

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

WEDNESDAY, APRIL 13, 2022

SESSION OF 2022

206TH OF THE GENERAL ASSEMBLY

No. 16

HOUSE OF REPRESENTATIVES

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

THE SPEAKER (BRYAN CUTLER) PRESIDING

PRAYER

HON. ROBERT F. MATZIE, member of the House of Representatives, offered the following prayer:

Thank you, Mr. Speaker. Members, guests.

The Easter feeling does not end. It signals a new beginning; of nature, spring, and brand-new life, and friendship, peace, and giving. The spirit of Easter is all about hope, love, and joyful living. And as we pray this week, I pray to the prayer of St. Francis:

Lord, make me an instrument of your peace:
where there is hatred, let me sow love;
where there is injury, pardon;
where there is doubt, faith;
where there is despair, hope;
where there is darkness, light;
where there is sadness, joy.
O divine Master, grant that I may not so much seek
to be consoled as to console,
to be understood as to understand,
to be loved as to love.
For it is in giving that we receive,
it is in pardoning that we are pardoned,
and it is in dying that we are born to eternal life.

Amen.

PLEDGE OF ALLEGIANCE

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

JOURNAL APPROVAL POSTPONED

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

BILL REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

HB 2286, PN 2674

By Rep. ROAE

An Act amending the act of July 31, 1968 (P.L.805, No.247), known as the Pennsylvania Municipalities Planning Code, in general provisions, further providing for definitions; and, in zoning, further providing for ordinance provisions.

COMMERCE.

HOUSE BILLS INTRODUCED AND REFERRED

No. 2408 By Representatives ARMANINI, OWLETT, PICKETT, FRITZ, HAMM, O'NEAL, SMITH, HERSHEY, JAMES, RYAN, MILLARD, CAUSER, BROOKS, RAPP, GROVE, DeLUCA, ROWE, KEEFER and MARSHALL

An Act amending the act of November 26, 1978 (P.L.1375, No.325), known as the Dam Safety and Encroachments Act, further providing for definitions; and providing for culvert maintenance requirements.

Referred to Committee on ENVIRONMENTAL RESOURCES AND ENERGY, April 13, 2022.

No. 2410 By Representatives SMITH, OWLETT, PICKETT, FRITZ, HAMM, ARMANINI, O'NEAL, HERSHEY, JAMES, RYAN, MILLARD, CAUSER, BROOKS, RAPP, GROVE, DeLUCA, ROWE, KEEFER and MARSHALL

An Act amending the act of November 26, 1978 (P.L.1375, No.325), known as the Dam Safety and Encroachments Act, further providing for definitions; and providing for permit not required for certain maintenance projects.

Referred to Committee on ENVIRONMENTAL RESOURCES AND ENERGY, April 13, 2022.

No. 2511 By Representatives CIRESI, HILL-EVANS, PARKER, McNEILL, MADDEN, HOHENSTEIN, SANCHEZ, BROOKS, BOBACK, SCHLOSSBERG, DELLOSO, DeLUCA, N. NELSON, MENTZER, NEILSON, D. WILLIAMS, WELBY, HENNESSEY, GUZMAN, WARREN, CEPHAS and GUENST

An Act amending the act of December 17, 1968 (P.L.1224, No.387), known as the Unfair Trade Practices and Consumer Protection Law, providing for unlawful retention policy.

Referred to Committee on CONSUMER AFFAIRS, April 13, 2022.

No. 2512 By Representatives DeLUCA, GUENST, STURLA, HILL-EVANS, McNEILL, NEILSON, INNAMORATO and SANCHEZ

An Act amending Title 68 (Real and Personal Property) of the Pennsylvania Consolidated Statutes, in real property, providing for disclosure of real property transactions.

Referred to Committee on CONSUMER AFFAIRS, April 13, 2022.

No. 2513 By Representative KINKEAD

An Act authorizing the Department of General Services, with the approval of the Department of Corrections and the Governor, to grant and convey to John Bradley Wimer certain lands, buildings and improvements situate in the City of Pittsburgh, Allegheny County.

Referred to Committee on STATE GOVERNMENT, April 13, 2022.

No. 2514 By Representatives WHITE, FARRY, HILL-EVANS, THOMAS, POLINCHOCK, DRISCOLL, SCHLOSSBERG, SCHLEGEL CULVER and CIRESI

An Act amending the act of June 2, 1915 (P.L.736, No.338), known as the Workers' Compensation Act, in interpretation and definitions, further providing for the definition of occupational disease.

Referred to Committee on LABOR AND INDUSTRY, April 13, 2022.

No. 2515 By Representatives FARRY, WHITE, HILL-EVANS, POLINCHOCK, DRISCOLL, SCHLOSSBERG, SCHLEGEL CULVER and CIRESI

An Act amending the act of June 2, 1915 (P.L.736, No.338), known as the Workers' Compensation Act, in interpretation and definitions, further providing for the definition of occupational disease.

Referred to Committee on LABOR AND INDUSTRY, April 13, 2022.

ACTUARIAL NOTE

The SPEAKER. The Speaker acknowledges receipt of an actuarial note for SB 423, PN 854 as amended by amendment A03936 from the Independent Fiscal Office.

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

**COMMUNICATION FROM
PENNSYLVANIA AUTOMOBILE THEFT
PREVENTION AUTHORITY**

The SPEAKER. The Speaker also submits for the record the Pennsylvania Automobile Theft Prevention Authority's 2021 Annual Report.

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

LEAVES OF ABSENCE

The SPEAKER. Turning to leaves of absence.

The Speaker recognizes the majority whip, who indicates that the gentleman, Representative KAUFER wishes to be placed on leave for the day. Without objection, the leave will be so granted.

The Chair now 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—199

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

ADDITIONS—0

NOT VOTING—0

EXCUSED—1

Kaufer

LEAVES ADDED—2

Burns Kaufer

LEAVES CANCELED—1

Kaufer

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

GUESTS INTRODUCED

The SPEAKER. Turning to visitor recognition.

Located in the gallery, the Chair is pleased to welcome guests of Representative Eric Nelson, the Hempfield Area High School Competitive Spirit Team and coaches. This team won the WPIAL District Championship for a second straight year, and were the PIAA State Champions in January. Congratulations.

Also located in the gallery, the Chair is pleased to welcome a special friend of Representative Borowicz, Pastor Jessica Gerber. She is the associate pastor at Freedom Life Church in Christiana, and resides in the 100th Legislative District. I had the pleasure of meeting her earlier today, thanks to Representative Borowicz. So welcome, Pastor Gerber.

Located in the gallery, the Chair is pleased to welcome members of the Families SCN2A Foundation. This organization was created by parents of children diagnosed with epilepsy and autism as a result of a change in the SCN2A gene. Their vision is to find treatments and a cure for the disorder. They are the guests of Representative Samuelson. Welcome.

Located in the gallery, the Chair is pleased to welcome guests of Representative Andrew Lewis, the Central Dauphin High School Cheerleading Squad, who won their division at the national competition in Orlando, Florida, in February. Congratulations to the cheerleaders and the coaches.

If I could direct the members' attention to the well of the House. The Chair is pleased to welcome Representative Bullock's sons, Malcolm and Xavier, whom I had the privilege of meeting earlier today, and they are serving as guest pages. Malcolm is in eighth grade at George Washington Carver Engineering and Science Middle School, and Xavier is in fifth grade at Julia R. Masterman Middle School. Welcome, gentleman.

LEAVE OF ABSENCE CANCELED

The SPEAKER. The gentleman, Representative Kaufer, is present and will be placed back on the master roll.

CHERYL WALKER PRESENTED

The SPEAKER. Members, if you could take your seats. We are about to undertake another retirement recognition.

Cheryl Walker, administrative assistant to leadership, House Appropriations Committee.

We are pleased to recognize yet another House employee who is retiring. Cheryl, who currently serves as an administrative assistant to House Appropriations Chairman Stan Saylor, is retiring after 14 years with the House Republican Caucus.

She served in several administrative capacities in the private sector before coming to work for the House in 2008. She has worked for Chairman Saylor ever since. Cheryl, we know it is not easy working for a busy House committee, especially the Appropriations Committee. We thank you for your loyalty to this caucus and the long hours you have worked to further the mission of the Appropriations Committee. And more importantly, we wish you the very best in your retirement years.

Before I recognize Chairman Saylor, I would like to introduce the family members you have with you today. Located to my left, we welcome Cheryl's husband, Randy; her son, Nate and his wife, Norma; her son, Brandon; and her daughter, Mandy, whom I had the privilege of meeting earlier today. Welcome. And more importantly, thank you for sharing Cheryl with us.

We are also pleased to have six – and I think this is quite an accomplishment, particularly with the time of the school year that we are in – but we have six of Cheryl's granddaughters here with us today: Samantha, Madeline, Abigail, Corinne, Lily, and Kayleigh. She also has three other grandchildren not currently with us who could not attend today, and four stepgrandchildren.

So welcome, and thanks for being here for that special day. You must be very proud of your family and we are happy to have them here with you today to celebrate in this moment.

With that, the Chair will recognize the gentleman, Chairman Saylor, for some comments.

Mr. SAYLOR. Good morning, everyone.

I want to thank the Speaker for allowing me to recognize Cheryl today. As the Speaker said, she joined my staff in 2008 when I was the minority chairman of the Local Government Committee with Bob Freeman. While I served also as the Education Committee chair, Policy chair, whip, and now Appropriations chairman, Cheryl has been with me throughout the whole time. In that time, Cheryl has served thousands and thousands of my constituents in the 94th District, assisting them with problems in State agencies and helping them access information about State government. She has always displayed an attitude of can-do and an attitude of get the job done, and she is always happy to help constituents resolve issues.

Cheryl has been an absolute pleasure over the years to work with on my team. She is very organized – which if you look at my desk sometimes, you can tell I am not as organized as Cheryl – and occasionally, she really helps keep me grounded. But you know, the most important thing about all of us is our staff, and we know they are really good when they feel the pain of our constituents who are going through many different issues over the years. Cheryl is one of those. She has that heart that she cares about people in Pennsylvania.

Her service here in the General Assembly has truly not just been a service to the people of the 94th District, but a service to people all across Pennsylvania, and these are the kinds of staffers we want to look at.

So, Cheryl, I want to say, personally, thank you for your dedication and your love for the people of Pennsylvania and their problems, and I look forward to Cheryl, you, having time with your 13 grandchildren. I know you and Randy are going to do some camping and spend a lot more time with the grandchildren.

I am really sorry to be losing you. You have been amazing to work with over the years. You have always been there. And like I said, you have been – Cheryl has been just unselfish with her dedication here, and I want to wish you the very best in your retirement, Cheryl, and God bless you. Thank you.

The SPEAKER. Congratulations again, Cheryl.

I have said it many times, but I will say it once again: We are able to do our jobs because of the great staff that we have on both sides of the aisle, and we certainly appreciate your hard work and sacrifice. So thank you, and congratulations.

Turning to committee and caucus announcements.

APPROPRIATIONS COMMITTEE MEETING

The SPEAKER. The Speaker recognizes the gentleman, Chairman Saylor, for an Appropriations Committee announcement.

Mr. SAYLOR. Thank you, Mr. Speaker.

The Appropriations Committee will meet immediately in the majority caucus room, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

REPUBLICAN CAUCUS

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

Mr. DUNBAR. Thank you, Mr. Speaker.

Republicans will caucus an 12:30 in the majority caucus room; 12:30 in the majority caucus room. We will be back on the floor at 1:30.

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 at 12:30, hybrid.

The SPEAKER. The Chair thanks the gentleman.

RECESS

The SPEAKER. This House will stand in recess until 1:30 p.m., unless sooner recalled by the Speaker.

AFTER RECESS

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

BILLS REREPORTED FROM COMMITTEE

HB 71, PN 47

By Rep. SAYLOR

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, in taxation and finance, providing for spending limitations on the Commonwealth.

APPROPRIATIONS.

HB 223, PN 2842

By Rep. SAYLOR

An Act providing for the creation of keystone opportunity dairy zones to facilitate the economic development of Pennsylvania's dairy industry; authorizing expenditures; providing tax exemptions, tax deductions, tax abatements and tax credits; creating additional obligations of the Commonwealth and local governmental units; and prescribing powers and duties of certain State and local departments, agencies and officials.

APPROPRIATIONS.

HB 224, PN 2980

By Rep. SAYLOR

An Act amending the act of April 28, 1937 (P.L.417, No.105), known as the Milk Marketing Law, in purpose, short title and definitions, further providing for definitions and construction; in general powers of the board, providing for collection of premiums; in prices of milk, providing for board established premiums and further providing for cooperatives; and, in moneys and expenses of board, further providing for Milk Marketing Fund and for payment and providing for audits.

APPROPRIATIONS.

HB 1847, PN 2902

By Rep. SAYLOR

An Act amending the act of April 28, 1937 (P.L.417, No.105), known as the Milk Marketing Law, further providing for title of act; in purpose, short title and definitions, further providing for definitions; in organization of the board, further providing for appointment and terms of members and quorum; in licenses of milk dealers, further providing for grounds for refusal, suspension or revocation; in moneys and expenses of board, further providing for expenses and for payment; and, in saving provisions, repealing provisions relating to Joint Study Committee.

APPROPRIATIONS.

HB 2397, PN 2843

By Rep. SAYLOR

An Act authorizing the provision or sale of Pennsylvania milk in Pennsylvania schools.

APPROPRIATIONS.

HB 2456, PN 2876

By Rep. SAYLOR

An Act amending the act of April 28, 1937 (P.L.417, No.105), known as the Milk Marketing Law, in licenses of milk dealers, further providing for penalties in lieu of suspension.

APPROPRIATIONS.

HB 2457, PN 2901

By Rep. SAYLOR

An Act amending the act of April 28, 1937 (P.L.417, No.105), known as the Milk Marketing Law, in weighing and testing, further providing for certified testers and for certified weighers and samplers.

APPROPRIATIONS.

HB 2458, PN 2981

By Rep. SAYLOR

An Act establishing the Philadelphia LNG Export Task Force; and providing for duties of task force.

