

# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

MONDAY, NOVEMBER 20, 2017

SESSION OF 2017

201ST OF THE GENERAL ASSEMBLY

No. 68

### HOUSE OF REPRESENTATIVES

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

#### THE SPEAKER (MIKE TURZAI) PRESIDING

#### MOMENT OF SILENCE OBSERVED

The SPEAKER. We will be having some resolutions and/or presentations with respect to the loss of two police officers in the Commonwealth of Pennsylvania later, but for now we want to offer a moment of silence as we begin this day with prayer.

Officer Brian Shaw, 25, of New Kensington, Pennsylvania, was fatally shot after a traffic stop on Friday, November 17. He was with the police department in New Kensington for less than a year.

And Detective Sean Suiter, 43 years old, a Baltimore police officer who happened to reside in York County, Pennsylvania, was shot in west Baltimore, Maryland, on Wednesday, November 14. He left behind a wife and five children.

Please, everybody, stand as able for a mark of respect for these fallen police officers.

(Whereupon, a moment of silence was observed.)

#### PRAYER

The SPEAKER. Please remain standing, as our prayer today will be offered by Pastor David Hess of the Christ Community Church in Camp Hill, Pennsylvania, a good friend of our colleague, Representative Bryan Barbin.

Reverend.

PASTOR DAVID HESS, Guest Chaplain of the House of Representatives, offered the following prayer:

On his first day in office as our first Governor, William Penn wrote these prayerful words.

My God has given Pennsylvania to me through many difficulties. I believe, I bless, and I make it the seed of a nation, for the nations are lacking of precedent. I do therefore desire the Lord's wisdom to guide me, that we may do the thing that is truly wise and just. And so I set my eyes on the Lord, and more

was I drawn inward to look to Him and to place my trust in His hand and His power, that we would become an example to the nations.

So in that same spirit of prayer, in this week of Thanksgiving, we thank You for being a faithful God.

And I thank You for creating each of these leaders gathered here today. I thank You for the unique perspectives, the unique gifts, and the unique personalities assembled in this room, each one very precious in Your sight. I ask You to bless their lives. I ask You to bless their families and bless them as they seek to serve Your purposes in this Commonwealth. May this session today be filled with the wisdom that You so generously provide.

Make today a day that we move closer to fulfill the dream of our Founding Governor, that Your kingdom will come and Your will can be done here on earth as it is in heaven. In Your mighty name we pray. Amen.

#### PLEDGE OF ALLEGIANCE

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

#### JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, the approval of the Journal of Monday, November 13, 2017, will be postponed until printed.

#### JOURNALS APPROVED

The SPEAKER. We do have the following Journals in print:

Tuesday, May 23, 2017;  
Wednesday, May 24, 2017; and  
Monday, June 5, 2017.

Without objection, they will be approved.

#### RESIGNATION OF MEMBER

The SPEAKER. The clerk will read the following letter of resignation for the record.

The following communication was read:

House of Representatives  
Commonwealth of Pennsylvania  
Harrisburg

November 2, 2017

Honorable Mike Turzai  
The Speaker  
PA House of Representatives  
139 Main Capitol Building  
Harrisburg, PA 17120

Dear Speaker Turzai:

This is to notify you that effective Monday, November 6, 2017, I resign my position of State Representative for the 35th Legislative District.

Respectfully,  
Marc J. Gergely  
State Representative  
35th Legislative District

### WRIT OF SPECIAL ELECTION

The SPEAKER. The Speaker submits for the record a copy of the writ for the special election to be held for the 35th Legislative District.

In consultation with the leaders of both caucuses, the date of January 23, 2018, has been set to choose a person for the remainder of the term expiring November 30 in the 35th Legislative District.

The following writ of special election was submitted:

#### WRIT OF ELECTION

TO ROBERT TORRES, ACTING SECRETARY OF THE COMMONWEALTH, AND TO JOHN P. DEFAZIO, RICH FITZGERALD, AND SAM DEMARCO, CONSTITUTING THE BOARD OF ELECTIONS OF ALLEGHENY COUNTY.

GREETINGS: WHEREAS, A VACANCY EXISTS IN THE OFFICE OF REPRESENTATIVE OF THE COMMONWEALTH OF PENNSYLVANIA FOR THE THIRTY-FIFTH LEGISLATIVE DISTRICT OF THE COUNTY OF ALLEGHENY, CAUSED BY THE RESIGNATION OF MARC J. GERGELY, THE REPRESENTATIVE FROM SAID DISTRICT, ON THE 6TH DAY OF NOVEMBER, TWO THOUSAND SEVENTEEN.

NOW, THEREFORE, I, MIKE TURZAI, SPEAKER OF THE HOUSE OF REPRESENTATIVES BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION OF THE COMMONWEALTH OF PENNSYLVANIA, AND BY THE ACT OF ASSEMBLY IN SUCH CASE MADE AND PROVIDED, DO HEREBY COMMAND:

THAT YOU CAUSE AN ELECTION TO BE HELD IN THE SAID COUNTY OF ALLEGHENY, ON THE 23RD DAY OF JANUARY, TWO THOUSAND EIGHTEEN TO CHOOSE A

PERSON TO REPRESENT SAID LEGISLATIVE DISTRICT IN THE HOUSE OF REPRESENTATIVES OF PENNSYLVANIA, FOR THE REMAINDER OF THE TERM EXPIRING NOVEMBER 30TH, TWO THOUSAND EIGHTEEN, AND THAT YOU GIVE DUE AND PUBLIC NOTICE OF SAID ELECTION THROUGHOUT SAID DISTRICT, IN THE FORM AND MANNER DIRECTED BY LAW.

GIVEN UNDER MY HAND AND THE SEAL OF THE HOUSE OF REPRESENTATIVES AT HARRISBURG, PENNSYLVANIA, THIS 13TH DAY OF NOVEMBER, TWO THOUSAND SEVENTEEN.

MIKE TURZAI  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

(SEAL)  
ATTEST:  
DAVID L. REDDECLIFF  
CHIEF CLERK OF THE HOUSE OF REPRESENTATIVES

### REPORT OF COMMITTEE ON COMMITTEES

The SPEAKER. The clerk will read the following supplemental report for the Committee on Committees submitted by Chairman Robert Godshall.

The following report was read:

#### Committee on Committees Supplemental Report

In the House of Representatives  
November 20, 2017

RESOLVED, That

Representative Jerry Knowles, Berks, Carbon and Schuylkill Counties, resigned as a member of the Appropriations Committee.

Respectfully submitted,  
Robert Godshall, Chairman  
Committee on Committees

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

### COMMUNICATION FROM DEPARTMENT OF ENVIRONMENTAL PROTECTION

The SPEAKER. Members, the Speaker acknowledges receipt of the Commonwealth of Pennsylvania Radiation Protection Act Report from the Pennsylvania Department of Environmental Protection.

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

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

**HB 1641, PN 2734** (Amended) By Rep. KAUFFMAN

An Act providing for competitive integrated employment in State and county agencies and any entity providing publicly funded education, training, employment and related services and long-term services and supports for working-age Pennsylvanians with a disability; establishing Employment First, the Governor's Cabinet for People with Disabilities and the Employment First Oversight Commission and providing for their powers and duties; and conferring powers and imposing duties on the Governor and the Office of the Governor.

LABOR AND INDUSTRY.

**HB 1741, PN 2338** By Rep. A. HARRIS

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, in licenses and regulations and liquor, alcohol and malt and brewed beverages, further providing for authority to issue liquor licenses to hotels, restaurants and clubs, for sale of malt or brewed beverages by liquor licensees, for retail dispensers' restrictions on purchases and sales and for premises to be vacated by patrons.

LIQUOR CONTROL.

**HB 1902, PN 2679** By Rep. A. HARRIS

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, in liquor, alcohol and malt and brewed beverages licenses and regulations, further providing for interlocking business prohibited and for unlawful acts relative to liquor, malt and brewed beverages and licensees.

LIQUOR CONTROL.

**HB 1915, PN 2735** (Amended) By Rep. KAUFFMAN

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

LABOR AND INDUSTRY.

**SENATE MESSAGE**

HOUSE BILLS  
CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, returned **HB 165, PN 129; HB 425, PN 441; and HB 1019, PN 2209**, with information that the Senate has passed the same without amendment.

**SENATE MESSAGE**

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

The clerk of the Senate, being introduced, returned **HB 1009, PN 2697**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

**SENATE MESSAGE**

HOUSE AMENDMENTS  
CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives to **SB 785, PN 1239**.

**BILLS SIGNED BY SPEAKER**

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

**HB 165, PN 129**

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

**HB 425, PN 441**

An Act amending the act of August 26, 1971 (P.L.351, No.91), known as the State Lottery Law, in pharmaceutical assistance for the elderly, further providing for determination of eligibility.

**HB 1019, PN 2209**

An Act amending Title 9 (Burial Grounds) of the Pennsylvania Consolidated Statutes, in general provisions relating to burial grounds, further providing for definitions; and providing for transfer of ownership of cemeteries and for reasonable access to burial grounds.

**SB 785, PN 1239**

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in general provisions, further providing for definitions; in registration of vehicles, further providing for vehicles exempt from registration; and providing for operation of golf carts.

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

**HOUSE RESOLUTIONS  
INTRODUCED AND REFERRED**

**No. 597** By Representatives MURT, BOBACK, DAVIS, DEAN, DRISCOLL, KINSEY, LONGIETTI, RABB, SCHWEYER, THOMAS, WARD, WHEELAND, RYAN, DONATUCCI, M. QUINN and FRANKEL

A Resolution directing the Legislative Budget and Finance Committee to conduct a study of the extent to which rape kits remain unprocessed in this Commonwealth and identify the reasons that the kits remain untested.

Referred to Committee on JUDICIARY, November 14, 2017.

**No. 604** By Representatives GILLEN, BARRAR, BIZZARRO, BOBACK, DIGIROLAMO, DRISCOLL, LONGIETTI, MACKENZIE, B. MILLER, MURT, NEILSON, O'NEILL, PASHINSKI, QUIGLEY, ROTHMAN, RYAN, STAATS, WARD, WHEELAND, SAYLOR, READSHAW, MARSICO, JOZWIAK, M. QUINN and GOODMAN

A Concurrent Resolution urging the President and Congress of the United States to take immediate action to preserve the underwater graves of servicemen who died defending this nation.

Referred to Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, November 14, 2017.

**No. 612** By Representatives DERMODY, FRANKEL, GOODMAN, HANNA, MARKOSEK, STURLA and YOUNGBLOOD

A Resolution amending the Ethical Conduct Rules of the House of Representatives, further providing for Committee on Ethics.

Referred to Committee on RULES, November 20, 2017.

### HOUSE BILLS INTRODUCED AND REFERRED

**No. 1911** By Representatives HARKINS, MILLARD, DEAN, SCHLOSSBERG, BARRAR, SONNEY, YOUNGBLOOD, CALTAGIRONE, V. BROWN, W. KELLER, READSHAW, B. MILLER, M. QUINN, DeLUCA, FRANKEL, SCHWEYER and PASHINSKI

An Act amending the act of November 29, 2006 (P.L.1463, No.163), known as the Credit Reporting Agency Act, further providing for fees.

Referred to Committee on COMMERCE, November 14, 2017.

**No. 1913** By Representatives MURT, HENNESSEY and KINSEY

An Act amending Titles 12 (Commerce and Trade) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for fair franchises; and, in limitation of time, further providing for one year limitation and for four year limitation.

Referred to Committee on COMMERCE, November 14, 2017.

**No. 1915** By Representatives KAUFFMAN, COX, GROVE, MCGINNIS, MILLARD, MENTZER, RADER, WARD, BLOOM, DUNBAR, TOPPER, SAYLOR, TALLMAN, DUSH, PICKETT, RYAN and A. HARRIS

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

Referred to Committee on LABOR AND INDUSTRY, November 14, 2017.

**No. 1916** By Representatives SCHWEYER, SCHLOSSBERG, MUSTIO, MILLARD, ROZZI, WARD, PETRI, STURLA and HEFFLEY

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, in distilleries, wineries, bonded warehouses, bailees for hire and transporters for hire, further providing for limited wineries and for distilleries.

Referred to Committee on LIQUOR CONTROL, November 14, 2017.

**No. 1918** By Representatives PHILLIPS-HILL, BARBIN, BARRAR, BOBACK, CHARLTON, DeLUCA, FEE, HARKINS, IRVIN, KEEFER, MARSICO, MILLARD, B. MILLER, O'NEILL, ORTITAY, PASHINSKI, PICKETT, READSHAW, ROZZI, SAYLOR, WARD, WATSON, WHEELAND, GILLESPIE, KLUNK, GROVE and STEPHENS

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in forgery and fraudulent practices, providing for the offense of possession and use of unlawful devices.

Referred to Committee on JUDICIARY, November 15, 2017.

**No. 1919** By Representatives CAUSER, GODSHALL, COOK, EMRICK, GROVE, KEEFER, LAWRENCE, MILLARD, ROAE, ROTHMAN, WARNER, WATSON and WHEELAND

An Act amending Titles 3, (Agriculture), 18 (Crimes and Offenses), 22 (Detectives and Private Police), 23 (Domestic Relations), 25 (Elections), 27 (Environmental Resources), 30 (Fish), 34 (Game), 42 (Judiciary and Judicial Procedure), 58 (Oil and Gas), 66 (Public Utilities), 71 (State Government) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes, combining the Pennsylvania Fish and Boat Commission and the Pennsylvania Game Commission; and making editorial changes.

Referred to Committee on GAME AND FISHERIES, November 16, 2017.

**No. 1920** By Representatives SAYLOR, BAKER, BARRAR, COX, DUNBAR, GILLEN, GILLESPIE, KAUFFMAN, KEEFER, MARSICO, MILLARD, M. QUINN, RYAN, TOOHIL, WARNER, WHEELAND and A. HARRIS

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 of the Department of Public Welfare, providing for the testing of applicants for illegal drug use.

Referred to Committee on HEALTH, November 15, 2017.

**No. 1921** By Representatives DALEY, DERMODY, DEAN, DAVIS, THOMAS, KINSEY, BOBACK, ROTHMAN, FRANKEL, SCHWEYER, SCHLOSSBERG, HILL-EVANS, CALTAGIRONE, ROZZI, O'NEILL, WARREN, MURT, ROEBUCK, MADDEN, McCARTER, NEUMAN, YOUNGBLOOD, D. COSTA, TOPPER, WATSON and McCLINTON

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in sexual violence education at institutions of higher education, further providing for scope of article, providing for affirmative consent to sexual activity and making an editorial change.

Referred to Committee on EDUCATION, November 15, 2017.

**No. 1922** By Representatives D. MILLER, KINSEY, DEAN, McNEILL, RABB, FRANKEL, DAVIS, SCHWEYER, ORTITAY, READSHAW, SCHLOSSBERG, HILL-EVANS, DERMODY, DEASY, ROZZI, MURT, MULLERY, BOBACK, ROEBUCK, PASHINSKI, DeLUCA, THOMAS and D. COSTA

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in safe schools, further providing for definitions and for policy relating to bullying.

Referred to Committee on EDUCATION, November 15, 2017.

**No. 1923** By Representatives GAINNEY, THOMAS, KINSEY, DRISCOLL, CALTAGIRONE, WARREN, WATSON, COX, SCHWEYER, KORTZ and PASHINSKI

An Act amending the act of October 27, 2014 (P.L.2911, No.191), known as the Achieving Better Care by Monitoring All Prescriptions Program (ABC-MAP) Act, further providing for definitions, for powers and duties of board, for establishment of program and for requirements for dispensers and pharmacies.

Referred to Committee on HEALTH, November 16, 2017.

**No. 1924** By Representatives BERNSTINE, SAYLOR and EVERETT

An Act amending the act of June 13, 1967 (P.L.31, No.21), known as the Human Services Code, in public assistance, further providing for responsibilities and obligations of department, applicants and recipients and for eligibility.

Referred to Committee on HEALTH, November 15, 2017.

**No. 1925** By Representatives PEIFER, BAKER, R. BROWN, DRISCOLL, GILLESPIE, GROVE, HELM, JOZWIAK, MARSICO, MENTZER, MILLARD, ORTITAY, M. QUINN, STEPHENS and THOMAS

An Act authorizing municipalities to implement senior citizen tax reduction incentive volunteer exchange programs.

Referred to Committee on FINANCE, November 16, 2017.

**No. 1926** By Representatives STEPHENS, MURT, BURNS, HENNESSEY, READSHAW, KINSEY, CALTAGIRONE, MILLARD, SONNEY, DUSH, TOEPEL, O'NEILL, COX, BAKER, TOOHL, DiGIROLAMO, PICKETT, TAYLOR, STAATS, SOLOMON, LONGIETTI, A. HARRIS, GABLER, GROVE, CONKLIN, WHEELAND, D. COSTA and GILLEN

An Act designating a portion of State Route 2022, also known as Fort Washington Avenue, in Montgomery County as the SPC5 George W. Charters, Jr., Memorial Highway.

Referred to Committee on TRANSPORTATION, November 16, 2017.

**No. 1927** By Representatives SANTORA, MURT, KINSEY, SCHLOSSBERG, GROVE, DRISCOLL, READSHAW, V. BROWN and THOMAS

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in school health services, establishing the Childhood Wellness Council and providing for its powers and duties.

Referred to Committee on EDUCATION, November 16, 2017.

**No. 1928** By Representative HANNA

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in fees, further providing for fee for local use.

Referred to Committee on TRANSPORTATION, November 17, 2017.

**No. 1929** By Representatives MARSICO, DELOZIER, STEPHENS, CORBIN, MILLARD, BARRAR, CUTLER, CHARLTON, DRISCOLL, SCHWEYER, RYAN, DEAN, PASHINSKI, TOOHL, JAMES, PICKETT, WARD, O'NEILL, HILL-EVANS, EVERETT, PYLE, KEEFER, SAYLOR, ORTITAY, READSHAW, DEASY, KNOWLES, BARBIN, JOZWIAK, CORR, M. QUINN, KLUNK, WHITE, PHILLIPS-HILL, NESBIT and A. HARRIS

An Act amending the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, in First Chance Trust Fund, further providing for use of fund.

Referred to Committee on JUDICIARY, November 17, 2017.

**No. 1930** By Representatives KAUFFMAN, IRVIN, O'NEILL, RYAN, COX, A. HARRIS, READSHAW, MILLARD, B. MILLER, M. QUINN, ROZZI and WHEELAND

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in theft and related offenses, further providing for the offense of theft by failure to make required disposition of funds received.

Referred to Committee on JUDICIARY, November 20, 2017.

**No. 1931** By Representatives TAYLOR, CEPHAS, W. KELLER, DONATUCCI, MILLARD, DRISCOLL, M. K. KELLER, CHARLTON, DIAMOND, JOZWIAK, BAKER, SOLOMON, WHEELAND, GREINER, O'NEILL, STAATS, GODSHALL, M. QUINN, READSHAW, DeLUCA, VAZQUEZ and CRUZ

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in burglary and other criminal intrusion, providing for arrest or removal of persons from residential property.

Referred to Committee on JUDICIARY, November 20, 2017.

**No. 1932** By Representatives ZIMMERMAN, B. MILLER, GREINER, FEE, MILLARD, WARD, BLOOM, A. HARRIS, ORTITAY, PHILLIPS-HILL, KEEFER, BERNSTINE, KLUNK, BARRAR, SANKEY, CAUSER, HICKERNELL, WHEELAND, MILNE, GILLEN and SCHWEYER

An Act amending Title 3 (Agriculture) of the Pennsylvania Consolidated Statutes, in nutrient management and odor management, further providing for nutrient management plans.

Referred to Committee on AGRICULTURE AND RURAL AFFAIRS, November 20, 2017.

**No. 1933** By Representatives TOPPER, BAKER, BARRAR, BERNSTINE, CUTLER, GROVE, JOZWIAK, KAUFFMAN, KEEFER, MCGINNIS, MILLARD, TALLMAN, WARD, COX, IRVIN, JAMES, GABLER, B. MILLER, A. HARRIS, DIAMOND, FEE and WHEELAND

An Act prohibiting certain benefit packages for children's health care and medical assistance to include gender or sex reassignment surgery or gender or sex transition services.

Referred to Committee on HEALTH, November 20, 2017.

#### **SENATE RESOLUTION FOR CONCURRENCE**

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

##### **SR 5, PN 1253**

Referred to Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, November 16, 2017.

#### **SENATE BILLS FOR CONCURRENCE**

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

##### **SB 113, PN 987**

Referred to Committee on JUDICIARY, November 17, 2017.

##### **SB 251, PN 1316**

Referred to Committee on TRANSPORTATION, November 16, 2017.

##### **SB 540, PN 1295**

Referred to Committee on EDUCATION, November 15, 2017.

##### **SB 629, PN 709**

Referred to Committee on COMMERCE, November 16, 2017.

##### **SB 658, PN 776**

Referred to Committee on STATE GOVERNMENT, November 17, 2017.

##### **SB 826, PN 1036**

Referred to Committee on STATE GOVERNMENT, November 16, 2017.

##### **SB 837, PN 1099**

Referred to Committee on TRANSPORTATION, November 16, 2017.

##### **SB 877, PN 1135**

Referred to Committee on INSURANCE, November 15, 2017.

##### **SB 878, PN 1136**

Referred to Committee on INSURANCE, November 15, 2017.

##### **SB 894, PN 1294**

Referred to Committee on TRANSPORTATION, November 16, 2017.

#### **LEAVES OF ABSENCE**

The SPEAKER. Turning to leaves of absence, and then we will go to the master roll.

The majority whip, Representative Cutler, of Lancaster County, requests leaves of absence for the following members: Representative Marguerite QUINN of Bucks County for the day, Representative Daryl METCALFE of Butler County for the day, Representative John MCGINNIS of Blair County for the week, Representative Kathy WATSON of Bucks County for the week, and Representative Stan SAYLOR of York County for the week. Without objection, those requests will be granted.

The minority whip, Representative Mike Hanna, of Clinton County, requests leaves of absence for the following members: Representative Flo FABRIZIO of Erie County for the day, Representative Kevin HAGGERTY of Lackawanna County for the day, Representative Rob MATZIE of Beaver County for the day, and Representative Ed GAINEY of Allegheny County for the day. Without objection, those will be granted.

**MASTER ROLL CALL**

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

The following roll call was recorded:

**PRESENT—192**

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

**ADDITIONS—0****NOT VOTING—0****EXCUSED—9**

Fabrizio	Matzie	Metcalf	Saylor
Gainey	McGinnis	Quinn, M.	Watson
Haggerty			

**LEAVES ADDED—3**

Farry	Godshall	O'Brien
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**LEAVES CANCELED—3**

Gainey	Metcalf	Quinn, M.
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The SPEAKER. There are 192 members on the master roll. We have a quorum.

Members, if you could please take your seats. We are going to be introducing guests of our colleagues. I know there is much activity, but if members could please take their seats. We have some very solemn work to be done here shortly and we would like to introduce our visitors first.

**GUESTS INTRODUCED**

The SPEAKER. Located to the left of the rostrum, the Chair welcomes Michala Butler. Please stand. She is shadowing Representative Greg Rothman for the day, although she is here as a guest of both Representative Rothman and Representative Marsico. She resides in Representative Marsico's district. She is a senior at Central Dauphin High School and will be attending Temple University in the fall. Congratulations.

To the left of the rostrum, we welcome Sophia Eichsteadt. Please stand. Sophia is an eighth grade student from Germantown Academy, and she is with Representative Dean for the day. We welcome you and hope you enjoy it. Thank you.

To the left of the rostrum, we welcome Melanie Sheehe, and she is interning with Representative Gene DiGirolamo and the Human Services Committee, and that is being done through the Penn State Liberal Arts Mentor Program. Welcome. Thank you for being here today.

In the rear of the House, we have Danika Chilton, who is interning with Representative Hill-Evans. Great to see you. She is here with James Sawor, who is, I believe, the chief of staff to Representative Hill-Evans. Thank you for bringing Danika here today.

In the rear of the House, Jane Lucas, will you please stand. Jane Lucas. Jane works in Representative Kathy Rapp's district office in Warren, Pennsylvania.

And we have other guests, but they are here with respect to resolutions offered by members. I am going to give the members the opportunity to introduce those guests when we do their resolutions.

**MISS WEST CHESTER UNIVERSITY  
PRESENTED**

The SPEAKER. At this time, however, I would like to, on unanimous consent, recognize Representative Comitta.

To the left of the rostrum, we welcome Erin McCarthy, who I understand is Miss West Chester University 2017, and Representative Comitta is going to say a few remarks with respect to that.

Representative Comitta, the floor is yours.

Mrs. COMMITTA. Thank you, Mr. Speaker.

I am honored to welcome Erin McCarthy, who is the 2017 Miss West Chester University. Erin is standing to the left of the Speaker.

The West Chester University program that elects the Miss WCU each year is about scholarship, it is about talent, and above all, it is about service. And Erin McCarthy selected as her platform for her Miss WCU pageant "suicide prevention," and she has been working all year on campus and off campus raising awareness about suicide prevention, stress management opportunities, and ways for people to reach out and help each other.

Erin makes West Chester University, West Chester, and the Commonwealth of Pennsylvania very proud, and I am honored that she is here today.

Erin, congratulations, and thank you for all your good work.

The SPEAKER. With Miss West Chester University of 2017 is Michael Hartman. Michael, please stand. He is the founding director of this program, and we welcome you as well. Thanks so much for being here.

### LEAVE OF ABSENCE CANCELED

The SPEAKER. Representative Daryl Metcalfe is on the House floor and should be placed on the master roll.

### FILMING PERMISSION

The SPEAKER. Members, Dan Lee is a news photographer and videographer, and he is with NBC 10, WCAU TV. He has requested to do video of the House while we are in session with audio. I am going to give him permission to come on the House floor at this time. So this will be video with audio for the next 10 minutes. So I just want to please alert everybody that Dan will be coming onto the House floor.

### UNCONTESTED CALENDAR

#### RESOLUTIONS PURSUANT TO RULE 35

Ms. OBERLANDER called up **HR 458, PN 2329**, entitled:

A Resolution designating the week of November 12 through 18, 2017, as "Diabetes and Cardiovascular Disease Awareness Week" in Pennsylvania.

\* \* \*

Mr. MURT called up **HR 460, PN 2346**, entitled:

A Resolution designating the month of November 2017 as "Assistive Technology Awareness Month" in Pennsylvania.

\* \* \*

Ms. MADDEN called up **HR 547, PN 2539**, entitled:

A Resolution recognizing the month of November 2017 as "National Diabetes Month" in Pennsylvania.

\* \* \*

Mr. MATZIE called up **HR 568, PN 2601**, entitled:

A Resolution designating the month of November 2017 as "Pancreatic Cancer Awareness Month" in Pennsylvania.

\* \* \*

Mr. READSHAW called up **HR 581, PN 2654**, entitled:

A Resolution designating November 16, 2017, as "Children's Grief Awareness Day" in Pennsylvania.

\* \* \*

Mr. COX called up **HR 582, PN 2655**, entitled:

A Resolution recognizing November 19, 2017, as "American Made Matters Day" in Pennsylvania.

\* \* \*

Mr. CUTLER called up **HR 589, PN 2668**, entitled:

A Resolution recognizing the week of November 5 through 11, 2017, as "National Radiologic Technology Week" in Pennsylvania, focusing on the safe medical radiation environment and celebrating the important role that medical imaging professionals across this Commonwealth play in the health and well-being of patients.

\* \* \*

Mr. TOPPER called up **HR 593, PN 2674**, entitled:

A Resolution designating the week of November 12 through 18, 2017, as "Nurse Practitioner Week" in Pennsylvania.

\* \* \*

Mrs. EVANS called up **HR 595, PN 2675**, entitled:

A Resolution recognizing November 16, 2017, as "The Great American Smokeout Day" in Pennsylvania.

\* \* \*

Ms. MADDEN called up **HR 598, PN 2690**, entitled:

A Resolution recognizing the 200th anniversary of the Township of Stroud, Monroe County.

\* \* \*

Mrs. WATSON called up **HR 599, PN 2691**, entitled:

A Resolution recognizing November 18, 2017, as "National Adoption Day" in Pennsylvania.

\* \* \*

Mr. SANTORA called up **HR 601, PN 2693**, entitled:

A Resolution recognizing November 15, 2017, as "National Education Support Professionals Day" in Pennsylvania.



On the question,  
Will the House adopt the resolutions?

The following roll call was recorded:

YEAS—193

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

NAYS—0

NOT VOTING—0

EXCUSED—8

Fabrizio	Haggerty	McGinnis	Saylor
Gainey	Matzie	Quinn, M.	Watson

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

The SPEAKER. Members, we have many of our colleagues who wish to speak on some of the resolutions. I want to just give you the order with which we are going to be speaking so that everybody will be prepared. We are going to begin with the unanimous consent to Representative Tony DeLuca. We are going to begin with that, and then we are going to be followed by these members, and I will go through it twice. It will be Representative Santora on HR 601, followed by Representative Cox on HR 582, followed by Representative Oberlander on HR 458, followed by Representative Tom Murt on HR 460, then Representative Madden on two resolutions, HR 547 and HR 598 – they are separate subjects, but they will be back to back – followed by Representative Cutler on HR 589, Representative Harkins on HR 568, and then Representative Hill-Evans on HR 595.

Now, there are other resolutions that still have to be passed on the supplemental and on the regular, and I do have members that want to speak on those, but I will address those after the votes.

**STATEMENT BY MR. DeLUCA**

The SPEAKER. So right now we are going to begin with Representative Tony DeLuca, on unanimous consent.

Mr. DeLUCA. Thank you, Mr. Speaker.

Let me first tell the members of the House that I appreciate giving me the opportunity to speak on unanimous consent.

You know, we are coming into the holiday season and we know there are a lot of different charities and we are a giving State, we are a giving nation, and a lot of our money that is going to different organizations is being siphoned out by unscrupulous – and there is not a word in the dictionary that I can think of to call these individuals who take all the money, use it for their salaries, hire fundraisers, telemarketers, and we have no laws that really, not only in Pennsylvania, but throughout this country, that stop it.

Now, recently I received a mailer from an organization with "cancer research" in their name. When reading the fine print, I learned that organization spends only 5 percent of every dollar raised on cancer research. Now, while many charitable organizations spend their dollars wisely and ethically, we must further ensure that those who operate within the Commonwealth continue to allocate the funds towards that which allows them to call themselves a charity.

Now, it is very important, Mr. Speaker, and I have a whole text here that I was going to read, but I just want to bring to your attention to what is going on there. The number one abuser is Kids Wish Network. They sent out a brochure with these children and say, how would you like to have a child who has leukemia, cancer, who is dying? You have to be the most coldhearted person not to send in a donation. Let me tell you what they give: 2.5 percent of what they collect to the mission; 2.5.

