

# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

TUESDAY, MAY 7, 2019

SESSION OF 2019

203D OF THE GENERAL ASSEMBLY

No. 32

### HOUSE OF REPRESENTATIVES

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

**THE SPEAKER (MIKE TURZAI)  
PRESIDING**

#### PRAYER

HON. JUSTIN M. WALSH, member of the House of Representatives, offered the following prayer:

Gracious and merciful God, we give You thanks for giving us another day. In this chamber where the people's House gathers, we pause to offer You gratitude for the gifts of this good land on which we live and for this historic Commonwealth which You have inspired us in fostering over so many years.

We pray this day for our constituents, for our families back at home in the district, and for all that empower us to represent them and to do Your work. This week, as we continue this legislative session, remind us not to conform to the pattern of this world, but to be transformed by the renewing of mind that we will be able to test and approve what is Your will; what is good, pleasing, and perfect in Your mind. Please send your Holy Spirit to inspire me and the other members of this body, that good government may be accomplished.

May all that is done this day be for Your greater honor and glory. Amen.

#### PLEDGE OF ALLEGIANCE

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

#### JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, the approval of the Journal of Monday, May 6, 2019, will be postponed until printed.

We are going to continue to move forward since I do not see any banner or money dropping from the gallery.

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

**HB 671, PN 684**

By Rep. CAUSER

An Act amending Title 3 (Agriculture) of the Pennsylvania Consolidated Statutes, in food protection, further providing for definitions, for license required and for powers of department.

AGRICULTURE AND RURAL AFFAIRS.

**HB 869, PN 1755 (Amended)**

By Rep. HENNESSEY

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in liquid fuels and fuels tax, further providing for refunds.

TRANSPORTATION.

**HB 1037, PN 1179**

By Rep. CAUSER

An Act amending the act of November 10, 1999 (P.L.491, No.45), known as the Pennsylvania Construction Code Act, in preliminary provisions, further providing for definitions and for application; and, in exemptions, applicability and penalties, further providing for penalties.

AGRICULTURE AND RURAL AFFAIRS.

**HB 1277, PN 1485**

By Rep. CAUSER

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in facilities and supplies, further providing for deposits into account.

AGRICULTURE AND RURAL AFFAIRS.

**HB 1298, PN 1518**

By Rep. HENNESSEY

An Act designating the bridge, identified as Bridge Key 18676, on that portion of Pennsylvania Route 747 over the Juniata River in Mount Union Borough, Huntingdon County, as the Captain Joseph S. Giacobello Memorial Bridge.

TRANSPORTATION.

**HB 1335, PN 1571**

By Rep. HENNESSEY

An Act repealing in part the act of June 13, 1836 (P.L.551, No.169), entitled "An act relating to roads, highways and bridges."

TRANSPORTATION.

**HB 1387, PN 1691**

By Rep. HENNESSEY

An Act designating a bridge on that portion of State Route 2016 over the Casselman River in Rockwood Borough, Somerset County, as the PFC Alton Glenn Sterner Memorial Bridge.

TRANSPORTATION.

**HB 1388, PN 1692**

By Rep. HENNESSEY

An Act designating a bridge on that portion of Pennsylvania Route 96 over the Little Wills Creek, Bedford County, as the Staff Sgt. Roger (Rod) Guy Holler Memorial Bridge.

TRANSPORTATION.

### COMMUNICATION FROM INDEPENDENT FISCAL OFFICE

The SPEAKER. The Speaker acknowledges receipt of a letter from the Independent Fiscal Office regarding a request for an actuarial note for HB 615, PN 610.

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

The SPEAKER. We are going to have a team introduced, a championship team introduced. All members, please come onto the House floor. Representative Robert Matzie of Beaver County has a championship team with us today, which we are very honored. This team has traveled at least 4 hours to be with us, coming from the western part of the State. Let us bring the entire team down to the well of the House, please. If there are any parents, or administrators or teachers, you are welcome to come down to the well with your team.

Representative Rob Matzie has brought to us a championship football team. We are so honored that they would take the time to be with us today. They have traveled well over 4 hours just getting here. They are going to be traveling 4 hours to get home. But boy, it is great to have them. So everybody is asked to take their seats.

### ALIQUIPPA HIGH SCHOOL FOOTBALL TEAM PRESENTED

The SPEAKER. Representative Matzie, you may proceed, sir. Mr. MATZIE. Thank you, Mr. Speaker.

Mr. Speaker, it is my absolute pleasure to recognize the 2018 PIAA Class AAA State Football Champions, the Aliquippa Quips. Now, if it seems like I was just up here speaking about a State championship for Aliquippa, I was. Not that long ago I was recognizing the Quips basketball team for their title run a couple of years ago. But as they like to say in Aliquippa, regardless of the sport, "They don't rebuild, they reload."

Last December, right up the road at Hersheypark Stadium, these young men defeated Middletown 35 to nothing, capping a dominant season that saw them go 14 and 1. This team outscored their opponents 704 to 104. They averaged 47 points per game, while yielding an average of only 7. Perhaps most impressive was their seven – yes, seven – shutouts; lots of goose eggs on the scoreboard.

This is the Quips third PIAA football championship. Since the start of the statewide playoff system in football, Aliquippa has played in seven State title games, including the first year of the State championships. That is an average of a title run every 4 years. Now, consistency and dedication to excellence are not the exception, they are the norm, in the city of Aliquippa.

Representing their teammates to the Speaker's left are Eli Kosanovich, the quarterback; Zuriah Fisher, Elijah Mike, Isaiah Towler, Alfred Brand, and of course, the head coach, Mike Warfield. Now, their names, along with the rest of the 2018 Quips, will go down in Aliquippa lore, lore that includes names like Ditka, Gilbert, Law, and Revis – high praise indeed, but thoroughly deserved.

Head coach Mike Warfield, who became just the third coach in western Pennsylvania history to win a State title in his first year, and his assistants installed in these young men a desire to succeed, but to do so with sportsmanship and class.

They are a source of inspiration and pride for the entire Aliquippa community, and it is an honor to have them in the House chamber today. Coach Warfield, as I said, his first year as the head football coach, but he was an assistant coach and he played at Aliquippa. I saw the guy play at Aliquippa, that is how old I am. But he was an outstanding player, went on to earn his degree, and is a recently retired State trooper who is still working in law enforcement, so we thank you, Coach, for your service to our great Commonwealth as well.

Now, with great success comes great expectations. I expect the Quips will put another strong team on the field in 2019. Now, as Coach Warfield will tell you, the supporters of Aliquippa football do not expect anything unreasonable – just another championship.

Once again I would like to congratulate the team for their stellar season and State championship, and I know, Mr. Speaker, you have a closeness to the city of Aliquippa School District. Your mother was a teacher at Aliquippa, correct?

The SPEAKER. She was a graduate.

Mr. MATZIE. She was a graduate of Aliquippa.

The SPEAKER. She lived much of her life in Aliquippa.

Mr. MATZIE. We should have added her name to the list as well.

So, Mr. Speaker, I thank you for your indulgence. We have a citation for the team; each kid will get one as well. And again, I thank you for your warm welcome for the Aliquippa Quips State Championship Football Team.

The SPEAKER. My good friend, Representative Matzie, and I, our districts are side by side, and Representative Matzie, I spent many, many a day up on Pierce Street.

Hey, everybody, what an honor to have you here, the State champs for football, Aliquippa High School, with that great tradition. Thank you for making the trip to be with us today. Coach Warfield, thank you for your service, first of all, as a trooper, and thank you for being the mentor to these young men. Thank you.

The team is going to the Senate. We are a lot more fun here.

Representative O'Neal, if you will come up to the rostrum, just to get ready and bring up your champion.

If everybody could please take their seats. This young man has traveled at least 4 hours also, coming from Washington County, also near the Ohio and West Virginia borders, so I would ask everybody to please take their seats.

### GERRIT NIJENHUIS PRESENTED

The SPEAKER. Representative Tim O'Neal, and he is accompanied by Representative Jason Ortitay. Mr. O'NEAL. Thank you, Mr. Speaker.

Mr. Speaker, today I am very pleased to be joined on the House floor by Gerrit Nijenhuis of Canon-McMillan School District.

Gerrit captured the 2019 PIAA Class AAA 170-pound State Title in Hershey in March. He dominated Susquehanna Township wrestler Edmond Ruth by a score of 8 to 3. Edmond had been a two-time State champion and had not lost a match in more than 2 years before facing Gerrit. In addition to winning the State title, Gerrit also was the Southwest Regional Class AAA Champion.

In his freshman and sophomore campaigns, Gerrit won bronze medals in the State championships. For the season, Gerrit compiled a record of 44 wins and 3 losses, and is 134-6 in his career. He already plans to continue his academic and wrestling career at Purdue University. He is coached and we are joined by Brian Krenzela. In addition to his coach, Gerrit is joined today by his parents, Rabo and Beth Nijenhuis; his sister, Skylar. And in the back are his grandmother, Jo Ann Dryer, and his cousin, Benjamin Dryer.

I could not be prouder of Gerrit's accomplishments and hope to be able to bring him back to be honored next year as a senior as well. I ask my colleagues to please join me in congratulating Gerrit on his 2019 State title. Thank you.

The SPEAKER. Representative Chris Sainato, please come up to the rostrum. He has a guest, a very special guest today. Members, please take your seats. This lady – we have a lot from out west near the Ohio border today. Our team, Chris, our part of the State, we are bringing a lot of guests here today. Representative Chris Sainato, as you know, is from Lawrence County, so we are so honored that Chairman Sainato is here. Members, could you please take your seats. Thank you.

### ANGELINA DOMENICK PRESENTED

The SPEAKER. Mr. Chair, please proceed, sir.

Mr. SAINATO. Thank you, Mr. Speaker.

Good morning. It is a pleasure and an honor to stand before you for the fourth time to recognize the Pennsylvania Distinguished Young Woman, once again a resident of my legislative district. We in the New Castle area are so very proud of the accomplishments of the young women who call Lawrence County home.

It is an astonishing accomplishment for a county the size of Lawrence County to continually bring home such a prestigious title, and today we could not be more proud of Angelina Domenick for being crowned the 2019 Pennsylvania Distinguished Young Woman. Distinguished Young Women is a nationwide program that rewards high school junior and senior girls for their accomplishments in scholarship, interview skills, talent, fitness, and self-expression. In addition to the competition portion of the program, contestants also participate in a life skills program to strengthen their abilities and preparation for life after high school.

One young woman set herself apart from the rest of the field in those life skills in this year's statewide competition, Angelina

Domenick. We are so very glad that Angelina is able to join us today. She is joined by the two people who set her on a path of success, her mother, Rosa, and father, David Domenick. Would you please stand. Also with her today are Ms. Rosanne Palladino, chairperson of the Lawrence County Distinguished Young Women program, and her husband, Michael. Rosanne, thank you for all you do for this very successful program in Lawrence County. Would you please stand.

Angelina is a remarkable young lady. She is a senior at New Castle Junior/Senior High School. She is graduating this year and plans to attend the University of Pittsburgh, where she will begin her pursuit of a doctorate in pharmacy with the goal of being a pharmacist. Angelina has set herself apart at New Castle High School by being selected to the National Honor Society, achieving high school honor roll, and being selected by her peers as the homecoming queen. She excels in the classroom, including through college-level courses in conjunction with Seton Hill college and the Advanced Placement program. She competes in New Castle's forensics competitions and participated in the Pennsylvania Junior Academy of Science.

Somehow, among all her academic and social activities, Angelina finds time to excel as an athlete as well. She is a varsity letterman standout in indoor track, the captain of the Candy Cane Drill Team, and an avid and accomplished dancer who has danced in competitions across the nation.

Angelina is also an engaged citizen, receiving the American Legion award and volunteering for various causes to fight cancer, including a benefit show for local teens fighting the disease, a "Paint the Town Pink" breast cancer awareness event, and she will present medals at the Susan Komen Breast Cancer Race in Pittsburgh.

When Angelina finds a rare moment to focus on herself, she enjoys reading, working out, and cooking. She is also a pleasure to speak with, and I have enjoyed showing her and her family the beauty of our beautiful State Capitol here in Harrisburg today.

I could continue to list Angelina's accomplishments and interests, but I think everyone listening has no doubt that this is a distinguished young woman indeed. The judges of the State competition had no choice but to recognize that, and I believe you will agree that she is deserving of the 2019 Pennsylvania Distinguished Young Woman. Angelina now has the opportunity to compete in the national competition next month in Mobile, Alabama.

Will you please join me in wishing her the best of luck at the national level and recognizing the hard work and dedication of the 2019 Distinguished Young Woman, Angelina Domenick.

The SPEAKER. Angelina, congratulations. Thanks for coming all this way from New Castle. What a stellar record. We are very, very honored to have you, and to your parents too. If the parents would come up. We are going to take a photo with Representative Sainato. Thank you so much.

Representative Tom Sankey, please come on up to the rostrum, and will you please bring with you Brock McMillen and Luke Mikesell. Please come straight up to the rostrum, and then that will be followed by Representative Carl Metzgar with some other champions. I believe Luke's coach is here as well. They have traveled from Clearfield County. We are so honored to have them. Coach, come on up. And we are going to start with Brock who is wrestling, and then we are going to go to Luke who is swimming.

**BROCK McMILLEN AND LUKE MIKESELL  
PRESENTED**

The SPEAKER. Representative Sankey, you may proceed, sir. Mr. SANKEY. Thank you, Mr. Speaker.

And I appreciate my constituents taking the time to come down here today. One of them is a swimmer and one of them is a wrestler, but they are both great Americans.

So we will start with Brock here, facing us. Brock is from Glendale High School, and he is PIAA AA State Champion, 126 pounds. And I believe you were runner-up last year? He is only a sophomore, so he is going to be back here again. And Luke is from my alma mater, Clearfield High School, and this is Luke's second PIAA State Championship, and he got into 500 freestyle last year and he did the 200 freestyle this year and set a new State record. So, Mr. Speaker, he might have to race your team – just saying.

And what I want to tell you about these two gentlemen, they are also joined by my favorite eighth grade teacher, Ms. Morrison, who is the coach, and actually, I have a little bit on her too. She has had 71 All-State swimmers, six PIAA champions, 17 All-American swimmers, and 67 academic All-Americans. Not bad. Now, another accomplishments of hers would be that she had me for four periods a day in eighth grade, and I think that is a testament to how great of teacher she is – resilient.

So I want to tell you about these young men because I have known their families a long time, a long time before politics. So we will start with Brock. So Brock's uncle is married to my wife's cousin, which I do not know what that makes us, but I am going to consider him family. He is a tremendous young man. I even attended his parade last year in the town of Coalport. So he is a testament to hard work, good parenting, good coaching, and is just a great young man.

Now, Luke; Luke's dad was my guidance counselor, so he also has dirt on me, and was one of my football coaches, and I can tell you that I know his mom, Sue, and his dad, John. His dad really took me under his wing when I was a young teenager and is really a great role model for a lot of kids, and as a football coach, he certainly taught me a lot more about life than just football. But if you are driving through Clearfield County, you will clearly see majestic views, and there are a lot of things you will not see, and what you will not probably see are the kind of people that live in Clearfield County. And these two young men are living testaments of why it is so great to live where we live, and they are representatives of where we come from and the kind of people we are, and they got to where they are because of good parenting, and great parenting yields great kids, and these two are both living testaments of that.

I am extremely proud of them, and they are going to do great things in the future.

Thank you, Mr. Speaker.

The SPEAKER. Hey, congratulations to both of you. Thank you so much.

Representative Carl Metzgar is invited to the rostrum. He has two champions with him today, traveled all the way from Somerset County. Oh, are they both Bedford? Representative Metzgar is from Somerset County, but he also represents a part of Bedford, and these champions are from Bedford County. And we will take each of them in order.

**JARED MCGILL AND ALLISON DANCAUSE  
PRESENTED**

The SPEAKER. Representative, why do you not start with Jared.

Representative Metzgar, the floor is yours.

Mr. METZGAR. Thank you, Mr. Speaker.

I have with me today two wrestling champions, but the neat part about this is I have a 170-pound PIAA Class AA Champion, and I have a 40-pound wrestling champion, and between the two of them, it is 210 pounds, and they can both whip their weight in wildcats, so that is a pretty great thing.

But with me, of course, is Jared McGill, 170-pound PIAA champion, and he had an undefeated season last year. We are very proud of him. And also joining me are Allison Dancause, and her pap, Randy Allison, is with her because she is our kindergarten champion, at 40 pounds. I am very proud of both of them and we are honored to have them here with us on the floor.

Thank you, Mr. Speaker.

The SPEAKER. Thank you, Representative Metzgar. Jared, you were 40 and 0? That is impressive, man. And, Allison, thanks for being here with your grandpa. Thank you.

We are going to open up the doors of the House briefly, and then we are going to honor a longtime, longtime public servant who has served the House of Representatives for 35 years. My understanding is that Representative Tim Hennessey, the chair of the Transportation Committee, has a citation, and he will be joined by Representative Greg Rothman and Representative Andrew Lewis. We are going to bring them all up to the rostrum with our longtime, longtime Transportation Committee executive director, Eric Bugaile. Eric, come on up with them, and then we are going to bring your family up afterwards.

But right now let us get everybody onto the House floor. When some public servant has dedicated 35 years serving the citizens of Pennsylvania through this chamber, we really just need to give them undivided attention for all those years of dedication. So if everybody could take their seats.

**ERIC BUGAILE PRESENTED**

The SPEAKER. Chairman Tim Hennessey

Mr. HENNESSEY. Thank you, Mr. Speaker.

Thank you, Mr. Speaker, and good morning to all the members of the House. As you have heard, today marks the retirement of Eric Bugaile, our Republican executive director of the House Transportation Committee. After 35 years of service to the House, and 5 additional years of service on the High Speed Rail Commission and at California State University of Pennsylvania, for a total of 40 years of public service to this Commonwealth.

Joining us today is Eric's wife, Debbie. Debbie, if you will stand. Eric's daughter is Kelsey Sullivan, and her husband, Jason. If you will stand, please. Eric's daughter, Carlyn Butz. Her husband, Steven, could not be here today because of his work schedule, but in his place, he sent Eric's two twin 9-year-old grandchildren, Eric and Claire. Please welcome them.

We also have joining us a retired member of the House of Representatives, John Taylor from Philadelphia, who served distinguishably in this House for 34 years. He was a prior

Transportation chair, and he is here to wish Eric well on his retirement. John, if you will stand, please.

This is a bittersweet morning for me and I think for all of us as we say farewell to Eric Bugaile after 40 years of service to the Commonwealth. For 32 of those years – actually 35 – Eric served first as a research analyst, and then for 20 years as executive director of the House Transportation Committee. During that time he oversaw many changes and many, many more proposals for change to our traffic laws, our highways and bridges statutes, railroad issues, mass transit issues, aviation concerns, pedestrian issues, bicycle and now electric scooters, and even autonomous vehicles. He was our liaison for the Pennsylvania Department of Transportation, for the Pennsylvania State Police, and for the Pennsylvania Turnpike. And I asked Eric for some of the highlights of his career over these years. Eric wrote the legislation that became the young driver's graduated license law, which has probably saved many lives in our Commonwealth. He also oversaw many pieces of legislation on school bus safety regulations. He developed the motor carrier safety and inspection standards; created a task force to rewrite our drunk driving laws, our driving-under-the-influence laws; and he had a substantial part in developing the Public-Private Partnership Act. Eric was also instrumental in crafting Act 89, and that was probably one of the most comprehensive transportation funding packages in our history.

Transportation is a very busy committee and Eric handled his responsibilities, supervised the flow of legislation, and managed the staff extremely well. Most importantly, he has an encyclopedic knowledge and an institutional memory of our transportation history, our statutes, and our codes, and was always helpful to everyone who came to him with questions and ideas. Outside the committee, outside the Capitol Eric served for 15 years on the Capital Area Transit Authority. He now serves as chairman of that authority. He was the first State director of the Pennsylvania Rails-to-Trails Conservancy. He served as the executive director of York County's rails-to-trails project, and he was twice named by the U.S. Jaycees as "An Outstanding Man in America"; twice named as an outstanding man in America. As many of you know, he loves baseball and ice hockey. He played baseball for many years with the York County adult league and adult ice hockey for 25 years in Rostraver and Hershey.

And he always – despite all of the community involvement – he always made time for his family. Eric and Debbie have been married for 40 years. They have raised a loving and close family, teaching them to love God and others, and also to love railroads, because Eric has an abiding passion for railroads. He also taught them to love baseball and ice hockey, and now, frankly, he will have much more time to do that.

Eric, we wish you all well, my friend. You leave a large and imposing legacy here in the House, and when Debbie soon sends you back to get another job in retirement, I suspect our paths will cross again somewhere here in the Capitol.

Mr. Speaker, we have a citation. I am happy to be joined by Representative Andrew Lewis to present a citation to Eric to mark his 40 years of public service and so much more civic involvement. Representative.

Thank you, all. Could we please have a round of applause and a standing ovation for Eric Bugaile and all he has contributed to our House.

The SPEAKER. Eric, your dedication to the caucus, to this chamber, and to the citizens of Pennsylvania is so – you were amazing. Your commitment, your dedication, your knowledge,

what you have helped members tackle in terms of the depth of the transportation issues in the Commonwealth of Pennsylvania, there is no one who has done what you have done in that realm, and benefiting all of the citizens of Pennsylvania – very hard shoes to fill, my friend, very hard shoes to fill.

And I know your service to all of the members – the Republicans and Democrats – to do what was good by the citizens of Pennsylvania has been unflinching. People, I think on both sides of the aisle, whenever issues come up in the transportation arena, always seek Eric Bugaile out – have always sought him out and continue to seek him out.

Eric, thank you for your dedication, and to your great family – we are going to bring Deborah and the rest of the family up here shortly – they have stood by your side through the long hours that sometimes come with this position. We are so honored that they would all be here today on this very, very special day. Eric, we are honored to have you here, but we are going to miss you. Everybody here is going to miss you. Thank you so much.

Representative Cephas, let us bring up your guests right down the aisle this way.

Miss CEPHAS. Thank you, Mr. Speaker

The SPEAKER. Just come right this way. Representative Cephas is joined by Representative Lee. The Sergeants at Arms will briefly open the doors of the House for members to get on and off the floor, but then we are going to close them before the presentation. Representative Cephas, are some of the guests up in the gallery?

Miss CEPHAS. Yes.

The SPEAKER. Okay. Thank you. If all the guests could stand, too, in the gallery, just stand up, because you are a part of this. We are so honored that you would be here today. We will have everybody down for photos during the break.

#### STATEMENT BY MISS CEPHAS

The SPEAKER. Representative Cephas, the floor is yours.

Miss CEPHAS. Thank you, Mr. Speaker.

Colleagues, if you look at the lovely ladies in front of you, as well as the lovely ladies on the balcony, I want to introduce you to my sorors from Delta Sigma Theta Sorority, Inc. It is my pleasure to join my soror in the House of Representatives, Summer Lee, as we formally welcome and recognize the ladies from the Pennsylvania chapters of Delta Sigma Theta Sorority, Inc., on Delta Day, which reinforces our commitment to community and the foundation of our mission.

Delta Sigma Theta was established in 1913 by 22 collegiate women of Howard University, literally a stone's throw away from my alma mater, the University of Virginia. Yes, those Cavaliers that just won the NCAA (National Collegiate Athletic Association) Championship. I wanted to get that in there. We were the Kappa Rho chapter of Delta Sigma Theta, which was chartered in 1973. The organization is a sisterhood of predominantly Black college-educated women who pride themselves on sisterhood, scholarship, and service. This year we celebrate 106 years of public service; our first public act of social activism was participating in the Women's Suffrage march.

As we know, in 2020 we will celebrate 100 years of a woman's right to vote, and these ladies, my sorors, since inception have ensured our communities are at the table and not on the menu, in the great words of our the late soror, Shirley Chisholm. As a

sorority, our commitment is to the constructive development of our members, strengthening the communities we serve, and expanding our public service to ensure we improve the quality of life of all.

As one of the largest African-American women's organizations in the world, our sorority has close to 1,000 chapters and more than 200,000 members from the United States and around the globe. Delta Sigma Theta has a long and extensive Pennsylvania history dating back to 1918, when it chartered its first Ivy League chapter at the University of Pennsylvania, the Gamma Chapter. Citywide and alumnae chapters were later created, giving collegiate women throughout Pennsylvania the opportunity to thrive and better serve their communities.

Today Pennsylvania is home to 31 chapters of Delta Sigma Theta and has a rich history that includes former colleagues, including now city councilwoman, Cherelle Parker; councilwomen, judges, and other leaders that are alum.

I am proud to cosponsor this resolution recognizing the numerous contributions this organization has made, and I am excited to see what new contributions our communities will see from our members across Pennsylvania.

While we are here, Mr. Speaker, I would like to acknowledge some of the leadership from the various chapters represented here today: Dr. Monica Johnson Taylor from the Philadelphia chapter; Tracey Howard from the Valley Forge Chapter; Leslie Cousins, who is the first vice president and representing the president of the Quaker City chapter; Tammy Jenkins from the Allentown Chapter; and Anna Breland-Williams from the York County Chapter.

Thank you, Mr. Speaker.

The SPEAKER. Thank you so much, Representative Cephas, and to the members of Delta Sigma Theta Sorority, thank you for joining us today. And during the break we will invite all the guests up in the gallery to come to the House floor as well. Thank you so much for being with us. We are so honored.

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

**HB 1341, PN 1577**

By Rep. PYLE

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, in liquor, alcohol and malt and brewed beverages licenses and regulations, further providing for wine and spirits auction permits.

LIQUOR CONTROL.

**HB 1346, PN 1608**

By Rep. PYLE

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, in licenses and regulations and liquor, alcohol and malt and brewed beverages, further providing for wine expanded permits and providing for purchase of wine by license or permit holders from private wholesalers.

LIQUOR CONTROL.

The SPEAKER. We are going to do the master roll. Members, for your edification today, in conjunction with the Chief Clerk and staff, the master roll list to my left, your right, will not be working. We cannot rely on it. To the one on my right and your left, that is the one that will show the master roll that will be effective; to my right and your left.

### **LEAVES OF ABSENCE**

The SPEAKER. The majority whip requests leaves of absence for Representative Fred KELLER of Snyder County for the day, and Representative Justin SIMMONS of Lehigh County for the day. Without objection, that will be granted.

The minority whip requests leaves of absence for Representative Carol HILL-EVANS of York County for the day, and Representative Joseph CIRESI of Montgomery County for the day. Without objection, that will be granted.

### **MASTER ROLL CALL**

The SPEAKER. Members, please proceed to vote on the master roll.

The following roll call was recorded:

#### **PRESENT—196**

Barrar	Frankel	Longietti	Reese
Benninghoff	Freeman	Mackenzie	Rigby
Bernstine	Fritz	Madden	Roae
Bizzarro	Gabler	Mako	Roebuck
Boback	Gainey	Malagari	Rothman
Borowicz	Galloway	Maloney	Rozzi
Boyle	Gaydos	Markosek	Ryan
Bradford	Gillen	Marshall	Sainato
Briggs	Gillespie	Masser	Samuelson
Brooks	Gleim	Matzie	Sanchez
Brown	Goodman	McCarter	Sankey
Bullock	Gregory	McClinton	Sappety
Burgos	Greiner	McNeill	Saylor
Burns	Grove	Mehaffie	Schemel
Caltagirone	Hahn	Mentzer	Schlossberg
Carroll	Hanbidge	Merski	Schmitt
Causser	Harkins	Metcalfe	Schroeder
Cephas	Harrell	Metzgar	Schweyer
Comitta	Harris	Mihalek	Shusterman
Conklin	Heffley	Millard	Sims
Cook	Helm	Miller, B.	Snyder
Cox	Hennessey	Miller, D.	Solomon
Culver	Hershey	Mizgorski	Sonney
Cutler	Hickernell	Moul	Staats
Daley	Hohenstein	Mullery	Stephens
Davis, A.	Howard	Mullins	Struzzi
Davis, T.	Innamorato	Murt	Sturla
Dawkins	Irvin	Neilson	Thomas
Day	Isaacson	Nelson	Tobash
Deasy	James	Nesbit	Toepel
DeLissio	Jones	O'Mara	Toohil
Delloso	Jozwiak	O'Neal	Topper
Delozier	Kail	Oberlander	Ullman
DeLuca	Kaufner	Ortitay	Vitali
Dermody	Kauffman	Otten	Walsh
Diamond	Keefer	Owlett	Warner
DiGirolamo	Keller, M.K.	Pashinski	Warren

Donatucci	Kenyatta	Peifer	Webster
Dowling	Kim	Petrarca	Wentling
Driscoll	Kinsey	Pickett	Wheatley
Dunbar	Kirkland	Polinchock	Wheeland
Dush	Klunk	Puskaric	White
Ecker	Knowles	Pyle	Williams
Emrick	Kortz	Quinn	Youngblood
Everett	Kosierowski	Rabb	Zabel
Farry	Krueger	Rader	Zimmerman
Fee	Kulik	Rapp	
Fiedler	Lawrence	Ravenstahl	Turzai,
Fitzgerald	Lee	Readshaw	Speaker
Flynn	Lewis		

ADDITIONS—0

NOT VOTING—0

EXCUSED—6

Ciresi	Davidson	Keller, F.	Simmons
Cruz	Evans		

LEAVES CANCELED—1

Ciresi

The SPEAKER. There are 196 members on the House floor. We have a quorum.

Keep in my mind, as I said, the one to my right and behind you, Representative Youngblood, is the one we are relying on and it was lit up over here. All of the members appeared on the one to my right and to most of the members' left, but behind Representative Youngblood and some other members. One ninety-six, 196 on the master roll.

UNCONTESTED CALENDAR

RESOLUTIONS PURSUANT TO RULE 35

Mr. MATZIE called up **HR 295, PN 1639**, entitled:

A Resolution recognizing May 11, 2019, as "National Train Day" in Pennsylvania.

\* \* \*

Ms. KRUEGER called up **HR 300, PN 1680**, entitled:

A Resolution designating the month of May 2019 as "Fibromuscular Dysplasia Awareness Month" in Pennsylvania.

\* \* \*

Mr. ECKER called up **HR 301, PN 1681**, entitled:

A Resolution designating the week of May 5 through 11, 2019, as "Small Business Week" in Pennsylvania.

\* \* \*

Ms. RAPP called up **HR 303, PN 1699**, entitled:

A Resolution recognizing the week of May 12 through 18, 2019, as "National Hospital Week" in Pennsylvania.

\* \* \*

Mr. DAWKINS called up **HR 308, PN 1702**, entitled:

A Resolution recognizing the observance of the Holy Month of Ramadan, a month of reflection and prayer for the Muslim community, which runs from May 5 through June 4, 2019, and the festival of Eid al-Fitr.

\* \* \*

Mrs. TOEPEL called up **HR 316, PN 1734**, entitled:

A Resolution designating May 7, 2019, as "Rare Disease Day" in Pennsylvania.

On the question,  
Will the House adopt the resolutions?

