

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

TUESDAY, OCTOBER 17, 2017

SESSION OF 2017

201ST OF THE GENERAL ASSEMBLY

No. 61

HOUSE OF REPRESENTATIVES

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

THE SPEAKER (MIKE TURZAI) PRESIDING

PRAYER

The SPEAKER. The prayer today will be offered by Pastor Phillip Carnuccio of Providence Church in West Chester, Pennsylvania. He is the guest of our good friend and colleague, Representative Eric Roe.

PASTOR PHILLIP CARNUCCIO, Guest Chaplain of the House of Representatives, offered the following prayer:

Lord, thank You for each individual here, that each one is fearfully and wonderfully made. We thank You for Your extravagant love for each of them. Lord, thank You for this collection of individuals with hearts to serve their communities and the world around us. Lord, we ask that You grant each wisdom as they navigate through the challenging and complex decisions that need to be made today. Especially, Lord, we pray for humility in all of us to use the places of power and influence well, to truly help and serve others. And, Lord, grant us unity. Thank You for the diverse backgrounds and stories in this room. Help us to honor and respect one another and make great decisions for our future together. And, Lord, give us listening ears to hear and understand one another's hearts and to allow our lives to be positively impacted by one another, and give us Your courage and Your boldness to stand for what is right and good no matter the consequences. And, Lord, especially help us to forgive the wrongs, whether intentionally or unintentionally, that have been imposed on us, as You have generously forgiven us, and increase our patience towards one another.

Lord, finally, fill this Assembly today with Your love in everything they do, and we ask these things in Your almighty, loving, powerful name. Amen.

PLEDGE OF ALLEGIANCE

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

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, the approval of the Journal of Monday, October 16, 2017, will be postponed until printed.

The Sergeants at Arms will open the doors of the House, please.

We have a lot of guests here today, so we are so excited to invite you into the House of Representatives.

HOUSE BILLS INTRODUCED AND REFERRED

No. 1868 By Representatives GALLOWAY, DEAN, READSHAW, SCHLOSSBERG, D. COSTA, WARREN, GILLEN, DEASY and ROZZI

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in organization and jurisdiction of courts of common pleas, further providing for problem-solving courts; and, in magisterial district judges, further providing for jurisdiction and venue.

Referred to Committee on JUDICIARY, October 17, 2017.

No. 1869 By Representatives MACKENZIE, BERNSTINE, BOBACK, CHARLTON, COX, DRISCOLL, GILLEN, KAUFER, MULLERY, O'BRIEN, READSHAW, SCHLOSSBERG, STEPHENS, WARD and WATSON

An Act establishing the Maternal Mortality Review Committee and providing for its powers and duties; providing for duties of the Department of Health; and imposing a penalty.

Referred to Committee on HEALTH, October 17, 2017.

No. 1870 By Representatives BOYLE, DEAN, MURT, THOMAS, KINSEY, ROZZI, SCHWEYER, WATSON, McNEILL, DONATUCCI, DRISCOLL and VAZQUEZ

An Act amending the act of June 24, 1976 (P.L.424, No.101), referred to as the Emergency and Law Enforcement Personnel Death Benefits Act, amending the title of the act; further providing for authority for payment; adding a definition of "natural gas responder"; and further providing for construction of act.

Referred to Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, October 17, 2017.

SENATE BILL FOR CONCURRENCE

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

SB 552, PN 589

Referred to Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, October 17, 2017.

BILLS REPORTED FROM COMMITTEES, CONSIDERED FIRST TIME, AND TABLED

HB 558, PN 583 By Rep. BARRAR

An Act amending Title 35 (Health and Safety) of the Pennsylvania Consolidated Statutes, in volunteer firefighters, further providing for use of funds of a volunteer firefighters' relief association.

VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS.

HB 1793, PN 2594 (Amended) By Rep. MILLARD

An Act establishing the Pennsylvania Commission for the United States Semiquincentennial; and providing for its powers and duties.

TOURISM AND RECREATIONAL DEVELOPMENT.

HB 1835, PN 2548 By Rep. BARRAR

An Act amending Title 35 (Health and Safety) of the Pennsylvania Consolidated Statutes, in grants to fire companies and emergency medical services companies, further providing for definitions, for award of grants and for requiring fire companies and emergency medical services companies to establish a social media policy in order to be eligible to receive grant funds.

VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS.

HB 1836, PN 2549 By Rep. BARRAR

An Act authorizing the Commonwealth of Pennsylvania to join the Physical Therapy Licensure Compact; and providing for the form of the compact.

VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS.

SENATE MESSAGE

RECESS RESOLUTION FOR CONCURRENCE

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

In the Senate,
October 16, 2017

RESOLVED, (the House of Representatives concurring), Pursuant to Article II, Section 14 of the Pennsylvania Constitution, that when the Senate recesses this week, it reconvene on Monday, October 23, 2017,

unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, Pursuant to Article II, Section 14 of the Pennsylvania Constitution, that when the House of Representatives recesses this week, it reconvene on Monday, October 23, 2017, unless sooner recalled by the Speaker of the House of Representatives.

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

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

LEAVES OF ABSENCE

The SPEAKER. The majority whip, Bryan Cutler, requests leaves of absence for the following members: Representative Tim HENNESSEY of Chester County for the day, Representative Jeff WHEELAND of Lycoming County for the day, Representative Kathy WATSON of Bucks County for the day.

The minority whip, Mike Hanna, requests leaves of absence for the following members: Representative Rosita YOUNGBLOOD of Philadelphia County for the day, Representative Stephen McCARTER of Montgomery County for the day, Representative Madeleine DEAN of Montgomery County for the day, Representative Curtis THOMAS of Philadelphia County for the day, Representative Rob MATZIE of Beaver County for the day, Representative Bill KORTZ of Allegheny County for the day, Representative Jake WHEATLEY of Allegheny County for the day, and Representative Kevin HAGGERTY of Lackawanna County for the day.

The majority whip, Bryan Cutler, has also requested leave of absence for Aaron BERNSTINE of Beaver and Lawrence Counties for the day.

Without objection, those will be granted.

MASTER ROLL CALL

The SPEAKER. We are going to proceed to the master roll. Members, please proceed to vote.

The following roll call was recorded:

PRESENT—188

Baker	Ellis	Krueger	Rader
Barbin	Emrick	Kulik	Rapp
Barrar	English	Lawrence	Ravenstahl
Benninghoff	Evankovich	Lewis	Readshaw
Bizzarro	Evans	Longietti	Reed
Bloom	Everett	Mackenzie	Reese
Boback	Fabrizio	Madden	Roae
Boyle	Farry	Maher	Roe
Bradford	Fee	Mako	Roebuck
Briggs	Fitzgerald	Maloney	Rothman
Brown, R.	Flynn	Markosek	Rozzi
Brown, V.	Frankel	Marshall	Ryan
Bullock	Freeman	Marsico	Saccione
Burns	Fritz	Masser	Sainato
Caltagirone	Gainey	McClinton	Samuelson

Carroll	Galloway	McGinnis	Sankey
Causar	Gergely	Mehaffie	Santora
Cephas	Gillen	Mentzer	Saylor
Charlton	Gillespie	Metcalfe	Schemel
Christiana	Goodman	Metzgar	Schlossberg
Comitta	Greiner	Miccarelli	Schweyer
Conklin	Grove	Millard	Simmons
Cook	Hahn	Miller, B.	Sims
Corbin	Hanna	Miller, D.	Snyder
Corr	Harkins	Milne	Solomon
Costa, D.	Harper	Moul	Sonney
Costa, P.	Harris, A.	Mullery	Staats
Cox	Harris, J.	Murt	Stephens
Cruz	Heffley	Mustio	Sturla
Culver	Helm	Neilson	Tallman
Cutler	Hickernell	Nelson	Taylor
Daley	Hill	Nesbit	Tobash
Davidson	Irvin	Neuman	Toepel
Davis	James	O'Brien	Toohil
Dawkins	Jozwiak	O'Neill	Topper
Day	Kampf	Oberlander	Vazquez
Deasy	Kaufer	Ortitay	Vitali
DeLissio	Kauffman	Pashinski	Walsh
Delozier	Kavulich	Peifer	Ward
DeLuca	Keefer	Petrarca	Warner
Dermody	Keller, F.	Petri	Warren
Diamond	Keller, M.K.	Pickett	Wentling
DiGiroLamo	Keller, W.	Pyle	White
Donatucci	Kim	Quigley	Zimmerman
Dowling	Kinsey	Quinn, C.	
Driscoll	Kirkland	Quinn, M.	Turzai,
Dunbar	Klunk	Rabb	Speaker
Dush	Knowles		

ADDITIONS—0

NOT VOTING—0

EXCUSED—14

Bernstine	Haggerty	McCarter	Wheatley
Dean	Hennessey	Thomas	Wheeland
Gabler	Kortz	Watson	Youngblood
Godshall	Matzie		

LEAVES ADDED—8

Boback	Cox	Harris, A.	Mustio
Christiana	Emrick	Mehaffie	Pyle

LEAVES CANCELED—11

Bernstine	Harris, A.	Mehaffie	Watson
Boback	Hennessey	Mustio	Wheeland
Christiana	Kortz	Pyle	

The SPEAKER. One hundred and eighty-eight members having voted on the master roll, there is a quorum.

Members, if you could take your seats, please. We have a lot of guests to introduce, so if members could please take their seats. Members and guests, please take your seats.

FORMER MEMBER WELCOMED

The SPEAKER. We have a special guest here today. Many of you will remember fondly – I certainly do – my great friend and colleague, Representative/Chairman Nick Micozzie of Delaware County. Mr. Chair, please, everybody give him a great warm welcome here from the House of Representatives.

So much important legislation. So much done for his community in Delaware County. Just an outstanding individual. His wife, June, is not with us, but we will give her our best. But with him is the mayor of Upper Darby, Tom Micozzie. Mayor Tom Micozzie is here with the good gentleman, and they brought their good friend, Father McDermott. Father McDermott is with St. Eugene's Parish in Delaware County, Upper Darby. Great to have you here. Thank you.

Now, we have some groups, we are going to present citations, and we will lead off with Representative Kaufer. He has a championship team here. Come right on up to the podium, sir.

Representative Kaufer, how far has your team traveled from? Mr. KAUFER. They came from Kingston/Forty Fort this morning, about 2 hours or so, a little less than 2 hours.

The SPEAKER. Well, that is outstanding that they would take the time to be with us. Members and guests, please take your seats. This team has traveled 2 hours to be with us, and we are just excited to have them here.

**KINGSTON/FORTY FORT
ALL-STAR SOFTBALL TEAM PRESENTED**

The SPEAKER. Representative Kaufer, the floor is yours. Mr. KAUFER. Thank you, Mr. Speaker.

Today I rise to recognize the outstanding achievements and the stellar season of a group of young athletes from my district, the 120th District. We have team members and coaches from the Kingston/Forty Fort All-Star Softball Team here today to be honored for winning the 2017 Junior League Softball Pennsylvania State Championship, and I have to say, it was a pretty fantastic year to be from Kingston/Forty-Fort. You know, I grew up playing in the Kingston baseball league myself, and with the girls coming in first place, I think they are even happier. Our boys came in third place and they told me it was a little fun rubbing it in their faces, just a little bit. Right, girls, just a little?

So this team shut out Punxsutawney with five runs to capture the State title and advance to the Little League Junior Softball East Regional Championships. I think it is commendable that these young athletes work together to achieve such an admirable goal together. The lessons you have learned by winning, losing, and working together as a team will help you far into your adult years.

I want to recognize the team members who are with us today, and as I say your name, please rise: Emily Bevan, Katie DeCosmo—

The SPEAKER. Hold on just a second, Representative Kaufer. If members could please take their seats. We are honoring the young ladies and their coaches in the back left, so if you could please take your seats.

Mr. KAUFER. Thank you, Mr. Speaker.

The SPEAKER. Young ladies, as your name gets called, as the good gentleman said, please rise.

Mr. KAUFER. Thank you.

Olivia Gayoski, Kiley Hardin, Sara Hopkins, Ally Keener, Makayla Kobusky, Courtney May, Leah Payne, Gabby Razvillas, and Jessica Skladzien. And joined with me on stage are team managers Jason Hoskins, Julia Franks, and Morgan Shedletsky. Could we please give them a round of applause?

Congratulations to these young ladies who were led to victory under the expert guidance of team manager Jason Hoskins and coaches Anthony Hoskins and Rich Kachmarsky. I am so glad you could come to the Capitol to be recognized for your achievement today. You should be proud of your victory, and I hope you will have a fond memory for you and your teammates for the rest of your lives and the years to come.

I want to make a special note: I appreciate the fact that they honored me with a signed ball today from the championship team. Thank you, ladies, and congratulations once again, and thanks for making it down here to the Capitol.

GUESTS INTRODUCED

The SPEAKER. Our Chaplain, Phil Carnuccio, has with him – his wife was here – there she is – is she still here? Oh, great. There is Jill Carnuccio – if you will please stand – and his mom, Linda Carnuccio. Linda, if you will please stand. They are also guests of Representative Eric Roe. Thank you for being with us today. Thank you so much.

Representative Pam Snyder has a citation to present honoring an outstanding institution in the Commonwealth of Pennsylvania. We are really excited to have these folks here. Please come straight up to the rostrum.

Representative Snyder, how are you?

Representative Snyder, please tell us how far these guests have traveled.

Mrs. SNYDER. Thank you, Mr. Speaker.

These folks got up really early this morning and traveled about 4 hours to get to the State Capitol, and all four of these young students and former students from Waynesburg University, this is their first time in this beautiful State Capitol, so I want to welcome them.

The SPEAKER. So, members, please take your seats. These fine individuals whom we are going to honor here today traveled from the southwest corner of our Commonwealth, in Greene County, 4 hours to be here. The Sergeants at Arms will close the doors of the House, and I will have everybody take their seats.

WAYNESBURG UNIVERSITY STUDENTS PRESENTED

The SPEAKER. Representative Snyder, please continue.

Mrs. SNYDER. Thank you, Mr. Speaker.

It is a distinct honor for me today to have with us four students – two are former students and two are current students – from Waynesburg University: Kimmi Baston is the managing editor of the Class of 2017, Anthony Conn, Teghan Simonton, and Mattie Winowitch. We also have the president of esteemed Waynesburg University, Doug Lee, with us today.

This is their first time at the State Capitol, but we, State Representatives, need to honor them today. These are all communication majors and they produce a university newspaper every week. Along with all of their student activities, their service projects, their academics, they still are able to produce the Yellow Jacket every week. And I will tell you this: these young people interview me on a regular basis for this newspaper. They are aggressive reporters, this is an outstanding publication, and it is distributed all through the county seat.

But this year they have been honored with the 2016 Mark of Excellence Award for In-Depth Reporting, the Small School Division, by the Society of Professional Journalists. That is quite an accomplishment for this university in Greene County, Pennsylvania. They traveled to California in September to receive this award, and it is my distinct pleasure to recognize them here today. So if you would please all join me in a warm welcome for the Waynesburg University students and their honor in achieving this award. Thank you, Mr. Speaker.

The SPEAKER. The Sergeants at Arms will open the doors of the House. As you know, president of Waynesburg University, Doug Lee. Doug, an outstanding leader in our Commonwealth and a great friend, I know, of Representative Snyder and myself. I believe – did you introduce all the names? That is great. Thank you, Representative Snyder. It is just so great to have these young students here with us, and congratulations on your award.

GUESTS INTRODUCED

The SPEAKER. Members, we are going to do a few guest recognitions. Alon Gur, please stand. Alon. This good man is a friend and guest of Representative Rabb's. He is a graduate of Yale Law School, and we are so glad that you are going to get to see democracy in action here. Thank you so much for being with us. I know Representative Rabb himself is a Yale graduate.

We have with us, to the left of the rostrum, Demi Smith. Demi, will you please stand. She is a senior at Big Spring High School and is with Representative Steve Bloom and his team for today. Thank you so much for being with us, Demi.

Representative Eric Nelson has constituents from his 57th Legislative District. They are here for a tour. Would they please rise, all the members from the 57th District. Oh my goodness, that is a great group from Westmoreland County. Great to have you here. Thank you for making the trip here to the Capitol.

In the rear of the House, Representative Ed Gainey has some – I do not know if Representative Gainey wants to speak at all – I am going to turn it over to him to introduce these guests. Then please rise when he does.

DWAYNE BARKER INTRODUCED

The SPEAKER. Representative Gainey. You may proceed, sir.

Mr. GAINEY. Thank you, Mr. Speaker. I appreciate it.

Would Dwayne Barker stand up, please. In a time that we always talk about how we can be mentors to our children, I cannot think of a greater example than the gentleman that is back there right now. He is a statewide champion for doing so much in our children's lives. He has also taken it upon himself to be a personal mentor to show kids how to develop and grow up and be a man. And I have always been taught and I have always believed that it takes a man to teach a man how to grow up. And so he has a group of young people throughout his network that have continually followed him and grew up under his mentorship. So in today's time when we talk so much about our youth, Mr. Speaker, I think it is terrific when we have organizations and individuals that help our youth become the young men that we can be proud of. I am asking for my

colleagues on both sides of the aisle, can we stand up and give him a House welcome for doing so much for our youth throughout the State of Pennsylvania.

Mr. Speaker, thank you.

The SPEAKER. Representative Gainey, thank you, sir. And, Dwayne, great to have you here. If you can later, come up with the Representative and we will get some photos, if you have time, okay? Thank you so much.

GUESTS INTRODUCED

The SPEAKER. In the well of the House, we have guest page Piper Hepler. She is in seventh grade at Warwick Middle School in Lancaster County. She is here with her parents, Dawn Quinn and Tim Hepler, who are seated over here to the left. If they will stand. Great to have you here today. They are the guests of Representative Steve Mentzer. Thank you so much for being here today.

STATEMENT BY MR. SAMUELSON

The SPEAKER. Representative Samuelson will be recognized under unanimous consent. If all the members could please take their seats, he will be introducing some guests to us today.

Mr. SAMUELSON. Thank you, Mr. Speaker.

We are here today to celebrate educational excellence, innovation, and cost savings for our State budget. It is my great honor to recognize the outstanding achievement of a select group of Lehigh University engineering professors and students who have worked together with the Pennsylvania Department of Corrections to save Pennsylvania taxpayers \$2.9 million a year by creating a new efficient process of assigning inmates to correctional facilities.

In a typical week, the Department of Corrections receives a list of several hundred inmates who need to be assigned to 1 of 25 correctional facilities. With over 100 different factors that are used to determine where an inmate eventually ends up, it used to take multiple corrections employees all across the State a significant amount of time to figure out where each inmate should be assigned. But now, thanks to this group of Lehigh University students from the Department of Industrial and Systems Engineering, with a push of a button an algorithm assigns the same number of inmates in a matter of 10 minutes.

This team began designing the program 5 years ago, when State officials put out a call for better population management systems. Department of Corrections officials in Pennsylvania say the new system that these professors and students have designed has transformed the inmate assignment process, and that leads to savings across multiple areas in the Department of Corrections. Our State Corrections Secretary, John Wetzel, said that this is the first model of its kind in the nation and it addresses a problem that all large correctional departments face.

I would like to introduce the professors and students who have joined us today from the Department of Industrial and Systems Engineering, and if they could stand as I read their names. We have Professor Tamas Terlaky; Professor Louis Plebani; Professor George Wilson; we have a Ph.D. candidate, Mohammad Shahabsafa; a graduate with a master's degree, Naga Gudapati; and also a master's candidate, Anshul Sharma. There was a fourth student who worked on this – she got her

Ph.D. a couple of years ago and is off at work today – Dan Li is her name. So please join me in congratulating these outstanding engineering pioneers from Lehigh University in Bethlehem.

The SPEAKER. Thank you, Representative Samuelson.

We are going to go to resolutions at this time, and I know that some members have some guests here with the resolutions.

UNCONTESTED CALENDAR

RESOLUTIONS PURSUANT TO RULE 35

Mr. READSHAW called up **HR 504, PN 2430**, entitled:

A Resolution designating the week of October 22 through 28, 2017, as "Respiratory Care Week" in Pennsylvania and commending respiratory therapists for their outstanding contributions to health care.

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Mr. KINSEY called up **HR 537, PN 2504**, entitled:

A Resolution designating October 17, 2017, as "Kappa Alpha Psi Day" in Pennsylvania.

* * *

Mr. O'BRIEN called up **HR 555, PN 2544**, entitled:

A Resolution recognizing October 7, 2017, as "Trigeminal Neuralgia Awareness Day" in Pennsylvania.

* * *

Mr. HEFFLEY called up **HR 561, PN 2562**, entitled:

A Resolution designating the month of October 2017 as "Down Syndrome Awareness Month" in Pennsylvania.

On the question,
Will the House adopt the resolutions?

(Members proceeded to vote.)

LEAVE OF ABSENCE

The SPEAKER. Representative Mark MUSTIO has requested to be placed on leave. Without objection, that will be granted.

CONSIDERATION OF RESOLUTIONS PURSUANT TO RULE 35 CONTINUED

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

The following roll call was recorded:

YEAS—187

Baker	Ellis	Knowles	Rader
Barbin	Emrick	Krueger	Rapp
Barrar	English	Kulik	Ravenstahl

Benninghoff	Evankovich	Lawrence	Readshaw
Bizzarro	Evans	Lewis	Reed
Bloom	Everett	Longietti	Reese
Boback	Fabrizio	Mackenzie	Roae
Boyle	Farry	Madden	Roe
Bradford	Fee	Maher	Roebuck
Briggs	Fitzgerald	Mako	Rothman
Brown, R.	Flynn	Maloney	Rozzi
Brown, V.	Frankel	Markosek	Ryan
Bullock	Freeman	Marshall	Saccone
Burns	Fritz	Marsico	Sainato
Caltagirone	Gainey	Masser	Samuelson
Carroll	Galloway	McClinton	Sankey
Causser	Gergely	McGinnis	Santora
Cephas	Gillen	Mehaffie	Saylor
Charlton	Gillespie	Mentzer	Schemel
Christiana	Goodman	Metcalfe	Schlossberg
Comitta	Greiner	Metzgar	Schweyer
Conklin	Grove	Miccarelli	Simmons
Cook	Hahn	Millard	Sims
Corbin	Hanna	Miller, B.	Snyder
Corr	Harkins	Miller, D.	Solomon
Costa, D.	Harper	Milne	Sonney
Costa, P.	Harris, A.	Moul	Staats
Cox	Harris, J.	Mullery	Stephens
Cruz	Heffley	Murt	Sturla
Culver	Helm	Neilson	Tallman
Cutler	Hickernell	Nelson	Taylor
Daley	Hill	Nesbit	Tobash
Davidson	Irvin	Neuman	Toepel
Davis	James	O'Brien	Toohil
Dawkins	Jozwiak	O'Neill	Topper
Day	Kampf	Oberlander	Vazquez
Deasy	Kaufner	Ortitay	Vitali
DeLissio	Kauffman	Pashinski	Walsh
Delozier	Kavulich	Peifer	Ward
DeLuca	Keefer	Petrarca	Warner
Dermody	Keller, F.	Petri	Warren
Diamond	Keller, M.K.	Pickett	Wentling
DiGirolamo	Keller, W.	Pyle	White
Donatucci	Kim	Quigley	Zimmerman
Dowling	Kinsey	Quinn, C.	
Driscoll	Kirkland	Quinn, M.	Turzai,
Dunbar	Klunk	Rabb	Speaker
Dush			

NAYS—0

NOT VOTING—0

EXCUSED—15

Bernstine	Haggerty	McCarter	Wheatley
Dean	Hennessey	Mustio	Wheeland
Gabler	Kortz	Thomas	Youngblood
Godshall	Matzie	Watson	

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

The SPEAKER. The Chair recognizes Representative Kinsey and Representative Lewis. They are recognized to speak on HR 537.

I would ask everybody to please take their seats. Folks in the back right corner, we are going to be honoring guests over here, so I would ask everybody to please step up. I do apologize. If all the members could please take their seats. I am going to ask — just so that we make sure everybody takes their seats — that the Sergeants at Arms close the doors for the remarks here by Representative Kinsey and Representative Lewis.

Members, please take your seats. We have special guests with us. Representative Lewis first.