October is the breast cancer celebration. Now, the American Breast Cancer Foundation, which is not with some of these other ones, but as breast cancer, guess what they contribute? Out of the millions of dollars they raise, 5.3 percent goes to the mission; Breast Cancer Relief Foundation, 2.2 goes to the

mission; Cancer Fund of America, .9 goes to the mission; Children's Cancer Fund, 5.3 goes to the mission; Children's Leukemia, 11.1. Now, that is not without the other ones that we are looking at that do not have anything to do – Heart Support of America, 3.4 percent. This is outrageous; it is outrageous that we are letting this happen, not only in our Commonwealth, but also in this country.

We have a lot of people out there, good young people who need money for research. I have talked to my oncologist – and thank God, I am a cancer survivor right now with my wife. I asked him, "Is there enough money for research?" He said, "No, but we have a lot of bright minds in Pennsylvania that we could use the money and maybe not let the next generation wait another 40 years to find the cure for cancer."

And we all know, we all know, we all know somebody who has cancer, in our families or our friends. We all know people in this Assembly who are fighting cancer. Mr. Speaker, it is an epidemic, and we have a chance to do something.

I have a bill that I hope is nonpartisan that mandates that 66 percent of the money collected from these organizations go to the mission. I think that is fair, and I think it is a bill that every one of us, Republicans and Democrats, should get on so that we can have that money that is being siphoned away from our constituents. And let me tell you, every family out there contributes \$4,000 a year to charities; \$4,000 a year, and they think that money is going for a good cause. It is time that we speak up in this House of Representatives and in this Commonwealth. And hopefully in Washington they speak up and address this situation nationally.

Thank you, Mr. Speaker.

The SPEAKER. Thank you, Representative DeLuca.

### STATEMENT BY MR. SANTORA

The SPEAKER. Representative Jamie Santora, on HR 601.

Mr. SANTORA. Thank you, Mr. Speaker.

Mr. Speaker, last week we honored educators across the country during American Education Week. During that weeklong celebration, we also celebrated National Education Support Professionals Day on Wednesday, November 15.

Support professionals work in almost every school in America. They are the person you hear on the other end of the phone when you call to check on something or call a child out sick. They are at the front office making sure everything is running smoothly on a daily basis. They support the events at our schools including book fairs, family nights, educational events, international nights, special readers, and so many more. They are always helping the teachers who educate our children with so many tasks. But the most important thing is, they do it for the love of their students.

Mr. Speaker, today I have five very special guests with me from the board of the Upper Darby education support professionals. Please rise when you hear your name: Kim McDevitt, the president; vice president, Denise Kennedy; treasurer, Kathy Rown; Mary Dougherty, secretary; and Denise Worthington, officer at large.

They are support professionals with the Upper Darby School District. These ladies work harder than anyone I know to make sure our children of the Upper Darby School District have everything they need to have a fully enriched learning

environment. They go above and beyond the job description that may be put in front of them. They participate in extracurricular activities at the school district and they work to enhance the learning environment. In the past they have partnered with the Philadelphia Eagles to provide eye exams and glasses for children, no matter what the need and who could afford them. When one of our schools was having a family learning night, they made sure there were prizes available to make it a little extra special. And every year they raise money for different charities throughout the year. They are just a few of the reasons I sponsored this legislation, and I want to thank my colleagues who supported HR 601 unanimously.

Let us give these hardworking professionals one more round of applause.

Thank you, Mr. Speaker.

### STATEMENT BY MR. COX

The SPEAKER. Representative Jim Cox is recognized on HR 582.

Mr. COX. Thank you, Mr. Speaker.

Today I am proud to sponsor HR 582, marking November 19, 2017, as "American Made Matters Day" in Pennsylvania.

Mr. Speaker, I want to share with you briefly why American-made products make a difference. According to the Alliance for American Manufacturing, if every American committed to spending \$64 on American-made products, it would create 200,000 jobs.

Let me put that number into perspective, 200,000 jobs. Recently Amazon talked about opening a second headquarters somewhere in this country, and cities and States and regions all across the country lined up and went to extreme efforts to try to bring those jobs to their State and their region. Amazon estimated a 50,000 job creation wherever they were to put that headquarters. However, if we simply spent \$64 on American-made products, we could create jobs equivalent to four new Amazon headquarters.

The Alliance for American Manufacturing further estimated that if contractors increased the use of American-made materials by just 5 percent, it would create an additional 200,000 jobs. That is equivalent to another four headquarters from Amazon.

Now, Mr. Speaker, this idea of encouraging people to purchase American-made products should not be a hard sell; in fact, 80 percent of consumers already prefer to purchase products made in America. In addition, 60 percent of consumers would be willing to pay an extra 10 percent for a product if they knew that it was made in America. People even say they are willing to pay more, and it is probably because 85 percent of consumers believe that products made in America are of a higher quality than products from overseas.

Now, Mr. Speaker, I want to point out that I found most of this information on the Web site [americanmadematters.com](http://americanmadematters.com), and today I have the founder of a group called American Made Matters, and—

The SPEAKER. Representative, if you will just suspend for a minute.

Members, please take your seats. Members, please take your seats. We have guests that have traveled some distance to be with us today. The Sergeants at Arms will close the doors of the House. Members, please take your seats.

Representative Cox, please proceed, sir.

Mr. COX. Thank you, Mr. Speaker.

Mr. Speaker, as I was saying, the information that I just cited a few moments ago is found on the Web site americanmadematters.com. American Made Matters is an organization that was founded by a gentleman who is joining us today, and this gentleman is a true patriot, in my opinion. He is someone who took over the helm of a company that is going to be 150 years old next year, and he has done everything he can to keep manufacturing in Pennsylvania; specifically in Adamstown, a small borough in my district.

Joining me today is Representative Mark Gillen. My guest today is a constituent of Representative Gillen's, and Representative Harper here joins me because she graduated – and she tells me it was something like 1995 or something, just a few years back – that they graduated from La Salle University together, so I have asked her to join me here today as well. And in the past Representative Harper has been a prime sponsor of this resolution, as well as Mindy Fee, I believe, a time or two.

So I would like to formally introduce them at this point. The gentleman I am speaking of is Mr. Don Rongione, and his assistant, Carly Glasmyre, is joining him today as well. As Don just put on his American-made fedora there, I also should tell you that he, first of all, has been given special dispensation from the Speaker and Parliamentarian to put his hat on, number one. But number two, it is an American-made fedora and he is the president and CEO (chief executive officer) of the Bollman Hat Company, the company that I mentioned will be 150 years old next year. So I want to welcome both Don and Carly today, and I appreciate your making the trip up today.

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

And, Representative Cox, if you will join us up at rostrum and the others, and then we will proceed with the other remarks.

Representative Donna Oberlander is recognized on HR 458, and then she will be followed by Representative Murt, Representative Madden, Representative Cutler, Representative Harkins, and Representative Hill-Evans.

### STATEMENT BY MS. OBERLANDER

The SPEAKER. Representative Oberlander, the floor is yours.

Ms. OBERLANDER. Thank you. Thank you, Mr. Speaker, and thank you, members, for your support of HR 458, designating November 12 through 18 as "Diabetes and Cardiovascular Disease Awareness Week."

Approximately 1.4 million Pennsylvanians have diabetes and an additional 3.5 million have prediabetes, meaning that their sugar levels are high but they have not yet been diagnosed as diabetic. People with diabetes are at an increased risk of serious health conditions, including kidney failure, amputation, blindness, and cardiovascular disease.

Individuals with type 2 diabetes have a two to four times greater risk than those without in developing cardiovascular disease. This is a disease that is defined with problems of the heart and the blood vessels, which include heart attacks, heart failure, and strokes, and it is the leading cause of death to those who have diabetes, due to complications.

Not only do I feel compelled to share this information because I am the cochair of the Diabetes Caucus, but on a more personal note, my 49-year-old uncle died from heart failure as a complication of his type 2 diabetes. I saw the suffering he experienced firsthand through amputation and his eventual death from heart failure.

So again, I thank you and the Department of Health and relevant partners in sharing this information, promoting awareness, education, and action related to diabetes and the link to cardiovascular disease.

Thank you, Mr. Speaker.

### STATEMENT BY MR. MURT

The SPEAKER. Representative Tom Murt, on HR 460.

Mr. MURT. Thank you, Mr. Speaker.

Mr. Speaker, I wish to thank my colleagues for joining me and declaring November "Assistive Technology Awareness Month."

Mr. Speaker, Pennsylvanians of all ages need assistive technology devices and services to live independently and productively, as well as to be active participants in their communities. An assistive technology device is any item, piece of equipment, or product system used to improve the functional capabilities of older citizens or individuals with special needs or various types of disabilities.

In many cases, Mr. Speaker, assistive technology devices and services can afford those with special needs the chance to attend school or to earn a living in the workplace. While assistive technology can be elaborate and expensive, we must recognize that they are critical for many of our citizens. Assistive technology, Mr. Speaker, empowers our brothers and sisters who have various types of disabilities – developmental disabilities, physical disabilities, intellectual disabilities – to more fully participate in their communities. These are essential tools that empower people to control their lives and their futures.

This equipment is also critical to Pennsylvania's economy, as our Commonwealth is a leader in the development and implementation of assistive technology programs for our citizens, and, Mr. Speaker, this is why I am so pleased that my colleagues have come together to declare November "Assistive Technology Awareness Month" in the Commonwealth of Pennsylvania. Thank you.

### STATEMENTS BY MS. MADDEN

The SPEAKER. Representative Maureen Madden, first on HR 547.

Ms. MADDEN. Thank you, Mr. Speaker.

You either know or will know someone with this disease. It can start as unusual tiredness and the need to visit the bathroom many times. If left untreated, it can lead to serious health complications, including heart disease, stroke, kidney disease, blindness, amputations of the legs and feet, and even early death. The disease I am talking about is known as the silent killer, and it is called diabetes. My resolution, HR 547, recognizes November 2017 as "National Diabetes Month" in Pennsylvania.

In 2015 diabetes was the seventh leading cause of death in the United States. An estimated 30.1 million Americans, or 9.4 percent of the population, had diabetes. Type 1 diabetes, previously known as juvenile diabetes, is usually diagnosed in children and young adults and affects 5 percent of the population with diabetes, or 1.25 million people. In an effort to focus our attention on this ever-growing disease, November has been recognized as "National Diabetes Month." Advocates nationally and statewide join together as a united community during this time to raise awareness, promote ongoing diabetes education, and support those living with this disease.

Locally in my area, I am especially proud of the Juvenile Diabetes Walk One that has been taking place since 2012 in Stroudsburg and raises tens of thousands of dollars each year to combat this deadly disease. The 3-mile walk's goal is a world without type 1 diabetes that strikes children and adults suddenly. I say thank you to all the participants in the Stroudsburg walk and to those people all across Pennsylvania who participate in events.

By recognizing National Diabetes Month in Pennsylvania, we are promoting health disease management and encouraging Pennsylvanians to take an active role in their health. I hope my resolution, HR 547, provides a better understanding of diabetes that can be fatal and how it is necessary to take steps to prevent harmful complications.

Thank you for your support in voting for HR 547, and let us encourage people with type 1 diabetes to learn to manage the disease and live long, healthy lives with the help of insulin therapy and other treatments. Diabetes does not have to be a death sentence.

Thank you, Mr. Speaker.

The SPEAKER. Representative Maureen Madden, on HR 598.

Ms. MADDEN. Thank you, Mr. Speaker.

And thank you, colleagues, for your unanimous vote for HR 598, recognizing the 200th anniversary of Stroud Township.

On January 22, 1817, Stroud Township was originally founded as part of Northampton County until becoming part of Monroe County, which was formed in 1836. Stroud Township derives its namesake from Jacob Stroud, an earlier settler and the founder of the Borough of Stroudsburg.

Farming and industry were prevalent in Stroud Township, as parts of the township were known to have soil that was rich in limestone and conducive to agriculture, as well as encompassed landscape that was ideal for tanning, blacksmithing, and grist and saw milling.

During the late 19th century, rail lines had been introduced throughout much of Monroe County and gave way to the erection of multiple boarding houses and resorts.

Since the founding of Stroud Township, the municipality has experienced significant growth and development, as evidenced by the township's population in 1840 of 1,206 residents, to the 19,213 who call Stroud Township home today.

Mr. Speaker, on January 22, 2017, members from Stroud Township's Bicentennial Committee and representatives from the Brodhead Creek Conservation District, the Brodhead Creek Regional Authority, the Pocono Arts Council, and the Monroe County Historical Association collectively invited residents to an open house at the Stroud Township Municipal Building for the purpose of recognizing the bicentennial since the founding

of Stroud Township. This celebration commemorated Stroud Township's rich and illustrious history, and illustrated the boundless potential that exists for making the township an even more coveted place to live, work, and raise a family.

And thanks to this vote today on HR 598, the Pennsylvania House of Representatives recognizes the 200th anniversary of Stroud Township as well.

Thank you, Mr. Speaker, and congratulations to Stroud Township.

### STATEMENT BY MR. CUTLER

The SPEAKER. Representative Bryan Cutler is recognized to speak on HR 589.

Mr. CUTLER. Thank you, Mr. Speaker.

Mr. Speaker, I would like to thank our colleagues here in the chamber for supporting HR 589, which recognizes radiologic technologist week. Many of you will recall that prior to me going to law school and eventually coming to the State chamber here that I was an x-ray tech for 13 years. I worked in that capacity all through law school and maintain my license to this day.

Rad techs play a vital role in diagnosing and treating patients by capturing images via ionizing radiation, specializing in a variety of radiation therapy modalities, and understanding radiologic science and providing important information to physicians and other medical professionals as they work with patients.

On November 8, 1895, Wilhelm Conrad Roentgen discovered the X-ray, which revolutionized medicine, for which he was awarded the first Nobel Prize in Physics in 1901. The first national rad tech week was celebrated in 1979 to honor the important contributions of medical imaging professionals to the safe and thorough treatment of patients.

Mr. Speaker, I will submit the remainder of my comments for the record.

The SPEAKER. Thank you, sir.

### REMARKS SUBMITTED FOR THE RECORD

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

There are 17,000 professionals in the radiologic sciences living and working in Pennsylvania, providing the highest diagnostic and therapeutic care to individuals. These medical professionals are dedicated to the highest standard of professionalism and continually maintain those standards through education, lifelong learning, and credentialing.

### STATEMENT BY MR. HARKINS

The SPEAKER. Representative Pat Harkins is recognized to speak on HR 568.

Mr. HARKINS. Thank you, Mr. Speaker.

And thanks to my colleagues for your support of HR 568, naming November 2017 "Pancreatic Cancer Awareness Month" in Pennsylvania.

As we all know too well, cancer takes lives, many of them way too soon. Pancreatic cancer is the third leading cause of cancer death in the country.

According to the Pancreatic Cancer Action Network, more than 53,000 people are expected to be diagnosed and 43,000 are expected to die from this disease this year alone. There are reasons for the high mortality rate. There are typically no symptoms during the early stages and it spreads quickly, making it difficult to spot and treat. And that is the reason for my introducing this resolution today: awareness is the first step in early detection.

Pancreatic Cancer Awareness Month is already recognized across the country. How do we combat pancreatic cancer? We can support research funding, inform our constituents about patient services, and focus on developing effective treatments. We now have a responsibility on the State level to keep the Commonwealth alert in an effort to ease the pain and suffering in the hope that one day we can find a cure.

Recently one of our colleagues, Flo Fabrizio, was diagnosed with pancreatic cancer. I have walked with him somewhat in his battle, and he has shown us courage, class, and determination in his fight. We are hoping and praying for him to defeat this disease.

Thank you, Mr. Speaker.

#### STATEMENT BY MRS. EVANS

The SPEAKER. Representative Carol Hill-Evans is recognized to speak on HR 595.

Mrs. EVANS. Thank you, Mr. Speaker.

I am pleased to be here to speak about HR 595, which recognizes November 16, 2017, as "The Great American Smokeout Day" in Pennsylvania.

Tobacco use is the single largest preventable cause of disease and premature death in the world, according to the American Cancer Society, yet about 36.5 million Americans still smoke cigarettes.

The Centers for Disease Control says that cigarette smoking causes more than 480,000 deaths in the United States each year. Smoking increases the risk for both coronary heart disease and stroke by two to four times. It increases the risk of developing lung cancer by about 25 times.

The American Cancer Society organizes the Great American Smokeout each year to encourage smokers to quit smoking or make a plan to quit that day. The benefits of quitting start to show quickly. Research shows that in just 2 weeks to 3 months after quitting, circulation improves and lung function increases. In 1 to 9 months, coughing and shortness of breath decrease. In a year, the risk of heart attack drops dramatically.

Quitting is not easy; I know because I smoked for 35 years. I stopped with the help of the Kick Butts program, and I have remained a nonsmoker for 16 years.

It is my hope that events like the Great American Smokeout can give others the courage to quit and the resources they need to remain smoke-free. The Great American Smokeout is observed on just one day each year, but those who decide to quit will be healthier for years to come.

Thank you, Mr. Speaker, and thank you to all of my colleagues for their support of HR 595.

The SPEAKER. Thank you.

Representative Santora, I am not sure if your guests are still here. Did they leave? Okay.

#### UNCONTESTED SUPPLEMENTAL CALENDAR A

##### RESOLUTIONS PURSUANT TO RULE 35

Mr. SAMUELSON called up **HR 603, PN 2702**, entitled:

A Resolution recognizing the month of November 2017 as "National Alzheimer's Disease Awareness and Family Caregivers Month" in Pennsylvania.

\* \* \*

Ms. HAHN called up **HR 605, PN 2708**, entitled:

A Resolution commemorating the 50th anniversary of Northampton Community College.

\* \* \*

Mr. PASHINSKI called up **HR 618, PN 2724**, entitled:

A Resolution designating November 20, 2017, as "Kinship Caregiver Day" in Pennsylvania.

On the question,  
Will the House adopt the resolutions?

(Members proceeded to vote.)

##### LEAVE OF ABSENCE CANCELED

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

##### 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—194

Baker	Dush	Kortz	Rapp
Barbin	Ellis	Krueger	Ravenstahl
Barrar	Emrick	Kulik	Readshaw
Benninghoff	English	Lawrence	Reed
Bernstine	Evankovich	Lewis	Reese
Bizzarro	Evans	Longietti	Roae
Bloom	Everett	Mackenzie	Roe
Boback	Farry	Madden	Roebuck
Boyle	Fee	Maher	Rothman
Bradford	Fitzgerald	Mako	Rozzi
Briggs	Flynn	Maloney	Ryan
Brown, R.	Frankel	Markosek	Saccone
Brown, V.	Freeman	Marshall	Sainato
Bullock	Fritz	Marsico	Samuelson
Burns	Gabler	Masser	Sankey
Caltagirone	Galloway	McCarter	Santora
Carroll	Gillen	McClinton	Schemel
Causer	Gillespie	Mehaffie	Schlossberg
Cephas	Godshall	Mentzer	Schweyer

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

NAYS—0

NOT VOTING—0

EXCUSED—7

Fabrizio	Haggerty	McGinnis	Watson
Gainey	Matzie	Saylor	

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

The SPEAKER. At this time the Chair welcomes Representative Samuelson. I think you are going to be accompanied by Representative Kortz and Hennessey. That is to speak on HR 603, for which Representative Samuelson has a number of guests. So if all the members could please take their seats. Members, please take your seats.

Representative Hennessey, Representative Kortz, I believe you are going to accompany the good gentleman. We have guests that are in the rear of the House and also on the floor. And I think Representative Samuelson will be introducing the others, but I do want to call out our Secretary of Aging, Teresa Osborne. The Secretary of Aging, right over here to my left. Please, everybody, welcome the Secretary to the floor. We are very honored that you would be here today for the resolution. And we will introduce the others, but I turn it over to Representative Samuelson at this time.

### STATEMENT BY MR. SAMUELSON

Mr. SAMUELSON. Thank you, Mr. Speaker.

I am joined by Representative Hennessey and Representative Kortz in thanking the House for your vote in favor of HR 603, recognizing November 2017 as "National Alzheimer's Disease

Awareness and Family Caregivers Month" in Pennsylvania. We also want to thank our cosponsor, Representative Kathy Watson, who could not be here today, but she has been a leader in the fight against Alzheimer's.

We have several guests with us today who are on the front lines in our fight to end Alzheimer's and related disorders, and they are seated to the left of the Speaker. Secretary Teresa Osborne has been a strong voice in Pennsylvania for those who have been diagnosed and the caregivers that provide for them. Earlier this month, Secretary Osborne organized and hosted the 2017 Alzheimer's Disease and Related Disorders forum. We also have Geoffrey Roache, a board member of the Alzheimer's Association Greater Pennsylvania chapter and the chair of its policy coalition. Geoffrey helps to develop policy priorities, he engages volunteers, and he represents the association on the senior support coalition.

This year more than 30,000 people across Pennsylvania participated in walks to end Alzheimer's. Some of these volunteers are here today. We have Kristen Shipsky, a longtime volunteer and social worker with the Alzheimer's Association. She has facilitated caregiver support groups, she served on her local Walk to End Alzheimer's committee, and she has traveled to Washington to advocate on behalf of families and the individuals she serves. We also have Bob Artim. Bob has served 18 years as an accountant with the Luzerne and Wyoming Counties Area Agency on Aging. He has also been pivotal in promoting and funding the Walk to End Alzheimer's.

Pennsylvania has more than 673,000 informal, unpaid caregivers who last year provided an estimated 766 million hours of care, which is valued at more than \$9.6 billion. Sharon Biehner, who is with us today, has been one of those caregivers. She looked after her mother, who lived with Alzheimer's for more than 15 years until her passing in 2016. Now Sharon volunteers in several capacities with the Alzheimer's Association and she serves as a member of the Alzheimer's Association's congressional team.

In the rear of the House, we have a few others from the Greater Pennsylvania chapter of the Alzheimer's Association. We have Clay Jacobs, Jeffrey Dauber, Krista Somers, and they are joined by Dave Toth from the Department of Aging.

Mr. Speaker, an estimated 400,000 Pennsylvanians are suffering from Alzheimer's or a related disorder. It is in their honor that we adopt this resolution today. Without a scientific breakthrough, the cases and costs of Alzheimer's will continue to grow, putting even more of a burden on our families, health-care providers, and caregivers. Researchers are working to find a cure, but until they do, we need the best in care and caregiver support. That is why the Alzheimer's Association is encouraging States to adopt competency-based dementia training across the continuum of care, including public safety personnel, as a way to enhance the well-being of care partners and recipients.

We need to give our health-care providers, caregivers, and first responders the tools that they need to properly recognize and help those with Alzheimer's or a related disorder. We need to raise awareness so that people recognize the warning signs and get into treatment early, when they may have their best chance in slowing the disease. We need to support this important work our researchers are doing to diagnose, slow, and eventually cure Alzheimer's disease. And we need to support our informal, unpaid caregivers so that they can continue caring for their loved ones with Alzheimer's or a related disorder.

So I would like to thank the House for adopting this resolution. I would now like to recognize Representative Bill Kortz.

#### STATEMENT BY MR. KORTZ

The SPEAKER. Representative Kortz is recognized.

Mr. KORTZ. Thank you, Mr. Speaker.

I want to thank all my colleagues for their unanimous vote on HR 603. Mr. Speaker, Alzheimer's disease is a very terrible disease and it has no boundaries – race, creed, sex, geography, life's work, etc. It does not matter what someone does or where they come from or who they are. It crosses all boundaries.

An estimated 5.4 million individuals are living with this terrible disease currently in the United States, Mr. Speaker, and as many as 16 million Americans will have this terrible disease by 2050. Nearly 1 in 3 seniors that pass away every year has either Alzheimer's or some form of dementia. Mr. Speaker, my mother was one of those statistics in 2005, and my hope is that someday we will find a cure for this terrible disease.

Thank you, Mr. Speaker.

#### STATEMENT BY MR. HENNESSEY

The SPEAKER. Representative Hennessey is recognized.

Mr. HENNESSEY. Thank you, Mr. Speaker.

As chair of the House Aging and Older Adult Services Committee, I want to say thank you to all of you for your support of HR 603. Here in the Commonwealth, we are committed to helping caregivers and their loved ones. I was honored several years ago to serve on the Alzheimer's disease State planning committee. What we learned was that although in Pennsylvania we have accomplished a great deal over the last few years, the plan showed that we have more to do to assist our caregivers and residents suffering with Alzheimer's disease and related disorders.

The Alzheimer's planning committee presented a plan with distinct goals. We want to see that plan put into action and I am happy to be part of that ongoing process. Caring for a person with Alzheimer's disease or another related brain disorder is a labor of love, but it is also exhausting; filled with arduous days that try your patience and test your resolve. There are dark moments and bright moments that amount to a roller coaster, an emotional roller coaster, for the individual living with the disease, but even more so for those who are caring for them. As you have heard, individual and family caregivers save taxpayers billions of dollars each and every year in uncompensated care.

So we need to take a moment to thank all of those family caregivers. Many of them work full-time jobs, sometimes missing work to care for their family members or their neighbor. We thank all of those caregivers and salute them for their dedication and their devotion and for all of their sacrifices they make each and every day.

The Alzheimer's Association has two wonderful chapters which cover Pennsylvania. I just recently participated in the Walk to End Alzheimer's at Citizens Bank Park in Philadelphia 2 weeks ago, where perhaps 15,000 people participated in the walk to raise awareness of this disease, to raise money for ongoing research, and to make a statement of love for their suffering family members and for those, also, who care for them.

You know, years ago, decades ago, President John Kennedy, in one of his remarkable speeches, said, "...on earth God's work must truly be our own." And the people who have Alzheimer's – but more particularly, the people who care for them – are indeed living up to that principle. They are doing God's work, and we thank them and salute them for their service to our Commonwealth.

Thank you, Mr. Speaker.

The SPEAKER. Thank you.

Representative Eddie Pashinski, who is going to speak on HR 618.

#### GUESTS INTRODUCED

The SPEAKER. Sir, before you do, up in my left-hand corner of the gallery – and they are looking down here; would you all stand? – are guests of Representative Samuelson. We welcome the fourth grade classes from Bethlehem Christian School. Please stand and wave to all of us. We are so glad to have you here.

So we have others, too, all throughout the gallery. That is great. Parents are here as well, and teachers.

#### STATEMENT BY MR. PASHINSKI

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

Mr. PASHINSKI. Thank you very much, Mr. Speaker, and I thank all of my colleagues for their unanimous support designating today, November 20, as "Kinship Caregiver Day."

For those of us in this hall, we also probably recognize the fact that today throughout the entire country we have Universal Children's Day, which promotes togetherness and improving children's welfare. We all know that children are our future. I cannot think of a better day to stand together and recognize kinship caregivers. Those are the people who step in and care for the children when their parents are unable or unwilling to do so. Believe it or not, right now in Pennsylvania we have over 235,000 children that are being raised by either their grandparents or close relatives. It is unbelievable when you begin to think about it. This unfortunate situation has been caused either by a health problem, a disaster, an accident, but unfortunately, it is because of alcohol and drug-related diseases.

To make things worse, this opioid epidemic is becoming more and more pervasive and has reached epidemic proportions. These kinship caregivers are doing something very special for those children. They are providing the love and the nurturing possible in order to prevent them from failing in society. Those caregivers, those kinship caregivers, are giving up parts of their lives for the betterment of the children. Think about it for a moment: who among us could suddenly be able to care for one child or two or three because of an unforeseen health issue or a tragedy? What would you or your family do? What would you need to do in order to adjust your life to care for those children? Anybody that is put in that situation understands what I am talking about. For those of you that never had that responsibility, I hope that you do not have to, but believe me, your lives are altered dramatically. While some of us might be financially ready to take this responsibility on, think of the time, the commitment, think of all of the things that now you are going to end up having to do besides doctor appointments,

dentist appointments, school activities, soccer, baseball, church activities, but these people still step up to the plate, put these young folks in front of them, and they give of themselves.

The kinship caregivers are fulfilling a vital role, saving Pennsylvania billions of dollars by keeping these children out of foster care, keeping these children in school and out of trouble. Most importantly, they are doing what is best for the child. And the studies have shown the children who are unable to be raised by their parents do best in a stable situation with other close family members, and that is exactly what kinship caregivers do: they provide the permanence and stability the children need, and we owe it to them, we owe them a great deal of gratitude for doing so, for doing what is right in a very difficult situation.

Mr. Speaker, I want to thank you once again, and to all my fellow colleagues, I appreciate your support. Most importantly, thank you to the kinship caregivers around Pennsylvania who are doing what is best for Pennsylvania's children.

Thank you, Mr. Speaker.

The SPEAKER. Thank you.

CALENDAR

RESOLUTION PURSUANT TO RULE 35

Mr. WHEATLEY called up HR 433, PN 2210, entitled:

A Resolution recognizing the reality of food insecurity in Pennsylvania.

On the question, Will the House adopt the resolution?

The following roll call was recorded:

YEAS—194

Table listing names of members who voted 'YEAS' (194 total). Includes Baker, Barbin, Barrar, Benninghoff, Bernstine, Bizzarro, Bloom, Boback, Boyle, Bradford, Briggs, Brown, R., Brown, V., Bullock, Burns, Caltagirone, Carroll, Causer, Cephas, Charlton, Christiana, Comitta, Conklin, Cook, Corbin, Corr, Costa, D., Costa, P., Cox, Cruz, Culver, Cutler, Dush, Ellis, Emrick, English, Evankovich, Evans, Everett, Farry, Fee, Fitzgerald, Flynn, Frankel, Freeman, Fritz, Gabler, Galloway, Gillen, Gillespie, Godshall, Goodman, Greiner, Grove, Hahn, Hanna, Harkins, Harper, Harris, A., Harris, J., Heffley, Helm, Hennessey, Hickernell, Kortz, Krueger, Kulik, Lawrence, Lewis, Longietti, Mackenzie, Madden, Maher, Mako, Maloney, Markosek, Marshall, Marsico, Masser, McCarter, McClinton, Mehaffie, Mentzer, Metcalfe, Metzgar, Miccarelli, Millard, Miller, B., Milne, Moul, Mullery, Murt, Mustio, Neilson, Nelson, Rapp, Ravenstahl, Readshaw, Reese, Roae, Roe, Roebuck, Rothman, Rozzi, Ryan, Saccone, Sainato, Samuelson, Sankey, Santora, Schemel, Schlossberg, Schweyer, Simmons, Sims, Snyder, Solomon, Sonney, Staats, Stephens, Sturla, Tallman, Taylor, Thomas, Tobash, Toepel.

