

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

MONDAY, DECEMBER 4, 2017

SESSION OF 2017

201ST OF THE GENERAL ASSEMBLY

No. 71

HOUSE OF REPRESENTATIVES

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

THE SPEAKER (MIKE TURZAI) PRESIDING

PRAYER

HON. SID MICHAELS KAVULICH, member of the House of Representatives, offered the following prayer:

Thank you, Mr. Speaker.

Let us bow our heads:

Dear Father of all creation, hardly a day goes by that we, Your people here on earth, do not ask You for something. Health, happiness, prosperity, whatever and whenever we ask, Your ears and Your heart are open to those requests. But today we pray that You ask us for something. May our ears and our hearts be open so that we can listen and hear what You are asking of us, what You are saying to us.

Jesus told us the two greatest commandments were, first, love the Lord, Your God, with all your heart, all your soul, with all your mind, and all your strength; second, love your neighbor as yourself.

We could love You unconditionally, Father, but never completely please You, and many times we focus on what we think we should be rather than what You want us to be.

So today let us open our ears and listen to what You say to us. Fill us with the Holy Spirit that we can change our hearts, change our minds, and let our obedience to You be a sign of our sincere desire to be perfect and blameless in Your sight.

We close with this from Hebrews, chapter 4, verse 12: "For the word of God is living and active. Sharper than any double-edged sword, it penetrates even to dividing soul and spirit, joints and marrow. It judges the thoughts and attitudes of the heart."

Today, my friends and colleagues, open your ears. Listen to God. 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 27, 2017, will be postponed until printed.

JOURNAL APPROVED

The SPEAKER. The following 2017 Journal has been approved and is in print and, without objection, will be approved: Tuesday, June 6, 2017.

COMMUNICATION FROM PENNSYLVANIA EMERGENCY MANAGEMENT AGENCY

The SPEAKER. The Speaker acknowledges receipt of the Pennsylvania Emergency Management Agency 9-1-1 Annual Report for Calendar Year 2016.

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

COMMUNICATION FROM INDEPENDENT FISCAL OFFICE

The SPEAKER. The Speaker also acknowledges receipt of the letter for SB 537, PN 651, and SB 538, PN 652, a letter for each, I believe. Yes, a letter for each from the Independent Fiscal Office.

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

HOUSE BILLS INTRODUCED AND REFERRED

No. 1940 By Representatives REED, SAYLOR, DUNBAR, NELSON, DELOZIER, R. BROWN, WARD, BERNSTINE, CUTLER, BOBACK, GREINER, A. HARRIS, FEE, BARRAR, ROTHMAN, RYAN, LAWRENCE, MILLARD, TURZAI, PHILLIPS-HILL, HELM, DUSH, COX, EVERETT, OBERLANDER, TOEPEL, STAATS, KEEFER, WHEELAND, BLOOM, DOWLING, WATSON, KLUNK, MASSER, BENNINGHOFF, GROVE, SONNEY and B. MILLER

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, in Commonwealth budget procedures, further providing for revenue estimates.

Referred to Committee on APPROPRIATIONS,
December 1, 2017.

No. 1941 By Representatives SAYLOR, REED, DUNBAR, NELSON, DELOZIER, R. BROWN, WARD, BERNSTINE, CUTLER, BOBACK, A. HARRIS, FEE, BARRAR, ROTHMAN, RYAN, LAWRENCE, MILLARD, TURZAI, PHILLIPS-HILL, GREINER, HELM, DUSH, COX, EVERETT, TOEPEL, STAATS, KEEFER, WHEELAND, BLOOM, DOWLING, WATSON, KLUNK, MASSER, BENNINGHOFF, GROVE, SONNEY and B. MILLER

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, in Commonwealth budget procedures, further providing for lapsing of funds.

Referred to Committee on APPROPRIATIONS,
December 1, 2017.

No. 1942 By Representatives DUNBAR, REED, SAYLOR, NELSON, DELOZIER, R. BROWN, BERNSTINE, CUTLER, BOBACK, A. HARRIS, FEE, BARRAR, ROTHMAN, RYAN, LAWRENCE, MILLARD, TURZAI, PHILLIPS-HILL, GREINER, HELM, DUSH, COX, EVERETT, TOEPEL, STAATS, KEEFER, WHEELAND, BLOOM, DOWLING, WATSON, KLUNK, MASSER, BENNINGHOFF, GROVE, SONNEY and B. MILLER

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, in Commonwealth budget procedures, further providing for transmission of budget information to the General Assembly.

Referred to Committee on APPROPRIATIONS,
December 1, 2017.

No. 1943 By Representatives NELSON, REED, SAYLOR, DUNBAR, DELOZIER, R. BROWN, WARD, BERNSTINE, CUTLER, BOBACK, A. HARRIS, FEE, BARRAR, ROTHMAN, RYAN, LAWRENCE, MILLARD, TURZAI, PHILLIPS-HILL, GREINER, HELM, DUSH, COX, EVERETT, TOEPEL, STAATS, KEEFER, WHEELAND, BLOOM, DOWLING, WATSON, KLUNK, MASSER, BENNINGHOFF, GROVE, SONNEY and B. MILLER

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, in Commonwealth budget procedures, providing for definitions and further providing for budget implementation data, for electronic access of information and for lapsing of funds.

Referred to Committee on APPROPRIATIONS,
December 1, 2017.

No. 1944 By Representatives DELOZIER, REED, SAYLOR, DUNBAR, NELSON, R. BROWN, WARD, BERNSTINE, CUTLER, BOBACK, A. HARRIS, FEE, BARRAR, ROTHMAN, RYAN, LAWRENCE, MILLARD, TURZAI, PHILLIPS-HILL, GREINER, HELM, DUSH, COX, EVERETT, TOEPEL, STAATS, KEEFER, WHEELAND, BLOOM, DOWLING, KLUNK, MASSER, BENNINGHOFF, GROVE, SONNEY and B. MILLER

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, in Commonwealth budget procedures, further providing for submission of budget to General Assembly and for transmission of budget information to the General Assembly.

Referred to Committee on APPROPRIATIONS,
December 1, 2017.

No. 1945 By Representatives R. BROWN, REED, SAYLOR, DUNBAR, NELSON, DELOZIER, BERNSTINE, CUTLER, BOBACK, A. HARRIS, FEE, BARRAR, ROTHMAN, RYAN, LAWRENCE, MILLARD, TURZAI, PHILLIPS-HILL, GREINER, HELM, DUSH, COX, EVERETT, TOEPEL, STAATS, KEEFER, WHEELAND, BLOOM, DOWLING, KLUNK, MASSER, BENNINGHOFF, GROVE, SONNEY and B. MILLER

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, in Commonwealth budget procedures, further providing for submission of budget to General Assembly.

Referred to Committee on APPROPRIATIONS,
December 1, 2017.

No. 1947 By Representatives ORTITAY, COX, CUTLER, DeLUCA, DIAMOND, GREINER, GROVE, KAUFFMAN, KEEFER, MILLARD, D. MILLER, RYAN, SAYLOR, STEPHENS, STURLA, WARD, PHILLIPS-HILL and ZIMMERMAN

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, in research and development tax credit, further providing for report to General Assembly; in entertainment production tax credit, further providing for reports to General Assembly; in resource enhancement and protection tax credit, further providing for report and public information; in resource manufacturing tax credit, further providing for reports to General Assembly; in historic preservation incentive tax credit, further providing for administration; in community-based services tax credit, further providing for guidelines; in coal refuse energy and reclamation tax credit, further providing for annual report to General Assembly; in waterfront development tax credit, further providing for tax credit; in organ and bone marrow donation credit, further providing for duties of department; in tax credit for new jobs, providing for annual report; in mobile telecommunications broadband investment tax credit, providing for annual report; in innovate in PA tax credit, further providing for report; in manufacturing and investment tax credit, providing for report and further providing for duties of department; in neighborhood assistance tax credit, further providing for tax credit; in Keystone Special Development Zone Program, providing for annual report; in mixed-use development tax credit, further providing for program administration; in keystone innovation zones, further providing for annual report; and, in malt beverage tax, further providing for limited tax credits.

Referred to Committee on FINANCE, November 28, 2017.

No. 1948 By Representatives LAWRENCE, BARRAR, BLOOM, COX, DUNBAR, GABLER, GILLEN, GODSHALL, GROVE, KAUFFMAN, MILLARD, O'NEILL, SAINATO, SANKEY, TOPPER and ZIMMERMAN

An Act amending Title 74 (Transportation) of the Pennsylvania Consolidated Statutes, in sustainable mobility options, further providing for fund.

Referred to Committee on TRANSPORTATION, November 29, 2017.

No. 1949 By Representatives KAUFER, WHEELAND and WATSON

An Act providing for requirements relating to administration of obstetrical ultrasound procedures.

Referred to Committee on HEALTH, November 29, 2017.

No. 1950 By Representatives OBERLANDER, HENNESSEY, D. COSTA, JAMES, MURT, WARD, HARPER, READSHAW, A. HARRIS, O'NEILL, KAUFFMAN, MILLARD, BOBACK, DEASY, QUIGLEY, BAKER, WATSON, DIGIROLAMO, PHILLIPS-HILL, PICKETT, MARSHALL, GABLER, FREEMAN, KORTZ, WHEELAND, RADER, GOODMAN, LONGIETTI, DAVIS, FARRY and SAYLOR

An Act amending the act of April 27, 1905 (P.L.312, No.218), entitled "An act creating a Department of Health, and defining its powers and duties," establishing the office of Chief Nursing Officer of the Commonwealth and providing for its powers and duties.

Referred to Committee on HEALTH, November 29, 2017.

No. 1951 By Representatives TOOHIL, BOBACK, DAVIS, DEAN, DRISCOLL, ENGLISH, GILLEN, HELM, JOZWIAK, KORTZ, MARSICO, MILLARD, PICKETT, RAPP, READSHAW, WHEELAND and WATSON

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in minors, providing for the offense of access of minors to dextromethorphan and imposing a penalty.

Referred to Committee on JUDICIARY, November 30, 2017.

No. 1992 By Representatives COX, GILLEN, HEFFLEY, IRVIN, JAMES, KNOWLES, MOUL and RADER

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in Pennsylvania Turnpike, further providing for deposit and distribution of funds.

Referred to Committee on TRANSPORTATION, November 29, 2017.

No. 2006 By Representatives COX, BARRAR, GILLEN, JAMES, MCGINNIS, MURT, PEIFER, RADER, ROZZI and ZIMMERMAN

An Act amending the act of May 1, 1933 (P.L.103, No.69), known as The Second Class Township Code, in township supervisors, further providing for compensation of supervisors.

Referred to Committee on LOCAL GOVERNMENT, November 29, 2017.

REPORT OF COMMITTEE ON COMMITTEES

The SPEAKER. Chairman Robert Godshall of the Committee on Committees submits the following supplemental report, and this will be read by the clerk at this time, Committee on Committees.

The following report was read:

Committee on Committees Supplemental Report

In the House of Representatives
December 4, 2017

RESOLVED, That

Representative Jeff Pyle, Armstrong, Butler and Indiana Counties, resigned as a member of the Appropriations Committee.

Representative Doyle Heffley, Carbon County, is elected as a member of the Appropriations Committee.

Respectfully submitted,
Robert Godshall, Chairman
Committee on Committees

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

LEAVES OF ABSENCE

The SPEAKER. The majority whip requests leaves of absence for the following members: Representative John TAYLOR of Philadelphia County for the day, Representative John MAHER of Allegheny County for the week, Representative John MCGINNIS of Blair County for the week, and Representative Jason ORTITAY of Allegheny County for the week. Without objection, those will be granted.

The minority whip requests leaves of absence for the following members: Representative Tony DeLUCA of Allegheny County for the day, Representative Dom COSTA of Allegheny County for the day, Representative Jordan HARRIS of Philadelphia County for the day, Representative Steve McCARTER of Montgomery County for the day, Representative Flo FABRIZIO of Erie County for the day, Representative Jake WHEATLEY of Allegheny County for the day, Representative Greg VITALI of Delaware County for the day, Representative Curtis THOMAS of Philadelphia County for the day, and Representative Kevin HAGGERTY of Lackawanna County for the day. Without objection, those will be granted.

I would ask both of the whips to please continue to check on the attendance of their members and to keep us updated on any leaves of absence that need to be noted. So please check the seats with respect to attendance.

MASTER ROLL CALL

The SPEAKER. We will be taking the master roll.

(Members proceeded to vote.)

LEAVE OF ABSENCE

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

MASTER ROLL CALL CONTINUED

The following roll call was recorded:

PRESENT—187

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

ADDITIONS—0**NOT VOTING—0****EXCUSED—14**

Costa, D.	Harris, J.	McGinnis	Thomas
DeLuca	Kortz	Ortitay	Vitali
Fabrizio	Maher	Taylor	Wheatley
Haggerty	McCarter		

LEAVES ADDED—3

Brown, V.	Christiana	McClinton
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LEAVES CANCELED—4

Brown, V.	Christiana	Kortz	Vitali
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The SPEAKER. There are 187 members present, so we have a quorum. One hundred and eighty-seven is the number on the floor.

GUESTS INTRODUCED

The SPEAKER. Located to the left of the rostrum, we welcome Pat and Paul Conroy of Jenkintown. They are the guests of Representative Madeleine Dean. Paul is the fire chief of McKinley Fire Company. Will you please stand. Thank you so much, both of you. Thank you for being with us today.

Members, please take your seats. All members, please take your seats.

Located to the left of the rostrum— Members, please take your seats. We have some individuals who have traveled some significant distances to be with us today. Could all members please take their seats. Members, please take your seats. Thank you. If all members could please take their seats. If there are any conversations, if you could take them to the anterooms outside of the chamber.