STATEMENT BY MR. LEWIS

The SPEAKER. Representative Lewis.

Mr. LEWIS. Thank you, Mr. Speaker.

I would just like to take this opportunity to honor the Kappa Alpha Psi Fraternity for all of their work and what they have done over the years, an organization that is over 100 years old, which I am proud to be a member of, for their public service, for their national service, and for all they do in their communities.

At this time Representative Kinsey.

The SPEAKER. Representative Kinsey, sir.

Mr. KINSEY. Thank you, Mr. Speaker.

As a proud member of Kappa Alpha Psi Fraternity, Inc., I would like to thank my cosponsor, Representative Lewis, and my colleagues for supporting HR 537, which designates October 17, 2017 as "Kappa Alpha Psi Day" in the State of Pennsylvania.

On January 5, 1911, Kappa Alpha Psi Fraternity was founded on the campus of Indiana University in Bloomington, Indiana. For over 106 years, Kappa Alpha Psi has served as a beacon for college-educated men from all walks of life, men dedicated to "Achievement in Every Field of Human Endeavor."

Mr. Speaker, today the members of Kappa Alpha Psi continue to serve countless communities across the United States and abroad. Through programs such as our Guide Right, the Kappa League, and our Undergraduate Leadership Institute, the men of Kappa Alpha Psi aim to shape young minds into leaders who bring forth meaningful change to our society.

Our motto, "Achievement in Every Field of Human Endeavor," attests to the unyielding spirit that our members have demonstrated since Kappa Alpha Psi was founded by 10 young Black men, led by the visionary Elder Watson Diggs.

I want to thank the members of Kappa Alpha Psi who have joined us here today. These men have traveled from Pittsburgh, the Coatesville area, the Harrisburg area, and the Philadelphia Alumni, as well State College area.

Mr. Speaker, I also want to recognize two polemarchs that we have joining us today. Polemarchs are, essentially, the presidents of our organization. So from Harrisburg we have Mr. Dwayne Wright, who is a polemarch of Harrisburg Alumni; and from Philadelphia we have Mr. Darryl Stephens, who is the polemarch of Philadelphia Alumni, which I am a member of.

Thank you, Mr. Speaker. I want to thank my colleagues for welcoming Kappa Alpha Psi Fraternity here to the Capitol. Thank you.

The SPEAKER. If all of our guests would rise from Kappa Alpha Psi. Thank you for being with us today.

The Sergeants at Arms will open the doors of the House.

BILL REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

HB 1460, PN 2595 (Amended) By Rep. METCALFE

An Act amending Titles 24 (Education) and 71 (State Government) of the Pennsylvania Consolidated Statutes, in administration and miscellaneous provisions regarding administration of the Public School Employees' Retirement Fund, further providing

for administrative duties of board; and, in administration, funds, accounts and general provisions regarding administration of the State Employees' Retirement Fund, further providing for administrative duties of the board.

STATE GOVERNMENT.

RESOLUTION REPORTED FROM COMMITTEE

HR 522, PN 2487

By Rep. METCALFE

A Concurrent Resolution urging the Treasurer of Pennsylvania to petition the Federal Reserve to remit \$24 billion to the Commonwealth to reimburse State and municipal pension plans for lost earnings due to quantitative easing.

STATE GOVERNMENT.

CALENDAR

BILL ON CONCURRENCE IN SENATE AMENDMENTS AS AMENDED

The House proceeded to consideration of concurrence in Senate amendments to the following **HB 542, PN 2536**, as further amended by the House Rules Committee:

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, in sales and use tax, further providing for definitions, for imposition of tax and for exclusions from tax, providing for marketplace providers and marketplace sellers and further providing for remote sales reports; providing for lodging tax; in personal income tax, providing for the Pennsylvania ABLE Savings Program Tax Exemption, repealing provisions relating to contribution for Korea/Vietnam Memorial National Education Center, further providing for operational provisions, providing for definitions, further providing for requirement of withholding tax, providing for withholding tax requirement for non-employer payors, further providing for information statement, providing for information statement for non-employer payors and for information statement for payees, further providing for time for filing withholding returns, providing for time for filing payors' returns, further providing for payment of taxes withheld, providing for payment of taxes withheld for non-employer payors, further providing for liability for withheld taxes, providing for payor's liability for withheld taxes and for payor's failure to withhold, further providing for amount of withholding tax and for treatment of nonresident partners, members or shareholders, providing for withholding on income and for annual withholding statement and further providing for requirements concerning returns, notices, records and statements and for additions, penalties and fees; in corporate net income tax, further providing for definitions and providing for qualified manufacturing innovation and reinvestment deduction; in realty transfer tax, further providing for definitions and for exempt parties; providing for tax credit eligibility; in entertainment production tax credit, further providing for definitions and for credit for qualified film production expenses, providing for film production tax credit districts and establishing the Entertainment Economic Enhancement Program; in city revitalization and improvement zones, further providing for restrictions and for transfer of property; in neighborhood improvement zones, providing for transfer of property; in keystone opportunity zones, keystone opportunity expansion zones and keystone opportunity improvement zones, further providing for additional keystone opportunity zones; in inheritance tax, further providing for timely mailing treated as timely filing and payment; in Public Transportation Assistance Fund, further providing for fund; providing for fireworks; in procedure and administration, further providing for petition for reassessment and for review by board; in general provisions, further providing for timely filing; providing for severability; making related repeals; and making editorial changes.

On the question,
Will the House concur in Senate amendments as amended by the Rules Committee?

BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader, who moves that HB 542, PN 2536, be recommitted to Rules.

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

ANNOUNCEMENT BY MR. DIGIROLAMO

The SPEAKER. Representative DiGirolamo, please, for I believe a committee announcement. I apologize, on unanimous consent. You may proceed, sir. Thank you.

Mr. DIGIROLAMO. Thank you, Mr. Speaker.

The members on both sides of the aisle, about 45 minutes ago, I sent you all a link to CBS "60 Minutes" program this past Sunday that focused on the influence that the drug industry – and by the drug industry, I mean manufacturers, wholesalers, and distributors – had on the DEA (Drug Enforcement Agency) and the influence that they exerted.

Please, if you have 20 minutes, take a look at that link and that video. I am sure that you are going to be as outraged and disturbed as I was. Please, take a look at it in the next day or two. It will take you about 20 minutes.

Thank you, Mr. Speaker.

APPROPRIATIONS COMMITTEE MEETING

The SPEAKER. The majority Appropriations chair for a committee announcement, sir.

Mr. SAYLOR. Thank you, Mr. Speaker.

There will be an Appropriations Committee meeting at 1:45 in the majority caucus room. At 1:45 we will have the Appropriations Committee meeting in the majority caucus room. Thank you.

The SPEAKER. There will be an Appropriations Committee meeting at 1:45 in the majority caucus room.

REPUBLICAN CAUCUS

The SPEAKER. Representative Toepel, the majority caucus chair, for a caucus announcement.

Mrs. TOEPEL. Thank you, Mr. Speaker.

Republicans will caucus at 12:15. We would be prepared to return to the floor at 2:30.

DEMOCRATIC CAUCUS

The SPEAKER. Representative Dan Frankel, the minority caucus chair, for a caucus announcement. Mr. FRANKEL. Thank you, Mr. Speaker.

Democrats will caucus at 12:15. Democrats will caucus at 12:15.

RECESS

The SPEAKER. The House will stand in recess until 2:30 p.m., unless sooner recalled by the Speaker.

RECESS EXTENDED

The time of recess was extended until 2:45 p.m.

AFTER RECESS

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

LEAVES OF ABSENCE CANCELED

The SPEAKER. Representative Mustio is on the House floor and should be placed back on the master roll. Representative Aaron Bernstine is back on the House floor and should be placed on the master roll.

LEAVE OF ABSENCE

The SPEAKER. Representative Joe EMRICK has requested to be placed on leave for the remainder of the day. Without objection, that will be granted.

BILLS REREPORTED FROM COMMITTEE**HB 444, PN 2589**

By Rep. SAYLOR

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, in nomination of candidates, further providing for manner of signing nomination petitions and time of circulating, for number of signers required for nomination petitions of candidates at primaries and for nominations by political bodies.

APPROPRIATIONS.

HB 1486, PN 1893

By Rep. SAYLOR

An Act amending the act of October 4, 1978 (P.L.864, No.167), known as the Storm Water Management Act, further providing for definitions and for effect of watershed storm water plans.

APPROPRIATIONS.

SB 260, PN 1220

By Rep. SAYLOR

An Act amending the act of November 24, 1998 (P.L.882, No.111), known as the Crime Victims Act, in administration, further providing for committee.

APPROPRIATIONS.

SB 741, PN 1243

By Rep. SAYLOR

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in facilities and supplies, further providing for deposits into account; and repealing provisions relating to expiration of chapter.

APPROPRIATIONS.

The SPEAKER. Members, we have four bills that are up on third consideration. Two of them we would have to wait until 4:12 and 4:21 respectively to pass, but the first two we are going to take up now and they are available to be voted upon, given our rules.

SUPPLEMENTAL CALENDAR A**BILLS ON THIRD CONSIDERATION**

The House proceeded to third consideration of **HB 1486, PN 1893**, entitled:

An Act amending the act of October 4, 1978 (P.L.864, No.167), known as the Storm Water Management Act, further providing for definitions and for effect of watershed storm water plans.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

(Bill analysis was read.)

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

The question is, shall the bill pass finally?

Representative Vitali I see is standing to speak on the bill.

Representative Vitali, you are recognized.

Mr. VITALI. Thank you, Mr. Speaker.

I wanted to bring to the attention of the members that there is a little controversy here. This bill is opposed by the Pennsylvania Department of Environmental Protection. Basically, by way of background, this bill deals with the Storm Water Management Act and it creates an exemption for something that is known as high tunnels. In other words, would this bill become law, high tunnels would not be figured in when county commissioners develop storm water management plans.

Now, high tunnels, just by way of a little background, they are quasi-permanent, quasi-temporary structures. They usually have a roof of some flexible material like clear plastic draped over a frame and they are used to – with regard to farming – either storing agricultural products or growing agricultural products or processing agricultural products. Currently they are treated like any other structure under the Storm Water Management Act. The policy reason for treating them like any other structure under the Storm Water Management Act is that they do add to the impervious surface area. They do create – they exacerbate storm water runoff. They exacerbate stream erosion. They cause flooding downstreams, damaging other farms. So there are very good policy reasons for treating these structures like any other structure. The Department of Environmental Protection, they make the point that this also exacerbates problems with regard to the Chesapeake Bay because this storm water runoff, which this exemption would exacerbate, the erosion adds things like nutrients and sediment, which is also causing problems in the Chesapeake Bay.

Mr. Speaker, I understand this bill is going to pass substantially. I do understand that, but I am hoping that more thoughtful progressive members can offer a "no" vote here to send a message to the Senate that this bill is not without

controversy and maybe it can continue to be worked on there to alleviate problems that continue to persist in this bill. So I would ask members to vote "no" on HB 1486.

The SPEAKER. Representative Eli Evankovich.

Mr. EVANKOVICH. Thank you, Mr. Speaker.

Mr. Speaker, I rise to ask if the maker of the bill would stand for brief interrogation.

The SPEAKER. Yes. The good gentleman from Lancaster County, the sponsor of the bill, will stand for interrogation.

Mr. EVANKOVICH. Thank you, Mr. Speaker.

Mr. Speaker, if the State of Pennsylvania does not grant this type of exemption and high tunnels fall under existing law, what is the practical impact to any agricultural operation that uses high tunnels?

Mr. ZIMMERMAN. So what will happen if this bill is not passed, these farmers that put these high tunnels in place on their farm, which they tend to move from season to season, what they are going to need to be doing is putting large earthen berms or stone filter beds to manage the storm water, and by doing that, it is going to really mess up the integrity of the farmland and especially on our small farms that are strictly relying on raising produce. So this bill really needs to be passed.

Mr. EVANKOVICH. Thank you.

Mr. Speaker, does the utilization of these high tunnels, does it make it so that agricultural operations can grow vegetables in the winter months in Pennsylvania and provide them to people who live here in this State or are they used for some other purpose?

POINT OF ORDER

The SPEAKER. Representative Vitali, I apologize. For what purpose do you stand?

Mr. VITALI. Point of order.

I am just going to caution the interrogator – ask that the interrogator be reminded that the purpose of interrogation is not to ask questions that are already known to the interrogator or to bring the interrogee along in his narrative. This is not the point of interrogation. So I would ask that you pay close attention to the questions being asked.

The SPEAKER. Yes. There are times when an interrogator does use, for the lack of a better phrase, leading-type questions. But you are right, the questions should only be to elicit answers for which the maker of the question does not have the answer.

So you may proceed, Representative Evankovich.

Mr. EVANKOVICH. Thank you, Mr. Speaker.

The SPEAKER. I presume you are seeking answers to questions you do not know and want to get them out on the public record.

Mr. EVANKOVICH. Correct.

Mr. Speaker, in continuing my interrogation, I raise beef cattle back in Westmoreland County, but I do not grow vegetables for consumption, to sell to markets. So my question was, what is the purpose of these high tunnels? Why do they use them? Do they use them to grow vegetables in cold months, or do they use them for some other purpose?

Mr. ZIMMERMAN. So great question. So what these produce growers do – and by utilizing the high tunnels, they are able to start the crop much earlier in the year and they can extend the growing season much later into the fall as well. So if we do not have this, the risk we are taking, Mr. Speaker, is

really that we will need to be buying produce and bringing in food from other countries even and some of those countries may not even be our friends. So the idea of this bill in giving these farmers an opportunity to start crops earlier and grow them into the fall a lot longer is very important.

Mr. EVANKOVICH. Thank you, Mr. Speaker.

On the bill, please.

The SPEAKER. Representative Evankovich, on the bill.

Mr. EVANKOVICH. Thank you, Mr. Speaker.

Mr. Speaker, based on the answers provided by the good gentleman from Lancaster County, I think it is clear that if we do not provide this exemption in State law, that it is going to increase the cost of our food. I mean, in essence, by opposing this legislation, you are advocating for a food tax on food that is grown here in Pennsylvania because people – it is going to raise the cost of their food. It is going to decrease potentially the demand of food in Pennsylvania. It is going to make it so that consumers in PA, poor consumers in PA, are going to have to pay for costlier products or seek to find that food somewhere else. And, Mr. Speaker, for such a minor thing, I mean, there are a lot of rooftops in Pennsylvania; there is a lot of room to tax for rain.

I opposed the original measure that would allow people to do this, but it is law now, and I believe that we should not be taxing food in order to satiate some agenda or because the department does not feel like administering it. For that reason I would ask for the support of HB 1486. Thank you.

The SPEAKER. Representative Vitali, for the second time.

Mr. VITALI. I just need to say that the previous speaker's somehow characterization of the opposition to this as a food tax is utterly ridiculous. In fact, the passage of this would damage farms downstream by increasing the chances of flooding those farms. It would increase the costs to farmers by allowing this, and also the damage to the Chesapeake Bay and the economy of the Chesapeake Bay by increased sediment pollution.

Just to expand upon the Department of Environmental Protection's exemptions, the Department of Environmental Protection's objections, they object to the definition of "high tunnels" in this bill as not conforming to USDA (U.S. Department of Agriculture) language and the problems that creates. So that is another thing that needs to be addressed in the Senate.

So there are numerous problems with this bill. It should not go into law as is. Again, I would ask thoughtful members to vote "no" so the Senate takes note of these problems and addresses them.

The SPEAKER. Representative Dave Zimmerman.

Before the good gentleman speaks, does anybody else wish to speak? I am going to let the prime sponsor go last on this bill. Does anybody else wish to speak? Representative Zimmerman, you may proceed, sir.

Mr. ZIMMERMAN. Okay. On the bill, since the passing of the Storm Water Management Act back in 1978, counties and municipalities across the Commonwealth—

The SPEAKER. Sir, please suspend.

Members, please take your seats. Members, please take your seats.

Staff, I know there are some important discussions, but if you could take them to the back anterooms.

Members, please take your seats.

Representative Zimmerman, the floor is yours, sir.

Mr. ZIMMERMAN. Okay. Since counties and municipalities across the Commonwealth have invested significant resources in managing rainwater runoff, likewise, we have made significant strides in reducing flooding, pollution, and erosion related to storm water.

Under Act 167, local governments must manage runoff from nonporous surfaces like rooftops, parking lots, driveways, relying upon management plans and storm water ordinances to provide structure to their programs. As many of you know, my district is very heavily agricultural and managing storm water has created some confusion in the farming community. Many farmers, not only in my district but across the Commonwealth, use affordable high tunnels for storage or greenhouses that help extend the growing season. Furthermore, the NRCS (Natural Resources Conservation Service) promotes the use of high tunnels by encouraging the farming community to use these temporary structures. Some of the recognized benefits of high tunnels are improving water quality, improving plant quality, improving soil quality, and reducing nutrient and pesticide transportation.

In fact, a few sessions ago the General Assembly unanimously exempted high tunnels from real estate assessment because these inexpensive structures are extremely useful and adaptable for today's farms that are now law, and as these temporary structures do not constitute typical impervious surfaces, some municipalities do not regulate them. On the other hand, some municipalities do consider high tunnels as more common buildings and subject them to burdensome yet misplaced storm water requirements. Therefore, as a means to add clarity to the issue and consistency across the State, HB 1486 simply exempts these temporary structures from storm water regulations that are aimed at more permanent structures.

I think we can all agree that managing storm water from heavy rain events is necessary in reducing flooding and pollution. However, in doing so, we also need to ensure that we are capturing the proper causes of these problems.

I encourage all of you to vote "yes" on HB 1486. Thank you, Mr. Speaker.

On the question recurring,
Shall the bill pass finally?

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

(Members proceeded to vote.)

LEAVE OF ABSENCE CANCELED

The SPEAKER. Representative Wheeland is on the House floor, I believe.

CONSIDERATION OF HB 1486 CONTINUED

On the question recurring,
Shall the bill pass finally?

The following roll call was recorded:

YEAS—156

Baker	English	Lawrence	Rader
Barbin	Evankovich	Lewis	Rapp
Barrar	Everett	Longietti	Readshaw
Benninghoff	Fabrizio	Mackenzie	Reed
Bernstine	Farry	Maher	Reese
Bizzarro	Fee	Mako	Roae
Bloom	Fitzgerald	Maloney	Roe
Boback	Flynn	Markosek	Rothman
Brown, R.	Fritz	Marshall	Rozzi
Brown, V.	Galloway	Marsico	Ryan
Burns	Gergely	Masser	Saccone
Carroll	Gillen	McGinnis	Sainato
Causer	Gillespie	Mehaffie	Sankey
Charlton	Goodman	Mentzer	Santora
Christiana	Greiner	Metcalfe	Saylor
Conklin	Grove	Metzgar	Schemel
Cook	Hahn	Miccarelli	Simmons
Corbin	Hanna	Millard	Snyder
Corr	Harkins	Miller, B.	Solomon
Costa, D.	Harper	Milne	Sonney
Costa, P.	Harris, A.	Moul	Staats
Cox	Heffley	Murt	Stephens
Cruz	Helm	Mustio	Sturla
Culver	Hickernell	Neilson	Tallman
Cutler	Hill	Nelson	Taylor
Davis	Irvin	Nesbit	Tobash
Dawkins	James	Neuman	Toepel
Day	Jozwiak	O'Neill	Toohil
Deasy	Kampf	Oberlander	Topper
DeLissio	Kaufer	Ortitay	Walsh
Delozier	Kauffman	Pashinski	Ward
DeLuca	Kavulich	Peifer	Warner
Dermody	Keefer	Petrarca	Wentling
Diamond	Keller, F.	Petri	Wheeland
DiGirolamo	Keller, M.K.	Pickett	White
Donatucci	Keller, W.	Pyle	Zimmerman
Dowling	Kinsey	Quigley	
Dunbar	Klunk	Quinn, C.	Turzai,
Dush	Knowles	Quinn, M.	Speaker
Ellis	Kulik		

NAYS—33

Boyle	Driscoll	Krueger	Roebuck
Bradford	Evans	Madden	Samuelson
Briggs	Frankel	McClinton	Schlossberg
Bullock	Freeman	Miller, D.	Schweyer
Caltagirone	Gainey	Mullery	Sims
Cephas	Harris, J.	O'Brien	Vazquez
Comitta	Kim	Rabb	Vitali
Daley	Kirkland	Ravenstahl	Warren
Davidson			

NOT VOTING—0

EXCUSED—13

Dean	Haggerty	Matzie	Watson
Emrick	Hennessey	McCartier	Wheatley
Gabler	Kortz	Thomas	Youngblood
Godshall			

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 260, PN 1220**, entitled:

An Act amending the act of November 24, 1998 (P.L.882, No.111), known as the Crime Victims Act, in administration, further providing for 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.)

LEAVE OF ABSENCE

The **SPEAKER**. Representative COX should be placed on leave before we complete this vote. Representative Cox should be placed on leave.

CONSIDERATION OF SB 260 CONTINUED

On the question recurring,
Shall the bill pass finally?

The following roll call was recorded:

YEAS—175

Baker	Evans	Lewis	Ravenstahl
Barbin	Everett	Longiotti	Readshaw
Barrar	Fabrizio	Mackenzie	Reed
Benninghoff	Farry	Maher	Reese
Bernstine	Fee	Mako	Roae
Bizzarro	Fitzgerald	Maloney	Roe
Bloom	Flynn	Markosek	Roebuck
Boback	Frankel	Marshall	Rothman
Boyle	Freeman	Marsico	Rozzi
Bradford	Fritz	Masser	Ryan
Brown, R.	Gainey	McClinton	Saccone
Brown, V.	Galloway	McGinnis	Sainato
Bullock	Gergely	Mehaffie	Samuelson
Burns	Gillen	Mentzer	Sankey
Caltagirone	Gillespie	Metcalfe	Santora
Causar	Greiner	Metzgar	Saylor
Cephas	Grove	Miccarelli	Schemel
Charlton	Hahn	Millard	Schlossberg
Christiana	Harkins	Miller, B.	Schweyer
Conklin	Harper	Miller, D.	Simmons
Cook	Harris, A.	Milne	Sims
Corbin	Harris, J.	Moul	Solomon
Corr	Heffley	Mullery	Sonney
Costa, D.	Helm	Murt	Staats
Costa, P.	Hickernell	Mustio	Stephens
Cruz	Hill	Neilson	Sturla
Culver	Irvin	Nelson	Tallman
Cutler	James	Nesbit	Taylor
Dawkins	Jozwiak	O'Brien	Tobash

Day	Kampf	O'Neill	Toepel
Deasy	Kaufner	Oberlander	Toohil
DeLissio	Kauffman	Ortitay	Topper
Delozier	Kavulich	Pashinski	Vitali
DeLuca	Keefer	Peifer	Walsh
Dermody	Keller, F.	Petrarca	Ward
Diamond	Keller, M.K.	Petri	Warner
DiGirolamo	Keller, W.	Pickett	Warren
Donatucci	Kim	Pyle	Wentling
Dowling	Kinsey	Quigley	Wheeland
Driscoll	Kirkland	Quinn, C.	White
Dunbar	Klunk	Quinn, M.	Zimmerman
Dush	Knowles	Rabb	
Ellis	Kulik	Rader	Turzai,
English	Lawrence	Rapp	Speaker
Evankovich			

NAYS—13

Briggs	Davidson	Hanna	Neuman
Carroll	Davis	Krueger	Snyder
Comitta	Goodman	Madden	Vazquez
Daley			

NOT VOTING—0

EXCUSED—14

Cox	Godshall	Matzie	Watson
Dean	Haggerty	McCarter	Wheatley
Emrick	Hennessey	Thomas	Youngblood
Gabler	Kortz		

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

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

The **SPEAKER**. Members, as I said, there are two other bills on the supplemental A House calendar on third consideration, but we have some time to go before we can vote on those.

CALENDAR CONTINUED

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1001, PN 2587**, entitled:

An Act regulating home inspectors; establishing the Home Inspection Licensing Board; providing for licensure and practice, for disciplinary action, for remedies and for penalties; making an appropriation; and repealing provisions relating to home inspections.

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

(Bill analysis was read.)

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

The question is, shall the bill pass finally?

Representative Helm, on the bill, please.

