

# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

MONDAY, JANUARY 24, 2022

SESSION OF 2022

206TH OF THE GENERAL ASSEMBLY

No. 5

### HOUSE OF REPRESENTATIVES

The House convened at 12 m., e.s.t.

**THE SPEAKER (BRYAN CUTLER)  
PRESIDING**

#### PRAYER

HON. REGINA G. YOUNG, member of the House of Representatives, offered the following prayer:

Lord, thank You for allowing us this day to work. I pray that we, as individuals and as a body, take time to reflect on our purpose. I pray that we are reminded that we are charged with the responsibility to tap into our moral compasses. We are each elected to represent people – people with families, people with responsibilities, and people who are counting on us to make decisions that can help ease their concerns and frustrations. Let us be mindful that people in our Commonwealth would like for us to, as a collective, keep their interests as a priority instead of focusing on red and blue lines. Humanity matters. Our collective interest should be what is best for the people, not party lines. Our collective interest should be what is best for families, not party lines.

Lord, we need Your help like never before. We need You to infiltrate our hearts, our minds, and our conscience like never before. Help us to focus on what brings people together rather than what divides us. If we are unable to do so, make us so uncomfortable that we will have to be removed if we cannot fulfill our elected duties. Yes, accountability is still prevalent in government and in humanity. Guide our hearts and our hands.

In your name, Jesus, I pray. Amen.

#### PLEDGE OF ALLEGIANCE

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

#### JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, the approval of the Journal of Wednesday, January 12, 2022, will be postponed until printed.

### JOURNALS APPROVED

The SPEAKER. However, the following Journals are in print and, without objection, will be approved: Wednesday, October 27, 2021, and Monday, November 8, 2021.

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

**HB 19, PN 2639** (Amended) By Rep. HICKERNELL

An Act amending the act of December 20, 1985 (P.L.457, No.112), known as the Medical Practice Act of 1985, further providing for definitions, for respiratory therapists, for perfusionist, for genetic counselor and for prosthetists, orthotists, pedorthists and orthotic fitters; providing for behavior analysts and assistant behavior analysts; and further providing for licenses and certificates and general qualification.

#### PROFESSIONAL LICENSURE.

**HB 1328, PN 2641** (Amended) By Rep. HICKERNELL

An Act amending the act of May 26, 1947 (P.L.318, No.140), known as the CPA Law, further providing for general powers of the board, for requirements for issuance of certificate, for peer review and for unlawful acts.

#### PROFESSIONAL LICENSURE.

**HB 1330, PN 2643** (Amended) By Rep. SONNEY

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, providing for supplemental online course initiative; and establishing the Online Course Clearinghouse Restricted Account.

#### EDUCATION.

**HB 1440, PN 2642** (Amended) By Rep. HICKERNELL

An Act amending the act of December 20, 1985 (P.L.457, No.112), known as the Medical Practice Act of 1985, further providing for definitions, for respiratory therapists, for perfusionist, for genetic counselor and for prosthetists, orthotists, pedorthists and orthotic fitters; providing for medical imaging professionals, radiation therapists and radiologist assistants; further providing for licenses and certificates and general qualification; repealing provisions relating to radiologic procedures and education and training required; and making related and inconsistent repeals.

#### PROFESSIONAL LICENSURE.

**HB 1862, PN 2108**

By Rep. HICKERNELL

An Act amending the act of December 20, 1985 (P.L.457, No.112), known as the Medical Practice Act of 1985, further providing for institutional license; and abrogating a related regulation.

PROFESSIONAL LICENSURE.

**HB 1867, PN 2112**

By Rep. BOBACK

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, providing for military-connected students.

VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS.

**HB 1962, PN 2249**

By Rep. BOBACK

An Act amending Title 35 (Health and Safety) of the Pennsylvania Consolidated Statutes, in 911 emergency communication services, further providing for telecommunications management.

VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS.

**HB 2096, PN 2435**

By Rep. BOBACK

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, in decorations, medals, badges and awards, further providing for authorized decorations, medals, badges and awards.

VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS.

**SB 739, PN 1089**

By Rep. BOBACK

An Act amending Title 35 (Health and Safety) of the Pennsylvania Consolidated Statutes, in Commonwealth services, further providing for definitions and for assistance to fire companies and EMS companies.

VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS.

### RESOLUTIONS REPORTED FROM COMMITTEES

**HR 129, PN 2640 (Amended)**

By Rep. BOBACK

A Concurrent Resolution establishing the Task Force on Women Veterans' Health Care within the Joint State Government Commission.

VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS.

**HR 163, PN 2470**

By Rep. SONEY

A Resolution directing the Joint State Government Commission to establish an advisory committee to conduct a study on training mandates on public school entities.

EDUCATION.

**HR 166, PN 2670**

By Rep. BOBACK

A Resolution urging the State Council on Interstate Educational Opportunity for Military Children and the Military Interstate Children's Compact Commission to expand eligibility in the Interstate Compact on Educational Opportunity for Military Children to members of the National Guard and Reserve who are not or did not serve on active duty.

VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS.

### HOUSE RESOLUTIONS INTRODUCED AND REFERRED

**No. 168** By Representatives BULLOCK, LEE, HILL-EVANS, SANCHEZ, DELLOSO, JOZWIAK, BENHAM, MADDEN, MERSKI, RABB, SAINATO, McCLINTON, KINSEY, SAPPEY, SCHLOSSBERG, HOHENSTEIN, GUENST, LONGIETTI, VITALI, FREEMAN, MALAGARI, D. MILLER, KENYATTA, BURNS, ISAACSON, T. DAVIS, McNEILL, PARKER, DeLUCA, A. DAVIS, KIRKLAND, SOLOMON, N. NELSON, SAMUELSON, NEILSON, D. WILLIAMS, BURGOS, SIMS, HARRIS, MENTZER, FITZGERALD, O'MARA, GUZMAN, CEPHAS and CIRESI

A Resolution honoring the life and legacy of Dr. Martin Luther King, Jr., and recognizing January 17, 2022, as "Martin Luther King, Jr., Day" and as a day of service in Pennsylvania.

Referred to Committee on STATE GOVERNMENT, January 20, 2022.

**No. 169** By Representatives BULLOCK, LEE, HILL-EVANS, ISAACSON, MADDEN, VITALI, KINSEY, N. NELSON, HENNESSEY, McCLINTON, BOYLE, FRANKEL, PARKER, McNEILL, HOHENSTEIN, A. DAVIS, SAMUELSON, SANCHEZ, HARKINS, SAPPEY, LONGIETTI, GUENST, KIRKLAND, SCHLOSSBERG, DELLOSO, DeLUCA, R. BROWN, MENTZER, NEILSON, D. WILLIAMS, KENYATTA, BURGOS, ZABEL, SIMS, HARRIS, JONES, WELBY, FITZGERALD, O'MARA, GUZMAN, WARREN, CEPHAS and CIRESI

A Resolution recognizing the month of February 2022 as "Black History Month" in Pennsylvania.

Referred to Committee on STATE GOVERNMENT, January 20, 2022.

### HOUSE BILLS INTRODUCED AND REFERRED

**No. 2245** By Representatives MIHALEK, RYAN, LEWIS, KAIL, KERWIN, COX, PENNYCUICK, M. MACKENZIE, BERNSTINE, COOK, MERCURI and ROWE

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, establishing the Pandemic Relief Grant Program and the COVID-State Fiscal Recovery Restricted Account; and imposing powers and duties on the State Treasurer.

Referred to Committee on EDUCATION, January 14, 2022.

**No. 2246** By Representatives SANKEY, KAUFFMAN, RYAN, KINSEY, ROAE, HILL-EVANS, SONNEY, BURGOS, LONGIETTI, SCHMITT, JAMES, CAUSER, KNOWLES, STAATS, METZGAR, COX, BERNSTINE, MILLARD, GILLEN, JOZWIAK, MOUL, WARNER, STRUZZI, MARSHALL, DAVANZO, NEILSON, SMITH and BOROWICZ

An Act designating a bridge, identified as Bridge Key 11802, carrying State Route 3008 over Clearfield Creek, Beccaria Township, Clearfield County, as the Corporal Cecil J. Snyder Memorial Bridge.

Referred to Committee on TRANSPORTATION, January 14, 2022.

**No. 2247** By Representatives YOUNG, MERSKI, SANCHEZ, D. WILLIAMS, SCHLOSSBERG, GUZMAN, GUENST, CIRESI, MALAGARI, HILL-EVANS, DEASY, SIMS, PARKER and N. NELSON

An Act establishing the Pennsylvania Teacher Loan Forgiveness Program.

Referred to Committee on EDUCATION, January 14, 2022.

**No. 2248** By Representatives YOUNG, HILL-EVANS, N. NELSON, HOHENSTEIN, D. WILLIAMS, SCHLOSSBERG, SANCHEZ, McNEILL, T. DAVIS, WEBSTER, MADDEN, INNAMORATO and WARREN

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 mail-in ballots.

Referred to Committee on STATE GOVERNMENT, January 14, 2022.

**No. 2249** By Representatives YOUNG, N. NELSON, HOHENSTEIN, D. WILLIAMS, SCHLOSSBERG, SANCHEZ, T. DAVIS, WEBSTER, MADDEN, INNAMORATO, FREEMAN, GUENST and WARREN

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 mail-in ballots.

Referred to Committee on STATE GOVERNMENT, January 14, 2022.

**No. 2250** By Representatives YOUNG, N. NELSON, HOHENSTEIN, D. WILLIAMS, KINSEY, SCHLOSSBERG, SANCHEZ, T. DAVIS, WEBSTER, MADDEN, INNAMORATO, GUENST, CIRESI, DEASY and PARKER

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 mail-in ballots.

Referred to Committee on STATE GOVERNMENT, January 14, 2022.

**No. 2251** By Representatives KIM, KINSEY, GALLOWAY, SOLOMON, HERRIN and O'MARA

An Act amending the act of January 10, 1968 (1967 P.L.925, No.417), entitled "An act relating to officers and employes of the General Assembly; fixing the number, qualifications, compensation, mileage and duties of the officers and employes of the Senate and of the House of Representatives; providing for their election or appointment, term of office, or of service, removal and manner of filling vacancies; fixing the salary of the Director of the Legislative Reference Bureau; providing for compilation of lists of employes," providing for electronic posting of expenses.

Referred to Committee on STATE GOVERNMENT, January 14, 2022.

**No. 2252** By Representatives OBERLANDER, KAUFFMAN, PICKETT, STAMBAUGH, HAMM, GREINER, BERNSTINE, RYAN, ROTHMAN, METCALFE, KERWIN, PENNYCUICK, ROAE, JOZWIAK, BROOKS, DIAMOND, MAJOR, ROSSI, B. MILLER, GLEIM, KLUNK, WHEELAND, M. MACKENZIE, E. NELSON, RIGBY, SAYLOR, JAMES, STRUZZI, DAVANZO, COX, O'NEAL, FEE, HICKERNELL, KEEFER, OWLETT, CAUSER, RAPP, SCHEMEL, FRITZ, KAIL, GROVE, CUTLER, HERSHEY, SMITH, MOUL, BOROWICZ, KNOWLES, SCHLEGEL CULVER, TOPPER, HELM, ROWE, STAATS, MALONEY, COOK, SILVIS, BOBACK, ZIMMERMAN, TWARDZIK, WENTLING, ECKER, FLOOD, MARSHALL, MUSTELLO and ARMANINI

A Joint Resolution proposing an amendment to the Constitution of Pennsylvania, providing that there is no right to abortion or funding for an abortion.

Referred to Committee on HEALTH, January 20, 2022.

**No. 2253** By Representatives KNOWLES, JAMES, MOUL, FREEMAN and SAPPEY

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, in general provisions, further providing for scope of subchapter, providing for definitions, further providing for establishment and designation, providing for emergency meetings by authorized telecommunications device, repealing provisions relating to exercise of powers and functions, further providing for declaration of policy and for definitions, repealing provisions relating to enabling authority for emergency interim successors for local offices, further providing for emergency interim successors for local officers and for succession period and repealing provisions relating to term and removal of designees.

Referred to Committee on LOCAL GOVERNMENT, January 14, 2022.

**No. 2254** By Representatives JAMES, MOUL, KNOWLES, FREEMAN and SAPPEY

An Act amending Title 11 (Cities) of the Pennsylvania Consolidated Statutes, providing for city classification; making a related repeal; and making editorial changes.

Referred to Committee on LOCAL GOVERNMENT, January 14, 2022.

**No. 2255** By Representatives POLINCHOCK, MOUL, BERNSTINE, SCHLEGEL CULVER, DRISCOLL, ECKER, KEEFER, KINSEY, PICKETT and RYAN

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in miscellaneous provisions relating to institutions of higher education, prohibiting scholarship displacement at public institutions of higher education under certain circumstances.

Referred to Committee on EDUCATION, January 20, 2022.

**No. 2256** By Representatives KENYATTA, BULLOCK, RABB, SANCHEZ, HILL-EVANS, STURLA, KINSEY, SCHLOSSBERG, D. WILLIAMS, N. NELSON, CIRESI, MADDEN, INNAMORATO, PARKER, SIMS, A. DAVIS, FRANKEL and BURGOS

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, in powers and duties of the Department of Environmental Resources, its officers and departmental and advisory boards and commissions, providing for Office of Environmental Justice.

Referred to Committee on ENVIRONMENTAL RESOURCES AND ENERGY, January 20, 2022.

**No. 2257** By Representatives KENYATTA, SHUSTERMAN, GUENST, GALLOWAY, HILL-EVANS, BENHAM, SCHLOSSBERG, KINSEY, SAMUELSON, FREEMAN, SANCHEZ, HOWARD, ISAACSON, PARKER, MADDEN, O'MARA, NEILSON, GUZMAN, CIRESI, ZABEL, McNEILL, D. WILLIAMS, FITZGERALD, LEE and DRISCOLL

An Act providing for protection of certain personal data of consumers; imposing duties on controllers and processors of personal data of consumers; providing for enforcement; prescribing penalties; and establishing the Consumer Privacy Fund.

Referred to Committee on CONSUMER AFFAIRS, January 20, 2022.