The following roll call was recorded:

YEAS—196

Barrar	Frankel	Longietti	Reese
Benninghoff	Freeman	Mackenzie	Rigby
Bernstine	Fritz	Madden	Roae
Bizzarro	Gabler	Mako	Roebuck
Boback	Gainey	Malagari	Rothman
Borowicz	Galloway	Maloney	Rozzi
Boyle	Gaydos	Markosek	Ryan
Bradford	Gillen	Marshall	Sainato
Briggs	Gillespie	Masser	Samuelson
Brooks	Gleim	Matzie	Sanchez
Brown	Goodman	McCarter	Sankey
Bullock	Gregory	McClinton	Sappery
Burgos	Greiner	McNeill	Saylor
Burns	Grove	Mehaffie	Schemel
Caltagirone	Hahn	Mentzer	Schlossberg
Carroll	Hanbidge	Merski	Schmitt
Causer	Harkins	Metcalfe	Schroeder
Cephas	Harrell	Metzgar	Schweyer
Comitta	Harris	Mihalek	Shusterman
Conklin	Heffley	Millard	Sims
Cook	Helm	Miller, B.	Snyder
Cox	Hennessey	Miller, D.	Solomon
Culver	Hershey	Mizgorski	Sonney
Cutler	Hickernell	Moul	Staats
Daley	Hohenstein	Mullery	Stephens
Davis, A.	Howard	Mullins	Struzzi
Davis, T.	Innamorato	Murt	Sturla
Dawkins	Irvin	Neilson	Thomas
Day	Isaacson	Nelson	Tobash
Deasy	James	Nesbit	Toepel
DeLissio	Jones	O'Mara	Toohil
Delloso	Jozwiak	O'Neal	Topper
Delozier	Kail	Oberlander	Ullman
DeLuca	Kaufner	Ortitay	Vitali
Dermody	Kauffman	Otten	Walsh
Diamond	Keefer	Owlett	Warner
DiGirolamo	Keller, M.K.	Pashinski	Warren
Donatucci	Kenyatta	Peifer	Webster
Dowling	Kim	Petrarca	Wentling
Driscoll	Kinsey	Pickett	Wheatley
Dunbar	Kirkland	Polinchock	Wheeland
Dush	Klunk	Puskaric	White
Ecker	Knowles	Pyle	Williams
Emrick	Kortz	Quinn	Youngblood
Everett	Kosierowski	Rabb	Zabel
Farry	Krueger	Rader	Zimmerman
Fee	Kulik	Rapp	
Fiedler	Lawrence	Ravenstahl	Turzai,
Fitzgerald	Lee	Readshaw	Speaker
Flynn	Lewis		

NAYS—0

NOT VOTING—0

EXCUSED—6

Ciresi	Davidson	Keller, F.	Simmons
Cruz	Evans		

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

### STATEMENT BY MS. KRUEGER

The SPEAKER. Representative Krueger has some guests, and she is invited to speak on HR 300. Please take your seats. You may proceed, Representative.

Ms. KRUEGER. Thank you, Mr. Speaker.

And thank you, colleagues, for your support to designate May as "Fibromuscular Dysplasia Awareness Month" here in Pennsylvania. Today we have two special guests at the Capitol: Trisha Lewis, who is an FMD (fibromuscular dysplasia) patient, and her mother, DeeAnne Fickenscher. Last year they brought to my attention this disease and asked me to introduce this resolution.

These two women have made it their job to spread as much awareness as possible about FMD so that more can be done to fight it. I am glad to host them at the Capitol today, and I ask them to please rise in the back of the House. Thank you, ladies, you may be seated. Fibromuscular dysplasia is a disease that causes arteries in the body to develop abnormal cells that cause narrowing, aneurysms, and tears, which can cause more serious and deadly situations throughout the body.

FMD affects women far more commonly than men, although men and children can also be affected by this disease. The cause of FMD is not yet known, and it is difficult to know the true number of people who could have the disease because the disease presents itself without symptoms for so long. In fact, many people with FMD are diagnosed by accident during a radiology scan for another problem, which is why it is so important to do everything we can to bring awareness to this disease.

FMD is most commonly found in the arteries that supply the kidneys and the brain with blood. People with FMD have a higher risk for aneurysms. A person with severe FMD may have neurological symptoms involving the facial nerves or suffer a stroke. Recent studies have shown that a high percentage of women who were healthy and who have a sudden tearing of a coronary artery probably have undiagnosed FMD. Once diagnosed, however, there is no cure. Doctors must closely manage the conditions that present due to FMD, but more must be done to research this disease, and that is why your support for this resolution is so important.

I would like to mention that the FMD Society of America is one great group working for increased awareness and record keeping. It sponsors a registry for FMD to gather information regarding the epidemiology, symptoms, disease extent, treatment, and outcomes of patients who have FMD. Through such great work and a growing awareness among all of us, hopefully doctors can find the breakthroughs they need to better diagnose and manage FMD, and better yet, find a cure.

Thank you again, Trisha and DeeAnne, for joining us here today, and thank you, colleagues, for your unanimous support of this resolution.

Thank you, Mr. Speaker.

The SPEAKER. Thank you.

### HOUSE BILLS INTRODUCED AND REFERRED

**No. 355** By Representatives REESE, DOWLING, MARSHALL, TOPPER, BROWN, COOK, DeLUCA, DUNBAR, GROVE, HARRIS, HICKERNELL, KAIL, MILLARD, MOUL and TOBASH

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 advertising; and, in charter schools, further providing for definitions, for charter school requirements, for powers of board of trustees and for fund balance limits.

Referred to Committee on EDUCATION, May 7, 2019.

**No. 356** By Representatives DOWLING, REESE, TOPPER, MARSHALL, HARRIS, KAIL, GROVE and HICKERNELL

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in charter schools, further providing for charter school requirements, for facilities and for school district and intermediate unit responsibilities.

Referred to Committee on EDUCATION, May 7, 2019.

**No. 357** By Representatives TOPPER, DOWLING, HICKERNELL, KAIL, MARSHALL, MASSER, MILLARD, REESE, ROTHMAN and SAYLOR

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in pupils and attendance, providing for transfer of attendance records to another school entity or nonpublic school; in charter schools, further providing for establishment of charter school, for contents of application and for term and form of charter, providing for amendments and further providing for enrollment, for cyber charter school requirements and prohibitions and for establishment of cyber charter school.

Referred to Committee on EDUCATION, May 7, 2019.

**No. 358** By Representatives MARSHALL, REESE, TOPPER, DOWLING, MILLARD, MOUL, RAPP and ROTHMAN

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in terms and courses of study, further providing for agreements with institutions of higher education; and, in opportunities for educational excellence, further providing for definitions, for responsibilities of school entities and for concurrent enrollment agreements.

Referred to Committee on EDUCATION, May 7, 2019.

**No. 941** By Representatives HEFFLEY, MATZIE, NEILSON, WARNER, BURGOS, SAINATO, FRANKEL, READSHAW, BARRAR, LONGIETTI, MILLARD, KEEFER, SIMS, DeLUCA, BERNSTINE, MULLINS, CRUZ, WHEELAND, MARSHALL, SCHWEYER, MOUL, BROWN,

STRUZZI, KENYATTA, PYLE, McCLINTON, DEASY, EVERETT, KNOWLES, SCHMITT, HERSHEY, KLUNK, T. DAVIS, DUSH, FLYNN and BURNS

An Act amending the act of June 13, 1967 (P.L.31, No.21), known as the Human Services Code, in public assistance, providing for financial disclosures for pharmacy services.

Referred to Committee on HEALTH, May 7, 2019.

**No. 1420** By Representatives T. DAVIS, DONATUCCI, DAVIDSON, ZABEL, SCHLOSSBERG, BARRAR, FRANKEL, JOHNSON-HARRELL, McNEILL, HILL-EVANS, SHUSTERMAN, KENYATTA, DeLUCA, SCHWEYER, McCLINTON, WARREN, GALLOWAY, HOHENSTEIN, O'MARA, KORTZ and WILLIAMS

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, in voting by qualified absentee electors, further providing for canvassing of official absentee ballots and providing for declaration signature verification; and, in returns of primaries and elections, further providing for computation of returns by county board, certification and issuance of certificates of election.

Referred to Committee on STATE GOVERNMENT, May 7, 2019.

**No. 1421** By Representatives T. DAVIS, KRUEGER, SOLOMON, SHUSTERMAN, WARREN, FIEDLER, CALTAGIRONE, ULLMAN, RABB, SCHWEYER, HILL-EVANS, DeLUCA, CIRESI, HANBIDGE, O'MARA and KORTZ

An Act amending Title 65 (Public Officers) of the Pennsylvania Consolidated Statutes, in lobbying disclosure, further providing for definitions and for prohibited activities.

Referred to Committee on STATE GOVERNMENT, May 7, 2019.

**No. 1422** By Representatives ORTITAY, BERNSTINE, READSHAW, STRUZZI, MIHALEK, KAIL and PUSKARIC

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, providing for school grounds self-defense.

Referred to Committee on EDUCATION, May 7, 2019.

**No. 1423** By Representatives ORTITAY, BARRAR, DeLUCA, MIHALEK, KAIL, FRITZ, PUSKARIC, MADDEN, MEHAFFIE, NELSON, SCHLOSSBERG, LONGIETTI, SCHROEDER, STAATS and FARRY

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in school safety and security, further providing for school safety and security training; providing for threat assessment; and, in school health services, further providing for confidentiality, transference and removal of health records.

Referred to Committee on EDUCATION, May 7, 2019.

**No. 1424** By Representatives WHITE, ROTHMAN, HELM, MURT, BARRAR, HEFFLEY, CIRESI, NELSON, SCHMITT, MEHAFFIE, NEILSON, PASHINSKI, MARSHALL and GILLEN

An Act amending Title 74 (Transportation) of the Pennsylvania Consolidated Statutes, providing for freight train crew requirement and imposing penalties.

Referred to Committee on TRANSPORTATION, May 7, 2019.

**No. 1428** By Representatives SCHLOSSBERG, DALEY, DAVIDSON, DeLUCA, FREEMAN, HILL-EVANS, ISAACSON, KINSEY, MADDEN, McCLINTON, MURT, NEILSON, SCHWEYER, WEBSTER and ZABEL

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, in dissolution of marital status, further providing for grounds for divorce.

Referred to Committee on JUDICIARY, May 7, 2019.

### SENATE BILLS FOR CONCURRENCE

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

#### SB 146, PN 680

Referred to Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, May 7, 2019.

#### SB 178, PN 681

Referred to Committee on STATE GOVERNMENT, May 7, 2019.

### GUESTS INTRODUCED

The SPEAKER. In the well of the House, we welcome guest pages Zachary Cole and Alexis Cole; please stand. They are guests of Representative Tom Mehaffie and the grandchildren of Nancy Cole, who serves on our staff with Representative Jim Marshall. Thank you for being with us.

Welcome guest page Jayden Cole, who attends Lower Dauphin Middle School, and he is the guest of Representative Dave Hickernell.

In the well of the House, we are pleased to welcome guest page, Sutton Vaughn. She attends Mechanicsburg Area Senior High School and is the guest of Representative Sheryl Delozier.

### CALENDAR

#### BILL ON FINAL PASSAGE

The House proceeded to consideration on final passage of **HB 800, PN 1676**, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in educational tax credits, further providing for definitions and for limitations.

On the question recurring,  
Shall the bill pass finally?

The SPEAKER. At this time we call up HB 800, which we had begun discussion with yesterday. Representative Gene DiGirolamo is recognized on HB 800.

Mr. DIGIROLAMO. Thank you, Mr. Speaker.

I just want to state for the record that I went to Catholic grade school and Catholic high school, and back when I went to school, the way the schools got funded was a lot different, because there was no tuition that the families had to pay. The parishes paid for the school, the grade school, and then when the students went to high school – and I went to Bishop Egan High School in Fairless Hills – the pastors paid for the tuition for the high school as well. It is a lot different today than it was back then.

In my legislative district a short time ago, there were four Catholic grade schools in operation. Today there are only two grade schools in operation. One of them is St. Charles Borromeo, where I went to school, and both of those grade schools are struggling to stay open. And for a lot of people in the southeast and across Pennsylvania, when those schools closed, it was absolutely heartbreaking for many of the families because they had been open for so long, and for the most part, once the school closed, the churches will close a short time later. So the funding for EITC (educational improvement tax credit), Mr. Speaker, I have seen the good work that it has done. Quite frankly, in my district, the two schools that are open, if it was not for EITC funding, those schools would probably be closed as well.

So this funding is really important, and again, not just for the Catholic schools, but for other religious schools as well. So I will be voting in favor of this bill today. And I understand, I guess as a lot of you understand, the negotiations on EITC funding will be part of the budget, but as I listened to debate yesterday about public education and public schools, our public schools are struggling as well. They really are. And I know that the Governor has proposed some increases for public education – I believe \$200 million more for basic ed – there is some additional money for special ed and additional money for early childhood education and pre-K, and I think that money is well deserved and well spent. And as we go through the budget process and we talk about EITC, and it looks like the revenue that is coming into the State is coming in very good and above projection, I would also as part of this discussion like to see additional dollars dedicated to public schools, basic ed, special ed, pre-K, and special ed funding.

I would like to see that, and also, Mr. Speaker, as part of the discussion, I think we should be talking about charter schools as well and some funding changes in the way that charter schools are funded, especially when it comes to special education, Mr. Speaker, because we had a special education reform commission last year and they came back, at that formula, that charter schools are funded, especially with special ed, is not fair, and it is not fair, Mr. Speaker, and we should be talking and have a discussion as part of this budget as the way to fund charter schools, especially when it comes to special ed funding and especially when it comes to the way we fund cyber charter schools.

So, Mr. Speaker, I am going to vote for this bill. I know how important the funding is, but as we move forward and as the budget discussions move forward, I think we ought to be talking about additional funding for public schools, and reform on the way that we fund charter schools as well.

Thank you, Mr. Speaker.

The SPEAKER. Representative Madden.

Ms. MADDEN. Thank you, Mr. Speaker.

Mr. Speaker, I rise in opposition to HB 800 legislation that would increase the EITC scholarship tax credit program by \$100 million. Currently there are 143 school districts underfunded by \$1.2 billion throughout the Commonwealth. Our focus should be on how best to achieve equity for those school districts in a timely manner. Increasing scholarship dollars that would benefit approximately 50,000 students while underfunding millions in public school just is not in line with our constitutional obligation to fund a quality, free public education. All throughout the 115th District and the Commonwealth, school boards are making tough decisions to cut programs, outsource transportation, and delay building improvements because we are underfunded by approximately \$20 million just in my school district.

With all due respect to the gentleman from Allegheny County, I would argue that property taxes is a genuine argument. In my district, it is not uncommon to pay between \$10,000 and \$12,000 dollars for a modest home. Seniors every day make decisions between medications, groceries, or paying their property taxes. Middle-class families looking to purchase a home, young families, are walking away because of the property taxes in Monroe County. We cannot tax our families out of the possibility of ever achieving home ownership.

I think we need to stop with the corporate tax breaks and let the \$100 million be used to equally educate all of the children of the Commonwealth. Thank you.

The SPEAKER. Representative Mike Jones.

Mr. JONES. Thank you, Mr. Speaker.

Mr. Speaker, I think there may be some serious misconceptions and misrepresentations about the EITC program. My wife and I were educated in public school, our four children attended only public school, my brother is a kindergarten teacher in public school, and I am a school board director for a public school district. Needless to say, I am a huge proponent of public schools. But I am also a huge proponent of the EITC program. The two are not mutually exclusive. Because of EITC, my wife and I have been able to maximize our financial support to Logos Academy in York. Logos is an incredible K through 12 school that serves predominantly low-income, inner-city children, along with some middle-class, suburban children. Like many nonpublic schools, it provides a high-quality education to those who could not otherwise afford it. Furthermore, these schools have a unique ability to bring children together across geographic, ethnic, and socioeconomic boundaries. I have seen it firsthand and it is a beautiful thing.

In addition to the children, who must be our top priority, the other major beneficiary is our public school system. Why is that? Well, we have over 1.7 million children in our public schools and we invest nearly \$17,000 per year to educate each of them. By contrast, the EITC program costs less than 10 percent of that amount per child, about \$1600, and unlike public schools which incur costs for all students – including wealthy students, for those that like to play the class warfare card – EITC applies only to low- and middle-income students. We have 245,000 students in public schools, many of which depend on EITC to survive. Please remember, the parents of these students are paying taxes like everyone else, while their children get no educational benefit for it. If those students attended public schools – like those students that came from the Catholic schools that closed that Representative DiGirolamo described – our enrollment would

jump 14 percent. If you think overcrowding is an issue now, imagine what would happen if enrollment jumped 14 percent. If you think a \$100 million increase in EITC is a lot, imagine instead an increased cost to our public schools of \$2 to \$3 billion each year. This is a huge cost saver to public schools.

This is an extremely good bill. It is the least we can do to fulfill our obligation to low- and middle-income students, and it is a huge win for both taxpayers and public schools. I am proud to support it and encourage my colleagues to support it as well. Thank you.

### THE SPEAKER PRO TEMPORE (TINA PICKETT) PRESIDING

The SPEAKER pro tempore. Representative DeLuca, you are recognized.

Mr. DeLUCA. Thank you, Madam Speaker.

You know, I am a strong supporter of the EITC initiative. I think it has done a lot of good, it has done a lot of good in my district. But I wanted to say one thing, why I will be voting against this bill.

First of all, I think it goes too far with \$100 million. That is number one. If we would have cut it down, maybe added \$50 million or something like that, I certainly would be supporting it. I certainly do not support the income going up to \$115,000. I know one thing, the average salary in Pennsylvania is \$53,000. I do not know who in the middle class is making \$115,000, and that throws me off, Madam Speaker. That is not middle class, when the average salary is \$53,000 in this Commonwealth. That is ridiculous. This program was initiated to help low- and moderate-income people. If you are making \$115,000, I do not consider you moderate- and low-income; therefore, I will be voting against it – not because of the idea; I think it is a great idea. I want to commend the Speaker, but I think he has gone too far with the increase, and especially the increase in income. Thank you.

The SPEAKER pro tempore. Representative Gillen, you are recognized.

Mr. GILLEN. Thank you very much, Madam Speaker.

I want to commend the maker of the bill, the Speaker of the House, on a very bipartisan bill. I remember not many years ago, the Speaker came to West Reading, and on a bipartisan basis, we had members of the legislature there supporting his EITC effort. I had the privilege in the spring of 2011, just a few months after I was sworn in to the legislature, to put a vote up on the EITC which included an expansion and a raising of the allowable household income. That particular bill passed 190 to 7. Might I add that there were nearly 120 cosponsors of that legislation; in fact, some of the very individuals who have spoken against the legislation today were cosponsors then, which allowed the household income to rise. And since \$100 million seems to be such a significant talking point, the EITC in 2011-12 was \$100 million, and that particular bill, which passed 190 to 7, raised the EITC by \$100 million for 2012-13. So the very bill that we are opposing today in a very similar fashion passed 190 to 7 back in 2011.

The aggregate spending on education from all sources in the Commonwealth of Pennsylvania is approximately \$30 billion; \$100 million is three-tenths of 1 percent. That is certainly not going to gut public education. In fact, this \$100 million is not destined to come from public education dollars.

Thank you, Madam Speaker.

The SPEAKER pro tempore. Representative Harris, you are recognized.

Mr. HARRIS. Thank you, Madam Speaker.

Since being a member of this chamber, every time an EITC bill has come up for a vote, I have been a "yes" vote. I have been a "yes" vote because I understand what the lack of a quality education does for young people. In Philadelphia, many of my friends whom I have grown up with have found themselves in a situation where they are either incarcerated, unemployed, or unemployable because of the lack of a quality education. For those and for all of the other young people that I have seen throughout my neighborhood, I have been a "yes" vote for EITC. I have been a "yes" vote for EITC even when some told me that it was not politically wise for me to do so, because I have always believed that the seat that I hold in this chamber is not mine, but it belongs to the people in my district, the people who put their faith and their trust in me that I will make a decision that would benefit them and that would benefit their children, that would make their lives easier, that would make their children's lives easier, and that would provide a future for them and their family. So even when it was difficult to do so, I put up a vote that I believed was reflective of the values of my constituents.

Madam Speaker, when EITC was created, the income threshold was \$50,000. This bill increases the income to \$95,000. Even at the rate of inflation, the income is still over where we would be if we increased the income by inflation. Madam Speaker, I also believe that while the dollars may be needed, it is irresponsible to have an escalator in this bill that goes uncapped and that will continue to grow this pot of money.

Lastly, my concern is with OSTC (opportunity scholarship tax credit). This bill increases money for EITC but does not do that for OSTC, and for those that do not know about OSTC, OSTC is the dollars that directly go to young people who live in neighborhoods with failing schools. This money goes directly to students that need it the most, who we know, who we know their schools are not providing them with a quality education.

So for no ideological reasons, for no political reasons, I am going to have to be a "no" on this bill on today, because these dollars are not going to go, in my opinion, to the young people who need it the most, to those young people who continue to go to schools that continue to fail them. If we want to hold true to the mission of what EITC was started for, it is my opinion that we should increase the dollar amounts for OSTC. It is my opinion that we should deal with the escalator, because it is financially irresponsible to continue to grow without us looking at those numbers every year.

And for those reasons, Madam Speaker, as hard as it is for me to do so, I will have to be a "no" today, hoping that in the future we can revisit this conversation and really do what this program was supposed to do and get the money to the young people who we know have no other options because the schools in their neighborhoods are failing them.

Thank you, Madam Speaker.

The SPEAKER pro tempore. Representative Gabler, you are recognized.

Mr. GABLER. Thank you, Madam Speaker.

Today I rise to ask my colleagues to support this bill, HB 800, an exceptional bill that will enable parents, students, and families to achieve better success in accessing the educational opportunities that work best for them. This bill proposes an expansion of Pennsylvania's hugely successful and historic Educational Improvement Tax Credit Program. While some of my colleagues have questioned this bill's proposal to increase EITC by \$100 million, I am proud that we now have the opportunity to make this investment in our future, in our children, and in the families of this Commonwealth.

Each year the taxpayers in Pennsylvania already invest approximately \$30 billion in our public schools statewide. For the last several years this General Assembly has increased basic education subsidies by at least \$100 million every year, and I am certain that we will do so again. In fact, State investment in our public schools has grown by almost 40 percent since 2010; that is a growth of nearly \$3.5 billion in State dollars alone. Even at a total investment of \$210 million, the EITC program will remain a very small portion of the overall investment that this Commonwealth makes into the education of our young people. And it is not a zero-sum game. This investment is in addition to the funding we invest in our public schools, not instead of it. Make no mistake, however, despite the fact that this is a small program relative to the overall investment in education, this small investment makes a huge impact on the students who benefit from these scholarships, students who have the opportunity to be in the classroom that best suits their individual goals, their individual aptitudes, and their individual learning styles.

And EITC scholarships, they are a bargain to Pennsylvania's taxpayers. Donations to the EITC program carry a 75 or 90 percent tax credit, meaning that each dollar that the State forgoes in revenue through these tax credits results in somewhere between \$1.11 and \$1.33 put into a child's education. Furthermore, the average EITC scholarship in this State comes at approximately \$1,800, which means in forgone revenue through the tax credit, it only costs the State in revenue about \$1,600. Compare that with the average per student cost in our public schools of approximately \$17,000 per student. This program creates an immense savings for the taxpayers while providing improved outcomes for the students that this program impacts.

And this bill is responsive to the overwhelming demand that this successful program has seen. There are donors willing to contribute over \$180 million that are on the waiting list for tax credits. For scholarships, there are 50,000 students statewide who have been rejected for scholarships, simply for lack of availability. The Wall Street Journal recently pointed out in an editorial that 43 percent of students applying for EITC scholarships, about 27,000 in 2016-17, were turned down. But it was not for a lack of willing donations. Many businesses applied for the tax credits but were put on wait lists because of the cap.

Some of my colleagues have questioned the escalator in this bill, but it is a true answer to the demand that this program sees. The escalator in this bill is only triggered if over 90 percent of the tax credits are utilized in a given year. With the huge waiting lists that we have in this State for the EITC credits and the EITC scholarships, this is a provision that simply makes sense.

And let us talk the about EITC program as it relates to our student population and the OSTC program. This bill targets the program with the greatest demand and the greatest utilization. A

student who is in an area who qualifies for OSTC can also benefit from EITC dollars, so if we want to see this investment go to the most students and to impact the most students, this is the program we should be investing in.

Let us remember that the EITC program is about students – young people, our future. Our Governor has been quoted as saying that a good education should not be determined by a child's ZIP (Zoning Improvement Plan) Code. This bill invests in our most successful program that allows students to escape the limitations of their ZIP Code and their socioeconomic status. Let us show the people of Pennsylvania that we are willing to invest in education, a true public good, and let us support HB 800 to invest in students, families, and better educational outcomes.

Thank you very much.

The SPEAKER pro tempore. Representative DeLissio is recognized.

Ms. DeLISSIO. Thank you, Madam Speaker.

Madam Speaker, I rise to share why I will be a "no" vote on this particular bill. Madam Speaker, \$100 million per year, plus the escalator clause, will divert money from the Pennsylvania General Fund. So for those that think that tax credits are not money in the General Fund, therefore, we should not have to worry about that, in my estimation, are just flat-out wrong. This is \$100 million that we, as elected officials in the Commonwealth of Pennsylvania, will have no say, no say as to how they are spent and where they are spent, and this is not what we were elected to do. The budget is our most important act that we are responsible for doing. So I just absolutely am not in a position to defer on that responsibility or to abdicate my responsibility in that manner.

I have watched this program grow and grow over the 8 years that I have been in office, and I am particularly intrigued by the fact that I represent two school districts, and interestingly enough, the Philadelphia School District that in fact could use more additional funding from the State, is certainly opposing this, and the school district, Lower Merion School District, that is very well funded, it is my constituents from that district, interestingly enough, that are encouraging me to vote for this legislation, and almost for the express purpose of sending their children to a private religious school. Now, I do not think our Constitution was written to ensure that our constituents should have their choice of a private religious school be what our State dollars are funding.

So for all those reasons I will be a "no" vote today.

The SPEAKER pro tempore. Representative Roebuck is recognized.

Mr. ROEBUCK. Thank you, Madam Speaker.

I rise in opposition to HB 800. I urge a negative vote on this legislation.

## REMARKS SUBMITTED FOR THE RECORD

Mr. ROEBUCK. I will submit my remarks for the record.

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

HB 800 increases the opportunity scholarships for non-public school students by \$100 million, from \$110 million to \$210 million under the EITC program. The amount of this increase is a budget buster. Increasing by \$100 million a program benefiting few non-public school students while we are likely to only increase the basic education funding by \$200 million for the 1.7 million public school students this year also sends the wrong message about public education.

The escalator clause in this bill is unprecedented in funding education programs and commits future General Assemblies to yearly increases for these scholarships benefiting nonpublic schools. We do not do this for the basic or special education funding or any education line item in the budget, and we should not do it for the EITC.

There is no increase in either of the EITC programs – the school improvement grants benefiting public school students or the pre-K scholarship program. In fact, over the last 2 years while the opportunity scholarships have been increased by \$35 million, there has been no increase in the other two programs. The EITC program focus now is on subsidizing nonpublic schools.

HB 800 is opposed by the Wolf administration, AFT (American Federation of Teachers), and school districts. PSEA (Pennsylvania State Education Association) has deep concerns about HB 800 in terms of "negatively impact the status of revenues in the Commonwealth."

HB 800, by increasing the income limits by \$10,000 to \$95,000, further moves the scholarship program away from its original intent of helping lower income families and children and simply serves as a subsidy for nonpublic schools. When you add in the additional income allowance of \$15,000 to the base \$95,000, you will have households making over \$100,000 a year eligible for these scholarships – more than twice the average income in the State.

Analysis done by the Ridge and Corbett administrations acknowledges that between 66 percent to 90 percent of the money going toward these scholarships is for children already in nonpublic schools. The EITC has become simply a subsidy to nonpublic schools for children already enrolled there.

Given the State's constitutional requirement that, "The General Assembly shall provide for the maintenance and support of a thorough and efficient system of public education..." Pennsylvania has been generous as compared to other States in directly funding nonpublic schools with over \$150 million in school services, textbooks, equipment, and transportation. Given the needs of our constitutionally mandated public education system, spending another \$100 million on nonpublic schools is not warranted at this time.

I urge a negative vote on HB 800.

The SPEAKER pro tempore. Thank you.

Representative Sturla, you are recognized.

Mr. STURLA. Thank you, Madam Speaker.

Madam Speaker, I rise in opposition to HB 800, and there are multiple reasons so I will just go through a couple of them.

First off, we are looking at a \$100,000 increase for – excuse me, \$100 million increase for families that are making up to and over – for a family of two – \$100,000 a year, when the average family income in the State of Pennsylvania is about half that. So when this program was originally set out, it was supposed to be to help disadvantaged children access other means of education other than the public school system. This is a far cry from disadvantaged children.

Madam Speaker, the other thing is, we are talking about, as was pointed out by several of the speakers, nearly \$2,000 per student that would be getting this. If we applied that same figure of \$2,000 per student to students in the public schools to get an increase, we would be looking at a \$3.4 billion increase. Now, if we want to make HB 800 a \$3.4 billion increase to public education so that we can close the \$1.6 or \$1.7 billion gap that currently exists for schools that are underfunded and give a boost to all public schools in the State of Pennsylvania, I might be willing to vote for that. But that is not what this piece of legislation does.

Madam Speaker, it was contended that this is really all they get, and that is not true. There are transportation dollars that go to private and religious schools, there are books and services that the State pays for for private and religious schools, and, Madam

Speaker, it was also asserted that think of the amount of money that it is saving the taxpayers by having these children attend private and parochial schools. Well, you cannot just take the number of students that are currently in private and parochial schools and take that times some fictitious number and claim that is how much money is saved, because first of all, not all of those students will leave those schools if this program does not exist; at best, it might be 50,000 statewide if in fact the EITC scholarship is what has them there, even though studies showed that a majority of those students that were getting EITC scholarships were already there prior to the scholarship. But even if you said there are going to be 50,000 kids back into the school system, it is not like you need to build 10 new schools with 5,000 kids in each school. They come at multiple grades; they come in 500 different public school locations, school districts, with multiple buildings, and so you add 1 or 2 kids per classroom and it does not change the bottom line in that school or that school district one cent.

Madam Speaker, it was also pointed out that there is a wait list for these funds. So there is a wait list so that people making \$100,000 a year can send their kids to private school. Well, if you want to spend \$100 million to get rid of this wait list, I have got a couple other wait lists that I think would be preferable. If you are an adult with disabilities and your parents are aging out, there is a 5-year wait list for that. So when those citizens come in and ask for your help, you can tell them, "I'm sorry, there's just not enough money for you, because we gave money to families making \$100,000 a year so they could send their kids to private school." There are kids on a wait list to get into preschool. We cannot create enough slots fast enough. So when the parent of a 3- or 4-year-old comes and says, "Can you please fund more preschool slots so that my disadvantaged child has a chance to get any school?" you can say, "Sorry, I chose to spend money on kids whose parents make \$100,000 a year or more and want to send their kids to private school."