APPROPRIATIONS.

**BILLS REPORTED FROM COMMITTEE,
CONSIDERED FIRST TIME, AND TABLED****HB 978, PN 989**

By Rep. GROVE

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; and, in procedure, further providing for exceptions for public records.

STATE GOVERNMENT.

HB 2471, PN 2991 (Amended)

By Rep. GROVE

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 written requests; in agency response, further providing for extension of time; and, in judicial review, further providing for Commonwealth agencies, legislative agencies and judicial agencies, for local agencies and for Office of Open Records.

STATE GOVERNMENT.

HB 2496, PN 2992 (Amended)

By Rep. GROVE

An Act authorizing the Department of General Services, with the approval of the Department of Agriculture and the Governor, to grant and convey to Wyoming County, certain lands and improvements situate in the Township of Tunkhannock, Wyoming County; and authorizing the Department of General Services, with the approval of the Department of Corrections and the Governor, to grant and convey to John Bradley Wimer, certain lands, buildings and improvements situate in the City of Pittsburgh, Allegheny County.

STATE GOVERNMENT.

HB 2507, PN 2965

By Rep. GROVE

An Act amending Title 25 (Elections) of the Pennsylvania Consolidated Statutes, in changes in records, further providing for death of registrant.

STATE GOVERNMENT.

SB 423, PN 1591 (Amended)

By Rep. GROVE

An Act amending Title 71 (State Government) of the Pennsylvania Consolidated Statutes, in membership, credited service, classes of service, and eligibility for benefits relating to retirement for State employees and officers, further providing for mandatory and optional membership in the system and participation in the plan; and, in benefits, further providing for termination of annuities.

STATE GOVERNMENT.

SB 559, PN 1592 (Amended)

By Rep. GROVE

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, in access to public records during disaster declaration, further providing for definitions and for public records under Right-to-Know Law.

STATE GOVERNMENT.

SENATE MESSAGEHOUSE AMENDMENTS
CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives to **SB 1020, PN 1523**.

BILL SIGNED BY SPEAKER

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

SB 1020, PN 1523

An Act authorizing the Department of Conservation and Natural Resources, with the approval of the Governor, to grant and convey to Kyle A. and Tamara J. Boltz certain lands situate in Union Township, Lebanon County, in exchange for Kyle A. and Tamara J. Boltz's granting and conveying certain lands to the Commonwealth of Pennsylvania, Department of Conservation and Natural Resources, to be added to those existing lands at Swatara State Park; and authorizing the Department of Conservation and Natural Resources, with the approval of the Governor, to grant and convey to Erdenheim Farm (EQ), L.P., certain lands situate in Whitemarsh and Springfield Townships, Montgomery County, in exchange for Erdenheim Farm (EQ), L.P., causing to convey to the Commonwealth of Pennsylvania a tract of land to be added to Marsh Creek State Park.

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

LEAVES OF ABSENCE

The SPEAKER. Turning to leaves of absence.

The gentleman, Representative BURNS, wishes to be placed on leave. With objection, the leave will be so granted.

And the gentleman, Representative KAUFER, wishes to be placed on leave. Without objection, the leave will be so granted.

GUESTS INTRODUCED

The SPEAKER. Turning to visitor recognition. I am sure all the members would agree with me that it has been a very busy week here in the House and very much so seems like a return to normal, which is welcomed.

In the gallery, the Chair is pleased to welcome guests of Representative Kinsey, Representative Parker, and Representative Fitzgerald: the national champion Enon Eagles Football Team of Enon Tabernacle Baptist Church. Congratulations to coaches Henry Clack, Redell Crabbe, Michael Brown, and Marcus Robinson, as well as Greg Burris, their athletic director, and the entire team. Congratulations on an outstanding season, and congratulations on your achievements.

To the left of the rostrum, I am pleased to welcome Maryland State Senator Sarah Elfreth, the 2022 chair of the tri-State Chesapeake Bay Commission, a legislative commission advising the General Assemblies of Pennsylvania, Maryland, and Virginia.

Elected in 2018 to represent Annapolis and southern Anne Arundel County, the Senator is the youngest woman to ever be elected to the Maryland Senate.

Joining Senator Elfreth today are the commission's executive director, Ann Swanson, and Marel King. So welcome to the chamber of the House.

The House will be momentarily at ease.

The House will please return to order.

CALENDAR

BILLS ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 121, PN 89**, entitled:

An Act authorizing the transfer of Project 70 restrictions from 0.043 acres of State Game Land 249 that will be purchased by the Department of Transportation for highway right-of-way to 0.043 acres of replacement game land that will be deeded over to the Pennsylvania Game Commission by the Department of Transportation.

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 875, PN 2904**, entitled:

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

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 934, PN 931**, entitled:

An Act repealing the act of October 4, 1978 (P.L.876, No.169), entitled "An act establishing the Pennsylvania Crime Commission and providing for its powers and duties."

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 947, PN 1841**, entitled:

An Act amending Title 40 (Insurance) of the Pennsylvania Consolidated Statutes, in regulation of insurers and related persons generally, providing for group market provisions.

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 1962, PN 2249**, entitled:

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

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

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1330, PN 2956**, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), know as the Public School Code of 1949, providing for Educational and Professional Development Online Course Initiative; and establishing the Online Course Clearinghouse Restricted Account.

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

Mr. **ORTITAY** offered the following amendment No. **A04016**:

Amend Bill, page 2, line 2, by striking out "1502-K(h)" and inserting

1502-K

Amend Bill, page 3, line 11, by striking out "or a" and inserting a comma

Amend Bill, page 3, line 12, by inserting after "business"
, school entity

Amend Bill, page 9, by inserting between lines 18 and 19
(h) Fees prohibited by school entities.—Notwithstanding subsection (g), a school entity may not charge a fee to another school entity to utilize an online course offered through the clearinghouse.

Amend Bill, page 9, line 19, by striking out "(h)" and inserting
(i)

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

RULES SUSPENDED

The SPEAKER. Since the bill is on third consideration, the gentleman, Representative Ortitay, will need to suspend the rules in order to consider the amendment.

The gentleman, Representative Ortitay, is recognized for the rules suspension motion.

Mr. ORTITAY. Thank you, Mr. Speaker.

I would like to make a motion to suspend the rules to consider amendment A04016. Thank you.

The SPEAKER. The gentleman, Representative Ortitay, has made a motion to suspend the rules for immediate consideration of amendment 4016.

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

(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—184

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

NAYS—14

Curry	Hohenstein	Otten	Samuelson
DeLissio	Isaacson	Parker	Sims
Fiedler	Krajewski	Rabb	Sturla
Fitzgerald	Mullery		

NOT VOTING—0

EXCUSED—2

Burns	Kaufer
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A majority of the members required by the rules having voted in the affirmative, the question was determined in the affirmative and the motion was agreed to.

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

The SPEAKER. The Speaker now recognizes the gentleman, Representative Ortitay, for a brief explanation of amendment 4016.

Mr. ORTITAY. Thank you, Mr. Speaker.

After working with the Department of Education and the administration, we had found an unintended consequence of a previous amendment. This amendment seeks to correct that to get everyone on board. This adds "school entity" to the provider definition in the amendment, and does a little bit of cleanup work outside of that.

I would appreciate a "yes" vote. Thank you very much.

The SPEAKER. The Chair thanks the gentleman.

Is the gentleman, Representative Samuelson, seeking recognition to speak on the amendment?

Mr. SAMUELSON. I rise to interrogate the maker of the amendment.

The SPEAKER. The gentleman indicates he will stand for interrogation.

You are in order and may proceed, sir.

Mr. SAMUELSON. Okay. This amendment addresses school entities, which I believe are defined as public schools, charter schools, cyber charter schools, intermediate units, and vocational-technical schools. And as I read this amendment, it prohibits a school entity from charging another school entity for the use of an online course. Is that correct?

Mr. ORTITAY. Mr. Speaker, yes; that is correct – only through the course catalog.

Mr. SAMUELSON. Okay. Are private and parochial schools covered under "school entity"?

Mr. ORTITAY. No, they are not.

Mr. SAMUELSON. Then here is my question. Under the language of this amendment, would a school entity such as a charter school be allowed to charge a parochial school or a private school for the use of an online course? If it only prohibits charging other school entities, would that not be a loophole in this amendment, that the charter schools could charge the private schools and the parochial schools and receive a payment for courses that they have developed through the use of taxpayer dollars?

Mr. ORTITAY. If I understand you correctly, I believe you are asking about cyber charters being able to sell their product. The answer is no. If I am incorrect in that question, please continue.

Mr. SAMUELSON. Okay. A charter school or a cyber charter school, which is a school entity, is prohibited from selling to another school entity, but it appears that your amendment does not prohibit them from selling to a private school or a parochial school. Would the cyber schools, would the charter schools be allowed to sell their courses to other schools, specifically private schools and parochial schools?

Mr. ORTITAY. So as I understand it, charter schools and cyber charter schools cannot sell their products to other schools. They are not authorized under current law, which is not addressed in this bill. It is not touched. That law stands on its own.

Mr. SAMUELSON. Your amendment only speaks to selling to other school entities. Should the amendment not make it clear that they cannot sell to any other schools, the ones that are defined as school entities, but also private schools?

Mr. ORTITAY. This is only through the course catalog that we are setting up here.

Mr. SAMUELSON. Okay.

Mr. ORTITAY. That is what it addresses. If they choose to do that outside of that, they are not authorized to do that under current statute as it is now. That is not a part of this bill.

Mr. SAMUELSON. Okay. Thank you for your explanation.

I do rise to raise a concern, to speak on the amendment.

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

Mr. SAMUELSON. That seems to be a loophole in this amendment. I know the gentleman is saying it is covered under current law, but it is not explicit in this amendment. This amendment only prohibits sales to public schools, cyber schools, charter schools, intermediate units, and vocational-technical schools. It does not cover private and parochial schools.

So I believe the amendment could be worded better. There could be a tighter definition, and I would encourage a "no" vote until this amendment can be corrected.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

Seeing no one else seeking recognition, we will now return to the prime sponsor of the amendment.

You are in order and may proceed.

Mr. ORTITAY. Thank you, Mr. Speaker.

As we consider this amendment, I want to remind the members of this body that this language was requested by the Department of Education and the Governor's administration so that we could correct this issue and make this bill as good as it possibly could be. This was at their request. I was happy to oblige and come to an agreement, and I hope that the members can vote "yes" on this.

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—168

Armanini	Galloway	Major	Rossi
Benninghoff	Gaydos	Mako	Rothman
Bernstine	Gillen	Malagari	Rowe
Bizzarro	Gillespie	Maloney	Rozzi
Boback	Gleim	Markosek	Ryan
Bonner	Gregory	Marshall	Sainato
Borowicz	Greiner	Masser	Sanchez
Bradford	Grove	Matzie	Sankey
Briggs	Guzman	McClinton	Sappay
Brooks	Hamm	McNeill	Saylor
Brown, A.	Hanbidge	Mehaffie	Schemel
Brown, R.	Harkins	Mentzer	Schlossberg
Bullock	Harris	Mercuri	Schmitt
Causar	Heffley	Merski	Schroeder
Ciresi	Helm	Metcalfe	Schweyer
Conklin	Hennessey	Metzgar	Shusterman
Cook	Herrin	Mihalek	Silvis
Cox	Hershey	Millard	Smith
Culver	Hickernell	Miller, B.	Snyder
Daley	Innamorato	Miller, D.	Sonney
Davanzo	Irvin	Mizgorski	Staats
Davis, A.	James	Moul	Stambaugh
Davis, T.	Jones	Mustello	Stephens
Dawkins	Jozwiak	Nelson, E.	Struzzi
Day	Kail	Nelson, N.	Sturla
Deasy	Kauffman	O'Neal	Thomas
Delloso	Keefer	Oberlander	Tomlinson
Delozier	Kenyatta	Ortitay	Topper
DeRosso	Kerwin	Otten	Twardzik
DeLuca	Kim	Owlett	Vitali
Diamond	Kinhead	Pashinski	Warner
Dowling	Kinsey	Peifer	Warren
Driscoll	Kirkland	Pennycuick	Webster
Dunbar	Klunk	Pickett	Wentling
Ecker	Knowles	Pisciottano	Wheeland
Emrick	Kulik	Polinchock	White
Evans	Labs	Puskaric	Williams, C.
Farry	Lawrence	Quinn	Zabel
Fee	Lewis	Rader	Zimmerman
Fitzgerald	Longietti	Rapp	
Flood	Mackenzie, M.	Rigby	Cutler,
Freeman	Mackenzie, R.	Roae	Speaker
Fritz	Madden		

NAYS—30

Benham	Fiedler	Krueger	Rabb
Boyle	Frankel	Lee	Samuelson
Burgos	Guenst	Mullery	Sims
Carroll	Hohenstein	Mullins	Solomon
Cephas	Howard	Neilson	Welby
Cruz	Isaacson	O'Mara	Williams, D.
Curry	Kosierowski	Parker	Young
DeLissio	Krajewski		

NOT VOTING—0

EXCUSED—2

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

On the question,

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

Bill as amended was agreed to.

(Bill analysis was read.)

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

The question is, shall the bill pass finally?

The Chair recognizes the gentlewoman, Representative Isaacson, on final passage.

Mrs. ISAACSON. Thank you, Mr. Speaker.

I rise in opposition to this bill today. While I appreciate the efforts on behalf of the maker with regard to expansion of educational materials to everyone, we certainly have flaws in this bill that have been pointed out. And I think that the lack of clarity with regard to the materials and who is making a profit off of materials being sold to educational institutions – specifically charters and cyber charter schools that are funded by public dollars, since they are public-entity schools, and they are now going to have the ability to sell the product that they created with public dollars from every individual school district to make a profit that goes to their entity and not back to the school district that funded the original content of material – is something that is an obvious flaw. And regardless of whether something is addressed in some way in another act that might be a restriction on how much they can or cannot profit on it is not addressed in this bill, and we will leave it up to interpretation on whether they will be selling their content that was created with the money from each individual school district who paid into a charter or cyber charter school to educate students in those districts, and those entities, those private entities that operate the public charter schools are going to make a profit.