**No. 2258** By Representatives WARNER, R. BROWN, KEEFER, M. MACKENZIE, MILLARD and RYAN

An Act amending the act of February 22, 1855 (P.L.46, No.50), entitled "An act to incorporate the Farmers' High School of Pennsylvania," further providing for management by board of trustees, for membership of board of trustees, name and style of board and power of board to take and dispose of property and for first meeting of trustees, term of office and election to choose successors.

Referred to Committee on EDUCATION, January 20, 2022.

**No. 2259** By Representatives WARNER, BERNSTINE, GROVE, KAUFFMAN, KERWIN, M. MACKENZIE, MILLARD, B. MILLER, MOUL, ROSSI, RYAN, ZIMMERMAN, E. NELSON and MAJOR

An Act amending the act of February 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law, in preliminary provisions, further providing for definitions; in procedure, further providing for exceptions for public records; and, in State-related institutions, further providing for definition, for reporting, for contents of report and for copies and posting.

Referred to Committee on STATE GOVERNMENT, January 20, 2022.

**No. 2260** By Representatives E. NELSON, B. MILLER, PICKETT, WENTLING, RYAN, JOZWIAK, KAUFFMAN, GILLEN, COX, STAATS, R. BROWN, DeLUCA and KEEFER

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, in restructuring of electric utility industry, further providing for definitions and for duties of electric distribution companies and providing for duties of public utilities.

Referred to Committee on CONSUMER AFFAIRS, January 21, 2022.

**No. 2261** By Representatives SANCHEZ, SCHLOSSBERG, D. WILLIAMS, BURGOS, HANBIDGE, MADDEN, DELLOSO, ZABEL, SAPPEY, CIRESI, MALAGARI, O'MARA, WARREN, HERRIN, GUENST, HILL-EVANS, HOWARD, N. NELSON, CURRY, T. DAVIS, STURLA, SHUSTERMAN, KRUEGER, OTTEN and WEBSTER

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, in dates of elections and primaries and special elections, further providing for elections on proposed constitutional amendments.

Referred to Committee on STATE GOVERNMENT, January 21, 2022.

**No. 2262** By Representatives RIGBY, HILL-EVANS, STAMBAUGH, SCHMITT, T. DAVIS, THOMAS, SCHLOSSBERG, CAUSER, FARRY and NEILSON

An Act amending the act of June 24, 1976 (P.L.424, No.101), referred to as the Emergency and Law Enforcement Personnel Death Benefits Act, further providing for title of act; and adding provisions relating to telecommunicators.

Referred to Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, January 21, 2022.

**No. 2263** By Representatives RIGBY, HILL-EVANS, RYAN, ROZZI, SILVIS, SMITH, METZGAR, SCHMITT, DELLOSO, SOLOMON, HOHENSTEIN, MILLARD, M. MACKENZIE, KAUFFMAN, ROTHMAN, KINSEY, BOBACK, JOZWIAK, MOUL, DAVANZO, CAUSER, STAATS, COX, STRUZZI and GILLEN

An Act designating a bridge, identified as Bridge Key 41673, carrying Oakridge Drive (State Route 3102) over U.S. 219 in Richland Township, Cambria County, as the Cambria County Vietnam Veterans Memorial Bridge.

Referred to Committee on TRANSPORTATION, January 21, 2022.

**No. 2264** By Representatives INNAMORATO, STRUZZI, BENHAM, SCHLOSSBERG, HOHENSTEIN, SANCHEZ, KENYATTA, ZABEL, SIMS, GALLOWAY, GUZMAN, CEPHAS, KRAJEWSKI, ISAACSON and FRANKEL

An Act amending the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act, further providing for the definition of "drug paraphernalia" and for prohibited acts and penalties.

Referred to Committee on JUDICIARY, January 21, 2022.

**No. 2265** By Representatives JAMES, MOUL, RYAN and ZIMMERMAN

An Act amending Title 64 (Public Authorities and Quasi-Public Corporations) of the Pennsylvania Consolidated Statutes, in Pennsylvania Industrial Development Authority, further providing for certification of economic development organizations and providing for annual report.

Referred to Committee on COMMERCE, January 21, 2022.

**No. 2266** By Representatives O'MARA, C. WILLIAMS, HILL-EVANS, STEPHENS, SHUSTERMAN, SAPPEY, RYAN, McNEILL, HOHENSTEIN, M. MACKENZIE, SCHLOSSBERG, D. WILLIAMS, RABB, N. NELSON, SANCHEZ, T. DAVIS, R. BROWN, DELLOSO, D. MILLER, WARREN, R. MACKENZIE, PISCIOTTANO, HOWARD, BURGOS, MADDEN, SCHLEGEL CULVER, ISAACSON, BIZZARRO, HARKINS, SCHWEYER, KOSIEROWSKI, KINSEY, HENNESSEY, FITZGERALD, WELBY, GUENST, VITALI and KIM

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, providing for the Veterans' Suicide Memorial Commission.

Referred to Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, January 21, 2022.

**No. 2267** By Representatives LAWRENCE, R. BROWN, SCHLEGEL CULVER, JAMES, JOZWIAK, NEILSON, ROZZI, RYAN, SCHMITT and SHUSTERMAN

An Act amending the act of December 16, 1986 (P.L.1646, No.188), known as the Chiropractic Practice Act, providing for certified chiropractic assistants; in supportive personnel, further providing for supportive personnel; and making editorial changes.

Referred to Committee on PROFESSIONAL LICENSURE, January 21, 2022.

**No. 2268** By Representatives ECKER, HILL-EVANS, RIGBY, RYAN, PICKETT, ROAE, C. WILLIAMS, HAMM, MOUL, BERNSTINE, WARNER, JONES, DAVANZO, OBERLANDER, DeLUCA, ZIMMERMAN, KEEFER, MALAGARI, SCHLEGEL CULVER, SAYLOR and STRUZZI

An Act amending the act of October 24, 2012 (P.L.1209, No.151), known as the Child Labor Act, further providing for minors serving in volunteer emergency service organizations.

Referred to Committee on LABOR AND INDUSTRY, January 21, 2022.

**No. 2269** By Representatives KEEFER, GLEIM, RYAN, HAMM, BERNSTINE, COX, GROVE, DELOZIER, ZIMMERMAN, MOUL and CIRESI

An Act amending Title 62 (Procurement) of the Pennsylvania Consolidated Statutes, in source selection and contract formation, further providing for debarment or suspension.

Referred to Committee on STATE GOVERNMENT, January 21, 2022.

**No. 2270** By Representatives KEEFER, GLEIM, RYAN, ROTHMAN, KAUFFMAN, BERNSTINE, HAMM, ZIMMERMAN, MILLARD and RAPP

An Act prohibiting Commonwealth entities from expending certain funds on association dues.

Referred to Committee on STATE GOVERNMENT, January 21, 2022.

**No. 2271** By Representatives TOMLINSON, RYAN, THOMAS, PICKETT, MILLARD, BERNSTINE, C. WILLIAMS, GUENST, HELM, ROZZI, BOBACK, JAMES, CIRESI, MOUL, TOPPER, STAATS, SCHLEGEL CULVER, FARRY, ROSSI, STRUZZI and GILLEN

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in sexual offenses, further providing for the offense of sexual extortion.

Referred to Committee on JUDICIARY, January 21, 2022.

**No. 2272** By Representatives MIHALEK, BERNSTINE, COOK, DUNBAR, ECKER, GAYDOS, HAMM, JONES, KAUFFMAN, KEEFER, MAJOR, MENTZER, MERCURI, METZGAR, MUSTELLO, O'NEAL, ORTITAY, RIGBY, ROWE, RYAN, SANKEY, SAYLOR, SMITH, STAATS, TOPPER and WARNER

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, prohibiting the Commonwealth from manufacturing or selling liquor.

Referred to Committee on LIQUOR CONTROL, January 21, 2022.

**No. 2273** By Representatives GLEIM, HAMM, ROTHMAN, RYAN, KEEFER, SAYLOR, ZIMMERMAN and MOUL

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in the State Board of Education, further providing for definitions and providing for academic standards review; and making editorial changes.

Referred to Committee on EDUCATION, January 24, 2022.

**No. 2274** By Representatives C. WILLIAMS, MIZGORSKI, RYAN, STAATS, SAPPEY, PICKETT, SILVIS, ROWE, DeLUCA, NEILSON and MOUL

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, in tax amnesty program for fiscal year 2009-2010, further providing for establishment of program; in tax amnesty program for fiscal year 2016-2017, further providing for establishment of program; and providing for 2021 tax penalty forgiveness program.

Referred to Committee on FINANCE, January 24, 2022.

**No. 2275** By Representatives WHITE, C. WILLIAMS, KAUFFMAN, ROTHMAN, GROVE, STAATS, QUINN, NEILSON, FLOOD, SAYLOR, GILLEN, BERNSTINE, MOUL, ZIMMERMAN and KEEFER

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in firearms and other dangerous articles, further providing for persons not to possess, use, manufacture, control, sell or transfer firearms.

Referred to Committee on JUDICIARY, January 24, 2022.

**No. 2276** By Representatives MIHALEK, METCALFE, RYAN, HENNESSEY, JAMES, COOK, DeLUCA, R. BROWN, M. MACKENZIE, BERNSTINE, WHITE, DELOZIER, PENNYCUICK, GILLEN, SMITH, SIMS, ZIMMERMAN, MIZGORSKI, KAIL, JOZWIAK, MILLARD, HELM, PICKETT, SNYDER, ROTHMAN, JONES, ARMANINI, HAMM, CIRESI, O'NEAL, FRITZ, MAJOR and WENTLING

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in offenses against the family, further providing for concealing death of child.

Referred to Committee on JUDICIARY, January 24, 2022.

### SENATE BILLS FOR CONCURRENCE

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

#### **SB 272, PN 254**

Referred to Committee on GAME AND FISHERIES, January 21, 2022.

#### **SB 450, PN 1227**

Referred to Committee on AGRICULTURE AND RURAL AFFAIRS, January 21, 2022.

#### **SB 482, PN 1185**

Referred to Committee on STATE GOVERNMENT, January 21, 2022.

#### **SB 696, PN 1330**

Referred to Committee on STATE GOVERNMENT, January 21, 2022.

#### **SB 726, PN 1326**

Referred to Committee on JUDICIARY, January 21, 2022.

#### **SB 818, PN 1327**

Referred to Committee on HEALTH, January 21, 2022.

#### **SB 861, PN 1072**

Referred to Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, January 24, 2022.

### RESIGNATION OF MEMBER

The SPEAKER. The Speaker is in receipt of a communication from Representative Wheatley, which the clerk will read.

The following communication was read:

House of Representatives  
Commonwealth of Pennsylvania  
Harrisburg

January 12, 2022

The Honorable Bryan Cutler  
House Speaker  
139 Main Capitol  
Harrisburg, PA 17120

Dear Speaker Cutler:

Please accept this letter as my official resignation from the Pennsylvania House of Representatives, effective January 31, 2022.

It has been an honor to serve the constituents of the 19<sup>th</sup> Legislative District and a personal and professional pleasure to serve in this august body alongside my colleagues.

I wish you all the best as you continue to serve your constituents and the citizens of Pennsylvania.

Sincerely,  
Jake Wheatley, Jr., Member  
19<sup>th</sup> Legislative District  
Chair (D), Professional Licensure Committee  
Pennsylvania House of Representatives

### COMMUNICATION FROM DEMOCRATIC LEADER

The SPEAKER. The Speaker is in receipt of a communication from the Democratic Leader.

The following communication was read:

House of Representatives  
Commonwealth of Pennsylvania  
Harrisburg

January 12, 2022

The Honorable Bryan Cutler  
Speaker of the Pennsylvania House of Representatives  
139 Main Capitol Building  
PO Box 202100

Dear Speaker Cutler:

Representative Patty Kim's temporary appointment as Chairperson of the House Finance Committee has concluded. Representative Kevin Boyle is appointed Chairperson of the House Finance Committee.

Sincerely,  
Joanna McClinton  
House Democratic Leader

**REPORT OF  
COMMITTEE ON COMMITTEES**

The SPEAKER. The clerk will read the following supplemental reports from the Committee on Committees regarding committee assignments.

The following report was read:

COMMITTEE ON COMMITTEES

SUPPLEMENTAL REPORT

In the House of Representatives,  
January 24, 2022

Resolved that,

Representative Young, Philadelphia County, is elected a member of the Labor and Industry Committee.

Respectfully submitted,  
Rep. Joanna McClinton  
Democratic Leader

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COMMITTEE ON COMMITTEES

SUPPLEMENTAL REPORT

In the House of Representatives,  
January 24, 2022

Resolved that,

Representative Curry, Delaware County, is elected a member of the Education Committee.

Respectfully submitted,  
Rep. Joanna McClinton  
Democratic Leader

\* \* \*

COMMITTEE ON COMMITTEES

SUPPLEMENTAL REPORT

In the House of Representatives,  
January 24, 2022

Resolved that,

Representative Curry, Delaware County, is elected a member of the Transportation Committee.

Respectfully submitted,  
Rep. Joanna McClinton  
Democratic Leader

On the question,  
Will the House adopt the resolution?  
Resolution was adopted.

The SPEAKER. The Speaker submits the following reports for the record:

**COMMUNICATION FROM  
DEPARTMENT OF HEALTH**

The SPEAKER. The 2021 Pennsylvania Maternal Mortality Review Report from the Pennsylvania Department of Health.

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

**COMMUNICATION FROM  
PENNSYLVANIA HOUSING FINANCE AGENCY**

The SPEAKER. The Pennsylvania Housing Finance Agency's Debt Obligations 2022 Report.

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

**COMMUNICATION FROM  
LINCOLN UNIVERSITY**

The SPEAKER. The Lincoln University of the Commonwealth System of Higher Education financial statements for the year ended June 30, 2021 and 2020.

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

**SENATE MESSAGE**

AMENDED HOUSE BILL RETURNED  
FOR CONCURRENCE AND  
REFERRED TO COMMITTEE ON RULES

The clerk of the Senate, being introduced, returned **HB 1588, PN 2323**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

**SENATE MESSAGE**

HOUSE BILLS  
CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, returned **HB 930, PN 2240**, and **HB 1121, PN 1169**, with information that the Senate has passed the same without amendment.