And, Madam Speaker, this legislation takes \$100 million from schools, public schools that are already woefully underfunded. Now, I know there are people that say we spend a lot of money on public education in the State of Pennsylvania, and we do. But it is distributed in the least fair way of all States in the nation. So some of our school districts are doing okay, while others struggle mightily. In fact, if you took all the money we spent on public education – and that number was touted here multiple times in support of this legislation, how much money we spend – but if you took all that money and ran it through the fair-funding formula that we all voted on, there is a list of 143 school districts that get less than their fair share, some more than others. York Suburban gets shorted more than \$5 million a year; Conestoga Valley School District, in my own county of Lancaster, gets shorted more than \$10 million a year; Wyomissing Area School District gets shorted close to \$4 million a year; Hanover Public School District gets shorted more than \$6 million a year; East Stroudsburg Area School District gets shorted more than \$20 million a year; Derry Township School District gets shorted \$4 1/2 million a year; Manheim Township School District gets shorted nearly \$7 million a year; Pottstown School District gets shorted more than \$13 million a year; Muhlenberg School District gets shorted \$6 million a year; Wilson School District, \$8.6 million a year; Quaker Valley, \$1 1/2 million; Parkland School District, more than \$7 million a year; Camp Hill School District, nearly \$1 1/2 million a year shorted; Lewisburg School

District, more than a \$3 million shortfall each year; Loyalsock School District, \$2 1/2 million is what they get shorted; Dallastown Area School District gets shorted \$7.3 million; York City School District gets shorted \$47 million each year; Allentown School District gets shorted \$76 million every year; my own Lancaster School District gets shorted \$36 million a year; Columbia Borough gets shorted nearly \$4 million a year; Lebanon School District—

### POINT OF ORDER

Mr. CUTLER. Point of order, Madam Speaker.

The SPEAKER pro tempore. Will the gentleman suspend.

Majority leader.

Mr. CUTLER. Thank you, Madam Speaker.

I believe the gentleman is a little far afield of the underlying bill dealing with the EITC. I believe he is talking about the basic education funding formula, which would be more appropriate for the budget.

The SPEAKER pro tempore. The Chair agrees.

Representative Sturla, please stay closer to the bill.

Mr. STURLA. Thank you, Madam Speaker.

Madam Speaker, just yesterday we heard about how much money gets spent on public education. I am just pointing out where its shortfall is.

Madam Speaker, the point of all this is, anybody that wants to vote for spending \$100 million with a 10 percent a year escalator so that students whose parents make more than \$100,000 can go to private school should be prepared to go home and explain to their constituents – particularly, if you are one of the 143 districts that gets shorted currently by millions of dollars – why you chose to do that instead of fund your public schools, why you chose to use taxpayer dollars to make sure that someone making more than \$100,000 a year had access to private school while the 97 percent of the students in your district that go to public school got shorted millions of dollars.

Madam Speaker, I ask for a "no" vote.

The SPEAKER pro tempore. Representative Fiedler, please.

Members, please keep your voices down so we can hear the debate.

Representative Fiedler.

Ms. FIEDLER. Thank you, Madam Chair.

I rise in strong opposition to this bill. The increased household income is a problem, as is the escalator clause, which my colleagues have pointed out. But the problem for me with this bill, the problem that this bill poses for Pennsylvania children is much bigger and more fundamental than that. I will point out just two of my many concerns.

One, Pennsylvania is one of nine States in which you can make money by finding a school to donate to; and two, schools receiving EITC money can discriminate against children with disabilities and on the basis of religion. It is horrifying to me that this proposal exists while our public schools continue to be chronically and catastrophically underfunded. This is a question of priorities. So while we are here talking about extending EITC benefits to households with an income of \$95,000, we are hearing no talk about actual policies that would help families and schools across the Commonwealth, including much-needed funding for school facilities, including many school buildings in my district in South Philly. We are hearing no talk about increasing teachers' salaries or supporting an increase in the minimum wage. Those

policies would actually help families, rather than siphoning off millions of dollars.

A few weeks ago I stood with education advocates, the PFT (Philadelphia Federation of Teachers), and many of my colleagues who are here today, in front of Key School in my district in South Philly. We called for emergency funding for the asbestos, lead, and rodent infestations we see in our school buildings. These are the very buildings that our children and educators spend their days in. Both of my parents were public school teachers, and proudly, today, on behalf of educators across the State, including many in Philadelphia, I call on my colleagues to oppose this bill.

The SPEAKER pro tempore. Representative Sonney, you are recognized.

Mr. SONNEY. Thank you, Madam Speaker.

I find it interesting this morning and yesterday afternoon listening to the debate. You know, as the House Education majority chairman, I have spent a lot of time discussing educational issues with those that it absolutely matters the most, and that would be superintendents of schools, school board members, and I can tell you that, you know, on the public education side, they are doing some amazing things in our public schools. They really and truly are. And not one of those, not a one of those has told me anything negative about the EITC.

I stand in full support of HB 800. Madam Speaker, we are sitting here talking about \$100 million, and we talk about that in a way, to the general public, that makes them believe that this is an extraordinary amount of money, \$100 million. And yes, \$100 million is a lot of money. It really and truly is. But in comparison to our budget, in comparison to \$12.7 billion going into public education, a \$210 million EITC scholarship program is miniscule, absolutely miniscule. Do we have problems in public education? Absolutely. And I hope that we can address those problems as we move forward.

But we have choice in Pennsylvania. Our parents and our students have choice today, and those parents can choose to move away from the public education, and of course, they can go to cyber, they can go to brick-and-mortar charter, and those that can afford it – because they must dig even deeper into their pockets – those that can afford it can send their children to a private school. And there is absolutely no reason, none at all, that we should not be supporting those parents who wish to give that experience to their child, a little bit of support. And in the end, that is all this does is give a little bit of support. It is a difference between millions and billions. A million seconds is 11.2 days; a billion seconds is 32 years – 11 days/32 years; there is no comparison, none.

I ask for everyone's support of HB 800. Thank you.

The SPEAKER pro tempore. Representative Kenyatta, you are recognized.

Mr. KENYATTA. Madam Speaker, I rise in strong opposition to HB 800 and I think that we should oppose this bill on a bipartisan basis. In this chamber every single day, we are called upon to make critical decisions about how to spend our limited resources. One of the first debates I engaged in on this floor was about a program for general assistance that was 0.03 percent of our budget and we were told that we needed to get rid of that program, that it was going to break the budget. Now we are talking about \$100 million, a 236-percent increase, with an additional 10 percent every following year, that will end up, just in the next 10 years, costing the Commonwealth over half a

billion dollars. We have a constitutional responsibility written in this Constitution, that I know we all love, that says, "The General Assembly shall provide for the maintenance and support of a thorough and efficient system of public education to serve the needs of the Commonwealth."

Session after session we have fallen short of that responsibility. It is not our responsibility to fund private parochial schools. That is not our responsibility. Should a family choose to send their child to one of those schools, that is their choice. It should not be subsidized on the backs of our public school children who are waiting in schools that have leaky roofs, who are waiting in schools that have asbestos falling in the lunchroom, who are waiting in schools with teachers that have not seen a raise in years. We have a responsibility, when we all got sworn in, to uphold this Constitution. It says we ought to be supporting the maintenance of our public schools. We have not done it.

Politics is ultimately about the allocation of limited resources, and so when I hear us talk about \$100 million as if it is a drop in the bucket, I will tell you that constituents in my district disagree. We can use that \$100 million to fund PlanCon and to invest in some of the schools in my district that are falling apart, that are too hot in the summer and too cold in the winter. So if we want to talk about how to spend \$100 million, come to the 181st District and I will show you how to spend it, but it is the exact wrong way to spend it for these schools.

On a bipartisan basis, this program has been supported over the years, and I think it is telling that individuals who have supported the concept of this are standing up today and saying they do not support this bill. Listen, we have an opportunity, on a bipartisan basis, to do the right thing by our kids, and so I am not just asking my Democratic colleagues to vote against this bill, I am asking my Republican colleagues to vote against this bill, to stand up for the Constitution, to stand up for our responsibility as legislators, and we can do that today. Vote "no" on HB 800. Thank you.

The SPEAKER pro tempore. Representative Carroll, for the second time.

May I change that lineup. Representative Harrell.

Mrs. HARRELL. Good afternoon, Madam Speaker.

So as I sat here and I listened to this debate, and I understand that everyone has their own interpretations of where they think this money should go, I just was compelled to tell a personal story. So most of you know that my son was murdered in 2011 in a case of mistaken identity. When my son was murdered, he went to Philadelphia to pick up his sister – because I could afford to leave Philadelphia – and when he went to pick up his sister, two boys put four bullets in him. Now, my daughter, who is now 27 years old, suffers with severe survivor's remorse because she blames herself for her brother's death. She suffers with medical conditions that are directly related to her grief. She is 27 years old with uncontrollable hypertension that is not managed by medication. As a result of my son's murder, 26 days after my son died, his only child was born. My son was engaged to be married, had applied to go back to school, got a college letter of acceptance the day after he died. So 5 weeks after my grandson, Khalif, was born, my grandson, Chad, was born, my daughter's son.

So because of the situation, the unfortunate situation that happened with my family, my husband and I are now raising two 8-year-olds. We moved back to Philadelphia in 2015 to be a part of the solution to gun violence, but found ourselves in a position that we knew that someday our boys would go to school and that they would have needs that would need to be met in school. When

our boys turned 5 we looked at putting them in school and we wanted to choose the public school in our neighborhood in the 190th District. The public school was not an option. With its failing infrastructure, lack of support, no nurses, teacher-to-student ratio that could not accommodate the possibility – because we knew that eventually our boys would begin to grieve and that they would need additional support – public school was not an option. That is one of the reasons why I ran for State Representative, because I went to public school and I got a good education, but because we are not fully funding our public schools to accommodate our children, black and brown children that live in urban communities are not able to get their needs met. They are not able to get a basic, decent education, and it is not fair because we are one of very few families who live in our district who could afford private school for our children.

So I beg you and I implore you not to punish and penalize our children because of the ZIP Codes that they live in. I implore you to not penalize our children because they have no other alternative than a public school education. Thank you.

The SPEAKER pro tempore. Representative Carroll, the second time.

Mr. CARROLL. Thank you, Madam Speaker.

Madam Speaker, I stand here today not as an opponent of EITC. In fact, as others have stated, I have cast affirmative votes for EITC, and beyond that, I am a product of Catholic education through the eighth grade in the Scranton Diocese. What I oppose, Madam Speaker, is \$100 million and annual 10-percent increases in perpetuity. The Speaker mentioned yesterday, this is a polarized vote and a polarized discussion; I could not disagree more. Is it polarizing to have a debate over \$100 million? I would suggest it is actually our job, not polarized politics.

The Speaker stated yesterday that our public schools receive tremendous financial support in gross dollars; well, sure, in gross dollars. They ought to, they educate 1.7 million children. But as the Speaker stated, if our public schools are in such wonderful condition financially, then why does nearly every school district annually increase property taxes? Why do they do that? Can they all be wrong? Can every single school district that raises property taxes be increasing them because they want to, not because they have to? If, as the Speaker stated, our financial support of public education is so wonderful, why did the Erie School District threaten to shut down the high schools in their school district not more than a few years ago? Why the serious financial condition of school districts in York and Scranton and Pottstown and Reading and Wilkes-Barre? Why? Can they all be wrong? Can every single one of those school boards and every one of those school districts be so improperly managed that they are in the same financial condition? I would suggest we are not doing our part to support public education.

Madam Speaker, this is a budget vote hiding in plain sight. I find it ironic that the first budget vote of 2019 from my friends on the other side of the aisle is to spend \$100 million. Welcome to the tax-and-spend club. I am hopeful the supporters of this proposal are equally supportive of additional funds beyond \$200 million for basic education. How about special ed? We all celebrated \$60 million for school safety last year – for those that were on the floor for the budget – \$60 million to provide school safety measures in all of our school districts. This measure nearly doubles that for just the private schools. How about some additional money for higher ed? I cannot wait for that discussion. We certainly could use some more money in higher ed or pre-K, how about that? And those are just a few of the items in the world

of education off the top of my head. There is a litany of other programs in our budget that require additional financial resources. I hope – I hope – that we are as eager to have a conversation about additional funds for those lines of the budget as we are to have a conversation about EITC.

Madam Speaker, I think I speak for a fair number of members in our caucus: this is not an up-or-down vote on EITC; this is an up-or-down vote on \$100 million for private schools when we will only be anticipating an increase somewhere in the neighborhood of \$200 million for 500 school districts that educate 1.7 million children.

I hope, Madam Speaker, that we can find a way to have a more inclusive conversation about education and not simply focus on the needs of 50,000 students that will benefit to the tune of \$2,000 per student, if this \$100 million is appropriated. I ask for a negative vote. Thank you.

The SPEAKER pro tempore. Majority Leader Cutler, followed by Representative Turzai.

Majority leader, you are recognized.

Mr. CUTLER. Thank you, Madam Speaker.

Madam Speaker, I have always been a firm believer that education is the great equalizer. I had the privilege of going to a public school myself. In fact, my own children attend the same public school, as I shared this morning with a group from Pittsburgh. My own kids actually have some of the same teachers that I had, which lends itself to a great deal of stability in the classroom. But I also recognize that not everyone has that opportunity. I recognize that some students, as alluded to earlier, are in fact trapped by their ZIP Codes, by virtue of where they happen to live, that determines their access to a quality education, and I agree with our Governor and many of the folks here in this room that this is fundamentally unfair, because I believe that we should have access to a quality education because it is the great equalizer. It is what opens the doors for opportunities and builds the foundation on which we can train tomorrow's workforce.

Furthermore, I believe that not only should we have access to a quality education, I also believe that it should be individually tailored, because not everybody has the same opportunities. Too often in this chamber we debate, when we discuss education, and what we debate here, we talk about buildings, we talk about infrastructure, we talk about pension payments, and we talk about the volume of money that goes into the system. What we should be focused on is the quality of the education and the outcomes that the students demonstrate. It should always be about the students and what they need.

I am confident that we can land on a compromise point on many of the educational funding points that were brought up. I am equally confident that not everybody has the opportunity to attend great public schools like I was privileged to do so. And the problem from a public policy standpoint is, when you do not have the immediate access to either all of the funds or a quality public school, we do not have years to get it right, so what we can do and what we should do is provide an opportunity for the children that are trapped in districts that are struggling. We should provide them with the opportunities to go to a school that will meet their needs, both educationally and in terms of building that opportunity.

Madam Speaker, I firmly believe education is the great equalizer. It is what we should be focused on, the outcomes and the student experience are what we should be focused on. That is what this bill does and why I support it. I urge a "yes" vote.

The SPEAKER pro tempore. Representative Turzai, you are recognized.

Mr. TURZAI. Thank you, Madam Chair.

To our dear colleague, to our dear colleague who lost her son to gun violence, may God bless. And understand that your points hit home with respect to making sure that each and every child has an opportunity to succeed and to meet his or her potential. We can agree on the issue but have differing perspectives on the solutions.

With all due respect, I think a solution, as do many across the Commonwealth, that to save lives is not just one approach. Well over 50 percent of the budget for the school district in Philadelphia is funded by State tax dollars. In addition, we have done specific taxes, including a cigarette tax, for the city of Philadelphia School District alone. The city of Philadelphia School District has, amongst 200,000 students, over 60,000 in charter schools. Go to see Boys' Latin School. Go to see what backgrounds they are from. Go to see how they dress up and how it is changing their lives with 96-percent graduation rates and how many buses they have to take to get there. And let me name these schools, if I might, Independence Mission Schools where the people who are running these schools only care about the students who live in the neighborhoods and from which they serve: St. Raymond of Penafort, Holy Cross, the DePaul Catholic School, St. Helena Incarnation, St. Martin of Tours, St. Veronica, St. Martin de Porres, St. Malachy, Our Mother of Sorrows/St. Ignatius of Loyola, St. Frances Cabrini, St. Rose of Lima, St. Cyril of Alexandria, St. Barnabas, St. Thomas Aquinas, St. Gabriel – and guess what? The vast majority are not Catholic.

Discriminatory? How outrageous. For people who care about educating children of all backgrounds and to provide them a safe haven and to just dismiss them as discriminatory, to act as if these good individuals do not care about each and every child in the Commonwealth of Pennsylvania. I am sorry, one size does not fit all – period.

And the notion that we are not meeting our obligations with respect to public schools when we have record levels of investment, because guess what? I am here debate after debate, year after year with respect to public school funding, and it has never been enough. That is what we hear every year. With record increases in basic education funding, special education funding, Social Security funding, public school employees' retirement funding, which goes directly to teachers, public school teachers, for benefits and salaries. Seventy-five percent of every school district's budget is, at least, salaries and benefits. EITC and OSTC combine – to my good friend from Philadelphia County – combine for 1.5 percent of what we spend across the board on public education K through 12, which will reach 13 billion State tax dollars and taxes that are collected on a local level, because we have a system that is designed to collect taxes on a State level, which gets shared around and for which we subsidize many school districts; and we collect on a local level based on State law, because we think people should contribute to their own school districts in their local communities, and that is another \$16 billion. That is about \$29-\$30 billion that we spend on public education through people's hard-earned tax dollars. If you take the \$110 million in EITC up to \$210 million, it is less, far less than 1 percent. It is about .5 percent – .5 percent.

Please, if I might have the opportunity to speak without being interrupted.

Now, I also heard the notion that the increase – the idea is that when we put up HB 59 to say maybe you should contribute if you are making over \$250,000 a year, to contribute to certain items under Human Services, it was resoundingly defeated because \$250,000 was middle class; \$50,000, when this was created, taking it up to a number at the rate of inflation, is just shy of that number of \$95,000. It is shy of that. But it certainly is not at the number of \$250,000 that everybody said was middle class when that debate was going on. It seems very relative depending on the argument.

The idea behind the educational improvement tax credit is that it can be spread all across Pennsylvania, not just in particular neighborhoods, but that it can be available across Pennsylvania for families that understand that maybe one size does not fit all. Oh, but I guess it is de rigeur to just poo-poo those folks, that maybe they just do not know better than the rest of us, maybe they ought to be enlightened and understand that there is only one monopolistic school system that should be allowed in the Commonwealth of Pennsylvania or in the United States of America? Oh, there is freedom. Because that is where the ideological divide is coming to – let us be honest – that you can only have a State-run education system and that the notion that there should be any level of competition should be thrown out the window.

As I said, in the last four budgets that we voted upon, where we have increased to record levels of public education – including, by the way, the \$2.5 billion we are spending on teachers' pensions – I voted for each and every one of them, each and every one of them. I will vote for the budget again this year. And when we are talking about finally, finally, after all these years, since the 2008 recession, having a robust economy, finally, 5.5-percent increase in PIT (personal income tax) numbers and 7.6 percent in sales numbers – there ought to be some respect, which we have not shown, for some opportunity in the arena of school choice, because we are going to continue to show the respect for the essence of public education.

I said it yesterday and I will repeat it again today: my dad was a public school teacher and my brother is a public school teacher, and the public school teachers I have encountered have been outstanding. But I have also encountered many retired public school teachers, who as a point of mission, a point of giving of themselves to others, have gone on to teach or be administrators in Catholic schools, Christian schools, Jewish schools, and nondenominational schools. Why? Because they recognize that for certain people, there is a special mission there and they want to help, and they are certainly good people – exceptional people.

Now, when the bill was introduced, there were quite a few Democratic cosponsors, quite a few. I hope you stay the course because you recognize in your neighborhoods, you recognize in your neighborhoods, when some of those schools are struggling to stay open – this is not, you know, the schools we are talking about are not the big prep schools, but they are these neighborhood schools, they are struggling to stay open. Well over 50 percent of their students are getting something – not a full scholarship – something to help their parents keep them in that school. They just might like a uniform. They just might love giving their son or daughter or grandson or granddaughter a big hug, knowing that maybe they are going to talk about some values, because for them that actually matters, for them that might be preeminent. Talk about discriminatory, that there cannot be other options in the Commonwealth of Pennsylvania that we support.

Please vote "yes" on HB 800 if you stand for public education and for a few options. 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—111

Barrar	Gaydos	Maloney	Rigby
Benninghoff	Gillen	Marshall	Roae
Bernstine	Gillespie	Masser	Rothman
Boback	Gleim	Mehaffie	Rozzi
Borowicz	Gregory	Mentzer	Ryan
Brooks	Greiner	Metcalfe	Sankey
Brown	Grove	Metzgar	Saylor
Causar	Hahn	Mihalek	Schemel
Cook	Heffley	Millard	Schmitt
Cox	Helm	Miller, B.	Schroeder
Culver	Hennessey	Mizgorski	Sonney
Cutler	Hershey	Moul	Staats
Davis, T.	Hickernell	Murt	Stephens
Day	Irvin	Nelson	Struzzi
Delozier	James	Nesbit	Thomas
Diamond	Jones	O'Neal	Tobash
DiGirolamo	Jozwiak	Oberlander	Toepel
Dowling	Kail	Ortiz	Toohil
Driscoll	Kaufner	Owlett	Topper
Dunbar	Kauffman	Peifer	Walsh
Dush	Keefer	Pickett	Warner
Ecker	Keller, M.K.	Polinchock	Wentling
Emrick	Klunk	Puskaric	Wheeland
Everett	Knowles	Pyle	White
Farry	Lawrence	Quinn	Zimmerman
Fee	Lewis	Rader	
Fritz	Mackenzie	Rapp	Turzai,
Gabler	Mako	Reese	Speaker
Galloway			

#### NAYS—85

Bizzarro	Fitzgerald	Kulik	Readshaw
Boyle	Flynn	Lee	Roebuck
Bradford	Frankel	Longietti	Sainato
Briggs	Freeman	Madden	Samuelson
Bullock	Gainey	Malagari	Sanchez
Burgos	Goodman	Markosek	Sappery
Burns	Hanbidge	Matzie	Schlossberg
Caltagirone	Harkins	McCarter	Schweyer
Carroll	Harrell	McClinton	Shusterman
Cephas	Harris	McNeill	Sims
Comitta	Hohenstein	Merski	Snyder
Conklin	Howard	Miller, D.	Solomon
Daley	Innamorato	Mullery	Sturla
Davis, A.	Isaacson	Mullins	Ullman
Dawkins	Kenyatta	Neilson	Vitali
Deasy	Kim	O'Mara	Warren
DeLissio	Kinsey	Otten	Webster
Delloso	Kirkland	Pashinski	Wheatley
DeLuca	Kortz	Petrarca	Williams
Dermody	Kosierowski	Rabb	Youngblood
Donatucci	Krueger	Ravenstahl	Zabel
Fiedler			

#### NOT VOTING—0

#### EXCUSED—6

Ciresi	Davidson	Keller, F.	Simmons
Cruz	Evans		

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

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

**THE SPEAKER (MIKE TURZAI)  
PRESIDING**

**GUESTS INTRODUCED**

The SPEAKER. Up in the gallery, we have ninth grade girls who attend Hillel Academy in Pittsburgh: Shoshana Kisilinsky, Dalya Kraut, Nechama Langer, and Nechama Russell. They are here for Teach PA. Please stand up. They are guests of Representative Dan Frankel, from Hillel Academy. Please stand.

And fourth grade classes from Hanover Elementary, which is part of the Bethlehem Area School District, please stand.

We are going to break for Appropriations Committee and caucus meetings.

**APPROPRIATIONS COMMITTEE MEETING**

The SPEAKER. The majority Appropriations chair is recognized.

Mr. SAYLOR. Thank you, Mr. Speaker.

The Appropriations Committee will meet immediately in the majority caucus room. Thank you.

The SPEAKER. The Appropriations Committee will meet immediately in the majority caucus room.

**REPUBLICAN CAUCUS**

The SPEAKER. The majority caucus chair, Marcy Toepel, for a majority caucus announcement.

Mrs. TOEPEL. Thank you, Mr. Speaker.

Republicans will caucus at 1:45. We would be prepared to return to the floor at 2:30. Thank you.

The SPEAKER. Thank you.

**DEMOCRATIC CAUCUS**

The SPEAKER. Representative Joanna McClinton, the Democratic caucus chair, for a caucus announcement.

Ms. McCLINTON. Thank you, Mr. Speaker.

House Democrats, we will caucus at 1:45 p.m.; that is 1:45 p.m.

Thank you, Mr. Speaker.

**ANNOUNCEMENT BY MR. CAUSER**

The SPEAKER. Chairman Marty Causer of the Agriculture and Rural Affairs Committee, for a committee announcement.

Mr. CAUSER. Mr. Speaker, the Republican members of the House Agriculture and Rural Affairs Committee will meet informally in the Appropriations conference room. Republican members of the Agriculture and Rural Affairs Committee are having a caucus meeting in the Appropriations conference room. Thank you.

**FINANCE COMMITTEE MEETING**

The SPEAKER. Representative Mike Peifer, the chair of the Finance Committee, for a committee announcement.

Mr. PEIFER. Thank you, Mr. Speaker.

The Finance Committee will meet at the end of session today in the Ryan Office Building, room 205. Thank you.

The SPEAKER. The Finance Committee will meet at the end of session today in room 205, Ryan Office Building.

Does anybody else have a committee announcement?

**ANNOUNCEMENT BY MR. WARNER**

The SPEAKER. Representative Ryan Warner is recognized on unanimous consent.

Mr. WARNER. Thank you, Mr. Speaker.

Mr. Speaker, today is my son Benjamin's fifth birthday. I just want to take quick second to wish him a very happy birthday and let him know that I love him. Thank you.

The SPEAKER. Thank you very much.

**RECESS**

The SPEAKER. The House will stand in recess until 2:30.

**RECESS EXTENDED**

The time of recess was extended until 2:45 p.m.; further extended until 3 p.m.; further extended until 3:15 p.m.; further extended until 3:30 p.m.

**AFTER RECESS**

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

**LEAVE OF ABSENCE CANCELED**

The SPEAKER. Representative Ciresi is on the House floor. He should be placed on the master roll.

**BILLS REREPORTED FROM COMMITTEE**

**HB 632, PN 1739**

By Rep. SAYLOR

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in miscellaneous provisions, further providing for odometer disclosure requirements.

APPROPRIATIONS.

**HB 915, PN 1487**

By Rep. SAYLOR

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in size, weight and load, further providing for permit for movement during course of manufacture; and, in powers of department and local authorities, further providing for power of Governor during emergency.

APPROPRIATIONS.

**HB 1021, PN 1631**

By Rep. SAYLOR

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in matters affecting government units, providing for special standing in constitutional challenges.

APPROPRIATIONS.

**HB 1062, PN 1224**

By Rep. SAYLOR

An Act repealing the act of July 16, 1941 (P.L.386, No.149), entitled "An act providing for the establishment, construction, operation and maintenance of a mountain ridge road or parkway in the Pocono Mountains through, bordering or accessible to the counties of Monroe, Northampton, Carbon, Luzerne, Lackawanna, Wayne and Pike, to be known as the "Pocono Mountain Memorial Parkway"; providing for the creation of the Pennsylvania Parkway Commission, and conferring powers, and imposing duties on said commission; authorizing the issuance of parkway revenue bonds of the Commonwealth, payable solely from tolls, to pay the cost of such parkway; providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act; providing for the collection of tolls for the payment of such bonds and for the cost of maintenance, operation and repair of the parkway; making such bonds exempt from taxation; constituting such bonds legal investments in certain instances; prescribing conditions upon which such parkway shall become free; providing for condemnation; granting certain powers and authority to municipal subdivisions and other agencies of the Commonwealth to cooperate with the commission; conferring powers and imposing duties on the Department of Highways and authorizing the issuance of parkway revenue refunding bonds."

APPROPRIATIONS.

**HB 1092, PN 1326**

By Rep. SAYLOR

An Act repealing the act of January 14, 1951 (1952 P.L.2046, No.577), entitled "An act authorizing the Department of Highways to erect and maintain toll bridges over the Susquehanna River at certain points, and to provide the necessary approaches and connections with State highways; empowering counties to pay certain damages; providing for the collection of tolls; and making an appropriation."

APPROPRIATIONS.

**HB 1305, PN 1525**

By Rep. SAYLOR

An Act repealing the act of April 2, 1963 (P.L.16, No.14), entitled "An act authorizing the Department of Highways, with the approval of the Governor, to construct a highway, and to erect and maintain a bridge over the Kiskiminetas River in Westmoreland and Armstrong Counties, and to provide the necessary approaches and connections with State highways; empowering counties to pay certain damages; and making an appropriation therefor."

APPROPRIATIONS.

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

**HB 855, PN 969**

By Rep. SAYLOR

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, in Commonwealth budget procedures, further providing for transmission of budget information to the General Assembly.

APPROPRIATIONS.

**HB 920, PN 1641**

By Rep. SAYLOR

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, in Commonwealth budget procedures, further providing for lapsing of funds.

APPROPRIATIONS.

**HB 921, PN 1442**

By Rep. SAYLOR

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, in Commonwealth budget procedures, providing for definitions and further providing for budget implementation data, for electronic access of information and for lapsing of funds.

APPROPRIATIONS.

**HB 922, PN 1357**

By Rep. SAYLOR

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, in Commonwealth budget procedures, further providing for submission of budget to General Assembly and for transmission of budget information to the General Assembly.

APPROPRIATIONS.

**HB 923, PN 1406**

By Rep. SAYLOR

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, in Commonwealth budget procedures, further providing for submission of budget to General Assembly.

APPROPRIATIONS.

**SENATE MESSAGE**

**RECESS RESOLUTION  
FOR CONCURRENCE**

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

In the Senate,  
May 6, 2019

RESOLVED, (the House of Representatives concurring), Pursuant to Article II, Section 14 of the Pennsylvania Constitution, that when the Senate recesses this week, it reconvene on Monday, June 3, 2019, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, Pursuant to Article II, Section 14 of the Pennsylvania Constitution, that when the House of Representatives recesses this week, it reconvene on Monday, May 13, 2019, unless sooner recalled by the Speaker of the House of Representatives; and be it further

RESOLVED, Pursuant to Article II, Section 14 of the Pennsylvania Constitution, that when the House of Representatives recesses the week of May 13, 2019, it reconvene on Wednesday, May 22, 2019, unless sooner recalled by the Speaker of the House of Representatives; and be it further

RESOLVED, Pursuant to Article II, Section 14 of the Pennsylvania Constitution, that when the House of Representatives recesses the week of May 22, 2019, it reconvene on Monday, June 3, 2019, unless sooner recalled by the Speaker of the House of Representatives.

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

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

**CALENDAR CONTINUED**

**BILLS ON SECOND CONSIDERATION**

The House proceeded to second consideration of **HB 1166, PN 1344**, entitled:

An Act amending the act of May 11, 1889 (P.L.188, No.210), entitled "A further supplement to an act, entitled 'An act to establish a board of wardens for the Port of Philadelphia, and for the regulation of pilots and pilotage, and for other purposes,' approved March twenty-ninth, one thousand eight hundred and three, and for regulating the rates of pilotage and number of pilots," further providing for rates of pilotage and computation, for pilotage fees and unit charge and for charges for services.