Table listing names of members who did not vote or were excused. Includes Daley, Davidson, Davis, Dawkins, Day, Dean, Deasy, DeLissio, Delozier, DeLuca, Dermody, Diamond, DiGirolo, Donatucci, Dowling, Driscoll, Dunbar, Hill, Irvin, James, Jozwiak, Kampf, Kaufner, Kauffman, Kavulich, Keefer, Keller, F., Keller, M.K., Keller, W., Kim, Kinsey, Kirkland, Klunk, Knowles, Nesbit, Neuman, O'Brien, O'Neill, Oberlander, Ortitay, Pashinski, Peifer, Petrarca, Petri, Pickett, Pyle, Quigley, Quinn, C., Quinn, M., Rabb, Rader, Toohil, Topper, Vazquez, Vitali, Walsh, Ward, Warner, Warren, Wentling, Wheatley, Wheeland, White, Youngblood, Zimmerman, Turzai, Speaker.

NAYS—0

NOT VOTING—0

EXCUSED—7

Table listing names of members who were excused. Includes Fabrizio, Gainey, Haggerty, Matzie, McGinnis, Saylor, Watson.

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

STATEMENT BY MR. WHEATLEY

The SPEAKER. On the resolution, Representative Jake Wheatley is recognized.

Mr. WHEATLEY. Thank you, Mr. Speaker.

I want to thank my colleagues today for supporting HR 433. I want to especially thank my colleague, Representative Ed Gainey, from the 24th Legislative District, because back in June he took a journey with me when I asked if he would be willing to fast so that we could experience some form of a lack of food security to symbolize what many of our citizens in our districts face every day. In Pennsylvania we have well over a million citizens who every day either do not know where their next meal is coming from, or because of their circumstances, are eating meals that are not nutritional in value or are not sufficient enough to quell their hunger.

Mr. Speaker, we are going into a very important week, at least for me and my household. On Thursday we recognize Thanksgiving, and it is one of the biggest, most exciting holidays in the Wheatley household, because we know there is going to be plenty of turkey, dressing, and all the other foods of the season available. My favorite happens to be the sweet potato pie. But, Mr. Speaker, what also is very important for us not to forget is that every day there are citizens, Pennsylvanians within each of our districts – I do not care if it is rural, suburban, or urban – that are faced with some real choices around where their next nutritional meal will come from. Now, why did I want to highlight this? Because I think it is important that we never lose sight, while we sit in this great hall, of what this really means for Pennsylvanians.

When we cannot provide for ourselves and our children in a nutritional manner, it is hard for us to do our jobs. It is hard for us to be able to function for 8 hours on a shift. It is hard for our children to be able to ascertain the education and the quality of



education that they need. It is hard for our seniors to be able to live the types of lives we want them to live. So what does that mean to us, because when we do not have the access to the basics of our survival, it puts pressure on our system? It puts pressure on our financial systems in this chamber and all of those things we are dealing with, it puts pressures on it. We should never forget that we have millions of citizens in this Commonwealth who do not know where their next meal will come from, and when they do get the meal, it is not nutritional or sufficient.

So I want to thank you all for supporting this resolution. I want to thank Representative Gainey for supporting the crazy idea that I had in June, but it was just minuscule to what our citizens face every day, and why they require us to come here seriously prepared, to make sure their quality of life, their families' quality of life has the tools and resources and wherewithal for them to do the things that we need them to do.

So I want to thank you all for voting for HR 433, and I look forward to working with you all to make sure not one Pennsylvanian – not one child, not one senior, not one able-bodied man or woman – goes without the nutritional meal that they deserve and require and is necessary for them to live a full happy life.

So thank you, and have a great week of Thanksgiving. Thank you.

The SPEAKER. Thank you, Representative Wheatley.

### RESOLUTION PURSUANT TO RULE 35

Mr. SCHLOSSBERG called up **HR 495, PN 2459**, entitled:

A Resolution condemning hate crime and any other form of racism, religious or ethnic bias, discrimination, incitement to violence or animus targeting a minority in this Commonwealth and beyond.

On the question,  
Will the House adopt the resolution?

The SPEAKER. Representative Cris Dush, on the resolution, sir.

Mr. DUSH. Thank you, Mr. Speaker.

Mr. Speaker, I commend the idea that we are going to be voting on a resolution condemning hatred, and you know, when our government right now, we are facing hatred towards police officers, there is hatred on so many different fronts. This resolution simply identifies a handful of them rather than condemning it in toto, and I wish we would have just resorted to condemning it universally rather than just isolating certain elements of it.

As I said, we have police officers that are facing attacks based on hate. We have several other different types of, if you want to call them hate crimes, but this is very selective.

And it is interesting, of all the different laws that were passed when Jesus was confronted, which is the greatest? He came back and He said, "Love the Lord your God with all your heart, all your mind, all your soul, and all your strength," and "Love your neighbor as yourself." We need to start as a nation holding to those two principles. The reason we are in this position we are in right now is because we violated them and we have gone away from them.

While I believe that this bill or this resolution is going to address a few of those things, it is very selective, and I will just leave my comments as that. Thank you.

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

The following roll call was recorded:

#### YEAS—194

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

#### NAYS—0

#### NOT VOTING—0

#### EXCUSED—7

Fabrizio	Haggerty	McGinnis	Watson
Gainey	Matzie	Saylor	

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

### HEALTH COMMITTEE MEETING

The SPEAKER. Representative Matt Baker has a committee announcement. Sir.

Mr. BAKER. Thank you, Mr. Speaker.

The Health Committee will meet immediately at the break in room G-50 of the Irvis Building. Thank you, Mr. Speaker.

The SPEAKER. Thank you, sir.

The Health Committee will meet immediately at the break in room G-50 of the Irvis Building.

### RULES COMMITTEE MEETING

The SPEAKER. Chairman Reed of the Rules Committee, for a committee announcement.

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

There will be an immediate meeting of the House Rules Committee in the Appropriations conference room; immediate meeting of the House Rules Committee. Thank you.

The SPEAKER. Thank you, sir.

There will be an immediate meeting of the House Rules Committee in the Appropriations conference room.

### APPROPRIATIONS COMMITTEE MEETING

The SPEAKER. Vice chair, Representative George Dunbar, from the Appropriations Committee, for a committee announcement.

Mr. DUNBAR. Thank you, Mr. Speaker.

There will be a voting meeting of the House Appropriations Committee at 2:45; that is 2:45 in the majority caucus room for House Appropriations Committee.

The SPEAKER. Thank you, sir.

There will be a voting meeting of the House Appropriations Committee at 2:45 in the majority caucus room.

### REPUBLICAN CAUCUS

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

Mrs. TOEPEL. Thank you, Mr. Speaker.

Republicans will caucus at 3 o'clock. We would be prepared to return to the floor at 5 o'clock.

The SPEAKER. Thank you, Madam Chair.

### DEMOCRATIC CAUCUS

The SPEAKER. Representative Dan Frankel, for a minority caucus announcement. The minority caucus chair for a caucus announcement.

Mr. FRANKEL. Thank you, Mr. Speaker.

Democrats will caucus at 3 o'clock. Democrats will caucus at 3 o'clock. Thank you.

### RECESS

The SPEAKER. Members, at this time the House will stand in recess. We will be back on the floor at 5 p.m., unless sooner recalled by the Speaker.

### RECESS EXTENDED

The time of recess was extended until 5:30 p.m.; further extended until 5:45 p.m.; further extended until 6:15 p.m.; further extended until 6:30 p.m.

### AFTER RECESS

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

### BILLS REREPORTED FROM COMMITTEE

#### HB 558, PN 583

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.

#### APPROPRIATIONS.

#### HB 1793, PN 2594

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

#### APPROPRIATIONS.

### BILLS ON CONCURRENCE REPORTED FROM COMMITTEE

#### HB 1388, PN 1749 (Amended)

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, in comprehensive health care for uninsured children, further providing for expiration.

#### RULES.

#### HB 1490, PN 2650

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, in rates and distribution systems, further providing for rates to be just and reasonable; and providing for water and sewer authorities in cities of the second class.

#### RULES.

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

#### HB 1677, PN 2736 (Amended)

An Act amending the act of June 13, 1967 (P.L.31, No.21), known as the Human Services Code, in public assistance, further providing for meeting special needs and work supports and incentives; in departmental powers and duties as to supervision, further providing for definitions; and, in departmental powers and duties as to licensing, further providing for definitions.

HEALTH.

**HB 1829, PN 2737** (Amended) By Rep. BAKER

An Act amending the act of June 13, 1967 (P.L.31, No.21), known as the Human Services Code, in public assistance, providing for medical assistance deemed eligibility program for home care, home health and older adult daily living center services.

HEALTH.

**HB 1933, PN 2738** (Amended) By Rep. BAKER

An Act prohibiting certain benefit packages for children's health care and medical assistance to include gender or sex reassignment surgery or gender or sex transition services.

HEALTH.

**RESOLUTION REPORTED FROM COMMITTEE**

**HR 519, PN 2723** By Rep. BAKER

A Resolution recognizing pornography as a public health hazard leading to a broad spectrum of individual and public health impacts and societal harms.

HEALTH.

**BILL REPORTED AND REREFERRED TO COMMITTEE ON COMMERCE**

**HB 1548, PN 2031** By Rep. BAKER

An Act amending the act of December 22, 2005 (P.L.474, No.94), known as the Breach of Personal Information Notification Act, further providing for definitions and for notification of breach; and providing for contents and nature of notice and for storage policies.

Reported from Committee on HEALTH with request that it be rereferred to Committee on COMMERCE.

The SPEAKER. Without objection, the referral will be so moved. So that bill will go from Health to Commerce.

**LEAVE OF ABSENCE**

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

**SUPPLEMENTAL CALENDAR B**

**BILLS ON THIRD CONSIDERATION**

The House proceeded to third consideration of **HB 1793, PN 2594**, entitled:

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

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—193**

Baker	Dush	Krueger	Ravenstahl
Barbin	Ellis	Kulik	Readshaw
Barrar	Emrick	Lawrence	Reed
Benninghoff	English	Lewis	Reese
Bernstine	Evankovich	Longietti	Roae
Bizzarro	Evans	Mackenzie	Roe
Bloom	Everett	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	Gabler	Masser	Sankey
Burns	Galloway	McCarter	Santora
Caltagirone	Gillen	McClinton	Schemel
Carroll	Gillespie	Mehaffie	Schlossberg
Causer	Godshall	Mentzer	Schweyer
Cephas	Goodman	Metcalfe	Simmons
Charlton	Greiner	Metzgar	Sims
Christiana	Grove	Miccarelli	Snyder
Comitta	Hahn	Millard	Solomon
Conklin	Hanna	Miller, B.	Sonney
Cook	Harkins	Miller, D.	Staats
Corbin	Harper	Milne	Stephens
Corr	Harris, A.	Moul	Sturla
Costa, D.	Harris, J.	Mullery	Tallman
Costa, P.	Heffley	Murt	Taylor
Cox	Helm	Mustio	Thomas
Cruz	Hennessey	Neilson	Tobash
Culver	Hickernell	Nelson	Toepel
Cutler	Hill	Nesbit	Toohil
Daley	Irvin	Neuman	Topper
Davidson	James	O'Brien	Vazquez
Davis	Jozwiak	O'Neill	Vitali
Dawkins	Kampf	Oberlander	Walsh
Day	Kaufert	Ortitay	Ward
Dean	Kauffman	Pashinski	Warner
Deasy	Kavulich	Peifer	Warren
DeLissio	Keefer	Petrarca	Wentling
Delozier	Keller, F.	Petri	Wheatley
DeLuca	Keller, M.K.	Pickett	Wheeland
Dermody	Keller, W.	Pyle	White
Diamond	Kim	Quigley	Youngblood
DiGirolamo	Kinsey	Quinn, C.	Zimmerman
Donatucci	Kirkland	Quinn, M.	
Dowling	Klunk	Rabb	Turzai,
Driscoll	Knowles	Rader	Speaker
Dunbar	Kortz	Rapp	

**NAYS—0**

**NOT VOTING—0**

**EXCUSED—8**

Fabrizio	Gainey	Matzie	Saylor
Farry	Haggerty	McGinnis	Watson

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

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

\* \* \*

The House proceeded to third consideration of **HB 558, PN 583**, entitled:

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.

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 CANCELED**

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

Representative Gainey, you may vote; yes.

**CONSIDERATION OF HB 558 CONTINUED**

On the question recurring,  
Shall the bill pass finally?

The following roll call was recorded:

YEAS—194

Baker	Dush	Kortz	Rapp
Barbin	Ellis	Krueger	Ravenstahl
Barrar	Emrick	Kulik	Readshaw
Benninghoff	English	Lawrence	Reed
Bernstine	Evankovich	Lewis	Reese
Bizzarro	Evans	Longietti	Roae
Bloom	Everett	Mackenzie	Roe
Boback	Fee	Madden	Roebuck
Boyle	Fitzgerald	Maher	Rothman
Bradford	Flynn	Mako	Rozzi
Briggs	Frankel	Maloney	Ryan
Brown, R.	Freeman	Markosek	Saccone
Brown, V.	Fritz	Marshall	Sainato
Bullock	Gabler	Marsico	Samuelson
Burns	Gainey	Masser	Sankey
Caltagirone	Galloway	McCarter	Santora
Carroll	Gillen	McClinton	Schemel
Causar	Gillespie	Mehaffie	Schlossberg
Cephas	Godshall	Mentzer	Schweyer
Charlton	Goodman	Metcalfe	Simmons

Christiana	Greiner	Metzgar	Sims
Comitta	Grove	Miccarelli	Snyder
Conklin	Hahn	Millard	Solomon
Cook	Hanna	Miller, B.	Sonney
Corbin	Harkins	Miller, D.	Staats
Corr	Harper	Milne	Stephens
Costa, D.	Harris, A.	Moul	Sturla
Costa, P.	Harris, J.	Mullery	Tallman
Cox	Heffley	Murt	Taylor
Cruz	Helm	Mustio	Thomas
Culver	Hennessey	Neilson	Tobash
Cutler	Hickernell	Nelson	Toepel
Daley	Hill	Nesbit	Toohil
Davidson	Irvin	Neuman	Topper
Davis	James	O'Brien	Vazquez
Dawkins	Jozwiak	O'Neill	Vitali
Day	Kampf	Oberlander	Walsh
Dean	Kaufer	Ortitay	Ward
Deasy	Kauffman	Pashinski	Warner
DeLissio	Kavulich	Peifer	Warren
DeLozier	Keefer	Petrarca	Wentling
DeLuca	Keller, F.	Petri	Wheatley
Dermody	Keller, M.K.	Pickett	Wheeland
Diamond	Keller, W.	Pyle	White
DiGirolamo	Kim	Quigley	Youngblood
Donatucci	Kinsey	Quinn, C.	Zimmerman
Dowling	Kirkland	Quinn, M.	
Driscoll	Klunk	Rabb	Turzai,
Dunbar	Knowles	Rader	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—7

Fabrizio	Haggerty	McGinnis	Watson
Farry	Matzie	Saylor	

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

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

**SUPPLEMENTAL CALENDAR C**

**BILL ON CONCURRENCE  
IN SENATE AMENDMENTS**

The House proceeded to consideration of concurrence in Senate amendments to the following **HB 1490, PN 2650**, entitled:

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, in rates and distribution systems, further providing for rates to be just and reasonable; and providing for water and sewer authorities in cities of the second class.

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

The SPEAKER. Moved by the Speaker and Representative Readshaw that the House concur in the amendments inserted by the Senate.

The Chair recognizes Representative Readshaw for a brief description of the Senate amendments. You may proceed, sir.

Mr. READSHAW. Thank you, Mr. Speaker.

Mr. Speaker, there were two amendments on 1490 in the Senate: one with provision that ensured the legislation was not interpreted so it would not affect the Allegheny County Sanitary Authority, and the other one was just simply changing a date that would take effect to April of next year.

Thank you very much, Mr. Speaker. I ask for an affirmative vote.

The SPEAKER. Thank you.

On the question recurring,

Will the House concur in Senate amendments?

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

The following roll call was recorded:

YEAS—189

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

NAYS—5

Freeman	McCarter	Samuelson	Vitali
Hanna			

NOT VOTING—0

EXCUSED—7

Fabrizio	Haggerty	McGinnis	Watson
Farry	Matzie	Saylor	

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

Ordered, That the clerk inform the Senate accordingly.

**BILL ON CONCURRENCE  
IN SENATE AMENDMENTS  
AS AMENDED**

The House proceeded to consideration of concurrence in Senate amendments to the following **HB 1388, PN 1749**, as further amended by the House Rules Committee:

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, in comprehensive health care for uninsured children, further providing for expiration.

On the question,

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

The SPEAKER. Moved by the gentleman, Representative Irvin, that the House concur in the amendments.

The Chair recognizes Representative Irvin for a brief description of the Senate and House amendments. So it would be the underlying bill, then Senate amendments, then House amendments.

Representative Irvin, you may proceed.

Mr. IRVIN. Thank you, Mr. Speaker.

I rise today in support of, concur with HB 1388. Myself as a parent, before I became a State legislator, I actually used this CHIP program (Children's Health Insurance Program). I think it is vital for the nearly 200,000 children who are covered under this program to continue with this health insurance. It is a very vital program for our State and I would ask the members to concur with this vote. Thank you.

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—194

Baker	Dush	Kortz	Rapp
Barbin	Ellis	Krueger	Ravenstahl
Barrar	Emrick	Kulik	Readshaw
Benninghoff	English	Lawrence	Reed
Bernstine	Evankovich	Lewis	Reese
Bizzarro	Evans	Longietti	Roae
Bloom	Everett	Mackenzie	Roe
Boback	Fee	Madden	Roebuck
Boyle	Fitzgerald	Maher	Rothman
Bradford	Flynn	Mako	Rozzi

Briggs	Frankel	Maloney	Ryan
Brown, R.	Freeman	Markosek	Sacone
Brown, V.	Fritz	Marshall	Sainato
Bullock	Gabler	Marsico	Samuelson
Burns	Gainey	Masser	Sankey
Caltagirone	Galloway	McCarter	Santora
Carroll	Gillen	McClinton	Schemel
Causser	Gillespie	Mehaffie	Schlossberg
Cephas	Godshall	Mentzer	Schweyer
Charlton	Goodman	Metcalfe	Simmons
Christiana	Greiner	Metzgar	Sims
Comitta	Grove	Miccarelli	Snyder
Conklin	Hahn	Millard	Solomon
Cook	Hanna	Miller, B.	Sonney
Corbin	Harkins	Miller, D.	Staats
Corr	Harper	Milne	Stephens
Costa, D.	Harris, A.	Moul	Sturla
Costa, P.	Harris, J.	Mullery	Tallman
Cox	Heffley	Murt	Taylor
Cruz	Helm	Mustio	Thomas
Culver	Hennessey	Neilson	Tobash
Cutler	Hickernell	Nelson	Toepel
Daley	Hill	Nesbit	Toohil
Davidson	Irvin	Neuman	Topper
Davis	James	O'Brien	Vazquez
Dawkins	Jozwiak	O'Neill	Vitali
Day	Kampf	Oberlander	Walsh
Dean	Kaufer	Ortitay	Ward
Deasy	Kauffman	Pashinski	Warner
DeLissio	Kavulich	Peifer	Warren
Delozier	Keefer	Petrarca	Wentling
DeLuca	Keller, F.	Petri	Wheatley
Dermody	Keller, M.K.	Pickett	Wheeland
Diamond	Keller, W.	Pyle	White
DiGirolamo	Kim	Quigley	Youngblood
Donatucci	Kinsey	Quinn, C.	Zimmerman
Dowling	Kirkland	Quinn, M.	
Driscoll	Klunk	Rabb	Turzai,
Dunbar	Knowles	Rader	Speaker

NAYS-0

NOT VOTING-0

EXCUSED-7

Fabrizio	Haggerty	McGinnis	Watson
Farry	Matzie	Saylor	

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.

**CALENDAR CONTINUED**

**BILLS ON SECOND CONSIDERATION**

The House proceeded to second consideration of **HB 448, PN 469**, entitled:

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

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

\* \* \*

The House proceeded to second consideration of **HB 1588, PN 2188**, entitled:

An Act amending the act of August 26, 1971 (P.L.351, No.91), known as the State Lottery Law, in pharmaceutical assistance for the elderly, further providing for income verification.

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

The SPEAKER. I would ask the whips, both the majority whip and the minority whip, to make sure everybody is in their seats. We will be monitoring who is in their seats. All members, please take your seats for these votes. All members, as required by the rules, please take your seats. And I am going to ask each of the whips to please let me know who is not in their seats. All members, please take your seats, and I would ask both the majority and the minority whips to let me know who are not in their seats. All members, please report to the floor.

**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 1490, PN 2650**

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, in rates and distribution systems, further providing for rates to be just and reasonable; and providing for water and sewer authorities in cities of the second class.

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

The SPEAKER. All members, please come to the floor. If I could ask the two whips to just please approach the Chair. The majority and minority whips, if they will please approach the Chair.

(Conference held at Speaker's podium.)

The SPEAKER. As many know, our rule 64 requires, second paragraph, "No member shall be permitted to vote and have his or her vote recorded...unless present in the Hall of the House during the roll call vote."

**LEAVE OF ABSENCE**

The SPEAKER. Representative Michael O'BRIEN has requested to be placed on leave. Without objection, that will be granted.

## BILLS ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 1401, PN 2610**, entitled:

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, providing for volumetric severance tax; and making a related repeal.

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

Mr. **MAHER** offered the following amendment No. **A04529**:

Amend Bill, page 1, lines 1 through 11, by striking out all of said lines and inserting

Amending Title 58 (Oil and Gas) of the Pennsylvania Consolidated Statutes, in unconventional gas well fee, repealing expiration and providing for volumetric severance tax.

Amend Bill, page 28, lines 29 and 30; pages 29 through 35, lines 1 through 30; page 36, lines 1 through 22; by striking out all of said lines on said pages and inserting

Section 1. Section 2318 of Title 58 of the Pennsylvania Consolidated Statutes is repealed:  
[§ 2318. Expiration.

(a) Notice.—The Secretary of the Commonwealth shall, upon the imposition of a severance tax on unconventional gas wells in this Commonwealth, submit for publication in the Pennsylvania Bulletin notice of the imposition.

(b) Date.—This chapter shall expire on the date of the publication of the notice under subsection (a).]

Section 2. Title 58 is amended by adding a part to read:

### PART IV TAXATION

#### Chapter

#### 51. Volumetric Severance Tax

#### CHAPTER 51

#### VOLUMETRIC SEVERANCE TAX

#### § 5101. Definitions.

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

"Average annual price of natural gas." As defined in section 2301 (relating to definitions).

"Commission." The Pennsylvania Public Utility Commission.

"Department." The Department Of Environmental Protection Of The Commonwealth.

"Gross proceeds." Money generated from the sale by a lessee of oil, natural gas or gas of any other designation or their constituents removed or recovered under a lease in an arms-length transaction designated and fixed at the actual point of sale.

"Lease." An agreement conveying to a lessee the right to remove or recover oil, natural gas or gas of any other designation from land of the lessor.

"Meter." A device to measure the passage of volumes of gases or liquids past a certain point.

"Natural gas." As defined in section 2301.

"Producer." As defined in section 2301.

"Royalty payment." A payment made by a lessee to a lessor in accordance with a lease.

"Sever." The extraction or other removal of natural gas from an unconventional formation in this Commonwealth. The term does not include natural gas, in gaseous or liquid form, which is burned, used, consumed or otherwise employed in oil and gas operations at a natural gas well site:

- (1) for secondary recovery;
- (2) for re-pressuring;

(3) for pressure maintenance; or

(4) as fuel for equipment.

"Storage field." A natural gas formation or other side that is used to store natural gas that did not originate from and has been transplanted into the formation or site.

"Trigger date." The date 60 days after the effective date of this section.

"Unconventional formation." As defined in section 2301.

"Unconventional gas well." As defined in section 2301.

"Unit." A thousand cubic feet (MCF) of natural gas at a temperature of 60 degrees Fahrenheit and an absolute pressure of 14.73 pounds per square inch, in accordance with American Gas Association (AGA) standards and according to Boyle's law for the measurement of gas under varying pressures with deviations therefrom as follows:

(1) The average absolute atmospheric pressure shall be assumed to be 14.4 pounds to the square inch, notwithstanding the actual elevation or location of point of delivery above sea level or variations in the atmospheric pressure.

(2) The temperature of the gas passing the meters shall be determined by the continuous use of a recording thermometer installed so that the thermometer may properly record the temperature of the gas flowing through the meters. The arithmetic average of the temperature recorded each 24-hour day shall be used in computing gas volumes. If a recording thermometer is not installed, or if installed and not operating properly, an average flowing temperature of 60 degrees Fahrenheit shall be used in computing gas volume.

(3) The specific gravity of the gas shall be determined by tests made by the use of an Edwards or Acme gravity balance annually or at intervals as are found necessary in practice. Specific gravity shall be used in computing gas volumes.

(4) The deviation of the natural gas from Boyle's law shall be determined by tests annually or at other shorter intervals as are found necessary in practice. The apparatus and the method to be used in making the tests shall be in accordance with recommendations of the National Bureau of Standards of the Department of Commerce or Report No. 3 of the Gas Measurement Committee of the American Gas Association, or any amendments of the report. The results of the tests shall be used in computing the volume of gas delivered.

"Wellhead meter." A meter placed at a producing site to measure the actual volume of natural gas severed.

#### § 5102. Volumetric severance tax.

(a) Imposition.—Each producer subject to the unconventional gas well fee imposed under section 2302 (relating to unconventional gas well fee) shall pay a volumetric severance tax.

(b) Computation.—The volumetric severance tax for each unconventional gas well shall be calculated by applying the applicable rate under subsection (c) to natural gas severed from the unconventional gas well during the imposition period under subsection (d).

(c) Tax rate.—The tax rate shall be as follows:

(1) If the average annual price of natural gas for the calendar year immediately preceding the start of the imposition period is less than \$3.00, the surcharge rate shall be \$0.02 per unit severed.

(2) If the average annual price of natural gas for the calendar year immediately preceding the start of the imposition period is greater than \$3.00 and less than \$5.00, the tax rate shall be \$0.025 per unit severed.

(3) If the average annual price of natural gas for the calendar year immediately preceding the start of the imposition period is greater than \$4.99 and less than \$6.00, the tax rate shall be \$0.03 per unit severed.

(4) If the average annual price of natural gas for the calendar year immediately preceding the start of the imposition period is greater than \$5.99, the tax rate shall be \$0.035 per unit severed.

(d) Imposition period.—The imposition period shall be as follows:

(1) For fiscal year 2017-2018, the imposition period shall be from October 1, 2017, to April 30, 2018.

(2) For fiscal year 2018-2019, and each fiscal year thereafter, the imposition period shall be from May 1 of the preceding fiscal year to April 30 of the current fiscal year.

(e) Payment.—The volumetric severance tax imposed under this chapter shall be due on the same day the report is due under subsection (f). The tax shall become delinquent if not remitted to the commission on the reporting date.

(f) Report.—By June 15, 2018, and June 15 of each year thereafter, each producer shall submit payment of the volumetric severance tax to the commission and a report on a form prescribed by the commission for the imposition period.

(g) Exemptions.—The volumetric severance tax imposed under this chapter shall not be imposed on the following:

(1) natural gas severed, sold and delivered by a producer at or within five miles of the producing site for the processing or manufacture of tangible personal property as defined under section 201 of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971;

(2) natural gas severed under a natural gas lease and provided to a lessor for no consideration for the lessor's own use; or

(3) natural gas severed from a storage field.

(h) Volume measurement.—

(1) Except as provided under paragraph (2), for purposes of computing the volumetric severance tax, natural gas severed shall be measured at the wellhead meter.

(2) Natural gas severed prior to the trigger date shall be measured according to the standards and methods used for reporting natural gas production to the department.

(i) Administration.—The volumetric severance tax shall be administered and enforced in the same manner as the unconventional gas well fee under Chapter 23 (relating to unconventional gas well fee).

(j) Use of money.—Money collected from the volumetric severance tax under this section shall be transferred to the State Treasurer to be deposited into the General Fund.

(k) Independent Fiscal Office.—Beginning September 30, 2018, and quarterly thereafter, the Independent Fiscal Office shall publish a report on its publicly accessible Internet website that shows the calculation of an average effective tax rate of the volumetric severance tax imposed under this chapter and the unconventional gas well fee imposed under Chapter 23, imposed for the preceding imposition period. The average effective tax rate shall quantify the implicit tax burden imposed on a producer by both the volumetric severance tax and the unconventional gas well fee in a given year. The average effective tax rate shall be based upon the market value of natural gas at the wellhead using regional price information from hubs located in this Commonwealth and postproduction costs shall be deducted to approximate the value of natural gas at the wellhead. The report shall include the methodology used to calculate the average effective tax rate.

(l) Payment of tax.—A producer may not make the tax imposed under this section on natural gas severed under a lease an obligation, indebtedness or liability of the lessor and may not otherwise require the lessor to reimburse the producer for the amount of the tax.

§ 5103. Minimum royalty.

(a) Amount.—

(1) The minimum royalty payment made under the act of July 20, 1979 (P.L.183, No.60), known as the Oil and Gas Lease Act, to a lessor under a lease may not be less than one-eighth of the gross proceeds received by the lessee for the oil, natural gas or gas of any other designation recovered by the lessee under the lease.

(2) A deduction or allocation of costs, expenses or other adjustments may not be taken or made to gross proceeds before calculating the amount of a royalty payment due to a lessor under paragraph (1).

(b) Applicability.—The requirement to pay a minimum royalty under subsection (a) shall only apply to oil, natural gas or gas of any other designation recovered and sold by a lessee after the effective date of this section.

§ 5104. Remedy.

(a) Civil action and venue.—A lessor who is party to a lease may file an action for failure of the lessee to pay the minimum royalty under section 5103 (relating to minimum royalty) in the court of common pleas of the county where the land of the lessor is located or the county in this Commonwealth in which the lessor resides.

(b) Burden of proof.—

(1) Demonstration by a lessor who is party to a lease that the lessee has made a royalty payment which is less than the amount required under section 5103(a) shall create a presumption that a violation of section 5103 has occurred.

(2) The presumption under paragraph (1) may be rebutted if the lessee presents clear and convincing evidence that the required minimum royalty payment was made.

(c) Effect of notice and failure to cure.—In an action in which a court finds that the lessee who is party to a lease has violated the terms of section 5103, the lessor shall be entitled to the remedies under subsections (d) and (e) if, before filing suit, the lessor gave to the lessee 30 days' written notice by certified mail of the deficiency and the lessee failed to cure the deficiency.

(d) Additional remedies.—In addition to actual damages and any other remedy deemed appropriate by the court, the court shall award to the lessor reasonable attorney fees and costs in bringing the action, including expert witness fees.

(e) Treble damages.—If the court finds that the lessee acted willfully in failing to pay the minimum royalty payment due or where a lessee has been previously found to have failed to pay the minimum royalty payment due, the court may award treble damages to the lessor.

