

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

TUESDAY, MAY 4, 2021

SESSION OF 2021

205TH OF THE GENERAL ASSEMBLY

No. 27

HOUSE OF REPRESENTATIVES

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

THE SPEAKER (BRYAN CUTLER) PRESIDING

PRAYER

HON. RYAN WARNER, member of the House of Representatives, offered the following prayer:

Heavenly Father, we come to You this hour asking for Your blessing and help as we are gathered together. Please watch over those that have traveled a great distance to be with us today as we honor our late colleague, Mike Reese.

We pray for guidance in the matters at hand and ask that You would clearly show us how to conduct our work with a spirit of joy and enthusiasm. Let us release the bind of blame in exchange for accord. Help us to endure disagreement and strife with godly courage and love.

Give us the desire to find ways to excel in our work. Help us to work together and encourage each other to excellence. We ask that we would challenge each other to reach higher and farther to be the best that we can be. We ask this in Your name, Lord. 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, May 3, 2021, will be postponed until printed.

JOURNALS APPROVED

The SPEAKER. However, the following 2021 Journals are in print and, without objection, will be approved:

Wednesday, January 27;
Thursday, January 28;
Wednesday, February 3; and
Thursday, February 4, 2021.

BILLS REPORTED FROM COMMITTEES, CONSIDERED FIRST TIME, AND TABLED

HB 253, PN 1415 (Amended) By Rep. DELOZIER

An Act establishing a task force on the opioid abuse epidemic's impact on children and providing for powers and duties of the task force.

CHILDREN AND YOUTH.

HB 764, PN 1416 (Amended) By Rep. DELOZIER

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, in child protective services, further providing for employees having contact with children and adoptive and foster parents.

CHILDREN AND YOUTH.

HB 930, PN 1417 (Amended) By Rep. KAUFFMAN

An Act amending Titles 18 (Crimes and Offenses) and 44 (Law and Justice) of the Pennsylvania Consolidated Statutes, in kidnapping, further providing for missing children; and, in DNA data and testing, further providing for policy, for definitions and for State DNA Data Base, providing for collection of DNA in investigations of high-risk missing persons and missing children, for collection of DNA in investigations of missing persons and for collection of DNA in investigations of unidentified decedents and further providing for DNA data base exchange.

JUDICIARY.

HB 940, PN 948 By Rep. KAUFFMAN

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in cruelty to animals, further providing for police animals.

JUDICIARY.

HB 975, PN 1418 (Amended) By Rep. KAUFFMAN

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in sexual offenses, further providing for the offense of institutional sexual assault.

JUDICIARY.

HB 996, PN 1414 (Amended) By Rep. DAY

An Act providing for access to long-term care facilities for members of the clergy, for additional safety requirements for residents, for suspension of access for members of the clergy and for personal protective equipment for members of the clergy.

AGING AND OLDER ADULT SERVICES.

LEAVES OF ABSENCE

The SPEAKER. Are there requests for leaves of absence?

The Chair recognizes the majority whip, who indicates that there are none. The Chair thanks the lady.

The Chair recognizes the Democratic whip, who indicates that there are none. The Chair thanks the gentleman.

MASTER ROLL CALL

The SPEAKER. The Chair is about to take the master roll call. Members will proceed to vote.

The following roll call was recorded:

PRESENT—201

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

ADDITIONS—0

NOT VOTING—0

EXCUSED—0

The SPEAKER. Two hundred and one members having voted on the master roll, a quorum is present.

**MEMORIAL SERVICE FOR
HON. MIKE REESE****CONDOLENCE RESOLUTION**

The SPEAKER. The House will please come to order. Members, take your seats. The Sergeants at Arms will please clear the aisles.

We are about to take up a condolence resolution on the death of a former member of the House. The Sergeants at Arms will please close the doors of the House. Members, please take your seats.

The Clerk will please read the resolution.

The following resolution was read:

**COMMONWEALTH OF PENNSYLVANIA
THE HOUSE OF REPRESENTATIVES****CONDOLENCE RESOLUTION**

WHEREAS, The House of Representatives of Pennsylvania wishes to honor the memory of the Honorable Mike Reese, a member of the House of Representatives of Pennsylvania who served the 59th Legislative District with honor and distinction and who passed away at the age of forty-two on January 2, 2021; and

WHEREAS, Born in Mt. Pleasant Township on March 7, 1978, Representative Reese was a 1996 graduate of Mt. Pleasant High School. He earned a bachelor's degree in secondary education from Duquesne University in 2000 and a master's degree in business administration from Seton Hill University in 2004. His business and education background led Representative Reese to work in the admissions office of the University of Pittsburgh at Greensburg and as a teacher and counselor at the Pressley Ridge School. He also worked for Westmoreland County Community College as an adjunct member of its business faculty before beginning his tenure with Westmoreland County, where he served as Chief of Staff for Commissioners Terry Marolt and Phil Light and as Assistant Director of Financial Administration. Representative Reese was first elected to the House of Representatives of Pennsylvania in 2008 and was recently re-elected to his seventh term. He was elected by his colleagues to serve as Republican Caucus Secretary for the 2019-2020 session and as the Republican Caucus Chair for the 2020-2021 session; now therefore be it

RESOLVED, That the House of Representatives of the Commonwealth of Pennsylvania proclaim with enduring sorrow the passing of the Honorable Mike Reese; and extend heartfelt condolences to his wife, Angela Reese; children, Michael Eric, Addison and Claire; and many other family members, colleagues and friends; and be it further

RESOLVED, That a copy of this resolution, sponsored by Representatives Bryan Cutler, Kerry A. Benninghoff, Joanna McClinton, George Dunbar and Jesse Topper on January 5, 2021, be transmitted to Angela Reese.