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 115, PN 659**, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in terms and courses of study, providing for cardiopulmonary resuscitation education.

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 827, PN 928**, entitled:

An Act designating certain activity by the Delaware River Basin Commission as the exercise of the power of eminent domain that entitles the owners of the property in question to appropriate and just compensation.

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

Ms. **ULLMAN** offered the following amendment No. **A01222**:

- Amend Bill, page 1, line 2, by inserting after "as " not
- Amend Bill, page 3, lines 23 through 28, by striking out all of lines 23 through 27 and "(8)" in line 28 and inserting (7)
- Amend Bill, page 4, line 4, by striking out "(9)" and inserting (8)
- Amend Bill, page 4, line 7, by striking out "(10)" and inserting

- (9)
- Amend Bill, page 4, line 8, by striking out "constitutes" and inserting does not constitute
- Amend Bill, page 4, line 11, by striking out "(11)" and inserting (10)
- Amend Bill, page 4, line 15, by striking out "(12)" and inserting (11)
- Amend Bill, page 4, line 18, by striking out "(13)" and inserting (12)
- Amend Bill, page 4, line 25, by striking out "constitutes" and inserting does not constitute
- Amend Bill, page 4, by inserting between lines 26 and 27 (13) The General Assembly determines that the ban on hydraulic fracturing in the impacted counties does not prohibit the use and enjoyment of land to the extent that the land is rendered useless.
- (14) The right to clean air and pure water guaranteed by section 27 of Article I of the Constitution of Pennsylvania requires the Commonwealth to protect the rights to a clean and healthy environment.
- Amend Bill, page 4, line 29, by inserting after "shall " not
- Amend Bill, page 5, lines 1 through 3, by striking out "and will deprive the owners" in line 1, all of line 2 and "estates" in line 3
- Amend Bill, page 5, line 5, by inserting after "shall " not
- Amend Bill, page 5, line 7, by inserting after "shall " not

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

The **SPEAKER**. Okay. We are going to go over the bill for the time being.

**AMENDMENT RULED OUT OF ORDER**

The **SPEAKER**. Okay. We are back on HB 827. In consultation with the Parliamentarian, amendment 01222 has been ruled out of order.

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

Mr. **CIRESI** offered the following amendment No. **A01227**:

- Amend Bill, page 5, by inserting between lines 9 and 10 Section 6. Funding.
- The Secretary of Environmental Protection shall determine how much funding is adequate for the payment of appropriate and just compensation by the commission under section 5. Upon adequate funding, the Secretary of Environmental Protection shall transmit notice to the Legislative Reference Bureau for publication in the Pennsylvania Bulletin.
- Amend Bill, page 5, line 10, by striking out "6" and inserting 7
- Amend Bill, page 5, line 11, by striking out "immediately." and inserting as follows:
  - (1) Section 6 and this section shall take effect immediately.
  - (2) The remainder of this act shall take effect upon publication of the notice under section 6.

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

The SPEAKER. Representative Ciresi, on the amendment, sir. Yes, sir. Please, everybody, Representative Ciresi is entitled to be heard.

Representative, you may proceed.

Mr. CIRESI. Thank you, Mr. Speaker.

The amendment I put forth today before this bill states that the Secretary of the DEP (Department of Environmental Protection) must determine what the actual cost to implement this bill would be and where we are going to get the funds. I spent 12 years on a school board, and that is the reason I decided to run, because we saw mandate after mandate come down from Harrisburg but we could not figure out how we were going to pay for it because they were underfunded.

My amendment makes sure that we do not rush into implementing this without first figuring out two simple questions: how much and where do we get the money? If we do not have the full cost to underline and carry it out, what the estimate would be. We did hear in committee the estimate can go anywhere as high as \$10 billion; that is 1600 times the entire \$6.3 million operating budget of the Delaware River Basin.

I would ask my kind members here in the House to make sure that we know what this bill costs before we put it into play and we do not bankrupt the DRBC (Delaware River Basin Commission). I look for an affirmative vote on this amendment.

Thank you, Mr. Speaker.

The SPEAKER. Thank you, Representative.

Representative Fritz, on the amendment, sir.

Mr. FRITZ. Thank you, Mr. Speaker.

Mr. Speaker, this amendment does not clearly state who the Secretary of Environmental Protection is. Is that the Secretary from Pennsylvania or from New Jersey or from New York or from Delaware or the Federal government? Now, if the crafter does in fact intend that to be the Pennsylvania DEP Secretary, well, then that runs counter to the DRBC Compact, which states that the interstate compact creating the DRBC specifically provides that if the DRBC exercises the right of condemnation, any compensation owed must be paid by the DRBC and not the signatory States.

Secondly, secondly, Mr. Speaker, the amendment purposefully delays the process for landowners to assert their takings. First off, they must wait for the Secretary to determine how much funding is adequate for taking those claims, and that is not something that we should be tasking the department to analyze and determine. Secondly, in eminent domain and taking cases, the cost determined is very fact based and determined through sometimes years of litigation. The court is the fact finder.

And lastly, Mr. Speaker, why would we want a Secretary to have the unilateral authority. I appreciate the amendment maker's recognition and validation that this is in fact a harmful taking that warrants compensation to impacted landowners, but I kindly ask for a "no" on the amendment as it is not the proper method of execution. Thank you.

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

The following roll call was recorded:

YEAS—90

Bizzarro	Driscoll	Krueger	Readshaw
Boyle	Fiedler	Kulik	Roebuck
Bradford	Fitzgerald	Lee	Rozzi
Briggs	Flynn	Longietti	Sainato
Bullock	Frankel	Madden	Samuelson
Burgos	Freeman	Malagari	Sanchez
Burns	Gainey	Markosek	Sappey
Caltagirone	Galloway	Matzie	Schlossberg
Carroll	Goodman	McCarter	Schweyer
Cephas	Hanbidge	McClinton	Shusterman
Ciresi	Harkins	McNeill	Sims
Comitta	Harrell	Merski	Snyder
Conklin	Harris	Miller, D.	Solomon
Daley	Hohenstein	Mullery	Sturla
Davis, A.	Howard	Mullins	Ullman
Davis, T.	Innamorato	Neilson	Vitali
Dawkins	Isaacson	O'Mara	Warren
Deasy	Kenyatta	Otten	Webster
DeLissio	Kim	Pashinski	Wheatley
Delloso	Kinsey	Petrarca	Williams
DeLuca	Kirkland	Rabb	Youngblood
Dermody	Kortz	Ravenstahl	Zabel
Donatucci	Kosierowski		

NAYS—107

Barrar	Gillespie	Marshall	Rigby
Benninghoff	Gleim	Masser	Roae
Bernstine	Gregory	Mehaffie	Rothman
Boback	Greiner	Mentzer	Ryan
Borowicz	Grove	Metcalfe	Sankey
Brooks	Hahn	Metzgar	Saylor
Brown	Heffley	Mihalek	Schemel
Causer	Helm	Millard	Schmitt
Cook	Hennessey	Miller, B.	Schroeder
Cox	Hershey	Mizgorski	Sonney
Culver	Hickernell	Moul	Staats
Cutler	Irvin	Murt	Stephens
Day	James	Nelson	Struzzi
Delozier	Jones	Nesbit	Thomas
Diamond	Jozwiak	O'Neal	Tobash
DiGirolamo	Kail	Oberlander	Toepel
Dowling	Kaufner	Ortitay	Toohil
Dunbar	Kauffman	Owlett	Topper
Dush	Keefer	Peifer	Walsh
Ecker	Keller, M.K.	Pickett	Warner
Emrick	Klunk	Polinchock	Wentling
Everett	Knowles	Puskaric	Wheeland
Farry	Lawrence	Pyle	White
Fee	Lewis	Quinn	Zimmerman
Fritz	Mackenzie	Rader	
Gabler	Mako	Rapp	Turzai,
Gaydos	Maloney	Reese	Speaker
Gillen			

NOT VOTING—0

EXCUSED—5

Cruz	Evans	Keller, F.	Simmons
Davidson			

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?

Mr. DERMODY. Mr. Speaker?

The SPEAKER. Yes, sir. Leader, you may proceed, sir.

Mr. DERMODY. Thank you, Mr. Speaker.

Mr. Speaker, I would like to appeal the ruling of the Chair that ruled House amendment 1222 out of order.

The SPEAKER. Yes, you may. We are going to go over the bill right now, but I will come back to that at the end of the session because I just want to get through some of the other—

Mr. DERMODY. All right.

The SPEAKER. —legislation that I think has unanimous votes, but we will come back to it.

Mr. DERMODY. All right. Thank you.

The SPEAKER. Okay. Thank you, Leader.

BILL PASSED OVER TEMPORARILY

The SPEAKER. So we are over right now on, we are going over HB 827.

\* \* \*

The House proceeded to second consideration of **HB 423, PN 1327**, entitled:

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, in general provisions applying to both liquor and malt and brewed beverages, further providing for local option.

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

The SPEAKER. We do have an amendment filed on that. It is filed by Representative Mackenzie. It is amendment 766. In consultation with the Speaker and the Parliamentarian, we have ruled amendment 00766 out of order.

BILL PASSED OVER TEMPORARILY

The SPEAKER. We are going to go over HB 423, PN 1327. We may have a second appeal.

\* \* \*

The House proceeded to second consideration of **HB 68, PN 1454**, entitled:

An Act amending the act of December 5, 1936 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the Unemployment Compensation Law, in contributions by employers and employees, further providing for relief from charges.

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

Mr. **RYAN** offered the following amendment No. **A00792**:

Amend Bill, page 2, lines 10 and 11, by striking out "thirty (30)" and inserting twenty-one (21)

Amend Bill, page 2, lines 21 and 22, by striking out "thirty (30)" and inserting twenty-one (21)

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

The SPEAKER. Representative Ryan, on the amendment, sir, and the underlying bill, like how they relate.

Mr. RYAN. Mr. Speaker, if I could, the Labor and Industry Department called and asked if we would transfer the bill from the current 30 days to 21 days so that it is consistent with a series of bills that were just recently passed, and I agreed with them as a reasonable compromise.

And the underlying bill provides us with a great opportunity in the Commonwealth to restore some semblance of equity in unemployment compensation. But for all the members, I would want you to be aware, this bill does not adversely affect at all anyone who is receiving unemployment compensation, but instead, it helps tremendously those employers who wish to become no-layoff employers, which as a former employer I can tell you is something we tried to do for all of our employees.

And I would ask for an affirmative vote.

The SPEAKER. Representative Neilson, on the amendment, sir.

Mr. NEILSON. Thank you, Mr. Speaker.

I would just like to thank the gentleman for working with the administration and other members of the committee to make this bill a better bill. This is an agreed-to amendment. I wish everybody would support it.

The SPEAKER. Thank you, sir.

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

The following roll call was recorded:

YEAS—197

Barrar	Flynn	Lewis	Reese
Benninghoff	Frankel	Longietti	Rigby
Bernstine	Freeman	Mackenzie	Roae
Bizzarro	Fritz	Madden	Roebuck
Boback	Gabler	Mako	Rothman
Borowicz	Gainey	Malagari	Rozzi
Boyle	Galloway	Maloney	Ryan
Bradford	Gaydos	Markosek	Sainato
Briggs	Gillen	Marshall	Samuelson
Brooks	Gillespie	Masser	Sanchez
Brown	Gleim	Matzie	Sankey
Bullock	Goodman	McCarter	Sappay
Burgos	Gregory	McClinton	Saylor
Burns	Greiner	McNeill	Schemel
Caltagirone	Grove	Mehaffie	Schlossberg
Carroll	Hahn	Mentzer	Schmitt
Causar	Hanbidge	Merski	Schroeder
Cephas	Harkins	Metcalfe	Schweyer
Ciresi	Harrell	Metzgar	Shusterman
Comitta	Harris	Mihalek	Sims
Conklin	Heffley	Millard	Snyder
Cook	Helm	Miller, B.	Solomon
Cox	Hennessey	Miller, D.	Sonney
Culver	Hershey	Mizgorski	Staats
Cutler	Hickernell	Moul	Stephens
Daley	Hohenstein	Mullery	Struzzi
Davis, A.	Howard	Mullins	Sturla

Davis, T.	Innamorato	Murt	Thomas
Dawkins	Irvin	Neilson	Tobash
Day	Isaacson	Nelson	Toepel
Deasy	James	Nesbit	Toohil
DeLissio	Jones	O'Mara	Topper
Delloso	Jozwiak	O'Neal	Ullman
Delozier	Kail	Oberlander	Vitali
DeLuca	Kaufer	Ortitay	Walsh
Dermody	Kauffman	Otten	Warner
Diamond	Keefer	Owlett	Warren
DiGirolamo	Keller, M.K.	Pashinski	Webster
Donatucci	Kenyatta	Peifer	Wentling
Dowling	Kim	Petrarca	Wheatley
Driscoll	Kinsey	Pickett	Wheeland
Dunbar	Kirkland	Polinchock	White
Dush	Klunk	Puskaric	Williams
Ecker	Knowles	Pyle	Youngblood
Emrick	Kortz	Quinn	Zabel
Everett	Kosierowski	Rabb	Zimmerman
Farry	Krueger	Rader	
Fee	Kulik	Rapp	Turzai,
Fiedler	Lawrence	Ravenstahl	Speaker
Fitzgerald	Lee	Readshaw	

NAYS—0

NOT VOTING—0

EXCUSED—5

Cruz	Evans	Keller, F.	Simmons
Davidson			

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

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

The SPEAKER. The bill as amended will be reprinted.

\* \* \*

The House proceeded to second consideration of **HB 1281, PN 1549**, entitled:

An Act designating the bridge identified as Bridge Key 3522 on that portion of Interstate 376 over the Ohio River in Vanport Township, Beaver County, as the Richard L. Shaw Memorial Bridge.

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

**BILLS ON THIRD CONSIDERATION**

The House proceeded to third consideration of **HB 24, PN 1735**, entitled:

An Act amending the act of February 9, 1999 (P.L.1, No.1), known as the Capital Facilities Debt Enabling Act, in capital facilities, further providing for bonds, issue of bonds and notes, maturity and interest.

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?

The Chair recognizes Representative Lawrence on HB 24.

Mr. LAWRENCE. Thank you, Mr. Speaker.

Mr. Speaker, the legislation, HB 24, before us today deals with the method by which Pennsylvania issues general obligation debt, or State-issued bonds. This legislation passed the House and the Senate last session almost unanimously but was vetoed by His Excellency, the Governor. In speaking with the good gentleman from Montgomery, the minority Appropriations chair, he proposed extending the effective date of this legislation to allow the administration more time to plan for its implementation. I sincerely appreciate the good gentleman's suggestion and his amendment in the Appropriations Committee, which passed unanimously.

Mr. Speaker, the bill before us would change the way Pennsylvania issues debt to ensure that we pay down principal faster. If this practice were in place today, it would have saved the Pennsylvania taxpayer nearly \$1 billion in interest costs over the years.

I would appreciate an affirmative vote. Thank you, Mr. Speaker.

The SPEAKER. Thank you, sir.

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—197

Barrar	Flynn	Lewis	Reese
Benninghoff	Frankel	Longietti	Rigby
Bernstine	Freeman	Mackenzie	Roae
Bizzarro	Fritz	Madden	Roebuck
Boback	Gabler	Mako	Rothman
Borowicz	Gainey	Malagari	Rozzi
Boyle	Galloway	Maloney	Ryan
Bradford	Gaydos	Markosek	Sainato
Briggs	Gillen	Marshall	Samuelson
Brooks	Gillespie	Masser	Sanchez
Brown	Gleim	Matzie	Sankey
Bullock	Goodman	McCarter	Sappery
Burgos	Gregory	McClinton	Saylor
Burns	Greiner	McNeill	Schemel
Caltagirone	Grove	Mehaffie	Schlossberg
Carroll	Hahn	Mentzer	Schmitt
Causar	Hanbidge	Merski	Schroeder
Cephas	Harkins	Metcalfe	Schweyer
Ciresi	Harrell	Metzgar	Shusterman
Comitta	Harris	Mihalek	Sims
Conklin	Heffley	Millard	Snyder
Cook	Helm	Miller, B.	Solomon
Cox	Hennessey	Miller, D.	Sonney
Culver	Hershey	Mizgorski	Staats
Cutler	Hickernell	Moul	Stephens
Daley	Hohenstein	Mullery	Struzzi
Davis, A.	Howard	Mullins	Sturla
Davis, T.	Innamorato	Murt	Thomas
Dawkins	Irvin	Neilson	Tobash
Day	Isaacson	Nelson	Toepel
Deasy	James	Nesbit	Toohil

DeLissio	Jones	O'Mara	Topper
Deloso	Jozwiak	O'Neal	Ullman
Delozier	Kail	Oberlander	Vitali
DeLuca	Kaufner	Ortitay	Walsh
Dermody	Kauffman	Otten	Warner
Diamond	Keefer	Owlett	Warren
DiGirolamo	Keller, M.K.	Pashinski	Webster
Donatucci	Kenyatta	Peifer	Wentling
Dowling	Kim	Petrarca	Wheatley
Driscoll	Kinsey	Pickett	Wheeland
Dunbar	Kirkland	Polinchock	White
Dush	Klunk	Puskaric	Williams
Ecker	Knowles	Pyle	Youngblood
Emrick	Kortz	Quinn	Zabel
Everett	Kosierowski	Rabb	Zimmerman
Farry	Krueger	Rader	
Fee	Kulik	Rapp	Turzai,
Fiedler	Lawrence	Ravenstahl	Speaker
Fitzgerald	Lee	Readshaw	

NAYS-0

NOT VOTING-0

EXCUSED-5

Cruz	Evans	Keller, F.	Simmons
Davidson			

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

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

\* \* \*

The House proceeded to third consideration of **HB 880, PN 991**, entitled:

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

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-104

Barrar	Gillespie	Marshall	Roae
Benninghoff	Gleim	Masser	Rothman
Bernstine	Gregory	Mehaffie	Ryan
Boback	Greiner	Mentzer	Sankey
Borowicz	Grove	Metcalfe	Saylor
Brooks	Hahn	Metzgar	Schemel
Brown	Heffley	Mihalek	Schmitt

Causer	Helm	Millard	Schroeder
Cook	Hennessey	Miller, B.	Sonney
Cox	Hershey	Mizgorski	Staats
Culver	Hickernell	Moul	Stephens
Cutler	Irvin	Murt	Struzzi
Day	James	Nelson	Thomas
Delozier	Jones	Nesbit	Tobash
Diamond	Jozwiak	O'Neal	Toepel
Dowling	Kail	Oberlander	Toohil
Dunbar	Kaufner	Ortitay	Topper
Dush	Kauffman	Owlett	Walsh
Ecker	Keefer	Peifer	Warner
Emrick	Keller, M.K.	Pickett	Wentling
Everett	Klunk	Polinchock	Wheeland
Farry	Knowles	Puskaric	White
Fee	Lawrence	Pyle	Zimmerman
Fritz	Lewis	Rapp	
Gabler	Mackenzie	Reese	Turzai,
Gaydos	Mako	Rigby	Speaker
Gillen	Maloney		

NAYS-92

Bizzarro	Donatucci	Krueger	Ravenstahl
Boyle	Driscoll	Kulik	Readshaw
Bradford	Fiedler	Lee	Roebuck
Briggs	Fitzgerald	Longietti	Rozzi
Bullock	Flynn	Madden	Sainato
Burgos	Frankel	Malagari	Samuelson
Burns	Freeman	Markosek	Sanchez
Caltagirone	Gainey	Matzie	Sappey
Carroll	Galloway	McCarter	Schlossberg
Cephas	Goodman	McClinton	Schweyer
Ciresi	Hanbidge	McNeill	Shusterman
Comitta	Harkins	Merski	Sims
Conklin	Harrell	Miller, D.	Snyder
Daley	Harris	Mullery	Solomon
Davis, A.	Hohenstein	Mullins	Sturla
Davis, T.	Howard	Neilson	Ullman
Dawkins	Innamorato	O'Mara	Vitali
Deasy	Isaacson	Otten	Warren
DeLissio	Kim	Pashinski	Webster
Deloso	Kinsey	Petrarca	Wheatley
DeLuca	Kirkland	Quinn	Williams
Dermody	Kortz	Rabb	Youngblood
DiGirolamo	Kosierowski	Rader	Zabel

NOT VOTING-1

Kenyatta

EXCUSED-5

Cruz	Evans	Keller, F.	Simmons
Davidson			

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

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

**BILL ON SECOND CONSIDERATION**

The House proceeded to second consideration of **HB 196, PN 168**, entitled:

A Joint Resolution proposing integrated amendments to the Constitution of the Commonwealth of Pennsylvania, organizing the Judiciary into representative districts and further providing for residency requirements.

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

The SPEAKER. We have to go through some amendments. So we will have the amendments in front of us. I have quite a few amendments, although not as many as we had.

Representative Rabb, I think, you are offering 01008?  
Representative Rabb?

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

Mr. RABB offered the following amendment No. A01008:

Amend Bill, page 2, lines 27 and 28, by striking out "compact and contiguous"

Amend Bill, page 2, lines 28 and 29, by striking out "as practicable" and inserting  
and reflect racial and ethnic composition as equally as possible

Amend Bill, page 5, line 12, by striking out "compact, contiguous and"

Amend Bill, page 5, lines 12 and 13, by striking out "as practicable" and inserting  
and reflect racial and ethnic composition as equally as possible

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

The SPEAKER. Representative Rabb, you are first. On your amendment, sir, you may proceed.

Mr. RABB. Thank you, Mr. Speaker.

Simply put, my amendment would amend page 2, lines 27 and 28, to strike out "compact and contiguous" and replace it with "...reflect racial and ethnic composition as equally as possible."

Thank you, Mr. Speaker.

The SPEAKER. Representative Rabb, you explained it. Did you want to speak on the amendment? Okay.

Representative Diamond, on the amendment, sir.

Mr. DIAMOND. Thank you, Mr. Speaker.

Mr. Speaker, this amendment goes beyond what we have for legislative districts and I believe that it raises questions on Federal issues, and I would ask the members to oppose this amendment.

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

The following roll call was recorded:

YEAS—89

Bizzarro	Driscoll	Kosierowski	Ravenstahl
Boyle	Fiedler	Krueger	Readshaw
Bradford	Fitzgerald	Kulik	Roebuck
Briggs	Flynn	Lee	Rozzi
Bullock	Frankel	Longietti	Sainato
Burgos	Freeman	Madden	Samuelson
Burns	Gainey	Malagari	Sanchez
Caltagirone	Galloway	Markosek	Sappery
Carroll	Goodman	Matzie	Schlossberg
Cephas	Hanbidge	McCarter	Schweyer
Ciresi	Harkins	McClinton	Shusterman
Comitta	Harrell	McNeill	Sims
Conklin	Harris	Merski	Snyder
Daley	Hohenstein	Miller, D.	Solomon

Davis, A.	Howard	Mullery	Sturla
Davis, T.	Innamorato	Mullins	Ullman
Dawkins	Isaacson	Neilson	Vitali
Deasy	Kenyatta	O'Mara	Warren
DeLissio	Kim	Otten	Webster
Delloso	Kinsey	Pashinski	Wheatley
DeLuca	Kirkland	Petrarca	Williams
Dermody	Kortz	Rabb	Youngblood
Donatucci			

NAYS—108

Barrar	Gillespie	Masser	Roae
Benninghoff	Gleim	Mehaffie	Rothman
Bernstine	Gregory	Mentzer	Ryan
Boback	Greiner	Metcalfe	Sankey
Borowicz	Grove	Metzgar	Saylor
Brooks	Hahn	Mihalek	Schemel
Brown	Heffley	Millard	Schmitt
Causar	Helm	Miller, B.	Schroeder
Cook	Hennessey	Mizgorski	Sonney
Cox	Hershey	Moul	Staats
Culver	Hickernell	Murt	Stephens
Cutler	Irvin	Nelson	Struzzi
Day	James	Nesbit	Thomas
Delozier	Jones	O'Neal	Tobash
Diamond	Jozwiak	Oberlander	Toepel
DiGirolamo	Kail	Ortitay	Toohil
Dowling	Kaufert	Owlett	Topper
Dunbar	Kauffman	Peifer	Walsh
Dush	Keefer	Pickett	Warner
Ecker	Keller, M.K.	Polinchock	Wentling
Emrick	Klunk	Puskaric	Wheeland
Everett	Knowles	Pyle	White
Farry	Lawrence	Quinn	Zabel
Fee	Lewis	Rader	Zimmerman
Fritz	Mackenzie	Rapp	
Gabler	Mako	Reese	Turzai,
Gaydos	Maloney	Rigby	Speaker
Gillen	Marshall		

NOT VOTING—0

EXCUSED—5

Cruz	Evans	Keller, F.	Simmons
Davidson			

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?

Mr. BRIGGS offered the following amendment No. A01011:

Amend Bill, page 3, line 3, by striking out "General Assembly" and inserting

Supreme Court

Amend Bill, page 5, line 11, by striking out "General Assembly" and inserting

Supreme Court

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

The SPEAKER. Representative Briggs, you may speak on the amendment, sir. Take your time in explaining it and also any remarks you have on it.

Mr. BRIGGS. Thank you, Mr. Speaker.

So HB 196, the constitutional amendment to gerrymander our newly created judicial districts, is in front of us, and I have an amendment. During the Judiciary Committee meeting last week when we had a quick conversation on it, it was promised to me that we would be able to have a robust amendment process approaching the meeting, approaching the floor debate. So that is what very quickly we were able to put together.

If we go to a judicial district as the underlying amendment suggests – and currently it will say the General Assembly will draw those districts without much guidance on that. It really concerns me, you know, when we look at our history in the past when we drew the congressional districts of how really polarizing our gerrymandered districts become. So when you add that to a judicial district, it really is a concerning topic for a lot of us. So I thought amendment 1011, 1011, would put those districts in control of the Judiciary and allow the Pennsylvania Supreme Court to draw those districts. So this amendment simply addresses that.

I encourage an affirmative vote and look forward to a robust conversation.

The SPEAKER. Representative Diamond, on the amendment, sir.

Mr. DIAMOND. Thank you, Mr. Speaker.

And I appreciate the gentleman bringing forth the amendment. However, everything we do in Pennsylvania in government requires checks and balances. This would remove the checks and balances from this process, and I would ask the members for a "no" vote on this amendment.

The SPEAKER. Representative Briggs, on the amendment.

Mr. BRIGGS. Thank you, Mr. Speaker.

And I was just reminded of the recent fix to the congressional districts, that the Supreme Court does have experience in drawing very fair, balanced districts by just looking at our recent map, and I think that if we are removing the checks and balance from the public, then I think we should be giving them the ability to draw their own districts. Thank you, sir.

The SPEAKER. Representative Cris Dush, on the amendment.

Mr. DUSH. Thank you, Mr. Speaker.

I would just like to address the previous comments. The court in the last session – fair and balanced? They violated their own rules, plus it was not the court that drew it, it was a university professor from California. It was not the court that drew that. So I respectfully would like to correct the record on that point. Thank you very much.

The SPEAKER. Okay. Both sides have gotten into that issue. Maybe we can just bring it back to the judicial districts, but the door was opened. There is not even a question. Thank you. Thank you.

Representative Diamond.

Mr. DIAMOND. Thank you, Mr. Speaker.

While I appreciate the maker of the amendment's levity on this subject, I will ask for a "no" vote on this amendment.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

#### YEAS—88

Bizzarro	Donatucci	Kortz	Ravenstahl
Boyle	Driscoll	Kosierowski	Readshaw
Bradford	Fiedler	Krueger	Roebuck
Briggs	Fitzgerald	Kulik	Rozzi
Bullock	Flynn	Lee	Sainato
Burgos	Frankel	Longietti	Samuelson
Burns	Freeman	Madden	Sanchez
Caltagirone	Gainey	Malagari	Sapprey
Carroll	Galloway	Markosek	Schlossberg
Cephas	Goodman	Matzie	Schweyer
Ciresi	Hanbidge	McCarter	Shusterman
Comitta	Harkins	McClinton	Sims
Conklin	Harrell	McNeill	Snyder
Daley	Harris	Merski	Solomon
Davis, A.	Hohenstein	Miller, D.	Sturla
Davis, T.	Howard	Mullery	Ullman
Dawkins	Innamorato	Mullins	Vitali
Deasy	Isaacson	Neilson	Warren
DeLissio	Kenyatta	O'Mara	Webster
Delloso	Kim	Otten	Wheatley
DeLuca	Kinsey	Pashinski	Williams
Dermody	Kirkland	Rabb	Youngblood

#### NAYS—109

Barrar	Gillespie	Masser	Roae
Benninghoff	Gleim	Mehaffie	Rothman
Bernstine	Gregory	Mentzer	Ryan
Boback	Greiner	Metcalfe	Sankey
Borowicz	Grove	Metzgar	Saylor
Brooks	Hahn	Mihalek	Schemel
Brown	Heffley	Millard	Schmitt
Causser	Helm	Miller, B.	Schroeder
Cook	Hennessey	Mizgorski	Sonney
Cox	Hershey	Moul	Staats
Culver	Hickernell	Murt	Stephens
Cutler	Irvin	Nelson	Struzzi
Day	James	Nesbit	Thomas
Delozier	Jones	O'Neal	Tobash
Diamond	Jozwiak	Oberlander	Toepel
DiGirolamo	Kail	Ortitay	Toohil
Dowling	Kaufner	Owlett	Topper
Dunbar	Kauffman	Peifer	Walsh
Dush	Keefer	Petrarca	Warner
Ecker	Keller, M.K.	Pickett	Wentling
Emrick	Klunk	Polinchock	Wheeland
Everett	Knowles	Puskaric	White
Farry	Lawrence	Pyle	Zabel
Fee	Lewis	Quinn	Zimmerman
Fritz	Mackenzie	Rader	
Gabler	Mako	Rapp	Turzai,
Gaydos	Maloney	Reese	Speaker
Gillen	Marshall	Rigby	

#### NOT VOTING—0

#### EXCUSED—5

Cruz	Evans	Keller, F.	Simmons
Davidson			

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?

Ms. **FIEDLER** offered the following amendment  
No. **A01140**:

Amend Bill, page 1, line 1, by inserting after "integrated"  
and distinct

Amend Bill, page 1, line 4, by inserting after "requirements"  
; and authorizing a graduated income tax

Amend Bill, page 4, lines 10 through 30; page 5, lines 1 through  
3; by striking out all of said lines on said pages and inserting  
Section 2. The following distinct amendment to the Constitution  
of Pennsylvania is proposed in accordance with Article XI:

That section 1 of Article VIII be amended to read:

§ 1. Uniformity of taxation.

[All] (a) Except as provided in subsection (b), all taxes shall be uniform, upon the same class of subjects, within the territorial limits of the authority levying the tax, and shall be levied and collected under general laws.

(b) Notwithstanding subsection (a), the General Assembly may by law provide for a graduated Commonwealth income tax employing non-uniform tax bases and rates and a political subdivision income tax employing non-uniform tax bases and rates, which shall include establishing the following income tiers, with each successively higher tier being subject to a higher rate of tax:

(1) A person with an annual income of less than \$250,000.