**BILLS SIGNED BY SPEAKER**

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

**HB 930, PN 2240**

An Act amending Titles 18 (Crimes and Offenses) and 44 (Law and Justice) of the Pennsylvania Consolidated Statutes, in kidnapping, further providing for missing children; and, in DNA data and testing, further providing for policy, for definitions and for State DNA Data Base, providing for collection of DNA in investigations of high-risk

missing persons and missing children, for collection of DNA in investigations of missing persons and for collection of DNA in investigations of unidentified decedents and further providing for DNA data base exchange.

### HB 1121, PN 1169

An Act designating the bridge, identified as Bridge Key 45676, carrying Pennsylvania Route 26 over Yellow Creek in Hopewell Township, Bedford County, as the Colonel Joseph M. Stine Memorial Bridge.

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

### GUESTS INTRODUCED

The SPEAKER. Turning to visitor recognition.

Located to the left of the rostrum, I am proud to introduce my daughter, Drew Cutler, who is shadowing me today for a daughter-at-work day. Please rise and be welcomed. Of special note, it is also her birthday today.

Located in the gallery, the Chair is pleased to welcome the Conestoga High School Girls Tennis Team, who are the PIAA Division 3A State Champions. The team ended with a 22-and-0 season record that led to the Central League title and District I, Division 3A Championship. They are the guests of Representative Shusterman. Welcome.

Located in the gallery, the Chair is pleased to welcome Timmy Bittner and his mom, Mary; his dad, Tim; and his brother, Mason, whom I had the privilege of meeting earlier. Timmy is a sophomore at Central Mountain High School and is shadowing Representative Borowicz for the day. He is also a sprint car driver.

Located in the well of the House, the Chair welcomes guest page Joshua Stauffer, who is the guest of Representative Helm. With him today, and seated in the gallery, are his father, Travis; Ben Hughes; and Logen Zigner, who works in Representative Helm's district office. Welcome to the hall of the House.

### LEAVES OF ABSENCE

The SPEAKER. Turning to leaves of absence. Are there requests for leaves of absence?

The Chair recognizes the majority whip, who indicates that the gentleman, Representative GREGORY, from Blair County, wishes to be placed on leave for the week. Without objection, that leave of absence is granted.

The Chair recognizes the Democratic whip, who indicates that there are no leaves. The Chair thanks the gentleman.

### MASTER ROLL CALL

The SPEAKER. The Chair is about to take the master roll call. Members will proceed to vote.

The following roll call was recorded:

#### PRESENT—200

Armanini	Frankel	Mackenzie, M.	Roae
Benham	Freeman	Mackenzie, R.	Rossi
Benninghoff	Fritz	Madden	Rothman
Bernstine	Galloway	Major	Rowe
Bizzarro	Gaydos	Mako	Rozzi
Boback	Gillen	Malagari	Ryan
Bonner	Gillespie	Maloney	Sainato
Borowicz	Gleim	Markosek	Samuelson
Boyle	Greiner	Marshall	Sanchez
Bradford	Grove	Masser	Sankey
Briggs	Guenst	Matzie	Sappey
Brooks	Guzman	McClinton	Saylor
Brown, A.	Hamm	McNeill	Schemel
Brown, R.	Hanbidge	Mehaffie	Schlossberg
Bullock	Harkins	Mentzer	Schmitt
Burgos	Harris	Mercuri	Schroeder
Burns	Heffley	Merski	Schweyer
Carroll	Helm	Metcalfe	Shusterman
Causer	Hennessey	Metzgar	Silvis
Cephas	Herrin	Mihalek	Sims
Ciresi	Hershey	Millard	Smith
Conklin	Hickernell	Miller, B.	Snyder
Cook	Hohenstein	Miller, D.	Solomon
Cox	Howard	Mizgorski	Sonney
Cruz	Innamorato	Moul	Staats
Culver	Irvin	Mullery	Stambaugh
Curry	Isaacson	Mullins	Stephens
Daley	James	Mustello	Struzzi
Davanzo	Jones	Neilson	Sturla
Davis, A.	Jozwiak	Nelson, E.	Thomas
Davis, T.	Kail	Nelson, N.	Tomlinson
Dawkins	Kaufers	O'Mara	Topper
Day	Kauffman	O'Neal	Twardzik
Deasy	Keefer	Oberlander	Vitali
DeLissio	Kenyatta	Ortitay	Warner
Delloso	Kerwin	Otten	Warren
Delozier	Kim	Owlett	Webster
DelRosso	Kinthead	Parker	Welby
DeLuca	Kinsey	Pashinski	Wentling
Diamond	Kirkland	Peifer	Wheatley
Dowling	Klunk	Pennycuik	Wheeland
Driscoll	Knowles	Pickett	White
Dunbar	Kosierowski	Pisciotano	Williams, C.
Ecker	Krajewski	Polinchock	Williams, D.
Emrick	Krueger	Puskaric	Young
Evans	Kulik	Quinn	Zabel
Farry	Labs	Rabb	Zimmerman
Fee	Lawrence	Rader	
Fiedler	Lee	Rapp	Cutler, Speaker
Fitzgerald	Lewis	Rigby	
Flood	Longietti		

#### ADDITIONS—0

#### NOT VOTING—0

#### EXCUSED—1

Gregory

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



### GUESTS INTRODUCED

The SPEAKER. Located in the gallery, the Chair is pleased to welcome Adam Burt, who is attending Temple University Beasley School of Law; and Sarah Wing, who is attending Villanova University Charles Widger School of Law. They are the guests of Leader McClinton. Welcome.

### RULES AND APPROPRIATIONS COMMITTEE MEETINGS

The SPEAKER. Turning to committee and caucus announcements, the Chair recognizes the gentleman, Leader Benninghoff.

Mr. BENNINGHOFF. Thank you, Mr. Speaker.

There will be a Rules Committee meeting in the majority caucus room at 12:20 and an Appropriations Committee meeting directly following that. The Rules Committee should be done in about 15 minutes. Thank you, sir.

The SPEAKER. The Chair thanks the gentleman.

The Rules Committee will meet at 12:20 in the majority caucus room. The Appropriations Committee will meet immediately following the Rules Committee meeting in the majority caucus room.

### LIQUOR CONTROL COMMITTEE MEETING

The SPEAKER. The Chair recognizes the gentleman, Representative Metzgar, for a committee announcement.

Mr. METZGAR. Thank you, Mr. Speaker.

I would like to remind the members of the House Liquor Control Committee that the hearing that is currently in process and is at ease will resume at the break in B-31 Main Capitol.

The SPEAKER. The Chair thanks the gentleman.

The Liquor Control Committee will continue its hearing at the break in B-31 Main Capitol.

### REPUBLICAN CAUCUS

The SPEAKER. The Speaker recognizes the gentleman, Representative Dunbar, for a caucus announcement.

Mr. DUNBAR. Thank you, Mr. Speaker.

Republicans will caucus at 1 o'clock in the majority caucus room. We will be prepared to be back on the floor at 2; that is 1 o'clock in the majority caucus room, back on the floor at 2.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

### DEMOCRATIC CAUCUS

The SPEAKER. The Chair recognizes the gentleman, Representative Dan Miller, for a caucus announcement.

Mr. D. MILLER. Thank you, Mr. Speaker.

Democrats will caucus virtually, 1 o'clock; virtually, 1 o'clock.

The SPEAKER. The Chair thanks the gentleman.

### RECESS

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

### RECESS EXTENDED

The time of recess was extended until 2:15 p.m.

### AFTER RECESS

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

### BILLS REREPORTED FROM COMMITTEE

#### HB 232, PN 2601

By Rep. SAYLOR

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

#### APPROPRIATIONS.

#### HB 1351, PN 1466

By Rep. SAYLOR

An Act amending the act of May 1, 1933 (P.L.103, No.69), known as The Second Class Township Code, in auditors and accountants, further providing for surcharge by auditors; and, in township manager, further providing for township manager and appointment, removal, powers and duties and compensation and bond.

#### APPROPRIATIONS.

#### HB 1760, PN 2600

By Rep. SAYLOR

An Act amending Title 12 (Commerce and Trade) of the Pennsylvania Consolidated Statutes, in property assessed clean energy program, further providing for purpose, for definitions, for establishment of a program, for notice to lien holder required for participation, for scope of work, for lien and for collection of assessments.

#### APPROPRIATIONS.

### BILL ON CONCURRENCE REPORTED FROM COMMITTEE

#### HB 1588, PN 2323

By Rep. BENNINGHOFF

An Act amending Title 7 (Banks and Banking) of the Pennsylvania Consolidated Statutes, in mortgage loan industry licensing and consumer protection, further providing for definitions, for license requirements, for exceptions to license requirements, for general requirements, for powers conferred on certain licensees engaged in the mortgage loan business, for mortgage loan business prohibitions, for application for license, for preclicensing and continuing education, for license fees, for licensee requirements, for suspension, revocation or refusal and for mortgage servicers.

#### RULES.

### RESOLUTION REPORTED AS ORIGINATED IN RULES COMMITTEE

#### HR 167, PN 2644

By Rep. BENNINGHOFF

A Resolution amending House Rule 6 T, further providing for expiration.

#### RULES.

**CORRECTION OF THE RECORD**

The SPEAKER. The Speaker recognizes the gentlewoman, Representative Boback, for a corrective report from the Veterans Affairs Committee.

The clerk read the following corrective report:

Correction: HR 129 is reported as amended; it was mistakenly reported as committed. Correction: HR 166 is reported as committed; it was mistakenly reported as amended.

**HOUSE BILL  
INTRODUCED AND REFERRED**

**No. 2277** By Representatives TOPPER, BERNSTINE, BOBACK, R. BROWN, HAMM, HENNESSEY, JOZWIAK, KAUFFMAN, MILLARD, MOUL, PICKETT, ROTHMAN, RYAN, SOLOMON and WARNER

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, in sales and use tax, further providing for time for filing returns.

Referred to Committee on FINANCE, January 24, 2022.

The SPEAKER. The House will be temporarily at ease, and I urge the members to please return to the floor to begin voting.

The House will please return to order.

**CALENDAR****RESOLUTION**

Mr. GROVE called up **HR 165, PN 2494**, entitled:

A Concurrent Resolution adopting a population data set without adjusting any group quarters population for use in congressional redistricting legislation.

On the question,  
Will the House adopt the resolution?

The SPEAKER. And on that question, the Chair recognizes the gentleman, Representative Grove.

Mr. GROVE. Thank you, Mr. Speaker.

The House resolution just adopts the population data set without adjusting any group quarters population that was certified under Resolution 6B by the Legislative Reapportionment Commission on October 25, 2021, for use in the congressional redistricting process, Mr. Speaker. Thank you.

The SPEAKER. The Speaker thanks the gentleman.

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

(Members proceeded to vote.)

The SPEAKER. On that question, the Chair recognizes the gentlewoman, Representative Oberlander.

Ms. OBERLANDER. Thank you, Mr. Speaker.

The electronic board is accurate.

The SPEAKER. The Chair thanks the lady and recognizes the gentleman, Representative Harris.

Mr. HARRIS. Thank you, Mr. Speaker.

The electronic board is accurate.

The SPEAKER. The Chair thanks the gentleman.

The following roll call was recorded:

**YEAS—111**

Armanini	Greiner	Masser	Rothman
Benninghoff	Grove	Mehaffie	Rowe
Bernstine	Hamm	Mentzer	Ryan
Boback	Heffley	Mercuri	Sankey
Bonner	Helm	Metcalfe	Saylor
Borowicz	Hennessey	Metzgar	Schemel
Brooks	Hershey	Mihalek	Schmitt
Brown, R.	Hickernell	Millard	Schroeder
Causser	Irvin	Miller, B.	Silvis
Cook	James	Mizgorski	Smith
Cox	Jones	Moul	Sonney
Culver	Jozwiak	Mustello	Staats
Davanzo	Kail	Nelson, E.	Stambaugh
Day	Kaufner	O'Neal	Stephens
Delozier	Kauffman	Oberlander	Struzzi
DelRosso	Keefer	Ortitay	Thomas
Diamond	Kerwin	Owlett	Tomlinson
Dowling	Klunk	Peifer	Topper
Dunbar	Knowles	Pennycuik	Twardzik
Ecker	Labs	Pickett	Warner
Emrick	Lawrence	Polinchock	Wentling
Farry	Lewis	Puskaric	Wheeland
Fee	Mackenzie, M.	Quinn	White
Flood	Mackenzie, R.	Rader	Williams, C.
Fritz	Major	Rapp	Zimmerman
Gaydos	Mako	Rigby	
Gillen	Maloney	Roae	Cutler,
Gillespie	Marshall	Rossi	Speaker
Gleim			

**NAYS—89**

Benham	Driscoll	Kosierowski	Pisciottano
Bizzarro	Evans	Krajewski	Rabb
Boyle	Fiedler	Krueger	Rozzi
Bradford	Fitzgerald	Kulik	Sainato
Briggs	Frankel	Lee	Samuelson
Brown, A.	Freeman	Longietti	Sanchez
Bullock	Galloway	Madden	Sappery
Burgos	Guenst	Malagari	Schlossberg
Burns	Guzman	Markosek	Schweyer
Carroll	Hanbidge	Matzie	Shusterman
Cephas	Harkins	McClinton	Sims
Ciresi	Harris	McNeill	Snyder
Conklin	Herrin	Merski	Solomon
Cruz	Hohenstein	Miller, D.	Sturla
Curry	Howard	Mullery	Vitali
Daley	Innamorato	Mullins	Warren
Davis, A.	Isaacson	Neilson	Webster
Davis, T.	Kenyatta	Nelson, N.	Welby
Dawkins	Kim	O'Mara	Wheatley
Deasy	Kinhead	Otten	Williams, D.
DeLissio	Kinsey	Parker	Young
Delloso	Kirkland	Pashinski	Zabel
DeLuca			

**NOT VOTING—0****EXCUSED—1**

Gregory

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

**BILLS ON SECOND CONSIDERATION**

The House proceeded to second consideration of **HB 624, PN 586**, entitled:

An Act amending the act of December 4, 1996 (P.L.911, No.147), known as the Telemarketer Registration Act, further providing for unwanted telephone solicitation calls prohibited.