Gentlemen, if you would not mind just clearing the front podium. Representative Helm is going to come up here and speak.

Ms. HELM. HB—

The SPEAKER. Please, just suspend, Representative Helm.

Members, if you could please take your seats. Members, please take your seats. Representative Helm is going to be speaking on her bill. Members, please take your seats. Members, please, let us give the floor to Representative Helm on this bill.

Representative Helm, you may proceed.

Ms. HELM. Thank you, Mr. Speaker.

HB 1001 is a licensing of home inspectors. This is a consumer-protection bill.

As most of you know, probably the largest-priced item that you pay for in your lifetime is your home and people want to be protected and have someone come in and do an inspection on them, and lots of times it is just not finding fault with the house, like they go through the property, they explain the heating system, they explain the electrical system. And I am asking for a positive vote on this.

We have worked on this for quite a few years. We have gone through and talked to realtors, home inspectors, attorneys, and we feel that we vetted it and we have a very good bill here. Like I said, it is a consumer-protection bill, and I ask for a positive vote. Thank you.

The SPEAKER. Representative Markosek, on the bill, please.

Mr. MARKOSEK. Thank you, Mr. Speaker.

Mr. Speaker, as the gentlelady just mentioned, this is a licensure bill for home inspectors. I do want to mention that Representative Bill Kortz, who is not here right now, was also very instrumental in working very diligently in putting this bill together.

I would also like the members to take note that the agency that will oversee the licensing is the Department of Labor and Industry, specifically the Bureau of Occupational and Industrial Safety. I would like to also remind the members that the budget that we all supported back in June for the Bureau of Occupational and Industrial Safety was cut, was cut by \$7.5 million, or a 60-percent cut, and the plan that we had was to fill that gap with inspection fees for things like elevators and boilers. As you know, we have not filled that gap. We have not passed the Administrative Code that would provide those fees to fund that agency. So whatever you may think of this bill, and I certainly am not opposed to the specific bill at hand here, but I do want the members to understand that the funding mechanism for the overseeing agency that will actually do the licensing really has not been passed yet and this agency that will do this is right now experiencing a 60-percent cut, which is another reason why we need to get a budget done this year and very soon.

Thank you, Speaker.

The SPEAKER. Representative Santora followed by Representative Dush, followed by Representative Dawkins and Representative Barbin.

Representative Santora.

Mr. SANTORA. Thank you, Mr. Speaker.

I stand in support of this bill. Coming from the real estate community, it is very important to our clients out there, to all the constituents in Pennsylvania that are buying homes and for

those selling homes. They want to have home inspectors accountable. The home inspectors I have worked with in the past are supportive of this bill. The realtors I worked with are supportive of this bill, and I want to thank Representative Helm for moving this forward. It is about time we were able to do that. I look forward to this going over to the Senate and it ultimately becoming law.

The SPEAKER. Representative Cris Dush waives off.

Representative Dawkins.

Mr. DAWKINS. Thank you, Mr. Speaker.

If I may, will the maker of the bill please stand for interrogation?

The SPEAKER. She is available.

Mr. DAWKINS. Okay. So on page 9, section (8), talking about "The applicant has not been convicted of a felony under the Act of April 14, 1972,...known as The Controlled Substance, Drug, Device and Cosmetic Act, or of an offense under the laws of another jurisdiction which if committed in the Commonwealth would be a felony under The Controlled Substance, Drug, Device and Cosmetic Act, unless the following apply...." Why is this the only conviction that is being highlighted in this bill that would essentially prohibit an individual to obtain a license for home inspections?

Ms. HELM. Well, as you all know, home inspectors go in houses—

Mr. DAWKINS. I cannot hear.

Ms. HELM. We are talking about a felony for drugs and alcohol. First I want to say that there are 29 licensing boards in Pennsylvania and the language that is being currently used is being interpreted to allow for probationary licenses. So this gives those with criminal backgrounds a second chance, but it also protects the homeowner, and we do have to look at the homeowner. And I still do not want to aid and abet a person going through these kinds of problems because there are medicine cabinets open in houses very easily for them to be tempted. So I do not want to make it easy for someone to get in a medicine cabinet and get what they should not be taking out, but I also want to bring it to your attention that the boards are looking at convictions like this, giving people a second chance with probationary licenses.

Mr. DAWKINS. Mr. Speaker—

The SPEAKER. Yes, Representative Dawkins. I apologize.

Mr. DAWKINS. It is a little hard for us to hear the maker.

The SPEAKER. Yes. Very fair point. Thank you.

Members, please take your seats. Members, please take your seats.

Mr. DAWKINS. So I think the last part you made the statement that it was an assumption that these individuals can get into the medicine cabinet?

Ms. HELM. Well, that is something we do not want to happen; yes. But my whole point of this, you are asking for a second chance for people – I know you would like to have it less than 10 years – but my answer to you is this: we have 29 licensing boards and they are currently reviewing language and allowing for probationary licenses, so if someone does have a felony conviction and they want to be a home inspector in less than 10 years after they have had this conviction, they can apply for a probationary license.

Mr. DAWKINS. So the assumption is if an individual was convicted of a drug charge, we are assuming that they are addicted to drugs?

Ms. HELM. I am not assuming anything. I am just telling you that we do have probationary licenses that should work with what your question is.

Mr. DAWKINS. Thank you.

Another question. So if an individual who has been doing home inspections for 15 years and 7 years ago they had a conviction, a drug conviction, is it the assumption that their license, once this bill takes effect, could be removed?

Ms. HELM. It could be looked at, but it probably is not going to happen.

Mr. DAWKINS. So that decision is solely up to the board's discretion?

Ms. HELM. The board, yes.

Mr. DAWKINS. Do we have any data that supports a correlation between those who are convicted of drug offenses and home robberies when it pertains to those who inspect these homes?

Ms. HELM. I do not believe we have those reports.

Mr. DAWKINS. So I just have a question in terms of intent. What is the intent of having a law that does not have any data that supports its theory?

Ms. HELM. The way we drew up this bill, we feel that the bill strikes a balance between those with a criminal background, giving them a chance and the probationary licenses they have been issued in the board's discretion, and protecting the health and safety and welfare of the public, because we are looking at the health and safety of the public. By the same token, like I said, I think we have the opportunity to give someone a second chance if they want to apply for the second chance.

Mr. DAWKINS. So I guess I am still somewhat confused why there are not any other convictions listed. The only ones listed are around convictions, nonviolent conviction of drugs.

Ms. HELM. So are you proposing we have other convictions in there?

Mr. DAWKINS. Yeah; maybe burglary. I mean, I would assume that we would want burglary as one of the actual convictions that would prohibit an individual from being a home inspector versus a potential individual who had a drug conviction.

Ms. HELM. Well, I think if they have a burglary conviction, I think that will come out when they apply for their license.

Mr. DAWKINS. Because in the bill, and the reason I keep reiterating this point is because words matter, and what is written in this bill is a new board that is being created. So I hear there are 29 other boards that may exist, but who is to say that those other boards are going to take up the same standards as this board and for it to be a discretionary choice of those who may have served on that board to determine the eligibility of someone becoming a home inspector when there is no correlation that a drug conviction somehow leads to a home invasion?

Ms. HELM. I am just going to repeat again, the majority of the other boards have the same language and have been addressing this problem for quite some time. So we used the same exact language that the other boards are using. So if they interpret a law this way, I am sure this board is going to interpret it the same way.

Mr. DAWKINS. Thank you.

Mr. Speaker, on the bill?

The SPEAKER. You may proceed, Representative.

Mr. DAWKINS. Mr. Speaker, I cannot hear.

The SPEAKER. Sir, you may proceed.

Mr. DAWKINS. Thank you.

So I would strongly urge my colleagues to consider not voting for this particular piece of legislation at this time. I do think there are some unintended consequences that are written within the wording of this bill that seems counterproductive to an individual's ability to be a home inspector, because I am drawing the correlation that the intent of this bill was to assume those who may have been convicted of a drug offense are somehow going to put the family or the home in jeopardy with no data that supports this theory, and there is nothing else in this bill that talks about any other convictions outside of a drug conviction, which seems that it is being targeted at a certain demographic or group of individuals who may be undergoing this particular charge on their records, and we have not gotten into any assumptions, where this charge could have been from a college student who may have gotten caught selling marijuana, resulting in a conviction, now has been doing home inspections with his father in his father's business and now all of a sudden he may have to go under review and that review can pretty much be determined based on those who sit on that particular board. There are no set standards that talk about if two individuals commit the same crime, one may be permissible to go through and receive his license or her license but may not be the same across the board.

I do believe this is bad legislation. I do believe it was poorly drafted. I do believe we need to go back to the drawing board and really work out some of the actual issues we have in this bill.

I do want to thank the maker. I do think the overall attempt of trying to have a consumer-protection bill, I just think it misses the mark, and I truly hope that my colleagues stand in opposition of this bill at this time, and hopefully we can get a better draft and better version.

Thank you, Mr. Speaker.

The SPEAKER. Representative Bryan Barbin and then Representative Daryl Metcalfe.

Representative Metcalfe waives off.

Representative Barbin, the floor is yours.

Mr. BARBIN. Thank you, Mr. Speaker.

I have one question for the maker of the bill. My question involves page 15, line 13, section 509, which is the statute of limitations. The statute of limitations as set forth in your bill is 1 year. The normal statute of limitation for damages, tort damages, is 2 years and contract damages is 4 years. Why is this provision 1 year regardless of when the damages are discovered?

Ms. HELM. It is 1 year from the date of the home inspection. And a lot of this bill became drawn up because of mold and the fact that mold can develop within a very short time that we did not feel that we could extend it out to 2 years. Like 1 year from the time the home inspection was done, we think that is fair for the homeowner and the home buyer.

Mr. BARBIN. Okay.

Mr. Speaker, on the bill?

The SPEAKER. Yes, Representative Barbin, you may proceed.

Mr. BARBIN. Thank you.

I want to commend the maker of the bill for all the hard work that she has done in bringing an insurance requirement to these licensees, which will help pay for damages. I also believe that the bill is well-prepared as it relates to who is going to be licensed and how you need a balance of people that have prior

needs and maybe a probationary license. But what I do find is that maybe additional work is needed in the Senate. I am going to be voting for this bill. But what we are doing is, if there is an intentional failure to disclose in the report, this language would allow a person who committed fraud in drafting the report to escape any remedy, and the normal remedy for damages is 2 years. The normal remedy for contracts is 4 years. We are making a special loophole for those people who are licensed in providing home reports.

The whole purpose of the insurance provision is to make sure that if there is a needed remedy, it is provided by this insurance policy. Most times when people find out that they have problems with their homes, they are not discovered until much later. A problem, an example, might be a crack in a foundation wall that creates a water problem 4 years later. That is going to be handled if the regular statute of limitations applied but will not under the terms of this bill.

I believe the bill should move forward, so I will be voting "yes" on it, and I hope we can address the statute of limitations on concurrence.

The SPEAKER. Representative Harry Readshaw.

Mr. READSHAW. Thank you, Mr. Speaker.

I would just like to briefly bring a little history to this bill. On June 23 it came out of the Professional Licensure Committee unanimously. On Monday the Appropriations Committee amended it, putting in some educational language. I would like to commend the maker of the bill, the lady from the 104th District, and also some thank you to the gentleman from the 38th District, which I know worked with the Representative in creating this legislation.

I ask for an affirmative vote. Thank you.

The SPEAKER. Representative Jordan Harris.

Mr. J. HARRIS. Thank you, Mr. Speaker.

Will the maker of the bill please stand for brief interrogation?

The SPEAKER. She is available for interrogation.

Mr. J. HARRIS. Thank you.

Mr. Speaker, I wanted to follow up on one of the questions that a previous speaker had asked. According to this legislation, are drug charges the only type of charges outlined that would disqualify someone from receiving a license?

Ms. HELM. When someone applies for a license, any license, they have to talk about any criminal background they have. That is part of it. So anything else will come up.

Mr. J. HARRIS. And I get that. Are there any other charges that are specifically outlined in the legislation, because to my reading, on page 9 it specifically talks about violations against the drug act, substance abuse act.

Ms. HELM. I am just going to read part of the bill to you. It is on page 8. It says, "Applicants. An applicant shall be considered to be qualified for a license if the applicant submits proof satisfactory to the board of all of the following: The applicant is of good moral character. The applicant is at least 18 years of age. The applicant has a high school diploma or its equivalent," or the work experience as we just recently added to the bill, and then, "The applicant has completed a board-approved training program or course of study...."

So they do have to have good moral character, and we obviously are going to look at that, what they have done in their past. This is a home inspection. I do not care who it is. They are

going into someone's home, so they have to be of good moral character. We are protecting the homeowner and the home buyer.

Mr. J. HARRIS. Thank you.

Mr. Speaker, another question – and I understand the good moral character subjective clause – but on page 9, there is a specific act that if you violate you cannot be a home inspector. So my question, Mr. Speaker, is, is there anything in this bill that specifically – not the good moral clause – but that specifically bars anyone who is on Megan's List from being a home inspector? Is there anything specifically in this legislation about that?

Ms. HELM. We do not address Megan's Law in this particular legislation.

Mr. J. HARRIS. I cannot hear.

Ms. HELM. We do not address Megan's Law per se in this, but that certainly is good moral character and that is going to come out when they apply for the license if they are an honest person.

Mr. J. HARRIS. Okay. Thank you.

The SPEAKER. Okay. I want to just get everybody to settle down for a second.

Members, could you please take your seats, please. Members, please take your seats. Members, please take your seats.

Representative Harris, go ahead. You may proceed, sir.

Mr. J. HARRIS. Thank you, Mr. Speaker.

Mr. Speaker, is there anything in the bill that specifically – not good moral character – but specifically denies a person convicted of check fraud from becoming a home inspector?

Ms. HELM. Let me just tell you. I am sure you have not applied for a real estate license or the home inspector since we are just trying to license them, but you do have to do a criminal background check. I mean, that is absolutely required. So I think any criminal background check is going to bring up any of these points that you are talking about.

Mr. J. HARRIS. Thank you, Mr. Speaker.

On the bill?

The SPEAKER. Yes, sir. Representative Harris, on the bill, please.

Mr. J. HARRIS. Thank you.

Mr. Speaker, I stand today – let me first thank the gentlelady for her work on this. I do believe Pennsylvania needs to license home inspectors. I 100 percent agree with that notion. My concern, Mr. Speaker, is that as drafted – and I hear the whole you are going to do a criminal background check – but there is only one violation that will prevent you from being a home inspector. Everything else is left up to the interpretation of the board. The board has to interpret what is good moral character. The only thing outlined in this bill is if a person has a drug charge, a drug felony. I would have to agree with the good gentleman from Philadelphia County that this, whether it is unintended, seems to be directed at a certain demographic of folks.

Just yesterday, Mr. Speaker, I stood at a press conference and talked about how in Pennsylvania African-Americans are eight times more likely to be arrested for drug – for a marijuana possession charge than their White counterparts although the usage is the same. So what we know is that we have a historical issue with the drug laws in this Commonwealth of being racially biased.

So my point, Mr. Speaker, is that by only addressing drug charges in this bill, we help exacerbate that problem. I would be much more concerned with a person who is on Megan's Law coming into my home with my children inspecting my home than I am about the person who got popped for smoking weed 7 years ago. I would be more concerned with the person who got convicted of check fraud, check fraud. I would be more concerned with them signing off on a document that says my home is safe more than a person who was convicted of having a bag of marijuana in their pocket. If we are going to outline and prescribe in legislation the different acts that a person who is a home inspector cannot have on their record, if there are certain violations that they cannot have if they are going to be a home inspector, Mr. Speaker, I think there are more serious charges than a drug charge. I do not want someone – I do not know about you – but I do not want someone who has been convicted of child molestation in my house. So if we are going to outline charges, I would think we would outline those charges and not drug charges, and more importantly, we would not leave it up to the board to interpret what good moral character is.

So, Mr. Speaker, while I support the overarching goal, I will have to be a "no" vote because I believe this bill is targeting a group of folks when there are more important folks that we should be concerned about going into our homes and providing home inspections.

Thank you, Mr. Speaker.

The SPEAKER. Thank you, sir.

I have no other speakers.

Representative Mustio, on the bill, please.

Mr. MUSTIO. Thank you, Mr. Speaker.

I would like to interrogate the maker of the bill, please.

The SPEAKER. She is ready and available to be interrogated. Go ahead, Representative Mustio.

Mr. MUSTIO. Thank you.

I appreciate where the previous speaker was coming from and he is a member of the committee.

Mr. Speaker, you had indicated earlier that you are a licensed real estate agent, which is one of the licenses that falls under the board that this license ultimately will fall.

Ms. HELM. I am a licensed real estate broker; correct.

Mr. MUSTIO. Could you again just reiterate a little bit how that process works. When you apply for a license – I heard you say something about a background check, right? Explain how that works, please.

Ms. HELM. Every real estate agent must have a criminal background check, and that is a thorough investigation that comes into the office by the State Police. It lists every single thing that is on that person's record. So any charges, anything against you, will show up when you have that criminal background check, and there is no real estate agent who gets a license without that background check.

Mr. MUSTIO. And I can be very empathetic to what the prior speaker was saying. However, I am also very empathetic to a recent "60 Minutes" story that highlights an epidemic that is happening in our country. And I think it would be negligent for us not to speak with one voice saying that we also want to highlight in our legislation an issue that is a problem not just in one particular community in our State but every community in our State, and I think by being silent on that issue, that if someone did apply and was granted a license and something happened, that we would be looking to very quickly change that.

Now, I will say, Mr. Speaker, that I think it is important what you have done to highlight an issue that has really taken on its own life in our country and that the opportunity for individuals to get a probationary-type license, those of us that are on the Professional Licensure Committee know that those individuals that have had troubles with their licenses and losing them, we get involved in those situations on a regular basis. The minority chair on the other side of the aisle I know has to deal with these as well a lot of times where we are interceding on behalf of individuals. So from the standpoint of the probationary license, the fact that there were opportunities on second to make amendments to the legislation, for those amendments to be debated, that was not done. I think, Mr. Speaker, we need to get this bill out of the House of Representatives, over to the Senate where additional vetting can take place if they deem that as necessary.

Thank you, Mr. Speaker, and I encourage a "yes" vote on the bill.

The SPEAKER. Does anybody else wish to speak on the bill other than the maker of the bill?

The maker of the bill for the second time, Representative Sue Helm.

Ms. HELM. Thank you, Mr. Speaker.

Like I said, this is a consumer-protection bill. The license in home inspection will protect the consumer. For most people a home is the single largest investment they make in their lifetime. I have been asked, after we had a hearing on this bill, I have had numerous e-mails from people asking us when are we going to bring up this bill; we want this to be passed. The home buyers, they are looking for this to be a bill that will give them a licensed home inspector to go with them when they are purchasing the house, to tell them this is a property that they will live in for a long time, that it will be a good purchase for them. Of any person, I never target anyone. I think that we are giving people a chance for a second chance with this bill. It is a good bill. It is going to protect your home buyers, and I do ask for a positive vote.

On the question recurring,

Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—125

Baker	English	Lawrence	Ravenstahl
Barbin	Everett	Lewis	Readshaw
Barrar	Fabrizio	Longietti	Reed
Benninghoff	Farry	Maher	Roe
Bernstine	Fee	Markosek	Rozzi
Bizzarro	Flynn	Marshall	Ryan
Bloom	Freeman	Marsico	Sainato
Boback	Gergely	Masser	Samuelson
Bradford	Gillespie	Mehaffie	Santora
Brown, R.	Goodman	Mentzer	Saylor
Burns	Greiner	Miccarelli	Schlossberg
Caltagirone	Hahn	Millard	Schweyer
Carroll	Hanna	Miller, B.	Simmons
Charlton	Harkins	Milne	Snyder
Christiana	Harper	Moul	Sonney
Comitta	Harris, A.	Mullery	Staats
Conklin	Heffley	Murt	Stephens
Corbin	Helm	Mustio	Tallman
Corr	Hickernell	Neilson	Taylor

Costa, D.	Hill	Nesbit	Toepel
Costa, P.	Irvin	Neuman	Toohil
Culver	James	O'Neill	Topper
Cutler	Kampf	Oberlander	Vitali
Davis	Kaufer	Pashinski	Ward
Day	Kauffman	Peifer	Warren
Deasy	Kavulich	Petrarca	Wheeland
Delozier	Keller, M.K.	Petri	White
DeLuca	Keller, W.	Pickett	Zimmerman
DiGirolamo	Klunk	Pyle	
Donatucci	Knowles	Quigley	Turzai,
Driscoll	Krueger	Quinn, C.	Speaker
Ellis	Kulik	Quinn, M.	

NAYS—63

Boyle	Dush	Kirkland	Reese
Briggs	Evankovich	Mackenzie	Roae
Brown, V.	Evans	Madden	Roebuck
Bullock	Fitzgerald	Mako	Rothman
Causar	Frankel	Maloney	Saccone
Cephas	Fritz	McClinton	Sankey
Cook	Gainey	McGinnis	Schemel
Cruz	Galloway	Metcalfe	Sims
Daley	Gillen	Metzgar	Solomon
Davidson	Grove	Miller, D.	Sturla
Dawkins	Harris, J.	Nelson	Tobash
DeLissio	Jozwiak	O'Brien	Vazquez
Dermody	Keefer	Ortitay	Walsh
Diamond	Keller, F.	Rabb	Warner
Dowling	Kim	Rader	Wentling
Dunbar	Kinsey	Rapp	

NOT VOTING—0

EXCUSED—14

Cox	Godshall	Matzie	Watson
Dean	Haggerty	McCarter	Wheatley
Emrick	Hennessey	Thomas	Youngblood
Gabler	Kortz		

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.

MOTION TO PROCEED TO CONSIDERATION UNDER RULE 24

The SPEAKER. I would like to, if possible, move to finish the third consideration bills.

Might there be a motion to proceed?

SB 741 cannot be voted on until 4:12 p.m., and HB 444 cannot be voted on until 4:21 p.m. Both are on third consideration.

The majority leader, Representative Reed, for a motion.

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

I make a motion to proceed to the immediate consideration of SB 741 and HB 444. Thank you.

On the question,

Will the House agree to the motion?

The SPEAKER. Representative Dermody, on that motion, please.

Mr. DERMODY. Thank you, Mr. Speaker.

Mr. Speaker, I would urge the members to support the motion to proceed.

The SPEAKER. All those in favor of moving forward on SB 741 and HB 444 – the motion is called a motion to proceed – will vote "aye"; those opposed will vote "nay."

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—171

Baker	Dunbar	Kinsey	Rapp
Barbin	Dush	Kirkland	Ravenstahl
Barrar	Ellis	Klunk	Readshaw
Benninghoff	English	Knowles	Reed
Bernstine	Evankovich	Kulik	Reese
Bizzarro	Evans	Lawrence	Roe
Bloom	Everett	Lewis	Roebuck
Boback	Fabrizio	Longietti	Rothman
Boyle	Farry	Mackenzie	Rozzi
Bradford	Fee	Madden	Ryan
Briggs	Fitzgerald	Maher	Saccone
Brown, R.	Flynn	Mako	Sainato
Brown, V.	Frankel	Maloney	Sankey
Bullock	Fritz	Markosek	Santora
Burns	Gainey	Marshall	Saylor
Caltagirone	Galloway	Marsico	Schemel
Carroll	Gergely	Masser	Schlossberg
Causar	Gillespie	McClinton	Schweyer
Cephas	Goodman	Mehaffie	Simmons
Charlton	Greiner	Mentzer	Sims
Christiana	Grove	Metcalfe	Solomon
Comitta	Hahn	Miccarelli	Sonney
Conklin	Hanna	Millard	Staats
Cook	Harkins	Moul	Stephens
Corbin	Harper	Murt	Sturla
Corr	Harris, A.	Mustio	Taylor
Costa, D.	Harris, J.	Neilson	Tobash
Costa, P.	Heffley	Nelson	Toepel
Cruz	Helm	Nesbit	Toohil
Culver	Hickernell	O'Brien	Topper
Cutler	Hill	O'Neill	Vazquez
Davis	Irvin	Oberlander	Vitali
Dawkins	James	Ortitay	Walsh
Day	Jozwiak	Pashinski	Ward
Deasy	Kampf	Peifer	Warner
DeLissio	Kaufer	Petrarca	Warren
Delozier	Kauffman	Petri	Wentling
DeLuca	Kavulich	Pickett	Wheeland
Dermody	Keefer	Pyle	White
Diamond	Keller, F.	Quigley	Zimmerman
DiGirolamo	Keller, M.K.	Quinn, C.	
Donatucci	Keller, W.	Quinn, M.	Turzai,
Dowling	Kim	Rader	Speaker
Driscoll			

NAYS—17

Daley	McGinnis	Milne	Roae
Davidson	Metzgar	Mullery	Samuelson
Freeman	Miller, B.	Neuman	Snyder
Gillen	Miller, D.	Rabb	Tallman
Krueger			

NOT VOTING—0

EXCUSED—14

Cox	Godshall	Matzie	Watson
Dean	Haggerty	McCarter	Wheatley
Emrick	Hennessey	Thomas	Youngblood
Gabler	Kortz		

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.