(2) A person with an annual income greater than \$250,000 but less than \$1,000,000.

(3) A person with an annual income greater than \$1,000,000.

Section 3. (a) Upon the first passage by the General Assembly of these proposed constitutional amendments, the Secretary of the Commonwealth shall proceed immediately to comply with the advertising requirements of section 1 of Article XI of the Constitution of Pennsylvania and shall transmit the required advertisements to two newspapers in every county in which such newspapers are published in sufficient time after passage of these proposed constitutional amendments.

(b) Upon the second passage by the General Assembly of these proposed constitutional amendments, the Secretary of the Commonwealth shall proceed immediately to comply with the advertising requirements of section 1 of Article XI of the Constitution of Pennsylvania and shall transmit the required advertisements to two newspapers in every county in which such newspapers are published in sufficient time after passage of these proposed constitutional amendments. The Secretary of the Commonwealth shall:

(1) Submit the proposed constitutional amendments under section 1 of this resolution to the qualified electors of this Commonwealth as a single ballot question at the first primary, general or municipal election which meets the requirements of and is in conformance with section 1 of Article XI of the Constitution of Pennsylvania and which occurs at least three months after the proposed constitutional amendments are passed by the General Assembly.

(2) Submit the proposed constitutional amendments under section 2 of this resolution to the qualified electors of this Commonwealth as separate ballot questions at the first primary, general or municipal election which meets the requirements of and is in conformance with section 1 of Article XI of the Constitution of Pennsylvania and which occurs at least three months after the proposed constitutional amendments are passed by the General Assembly.

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

Amend Bill, page 5, line 5, by inserting after "amendments"  
under section 1

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

The SPEAKER. Representative Fiedler, on the amendment.  
Ms. FIEDLER. Thank you, Mr. Speaker.

My amendment is about a graduated income tax. I think it makes a lot of sense. It is how the IRS (Internal Revenue Service) does it. But here in Pennsylvania we are balancing our State's budget on the backs of working people.

Right now working people pay about 12 percent of their income in taxes; 12. The rich pay about 4 percent. Most other States, 33 of them, have a graduated income tax, and I think here in Pennsylvania we should too. I am proposing a plan with three tiers: one rate for everyone earning under \$250,000 per year, one rate for a person earning between a quarter million and a million, and a separate rate for people earning over \$1 million a year. I think it is ridiculous that right now people making millions pay the same tax rate as someone making minimum wage.

With that I ask my colleagues to join me in supporting working Pennsylvanians and vote "yes."

Thank you, Mr. Speaker.

The SPEAKER. Okay. Members, while it is HB 196, this is a joint resolution, which is a constitutional amendment that is being proposed. So you cannot rule from the Chair on the issue of single subject or germaneness. We cannot do that from the Chair because it is a joint resolution, which is a constitutional amendment. Ultimately, a constitutional amendment is passed two times by each chamber in consecutive sessions and then voted on by the citizens of Pennsylvania.

### GERMANENESS QUESTIONED

The SPEAKER. Representative Diamond, you are recognized.

Mr. DIAMOND. Thank you, Mr. Speaker.

I genuinely appreciate the gentlelady's concern for the working Pennsylvanians, but, Mr. Speaker, House rule 27 provides that any member, and I quote, "Any member may move to amend a bill or resolution, provided the proposed amendment is germane to the subject."

Specifically, amendment 1140 concerns an amendment to HB 196, and under House rule 27, any amendment to HB 196 would need to be germane to the subject. This amendment does not concern appellate court judicial districts. Therefore, this amendment is not germane to the subject, and I question the germaneness of this amendment.

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

The SPEAKER. Representative Dermody, the Democratic leader, on the motion for germaneness.

Leader and the prime sponsor, if you will just bear with me.

Under House rule 27, questions involving whether an amendment is germane to the subject shall be decided by the House. If you believe – just for purposes of those who are going to argue – if you believe the amendment is germane, you will be voting "aye"; if you believe the amendment is not germane, you will be voting "nay."

If folks want to speak on this, you are only permitted one time, other than the leaders, the majority leader and the minority leader, and the prime sponsor of the bill and the maker of the amendment. So everybody else would only be one time.

The Chair is calling on the minority leader, Frank Dermody.

Mr. DERMODY. Thank you, Mr. Speaker.

Mr. Speaker, traditionally the test for germaneness has been the single-subject standard, and for proof of this, please see the Supreme Court remarks in *Ullom v. Boehm*; Poor District Case (No. 1); and the *Pennsylvania State Lodge, Fraternal Order of Police v. Commonwealth*. Yes, here we are making a germaneness argument on legislation that is not subject to the single-subject standard. I repeat, Mr. Speaker, our courts have declared that amendments to the Constitution are not subject to the single-subject standard prescribed by Article III, section 3, of the Pennsylvania Constitution.

In fact, as recently as July 6, 2016, in *Costa v. Cortes*, 142 A.3d 1004, the Commonwealth Court of Pennsylvania declared a concurrent resolution amending the Constitution "is not a legislative bill and, therefore, is not governed by Article III. Rather, ... actions by the General Assembly relating to the 'time' and 'manner' of amending the Pennsylvania Constitution are governed exclusively by Article XI, section 1 of the Pennsylvania Constitution, which does not contain a single-subject requirement."

Mr. Speaker, since the germaneness is the single-subject standard, the single-subject standard does not apply to amendments of the Constitution. A germaneness motion is inappropriate and we ask that it be defeated.

The SPEAKER. The majority leader, Representative Bryan Cutler, on the germaneness motion.

Mr. CUTLER. Thank you, Mr. Speaker.

Mr. Speaker, I appreciate the gentleman's argument, but I believe he missed the underlying motion. I believe the maker of the motion was very clear, this is in violation to our rules as they are currently constructed. I would point you to House rule 27, which specifically said, and again quoting, "Any member may move to amend a bill or resolution, provided the proposed amendment is germane to the subject."

Furthermore, when you look at the actual existing case law, in 2002 the Pennsylvania Commonwealth Court in the *Mellow* decision the court explained that, and this is a quote, "...the procedure to be used in proposing such" constitutional "amendments is exclusively committed to the legislature," end quote, 800 A.2d 350, page 359.

In 2005, the Pennsylvania Supreme Court's *Grimaud* decision, the court further clarified, "Because the plain language of Article XI, § 1 does not require the legislature to engage in a specific procedure while proposing amendments, we" – meaning the court – "will not inquire into these internal procedures nor look beyond the recorded votes, for judicial review is precluded pursuant to the Political Question Doctrine."

Therefore, Mr. Speaker, I believe that the gentleman's motion is correct. It is consistent with our rules, and this item is best considered under its own resolution or bill. I would urge support of the gentleman's motion. Thank you.

The SPEAKER. So if you are going to vote that it is germane, you will be voting "aye"; if you believe the amendment is not germane, you will be voting "nay." As I said, we have a question as to whether or not the amendment is germane under rule 27, under House rule 27.

On the question recurring,

Will the House sustain the germaneness of the amendment?

The following roll call was recorded:

#### YEAS—90

Bizzarro	Driscoll	Krueger	Readshaw
Boyle	Fiedler	Kulik	Roebuck
Bradford	Fitzgerald	Lee	Rozzi
Briggs	Flynn	Longietti	Sainato
Bullock	Frankel	Madden	Samuelson
Burgos	Freeman	Malagari	Sanchez
Burns	Gainey	Markosek	Sapppey
Caltagirone	Galloway	Matzie	Schlossberg
Carroll	Goodman	McCarter	Schweyer
Cephas	Hanbidge	McClintock	Shusterman
Ciresi	Harkins	McNeill	Sims
Comitta	Harrell	Merski	Snyder
Conklin	Harris	Miller, D.	Solomon
Daley	Hohenstein	Mullery	Sturla
Davis, A.	Howard	Mullins	Ullman
Davis, T.	Innamorato	Neilson	Vitali
Dawkins	Isaacson	O'Mara	Warren
Deasy	Kenyatta	Otten	Webster
DeLissio	Kim	Pashinski	Wheatley
Delloso	Kinsey	Petrarca	Williams
DeLuca	Kirkland	Rabb	Youngblood
Dermody	Kortz	Ravenstahl	Zabel
Donatucci	Kosierowski		

#### NAYS—107

Barrar	Gillespie	Marshall	Rigby
Benninghoff	Gleim	Masser	Roae
Bernstine	Gregory	Mehaffie	Rothman
Boback	Greiner	Mentzer	Ryan
Borowicz	Grove	Metcalfe	Sankey
Brooks	Hahn	Metzgar	Saylor
Brown	Heffley	Mihalek	Schemel
Causar	Helm	Millard	Schmitt
Cook	Hennessey	Miller, B.	Schroeder
Cox	Hershey	Mizgorski	Sonney
Culver	Hickernell	Moul	Staats
Cutler	Irvin	Murt	Stephens
Day	James	Nelson	Struzzi
Delozier	Jones	Nesbit	Thomas
Diamond	Jozwiak	O'Neal	Tobash
DiGirolamo	Kail	Oberlander	Toepel
Dowling	Kaufner	Ortitay	Toohil
Dunbar	Kauffman	Owlett	Topper
Dush	Keefer	Peifer	Walsh
Ecker	Keller, M.K.	Pickett	Warner
Emrick	Klunk	Polinchock	Wentling
Everett	Knowles	Puskaric	Whealand
Farry	Lawrence	Pyle	White
Fee	Lewis	Quinn	Zimmerman
Fritz	Mackenzie	Rader	
Gabler	Mako	Rapp	Turzai,
Gaydos	Maloney	Reese	Speaker
Gillen			

#### NOT VOTING—0

#### EXCUSED—5

Cruz	Evans	Keller, F.	Simmons
Davidson			

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

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

Mr. **ROZZI** offered the following amendment No. **A01141**:

Amend Bill, page 1, line 1, by inserting after "integrated" and distinct

Amend Bill, page 1, line 4, by inserting after "requirements" ; and further providing for exemption from taxation

Amend Bill, page 4, lines 10 through 30; page 5, lines 1 through 3; by striking out all of said lines on said pages and inserting

Section 2. The following distinct amendment to the Constitution of Pennsylvania is proposed in accordance with Article XI:

That section 2 of Article VIII be amended to read:

§ 2. Exemptions and special provisions.

(a) The General Assembly may by law exempt from taxation:

(i) Actual places of regularly stated religious worship;

(ii) Actual places of burial, when used or held by a person or organization deriving no private or corporate profit therefrom and no substantial part of whose activity consists of selling personal property in connection therewith;

(iii) That portion of public property which is actually and regularly used for public purposes;

(iv) That portion of the property owned and occupied by any branch, post or camp of honorably discharged servicemen or servicewomen which is actually and regularly used for benevolent, charitable or patriotic purposes; and

(v) Institutions of purely public charity, but in the case of any real property tax exemptions only that portion of real property of such institution which is actually and regularly used for the purposes of the institution.

(b) The General Assembly may, by law:

(i) Establish standards and qualifications for private forest reserves, agricultural reserves, and land actively devoted to agricultural use, and make special provision for the taxation thereof;

(ii) Establish as a class or classes of subjects of taxation the property or privileges of persons who, because of age, disability, infirmity or poverty are determined to be in need of tax exemption or of special tax provisions, and for any such class or classes, uniform standards and qualifications. The Commonwealth, or any other taxing authority, may adopt or employ such class or classes and standards and qualifications, and except as herein provided may impose taxes, grant exemptions, or make special tax provisions in accordance therewith. No exemption or special provision shall be made under this clause with respect to taxes upon the sale or use of personal property, and no exemption from any tax upon real property shall be granted by the General Assembly under this clause unless the General Assembly shall provide for the reimbursement of local taxing authorities by or through the Commonwealth for revenue losses occasioned by such exemption;

(iii) Establish standards and qualifications by which local taxing authorities may make uniform special tax provisions applicable to a taxpayer for a limited period of time to encourage improvement of deteriorating property or areas by an individual, association or corporation, or to encourage industrial development by a non-profit corporation; and

(iv) Make special tax provisions on any increase in value of real estate resulting from residential construction. Such special tax provisions shall be applicable for a period not to exceed two years.

(v) Establish standards and qualifications by which local taxing authorities in counties of the first and second class may make uniform special real property tax provisions applicable to taxpayers who are longtime owner-occupants as shall be defined by the General Assembly of residences in areas where real property values have risen markedly as a consequence of the refurbishing or renovating of other deteriorating residences or the construction of new residences.

(vi) Authorize local taxing authorities to exclude from taxation an amount based on the assessed value of homestead property. The exclusions authorized by this clause shall not exceed 100% of the

assessed value of each homestead property within a local taxing jurisdiction. A local taxing authority may not increase the millage rate of its tax on real property to pay for these exclusions.

(c) Citizens and residents of this Commonwealth, who served in any war or armed conflict in which the United States was engaged and were honorably discharged or released under honorable circumstances from active service, shall be exempt from the payment of all real property taxes upon the residence occupied by the said citizens and residents of this Commonwealth imposed by the Commonwealth of Pennsylvania or any of its political subdivisions if, as a result of military service, they are blind, paraplegic or double or quadruple amputees or have a service-connected disability declared by the United States Veterans Administration or its successor to be a total or 100% permanent disability, and if the State Veterans' Commission determines that such persons are in need of the tax exemptions granted herein. This exemption shall be extended to the unmarried surviving spouse upon the death of an eligible veteran provided that the State Veterans' Commission determines that such person is in need of the exemption.

(d) Beginning two years after the adoption by the voters of this subsection, residential real property taxes may not be imposed.

Section 3. (a) Upon the first passage by the General Assembly of these proposed constitutional amendments, the Secretary of the Commonwealth shall proceed immediately to comply with the advertising requirements of section 1 of Article XI of the Constitution of Pennsylvania and shall transmit the required advertisements to two newspapers in every county in which such newspapers are published in sufficient time after passage of these proposed constitutional amendments.

(b) Upon the second passage by the General Assembly of these proposed constitutional amendments, the Secretary of the Commonwealth shall proceed immediately to comply with the advertising requirements of section 1 of Article XI of the Constitution of Pennsylvania and shall transmit the required advertisements to two newspapers in every county in which such newspapers are published in sufficient time after passage of these proposed constitutional amendments. The Secretary of the Commonwealth shall:

(1) Submit the proposed constitutional amendments under section 1 of this resolution to the qualified electors of this Commonwealth as a single ballot question at the first primary, general or municipal election which meets the requirements of and is in conformance with section 1 of Article XI of the Constitution of Pennsylvania and which occurs at least three months after the proposed constitutional amendments are passed by the General Assembly.

(2) Submit the proposed constitutional amendment under section 2 of this resolution to the qualified electors of this Commonwealth as a separate ballot question at the first primary, general or municipal election which meets the requirements of and is in conformance with section 1 of Article XI of the Constitution of Pennsylvania and which occurs at least three months after the proposed constitutional amendment is passed by the General Assembly.

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

Amend Bill, page 5, line 5, by inserting after "amendments" under section 1

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

The **SPEAKER**. Representative Rozzi is recognized on amendment 01141 to provide a summary and remarks.

Mr. **ROZZI**. Thank you, Mr. Speaker.

As you know, back in Berks County we have been just getting hammered by school property taxes. I think there are many of us in this body here that would like to see us get to the point where we can eliminate school property taxes for our residents, and this

is an opportunity that we have in front of us to get it on the ballot to give our residents some relief.

As my minority leader said, there is a Commonwealth Court ruling that says that constitutional amendments are not upheld to the single-subject rule. So what I would like to say to my colleagues here, if you support property tax elimination for the residents of Pennsylvania, this is our opportunity to vote "yes" and support the residents. I think we have an opportunity here in front of us to do this, to show our people back home. Get away from this single-subject rule and let us do what is right, and let us put this into the bill and let us send over the package. This is a win-win here for our people.

So if you support property tax elimination, vote that this is germane. I know what is coming.

### GERMANENESS QUESTIONED

The SPEAKER. The Chair is going to call upon Representative Russ Diamond. I suspect he has a response.

Mr. DIAMOND. Thank you so much, Mr. Speaker.

And thank you to the gentleman, my neighbor from Berks County, for raising the property tax issue. You are absolutely right, we need to eliminate property taxes in Pennsylvania. However, Mr. Speaker, I would raise the same germaneness question under rule 27. This bill has never had anything to do with property taxes. It has to do with the way we elect appellate court judges in Pennsylvania. So under House rule 27, I would make a motion on germaneness, Mr. Speaker. Thank you.

The SPEAKER. Thank you, sir.

On the question,

Will the House sustain the germaneness of the amendment?

The SPEAKER. And, Representative Dermody, the minority leader, on the question of germaneness to amendment 01141.

Mr. DERMODY. Thank you, Mr. Speaker.

Mr. Speaker, the majority leader insinuated that I was not speaking about the motion. The motion is germaneness. Now, I went through the list of the court cases and I went through what they said, and what they clearly say is the test for germaneness is the single-subject rule and the single-subject rule does not apply to constitutional amendments; hence, the amendment is germane and we should have the opportunity to vote on it.

The SPEAKER. The leader, Majority Leader Bryan Cutler, the majority leader.

Mr. CUTLER. Thank you, Mr. Speaker.

Mr. Speaker, I believe this is an example of where we are talking around each other as opposed to directly on point. It was not that I did not believe that my good colleague articulated why it was germane, my point was simply this, and I will reiterate it again, the single-subject issue is subject to rule 20. The good gentleman, the maker of the motion, has cited rule 27 and the issue of germaneness. The reason that that is relevant – and I will cite from a third case because in 2016 the Pennsylvania Commonwealth Court on two separate opinions in *Costa v. Cortes* quoted *Mellow* and cited *Grimaud* for the same proposition, which included that an "[amendment of the Pennsylvania Constitution] is not a legislative act at all, but a

separate and specific power granted to" us here in "the General Assembly.... Other than the express requirements set forth in Article XI, the procedure to be used in proposing such amendments is exclusively committed to the legislature."

Mr. Speaker, it is our House rules and our internal procedures that require amendments to be, a bill or resolution to be germane. I understand the gentleman's argument that it may be permissible under the Constitution. However, I respectfully disagree on the position that is contrary to our rules. For that reason, Mr. Speaker, this amendment is not germane like the last, and I urge support of the gentleman's motion.

The SPEAKER. Representative Rozzi, you may proceed, sir.

Mr. ROZZI. Thank you, Mr. Speaker.

I appreciate that, but as everybody knows in the House here, we kind of make up the rules as we go. So what I would just like to say is that this is strictly a procedural—

The SPEAKER. Representative Rozzi.

Mr. ROZZI. Yes. Sorry, Mr. Speaker.

The SPEAKER. My good friend, the Parliamentarian has served Republicans and Democrats for 40 years and I have got books like this of precedent, please. We adhere, we adhere to— This is not the first rodeo for the Parliamentarian, let me just say that.

Mr. ROZZI. I understand that.

The SPEAKER. It may be sometimes for those of us up here; it is not for the Parliamentarian.

I would just say this, here is what you have to understand, this is a joint resolution, this is a constitutional amendment. We are not ruling this way, but the body can. The body can definitely rule that way under House rule 27. And the good gentleman has cited – and both sides have cited precedent and interpretations – but the good gentleman, the majority leader, is citing precedent. So please, nobody is making up the rules as we go. The body can in fact decide this issue on the question of germaneness. We do not see it regularly, but it is an appropriate House rule.

Mr. ROZZI. Thank you, Mr. Speaker.

I guess what I was trying to say, this is a procedural motion here. And if you support property tax elimination, stand with me and vote for this. If not, you are going to have to go home and explain to your constituents why you are not supporting property tax elimination.

Thank you, Mr. Speaker.

The SPEAKER. On the motion of germaneness, I think, Representative Diamond, you may speak again on the question in front of us.

Mr. DIAMOND. Thank you, Mr. Speaker.

The previous speaker's intent to dig up our motives notwithstanding, I would ask for a vote of not germane. Thank you.

The SPEAKER. Okay. So if you are voting not germane, you will vote "no"; if you are voting that is germane, you will vote "yes."

On the question recurring,

Will the House sustain the germaneness of the amendment?

The following roll call was recorded:

YEAS—90

Bizzarro	Driscoll	Krueger	Readshaw
Boyle	Fiedler	Kulik	Roebuck
Bradford	Fitzgerald	Lee	Rozzi
Briggs	Flynn	Longiotti	Sainato
Bullock	Frankel	Madden	Samuelson
Burgos	Freeman	Malagari	Sanchez
Burns	Gainey	Markosek	Sappey
Caltagirone	Galloway	Matzie	Schlossberg
Carroll	Goodman	McCarter	Schweyer
Cephas	Hanbidge	McClinton	Shusterman
Ciresi	Harkins	McNeill	Sims
Comitta	Harrell	Merski	Snyder
Conklin	Harris	Miller, D.	Solomon
Daley	Hohenstein	Mullery	Sturla
Davis, A.	Howard	Mullins	Ullman
Davis, T.	Innamorato	Neilson	Vitali
Dawkins	Isaacson	O'Mara	Warren
Deasy	Kenyatta	Otten	Webster
DeLissio	Kim	Pashinski	Wheatley
Delloso	Kinsey	Petrarca	Williams
DeLuca	Kirkland	Rabb	Youngblood
Dermody	Kortz	Ravenstahl	Zabel
Donatucci	Kosierowski		

NAYS—107

Barrar	Gillespie	Marshall	Rigby
Benninghoff	Gleim	Masser	Roae
Bernstine	Gregory	Mehaffie	Rothman
Boback	Greiner	Mentzer	Ryan
Borowicz	Grove	Metcalfe	Sankey
Brooks	Hahn	Metzgar	Saylor
Brown	Heffley	Mihalek	Schemel
Causar	Helm	Millard	Schmitt
Cook	Hennessey	Miller, B.	Schroeder
Cox	Hershey	Mizgorski	Sonney
Culver	Hickernell	Moul	Staats
Cutler	Irvin	Murt	Stephens
Day	James	Nelson	Struzzi
Delozier	Jones	Nesbit	Thomas
Diamond	Jozwiak	O'Neal	Tobash
DiGirolamo	Kail	Oberlander	Toepel
Dowling	Kaufer	Ortitay	Toohil
Dunbar	Kauffman	Owlett	Topper
Dush	Keefer	Peifer	Walsh
Ecker	Keller, M.K.	Pickett	Warner
Emrick	Klunk	Polinchock	Wentling
Everett	Knowles	Puskaric	Wheeland
Farry	Lawrence	Pyle	White
Fee	Lewis	Quinn	Zimmerman
Fritz	Mackenzie	Rader	
Gabler	Mako	Rapp	Turzai,
Gaydos	Maloney	Reese	Speaker
Gillen			

NOT VOTING—0

EXCUSED—5

Cruz	Evans	Keller, F.	Simmons
Davidson			

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

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

Mr. **DAWKINS** offered the following amendment  
No. **A01142**:

Amend Bill, page 1, line 1, by inserting after "integrated "  
and distinct  
Amend Bill, page 1, line 4, by inserting after "requirements"  
and for courts to be open and suits against the Commonwealth  
Amend Bill, page 4, lines 10 through 30; page 5, lines 1 through  
3; by striking out all of said lines on said pages and inserting  
Section 2. The following distinct amendment to the Constitution  
of Pennsylvania is proposed in accordance with Article XI:

That Section 11 of Article I be amended to read:  
§ 11. Courts to be open; suits against the Commonwealth.

(a) All courts shall be open; and every man for an injury done him  
in his lands, goods, person or reputation shall have remedy by due course  
of law, and right and justice administered without sale, denial or delay.  
Suits may be brought against the Commonwealth in such manner, in  
such courts and in such cases as the Legislature may by law direct.

(b) An individual for whom a statutory limitations period has  
already expired shall have a period of two years from the time that this  
subsection becomes effective to commence an action arising from  
childhood sexual abuse, in such cases as provided by law at the time that  
this subsection becomes effective.

Section 3. (a) Upon the first passage by the General Assembly  
of these proposed constitutional amendments, the Secretary of the  
Commonwealth shall proceed immediately to comply with the  
advertising requirements of section 1 of Article XI of the Constitution  
of Pennsylvania and shall transmit the required advertisements to two  
newspapers in every county in which such newspapers are published in  
sufficient time after passage of these proposed constitutional  
amendments.

(b) Upon the second passage by the General Assembly of these  
proposed constitutional amendments, the Secretary of the  
Commonwealth shall proceed immediately to comply with the  
advertising requirements of section 1 of Article XI of the Constitution  
of Pennsylvania and shall transmit the required advertisements to two  
newspapers in every county in which such newspapers are published in  
sufficient time after passage of these proposed constitutional  
amendments. The Secretary of the Commonwealth shall:

(1) Submit the proposed constitutional amendments  
under section 1 of this resolution to the qualified electors of this  
Commonwealth as a single ballot question at the first primary,  
general or municipal election which meets the requirements of  
and is in conformance with section 1 of Article XI of the  
Constitution of Pennsylvania and which occurs at least three  
months after the proposed constitutional amendments are passed  
by the General Assembly.

(2) Submit the proposed constitutional amendment under  
section 2 of this resolution to the qualified electors of this  
Commonwealth as a separate ballot question at the first primary,  
general or municipal election which meets the requirements of  
and is in conformance with section 1 of Article XI of the  
Constitution of Pennsylvania and which occurs at least three  
months after the proposed constitutional amendment is passed by  
the General Assembly.

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

Amend Bill, page 5, line 5, by inserting after "amendments"  
under section 1

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

The SPEAKER. Representative Dawkins, I apologize, on 01142, you may proceed.

Mr. DAWKINS. Thank you, Mr. Speaker.

I rise today to ask my colleagues to stand with me and stand with victims. This is an issue we have been trying to get through for some time, led by one of my colleagues for many years, and I hope that all my colleagues can stand for victims, especially those who have been affected by childhood sexual abuse.

**GERMANENESS QUESTIONED**

The SPEAKER. Representative Diamond.

Mr. DIAMOND. Thank you, Mr. Speaker.

I applaud the gentleman's notion in wanting to help victims of childhood sexual abuse, but not only have we already run those bills and sent them to the Senate, but, Mr. Speaker, I will again raise the issue of germaneness and make a motion that this amendment is not germane to HB 196's subject matter under House rule 27.

On the question,

Will the House sustain the germaneness of the amendment?

The SPEAKER. Representative Dermody, the Democratic leader, on the issue of germaneness.

Mr. DERMODY. Thank you, Mr. Speaker.

Mr. Speaker, I am not going to go through all the court cases we have gone through already, but for the reasons I have previously stated several times, it is germane, this motion is germane, and we should be allowed to vote it.

The SPEAKER. The majority leader, Representative Bryan Cutler.

Mr. CUTLER. Thank you, Mr. Speaker.

Likewise, I believe that the case law has been sufficiently referenced. This is, in my opinion and that of past precedent, continually in the operations of the House going forward, it is completely in our purview, and it is very necessary to understand, this is a vote on whether or not this should be included with this bill; it is not a vote on the underlying issue. And since this issue has been addressed with a separate bill package, I would urge us to support the gentleman's motion so that we can quickly get to the underlying bill. Thank you.

The SPEAKER. All those who believe that the amendment is germane will be voting "aye"; if you believe it is not germane, you will be voting "nay."

On the question recurring,

Will the House sustain the germaneness of the amendment?

The following roll call was recorded:

**YEAS-90**

Bizzarro	Driscoll	Krueger	Readshaw
Boyle	Fiedler	Kulik	Roebuck
Bradford	Fitzgerald	Lee	Rozzi
Briggs	Flynn	Longiatti	Sainato
Bullock	Frankel	Madden	Samuelson
Burgos	Freeman	Malagari	Sanchez
Burns	Gainey	Markosek	Sappey
Caltagirone	Galloway	Matzie	Schlossberg
Carroll	Goodman	McCarter	Schweyer
Cephas	Hanbidge	McClinton	Shusterman
Ciresi	Harkins	McNeill	Sims

Comitta	Harrell	Merski	Snyder
Conklin	Harris	Miller, D.	Solomon
Daley	Hohenstein	Mullery	Sturla
Davis, A.	Howard	Mullins	Ullman
Davis, T.	Innamorato	Neilson	Vitali
Dawkins	Isaacson	O'Mara	Warren
Deasy	Kenyatta	Otten	Webster
DeLissio	Kim	Pashinski	Wheatley
Delloso	Kinsey	Petrarca	Williams
DeLuca	Kirkland	Rabb	Youngblood
Dermody	Kortz	Ravenstahl	Zabel
Donatucci	Kosierowski		

**NAYS-107**

Barrar	Gillespie	Marshall	Rigby
Benninghoff	Gleim	Masser	Roae
Bernstine	Gregory	Mehaffie	Rothman
Boback	Greiner	Mentzer	Ryan
Borowicz	Grove	Metcalfe	Sankey
Brooks	Hahn	Metzgar	Saylor
Brown	Heffley	Mihalek	Schemel
Causar	Helm	Millard	Schmitt
Cook	Hennessey	Miller, B.	Schroeder
Cox	Hershey	Mizgorski	Sonney
Culver	Hickernell	Moul	Staats
Cutler	Irvin	Murt	Stephens
Day	James	Nelson	Struzzi
DeLozier	Jones	Nesbit	Thomas
Diamond	Jozwiak	O'Neal	Tobash
DiGirolamo	Kail	Oberlander	Toepel
Dowling	Kaufner	Ortitay	Toohil
Dunbar	Kauffman	Owlett	Topper
Dush	Keefer	Peifer	Walsh
Ecker	Keller, M.K.	Pickett	Warner
Emrick	Klunk	Polinchock	Wentling
Everett	Knowles	Puskaric	Wheeland
Farry	Lawrence	Pyle	White
Fee	Lewis	Quinn	Zimmerman
Fritz	Mackenzie	Rader	
Gabler	Mako	Rapp	Turzai,
Gaydos	Maloney	Reese	Speaker
Gillen			

**NOT VOTING-0**

**EXCUSED-5**

Cruz	Evans	Keller, F.	Simmons
Davidson			

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

On the question recurring,

Will the House agree to the bill on second consideration?

Mr. **BIZZARRO** offered the following amendment No. **A01143**:

Amend Bill, page 1, line 1, by inserting after "integrated" and distinct  
 Amend Bill, page 1, line 4, by inserting after "requirements"  
 ; and providing for rights of victims of crime  
 Amend Bill, page 4, lines 10 through 30; page 5, lines 1 through 3; by striking out all of said lines on said pages and inserting  
 Section 2. The following distinct amendment to the Constitution of Pennsylvania is proposed in accordance with Article XI:  
 That Article I be amended by adding a section to read:  
§ 9.1. Rights of victims of crime.