So I rise in opposition and I hope you will support me. Thank you.

The SPEAKER. The Chair thanks the lady.

The Speaker recognizes the gentleman, Representative Ortity, on final passage.

Mr. ORTITAY. Thank you, Mr. Speaker.

After years of work on this legislation – I believe this is the eighth year I have been working on this – I was glad to work with the Department of Education and the administration in crafting this. This creates an online course catalog for kindergarten through 12th grade, and adds a professional development catalog for our teachers across the Commonwealth as well.

I believe this is a really good resource for our students, an innovative way to learn and to take unique classes that otherwise would not be offered within our curriculums and within our schools, especially for our smaller schools in our more rural areas.

I was one of those students, at a younger age, who did not have access to a lot of classes because there just was not a lot of interest in certain courses – whether that is metrology, meteorology, advanced physics, a different language – and this bill will allow for that.

Again, I am very, very proud to have worked with the department on this and to be able to come to an agreement and a really good bill.

So I would appreciate a "yes" vote on this.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Shall the bill pass finally?

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

(Members proceeded to vote.)

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—143

Armanini	Gillespie	Maloney	Rozzi
Benninghoff	Gleim	Markosek	Ryan
Bernstine	Gregory	Marshall	Sainato
Bizzarro	Greiner	Masser	Sanchez
Boback	Grove	Matzie	Sankey
Bonner	Guzman	McClinton	Saylor
Borowicz	Hamm	Mehaffie	Schemel
Bradford	Hanbidge	Mentzer	Schlossberg
Briggs	Harris	Mercuri	Schmitt
Brooks	Heffley	Metcalf	Schroeder
Brown, R.	Helm	Metzgar	Schweyer
Causer	Hennessey	Mihalek	Shusterman
Ciresi	Herrin	Millard	Silvis
Conklin	Hershey	Miller, B.	Smith
Cook	Hickernell	Mizgorski	Snyder
Cox	Irvin	Moul	Sonney
Culver	James	Mustello	Staats
Daley	Jones	Nelson, E.	Stambaugh
Davanzo	Jozwiak	Nelson, N.	Stephens
Davis, T.	Kail	O'Neal	Struzzi
Day	Kauffman	Oberlander	Sturla
Delozier	Keefer	Ortity	Thomas
DelRosso	Kerwin	Owlett	Tomlinson
DeLuca	Kim	Peifer	Topper
Diamond	Klunk	Pennycuick	Twardzik
Dowling	Knowles	Pickett	Warner
Dunbar	Kulik	Polinchock	Webster
Ecker	Labs	Puskaric	Wentling
Emrick	Lawrence	Quinn	Wheeland
Evans	Lewis	Rader	White
Farry	Longiatti	Rapp	Williams, C.
Fee	Mackenzie, M.	Rigby	Zabel
Flood	Mackenzie, R.	Roae	Zimmerman
Fritz	Major	Rossi	
Galloway	Mako	Rothman	Cutler,
Gaydos	Malagari	Rowe	Speaker
Gillen			

NAYS-55

Benham	Driscoll	Kirkland	Parker
Boyle	Fiedler	Kosierowski	Pashinski
Brown, A.	Fitzgerald	Krajewski	Pisciottano
Bullock	Frankel	Krueger	Rabb
Burgos	Freeman	Lee	Samuelson
Carroll	Guenst	Madden	Sappey
Cephas	Harkins	McNeill	Sims
Cruz	Hohenstein	Merski	Solomon
Curry	Howard	Miller, D.	Vitali
Davis, A.	Innamorato	Mullery	Warren
Dawkins	Isaacson	Mullins	Welby
Deasy	Kenyatta	Neilson	Williams, D.
DeLissio	Kinhead	O'Mara	Young
Delloso	Kinsey	Otten	

NOT VOTING-0

EXCUSED-2

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

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

* * *

The House proceeded to third consideration of **SB 478, PN 503**, entitled:

An Act amending the act of October 27, 1979 (P.L.241, No.78), entitled "An act authorizing political subdivisions, municipality authorities and transportation authorities to enter into contracts for the purchase of goods and the sale of real and personal property where no bids are received," further providing for title of the act; adding a short title; and providing for contracts for services.

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-197

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

NAYS-1

O'Neal

NOT VOTING-0

EXCUSED-2

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

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

* * *

The House proceeded to third consideration of **SB 479, PN 504**, entitled:

An Act amending the act of July 10, 1987 (P.L.246, No.47), known as the Municipalities Financial Recovery Act, in municipal financial distress, further providing for designation and for performance of coordinator; and, in receivership in municipalities, further providing for receiver.

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 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—198

Armanini	Frankel	Longiotti	Rigby
Benham	Freeman	Mackenzie, M.	Roae
Benninghoff	Fritz	Mackenzie, R.	Rossi
Bernstine	Galloway	Madden	Rothman
Bizzarro	Gaydos	Major	Rowe
Boback	Gillen	Mako	Rozzi
Bonner	Gillespie	Malagari	Ryan
Borowicz	Gleim	Maloney	Sainato
Boyle	Gregory	Markosek	Samuelson
Bradford	Greiner	Marshall	Sanchez
Briggs	Grove	Masser	Sankey
Brooks	Guenst	Matzie	Sappey
Brown, A.	Guzman	McClinton	Saylor
Brown, R.	Hamm	McNeill	Schemel
Bullock	Hanbidge	Mehaffie	Schlossberg
Burgos	Harkins	Mentzer	Schmitt
Carroll	Harris	Mercuri	Schroeder
Causar	Heffley	Merski	Schweyer
Cephas	Helm	Metcalfe	Shusterman
Ciresi	Hennessey	Metzgar	Silvis
Conklin	Herrin	Mihalek	Sims
Cook	Hershey	Millard	Smith
Cox	Hickernell	Miller, B.	Snyder
Cruz	Hohenstein	Miller, D.	Solomon
Culver	Howard	Mizgorski	Sonney
Curry	Innamorato	Moul	Staats
Daley	Irvin	Mullery	Stambaugh
Davanzo	Isaacson	Mullins	Stephens
Davis, A.	James	Mustello	Struzzi

Davis, T.	Jones	Neilson	Sturla
Dawkins	Jozwiak	Nelson, E.	Thomas
Day	Kail	Nelson, N.	Tomlinson
Deasy	Kauffman	O'Mara	Topper
DeLissio	Keefer	O'Neal	Twardzik
Delloso	Kenyatta	Oberlander	Vitali
Delozier	Kerwin	Ortitay	Warner
DelRosso	Kim	Otten	Warren
DeLuca	Kinhead	Owlett	Webster
Diamond	Kinsey	Parker	Welby
Dowling	Kirkland	Pashinski	Wentling
Driscoll	Klunk	Peifer	Wheeland
Dunbar	Knowles	Pennycuick	White
Ecker	Kosierowski	Pickett	Williams, C.
Emrick	Krajewski	Pisciottano	Williams, D.
Evans	Krueger	Polinchock	Young
Farry	Kulik	Puskaric	Zabel
Fee	Labs	Quinn	Zimmerman
Fiedler	Lawrence	Rabb	
Fitzgerald	Lee	Rader	Cutler,
Flood	Lewis	Rapp	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—2

Burns

Kaufer

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

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

SENATE MESSAGE

HOUSE BILL
CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, returned **HB 2058, PN 2365**, 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 2058, PN 2365

An Act amending the act of December 31, 1965 (P.L.1257, No.511), known as The Local Tax Enabling Act, in consolidated collection of local income taxes, further providing for declaration and payment of income taxes.

SB 478, PN 503

An Act amending the act of October 27, 1979 (P.L.241, No.78), entitled "An act authorizing political subdivisions, municipality authorities and transportation authorities to enter into contracts for the purchase of goods and the sale of real and personal property where no bids are received," further providing for title of the act; adding a short title; and providing for contracts for services.

SB 479, PN 504

An Act amending the act of July 10, 1987 (P.L.246, No.47), known as the Municipalities Financial Recovery Act, in municipal financial distress, further providing for designation and for performance of coordinator; and, in receivership in municipalities, further providing for receiver.

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

SUPPLEMENTAL CALENDAR A

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 223, PN 2842**, entitled:

An Act providing for the creation of keystone opportunity dairy zones to facilitate the economic development of Pennsylvania's dairy industry; authorizing expenditures; providing tax exemptions, tax deductions, tax abatements and tax credits; creating additional obligations of the Commonwealth and local governmental units; and prescribing powers and duties of certain State and local departments, agencies and officials.

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—198

Armanini	Frankel	Longiotti	Rigby
Benham	Freeman	Mackenzie, M.	Roae
Benninghoff	Fritz	Mackenzie, R.	Rossi
Bernstine	Galloway	Madden	Rothman
Bizzarro	Gaydos	Major	Rowe
Boback	Gillen	Mako	Rozzi
Bonner	Gillespie	Malagari	Ryan
Borowicz	Gleim	Maloney	Sainato
Boyle	Gregory	Markosek	Samuelson
Bradford	Greiner	Marshall	Sanchez
Briggs	Grove	Masser	Sankey
Brooks	Guenst	Matzie	Sappey
Brown, A.	Guzman	McClinton	Saylor

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

NAYS—0

NOT VOTING—0

EXCUSED—2

Burns Kaufer

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 224, PN 2980**, entitled:

An Act amending the act of April 28, 1937 (P.L.417, No.105), known as the Milk Marketing Law, in purpose, short title and definitions, further providing for definitions and construction; in general powers of the board, providing for collection of premiums; in prices of milk, providing for board established premiums and further providing for cooperatives; and, in moneys and expenses of board, further providing for Milk Marketing Fund and for payment and providing for audits.

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

(Bill analysis was read.)

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

The question is, shall the bill pass finally?

REMARKS SUBMITTED FOR THE RECORD

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

Mr. LAWRENCE. Thank you, Mr. Speaker.

I will be submitting my comments for the record. Thank you.

The SPEAKER. The Chair thanks the gentleman. Probably one of my favorite phrases.

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

House Bill 224 makes changes to the Milk Marketing Law to give specific authority to ensure transparency and accountability for State-mandated milk premiums. Mr. Speaker, this has long been a source of frustration for Pennsylvania dairy farmers. For many years, our farmers have known about the Milk Marketing Board's State-mandated over-order premium, but there is a great deal of concern about where all that money is going. Many farmers believe they are not seeing any of the milk premiums in their milk checks. And in a hearing held several years ago by the House Agriculture and Rural Affairs Committee, we learned that indeed much of this premium money is not going to Pennsylvania dairy farmers. This frustration has gotten strong enough that some have called for the abolition of the Milk Marketing Board entirely.

This bill brings transparency and accountability to this process, which frankly, has had very little of either for decades. This bill is carefully constructed and has auditing provisions to ensure any payment made to a farmer actually gets to that farmer. This bill has been many years in the making, and I would encourage an affirmative vote.

So what does HB 224 do? I would like to go into specifics so I can clearly outline the legislative intent on this piece of legislation.

First, the bill defines the term "board established premium." The Pennsylvania Milk Marketing Board established an over-order premium decades ago, back in 1988, under the broad authority that the law gives the board over the milk industry in this State. The bill before the House today defines and brings some clarity to this long-established practice. It is important here to note that the board has the authority to set a premium on any class of milk, and certainly that could be at the retail or wholesale level. In theory, the board could set different premiums on different classes of milk.

Section 312 provides the board with the authority to coordinate, facilitate, or establish the collection and distribution of board established premiums. So what does this mean? What is the legislative intent? The intent is to provide the board with the means to, if it chooses, take any necessary action with regard to collecting or distributing funds generated by a board established premium.

Now, I would encourage the board not to step into the unconstitutional danger zone of collecting a board established premium into a segregated account and then directly distributing those same funds from the segregated account to dairy farmers. That might be tempting, but it is clearly unconstitutional under the U.S. Supreme Court's holding in the *West Lynn Creamery* case, and I will expound on that in a moment. The intent of the bill in front of us is to give the board broad authority to act as needed, but certainly not to act in manner that is surely unconstitutional.

Moving to section 801.1, this describes a practice that has been occurring for 34 years, and perhaps more importantly, formalizes the process in statute with the goal of bringing transparency and accountability to the process and the funds generated through the process.

Moving to section 1101, and this is a different part of the law, the Milk Marketing Law provides that all funds collected or received by the board shall be paid into a segregated account known as the Milk Marketing Fund. Existing law speaks to how these funds can be expanded. HB 224 adds a new subsection (c) that grants the board a new ability to transfer excess funds from the Milk Marketing Fund to the General Fund. Now, what does this mean? It means just what it says. The board could, but does not necessarily have to, transfer funds over and above what the board deems necessary to maintain in the Milk Marketing Fund to the General Fund. It is a "may" provision, not a "shall" provision. It is as simple as that.

Moving to section 1104, the new subsection (b) provides the board with new and very specific authority around any funds that the General Assembly appropriates to the Milk Marketing Fund from the General Fund. This has not been common practice in recent years, as the Milk Marketing Board is a stand-alone State agency that historically does not receive funds from the General Fund. The MMB funds itself through fines, fees, and so forth.

But this new authority under section 1104 has very specific intent. If the General Assembly decides to appropriate monies out of the General Fund and into the Milk Marketing Fund, then those monies must be – it is a "shall" provision – these funds must be paid in their totality to producers, dealers, or handlers as determined by the board. The board in this instance would have authority to determine all facets of such payments through an official order of the board, provided that the board acts within the guiderails outlined in section 1104.

Let us now look to the newly created section 1107. The board has authority to audit any payment made under section 1104. This is very important language, as it gives the board, or its designee, the ability to ensure payments are being properly accounted. It would be my hope that the board would ensure that every dime of money paid to a producer, dealer, or handler would in fact be distributed as described in any official order of the board outlining such a payment.

Now, I was recently asked if HB 224 runs afoul of the somewhat seminal U.S. Supreme Court Case *West Lynn Creamery v. Healy*, and I am pleased to state that it does not. But I do think it bears mentioning, and frankly, some discussion, as to the specific legislative intent and construction around the proposal contained in HB 224. The bill is carefully constructed to explicitly comply with the *West Lynn Creamery* case.