SUPPLEMENTAL CALENDAR A CONTINUED

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 741, PN 1243**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in facilities and supplies, further providing for deposits into account; and repealing provisions relating to expiration of chapter.

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

(Bill analysis was read.)

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—124

Barbin	Dermody	Keller, W.	Quigley
Barrar	DiGirolamo	Kim	Quinn, M.
Benninghoff	Donatucci	Kinsey	Rabb
Bizzarro	Driscoll	Kirkland	Ravenstahl
Boback	English	Krueger	Readshaw
Boyle	Evans	Kulik	Reed
Bradford	Everett	Lawrence	Roe
Briggs	Fabrizio	Lewis	Roebuck
Brown, R.	Farry	Longietti	Rozzi
Brown, V.	Fee	Madden	Saccone
Bullock	Fitzgerald	Maher	Sainato
Burns	Flynn	Markosek	Samuelson
Caltagirone	Frankel	Marshall	Saylor
Carroll	Freeman	Marsico	Schlossberg
Cephas	Gainey	McClinton	Schweyer
Christiana	Galloway	Mehaffie	Sims
Comitta	Gergely	Mentzer	Snyder
Conklin	Gillespie	Millard	Solomon
Corbin	Goodman	Miller, D.	Stephans
Corr	Greiner	Mullery	Sturla
Costa, D.	Hanna	Murt	Taylor
Costa, P.	Harkins	Mustio	Toepel
Cruz	Harper	Nesbit	Toohil
Cutler	Harris, A.	Neuman	Topper
Daley	Harris, J.	O'Brien	Vazquez
Davidson	Helm	O'Neill	Vitali

Davis	Hickernell	Pashinski	Warren
Dawkins	Irvin	Peifer	White
Day	Jozwiak	Petrarca	
Deasy	Kampf	Petri	Turzai,
DeLissio	Kaufer	Pyle	Speaker
DeLuca	Kavulich		

NAYS—63

Baker	Grove	Metcalfe	Ryan
Bernstine	Hahn	Metzgar	Sankey
Bloom	Heffley	Miccarelli	Santora
Causer	Hill	Miller, B.	Schemel
Charlton	James	Milne	Simmons
Cook	Kauffman	Moul	Sonney
Culver	Keefer	Nelson	Staats
DeLozier	Keller, F.	Oberlander	Tallman
Diamond	Keller, M.K.	Ortitay	Tobash
Dowling	Klunk	Pickett	Walsh
Dunbar	Knowles	Quinn, C.	Ward
Dush	Mackenzie	Rader	Warner
Ellis	Mako	Rapp	Wentling
Evankovich	Maloney	Reese	Wheeland
Fritz	Masser	Roae	Zimmerman
Gillen	McGinnis	Rothman	

NOT VOTING—1

Neilson

EXCUSED—14

Cox	Godshall	Matzie	Watson
Dean	Haggerty	McCarter	Wheatley
Emrick	Hennessey	Thomas	Youngblood
Gabler	Kortz		

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

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

BILL PASSED OVER TEMPORARILY

The SPEAKER. We are going to go over HB 444 temporarily.

CALENDAR CONTINUED

BILL ON SECOND CONSIDERATION

The House proceeded to second consideration of **SB 242, PN 1227**, entitled:

An Act amending the act of December 10, 1974 (P.L.852, No.287), referred to as the Underground Utility Line Protection Law, further providing for title and for definitions; providing for lawful start date; further providing for duties of facility owners, for duties of the One Call System, for duties of other parties, for duties of excavators, for duties of designers, for duties of project owners, for audits and for penalties; providing for enforcement, for damage prevention committee and for compliance; and further providing for One Call System authority and for expiration.

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

The SPEAKER. There are a number of amendments.

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

Mr. NEUMAN offered the following amendment No. **A03850**:

Amend Bill, page 35, line 30; page 36, line 1; by striking out "The president of the One Call System, or his designee" in line 30 on page 35 and all of line 1 on page 36 and inserting

One representative who is a designer.

Amend Bill, page 36, line 7, by striking out "Three" and inserting Five

Amend Bill, page 36, line 8, by striking out the period after "organizations" and inserting

, as follows: a site developer; an installer of natural gas pipelines; an installer of water or wastewater treatment plants; an installer of water or wastewater lines; and a cable or telephone line installer.

Amend Bill, page 36, line 29, by striking out "One representative" and inserting

Two representatives

Amend Bill, page 36, line 30; page 37, line 1; by striking out "one" in line 30 on page 36 and "representative" in line 1 on page 37 and inserting

two representatives

Amend Bill, page 37, line 10, by striking out "seven" and inserting eight

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

The SPEAKER. Representative Neuman, on the amendment, please.

Mr. NEUMAN. Thank you, Mr. Speaker.

This is a fairly simple amendment. It would put the local excavators that, a lot of them, their workers are our constituents, and it would put them at an equal playing field, on the board 5 to 5 with the utilities, and this is an important amendment so that our excavators have a lot of say when it comes to damage and damage prevention control.

So I ask the members to please support this amendment. Thank you.

The SPEAKER. Representative Causer, on the amendment, please.

Mr. CAUSER. Thank you, Mr. Speaker.

Mr. Speaker, I understand the gentleman's issue that he is trying to address.

A lot of work has been put into this bill. Chairman Godshall, the Consumer Affairs chairman, has put a lot of negotiation into this bill with all parties involved, and respectfully, I would ask for a "no" vote on this amendment. I think it is important for us to move this bill forward with no amendments and would ask for a negative vote.

The SPEAKER. Representative Neuman, for the second time.

Mr. NEUMAN. Thank you, Mr. Speaker.

I appreciate the fact that they want to run what they call a clean piece of legislation, but if the legislation does not reflect what we should be doing in making sure that our local

constituents are well represented on these boards, which most of the workers are with the excavators, they should have an equal say when it comes to damage prevention. And if we are going to do this, we should do it correctly, because who knows the next time we are going to take up the One Call bill.

This has been delayed and delayed and delayed, and it will not be taken up until the next sunset provision kicks in, so this is the opportunity to get it right, and it will only take a matter of days before the Senate can take it up on concurrence. I do not see the issue as to why— The excuse is, to run this as a clean bill is not a reason to run a bad bill. We should run things that are a final product and not have to wait until a sunset provision to make a product better.

I think that this is the proper mechanism to have an equal say between the excavators and the utilities, and this is the way damage prevention control will work best in Pennsylvania, and I encourage people to vote "yes." Thank you.

The SPEAKER. Representative Marty Causer, on the amendment for the second time.

Mr. CAUSER. Mr. Speaker, I understand the gentleman's concerns. I disagree with him in the fact that Chairman Godshall has already indicated that he thinks that there should be additional legislation to make additional changes to the PA One Call System, so I do not believe that we would have to wait until the legislation expires. I think that there are opportunities to make additional changes to the PA One Call System. But I would say that this is a good bill. It is a product of negotiation and compromise, and I would ask that we defeat this amendment and move the bill forward.

Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—88

Barbin	DeLissio	Kavulich	O'Neill
Bizzarro	DeLuca	Keller, F.	Pashinski
Boyle	Dermody	Keller, W.	Petrarca
Bradford	DiGirolamo	Kim	Quinn, C.
Briggs	Donatucci	Kinsey	Quinn, M.
Brown, V.	Driscoll	Kirkland	Rabb
Bullock	Evans	Krueger	Ravenstahl
Burns	Everett	Kulik	Readshaw
Caltagirone	Fabrizio	Longietti	Roebuck
Carroll	Fitzgerald	Madden	Rozzi
Cephas	Flynn	Maher	Sainato
Comitta	Frankel	Maloney	Samuelson
Conklin	Freeman	Markosek	Schlossberg
Costa, D.	Gainey	Marshall	Schweyer
Costa, P.	Galloway	McClinton	Simmons
Cruz	Gergely	Metzgar	Sims
Culver	Millen	Miller, D.	Snyder
Daley	Goodman	Mullery	Solomon
Davidson	Hanna	Mustio	Sturla
Davis	Harkins	Neilson	Vazquez
Dawkins	Harris, J.	Neuman	Vitali
Deasy	Irvin	O'Brien	Warren

NAYS—100

Baker	Gillespie	Mehaffie	Ryan
Barrar	Greiner	Mentzer	Saccone
Benninghoff	Grove	Metcalfe	Sankey
Bernstine	Hahn	Miccarelli	Santora
Bloom	Harper	Millard	Saylor

Boback	Harris, A.	Miller, B.	Schemel
Brown, R.	Heffley	Milne	Sonney
Causer	Helm	Moul	Staats
Charlton	Hickernell	Murt	Stephens
Christiana	Hill	Nelson	Tallman
Cook	James	Nesbit	Taylor
Corbin	Jozwiak	Oberlander	Tobash
Corr	Kampf	Ortitay	Toepel
Cutler	Kaufer	Peifer	Toohil
Day	Kauffman	Petri	Topper
Delozier	Keefer	Pickett	Walsh
Diamond	Keller, M.K.	Pyle	Ward
Dowling	Klunk	Quigley	Warner
Dunbar	Knowles	Rader	Wentling
Dush	Lawrence	Rapp	Wheeland
Ellis	Lewis	Reed	White
English	Mackenzie	Reese	Zimmerman
Evankovich	Mako	Roae	
Farry	Marsico	Roe	Turzai,
Fee	Masser	Rothman	Speaker
Fritz	McGinnis		

NOT VOTING—0

EXCUSED—14

Cox	Godshall	Matzie	Watson
Dean	Haggerty	McCarter	Wheatley
Emrick	Hennessey	Thomas	Youngblood
Gabler	Kortz		

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

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

Ms. **KRUEGER** offered the following amendment
No. **A03987**:

Amend Bill, page 42, by inserting between lines 21 and 22
Section 7.11. The commission shall maintain a toll-free telephone hotline available 24 hours per day, seven days per week, for consumers to report concerns related to natural gas pipeline safety. The commission shall publish the telephone number on their publicly accessible Internet website. The commission may require utilities to publish the telephone number on consumer bills.

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

The SPEAKER. Representative Krueger-Braneky, on the amendment.

Ms. KRUEGER. Thank you, Mr. Speaker.

I am hoping that my colleagues from both sides of the aisle will be willing to support this amendment today.

As we are all well aware, the PUC (Public Utility Commission) directs and enforces safety standards for natural gas pipelines in the Commonwealth. Although the commission currently provides a natural gas safety seminar for those in the industry and other interested entities, we currently lack a simple dedicated hotline for citizens to report pipeline safety-related issues. These issues can pose significant dangers to the citizens and communities in this State, including communities like mine in Delaware County where there are active pipeline projects underway.

PUC inspectors cannot be in all places at all times, and giving the citizens of this Commonwealth the ability to call and report pipeline safety concerns when they see them keeps the commission informed and allows for proper inspection of the issue, curtailing potentially dangerous situations. The safety of Pennsylvania's residents is paramount. This amendment represents a simple measure toward that goal. A simple phone call to a dedicated hotline may prevent injury, loss to property, and even death.

I respectfully ask my colleagues to vote affirmatively on this important measure. Thank you, Mr. Speaker.

The SPEAKER. Thank you.

Representative Marty Causer, on the amendment, please.

Mr. CAUSER. Thank you, Mr. Speaker.

Mr. Speaker, I recognize the issue that the gentlelady is trying to address here, and certainly we are all focused on safety. Unfortunately, I am going to ask for a negative vote on this amendment. The amendment would increase costs to the Public Utility Commission.

The amendment is simply unnecessary, and I think we need to move forward with a good compromise, reasonable bill, and we simply do not need this amendment. So I would ask for a negative vote.

The SPEAKER. Representative Krueger-Braneky, for the second time on the amendment.

Ms. KRUEGER. Mr. Speaker, with all due respect for my colleague, there is no proof that this will increase costs at all. The PUC already runs hotlines on other topics. In fact, if you are calling for an issue right now, there are prompts for consumers for electric, gas, water supplier, and telephone issues that are directed to the Bureau of Consumer Services. There is also a prompt for callers with issues regarding trucks, limousines, railroad and highway crossings, taxicab companies, or moving companies that are directed to a designated phone number or their transportation staff, but there is currently no prompt or no hotline for people reporting significant public safety issues.

Again, I ask my colleagues to consider this amendment.

The SPEAKER. Representative Causer, on the amendment for a second time.

Mr. CAUSER. Mr. Speaker, in fact, this would create another requirement for the Public Utility Commission and would require 24/7 staffing. It deals with a very broad issue of gas safety, and quite honestly, Mr. Speaker, this is a good compromise bill and the amendment is unnecessary. I ask for a negative vote.

The SPEAKER. Representative Samuelson, are you rising on this amendment? You may proceed.

Mr. SAMUELSON. Thank you, Mr. Speaker.

This amendment does have a fiscal note, and the fiscal note developed by the majority Appropriations Committee says, "...this amendment will have no adverse fiscal impact." In fact, it goes on to say that the administrative costs are covered by the existing budget of the PUC.

So I just wanted to note that for the record – no adverse fiscal impact, according to the official fiscal note.

Thank you, Mr. Speaker.

The SPEAKER. Thank you, sir.

Does anybody else wish to speak on the amendment? Does anybody else wish to speak on the amendment?

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

The following roll call was recorded:

YEAS—83

Barbin	Deasy	Kavulich	Petrarca
Barrar	DeLissio	Keller, W.	Quinn, C.
Bizzarro	DeLuca	Kim	Quinn, M.
Boback	Dermody	Kinsey	Rabb
Boyle	Donatucci	Kirkland	Ravenstahl
Bradford	Driscoll	Krueger	Readshaw
Briggs	Evans	Kulik	Roe
Brown, V.	Fabrizio	Lawrence	Roebuck
Bullock	Fitzgerald	Longiatti	Rozzi
Burns	Flynn	Madden	Sainato
Caltagirone	Frankel	Markosek	Samuelson
Carroll	Freeman	McClinton	Schlossberg
Cephas	Gainey	Miller, B.	Schweyer
Comitta	Galloway	Miller, D.	Sims
Conklin	Gergely	Milne	Snyder
Costa, D.	Gillen	Mullery	Solomon
Costa, P.	Goodman	Murt	Sturla
Cruz	Hanna	Neilson	Vazquez
Daley	Harkins	Neuman	Vitali
Davis	Harper	O'Brien	Warren
Dawkins	Harris, J.	Pashinski	

NAYS—104

Baker	Gillespie	Masser	Ryan
Benninghoff	Greiner	McGinnis	Saccone
Bernstine	Grove	Mehaffie	Sankey
Bloom	Hahn	Mentzer	Santora
Brown, R.	Harris, A.	Metcalfe	Saylor
Causar	Heffley	Metzgar	Schemel
Charlton	Helm	Miccarelli	Simmons
Christiana	Hickernell	Millard	Sonney
Cook	Hill	Moul	Staats
Corbin	Irvin	Mustio	Stephens
Corr	James	Nelson	Tallman
Culver	Jozwiak	Nesbit	Taylor
Cutler	Kampf	O'Neill	Tobash
Day	Kaufer	Oberlander	Toepel
Delozier	Kauffman	Ortitay	Toohil
Diamond	Keefer	Peifer	Topper
DiGirolamo	Keller, F.	Petri	Walsh
Dowling	Keller, M.K.	Pickett	Ward
Dunbar	Klunk	Pyle	Warner
Dush	Knowles	Quigley	Wentling
Ellis	Lewis	Rader	Wheeland
English	Mackenzie	Rapp	White
Evankovich	Maher	Reed	Zimmerman
Everett	Mako	Reese	
Farry	Maloney	Roae	Turzai,
Fee	Marshall	Rothman	Speaker
Fritz	Marsico		

NOT VOTING—1

Davidson

EXCUSED—14

Cox	Godshall	Matzie	Watson
Dean	Haggerty	McCarter	Wheatley
Emrick	Hennessey	Thomas	Youngblood
Gabler	Kortz		

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

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

Ms. QUINN offered the following amendment No. **A03855**:

Amend Bill, page 13, line 8, by inserting after "owners]."

An underground facility owner that fails to mark, locate or otherwise accurately provide the position and number of its underground facilities which may be affected by a planned excavation or demolition, in accordance with the provisions of this act, shall be liable for actual costs of labor, parts and equipment and personnel on standby incurred by an excavator damaging a facility owned, operated or controlled by the underground facility owner. An excavator that damages an underground facility in violation of the provisions of this act shall only be liable for actual costs of labor, parts and equipment and personnel on standby incurred by the underground facility owner that owns or controls the damaged underground facility. A provision in a contract, public or private, which attempts to limit the rights of excavators under this subclause shall not be valid for any reason. An attempted waiver of this subclause shall be void and unenforceable as against public policy, and the attempted waiver shall be reported to the commission.

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

The SPEAKER. Representative Marguerite Quinn, on the amendment, please.

Ms. QUINN. Thank you, Mr. Speaker.

Thank you, colleagues, for your consideration of this amendment.

Every day we have, or at least we hope to have, people negotiating that small space in our right-of-ways, people down deep in ditches, and very often, by no fault of their own, they come across lines that they nick up because they were inappropriately marked or failed to be marked. Whether this is negligence on the part of the utility that laid them down or the part of a subcontractor, the result remains the same. If they are lucky enough to escape bodily or physical injury, they have to stop their work and wait for reparation to come in. Now, the problem with this is that they are not compensated and they are precluded to go after for compensation of their downtime.

Mr. Speaker, I think some of these crews actually go to work with People magazine in case they have to sit and use their time waiting hours and sometimes days for the utility company to come out and correct the situation. I think it is fair that our small businesses have an opportunity to be able to be compensated for this downtime, and I ask for an affirmative vote.

The SPEAKER. Thank you.

Representative Nelson, on the amendment, and then Representative Causar.

Mr. NELSON. Thank you, Mr. Speaker.

I rise today to share the plight of the contractor in our local districts. Since we had a hearing earlier this summer, our local contractors have hit mismarked and unmarked lines on multiple occasions.

The issue of standby time is something that needs to be addressed because the utility owners, they can be made whole if a contractor does something wrong in the process, but if a contractor does everything right and the utility owner subcontracted the marking to a company that did a poor job or did not show up at all, that contractor has to stop work.

On occasion, the contractor in my district had a crew of eight employees. They lost the entire morning on a time-and-a-half day, had to shift all of their equipment to a different area in the county, and they cannot be made whole. After the holiday weekend, they had to return to the job to finish the project.

This issue of standby time, it is not romantic and it is not deep pockets. It is good local contractors who have no recourse. If a line is not marked or a line is poorly marked, there is no way for them to be made whole.

I very much appreciate working with the chairman during this process. I am thankful for his commitment to look at this issue moving forward, and I stand to remind everybody that contractors should also have a voice when the utility operator fails to mark or improperly marks their line.

Thank you, Mr. Speaker.

The SPEAKER. Representative Causer, followed by Representative Kampf, and then Representative DeLissio.

Mr. CAUSER. Thank you, Mr. Speaker.

Mr. Speaker, I recognize the issue that the gentledady is trying to address, and Chairman Godshall from the Consumer Affairs Committee has already stated that he plans to do additional work on the One Call legislation, and I think this amendment would be better addressed by the committee at that time when he considers that second piece of legislation.

So I would ask for a negative vote on this particular amendment. Thank you, Mr. Speaker.

The SPEAKER. Thank you, sir.

Representative Warren Kampf, on the amendment.

Mr. KAMPF. Thank you, Mr. Speaker.

Mr. Speaker, just to add to the chairman's comments, this really would be a new cause of action, essentially. There is no kind of doctrine out there in the court system for letting one company that does not have a contract with another company sue them and get downtime or, you know, labor costs.

And while I understand the issue, there are thousands and thousands of these calls probably every month, and the gentledady's amendment really opens up a whole new area. The Supreme Court of Pennsylvania had this very kind of theory in front of it and rejected it as a matter of common law. Now, we could always change that, but are we really prepared at this time to open up a whole set of claims and causes of action? And who knows where they go, even if somebody local that you know might have to wait around for a bit because of a damaged line or a damaged water main.

And let me just add, there is absolutely an incentive to get out there when there is serious damage, because the fact is, those property damage claims, personal injury claims are totally available to somebody who has been damaged by a One Call contractor who makes a mistake or by an excavator who makes a mistake. So it is not as if there are not claims out there available to someone to force these contractors and the subs and the utilities to do the right thing.

Thank you, Mr. Speaker.

The SPEAKER. Thank you.

Representative Quinn, if you prefer, because everybody gets two times on the amendment, do you want to wait until after everybody else goes? Okay. Because you will be called upon again.

Representative DeLissio, Representative Sturla, and Representative Fred Keller all wish to speak. So I will start with Representative DeLissio, and then Representative Sturla, then Representative Keller.

Ms. DeLISSIO. Thank you, Mr. Speaker.

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

The SPEAKER. Yes; she has indicated she will so stand and is available.

Ms. DeLISSIO. Mr. Speaker, it says here, what I am reading, a facility owner that fails to properly identify their lines is liable for all costs to the excavator. Can I have an example of a facility owner?

Ms. QUINN. Sure. A utility company – oil, gas, electric, TV lines or whatever you call them these days.

Ms. DeLISSIO. So, Mr. Speaker, whoever the installer was, not, you know, I have a retirement community and these lines are on my property and an excavator—

Ms. QUINN. Correct.

Ms. DeLISSIO. So the installer, basically?

Ms. QUINN. The owner of those lines.

Ms. DeLISSIO. Thank you, Mr. Speaker.

No further questions.

The SPEAKER. Thank you, Representative DeLissio. Representative Sturla.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, will the maker of the amendment rise for brief interrogation?

The SPEAKER. She has indicated she will stand for interrogation. You may proceed.

Mr. STURLA. Thank you, Mr. Speaker.

As I understand this, this is not a way for a contractor to say, oh, I wanted to go out and dig today and the One Call service was not done yet; therefore, I am delayed. Is that correct?

Ms. QUINN. Correct.

Mr. STURLA. So this is really after the One Call service was done and the lines were indicated where they were, the contractor is out there on the job, and there are lines that were not identified that they hit, and they then need to stop what they are doing and wait until somebody comes and figures out what is going on?

Ms. QUINN. Correct. The contractor followed the rules.

Mr. STURLA. Right.

So if I could, Mr. Speaker, on the amendment?

The SPEAKER. Yes, you may proceed, sir, on the amendment.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, I rise in support of this amendment.

As was pointed out by the gentleman from Westmoreland County, you have private contractors that are out there doing a job that they were contracted to do with a certain set of circumstances that they were told existed. Now those certain set of circumstances have changed, and so whether it is the utility or the private property owner or whoever is responsible for not identifying what those conditions were would be responsible for paying for their lost time.

Ultimately, if this amendment becomes law, I would think it would have a very positive effect on the overall cost of making improvements to any of these utilities in the future, because if I as a contractor, an excavator that is out there digging know that every fifth time I go out and dig I am hitting a line that is not identified and that is going to come out of my hide, I start to build that into my costs and I start to say, well, when I give you a bid, I am going to figure that 20 percent of the time I am going to get stuck out there for a half a day, so guess what? The cost is higher than it actually needs to be. Under this scenario, I could

bid it for what it was actually supposed to be, which is digging wherever I am supposed to dig, not hitting something that is not supposed to be there, and if in fact I do hit those things, it is like a change order on a construction job – the conditions have changed.

