

# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

MONDAY, SEPTEMBER 22, 2014

SESSION OF 2014

198TH OF THE GENERAL ASSEMBLY

No. 58

### HOUSE OF REPRESENTATIVES

The House convened at 1 p.m., e.d.t.

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

#### PRAYER

The SPEAKER. Today the prayer will be offered by Rev. Norman Huff, Tyrone, Pennsylvania.

REV. NORMAN HUFF, Guest Chaplain of the House of Representatives, offered the following prayer:

Let us pray:

"O God, our help in ages past, our hope for years to come...", these opening words from Isaac Watts's great hymn remind us that we have a heritage that takes us back to the Judeo-Christian faith, "In the beginning God..."

My prayer for the House of Representatives is to remember that "In God We Trust." I am sure that I do not have to go through the problems we have in our State and national government, but I ask God for guidance for each one of you, that you stand for freedom and realize our forefathers put their trust in God and were ready to sacrifice their lives for our liberty. O God, help them to be spiritually correct in all the decisions they make.

Freedom is not free. Even as we pray, men and women are giving their lives for us. Eternal God, be with those that are serving and have served through past wars. We pray for them and their families. We also pray for those who are protecting our lives here at home. We pray for the families of the young State Police officer who was murdered last week and the one who was wounded.

O God, we, who have elected these Representatives, have an opportunity and a responsibility to pray for them every day that as II Chronicles 7:14 says, "If my people who are called by my name humble themselves, and pray and seek my face, and turn from their wicked ways, then I will hear from heaven, and will forgive their sin and heal their land."

Eternal God, grant them guidance and wisdom for all the decisions that they must make.

In closing, I want to pay tribute and to thank the Honorable Jerry A. Stern, who has served our district and was faithful to his duties as our Representative. We give thanks to God for his leadership and will continue to pray for him and his family in our prayers.

Now, may the Lord bless you and keep you. May the Lord make his face to shine upon you, and be gracious to you; the Lord lift up his countenance upon you, and give you peace. 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 Wednesday, September 17, 2014, will be postponed until printed.

#### ACTUARIAL NOTE

The SPEAKER. The Speaker acknowledges receipt of an actuarial note for amendment No. 09464 to SB 1078, PN 2187.

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

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

**HB 1456, PN 4148** (Amended) By Rep. BENNINGHOFF

An Act amending the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, further providing for definitions and retention of records; providing for property rights; and further providing for violations and penalties.

FINANCE.

**HB 2363, PN 3789** By Rep. BENNINGHOFF

An Act amending the act of June 27, 2006 (1st Sp.Sess., P.L.1873, No.1), known as the Taxpayer Relief Act, in senior citizens property tax and rent rebate assistance, further providing for the definition of "income."

FINANCE.

**HB 2481, PN 4149** (Amended) By Rep. BENNINGHOFF

An Act authorizing the Treasury Department to process Supplemental Security Income State Supplement Payments for other states; providing for duties of the Treasury Department; and establishing the SSP Processing Account.

FINANCE.

**SB 491, PN 2311** (Amended) By Rep. BENNINGHOFF

An Act amending the act of December 31, 1965 (P.L.1257, No.511), known as The Local Tax Enabling Act, providing for the definition of "farming"; further providing for declaration and payment of income taxes and for withholding and remittance; and providing for optional property tax elimination.

FINANCE.

### HOUSE RESOLUTION INTRODUCED AND REFERRED

**No. 1032** By Representatives BENNINGHOFF, V. BROWN, CALTAGIRONE, D. COSTA, GINGRICH, GRELL, JAMES, W. KELLER, KILLION, KIM, KORTZ, LONGIETTI, MAHONEY, MARSICO, MURT, PAINTER, PEIFER, PICKETT, READSHAW, ROCK, SAYLOR, SCHLOSSBERG, THOMAS, TOOHIL, WATSON, YOUNGBLOOD, GROVE and COHEN

A Resolution directing the Joint State Government Commission to study, in consultation with an advisory committee, the issue of truancy and school dropout prevention in this Commonwealth.

Referred to Committee on EDUCATION, September 22, 2014.

### HOUSE BILLS INTRODUCED AND REFERRED

**No. 2492** By Representatives SAYLOR, ENGLISH, GILLESPIE, GROVE, R. MILLER, MILNE, REGAN, SCHREIBER, TALLMAN, SWANGER and MURT

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in licensing of drivers, further providing for occupational limited license; and, in enforcement, further providing for reports by courts and for failure to comply with provisions of subchapter.

Referred to Committee on TRANSPORTATION, September 18, 2014.

**No. 2493** By Representatives MULLERY, CARROLL, PASHINSKI, KAVULICH, FARINA, HALUSKA, GODSHALL, MILLARD, LUCAS, CLYMER, CALTAGIRONE, MURT, TOBASH and COHEN

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, in hunting and furtaking licenses, further providing for authorized license-issuing agents.

Referred to Committee on GAME AND FISHERIES, September 18, 2014.

**No. 2494** By Representatives SANTARSIERO, O'BRIEN, COHEN, PARKER, BROWNLEE, DAVIS, MURT, McCARTER, McNEILL, QUINN and SCHREIBER

An Act amending Title 58 (Oil and Gas) of the Pennsylvania Consolidated Statutes, in unconventional gas well fee, further providing for definitions and for unconventional gas well fee; providing for State land drilling impact fee; further providing for administration, for well information, for duties of Department of Environmental Protection, for Pennsylvania Public Utility

Commission, for enforcement and for distribution of unconventional gas well fee; providing for fees; establishing the State Lands Drilling Impact Mitigation Fund; prohibiting drilling on State lands; further providing for expiration of chapter; in development, further providing for well permits, for comments by municipalities and storage operators, for well location restrictions, for protection of water supplies, for well reporting requirements, for bonding and for criminal and civil penalties; and making editorial changes.

Referred to Committee on ENVIRONMENTAL RESOURCES AND ENERGY, September 18, 2014.

**No. 2495** By Representatives M. K. KELLER, MILLARD, BAKER, BLOOM, BOBACK, BROWNLEE, BURNS, D. COSTA, DAVIS, ENGLISH, GINGRICH, HARHAI, C. HARRIS, KAUFFMAN, MAHONEY, MARSHALL, MARSICO, McGEEHAN, McNEILL, MURT, O'BRIEN, O'NEILL, PASHINSKI, PAYNE, PICKETT, ROCK, SAYLOR, STERN, SWANGER, THOMAS, WATSON, WHITE, DENLINGER, KORTZ, COHEN and MILNE

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in cruelty to animals, providing for civil and criminal immunity.

Referred to Committee on JUDICIARY, September 18, 2014.

**No. 2496** By Representatives B. BOYLE, THOMAS, DAVIS, K. BOYLE, McGEEHAN, BISHOP, MILLARD, J. HARRIS, READSHAW, COHEN, MIRANDA, CALTAGIRONE, FREEMAN, V. BROWN, O'BRIEN, McNEILL, EVERETT, D. COSTA, SWANGER, YOUNGBLOOD, MAHONEY, McCARTER, BARRAR and DONATUCCI

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, in tax for education, further providing for exclusions from tax.

Referred to Committee on FINANCE, September 18, 2014.

**No. 2497** By Representatives QUINN, BOBACK, V. BROWN, BROWNLEE, CALTAGIRONE, CLYMER, COHEN, DAVIS, DeLUCA, ENGLISH, HELM, LUCAS, MAHONEY, McGEEHAN, MILNE, PARKER, PICKETT, READSHAW, SAYLOR, THOMAS, MURT and WATSON

An Act amending the act of May 17, 1921 (P.L.789, No.285), known as The Insurance Department Act of 1921, providing for life insurance database.

Referred to Committee on INSURANCE, September 22, 2014.

**No. 2498** By Representatives MAHONEY, LUCAS, BISHOP, MILLARD, V. BROWN, HARKINS, READSHAW, GODSHALL, R. BROWN, SNYDER, McGEEHAN, COHEN, MURT and CALTAGIRONE

An Act establishing a pilot program that provides grants to vocational-technical schools and career and technical institutes for instruction in drug and alcohol counseling relating primarily to the prevention of heroin use, addiction and related deaths; and making an appropriation.

Referred to Committee on EDUCATION, September 22, 2014.

**No. 2499** By Representatives PAYNE, COHEN, GINGRICH, C. HARRIS, MILLARD and SWANGER

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, further providing for enforcement, for penalties and for identification cards, licensees and State Liquor Store employees saved from prosecution.

Referred to Committee on LIQUOR CONTROL, September 22, 2014.

**No. 2500** By Representatives PAYNE, CALTAGIRONE, COHEN, DONATUCCI, GINGRICH, MURT, MUSTIO, READSHAW, SWANGER and THOMAS

An Act amending Titles 18 (Crimes and Offenses) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in other offenses, repealing provisions relating to violation of governmental rules regarding traffic; and, in rules of the road in general, further providing for prohibitions in specified places.

Referred to Committee on TRANSPORTATION, September 22, 2014.

**No. 2501** By Representatives YOUNGBLOOD, CRUZ, J. HARRIS, BROWBLEE, PASHINSKI, V. BROWN, COHEN, McCARTER, KINSEY, THOMAS, McGEEHAN, KIRKLAND, CLAY and DAVIDSON

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, further providing for credit for qualified film production expenses and for report to General Assembly; and providing for diversity goals.

Referred to Committee on FINANCE, September 22, 2014.

**No. 2502** By Representatives MURT, O'NEILL, BROWBLEE, KINSEY, CALTAGIRONE, SABATINA and COHEN

An Act amending Title 27 (Environmental Resources) of the Pennsylvania Consolidated Statutes, in disposal fee, further providing for disposal fee for municipal waste landfills, for deposit of disposal fee and for allocation for Environmental Stewardship Fund; and establishing the Intellectual Disabilities and Autism Waiting List Account.

Referred to Committee on ENVIRONMENTAL RESOURCES AND ENERGY, September 22, 2014.

**No. 2503** By Representatives MURT, BOBACK, V. BROWN, SAYLOR, BAKER, MACKENZIE, McGEEHAN, SONNEY, KINSEY, COX, THOMAS, ELLIS, READSHAW, RAPP, CORBIN, KAMPF, CLAY, FARINA, MAJOR, CALTAGIRONE, McCARTER, SABATINA, HARHART, PAINTER, HEFFLEY, D. COSTA, ROCK, MAHONEY, HARHAI, PETRI, GINGRICH, KULA and McNEILL

An Act amending Title 37 (Historical and Museums) of the Pennsylvania Consolidated Statutes, in powers and duties of Pennsylvania Historical and Museum Commission, further providing for sites.

Referred to Committee on TOURISM AND RECREATIONAL DEVELOPMENT, September 22, 2014.

**No. 2505** By Representatives MURT, McGEEHAN, K. BOYLE, MICOZZIE, MACKENZIE, SAYLOR, BOBACK, V. BROWN, KINSEY, COX, DIGIROLAMO, READSHAW, RAPP, CORBIN, KAMPF, COHEN, FARINA, MAJOR, CALTAGIRONE, McCARTER, SACCONI, SABATINA, HARHART, PAINTER, MAHONEY, HARHAI, WHITE, PETRI, GINGRICH, SWANGER, BROOKS and McNEILL

An Act amending the act of June 28, 1995 (P.L.89, No.18), known as the Conservation and Natural Resources Act, in Department of Conservation and Natural Resources, further providing for fees and charges.

Referred to Committee on TOURISM AND RECREATIONAL DEVELOPMENT, September 22, 2014.

**No. 2506** By Representatives KILLION, ADOLPH, BARRAR, HACKETT and MICOZZIE

An Act amending the act of July 7, 1980 (P.L.380, No.97), known as the Solid Waste Management Act, in residual waste, further providing for transportation of residual waste; and abrogating a regulation.

Referred to Committee on ENVIRONMENTAL RESOURCES AND ENERGY, September 22, 2014.

**No. 2507** By Representatives MICCARELLI, READSHAW, KILLION, MILLARD, CALTAGIRONE, AUMENT, MOLCHANY, KOTIK, NEILSON, JAMES, W. KELLER, GINGRICH, MURT, WATSON, FRANKEL, THOMAS, VEREB, COHEN, KULA, BARRAR, DONATUCCI and KORTZ

An Act establishing the Pennsylvania Military Community Enhancement Commission; and providing for its powers and duties.

Referred to Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, September 19, 2014.

**No. 2508** By Representatives DAVIDSON, THOMAS, CLAY, YOUNGBLOOD, COHEN, PARKER, MURT and SCAVELLO

An Act amending Title 72 (Taxation and Fiscal Affairs) of the Pennsylvania Consolidated Statutes, providing for taxation of natural gas drilling and for transfers and distributions; establishing the Natural Gas Severance Tax Account; and making a related repeal.

Referred to Committee on ENVIRONMENTAL RESOURCES AND ENERGY, September 22, 2014.

**No. 2509** By Representatives DAVIDSON, SACCONI, METZGAR, SWANGER, CRUZ, J. HARRIS, COHEN, MURT, GILLEN, V. BROWN, BARRAR, KINSEY and TOOHL

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in school directors, further providing for filling of vacancies.

Referred to Committee on EDUCATION, September 22, 2014.

**No. 2510** By Representatives DAVIDSON, THOMAS, CLAY, YOUNGBLOOD, COHEN, PARKER, MURT and McNEILL

An Act amending Title 58 (Oil and Gas) of the Pennsylvania Consolidated Statutes, in unconventional gas well fee, repealing expiration; providing for definitions, for imposition of tax, for registration, for meters, for assessments, for time for assessment, for extension of assessment period, for reassessments, for interest, for penalties, for criminal acts, for abatement of additions or penalties, for bulk and auction sales, for collection upon failure to request reassessment, review or appeal, for tax liens, for tax suit reciprocity, for service, for refunds, for refund petition, for rules and regulations, for recordkeeping, for examinations, for unauthorized disclosure, for cooperation with other governments, for bonds and for transfer and distributions; and establishing the Natural Gas Severance Tax Account.

Referred to Committee on ENVIRONMENTAL RESOURCES AND ENERGY, September 22, 2014.

**No. 2511** By Representatives DAVIDSON, MURT, BISHOP, THOMAS, HARKINS, KOTIK, McNEILL, CALTAGIRONE, GROVE, McGEEHAN, COHEN, V. BROWN, KINSEY, PASHINSKI, M. DALEY, DONATUCCI, SCHLOSSBERG, BROWNLEE, D. COSTA, YOUNGBLOOD and DeLUCA

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, in casualty insurance, further providing for mental illness coverage.

Referred to Committee on INSURANCE, September 22, 2014.

**No. 2512** By Representatives DAVIDSON, MURT, BISHOP, THOMAS, HARKINS, KOTIK, McNEILL, CALTAGIRONE, GROVE, McGEEHAN, COHEN, V. BROWN, KINSEY, PASHINSKI, M. DALEY, DONATUCCI, SCHLOSSBERG, BROWNLEE, YOUNGBLOOD and DeLUCA

An Act amending the act of July 9, 1976 (P.L.817, No.143), known as the Mental Health Procedures Act, further providing for involuntary emergency examination and treatment authorized by a physician.

Referred to Committee on HUMAN SERVICES, September 22, 2014.

**No. 2513** By Representatives DAVIDSON, MURT, BISHOP, CALTAGIRONE, COHEN, GROVE, HARKINS, KOTIK, McGEEHAN, McNEILL, THOMAS, V. BROWN, KINSEY, PASHINSKI, M. DALEY, DONATUCCI, SCHLOSSBERG, BROWNLEE, D. COSTA, YOUNGBLOOD and DeLUCA

An Act amending the act of July 9, 1976 (P.L.817, No.143), known as the Mental Health Procedures Act, providing for assisted outpatient treatment programs.

Referred to Committee on HUMAN SERVICES, September 22, 2014.

**No. 2514** By Representatives DAVIDSON, MURT, BISHOP, THOMAS, HARKINS, KOTIK, McNEILL, CALTAGIRONE, GROVE, McGEEHAN, COHEN, V. BROWN, KINSEY,

PASHINSKI, M. DALEY, DONATUCCI, SCHLOSSBERG, BROWNLEE, YOUNGBLOOD and DeLUCA

An Act amending the act of November 24, 2004 (P.L.1270, No.153), referred to as the Pennsylvania Amber Alert System Law, further providing for prohibited use of Amber Alerts, for use of missing endangered person advisory system, for coordination with other jurisdictions and for assessment of cost.

Referred to Committee on JUDICIARY, September 22, 2014.

### LEAVES OF ABSENCE

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

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

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—199

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

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

## ADDITIONS—0

## NOT VOTING—0

## EXCUSED—3

Kotik                      Mustio                      Ravenstahl

## LEAVES ADDED—1

Evans

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

If I could have the members' attention, I would appreciate if you would hold the conversations down. I would appreciate your courtesy while I introduce some of the guests that are with us today, please. Thank you.

**GUESTS INTRODUCED**

The SPEAKER. Located to the left of the rostrum, we would like to welcome the wife of our Guest Chaplain, AnnaMae Huff, and as well, located to the left of the rostrum, we would welcome Bill Abbott and Bonnie Crawford, and they are here today as guests of Representative Stern and Representative Fleck. Will our guests please rise. Welcome to the hall of the House.

Located to the left of the rostrum, we would like to welcome two interns from Representative Sturla's office: Kaylin Dines, a senior at Franklin & Marshall College where she plans to graduate with a double major in English and government, and Isaiah Cromwell is also a senior at Franklin & Marshall College where he is majoring in political science. Will our guests please rise. Welcome to the hall of the House.

Also located to the left of the rostrum, we would like to welcome friends and family members of the late Hazleton mayor, John Ford. They are Ida Gallagher, Susan Ford, Linda and John Busher, William Gallagher, and Jeff Cusat. We welcome them and an additional group of friends and family that are seated in the rear of the House, and they are here today as guests of Representative Toohil. Will our guests please rise. Welcome to the hall of the House.

As guests of Representative Frankel, we would like to welcome Michael and Jennifer Busia. They are seated to the left of the rostrum. They are the grandchildren of the late Sophie

Masloff, former mayor of the city of Pittsburgh. Will our guests please rise. Welcome to the hall of the House.

In the rear of the House, we would like to welcome Clayton Over, from the Penn State Collegian, who is shadowing Representative Fleck for the day. Will our guest please rise, near the door on the left. Welcome to the hall of the House.

Also in the rear of the House, we would like to welcome Donald Ely. He is a guest of Representative Fred Keller, Representative Culver, and Representative Masser. Will our guest please rise. Welcome to the hall of the House, Don.

And up in the gallery, we would like to welcome a tour group from the Mt. Lebanon Recreation Center, and they are here today as guests of Representative Dan Miller. Will our guests please rise or give us a wave, up there in the gallery. Welcome to the hall of the House.

And in the well of the House, we would like to welcome guest pages Cassie Hockett and Shawn Alexander Harpst. They are eighth grade students at St. Michael School. They are accompanied by Maureen Hockett, who is sitting in the gallery, and they are here today as guests of Representative Brooks. Will the guests please rise. Welcome to the hall of the House.

Located to the left of the rostrum, we would also like to welcome Tom Hutchinson. He is here today as a guest of Representative Pyle. Will our guest please give us a wave. Welcome to the hall of the House.

**JOHN KELLNER PRESENTED**

The SPEAKER. And with that, we would invite Representative Pyle to the rostrum for the purpose of presenting a citation to John Kellner, a gold medal winner at the National Veterans Wheelchair Games. The gentleman may proceed.

Mr. PYLE. Thank you, Mr. Speaker.

Mr. Speaker, it is just a tremendous honor to be able to introduce to you, this august body, one of the favorite sons of Armstrong. The gentleman I want to introduce you to, as the Speaker has just pointed out, is quite an accomplished athlete. John Kellner, who sits to our left, is a United States Navy veteran of the Vietnam era who came home and after tragic circumstances robbed him of the use of his legs decided he would not be kept down. John Kellner decided to make the best of his situation.

And why he is visiting us today is John just racked up another two gold medals, bringing his count to eight gold medals from the national paralyzed veterans games. In the most recent games held in Philadelphia, as John tells me, all 50 States, Puerto Rico, and other nations attended for which John stepped up, and as he had done before, won gold medals in weight lifting and also archery. I was talking to him before we came in today, and he said, "It's a shame. I just missed the one for bowling also by a spare." You had me at archery and weight lifting, John.

John is really a very humble man, but he serves as inspiration for those with disabilities back home, and before I leave, he made me promise that he would say thank you very much to the Keystone Chapter of the Paralyzed Veterans of America and to the Cowansville American Legion, who subsidized his trip to Philadelphia.

Ladies and gentlemen, obviously, John cannot be here beside me, but if you would, would you please give a warm Pennsylvania welcome for gold medalist John Kellner.

**RIDLEY 8U CAL RIPKEN BASEBALL TEAM PRESENTED**

The SPEAKER. Representative Hackett is invited to the rostrum for the purpose of presenting a citation to the Ridley 8U Cal Ripken Mid-Atlantic State Baseball Champions.

The gentleman may proceed.

Mr. HACKETT. Thank you, Mr. Speaker, and good afternoon.

Please join me today to honor the 12 young athletes of Ridley's Cal Ripken, Jr., 8-and-Under Baseball Team from Ridley Township, Delaware County, for their commendable victory as the 2014 Mid-Atlantic Regional Champions on August 3, 2014. These young men were led by the dedicated leadership of Coach John Scanlan, Steve Floirendo, Dave Shaak, and Fred Cotsack.

The Ridley Cal Ripken team won the 2014 8-and-Under Cal Ripken District 1 Championship, also the Pennsylvania State Championship, and the Mid-Atlantic Regional Championship.

Mr. Speaker and fellow colleagues, these 12 young athletes have displayed the hard work and dedication that make goals and dreams come true. Throughout the season these young men displayed true sportsmanship and have become a great symbol of community pride in Ridley Township and throughout our Commonwealth.

During their victorious undefeated season, the Ridley Cal Ripken team gathered the support of their community, receiving countless donations to help them travel to Rome, New York, for the Cal Ripken Mid-Atlantic Regional Championship.

I would also like to applaud the parents, coaches, and volunteers that work tirelessly to ensure athletes like these 12 young men have a place to grow and achieve in sports and in life. It is through the commitment of the entire community that our youth will have the opportunity to develop into champions, both on and off the field. I applaud the Ridley Cal Ripken, Jr., 8-and-Under Baseball Team as well as the residents of Ridley Township who supported these young athletes throughout the entire season.

Thank you, Mr. Speaker, for the honor today.

The SPEAKER. The Speaker thanks the gentleman.

The House will be at ease for a couple of minutes.

The House will come to order.

**UNCONTESTED CALENDAR**

**RESOLUTIONS PURSUANT TO RULE 35**

Ms. HELM called up **HR 944, PN 3926**, entitled:

A Resolution designating September 25, 2014, as "Ataxia Awareness Day" in Pennsylvania.

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Mr. READSHAW called up **HR 969, PN 4007**, entitled:

A Resolution designating September 22, 2014, as "Women In Bio Day" in Pennsylvania.

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Mr. FARRY called up **HR 977, PN 4021**, entitled:

A Resolution recognizing September 23, 2014, as "National Falls Prevention Awareness Day" in Pennsylvania.

\* \* \*

Mr. K. BOYLE called up **HR 1021, PN 4102**, entitled:

A Resolution recognizing and honoring the 2014 Rose of Tralee, Maria Walsh, for her accomplishment and service to her city, her Commonwealth, her country and the global Irish community.

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Mr. MICCARELLI called up **HR 1024, PN 4103**, entitled:

A Resolution recognizing the month of September 2014 as "Chiari Malformation Awareness Month."

On the question,  
Will the House adopt the resolutions?

