who has been awarded Scouting's highest honor – Eagle Scout.

Mr. Speaker, I would like to read to the members of the House of Representatives the following citation of merit honoring Andrew Nerges.

Whereas, Andrew Nerges earned the Eagle Award in Scouting. This is the highest award that Boy Scouts can bestow and as such represents great sacrifice and tremendous effort on the part of this young man. Andrew is a member of Troop 19.

Now therefore, Mr. Speaker and members of the House of Representatives, it is my privilege to congratulate and place in the Legislative Journal the name of Andrew Nerges.

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

The House will come to order.

CALENDAR

RESOLUTION

Mr. MURT called up **HR 691, PN 3081**, entitled:

A Resolution designating May 2014 as "SAG-AFTRA Month" in Pennsylvania and recognizing the artistic and economic contributions of SAG-AFTRA members' work in the news media and the entertainment industry.

On the question,
Will the House adopt the resolution?

The SPEAKER. On that question, the Speaker recognizes the gentleman from Montgomery County, Mr. Murt.

Mr. MURT. Thank you, Mr. Speaker.

Mr. Speaker, imagine the movie "Rocky" without the iconic run up the Philadelphia Art Museum steps. The movie "Witness" would not have been as effective without the quaint historic towns of Lancaster that provided the contrast between old and new. Of course, what really make "Rocky" and "Witness" so effective are the Oscar-nominated performances by Sylvester Stallone and Harrison Ford, two proud members of the Screen Actors Guild. "Rocky" and "Witness" were critical in the development of Pennsylvania as a center for film production, as each showed off the beauty of our small towns and the excitement and grit of our urban centers. Films like "The Sixth Sense," "Silver Linings Playbook," and "Blue Valentine," all Oscar nominees, make Pennsylvania a character in each film.

In addition to making our State a magnet for tourism, each film became an economic generator that provided work for some of the State's 3,000 members of the Screen Actors Guild and AFTRA, the American Federation of Television and Radio Artists. SAG-AFTRA is the world's largest entertainment union, comprised of actors, broadcasters, singers, dancers, and other creative professionals. Their legacy organizations have a 70-year history in our Commonwealth. The organization's work includes negotiating fair wages, providing health insurance and pensions, and maintaining a safe work environment for everyone from radio DJs (disc jockeys), stunt performers, voice-over artists, television performers, and thousands of other creative working professionals.

SAG-AFTRA advocates for radio, television, and film work help to craft updated protections for its members and help to promote our State as a leading location for professional film and television work, generating millions of dollars in expenditures for our Commonwealth.

Additionally, what many people do not realize is the critical role SAG-AFTRA played in changing our laws to better protect child performers. I want to thank SAG-AFTRA for working with me to create more stringent protections for child performers who work in the entertainment industry, after witnessing the treatment of the children who appeared on the famous reality television show, "Jon & Kate Plus 8." My initial legislation, HB 1548, evolved into a comprehensive rewrite of Pennsylvania's child labor laws, which had not been updated in literally decades.

For the thousands of Pennsylvania residents who belong to SAG-AFTRA and the tens of thousands who work in the broadcast and entertainment industry in which SAG-AFTRA promotes and advocates, today we will declare May 6, 2014, as SAG-AFTRA Day in the Commonwealth of Pennsylvania. It is our way to celebrate the important and successful work of this organization.

Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—196

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

NAYS—4

| | | | |
|-------|------------|----------|------|
| Bloom | Keller, F. | McGinnis | Roae |
|-------|------------|----------|------|

NOT VOTING—0

EXCUSED—3

| | | |
|-----------|--------|-------|
| Boyle, B. | Briggs | Evans |
|-----------|--------|-------|

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

UNCONTESTED CALENDAR

RESOLUTIONS PURSUANT TO RULE 35

Mr. PAINTER called up **HR 734, PN 3225**, entitled:

A Resolution recognizing the selection of the Schuylkill River as Pennsylvania's 2014 River of the Year.

* * *

Ms. DONATUCCI called up **HR 770, PN 3321**, entitled:

A Resolution designating May 11 through 17, 2014, as "National Nursing Home Week" in Pennsylvania.

* * *

Mr. TAYLOR called up **HR 821, PN 3463**, entitled:

A Resolution designating May 6, 2014, as "Moyamoya Awareness Day" in Pennsylvania.

* * *

Mr. BURNS called up **HR 828, PN 3468**, entitled:

A Resolution recognizing the week of May 11 through 17, 2014, as "National Police Week" and May 15, 2014, as "Police Officers' Memorial Day" in Pennsylvania.

* * *

Mrs. SWANGER called up **HR 829, PN 3469**, entitled:

A Resolution recognizing the month of May 2014 as "Melanoma and Skin Cancer Detection and Prevention Month" in Pennsylvania.

* * *

Mrs. HARHART called up **HR 831, PN 3486**, entitled:

A Resolution designating May 10, 2014, as "National Association of Letter Carriers Food Drive Day" in Pennsylvania.

* * *

Mr. BARBIN called up **HR 833, PN 3488**, entitled:

A Resolution designating May 9, 2014, as "Military Spouse Appreciation Day" in Pennsylvania.

* * *

Ms. RAPP called up **HR 835, PN 3497**, entitled:

A Resolution designating May 14, 2014, as "Apraxia Awareness Day" in Pennsylvania.

* * *

Ms. CULVER called up **HR 836, PN 3498**, entitled:

A Resolution designating the week of May 12, 2014, as "Women's Lung Health Week" in Pennsylvania.

* * *

Mrs. PARKER called up **HR 838, PN 3500**, entitled:

A Resolution recognizing Tuesday, May 6, 2014, as "The Salvation Army Day in Harrisburg" and commending The Salvation Army in Pennsylvania for its legacy of service to the people of this Commonwealth.

* * *

Mrs. PARKER called up **HR 839, PN 3501**, entitled:

A Resolution recognizing and congratulating the members of the Delta Sigma Theta Sorority, Incorporated's Pennsylvania Social Action Network.

* * *

Mr. KILLION called up **HR 842, PN 3504**, entitled:

A Resolution recognizing May 2014 as "Blue Star Mothers of America Month" in Pennsylvania.

* * *

Mr. MATZIE called up **HR 843, PN 3505**, entitled:

A Resolution recognizing May 6, 2014, as "World Asthma Day" in Pennsylvania.

* * *

Mrs. WATSON called up **HR 846, PN 3508**, entitled:

A Resolution recognizing May 2014 as "Global Youth Traffic Safety Month" in Pennsylvania.

* * *

Mrs. WATSON called up **HR 847, PN 3509**, entitled:

A Resolution designating the month of May 2014 as "Healthy Babies Month" in Pennsylvania.

* * *

Mrs. WATSON called up **HR 848, PN 3510**, entitled:

A Resolution observing the week of May 1 through 7, 2014, as "National Physical Education and Sports Week" and the month of May 2014 as "National Physical Fitness and Sports Month" in Pennsylvania, and encouraging residents of Pennsylvania to learn more about the importance of physical activity for their health, to incorporate physical activity into their daily lives and to join in an effort to create a more enlightened public attitude and response.

On the question,
Will the House adopt the resolutions?

The following roll call was recorded:

YEAS—200

| | | | |
|--------|------------|---------|---------|
| Adolph | Evankovich | Kortz | Pickett |
| Aument | Everett | Kotik | Pyle |
| Baker | Fabrizio | Krieger | Quinn |
| Barbin | Farina | Kula | Rapp |

| | | | |
|-------------|--------------|------------|-------------|
| Barrar | Farry | Lawrence | Ravenstahl |
| Benninghoff | Fee | Longietti | Readshaw |
| Bishop | Fleck | Lucas | Reed |
| Bizzarro | Flynn | Mackenzie | Reese |
| Bloom | Frankel | Maher | Regan |
| Boback | Freeman | Mahoney | Roae |
| Boyle, K. | Gabler | Major | Rock |
| Bradford | Gainey | Maloney | Roebuck |
| Brooks | Galloway | 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 |
| Causer | Goodman | McGinnis | Santarsiero |
| Christiana | Greiner | McNeill | Saylor |
| Clay | Grell | Mentzer | Scavello |
| Clymer | Grove | Metcalfe | Schlossberg |
| Cohen | Hackett | Metzgar | Schreiber |
| Conklin | Haggerty | Miccarelli | Simmons |
| Corbin | Hahn | Micozzie | Sims |
| Costa, D. | Haluska | Millard | Smith |
| Costa, P. | Hanna | Miller, D. | Snyder |
| Cox | Harhai | Miller, R. | 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 | Hickernell | Mustio | Tobash |
| Deasy | James | Neilson | Toepel |
| DeLissio | Kampf | Neuman | Toohil |
| Delozier | Kauffman | O'Brien | Topper |
| DeLuca | Kavulich | O'Neill | Truitt |
| Denlinger | Keller, F. | Oberlander | Turzai |
| Dermody | Keller, M.K. | Painter | Vereb |
| DiGirolamo | Keller, W. | Parker | Vitali |
| Donatucci | Killion | Pashinski | Waters |
| Dunbar | Kim | Payne | Watson |
| Ellis | Kinsey | Peifer | Wheatley |
| Emrick | Kirkland | Petrarca | White |
| English | Knowles | Petri | Youngblood |

NAYS—0

NOT VOTING—0

EXCUSED—3

| | | |
|-----------|--------|-------|
| Boyle, B. | Briggs | Evans |
|-----------|--------|-------|

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

STATEMENT BY MR. KILLION

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

I would appreciate the members' attention.

Mr. KILLION. Thank you, Mr. Speaker.

I just rise to thank all my colleagues for their affirmative vote on HR 842, recognizing May 2014 as Blue Star Mothers Month in America.

This organization was founded in 1942 and chartered by Congress in 1960, and its members include mothers and stepmothers who have sons and daughters actively in the military currently. We know our service people serve us well in protecting our nation, but their families serve us well also. So I am glad we are recognizing the mothers, and I would like to give a round of applause. They are in the press box just behind me.

Thank you, Mr. Speaker.

The SPEAKER. I would ask the Blue Star Mothers who are with us today to rise again, and thank you for your contribution to our great nation.

STATEMENT BY MR. TAYLOR

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

Mr. TAYLOR. Thank you, Mr. Speaker.

If we could have everybody's attention a second, one of the resolutions that we passed on the uncontested calendar was HR 821, and 821 recognizes May 6 as world moyamoya day, Moyamoya Awareness Day.

And moyamoya is a rare disease. The name is derived from the Japanese version of what these doctors saw when they found this disease, and it means puff of smoke. And a puff of smoke appears on an X-ray of a bunch of tangled arteries and tangled blood vessels in someone's brain, particularly in children but it also happens in adults, and it is a rare disease where these arteries and blood vessels narrow to the point where seizures occur and debilitating headaches and it is hard to function. And it is something that I never heard of until it was brought to my attention by some constituents of mine. So the resolution we passed is to bring awareness to this rare disease.

And I have some constituents who were already introduced, but I wanted in particular – I know that Jason Lewis and Courtney Rankin are in the gallery still, and if they could stand, please. And the mother of one of the moyamoya patients, Kristina Scott, who brought this to my attention, and Jimmy Bayona are here; if they could stand again, please. But I wanted to, in particular, bring your attention to Jenna Bayona, who just recently was diagnosed and went through an 8-hour surgery up in Boston in a hospital that specializes in this rare disorder, and she is doing quite well, but I would like her to stand up. Jenna Bayona. Jenna.

Mr. Speaker, thank you for your support of this resolution, and thank you, Mr. Speaker.

The SPEAKER. The Speaker thanks the gentleman.

STATEMENT BY MR. PAINTER

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

Mr. PAINTER. Thank you, Mr. Speaker.

I would like to thank the members of the House for their unanimous support of HR 734, recognizing the selection of the Schuylkill River as Pennsylvania's 2014 River of the Year.

Mr. Speaker, I have lived most of my life on the banks of the Schuylkill River. It is a river rich with history. It is the story of our Commonwealth. The first iron production was along the

Schuylkill River Valley. The first German immigrants to Pennsylvania were miners who were brought in to extract that iron ore. The Schuylkill Navigation Company built one of our nation's first canals along the Schuylkill River to bring that iron to market. That later evolved into the Reading Railroad, which opened up the anthracite coal mining in eastern Pennsylvania.

Mr. Speaker, in my youth, sad to say, the Schuylkill River was a victim of centuries of industry and pollution that came with it. I was reminiscing with some friends in my district, and we joked with each other that in 1965 if you talked about the Schuylkill River being Pennsylvania's River of the Year, that would have to be some sort of sad ironic bit of humor. But the river has turned around in the last 50 years. It is beautiful. We have new parks. We have new hiking trails. A segment of the Schuylkill River Trail is opening up in my district shortly. We have water recreation, and the Schuylkill River is now a shining example of the intermingling of environmental and human uses, and it is open to residents of the Commonwealth for scenery and recreation in a way that it never has been before.

So it truly merits this selection, and I thank the members again for their support. Thank you, Mr. Speaker.

STATEMENTS BY MRS. PARKER

The SPEAKER. The Speaker recognizes the lady from Philadelphia County, Mrs. Parker, under unanimous consent relative to two of the resolutions that were just adopted.

Mrs. PARKER. Thank you, Mr. Speaker.

Mr. Speaker, I want to thank all of my colleagues for their support of HR 838, recognizing Tuesday, May 6, as Salvation Army Day in Harrisburg.

I just want to note for the record, Mr. Speaker, that Salvation Army Day in Harrisburg honors the more than 50 officers and staff from the Salvation Army organizations in both eastern and western Pennsylvania to be our guests today; in addition to that, they serve residents in 40 percent of the counties throughout the Commonwealth, including Erie, Beaver, Venango, Westmoreland, Mercer, Huntingdon, Allegheny, Indiana, Butler, Jefferson, Fayette, Somerset, Philadelphia, Clearfield, Montgomery, Cambria, and Lawrence Counties, and that is just to name a few.

Furthermore, Mr. Speaker, I know you recognized them earlier, but I just wanted to, for the record, recognize Maj. Robert Dixon and Maj. Hester Dixon, as well as the 11 men and women in the rear of the House floor. Your dedication and service abundantly and selflessly are admirable. In addition to that, I do not know whether Rev. Bonnie Camarda is here. She is the division director of Partnerships for the Salvation Army of Greater Philadelphia, and would you all just please stand and be recognized, and any Salvation Army officers who are here.

I just want you to know, for the record, that one of the things we always find extremely impressive in this body when cosponsorship memos are circulated or something that is always important to me, it is the number of people on the sponsor side of the aisle and the other side of the aisle. I want the Salvation Army to be able to go back across this Commonwealth of Pennsylvania and tell them that Democrats and Republicans alike, on both sides of the aisle, supported this resolution because they put aside any partisan difference to make sure that they know that the Salvation Army is important to all of us in

the Commonwealth of Pennsylvania, and that is because of the work you do. So thank you.

Finally, Mr. Speaker, those of you know this next resolution is probably my favorite throughout the year. "Who are we, my sisters and me, we are the soul stepping sorors of DST. We strived hard to cross the sands, over into Delta Sigma Theta Land."

Now, Mr. Speaker, I want you to know that I was not supposed to read those words; technically, they are supposed to be sung. But, Mr. Speaker, because I have a great deal of respect and admiration for this esteemed chamber, I did not want anything falling off the walls and/or walls breaking if I tried to carry a note. And it is funny, having sisters means that when I tried to sing that chant and my sisters who are singing with me, I sound real good, Mr. Speaker, like when we are singing in the shower, as long as I am not doing it myself.

Let me thank my colleagues for their support of HR 839 honoring Delta Sigma Theta Sorority, Incorporated. You all know from being here because you are accustomed to seeing the ladies here in red on an annual basis, but, Mr. Speaker, on today, Mr. Speaker, I am proud to note that as usual my sisters of Delta Sigma Theta Sorority, Incorporated, have passed all expectations. This is the 10th anniversary of our Delta Days at the State Capitol, and they have exceeded the numbers today. We have 100 members of Delta Sigma Theta Sorority, Incorporated, here in our State Capitol, and sorors, I want to thank you.

In addition to that, Mr. Speaker, I mentioned last year and I named some names of some of the notable members of our sorority so I will not do that again this year, but I do want to note that last year, you know, it was our centennial; 101 years this year.

I want to speak from a Pennsylvania perspective, and sorors, I do not know if we think about this, but we have 11 alumni chapters and 14 collegiate chapters from Erie to Pittsburgh, from York to East Poconos – that is where the new district is – and Philadelphia, and we remain at the forefront of many of the socially conscious issues that have an impact on the community at large.

In addition to that, when I talk about our founding on January 13, 1913, 22 college-educated women from Howard University, women who made their first act as a public sorority their participation in the women's suffrage movement of 1913, I forgot to mention last year what a challenge that was for our sorority sisters back in 1913, because this year is the 50th anniversary of the Civil Rights Act. Next year will be the 50th anniversary of the Voting Rights Act, and there were some who thought that African-American women could only do one thing, and that was to be concerned about issues that were associated with race, but in typical Delta form, those 22 collegiate women said, we can walk and chew gum at the same time. We have to address issues associated with race, but we also recognize that we are women and we deserve to have a say at the voting box.

