

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

TUESDAY, NOVEMBER 21, 2017

SESSION OF 2017

201ST OF THE GENERAL ASSEMBLY

No. 69

HOUSE OF REPRESENTATIVES

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

**THE SPEAKER (MIKE TURZAI)
PRESIDING**

PRAYER

HON. KAREN BOBACK, member of the House of Representatives, offered the following prayer:

Please pray with me.

O God, during this festive season called Thanksgiving let us not forget, as we sit at our dining tables, that there are those who are without. As we give thanks for health and happiness, let us remember those who are sad and broken. When we surround ourselves with family and friends, remind us of those who are alone and afraid. And may our litanies of thanks make us instruments of Your peace so that in our capacity as Representatives we will use our ability to provide, by legislation and programs, help for all those in need.

In Your glorious name we say, 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 20, 2017, will be postponed until printed.

COMMUNICATION FROM INDEPENDENT FISCAL OFFICE

The SPEAKER. We are in receipt of a letter for amendment No. 04786 to HB 1460, PN 2595, from the Independent Fiscal Office. It is concerning an actuarial note. We will submit that for the record.

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

SENATE MESSAGE

RECESS RESOLUTION
FOR CONCURRENCE

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

In the Senate,
November 13, 2017

RESOLVED, (the House of Representatives concurring), Pursuant to Article II, Section 14 of the Pennsylvania Constitution, that when the Senate recesses this week, it reconvene the week of Monday, December 11, 2017, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, Pursuant to Article II, Section 14 of the Pennsylvania Constitution, that when the House of Representatives recesses this week, it reconvene on Monday, November 20, 2017, unless sooner recalled by the Speaker of the House of Representatives; and be it further

RESOLVED, Pursuant to Article II, Section 14 of the Pennsylvania Constitution, that when the House of Representatives recesses the week of November 20, 2017, it reconvene the week of Monday, December 4, 2017, unless sooner recalled by the Speaker of the House of Representatives; and be it further

RESOLVED, Pursuant to Article II, Section 14 of the Pennsylvania Constitution, that when the House of Representatives recesses the week of December 4, 2017, it reconvene the week of Monday, December 11, 2017, unless sooner recalled by the Speaker of the House of Representatives.

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

On the question,

Will the House concur in the resolution of the Senate?

Resolution was concurred in.

Ordered, That the clerk inform the Senate accordingly.

The SPEAKER. Members, our colleagues from the Democratic Caucus have asked for a little extension.

We are going to go at ease for just a few minutes.

GUESTS INTRODUCED

The SPEAKER. We are going to go back in order, and we are going to introduce some guests.

Thank you, everybody, for your patience.

Located to the left of the rostrum, the Chair welcomes some students from Elizabethtown College. They are guests of our friend and colleague, Representative Dave Hickernell, and I hope I am saying these names correctly – Amanda Ralff and Kyle Schaeffer. Thanks so much for being with us and all the best at Elizabethtown.

This young man is a high school junior at Oxford High School and he is with our good friend, Representative Dan Moul, Seamus Waggoner. Seamus, where are you? Right over there next to Representative Moul. Good to meet you, young man.

Representative David Millard has a young man who is shadowing him today and he is a junior – I believe, Representative Millard, he is a junior at Central School District. Is that right? Central School District. Is it Clay Fester? Did I say that right? Okay. Clay, you are a junior as well, right? Thank you so much for being with us. It is great. And your mom and dad I think are here too. Mom and Dad I think are in the gallery. If you could wave. Thanks for being here today.

Now, we do have some guests here on some of the resolutions, but we have to wait until our counterparts are here, our team.

And we have some guests in the back here of Representative Mary Jo Daley's, Girl Scout Troop 7286. Will you please stand. We are so excited to have you here today. Thanks for joining us.

LEAVES OF ABSENCE

The SPEAKER. Any leaves of absence?

The majority whip requests leaves of absence for the following: Representative Frank FARRY of Bucks County for the day, Representative Mike PEIFER of Pike County for the day, Representative Eric NELSON of Westmoreland County for the day. Without objection, those will be granted.

The minority whip requests leaves of absence for the following: 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 Mike O'BRIEN of Philadelphia County for the day. Without objection, those will be granted.

MASTER ROLL CALL

The SPEAKER. Please vote on the master roll.

The following roll call was recorded:

PRESENT—191

| | | | |
|-------------|------------|-----------|------------|
| Baker | Dush | Knowles | Ravenstahl |
| Barbin | Ellis | Kortz | Readshaw |
| Barrar | Emrick | Krueger | Reed |
| Benninghoff | English | Kulik | Reese |
| Bernstine | Evankovich | Lawrence | Roae |
| Bizzarro | Evans | Lewis | Roe |
| Bloom | Everett | Longietti | Roebuck |
| Boback | Fee | Mackenzie | Rothman |
| Boyle | Fitzgerald | Madden | Rozzi |
| Bradford | Flynn | Maher | Ryan |
| Briggs | Frankel | Mako | Saccone |
| Brown, R. | Freeman | Maloney | Sainato |

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

ADDITIONS—0

NOT VOTING—0

EXCUSED—10

| | | | |
|----------|----------|---------|--------|
| Fabrizio | Matzie | O'Brien | Saylor |
| Farry | McGinnis | Peifer | Watson |
| Haggerty | Nelson | | |

LEAVES ADDED—3

| | | |
|--------|-------|------|
| Barbin | Lewis | Rabb |
|--------|-------|------|

LEAVES CANCELED—2

| | |
|--------|--------|
| Barbin | Nelson |
|--------|--------|

The SPEAKER. One hundred and ninety-one members having voted on the master roll, there is a quorum on the floor.

UNCONTESTED CALENDAR

RESOLUTIONS PURSUANT TO RULE 35

Mr. D. COSTA called up **HR 98, PN 632**, entitled:

A Resolution recognizing November 14, 2017, as "World Diabetes Day" in Pennsylvania.

* * *

Mr. MURT called up **HR 459, PN 2345**, entitled:

A Resolution designating the month of November 2017 as "Commonwealth Hunters Recognition Month" in Pennsylvania.

* * *

Ms. DONATUCCI called up **HR 554, PN 2543**, entitled:

A Resolution recognizing November 17, 2017, as "World Prematurity Day" in Pennsylvania and acknowledging the serious public health concern of prematurity in birth and the compelling need to reduce the incidence of preterm births in this Commonwealth.

* * *

Ms. McCLINTON called up **HR 585, PN 2662**, entitled:

A Resolution designating November 25, 2017, as "Elimination of Violence Against Women Day" in Pennsylvania to coincide with the United Nations' "International Day for the Elimination of Violence Against Women."

* * *

Mrs. BULLOCK called up **HR 586, PN 2663**, entitled:

A Resolution recognizing the week of November 19 through 25, 2017, as "National Family Week" in Pennsylvania.

* * *

Mrs. BULLOCK called up **HR 587, PN 2664**, entitled:

A Resolution designating the week of November 12 through 18, 2017, as "Home Care Aide Week" in Pennsylvania in appreciation of those part-time and full-time caregivers who provide assistive and personal in-home care.

* * *

Mrs. BULLOCK called up **HR 588, PN 2665**, entitled:

A Resolution recognizing November 1, 2017, as "National Family Literacy Day" in Pennsylvania.

* * *

Mr. KINSEY called up **HR 590, PN 2669**, entitled:

A Resolution designating the week of November 5 through 11, 2017, as "Veterans Week of Service" in Pennsylvania to coincide with the annual Veterans Day observance on November 11, 2017.

* * *

Mr. BAKER called up **HR 591, PN 2671**, entitled:

A Resolution designating the month of November as "Family Caregiver Month" in Pennsylvania.

* * *

Mr. M. KELLER called up **HR 600, PN 2692**, entitled:

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

* * *

Mrs. BULLOCK called up **HR 602, PN 2701**, entitled:

A Resolution designating the week of November 13 through 17, 2017, as "Pennsylvania Education for Youth Experiencing Homelessness Awareness Week" and November 17, 2017, as "Red Shirt Day" in Pennsylvania.

* * *

Mr. MACKENZIE called up **HR 610, PN 2726**, entitled:

A Resolution recognizing December 3, 2017, as "International Day of Persons with Disabilities" in Pennsylvania to raise awareness of the goal of full and equal enjoyment of human rights and participation in society by persons with disabilities.

On the question,

Will the House adopt the resolutions?

The following roll call was recorded:

YEAS—191

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

| | | | |
|----------|----------|-------|---------|
| Dowling | Kirkland | Rader | Turzai, |
| Driscoll | Klunk | Rapp | Speaker |
| Dunbar | | | |

NAYS—0

NOT VOTING—0

EXCUSED—10

| | | | |
|----------|----------|---------|--------|
| Fabrizio | Matzie | O'Brien | Saylor |
| Farry | McGinnis | Peifer | Watson |
| Haggerty | Nelson | | |

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

UNCONTESTED SUPPLEMENTAL CALENDAR A

RESOLUTIONS PURSUANT TO RULE 35

Mrs. TOEPEL called up **HR 614, PN 2740**, entitled:

A Resolution designating the month of November 2017 as "Homecare and Hospice Month" in Pennsylvania to recognize and show appreciation for the dedication and contributions of these providers to enhancing the lives of their patients.

* * *

Mr. HENNESSEY called up **HR 619, PN 2741**, entitled:

A Resolution recognizing the 20th anniversary of Pennsylvania's Living Independence for the Elderly (LIFE) program.

On the question,
Will the House adopt the resolutions?

The following roll call was recorded:

YEAS—191

| | | | |
|-------------|------------|------------|-------------|
| Baker | Dush | Knowles | Ravenstahl |
| Barbin | Ellis | Kortz | Readshaw |
| Barrar | Emrick | Krueger | Reed |
| Benninghoff | English | Kulik | Reese |
| Bernstine | Evankovich | Lawrence | Roae |
| Bizzarro | Evans | Lewis | Roe |
| Bloom | Everett | Longietti | Roebuck |
| Boback | Fee | Mackenzie | Rothman |
| Boyle | Fitzgerald | Madden | Rozzi |
| Bradford | Flynn | Maher | Ryan |
| Briggs | Frankel | Mako | Saccone |
| Brown, R. | Freeman | Maloney | Sainato |
| Brown, V. | Fritz | Markosek | Samuelson |
| Bullock | Gabler | Marshall | Sankey |
| Burns | Gainey | Marsico | Santora |
| Caltagirone | Galloway | Masser | Schemel |
| Carroll | Gillen | McCarter | Schlossberg |
| Causar | Gillespie | McClinton | Schweyer |
| Cephas | Godshall | Mehaffie | Simmons |
| Charlton | Goodman | Mentzer | Sims |
| Christiana | Greiner | Metcalfe | Snyder |
| Comitta | Grove | Metzgar | Solomon |
| Conklin | Hahn | Miccarelli | Sonney |
| Cook | Hanna | Millard | Staats |
| Corbin | Harkins | Miller, B. | Stephens |
| Corr | Harper | Miller, D. | Sturla |

| | | | |
|------------|--------------|------------|------------|
| Costa, D. | Harris, A. | Milne | Tallman |
| Costa, P. | Harris, J. | Moul | Taylor |
| Cox | Heffley | Mullery | Thomas |
| Cruz | Helm | Murt | Tobash |
| Culver | Hennessey | Mustio | Toepel |
| Cutler | Hickernell | Neilson | Toohil |
| Daley | Hill | Nesbit | Topper |
| Davidson | Irvin | Neuman | Vazquez |
| Davis | James | O'Neill | Vitali |
| Dawkins | Jozwiak | Oberlander | Walsh |
| Day | Kampf | Ortitay | Ward |
| Dean | Kaufe | Pashinski | Warner |
| Deasy | Kauffman | Petrarca | Warren |
| DeLissio | Kavulich | Petri | Wentling |
| DeLozier | Keefe | Pickett | Wheatley |
| DeLuca | Keller, F. | Pyle | Wheeland |
| Dermody | Keller, M.K. | Quigley | White |
| Diamond | Keller, W. | Quinn, C. | Youngblood |
| DiGirolamo | Kim | Quinn, M. | Zimmerman |
| Donatucci | Kinsey | Rabb | |
| Dowling | Kirkland | Rader | Turzai, |
| Driscoll | Klunk | Rapp | Speaker |
| Dunbar | | | |

NAYS—0

NOT VOTING—0

EXCUSED—10

| | | | |
|----------|----------|---------|--------|
| Fabrizio | Matzie | O'Brien | Saylor |
| Farry | McGinnis | Peifer | Watson |
| Haggerty | Nelson | | |

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

SUPPLEMENTAL CALENDAR C

RESOLUTION PURSUANT TO RULE 35

Mr. WHEATLEY called up **HR 607, PN 2739**, entitled:

A Resolution designating November 2, 2017, as "Wendell Freeland Day" in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—191

| | | | |
|-------------|------------|-----------|------------|
| Baker | Dush | Knowles | Ravenstahl |
| Barbin | Ellis | Kortz | Readshaw |
| Barrar | Emrick | Krueger | Reed |
| Benninghoff | English | Kulik | Reese |
| Bernstine | Evankovich | Lawrence | Roae |
| Bizzarro | Evans | Lewis | Roe |
| Bloom | Everett | Longietti | Roebuck |
| Boback | Fee | Mackenzie | Rothman |
| Boyle | Fitzgerald | Madden | Rozzi |
| Bradford | Flynn | Maher | Ryan |
| Briggs | Frankel | Mako | Saccone |
| Brown, R. | Freeman | Maloney | Sainato |
| Brown, V. | Fritz | Markosek | Samuelson |
| Bullock | Gabler | Marshall | Sankey |
| Burns | Gainey | Marsico | Santora |
| Caltagirone | Galloway | Masser | Schemel |

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

NAYS—0

NOT VOTING—0

EXCUSED—10

| | | | |
|----------|----------|---------|--------|
| Fabrizio | Matzie | O'Brien | Saylor |
| Farry | McGinnis | Peifer | Watson |
| Haggerty | Nelson | | |

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

The SPEAKER. Members, we have seven members who wish to speak on resolutions, and this will be the order in which they will go: Representative Wheatley will be speaking on HR 607. He will start us off followed by Representative McClinton, who is going to be recognized to speak on HR 585; followed by Representative Murt on HR 459; followed by Representative Petrarca on HR 602; followed by Representative Hennessey on HR 619; followed by Representative Toepel on HR 614; and finally, Representative Baker will speak on HR 591.

So if all members could just be ready to be up at the rostrum in that order.

STATEMENT BY MR. WHEATLEY

The SPEAKER. Representative Wheatley, we will start off with you on HR 607, sir.

Mr. WHEATLEY. Thank you, Mr. Speaker.

And I want to thank—

The SPEAKER. Excuse me, sir. I apologize.

Members, could you please take your seats. Members, please take your seats. Everybody has an opportunity to be heard. They are important. Just give them an opportunity to speak here.

Representative Wheatley, you may proceed, sir.

Mr. WHEATLEY. Thank you, Mr. Speaker.

I want to thank my colleagues for supporting HR 607, which designates November 2 as "Wendell Freeland Day" in Pennsylvania.

Although slightly statured, Wendell Freeland was a giant among men. We lost him almost 4 years ago, but his legacy lives on and was memorialized with a documentary "Wendell G. Freeland: A Silent Soldier" that premiered November 2 in Pittsburgh. This documentary, this resolution, my remarks, all come very short of conveying this gentle giant and his legacy.

He was born in a Jim Crow Baltimore in 1925. Freeland became a civil rights pioneer, political activist, prominent Pittsburgh defense attorney, and much more. He was a mentor to many and a friend to all.

Mr. Freeland was drafted in 1943. He became a bombardier for the Tuskegee Airmen during World War II. It was during his Army Air Corps training that he started his first protest, a forerunner of the civil rights protest, when he led more than 100 other Black officers into the Whites-only officers' club. He and other Black officers were arrested for refusing to sign a paper certifying they understood the military segregation policy. Charges were later dropped and 3 years later President Truman issued an Executive order to racially integrate the military. That, my friends, was the beginning of a lifetime of fighting against racism and for equality.

As stated in his obituary, everything he became was by sheer merit. He graduated with honors from the University of Maryland Law School and moved to Pittsburgh in 1950. He set up his law practice during that time. He soon became involved in the Highland Park Swimming Pool case in which he sued the city to assure the safety of Blacks who tried to swim there.

Wendell Freeland became president of the Urban League of Pittsburgh and chairman of the National Urban League. He was cofounder of the Hill House Association and also became chairman of the Joint Center for Political and Economic Studies in Washington, DC. Through all his endeavors, he was more concerned with results than with headlines. Quiet yet tenacious, Wendell Freeland never lost sight of the importance of family, of love, and most importantly of equality during all of his battles against racism. As a friend said in civil rights in the Urban League, "He was as tough as they came."

I will tell you and I will end with this personal story with Mr. Freeland. When I first started my journey into politics, I was told I had to go talk to a seasoned political activist named Wendell Freeland. I go down to his office, sit in his office, and I explain to him all of the reasons why I wanted to run. He listened very graciously. He asked me why would I want to do such a thing. It was crazy to get involved in politics. After he heard all of my rationale, Mr. Freeland said, "Well, I wish you well, but I'll tell you, young man, I can't support you." Now, as surprised as I was, I am like, "Why did I spend an hour and a half with you and you say that you can't support me?" Mr. Freeland looked at me and said, "First of all, I'm a Republican," and second, "I believe that for anyone interested in doing such a job, you don't need people like me to give you an okay to say do it. If you believe you can do it, it doesn't matter

if I support you or anyone else supports you. You go and fight for the things that you say you want to do. You let the people who you want to represent and serve be the judge if you have what it takes to serve them."

Mr. Freeland was many things, but most importantly, he was a man of honor, he was a man that I highly respected and others respected, he was a man of conviction, and he loved to see individuals no matter who you were be their full potential.

And so I just wanted to say thank you all for helping me show a little bit of honor and thanks back to Mr. Freeland, even though he is not here. To his family who is still around, I wanted to say thank you for you all helping to honor this great man.

So thank you, Mr. Speaker.

STATEMENT BY MS. McCLINTON

The SPEAKER. Representative Joanna McClinton, on HR 585.

Ms. McCLINTON. Thank you, Mr. Speaker.

If you will indulge me for just a few seconds, I ask the ladies of the House to join me.

The SPEAKER. Absolutely.

Ms. McCLINTON. Thank you.

The SPEAKER. Representative McClinton, the floor is yours.

Ms. McCLINTON. Thank you, Mr. Speaker.

And thank you to all of my colleagues, particularly the ladies of the Pennsylvania House of Representatives, for standing with me as we support HR 585, which designates Saturday, November 25, 2017, as "Elimination of Violence Against Women Day" right here in the Commonwealth of Pennsylvania. Thank you.

For centuries women have been victims of physical, emotional, and sexual violence. Today we stand here to say no more. We will no longer accept harassment for wanting to be treated as equals, for deserving to be treated as equals to our male counterparts.

We will no longer accept being brutally murdered for speaking out against injustice, and we will no longer accept sexual harassment while doing our jobs, whether in Washington, DC, right here in Harrisburg, or anywhere in this world. The first step to eliminating violence against women and girls is acknowledging that this problem, yes, it does, in 2017, exist.

Between 2015 and 2016, the Pennsylvania Coalition Against Domestic Violence provided support services to nearly 89,000 people, with over 7,000 of them being children. This is an issue that plagues far too many of our communities, whether we are from a rural community or an urban community.

The next step to eliminating violence is to hold each other accountable. We have to teach our children, our spouses, our partners to refuse to adopt behaviors and actions that put women down, as well as to speak up when we witness violence toward women, whether in families, schools, or our communities.

These conversations are important, they matter, and they have to happen early in life. Each of us right here in the legislature are leaders in our respective communities. We have an obligation to be positive role models on how to respect women and girls.

Thank you again, Mr. Speaker, and thank you to all of the ladies in the House of Representatives of Pennsylvania for all of your support.

The SPEAKER. Thank you, Representative McClinton.

STATEMENT BY MR. MURT

The SPEAKER. Representative Tom Murt – where is Representative Murt? – will be invited to speak on HR 459.

Mr. MURT. Thank you, Mr. Speaker.

Mr. Speaker, I want to thank my colleagues for supporting this resolution recognizing the importance of our State's hunters.

The purpose of this resolution—

The SPEAKER. Representative Murt, I apologize, but if you could just suspend for a minute.

PARLIAMENTARY INQUIRIES

The SPEAKER. Representative Brad Roae has stood up. For what purpose does the good gentleman rise?

Mr. ROAE. Parliamentary inquiry.

The SPEAKER. Yes, you may.

Mr. ROAE. Mr. Speaker, these speeches like this, is this a form of unanimous consent?

The SPEAKER. No. It is on the resolutions. It is not. It is not unanimous consent. The way we have been handling the uncontested House resolutions and the formal resolutions, we do it after the votes. It is not on unanimous consent. It is legislation that we voted upon, and we have just been doing it after the votes.

Mr. ROAE. A further parliamentary—

The SPEAKER. Although I will tell you that I have been having for some time now in the past, the history had not been to read a summary of the resolution, but we have made sure that everybody knows what all the resolutions are not only by virtue of what is on the calendar, but also the clerk actually reads a summary of each and every resolution. But you may do further parliamentary inquiry. You may.

Mr. ROAE. Yes. Further parliamentary inquiry.

The SPEAKER. Yes.

Mr. ROAE. Can one member withdraw consent or can that not happen?

The SPEAKER. No. I know I had set this forth before on these resolutions. When resolutions are submitted by the members, the duly elected members in this chamber from the Commonwealth of Pennsylvania, those get submitted and there are really three places that resolutions can be, from a process perspective, placed in. There are the uncontested House calendar resolutions, which everybody sees every day. They are printed out on the screen every day before we come up to vote. There are those that are on the regular House calendar, which in many ways they function much the same way, but typically those would be placed on the House calendar if it is not a readily apparent – what the substance of it might be, it is often put on the regular House calendar. It does not have to go through committee to be on the regular House calendar. And then there are those resolutions that actually get assigned to a committee because they oftentimes take action, such as those that recommend for Congress to vote in favor of a particular

piece of legislation. You know, it memorializes that support for a piece. Everybody sees those every day, and if an objection is to be raised, it has to be done before the vote. Typically the way that most members – it is a very rare occurrence, a very rare occurrence – but typically if somebody has a concern with an uncontested resolution or a House calendar resolution, they either call the Parliamentarian or they call the head of our office, our Chief of Staff, and raise that and then it can be changed – sua sponte you can do that – to take another route and/or – and as I said, it is very rare – or it can be raised here on the floor before the vote. It can be raised before the vote.

But the votes have been taken and people are entitled to speak on their resolutions. I believe you can file, if you want to file a motion – can you file a motion for reconsideration? I do not think it has ever been done in my entire career here, but I suspect you could file a motion for reconsideration if you have an issue with a resolution.

Mr. ROAE. Further parliamentary inquiry.

The SPEAKER. Yes.

Mr. ROAE. So if I withdraw consent right now, that does not stop people talking about the resolution? The SPEAKER. No, it does not.

Mr. ROAE. All right. Thank you, Mr. Speaker.

The SPEAKER. But as I indicated, the uncontested calendars are printed and made available to all of the members every day before the votes occur. If anybody has a concern with a resolution, they should raise it to the Parliamentarian or to our office or to one of the leader's offices, either one. Any of those would be appropriate places to raise those concerns.

STATEMENT BY MR. MURT CONTINUED

The SPEAKER. Representative Murt.

Mr. MURT. Thank you, Mr. Speaker.

Mr. Speaker, I would like to speak about HR 459, which declares November 2017 as "Commonwealth Hunters Recognition Month" in our Commonwealth of Pennsylvania.

Mr. Speaker, the purpose of this resolution is to recognize the nearly 1 million deer hunters in our Commonwealth and raise awareness of the importance of hunting safety. As my colleagues know so well, Pennsylvania has a rich history of hunting and trapping that has spanned generations. While many hunters love the sport as a way to commune with our Commonwealth's rich wilderness and enjoy the rich bounty provided by the animals, our hunters are playing a critical role in controlling the whitetail deer population.

When deer reach high population densities, they push into urban areas where they become a nuisance to homeowners and can cause serious illness through the spread of deer ticks that spread Lyme disease and become deadly when they bolt across our major highways.

Mr. Speaker, deer cause more than 100,000 accidents each year in our Commonwealth. State Farm Insurance listed Pennsylvania third in the nation for the rate of car accidents involving deer.

According to the State Insurance Department, Pennsylvanians have a 1 in 70 chance of being involved in a deer-related accident. State Farm puts that statistic at 1 in 63.

Mr. Speaker, hunters who thin the herd of whitetail deer also have a positive impact on farmers as the deer sometimes destroy many valuable crops. Our hunters also have an enormous

impact on our economy. Pennsylvania has the most registered deer hunters in the United States. Hunting-related activities in the State account for \$1 billion in retail sales, with over \$600 million from deer hunting alone.

For all their contributions to the ecological and economic health of our Commonwealth, we declare November 2017 as "Commonwealth Hunters Recognition Month" in the Commonwealth of Pennsylvania.