(a) To secure for victims justice and due process throughout the criminal and juvenile justice systems, a victim shall have the following rights, as further provided and as defined by the General Assembly, which shall be protected in a manner no less vigorous than the rights afforded to the accused: to be treated with fairness and respect for the victim's safety, dignity and privacy; to have the safety of the victim and the victim's family considered in fixing the amount of bail and release conditions for the accused; to reasonable and timely notice of and to be present at all public proceedings involving the criminal or delinquent conduct; to be notified of any pretrial disposition of the case; with the exception of grand jury proceedings, to be heard in any proceeding where a right of the victim is implicated, including, but not limited to, release, plea, sentencing, disposition, parole and pardon; to be notified of all parole procedures, to participate in the parole process, to provide information to be considered before the parole of the offender, and to be notified of the parole of the offender; to reasonable protection from the accused or any person acting on behalf of the accused; to reasonable notice of any release or escape of the accused; to refuse an interview, deposition or other discovery request made by the accused or any person acting on behalf of the accused; full and timely restitution from the person or entity convicted for the unlawful conduct; full and timely restitution as determined by the court in a juvenile delinquency proceeding; to the prompt return of property when no longer needed as evidence; to proceedings free from unreasonable delay and a prompt and final conclusion of the case and any related postconviction proceedings; to confer with the attorney for the government; and to be informed of all rights enumerated in this section.

(b) The victim or the attorney for the government upon request of the victim may assert in any trial or appellate court, or before any other authority, with jurisdiction over the case, and have enforced, the rights enumerated in this section and any other right afforded to the victim by law. This section does not grant the victim party status or create any cause of action for compensation or damages against the Commonwealth or any political subdivision, nor any officer, employee or agent of the Commonwealth or any political subdivision, or any officer or employee of the court.

(c) As used in this section and as further defined by the General Assembly, the term "victim" includes any person against whom the criminal offense or delinquent act is committed or who is directly harmed by the commission of the offense or act. The term "victim" does not include the accused or a person whom the court finds would not act in the best interests of a deceased, incompetent, minor or incapacitated victim.

Section 3. (a) Upon the first passage by the General Assembly of these proposed constitutional amendments, the Secretary of the Commonwealth shall proceed immediately to comply with the advertising requirements of section 1 of Article XI of the Constitution of Pennsylvania and shall transmit the required advertisements to two newspapers in every county in which such newspapers are published in sufficient time after passage of these proposed constitutional amendments.

(b) Upon the second passage by the General Assembly of these proposed constitutional amendments, the Secretary of the Commonwealth shall proceed immediately to comply with the advertising requirements of section 1 of Article XI of the Constitution of Pennsylvania and shall transmit the required advertisements to two newspapers in every county in which such newspapers are published in sufficient time after passage of these proposed constitutional amendments. The Secretary of the Commonwealth shall:

(1) Submit the proposed constitutional amendments under section 1 of this resolution to the qualified electors of this Commonwealth as a single ballot question at the first primary, general or municipal election which meets the requirements of and is in

conformance with section 1 of Article XI of the Constitution of Pennsylvania and which occurs at least three months after the proposed constitutional amendments are passed by the General Assembly.

(2) Submit the proposed constitutional amendment under section 2 of this resolution to the qualified electors of this Commonwealth as a separate ballot question at the first primary, general or municipal election which meets the requirements of and is in conformance with section 1 of Article XI of the Constitution of Pennsylvania and which occurs at least three months after the proposed constitutional amendment is passed by the General Assembly.

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

Amend Bill, page 5, line 5, by inserting after "amendments" under section 1

On the question,

Will the House agree to the amendment?

The SPEAKER. Representative Bizzarro, on that amendment, sir.

Mr. BIZZARRO. Thank you, Mr. Speaker.

I ask the members for an affirmative vote on this amendment. We all agree that supporting victims is crucial and it is a part of our job.

And again I ask the members for an affirmative vote.

### GERMANENESS QUESTIONED

The SPEAKER. Representative Russ Diamond.

Mr. DIAMOND. Thank you, Mr. Speaker.

I appreciate the gentleman's concern for the victims in Pennsylvania, and I share that and proved it to the public when I voted for that bill as well when we sent it to the Senate. So, Mr. Speaker, this amendment also I would argue and I would make the motion that it is not germane to the subject matter of appellate court districts covered in HB 196. So under House rule 27, I will make that motion of germaneness again.

On the question,

Will the House sustain the germaneness of the amendment?

The SPEAKER. Representative Dermody, the Democratic leader, on the issue of germaneness.

Mr. DERMODY. Thank you, Mr. Speaker.

Once again I am not going to belabor this in going over all the case law on this issue, but clearly the Supreme Court and our Commonwealth Court has ruled that this is germane.

The SPEAKER. Representative Bryan Cutler, our majority leader. Representative Cutler.

Mr. CUTLER. Thank you, Mr. Speaker.

Likewise, the case law has been cited. This is clearly within our purview in determining how to proceed with constitutional amendments. I urge support of the gentleman's motion.

The SPEAKER. All those who believe that it is germane will be voting "aye"; those who believe it is not germane will be voting "nay."

On the question recurring,

Will the House sustain the germaneness of the amendment?

The following roll call was recorded:

YEAS—89

Bizzarro	Driscoll	Kosierowski	Readshaw
Boyle	Fiedler	Krueger	Roebuck
Bradford	Fitzgerald	Kulik	Rozzi
Briggs	Flynn	Lee	Sainato
Bullock	Frankel	Longietti	Samuelson
Burgos	Freeman	Madden	Sanchez
Burns	Gainey	Malagari	Sappey
Caltagirone	Galloway	Markosek	Schlossberg
Carroll	Goodman	Matzie	Schweyer
Cephas	Hanbidge	McCarter	Shusterman
Ciresi	Harkins	McClinton	Sims
Comitta	Harrell	McNeill	Snyder
Conklin	Harris	Merski	Solomon
Daley	Hohenstein	Miller, D.	Sturla
Davis, A.	Howard	Mullery	Ullman
Davis, T.	Innamorato	Mullins	Vitali
Dawkins	Isaacson	Neilson	Warren
Deasy	Kenyatta	O'Mara	Webster
DeLissio	Kim	Otten	Wheatley
Delloso	Kinsey	Pashinski	Williams
DeLuca	Kirkland	Petrarca	Youngblood
Dermody	Kortz	Ravenstahl	Zabel
Donatucci			

NAYS—108

Barrar	Gillespie	Masser	Rigby
Benninghoff	Gleim	Mehaffie	Roae
Bernstine	Gregory	Mentzer	Rothman
Boback	Greiner	Metcalfe	Ryan
Borowicz	Grove	Metzgar	Sankey
Brooks	Hahn	Mihalek	Saylor
Brown	Heffley	Millard	Schemel
Causar	Helm	Miller, B.	Schmitt
Cook	Hennessey	Mizgorski	Schroeder
Cox	Hershey	Moul	Sonney
Culver	Hickernell	Murt	Staats
Cutler	Irvin	Nelson	Stephens
Day	James	Nesbit	Struzzi
Delozier	Jones	O'Neal	Thomas
Diamond	Jozwiak	Oberlander	Tobash
DiGirolamo	Kail	Ortitay	Toepel
Dowling	Kaufer	Owlett	Toohil
Dunbar	Kauffman	Peifer	Topper
Dush	Keefer	Pickett	Walsh
Ecker	Keller, M.K.	Polinchock	Warner
Emrick	Klunk	Puskaric	Wentling
Everett	Knowles	Pyle	Wheeland
Farry	Lawrence	Quinn	White
Fee	Lewis	Rabb	Zimmerman
Fritz	Mackenzie	Rader	
Gabler	Mako	Rapp	Turzai,
Gaydos	Maloney	Reese	Speaker
Gillen	Marshall		

NOT VOTING—0

EXCUSED—5

Cruz	Evans	Keller, F.	Simmons
Davidson			

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

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

Mr. **RABB** offered the following amendment No. **A01145**:

Amend Bill, page 1, line 1, by inserting after "integrated" and distinct  
Amend Bill, page 1, line 4, by inserting after "requirements" ; and further providing for exemption from taxation  
Amend Bill, page 4, lines 10 through 30; page 5, lines 1 through 3; by striking out all of said lines on said pages and inserting Section 1.1. The following distinct amendments to the Constitution of Pennsylvania are proposed in accordance with Article XI:

- That section 2 of Article VIII be amended to read:
- § 2. Exemptions and special provisions.
- (a) The General Assembly may by law exempt from taxation:
- (i) Actual places of regularly stated religious worship;
- (ii) Actual places of burial, when used or held by a person or organization deriving no private or corporate profit therefrom and no substantial part of whose activity consists of selling personal property in connection therewith;
- (iii) That portion of public property which is actually and regularly used for public purposes;
- (iv) That portion of the property owned and occupied by any branch, post or camp of honorably discharged servicemen or servicewomen which is actually and regularly used for benevolent, charitable or patriotic purposes; and
- (v) Institutions of purely public charity, but in the case of any real property tax exemptions only that portion of real property of such institution which is actually and regularly used for the purposes of the institution.
- (b) The General Assembly may, by law:
- (i) Establish standards and qualifications for private forest reserves, agricultural reserves, and land actively devoted to agricultural use, and make special provision for the taxation thereof;
- (ii) Establish as a class or classes of subjects of taxation the property or privileges of persons who, because of age, disability, infirmity or poverty are determined to be in need of tax exemption or of special tax provisions, and for any such class or classes, uniform standards and qualifications. The Commonwealth, or any other taxing authority, may adopt or employ such class or classes and standards and qualifications, and except as herein provided may impose taxes, grant exemptions, or make special tax provisions in accordance therewith. No exemption or special provision shall be made under this clause with respect to taxes upon the sale or use of personal property, and no exemption from any tax upon real property shall be granted by the General Assembly under this clause unless the General Assembly shall provide for the reimbursement of local taxing authorities by or through the Commonwealth for revenue losses occasioned by such exemption;
- (iii) Establish standards and qualifications by which local taxing authorities may make uniform special tax provisions applicable to a taxpayer for a limited period of time to encourage improvement of deteriorating property or areas by an individual, association or corporation, or to encourage industrial development by a non-profit corporation; and
- (iv) Make special tax provisions on any increase in value of real estate resulting from residential construction. Such special tax provisions shall be applicable for a period not to exceed two years.
- (v) Establish standards and qualifications by which local taxing authorities in counties of the first and second class may make uniform special real property tax provisions applicable to taxpayers who are longtime owner-occupants as shall be defined by the General Assembly of residences in areas where real property values have risen markedly as a consequence of the refurbishing or renovating of other deteriorating residences or the construction of new residences.
- (vi) Authorize local taxing authorities to exclude from taxation an amount based on the assessed value of homestead property. The

exclusions authorized by this clause shall not exceed 100% of the assessed value of each homestead property within a local taxing jurisdiction. A local taxing authority may not increase the millage rate of its tax on real property to pay for these exclusions.

(c) Citizens and residents of this Commonwealth, who served in any war or armed conflict in which the United States was engaged and were honorably discharged or released under honorable circumstances from active service, shall be exempt from the payment of all real property taxes upon the residence occupied by the said citizens and residents of this Commonwealth imposed by the Commonwealth of Pennsylvania or any of its political subdivisions if, as a result of military service, they are blind, paraplegic or double or quadruple amputees or have a service-connected disability declared by the United States Veterans Administration or its successor to be a total or 100% permanent disability, and if the State Veterans' Commission determines that such persons are in need of the tax exemptions granted herein. This exemption shall be extended to the unmarried surviving spouse upon the death of an eligible veteran provided that the State Veterans' Commission determines that such person is in need of the exemption.

(d) A person shall not be subject to a tax on income if the person's income is less than \$50,000 annually.

Section 3. (a) Upon the first passage by the General Assembly of these proposed constitutional amendments, the Secretary of the Commonwealth shall proceed immediately to comply with the advertising requirements of section 1 of Article XI of the Constitution of Pennsylvania and shall transmit the required advertisements to two newspapers in every county in which such newspapers are published in sufficient time after passage of these proposed constitutional amendments.

(b) Upon the second passage by the General Assembly of these proposed constitutional amendments, the Secretary of the Commonwealth shall proceed immediately to comply with the advertising requirements of section 1 of Article XI of the Constitution of Pennsylvania and shall transmit the required advertisements to two newspapers in every county in which such newspapers are published in sufficient time after passage of these proposed constitutional amendments. The Secretary of the Commonwealth shall:

(1) Submit the proposed constitutional amendments under section 1 of this resolution to the qualified electors of this Commonwealth as a single ballot question at the first primary, general or municipal election which meets the requirements of and is in conformance with section 1 of Article XI of the Constitution of Pennsylvania and which occurs at least three months after the proposed constitutional amendments are passed by the General Assembly

(2) Submit the proposed constitutional amendments under section 1.1 of this resolution to the qualified electors of this Commonwealth as separate ballot questions at the first primary, general or municipal election which meets the requirements of and is in conformance with section 1 of Article XI of the Constitution of Pennsylvania and which occurs at least three months after the proposed constitutional amendments are passed by the General Assembly.

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

Amend Bill, page 5, line 5, by inserting after "amendments" under section 1

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

The SPEAKER. Representative Rabb, on the amendment, sir. Mr. RABB. Thank you, Mr. Speaker.

My amendment would exempt persons with incomes less than \$50,000 from personal income tax. I rise to have your affirmative support of this amendment.

**GERMANENESS QUESTIONED**

The SPEAKER. Representative Diamond, on the amendment, sir.

Mr. DIAMOND. Thank you, Mr. Speaker.

I commend the gentleman for offering the amendment, and I understand that he really wants to change the system of taxation in Pennsylvania, which I do too. I think we need a huge reform of Pennsylvania's tax system. However, Mr. Speaker, that is not the topic of HB 196. The topic of HB 196 is appellate court judicial districts. And therefore, Mr. Speaker, I would ask that the House and I would make the motion that the House rule amendment A01145 as not germane to HB 196 under House rule 27.

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

The SPEAKER. Representative Dermody, the Democratic leader.

Mr. DERMODY. Thank you, Mr. Speaker.

Mr. Speaker, once again this amendment is not subject to the single-subject standard and it should be allowed to be voted.

The SPEAKER. The majority leader, Representative Bryan Cutler.

Mr. CUTLER. Thank you, Mr. Speaker.

Respectfully, I ask for support for the gentleman's motion because this is within our purview and our legislative authority to determine how we advance constitutional amendments.

Thank you, Mr. Speaker.

The SPEAKER. All those, please vote. If you are voting "aye," you believe it is germane; if you are voting "nay," you believe it is not germane.

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

The following roll call was recorded:

YEAS—87

Boyle	Driscoll	Kosierowski	Roebuck
Bradford	Fiedler	Krueger	Rozzi
Briggs	Fitzgerald	Lee	Sainato
Bullock	Flynn	Longietti	Samuelson
Burgos	Frankel	Madden	Sanchez
Burns	Freeman	Malagari	Sappery
Caltagirone	Gainey	Markosek	Schlossberg
Carroll	Galloway	Matzie	Schweyer
Cephas	Goodman	McCarter	Shusterman
Ciresi	Hanbidge	McClinton	Sims
Comitta	Harkins	McNeill	Snyder
Conklin	Harrell	Merski	Solomon
Daley	Harris	Miller, D.	Sturla
Davis, A.	Hohenstein	Mullery	Ullman
Davis, T.	Howard	Mullins	Vitali
Dawkins	Innamorato	Neilson	Warren
Deasy	Isaacson	O'Mara	Webster
DeLissio	Kenyatta	Otten	Wheatley
Delloso	Kim	Pashinski	Williams
DeLuca	Kinsey	Petrarca	Youngblood
Dermody	Kirkland	Rabb	Zabel
Donatucci	Kortz	Ravenstahl	

## NAYS—110

Barrar	Gillen	Maloney	Reese
Benninghoff	Gillespie	Marshall	Rigby
Bernstine	Gleim	Masser	Roae
Bizzarro	Gregory	Mehaffie	Rothman
Boback	Greiner	Mentzer	Ryan
Borowicz	Grove	Metcalfe	Sankey
Brooks	Hahn	Metzgar	Saylor
Brown	Heffley	Mihalek	Schemel
Causar	Helm	Millard	Schmitt
Cook	Hennessey	Miller, B.	Schroeder
Cox	Hershey	Mizgorski	Sonney
Culver	Hickernell	Moul	Staats
Cutler	Irvin	Murt	Stephens
Day	James	Nelson	Struzzi
DeLozier	Jones	Nesbit	Thomas
Diamond	Jozwiak	O'Neal	Tobash
DiGirolamo	Kail	Oberlander	Toepel
Dowling	Kaufar	Ortitay	Toohil
Dunbar	Kauffman	Owlett	Topper
Dush	Keefer	Peifer	Walsh
Ecker	Keller, M.K.	Pickett	Warner
Emrick	Klunk	Polinchock	Wentling
Everett	Knowles	Puskaric	Wheeland
Farry	Kulik	Pyle	White
Fee	Lawrence	Quinn	Zimmerman
Fritz	Lewis	Rader	
Gabler	Mackenzie	Rapp	Turzai,
Gaydos	Mako	Readshaw	Speaker

## NOT VOTING—0

## EXCUSED—5

Cruz	Evans	Keller, F.	Simmons
Davidson			

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

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

Mr. **BRIGGS** offered the following amendment No. **A01146**:

Amend Bill, page 1, line 1, by inserting after "amendments" and a separate and distinct amendment

Amend Bill, page 1, line 3, by striking out "and" and inserting a comma

Amend Bill, page 1, line 4, by inserting after "requirements" and providing for judicial recall

Amend Bill, page 4, by inserting between lines 9 and 10

Section 2. The following separate and distinct amendment to the Constitution of Pennsylvania is proposed in accordance with Article XI:

That Article V be amended by adding a section to read:

§ 19. Judicial recall.

The General Assembly shall establish by law the process and procedure to recall justices, judges or justices of the peace consistent with the following:

(a) Every justice or judge who holds, either by election or by appointment, is subject to recall from office by electors who are registered and qualified to vote in the recall election and who reside in the electoral district from which candidates are elected to that office:

(1) In the case of a justice or judge whose electoral district encompasses the entire State, the number of electors necessary to petition the recall of the justice or judge shall be equal to at least 15% of the number of electors who were registered and qualified to vote at

the last preceding election for any candidate offering for the office held by the justice or judge. At least one-fifteenth of the number of electors necessary to petition the recall of the justice or judge must reside in each of the judicial districts as said districts may now or hereafter exist;  
or

(2) In the case of a justice or judge whose judicial district encompasses only a part of the State, the number of electors necessary to petition the recall of the officer shall be equal to at least 15% of the number of electors registered and qualified to vote at the last preceding election for any candidate offering for the office held by the justice or judge.

(b) No recall petition shall demand the recall of more than one justice or judge at a time.

(c) Every justice or judge who holds office, either by election or by appointment, is subject to recall on the grounds that such public official has, while holding any public office, conducted himself or herself in a manner which relates to and adversely affects the administration of his or her current office and adversely affects the rights and interests of the public.

(d) Every justice or judge, either by election or by appointment, is subject to recall on the grounds as showing signs of incompetency, is negligent in their duties, commits malfeasance or misconduct while in office, failure to perform duties as proscribed by law, conviction of a crime, physical or mental lack of fitness, violation of their oath of office, acts as an activist jurist or any other similar action or inaction by the justice or judge.

Amend Bill, page 5, line 5, by inserting after "amendments" under section 1

Amend Bill, page 5, by inserting after line 16

(d) The Secretary of the Commonwealth shall place the proposed constitutional amendment under section 2 as a separate and distinct ballot question from the ballot question under subsection (c).

On the question,

Will the House agree to the amendment?

#### AMENDMENT WITHDRAWN

The SPEAKER. Representative Briggs, on 01146.

Mr. BRIGGS. Thank you, Mr. Speaker.

I am actually withdrawing amendment 1146.

The SPEAKER. Thank you, sir.

On the question recurring,

Will the House agree to the bill on second consideration?

Mr. **HARRIS** offered the following amendment No. **A01147**:

Amend Bill, page 1, line 1, by inserting after "integrated" and distinct

Amend Bill, page 1, line 4, by inserting after "requirements" and for exemption from taxation

Amend Bill, page 4, lines 10 through 30; page 5, lines 1 through 3; by striking out all of said lines on said pages and inserting Section 2. The following distinct amendment to the Constitution of Pennsylvania is proposed in accordance with Article XI:

That section 2 of Article VIII be amended to read:

§ 2. Exemptions and special provisions.

(a) The General Assembly may by law exempt from taxation:

(i) Actual places of regularly stated religious worship;

(ii) Actual places of burial, when used or held by a person or organization deriving no private or corporate profit therefrom and no substantial part of whose activity consists of selling personal property in connection therewith;

(iii) That portion of public property which is actually and regularly used for public purposes;

(iv) That portion of the property owned and occupied by any

branch, post or camp of honorably discharged servicemen or servicewomen which is actually and regularly used for benevolent, charitable or patriotic purposes; and

(v) Institutions of purely public charity, but in the case of any real property tax exemptions only that portion of real property of such institution which is actually and regularly used for the purposes of the institution.

(b) The General Assembly may, by law:

(i) Establish standards and qualifications for private forest reserves, agricultural reserves, and land actively devoted to agricultural use, and make special provision for the taxation thereof;

(ii) Establish as a class or classes of subjects of taxation the property or privileges of persons who, because of age, disability, infirmity or poverty are determined to be in need of tax exemption or of special tax provisions, and for any such class or classes, uniform standards and qualifications. The Commonwealth, or any other taxing authority, may adopt or employ such class or classes and standards and qualifications, and except as herein provided may impose taxes, grant exemptions, or make special tax provisions in accordance therewith. No exemption or special provision shall be made under this clause with respect to taxes upon the sale or use of personal property, and no exemption from any tax upon real property shall be granted by the General Assembly under this clause unless the General Assembly shall provide for the reimbursement of local taxing authorities by or through the Commonwealth for revenue losses occasioned by such exemption;

(iii) Establish standards and qualifications by which local taxing authorities may make uniform special tax provisions applicable to a taxpayer for a limited period of time to encourage improvement of deteriorating property or areas by an individual, association or corporation, or to encourage industrial development by a non-profit corporation; and

(iv) Make special tax provisions on any increase in value of real estate resulting from residential construction. Such special tax provisions shall be applicable for a period not to exceed two years.

(v) Establish standards and qualifications by which local taxing authorities in counties of the first and second class may make uniform special real property tax provisions applicable to taxpayers who are longtime owner-occupants as shall be defined by the General Assembly of residences in areas where real property values have risen markedly as a consequence of the refurbishing or renovating of other deteriorating residences or the construction of new residences.

(vi) Authorize local taxing authorities to exclude from taxation an amount based on the assessed value of homestead property. The exclusions authorized by this clause shall not exceed 100% of the assessed value of each homestead property within a local taxing jurisdiction. A local taxing authority may not increase the millage rate of its tax on real property to pay for these exclusions.

(c) Citizens and residents of this Commonwealth, who served in any war or armed conflict in which the United States was engaged and were honorably discharged or released under honorable circumstances from active service, shall be exempt from the payment of all real property taxes upon the residence occupied by the said citizens and residents of this Commonwealth imposed by the Commonwealth of Pennsylvania or any of its political subdivisions if, as a result of military service, they are blind, paraplegic or double or quadruple amputees or have a service-connected disability declared by the United States Veterans Administration or its successor to be a total or 100% permanent disability, and if the State Veterans' Commission determines that such persons are in need of the tax exemptions granted herein. This exemption shall be extended to the unmarried surviving spouse upon the death of an eligible veteran provided that the State Veterans' Commission determines that such person is in need of the exemption.

(d) The initial \$50,000 of annual personal income shall be excluded from personal income taxation.

Section 3. (a) Upon the first passage by the General Assembly of these proposed constitutional amendments, the Secretary of the Commonwealth shall proceed immediately to comply with the advertising requirements of section 1 of Article XI of the Constitution

of Pennsylvania and shall transmit the required advertisements to two newspapers in every county in which such newspapers are published in sufficient time after passage of these proposed constitutional amendments.

(b) Upon the second passage by the General Assembly of these proposed constitutional amendments, the Secretary of the Commonwealth shall proceed immediately to comply with the advertising requirements of section 1 of Article XI of the Constitution of Pennsylvania and shall transmit the required advertisements to two newspapers in every county in which such newspapers are published in sufficient time after passage of these proposed constitutional amendments. The Secretary of the Commonwealth shall:

(1) Submit the proposed constitutional amendments under section 1 of this resolution to the qualified electors of this Commonwealth as a single ballot question at the first primary, general or municipal election which meets the requirements of and is in conformance with section 1 of Article XI of the Constitution of Pennsylvania and which occurs at least three months after the proposed constitutional amendments are passed by the General Assembly.

(2) Submit the proposed constitutional amendment under section 2 of this resolution to the qualified electors of this Commonwealth as a separate ballot question at the first primary, general or municipal election which meets the requirements of and is in conformance with section 1 of Article XI of the Constitution of Pennsylvania and which occurs at least three months after the proposed constitutional amendment is passed by the General Assembly.

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

Amend Bill, page 5, line 5, by inserting after "amendments" under section 1

On the question,

Will the House agree to the amendment?

The SPEAKER. Representative Harris, on the amendment, sir.

Mr. HARRIS. Thank you, Mr. Speaker.

Mr. Speaker, my amendment would exclude the initial \$50,000 on annual personal income from the State income tax. Across Pennsylvania there are many folks who are experiencing a financial crunch. This would automatically give our citizens, our lowest wage earners, a quick increase in their salaries. I think that anybody in this Commonwealth or in this chamber can agree that giving our citizens an increase in their salary is a good thing and something we all should be able to vote for.

Thank you, Mr. Speaker.

### GERMANENESS QUESTIONED

The SPEAKER. I think we already did something similar, but although because it was beat on a motion, it is not out of order because we did not actually defeat the amendment itself, so it can be raised again.

Mr. DIAMOND. Thank you, Mr. Speaker.

I do appreciate the gentleman's enthusiasm again for reforming Pennsylvania's system of taxation, which we absolutely need to do because our systems of taxation are 80 years old in Pennsylvania. However, it is just not germane to this bill, which deals with judicial districts for our appellate courts. Mr. Speaker, I ask that the House – I move that the House vote on and ask for a vote of not germane to this amendment to HB 196. Thank you.

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

The SPEAKER. Democratic Leader Dermody.

Mr. DERMODY. Thank you, Mr. Speaker.

Mr. Speaker, for all the reasons I have previously stated on the previous amendments, the amendment is germane and we should be allowed to vote it.

The SPEAKER. Majority Leader Bryan Cutler.

Mr. CUTLER. Thank you, Mr. Speaker.

Mr. Speaker, for all the reasons stated previously, I urge support of the gentleman's motion. Thank you.

The SPEAKER. If you vote not germane, vote "no"; if you are voting germane, vote "yes."

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

The following roll call was recorded:

YEAS—90

Bizzarro	Driscoll	Krueger	Readshaw
Boyle	Fiedler	Kulik	Roebuck
Bradford	Fitzgerald	Lee	Rozzi
Briggs	Flynn	Longiotti	Sainato
Bullock	Frankel	Madden	Samuelson
Burgos	Freeman	Malagari	Sanchez
Burns	Gainey	Markosek	Sappey
Caltagirone	Galloway	Matzie	Schlossberg
Carroll	Goodman	McCarter	Schweyer
Cephas	Hanbidge	McClinton	Shusterman
Ciresi	Harkins	McNeill	Sims
Comitta	Harrell	Merski	Snyder
Conklin	Harris	Miller, D.	Solomon
Daley	Hohenstein	Mullery	Sturla
Davis, A.	Howard	Mullins	Ullman
Davis, T.	Innamorato	Neilson	Vitali
Dawkins	Isaacson	O'Mara	Warren
Deasy	Kenyatta	Otten	Webster
DeLissio	Kim	Pashinski	Wheatley
Deloso	Kinsey	Petrarca	Williams
DeLuca	Kirkland	Rabb	Youngblood
Dermody	Kortz	Ravenstahl	Zabel
Donatucci	Kosierowski		

NAYS—107

Barrar	Gillespie	Marshall	Rigby
Benninghoff	Gleim	Masser	Roe
Bernstine	Gregory	Mehaffie	Rothman
Boback	Greiner	Mentzer	Ryan
Borowicz	Grove	Metcalfe	Sankey
Brooks	Hahn	Metzgar	Saylor
Brown	Heffley	Mihalek	Schemel
Causser	Helm	Millard	Schmitt
Cook	Hennessey	Miller, B.	Schroeder
Cox	Hershey	Mizgorski	Sonney
Culver	Hickernell	Moul	Staats
Cutler	Irvin	Murt	Stephens
Day	James	Nelson	Struzzi
Delozier	Jones	Nesbit	Thomas
Diamond	Jozwiak	O'Neal	Tobash
DiGirolo	Kail	Oberlander	Toepel
Dowling	Kaufer	Ortitay	Toohil
Dunbar	Kauffman	Owlett	Topper
Dush	Keefer	Peifer	Walsh
Ecker	Keller, M.K.	Pickett	Warner
Emrick	Klunk	Polinchock	Wentling
Everett	Knowles	Puskaric	Wheeland
Farry	Lawrence	Pyle	White
Fee	Lewis	Quinn	Zimmerman

Fritz	Mackenzie	Rader	
Gabler	Mako	Rapp	Turzai,
Gaydos	Maloney	Reese	Speaker
Gillen			

NOT VOTING—0

EXCUSED—5

Cruz	Evans	Keller, F.	Simmons
Davidson			

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

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

Mr. **KENYATTA** offered the following amendment  
No. **A01148**:

Amend Bill, page 1, line 1, by inserting after "integrated" and distinct  
Amend Bill, page 1, line 4, by inserting after "requirements" ; and further providing for exemption from taxation  
Amend Bill, page 4, lines 10 through 30; page 5, lines 1 through 3; by striking out all of said lines on said pages and inserting Section 1.1. The following distinct amendments to the Constitution of Pennsylvania are proposed in accordance with Article XI:

That section 2 of Article VIII be amended to read:

§ 2. Exemptions and special provisions.

(a) The General Assembly may by law exempt from taxation:

(i) Actual places of regularly stated religious worship;

(ii) Actual places of burial, when used or held by a person or organization deriving no private or corporate profit therefrom and no substantial part of whose activity consists of selling personal property in connection therewith;

(iii) That portion of public property which is actually and regularly used for public purposes;

(iv) That portion of the property owned and occupied by any branch, post or camp of honorably discharged servicemen or servicewomen which is actually and regularly used for benevolent, charitable or patriotic purposes; and

(v) Institutions of purely public charity, but in the case of any real property tax exemptions only that portion of real property of such institution which is actually and regularly used for the purposes of the institution.