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 324, PN 298**, entitled:

An Act amending the act of May 30, 1984 (P.L.345, No.69), known as the First Class City Business Tax Reform Act, further providing for definitions.

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 199, PN 165**, entitled:

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

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

Mr. **BOYLE** offered the following amendment No. **A03394**:

Amend Bill, page 1, line 18, by striking out "(a.10) A person" and inserting

(a.11) A landowner

Amend Bill, page 2, line 3, by striking out "303(a.10)" and inserting  
303(a.11)

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

The **SPEAKER**. And on that question, the Chair recognizes the gentleman, Representative Boyle.

Mr. **BOYLE**. Thank you, Mr. Speaker.

This amendment provides that only a Pennsylvania landowner may claim this deduction. Without this amendment, out-of-State businesses, namely drillers, could actually utilize this amendment to receive economic incentives. So I urge adoption of this amendment. Thank you.

The **SPEAKER**. The Speaker thanks the gentleman and recognizes the gentleman, Representative Dunbar, on the amendment.

Mr. **DUNBAR**. Thank you, Mr. Speaker.

I am not sure if we are reading the same amendment, but what I see in the amendment, it replaces the word "person" with "landowner." It does not say Pennsylvania landowner. On top of that, that is in and of itself problematic when we are talking about this legislation because landowner does not necessarily mean mineral rights owner. They are two completely different things. Because a "landowner" is not always a royalty owner, this term is not appropriate and I would ask for a negative vote.

Thank you, Mr. Speaker.

The **SPEAKER**. The Speaker thanks the gentleman.

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

(Members proceeded to vote.)

The **SPEAKER**. On that question, the Chair recognizes the gentlewoman, Representative Oberlander.

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

The electronic board is accurate.

The **SPEAKER**. The Chair thanks the lady and recognizes the gentleman, Representative Harris.

Mr. **HARRIS**. Thank you, Mr. Speaker.

The electronic board is accurate.

The **SPEAKER**. The Chair thanks the gentleman.

The following roll call was recorded:

**YEAS—89**

Benham	Driscoll	Kosierowski	Pisciottano
Bizzarro	Evans	Krajewski	Rabb
Boyle	Fiedler	Krueger	Rozzi
Bradford	Fitzgerald	Kulik	Sainato
Briggs	Frankel	Lee	Samuelson
Brown, A.	Freeman	Longietti	Sanchez
Bullock	Galloway	Madden	Sappery
Burgos	Guenst	Malagari	Schlossberg
Burns	Guzman	Markosek	Schweyer
Carroll	Hanbidge	Matzie	Shusterman
Cephas	Harkins	McClinton	Sims
Ciresi	Harris	McNeill	Snyder
Conklin	Herrin	Merski	Solomon
Cruz	Hohenstein	Miller, D.	Sturla
Curry	Howard	Mullery	Vitali
Daley	Innamorato	Mullins	Warren
Davis, A.	Isaacson	Neilson	Webster
Davis, T.	Kenyatta	Nelson, N.	Welby
Dawkins	Kim	O'Mara	Wheatley
Deasy	Kinhead	Otten	Williams, D.
DeLissio	Kinsey	Parker	Young
Delloso	Kirkland	Pashinski	Zabel
DeLuca			

**NAYS—111**

Armanini	Greiner	Masser	Rothman
Benninghoff	Grove	Mehaffie	Rowe
Bernstine	Hamm	Mentzer	Ryan
Boback	Heffley	Mercuri	Sankey
Bonner	Helm	Metcalfe	Saylor
Borowicz	Hennessey	Metzgar	Schemel
Brooks	Hershey	Mihalek	Schmitt
Brown, R.	Hickernell	Millard	Schroeder
Causer	Irvin	Miller, B.	Silvis
Cook	James	Mizgorski	Smith
Cox	Jones	Moul	Sonney
Culver	Jozwiak	Mustello	Staats

Davanzo	Kail	Nelson, E.	Stambaugh
Day	Kaufer	O'Neal	Stephens
Delozier	Kauffman	Oberlander	Struzzi
DelRosso	Keefer	Ortitay	Thomas
Diamond	Kerwin	Owlett	Tomlinson
Dowling	Klunk	Peifer	Topper
Dunbar	Knowles	Pennycuik	Twardzik
Ecker	Labs	Pickett	Warner
Emrick	Lawrence	Polinchock	Wentling
Farry	Lewis	Puskaric	Wheeland
Fee	Mackenzie, M.	Quinn	White
Flood	Mackenzie, R.	Rader	Williams, C.
Fritz	Major	Rapp	Zimmerman
Gaydos	Mako	Rigby	
Gillen	Maloney	Roae	Cutler,
Gillespie	Marshall	Rossi	Speaker
Gleim			

NOT VOTING—0

EXCUSED—1

Gregory

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. **BOYLE** offered the following amendment No. **A03395**:

Amend Bill, page 1, line 18, by striking out "(a.10) A person" and inserting

(a.11) (1) A landowner

Amend Bill, page 2, by inserting between lines 1 and 2

(2) In the case of a lease, the lessor may claim the full deduction under paragraph (1) if agreed to by the lessee.

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

AMENDMENT WITHDRAWN

The SPEAKER. The gentleman, Representative Boyle, has indicated he wishes to withdraw that amendment. The Chair thanks the gentleman.

Does he wish to offer amendment 3397? The gentleman indicates he will.

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

Mr. **BOYLE** offered the following amendment No. **A03397**:

Amend Bill, page 1, line 18, by striking out "(a.10) A" and inserting

(a.11) (1) Except as provided under paragraph (2), a

Amend Bill, page 2, by inserting between lines 1 and 2

(2) Once a taxpayer has recovered the original basis in the property, the taxpayer is no longer eligible for the deduction under paragraph (1).

Amend Bill, page 2, line 3, by striking out "303(a.10)" and inserting

303(a.11)

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

The SPEAKER. And on that question, the Chair recognizes the gentleman, Representative Boyle.

Mr. **BOYLE**. Thank you, Mr. Speaker.

This amendment provides that once a taxpayer has recovered the original basis in the property, the taxpayer is no longer eligible to claim the deduction. This will reduce the fiscal impact potential of this legislation.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentleman, Representative Dunbar, on the amendment.

Mr. **DUNBAR**. Thank you, Mr. Speaker.

The idea behind this legislation to begin with was to have State law be consistent with Federal law. The reason why we had to do that is because a lot of mineral rights owners have no idea what their basis is in a property. This amendment would effectively remove all the positive aspects of the legislation. If an individual mineral rights owner does not know its basis, they cannot be, everything is going to be zero, so the amendment itself would override everything that this bill does. So I would ask for a negative vote.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

(Members proceeded to vote.)

The SPEAKER. On that question, the Chair recognizes the gentlewoman, Representative Oberlander.

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

The electronic board is accurate.

The SPEAKER. The Chair thanks the lady and recognizes the gentleman, Representative Harris.

Mr. **HARRIS**. Thank you, Mr. Speaker.

The electronic board is accurate.

The SPEAKER. The Chair thanks the gentleman.

The following roll call was recorded:

YEAS—89

Benham	Driscoll	Kosierowski	Pisciottano
Bizzarro	Evans	Krajewski	Rabb
Boyle	Fiedler	Krueger	Rozzi
Bradford	Fitzgerald	Kulik	Sainato
Briggs	Frankel	Lee	Samuelson
Brown, A.	Freeman	Longietti	Sanchez
Bullock	Galloway	Madden	Sappety
Burgos	Guenst	Malagari	Schlossberg
Burns	Guzman	Markosek	Schweyer
Carroll	Hanbidge	Matzie	Shusterman
Cephas	Harkins	McClinton	Sims
Ciresi	Harris	McNeill	Snyder
Conklin	Herrin	Merski	Solomon
Cruz	Hohenstein	Miller, D.	Sturla
Curry	Howard	Mullery	Vitali
Daley	Innamorato	Mullins	Warren
Davis, A.	Isaacson	Neilson	Webster
Davis, T.	Kenyatta	Nelson, N.	Welby
Dawkins	Kim	O'Mara	Wheatley

Deasy	Kinkead	Otten	Williams, D.
DeLissio	Kinsey	Parker	Young
Deloso	Kirkland	Pashinski	Zabel
DeLuca			

## NAYS—111

Armanini	Greiner	Masser	Rothman
Benninghoff	Grove	Mehaffie	Rowe
Bernstine	Hamm	Mentzer	Ryan
Boback	Heffley	Mercuri	Sankey
Bonner	Helm	Metcalf	Saylor
Borowicz	Hennessey	Metzgar	Schemel
Brooks	Hershey	Mihalek	Schmitt
Brown, R.	Hickernell	Millard	Schroeder
Causar	Irvin	Miller, B.	Silvis
Cook	James	Mizgorski	Smith
Cox	Jones	Moul	Sonney
Culver	Jozwiak	Mustello	Staats
Davanzo	Kail	Nelson, E.	Stambaugh
Day	Kaufner	O'Neal	Stephens
Delozier	Kauffman	Oberlander	Struzzi
DelRosso	Keefer	Ortitay	Thomas
Diamond	Kerwin	Owlett	Tomlinson
Dowling	Klunk	Peifer	Topper
Dunbar	Knowles	Pennycuik	Twardzik
Ecker	Labs	Pickett	Warner
Emrick	Lawrence	Polinchock	Wentling
Farry	Lewis	Puskaric	Wheeland
Fee	Mackenzie, M.	Quinn	White
Flood	Mackenzie, R.	Rader	Williams, C.
Fritz	Major	Rapp	Zimmerman
Gaydos	Mako	Rigby	
Gillen	Maloney	Roae	Cutler,
Gillespie	Marshall	Rossi	Speaker
Gleim			

## NOT VOTING—0

## EXCUSED—1

Gregory

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?

The SPEAKER. For the information of the members, amendment 3398 and amendment 3402 have both been ruled out of order.

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

\* \* \*

The House proceeded to second consideration of **HB 285, PN 1285**, entitled:

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, in personal income tax, further providing for classes of income relating to employee stock ownership plans.

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

Ms. **INNAMORATO** offered the following amendment  
No. **A03411**:

Amend Bill, page 1, line 16, by striking out "a subsection" and inserting subsections

Amend Bill, page 1, line 18, by striking out "sections 402(e)(4) and" and inserting

section  
Amend Bill, page 1, line 19, by striking out "§§ 402(e)(4) and" and inserting

§  
Amend Bill, page 1, by inserting between lines 20 and 21  
(a.11) A lump sum payment received through a qualified plan under section 401 of the Internal Revenue Code of 1986 (26 U.S.C. § 401) shall not be considered income under this article.

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

The SPEAKER. On that question, the Chair recognizes the gentlewoman, Representative Innamorato, on the amendment.

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

So I believe when you know better, you do better. I voted for this bill last session because I believe that we should use our Tax Code to incentivize actions that have a net positive impact on our communities and our workers. Employee ownership models like ESOPs (employee stock ownership plans) fit the bill.

I now better understand, being on the Finance Committee, that this bill continues to pass the House and die in the Senate. The PA Tax Code is decoupled from our Federal Code, meaning inserting a subsection of the Internal Revenue Code does not give the Department of Revenue the reference material needed to truly incentivize ESOPs. This bill leaves the Department of Revenue unable to administer the provisions due to the ambiguity between the two tax codes. Simply, my amendment allows for the intent of the bill to be achieved by allowing for a clearer reference to the Federal Code and noting that ESOPs be treated as any other retirement plan in Pennsylvania instead of a stock portfolio by removing reference to a subset of a subsection of a section within the Federal IRC.

I hope that we can amend this bill, get it through the Senate, and get it to the Governor's desk so that we can create more ESOPs here in Pennsylvania. Thank you.

The SPEAKER. The Chair thanks the lady and recognizes the gentleman, Representative Metcalfe, on the amendment.

Mr. **METCALFE**. Thank you, Mr. Speaker.

Mr. Speaker, we have passed the legislation, the underlying legislation in the past. I would ask for the members' vote again today to keep it as we have passed it in the past to actually enable ESOPs in Pennsylvania to be able to benefit from the Federal tax advantages that they have under the Federal Tax Code, which is the attempt that this bill, the underlying bill is attempting to put into law.

The amendment as drafted talks about a qualified plan. If you listen to the sponsor of the amendment and listen to her description of what the amendment is supposed to do, I think it

would be as confusing as understanding that the qualified plan that she is referencing is not defined in our law, is not defined in Federal law. So I would ask for the members to vote "no" on this amendment due to – I think her objective might be good, if you could understand it by the way it was drafted, but I do not think it is drafted correctly, and I would ask for the members to defeat this amendment and vote "no."

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendment?

(Members proceeded to vote.)

The SPEAKER. On that question, the Chair recognizes the gentlewoman, Representative Oberlander.

Ms. OBERLANDER. Thank you, Mr. Speaker.

The electronic board is accurate.

The SPEAKER. The Chair thanks the lady and recognizes the gentleman, Representative Harris.

Mr. HARRIS. Thank you, Mr. Speaker.

The electronic board is accurate.

The SPEAKER. The Chair thanks the gentleman.