Located to the left of the rostrum, we welcome Adrian Martinez. Please stand. This gentleman is a world-renowned artist whose works have been featured in the White House, Camp David, and the George W. Bush Library in Dallas, Texas. He is the guest today of Representative Harry Lewis. Please give him a warm welcome. Thank you for being with us, sir.

In the well of the House, we welcome guest page Tabitha Delmont. Please stand. She is a junior at Warwick High School and currently a Lititz Borough Junior Council member. Her father, Andrew – please stand – is seated to the left of the rostrum. They are the guests of Representative Steve Mentzer. Thank you for being with us.

Representative Steve Bloom brings us two guest pages: Joshua Wilson and Heather Shields. Please stand. Thank you for being with us.

ELIZABETH MANCINI PRESENTED

The SPEAKER. Representative Alex Charlton is invited to the rostrum.

We have a State champion to be honored.

So I would ask all members to please take their seats. Sergeants at Arms, if you could please close the doors of the House. We are going to be honoring somebody who has traveled a good distance to be with us today.

Representative Charlton, how far has your guest traveled today, sir?

Mr. CHARLTON. About 100 miles, plus or minus.

The SPEAKER. Okay. Well, please though, everybody, if we could give our full and undivided attention to Representative Charlton and his guest.

Thank you, sir.

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

I today have the great honor of introducing everyone to our PIAA cross country champion, Cardinal O'Hara's own Liz Mancini. She is a constituent of mine and recently was the first female to take gold in Delaware County for District XII for the State. She crossed the finish line in a cross-country race in 18:18, creaming her second runner-up with a 16-second lead.

So I wanted to give a very big congratulations to Miss Mancini. She is currently a senior at O'Hara High School and will be moving on in the fall to take on the degree of nursing at La Salle University.

Mr. Speaker, thank you very much for giving me the opportunity to present her with this citation.

The SPEAKER. Thank you, Representative Charlton.

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

GUESTS INTRODUCED

The SPEAKER. Located to the left of the rostrum, we welcome Phillip Butler, a student at Dickinson University. He is a guest of Representative Rabb. Please stand. Thank you. Welcome. We are glad to have you here today, sir.

In the well of the House, Ryan James Firestone, a student at Cedar Crest High School. He is here as the guest page for Representative Frank Ryan. Thank you, young man.

We are going to turn to the uncontested House calendar.

Members, just for the record, as I have indicated with resolutions, there are typically three places where they are identified to go to: the uncontested House calendar is where the vast majority of them go; second, some are put on the House calendar; and third, some are sent to committees. We are looking into whether or not we may just limit it to two, to either the uncontested House calendar or directly to committee. We are looking at that.

What we have in front of us is just the uncontested House calendar.

UNCONTESTED CALENDAR

RESOLUTIONS PURSUANT TO RULE 35

Mr. READSHAW called up **HR 551, PN 2529**, entitled:

A Resolution commemorating December 7, 2017, as "Pearl Harbor Remembrance Day."

* * *

Mr. READSHAW called up **HR 552, PN 2530**, entitled:

A Resolution designating December 15, 2017, as "Bill of Rights Day" in Pennsylvania.

On the question,
Will the House adopt the resolutions?

The following roll call was recorded:

YEAS—187

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

NAYS—0

NOT VOTING—0

EXCUSED—14

Costa, D.	Harris, J.	McGinnis	Thomas
DeLuca	Kortz	Ortitay	Vitali
Fabrizio	Maher	Taylor	Wheatley
Haggerty	McCarter		

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

APPROPRIATIONS COMMITTEE MEETING

The SPEAKER. Members, the Chair recognizes the majority Appropriations chair, Stan Saylor, for a committee announcement.

Mr. SAYLOR. Thank you, Mr. Speaker.

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

Thank you, Mr. Speaker.

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

HEALTH COMMITTEE MEETING

The SPEAKER. Representative Matt Baker, for a committee announcement.

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

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

Thank you very much, Mr. Speaker.

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

We are going to return to the floor after these committees, I understand.

ANNOUNCEMENT BY MR. CAUSER

The SPEAKER. Representative Martin Causer, for a committee announcement.

Mr. CAUSER. Thank you, Mr. Speaker.

Mr. Speaker, a reminder to members of the Western Caucus, the Republican members of the Western Caucus are meeting immediately in the library of the Ryan Office Building; Western Caucus meeting, library of the Ryan Office Building, immediately. Thank you.

The SPEAKER. Okay. So, members, we are going to stand at ease at this time.

Does any other chair wish to be recognized for a committee meeting? Is there any other chair that wishes to be recognized for a committee meeting?

We are going to stand at ease. We are just going to be at ease.

Everyone, let me make something clear given the announcements. Only Appropriations is meeting right now because we are at ease. When we break, when we break the Health Committee and the Western PA Caucus, those meetings will occur when we break. We are not breaking right now. We are just at ease. The Appropriations Committee is going to meet right now. We are going to come back to the floor after the Appropriations Committee meeting. The Health Committee will be meeting later when we break and the Western Caucus will be meeting later when we break. Right now we are just at ease. Appropriations Committee will be meeting.

The House will come back to order.

Members, if you could please take your seats.

**BILL REPORTED FROM COMMITTEE,
CONSIDERED FIRST TIME, AND TABLED**

HB 83, PN 2769 (Amended)

By Rep. SAYLOR

An Act amending the act of February 9, 1999 (P.L.1, No.1), known as the Capital Facilities Debt Enabling Act, in capital facilities, further providing for bonds, issue of bonds and notes, maturity and interest.

APPROPRIATIONS.

BILL REREPORTED FROM COMMITTEE

HB 122, PN 2744

By Rep. SAYLOR

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.

APPROPRIATIONS.

The SPEAKER. Members, the House is just going to briefly be at ease. We are going to be at ease until about 2:10, 2:15. We are not taking a break. We are just at ease for about the next 10 minutes.

Would all members please take their seats. Would all members please take their seats.

The House will come to order.

LEAVE OF ABSENCE CANCELED

The SPEAKER. Representative Kortz, I understand, is on the House floor and should be placed on the master roll.

LEAVE OF ABSENCE

The SPEAKER. Representative McCLINTON has requested leave. Without objection, that will be granted.

I would ask the whips to have everybody please take their seats.

Rule 64, "Every member shall be present within the Hall of the House during its sittings...."

"No member shall be permitted to vote and have his or her vote recorded on the roll unless present in the Hall of the House during the roll call vote."

All members, please take your seats. I would ask the whips to let me know who is not in their seats. All members, please take your seats. I would like both whips, the majority and the minority, to let me know any member that is not in their seats. If both the minority whip and the majority whip could approach after they determine who is in their seats or not.

All members, please come to the floor. The House is back in order. All members, please come to the House floor. We will wait a few more minutes so that everybody who wishes to vote will please be on the House floor.

To both the minority and majority whips, does anybody else need to be placed on leave because they are not in their seat?

Would the majority whip please come up to the rostrum.

Any and all members who are not in their seats, could you please report them to the rostrum. All members are called to the floor. All members are called to the floor.

It is my understanding that the following members are not on the House floor, and we will see if we need to seek leaves of absence: Representative Pyle, Representative Petri, Representative Christiana, Representative Harper – no; Representative Harper is here – Representatives Pyle, Petri, and Christiana. I would ask the whips to just check.

And then Representative Sturla, Representative Bradford, Representative Dan Miller. Representative Sturla is on the floor. Representative Dan Miller is here. Representative Davidson and Representative Brown. Is Representative Brown here? Representative Davidson is here.

Again, all members, please report to the floor. The whips, if they could please report to me those who are not in their seats.

Representative Petri is on the House floor. Representative Bradford is on the House floor; Representative Dan Miller, on the House floor; Representative Sturla, on the House floor; Representative Davidson, on the House floor; Representative Petri, on the House floor; Representative Harper, on the House floor.

LEAVES OF ABSENCE

The SPEAKER. Members, if the majority and minority whips will correct me if I am wrong, my understanding is Representative CHRISTIANA is requesting to be placed on leave. Without objection, that will be granted. And Representative Vanessa BROWN is requesting to be placed on leave. Without objection, that will be granted.

If either of the whips wish to correct me on that, please do.
Representative Pyle is on the House floor.

If either the majority or the minority whip wishes to correct, please let me know.

CALENDAR

BILL ON SECOND CONSIDERATION

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

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

On the question recurring,

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

MOTION TO RECOMMIT

The SPEAKER. Representative Matt Gabler is recognized.

Mr. GABLER. Thank you, Mr. Speaker.

I rise for the purpose of making a motion.

The SPEAKER. Please state your motion for the record.

Mr. GABLER. I would like to motion that HB 1401 be rereferred to the House Environmental Resources and Energy Committee.

The SPEAKER. Yes, sir.

On the question,

Will the House agree to the motion?

The SPEAKER. And you may speak on the motion.

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

HB 1401 as it originated in the House Finance Committee was a Tax Reform Code bill. It now stands before us as a Title 58 bill with significant environmental provisions.

With nearly 400 amendments filed to this bill, it is clear that more work needs to be done at the committee level before this matter is ready for further floor debate.

Significant disagreement exists regarding the debate over how the proposed tax in this bill should interact with the existing natural gas impact tax, which has collected over \$1 billion from the industry to fund impacted communities across the State and State agencies.

Since the Environmental Resources and Energy Committee was the source committee for the existing Act 13 legislation that created the existing natural gas impact tax, I motion that we rerefer this bill, HB 1401, to the House Environmental Resources and Energy Committee for consideration.

Thank you, Mr. Speaker.

PARLIAMENTARY INQUIRY

The SPEAKER. Representative Jamie Santora.

Mr. SANTORA. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. Yes, you may.

Mr. SANTORA. Would a motion be in order to call the previous question back to the underlying bill at this time?

The SPEAKER. You are asking about a motion for a previous question with respect to the underlying bill?

Mr. SANTORA. Yes.

The SPEAKER. That does take precedence over the motion to recommit. Under rule 55 of privileged motions, for those who are following, that motion would take precedence over a motion to recommit.

MOTION FOR PREVIOUS QUESTION

Mr. SANTORA. Mr. Speaker, I then would like to move for that.

The SPEAKER. Yes, sir, you may move.

Now, please just wait until I get a look at the rule. I just have to pull up a different rule.

Sir, a motion for the previous question needs to be seconded by 20 members and then sustained by a majority of the members present, by a majority of the members present. Those who wish to stand, you would need 20 members to second that.

And right now Representative Santora would be first, Representative DiGirolamo would be second, Representative Petri would be third, Representative Charlton would be fourth, Representative Miccarelli would be fifth, Representative Chris Quinn would be sixth, Representative Stephen Barrar would be 7, Representative Tim Hennessey would be 8, Representative Todd Stephens would be 9, Representative Martina White would be 10, Representative Tom Murt would be 11, Representative Tom Mehaffie would be 12, Representative Bernie O'Neill would be 13, Representative Kathy Watson – my

fault – would be 14. I do not see anybody else who is standing to second. I am sorry, but we cannot proceed with the question under rule 61.

MOTION TO RECOMMIT CONTINUED

Mr. SANTORA. May I speak on the other motion, Mr. Speaker?

The SPEAKER. Absolutely you may, and that would be on the motion to rerefer to the Environmental Resources and Energy Committee. Yes, you may, sir.

Mr. SANTORA. Mr. Speaker, this bill has been debated for multiple days in this House. This is not the time to rerefer it back to a committee. This vote should take place. It has been 9 years that this has been going back and forth on a severance tax. We are at a point in time where the debate should continue and come to a vote on second. If that is successful, because there have already been motions made to have a roll-call vote on second, then we move to third. If it is not successful, then at least the voices of the 12 million people in Pennsylvania have been heard on this floor. But moving this bill back to committee silences their voices, if you are in favor of moving forward with a shale tax or if you are against, but there are 12 million people that make up Pennsylvania, their voices being silenced by moving this bill to a committee where we know the bill is being sent to die.

Mr. Speaker, this is not the time to end this debate. I urge my colleagues to vote "no" on the motion to rerefer HB 1401 to committee.

The SPEAKER. Thank you, sir.

LEAVE OF ABSENCE CANCELED

The SPEAKER. Representative Vanessa Brown is on the House floor and should be placed on the master roll.

CONSIDERATION OF HB 1401 CONTINUED

The SPEAKER. Representative Mike Carroll, on the motion, sir.

Mr. CARROLL. Thank you, Mr. Speaker.

Mr. Speaker, I rise to oppose the motion to recommit.

I would offer, Mr. Speaker, that this bill has been in committee for 7 years at least and that the time has come, as was just stated a moment ago by the gentleman from Delaware County, to move this process to its conclusion. A continuing study by a committee for additional time on top of the existing and completed 7 years is beyond the pale.

Mr. Speaker, if we are serious about having a discussion about severance in this Commonwealth, if we are serious about having a discussion about royalties to leaseholders in this Commonwealth, then, Mr. Speaker, it is time for HB 1401 to get past second consideration and get to third consideration. There are plenty of good reasons to bring this to a conclusion. A final decision by this body on severance and a final decision by this body on royalties is long overdue.

Mr. Speaker, let us have that finishing conversation on severance, let us have that finishing conversation on royalties, let us have it today. Let us keep this bill on the floor, let us plow through these amendments, and let us get to final consideration. Thank you.

The SPEAKER. Representative Kate Harper, on the motion, please.

Ms. HARPER. Thank you, Mr. Speaker.

I concur with the gentleman from Delaware and would ask the members to vote "no" on the motion to recommit this bill to the Environmental Committee.

I have had a severance tax bill in the Environmental Committee since this session started and for several previous sessions. The Environmental Committee has not moved the bill out. I think it is time to have this discussion. What are we afraid of? The courts have just ruled that \$200 million of the budget we passed cannot be transferred. This current budget needs revenue. Every other gas-producing State in America has a severance tax.