(f) Other remedies not precluded.—The remedies provided under this section are not exclusive of, do not require exhaustion of and shall be in addition to any other remedies provided by the lease, by law or in equity.

§ 5105. Severability.

The provisions of this chapter are severable. If any provision of this chapter or its application to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this chapter which can be given effect without the invalid provision or application.

Section 3. The following shall apply retroactively to October 1, 2017:

(1) The repeal of 58 Pa.C.S. § 2318.

(2) The addition of 58 Pa.C.S. Pt. IV, except for 58 Pa.C.S. §§ 5103 and 5104.

Section 4. This act shall take effect immediately.

On the question,

Will the House agree to the amendment?

The SPEAKER. The Chair recognizes Representative John Maher.

Mr. MAHER. Thank you, Mr. Speaker.

As a matter of sequence, I was actually intending to call up amendment 4531.

The SPEAKER. Representative Maher, a number of bills were presented with a suggested order. We are going to proceed with 4529 at this time, and then we will be likely to call up 4531 shortly; next, most likely.

So on 4529, please.



Mr. MAHER. Thank you, Mr. Speaker.

The underlying subject matter of this legislation deals exclusively with the subject matter which is actually to be found in Title 58, not in the Tax Code, and this amendment simply moves the bill as drafted from the Tax Code to Title 58. So it is really a simple explanation, and it puts it together with all other statutes that deal with the oil and gas industry instead of just being a red herring out there in the Tax Code.

The SPEAKER. Representative Gene DiGirolamo.

Mr. DiGIROLAMO. Thank you, Mr. Speaker.

Mr. Speaker, this is an agreed-to amendment, and I would ask the members to vote "yes." Thank you.

The SPEAKER. Representative Hill-Evans, do you wish to be recognized? Okay. I am sorry. I saw you waving.

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

The following roll call was recorded:

YEAS—191

Baker	Dush	Krueger	Ravenstahl
Barbin	Ellis	Kulik	Readshaw
Barrar	Emrick	Lawrence	Reed
Benninghoff	English	Lewis	Reese
Bernstine	Evankovich	Longietti	Roae
Bizzarro	Evans	Mackenzie	Roe
Bloom	Everett	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	Gabler	Masser	Sankey
Burns	Gainey	McCarter	Santora
Caltagirone	Galloway	McClinton	Schemel
Carroll	Gillen	Mehaffie	Schlossberg
Causar	Gillespie	Mentzer	Schweyer
Cephas	Godshall	Metcalfe	Simmons
Charlton	Goodman	Metzgar	Sims
Christiana	Greiner	Miccarelli	Snyder
Comitta	Grove	Millard	Solomon
Conklin	Hahn	Miller, B.	Sonney
Cook	Hanna	Miller, D.	Staats
Corbin	Harkins	Milne	Stephens
Corr	Harris, A.	Moul	Sturla
Costa, D.	Harris, J.	Mullery	Tallman
Costa, P.	Heffley	Murt	Taylor
Cox	Helm	Mustio	Thomas
Cruz	Hennessey	Neilson	Tobash
Culver	Hickernell	Nelson	Toepel
Cutler	Hill	Nesbit	Toohil
Daley	Irvin	Neuman	Topper
Davidson	James	O'Neill	Vazquez
Davis	Jozwiak	Oberlander	Vitali
Dawkins	Kampf	Ortitay	Walsh
Day	Kaufner	Pashinski	Ward
Dean	Kauffman	Peifer	Warner
Deasy	Kavulich	Petrarca	Warren
DeLissio	Keefer	Petri	Wentling
Delozier	Keller, M.K.	Pickett	Wheatley
DeLuca	Keller, W.	Pyle	Wheeland
Dermody	Kim	Quigley	White
Diamond	Kinsey	Quinn, C.	Youngblood
DiGirolamo	Kirkland	Quinn, M.	Zimmerman
Donatucci	Klunk	Rabb	
Dowling	Knowles	Rader	Turzai,
Driscoll	Kortz	Rapp	Speaker
Dunbar			

NAYS—2

Harper Keller, F.

NOT VOTING—0

EXCUSED—8

Fabrizio Haggerty McGinnis Saylor  
Farry Matzie O'Brien Watson

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

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

Mr. MAHER offered the following amendment  
No. **A04531**:

Amend Bill, page 1, lines 1 through 11, by striking out all of said lines and inserting

Amending Title 58 (Oil and Gas) of the Pennsylvania Consolidated Statutes, redesignating the unconventional gas well fee as the unconventional gas well severance tax.

Amend Bill, page 28, lines 29 and 30; pages 29 through 35, lines 1 through 30; page 36, lines 1 through 22; by striking out all of said lines on said pages and inserting

Section 1. Chapter 23 heading of Title 58 of the Pennsylvania Consolidated Statutes is amended to read:

CHAPTER 23

UNCONVENTIONAL GAS WELL [FEE] SEVERANCE TAX

Section 2. The definition of "fee" in section 2301 of Title 58 is amended and the section is amended by adding a definition to read: § 2301. Definitions.

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

\* \* \*

["Fee." The unconventional gas well fee imposed under section 2302 (relating to unconventional gas well fee).]

\* \* \*

"Severance tax." The unconventional gas well severance tax imposed under section 2302 (relating to unconventional gas well severance tax).

\* \* \*

Section 3. Sections 2302, 2303(a), (b) and (c)(3), 2304(b), 2305, 2307, 2308, 2312, 2313(a), 2314 heading, (b), (c)(1), (2) and (3), (c.1) introductory paragraph, (d) introductory paragraph and (f)(1), 2315(a.1) introductory paragraph and (6), 2318(a), Chapter 35 heading, 3501(2) and 3502 of Title 58 are amended to read: § 2302. Unconventional gas well [fee] severance tax.

(a) General rule.—The governing body of a county that has a spud unconventional gas well located within its borders may elect whether to impose a [fee] severance tax on unconventional gas wells that have been spud in the county.

(a.1) Passage of ordinance.—Within 60 days after the effective date of this section, the governing body of a county under subsection (a) may adopt an ordinance to impose an unconventional gas well [fee] severance tax. The governing body of a county must notify the commission and give public notice of its intent to adopt the ordinance.

(a.2) County ordinance.—The ordinance imposing a [fee] severance tax under subsection (a.1) shall be clear and in language that is readily understandable by a layperson and shall be in the following

form:

The county of (insert name) hereby imposes an unconventional gas well [fee] severance tax on each unconventional gas well spud in this county.

(a.3) Prohibition.—

(1) A county subject to this section, in which the governing body does not adopt an ordinance imposing an unconventional gas well [fee] severance tax within 60 days of the effective date of this section, shall be prohibited from receiving funds under sections 2314(d)(1) (relating to distribution of [fee] severance tax) and 2315(a.1)(3) and (5) (relating to Statewide initiatives).

(2) The prohibition on receiving funds shall remain in effect until the county adopts an ordinance imposing an unconventional gas well [fee] severance tax. The prohibition shall expire and funds may be received for the calendar year following the adoption of an ordinance imposing the [fee] severance tax under this section.

(a.4) Alternate imposition.—

(1) If the governing body of a county does not impose an unconventional gas well [fee] severance tax under subsection (a), the municipalities in the county may compel the imposition of an unconventional gas well [fee] severance tax on each unconventional gas well spud in the county by adopting resolutions under paragraphs (2), (3) and (4).

(2) Following 60 days but not more than 120 days after the effective date of this section, if the governing bodies of at least half of the municipalities located in a county or municipalities representing at least 50% of the population of the county adopt resolutions to impose unconventional gas well [fees] severance taxes on all unconventional gas wells spud in the county, the [fee] severance tax shall take effect. If a resolution is adopted, a copy of the resolution shall be transmitted to the governing body of the county and the commission. The governing body of a municipality that is located in more than one county shall transmit a copy of a resolution adopted under this paragraph to the governing body of each county in which the municipality is located.

(3) The transmittal of resolutions by governing bodies under paragraph (2) shall constitute an imposition of the [fee] severance tax in that county. The population of a municipality that is located in more than one county shall be determined separately for each county on the basis of the municipality's population within each county.

(4) Resolutions adopted under this subsection must be framed in the following form:

The (insert name) in the county of (insert name) hereby resolves to have the county impose an unconventional gas well [fee] severance tax on each unconventional gas well spud in the county.

(5) A municipality which is located in a county that does not adopt an ordinance imposing an unconventional gas well [fee] severance tax and which does not adopt a resolution under paragraphs (2), (3) and (4) shall be prohibited from receiving funds under section 2314(d).

(b) Components.—The [fee] severance tax adopted under subsection (a), (a.1) or (a.4) is imposed on every producer and shall apply to unconventional gas wells spud in this Commonwealth regardless of when spudding occurred. Unconventional gas wells spud before the [fee] severance tax is imposed shall be considered to be spud in the calendar year prior to the imposition of the [fee] severance tax for purposes of determining the [fee] severance tax under this subsection. Prior to adjustment under subsection (c), the [fee] severance tax for each unconventional gas well shall be determined as follows:

(1) Year one:

(i) If the average annual price of natural gas is not more than \$2.25, the [fee] severance tax shall be

\$40,000 for the calendar year in which the unconventional gas well is spud.

(ii) If the average annual price of natural gas is greater than \$2.25 and less than \$3.00, the [fee] severance tax shall be \$45,000 for the calendar year in which the unconventional gas well is spud.

(iii) If the average annual price of natural gas is greater than \$2.99 and less than \$5.00, the [fee] severance tax shall be \$50,000 for the calendar year in which the unconventional gas well is spud.

(iv) If the average annual price of natural gas is greater than \$4.99 and less than \$6.00, the [fee] severance tax shall be \$55,000 for the calendar year in which the unconventional gas well is spud.

(v) If the average annual price of natural gas is more than \$5.99, the [fee] severance tax shall be \$60,000 for the calendar year in which the unconventional gas well is spud.

(2) Year two:

(i) If the average annual price of natural gas is not more than \$2.25, the [fee] severance tax shall be \$30,000 for the calendar year following the year in which the unconventional gas well is spud.

(ii) If the average annual price of natural gas is greater than \$2.25 and less than \$3.00, the [fee] severance tax shall be \$35,000 for the calendar year following the year in which the unconventional gas well is spud.

(iii) If the average annual price of natural gas is greater than \$2.99 and less than \$5.00, the [fee] severance tax shall be \$40,000 for the calendar year following the year in which the unconventional gas well is spud.

(iv) If the average annual price of natural gas is greater than \$4.99 and less than \$6.00, the [fee] severance tax shall be \$45,000 for the calendar year following the year in which the unconventional gas well is spud.

(v) If the average annual price of natural gas is more than \$5.99, the [fee] severance tax shall be \$55,000 for the calendar year following the year in which the unconventional gas well is spud.

(3) Year three:

(i) If the average annual price of natural gas is not more than \$2.25, the [fee] severance tax shall be \$25,000 for the second calendar year following the year in which the unconventional gas well is spud.

(ii) If the average annual price of natural gas is greater than \$2.25 and less than \$3.00, the [fee] severance tax shall be \$30,000 for the second calendar year following the year in which the unconventional gas well is spud.

(iii) If the average annual price of natural gas is greater than \$2.99 and less than \$5.00, the [fee] severance tax shall be \$30,000 for the second calendar year following the year in which the unconventional gas well is spud.

(iv) If the average annual price of natural gas is greater than \$4.99 and less than \$6.00, the [fee] severance tax shall be \$40,000 for the second calendar year following the year in which the unconventional gas well is spud.

(v) If the average annual price of natural gas is more than \$5.99, the [fee] severance tax shall be \$50,000 for the second calendar year following the year in which the unconventional gas well is spud.

(4) Years 4, 5, 6, 7, 8, 9 and 10:

(i) If the average annual price of natural gas is

not more than \$2.25, the [fee] severance tax shall be \$10,000 for the third through ninth calendar years following the year in which the unconventional gas well is spud.

(ii) If the average annual price of natural gas is greater than \$2.25 and less than \$3.00, the [fee] severance tax shall be \$15,000 for the third through ninth calendar years following the year in which the unconventional gas well is spud.

(iii) If the average annual price of natural gas is greater than \$2.99, the [fee] severance tax shall be \$20,000 for the third through ninth calendar years following the year in which the unconventional gas well is spud.

(5) Years 11, 12, 13, 14 and 15:

(i) If the average annual price of natural gas is less than \$3.00, the [fee] severance tax shall be \$5,000 for the 10th through 14th calendar years following the year in which the unconventional well is spud.

(ii) If the average annual price of natural gas is greater than \$2.99, the [fee] severance tax shall be \$10,000 for the 10th through 14th calendar years following the year in which the unconventional well is spud.

(6) For purposes of this subsection, the [fee] severance tax shall be determined using the average annual price of natural gas for the calendar year in which the [fee] severance tax is imposed.

(b.1) Nonproducing unconventional gas wells.—If a spud unconventional gas well begins paying the [fee] severance tax imposed under this section and is subsequently capped or does not produce natural gas in quantities greater than that of a stripper well within two years after paying the initial [fee] severance tax, then the [fee] severance tax shall be suspended:

(1) The [fee] severance tax shall be reinstated for a calendar year during which the unconventional gas well produces natural gas in quantities greater than that of a stripper well.

(2) Each calendar year during which a [fee] severance tax is suspended shall not be considered a calendar year following spud for purposes of determining the amount of the [fee] severance tax under subsection (b).

(c) Annual adjustment.—Beginning January 1, 2013, the commission shall annually adjust the [fee] severance tax amounts under subsection (b) to reflect any upward changes in the Consumer Price Index for all Urban Consumers for the Pennsylvania, New Jersey, Delaware and Maryland area in the preceding 12 months and shall immediately submit the adjusted [fee] severance tax amount to the Legislative Reference Bureau for publication as a notice in the Pennsylvania Bulletin. The [fee] severance tax shall be adjusted by multiplying the annual [fee] severance tax amount by any percentage increase to the Consumer Price Index for all Urban Consumers for the Pennsylvania, New Jersey, Delaware and Maryland area, rounded to the nearest \$100. The resultant product shall be added to the [fee] severance tax amount, and the sum shall become the new annual [fee] severance tax amount under subsection (b). The annual adjustment under this subsection shall take effect if the total number of unconventional gas wells spud in the adjustment year exceeds the total number of unconventional gas wells spud in the prior year.

(d) Restimulated unconventional gas wells.—

(1) An unconventional gas well which after restimulation qualifies as a stripper well shall not be subject to this subsection.

(2) The year in which the restimulation occurs shall be considered the first year of spudding for purposes of imposing the [fee] severance tax under this section if:

(i) a producer restimulates a previously stimulated unconventional gas well following the tenth year after being spud by:

(A) hydraulic fracture treatments;  
(B) using additional multilateral well bores;

(C) drilling deeper into an unconventional formation; or

(D) other techniques to expose more of the formation to the well bore; and

(ii) the restimulation results in a substantial increase in production.

(3) As used in this subsection, the term "substantial increase in production" means an increase in production amounting to more than 90,000 cubic feet of gas per day during a calendar month.

(e) Cessation.—Payments of the [fee] severance tax shall cease upon certification to the department by the producer that the unconventional gas well has ceased production and has been plugged according to the regulations established by the department.

(f) Vertical unconventional gas well [fee] severance tax.—The [fee] severance tax for a vertical unconventional gas well shall be 20% of the [fee] severance tax established in subsections (b) and (c), except that the [fee] severance tax under subsection (b)(5) shall not apply.

§ 2303. Administration.

(a) [Fee] Severance tax due date.—

(1) Except as provided under paragraph (2), the [fee] severance tax imposed under this chapter shall be due by April 1, 2013, and each April 1 thereafter. The [fee] severance tax shall become delinquent if not remitted to the commission on the reporting date.

(2) For wells spud before January 1, 2012, a [fee] severance tax imposed under this chapter shall be due by September 1, 2012.

(b) Report.—By September 1, 2012, and April 1 of each year thereafter, each producer shall submit payment of the [fee] severance tax to the commission and a report on a form prescribed by the commission for the previous calendar year. The report shall include the following:

(1) The number of spud unconventional gas wells of a producer in each municipality within each county that has imposed a [fee] severance tax under this chapter.

(2) The date that each unconventional gas well identified under paragraph (1) was spud or ceased the production of natural gas.

(c) Costs of commission.—

\* \* \*

(3) By June 30, 2012, and each June 30 thereafter, the commission shall estimate its expenditures for the next fiscal year that will be directly attributable to the administration and enforcement of this chapter. After subtracting any annual administrative charges imposed under paragraph (1), amounts received by the commission under section 2314(c.1)(2) (relating to distribution of [fee] severance tax) and any amounts collected during the prior fiscal year that exceeded actual expenditures directly attributable to the administration and enforcement of this chapter, the commission shall assess the remaining balance on all producers subject to the unconventional gas well [fee] severance tax in proportion to the number of wells owned by each producer. Producers shall pay the assessments within 30 days of the receipt of notice from the commission. The amount of the assessment may be challenged by a producer consistent with 66 Pa.C.S. § 510(c), (d) and (e). Any collections that exceed any of the following shall be used to offset administrative charges or assessments for the next fiscal year:

(i) The budget amount approved by the General Assembly and the Governor for administration and enforcement of this chapter and Chapter 33.

(ii) Actual expenditures directly attributable to the administration and enforcement of this chapter and Chapter 33.

## § 2304. Well information.

\* \* \*

(b) Updates.—A producer subject to the [fee] severance tax shall notify the commission of the following within 30 days after a calendar month in which the change occurs:

(1) The spudding of an unconventional gas well.

(1.1) The initiation of production at an unconventional gas well.

(2) The removal of an unconventional gas well from production.

## § 2305. Duties of department.

(a) Confirmation of payment.—Prior to issuing a permit to drill an unconventional gas well in this Commonwealth, the department shall determine whether the producer has paid all [fees] severance taxes owed for an existing unconventional gas well under section 2302 (relating to unconventional gas well [fee] severance tax).

(b) Prohibition.—The department shall not issue a permit to drill an unconventional gas well until all unconventional gas well [fees] severance taxes owed under section 2302 that are not in dispute have been paid to the commission.

(c) Payment of [fees] severance tax.—The commission shall provide the department with information necessary to determine that the producer has paid all unconventional gas well [fees] severance taxes owed for an unconventional gas well under section 2302.

## § 2307. Commission.

(a) Powers.—The commission shall have the authority to make all inquiries and determinations necessary to calculate and collect the [fee] severance tax, administrative charges or assessments imposed under this chapter, including, if applicable, interest and penalties.

(b) Notice.—If the commission determines that the unconventional gas well [fee] severance tax has not been paid in full, it may issue a notice of the amount due and demand for payment and shall set forth the basis for the determination.

(c) Address.—Notice of failure to pay the correct [fee] severance tax shall be sent to the producer via certified mail.

(d) Time period.—Except as set forth in subsection (e), the commission may challenge the amount of a [fee] severance tax paid within three years after the date the report under section 2303(b) (relating to administration) is filed.

(e) Intent.—If no report is filed or a producer files a false or fraudulent report with the intent to evade the [fee] severance tax, an assessment of the amount owed may be made at any time.

## § 2308. Enforcement.

(a) Assessment.—The commission shall assess interest on any delinquent [fee] severance tax at the rate determined under section 2307(a) (relating to commission).

(b) Penalty.—In addition to the assessed interest under subsection (a), if a producer fails to make timely payment of the [fee] severance tax, there shall be added to the amount of the [fee] severance tax due a penalty of 5% of the amount of the [fee] severance tax if failure to file a timely payment is for not more than one month, with an additional 5% penalty for each additional month, or fraction of a month, during which the failure continues, not to exceed 25% in the aggregate.

(c) Timely payment.—If the commission determines that a producer has not made a timely payment of the [fee] severance tax, the commission shall send written notice of the amount of the deficiency to the producer within 30 days from the date of determining the deficiency. The commission shall notify the department of a producer that has failed to pay the [fee] severance tax for any unconventional gas well under section 2302 (relating to unconventional gas well [fee] severance tax). If the producer does not have a pending appeal related to payment of the [fee] severance tax in process, the department shall suspend the permit for that well until the [fee] severance tax has been paid.

(d) Remedies.—The remedies provided under this chapter are in addition to any other remedies provided by law or in equity.

(e) Lien.—Fines, [fees] severance taxes, interest and penalties shall be collectible as authorized by law for the collection of debts. If

the producer liable to pay an amount neglects or refuses to pay the amount after demand, the amount, together with costs, shall be a judgment in favor of the Commonwealth upon the property of the producer, but only after the judgment has been entered, docketed and recorded by the prothonotary of the county where the property is situated. The Commonwealth shall transmit to the prothonotaries of the respective counties certified copies of the judgments. Each prothonotary shall enter, docket and record the record in the prothonotary's office and index each judgment, without requiring the payment of costs as a condition precedent to the entry of the judgment.

## § 2312. Recordkeeping.

A producer liable for the [fee] severance tax under this chapter shall keep records, make reports and comply with regulations of the commission. The commission may require a producer to make reports, render statements or keep records as the commission deems sufficient to determine liability for the [fee] severance tax.

## § 2313. Examinations.

(a) Access.—The commission or its authorized agents or representatives shall:

(1) Have access to the relevant books, papers and records of any producer in order to verify the accuracy and completeness of a report filed or [fee] severance tax paid under this chapter.

(2) Require the preservation of all relevant books, papers and records for an appropriate period not to exceed three years from the end of the calendar year to which the records relate.

(3) Examine any employee of a producer under oath concerning the severing of natural gas subject to a [fee] severance tax or any matter relating to the enforcement of this chapter.

(4) Compel the production of relevant books, papers and records and the attendance of all individuals who the commission believes to have knowledge of relevant matters in accordance with 66 Pa.C.S. (relating to public utilities).

\* \* \*

§ 2314. Distribution of [fee] severance tax.

\* \* \*

(b) Deposit.—All [fees] severance taxes imposed and collected under this chapter shall be deposited into the fund and are hereby appropriated for the purpose set forth in this section.

(c) Conservation districts.—

(1) From [fees] severance taxes collected for 2011, \$2,500,000 from the fund shall be distributed to county conservation districts.

(2) From [fees] severance taxes collected for 2012, \$5,000,000 from the fund shall be distributed to county conservation districts.

(3) From [fees] severance taxes collected for 2013, and each year thereafter, \$7,500,000 from the fund shall be distributed to county conservation districts.

\* \* \*

(c.1) Additional distributions.—From [fees] severance taxes collected under this chapter and deposited in the fund for 2011 and each year thereafter:

\* \* \*

(d) Distribution.—Except as provided in section 2302(a.3) and (a.4) (relating to unconventional gas well [fee] severance tax), following [fee] severance tax distribution under subsections (c), (c.1) and (c.2), from [fees] severance taxes collected for 2011 and each year thereafter, 60% of the revenue remaining in the fund from [fees] severance taxes collected for the prior year are hereby appropriated to counties and municipalities for purposes authorized under subsection (g). Counties and municipalities are encouraged, where appropriate, to jointly fund projects that cross jurisdictional lines. The commission, after making a disbursement under subsection (f), shall distribute the remaining funds appropriated as follows within three months after the date the [fee] severance tax is due:

\* \* \*

(f) Housing Affordability and Rehabilitation Enhancement Fund.—

(1) From [fees] severance taxes collected for 2011, \$2,500,000 from the fund shall be distributed to the Housing Affordability and Rehabilitation Enhancement Fund under the act of November 23, 2010 (P.L.1035, No.105), entitled "An act amending the act of December 3, 1959 (P.L.1688, No.621), entitled, as amended, 'An act to promote the health, safety and welfare of the people of the Commonwealth by broadening the market for housing for persons and families of low and moderate income and alleviating shortages thereof, and by assisting in the provision of housing for elderly persons through the creation of the Pennsylvania Housing Finance Agency as a public corporation and government instrumentality; providing for the organization, membership and administration of the agency, prescribing its general powers and duties and the manner in which its funds are kept and audited, empowering the agency to make housing loans to qualified mortgagors upon the security of insured and uninsured mortgages, defining qualified mortgagors and providing for priorities among tenants in certain instances, prescribing interest rates and other terms of housing loans, permitting the agency to acquire real or personal property, permitting the agency to make agreements with financial institutions and Federal agencies, providing for the purchase by persons of low and moderate income of housing units, and approving the sale of housing units, permitting the agency to sell housing loans, providing for the promulgation of regulations and forms by the agency, prescribing penalties for furnishing false information, empowering the agency to borrow money upon its own credit by the issuance and sale of bonds and notes and by giving security therefor, permitting the refunding, redemption and purchase of such obligations by the agency, prescribing remedies of holders of such bonds and notes, exempting bonds and notes of the agency, the income therefrom, and the income and revenues of the agency from taxation, except transfer, death and gift taxes; making such bonds and notes legal investments for certain purposes; and indicating how the act shall become effective,' providing for the Pennsylvania Housing Affordability and Rehabilitation Enhancement Program; and establishing the Housing Affordability and Rehabilitation Enhancement Fund." From [fees] severance taxes collected for 2012, and each year thereafter, \$5,000,000 shall be annually distributed to the Housing Affordability and Rehabilitation Enhancement Fund.

\* \* \*

§ 2315. Statewide initiatives.

\* \* \*

(a.1) Deposit and distribution.—Following distribution under section 2314(c), (c.1) and (c.2) (relating to distribution of [fee] severance tax) from [fees] severance taxes collected for 2011 and each year thereafter, 40% of the remaining revenue in the fund shall be deposited into the Marcellus Legacy Fund and appropriated to the commission and distributed within three months after the date the [fee] severance tax is due as follows:

\* \* \*

(6) Five percent for distribution as follows:

(i) From [fees] severance taxes collected in 2011, 2012 and 2013, to the Department of Community and Economic Development for projects to provide for the planning, development, remodeling, remediation and construction of projects relating to oil, natural gas or other chemical substances. Projects under this subparagraph may include blending facilities to liquefy or refine natural gas or to convert natural gas to ethane, propane or other substances; facilities to refine oil; or facilities to refine or process oil, heating oil, jet fuel or any other chemical substance. Following 2014, funds not utilized by the Department of Community and Economic Development under this subparagraph shall be deposited

in the Hazardous Sites Cleanup Fund.

(ii) After 2013, to the Hazardous Sites Cleanup Fund.

\* \* \*

§ 2318. Expiration.

(a) Notice.—The Secretary of the Commonwealth shall, upon the imposition of a severance tax on unconventional gas wells in this Commonwealth, submit for publication in the Pennsylvania Bulletin notice of the imposition. This subsection shall not be construed to include the redesignation of the unconventional gas well fee as a severance tax.

\* \* \*

#### CHAPTER 35

#### RESPONSIBILITY FOR [FEE] SEVERANCE TAX

§ 3501. Declaration of policy.

The General Assembly finds and declares as follows:

\* \* \*

(2) This chapter is intended to advance the significant and legitimate public purpose of ensuring that entities responsible for the impacts of unconventional oil and gas well development are solely responsible for payment of [impact fees] severance taxes.

§ 3502. Prohibition.

A producer may not make the [fee] severance tax authorized under Chapter 23 (relating to unconditional gas well [fee] severance tax) an obligation, indebtedness or liability of a landowner, leaseholder or other person in possession of real property, upon which the removal or extraction occurs.

Section 4. A reference in a statute, regulation, ordinance, resolution or contract to an unconventional gas well fee or impact fee imposed under 58 Pa.C.S. Ch. 23, which is redesignated as a severance tax by this act, shall be deemed a reference to the unconventional gas well severance tax imposed under 58 Pa.C.S. Ch. 23.

Section 5. The redesignation of the unconventional gas well fee as a severance tax shall operate as a continuation of the unconventional gas well fee and is not intended to change or affect the legislative intent, judicial construction or administration and implementation of the unconventional gas well fee. All orders, regulations, rules, decisions and activities relative to the unconventional gas well fee which are in effect on the effective date of this section shall continue and remain in full force and effect.

Section 6. This act shall take effect immediately.

On the question,

Will the House agree to the amendment?

The SPEAKER. On the question, the Chair recognizes Representative Maher.

Mr. MAHER. Thank you, Mr. Speaker.

Back some years ago when Act 13 was adopted, some very, very bright members of this body stood up and made this point. The Democrat leader, the Democrat whip, the gentleman from Cambria County, a gentleman from Delaware County, and others made the point that the impact fee is a tax. It is a severance tax. And across the years I have gone back and visited those pages in the House Journal and said to myself, they were right. They were right. So this amendment recognizes their astute observation from the time that Act 13 was adopted, that we do in fact have the impact fee, which is in fact a severance tax.

Now, some in the media had asked me, well, but this is not like the other severance taxes. And I respond to them, if you own property and you cannot sever that without paying money to the government, that is a tax. And what kind of a tax would that be? It is a severance tax. The severance tax that we have today is often not understood because of the unfortunate naming

that we could have avoided if we had only listened back in time to some of those who were pointing out that it is in fact a tax. So I stand in unison with those who said back then that we already have a severance tax.

Now, you may say, you may say you have other sorts of severance taxes in mind, and that is okay too. It is okay to discuss these things and see what we think, but we ought to be straightforward about it. We already have a severance tax. Do we want another severance tax? Do we want to replace the one we already have with another one? Is it too high already or is it too low already? Where are we in this conversation? But we ought to get our lexicon right. We have a severance tax. It was misnamed "impact fee." It is a tax you have to pay to sever minerals.

And this amendment memorializes the good advice that came from so many members back in the time that Act 13 was adopted, so I am, in a bipartisan spirit, hoping that we all are going to stand together on this question today.

The SPEAKER. Representative Kate Harper, on the Maher amendment.

Ms. HARPER. Thank you, Mr. Speaker.

I do hate to disagree with the gentleman from western Pennsylvania, especially when he is being so bipartisan, but I do reject his characterization of this particular amendment. The bill, the underlying bill calls for retaining the impact fee, which sends money to the local governments impacted by drilling. And I think most of us know that the impact on local governments, local roads, local people is more severe during the drilling period than it is during the production period. The underlying bill adds a severance tax, that is a production tax, to the impact fee and comes up with a number that approximates just about average for America where every other natural gas-producing State has the tax on production. So I disagree with this amendment because it fails to do exactly what we need to do with this tax bill or any tax bill.

Mr. Speaker, we are broke. We just passed a budget that borrowed \$1.5 billion for operating funds. The purpose of any tax bill is to raise recurring revenue that we can use to pay for essential government services like education, which consumes 40 percent of our State budget, and health and human services, which also consumes 40 percent of our State budget.

So I would ask you, respectfully, to turn down this amendment, which changes the nomenclature – incorrectly, by the way, since the severance tax is a tax on production. The underlying bill takes care of the problem. It keeps the impact fee in place and it adds a reasonable severance tax so that the overall tax rate is reasonable in comparison to other gas-producing States.