Thank you, Mr. Speaker.

The SPEAKER. Representative Petrarca was going to speak on HR 602, but Representative Bullock will instead speak on HR 602. Okay. We will go over that at this time.

Representative Hennessey is recognized to speak on HR 619, Representative Toepel will follow on HR 614, and then Representative Baker on HR 591.

STATEMENT BY MR. HENNESSEY

The SPEAKER. Representative Hennessey, the floor is yours, sir.

Mr. HENNESSEY. Thank you, Mr. Speaker.

Mr. Speaker, I want to thank the members for their affirmative vote on HR 619, which recognizes the 20th anniversary of the LIFE (Living Independence for the Elderly) program in Pennsylvania.

Since 1997 the LIFE program, which stands for Living Independence for the Elderly, has successfully offered Pennsylvania's first managed long-term-care services and supports program for older adults who are clinically eligible and who are dually eligible for Medicare and Medicaid or who choose to pay out of pocket for those services.

The LIFE program enables individuals who are 55 years of age and older and who qualify for nursing home care to remain in their homes and in the community by providing a comprehensive array of health and support services. It is a good way to handle all-inclusive coverage for our seniors. LIFE utilizes a commonsense, multidisciplinary approach with their participants, recognizing that as some individuals age their health concerns expand into different areas. The team coordinates care and they are able to appropriately address the older adult's health concerns by providing a comprehensive array of services.

Pennsylvania's LIFE program is one of the largest in the country and has been a model for other States for decades. As we enter a new age of managed long-term care with Community HealthChoices here in Pennsylvania, the LIFE program remains an alternative for those who do not want to enroll with a managed-care organization. Please join me in celebrating LIFE program's 20 successful years in Pennsylvania.

Thank you, Mr. Speaker.

STATEMENT BY MRS. TOEPEL

The SPEAKER. Representative Marcy Toepel.

Mrs. TOEPEL. Thank you, Mr. Speaker.

Caring for older adults and people who are living with disabilities or diseases is one of the most important yet difficult jobs. The men and women who feel called to enhance the lives of others while helping them to remain a part of their communities through home care and hospice are truly angels among us.

About 3 years ago my mother died of a rare form of cancer, and through these hospice workers and home health-care workers, our family was able to keep her in the one place she really wanted to be at the end of her life, which was in our home. My brothers and I took care of her, but through the help of the hospice workers and home health-care workers, my mother was well cared for through the end of her life.

It is a thankless job. Being a homecare or home health aide is a calling and you have to have the right stuff, an inherent gift of caring in your heart to do this job. You bring this individual into your home and let them care for one of your loved ones. It involves a lot of trust and a lot of love. Most importantly, they offer respite and peace of mind for the spouse or family member caring for them.

If you have ever had the experience of having a home health-care aide or a hospice professional, these people become embedded with our families and become part of it. This is something very special. They keep our family members safe and at home, where they want to be.

Please join me in celebrating the enhanced quality of care Pennsylvanians receive through home care and hospice services and designating November as "Homecare and Hospice Month" in the Commonwealth.

Thank you, Mr. Speaker.

STATEMENT BY MR. BAKER

The SPEAKER. Representative Matt Baker, on HR 591.

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

I would like to express my appreciation to the members for supporting HR 591, which recognizes the month of November as "Family Caregiver Month" in Pennsylvania to recognize and honor the care that more than 1.8 million family caregivers provide to keep their loved ones at home. As a past caregiver who cared for my own sister prior to her death, there is a lot of dedication and sacrifice that goes into this, and for nearly 2 million people in Pennsylvania with the heart strings and purse strings within their family to care for one another, it is a remarkable experience.

And I might also add that uncompensated care provided by family caregivers in the Commonwealth totals about \$20 billion annually. This care, which is often supplemented by Medicaid home and community-based services providers, plays an essential role in keeping children, individuals and people with disabilities, and seniors out of costly institutions. Family caregivers are to be commended not only for their dedication to their family but also for helping the Commonwealth avoid more than \$37,000 per person per year in Medicaid spending on institutional care.

We have some special guests here with us, Mr. Speaker. To my right I would like to recognize them, if that is okay.

The SPEAKER. Representative Baker, please proceed. If you will just give me one second though.

Members, if we could have everybody please take their seats. Everybody, please take your seats.

Our guests have taken the time to be with us today. Representative Baker, if you will please introduce them.

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

Guests for Family Caregiver Month resolution today, we are honored and I understand it is their first visit here to the Capitol and to the well of the House, so it is an extra special day for

them: Sue Minarik of Homeland at Home. Please rise when you are recognized. Marcelle Barrientos and Joanne Decker, Angels on Call and Honor Health Network; Jennifer Haggerty, Pennsylvania Homecare Association. Welcome to the floor of the House.

Thank you, Mr. Speaker.

The SPEAKER. Thank you, Representative Baker.

STATEMENT BY MRS. BULLOCK

The SPEAKER. Representative Donna Bullock is recognized to speak on HR 602.

Mrs. BULLOCK. Thank you, Mr. Speaker.

And thank you to my colleagues, especially Representative Petrarca, for supporting HR 602, which designates the week of November 13 through November 17, 2017, as "Pennsylvania Education for Youth Experiencing Homelessness Awareness Week," and last Friday, November 17, as "Red Shirt Day" here in Pennsylvania.

Each year I am proud to introduce this resolution with Representative Petrarca, bringing awareness to the complex challenges that so many of our young residents face. This resolution brings awareness to the resources and opportunities that are available to them so that they may develop into successful adults.

While there are many organizations throughout our Commonwealth dedicated to providing support services to people experiencing homelessness, very few of these organizations and shelters accept children under 18 or a young adult not connected to a family.

During the 2015-2016 school year, around 27,274 students in this Commonwealth and in our schools were homeless or without adequate housing. This number represents a 5.5-percent increase from the previous school year.

According to the research from the Voice of Youth Count, our homeless youth represent the most vulnerable among us: children who were in foster care or the juvenile justice system or both; minorities and children of color; young women who are mothers or who were pregnant at the time that they were reported homeless; and young members of the LGBTQ community.

Two years ago I met a young man named Joe. Joe worked in a coffeehouse not too far from my district office called The Monkey & The Elephant. The mission of The Monkey & The Elephant is to serve young people aging out of foster care. And after speaking to Joe, I learned that he, too, had a mission. And if I may read briefly from a recent news article: Joe has made some changes in his life. You see, Joe, after leaving the juvenile detention system, found an adoptive family, but a short time after staying with that family, he found himself couch surfing with friends, before he ended up on the street at the age of 19. He soon took refuge in a tow truck that was left unlocked until the owner found him out, and then he turned to the shelter system. A quote from Joe reads: " 'You had a whole bunch of people in one space, people with mental instabilities, violent individuals,...' " bedbugs, and " 'no hot water,' he said. 'I remember contemplating committing a crime...' " just to go back " '...to jail for the winter.' "

That all changed for Joe when he managed to get into Covenant House, which is a shelter tailored to teens and young adults.

Today I am happy to report that at the age of 24 Joe is Philadelphia's first community navigator – a combination of a case manager, counselor, and mentor to others going through what he did just a few years ago. Joe now briefs Congressmen and advocates about his experiences and policy that he believes can make a difference and end youth homelessness.

I am proud of Joe, I am proud to have met him, and I know that when Joe poured my tea every day, I think he was trying to drop a few gems on me, tell me his story, so that I can become an advocate for young people like him. He had a story to tell, but most importantly, he had hope and he had a mission to help other young people just like him facing homelessness.

It is time that we invest more in our shelters, particularly those shelters that are tailored to our teens and young adults, that we pay attention to the resources and educational tools that they need to be successful, and that as legislators we implement policies that are proactive and allow us to prevent young people from becoming homeless in the first place.

Thank you, Mr. Speaker, and thank you to all of my colleagues for supporting this resolution.

REMARKS SUBMITTED FOR THE RECORD

The SPEAKER. Representative Mackenzie will be submitting remarks on HR 610.

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

Thank you, Mr. Speaker.

Today I am calling on my colleagues to vote in favor of HR 610 to designate December 3, 2017, as "International Day of Persons with Disabilities" here in Pennsylvania. More than 15 percent of the world's population is currently living with disabilities. Individuals with disabilities face physical, social, and economic barriers that can make it challenging for them to fully participate as equal members of society around the world. The United Nations has been working to change the attitudes and approaches to disability for decades. In fact, the international disability movement was able to advance the adoption of the Convention on the Rights of Persons with Disabilities in 2006, the fastest human rights treaty ever adopted. Since its adoption, many nations worldwide have recognized that individuals with disabilities should be provided the opportunity to reach their fullest potential.

International Day of Persons with Disabilities has been recognized annually around the globe since 1992. It promotes the rights and well-being of individuals with disabilities in all societies and increases the awareness of the situation of disabled persons in every aspect of life. Recognizing December 3, 2017, as "International Day of Persons with Disabilities" here in Pennsylvania solidifies our goal to assist the most vulnerable citizens in our community. This year's theme is "Transformation towards sustainable and resilient society for all."

Please vote "yes" on HR 610 to designate December 3, 2017, as "International Day of Persons with Disabilities" in Pennsylvania to recognize all individuals with disabilities. Thank you, Mr. Speaker.

REMARKS SUBMITTED FOR THE RECORD

The SPEAKER. Representative Kinsey will be submitting remarks on HR 590.

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

Thank you, Mr. Speaker.

I would also like to thank my colleagues for supporting HR 590, which designates the week of November 5 through November 11, 2017, as "Veterans Week of Service" in Pennsylvania. Our veterans have proudly served our country, at home and abroad. Moreover, many of these heroes continue to serve outside of their military service. Countless veterans across the country have created organizations aimed at serving other veterans.

Veterans are more likely to face issues such as homelessness than their civilian counterparts. There are nearly 40,000 homeless veterans throughout the United States, and Pennsylvania ranks eighth in the nation. Veterans are more likely to face homelessness if they have a low socioeconomic background, a mental disorder, or a history of substance abuse. Organizations such as the Veterans Leadership Program of Western Pennsylvania and the Greater Philadelphia Veterans Network offer solutions to the problems that government often misses. These organizations offer services such as addressing veteran homelessness, providing education services, offering counseling, and even increasing job placement and employment opportunities. Transitioning from military to civilian life is not easy. However, with the help of these services, the transition is much smoother.

Thank you again, Mr. Speaker, and thank you to my colleagues for your support.

CONDOLENCE RESOLUTION

The SPEAKER. Members, we are going to close the doors of the House. We have a condolence resolution. I would ask everybody to please take their seats. Please, everybody, take your seats. We are going to be marking the passing of a former member, so I would ask everybody to please take their seats. The Sergeants at Arms will close the doors of the House.

Members, this is a condolence resolution on the death of a former member of the House.

The clerk is now going to read the resolution.

The following resolution was read:

COMMONWEALTH OF PENNSYLVANIA THE HOUSE OF REPRESENTATIVES

CONDOLENCE RESOLUTION

WHEREAS, The House of Representatives of Pennsylvania wishes to honor the memory of the Honorable Alvin C. Bush, a former member of the House of Representatives of Pennsylvania, who passed away at the age of ninety-three on February 8, 2017; and

WHEREAS, Born in Philipsburg on January 22, 1924, Mr. Bush was a graduate of Williamsport High School and the University of North Carolina at Chapel Hill. He served this country with honor and distinction as a Lieutenant Gunnery, Navigation and Executive Officer in the United States Navy and began his career as General Manager of the Williamsport Transportation Company. The founder of three automotive dealerships, Mr. Bush operated Wyno Farms in Muncy Township and was a five-term President of the Pennsylvania Guernsey Breeders Association. A former member of the House of Representatives of Pennsylvania, he served the 84th Legislative

District from 1960 to 1968 and from 1984 until 1994. His tenure in State government also included service as Republican Caucus Secretary, Director of the Legislative Reference Bureau, Executive Assistant to the Senate President Pro Tempore and Republican Senate Staff Administrator. During his career, Mr. Bush directed staff toward converting Pennsylvania to an elected Attorney General and was instrumental in establishing the Independent Crime Commission and Statewide Grand Juries. Near the end of his public service, he led the Independent Regulatory Review Commission, which he had helped create nearly fifty years earlier. Mr. Bush also helped to pass the legislation which established the Pennsylvania College of Technology, and he served as Chairman of its Board for ten years. Active in numerous civic and charitable endeavors, Mr. Bush was a member of Free and Accepted Masons Lodge No. 755, the Williamsport Consistory and the Pine Street United Methodist in Williamsport; now therefore be it

RESOLVED, That the House of Representatives of the Commonwealth of Pennsylvania proclaim with enduring sorrow the passing of the Honorable Alvin C. Bush; and extend heartfelt condolences to his sons, Charles and Michael; daughters, Cindalyn and Karen; eight grandchildren; and many other family members and friends; and be it further

RESOLVED, That a copy of this resolution, sponsored by Representatives Garth D. Everett and Jeff C. Wheeland on February 15, 2017, be transmitted to the family of the Honorable Alvin C. Bush.

Garth D. Everett, Sponsor
 Jeff C. Wheeland, Sponsor
 Mike Turzai, Speaker of the House
 ATTEST:
 David Reddecliff, Chief Clerk of the House

On the question,
 Will the House adopt the resolution?

The SPEAKER. Those in favor of the resolution will rise as able and remain standing as a mark of respect for the deceased former member. Guests, if you would please also rise as able.

(Whereupon, the members of the House and all visitors stood in a moment of silence in solemn respect to the memory of the Honorable Alvin C. Bush.)

The SPEAKER. The resolution has been unanimously adopted. Members may take their seats; guests as well. What a remarkable individual. We extend deepest sympathy to his sons, daughters, and grandchildren.

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

ANNOUNCEMENT BY SPEAKER

The SPEAKER. Representative Carol Evans, I believe it is your birthday today. Happy birthday. Good to see you. We are going to come by for cake.

STATEMENT BY MS. DeLISSIO

The SPEAKER. Representative Joe Emrick is recognized on unanimous consent and, I believe, with Representative Pam DeLissio.

Ms. DeLISSIO. Thank you, Mr. Speaker.

Good morning. I happened to see on social media this past week via one of our great security guards here, Amy Albert, that there was a card drive that is being conducted for Corporal

Kelly, who is a member of the Pennsylvania State Police who was shot in the line of duty a couple of weeks ago. So we are going to participate in that card drive and ask for your participation as well. The gentleman is a constituent of my good friend from Northampton County, and we are going to share that card with you and then distribute them and welcome your participation.

STATEMENT BY MR. EMRICK

The SPEAKER. Representative Emrick.

Mr. EMRICK. Thank you, Mr. Speaker.

Just a quick update. Corporal Kelly is, I know him a little bit, and he is a constituent. Friday night I happened to run into a good friend of mine who is also his brother-in-law, who shared with me that Corporal Kelly is improving every day, that things are looking very optimistic for his recovery, which is great news. He did say it was going to be, obviously, a long road, but things are looking optimistic at this point. So that is great news.

As Representative DeLissio pointed out, we have a card drive. My personal thanks to her for designing it. I would not want to have to design a card like this. It is very, very nice.

So I just want to read the card briefly. It says, "Dear Corporal Kelly, please know that you are in our thoughts and prayers. We are grateful for your service and wish you a speedy recovery. Sincerely, the Pennsylvania House of Representatives." And we will be bringing those around. We will place a few in the back of the House floor, and we would invite each of you to sign it.

So thank you, Mr. Speaker.

STATE GOVERNMENT COMMITTEE MEETING

The SPEAKER. Representative Daryl Metcalfe, the chair of the State Government Committee, is recognized for a committee announcement.

Mr. METCALFE. Thank you, Mr. Speaker.

Mr. Speaker, immediately at the break, the House State Government Committee will hold a voting meeting in G-50 of the Irvis Office Building to consider HB 1174, SB 166, and HB 1773, as well as any other business that might come before the committee, Mr. Speaker.

So that is G-50 of the Irvis Building, House State Government Committee voting meeting immediately at the break. Thank you, Mr. Speaker.

The SPEAKER. Thank you, sir.

So an immediate meeting at the break in room G-50 of the Irvis Building for the State Government Committee.

JUDICIARY COMMITTEE MEETING

The SPEAKER. Representative Ron Marsico, chairman of the Judiciary Committee, for a committee announcement.

Mr. MARSICO. Thank you, Mr. Speaker.

The Judiciary Committee will meet at the break in 205 Ryan Office Building to consider HB 983, HB 1644, HB 1738, HB 1918, HB 1929, and HB 1527. Thank you, Mr. Speaker.

The SPEAKER. Thank you, sir.

The Judiciary Committee will meet at the break in 205 Ryan Office Building.

APPROPRIATIONS COMMITTEE MEETING

The SPEAKER. We need announcements, I believe, for Appropriations first. So, Representative George Dunbar, the vice chair of the Appropriations Committee, for a committee announcement, sir.

Mr. DUNBAR. Thank you, Mr. Speaker.

The Appropriations Committee will have a voting meeting immediately at the break in the majority caucus room. That is a voting meeting immediately at the break. Thank you.

The SPEAKER. Thank you, sir.

The Appropriations Committee will have a voting meeting immediately at the break in the majority caucus room.

Representative Reed, the majority leader, for a committee announcement for the Rules Committee. Oh, no Rules Committee; I am sorry.

REPUBLICAN CAUCUS

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

Mrs. TOEPEL. Thank you, Mr. Speaker.

Republicans will caucus at 12:45. We would be prepared to return to the floor at 1:30.

Thank you, Mr. Speaker.

The SPEAKER. Thank you, Madam Chair.

DEMOCRATIC CAUCUS

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

Mr. FRANKEL. Thank you, Mr. Speaker.

Democrats will caucus at 12:45. Democrats will caucus at 12:45.

RECESS

The SPEAKER. Members, the House will be in recess until 1:30 p.m.

RECESS EXTENDED

The time of recess was extended until 1:45 p.m.

AFTER RECESS

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

BILLS REREPORTED FROM COMMITTEE

HB 448, PN 469 By Rep. DUNBAR

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.

APPROPRIATIONS.

HB 1588, PN 2188

By Rep. DUNBAR

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.

APPROPRIATIONS.

BILLS REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

HB 983, PN 2743 (Amended) By Rep. MARSICO

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, in alimony and support, further providing for alimony pendente lite, counsel fees and expenses.

JUDICIARY.

HB 1644, PN 2199 By Rep. MARSICO

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for collaborative law process.

JUDICIARY.

HB 1738, PN 2335 By Rep. MARSICO

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in commencement of proceedings, further providing for definitions and providing for nonmunicipal police extraterritorial jurisdiction for purposes of municipal police jurisdiction.

JUDICIARY.

HB 1918, PN 2709 By Rep. MARSICO

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.

JUDICIARY.

HB 1929, PN 2722 By Rep. MARSICO

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.

JUDICIARY.

BILL REPORTED AND REREFERRED TO COMMITTEE ON CHILDREN AND YOUTH

HB 1527, PN 1975 By Rep. MARSICO

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, in child protective services, further providing for persons required to report suspected child abuse.

Reported from Committee on JUDICIARY with request that it be rereferred to Committee on CHILDREN AND YOUTH.

The SPEAKER. Without objection, the bill will be so rereferred.

CALENDAR

RESOLUTION PURSUANT TO RULE 35

Mr. REED called up HR 360, PN 1845, entitled:

A Resolution honoring the life and achievements of Alvin C. Bush and expressing condolences on his passing.

On the question, Will the House adopt the resolution?

RESOLUTION RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader, who moves to recommit HR 360, PN 1845, to Rules.

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

SUPPLEMENTAL CALENDAR B

BILLS ON THIRD CONSIDERATION

The House proceeded to third 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 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-191

Table listing names of members who voted 'YEAS' for the bill, including Baker, Barbin, Barrar, Benninghoff, Bernstine, Bizarro, Bloom, Boback, Boyle, Bradford, Briggs, Brown, R., Brown, V., Bullock, Burns, Caltagirone, Carroll, Causer, Dush, Ellis, Emrick, English, Evankovich, Evans, Everett, Fee, Fitzgerald, Flynn, Frankel, Freeman, Fritz, Gabler, Gainey, Galloway, Gillen, Gillespie, Knowles, Kortz, Krueger, Kulik, Lawrence, Lewis, Longietti, Mackenzie, Madden, Maher, Mako, Maloney, Markosek, Marshall, Marsico, Masser, McCarter, McClinton, Ravenstahl, Readshaw, Reed, Reese, Roae, Roebuck, Rothman, Rozzi, Ryan, Saccone, Sainato, Samuelson, Sankey, Santora, Schemel, Schlossberg, and Schweyer.

Table listing names of members who were present or absent during the proceedings, including Cephas, Charlton, Christiana, Comitta, Conklin, Cook, Corbin, Corr, Costa, D., Costa, P., Cox, Cruz, Culver, Cutler, Daley, Davidson, Davis, Dawkins, Day, Dean, Deasy, DeLissio, Delozier, DeLuca, Dermody, Diamond, DiGirolamo, Donatucci, Dowling, Driscoll, Dunbar, Godshall, Goodman, Greiner, Grove, Hahn, Hanna, Harkins, Harper, Harris, A., Harris, J., Heffley, Helm, Hennessey, Hickernell, Hill, Irvin, James, Jozwiak, Kampf, Kauffer, Kauffman, Kavulich, Keefer, Keller, F., Keller, M.K., Keller, W., Kim, Kinsey, Kirkland, Klunk, Mehaffie, Mentzer, Metcalfe, Metzgar, Miccarelli, Millard, Miller, B., Miller, D., Milne, Moul, Mullery, Murt, Mustio, Neilson, Nesbit, Neuman, O'Neill, Oberlander, Ortitay, Pashinski, Petrarca, Petri, Pickett, Pyle, Quigley, Quinn, C., Quinn, M., Rabb, Rader, Rapp, Simmons, Sims, Snyder, Solomon, Sonney, Staats, Stephens, Sturla, Tallman, Taylor, Thomas, Tobash, Toepel, Toohil, Topper, Vazquez, Vitali, Walsh, Ward, Warner, Warren, Wentling, Wheatley, Wheeland, White, Youngblood, and Zimmerman.

NAYS-0

NOT VOTING-0

EXCUSED-10

Table listing names of members who were excused, including Fabrizio, Farry, Haggerty, Matzie, McGinnis, Nelson, O'Brien, Peifer, Saylor, and 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 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 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—191

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

NAYS—0

NOT VOTING—0

EXCUSED—10

| | | | |
|----------|----------|---------|--------|
| Fabrizio | Matzie | O'Brien | Saylor |
| Farry | McGinnis | Peifer | Watson |
| Haggerty | Nelson | | |

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.

CALENDAR CONTINUED

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 444, PN 2589**, entitled:

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

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

(Bill analysis was read.)

The SPEAKER. This bill has been considered on three different days and agreed to and is now on final passage.
The question is, shall the bill pass finally?

On the bill, Representative Matt Gabler.
Mr. GABLER. Thank you very much, Mr. Speaker.

I thank the members of the House for their attention to this issue. This is a bill that I brought forward with the feedback of a constituent who pointed out to me that in certain school districts in Pennsylvania there is unequal ballot access to candidates for school board. This bill corrects that in a very simple way.

I want to give a special thank you to the honorable gentleman from Berks County, who on second consideration brought forward an amendment that corrects another technical issue with petitions and the database that is used in order to verify petition signatures during the candidate nominating process.

I think there are some very good technical fixes included in this bill, and I ask all the members for an affirmative vote.

Thank you very much.
The SPEAKER. Thank you, sir.

On the question recurring,
Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—191

| | | | |
|-------------|------------|-----------|------------|
| Baker | Dush | Knowles | Ravenstahl |
| Barbin | Ellis | Kortz | Readshaw |
| Barrar | Emrick | Krueger | Reed |
| Benninghoff | English | Kulik | Reese |
| Bernstine | Evankovich | Lawrence | Roae |
| Bizzarro | Evans | Lewis | Roe |
| Bloom | Everett | Longietti | Roebuck |
| Boback | Fee | Mackenzie | Rothman |
| Boyle | Fitzgerald | Madden | Rozzi |
| Bradford | Flynn | Maher | Ryan |
| Briggs | Frankel | Mako | Saccone |
| Brown, R. | Freeman | Maloney | Sainato |

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

NAYS-0

NOT VOTING-0

EXCUSED-10

| | | | |
|----------|----------|---------|--------|
| Fabrizio | Matzie | O'Brien | Saylor |
| Farry | McGinnis | Peifer | Watson |
| Haggerty | Nelson | | |

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.

BILLS REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

HB 1174, PN 1397

By Rep. METCALFE

An Act amending the act of July 23, 1970 (P.L.563, No.195), known as the Public Employe Relations Act, in public policy, further providing for declaration of intent; in definitions, further providing for definitions; and, in scope of bargaining, further providing for maintenance of membership and prohibiting collective bargaining agreements from requiring certain deductions.

STATE GOVERNMENT.