By way of background, in the *West Lynn Creamery* case, the Supreme Court struck down a Massachusetts law that placed an assessment on all fluid milk dealers in the State. The funds generated by the assessment were then directly distributed to Massachusetts dairy farmers.

Justice Stevens, writing for the majority, found this scheme to be unconstitutional, repeatedly noting in the opinion that the majority of the milk sold in Massachusetts was from out of State, and that the funds assessed – largely from out-of-State milk – were segregated and used directly to fund payments to in-State Massachusetts interests. This direct transfer was a bridge too far for the Court – specifically the idea that funds collected mostly from out-of-State milk would be subsequently directly distributed only to in-State dairymen.

Justice Stevens made it clear that directly subsidizing dairy farmers from the assessment funds was out of bounds. The fact that much of the assessment was paid on milk produced out of State and then paid to in-State dairy farmers made a bad situation worse.

Justice Scalia, in his concurring *West Lynn Creamery* opinion, clearly draws the constitutional lines in this arena. To directly quote:

"There are at least four possible devices that would enable a State to produce the economic effect that Massachusetts has produced here: (1) a discriminatory tax upon the industry, imposing a higher liability on out-of-state members than on their in-state competitors; (2) a tax upon the industry that is nondiscriminatory in its assessment, but that has an 'exemption' or 'credit' for in-state members; (3) a nondiscriminatory tax upon the industry, the revenues from which are placed into a segregated fund, which fund is disbursed as 'rebates' or 'subsidies' to in-state

members of the industry (the situation at issue in this case); and (4) with or without nondiscriminatory taxation of the industry, a subsidy for the in-state members of the industry, funded from the State's general revenues. It is long settled that the first of these methodologies is unconstitutional under the negative Commerce Clause. See, e.g., *Guy v. Baltimore*, 100 U.S. 434, 443 (1880). The second of them, 'exemption' from or 'credit' against a 'neutral' tax, is no different in principle from the first, and has likewise been held invalid. See *Maryland v. Louisiana*, 451 U.S. 725, 756 (1981); *Westinghouse Elec. Corp. v. Tully*, 466 U.S. 388, 399-400, and n. 9 (1984). The fourth methodology, application of a state subsidy from general revenues, is so far removed from what we have hitherto held to be unconstitutional, that prohibiting it must be regarded as an extension of our negative-Commerce-Clause jurisprudence and therefore, to me, unacceptable. See *New Energy Co. of Ind. v. Limbach*, 486 U.S. 269, 278 (1988). Indeed, in my view our negative-Commerce-Clause cases have already approved the use of such subsidies. See *Hughes v. Alexandria Scrap Corp.*, 426 U.S. 794, 809-810 (1976).

"The issue before us in the present case is whether the third of these methodologies must fall. Although the question is close, I conclude it would not be a principled point at which to disembark from the negative-Commerce-Clause train. The only difference between methodology (2) (discriminatory 'exemption' from nondiscriminatory tax) and methodology (3) (discriminatory refund of nondiscriminatory tax) is that the money is taken and returned rather than simply left with the favored in-state taxpayer in the first place. The difference between (3) and (4), on the other hand, is the difference between assisting in-state industry through discriminatory taxation and assisting in-state industry by other means.

"I would therefore allow a State to subsidize its domestic industry so long as it does so from nondiscriminatory taxes that go into the State's general revenue fund...."

The fourth scenario cited by Justice Scalia as a constitutional path is very much a scenario that could result from the passage of HB 224. This bill formalizes something that has been happening for decades — namely the board's practice of issuing a State-mandated over-order premium — and puts some meat on the bone as to exactly what it is; some guidelines and guardrails, if you will. The bill gives the board authority on acting directly with these premiums. The bill also gives the board, if it so chooses, the ability to transfer funds, fines, fees, premiums, from the Milk Marketing Fund to the General Fund. Finally, the bill gives the board strict guidance on how to handle funds should the General Assembly appropriate monies from the General Fund to the Milk Marketing Board.

Could the board distribute a collection of board established premiums directly to, say, only Pennsylvania dairy farmers? No. That would be unconstitutional. Justice Stevens makes this clear.

Could the board distribute funds appropriated by the General Assembly from the General Fund to, say, only Pennsylvania dairy farmers? Sure. Justice Scalia says as much in his opinion. The board could elect to send a check, sourced from these General Fund dollars, to, say, every dairy farmer in the Commonwealth on the basis of the volume or weight of milk produced on that farm in a given month. Or the board could send the funds to dealers, handlers, or any entity defined as a "producer" under the law. It would be up to the board, of course, to provide the proper guidelines via an official order. And of course, the board can audit these payments to make sure farmers are actually getting these funds.

It perhaps bears mentioning that the Court noted that the vast majority of the milk sold in Massachusetts came from out of State, as Massachusetts did not have nearly enough dairy farms to come close to supplying all of the milk needs for the State. I am pleased to report that is not the case in Pennsylvania — we are a surplus State, producing plenty more milk than needed for our population. An important detail, perhaps.

Mr. Speaker, I realize my comments have been lengthy here today, but it was important to clearly outline the constitutional justification for the proposal in front of the House today.

Colleagues, thank you for your indulgence as well. I would encourage an affirmative vote.

On the question recurring,
Shall the bill pass finally?

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

(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—198

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

NAYS-0

NOT VOTING-0

EXCUSED-2

Burns Kaufer

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 1847, PN 2902**, entitled:

An Act amending the act of April 28, 1937 (P.L.417, No.105), known as the Milk Marketing Law, further providing for title of act; in purpose, short title and definitions, further providing for definitions; in organization of the board, further providing for appointment and terms of members and quorum; in licenses of milk dealers, further providing for grounds for refusal, suspension or revocation; in moneys and expenses of board, further providing for expenses and for payment; and, in saving provisions, repealing provisions relating to Joint Study Committee.

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 good 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-197

Armanini	Frankel	Longiotti	Roae
Benham	Freeman	Mackenzie, M.	Rossi
Benninghoff	Fritz	Mackenzie, R.	Rothman
Bernstine	Galloway	Madden	Rowe
Bizzarro	Gaydos	Major	Rozzi
Boback	Gillen	Mako	Ryan
Bonner	Gillespie	Malagari	Sainato

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

NAYS-1

O'Neal

NOT VOTING-0

EXCUSED-2

Burns Kaufer

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 2397, PN 2843**, entitled:

An Act authorizing the provision or sale of Pennsylvania milk in Pennsylvania schools.

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

(Bill analysis was read.)

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

The question is, shall the bill pass finally?

The gentleman, Representative Rothman, is seeking recognition on final passage.

You are in order and may proceed.

Mr. ROTHMAN. Thank you, Mr. Speaker.

Hey, this is a great day as we get ready for our children to receive baskets full of chocolate. There is nothing better to eat with Hershey's Easter eggs than whole milk.

Mr. Speaker, we have known since the beginning of man that whole milk is good for our growth, for our children's growth. Mr. Speaker, my grandfather had a—

Mr. Speaker, may I have order, please. Mr. Speaker?

The SPEAKER. The gentleman will please suspend.

Members, as we draw to the conclusion of this legislative week, as I reminded everyone yesterday, every member has a right to be heard.

Mr. ROTHMAN. If I—

The SPEAKER. The gentleman will suspend.

If we could have some order. Members, please return to your seats. The conversations in the rear of the House, please move them into the anteroom and off the floor of the House.

You are in order and may proceed, sir.

Mr. ROTHMAN. Thank you, Mr. Speaker.

My grandfather had a farm. He raised steers, and right next door was a dairy farm, the Mengels. And when I was a little kid, we used to go visit the dairy farm, and for the longest time, I thought it was a cat farm because there were cats everywhere.

This bill – and I want to thank the gentleman from Chester County; this is a great opportunity for us to get whole milk back into our schools. Recent studies have indicated that those who drink whole milk actually have a lower risk of obesity, they afford themselves greater protection against type 2 diabetes, and they enjoy even better heart health and brain function than those who do not drink whole milk.

I remember as a kid, at Sporting Hill Elementary School, the first day that the milk showed up that was skim milk, and it was in purple containers. And we all thought it might be grape juice, so we bought it, and you can imagine our disappointment when we had to drink this watered-down, disgusting skim milk.

Mr. Speaker, humans have been drinking whole milk for centuries. The benefits and advantages of whole milk are undeniable, and its promotion of its consumption by Pennsylvania schoolchildren who wish to drink it is the right thing for us to do. And I want to thank my dear friend from Germantown who attended a dinner with me with some dairy farmers, and he did not know – he did not not think that chocolate milk came from brown cows.

We appreciate your support. This is the right thing to do. Please join me in voting for whole milk in our schools.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentleman, Representative Owlett, on final passage.

Mr. OWLETT. Thank you, Mr. Speaker.

And I want to thank the good Representative from Chester County for the invitation to help him on this very important issue. This is a very simple bill, but very creative, and I believe that

the gentleman, the good member came up with this idea while he was mowing his grass, which is great.

This is about our Pennsylvania farmer, our Pennsylvania milk, our Pennsylvania students, our Pennsylvania schools, and our Pennsylvania dollars. This makes this a Pennsylvania issue, not a Federal issue. We are a fluid market State here in Pennsylvania, and when the mandate came down from the Federal government back in 2010, I honestly do not think they had a clue what it would do to our milk markets here in Pennsylvania, especially States that have a focus on fluid milk. I am not even sure that they actually have ever had a whole or white milk, chocolate milk. It was a very foolish move that, in part, has contributed to the struggles of our dairy industry here in Pennsylvania.

For over a decade our kids have been tossing the milk that they have been given in our schools into the trash can. Why? Because it tastes like chalk water, and they sure do not go home and ask Mom and Dad to go purchase some milk. Why? Because all they know is what the milk tastes like that they are served at school. Why not give them a choice to get the nutrients from whole milk – and oh, by the way, actually drink it because it tastes good?

Since 2010 Pennsylvania has lost 2,140 dairy farms – 230 just in the last year – not entirely because of this issue, but you cannot lose a generation of milk drinkers and then think that this is not part of the problem. By voting "yes" on this bill today, we are taking back this issue and this authority by allowing our schools to make a choice to whether they want to serve whole milk in their schools.

I know that several schools in my district will for sure be looking at this because they, too, are looking for ways to support our dairy farmers and the dairy farmers in our community. Let us get this passed today and make sure that the next generation knows what milk is supposed to taste like and gets the nutritional value from an amazing product that has been produced by some amazing Pennsylvania farmers.

I ask for a "yes" vote on HB 2397.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentleman, Representative Kinsey, on final passage.

Mr. KINSEY. Thank you, Mr. Speaker.

Mr. Speaker, I also want to thank the maker of this bill, and I also want to thank my colleague from Cumberland County who did invite me to the farmer's luncheon, and I am saying that because it was an educational moment for me and recognizing the importance of whole milk.

So, Mr. Speaker, I am going to ask my colleagues to support this bill as well. Thank you.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentleman, Representative Moul, on final passage.

Mr. MOUL. Thank you, Mr. Speaker.

As the chairman of the House Agriculture Committee, it was my extreme pleasure to send a message loud and clear to our Federal government – and this is by all means a statement that I can say everyone in this General Assembly, this legislative body, should agree with – that it is not the Federal government's choice to tell us how to raise or feed our children. As long as our children are healthy, this is one place where they should let it up to the parents and mind their own business, so to speak.

So I was delighted to help pass this bill through my committee so this can get to the Governor's desk and signed into law.

I certainly encourage an affirmative vote for Representative Lawrence's genius bill.

Thank you very much, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentleman, Representative Lawrence, the prime sponsor, on final passage.

Mr. LAWRENCE. Thank you, Mr. Speaker.

Mr. Speaker, the bill before us, the Whole Milk in Pennsylvania Schools Act, would give Pennsylvania schools the option, but not the requirement, to utilize State and local funds to purchase Pennsylvania-produced whole milk for Pennsylvania schoolchildren. This legislation has seen significant interest and bipartisan support, for which I am grateful.

Mr. Speaker, I would like to address, if I may, some of the concerns that have been raised with regard to this legislation. Some contend this bill might be problematic because of the requirement that the whole milk contemplated for purchase is produced in Pennsylvania. I have even heard from some of the press that this bill is unconstitutional for several reasons, and this is a serious accusation.

I would like to take some time to talk about the bill's constitutionality. First, the fact that a State law requires or suggests a preference for an in-State product, the idea that this is novel or unlawful, that idea is simply ridiculous. It is not novel. Section 2420 of the Admin Code of 1929 requires certain government facilities within the Commonwealth to utilize Pennsylvania-produced resources to provide energy to these government facilities. This has been the law of the State for decades.

The State Procurement Code – specifically section 107 of Title 62 – contemplates any number of situations where a State might give preference in procuring products made within the boundaries of that State. The idea that a State has not, cannot, and would not specify in law that the State favors in-State products – that idea, frankly, is incorrect. The suggestion or specification towards an in-State product, in State law, is not novel or illegal in and of itself. Now, some in the press contend this bill will run into problems in the courts, and the commerce clause of the U.S. Constitution has been cited. Article I, section 8, clause 3, of the U.S. Constitution gives the United States Congress the power to, quote, "...regulate Commerce with foreign Nations, and among the several States..."

Mr. Speaker, this language and its intent has been debated since the earliest days of our Republic. I think it is fair to say that even today, there is not uniform agreement on how this clause applies in every situation. And while I am certainly willing to admit that I am not a constitutional scholar, it is my view that HB 2397 is fully constitutional within a plain reading of the commerce clause and with consideration of some of the court findings based on the commerce clause over the years.

But this does merit discussion. The courts have found over the years that the commerce clause, in some instances, prohibits States passing laws that discriminate against, or excessively burden, interstate commerce. The U.S. Supreme Court warns in the 1994 case *Oregon Waste Systems v. Department of Environmental Quality of Oregon* that a State law venturing into this sphere will survive only if it, quote, "...advances a legitimate local purpose that cannot be adequately served by reasonable nondiscriminatory alternatives," end quote.