The following roll call was recorded:

**YEAS—199**

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

Denlinger	Kavulich	Parker	Waters
Dermody	Keller, F.	Pashinski	Watson
DiGirolamo	Keller, M.K.	Payne	Wheatley
Donatucci	Keller, W.	Peifer	White
Dunbar	Killion	Petrarca	Youngblood
Ellis	Kim	Petri	

NAYS—0

NOT VOTING—0

EXCUSED—3

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

### STATEMENT BY MS. HELM

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

Ms. HELM. Thank you, Mr. Speaker.

I rise to thank my colleagues for their unanimous support of HR 944, which designates this Thursday, September 25, as "Ataxia Awareness Day" in the Commonwealth of Pennsylvania.

Ataxia is a degenerative neurological disorder that causes slow, progressive deterioration of nerve cells in the spinal cord and cerebellum, affecting an individual's balance, coordination, and speech. There are an estimated 150,000 individuals throughout the nation affected by this disorder, which is often fatal. The initial symptoms of ataxia include clumsiness and the loss of coordination, but as the condition progresses, ataxia may affect mobility and the ability to communicate and lead to total physical dependency.

Mr. Speaker, ataxia can strike anyone at any time, without regard to age, gender, or race. Ataxia usually results from damage to the cerebellum, the part of the brain that controls muscle coordination. Many conditions can cause ataxia, including alcohol abuse, stroke, tumor, cerebral palsy, and multiple sclerosis. An inherited defective gene also can cause this disorder. Although ataxia is uncommon, recent scientific research suggests it is more prevalent than previously thought and it may often be misdiagnosed or unrecognized. There is no known treatment or cure for ataxia, leaving the only defense to be research and prevention through education.

Mr. Speaker, it is my hope that by designating September 25 as "Ataxia Awareness Day" in Pennsylvania, we can raise public awareness about this disorder and urge all citizens to honor and support those individuals with ataxia and their caregivers.

Thank you, Mr. Speaker.

The SPEAKER. The Speaker thanks the lady.

### STATEMENT BY MR. FARRY

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

Mr. FARRY. Thank you, Mr. Speaker.

I rise today to bring awareness to an important issue that affects more than 2.4 million older Americans. It could happen to any one of us, our family members, or a friend. Every 29 minutes an older adult dies from a fall and every 14 seconds an older adult is treated in an emergency room for a fall-related injury.

Falls remain the leading cause of fatal and nonfatal injuries for older Americans and they threaten seniors' safety, independence, and generate enormous economic and personal costs. The total cost of fall injuries for older Americans was estimated to be \$36 billion, and by 2020 those costs are expected to reach almost \$60 billion. As our population ages here in Pennsylvania, the impact and cost of fall-related deaths and injuries will increase dramatically unless this serious public health issue is addressed effectively. The good news is that falls are largely preventable and decreasing the incidence of falls will improve the socialization and functioning of older adults. Studies show that through a combination of fall-prevention strategies, evidence-based interventions, practical lifestyle adjustments, and community partnerships, we can greatly and significantly reduce falls among older adults.

Today I thank my colleagues for their support of HR 977, which recognizes September 23, 2014, as National Falls Prevention Awareness Day in Pennsylvania. By raising awareness of this issue today, we can positively impact the quality of life of Pennsylvania's older adults, helping our family members, friends, and neighbors remain healthy, independent, and self-sufficient.

Thank you, Mr. Speaker.

The SPEAKER. The Speaker thanks the gentleman.

## CALENDAR

### RESOLUTIONS PURSUANT TO RULE 35

Ms. TOOHIL called up **HR 964, PN 3994**, entitled:

A Resolution honoring the life of Mr. John Ford, entrepreneur and former mayor and councilman of the City of Hazleton, and expressing condolences upon his passing.

On the question,

Will the House adopt the resolution?

The SPEAKER. I appreciate if the members would please take their seats. I would appreciate the attention of the members, if they would please take their seats and take the conversations to the rear of the House, if necessary. Members will please take their seats and take the conversations to the rear of the House, if necessary. Thank you.

The lady may proceed.

Ms. TOOHIL. Thank you, Mr. Speaker.

I would like to ask my colleagues for their unanimous support of HR 964, which honors the memory of former Hazleton Mayor John Ford.

Mayor Ford passed away in May at the age of 84.

He did not start out as a public official, but as a businessman. Mayor Ford left school at the age of 16 to work at a Chevrolet dealership. He became a certified mechanic, and he also earned his GED (general equivalency diploma) by taking classes at night. Mayor Ford eventually opened his own two businesses,

Hazleton Standard Fuel Company and John Ford Trucking, which he ran until he passed away.

In addition to being an entrepreneur, John Ford was also a committed public official who served as the mayor of Hazleton from 1986 to 1987 and for 2 years as a city council member after that. Mayor Ford worked tirelessly for the betterment of the city, and his major accomplishments include the revitalization of Columbus Park, the reinvention of the bus transportation system, and the preservation of historic landmarks.

Mayor Ford is remembered fondly for his community-minded spirit and generosity. He was a true gentleman who loved his family, his church, and his hometown.

Mayor Ford was one of the first politicians that I met early on in my short career so far, and I appreciated all of the wonderful advice that he gave me through those years. He was a mentor to many local public officials from the Hazleton area, and we have Congressman Lou Barletta, who was one of those; Hazleton City Council member Jeff Cusati; Hazle Township Supervisor William Gallagher; former Mayor Michael Marsicano; and Hazle Township Auditor John Busher and his nephew and Lower Dauphin School Board member Kevin Busher, who are with us today.

John always reminded us that we are servants of the people and that we should win with humility and lose with dignity. And his wife, Rose, she could not be here today, but she said it best in words that she wrote to me in a letter. She stated about her husband, "While he walked the highest corridors of government, with Presidents, Senators, Representatives and Governors, ever ready to offer his counsel and support, John remained a humble and quiet man, never seeking the accolades and honors afforded to those who expend their lives in public service." She wrote that he was a man who came from simple beginnings and he "not only believed in the 'American dream,' but made it a reality through hard work, diligence and a determined spirit. He held close to his heart the ideals that made America the exceptional nation that it is, and" he was "a brilliant light in an oft darkened world."

Mr. Speaker, we are joined also on the House floor today by members of his family, who are sitting to the left – his sister, Ida Gallagher; his sister-in-law, Susan Ford; his niece, Linda Busher. And if all of his guests could just rise again so we can applaud and commend you. Thank you for coming. You have done him an honor. Thank you for being here today and to be here for this resolution.

On behalf of the Pennsylvania House of Representatives, we offer our sincerest condolences for your loss. Please know that Mayor John Ford is missed by the city of Hazleton and all who knew him.

Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—199

Adolph	Emrick	Kinsey	Pickett
Aument	English	Kirkland	Pyle
Baker	Evankovich	Knowles	Quinn
Barbin	Evans	Kortz	Rapp
Barrar	Everett	Krieger	Readshaw

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

NAYS—0

NOT VOTING—0

EXCUSED—3

Kotik                      Mustio                      Ravenstahl

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

The SPEAKER. I appreciate if the members would remain in their seats.

\* \* \*

Mr. FRANKEL called up **HR 995, PN 4052**, entitled:

A Resolution honoring the life and public service of Sophie Masloff, 56th mayor of the City of Pittsburgh, and expressing condolences to her family and friends on her recent death.

On the question,  
Will the House adopt the resolution?



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

Mr. FRANKEL. Thank you, Mr. Speaker.

I rise today to offer HR 995 to honor the incredible life and invaluable public service of my friend and my constituent, Sophie Masloff, the 56th mayor of the city of Pittsburgh.

Sophie Masloff passed away on August 17 at the age of 96. Although Sophie is gone, her commitment to public service and her legacy of championing causes to improve the quality of life in Pittsburgh live on.

A lifelong Pittsburgher, Sophie was born in the Hill District on December 23, 1917, to Romanian immigrant parents. When Sophie was a young child, her father passed away, placing the family in real financial jeopardy. Sophie's mom, who could neither read nor write, began to roll cigars in a factory to support the family. It is my belief that Sophie's childhood helped shape her can-do attitude and her incredible resolve to help other people.

For 38 years Sophie worked as a clerk for the Allegheny County Court of Common Pleas, interacting with the people she loved on a daily basis. Always passionate about public service, Sophie was elected to city council in 1976 and successfully earning reelection in 1977, '81, and '85.

In 1988 Sophie became the first female president to city council. The recognition would have even greater significance with the sudden death of Mayor Richard Caliguiri that same year. In an instant Sophie was appointed interim mayor, serving as the city's first female and first Jewish chief executive.

From the beginning Sophie encountered significant problems as mayor, from budget deficits to population decline to the significant loss of manufacturing jobs in Pittsburgh. She faced each challenge as mayor with her now world-famous candor, earning her the nickname of "Pittsburgh's Grandmother" to many. It was her love of people and her approachable style that made her beloved throughout the city of Pittsburgh. Everyone who lived in Pittsburgh during Sophie's tenure as councilwoman and then mayor has at least one story of her infamous ability to connect to people, a real sense of authenticity that radiated from her that was really something unique and something that most of us in public life are able to treasure, because when you are authentic on the streets of your community, you are recognized as somebody who has that sense of commitment and a relationship to those that you represent. She had that. Some people took Sophie's style and manner of speech as a sign of ineffectiveness, but let me assure you, it was not.

As a council member and as mayor, Sophie laid the groundwork for the vibrant city we see today – a city consistently ranked by numerous publications as one of the best areas to live in nationally.

Sophie became a pivotal player in civil rights with her signage of Ordinance No. 2 in 1990, Pittsburgh's LGBT (lesbian, gay, bisexual, and transgender) nondiscrimination ordinance.

After leaving the mayor's office in 1994, Sophie remained active in the community and in politics. Until her death Sophie would often contact me personally to express her point of view, either positively or negatively, to what I might have been doing at the time on a whole host of issues and for general updates on what was going on in Harrisburg. And she would often corral residents. She lived in an apartment building in Squirrel Hill, and she would bring us down to a small conference room or a public room that they had there and we would have an

impromptu public meeting, and she would chair it and bring me in there to answer questions for the residents of that facility. At these events she really showed her passion for public affairs that continued to the day she died.

Although Sophie is no longer with us, her legacy lives on as evidenced by the outpouring of grief not only from the Pittsburgh region but all from around the entire nation.

Joining us today to celebrate the many achievements of this remarkable woman are Sophie's grandchildren, Michael and Jennifer, who are sitting over to my left in the gallery over here. Please welcome them. Please stand.

I hope that unanimous passage of HR 995 is one way in which the House of Representatives can express our gratitude and appreciation for the life Sophie led and the legacy that she left for the city of Pittsburgh and the Commonwealth of Pennsylvania.

Thank you, Mr. Speaker.

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

The following roll call was recorded:

#### YEAS—199

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

DiGirolamo	Keller, M.K.	Payne	Wheatley
Donatucci	Keller, W.	Peifer	White
Dunbar	Killion	Petrarca	Youngblood
Ellis	Kim	Petri	

NAYS—0

NOT VOTING—0

EXCUSED—3

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

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Mr. WHEATLEY called up **HR 946, PN 3934**, entitled:

A Resolution honoring the life and public service contributions of William Russell Blakey and extending condolences to his family.

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—199

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

Davis	Heffley	Mundy	Toepel
Day	Helm	Murt	Toohil
Dean	Hennessey	Neuman	Topper
Deasy	Hickernell	O'Brien	Truitt
DeLissio	James	O'Neill	Turzai
DeLozier	Kampf	Oberlander	Vereb
DeLuca	Kauffman	Painter	Vitali
Denlinger	Kavulich	Parker	Waters
Dermody	Keller, F.	Pashinski	Watson
DiGirolamo	Keller, M.K.	Payne	Wheatley
Donatucci	Keller, W.	Peifer	White
Dunbar	Killion	Petrarca	Youngblood
Ellis	Kim	Petri	

NAYS—0

NOT VOTING—0

EXCUSED—3

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

### VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS COMMITTEE MEETING

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

Mr. BARRAR. Mr. Speaker, the Veterans Affairs Committee will meet immediately at the break in room B-31; that is a Veterans Affairs and Emergency Preparedness Committee meeting in room B-31, immediately. Thank you, Mr. Speaker.

The SPEAKER. There will be an immediate meeting of the Veterans Affairs and Emergency Preparedness Committee in room B-31.

### RULES COMMITTEE MEETING

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

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

We will have an immediate meeting of Rules and we will do that in the majority caucus room.

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

### APPROPRIATIONS COMMITTEE MEETING

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

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

Mr. Speaker, the Appropriations Committee will meet at 2 o'clock in the majority caucus room. Thank you; 2 o'clock.

The SPEAKER. The Appropriations Committee will meet at 2 o'clock in the majority caucus room.

**REPUBLICAN CAUCUS**

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

Ms. MAJOR. Thank you, Mr. Speaker.

I would like to announce that Republicans will caucus today at 2:15. I would ask our Republican members to please report to our caucus room at 2:15. We would be prepared to come back on the floor at 3:45. 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.

Democrats will also caucus at 2:15. Democrats will caucus at 2:15. Thank you.

**STATE GOVERNMENT  
COMMITTEE MEETING**

The SPEAKER. The Speaker recognizes the gentleman from Butler County, Mr. Metcalfe, for a committee announcement.

Mr. METCALFE. Thank you, Mr. Speaker.

Mr. Speaker, the House State Government Committee will hold a voting meeting today, Monday, September 22, and we will meet at 3:15, Mr. Speaker, 3:15, and that will be in G-50 of the Irvis Office Building. We will be considering HBs 1503, 1671, 1827, 1830, 1835, SB 1337, and any other business that might come before the committee, Mr. Speaker. So that is a House State Government Committee meeting today at 3:15 in G-50 of the Irvis Office Building. Thank you, Mr. Speaker.

The SPEAKER. There will be a State Government Committee meeting today at 3:15 in G-50 of the Irvis Office Building.

**RECESS**

The SPEAKER. This House stands in recess until 3:45, unless sooner recalled by the Speaker.

**AFTER RECESS**

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

**BILL REPORTED FROM COMMITTEE,  
CONSIDERED FIRST TIME, AND TABLED****HB 2507, PN 4124**

By Rep. BARRAR

An Act establishing the Pennsylvania Military Community Enhancement Commission; and providing for its powers and duties.

VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS.

**BILLS REREPORTED FROM COMMITTEE****HB 1565, PN 4116**

By Rep. ADOLPH

An Act amending the act of June 22, 1937 (P.L.1987, No.394), known as The Clean Streams Law, further providing for potential pollution.

## APPROPRIATIONS.

**HB 2076, PN 3480**

By Rep. ADOLPH

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in transfers of credits between institutions of higher education, further providing for definitions, for duties of public institutions of higher education and for transfer and articulation oversight committee.

## APPROPRIATIONS.

**HB 2419, PN 4152 (Amended)**

By Rep. ADOLPH

An Act amending the act of February 9, 1999 (P.L.1, No.1), known as the Capital Facilities Debt Enabling Act, further providing for appropriation for and limitation on redevelopment assistance capital projects.

## APPROPRIATIONS.

**HB 2420, PN 3956**

By Rep. ADOLPH

An Act amending the act of February 9, 1999 (P.L.1, No.1), known as the Capital Facilities Debt Enabling Act, further providing for appropriation for and limitation on redevelopment assistance capital projects.

## APPROPRIATIONS.

**SB 1155, PN 2112**

By Rep. ADOLPH

An Act amending the act of May 31, 1945 (P.L.1198, No.418), known as the Surface Mining Conservation and Reclamation Act, establishing the Aggregate Advisory Board.

## APPROPRIATIONS.

**SB 1281, PN 2296**

By Rep. ADOLPH

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in preliminary provisions, providing for public school web accountability and transparency; in grounds and buildings, further providing for approval by department of plans of buildings and exceptions, providing for accountability and reducing costs in construction process, further providing for limitation on new applications for Department of Education approval of public school building projects; in safe schools, further providing for Office of Safe Schools; in terms and courses of study, providing for payments or reimbursements relating to secretary declaration of weather emergency provisions; and, in reimbursements by Commonwealth and between school districts, further providing for definitions, for approved reimbursable rental for leases, hereafter approved and approved reimbursable sinking fund charges on indebtedness, for payments on account of leases hereafter approved and on account of sinking fund charges on indebtedness for school building hereafter constructed and for payments on account of building costs, providing for lump sum reimbursement for construction or reconstruction.

## APPROPRIATIONS.

**BILLS ON CONCURRENCE  
REPORTED FROM COMMITTEE**

**HB 1052, PN 3691** By Rep. TURZAI

An Act amending the act of July 31, 1968 (P.L.805, No.247), known as the Pennsylvania Municipalities Planning Code, further providing for contents of subdivision and land development ordinance.

RULES.

**HB 1558, PN 4073** By Rep. TURZAI

An Act amending the act of May 3, 1933 (P.L.242, No.86), referred to as the Cosmetology Law, further providing for eligibility requirements for examination and for limited licenses; and providing for practice of massage therapy in cosmetology salon or esthetician salon.

RULES.

**BILLS SIGNED BY SPEAKER**

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

**SB 601, PN 1266**

An Act amending Titles 44 (Law and Justice) and 45 (Legal Notices) of the Pennsylvania Consolidated Statutes, modernizing publication of Commonwealth legal materials; providing for uniformity in electronic legal materials in the areas of designation, authentication, preservation and access; conferring powers and duties on various Commonwealth agencies; and, in publication and effectiveness of Commonwealth documents, further providing for definitions, for the Joint Committee on Documents, for general administration, for payment for documents, for distribution of publication expenses, for effect of future legislation, for publication of official codification, for deposit of documents required, for processing of deposited documents, for preliminary publication in Pennsylvania Bulletin, for permanent supplements to Pennsylvania Code, for pricing and distribution of published documents, for automatic subscriptions, for required contractual arrangements, for official text of published documents, for effective date of documents and for presumptions created.

**SB 990, PN 1215**

An Act amending the act of February 14, 1986 (P.L.2, No.2), known as the Acupuncture Licensure Act, further providing for medical diagnosis; and providing for liability insurance.

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

The SPEAKER. The House will come to order.

**CALENDAR**

**BILLS ON SECOND CONSIDERATION**

The House proceeded to second consideration of **HB 2478, PN 4042**, entitled:

An Act providing for the capital budget for fiscal year 2014-2015; itemizing public improvement projects, furniture and equipment projects, transportation assistance projects, redevelopment assistance capital projects, flood control projects, Keystone Recreation, Park and

Conservation Fund projects, Environmental Stewardship Fund projects and State forestry bridge projects to be constructed, acquired or assisted by the Department of General Services, the Department of Community and Economic Development, the Department of Conservation and Natural Resources, the Department of Environmental Protection or the Department of Transportation, together with their estimated financial costs; authorizing the incurring of debt without the approval of the electors for the purpose of financing the projects to be constructed, acquired or assisted by the Department of General Services, the Department of Community and Economic Development, the Department of Conservation and Natural Resources, the Department of Environmental Protection or the Department of Transportation; stating the estimated useful life of the projects; and providing for an exemption and for limitation on certain capital projects.

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 2383, PN 3825**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in judgments and other liens, further providing for personal earnings exempt from process; and, in sentencing, further providing for payment of court costs, restitution and fines.

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 1224, PN 1950**, entitled:

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, in long-term care patient access to pharmaceuticals, further providing for assisted living residence and personal care home.

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

**RESOLUTIONS**

Mr. THOMAS called up **HR 778, PN 3830**, entitled:

A Resolution directing the Joint State Government Commission to conduct a comprehensive study on the Commonwealth's cyber security efforts and protocols to protect private information of our citizens.

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—199

Adolph	Emrick	Kinsey	Pickett
Aument	English	Kirkland	Pyle
Baker	Evankovich	Knowles	Quinn
Barbin	Evans	Kortz	Rapp

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

NAYS-0

NOT VOTING-0

EXCUSED-3

Kotik Mustio Ravenstahl

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

\* \* \*

Mr. SANKEY called up **HR 942, PN 3924**, entitled:

A Resolution urging the President of the United States and the Federal Government to take every necessary step to secure the release of United States Marine Sgt. Andrew Tahmooressi from Mexican custody.

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

YEAS-199

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

NAYS-0

NOT VOTING-0

EXCUSED-3

Kotik Mustio Ravenstahl

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

The SPEAKER. The House will come to order.

I appreciate if the members would please take their seats and clear the aisles. As is the custom of the House of some members who are leaving the institution, they prefer to make a few

remarks from the podium. I would appreciate the members' courtesy and attention, please. The members will please take their seats and clear the aisles. I appreciate if the members would please take their seats.

### FAREWELL ADDRESS BY MR. MILLER

The SPEAKER. I would like to bring to the podium Representative Ron Miller, who has served the 93d Legislative District of York County for the past 16 years. Having first been elected in 1998, he currently serves as chairman of the Environmental Resources and Energy Committee, also a member of the Transportation Committee, and prior to serving in the State House, Ron was the safety, health, and environmental manager for Adhesives Research in Glen Rock. He and his wife, Kitty, reside in Jacobus.

Representative Miller, the dais is yours.

Mr. R. MILLER. Thank you, Mr. Speaker, for the opportunity to share a few thoughts with the members of this House.

From the time each of us enters this beautiful chamber as a newly elected member, we know our time of service is finite and that someday, someday we will no longer serve the citizens of Pennsylvania as one of 203 people afforded that honor.

"Someday" is an interesting word, Mr. Speaker. It can be used to express great hope and great procrastination. My use of "someday" as an expression of great hope came as a college freshman while home on Easter break. While I was helping my grandfather repair fences at his dairy farm, we discussed who was going to be running for the 93d State House seat. At that time I told him that someday I will be that person serving in that position.

The first serious consideration that "someday" had come was some 20 years later when former State Representative Peck Foster announced he was retiring from the House and many expected that I would announce at that time that I was going to seek the seat, but I declined, saying "someday" would have to wait because I love my job in private industry, and quite frankly, it was much more financially beneficial than being an elected member of the State House of Representatives. I do not know how many times over the past 16 years I have heard people say that the only reason we, you and me, seek this position is for financial gain. I am always very clear to them. I have come to know and respect all the members of this House over the years I have served, and there is nobody I believe that has ever run for financial gain.

The second opportunity to make that "someday" a reality occurred when Representative Mike Waugh decided to run for the State Senate. Mike asked me, he said, "Is now the time that you're going to run for the House?" And I told him that every reason I did not run before was still valid. I loved my job in private industry and it was a lot more financially stable and good to me than what serving in the House would be. I also told the mayor of Jacobus at that time that I may not run for those reasons again. Fortunately, she said to me that I had told her a long time ago that someday I would be State Representative. Fortunately, with her support, I decided to run, and with her managing the campaign, we were successful, and the use of

"someday" as a way to delay was gone and "someday" had arrived. That former mayor is here today, my wife, Kitty. Would you please stand. Next to her is my second strongest supporter, as most of you have said in the past and continue to acknowledge, my mother. My second strongest supporter is with me also.

With that, Mr. Speaker, I also need to thank the residents of the 93d Legislative District for this amazing opportunity. My staff, my district office staff is also here today. Missy Werner has been with me for 16 years, almost from day one. Tom Metz showed up as a volunteer intern, whatever, at the district office one day, and I have not yet to figure out how to get rid of him. He has been with the staff for a long time. Together they have done a lot to support me and to help the residents of the 93d District.

My Harrisburg staff has also joined me today. Pam Davis is here. She was my secretary for many years and AA (administrative assistant) for the committees I have chaired, and Dawn Wolfe Gingrich has been with me since I became a committee chairman.

The executive directors of the committees that I have chaired – Greg Raffensperger, Bruce Hanson, and Jonathan Lutz – are true professionals. I was on a panel last week with the other chairs of the Environmental Committees – the two in the Senate and Chairman Vitali – and one of the questions posed to us was, how do you stay current on all the things you need to in the Environmental Resources and Energy Committee? Certainly, like all of you, we read a lot, we study a lot to figure out exactly what we need to know to be able to represent our constituents, but the role of the executive directors of the committees can never be or should never be understated. Their expertise in advising and helping committee chairmen, I just have to thank them for that. And it is not just the Republican executive directors. The Democratic executive directors of the committees weigh in and are quite beneficial also.