SB 166, PN 1344 (Amended)

By Rep. METCALFE

An Act providing for protection of paychecks of certain workers and for the collection of political contributions.

STATE GOVERNMENT.

BILLS ON SECOND CONSIDERATION

BILL PASSED OVER

The SPEAKER. Members, we are going to turn to second consideration, please, HB 1847, PN 2567. It is called up by Representative Driscoll.

We are going to go over this bill at this time.

Members, we are going to resume our debate on amendments on second consideration for HB 1401, filed by Representative Gene DiGirolamo.

* * *

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 recurring,

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

Ms. **OBERLANDER** offered the following amendment No. **A04190**:

Amend Bill, page 1, line 11, by inserting after "TAX" and for regulatory authority of the Department of Environmental Protection and the Environmental Quality Board

Amend Bill, page 36, by inserting between lines 5 and 6 Section 2405. Limitations on regulatory authority.

(a) Department of Environmental Protection.—The following apply to actions of the Department of Environmental Protection:

(1) From funds appropriated to the Department of Environmental Protection, the department may not adopt, promulgate or submit for public comment regulations, technical guidance documents, general permits, general permit revisions, permit conditions or rulemaking of any kind for a period of 24 months after the effective date of this section.

(2) From funds appropriated to the Department of Environmental Protection, the department shall reassign technical policy staff to process and review permit applications and to issue permits for applications that are administratively and technically complete.

(3) Notwithstanding paragraph (1), the Department of Environmental Protection may adopt or promulgate technical guidance documents or policy statements to protect or preserve the health, safety or welfare of the people of this Commonwealth in order to avoid or mitigate an imminent or occurring emergency or other natural disaster.

(b) Environmental Quality Board.—The following apply to actions of the Environmental Quality Board:

(1) From funds appropriated to the Environmental Quality Board, the board shall not adopt, promulgate or consider regulations, policy statements, permit conditions, technical guidance documents or rulemaking of any kind for a period of 24 months following the effective date of this section.

(2) Notwithstanding paragraph (1), the Environmental Quality Board may promulgate regulations to protect or preserve the health, safety or welfare of the people of this Commonwealth in order to avoid or mitigate an imminent or occurring emergency or other natural disaster.

Amend Bill, page 36, line 6, by striking out "2405" and inserting 2406

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

The SPEAKER. On the question, the Chair recognizes the good lady from Clarion County, Representative Donna Oberlander.

Ms. OBERLANDER. Thank you, Mr. Speaker.

The reason that I have put this amendment forward is because we had heard over the past day and a half and, actually, for months now that permits are not being reviewed and they are not being permitted within, we are talking, sometimes 360 days or more. This would allow DEP (Department of Environmental Protection) to take a breather and put all of their technical folks onto those permits, get them taken care of, and allow them to clear the queue that has been created.

So I would respectfully request a "yes" vote on this amendment. Thank you, Mr. Speaker.

The SPEAKER. Representative Vitali.

Mr. VITALI. Thank you, Mr. Speaker.

Will the maker of the amendment stand for interrogation?

The SPEAKER. She will so stand, and you may proceed, sir.

Mr. VITALI. Regrettably, in this climate we are dealing with technical material that is difficult to get a handle on, but you had mentioned the prohibition for 2 years by either the Environmental Quality Board or the DEP. What specifically would be prohibited for 2 years?

Ms. OBERLANDER. All promulgation of new regulations would be under moratorium, unless the EQB or the DEP believed that it was necessary to preserve and protect the health, safety, and welfare of the people of the Commonwealth.

Mr. VITALI. How does that standard differ from their obligation to promulgate regulations now?

Ms. OBERLANDER. It would give them an opportunity, a breather, so to speak, to really take the technical expertise and clear this queue. So it does not prohibit them from taking care of regulations that are absolutely necessary, but it does allow them that freedom to focus on the area of need.

Mr. VITALI. In the beginning of 2016, Governor Wolf introduced a methane reduction strategy in an effort to combat climate change, and one of the pieces to that were regulations that would affect the oil and gas industry and requiring them to do certain things that would help combat climate change by reducing greenhouse gases. Those regulations were scheduled to be completed last year, in 2016, and have not moved forward yet. If your amendment became law, would that prohibit the DEP from moving forward with regulations relating to methane reduction with regard to oil and gas drilling?

Ms. OBERLANDER. Mr. Speaker, that would be up to the discretion of DEP and whether or not it meets the requirements of preserving the health, safety, and welfare of the people of Pennsylvania. If they do not believe that it meets those requirements, then, yes, it would be put under moratorium for 24 months.

Mr. VITALI. In light of the continuing reduction in moneys to the DEP via funds from the General Fund, the DEP, in an effort to properly resource itself, has contemplated and moved forward several fee packages to get moneys via fees which they are not getting from the General Fund. If your amendment were to become law, would this stop for 2 years efforts by the Department of Environmental Protection, through regulation, to raise fees, permitting and other related potential revenue sources?

Ms. OBERLANDER. Mr. Speaker, I believe that this allows them to resource appropriately in order to get the queue of permits taken care of. So to answer your question, yes, it most likely would be a moratorium, unless somehow that can fit under those other – public health, safety, or welfare.

Mr. VITALI. Thank you. That concludes my interrogation.

I would like to speak on the amendment.

The SPEAKER. Representative Vitali, you are finished with interrogation?

Mr. VITALI. Yes.

The SPEAKER. Do you wish to speak on the amendment?

Mr. VITALI. Yes.

The SPEAKER. You may proceed.

Mr. VITALI. I would urge a "no" vote for the Oberlander amendment. Like previous amendments we have heard, this is simply the wrong solution to a serious problem. We need to properly resource the Pennsylvania Department of Environmental Protection. We have, in the past 10 years, cut their staffing dramatically, by about 740 positions, according to testimony by former Secretaries. We have cut their funding from the General Fund over \$50 million. To say this amendment, by preventing them from getting more resources via fees and fines and penalties, is going to somehow solve this problem is dramatically wrong. In fact, it is going to have just the opposite effect.

To risk further the address of Pennsylvania of climate change, by not being able to move forward with methane reduction strategies, is terrible, terrible public policy. This is just a very poor solution to a problem whose solution, frankly, is fairly clear, which is we need to properly resource the DEP, and I would urge a "no" vote.

PARLIAMENTARY INQUIRY

The SPEAKER. Representative Kate Harper.

Ms. HARPER. Mr. Speaker, parliamentary inquiry.

The SPEAKER. Yes, you may proceed.

Ms. HARPER. Is a motion for constitutionality in order on this amendment at this time?

The SPEAKER. You can make a motion on constitutionality, absolutely, and please proceed. You will just have to state your basis for the constitutional challenge.

Ms. HARPER. Thank you.

CONSTITUTIONAL POINT OF ORDER

Ms. HARPER. Mr. Speaker, I would like to move that this proposed amendment is unconstitutional because it would forbid the DEP or the Environmental Quality Board from adopting any regulations or even submitting for public comment technical guidance, regulations, general permits, permit revisions, permit conditions, or rulemaking of any kind for 2 years.

Under the Pennsylvania Constitution's Environmental Rights Amendment, the people have a right to clean air and clean water and we are the trustees of those rights. By prior legislation we have delegated that job to the DEP and the Environmental Quality Board. Forbidding the DEP, the Department of Environmental Protection, and the Environmental Quality Board from doing its job for 2 years is unconstitutional under the Environmental Rights Amendment, because it prevents us, as trustees of clean air and clean water for the people of the Commonwealth of Pennsylvania, from protecting that.

So I would submit to the members and the Speaker that this is an unconstitutional amendment under the Environmental Rights Amendment to the Pennsylvania Constitution.

The SPEAKER. So the question before us is the constitutionality of 4190. So, members, we are going to be addressing the issue of constitutionality. The gentlelady has indicated that amendment 4190 is not constitutional, is unconstitutional. Under rule 4, we are required to submit questions affecting constitutionality to the House for decision. We are going to do this now. The good lady has given her reasons for unconstitutionality.

On the question,

Will the House sustain the constitutionality of the amendment?

The SPEAKER. Representative Cutler, on the issue of constitutionality.

Mr. CUTLER. Thank you, Mr. Speaker.

Mr. Speaker, I rise to oppose the gentlelady's motion for the following reasons: In the underlying amendment on page 1, lines 19 through 24, and then lines 32 through 36, it clearly outlines that it is not a complete prohibition but, in fact, rather that they attempt to focus on the permits that are already pending, those are permits, not just oil and gas regulations, but those permits that might be any variety of other projects, and it does allow, and I am quoting from the proposed amendment, that they "...may promulgate regulations to protect or preserve the health, safety or welfare of the people of this Commonwealth in order to avoid or mitigate an imminent or occurring emergency or other natural disaster."

Mr. Speaker, I would offer that that is already what their responsibilities are, that those responsibilities are constitutional, and I would urge that we oppose this motion so we can get to a vote on the underlying amendment. Thank you.

The SPEAKER. Representative Evankovich, on the issue of constitutionality.

Mr. EVANKOVICH. Thank you, Mr. Speaker.

Would the maker of the motion be willing to have brief interrogation?

The SPEAKER. In checking with the Parliamentarian, you can request – I was not sure if you could do this – but you can request for interrogation on constitutionality, and Representative Harper will stand for interrogation. You may proceed.

Mr. EVANKOVICH. Thank you, Mr. Speaker.

Mr. Speaker, does the maker of the motion contend that the existing regulations promulgated by DEP and the Environmental Quality Board do not adequately protect the environment?

Ms. HARPER. What I am suggesting, by way of my motion for unconstitutionality of this amendment, that we gave to the Department of Environmental Protection and the Environmental Quality Board the job of keeping up with environmental regulations and protecting the clean air and clean water for the citizens of the Commonwealth of Pennsylvania, and that this amendment tells them for the next 2 years they cannot do their jobs, that we are telling them not to do their job to protect clean air and clean water.

Mr. EVANKOVICH. Thank you, Mr. Speaker.

Just to perhaps ask the same question in a more clear manner on my part. My apologies. Does the maker of the motion believe that current DEP regulations do not protect the environment as they pertain to oil and gas drilling?

Ms. HARPER. Mr. Speaker, I do believe that there are regulations in effect that protect clean air and clean water. Having served on an advisory committee to the Environmental Hearing Board, however, I recognize that environmental issues change from day to day, month to month, year to year. Years ago when I served on the statewide water resources body to make up the statewide water plan, there was no fracking in Pennsylvania at all. It was a new environmental challenge when it came along, and what we had to do was look at the best evidence and try to make recommendations for it.

So what I am trying to say to you is, a moratorium for 2 years on the Environmental Quality Board and the Environmental Protection Agency, in doing an essential part of their job, leaves the citizens of Pennsylvania without a trustee for their clean air and clean water and is thereby unconstitutional under the Environmental Rights Amendment.

Mr. EVANKOVICH. Thank you, Mr. Speaker.

On the motion?

The SPEAKER. Yes, sir. You may proceed to speak on constitutionality.

Mr. EVANKOVICH. Mr. Speaker, what we just heard was that DEP already has regulations in place to protect the citizens of Pennsylvania from environmental hazards. They are adequate regulations, they are enforceable, and the gentlelady from Clarion County's amendment would not put a moratorium on the State being able to continue to protect the citizens of Pennsylvania and preserve clean air and clean water, and in fact, even if it were to be construed that the gentlelady's amendment would preclude them from enacting new regulations, a simple change in the law very abruptly could allow that to happen. But what this amendment would do is ensure civility.

Now, the maker of the motion mentioned that whenever she served on the EQB or a portion thereof, that fracking did not exist. Well, I am not sure when exactly that was, but to my knowledge, every well in the State of Pennsylvania has been

hydraulically fractured since around 1945, and I do not believe the EQB was there and I do not believe that the gentelady was serving on it at that point. The bottom line is that our existing regulations and our existing law allow for the regulation of the industry and this change does not rebut any component of the Pennsylvania Constitution, the ability for State government to regulate these industries, and I ask for a "no" vote.

The SPEAKER. Representative McCarter, on the constitutional question, sir.

Mr. McCARTER. Thank you, Mr. Speaker.

I rise in support of the good lady's question of whether this particular amendment is constitutional. Unfortunately, I think, as we heard from the last speaker, there is grave concern I think here for, obviously, trying to satisfy a particular need for one particular problem. However, this extends so far beyond that to the point of literally gutting the ability of one of our departments to not only protect our citizens but to protect our natural resources as well. All of the permitting policies here, as it says in the amendment, that they would be prohibited and "...may not adopt, promulgate, or submit for public comment regulations, technical guidance documents, general permits, general permit revisions, permit conditions, or rulemaking of any kind...."

Now, many of our municipalities depend upon DEP. They all have to submit 537 plans at different times. To do this and not have the Department of Environmental Protection be able to do that would make it impossible for our local municipalities to carry out their functions that they need to do to protect the environment and to protect our citizens.

So I agree with her that this takes away and forces us, who are the trustees of our natural resources in the State, to be violating the Constitution. I advocate for a "yes" vote on the amendment or on the position that it is unconstitutional.

The SPEAKER. Does anybody else wish to – Representative Dermody, yes, sir, on constitutionality.

Mr. DERMODY. Thank you, Mr. Speaker.

Mr. Speaker, as we just heard from several speakers, obviously, this amendment is unconstitutional. We have a constitutional requirement to protect our air and our water, and this amendment, this provision, violates that constitutional requirement. Therefore, we should vote for the gentelady's motion.

Thank you, Mr. Speaker.

The SPEAKER. Representative Freeman, on constitutionality.

Mr. FREEMAN. Thank you, Mr. Speaker.

Mr. Speaker, I rise to support the lady's motion. I do believe this language is unconstitutional and violates the provisions of our Constitution, which were meant to protect the environment and health and safety of our fellow citizens. Keep in mind that the oil and gas law that was passed in 2012, Act 13, many of those provisions were struck down as unconstitutional, and this is very much in that same vein. We put at risk our citizens if we tie the hands of the Department of Environmental Protection from being able to promulgate regulations that are meant to ensure that what drilling goes on is safe, that our environment is protected, and that we can have clean air, clean water, and a clean environment here in the Commonwealth of Pennsylvania.

I urge the members to support the lady, Ms. Harper's motion of unconstitutionality and to vote that this amendment is not constitutional.

The SPEAKER. Thank you, sir.

POINT OF ORDER

The SPEAKER. Representative Gene DiGirolamo, on the issue of constitutionality.

Mr. DiGIROLAMO. Thank you, Mr. Speaker.

A point of order.

The SPEAKER. Yes, sir. You may proceed.

Mr. DiGIROLAMO. Mr. Speaker, could you explain for the members what a "yes" vote and a "no" vote on this motion means?

The SPEAKER. Yes, I definitely will. I can do it now, but I will do it again before the vote.

You will be voting "aye" to declare the amendment to be constitutional. You will be voting "no," you still vote "no" if you believe it is unconstitutional.

Mr. DiGIROLAMO. Thank you, Mr. Speaker.

I rise to ask for a "no" vote on this motion to declare this amendment unconstitutional. The gentelady from Montgomery County has laid out a very, very compelling and credible argument.

The gentelady from Montgomery County has laid out a very compelling and credible argument about why this amendment is unconstitutional. Mr. Speaker, this is not a simple change. This is a dramatic change from the operations of DEP, and I ask the members to vote "no," that this amendment is unconstitutional. Thank you.

The SPEAKER. Does any other member – before I turn to the member making the motion, does anybody else wish to speak on the motion?

Representative Kate Harper, on the motion for constitutionality.

Ms. HARPER. Thank you, Mr. Speaker.

This amendment would prohibit the Department of Environmental Protection and the Environmental Quality Board from doing their jobs to protect clean air and clean water, in general. Whether or not we are talking about a certain industry or not, it would impose a 2-year moratorium on protecting clean air and clean water. It is clearly unconstitutional and should be voted in the negative. I am asking for a "no" vote. This is not a constitutional amendment.

Thank you, Mr. Speaker.

The SPEAKER. Thank you.

Members, the issue before us is the constitutionality of the amendment. You will vote "aye" if you believe the amendment to be constitutional; you will vote "nay" if you believe the amendment to be unconstitutional.

On the question recurring,

Will the House sustain the constitutionality of the amendment?

The following roll call was recorded:

YEAS—98

| | | | |
|-------------|------------|-----------|---------|
| Baker | Fritz | Mackenzie | Reese |
| Benninghoff | Gabler | Maher | Roae |
| Bernstine | Gillen | Mako | Rothman |
| Bloom | Gillespie | Maloney | Ryan |
| Brown, R. | Godshall | Marshall | Saccone |
| Causer | Greiner | Marsico | Sankey |
| Christiana | Grove | Masser | Schemel |
| Cook | Hahn | Mentzer | Simmons |
| Corbin | Harris, A. | Metcalf | Snyder |

| | | | |
|------------|--------------|------------|-----------|
| Corr | Heffley | Metzgar | Sonney |
| Cox | Helm | Millard | Staats |
| Culver | Hickernell | Miller, B. | Tallman |
| Cutler | Hill | Moul | Tobash |
| Day | Irvin | Mustio | Toepel |
| Delozier | James | Nesbit | Toohil |
| Diamond | Jozwiak | Neuman | Topper |
| Dowling | Kampf | Oberlander | Walsh |
| Dunbar | Kaufer | Ortitay | Ward |
| Dush | Kauffman | Petrarca | Warner |
| Ellis | Keefer | Pyle | Wentling |
| Emrick | Keller, F. | Quigley | Wheeland |
| English | Keller, M.K. | Quinn, C. | Zimmerman |
| Evankovich | Klunk | Rader | |
| Everett | Knowles | Rapp | Turzai, |
| Fee | Lawrence | Reed | Speaker |

NAYS—91

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

NOT VOTING—2

| | |
|-------|---------|
| Petri | Pickett |
|-------|---------|

EXCUSED—10

| | | | |
|----------|----------|---------|--------|
| Fabrizio | Matzie | O'Brien | Saylor |
| Farry | McGinnis | Peifer | Watson |
| Haggerty | Nelson | | |

The majority having voted in the affirmative, the question was determined in the affirmative and the constitutionality of the amendment was sustained.

The SPEAKER. That means it has been deemed by this body to be constitutional.

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

The SPEAKER. Now back to the amendment itself.
Do any other members wish to speak on the amendment?
Representative Harper, Representative Carroll – just so we can write these down – Representative Harper, Representative Carroll, and Representative Maher.
Representative Harper, the floor is yours.

Ms. HARPER. Thank you, Mr. Speaker.
I would like to urge a "no" vote on the amendment. In addition to the fact that it prevents the Department of Environmental Protection and the Environmental Quality Board from doing their job to protect clean air and clean water, it represents a poison pill to the bill itself. It is so bad for the environment that it would actually make a "yes" vote on the Marcellus Shale severance tax very difficult for those of us who do care about our constitutional duty with regard to clean air and clean water.

Please vote "no" on this amendment. Thank you.
The SPEAKER. Representative Mike Carroll.
Mr. CARROLL. Thank you, Mr. Speaker.

Mr. Speaker, not to repeat what the gentelady from Montgomery County said, I will turn my attention to the fact that it is common knowledge in this building that the department and the regulated industry are in negotiations, so to speak, relative to GP-5 and GP-5A permits. As was stated, the public comment period ended June 5, and I believe, Mr. Speaker, that it is fair to say the department and the regulated community are engaged in fairly high-level discussions to reach an agreement relative to the creation of these permits that would serve both the industry and, more importantly, our Commonwealth going forward.

Mr. Speaker, I think it is fair to say that the impact that methane has on the environment warrants this level of discussion and a suspension of those discussions and the issuance of any new permits or action by the EQB or the department for 24 months really is a shortsighted approach.

Finally, Mr. Speaker, for those in this chamber that are serious about fixing the royalties for the leaseholders and providing for a modest severance tax to support our General Fund budget, a rejection of this amendment is mandatory. As I said, if we are serious about fixing the royalties for all of the leaseholders across this Commonwealth, to ensure that they receive their 12 1/2 percent minimum royalty, and if we are serious about a severance tax, a modest one, to support our General Fund budget, if you believe those two things are important, then a rejection of this amendment is in order. That is what I intend to do, and I urge the others as well.

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

Mr. MAHER. The gentleman from Delaware County indicated his concern about methane and his belief that the EQB is considering regulations about methane. For the information of the members, that is simply incorrect. There is no regulation about methane that has been proposed or presented to EQB by anyone. What is correct is that the amount of methane that is measured as actually emanating from gas wells has been declining dramatically, well by well, year after year, without any such regulation. It is also correct, as my compadre chair of the ERE (Environmental Resources and Energy) Committee pointed out, that there is a general permit 5A which is in the midst of a promulgation process. I am delighted that the department seems engaged in bona fide conversations about that permit. At the same time, I can understand why the gentleman from Delaware would have been confused and think that there is regulation going on, because the way I perceive that draft permit is regulating without going through the regulatory

process. So the benefits of the gentelady's amendment would not only be an improvement in the regulation hands on, where the department seems to have this enormous backlog across the board in permitting and inspecting that we have all heard about, it would allow it to focus its resources on tending to today's environmental issues, to get their staff focused on what is happening now, and keep people in line on what existing regulations are.

So if you care about the environment, I think the correct answer here is let us help DEP get their resources focused on what is happening now. Thank you, Mr. Speaker.

The SPEAKER. Thank you, Chairman Maher.

Representative Greg Vitali, for the second time, I believe, sir.

Mr. VITALI. Thank you, Mr. Speaker.

I was not going to get up, but the previous speaker was just factually incorrect on a number of counts and I just wanted to correct that.

First of all, it is a matter of public record and if you look at the DEP Web site right now, you will see that in the beginning of 2016 the Department of Environmental Protection has proposed regulations, has announced the intent to move forward with regulations relating to methane reduction from the oil and gas industry from existing sources. Now, it has not reached the introduction stage, because right now they are working on GP-5 and GP-5A, as the previous speaker, Mr. Carroll, has suggested. Methane is an extremely serious problem.

The second thing which the previous speaker was just dead wrong on is this no ability of the reduction in methane. I think if you read the literature carefully, you will find out that the amount of methane being released into the air at the moment is unknowable because right now we only have self-reporting by industry. Methane is an extremely serious greenhouse gas reduction problem. The Oberlander amendment would stop not only the GP-5 and GP-5A relating to existing sources of methane, as the gentleman from Monroe County has mentioned, but also following up on that, the intent to move forward with regulations, and I am in contact with the department and I know this is being worked on and the previous speaker was just factually incorrect on that.

The standard of this lady's amendment is that DEP could not move forward unless a natural disaster or an emergency has occurred. That is way too high a bar. The DEP needs to be allowed to do its job. The DEP needs to be allowed to address serious problems. This would prevent that, so I urge a "no" vote.

The SPEAKER. Representative Mike Hanna.

I regret to say there is no time limit on Oil and Gas Lease Fund amendments, but, Representative Hanna, the floor is yours.

Mr. HANNA. Thank you, Mr. Speaker.

A little levity is fine.

Let me just say this falls under the category of be careful what you ask for. I would ask you to look closely at amendment 4190, and its title says, "Section 2405. Limitation on regulatory authority," and then it goes on to severely limit the regulatory authority of both the Department of Environmental Protection and, in section (b), the Environmental Quality Board. Let me suggest to you that if DEP and the Environmental Quality Board do not have regulatory authority, much of that regulatory authority is used in carrying out the laws that are promulgated by the Federal government and EPA (Environmental Protection Agency). DEP could very well lose their ability to carry out the

enforcement of the EPA, and instead, the State of Pennsylvania will be getting permits issued by the Federal government, as opposed to the State of Pennsylvania. Be careful what you ask for with this amendment. You very well may be transferring all power and these permitting powers to the Federal government and to the EPA, as opposed to DEP.

Thank you, Mr. Speaker. I encourage a "no" vote on the amendment.

LEAVE OF ABSENCE CANCELED

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

CONSIDERATION OF HB 1401 CONTINUED

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

Mr. MAHER. There has been a lot of discussion across our State, across the nation, indeed, across the world, about greenhouse gas. If Pennsylvania were an independent nation, we would be, so far as I know, the only nation to have achieved the Kyoto Protocols. If we were an independent nation, we would be well on our way to reaching the standards set up in the Paris document. What has happened in Pennsylvania is downright amazing, yet I never hear a word of praise about the fact that Pennsylvania, thanks to the market, has made a transition that reduces greenhouse gases. Whether you believe in the consequences of greenhouse gases or not, we can agree that they are down substantially. If the rest of the world did what Pennsylvania did already, the world would be a very happy place, no matter what science you used.

On the question of methane, I am going to put on the record in this House chamber the entity that is the worst polluter of methane in Pennsylvania, and I believe that entity ought to get about cleaning up their act. That entity is Pennsylvania. Pennsylvania owns thousands and thousands of unplugged wells. In 15 years it has plugged, I do not know, less than a thousand maybe. If we are concerned about methane, maybe we ought to get about cleaning that up, instead of looking for infinitesimal scientific directives on the free market, which has every reason to capture methane coming out of the ground, because after all, that is all they have to sell. They do not need us to tell them how to engineer their projects better, because they want to capture all the methane. You bet they do. But what we do know is that 24 hours a day, 7 days a week, 365 days a year, Pennsylvania is venting gas unfettered from abandoned wells which hit homes, and I have heard no proposal to do anything about that, and maybe if we spent less time trying to regulate the people who have every incentive to do things the right way, and more time tending to cleaning up the mess that we inherited, we would be better off, which is another reason to support the Oberlander amendment. Thank you.