I want to make sure that we recognize the women who are here, and, ladies, please stand when we call your name, and these are just the presidents: East Poconos, V. Ginger Farrow-Williams, that is a new chapter – remain standing, our presidents – Erie, Gwen Coley; Lancaster, Sandra Brown; Philadelphia – and my president – Maxine Harvey; Pittsburgh, Diana Jaden; Valley Forge, Wanda Graham; and Karrie Burgess

is the only collegiate president that we have here from the Epsilon Delta chapter at Temple University. Now, these are presidents – remain standing. Our national and regional officers are here. Theljewa Garrett is the national chair of Constitution and bylaws. Theljewa, please stand. In addition to that, Dr. T. Renee Randleman, who is our PA State coordinator; and Marveta Coleman is the PA State social action coordinator.

Ladies, when people see you come and they see you with red, my colleagues are so gracious on both sides of the aisle. They say, "Cherelle, your sisters are here. The ladies in red, they are here today," and I feel good, because when they hear Delta and they see you in red, they know that you just do not like to get dressed up and go to fashion shows. They know that when we see you, when they see you, tough questions about our Commonwealth are going to be asked. So I thank you for your work and I thank you for your sisterhood.

Thank you, Mr. Speaker, and thank you, colleagues, for your patience.

The SPEAKER. The Speaker thanks the lady for being brief.

STATEMENT BY MS. CULVER

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

Ms. CULVER. Thank you, Mr. Speaker.

I rise today to encourage my colleagues to support a resolution which would designate the week of May 12 as "Women's Lung Health Week" in Pennsylvania.

Mr. Speaker, every 5 minutes a woman living in the United States is told she has lung cancer. Lung cancer is the leading cause of cancer death of women in the United States, surpassing breast cancer back in 1987, and the death rate in women with this disease has more than doubled over the last 35 years.

LUNG FORCE is a new national movement led by the American Lung Association. Its mission is to unite women with collective strength and determination to lead the fight against lung cancer and promote lung health. Advocacy and increased awareness will result in more frequent and better treatment for women with these illnesses and will ultimately save lives. The hope is to draw attention to this critical issue and engage millions in the fight.

Mr. Speaker, I invite everyone in this chamber to join in the movement and wear something turquoise next week to help raise awareness and stand up and fight for every woman's right to breathe.

Thank you, Mr. Speaker.

The SPEAKER. The Speaker thanks the lady.

STATEMENT BY MRS. HARHART

The SPEAKER. The Speaker recognizes the lady from Northampton County, Mrs. Harhart, under unanimous consent relative to one of the resolutions just adopted.

Mrs. HARHART. Thank you, Mr. Speaker.

Today we voted on HR 831, designating May 10, 2014, as "National Association of Letter Carriers Food Drive Day" in Pennsylvania.

This year will mark the 21st anniversary for the nation's largest single-day food drive. Our local letter carriers, our citizens, and the countless food banks throughout the

Commonwealth have been so successful in providing food to those who need it. We are very thankful for their efforts, and I thank everybody for their support of HR 831.

Thank you, Mr. Speaker.

The SPEAKER. The Speaker thanks the lady.

GUESTS INTRODUCED

The SPEAKER. I would like to introduce a couple of other guests that are with us today.

Located in the gallery, we would like to welcome the Independent Living Youth of Luzerne County, and they are here today as guests of Representative Mundy. Will our guests please rise and give us a wave, up in the gallery. Welcome to the hall of the House.

And an additional guest page that is with us, we would like to welcome Daniel Talbot. Daniel is a guest of Representative Mary Jo Daley. Welcome to the hall of the House.

LEAVE OF ABSENCE

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

LEAVE OF ABSENCE CANCELED

The SPEAKER. Additionally, the Speaker recognizes the presence of the gentleman from Philadelphia, Mr. Brendan Boyle, on the floor of the House. Without objection, his name will be added back to the master roll call.

CALENDAR CONTINUED

BILLS ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 1135, PN 3482**, entitled:

An Act designating a bridge that carries State Route 153 over the Bennett Branch in Huston Township, Clearfield County, as the Huston Township Veterans Memorial Bridge; and designating U.S. Route 219 in Johnsonburg Borough, Elk County, from the intersection of State Route 1009, Center Street, starting at roadway segment 0502 offset 0000 to the intersection of State Route 1009, Center Street, ending at roadway segment 0522 offset 1159, as the Veterans of Johnsonburg Bypass.

On the question,

Will the House agree to the bill on second consideration?

Bill was agreed to.

* * *

The House proceeded to second consideration of **HB 1818, PN 2617**, entitled:

An Act designating a bridge on that portion of S.R. 3005 over the West Branch Susquehanna River, Greenwood Township, Clearfield County, as the 1st Lieutenant Wendell Elbert Ross Memorial Bridge.

On the question,

Will the House agree to the bill on second consideration?

Bill was agreed to.

* * *

The House proceeded to second consideration of **HB 1933, PN 2843**, entitled:

An Act designating a portion of Pennsylvania Route 233 from the northern corporate limits of Newville Borough to the Cumberland County and Perry County line as the Sergeant Timothy L. Hayslett Memorial Highway.

On the question,

Will the House agree to the bill on second consideration?

Bill was agreed to.

* * *

The House proceeded to second consideration of **HB 2012, PN 2996**, entitled:

An Act designating a bridge on that portion of State Route 56, partially in Seward Borough, Westmoreland County, and partially in East Wheatfield Township, Indiana County, over the Conemaugh River as the Pfc. James E. Ludwig Memorial Bridge.

On the question,

Will the House agree to the bill on second consideration?

Bill was agreed to.

* * *

The House proceeded to second consideration of **HB 2062, PN 3087**, entitled:

An Act designating a bridge on that portion of State Route 2020 over Interstate 81 in the Borough of Dunmore, Lackawanna County, as the 2nd Lt. Carol Ann Drazba and Vietnam Veterans Memorial Bridge.

On the question,

Will the House agree to the bill on second consideration?

Bill was agreed to.

* * *

The House proceeded to second consideration of **HB 2068, PN 3093**, entitled:

An Act designating the bridge carrying State Route 119 over Big Run Creek in Big Run Borough, Jefferson County, as the SFC Scott R. Smith Memorial Bridge.

On the question,

Will the House agree to the bill on second consideration?

Bill was agreed to.

* * *

The House proceeded to second consideration of **HB 2072, PN 3097**, entitled:

An Act designating a portion of County Line Road separating Montgomery County and Bucks County as the SP4 Ronald C. Smith Memorial Highway.

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

* * *

The House proceeded to second consideration of **HB 2093**,
PN 3147, entitled:

An Act designating the 700 to 800 block of U.S. Route 13, also known as the Chester Pike, in Prospect Park Borough, Delaware County, as the Officers Luke Arlington Conner and John Horace Callaghan Memorial Highway.

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

* * *

The House proceeded to second consideration of **HB 2099**,
PN 3170, entitled:

An Act designating a portion of Bushkill Center Road in Northampton County as the Veterans Memorial Highway.

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

* * *

The House proceeded to second consideration of **HB 2171**,
PN 3360, entitled:

An Act designating a bridge to be constructed on that portion of State Route 903 over the Lehigh River, Jim Thorpe Borough, Carbon County, as the Sgt. Andrew J. "AJ" Baddick Memorial Bridge.

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

* * *

The House proceeded to second consideration of **SB 1066**,
PN 1344, entitled:

An Act designating the bridge carrying PA Route 973 over Hoagland Run in Lycoming Township, Lycoming County, as the Bruce E. Bartley, Sr., Bridge.

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

* * *

The House proceeded to second consideration of **SB 1159**,
PN 1536, entitled:

An Act designating a bridge on that portion of SR 0056 over the Norfolk Southern Railroad and Tenth Street, Seward Borough, Westmoreland County, as the Clement J. Rolling Memorial Bridge.

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

VOTE CORRECTION

The SPEAKER. The Speaker recognizes the gentleman from Westmoreland County, Mr. Harhai, for the purpose of correcting the record.

Mr. HARHAI. Thank you, Mr. Speaker.

Do I do this under unanimous consent?

The SPEAKER. Yes. The gentleman was recognized for the purpose of correcting the record.

Mr. HARHAI. Yesterday I intended to vote in the negative on HB 1714 and mistakenly recorded in the affirmative.

REMARKS SUBMITTED FOR THE RECORD

Mr. HARHAI. Also, I would like to submit my remarks for the record rather than read them today so it is completed, but if that could be clarified, I would appreciate it. Thank you.

The SPEAKER. The Speaker thanks the gentleman. Deliver the remarks to the clerk and they will be noted in the record.

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

The Landlord and Tenant Act of 1951 established judicial process as the exclusive remedy for redress of grievances by landlords and tenants, thereby incorporating fundamental concepts of due process and access to the courts.

Last session the Landlord and Tenant Act was amended by Act 129 of 2012 to establish a fair and equitable process for governing when landlords may remove tenant belongings, providing that such actions may be taken only when landlords have evicted tenants through judicial process or when tenants have provided written notice stating they have vacated the rented premises.

HB 1714 would expand the scope of Act 129 by amending the Landlord and Tenant Act to include those situations in which a landlord thinks the tenant has vacated the leased premises but has received no notice from the tenant. It allows the landlord to confiscate the tenant's property without a judicial determination of whether the tenant has vacated the residential premises or abandoned the personal property left behind.

This bill ignores a key issue. The question of who is in possession of the rental unit must be resolved before any personal property in the residence can be deemed abandoned. Tenants cannot abandon their own personal property in their own homes in which they currently reside. They must forfeit possession first.

The provisions of Act 129 of 2012 appropriately addressed the two types of situations in which a landlord can legally reclaim undisputed possession of a rental unit vacated by a tenant. The first is when a tenant has consented to the landlord retaking possession in writing. The second is where there is a court order granting possession to the landlord. In any other situation, the right to possession may be disputed.

When a landlord's right to possession of the rental unit is not clear, authorizing the landlord to confiscate personal property inside the unit, as this legislation does, amounts to an eviction without a hearing. Such an eviction, by disposing of a tenant's property without going through the judicial process, is also known as a self-help eviction; akin to changing the locks. Self-help evictions have been consistently ruled to be an unconstitutional denial of due process by courts throughout the nation, including those in Pennsylvania.

The bill would also undermine the implied warranty of habitability created by the Pennsylvania Supreme Court in *Pugh v. Holmes*, 486 Pa. 272, 405 A.2d897 (1979). In that landmark decision, the court held that in every residential lease, there is an implied warranty of habitability which requires that the landlord provide safe, secure, and habitable premises to the tenant, whose obligation to pay rent may be relieved if the landlord breaches that duty. In addition, a tenant may vacate the premises where the landlord materially breaches the implied warranty of habitability, such as by not providing heat.

HB 1714 would permit landlords to use self-help actions to evict tenants that exercise their legal right to withhold rent or vacate the premises under the doctrine set forth in *Pugh v. Holmes*. It would have a chilling effect on every tenant who would otherwise want to assert their rights but would fear being promptly and unilaterally evicted for doing so.

Current law, in the form of Act 129, provides a standard, statewide process for handling belongings that a tenant has left behind. It was the result of a long process of negotiation between advocates of both landlords and tenants, and balances the interests of both in an appropriate manner. It was enacted with overwhelming support from both chambers of the General Assembly.

Alternatively, HB 1714 would enable an unscrupulous landlord to use removal of tenant property as a way of getting rid of problem tenants, such as those who complain to municipal code enforcement officers about code violations on property.

We cannot let this happen. We must protect the rights of our most vulnerable neighbors, particularly the elderly and the infirm. I urge my colleagues in the House to reject this fundamentally flawed bill.

BILLS RECOMMENDED

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

HB 1135;
 HB 1818;
 HB 1933;
 HB 2012;
 HB 2062;
 HB 2068;
 HB 2072;
 HB 2093;
 HB 2099;
 HB 2171;
 SB 1066; and
 SB 1159.

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

PROFESSIONAL LICENSURE COMMITTEE MEETING

The SPEAKER. The Speaker recognizes the lady from Northampton County, Mrs. Harhart, for the purpose of making an announcement.

Mrs. HARHART. Thank you, Mr. Speaker.

There will be a House Professional Licensure Committee meeting immediately following break. It will be in room B-31, and it will be brief and painless. Thank you, Mr. Speaker.

The SPEAKER. There will be a Professional Licensure Committee meeting in room B-31 immediately following the break.

RULES COMMITTEE MEETING

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

Mr. SAYLOR. Immediately at the break we will have a Rules Committee meeting in the House Appropriations Committee room. Thank you, Mr. Speaker.

The SPEAKER. There will be an immediate Rules Committee meeting in the Appropriations Committee room at the break.

APPROPRIATIONS COMMITTEE MEETING

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

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

Following the Rules Committee meeting, there will be a meeting of the House Appropriations Committee in the House majority caucus room. Thank you.

The SPEAKER. There will be an 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 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 2 p.m. Thank you, Mr. Speaker.

DEMOCRATIC CAUCUS

The SPEAKER. The Speaker recognizes the gentleman from Allegheny County, Mr. Frankel, for a caucus announcement.

Mr. FRANKEL. Thank you, Mr. Speaker.

There will be a Democratic caucus at 12:45; Democratic caucus at 12:45. Thank you.

RECESS

The SPEAKER. This House stands in recess until 2 p.m., unless sooner recalled by the Speaker.

RECESS EXTENDED

The time of recess was extended until 2:30 p.m.; further extended until 3 p.m.

AFTER RECESS

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

BILLS REREPORTED FROM COMMITTEE**HB 619, PN 681** By Rep. ADOLPH

A Supplement to the act of June 25, 1931 (P.L.1352, No.332), referred to as the Delaware River Joint Toll Bridge Compact, providing the Governor of each state with power to ratify or veto certain actions taken by commissioners.

APPROPRIATIONS.

HB 620, PN 682 By Rep. ADOLPH

An Act amending the act of June 25, 1931 (P.L.1352, No.332), referred to as the Delaware River Joint Toll Bridge Compact, providing for audits.

APPROPRIATIONS.

HB 621, PN 683 By Rep. ADOLPH

An Act amending the act of June 25, 1931 (P.L.1352, No.332), referred to as the Delaware River Joint Toll Bridge Compact, providing for veto power by the Governor over certain actions.

APPROPRIATIONS.

HB 1135, PN 3482 By Rep. ADOLPH

An Act designating a bridge that carries State Route 153 over the Bennett Branch in Huston Township, Clearfield County, as the Huston Township Veterans Memorial Bridge; and designating U.S. Route 219 in Johnsonburg Borough, Elk County, from the intersection of State Route 1009, Center Street, starting at roadway segment 0502 offset 0000 to the intersection of State Route 1009, Center Street, ending at roadway segment 0522 offset 1159, as the Veterans of Johnsonburg Bypass.

APPROPRIATIONS.

HB 1818, PN 2617 By Rep. ADOLPH

An Act designating a bridge on that portion of S.R. 3005 over the West Branch Susquehanna River, Greenwood Township, Clearfield County, as the 1st Lieutenant Wendell Elbert Ross Memorial Bridge.

APPROPRIATIONS.

HB 1933, PN 2843 By Rep. ADOLPH

An Act designating a portion of Pennsylvania Route 233 from the northern corporate limits of Newville Borough to the Cumberland County and Perry County line as the Sergeant Timothy L. Hayslett Memorial Highway.

APPROPRIATIONS.

HB 2009, PN 2986 By Rep. ADOLPH

An Act amending Title 17 (Credit Unions) of the Pennsylvania Consolidated Statutes, in preliminary provisions, further providing for definitions; in incorporation, further providing for articles of incorporation, for Department of Banking consideration of articles and for bylaws; in corporate powers, duties and safeguards, further providing for powers, for fees and charges, for loan interest, for power to borrow, for loans and for dividends; in members, directors and officers, further providing for notice to members and for expulsion and withdrawal; in amendment of articles, further providing for procedure

for amendment of articles; in conversion, merger and consolidation, further providing for conversion into Federal credit union and for adoption of plan; and, in dissolution, further providing for approval of voluntary dissolution.

APPROPRIATIONS.

HB 2012, PN 2996 By Rep. ADOLPH

An Act designating a bridge on that portion of State Route 56, partially in Seward Borough, Westmoreland County, and partially in East Wheatfield Township, Indiana County, over the Conemaugh River as the Pfc. James E. Ludwig Memorial Bridge.

APPROPRIATIONS.

HB 2062, PN 3087 By Rep. ADOLPH

An Act designating a bridge on that portion of State Route 2020 over Interstate 81 in the Borough of Dunmore, Lackawanna County, as the 2nd Lt. Carol Ann Drazba and Vietnam Veterans Memorial Bridge.

APPROPRIATIONS.

HB 2068, PN 3093 By Rep. ADOLPH

An Act designating the bridge carrying State Route 119 over Big Run Creek in Big Run Borough, Jefferson County, as the SFC Scott R. Smith Memorial Bridge.

APPROPRIATIONS.

HB 2072, PN 3097 By Rep. ADOLPH

An Act designating a portion of County Line Road separating Montgomery County and Bucks County as the SP4 Ronald C. Smith Memorial Highway.

APPROPRIATIONS.

HB 2079, PN 3118 By Rep. ADOLPH

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 to certain buildings.

APPROPRIATIONS.

HB 2093, PN 3147 By Rep. ADOLPH

An Act designating the 700 to 800 block of U.S. Route 13, also known as the Chester Pike, in Prospect Park Borough, Delaware County, as the Officers Luke Arlington Conner and John Horace Callaghan Memorial Highway.