The U.S. Supreme Court succinctly outlines boundary lines for States treading on these fraught waters in their 1988 decision *New Energy Company of Indiana v. Limbach*. Speaking on the

commerce clause, the Court opined, quote, "The Clause's 'negative' aspect, directly limiting the States' power to discriminate against interstate commerce, prohibits economic protectionism – that is, regulatory measures designed to benefit in-state economic interests by burdening out-of-state competitors. Thus, state statutes...that clearly discriminate against interstate commerce are invalid, unless the discrimination is demonstrably justified by a valid factor unrelated to economic protectionism..."

So let us apply this helpful guidance to the bill that is in front of us. Let us look at the language, quote, "...measures designed to benefit in-state economic interests by burdening out-of-state competitors." Does this bill – or measure, if you will – burden out-of-State milk producers? No. HB 2397 does not make this misstep – the misstep that Pennsylvania would seek to burden an out-of-State competitor. Pennsylvania is not creating a prohibition on milk produced out of the State. One could argue that the Federal government has done that, but Pennsylvania is not, has not, and is not planning to do so under this bill.

Now, let us look at the next clause of interest in the *New Energy Co. of Indiana* case, which notes that the State statutes, quote, "...that clearly discriminate against interstate commerce are invalid, unless the discrimination is demonstrably justified by a valid factor unrelated to economic protectionism." So the bill in front of us, HB 2397, is not discriminating against interstate commerce. It is adding options, not limiting them. It is giving Pennsylvania schools assurance that they can expend Pennsylvania or local funds for Pennsylvania whole milk. It is the Federal government, not Pennsylvania, that has drawn this whole-milk line, and the bill makes provisions that if the Federal measures once again fully smile upon whole milk, then the statute created by HB 2397 will sunset.

Now, even if HB 2397 did discriminate, the Supreme Court suggests that a valid factor unrelated to economic protectionism is a legitimate reason for a State to act. Again recalling the *Oregon Waste Systems* case, the Court posits that State laws that advance, quote, "...a legitimate local purpose that cannot be adequately served by reasonable nondiscriminatory alternatives," end quote, are in bounds. In this case, we do have a valid factor, a legitimate local purpose to act that is totally unrelated to economic protectionism. In fact, I would suggest there are at least four valid factors at play in HB 2397 that are unrelated to economic protectionism.

First, there is the intent of this General Assembly to provide nutrient-rich whole milk to the developing young minds of Pennsylvania schoolchildren.

Second, it is the long-standing intent of this General Assembly that preserving and maintaining Pennsylvania's large number of small-herd dairy farmers is good for the general welfare of the State. Many, many Pennsylvania farmers draw a straight line between the drop in milk consumption over the last 10 years with the removal of whole milk from schools, and there is evidence that backs up this claim. It is not a stretch to point out that the decline in milk consumption is related to the whole-milk-in-school question, and the resulting loss – significant loss – of dairy farms across this State.

Now, I will admit that economics or commerce certainly plays into this, but the loss of Pennsylvania dairy farms is not solely an economic issue. Pennsylvania's small dairy farms are good from an environmental point of view. They are good because they are preserving land that would otherwise be converted into housing subdivisions. Farmland preservation and all of the social and

environmental benefits that come from it are very prominent factors in this State. They have been discussed many times on this House floor and in county commissioners' offices, township buildings, and grange halls across the Commonwealth. These environmental, quality-of-life, and land-use factors are all strongly at play in this conversation. A continued drop in milk consumption will lead to a continued drop in dairy farms and the associated noneconomic benefits they bring to this Commonwealth.

Third, there is the matter that parents should have options when it comes to the care of their own children, and there is nothing more basic than the provision of food into that question. Perhaps one might make an argument that parents might give their kids junk food – Doritos, candy bars, or other unhealthy food. That might be, but the issue at hand here is whole milk, and while there may be many different views on the health value of whole milk, it is indisputable that many, many reliable studies from top-tier research institutions show the value of whole milk for children who choose to consume it. No study has ever shown a Dorito or a lollipop to have such value. Parents certainly have a valid interest in providing nutrient-rich milk to their own children, even if those children find themselves in the school cafeteria rather than the kitchen table at home.

Fourth, there is a movement towards sourcing consumable products closer to their end use. This is part of the LEED (Leadership in Energy and Environmental Design) standard for architecture, and we see this principle in play elsewhere as well. Milk produced and processed in Pennsylvania and sold to a Pennsylvania school is almost always going to have less environmental impact – it requires less diesel fuel to transport, creating fewer emissions, and so on. These are all legitimate local considerations within the scope of the General Assembly's consideration.

The U.S. Supreme Court has further elaborated on the commerce clause, noting in both *Fulton v. Faulkner* and *Oklahoma Tax Commission v. Jefferson Lines* that the Framers' – of the U.S. Constitution – purpose is to "prevent a State from retreating into economic isolation...."

Now, I want to make two points that show HB 2397 steers far away from this constitutional gray zone.

First, Pennsylvania is not in "retreat" from the U.S. milk market under this bill. Pennsylvania is one of the few milk surplus States; in other words, a State that produces a lot more milk than its residents can drink. In other words, Pennsylvania is a net exporter of milk. This bill does not intend to put Pennsylvania milk into a position of retreat.

Second, this bill is not encouraging or facilitating economic isolation. The purpose and intent of the bill is to supply Pennsylvania schools with the opportunity to serve Pennsylvania whole milk to Pennsylvania schoolchildren. It is this overriding interest in nutrition, and the other factors previously mentioned, that proves important to note. I can say with great confidence that this bill passes muster under the guidance provided in the *Fulton* and *Oklahoma Tax Commission* cases.

Now, I would like to turn to the issues raised in another U.S. Supreme Court decision in this arena, *Wickard v. Filburn*. Several have expressed concern that the U.S. Supreme Court's 1942 decision in this case might cause concern with the approach taken in HB 2397. It does not. I would like to outline several reasons why it does not.

Briefly, the question in *Wickard* is whether an Ohio farmer should be fined for planting excessive wheat on his farm at a time when the U.S. Congress had established wheat quotas. The farmer was in violation of the Agricultural Adjustment Act of 1938, a Depression-era law with the specific intent to highly regulate every facet of the U.S. wheat market down to the individual farm, with the specific purpose of controlling interstate – and actually, international – wheat surpluses and shortages and the resulting low or high wheat prices that came as a result. This case was argued at a time when this nation had entered World War II, consumer and industrial commodities were rationed, and a strong breeze of national control blew into many arenas of American life.

In a decision that might seem surprising today, the Supreme Court found the Agricultural Adjustment Act to be constitutional. The entire decision – and I would encourage anyone to read this, actually a very interesting opinion from the Court in this case – the entire decision is predicated upon the Supreme Court's view that an individual farmer's wheat crop has a direct effect on the price of wheat, and the whole point of that law was that the U.S. government was seeking to regulate the price of wheat down to the farm level. Quoting directly from the Court's opinion, and their reasoning for upholding this position, quote, "It is well established by decisions of this Court that the power to regulate commerce includes the power to regulate the prices at which commodities in that commerce are dealt in and practices affecting such prices. One of the primary purposes of the Act in question was to increase the market price of wheat—"

The SPEAKER. The gentleman will please suspend.

For what purpose does the gentleman, Representative Welby, rise?

Mr. WELBY. Point of order.

The SPEAKER. You may state your point of order, sir.

Mr. WELBY. Is there any opposition to this legislation?

The SPEAKER. That is not an appropriate point of order, Representative Welby, according to our rules.

Mr. WELBY. I am sorry, Mr. Speaker.

The SPEAKER. That is okay. I will say, regarding this bill, that I believe the good gentleman is citing the reasons why he believes this is constitutional, based on arguments he has heard from outside the chamber. So this is as much about establishing a legislative record as it is, potentially, debate that we may or may not have here, based on anybody else who wishes to speak.

So the Chair thanks the gentleman.

Representative Lawrence, you are in order and may proceed.

Mr. LAWRENCE. Again, quoting from the Court's opinion: "One of the primary purposes of the Act in question was to increase the market price of wheat and to that end to limit the volume thereof that could affect the market," end quote.

Now, Mr. Speaker, I find it distasteful that the U.S. Congress would pass a law setting commodity quotas, limiting volumes of goods, and regulating prices. But nevertheless, the Supreme Court found it constitutional, and it is hard to argue that those topics are not in fact related to commerce.

But HB 2397 does not run afoul of this decision for two reasons. First, neither HB 2397 nor the Federal law regarding milk in schools have anything to do with quotas, limiting production, regulating prices, or anything else attached to commerce. The basis for the U.S. government's action in this arena has to do with their views on nutrition. Congress apparently

feels whole milk is not appropriate for children in the school setting. Nutrition is an important topic – there are certainly various views on it – but the Constitution of the United States does not deal with nutrition. The 10th Amendment delegates such matters to the States.

Certainly, the Federal government could and does subsidize or otherwise provide Federal funding for types of milk, and other nutrition, preferred by the Federal government. Nothing in HB 2397 suggests that the Federal government cannot or should not pursue that if that is the desire of the U.S. Congress. Nothing prevents a Pennsylvania school from taking advantage of such Federal reimbursement—

The SPEAKER. The gentleman will please suspend.

POINT OF ORDER

The SPEAKER. For what purpose does the gentleman, Representative Carroll, rise?

Mr. CARROLL. Point of order, Mr. Speaker.

The SPEAKER. You may state your point of order.

Mr. CARROLL. Is there a difference between oral remarks and submission for the record?

The SPEAKER. The Chair thanks the gentleman for that point of order. There is a difference: one is verbal and one is written, and therefore, the individual's—

The gentleman will – for what purpose does—

Mr. CARROLL. Continued point of order, Mr. Speaker.

The SPEAKER. The gentleman will suspend. I thought the Democratic leader was seeking—

Given that it is verbal, it is for the benefit of the audience who might be viewing it online or potentially on television, on PCN (Pennsylvania Cable Network), whereas written submission would only be reflected once the Journal is officially transcribed.

Mr. CARROLL. But, Mr. Speaker, as I understood, the gentleman from Chester was interested in establishing a legislative intent scenario and his submission for the record should accomplish that goal.

The SPEAKER. Yeah, regarding legislative intent, you are correct. There would be no difference. However, as we discussed yesterday during a somewhat more contentious debate, it is the right of the individual members to stand and voice their opinions in order to determine their support or opposition to any issue that comes before the chamber.

Mr. CARROLL. Thank you, Mr. Speaker.

It seems to me that submission for the record would accomplish the intended goal.

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Representative Lawrence, is in order, and you may—

PARLIAMENTARY INQUIRY

The SPEAKER. The gentleman, Representative Neilson, for what purpose do you rise?

Mr. NEILSON. Parliamentary inquiry.

The SPEAKER. You may state your parliamentary inquiry.

Mr. NEILSON. Mr. Speaker, usually when we pass House resolutions, and some of our bills, we are asked to put our comments on at the end of the day, after all votes are taken. Would it be so in order to do it during this time as well?

The SPEAKER. The gentleman's parliamentary inquiry – I assume you are referring to the rule 17 speakers, which, ironically, it is somewhat timely, given that today is Wednesday and the Speaker was intending to discuss this with the leaders in the coming weeks.

The purpose of rule 17, actually, is in lieu of a resolution that would otherwise have been offered. As the good gentleman might recall, we had previously changed the rules to eliminate many of the resolutions that were done on the floor. However, this is part of the legislative process, which is the proper forum in the House, here in this chamber, at this time, to discuss the merits or detractions of any particular item that is before us.

Mr. NEILSON. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

Members, if you could please take your seats so the gentleman from Chester County can conclude his remarks. I have had several members indicate that they are having difficulty hearing him. They did. Several members have indicated that, so I will ask you to please take your seats and take any conversations off the back of the House.

The gentleman from Chester County is in order, and you may proceed.

Mr. LAWRENCE. Mr. Speaker?

The SPEAKER. For what purpose does the gentleman seek recognition?

Mr. LAWRENCE. Mr. Speaker, in the 12 years I have been a member of this General Assembly, I cannot recall another time that this kind of conversation has occurred when a member is speaking on their own bill.

The SPEAKER. The gentleman will please suspend. I do not believe that is a proper parliamentary inquiry or a point of order.

The gentleman is recognized for the conclusion of his comments. The Speaker was attempting to maintain the decorum today, just like any other time, and as previously stated, members have a right to be heard here on this floor.

The gentleman is in order, and you may proceed.

Mr. LAWRENCE. Mr. Speaker, I am going to finish my remarks fully, really for the purpose that this is an important issue that is being followed closely in the press, and the press will not be reading the comments that are submitted for the record when they are published 2 months from now, to be candid. And I feel it is very important to get this into the record and out to the press today. So I will finish my comments, and I appreciate the members' patience. I am not trying to keep you here long or anything else. I apologize if you have other things to do. It is only 2:50 in the afternoon. I have about 10 more minutes here, if you need to go to the bathroom, or there is some milk in the back if anyone would like to get some chocolate milk.

Continuing, Mr. Speaker, Pennsylvania certainly has every right to provide Pennsylvania schools, if they elect, they can purchase Pennsylvania milk with Pennsylvania dollars to provide to Pennsylvania students.

So compare this to the pressing issue ripe in the *Wickard* case, which was directly and expressly related to interstate commerce. The whole *Wickard* case was saturated with interstate commerce; in this case, the national wheat market and the interplay between anyone in the nation buying, selling, or producing wheat.

Second, a very, very important distinction in the situation presented in the *Wickard v. Filburn* case, as opposed to HB 2397, is this: *Wickard* dealt with the actions of an individual; HB 2397 deals with the actions of a government entity – in this case, a local

school board, a duly constituted instrument of local government in this Commonwealth.

Now, one might ask, what is the difference? Does the Supreme Court view matters differently based on whether the actor is a private individual or a governmental entity? The answer is yes. The Supreme Court found, in *Department of Revenue of Kentucky v. Davis*, that a State may provide preferential treatment – in this case, preferential tax treatment – to in-State issuers of municipal bonds, both on the State level and the municipal level within the State. To quote the Court, quote, "The question here is whether Kentucky's version of this differential tax scheme offends the Commerce Clause. We hold that it does not."