The SPEAKER. Representative DiGirolamo wishes to speak on the amendment, and then Representative Benninghoff as well.

Mr. DiGIROLAMO. Thank you, Mr. Speaker.

I rise and ask for a "no" vote on amendment 4190. DEP and the Environmental Quality Board "...may not adopt, promulgate or submit for public comment regulations, technical guidance documents, general permits, general permit revisions, permit

conditions or rulemaking of any kind..." for 2 years. Mr. Speaker, this is not a simple change. This is a dramatic change, and we are absolutely tying the hands of DEP when it comes to protecting our environment and our air and water quality, Mr. Speaker.

If you want to see a reasonable severance tax bill pass out of this House with 102 votes, I ask you to vote "no" on this amendment. Thank you.

The SPEAKER. Representative Benninghoff.

Mr. BENNINGHOFF. Thank you, Mr. Speaker.

I rise in support of the Oberlander amendment, 04190. I think the gentelady is trying to address some of the concerns that were raised by some members of this chamber yesterday, and that is that the DEP individuals do not necessarily have enough time or manpower to address some of the permits that were there currently to be reviewing. This is a reallocation of their manpower set by DEP so they can address this backlog. Why be proliferating more regulations, more ideas, when they are having trouble getting these done. I think it is a good opportunity for us to get that backlog cleared up and address some of the very concerns that were raised by many of the members on this floor, and we can only do that by supporting Representative Oberlander's amendment. I would ask for unanimous support. Thank you.

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

The following roll call was recorded:

YEAS-85

Table with 4 columns of names: Baker, Benninghoff, Bernstine, Bloom, Causer, Christiana, Cook, Cox, Culver, Cutler, Day, Delozier, Diamond, Dowling, Dunbar, Dush, Ellis, Emrick, Evankovich, Everett, Fee, Fritz; Gabler, Gillespie, Godshall, Greiner, Grove, Hahn, Harris, A., Heffley, Helm, Hickernell, Hill, Irvin, James, Jozwiak, Kaufer, Kauffman, Keefer, Keller, F., Keller, M.K., Klunk, Knowles, Mackenzie; Maher, Mako, Maloney, Marshall, Marsico, Masser, Mentzer, Metcalfe, Metzgar, Millard, Miller, B., Moul, Mustio, Nelson, Nesbit, Oberlander, Orbitay, Pickett, Pyle, Rader, Rapp, Reed; Reese, Roae, Rothman, Ryan, Saccone, Sankey, Schemel, Simmons, Sonney, Tallman, Toohil, Topper, Walsh, Ward, Warner, Wentling, Wheeland, Zimmerman; Turzai, Speaker.

NAYS-107

Table with 4 columns of names: Barbin, Barrar, Bizzarro, Boback, Boyle, Bradford, Briggs, Brown, R., Brown, V., Bullock; Deasy, DeLissio, DeLuca, Dermody, DiGirolamo, Donatucci, Driscoll, English, Evans, Fitzgerald; Kirkland, Kortz, Krueger, Kulik, Lawrence, Lewis, Longietti, Madden, Markosek, McCarter; Ravenstahl, Readshaw, Roe, Roebuck, Rozzi, Sainato, Samuelson, Santora, Schlossberg, Schweyer.

Table with 4 columns of names: Burns, Caltagirone, Carroll, Cephas, Charlton, Comitta, Conklin, Corbin, Corr, Costa, D., Costa, P., Cruz, Daley, Davidson, Davis, Dawkins, Dean; Flynn, Frankel, Freeman, Gaaney, Galloway, Gillen, Goodman, Hanna, Harkins, Harper, Harris, J., Hennessey, Kampf, Kavulich, Keller, W., Kim, Kinsey; McClinton, Mehaffie, Miccarelli, Miller, D., Milne, Mullery, Murt, Neilson, Neuman, O'Neill, Pashinski, Petrarca, Petri, Quigley, Quinn, C., Quinn, M., Rabb; Sims, Snyder, Solomon, Staats, Stephens, Sturla, Taylor, Thomas, Tobash, Toepel, Vazquez, Vitali, Warren, Wheatley, White, Youngblood.

NOT VOTING-0

EXCUSED-9

Table with 4 columns of names: Fabrizio, Farry, Haggerty; Matzie, McGinnis; O'Brien, Peifer; Saylor, 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?

Mr. MARSHALL offered the following amendment
No. A04517:

Amend Bill, page 1, line 10, by inserting after "penalties," in manufacturing and investment tax credit, further providing for definitions;
Amend Bill, page 28, lines 29 and 30; page 29, line 1; by striking out all of said lines on said pages and inserting
Section 1. The definition of "qualified tax liability" in section 1801-G of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, added July 13, 2016 (P.L.526, No.84), is amended to read:
Section 1801-G. Definitions.
The following words and phrases when used in this part shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Qualified tax liability." A taxpayer's tax liability under Article III, IV, VI, VII, VIII, IX, XI [or], XV or XXIV.

Section 2. The act is amended by adding an article to read:
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, Representative Jim Marshall.

Mr. MARSHALL. Thank you, Mr. Speaker.

Mr. Speaker, this makes the severance tax a qualified tax liability for the manufacturing and investment tax credit. The severance tax had not been proposed when we passed the manufacturing and investment tax credit, so I would like to add this to the list and ask the members for their support. Thank you.

The SPEAKER. Representative Vitali.

Mr. VITALI. Will the maker of the amendment stand for brief interrogation?

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

Mr. VITALI. I am just not good on tax policies, but could you kind of explain it, from a layman's perspective, if this passes how will this affect the overall revenues that this tax will bring in? Who will be paying less taxes? Who will be paying more taxes? If this gets in the law, could you just kind of spell out how it will change who is paying the taxes and how much we are receiving as a State?

Mr. MARSHALL. Thank you, Mr. Speaker.

I believe that a very small number of manufacturers will qualify for the manufacturers' investment tax credit. It would be a manufacturer that invests over \$100 million in creation of a new business, and I believe it would be negligible. There are several taxes that are listed as a tax credit for this small group of businesses, and really, I believe it is negligible.

Mr. VITALI. Could you tie this into the severance tax? Are these manufacturers of products relating to gas drilling or equipment related to gas drilling, or is this something totally different?

Mr. MARSHALL. Mr. Speaker, it could be any manufacturer— it could be a pharmacy, a pharmacy manufacturer; it could be petrochemical; it could be a small group — but any manufacturer that invests more than \$100 million into Pennsylvania's economy. I believe it is a jobs bill. It is certainly not an environmental impact bill, but a jobs bill, Mr. Speaker.

Mr. VITALI. So this could be, when you say a pharmacy or whatever, could be something that has nothing to do with drilling or the severance tax or a tax credit from paying the severance tax? It is possible this could be something that has no relation to the severance tax. Is that true?

Mr. MARSHALL. It is difficult to hear you.

Mr. VITALI. I will say it again.

Is it possible that your legislation could affect an entity that has nothing to do with the severance tax?

Mr. MARSHALL. No.

Mr. VITALI. Okay. So tell me how the pharmacists you mentioned would be related to the severance tax.

Mr. MARSHALL. It could be that a pharmaceutical manufacturer that invests over \$100 million into the Commonwealth could apply for this, and this would just be taken from their tax liability.

Mr. VITALI. And how is that related to a severance tax, the pharmacist who invests all this money into the Commonwealth, how is that related to a severance tax?

Mr. MARSHALL. Mr. Speaker, it could be that that company may not be directly paying a severance tax, but it could be that they would be involved in use of gas in

manufacturing. Again, it is hard to determine what companies would qualify for this tax credit, and I believe it would be a relatively small number of manufacturers.

GERMANENESS QUESTIONED

Mr. VITALI. Okay. I am going to make a motion at this point.

The SPEAKER. You are in order, sir. Please state your motion for the record.

Mr. VITALI. Just based on what I am hearing, and again, I do not declare to be an expert, but this seems like it has— Amendment 1401 relates to a severance tax, a tax—

The SPEAKER. Sir, please state your motion first and then your rationale for the motion.

Mr. VITALI. This will be a germaneness motion, a motion to declare this not germane.

The SPEAKER. Okay. The good gentleman, Representative Vitali, has moved that the amendment is not germane to the underlying bill. I will go through what a "yes" vote and a "no" vote is afterwards.

On the question,

Will the House sustain the germaneness of the amendment?

The SPEAKER. On the motion, sir, you may proceed.

Mr. VITALI. Right. And I am just going to sort of restate sort of the dialogue. What I am hearing from the gentleman is, this is not a tax credit necessarily related to the severance tax. This is something totally different. We are not dealing with general tax policy today. We are dealing with a tax imposed on drillers based on the volume of gas they are pulling out. This seems to have— Pharmacies and pharmaceuticals have nothing to do with this. This is a different bill for a different day, and I would ask that this be found to be nongermane.

The SPEAKER. Okay. So we have in front of us—

Representative DiGirolamo, on the germaneness motion, sir.

Let me just state for the record first, if you believe the amendment is germane, you will be voting "aye"; if you believe the amendment is not germane, you will be voting "nay."

PARLIAMENTARY INQUIRY

The SPEAKER. Representative DiGirolamo followed by Representative Samuelson.

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

The SPEAKER. You may proceed, sir.

Mr. DiGIROLAMO. Mr. Speaker, separate from the motion, yesterday with the adoption of the first amendment, the Maher amendment, we changed this bill from a Tax Code to a Title 58 bill. Is the amendment that the gentleman is offering in order?

The SPEAKER. Yes. The Parliamentarian — as you know, quite a few amendments have been ruled out of order. This is not one of them.

And I understand your perspective that it is now an Oil and Gas Lease Fund, but the severance tax that is being passed within this bill, it makes it a qualified tax liability for the manufacturing and investment tax credit. So it is specifically referencing the severance tax and a consequence of the severance tax in this legislation.

Our ruling, we did not rule it out of order, and we have ruled a very significant number of amendments out of order. Now, just as a matter of course, we had indicated to both leaders that if their members wanted to check on any particular amendments, to please see the Parliamentarian with respect to those and we are glad to discuss those with you and we will take them on a case-by-case basis before we get to the floor, but we have made those available to members on both sides of the aisle. But on this one, it was our determination that this was in fact germane from the Chair's purposes.

Mr. DiGIROLAMO. Thank you, Mr. Speaker.

The SPEAKER. That is not to say that the members—Representative Vitali is completely appropriate to making the motion. The members can make this determination.

PARLIAMENTARY INQUIRY

The SPEAKER. On the issue of germaneness, Representative Samuelson.

Mr. SAMUELSON. Thank you, Mr. Speaker.

My question is more of a parliamentary inquiry.

The SPEAKER. Yes, sir, you may proceed.

Mr. SAMUELSON. This amendment deals with the manufacturer and investment tax credit. We have a rule in the House, rule 19(a), section (5), that any amendment that has a fiscal impact on Commonwealth funds needs a fiscal note. Is this amendment in order if there is no fiscal note prepared for amendment 4517?

The SPEAKER. Any amendment or bill that gets filed, it is automatic with the Appropriations Committee that they determine whether there is a fiscal note. That is not in the hands of the Chair. So it is our understanding that if there is a fiscal impact, if there is, the Appropriations Committee makes that determination, not the Chair.

Mr. SAMUELSON. I just checked a moment ago. There is no fiscal note for this amendment. Has the Appropriations Committee affirmatively determined that this amendment has no fiscal impact on any manufacturer in Pennsylvania, any Commonwealth funds?

The SPEAKER. If you want to do an interrogation of the vice chair – the chair is not here – but if you wanted to do an interrogation of the vice chair on that issue, you may.

Mr. SAMUELSON. Is it the ruling of the Chair that this amendment is in order without a fiscal note?

The SPEAKER. Yes, at this time, because the presumption is that it did not need a fiscal note on the basis of the actions of the Appropriations Committee, but if you want to inquire into that, I am fine with that. We are okay with that.

Mr. SAMUELSON. Thank you, Mr. Speaker.

The SPEAKER. Representative Dunbar, on that parliamentary inquiry. Okay; no. Separately.

On the amendment, sir?

Mr. DUNBAR. On the germaneness of the amendment.

The SPEAKER. Yes. I apologize.

On the germaneness of the amendment. I apologize.

Mr. DUNBAR. Thank you, Mr. Speaker.

I just want to point out that this amendment is certainly germane. All this really is doing is adding this tax to the menu of taxes that you can apply a tax credit to. It is just adding on a specific tax, the severance tax, what you can use the tax credit

to apply against. It is certainly germane, and I would ask for an affirmative vote on germaneness.

The SPEAKER. On germaneness, does anybody else wish to— Okay.

So the gentleman has raised germaneness. Those who believe the amendment is germane will vote "aye"; those who believe the amendment is not germane will vote "nay."

On the question recurring,

Will the House sustain the germaneness of the amendment?

The following roll call was recorded:

YEAS—98

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

NAYS—94

| | | | |
|-------------|------------|------------|-------------|
| Barbin | Deasy | Kortz | Rabb |
| Barrar | DeLissio | Krueger | Ravenstahl |
| Bizzarro | DeLuca | Kulik | Readshaw |
| Boyle | Dermody | Lewis | Roe |
| Bradford | DiGirolamo | Longietti | Roebuck |
| Briggs | Donatucci | Madden | Rozzi |
| Brown, V. | Driscoll | Markosek | Sainato |
| Bullock | Evans | McCarter | Samuelson |
| Burns | Fitzgerald | McClinton | Santora |
| Caltagirone | Flynn | Mehaffie | Schlossberg |
| Carroll | Frankel | Miccarelli | Schweyer |
| Cephas | Freeman | Miller, D. | Sims |
| Charlton | Gainey | Milne | Snyder |
| Comitta | Galloway | Mullery | Solomon |
| Conklin | Goodman | Murt | Stephens |
| Corr | Hanna | Neilson | Sturla |
| 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 | | |

NOT VOTING—0

EXCUSED—9

| | | | |
|----------|----------|---------|--------|
| Fabrizio | Matzie | O'Brien | Saylor |
| Farry | McGinnis | Peifer | Watson |
| Haggerty | | | |

The majority having voted in the affirmative, the question was determined in the affirmative and the amendment was declared germane.

The SPEAKER. The amendment is found to be germane.

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

The SPEAKER. Does anybody else wish to speak on the amendment itself?

Representative Carroll, the floor is yours.

Mr. CARROLL. Thank you, Mr. Speaker.

Mr. Speaker, the manufacturers' tax credit, the manufacturers' tax credit, Mr. Speaker, \$4 million currently provided to manufacturers. Who knew? Mr. Speaker, if this amendment is approved, those very manufacturers who today enjoy the benefit of that \$4 million tax credit that we adopted in our annual budget, those manufacturers will sacrifice part of that \$4 million to a whole new universe of folks who I am not sure manufacture anything. So, Mr. Speaker, if you are interested in making sure that manufacturers in your district get a little bit less, feel free. But, Mr. Speaker, I think this amendment, while maybe sounds good, has a net detrimental harm to manufacturers in our Commonwealth. I, for one, Mr. Speaker, am interested in advancing manufacturing. I think it is important for our Commonwealth to have more manufacturing, and minimizing the tax credit for manufacturers in this manner is very detrimental, in my view. I think a "no" vote is in order. Thank you.

The SPEAKER. Representative DiGirolamo, on the amendment.

Mr. DIGIROLAMO. Thank you, Mr. Speaker.

I very much appreciate what the gentleman is trying to do, but I am going to have to ask for a "no" vote, Mr. Speaker. I want to get this bill out of the House with 102 votes, and I do not think adding this amendment in the bill will be helpful, so I am going to go ask for a "no" vote. Thank you.

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

The following roll call was recorded:

YEAS—93

| | | | |
|-------------|------------|------------|----------|
| Baker | Fee | Lawrence | Rothman |
| Benninghoff | Fritz | Maher | Ryan |
| Bernstine | Gabler | Mako | Sacccone |
| Bloom | Gillen | Maloney | Sankey |
| Boback | Gillespie | Marshall | Schemel |
| Brown, R. | Godshall | Marsico | Simmons |
| Causser | Greiner | Mentzer | Sonney |
| Christiana | Grove | Metcalfe | Staats |
| Cook | Hahn | Metzgar | Tallman |
| Corbin | Harris, A. | Millard | Taylor |
| Cox | Helm | Miller, B. | Tobash |

| | | | |
|------------|--------------|------------|-----------|
| Culver | Hennessey | Moul | Toepel |
| Cutler | Hickernell | Mustio | Toohil |
| Day | Hill | Nelson | Topper |
| DeLozier | Irvin | Nesbit | Walsh |
| Diamond | James | Oberlander | Ward |
| Dowling | Jozwiak | Ortitay | Warner |
| Dunbar | Kaufer | Pickett | Wentling |
| Dush | Kauffman | Pyle | Wheeland |
| Ellis | Keefer | Quigley | Zimmerman |
| Emrick | Keller, F. | Rapp | |
| English | Keller, M.K. | Reed | Turzai, |
| Evankovich | Klunk | Reese | Speaker |
| Everett | Knowles | Roae | |

NAYS—99

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

NOT VOTING—0

EXCUSED—9

| | | | |
|----------|----------|---------|--------|
| Fabrizio | Matzie | O'Brien | Saylor |
| Farry | McGinnis | Peifer | Watson |
| Haggerty | | | |

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. Now, it is my understanding that Representative Benninghoff has withdrawn amendment 4272. Is that correct? Okay. That has been withdrawn.

And Representative Cook has withdrawn amendments 4485 and 4405. Those have been withdrawn?

Representative Tallman, withdrawing amendment 4457? That is withdrawn.

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

Mr. **DiGIROLAMO** offered the following amendment No. **A04298**:

Amend Bill, page 1, line 11, by inserting after "TAX" and for provisional permit pilot program
Amend Bill, page 28, line 30, by striking out "AN ARTICLE" and inserting
articles

Amend Bill, page 36, by inserting between lines 11 and 12

ARTICLE XXIV-A

PROVISIONAL PERMIT PILOT PROGRAM

Section 2401-A. Pilot program.

(a) Establishment.—The department shall establish a provisional permit pilot program.

(b) Operations.—Notwithstanding any other provision of law, a permit application to undertake an activity related to unconventional oil and gas development which has not been denied by the department within the applicable time period established for review shall be provisionally approved, subject to the conditions set forth in subsection (d). If the department has notified the permit applicant 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 adequate response shall toll the applicable time period established for review.

(c) Permit review.—An applicable time period established for review of permits is as follows:

(1) For a well permit required under 58 Pa.C.S. § 3211(e) (relating to well permits), within 45 business days of submission.

(2) 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.

(d) Terms and conditions of provisional approval.—Permits identified in subsection (c) may only be provisionally approved subject to the following conditions:

(1) The department has determined that the application is administratively complete.

(2) The department has not sent the applicant notice of deficiencies concerning the application.

(3) The application is sealed by an engineer or geologist licensed in this Commonwealth certifying subject to the penalties of 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities) and section 9(b)(2) of the act of January 8, 1960 (1959 P.L.2119, No.787), known as the Air Pollution Control Act, that the application reflects compliance with all applicable limitations and conditions of the permit sought.

(e) Revocation.—An application provisionally approved under this section shall be subject to revocation by the department upon completion of the department's review of the application. In such cases, the department may revoke a provisionally approved application by written notice. Following the completion of review, revocation may be made in the same manner, and shall be permissible on the same grounds, as if the department had issued the permit sought by the applicant or granted coverage under the general permit sought by the applicant.

(f) Third-party appeals.—A provisional approval shall be treated as a final action of the department, but the department shall have no legal obligation to defend the provisional approval. In an appeal of a provisional approval in which a third party is a prevailing party on any claim, the third party shall be entitled to treble damages of all its fees and costs associated with all of its claims and those fees and costs shall be paid by the party that has received the deemed approval.

(g) Public notice.—An application provisionally approved must, within three business days of provisional approval, be uploaded in its entirety, along with any correspondence between the applicant and the

department concerning the application, to the department's publicly accessible Internet website on a page reserved exclusively for provisional approvals. The page shall list and enable the public to search for deemed approvals by the name of the receiving party, the approval type and the date of approval. A link to this page, as well as a description of it, shall appear on the home page of the department's publicly accessible Internet website no fewer than 10 business days after the effective date of this section.

(h) Guidance.—The department may issue technical guidance for administration of the pilot program.

(i) Applicability.—This section shall only apply to permits identified under subsection (c) as having an applicable time period established for review.

(j) Construction.—Nothing under this section shall be construed to relieve a person who commences activity under this section from complying with any law pertaining to the activity for which the permit is sought.

(k) Duration.—The pilot program established under this section shall take effect 120 days after the effective date of this act and shall expire two years thereafter.

On the question,

Will the House agree to the amendment?

AMENDMENT WITHDRAWN

The SPEAKER. On the amendment, Representative DiGirolamo.

Mr. DiGIROLAMO. Mr. Speaker, I would like to withdraw that amendment.

The SPEAKER. Representative DiGirolamo withdraws amendment 4298.

On the question recurring,

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

Mr. **QUINN** offered the following amendment No. **A04411**:

Amend Bill, page 36, by inserting between lines 5 and 6 Section 2404.1. Air quality permits for unconventional natural gas well sites.

(a) Permits.—As authorized by the act of January 8, 1960 (1959 P.L.2119, No.787), known as the Air Pollution Control Act, the department shall finalize the proposed General Plan Approval and/or General Operating Permit for Unconventional Natural Gas Well Site Operations and Remote Pigging Stations (BAQ-GPA/GP-5A or GP-5A) published in 47 Pa.B. 733, so long as it permits the department to accept applications demonstrating compliance with the permit and plan approval conditions for unconventional well sites and remote pigging stations not more than 30 calendar days following the date of first production or first operation.

(b) Preproduction activities.—As authorized under the Air Pollution Control Act, the department shall establish requirements for preproduction activities, consistent with the best available technology as determined by the department in GP-5A, to be included in Air Quality Permit Exemption Category No. 38, which is contained in the department's final guidance on plan approval and operating permit exemptions.

On the question,

Will the House agree to the amendment?

The SPEAKER. On the amendment, Representative Chris Quinn.

Mr. QUINN. Mr. Speaker, this is a commonsense amendment that seeks to protect both the environment along with the industry that is providing growth to our State. I believe it is a compromise that protects our environment while ensuring that we can create more jobs in the energy sector. My amendment is in direct response to the tremendous amount of oil and gas industry comments to DEP over the last few months, specifically asking to separate pre- and post-drilling activities, temporary and nontemporary. It directs the DEP to develop conditions that give the industries 30 days after oil and gas starts flowing to file additional permits. It gives companies time to know what equipment is needed on-site.

I urge you to vote "yes" for this amendment.

The SPEAKER. Representative Maher, on the— Waives off.

Representative DiGirolamo, on the amendment.

Mr. DiGIROLAMO. I ask the members to support the gentleman's amendment. Thank you.

The SPEAKER. Representative Greg Vitali.

Mr. VITALI. Will the maker of the amendment stand for brief interrogation?

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

No; the good gentleman has indicated he will not so stand.

You may speak on the bill.

Mr. VITALI. My question, I am trying to understand how this language differs from GP-5 and GP-5A, which is moving through the regulatory process right now, and I do not know if there is anyone else who can answer that question, because if it is along the same lines, that is a good thing.

This language is technical and we are seeing this for the first time, unfortunately. So I am just trying to understand it. It could be a great amendment or not. I just do not know what it is at this point.

Thank you, Mr. Speaker.

The SPEAKER. Yes, sir.

Representative John Maher, on the amendment, sir.

Mr. MAHER. Thank you, Mr. Speaker.

Just a few minutes ago we had some conversations about general permit 5A and methane, and my compadre chairman made the point that there are ongoing negotiations that people were very hopeful will result in a final result that differs from what was promulgated in the Pennsylvania Bulletin. The department, I think, is pretty candid in understanding that there were things they did not understand when that draft came out. I do not think it is in anybody's interest to freeze that process to end all the work that DEP has done for this by just saying, "Well, okay; your first cut at this was actually your last cut at this," because I do not think DEP even wanted to do that.