APPROPRIATIONS.

HB 2099, PN 3170 By Rep. ADOLPH

An Act designating a portion of Bushkill Center Road in Northampton County as the Veterans Memorial Highway.

APPROPRIATIONS.

HB 2111, PN 3361 By Rep. ADOLPH

An Act requiring certain health care practitioners to disseminate information relating to Down syndrome; and imposing duties on the Department of Health.

APPROPRIATIONS.

HB 2169, PN 3527 By Rep. ADOLPH

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, reenacting and further providing for elk hunting licenses; and abrogating a regulation.

APPROPRIATIONS.

HB 2171, PN 3360 By Rep. ADOLPH

An Act designating a bridge to be constructed on that portion of State Route 903 over the Lehigh River, Jim Thorpe Borough, Carbon County, as the Sgt. Andrew J. "AJ" Baddick Memorial Bridge.

APPROPRIATIONS.

SB 1066, PN 1344 By Rep. ADOLPH

An Act designating the bridge carrying PA Route 973 over Hoagland Run in Lycoming Township, Lycoming County, as the Bruce E. Bartley, Sr., Bridge.

APPROPRIATIONS.

SB 1159, PN 1536 By Rep. ADOLPH

An Act designating a bridge on that portion of SR 0056 over the Norfolk Southern Railroad and Tenth Street, Seward Borough, Westmoreland County, as the Clement J. Rolling Memorial Bridge.

APPROPRIATIONS.

BILL REPORTED AND REFERRED TO COMMITTEE ON HEALTH

HB 2242, PN 3523 By Rep. HARHART

An Act amending the act of December 20, 1985 (P.L.457, No.112), known as the Medical Practice Act of 1985, further providing for prosthetists, orthotists, pedorthists and orthotic fitters.

Reported from Committee on PROFESSIONAL LICENSURE with request that it be rereferred to Committee on HEALTH.

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

BILL ON CONCURRENCE REPORTED FROM COMMITTEE

HB 434, PN 3438 By Rep. TURZAI

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, in child protective services, further providing for definitions, for establishment of Statewide database, for disposition of founded and indicated reports, for expunction of information of perpetrator under the age of 18, for amendment or expunction of information, for information relating to prospective child-care personnel, for information relating to family day-care home residents, for information relating to other persons having contact with children, for cooperation of other agencies and for reports to Governor and General Assembly; repealing provisions relating to students in public and private schools and for background checks for employment in schools; and making a related repeal.

RULES.

LEAVE OF ABSENCE CANCELED

The SPEAKER. The Speaker returns to leaves of absence and recognizes the presence on the floor of the gentleman from Montgomery County, Mr. Briggs. Without objection, his name will be added back to the master roll call.

CALENDAR CONTINUED

BILL ON SECOND CONSIDERATION

The House proceeded to second consideration of **SB 1077, PN 1582**, entitled:

An Act amending the act of October 9, 2008 (P.L.1408, No.113), known as the Scrap Material Theft Prevention Act, further providing for definitions and for restricted materials.

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

Mrs. **DAVIS** offered the following amendment No. **A06801**:

Amend Bill, page 1, line 7, by striking out "and for restricted materials." and inserting
, for commercial accounts and for restricted materials; providing for Statewide registry of scrap processors and recycling facilities and for duty to register and for criminal registry; and further providing for penalties.

Amend Bill, page 1, lines 10 through 19; page 2, lines 1 through 30, by striking out all of said lines on said pages and inserting

Section 1. Section 2 of the act of October 9, 2008 (P.L.1408, No.113), known as the Scrap Material Theft Prevention Act, is amended by adding a definition to read:
Section 2. Definitions.

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

* * *

"Railroad material." Railroad power and signal equipment, road or rail crossing signals, railroad track, railroad switch components, railroad spike, angle/joint bar as used in the jointing of railroad track, railroad anchors, railroad tie plate or bolt used in constructing a railroad.

* * *

Section 2. Sections 4(d) and 5 of the act are amended to read:
Section 4. Commercial accounts.

* * *

(d) Financial transactions.—Once a commercial account has been established, if a financial transaction occurs between a scrap processor or recycling facility operator and a person delivering the scrap material, the scrap processor or recycling facility operator shall obtain the following before completing each transaction:

(1) A photocopy of the driver's license of the person delivering the scrap materials.

(2) The license plate number of the vehicle transporting scrap material.

(3) The telephone number of the commercial account.

(4) Confirmation that the person delivering the scrap material is authorized to receive a check or cash on behalf of the person or entity providing the scrap material. The confirmation shall consist of written, signed authorization from the owner or officer of the commercial enterprise stating that the person delivering the scrap material is designated to receive payment for

the scrap material.

(5) An acknowledgment of receipt of cash payment, signed by the person delivering the scrap material and receiving the cash payment.

Section 5. Restricted materials.

A scrap processor and recycling facility operator may purchase the following scrap material only if the purchase occurs with a commercial enterprise:

(1) New production scrap or new materials that are a part of a manufacturing process that are being sold by an individual, not a company.

(2) Full sized, new materials, such as those used in construction, or equipment and tools used by contractors.

(3) Commercial metal property.

(4) Metallic wire that has been burned in whole or in part to remove insulation, unless the aggregate value is less than \$100.

(5) Beer kegs.

(6) Detached catalytic converters.

(7) Railroad materials.

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

Section 6.1. Statewide registry of scrap processors and recycling facilities.

The Pennsylvania State Police shall establish and maintain a Statewide registry of scrap processors and recycling facilities that register with the Pennsylvania State Police under section 6.2. The registry shall be posted on the Internet website of the Pennsylvania State Police and shall be accessible to law enforcement personnel.

Section 6.2. Duty to register.

(a) General rule.—A scrap processor and recycling facility shall register with the Pennsylvania State Police as provided in this section.

(b) Method of registration.—A person shall register with the Pennsylvania State Police in writing or electronically via a secure Internet connection on a form provided by the Pennsylvania State Police. The application shall include the following information:

(1) For an individual applicant, all of the following:

(i) Name.

(ii) Driver's license number, a copy of an identification card issued by the state in which the individual resides or other form of identification as permitted by the Commonwealth.

(iii) Business name, address and telephone number.

(iv) Federal employer identification number, if applicable.

(2) For a general partnership applicant, all of the following:

(i) Name of each partner.

(ii) Driver's license number or a copy of an identification card issued by the state in which each partner resides, of each partner.

(iii) Partnership name, address and telephone number.

(iv) Federal employer identification number, if applicable.

(3) For a corporation, limited liability company or limited partnership, all of the following:

(i) Name of the registering officer, manager and general partner.

(ii) Business name, address and telephone number.

(iii) Name of each director or each individual holding greater than a 5% equity interest in the entity.

(4) For an out-of-State corporation, limited liability company or limited partnership, the name and address of the entity's resident agent or registered office provider within this Commonwealth and any registration number or license number issued to the entity by its home state or political subdivision of

the other state, if applicable.

(5) For a joint venture applicant, the name, address and telephone number of the joint venture, as well as the name, address and telephone number of each party to the joint venture.

(c) Reporting of multiple registrations.—An entity owning multiple scrap processing and recycling facilities must register individually for each physical address of a scrap processing and recycling facility.

(d) Application fees.—

(1) Each completed registration form for a scrap recycler or renewal of registration shall be accompanied by a fee of \$100. After completion of the registration and payment of the fee, the Pennsylvania State Police shall issue, within seven business days, the scrap processing and recycling facility a registration certificate identifying the name of the applicant, scrap processing and recycling facility name and address and a registration number. The certificate shall be valid for a period of two years. Renewals shall be on a biennial basis.

(2) The registration fee shall be used to establish and maintain the database under section 6.1.

(e) Proof of registration.—A scrap processor and recycling facility shall include its registration number in all advertisements distributed within this Commonwealth, and shall have the registration certificate clearly visible at its place of business.

(f) Failure to register.—A scrap processor or recycling facility that fails to register commits a summary offense and shall, upon conviction, be sentenced to pay a fine of \$1,000.

Section 4. Section 7 of the act is amended to read:

Section 7. Penalties.

[A] (a) Scrap processor and recycling facility operator penalties.—Except as provided under section 6.2(f), a scrap processor and recycling facility operator who violates this act commits a summary offense and shall, upon conviction, be sentenced to pay a fine of up to \$2,500. A second or subsequent violation shall be classified as a misdemeanor of the third degree.

(b) Motor vehicle penalties.—Upon a conviction of an offense under 18 Pa.C.S. § 3921 (relating to theft by unlawful taking or disposition) or 3925 (relating to receiving stolen property) that relates to the theft of scrap material or the transportation of stolen scrap material, the court may order the impoundment of any vehicle used in the act of theft of scrap material or the transportation of stolen scrap material. For the first offense, a vehicle may be impounded for at least 30 days, but not more than 60 days. For a second or subsequent offense involving the same motor vehicle, the vehicle may be impounded for at least 60 days and not more than 180 days. The person convicted shall be responsible for any fees associated with or related to the impoundment of the vehicle.

Section 5. This act shall take effect in 60 days.

On the question,

Will the House agree to the amendment?

The SPEAKER. On that question, the Speaker recognizes the lady from Bucks County, Mrs. Davis.

Mrs. DAVIS. Thank you, Mr. Speaker.

The amendment creates a registry for scrap and recycling dealers to be administered by the State Police, requires commercial account transactions to have written authorization from the account holder and a signed bill from the person making the transaction on their behalf, allows law enforcement to impound a vehicle involved in a scrap theft conviction. The amendment is supported by Senator Argall, and is compromise language worked on by the Energy Association, State F.O.P. (Fraternal Order of Police), the Farm Bureau, District Attorneys Association, Institute of Scrap Recycling facilities, and the Railroad Association. Thank you.

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

The following roll call was recorded:

YEAS—197

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

NAYS—4

| | | | |
|-------|----------|----------|----------|
| Bloom | Lawrence | McGinnis | Metcalfe |
|-------|----------|----------|----------|

NOT VOTING—0

EXCUSED—2

| | |
|-------|----------|
| Evans | Micozzie |
|-------|----------|

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.)

RESOLUTIONS

Mr. FARRY called up **HR 649, PN 3008**, entitled:

A Resolution memorializing the Congress of the United States to actively work with the United States Department of Defense and other agencies to prohibit space-based satellite imaging companies from disseminating information to the public on the location, layout and structure of United States military facilities, both overseas and on the homefront, in the hope that it will discourage rogue and terrorist groups from having the intelligence and planning necessary to disrupt interests of the country and put in mortal danger the lives of our country's servicemen and servicewomen.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—201

| | | | |
|-------------|------------|------------|-------------|
| Adolph | English | Knowles | Pickett |
| Aument | Evankovich | Kortz | Pyle |
| Baker | Everett | Kotik | Quinn |
| Barbin | Fabrizio | Krieger | Rapp |
| Barrar | Farina | Kula | Ravenstahl |
| Benninghoff | Farry | Lawrence | Readshaw |
| Bishop | Fee | Longietti | Reed |
| Bizzarro | Fleck | Lucas | Reese |
| Bloom | Flynn | Mackenzie | Regan |
| Boback | Frankel | Maher | Roae |
| Boyle, B. | Freeman | Mahoney | Rock |
| Boyle, K. | Gabler | Major | Roebuck |
| Bradford | Gainey | Maloney | Ross |
| Briggs | Galloway | Markosek | Rozzi |
| Brooks | Gergely | Marshall | Sabatina |
| Brown, R. | Gibbons | Marsico | Saccone |
| Brown, V. | Gillen | Masser | Sainato |
| Brownlee | Gillespie | Matzie | Samuelson |
| Burns | Gingrich | McCarter | Sankey |
| Caltagirone | Godshall | McGeehan | Santarsiero |
| Carroll | Goodman | McGinnis | Saylor |
| Causar | Greiner | McNeill | Scavello |
| Christiana | Grell | Mentzer | Schlossberg |
| Clay | Grove | Metcalfe | Schreiber |
| Clymer | Hackett | Metzgar | Simmons |
| Cohen | Haggerty | Miccarelli | Sims |
| Conklin | Hahn | Millard | Smith |
| Corbin | Haluska | Miller, D. | Snyder |
| Costa, D. | Hanna | Miller, R. | Sonney |
| Costa, P. | Harhai | Milne | Stephens |
| Cox | Harhart | Mirabito | 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 | Murt | Thomas |
| Day | Hennessey | Mustio | Tobash |
| Dean | Hickernell | Neilson | Toepel |
| Deasy | James | Neuman | Toohil |
| DeLissio | Kampf | O'Brien | Topper |
| Delozier | Kauffman | O'Neill | Truitt |
| DeLuca | Kavulich | Oberlander | Turzai |
| | Keller, F. | Painter | Vereb |

| | | | |
|------------|--------------|-----------|------------|
| Denlinger | Keller, M.K. | Parker | Vitali |
| Dermody | Keller, W. | Pashinski | Waters |
| DiGirolamo | Killion | Payne | Watson |
| Donatucci | Kim | Peifer | Wheatley |
| Dunbar | Kinsey | Petrarca | White |
| Ellis | Kirkland | Petri | Youngblood |
| Emrick | | | |

NAYS—0

NOT VOTING—0

EXCUSED—2

Evans Micozzie

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

* * *

Mrs. WATSON called up **HR 716, PN 3164**, entitled:

A Concurrent Resolution directing the Joint State Government Commission to study the issue of workplace pay disparity, to reexamine existing Federal and State laws relating to that issue and to make recommendations to the General Assembly.

On the question,
Will the House adopt the resolution?

Mrs. **DAVIDSON** offered the following amendment No. **A06811**:

Amend Resolution, page 4, line 2, by striking out "November 30," and inserting
September 1,

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

The SPEAKER. On that question, the Speaker recognizes the lady from Delaware County, Mrs. Davidson.

Mrs. DAVIDSON. Thank you, Mr. Speaker.

Mr. Speaker, my amendment is very simple. It moves up the completion date of the Joint State Government Commission report from November 30, 2014, to September 1.

The reason for this change is that as currently drafted by the good lady from across the aisle, the report will not be done until the last day of session, when we are in a lameduck session. Putting off the report until next session does not help address the issue that the lady and members of the House would like to have addressed.

Women of the Commonwealth cannot afford to wait any longer, and if we get this study completed by September 1, with 3 months of session left, we can once and for all address this issue.

There have been numerous studies to date, Mr. Speaker, that point out that women make 77 cents for every dollar a man makes. This issue deserves quick and immediate action, and hopefully this study will forever put to rest the question and will move to full legislative corrective action that is swift and immediate.

And I want to thank the good gentlelady from across the aisle for moving this issue forward. Thank you, Mr. Speaker.

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

On the question, the Speaker recognizes the lady from Bucks County, Mrs. Watson.

Mrs. WATSON. Thank you, Mr. Speaker.

This is an agreed-to amendment.

I thank the gentlelady from Delaware County for bringing this to my attention, and indeed, we do need to move things forward in an expeditious manner. Thank you very much.

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

The following roll call was recorded:

YEAS—200

| | | | |
|-------------|--------------|------------|-------------|
| Adolph | Emrick | Kirkland | Pickett |
| Aument | English | Knowles | Pyle |
| Baker | Evankovich | Kortz | Quinn |
| Barbin | Everett | Kotik | Rapp |
| Barrar | Fabrizio | Krieger | Ravenstahl |
| Benninghoff | Farina | Kula | Readshaw |
| Bishop | Farry | Lawrence | Reed |
| Bizzarro | Fee | Longietti | Reese |
| Bloom | Fleck | Lucas | Regan |
| Boback | Flynn | Mackenzie | Roae |
| Boyle, B. | Frankel | Maher | Rock |
| Boyle, K. | Freeman | Mahoney | Roebuck |
| Bradford | Gabler | Major | Ross |
| Briggs | Gainey | Maloney | Rozzi |
| Brooks | Galloway | Markosek | Sabatina |
| Brown, R. | Gergely | Marshall | Saccone |
| Brown, V. | Gibbons | Marsico | Sainato |
| Brownlee | Gillen | Masser | Samuelson |
| Burns | Gillespie | Matzie | Sankey |
| Caltagirone | Gingrich | McCarter | Santarsiero |
| Carroll | Godshall | McGeehan | Saylor |
| Causar | Goodman | McNeill | Scavello |
| Christiana | Greiner | Mentzer | Schlossberg |
| Clay | Grell | Metcalfe | Schreiber |
| Clymer | Grove | Metzgar | Simmons |
| Cohen | Hackett | Miccarelli | Sims |
| Conklin | Haggerty | Millard | Smith |
| Corbin | Hahn | Miller, D. | Snyder |
| Costa, D. | Haluska | Miller, R. | 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 | Murt | Thomas |
| Davis | Helm | Mustio | Tobash |
| Day | Hennessey | Neilson | Toepel |
| Dean | Hickernell | Neuman | Toohil |
| Deasy | James | O'Brien | Topper |
| DeLissio | Kampf | O'Neill | Truitt |
| Delozier | Kauffman | Oberlander | Turzai |
| DeLuca | Kavulich | Painter | Vereb |
| Denlinger | Keller, F. | Parker | Vitali |
| Dermody | Keller, M.K. | Pashinski | Waters |
| DiGirolamo | Keller, W. | Payne | Watson |
| Donatucci | Killion | Peifer | Wheatley |
| Dunbar | Kim | Petrarca | White |
| Ellis | Kinsey | Petri | Youngblood |

NAYS-1

McGinnis

NOT VOTING-0

EXCUSED-2

Evans Micozzie

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 adopt the resolution as amended?