The following roll call was recorded:

YEAS—89

Benham	Driscoll	Kosierowski	Pisciottano
Bizzarro	Evans	Krajewski	Rabb
Boyle	Fiedler	Krueger	Rozzi
Bradford	Fitzgerald	Kulik	Sainato
Briggs	Frankel	Lee	Samuelson
Brown, A.	Freeman	Longietti	Sanchez
Bullock	Galloway	Madden	Sappey
Burgos	Guenst	Malagari	Schlossberg
Burns	Guzman	Markosek	Schweyer
Carroll	Hanbidge	Matzie	Shusterman
Cephas	Harkins	McClinton	Sims
Ciresi	Harris	McNeill	Snyder
Conklin	Herrin	Merski	Solomon
Cruz	Hohenstein	Miller, D.	Sturla
Curry	Howard	Mullery	Vitali
Daley	Innamorato	Mullins	Warren
Davis, A.	Isaacson	Neilson	Webster
Davis, T.	Kenyatta	Nelson, N.	Welby
Dawkins	Kim	O'Mara	Wheatley
Deasy	Kinthead	Otten	Williams, D.
DeLissio	Kinsey	Parker	Young
Delloso	Kirkland	Pashinski	Zabel
DeLuca			

NAYS—111

Armanini	Greiner	Masser	Rothman
Benninghoff	Grove	Mehaffie	Rowe
Bernstine	Hamm	Mentzer	Ryan
Boback	Heffley	Mercuri	Sankey
Bonner	Helm	Metcalfe	Saylor
Borowicz	Hennessey	Metzgar	Schemel
Brooks	Hershey	Mihalek	Schmitt
Brown, R.	Hickernell	Millard	Schroeder
Causser	Irvin	Miller, B.	Silvis
Cook	James	Mizgorski	Smith
Cox	Jones	Moul	Sonney

Culver	Jozwiak	Mustello	Staats
Davanzo	Kail	Nelson, E.	Stambaugh
Day	Kaufner	O'Neal	Stephens
Delozier	Kauffman	Oberlander	Struzzi
DelRosso	Keefer	Ortitay	Thomas
Diamond	Kerwin	Owlett	Tomlinson
Dowling	Klunk	Peifer	Topper
Dunbar	Knowles	Pennycuick	Twardzik
Ecker	Labs	Pickett	Warner
Emrick	Lawrence	Polinchock	Wentling
Farry	Lewis	Puskaric	Wheeland
Fee	Mackenzie, M.	Quinn	White
Flood	Mackenzie, R.	Rader	Williams, C.
Fritz	Major	Rapp	Zimmerman
Gaydos	Mako	Rigby	
Gillen	Maloney	Roae	Cutler,
Gillespie	Marshall	Rossi	Speaker
Glein			

NOT VOTING—0

EXCUSED—1

Gregory

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?

The SPEAKER. The gentleman, Representative Rabb, has amendment 3412, which the clerk will read. The gentleman indicates he withdraws the amendment. The Chair thanks the gentleman.

For the information of the members, amendments 3399 and 3404 are also ruled out of order.

On the question recurring,

Will the House agree to the bill on second consideration?

Bill was agreed to.

\* \* \*

The House proceeded to second consideration of **HB 333, PN 1160**, entitled:

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

On the question,

Will the House agree to the bill on second consideration?

Mr. **BOYLE** offered the following amendment No. **A03401**:

Amend Bill, page 2, line 2, by striking out the period after "amended" and inserting  
The deduction may not exceed one million dollars (\$1,000,000).

On the question,

Will the House agree to the amendment?

The SPEAKER. Is the gentleman, Representative Boyle, offering the amendment in the place of Representative Kim?

Mr. BOYLE. Yes.

The SPEAKER. The Chair thanks the gentleman.

In that case, the question is, will the House agree to the amendment?

And on that question, the Chair recognizes the gentleman, Representative Boyle.

Mr. BOYLE. Thank you, Mr. Speaker.

This amendment seeks fiscal responsibility by increasing the current 179 deduction to \$1 million, which actually matches the Federal amount, but it removes language that would tie any sort of future increase on the Federal level here on the State level without State intervention. So this would actually be pro self-government here in Pennsylvania.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentleman, Representative Eric Nelson, on the amendment.

Mr. E. NELSON. Thank you, Mr. Speaker.

We appreciate the good gentleman's offer to raise that deduction limit to \$1 million, but the bottom line, our goal is tax parity. We are seeking consistency so a small business does not have to keep two different sets of books, Pennsylvania books and Federal books. This amendment and the maker's amendment would actually cause our small businesses to have to keep three sets of books – previous depreciation, Federal depreciation, and now the new million-dollar system. This would work opposite to the goal and I ask our members to oppose it.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

(Members proceeded to vote.)

The SPEAKER. On that question, the Chair recognizes the gentlewoman, Representative Oberlander.

Ms. OBERLANDER. Thank you, Mr. Speaker.

The electronic board is accurate.

The SPEAKER. The Chair thanks the lady and recognizes the gentleman, Representative Harris.

Mr. HARRIS. Thank you, Mr. Speaker.

The electronic board is accurate.

The SPEAKER. The Chair thanks the gentleman.

The following roll call was recorded:

YEAS-89

Benham	Driscoll	Kosierowski	Pisciottano
Bizzarro	Evans	Krajewski	Rabb
Boyle	Fiedler	Krueger	Rozzi
Bradford	Fitzgerald	Kulik	Sainato
Briggs	Frankel	Lee	Samuelson
Brown, A.	Freeman	Longietti	Sanchez
Bullock	Galloway	Madden	Sappey
Burgos	Guenst	Malagari	Schlossberg
Burns	Guzman	Markosek	Schweyer
Carroll	Hanbidge	Matzie	Shusterman
Cephas	Harkins	McClinton	Sims
Ciresi	Harris	McNeill	Snyder
Conklin	Herrin	Merski	Solomon
Cruz	Hohenstein	Miller, D.	Sturla

Curry	Howard	Mullery	Vitali
Daley	Innamorato	Mullins	Warren
Davis, A.	Isaacson	Neilson	Webster
Davis, T.	Kenyatta	Nelson, N.	Welby
Dawkins	Kim	O'Mara	Wheatley
Deasy	Kinkead	Otten	Williams, D.
DeLissio	Kinsey	Parker	Young
Delloso	Kirkland	Pashinski	Zabel
DeLuca			

NAYS-111

Armanini	Greiner	Masser	Rothman
Benninghoff	Grove	Mehaffie	Rowe
Bernstine	Hamm	Mentzer	Ryan
Boback	Heffley	Mercuri	Sankey
Bonner	Helm	Metcalfe	Saylor
Borowicz	Hennessey	Metzgar	Schemel
Brooks	Hershey	Mihalek	Schmitt
Brown, R.	Hickernell	Millard	Schroeder
Causer	Irvin	Miller, B.	Silvis
Cook	James	Mizgorski	Smith
Cox	Jones	Moul	Sonney
Culver	Jozwiak	Mustello	Staats
Davanzo	Kail	Nelson, E.	Stambaugh
Day	Kaufner	O'Neal	Stephens
Delozier	Kauffman	Oberlander	Struzzi
DelRosso	Keefer	Ortitay	Thomas
Diamond	Kerwin	Owlett	Tomlinson
Dowling	Klunk	Peifer	Topper
Dunbar	Knowles	Pennycuick	Twardzik
Ecker	Labs	Pickett	Warner
Emrick	Lawrence	Polinchock	Wentling
Farry	Lewis	Puskaric	Wheeland
Fee	Mackenzie, M.	Quinn	White
Flood	Mackenzie, R.	Rader	Williams, C.
Fritz	Major	Rapp	Zimmerman
Gaydos	Mako	Rigby	
Gillen	Maloney	Roae	Cutler, Speaker
Gillespie	Marshall	Rossi	
Gleim			

NOT VOTING-0

EXCUSED-1

Gregory

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?

The SPEAKER. For the information of the members, amendments 3400 and 3406 have both been ruled out of order.

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

\* \* \*

The House proceeded to second consideration of **HB 1960, PN 2247**, entitled:

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

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

Mr. **JONES** offered the following amendment No. **A03381**:

Amend Bill, page 4, line 7, by inserting a bracket before "1998"  
Amend Bill, page 4, line 7, by inserting after "thereafter"

1998-2020

Amend Bill, page 4, by inserting between lines 7 and 8

(A.1) A net loss for taxable years beginning after December 31, 2020, may be carried over indefinitely.

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

#### AMENDMENT WITHDRAWN

The SPEAKER. The gentleman indicates he is going to withdraw the amendment. The Chair thanks the gentleman.

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

Mr. **BRADFORD** offered the following amendment No. **A03407**:

Amend Bill, page 1, line 11, by inserting after "definitions" and for imposition of tax, and providing for Secretary's authority to adjust net income or require a combined return

Amend Bill, page 1, lines 14 through 16, by striking out all of said lines and inserting

Section 1. Sections 401(3)4(c)(1) and (2) and 403(b) of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, are amended to read:

Amend Bill, page 5, by inserting between lines 22 and 23 Section 402. Imposition of Tax.—\* \* \*

(b) The annual rate of tax on corporate net income imposed by subsection (a) for taxable years beginning for the calendar year or fiscal year on or after the dates set forth shall be as follows:

Taxable Year	Tax Rate
January 1, 1995,[and each taxable year thereafter] <u>through December 31, 2022</u>	9.99%
January 1, 2023, and each taxable year thereafter	<u>6.99%</u>

\* \* \*

Section 2. The act is amended by adding a section to read:

Section 408.2. Secretary's Authority to Adjust Net Income or Require a Combined Return.—(a) When the secretary has reason to believe that a corporation conducts its trade or business in a manner that fails to accurately report its State corporate net income properly attributable to its business carried on in this Commonwealth through the use of transactions that lack economic substance or are not at fair market value between members of an affiliated group of entities, the secretary may, upon written notice to the corporation, require information reasonably necessary to determine whether the corporation's intercompany transactions have economic substance and are at fair market value and for the accurate computation of the corporation's State corporate net income properly attributable to its business carried on in this Commonwealth. The corporation shall provide the information requested within ninety (90) days of the date of the notice.

(b) If upon review of the information provided, the secretary finds as a fact that the corporation's intercompany transactions lack economic substance or are not at fair market value, the secretary may

redetermine the State corporate net income of the corporation properly attributable to its business carried on in this Commonwealth under this section by:

(1) adding back, eliminating or otherwise adjusting intercompany transactions to accurately compute the corporation's State corporate net income properly attributable to its business carried on in this Commonwealth or, if the adjustments are not adequate under the circumstances, to redetermine state net income; or

(2) requiring the corporation to file a return that reflects the net income on a combined basis of all members of its affiliated group that are conducting a unitary business.

(c) The secretary shall consider and may use a reasonable method proposed by the corporation for redetermining its State corporate net income attributable to its business carried on in this Commonwealth. In determining whether the corporation's intercompany transactions lack economic substance or are not at fair market value, the secretary shall consider each taxable year separately.

(d) In addition to the authority granted under subsection (b), if the secretary has reason to believe that a corporation's State corporate net income properly attributable to its business carried on in this Commonwealth is not accurately reported on a separate return required by this part because of intercompany transactions, without making a finding that those transactions lack economic substance or are not at fair market value, the secretary and the corporation may jointly determine and agree to an alternative filing methodology that accurately reports State net income. The secretary may allow a reasonable method for redetermining the corporation's State corporate net income attributable to its business carried on in this Commonwealth.

(e) If the secretary finds as a fact that a combined return is required, the secretary may, upon written notice to the corporation, require the corporation to submit the combined return and the corporation shall submit the combined return within ninety days of the date of the notice. The submission by the corporation of the combined return required by the secretary shall not be deemed to be a return or construed as an agreement by the corporation that an assessment based on the combined return is correct or that additional tax is due by the secretary's deadline for submitting the combined return. The secretary or the corporation may propose a combination of fewer than all members of the unitary group, and the secretary may consider whether the proposed combination is a reasonable means of redetermining State net income; provided, however, the secretary may not require a combination of fewer than all members of the unitary group without the consent of the corporation.

(f) If the secretary makes an adjustment or requires a combined return under this section, the secretary shall provide the corporation with a written statement containing detail of the facts, circumstances, and reasons for which the secretary has found as a fact that the corporation did not accurately report its State corporate net income properly attributable to its business carried on in this Commonwealth and the secretary's proposed method for computation of the corporation's State corporate net income no later than ninety days following the issuance of a proposed assessment as provided under this section.

(g) The secretary may require a combined return under this section regardless of whether the members of the affiliated group are or are not doing business in this Commonwealth.

(h) A transaction has economic substance if:

(1) the transaction, or the series of transactions of which the transaction is a part, has one or more reasonable business purposes other than the creation of State income tax benefits; and

(2) The transaction, or the series of transactions of which the transaction is a part, has economic effects beyond the creation of State income tax benefits.

(i) In determining whether a transaction has economic substance, all of the following apply:

(1) Reasonable business purposes and economic effects include, but are not limited to, a material benefit from the transaction other than



State income tax benefits not allowable under clause (3).

(2) If determining whether to require a combined return, whether the transaction has economic effects beyond the creation of State income tax benefits may be satisfied by demonstrating material business activity of the entities involved in the transaction.

(3) If State income tax benefits resulting from a transaction, or a series of transactions of which the transaction is a part, are consistent with legislative intent, the State income tax benefits shall be considered in determining whether the transaction has business purpose and economic substance.

(4) Centralized cash management of an affiliated group shall not constitute evidence of an absence of economic substance.

(5) Achieving a financial accounting benefit shall not be taken into account as a reasonable business purpose for entering into a transaction if the origin of the financial accounting benefit is a reduction of State income tax.

(j) In determining whether transactions between members of the affiliated group of entities are not at fair market value, the secretary shall apply the standards contained in the regulations adopted under this part.

(k) If the secretary requires a combined return under this section, the combined State corporate net income of the corporation and the members of the affiliated group of entities shall be apportioned to this Commonwealth by use of an apportionment formula that accurately reports the State corporate net income properly attributable to the corporation's business carried on in this Commonwealth and which fairly reflects the apportionment formula applicable to the corporation and each member of the affiliated group included in the combined return.

(l) The following entities may not be included in a combined return:

(1) A corporation not required to file a Federal income tax return.

(2) An insurance company, other than an insurer that is part of an affiliated group where the insurer receives more than fifty per cent of its net written premiums or other amounts received as compensation for insurance from members of the affiliated group.

(3) A corporation exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 501(c)(3)).

(4) An S corporation.

(5) A foreign corporation within the meaning of section 7701 of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 7701), other than a domestic branch thereof.

(6) A partnership, limited liability company or other entity not taxed as a corporation.