So I would ask you to oppose the amendment in the spirit that Chairman Carroll expressed. Thank you.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—74

| | | | |
|-------------|------------|------------|-------------|
| Barbin | Dean | Kinsey | Ravenstahl |
| Barrar | Deasy | Kirkland | Readshaw |
| Boback | DeLissio | Kortz | Roe |
| Bradford | Dermody | Krueger | Roebuck |
| Briggs | DiGirolamo | Madden | Rozzi |
| Brown, R. | Donatucci | Markosek | Samuelson |
| Brown, V. | Evans | McCarter | Santora |
| Bullock | Fitzgerald | McClinton | Schlossberg |
| Caltagirone | Flynn | Miccarelli | Schweyer |
| Carroll | Frankel | Miller, D. | Sims |
| Cephas | Freeman | Mullery | Solomon |
| Charlton | Galloway | O'Neill | Sturla |
| Comitta | Goodman | Pashinski | Thomas |
| Conklin | Hanna | Petrarca | Toepel |
| Costa, D. | Harkins | Petri | Vazquez |
| Costa, P. | Harris, J. | Quinn, C. | Vitali |
| Cruz | Hennessey | Quinn, M. | Warren |
| Daley | Kavulich | Rabb | Youngblood |
| Davis | Keller, W. | | |

NAYS—117

| | | | |
|-------------|--------------|------------|-----------|
| Baker | Fritz | Longietti | Reese |
| Benninghoff | Gabler | Mackenzie | Roae |
| Bernstine | Gainey | Maher | Rothman |
| Bizzarro | Gillen | Mako | Ryan |
| Bloom | Gillespie | Maloney | Saccone |
| Boyle | Godshall | Marshall | Sainato |
| Burns | Greiner | Marsico | Sankey |
| Causar | Grove | Masser | Schemel |
| Christiana | Hahn | Mehaffie | Simmons |
| Cook | Harper | Mentzer | Snyder |
| Corbin | Harris, A. | Metcalfe | Sonney |
| Corr | Heffley | Metzgar | Staats |
| Cox | Helm | Millard | Stephens |
| Culver | Hickernell | Miller, B. | Tallman |
| Cutler | Hill | Milne | Taylor |
| Davidson | Irvin | Moul | Tobash |
| Dawkins | James | Murt | Toohil |
| Day | Jozwiak | Mustio | Topper |
| Delozier | Kampf | Neilson | Walsh |
| DeLuca | Kaufner | Nelson | Ward |
| Diamond | Kauffman | Nesbit | Warner |
| Dowling | Keefer | Neuman | Wentling |
| Dunbar | Keller, F. | Oberlander | Wheatley |
| Dush | Keller, M.K. | Ortitay | Wheeland |
| Ellis | Kim | Pickett | White |
| Emrick | Klunk | Pyle | Zimmerman |
| English | Knowles | Quigley | |
| Evankovich | Kulik | Rader | Turzai, |
| Everett | Lawrence | Rapp | Speaker |
| Fee | Lewis | Reed | |

NOT VOTING—1

Driscoll

EXCUSED—9

| | | | |
|----------|----------|---------|--------|
| Fabrizio | Matzie | O'Brien | Saylor |
| Farry | McGinnis | Peifer | Watson |
| Haggerty | | | |

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. Representative DiGirolamo, I believe these amendments are essentially the same, but I may be incorrect.

On the question recurring,

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

Mr. **DiGIROLAMO** offered the following amendment No. **A04512**:

Amend Bill, page 1, line 2 (A04272), by striking out "and" and inserting a comma

Amend Bill, page 1, line 3 (A04272), by inserting after "reform" and for provisional permit pilot program

Amend Bill, page 1, by inserting between lines 6 and 7 (A04272)

Amend Bill, page 35, by inserting between lines 1 and 2

Section 2403.1. Unconventional Natural Gas Air Quality Protection.

As authorized under the act of January 8, 1960 (1959 P.L.2119, No.787), known as the Air Pollution Control Act, the department shall:

(1) Establish and finalize the draft General Plan Approval and/or General Operating Permit for Unconventional Natural Gas Well Site Operations and Remote Pigging Stations published at 47 Pa.B. 733 (February 4, 2017), which shall allow the department to accept applications demonstrating compliance with the permit and plan approval conditions for unconventional well sites and remote pigging stations not more than 30 calendar days following the date of first production or first operation, respectively.

(2) Establish requirements for preproduction activities, consistent with the best available technology as determined by the department in the draft finalized under paragraph (1), to be included in Air Quality Permit Exemption Category No. 38, which is contained in the Pennsylvania Department of Environmental Protection's Final Guidance on Plan Approval and Operating Permit Exemptions.

Amend Bill, page 5, by inserting after line 35 (A04272)

ARTICLE XXIV-C

PROVISIONAL PERMIT PILOT PROGRAM

Section 2401-C. Definitions.

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

"Applicable time period established for review." As follows:

(1) For a well permit required under 58 Pa.C.S. § 3211(a) (relating to well permits), within 45 business days of submission.

(2) 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.

Section 2402-C. Establishment.

The department shall establish a provisional permit pilot program under this article.

Section 2403-C. Operations.

Notwithstanding any other provision of law, a permit application to undertake an activity related to unconventional oil and gas development which has not been denied by the department within the applicable time period established for review shall be provisionally approved, subject to the conditions set forth in section 2406-C. If the department has notified the permit applicant 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 adequate response

shall toll the applicable time period established for review.

Section 2404-C. Applicability.

This article shall only apply to permits identified as having an applicable time period established for review.

Section 2405-C. Construction.

Nothing in this section shall be construed to relieve a person from complying with any law pertaining to the activity for which the permit is sought.

Section 2406-C. Terms and conditions of provisional approval.

Permits filed within the applicable time period established for review may be provisionally approved only and shall be subject to the following conditions:

(1) the department has determined that the application is administratively complete;

(2) the department has not sent the applicant notice of deficiencies concerning the application; and

(3) the application is sealed by an engineer or geologist licensed in this Commonwealth and certified, subject to the penalties of 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities) and section 9(b)(2) of the act of January 8, 1960 (1959 P.L.2119, No.787), known as the Air Pollution Control Act, that the application reflects compliance with all applicable limitations and conditions of the permit sought.

Section 2407-C. Revocation.

The following shall apply:

(1) Each application provisionally approved under this article shall be subject to revocation by the department upon completion of the department's review of the application.

(2) The department may revoke a provisionally approved application by written notice.

(3) Following the completion of review under paragraph (1), revocation may be made in the same manner, and shall be permissible on the same grounds, as if the department had issued the permit sought by the applicant or granted coverage under the general permit sought by the applicant, whichever the case may be.

Section 2408-C. Third-party appeals.

For purposes of an appeal by a third-party, a provisional approval shall be treated as a final action of the department, but the department shall have no legal obligation to defend the provisional approval.

Section 2410-C. Public notice.

An application provisionally approved must, within three business days of provisional approval, be uploaded to the department's publicly accessible Internet website. The website must list and enable the public to search for deemed approvals by the name of the receiving party, the approval type and the date of approval. A link to this page must be placed on the front page of the department's publicly accessible Internet website within 10 business days after the effective date of this article.

Section 2411-C. Guidance.

The department may issue technical guidance for the administration of the pilot program.

Section 2412-C. Duration.

The pilot program established under this article shall take effect 120 days after enactment and shall expire two years after it takes effect, unless duly re-enacted.

On the question,

Will the House agree to the amendment?

AMENDMENT WITHDRAWN

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

Mr. DiGIROLAMO. Mr. Speaker, I would like to withdraw the amendment.

The SPEAKER. Thank you, sir.

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

Mr. **DiGIROLAMO** offered the following amendment No. **A04515**:

Amend Bill, page 1, line 11, by inserting after "TAX" and for Provisional Permit Pilot Program

Amend Bill, page 28, line 30, by striking out "AN ARTICLE" and inserting
articles

Amend Bill, page 35, by inserting between lines 1 and 2

Section 2403.1. Unconventional Natural Gas Air Quality Protection.

As authorized under the act of January 8, 1960 (1959 P.L.2119, No.787), known as the Air Pollution Control Act, the department shall:

(1) Establish and finalize the draft General Plan Approval and/or General Operating Permit for Unconventional Natural Gas Well Site Operations and Remote Pigging Stations published at 47 Pa.B. 733 (February 4, 2017), which shall allow the department to accept applications demonstrating compliance with the permit and plan approval conditions for unconventional well sites and remote pigging stations not more than 30 calendar days following the date of first production or first operation, respectively.

(2) Establish requirements for preproduction activities, consistent with the best available technology as determined by the department in the draft finalized under paragraph (1), to be included in Air Quality Permit Exemption Category No. 38, which is contained in the Pennsylvania Department of Environmental Protection's Final Guidance on Plan Approval and Operating Permit Exemptions.

Amend Bill, page 36, by inserting between lines 11 and 12

ARTICLE XXIV-A

PROVISIONAL PERMIT PILOT PROGRAM

Section 2401-A. Definitions.

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

"Applicable time period established for review." As follows:

(1) For a well permit required under 58 Pa.C.S. § 3211(a) (relating to well permits), within 45 business days of submission.

(2) 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.

Section 2402-A. Establishment.

The department shall establish a provisional permit pilot program under this article.

Section 2403-A. Operations.

Notwithstanding any other provision of law, a permit application to undertake an activity related to unconventional oil and gas development which has not been denied by the department within the applicable time period established for review shall be provisionally approved, subject to the conditions set forth in section 2406-A. If the department has notified the permit applicant 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 adequate response shall toll the applicable time period established for review.

Section 2404-A. Applicability.

This article shall only apply to permits identified as having an applicable time period established for review.

Section 2405-A. Construction.

Nothing in this section shall be construed to relieve a person from complying with any law pertaining to the activity for which the permit is sought.

Section 2406-A. Terms and conditions of provisional approval.

Permits filed within the applicable time period established for review may be provisionally approved only and shall be subject to the following conditions:

(1) the department has determined that the application is administratively complete;

(2) the department has not sent the applicant notice of deficiencies concerning the application; and

(3) the application is sealed by an engineer or geologist licensed in this Commonwealth and certified, subject to the penalties of 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities) and section 9(b)(2) of the act of January 8, 1960 (1959 P.L.2119, No.787), known as the Air Pollution Control Act, that the application reflects compliance with all applicable limitations and conditions of the permit sought.

Section 2407-A. Revocation.

The following shall apply:

(1) Each application provisionally approved under this article shall be subject to revocation by the department upon completion of the department's review of the application.

(2) The department may revoke a provisionally approved application by written notice.

(3) Following the completion of review under paragraph (1), revocation may be made in the same manner, and shall be permissible on the same grounds, as if the department had issued the permit sought by the applicant or granted coverage under the general permit sought by the applicant, whichever the case may be.

Section 2408-A. Third-party appeals.

For purposes of an appeal by a third-party, a provisional approval shall be treated as a final action of the department, but the department shall have no legal obligation to defend the provisional approval.

Section 2409-A. Public notice.

An application provisionally approved must, within three business days of provisional approval, be uploaded to the department's publicly accessible Internet website. The website must list and enable the public to search for deemed approvals by the name of the receiving party, the approval type and the date of approval. A link to this page must be placed on the front page of the department's publicly accessible Internet website within 10 business days after the effective date of this article.

Section 2410-A. Guidance.

The department may issue technical guidance for the administration of the pilot program.

Section 2411-A. Duration.

The pilot program established under this article shall take effect 120 days after enactment and shall expire two years after it takes effect, unless duly re-enacted.

On the question,

Will the House agree to the amendment?

AMENDMENT WITHDRAWN

Mr. DiGIROLAMO. Withdrawn as well, Mr. Speaker.

The SPEAKER. Okay. Those are both withdrawn.

On the question recurring,

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

Mr. **MENTZER** offered the following amendment No. **A04445**:

Amend Bill, page 35, by inserting between lines 1 and 2 Section 2403.1. Permit approval.

(a) Operations.—Notwithstanding any other provision of law, a permit application to undertake an activity related to unconventional oil and gas development which has not been denied by the department 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 shall provide a refund of the fee to the applicant. If the department 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 per permit application.

(b) Construction.—Nothing within this section shall be construed to relieve a person from complying with any law pertaining to the activity for which the permit is sought.

(c) Definitions.—As used in this section, the following words and phrases shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

"Applicable time period established for review." As follows:

(1) For a well permit required under 58 Pa.C.S. § 3211(a) (relating to well permits), 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 30 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.

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

The SPEAKER. Representative Mentzer, you may proceed on the amendment, sir.

Mr. **MENTZER**. Amendment 4445 has regulatory reform language in it that has already passed the Senate. We saw it during budget season.

Amendment 4445 is about jobs and moving Pennsylvania forward. Business needs predictability. That is why some of our drillers go to other States that have higher severance taxes but they have predictability in their regulatory environment.

Businesses understand yes and no. What they cannot deal with is waiting a year to get a yes or no. My amendment simply requires the DEP to provide a response within a certain period of time.

I do not believe that the natural gas industry has a tax problem. They have a regulatory problem and an economic problem. They are in the commodity business, so they understand the economic problem. They understand when natural gas is low in price and they understand when natural gas is high in price, and that industry is smart. It is a smart industry. While commodity prices are low, they are doing a smart thing. They are trying to develop the infrastructure in Pennsylvania like distribution that will make those prices firm up in the future, but they cannot afford to wait 100 or 200 days for an answer on a permit. When prices firm up to \$4 for 1,000 cubic feet, which they will at some point, we want that industry to

make money, because when they make money, the citizens of Pennsylvania will greatly benefit through increased revenue in all different ways, not just an impact fee and a severance tax.

I would urge support of this amendment.

PARLIAMENTARY INQUIRY

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

Ms. **HARPER**. A parliamentary inquiry, please, Mr. Speaker.

The SPEAKER. Yes. You may proceed.

Ms. **HARPER**. Last night it seems to me we debated deemed approvals for hours. I am wondering whether the current amendment if it goes in replaces what we voted last night or goes with it, or how does that work?

The SPEAKER. The good lady raises an important point. The amendment can be voted on because it is not identical to the Benninghoff amendment that was passed last night, but it will change, from my understanding in talking with the Parliamentarian, it will change some of the language from the amendment that was passed last evening with the Benninghoff amendment. It will.

Ms. **HARPER**. Okay. So it can be voted—

The SPEAKER. Yes.

Ms. **HARPER**. —it would change it, and, Mr. Speaker, the description that was read said that if it has been under review for more than days is deemed approved. Last night the days were spelled out to be – I forget how many now – 45 days, something like that.

The SPEAKER. Yes; that is correct.

Ms. **HARPER**. So how does this amendment affect the number of days before deemed approval occurs? This amendment may actually be better. I am wondering.

The SPEAKER. To the gentlelady, I would have to defer that on interrogation to the maker of the amendment or to the maker of the prior amendment, but they would have to answer that.

And I will ask, Representative Mentzer, do you mind standing for that question, please?

Mr. **MENTZER**. The day requirement is identical to the Benninghoff amendment. The only difference is that the Benninghoff amendment required a form to be filled out; my amendment does not.

Ms. **HARPER**. But is it 45 days and then a deemed approval?

Mr. **MENTZER**. Yes. The language on the days is exactly the same as the Benninghoff amendment.

Ms. **HARPER**. All right. Thank you, Mr. Speaker.

On the amendment?

The SPEAKER. Yes. You may proceed.

Ms. **HARPER**. Thank you.

I oppose deemed approvals of permits because they might force the issuance of a permit that would be dangerous to the clean air and clean water that we are constitutionally required to protect.

I understand the frustration with the businesses and the permittees. I think there are better solutions than just making DEP issue permits when it has not had a chance to review them completely.

I would urge a "no" vote on the amendment. Thank you.

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

Mr. DiGIROLAMO. Thank you, Mr. Speaker.

I also ask for a "no" vote on the amendment.

Here we go again with more language for deemed approved, Mr. Speaker. Again we are tying the hands of our department that has the responsibility to protect our environment, Mr. Speaker.

I ask for a "no" vote, Mr. Speaker. I think this is a dangerous amendment, dangerous to the environment and dangerous to our citizens here in Pennsylvania. Thank you.

The SPEAKER. Representative Carroll.

Mr. CARROLL. Thank you, Mr. Speaker.

Mr. Speaker, I am not sure how many different ways you can say 45 days and approved, but I guess we are going to find out.

Mr. Speaker, this amendment, while using different language, has the same net end result as the Benninghoff amendment approved just last night. Mr. Speaker, I think one 45-day deemed-approved amendment is plenty. I do not think we need a second one. Therefore, I ask for a "no" vote.

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

Mr. EVANKOVICH. Thank you, Mr. Speaker.

Would the maker of the amendment stand for brief interrogation?

The SPEAKER. Representative Mentzer, will you so stand?

Yes, he will so stand.

Mr. EVANKOVICH. Thank you, Mr. Speaker.

Just a few points of clarification. Under a prior interrogation, the maker of the amendment had indicated that the language offered under amendment A04445 is identical to language adopted last night with the exception of one change. Is that correct?

Mr. MENTZER. That is correct.

Mr. EVANKOVICH. Can you a little bit more clearly explain what that change is?

Mr. MENTZER. In an amendment that was adopted last night, there was a form required. In this amendment it is a verbal confirmation rather than a form.

Mr. EVANKOVICH. Thank you, Mr. Speaker.

Could you speak a little bit more to this form and why it is not included in this amendment? What is the value of this form that we are arguing over?

Mr. MENTZER. It allows the DEP, Mr. Speaker, to decide whether they want to use a form or what language they want to use in the form or not use a form at all for approval.

Mr. EVANKOVICH. I guess my question is, what is the content of this form? What value does this form have for the regulators at the Department of Environmental Protection?

Mr. MENTZER. The previous amendment authorized the form. My amendment does not authorize a form. Therefore, we do not know what will be in the form in the previous amendment.

Mr. EVANKOVICH. On the bill, Mr. Speaker?

The SPEAKER. Yes, sir. On the bill, you may proceed.

Mr. EVANKOVICH. Thank you, Mr. Speaker.

So we find ourselves here in, I do not know, hour 4 or 5 of the debate on this job-crushing tax and we find ourselves arguing or debating whether or not there should be a form for requesting that a permit be approved or not approved. I mean, correct me if I am wrong, Mr. Speaker, but does not the very application for a permit indicate that the entity applying for it would like for that permit to be approved or seek whether or not it should be approved or denied? We already adopted this

language, just with more roadblocks, seemingly irrelevant roadblocks. I see absolutely no reason why this same chamber would not therefore approve the language contained in A04445. The will of the chamber was expressed last night that we think it is a good idea for the good, hardworking employees of the Department of Environmental Protection to have the flexibility to do the job that they are trained and paid to do. This just takes work off of their desk for them now having to track one more form.

I think it is a great amendment. I think it is a great change. I thank the gentleman from Lancaster for bringing it up, and I encourage an affirmative vote.

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

Ms. KRUEGER. Thank you, Mr. Speaker.

Mr. Speaker, I believe that this amendment, like the one that we voted on multiple times last night, is fatally flawed. Yesterday we initially started to debate another amendment where drillers would be receiving refunds related to the difference between impact fees and a severance tax, and as my colleague from Lancaster County pointed out on the House floor, we discovered that the flawed language of that amendment let the drillers game the system and that there were actually financial incentives for drillers to game the system to get back money, and as a result, the amendment language was withdrawn on the floor because it did not protect the public Treasury or the public interest.

Mr. Speaker, after reviewing this amendment, I believe that it contains the same kind of mistaken language that doomed the other amendment. Now, I know many of us voted for this last night, some of us changed our votes, but I believe that we should reconsider it again.

This amendment has been proposed to decrease delays in the permit process and not to overburden DEP staff, or so we are being told. But, Mr. Speaker, after review of this amendment, I discovered that it has language that allows applicants to game the system and financial incentives to drillers to follow through on gaming the system that will make the problems facing our DEP staff and the review process much, much worse instead of making it any better.

Mr. Speaker, any individual application under this amendment triggers the clock, no matter how many other permits, natural or manmade disasters, or cleanups that specific DEP staff is currently working on. And what we did not hear in last night's debate or in this debate was that if the DEP wants to extend the review beyond the arbitrary deadline, this amendment language requires the DEP to refund their fees.

Mr. Speaker, in a regular year companies may file permits at any time of the year and DEP must take them up as they are filed, but, Mr. Speaker, under this amendment, those drillers could collude, individually or together, and then file all of their permits at the same time during a week or a month or at a specific time at a quarter or a year, and the clock would start for all of them at the same time, no matter what other crisis or workload the DEP is facing. This amendment language adds a financial incentive for drillers to file them all at the same time, because if the DEP becomes overloaded and cannot review all of their permits on time, if the DEP needs a delay, the drillers would then get refunds for all of their permit fees.

Now, I do not know about you, Mr. Speaker, but we are still facing a structural deficit, and I cannot believe that anyone in this chamber would support an amendment to actually refund

fees to oil and gas drillers. This amendment makes environmental permitting less efficient, more uneven, less professional, and will deprive the DEP of its funds. It decreases the constitutionally mandated oversight to protect clean air and clean water.

So if we do not want to set arbitrary deadlines, if we do not want to put our Department of Environmental Protection in the position of being gamed by the drillers, we must reject this amendment. Thank you, Mr. Speaker.

The SPEAKER. Representative John Maher, on the amendment.

Mr. MAHER. Thank you, Mr. Speaker.

The immediately prior member seems to have been under the misimpression that the Benninghoff amendment was not adopted last night. So I just thought I would set the record straight. The Benninghoff amendment was adopted last night. And given that the Benninghoff amendment was adopted, the distinction, as I have heard it pealed out in the questions and answers, is that the Benninghoff amendment places an administrative burden on DEP to do some form, whereas the Mentzer amendment differs by not placing that administrative burden on DEP statutorily. Apparently if they want to have a form, they can have a form, but we are not telling them how to do their paperwork.

So, you know, I do not know if there is really that much of a difference, but if you think DEP should have the ability to manage their own paperwork, then I think you would want to support the amendment that is before us. If you would prefer that the legislature require the particular forms that DEP uses, then you should certainly oppose this amendment and vote in favor of legislative direction of forms at DEP.

I, for one, am going to support this amendment, because to the extent that we can liberate DEP from administrative burdens, I think that is a good thing. Thank you, Mr. Speaker.

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

Mr. BENNINGHOFF. Thank you, Mr. Speaker.

Apparently I was having technical difficulties over there.

I just want to say thank you. I rise to support the comments of Chairman Maher and also support this amendment, and it is very simple. I think Representative Maher explained it eloquently. We are giving DEP the option: You can do it verbally or do it on paper, very simple.

We appreciate the members' support. We would like to have unanimous support today to show unity.

The SPEAKER. Does anybody else wish to speak on the amendment?

So we will go with the maker of the amendment for the last time and then we will go with the maker of the bill.

Mr. MENTZER. This amendment, 4445, as I said in the beginning, has the exact language that came to us during budget time from the Senate. Thank you, Mr. Speaker.

The SPEAKER. Representative Gene DiGirolamo.

Mr. DIGIROLAMO. Thank you, Mr. Speaker.

Again, I do not want to belabor the debate. I just ask for a "no" vote.

We put an amendment in last night for deemed approved. I think this just goes a little bit too far. So I would ask for a "no" vote. Thank you.

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

(Members proceeded to vote.)

LEAVE OF ABSENCE

The SPEAKER. Representative Harry LEWIS 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—93

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

NAYS—98

| | | | |
|-------------|------------|------------|-------------|
| Barbin | Dean | Kirkland | Rabb |
| Barrar | Deasy | Kortz | Ravenstahl |
| Bizzarro | DeLissio | Krueger | Readshaw |
| Boback | DeLuca | Kulik | Roe |
| Boyle | Dermody | Lawrence | Roebuck |
| Bradford | DiGirolamo | Longiatti | 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 | Milne | Solomon |
| Comitta | Galloway | Mullery | Stephens |
| Conklin | Goodman | Murt | Sturla |
| Corbin | Hanna | Neilson | Taylor |
| Corr | Harkins | Neuman | Thomas |
| Costa, D. | Harper | O'Neill | Vazquez |
| Costa, P. | Harris, J. | Pashinski | Vitali |
| Cruz | Kampf | Petrarca | Warren |
| Daley | Kavulich | Petri | Wheatley |
| Davidson | Keller, W. | Quinn, C. | White |
| Davis | Kim | Quinn, M. | Youngblood |
| Dawkins | Kinsey | | |

NOT VOTING—0

EXCUSED—10

| | | | |
|----------|----------|---------|--------|
| Fabrizio | Lewis | O'Brien | Saylor |
| Farry | Matzie | Peifer | Watson |
| Haggerty | McGinnis | | |

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?

LEAVE OF ABSENCE

The SPEAKER. Representative Bryan BARBIN 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 bill on second consideration as amended?

Mr. **CUTLER** offered the following amendment No. **A04209**:

Amend Bill, page 1, line 11, by inserting after "TAX;" in general provisions, providing for expiration of 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. Expiration of well permits.—(a) Well permits issued for drilling wells under 58 Pa.C.S. Ch. 32 (relating to development) shall expire one year after issuance unless operations for drilling the well are commenced within the period and pursued with due diligence or unless the permit is renewed in accordance with regulations of the department. If drilling is commenced during the one-year period, the well permit shall remain in force until the well is plugged in accordance with 58 Pa.C.S. § 3220 (relating to plugging requirements) or the permit is revoked. A drilling permit issued prior to April 18, 1985, for a well which is an operating well on April 18, 1985, shall remain in force as a well permit until the well is plugged in accordance with 58 Pa.C.S. § 3220.