Mr. Speaker, in my 16 years as a member of the House, I had many unique opportunities. Experiences such as being 1,000 feet underground in a coal mine – Representative, I thank you for that very much; that was a great time – joining the Pennsylvania Air National Guard for an aerial refueling exercise, agriculture tours, and serving on the Chesapeake Bay Commission all added to my understanding of the many issues facing Pennsylvania. I even had the opportunity to visit our National Guard troops in Germany, Bosnia, Kosovo, and Macedonia with Congressman Platts.

Legislatively, like most of us, if we are doing our jobs right, I had some wins and losses. I will never forget serving on the conference committee to ban smoking. The legislation to come out of that was a great compromise that has served us well. Perhaps the most memorable loss for me was an amendment I offered to a landlord-tenant rights bill that ended in a tie vote, 98 to 98. It was the first time I had ever seen a tie vote on the floor of the House, and I assure you, that is one of the most frustrating experiences you can ever have.

Well, I lost the fourth page, Mr. Speaker.

I would also like to thank the Democratic chairs of the committees I have served as Republican chair. Chairman Staback, when he was a member of the House, on Game and Fisheries; Chairman Bill Keller on Labor and Industry; and Chairman Vitali on Environmental Resources and Energy have

been great to work with. Of course, some are more memorable than others. Chairman Keller and I agreed on little philosophically, but I had a great time chairing Labor and Industry with him, and we actually got some good things done. Thanks, Bill.

Mr. Speaker, my "someday" of serving in the House came and now in a few short weeks it will end, but other "somedays" await me. I am often asked what my plans for the future are, and I will tell everybody, I do not have a great plan. I am not sure what it is going to be, but maybe I can finish all the projects at home that have been relegated to the "someday I'll get to that" and I can now plan that "someday" trip to the Montreal International Fireworks Competition in early July without concern that budget passage delays will cause us to remain in session long into July.

Whatever the future holds, I will never forget the great friends I made in this wonderful chamber. The York County delegation is like family, and I want to thank them for all of their support over the years.

Thank you for this opportunity to share a few thoughts on my service as State Representative, Mr. Speaker, and God bless you all. Thank you.

### REMARKS BY SPEAKER

The SPEAKER. I just told Ron, if he starts to cry, a tough guy like him, I was going to have to step up here and punch him for that.

Ron, we are going to miss you around here. Well, I am not going to miss you that much because I will not be here either. Seriously though, the institution will miss you, and I will tell you why. You have been a really good legislator because you have been a stubborn advocate for those things you believe in but you always knew when it was time to give in a little bit and get something done, and I think sometimes that is lost in, you know, the atmosphere of this place that we have to fight hard for what we believe in and we have a responsibility to govern, and you have always had that in your mind.

We used to sit near each other on the floor, so we have other things that could be talked about off the record. As a matter of fact, Ron told me, as he came up to the podium, he left out any comments about me. I said, "That's good because I get the second bite of this apple. So it was a wise decision." It would probably be detrimental to both of us.

But, no, you have been a great friend, a great legislator, and we wish you the best in your future endeavors, whatever that "someday" may bring to you. God bless you.

(Commemorative gavel was presented.)

### FAREWELL ADDRESS BY MRS. SWANGER

The SPEAKER. While we have you somewhat in your seats and somewhat have your attention, we would like to continue with a second farewell address by Representative Swanger up to the dais.

RoseMarie has served the 102d Legislative District of Lebanon County for 8 years. She was elected in 2006. She currently serves on the House Aging, Gaming Oversight, Local Government, and Veterans Affairs Committees, and prior to

election to the House, RoseMarie served as a Lebanon County Commissioner for 20 years. She resides in Jonestown with her husband, Leonard. They have one daughter and a grandson.

If I could have the members' attention, please.

RoseMarie, the dais is yours.

Mrs. SWANGER. It would be good if I turned my speech right side up here.

Thank you, Mr. Speaker, distinguished colleagues, family, and friends.

I have many mixed emotions standing before you today. As you know, I am not seeking reelection. I never felt that one should stay a legislator for more than six terms. Though I have still more fight left in me, I recognize that the time has come to step aside and let fresh blood bring new ideas into the legislative arena.

I am sad to be leaving many of you who have become my friends, and I will miss the opportunity to serve the people of Lebanon County, a privilege I have had through the years in a number of different positions at several levels of government. At the same time I am looking forward to retirement with my husband, Leonard, and Leonard is here with me today along with two of my best friends, Sue and Doug Bishop. Would you stand, please, to be recognized.

My district office staff was here too, but they came early in the afternoon, and unfortunately, their meter ran out, so they had to leave, but I am sure my Harrisburg staff member, Kristy Walters, is watching on her TV.

At the same time I am looking forward to retirement, and I owe Leonard a great debt of gratitude. For many years Lenny has dutifully endured eating peanut butter sandwiches and frozen dinners while I have been at meetings or at community events. Thank you, Lenny, for your patience and support.

I never expected to be here as a legislator. In 2004 I had retired as a Lebanon County Commissioner and was ready to take it easy. Was I ever wrong. I ran in 2006 because I saw a need in my community and I felt I had the ability to make a difference, and I believe that we have made a positive difference over the past 8 years.

I have worked hard to be an advocate for Lebanon County, and some of my most important accomplishments have been for the benefit of the county's residents. I am proud to have led the effort to give the security officers at Fort Indiantown Gap and other Pennsylvania military bases equal standing with municipal police forces, a move that empowered them to keep the public safe. I also worked to create a more equitable system of distributing casino table game revenue to a township in my district, a unit of government that is perhaps the most overlooked in Pennsylvania but is, arguably, the most important. I successfully secured RCAP (Redevelopment Assistance Capital Program) funding to construct a state-of-the-art cancer treatment facility at the Good Samaritan Hospital in Lebanon, and as many of you know, fighting cancer has been a passion of mine. I was very proud to introduce a bill that banned the use of tanning beds for minors in Pennsylvania. Tanning beds are not the harmless health beauty devices that they are marketed to be, but they are most certainly the quote, "cigarette for your skin," which have exposed several generations of our youth to substantially increased cancer risks.

I want to thank you, my colleagues, for many memorable moments. Many of you know former Speaker Denny O'Brien. After his Speakership was over, Denny's portrait was unveiled here in the chamber. I asked him to sign my program and he

did. He wrote, "Dear Rosie, thanks for pretending to listen to me." Denny was known for being very talkative and he could go on and on. Our seats were beside one another on the House floor. After reading his notation, I leaned over and said, "But, Denny, I wasn't always pretending."

I want to thank my staff throughout my tenure. I have been blessed with the best people with whom a legislator could hope to work. They have been a great help to me and have done wonderful work for the people of Lebanon County.

I also want to thank my constituents. It has truly been an honor to serve you for 8 years in Harrisburg.

After the sale of our home, my husband and I will be moving south toward warmer climes in Tennessee. Our new home has an annual property tax bill of \$880 as compared with our current \$6,000 bill here in Pennsylvania. I especially want to encourage those of you who remain to pass property tax reform. It is crucial to so many Pennsylvanians, especially retirees and seniors.

Thank you again, and God bless you all.

### REMARKS BY SPEAKER

The SPEAKER. RoseMarie, I am biting my tongue whether I should tell you something that I do not know if you know. Tell me, she says. We will miss the "reply all" button on your computer more than anything.

I apologize. It was just a little inside thing.

On a more serious note, you have been a true citizen legislator to this House of Representatives as someone who clearly advocates for, you know, the everyday, average person on the street, and I think that in many respects that is the greatest compliment I can give you because I know that is where your heart lies as one who truly believes in the old roots of the system. So God bless you in your future endeavors, and I hope you and your husband find peace in the Tennessee Valley.

(Commemorative gavel was presented.)

### SUPPLEMENTAL CALENDAR A

#### BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1565, PN 4116**, entitled:

An Act amending the act of June 22, 1937 (P.L.1987, No.394), known as The Clean Streams Law, further providing for potential pollution.

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 Northampton County, Ms. Hahn.

Ms. HAHN. Thank you, Mr. Speaker.

HB 1565 provides that the use or installation of riparian buffers and riparian forest buffers may be used as a choice among best management practices to protect water quality.

We have seen significant frustrations under the current regulatory program as businesses, landowners, and home buyers alike have expressed their concerns with the riparian buffer requirements and the negative impact that it has had on development and land use in many areas of the Commonwealth. Oftentimes this has been seen as an instance of eminent domain without compensation as landowners could be prevented from using their own property.

HB 1565 takes much-needed steps toward improving Pennsylvania's business climate while maintaining the pristine quality of our waterways by changing a mandatory one-size-fits-all approach to protecting our waterways. Moreover, an arbitrary mandatory buffer requirement does not allow for a site-specific condition to be considered throughout Pennsylvania, prohibiting design professionals from considering unique factors at project sites that are important to maintaining water quality. And the mandatory one-size-fits-all approach can be estimated to cause millions of dollars in direct loss for businesses and lost tax revenue in the form of real property taxes to municipalities, school districts, and counties each year and proscribe additional costs on homeowners related to the long-term operation and maintenance of buffers.

Finally, this legislation promotes riparian buffers as preferred best management practices and allows for replacement buffers elsewhere in the same drainage basin as a mitigating benefit.

I ask you to support this bill as a responsible way to ensure private property rights and a sound financial future for landowners and municipalities while continuing to preserve our pristine waterways. Thank you, Mr. Speaker.

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

On that question, the Speaker recognizes the gentleman from Chester County, Mr. Ross.

Mr. ROSS. Thank you, Mr. Speaker.

And I am concerned because I think there has been a good deal of misunderstanding about the nature of the current law and also what this law will actually affect and what true effect it will have if it is adopted as we have it before us today.

As I mentioned earlier when we considered this on second, I am a strong supporter of riparian buffers and actually instituted them in my own township 20-some years ago, so I believe in the restorative powers of riparian buffers. But I would like to correct a few misunderstandings about the conditions as they exist today.

First of all, in these exceptional and high-quality streams, it is not true that every length of the stream is currently fully forested. There are many places where there are already intrusions into the buffered area of 150 feet on the edge of the bank. In fact, there may be places in the stream where there is essentially concrete from the edge of the stream, 150 feet away from that edge. If someone proposes to put a building or otherwise intrude on that section of stream, if we were not to allow for waivers, then that would be restricted. If we are to allow for waivers in best management practices, it is possible to actually tear up that 150 feet of concrete, maybe have the



building intrude by 5 feet, and plant trees, bushes, shrubs, and other vegetation that will substantially improve the quality of the stream.

Now, we currently have a regulation, not a law, asking for the 150-foot buffer. That regulation has been broadly interpreted to allow for waivers currently, but we do not have any standards for the waivers. So if this law were to be proposed, we now would have some standards. Standard number one that if you disturb or interfere with a 150-foot buffer, you must reestablish a similar buffer. Standard number two, you must do that as close as possible to the area of disturbance. This is important because it has a different effect depending on where you have a buffer internally within a stream watershed, and it is actually much more important to have those buffers particularly in the upper reaches of the stream than perhaps down closer to the stem. So it is important that that standard be applied.

Those standards are not currently in law. We would add those standards, and that would be a real plus.

Now, there is a limitation so that currently under the national NPDES (National Pollutant Discharge Elimination System) standards, areas under an acre are not handled by a full permit, but under a general permit. So there has been some concern about intrusions and disturbances that are less than an acre. However, regardless of whether this bill is passed or not, there will continue to be requirements to make sure that the stream quality is not degraded.

This bill does not repeal the Clean Streams Act, this bill does not repeal any of the standards and requirements that you currently need for erosion and sediment control, and it does not repeal the concept that you may not degrade the waters of the Commonwealth. All of those standards still would be in force. But we do allow some flexibility and now some new standards.

Flexibility is absolutely necessary because we can interfere with property rights to the degree that we are making an environmental improvement. However, if someone were to propose an intrusion and provide for a fully protective environmental counterpoint or alternative and we were simply to hold to the 150-foot buffer regardless, there would be a very good case, from what I understand, to call that a taking and require the Commonwealth to pay the landowner for the value of his property because there would no longer be a reason to justify environmental protection in that situation.

This is misunderstood, unfortunately, by many, but I know that my colleagues here will want to do the right thing and to not be swayed by incomplete or perhaps misunderstood information that is being passed on to them. I would not stand here and support this bill if I did not believe that it was a positive step forward and a reasonable balance to protect the environment and to also deal with people's natural inclinations to try and make the best out of their land. And I, therefore, support the bill and urge a positive vote.

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

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

Mr. VITALI. Thank you, Mr. Speaker.

I stand in opposition to this bill.

The key problem with this bill, which was not corrected by the Ross amendment or other amendments, is that it removes the authority of the Department of Environmental Protection to require buffers in instances where water quality is threatened. The Department of Environmental Protection has not come out

in support of this bill because they want the authority to require buffers in those instances where it is necessary to protect stream quality.

This bill is also opposed by groups like the Pennsylvania Fish and Boat Commission, Trout Unlimited, the League of Women Voters, Pennsylvania Environmental Council, and about 20 other groups who care about the quality of our streams and waterways in Pennsylvania.

Mr. Speaker, the current buffer requirement is very limited in scope and, despite what the homebuilders may be telling you, does not impose a significant restriction on development.

First of all, this 150-foot buffer requirement only applies to exceptional value and high-quality value watersheds – no others, no others. So that is only 20 percent of the waterways in Pennsylvania we are talking about. Second, it does not apply to the property of existing landowners and their current uses; it does not apply to anything currently in effect. Third, even though we are dealing with 20 percent of the waterways in Pennsylvania, there are exceptions where this still does not apply. It does not apply to disturbances of the less than an acre; it does not apply to road maintenance, pipelines, utilities. So it is even a smaller section of land that it applies to, and even in those cases where the exceptions are not met, there are six categories of waivers where even if they would allow you to develop within that, those waivers include the protection of public health and so forth.

The Department of Environmental Protection has granted waivers since this regulation went into effect in 48.3 percent of the cases. So even with this limited pool of buffer requirements, in 48.3 percent of the cases, the Department of Environmental Protection has granted a waiver requirement to buffers under current law. This is not a huge imposition.

Mr. Speaker, buffers are a very important feature to protect the waterways of Pennsylvania – protection that cannot be achieved by best management practices. According to the Department of Environmental Protection itself, the following benefits accrue by buffers that will not accrue by best management practices – things like the reduced effects of storm events, flood attenuation, ice damage control, filtration of pollutant runoff, channel and shoreline stability, light control, and temperature moderation.

Mr. Speaker, in addition to all these protective values, and let me read from the Monroe Conservation District, a letter from their district manager, who opposes, even in Monroe County, who opposes this bill. He says, "Riparian buffers are more than a best management practice. They are a landscape feature that cannot be replicated through engineering, and like other natural systems, are more complex and interconnected than we can imagine."

Mr. Speaker, we should not be eliminating this buffer requirement.

Mr. Speaker, we have heard that there will be a replacement of buffers under this legislation. That replacement is very unsatisfactory for the following reasons. Even with this replacement provision, this would still allow the best of the best streams to be degraded. Mr. Speaker, with this replacement buffer, it takes decades for a replacement buffer to achieve the same stream cleansing and protective values that existing buffers have. Mr. Speaker, even though there is a replacement, it is not a full one – the one replacing it – because it only applies to the first 100 feet, not the full 150 feet. Mr. Speaker, it would also use as replacement buffers land currently underutilized

which is already having buffer benefit value. In other words, land that is already having buffer benefits, even though it is not considered a buffer, would in many cases be used as that replacement.

I might also note that there is a bill in the Senate by Senator Rafferty which goes in the opposite direction. Senator Rafferty's bill extends buffers from 150 feet to 300 feet. Senator Rafferty, a good Republican, feels that these buffer requirements do not go far enough.

Mr. Speaker, as I mentioned before, this bill is opposed by Trout Unlimited. Let me read a couple of quotes here. And this is a letter dated today by Trout Unlimited, quote, "Weakening the riparian buffer requirements...will likely result in legislators fielding even more flood-related complaints from municipalities and landowners." That is what Trout Unlimited said. They said in the same letter of today, "Weakening the existing protections afforded to riparian buffers will result in adverse impacts to both fish and wildlife populations, and may lead to a decline in outdoor activity." They say, "Given the value of riparian buffers and the consequences of the loss of intact riparian buffers, to property owners, sportsmen, small business owners, and those who rely on good water quality, we urge you not to move forward with House Bill 1565." This is what Trout Unlimited said, "...we urge you not to move forward with HB 1565."

Mr. Speaker, I also wanted to get a letter from the Pennsylvania Fish and Boat Commission. If you will indulge me for a second, I will find it.

They talk about, by very nature, being the best of the best, the high-quality and exceptional value streams. They say, "Riparian buffers are the least expensive, most effective, and lowest maintenance approach to sustaining water quality and reducing the harmful impacts of erosion, sedimentation, and flooding." They oppose this bill, Mr. Speaker.

The PennFuture letter in opposition to this makes an interesting point about the Chesapeake Bay. It says, "Passage of HB 1565 will also harm Pennsylvania's efforts to meet the U.S. Environmental Protection Agency's" quote, unquote, "'pollution diet' requirements for the restoration of clean water in the Chesapeake Bay...." The letter states, "Pennsylvania is relying on the establishment of roughly 110,000 net acres of new forested buffers...." PennFuture says, "If the passage of HB 1565 harms the Commonwealth's ability to meet its forested buffer goal, then the pollution reductions will need to be made up by other sources."

Pennsylvania Environmental Council makes the point, they say, "House Bill 1565 is an unnecessary bill that could result in undesired consequences for Pennsylvania. We strongly urge you to oppose this bill." They say, quote, "...existing law already provides ample..." remedy.

The League of Women Voters: "Any trade-offs where current buffers would be replaced by buffers...elsewhere would...not be of a sufficient protection/remedy."

Mr. Speaker, riparian buffers serve a critical function in protecting Pennsylvania's waterways. There are environmental and business reasons to keep the current law as it is. This is an ill-considered piece of legislation, and I urge a "no" vote. Thank you.

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

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

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

Mr. Speaker, this particular issue, for someone new to the legislature in many ways, is fairly simple, at least in my mind, and it really deals with a very simple concept: Water runs downhill. Water runs to streams. Water has to be stopped because of storm water runoff.

We can talk about all the other different elements involved here, and of course with exceptional streams and high-quality streams, we all want to make sure that they stay pristine. But there is a simple reality. For those of us that live in communities or represent communities that have severe flooding, riparian buffers are the major element without building extensive and costly plans to really solve part of the flooding problems. To increase anything that would allow more rainfall to flow into streams that run down from higher elevations to lower elevations to stream valleys that cause extensive flooding, that is what we have to face here as a reality.

So when I look at one of the communities that I represent, Cheltenham Township, that is 98 percent completely built, and yet we still face major flooding from overdevelopment that has taken place not only within that township but the other townships upstream in the watershed. And what does the Army Corps of Engineers and what does the Department of Environmental Protection recommend? One of their major things is increasing riparian buffers – not reducing them, but increasing them – so that the water that enters the watershed has a means by which to be absorbed.

Now, for all of the reasons that the previous speaker, I think, really was alluding to, all of those particular groups that are in opposition recognize that we have to find ways in which to stop the flooding that takes place from the 100-year storms that now are occurring every 10 years. We have to do that or the cost becomes astronomical.

So for those communities where the developers want to develop closer to the streams and to avoid the riparian buffers, if that is followed upstream from them, the properties that they are putting into those particular locations are going to be the subject to the same flooding that will take place downstream from where these particular developers are putting in properties. So for that reason alone along with obviously the quality of the streams, that becomes very, very important to me and I think to all of us.

And it is ironic that it is today that we are celebrating Pennsylvania's commitment to an action plan to improve State waters in the Chesapeake Bay, and that the Department of Environmental Protection announced its commitment to work with the Bay partners, interested stakeholders, to develop an action plan to reach the goals outlined in the recently signed Chesapeake Bay Watershed Agreement. And one of the things that, if you go to any of their Web sites in the Chesapeake Bay element here, one of the best management practices that they recommend is in fact riparian buffers, to help with the quality of the stream all the way to the Chesapeake, throughout the entire watershed, and for all the properties downstream.

So for that, Mr. Speaker, I urge a "no" vote on this particular measure. Thank you.

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

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

Mr. STURLA. Thank you, Mr. Speaker.

Will the sponsor of the bill rise for brief interrogation?

The SPEAKER. The lady, Ms. Hahn, indicates she will stand for interrogation. You may proceed.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, I am trying to figure out what this bill actually does and does not do, because I think it was pointed out earlier that maybe it does some things that we think it does not or does not do some other things we think it does.

So my first question goes to this notion of the 150-foot buffer that currently exists, and as I read the legislation, it says that as long as I disturb less than 1 acre of earth within 100 feet of the water, that I do not need to do replacement.

Now, I think an acre is 43,560 square feet, so if I have a frontage that is 434 feet wide, I can disturb all 434 feet, 100 feet back – that is still less than an acre – and since the 50 feet that is back at the 150 feet to 100-foot space does not count under this, I can disturb all of that. So basically if I have a piece of land that has a frontage that is 434 feet wide, I can disturb every bit of that riparian buffer and I do not need to replace it anywhere in the watershed. Would that be a correct interpretation of this?

Ms. HAHN. If you have less than an acre, you still have to deal with the best management practices and then show that you have control for the soil erosion.

Mr. STURLA. I understand that. But I would not have to replace that buffer anywhere else in the watershed, correct?

Ms. HAHN. No.

Mr. STURLA. Okay. So let us say I am not even going to disturb the closest 100 feet. I can disturb between the 100 foot and the 150 feet and that – I can disturb acres and acres and acres of that land and I do not need to replace any buffer anywhere. Is that correct?

Ms. HAHN. Anytime you disturb more than an acre.

Mr. STURLA. Within the 100 feet, according to the legislation as I read it – on page 2 of the legislation, line 14 – it says, within 100 feet, if I disturb an area greater than an acre within 100 feet. But if I am between 100 and 150 feet, I can disturb all that land that I want to and I do not need to replace any riparian buffer. Is that correct? Am I interpreting this correctly, or do you need to replace it if you are disturbing land in the 100- to 150-foot range?

Ms. HAHN. Correct. But you still have to maintain the best management practices and you cannot degrade the quality of the water.

Mr. STURLA. Okay. But I can basically now, without any special permit or variance, disturb that 100- to 150-foot area as long as I just make sure that I am good with not running more stuff into the water.

The language in the bill says that – it talks about disturbing – an acre of earth disturbance, and I do not see any definition for "earth disturbance." So I guess my question is, if I clear-cut in that first 100 feet, technically I am not disturbing the earth. I am just cutting the trees. Would that be considered earth disturbance or not?

Ms. HAHN. My understanding is that would be earth disturbance, yes.

Mr. STURLA. Okay. And by what definition?

Ms. HAHN. You cannot clear-cut without disturbing the earth, as you are coming in and clear-cutting it.

Mr. STURLA. So if I trim trees, would that be considered earth disturbance?

Ms. HAHN. No.

Mr. STURLA. If I chop down a tree little bit by little bit at a time and do not bring in any heavy equipment, would that be considered earth disturbance? I mean, I am just – what I am trying to do is establish what is earth disturbance and what is not so that we do not get to the point where somebody gets sued on this. I do not see it defined anywhere in the bill.

Or is it defined in regulation somewhere that I do not know about? Is it – what defines "earth disturbance"? Because to me, you just said cutting a tree down is earth disturbance. I have never considered cutting a tree down earth disturbance. I consider that cutting down a tree.

Ms. HAHN. But you had asked about clear-cutting. I think that is different than trimming the tree.