(7) A corporation with at least eighty per cent of its gross income from all sources in the tax year being active foreign business income as defined in section 861 of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 861) in effect as of July 1, 2009.

(m) If the secretary redetermines the State corporate net income of the corporation in accordance with this section by adjusting the State corporate net income of the corporation or requiring a combined return, the secretary shall issue a proposed assessment or refund upon making such redetermination. When a refund is determined in whole or part by a proposed assessment to an affiliated group member under this section, the refund shall not be issued until the proposed assessment to the affiliated group member has become collectable. The amount of the refund shall reflect any changes made by the Department of Revenue under this section. Otherwise, the procedures for a proposed assessment or a refund shall be applicable to proposed assessments and refunds made under this section.

(n) If a combined return required by this section is not timely submitted by a corporation, then the corporation is subject to the penalties provided in Part VII.

(o) A corporation may request in writing from the secretary specific advice regarding whether a redetermination of the corporation's State corporate net income or a combined return would be

required under this section under certain facts and circumstances. The secretary may request information from the taxpayer that is required to provide the specific advice. The secretary shall provide the specific advice within one hundred twenty days of the receipt of the requested information from the taxpayer.

(p) The secretary and the taxpayer may extend any time limit contained in this section by mutual agreement.

(q) The corporation may appeal a final determination by the department under this section to the Board of Finance and Revenue to review:

(1) whether the separate income tax returns submitted by the taxpayer fail to report State corporate net income properly attributable to its business carried on in this Commonwealth through the use of intercompany transactions that lack economic substance or are not at fair market value between members of an affiliated group of entities;

(2) whether the department's means of determining the corporation's State corporate net income under this section is an appropriate means of determining the corporation's State corporate net income properly attributable to this Commonwealth; and

(3) if a combined return is required by the department, whether adjustments other than requiring the corporation to file a return on a combined basis are adequate under the circumstances to redetermine State net income.

(r) Nothing in this subsection shall be construed to limit or negate the secretary's authority to:

(1) add back, eliminate or otherwise adjust intercompany transactions involving the listed entities to accurately compute the corporation's State corporate net income properly attributable to its business carried on in this Commonwealth as provided in subsection (b); or

(2) make tax adjustments as otherwise permitted by law, except that the secretary may not make adjustments under this section that limit a corporation's options for reporting royalty payments.

(s) For purposes of this section:

(1) "Affiliated group" means a group of two or more corporations or noncorporate entities in which more than fifty per cent of the voting stock of each member corporation or ownership interest of each member noncorporate entity is directly or indirectly owned or controlled by a common owner or owners, either corporate or noncorporate, or by one or more of the member corporations or noncorporate entities.

(2) "Department" means the Department of Revenue of the Commonwealth.

(3) "Secretary" means the Secretary of Revenue of the Commonwealth.

Section 3. The addition of section 408.2 of the act shall apply to taxable years beginning after December 31, 2021.

Amend Bill, page 5, line 23, by striking out "2" and inserting

4

On the question,

Will the House agree to the amendment?

The SPEAKER. And on that question, the Chair recognizes the gentleman, Representative Bradford.

Mr. BRADFORD. Thank you, Mr. Speaker.

As you know, the underlying bill changes the corporate net income, the net income tax net operating loss carryforward from 40 percent to 80 percent. This amendment, as written, would reduce the CNI rate from 9.99 percent to 6.99 percent and creates a new provision for adding back income to Pennsylvania tax liability. If the Department of Revenue has reason to believe a corporation has transfers between affiliated entities that lack economic substance, the department can require the corporation to submit a combined return and add back income to the Pennsylvania taxable income liability if warranted. This is a good

way, rather than having the continued stale debate about combined reporting, to finally reduce the corporate net income tax in Pennsylvania, while meanwhile allowing for real tax fairness and tax reform in the Commonwealth.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentleman, Representative Dunbar, on the amendment.

Mr. DUNBAR. Thank you, Mr. Speaker.

I rise in opposition to amendment A03407. Like the good gentleman said, it does contain a large tax decrease in the corporate net income tax, and believe me, if this amendment was divisible, we would divide it right there and all of us would vote "yes" on the corporate net income tax reduction. Unfortunately, the bill also has some negative additions to it. It essentially gives the Secretary of Revenue – let me repeat that – the Secretary of Revenue, an unelected official, the ability to determine who gets combined reporting and who does not. It gives the Secretary of Revenue the ability to add back things onto tax returns. Do we really want to give that power to an unelected official like we have in the past?

Our goal here is to have tax fairness, tax simplicity by having Federal law compare to State law. That is what this bill would do. By having the other aspect of the Department of Revenue, add-back provisions and combined reporting, that estimated cost is over \$1 billion to our taxpayers. This is not a tax cut; this is a tax increase, and I would ask for a negative vote.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentleman, Representative Ryan, on the amendment.

Mr. RYAN. Mr. Speaker, thank you so much.

I rise in opposition to the amendment. And to prevent repeating what was just said, let me just make the comment that the underlying bill provides a degree of opportunity for the Commonwealth of Pennsylvania to get realistic for us to attract businesses to the Commonwealth that would be providing the types of jobs and growth that would reverse the trend that the Independent Fiscal Office has noted over the decades, that the Commonwealth of Pennsylvania is getting smaller and smaller as younger workers are leaving.

This amendment, while laudable in dropping the tax rate down to 6.99, does not do what is needed to be done when you take a look at the value of the Section 179 losses. Let me say this as clearly as I can. The businesses have already suffered the loss. The Commonwealth of Pennsylvania, under current statute, is saying that they wish to keep that tax revenue even though no income was generated. They want to prevent the citizens of the Commonwealth from having the same opportunity to enjoy the economic growth by establishing a business in Pennsylvania to incur those losses that typically occur whenever a business gets started and to be able to use those losses in a realistic way. That is why the Commonwealth of Pennsylvania has not attracted the biotech companies.

And the pension plans, we make investments in alternative investments, private equity transactions. Those deals in and of themselves suffer losses at the beginning of those transactions, so the very funds that our pension plans are invested in are unable to accommodate that growth within the Commonwealth of Pennsylvania because we make it economically disadvantageous to do it.

Mr. Speaker, I would ask you to recognize that the underlying bill is a sound, solid, realistic need to get the Commonwealth of Pennsylvania back on track, and this bill of the amendment that has been so accurately proposed will serve to be a detriment to the good that the underlying bill causes, and I would ask you for a "no" vote.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentleman, Representative Kail, on the amendment.

Mr. KAIL. Thank you, Mr. Speaker.

Mr. Speaker, I rise in opposition to this amendment. Though I do agree that the cost is too high, that our CNI tax is too high and we should consider reducing it, this is a very complicated issue, and it is an issue that should be dealt with as a stand-alone bill that should go through the committee process and should be considered in that way. Therefore, I oppose this amendment.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

Seeing no one else seeking recognition, the Chair will go to the prime sponsor of the amendment, the bill, and then the leaders.

The gentleman, Representative Bradford, is in order and may speak for the second time on the amendment.

Mr. BRADFORD. Thank you, Mr. Speaker.

At some point, Mr. Speaker, the question needs to be asked, does this body really support a 9.99-percent CNI tax rate or does it support continued tax avoidance? This amendment before us provides a way, not using combined reporting but moving past that discussion, but using the very tax provisions that the State of North Carolina – a red State, a pro-growth State, often viewed as a Republican business-friendly State – has used. This means it would allow Pennsylvania to finally cut its CNI rate that for too long we have heard is too high to really allow for the growth we need.

Now, again, the good gentlemen have discussed about our fiscal climate here in Pennsylvania, our business friendliness and our long-term demographic challenges. Well, this progressive Democrat believes we need to get serious about how we raise taxes here in Pennsylvania. If we are going to have corporate rates that are too high that scare folks away, well, we have achieved that here in Pennsylvania. But if we want to get real about having real reforms that avoid tax avoidance, that reduce the CNI rate, and tell those who invest in Pennsylvania, whether it is, as who the good gentleman from Beaver County suggests, by making the net operating loss provision match what is in Federal law, if you want to have an honest discussion about the CNI, then you have got to look at about add-backs, you have got to look about those who are intentionally using tax avoidance schemes. In fact, the good gentleman says this is some massive overreach from the Department of Revenue, but the simple reality is, it just requires those that are clearly engaged in tax avoidance strategies to open their tax books and show once and for all whether they are engaged in very sophisticated tax dodges across numerous States and across numerous business entities.

Again, if you are serious about reducing the CNI and making Pennsylvania a more business-friendly environment, you need to engage in a discussion about add-backs like they did in North Carolina. For that reason, Mr. Speaker, I ask for an affirmative vote on this amendment and move forward a real discussion about pro-business tax reform that will grow Pennsylvania's economy.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentleman, the majority leader, on the amendment.

Mr. BENNINGHOFF. Thank you, Mr. Speaker.

As a longtime supporter of trying to reduce taxation here in the State of Pennsylvania, I also understand that there is a process that needs to be done. I think one of the previous speakers said that this kind of initiative ought to be done in a stand-alone bill where it can also be going through a process, a committee assessment and maybe some hearings.

I do want the members that are listening and anyone else to know that there has been a request to the IFO office to make a financial evaluation of this. This thing has a particular impact, potentially, of over \$1 billion to the Commonwealth, and I think we owe it to the taxpayers. While I am glad my good friend, the minority Appropriations chairman, is in similar mindset of now finally looking at the tax climate here in Pennsylvania, we have a process for a reason. Adding amendments arbitrarily here and there on other bills – specifically this bill, 1960, which was designed to codify us with the Federal Tax Code – is really inappropriate at this time. I think we should wait until we get that report back from the IFO office to make sure that the fiscal impact is not too great on the Commonwealth so we continue to fund things like our schools and our libraries and our hospital organizations.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

(Members proceeded to vote.)

The SPEAKER. On that question, the Chair recognizes the gentleman, Representative Harris.

Mr. HARRIS. Thank you, Mr. Speaker.

The electronic board is accurate.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentlewoman, Representative Oberlander.

Ms. OBERLANDER. Thank you, Mr. Speaker.

The electronic board is accurate.

The SPEAKER. The Chair thanks the lady.

The following roll call was recorded:

YEAS—90

Benham	Driscoll	Krajewski	Quinn
Bizzarro	Evans	Krueger	Rabb
Boyle	Fiedler	Kulik	Rozzi
Bradford	Fitzgerald	Lee	Sainato
Briggs	Frankel	Longietti	Samuelson
Brown, A.	Freeman	Madden	Sanchez
Bullock	Galloway	Malagari	Sappey
Burgos	Guenst	Markosek	Schlossberg
Burns	Guzman	Matzie	Schweyer
Carroll	Hanbidge	McClinton	Shusterman
Cephas	Harkins	McNeill	Sims
Ciresi	Harris	Merski	Snyder
Conklin	Herrin	Miller, D.	Solomon
Cruz	Hohenstein	Mullery	Sturla
Curry	Howard	Mullins	Vitali
Daley	Innamorato	Neilson	Warren
Davis, A.	Isaacson	Nelson, N.	Webster
Davis, T.	Kenyatta	O'Mara	Welby
Dawkins	Kim	Otten	Wheatley

Deasy	Kinkead	Parker	Williams, D.
DeLissio	Kinsey	Pashinski	Young
Deloso	Kirkland	Pisciottano	Zabel
DeLuca	Kosierowski		

NAYS—110

Armanini	Gleim	Marshall	Rothman
Benninghoff	Greiner	Masser	Rowe
Bernstine	Grove	Mehaffie	Ryan
Boback	Hamm	Mentzer	Sankey
Bonner	Heffley	Mercuri	Saylor
Borowicz	Helm	Metcalfe	Schemel
Brooks	Hennessey	Metzgar	Schmitt
Brown, R.	Hershey	Mihalek	Schroeder
Causar	Hickernell	Millard	Silvis
Cook	Irvin	Miller, B.	Smith
Cox	James	Mizgorski	Sonney
Culver	Jones	Moul	Staats
Davanzo	Jozwiak	Mustello	Stambaugh
Day	Kail	Nelson, E.	Stephens
DeLozier	Kaufner	O'Neal	Struzzi
DelRosso	Kauffman	Oberlander	Thomas
Diamond	Keefer	Ortitay	Tomlinson
Dowling	Kerwin	Owlett	Topper
Dunbar	Klunk	Peifer	Twardzik
Ecker	Knowles	Pennycuick	Warner
Emrick	Labs	Pickett	Wentling
Farry	Lawrence	Polinchock	Wheeland
Fee	Lewis	Puskaric	White
Flood	Mackenzie, M.	Rader	Williams, C.
Fritz	Mackenzie, R.	Rapp	Zimmerman
Gaydos	Major	Rigby	
Gillen	Mako	Roae	Cutler,
Gillespie	Maloney	Rossi	Speaker

NOT VOTING—0

EXCUSED—1

Gregory

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?  
Bill was agreed to.

SUPPLEMENTAL CALENDAR A

RESOLUTION

Mr. BENNINGHOFF called up **HR 167, PN 2644**, entitled:

A Resolution amending House Rule 6 T, further providing for expiration.

On the question,  
Will the House adopt the resolution?

The SPEAKER. On that question, the Chair recognizes the gentleman, Representative Vitali, on the resolution.

Mr. VITALI. Thank you, Mr. Speaker.

Will the maker stand for just brief interrogation?

The SPEAKER. The gentleman indicates he will. You are in order and may proceed.

Mr. VITALI. Thank you. I just want to make sure I am arguing on the right issue. This would extend the current temporary rules until the end of this term. Is that the packet we are dealing with?

Mr. BENNINGHOFF. Yes, sir.

Mr. VITALI. Okay. And I have a – this was a draft 2 weeks ago, and rule 4, temporary rule 4 in last week basically said that a bill coming over from concurrence in the Senate, over from the Senate for concurrence in the House, it could be voted on by the House after 3 hours from that language coming into the public realm. Is that in these current rules that we are voting on right now? It would be T4 under what I had last week.

Mr. BENNINGHOFF. Mr. Speaker, we are essentially going to be continuing to operate under the rules that we have been and just extending it, because these will time-out at the end of the month.