(b) The Department of Environmental Protection may establish, by rulemaking promulgated by the Environmental Quality Board, the option for applicants to apply for multi-year well permits. The well permit application fee charged by the department shall be prorated according to the duration of the multi-year well permit.

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(i) 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. Representative Cutler, on the amendment, sir.

Mr. CUTLER. Thank you, Mr. Speaker.

Mr. Speaker, the chair of the ERE Committee last evening shared some facts which I would like to revisit right now. We tripled the staff, increased the price by 50 times, and they are approving about a third of the work that they once did. I think one of the ways that we can improve their efficiency is to put it into law that they can have the option of doing a multiyear permit process as opposed to approving the same permits year after year. This amendment simply gives them that option.

I would urge a "yes" vote.

The SPEAKER. Representative Mike Carroll wishes to speak on the amendment.

Mr. CARROLL. Thank you, Mr. Speaker.

Mr. Speaker, a quick interrogation, if the maker so chooses.

The SPEAKER. Representative Cutler has indicated he will stand for the amendment interrogation.

Mr. CARROLL. Thank you, Mr. Speaker.

Mr. Speaker, a multiyear permit, is there a limitation on the number of years?

Mr. CUTLER. Mr. Speaker, that would be up to the discretion of the DEP, and I will read from the proposed amendment: "The Department of Environmental Protection may establish, by rulemaking promulgated by the Environmental Quality Board, the option for applicants to apply for multi-year well permits. The well permit application fee charged by the department shall be prorated according to the duration of the multi-year...permit." So their proposal for the multiyear permit would go through the normal regulatory process, and it would be up to their discretion.

Mr. CARROLL. Thank you, Mr. Speaker.

No further questions on the interrogation.

Mr. Speaker, I would say that I am always a believer in flexibility and giving options, and so, Mr. Speaker, I think the opportunity for a multiyear permit probably is something that should be considered and will support the amendment. Thank you.

The SPEAKER. Representative DiGirolamo, on that, please.

Mr. DiGIROLAMO. Thank you, Mr. Speaker.

I will support the amendment as well and ask for an affirmative vote.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—189

| | | | |
|-------------|------------|----------|------------|
| Baker | Dush | Knowles | Ravenstahl |
| Barrar | Ellis | Kortz | Readshaw |
| Benninghoff | Emrick | Krueger | Reed |
| Bernstine | English | Kulik | Reese |
| Bizzarro | Evankovich | Lawrence | Roae |

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

NAYS-1

Thomas

NOT VOTING-0

EXCUSED-11

| | | | |
|----------|----------|----------|--------|
| Barbin | Haggerty | McGinnis | Saylor |
| Fabrizio | Lewis | O'Brien | Watson |
| Farry | Matzie | Peifer | |

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?

RECONSIDERATION MOTION FILED

The SPEAKER. Members, I am in receipt of a motion to reconsider. It is filed by Representative Krueger-Braneky and Representative Mike Hanna. Pursuant to rule 26, we the undersigned move that the vote by which the House adopted amendment 4214 on November 20 be reconsidered.

And we are going to get through some of our amendments and then we will call up the motion to reconsider, and it is Representative Krueger-Braneky and Representative Hanna.

On the question recurring,

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

Ms. OBERLANDER offered the following amendment No. A04206:

Amend Bill, page 1, line 11, by inserting after "TAX;" in general provisions, providing for well site restoration;

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 site restoration.—(a) Each oil or gas well owner or operator shall restore the land surface within the area disturbed in siting, drilling, completing and producing the well.

(b) During and after earthmoving or soil disturbing activities, including, but not limited to, activities related to siting, drilling, completing, producing and plugging the well, erosion and sedimentation control measures shall be implemented in accordance with an erosion and sedimentation control plan prepared in accordance with the act of June 22, 1937 (P.L.1987, No.394), known as "The Clean Streams Law."

(c) (1) Within nine months after completion of drilling of a well, the owner or operator shall restore the well site, remove or fill all pits used to contain produced fluids or industrial wastes and remove all drilling supplies and equipment not needed for production. Drilling supplies and equipment not needed for production may be stored on the well site if express written consent of the surface landowner is obtained.

(2) When multiple wells are drilled or permitted to be drilled on a single well site, the restoration provisions contained in this section shall apply within twenty-four months after completion of all wells drilled on the well site or twenty-four months after the expiration of all existing well permits on the well site for wells which have not been drilled to total depth, whichever is later.

(d) Within nine months after plugging a well, the owner or operator shall remove all production or storage facilities, supplies and equipment and restore the well site.

(e) Restoration activities required by this chapter or in regulations promulgated under this chapter shall also comply with all applicable provisions of "The Clean Streams Law."

(f) Failure to restore the well site as required in this chapter or regulations promulgated under this chapter constitutes a violation of this chapter.

(g) (1) The restoration period may be extended by the Department of Environmental Protection for an additional period of time not to exceed two years upon demonstration by the well owner or operator that:

(i) the extension will result in less earth disturbance, increased water reuse or more efficient development of the resources; or

(ii) site restoration cannot be achieved due to adverse weather conditions or a lack of essential fuel, equipment or labor.

(2) The demonstration under paragraph (1) shall do all of the following:

(i) Include a site restoration plan that shall provide for:

(A) the timely removal or fill of all pits used to contain produced fluids or industrial wastes;

(B) the removal of all drilling supplies and equipment not needed for production;

(C) the stabilization of the well site that shall include interim postconstruction storm water management best management practices; or

(D) other measures to be employed to minimize accelerated erosion and sedimentation in accordance with "The Clean Streams

Law."

(ii) Provide for returning the portions of the site not occupied by production facilities or equipment to approximate original contours and making them capable of supporting the uses that existed prior to drilling the well.

(3) The Department of Environmental Protection may condition an extension under this subsection as is necessary in accordance with "The Clean Streams Law."

(h) As used in this section, the term "well site" means areas occupied by all equipment or facilities necessary for or incidental to drilling, production or plugging a well.

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. § 3216 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. Representative Oberlander, I apologize for the delay. Representative Oberlander, on amendment 4206.

Ms. OBERLANDER. Thank you, Mr. Speaker.

This amendment provides for well site restoration, and it is, with the exception of paragraph (2), identical to Title 58 regulations, "When multiple wells are drilled or permitted to be drilled on a single well site, the restoration provisions contained in this section shall apply within twenty-four months...." It does allow DEP to permit multiple wells on a single site.

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

The SPEAKER. Representative Greg Vitali, on amendment 4206.

Mr. VITALI. Thank you, Mr. Speaker.

Would the maker of the amendment stand for brief interrogation?

The SPEAKER. You may proceed. She will so stand.

Mr. VITALI. Very good.

Again, just because of the technical nature of these amendments and the difficulty in prepping, could you sort of draw out how this restoration of well sites now, how that would change if your amendment became law. What would the difference be?

Ms. OBERLANDER. Mr. Speaker, it does not change the well site restoration process at all.

Mr. VITALI. Okay. So then tell me what this does change again. I am sorry.

Ms. OBERLANDER. This would allow, not require, DEP to permit multiple wells on a single well site. It would still require the well restoration as is current law, and again, it is an allow, not a require.

Mr. VITALI. Right now, am I understanding that right now DEP cannot permit multiple wells on a single site? Your answer seems to imply that right now DEP cannot permit multiple wells on a single site. I am a little confused with that because I thought that was common practice.

Ms. OBERLANDER. Sir, as the amendment states, it would allow them to permit multiple wells on a single site. What they do now— Give me a moment, please.

Currently it would require multiple permits for multiple drillings on a single site.

Mr. VITALI. In other words, if you have four wells drilled on a given pad, it would require four permits, and this would allow— Okay.

Has the DEP taken a position on this issue that you are aware of? Have you reached out to the DEP with regard to their position on your amendment?

Ms. OBERLANDER. I do not believe that DEP has weighed in on this particular amendment.

Mr. VITALI. Okay. Thank you.

The SPEAKER. Representative Carroll, Representative Santora, Representative Maher.

Representative Carroll, you may proceed.

Mr. CARROLL. Thank you, Mr. Speaker.

If the maker would stand for very brief interrogation?

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

Mr. CARROLL. Mr. Speaker, I heard you say a moment ago that, except for paragraph (2), what is currently in this amendment is what DEP is doing. Was that accurate?

Ms. OBERLANDER. With the exception of paragraph (2), yes, that is correct.

Mr. CARROLL. Fine. Thank you, Mr. Speaker.

So when we focus on paragraph (2), I heard in the last interrogation a discussion about additional wells. As I understand this amendment, this speaks to the restoration of the well site. So my question, Mr. Speaker, is, if we are having a discussion about the restoration of the well site, why are we changing with respect to the drilling of additional wells?

Ms. OBERLANDER. Mr. Speaker, let me try to clarify. Nothing in this amendment would require DEP to allow multiple wells to be drilled on a single site. It only allows DEP to create a permit and regulations that would allow this specific kind of activity. It is an allow, not a require. So it would be up to their discretion on how DEP would move forward in creating a permit in regulations for this activity.

Mr. CARROLL. But again, Mr. Speaker, we are talking about the restoration of the site, not the actual drilling of the well, and so is the change in paragraph (2) embedded in the 24-month period?

Ms. OBERLANDER. I am sorry. Will you repeat the question?

Mr. CARROLL. Again, focusing on paragraph (2), is the change being contemplated relative to the 24-month period to restore the well site?

Ms. OBERLANDER. No, it does not change the 24-month restoration.

Mr. CARROLL. So, Mr. Speaker, could you point which line in paragraph (2) is the essence of the change?

Ms. OBERLANDER. It specifically affects section 3003, line 23.

Mr. CARROLL. I am sorry, Mr. Speaker. Could you repeat?

Ms. OBERLANDER. Yes. It affects section 3003, line 23.

Mr. CARROLL. So, Mr. Speaker, that ends my interrogation, Mr. Speaker. Thank you.

On the amendment?

The SPEAKER. Representative Carroll, you may speak on the amendment.

Mr. CARROLL. Mr. Speaker, I think what we have here is an effort to memorialize in the law an existing regulation that DEP currently employs, and I suppose it is an example of a regulatory process that actually works. But, Mr. Speaker, I am concerned when I hear that we are going to memorialize in the law an existing regulation except for line 23 in paragraph (2). The nuance of that change I think is lost, at least on me for the moment, and I am concerned with respect to what the impact might be with respect to additional drilling and the current regulatory environment for that drilling.

And so absent a better explanation, Mr. Speaker, I think the prudent thing to do in this case is to reject the Oberlander amendment and allow the environment as it currently exists to continue. Thank you, Mr. Speaker.

The SPEAKER. Representative Santora waives off. Representative Maher waives off. Representative DiGirolamo.

Mr. DIGIROLAMO. Thank you, Mr. Speaker.

Again, I am just not clear on the purpose of this amendment, Mr. Speaker, and when it comes to our environment, again I want to err on the side of caution and ask for a "no" vote on this amendment. Thank you.

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

The following roll call was recorded:

YEAS—93

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

NAYS—97

| | | | |
|-------------|------------|------------|-------------|
| Barrar | Deasy | Kortz | Ravenstahl |
| Bizzarro | DeLissio | Krueger | Readshaw |
| Boback | DeLuca | Kulik | Roe |
| Boyle | Dermody | Longietti | Roebuck |
| Bradford | DiGirolamo | Madden | Rozzi |
| Briggs | Donatucci | Markosek | Sainato |
| Brown, V. | Driscoll | McCarter | Samuelson |
| Bullock | Evans | McClinton | Santora |
| Burns | Fitzgerald | Mehaffie | Schlossberg |
| Caltagirone | Flynn | Miccarelli | Schweyer |
| Carroll | Frankel | Miller, D. | Sims |
| Cephas | Freeman | Milne | Snyder |
| Charlton | Gainey | Mullery | Solomon |

| | | | |
|-----------|------------|-----------|------------|
| Comitta | Galloway | Murt | Stephens |
| Conklin | Goodman | Neilson | Sturla |
| Corbin | Hanna | Neuman | Taylor |
| Corr | Harkins | O'Neill | Thomas |
| Costa, D. | Harris, J. | Pashinski | Toepel |
| Costa, P. | Kampf | Petrarca | Vazquez |
| Cruz | Kavulich | Petri | Vitali |
| Daley | Keller, W. | Quigley | Warren |
| Davidson | Kim | Quinn, C. | Wheatley |
| Davis | Kinsey | Quinn, M. | White |
| Dawkins | Kirkland | Rabb | Youngblood |
| Dean | | | |

NOT VOTING—0

EXCUSED—11

| | | | |
|----------|----------|----------|--------|
| Barbin | Haggerty | McGinnis | Saylor |
| Fabrizio | Lewis | O'Brien | Watson |
| Farry | Matzie | Peifer | |

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?

Mr. CUTLER offered the following amendment No. A04207:

Amend Bill, page 1, line 11, by inserting after "TAX;" in general provisions, providing for protection of water supplies;

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 Protection of Water Supplies.—(a) In addition to the requirements of subsection (c.1), a well operator who affects a public or private water supply by pollution or diminution shall restore or replace the affected supply with an alternate source of water adequate in quantity and quality for the purposes served by the supply. The Environmental Quality Board shall promulgate regulations necessary to meet the requirements of this subsection.

(b) A landowner or water purveyor suffering pollution or diminution of a water supply as a result of the drilling, alteration or operation of an oil or gas well may so notify the Department of Environmental Protection and request that an investigation be conducted. Within ten days of notification, the Department of Environmental Protection shall investigate the claim and make a determination within forty-five days following notification. If the Department of Environmental Protection finds that the pollution or diminution was caused by drilling, alteration or operation activities or if it presumes the well operator responsible for pollution under subsection (c), the Department of Environmental Protection shall issue orders to the well operator necessary to assure compliance with subsection (a), including orders requiring temporary replacement of a water supply where it is determined that pollution or diminution may be of limited duration.

(b.1) (Reserved).

(b.2) The Department of Environmental Protection shall establish a single Statewide toll-free telephone number that individuals may use to report cases of water contamination which may be associated with the development of oil and gas resources. The Statewide toll-free telephone number shall be provided in a conspicuous manner in the notification required under 58 Pa.C.S. § 3211(b) (relating to well permits) and on the department's publicly accessible Internet website.

(b.3) The Department of Environmental Protection shall develop

appropriate administrative responses to calls received on the Statewide toll-free telephone number for water contamination.

(b.4) The Department of Environmental Protection shall publish, on its publicly accessible Internet website, lists of confirmed cases of subterranean water supply contamination that result from hydraulic fracturing.

(b.5) The Department of Environmental Protection shall ensure that a facility which seeks a National Pollutant Discharge Elimination System permit for the purposes of treating and discharging wastewater originating from oil and gas activities into waters of this Commonwealth is operated by a competent and qualified individual.

(c) Unless rebutted by a defense established in subsection (d), it shall be presumed that a well operator is responsible for pollution of a water supply if:

(1) except as set forth in paragraph (2):

(i) the water supply is within 1,000 feet of an oil or gas well; and

(ii) the pollution occurred within six months after completion of drilling or alteration of the oil or gas well; or

(2) in the case of an unconventional well:

(i) the water supply is within 2,500 feet of the unconventional vertical well bore; and

(ii) the pollution occurred within twelve months of the later of completion, drilling, stimulation or alteration of the unconventional well.

(c.1) If the affected water supply is within the rebuttable presumption area as provided in subsection (c) and the rebuttable presumption applies, the operator shall provide a temporary water supply if the water user is without a readily available alternative source of water. The temporary water supply provided under this subsection shall be adequate in quantity and quality for the purposes served by the supply.

(d) To rebut the presumption established under subsection (c), a well operator must affirmatively prove any of the following:

(1) except as set forth in paragraph (2):

(i) the pollution existed prior to the drilling or alteration activity as determined by a predrilling or prealteration survey;

(ii) the landowner or water purveyor refused to allow the operator access to conduct a predrilling or prealteration survey;

(iii) the water supply is not within 1,000 feet of the well;

(iv) the pollution occurred more than six months after completion of drilling or alteration activities; and

(v) the pollution occurred as the result of a cause other than the drilling or alteration activity; or

(2) in the case of an unconventional well:

(i) the pollution existed prior to the drilling, stimulation or alteration activity as determined by a predrilling or prealteration survey;

(ii) the landowner or water purveyor refused to allow the operator access to conduct a predrilling or prealteration survey;

(iii) the water supply is not within 2,500 feet of the unconventional vertical well bore;

(iv) the pollution occurred more than twelve months after completion of drilling or alteration activities; or

(v) the pollution occurred as the result of a cause other than the drilling or alteration activity.

(e) An operator electing to preserve a defense under subsection (d)(1) or (2) shall retain an independent certified laboratory to conduct a predrilling or prealteration survey of the water supply. A copy of survey results shall be submitted to the Department of Environmental Protection and the landowner or water purveyor in the manner prescribed by the Department of Environmental Protection.

(e.1) An operator of an unconventional well must provide written notice to the landowner or water purveyor indicating that the presumption established under subsection (c) may be void if the landowner or water purveyor refused to allow the operator access to conduct a predrilling or prealteration survey. Proof of written notice to the landowner or water purveyor shall be provided to the Department of Environmental Protection for the operator to retain the protections

under subsection (d)(2)(ii). Proof of written notice shall be presumed if provided in accordance with 58 Pa.C.S. § 3212(a) (relating to permit objections).

(f) Nothing in this section shall prevent a landowner or water purveyor claiming pollution or diminution of a water supply from seeking any other remedy at law or in equity.

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 (2) is necessary to effectuate the addition of section 3003.23 of the act.

(4) 58 Pa.C.S. § 3218 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 amendment, Representative Cutler.

Mr. CUTLER. Thank you, Mr. Speaker.

Mr. Speaker, this amendment provides for the protection of water supplies. The language contained in the amendment is merely identical to Title 58 of the Consolidated Statutes, section 3218, which says, "The department shall ensure that the quality of a restored or replaced water supply meets the standards established under the act of May 1, 1984,...known as the Pennsylvania Safe Drinking Water Act, or is comparable to the quality of the water supply before it was affected by the operator if that water supply exceeded those standards."

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

Ms. KRUEGER. Thank you, Mr. Speaker.

Will the maker of the amendment stand for interrogation, please?

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

Ms. KRUEGER. Thank you, Mr. Speaker.

In Delaware County and Chester County, we have got private drinking wells that have been impacted by drilling activities as recently as the past few weeks. Does this amendment provide for private well owners to have their private wells restored if contaminated during drilling activities?

Mr. CUTLER. Thank you, Mr. Speaker.

Mr. Speaker, I would point the gentlelady to page 1, line 14, subsection (b), where it says, "A landowner or water purveyor suffering pollution or diminution of a water supply as a result of the drilling, alteration or operation of an oil or gas well may so notify the Department of Environmental Resources and request that an investigation be conducted." So while the facts of your particular case will be dependent upon what is presented to DEP, it does allow for such a process.

Ms. KRUEGER. So, Mr. Speaker, in the event that the DEP does rule that the private drinking wells were contaminated through the drilling process, as did recently happen in Chester County, who is responsible for fixing those wells?

Mr. CUTLER. Mr. Speaker, if the lady would read a little further in the amendment, it says, starting at line 21, "If the Department of Environmental Protection finds that the pollution

or diminution was caused by drilling, alteration or operation activities or if it presumes the well operator responsible for pollution under subsection (c), the Department of Environmental Protection shall issue orders to the well operator necessary to assure compliance with subsection..." regarding the quality of water.

Ms. KRUEGER. I am sorry. That does not actually answer my question. Who is responsible for making sure that these families have potable drinking water moving forward?

Mr. CUTLER. Respectfully, Mr. Speaker, it does answer the gentlelady's question, because it says specific to the well operator and the DEP would issue that compliance order with that. That is contained in lines 21 through 29.

Ms. KRUEGER. On the amendment, Mr. Speaker?

The SPEAKER. Yes, you may proceed.

Ms. KRUEGER. I urge my colleagues to reject this amendment. Here in Pennsylvania we have families who have lost their drinking water, who are currently fighting drilling companies to get their water back. This amendment appears to make it even easier for those companies to trample on the human rights of Pennsylvania citizens, and I urge my colleagues to reject the amendment.

The SPEAKER. Representative Vitali, on the amendment, sir, and then Representative Evankovich.

Mr. VITALI. I would also urge a "no" vote.

The maker of the amendment has really made no case as to the necessity of this amendment. He basically has argued it is substantially the same as existing law, and if that is the case, it begs the question, why do we need to do this?

The problem here is that we have a highly technical subject matter. We have a very complicated amendment. We really just should not be doing law in an environment like this. If we really want to change policy, we ought to be doing it with careful examination and deliberation and hearings through the proper committee. This contains the potential, even a couple words, changing the standard for presumptions, there is just too much room for mischief right here. We should not be doing this change in this environment.

Again, I urge we err on the side of caution and vote "no."

The SPEAKER. Representative Eli Evankovich.

Mr. EVANKOVICH. Thank you, Mr. Speaker.

Would the maker of the amendment stand for interrogation, please?

The SPEAKER. He will so stand. Thank you, sir.

Mr. EVANKOVICH. Thank you, Mr. Speaker.

To clarify and clear up some of what has been said, under your amendment would any resident in Pennsylvania have recourse under your amendment to ensure that if their drinking water had been polluted by drilling or drilling-related activity, that they would be able to have that risk mitigated at the cost of whoever polluted their water?

Mr. CUTLER. Yes, Mr. Speaker. The language is nearly identical, and I will repeat this for the benefit of the members, it is nearly identical to what existing regulations are. Title 58, Consolidated Statutes, section 3218. So it simply codifies the current process.

Mr. EVANKOVICH. So any drinking water that is disturbed, that problem will be rectified if your amendment is passed into the bill?

Mr. CUTLER. Mr. Speaker, that would have to be the finding of the DEP at their investigation, but if that is the case and there is a nexus between either polluted or less drinking

water, you know, gallons per minute, then, in fact, they would have recourse with an issuance of an order.

Mr. EVANKOVICH. Does your amendment make that process easier for a resident that would be experiencing such a difficulty?

Mr. CUTLER. It actually does not change the current process at all. So in that regard there is no change to the actual procedure. It simply ensures that it will be in the statute and therefore enforceable, and then if it were to be changed again, it would have to come back to the body here in order to amend a future law as opposed to an agency creating regulations without additional oversight.

Mr. EVANKOVICH. And to the gentleman, the maker of the amendment, to your knowledge has this process worked under DEP or has it not worked?

Mr. CUTLER. Mr. Speaker, I apologize. I misspoke earlier in regards to it being current regulations. It is current statute where they enforce the regulations. I want to be very clear on that. So it is already existing law, and if the gentleman could repeat his question, please.

Mr. EVANKOVICH. Is the current process working?

Mr. CUTLER. Yes, the current process is in place. I think that there might be some confusion regarding some of the other mechanics by some of the prior speakers because this deals with oil and gas drilling as opposed to drilling for other reasons.

Mr. EVANKOVICH. Thank you.

On the bill, Mr. Speaker?

The SPEAKER. Yes, sir, you may proceed.

Mr. EVANKOVICH. Thank you, Mr. Speaker.

Here we go. We find ourselves in a position one more time that we are simply trying to take an existing process that is currently working – and it apparently is working very well – to protect residents of Pennsylvania in the event that any industrial activity related to drilling, that they would be protected. Why would we not vote to put those protections into law and safeguard our citizens from some rogue change within the DEP or lessening of those restrictions or regulations down the line or any number? Why would we not want to memorialize these regulations that are working into law? Imagine us being able to go back to our citizens and saying, "Look, there are regulations in our Commonwealth that are designed to protect your drinking water. Those can change based on some unelected bureaucrat's input, but we have the opportunity to put those regulations into law, an act of law that will be in the statute books for generations to come. We thought so highly of the need to protect your water that we put those regulations into law." Wow. What a great thing for us to be able to go back and tell our citizens.

I hope that all of us, unanimously, can support being able to go back to our constituents and saying, "We thought enough about your water to put the protections into law, not at the whim of some bureaucrat." Thank you.

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

Mr. MAHER. I am generally surprised that this is controversial at all. When Chapter 78 dealing with unconventional drilling and environmental regulations was adopted, there were provisions in there about water supply. Now, those regulatory provisions were on thin ice because there was not any statutory language specific to oil and gas that required those provisions. So you have regulations floating around out there that are susceptible to being overturned in the

court because there is no statute you can point to. But I would hope that we would all agree that if somebody pollutes or diminishes someone else's water supply, that as this amendment would provide, they shall restore or replace that water supply. They shall restore or replace the water supply. Who can be against that? And if the amendment does not get into the bill and if the bill does not get into law, maybe there will be another day that we can get this into the Oil and Gas Act, but right now we have this as regulatory language, without any statutory underpinnings. So if you think it is a good idea to restore and replace polluted or diminished water supplies, you really ought to be voting "yes," and if you are saying you cannot vote "yes" because it is just too darn confusing, well, I think, just read the language in the bill. It is so simple, "shall restore or replace." It is right there. So please vote "yes."