Please vote "no" on this amendment. Thank you, Mr. Speaker.

The SPEAKER. Representative DiGirolamo, it is your bill, so there are other people who wish to speak. Do you want to go now or would you rather wait until— Okay.

Representative Benninghoff.

Mr. BENNINGHOFF. Thank you, Mr. Speaker.

If I may, I would like to interrogate the maker of this amendment for a moment, please.

The SPEAKER. The good gentleman has indicated he will so stand.

Mr. BENNINGHOFF. Thank you, Mr. Speaker.

I do not sit on the ERE (Environmental Resources and Energy) Committee, so I am not as adept to this as you may be, but I have a question. When I read this amendment, the underlying premise is that you are changing the name of it from the "impact fee" to the "severance tax." Does that prohibit the utilization of that money in our local communities as we have become accustomed to through the impact fee and some of the other services we know that are going on in communities, even those that have no drilling?

Mr. MAHER. I would like to give you a quick answer to that but I missed the first half of your question because there were some important conversations happening just in this part of the room. So if you do not mind, and I am sorry to ask you to repeat yourself.

Mr. BENNINGHOFF. My first comment was that you are a really nice guy and I need to ask you a question.

Specifically, I had just stated that I do not serve on the ERE Committee, and I wanted to get an answer to a particular question, and that is, reading the wording of your amendment, it says it changes the name from the "impact fee" to the "severance tax." My question is somewhat systemic from the last speaker's conversation: does the changing of that prohibit the utilization of those tax dollars – the \$171 million or whatever has been generated on the annual basis – from being used similarly or like they have been under the impact fee?

Mr. MAHER. The disposition of all the taxes collected would be exactly the same as in existing law.

Mr. BENNINGHOFF. Well, that is a pretty short answer. Thank you.

Thank you, Mr. Speaker.

The SPEAKER. Representative Gene DiGirolamo.

Mr. DiGIROLAMO. Thank you, Mr. Speaker.

The gentlelady from Montgomery County laid out the argument very well, Mr. Speaker. Make no mistake about it, if you want to vote on a shale tax, you have to vote "no" on this amendment.

So I am asking for a "no" vote on the Maher amendment. Thank you.

The SPEAKER. The leader, Leader Dermody.

Mr. DERMODY. Thank you, Mr. Speaker.

I also urge all of the members to vote "no" on the Maher amendment.

Thank you, Mr. Speaker.

The SPEAKER. Representative John Maher, for the second time.

Mr. MAHER. Thank you, Mr. Speaker.

I am really disappointed. You know, we stand here time and again and maybe we want to persuade others to listen to us, and I listened, and I read; so many voices on the other side of the aisle saying, this is a tax. This is a severance tax. We are just trying to use the language that everybody understands.

This does not prevent any other particular severance tax from being considered. If you have a different flavor in mind, I am certain in this stack of 400 amendments we will find a flavor that agrees with you.

So to say that this amendment somehow or another precludes that conversation is just— It is not correct. And I would ask that we recognize that Pennsylvania has one of the steepest severance taxes in the nation already – that we have happened

to call an impact fee – and let us just get back to calling it what it is. "A rose by any other name would smell as sweet," as Shakespeare said. But people may misunderstand it if you had a cow patty and said it was a rose, people might be a little misunderstanding of what you are saying.

So let us call the tax what it is, and that is what this amendment accomplishes. Thank you, Mr. Speaker.

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

The following roll call was recorded:

#### YEAS—84

Baker	Gabler	Maher	Roae
Benninghoff	Gillen	Mako	Rothman
Bernstine	Gillespie	Maloney	Ryan
Bloom	Godshall	Marshall	Saccone
Causar	Greiner	Marsico	Sankey
Christiana	Grove	Masser	Schemel
Cook	Hahn	Mentzer	Simmons
Cox	Harris, A.	Metcalfe	Sonney
Culver	Heffley	Metzgar	Tallman
Cutler	Helm	Miller, B.	Tobash
Day	Hickernell	Moul	Toohil
Delozier	Hill	Mustio	Topper
Diamond	Irvin	Nelson	Walsh
Dowling	James	Nesbit	Ward
Dunbar	Jozwiak	Oberlander	Warner
Dush	Kauffman	Ortitay	Wentling
Ellis	Keefer	Peifer	Wheeland
Emrick	Keller, F.	Pyle	Zimmerman
Evankovich	Keller, M.K.	Rapp	
Everett	Klunk	Reed	Turzai,
Fee	Knowles	Reese	Speaker
Fritz	Mackenzie		

#### NAYS—109

Barbin	DeLissio	Kortz	Rabb
Barrar	DeLuca	Krueger	Rader
Bizzarro	Dermody	Kulik	Ravenstahl
Boback	DiGirolamo	Lawrence	Readshaw
Boyle	Donatucci	Lewis	Roe
Bradford	Driscoll	Longietti	Roebuck
Briggs	English	Madden	Rozzi
Brown, R.	Evans	Markosek	Sainato
Brown, V.	Fitzgerald	McCarter	Samuelson
Bullock	Flynn	McClinton	Santora
Burns	Frankel	Mehaffie	Schlossberg
Caltagirone	Freeman	Miccarelli	Schweyer
Carroll	Gainey	Millard	Sims
Cephas	Galloway	Miller, D.	Snyder
Charlton	Goodman	Milne	Solomon
Comitta	Hanna	Mullery	Staats
Conklin	Harkins	Murt	Stephens
Corbin	Harper	Neilson	Sturla
Corr	Harris, J.	Neuman	Taylor
Costa, D.	Hennessey	O'Neill	Thomas
Costa, P.	Kampf	Pashinski	Toepel
Cruz	Kaufer	Petrarca	Vazquez
Daley	Kavulich	Petri	Vitali
Davidson	Keller, W.	Pickett	Warren
Davis	Kim	Quigley	Wheatley
Dawkins	Kinsey	Quinn, C.	White
Dean	Kirkland	Quinn, M.	Youngblood

#### NOT VOTING—0

#### EXCUSED—8

Fabrizio	Haggerty	McGinnis	Saylor
Farry	Matzie	O'Brien	Watson

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

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

#### PARLIAMENTARY INQUIRY

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

Mr. DiGIROLAMO. Point of parliamentary inquiry, Mr. Speaker.

The SPEAKER. Yes, you may proceed.

Mr. DiGIROLAMO. Mr. Speaker, would a motion to move the previous question be in order at this time?

The SPEAKER. My understanding is it would be. My understanding also is that I am sure the caucuses will want to discuss this before we have a vote, but if that is what you are motioning.

#### MOTION FOR PREVIOUS QUESTION

Mr. DiGIROLAMO. Thank you, Mr. Speaker.

I move that we move the previous question.

#### PARLIAMENTARY INQUIRY

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

Mr. EVANKOVICH. A parliamentary inquiry.

The SPEAKER. Yes.

Mr. EVANKOVICH. Would a motion to recess so that the respective caucuses have an opportunity to discuss this particular motion be in order and supersede the motion to move the previous question?

The SPEAKER. Yes, but we are— Yes.

#### PARLIAMENTARY INQUIRY

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

Mr. MAHER. Parliamentary inquiry.

The SPEAKER. Yes.

Mr. MAHER. Our rules provide that a certain number of members need to stand to second a motion to move the previous question. I think it is very obvious that a sufficient number of members did not join in that motion, and I would ask the Chair to observe and allow us to move forward, that the motion failed.

The SPEAKER. Representative, and then we will have the leaders determine if we are going to recess before the vote occurs.

We actually do not need a motion if the leaders want to have a recess before the vote, but let me call up the 20 names. I am just going to go in order: Representative Schlossberg, Representative Vazquez, Representative Davidson, Representative Hanna, Representative Dermody, Representative Frankel, Representative Markosek, Representative Mary Jo Daley, Representative Rozzi, Representative Bradford, Representative Krueger-Braneky, Representative Goodman, Representative Comitta, Representative Rabb, Representative Carroll, Representative Briggs, Representative Kavulich, Representative Comitta, I think I said your name. Once we say your name, you can be seated. Thank you. Representative Mullery, Representative Pashinski, Representative Hill-Evans, Representative Madden. Representative Madden, you are 20.

**RECESS**

The SPEAKER. The House will stand in recess until 8 p.m. We will be back at 8 p.m. The majority and minority caucus leaders wish to call for a caucus. We will be back at 8 p.m. We are going to our respective caucuses to discuss this vote and we will be back at 8.

The House will stand in recess until 8 p.m.

**RECESS EXTENDED**

The time of recess was extended until 8:15 p.m.

**AFTER RECESS**

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

**CALENDAR CONTINUED**

**CONSIDERATION OF HB 1401 CONTINUED**

The SPEAKER. We are back to Representative DiGirolamo's motion on the previous question on second consideration of HB 1401. We have identified those who have risen and remained standing to be recorded; those 20 members' names are recorded.

The motion for previous question having been made and seconded, those in favor of the motion for the previous question will be voting "aye"; those opposed will be voting "nay." Members will proceed to vote. An "aye" vote is a vote to end all debate and bring the House to an immediate vote.

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

The following roll call was recorded:

**YEAS—82**

Barbin	Dean	Keller, W.	Rabb
Barrar	Deasy	Kim	Ravenstahl
Bizzarro	DeLissio	Kinsey	Readshaw
Boyle	DeLuca	Kirkland	Roe
Bradford	Dermody	Kortz	Roebuck
Briggs	DiGirolamo	Krueger	Rozzi
Brown, V.	Donatucci	Kulik	Samuelson

Bullock	Driscoll	Longietti	Schlossberg
Caltagirone	Evans	Madden	Schweyer
Carroll	Fitzgerald	Markosek	Sims
Cephas	Flynn	McCarter	Snyder
Charlton	Frankel	McClinton	Solomon
Comitta	Freeman	Miccarelli	Sturla
Conklin	Gainey	Miller, D.	Taylor
Costa, D.	Galloway	Mullery	Vazquez
Costa, P.	Goodman	Murt	Vitali
Cruz	Hanna	Neilson	Warren
Daley	Harkins	Neuman	Wheatley
Davidson	Harper	Pashinski	White
Davis	Harris, J.	Quinn, C.	Youngblood
Dawkins	Kavulich		

**NAYS—109**

Baker	Gabler	Mako	Reese
Benninghoff	Gillen	Maloney	Roae
Bernstine	Gillespie	Marshall	Rothman
Bloom	Godshall	Marsico	Ryan
Boback	Greiner	Masser	Saccone
Brown, R.	Grove	Mehaffie	Sainato
Burns	Hahn	Mentzer	Sankey
Causar	Harris, A.	Metcalfe	Schemel
Christiana	Heffley	Metzgar	Simmons
Cook	Helm	Millard	Sonney
Corbin	Hennessey	Miller, B.	Staats
Corr	Hickernell	Moul	Stephens
Cox	Hill	Mustio	Tallman
Culver	Irvin	Nelson	Thomas
Cutler	James	Nesbit	Tobash
Day	Jozwiak	O'Neill	Toepel
Delozier	Kampf	Oberlander	Toohil
Diamond	Kaufner	Ortitay	Topper
Dowling	Kauffman	Peifer	Walsh
Dunbar	Keefer	Petrarca	Ward
Dush	Keller, F.	Petri	Warner
Ellis	Keller, M.K.	Pickett	Wentling
Emrick	Klunk	Pyle	Wheeland
English	Knowles	Quigley	Zimmerman
Evankovich	Lawrence	Quinn, M.	
Everett	Lewis	Rader	Turzai,
Fee	Mackenzie	Rapp	Speaker
Fritz	Maher	Reed	

**NOT VOTING—2**

Milne	Santora
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**EXCUSED—8**

Fabrizio	Haggerty	McGinnis	Saylor
Farry	Matzie	O'Brien	Watson

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

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

Mr. **BENNINGHOFF** offered the following amendment No. **A04214**:

Amend Bill, page 1, line 11, by inserting after "TAX;" in general provisions, providing for well permits;  
Amend Bill, page 36, by inserting between lines 11 and 12 Section 2. The act is amended by adding a section to read:  
Section 3003.23. Well Permits.—(a) Notwithstanding any other



provision of law, a permit application to undertake an activity related to unconventional oil and gas development under 58 Pa.C.S. Ch. 32 (relating to development) that has not been denied by the Department of Environmental Protection within the applicable time period established for review shall be deemed approved. If the review period for the permit has been extended for cause, the Department of Environmental Protection shall provide a refund of the fee to the applicant. If the Department of Environmental Protection has notified the person of deficiencies with the application, the period of time from the date of the receipt of the deficiencies to the date of the receipt of the person's response shall toll the applicable time period established for review. Only two tolling periods shall be authorized.

(b) Within thirty days of the effective date of this section, the Department of Environmental Protection shall prepare forms to be completed with relevant information by the permittee upon an application being deemed approved. The completed form may be utilized by the permittee to meet any necessary requirements of law. Forms prepared by the Department of Environmental Protection shall be available on the department's publicly accessible Internet website.

(c) Nothing under this section shall be construed to relieve a person who commences activity under 58 Pa.C.S. § 3211 (relating to well permits) from complying with each law pertaining to the activity for which the permit is sought.

(d) As used in this section, "applicable time period established for review" means:

(1) For a well permit required under 58 Pa.C.S. Ch. 32, within:

(i) forty-five calendar days of submission; or

(ii) sixty calendar days of submission if the review period has been extended for cause.

(2) For a general air quality permit, within thirty calendar days of submission.

(3) For an earth disturbance permit as required under 25 Pa. Code § 102.5 (relating to permit requirements), within:

(i) fifty-three business days of submission; or

(ii) twenty-four business days of submission for an expedited application.

Amend Bill, page 36, line 12, by striking out "2" and inserting  
3

Amend Bill, page 36, line 16, by striking out "3" and inserting  
4

Amend Bill, page 36, line 17, by striking out "3" and inserting  
4

Amend Bill, page 36, line 22, by striking out "4" and inserting  
5

On the question,

Will the House agree to the amendment?

The SPEAKER. On the question, the Chair recognizes Representative Benninghoff on amendment 4214.

Mr. BENNINGHOFF. Thank you, Mr. Speaker.

Very briefly, I just ask the members' support. We are trying to give some consistency on timelines and the permits. Current statute requires the department be issuing these permits or a response to the permits within 45 days, and all of you across your districts know, regardless if it is in agriculture or whether it is in construction or whatever else, many are waiting 150, 200, 250 days. This amendment would basically say, if they are not approved in the set time by statute, they will be deemed approved.

Thank you, Mr. Speaker.

The SPEAKER. Thank you, sir.

Representative Harper, on the amendment, please, 4214.

Ms. HARPER. Would the maker of the amendment stand for brief interrogation?

The SPEAKER. He has indicated he will so stand.

Ms. HARPER. I just want to know if this amendment provides for deemed approvals for environmental permits.

Mr. BENNINGHOFF. Yes, it would. Those would be specifically like earth disturbance and those types of permits. Remember, all we are asking the department to do is to do their job and go according to the current statute in a timely manner. They could act on it, and if they choose not to approve it, that is fine, but they need to take action within 45 days.

Ms. HARPER. So if the department is unable to take action within 45 days, the permit is automatically granted?

Mr. BENNINGHOFF. It is not a matter of unable; it is unwilling.

Ms. HARPER. Excuse me?

Mr. BENNINGHOFF. I said it is my perception – I think it is more about whether they are willing to do it in a timely manner. They are required to act on a permit within 45 days. We are just asking them to do what the statute currently requests. If they choose not to act on it – that does not say they have to approve it – then it is considered approved.

Ms. HARPER. Okay. I am confused and I need to understand. If the department does not act on a permit application, for whatever reason, within 45 days, is that permit automatically granted?

Mr. BENNINGHOFF. They could ask for an extension if it is for cause, but to just take no action on it, to me, is irresponsible. Many of my colleagues here have commented time and time again that when they call, when organizations have been waiting for weeks and months on permits, suddenly there is action taken. All we are asking is for them to take action on it. If they say, "I'm sorry, we can't do it for this reason" or "You need to give additional information," it can be extended two different times.

Ms. HARPER. And if they fail to take action, what is the consequence?

Mr. BENNINGHOFF. Well, if they fail to take action, including not asking for an extension, then the request would be granted.

Ms. HARPER. Thank you, Mr. Speaker.

The SPEAKER. Representative Vitali, on the amendment, sir. Waives off.

Representative Rapp on the amendment, and then followed by Representative Mustio on the amendment. Representative Rapp.

Ms. RAPP. Thank you, Mr. Speaker.

I rise in support of this amendment. In talking to, whether it is producers or businessmen and women in any field, Mr. Speaker, the permitting process in this State is horrible in comparison to other States where producers, other businessmen can go and receive their permits in a matter of days or a week versus 45 days, or for some of our producers who have been waiting for over 120 days to receive the required permits that they have filed for in a timely manner. This is a horrible way for our State to treat people in our State who want to provide jobs here, create jobs, and this is a good amendment, and I ask my colleagues to support this amendment.

Thank you, Mr. Speaker.

The SPEAKER. Thank you.

Representative Mark Mustio.

Mr. MUSTIO. Thank you. I would like to interrogate the maker, please?

The SPEAKER. Yes, you may proceed, sir. The good gentleman has indicated he will so stand.

Mr. MUSTIO. Thank you, Mr. Speaker. I just wanted to follow up on the Representative from Montgomery County. I was a little bit confused and did not really understand your answer. You had mentioned earth movement, but it is my understanding that DEP (Department of Environmental Protection) oversees hundreds of different types of permits. Is there currently a requirement or a guideline that they are supposed to make a decision on permits within a certain number of days under current practice?

Mr. BENNINGHOFF. Mr. Speaker?

The SPEAKER. You may proceed, sir.

Mr. BENNINGHOFF. Thank you.

Yes, and more specifically, we are talking about well permits, general air quality permits, E&S (erosion and sediment control) permits; specifically the well permits, there is a 45-day requirement. Some of the other ones do not have statutory requirements, but I am most concerned with those that do have fundamental requirements already in the statute. All we are asking is for people to try to do these in a timely manner according to their own regs and our statutes.

Mr. MUSTIO. And since this is the Oil and Gas Act, this amendment just applies to those permits under that act. Is that correct?

Mr. BENNINGHOFF. In this particular amendment, yes.

Mr. MUSTIO. So the current regulation or the current guideline is, there is supposed to be action within 45 days?

Mr. BENNINGHOFF. Yes, sir.

Mr. MUSTIO. Do you know what the current practice is?

Mr. BENNINGHOFF. On average, we are hearing from many of the testimonies at all the policy hearings I have conducted, easily 150 to 250 days – unacceptable.

Mr. MUSTIO. So by passing an amendment like this, will that then force them to maybe change some practices?

Mr. BENNINGHOFF. My hope is that would be the case and that we could be stimulating our economy by better job growth and letting businesses do their work.

Mr. MUSTIO. Do you anticipate, though, the department just sending out letters saying, "Denied. Your permit is not approved"?

Mr. BENNINGHOFF. They could do that currently. It is the fact that there is no action, inaction, that has me most concerned. I am asking them to take some action and at least give guidance on whether additional information is necessary.

Mr. MUSTIO. So currently our expectation as elected Representatives would be for the DEP, or any department, to do their job, correct?

Mr. BENNINGHOFF. Yes.

Mr. MUSTIO. So that does not seem like too much of an expectation. So what you are saying, though, is they are not doing it within 45 days, which is what they are supposed to be doing, and what this is is kind of a hammer to them saying, okay, if you do not, then it is deemed approved?

Mr. BENNINGHOFF. Correct.

Mr. MUSTIO. Is there ability then, if it is deemed approved, for the department to pull a permit after that? Do you know what current practice is?

Mr. BENNINGHOFF. I would think that they would have to have cause for pulling it.

Mr. MUSTIO. Well, let us say, for example – I mean, I think some of the questions would be, some of the concerns for deeming approval would be that somebody really did not follow

the guidelines and did not do what they were supposed to do under the permit, right?

Mr. BENNINGHOFF. Correct.

Mr. MUSTIO. So in order to stimulate the economy – it seems like a fair compromise, your amendment – if we are going to stimulate the economy, let us deem approval if the department is not doing their job. But if we come back and find out, once we finally get to the paperwork, that this permit should not have been issued, in those rare cases where that comes about, then they can pull the permit?

Mr. BENNINGHOFF. No different than if they did issue a permit and corrective actions were needed. That can always be done, and I believe that people within different industries are more than glad to do that. They just want timely reaction and for the department to do the job they are paid to do.

Mr. MUSTIO. I am appreciative of the debate, and it seems like a reasonable compromise. Thank you.

Mr. BENNINGHOFF. Thank you, sir.

The SPEAKER. Representative Mike Sturla.

Mr. STURLA. Thank you, Mr. Speaker.

Will the maker of the amendment rise for brief interrogation?

The SPEAKER. The good gentleman has indicated he will so stand, and you may proceed.

Mr. STURLA. Thank you, Mr. Speaker.

Earlier in your testimony you indicated that you could ask for an extension. Who could ask for an extension of whom?

Mr. BENNINGHOFF. It is actually the department, if they saw cause, could ask for an extension, should it be the 46th day and I am telling it should be deemed approved. I would hope, obviously, that they would take action on it. I am only asking them to take action. I am not mandating that they approve everything, but to take action. Should they not, they could, for cause, ask for an extension two times.

Mr. STURLA. Okay. So my question, though, is, whom do they ask for an extension? Do they ask themselves for an extension or do they ask the person who is applying for the permit for an extension?

Mr. BENNINGHOFF. It is basically, obviously, a dialogue to whoever applied to say, "Listen, we're going to take action, just give us a day or two." Reasonable individuals, I would hope, can have reasonable dialogue. But I would hate to think that they are going to wait until the 46th or 47th or 48th day when they have had the permit for 45 days – pardon me, permit application.

Mr. STURLA. But I guess, can DEP say, we are going to ask ourselves for an extension and give ourselves an extension, because we think it is going to take us another 2 weeks, does the extension have to be granted by the person applying for the permit?

Mr. BENNINGHOFF. No; obviously, they do not have the authority. Frankly, it is an action that they can take. They do not need someone's permission. Again, we are trying to encourage them to address the applications in a timely manner. If we want to grow Pennsylvania's economy and we want people working, we need to have the work out there for them.

I talk to companies all the time saying, I have 50 or 100 jobs. I do not have the workers. So in a timely manner, they could say, we are going to act on that. We just need an extension, but it would be within reasonable time periods.

Mr. STURLA. Mr. Speaker, if I could, it is my understanding that in a lot of cases, the reason that the permits are not acted on or the permit applications are not acted on in a timely manner is because there simply are not enough employees because we have so severely cut departments, in some cases. In the event that somebody has 300 applications before them and they have got 45 days to complete, review the 300 applications, when they get to a certain point, are they allowed to deny applications without cause?

Mr. BENNINGHOFF. Well, some might say they currently are, but the reality is, all I am asking them to do is to take action – deny or approve. If they cannot do it within 45 days, give us a reason why you cannot, in a reasonable amount of time, do that.

Mr. STURLA. Okay. But I guess what I am asking is if the person that is working, who has 300 applications sitting on their desk, says, "I can only process two of these a day so I'm only at 90, so the other 210, I'm just going to put rejected on," is it within the scope of the permitting process for them to deny without cause? Mr. BENNINGHOFF. Respectfully, Mr. Speaker, it is the department that has made these applications so cumbersome, that apparently it could only be done two a day. When you talk to a lot of these industries, a lot of these businesses, they are talking about applications that are thicker than five dictionaries. That is crazy. At the end of the day, the department has the latitude to change their own procedures, change their own application form – my goodness, it is not rocket science. I would think that they can probably make a one-page application.

Bottom line, this amendment is simply asking: Please take action. One way or another, please take action.

Mr. STURLA. But, Mr. Speaker, that still does not answer my question. Can they deny without cause?

Mr. BENNINGHOFF. I would think that they should provide cause.

Mr. STURLA. My question is, can they deny without cause?

Mr. BENNINGHOFF. First of all, I do not think it is in good faith to deny without cause, because how is someone to take corrective action? I do not believe that they should just deny them with no cause.

The goal in government, I would hope, is to assist people in getting what it is they are trying to do done and not just be punitive. We have offered this amendment because past practices have shown it to be relatively punitive to require people to wait 200, 250 days for something that their own regulations say they should do within 45 days. If someone does not have enough time to do it, maybe they should pass it on to a colleague, but to deny it for no reason is irresponsible and not business-friendly, if we want a government that works.

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

The SPEAKER. Yes, sir, you may.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, a few years ago my mother died, and when we went to look at various accounts that she had, there was a bank account that she used to hold jointly with someone who had died 10 years prior. And so the attorney said, "Well, go get a death certificate for the person that had died 10 years prior and make sure that their will is satisfied and all their descendants are taken care of." And it was a tiny amount of money anyway, and so not a big deal. As a legislator, I called over to the office and said, "How do I go about getting a death certificate for this

person?" And they sent me the application and said, "But you understand, this is a 9-month process." Now, it was not an application that was 5 pounds full of paper. It was a one-page application. But the reality was that the amount of applications in that office versus the one person that was working in that office meant that they would get to it 9 months later.

Mr. Speaker, the same is true in many cases with DEP and other agencies. There are applications that are put in, somebody does not look at it the day that it comes in because they already have 50 or 60 or 80 other applications sitting on their desk. Twenty days later when they get to it, they get to page 10 or item 10 and go, "Ah, this is missing," and so they notify the company. That does not start the ticker again. That company gets back to them 2 weeks later and you are already at day 35 and they still have not gotten past item 10 of the 30 items that need to be done.

Mr. Speaker, this is a false set of criteria that are being placed on members that review permits in this State, and as a result of that, they are given two options. When they have too many on their desk, they just simply reject every permit that is left at the end of the day out of hand, which means that permits that would otherwise pass a week later, a day later, 2 weeks later, are rejected, and the application process starts all over again. Or you apparently ask yourself and/or the person who is applying for the permit if they would be willing to stick around for a couple more weeks, because they think they might have a decent application, but they can roll the dice because maybe if you do not get the rejection slip in by tomorrow, they will be deemed passed anyway.

Mr. Speaker, this is no way to do legislation about permitting. If you want to say it is only going to be 45 days for a permit, also do accompanying legislation that says – and you figure out how long it takes to do those permits and you hire enough people to do it, whether it is in the private sector or whether it is the agencies or however, but put the money where your mouth is. Do not just sit and complain that it takes 200 days to get a permit, and therefore, we are going to say everybody gets a permit – does not matter whether they pass or not.

Imagine if you ran your tests in your schools that way. Hey, teacher did not get the papers graded by the end of the week, so you all got an A. That is what you are saying.

Mr. Speaker, I ask for a "no" vote on the Benninghoff amendment. Thank you.

The SPEAKER. Yes, sir.

Representative Evankovich.

Mr. EVANKOVICH. Thank you, Mr. Speaker.

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

The SPEAKER. The good gentleman will so stand.

Mr. EVANKOVICH. Thank you, Mr. Speaker.

Mr. Speaker, do we have any idea of the number of permits annually that would currently be processed or have currently been processed on average, say for the last 3 to 5 years?

Mr. BENNINGHOFF. I apologize. I missed the second half of that question.

Mr. EVANKOVICH. Do we have any idea how many of these permits that this language would affect have been processed over the last 3 to 5 years annually, rough average?

Mr. BENNINGHOFF. I do not necessarily have a specific number. I can say that they are spotty in different regions. There are some regions that do an excellent job, get them out in a relatively timely manner. This goal was to give guidance and some initiative to some of the other ones to react in a timely manner, but I do not have a specific number to your question.

Mr. EVANKOVICH. Thank you.

Do we have any idea what the fee structure is for these permits?

Mr. BENNINGHOFF. I would just tell you that there is a range of fees and they are, in many cases, several thousands of dollars. And I suspect if they are denied, you know, obviously you have got to reapply again and you are paying again. Obviously, my concern is not even as much as the cost, and most industries will tell you, it is not the cost, it is the uncertainty of the timeliness of getting these done. They are willing to pay the fees, but many of them are several thousand dollars each time.

Mr. EVANKOVICH. Thank you, Mr. Speaker.

Do we have any idea what procedure other States use when processing these types of permits?

Mr. BENNINGHOFF. The application processes are not necessarily dramatically different, but what we do hear from many industries that work in multiple States is that they are done in a much more timely manner, some of them in a handful of days – 4 or 5 days, 2 weeks. When we tell them that in many of our cases it is hundreds of days, they cannot believe it, and ultimately, it becomes a deterrent, where you choose to do some business if you are in a business that can work in multiple States.

Mr. EVANKOVICH. Thank you, Mr. Speaker.

On the amendment, please?

The SPEAKER. Yes, sir. Please proceed.

Mr. EVANKOVICH. Mr. Speaker, regrettably, the maker was unaware of the number of permits that are processed. My guess is that as far as it pertains to natural gas industry permits, we do not have all that many permits being applied for these days. I cannot remember what the last general data was that was available for the number of drilling rigs in Pennsylvania and the number of in-process wells.

We heard from the maker that these permits cost thousands of dollars, and we heard that other States process them in a matter of days or weeks and it is easier to keep track of Pennsylvania's timeline using years. I would argue this: For anyone who is considering voting against the Benninghoff amendment that, as the prior speaker brought up, it takes 9 months in Pennsylvania to get a birth certificate on a one-page form. The question is not, should we just be considering the Benninghoff amendment? The question should be, is 9 months good enough to get a birth certificate? Are hundreds of days good enough for the government that our citizens who elect us are paying for, is 9 months, are years good enough? It costs thousands of dollars; we appropriate State tax money to the Department of Environmental Protection in order for these government employees to do their job.

All that I would argue is this: Many of you in this chamber, over the course of the last 5 years, have participated in the Manufacturing Caucus tours that we have done all over this State. Never did we visit a Marcellus Shale rig or a Marcellus Shale industry-related business, but what we did do was we talked to a lot of different manufacturers. And any of you, any of you who were on those tours, I am sure, heard one thing that

was at the top of the pile for all of the challenges that those businesses experienced – these are businesses that range from ALLED Lighting in Beaver County/Lawrence County to Boeing near Philadelphia – and that was that they need government to move at the speed of business. We need to have our State not be a place where businesses have to try to find ways not to do business here. We need to be a State that tries to find ways for businesses to be encouraged to do business here.

Mr. Speaker, we all have experiences with different organizations that process paperwork. Most of us have a story or two, I am sure, from our past where we had to deal with, say, a utility company, like a cell phone provider. And, Mr. Speaker, if we are upset with that cell phone provider, we switch to another provider or that provider provides us with an adequate amount of customer service. Mr. Speaker, the companies that come to Pennsylvania, whether they are natural gas-related businesses or other, they cannot call Texas's government because Pennsylvania's government has poor customer service. They cannot call Tennessee's government or Ohio's government or West Virginia's government to get things done.