Mr. STURLA. Okay. But if I cut them down one at a time. If I cut one down one day and the next day I go out and cut another one down and a week later I go down and cut another one down. I mean, will I be in violation of anything? If I end up – if it ends up that 5 years from now there are no trees there where there used to be 100 feet of trees, will I be in violation of anything? You know, I go cut firewood out there in the riparian forest buffer every year. It just happens to clear my view of the lake by doing so.

Ms. HAHN. In the regulations, "The following practices and activities are prohibited within the riparian buffer: Soil disturbance by grading, stripping of topsoil, plowing, cultivating or other practices EXCEPT AS ALLOWED IN SUBPARAGRAPH ... (3)... Draining by ditching, underdrains or... drainage systems. Housing, grazing or otherwise maintaining animals FOR AGRICULTURAL OR COMMERCIAL PURPOSES. Storing or stockpiling materials. Off road vehicular travel." And "The following practices and activities are ALLOWABLE in the riparian buffer when AUTHORIZED by..." DEP: "...RESTORATION PROJECTS."

Mr. STURLA. Okay. So I could clear-cut according to that definition, because it does not say that that is prohibited.

Ms. HAHN. Timber harvesting activities are allowed under the current regs.

Mr. STURLA. Okay. So then in that 100-foot buffer, I could clear-cut it, and as long as I did not disturb the earth, I would not need to do any replacement of a riparian buffer.

You know, on page 2, line 18, the clause is that if I do a replacement, if I have disturbed – if I have actually disturbed the land and I need to replace the buffer, it says "...with a replacement buffer elsewhere in the same drainage basin..." There are some watersheds that have high-quality, special protection watersheds and high-value streams that are in the same drainage basin as streams that are not high-quality and special protection watersheds.

Can I replace a riparian buffer that I have destroyed in a special protection watershed or a high-quality stream with a riparian buffer in a non-high-quality or special protection watershed as long as it is within the same drainage basin?

Ms. HAHN. It is up to the DEP to determine whether it is an acceptable replacement.

Mr. STURLA. So it is not by right that I have that, it is – DEP still gets to decide if I get to do it or not?

Ms. HAHN. As they do now, yes.

Mr. STURLA. Okay. On page 2, line 18, when I do that replacement, it says that it needs to be "...AS CLOSE AS FEASIBLE TO THE AREA OF DISTURBANCE." Does that mean as close as feasible in terms of geographic proximity, or does that mean as close as feasible in terms of slope and

topography, or does it have to be as close as feasible in terms of vegetation type and size, or is it as close and feasible in the cost of repairing those? Because in line 25 it implies that there are going to be replacement costs that are factored into this. What does "as close as feasible" mean?

Ms. HAHN. Geographic.

Mr. STURLA. Geographic. Okay.

In terms of – on line 25 where it talks about replacement planning costs, what does the replacement planning costs have to do with me replacing a riparian buffer?

Ms. HAHN. That is a reference to the department's guidelines for establishing buffers.

Mr. STURLA. A couple of quick final questions. The regulations and the bill define "...a perennial or intermittent river, stream or creek or lake, pond or reservoir..." Are wetlands considered waterways for the purposes of this legislation?

Ms. HAHN. Yes.

Mr. STURLA. And one final question, and I am assuming this is covered in the regs. The bill mentions riparian buffers and riparian forest buffers. Can you tell me what the difference between the two is?

Ms. HAHN. That is in the regs, and it is basically as it says, riparian buffers and the forest buffers.

Mr. STURLA. Okay. All right. Thank you. Thank you, Mr. Speaker.

If I could comment?

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

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, I understand the concerns of the building industry, and I received a letter that said, you know, an arbitrary 100-foot mandatory buffer requirement does not allow for site-specific conditions to be considered throughout Pennsylvania, prohibiting site design professionals from performing soil surveys to determine hydrological soil groups and slope variances that are appropriate measures used to determine adequate water buffer widths. I get that, because, you know, if you have a steep slope, 150 feet might not be enough, and if you have a nice piece of flat land that is almost swampland, that might be enough. But just as the current regulations do not allow for anything site-specific, neither does this legislation.

This legislation does an arbitrary 100-foot setback, it does an arbitrary 1 acre, so .99 acres is okay, 1.1 acres is not. It allows for complete destruction of anything between the 100- and 150-foot line. It allows for clear-cutting.

Mr. Speaker, this piece of legislation is as arbitrary and capricious as the current regulations, if not more so. If we are going to do this, let us do it right. Let us build in all those protections that are necessary so that we can allow for the building industry to do the things they want to do and still not degrade the water in the State of Pennsylvania. I urge a "no" vote. Thank you, Mr. Speaker.

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

On that question, the Speaker recognizes the gentleman from Luzerne County, Mr. Carroll.

Mr. CARROLL. Thank you, Mr. Speaker.

We have had a spirited debate this afternoon, Mr. Speaker, and I think it is important to take a minute or two here to contemplate how we arrived.

We are here today to consider this bill because of a regulation that was adopted and imposed on our Commonwealth in chapter 102.14. That regulation set in motion this discussion relative to buffers, not in action by this General Assembly, not by a vote in this chamber. We are here today because of a regulation that exists that imposes a one-size-fits-all solution for 67 very unique counties in this Commonwealth.

Mr. Speaker, it is true that the current regulations provide for exemptions and the Commonwealth and the department have granted some exemptions, but the reality is that that exemption schedule does not contemplate all of the potential scenarios that exist in counties of this Commonwealth with huge numbers of EV and HQ (exceptional value and high-quality) streams.

In particular, I think of the Pocono counties, Mr. Speaker, of Wayne, Pike, and Monroe, and others nearby. These counties have done an exceptional job preserving the waterways of their regions to the point where they have garnered these designations. And so now we have a regulation that has been imposed by the department that hamstring development in these counties to the point where there really is nothing that can be done that would allow for the proper development and reasonable development, while at the same time protecting water quality.

You know, Mr. Speaker, this is not a choice between clean water and damaged water. This choice, Mr. Speaker, is the choice that provides for reasonable development, while at the same time protecting our watersheds, because as was just pointed out in the last interrogation, Mr. Speaker, the ultimate decision on this goes back to the department because the department will have the capacity to measure the application that has been submitted for this usage of property.

So, Mr. Speaker, we have before us an opportunity for best management practices, we have an opportunity for the department to review an application and to measure the merits of that application, and we have, Mr. Speaker, an opportunity to provide flexibility that I would venture to say most members of this chamber would seek as they represent their region of this Commonwealth.

So, Mr. Speaker, as we go forward in an effort to protect our watersheds and do reasonable and proper development, 1565 is a step in the right direction and I ask for a "yes" vote. Thank you, Mr. Speaker.

## REMARKS SUBMITTED FOR THE RECORD

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

This legislation is about flexibility – flexibility in protecting our water resources.

By providing for a choice among riparian buffers and other best management practices, HB 1565 allows both landowners and project developers the flexibility needed to ensure the proper protections while avoiding a one-size-fits-all approach to complying with our regulation.

We have all heard the frustrations about our current regulatory program. We all understand that these regulations can amount to little more than a taking of property. Allowing other BMPs to be used to protect our resources helps to ease this regulatory burden while still maintaining protections. And under the Ross amendment, projects not utilizing a riparian buffer must replace the buffer and use best management practices at the project site as an additional safeguard.

Again, this bill is about flexibility. I urge a "yes" vote on HB 1565.

**LEAVE OF ABSENCE**

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

**CONSIDERATION OF HB 1565 CONTINUED**

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—119**

Aument	Fee	Krieger	Rapp
Baker	Fleck	Kula	Readshaw
Barbin	Flynn	Lawrence	Reed
Benninghoff	Gabler	Longiatti	Reese
Bizzarro	Gergely	Lucas	Regan
Bloom	Gibbons	Mackenzie	Roae
Brooks	Gillen	Maher	Rock
Brown, R.	Gillespie	Mahoney	Ross
Burns	Gingrich	Major	Saccone
Carroll	Godshall	Maloney	Sainato
Causar	Greiner	Markosek	Sankey
Christiana	Grell	Marshall	Saylor
Clymer	Grove	Marsico	Scavallo
Costa, D.	Hahn	Masser	Smith
Costa, P.	Haluska	Matzie	Snyder
Cox	Harhai	McGinnis	Sonney
Cruz	Harhart	Mentzer	Stern
Culver	Harris, A.	Metcalfe	Stevenson
Cutler	Harris, J.	Metzgar	Swanger
Daley, P.	Heffley	Millard	Tallman
Day	Helm	Miller, R.	Taylor
Deasy	Hennessey	Mirabito	Thomas
Delozier	Hickernell	Moul	Tobash
DeLuca	James	Neuman	Toohil
Denlinger	Kampf	Oberlander	Topper
Dunbar	Kauffman	Payne	Truitt
Ellis	Keller, F.	Peifer	Turzai
Emrick	Keller, M.K.	Petrarca	Wheatley
Evankovich	Knowles	Pickett	Youngblood
Everett	Kortz	Pyle	

**NAYS—79**

Adolph	Dermody	Kim	Petri
Barrar	DiGirolamo	Kinsey	Quinn
Bishop	Donatucci	Kirkland	Roebuck
Boback	English	McCarter	Rozzi
Boyle, B.	Fabrizio	McGeehan	Sabatina
Boyle, K.	Farina	McNeill	Samuelson
Bradford	Farry	Miccarelli	Santarsiero
Briggs	Frankel	Micozzie	Schlossberg
Brown, V.	Freeman	Miller, D.	Schreiber
Brownlee	Gainey	Milne	Simmons
Caltagirone	Galloway	Miranda	Sims
Clay	Goodman	Molchany	Stephens
Cohen	Hackett	Mullery	Sturla
Conklin	Haggerty	Mundy	Toepel
Corbin	Hanna	Murt	Vereb
Daley, M.	Harkins	O'Brien	Vitali
Davidson	Harper	O'Neill	Waters
Davis	Kavulich	Painter	Watson
Dean	Keller, W.	Parker	White
DeLissio	Killion	Pashinski	

**NOT VOTING—0****EXCUSED—4**

Evans                      Kotik                      Mustio                      Ravenstahl

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

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

**CALENDAR CONTINUED**

**BILL ON CONCURRENCE  
IN SENATE AMENDMENTS  
AS FURTHER AMENDED BY THE SENATE  
TO HOUSE AMENDMENTS  
AS AMENDED**

The House proceeded to consideration of concurrence in Senate amendments as further amended by the Senate to House amendments to the following **HB 1177, PN 4092**, as further amended by the House Rules Committee:

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, providing for appeal of decision by school reform commission; further providing for initiative of electors seeking consolidation or merger with new home rule charter and for investment of authority funds; and providing for local option cigarette tax in school districts of the first class and for local sales tax revenues in cities of the first class.

On the question,

Will the House concur in Senate amendments as further amended by the Senate to House amendments as amended by the Rules Committee?

The SPEAKER. Moved by the gentleman, Mr. Adolph, that the House concur in the amendments.

The Speaker recognizes the gentleman, Mr. Adolph, for a brief description of the Senate amendments as amended by the House.

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

Mr. Speaker, this is the enabling legislation that allows the school district of Philadelphia to implement a cigarette tax on all cigarettes that are sold in the city of Philadelphia for funding of the Philadelphia School District.

This amendment does not include any hotel taxes, nor does it include any CRIZs (City Revitalization and Improvement Zone) — the tax credits. It does have some charter school legislation in there and also the 5-year sunset. I believe that should take care of what this amendment does. Thank you.

The SPEAKER. The Speaker thanks the gentleman.

On the question recurring,

Will the House concur in Senate amendments as further amended by the Senate to House amendments as amended by the Rules Committee?

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

The following roll call was recorded:

## YEAS—114

Adolph	DiGirolamo	Kinsey	Reed
Barrar	Donatucci	Kirkland	Roebuck
Bishop	English	Kula	Ross
Bizzarro	Fabrizio	Longiotti	Rozzi
Boback	Farina	Lucas	Sabatina
Boyle, B.	Farry	Mackenzie	Samuelson
Boyle, K.	Fleck	Mahoney	Santarsiero
Bradford	Flynn	Markosek	Saylor
Briggs	Frankel	Marshall	Scavello
Brown, R.	Freeman	Matzje	Schlossberg
Brown, V.	Gainey	McCarter	Schreiber
Brownlee	Galloway	McGeehan	Sims
Caltagirone	Gergely	McNeill	Smith
Carroll	Godshall	Miccarelli	Snyder
Clay	Goodman	Micozzie	Sonney
Cohen	Grove	Miller, D.	Stephens
Conklin	Hackett	Miranda	Stevenson
Corbin	Haggerty	Molchany	Sturla
Costa, D.	Hanna	Mundy	Taylor
Costa, P.	Harkins	Murt	Thomas
Cruz	Harper	Neuman	Toohil
Daley, M.	Harris, J.	O'Brien	Turzai
Daley, P.	Heffley	O'Neill	Verley
Davidson	Hennessey	Parker	Vitali
Davis	Kampf	Pashinski	Waters
Dean	Kavulich	Payne	Watson
DeLissio	Keller, W.	Petri	Wheatley
DeLuca	Killion	Quinn	Youngblood
Dermody	Kim		

## NAYS—84

Aument	Everett	Kortz	Petrarca
Baker	Fee	Krieger	Pickett
Barbin	Gabler	Lawrence	Pyle
Benninghoff	Gibbons	Maher	Rapp
Bloom	Gillen	Major	Readshaw
Brooks	Gillespie	Maloney	Reese
Burns	Gingrich	Marsico	Regan
Causar	Greiner	Masser	Roe
Christiana	Grell	McGinnis	Rock
Clymer	Hahn	Mentzer	Saccone
Cox	Haluska	Metcalfe	Sainato
Culver	Harhai	Metzgar	Sankey
Cutler	Harhart	Millard	Simmons
Day	Harris, A.	Miller, R.	Stern
Deasy	Helm	Milne	Swanger
Delozier	Hickernell	Mirabito	Tallman
Denlinger	James	Moul	Tobash
Dunbar	Kauffman	Mullery	Toepel
Ellis	Keller, F.	Oberlander	Topper
Emrick	Keller, M.K.	Painter	Truitt
Evankovich	Knowles	Peifer	White

## NOT VOTING—0

## EXCUSED—4

Evans	Kotik	Mustio	Ravenstahl
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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments as further amended by the Senate to House amendments as amended by the Rules Committee were concurred in.

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

## REMARKS SUBMITTED FOR THE RECORD

The SPEAKER. The gentleman, Mr. Turzai, is recognized for submitting remarks for the record.

Mr. TURZAI. Yes.

The SPEAKER. The gentleman will deliver the remarks to the clerk and they will be noted in the record.

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

HB 1177 has been amended to include language to improve the quality of education for the kids in Philadelphia. HB 1177 continues a long series of education-focused bills passed by the Pennsylvania House of Representatives that continues our commitment to excellence in education, a hallmark for House Republicans since taking the majority nearly 4 years ago.

Today more than 44,000 Pennsylvania K-12 students sit on a waiting list to enter into a charter school, their only intent being to get a solid, safe education that more appropriately meets their educational needs. Of those, more than 34,000 reside in the city of Philadelphia.

HB 1177, a bipartisan measure, allows for a charter application and appeal process in Philadelphia. Under current law, charter school applicants in Philadelphia may not appeal denial decisions by the School Reform Commission (SRC) to the State Charter School Appeal Board; this lack of due process is unique to Philadelphia and must be changed.

The measure would ensure charter school applicants in Philadelphia are treated in the same manner as applicants throughout the Commonwealth's 499 other school districts. By allowing direct appeals of SRC decisions to the State appeals board, charter school applicants would be afforded due process and fair and equitable treatment.

Parents and children in Philadelphia are only asking for a fighting chance at a good education. This charter reform measure does not just even the playing field; it gets kids in crisis off the bench, into the learning game, and out of schools currently not meeting their needs.

The bill also includes the passing of enabling legislation that allows Philadelphia City Council to impose a cigarette tax within the city to help fund its schools. Dr. William Hite, superintendent of the Philadelphia School District, has changed how the district operates and he requested this legislation.

HB 1177 allows Dr. Hite to continue his policies of fiscal reform while keeping school doors open for more than 200,000 Philadelphia students. I met personally with Dr. Hite this summer in Philadelphia to listen and learn. We learned of the importance this legislation has for the district, and most importantly, its students.

During his tenure Dr. Hite has begun to right-size the school district, reducing payroll when needed, consolidating buildings, and utilizing forward-thinking reforms in the process.

More work needs to be done in the district, such as sharing the burdens of public pensions and taking responsibility of sharing health-care costs. We are confident that HB 1177 will benefit all Pennsylvania's students, parents, teachers, and taxpayers.

## VOTE CORRECTION

The SPEAKER. For what purpose does the gentleman from Montgomery County, Mr. Godshall, rise?

Mr. GODSHALL. Thank you, Mr. Speaker.

On HB 1565 I was incorrectly recorded in the affirmative. I want to be recorded in the negative.

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

Mr. GODSHALL. Thank you.

**SUPPLEMENTAL CALENDAR B**

**BILLS ON CONCURRENCE  
IN SENATE AMENDMENTS**

The House proceeded to consideration of concurrence in Senate amendments to **HB 1052, PN 3691**, entitled:

An Act amending the act of July 31, 1968 (P.L.805, No.247), known as the Pennsylvania Municipalities Planning Code, further providing for contents of subdivision and land development ordinance.

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

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

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

Mr. FREEMAN. Thank you, Mr. Speaker.

Mr. Speaker, the amendment that was inserted by the Senate merely is a technical amendment to clean up some ambiguity in the language as it pertains to the refund process.

This measure was passed unanimously by the House in June of last year and unanimously by the Senate last year – last week, rather, by the Senate. Basically it just gives greater flexibility to municipalities in terms of the application of recreation fees as provided for under the MPC (Municipalities Planning Code), allowing them to use it for a broader range of reasons, such as the acquiring of property, improvements, and maintenance. It is, again, something that was unanimously supported by the House and the Senate and is supported by the Pennsylvania State Association of Township Supervisors. I urge a vote of "yes" in concurrence in Senate amendments.

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—194**

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

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

**NAYS—4**

Brooks	Gillen	Keller, F.	Metcalfe
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**NOT VOTING—0**

**EXCUSED—4**

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

Ordered, That the clerk inform the Senate accordingly.

\* \* \*

The House proceeded to consideration of concurrence in Senate amendments to **HB 1558, PN 4073**, entitled:

An Act amending the act of May 3, 1933 (P.L.242, No.86), referred to as the Cosmetology Law, further providing for eligibility requirements for examination and for limited licenses; and providing for practice of massage therapy in cosmetology salon or esthetician salon.

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

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

The Speaker recognizes the gentleman, Mr. O'Neill, for a brief description of Senate amendments.

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

Mr. Speaker, the Senate incorporated the provisions from HB 2225 into HB 1558, which was Representative Scavello's bill. It combines two examinations to the requirement for licensure into one, and it allows the students to take that examination prior to graduation so that they can apply for their license immediately after graduation. Thank you.

The SPEAKER. The Speaker thanks the gentleman.

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—198

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

#### NAYS—0

#### NOT VOTING—0

#### EXCUSED—4

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

Ordered, That the clerk inform the Senate accordingly.

## SUPPLEMENTAL CALENDAR A CONTINUED

### BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 1281, PN 2296**, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in preliminary provisions, providing for public school web accountability and transparency; in grounds and buildings, further providing for approval by department of plans of buildings and exceptions, providing for accountability and reducing costs in construction process, further providing for limitation on new applications for Department of Education approval of public school building projects; in safe schools, further providing for Office of Safe Schools; in terms and courses of study, providing for payments or reimbursements relating to secretary declaration of weather emergency provisions; and, in reimbursements by Commonwealth and between school districts, further providing for definitions, for approved reimbursable rental for leases, hereafter approved and approved reimbursable sinking fund charges on indebtedness, for payments on account of leases hereafter approved and on account of sinking fund charges on indebtedness for school building hereafter constructed and for payments on account of building costs, providing for lump sum reimbursement for construction or reconstruction.

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?

For what purpose does the gentleman from Delaware County, Mr. Vitali, rise?

Mr. VITALI. I just want to get a brief explanation of the bill from somebody.

Mr. TURZAI. Thank you very much. SB 1281—

The SPEAKER. The gentleman will suspend just a second, please.

The gentleman from Delaware County, Mr. Vitali, is recognized on the bill and seeks interrogation relative to the general content of the bill.

The gentleman from Allegheny County, Mr. Turzai, indicates he is willing to respond to that interrogation. The gentleman may proceed.

Mr. TURZAI. Yes, sir. SB 1281 is meant to address public school finances by providing for efficiencies, flexibility in planning, and revenue stability for public schools, and by further encouraging fiscally responsible practices. In addition, the bill was amended in the Education Committee and it came out unanimously. It includes language from SchoolWATCH, it includes payments and reimbursements relating to declaration of weather emergencies, and it includes PlanCon (Planning and Construction Workbook) reform.

As I said, all of these items came out of the committee unanimously. Thank you.

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—196

Adolph	English	Kirkland	Pickett
Aument	Evankovich	Knowles	Pyle
Baker	Everett	Kortz	Quinn
Barrar	Fabrizio	Krieger	Rapp
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
Causar	Godshall	McGeehan	Saylor
Christiana	Goodman	McGinnis	Scavello
Clay	Greiner	McNeill	Schlossberg
Clymer	Grell	Mentzer	Schreiber
Cohen	Grove	Metcalfe	Simmons
Conklin	Hackett	Metzgar	Sims
Corbin	Haggerty	Miccarelli	Smith
Costa, D.	Hahn	Micozzie	Snyder
Costa, P.	Haluska	Millard	Sonney
Cox	Hanna	Miller, D.	Stephens
Cruz	Harhai	Miller, R.	Stern
Culver	Harhart	Milne	Stevenson
Cutler	Harkins	Mirabito	Sturla
Daley, M.	Harper	Miranda	Swanger
Daley, P.	Harris, A.	Molchany	Tallman
Davidson	Harris, J.	Moul	Taylor
Davis	Heffley	Mullery	Thomas
Day	Helm	Mundy	Tobash
Dean	Hennessey	Murt	Toepel
Deasy	Hickernell	Neuman	Toohil
DeLissio	James	O'Brien	Topper
Delozier	Kampf	O'Neill	Truitt
DeLuca	Kauffman	Oberlander	Turzai
Denlinger	Kavulich	Painter	Vereb
Dermody	Keller, F.	Parker	Vitali
DiGirolamo	Keller, M.K.	Pashinski	Waters
Donatucci	Keller, W.	Payne	Watson
Dunbar	Killion	Peifer	Wheatley
Ellis	Kim	Petrarca	White
Emrick	Kinsey	Petri	Youngblood

NAYS—2

Barbin	Carroll
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NOT VOTING—0

EXCUSED—4

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

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

\* \* \*

The House proceeded to third consideration of **SB 1155, PN 2112**, entitled:

An Act amending the act of May 31, 1945 (P.L.1198, No.418), known as the Surface Mining Conservation and Reclamation Act, establishing the Aggregate Advisory Board.

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—198

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

Dunbar Kim Petri Youngblood  
Ellis Kinsey

NAYS—0

NOT VOTING—0

EXCUSED—4

Evans Kotik Mustio Ravenstahl

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

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

**GUEST INTRODUCED**

The SPEAKER. If I could have the attention of the members, I wanted to make note of an additional guest that is with us. Up in the gallery, as the guest of Representative Parker, we would like to welcome Philadelphia City Council President Darrell Clarke to our chamber. Give us a wave. Welcome to the hall of the House.

**CALENDAR CONTINUED**

**BILL ON SECOND CONSIDERATION**

The House proceeded to second consideration of **HB 1207, PN 1512**, entitled:

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, further providing for limitations.