(b) The General Assembly may, by law:

(i) Establish standards and qualifications for private forest reserves, agricultural reserves, and land actively devoted to agricultural use, and make special provision for the taxation thereof;

(ii) Establish as a class or classes of subjects of taxation the property or privileges of persons who, because of age, disability, infirmity or poverty are determined to be in need of tax exemption or of special tax provisions, and for any such class or classes, uniform standards and qualifications. The Commonwealth, or any other taxing authority, may adopt or employ such class or classes and standards and qualifications, and except as herein provided may impose taxes, grant exemptions, or make special tax provisions in accordance therewith. No exemption or special provision shall be made under this clause with respect to taxes upon the sale or use of personal property, and no exemption from any tax upon real property shall be granted by the General Assembly under this clause unless the General Assembly shall provide for the reimbursement of local taxing authorities by or through the Commonwealth for revenue losses occasioned by such exemption;

(iii) Establish standards and qualifications by which local taxing authorities may make uniform special tax provisions applicable to a taxpayer for a limited period of time to encourage improvement of deteriorating property or areas by an individual, association or corporation, or to encourage industrial development by a non-profit corporation; and

(iv) Make special tax provisions on any increase in value of real estate resulting from residential construction. Such special tax provisions shall be applicable for a period not to exceed two years.

(v) Establish standards and qualifications by which local taxing authorities in counties of the first and second class may make uniform special real property tax provisions applicable to taxpayers who are longtime owner-occupants as shall be defined by the General Assembly of residences in areas where real property values have risen markedly as a consequence of the refurbishing or renovating of other deteriorating residences or the construction of new residences.

(vi) Authorize local taxing authorities to exclude from taxation an amount based on the assessed value of homestead property. The exclusions authorized by this clause shall not exceed 100% of the assessed value of each homestead property within a local taxing jurisdiction. A local taxing authority may not increase the millage rate of its tax on real property to pay for these exclusions.

(vii) Provide for different rates of taxation on residential and non-residential property.

(c) Citizens and residents of this Commonwealth, who served in any war or armed conflict in which the United States was engaged and were honorably discharged or released under honorable circumstances from active service, shall be exempt from the payment of all real property taxes upon the residence occupied by the said citizens and residents of this Commonwealth imposed by the Commonwealth of Pennsylvania or any of its political subdivisions if, as a result of military service, they are blind, paraplegic or double or quadruple amputees or have a service-connected disability declared by the United States Veterans Administration or its successor to be a total or 100% permanent disability, and if the State Veterans' Commission determines that such persons are in need of the tax exemptions granted herein. This exemption shall be extended to the unmarried surviving spouse upon the death of an eligible veteran provided that the State Veterans' Commission determines that such person is in need of the exemption.

Section 3. (a) Upon the first passage by the General Assembly of these proposed constitutional amendments, the Secretary of the Commonwealth shall proceed immediately to comply with the advertising requirements of section 1 of Article XI of the Constitution of Pennsylvania and shall transmit the required advertisements to two newspapers in every county in which such newspapers are published in sufficient time after passage of these proposed constitutional amendments.

(b) Upon the second passage by the General Assembly of these proposed constitutional amendments, the Secretary of the Commonwealth shall proceed immediately to comply with the advertising requirements of section 1 of Article XI of the Constitution of Pennsylvania and shall transmit the required advertisements to two newspapers in every county in which such newspapers are published in sufficient time after passage of these proposed constitutional amendments. The Secretary of the Commonwealth shall:

(1) Submit the proposed constitutional amendments under section 1 of this resolution to the qualified electors of this Commonwealth as a single ballot question at the first primary, general or municipal election which meets the requirements of and is in conformance with section 1 of Article XI of the Constitution of Pennsylvania and which occurs at least three months after the proposed constitutional amendments are passed by the General Assembly

(2) Submit the proposed constitutional amendments under section 1.1 of this resolution to the qualified electors of this Commonwealth as separate ballot questions at the first primary, general or municipal election which meets the requirements of and is in conformance with section 1 of Article XI of the Constitution of Pennsylvania and which occurs at least three months after the proposed constitutional amendments are passed by the General Assembly.

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

Amend Bill, page 5, line 5, by inserting after "amendments" under section 1

On the question,

Will the House agree to the amendment?

The SPEAKER. Representative Kenyatta, on the amendment, sir.

Mr. KENYATTA. Thank you, Mr. Speaker.

And I want to thank the maker of this bill for talking about the need for concrete tax reform. I think this is a bipartisan issue. And one of the things, particularly talking to the freshman members on both sides of the aisle, one of the things we all said is that there are folks in our districts dealing with sky-high property taxes and we need to figure out a way to ensure that folks can stay in their homes, and so we need some serious reform on this issue. My amendment would provide for different rates of taxation for residential and nonresidential properties, and I think we have an opportunity right now with the Constitution open to fix this issue.

Thank you, Mr. Speaker.

### GERMANENESS QUESTIONED

The SPEAKER. On that, Representative Diamond.

Mr. DIAMOND. Thank you, Mr. Speaker.

Again, I am more than willing to work with the maker of this amendment on comprehensive tax reform for the entire Commonwealth of Pennsylvania, but it is not germane to this bill, which deals with appellate court judicial districts. Mr. Speaker, I ask that the House vote that this amendment to HB 196 is not germane under House rule 27.

On the question,

Will the House sustain the germaneness of the amendment?

The SPEAKER. Democratic Leader Frank Dermody.

Mr. DERMODY. Thank you, Mr. Speaker.

Mr. Speaker, for all the reasons I have previously stated, this amendment is germane.

The SPEAKER. The majority leader, Bryan Cutler.

Mr. CUTLER. Thank you, Mr. Speaker.

As cited previously, this is within the purview of the House, and I urge support of the gentleman's motion.

The SPEAKER. Members, please proceed to vote on germaneness. If you believe it is germane, vote "aye"; if you believe it is not germane, vote "nay."

On the question recurring,

Will the House sustain the germaneness of the amendment?

The following roll call was recorded:

## YEAS—90

Bizzarro	Driscoll	Krueger	Readshaw
Boyle	Fiedler	Kulik	Roebuck
Bradford	Fitzgerald	Lee	Rozzi
Briggs	Flynn	Longiatti	Sainato
Bullock	Frankel	Madden	Samuelson
Burgos	Freeman	Malagari	Sanchez
Burns	Gainey	Markosek	Sappey
Caltagirone	Galloway	Matzie	Schlossberg
Carroll	Goodman	McCarter	Schweyer
Cephas	Hanbidge	McClinton	Shusterman
Ciresi	Harkins	McNeill	Sims
Comitta	Harrell	Merski	Snyder
Conklin	Harris	Miller, D.	Solomon
Daley	Hohenstein	Mullery	Sturla
Davis, A.	Howard	Mullins	Ullman
Davis, T.	Innamorato	Neilson	Vitali
Dawkins	Isaacson	O'Mara	Warren
Deasy	Kenyatta	Otten	Webster
DeLissio	Kim	Pashinski	Wheatley
Deloso	Kinsey	Petrarca	Williams
DeLuca	Kirkland	Rabb	Youngblood
Dermody	Kortz	Ravenstahl	Zabel
Donatucci	Kosierowski		

## NAYS—106

Barrar	Gillen	Maloney	Reese
Benninghoff	Gillespie	Marshall	Rigby
Bernstine	Gleim	Masser	Roae
Boback	Gregory	Mehaffie	Rothman
Borowicz	Greiner	Mentzer	Sankey
Brooks	Grove	Metcalfe	Saylor
Brown	Hahn	Metzgar	Schemel
Causar	Heffley	Mihalek	Schmitt
Cook	Helm	Millard	Schroeder
Cox	Hennessey	Miller, B.	Sonney
Culver	Hershey	Mizgorski	Staats
Cutler	Hickernell	Moul	Stephens
Day	Irvin	Murt	Struzzi
Delozier	James	Nelson	Thomas
Diamond	Jones	Nesbit	Tobash
DiGirolamo	Jozwiak	O'Neal	Toepel
Dowling	Kail	Oberlander	Toohil
Dunbar	Kaufer	Ortitay	Topper
Dush	Kauffman	Owlett	Walsh
Ecker	Keefer	Peifer	Warner
Emrick	Keller, M.K.	Pickett	Wentling
Everett	Klunk	Polinchock	Wheeland
Farry	Knowles	Puskaric	White
Fee	Lawrence	Pyle	Zimmerman
Fritz	Lewis	Quinn	
Gabler	Mackenzie	Rader	Turzai,
Gaydos	Mako	Rapp	Speaker

## NOT VOTING—1

Ryan

## EXCUSED—5

Cruz	Evans	Keller, F.	Simmons
Davidson			

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

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

The SPEAKER. Representative Neilson, my understanding is you are withdrawing your amendment? No, no; you are offering your amendment. Okay.

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

Mr. **NEILSON** offered the following amendment  
No. **A01149**:

Amend Bill, page 1, line 1, by inserting after "integrated" and distinct

Amend Bill, page 1, line 4, by inserting after "requirements" ; and further providing for exemption from taxation

Amend Bill, page 4, lines 10 through 30; page 5, lines 1 through 3; by striking out all of said lines on said pages and inserting Section 1.1. The following distinct amendments to the Constitution of Pennsylvania are proposed in accordance with Article XI:

That section 2 of Article VIII be amended to read:  
§ 2. Exemptions and special provisions.

(a) The General Assembly may by law exempt from taxation:

(i) Actual places of regularly stated religious worship;

(ii) Actual places of burial, when used or held by a person or organization deriving no private or corporate profit therefrom and no substantial part of whose activity consists of selling personal property in connection therewith;

(iii) That portion of public property which is actually and regularly used for public purposes;

(iv) That portion of the property owned and occupied by any branch, post or camp of honorably discharged servicemen or servicewomen which is actually and regularly used for benevolent, charitable or patriotic purposes; [and]

(v) Institutions of purely public charity, but in the case of any real property tax exemptions only that portion of real property of such institution which is actually and regularly used for the purposes of the institution[.]; and

(vi) That portion of real property of a fraternal lodge which is actually and regularly used for the purpose of the fraternal lodge.

(b) The General Assembly may, by law:

(i) Establish standards and qualifications for private forest reserves, agricultural reserves, and land actively devoted to agricultural use, and make special provision for the taxation thereof;

(ii) Establish as a class or classes of subjects of taxation the property or privileges of persons who, because of age, disability, infirmity or poverty are determined to be in need of tax exemption or of special tax provisions, and for any such class or classes, uniform standards and qualifications. The Commonwealth, or any other taxing authority, may adopt or employ such class or classes and standards and qualifications, and except as herein provided may impose taxes, grant exemptions, or make special tax provisions in accordance therewith. No exemption or special provision shall be made under this clause with respect to taxes upon the sale or use of personal property, and no exemption from any tax upon real property shall be granted by the General Assembly under this clause unless the General Assembly shall provide for the reimbursement of local taxing authorities by or through the Commonwealth for revenue losses occasioned by such exemption;

(iii) Establish standards and qualifications by which local taxing authorities may make uniform special tax provisions applicable to a taxpayer for a limited period of time to encourage improvement of deteriorating property or areas by an individual, association or corporation, or to encourage industrial development by a non-profit corporation; and

(iv) Make special tax provisions on any increase in value of real estate resulting from residential construction. Such special tax provisions shall be applicable for a period not to exceed two years.

(v) Establish standards and qualifications by which local taxing authorities in counties of the first and second class may make uniform special real property tax provisions applicable to taxpayers who are longtime owner-occupants as shall be defined by the General Assembly of residences in areas where real property values have risen markedly as a consequence of the refurbishing or renovating of other deteriorating residences or the construction of new residences.

(vi) Authorize local taxing authorities to exclude from taxation an amount based on the assessed value of homestead property. The exclusions authorized by this clause shall not exceed 100% of the assessed value of each homestead property within a local taxing jurisdiction. A local taxing authority may not increase the millage rate of its tax on real property to pay for these exclusions.

(c) Citizens and residents of this Commonwealth, who served in any war or armed conflict in which the United States was engaged and were honorably discharged or released under honorable circumstances from active service, shall be exempt from the payment of all real property taxes upon the residence occupied by the said citizens and residents of this Commonwealth imposed by the Commonwealth of Pennsylvania or any of its political subdivisions if, as a result of military service, they are blind, paraplegic or double or quadruple amputees or have a service-connected disability declared by the United States Veterans Administration or its successor to be a total or 100% permanent disability, and if the State Veterans' Commission determines that such persons are in need of the tax exemptions granted herein. This exemption shall be extended to the unmarried surviving spouse upon the death of an eligible veteran provided that the State Veterans' Commission determines that such person is in need of the exemption.

Section 3. (a) Upon the first passage by the General Assembly of these proposed constitutional amendments, the Secretary of the Commonwealth shall proceed immediately to comply with the advertising requirements of section 1 of Article XI of the Constitution of Pennsylvania and shall transmit the required advertisements to two newspapers in every county in which such newspapers are published in sufficient time after passage of these proposed constitutional amendments.

(b) Upon the second passage by the General Assembly of these proposed constitutional amendments, the Secretary of the Commonwealth shall proceed immediately to comply with the advertising requirements of section 1 of Article XI of the Constitution of Pennsylvania and shall transmit the required advertisements to two newspapers in every county in which such newspapers are published in sufficient time after passage of these proposed constitutional amendments. The Secretary of the Commonwealth shall:

(1) Submit the proposed constitutional amendments under section 1 of this resolution to the qualified electors of this Commonwealth as a single ballot question at the first primary, general or municipal election which meets the requirements of and is in conformance with section 1 of Article XI of the Constitution of Pennsylvania and which occurs at least three months after the proposed constitutional amendments are passed by the General Assembly

(2) Submit the proposed constitutional amendments under section 1.1 of this resolution to the qualified electors of this Commonwealth as separate ballot questions at the first primary, general or municipal election which meets the requirements of and is in conformance with section 1 of Article XI of the Constitution of Pennsylvania and which occurs at least three months after the proposed constitutional amendments are passed by the General Assembly.

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

Amend Bill, page 5, line 5, by inserting after "amendments" under section 1

On the question,

Will the House agree to the amendment?

The SPEAKER. Representative Neilson, on the amendment.

Mr. NEILSON. Thank you, Mr. Speaker.

I was thinking about withdrawing it, but after I was taking a little ride on this rodeo we are having here, I thought I need to speak on it a little bit, because when I first got here, the first day I got in the House, former Representative Mike O'Brien gave me a book of rules.

May I have order, Mr. Speaker?

The SPEAKER. Yes.

Mr. NEILSON. I mean, when we did your legislation earlier, everybody sat down.

The SPEAKER. Members, please— Actually, everybody is in their seats.

Mr. NEILSON. I beg to differ, Mr. Speaker. There is an awful lot of staff—

The SPEAKER. There are just a few persons that are still stretching. If they could please get into their seats, we would appreciate it. And we will close the doors of the House. Thank you.

Representative Neilson, you may proceed.

Mr. NEILSON. Thank you, Mr. Speaker.

When I got here, I did not know the rules, and I thought I have learned them throughout my tenure here since 2012. Former Representative Mike O'Brien handed me that rulebook. I remember the first time I stood up right here at this microphone and he threw those rules at me and said, "Neilson, sit down. Learn what you're talking about. Learn the rules."

Just when you think you know them, Mr. Speaker, I came to a rodeo today. I have seen the court cases, and like most people when we elect, no disrespect to our legal community, but we have lawyers on this side, that side arguing back and forth and it is like a rodeo.

#### AMENDMENT WITHDRAWN

Mr. NEILSON. So as the gentleman from Berks County put it real simple, since we are changing the rules so much, I am going to withdraw my amendment, Mr. Speaker, today until I figure out what the new rules are. Hopefully by the end of the week I will get them.

Thank you, Mr. Speaker.

The SPEAKER. Thank you, sir.

On the question recurring,

Will the House agree to the bill on second consideration?

Mr. **BRIGGS** offered the following amendment No. **A01154**:

Amend Bill, page 1, line 1, by inserting after "amendments" and a separate and distinct amendment

Amend Bill, page 1, line 4, by inserting after "requirements" and for prohibited activities

Amend Bill, page 4, by inserting between lines 9 and 10 Section 2. The following separate and distinct amendment to the Constitution of Pennsylvania is proposed in accordance with Article XI:

That section 17 of Article V be amended by adding a subsection to read:

§ 17. Prohibited activities.

\* \* \*

(e) No justice or judge shall use the authority of their office to take, seize, order or otherwise deprive an individual who is disabled or older than 65 years of age of the individual's primary residence for the inability to pay property taxes.

Amend Bill, page 5, line 5, by inserting after "amendments" under section 1

Amend Bill, page 5, by inserting after line 16

(d) The Secretary of the Commonwealth shall place the proposed constitutional amendment under section 2 on the ballot as a separate and distinct ballot question from the ballot question under subsection (c).

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

The SPEAKER. Representative Briggs, on the amendment, sir.

Mr. BRIGGS. Thank you, Mr. Speaker.

And unfortunately, we did not consider Representative Rozzi's amendment to eliminate property taxes, but more and more times back home I hear of folks who really are in a jam, who are evicted from their homes by the local judge. So this amendment, which also amends Article V of the Constitution as the underlying HB 196 does – so I am very excited to be able to offer an amendment that is germane to the appropriate article – this amendment would prohibit justices or judges from removing folks for not paying their property taxes. So I look forward to a unanimous vote, and thank you so much.

### GERMANENESS QUESTIONED

The SPEAKER. Representative Russ Diamond, on the amendment.

Mr. DIAMOND. Thank you, Mr. Speaker.

Again, I am so in love with the idea of getting rid of property taxes for everybody in Pennsylvania, especially those seniors who have put in their work. However, Mr. Speaker, this amendment again is not germane to the underlying subject matter of HB 196, and under rule 27, I will make a motion for the House to vote on germaneness.

Thank you, Mr. Speaker.

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

The SPEAKER. The Democratic leader.

Mr. DERMODY. Thank you, Mr. Speaker.

Mr. Speaker, for all the reasons I have previously stated, this amendment is not subject to the single-subject standard and it is germane.

The SPEAKER. Representative Bryan Cutler, our majority leader, on the germaneness issue.

Mr. CUTLER. Thank you, Mr. Speaker.

Mr. Speaker, I believe the gentleman has made it quite clear, this process in the underlying bill is strictly about the selection or the election process for judicial candidates, and the good gentleman's issue deals with other court orders and other sections of the law. I would agree it is not germane, and therefore, we should uphold the gentleman's motion. Thank you.

The SPEAKER. Representative Briggs, do you wish to speak again? Okay.

So if you believe that it is not germane, you will be voting "nay"; if you believe it is germane, you will be voting "aye."

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

The following roll call was recorded:

### YEAS—90

Bizzarro	Driscoll	Krueger	Readshaw
Boyle	Fiedler	Kulik	Roebuck
Bradford	Fitzgerald	Lee	Rozzi
Briggs	Flynn	Longietti	Sainato
Bullock	Frankel	Madden	Samuelson
Burgos	Freeman	Malagari	Sanchez
Burns	Gainey	Markosek	Sapprey
Caltagirone	Galloway	Matzje	Schlossberg
Carroll	Goodman	McCartner	Schweyer
Cephas	Hanbidge	McClinton	Shusterman
Ciresi	Harkins	McNeill	Sims
Comitta	Harrell	Merski	Snyder
Conklin	Harris	Miller, D.	Solomon
Daley	Hohenstein	Mullery	Sturla
Davis, A.	Howard	Mullins	Ullman
Davis, T.	Innamorato	Neilson	Vitali
Dawkins	Isaacson	O'Mara	Warren
Deasy	Kenyatta	Otten	Webster
DeLissio	Kim	Pashinski	Wheatley
Deloso	Kinsey	Petrarca	Williams
DeLuca	Kirkland	Rabb	Youngblood
Dermody	Kortz	Ravenstahl	Zabel
Donatucci	Kosierowski		

### NAYS—107

Barrar	Gillespie	Marshall	Rigby
Benninghoff	Gleim	Masser	Roae
Bernstine	Gregory	Mehaffie	Rothman
Boback	Greiner	Mentzer	Ryan
Borowicz	Grove	Metcalf	Sankey
Brooks	Hahn	Metzgar	Saylor
Brown	Heffley	Mihalek	Schemel
Causar	Helm	Millard	Schmitt
Cook	Hennessey	Miller, B.	Schroeder
Cox	Hershey	Mizgorski	Sonney
Culver	Hickernell	Moul	Staats
Cutler	Irvin	Murt	Stephens
Day	James	Nelson	Struzzi
DeLozier	Jones	Nesbit	Thomas
Diamond	Jozwiak	O'Neal	Tobash
DiGirolamo	Kail	Oberlander	Toepel
Dowling	Kaufman	Ortitay	Toohil
Dunbar	Kauffman	Owlett	Topper
Dush	Keefer	Peifer	Walsh
Ecker	Keller, M.K.	Pickett	Warner
Emrick	Klunk	Polinchock	Wentling
Everett	Knowles	Puskaric	Wheeland
Farry	Lawrence	Pyle	White
Fee	Lewis	Quinn	Zimmerman
Fritz	Mackenzie	Rader	
Gabler	Mako	Rapp	Turzai,
Gaydos	Maloney	Reese	Speaker
Gillen			

### NOT VOTING—0

### EXCUSED—5

Cruz	Evans	Keller, F.	Simmons
Davidson			

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

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

### VOTE CORRECTION

The SPEAKER. Representative Frank Ryan is recognized on unanimous consent.

Mr. RYAN. Mr. Speaker, I would like to correct the record. On amendment A01148 for HB 196, my button malfunctioned. I would like to be voted a "no."

The SPEAKER. Voted as "no"; yes, sir.

### CONSIDERATION OF HB 196 CONTINUED

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

Mr. BRIGGS offered the following amendment No. **A01156**:

Amend Bill, page 1, line 1, by inserting after "integrated" and distinct

Amend Bill, page 1, line 4, by striking out the period after "requirements" and inserting  
; and changing provisions relating to prohibited activities by justices and judges.

Amend Bill, page 4, lines 10 through 30; page 5, lines 1 through 3; by striking out all of said lines on said pages and inserting  
Section 2. The following distinct amendment to the Constitution of Pennsylvania is proposed in accordance with Article XI:

That section 17(b) of Article V be amended to read:  
§ 17. Prohibited activities.

\* \* \*

(b) Justices and judges shall not engage in any activity prohibited by law and shall not violate any canon of legal or judicial ethics prescribed by the Supreme Court. Justices of the peace shall be governed by rules or canons which shall be prescribed by the Supreme Court. Justices and judges may, in the year of their candidacy for election, speak out on political and disputed legal issues.

\* \* \*

Section 3. (a) Upon the first passage by the General Assembly of these proposed constitutional amendments, the Secretary of the Commonwealth shall proceed immediately to comply with the advertising requirements of section 1 of Article XI of the Constitution of Pennsylvania and shall transmit the required advertisements to two newspapers in every county in which such newspapers are published in sufficient time after passage of these proposed constitutional amendments.

(b) Upon the second passage by the General Assembly of these proposed constitutional amendments, the Secretary of the Commonwealth shall proceed immediately to comply with the advertising requirements of section 1 of Article XI of the Constitution of Pennsylvania and shall transmit the required advertisements to two newspapers in every county in which such newspapers are published in sufficient time after passage of these proposed constitutional amendments. The Secretary of the Commonwealth shall:

(1) Submit the proposed constitutional amendments under section 1 of this resolution to the qualified electors of this Commonwealth as a single ballot question at the first primary, general or municipal election which meets the requirements of and is in conformance with section 1 of Article XI of the Constitution of Pennsylvania and which occurs at least three

months after the proposed constitutional amendments are passed by the General Assembly.

(2) Submit the proposed constitutional amendments under section 2 of this resolution to the qualified electors of this Commonwealth as separate ballot questions at the first primary, general or municipal election which meets the requirements of and is in conformance with section 1 of Article XI of the Constitution of Pennsylvania and which occurs at least three months after the proposed constitutional amendments are passed by the General Assembly.

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

Amend Bill, page 5, line 5, by inserting after "amendments" under section 1

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

The SPEAKER. Representative Briggs, you may proceed on your amendment.

Mr. BRIGGS. Thank you, Mr. Speaker.

And this one, it has to be germane. So I strongly encourage a vote in the affirmative. I am feeling a little bit of bipartisanship going on, unlike gerrymandered judicial districts, which the underlying bill is quite scary, but 1156, amendment 1156, is right on point of electing our judges and allowing them the ability to discuss political and legal issues during their campaign year. So thank you for your support.

### GERMANENESS QUESTIONED

The SPEAKER. Representative Russ Diamond.

Mr. DIAMOND. Thank you, Mr. Speaker.

Specifically, the underlying bill, HB 196, is about appellate court judicial districts, districts. Therefore, Mr. Speaker, under House rule 27, I would ask the House to vote that the amendment, 1156, is not germane.

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

The SPEAKER. Representative DeLuca, on the issue of germaneness, sir.

Mr. DeLUCA. Mr. Speaker, I am a little confused on this germaneness. It is my understanding it is also a constitutional amendment. Am I correct, Mr. Speaker?

The SPEAKER. Correct; that is correct. It is a joint resolution, which is in the form of a House bill.

Mr. DeLUCA. I understand. It is also amending the Constitution.

The SPEAKER. Yes.

Mr. DeLUCA. What is wrong with putting in there – and let us not use the germaneness – what is wrong in putting the other question there pertaining to property tax and let the voters vote on it? There is nothing wrong with that. It is a constitutional amendment.

Mr. Speaker, that is all I am hearing – I want to get rid of property tax, I want to get rid of property tax. Then let us do it in a bipartisan way.

The SPEAKER. Representative DeLuca, this is an issue for the body on a joint resolution and we are going to vote on germaneness. This one, I think, does not have to do with—

Mr. DeLUCA. I appreciate that and I understand it, but I also do not understand germaneness on some of these amendments.

The SPEAKER. It is raised under House rule 27, and that issue is to be decided by the body of the House.

Leader Dermody, on that.

Mr. DERMODY. Thank you, Mr. Speaker.

Mr. Speaker, I agree with Representative DeLuca that this bill is germane.

The SPEAKER. The majority leader, Representative Bryan Cutler.

Mr. CUTLER. Thank you, Mr. Speaker.

Mr. Speaker, very plainly this bill is about appellate judicial districts. The good gentleman's amendment is not in line with that. Furthermore, I would offer that it is currently covered by the judicial canon of ethics. I would urge support of the gentleman's motion.

The SPEAKER. If you believe it is germane, you will be voting "aye"; if you believe it is not germane, you will be voting "nay."

On the question recurring,

Will the House sustain the germaneness of the amendment?

The following roll call was recorded:

YEAS—90

Bizzarro	Driscoll	Krueger	Readshaw
Boyle	Fiedler	Kulik	Roebuck
Bradford	Fitzgerald	Lee	Rozzi
Briggs	Flynn	Longietti	Sainato
Bullock	Frankel	Madden	Samuelson
Burgos	Freeman	Malagari	Sanchez
Burns	Gainey	Markosek	Sappey
Caltagirone	Galloway	Matzie	Schlossberg
Carroll	Goodman	McCarter	Schweyer
Cephas	Hanbidge	McClinton	Shusterman
Ciresi	Harkins	McNeill	Sims
Comitta	Harrell	Merski	Snyder
Conklin	Harris	Miller, D.	Solomon
Daley	Hohenstein	Mullery	Sturla
Davis, A.	Howard	Mullins	Ullman
Davis, T.	Innamorato	Neilson	Vitali
Dawkins	Isaacson	O'Mara	Warren
Deasy	Kenyatta	Otten	Webster
DeLissio	Kim	Pashinski	Wheatley
Delloso	Kinsey	Petrarca	Williams
DeLuca	Kirkland	Rabb	Youngblood
Dermody	Kortz	Ravenstahl	Zabel
Donatucci	Kosierowski		

NAYS—107

Barrar	Gillespie	Marshall	Rigby
Benninghoff	Gleim	Masser	Roae
Bernstine	Gregory	Mehaffie	Rothman
Boback	Greiner	Mentzer	Ryan
Borowicz	Grove	Metcalfe	Sankey
Brooks	Hahn	Metzgar	Saylor
Brown	Heffley	Mihalek	Schemel
Causar	Helm	Millard	Schmitt
Cook	Hennessey	Miller, B.	Schroeder
Cox	Hershey	Mizgorski	Sonney
Culver	Hickernell	Moul	Staats
Cutler	Irvin	Murt	Stephens
Day	James	Nelson	Struzzi
Delozier	Jones	Nesbit	Thomas
Diamond	Jozwiak	O'Neal	Tobash
DiGirolamo	Kail	Oberlander	Toepel
Dowling	Kaufer	Ortity	Toohil

Dunbar	Kauffman	Owlett	Topper
Dush	Keefe	Peifer	Walsh
Ecker	Keller, M.K.	Pickett	Warner
Emrick	Klunk	Polinchock	Wentling
Everett	Knowles	Puskaric	Wheeland
Farry	Lawrence	Pyle	White
Fee	Lewis	Quinn	Zimmerman
Fritz	Mackenzie	Rader	
Gabler	Mako	Rapp	Turzai,
Gaydos	Maloney	Reese	Speaker
Gillen			

NOT VOTING—0

EXCUSED—5

Cruz	Evans	Keller, F.	Simmons
Davidson			

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

On the question recurring,

Will the House agree to the bill on second consideration?

Bill was agreed to.

CONSIDERATION OF HB 423 CONTINUED

The SPEAKER. On second consideration, Representative Mackenzie is actually withdrawing amendment 00766 to HB 423. We are going to call up HB 423, PN 1327.

I know I read it already, but we are going to read it again. Will the clerk please read a summary of HB 423.

On the question recurring,

Will the House agree to the bill on second consideration?

The SPEAKER. There are no amendments because House amendment 00766 has been withdrawn.

On the question recurring,

Will the House agree to the bill on second consideration?

Bill was agreed to.

SUPPLEMENTAL CALENDAR A

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 915, PN 1487**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in size, weight and load, further providing for permit for movement during course of manufacture; and, in powers of department and local authorities, further providing for power of Governor during emergency.

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?

Representative Eddie Day Pashinski, on the bill.

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

Today we are weighing in our votes on some very important issues relative to this particular bill. The issue focuses on getting one of Pennsylvania's most valuable assets, one of our PA Preferred products, to the processor, then returning back to the farm to pick up the next load of milk. We obviously understand that milk has a life span, it is a perishable product, and it is absolutely important that we get that milk to the processor and those trucks back to get that second load.

We are also weighing in our vote today on the basis of safety. We are trying to prevent accidents and injuries and, of course, obviously fatalities. We are also trying to keep our roadways free so that all commerce can move and get their products to market as well.

And today we are depending upon the expert opinions of so many organizations that protect and serve: the Pennsylvania State Police, the Pennsylvania Emergency Management Agency, and, of course, PennDOT, all of which have the important responsibility of making sure that our highways are clear and safe for travel so that we can all move to where we need to go safely, without accidents.

In the past PennDOT has approached untenable weather conditions by placing towing vehicles and other emergency vehicles through communities and had them on standby, so when the weather deteriorated and the roads began to close; when we had those traffic backups, the incidents where the vehicles could not get started again, especially our commercial vehicles, we would then dispatch, we would dispatch the towing vehicles to try to clear the lanes so our roadway trucks, our PennDOT trucks, could continue on trying to clear the roads. We found out that that took an enormous amount of time, effort, and there were many times complete closures of the highways. As a result, PEMA, Pennsylvania State Police, and PennDOT all came together to try to develop a different plan that would be not only safer but also allow for more expediency when they are traveling.