We need to have higher expectations of the people who we entrust to do these important functions, and that is why I encourage the membership to vote in favor of the Benninghoff amendment.

The SPEAKER. Representative Krueger-Braneky.

Ms. KRUEGER. Thank you, Mr. Speaker.

I rise in opposition to this amendment because I believe that permit applications for gas drilling and pipelines and anything else involving the fossil fuel industry in Pennsylvania are complicated and take time. This is not something that we can afford to rush, and this amendment, if passed tonight, would do just that. And, Mr. Speaker, that is exactly what has happened just recently in Delaware County and Chester County with the construction of the Mariner East II pipeline. There have been over 150 spills since April when construction began. In Delaware County we have seen spill after spill after spill into our creeks that feed our water sources. In Chester County over a dozen families have lost their private drinking wells because the pipeline operator did not take the time to map their private wells and now those private drinking wells are lost to their family forever.

Mr. Speaker, just today the DEP had to cite Sunoco yet again because a 6-foot sinkhole has opened up in Chester County and Sunoco did not notify them about a leak of drilling fluid that erupted behind a house. This is what happens when we rush the process. This is what happens when we do not allow the Department of Environmental Protection inspectors to do their jobs, and this is what we are setting up to happen over and over again in the future, if this amendment passes today.

Mr. Speaker, I ask my colleagues to oppose this amendment. Thank you.

The SPEAKER. Representative Longietti, sir. Representative Longietti.

Mr. LONGIETTI. Thank you, Mr. Speaker.

I have been listening to the debate and I certainly, in my career, have been critical of the bureaucracy. There are times where I am more than upset with the inflexibility. But in my view, for us to sit here tonight and to point the finger, when we do not get budgets done on time, when we are months and months and months late on budgets, and we have the audacity to point the finger and say that somebody is not doing their job and it is going to be deemed approved. We would never in this body

say that if the Governor's budget is not acted on on time that it is deemed approved, and essentially, that is what we are doing here tonight with an agency. And we are complicit, in my view. We are complicit because we do not keep up with the staffing levels that are required and then we point a finger and say they are not doing their jobs. We do not hold ourselves accountable to the same standard.

So, Mr. Speaker, that is what bothers me about this amendment. I commend the maker for his intent. I want bureaucracy to act timely as well, but we are not following the same standard, Mr. Speaker. Thank you.

The SPEAKER. Thank you, sir.

Does anybody else wish to speak on the amendment? Otherwise, I am going to go to the maker of the amendment and then the maker of the bill. Does anybody else wish to speak?

Representative Benninghoff first, and then followed by Representative DiGirolamo.

Mr. BENNINGHOFF. Very briefly, Mr. Speaker.

I appreciate the good dialogue we have had on this. Again, we are very simply just asking the department in the different regions to do what their own regulations require, and that is to act on a permit within a 45-day time period. If not, then we need to move on with business and get Pennsylvania stronger and create jobs.

Thank you, Mr. Speaker.

The SPEAKER. Representative DiGirolamo.

Mr. DiGIROLAMO. Thank you, Mr. Speaker.

Permit decisions for gas drilling are very, very complicated, and this amendment, as the maker has said, is what they have called a deemed approved amendment, Mr. Speaker. If anything, Mr. Speaker, I think we should be staffing our Department of Environmental Protection. We should be putting some more money into the department and allowing them to hire staff so that they can proceed and speed this process up, Mr. Speaker. I just believe for our environment, this is too dangerous of an amendment, and I ask for a negative vote. Thank you.

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

The following roll call was recorded:

YEAS-96

Baker	Fritz	Mackenzie	Reese
Benninghoff	Gabler	Maher	Roae
Bernstine	Gillen	Mako	Rothman
Bloom	Gillespie	Maloney	Ryan
Brown, R.	Godshall	Marsico	Saccone
Caltagirone	Greiner	Masser	Sankey
Causar	Grove	Mentzer	Schemel
Christiana	Hahn	Metcalfe	Simmons
Cook	Harris, A.	Metzgar	Sonney
Corbin	Heffley	Millard	Staats
Cox	Helm	Miller, B.	Tallman
Culver	Hickernell	Moul	Tobash
Cutler	Hill	Mustio	Toepel
Day	Irvin	Nelson	Toohil
Delozier	James	Nesbit	Topper
Diamond	Jozwiak	Oberlander	Walsh
Dowling	Kampf	Ortitay	Ward
Dunbar	Kaufner	Peifer	Warner
Dush	Kauffman	Pickett	Wentling
Ellis	Keefer	Pyle	Wheeland
Emrick	Keller, F.	Quigley	Zimmerman

English	Keller, M.K.	Rader	
Evankovich	Klunk	Rapp	Turzai,
Everett	Knowles	Reed	Speaker
Fee	Lawrence		

NAYS-97

Barbin	DeLissio	Kortz	Rabb
Barrar	DeLuca	Krueger	Ravenstahl
Bizzarro	Dermody	Kulik	Readshaw
Boback	DiGirolamo	Lewis	Roe
Boyle	Donatucci	Longietti	Roebuck
Bradford	Driscoll	Madden	Rozi
Briggs	Evans	Markosek	Sainato
Brown, V.	Fitzgerald	Marshall	Samuelson
Bullock	Flynn	McCarter	Santora
Burns	Frankel	McClinton	Schlossberg
Carroll	Freeman	Mehaffie	Schweyer
Cephas	Gainey	Miccarelli	Sims
Charlton	Galloway	Miller, D.	Snyder
Comitta	Goodman	Milne	Solomon
Conklin	Hanna	Mullery	Stephens
Corr	Harkins	Murt	Sturla
Costa, D.	Harper	Neilson	Taylor
Costa, P.	Harris, J.	Neuman	Thomas
Cruz	Hennessey	O'Neill	Vazquez
Daley	Kavulich	Pashinski	Vitali
Davidson	Keller, W.	Petrarca	Warren
Davis	Kim	Petri	Wheatley
Dawkins	Kinsey	Quinn, C.	White
Dean	Kirkland	Quinn, M.	Youngblood
Deasy			

NOT VOTING-0

EXCUSED-8

Fabrizio	Haggerty	McGinnis	Saylor
Farry	Matzie	O'Brien	Watson

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

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

Ms. OBERLANDER offered the following amendment  
No. A04651:

Amend Bill, page 1, line 11, by inserting after "TAX; "  
in general provisions, providing for well permits;  
Amend Bill, page 36, by inserting between lines 11 and 12  
Section 2. The act is amended by adding a section to read:  
Section 3003.23. Well Permits.—Where an operator has the right to drill an oil and gas well on separate leases or units, the operator may drill and produce a well that traverses, by horizontal drilling, more than one lease or unit, provided the operator reasonably allocates production from the well among the leases or units and the traversing well is not expressly prohibited by the terms of a lease.

Amend Bill, page 36, line 12, by striking out "2" and inserting 3

Amend Bill, page 36, line 16, by striking out "3" and inserting 4

Amend Bill, page 36, line 17, by striking out "3" and inserting 4

Amend Bill, page 36, line 22, by striking out "4" and inserting 5

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

### RECONSIDERATION MOTION FILED

The SPEAKER. Before we move forward with the other amendment, Representatives Benninghoff and Evankovich have moved that the vote by which amendment 4214 to HB 1401 was defeated by a vote of 97 to 96 on this November 20th day be reconsidered. So we are in receipt of that motion.

### CONSIDERATION OF AMENDMENT A04651 CONTINUED

The SPEAKER. At this time we will proceed with amendment A04651, and we will come back to the motion to reconsider the amendment.

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

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

Representative Oberlander, the floor is yours.

Ms. OBERLANDER. Thank you, Mr. Speaker.

This amendment is necessary to clarify the language that arises from recent technological advances in pipelines. In recent years, gas companies have been able to extend their lateral pipelines, and the benefits that are associated with this are less environmental impact, reduced operator cost, and increased volume, which translates into increased royalty payments.

I would encourage a positive vote. Thank you, Mr. Speaker.

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

Mr. VITALI. If I am understanding this amendment correctly, this would allow, over the objection of a landowner who does not want, who owns the mineral rights below his property and does not want drilling underneath his property for whatever reason. He just wants the sanctity of his property respected. If I am understanding this, this would violate the right of a landowner to not have drilling underneath his property, and to me, this goes beyond environmentalism, but to a very basic right of land ownership and the right to be free of government interference on your land. You do not want another person on your land. Government should not force you, government should not force you to allow a drill under your land. So I think this violates a very basic principle of property rights and the sanctity of a person's property to do what he wants with it or nothing at all.

If I am understanding this correctly, this is the concept of forced pooling and it is violative of a basic right of land ownership, and I would ask for a "no" vote on this one.

The SPEAKER. Representative Carl Metzgar.

Mr. METZGAR. Thank you, Mr. Speaker.

I believe the good gentlelady that is offering the amendment might have mischaracterized this. This has nothing to do with pipelines. This has everything to do with forced pooling, is what we call it. I think the good gentleman from Delaware County was actually spot on, but just to clarify, this is allowing for the

private taking of property rights. If you are for that, by all means vote for it, but if you are against that like me, vote against the amendment. Thank you.

The SPEAKER. Representative Everett, Representative Garth Everett.

Mr. EVERETT. Yes, Mr. Speaker.

Would the maker of the amendment stand for interrogation?

The SPEAKER. Representative Everett, you may proceed, and Representative Oberlander, you may answer the questions. Thank you.

Mr. EVERETT. Mr. Speaker, we just heard the last two people who rose refer to this as "forced pooling," and my understanding of forced pooling is that it forces landowners who, for whatever reason, do not want to sign a lease, as we heard, to have their land drilled underneath and have it hydrofractured, have the gas harvested, and then they are paid fair market value for it. Is that what this amendment would do?

Ms. OBERLANDER. No, Mr. Speaker, that is not what this amendment would do. This amendment specifically says, "Where an operator has the right to drill an oil and gas well on separate leases or units, the operator may drill and produce a well that traverses, by horizontal drilling...." It is not a forced pooling. It is basically allowing them to drill on property they have already leased.

Mr. EVERETT. Yes, that they already have leases for. So just to make sure I have my understanding correct, if there are two production units that are adjacent to each other and the developer already has the rights to both of those, it just allows them, rather than drilling a well on production unit A and then having to drill another well on production unit B, they can run one lateral from A and get the gas from A and from B without having to drill two wells to harvest the same amount of gas.

Ms. OBERLANDER. That is correct, Mr. Speaker, which requires less environmental impact, reduced operator cost, and increases the volume of gas, which then translates into increased royalty payments.

Mr. EVERETT. Thank you, Mr. Speaker.

I have concluded interrogation. I would like to speak on the bill, please.

The SPEAKER. Yes, you may, sir.

Mr. EVERETT. So I would just want to correct the record that this is not forced pooling. This is more efficient manners because technology has increased since the time we have started doing the horizontal drilling in Pennsylvania. It has more than doubled; in fact, it has almost quadrupled now. And this is just a more efficient way to harvest gas with less environmental impact.

And for those reasons I would ask for a "yes" on this amendment. Thank you.

The SPEAKER. Thank you, sir.

Representative Harper.

Ms. HARPER. May I ask the gentlelady to stand for interrogation?

The SPEAKER. She has indicated she will so stand, and you may proceed.

Ms. HARPER. Thank you.

I do not understand why this amendment is needed. Could you explain that? Because my understanding of the technology is that it can drill for about a mile horizontally underground, which means it is already traversing more than one property,

presumably by lease and presumably dividing up the royalties on what is produced. So I do not understand what this amendment does that is not already permitted.

Ms. OBERLANDER. Thank you, Mr. Speaker.

The reason the amendment is needed is, one, to clarify what currently happens. Currently there is no statutory language explicitly granting this, nor not allowing it, and this would clarify that. It would also allow for it to go through more than one drilling unit so you could permit with that one drilling unit.

Ms. HARPER. A follow-up, if I might?

Do you believe that your amendment will allow for forced pooling; in other words, forcing somebody to lease out their gas for production when they do not want to be in a pool?

Ms. OBERLANDER. Mr. Speaker, I have already answered that question two times, and I do not believe that it is forced pooling. As a matter of fact, the Department of Conservation and Natural Resources allows for unitization in their leases and it is not forced pooling, and I do not believe this is forced pooling.

Ms. HARPER. Thank you.

The SPEAKER. Representative Carl Metzgar, for the second time.

Mr. METZGAR. Thank you, Mr. Speaker.

I guess I should have clarified. I would say that this amendment is forced pooling light, because if you read the amendment, if you actually look at the words of the amendment, it says that unless it is "expressly prohibited" in the amendment, and as the gentlelady went over it as she introduced the amendment, she said this is to update the technology. Well, what does that mean to you, the landowner? Well, what that means is that in 1950, you would have had to have been prophetic. You would have had to have seen into the future and said, my God, I bet they can get that technology, and then when they get it, I better have that language exactly in the lease saying that they cannot do that, that they cannot put me together with someone else. And then, and then, only if you thought that far ahead, 77 years ahead or however long ago you signed that lease, that we would have this technology that we could put these units together and do this horizontal drilling, only if you put that language in would you be not forcefully put into a group with someone else.

So I guess you are right that it is forced pooling light, but it is in fact still the same thing, unless you thought to put that language in your lease. And if you were that good in 1950 and you were able to figure that out, good for you, but for those who did not or could not, I think that that is our job to look out for them and not put them in a situation where we are changing the deal of that contract.

So that is why I encourage a "no" vote on this. Thank you.

The SPEAKER. Representative Pashinski. Representative Pashinski.

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

Just some clarification, if I could, from the Representative?

The SPEAKER. Yes. Representative Oberlander has indicated she will stand for interrogation.

Mr. PASHINSKI. This is an easy one. I just want to check this out.

So if we have the drill being drilled in property A, but horizontally, because it can travel for extended period, it goes into property B and into property C. Am I correct so far?

Ms. OBERLANDER. Mr. Speaker, in your hypothetical, are the leases appropriate? Have they gotten the permission? There are a lot of unknowns in your question.

Mr. PASHINSKI. I did hear before that because of horizontal drilling that one well can expand in any direction for 1 mile or 2 miles because of the new technology. Is that correct?

Ms. OBERLANDER. The new technology does allow drilling to go in multiple directions; that is what horizontal drilling is, for miles.

Mr. PASHINSKI. Okay, and if it then extends into another property, that property owner would then receive a royalty, even if it was unwanted?

Ms. OBERLANDER. No, that is not correct.

That property would be required to have, and I will repeat it, right here it is: "Where an operator has the right to drill an oil and gas well on separate leases...", so there is a lease. It is not forced pooling. This is not an eminent domain issue. This is not, "I'm going to take your mineral and then pay you a fair market value." It is not that.

Mr. PASHINSKI. Okay. So then they create the lease, so with the well that is drilled in property A, they also make a lease with property B, even though there is only one well that is drilled in property A, and because of that, property B will receive a royalty. That is correct?

Ms. OBERLANDER. That is correct.

Mr. PASHINSKI. Okay. Now, the possibility could be it could drill because it could go in any direction to property C. It could, right?

Ms. OBERLANDER. Is property C properly leased?

Mr. PASHINSKI. Yes. They lease it.

Ms. OBERLANDER. Yes.

Mr. PASHINSKI. Okay. So the point here is then, how does the impact fee affect those three areas of drilling?

Ms. OBERLANDER. Mr. Speaker, I do not believe that that would alter it. It is based on the volume of gas.

Mr. PASHINSKI. An impact fee is based on years, unless this passes. If this does not pass, then the impact fee would decline and still acquire huge volumes of gas from properties B, C, as well as A.

Just clarifying. If this does not pass, then there is no volume. Is that correct? It is just the impact fee would decline as it is designed and is functioning now?

Ms. OBERLANDER. It does decline per year.

Mr. PASHINSKI. Okay. That is it. Thank you very much. I appreciate it.

The SPEAKER. Representative Neuman.

Mr. NEUMAN. Thank you, Mr. Speaker.

I rise in agreement with my good friend from Somerset County, where he has a lot more old leases than I do in my legislative district. If you have a new, current lease that you are getting 18 percent, maybe you got \$2,000 an acre, it does not really impact you too much. These are the leases that some swaths are hundreds of acres, some of them not that much, but they were for conventional wells. The wells that go straight down. When they created these leases, a lot of times it was maybe \$5 an acre, 12 1/2 percent royalties; it would have been less, except for the fact that there is a minimum royalty guarantee, somewhat.

So what this does is, those old leases from as early as the early 1900s until we even knew horizontal drilling existed here in Pennsylvania, especially western Pennsylvania, those people

have no opportunity to renegotiate their lease, if this would pass. They negotiated a lease for conventional well drilling, that may even have fueled their house for heating but was not a goldmine. It was an opportunity for a small business, and that is how we drilled in western Pennsylvania and across this Commonwealth. But now horizontal drilling came; the technology continues to get better, safer. In western Pennsylvania it has been great for our economy, but when you look at what this amendment does – no, it is technically not forced pooling. It is not taking somebody that does not have any lease and putting them into a unit. It is taking someone that has a lease that is decades old that is silent on technology that did not exist. So it being silent on technology that did not exist is the fault of the landowner? I think not.

I ask that you vote in the negative on this amendment so that the people that have the opportunity to sign the lease for conventional wells have a fair opportunity to sign a lease for conventional wells, and this applies all over the Commonwealth, especially in the areas where there were a lot of conventional well drilling decades ago.

So I am asking for a negative vote on this amendment. Thank you.

The SPEAKER. If anybody else wishes to speak on the amendment; otherwise, I am going to do the maker of the amendment and then the maker of the bill.

Representative Oberlander, on the amendment.

Ms. OBERLANDER. Thank you, Mr. Speaker.

Again I would just reiterate that this is an opportunity to clarify leases so that we may be able to lessen the environmental impacts, reduce operator costs, increase the volume, and once again, translate this into increased royalty payments for those who own the mineral rights and are having that resource drilled.

And I would appreciate an affirmative vote. Thank you.

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

Mr. DiGIROLAMO. Thank you, Mr. Speaker.

I appreciate what the gentlelady is trying to accomplish here, and from the debate, I think you have heard that this is not forced pooling, or whether it is forced pooling light, or whatever it is. But in this instance, I am going to err on the side of the landowner and protections for the landowner, and I am going to ask for a negative vote on this amendment. Thank you.

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

The following roll call was recorded:

YEAS-51

Benninghoff	Godshall	Knowles	Reed
Bloom	Greiner	Mackenzie	Roae
Causser	Grove	Maher	Rothman
Cook	Harris, A.	Masser	Schemel
Cox	Hickernell	Mentzer	Simmons
Culver	Hill	Metcalfe	Tallman
Cutler	James	Miller, B.	Ward
Delozier	Jozwiak	Moul	Wentling
Dush	Kampf	Mustio	Wheeland
English	Kaufer	Nesbit	Zimmerman

Everett	Kauffman	Oberlander	
Fee	Keller, F.	Ortity	Turzai,
Fritz	Klunk	Rapp	Speaker
Gillespie			

NAYS-142

Baker	DiGirolamo	Kulik	Ravenstahl
Barbin	Donatucci	Lawrence	Readshaw
Barrar	Dowling	Lewis	Reese
Bernstine	Driscoll	Longietti	Roe
Bizzarro	Dunbar	Madden	Roebuck
Boback	Ellis	Mako	Rozzi
Boyle	Emrick	Maloney	Ryan
Bradford	Evankovich	Markosek	Saccone
Briggs	Evans	Marshall	Sainato
Brown, R.	Fitzgerald	Marsico	Samuelson
Brown, V.	Flynn	McCarter	Sankey
Bullock	Frankel	McClinton	Santora
Burns	Freeman	Mehaffie	Schlossberg
Callagirono	Gabler	Metzgar	Schweyer
Carroll	Gainey	Miccarelli	Sims
Cephas	Galloway	Millard	Snyder
Charlton	Gillen	Miller, D.	Solomon
Christiana	Goodman	Milne	Sonney
Comitta	Hahn	Mullery	Staats
Conklin	Hanna	Murt	Stephens
Corbin	Harkins	Neilson	Sturla
Corr	Harper	Nelson	Taylor
Costa, D.	Harris, J.	Neuman	Thomas
Costa, P.	Heffley	O'Neill	Tobash
Cruz	Helm	Pashinski	Toepel
Daley	Hennessey	Peifer	Toohil
Davidson	Irvin	Petrarca	Topper
Davis	Kavulich	Petri	Vazquez
Dawkins	Keefer	Pickett	Vitali
Day	Keller, M.K.	Pyle	Walsh
Dean	Keller, W.	Quigley	Warner
Deasy	Kim	Quinn, C.	Warren
DeLissio	Kinsey	Quinn, M.	Wheatley
DeLuca	Kirkland	Rabb	White
Dermody	Kortz	Rader	Youngblood
Diamond	Krueger		

NOT VOTING-0

EXCUSED-8

Fabrizio	Haggerty	McGinnis	Saylor
Farry	Matzie	O'Brien	Watson

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

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

The SPEAKER. Members, counsel has said that – just in case I did not do it – amendment 4214 to HB 1401, that amendment failed by a vote of 97 to 96. As I said, there is a motion to reconsider the amendment. We are not on that motion to reconsider, but for the record, I just needed to make sure that I had set forth the vote.

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



Mr. **BENNINGHOFF** offered the following amendment  
No. **A04203**:

Amend Bill, page 1, line 11, by inserting after "TAX;"  
in general provisions, providing for well permits;

Amend Bill, page 36, by inserting between lines 11 and 12  
Section 2. The act is amended by adding a section to read:  
Section 3003.23. Well permits.—

(1) The Department of Environmental Protection shall not require a permittee to repermit a well under 58 Pa.C.S. Ch. 32 (relating to development) unless the surface hole location of the well deviates by more than 50 feet from the original proposed surface hole location contained on the plat that accompanied the well permit application.

(2) Deviation of the final subterranean well bore path from the proposed subterranean well bore path, if indicated, on the plat that accompanied the well permit application due to geologic, safety, environmental protection, optimal resource extraction or other reasonable consideration shall not constitute a violation of 58 Pa.C.S. Ch. 32.

Amend Bill, page 36, line 12, by striking out "2" and inserting  
3

Amend Bill, page 36, line 16, by striking out "3" and inserting  
4

Amend Bill, page 36, line 17, by striking out "3" and inserting  
4

Amend Bill, page 36, line 22, by striking out "4" and inserting  
5

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

The SPEAKER. On the amendment, the Chair recognizes  
Representative Benninghoff.

Mr. **BENNINGHOFF**. Thank you, Mr. Speaker.

I would ask the members to join us in supporting this. We are actually just codifying a current practice in Title 58 that allows well operation to "commence a new bore hole not more than 50 feet from the old bore hole." We would just like to put that in this language so that the well operators and DEP are both aware of that. Thank you.

The SPEAKER. Representative DiGirolamo.

Mr. **DIGIROLAMO**. Thank you, Mr. Speaker.

My concern is that this amendment would allow the gas operators to move the drilling operations without proper DEP oversight, and again I am going to err on the side of caution and ask for a "no" vote on this amendment.

Thank you, Mr. Speaker.

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

(Members proceeded to vote.)

#### VOTE STRICKEN

The SPEAKER. Please strike the vote. Strike the vote, please. Strike the vote. I am sorry, the sponsor of the amendment wanted to speak on the amendment again. I apologize.

Representative Benninghoff.

Mr. **BENNINGHOFF**. Mr. Speaker, I appreciate that courtesy, but I think it is very important the members know before they are asked to make this vote that these are permits that DEP has already agreed to. They are knowledgeable of these sites. They know what is going on. All we are saying, and currently, as I said, it is already in the statute, that allows them to do an additional hole within less than 50 feet from where they currently were drilling under that permit.

The current language specifically does not require a new permit or exempt it. All we are asking them to do is to add this in the language saying that they are able to do what currently is kind of a common practice under their own statute. So it is a common practice.

Please join us and support us on this amendment. Thank you.  
The SPEAKER. Representative Vitali.

Mr. **VITALI**. Would the maker of the amendment stand for interrogation?

The SPEAKER. Representative Benninghoff will so stand.

Mr. **VITALI**. Have you made an effort to solicit an opinion from the Department of Environmental Protection on whether they would support or not this amendment? Have you reached out to them?

Mr. **BENNINGHOFF**. I believe the current statute currently allows them to do that, so the fact that they are able to do it, I would think that they should be supportive and I hope the rest of the members on the floor will be as well.

Mr. **VITALI**. Have you asked the Department of Environmental Protection to take a position on this amendment, yes or no?

Mr. **BENNINGHOFF**. I have not asked them specifically.

Mr. **VITALI**. Okay.

Just if I can, I have some concerns with this amendment. Although I certainly am not an expert, you are asking to move a well 50 feet. That could be 50 feet closer to a stream, 50 feet closer to a water supply, 50 feet closer to a school. I think that I have some concerns. I do believe that if you were going to be, as I read this, drilling an additional well which could take you 50 feet closer to something that could endanger public health and safety, I think we should err on the side of caution and have this reviewed by professionals, have this reviewed by the Department of Environmental Protection, have it done the right way so we are not putting kids and drinking water in harm's way.

So because we do not have an approval of this from the department, I would ask that we err on the side of caution and vote "no" on this and bring this up at a later date when we have done a little more research.

The SPEAKER. Representative Cutler.

Mr. **CUTLER**. Thank you, Mr. Speaker.

Mr. Speaker, in addressing the prior gentleman's comments, I think it is important to recognize that this is existing practice and is already contemplated during the existing permit process; therefore, his concerns would in fact be addressed. It would allow them to do it under a special set of circumstances that are already current practice and therefore should be put into law.

I would urge the members to please support it. Thank you.

The SPEAKER. Representative Gary Day.

Mr. **DAY**. Thank you, Mr. Speaker.

Would the maker rise for brief interrogation?

The SPEAKER. He has indicated he will stand for interrogation.

Mr. DAY. Thank you, Mr. Speaker.

Mr. Speaker, does your amendment allow more than one well to be drilled within that 50-foot region around the original well?

Mr. BENNINGHOFF. This is not a matter of putting two wells on the same site; it is allowing them to deviate within 50 feet from the original request of the permit to DEP. DEP would know the well site and they would know all the parameters of it. It is to within that same proximity of anything less than 50 feet from the original DEP-approved permit.

Mr. DAY. Just to repeat your answer, they would not be able to drill more than one physical well in that 50-foot area. Is that correct?

Mr. BENNINGHOFF. Correct.

Mr. DAY. Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—100

Baker	Fritz	Mackenzie	Reed
Barbin	Gabler	Maher	Reese
Benninghoff	Gillen	Mako	Roae
Bernstine	Gillespie	Maloney	Rothman
Bloom	Godshall	Marshall	Ryan
Brown, R.	Greiner	Marsico	Saccone
Causar	Grove	Masser	Sankey
Christiana	Hahn	Mentzer	Schemel
Cook	Harris, A.	Metcalfe	Simmons
Corbin	Heffley	Metzgar	Sonney
Corr	Helm	Millard	Staats
Cox	Hennessey	Miller, B.	Tallman
Culver	Hickernell	Moul	Tobash
Cutler	Hill	Mustio	Toepel
Day	Irvin	Nelson	Toohil
Delozier	James	Nesbit	Topper
Diamond	Jozwiak	Oberlander	Walsh
Dowling	Kampf	Ortitay	Ward
Dunbar	Kaufer	Peifer	Warner
Dush	Kauffman	Petrarca	Wentling
Ellis	Keefer	Pickett	Wheeland
Emrick	Keller, F.	Pyle	Zimmerman
English	Keller, M.K.	Quigley	
Evankovich	Klunk	Rader	Turzai,
Everett	Knowles	Rapp	Speaker
Fee	Longiotti		

NAYS—91

Barrar	DeLissio	Krueger	Readshaw
Bizzarro	DeLuca	Kulik	Roe
Boback	DiGirolamo	Lawrence	Roebuck
Boyle	Donatucci	Lewis	Rozzi
Bradford	Driscoll	Madden	Sainato
Briggs	Evans	Markosek	Samuelson
Brown, V.	Fitzgerald	McCarter	Santora
Bullock	Flynn	McClinton	Schlossberg
Caltagirone	Frankel	Mehaffie	Schweyer
Carroll	Freeman	Miccarelli	Sims
Cephas	Gainey	Miller, D.	Snyder
Charlton	Galloway	Milne	Solomon
Comitta	Goodman	Mullery	Stephens
Conklin	Hanna	Murt	Sturla
Costa, D.	Harkins	Neilson	Taylor

Costa, P.	Harper	Neuman	Thomas
Cruz	Harris, J.	O'Neill	Vazquez
Daley	Kavulich	Pashinski	Vitali
Davidson	Keller, W.	Petri	Warren
Davis	Kim	Quinn, C.	Wheatley
Dawkins	Kinsey	Quinn, M.	White
Dean	Kirkland	Rabb	Youngblood
Deasy	Kortz	Ravenstahl	

NOT VOTING—2

Burns	Dermody
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EXCUSED—8

Fabrizio	Haggerty	McGinnis	Saylor
Farry	Matzie	O'Brien	Watson

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

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

Mr. CUTLER offered the following amendment  
No. A04208:

Amend Bill, page 1, line 11, by inserting after "TAX; " in general provisions, providing for well permit fees;

Amend Bill, page 36, by inserting between lines 11 and 12 Section 2. The act is amended by adding a section to read:

Section 3003.23. Well Permit Fees.—(a) Each application for a well permit under 58 Pa.C.S. § 3211 (relating to well permits) shall be accompanied by a permit fee, established by the Environmental Quality Board, which bears a reasonable relationship to the cost of administering this article.

(b) An applicant for an unconventional well shall pay a permit application fee according to the following:

(1) Four thousand two hundred dollars (\$4,200) for a vertical unconventional well.

(2) Five thousand dollars (\$5,000) for a nonvertical unconventional well.

(c) No sooner than January 1, 2021, the permit application fee may be adjusted by rulemaking promulgated by the Environmental Quality Board. No other fee related to the drilling, operation, production or plugging of an unconventional well may be assessed by the Department of Environmental Protection or the Environmental Quality Board.

Amend Bill, page 36, line 12, by striking out "2" and inserting 3

Amend Bill, page 36, line 16, by striking out "3" and inserting 4

Amend Bill, page 36, line 17, by striking out "3" and inserting 4

Amend Bill, page 36, by inserting between lines 21 and 22

(3) The General Assembly declares that the repeal under paragraph (4) is necessary to effectuate the addition of section 3003.23 of the act.

(4) 58 Pa.C.S. § 3211(d) is repealed.