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

Mr. **VEREB** offered the following amendment No. **A09427**:

Amend Bill, page 1, line 10, by striking out "further providing for limitations." and inserting further providing for educational improvement tax credit; and repealing provisions relating to educational opportunity scholarship tax credit.

Amend Bill, page 1, lines 13 through 21; page 2, lines 1 through 30; page 3, lines 1 through 19, by striking out all of said lines on said pages and inserting

Section 1. Article XVII-F heading of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, added October 9, 2009 (P.L.451, No.48), is amended to read:

ARTICLE XVII-F  
EDUCATIONAL [IMPROVEMENT TAX CREDIT]  
TAX CREDITS

Section 2. Section 1701-F of the act, added October 9, 2009 (P.L.451, No.48), is amended to read:  
Section 1701-F. Scope of article.

This article establishes the educational improvement [tax credit] and opportunity scholarship tax credits.

Section 3. The definitions of "business firm," "income allowance," "maximum annual household income" and "pass-through entity" in section 1702-F of the act, amended or added October 9, 2009

(P.L.451, No.48) and July 2, 2012 (P.L.751, No.85), are amended and the section is amended by adding definitions to read:  
Section 1702-F. Definitions.

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

"Applicable taxes." Any of the taxes due under Article III, IV, VI, VII, VIII, IX, XV or XX or a tax under Article XVI of the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921.

"Applicant." An eligible student who applies for a scholarship.  
"Assessment." The Pennsylvania System of School Assessment test, the Keystone Exam, an equivalent local assessment or another test established by the State Board of Education to meet the requirements of section 2603-B(d)(10)(i) of the Public School Code of 1949, and required under the No Child Left Behind Act of 2001 (Public Law 107-110, 115 Stat. 1425) or its successor statute or another test required to achieve other standards established by the Department of Education for the public school or school district under 22 Pa. Code § 403.3 (relating to single accountability system).

"Attendance boundary." A geographic area of residence used by a school district to assign a student to a public school.

"Average daily membership." As defined in section 2501(3) of the Public School Code of 1949.

"Business firm." An entity authorized to do business in this Commonwealth and subject to taxes imposed under Article III, IV, VI, VII, VIII, IX [or XV], XV or XX or a tax under Article XVI of the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921. The term includes a pass-through entity[.], including a pass-through entity, the purpose of which is the making of contributions under this article and whose shareholders, partners or members are composed of owners or employees of other business firms.

\* \* \*

"Elementary school." A school which is not a secondary school.  
\* \* \*

"Income allowance."

[(1) As follows:

(i) Before July 1, 2011, \$10,000 for each eligible student, eligible pre-kindergarten student and dependent member of the household.

(ii) After June 30, 2011, and through June 30, 2013, \$12,000 for each eligible student, eligible pre-kindergarten student and dependent member of the household.

(iii) After June 30, 2013, and through June 30, 2014, \$15,000 for each eligible student, eligible pre-kindergarten student and dependent member of the household.

(2) Beginning July 1 2014, the Department of Community and Economic Development shall annually adjust the income allowance amounts under paragraph (1) to reflect any upward changes in the Consumer Price Index for All Urban Consumers for the Pennsylvania, New Jersey, Delaware and Maryland area in the preceding 12 months and shall immediately submit the adjusted amounts to the Legislative Reference Bureau for publication as a notice in the Pennsylvania Bulletin.]

The base amount of \$15,000 for each eligible student, eligible pre-kindergarten student and dependent member of the household. Beginning July 1, 2014, the department shall annually adjust the base amount to reflect upward changes in the Consumer Price Index for All Urban Consumers for the Pennsylvania, New Jersey, Delaware and Maryland area for the preceding 12 months. The department shall immediately submit the adjusted amounts to the Legislative Reference Bureau for publication as a notice in the Pennsylvania Bulletin.

\* \* \*

"Kindergarten." A one-year formal educational program that occurs during the school year immediately prior to first grade. The term includes a part-time and a full-time program.

"Low-achieving school." A public school that ranked in the lowest 15% of the school's designation as an elementary school or a secondary school based on combined mathematics and reading scores from the annual assessment administered in the previous school year and for which the Department of Education has posted results on the Department of Education's publicly accessible Internet website. The term does not include a charter school, cyber charter school or area vocational-technical school.

"Maximum annual household income."

(1) [Except as set forth in paragraph (2) and subject to paragraph (3), as follows:

(i) Before July 1, 2011, not more than \$50,000.

(ii) After June 30, 2011, and through June 30, 2013, not more than \$60,000.

(iii) After June 30, 2013, not more than \$75,000.]

Subject to adjustment under paragraphs (2) and (3), the amount of \$75,000, plus the applicable income allowance.

(2) With respect to an eligible student with a disability, as calculated by multiplying:

(i) [the sum of:

(A) the applicable amount under paragraph (1)]; and

(B) the applicable income allowance];

by

(ii) the applicable support level factor according to the following table:

Support Level	Support Level Factor
1	1.50
2	2.993

(3) Beginning July 1, 2014, the [Department of Community and Economic Development] department shall annually adjust the income amounts under paragraphs (1) and (2) to reflect any upward changes in the Consumer Price Index for All Urban Consumers for the Pennsylvania, New Jersey, Delaware and Maryland area in the preceding 12 months and shall immediately submit the adjusted amounts to the Legislative Reference Bureau for publication as a notice in the Pennsylvania Bulletin.

"Nonpublic school." A school which is a nonprofit organization and which is located in this Commonwealth. The term does not include a public school.

"Opportunity scholarship organization." A nonprofit entity which:

(1) Is exempt from Federal taxation under section 501(c)(3) of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 1 et seq.); and

(2) Contributes at least 80% of the entity's annual cash receipts to an opportunity scholarship program.

For the purposes of this definition, a nonprofit entity contributes the entity's cash receipts to an opportunity scholarship program when the entity expends or otherwise irrevocably encumbers those funds for distribution during the then current fiscal year of the nonprofit entity or during the next succeeding fiscal year of the nonprofit entity.

"Opportunity scholarship." An award given to an applicant to pay tuition and school-related fees necessary to attend a participating nonpublic school or a participating public school located in a school district which is not the recipient's school district of residence.

"Opportunity scholarship program." A program to provide opportunity scholarships to eligible students who reside within the attendance area of a low-achieving school.

"Parent." An individual who:

(1) is a resident of this Commonwealth; and

(2) either:

(i) has legal custody or guardianship of a student; or

(ii) keeps in the individual's home a student and

supports the student gratis as if the student were a lineal descendant of the individual.

"Participating nonpublic school." A nonpublic school which notifies the Department of Education under section 1711-F that the school wishes to accept opportunity scholarship recipients.

"Participating public school." A public school in a school district which notifies the Department of Education under section 1711-F that the school wishes to accept opportunity scholarship recipients. The term does not include a low-achieving school.

"Pass-through entity." A partnership as defined in section 301(n.0), a single-member limited liability company treated as a disregarded entity for Federal income tax purposes or a Pennsylvania S corporation as defined in section 301(n.1). The term includes a pass-through entity that owns an interest in a pass-through entity.

\* \* \*

"Public School Code of 1949." The act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949.

"Recipient." An applicant who receives a scholarship.

\* \* \*

"School district of residence." The school district in which the student's primary domicile is located.

\* \* \*

"Secondary school." A school with an eleventh grade.

\* \* \*

"Student." An individual who meets all of the following:

(1) Is school age.

(2) Is a resident of this Commonwealth.

(3) Attends or is about to attend a school.

\* \* \*

Section 4. Section 1703-F of the act, amended or added October 9, 2009 (P.L.451, No.48) and July 2, 2012 (P.L.751, No.48), is amended to read:

Section 1703-F. Qualification and application by organizations.

(a) Establishment.—In accordance with section 14 of Article III of the Constitution of Pennsylvania, [an educational improvement tax credit program is] the educational improvement and opportunity scholarship tax credit programs are hereby established to enhance the educational opportunities available to all students in this Commonwealth.

(b) Information.—In order to qualify under this article, an educational improvement organization, a scholarship organization, a pre-kindergarten scholarship organization or an [educational improvement] opportunity scholarship organization must submit information to the department that enables the department to confirm that the organization is exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 1 et seq.).

(c) Scholarship organizations and pre-kindergarten scholarship organizations.—A scholarship organization or pre-kindergarten scholarship organization must certify to the department that the organization is eligible to participate in the educational improvement tax credit program established under this article and must agree to annually report the following information to the department by September 1 of each year:

(1) (i) The number of scholarships awarded during the immediately preceding school year to eligible pre-kindergarten students.

(ii) The total and average amounts of the scholarships awarded during the immediately preceding school year to eligible pre-kindergarten students.

(iii) The number of scholarships awarded during the immediately preceding school year to eligible students in grades kindergarten through eight.

(iv) The total and average amounts of the scholarships awarded during the immediately preceding school year to eligible students in grades kindergarten through eight.

(v) The number of scholarships awarded during

the immediately preceding school year to eligible students in grades nine through 12.

(vi) The total and average amounts of the scholarships awarded during the immediately preceding school year to eligible students in grades nine through 12.

(vii) Where the scholarship organization or pre-kindergarten scholarship organization collects information on a county-by-county basis, the total number and the total amount of scholarships awarded during the immediately preceding school year to residents of each county in which the scholarship organization or pre-kindergarten scholarship organization awarded scholarships.

(viii) The total number of scholarship applications processed and the amounts of any application fees charged, either per scholarship application or in the aggregate through a third-party processor.

(ix) The organization's Federal Form 990 or other Federal form indicating the tax status of the organization for Federal tax purposes, if any, and a copy of a compilation, review or audit of the organization's financial statements conducted by a certified public accounting firm.

(2) The information required under paragraph (1) shall be submitted on a form provided by the department. No later than May 1 of each year, the department shall annually distribute such sample forms, together with the forms on which the reports are required to be made, to each listed scholarship organization and pre-kindergarten scholarship organization.

(3) The department may not require any other information to be provided by scholarship organizations or pre-kindergarten scholarship organizations, except as expressly authorized in this article.

(d) Educational improvement organization.—

(1) An application submitted by an educational improvement organization must describe its proposed innovative educational program or programs in a form prescribed by the department. The department shall consult with the Department of Education as necessary. The department shall review and approve or disapprove the application. In order to be eligible to participate in the educational improvement tax credit program established under this article, an educational improvement organization must agree to annually report the following information to the department by [December 1, 2005, and] September 1 of each year [thereafter]:

(i) The name of the innovative educational program or programs and the total amount of the grant or grants made to those programs during the immediately preceding school year.

(ii) A description of how each grant was utilized during the immediately preceding school year and a description of any demonstrated or expected innovative educational improvements.

(iii) The names of the public schools and school districts where innovative educational programs that received grants during the immediately preceding school year were implemented.

(iv) Where the educational improvement organization collects information on a county-by-county basis, the total number and the total amount of grants made during the immediately preceding school year for programs at public schools in each county in which the educational improvement organization made grants.

(v) The organization's Federal Form 990 or other Federal form indicating the tax status of the organization for Federal tax purposes, if any, and a copy of a

compilation, review or audit of the organization's financial statements conducted by a certified public accounting firm.

(2) The information required under paragraph (1) shall be submitted on a form provided by the department. No later than [September 1, 2005, and] May 1 of each year [thereafter], the department shall annually distribute such sample forms, together with the forms on which the reports are required to be made, to each listed educational improvement organization.

(3) The department may not require any other information to be provided by educational improvement organizations, except as expressly authorized in this article.

(d.1) Opportunity scholarship organizations.—

(1) An opportunity scholarship organization must enhance the educational opportunities available to students in this Commonwealth by providing opportunity scholarships to eligible students who reside within the attendance boundary of low-achieving schools to attend schools which are not low-achieving schools and which are not public schools within the eligible student's school district of residence. By February 15 of each year, an opportunity scholarship organization must certify to the department that the organization is eligible to participate in the opportunity scholarship tax credit program.

(2) An opportunity scholarship organization must agree to report the following information on a form provided by the department by September 1 of each year:

(i) The total number of applications for opportunity scholarships received during the immediately preceding school year from eligible students in grades kindergarten through eight.

(ii) The number of opportunity scholarships awarded during the immediately preceding school year to eligible students in grades kindergarten through eight.

(iii) The total and average amounts of the opportunity scholarships awarded during the immediately preceding school year to eligible students in grades kindergarten through eight.

(iv) The total number of applications for opportunity scholarships received during the immediately preceding school year from eligible students in grades nine through 12.

(v) The number of opportunity scholarships awarded during the immediately preceding school year to eligible students in grades nine through 12.

(vi) The total and average amounts of the opportunity scholarships awarded during the immediately preceding school year to eligible students in grades nine through 12.

(vii) Where the opportunity scholarship organization collects information on a county-by-county basis, the total number and the total amount of opportunity scholarships awarded during the immediately preceding school year to residents of each county in which the opportunity scholarship organization awarded opportunity scholarships.

(viii) The number of opportunity scholarships awarded during the immediately preceding school year to applicants with a household income that does not exceed 185% of the Federal poverty level.

(ix) The total and average amounts of opportunity scholarships awarded during the immediately preceding school year to applicants with a household income that does not exceed 185% of the Federal poverty level.

(x) The number of opportunity scholarships awarded during the immediately preceding school year to applicants with a household income that does not exceed 185% of the Federal poverty level and who reside within

a first class school district.

(xi) The total and average amounts of opportunity scholarships awarded during the immediately preceding school year to applicants with a household income that does not exceed 185% of the Federal poverty level and who reside within a first class school district.

(xii) The number of opportunity scholarships awarded during the immediately preceding school year to applicants with a household income that does not exceed 185% of the Federal poverty level and who reside within a school district that was designated as a financial recovery school district under Article VI-A of the Public School Code of 1949 at the time of the award.

(xiii) The total and average amounts of opportunity scholarships awarded during the immediately preceding school year to applicants with a household income that does not exceed 185% of the Federal poverty level and who reside within a school district that was designated as a financial recovery school district under Article VI-A of the Public School Code of 1949 at the time of the award.

(xiv) The total number of opportunity scholarship applications processed and the amounts of any application fees charged either per opportunity scholarship application or in the aggregate through a third-party processor.

(xv) The opportunity scholarship organization's Federal Form 990 or other Federal form indicating the tax status of the opportunity scholarship organization for Federal tax purposes, if any, and a copy of a compilation, review or audit of the opportunity scholarship organization's financial statements conducted by a certified public accounting firm.

(3) No later than May 1 of each year, the department shall annually distribute such sample forms, together with the forms on which the reports are required to be made, to each listed opportunity scholarship organization.

(4) The department may not require other information to be provided by opportunity scholarship organizations, except as expressly authorized in this article.

(e) Notification.—The department shall notify the scholarship organization, pre-kindergarten scholarship organization [or], educational improvement organization or opportunity scholarship organization that the organization meets the requirements of and is qualified under this article for that fiscal year no later than 60 days after the organization has submitted the information required under this section.

(f) Publication.—The department shall annually publish a list of each scholarship organization, pre-kindergarten scholarship organization [or], educational improvement organization and opportunity scholarship organization qualified under this section in the Pennsylvania Bulletin. The list shall also be posted and updated as necessary on the publicly accessible Internet website of the department.

Section 5. Section 1704-F of the act, added December 9, 2009 (P.L.451, No.48), is amended to read:  
Section 1704-F. Application by business firms.

(a) Scholarship organization [or], pre-kindergarten scholarship organization or opportunity scholarship organization.—A business firm shall apply to the department for a tax credit for contributions to a scholarship organization, pre-kindergarten scholarship organization or opportunity scholarship organization under section 1705-F. A business firm shall receive a tax credit under this article if the scholarship organization [or], pre-kindergarten scholarship organization or opportunity scholarship organization that receives the contribution appears on the list established under section 1703-F(f), subject to the limitations in sections 1705-F and 1706-F.

(b) Educational improvement organization.—A business firm must apply to the department for a credit for a contribution to an

educational improvement organization under section 1705-F. A business firm shall receive a tax credit under this article if the department has approved the program provided by the educational improvement organization that receives the contribution, subject to the limitations in sections 1705-F and 1706-F.

(c) Availability of tax credits.—Tax credits under this article shall be made available by the department on a first-come, first-served basis within the limitation established under section 1706-F(a).

(d) Contributions.—A contribution by a business firm to a scholarship organization, pre-kindergarten scholarship organization, opportunity scholarship organization or educational improvement organization shall be made no later than 60 days following the approval of an application under subsection (a) or (b).

(e) Application in the alternative.—At the time of application for an educational improvement or opportunity scholarship tax credit, the department shall advise a business firm that the firm may elect that its application for a particular credit should, in the alternative, be deemed an application for a different tax credit authorized under this section if the business firm's preferred choice of tax credit is not available. When a business firm does not receive its preferred choice of tax credit, the department shall promptly consider the business firm's application in the alternative for a different tax credit authorized under this section.

Section 4. Sections 1705-F and 1706-F of the act, amended July 2, 2012 (P.L.751, No.85), are amended to read:  
Section 1705-F. Tax [credit] credits.

(a) Scholarship or educational improvement organizations.—In accordance with section [1706-F(a)] 1706-F, the Department of Revenue shall grant a tax credit against any [tax due under Article III, IV, VI, VII, VIII, IX or XV or under Article XVI of the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921.] applicable tax to a business firm providing proof of a contribution to a scholarship organization or educational improvement organization in the taxable year in which the contribution is made [which] in accordance with the following:

(1) The tax credit shall not exceed 75% of the total amount contributed during the taxable year by the business firm.

(2) For fiscal year [2012-2013, the tax credit shall not exceed \$400,000 annually per business firm for contributions made to scholarship organizations or educational improvement organizations. For fiscal year 2013-2014] 2014-2015, and each fiscal year thereafter, the tax credit shall not exceed \$750,000 annually per business firm for contributions made to scholarship organizations or educational improvement organizations[.] except as provided under subsection (i).

(a.1) Opportunity scholarship organizations.—In accordance with section 1706-F, the Department of Revenue shall grant a tax credit against any applicable tax to a business firm providing proof of a contribution to an opportunity scholarship organization in the taxable year in which the contribution is made in accordance with the following:

(1) The tax credit shall not exceed 75% of the total amount contributed during the taxable year by the business firm.

(2) For fiscal year 2014-2015, and each fiscal year thereafter, the tax credit shall not exceed \$750,000 annually per business firm for contributions made to opportunity scholarship organizations, except as provided in subsection (i).

(b) Additional amount.—[The] In accordance with section 1706-F, the Department of Revenue shall grant a tax credit of up to 90% of the total amount contributed during the taxable year if the business firm provides a written commitment to provide the scholarship organization [or], educational improvement organization or opportunity scholarship organization with the same amount of contribution for two consecutive tax years. The business firm must provide the written commitment under this subsection to the department at the time of application.

(c) Pre-kindergarten scholarship organizations.—In accordance with section [1706-F(a)] 1706-F, the Department of Revenue shall grant a tax credit against any [tax due under Article III, IV, VI, VII, VIII, IX or XV or under Article XVI of The Insurance Company Law

of 1921] applicable tax to a business firm providing proof of a contribution to a pre-kindergarten scholarship organization in the taxable year in which the contribution is made [which] in accordance with the following:

(1) The tax credit shall be equal to 100% of the first \$10,000 contributed during the taxable year by the business firm[,] and [which] shall not exceed 90% of the remaining amount contributed during the taxable year by the business firm.

(2) [Such] The tax credit shall not exceed \$200,000 annually per business firm for contributions made to pre-kindergarten scholarship organizations, except as provided in subsection (i).

(d) Combination of tax credits.—[A] In accordance with section 1706-F, a business firm may receive tax credits from the Department of Revenue in any tax year for any combination of contributions under [subsection (a) or (b) or (c)] subsection (a), (a.1), (b) or (c). [In] Except as provided in subsection (i), in no case may a business firm receive tax credits in any tax year in excess of the following:

(1) [\$400,000 for] \$750,000 for combined contributions [under subsections (a) and (b) made during fiscal year 2012-2013 or in excess of] to scholarship and educational improvement organizations under subsections (a) and (b).

(2) \$750,000 for contributions [under subsections (a) and (b) made after fiscal year 2012-2013. In no case shall a business firm receive tax credits in any tax year in excess of] to opportunity scholarship organizations under subsections (a.1) and (b).

(3) \$200,000 for contributions [under subsection (c)] to pre-kindergarten scholarship organizations under subsection (c).

(e) Pass-through entity.—

(1) If a pass-through entity does not intend to use all approved tax credits under this section, it may elect in writing to [transfer] distribute for no consideration all or a portion of the credit to shareholders, members or partners in proportion to the [share of the entity's distributive income to which] percentage interest of the shareholder, member or partner [is entitled for use] in distributions from the pass-through entity, which credits may be used by the shareholders, members or partners in the taxable year in which the contribution is made or in the taxable year immediately following the year in which the contribution is made. The election shall designate the year in which the [transferred] distributed credits are to be used and shall be made according to procedures established by the Department of Revenue. A pass-through entity that received a distribution from a pass-through entity under this paragraph may make a distribution under this paragraph.

(2) A pass-through entity and a shareholder, member or partner of a pass-through entity shall not claim the credit under this section for the same contribution.

(3) The shareholder, member or partner may not carry forward, carry back, obtain a refund of or sell or assign the credit.

(4) An individual shareholder, partner or member may apply a credit distributed under this section to income taxable under Article III to the shareholder, partner or member, to the spouse of the shareholder, partner or member or to both, if both the shareholder, partner or member and the spouse report income on a joint personal income tax return.

(f) Restriction on applicability of credits.—No credits granted under this section shall be applied against any tax withheld by an employer from an employee under Article III.

(g) Time of application for credits.—

(1) Except as provided in paragraph (2), the department may accept applications for tax credits available during a fiscal year no earlier than July 1 of each fiscal year.

(2) The application of any business firm for tax credits available during a fiscal year as part of the second year of a two-year commitment or as a renewal of a two-year commitment

which was fulfilled in the previous fiscal year may be accepted no earlier than May 15 preceding the fiscal year.

(h) Waiting list.—The department shall maintain a waiting list consisting of each business firm which chooses to be included on the list and whose application has not been approved because all available tax credits have been awarded. A business firm that was not awarded a tax credit due to a lack of available tax credits shall be notified of and offered a place on the waiting list. When tax credits become available, the department shall award the tax credits to the business firms in the order in which the business firms were placed on the waiting list.

(i) Temporary increase in maximum tax credits available.—

(1) If all tax credits authorized under this article for contributions to the category of scholarship organizations, opportunity scholarship organizations or pre-kindergarten scholarship organizations have not been awarded as of October 1 of any fiscal year, then for applications accepted by the department from October 1 through November 30 of such fiscal year, the limitations set forth in subsections (a), (a.1), (c) and (d) relating to the maximum amount of tax credits a business firm can receive during a fiscal year for contributions to each such category of organizations shall not apply. Under this paragraph, the department may accept applications under section 1704-F from October 1 through November 30 as follows:

(i) A business firm, including a business firm that already applied for the maximum tax credits available pursuant to subsections (a) and (d), may apply under section 1704-F(a) for up to the total amount of tax credits remaining available for contributions to scholarship organizations for the fiscal year as set forth in section 1706-F(a)(1).

(ii) A business firm, including a business firm that already applied for the maximum tax credits available pursuant to subsections (a.1) and (d), may apply under section 1704-F(a) for up to the total amount of tax credits remaining available for contributions to opportunity scholarship organizations for the fiscal year as set forth in section 1706-F(a)(3).

(iii) A business firm, including a business firm that already applied for the maximum tax credits available pursuant to subsections (c) and (d), may apply under section 1704-F(a) for up to the total amount of tax credits remaining available for contributions to pre-kindergarten scholarship organizations for the fiscal year as set forth in section 1706-F(a)(2).