Mr. VITALI. I understand.

Okay. I have concluded my interrogation and I would like to speak on the rules.

The SPEAKER. The gentleman is in order and you may speak on the proposed resolution.

Mr. VITALI. Mr. Speaker, I am very concerned about the rule I referred to; in this case, T4. T4, as I alluded to, would allow a concurrence vote within 3 hours of language coming into the public realm. And I think this could serve to cut both rank-and-file members – it would prevent rank-and-file members in some circumstances from the very fundamental right they have to make an informed vote, but more importantly, it would cut the public out of giving their input, of understanding what we are voting on and giving their input to their elected officials.

Mr. Speaker, I have been in this chamber – this is my 30th year, and I have been part of 30 budgets, or will be. And what seems to be happening is that, with regard to some of the accompanying bills in the budget, in particular the Fiscal Code and the Administrative Code, at the last minute, with regard to budget negotiations, very deleterious provisions are inserted into them, and then members are put in a position where they have to vote on these deleterious provisions without even knowledge that they are in there right away. This has become the way we have the slipped into doing business recently.

Mr. Speaker, after the pay raise scandal where a number of members, including leaders, went to jail because of midnight voting and tactics such as this, I was appointed to a reform commission that had other Representatives, including Attorney General Shapiro, and we expanded the time period as a rule reform for the amount of time we had to vote on bills such as this.

Now, we used COVID as a guise at the beginning, when that began, to shorten notice requirements saying health reasons dictate that the rules are the way they are. We have to get off the House floor so quickly because of current COVID conditions that we must shorten this time period. Well, look around you. Is anyone really so afraid of getting off the floor at a certain period of time right now due to COVID conditions? Well, you do not seem that way. And you also now have the right, if you want to, to vote remotely, and we also have vaccines and we also know more about it and we are also dealing with a less lethal strain. The point is, every vote we took 2 weeks ago was probably out in the public realm for weeks or even months, but certainly more than 3 hours. This reasoning that we need, because of COVID, to vote things within 3 hours is absolute nonsense and any thinking person should realize that.

Mr. Speaker, these rules are a step in the wrong direction. If you give lip service to things like open and accountable government, transparency, including the public, voting for this would make you a hypocrite, in my opinion. A hypocrite. Do not go home to your districts and say "I believe in open government" when you are about to cut your constituents out of the process, because that is what you are going to do come budget time. When the Fiscal Code comes and they put things in like plastic bans and leasing State forests and tax breaks to favorite people and big WAMs (walking-around money) to the favorites of leadership, this is the vehicle by which this stuff happens. If you do not care, you do not care. That is fine. But know what you are voting on.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

### REMARKS SUBMITTED FOR THE RECORD

Ms. McCLINTON submitted the following remarks for the Legislative Journal:

Advancing from the historic inequities spurred by the unjust practice of prison gerrymandering in Pennsylvania seems to be a case of one step forward, two steps back. In August, the Legislative Reapportionment Commission took a significant step to allow the people who are currently in our State correctional facilities to be counted in their home communities for the purposes of State legislative redistricting. This is common sense, as most of these Pennsylvanians will be released from custody and resume their lives in the communities of their friends and families. However, in September, this historic decision took one step back when it was rolled back to only include people whose sentences end before April 1, 2030. I was disappointed in this decision, but it still represented an advancement in treating Pennsylvanians and Pennsylvania communities fairly. The people directly affected are those serving sentences in either a State correctional facility or a State facility for adjudicated delinquent youth and their home communities that have historically lost representation. As a result, more than 30,000 people – about half of a legislative district – will now be counted in their home community, not where they are currently housed.

The facts are clear: Prison gerrymandering inflated the weight of a vote cast in districts that contain prisons at the expense of voters in areas that do not host a prison. By ending prison gerrymandering, we stopped giving the rural counties that host our State facilities undue weight as they had been, by unfairly counting the people in those facilities in the legislature. Prison gerrymandering dilutes the power of the vote for Black and Brown communities whose citizens are disproportionately incarcerated. So imagine my disappointment after that historic compromise and advancement that we are debating the same bad idea here when determining congressional districts. Prison gerrymandering is unjust when drawing State maps and it is unjust when drawing congressional maps.

Treating people as permanent residents of the location they are incarcerated instead of the communities in which they will live upon release is unfair to the Pennsylvanians in our facilities and to their home communities. While I understand that congressional districts are larger than State House and Senate districts, that does not mean we should continue to inflate the population of our rural counties at the expense of our urban and suburban counties like Philadelphia, Allegheny, Lancaster, Berks, and Montgomery. This may seem like a progressive policy only being considered in blue States, but that is an unfair characterization. Even Montana, barely a Democratic stronghold, is moving forward with its plan to change how incarcerated people in the State are counted for the purposes of legislative redistricting and has sent out a request for proposals to vendors who may be able to do the necessary analysis with a deadline of April to complete their work.

This is not a progressive or conservative issue. This is about fairness, about "one person, one vote." Further, sustaining our system of prison gerrymandering creates a conflicting and confusing system for those incarcerated Pennsylvanians who are convicted of misdemeanors and able to vote. If you are eligible to vote while incarcerated, the law requires you to register to vote and vote at your residence prior to confinement. A penal institution – including a halfway house – cannot be a residence address for registering to vote. So these people are required to vote in one location, but counted for the purposes of redistricting in another. We can do better – the LRC compromise is proof that we can do better – and we should do better. Our votes have consequences, and we do not get another chance to right this injustice for another 10 years. We should vote to end prison gerrymandering in congressional redistricting today.

#### RESOLUTION PASSED OVER TEMPORARILY

The SPEAKER. We will temporarily go over HR 167, as there are some technical difficulties. Some members are indicating that they cannot pull it up on their computer screen. We will work with LDPC (Legislative Data Processing Center) and return to the resolution once it is available.

#### SUPPLEMENTAL CALENDAR B

##### BILL ON CONCURRENCE IN SENATE AMENDMENTS

The House proceeded to consideration of concurrence in Senate amendments to **HB 1588, PN 2323**, entitled:

An Act amending Title 7 (Banks and Banking) of the Pennsylvania Consolidated Statutes, in mortgage loan industry licensing and consumer protection, further providing for definitions, for license requirements, for exceptions to license requirements, for general requirements, for powers conferred on certain licensees engaged in the mortgage loan business, for mortgage loan business prohibitions, for application for license, for preclicensing and continuing education, for license fees, for licensee requirements, for suspension, revocation or refusal and for mortgage servicers.

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

The SPEAKER. Moved by the gentleman, Representative Mercuri, that the House concur in the amendments inserted by the Senate.

The Chair now recognizes Representative Mercuri for a brief description of Senate amendments.

Mr. MERCURI. Thank you, Mr. Speaker.

Mr. Speaker, HB 1588 provides for permanent remote work for mortgage originators and clarification language throughout the act. One of the pandemic waivers was to waive the requirement for mortgage originators to work from a licensed location or from 100 miles of a branch. These individuals have been working remotely from a licensed location since March of 2020. This bill allows them to continue to do so and makes it permanent.

Since passing the House last year with my colleagues' full support, this bill has been amended by the Senate to provide a funding mechanism for the Department of Banking in the case

that there is reduction in the funding of branch locations at a rate of 20 percent of the total number of branches in the proceeding years.

Mr. Speaker, I would appreciate your support. Thank you.  
The SPEAKER. The Chair thanks the gentleman.

On the question recurring,  
Will the House concur in Senate amendments?  
The SPEAKER. Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

(Members proceeded to vote.)

The SPEAKER. On that question, the Chair recognizes the gentlewoman, Representative Oberlander.

Ms. OBERLANDER. Thank you, Mr. Speaker.

The electronic board is accurate.

The SPEAKER. The Chair thanks the lady and recognizes the gentleman, Representative Harris.

Mr. HARRIS. Thank you, Mr. Speaker.

The electronic board is accurate.

The SPEAKER. The Chair thanks the gentleman.

The following roll call was recorded:

#### YEAS—200

Armanini	Frankel	Mackenzie, M.	Roae
Benham	Freeman	Mackenzie, R.	Rossi
Benninghoff	Fritz	Madden	Rothman
Bernstine	Galloway	Major	Rowe
Bizzarro	Gaydos	Mako	Rozzi
Boback	Gillen	Malagari	Ryan
Bonner	Gillespie	Maloney	Sainato
Borowicz	Gleim	Markosek	Samuelson
Boyle	Greiner	Marshall	Sanchez
Bradford	Grove	Masser	Sankey
Briggs	Guenst	Matzie	Sappey
Brooks	Guzman	McClinton	Saylor
Brown, A.	Hamm	McNeill	Schemel
Brown, R.	Hanbidge	Mehaffie	Schlossberg
Bullock	Harkins	Mentzer	Schmitt
Burgos	Harris	Mercuri	Schroeder
Burns	Heffley	Merski	Schweyer
Carroll	Helm	Metcalfe	Shusterman
Causer	Hennessey	Metzgar	Silvis
Cephas	Herrin	Mihalek	Sims
Ciresi	Hershey	Millard	Smith
Conklin	Hickernell	Miller, B.	Snyder
Cook	Hohenstein	Miller, D.	Solomon
Cox	Howard	Mizgorski	Sonney
Cruz	Innamorato	Moul	Staats
Culver	Irvin	Mullery	Stambaugh
Curry	Isaacson	Mullins	Stephens
Daley	James	Mustello	Struzzi
Davanzo	Jones	Neilson	Sturla
Davis, A.	Jozwiak	Nelson, E.	Thomas
Davis, T.	Kail	Nelson, N.	Tomlinson
Dawkins	Kaufner	O'Mara	Topper
Day	Kauffman	O'Neal	Twardzik
Deasy	Keefer	Oberlander	Vitali
DeLissio	Kenyatta	Ortitay	Warner
Delloso	Kerwin	Otten	Warren
Delozier	Kim	Owlett	Webster
DelRosso	Kinhead	Parker	Welby
DeLuca	Kinsey	Pashinski	Wentling

Diamond	Kirkland	Peifer	Wheatley
Dowling	Klunk	Pennycuik	Wheeland
Driscoll	Knowles	Pickett	White
Dunbar	Kosierowski	Pisciottano	Williams, C.
Ecker	Krajewski	Polinchock	Williams, D.
Emrick	Krueger	Puskaric	Young
Evans	Kulik	Quinn	Zabel
Farry	Labs	Rabb	Zimmerman
Fee	Lawrence	Rader	
Fiedler	Lee	Rapp	Cutler,
Fitzgerald	Lewis	Rigby	Speaker
Flood	Longietti		

NAYS—0

NOT VOTING—0

EXCUSED—1

Gregory

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

Ordered, That the clerk inform the Senate accordingly.

**BILL SIGNED BY SPEAKER**

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

**HB 1588, PN 2323**

An Act amending Title 7 (Banks and Banking) of the Pennsylvania Consolidated Statutes, in mortgage loan industry licensing and consumer protection, further providing for definitions, for license requirements, for exceptions to license requirements, for general requirements, for powers conferred on certain licensees engaged in the mortgage loan business, for mortgage loan business prohibitions, for application for license, for prelicensing and continuing education, for license fees, for licensee requirements, for suspension, revocation or refusal and for mortgage servicers.

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

**SUPPLEMENTAL CALENDAR C**

**BILLS ON THIRD CONSIDERATION**

The House proceeded to third consideration of **HB 1760, PN 2600**, entitled:

An Act amending Title 12 (Commerce and Trade) of the Pennsylvania Consolidated Statutes, in property assessed clean energy program, further providing for purpose, for definitions, for establishment of a program, for notice to lien holder required for participation, for scope of work, for lien and for collection of assessments.

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.

(Members proceeded to vote.)

The SPEAKER. On that question, the Chair recognizes the gentlewoman, Representative Oberlander.

Ms. OBERLANDER. Thank you, Mr. Speaker.  
The electronic board is accurate.

The SPEAKER. The Chair thanks the lady and recognizes the gentleman, Representative Harris.

Mr. HARRIS. Thank you, Mr. Speaker.  
The electronic board is accurate.

The SPEAKER. The Chair thanks the gentleman.

The following roll call was recorded:

YEAS—200

Armanini	Frankel	Mackenzie, M.	Roae
Benham	Freeman	Mackenzie, R.	Rossi
Benninghoff	Fritz	Madden	Rothman
Bernstine	Galloway	Major	Rowe
Bizzarro	Gaydos	Mako	Rozzi
Boback	Gillen	Malagari	Ryan
Bonner	Gillespie	Maloney	Sainato
Borowicz	Gleim	Markosek	Samuelson
Boyle	Greiner	Marshall	Sanchez
Bradford	Grove	Masser	Sankey
Briggs	Guenst	Matzie	Sappey
Brooks	Guzman	McClinton	Saylor
Brown, A.	Hamm	McNeill	Schemel
Brown, R.	Hanbidge	Mehaffie	Schlossberg
Bullock	Harkins	Mentzer	Schmitt
Burgos	Harris	Mercuri	Schroeder
Burns	Heffley	Merski	Schweyer
Carroll	Helm	Metcalfe	Shusterman
Causar	Hennessey	Metzgar	Silvis
Cephas	Herrin	Mihalek	Sims
Ciresi	Hershey	Millard	Smith
Conklin	Hickernell	Miller, B.	Snyder
Cook	Hohenstein	Miller, D.	Solomon
Cox	Howard	Mizgorski	Sonney
Cruz	Innamorato	Moul	Staats
Culver	Irvin	Mullery	Stambaugh
Curry	Isaacson	Mullins	Stephens
Daley	James	Mustello	Struzzi
Davanzo	Jones	Neilson	Sturla
Davis, A.	Jozwiak	Nelson, E.	Thomas
Davis, T.	Kail	Nelson, N.	Tomlinson
Dawkins	Kaufner	O'Mara	Topper
Day	Kauffman	O'Neal	Twardzik
Deasy	Keefer	Oberlander	Vitali
DeLissio	Kenyatta	Ortitay	Warner
Delloso	Kerwin	Otten	Warren
Delozier	Kim	Owlett	Webster
DeRosso	Kinhead	Parker	Welby
DeLuca	Kinsey	Pashinski	Wentling
Diamond	Kirkland	Peifer	Wheatley
Dowling	Klunk	Pennycuik	Wheeland
Driscoll	Knowles	Pickett	White
Dunbar	Kosierowski	Pisciottano	Williams, C.
Ecker	Krajewski	Polinchock	Williams, D.
Emrick	Krueger	Puskaric	Young
Evans	Kulik	Quinn	Zabel
Farry	Labs	Rabb	Zimmerman

Fee	Lawrence	Rader	
Fiedler	Lee	Rapp	Cutler,
Fitzgerald	Lewis	Rigby	Speaker
Flood	Longiatti		

NAYS—0

NOT VOTING—0

EXCUSED—1

Gregory

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 232, PN 2601**, entitled:

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

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.