Please do not vote to commit this bill to the Environmental Committee. Let us finish the work of getting it done. Let us finish the work of having a fair severance tax on a nonrenewable resource leaving our State. I do not believe that this will hurt jobs in that industry because every other competing State already has a natural gas severance tax.

In addition, Pennsylvania is uniquely situated and has put money towards using natural gas as a resource either in a cracker factory in the southwestern part of the State or at the Sunoco refineries in the southeastern part.

I would ask you not to vote to send the bill back to the Environmental Committee but let us have the debate. I understand that people do not want to drive the natural gas industry out of Pennsylvania, and I do not want to drive the natural gas industry out of Pennsylvania. I think it has been good for Pennsylvania. As long as it is done correctly and regulated well, I think we can produce natural gas safely. Unfortunately, the bill as it presently stands has a deemed approval provision in it that would override environmental permitting.

This makes me worry that we cannot do it correctly. If we stay here and have the debate and go through all of the amendments, including one which takes that out, we can get to a reasonable severance tax without ruining the environment in so doing and without ruining the industry. We can do this. We can do this.

Please do not vote to send the bill back to committee. Thank you, Mr. Speaker.

The SPEAKER. Representative Marty Causer.

Mr. CAUSER. Mr. Speaker, I rise to support the gentleman's motion to refer HB 1401 to the Environmental Resources and Energy Committee.

Mr. Speaker, this bill has a lot of provisions in it. It has provisions dealing with the severance tax, with minimum royalty, with permitting issues – all issues that are currently being considered and discussed in the House Environmental Resources and Energy Committee. It is very appropriate to send this bill to that committee for further work. When you look at it, there were over 400, over 400 amendments filed to this bill, and anyone who has been here awhile knows that a bill that has got that many amendments filed to it perhaps needs a little bit more work.

So let us move this bill back to the— Well, let us move this bill to the Environmental Resources Committee for further discussion, and I support the gentleman's motion.

Thank you, Mr. Speaker.

The SPEAKER. Representative Mike Sturla.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, I rise in opposition to the motion to recommit this bill to committee.

A few years ago I had the opportunity to be in Alaska, and at the time there was a debate about whether or not they were going to – there was an initiative on the ballot to actually lower the amount of money that came from the oil drillers to the citizens of Alaska, and the reason that the ballot initiative had gotten there was because people were concerned that they were going to lose jobs in Alaska. And the television commercials that were running said that they needed to lower the amount they paid to the people of Alaska because there was gas in Pennsylvania that was going untaxed and they needed to compete with that untaxed gas.

Mr. Speaker, the reason that the industry is so enlightened or so enamored with the notion that we do not have a severance tax here in Pennsylvania is because they use it to bludgeon other States also.

The SPEAKER. Sir, with all due respect, we are on the motion.

Mr. STURLA. Mr. Speaker, the reason that I oppose recommitting this is, it longer delays the imposition of a Marcellus Shale severance tax in the State of Pennsylvania. People need only follow the money to understand why some people want to delay that.

Mr. Speaker—

The SPEAKER. Sir, please. There is no questioning of motives, and I would ask that you please confine your remarks – first of all, that would not be permitted even in debate on the bill itself – but confine, please, to the motion. Thank you.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, referring this bill to committee delays benefits to every Pennsylvanian and only benefits those in other States and those that profit from the sale of gas in other States.

Mr. Speaker, when the pipelines in this State, the Mariner East and the Atlantic Sunrise pipelines, are completed, it is estimated that 80 percent of the natural gas produced in the State of Pennsylvania will flow out of this State.

POINT OF ORDER

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

Mr. EVANKOVICH. A point of order.

I believe that the motion is whether to recommit to the Environmental Resources and Energy Committee, not on any subject regarding the subject of the underlying bill. If the gentleman's comments could be tailored to the motion itself.

The SPEAKER. The good gentleman from Westmoreland County believes that your remarks are not on the motion to recommit. I think that his point is well made. We have brought this issue up. I think this is the third or fourth time.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, again, the reason that I oppose recommitting this bill is because every day that we go without a severance tax is another day that natural resources from the State of Pennsylvania will be shipped out of State and, in many cases, overseas at no benefit to the people of Pennsylvania.

I strongly encourage a "no" vote. Thank you.

The SPEAKER. Thank you, sir.

Does anybody else wish to speak before I call on the leaders?

Representative Petri, I am sorry. Representative Scott Petri will be followed by Representative Gene DiGirolamo and then Representative Dave Maloney. So we have Representative Petri, Representative DiGirolamo, and Representative Maloney.

Sir, you may proceed.

Mr. PETRI. Thank you, Mr. Speaker.

Mr. Speaker, I also encourage a vote against rereferal.

In the chamber across the center aisle, the Senate, they debated a bill similar in nature and they had an opportunity to get to a final vote. This motion would obviously make us unable to have that same opportunity in this chamber.

Like a previous speaker, I have had a shale tax bill that I believe is worthy of consideration – it may not be the perfect solution for everyone in this room – and it has been available for two or three sessions. I have also had a pipeline bill that would enable product to get to market for Pennsylvanians. None of those bills have had even a hearing. I am doubtful that if this bill is sent to the Environmental Resources Committee, that we would have a vote.

PARLIAMENTARY INQUIRY

Mr. PETRI. Mr. Speaker, a parliamentary question.

The SPEAKER. My apologies. Yes, sir.

Mr. PETRI. I notice that the chairman of the Environmental Resources Committee is not available today. Is there anyone else who could stand for interrogation to obtain some sort of assurance that this bill would be taken up in due course?

The SPEAKER. I do not have anybody to direct you to.

Mr. PETRI. Thank you.

I would encourage the members to vote against this motion.

POINT OF ORDER

The SPEAKER. Representative Gene DiGirolamo.

Mr. DiGIROLAMO. A point of order, Mr. Speaker.

The SPEAKER. Yes, sir. You may proceed.

Mr. DiGIROLAMO. Mr. Speaker, since I am the maker of the bill, is there any way that I would be able to be the last speaker?

The SPEAKER. We would have the two leaders be the last speakers, but I will reserve that you be last other than the leaders.

Mr. DiGIROLAMO. Thank you, Mr. Speaker.

The SPEAKER. Yes, sir. Yeah, no problem whatsoever.

PARLIAMENTARY INQUIRY

The SPEAKER. Representative Dave Maloney.

Mr. MALONEY. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. Yes, sir. You may proceed.

Mr. MALONEY. If this bill is rereferred to the Environmental Committee, would that be the time that I may be able to put the homestead exclusion amendment that I had offered onto that bill?

The SPEAKER. Well, it got changed, I believe, to Title 58 with a vote of this floor. It was in the Tax Code. But if you sought to get that included as an amendment, it would have to be done by, I believe, a committee member.

Mr. MALONEY. Yes. Thank you, Mr. Speaker.

The SPEAKER. Yes, sir.

Does anybody else wish to speak before Representative DiGirolamo and/or the minority and majority leaders?

Representative DiGirolamo.

My understanding is, Representative Ryan has just requested to speak.

Mr. RYAN. Mr. Speaker, first of all, thank you very much.

I have some prepared remarks as well.

I speak in favor of the motion to reconsider, and I would ask us as a republic—

The SPEAKER. Sir, please suspend.

The motion before us is a motion to recommit—

Mr. RYAN. I am sorry. I apologize.

The SPEAKER. —to the Environmental Resources and Energy Committee.

Mr. RYAN. Mr. Speaker, when you get to be my age, sometimes we forget.

A motion to recommit. This issue is an incredibly divisive issue, as we have seen. I know many people have talked about the number of years that different bills have been in different sessions, about doing things, but I just ask us all to recall that the 12 million people in the Commonwealth are also expecting us to make sound, reasoned, and rationed decisions, and the goal is not to provide a situation in which one group can exercise their influence over the other but to make sure that we have the appropriate level of public hearings, the appropriate level of review, and that these amendments do not get put in in such a way that we have an inconsistent, an incoherent bill that leads to tremendous dislocation.

If you look at this very chamber and if you look over here, you see electricity; if you look at the other side, you see steel. We have seen the steel industry in this Commonwealth destroyed. We have seen the rail and coal industry destroyed. Mr. Speaker, many of our communities are dealing with areas that are problematic and we need to make certain that this bill gets sufficient hearing and we need to recommit. And I also have some prepared remarks.

And I ask that you please remember that we need to have sound, logical decisions made and not just one in which we have a number of sessions tied up just reviewing 300 to 400 different amendments. We need to take this seriously. We need to have it recommitted so that we can get the appropriate review.

Thank you, Mr. Speaker.

The SPEAKER. Thank you.

Your remarks will be submitted for the record.

REMARKS SUBMITTED FOR THE RECORD

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

You may all be wondering why many of us in this body are objecting to HB 1401, the severance tax. The lack of honesty and transparency in this process has been palpable. Public opinion polls seem to indicate that the taxes popular in one area or another are disingenuous at best. Our responsibility is to protect the minority from the whims of the majority. Apparently, the majority are in favor of this tax because they believe that they will not have to pay it. They will pass the tax on to others and not themselves. The perception is that the urban areas will finally benefit from this natural resource.

The disinformation in this rigorous campaign to enact an unjust severance tax is mind-boggling.

A colleague in this chamber and someone for whom I have respect mentioned in passing that a majority of the tax revenue is raised in the southeast and that the State would never survive should the southeast not be part of the Commonwealth. I have such respect for this individual that I decided to check out that statement as it flies in the face of conventional wisdom. In the analysis that followed and with information that I received from the Independent Fiscal Office, the methodology used by the Department of Revenue which indicated that the southeast generated the most tax revenue was flawed and therefore not able to be used or relied upon.

Are we basing tax policy in this Commonwealth upon flawed assumptions or mythical whims? Do we believe that if we say it long enough and often enough that it would be true?

We believe that if we passed a law that said that people will demand more if prices are higher despite the law of demand, then that will make this misguided perception to become real. Have we deluded ourselves that much?

The reality of it, as it relates to natural gas, is that we have an impact fee which is substantial. Other States that have severance taxes do not have an impact fee. I am concerned when we decide that we are going to target one industry because it does not affect you.

Our rural areas have been exploited for centuries in Pennsylvania. It is a myth to believe that all of Pennsylvania is not benefiting from the tremendous natural gas resources of our Commonwealth.

Our rural areas have seen a decimated countryside with abandoned coal mines, mine waste piled high, abandoned steel mills, abandoned rail lines. Is it not time to allow us to rebuild from centuries of abuse and to allow our natural resources to benefit local communities to rebuild?

What I am concerned about is when you believe that another person's property is yours, which can then be taxed at your whim. What I am concerned about is that we failed to learn from the lessons in which a steel industry in this Commonwealth was destroyed, a rail industry was destroyed, and a coal industry was destroyed.

The Independent Fiscal Office has confirmed that we are losing young working families and gaining seniors because of our favorable tax policies.

Are we really telling all businesses and candidly seniors that once you locate here, you will become a target of opportunity for the insatiable spending appetite of this government? Will we not sit back and demand greater fiscal accountability from those in government as homeowners, families, apartment dwellers, seniors, small businesses and large businesses alike have dealt with for centuries?

Have we forgotten the lessons of William Penn, who founded this Commonwealth? Are we ready to throw away the very principle of our republic in favor of the government in which the power is concentrated in certain segments of our Commonwealth to the detriment of the rest of us?

When the Stamp Act was enacted in Colonial times, the Colonies rebelled.

The Whiskey Rebellion of 1794 should serve as a powerful reminder of how people react to an unjust tax.

In the Whiskey Rebellion:

"In January 1791, President George Washington's Secretary of the Treasury Alexander Hamilton proposed a seemingly innocuous excise tax 'upon spirits distilled within the United States, and for appropriating the same.' What Congress failed to predict was the vehement rejection of this tax by Americans living on the frontier of Western Pennsylvania. By 1794, the Whiskey Rebellion threatened the stability of the nascent United States and forced President Washington to personally lead the United States militia westward to stop the rebels."

This is not to imply that the western part of the Commonwealth will rebel, but trust me, as was experienced in the election of 2016, our citizens have lost faith in us and will react in ways only they understand.

We have an opportunity today to either rebuild that trust which is so lacking in government or to cement the destiny of the Commonwealth of Pennsylvania – a destiny that will continue to decline and thereby hasten our bankruptcy.

The decision is ours. Do we allow the majority to abuse the minority because they can? Do we allow the bureaucracy to win at the expense of those we were elected to serve? Do we succumb to the pressure to spend at the expense of being wise? Do we just surrender to that which is easy today but fatal tomorrow?

The SPEAKER. The maker of the motion, Representative Gabler, wishes to speak for a second time, so if anybody else wishes to speak before Representative Gabler followed by Representative DiGirolamo, who has the underlying bill, followed by the leaders. Does anybody else, other than the maker of the motion, the prime sponsor of the bill?

Representative Martina White, you may proceed.

Ms. WHITE. Thank you, Mr. Speaker.

Regarding this motion, I ask that the fellow members across this beautiful chamber vote "no" because, unfortunately, we have seen our budget deficits continue to plague our Commonwealth, and the way that we have been filling it is very, very shameful: borrowing funds, potentially having businesses up and leave our State due to other taxes that have been proposed. The reality is that natural gas under the ground of the Commonwealth is not going anywhere, and the jobs will stay, the jobs will be here, and I know that is an argument that folks like to make, but this motion is an opportunity for the people of the Commonwealth to be heard and to be properly compensated for the natural gas that is under their ground.

So I would appreciate it if all of you could consider voting "no" today on this motion, and I thank you very much, Mr. Speaker, for allowing me to speak today. Thank you.