(2) The provisions of subsection (b) shall not apply to applications for tax credits made under this subsection. Tax credits awarded under this subsection shall not exceed 75% of the total amount contributed during the taxable year by a business firm pursuant to an application filed under this subsection.

(3) Prior to the award of tax credits applied for under this subsection, the department shall first award tax credits applied for by a business firm during the period October 1 through November 30 in an amount no greater than the maximum amount of tax credits for which a business firm is eligible under subsections (a), (a.1), (c) and (d). The tax credits shall be awarded on a first-come, first-served basis as set forth in section 1704-F(c).

(4) After the department has awarded tax credits under paragraph (3), any tax credits remaining available within the category of scholarship organizations, opportunity scholarship organizations and pre-kindergarten scholarship organizations shall be awarded based on the total amount of tax credits within each category of organization for which applications are received under this subsection from October 1 through November 30 of the fiscal year as follows:

(i) If the total amount of tax credits applied for by all business firms under this subsection does not

exceed the total amount of tax credits that remained available for award within a category as of October 1, less those tax credits awarded under subsection (i)(3), then each business firm may be awarded the full amount of tax credits applied for.

(ii) If the total amount of tax credits applied for by all business firms under this subsection exceeds the total amount of tax credits that remained available for award within a category as of October 1, less those tax credits awarded under subsection (i)(3), then each business firm may be awarded an amount of tax credits determined by multiplying the amount of tax credits applied for by the business firm by a ratio, the numerator of which is the total amount of tax credits that remained available for award within the category as of October 1, less those awarded as set forth in subsection (i)(3), and the denominator of which is the total amount of tax credits applied for by all business firms under this subsection.

(5) Notwithstanding a temporary increase in maximum tax credits available under this subsection, the limitations set forth in subsections (a), (a.1), (c) and (d) relating to the maximum amount of tax credits a business firm can receive during a year for contributions to a category of scholarship organizations, opportunity scholarship organizations or pre-kindergarten scholarship organizations shall be reinstated for all applications accepted by the department on or after December 1 of the fiscal year.

(j) Reallocation of tax credits.—

(1) Beginning on January 1 of any fiscal year, if any tax credits authorized under this article for contributions to any of the categories of scholarship organizations, opportunity scholarship organizations or pre-kindergarten scholarship organizations remain unawarded, such unawarded tax credits may be reallocated to any of the categories of scholarship organizations, opportunity scholarship organizations or pre-kindergarten scholarship organizations for which all available tax credits have been awarded. The department shall, within ten business days, inform each business firm on the waiting list maintained by the department under subsection (h) that tax credits remain available under another category for which the business firm has not yet applied. If a business firm notified under this paragraph elects, the department shall reallocate available tax credits for award to the business firm in the business firm's preferred tax credit category, notwithstanding the limitations contained in section 1706-F(a). The amount of tax credits to be awarded to a business firm under this paragraph shall not exceed the amount of tax credits available for reallocation or the maximum amount of tax credits for which a business firm is eligible under subsections (a), (a.1), (c) and (d). Each business firm shall have ten business days from the date of the department's notice to elect a reallocation of tax credits under this paragraph. The department shall award tax credits on a first-come, first-served basis.

(2) After the department has awarded tax credits under paragraph (1), the department shall accept new applications for reallocation of tax credits from any of the categories of scholarship organizations, opportunity scholarship organizations or pre-kindergarten scholarship organizations for which tax credits remain available to the applicant's preferred category of scholarship organizations, opportunity scholarship organizations or pre-kindergarten scholarship organizations for which all available tax credits have been awarded, notwithstanding any limitations contained in section 1706-F(a). The amount of tax credits to be awarded to a business firm under this paragraph shall not exceed the amount of tax credits available for reallocation or the maximum amount of tax credits for which a business firm is eligible under subsections (a), (a.1), (c) and (d).

The department shall award tax credits on a first-come, first-served basis.

(3) No tax credits shall be awarded under this subsection until the department has completed the award of tax credits for applications made under subsection (i).

(4) The department shall not reallocate tax credits from any of the categories of scholarship organizations, opportunity scholarship organizations or pre-kindergarten scholarship organizations to the category of educational improvement organizations.

(5) Subsections (b) and (g) shall not apply to an application for reallocation of tax credits under this subsection.

Section 1706-F. Limitations.

(a) Amount.—

(1) The total aggregate amount of all tax credits approved for contributions from business firms to scholarship organizations, educational improvement organizations and pre-kindergarten scholarship organizations shall not exceed \$100,000,000 in a fiscal year.

(i) No less than \$60,000,000 of the total aggregate amount shall be used to provide tax credits for contributions from business firms to scholarship organizations.

(ii) No less than \$30,000,000 of the total aggregate amount shall be used to provide tax credits for contributions from business firms to educational improvement organizations.

(2) The following apply to specific fiscal years:

(i) For fiscal years 2004-2005, 2005-2006 and 2006-2007, the total aggregate amount of all tax credits approved for contributions from business firms to pre-kindergarten scholarship programs shall not exceed \$5,000,000 in a fiscal year.

(ii) For fiscal years 2007-2008, 2008-2009, 2009-2010, 2010-2011 and 2011-2012, the]

(iii) The total aggregate amount of all tax credits approved for contributions from business firms to pre-kindergarten scholarship [programs] organizations shall not exceed [\$8,000,000] \$10,000,000 in a fiscal year.

[(iii) For fiscal year 2012-2013 and each fiscal year thereafter, the]

(2) The total aggregate amount of all tax credits approved for contributions from business firms to [pre-kindergarten scholarship programs] opportunity scholarship organizations shall not exceed [\$10,000,000] \$50,000,000 in a fiscal year.

(b) Activities.—No tax credit shall be approved for activities that are a part of a business firm's normal course of business.

(c) Tax liability.—

(1) Except as provided in paragraph (2), a tax credit granted for any one taxable year may not exceed the tax liability of a business firm.

(2) In the case of a credit granted to a pass-through entity which elects to [transfer] distribute the credit according to section 1705-F(e), a tax credit granted for any one taxable year and [transferred] distributed to a shareholder, member or partner may not exceed the tax liability of the shareholder, member or partner.

(d) Use.—A tax credit not used by the applicant in the taxable year the contribution was made or in the year designated by the shareholder, member or partner to whom the credit was transferred under section 1705-F(e) may not be carried forward or carried back and is not refundable or transferable.

(e) Nontaxable income.—A scholarship from any category of organization received by an eligible student or eligible pre-kindergarten student shall not be considered to be taxable income for the purposes of Article III.

(f) Financial assistance.—A scholarship from any category of

organization received by an eligible student or eligible pre-kindergarten student shall not constitute an appropriation or financial assistance to the school attended by the recipient.

Section 5. Section 1707-F of the act, added October 9, 2009 (P.L.451, No.48), is amended to read:

Section 1707-F. Lists.

The Department of Revenue shall provide a list of all scholarship organizations, pre-kindergarten scholarship organizations [and], educational improvement organizations and opportunity scholarship organizations receiving contributions from business firms granted a tax credit under this article to the General Assembly by June 30th of each year.

Section 6. The act is amended by adding sections to read:  
Section 1709-F. Opportunity scholarships.

(a) Notice.—By February 1 of each year, the department shall provide all opportunity scholarship organizations with a list of the low-achieving schools located within each school district.

(b) Award.—An opportunity scholarship organization may award an opportunity scholarship to an applicant who resides within the attendance boundary of a low-achieving school to attend a participating public school or a participating nonpublic school selected by the parent of the applicant. If an applicant who received an opportunity scholarship for the prior school year resides within the attendance boundary of a school that was removed from the list of low-achieving schools provided by the department under subsection (a), the applicant may receive an opportunity scholarship. The opportunity scholarship may be for each year of enrollment in a participating public school or participating nonpublic school for up to the lesser of five years or until completion of grade 12, provided the applicant otherwise remains eligible. In awarding scholarships, an opportunity scholarship organization shall give preference to any of the following:

(1) An applicant who received an opportunity scholarship for the prior school year.

(2) An applicant of a household with a household income that does not exceed 185% of the Federal poverty level for the school year preceding the school year for which the application is being made.

(3) An applicant of a household with a household income that does not exceed 185% of the Federal poverty level for the school year preceding the school year for which the application is being made and who resides within any of the following:

(i) A first class school district.

(ii) A school district designated as a financial recovery school district under Article VI-A of the Public School Code of 1949 for the year for which the award is made.

(c) Home schooling.—An opportunity scholarship organization shall not award an opportunity scholarship to an applicant for enrollment in a home education program under section 1327.1 of the Public School Code of 1949.

(d) Funding.—The aggregate amount of opportunity scholarships shall not exceed the aggregate amount of contributions made by business firms to the opportunity scholarship organization.

(e) Amount.—

(1) The maximum amount of an opportunity scholarship awarded to an applicant without a disability shall be \$8,500.

(2) The maximum amount of an opportunity scholarship awarded to an applicant with a disability shall be \$15,000.

(3) In no case shall the combined amount of the opportunity scholarship awarded to a recipient and any additional financial assistance provided to the recipient exceed the tuition rate and school-related fees for the participating public school or participating nonpublic school that the recipient will attend.

Section 1710-F. Low-achieving schools.

(a) List of low-achieving schools.—By February 1 of each year, the Department of Education shall publish on the Department of Education's publicly accessible Internet website and in the

Pennsylvania Bulletin a list of the low-achieving schools for the following school year.

(b) Notice.—By February 1 of each year, the Department of Education shall notify every school district identified as having at least one low-achieving school of such identification and shall furnish the school district with a list of the low-achieving schools located within the school district.

(c) Publication.—Within 15 days of receipt of a notification under subsection (b), a school district shall post on the district's publicly accessible Internet website notice of all of the following:

(1) A description of the opportunity scholarship program.

(2) Instructions for applying for an opportunity scholarship.

(3) A list of schools in the school district that have been designated by the Department of Education as low-achieving schools.

(4) Notice that a parent must directly contact a school district of a participating public school or a participating nonpublic school if the parent seeks to enroll the student in the opportunity scholarship program.

(d) Notification to parents.—

(1) Within 15 days of receipt of a notification under subsection (b), a school district shall notify the parents of each student who is currently attending or residing within the attendance boundary of a low-achieving school during the school year of the school's designation.

(2) Upon registration of a kindergarten student, a school district shall notify the parents of the kindergarten student that the student will be assigned to a low-achieving school during the school year of the school's designation.

(3) The notice shall be in a form provided by the Department of Education and shall provide the following information regarding the opportunity scholarship program:

(i) A description of the opportunity scholarship program.

(ii) Instructions for obtaining information about applying for an opportunity scholarship under the opportunity scholarship program.

(iii) Notice of the parent's responsibilities with regard to applying to a school district of a participating public school or a participating nonpublic school if the parent seeks to enroll the student in the opportunity scholarship program.

(e) Average daily membership.—

(1) Notwithstanding any other provision of law to the contrary, a recipient who was enrolled in the recipient's resident school district or in a charter school, regional charter school or cyber charter school when the recipient first received an opportunity scholarship shall continue to be counted in the average daily membership of the school district for a period of one year after enrolling in a participating public school or a participating nonpublic school.

(2) During the year referenced in paragraph (1) and each school year thereafter, a school district of a participating public school in which the recipient is enrolled shall not include the recipient in the school district's average daily membership.

Section 1711-F. School participation in program.

(a) Election.—

(1) By February 15 of each year, a nonpublic school may elect to participate in the opportunity scholarship program for the following school year.

(2) By February 15 of each year, a school district may elect to participate in the opportunity scholarship program for the following school year.

(b) Notice.—

(1) A school district or nonpublic school that elects to participate under subsection (a) must notify the Department of



Education of the district's or nonpublic school's intent to participate.

(2) For a school district, the notice under paragraph (1) must be submitted on a form developed by the Department of Education and shall specify all of the following:

(i) Each school within the school district which the school district intends to make a participating public school.

(ii) The amount of tuition and school-related fees attributable to each available seat. The amount under this subparagraph shall not exceed the amount calculated under section 2561 of the Public School Code of 1949.

(3) For a nonpublic school, the notice under paragraph (1) must be submitted on a form developed by the Department of Education and shall specify the amount of tuition and school-related fees attributable to an available seat.

(c) Tuition rates.—

(1) No school district of a participating public school or participating nonpublic school may charge a recipient a higher tuition rate or school-related fee than the school district of the participating public school or participating nonpublic school would have charged to a similarly situated student who is not receiving an opportunity scholarship.

(2) Notwithstanding the provisions of section 2561 of the Public School Code of 1949, a school district of a participating public school may charge a recipient a tuition rate that is lower than that charged to students who are not recipients of opportunity scholarships.

(d) Participating public school criteria.—The following criteria apply to a participating public school:

(1) Except as otherwise provided in this article, a school district shall enroll students in a participating public school on a lottery basis from a pool of recipients who meet the application deadline set by the Department of Education until the participating public school fills the school's available seats. The pool may not include a recipient who:

(i) Has been expelled or is in the process of being expelled under section 1317.2 or 1318 of the Public School Code of 1949 and applicable regulations of the State Board of Education.

(ii) Has been recruited by the school district or its representatives for athletic purposes.

(2) The enrollment of recipients may not place the school district in violation of a valid and binding desegregation order.

(3) Priority shall be given to:

(i) An existing recipient.

(ii) A recipient who is a sibling of a student currently enrolled in the school district.

(e) Participating nonpublic school criteria.—The following criteria apply to a participating nonpublic school:

(1) The participating nonpublic school may not discriminate on a basis which is illegal under Federal or State laws applicable to nonpublic schools.

(2) The participating nonpublic school shall comply with section 1521 of the Public School Code of 1949.

(3) The participating nonpublic school or its representatives may not recruit a student for athletic purposes.

(f) Student rules, policies and procedures.—

(1) Prior to enrollment of a recipient, a school district of a participating public school or a participating nonpublic school shall inform the parent of a recipient of any and all rules, policies and procedures of the participating public school or participating nonpublic school, including any academic policies, disciplinary rules and administrative procedures of the participating public school or participating nonpublic school.

(2) Enrollment of a recipient in a participating public school or participating nonpublic school shall constitute

acceptance of any rules, policies and procedures of the participating public school or participating nonpublic school.

(g) Transportation.—

(1) Transportation of recipients shall be provided under section 1361 of the Public School Code of 1949.

(2) Reimbursement shall be as follows:

(i) Transportation of a recipient attending a participating public school shall be subject to reimbursement under section 2541 of the Public School Code of 1949.

(ii) Transportation of a recipient attending a participating nonpublic school shall be subject to reimbursement under sections 2509.3 and 2541 of the Public School Code of 1949.

(h) Construction.—Nothing in this article shall be construed to:

(1) Prohibit a participating nonpublic school from limiting admission to a particular grade level, a single gender or areas of concentration of the participating nonpublic school, including mathematics, science and the arts.

(2) Authorize the Commonwealth or any of its agencies or officers or political subdivisions to impose any additional requirements on a participating nonpublic school which are not otherwise authorized under the laws of this Commonwealth or to require a participating nonpublic school to enroll a recipient if the participating nonpublic school does not offer appropriate programs or is not structured or equipped with the necessary facilities to meet the special needs of the recipient or does not offer a particular program requested.

Section 1712-F. Tuition grants by school districts.

(a) General rule.—The board of school directors of a school district may use funds received from the Commonwealth for educational purposes to establish a program of tuition grants to provide for the education of students who reside within the district and attend or will attend a public or nonpublic school on a tuition-paying basis.

(b) Nonpublic school grant amount.—For students who attend or will attend a nonpublic school, the grant amount for each student shall not exceed the amount of the per pupil State subsidy for basic education of the school district of residence.

(c) Average daily membership.—

(1) A student who receives a tuition grant under this section shall be included in the average daily membership for purposes of determining the school district of residence's basic education funding.

(2) A student who receives a grant under this section to attend a public school outside the school district awarding the tuition grant shall not be included in the average daily membership of the school district the student attends.

(d) Guidelines.—

(1) The board of school directors of a school district shall prepare guidelines on all the following:

(i) Establishment of an application form and approval process.

(ii) Standards for verification of the accuracy of application information.

(iii) Confirmation of attendance by a student who receives a tuition grant.

(iv) Restrictive endorsement of grant checks by parents to the school chosen by the parents.

(v) Pro rata refunds of grants for students who withdraw during the school year.

(vi) Repayment of refunded grants to the school district.

(vii) Reasonable deadline dates for submission of grant applications.

(2) The board of school directors of a school shall announce the award of grants no later than August 1 of the school year in which the grants will be utilized.

(3) Upon receipt of written confirmation of enrollment

from the student's school of choice, grants shall be paid to the parents of a student by a check that may only be endorsed to the selected school.

(4) In the event a student is no longer enrolled prior to the completion of the school term, the school shall send written notice to the school district.

(e) Nontaxable.—Grants awarded to students under this section shall not:

(1) Be considered taxable income for purposes of a local taxing ordinance or for purposes of Article III.

(2) Constitute financial assistance or appropriations to the school attended by the student.

(f) Construction.—Nothing in this section shall be construed to empower the Commonwealth or a school district or any of their agencies or officers to do any of the following:

(1) Prescribe the course content or admissions criteria for any religiously affiliated school.

(2) Compel any private school to accept or enroll a student.

(3) Impose any additional requirements on any private school that are not otherwise authorized.

(4) Require any school to accept or retain a student if the school does not offer programs or is not structured or equipped with the necessary facilities to meet the special needs of the student or does not offer a particular program requested.

Section 1713-F. Original jurisdiction.

The Pennsylvania Supreme Court shall have exclusive and original jurisdiction to hear a challenge or to render a declaratory judgment concerning the constitutionality of this article. The Pennsylvania Supreme Court may take such action as the court deems appropriate, consistent with the Pennsylvania Supreme Court's retaining jurisdiction over such a matter, to find facts or to expedite a final judgment in connection with a challenge or request for declaratory relief.

Section 7. Article XVII-G.1 heading and sections 1701-G.1, 1702-G.1, 1703-G.1, 1704-G.1, 1705-G.1, 1706-G.1 and 1707-G.1, of the act, added July 2, 2012 (P.L.751, No.85), are repealed:

[ARTICLE XVII-G.1

EDUCATIONAL OPPORTUNITY SCHOLARSHIP TAX CREDIT  
Section 1701-G.1. Scope of article.

This article establishes the educational opportunity scholarship tax credit.

Section 1702-G.1. Definitions.

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

"Applicant." An eligible student who applies for a scholarship.

"Assessment." The Pennsylvania System of School Assessment test, the Keystone Exam, an equivalent local assessment or another test established by the State Board of Education to meet the requirements of section 2603-B(d)(10)(i) of the Public School Code of 1949 and required under the No Child Left Behind Act of 2001 (Public Law 107-110, 115 Stat. 1425) or its successor statute or any other test required to achieve other standards established by the Department of Education for the public school or school district under 22 Pa. Code § 403.3 (relating to single accountability system).

"Attendance boundary." A geographic area of residence used by a school district to assign a student to a public school.

"Average daily membership." As defined in section 2501(3) of the Public School Code of 1949.

"Business firm." An entity authorized to do business in this Commonwealth and subject to a tax under Article XVI of the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, or taxes imposed under Article III, IV, VI, VII, VIII, IX or XV. The term includes a pass-through entity.

"Contribution." A donation of cash, personal property or services, the value of which is the net cost of the donation to the donor or the pro rata hourly wage, including benefits, of the individual

performing the services.

"Department." The Department of Community and Economic Development of the Commonwealth.

"Elementary school." A school which is not a secondary school.

"Eligible student." A student or a student with a disability who:

(1) resides within the attendance boundary of a low-achieving school as of the first day of classes of the school year; and

(2) is a member of a household which has a household income no greater than the maximum annual household income allowance.

"Household." An individual who lives alone or with the following: a spouse, parent and their unemancipated minor children, other unemancipated minor children who are related by blood or marriage or other adults or unemancipated minor children living in the household who are dependent upon the individual.

"Household income." All moneys or property received by a household of whatever nature and from whatever source derived. The term does not include the following:

(1) Periodic payments for sickness and disability other than regular wages received during a period of sickness or disability.

(2) Disability, retirement or other payments arising under workers' compensation acts, occupational disease acts and similar legislation by any government.

(3) Payments commonly recognized as old-age or retirement benefits paid to persons retired from service after reaching a specific age or after a stated period of employment.

(4) Payments commonly known as public assistance or unemployment compensation payments by a governmental agency.

(5) Payments to reimburse actual expenses.

(6) Payments made by employers or labor unions for programs covering hospitalization, sickness, disability or death, supplemental unemployment benefits, strike benefits, Social Security and retirement.

(7) Compensation received by United States servicemen serving in a combat zone.

"Income allowance."

(1) The following shall apply:

(i) After June 30, 2012, and through June 30, 2013, \$12,000 for each dependent member of the household.

(ii) After June 30, 2013, and through June 30, 2014, \$15,000 for each dependent member of the household.

(2) Beginning July 1, 2014, the Department of Community and Economic Development shall annually adjust the income allowance amounts under paragraph (1) to reflect any upward changes in the Consumer Price Index for All Urban Consumers for the Pennsylvania, New Jersey, Delaware and Maryland area in the preceding 12 months and shall immediately submit the adjusted amounts to the Legislative Reference Bureau for publication as a notice in the Pennsylvania Bulletin.

"Kindergarten." A one-year formal educational program that occurs during the school year immediately prior to first grade. The term includes a part-time and a full-time program.

"Low-achieving school." A public school that ranked in the lowest 15% of its designation as an elementary school or a secondary school based on combined mathematics and reading scores from the annual assessment administered in the previous school year and for which the Department of Education has posted results on its publicly accessible Internet website. The term does not include a charter school, cyber charter school or area vocational-technical school.

"Maximum annual household income allowance."

(1) Except as stated in paragraph (2) and subject to adjustment under paragraph (3), the sum of:

(i) Either:

(A) after June 30, 2012, and through June 30, 2013, not more than \$60,000; or  
 (B) after June 30, 2013, not more than \$75,000.

(ii) The applicable income allowance.

(2) With respect to a student with a disability, as calculated by multiplying:

(i) the applicable amount under paragraph (1);

by

(ii) the applicable support level factor according to the following table:

Support Level	Support Level Factor
1	1.50
2	2.993

(3) Beginning July 1, 2014, the Department of Community and Economic Development shall annually adjust the income amounts under paragraphs (1) and (2) to reflect any upward changes in the Consumer Price Index for All Urban Consumers for the Pennsylvania, New Jersey, Delaware and Maryland area in the preceding 12 months and shall immediately submit the adjusted amounts to the Legislative Reference Bureau for publication as a notice in the Pennsylvania Bulletin.

"Nonpublic school." A school which is a nonprofit organization and which is located in the Commonwealth. The term does not include a public school.

"Parent." An individual who:

(1) is a resident of the Commonwealth; and

(2) either:

(i) has legal custody or guardianship of a student; or

(ii) keeps in his home a student and supports the student gratis as if the student were a lineal descendant of the individual.

"Participating nonpublic school." A nonpublic school which notifies the Department of Education under section 1710-G.1 that it wishes to participate in the program.

"Participating public school." A public school in a school district which notifies the Department of Education under section 1710-G.1(b) that it wishes to participate in the program. The term shall not include a low-achieving school.

"Pass-through entity." A partnership as defined in section 301(n.0), a single-member limited liability company treated as a disregarded entity for Federal income tax purposes or a Pennsylvania S corporation as defined in section 301(n.1).

"Public School Code of 1949." The act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949.

"Program." The Educational Opportunity Scholarship Tax Credit Program established under this article.

"Recipient." An applicant who receives a scholarship.

"Scholarship." An award given to an applicant for the recipient to pay tuition and school-related fees necessary to attend a participating nonpublic school or a participating public school located in a school district which is not the recipient's school district of residence.