Ms. DALEY offered the following amendment No. A06812:

Amend Resolution, page 4, line 2, by striking out "November 30, 2014" and inserting August 15, 2014

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

AMENDMENT WITHDRAWN

The SPEAKER. On that question, the Speaker recognizes the lady from Montgomery County, Ms. Mary Jo Daley.

Ms. DALEY. Thank you, Mr. Speaker.

I am going to withdraw that amendment.

The SPEAKER. The Speaker thanks the lady.

The amendment is withdrawn.

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

The following roll call was recorded:

YEAS-199

Table with 4 columns of names: Adolph, Aument, Baker, Barbin, Barrar, Benninghoff, Bishop, Bizzarro, Bloom, Boback, Boyle, B., Boyle, K., Bradford, Briggs, Brooks, Brown, R., Brown, V., Brownlee, Burns, Caltagirone, Carroll, Causer, Christiana, Emrick, English, Evankovich, Everett, Fabrizio, Farina, Farry, Fee, Fleck, Flynn, Frankel, Freeman, Gabler, Gainey, Galloway, Gergely, Gibbons, Gillen, Gillespie, Gingrich, Godshall, Goodman, Greiner, Kirkland, Knowles, Kortz, Kotik, Krieger, Kula, Lawrence, Longietti, Lucas, Mackenzie, Maher, Mahoney, Major, Maloney, Markosek, Marshall, Marsico, Masser, Matzie, McCarter, McGeehan, McNeill, Mentzer, Pickett, Pyle, Quinn, Rapp, Ravenstahl, Readshaw, Reed, Reese, Regan, Roae, Rock, Roebuck, Ross, Rozzi, Sabatina, Saccone, Sainato, Samuelson, Sankey, Santarsiero, Saylor, Scavello, Schlossberg

Table with 4 columns of names: Clay, Clymer, Cohen, Conklin, Corbin, Costa, D., Costa, P., Cox, Cruz, Culver, Cutler, Daley, M., Daley, P., Davidson, Davis, Day, Dean, Deasy, DeLissio, Delozier, DeLuca, Denlinger, Dermody, DiGirolamo, Donatucci, Dunbar, Ellis, Grell, Grove, Hackett, Haggerty, Hahn, Haluska, Hanna, Harhai, Harhart, Harkins, Harper, Harris, A., Harris, J., Heffley, Helm, Hennessey, Hickernell, James, Kampf, Kauffman, Kavulich, Keller, F., Keller, M.K., Keller, W., Killion, Kim, Kinsey, Metcalfe, Metzgar, Miccarelli, Millard, Miller, D., Miller, R., Milne, Mirabito, Miranda, Molchany, Moul, Mullery, Mundy, Murt, Mustio, Neilson, Neuman, O'Brien, O'Neill, Oberlander, Painter, Parker, Pashinski, Payne, Peifer, Petrarca, Petri, Schreiber, Simmons, Smith, Snyder, Sonney, Stephens, Stern, Stevenson, Sturla, Swanger, Tallman, Taylor, Thomas, Tobash, Toepel, Toohil, Topper, Truitt, Turzai, Vereb, Vitali, Waters, Watson, Wheatley, White, Youngblood

NAYS-2

McGinnis Sims

NOT VOTING-0

EXCUSED-2

Evans Micozzie

The majority of the members elected to the House having voted in the affirmative, the question was determined in the affirmative and the resolution as amended was adopted.

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

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of HB 2083, PN 3291, entitled:

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, providing for reissuance of film production tax credits.

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

(Bill analysis was read.)

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

The question is, shall the bill pass finally?

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

Mr. STERN. Thank you, Mr. Speaker.

For HB 2083 that is before us today, I wanted to establish legislative intent. Mr. Speaker, in order to clear up any misconceptions, I would like to speak to the intent of HB 2083 today and establish exactly what we are trying to do with this bill.

HB 2083 provides the Department of Community and Economic Development with the authority to reissue unused film production tax credits from previous fiscal years. These are credits that were initially approved by the department to be spent but which were ultimately not awarded.

First, let me explain how the tax credit process works. The taxpayer applies for a credit for its projected amount of Pennsylvania expenditures. Film and TV productions can receive a 25-percent tax credit if they spend at least 60 percent of their budget in Pennsylvania.

When the department approves the application, it sends a letter stating the maximum amount of credits the production was approved for. Once the production is completed, there is an independent financial audit, and the department issues a tax credit certificate that the taxpayer can use to offset taxes it owes or sell to another taxpayer.

Mr. Speaker?

The SPEAKER. I appreciate the members holding the conversations down. Thank you.

The gentleman may proceed.

Mr. STERN. Thank you, Mr. Speaker.

Unused credits occur when the department determines that a production actually incurred a smaller amount of qualified Pennsylvania expenses than the amount for which it was initially approved, which results in the award of a reduced amount of tax credits. This means that the total amount of tax credits that are actually used are less than the total amount first approved by DCED.

Right now if these tax credits are from previous fiscal years, the department says it does not have the authority to reissue them. The House Appropriations Committee estimates that there are \$22 1/2 million in credits from the previous 5 fiscal years that were approved but were not spent.

It is key to remember that these credits were already authorized to be spent in previous years' budgets. It was assumed at the time that the full amount of credits that were approved would ultimately be spent; however, that has not always been the case.

HB 2083 remedies this clear defect in the law by giving DCED the specific statutory authority to use these previously earmarked credits for current and future productions. According to the Department of Revenue, the estimated fiscal impact of this will be about \$200,000 in next year's budget, with the bulk of the credits being reissued on a continuous basis in the subsequent 5 years.

Again, these are credits that were approved to be spent, already marked spent in the budget but for some reason were not. The specific intent of this legislation is to give DCED the legal authority to reissue these unused tax credits, and I would appreciate an affirmative vote on HB 2083.

Thank you, Mr. Speaker.

On the question recurring,
Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—180

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

NAYS—21

| | | | |
|--------|------------|----------|----------|
| Bloom | Gillen | Krieger | Reese |
| Brooks | James | Maloney | Roae |
| Corbin | Kauffman | Masser | Stephens |
| Cox | Keller, F. | McGinnis | Toepel |
| Dunbar | Knowles | Rapp | Truitt |
| Emrick | | | |

NOT VOTING—0

EXCUSED—2

| | |
|-------|----------|
| Evans | Micozzie |
|-------|----------|

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 1218, PN 3484**, entitled:

An Act amending the act of April 6, 1951 (P.L.69, No.20), known as The Landlord and Tenant Act of 1951, further providing for appeal by tenant to common pleas court; and providing for death of a tenant, for early termination of leases by individuals with disabilities and senior citizens and for early release or termination of lease because of domestic violence, sexual assault or stalking.

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

The SPEAKER. On that question, the Speaker recognizes the lady from Montgomery County, Mrs. Dean, who calls up amendment A06978, which is an amendment that corrects a drafting error; therefore, under rule 24, it does not require a suspension of the rules for consideration and is eligible to be voted on third consideration in conjunction with our rules.

The clerk will read the amendment.

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

Mrs. **DEAN** offered the following amendment No. **A06978**:

Amend Bill, page 3, line 19, by striking out "WHO" and inserting may terminate the lease prior to the date provided in the lease by providing the landlord of the residential unit with the information specified in subsection (b) if the tenant

Amend Bill, page 3, lines 27 through 29, by striking out "MAY TERMINATE THE LEASE PRIOR TO THE DATE PROVIDED IN THE" in line 27, all of line 28 and "INFORMATION SPECIFIED IN SUBSECTION (B)" in line 29

Amend Bill, page 4, line 22, by striking out "LEASE" and inserting notice under subsection (b)

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

The SPEAKER. On that question, the Speaker recognizes the lady from Montgomery County, Mrs. Dean, for a brief explanation of the drafting error and the subsequent amendment.

Mrs. DEAN. Thank you, Mr. Speaker.

You were very clear on that. It is a technical amendment that is agreed-to, and it simply corrects an internal inconsistency in the language. I ask for the support.

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

The following roll call was recorded:

YEAS—201

| | | | |
|-------------|------------|-----------|------------|
| Adolph | English | Knowles | Pickett |
| Aument | Evankovich | Kortz | Pyle |
| Baker | Everett | Kotik | Quinn |
| Barbin | Fabrizio | Krieger | Rapp |
| Barrar | Farina | Kula | Ravenstahl |
| Benninghoff | Farry | Lawrence | Readshaw |
| Bishop | Fee | Longietti | Reed |

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

NAYS—0

NOT VOTING—0

EXCUSED—2

Evans Micozzie

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 third consideration as amended?

Bill as amended was agreed to.

(Bill analysis was read.)

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

The question is, shall the bill pass finally?

REMARKS SUBMITTED FOR THE RECORD

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

Mr. SAYLOR. Mr. Speaker, I just rise to submit comments for the record.

The SPEAKER. The Speaker thanks the gentleman.

Deliver them to the clerk and they will be noted in the record.

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

HB 1218 addresses the situation where a residential tenant dies during the term of the lease. Under my bill, as long as there are no remaining cotenants on the lease, the estate of a deceased person will finally be given the option to terminate the lease early. The estate must give 14 days' written notice to the landlord. The estate could terminate the lease on the later of the end of the calendar month immediately following the month of the tenant's death, or upon removal of all the tenant's personal property and surrender of the rental unit.

While I am not a lawyer, I understand the long-settled general rule that the death of a lessee or lessor (or tenant or landlord) does not extinguish the obligations of the parties. So, absent language in the lease agreement to forgive the obligation, the obligation of a deceased tenant becomes the debts of the estate. This allows landlords to impose penalties and fees that would apply to breaking the lease, or demand the full rent for the remainder of the term of the lease. This is what I refer to as a "death penalty" of 11 months' rent on a 1-year lease.

I recognized the need for this legislation when a constituent of mine contacted me to inform me that because of the lease agreement, when his mother died in her sleep without giving 30 days' notice to her landlord, the estate was on the hook for any and all early termination fees and penalties imposed by the landlord. I have since heard of an instance where a young man was killed in a car accident, and because he failed to provide the landlord with a notice of death, the estate – his family – was told they had to pay the remaining balance of the term of the lease agreement. These practices are wrong.

Under my bill, the tenant's estate would still be liable for rent money or any other debts incurred prior to the date of the termination of the lease, including the landlord's expenses, if any, resulting from the death. But most importantly, the estate would not be liable for damages or any other penalties for breach or inadequate notice as a result of exercising this lease termination option.

With the adoption of this bill, we can provide grieving families with a powerful option which prevents landlords from unfairly holding the estate liable for extraordinary fees and penalties. The death of a human being should never be a windfall for the landlord at the expense of the family.

I urge a "yes" on HB 1218.

* * *

Mr. Speaker, I am pleased the Speaker has acknowledged the need to make this important technical change to the language added to my initial bill. There was an error in the amendment language added to my bill and I am pleased it is being addressed.

Indeed, this is a technical amendment and without it the provisions which provide for an early lease termination by individuals with disabilities and senior citizens would be insincere.

I gladly stand in support of correcting this error to provide significant provisions to allow specified lease terminations for senior citizens and those with disabilities who need to move to a health-care facility.

On the question recurring,
Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—201

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

NAYS—0

NOT VOTING—0

EXCUSED—2

Evans Micozzie

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

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

BILL ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 1684, PN 3177**, entitled:

An Act amending the act of July 20, 1979 (P.L.183, No.60), known as the Oil and Gas Lease Act, prohibiting certain deductions from royalties.

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

Mr. **ELLIS** offered the following amendment No. **A06939**:

Amend Bill, page 1, lines 3 and 4, by striking out "prohibiting certain" in line 3 and all of line 4 and inserting further providing for definitions and for royalty guaranteed; and providing for written summary of unconventional gas well deductions, for inspection of records for unconventional gas wells, for review of postproduction cost deductions for unconventional gas wells and for remedy for failure to pay minimum royalty on unconventional gas wells.

Amend Bill, page 3, line 8, by striking out "A DEFINITION" and inserting

definitions

Amend Bill, page 3, lines 14 through 30; page 4, lines 1 through 30; page 5, lines 1 through 8, by striking out all of said lines on said pages and inserting

* * *

"Gas of any other designation." The term includes, but is not limited to, natural gas liquids and other by-products that may be included in the gas stream removed or recovered from the subject real property.

* * *

"Minor judiciary." The term includes both "minor judiciary" and "Philadelphia Municipal Court" as defined in 42 Pa.C.S. § 102 (relating to definitions).

"Reasonable fees and costs." The term includes, but is not limited to, interest, reasonable attorney fees and court costs.

"Royalty." The lessor's ownership interest in all oil, natural gas or gas of any other designation removed or recovered from the subject real property.

"Royalty payment." A payment made by a lessee to a lessor for the lessor's royalty.

"Sales price." The proceeds realized by the sale or transfer of natural gas or gas of any other designation.

"Unconventional formation." A geological shale formation existing below the base of the Elk Sandstone or its geologic equivalent stratigraphic interval where natural gas generally cannot be produced at economic flow rates or in economic volumes except by vertical or horizontal well bores stimulated by hydraulic fracture treatments or by using multilateral well bores or other techniques to expose more of the formation to the well bore.

"Unconventional gas well." A bore hole drilled or being drilled for the purpose of or to be used for the production of natural gas from an unconventional formation.

Section 2. Section 1.3 of the act, added July 9, 2013 (P.L.473, No.66), is amended to read:

Section 1.3. Royalty guaranteed.

A lease or other such agreement conveying the right to remove or recover oil, natural gas or gas of any other designation from the lessor to the lessee shall not be valid if the lease does not guarantee the lessor at least one-eighth royalty of all oil, natural gas or gas of other designations removed or recovered from the subject real property free

of expenses of production.

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

Section 4. Written summary of unconventional gas well deductions.

Within 60 days of receiving a written request by certified mail from the lessor who is party to a lease for an unconventional gas well concerning any royalty payment made during the 36-month period immediately preceding the date of the request, the lessee shall provide a written summary of the amount and specific description of each category of costs deducted from the sales price of the natural gas and gas of any other designation in calculating a royalty payment. The summary shall not disclose the composition of fees charged by an unaffiliated third party. A request for a summary under this section more than once in a six-month period, or duplicative requests for summaries for the same payment, may be denied.

Section 4.1. Inspection of records for unconventional gas wells.

(a) Authority.—A lessor who is party to a lease for an unconventional gas well or a person duly authorized in writing to act on behalf of the lessor may inspect, but not copy or reproduce without the written consent of the lessee, the supporting documentation of the lessee specifically related to the deduction of costs during the 36-month period immediately preceding the date of the request.

(b) Procedure.—

(1) A lessor who is party to a lease for an unconventional gas well or a person duly authorized in writing to act on behalf of such lessor seeking inspection under subsection (a) shall make a written request to the lessee for inspection of records by certified mail.

(2) Within 60 days of receipt of the request, the lessee shall do all of the following:

(i) Designate a mutually agreed upon date, time and place for inspection within 90 days of receipt of the request. The inspection shall take place during normal business hours, allow reasonable time to permit completion of the inspection and occur at a location in this Commonwealth which shall not impose an unreasonable travel burden on the lessor or a person duly authorized in writing to act on behalf of the lessor.

(ii) Provide supporting documentation of costs deducted from the sales price to the lessor or a person duly authorized in writing to act on behalf of the lessor. For services provided by unaffiliated third parties, supporting documentation may consist of invoiced amounts for the services provided, but shall not include the composition of the fees charged by an unaffiliated third party.

(iii) Make available a knowledgeable individual, in person or by teleconference, who is able to answer questions pertaining to accounting issues specifically related to costs deducted from the sales price that are the subject of the request.

(c) Confidentiality.—

(1) Except as specified in paragraph (2), information provided to a lessor who is party to a lease for an unconventional gas well or a person acting on behalf of such lessor that makes a request under subsection (a):

(i) Shall be strictly confidential.

(ii) May not be disclosed to any other person other than the lessor or the person duly authorized in writing to act on behalf of the lessor.

(iii) May not be used for any other purpose than verifying the applicable costs.

(2) Paragraph (1) does not apply to disclosure in a judicial proceeding, including a review under section 4.2.

(d) Frequency.—A request for inspection under this section more than once in a six-month period or duplicative requests to review records for the same time period may be denied.

Section 4.2. Review of cost deductions for unconventional gas wells.

(a) General rule.—Upon application by a lessor who is party to a

lease for an unconventional gas well, a judge of the minor judiciary shall make a determination whether deductions of costs from the sales price used to calculate the lessor's royalty payment were deducted consistent with the terms of the lease and this act. Any such application must be made within four years of the alleged improper deduction.

(b) Unaffiliated companies.—When reviewing deductions of costs for services provided by unaffiliated third parties, a judge of the minor judiciary shall only consider invoiced amounts for the services provided.

(c) Jurisdiction and venue.—Notwithstanding the provisions of any other law concerning jurisdiction and venue or the amount in controversy, judges of the minor judiciary shall have jurisdiction over actions commenced under this section. An action may be commenced in the judicial district of the minor judiciary where the unconventional gas well is located or judicial district of the minor judiciary in this Commonwealth where the lessor who is party to an unconventional gas well lease resides.