The SPEAKER. Representative Mike Carroll, on the amendment.

Mr. CARROLL. I have to yield the additional time back to the gentleman from Allegheny if he so chose. Mr. Speaker, a quick interrogation, if the maker would so stand.

The SPEAKER. Yes, he will so stand.

Mr. CARROLL. Mr. Speaker, is it fair to characterize this amendment as simply moving from one title to another existing language that is a regulation with the force of law and moving that language over into a different title, that the net effect would be the same?

Mr. CUTLER. Mr. Speaker, the language actually is already in Title 58 and what it does allow is for DEP to oversee the water quality component, which is currently not delineated in statute. So that is the only minor tweak. It allows them the oversight of the water quality.

Mr. CARROLL. All right. Thank you, Mr. Speaker.

No further questions.

The SPEAKER. Thank you.

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

The following roll call was recorded:

YEAS—128

| | | | |
|-------------|------------|------------|----------|
| Baker | Flynn | Mako | Reese |
| Barrar | Fritz | Maloney | Roae |
| Benninghoff | Gabler | Marshall | Roe |
| Bernstine | Gillen | Marsico | Rothman |
| Bloom | Gillespie | Masser | Ryan |
| Boback | Godshall | Mehaffie | Saccone |
| Brown, R. | Goodman | Mentzer | Sainato |
| Burns | Greiner | Metcalf | Sankey |
| Carroll | Grove | Metzgar | Santora |
| Causar | Hahn | Miccarelli | Schemel |
| Charlton | Harper | Millard | Simmons |
| Christiana | Harris, A. | Miller, B. | Snyder |
| Cook | Heffley | Milne | Sonney |
| Corbin | Helm | Moul | Staats |
| Corr | Hennessey | Mullery | Stephens |
| Cox | Hickernell | Murt | Tallman |
| Culver | Hill | Mustio | Taylor |
| Cutler | Irvin | Nelson | Thomas |
| Davidson | James | Nesbit | Tobash |
| Day | Jozwiak | Neuman | Toepel |
| DeLissio | Kampf | O'Neill | Toohil |
| Delozier | Kaufer | Oberlander | Topper |
| Diamond | Kauffman | Ortitay | Walsh |
| DiGirolando | Kavulich | Petrarca | Ward |
| Dowling | Keefer | Petri | Warner |

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|------------|--------------|-----------|-----------|
| Dunbar | Keller, F. | Pickett | Wentling |
| Dush | Keller, M.K. | Pyle | Wheeland |
| Ellis | Klunk | Quigley | White |
| Emrick | Knowles | Quinn, M. | Zimmerman |
| English | Lawrence | Rader | |
| Evankovich | Longietti | Rapp | Turzai, |
| Everett | Mackenzie | Reed | Speaker |
| Fee | Maier | | |

NAYS—62

| | | | |
|-------------|------------|------------|-------------|
| Bizzarro | Dean | Kim | Ravenstahl |
| Boyle | Deasy | Kinsey | Readshaw |
| Bradford | DeLuca | Kirkland | Roebuck |
| Briggs | Dermody | Kortz | Rozzi |
| Brown, V. | Donatucci | Krueger | Samuelson |
| Bullock | Driscoll | Kulik | Schlossberg |
| Caltagirone | Evans | Madden | Schweyer |
| Cephas | Fitzgerald | Markosek | Sims |
| Comitta | Frankel | McCarter | Solomon |
| Conklin | Freeman | McClinton | Sturla |
| Costa, D. | Gainey | Miller, D. | Vazquez |
| Costa, P. | Galloway | Neilson | Vitali |
| Cruz | Hanna | Pashinski | Warren |
| Daley | Harkins | Quinn, C. | Wheatley |
| Davis | Harris, J. | Rabb | Youngblood |
| Dawkins | Keller, W. | | |

NOT VOTING—0

EXCUSED—11

| | | | |
|----------|----------|----------|--------|
| Barbin | Haggerty | McGinnis | Saylor |
| Fabrizio | Lewis | O'Brien | Watson |
| Farry | Matzie | Peifer | |

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

RECONSIDERATION MOTION FILED

The SPEAKER. Members, we are in receipt of a motion to reconsider an amendment. It is our second one today. Representatives Evankovich and Rothman move that the vote by which amendment 4206 to HB 1401 was defeated on this 21st day of November be reconsidered. We will be addressing the motions to reconsider at a later time, but I do want to state for the record that I am in receipt of that.

**THE SPEAKER PRO TEMPORE
(MATTHEW E. BAKER) PRESIDING**

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

Mr. BENNINGHOFF offered the following amendment No. **A04532:**

Amend Bill, page 1, line 11, by inserting after "TAX;" in general provisions, providing for potential seismic impact study;
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. Potential Seismic Impact Study.—Within thirty days of the effective date of this section, the Department of Environmental Protection shall undertake a peer reviewed study of

potential seismic impacts associated with underground activities within this Commonwealth, to be commenced at a time of the Department of Environmental Protection's discretion. Pending the outcome, review and consideration of the final study, neither the Department of Environmental Protection nor the Environmental Quality Board may promulgate any guidance, policy or technical guidance document on the topic of induced seismicity. The Department of Environmental Protection shall undertake a peer-reviewed study of potential seismic impacts associated with underground activities within this Commonwealth, which shall be commenced at a time determined by the Department of Environmental Protection at the Department of Environmental Protection's discretion. The study must quantify potential seismic impacts, if any, and public health or environmental harm, if any. Pending the outcome, review and consideration of the final study, the Department of Environmental Protection may not promulgate a rule, regulation, permit, guidance, policy or technical guidance document on the topic of induced seismicity. Any proposed Department of Environmental Protection action on the topic shall take into consideration the study.

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 pro tempore. On that question, the Chair recognizes the gentleman, Mr. Benninghoff.

Mr. BENNINGHOFF. Thank you, Mr. Speaker.

This is a package of three, but I actually pulled the other bills. This, very simply, is asking DEP in a pro-environmental manner to do a peer review study of potential induced seismic impacts to the environment and to have those reports prepared and studies done before any further rules and regulations are promulgated by the government.

I think this is smart, this is good pro-environment, and I would appreciate the members' support. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the amendment, the gentleman, Representative Vitali, is recognized.

Mr. VITALI. Would the maker stand for brief interrogation?

The SPEAKER pro tempore. The gentleman has agreed, and you may proceed, sir.

Mr. VITALI. I do know that there have been some issues with regard to seismic activity. I do know that, you know, just by listening to DEP Webinars with regard to seismic activity, that there is study. My concern, and again, we are in this environment where we are just scanning these amendments really quickly and trying to figure stuff out, what would your amendment stop? I am trying to – I notice near the end of your amendment it talks about stopping certain activity prior to completion of a study, and that is the part that concerns me. If you could tell me what your amendment would stop.

Mr. BENNINGHOFF. Mr. Speaker?

The SPEAKER pro tempore. The gentleman may proceed.

Mr. BENNINGHOFF. Thank you.

Very simple; we are just asking a study, scientific-based study, peer review, individuals that are specialists and experts on these types of things to do a study and to see if there are any induced seismic changes before any additional regulations would be promulgated regarding that type of issue. Very simple; it helps to quantify, based on science.

Mr. VITALI. So this would potentially stop – what sort of regulation – what sort of fear, what sort of problem are you trying to address?

Mr. BENNINGHOFF. I am trying to make sure that when we make rules and regulations to protect our citizens and looking after our environment, that they are based in science, which I believe the majority of individuals in this room would want to support.

Mr. VITALI. So would this be seismic activity specifically relating to drilling?

Mr. BENNINGHOFF. Something that would be induced seismic, not something that just happened naturally.

Mr. VITALI. So seismic activity caused by drilling or the disposal of drilling waste, is that what you are talking about?

Mr. BENNINGHOFF. Something that was introduced into the area, yes.

Mr. VITALI. So why are you not asking for the cessation of drilling, as opposed to the cessation of regulation? I am just not getting at the harm you are trying to stop here.

Mr. BENNINGHOFF. It is pretty straightforward. We are just asking that a scientific study be done if they think they have to draft additional rules and regulations for any induced seismic activity that may be going on. I do not think that that is unreasonable. I think that is what the public should expect.

Mr. VITALI. What sort of regulations would this prohibit? Again, I wish I – in a better environment, I would have this amendment in front of me, but what type of regulation would this prohibit?

Mr. BENNINGHOFF. Any new ones that they may want to come up with. We are just asking them to be proactive and give us the science—

Mr. VITALI. Regulating drilling or regulating seismic – what sort of regulations are you trying to stop?

Mr. BENNINGHOFF. Any additional regulations that have to do with induced seismic activity, which could be included drilling. I do not think it is unreasonable. We should expect that.

Mr. VITALI. Are there pending regulations, to your knowledge, with regard to seismic activity right now?

Mr. BENNINGHOFF. I think they have the ability to be doing regulations all the time, but I think as lawmakers that are elected by the people to be representing them, we should be asking the employees of the different departments that we hire to be making any future regulations or rules based on science. Not much to ask for.

Mr. VITALI. Right.

Do you know if there has been – what has prompted this amendment? Have there been requests by industry? Have there been requests by the DEP? What need—

The SPEAKER pro tempore. Will the gentleman please suspend.

POINT OF ORDER

The SPEAKER pro tempore. For what purpose does the gentleman, Mr. Topper, rise?

Mr. TOPPER. Mr. Speaker, I think this interrogation has really gone off the rails here. I do not know how many times the maker can answer the same question as to his thoughts behind the amendment. I think it is time that we move on.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. Thank you, Representative Topper.

We will suspend. The gentleman is in consultation.

LEAVE OF ABSENCE CANCELED

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Barbin, is on the floor of the House and will be added back to the master roll.

AMENDMENT PASSED OVER TEMPORARILY

The SPEAKER pro tempore. The amendment is over at this time.

Mr. Benninghoff, it is my understanding you are withdrawing the amendment. Is that correct?

Mr. BENNINGHOFF. Going over.

The SPEAKER pro tempore. While they sort that out exactly, we will move to the next amendment.

On the question recurring,

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

Ms. OBERLANDER offered the following amendment No. **A04204**:

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.

Notwithstanding any other provision of law, an operator may commence earth disturbance activity related to the preparation and construction of access roads or a well site under 58 Pa.C.S. Ch. 32 (relating to development) if the person has:

(1) provided written notice to the surface landowner at least seventy-two hours prior to commencing such activities; or

(2) obtained an oil or gas well permit under 58 Pa.C.S. § 3211 (relating to well permits).

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 pro tempore. On that question, the gentledady, Ms. Oberlander, is recognized.

Ms. OBERLANDER. Thank you, Mr. Speaker.

Amendment 04204 would require written notification to the surface landowner at least 72 hours prior to commencing such activity, and I would appreciate an affirmative vote. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the lady and recognizes the gentleman, Mr. Vitali, on the amendment.

Mr. VITALI. Would the gentledady stand for brief interrogation?

The SPEAKER pro tempore. The gentledady has indicated she will, and you may proceed, Mr. Vitali.

Mr. VITALI. Yes. I am trying to understand how this amendment would change existing law.

The SPEAKER pro tempore. Ms. Oberlander.

Ms. OBERLANDER. Mr. Speaker, this would require written notification to the surface landowner at least 72 hours prior to commencing. This is new, because right now they are not required to have the written notification before they begin the site work.

Mr. VITALI. So you are saying what this amendment – is the sole impact of this to give the landowners written notice, where previously they were not required to give written notice?

Ms. OBERLANDER. That is correct.

Mr. VITALI. Does this affect anything else that an operator has to do to begin earth disturbance activities? In other words, under existing law are there other impediments to the operator commencing earth disturbance activities that the passage of this amendment would eliminate? In other words, if we pass this amendment, are we allowing the operator to proceed with earth disturbance activities in situations he could not before?

Ms. OBERLANDER. As written, the amendment states, "Notwithstanding any other provision of law...." So, no, it does not remove any of the other requirements for them to begin their work.

Mr. VITALI. Okay. Thank you.

THE SPEAKER (MIKE TURZAI) PRESIDING

The SPEAKER. Representative Carroll.

Mr. CARROLL. Thank you, Mr. Speaker.

Mr. Speaker, this one seems innocent enough, but I have grave concerns with this amendment, Mr. Speaker. If we head down the path of allowing the construction of access roads prior to the issuance of a permit, I wonder what happens if that permit never gets issued, and I am wondering what happens with that access road that currently exists carved through a four-story private property owner's land.

Mr. Speaker, I know permits are inconvenient and permits are cumbersome and permits are costly to varying degrees, but, Mr. Speaker, when we are going to construct well pads or access roads on property in this Commonwealth, including private property, I do not think it is out of the question for a permit to be issued, whether it is a soil and erosion permit or any other permit. I accept as a fact some of the permit applications are more complex than others, but, Mr. Speaker,

there are some that are not nearly that complex, and so I believe the smart thing to do is to reject this amendment, Mr. Speaker, in the interest of private property owners, in the interest of the well-intentioned merits of the permit's review, and let us make sure that we actually have access roads where they are supposed to be. It is in the interest of the gas and oil companies, it is in the interest of the property owners, and it is in the interest of the 12 million people in this State who rely on the department and all of us to protect the environment.

Mr. Speaker, this amendment, while short and simple, really is dangerous insofar as its net effect on our environment. I would ask for a "no" vote. Thank you.

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

Mr. FREEMAN. Thank you, Mr. Speaker.

Would the lady please stand for a brief period of interrogation?

The SPEAKER. She will so stand.

Give us just a moment, if you will, please.

Mr. FREEMAN. Sure.

AMENDMENT WITHDRAWN

The SPEAKER. At this time the gentledady has withdrawn the amendment.

Members, just some housekeeping. As you know, there are still quite a few amendments. We are going to take a break from 5 p.m. till 6 p.m. It will be prompt. We will be back at 6 p.m. on the hour, and of course, you know, we are on the floor until 11. At 11, of course, all debate and activity shuts down, according to our rules.

So we are going to be taking a break at 5 p.m. We are going to get through as much as we can until 5 p.m., and then we will be back promptly at 6.

On the question recurring,

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

Mr. **BLOOM** offered the following amendment No. **A04292**:

Amend Bill, page 36, by inserting between lines 11 and 12
Section 2. Nothing in this act shall be construed as authorizing
or permitting the impairment or alteration of an existing contract.

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. Representative Bloom, on the amendment, sir.

Mr. BLOOM. Thank you, Mr. Speaker.

Amendment 4292 simply would require that the act itself not be construed to authorize or permit the impairment or alteration of an existing contract. Mr. Speaker, this amendment would just protect and clarify that under the Pennsylvania Constitution we cannot impair existing contracts, and this would just emphasize and clarify that for the purposes of the statute.

The SPEAKER. Representative Vitali, on the amendment.

Mr. VITALI. Mr. Speaker, I note that, I believe, Mr. Everett may want to speak, so maybe I will just defer, because I think I was going to bring up his issue so he might be a better – I will just defer right now, if Mr. Everett—

The SPEAKER. Representative Vitali, you may speak on the amendment. With all due respect and we call on you often, you do not get to rise to say this person is going to speak.

Do you wish to speak on the amendment? This is your first time speaking on the amendment.

Mr. VITALI. Yes. Would the maker of the amendment stand for brief interrogation?

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

Mr. VITALI. With regard to your amendment, would this, in your opinion, affect the issue of royalty protection, in other words, the idea that a landowner has a right to a specific amount of percent of royalties? Is your amendment designed to or contemplated to affect that issue?

Mr. BLOOM. Mr. Speaker, the amendment is simply designed to protect the integrity of existing contracts, and the amendment itself, in its entirety, reads, "Nothing in this act shall be construed as authorizing or permitting the impairment or alteration of an existing contract."

Mr. VITALI. So in your opinion, as you have drafted this, do you believe that this will affect the royalty protection issue?

Mr. BLOOM. Mr. Speaker, again, it would protect the integrity of any contract.

Mr. VITALI. I am wondering – because that principle can be applied to almost any area of the law, protection of contract – what your intent is in introducing it to this particular bill.

Mr. BLOOM. Mr. Speaker, I am not sure that it is appropriate to question my intent, but my intent is simply to protect the integrity of any existing contract, as I have said several times.

Mr. VITALI. Okay. Would this affect the contract between a landowner and a driller?

The SPEAKER. Sir, just for clarification, interrogation can be specifically about the bill itself. You are going to need to keep your questions right to what does the bill say itself.

Mr. VITALI. Right. Okay. Let me just rephrase that. Would your amendment affect the contract, the lease contract, between a landowner and a driller?

Mr. BLOOM. Mr. Speaker, the amendment is simple and it would protect the integrity of any existing contract.

Mr. VITALI. Okay. Thank you, Mr. Speaker.

If I can just speak on the amendment?

The SPEAKER. On the amendment, sir.

Mr. VITALI. I do have concerns with this. You know, when I hear stories about landowners, you know, getting 50 cents as a royalty check or getting notices that they, in fact, owe drillers money, and when I see, you know, the multibillion-dollar revenues of drilling companies, I am concerned with language

like this. You know, I have watched the Everett bill, the royalty protection bill, move – this is the third straight term – only to stall at the end, and I am just very concerned that landowners sometimes are not as sophisticated as the attorneys for the drillers and are going to get the short end of the stick, and I am just concerned about how this amendment might play out on that issue.

I do not think that the maker of the amendment has really made a case for any specific need here and I do think the burden should be on the maker of the amendment to convince us why this is needed, and I think he has failed to meet that burden, so I would ask for a "no" vote.

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

Mr. EVERETT. Thank you, Mr. Speaker.

The purpose of this amendment is to subvert the minimum royalty provision of this bill. If this amendment is adopted, it will actually serve to make this portion of ensuring that our landowners in Pennsylvania are paid the minimum royalty that was established in 1979 in the Guaranteed Minimum Royalty Act, it will make that null and void. If you care about the royalty owners of Pennsylvania being paid a fair price, the guaranteed minimum that has been here since 1979, which was in effect when the majority of the leases in the north-central, northeast, and many other areas of the State were signed, you need to vote "no" on this amendment out of fairness to our landowners.

The provisions in the bill were put there specifically to ensure that our landowners are paid fairly. I have sent you, over the past years, instance after instance where our royalty owners were being paid – well, well underpaid what they were guaranteed in their leases, and part of this bill is intended to ensure that those landowners are paid fairly and are paid in accordance with their existing contracts.

What these companies are doing is, despite the fact that a contract may say that they need to pay the minimum royalties and that they cannot take deductions, they go right around it and do it anyway and small landowners have no recourse against the large drilling companies and developers. The provisions that are in this bill that allow and ensure that they are paid fairly, allow them to make sure that they are paid what they were entitled to when they signed their leases, and I would ask for a "no" vote on this amendment.

Thank you very much, Mr. Speaker.

LEAVE OF ABSENCE

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

CONSIDERATION OF HB 1401 CONTINUED

The SPEAKER. Representative Carroll, on the amendment.

Mr. CARROLL. Thank you, Mr. Speaker.

Twelve and a half percent, Mr. Speaker, that is what this one boils down to. Mr. Speaker, in the Pennsylvania Supreme Court case *Kilmer*, the Pennsylvania Supreme Court encouraged, cajoled, virtually begged the General Assembly to address this issue once and for all. As currently written, HB 1401 takes the advice of the Pennsylvania Supreme Court and addresses the need to ensure the minimum royalty is, indeed, 12 1/2 percent.

Mr. Speaker, the adoption of this amendment eliminates the 12 1/2 percent minimum royalty that should be paid to the leaseholders across this State.

Mr. Speaker, this amendment will have a detrimental effect on thousands of Pennsylvanians in counties where natural gas development has occurred or will occur. If you are interested in protecting the residents of the counties where natural gas has been developed and you represent people who have leases, this amendment must be rejected, unless it is your desire to put your thumb on the scale with respect to the natural gas companies at the expense of your constituents.

Mr. Speaker, this amendment must be rejected to ensure the residents of the State that have leases get the minimum royalty that was envisioned by this Commonwealth in its courts through the years. It is imperative, Mr. Speaker, that the Bloom amendment be rejected in the interest of Pennsylvanians across this State. Thank you.

The SPEAKER. Thank you.

AMENDMENT PASSED OVER TEMPORARILY

The SPEAKER. Members, just briefly, we are going to go over this amendment just briefly. We are going to call up two bills on second consideration, and we are going to manage this right now on the docket and then we will go back to that amendment.

* * *

The House proceeded to second consideration of **HB 122, PN 351**, entitled:

An Act amending the act of April 14, 1972 (P.L.221, No.63), known as the Pennsylvania Drug and Alcohol Abuse Control Act, establishing the Project Lazarus Commission.

On the question,

Will the House agree to the bill on second consideration?

Mr. **CARROLL** offered the following amendment No. **A04819**:

Amend Bill, page 2, lines 10 through 14, by striking out all of said lines and inserting

caucuses, to be appointed as follows:

(A) two members shall be appointed by the Majority Leader of the Senate;

(B) two members shall be appointed by the Minority Leader of the Senate;

(C) two members shall be appointed by the Majority Leader of the House of Representatives; and

(D) two members shall be appointed by the Minority Leader of the House of Representatives.

Amend Bill, page 2, line 28, by striking out "A member" and inserting

Legislative appointees to the commission under subsection (c)(i) and (ii)

Amend Bill, page 3, line 1, by striking out all of said line and inserting

performance of the appointee's duties. Members appointed to the commission under subsection (c)(iii), (iv) or (v) shall not be compensated for their service as members of the commission but may be reimbursed for expenses necessarily incurred in the discharge of their official duties in accordance with Commonwealth policy in effect for agencies under the jurisdiction of the Governor.

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

The SPEAKER. Representative Carroll, I do not think amendment 4818 is being offered, so you are going to have to say what was in that amendment that is in this amendment, in addition to any other description of the amendment. My understanding is that our summary says that this amendment is the same as amendment 4818. You are going to have to give us the details of that amendment as well that is included in your bill.

Mr. CARROLL. Thank you, Mr. Speaker.

Mr. Speaker, the two amendments: 4818 simply addresses the appointment of folks who serve and memorializes that as the majority and minority leaders of the Senate and the majority and minority leaders of the House; 4819, Mr. Speaker, incorporates that same language and goes a step further to address the reimbursement for costs that are the appropriate reimbursements memorialized in the way that we treat folks who serve in these capacities.

So, Mr. Speaker, I would ask for approval of 4819 to ensure that both caucuses in both chambers have representation fairly and that these folks that serve are reimbursed for their expenses.

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

Mr. KAUFER. Thank you, Mr. Speaker.

This is an agreed-to amendment.

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

Mr. ROTHMAN. Would the maker of the amendment stand for interrogation?

The SPEAKER. Yes, the maker of the amendment will stand for interrogation.

Mr. ROTHMAN. Would legal fees be included in reasonable reimbursement of expenses?

Mr. CARROLL. Mr. Speaker, the reimbursements envisioned are the usual reimbursements for travel and so forth.

Mr. ROTHMAN. Thank you.

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

The following roll call was recorded:

YEAS—190

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

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

NAYS—0

NOT VOTING—0

EXCUSED—11

| | | | |
|----------|----------|---------|--------|
| Fabrizio | Lewis | O'Brien | Saylor |
| Farry | Matzie | Peifer | Watson |
| Haggerty | McGinnis | Rabb | |

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

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

The SPEAKER. The bill as amended will be reprinted.

Representative Neuman, for what purpose do you stand, sir?

Mr. NEUMAN. Thank you, Mr. Speaker.

I rise to make a motion.

The SPEAKER. Can you please approach the bench or the rostrum, please. Thank you.

Mr. NEUMAN. I would rather make my motion first.

The SPEAKER. Okay. We are going to go to Representative Neuman after we do another bill on second consideration.

* * *

The House proceeded to second consideration of **HB 1460, PN 2595**, entitled:

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

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

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

The SPEAKER. Representative Frank Ryan, I believe, has an amendment to this. It is amendment 4860. It has been redrafted. The amendment is now 4860. It has been corrected for a prior amendment, 4786. Representative Ryan must have had some correction to the amendment to change the number. The clerk will read a summary of that amendment. It is 4860.

Is it on our screens? Does everybody have it on their screen, the amendment 4860?

Okay. The corrected is actually going to be marked as 4830. The corrective for 4786 is 4830.

Members, can you see that on your screens, the corrected amendment, 4830?

Okay. I see that it is pulled up. So give us the summary of the amendment, please.

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

Mr. RYAN offered the following amendment No. **A04830**:

Amend Bill, page 1, lines 11 and 12, by striking out all of said lines and inserting

Section 1. Section 8502 of Title 24 of the Pennsylvania Consolidated Statutes is amended by adding a subsection to read:

Amend Bill, page 1, lines 15 through 19; page 2, lines 1 through 24; by striking out all of said lines on said pages and inserting

(s) Additional reporting requirements.—The following shall apply:

(1) In addition to the requirements set forth in this section, the board shall prepare and have published on its publicly accessible Internet website, and electronically submit copies to all members of the General Assembly, the following information within six months after the end of the system's fiscal year:

(i) The performance of all investments over the most recent 1-, 3-, 5-, 10- and 20-year periods.