Now the *Kentucky v. Davis* case is only one of a long line of court cases making the powerful argument as to why the commerce clause simply does not come into play with regard to actions contemplated under HB 2397. The U.S. Supreme Court bluntly states, in *White v. Massachusetts Council of Construction Employers*, quote, "When a state or local government enters the market as a participant, it is not subject to the restraints of the Commerce Clause." Full stop. The Court cited *Hughes v. Alexandria Scrap Corp.* and *Reeves v. Stake* as a basis for this conclusion in the *White* case.

HB 2397 deals specifically with a local government – in this case, a Pennsylvania school board – entering the market – in this case, the market for school milk – as a participant. The Supreme Court states that in such circumstances, the local government in question is not subject to the restraints of the commerce clause. It cannot be any more clear.

So, Mr. Speaker, as it relates to the commerce clause, I would contend that HB 2397 falls well within a line of court decisions finding that a local government entering the market as a direct market participant – in this case, to buy Pennsylvania whole milk – is not subject to the restraints of the commerce clause. There can be no question that this bill does not run afoul of the commerce clause.

Now, Mr. Speaker, some have suggested that HB 2397 runs afoul of the supremacy clause of the U.S. Constitution. What are we to make of this? We find that in examining many cases over the past several hundred years, the Court has routinely held that Federal law trumps State law when a duly enacted Federal law – and this is important – is within the confines of the authority granted to the Federal government by the U.S. Constitution. The tension between the supremacy clause and the rights guaranteed to the States under the 10th Amendment have been examined many times over the years by the courts, and frankly, the Court's rulings have been inconsistent on where the Federal government's authority ends and the State's 10th Amendment authority begins. Justice Sandra Day O'Connor noted in 1992 that "the court's jurisprudence in this area has traveled an unsteady path."

Now, this is a minefield we want to try to avoid, and it is smart for this body to look at legal precedent in this area before attempting to enact a law that might run afoul of the supremacy clause. So let us examine the 1992 U.S. Supreme Court ruling in *New York v. United States* for some guidance. This case dealt with a Federal law imposing a series of Federal rules and incentives upon States grappling with the disposal of low-level radioactive waste. Upon review, the U.S. Supreme Court struck down part of this Federal law as "unconstitutionally coercive," "outside Congress' enumerated powers," and "inconsistent with the Tenth Amendment."

So what is the test in the *New York* case that can prove instructive here? The Court gives us guidance, quote: "In ascertaining whether any...provisions oversteps the boundary between federal and state power, the Court must determine whether it is authorized by the affirmative grants to Congress contained in Article I's Commerce and Spending Clauses or whether it invades the province of state sovereignty reserved by the Tenth Amendment."

Now, Mr. Speaker, we have already shown that HB 2397 does not fall within the authority of the commerce clause, and so that does not merit any further conversation. But what about the spending clause? Certainly, the Federal government can and does attach strings to Federal funding. But the Court notes, the strings that come with Federal funding are not without bound or limit. As the Court notes in *New York v. United States*, "If state residents would prefer their government to devote its attention and resources to problems other than those deemed important by Congress, they may choose to have the Federal Government, rather than the State, bear the expense of a federally mandated regulatory program, and they may continue to supplement that program to the extent state law is not pre-empted...."

And I think that hones in on the issue presented here in HB 2397. The Pennsylvania General Assembly is devoting attention and resources today to an issue of great importance here in the Commonwealth, as outlined previously. And we, the State and the school districts, "...may choose to have the Federal government, rather than the State bear the expense of a federally mandated regulatory program" – in this case, the school lunch program – and they, the State, "...may continue to supplement that program...."

Now, returning to the 10th Amendment, the issue at play in the bill in front of us – namely, the provision of State milk to a State school with State dollars – sure does look awfully like an issue the Framers would have seen as a State issue. And given all of the court precedent we have discussed today, I have every confidence that this bill as drafted is in fact on solid constitutional ground.

With all that being said, Mr. Speaker, I want to look for just a moment at the Federal Richard Russell National School Lunch Act. It would do us well to ensure that HB 2397 is not, on its face, in opposition or open rebellion against this Federal act, and thus, in conflict with the supremacy clause. The National School Lunch Act dates all the way back to 1946. The Declaration of Policy in the law outlines the basis and justification for the law. To quote: "It is hereby declared to be the policy of Congress, as a measure of national security, to safeguard the health and well-being of the Nation's children and to encourage the domestic consumption of nutritious agricultural commodities and other food, by assisting the states, through grants-in-aid and other means, in providing an adequate supply of foods and other facilities for the establishment, maintenance, operation, and expansion of nonprofit school lunch programs."

So we learn that Congress's explicit intent in this this bill is to do two things: safeguard the health and well-being of the nation's children, and encourage the domestic consumption of nutritious agricultural commodities and other food. I note that Congress saw fit to add, quote, "other food," seemingly recognizing that such lunches will, by necessity, contain healthy food and "other food."

How does Congress propose to proceed? The language specifically notes that Congress intends to, quote, "assist the States" in providing "an adequate supply of foods" for school lunch programs. This is important language. Congress is assisting the States. This is not a Federal takeover. It is not even a partnership between the Federal and State government. The word used is "assisting." An assistant football coach comes alongside a head football coach. A parent may assist a child in learning how to ride a bicycle, but the child is still very much in charge of learning how to ride the bicycle – balance and so forth. This language very strongly suggests that Congress recognizes this is an area that the States have been operating in for some time, and the Federal government is looking to assist.

Mr. Speaker, this does not look to me like a mandate. It could have been. The U.S. Congress could have ordered a takeover. That is not the language or intent present. It suggests to me that Congress clearly intended to give States the opportunity to speak into the products being served during school lunches.

Now, let us get down to brass tacks. Section 9 of the National School Lunch Act gets into the specifics of milk served at schools. Let us examine this closely. The law states lunches served by schools participating in the school lunch program under this Act "(i) shall offer students a variety of fluid milk. Such milk shall be consistent with the most recent Dietary Guidelines for Americans published under section 301 of the National Nutrition Monitoring and Related Research Act of 1990." A second clause says that such schools "may offer students flavored and unflavored fluid milk and lactose-free fluid milk...."

Now, the intent here seems pretty clear. Schools shall offer students a variety of fluid milk that meets specific guidelines under the National Nutrition Monitoring Act of 1990. That is skim milk and any other variety of federally approved milk, which is, at this point, a little bit of 1-percent milk. The very next clause adds that schools "may offer students flavored and unflavored...milk." The milk in the second clause is different than the milk in the first clause; otherwise, there would be no need for two clauses. We know the milk in this second "may" provision is not skim milk. It could be whole milk, flavored, unflavored, and that is it. The Federal law envisions the exact scenario HB 2397 facilitates. Schools that choose to go down the Federal school lunch path shall offer skim milk, and they may offer flavored or unflavored milk, such as those contemplated in HB 2397.

The Federal law goes on to state, quote, "A school that participates in the school lunch program under this Act shall not directly or indirectly restrict the sale or marketing of fluid milk products by the school (or by a person approved by the school) at any time or any place...on the school premises; or...at any school-sponsored event."

"Fluid milk products" is a broad term that certainly includes whole milk. Congress is not preventing whole milk from being sold at a school; in fact, milk, including whole milk, is probably the only product that Congress has specifically singled out for such preferential treatment; namely, that it cannot be restricted from being sold at any time on school premises.

Congress intended to assist the States as it relates to school lunch programs. Congress could have, but did not, provide for a Federal takeover. Congress could have prescribed total dominion in this arena; they did not. The law gives States latitude, and in my view, a primary, not secondary, position on the topic of school lunches. Congress requires schools to offer skim milk, but

they leave the option available for schools to provide other kinds of milk as envisioned in the bill before the House today.

Mr. Speaker, I greatly appreciate the patience of the House in establishing the basis and legislative intent for this legislation. This bill passes muster under the commerce clause, the supremacy clause, the 10th Amendment, and the National School Lunch Act. It is now time for us to act and I would encourage an affirmative vote.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Shall the bill pass finally?

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

(Members proceeded to vote.)

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—196

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

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

NAYS—2

Bizzarro Miller, D.

NOT VOTING—0

EXCUSED—2

Burns Kaufer

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 2456, PN 2876**, entitled:

An Act amending the act of April 28, 1937 (P.L.417, No.105), known as the Milk Marketing Law, in licenses of milk dealers, further providing for penalties in lieu of suspension.

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—183

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

NAYS—15

Borowicz	Hamm	Metzgar	Ryan
Davanzo	Heffley	Nelson, E.	Silvis
Fritz	Keefer	Pennycuick	Warner
Gillen	Lewis	Rowe	

NOT VOTING—0

EXCUSED—2

Burns Kaufer

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 2457, PN 2901**, entitled:

An Act amending the act of April 28, 1937 (P.L.417, No.105), known as the Milk Marketing Law, in weighing and testing, further providing for certified testers and for certified weighers and samplers.

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 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—198

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

DeLissio	Keefe	O'Neal	Twardzik
Delloso	Kenyatta	Oberlander	Vitali
Delozier	Kerwin	Ortitay	Warner
DeLrosso	Kim	Otten	Warren
DeLuca	Kinhead	Owlett	Webster
Diamond	Kinsey	Parker	Welby
Dowling	Kirkland	Pashinski	Wentling
Driscoll	Klunk	Peifer	Wheeland
Dunbar	Knowles	Pennycuick	White
Ecker	Kosierowski	Pickett	Williams, C.
Emrick	Krajewski	Pisciottano	Williams, D.
Evans	Krueger	Polinchock	Young
Farry	Kulik	Puskaric	Zabel
Fee	Labs	Quinn	Zimmerman
Fiedler	Lawrence	Rabb	
Fitzgerald	Lee	Rader	Cutler,
Flood	Lewis	Rapp	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—2

Burns Kaufer

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 2458, PN 2981**, entitled:

An Act establishing the Philadelphia LNG Export Task Force; and providing for duties of task force.

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

(Bill analysis was read.)

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

The question is, shall the bill pass finally?

On that question, the Chair recognizes the gentlewoman, Representative White, on final passage.

Ms. WHITE. Thank you, Mr. Speaker.

Russia's unprovoked invasion of Ukraine makes it clear that the world has become too reliant on Russia for its energy needs. Europe, in particular, is heavily dependent on Russia for its oil and gas. In 2021 two-fifths of the gas Europeans used came from Russia, which makes it more difficult for those countries to impose sanctions on Russia as punishment for Putin's murderous behavior and to dissuade him from further hostility.

But Pennsylvania can make a tremendous difference. Pennsylvania has an abundant supply of natural gas and a port right in Philadelphia. We are perfectly positioned to become a leader in exporting liquified natural gas to supply the energy needs of our allies around the world.

HB 2458 would create a task force that includes members of the General Assembly, the natural gas industry, Philadelphia Building Trades, and PhilaPort, among others. It would study how to overcome obstacles, what the financial impact would be, and any security necessities that would be involved in making Philadelphia a leader in exporting liquified natural gas.

As amended, the task force would also study the economic feasibility, financial impact, and the security necessities that would be involved with making the Port of Philadelphia an LNG (liquified natural gas) export terminal.

After the task force completes its work, it would create a report with recommendations to be presented to the General Assembly and the administration, including a list of actions needed to facilitate this.

The Governor and I are both satisfied with the changes to this bill, as of yesterday's amendment, and I ask for your support on this important legislation.

Thank you for your support.

The SPEAKER. The Chair thanks the lady and recognizes the gentleman, Representative Vitali, on final passage.

Mr. VITALI. Thank you, Mr. Speaker.

I rise in opposition to this bill. I first want to note the opposition of the environmental groups Conservation Voters of PA, Sierra Club, Clean Water Action, PennEnvironment, and Clean Air Council. They raise interesting points. They say these terminals pose a catastrophic risk of explosion and potentially significant danger to the public. There is a very good reason that these terminals are not placed in high population areas – like the city of Philadelphia, which has well over 1 million people – because catastrophic explosions can occur, not only with natural gas, but other heavier petrochemicals that are used and exported. This is a dangerous practice and should not be done in an urban area.

They note – these environmental groups – that this task force is missing members of the community. There is no community representative on this task force that could speak for their interests. They also make the point that the danger to build out gas pipelines or the trains that would carry the gas through their neighborhoods to the port pose additional dangers.

You know, also, this could result in higher gas prices for our constituents. If you consider the very basic principles of supply and demand, prices rise when the supply is low regarding to the demand. The reality is our consumers are enjoying low prices now, but we will be reducing the supply to our consumers if we export to others.

The Delaware Riverkeeper also opposes this. They say this study is a waste of State funding and taxpayer money and would bring no benefit to the public. They say poor financial investment – they call it a poor financial investment and sinks important port resources into old fossil fuel projects that will soon be stranded assets. And they point out that liquid natural gas facilities – according to the Federal government's guidance, as I mentioned before – are supposed to be in remote locations due to the danger associated with the unique properties, that liquid natural gas can cause catastrophic loss of life.

Mr. Speaker, the arguments with regard to this will somehow solve the Ukraine problem really are not valid. First of all, this is an immediate problem. This report is going to take a year, and if in fact we do build this, it would be many years after that. This is not a solution to the immediate problem. European countries really need to move from fossil fuels to renewable energy, as the rest of us do, and they are making steps to do that right now.

We are never going to reach carbon neutrality if we keep building fossil fuel infrastructure that just locks us into a fossil fuel economy for decades to come. This is a bad idea, and I would urge a "no" vote.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentleman, Representative Hohenstein, on final passage.

Mr. HOHENSTEIN. Thank you, Mr. Speaker.

I am the proud Representative of the 177th District, my neighborhood to the river wards and the places in Philadelphia where we have an industrial past, and that industrial past includes a present which is the Philadelphia Port. I am the Representative for the Philadelphia Port, along with one other Representative from Philadelphia, and neither of our offices were consulted with respect to this legislation.