The SPEAKER. Yes. Thank you.

Representative Jeff Pyle has requested on the motion.

Mr. PYLE. Thank you, Mr. Speaker.

The motion to recommit by Representative Gabler is not only justified, it is the wise move.

I speak as a 13-year member of the Environmental Resources and Energy Committee. I remember when we read the very first Engelder reports that this massive sea of shale underlies two-thirds of the State.

Now, in that ensuing 10 years, we saw at one point a high of 200 drilling rigs here in this State, each one of those rigs employing anywhere from 100 to 200 men per start in the process of drilling the Marcellus Shale. Now we have proceeded to the Utica.

Why should we motion to recommit? Four hundred amendments now lie on this bill of mixed variety and mixed purpose. Some are purely tax codes. That is what we hear from a number of members, Mr. Speaker. Some express concern over environmental regulations being rolled back, and as we heard earlier, we cannot do this safely. News flash, Mr. Speaker: we have been drilling gas for 150 years in Armstrong County and we have not burnt off the earth yet.

Mr. Speaker, recommitting this to ERE, where you have some of the House's most experienced members sitting there well-versed in all matters of fossil fuels – coal, gas, oil – putting it in the ERE Committee is the wisest place for us to put our experience on the line for what all the members, Republican and Democrat, of ERE Committee have to input.

To think that we are not going to lose jobs, highly incorrect, Mr. Speaker, and I draw from my ERE experience. Right now we are getting whooped up on by West Texas, the Permian Basin. Now, it was said we do not have a severance tax. We also have the highest corporate net income tax on the east coast and roughly double what Texas is.

Now, the Permian Basin, Mr. Speaker, when they go looking for oil, they get free gas out of it. Texas does not have the regulatory environment that Pennsylvania has. Those 200 drilling rigs that were in our State 5 years ago are now down to less than half a dozen.

Let me tell you how people make money off this, Mr. Speaker, before we vote to recommit this to ERE. A drilling rig makes money by employing people to go down, drill in my area 5600 feet down, to hit about an 18-foot thick layer of shale, after which all of that is withdrawn from the hole. Then another apparatus called a perf gun is stuck down in that hole and shoved into the shale and pressurized—

The SPEAKER. The good gentleman, please, if we could, we are not on the merits of the bill, just on the motion. With all due respect, I did make mention of that to the Representative from Lancaster County.

Mr. PYLE. Absolutely right.

The SPEAKER. Thank you, sir.

Mr. PYLE. Thank you, Mr. Speaker.

I will save this for the discussion, but I will caution this, to move right ahead to vote this right now and not send it to ERE is a tragic mistake. As we said, we have seen coal fall to its knees. Forty-nine thousand people now reduced to less than 10,000.

And by the way, Atlantic Sunrise and Mariner II both run into Delaware County. They do not go out of State.

Mr. Speaker, I would urge the members, please vote to recommit this to ERE so we can hash this out, split the hairs, have the fights, and speak the words that need to be spoken. Please vote in favor of the Representative from Clearfield's motion to recommit.

Thank you, Mr. Speaker.

The SPEAKER. Again, the last four speakers will be Representative Gabler, then Representative DiGirolamo, then the minority leader, and then the majority leader.

Representative Sankey.

Mr. SANKEY. Thank you, Mr. Speaker.

I rarely say much, but it is usually pretty awesome when I do. So I want to be very clear about that.

I support the motion not just because the good gentleman and I share a county but it is good. With 400 amendments, I think it is safe to say that we need some more vetting. I think if we send this back to ERE, listen, I have drilling in my district; I think there are a lot of environmental reforms that need looked at. There are a lot of inconsistencies. We have had dozens of policy hearings and this issue has constantly come up, and I think being good stewards of the environment is a win-win for all of us.

And if I get off the subject, just stop me, but I have heard over and over again about this. We do not have to tax these people. We do not have any severance tax. That is correct, we do not. We have an impact fee, which in 2016 Pennsylvania's impact fee raised more money than Ohio, West Virginia, Arkansas, and Colorado combined. So if we are going to sit and talk about taxes, trust me, we are in the land of taxes. We have plenty of taxes. Our appetite for spending continues to grow.

The SPEAKER. Sir, you are going to have to confine it to the motion, with all due respect.

Mr. SANKEY. I forgot; sorry.

I would ask that we rerefer this back so we can properly vet the environmental issues that are so important to all residents of the Commonwealth. Thank you, Mr. Speaker.

The SPEAKER. Just because I have had a number of members who wish to speak, but does anybody else wish to speak before I call on Representative Gabler, who is the maker of the motion, Representative DiGirolamo?

Representative Nesbit.

Mr. NESBIT. Thank you, Mr. Speaker.

I urge the members to vote to recommit this to committee. I think this is a very important issue. I think we need more time to vet the issue, especially with the environmental concerns. So I would request that the members support this. I think it has been spoken very well by Mr. Awesome, Mr. Sankey. I think this is critical to the region. I think this is the exact wrong time for us to implement a tax, especially on an industry that is already down. I believe this is a job-killing measure. It will definitely hurt the economy in my area, so I am adamant that we recommit this issue to the committee.

Thank you, Mr. Speaker.

The SPEAKER. Representative Matt Gabler will be followed by Representative DiGirolamo, who will be followed by the minority leader, who will be followed by the majority leader.

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

We have heard a number of arguments here, and certainly I understand that geographic concerns certainly play a role in people's opinions on the underlying issue, but there are a few things that are absolutely clear. First, the underlying bill started as a Tax Code bill. It is now a Title 58 bill. There are a lot of environmental provisions that have been discussed through the amendment process on the floor as we have considered in excess of 390 amendments and as we continue to have many more of those amendments that still remain unresolved. The proper place to debate and vet this issue is the House Environmental Resources and Energy Committee. We have an existing natural gas impact tax. That tax originated in the House Environmental Resources and Energy Committee a number of sessions ago.

I want to correct something that I think is very important as we listen to some of the arguments pertaining to this bill and exactly why it needs further vetting. The proponents of this bill cannot get straight whether or not we have a tax in this State. We had a debate last week on the amendments, and there was an amendment that we considered and we debated whether or not the existing impact tax should be a credit against the proposed severance tax in this bill, and we had one of the proponents of the new tax get up and say, "Well, you can't do that. We won't make any money." That was an admission that we already have a severance tax in this State. It is called an impact fee, and that impact fee has raised over \$1 billion that comes back into our communities and back into the State agencies that administer the drilling operations and the drilling regulations in this State. So if we cannot get these arguments straight on the House floor, perhaps we should take a smaller committee of us, specifically the committee that knows this stuff, the House Environmental Resources and Energy Committee, and let us hash this stuff out. Let us hash this stuff out. Let us figure out what is the right way to move forward

instead of moving forward with this process, which, unfortunately, just has not yielded the proper level of public policy debate that we deserve.

So for these reasons I ask for a "yes" vote on this motion. Let us do the right thing for the people of Pennsylvania. Let us make sure that this issue gets vetted the right way.

Thank you so much, Mr. Speaker. I ask the members for a "yes" vote on the motion.

The SPEAKER. Thank you.

Representative Gene DiGirolamo.

Mr. DiGIROLAMO. Thank you, Mr. Speaker.

Here we are. We have never been closer after how many years of getting an actual vote on a Marcellus Shale tax? I just want to go back just a little bit, and of course I oppose this motion to recommit. I have had a bill for three legislative sessions to tax Marcellus Shale, a very similar bill. For two of those sessions it was put in the Environmental Committee, and as many of the other bills and members who have shale tax bills have told you already, the bill did not move.

This session my HB 1401 was put in the Finance Committee. I did not do that. Somebody else made a decision that it should go to the Finance Committee. And recently because of the work of my good friend from Bucks County, the Finance chairman, he moved the bill out of committee on a bipartisan vote of 16 to 9. There was a substantive amendment that was added to my bill, and in that amendment there were a lot of concessions made on what the tax should be, and I thought that bill as it came out of committee was fair and reasonable to the people of Pennsylvania and also to the drilling industry. A few weeks ago the bill was brought up for a vote here on the House floor. I did not make that decision to bring the bill up. Somebody else made that decision to bring that bill up for a vote. There were, as all of you know, 399 amendments that were filed on that bill, 1401.

A couple of weeks ago, on a Monday and a Tuesday, we spent the better part of 2 days debating a number of those amendments. We recessed and we come back here today. There are, as I understand, 70 amendments that are still in order that we are going to debate today on that bill, 70 amendments.

Now we have the motion to recommit. My bill has been in that committee for the better part of 5 years. We have debated on the floor almost all of the amendments. There are 70 left to go. I fail to understand, after all these years and all the time that we spent debating these amendments on this bill, what the Environmental Committee is actually going to do with this bill. Somebody said it is going to be sent there to die. I am not going to go that far. I know the chairman is a very diligent person, but we have had bills in that committee for years and years.

Here we are today, Mr. Speaker. I have always thought that bills and issues ought to go up and down on the merits of what is in the bill, and I think this bill, as it is today, after we debate the rest of the amendments, it is fair, it is reasonable, and, Mr. Speaker, this is going to happen sooner or later. Whether this goes down, this motion goes down, and we continue to debate it and we vote on final passage this week, it is going to happen. If not this week, then next year sometime. It is going to happen.

We are close. What we have done here on the House floor, it is reasonable, it is fair. Let us get a vote. Let us vote this motion down and proceed and vote on the amendments. I ask for a "no" vote on the motion to recommit.

Thank you, Mr. Speaker.

The SPEAKER. Thank you.

The minority leader, Representative Frank Dermody.

Mr. DERMODY. Thank you, Mr. Speaker.

Mr. Speaker, the gentleman from Bucks would not say it, but I think it is clear and I think everybody in this room knows a vote to recommit this bill to committee is a vote to kill the bill, and that is what is going to happen here.

We have debated this bill for days. We have had amendments discussed for days, and we have several more to go through and we ought to do that. And to suggest that a shale tax, this shale tax, or any other shale tax has not been vetted and discussed is ridiculous. It has been vetted and discussed in Pennsylvania for over the last 10 years. Those 12 million Pennsylvanians have been bogged down and have been facing this for years. We have been discussing it, talking about it, and what is clear, Mr. Speaker, is that those 12 million Pennsylvanians think a fair and responsible shale tax is the right thing to do. What we ought to be doing is the right thing to do. We ought to begin discussion of the amendments to this bill, we ought to bring it to a final vote, and we ought to have a responsible shale tax in Pennsylvania that helps us fund an education for every child in the Commonwealth.

We need to vote down this motion to recommit this bill to committee. Thank you, Mr. Speaker.

LEAVE OF ABSENCE CANCELED

The SPEAKER. Representative Jim Christiana is on the House floor and should be placed on the master roll.

CONSIDERATION OF HB 1401 CONTINUED

The SPEAKER. The majority leader, on the motion to recommit.

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

The minority leader is correct. We have talked about a severance tax in this chamber, in this Capitol, and across this State ad nauseam for years. Somehow after talking about it for years, by having a bill come through the Finance Committee and then change title so it is an environmental bill as well and see 400 amendments filed to that bill, we find ourselves in a situation where all sides are actually opposed to this bill.

You see the industry opposed to the bill, you see the workers concerned with the bill, and just this weekend we received an e-mail from the leading environmental groups across this Commonwealth asking this General Assembly to oppose this bill. That tells me one thing, this bill is not ready for actual consideration before this House. There is more work to be done. If there are 400 amendments filed, 400 legitimate concerns, and the leading environmental group – groups, that is – not just an individual group, but groups have concerns and asked for the bill to be opposed, the bill should go back to committee.

The making of this public policy is difficult. There are so many interwoven policies included in this particular topic, from environmental regulations to taxation to the interaction with the impact fee to distribution formulas to permitting. Those topics each deserve to be vetted. They deserve to be done correctly. This bill came through the Finance Committee, the chair of the Finance Committee did a yeoman's effort of looking at the tax policy side of this particular issue, but now that environmental policy is included in it as well, it deserves to be heard by the

chair and the committee of the Environmental Resources and Energy Committee as well so that the entire policy is done correctly, not just one particular component to it.

I would urge the members to recommit this bill to the Environmental Resources and Energy Committee. Thank you.

The SPEAKER. All those who wish to recommit to the Environmental Resources and Energy Committee will be voting "aye"; those who are opposed to recommitment to the Environmental Resources and Energy Committee will be voting "nay."

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—93

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

NAYS—94

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

NOT VOTING—0

EXCUSED—14

Costa, D.	Harris, J.	McGinnis	Thomas
DeLuca	Maher	Ortitay	Vitali
Fabrizio	McCarter	Taylor	Wheatley
Haggerty	McClinton		

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

On the question recurring,

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

The SPEAKER. Members, we left off with amendment 4292 by Representative Bloom. That is on second consideration.

PARLIAMENTARY INQUIRY

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

Mr. EVANKOVICH. Thank you, Mr. Speaker.

Parliamentary inquiry.

The SPEAKER. You may proceed.

Mr. EVANKOVICH. Prior to us taking HB 1401 under consideration, the Speaker had recognized a number of members of this chamber for announcements and I believe that there were some meetings, both committee meetings and delegation meetings, and I was wondering if the leader had made a decision to go to recess to consider having those meetings or if a motion to recess is needed—

The SPEAKER. Right now we are moving forward with amendments. We are moving forward with amendments on second consideration.

Mr. EVANKOVICH. Mr. Speaker, may I please approach?

The SPEAKER. You certainly may.

(Conference held at Speaker's podium.)

CONSIDERATION OF AMENDMENT A04292 CONTINUED

The SPEAKER. The clerk will read a summary of amendment 4292, which was before us when we left on November 21.