Amend Bill, page 36, line 22, by striking out "4" and inserting 5

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

The SPEAKER. On the question, the Chair recognizes Representative Cutler.

Mr. CUTLER. Thank you, Mr. Speaker.

Mr. Speaker, very simply, this would require the Environmental Quality Board to establish a well permit fee which bears a reasonable relationship to the cost of administering this portion of the law.

The unconventional well fee is \$4200 for a vertical unconventional well and \$5,000 for a nonvertical unconventional well. Additionally, anticipating future issues, the fee may be adjusted by the EQB no sooner than January 1, 2021, and it is according to Title 58 of the Consolidated Statutes, 3211(d).

Currently this section of the law does not set the permit fee. It only requires an application for a well permit be accompanied by a fee that is to be established by the EQB which bears a reasonable relationship to the cost of administering it.

Under Title 25, PA Code 78, subsection 19, the current fee is \$4200 for an unconventional well, \$5,000 for a nonvertical unconventional well, and at least every 3 years, DEP will provide the EQB with an evaluation of the fees and the recommended regulatory changes.

In the Governor's Regulatory Agenda dated Saturday, August 19, 2017, the EQB plans on increasing the current fee but it does not say exactly how much, permit fees under the entire operation of the department's Office of Oil and Gas Management. In 2014 the EQB previously increased the permit fees and they changed the fee structure. The average vertical unconventional well permit at that time was approximately \$2,000, the average nonvertical was \$3200, and the regulation established a fixed \$4200 for vertical unconventional wells and \$5,000 for the nonvertical unconventional wells.

Mr. Speaker, we are taking what the current process is and we are putting it into law. I would urge the members to please support it.

The SPEAKER. Representative Harper, on the amendment.

Ms. HARPER. Will the gentleman stand for brief interrogation?

The SPEAKER. Yes. He has indicated he will so stand, and you may proceed.

Ms. HARPER. Do I understand this amendment to lock in the fees for well drilling permits at what they are currently for the next 4 years? Is that about right?

Mr. CUTLER. Thank you, Mr. Speaker.

It does discuss the current prices, but more importantly, it does require them to have a nexus between the actual cost of implementing it as well as the fees. And the 2021 date, which I believe the gentlelady is asking about, is when the permit application may be adjusted by rulemaking through the EQB.

Ms. HARPER. Does the maker of the amendment have any facts that would back up the fees that are specified in the amendment as being the appropriate fees for these things?

Mr. CUTLER. Thank you, Mr. Speaker.

Respectfully, that is actually one of the issues with the current EQB's proposal is that they are proposing to increase the fees. The proposals that we have put forth here are approximately twice the current fees, and we do not know because the EQB has not actually quantified what those costs are; that is why we added the regulatory component and the opportunity for input from DEP, that way we can have a real connection between what the actual costs implemented are and

make sure that that relationship exists going forward so that it can be appropriately funded.

Ms. HARPER. On the amendment, Mr. Speaker?

The SPEAKER. Yes. You may proceed.

Ms. HARPER. I think we all understand that a fee is supposed to relate to how much it costs to do the job of reviewing the permit application, and we have recently had an extended discussion on how these permit applications are long and complicated, and how we are just not getting them reviewed fast enough.

Because I do not see how reducing the fees will help us get the permit applications reviewed fast enough to make the applicants happy while still protecting the clean air and clean water that is constitutionally guaranteed to all Pennsylvanians, I would urge a "no" vote on this amendment.

Thank you, Mr. Speaker.

The SPEAKER. Representative Greg Vitali and then Representative Greg Rothman.

Mr. VITALI. I would also urge a "no" vote.

Previously we had a discussion about a problem with slow turnaround time for permits, and I have read enough testimony to understand that the problem with the slow turnaround time is underresourcing of the department. Since 2006 they have lost \$50 million in funding from the General Fund and about 700 staffers.

Now, what this amendment would do, if I fully understand it, it would reduce another resource stream for the department. We are unwilling to give them the proper amount from the General Fund, and this amendment would squeeze them in another way.

You know, I kind of view the department as permitting like a restaurant. If you keep cutting waitstaff and you keep cutting kitchen help, you cannot complain if the service gets slower and slower. It is a foreseeable consequence, and that is exactly what we have done with the department. And what the Cutler amendment would do would be to just continue to starve the department, exacerbating the permit turnaround time.

So I urge a "no" vote on Cutler.

The SPEAKER. Representative Rothman, followed by Representative Ryan, and followed by Representative Maher.

Mr. ROTHMAN. Will the maker of the amendment stand for interrogation?

The SPEAKER. He has indicated he will.

Mr. ROTHMAN. So just, if you could, one more time, and I know you have said it, Mr. Speaker, but I have now heard the fees are being cut, I have heard the fees are going up. What are the existing fees now and what are – and we know what you are proposing. I am sorry. I do; \$4200 and \$5,000, but what are the existing fees for these wells?

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

Mr. CUTLER. Thank you, Mr. Speaker.

Mr. Speaker, the existing fees contained in Title 25 of the PA Code 78, subsection 19 – and this is the current fee, is what it is proposed to be in the amendment – \$4200 for a vertical unconventional well and \$5,000 for a nonvertical unconventional well.

Mr. ROTHMAN. On the amendment, Mr. Speaker?

The SPEAKER. Yes, sir. You may proceed.

Mr. ROTHMAN. So there is no cut in the fees. We are simply establishing what the fees already are so there should not be any cuts in services if these are the fees that are charged now, so I urge a "yes" vote.

The SPEAKER. Representative Frank Ryan, Francis Ryan.

Mr. RYAN. Mr. Speaker, whenever I get called Francis, I am usually in a lot of trouble, so I will try to make this very quick, by the way. And if you call me Francis Xavier, I am out of here.

Mr. Speaker, the gentlelady mentioned the idea about the cost and the permitting should be based upon some degree of cost, and I would contend there are very few sets of financial controls in the Commonwealth that could even remotely identify cost. Lately it seems like a great deal of these things have been done coming out of the executive branch based upon how much revenue we need rather than the cost involved. We have had a number of measures sponsored with the performance-based budgeting that have been, some of which have been enacted into the law and other things, the other provisions about the Auditor General enforcement act that has been done. Once we go to a Lean Six Sigma approach, then I would suggest that that might be a concern, but I rise in support of this amendment. This gives us a tremendously beneficial starting point, and it is one that I think will benefit us all in the long run.

Thank you, Mr. Speaker.

The SPEAKER. Thank you.

Representative Maher followed by Representative Evankovich.

Mr. MAHER. I really want to share just some data with my colleagues. The fee in 2008 was 100 bucks. The fee this year is \$5,000, so the fee has gone up 50 times. The compliance and inspection staff went from 60 to 190, so the number of people on staff has more than tripled. The cost for a permit has gone up 50 times, and you might say, well, there has got to be a lot of work, but the truth is that we are only permitting from applications one-third as many permit applications today as back then.

So we have got three times the staff to do one-third the work at 50 times the price. I hope that clarifies things.

The SPEAKER. Representative Evankovich.

Mr. EVANKOVICH. Thank you, Mr. Speaker.

I would like to submit the exact same remarks as Representative Maher.

I had actually risen to make a very, very similar point, which is, we are allowing the fees and the impact fee to fund these DEP permit processors and the folks in DEP who are regulating the industry. It is what people in this chamber wanted. It has changed dramatically, as the good gentleman from Allegheny County indicated. There is absolutely no reason for us not to create some level of stability for people who want to come into our State and do business. But let us also not forget that, as the good gentleman pointed out, we are being – we as State government, the executive branch – are being really, really bad managers of that money that is coming in.

As was pointed out, you have almost three times the staff to do one-third the work at 50 times the cost. The question is, would you in your own home, would you in your own life do the same thing if it were your own money? And I think the answer is no. And I think what we need to do is vote affirmatively on this amendment to create a more fair and stable environment for those who want to come into this Commonwealth and do a good, environmentally friendly job of growing our economy and providing jobs and lower gas prices to the people that we represent.

I ask for an affirmative vote.

The SPEAKER. Does anybody else wish to be recognized? I will do the maker of the amendment and then the maker of the bill.

Representative Cutler.

Mr. CUTLER. Thank you, Mr. Speaker.

To very briefly recap, the current fee structure in the proposed amendment mirrors exactly what is currently being levied. And while the good gentleman from Allegheny took some of the facts I was going to wrap up with, I think it is important to recognize that there is substantially more staff and substantially more money coming into the department for the administration of less work.

Mr. Speaker, very simply, this would create the connection between the reasonable cost to administer the act to be applied to the appropriate people who are creating the expense, so therefore, I would urge a "yes" vote. Thank you.

The SPEAKER. Representative DiGirolamo, please.

Mr. DiGIROLAMO. Thank you, Mr. Speaker.

As has already been mentioned before, a fee – which is what this is – is supposed to cover the cost of what they are doing and what the fee is being paid for, Mr. Speaker. Why would we want to tie our department's hands, I believe for 4 years, until 2021, so they cannot raise that fee at all?

I just think this is a bad idea, and I think we should reject it, and I ask for a negative vote. Thank you.

The SPEAKER. Thank you, Representative.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—100

Baker	Fritz	Maher	Roae
Barbin	Gabler	Mako	Rothman
Barrar	Gillen	Maloney	Ryan
Benninghoff	Gillespie	Marshall	Saccone
Bernstine	Godshall	Marsico	Sankey
Bloom	Greiner	Masser	Schemel
Brown, R.	Grove	Mentzer	Simmons
Causer	Hahn	Metcalfe	Sonney
Christiana	Harris, A.	Metzgar	Staats
Cook	Heffley	Millard	Tallman
Corr	Helm	Miller, B.	Taylor
Cox	Hennessey	Moul	Tobash
Culver	Hickernell	Mustio	Toepel
Cutler	Hill	Nelson	Toohil
Day	Irvin	Nesbit	Topper
Delozier	James	Oberlander	Walsh
Diamond	Jozwiak	Ortitay	Ward
Dowling	Kaufner	Peifer	Warner
Dunbar	Kauffman	Pickett	Wentling
Dush	Keefer	Pyle	Wheeland
Ellis	Keller, F.	Quigley	White
Emrick	Keller, M.K.	Rader	Zimmerman
English	Klunk	Rapp	
Evankovich	Knowles	Reed	Turzai,
Everett	Lawrence	Reese	Speaker
Fee	Mackenzie		

NAYS—93

Bizzarro	DeLissio	Kirkland	Quinn, M.
Boback	DeLuca	Kortz	Rabb
Boyle	Dermody	Krueger	Ravenstahl
Bradford	DiGirolamo	Kulik	Readshaw
Briggs	Donatucci	Lewis	Roe

Brown, V.	Driscoll	Longiotti	Roebuck
Bullock	Evans	Madden	Rozzi
Burns	Fitzgerald	Markosek	Sainato
Caltagirone	Flynn	McCarter	Samuelson
Carroll	Frankel	McClinton	Santora
Cephas	Freeman	Mehaffie	Schlossberg
Charlton	Gainey	Miccarelli	Schweyer
Comitta	Galloway	Miller, D.	Sims
Conklin	Goodman	Milne	Snyder
Corbin	Hanna	Mullery	Solomon
Costa, D.	Harkins	Murt	Stephens
Costa, P.	Harper	Neilson	Sturla
Cruz	Harris, J.	Neuman	Thomas
Daley	Kampf	O'Neill	Vazquez
Davidson	Kavulich	Pashinski	Vitali
Davis	Keller, W.	Petrarca	Warren
Dawkins	Kim	Petri	Wheatley
Dean	Kinsey	Quinn, C.	Youngblood

NOT VOTING—0

EXCUSED—8

Fabrizio	Haggerty	McGinnis	Saylor
Farry	Matzie	O'Brien	Watson

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

On the question recurring,

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

Mr. **ORTITAY** offered the following amendment No. **A04126**:

Amend Bill, page 31, line 28, by inserting after "(B.2)"

less the deduction authorized under subsection (b.6)

Amend Bill, page 33, by inserting between lines 10 and 11

(b.6) Deduction.—During each reporting period, a producer subject to the volumetric severance tax imposed under this article shall be permitted a deduction from the amount of the tax due equal to the amount of the fee paid during the reporting period under 58 Pa.C.S. Ch. 23 (relating to unconventional gas well fee). If the amount of the fee paid exceeds the amount of the tax due, the producer shall be entitled to a refund equal to the excess amount.

On the question,

Will the House agree to the amendment?

The **SPEAKER**. On the question, the Chair recognizes Representative Ortitay.

Mr. **ORTITAY**. Thank you, Mr. Speaker.

This amendment provides natural gas producers a tax deduction equal to the Act 13 impact fee it paid to offset the severance tax. If the impact fee amount exceeds the tax due, the producer is entitled to a refund of the amount in excess.

There is no capital recovery in this bill like other States have, and no other State has an impact fee. This gives companies credit for paying that impact fee, and I ask for an affirmative vote on this amendment.

Thank you, Mr. Speaker.

The **SPEAKER**. On the amendment, Representative Carroll.

Mr. **CARROLL**. Thank you, Mr. Speaker.

Mr. Speaker, the net effect of this amendment will be to eliminate the severance tax. The value of the severance tax, as established and envisioned by this bill, would result in a net zero obligation as a result of the deduction for the impact fee. So for those that are interested in having a modest severance tax to help support our General Fund budget, this amendment removes that outcome.

And for that reason, Mr. Speaker, it seems to me the smart thing to do, if we are serious about a severance tax to support the General Fund, would be to reject this amendment.

Thank you, Mr. Speaker.

The **SPEAKER**. Thank you.

Representative Grove, on the amendment.

Mr. **GROVE**. Thank you, Mr. Speaker.

Interrogation of the prime sponsor of this amendment?

The **SPEAKER**. Yes. The gentleman has indicated he will so stand.

Mr. **GROVE**. Thank you, Mr. Speaker.

Currently there is a tax on the natural gas industry, correct?

Mr. **ORTITAY**. Mr. Speaker, that is correct. There is an impact fee.

Mr. **GROVE**. And those same natural gas companies that are to be taxed under the underlying bill also pay other taxes — corporate net income tax, personal income tax, sales tax, business taxes, unemployment comp, workers' comp, permits, etc., etc., correct?

Mr. **ORTITAY**. Mr. Speaker, they pay the same taxes as every other business of the State.

Mr. **GROVE**. Mr. Speaker, the scope of your amendment would prevent double, possibly triple taxation on one specific industry in the Commonwealth?

## POINT OF ORDER

The **SPEAKER**. Representative Petri.

Wait. Hold on, please.

Mr. **PETRI**. Point of order, please?

The **SPEAKER**. Yes, sir.

Mr. **PETRI**. Is it not a rule on the House floor that questions that the answers are known are not supposed to be asked as part of interrogation?

The **SPEAKER**. Yes; that is correct.

Mr. **PETRI**. I just observe for you, Mr. Speaker, that it has been occurring all night, and I think we need to get on with other amendments, so I would ask that members who know the answers to questions go right to debate instead of asking questions. Thank you.

The **SPEAKER**. Just in answering the point of order, it is not at least obvious to me that they know the answers — perhaps it is to others — but the questions are supposed to be to understand what the bill means, and you have an opportunity to answer that. If you do know the answer, you should use that in your argument if you want to use it. And, Representative Grove, I am not speaking to you specifically, just as a general admonition.

### PARLIAMENTARY INQUIRY

Mr. GROVE. Mr. Speaker, a parliamentary inquiry?

The SPEAKER. Yes.

Mr. GROVE. Does that rule apply to individuals who may not know the answer and you are trying to clarify that answer for them?

The SPEAKER. No. It is specific to the person who is asking the question.

Mr. GROVE. Okay. Thank you.

Thank you, Mr. Speaker, because sometimes I hear we do not have a tax on the natural gas industry, so I just want to make sure that was on the record.

Mr. Speaker, within your amendment that you have proposed, currently natural gas prices are low. If natural gas prices increase, my understanding of how the severance tax would work, there would be more money coming into the severance tax. Would that at all then surpass kind of the amount that they could deduct off the impact fee?

Mr. ORTITAY. Mr. Speaker, potentially yes.

Mr. GROVE. Thank you.

Mr. Speaker, on the amendment?

The SPEAKER. Yes, sir, you may proceed.

Mr. GROVE. Thank you, Mr. Speaker.

This is a simple amendment to provide tax uniformity and ensure that one single industry does not get double taxed. In effect, this amendment will provide additional revenue to the Commonwealth when natural gas prices exceed that for which the impact fee is already paying, Mr. Speaker.

So, Mr. Speaker, this is a good tax policy amendment which will provide additional revenue to the Commonwealth moving forward and ensure that one industry is not penalized subjectively by one tax and provide some uniformity.

Thank you, Mr. Speaker.

The SPEAKER. Representative Santora, followed by Representative Barbin, followed by Representative Sturla, followed by Representative Dean. So Representative Santora, Representative Barbin, Representative Sturla, Representative Dean.

Mr. SANTORA. Mr. Speaker, some of the arguments in favor of this amendment make sense; however, the way this amendment is presented does not. We agree that the impact fee should be netted out from the overall severance tax, but what this is doing is, it is getting rid of the impact fee, basically, and the local counties across the Commonwealth are going to lose the funding that they get from the impact fee. So you are voting against your own county when you vote in favor of this amendment.

I ask you to vote "no" on the amendment.

The SPEAKER. Thank you, sir.

Representative Bryan Barbin.

Mr. BARBIN. Thank you, Mr. Speaker.

I rise in opposition to this amendment.

We had an amendment not too long ago that said we were going to create a little trap for the people that had older leases. This is another little trap. This trap says that if you did not like the impact fee but you wanted it to be less, if we pass this language, the amount of money charged on the natural gas industry can actually be less. That is not the idea behind this bill. There is a trap in the language of the amendment, and we should vote against it.

The SPEAKER. Representative Mike Sturla.

Mr. STURLA. Thank you, Mr. Speaker.

Will the maker of the amendment rise for brief interrogation?

The SPEAKER. Yes. He has indicated he will so stand.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, as I read this, there are two separate things referred to in your amendment. One is the severance tax, which would be imposed under the underlying legislation, and the other is an impact fee, which is already imposed. Is that correct? Is that what I am reading when I see "fee" and "tax" used in this? There are two separate things, correct?

Mr. ORTITAY. Mr. Speaker, that is correct.

Mr. STURLA. Okay. So then as I read it, it says that "During each reporting period, a producer subject to the volumetric severance tax imposed under this article shall be permitted..." to deduct "...from the amount of the tax due equal to the amount of the fee paid during the reporting period..." So if I owe \$5,000 in impact fee during a reporting period, but I only owe \$4,000 in severance tax, the fee would actually be higher than the severance tax. And so it says, "If the amount of the fee paid exceeds the amount of the tax due, the producer shall be entitled to a refund equal to the excess amount." So it would seem to me that the way the language is written here, if I paid a \$5,000 impact fee in a certain reporting period and my severance tax is only \$4,000, somebody needs me as a gas producer to send them \$1,000. Where does that money come from? Does it come out of the impact fee or does it come out of the fund for severance taxes?

Mr. ORTITAY. Mr. Speaker, it would operate the same way every other refund for the State would operate. It would come out of the Department of Revenue.

Mr. STURLA. So the local municipality still gets its impact fee, and the \$1,000 comes out of the Department of Revenue, and the State does not get any severance tax. So this would have a negative impact on the State of Pennsylvania. Is that correct?

Mr. ORTITAY. Mr. Speaker, on the General Fund, yes. It would not affect the impact fee dollars paid out to our local communities.

Mr. STURLA. Okay.

So, Mr. Speaker, do you have a fiscal note on this, because it would seem to me that there is the possibility that at some point in time passing your amendment would actually cost the State of Pennsylvania money?

Mr. ORTITAY. Mr. Speaker, I do not have a fiscal note on it at this time.

Mr. STURLA. Okay.

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

The SPEAKER. Yes, sir. Representative Sturla, you may proceed.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, I get that you want to be able to deduct the amount of the impact fee so that people are not paying double, but the fact that there is a refund added in as part of this seems to me that you have created a scenario whereby you are putting all taxpayers in Pennsylvania at risk, if in fact the impact fee exceeds the severance tax at any point in time. And I can guarantee you that somebody is going to be able to figure out a way to make sure they pay all their impact fees at one point in time and not do any production at that point in time and get a refund from the State to pay for their impact fee.

This makes absolutely no sense and will have a negative impact on the budget of Pennsylvania, and I strongly encourage a "no" vote.

#### AMENDMENT WITHDRAWN

The SPEAKER. Representative Ortitay, do you wish to wait— You have a point of order? Yes, you may. Yes, absolutely.

Mr. ORTITAY. Mr. Speaker, after looking at the bill, I notice the drafting error that the gentleman brought up. At this time I would like to withdraw this amendment from consideration.

The SPEAKER. Sir, I apologize. You are going to withdraw the amendment?

Yes. Okay. The amendment is withdrawn.

On the question recurring,

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

Mr. LAWRENCE offered the following amendment No. **A04424**:

Amend Bill, page 33, line 22, by striking out "MONEY" and inserting

In addition to the funding requirements under 24 Pa.C.S. (relating to education) and 71 Pa.C.S. (relating to State government), money

Amend Bill, page 33, line 24, by striking out "INTO THE GENERAL FUND." and inserting

as follows:

(1) The first \$150,000,000 raised each fiscal year shall be deposited into the General Fund.

(2) The remaining funds raised each fiscal year shall be deposited as follows:

(i) Fifty percent into the Public School Employees' Retirement Fund.

(ii) Fifty percent into the State Employees' Retirement Fund.

On the question,

Will the House agree to the amendment?

The SPEAKER. On that amendment, Representative Lawrence.

Mr. LAWRENCE. Thank you, Mr. Speaker.

Mr. Speaker, I rise tonight to speak with regard to amendment 4424, and in note of the late hour, I will make my remarks very brief.

Mr. Speaker, taken together, the SERS (State Employees' Retirement System) and PSERS (Public School Employees' Retirement System) unfunded liability is more than \$70 billion. This uncomfortable reality is one that the General Assembly must address sooner or later.

The amendment before the House for consideration proposes the first \$150 million in revenue generated by the underlying proposal go to the General Fund. With any amount over that, split 50-50 to SERS and PSERS.

Mr. Speaker, whether you are for or against the severance tax, if it moves forward and becomes law, the important question is this: Where is the money going? Ensuring revenues generated under this proposal are being used to address what

many believe is the most pressing fiscal challenge facing Pennsylvania is an important statement to pensioners, taxpayers, and rating agencies that this House is taking this issue seriously.

Mr. Speaker, again, there can be no doubt that the fiscal cliff facing SERS and PSERS is a real and defining issue of our time. I urge a "yes" vote on this amendment to help in funding these pension systems.

Thank you, Mr. Speaker.

The SPEAKER. Thank you.

Representative DiGirolamo, on your— Okay. Representative Madeleine Dean first, Representative DiGirolamo.

Representative Dean.

Mrs. DEAN. Thank you, Mr. Speaker.

I rise in light of the Lawrence amendment, and certainly commend the maker of the amendment. His aim is to get at the unfunded liabilities within our retirement systems, but I rise to say that I cannot support this, because take a look at what we did here tonight. I do not know about you, but I have been in the House for more than 5 years waiting for the opportunity, in a real, honest, robust way, to talk about a fair severance tax. Take a look at the time we just spent here tonight on these amendments. We passed a veneer of a severance tax that would take until year 3, at our best estimates, to get over the \$150 million mark that you so seek, a veneer of a severance tax. And then we have spent the last several hours – it is late at night here, 10 o'clock – debating how we can undermine the department that regulates and protects our environment and how we can undermine the collection of this tax revenue.

I think we owe Pennsylvanians something much better. We owe Pennsylvanians a fair, robust severance tax, and if we cannot do that, we all owe them a clean veneer of a tax so that someday down the line we can increase it to fairly tax the industry and to stop doing what we are doing. You know that by our inaction, we have subsidized that industry. We here in the General Assembly struggle to find the dollars to balance a budget, while we subsidize an industry that takes as much as \$10 billion of value of our precious resource out of the ground in a single year.

So tonight we pass a veneer, a facade of a tax, and then we try to undermine it with all these amendments. Pennsylvanians deserve better than this.

Thank you, Mr. Speaker.

The SPEAKER. Representative Cris Dush.

Mr. DUSH. Thank you, Mr. Speaker.

Mr. Speaker, we have a balanced budget. We have a budget.

Now, with that being said, there is a movement here to try to increase taxes. The gentelady from Montgomery County said first that it was not, the fee was not a tax, but then she comes back and says that fees are supposed to pay for the cost of administration, and the impact fee is being used for other things, including Philadelphia and Montgomery Counties. There is money going out there. That is not administering the fee. This impact fee is actually a tax by a different name, even by the gentelady's own definition.

Now, that being said, the gentleman, the sponsor of this bill has got— If we are going to be taking extra money out of the taxpayers, let us use it for something that we know we have as an unfunded liability. This is a great— If we are going to be doing this, and I am not for this the way it is structured; however, if we are going to do it, let us at least identify

something that we know we have as an unfunded liability and take care of our retirees.

Thank you, Mr. Speaker.

The SPEAKER. Representative Tallman, Representative Evankovich, Representative Ryan.

Does anybody else wish to speak?

Representative Tallman, the floor is yours.

Mr. TALLMAN. Thank you, Mr. Speaker.

I would like to ask the maker of the amendment, it is going to be a brief question.

The SPEAKER. Representative Lawrence; you may proceed.

Mr. TALLMAN. Of the \$150 million, how did you come up with that number? I am thinking about the price of natural gas right now.

Mr. LAWRENCE. Pardon me, Mr. Speaker. I apologize. What was the question?

Mr. TALLMAN. How did you come up with the \$150 million number?

Mr. LAWRENCE. I came up with it myself.

Mr. TALLMAN. Thank you.

The SPEAKER. Representative Evankovich.

Mr. EVANKOVICH. Thank you, Mr. Speaker.

Mr. Speaker, the gentleman from Chester County introduces a very interesting concept into this chamber. Our State relies on tax revenue, primarily taxes that are related to income growth and disposable income expenditures. So as our citizens that we represent, nongovernment workers, make more money, they pay more in taxes. If they spend more money, they pay more in sales tax, and therefore, our State Treasury rises.

We have, in my time being here, been remarkably efficient at spending every dime that the taxpayers give us, yet we find ourselves in a position where expenditures are growing faster than revenues. And we are told, we are given this kind of mythical creation of ours, that if we just raise taxes, like this Marcellus Shale tax in the underlying bill, that it will address our budget problems, but the reality is that if our expenditures are growing faster than our revenues, which we all agree on, if that is the case, then that means that our government expenditures and people who get money from government like hospitals and insurance companies and all the folks through the human services that are provided through nonprofits, their paychecks are going up faster than the citizens that are paying taxes.

What is interesting about the Lawrence amendment is that any tax revenue that we dump on top of our current revenue will be spent, and so yes, the money in the Marcellus Shale severance tax or money raised through other sales tax increases will, for a moment in time, call it 1 or 2 years, satiate our budget demands, but over time what will happen is that cost curve, if it is not addressed, will continue to rise faster than revenue.

And what the Lawrence amendment does is it ensures that we start to correct one major underlying problem in our State budget, which is our balance sheet. We all have a balance sheet, whether you own a company or whether it is just your personal net worth – you have mortgages, you have credit card debt, you have student loan balances, and you also have cash in your bank accounts, you have investments. And an indicator of how an analyst would look at how healthy a company is or how healthy a State is or a bank would look at how healthy your financial picture is would be based primarily not on your cash flow as we budget, but on your balance sheet.

And the Lawrence amendment very, very intelligently does not just heap more tax revenue onto an otherwise increasing spending problem, because we know what is going to happen to that if it went into the General Fund. If all of it went into the General Fund, we would get just as much use sticking all that money in the back of an airplane and flying it out across the Commonwealth and just pushing it out the back. That is the impact that this will have, but if you put the Lawrence amendment into this bill, it will do something much different. It will start to correct the bad policies that have been enacted in Harrisburg that are affecting our balance sheet, and our balance sheet, Mr. Speaker, our balance sheet is what our children are inheriting. They can change the budget. Whenever we all are out of this chamber, whenever our children and our children's children are making budget policy here, they can change the budget path. What they cannot change is the balance sheet that we give them, and the Lawrence amendment will ensure that the balance sheet is healthier, and that is why I urge members to support the Lawrence amendment. Thank you.

The SPEAKER. Representative Francis Xavier Ryan.

Mr. RYAN. I got Francis Xavier this time; that means I am really in trouble.

On December 18, 1969, I took an oath of office to "support and defend the Constitution of the United States against all enemies, foreign and domestic." And I look at the murals in front of me and I am pulling up something here and just looking at the Stamp Act of 1765, and I have been hearing comments throughout the evening, and since I have been in these chambers, about a fair tax.

You know, the entire concept of why this Republic was formed was so that we would establish the liberty of the right of personal property and the right of self-determination for our citizens. I find it personally repulsive when I have a government that is sitting here telling me what is mine versus what is theirs. I thought I had fought to prevent that from happening. This idea of fair tax, and this amendment here does a great deal to allow us to start to rectify a significant shortfall in this Commonwealth and to bring our balance sheet back into order. If we do not do this, if we do not start to enact sound, responsible policies, this Commonwealth will never establish the financial rescue that it needs so that we do not go by the wayside of either Puerto Rico or Illinois.

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

The SPEAKER. Representative DiGirolamo, on the amendment.

Oh, I apologize. Representative Boback requested to speak first. My apologies.

Ms. BOBACK. Thank you, Mr. Speaker.

The SPEAKER. You may proceed.

Ms. BOBACK. May I interrogate the maker of the amendment, please?

The SPEAKER. Yes. He has indicated he will stand for interrogation.

Ms. BOBACK. Thank you.

I need to clarify. When you are talking about the \$150 million, now that is above what we are calling the impact fee. The \$150 million would be on that next level, which is the severance. Is that correct?

Mr. LAWRENCE. Yes.

Ms. BOBACK. So the impact fee would stay intact as is in all impact counties, and this is what is above and beyond?



Mr. LAWRENCE. That is correct. This amendment does not address the impact fee.

Ms. BOBACK. Thank you very much.

Thank you, Mr. Speaker.

The SPEAKER. Thank you.

Now does anybody else wish to speak?

Representative Russ Diamond. Representative Diamond.

Mr. DIAMOND. Thank you, Mr. Speaker.

I rise in support of the Lawrence amendment. It is unfortunate that I think of this as a uniquely fitting idea. If you think about this bill in whole, it is all about new revenue. Well, Mr. Speaker, the reason, one of the main reasons we seek new revenue in Pennsylvania – whether you support this bill or do not support this bill after it is amended – is because we have rising pension costs. Over the last decade, you know how much our costs for our pensions have gone up as part of our budget process. Quite frankly, the bad decisions that led us to this pension crisis were made in this very room, and quite frankly, Mr. Speaker, many of the people who are voting on this amendment to this bill to address this revenue problem will eventually benefit personally from this pension. It is only fitting that we dedicate this new revenue to fulfill those pension obligations, and shame on us if we do not have the common decency and the responsibility to fulfill yesterday's promises with the Lawrence amendment.