So I called up the Philadelphia port – I have got people at the port – and I called them up and I said, hey, have you heard about this bill? What do you think? And they said, no. Nobody has talked to us about this idea, and besides, LNG through Philadelphia? No. There are plenty of other places – if we were even going to consider it – in Pennsylvania that are more appropriate, and besides, it does not actually help us with a whole lot of job creation and other things. There are other policies that we could pursue at the port that would help the Philadelphia economy, help the energy independence that is the purported goal of this legislation.

So when I knew that the port had not been involved and those of us who represent the people around the port had not been involved, I took a quick look at the wisdom of the policy, and when we look to set proper public policy, we do so by collaborating, reaching across, getting the input of all of the stakeholders.

The previous speaker mentioned there is no community input on this current board, and I would actually say the creation of the board itself, with this specific policy in mind, is also a mistake because it presupposes that LNG is the way for us to achieve energy independence.

I am going to reference someone from the other side of the aisle when I reference Ronald Reagan's Secretary of the Navy, John Lehman, who sat on a task force examining what happened after 9/11, and examined specifically this issue of energy independence. Secretary Lehman said that our energy independence does not come from further tying us to fossil fuels; rather, it comes from investment and development of proper sustainable forms of energy. That is what a task force like this one ought to be doing.

But instead, in order to score— I will refrain from the comment I was just about to make, Mr. Speaker. The intention of this bill, as stated by the maker, was sparked by the humanitarian crisis occurring in Ukraine due to an aggressive and unprovoked war by a tyrant whom I will not name. I respectfully say that if that actually is what we want to do to fight against the tyranny of another nation, we do not do it by picking winners and losers in an energy debate. We do not do it by bypassing the democratic participation of the people of our district, the people of my district, who for years have had industry and pollution and we suffered generational illnesses in my district. We do not need additional environmental hazards coming into them.

So I will leave with this. My predecessor was a member of the other party, and he had a fantastic reputation – in particular, working together with the member who represented the other portion of the port at the time, who happened to be a member of

our party. And some folks would say that the relationship that these two gentlemen had in formulating wise public policy came from their recognition of the joint and common interests that we all share. They would call it bipartisanship. I actually would say, the wisest policy – and the policy that was being implemented by my predecessor and by his legislative neighbor – was not so much bipartisan as nonpartisan. It did not worry about the political results; it worried about the social, the economic, and the developmental results for the city of Philadelphia, for their districts, and for the Commonwealth as a whole.

So voting for this bill is doing something that the port itself does not want, the community has no voice in, and it does not reflect proper public policy.

The SPEAKER. The Chair thanks the gentleman.

Seeing no one else seeking recognition, the Chair will return to the prime sponsor, Representative White, for the second time on final passage.

Ms. WHITE. Thank you, Mr. Speaker.

You know, I actually drive an electric vehicle, and I am in favor of ensuring that our environment is safe, that our air is good to breathe, and all of the above. I am in favor of carbon capture. What I am not in favor of, though, is the 25 percent unemployment rate in some of the ZIP (Zoning Improvement Plan) Codes in Philadelphia. What I am not in favor of is the 25 percent rate of poverty in Philadelphia. It is a very, very sad day in our city that we cannot advocate for what is an absolute necessity in the environment that we are faced with today, not only here at home, but abroad.

To be clear of why I believe you should be supportive of this legislation and why it is bipartisan, Climatewire, and I will quote from their article on 3-25-22: The President "increases LNG exports as Europe faces energy crisis.

"The White House announced this morning that the U.S. will rapidly increase exports of liquified natural gas to Europe as Germany and other E.U. nations try to diminish their dependence on Russian fossil fuels. The move will ramp up LNG shipments carried by seagoing tankers by 15 billion cubic meters this year, according to a fact sheet released by the White House. As a comparison, the United States sent 22 bcm of LNG to Europe last year, the highest ever traded between two continents." And it goes on: "The White House said American exports of LNG will continue to grow through 2030, by which time the U.S. plans to be sending 50 billion cubic meters of gas to Europe annually."

Why not make sure that Pennsylvania, that Philadelphia is there to serve the needs of our local community through job creation, the needs of our nation, and the needs of our allies abroad? That is what this legislation is about, and I urge a "yes" vote.

Thank you very much, Mr. Speaker.

The SPEAKER. The Chair thanks the lady.

On the question recurring,
Shall the bill pass finally?

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

(Members proceeded to vote.)

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—124

Armanini	Gillespie	Marshall	Rossi
Benninghoff	Gleim	Masser	Rothman
Bernstine	Gregory	Matzie	Rowe
Boback	Greiner	Mehaffie	Ryan
Bonner	Grove	Mentzer	Sainato
Borowicz	Hamm	Mercuri	Sankey
Boyle	Heffley	Metcalfe	Saylor
Brooks	Helm	Metzgar	Schemel
Brown, R.	Hennessey	Mihalek	Schmitt
Causer	Hershey	Millard	Schroeder
Cook	Hickernell	Miller, B.	Silvis
Cox	Irvin	Mizgorski	Smith
Culver	James	Moul	Snyder
Davanzo	Jones	Mustello	Sonney
Davis, T.	Jozwiak	Neilson	Staats
Day	Kail	Nelson, E.	Stambaugh
DeLozier	Kauffman	O'Neal	Stephens
DelRosso	Keefer	Oberlander	Struzzi
DeLuca	Kerwin	Ortitay	Thomas
Diamond	Klunk	Owlett	Tomlinson
Dowling	Knowles	Peifer	Topper
Driscoll	Kulik	Pennycuick	Twardzik
Dunbar	Labs	Pickett	Warner
Ecker	Lawrence	Pisciottano	Wentling
Emrick	Lewis	Polinchock	Wheeland
Farry	Longietti	Puskaric	White
Fee	Mackenzie, M.	Quinn	Williams, C.
Flood	Mackenzie, R.	Rader	Zimmerman
Fritz	Major	Rapp	
Galloway	Mako	Rigby	Cutler,
Gaydos	Maloney	Roae	Speaker
Gillen	Markosek		

NAYS—74

Benham	Evans	Kirkland	Rabb
Bizzarro	Fiedler	Kosierowski	Rozzi
Bradford	Fitzgerald	Krajewski	Samuelson
Briggs	Frankel	Krueger	Sanchez
Brown, A.	Freeman	Lee	Sappay
Bullock	Guenst	Madden	Schlossberg
Burgos	Guzman	Malagari	Schweyer
Carroll	Hanbidge	McClinton	Shusterman
Cephas	Harkins	McNeill	Sims
Ciresi	Harris	Merski	Solomon
Conklin	Herrin	Miller, D.	Sturla
Cruz	Hohenstein	Mullery	Vitali
Curry	Howard	Mullins	Warren
Daley	Innamorato	Nelson, N.	Webster
Davis, A.	Isaacson	O'Mara	Welby
Dawkins	Kenyatta	Otten	Williams, D.
Deasy	Kim	Parker	Young
DeLissio	Kinhead	Pashinski	Zabel
Delloso	Kinsey		

NOT VOTING—0

EXCUSED—2

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

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

The SPEAKER. For the information of the members, there will be no further floor votes this afternoon. We will go to some routine housekeeping. Also, there are rule 17 speakers. If you wish to proceed to the well of the House, we will take those up shortly.

BILLS RECOMMITTED

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

HB 121;
HB 875;
HB 934;
HB 947; and
HB 1962.

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 1123;
HB 1791;
HB 1929;
HB 2209;
HB 2210;
HB 2238;
HB 2271;
HB 2275;
HB 2277;
HB 2386;
HB 2464;
HB 2525;
SB 349;
SB 439; and
SB 709.

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

THE SPEAKER PRO TEMPORE (TINA PICKETT) PRESIDING

STATEMENT BY MR. HAMM

The SPEAKER pro tempore. In keeping with rule 17, the Chair recognizes Representative Hamm to speak on Faith Month, April.

Mr. HAMM. Thank you, Madam Speaker.

I am humbled and honored to read into the record the Faith Month Proclamation, declaring April 2022 "Faith Month" in the Commonwealth of Pennsylvania. Our faith is most important to my family and me.

"Whereas, the United States of America was born of the unanimous Declaration that we are 'endowed by our Creator with certain unalienable Rights,' based on 'the Laws of Nature and of Nature's God,' 'appealing to the Supreme Judge of the world,' and acknowledging our reliance on the protection of divine providence'; and

"Whereas, religious freedom is known as America's first freedom, as laid out in the Establishment and the Free Exercise clauses of the First Amendment to the United States Constitution; and

"Whereas, the freedom of speech guaranteed by the First Amendment also supports America's unique focus on freedom of expression, including in matters of faith; and

"Whereas, our motto, 'In God We Trust,' further emphasizes the importance of faith in our nation's founding; and

"Whereas, from our first president to the last, we have acknowledged America's faith, with President George Washington recognizing 'it is the duty of all Nations to acknowledge the providence of Almighty God, to obey His will, to be grateful for His benefits, and humbly to implore His protection and favor'; and President Joe Biden, most recently acknowledging Thanksgiving as a 'time to reflect on our many blessings – from God, this Nation, and each other'; and

"Whereas, America's Judeo-Christian founding promotes religious diversity and tolerance; and

"Whereas, religious liberty serves to strengthen our country's appreciation of all peoples, regardless of faith; and

"Whereas, eternal diligence is needed to preserve religious freedom; and

"Whereas, attacks on religious liberty and people of faith continue to plague our nation with some religious charities even being forced to betray the tenets of their faith in order to participate in certain government programs; and

"Whereas, many seek to criminalize religious beliefs on certain controversial areas; and

"Whereas, religious organizations in America have a rich history of charitable engagement helping the sick, poor, and afflicted;

"Be it resolved, therefore, that Americans should celebrate their faiths and America's commitment to faith freely and openly, with public displays and celebrations, including prayer and expressions of thanksgiving, during the month of April, which shall be known now and henceforth as 'Faith Month' as a way to reaffirm our commitment to the religious liberty principles of our founding."

Thank you, Madam Speaker.

The SPEAKER pro tempore. Thank you, Representative Hamm.

STATEMENT BY MR. BOYLE

The SPEAKER pro tempore. The Chair will now recognize Representative Boyle, speaking on helping Ukrainian refugees settle in Pennsylvania.

Mr. BOYLE. Thank you, Madam Speaker.

Over the past 2 months people around the world have watched the brutal events of Vladimir Putin's unprovoked attack unfold in Ukraine. The results of these attacks have been devastating. Aside from repelling the Russian forces from their cities, Ukraine is contending with the destruction of infrastructure, including their architectural treasures, medical facilities, and homes. Ukraine and its neighbors like Poland, Romania, and Moldova are also managing a refugee crisis, as an estimated 4 million people have left Ukraine.

In March, the Biden administration announced that the U.S. would accept up to 100,000 refugees from Ukraine. We in Pennsylvania can help. People seeking refuge from hostility or persecution have always found a home in Pennsylvania. Welcoming them is in our DNA. Our Commonwealth was born of William Penn's Great Experiment to establish a community where religious tolerance – an unusual idea at the time – was the guiding principle. Since then, Pennsylvania has greeted refugees from every corner of the globe escaping every kind of oppression. Pennsylvania has lived up to its 1980s tagline, "You've Got a Friend in Pennsylvania."

Now, while we watch in disbelief and sadness as the events in Ukraine stretch on, it is time to again open our communities' doors and hearts to welcome newcomers to our beautiful Commonwealth. Communities across Pennsylvania, including Philadelphia, are already home to more than 122,000 Ukrainians. This is the second highest number of any State in the nation. So the refugee crisis unfolding in Europe is not a crisis affecting strangers; these are our neighbors' families. It is real and it is touching our communities.

My colleagues and I want to assure those seeking refuge in our State due to the current hostility that they are welcome too. That is why I, and many of my colleagues, have proposed the creation of the New Neighbors Fund, which would authorize up to \$2 million to support services for refugees from Ukraine.

Relocating is never easy, even under the best of circumstances. But refugees fleeing their homeland contend with exceptional burdens. They accept enormous risks to their safety, they have little time to prepare, and are unable to bring many belongings with them. When they reach safety, they are tired, with few resources and great uncertainty. But we can help. The New Neighbors Fund would establish existing Federal investments and would create a faster more flexible way to deliver expanded services to help Ukrainians transition to their new communities. Funding would help our new neighbors secure long-term housing and receive services like English-as-a-second-language instruction, occupational skills and training, and recertification courses for arrivals with degrees earned overseas that are not transferable to the U.S.

I would like to also take the opportunity to applaud all the Pennsylvanians who have stepped up and rallied behind our Ukrainian neighbors and have found ways to help. While we have witnessed great destruction in Ukraine, Pennsylvanians have been unwilling to sit back and watch. Instead, we have seen great compassion from communities around the Commonwealth, and our neighbors are finding innovative and meaningful ways to help

Ukrainians in need, from church collections to local business contributions to law enforcement equipment donations for the Ukrainian resistance. I believe that the New Neighbors Fund will complement these grassroots efforts to aid those fleeing and who choose to resettle in our Commonwealth.

Pennsylvania took swift action when Russia invaded to divest of Russia-related investments and to stop purchasing Russian-sourced products. Now as Ukraine courageously fights to defend itself from Russian aggression and the world contends with the largest refugee crisis since World War II, Pennsylvania's New Neighbors Fund would also renew our commitment to Ukraine and our rich legacy of helping those in great need who are escaping oppression, no matter who that oppressor is.

Whether Ukrainians choose to make a home in Pennsylvania permanently or settle here temporarily, hopefully one day they will return home to a safe and prosperous Ukraine. But in the meantime, we can work to ensure that Pennsylvania is prepared to welcome them and that their time in our Commonwealth is healthy, safe, and comfortable.

Thank you, Madam Speaker.

The SPEAKER pro tempore. Thank you, Representative Boyle.

STATEMENTS BY MR. C. WILLIAMS

The SPEAKER pro tempore. The Chair now recognizes Representative Craig Williams, speaking on the Smart Justice bill. It is a package.

Mr. C. WILLIAMS. Thank you, Madam Speaker.