"Scholarship organization." A nonprofit entity which:

(1) is exempt from Federal taxation under section 501(c) (3) of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 1 et seq.); and

(2) contributes at least 80% of its annual cash receipts to a scholarship program.

For purposes of this definition, a nonprofit entity "contributes" its annual cash receipts to a scholarship program when it expends or otherwise irrevocably encumbers those funds for distribution during the then current fiscal year of the nonprofit entity or during the next succeeding fiscal year of the nonprofit entity.

"School." An elementary school or a secondary school at which the compulsory attendance requirements of the Commonwealth may be met and which meets the applicable requirements of Title VI of the

Civil Rights Act of 1964 (Public Law 88-352, 78 Stat. 241).

"School age." The age of an individual from the earliest admission age to a school's kindergarten or, when no kindergarten is provided, the school's earliest admission age for beginners, until the end of the school year the individual attains 21 years of age or graduation from high school, whichever occurs first.

"School district of residence." The school district in which the student's primary domicile is located.

"School-related fees." Fees charged by a school to all students for books, instructional materials, technology equipment and services, uniforms and activities.

"Secondary school." A school with an eleventh grade.

"Special education school." A school or program within a school that is designated specifically and exclusively for students with any of the disabilities listed in 34 CFR § 300.8 (relating to child with a disability) and meets one of the following:

(1) is licensed under the act of January 28, 1988 (P.L.24, No.11), known as the Private Academic Schools Act;

(2) is accredited by an accrediting association approved by the State Board of Education;

(3) is a school for the blind or deaf receiving Commonwealth appropriations; or

(4) is operated by or under the authority of a bona fide religious institution or by the Commonwealth or any political subdivision thereof.

"Student." An individual who meets all of the following:

(1) Is school age.

(2) Is a resident of this Commonwealth.

(3) Attends or is about to attend a school.

"Student with a disability." A student who meets all of the following:

(1) Is either enrolled in a special education school or has otherwise been identified, in accordance with 22 Pa. Code Ch. 14 (relating to special education services and programs), as a "child with a disability" as defined in 34 CFR § 300.8 (relating to child with a disability).

(2) Needs special education and related services.

"Support level." The level of support needed by an eligible student with a disability, as provided in the following matrix:

Support Level 1 - The student is not enrolled in a special education school.

Support Level 2 - The student is enrolled as a student in a special education school.

Section 1703-G.1. Qualification and application.

(a) Establishment.—The Educational Opportunity Scholarship Tax Credit Program is established. The program shall provide tax credits to entities that provide contributions to scholarship organizations. The scholarship organizations must enhance the educational opportunities available to students in this Commonwealth by providing scholarships to eligible students who reside within the attendance boundary of low-achieving schools to attend schools which are not low-achieving schools and which are not a public school within the school district of residence.

(b) Information.—In order to qualify under this article, a scholarship organization must submit information to the department that enables the department to confirm that the scholarship organization is exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 1 et seq.).

(c) Annual certification of eligibility.—By August 15, 2012, and by February 15, 2013, and each February 15 thereafter, a scholarship organization must certify to the department that the organization is eligible to participate in the program.

(d) Report.—

(1) A scholarship organization must agree to report the following information on a form provided by the department by September 1, 2013, and each September 1 thereafter:

(i) The total number of applications for scholarships received during the immediately preceding

school year from eligible students in grades kindergarten through eight.

(ii) The number of scholarships awarded during the immediately preceding school year to eligible students in grades kindergarten through eight.

(iii) The total and average amounts of the scholarships awarded during the immediately preceding school year to eligible students in grades kindergarten through eight.

(iv) The total number of applications for scholarships received during the immediately preceding school year from eligible students in grades 9 through 12.

(v) The number of scholarships awarded during the immediately preceding school year to eligible students in grades 9 through 12.

(vi) The total and average amounts of the scholarships awarded during the immediately preceding school year to eligible students in grades 9 through 12.

(vii) Where the scholarship organization collects information on a county-by-county basis, the total number and the total amount of scholarships awarded during the immediately preceding school year to residents of each county in which the scholarship organization awarded scholarships.

(viii) The number of scholarships awarded during the immediately preceding school year to applicants with a household income that does not exceed 185% of the Federal poverty level.

(ix) The total and average amounts of the scholarships awarded during the immediately preceding school year to applicants with a household income that does not exceed 185% of the Federal poverty level.

(x) The number of scholarships awarded during the immediately preceding school year to applicants with a household income that does not exceed 185% of the Federal poverty level and who reside within a first class school district.

(xi) The total and average amounts of the scholarships awarded during the immediately preceding school year to applicants with a household income that does not exceed 185% of the Federal poverty level and who reside within a first class school district.

(xii) The number of scholarships awarded during the immediately preceding school year to applicants with a household income that does not exceed 185% of the Federal poverty level and who reside within a school district with an average daily membership greater than 7,500 and that receives an advance of its basic education subsidy at any time.

(xiii) The total and average amounts of the scholarships awarded during the immediately preceding school year to applicants with a household income that does not exceed 185% of the Federal poverty level and who reside within a school district with an average daily membership greater than 7,500 and that receives an advance of its basic education subsidy at any time.

(xiv) The number of scholarships awarded during the immediately preceding school year to applicants with a household income that does not exceed 185% of the Federal poverty level and who reside within a school district that receives an advance of its basic education subsidy at any time and is either subject to a declaration of financial distress under section 691 of the Public School Code of 1949 or engaged in litigation against the Commonwealth in which the school district seeks financial assistance from the Commonwealth to allow the school district to continue to operate.

(xv) The total and average amounts of the

scholarships awarded during the immediately preceding school year to applicants with a household income that does not exceed 185% of the Federal poverty level and who reside within a school district that receives an advance of its basic education subsidy at any time and is either subject to a declaration of financial distress under section 691 of the Public School Code of 1949 or is engaged in litigation against the Commonwealth in which the school district seeks financial assistance from the Commonwealth to allow the school district to continue to operate.

(xvi) The total number of scholarship applications processed and the amounts of any application fees charged either per scholarship application or in the aggregate through a third-party processor.

(xvii) The scholarship organization's Federal Form 990 or other Federal form indicating the tax status of the scholarship organization for Federal tax purposes, if any, and a copy of a compilation, review or audit of the scholarship organization's financial statements conducted by a certified public accounting firm.

(2) No later than May 1, 2013, and each May 1

thereafter, the department shall annually distribute such sample forms, together with the forms on which the reports are required to be made, to each listed scholarship organization.

(3) The department may not require any other information to be provided by scholarship organizations, except as expressly authorized in this article.

(e) Notification.—The department shall notify a scholarship organization that it meets the requirements of this article for that fiscal year no later than 60 days after the scholarship organization submits the information required under this section.

(f) Publication.—The department shall annually publish a list of each scholarship organization qualified under this section in the Pennsylvania Bulletin and shall post and update the list as necessary on the publicly accessible Internet website of the department.

Section 1704-G.1. Tax credit application.

(a) Scholarship organization.—A business firm shall apply to the department for a tax credit under section 1705-G.1. A business firm shall receive a tax credit under this article if the scholarship organization that receives the contribution appears on the list published under section 1703-G.1(f).

(b) Availability of tax credits.—Tax credits under this article shall be made available by the department on a first-come-first-served basis within the limitation established under section 1706-G.1(a).

(c) Contributions.—A contribution by a business firm to a scholarship organization shall be made no later than 60 days following the approval of an application under subsection (a).

Section 1705-G.1. Tax credit.

(a) Scholarship organizations.—

(1) In accordance with section 1706-G.1(a), the Department of Revenue shall grant a tax credit against any tax due under Article XVI of the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, or under Article III, IV, VI, VII, VIII, IX or XV to a business firm providing proof of a contribution to a scholarship organization in the taxable year in which the contribution is made, which shall not exceed 75% of the total amount contributed during the taxable year by the business firm.

(2) For the fiscal year 2012-2013, the tax credit shall not exceed \$400,000 annually per business firm for contributions made to scholarship organizations.

(3) For the fiscal years 2013-2014 and each fiscal year thereafter, the tax credit shall not exceed \$750,000 annually per business firm for contributions made to scholarship organizations.

(b) Additional amount.—

(1) The Department of Revenue shall grant a tax credit of up to 90% of the total amount contributed during the taxable year if the business firm provides a written commitment to provide the scholarship organization with the same amount of contribution for two consecutive tax years.

(2) The business firm must provide the written commitment under this subsection to the department at the time of application.

(c) Combination of tax credits.—

(1) A business firm may receive tax credits from the Department of Revenue in any tax year for any combination of contributions under subsection (a) or (b).

(2) In no case may a business firm receive tax credits in any tax year:

(i) in excess of \$400,000 for contributions under subsections (a) and (b) made during fiscal year 2012-2013; or

(ii) in excess of \$750,000 for contributions under subsections (a) and (b) made during fiscal year 2013-2014 or any fiscal year thereafter.

(d) Pass-through entity.—

(1) If a pass-through entity does not intend to use all approved tax credits under this section, it may elect in writing to transfer all or a portion of the credit to shareholders, members or partners in proportion to the share of the entity's distributive income to which the shareholder, member or partner is entitled for use in the taxable year in which the contribution is made or in the taxable year immediately following the year in which the contribution is made. The election shall designate the year in which the transferred credits are to be used and shall be made according to procedures established by the Department of Revenue.

(2) A pass-through entity and a shareholder, member or partner of a pass-through entity shall not claim the credit under this section for the same contribution.

(3) The shareholder, member or partner may not carry forward, carry back, obtain a refund of or sell or assign the credit.

(e) Restriction on applicability of credits.—No credits granted under this section shall be applied against any tax withheld by an employer from an employee under Article III.

(f) Time of application for credits.—

(1) Except as provided in paragraph (2), the department may accept applications for tax credits available during a fiscal year no earlier than July 1 of each fiscal year.

(2) The application of any business firm for tax credits available during a fiscal year as part of the second year of a two-year commitment or as a renewal of a two-year commitment that was fulfilled in the previous fiscal year may be accepted no earlier than May 15 preceding the fiscal year.

Section 1706-G.1. Tax credit limitations.

(a) Amount.—The total aggregate amount of all tax credits approved shall not exceed \$50,000,000 in a fiscal year.

(b) Activities.—No tax credit shall be approved for activities that are a part of a business firm's normal course of business.

(c) Tax liability.—

(1) Except as provided in paragraph (2), a tax credit granted for any one taxable year may not exceed the tax liability of a business firm.

(2) In the case of a credit granted to a pass-through entity which elects to transfer the credit according to section 1705-G.1(d), a tax credit granted for any one taxable year and transferred to a shareholder, member or partner may not exceed the tax liability of the shareholder, member or partner.

(d) Use.—A tax credit not used by the applicant in the taxable year the contribution was made or in the year designated by the shareholder, member or partner to whom the credit was transferred under section 1705-G.1(d) may not be carried forward or carried back

and is not refundable or transferable.

(e) Nontaxable income.—A scholarship received by an eligible student shall not be considered to be taxable income for the purposes of Article III.

Section 1707-G.1. Tax credit lists.

The Department of Revenue shall provide a list of all scholarship organizations receiving contributions from business firms granted a tax credit under this article to the General Assembly by June 30 of each year.]

Section 8. Section 1708-G.1 of the act, amended or added July 2, 2012 (P.L.751, No.85) and July 9, 2013 (P.L.270, No.52), is repealed.

[Section 1708-G.1. Scholarships.

(a) Notice.—By August 15, 2012, and by February 1 of each year thereafter, the department shall provide all scholarship organizations with a list of the low-achieving schools located within each school district.

(b) Award.—A scholarship organization may award a scholarship to an applicant who resides within the attendance boundary of a low-achieving school to attend a participating public school or a participating nonpublic school selected by the parent of the applicant. If an applicant who received an educational opportunity scholarship under this article for the prior school year resides within the attendance boundary of a school that was removed from the list of low-achieving schools provided by the department under subsection (a), the applicant may receive an educational opportunity scholarship. The scholarship may be for each year of enrollment in a participating public school or participating nonpublic school for up to the lesser of five years or until completion of grade 12 provided the applicant otherwise remains eligible. In awarding scholarships, a scholarship organization shall give preference to any of the following:

(1) An applicant who received a scholarship for the prior school year.

(2) An applicant of a household with a household income that does not exceed 185% of the Federal poverty level for the school year preceding the school year for which the application is being made.

(3) An applicant of a household with a household income that does not exceed 185% of the Federal poverty level for the school year preceding the school year for which the application is being made and who resides within any of the following:

(i) a first class school district;

(ii) a school district with an average daily membership greater than 7,500 and that receives an advance of its basic education subsidy at any time; or

(iii) a school district that receives an advance of its basic education subsidy at any time and is either subject to a declaration of financial distress under section 691 of the Public School Code of 1949 or engaged in litigation against the Commonwealth in which the school district seeks financial assistance from the Commonwealth to allow the school district to continue to operate.

(c) Home schooling.—A scholarship organization shall not award a scholarship to an applicant for enrollment in a home education program under section 1327.1 of the Public School Code of 1949.

(d) Funding.—The aggregate amount of scholarships shall not exceed the aggregate amount of contributions made by business firms to the scholarship organization.

(e) Amount.—

(1) The maximum amount of a scholarship awarded to an applicant without a disability shall be \$8,500.

(2) The maximum amount of a scholarship awarded to an applicant with a disability shall be \$15,000.

(3) In no case shall the combined amount of the scholarship awarded to a recipient and any additional financial assistance provided to the recipient exceed the tuition rate and

school-related fees for the participating public school or participating nonpublic school that the recipient will attend.

(f) Taxation.—A scholarship shall not be considered taxable income for purposes of Article III or a local taxing ordinance.

(g) Financial assistance.—A scholarship shall not constitute financial assistance or an appropriation to the participating public school or the participating nonpublic school attended by a recipient.]

Section 9. Sections 1709-G.1, 1710-G.1, 1711-G.1 and 1712-G.1 of the act, added July 2, 2012, are repealed:  
[Section 1709-G.1. Low-achieving schools.

(a) List of low-achieving schools.—By September 1, 2012, and by February 1 of each year thereafter, the Department of Education shall publish on its publicly accessible Internet website and in the Pennsylvania Bulletin a list of the low-achieving schools for the following school year.

(b) Notice.—By August 1, 2012, and by February 1 of each year thereafter, the Department of Education shall notify every school district identified as having at least one low-achieving school of its designation and shall furnish the school district with a list of the low-achieving schools located within the school district.

(c) Publication.—Within 15 days of receipt of a notification under subsection (b), a school district shall post on its publicly accessible Internet website notice of all of the following:

(1) A description of the program.

(2) Instructions for applying for a scholarship.

(3) A list of schools in the school district that have been designated by the Department of Education as low-achieving schools.

(4) Notice that a parent must contact directly a school district of a participating public school or a participating nonpublic school if the parent seeks to enroll the student in the program.

(d) Notification to parents.—

(1) Within 15 days of receipt of a notification under subsection (b), a school district shall notify the parents of each student who is currently attending or residing within the attendance boundary of a low-achieving school during the school year of the school's designation.

(2) Upon registration of a kindergarten student, a school district shall notify the parents of the kindergarten student that the student will be assigned to a low-achieving school during the school year of the school's designation.

(3) The notice shall be in a form provided by the Department of Education and shall provide the following information regarding the program:

(i) A description of the program.

(ii) Instructions for obtaining information about applying for a scholarship under the program.

(iii) Notice of the parent's responsibilities with regard to applying to a school district of a participating public school or a participating nonpublic school if the parent seeks to enroll the student in the program.

(e) Average daily membership.—

(1) Notwithstanding any other provision of law to the contrary, a recipient who was enrolled in the recipient's resident school district or in a charter school, regional charter school or cyber charter school when the recipient first received a scholarship shall continue to be counted in the average daily membership of the school district for a period of one year after enrolling in a participating public school or a participating nonpublic school.

(2) During the year referenced in paragraph (1) and each school year thereafter, a school district of a participating public school in which the recipient is enrolled shall not include the recipient in the school district's average daily membership.

Section 1710-G.1. School participation in program.

(a) Election.—

(1) By August 15, 2012, and by February 15 of each

year thereafter, a nonpublic school may elect to participate in the program for the following school year.

(2) By August 15, 2012, and by February 15 of each year thereafter, a school district may elect to participate in the program for the following school year.

(b) Notice.—

(1) A school district or nonpublic school that elects to participate under subsection (a) must notify the Department of Education of its intent to participate.

(2) For a school district, the notice under paragraph (1) must be submitted on a form developed by the Department of Education and shall specify all of the following:

(i) Each school within the school district which the school district intends to make a participating public school.

(ii) The amount of tuition and school-related fees attributable to each available seat. The amount under this subparagraph shall not exceed the amount calculated under section 2561 of the Public School Code of 1949.

(3) For a nonpublic school, the notice under paragraph (1) must be submitted on a form developed by the Department of Education and shall specify the amount of tuition and school-related fees attributable to an available seat.

(c) Tuition rates.—

(1) No school district of a participating public school or participating nonpublic school may charge a recipient a higher tuition rate or school-related fee than the participating public school or participating nonpublic school would have charged to a similarly situated student who is not receiving a scholarship.

(2) Notwithstanding the provisions of section 2561 of the Public School Code of 1949, a school district of a participating public school may charge a recipient a tuition rate that is lower than that charged to students who are not recipients of scholarships.

(d) Participating public school criteria.—The following criteria apply to a participating public school:

(1) Except as otherwise provided in this article, a school district shall enroll students in a participating public school on a lottery basis from a pool of recipients who meet the application deadline set by the Department of Education until the participating public school fills its available seats. The pool may not include a recipient who:

(i) has been expelled or is in the process of being expelled under section 1317.2 or 1318 of the Public School Code of 1949 and applicable regulations of the State Board of Education; or

(ii) has been recruited by the school district or its representatives for athletic purposes.

(2) The enrollment of recipients may not place the school district in violation of a valid and binding desegregation order.

(3) Priority shall be given to:

(i) An existing recipient.

(ii) A recipient who is a sibling of a student currently enrolled in the school district.

(e) Participating nonpublic school criteria.—The following criteria apply to a participating nonpublic school:

(1) The participating nonpublic school may not discriminate on a basis which is illegal under Federal or State laws applicable to nonpublic schools.

(2) The participating nonpublic school shall comply with section 1521 of the Public School Code of 1949.

(3) The participating nonpublic school or its representatives may not recruit a student for athletic purposes.

(f) Student rules, policies and procedures.—

(1) Prior to enrollment of a recipient, a school district of a participating public school or a participating nonpublic school shall inform the parent of a recipient of any and all rules, policies

and procedures of the participating public school or participating nonpublic school, including any academic policies, disciplinary rules and administrative procedures of the participating public school or participating nonpublic school.

(2) Enrollment of a recipient in a participating public school or participating nonpublic school shall constitute acceptance of any rules, policies and procedures of the participating public school or participating nonpublic school.

(g) Transportation.—

(1) Transportation of recipients shall be provided under section 1361 of the Public School Code of 1949.

(2) Reimbursement shall be as follows:

(i) Transportation of a recipient attending a participating public school shall be subject to reimbursement under section 2541 of the Public School Code of 1949.

(ii) Transportation of a recipient attending a participating nonpublic school shall be subject to reimbursement under sections 2509.3 and 2541 of the Public School Code of 1949.

(h) Construction.—Nothing in this article shall be construed to:

(1) Prohibit a participating nonpublic school from limiting admission to a particular grade level, a single gender or areas of concentration of the participating nonpublic school, including mathematics, science and the arts.

(2) Authorize the Commonwealth or any of its agencies or officers or political subdivisions to impose any additional requirements on a participating nonpublic school which are not otherwise authorized under the laws of this Commonwealth or to require a participating nonpublic school to enroll a recipient if the participating nonpublic school does not offer appropriate programs or is not structured or equipped with the necessary facilities to meet the special needs of the recipient or does not offer a particular program requested.

Section 1711-G.1. Tuition grants by school districts.

(a) General rule.—The board of school directors of a school district may use funds received from the Commonwealth for educational purposes to establish a program of tuition grants to provide for the education of students who reside within the district and attend or will attend a public or nonpublic school on a tuition-paying basis.

(b) Nonpublic school grant amount.—For students who attend or will attend a nonpublic school, the grant amount for each student shall not exceed the amount of the per pupil State subsidy for basic education of the school district of residence.

(c) Average daily membership.—

(1) A student who receives a tuition grant under this section shall be included in the average daily membership for purposes of determining the school district of residence's basic education funding.

(2) A student who receives a grant under this section to attend a public school outside the school district awarding the tuition grant shall not be included in the average daily membership of the school district the student attends.

(d) Guidelines.—

(1) The board of school directors of a school district shall prepare guidelines establishing an application form and approval process, standards for verification as to the accuracy of application information, confirmation of attendance by a student who receives a tuition grant, restrictive endorsement of grant checks by parents to the school chosen by the parents, pro rata refunds of grants for students who withdraw during the school year, repayment of refunded grants to the school district and reasonable deadline dates for submission of grant applications.

(2) The board of school directors of a school shall announce the award of grants no later than August 1 of the school year in which the grants will be utilized.

(3) Upon receipt of written confirmation of enrollment from the student's school of choice, grants shall be paid to the

parents of a student by a check that may only be endorsed to the selected school.

(4) In the event a student is no longer enrolled prior to the completion of the school term, the school shall send written notice thereof to the school district.

(e) Nontaxable.—Grants awarded to students under this section shall not be considered taxable income for purposes of any local taxing ordinance or for purposes of Article III, nor shall such grants constitute financial assistance or appropriations to the school attended by the student.

(f) Construction.—Nothing in this section shall be construed to empower the Commonwealth or any school district or any of their agencies or officers to:

(1) prescribe the course content or admissions criteria for any religiously affiliated school;

(2) compel any private school to accept or enroll a student;

(3) impose any additional requirements on any private school that are not otherwise authorized; or

(4) require any school to accept or retain a student if the school does not offer programs or is not structured or equipped with the necessary facilities to meet the special needs of the student or does not offer a particular program requested.

Section 1712-G.1. Original jurisdiction.

The Pennsylvania Supreme Court shall have exclusive and original jurisdiction to hear any challenge or to render a declaratory judgment concerning the constitutionality of this article. The Pennsylvania Supreme Court may take such action as it deems appropriate, consistent with the Pennsylvania Supreme Court's retaining jurisdiction over such a matter, to find facts or to expedite a final judgment in connection with such a challenge or request for declaratory relief.]

Section 10. This act shall take effect immediately.

On the question,

Will the House agree to the amendment?

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

Mr. VEREB. Thank you, Mr. Speaker.

I rise to offer amendment A09427, which strengthens the educational improvement and opportunity scholarship tax credit programs to ensure that more students and more businesses benefit from the program. My amendment opens the door between the EITC and OSTC programs and helps make sure all tax credits allocated to these programs are fully utilized each year to give students more educational opportunities.

Because my amendment strengthens school choice opportunities in this Commonwealth, I ask for your support. Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—193

Adolph	English	Kinsey	Pickett
Aument	Evankovich	Kirkland	Pyle
Baker	Everett	Knowles	Quinn
Barbin	Fabrizio	Kortz	Rapp
Barrar	Farina	Krieger	Readshaw
Benninghoff	Farry	Kula	Reed
Bishop	Fee	Lawrence	Reese
Bizzarro	Fleck	Longietti	Regan
Bloom	Flynn	Lucas	Roae

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

NAYS-5

Carroll	Mundy	Pashinski	Thomas
DeLissio			

NOT VOTING-0

EXCUSED-4

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

On the question,

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

Mr. LONGIETTI offered the following amendment No. A09508:

Amend Bill, page 1, line 21 (A09427), by striking out "income" and inserting "income,"

Amend Bill, page 1, line 22 (A09427), by inserting after "entity" and "pre-kindergarten program"

Amend Bill, page 4, by inserting between lines 43 and 44 (A09427)

"Pre-kindergarten program." A program of instruction for three-

year-old [or] four-year-old, five-year-old or six-year-old students that utilizes a curriculum aligned with the curriculum of the school with which it is affiliated and which provides one of the following:

(1) A minimum of two hours of instructional and developmental activities per day at least 60 days per school year.