And so it makes sense that this type of amendment be put in place, because ultimately, for the four-fifths of the time when you are not hitting something, you will not be getting charged for the possibility of hitting something. And so I think it will save utilities and consumers a lot in the long run and protect general contractors and specialty contractors from being left with the bag for something that is beyond their control.

Thank you, Mr. Speaker.

The SPEAKER. Thank you, sir.

Representative Fred Keller, on the amendment. He will be followed by Representative Brandon Neuman.

Fred Keller.

Mr. F. KELLER. Thank you, Mr. Speaker.

I would just like to support the lady on her amendment.

Looking at One Call and having been a person that has used it quite frequently, there is a process. You call, they mark the lines. If you do everything correctly, you should not have to wait until the utility comes out and figures out where their lines are or their facilities are.

The whole point about – and I know it was brought up earlier – who installed them. Well, the people that install those are hired by the utility to place the lines right where the utility wants them.

So this is a good amendment. You know, we talked about consumer protection earlier today. This is protecting the consumer. It is saying, hey, look, utility company, you have got to make sure you know where your lines are on that right-of-way in those people's property. You should know it, and if you do not know it, you should not penalize the guy that is in the ditch doing the work.

So again, I commend the lady for this amendment, and I would ask for an affirmative vote. Thank you.

The SPEAKER. Representative Brandon Neuman, on the amendment, please.

Mr. NEUMAN. Thank you, Mr. Speaker, and thank you to the gentlelady for offering this amendment.

I think it is really important that we focus on who this actually impacts. It impacts in a positive way our small businesses and the individuals that are going to work every single day that are expecting to get a paycheck. Well, for some reason the utility makes a mistake or misidentifies where their pipeline is or negligently does not identify where their pipeline is, the constituent that was supposed to go to work that day ends up going home and not getting paid. No fault of their own.

This is an issue of fairness for our local small businesses that are doing the work every single day, the ones that are your friends, your neighbors – not the utility companies. This is how we can help make sure that there is a fairness aspect whenever you are dealing with things that you cannot see because they are underground but the utility company should have marked these pipes.

So I think it is really important that we look at who this actually impacts in a positive way, and those are your friends and your constituents that are going to work every single day. So I encourage a positive vote on this amendment. Thank you.

The SPEAKER. Before I call on either the maker of the amendment or the House member who is speaking on behalf of the bill, does anybody else wish to speak on the amendment?

Representative Mustio, on the amendment.

Mr. MUSTIO. Thank you, Mr. Speaker.

We have had a couple of attorneys that are members speak and it generated a couple of questions in my mind. The city of the second class, for example, has a lot of old—

The SPEAKER. Sir, are you going to seek interrogation?

Mr. MUSTIO. I am. I am sorry. Yes.

The SPEAKER. Yes, no problem.

Mr. MUSTIO. I apologize.

The SPEAKER. The good lady has indicated she will stand for interrogation, and you may proceed.

Mr. MUSTIO. The city of the second class has a water company that has a lot of old water lines that are not necessarily marked correctly. They can at times contract to a utility company, utility contractor, to go in and do some work. At times their own water lines are marked incorrectly. Is there the ability for the utility company, whether it is a water company or an electric company, to have the contractor sign that they will not make claim under this legislation? In other words, is this a waivable provision?

Ms. QUINN. It is signed that they will not? Please repeat that, the last part.

Mr. MUSTIO. In other words, they will have to waive the provisions of this act to recoup their lost time, and the reason I am – and I know, neither of us are a legal counsel, but in the insurance business, I have seen this happen on a lot of occasions, where contractually, people will waive their rights.

Ms. QUINN. Mr. Speaker, in my amendment, I end up in last lines, 16 through 19, with, "An attempted waiver of this subclause shall be void and unenforceable as against public policy, and the attempted waiver shall be reported to the commission."

Mr. MUSTIO. And that would apply to all entities, including municipal authorities as well as private companies, correct?

Ms. QUINN. That is my understanding.

Mr. MUSTIO. Thank you.

The SPEAKER. Representative Causer and then Representative Quinn. Those will be the last two speakers on the amendment unless somebody wishes to rise at this time.

Representative Causer, on the amendment.

Mr. CAUSER. Thank you, Mr. Speaker.

Mr. Speaker, a couple additional points. The amendment very specifically authorizes the payment of downtime for excavators and specifically prohibits the waiver of this provision by contract.

Mr. Speaker, I think this is very troubling. I think that this would promote more lawsuits and would really have a negligible impact on public safety. The recovery of purely economic damages is an issue that should be negotiated at the contract phase and not after the fact, so I think this has the impact of creating more lawsuits.

And I think that with what has been said before, we have a chairman of our committee who really wants to deal with more One Call issues. This issue is better dealt with in a subsequent piece of legislation, and I would ask for a negative vote on this amendment.

LEAVE OF ABSENCE CANCELED

The SPEAKER. Representative Kortz is on the House floor and wishes to be placed on the master roll.

CONSIDERATION OF SB 242 CONTINUED

The SPEAKER. Representative Quinn, on the amendment.
Ms. QUINN. Thank you, Mr. Speaker.

We heard a lot of talk about this, and I appreciate the support.

I would like to state to the chairman, the intent of this amendment is not to bring more lawsuits. It is to have lines clearly marked. It is to have the utilities and their subcontractors make an earnest effort to get this right so that the men, and some women, who are in the ditches trying to keep us safe are safe themselves. We have had fatalities in the last few years with mismarked lines. I am looking then not at that because I am confident that when you have something blow up, it is going to get the chairman's attention and it will be dealt with when he revisits the One Call bill, but I am looking at the average small business owner in our districts who are trying to get compensated for the downtime when they have been the responsible actor.

I believe that if we take the language out saying that you cannot amend that in the contract at the time that you are just going to have the big gorillas, the 800-pound gorillas are going to be just keeping it out, one after another, and they will not even accept bids from the contractors who do not want to waive that right.

I think this is common sense. We have heard from both sides of the aisle cheering this on. I think that we are here for our small business men and women and we need to come to this with an affirmative vote.

My colleague from Delaware County discussed a lawsuit ruling in 2010. That 2010 came as a response to a 2005 ruling, which was the *Bilt-Rite* case, which created an exception to the economic loss doctrine, and through that case they ruled that "...a design professional who could be liable under a negligent misrepresentation..." Now, when the following case threw that out, they based their reasoning in that case that "...excavation contractors seeking to hold utility companies responsible for economic damages resulting from faulty markings," they said they "should focus their attention on the legislature to provide..." that "...right of recovery."

Mr. Speaker, I am here trying to focus the attention to the legislature, and I ask for an affirmative vote. Thank you.

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

The following roll call was recorded:

YEAS—95

Barrar	Dermody	Kinsey	O'Neill
Bizzarro	DiGirolamo	Kirkland	Pashinski
Boyle	Donatucci	Kortz	Petrarca
Bradford	Driscoll	Krueger	Quinn, C.
Briggs	Evans	Kulik	Quinn, M.

Brown, R.	Fabrizio	Lewis	Rabb
Brown, V.	Fitzgerald	Longietti	Ravenstahl
Bullock	Flynn	Mackenzie	Readshaw
Caltagirone	Frankel	Madden	Roe
Carroll	Freeman	Maloney	Roebuck
Cephas	Gainey	Markosek	Rozzi
Comitta	Galloway	Marsico	Sainato
Conklin	Gergely	Masser	Samuelson
Corr	Gillen	McClinton	Schlossberg
Costa, D.	Goodman	Mehaffie	Schweyer
Costa, P.	Hanna	Metzgar	Simmons
Cruz	Harkins	Miller, D.	Sims
Culver	Harris, J.	Mullery	Snyder
Daley	Irvin	Murt	Solomon
Davidson	Jozwiak	Mustio	Sturla
Davis	Kavulich	Neilson	Vazquez
Dawkins	Keller, F.	Nelson	Vitali
Deasy	Keller, W.	Neuman	Warren
DeLissio	Kim	O'Brien	

NAYS—94

Baker	Farry	Marshall	Saccone
Barbin	Fee	McGinnis	Sankey
Benninghoff	Fritz	Mentzer	Santora
Bernstine	Gillespie	Metcalfe	Saylor
Bloom	Greiner	Miccarelli	Schemel
Boback	Grove	Millard	Sonney
Burns	Hahn	Miller, B.	Staats
Causer	Harper	Milne	Stephens
Charlton	Harris, A.	Moul	Tallman
Christiana	Heffley	Nesbit	Taylor
Cook	Helm	Oberlander	Tobash
Corbin	Hickernell	Ortitay	Toepel
Cutler	Hill	Peifer	Toohil
Day	James	Petri	Topper
Delozier	Kampf	Pickett	Walsh
DeLuca	Kaufert	Pyle	Ward
Diamond	Kauffman	Quigley	Warner
Dowling	Keefer	Rader	Wentling
Dunbar	Keller, M.K.	Rapp	Wheeland
Dush	Klunk	Reed	White
Ellis	Knowles	Reese	Zimmerman
English	Lawrence	Roae	
Evankovich	Maher	Rothman	Turzai,
Everett	Mako	Ryan	Speaker

NOT VOTING—0**EXCUSED—13**

Cox	Godshall	Matzie	Watson
Dean	Haggerty	McCarter	Wheatley
Emrick	Hennessey	Thomas	Youngblood
Gabler			

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

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

The SPEAKER. At this time we are going to go at ease. I am sure there will be a motion for reconsideration filed, I understand, but we are going to go at ease for the Rules Committee to meet.

RULES COMMITTEE MEETING

The SPEAKER. My understanding is that there is going to be an immediate Rules Committee meeting.

Representative Reed, go ahead, sir.

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

There will be a meeting of the House Rules Committee at 4:30 in the Appropriations conference room; a meeting of the House Rules Committee at 4:30 in the Appropriations conference room. Thank you.

The SPEAKER. There will be a meeting of the Rules Committee at 4:30 in the Appropriations conference room.

We are going to be at ease. We are at ease at this time. Once we are back from Rules, I will make sure I call everybody who wishes to speak or, you know, provide an announcement.

The House will come to order, please.

CONSIDERATION OF SB 242 CONTINUED

AMENDMENT A03855 RECONSIDERED

The SPEAKER. We have a motion for reconsideration filed by Representatives Causer and Evankovich on amendment 3855 to SB 242. That amendment was passed today. They have asked that that vote on the amendment be reconsidered.

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

The SPEAKER. Does anybody wish to speak on the motion for reconsideration?

Representative Quinn, you are more than welcome.

Ms. QUINN. Thank you, Mr. Speaker.

I appreciate the members to stick by their vote. Thank you.

The SPEAKER. Representative Causer, on the motion for reconsideration, sir.

Mr. CAUSER. Thank you, Mr. Speaker.

Mr. Speaker, I think it is very important that we reconsider the vote that took place on this amendment. As I said before, I understand the gentlelady's issue that she is trying to address.

One thing that I did not mention earlier is the prime sponsor of the bill is even asking that no amendments be adopted, so I would ask that the House please allow us to reconsider this amendment.

Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—109

Baker	Fee	Marshall	Reese
Barrar	Fritz	Marsico	Roae
Benninghoff	Gillespie	Masser	Roe
Bernstine	Greiner	McGinnis	Rothman
Bloom	Grove	Mehaffie	Ryan
Boback	Hahn	Mentzer	Saccone
Brown, R.	Harper	Metcalfe	Sankey

Causer	Harris, A.	Metzgar	Santora
Christiana	Heffley	Miccarelli	Saylor
Cook	Helm	Millard	Schemel
Corbin	Hickernell	Miller, B.	Sonney
Cruz	Hill	Milne	Staats
Culver	Irvin	Moul	Tallman
Cutler	James	Murt	Taylor
Day	Kampf	Mustio	Tobash
Delozier	Kaufer	Nelson	Toepel
DeLuca	Kauffman	Nesbit	Toohil
Diamond	Keefer	Oberlander	Topper
DiGirolamo	Keller, M.K.	Ortistay	Walsh
Donatucci	Keller, W.	Peifer	Ward
Dowling	Klunk	Petrarca	Warner
Dunbar	Knowles	Petri	Wentling
Dush	Lawrence	Pickett	White
Ellis	Lewis	Pyle	Zimmerman
English	Longietti	Quigley	
Evankovich	Mackenzie	Rader	Turzai,
Everett	Maher	Rapp	Speaker
Farry	Mako	Reed	

NAYS—79

Barbin	Dawkins	Kavulich	Quinn, M.
Bizzarro	Deasy	Keller, F.	Rabb
Boyle	DeLissio	Kim	Ravenstahl
Bradford	Dermody	Kinsey	Readshaw
Briggs	Driscoll	Kirkland	Roebuck
Brown, V.	Evans	Kortz	Rozzi
Bullock	Fabrizio	Krueger	Sainato
Burns	Fitzgerald	Kulik	Samuelson
Caltagirone	Flynn	Madden	Schlossberg
Carroll	Frankel	Maloney	Schweyer
Cephas	Freeman	Markosek	Simmons
Charlton	Gainey	McClinton	Sims
Comitta	Galloway	Miller, D.	Snyder
Conklin	Gergely	Mullery	Solomon
Corr	Gillen	Neilson	Sturla
Costa, D.	Goodman	Neuman	Vazquez
Costa, P.	Hanna	O'Brien	Vitali
Daley	Harkins	O'Neill	Warren
Davidson	Harris, J.	Pashinski	Wheeland
Davis	Jozwiak	Quinn, C.	

NOT VOTING—1

Stephens

EXCUSED—13

Cox	Godshall	Matzie	Watson
Dean	Haggerty	McCarter	Wheatley
Emrick	Hennessey	Thomas	Youngblood
Gabler			

The majority 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. We will proceed to amendment 3855 on reconsideration.

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

The following roll call was recorded:

YEAS—81

Barbin	DeLissio	Keller, F.	Petrarca
Bizzarro	DeLuca	Keller, W.	Quinn, C.
Boyle	Dermody	Kim	Quinn, M.
Bradford	DiGirolamo	Kinsey	Rabb
Briggs	Evans	Kortz	Ravenstahl
Brown, R.	Fabrizio	Krueger	Readshaw
Bullock	Fitzgerald	Kulik	Roebuck
Caltagirone	Flynn	Lewis	Rozzi
Carroll	Frankel	Madden	Sainato
Cephas	Freeman	Maher	Samuelson
Comitta	Gainey	Maloney	Schlossberg
Conklin	Galloway	Markosek	Schweyer
Corr	Gergely	Marshall	Simmons
Costa, D.	Gillen	Metzgar	Sims
Costa, P.	Goodman	Miller, D.	Snyder
Culver	Hanna	Mullery	Solomon
Daley	Harkins	Nelson	Sturla
Davidson	Harris, J.	Neuman	Vazquez
Davis	Jozwiak	O'Neill	Vitali
Dawkins	Kavulich	Pashinski	Warren
Deasy			

NAYS—104

Baker	Fee	McGinnis	Rothman
Barrar	Fritz	Mehaffie	Ryan
Benninghoff	Gillespie	Mentzer	Saccone
Bernstine	Greiner	Metcalfe	Sankey
Bloom	Grove	Miccarelli	Santora
Boback	Hahn	Millard	Saylor
Burns	Harper	Miller, B.	Schemel
Causar	Harris, A.	Milne	Sonney
Charlton	Heffley	Moul	Staats
Christiana	Helm	Murt	Stephens
Cook	Hickernell	Mustio	Tallman
Corbin	Hill	Neilson	Taylor
Cruz	Irvin	Nesbit	Tobash
Cutler	James	O'Brien	Toepel
Day	Kampf	Oberlander	Toohil
Delozier	Kaufer	Ortitay	Topper
Diamond	Kauffman	Peifer	Walsh
Donatucci	Keefer	Petri	Ward
Dowling	Keller, M.K.	Pickett	Warner
Driscoll	Klunk	Pyle	Wentling
Dunbar	Knowles	Quigley	Wheeland
Dush	Lawrence	Rader	White
Ellis	Longietti	Rapp	Zimmerman
English	Mackenzie	Reed	
Evankovich	Mako	Roae	Turzai,
Everett	Marsico	Ro	Speaker
Farry	Masser		

NOT VOTING—4

Brown, V.	Kirkland	McClinton	Reese
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EXCUSED—13

Cox	Godshall	Matzie	Watson
Dean	Haggerty	McCarter	Wheatley
Emrick	Hennessey	Thomas	Youngblood
Gabler			

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

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

The SPEAKER. There are two other amendments.

Representative Sankey.

Oh, I apologize. There are three other amendments.

Representative Sankey, do you withdraw your amendment?

That is withdrawn.

Representative Neuman has a late-filed amendment.

Representative Neuman, are you withdrawing? That has been withdrawn.

The only other amendment we have is 3854 by Representative Quinn. Do you wish to offer that amendment, Representative Quinn? And you may. It is 3854; it is timely filed. The others were late-filed, so there would have to be a motion to suspend. That is going to be withdrawn.

There are no other amendments to SB 242 that we see.

On the question recurring,

Will the House agree to the bill on second consideration?

Bill was agreed to.

BILL ON CONCURRENCE REPORTED FROM COMMITTEE

HB 542, PN 2598 (Amended)

By Rep. REED

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, in sales and use tax, further providing for definitions, for imposition of tax and for exclusions from tax, providing for marketplace providers and marketplace sellers and further providing for remote sales reports; in personal income tax, providing for the Pennsylvania ABLE Savings Program Tax Exemption, repealing provisions relating to contribution for Korea/Vietnam Memorial National Education Center, further providing for operational provisions, providing for definitions, further providing for requirement of withholding tax, providing for withholding tax requirement for non-employer payors, further providing for information statement, providing for information statement for non-employer payors and for information statement for payees, further providing for time for filing withholding returns, providing for time for filing payors' returns, further providing for payment of taxes withheld, providing for payment of taxes withheld for non-employer payors, further providing for liability for withheld taxes, providing for payor's liability for withheld taxes and for payor's failure to withhold, further providing for amount of withholding tax and for treatment of nonresident partners, members or shareholders, providing for withholding on income and for annual withholding statement and further providing for requirements concerning returns, notices, records and statements and for additions, penalties and fees; in corporate net income tax, further providing for definitions and providing for qualified manufacturing innovation and reinvestment deduction; in realty transfer tax, further providing for definitions and for exempt parties; providing for tax credit eligibility; in entertainment production tax credit, further providing for definitions and for credit for qualified film production expenses, providing for film production tax credit districts and establishing the Entertainment Economic Enhancement Program; in city revitalization and improvement zones, further providing for certifications, for restrictions and for transfer of property; in neighborhood improvement zones, providing for transfer of property; in keystone opportunity zones, keystone opportunity expansion zones and keystone opportunity improvement zones, further providing for additional keystone opportunity zones; in inheritance tax, further providing for timely mailing treated as timely filing and payment; in Public Transportation Assistance Fund, further providing for fund; providing for fireworks; in procedure and administration, further providing for petition for reassessment and for review by board; providing for tobacco master settlement payment revenue bonds and sale of revenue; making related repeals; and making editorial changes.

RULES.

BILLS ON SECOND CONSIDERATION

The House proceeded to second consideration of **SB 222, PN 1219**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in organization and jurisdiction of courts of common pleas, further providing for courts of common pleas.

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

The SPEAKER. I understand Representative Petrarca has withdrawn his amendment. Sir, is that the case? Yes, that is withdrawn.

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

Mr. **MARSICO** offered the following amendment No. **A03688**:

Amend Bill, page 1, line 4, by striking out the period after "pleas" and inserting
; and, in Administrative Office of Pennsylvania Courts, providing for senior judge operational support grant program.

Amend Bill, page 4, by inserting between lines 2 and 3 Section 2. Title 42 is amended by adding a section to read:
§ 1906.1. Senior judge operational support grant program.

(a) Continuation.—The Court Administrator of Pennsylvania shall continue the program to defray the costs imposed on counties by the rules of judicial administration for facilities and staff for senior judges assigned to the courts of common pleas.

(b) Availability.—Grants shall be made available to counties based on the level of operational support provided by a county to:

- (1) Senior judges formerly of the judicial district in which the county is situated who are regularly or periodically assigned in that county or who are assigned under section 4544 (relating to convening multicounty investigating grand jury).
- (2) Visiting senior judges.

(c) Purpose.—Grants shall reimburse counties for operational support provided by the county during the preceding calendar year. Grants shall be calculated based on use of judicial chambers, utilization of the services of a law clerk and utilization of the services of a secretary, which chambers or services are deemed adequate and appropriate by the Administrative Office as follows:

- (1) Use of judicial chambers shall be reimbursed at the rate of \$60 per day, billable in one-half-day increments.
- (2) Utilization of services of a law clerk shall be reimbursed at \$20 per hour.
- (3) Utilization of services of a secretary shall be reimbursed at \$12 per hour.

(d) Reimbursement.—

(1) Counties shall be reimbursed upon timely application by the board of commissioners or, in the absence of a board of commissioners, the executive authority of the county or, in the case of a county which is coterminous with a city of the first class, the mayor of the city of the first class.

(2) The application shall be certified by the president judge of the judicial district in which the county is situated, shall include such documentation as may be required by the Administrative Office.

(3) The due dates for applications for operational support provided during each calendar year shall be established by the Court Administrator of Pennsylvania.

(e) Minimum standards.—The Administrative Office shall set

forth minimum standards regarding adequacy, appropriateness and quality of judicial chambers and services required to qualify for reimbursement.

(f) Reduction.—In the event that the total reimbursement qualifying for payment for any calendar year exceeds the amount appropriated by the General Assembly for such purpose, the Court Administrator of Pennsylvania shall proportionally reduce the grant for each county so that the total of all grants does not exceed the amount appropriated.

(g) Limit on grant amount.—No county shall receive more than 20% of the amount appropriated for senior judge operational support grants in any fiscal year.

(h) Report.—Not later than 60 days following payment of grants for any year, the Court Administrator of Pennsylvania shall make a report to the Appropriations Committee of the Senate and the Appropriations Committee of the House of Representatives setting forth the payments made to counties and the services provided.

Amend Bill, page 4, line 3, by striking out "2" and inserting 3

Amend Bill, page 4, by inserting between lines 11 and 12 (3) The addition of 42 Pa.C.S. § 1906.1 shall apply retroactively to July 1, 2017.

Amend Bill, page 4, line 12, by striking out "3" and inserting 4

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

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

Mr. MARSICO. Thank you, Mr. Speaker.

This amendment reauthorizes the senior judge operational grant program. I ask for an affirmative vote.

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

The following roll call was recorded:

YEAS—184

Baker	Ellis	Krueger	Rader
Barbin	English	Kulik	Ravenstahl
Barrar	Evankovich	Lawrence	Readshaw
Benninghoff	Evans	Lewis	Reed
Bernstine	Everett	Longietti	Reese
Bizzarro	Fabrizio	Mackenzie	Roe
Bloom	Farry	Madden	Roebuck
Boback	Fee	Maher	Rothman
Boyle	Fitzgerald	Mako	Rozzi
Bradford	Flynn	Maloney	Ryan
Briggs	Frankel	Markosek	Saccone
Brown, R.	Freeman	Marshall	Sainato
Brown, V.	Fritz	Marsico	Samuelson
Bullock	Gainey	Masser	Sankey
Burns	Galloway	McClinton	Santora
Caltagirone	Gergely	McGinnis	Saylor
Carroll	Gillen	Mehaffie	Schemel
Causer	Gillespie	Mentzer	Schlossberg
Cephas	Goodman	Metzgar	Schweyer
Charlton	Greiner	Miccarelli	Simmons
Christiana	Grove	Millard	Sims
Comitta	Hahn	Miller, B.	Snyder
Conklin	Hanna	Miller, D.	Solomon
Corbin	Harkins	Milne	Sonney
Corr	Harper	Moul	Staats
Costa, D.	Harris, A.	Mullery	Stephens
Costa, P.	Harris, J.	Murt	Sturla
Cruz	Heffley	Mustio	Tallman
Culver	Helm	Neilson	Taylor

Cutler	Hickernell	Nelson	Tobash
Daley	Hill	Nesbit	Toepel
Davidson	Irvin	Neuman	Toohil
Davis	James	O'Brien	Topper
Dawkins	Jozwiak	O'Neill	Vazquez
Day	Kampf	Oberlander	Vitali
Deasy	Kaufer	Ortitay	Walsh
DeLissio	Kauffman	Pashinski	Ward
Delozier	Kavulich	Peifer	Warner
DeLuca	Keefer	Petrarca	Warren
Dermody	Keller, M.K.	Petri	Wentling
Diamond	Keller, W.	Pickett	Wheeland
DiGirolamo	Kim	Pyle	White
Donatucci	Kinsey	Quigley	Zimmerman
Dowling	Kirkland	Quinn, C.	
Driscoll	Klunk	Quinn, M.	Turzai,
Dunbar	Knowles	Rabb	Speaker
Dush	Kortz		

NAYS-5

Cook	Metcalfe	Rapp	Roae
Keller, F.			