First, I would like to congratulate the Duke University Blue Devils on their championship season and appearance in the Final Four this year. That Final Four game also marked the end of a storied 42-year Duke career for Coach Krzyzewski as Duke's head basketball coach, who won 5 national championships, more than any other coach except for John Wooden; 13 Final Four appearances, the most of any coach in history; 12 ACC (Atlantic Coast Conference) regular season championships; and 15 ACC tournament championships. Importantly for us Pennsylvanians, we have had several Duke stars play for our beloved 76ers, like J.J. Redick, Elton Brand, Seth Curry, and Johnny Dawkins, just to name a few; and Duke center Alaa Abdelnaby as a TV broadcaster for the 76ers.

But many of us feel personally connected to your retirement, Coach. As a junior at Duke, I literally climbed in a tree with my brother – who was a sophomore and I was a junior – to watch the national championship game against Louisville on a sheet as it was being projected. I was among the original "Crazies" who camped out in the beginnings of K-ville to get into the Carolina game. And my son, who is a sophomore now, camped out for weeks to be at the final game at Cameron. You have been a part of our family for more than 40 years. We cannot tell you what it has meant to us. It is the character you bring to teaching and competition that inspires and motivates us. We have all watched you and learned from you.

As you said after the Final Four game, "I've been blessed to be in the arena. And when you're in the arena, you're either going to come out feeling great or you're going to feel agony. But you always will feel great about being in the arena."

Coach, from the arena of the Pennsylvania House of Representatives, I say thank you. To you and Mickie, God bless you and your family.

Madam Speaker, 561, 501, 41; 561 homicides in Philadelphia last year, 501 of those homicides involving firearms, 41 of those homicide victims were children. I rise today because crime is unacceptably out of control in our Commonwealth. Rampant crime does not result from not having enough criminal laws; it results from not enforcing the law. It is about time we take substantiated cases from the police and prosecute them.

As a former Federal prosecutor – and in particular, a gun and drug trafficking prosecutor – I have seen firsthand how effective prosecution leads to deterrents in public safety. Soon the House will be considering the Smart Justice legislative package. This package of bills is not about adding new crimes; it is about enforcing the crimes that we have in the code. By way of Act 58 of 2019, this Assembly, along with colleagues in the Senate, passed a bipartisan bill that the Governor signed, giving additional authority to the Pennsylvania Attorney General to prosecute gun crime in Philadelphia. The Attorney General declined to use that authority and it expired in 2021. I will remind you again, last year there were 501 gun murders in Philadelphia, with 41 of those victims being children. As a prosecutor, I can tell you that was a moment of poor prosecutorial judgment. As part of the Smart Justice package of crime bills, the Judiciary Committee this week passed HB 2275, which will again give the Attorney General concurrent jurisdiction in Philadelphia to prosecute gun crimes. We are going to give him another bite at the apple to be a part of the team to fight gun violence.

Let me be clear: I am a prosecutor and a combat veteran, and I support the Second Amendment in Article I, section 21, of the Pennsylvania Constitution. The crimefighting package targets criminals, not law-abiding citizens. It is both a Federal and a State crime for a prior convicted felon to possess a gun, no matter where or how he got the gun or where it was made, including so-called ghost guns, yet prosecution cases involving illegal gun possession by prior convicted felons fell by 20 percent last year in Philadelphia.

So last year I asked for \$1.5 million in the State budget to hire more gun prosecutors to prosecute illegal gun possession cases federally. I am glad to report that those funds have been now used to hire six new prosecutors, three from Philadelphia and three from Delaware County, who will soon be with the Department of Justice United States Attorney's Office to start prosecuting unlawful gun possession by felons.

It is time for the Attorney General to join our fight. The Smart Justice package also includes HB 2464, which gives crime victims added rights; HB 2525, which gives victims rights to information in civil cases; and HB 1123, a Democrat bill from Philadelphia that adds rewards for information leading to murder convictions in the murders of law enforcement officers.

One homicide is too many; more than 500 is unconscionable. We can do better. We must do better. Let us pass this package of bills with a unified voice that says no to crime.

Thank you, Madam Speaker.

The SPEAKER pro tempore. Thank you, Representative Williams.

STATEMENT BY MS. DELOZIER

The SPEAKER pro tempore. The Chair will now recognize Representative Delozier, also speaking on the Smart Justice bill package.

Ms. DELOZIER. Thank you, Madam Speaker.

Smart Justice means allowing everyone to access the justice that is due to them and that means crime victims. In our system of criminal laws, victims are represented by the State under the belief that a crime committed against one person is committed against the State as a whole. While I know that that sounds like solid and noble logic, it has sometimes led to the actual victim of a crime being left aside, searching for security, safety, and individual justice and peace of mind.

When a crime, especially a violent crime, is committed against an individual or multiple people, we cannot lose sight of the personal impact that it has and the trauma that it causes. In recognition of this, prior legislatures have worked in a bipartisan manner to give crime victims certain rights during the process. However, just because laws, protections, and rights exist does not mean that the victims were given the mechanism of enforcing what the legislature gave them. That is why I have introduced HB 2464, part of the Smart Justice legislative package, which would give crime victims standing in Pennsylvania courts to enforce the rights and protections given to them.

In prior legislative sessions, I was proud to stand with many of you in support of Marsy's Law, a constitutional amendment to guarantee the rights of crime victims in our State's Constitution. In 2019 more than 1.7 million Pennsylvanians voted in approval of Marsy's Law to support our Commonwealth's crime victims. More than 70 percent of that election's turnout voted "yes." While the courts threw out the constitutional amendment on grounds unrelated to the actual amendment itself, there is still broad recognition among Pennsylvanians that more needs to be done for crime victims. This bill would accomplish that goal.

Currently crime victims do not have the legal right on their own to stand in court and assert their rights. My bill would give crime victims that legal standing so that they can be assured of receiving the very protections that we, as a General Assembly, have promised to them by law. It would not authorize any monetary penalties, but instead would allow crime victims to be granted court orders directing that they and their rights be honored as intended by current law. This part of Marsy's Law can be accomplished through statute, and while I have not given up my advocacy for a constitutional amendment, the urgency of supporting our crime victims could not be higher. This bill cannot wait.

Again, Smart Justice means providing Pennsylvanians the tools to enforce the laws currently on the books. This legislation would further that goal and give crime victims the ability to seek the justice we have already put on the books for them. I look forward to working with my colleagues on this legislation in the coming weeks, and I hope for its swift consideration.

Thank you, Madam Speaker.

The SPEAKER pro tempore. Thank you, Representative Delozier.

STATEMENT BY MS. WHITE

The SPEAKER pro tempore. The Chair will now recognize Representative White, also speaking on the Smart Justice bill package.

Ms. WHITE. Thank you, Madam Speaker.

Requiring and incentivizing current law to be followed and enforced is smart justice. I recently introduced two bills, part of the Smart Justice package, that will deal with the uncontrolled violent crime in the city of Philadelphia. The crime epidemic has undoubtedly reached crisis levels and has left Philadelphia to the point where even the mayor has said publicly the city is not safe.

As of April 10, 2022, there were 448 nonfatal and 114 fatal shooting victims in the city of Philadelphia. A recent poll conducted by the Pew Research Center shows a 30-percent increase in concern over violent crime in the city, with 70 percent of Philadelphia residents citing crime, drugs, and public safety as the largest issues facing the city. While all options remain on the table to hold Philadelphia's leadership accountable for doing the job that they were elected to do and keep Philadelphians and those in surrounding communities safe, these bills I have introduced as part of the Smart Justice package are a good start.

The first is HB 2238, which would term-limit the district attorney of the city of the first class to two terms. Limiting the term of the district attorney will help ensure accountability in the most powerful executive-level branch of Philadelphia's government, second only to the mayor. How that office applies its power has an impact on all citizens and businesses in the city.

The people that live and work in Philadelphia make up nearly 13 percent of Pennsylvania's total population. The Commonwealth has not only a significant statewide interest, but it has the responsibility in making sure that those constituents are safe. Philadelphia is a tourist hub. It is the economic driver of Pennsylvania. It is what most people coming to the Commonwealth will see and their first impressions of Philadelphia will largely reflect their impressions of the Commonwealth as a whole.

This is a good-government reform bill. This is to ensure that we do not have government bureaucrats becoming entrenched in a position that is so critical for public safety. This legislation is about ensuring that those who serve as district attorneys are in it for the right reasons. A D.A. is supposed to prosecute criminals and give victims of crime justice, not defend criminals and give them sweetheart deals letting them right back onto our streets. To have their impression of Philadelphia as a lawless, violent, and boarded-up failure reflects poorly on the entire Commonwealth and does damage to the image and future of Pennsylvania.

This is why more needs to be done to ensure that people living and visiting Philadelphia are safe and can enjoy what the city has to offer, and can do so without worrying about being carjacked, shot, or otherwise harmed. Children are afraid to walk to and from school, and tragically, too many of our youth have been the victims of the rampant violence on our streets.

That is why I have also introduced HB 2275 with Representative Craig Williams. This legislation would ensure that, with the failure of the Philadelphia District Attorney to properly enforce gun laws currently on the books, the State's top law enforcement officer, the Attorney General, is given concurrent jurisdiction to enforce the law.

Our system was built on checks and balances so that one branch never has unilateral power. Giving concurrent jurisdiction protects Pennsylvania citizens by allowing the Attorney General

to prosecute certain gun crimes when the Philadelphia District Attorney fails or is incapable or chooses not to do so. We are simply asking concurrent jurisdiction be used, when necessary, to enforce the duly enacted laws passed by this General Assembly and signed by the Governor.

Madam Speaker, the people of Philadelphia need help. They want their leaders in the city to stop ignoring our laws – the laws that are meant to bring safety and security to the people of Pennsylvania; the laws that are meant to be a strong crime deterrent. They are meant to keep order so families can live their lives peacefully. These bills are an important part of bringing justice to our city.

Thank you, Madam Speaker.

The SPEAKER pro tempore. Thank you, Representative White.

STATEMENT BY MS. FITZGERALD

The SPEAKER pro tempore. The Chair now recognizes Representative Fitzgerald, speaking on providing increased funding for lighting and cameras in high-crime areas.

Ms. FITZGERALD. Thank you, Madam Speaker, for this opportunity to speak.

I would like to take this time to talk about combating violence in our communities and a program that I believe will shed light on the darkness of violence. Violence thrives in the dark, in places that are not illuminated, but rather, hidden. Darkness gives all types of violence an advantage. Today, especially, we are seeing an alarmingly high rate of gun violence.

What can we do to combat this? How do we protect our communities, especially our most vulnerable residents from this violence? I hope one way will be through the creation of the Safe Communities Grant Program. I am introducing legislation to establish this program that would be administered by the Pennsylvania Commission on Crime and Delinquency. It would provide grant funding to communities so that they can install lighting and security cameras around schools, playgrounds, community centers, and high-crime areas to eliminate the opportunities that darkness creates for violence.

In order to fund this program, my legislation will pull from fees on licenses to carry a firearm and firearm purchases. Studies have demonstrated that improved outdoor lighting results in a significant reduction in nighttime crimes, including crimes of violence. The installation of security cameras, especially in conjunction with increased lighting, has been shown to lower crime rates, and security camera footage of the crimes that do occur can be used to assist law enforcement in apprehending those responsible. Installing lights and cameras in high-crime areas is cost-effective and an efficient way to save lives and reduce crimes.

The violence that exists in my district in Philadelphia unfortunately does not skip over all other communities in the Commonwealth; urban, suburban, and rural all share in crime statistics and leave residents in fear.

I hope this measure, if passed, will assist in helping our residents take comfort in knowing they live in safe communities that can now be proactive in combating violent crimes like gun violence in our neighborhoods.

Thank you, Madam Speaker, for this opportunity.

The SPEAKER pro tempore. Thank you, Representative Fitzgerald.

STATEMENT BY MR. MALAGARI

The SPEAKER pro tempore. The Chair now recognizes Representative Malagari. He is honoring township officials.

Mr. MALAGARI. Thank you, Madam Speaker.

Today I stand before you to recognize the life and service of one of my district's cherished residents, Charles Guttenplan. Earlier today Charles was awarded the Governor's Award for Local Government Excellence by the Pennsylvania chapter of the American Planning Association career recognition award.

Charlie, as he is known throughout the community, helps to get things done – the right way. Through several decades, he has held many titles and worn many hats, but his work has always been centered on improving the lives of other people. Charlie has planned and overseen short- and long-term projects. He understands municipal zoning and has worked to ensure the safety of his neighbors. He even taught classes at Temple's Ambler campus, inspiring civic-minded students to follow in his footsteps.

It is difficult to summarize Charlie's career in just a few lines because he contributed so much to so many communities over the years. But here are just a handful of his stops during a long and distinguished career. He started his career by spending 14 years on the staff of the Montgomery County Planning Commission. He then spent a handful of years working as the planning coordinator in Lower Merion Township, addressing concerns that come with increased population growth and township development. He also spent 21 years as a land planning consultant for the Waetzman Planning Group, working as the firm's vice president and director of planning management. And since 2010 Charlie has been employed by Whitmarsh Township as the director of planning and zoning, and as the appointed zoning officer.

Wherever he has lived and worked, Charlie has left an indelible mark on the community, whether it is in Hatfield Township, where he currently lives with his wife, Pattie, or in his previous hometown of North Wales Borough, where he chaired the planning commission and continued to serve on the Historical Architectural Review Board after moving.

People like Charlie have helped make our communities great places to live, and their life of service cannot be overstated. So thank you, Charlie. And thank you, Madam Speaker, for allowing me to show my appreciation and admiration for a person who helped make Montgomery County a better place. Thank you.

The SPEAKER pro tempore. Thank you, Representative Malagari.

BILLS AND RESOLUTIONS PASSED OVER

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

ADJOURNMENT

The SPEAKER pro tempore. The Chair now recognizes Representative White, who does move that this House be adjourned until Monday, April 25, 2022, at 12 m., e.d.t., unless sooner recalled by the Speaker.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 3:54 p.m., e.d.t., the House adjourned.