On the question recurring,

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

The clerk read 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 recurring,

Will the House agree to the amendment?

The SPEAKER. On the amendment, Representative Bloom, you may proceed.

Mr. BLOOM. Thank you, Mr. Speaker.

Mr. Speaker, when we last were debating this particular amendment on the House floor we had discussed the full text of the amendment, which is very brief. It simply says, "Nothing in this act shall be construed as authorizing or permitting the impairment or alteration of an existing contract."

Mr. Speaker, it is simply common sense and respectful of the contractual relationships of parties to contracts in Pennsylvania that of course a law that we passed should not retroactively change the terms of a contract to the detriment of the parties.

So, Mr. Speaker, this is just a commonsense measure that would protect the sanctity of a legally entered contract to make sure that this law if it were enacted would not unexpectedly cause chaos and disruption to existing contractual relationships.

Mr. Speaker, I would ask for a positive vote on the amendment.

Thank you, Mr. Speaker.

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

Representative Neuman, on the amendment.

Mr. NEUMAN. Thank you, Mr. Speaker.

I believe that this amendment is important if you live in an area where there are landowners that have leases, obviously, and I find it ironic that the maker of the amendment the last session day was willing to vote for forced pooling to change contracts that were silent on lease integration but now is offering an amendment to change contracts that are silent on postproduction costs. The reason that they are silent on postproduction costs is we have a law that talks about the guaranteed minimum royalty—

POINT OF ORDER

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

Mr. GROVE. Mr. Speaker, I feel the speaker is calling into question the motives of the maker of the amendment.

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

Mr. NEUMAN. Certainly, Mr. Speaker.

If it was taken to call into question the motives, which I do not believe I did, I do apologize to the maker of the amendment. I was just pointing out the fact that we have voted on amendments and it was never brought up before that we are changing contracts, even though they were changing contracts. It seems like people are willing to change contracts for one purpose but not for another.

Now, in my estimation, I do not believe that we are actually changing contracts in the underlying bill. This amendment would strip the guaranteed minimum royalty out of the underlying bill, and why this is important: when the Guaranteed Minimum Royalty Act was passed at 12 1/2 percent, people assumed that they were going to get 12 1/2 percent. No matter

what their lease said, Pennsylvania passed the law, it was going to be 12 1/2 percent. I did not have to worry about any postproduction costs below 12 1/2 percent.

Then there was a Supreme Court case that came after most people signed their leases. They had no indication or no reason to believe that they would ever get paid less than 12 1/2 percent until the *Kilmer* case came out. So now the Supreme Court has asked us in a footnote, the legislature, to address this issue. And I believe that current leaseholders should have the opportunity to collect 12 1/2 percent because that was the assumed bottom number when they signed their lease.

This is a matter of fairness, Mr. Speaker. These are not antidrilling landowners; these are pro-drilling landowners. They are individuals that want to see the development of natural gas, but they want to be treated fairly. They want to be treated the way that they thought they were going to be treated when they signed the lease.

So I ask that this chamber defeat this amendment and allow our landowners a fair opportunity, an opportunity that they thought they already had when they signed the lease until the court system threw them for a loop. I ask that you defeat this amendment and guarantee that our landowners get 12 1/2 percent. Thank you.

The SPEAKER. Representative Tina Pickett followed by Representative Garth Everett, followed by Representative Steve Bloom for the second time. Representative Carl Metzgar wishes to speak, so he will go before Representative Bloom.

Representative Pickett, you are first.

Ms. PICKETT. Thank you, Mr. Speaker.

Mr. Speaker, I really urge my colleagues to please vote "no" on this amendment. This amendment is a direct hit on thousands of leaseholders in Pennsylvania who are not being treated fairly by the gas companies regarding their royalty deductions. If anybody tipped the scales on justice on this one, it was the court, and the court did say it is up to the legislative body to fix the situation.

These contracts, these thousands of contracts, are being held by churches, schools, municipalities, farmers, businesses, senior citizens, thousands of people who are being treated unfairly, and we need to fix this. This amendment is going to take a direct hit on them being able to receive what is fairly due to them. We are complicit in this. If we had not had a minimum royalty on the books at the time, I would say, "You signed a contract. That's the way it is." We are complicit because we did have that law in the books, because the court did make that move, and because that statement was made.

We need to stand up and help these landowners with a situation. We need to stop ignoring the plea of these thousands of Pennsylvania citizens. Right now even our State leases are not being paid as they were written. Our State leases are not being paid as they were written. These Pennsylvania citizens, thousands of them, are looking to us to be their voice, their voice in fighting this injustice.

Mr. Speaker, I ask you, please, for a "no" vote on this amendment. Thank you.

AMENDMENT WITHDRAWN

The SPEAKER. Representative Bloom.

Representative Bloom, it is my understanding you wish to withdraw the amendment?

Sir, you may proceed.

Mr. BLOOM. That is correct, Mr. Speaker.

The SPEAKER. The amendment is withdrawn.

On the question recurring,

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

Mr. **EVANKOVICH** offered the following amendment No. **A04432**:

Amend Bill, page 36, by inserting between lines 5 and 6 Section 2404.1. Notice to consumers.

(a) Notice.—On each bill for natural gas, the natural gas utility company shall include the estimated share of the tax paid by the individual consumer. The notice shall be provided from the first published estimate until the tax is repealed or expires.

(b) Estimate.—Each quarter, the Pennsylvania Public Utility Commission shall obtain from the collecting State agency the total natural gas tax paid and the volume it was paid on. The commission shall use the information to estimate the cost per volume and publish the estimate to each natural gas utility. Each company shall divide the estimate of the cost per volume by the volume used by each individual consumer to determine each consumer's share.

(c) Title.—On each bill, the tax shall be referred to by the name of the individual which voted for the tax to be imposed. The title of the tax shall vary by the consumer's physical address. The title of the tax shall be as follows:

(1) In a district where the State Senator and the State Representative both voted against the tax, the natural gas utility company shall refer to the tax as the Estimated Wolf Tax.

(2) In a district where the State Senator and the State Representative both voted for the tax, the natural gas utility company shall refer to the tax with the members' names in addition to the name of Governor Wolf. The tax shall be referred to as the Estimated Wolf-State Senator-State Representative Tax.

(3) In a district where either the State Senator or the State Representative voted for the tax and the other voted against the tax, the natural gas utility shall refer to the tax with the name of the member who voted for the tax in addition to the name of Governor Wolf. The tax shall be referred to as the Estimated Wolf-State Senator/Representative Tax.

On the question,

Will the House agree to the amendment?

The SPEAKER. On the amendment, Representative Evankovich.

Mr. EVANKOVICH. Thank you, Mr. Speaker.

Mr. Speaker, I want to give a brief explanation on what amendment A04432 will do to the underlying bill. Very briefly, the amendment would require the collecting agency of this severance tax to provide the PUC (Public Utility Commission) with quarterly reports of the severance tax paid and the amount of natural gas it was paid on. The PUC would then be required to calculate a dollar per Mcf (1,000 cubic feet) of taxes paid. Then, Mr. Speaker, the PUC would be required to give all natural gas distribution companies a report of that dollar for Mcf tax paid.

Mr. Speaker, at that point the natural gas distribution companies, our utility companies, would place an estimated tax paid per Mcf, multiplied by the Mcf, in the physical location where that gas was used. It would place a line on their bill for the estimated tax paid. But in addition, Mr. Speaker, it would name the tax. It would name the tax after the Governor that

signed it and the State Senators and State Representatives that voted "yes" on it.

Mr. Speaker, we have heard a lot of debate in this chamber about how people want to stand up for their constituents and vote for a natural gas severance tax, and we all know that very few of our constituents actually pay attention to the words that are said in this chamber; some of them do, some of them do not. Some of those words get reported in the news, some of them do not. But what this amendment will allow you to do is to forever memorialize your stance on this severance tax on your constituents' natural gas bills.

So in other words, if the State Senator from the 41st District and the State Representative from the 54th District vote "yes" on this bill, on this amendment and on this underlying bill, and it is signed into law, the people of the 54th and 41st Districts would receive a notification on their gas bill that says the estimated Wolf/the name of the Senator and the name of the Representative natural gas tax.

Now, that is a win that all of us who are for or against this tax should be in favor of. I mean, what more could you want then to be able to disseminate that information on a monthly basis to your constituents, right? I mean, you would have the opportunity to forever memorialize your name on something that you have either stood so firmly for or so firmly against.

I ask the members for an affirmative vote on amendment A04432, so that the words and actions that we take in this chamber are memorialized for the rest of our lives. Thank you.

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

Mr. DiGIROLAMO. Thank you, Mr. Speaker.

I do not know about anybody else in here, but I am not ready to be memorialized yet on any kind of a bill that is put before my constituents, Mr. Speaker. To put our names as a State Representative or a State Senator on a tax bill that is sent – not a tax bill but on an energy bill that is actually sent to our constituents' homes does not make a whole lot of sense to me, Mr. Speaker. I think we need to defeat this amendment and ask for a "no" vote. Thank you.

The SPEAKER. Representative Will Tallman.

Mr. TALLMAN. Thank you, Mr. Speaker.

I am speaking in support of the Representative's amendment A04432, and I just think it should be –everybody should have their name – if you want to support a tax, put your name on the bill. Thank you.

The SPEAKER. Sir. Representative Bryan Barbin.

Yes, sir. You may proceed.

Mr. BARBIN. Thank you, Mr. Speaker.

I rise in opposition to this amendment. We cannot let this debate get out of control. The bottom line is, we never do this on any tax. We never do it on any tax credit. Why are we doing it on this one? The bottom line: when we pass legislation that increases taxes, we do it for the benefit of the whole Commonwealth. When we pass a credit that says a certain group should have a tax break, we do it for the benefit of the whole Commonwealth. This, to me, is a very political statement and we have no business doing that. If we want to vote for a severance tax, we ought to vote for a severance tax. If we want regulation reform in that bill, we should do that, but we should not use the process for political purposes.

I will be voting "no."

The SPEAKER. Representative Dush.

There are about four other people before you, sir.

Mr. DUSH. Thank you, Mr. Speaker.

Will the maker of the amendment rise for interrogation?

The SPEAKER. Yes, he has indicated he will so stand.

Mr. DUSH. Thank you, Mr. Speaker.

Mr. Speaker, in the 3 years that I have been here, this is a rather unique amendment. Now, I am trying to make sure I get this correct. On the bills, not the bill itself, but if this amendment were to become law, when people get their bill for their natural gas, is that going to have the name of the three main parties who were involved in their district or their locality? Will those three people be named?

Mr. EVANKOVICH. Mr. Speaker, to answer your question, the physical address where the actual gas is consumed, the sitting State Senator, when the bill was passed into law on this, and the sitting State Representative and the Governor, if they voted "yes," for instance, to use made-up names, it would be the estimated Wolf/Smith/O'Neilly estimated natural gas tax. And if Representative O'Neilly voted "no," it would just be the estimated Wolf/Smith natural gas tax. And if the State Senator voted "no," it would be the estimated Wolf/O'Neilly natural gas tax. And if they both voted "no," it would just be the estimated Wolf natural gas tax.

Mr. DUSH. It is an interesting concept, Mr. Speaker.

POINT OF ORDER

The SPEAKER. Yes, sir. Point of order, I presume.

Mr. NEILSON. Yes, Mr. Speaker. Thank you, Mr. Speaker.

I find it a little ironic that the speaker is using elected officials' names like our Governors and forever stands on this floor almost every day we are in session and jumps up and interrupts and says, "Oh, they are using—" We got to stop it, Mr. Speaker, and you got to stop this. This is silliness. I mean, we can see by the amendment alone how silly this discussion is getting. It is way out of hand. We have real issues to discuss—

The SPEAKER. Sir, could you please suspend. You have raised the point of order.

Mr. NEILSON. Thank you.

The SPEAKER. Representative Dush, do you have any further inquiry or are you going to speak on the bill – or the amendment?

Mr. DUSH. I was just going to ask, because this type of a tax is also going to affect other utility bills – for instance, the electric companies will be having to charge more because of the severance tax, the telephone companies and other utility companies – is this something that would be covered in your amendment as well?

Mr. EVANKOVICH. Thank you, Mr. Speaker.

That is a great question. The electricity distribution companies would be welcome to employ this model. This is actually not the first time that this has been done. It would be, to my knowledge, the first time in Pennsylvania State statute where this would be done, but some years ago the county commissioner, or the county executive in Allegheny County supported and championed a very contentious tax on alcoholic drinks and every restaurant and bar in Allegheny County for the most part voluntarily put the name of the sitting county executive and called it the blank drink tax, and it was a very effective way for that tax to be labeled and for the public really

to be aware of what was going on. I mean, really, it is a public transparency awareness issue. It is a big reason why I authored amendment A04432. This is not the first time that it would be done on people's bills, but I believe it would be the first time it would be done statutorily. But it is a great way for openness and transparency in government.

Mr. DUSH. Thank you, Mr. Speaker.

Mr. Speaker, on the bill?

The SPEAKER. Yes, it is on the amendment.

Mr. DUSH. Yes. I happen to think this is actually a good idea for the simple reason I have been saying for years that our gas pumps ought to have the actual cost of our gasoline, as well as the Federal tax and the State tax, and then the total, so that everybody could see exactly what the taxes were and the burdens that the elected officials are putting on the people of the Commonwealth and in the United States. This does an even further drill down, and I think it is an excellent way to put that out there so that the people can actually see who is adding more to the burden of the individuals.