(Members proceeded to vote.)

The SPEAKER. On that question, the Chair recognizes the gentlewoman, Representative Oberlander.

Ms. OBERLANDER. Thank you, Mr. Speaker.

The electronic board is accurate.

The SPEAKER. The Chair thanks the lady and recognizes the gentleman, Representative Harris.

Mr. HARRIS. Thank you, Mr. Speaker.

The electronic board is accurate.

The SPEAKER. The Chair thanks the gentleman.

The following roll call was recorded:

YEAS—200

Armanini	Frankel	Mackenzie, M.	Roae
Benham	Freeman	Mackenzie, R.	Rossi
Benninghoff	Fritz	Madden	Rothman
Bernstine	Galloway	Major	Rowe
Bizzarro	Gaydos	Mako	Rozzi
Boback	Gillen	Malagari	Ryan
Bonner	Gillespie	Maloney	Sainato
Borowicz	Gleim	Markosek	Samuelson
Boyle	Greiner	Marshall	Sanchez

Bradford	Grove	Masser	Sankey
Briggs	Guenst	Matzie	Sappery
Brooks	Guzman	McClinton	Saylor
Brown, A.	Hamm	McNeill	Schemel
Brown, R.	Hanbidge	Mehaffie	Schlossberg
Bullock	Harkins	Mentzer	Schmitt
Burgos	Harris	Mercuri	Schroeder
Burns	Heffley	Merski	Schweyer
Carroll	Helm	Metcalfe	Shusterman
Causer	Hennessey	Metzgar	Silvis
Cephas	Herrin	Mihalek	Sims
Ciresi	Hershey	Millard	Smith
Conklin	Hickernell	Miller, B.	Snyder
Cook	Hohenstein	Miller, D.	Solomon
Cox	Howard	Mizgorski	Sonney
Cruz	Innamorato	Moul	Staats
Culver	Irvin	Mullery	Stambaugh
Curry	Isaacson	Mullins	Stephens
Daley	James	Mustello	Struzzi
Davanzo	Jones	Neilson	Sturla
Davis, A.	Jozwiak	Nelson, E.	Thomas
Davis, T.	Kail	Nelson, N.	Tomlinson
Dawkins	Kaufner	O'Mara	Topper
Day	Kauffman	O'Neal	Twardzik
Deasy	Keefer	Oberlander	Vitali
DeLissio	Kenyatta	Ortitay	Warner
Delloso	Kerwin	Otten	Warren
Delozier	Kim	Owlett	Webster
DelRosso	Kinhead	Parker	Welby
DeLuca	Kinsey	Pashinski	Wentling
Diamond	Kirkland	Peifer	Wheatley
Dowling	Klunk	Pennycuick	Wheeland
Driscoll	Knowles	Pickett	White
Dunbar	Kosierowski	Pisciottano	Williams, C.
Ecker	Krajewski	Polinchock	Williams, D.
Emrick	Krueger	Puskaric	Young
Evans	Kulik	Quinn	Zabel
Farry	Labs	Rabb	Zimmerman
Fee	Lawrence	Rader	
Fiedler	Lee	Rapp	Cutler,
Fitzgerald	Lewis	Rigby	Speaker
Flood	Longiatti		

NAYS—0

NOT VOTING—0

EXCUSED—1

Gregory

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 1351, PN 1466**, entitled:

An Act amending the act of May 1, 1933 (P.L.103, No.69), known as The Second Class Township Code, in auditors and accountants, further providing for surcharge by auditors; and, in township manager, further providing for township manager and appointment, removal, powers and duties and compensation and bond.

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.

(Members proceeded to vote.)

The SPEAKER. On that question, the Chair recognizes the gentlewoman, Representative Oberlander.

Ms. OBERLANDER. Thank you, Mr. Speaker.

The electronic board is accurate.

The SPEAKER. The Chair thanks the lady and recognizes the gentleman, Representative Harris.

Mr. HARRIS. Thank you, Mr. Speaker.

The electronic board is accurate.

The SPEAKER. The Chair thanks the gentleman.

The following roll call was recorded:

#### YEAS—200

Armanini	Frankel	Mackenzie, M.	Roae
Benham	Freeman	Mackenzie, R.	Rossi
Benninghoff	Fritz	Madden	Rothman
Bernstine	Galloway	Major	Rowe
Bizzarro	Gaydos	Mako	Rozzi
Boback	Gillen	Malagari	Ryan
Bonner	Gillespie	Maloney	Sainato
Borowicz	Gleim	Markosek	Samuelson
Boyle	Greiner	Marshall	Sanchez
Bradford	Grove	Masser	Sankey
Briggs	Guenst	Matzie	Sappey
Brooks	Guzman	McClinton	Saylor
Brown, A.	Hamm	McNeill	Schemel
Brown, R.	Hanbidge	Mehaffie	Schlossberg
Bullock	Harkins	Mentzer	Schmitt
Burgos	Harris	Mercuri	Schroeder
Burns	Heffley	Merski	Schweyer
Carroll	Helm	Metcalfe	Shusterman
Causer	Hennessey	Metzgar	Silvis
Cephas	Herrin	Mihalek	Sims
Ciresi	Hershey	Millard	Smith
Conklin	Hickernell	Miller, B.	Snyder
Cook	Hohenstein	Miller, D.	Solomon
Cox	Howard	Mizgorski	Sonney
Cruz	Innamorato	Moul	Staats
Culver	Irvin	Mullery	Stambaugh
Curry	Isaacson	Mullins	Stephens
Daley	James	Mustello	Struzzi
Davanzo	Jones	Neilson	Sturla
Davis, A.	Jozwiak	Nelson, E.	Thomas
Davis, T.	Kail	Nelson, N.	Tomlinson
Dawkins	Kaufer	O'Mara	Topper
Day	Kauffman	O'Neal	Twardzik
Deasy	Keefer	Oberlander	Vitali
DeLissio	Kenyatta	Ortitay	Warner
Delloso	Kerwin	Otten	Warren
Delozier	Kim	Owlett	Webster
DelRosso	Kinthead	Parker	Welby
DeLuca	Kinsey	Pashinski	Wentling
Diamond	Kirkland	Peifer	Wheatley
Dowling	Klunk	Pennycuick	Wheeland
Driscoll	Knowles	Pickett	White
Dunbar	Kosierowski	Pisciottano	Williams, C.

Ecker	Krajewski	Polinchock	Williams, D.
Emrick	Krueger	Puskaric	Young
Evans	Kulik	Quinn	Zabel
Farry	Labs	Rabb	Zimmerman
Fee	Lawrence	Rader	
Fiedler	Lee	Rapp	Cutler,
Fitzgerald	Lewis	Rigby	Speaker
Flood	Longietti		

NAYS—0

NOT VOTING—0

EXCUSED—1

Gregory

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

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

#### SUPPLEMENTAL CALENDAR A CONTINUED

#### CONSIDERATION OF HR 167 CONTINUED

The SPEAKER. The Speaker has been informed that HR 167, PN 2644, is available online. For the information of the members, you can go to the supplemental calendar A, click on that link, go to the resolution, and then click on the text button and it can be found there.

On Resolution 167, the Speaker recognizes the gentleman, the majority leader.

Mr. BENNINGHOFF. Thank you, Mr. Speaker. I thought I would try another microphone out.

I just wanted the members to realize that the resolution we are doing is predominantly allowing us to continue to vote remotely, with some initial interest in that. The gentleman raises a question on that, but I just want to remind the voters here in this room that we are still operating under the same provisions we have done for almost 2 years. It does not change of any of that.

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

The SPEAKER. The Chair thanks the gentleman.

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

(Members proceeded to vote.)

The SPEAKER. On that question, the Chair recognizes the gentlewoman, Representative Oberlander.

Ms. OBERLANDER. Thank you, Mr. Speaker.

The electronic board is accurate.

The SPEAKER. The Chair thanks the lady and recognizes the gentleman, Representative Harris.

Mr. HARRIS. Thank you, Mr. Speaker.

The electronic board is accurate.

The SPEAKER. The Chair thanks the gentleman.



The following roll call was recorded:

YEAS—171

Armanini	Flood	Mackenzie, R.	Rapp
Benham	Frankel	Madden	Rossi
Benninghoff	Fritz	Major	Rothman
Bernstine	Galloway	Mako	Rowe
Bizzarro	Gaydos	Malagari	Rozzi
Boback	Gillen	Maloney	Ryan
Bonner	Gillespie	Markosek	Sanchez
Boyle	Gleim	Marshall	Sankey
Bradford	Greiner	Masser	Sappey
Briggs	Grove	Matzie	Saylor
Brooks	Guenst	McClinton	Schlossberg
Brown, A.	Guzman	McNeill	Schmitt
Brown, R.	Hanbidge	Mehaffie	Schroeder
Bullock	Harkins	Mentzer	Schweyer
Carroll	Harris	Mercuri	Shusterman
Causar	Helm	Merski	Silvis
Ciresi	Hennessey	Metcalfe	Sims
Conklin	Herrin	Mihalek	Smith
Cook	Hershey	Millard	Snyder
Cox	Hickernell	Miller, B.	Solomon
Cruz	Howard	Miller, D.	Sonney
Culver	Innamorato	Mizgorski	Staats
Curry	Jones	Moul	Stambaugh
Daley	Jozwiak	Mullery	Stephens
Davanzo	Kail	Mullins	Struzzi
Davis, A.	Kaufer	Mustello	Sturla
Davis, T.	Kauffman	Neilson	Thomas
Dawkins	Keefer	Nelson, N.	Tomlinson
Day	Kenyatta	O'Mara	Twardzik
Deasy	Kerwin	Oberlander	Warren
Delloso	Kim	Ortitay	Webster
Delozier	Kinsey	Otten	Welby
DelRosso	Kirkland	Parker	Wheatley
DeLuca	Klunk	Pashinski	Wheeland
Dowling	Knowles	Peifer	White
Driscoll	Kosierowski	Pennycuik	Williams, C.
Dunbar	Krajewski	Pickett	Williams, D.
Ecker	Krueger	Pisciottano	Young
Emrick	Kulik	Polinchock	Zabel
Evans	Labs	Puskaric	Zimmerman
Farry	Lee	Quinn	
Fee	Lewis	Rabb	Cutler,
Fiedler	Mackenzie, M.	Rader	Speaker
Fitzgerald			

NAYS—29

Borowicz	Heffley	Longiotti	Sainato
Burgos	Hohenstein	Metzgar	Samuelson
Burns	Irvin	Nelson, E.	Schemel
Cephas	Isaacson	O'Neal	Topper
DeLissio	James	Owlett	Vitali
Diamond	Kinthead	Rigby	Warner
Freeman	Lawrence	Roae	Wentling
Hamm			

NOT VOTING—0

EXCUSED—1

Gregory

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

The SPEAKER. For the information of the members, there will be no further floor votes this afternoon; however, we will be keeping the desk open for some housekeeping, as well as receipt of some bills from the Senate to be signed later today.

**BILLS RECOMMITTED**

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

HB 199;  
HB 285;  
HB 324;  
HB 333;  
HB 624; and  
HB 1960.

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 1059;  
HB 1341;  
HB 1445;  
HB 2219; and  
SB 533.

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

**CALENDAR CONTINUED**

**BILL ON SECOND CONSIDERATION**

The House proceeded to second consideration of **HB 1497, PN 1828**, entitled:

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 renewal of licenses and temporary provisions for licensees in armed service and for rights of municipalities preserved.

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

**BILL TABLED**

The SPEAKER. The majority leader moves that HB 1497 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 1497 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.

### **TRANSPORTATION COMMITTEE MEETING**

The SPEAKER. The Speaker recognizes the gentleman, Representative Hennessey, for a committee announcement.

Mr. HENNESSEY. Thank you, Mr. Speaker.

I would like to remind the members of the House Transportation Committee that we will have a voting meeting tomorrow at 10 o'clock in room B-31 of the Main Capitol. Thank you.

The SPEAKER. The Speaker thanks the gentleman.

The Transportation Committee will meet tomorrow at 10 o'clock in room B-31 of the Main Capitol.

The House will be at ease.

The House will please return to order.

### **SENATE MESSAGE**

#### **HOUSE BILL CONCURRED IN BY SENATE**

The clerk of the Senate, being introduced, returned **HB 2146, PN 2541**, with information that the Senate has passed the same without amendment.

### **BILL SIGNED BY SPEAKER**

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

#### **HB 2146, PN 2541**

An Act apportioning this Commonwealth into congressional districts in conformity with constitutional requirements; providing for the nomination and election of Congressmen; and requiring publication of notice of the establishment of congressional districts following the Federal decennial census.

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

### **CONCURRENT RESOLUTION SIGNED BY SPEAKER**

Resolution numbered and entitled, the same being correct, the title was publicly read as follows:

#### **HR 165, PN 2494**

A Concurrent Resolution adopting a population data set without adjusting any group quarters population for use in congressional redistricting legislation.

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

### **BILLS AND RESOLUTIONS PASSED OVER**

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

### **ADJOURNMENT**

The SPEAKER. The Speaker is in receipt of a motion made by the gentleman, Representative Grove, that this House do now adjourn until Tuesday, January 25, 2022, at 11 a.m., e.s.t., unless sooner recalled by the Speaker.

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

Motion was agreed to, and at 4:43 p.m., e.s.t., the House adjourned.