(d) Remedy.—A judge of the minor judiciary who determines, under subsection (a), that deductions were inconsistent with the terms of the lease or this act shall enter judgment against the lessee for the amount improperly deducted. The remedies provided in this section are not exclusive of, do not require exhaustion of, and shall be in addition to any other remedies provided by the lease, by law or in equity.

(e) Confidentiality.—

(1) Except as specified in paragraph (2), information concerning the deduction of costs provided by a lessee during a review under this section:

(i) Shall be strictly confidential.

(ii) May not be disclosed to any person not involved in the review except as necessary to implement the conclusions of the review.

(2) Paragraph (1) shall not apply to disclosure in a subsequent judicial proceeding.

Section 4.3. Remedy for failure to pay the minimum royalty on unconventional gas wells.

(a) Civil action and venue.—A lessor who is party to a lease for an unconventional gas well may file an action for failure to pay the minimum royalty under this act in the county where the unconventional gas well is located or the county where the lessor resides.

(b) Burden of proof.—Demonstration by a lessor who is party to a lease for an unconventional gas well that the lessee has made a royalty payment which is less than the value of one-eighth royalty of all oil, natural gas or gas of any other designation removed or recovered from the subject real property sold at an arm's-length transaction shall create a presumption that a violation of this act has occurred. The presumption may be rebutted by the lessee only by establishing that:

(1) Any deductions taken from the sales price used to calculate the royalty payment were:

(i) Costs otherwise allowed by the lease and this act.

(ii) Actually and reasonably incurred by the lessee to sell the production.

(2) If the lessee or an entity affiliated with the lessee owns any of the assets used to incur costs taken as deductions, the lessee or affiliated entity did not charge more for those costs than the amount that would be reasonably incurred in an arm's-length transaction with a third party for such activities on a volumetric basis.

(c) Effect of notice and failure to cure.—In any action in which a court finds that the lessee who is party to a lease for an unconventional gas well has violated the terms of this act by making a royalty payment which is less than the amount required by this act, the lessor shall be entitled to the remedies specified in subsection (d) if, before filing suit, the lessor gave to the lessee 60 days' written notice by certified mail of the deficiency and the lessee failed to cure it.

(d) Additional remedies.—In addition to actual damages and any other remedy deemed appropriate by the court, the court shall award reasonable fees and costs to the lessor who is party to a lease for an

unconventional gas well.

(e) Additional remedies not precluded.—The remedies provided in this section are not exclusive of, do not require exhaustion of, and shall be in addition to any other remedies provided by the lease, by law or in equity.

(f) Confidentiality.—A lessee may seek preservation pursuant to 12 Pa.C.S. § 5306 (relating to preservation of secrecy) for confidential information.

On the question,

Will the House agree to the amendment?

The SPEAKER. On that question, the Speaker recognizes the gentleman from Butler County, Mr. Ellis.

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

Mr. Speaker, what this amendment does is goes a long way toward solving a problem that we are experiencing in Pennsylvania. But what it does is it takes the perspective that landowners and the natural gas drillers, which have been developing in Pennsylvania, are essentially business partners. This means that the landowner and the natural gas driller each have responsibilities to each other.

First, there is a duty to treat each other in good faith. This amendment makes sure they do that. Second, business decisions are going to be made together and with a reasonable amount of care. This means that the decisions cannot be unreasonable, they cannot be reckless, and they cannot be negligent any longer.

Unfortunately, many of our constituents who have natural gas leases report right now that they are being treated unfairly by the natural gas driller – their business partners. Now, granted, the worst abuses, the ones that grab all the headlines and I am sure we are going to hear about in the debate today, have been perpetrated by a very small group of those actors within the natural gas industry. But those abuses have been shocking: the Corbett shell games, phantom changes appearing on royalty checks – everything that we have read about in the paper. Even if the royalty checks are completely above board, landowners and their accountants and lawyers are unable to verify the changes. This amendment corrects that as well.

This amendment would actually do a great thing in it will empower all the landowners of our State who have unconventional gas leases and will give them remedies if there are problems in the future. This is needed desperately for Pennsylvania, and I encourage all the members of the House to vote affirmatively on amendment A06939.

Thank you very much, Mr. Speaker.

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

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

Mr. VITALI. Thank you, Mr. Speaker.

Will the maker of the amendment stand for interrogation?

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

Mr. VITALI. I just have a couple of questions with regard to some of the language in this bill.

With regard to – now, I am on section 4, "Written summary of unconventional gas well deductions." I am looking at language that says that the lessor "...shall not disclose the composition of fees charged..." to anyone else.

In other words, this bill seems to allow the lessor to inspect a summary of charges, but it does not allow that lessor to disclose to anyone else. Does that mean that if you see the charges, the summary of the charges that are coming off of your royalty computation, you cannot share that with your next-door neighbor who also may be dealing with the same drilling company?

Mr. ELLIS. No, it does not.

Mr. VITALI. Well, why do you not explain what that means then.

Mr. ELLIS. Well, if you read it a little closer, you will see that is the third party. It has nothing to do with your neighbors. You can tell your neighbors anything you want.

Mr. VITALI. You are suggesting that when this says you shall not disclose the summary of costs to a third party— Now, as I understand it as a lawyer, the two parties are the lessor and the lessee. A neighbor would be a third party, if I am not reading this correctly. I hope my 30 years of lawyering have not been totally in waste here. So a third party would mean a neighbor, would it not?

So have you – I am waiting on you – have you—

Mr. ELLIS. Oh, I am sorry, Mr. Speaker. I did not actually hear a question in there. So if you could repeat it. I do apologize, Mr. Speaker.

The SPEAKER. Will the gentleman, Mr. Vitali, repeat the second part of his question?

Mr. VITALI. Okay. Let me go onto another section here.

It is section 4.1(c) entitled "Confidentiality." "...information provided to a lessor who is party to a lease...Shall be strictly confidential. May not be disclosed to any other person other than the lessor or the person duly authorized in writing to act on behalf of the lessor."

Now, does that section not prohibit this information from being shared with a neighbor or the media or anyone else?

Mr. ELLIS. In that instance, yes; but that would be for legal proceedings.

Mr. VITALI. What in this bill restricts that to legal proceedings?

We are looking now at section 4, "Written summary of unconventional...well deductions...Inspection of records for unconventional...wells." That is not the section dealing with legal proceedings. Legal proceedings do not start until later on in the bill.

Mr. ELLIS. Well, you can share it with your attorney. You can share it with your accountant. And it is not limited from the judicial proceedings, so I mean—

Mr. VITALI. So you cannot share information with regard to the summary information the driller gives you with your neighbors. That is what this confidentiality section does, does it not?

Mr. ELLIS. Mr. Speaker, are you talking about inspection information or summary information, because I thought we had kind of covered the summary, and then you jumped into inspection, and now you are back into summary, or are you still on inspection?

Mr. VITALI. Let us deal with section 4.1.

Mr. ELLIS. Okay.

Mr. VITALI. "Inspection of records for—

Mr. ELLIS. Okay.

Mr. VITALI. —unconventional gas wells." Section (c), "Confidentiality."

Mr. ELLIS. Mr. Speaker—

Mr. VITALI. "...information provided to a lessor...Shall be strictly confidential. May not be disclosed to any other person...."

Mr. ELLIS. To make this very simple, Mr. Speaker, this is basically an auditing provision. You can share it with your accountant, you can share it with your attorney, and you can share it in a legal proceeding. That is the same answer as before, so.

Mr. VITALI. The language of this amendment clearly prohibits you from sharing information you get if you are a lessor from anyone – from your neighbor, from associations you may be working with, from anyone other than someone you designate to stand in your stead. Is that not true?

Mr. ELLIS. Mr. Speaker, the provision outlined in that section, again, is an audit provision. You can share the information from that with an accountant, with your attorney, or in a legal proceeding.

Mr. VITALI. So to be clear, if you make an appointment to sit down with the driller, he shows you summary information, you cannot share that? That is information you need to keep secret. You cannot show that to your neighbor. Is that correct?

Mr. ELLIS. Correct.

Mr. VITALI. Okay. Took a long time to get to that point.

Mr. ELLIS. I agree, Mr. Speaker. It did.

Mr. VITALI. Yeah. Okay. Let us move on.

It is also true that if you make an appointment with the driller to inspect this information about how your royalties were calculated, you cannot copy that information. If he shows you information about all sorts of complicated costs, you are not allowed to copy that. Is that not true?

Mr. ELLIS. That is correct.

Mr. VITALI. It is also true that when you make an appointment with the driller to take a look at how your bill is calculated, you are not seeing the actual cost, but you are seeing summaries of costs. Is that not true? You are not seeing the actual costs but you are seeing summaries of costs. Categories of costs, is what your amendment says. You are not seeing the actual costs, you are seeing categories of costs. Is that not true?

Mr. ELLIS. In the instance where you are talking about the third party charges, yes; that is accurate.

Mr. VITALI. But in addition, in addition to the third party charges – now I am on section 4, where it talks about what information has to be provided from the driller to the lessor. It says, "...a written summary...and specific description of each category of costs deducted from the sales price...." So you are not seeing the actual costs, you are just seeing the category of costs. If you are a lessor, what your amendment requires the driller to provide you is only the category of costs. Is that not right?

Mr. ELLIS. I do not believe that is right, Mr. Speaker. I think again you are confusing section 4 and 4.1.

Mr. VITALI. Well, I am on section 4.

Mr. ELLIS. Okay.

Mr. VITALI. It is a "Written summary of unconventional gas well deductions." It is right after the definition section. It gets into the operative part of the bill. It is the basic provision that talks about what the driller has to provide the lessor, and I am just going to quote again, "...a written summary of the amount and specific description of each category of costs deducted from the sales price..." the category of costs. It goes on to say,

"...shall not disclose the composition of fees charged by an unaffiliated third party," too.

So you are not even getting the costs that are deducted from your bill; you are getting the category of costs. And you are not getting anything itemized which the driller may have gotten, which the driller may have charged from a third party. So you are just getting the category of costs, not the actual costs themselves. Is that not true?

Mr. ELLIS. Mr. Speaker, what we are looking at here is a very simple concept. This is a pro-landowner bill with remedies in there. The summary, of course, is general – hence the name "summary."

If you are not satisfied with the information on the summary, then you move on to the audit.

Mr. VITALI. Where—

Mr. ELLIS. This gives landowners remedies that they do not have now.

Mr. VITALI. Not in relation to the actual bill that you are attempting to amend.

Let me ask you the question again. I just want to be clear. This bill does not give you a right to see actual costs, but only categories of costs. Can you show me where in this bill it says you have the right to see actual costs?

Mr. ELLIS. Again, I think that is mischaracterization. You have the ability to see the summary, and then you have an ability to do the audit. And within the audit, if you look at section 4.1, it specifically says you will be able to view "...supporting documentation of the lessee specifically related to—

Mr. VITALI. What subsection are you reading under?

Mr. ELLIS. —the deduction of the costs during..."

Mr. VITALI. What subsection are you now in?

Mr. ELLIS. I am in 4.1(a).

Mr. VITALI. Got it.

Mr. ELLIS. Line 5.

Oh, I am sorry. It does not match up with the lines. This is my working draft. Sorry. But it is shortly – it is the third sentence, I think.

Mr. VITALI. That is where it says you cannot copy or reproduce. Where does it— I see nothing that says you are entitled to specific costs in your amendment.

Mr. ELLIS. The words "supporting documentation" are where you will see the costs.

Mr. VITALI. Why is not the landowner—

Mr. ELLIS. Mr. Speaker, not only will you see the costs, but you will actually see the supporting information for the costs.

Mr. VITALI. Now, if this is such a good-faith transaction, how come the landowner is not allowed to copy these records? I know that when you and I deal with complicated matters, we like to take it home and study it and think about it. And we would not be happy if our accountant prepared our taxes and said, "I am going to let you look at it, but I am not going to let you take those tax returns home." You would like to take a look at that. So how come we cannot— How come the landowner cannot get a copy of his records?

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

The concept of the audit is to allow the landowner to come in as long as they want. They are allowed to bring an attorney or an accountant. They can view it as long as they want. And then if they determine they are not satisfied at that point, we provide two additional remedies beyond that.

So if you look at the summary, then you get to the audit, and then you have two additional remedies to solve your problem beyond that. So it may be, somebody may go in and they may look for an hour; others may take 10 hours.

Mr. VITALI. So I think we have established that if on that bill there is a third party that charged the driller, we cannot see how the third-party costs were arrived at, can we?

Mr. ELLIS. Mr. Speaker, if possible, on this one, the majority leader would like to answer the question.

Mr. TURZAI. Thank you very much.

The SPEAKER. Excuse me. Will the gentleman suspend just one minute.

Mr. TURZAI. Yes.

Mr. VITALI. And I just want to be clear to the majority leader—

The SPEAKER. The gentleman will suspend. The gentleman will suspend one minute, please.

The gentleman, Mr. Vitali, procedurally you had asked to interrogate the maker of the amendment. He would like to defer the question to another member, but since you have the floor, it would be subject to your agreement that the majority leader would respond to the last question, as opposed to the maker of the amendment.

Mr. VITALI. My thought would be, if either has the answer, I am okay with that. But let me just, let me just, let me just restate the question to be clear.

We are dealing with section 4.1. We are dealing with sub (b) – sub (b), (2), (i). It says, "For services provided by unaffiliated third parties, supporting documentation may consist of invoiced amounts for the services provided, but shall not include the composition of the fees charged by an unaffiliated third party."

So what I am trying to clarify is, if on these bills, let us say there is a \$5,000 charge from an unaffiliated third party. Under your amendment, the landowner is not entitled to see a breakdown of that \$5,000 charge. Is that not what this language says?

The SPEAKER. The Speaker recognizes the gentleman, Mr. Turzai, from Allegheny County in response to the interrogation by the gentleman, Mr. Vitali.

Mr. TURZAI. Thank you to the good gentleman from Delaware County. Just some context first, and then I will go right to that particular provision, because you cannot understand the provisions without the context.

Unfortunately, right now in Pennsylvania, many of our citizens who have natural gas leases have been treated unfairly by certain natural gas drillers. And the worst abuse are the ones that have been grabbing the headlines – although there are other examples – have been perpetrated by making, not getting a fair return given what the lease has said. Those abuses need to be addressed. We need to make sure that the royalty checks are completely above board, and that landowners are able to verify the charges, because right now they are unable to verify those charges to have a fair opportunity to get redress.

This amendment empowers all of our State's landowners who have unconventional gas leases to verify that the companies, the drillers, are complying with their duties under the lease and under the law to the landowner. It is hard to do that right now. It is almost impossible in certain circumstances.

So there are a variety of remedies that are set forth in this amendment that are pro-landowner, all pro-landowner. A written summary of the postproduction costs deduction, one; two, inspection of records—

Mr. VITALI. Mr. Speaker?

Mr. TURZAI. This is based—

Mr. VITALI. Mr. Speaker? Mr. Speaker? I am under interrogation. I have asked a very narrow, specific question about three lines of text. I did not authorize the majority speaker to speak just to give a general support of the amendment generally. If that is what he intends to do—

The SPEAKER. The gentleman will suspend.

Mr. VITALI. —I would like to go back to Mr.—

The SPEAKER. The gentleman will suspend.

The gentleman, Mr. Vitali, has the floor for interrogation, agreed to allow the gentleman, Mr. Turzai, to respond to the question. If you feel that he is not responsive, you could raise a point of order, but you cannot just say, I do not want to hear any more of that answer. I believe that the gentleman, Mr. Turzai, was trying to give you a broader answer than perhaps you choose, but I think you should at least let him get to the point of your specific question.

However, your option—

Mr. VITALI. I am free to go back to Mr. Ellis if it—

The SPEAKER. —is to raise your— Your only option, really, would be to raise a point of order as to whether or not he is on the question or not.

Mr. VITALI. Well, if I could go back to Mr. Ellis at this point, I think that might be my preference.

Maybe another way to do it would be to conclude my interrogation of Mr. Turzai and request interrogation of Mr. Ellis.

The SPEAKER. I believe that I need to at least allow the gentleman, Mr. Turzai, to focus his response to your specific question. I would not argue that the answer was broad, which we are somewhat objecting to, but I believe the gentleman, Mr. Turzai, at least deserves the opportunity to focus his response to your specific question since you did agree to allow him to respond to the question. And I would just ask you to indulge me one minute, and I would ask that the gentleman, Mr. Turzai, is entitled to finish his response to the question but ask that you focus it on the specifics of the question.

Mr. TURZAI. Right. Again, given – thank you, Mr. Speaker – with respect to this pro-landowner remedy bill—

POINT OF ORDER

Mr. VITALI. Point of order, Mr. Speaker. I am ending—

The SPEAKER. The gentleman—

Mr. VITALI. —my interrogation of the majority leader and—

The SPEAKER. —the gentleman may state, the gentleman may state—

Mr. VITALI. —am requesting—

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

Mr. VITALI. He insists, despite being admonished to the contrary, to speak in general terms in support of the amendment. I have asked a very specific question about three lines of the bill which deal with third-party expenses and whether they can be delineated. But he insists on ignoring that question and talking in very broad, general, unspecific terms about the bill. That is not why I allowed him to speak.