I urge a "yes" vote. A "yes" vote is the responsible fiscal move if you support this bill at all.

Thank you, Mr. Speaker.

The SPEAKER. Representative Sturla.

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

The SPEAKER. He has indicated he will.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, I do not see this happening in the foreseeable future, given the level of unfunded liability in the pension systems. But I do, within my short tenure here in the legislature, remember times when both the SERS and PSERS funds were so flush that we actually changed the payouts on them and they had more money in them than we needed and we made our contribution to those funds zero and told school districts their contributions to those funds could be zero. Is there any mechanism in your legislation that would, once we finally have the unfunded liability paid off, when Marcellus Shale gas is at \$6 or \$7 an Mcf (1,000 cubic feet) and the funds coming in are in the millions of dollars every year that we are splitting between SERS and PSERS, is there any point in your amendment that says, well, we cannot overfund those pensions, then that goes into the General Fund?

Mr. LAWRENCE. Mr. Speaker, the pension funds are underfunded at this time in an amount greater than \$70 billion. At an extra \$100 million a year, that would take 700 years to address. Now, admittedly, that does not count the funds that the General Fund, that we vote through the General Fund. I believe we put \$2 billion in the PSERS this year. Again, it would take several hundred years at that point, at that level of funding, to address – not several hundred, several decades; excuse me – of funding. I am doing the math on the fly here.

I guess what I would say, Mr. Speaker, is with regard to your question, is that if that circumstance occurs within our lifetime, that the pensions are fully funded, I will personally come to the

great city of Lancaster and buy you dinner, and I will look forward to drafting legislation to come up with a new use for these funds.

Mr. STURLA. Thank you.

Mr. Speaker, one further question of the gentleman. In the amendment as you have it, you say that anything above \$150 million will get deposited equally in those two funds. Does that alleviate the State and/or the school districts from its requirement to comply with Act 120 of 2010, which says we are funding at the current rate that we are, which everybody says is an issue?

Mr. LAWRENCE. Thank you, Mr. Speaker.

I appreciate that question. That is actually addressed in the amendment on lines 3 through 5. This would be above and beyond the current statutory requirements for funding PSERS and SERS.

Mr. STURLA. Okay. Thank you.

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

The SPEAKER. Yes, sir, you may.

Mr. STURLA. Mr. Speaker, they say, you know, plagiarism is the highest form of flattery. I actually have legislation introduced that does something very similar to what this amendment does, and I would urge a "yes" vote.

Thank you, Mr. Speaker.

The SPEAKER. Representative McCarter.

Mr. McCARTER. Thank you, Mr. Speaker.

Will the maker of the motion please stand for interrogation?

The SPEAKER. Of the amendment; but yes, he will so stand.

Mr. McCARTER. Thank you.

Under the current guidelines – if I am not mistaken; I am trying to clarify – the revenue that comes into the State or is taken— I should say, revenue that comes from drilling on State lands in Pennsylvania at the present moment, what is the designation of where that money should go and has to be used?

Mr. LAWRENCE. Mr. Speaker, off the top of my head, forgive me, but this legislation does not deal with the drilling on State lands.

Mr. McCARTER. No, I understand that.

Mr. LAWRENCE. This legislation is specific with regard to the severance tax as contemplated by the underlying amendment. I do not know that it addresses— I believe your question— Does your question relate to the Oil and Gas Lease Fund, because my amendment does not pertain to the Oil and Gas Lease Fund, at least I do not understand that it does?

Mr. McCARTER. I am sorry, Mr. Speaker. I could not hear the answer, unfortunately.

The SPEAKER. Representative McCarter, he is indicating he does not understand your question.

Mr. McCARTER. So rephrase the question?

The SPEAKER. So if you could please restate the question.

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

Representative McCarter, if you will restate your question.

Mr. McCARTER. Thank you, Mr. Speaker.

Revenue that comes in under the, as I say, under drilling that takes place on lands that are owned by the State of Pennsylvania, is the revenue there specifically designated to a specific use?

**POINT OF ORDER**

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

Mr. MAHER. Point of order, Mr. Speaker.

This may be an interesting subject, but it is entirely unrelated to the bill or the amendment, and I would ask the Chair to urge the gentleman to stay on the amendment. Thank you.

The SPEAKER. Yes. Just in response to the point of order.

I, too, thought, with the question that you are asking about existing law in another area, there are staff members on both the minority and majority sides who could answer that prior to – it is not really a subject of interrogation with respect to the amendment. If Representative Lawrence wants to answer it, I will allow a little leeway, but it is about existing law, and that is what staff is here for.

Representative Lawrence, did you want to proceed?

Mr. LAWRENCE. Mr. Speaker, I would concur that I believe the maker's question was covered under existing law and is not a subject contained in this amendment.

Mr. McCARTER. On the amendment, Mr. Speaker?

The SPEAKER. Representative McCarter, you may speak on the amendment.

Mr. McCARTER. All of the discussion tonight that we are having, obviously dealing with the extraction tax, deals with, again, a product in the State of Pennsylvania that has caused great concern among many about the nature of the impact of that particular product and how that product can be used to benefit Pennsylvania, but also its impact on Pennsylvania and beyond as to what it causes because of the relative nature of methane and how that methane leakage can be used.

This amendment designates specifically the revenue coming from that into programs – while very worthy, I think, in the case of PSERS and SERS – or to the General Fund for other uses, it also goes to the heart of, in part, what I think the courts have also weighed in on as to, again, Article I, section 27, about clean air and clean water.

And the nature of this, as to how money should be used, I think is something that is worthy of our discussion. As to, again, the use of these particular resources and the money that comes from that for the State, that we should be considering the use of this money also for environmental uses.

So while I want to support in part what the good gentleman is suggesting here, I also think there is another element here that we need to be looking at. Thank you, Mr. Speaker.

The SPEAKER. Thank you.

Representative Reed, the leader, on the amendment, please, and then the last two speakers will be Representative Lawrence and Representative DiGirolamo.

Representative Reed.

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

I would encourage the members to support this amendment for two primary reasons. Number one, the revenue trigger of the \$150 million; even if you are for the underlying proposal, it is not estimated to bring in that amount of revenue, so it does not have a fiscal impact on the bill as it exists today.

And number two, as was acknowledged earlier, one of the primary cost drivers in this State budget and for our school districts and one of the primary unfunded liabilities we have that we are in danger of passing on to the next generation is the debt that exists within our two current pension systems. Prepaying that debt with future revenues that may exceed the projected

fiscal impact of this bill is solid financial planning that we should all engage upon together. This is a revenue source that the budget is not counting on to be budgeted in this year or next year. The trigger, once again, exceeds the revenue that is even projected in the underlying bill to be able to make a long-term financial planning decision, as the gentleman from Chester County is proposing, and is financially responsible and should be supported by the body of this House. Thank you.

The SPEAKER. Representative Lawrence. Waives off.

Representative DiGirolamo.

Mr. DiGIROLAMO. Thank you, Mr. Speaker.

And again, I think an important question, what the leader just addressed, is, how much revenue is the underlying bill going to bring in in a full fiscal year? And again, I did look at the fiscal note and again it depends on the price of natural gas and depends on the volume of the gas that is extracted. But my guess would be, in a full fiscal year, even in a good fiscal year, \$150, maybe, to \$200 million would be the most revenue that the underlying bill would bring in. So the gentleman's idea of putting it in the pension fund— And we all look down in the cafeteria area where the gentleman is sitting with his clock, and how much the unfunded liability is for both of our pension systems, and I am not sure what it is right now, over \$70 billion.

I mean, I think that everybody should just vote your conscience and vote your constituents on this. I am going to vote "yes." I think it is a reasonable proposal, and if we get above \$150 million, putting it into our pension systems is not the worst thing in the world to do. So I am going to go vote "yes" and ask everyone else to just vote your conscience. Thank you.

**LEAVE OF ABSENCE**

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

**CONSIDERATION OF HB 1401 CONTINUED**

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

The following roll call was recorded:

YEAS—178

Baker	Emrick	Kulik	Ravenstahl
Barbin	English	Lawrence	Readshaw
Barrar	Evankovich	Lewis	Reed
Benninghoff	Evans	Longietti	Reese
Bernstine	Everett	Mackenzie	Roae
Bizzarro	Fee	Madden	Roe
Bloom	Fitzgerald	Mako	Roebuck
Boback	Flynn	Maloney	Rothman
Boyle	Frankel	Markosek	Rozzi
Bradford	Fritz	Marshall	Ryan
Brown, R.	Gabler	Marsico	Saccone
Bullock	Gainey	Masser	Sainato
Burns	Galloway	McClinton	Samuelson
Caltagirone	Gillen	Mehaffie	Sankey
Carroll	Gillespie	Mentzer	Santora
Causer	Goodman	Metcalfe	Schemel
Cephas	Greiner	Metzgar	Schlossberg
Charlton	Grove	Miccarelli	Simmions
Christiana	Hahn	Millard	Sims
Comitta	Hanna	Miller, B.	Snyder

Conklin	Harkins	Miller, D.	Sonney
Cook	Harper	Milne	Staats
Corbin	Harris, A.	Moul	Stephens
Corr	Harris, J.	Mullery	Sturla
Costa, D.	Heffley	Murt	Tallman
Cox	Helm	Mustio	Taylor
Cruz	Hennessey	Neilson	Thomas
Culver	Hickernell	Nelson	Tobash
Cutler	Hill	Nesbit	Toepel
Dawkins	Irvin	Neuman	Toohil
Day	James	O'Neill	Topper
Dean	Jozwiak	Oberlander	Vazquez
Deasy	Kampf	Ortitay	Walsh
DeLissio	Kaufner	Pashinski	Ward
Delozier	Kauffman	Peifer	Warner
DeLuca	Kavulich	Petrarca	Warren
Dermody	Keefer	Petri	Wentling
Diamond	Keller, F.	Pickett	Wheatley
DiGirolamo	Keller, M.K.	Pyle	Wheeland
Donatucci	Keller, W.	Quigley	White
Dowling	Kinsey	Quinn, C.	Youngblood
Driscoll	Kirkland	Quinn, M.	Zimmerman
Dunbar	Klunk	Rabb	
Dush	Knowles	Rader	Turzai,
Ellis	Kortz	Rapp	Speaker

## NAYS—13

Briggs	Davis	Krueger	Schweyer
Brown, V.	Freeman	Maher	Solomon
Daley	Kim	McCarter	Vitali
Davidson			

## NOT VOTING—1

Costa, P.

## EXCUSED—9

Fabrizio	Haggerty	McGinnis	Saylor
Farry	Matzie	O'Brien	Watson
Godshall			

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

On the question recurring,

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

**AMENDMENT A04214 RECONSIDERED**

The SPEAKER. We now have in front of us a motion to reconsider an amendment. We are going to mix it up a little bit here.

Representatives Evankovich and Benninghoff have moved that the vote by which amendment 4214 to HB 1401 was defeated 97 to 96, on this day of November 20, they have asked it to be reconsidered. That is Representative Benninghoff and Representative Evankovich.

On the question,

Will the House agree to the motion?

The SPEAKER. Representative Evankovich or Representative Benninghoff,  
Representative Benninghoff, on the motion.

Mr. BENNINGHOFF. Thank you, Mr. Speaker.

The SPEAKER. Sir, you may proceed.

Mr. BENNINGHOFF. Very briefly, I would ask the members for a positive vote on this.

I did want to tell you, we did a little homework while we were waiting on some of these other amendments. The question was the number of regulators in the State of Pennsylvania at the time when the industry first came. We only had about 60, but there are about 190 that are committed to doing these permits, which is a lot more than we used to have. And I think you have to put that correlation the fact that our prime, in about 2011 we had 117 rigs running in this State. We are down to 31.

So I would hope that 190 regulators can help us do this permitting process. All we are asking them to do is to do it within the time limits of the 45 days. It is in their own regulations, and I would really appreciate your support on this. Thank you very much.

Thank you, Mr. Speaker.

The SPEAKER. Representative Reed, on the motion to reconsider.

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

I would ask the members to support the procedural motion for the reconsideration of amendment A04214. Thank you.

The SPEAKER. Representative Dermody, on the motion.

Mr. DERMODY. Thank you, Mr. Speaker.

Mr. Speaker, there is a reason we voted down the deemed approval that is in this amendment. Forty-five days is certainly not enough, and we should vote "no" on the motion to reconsider.

Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

## YEAS—102

Baker	Fee	Lewis	Rapp
Barrar	Fritz	Mackenzie	Reed
Benninghoff	Gabler	Maher	Reese
Bernstine	Gillen	Mako	Roae
Bloom	Gillespie	Maloney	Rothman
Boback	Greiner	Marshall	Ryan
Brown, R.	Grove	Marsico	Saccone
Causer	Hahn	Masser	Sankey
Christiana	Harris, A.	Mentzer	Schemel
Cook	Heffley	Metcalfe	Simmons
Corbin	Helm	Metzgar	Sonney
Corr	Hennessey	Millard	Staats
Cox	Hickernell	Miller, B.	Tallman
Culver	Hill	Milne	Tobash
Cutler	Irvin	Moul	Toepel
Day	James	Mustio	Toohil
Delozier	Jozwiak	Nelson	Topper
Diamond	Kampf	Nesbit	Walsh
Dowling	Kaufner	Oberlander	Ward
Dunbar	Kauffman	Ortitay	Warner
Dush	Keefer	Peifer	Wentling
Ellis	Keller, F.	Pickett	Wheeland

Emrick	Keller, M.K.	Pyle	Zimmerman
English	Klunk	Quigley	
Evankovich	Knowles	Quinn, C.	Turzai,
Everett	Lawrence	Rader	Speaker

NAYS—90

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

NOT VOTING—0

EXCUSED—9

Fabrizio	Haggerty	McGinnis	Saylor
Farry	Matzie	O'Brien	Watson
Godshall			

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. Now we go to the amendment itself.  
So the amendment in front of us is 4214.

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

The clerk read the following amendment No. **A04214**:

Amend Bill, page 1, line 11, by inserting after "TAX;"  
in general provisions, providing for well permits;  
Amend Bill, page 36, by inserting between lines 11 and 12  
Section 2. The act is amended by adding a section to read:  
Section 3003.23. Well Permits.—(a) Notwithstanding any other provision of law, a permit application to undertake an activity related to unconventional oil and gas development under 58 Pa.C.S. Ch. 32 (relating to development) that has not been denied by the Department of Environmental Protection within the applicable time period established for review shall be deemed approved. If the review period for the permit has been extended for cause, the Department of Environmental Protection shall provide a refund of the fee to the applicant. If the Department of Environmental Protection has notified the person of deficiencies with the application, the period of time from the date of the receipt of the deficiencies to the date of the receipt of the person's response shall toll the applicable time period established

for review. Only two tolling periods shall be authorized.  
(b) Within thirty days of the effective date of this section, the Department of Environmental Protection shall prepare forms to be completed with relevant information by the permittee upon an application being deemed approved. The completed form may be utilized by the permittee to meet any necessary requirements of law. Forms prepared by the Department of Environmental Protection shall be available on the department's publicly accessible Internet website.

(c) Nothing under this section shall be construed to relieve a person who commences activity under 58 Pa.C.S. § 3211 (relating to well permits) from complying with each law pertaining to the activity for which the permit is sought.

(d) As used in this section, "applicable time period established for review" means:

(1) For a well permit required under 58 Pa.C.S. Ch. 32, within:  
(i) forty-five calendar days of submission; or  
(ii) sixty calendar days of submission if the review period has been extended for cause.

(2) For a general air quality permit, within thirty calendar days of submission.

(3) For an earth disturbance permit as required under 25 Pa. Code § 102.5 (relating to permit requirements), within:  
(i) fifty-three business days of submission; or  
(ii) twenty-four business days of submission for an expedited application.

- Amend Bill, page 36, line 12, by striking out "2" and inserting 3
- Amend Bill, page 36, line 16, by striking out "3" and inserting 4
- Amend Bill, page 36, line 17, by striking out "3" and inserting 4
- Amend Bill, page 36, line 22, by striking out "4" and inserting 5

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

The SPEAKER. On the amendment, Representative Benninghoff. I know we have already had significant debate, but if you will— He waives.

Representative DiGirolamo, on the amendment, sir.  
Mr. DiGIROLAMO. Thank you, Mr. Speaker.

This amendment a short time ago failed on its merits by a vote of 97 to 96. And again, this amendment is problematic and dangerous for our permitting process here in Pennsylvania. It would allow permits to be deemed approved in a certain amount of time that they did not get done in that period of time.

Mr. Speaker, this is going to cause problems for our environment, for our air and our water, and I would ask the 97 people that voted "no" the first time to vote "no" again. Thank you.

The SPEAKER. Representative Evankovich, on the amendment.

Mr. EVANKOVICH. Thank you, Mr. Speaker.

Mr. Speaker, I think we need to give our State employees a little bit more credit that they can do the job that they are being paid to do. I think that we should, given the fact that as we stand right now we have, as was pointed out before, a third of the number of rigs with three times the number of employees. I think that we should stop defending mediocrity.

Mr. Speaker, let us demand that people who are being paid to do a job actually do their job. I do not think there is anything unreasonable about asking the good men and women over at the Department of Environmental Protection to be held to some level of standard to get their job done, allow government to

move at the speed of business so that we can stop being in a race to the bottom in this State and actually try to be in a race for the top.

I encourage members to vote in favor of the Benninghoff amendment so that we can do just that. Thank you.

The SPEAKER. Representative Eric Nelson.

Mr. NELSON. Thank you, Mr. Speaker.

I rise in support of the Benninghoff amendment and support of small business. Unfortunately, there is a very strong effort from the east to attack what is our core industry in the west, but we have to realize that the DEP-delayed process is affecting multiple small businesses. For example, in my district, a small employer, not a natural gas or a Marcellus driller, attempting to build two metal pole buildings on his ground, it took him 436 days to get approval for his dirt work. Four hundred and thirty-six days and almost \$10,000 of third-party engineers just to get an answer. There were no significant changes in his designs. It cost just a few mechanics their jobs. It cost a number of employees an opportunity to be able to work inside for the winter.

This is not a Marcellus tax or a severance tax. It is not a pro-gas. This is choking our businesses, small businesses and large, so I ask everyone to support the Benninghoff amendment, hold our DEP accountable for the commitment that they have already made. Whether it is 45 days or 60 days, they have a commitment to the State of Pennsylvania to meet that obligation and we need to hold them accountable for that.

So, Mr. Speaker, thank you for giving me the opportunity to support the Benninghoff amendment, and I hope others who support small businesses as well will support. Thank you.

The SPEAKER. Thank you.

Members, just let me make clear who I know wishes to speak right now: Representative Dean, and then Representative Neilson, Representative Longietti, and Representative Boyle.

So Representative Dean followed by Representative Neilson.

Mrs. DEAN. Thank you, Mr. Speaker.

I wanted to take exception with the disrespectful treatment of the employees of the DEP. I cannot imagine how we sit here and we say they are operating in mediocrity or they are not doing their jobs. I take exception to that. I think that is an inappropriate line of argument for us to be taking. I think the appropriate line of argument for us to be taking is, are we living up to our constitutional obligation under Article I, section 27, that says you and I are the trustees of our natural estate? You and I are the trustees of our environment.

So we can argue here about an underfunded DEP and say slanderous things about those hardworking employees, or we can stop deflecting and we could say we need to fund DEP. We need to protect our environment. This amendment properly failed last time out. It should fail again. Thank you.

The SPEAKER. Representative Ed Neilson.

Mr. NEILSON. Thank you, Mr. Speaker.

I have to stand up and speak on this due to the fact that I come from the east and we are attacking the west so bad on this, who have been picking our pockets from the east since I got here and well before, considering those from the east pay 40 percent of these State bills and get less than 20 percent back in funding. We pave, plow, and police their roads with no contribution at all, and now here we go again. Now they are going to beat up the hardworking State employees with no justification, no justification at all. Well, they have one-third the permits, triple the staff; I think we better look back in the last

20 years and look at the regulations that they now have to uphold that were created in this body here. We protected the streams, the Federal government tells us what to do, the workload is probably ten times more with one-third the employees. So for us to stand here and beat up people from the eastern part of this State, the State employees, stick to the bill. It is a bad bill.

We already voted this amendment down once. Okay? Now, you got a little arm twisting, maybe, in between. Now some people are going to change their votes. That is what the public needs to see. Who was a "no" last time and all of a sudden is a "yes"? That is what they ought to look at. Look at your legislators. We get paid to do a job here.

Put up intelligent votes. This is not an intelligent "yes" vote, so vote "no" on this amendment.

The SPEAKER. Representative Longietti.

Mr. LONGIETTI. Thank you, Mr. Speaker.

Mr. Speaker, there is a quote in the New Testament of the Bible that goes something like this, that before you go to take the speck out of your brother's eye, take the log out of your own eye. It is hard to take, this kind of debate, when we point fingers at somebody else and say they are not doing their jobs when we do not get budgets done on time year in and year out. We have no business, no business wading into this area. We have got a log in our own eye. Let us quit trying to take the speck out of our brother's eye. Let us address our problems.

Thank you, Mr. Speaker.

The SPEAKER. Representative Boyle waives off.

Representative Benninghoff. Does anybody else wish to be recognized before the maker of the amendment and the maker of the bill?

Representative Benninghoff.

Mr. BENNINGHOFF. Thank you, Mr. Speaker.

And I agree, I think we have a lot of good employees in our departments. I am not here to debate those types of merits, and every member is up willing to speak about what they want. We have some good regions that are doing a great job on this.

But I am here to try to promote something that I believe is pro-jobs, pro-building Pennsylvania, making it stronger. I also want to give credit. I believe under Governor Rendell's administration, as this industry came in and we increased some of the fees, that was done with the idea that we would – and to his credit – get permits done in a more timely manner. He saw that as a progressive thing for our State, in order to help develop our economy and grow jobs. And the fees went from \$100 in some of these permits to \$3500 and up to \$5,000, but the industry was less concerned with those fees because they knew in the long run it was important to negotiate.

All I am asking you folks to do, of the maker of the bill itself, everybody wanted the opportunity to discuss and debate this bill while some of us would like the opportunity to get these amendments in. I would greatly appreciate your support. We only need one extra vote, but I will take 100 extra.

Thank you very much, Mr. Speaker.

The SPEAKER. Representative Cris Dush.

Mr. DUSH. Yes, Mr. Speaker.

Just to correct all of the different comments that were going on about supposed slamming of State employees. The Representative from Westmoreland County was stating emphatically that he believed those State employees had the ability to do the job. There was no slamming of our State employees.

Thank you, Mr. Speaker.

The SPEAKER. Representative DiGirolamo, do you wish to speak?

Mr. DiGIROLAMO. Again, Mr. Speaker, as I said the first time this amendment failed 97-96, I think this is very problematic in the bill. Deemed approved. These are very, very complicated situations. If there is paperwork that is not part of the approval, I mean, how are they going to be deemed approved? It is just dangerous for our environment, Mr. Speaker, and I ask for a negative vote. Thank you.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

#### YEAS—97

Baker	Fritz	Mackenzie	Reese
Benninghoff	Gabler	Maher	Roae
Bernstine	Gillen	Mako	Rothman
Bloom	Gillespie	Maloney	Ryan
Brown, R.	Greiner	Marshall	Saccone
Causar	Grove	Marsico	Sankey
Christiana	Hahn	Masser	Schemel
Cook	Harris, A.	Mentzer	Simmons
Corbin	Heffley	Metcalfe	Sonney
Corr	Helm	Metzgar	Staats
Cox	Hennessey	Millard	Tallman
Culver	Hickernell	Miller, B.	Tobash
Cutler	Hill	Moul	Toepel
Day	Irvin	Mustio	Toohil
Delozier	James	Nelson	Topper
Diamond	Jozwiak	Nesbit	Walsh
Dowling	Kampf	Oberlander	Ward
Dunbar	Kaufner	Ortitay	Warner
Dush	Kauffman	Peifer	Wentling
Ellis	Keefer	Pickett	Wheeland
Emrick	Keller, F.	Pyle	Zimmerman
English	Keller, M.K.	Quigley	
Evankovich	Klunk	Rader	Turzai,
Everett	Knowles	Rapp	Speaker
Fee	Lawrence	Reed	

#### NAYS—95

Barbin	Deasy	Kortz	Ravenstahl
Barrar	DeLissio	Krueger	Readshaw
Bizzarro	DeLuca	Kulik	Roe
Boback	Dermody	Lewis	Roebuck
Boyle	DiGirolamo	Longiatti	Rozzi
Bradford	Donatucci	Madden	Sainato
Briggs	Driscoll	Markosek	Samuelson
Brown, V.	Evans	McCarter	Santora
Bullock	Fitzgerald	McClinton	Schlossberg
Burns	Flynn	Mehaffie	Schweyer
Caltagirone	Frankel	Miccarelli	Sims
Carroll	Freeman	Miller, D.	Snyder
Cephas	Gainey	Milne	Solomon
Charlton	Galloway	Mullery	Stephens
Comitta	Goodman	Murt	Sturla
Conklin	Hanna	Neilson	Taylor
Costa, D.	Harkins	Neuman	Thomas
Costa, P.	Harper	O'Neill	Vazquez
Cruz	Harris, J.	Pashinski	Vitali
Daley	Kavulich	Petrarca	Warren
Davidson	Keller, W.	Petri	Wheatley
Davis	Kim	Quinn, C.	White
Dawkins	Kinsey	Quinn, M.	Youngblood
Dean	Kirkland	Rabb	

NOT VOTING—0

EXCUSED—9

Fabrizio	Haggerty	McGinnis	Saylor
Farry	Matzie	O'Brien	Watson
Godshall			

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

On the question recurring,

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

The SPEAKER. Representative Dermody, would you mind just please approaching right here for a second.

(Conference held at Speaker's podium.)

#### ANNOUNCEMENT BY SPEAKER

The SPEAKER. Members, Representative Dermody, the minority leader, has approached and has indicated that the minority caucus would like to review other amendments. They had not had the opportunity to review all of the amendments in their caucus, so they would like to have that time. Of course we could not go beyond 11 o'clock anyhow, given our rules, without a motion. So many of the amendments have not been caucused by the minority caucus, and they are going to do that tomorrow.

#### ANNOUNCEMENT BY MR. MAHER

The SPEAKER. Representative Maher, I will recognize you with respect to a committee announcement.

Mr. MAHER. Thank you, Mr. Speaker.

In light of some additional uncertainty about our timing of tomorrow, the Environmental Resources and Energy Committee meeting scheduled for 10 a.m. will be deferred. We will wait until tomorrow to see if it is outright canceled or if we will do a meeting at the call of the Chair.

Thank you, Mr. Speaker.

But the 10 o'clock meeting you can remove from your schedules.

#### VOTE CORRECTIONS

The SPEAKER. Representative Paul Costa, on unanimous consent, sir.

Mr. P. COSTA. Thank you, Mr. Speaker.

I would like to correct the record. On amendment 04424 to HB 1401, my vote was not recorded. I want to be recorded as affirmative. Thank you.

The SPEAKER. Representative Dermody.

Mr. DERMODY. Mr. Speaker, on the vote on A4203 to HB 1401, my button malfunctioned. I wish to be recorded in the negative.

**ANNOUNCEMENT BY SPEAKER**

The SPEAKER. I understand that there are two birthday celebrations today, Representative Rosemary Brown and Representative Lee James. Happy Birthday to both of them. Is it Representative Pam Snyder's too? Happy Birthday, Pam. Thank you, Representative Snyder.

We are all going to meet— Where are we going to meet to celebrate? No, I am kidding.

At this time the House will stand in recess— We are going to do some housekeeping first. I apologize.

**DEMOCRATIC CAUCUS**

The SPEAKER. Representative Frankel.

Mr. FRANKEL. Thank you, Mr. Speaker.

Democrats will caucus tomorrow morning at 9. We will caucus at 9 a.m. Thank you.

**BILLS RECOMMITTED**

The SPEAKER. The Chair recognizes the majority leader, who moves that the following bills be recommitted to the Committee on Appropriations: HB 448 and HB 1588.

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 122;  
HB 1460;  
HB 1846; and  
HB 1847.

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

**BILLS ON SECOND CONSIDERATION**

The House proceeded to second consideration of **HB 1213, PN 1486**, entitled:

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, in consolidated county assessment, further providing for short title and scope of chapter and for appeals by taxing districts and providing for standards of redress in appeals.

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

**BILL TABLED**

The SPEAKER. The Chair recognizes the majority leader, who moves that HB 1213 be removed from the active calendar and placed on the tabled calendar.

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

**BILL REMOVED FROM TABLE**

The SPEAKER. The Chair recognizes the majority leader, who moves that HB 1213 be removed from the tabled calendar and placed on the active calendar.

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

\* \* \*

The House proceeded to second consideration of **HB 179, PN 142**, entitled:

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, in general provisions, further providing for definitions; in contract carrier by motor vehicle and broker, further providing for declaration of policy and definitions; and, in violations and penalties, further providing for unauthorized operation by carriers and brokers.

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

**BILL TABLED**

The SPEAKER. The Chair recognizes the majority leader, who moves that HB 179 be removed from the active calendar and placed on the tabled calendar.

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

**BILL REMOVED FROM TABLE**

The SPEAKER. The Chair recognizes the majority leader, who moves that HB 179 be removed from the tabled calendar and placed on the active calendar.

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

\* \* \*

The House proceeded to second consideration of **HB 111, PN 1699**, entitled:

A Joint Resolution proposing integrated amendments to the Constitution of the Commonwealth of Pennsylvania, changing and adding provisions relating to selection of justices and judges.

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

### **BILL TABLED**

The SPEAKER. The Chair recognizes the majority leader, who moves that HB 111 be removed from the active calendar and placed on the tabled calendar.

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

### **BILL REMOVED FROM TABLE**

The SPEAKER. The Chair recognizes the majority leader, who moves that HB 111 be removed from the tabled calendar and placed on the active calendar.

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

### **ANNOUNCEMENT BY SPEAKER**

The SPEAKER. Members, we are going to be here on the floor tomorrow at 11 a.m. as regularly scheduled. The House minority caucus will be meeting at 9 a.m.

### **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. Representative Dave Zimmerman moves that the House be adjourned until tomorrow, November 21, 2017, at 11 a.m., e.s.t., unless sooner recalled by the Speaker.

On the question,  
Will the House agree to the motion?  
Motion was agreed to, and at 10:45 p.m., e.s.t., the House adjourned.