NOT VOTING-0

EXCUSED-13

Cox	Godshall	Matzie	Watson
Dean	Haggerty	McCarter	Wheatley
Emrick	Hennessey	Thomas	Youngblood
Gabler			

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

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

The SPEAKER. I do not see any other amendments.

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

The SPEAKER. The bill as amended will be reprinted.

* * *

The House proceeded to second consideration of **SB 690, PN 848**, entitled:

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, in home rule and optional plan government, further providing for procedure for amendment of charter or optional plan.

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

The SPEAKER. Members, there are 10 amendments filed to SB 690, PN 848. These amendments have been referred to the Parliamentarian. In consultation with the Parliamentarian, all

the amendments have been ruled out of order. If anybody wishes to have them addressed specifically, individually, I am glad to do so, but otherwise amendments 3913, 3918, 3920, 3925, 3930, 3944, 3922, 3937, 3941, and 3948 have all be ruled out of order.

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

* * *

The House proceeded to second consideration of **SB 691, PN 849**, entitled:

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, in general provisions, providing for residency during military service.

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

The SPEAKER. My understanding is that these amendments were in order but they have been withdrawn.

Representative Neuman had amendments 3877 and 3878. Representative Neuman, are they withdrawn? They are withdrawn.

Representative Readshaw I think had just amendment 3986. That is withdrawn, sir? That is withdrawn.

The following amendments are timely filed. In consultation with the Parliamentarian, they are being ruled out of order. I will read the amendments. If anybody wishes to have me address any of them separately, I am glad to do so, but right now they are amendments 3912, 3919, 3924, 3931, 3946, 3924, 3938, 3942, and 3949. Those have been ruled out of order.

So on SB 691, PN 849, I do not see any further amendments.

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

REPUBLICAN CAUCUS

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

Mrs. TOEPEL. Thank you, Mr. Speaker.
Republicans will caucus immediately. We would be prepared to return to the floor at 5:30.

The SPEAKER. Thank you.

DEMOCRATIC CAUCUS

The SPEAKER. Representative Frankel.
Mr. FRANKEL. Thank you, Mr. Speaker.
Democrats will caucus immediately. Democrats will caucus immediately. Thank you.

The SPEAKER. Thank you, Representative Frankel, for a minority caucus announcement.

VOTE CORRECTIONS

The SPEAKER. Representative Mackenzie, you wish to be recognized?

Mr. MACKENZIE. Yes. Thank you, Mr. Speaker.

On HB 1101 I would like to correct the record. I was recorded as a "no," and I would like to be recorded as a "yes." Thank you.

The SPEAKER. Yes, sir.

Representative Karen Boback.

Ms. BOBACK. Thank you, Mr. Speaker, to correct the record.

It was SB 741, amendment 3639. I was recorded "no." It should be "yes."

The SPEAKER. Okay. Thank you.

Ms. BOBACK. Thank you, Mr. Speaker.

FINANCE COMMITTEE MEETING

The SPEAKER. Representative O'Neill.

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

Mr. Speaker, I just want to inform all the members of the House Finance Committee that tomorrow I will be calling a meeting of the chair from the floor, which tomorrow is Wednesday, October 18, with the intention of reporting HB 1401. Thank you.

The SPEAKER. There will be a Finance Committee meeting tomorrow.

Does anybody else wish to be recognized?

We are going to stand in recess until 5:30 p.m.

VOTE CORRECTION

The SPEAKER. Yes; Representative Davidson.

Mrs. DAVIDSON. Thank you, Mr. Speaker, just to correct the record.

I was not recorded on amendment 3987 to SB 242. I should have been recorded in the affirmative.

The SPEAKER. Yes. That is Representative Margo Davidson. Thank you.

RECESS

The SPEAKER. We will stand in recess until 5:30 p.m.

AFTER RECESS

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

CALENDAR CONTINUED**BILL ON THIRD CONSIDERATION**

The House proceeded to third consideration of **SB 646, PN 1052**, entitled:

An Act amending the act of July 28, 1988 (P.L.556, No.101), known as the Municipal Waste Planning, Recycling and Waste Reduction Act, in recycling fee, further providing for recycling fee for

municipal waste landfills and resource recovery facilities and for Recycling Fund.

On the question,

Will the House agree to the bill on third consideration?

BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader, who moves that SB 646, PN 1052, on page 8 of today's House calendar, be recommitted to the Committee on Appropriations.

On the question,

Will the House agree to the motion?

Motion was agreed to.

LEAVE OF ABSENCE

The SPEAKER. Representative MEHAFFIE has requested to be placed on leave. Without objection, that will be granted.

BILL SIGNED BY SPEAKER

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

HB 59, PN 2255

An Act amending the act of June 13, 1967 (P.L.31, No.21), known as the Human Services Code, in general powers and duties, providing for salary, medical and hospital expenses for employees of the Department of Human Services and survivors' benefits and for evaluation of software programs' efficiency; in public assistance, providing for total population coordinated care management, for medical assistance waiver for treatment at institutions for mental disease related to substance use disorder, for additional funding requests for medical assistance appropriations in fiscal year 2017-2018, for supporting self-sufficiency for medical assistance recipients and for electronic asset verification for medical assistance eligibility based on age, blindness or disability; in children and youth, further providing for provider submissions and for adoption opportunity payments and reimbursement; providing for ambulatory surgical center data collection; and making a related repeal.

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

The SPEAKER. Okay, members, we cannot vote this bill yet. We will not be able to vote this bill yet, but we can begin debate on the bill. I understand it came out of Rules unanimously.

SUPPLEMENTAL CALENDAR B**BILL ON CONCURRENCE
IN SENATE AMENDMENTS
AS AMENDED**

The House proceeded to consideration of concurrence in Senate amendments to the following **HB 542, PN 2598**, as further amended by the House Rules Committee:

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

providing for marketplace providers and marketplace sellers and further providing for remote sales reports; in personal income tax, providing for the Pennsylvania ABLE Savings Program Tax Exemption, repealing provisions relating to contribution for Korea/Vietnam Memorial National Education Center, further providing for operational provisions, providing for definitions, further providing for requirement of withholding tax, providing for withholding tax requirement for non-employer payors, further providing for information statement, providing for information statement for non-employer payors and for information statement for payees, further providing for time for filing withholding returns, providing for time for filing payors' returns, further providing for payment of taxes withheld, providing for payment of taxes withheld for non-employer payors, further providing for liability for withheld taxes, providing for payor's liability for withheld taxes and for payor's failure to withhold, further providing for amount of withholding tax and for treatment of nonresident partners, members or shareholders, providing for withholding on income and for annual withholding statement and further providing for requirements concerning returns, notices, records and statements and for additions, penalties and fees; in corporate net income tax, further providing for definitions and providing for qualified manufacturing innovation and reinvestment deduction; in realty transfer tax, further providing for definitions and for exempt parties; providing for tax credit eligibility; in entertainment production tax credit, further providing for definitions and for credit for qualified film production expenses, providing for film production tax credit districts and establishing the Entertainment Economic Enhancement Program; in city revitalization and improvement zones, further providing for certifications, for restrictions and for transfer of property; in neighborhood improvement zones, providing for transfer of property; in keystone opportunity zones, keystone opportunity expansion zones and keystone opportunity improvement zones, further providing for additional keystone opportunity zones; in inheritance tax, further providing for timely mailing treated as timely filing and payment; in Public Transportation Assistance Fund, further providing for fund; providing for fireworks; in procedure and administration, further providing for petition for reassessment and for review by board; providing for tobacco master settlement payment revenue bonds and sale of revenue; making related repeals; and making editorial changes.

On the question,

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

The SPEAKER. You should all have that on your screens. Let me know if you do not. That should be on your screens. Okay. It is not on your screens, so we are not going to begin debate until it is in the system. Okay. Just once it is on the screens, I will call it up, but I cannot call it up until it is on the screens.

LEAVE OF ABSENCE

The SPEAKER. Representative Adam HARRIS has requested to be placed on leave. Without objection, that will be granted.

CONSIDERATION OF HB 542 CONTINUED

The SPEAKER. Members, as I indicated, I would start the debate on HB 542, PN 2598, but the bill is not yet on the screens. Until we get that entered and on the screens, I am not going to be able to proceed.

Members, we made a phone call to the Legislative Reference Bureau. We have made an inquiry as to how long they think it will take to have them on the screens, and I will inform you as soon as we have an answer, because we may go at ease here shortly. We will not go in recess, but we may go at ease.

We have been informed from the Legislative Reference Bureau's staff that it will be 15 to 20 minutes.

So I am going to just be at ease here until 6:25. We will be at ease until 6:25. We are not in recess, but we will be at ease until 6:25 p.m.

The House will come to order.

All members, please report to the floor. All members, please report to the floor.

It is my understanding that HB 542, PN 2598, is on your screens. It has been fully loaded and is on your screens.

SUPPLEMENTAL CALENDAR A CONTINUED

BILL ON THIRD CONSIDERATION

BILL PASSED OVER

The SPEAKER. In addition, before we move to HB 542, HB 444 is over for today. HB 444, sponsored by Representative Matt Gabler, is over for today.

SUPPLEMENTAL CALENDAR B CONTINUED

CONSIDERATION OF HB 542 CONTINUED

The SPEAKER. Members, at this time we are going to begin debate on HB 542, PN 2598. We cannot vote the bill until 10:40 p.m. We cannot vote it until 10:40 p.m., but we can begin debate on the bill. It is one time only; it is 5 minutes for each speaker. One-time opportunity to speak, it is 5 minutes to set forth your remarks. Of course the leaders and the Appropriations chairs may speak more than once and will not have time limits. That is true for the leaders and the Appropriations chairs.

Representative Fred Keller I know wishes to speak.

Does anybody else wish to be listed?

PARLIAMENTARY INQUIRY

The SPEAKER. Representative Fred Keller, you may proceed.

Mr. F. KELLER. A parliamentary inquiry.

The SPEAKER. Yes, sir; you may proceed.

Mr. F. KELLER. I know we are going to begin debate on this bill, which was just loaded onto our systems. It is 285 pages. I am just curious how we can effectively debate a bill which we have just gotten language to and have not had a chance to read?

The SPEAKER. Sir, my understanding is that both caucuses have gone over the bill in detail on more than one occasion. If you wish to speak to the leaders of either of the caucuses, please feel free, but the bill has been called up. The Speaker is following the rules. We can certainly vote on this bill at 10:40 and we can certainly begin debate on the bill. There is no impediment in the rules that would stop us from proceeding. The bill has been called up by the leader and it can be debated. It cannot be voted on until 10:40 p.m.

Mr. F. KELLER. May I reserve my time to speak until I have had a chance to review some of the pages that have been just loaded?

The SPEAKER. Absolutely.

Mr. F. KELLER. Thank you, Mr. Speaker.

The SPEAKER. Yes, you may.

LEAVE OF ABSENCE

The SPEAKER. Representative Jim CHRISTIANA has requested to be placed on leave. Without objection, that will be granted.

CONSIDERATION OF HB 542 CONTINUED

The SPEAKER. If anybody wishes to be recognized on HB 542, PN 2598, we are glad to recognize you.

We will not be able to vote the bill until 10:40 p.m.

For the record, no one has asked to speak on HB 542, PN 2598, other than Representative Keller, who has asked for an indefinite amount of time, but if nobody else is going to speak.

Representative Ryan, do you want to speak? We may be doing a motion to proceed. If you wish to speak on the bill, you are welcome to speak at this time.

We will certainly entertain a motion to proceed.

We can also go into recess until 10:40.

BILL PASSED OVER TEMPORARILY

The SPEAKER. We are going to go over very temporarily HB 542, concurrence.

CALENDAR CONTINUED

RESOLUTION

Mr. FRITZ called up **HR 515, PN 2460**, entitled:

A Resolution urging the Delaware River Basin Commission to suspend consideration of a moratorium on natural gas drilling in the Delaware River Basin.

On the question,
Will the House adopt the resolution?

The SPEAKER. Now, on that particular resolution, there are three amendments, three amendments.

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

Mr. VITALI offered the following amendment No. **A03628**:

Amend Resolution, page 1, lines 1 and 2, by striking out "suspend consideration of" and inserting enact

Amend Resolution, page 1, lines 13 through 16, by striking out "and, because" in line 13, all of lines 14 and 15 and "developers" in line 16

Amend Resolution, page 2, lines 15 through 21, by striking out all of said lines and inserting

WHEREAS, The opinion of the overwhelming majority of the world's atmospheric scientists is that climate change is real and is caused primarily by human emissions of greenhouse gases; and

WHEREAS, The opinion of the overwhelming majority of the world's atmospheric scientists is that we as a planet need to achieve carbon neutrality by midcentury to avoid the worst effects of climate change; and

WHEREAS, Natural gas is composed primarily of methane, a powerful greenhouse gas; and

WHEREAS, It is the opinion of scientists that in order to achieve carbon neutrality, approximately one-half of the world's known economically recoverable supply of natural gas must remain in the ground; and

WHEREAS, Pennsylvania currently produces approximately 1% of the world's greenhouse gases; and

WHEREAS, A moratorium on natural gas development would be a responsible step this Commonwealth could take in limiting its greenhouse gas emissions; therefore be it

RESOLVED, That the House of Representatives urge the Delaware River Basin Commission to enact a moratorium on natural gas drilling in the Delaware River Basin.

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

PARLIAMENTARY INQUIRY

The SPEAKER. On the amendment, Representative Vitali, you may please explain the amendment and any remarks you have on it.

Mr. VITALI. May I make a parliamentary inquiry?

The SPEAKER. You certainly may.

Mr. VITALI. After we dispose of the amendments, will this be voted on tomorrow or today?

The SPEAKER. Fair question. Today.

Mr. VITALI. Okay. The resolution?

The SPEAKER. Yes. It was called up by the leader and it can be voted upon today; it can be, and it has been asked to be voted upon.

AMENDMENT WITHDRAWN

Mr. VITALI. Okay. I am going to withdraw my two amendments.

The SPEAKER. Yes, sir.

So on the amendment, does anybody wish to speak on the amendment?

Representative Fritz, on the amendment.

Okay. The amendment is withdrawn. The amendment is withdrawn. I did not hear that correctly.

Representative Vitali, your second amendment is 3687. That is also withdrawn?

Both amendments are withdrawn.

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

Mr. FRANKEL offered the following amendment No. **A03888**:

Amend Resolution, page 1, line 18, by striking out "Study" and inserting
Studying

Amend Resolution, page 2, line 18, by striking out "therefore be it" and inserting
and

WHEREAS, Nothing in this resolution supersedes section 27 of Article I of the Constitution of Pennsylvania, which states: "The people have a right to clean air, pure water, and to the preservation of the natural, scenic, historic and esthetic values of the environment. Pennsylvania's public natural resources are the common property of all of the people, including generations yet to come. As trustee of these resources, the Commonwealth shall conserve and maintain them for the benefit of all the people"; therefore be it

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

The SPEAKER. On the amendment, Representative Frankel is recognized.

Mr. FRANKEL. Thank you, Mr. Speaker.

I do rise to offer this amendment. As you know, the Delaware River Basin Commission is considering a rule that would prohibit natural gas drilling in the basin. HR 515 would urge the commission to suspend its consideration of this rule.

Further, the resolution says that by considering a moratorium on fracking in the basin, the commission is stepping outside of its area of expertise and its mission. As the organization in charge of regulating water quality in the Delaware River Basin, the commission has an interest in whether fracking is permitted near the waters it is charged with preserving. The Delaware River Basin provides water resources to nearly 5 percent of the U.S. population – about 15 million people. It is also home to a variety of aquatic life and supports robust ecosystems and fisheries in the region.

My amendment adds one simple "whereas" clause to clarify for the record that nothing in the resolution should supersede Pennsylvania residents' constitutional right to clean air and water. The constitutional right should continue to be central to the Delaware River Basin Commission's work.

I ask the members for support. Thank you.

The SPEAKER. Representative Fritz, on the amendment, please.

Mr. FRITZ. Thank you, Mr. Speaker.

I rise to kindly ask my colleagues to oppose this amendment.

The SPEAKER. Thank you, sir.

Does anybody else wish to be recognized on the amendment?

PARLIAMENTARY INQUIRY

The SPEAKER. Representative Will Tallman, on the amendment.

Mr. TALLMAN. Parliamentary inquiry?

The SPEAKER. Yes, sir.

Mr. TALLMAN. My parliamentary inquiry is, the amendment is putting in language that this resolution does not supersede the Pennsylvania Constitution. I am not sure that is in order as a procedure to—

The SPEAKER. Are you making a motion, sir?

Mr. TALLMAN. No, I am asking— I am asking you to make the—

The SPEAKER. The amendment is— We have not ruled it out of order. But if you wish to make a motion, you certainly may.

Mr. TALLMAN. Thank you, Mr. Speaker.

The SPEAKER. Representative John Maher, on the amendment.

Mr. MAHER. I wish to thank the maker of the amendment for reminding, reminding all of us that resolutions never trump the Constitution. Never. And on every resolution and on every bill, we could each take chunks of the Constitution and throw in a "whereas" clause and say, well, this is not trumping the Constitution either, but we do not do that, because by matter of definition, resolutions do not supersede the Constitution.

So I am not going to make a motion that this is just a dilatory amendment, because we got time to kill. But I will say I think it is— I would encourage the maker of the amendment to withdraw it, but if he does not withdraw it, I will concede notionally: no resolution supersedes the Constitution. None. No statute supersedes the Constitution. None. But we do not clog up the word processors and make stuff more opaque by just throwing in chunks of the Constitution hither and yon.

So I would ask that we stick to good housekeeping in the normal state of affairs and oppose this amendment.

Thank you, Mr. Speaker.

The SPEAKER. Thank you, Representative.

Does anybody else wish to speak on the amendment?
Representative Frankel?

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

The following roll call was recorded:

YEAS—81

Bizzarro	DeLuca	Keller, W.	Petri
Boyle	Dermody	Kim	Quinn, M.
Bradford	DiGirolamo	Kinsey	Rabb
Briggs	Donatucci	Kirkland	Ravenstahl
Brown, V.	Driscoll	Kortz	Readshaw
Bullock	Evans	Krueger	Roe
Burns	Fabrizio	Kulik	Roebuck
Caltagirone	Fitzgerald	Longietti	Rozzi
Carroll	Flynn	Madden	Sainato
Cephas	Frankel	Markosek	Samuelson
Charlton	Freeman	McClinton	Santora
Comitta	Gainey	Miller, D.	Schlossberg
Conklin	Galloway	Milne	Schweyer
Costa, D.	Gergely	Mullery	Sims
Costa, P.	Gillen	Murt	Snyder
Cruz	Goodman	Neilson	Solomon
Daley	Hanna	Neuman	Sturla
Davidson	Harkins	O'Brien	Vazquez
Davis	Harris, J.	Pashinski	Vitali
Deasy	Kavulich	Petrarca	Warren
DeLissio			

NAYS—104

Baker	Gillespie	Marsico	Rothman
Barbin	Greiner	Masser	Ryan
Barrar	Grove	McGinnis	Saccone
Benninghoff	Hahn	Mentzer	Sankey
Bernstine	Harper	Metcalfe	Saylor
Bloom	Heffley	Metzgar	Schemel
Boback	Helm	Miccarelli	Simmons
Brown, R.	Hickernell	Millard	Sonney
Causer	Hill	Miller, B.	Staats
Cook	Irvin	Moul	Stephens
Corbin	James	Mustio	Tallman
Corr	Jozwiak	Nelson	Taylor

Culver	Kampf	Nesbit	Tobash
Cutler	Kaufer	O'Neill	Toepel
Day	Kauffman	Oberlander	Toohil
Delozier	Keefer	Ortitay	Topper
Diamond	Keller, F.	Peifer	Walsh
Dowling	Keller, M.K.	Pickett	Ward
Dunbar	Klunk	Pyle	Warner
Dush	Knowles	Quigley	Wentling
Ellis	Lawrence	Quinn, C.	Wheeland
English	Lewis	Rader	White
Evankovich	Mackenzie	Rapp	Zimmerman
Everett	Maher	Reed	
Farry	Mako	Reese	Turzai,
Fee	Maloney	Roae	Speaker
Fritz	Marshall		

NOT VOTING—1

Dawkins

EXCUSED—16

Christiana	Gabler	Hennessey	Thomas
Cox	Godshall	Matzie	Watson
Dean	Haggerty	McCarter	Wheatley
Emrick	Harris, A.	Mehaffie	Youngblood

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

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

The SPEAKER. I see no further amendments on this resolution.

We will call up the resolution.

Do you mind just reading a summary one more time of the resolution before we vote on it; to the clerk.

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

The SPEAKER. On the resolution, Representative Fritz, the floor is yours.

There are others that wish to speak. The maker of the resolution will be able to speak at the beginning and at the end.

Representative Fritz, it is yours.

Mr. FRITZ. Thank you, Mr. Speaker.

Mr. Speaker, today I rise to ask for my colleagues' support for HR 515, a resolution urging the Delaware River Basin Commission to discontinue its plan to install a permanent ban on natural gas development in the Delaware River Basin.

Current method natural gas drilling has been occurring for over 10 years in Pennsylvania, and with close to 10,000 wells elsewhere in the Commonwealth, it begs the question: how can it be done safely in other basins, but at the same time, be considered as too risky for the Delaware River Basin? This speaks to a very evident and highly unfair double standard.

In the neighboring Susquehanna River Basin – which as a sidenote, as a sidenote, Mr. Speaker, I will mention is where Harrisburg resides – natural gas development has been occurring for over a decade. The Susquehanna River Basin Commission has provided rigorous testing since that activity

commenced 10 years ago. That testing concludes, and I am going to quote. I am going to quote from the published findings, "...the Commission's...water quality monitoring network has not detected discernible impacts on the quality of the Basin's water resources as a result of natural gas development."

I will also communicate that the Delaware River Basin Commission and the Susquehanna River Basin Commission share the same majority of voting representatives – the Army Corps of Engineers, Pennsylvania and New York comprise the majority of both commissions. So it is confounding, absolutely confounding, that those representatives support and allow natural gas drilling in one basin, but those very same representatives at the very same time somehow attempt to justify that drilling is unsafe in the neighboring basin. Again, it highlights the unfairness and the injustice.

I have heard my Delaware River Basin colleagues make the statement: It is not about science, it is not about logic; it is about politics. Well, it is that very breed of politics and that kind of unwarranted policy that has rendered landowners and constituents of my district second-class citizens.

As you ponder your vote, please keep in mind that Pennsylvania has the most rigorous natural gas development laws and regulations in the nation. As well, there is no scientific basis for a permanent ban on natural gas drilling in the Delaware River. And, Mr. Speaker, this is an essential reality: Pennsylvania is sitting on a mountain of debt. Let us allow the economic benefit that comes along with safe extraction of natural gas be realized.

Mr. Speaker, I kindly, I kindly implore a "yes" vote on HR 515. Thank you.

The SPEAKER. Thank you, sir.

These members have requested to speak on the resolution and they will be called upon in this order: Representative Comitta, Representative Rabb, Representative Krueger-Braneky, and Representative Mary Jo Daley.

Representative Comitta, the floor is yours.

Mrs. COMMITTA. Thank you, Mr. Speaker.

I rise to voice my objection to this HR 515. As you may know, my district is heavily impacted by pipeline construction and we have had numerous incidents and accidents this year. One incident contaminated the private wells and drinking water of many residents in Chester County.