We have people on fixed incomes who are going to end up having to pay more. We are going to have school districts that are going to have to raise taxes, and if our local citizens get a copy of the electric bill or the gas bill and it has those Representatives and those Senators' names right there on it, they can see how much extra that they have cost our local municipal governments and causing the raises in the property taxes. We have people in part of my district, the "for sale" signs are going up like crazy because of the property tax increases, and I think this is a good measure at transparency, so that whenever the property taxes are increased, that our citizens have the ability to go and get the utility bills from our school districts, from our boroughs, our townships, our city governments, and just see how much more it has cost local government as well as themselves out of their own pockets, so that they can see how much this has affected the individual person and affected our local municipal government leaders.

For that reason, Mr. Speaker, I would urge members to vote "yes" on this bill. Thank you.

The SPEAKER. It would be Representative Longietti followed by Representative Metcalfe, followed by Representative Carroll, followed by Representative Rothman.

Representative Longietti.

Mr. LONGIETTI. Thank you, Mr. Speaker.

Mr. Speaker, I cannot imagine what the cost of this amendment would be to business. Can you imagine how many permutations we are talking about here? It takes at least 102 members to pass a measure in the House, it takes at least 26 Senators to pass a measure, and you have got all these different permutations that have to be put on a bill by the gas company: Representative A/Senator A tax. Senator A/Representative B tax. You have got to figure out all of the people who are your customers who live in which Representative's district, which Senator's district. You cannot even do it by ZIP Code (Zoning Improvement Plan Code). There are ZIP Codes that a certain State Representative represents part of that ZIP Code and another State Representative represents another part of that ZIP Code. You would have to employ somebody for hours on end to figure out which Representative voted which way and whether or not that particular customer lives in that Representative's district; who is the State Senator, how did they vote? Then when somebody dies or resigns, what happens then? Does their name get

removed? What is the cost of following up on that? There are so many different permutations.

This would be an incredible burden on the gas companies. Who is going to pay for that cost? Is that another cost that is passed on to the constituent? Should we put on the bill costs of putting the tax, the name of the person's tax, maybe we should call that the Representative so-and-so cost. Maybe that should be put on the bill. I cannot imagine the burden that we are going to create with this amendment to companies. I do not think any of them would ever ask to be put in the middle of this and to bear this cost. And ultimately, who actually pays the cost? Ultimately, our citizens do. That cost ends up getting passed on to them. So we are just adding costs here for no good reason.

I do not know about you, I try to be proud of the votes that I cast. My newspaper, when it is a significant measure like this is, they print in the newspaper how I voted. The public knows how I voted. They have access to the Internet which says how I voted. I do not have a problem owning a vote, but I do have a problem when we are passing a significant cost on to business, because like I said, the permutations, it might be thousands, it might be thousands of different permutations that have to be figured out and put on to bills. What a burden for business. I thought we were here to make things a little bit better for businesses.

Mr. Speaker, we need to reject this amendment. Thank you.

The SPEAKER. Representative Metcalfe, and then he will be followed by Representative Carroll, followed by Representative Rothman, followed by Representative Marguerite Quinn.

Mr. METCALFE. Thank you, Mr. Speaker.

Mr. Speaker, I would like to interrogate the maker of the amendment.

The SPEAKER. He has indicated he will so stand.

Mr. METCALFE. Thank you, Mr. Speaker.

Mr. Speaker, in the amendment that is drafted that you are offering today, you are calling for the utility company to reveal the estimated tax that an individual consumer is paying as a result of the tax that would be imposed from the underlying bill that you are attempting to amend today. Could you explain your rationale for just requiring an estimate, and would the estimate be in dollars or percentage of their utility bill?

Mr. EVANKOVICH. Thank you, Mr. Speaker.

It is a great question. The information that would be provided to the PUC and then from the PUC accordingly to the distribution companies would be a per Mcf basis. In other words, it would be an aggregated amount of dollars per Mcf. Because there is a variant price over the course of a quarter and a stagnant amount of Mcfs that it would be based on, it would, in its essence, be at best an estimate, a guideline for that physical location that is using the natural gas.

Some people have mentioned that perhaps this is somehow a joke and maybe if I speak with a little bit more clearer of a tone and with less of a smile on my face, it will come across the true intent of what this amendment is for, which is that we in government sometimes tend to take actions that do inhibit companies as the prior speaker said, that do directly raise taxes.

That money ultimately comes from the people whom we represent, and it ultimately comes out of their paychecks or it comes out of their bank accounts in a very shadowy fashion, and we sometimes in government— Sometimes government counts on that cloak of darkness. And the reason why this amendment is being offered in the way that it is being offered is to provide our constituents with a guideline for what the

decisions that are being made in Harrisburg actually cost them because it is one thing, Mr. Speaker, to say that these multinational drilling companies are the ones paying this tax, but the reality is, the dollar starts somewhere, and with all due respect to every person in this State, we need to recognize that that dollar starts with them. It comes out of their paycheck, it comes out of their bank accounts, and they are the ones paying the natural gas company maybe just a little bit more for the luxury of us taking more of it through HB 1401.

Mr. METCALFE. Thank you, Mr. Speaker.

Mr. Speaker, one of the previous speakers prior to my arising at the microphone here had made an argument that he thought that this was going to cost a large amount of time and resources to the companies that would have to report the information related to this legislation, what this legislation is requesting to be reported, ultimately detailed on a consumer's natural gas bill.

When you envisioned this amendment and you had this drafted, did you then or do you now believe that this is going to cost the companies that have to provide the information any additional resource or time than what would normally be involved in detailing what is being collected in revenue for the State?

Mr. EVANKOVICH. Thank you, Mr. Speaker.

I am a recovering accountant. Prior to joining the legislature I was an accountant at a very large company in Pennsylvania. What I can share with you is that the staffs of every company that would be distributing natural gas would be there to be able to complement this very easily. A few years back, I believe it was in 2012 or '13, we passed this legislation, and if you look at your natural gas bill, there is not just a line for that discharge, but there is an entire section that explains it. Sure, these companies would have to make accommodations to follow the law, but by the very nature of HB 1401, we are asking companies to accommodate a multihundred-million-dollar-a-year additional tax, and I think that if we are going to implement a severance tax, that we owe it to the people and the consumers of Pennsylvania to make that tax transparent.

Mr. METCALFE. Thank you, Mr. Speaker.

Mr. Speaker, there is some talk about precedent for an amendment like this, and my recollection is that when there was an act passed by this General Assembly in the past for property tax relief, to use the new gambling money to provide some sort of relief, that that act actually required that the tax bills when they are sent out, that they actually give credit to the General Assembly for the amount of money that they were receiving in reduction because of that money flowing back to the school districts. Are you aware of that?

Mr. EVANKOVICH. Mr. Speaker, as you mention it and I am thinking about the bills that I have received, yes, I do believe that that is correct.

Mr. METCALFE. And there was also another time when I know one of the business owners out in my area, Butler County, had shown me his bill, but when the General Assembly had passed previously increases in the waste disposal fees that are put on from the State to dispose of garbage, that there was a bill that was put out by one of our companies – I think there was at least one company that did it in Pennsylvania – to assure the business owner that the increase in cost was a result of the law passed by the General Assembly. Were you aware of that in your area at all?

Mr. EVANKOVICH. Mr. Speaker, to my knowledge, the only time that I have seen, with the exception of the homestead exclusion act that had been brought up, the only time that I have seen a tax specifically outlined on a bill was in the Allegheny County tax on alcohol, which the sitting county executive at that time it had been named after, and I think that it was a great way for the citizens to understand coming out of the shadows exactly what government action was costing them.

Mr. METCALFE. Mr. Speaker, do you believe that the taxpayers, that the consumers of this State hold their elected officials accountable for the decisions that they are making when they are passing tax increases or fee increases? Do you believe that there is enough accountability in that process?

Mr. EVANKOVICH. Mr. Speaker, with an amendment like this, it would certainly make more transparency for the people of Pennsylvania to really understand, and I think we all want our citizens to be engaged in the decisions that we make up here. An amendment like this being adopted into HB 1401 and a natural gas tax would allow our citizens to have that information that they would need to know, whether or not they would want to stand for something based on talking points or stand for something based on how it truly impacts their life.

Mr. METCALFE. Mr. Speaker, have you heard from any of your constituents that they would like to have an amendment like this where they actually knew who voted for a tax increase and if the Governor supported it?

Mr. EVANKOVICH. Mr. Speaker, I have been an outspoken opponent of the severance tax. Many people whom I interact with are either opposed—

POINT OF ORDER

The SPEAKER. Yes. Representative Davidson, you are recognized.

Mrs. DAVIDSON. Mr. Speaker, I believe this questioning not only flies far afield from the motion or the amendment at hand, but also some of these questions are political in nature and may not be appropriate for a discussion here on the floor.

So I respectfully would ask the Speaker to make a determination about how much leeway, since a lot of leeway has been given to the speaker.

The SPEAKER. The good lady has indicated that— I must say that I absolutely agree. I think this is far afield from where interrogation should be. You can speak on the bill, but the goal of interrogation is to ask questions about the bill in and of itself for which the maker of the questions does not know the answer.

Mr. METCALFE. Thank you. Mr. Speaker.

Mr. Speaker, I did not know the answer to any of the questions that I had asked the maker of the amendment.

I just had one final question for him, Mr. Speaker.

The SPEAKER. I understand, but the questions were not all directed to what was contained in the bill.

Mr. METCALFE. Thank you, Mr. Speaker.

Mr. Speaker, as far as what is contained in the bill, and as you have drafted the amendment in kind of the closing of the amendment, you have either the State Senator or State Representative and Governor being recognized for the part they have played in this tax increase that the consumer will be paying, or if the State Senator or State Representative voted

against it in their area, then they would not be recognized, but only the one that did vote for it along with the Governor, and then the final version that if neither State Representative nor State Senator, that you just have the Governor identified as the one that would ultimately be supporting it.

Mr. Speaker, with those various ways that you have drafted the amendment, have you heard from any of the companies involved in this as to whether or not they believe that that would cause an undue burden on them?

Mr. EVANKOVICH. Thank you, Mr. Speaker.

Mr. Speaker, I drafted amendment A04432 without the consultation of any special interest groups either for or against it. I drafted it from the perspective that I think that we should all have from our constituents, which is, what do we think that they would want to see? What do we think that they would want to know? And I believe that the argument on costs of accommodating this particular provision would be in the realm of negligible, and I think that it is valued information. I think the PUC can certainly accommodate it, I think that the Treasury can certainly accommodate it, and it is a commonsense measure to give our constituents the light of day for how the decisions we make specifically impact them.

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

Mr. Speaker, on the question?

The SPEAKER. Yes.

Mr. METCALFE. Thank you, Mr. Speaker.

Mr. Speaker, I think this is a great idea for any future tax increase that is being proposed by this General Assembly, that those who support it, that their constituents should be made aware as that tax is being taken from them, that they should be made aware of whether or not their State Senator, State Representative, their Governor supported that.

I know personally when the gas tax was being put forward during the previous administration that I assigned blame to that to the Governor at that time of my party over and over and over again and made him own that tax from any opportunity that I had to speak. I think that the same should be done— I am for doing it from whatever side of the aisle you are on, whether it is a Republican Governor that signed the tax increase or whether it is a Democrat Governor that keeps pushing for tax increases. Let them own the policies that they are pushing. Let the consumer be made aware that when they are paying more money, that their State Senator or their State Representative or that their Governor actually is the one that has caused them to have to take more money out of their pockets and give it to the government so that they do not have it to spend on themselves, their wives, their children, their families, or on some other way that they would choose to pursue their own happiness, Mr. Speaker.

Mr. Speaker, some might not believe that this would have been worthy of debate today, but obviously there have been people from both sides of the aisle debating. There are still a number of people that are supposed to be recognized after me instead of just voting on the amendment. So obviously other people have more to say on this amendment.

But, Mr. Speaker, this amendment I think is an amendment that should be thought of for every future tax increase. If the members of the legislature want to take more out of the people's pockets, want to take more out of the people's pockets who are creating jobs, want to destroy jobs in this State, then let them own it with their name on the bill as it is being paid.

Thank you, Mr. Speaker.

The SPEAKER. Representative Carroll.

Mr. CARROLL. Thank you, Mr. Speaker.

Mr. Speaker, not to be belabor this, but I would point out that the House roll-call votes are readily available. In the year 2017 it takes nothing more than a few strokes on a computer to find out how members voted on any bill, on any amendment, whether it is the House or the Senate, and how the Governor reacted to the bills that land on his desk.

Mr. Speaker, there really is nothing to this exercise other than to try and advance an agenda that is belittling of the underlying effort here, which is to have a serious discussion of a natural gas severance tax and a royalty fix for leaseholders among the other provisions in HB 1401.

With respect, Mr. Speaker, to transportation bills and gasoline tax increases or fireworks tax, Mr. Speaker, good luck trying to sort out the "yes" and "no" votes as bills bounce back and forth between chambers. Good luck sorting out the moving parts related to how members vote in committee related to how they vote on the floor. I suppose there is not a whole lot of merit in considering the nuance to all of this because it really is at its core just an effort to try and remove us from the conversation that really is at the heart of what we should be considering, which is the language in 1401 and the consideration of a shale tax and a fix for the royalty owners.

So, Mr. Speaker, if the amendment is successful, we will, I guess, have a conversation that lasts in perpetuity relative to who voted for a gasoline tax, relative to who voted for a fireworks tax, relative to any tax that is considered before this General Assembly, and we might want to even consider things that are not called a tax because certain people in the building do not like to call things a tax even though they really are a tax, and then we have the nuance conversation of tax credits and how we treat that whole conversation. It really is an exercise in silliness, Mr. Speaker. Let us reject this and move on to something serious.

The SPEAKER. Representative Marguerite Quinn followed by Representative Rothman.

Ms. QUINN. Thank you, Mr. Speaker.