(2) A minimum of two hours of instructional and developmental activities per day at least 20 days over the summer recess.

Amend Bill, page 11, line 34 (A09427), by inserting after "firm."

At the time of application, a business firm may provide a written commitment to the department to provide the pre-kindergarten scholarship organization with at least the same amount of contribution for two consecutive years.

On the question,

Will the House agree to the amendment?

The SPEAKER. On that question, the Speaker recognizes the gentleman from Mercer, Mr. Longietti.

Mr. LONGIETTI. Thank you, Mr. Speaker.

This amendment makes two clarifying additions to the EITC as it regards to pre-K. It clarifies that a pre-K program can be for 3-, 4-, 5-, or 6-year-olds. And secondly, it clarifies that like the rest of the EITC program for pre-L, it can be a 2-year commitment and a renewal date of May 15 for the application on the renewal of a 2-year commitment.

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

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

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, this is an agreed-to amendment. I ask members to support it.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS-198

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



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

NAYS—0

NOT VOTING—0

EXCUSED—4

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

On the question recurring,

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

Mr. **ROEBUCK** offered the following amendment No. **A09507**:

Amend Bill, page 1, line 5 (A09427), by inserting after "credit" ; and providing for an educational improvement opportunity tax credit

Amend Bill, page 38, line 38 (A09427), by striking out all of said line and inserting

Section 10. The act is amended by adding an article to read:

**ARTICLE XVII-G.2**

**EDUCATIONAL IMPROVEMENT OPPORTUNITY TAX CREDIT**  
Section 1701-G.2. Scope of article.

This article establishes the educational improvement opportunity tax credit.

Section 1702-G.2. Definitions.

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

"Assessment." The Pennsylvania System of School Assessment test, the Keystone Exam, an equivalent local assessment or another test established by the State Board of Education to meet the requirements of section 2603-B(d)(10)(i) of the Public School Code of 1949 and required under the No Child Left Behind Act of 2001 (Public Law 107-110, 115 Stat. 1425) or its successor statute or any other test required to achieve other standards established by the Department of Education for the public school or school district under 22 Pa. Code § 403.3 (relating to single accountability system).

"Business firm." An entity authorized to do business in this Commonwealth and subject to a tax under Article XVI of the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company

Law of 1921, or taxes imposed under Article III, IV, VI, VII, VIII, IX or XV. The term includes a pass-through entity.

"Contribution." A donation of cash, personal property or services, the value of which is the net cost of the donation to the donor or the pro rata hourly wage, including benefits, of the individual performing the services.

"Department." The Department of Community and Economic Development of the Commonwealth.

"Educational improvement initiative." An initiative implemented by a school district under section 1710-G.2.

"Educational improvement organization." A nonprofit entity which:

(1) is exempt from Federal taxation under section 501(c)(3) of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 1 et seq.); and

(2) contributes at least 80% of its annual receipts as grants to a public school for educational improvement initiatives.

For purposes of this definition, a nonprofit entity "contributes" its annual cash receipts when it expends or otherwise irrevocably encumbers those funds for expenditure during the then current fiscal year of the nonprofit entity or during the next succeeding fiscal year of the nonprofit entity. A nonprofit entity shall include a school district foundation and public school foundation.

"Low-achieving school." A public school that ranked in the lowest 15% of its designation as an elementary school or a secondary school based on combined mathematics and reading scores from the annual assessment administered in the previous school year and for which the Department of Education has posted results on its publicly accessible Internet website. The term does not include a charter school, cyber charter school or area vocational-technical school.

"Pass-through entity." A partnership as defined in section 301(n.0), a single-member limited liability company treated as a disregarded entity for Federal income tax purposes or a Pennsylvania S corporation as defined in section 301(n.1).

"Program." The Educational Improvement Opportunity Tax Credit Program established under this article.

"Public School Code of 1949." The act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949.

"Tax credit." The educational improvement opportunity tax credit provided under this article.

Section 1703-G.2. Qualification and application.

(a) Establishment.—The Educational Improvement Opportunity Tax Credit Program is established. The program shall provide tax credits to entities that provide contributions to educational improvement organizations. Contributions to the educational improvement organizations shall be used to provide grants to school districts with low-achieving schools to improve students' academic performance through educational improvement initiatives under section 1710-G.2.

(b) Information.—In order to qualify under this article, an educational improvement organization must submit information to the department that enables the department to confirm that the educational improvement organization is exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 1 et seq.).

(c) Application.—An application submitted by an educational improvement organization must certify to the department that the organization is eligible to participate in the program. The application must include a description of the educational improvement initiatives under section 1710-G.2 that are being funded by the educational improvement organization. The department shall prescribe the form of the application.

(d) Annual certification of eligibility.—By August 15, 2014, and by February 15, 2015, and each February 15 thereafter, an educational improvement organization must certify to the department that the organization is eligible to participate in the program.

(e) Report.—

(1) An educational improvement organization must

agree to report the following information on a form provided by the department by September 1, 2015, and each September 1 thereafter:

(i) The names of the school districts and the low-achieving schools that received grants and the total amount of the grants made to school districts during the immediately preceding school year.

(ii) A description of how each grant was utilized during the immediately preceding school year and a description of any demonstrated or expected improvements in academic performance of students.

(iii) Where the educational improvement organization collects information on a county-by-county basis, the total number and the total amount of grants made during the immediately preceding school year for initiatives at public schools in each county in which the educational improvement organization made grants.

(iv) The organization's Federal Form 990 or other Federal form indicating the tax status of the organization for Federal tax purposes, if any, and a copy of a compilation, review or audit of the organization's financial statements conducted by a certified public accounting firm.

(2) The information required under paragraph (1) shall be submitted on a form provided by the department. No later than September 1, 2014, and May 1 of each year thereafter, the department shall annually distribute such sample forms, together with the forms on which the reports are required to be made, to each listed educational improvement organization.

(3) The department may not require any other information to be provided by educational improvement organizations, except as expressly authorized in this article.

(f) Notification.—The department shall notify the educational improvement organization that the organization meets the requirements of this article for that fiscal year no later than 60 days after the organization has submitted the information required under this section.

(g) Publication.—The department shall annually publish a list of each educational improvement organization qualified under this section in the Pennsylvania Bulletin. The list shall also be posted and updated as necessary on the department's publicly accessible Internet website.  
Section 1704-G.2. Tax credit application.

(a) Educational improvement organization.—A business firm shall apply to the department for a tax credit under section 1705-G.2. A business firm shall receive a tax credit if the educational improvement organization that receives the contribution appears on the list published under section 1703-G.2(f).

(b) Availability of tax credits.—Tax credits shall be made available by the department on a first-come, first-served basis within the limitation established under section 1706-G.2(a).

(c) Contributions.—A contribution by a business firm to an educational improvement organization shall be made no later than 60 days following the approval of an application under subsection (a).  
Section 1705-G.2. Tax credit.

(a) Educational improvement organizations.—

(1) In accordance with section 1706-G.2(a), the Department of Revenue shall grant a tax credit against any tax due under Article XVI of the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, or under Article III, IV, VI, VII, VIII, IX or XV to a business firm providing proof of a contribution to an educational improvement organization in the taxable year in which the contribution is made, which shall not exceed 75% of the total amount contributed during the taxable year by the business firm.

(2) For the fiscal year 2014-2015 and each fiscal year thereafter, the tax credit shall not exceed \$750,000 annually per business firm for contributions made to educational improvement organizations.

(b) Additional amount.—

(1) The Department of Revenue shall grant a tax credit of up to 90% of the total amount contributed during the taxable year if the business firm provides a written commitment to provide the educational improvement organization with the same amount of contribution for two consecutive tax years.

(2) The business firm must provide the written commitment under this subsection to the department at the time of application.

(c) Combination of tax credits.—

(1) A business firm may receive tax credits from the Department of Revenue in any tax year for any combination of contributions under subsection (a) or (b).

(2) In no case may a business firm receive tax credits in any tax year in excess of \$750,000 for contributions under subsections (a) and (b) made during fiscal year 2014-2015 or any fiscal year thereafter.

(d) Pass-through entity.—

(1) If a pass-through entity does not intend to use all approved tax credits under this section, it may elect in writing to transfer all or a portion of the credit to shareholders, members or partners in proportion to the share of the entity's distributive income to which the shareholder, member or partner is entitled for use in the taxable year in which the contribution is made or in the taxable year immediately following the year in which the contribution is made. The election shall designate the year in which the transferred credits are to be used and shall be made according to procedures established by the Department of Revenue.

(2) A pass-through entity and a shareholder, member or partner of a pass-through entity shall not claim the credit under this section for the same contribution.

(3) The shareholder, member or partner may not carry forward, carry back, obtain a refund of or sell or assign the credit.

(e) Restriction on applicability of credits.—No credits granted under this section shall be applied against any tax withheld by an employer from an employee under Article III.

(f) Time of application for credits.—

(1) Except as provided in paragraph (2), the department may accept applications for tax credits available during a fiscal year no earlier than July 1 of each fiscal year.

(2) The application of any business firm for tax credits available during a fiscal year as part of the second year of a two-year commitment or as a renewal of a two-year commitment that was fulfilled in the previous fiscal year may be accepted no earlier than May 15 preceding the fiscal year.

Section 1706-G.2. Tax credit limitations.

(a) Amount.—The total aggregate amount of all tax credits approved shall not exceed \$50,000,000 in a fiscal year.

(b) Activities.—No tax credit shall be approved for activities that are part of a business firm's normal course of business.

(c) Tax liability.—

(1) Except as provided in paragraph (2), a tax credit granted for any one taxable year may not exceed the tax liability of a business firm.

(2) In the case of a credit granted to a pass-through entity which elects to transfer the credit according to section 1705-G.2(d), a tax credit granted for any one taxable year and transferred to a shareholder, member or partner may not exceed the tax liability of the shareholder, member or partner.

(d) Use.—A tax credit not used by the applicant in the taxable year the contribution was made or in the year designated by the shareholder, member or partner to whom the credit was transferred under section 1705-G.2(d) may not be carried forward or carried back and is not refundable or transferable.

Section 1707-G.2. Tax credit lists.

The Department of Revenue shall provide a list of all educational improvement organizations receiving contributions from business firms

granted a tax credit under this article to the General Assembly by June 30 of each year.

Section 1708-G.2. Department notice.

By August 15, 2014, and by February 1 of each year thereafter, the department shall provide all educational improvement organizations with a list of the low-achieving schools located within each school district.

Section 1709-G.2. List of low-achieving schools.

(a) List of low-achieving schools.—By September 1, 2014, and by February 1 of each year thereafter, the Department of Education shall publish on its publicly accessible Internet website and in the Pennsylvania Bulletin a list of the low-achieving schools for the following school year.

(b) Notice.—By August 1, 2014, and by February 1 of each year thereafter, the Department of Education shall notify every school district identified as having at least one low-achieving school of its designation and shall furnish the school district with a list of the low-achieving schools located within the school district.

Section 1710-G.2. Educational improvement initiatives.

The following initiatives designed by a school district to improve the academic performance of students in a low-achieving school in meeting State academic standards are eligible for grant funding under this article:

(1) Targeted tutoring in reading and mathematics provided during the normal school day to increase student academic achievement on State assessments.

(2) Targeted interventions, both after-school programs and summer-school programs, that include tutoring by Department of Education-approved providers, mentoring and family support for at-risk students addressing truancy, parenting skills and intensive social services.

(3) Other programs or activities, as approved by the Department of Education, which the board of school directors of a school district determines are essential to improving academic performance of students in a low-achieving school.

Section 11. This act shall take effect as follows:

(1) The amendment of section 1706-F of the act shall take effect in 60 days.

(2) The remainder of this act shall take effect immediately.

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

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

Mr. ROEBUCK. Thank you, Mr. Speaker.

My amendment would establish a new educational improvement opportunity tax credit program to offer \$50 million in tax credits for businesses that contribute to an education improvement organization that provides grants to school districts of low-achieving schools to improve the academic performance in meeting State academic standards.

This legislation would complement the existing educational opportunity tax credit program enacted last session, which authorized \$50 million in tax credits for businesses that contribute to a scholarship organization that provides scholarships for students residing in low-achieving schools to attend a non-public school.

This new educational improvement opportunity credit program, businesses will have a choice in how they want to assist students in low-achieving schools to achieve academic success. I want to stress that the additional \$50 million in tax credits for this program would not replace but would be in addition to tax credits provided through the existing educational improvement tax credit programs.

I also want to stress that we are talking about tax credits, not General Fund revenues. I would also note that at least \$17 million of tax credits presently are not used in the existing educational opportunity tax credit program. This expands the ability of those businesses that want to help improve education by giving them an option of how they might use their tax credits to help students to succeed. The present program has a high demand. I am certain this would have a high demand. I know that it will significantly benefit many schools in my district which have high-quality programs and need the additional input of tax credit moneys in order that those programs might reach more students. I would ask for your favorable vote on this measure.

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 Bucks County, Mr. Clymer.

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, even though this amendment is well-intended for low-achieving schools, I must ask the members for a "no" vote. Fifty million dollars, though they be tax credits, is something that the Commonwealth cannot sustain right now, given its present economic situation.

In addition, we know as members that bills of this sort must be vetted through the committee process. It is very important that members have an opportunity to learn and understand exactly what this additional \$50 million would do and all the important components about it.

I would also point out that the Vereb amendment, which we just adopted, removed the increase in tax credits for the EITC program in the underlying bill due to the same fiscal concerns. I believe it is important for us to remain consistent in our efforts to be fiscally responsible, and I would ask for a "no" vote. Thank you.

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

On that question, the Speaker recognizes the gentleman from Philadelphia County, Mr. Thomas.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, I rise in support of the Roebuck amendment. Mr. Speaker, I rise to support the Roebuck amendment because the question that is before us right now, and I know I have heard it from both sides, what constitutes equalization of opportunity? What is the test to ensure that all children receive an equitable education? Should we have a system where we have a half billion dollars over here in tax credits to help a certain section of our community and not make it available to another section of our community?

What Chairman Roebuck is asking for, and that is to make these programs that have done well with a lot of schools, a couple of those schools even in my district, but there are a couple schools in my district that are struggling and are not in a position to take advantage of these programs that we have created, like EITC and OSTC.

So, Mr. Speaker, the question today is, should struggling public traditional schools and should certain public charter schools be able to take advantage of this program? And the Speaker just— The majority chairman, the majority chairman just indicated to me that this is our last vote, and I appreciate that. I want this to be our best vote.

Vote "yes" on the Roebuck amendment.

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

The Speaker recognizes the gentleman from Bucks County, Mr. Clymer, for the second time on the amendment.

Mr. CLYMER. Mr. Speaker, thank you.

Very briefly, throughout this entire session, members on both sides of the aisle have been very sensitive to bringing equity and equality to the schoolchildren of Pennsylvania. We have worked very hard. We have made our compromises. And, Mr. Speaker, we can do it again. But as I just mentioned earlier on, we need to vet this bill through the committee process, do it right, and for this reason and the other reasons I enumerated on, I ask for a "no" vote.

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

The following roll call was recorded:

YEAS—84

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

NAYS—114

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

Evankovich	Krieger	Quinn	Watson
Everett	Lawrence		

NOT VOTING—0

EXCUSED—4

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

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

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

The gentleman is in order.

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

Just very briefly, I rise in support of this amendment, which would also make modifications—

The SPEAKER. The gentleman will suspend.

Mr. SCHREIBER. Thank you, Mr. Speaker.

I rise to discuss modifications to the City Revitalization Improvement Zone program, otherwise known as CRIZ, C-R-I-Z. Specifically, these three elements would reduce the population eligibility of third-class cities from 30,000 to 20,000. It would eliminate the prohibition for application for designation by a city that has been in receivership. And finally, it would provide two additional designations yet in 2014. The CRIZ program has been incredibly successful, as it has been now designated in two municipalities in our Commonwealth, and it was modeled after the NIZ (Neighborhood Improvement Zone) program in Allentown.

This helps our local municipalities. This helps urban redevelopment. This helps our school districts by enhancing the local tax base. CRIZ helps our private sector and its businesses by providing a unique financing mechanism for redevelopment to create jobs, to retain jobs, and expand business. It helps our businesses grow and be successful, thus hopefully also participating in the EITC program.

Thank you, Mr. Speaker.

The SPEAKER. The Speaker thanks the gentleman.

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

Bill as amended was agreed to.

(Bill as amended will be reprinted.)

SUPPLEMENTAL CALENDAR A CONTINUED

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 2076, PN 3480**, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in transfers of credits

between institutions of higher education, further providing for definitions, for duties of public institutions of higher education and for transfer and articulation oversight committee.

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

Mr. **ROEBUCK** offered the following amendment  
No. **A09547**:

Amend Bill, page 4, line 25, by striking out "2015" and inserting  
2016

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

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

Mr. **ROEBUCK**. Thank you, Mr. Speaker.

This is a technical amendment, changing the year at which the bill would go into effect from 2015 to 2016.

The **SPEAKER**. The Speaker thanks the gentleman.

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

The following roll call was recorded:

YEAS—198

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

DeLissio	Kampf	Oberlander	Turzai
Delozier	Kauffman	Painter	Vereb
DeLuca	Kavulich	Parker	Vitali
Denlinger	Keller, F.	Pashinski	Waters
Dermody	Keller, M.K.	Payne	Watson
DiGirolamo	Keller, W.	Peifer	Wheatley
Donatucci	Killion	Petrarca	White
Dunbar	Kim	Petri	Youngblood
Ellis	Kinsey		

NAYS—0

NOT VOTING—0

EXCUSED—4

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

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

On that question, the Speaker recognizes the gentleman from Philadelphia County, Mr. Roebuck.

Mr. **ROEBUCK**. Thank you, Mr. Speaker.

HB 2076 will expand transfer and articulation programs to include credits for matriculating freshmen who have taken AP (Advanced Placement) courses in high school with scores that qualify them for college course credits. This legislation would incentivize students to take AP courses in order to further challenge themselves and will help those students and their families to save thousands of dollars in avoiding duplication of courses taken that could be applied to college credits. It will also further strengthen the individual schools by creating better qualified teachers to offer those courses and thus raise the academic credentials of those schools.

I would ask for a favorable 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—195

Adolph	Ellis	Kim	Pickett
Aument	Emrick	Kinsey	Pyle
Baker	English	Kirkland	Quinn
Barbin	Evankovich	Knowles	Rapp
Barrar	Everett	Kortz	Readshaw
Benninghoff	Fabrizio	Krieger	Reed
Bishop	Farina	Kula	Reese

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

NAYS—3

Metcalfe	Metzgar	Topper
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NOT VOTING—0

EXCUSED—4

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

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

**VOTE CORRECTION**

The SPEAKER. The Speaker recognizes the gentleman from Mercer County, Mr. Stevenson, under unanimous consent.

Mr. STEVENSON. Thank you, Mr. Speaker.

Correction of the record.

The SPEAKER. The gentleman may state his correction.

Mr. STEVENSON. On HB 1177 my vote was recorded in the affirmative. It was my intention to vote in the negative. I would like to correct the record.

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

**BILLS SIGNED BY SPEAKER**

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

**HB 1052, PN 3691**

An Act amending the act of July 31, 1968 (P.L.805, No.247), known as the Pennsylvania Municipalities Planning Code, further providing for contents of subdivision and land development ordinance.

**HB 1558, PN 4073**

An Act amending the act of May 3, 1933 (P.L.242, No.86), referred to as the Cosmetology Law, further providing for eligibility requirements for examination and for limited licenses; and providing for practice of massage therapy in cosmetology salon or esthetician salon.

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

**LOCAL GOVERNMENT COMMITTEE MEETING**

The SPEAKER. For what purpose does the gentleman from Northampton County, Mr. Freeman, rise?

Mr. FREEMAN. Mr. Speaker, to announce a brief meeting.

The SPEAKER. The gentleman is in order and may make his announcement.

Mr. FREEMAN. Thank you, Mr. Speaker.

Mr. Speaker, I would like to remind the Democratic members of the Local Government Committee that we will meet briefly at the conclusion of today's session in my office, 207 Irvis. That is the Democratic members of the Local Government Committee, 207 Irvis, immediately at the conclusion of session. The meeting should not last more than about 15 minutes at most. Thank you.

The SPEAKER. Democratic members of the Local Government Committee will meet at the conclusion of session in 207 Irvis.

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

**HB 1503, PN 4156 (Amended) By Rep. METCALFE**

An Act amending the act of January 24, 1966 (1965 P.L.1535, No.537), known as the Pennsylvania Sewage Facilities Act, further providing for official plans.

STATE GOVERNMENT.

**HB 1835, PN 4157 (Amended) By Rep. METCALFE**

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, in district election officers, further providing for qualifications of election officers and for vacancies in election boards.

STATE GOVERNMENT.

**SB 1337, PN 1966**

By Rep. METCALFE

An Act providing for elimination of certain reporting duties of the Legislative Budget and Finance Committee.

STATE GOVERNMENT.

**BILLS RECOMMITTED**

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

HB 1207;  
HB 2383;  
HB 2478; and  
SB 1224.

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 removed from the tabled calendar and placed on the active calendar:

HB 2272;  
HB 2349;  
HB 2409;  
HB 2411;  
HB 2428;  
HB 2464;  
HB 2465;  
HB 2471;  
HB 2482; and  
SB 1239.

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

**CALENDAR CONTINUED****BILLS ON SECOND CONSIDERATION**

The House proceeded to second consideration of **HB 2104, PN 3461**, entitled:

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, providing for retail electric consumer protection.

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

**BILL TABLED**

The SPEAKER. The Speaker recognizes the majority leader, who moves that HB 2104 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 2104 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 second consideration of **HB 544, PN 600**, entitled:

An Act amending the act of February 2, 1965 (P.L.1860, No.586), entitled "An act encouraging landowners to make land and water areas available to the public for recreational purposes by limiting liability in connection therewith, and repealing certain acts," further providing for liability for landowners to recreational users; and providing for attorney fees and court costs.

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

**BILL TABLED**

The SPEAKER. The Speaker recognizes the majority leader, who moves that HB 544 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 544 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.

**RESOLUTIONS**

Mr. TURZAI called up **HR 107, PN 864**, entitled:

A Resolution urging the Supreme Court of Pennsylvania to require pro bono legal service as a condition of admission to the Pennsylvania Bar.

On the question,  
Will the House adopt the resolution?

**RESOLUTION TABLED**

The SPEAKER. The Speaker recognizes the majority leader, who moves that HR 107 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.

**RESOLUTION REMOVED FROM TABLE**

The SPEAKER. The Speaker recognizes the majority leader, who moves that HR 107 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.

\* \* \*

Mr. TURZAI called up **HR 697, PN 3407**, entitled:

A Resolution urging the Congress of the United States to pass and the President of the United States to sign the Achieving a Better Life Experience Act of 2013 (ABLE Act- S.313/H.R. 647) to provide an improved quality of life for individuals with disabilities through tax-exempt savings accounts.

On the question,  
Will the House adopt the resolution?

**RESOLUTION TABLED**

The SPEAKER. The Speaker recognizes the majority leader, who moves that HR 697 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.

**RESOLUTION REMOVED FROM TABLE**

The SPEAKER. The Speaker recognizes the majority leader, who moves that HR 697 be removed from the tabled calendar and placed on the active calendar.

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

**BILLS AND RESOLUTIONS PASSED OVER**

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

**ADJOURNMENT**

The SPEAKER. Seeing no further business before this House, the Speaker recognizes Representative Mary Jo Daley from Montgomery County, who moves that this House do now adjourn until Tuesday, September 23, 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 5:57 p.m., e.d.t., the House adjourned.