To say that regulating horizontal drilling is beyond the scope of the DRBC's established function of water quality and quantity is incorrect. It is precisely the purview of DRBC to regulate this practice because they protect water availability and safety. If there are no guidelines and no oversight of drilling in the basin, there is a high likelihood that our water quality and quantity will be impacted, as the numerous inadvertent returns during the horizontal drilling this year have illustrated. To presume there will be no reason for regulation or precaution is to ignore public health and safety, something we have pledged to protect.

Lastly, I find myself saying this often recently, but our State Constitution guarantees our right to clean air and clean water. We must do all in our power to uphold our Constitution and to protect the health and safety of our citizens.

Thank you, Mr. Speaker.

The SPEAKER. Thank you, Representative.

Representative Rabb.

Mr. RABB. Thank you, Mr. Speaker.

Mr. Speaker, today I rise in opposition to HR 515. The use of fracking is a direct affront to Pennsylvania's Constitution. Article I, section 27, of our Commonwealth's Constitution clearly states, and I quote, "The people have a right to clean air—

Mr. Speaker?

The SPEAKER. Yes. Representative Rabb, just hold on for a second.

Members, please take your seats. I know there are some meetings as well. If you could take them to the anterooms, I would certainly appreciate that. Please take them to the anterooms. The meeting in the back – I think my staff member is a part of it – if you could take that off the House floor, please. If everybody could please take their seats. Members, please.

Representative Rabb, the floor is yours.

Mr. RABB. Thank you, Mr. Speaker.

Article I, section 27, of our Commonwealth's Constitution clearly states, "The people have a right to clean air, pure water, and to the preservation of the natural, scenic, historic and esthetic values of the environment. Pennsylvania's public natural resources are the common property of all the people, including generations yet to come. As trustee of these resources, the Commonwealth shall conserve and maintain them for the benefit of all the people."

Fracking clearly denies Pennsylvanians this right. This can be observed in the more than 9,422 complaints reported to the State Department of Environmental Protection since 2004. These complaints include reports of gas and oil leaks, property damage, and contaminated water supplies caused by fracking. While more than 4100 DEP cases have been classified as "water supply" complaints, very few have ever been resolved. In many cases, the DEP failed to resolve these drinking water complaints in the required timeframe or simply failed to investigate them at all.

There are over 560 studies that confirm the risks fracking poses to our most vulnerable residents. These risks, which include well blowouts, oil and gas-related earthquakes, and contaminated drinking water, are severely underestimated.

There are 166 schools, 165 child-care providers, 21 nursing care providers, and 6 hospitals within a 1-mile radius of permitted fracking well sites. This places our infants, schoolchildren, seniors, and those with weakened immune systems in serious danger. Far too many residents in Bradford, Washington, and Tioga Counties do not have safe drinking water. Gas companies are exploiting the resources of Marcellus Shale and Pennsylvanians are paying the price.

We must move away from fossil fuels and instead invest in renewable sources of energy, especially when these gas companies are not paying their fair share and are denying Pennsylvanians their rights guaranteed under the Commonwealth's Constitution.

In the recent landmark environmental decision, the Pennsylvania Supreme Court ruled that the Commonwealth is a trustee for public natural resources when it comes to the use of oil and gas proceeds. This applies here as well.

Pennsylvania's environmental rights amendment resulted from a bipartisan effort to keep our land, air, and water clean not only for us, but for our children and for their children. The amendment unanimously passed both chambers of the legislature, and it did so twice. There were over 1 million votes

in favor of it – more than any statewide candidate on the ballot that year. Back then legislators clearly understood the threat climate change posed to our planet. They also understood how to put people before profit. It is time we do the same.

Thank you, Mr. Speaker.

The SPEAKER. Thank you, sir.

Representative Krueger-Braneky.

Ms. KRUEGER. Thank you, Mr. Speaker.

I also rise in opposition to HR 515. I believe at this point in Pennsylvania's history we should be talking about more moratoriums on fracking, not less. The combination of hydraulic fracturing with horizontal drilling and related activities for extracting natural gas from tight shale formations presents risks, vulnerabilities, and significant impacts to surface and groundwater resources, as noted in the resolution recently passed by the Delaware River Basin Commission.

By regulating natural gas development projects, the commission is executing its mission. The Delaware River Basin supplies drinking water for more than 15 million people and 8 million Pennsylvanians, and the health, safety, and welfare of my region's population, as well as the viability of its commerce and industry, depend upon the use, conservation, and control of this important water source.

This resolution is yet another example of this legislative body trying to overstep our legislative authority to roll back efforts to protect clean water. I ask my colleagues to oppose this resolution.

Thank you, Mr. Speaker.

The SPEAKER. Representative Mary Jo Daley.

Ms. DALEY. Thank you, Mr. Speaker.

I rise today to ask for a "no" vote on HR 515.

Mr. Speaker, the Delaware River Basin stretches from New York to the State of Delaware along the border of New Jersey and the State of Pennsylvania. The Delaware River Basin supplies drinking water to more than 15 million people, and the health, safety, and welfare of the region's population, as well as the viability of its commerce and industry, depend upon the use, conservation, management, and control of the basin's water and related natural resources. That job has been in the hands of the Delaware River Basin Commission since 1961, when the compact was signed into law to guarantee a unified approach to managing the longest undammed river in the United States east of the Mississippi River.

The Delaware River has 216 tributaries; drains over 13,500 square miles in 42 counties and 838 municipalities. New York City gets roughly half of its water supply from three tributaries of the Delaware River. Philadelphia takes 50 percent of its water supply from the Delaware and another 50 percent from its prime tributary, the Schuylkill River.

The Delaware River Basin Commission was created to deal with this type of issue – the issue of hydraulic fracturing with horizontal drilling. It has the authority to study the issue, promulgate regulations, take public comment, and render a decision on the best course forward for the four States in the compact. We need to let the commission do its job. But make no mistake, Mr. Speaker, this decision impacts all Pennsylvanians and all other members of not only the compact States, but of all the citizens of the United States and the world.

Contrary to what some would say, that it is an environmentally sound decision to allow expansive drilling for natural gas, most scientists would caution about the increased

release of methane into our already overheated atmosphere. Methane is in fact a highly impactful greenhouse gas, some 80 times more than CO₂ (carbon dioxide).

Mr. Speaker, there are many considerations to be made about the future of unconventional drilling in our State and beyond, both economic and environmental. This will not be the last time we discuss this issue, I am quite sure of that. But for this body to intrude into this issue at this time is not appropriate nor beneficial to the citizens of the Commonwealth of Pennsylvania.

I urge a "no" vote on HR 515. Thank you, Mr. Speaker.

The SPEAKER. Thank you.

Representative Kathy Rapp.

Ms. RAPP. Thank you, Mr. Speaker.

Mr. Speaker, I rise in support of this resolution. This is a resolution that could benefit many of the property owners within this basin. And I am also a big believer in putting Pennsylvania first, Pennsylvania property owners and the people who could benefit. As a matter of fact, Mr. Speaker, people that live in this basin already are benefiting from natural gas and from the production of natural gas.

John Stossel, one of our TV personalities, and I talked about this very issue several years ago when we were discussing the impact fee. On his program, Mr. Speaker, he talked about the makers and the takers. The makers, Mr. Speaker and my colleagues and the people of Pennsylvania, are the people in the nation and in this State who are willing to risk their money, their time, and their energy in producing wealth. The takers, Mr. Speaker, are the ones who are very happy to take and extract the money that our makers and our producers have made for their own benefit.

For example, Mr. Speaker – from the impact fee, those who are so against the production of natural gas in this area – Wayne County has received \$1,310,000 since 2012 from the impact fee; Pike, \$597,000; Monroe, \$1,293,000; Carbon, \$671,000; Northampton, \$3,214,000; Lehigh, \$2,110,000; Schuylkill, \$2,822,000; Berks, \$3,866,000; Bucks, \$6,131,000; Montgomery, \$8,880,000; Chester County, Mr. Speaker, \$5,437,000; Delaware County, \$5,854,000; Philadelphia, Mr. Speaker, \$13,954,000 in impact fee money. So to me, you do not want the production, but you do not have any problem taking the money. You are a taker for a grand total, Mr. Speaker, of \$56,144,000 to this basin area. You are the takers taking from the makers of the wealth in this State.

This is a fuel, Mr. Speaker, that is the cleanest fuel on this earth to heat our homes, our schools, and our places of manufacturing. And not only have these counties—

The SPEAKER. Members, please, please, the good lady is entitled to be heard. The good lady is entitled to be heard. Members, please take your seats.

Ms. RAPP. Not only have these counties benefited from this impact fee and from the production of natural gas, but individual homes, school districts, manufacturers, anybody that uses fuel for heating has benefited from this industry – the cleanest fuel that is available on this earth today that is not killing birds, not frying birds in the sky, but using the cleanest fuel available at this point in time.

And you know, I like hearing all about the river. You know what? I live along the Allegheny River, and you know what? We have been drilling since 1859, and we have clean air and clean water and we have been drilling since 1859. And I thank

God for the people who are risking their time and their money to give us a fuel not only for our homes, but for fuel that we put in our automobiles to get here and the fuel that makes all of our lives a whole lot easier.

Thank you. I support the resolution. I hope that you will support a resolution that is truly going to benefit this State if it passes.

Thank you, Mr. Speaker.

The SPEAKER. Representative Bryan Cutler.

Mr. CUTLER. Thank you, Mr. Speaker.

Mr. Speaker, I rise in support of this resolution for a couple very key facts. Mr. Speaker, I actually agree with the gentlelady from Montgomery County in regards to her position. We might disagree in terms of what fracking does or does not do here, but I do believe that that debate should occur here on this House floor. What we should never do is give our authority to legislate what happens within the boundaries of the Commonwealth to an unelected compact that spreads across several States.

Mr. Speaker, one of the previous gentlemen spoke about the impacts of drilling and fracking and contamination of water wells. In many times, that is actually a by-product of shallow well drilling because of the mechanisms, the casings, the concrete, and the steel that is used. And it was the Obama administration that issued an EPA (Environmental Protection Agency) report that said there was no direct causal link.

Mr. Speaker, if we are going to count on balancing the budget on a possible severance tax in the future, I would simply question why would we ban drilling anywhere in the Commonwealth? The answer to that question should be decided here. It should not be decided by a commission.

I would urge the members to support gentleman's resolution.

The SPEAKER. Representative Greg Vitali.

Mr. VITALI. Thank you, Mr. Speaker.

I rise in opposition to this resolution. And I say that I am not a frackivist; I have never signed onto any bill that would ban fracking in Pennsylvania. I think it needs to be taxed and regulated. I do agree that it is a cleaner fuel relative to coal. But I do think there should be parts of this State where we withhold unconventional drilling, and I do think the Delaware River Watershed is one of those spots. And I say that for a couple of reasons.

One, what we have seen over time with fracking is that it has gotten more efficient, more environmentally safe. We can extract a higher and higher percent of the gas over time and we can do it in a safer way. So we are in effect having an experiment over a large part of the State. I think we ought to wait, wait over time until we continue to perfect those methodologies, making it safer and safer, and keep one area, as was mentioned before, that has 15 million people rely on its drinking water.

So one point is, we are getting better at this. It is not necessary that we simply take it out all over time. And leading into that, I think our fossil fuels, our natural gas is a national security issue. We do not want to use it up right now. We do not have to get it out as quickly as we can, export it to other countries. It is good to have a strategic reserve for national security reasons – another reason to simply designate an area where we are simply not taking it out.

Third, the Delaware River Watershed has been designated "special protection waters." And drilling – and I have been up to Marcellus country many times – is a highly industrial activity. It

turns pristine forests into industrial sites with fences and gravel and roads and so forth. This is an area where it should not happen.

And finally, we have to listen to sound science and what scientists tell us, and that is, A, we need to be carbon-neutral by midcentury to avoid the worst effects of climate change. Now, we can ignore Harvey, we can ignore the Florida hurricanes, we can ignore what happened in Puerto Rico, but the reality is that the chickens are coming home to roost on this issue—

The SPEAKER. Representative Vitali.

Mr. VITALI. Fires in California.

The SPEAKER. Okay. The good gentleman is far astray. I am sure there will be resolutions on climate change introduced at some point, but that is not in front of us right now.

Mr. VITALI. Well, let me see if I can tie that in.

The SPEAKER. Please, please stick to the facts in front of us, please.

Mr. VITALI. Drilling in the Delaware River Basin produces a greenhouse gas, methane, which results in climate change. The scientists tell us we need to be carbon-neutral by midcentury. Scientists also tell us that to achieve this carbon neutrality, 50 percent of all economically recoverable known reserves of natural gas needs to be left in the ground, in the ground. If we take all of our natural gas out of the ground, we will never achieve our climate change reduction goals and we will continue to witness the catastrophes that we are now seeing.

So I do think there is a part of the State that should remain free of fracking, and I think the Delaware River Basin is that. And I think that the Delaware River Basin Commission should study and consider this issue, and that is what their resolution is in the process of doing: considering a moratorium. And the message we should send to them is, keep on doing that because there are very good reasons to stop drilling in this part of the State for the time being.

The SPEAKER. Representative Frank Ryan.

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

I would like to read this section from the Pennsylvania Constitution: "The people have a right to clean air, pure water, and to the preservation of the natural, scenic, historic and esthetic values of the environment. Pennsylvania's public natural resources are the common property of all the people, including generations yet to come. As trustee of these resources, the Commonwealth shall conserve and maintain them for the benefit of all the people."

The reason I mention this specific provision this way, it is the public lands that are clearly within our purview. What I get concerned about is when a commission comes about that starts taking away the personal property rights of individuals and starts to supplant them with the collective good without due compensation. We talk about eminent domain in so many different areas, and yet this provision, these compacts – whether it be the SRBC or any others, Delaware River Basin – take away the personal property of the individuals without that right and that ability for those of us to have an impact on our own property. These are the natural resources that that person and the school boards and the counties are more than happy to assess a property tax on, but now we are saying we want to regulate that but then deny you the use of it.

So I rise in support of this resolution and I would ask the members to follow suit and support a very commonsense approach to looking at the Commonwealth's natural resources and the personal property rights of those individuals in the Commonwealth. Thank you.

The SPEAKER. Representative Madden.

Ms. MADDEN. Thank you, Mr. Speaker.

I have been sitting here listening to all of the comments about how natural gas is the cleanest form of gas, that there have been no incidents, and really all I can think about is Dimock, Pennsylvania, which I consider to be ground zero for fracking at its worst. As of a couple of months ago, 2017, they have nearly 600 complaints, and we are talking about threatening levels of chemicals in 27 private water wells, and explosive levels of methane in water wells; cancer-causing levels of arsenic, toxic levels of cadmium, copper, and a host of other chemicals – the nearly 200 chemicals that are used in the fracking process.

We are talking about the water supply to 15 million people not just in Pennsylvania, but in other States. Seeing how badly this could go, I do not know why we would want to threaten another water supply and why we are looking for more. I mean, next to Texas, we are the highest producer of natural gas. We really ought to be looking at conserving, you know, or protecting our drinking water, and giving very serious thought to regulations when it comes to fracking near people's drinking supply. Thank you.

The SPEAKER. Thank you.

Representative Mike Carroll.

Mr. CARROLL. Thank you, Mr. Speaker.

Mr. Speaker, I generally do not get exercised over resolutions, but there were two references – one by the majority whip and one by the gentleman from Lebanon County – related to an unelected commission. I would remind the members that this is a fully elected commission. The commission is made up of the Governors of the various States and the Army Corps, who represents the President of the United States. So this is anything but an unelected commission. It is in fact a commission made up of folks that are elected as the Governors of the various States. So to suggest that it is an unelected commission, in my opinion, is a false statement. And so I think it is fair for everyone to understand that this Delaware River Basin Commission is duly elected. People win elections as Governors. They get to cast votes.

Thank you, Mr. Speaker.

The SPEAKER. Thank you, Representative.

Representative Mike Peifer.

Mr. PEIFER. Thank you, Mr. Speaker.

I stand tonight to support HR 515, and I come from that experimental region in the great northeast, a place where we really do cherish our water quality, Pike and Wayne Counties. We sometimes call it the northern Poconos. Because if we do not have high-quality, exceptional water, Mr. Speaker, we do not have tourism, we do not have a positive experience that welcomes people back, we do not have people who retire and want to live there, we do not have our "On Golden Pond."

So many years ago, decades ago, community leaders, business owners, and Farm Bureau members all got together and said, look, we need to protect our watershed. We need to

establish a board with 18 members." So the Lake Wallenpaupack Watershed District was formed with 18 board members, all community leaders, Mr. Speaker. Their job was to protect the water.

In 1980 we had our first baseline measurement established. We realized that we had to start – through education, through working with our community, through working through the conservation districts, through the use of science – we realized that we needed to maintain the exceptional value, high-quality water that we had, because it is no fun to recreate in green or brown or multicolored water.

I am proud to stand here tonight, Mr. Speaker, and read to you the 2016 Lake Wallenpaupack Water Quality Monitoring Program report, all 81 pages, which I will gladly share with any member. And what you really need to know is in the fifth paragraph, in the summary, it simply says that based upon the trend analysis, the water quality of Lake Wallenpaupack has gradually improved since 1980. And there are some big words in here talking about water clarity and phosphorus and pH (potential of hydrogen) and alkalinity and plankton biomass.

But our local community, with the help of our local elected officials, business owners, and Farm Bureau members, have worked together to improve the quality. Our members think that we can continue to take care of our water system. The gentleman from Wayne County's resolution simply says that a blanket, a blanket moratorium is not reasonable. We understand the use of buffers, we understand that there is some science involved, and we do understand that we have made great strides in the safety of this process.

What is discouraging, Mr. Speaker, is when I look around at other towns and communities and counties, and I look at their discharge, Mr. Speaker, into that great river where 15 million people drink. Now, why are we in the northeast being penalized for being good stewards to the water that leaves our district when others continue, through commercial discharge, through landfill discharge, to pollute the water system?

What really irked me, this summer, Mr. Speaker, I had the opportunity to go over to the Garden State. It is a really nice trip if you travel I-78 right through Northampton County, right on the edge of Easton. I paid the toll, went across the river, and then I saw this large mountain, and it sort of looked like a landfill, and you know what? It passed the smell test as well. It was a landfill.

Now, how, how can we put a blanket moratorium in my district, 22 miles from the Delaware River, but we can hang a landfill just 2 miles from the Delaware River in Northampton County? With the help of Google Earth, you can see; it is 2 miles away.

Is there a moratorium, Mr. Speaker, on landfills close to the Delaware River? I do not think there is a moratorium for that. What about the discharge from commercial discharge down river, Mr. Speaker? Are there any, are any moratoriums against that? Future commercial activity or residential activity? No. No. That is unfair, Mr. Speaker. This is an eminent domain mechanism.

And the gentleman from Delaware County talked about an experiment. If the 15 million people who really want clean drinking water want to have that quality, they can gladly pay a small fee per month, and maybe we can sit down with some of my constituents and the gentleman's constituents from Wayne County and maybe we can work out some kind of way to monetize those people for the loss of their own property rights.

I think that is fair. And I am sure we can come to some kind of agreement here because most of the people here are very levelheaded. They understand that if we want to keep this pristine area and this crucial watershed district where we live – clean, exceptional value, high quality – we are going to have to pay for it. If we are not going to pay for it, Mr. Speaker, we just need some strong, safe extracting laws where we can let people receive the benefits of the land that they have been holding for many, many years. Not only that, Mr. Speaker, these people were good stewards of this land and they have the right to the economic benefit of what is underneath their feet.

So I rise tonight in support of HR 515, and I ask my colleagues for an affirmative vote. Thank you.

LEAVE OF ABSENCE CANCELED

The SPEAKER. Representative Kathy Watson is on the House floor and should be placed back on the master roll.

LEAVES OF ABSENCE

The SPEAKER. Representative BOBACK has requested to be placed on leave. Without objection, that will be granted.

My understanding is Representative PYLE has requested to be placed on leave. Without objection, that will be granted.

CONSIDERATION OF HR 515 CONTINUED

The SPEAKER. Representative Fritz, for the second time. I do not believe that anybody else wishes to be recognized. Representative Fritz, for the second time.

Mr. FRITZ. Thank you, Mr. Speaker.

In the spirit of appreciation, I would like to speak to the kind gentleman from Delaware County and his commentary, the Representative who spoke to the reality that natural gas development is becoming less and less risky and at some point will be deemed safe enough to satisfy him. Well, to that effect, I want to thank him for joining me in opposing a permanent ban.

Mr. Speaker, this boils down to an issue of discrimination and inequality, and it is very, very much a property rights issue. And for those of you with a, well, that is too bad for them-type attitude, let me mention this: once this precedent is set, it is easy to fathom that this type of overreach will occur in other basins and other watersheds and other industries – farming and agriculture, timbering, quarrying, construction. That door has been swung open. It is dangerous.

Please support HR 515 and support the rights and livelihoods of countless Pennsylvanians. Thank you.

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

The following roll call was recorded:

YEAS—101

Baker	Gergely	Mako	Rothman
Barbin	Gillen	Maloney	Ryan
Benninghoff	Gillespie	Marsico	Saccone
Bernstine	Greiner	Masser	Sainato
Bizzarro	Grove	McGinnis	Sankey

Bloom	Hahn	Mentzer	Saylor
Burns	Heffley	Metcalfe	Schemel
Causser	Helm	Metzgar	Simmons
Charlton	Hickernell	Millard	Snyder
Cook	Hill	Miller, B.	Sonney
Corbin	Irvin	Moul	Tallman
Culver	James	Mustio	Taylor
Cutler	Jozwiak	Nelson	Tobash
Day	Kampf	Nesbit	Toepel
Delozier	Kaufer	Neuman	Toohil
DeLuca	Kauffman	Oberlander	Topper
Diamond	Keefer	Ortitay	Walsh
Dowling	Keller, F.	Peifer	Ward
Dunbar	Keller, M.K.	Petrarca	Warner
Dush	Klunk	Pickett	Wentling
Ellis	Knowles	Quigley	Whealand
Evankovich	Lawrence	Rader	Zimmerman
Everett	Lewis	Rapp	
Fee	Longietti	Reed	Turzai,
Flynn	Mackenzie	Reese	Speaker
Fritz	Maher	Roae	

NAYS—83

Barrar	DeLissio	Kim	Rabb
Boyle	Dermody	Kinsey	Ravenstahl
Bradford	DiGirolamo	Kortz	Readshaw
Briggs	Donatucci	Krueger	Roe
Brown, R.	Driscoll	Kulik	Roebuck
Brown, V.	English	Madden	Rozzi
Bullock	Evans	Markosek	Samuelson
Caltagirone	Fabrizio	Marshall	Santora
Carroll	Farry	McClinton	Schlossberg
Cephas	Fitzgerald	Micarelli	Schweyer
Comitta	Frankel	Miller, D.	Sims
Conklin	Freeman	Milne	Solomon
Corr	Gainey	Mullery	Staats
Costa, D.	Galloway	Murt	Stephens
Costa, P.	Goodman	Neilson	Sturla
Cruz	Hanna	O'Brien	Vazquez
Daley	Harkins	O'Neill	Vitali
Davidson	Harper	Pashinski	Warren
Davis	Harris, J.	Petri	Watson
Dawkins	Kavulich	Quinn, C.	White
Deasy	Keller, W.	Quinn, M.	

NOT VOTING—1

Kirkland

EXCUSED—17

Boback	Gabler	Hennessey	Pyle
Christiana	Godshall	Matzie	Thomas
Cox	Haggerty	McCarter	Wheatley
Dean	Harris, A.	Mehaffie	Youngblood
Emrick			

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

SUPPLEMENTAL CALENDAR B CONTINUED**CONSIDERATION OF HB 542 CONTINUED**

The SPEAKER. The leader calls again HB 542, PN 2598, on supplemental B House calendar.

Representative Keller, do you wish to speak at this time?
You may proceed, sir.

Mr. F. KELLER. I would like to interrogate the maker of the amendment if I could, please. If somebody could stand for interrogation, please.

The SPEAKER. The Appropriations chair – Representative Dunbar, correct? – Representative George Dunbar, the vice chair of the Appropriations Committee, will be taking any questions on interrogation. The vice chair of the Appropriations, majority vice chair of the Appropriations Committee.