I would like to interrogate Mr. Ellis.

The SPEAKER. I have got to say, Mr. Vitali, that I understand your point. I think you ought to just at least let him get two or three sentences out and see if we cannot get to the point of the question.

I would recognize the gentleman, Mr. Turzai, in response to the Vitali question.

Mr. TURZAI. Thank you, Mr. Speaker.

There are a number of remedies, and one of those remedies is an inspection of the records, which allows the right of shareholders to inspect the books of the partnership or the corporation, and a review of deductions by the magisterial district judge or other minor judiciary.

The fact of the matter is, all of the information that the lessor or drilling company, the producer, has must be available to the lessee, so all of the information that would be relevant to the case, or the controversy between the lessee and the lessor, is there based under this particular proposal.

These are remedies that landowners do not have today. They do not have this in Pennsylvania. What we are putting here today in front of everybody is at the far end of protection of landowners equivalent to what has been decided in case law in West Virginia and Colorado.

Mr. VITALI. Mr. Speaker?

Mr. TURZAI. We are at the front end of protecting the landowner.

Mr. VITALI. Mr. Speaker? Point of order.

The SPEAKER. The gentlemen please suspend.

Mr. VITALI. He continues to ignore the question.

The SPEAKER. The gentleman will suspend. The gentleman, Mr. Vitali, suspend, please.

I would agree that the gentleman, Mr. Turzai, has answered, or to his interest, has answered the question the gentleman, Mr. Vitali, asked, and the gentleman, Mr. Vitali, is recognized to continue under interrogation if he so chooses.

Mr. VITALI. I would request interrogation of Mr. Ellis to continue.

The SPEAKER. Will the gentleman, Mr. Ellis, stand for further interrogation?

The gentleman, Mr. Vitali, may proceed.

Mr. VITALI. I am trying to get at the meaning of an added line. I think I know what it means but I just want to be sure.

This is section 1.3, "Royalty guaranteed." And it says, "A lease or other such agreement conveying the right to remove...oil, natural gas or gas of any other designation from the lessor to the lessee shall not be valid if the lease does not guarantee...at least one-eighth royalty of all...natural gas...of other designations removed or recovered from the subject...property" – and this is the added language – "free of expenses of production." I am trying to get at why were those words added, "free of expenses of production"?

Mr. ELLIS. Mr. Speaker, basically what that language says is no cost can be charged before the gas comes out of the land.

Mr. VITALI. So it is true that your amendment takes away from the bill in chief the 12 1/2-percent minimum guarantee that the landowner would get, that your amendment does remove that 12 1/2 percent.

Mr. ELLIS. Absolutely not, Mr. Speaker.

Mr. VITALI. Could you tell me where in your bill that 12 1/2-percent minimum royalty is guaranteed?

Mr. ELLIS. Mr. Speaker, with all due respect, that is not in my bill. It is current law.

The SPEAKER. Does the gentleman, Mr. Vitali, have further questions?

Mr. VITALI. So your legislation, your amendment removes the language in the Everett bill that would clarify the postproduction costs cannot take royalties below 12 1/2 percent. Your amendment takes that language out of the bill, does it not?

Mr. ELLIS. My amendment provides for four pro-landowner remedies if they are dissatisfied and believe they are being charged false postproduction charges. That is what the amendment does, Mr. Speaker, and I would appreciate questions addressed to the amendment.

If you want to ask about the bill, then that would be appropriate on third consideration, I believe.

Mr. VITALI. Okay. Let us move along to the right of a landowner who has problems with the compilation he was given by the driller. And I am now on section 4.2, "Review of cost deductions for unconventional gas wells."

It looks like it sets up some sort of system involving a district justice, and I am trying to get at how that differs from the normal remedies that any citizen of Pennsylvania would have with regard to filing suits in district justice court or common pleas court with regard to breach of contract.

Mr. ELLIS. Mr. Speaker, what that does is it expands the powers of the magisterial district judges beyond the 12,000 that they are faced with now, as far as how much they can be involved in the costs of a case. And this expands it so it makes them one of the lines of defense for the landowners.

Mr. VITALI. So the language in sub (c) that says, "Notwithstanding the provisions of any other law concerning jurisdiction and venue or the amount in controversy, judges of the minor judiciary shall have jurisdiction over actions commenced under this section." Does that mean that an aggrieved person cannot go to common pleas court under this section if he so chooses?

Mr. ELLIS. No; it would not mean that.

Mr. VITALI. Where is the right to appeal from the district justice proceeding here?

Mr. ELLIS. Mr. Speaker, the question I thought I heard was, do we have to go there first? And the answer, quite – in subsection (d) there, if you look, the last line, "The remedies provided in this section are not exclusive of, do not require exhaustion of, and shall be in addition to any other remedies provided by the lease, by law or in equity."

Mr. VITALI. But remedies there refer to things that a district justice can do to do justice, not where the jurisdiction to file is.

Mr. ELLIS. Mr. Speaker, I am a little confused on the question. This is not mutual— I mean, it is not exclusive remedies. You can do all of them.

Mr. VITALI. But again, rem— Okay. You know, I think— Let me just speak on the bill, if I can, Mr. Speaker.

The SPEAKER. Is the gentleman seeking recognition on the amendment?

Mr. VITALI. On the amendment; I am.

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

Mr. VITALI. Mr. Speaker, I think the problem with this amendment is that it guts and replaces an excellent bill which protects landowners and fulfills their expectations about what they should be receiving from a driller because they allow the driller to go onto their land. The amendment nullifies some very important things.

The bill in chief, which this amendment nullifies, provides a minimum 12 1/2-percent royalty. If you vote for this amendment, you are taking that 12 1/2-percent minimum royalty away from the landowner.

Mr. Speaker, this is a good bill because the bill itself, which this amendment would nullify, applies to existing and future leases. It applies to conventional wells only, and it does not require the recalculation of any past payments that were made.

This amendment provides this secretive system where a landowner would not be able to see specific costs taken from his bill, would not be able to share that information with his neighbor, would not be able to copy any costs. The flawed system it creates if he is not happy is – well, it is flawed. And I practiced law for many years before district justice court and common pleas court. The system it creates is flawed. It requires district justices, which should be a public forum, to keep their records secret. It is unclear on the right of appeal.

This is a flawed bill which really does not give to landowners the protection that the bill in chief does. I think we ought to pass the Everett bill clean to give the maximum protection to landowners.

Thank you, Mr. Speaker.

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

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

Mr. WHITE. Thank you, Mr. Speaker.

Will the maker of the amendment stand for very brief interrogation?

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

Mr. WHITE. Thank you, Mr. Speaker.

I am a little confused by some of the language on the confidentiality portion, and I think that some of us here on the floor are as well. Just for the purposes – for clarification and quite possibly for legislative intent, if you could answer a couple of quick questions.

Would the confidentiality of the information between the parties, would that preclude a leaseholder for bringing that to me, as a legislator, with concerns?

Mr. ELLIS. Yes.

Mr. WHITE. So if a leaseholder had a problem with postproduction costs, something that was written by State law, they could not bring it to their State legislator to discuss it?

Mr. ELLIS. I am sorry, the end of that again?

Mr. WHITE. They would not be able to bring it to me or you or anybody to discuss it.

Mr. ELLIS. Well, they would not be able to bring the specifics of it, but they can certainly bring it to you. And what you could bring them tonight is four remedies to fix the problems that they may be incurring.

Mr. WHITE. My next question is, would that preclusion also extend to the media?

Mr. ELLIS. Yes. As I explained to the previous person, the folks – your attorney, you, your accountant, and in judicial proceedings, those are the people that would have the access.

Mr. WHITE. One last question. We have heard from you and others that this is a pro-landowner bill. Is there a reason why the National Association of Royalty Owners has not weighed in on this?

Mr. ELLIS. They were very active in the talks for the last 8, 9 weeks with us. I cannot speak to their organization why they weigh in on some things and why they do not, Mr. Speaker.

Mr. WHITE. That concludes my interrogation. If I could speak on the amendment?

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

Mr. WHITE. Thank you, Mr. Speaker.

Well, here we are again. The last time we were here talking about one of these bills, we ended up with something called the physician gag rule. Today we have something a little more harmful: We have the leaseholder gag rule. How this could be defined as something that would benefit leaseholders defies even the most basic level of common sense. Let us take a look at it for a minute.

First of all, we are talking about a business relationship. We have got business partners that negotiated a deal at arm's length, and what we are trying to do now is, after the fact, take away rights of one of those parties to be able to talk about things that they negotiated. And given the fact that one of the parties that is going to keep their rights is a multimillion-dollar company from out of State, and the people that are going to lose their rights are the leaseholders – the landowners, the farmers – sitting across their kitchen table who negotiated these deals with the hopes that it was going to provide family-sustaining revenue for the future, is unfathomable. But we will come back to that.

We do not have support of the National Association of Royalty Owners for a very simple reason: There is no way they would ever back a bill like this. I talked to some of their members before we came up to the floor. They did not even know this was going on. This is news to them. So let us not pretend like we are doing them a favor.

And if we took a minute to ask them, I think we could certainly find out that they are most vehemently not in favor of these protections because it does not protect them. It protects the other guy. It does not protect the leaseholder at all.

As a matter of fact, this was designed to be a bill to clarify, as the courts required, what a minimum royalty would look like. But we were so busy putting gifts to the gas industry in there that you forgot to put that language in the amendment. So this by definition does not define a minimum royalty. You left that part out.

So what do we have? We have a bill that will actually increase litigation. This is going to clog up our courts. And if you have ever been in a courthouse lately in an area where the gas boom is going on, they are pretty crowded to begin with. They are going to be crowded with litigation because this bill does not just encourage litigation; it demands it. It demands that you get a lawyer, that you go in and you litigate these disputes.

So let us talk about the secrecy for a minute. Why are we gagging these people? What is the secret? Unless that the postproduction costs contain the formula for Kentucky Fried Chicken, there is no reason to keep it a secret. What is the big deal? If this was an arm's-length business transaction, why does it have to be hidden – hidden from the media, from the government? This bill means that this information cannot be given to the government. Stop and think about the chilling effect that is going to have on leaseholders throughout Pennsylvania.

But the last thing that I will say is to the point made by the majority leader and made by the maker of the amendment, that

we are only focusing on those bad actors, right? That is what this is about. It is finding the bad actors.

Well, the shale boom started in my district, and I have had some experience with this. I have had constituents come to me that have had postproduction costs taken out and they do not know where the money is going. And you know how they were able to get some of that out in the open? They took it to the media. They got it out in the light of day. They exposed the problems.

This bill is specifically designed to keep the facts from ever coming to light. It is designed to stay in the dark, because in the dark they can bully, they can intimidate, they can hide, and they can cheat and steal from Pennsylvania residents, from our constituents. That is what this is designed to do.

The way we find the next bad actor is by allowing this stuff to be brought out in the light of day.

This boils down to a simple fact: This legislature cannot serve two masters, and this is one of those times. When it comes to drilling, do you support the landowners, the farmers, the people who are relying on this industry to be the economic driver we all want it to be? Or is your master going to be the company down in Texas that is stroking you the campaign check?

Vote "no" on this amendment.

The SPEAKER. On the amendment, the Speaker recognizes the gentleman from Luzerne County, Mr. Carroll.

Mr. CARROLL. Thank you, Mr. Speaker.

I am wondering if the sponsor of the amendment will stand for very brief interrogation.

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

Mr. CARROLL. Thank you, Mr. Speaker.

Mr. Speaker, as I understand your amendment, your amendment will prohibit the deduction of production costs with respect to royalty payments.

Mr. ELLIS. Yeah, absolutely. That basically reinforces the existing law.

Mr. CARROLL. Okay, fine. And, Mr. Speaker, as I understand it, your amendment does not speak at all to a prohibition on deduction of postproduction costs.

Mr. ELLIS. The amendment before us right now speaks to remedies, four different remedies the folks have if they have complaints about postproduction charges.

Mr. CARROLL. So therefore, postproduction costs are going to be allowed when we calculate the royalty payment.

Mr. ELLIS. This amendment does not address postproduction costs.

Mr. CARROLL. It does not prohibit it.

Okay, fair enough. So there is no prohibition on postproduction costs.

And I heard, Mr. Speaker, you earlier say that the royalty payment cannot go below the one-eighth or 12 1/2 percent.

Mr. ELLIS. Mr. Speaker, on the amendment or on the – is he speaking on the amendment or on the underlying bill?

Mr. CARROLL. No; on your amendment, Mr. Speaker.

The SPEAKER. The gentleman restate his question, please.

Mr. CARROLL. I heard the speaker respond to an earlier question with a statement that no royalty could go below the one-eighth, or 12 1/2 percent, should this language become law.

Mr. ELLIS. Mr. Speaker, the current law that already exists is not modified by this amendment. I do not understand how I could be more clear on that.

Mr. CARROLL. Well, we are amending the gas and royalty act, so this will change the current law.

Mr. ELLIS. Absolutely.

Mr. CARROLL. Okay. So when we contemplate then that production costs cannot be considered but postproduction costs can be considered, I am trying to understand how we provide a guarantee that the postproduction costs will not drive the royalty payment below 12 1/2 percent.

Mr. ELLIS. Mr. Speaker, this amendment does not apply to that.

Mr. CARROLL. It most certainly does. That is the essence of this whole debate, Mr. Speaker.

Mr. Speaker, can you point to—

Mr. ELLIS. Mr. Speaker, in all due respect, I answered the question three times. He can ask it again, or I will offer it: This does not apply. This amendment does not apply to postproduction charges.

Mr. CARROLL. Then I will try this, Mr. Speaker.

What happens when the postproduction charges drive the royalty payment below 12 1/2 percent?

Mr. ELLIS. Mr. Speaker, in the hypothetical scenario that he threw out, this amendment would provide the landowners of Pennsylvania with four remedies to address that issue.

Mr. CARROLL. All right, Mr. Speaker. I will end my interrogation there, and then I will speak on the amendment.

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

Mr. CARROLL. Mr. Speaker, I think it is crystal clear that what we have here now is an ability for postproduction costs to drive the royalty payment below 12 1/2 percent – the minimum guarantee in existing law, the number that was contemplated by those that pursued a case that rose to the Supreme Court. And we are going to be left with, if this is enacted, the prospect and the probability that folks will continue to get royalty checks of \$5 and \$10, because the postproduction costs will be considered with respect to deductions and it will drive the royalty payment down to where it is now with respect to the treatment that some landowners get by some gas companies.

I think it is very telling that this language in this bill specifically prohibits the production costs deduction but speaks nothing to the postproduction costs, which suggests to me that we are going to see postproduction deductions taken with respect to the royalty calculation.

And so, Mr. Speaker, what we have here is no protection whatsoever for the folks that I represent that have leases. Those folks will continue to get royalty checks that are obscene, really, with respect to their calculation. And they will be forced to go to a magistrate – well, I predict they will probably win – and they will appeal, there will be an appeal to the court of common pleas where the landowner probably will win again. But then it gets a lot harder, Mr. Speaker, because then you end up in the appellate court system in this Commonwealth, and all the while the meter is running with respect to the lawyers, and our landowners lose in that transaction, Mr. Speaker.

So, Mr. Speaker, today a vote for this amendment is a vote against the landowners, is a vote to continue the treatment that some folks get with respect to royalties. And this amendment, Mr. Speaker, does not protect in any way landowners, and it results in our landowners getting the short end of the proverbial stick when it comes to the treatment of royalties. This amendment, Mr. Speaker, should be rejected.

Mr. Speaker, HB 1684 was the prescription we needed. It should be the bill that we consider on the floor today, not this amendment. I hope that we can get back to HB 1684 absent this amendment. Thank you, Mr. Speaker.

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

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

Mr. TURZAI. Thank you very much, Mr. Speaker. I appreciate it.

This is in fact a pro-landowner amendment. Let us understand for a second, if I might.

The SPEAKER. I appreciate the members holding the conversations down.

The gentleman, Mr. Turzai, may proceed.

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

We are blessed with natural gas all across this Commonwealth under our landowners' premises. They have been entering into lease arrangements with producers and natural gas drillers. It is in fact benefiting with respect to family-sustaining jobs, with respect to a cleaner fossil fuel, lower costs with respect to manufacturing and home energy sources and independent energy.

The fact of the matter is, with respect to the quote, unquote, "postproduction costs," there are and have been discrepancies in this jurisdiction, as in other jurisdictions including places like Colorado and West Virginia, with respect to those postproduction costs. And how does that issue arise in the first place? There has been common law in jurisdictions throughout the United States and including in Pennsylvania under oil and gas – this is not just with respect to Marcellus Shale – that there would be a guaranteed one-eighth minimum royalty. And the issue has been a guaranteed one-eighth minimum royalty of what?

Now, in Pennsylvania in 1979, we took that common law and we in fact put it into statute. And as the *Kilmer* case made perfectly clear and as the history has been in Pennsylvania and in jurisdictions all across the United States, it is a one-eighth minimum royalty at the wellhead. Now, at the time that the statute was enacted, and with respect to commercial practices throughout history in Pennsylvania and other jurisdictions with oil and gas extraction, the commercial realities have in fact changed. They are no longer pricing that product at the wellhead. The pricing now occurs at the point where it enters into the market, and there is gathering in between, there is transferring in between. And so the practices become, not only in Pennsylvania but all across the United States, how do you get back through common law or through the statute one-eighth minimum royalty of the price at the wellhead?