It was only a couple short minutes ago here we heard the maker of the amendment say that he offered this amendment, he proffered the amendment without consultation of special interest groups. Well, that would include the gas industry, and it is a shame that he did not consult with them, because according to my research, he would have learned that there is nothing in current law to prohibit them presently from putting whatever they darn well please on their bills. Right now if they would like to say whoever was a "yes" or "no" vote on this, they could do it. So this really comes down to being nothing but another mandate on our businesses. They are listening to this debate right now. If they did not have this idea before, they certainly have this idea now and they are welcome to do whatever they want on the bills that they generate in-house and they put out to their users.

Thank you, Mr. Speaker.

The SPEAKER. Representative Rothman.

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

The SPEAKER. Yes.

Mr. ROTHMAN. Mr. Speaker, in your bill would it be full names, last name, title, middle names? I am trying to figure out the logistics of this, in the amendment.

Mr. EVANKOVICH. Thank you, Mr. Speaker.

Mr. Speaker, the amendment is drafted in a way that would allow agency law to decide whether it be full name or just last name.

Mr. ROTHMAN. On the amendment, Mr. Speaker?

The SPEAKER. Yes, sir.

Mr. ROTHMAN. We have had some interesting debate. I think probably we are here on the main bill because of some discussions about names. I have stood here before and talked about when the taxpayer, whether it is a business or the family or the individual, takes money out of their pocket and gives it to us, it is a tax, regardless if you call it an impact fee or not, and we are a body that— I have heard opposition to this amendment talking about burdens on businesses. It is great. Welcome to the discussion about burdens on businesses, but we are also putting burdens on the businesses and on the taxpayers by requiring them to pay more money out of their pocket into our State. We should be proud of the bills we passed. In a lot of cases I have noticed we want to put our names on it.

So in this case we should be proud of the votes we take, and if it is a good tax, then the voters will reward you for it. And if like I believe the underlying bill is going to be a burden, it is going to hurt jobs, it is going to have the opposite effect, I do not have any wells in my district but I have a lot of homeowners and businesses that have benefited from lowering the price of natural gas because of these wells. So I urge you to support the amendment.

Thank you, Mr. Speaker.

The SPEAKER. The next members who will be speaking are Representative Sturla, Representative Roae, Representative Kortz, Representative Pyle.

LEAVE OF ABSENCE CANCELED

The SPEAKER. Representative Greg Vitali is on the House floor and should be placed on the master roll.

CONSIDERATION OF HB 1401 CONTINUED

The SPEAKER. Representative Sturla.

Mr. STURLA. Thank you, Mr. Speaker.

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

The SPEAKER. Yes, he will so stand.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, if a member of the House who voted for this legislation were named on a bill and then ascended to the Senate and were not yet replaced on the floor of the House, would their name appear twice on the bill?

Mr. EVANKOVICH. Mr. Speaker, that is a great question. The amendment would just require that at the time when the bill is voted on, those names would just stay there. So it does not matter what position they take or do not take, or like this particular member is not going to be here in the next session, if I were to vote "yes" and I were to leave office, it would be on the bills, not my successor.

Mr. STURLA. Okay. So this would be in perpetuity?

Mr. EVANKOVICH. Correct, or until it is repealed.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, one further question. In the event— Who determines how much the bill increased as a result of an imposition of a severance tax? And I ask this question because 10, 12 years ago when we were first discussing the emergence of the natural gas industry in the State of Pennsylvania, we were told at hearings by gas industry representatives that they included in their prospectus that there was not a severance – yet a severance tax in Pennsylvania and that if and when one was enacted, they would most likely take it out of the shareholders' benefits because they could not pass it along to the consumer because they were still competing to sell gas on the pipeline. So in the event that they simply passed the severance tax along to shareholders and it never materializes in the form of an increase in the cost of gas for consumers, who determines what they can say?

Mr. EVANKOVICH. Well, the Speaker brings up a great point, and that point is this: the way that the calculation would work, it would be on total Mcfs produced and the total amount of money paid and then from that derived would be a dollars per Mcf, which as we know and we hear all of the time, that most of the gas, rightfully so, that is made in this State because we cannot seem to get our policies in order to encourage business growth in our Commonwealth, most of that gas is sold out of State. So there is a much larger amount of gas produced and sold out of State than there is produced and sold within the State. So by simple subtraction and division, you are going to actually have an artificially low number, an artificially low number, like way lower. So in other words, if 100 billion cubic feet are produced and the gas is paid on that, it is going to be a real big number, but it is just the amount of number – the number sold within Pennsylvania whenever you standardize it down by using a dollar per Mcf, it accommodates exactly what you are referring to.

Now, as it pertains to whether or not there will be an increase in the gas that the people are buying, look, in our marketplace for our natural gas, you have the producers that are selling it to a pipeline, the pipeline is selling it to a transmission company. The transmission company is a B-to-B relationship. It is not a PUC relationship, it is a B-to-B relationship, which means you have a market-based price. Well, whenever these companies that are making the gas or extracting the gas are creating that market-based price, this is going to be baked into that price. That is how basic buy and sell works.

So in other words, the company that is buying the gas and then selling it to us is going to have that cost in their base-unit cost for whenever they purchased that gas, and whenever they sell it to you, it is regulated by the PUC. But again, that dollar per Mcf and the amount of dollars passed on to what is visually seen by our constituents if this amendment would be passed into law would be grossly understated from the actual amount of gas paid by the industry.

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

The SPEAKER. Yes. On the amendment, sir.

Mr. STURLA. Mr. Speaker, if I understood what was being said, it was that what would be reported by anybody on a bill would not be representative of what the actual cost was, which then begs the question, why would we bother reporting it?

Secondly, as was pointed out earlier, the companies can basically say anything they want to on the bills right now. My suggestion would be that the amount of time that we have spent just today on this is far beyond any amount of time that should ever be spent on something like this in the future. Although I would suggest that if the gentleman wants to, he could pass a piece of legislation that would retroactively require that any tax that has ever been enacted in the State of Pennsylvania include the names of those people that did it and we could put those names plastered all over the State of Pennsylvania on every bill and everything we get for time eternal, have at it, but I think it is a colossal waste of time.

Thank you, Mr. Speaker.

The SPEAKER. Representative Brad Roae.

Mr. ROAE. Thank you, Mr. Speaker.

Mr. Speaker, I stand in support of this amendment. If you think about it, there are a lot of government buildings named after legislators. We have a local community college in our area that is named after a State Senator. We have buildings here at the Capitol Complex named after legislators. So if it is okay to name money that an area gets after a legislator, why not name a tax after a legislator who voted for it? I think it makes perfect sense. I think a lot of legislators are okay with their name being used when their area is getting money. Well, when that legislator votes to take money from their constituents in the form of taxes, I think it is also a good idea to name the tax after the legislators who vote for that. So I think it is a great idea, Mr. Speaker.

And the second thing I want to say, Mr. Speaker, is this amendment does raise awareness that people are actually going to pay for the severance tax. If you think about how pricing works on natural gas service, your local natural gas utility, they charge you, the customer, for the gas what they pay for the gas. If the price of that gas goes up because of a severance tax or because of regulations that have to be complied with that increase the cost or anything like that, that cost is passed on to the consumer. The gas utilities, they make their money from transporting the gas through the pipeline system and they make their money from the monthly service charge, but they charge you for the gas what they pay for the gas. So the severance tax would really be a 3.2-percent tax on the customers, how that actually works. So this amendment actually helps, you know, bring awareness to that issue.

But the larger issue is, I think we should have thought of this idea years ago. Anytime that we raise a tax and make people pay more, we should be naming the tax after the legislators who impose that tax, just so they have some, you know, notoriety and they get a little bit of publicity from it, because legislators certainly are willing to use their names when they give money to an area, so their name should be used when they are taking money in the form of taxes. So I urge a "yes" vote, Mr. Speaker. Thank you.

LEAVE OF ABSENCE

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

CONSIDERATION OF HB 1401 CONTINUED

The SPEAKER. Representative Kortz, on the amendment, and then Representative Pyle.

Mr. KORTZ. Thank you, Mr. Speaker.

Would the maker of the amendment stand for brief interrogation?

The SPEAKER. Yes.

Mr. KORTZ. Mr. Speaker, where would they put the names on the bill – on the top, the bottom, the side, back side? Do you spell that out?

Mr. EVANKOVICH. The amendment prescribes that it would be a line on the bill.

Mr. KORTZ. Where at on the bill?

Mr. EVANKOVICH. A line on the bill. That would be up to the utility company to decide.

Mr. KORTZ. Okay. Have you reached out to the gas companies and asked them about the costs? Are they willing to take on the additional cost of putting this on their bills?

Mr. EVANKOVICH. I appreciate the question, Mr. Speaker. As you know, you and I both actually hail from the same corporate background. We should always be conscientious about the policies that we take on and promote in these chambers as to what their practical impact would be to business. The reality is that that is our decision to make. That is a policy decision that this chamber and the Governor and the other chamber would make, is do we want to provide that transparency to our constituents? Too often, I think, in our actions as lawmakers we hear parties who are for and against and we hear from those that have the money and influence to be for and against things, but we do not hear from the constituents that we represent as much. We certainly do not hear from them in as loud a voice or if they make – most of them, in fact, probably have no idea that this debate is even ongoing, and that is the nature of a representative democracy.

But the reality is that the cost of putting this on a bill will be completely negligible, and if it is not completely negligible in raw dollar terms as we look at it today, it certainly would be completely negligible whenever you look at the broader implications of the billions of dollars in revenue that this bill, if became law, would extract from our private economy over the next decade.

Mr. KORTZ. Well, Mr. Speaker, we have reached out to one of the gas distribution people and they said it would be, quote, "a logistical nightmare and the cost would be astronomical," and we just did that, we just got the report from my good friend from Mercer County. So there is a cost involved, there is no doubt about it. It is going to cost.

But my question is, sir, my question is this – I have another question, obviously – now, this is going to go on in perpetuity. Is that correct? Whoever votes, the Governor, the State Representatives, the State Senators, so this is going to follow them in perpetuity. Is that correct? Do I understand that?

Mr. EVANKOVICH. Correct, Mr. Speaker. Just as the prior speaker pointed out, the Ryan Office Building and countless ballfields and stadiums around the Commonwealth, yes, correct, until somebody would choose to change the statute and change this provision.

Mr. KORTZ. Okay. If the gas distribution company I would have now, hypothetically, they go out of business and I pick up another one, does it go on to new companies providing to me?

Mr. EVANKOVICH. It is based on the physical—

Mr. KORTZ. Are they going to be required—

Mr. EVANKOVICH. It would be based on the physical address.

Mr. KORTZ. Okay.

Mr. EVANKOVICH. The physical address would not change.

Mr. KORTZ. It will be mandated that they have to do this?

Mr. EVANKOVICH. Correct.

Mr. KORTZ. Okay. Hypothetically speaking, if you vote for this tax and I vote for this tax and I move into Westmoreland County and I am in your district, will that follow me to your district so it will show your name and my name?

Mr. EVANKOVICH. Mr. Speaker, it is really quite simple in fact. The confusion that might exist can be really easily mitigated with potentially one final explanation of what the amendment does. Frozen in time, the sitting members of the House and Senate, and Governor, if this amendment were to be adopted, the final roll-call votes when the bill passes the respective chamber and the separate chamber and goes to the Governor, those sitting members that cast those votes, regardless of if they retire, if they move on, if they continue to run, if they run for a different elected seat is immaterial. That snapshot is frozen in time, just like a picture. The picture does not change. The line item on that bill would stay the line item on that bill. So 30 years from now the State Senator and the State Representative that vote for it, their names will still be on that bill that were elected today or in this session, if this were to pass into law.

Mr. KORTZ. Okay. Well, is it locked in on the address of the person, where they voted?

Mr. EVANKOVICH. Correct.

Mr. KORTZ. For example, if he would move into another county, would it follow him to that county? He would be on there with another State Representative?

Mr. EVANKOVICH. It is based on the physical address. I do not see physical addresses changing location.

Mr. KORTZ. Okay. So it would not follow if he moved into another county. It would not follow a Representative or Senator if he moved. It would stay locked in on the address where he was at when he voted for it. Is that correct?

Mr. EVANKOVICH. The physical address is the determination of the State Senator and the State Representative, just as it is today.

Mr. KORTZ. Okay.

On the bill, Mr. Speaker?

The SPEAKER. On the amendment.

Mr. KORTZ. I am sorry; on the amendment, sir.

Sir, we have reached out to some of the gas suppliers and they have come back and said, quote, "It's a logistical nightmare and the cost would be astronomical." So there is a fee on these companies that we are going to impose on them tonight. I really believe this is an exercise in futility. It is a silly amendment. I even question the germaneness of it, but I am not going to make that motion, but I would ask everybody to vote "no."

Thank you, Mr. Speaker.

The SPEAKER. Representative Jeff Pyle.

Mr. PYLE. Thank you, Mr. Speaker.

Would the maker please answer a question?

The SPEAKER. Yes, the individual has indicated he will stand for interrogation.

Mr. PYLE. Pardon my limited understanding of things, but as I gather, all this amendment does is it puts in print on a common utility bill – one of those 12.8 million that Pennsylvanians receive – who voted for a tax that increased their utility bill. Is that pretty close?

Mr. EVANKOVICH. Correct.

Mr. PYLE. On the amendment, Mr. Speaker?

The SPEAKER. Yes, sir, on the amendment.

Mr. PYLE. Mr. Speaker, earlier today we heard people talking about the transportation bill, which is kind of near and dear to me. That was mine. That is my name on that bill. You talk to many of the members on this floor and they will tell you it is the most sound bill to benefit their district they have ever had a shot at voting for.

Now, Mr. Speaker, the maker of the amendment seeks only transparency. Now, why is this relevant? Do people really want their name on that? Probably not. But just this past weekend while I sat at home watching my television, I saw a commercial come on that at great length went on explaining how the Governor was trying to institute a sensible severance tax and how the legislature was resisting him, and this group, americaworks.org, at the very end was all too happy to put their name on it.