So what does this mean? It means that instead of being a reactive plan, this was a proactive plan, and this is how it worked: Trying to keep the roadways clean, PennDOT, Pennsylvania State Police, and PEMA decided to first reduce the speed limit as the storm began and grew. If the storm subsided, they would regain their speed limits again. If the storm continued to degrade the weather conditions, then they would put a ban on empty trailers and a ban on dual trailers. Now, why did they do that? They did it because an empty trailer is more inclined to flip because it has no load, slip and slide, and as a result jackknife. They have found that that helped prevent many accidents. The only time they go for a complete and total shutdown of a roadway is when the weather conditions degrade to that point that the imminent reality is a form of accident or a complete shutdown.

Statistically, PennDOT has developed the plan and demonstrated that so far this new plan, although not perfect and although subject to the weather, which I know all of us understand is very difficult to predict and very difficult to control – you cannot; you just have to deal with it – so they have found that this procedure is much better than what was done in the past. This, however, prevents many of our commercial vehicles that are full of capacity from being on the roadway when there is a

complete shutdown. This includes our milk haulers. And as a result, this has, you know, caused serious concern for those of us that are involved in the ag community.

I think it is important for everyone to know that milk haulers have trucks that are different. Their differentials are different. Instead of four wheels driving their trucks, there are eight wheels driving their trucks. They have chains. They have snow tires or all-weather tires. And they have them because, because sometimes there are accidents on highways during bad weather and they have to get their product to market. And I want everybody to know that the milk haulers not only are courageous and travel in all kinds of weather, but they have to get that milk to process and they do that by always having a secondary plan, a secondary road must be available to them as they transport their milk.

In addition to that, PennDOT, Pennsylvania State Police, and PEMA have also incorporated the 511 system where the milk haulers are directly in contact with our particular police departments, Pennsylvania State Police, and PEMA in an attempt to get these milk haulers to that processing plant without any delays.

It is finally important to know that as we make our decisions here today about making sure milk gets to our processing plant, we also here are aware of the fact that this is a safety issue and there have been many efforts to try to make sure that the product gets to the processor safely as well as all of our folks and the rest of the commercial vehicles. Trying to find a solution has been difficult for some of our commercial vehicles. But we can be assured that the Pennsylvania State Police, Pennsylvania Emergency Management Agency, and PennDOT have done everything possible to make sure they keep our roads open and safe.

At this point I am not in favor of this bill. Thank you.

The SPEAKER. Representative Causer, on the bill.

Mr. CAUSER. Thank you, Mr. Speaker.

Mr. Speaker, I am asking for support for HB 915. HB 915 provides a very limited exception. It is a very measured approach to the emergency declaration bans that were instituted over the winter. I think some important things to recognize are that milk production is very unique, this is a product that is highly perishable. Once the milk comes from the cow, the clock starts ticking. You only have so many hours to get this milk processed. I think we all recognize safety, and safety is of the utmost importance.

The difficulty is, there is this misconception that putting milk trucks and commercial vehicles off the interstates and onto secondary highways is somehow safer. It is not. In the hearing that we had, people testified about the fact that the secondary roads are treated secondarily. They are not treated as often as the major highways. So just moving commercial vehicles, such as milk trucks, off the main highways and onto a secondary road does not necessarily make the situation safer.

As I said before, we also have to recognize the unique production of milk. The farmer has two options: you either ship the milk or you dump it. There are no other options. You cannot turn the cow off. They are going to continue to produce milk. I repeat, you cannot turn the cow off. It is a situation where there are farmers last year that had to dump their milk. The dairy industry is in a state of crisis. Dairy farmers, I think everyone in this room has heard, dairy farmers are struggling all across the Commonwealth and cannot afford to be dumping milk.

Mr. Speaker, I think this is a very reasonable, measured approach. As I said, it provides a very limited exemption for milk haulers. Other States have provided these exemptions for milk haulers, for fuel delivery vehicles, so this has been done in other States. In this legislation, we even require the milk hauler to get a special sticker for the truck from the Pennsylvania Milk Marketing Board so that the Pennsylvania State Police and other law enforcement agencies will know that the vehicle is registered and authorized to be on the road during a commercial vehicle ban.

Mr. Speaker, all the major agriculture groups in the State are strongly supportive of this bill, and I would ask the members for support for HB 915.

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—136

Barrar	Galloway	Longiotti	Reese
Benninghoff	Gaydos	Mackenzie	Rigby
Bernstine	Gillen	Mako	Roae
Bizzarro	Gillespie	Malagari	Rothman
Boback	Gleim	Maloney	Ryan
Borowicz	Goodman	Marshall	Sainato
Brown	Gregory	Masser	Sankey
Burgos	Greiner	Matzie	Sappey
Burns	Grove	Mehaffie	Saylor
Caltagirone	Hahn	Mentzer	Schemel
Causer	Harkins	Merski	Schmitt
Ciresi	Heffley	Metcalfe	Schroeder
Conklin	Helm	Metzgar	Snyder
Cook	Hennessey	Mihalek	Sonney
Cox	Hershey	Millard	Staats
Culver	Hickernell	Miller, B.	Stephens
Cutler	Hohenstein	Mizgorski	Struzzi
Davis, T.	Irvin	Moul	Thomas
Day	Isaacson	Murt	Tobash
Delloso	James	Neilson	Toepel
Delozier	Jones	Nelson	Toohil
DeLuca	Jozwiak	Nesbit	Topper
Diamond	Kail	O'Neal	Walsh
DiGirolo	Kaufer	Oberlander	Warner
Dowling	Kaufman	Ortitay	Webster
Dunbar	Keefer	Owlett	Wentling
Dush	Keller, M.K.	Peifer	Wheeland
Ecker	Kenyatta	Petrarca	White
Emrick	Kim	Pickett	Williams
Everett	Kinsey	Puskaric	Zabel
Farry	Klunk	Pyle	Zimmerman
Fee	Knowles	Quinn	
Freeman	Kosierowski	Rader	Turzai,
Fritz	Lawrence	Rapp	Speaker
Gabler	Lewis		

NAYS—61

Boyle	Fiedler	Madden	Roebuck
Bradford	Fitzgerald	Markosek	Rozzi
Briggs	Flynn	McCarter	Samuelson
Brooks	Frankel	McClinton	Sanchez
Bullock	Gainey	McNeill	Schlossberg
Carroll	Hanbidge	Miller, D.	Schweyer
Cephas	Harrell	Mullery	Shusterman
Comitta	Harris	Mullins	Sims
Daley	Howard	O'Mara	Solomon
Davis, A.	Innamorato	Otten	Sturla
Dawkins	Kirkland	Pashinski	Ullman
Deasy	Kortz	Polinchock	Vitali

DeLissio	Krueger	Rabb	Warren
Dermody	Kulik	Ravenstahl	Wheatley
Donatucci	Lee	Readshaw	Youngblood
Driscoll			

NOT VOTING—0

EXCUSED—5

Cruz	Evans	Keller, F.	Simmons
Davidson			

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

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

\* \* \*

The House proceeded to third consideration of **HB 1021, PN 1631**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in matters affecting government units, providing for special standing in constitutional challenges.

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?

Representative Briggs, on the bill.  
Mr. BRIGGS. Thank you, Mr. Speaker.

And on HB 1021, I just have a couple concerns that I wanted to put out there. One is the independent elected Attorney General, I would be concerned that this usurps his authority regarding standing, but also, we tried to address this yesterday in the amendment process. This was something that I voted for in committee but did have concerns with some of my colleagues regarding how the standing process, how the body would enact standing. And the leader, the majority leader, was correct when it came to the House, that it could not be done in a partisan nature, it would require a bipartisan approach through the Bipartisan Management Committee. But I do have a strong concern about the way the Senate handles their process, and that could be a partisan issue. There is not that protection of a bipartisan process, and I think that if a body is going to take standing, I think there should be a little bit of check and balance of how that body decides. So I do not know if I feel comfortable allowing a partisan makeup of their management committee of deciding that the whole body should enact or ask for standing.

So for those two reasons, I am going to oppose HB 1021 and encourage my members, if they want to follow me, to do so as well. Thank you.

The SPEAKER. Let me just see if anybody else wishes to speak, Representative Ecker. Anybody else wish to speak on the bill?

Representative Ecker, on the bill, please.

Mr. ECKER. Thank you, Mr. Speaker.

I rise in support of this legislation, and just to address the good gentleman's concerns, first I will start with his concerns over the Senate side of this. So he correctly stated that it is set up such that in the House the Bipartisan Management Committee gets to decide whether or not we take such action. That requires a bipartisan effort of this body, so that concern is addressed. As far as the Senate is concerned and their ability to enter into these disputes, that is something we should leave up to the Senate to decide as to how they are going to enter these disputes as far as when it comes to their standing discretion.

It is important to note that this bill does not require us to intervene, nor does it require us – when I say "us," it does not require the House or Senate to intervene in these actions and each body could separately intervene if they chose to do so. So when it speaks to just the Senate's ability to intervene, that should be something we leave up to the Senate to decide.

And finally, this does not usurp the Attorney General's discretion to carry out his or her duties as an office to defend the Constitution of a law that is passed. However, it allows us to be a party, if we so choose, to provide our insight and our feedback as to what our body, the House, the people's House, has decided for why that bill is constitutional, or why that law is constitutional.

So I would ask for an affirmative vote on this. Thank you, Mr. Speaker.

The SPEAKER. Yes. Representative Greg Vitali, on the bill.

Mr. VITALI. Would the maker stand for brief interrogation?

The SPEAKER. Representative Ecker, will you please stand for interrogation? Representative Vitali, you may proceed.

Mr. VITALI. And frankly, I have not been following this one too closely. Some vague concerns were raised by staff in caucus, which I probably should have paid a little bit more attention to. But can you provide some instances where in the past, had this bill been enacted, we would have employed this standing?

Mr. ECKER. I cannot say specifically, but I think an example would be where we could intervene and talk about – provide our feedback as a determination over the single-subject rule would be an example of where we would perhaps intervene to provide our feedback as a body as to why we did what we did in that circumstance.

Mr. VITALI. Okay. Could you outline stakeholder support and opposition to this bill that is on the record now?

Mr. ECKER. It is my understanding that we have requested feedback from various stakeholders but have not received any formal response.

Mr. VITALI. So there is no stakeholder feedback either way here?

Mr. ECKER. There is no known opposition in speaking with counsel.

Mr. VITALI. Is there any known support?

Mr. ECKER. The answer is no. We have not gotten any interest one way or the other.

Mr. VITALI. Were any public hearings held on this?

Mr. ECKER. There were not.

Mr. VITALI. Okay. Okay. Thank you.

The SPEAKER. Representative Bryan Cutler, the majority leader, on the bill.

Mr. CUTLER. Thank you, Mr. Speaker.

Mr. Speaker, I commend the good gentleman for putting this bill forward. It really is a fundamental question of legislative

standing. Mr. Speaker, in the current construct, we often spend time litigating the question of standing before the courts. This proposal would specifically enumerate that standing so that we could immediately go to the underlying questions and better utilize taxpayers' resources.

Furthermore, I think that it is a fundamental component of our checks and balances. Anytime that a bill is before the court, I would offer that we as a legislative body should have the opportunity to explain our positions, our thoughts, our debates, our legislative history, and other components of the bill. Therefore, Mr. Speaker, I rise in support of the bill and enshrining this in law so that we can save taxpayer money.

Thank you, Mr. Speaker.

On the question recurring,  
Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—112

Barrar	Gillen	Marshall	Rigby
Benninghoff	Gillespie	Masser	Roae
Bernstine	Gleim	Mehaffie	Rothman
Boback	Gregory	Mentzer	Ryan
Borowicz	Greiner	Metcalfe	Sankey
Brooks	Grove	Metzgar	Saylor
Brown	Hahn	Mihalek	Schemel
Burns	Heffley	Millard	Schmitt
Causer	Helm	Miller, B.	Schroeder
Cook	Hennessey	Mizgorski	Sonney
Cox	Hershey	Moul	Staats
Culver	Hickernell	Murt	Stephens
Cutler	Irvin	Nelson	Struzzi
Day	James	Nesbit	Thomas
DeLozier	Jones	O'Neal	Tobash
DeLuca	Jozwiak	Oberlander	Toepel
Diamond	Kail	Ortitay	Toohil
DiGirolamo	Kaufner	Owlett	Topper
Dowling	Kauffman	Peifer	Walsh
Dunbar	Keefer	Petrarca	Warner
Dush	Keller, M.K.	Pickett	Warren
Ecker	Klunk	Polinchock	Wentling
Emrick	Knowles	Puskaric	Wheeland
Everett	Kulik	Pyle	White
Farry	Lawrence	Quinn	Zimmerman
Fee	Lewis	Rader	
Fritz	Mackenzie	Rapp	Turzai,
Gabler	Mako	Reese	Speaker
Gaydos	Maloney		

NAYS—85

Bizzarro	Fiedler	Kosierowski	Readshaw
Boyle	Fitzgerald	Krueger	Roebuck
Bradford	Flynn	Lee	Rozzi
Briggs	Frankel	Longietti	Sainato
Bullock	Freeman	Madden	Samuelson
Burgos	Gainey	Malagari	Sanchez
Caltagirone	Galloway	Markosek	Sappety
Carroll	Goodman	Matzie	Schlossberg
Cephas	Hanbidge	McCarter	Schweyer
Ciresi	Harkins	McClinton	Shusterman
Comitta	Harrell	McNeill	Sims
Conklin	Harris	Merski	Snyder
Daley	Hohenstein	Miller, D.	Solomon
Davis, A.	Howard	Mullery	Sturla
Davis, T.	Innamorato	Mullins	Ullman
Dawkins	Isaacson	Neilson	Vitali

Deasy	Kenyatta	O'Mara	Webster
DeLissio	Kim	Otten	Wheatley
Delloso	Kinsey	Pashinski	Williams
Dermody	Kirkland	Rabb	Youngblood
Donatucci	Kortz	Ravenstahl	Zabel
Driscoll			

NOT VOTING—0

EXCUSED—5

Cruz	Evans	Keller, F.	Simmons
Davidson			

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

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

\* \* \*

The House proceeded to third consideration of **HB 632, PN 1739**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in miscellaneous provisions, further providing for odometer disclosure requirements.

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?

Representative Rothman, on the bill.  
Mr. ROTHMAN. Mr. Speaker, since I am aware of the rule prohibiting props, I will not hold up the carbon form that is currently used, but instead offer any members to come to my office to view it under glass. This is a great step forward to allowing electronic power of attorney in transfers of automobiles just like we are now using electronic transfers in contracts, leases, and other advancements in modern technology. So welcome to the 21st century, Pennsylvania.

The SPEAKER. Does anybody else wish to speak on the bill?

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—197

Barrar	Flynn	Lewis	Reese
Benninghoff	Frankel	Longiotti	Rigby
Bernstine	Freeman	Mackenzie	Roae
Bizzarro	Fritz	Madden	Roebuck
Boback	Gabler	Mako	Rothman
Borowicz	Gainey	Malagari	Rozzi

Boyle	Galloway	Maloney	Ryan
Bradford	Gaydos	Markosek	Sainato
Briggs	Gillen	Marshall	Samuelson
Brooks	Gillespie	Masser	Sanchez
Brown	Gleim	Matzie	Sankey
Bullock	Goodman	McCarter	Sappy
Burgos	Gregory	McClinton	Saylor
Burns	Greiner	McNeill	Schemel
Caltagirone	Grove	Mehaffie	Schlossberg
Carroll	Hahn	Mentzer	Schmitt
Causer	Hanbidge	Merski	Schroeder
Cephas	Harkins	Metcalfe	Schweyer
Ciresi	Harrell	Metzgar	Shusterman
Comitta	Harris	Mihalek	Sims
Conklin	Heffley	Millard	Snyder
Cook	Helm	Miller, B.	Solomon
Cox	Hennessey	Miller, D.	Sonney
Culver	Hershey	Mizgorski	Staats
Cutler	Hickernell	Moul	Stephens
Daley	Hohenstein	Mullery	Struzzi
Davis, A.	Howard	Mullins	Sturla
Davis, T.	Innamorato	Murt	Thomas
Dawkins	Irvin	Neilson	Tobash
Day	Isaacson	Nelson	Toepel
Deasy	James	Nesbit	Toohil
DeLissio	Jones	O'Mara	Topper
Delloso	Jozwiak	O'Neal	Ullman
Delozier	Kail	Oberlander	Vitali
DeLuca	Kaufner	Ortitay	Walsh
Dermody	Kauffman	Otten	Warner
Diamond	Keefer	Owlett	Warren
DiGirolo	Keller, M.K.	Pashinski	Webster
Donatucci	Kenyatta	Peifer	Wentling
Dowling	Kim	Petrarca	Wheatley
Driscoll	Kinsey	Pickett	Wheeland
Dunbar	Kirkland	Polinchock	White
Dush	Klunk	Puskaric	Williams
Ecker	Knowles	Pyle	Youngblood
Emrick	Kortz	Quinn	Zabel
Everett	Kosierowski	Rabb	Zimmerman
Farry	Krueger	Rader	
Fee	Kulik	Rapp	Turzai,
Fiedler	Lawrence	Ravenstahl	Speaker
Fitzgerald	Lee	Readshaw	

NAYS—0

NOT VOTING—0

EXCUSED—5

Cruz	Evans	Keller, F.	Simmons
Davidson			

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

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

\* \* \*

The House proceeded to third consideration of **HB 1062, PN 1224**, entitled:

An Act repealing the act of July 16, 1941 (P.L.386, No.149), entitled "An act providing for the establishment, construction, operation and maintenance of a mountain ridge road or parkway in the Pocono Mountains through, bordering or accessible to the counties of Monroe, Northampton, Carbon, Luzerne, Lackawanna, Wayne and Pike, to be known as the "Pocono Mountain Memorial Parkway"; providing for the creation of the Pennsylvania Parkway Commission, and conferring

powers, and imposing duties on said commission; authorizing the issuance of parkway revenue bonds of the Commonwealth, payable solely from tolls, to pay the cost of such parkway; providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act; providing for the collection of tolls for the payment of such bonds and for the cost of maintenance, operation and repair of the parkway; making such bonds exempt from taxation; constituting such bonds legal investments in certain instances; prescribing conditions upon which such parkway shall become free; providing for condemnation; granting certain powers and authority to municipal subdivisions and other agencies of the Commonwealth to cooperate with the commission; conferring powers and imposing duties on the Department of Highways and authorizing the issuance of parkway revenue refunding bonds."

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—197

Barrar	Flynn	Lewis	Reese
Benninghoff	Frankel	Longiotti	Rigby
Bernstine	Freeman	Mackenzie	Roae
Bizzarro	Fritz	Madden	Roebuck
Boback	Gabler	Mako	Rothman
Borowicz	Gainey	Malagari	Rozzi
Boyle	Galloway	Maloney	Ryan
Bradford	Gaydos	Markosek	Sainato
Briggs	Gillen	Marshall	Samuelson
Brooks	Gillespie	Masser	Sanchez
Brown	Gleim	Matzie	Sankey
Bullock	Goodman	McCarter	Sappey
Burgos	Gregory	McClinton	Saylor
Burns	Greiner	McNeill	Schemel
Caltagirone	Grove	Mehaffie	Schlossberg
Carroll	Hahn	Mentzer	Schmitt
Causar	Hanbidge	Merski	Schroeder
Cephas	Harkins	Metcalfe	Schweyer
Ciresi	Harrell	Metzgar	Shusterman
Comitta	Harris	Mihalek	Sims
Conklin	Heffley	Millard	Snyder
Cook	Helm	Miller, B.	Solomon
Cox	Hennessey	Miller, D.	Sonney
Culver	Hershey	Mizgorski	Staats
Cutler	Hickernell	Moul	Stephens
Daley	Hohenstein	Mullery	Struzzi
Davis, A.	Howard	Mullins	Sturla
Davis, T.	Innamorato	Murt	Thomas
Dawkins	Irvin	Neilson	Tobash
Day	Isaacson	Nelson	Toepel
Deasy	James	Nesbit	Toohil
DeLissio	Jones	O'Mara	Topper
Delloso	Jozwiak	O'Neal	Ullman
Delozier	Kail	Oberlander	Vitali
DeLuca	Kaufman	Ortitay	Walsh
Dermody	Kauffman	Otten	Warner
Diamond	Keefer	Owlett	Warren
DiGirolamo	Keller, M.K.	Pashinski	Webster
Donatucci	Kenyatta	Peifer	Wentling
Dowling	Kim	Petrarca	Wheatley
Driscoll	Kinsey	Pickett	Wheeler
Dunbar	Kirkland	Polinchock	White

Dush	Klunk	Puskaric	Williams
Ecker	Knowles	Pyle	Youngblood
Emrick	Kortz	Quinn	Zabel
Everett	Kosierowski	Rabb	Zimmerman
Farry	Krueger	Rader	
Fee	Kulik	Rapp	Turzai,
Fiedler	Lawrence	Ravenstahl	Speaker
Fitzgerald	Lee	Readshaw	

NAYS—0

NOT VOTING—0

EXCUSED—5

Cruz	Evans	Keller, F.	Simmons
Davidson			

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

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

\* \* \*

The House proceeded to third consideration of **HB 1092, PN 1326**, entitled:

An Act repealing the act of January 14, 1951 (1952 P.L.2046, No.577), entitled "An act authorizing the Department of Highways to erect and maintain toll bridges over the Susquehanna River at certain points, and to provide the necessary approaches and connections with State highways; empowering counties to pay certain damages; providing for the collection of tolls; and making an appropriation."

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—197

Barrar	Flynn	Lewis	Reese
Benninghoff	Frankel	Longiotti	Rigby
Bernstine	Freeman	Mackenzie	Roae
Bizzarro	Fritz	Madden	Roebuck
Boback	Gabler	Mako	Rothman
Borowicz	Gainey	Malagari	Rozzi
Boyle	Galloway	Maloney	Ryan
Bradford	Gaydos	Markosek	Sainato
Briggs	Gillen	Marshall	Samuelson
Brooks	Gillespie	Masser	Sanchez
Brown	Gleim	Matzie	Sankey
Bullock	Goodman	McCarter	Sappey
Burgos	Gregory	McClinton	Saylor
Burns	Greiner	McNeill	Schemel
Caltagirone	Grove	Mehaffie	Schlossberg
Carroll	Hahn	Mentzer	Schmitt

Causer	Hanbidge	Merski	Schroeder
Cephas	Harkins	Metcalfe	Schweyer
Ciresi	Harrell	Metzgar	Shusterman
Comitta	Harris	Mihalek	Sims
Conklin	Heffley	Millard	Snyder
Cook	Helm	Miller, B.	Solomon
Cox	Hennessey	Miller, D.	Sonney
Culver	Hershey	Mizgorski	Staats
Cutler	Hickernell	Moul	Stephens
Daley	Hohenstein	Mullery	Struzzi
Davis, A.	Howard	Mullins	Sturla
Davis, T.	Innamorato	Murt	Thomas
Dawkins	Irvin	Neilson	Tobash
Day	Isaacson	Nelson	Toepel
Deasy	James	Nesbit	Toohil
DeLissio	Jones	O'Mara	Topper
Delloso	Jozwiak	O'Neal	Ullman
Delozier	Kail	Oberlander	Vitali
DeLuca	Kaufner	Ortitay	Walsh
Dermody	Kauffman	Otten	Warner
Diamond	Keefer	Owlett	Warren
DiGirolamo	Keller, M.K.	Pashinski	Webster
Donatucci	Kenyatta	Peifer	Wentling
Dowling	Kim	Petrarca	Wheatley
Driscoll	Kinsey	Pickett	Wheeland
Dunbar	Kirkland	Polinchock	White
Dush	Klunk	Puskaric	Williams
Ecker	Knowles	Pyle	Youngblood
Emrick	Kortz	Quinn	Zabel
Everett	Kosierowski	Rabb	Zimmerman
Farry	Krueger	Rader	
Fee	Kulik	Rapp	Turzai,
Fiedler	Lawrence	Ravenstahl	Speaker
Fitzgerald	Lee	Readshaw	

NAYS-0

NOT VOTING-0

EXCUSED-5

Cruz	Evans	Keller, F.	Simmons
Davidson			

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

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

\* \* \*

The House proceeded to third consideration of **HB 1305, PN 1525**, entitled:

An Act repealing the act of April 2, 1963 (P.L.16, No.14), entitled "An act authorizing the Department of Highways, with the approval of the Governor, to construct a highway, and to erect and maintain a bridge over the Kiskiminetas River in Westmoreland and Armstrong Counties, and to provide the necessary approaches and connections with State highways; empowering counties to pay certain damages; and making an appropriation therefor."

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-197

Barrar	Flynn	Lewis	Reese
Benninghoff	Frankel	Longietti	Rigby
Bernstine	Freeman	Mackenzie	Roae
Bizzarro	Fritz	Madden	Roebuck
Boback	Gabler	Mako	Rothman
Borowicz	Gainey	Malagari	Rozzi
Boyle	Galloway	Maloney	Ryan
Bradford	Gaydos	Markosek	Sainato
Briggs	Gillen	Marshall	Samuelson
Brooks	Gillespie	Masser	Sanchez
Brown	Gleim	Matzie	Sankey
Bullock	Goodman	McCarter	Sappery
Burgos	Gregory	McClinton	Saylor
Burns	Greiner	McNeill	Schemel
Caltagirone	Grove	Mehaffie	Schlossberg
Carroll	Hahn	Mentzer	Schmitt
Causer	Hanbidge	Merski	Schroeder
Cephas	Harkins	Metcalfe	Schweyer
Ciresi	Harrell	Metzgar	Shusterman
Comitta	Harris	Mihalek	Sims
Conklin	Heffley	Millard	Snyder
Cook	Helm	Miller, B.	Solomon
Cox	Hennessey	Miller, D.	Sonney
Culver	Hershey	Mizgorski	Staats
Cutler	Hickernell	Moul	Stephens
Daley	Hohenstein	Mullery	Struzzi
Davis, A.	Howard	Mullins	Sturla
Davis, T.	Innamorato	Murt	Thomas
Dawkins	Irvin	Neilson	Tobash
Day	Isaacson	Nelson	Toepel
Deasy	James	Nesbit	Toohil
DeLissio	Jones	O'Mara	Topper
Delloso	Jozwiak	O'Neal	Ullman
Delozier	Kail	Oberlander	Vitali
DeLuca	Kaufner	Ortitay	Walsh
Dermody	Kauffman	Otten	Warner
Diamond	Keefer	Owlett	Warren
DiGirolamo	Keller, M.K.	Pashinski	Webster
Donatucci	Kenyatta	Peifer	Wentling
Dowling	Kim	Petrarca	Wheatley
Driscoll	Kinsey	Pickett	Wheeland
Dunbar	Kirkland	Polinchock	White
Dush	Klunk	Puskaric	Williams
Ecker	Knowles	Pyle	Youngblood
Emrick	Kortz	Quinn	Zabel
Everett	Kosierowski	Rabb	Zimmerman
Farry	Krueger	Rader	
Fee	Kulik	Rapp	Turzai,
Fiedler	Lawrence	Ravenstahl	Speaker
Fitzgerald	Lee	Readshaw	

NAYS-0

NOT VOTING-0

EXCUSED-5

Cruz	Evans	Keller, F.	Simmons
Davidson			

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

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

### ANNOUNCEMENT BY MS. O'MARA

The SPEAKER. Representative O'Mara is recognized on unanimous consent.

Ms. O'MARA. Thank you, Mr. Speaker.

I wanted to announce that the southeast delegation will be meeting tomorrow at 10 a.m. in Chairman Sturla's office, which is 414 Main Capitol; southeast delegation, tomorrow at 10 a.m. Thank you.

The SPEAKER. Yes. Thank you, Representative O'Mara.

### FINANCE COMMITTEE MEETING

The SPEAKER. Representative Mike Peifer, I believe, for a committee announcement.

Mr. PEIFER. Thank you, Mr. Speaker.

And for sure, we are going to have a Finance Committee meeting in the Ryan Office Building immediately, in room 205.

Thank you, Mr. Speaker.

The SPEAKER. Thank you, sir.

There will be a Finance Committee meeting in room 205, Ryan Office Building, immediately.

### CALENDAR CONTINUED

#### BILL PASSED OVER

The SPEAKER. Representative Fritz had originally had HB 827. We are going over that bill till tomorrow. HB 827, we are going over that till tomorrow.

### VOTE CORRECTION

The SPEAKER. Representative Chris Rabb, I think, wanted to be recognized on unanimous consent.

Mr. RABB. Yes. Thank you, Mr. Speaker.

My button malfunctioned on the vote on germaneness for Representative Bizzarro's amendment, 01143. I would like to be shown in the affirmative.

The SPEAKER. Yes, the record will so reflect.

Does anybody else wish to be recognized? Okay. I am going to do some housekeeping.

Representative Dawkins, and I think somebody else who has a resolution today too, given the lateness of the hour, we are going to do those tomorrow. We will do them tomorrow. Okay. Thank you. We will get it right after the break.

### REMARKS SUBMITTED FOR THE RECORD

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

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

Mr. Speaker, I would like to read to the members of the House of Representatives the following citation of merit honoring Ryan Edward Doyle.

Whereas, Ryan Edward Doyle earned the Eagle Award in Scouting. This is the highest award that Boy Scouts can bestow and as such represents great sacrifice and tremendous effort on the part of this young man. Ryan is a member of Troop 210.

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

### BILLS RECOMMITTED

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

HB 68;  
HB 196;  
HB 423;  
HB 1166;  
HB 1281; and  
SB 115.

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

### BILLS REMOVED FROM TABLE

The SPEAKER. The majority leader moves that the following bills be removed from the tabled calendar and placed on the active calendar:

HB 321;  
HB 375;  
HB 615;  
HB 917;  
HB 1077;  
HB 1237; and  
HB 1324.

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

**BILL ON SECOND CONSIDERATION**

The House proceeded to second consideration of **HB 785, PN 856**, entitled:

An Act amending the act of July 23, 1970 (P.L.563, No.195), known as the Public Employe Relations Act, further providing for definitions; in employee rights, providing for payments to employee organizations; and making related repeals.

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

**BILL TABLED**

The SPEAKER. The majority leader moves that HB 785 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 majority leader moves that HB 785 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.

**RESOLUTION**

Mr. CUTLER called up **HR 147, PN 890**, entitled:

A Resolution directing the Joint State Government Commission to conduct a comprehensive review of unused properties, buildings and facilities owned by the Commonwealth and how to repurpose those properties, buildings and facilities for use as facilities appropriate for addiction treatment and recovery supports and to issue a report.

On the question,  
Will the House adopt the resolution?

**RESOLUTION TABLED**

The SPEAKER. The majority leader moves that HR 147 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 majority leader moves that HR 147 be removed from the tabled calendar and placed on the active calendar.

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

**BILLS AND RESOLUTIONS PASSED OVER**

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

**ADJOURNMENT**

The SPEAKER. The good Representative Galloway, Representative Galloway moves that the House be adjourned until Wednesday, May 8, 2019, 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 5:17 p.m., e.d.t., the House adjourned.