(ii) The performance of all investments by asset class over each time horizon, both gross and net of fees being reported commencing prospectively from the effective date of this subsection and retroactively for the 5-year period and, to the extent the information is available, retroactively for the 10-year period.

(iii) An itemized listing of the fees paid to all investment managers for the applicable reporting years, separated by base management fee and profit share, including performance fees, carried interest and incentive fees, including the basis of valuation, and informed by the best practices as recommended by recognized industry standards, including, but not limited to, the Institutional Limited Partnership Association Fee Transparency Initiative. The board shall disclose in the report which industry standards were used and whether any changes to industry standards have been made.

(iv) Management letters prepared by:

(A) any independent certified public accounting firm authorized to conduct an audit of the system or the plan by the General Assembly;

(B) the Office of the Auditor General;

(C) auditors hired by the board and

referenced in the board's financial statements filed in accordance with subsection (n); and

(D) an independent certified public accounting firm specified in subsection (o).

Amend Bill, page 2, lines 28 through 30, by striking out all of said lines

Amend Bill, page 3, line 14, by striking out "5902(m)" and inserting

5902

Amend Bill, page 3, line 14, by inserting after "amended" by adding a subsection

Amend Bill, page 3, lines 17 through 30; page 4, lines 1 through 16; by striking out all of said lines on said pages and inserting

(r) Additional reporting requirements.—The following shall apply:

(1) In addition to the requirements set forth in this section, the board shall prepare and have published on its publicly accessible Internet website, and electronically submit copies to all members of the General Assembly, the following information within six months after the end of the system's calendar year:

(i) The performance of all investments over the most recent 1-, 3-, 5-, 10- and 20-year periods.

(ii) The performance of all investments by asset class over each time horizon, both gross and net of fees being reported commencing prospectively from the effective date of this subsection and retroactively for the 5-year period and, to the extent the information is available, retroactively for the 10-year period.

(iii) An itemized listing of the fees paid to all investment managers for the applicable reporting years, separated by base management fee and profit share, including performance fees, carried interest and incentive fees, including the basis of valuation, and informed by the best practices as recommended by recognized industry standards, including, but not limited to, the Institutional Limited Partnership Association Fee Transparency Initiative. The board shall disclose in the report which industry standards were used and whether any changes to industry standards have been made.

(iv) Management letters prepared by:

(A) any independent certified public accounting firm authorized to conduct an audit of the system or the plan by the General Assembly;

(B) the Office of the Auditor General;

(C) auditors hired by the board and referenced in the board's financial statements filed in accordance with subsection (m); and

(D) an independent certified public accounting firm specified in subsection (n).

Amend Bill, page 4, lines 20 through 22, by striking out all of said lines

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

The SPEAKER. On the amendment, Representative Ryan, please give us your thoughts.

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

The purpose of this amendment is to provide a greater degree of transparency and under the issues about good governance, about the investment management expenses that are required so that we can better protect the members of the pension plan who are getting those benefits over the long term, as well as members of the public, so we have a better idea, as an example of how we can account for those expenses and improve the rate of return for all of the stakeholders.

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

Mr. FRANKEL. Thank you, Mr. Speaker.

The purpose of the underlying bill is to require PSERS (Public School Employees' Retirement System) and SERS (State Employees' Retirement System) to expand investment performance and fee reporting, and I have served as a SERS trustee for the past 5 years and stand here in front of you in absolute support of fee transparency. I know how important it is as a trustee to trust but also to verify that every dollar submitted by the taxpayer and by employees is being applied in an absolutely prudent manner to get the highest risk-adjusted returns possible.

I applaud and support my colleagues for being part of the solution and not the problem. The bill and the amendment's suggestion to use best practices, such as those by the Institutional Limited Partnership Association Fee Transparency Initiative, is a fantastic one, and I am appreciative of the sponsor's interest in helping the systems optimize their reporting capabilities.

However, as a trustee and fiduciary of SERS, I have to stand up and inform you that the underlying bill and amendment A04830 will burden the systems with providing information that either does not exist, is contractually confidential, will be mathematically inaccurate for reporting purposes, or, most concerning, place SERS at a competitive disadvantage. SERS staff informs me that top-performing investment managers who do not want to abide by the requirements in this version of the legislation may forgo doing business or entering into transactions with PSERS and SERS, potentially harming our long-term investment return.

Remember, SERS has suffered over 15 years of underfunding by this august body and is now only getting its full actuarial employer contribution. Does it make sense to anyone here that we should hamstring our already beat-up State retirement systems? I ask the bill's sponsor to work with SERS and PSERS to find a reasonable solution in collaboration, to not only provide what the bill's sponsor so nobly wants but also to do so in a way that will not burden future taxpayers. I know there is a better way than this, so I say let us get back to work and to the drawing board and work together towards a better and more prudent solution.

Thank you, Mr. Speaker.

The SPEAKER. Representative Bob Godshall, on the amendment, sir.

Mr. GODSHALL. Thank you, Mr. Speaker.

I totally concur with Representative Frankel on this issue. As a 15-year member of the SERS Board, this would put us at a serious disadvantage, and you know, everything that was just said on this issue is absolutely, as far as I am concerned – I have been there 15 years – is totally correct, and I would ask for a negative vote. Thank you.

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

Mr. MARKOSEK. Thank you, Mr. Speaker.

Mr. Speaker, as a trustee of the PSERS Board, I would echo some of the comments made here by the previous two speakers. You know, we all are for transparency, but not all bills relative to transparency are perfect. We saw, for example, and I have voted for and supported in the past the open records legislation that we now have in Pennsylvania, and for the most part it is a very, very good bill. We do have some issues with it. It

sometimes gets abused. For example, about half of all of the open records claims that we have heard in our Appropriations hearings are from inmates in prisons and most of them are frivolous. We have a local situation now back home where we have a person that has decided to gum up the municipal works by doing unlimited open records requests.

This is not quite the same. This is a bill that says and purports to be more transparent, but it actually will, perhaps, perhaps do some harm to our pension systems, our two big pension systems that we all know we have worked very hard to get back on their feet, and I must, just echoing what has been said, dutifully, as a trustee and fiduciary of PSERS, stand up and inform you that the underlying bill and the amendment A04830 will burden, will burden the systems with providing information that either does not exist, is contractually confidential, will be mathematically inaccurate for reporting purposes, or, most concerning, place PSERS at a competitive disadvantage.

PSERS staff informs me that top-performing investment managers may not want to abide by the requirements in this version of the legislation and may forgo doing business or entering into transactions with PSERS, potentially harming our long-term investment returns. Remember, PSERS has suffered over 15 years of underfunding by this august body, and it is only now, it is only now getting its full actuarial employer contribution.

Does it make sense to anyone here in this room that we should hamstring our already beat-up retirement systems? I ask that the bill's sponsor work with PSERS and SERS and find a reasonable solution to not only provide what the bill's sponsor so nobly wants but also do so in a way that will not burden future taxpayers. I know there is a better way to do this. So I say let us go back to the drawing board and work together towards a better and more prudent solution.

I would ask all of the members to please vote "no" on this, and let us take it back and work on it and get it done the correct way so that we can be both transparent and we can have great investments for our pension systems.

Thank you, Mr. Speaker.

The SPEAKER. Representative Brett Miller, you wanted to speak – well, he is the maker, so he will go last and it is your bill and he has already spoken.

Mr. B. MILLER. Thank you, Mr. Speaker.

I welcome the opportunity to address this bill and this amendment, and I would appreciate the support of the members.

Several things I would like to point out: Number one, each of the members of the House received a letter October 24 from Treasurer Torsella in support of this bill. Secondly, SB 1 that was passed by this House several months back, if you look in that bill – I will read the pertinent part here – there is a part that specifically referenced the need for increased disclosure of the very fees that this bill is talking about, "Improving investment fee transparency on alternative investments as specified in the Standardized Reporting Guidelines of the Institutional Limited Partners Association." And the bill, SB 1, goes on to further talk about the need of transparency and how this is going to be implemented. This bill, HB 1460, does exactly that, and the amendment offered by Representative Ryan supports this very notion.

I would like to also address some of the statements that were made previously that state that the information that is being asked for to be disclosed for the goal of transparency, that it

does not exist. Mr. Speaker, I would flatly say that that is untrue. This information does exist. What this bill asked for is information going forward, but also going back to 5 years, just 5 years, and in the staff computers, all of that information is available. Second, the idea that this would somehow be a difficult action to undertake because investors may not want to invest in Pennsylvania's public pension funds because they will have to disclose the fees is exactly why we need to have this bill. If these bills cannot be – if the contracts that they are describing cannot be disclosed, then we, probably, as a State pension system should probably not be investing in these very types of agreements.

Mr. Speaker, I myself and Representative Ryan met with SERS and PSERS. We had discussions on these. This amendment incorporates many other suggestions that SERS and PSERS offered, and I would submit to this House that this amendment is very important. It strengthens the bill. It takes into consideration the input that we receive from both SERS and PSERS, and I would strongly urge, in the name of transparency for the taxpayers of Pennsylvania and the plan participants, that we get an affirmative vote on this amendment.

Thank you, Mr. Speaker.

The SPEAKER. Representative Bryan Barbin.

Mr. BARBIN. I have one question for the maker of the amendment.

Has any State adopted the exact language which you are asking the General Assembly to adopt?

The SPEAKER. You may proceed, sir.

Mr. RYAN. Yes, that is correct. About 20 States have already adopted the language, and as a result, it is a common practice in those 20 States and more and more States are signing on each time.

Mr. BARBIN. That is the language of the amendment?

Mr. RYAN. The language in terms of the overall concept. The exact language, no, but the structural framework, conceptual framework, yes.

The SPEAKER. Representative John Maher, on the amendment.

Mr. MAHER. Mr. Speaker, many of us have been advocates of transparency and openness on many fronts over the years and this amendment asks for four things. Let us just talk about what those four things are.

The one is what the returns are for these systems over 1, 3, 5, 10, and 20 years. Now, I have got to believe the systems are already tracking that. They need similar information to provide to their actuaries, and if they do not know what their returns are in those intervals, that would be scary. The second is to break down those returns into asset classes, which perhaps PSERS or SERS did not keep their books 20 years ago with asset classes. That really became contemporary only about the turn of the century, but I would hope that they would be able to look at 1, 3, 5, and 10 years and in 20 they would do the best they can. Again, that is information that, I have to believe, if they file a comprehensive annual financial report, they ought to be putting that data together anyway. The third or, actually, the fourth thing is making the management letters public. I do not think that is a big deal, that I know our Auditor General publishes them on his Web site to the extent that he issues them, and this is a matter of saying to anybody else who is doing an audit there, if they have got a management letter, let us have that for the public to see. And that is an important thing, because the

auditors have got to have statutory authority to have a management letter put on the public record. So without the statutory authority, it can be questionable whether or not this information can be transparent.

So what we are left with is the question about the payments to investment managers, and there seems to be two elements to this. The one that the gentleman reports 20 States have already adopted deals with the Institutional Limited Partnership Association's best practices. The other deals with details of who is getting paid what, in some detail that, I can understand, may not be easily assembled and readily available, and I can understand the concerns about if PSERS or SERS is getting a great deal, that the provider of the great deal does not want to broadcast that because everybody else will want that deal. Now, I have got no way of knowing if they are getting great deals or not. I have got faith in some of the people who are on that board.

But what I would like to suggest and, Mr. Speaker, I am not sure exactly how to go about this, Mr. Speaker.

Mr. Speaker, I—

The SPEAKER. Yes, my apologies.

Mr. MAHER. It seems to me there is so much in this amendment which is either a no-brainer or both a no-brainer and easy to produce in good transparency, but we have a hitch on small Roman numeral "(iii)," that rather than having a big slugfest here, maybe we could be over this bill for a couple of weeks and see if the gentleman, a fellow C.P.A. (certified public accountant), and those from SERS and PSERS can take another crack at that, and let us maybe have language that is exactly what has been adopted by the 20 other States and all will be good.

Now, I suppose we could just do that and say the bill is over for the day and take a couple of weeks—

The SPEAKER. Representative Maher, just suspend for a moment.

Mr. MAHER —but that is not my call.

I could make a motion to table it for 2 weeks, but I am really not looking to add to our burden of votes and debate. So maybe this is something where the leaders could confer with the Chair.

I am just trying to find agreement. I know we can all get along.

The SPEAKER. Representative Maher, the maker of the bill wants to move forward.

Please, if you have anything additional to say, you are still on first.

Mr. MAHER. Well, if the maker wishes to move forward just now, then I would say that 75 percent of what is being asked for is a no-brainer, good transparency. One-quarter of it could be difficult and could have issues, and that leaves us all with a quandary and I do not have any particular advice. Thank you.

PARLIAMENTARY INQUIRY

The SPEAKER. Representative Markosek, I know, has, I think, a parliamentary inquiry for me.

Mr. MARKOSEK. Thank you, Mr. Speaker.

Mr. Speaker, the parliamentary inquiry is, as a member of the board, as a trustee of the board, PSERS Board, should I abstain from this vote, or on the record, can you let me know and the other trustees know if we may vote for this?

The SPEAKER. Representative Markosek, you and any other members of this House of Representatives are permitted to vote. You are a member of a class. There is nothing specific about this legislation to you or to you personally, and you certainly may vote.

Representative Godshall, that would be true for you, sir, as well; Representative Bloom, that would be true for you as well; and, Representative Frankel, I believe, is still on that and it would be true to you as well.

Are there any other members that are serving? Okay.

Then Representative Godshall, for the second time, sir.

Mr. GODSHALL. Thank you, Mr. Speaker.

It was my understanding that this bill was going to be over today. That is what I was told. And I am totally unprepared to argue on the thing, except I agree with what the people said who were better prepared than I was. But it is absolutely true that this is going to be a serious burden on SERS. I cannot say about PSERS. I am sure it will be. There is a lot of information here, and the last time I talked to SERS, we are going to have to hire people, actually, to try to get this together, because we do not have the information. And a lot of the information that we do have, when we make private deals, when we make private deals, it is a private deal between us and a company that goes way under what they originally asked for. And in all my years on the SERS Board, there has not been one member in this House that has come to me and asked me for any information that I have not given them, and I can assure you that if there is going to be information that you want, I will get it for you to the best of my ability. We do not need a bill to do that, and I would ask for a negative vote. Thank you.

The SPEAKER. Representative Frank Ryan, on the amendment.

Mr. RYAN. Mr. Speaker, this amendment is needed to strengthen an already good bill for a number of reasons, and I heard the arguments today. But as you look at the major risk factor for the Commonwealth of Pennsylvania, it is our pension fund, and our dear friend from Blair County has been tremendous at letting us know about the real magnitude of the unfunded liability. We met with SERS. We met with PSERS. We had an extensive discussion. I am a financial matters expert. I just renewed my C.P.A. license. And as we sit back and look at some of these issues, a question has to come to mind. We have an actuarial earnings rate of 7.5 percent that we are using as an assumption, and we have got about a 5.5-percent actual rate. That difference in liability translates to about \$20 billion, maybe \$30 billion. We owe it to the pensioners, we owe it to the taxpayers, we owe it to this Commonwealth to put in good governance. CalPERS (California Public Employees' Retirement System) is using this.

We met with PSERS and SERS. We adopted 85 percent of the language that they were looking for. We have a letter from the Treasurer supporting the bill as of October 24, not relative to just specifically this amendment.

This bill gives us good governance. When I met with SERS and PSERS, I was stunned to hear that over 50 percent of their investments are alternative investments. Let me translate that for each and every one of you, including those of you who are board members. That means you have potential carried interest, you have potential for fair valuation issues, so that at one point in time we need to ask ourselves, what could conceptually happen if all of a sudden the underlying value of those investments comes into question? This is an area in my world,

the financial services world, that we will tell you other financial advisors in the private sector welcome that and we do it. I would encourage us in this marketplace of quantitative easing that we understand what our responsibilities are, to be proactive in this so we do not get broadsided, and I ask for a "yes" vote on this amendment.

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

The following roll call was recorded:

YEAS—146

| | | | |
|-------------|--------------|------------|-----------|
| Baker | Dush | Kim | Reed |
| Barrar | Ellis | Kinsey | Reese |
| Benninghoff | Emrick | Klunk | Roae |
| Bernstine | English | Knowles | Roe |
| Bizzarro | Evankovich | Krueger | Roebuck |
| Bloom | Evans | Lawrence | Rothman |
| Boback | Everett | Longietti | Ryan |
| Brown, R. | Fee | Mackenzie | Saccone |
| Brown, V. | Fitzgerald | Madden | Sainato |
| Bullock | Freeman | Maher | Samuelson |
| Burns | Fritz | Mako | Sankey |
| Caltagirone | Gabler | Maloney | Schemel |
| Causar | Galloway | Marshall | Simmons |
| Cephas | Gillen | Marsico | Sims |
| Christiana | Gillespie | Masser | Snyder |
| Comitta | Greiner | Mehaffie | Solomon |
| Conklin | Grove | Mentzer | Sonney |
| Cook | Hahn | Metcalfe | Staats |
| Corbin | Hanna | Metzgar | Tallman |
| Corr | Harper | Millard | Taylor |
| Costa, D. | Harris, A. | Miller, B. | Thomas |
| Cox | Harris, J. | Milne | Tobash |
| Cruz | Heffley | Moul | Toepel |
| Culver | Helm | Mustio | Toohil |
| Cutler | Hennessey | Nelson | Topper |
| Davidson | Hickernell | Nesbit | Vazquez |
| Davis | Hill | Neuman | Vitali |
| Dawkins | Irvin | Oberlander | Walsh |
| Day | James | Ortitay | Ward |
| DeLissio | Jozwiak | Petrarca | Warner |
| Delozier | Kampf | Petri | Warren |
| Diamond | Kaufner | Pickett | Wentling |
| DiGirolamo | Kauffman | Pyle | Wheeland |
| Donatucci | Keefer | Quinn, C. | Zimmerman |
| Dowling | Keller, F. | Quinn, M. | |
| Driscoll | Keller, M.K. | Rader | Turzai, |
| Dunbar | Keller, W. | Rapp | Speaker |

NAYS—44

| | | | |
|-----------|----------|------------|-------------|
| Barbin | Dermody | Markosek | Ravenstahl |
| Boyle | Flynn | McCarter | Readshaw |
| Bradford | Frankel | McClinton | Rozzi |
| Briggs | Gainey | Miccarelli | Santora |
| Carroll | Godshall | Miller, D. | Schlossberg |
| Charlton | Goodman | Mullery | Schweyer |
| Costa, P. | Harkins | Murt | Stephens |
| Daley | Kavulich | Neilson | Sturla |
| Dean | Kirkland | O'Neill | Wheatley |
| Deasy | Kortz | Pashinski | White |
| DeLuca | Kulik | Quigley | Youngblood |

NOT VOTING—0

EXCUSED—11

| | | | |
|----------|----------|---------|--------|
| Fabrizio | Lewis | O'Brien | Saylor |
| Farry | Matzie | Peifer | Watson |
| Haggerty | McGinnis | Rabb | |

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

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

The SPEAKER. The bill as amended will be reprinted.

ADJOURNMENT

The SPEAKER. Representative Neuman, I did indicate that I would return to you. We were going to break at this time, but let us pursue your motion, I believe.

Mr. NEUMAN. Thank you, Mr. Speaker.

I am looking for an extended break. At this time I make a motion to adjourn to December 4 at 1 p.m., and after you acknowledge the motion, I will speak on it.

The SPEAKER. So the motion in front of us is to adjourn until December 4 at 1 p.m.

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

The SPEAKER. Representative Evankovich, do you wish to be recognized?

Mr. EVANKOVICH. Thank you, Mr. Speaker.

I rise to support the motion to adjourn as made by Representative Neuman.

The SPEAKER. Representative Neuman, state your purpose or your rationale behind the motion.

Mr. NEUMAN. Thank you, Mr. Speaker.

There are a lot of comprehensive amendments that are going on with the Marcellus Shale bill, and I would say that anything that we are doing today we could also do on Monday, December 4, and it will give more time, an opportunity for the members to look at the amendments.

In addition to that, it is past 2 p.m. today, so any amendments that were filed after 2 p.m. today will not be in order when we come back on December 4 at 1 p.m. So I do not believe it will extend any type of debate.

And to finish it off, happy Thanksgiving.

The SPEAKER. Does anybody else wish to be heard on the motion to adjourn?

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

The following roll call was recorded:

YEAS—102

| | | | |
|-----------|------------|----------|------------|
| Barbin | Emrick | Kirkland | Ravenstahl |
| Barrar | Evankovich | Klunk | Readshaw |
| Bizzarro | Evans | Knowles | Reese |
| Boyle | Fitzgerald | Kortz | Roae |
| Brown, R. | Flynn | Krueger | Roebuck |
| Brown, V. | Frankel | Kulik | Rozzi |
| Bullock | Freeman | Madden | Saccone |
| Burns | Fritz | Mako | Sainato |

| | | | |
|-------------|------------|------------|-------------|
| Caltagirone | Gabler | Markosek | Samuelson |
| Causer | Gainey | Marshall | Sankey |
| Christiana | Galloway | McCarter | Schlossberg |
| Comitta | Godshall | Mehaffie | Schweyer |
| Conklin | Goodman | Metcalfe | Simmons |
| Cook | Grove | Metzgar | Sims |
| Costa, D. | Hahn | Miller, D. | Snyder |
| Costa, P. | Hanna | Moul | Sturla |
| Cruz | Harkins | Murt | Tallman |
| Davidson | Hennessey | Mustio | Thomas |
| Deasy | Irvin | Nesbit | Toohil |
| DeLuca | James | Neuman | Vazquez |
| Diamond | Kauffman | Pashinski | Vitali |
| DiGirolamo | Kavulich | Petrarca | Ward |
| Donatucci | Keefe | Pyle | Warner |
| Dowling | Keller, W. | Quigley | Wheatley |
| Dunbar | Kim | Rapp | Youngblood |
| Dush | Kinsey | | |

NAYS—88

| | | | |
|-------------|--------------|------------|-----------|
| Baker | Driscoll | Maher | Roe |
| Benninghoff | Ellis | Maloney | Rothman |
| Bernstine | English | Marsico | Ryan |
| Bloom | Everett | Masser | Santora |
| Boback | Fee | McClinton | Schemel |
| Bradford | Gillen | Mentzer | Solomon |
| Briggs | Gillespie | Miccarelli | Sonney |
| Carroll | Greiner | Millard | Staats |
| Cephas | Harper | Miller, B. | Stephens |
| Charlton | Harris, A. | Milne | Taylor |
| Corbin | Harris, J. | Mullery | Tobash |
| Corr | Heffley | Neilson | Toepel |
| Cox | Helm | Nelson | Topper |
| Culver | Hickernell | O'Neill | Walsh |
| Cutler | Hill | Oberlander | Warren |
| Daley | Jozwiak | Ortitay | Wentling |
| Davis | Kampf | Petri | Wheeland |
| Dawkins | Kaufner | Pickett | White |
| Day | Keller, F. | Quinn, C. | Zimmerman |
| Dean | Keller, M.K. | Quinn, M. | |
| DeLissio | Lawrence | Rader | Turzai, |
| Delozier | Longietti | Reed | Speaker |
| Dermody | Mackenzie | | |

NOT VOTING—0

EXCUSED—11

| | | | |
|----------|----------|---------|--------|
| Fabrizio | Lewis | O'Brien | Saylor |
| Farry | Matzie | Peifer | Watson |
| Haggerty | McGinnis | Rabb | |

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

The SPEAKER. At this time the House will stand in adjournment until December—

Members, I can do housekeeping. Before we do the final adjournment, I am going to do the housekeeping, if there is any objection. All those in favor of letting us do the housekeeping, please say "aye." Any opposed? The "ayes" have it. We are going to proceed with the housekeeping before adjourning.

BILLS RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader, who moves that HB 122 and HB 1460 be recommitted to the Committee on Appropriations.

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 358**,
PN 376, entitled:

An Act providing for a volunteer health care practitioner certification; and imposing powers and duties on the Department of Health.

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 358 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 358 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 383**,
PN 386, entitled:

An Act amending Title 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes, in ownership of property and legal title and equitable estate, further providing for right to dispose of a decedent's remains.

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 383 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 383 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 825**,
PN 909, entitled:

An Act providing for a psychiatric and detoxification bed registry.

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 825 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 825 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.

VOTE CORRECTION

The SPEAKER. Representative Tina Pickett wishes to be recognized, I believe, for a committee announcement?

Ms. PICKETT. No. Thank you, Mr. Speaker.

I would like to have my vote recorded on amendment 4190, the motion for constitutionality. My vote was not recorded due to a malfunction, and I would like to be recorded in the affirmative. Thank you.

The SPEAKER. Okay. So "yes" on the motion for constitutionality on amendment 4190. Yes, that will be recorded.

Does anybody else wish to stand for unanimous consent on correcting of the record or committee announcements?

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.

(Whereupon, pursuant to the adjournment motion previously adopted, the House adjourned at 5:07 p.m., e.s.t.)