Now, the way that you get at that is you get at the price of the sale, the point where it enters the market, and you minus those postproduction costs from the wellhead to get to what that price is at the wellhead, and then you should be guaranteed, under statute and under common law, one-eighth that point of the wellhead. The fact of the matter is, the goal of the *Kilmer* case – nor in practice, nor in common law, nor in the existing statute – is not to eliminate postproduction costs. It is to make sure to get at a fair price of what it is at the wellhead, that you are fairly treating those postproduction costs.

What has happened and what has erupted all across the country is the fact that there is disagreement over how to calculate those postproduction costs from the point-of-sale price

to get to the point-of-wellhead price to determine what that one-eighth minimum royalty should be. Now, the two furthest jurisdictions – and it has been developed in case law, not in statute; it has been developed in case law – are Colorado and West Virginia. And what they say, what those jurisdictions say is that there has to be clear evidence in the lease as to what those postproduction costs are – real notice, which we in fact have been abiding for and which the *Kilmer* case essentially says. But what it has not had with respect to existing landowners, with respect to existing landowners, what it has not had, it has not had, for those existing landowners, a way to get an expeditious remedy with how you deal with what are the appropriate postproduction costs.

Now, many people have talked about, in other jurisdictions and our jurisdictions, about trying to better define what that one-eighth minimum royalty at the wellhead is. The problem in other jurisdictions and the reason they have not gone there, just as we have not in Pennsylvania, is because no definition satisfies everybody, and that standard industry practice needs to be addressed in an appropriate procedural setting in the courts.

Now, if you want to get the companies to treat fairly the landowners, there have to be real teeth in the process, and this particular amendment does that. It provides for a written summary of the postproduction cost deductions. It allows for inspection of the records of the company. It provides for a review of deductions by the magisterial district judge or other minor judiciary. Why? Because the landowners asked for that particular provision. They asked for that. It allows for specific cause of action for failure to pay the minimum royalty, and it provides for attorney's fees against the company. It also has a rebuttable presumption that if it is in fact one-eighth, beneath that one-eighth minimum royalty of the sales that the presumption and the burden is on the company, on the producer, on the gas driller to prove that they are fair in their cause, otherwise the ruling goes to the landowner and there are attorney's fees involved – a real penalty.

The fact of the matter is, this is the most expeditious manner to treat landowners, to treat landowners with respect to this legislation, by far the fairest approach to dealing with landowners to make sure that they in fact have a remedy against the gas companies, particularly those that are the ones that are abusing, I would say, the postproduction approach to determining the price at the wellhead.

It is a fair balance to the landowners, and it is also why the landowners are not against this particular amendment, because they recognize it provides remedies that have never been provided before in the Commonwealth of Pennsylvania, let alone in other jurisdictions. And keep in mind that the landowners in fact, like most Pennsylvanians, want to see the fair development in an environmentally friendly way with strict regulations. They want to see it because in fact they do share in fact from the royalties, and those moneys are reinvested into the Pennsylvania economy. This is designed to get a real balance.

The other concern was, and it was raised by members on the opposing side of the aisle as well as members on our side of the aisle. It was raised by members on both sides. And the goal here was to get to a compromise that all members of both sides of the aisle could be for. That point was this: Are we going to impair all the existing leases from a constitutional perspective if we reset the terms of what a point of sale would be at the wellhead? It is a legitimate concern. And the courts essentially said that in

the *Kilmer* case. We needed to be able to address procedural remedies so that the argument of impairment of contract was taken off the table. If you the reset the terms for what the leases are, the argument would be in front of the Supreme Court that all those existing leases, all those existing contracts would in fact be invalid. And if they were invalid, you would shut down, absolutely shut down the growth of the natural gas development in a clean and friendly manner in the Commonwealth of Pennsylvania.

Now, I want to tell you this also: Conventional drillers are not included in this particular statute because the problem has not been there with respect to the conventional drillers. They are specifically excluded from this. This applies to unconventional drillers, unconventional producers, because that is where the issue has arisen. Given that fact, that distinction was made in this particular legislation. And while I recognize that some would like to go way ahead of the curve compared to other jurisdictions, the fact of the matter is, this is at the front line with respect to those jurisdictions in providing procedural remedies that had not been previously at the table. And that was the compromise that people had been working on with Republicans and Democrats on both sides of the aisle and many of the members want to see win, win, win, win, win. Why? Because they want to see the development of natural gas in the Commonwealth of Pennsylvania for the environmental reasons, for the energy independence reasons, for the investment-in-the-economy reasons, for family-sustaining-job reasons. This is at the outgrowth, and this was a proposition that members on both sides of the aisle, on both sides of the issue, because most people recognized they needed to come to a compromise to make sure that we were protecting landowners and that they could still get the royalties that they were deserving under their leases without impairing existing leases based on the Pennsylvania State Constitution. That is how the compromise was reached from amongst many members and many parties.

I would urge a "yes" vote on the Ellis amendment. I think it is a commonsense solution. I think it is not the time to be a demagogue but to actually get to solutions. And I applaud all of the members, all of the members who worked towards this on both sides of the aisle and on varying sides of the issue to come to this compromise. It is win, win, win for Pennsylvania. Thank you.

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

On that question, the Speaker recognizes the gentleman from Clinton County, Mr. Hanna.

Mr. HANNA. Thank you, Mr. Speaker.

Mr. Speaker, I rise to urge a "no" vote on the Ellis amendment. Mr. Speaker, let us be clear about this. There are two fatal flaws with the Ellis amendment, and to point that out and make it very clear, we have to go back first and look at the *Kilmer* case. Despite what the majority leader said, no one would dispute – who has read the case – no one would dispute that the *Kilmer* case turns solely on the definition of "postproduction costs." Let me read you the language that the court used. This is the court speaking: "To the dismay of both Landowners and Gas Companies, the GMRA does not use any of the terms suggested by the parties, such as... 'post-production costs.' " So the single most important thing in this whole debate is what the court found to be lacking in the existing law, and that is the definition of "postproduction costs."

Now, let us take a look at HB 1684 as proposed by the gentleman from Lycoming County. Section 1.2, "DEFINITIONS," clearly defines "POSTPRODUCTION COSTS," solves the problem that the court found in the *Kilmer* case. Representative Everett's bill clearly addressed the problem and defined "postproduction costs." Now let us take a look at the Ellis amendment. It specifically strikes out that entire definition and does not replace it with any other "postproduction costs" definition. So the Ellis amendment specifically deletes what the court asked for, a definition of "postproduction costs."

So what does the Ellis amendment leave us with? Well, that is the second fatal flaw. The Ellis amendment then goes on, in section 1.3, and says "Royalty guaranteed." It goes on to say that the royalty that is guaranteed will be free of production costs – not postproduction costs, production costs. Well, you say, well, okay, well, at least we are being protected from production costs. Well, let us go back and look at today's law. Today's law, in section 1.4 of existing law, before either the gentlemen from Lycoming or the Ellis amendment came into play, already says in its definition of "royalty guaranteed," it says that the general rule is that production costs cannot be deducted.

So what the Ellis amendment does is deletes the important definition of "postproduction costs," and then simply reinstates what current law is, which is free of production costs. So the bottom line is, the Ellis amendment takes us right back to existing law and does nothing to help your landowners.

There are two fatal flaws, and that is why you should be a "no" on the Ellis amendment. Thank you, Mr. Speaker.

BILL PASSED OVER TEMPORARILY

The SPEAKER. HB 1684 and the Ellis amendment will be over temporarily.

SUPPLEMENTAL CALENDAR A

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 2009, PN 2986**, entitled:

An Act amending Title 17 (Credit Unions) of the Pennsylvania Consolidated Statutes, in preliminary provisions, further providing for definitions; in incorporation, further providing for articles of incorporation, for Department of Banking consideration of articles and for bylaws; in corporate powers, duties and safeguards, further providing for powers, for fees and charges, for loan interest, for power to borrow, for loans and for dividends; in members, directors and officers, further providing for notice to members and for expulsion and withdrawal; in amendment of articles, further providing for procedure for amendment of articles; in conversion, merger and consolidation, further providing for conversion into Federal credit union and for adoption of plan; and, in dissolution, further providing for approval of voluntary dissolution.

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

(Bill analysis was read.)

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—200

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

NAYS—1

Freeman

NOT VOTING—0

EXCUSED—2

Evans

Micozzie

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 2169, PN 3527**, entitled:

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, reenacting and further providing for elk hunting licenses; and abrogating a regulation.

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

(Bill analysis was read.)

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—201

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

| | | | |
|------------|--------------|------------|------------|
| Day | Hickernell | Neilson | Toepel |
| Dean | James | Neuman | Toohil |
| Deasy | Kampf | O'Brien | Topper |
| DeLissio | Kauffman | O'Neill | Truitt |
| Delozier | Kavulich | Oberlander | Turzai |
| DeLuca | Keller, F. | Painter | Vereb |
| Denlinger | Keller, M.K. | Parker | Vitali |
| Dermody | Keller, W. | Pashinski | Waters |
| DiGirolamo | Killion | Payne | Watson |
| Donatucci | Kim | Peifer | Wheatley |
| Dunbar | Kinsey | Petrarca | White |
| Ellis | Kirkland | Petri | Youngblood |
| Emrick | | | |

NAYS—0

NOT VOTING—0

EXCUSED—2

Evans Micozzie

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 2111, PN 3361**, entitled:

An Act requiring certain health care practitioners to disseminate information relating to Down syndrome; and imposing duties on the Department of Health.

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

(Bill analysis was read.)

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

The question is, shall the bill pass finally?

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

Ms. DeLISSIO. Thank you, Mr. Speaker.

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

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

Ms. DeLISSIO. Thank you, Mr. Speaker.

Mr. Speaker, I have two quick questions. One is, is there any penalty or enforcement language in the bill if a physician or a health-care provider were not to abide by this particular law?

Mr. MARSHALL. Thank you, Mr. Speaker.

There is no penalty or enforcement for physicians to comply with this.

Ms. DeLISSIO. Thank you, Mr. Speaker.

Mr. Speaker, the final question is, what is the mechanism whereby health-care providers will be notified that this statute is in place, if indeed it makes it to the Governor's desk?

Mr. MARSHALL. Mr. Speaker, the providers are aware of this legislation, and with any other bill or law before them, they certainly have the ability to be aware of the bill.

Ms. DeLISSIO. Thank you, Mr. Speaker.

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

On the final passage of the bill, the Speaker recognizes the gentleman from Allegheny County, Mr. Frankel.

Mr. FRANKEL. Thank you, Mr. Speaker.

I rise in opposition to the bill. And while it is clearly well-intended at the end of the day, it would have been improved enormously had the amendments that have been offered by my colleague from Philadelphia been included. The fact of the matter is that we are interjecting ourselves as legislators in discussions between patients and their doctors and prescribing what should be communicated to them.

The Pennsylvania Medical Society opposes this legislation. And that is I think significant from the standpoint that they do not want that relationship, that really intimate relationship that is secured by confidentiality and by information that is medically accurate, is going to be compromised because we in the legislature and State government decide what should be communicated by doctors to their patients. It is not right and it is not a path we should be headed down. As I said, this is something that we have seen happen in other parts of the country. But ultimately, we ought to be able to maintain the integrity of the doctor-patient relationship, and certainly at a minimum insist that medically accurate information is communicated. And that was what those amendments were meant to do yesterday. Instead, we are allowing all kinds of information – anecdotal information in addition to fact-based information – to be communicated, and that is not our role. Our role is to maintain a system that works, that maintains confidentiality, that maintains that sacred relationship between a patient and their doctors.

As well-intended as this is, this piece of legislation does not do that and it should not be supported. Thank you, Mr. Speaker.

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

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

Mr. MAHER. This bill is often referred to as "Chloe's Law." Chloe is one of my 60,000 bosses. But it is about so much more than one little girl. This bill does not attempt to interfere in a doctor-patient relationship any more so than existing requirements that we have routinely enacted so that families who are making decisions about whether the umbilical cord blood should be saved have information, so that parents who have decisions to make about vaccinations will have that information before them. This is simply ensuring that those who are facing news with a test result that may be a bit of a challenge to grasp will have the opportunity to have at their fingertips relevant information. And it simply says that when there are positive results, that that information is readily available to the patients, and I think we would all agree that that is a good idea. And it does not guide the decision, does not interfere with any decisions, it just ensures that the person who gets a test result has the relevant information to decide their course of action.

Thank you, Mr. Speaker.

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

On the question, the Speaker recognizes the lady from Montgomery County, Ms. Mary Jo Daley.

Ms. HARPER. Thank you, Mr. Speaker.

Yesterday I rose to defeat the amendment that the gentleman would have liked to have seen pass.

The SPEAKER. Excuse me. I apologize.

I recognized the lady from Montgomery County, Ms. Mary Jo Daley. I did not see you—

Ms. HARPER. We are both from Montgomery County. I yield to the other—

The SPEAKER. I know what— I know what happened. I will come back to you. I believe I had recognized— I was wondering why you were looking. The voice did not click.

The lady, Ms. Mary Jo Daley, may proceed on the final passage.

Ms. DALEY. Thank you, Mr. Speaker.

I rise in opposition to this bill because I believe that it interferes in the doctor-patient relationship. I do not think that not approving this bill will mean that doctors will not provide information to their patients. I think that this will still happen, but I believe that it leaves this decision to be made as part of the relationship between the patient and the doctor.

And for that reason, I am opposed to this bill. Thank you very much, Mr. Speaker.

The SPEAKER. The Speaker thanks the lady.

Would the other lady from Montgomery County, Ms. Harper, like to be recognized on the final passage of the bill?

Ms. HARPER. Yes. Thank you, Mr. Speaker.

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

Ms. HARPER. Yesterday I rose to defeat the amendment that the gentleman had said would have made the bill better. This is Chloe's Law, but it applies to the diagnosis after birth. If you can imagine how devastating it is for a mother to give birth to a child who is not perfect in every way, and further imagine that right now if this bill passes, the doctor can give medically relevant information and can also provide the family with information about the fact that the Commonwealth has early intervention services for children with Down syndrome, the fact that there are other families who have faced this same traumatic experience and have been able to work through it. This bill allows that, requires that.

It would have been so awful if that mother who is in shock after having given birth, having had no knowledge that the child she was carrying was not perfect in every way, was then told, I am sorry, Pennsylvania law forbids me, forbids me from telling you that other families have been in your situation and there are Web sites and other things available to tell you how they dealt with it.

This is a good bill. It is a better bill without that amendment because it will allow a doctor to respond with compassion and humanity and to tell a family in what must always be a traumatic circumstance, here, there is support for you available, there is help for you available, and you can do this. This is postbirth. The decisions to be made then are, how am I going to deal with a situation that I did not expect? The more information we give families in this traumatic time, the better it is for them. No caring doctor would want to be prevented from telling a patient what they can do.

Thank you, Mr. Speaker.

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

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

Ms. DeLISSIO. Just very quickly, Mr. Speaker, unless I have misread something – happy to be stand corrected – this applies to in utero as well as postbirth, and it in no way prohibits any licensed health-care practitioner from disseminating any information at any time. It simply, my amendment simply would not have compelled them to disseminate that information. That is a difference with distinction.

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

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

Mr. FRANKEL. Just following up my colleague from Philadelphia, there is nowhere in State law that prohibits a physician from telling or referring a patient to support networks and so forth. I mean, I do not know where the gentlelady from Montgomery County is finding that information.

Simply, we would have improved this. Let me read the language of the amendment that the Representative from Philadelphia had offered yesterday. And I do not know— And it was called mean-spirited at the time, which I just quite frankly do not understand. But it would just ensure that health-care professionals are providing information that is, and I am quoting here, "Verified or supported by the weight of research conducted in compliance with accepted scientific methods and published in peer-reviewed journals, if applicable, or comprising of information recognized as accurate, objective and complete." That was what that did; nothing about preventing doctors from offering postpartum information to families. I do not know where that is coming from, quite frankly. This would have improved the bill, would have made sure that there was medically accurate information being offered to these patients, and maintained that sacred relationship between doctors and their patients. And as I said, the Pennsylvania Medical Society is not mean-spirited. They oppose this piece of legislation.

So anyway, Mr. Speaker, I again would urge that we go back to the drawing board on this and include language that would maintain that relationship and make sure that we are providing medically accurate, fact-based information to patients from their doctors. Thank you.

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

On that question, the Speaker recognizes the gentleman from Beaver County, Mr. Christiana.

Mr. CHRISTIANA. Mr. Speaker, the gentleman was reading an amendment that was offered yesterday. I would just ask that the speaker stay on the bill that is before us and not amendments that were offered yesterday.

Thank you, Mr. Speaker.

The SPEAKER. I appreciate the comments of the gentleman. I found it a little bit unique; however, in the context of the debate, I did not think that the gentleman, Mr. Frankel, was veering too far from the context of the debate. I appreciate the gentleman's comments, but I do not believe he was out of order.

But do not push your luck.

On the question recurring,
Shall the bill pass finally?

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

(Members proceeded to vote.)

LEAVE OF ABSENCE

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

CONSIDERATION OF HB 2111 CONTINUED

On the question recurring,
Shall the bill pass finally?