Now, Mr. Speaker, I believe, if I am not mistaken here, 7, 8 years ago, maybe a little bit longer, the House went through a massive openness and transparency effort and that is how I view this. Apparently the Governor is happy he is going after a severance tax, but there are other peripheral things people need to know.

I read an article in the Philly Inquirer a couple of Sundays ago about how the natural gas industry, because they have taken over our electrical generation and with all-time low natural gas prices, are reducing the cost of electricity in eastern Pennsylvania by 20 to 25 percent. I would think somebody would want to take credit for that, driving down the price of people's electricity. Well, I guess that kind of explains my question to myself, Mr. Speaker. I am sorry for that. The converse would also apply that anybody that drove the price of gas up would probably want to shield their names. Well, in this case, that does not apply. Our Governor is out there loud and proud on my television every night saying this is good for Pennsylvania.

Mr. Speaker, this amendment is small beans. It is not big potatoes. There is not a whole lot to sink your teeth into. All I would ask is the people that made the thing and the people that support the thing put their names on it. It is no different than a craftsman signing his work. And, Mr. Speaker, I am going to tell you point-blank, I will be voting against this underlying bill, because I do not want to go to explain to the thousands and thousands of gas workers repeatedly that I did my best to save their jobs and here are the guys who did not care like I did. It would make life a lot easier. Please vote for the Evankovich amendment, A04432. Thank you, Mr. Speaker.

The SPEAKER. Representative Neuman.

Mr. NEUMAN. Thank you, Mr. Speaker.

Will the maker of the amendment rise for brief interrogation?

The SPEAKER. I am just not sure that I have seen so many interrogations on an amendment before, but please proceed.

Mr. NEUMAN. Thank you, Mr. Speaker.

Embedded in your amendment every bill will have the current Governor's name on the bill, is that correct, if this bill would pass?

Mr. EVANKOVICH. For the legislative record, to answer the question, the current Governor, and this refers to as the sitting Governor who would sign this bill into law, Governor Tom Wolf.

Mr. NEUMAN. So what if he does not sign the bill into law and just allows it to become law?

Mr. EVANKOVICH. Then it would be the sitting Governor.

Mr. NEUMAN. So he does not—

Mr. EVANKOVICH. The current Governor at the time – my apologies, Mr. Speaker – the current Governor at the time in which the act becomes law.

Mr. NEUMAN. He would not support a piece of legislation, but you would name it after a Governor that does not support a piece of legislation?

Mr. EVANKOVICH. The Governor can choose to carry out his duties as he or she would see fit, and a bill that becomes law under a Governor's watch is nonetheless their act in the making.

Mr. NEUMAN. So a bill that becomes law under your watch is also a bill under, partially, your making.

Mr. EVANKOVICH. I am part of one-third of the government. I am 1 out of 203 in this chamber, and I do not have the ability to say "yea" or "nay" on a bill that changes the outcome in its finality, as the final determining vote, unless it is a very close vote. The Governor has the ability, through the power vested in him by the Constitution, to say yes or no by either signing or vetoing a bill or allowing it to become law, and passive governing is still governing.

Mr. NEUMAN. So if— But he can allow a bill to become law and not necessarily support the legislation. That is correct?

Mr. EVANKOVICH. And I think that every Pennsylvanian will—

PARLIAMENTARY INQUIRY

The SPEAKER. Please suspend.

Representative Kampf, do you have a parliamentary inquiry?

Mr. KAMPF. I do, Mr. Speaker.

Is there a motion to end debate on an amendment, and if so, what is it?

The SPEAKER. Sir, you may move the previous question specific to the amendment, and you would need 20 seconds on that, but that will shut down debate and go to a vote on the amendment.

Mr. KAMPF. Thank you, Mr. Speaker. That was most illuminating. I will reserve for a later moment.

The SPEAKER. You are disappointing some folks, I believe.

Representative Neuman.

Mr. NEUMAN. Thank you, Mr. Speaker.

I will go on from the flaw of naming the Governor in the bill and go into the text of the actual amendment that says, "On each bill, the tax shall be referred to by the name of the individual which voted for the tax to be imposed. The title of the tax shall vary by the consumer's physical address."

Now, it has been alluded to that the impact fee is actually an impact tax. Are we going to go back to the individual members that voted for the impact tax and incorporate their name, as they have also, because this is just a tax on natural gas – this is also a tax on natural gas – impose their name on the bill because they voted for the first impact tax and increased the cost to consumers?

Mr. EVANKOVICH. No, Mr. Speaker. It is in a separate chapter. I mean, I think it is very clear that it is about the underlying severance tax, and I think that the questions that try to confuse the issue are just that, questions that confuse the issue. This is very clearly provisions that would apply to the severance tax, and the underlying provisions of the impact fee are in a different chapter.

Mr. NEUMAN. On the amendment, Mr. Speaker?

The SPEAKER. Yes, sir.

Mr. NEUMAN. Thank you, Mr. Speaker.

I know that we have gone on and on about this amendment. Just for your reference, in the amendment it actually does not say the word "severance" in front of any word "tax." So it should also include and, if I were to interpret this as a judge, I would also say that the members that voted for the impact tax, their names should also be included on this.

I also believe that the flaw in the bill to assume that the Governor, even though he can veto, there can be a veto override, which we really did not address, if there is a veto override and the Governor actually vetoed the bill, his name is still going to be on the consumer's bill. So this amendment, in my opinion, is fatally flawed. I believe it will increase significantly costs to consumers that they normally would not see, probably to the extent that it is going to increase it more than maybe the tax would increase their natural gas bill. So I would ask for a negative vote on this amendment. Thank you.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—53

Bernstine	Godshall	Maloney	Ryan
Bloom	Grove	Metcalfe	Saccone
Cook	Hahn	Metzgar	Sankey
Cox	Hill	Moul	Saylor
Cutler	Irvin	Nelson	Schemel
Delozier	Kauffman	Nesbit	Simmons
Diamond	Keefer	Oberlander	Tallman
Dowling	Keller, F.	Pyle	Topper
Dush	Keller, M.K.	Rapp	Walsh
Ellis	Klunk	Reed	Ward
Emrick	Knowles	Reese	Warner
Evankovich	Mackenzie	Roae	Wentling
Gabler	Mako	Rothman	Wheeland
Gillespie			

NAYS—134

Baker	DiGirolamo	Kinsey	Quinn, C.
Barbin	Donatucci	Kirkland	Quinn, M.
Barrar	Driscoll	Kortz	Rabb
Benninghoff	Dunbar	Krueger	Rader
Bizzarro	English	Kulik	Ravenstahl
Boback	Evans	Lawrence	Readshaw
Boyle	Everett	Lewis	Roe
Bradford	Farry	Longietti	Roebuck
Briggs	Fee	Madden	Rozzi

Brown, R.	Fitzgerald	Markosek	Sainato
Brown, V.	Flynn	Marshall	Samuelson
Bullock	Frankel	Marsico	Santora
Burns	Freeman	Masser	Schlossberg
Caltagirone	Fritz	Matzie	Schweyer
Carroll	Gainey	Mehaffie	Sims
Causer	Galloway	Mentzer	Snyder
Cephas	Gillen	Miccarelli	Solomon
Charlton	Goodman	Millard	Sonney
Comitta	Greiner	Miller, B.	Staats
Conklin	Hanna	Miller, D.	Stephens
Corbin	Harkins	Milne	Sturla
Corr	Harper	Mullery	Tobash
Costa, P.	Harris, A.	Murt	Toepel
Cruz	Heffley	Mustio	Toohil
Culver	Helm	Neilson	Vazquez
Daley	Hennessey	Neuman	Vitali
Davidson	Hickernell	O'Brien	Warren
Davis	James	O'Neill	Watson
Dawkins	Jozwiak	Pashinski	White
Day	Kampf	Peifer	Youngblood
Dean	Kaufer	Petrarca	Zimmerman
Deasy	Kavulich	Petri	
DeLissio	Keller, W.	Pickett	Turzai,
Dermody	Kim	Quigley	Speaker

NOT VOTING—0

EXCUSED—14

Christiana	Haggerty	McClinton	Taylor
Costa, D.	Harris, J.	McGinnis	Thomas
DeLuca	Maher	Ortitay	Wheatley
Fabrizio	McCarter		

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

BILL PASSED OVER

The SPEAKER. At this time it is my understanding that we are over on the bill for now.

REPUBLICAN CAUCUS

The SPEAKER. Representative Toepel has called for an announcement.

Mrs. TOEPEL. Thank you, Mr. Speaker.

Republicans will caucus at 5:45. We would be prepared to return to the floor at 6:45.

DEMOCRATIC CAUCUS

The SPEAKER. Representative Dermody, for a caucus announcement.

Mr. DERMODY. Thank you, Mr. Speaker.

The Democrats will also caucus at 5:45. Thank you, Mr. Speaker.

HEALTH COMMITTEE MEETING

The SPEAKER. Representative Matt Baker is recognized, I believe, for a committee announcement.

Mr. BAKER. Yes, sir.

Mr. Speaker, we will meet immediately in room G-50 of the Irvis Office Building for the Health Committee, immediately upon the break. Thank you, Mr. Speaker.

The SPEAKER. The Health Committee is going to be meeting immediately in, what room?

Mr. BAKER. G-50.

The SPEAKER. G-50 of the Irvis Building.

ANNOUNCEMENT BY MR. CAUSER

The SPEAKER. Representative Marty Causer is recognized for an announcement.

Mr. CAUSER. Thank you, Mr. Speaker.

Mr. Speaker, the members of the Republican Western Caucus are meeting in the majority leader's conference room immediately. Western Caucus, majority leader's conference room, immediate meeting. Thank you, Mr. Speaker.

The SPEAKER. Then my understanding is that both caucuses will be meeting at 5:45 and we will be on the floor at 6:45.

RECESS

The SPEAKER. The House will be in recess until 6:45 p.m.

RECESS EXTENDED

The time of recess was extended until 7 p.m.

AFTER RECESS

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

BILLS REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

HB 456, PN 2771 (Amended)

By Rep. BAKER

An Act regulating tattoo, body-piercing and corrective cosmetic artists; limiting tongue splitting; providing for powers and duties of the Department of Health; and imposing penalties.

HEALTH.

HB 1869, PN 2592

By Rep. BAKER

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

HEALTH.

SB 3, PN 283

By Rep. BAKER

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in abortion, further providing for definitions, for medical consultation and judgment and for the offense of abortion on unborn child of 24 or more weeks gestational age, providing for dismemberment abortion ban and further providing for reporting.

HEALTH.

**HOUSE BILL
INTRODUCED AND REFERRED**

No. 1952 By Representatives MARSICO, STEPHENS, CORBIN, RYAN, DRISCOLL, MALONEY, DAVIS, TOEPEL, ROTHMAN, KAUFFMAN, BAKER, W. KELLER, MILLARD, RAPP, ROZZI, COX, A. HARRIS, PICKETT, JOZWIAK, HILL-EVANS, CORR, CUTLER, SCHWEYER, ORTITAY, READSHAW, WHEELAND, M. QUINN, DeLUCA, PHILLIPS-HILL, ROEBUCK, CALTAGIRONE and WATSON

An Act amending Titles 18 (Crimes and Offenses), 23 (Domestic Relations) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in sexual offenses, further providing for conduct relating to sex offenders and for general rule; in falsification and intimidation, further providing for the offense of failure to comply with registration requirements, defining the offense of failure to comply with 42 Pa.C.S. Ch. 97 Subch. I registration requirements and imposing penalties; in proceedings prior to petition to adopt, further providing for grounds for involuntary termination and for definitions; in domestic and sexual violence victim address confidentiality, further providing for agency use of designated address; in sentencing, extensively revising registration of sexual offenders provisions; and making editorial changes.

Referred to Committee on JUDICIARY, December 4, 2017.

CALENDAR CONTINUED

BILLS ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 1915, PN 2735**, entitled:

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

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

* * *

The House proceeded to second consideration of **HB 110, PN 1045**, entitled:

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

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

BILLS RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader, who moves that HB 110 and HB 1915 be recommitted to the Committee on Appropriations.

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

BILLS REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader, who moves that the following bills be removed from the tabled calendar and placed on the active calendar:

HB 983;
HB 1124;
HB 1644;
HB 1738;
HB 1918;
HB 1929; and
SB 458.

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 1737 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.

BILL TABLED

The SPEAKER. The Chair recognizes the majority leader, who moves that HB 1737 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 ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 1286, PN 1789**, entitled:

An Act amending the act of March 20, 2002 (P.L.154, No.13), known as the Medical Care Availability and Reduction of Error (Mcare) Act, in medical professional liability, providing for punitive damages study.

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 1286 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 1286 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.

RESOLUTION

Mr. REED called up **SR 154, PN 1019**, entitled:

A Concurrent Resolution disapproving the part of the Real Property Disposition Plan No. 1 of 2013 that provided for the disposition of approximately 198 acres in Shenango Township, Lawrence County.

On the question,
Will the House adopt the resolution?

RESOLUTION TABLED

The SPEAKER. The Chair recognizes the majority leader, who moves that SR 154 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.

RESOLUTION REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader, who moves that SR 154 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.

BILLS AND RESOLUTIONS PASSED OVER

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

ADJOURNMENT

The SPEAKER. At this time Representative Everett moves that we adjourn and continue tomorrow, Tuesday, December 5, 2017, at 11 a.m., e.s.t., unless sooner recalled by the Speaker.

On the question,
Will the House agree to the motion?
Motion was agreed to, and at 7:06 p.m., e.s.t., the House adjourned.