And he will stand for interrogation, just give him a second.

You may proceed, Representative Keller.

Mr. F. KELLER. Thank you, Mr. Speaker.

The question I have is, the money that is going to be used to pay for these bonds, is that strictly tobacco settlement money?

Mr. DUNBAR. No; it is not, Mr. Speaker.

Mr. F. KELLER. So we can use other tax revenue of the Commonwealth to pay for this?

Mr. DUNBAR. Yes, we can.

Mr. F. KELLER. Okay. Thank you, Mr. Speaker.

On the bill, please? On the bill?

The SPEAKER. Yes. Yes; on the bill.

Mr. F. KELLER. Thank you, Mr. Speaker.

You know, we talked about this – and I want to thank the Speaker for giving me the opportunity to get through the legislation. I appreciate that.

This is an important issue. We are going to be talking about putting the next generation of Pennsylvanians into debt – \$1.5 billion worth of debt. And initially we are told we are going to use the tobacco money to pay for it. It is not going to come out of the General Fund. Well, now we find that it is going to come out of other areas, or it could come out of other areas.

The other thing that we are going to look at is the interest on this could be capitalized for 2 years. So we are not only going to borrow money to pay last year's bills, but we are going to take and defer the payments for 2 years. I tell you, we should not be voting for HB 542. It is not good public policy.

Down in Philadelphia, in 1776, our Founding Fathers said that there shall not be taxation without representation. We are putting our kids and grandkids in debt for bills that occurred last year. That goes against the fabric upon which our great Republic was founded, and here we stand, a couple hours from the birth of our nation, and we are getting ready to tax our children and grandchildren.

A kid entering grade school today, when they graduate from high school and/or college, will not only pay for their debt for their trade school or their college, but they are going to pay for last year's grade school debt. This, to me, is just not equitable for those kids.

And when you look at what is going to happen with this, I mean, I could go over many things in this, and I think I have covered most of them, the Founder of Pennsylvania said, "Right is right, even if everyone is against it, and wrong is wrong, even if everyone is for it." I tell you what, this is wrong. We should not, we should not be mortgaging our children's futures at all.

You know, we can talk about why we are in this mess, and I had the discussion with the Governor. Quite frankly, we overspent last year. We did not manage our resources. That is on the executive branch. But we here in the General Assembly, we put a bill on his desk we did not have the revenue to pay for. That is not the fault of the next generation. That is our fault, plain and simple.

And the answer to this issue is not to borrow money and put our kids in debt. We hear time and time again, "Oh, it's about our kids, it's about our kids." If we wanted to have our kids have a better future, we would not be making them pay our bills. This is wrong. This is so wrong I cannot believe that we are going to sit here and discuss it in our Commonwealth.

Again, I know there are a lot of people that go into your schools and talk to kids and, you know, I love it, because you get to talk to them and you get to learn and see them and see all the fun they are having and they are learning and their young minds. I challenge everyone, if this passes, that goes into those schools, look into the eyes of those first graders and those second graders and tell them they are going to have to work a little longer. Tell them they are going to have to work a little harder so they can pay for your debt – not their debt, not their bills, but yours.

And I tell you, I look at this, I could keep going on and on, I know I have some time left. I am simply going to say that when you look at this and when you look at good governance, we are not tax-and-spend politicians, we are spend-and-borrow. It is not right to pile that debt upon the youth and make them pay that back when they graduate from high school and college.

Thank you, Mr. Speaker.

The SPEAKER. Thank you.

Are there any other speakers that wish to rise?

PARLIAMENTARY INQUIRY

The SPEAKER. Representative Seth Grove.

Mr. GROVE. Thank you. Just a parliamentary inquiry.

There is no fiscal note listed on the system for this bill.

The SPEAKER. Please address the Appropriations chair.

Mr. GROVE. All right. Thank you.

The SPEAKER. To the good gentleman from York County and to members, the fiscal note is on the screens. The fiscal note is on the screen.

STATEMENT BY MS. DeLISSIO

The SPEAKER. Representative DeLissio is recognized on a point of personal privilege.

Ms. DeLISSIO. Thank you, Mr. Speaker.

Mr. Speaker, since we have a couple of minutes here this evening, I just want to take this opportunity to extend a heartfelt thank you to all of my colleagues in the hall, to the staff in this building. For the last 16 months I have been on an interesting journey. I finished treatment for my breast cancer at the end of August. I am cancer-free. And I could not have made this journey, nor would I have wanted to make this journey without your friendship, your support, your prayers, your warmth, your energy, and your love and friendship. So again, thank you ever, ever so much.

Thank you, Mr. Speaker.

The SPEAKER. Thank you, Representative DeLissio, and congratulations.

Members, we are going to be at ease here for just a few moments. We are going to be at ease. And I would ask you not to venture off too far because we could have some votes here shortly. But we are going to stand at ease for just a few minutes. Thank you.

RECESS

The SPEAKER. Members, at this time the House will stand in recess. It is October 17. The House will stand in recess until 9:30 p.m., promptly at 9:30. We will stand in recess until then, and we will resume any debate on HB 542 and then a vote. We will be in recess till 9:30 p.m.

AFTER RECESS

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

LEAVES OF ABSENCE CANCELED

The SPEAKER. Representative Tim Hennessey is on the House floor and should be placed on the master roll, Representative Jeff Pyle is on the House floor and should be placed on the master roll, Representative Karen Boback is on the House floor and should be placed back on the master roll, and Representative Jim Christiana is back on the House floor and should be placed on the master roll.

CONSIDERATION OF HB 542 CONTINUED

The SPEAKER. We will resume the scintillating debate on HB 542.

Does anybody wish to be recognized on HB 542, PN 2598?

Representative Harper, the floor is yours.

Ms. HARPER. Thank you, Mr. Speaker.

May I have a little order, Mr. Speaker?

The SPEAKER. Yes; I am sorry. Parliamentary inquiry? I am sorry.

Ms. HARPER. May I have a little order?

The SPEAKER. Representative Harper is on the House floor ready to speak. If the members could please take their seats.

You may proceed.

Ms. HARPER. Thank you very much.

I really wrestled with making a decision whether to speak or not. Like everybody else on this House floor, I know we are 3 months late on this budget, and I was hoping we could get it over with this week. But I cannot. And I cannot vote for this bill either, and I thought about just letting it roll and seeing if it got enough votes and then we would have a budget, but this budget bill is not appropriate in so many very important ways that I thought that I should explain my own vote on this.

First of all, it is a conglomeration of several bad ideas. It relies in part on expanding the sale of fireworks and then taxing that to get revenue to balance the budget. I do not know how many of our constituents think that is a pretty good idea. I think they are going to think we are crazy.

In addition, it relies on raiding the special funds for \$300 million. As one of my colleagues put it, that is like taking your kids' college fund when they are a junior in high school and somehow magically believing that you will have the money in a year and a half when they are ready for college. That is crazy.

But that is not the worst of it. In addition to those two bad ideas, this budget relies on \$1.5 billion worth of borrowing for operating expenses. That is like buying groceries on a Visa card. In the real world who would do such a thing? And as much as

I would like a budget and I would like it yesterday, I cannot vote for that. I cannot vote that we will be paying back for the next 20 years a \$1.5 billion loan for operating expenses.

And what are these operating expenses? Forty percent of our budget goes to education. It is not only a constitutional imperative. Most of our constituents would agree that public education is an essential government service. It is something we ought to be paying for. It is something they are willing to be paying for. And another 40 percent of our budget goes to health and human services, and an awful lot of that is Medicaid for seniors on fixed incomes in nursing homes – another essential government service that most of our constituents think we ought to have in the budget and we ought to be paying for. And certainly, most of us believe that we should not be turning people away when they are in that situation, because guess what? Even if you save your money, the average monthly cost of a nursing home in Pennsylvania is \$10,000. So in a middle-class family, if you save your money, you are going to run out and then you are going to look to us to take care of it.

I am running out of time. I am voting "no" on this. It is a bad idea for several policy reasons, and as much as I want a budget done, I just cannot bring myself to do it. Thank you.

THE SPEAKER PRO TEMPORE (JOHN A. LAWRENCE) PRESIDING

The SPEAKER pro tempore. The question is, will the House concur in amendments inserted by the Senate as amended by the House?

On that question, the gentleman from Jefferson, Mr. Dush, is recognized.

Mr. DUSH. Thank you, Mr. Speaker.

I am going to be brief.

First of all, this budget bill was thrown and cobbled together in a matter of hours, if even that, and just presented to us just a short time ago. The biggest problem I have got with this, along with many of the other comments that are in opposition, I will not repeat, but something that I have not heard yet is we have a principle that we were founded on about "no taxation without representation." We have got a couple members here who have children on the way. People who have not been born or even conceived yet are going to end up having to pay on this \$1.5 billion loan, and we are putting that tax on those children. I do not know how we do that, and yet it is something that is being considered.

Again, there are a number of others, and I will yield back the rest of my time, but we cannot do this in such a slapdash fashion and put this kind of a burden on unborn children.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The question is, will the House concur in amendments inserted by the Senate as amended by the House?

On that question, the gentleman from Allegheny, Mr. DeLuca, is recognized.

Mr. DeLUCA. Thank you, Mr. Speaker.

You know, I have been up here a long time and I remember in 1992 when I was a "no" vote on a budget bill, too, on a tax increase. It is a lot different than this one here tonight, let me say that to you, because it is no longer – if anybody thinks it is an honor to vote for taxes, then I have got some white coats that I want to get you. The fact is that we have to make sure that we

keep this State secure for the future. I do not want to vote for this budget, but the fact is, we went 3 months without a budget and our constituents want a budget. Now, I look at this here; I have got 102 votes who voted for spending on the other side. How did you think this spending bill was going to go if you did not get any revenue for it? You like to spend the money, but you do not like to put the votes up for the taxes. That is ridiculous.

I remember when a fellow up here – God rest his soul; it was one of the Speakers – and he was the majority leader, Matt Ryan, God rest his soul, brought back 10 Republicans to vote on a budget, on a tax increase for the budget. He says, "I don't want to vote for this. It's a piece of garbage. But the future of this Commonwealth depends on what we do." We can talk about the future of our kids and that there, but how far do we want to go back and start cutting? If we do not give them a future and do the right thing, it is no honor to vote for taxes, Mr. Speaker. Really, who wants to vote for taxes? I tell you what though, you take advantage of the programs when you do not put the vote up for it. If you are not going to vote for it, do not take advantage of all the programs that you are bringing back to your districts. It is as simple as that. You know, it is not easy for us guys to keep putting votes up here for you guys to take advantage of, and I have seen that for many years, where we put up 90-some votes and you guys put up 10 votes but you very well took advantage of all the programs that we put the votes up for.

Listen, nobody wants to vote for this issue. As a matter of fact, the only reason I am voting is because of the fact, believe me, if the taxpayers did not want us to do something, I would not be voting for this, because it is not a Democratic budget. It is a Republican budget. It is not our budget. We do not need to participate in this, but it is the right thing to do on behalf of the Commonwealth and on behalf of our children and the people we represent. They sent us up here to represent them. You know what? You like to cut. Well, everybody likes to cut until they cut their programs: mental health, autism, cancer research, and that there. How do you think they get funded? They get funded by us making a budget. It is time we stand up for the people of Pennsylvania. Thank you.

LEAVES OF ABSENCE CANCELED

The SPEAKER pro tempore. The gentleman, Mr. Adam Harris, from Juniata County is on the floor and should be added to the master roll. The gentleman, Mr. Mehaffie, is also here. He should be added to the master roll.

CONSIDERATION OF HB 542 CONTINUED

The SPEAKER pro tempore. The question is, will the House concur in the amendments inserted by the Senate as amended by the House?

On that question, the gentleman, Mr. Petri, from Bucks is recognized.

Mr. PETRI. Mr. Speaker, I am going to be very brief tonight. The plain and simple fact is that this is a bad deal for the taxpayers. The interest rate risk, the risk factor on this borrowing, is about an 8 to 10. You can ask any investment banker you want. We are going to get ripped off in the collateralization. It is a bad deal. We are giving away assets of the Commonwealth, we are giving away income, and we know that the numbers and the amount that we are projecting to raise

will not be raised, in fact; that with that rate factor, we will probably get half of what is projected.

It is a bad deal. Do not vote for it. Thank you.

The SPEAKER pro tempore. The House will be at ease.

The House will come to order.

The question is, will the House concur in amendments inserted by the Senate as amended by the House?

On that question, the gentleman from Lebanon, Mr. Diamond, is recognized.

Mr. DIAMOND. Thank you, Mr. Speaker.

I was not going to get up and speak, but I understand it is the middle of October. But what we have before us is not the solution. As many of us say, we cannot tax our way to prosperity. We also cannot borrow our way to solvency. We should not mortgage the next 20 years to pay this year's bills. It is a bad idea.

The previous speaker talked about the stability of our Commonwealth. The stability of our Commonwealth, Mr. Speaker, lies with those who go to work every day and pay their taxes, not with the financial resources of the Commonwealth itself. Stability comes from working a good job, raising a good family, and not being attacked financially. This revenue package before us is not a major tax increase today, but it will certainly call for a major tax increase in the future.

It is the middle of October, but it is never too late to do the right thing. The right thing is to curtail the spending of this Commonwealth. I did not vote for the spending plan. I cannot vote for this revenue plan to fund that spending plan. But I can certainly vote for any bill that would cut the spending of this Commonwealth over the next fiscal year.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The House will be at ease.

The House will come to order.

The question is, will the House concur in the amendments inserted by the Senate as amended by the House?

On that question, the gentleman from Butler, Chairman Metcalfe, is recognized.

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

We received an e-mail earlier this evening from some of the aggrieved parties by this legislation, if it is passed, those that are going to see, I believe it is going to be a 12-percent tax on fireworks, and they were advocating that we do not tax the Fourth of July. And I think that was a good message for them to put out in their antifireworks tax flier, and I am not going to vote to tax the Fourth of July. I do not think any of you should vote to tax the Fourth of July celebration, by taxing fireworks here tonight with this bill that is before us.

But beyond the fireworks tax, Mr. Speaker, the billion and a half dollars that this legislation proposes to use to close this year's budget out and to deal with the deficit issue, it is akin to those at home trying to deal with their weekly grocery bill, their monthly medical bills, in a way that is dealt with through asking their bank for a loan to cover those day-to-day expenses, Mr. Speaker. Mr. Speaker, it is foolhardy financial planning to pay for today's and yesterday's expenses with a loan that you will not only have to pay off potentially next year, but that our children and grandchildren might have to pay off for the next

30 years. And we really do not know if that is the case or not, because we do not know the details of whether this will be a loan or if it will be securitization against the tobacco money, which is still foolhardy, because we are giving up future money that is expected for the benefit of the citizens of Pennsylvania in a way that sells them short today to deal with yesterday's and today's and tomorrow's expenses for this year's budget that we are already into by several months, Mr. Speaker.

Now, Mr. Speaker, I think that the taxpayers of Pennsylvania need to beware, not just because it is October and Halloween is around the corner, Mr. Speaker, but they should beware because tonight in the dark of night, the swamp creatures will be rising up from their desks to cast "yes" votes on this very bad policy, Mr. Speaker, damaging the taxpayers of today and the taxpayers of tomorrow, with this very bad decision. And, Mr. Speaker, I am one of the Republicans that voted against spending money we did not have. I think that was a foolhardy piece of legislation to spend money that we did not know how we were going to pay for it, and the Governor was complicit in that and not actually line-item vetoing what he needed to do to make sure we had a constitutionally balanced budget.

But now, Mr. Speaker, this legislation here today, just because it is October, does not fix a problem. It creates more problems for the taxpayers of today and tomorrow. Taxpayers, beware, the swamp creatures are out to get you tonight.

The SPEAKER pro tempore. The House will be at ease for a moment.

THE SPEAKER (MIKE TURZAI) PRESIDING

MOTION TO PROCEED TO CONSIDERATION UNDER RULE 21

The SPEAKER. At this time the Speaker recognizes the majority leader, Dave Reed.

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

I would make a motion to proceed to the immediate consideration of HB 542. Thank you.

The SPEAKER. Thank you very much.

On the question,

Will the House agree to the motion?

The SPEAKER. Representative Dermody, on the motion, please.

Mr. DERMODY. Thank you, Mr. Speaker.

I also urge the members to support the motion to proceed.

The SPEAKER. Members, the time being approximately 7 minutes to 10 p.m., we would not be able to vote this until 10:40 p.m., otherwise. So on the motion to proceed, HB 542, those in favor of the motion to proceed will vote "yes"; those opposed will vote "nay." Members will proceed to vote. We will need 135 votes for the motion to proceed to pass.

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—136

Baker	Ellis	Kortz	Reed
Barbin	Evankovich	Kulik	Reese
Barrar	Evans	Lewis	Roae
Benninghoff	Everett	Mako	Roe
Bernstine	Fabrizio	Markosek	Roebuck
Bizzarro	Fee	Marshall	Rothman
Boback	Fitzgerald	Marsico	Rozzi
Brown, R.	Flynn	Masser	Sankey
Bullock	Frankel	McClinton	Santora
Caltagirone	Fritz	Mehaffie	Saylor
Carroll	Gainey	Mentzer	Schlossberg
Causer	Galloway	Millard	Sims
Cephas	Gergely	Miller, D.	Solomon
Christiana	Goodman	Moul	Sonney
Conklin	Greiner	Murt	Stephens
Cook	Grove	Mustio	Sturla
Corbin	Hahn	Neilson	Taylor
Corr	Hanna	Nelson	Tobash
Costa, D.	Harkins	Nesbit	Toepel
Costa, P.	Harris, A.	O'Brien	Toohil
Cruz	Harris, J.	O'Neill	Topper
Culver	Heffley	Oberlander	Vazquez
Cutler	Helm	Ortitay	Vitali
Daley	Hickernell	Pashinski	Walsh
Davis	Hill	Peifer	Ward
Day	James	Pickett	Warren
Deasy	Jozwiak	Pyle	Watson
DeLissio	Kampf	Quigley	Wentling
Delozier	Kauffman	Quinn, C.	Wheeland
DeLuca	Kavulich	Quinn, M.	White
Dermody	Keller, M.K.	Rader	Zimmerman
DiGirolamo	Keller, W.	Rapp	
Donatucci	Kim	Ravenstahl	Turzai,
Driscoll	Kinsey	Readshaw	Speaker
Dunbar	Kirkland		

NAYS—49

Bloom	Freeman	Longietti	Petri
Bradford	Gillen	Mackenzie	Rabb
Briggs	Gillespie	Madden	Ryan
Brown, V.	Harper	Maloney	Saccone
Burns	Hennessey	McGinnis	Sainato
Charlton	Kaufer	Metcalfe	Samuelson
Comitta	Keefer	Metzgar	Schemel
Davidson	Keller, F.	Miccarelli	Simmons
Dawkins	Klunk	Miller, B.	Snyder
Diamond	Knowles	Mullery	Staats
Dush	Krueger	Neuman	Tallman
English	Lawrence	Petrarca	Warner
Farry			

NOT VOTING—6

Boyle	Irvin	Milne	Schweyer
Dowling	Maher		

EXCUSED—11

Cox	Gabler	Matzie	Wheatley
Dean	Godshall	McCarter	Youngblood
Emrick	Haggerty	Thomas	

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 concur in Senate amendments as amended by the Rules Committee?

The SPEAKER. We will proceed to a vote on HB 542.

So those voting, as we understand the question is this: Will the House concur in Senate amendments as amended by the House? That is the vote. If you are in favor of concurrence, you will be voting "aye"; if you are opposed to concurrence, you will be voting "nay." So if you are in favor of concurrence, you are voting "aye"; if you are opposed to concurrence, you are voting "nay."

On the question recurring,
Will the House concur in Senate amendments as amended by the Rules Committee?

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

The following roll call was recorded:

YEAS—102

Barbin	Ellis	Lawrence	Rader
Barrar	English	Lewis	Readshaw
Benninghoff	Everett	Maher	Reed
Bernstine	Fabrizio	Markosek	Reese
Boback	Fee	Marshall	Roe
Boyle	Frankel	Marsico	Roebuck
Bradford	Fritz	Masser	Sankey
Brown, R.	Gergely	Mentzer	Santora
Caltagirone	Goodman	Millard	Saylor
Carroll	Greiner	Miller, B.	Schlossberg
Causer	Hahn	Milne	Schweyer
Christiana	Hanna	Murt	Sonney
Cook	Harkins	Mustio	Sturla
Corbin	Harris, A.	Nelson	Taylor
Costa, D.	Heffley	Nesbit	Toepel
Costa, P.	Helm	Neuman	Toohil
Cruz	Hennessey	O'Brien	Topper
Culver	Hickernell	O'Neill	Vitali
Cutler	James	Oberlander	Walsh
Deasy	Jozwiak	Ortitay	Ward
DeLissio	Kampf	Pashinski	Wentling
Delozier	Kaufer	Peifer	Wheeland
DeLuca	Keller, M.K.	Pickett	Zimmerman
Dermody	Keller, W.	Pyle	
Donatucci	Kinsey	Quigley	Turzai,
Dunbar	Kortz	Quinn, M.	Speaker

NAYS—88

Baker	Evankovich	Knowles	Ravenstahl
Bizzarro	Evans	Krueger	Roae
Bloom	Farry	Kulik	Rothman
Briggs	Fitzgerald	Longietti	Rozzi
Brown, V.	Flynn	Mackenzie	Ryan
Bullock	Freeman	Madden	Saccone
Burns	Gainey	Mako	Sainato
Cephas	Galloway	Maloney	Samuelson
Charlton	Gillen	McClinton	Schemel
Comitta	Gillespie	McGinnis	Simmons
Conklin	Grove	Mehaffie	Sims
Corr	Harper	Metcalfe	Snyder
Daley	Harris, J.	Metzgar	Solomon
Davidson	Hill	Miccarelli	Staats
Davis	Irvin	Miller, D.	Stephens
Dawkins	Kauffman	Mullery	Tallman

Day	Kavulich	Neilson	Tobash
Diamond	Keefer	Petrarca	Vazquez
DiGirolamo	Keller, F.	Petri	Warner
Dowling	Kim	Quinn, C.	Warren
Driscoll	Kirkland	Rabb	Watson
Dush	Klunk	Rapp	White

NOT VOTING—1

Moul

EXCUSED—11

Cox	Gabler	Matzie	Wheatley
Dean	Godshall	McCarter	Youngblood
Emrick	Haggerty	Thomas	

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

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

BILLS RECOMMITTED

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

SB 222;
SB 242;
SB 690; and
SB 691.

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

BILLS REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader, who moves that the following bills be removed from the tabled calendar and placed on the active calendar:

HB 429;
HB 1386;
HB 1653;
HB 1845; and
HB 1854.

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

BILLS TABLED

The SPEAKER. The Chair recognizes the majority leader, who moves that the following bills be removed from the active calendar and placed on the tabled calendar:

HB 1573;
HB 1574;
HB 1575; and
SB 181.

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

BILLS REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader, who moves that the following bills be removed from the tabled calendar and placed on the active calendar:

HB 1573;
HB 1574;
HB 1575; and
SB 181.

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

VOTE CORRECTIONS

The SPEAKER. The Chair recognizes Representative Dan Moul.

For what purpose does the gentleman stand?
Mr. MOUL. To be recorded, sir.

Mr. Speaker, on HB 542, I was leaning on my button and could not get it pressed. I would like to be recorded in the negative. Thank you.

The SPEAKER. So on the concurrence vote you are so recorded.

Representative Matt Dowling, for what purpose do you rise, sir?

Mr. DOWLING. Mr. Speaker, this evening on the motion to proceed I was not recorded. I apologize. I should be in the affirmative. Thank you.

The SPEAKER. Thank you very much.
On the motion to proceed vote.

BILLS AND RESOLUTIONS PASSED OVER

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

ADJOURNMENT

The SPEAKER. At this time Representative Tedd Nesbit moves that the House be adjourned until Wednesday, October 18, 2017, at 11 a.m., e.d.t., unless sooner recalled by the Speaker.

On the question,
Will the House agree to the motion?
Motion was agreed to, and at 10 p.m., e.d.t., the House adjourned.