The following roll call was recorded:

YEAS—159

| | | | |
|-------------|--------------|------------|-------------|
| Adolph | Farina | Kotik | Pickett |
| Aument | Farry | Krieger | Pyle |
| Baker | Fee | Kula | Quinn |
| Barbin | Fleck | Lawrence | Rapp |
| Barrar | Flynn | Longietti | Ravenstahl |
| Benninghoff | Freeman | Lucas | Readshaw |
| Bizzarro | Gabler | Mackenzie | Reed |
| Bloom | Gergely | Maher | Reese |
| Boback | Gibbons | Mahoney | Regan |
| Brooks | Gillen | Major | Roae |
| Brown, R. | Gillespie | Maloney | Rock |
| Brown, V. | Gingrich | Markosek | Ross |
| Caltagirone | Godshall | Marshall | Saccone |
| Carroll | Goodman | Marsico | Sainato |
| Causar | Greiner | Masser | Samuelson |
| Christiana | Grell | Matzie | Sankey |
| Clymer | Grove | McGinnis | Saylor |
| Conklin | Hackett | Mentzer | Scavello |
| Corbin | Haggerty | Metcalfe | Schlossberg |
| Costa, D. | Hahn | Metzgar | Schreiber |
| Costa, P. | Hanna | Miccarelli | Simmons |
| Cox | Harhai | Millard | Smith |
| Culver | Harhart | Miller, D. | Snyder |
| Cutler | Harkins | Miller, R. | Sonney |
| Daley, P. | Harper | Milne | Stephens |
| Davis | Harris, A. | Mirabito | Stern |
| Day | Heffley | Molchany | Stevenson |
| Deasy | Helm | Moul | Swanger |
| Delozier | Hennessey | Mullery | Tallman |
| DeLuca | Hickernell | Murt | Taylor |
| Denlinger | James | Mustio | Tobash |
| Dermody | Kampf | Neilson | Toepel |
| DiGirolamo | Kauffman | Neuman | Toohil |
| Dunbar | Kavulich | O'Neill | Topper |
| Ellis | Keller, F. | Oberlander | Truitt |
| Emrick | Keller, M.K. | Parker | Turzai |
| English | Killion | Payne | Vereb |
| Evankovich | Kim | Peifer | Watson |
| Everett | Knowles | Petrarca | White |
| Fabrizio | Kortz | Petri | |

NAYS—41

| | | | |
|-----------|------------|-----------|-------------|
| Bishop | Dean | Kirkland | Rozzi |
| Boyle, K. | DeLissio | McCarter | Sabatina |
| Bradford | Donatucci | McGeehan | Santarsiero |
| Briggs | Frankel | McNeill | Sims |
| Brownlee | Gainey | Miranda | Sturla |
| Burns | Galloway | Mundy | Thomas |
| Clay | Haluska | O'Brien | Vitali |
| Cohen | Harris, J. | Painter | Waters |
| Cruz | Keller, W. | Pashinski | Wheatley |
| Daley, M. | Kinsey | Roebuck | Youngblood |
| Davidson | | | |

NOT VOTING—0

EXCUSED—3

Boyle, B. Evans Micozzie

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 2079, PN 3118**, 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 to certain buildings.

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

(Bill analysis was read.)

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—200

| | | | |
|-------------|------------|------------|-------------|
| Adolph | English | Knowles | Pickett |
| Aument | Evankovich | Kortz | Pyle |
| Baker | Everett | Kotik | Quinn |
| Barbin | Fabrizio | Krieger | Rapp |
| Barrar | Farina | Kula | Ravenstahl |
| Benninghoff | Farry | Lawrence | Readshaw |
| Bishop | Fee | Longietti | Reed |
| Bizzarro | Fleck | Lucas | Reese |
| Bloom | Flynn | Mackenzie | Regan |
| Boback | Frankel | Maher | Roe |
| Boyle, K. | Freeman | Mahoney | Rock |
| Bradford | Gabler | Major | Roebuck |
| Briggs | Gainey | Maloney | Ross |
| Brooks | Galloway | 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 |
| Causser | Goodman | McGinnis | Saylor |
| Christiana | Greiner | McNeill | Scavello |
| Clay | Grell | Mentzer | Schlossberg |
| Clymer | Grove | Metcalfe | Schreiber |
| Cohen | Hackett | Metzgar | Simmons |
| Conklin | Haggerty | Miccarelli | Sims |
| Corbin | Hahn | Millard | Smith |
| Costa, D. | Haluska | Miller, D. | Snyder |
| Costa, P. | Hanna | Miller, R. | 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 | Hickernell | Neilson | Toepel |
| Deasy | James | Neuman | Toohil |
| DeLissio | Kampf | O'Brien | Topper |
| Delozier | Kauffman | O'Neill | Truitt |
| DeLuca | Kavulich | Oberlander | Turzai |
| Denlinger | Keller, F. | Painter | Vereb |
| Dermody | Keller, M.K. | Parker | Vitali |
| DiGirolamo | Keller, W. | Pashinski | Waters |
| Donatucci | Killion | Payne | Watson |
| Dunbar | Kim | Peifer | Wheatley |
| Ellis | Kinsey | Petrarca | White |
| Emrick | Kirkland | Petri | Youngblood |

NAYS—0

NOT VOTING—0

EXCUSED—3

Boyle, B. Evans Micozzie

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 619, PN 681**, entitled:

A Supplement to the act of June 25, 1931 (P.L.1352, No.332), referred to as the Delaware River Joint Toll Bridge Compact, providing the Governor of each state with power to ratify or veto certain actions taken by commissioners.

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

(Bill analysis was read.)

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

The question is, shall the bill pass finally?

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

Mr. EMRICK. Thank you, Mr. Speaker.

I just want to thank the chairman of the Transportation Committee for moving this three-bill package out, and for the unanimous support of the members of the Transportation Committee as well. I would ask for an affirmative vote. Thank you.

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

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

Mr. FREEMAN. Thank you, Mr. Speaker.

I rise to support HB 619, as well as the subsequent bills that are part of this package, 620 and 621. This legislative package is identical to a package of bills which I had introduced in the 1993-94 legislative session, and they deal with trying to make a better process as it pertains to the Delaware River Toll Bridge Commission's operations and to provide more oversight and transparency.

I am very pleased to join with the prime sponsor, Mr. Emrick, in supporting these bills and advancing them. I think this is a good bipartisan effort to provide greater transparency and accountability, and in the case of HB 620, better fiscal oversight through proper audits.

So I would urge my colleagues to join with us in supporting this legislation. These are good reform-oriented bills that again will provide for greater transparency and accountability, and I ask for a "yes" vote.

On the question recurring,

Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—200

| | | | |
|-------------|------------|------------|-------------|
| Adolph | English | Knowles | Pickett |
| Aument | Evankovich | Kortz | Pyle |
| Baker | Everett | Kotik | Quinn |
| Barbin | Fabrizio | Krieger | Rapp |
| Barrar | Farina | Kula | Ravenstahl |
| Benninghoff | Farry | Lawrence | Readshaw |
| Bishop | Fee | Longietti | Reed |
| Bizzarro | Fleck | Lucas | Reese |
| Bloom | Flynn | Mackenzie | Regan |
| Boback | Frankel | Maher | Roae |
| Boyle, K. | Freeman | Mahoney | Rock |
| Bradford | Gabler | Major | Roebuck |
| Briggs | Gainey | Maloney | Ross |
| Brooks | Galloway | 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 | Schreiber |
| Cohen | Hackett | Metzgar | Simmons |
| Conklin | Haggerty | Miccarelli | Sims |
| Corbin | Hahn | Millard | Smith |
| Costa, D. | Haluska | Miller, D. | Snyder |
| Costa, P. | Hanna | Miller, R. | 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 | Hickernell | Neilson | Toepel |
| Deasy | James | Neuman | Toohil |
| DeLissio | Kampf | O'Brien | Topper |
| Delozier | Kauffman | O'Neill | Truitt |
| DeLuca | Kavulich | Oberlander | Turzai |
| Denlinger | Keller, F. | Painter | Vereb |

| | | | |
|------------|--------------|-----------|------------|
| Dermody | Keller, M.K. | Parker | Vitali |
| DiGirolamo | Keller, W. | Pashinski | Waters |
| Donatucci | Killion | Payne | Watson |
| Dunbar | Kim | Peifer | Wheatley |
| Ellis | Kinsey | Petrarca | White |
| Emrick | Kirkland | Petri | Youngblood |

NAYS—0

NOT VOTING—0

EXCUSED—3

| | | |
|-----------|-------|----------|
| Boyle, B. | Evans | Micozzie |
|-----------|-------|----------|

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 620, PN 682**, entitled:

An Act amending the act of June 25, 1931 (P.L.1352, No.332), referred to as the Delaware River Joint Toll Bridge Compact, providing for audits.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

(Bill analysis was read.)

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—200

| | | | |
|-------------|------------|-----------|-------------|
| Adolph | English | Knowles | Pickett |
| Aument | Evankovich | Kortz | Pyle |
| Baker | Everett | Kotik | Quinn |
| Barbin | Fabrizio | Krieger | Rapp |
| Barrar | Farina | Kula | Ravenstahl |
| Benninghoff | Farry | Lawrence | Readshaw |
| Bishop | Fee | Longietti | Reed |
| Bizzarro | Fleck | Lucas | Reese |
| Bloom | Flynn | Mackenzie | Regan |
| Boback | Frankel | Maher | Roae |
| Boyle, K. | Freeman | Mahoney | Rock |
| Bradford | Gabler | Major | Roebuck |
| Briggs | Gainey | Maloney | Ross |
| Brooks | Galloway | 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 | Schreiber |
| Cohen | Hackett | Metzgar | Simmons |
| Conklin | Haggerty | Miccarelli | Sims |
| Corbin | Hahn | Millard | Smith |
| Costa, D. | Haluska | Miller, D. | Snyder |
| Costa, P. | Hanna | Miller, R. | 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 | Hickernell | Neilson | Toepel |
| Deasy | James | Neuman | Toohil |
| DeLissio | Kampf | O'Brien | Topper |
| Delozier | Kauffman | O'Neill | Truitt |
| DeLuca | Kavulich | Oberlander | Turzai |
| Denlinger | Keller, F. | Painter | Vereb |
| Dermody | Keller, M.K. | Parker | Vitali |
| DiGiroloamo | Keller, W. | Pashinski | Waters |
| Donatucci | Killion | Payne | Watson |
| Dunbar | Kim | Peifer | Wheatley |
| Ellis | Kinsey | Petrarca | White |
| Emrick | Kirkland | Petri | Youngblood |

NAYS-0

NOT VOTING-0

EXCUSED-3

Boyle, B. Evans Micozzie

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 621, PN 683**, entitled:

An Act amending the act of June 25, 1931 (P.L.1352, No.332), referred to as the Delaware River Joint Toll Bridge Compact, providing for veto power by the Governor over certain actions.

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

(Bill analysis was read.)

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS-200

| | | | |
|-------------|--------------|------------|-------------|
| Adolph | English | Knowles | Pickett |
| Aument | Evankovich | Kortz | Pyle |
| Baker | Everett | Kotik | Quinn |
| Barbin | Fabrizio | Krieger | Rapp |
| Barrar | Farina | Kula | Ravenstahl |
| Benninghoff | Farry | Lawrence | Readshaw |
| Bishop | Fee | Longietti | Reed |
| Bizzarro | Fleck | Lucas | Reese |
| Bloom | Flynn | Mackenzie | Regan |
| Boback | Frankel | Maher | Roae |
| Boyle, K. | Freeman | Mahoney | Rock |
| Bradford | Gabler | Major | Roebuck |
| Briggs | Gainey | Maloney | Ross |
| Brooks | Galloway | 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 | Schreiber |
| Cohen | Hackett | Metzgar | Simmons |
| Conklin | Haggerty | Miccarelli | Sims |
| Corbin | Hahn | Millard | Smith |
| Costa, D. | Haluska | Miller, D. | Snyder |
| Costa, P. | Hanna | Miller, R. | 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 | Hickernell | Neilson | Toepel |
| Deasy | James | Neuman | Toohil |
| DeLissio | Kampf | O'Brien | Topper |
| Delozier | Kauffman | O'Neill | Truitt |
| DeLuca | Kavulich | Oberlander | Turzai |
| Denlinger | Keller, F. | Painter | Vereb |
| Dermody | Keller, M.K. | Parker | Vitali |
| DiGiroloamo | Keller, W. | Pashinski | Waters |
| Donatucci | Killion | Payne | Watson |
| Dunbar | Kim | Peifer | Wheatley |
| Ellis | Kinsey | Petrarca | White |
| Emrick | Kirkland | Petri | Youngblood |

NAYS-0

NOT VOTING-0

EXCUSED-3

Boyle, B. Evans Micozzie

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.

SUPPLEMENTAL CALENDAR B

BILL ON CONCURRENCE
IN SENATE AMENDMENTS

The House proceeded to consideration of concurrence in Senate amendments to the following **HB 434, PN 3438**, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, in child protective services, further providing for definitions, for establishment of Statewide database, for disposition of founded and indicated reports, for expunction of information of perpetrator under the age of 18, for amendment or expunction of information, for information relating to prospective child-care personnel, for information relating to family day-care home residents, for information relating to other persons having contact with children, for cooperation of other agencies and for reports to Governor and General Assembly; repealing provisions relating to students in public and private schools and for background checks for employment in schools; and making a related repeal.

On the question,

Will the House concur in Senate amendments?

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

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

Mr. MALONEY. Thank you, Mr. Speaker.

This has been a long time coming. It just made some clarifications in the Senate with respect to removing and changing these standards. I want to thank Chairman Watson for spearheading all of these bills. I appreciate your affirmative vote.

Thank you, Mr. Speaker.

On the question recurring,

Will the House concur in Senate amendments?

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

The following roll call was recorded:

YEAS—200

| | | | |
|-------------|------------|-----------|-------------|
| Adolph | English | Knowles | Pickett |
| Aument | Evankovich | Kortz | Pyle |
| Baker | Everett | Kotik | Quinn |
| Barbin | Fabrizio | Krieger | Rapp |
| Barrar | Farina | Kula | Ravenstahl |
| Benninghoff | Farry | Lawrence | Readshaw |
| Bishop | Fee | Longiotti | Reed |
| Bizzarro | Fleck | Lucas | Reese |
| Bloom | Flynn | Mackenzie | Regan |
| Boback | Frankel | Maher | Roae |
| Boyle, K. | Freeman | Mahoney | Rock |
| Bradford | Gabler | Major | Roebuck |
| Briggs | Gainey | Maloney | Ross |
| Brooks | Galloway | 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 | Schreiber |
| Cohen | Hackett | Metzgar | Simmons |
| Conklin | Haggerty | Miccarelli | Sims |
| Corbin | Hahn | Millard | Smith |
| Costa, D. | Haluska | Miller, D. | Snyder |
| Costa, P. | Hanna | Miller, R. | 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 | Hickernell | Neilson | Toepel |
| Deasy | James | Neuman | Toohil |
| DeLissio | Kampf | O'Brien | Topper |
| DeLozier | Kauffman | O'Neill | Truitt |
| DeLuca | Kavulich | Oberlander | Turzai |
| Denlinger | Keller, F. | Painter | Vereb |
| Dermody | Keller, M.K. | Parker | Vitali |
| DiGirolamo | Keller, W. | Pashinski | Waters |
| Donatucci | Killion | Payne | Watson |
| Dunbar | Kim | Peifer | Wheatley |
| Ellis | Kinsey | Petrarca | White |
| Emrick | Kirkland | Petri | Youngblood |

NAYS—0

NOT VOTING—0

EXCUSED—3

Boyle, B. Evans Micozzie

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

Ordered, That the clerk inform the Senate accordingly.

BILL SIGNED BY SPEAKER

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

HB 434, PN 3438

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, in child protective services, further providing for definitions, for establishment of Statewide database, for disposition of founded and indicated reports, for expunction of information of perpetrator under the age of 18, for amendment or expunction of information, for information relating to prospective child-care personnel, for information relating to family day-care home residents, for information relating to other persons having contact with children, for cooperation of other agencies and for reports to Governor and General Assembly; repealing provisions relating to students in public and private schools and for background checks for employment in schools; and making a related repeal.

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

BILL RECOMMITTED

The SPEAKER. The Speaker recognizes the majority leader, who moves that SB 1077 be recommitted to the Committee on Appropriations.

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

BILLS REMOVED FROM TABLE

The SPEAKER. 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 1699;
HB 1728;
HB 1989;
HB 2049;
HB 2202;
SB 1045; and
SB 1254.

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

CALENDAR CONTINUED**BILLS ON THIRD CONSIDERATION**

The House proceeded to third consideration of **HB 665**, **PN 1495**, entitled:

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

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

BILL TABLED

The SPEAKER. The Speaker recognizes the majority leader, who moves that HB 665 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 665 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.

* * *

The House proceeded to third consideration of **HB 796**, **PN 1496**, entitled:

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

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

BILL TABLED

The SPEAKER. The Speaker recognizes the majority leader, who moves that HB 796 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 796 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. The Speaker recognizes the gentleman, Mr. McGinnis, from Blair County, who moves this House do now adjourn until Wednesday, May 7, 2014, at 11 a.m., e.d.t., unless sooner recalled by the Speaker.

On the question,
Will the House agree to the motion?
Motion was agreed to, and at 5:29 p.m., e.d.t., the House adjourned.