Kerry A. Benninghoff, Sponsor
 Joanna McClinton, Sponsor
 George Dunbar, Sponsor
 Jesse Topper, Sponsor

Bryan Cutler, Speaker of the House
 ATTEST:
 David Reddecliff, Chief Clerk of the House

On the question,
 Will the House adopt the resolution?

The SPEAKER. Those in favor of the resolution will please rise and remaining standing as a mark of respect for the deceased former member. Guests will also please rise.

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

The SPEAKER. The resolution has been unanimously adopted.

Members and guests, you may be seated.

REMARKS BY SPEAKER

The SPEAKER. Mike embodied the spirit and the attitude of western Pennsylvania and proudly carried that with him into the halls of this building. He was born and raised in Mount Pleasant Township, Westmoreland County. He played football – and boy, did we hear about what a great football player he was; he made sure to share those stories at every opportunity – and he graduated from Duquesne University and earned a master's degree at Seton Hill in Greensburg.

From the start of his career, he was always focused on helping others. He worked as a teacher, a counselor, and in college admissions, spending his professional hours helping kids achieve their own dreams. He also proudly spent a lot of hours, nearly professionally, coaching the Little League and junior football. All of those experiences led him to expand his career into public service, working in county government administration and then running for the seat here in this House. His background as an educator and in education administration made him not just a valuable asset to those in our caucus, but to the entire Commonwealth.

I have said many times, and many of you know that Representative Reese and myself and Representative Topper were very close, so we shared a lot of funny stories and times together. But without a doubt, we all benefited from Mike choosing to run for office and his encouragement to each of us as individuals. His talents, poise, and knowledge shined through in the bills that he worked on, every time we met at leaders' meetings to discuss the future that we hoped to bring to this Commonwealth, and every time he debated any issue on the floor.

We are humbled to share the chamber with his family today – his wife, Angela, and their children, Addison, Michael, and Claire. I know you know this already, but he never stopped talking about you guys, and you were the lights of his life. I want to say thank you to each of you for sharing your husband, your dad; and to the friends and family members as well, thank you for sharing Mike with us. We are all better for having known him.

And I must confess: Mike, while he always talked about his athletic prowess to me, he always encouraged me to be better, be better at everything I did. And when I would tell him I was working out or how many miles I would run, he would ask me why I did not run one more or he would send me a text with a funny meme on it. And we constantly, you know, he was my accountability partner, in terms of staying fit. He was a wonderful Representative and colleague, but most importantly, he was a great friend. So thank you for sharing Representative Reese with us. Certainly, we will miss him. To this day I still want to pick up the phone and send him a text of my workout or, you know, whatever CrossFit thing I did this morning.

And I know it is not easy, having lost my own father when I was in high school, so please know that if you ever need anything, you can ask any of us and we would be more than happy to help. We are very grateful for the time that we got to spend with him here, and we are grateful that you were willing to share him. Thank you.

REMARKS BY MAJORITY LEADER

The SPEAKER. The Chair will now call on the majority leader, Representative Benninghoff.

Mr. BENNINGHOFF. Thank you, Mr. Speaker.

When I prepared to make a few comments, I quickly came to the conclusion that all of us want to be able to say something magic and make this day not necessary. I do not have the ability to do that.

I would echo to his lovely wife and Michael and Claire and Addison, we have gotten a lot of joy out of learning to meet your family, in my visit to your home. But I am going to share a few thoughts, for whatever it is worth, but mostly, hopefully, it will honor Michael.

Where do butterflies go when it rains? Do fireflies continue to light up in the daylight? Why does God take people in their youth? These are questions that I have pondered as a young boy, even sometimes now, and I have concluded, and painfully have been reminded again as an adult and as a father, that there are just some things we do not have answers to and maybe we are not supposed to – at least not for now.

When I was a young boy, about 9 years old, I had a friend named Jake. Jake missed a lot of school. One week, Jake did not come back. My mother told me that Jake died from something called leukemia. I did not know then either what that meant. In an effort to provide me some comfort, my mother reminded me that the Bible teaches us that God created man in His own image, and like man, God, too, picks the most very best, most beautiful flowers first from His garden to take home. And so it is with our good friend, Michael Reese.

Today we gather to memorialize our friend, even name a bridge in his name in our humanistic attempts to perpetuate his memory. If we are honest with ourselves, we all fear someday of being forgotten. While today does serve as a memorial service, a time of remembrance of his life and his friendships, I want to encourage each of us to not just memorialize but to honor him, honor him by emulating the many fine qualities you remember or will be shared with you very shortly by some of the other speakers. Whether it was his ear-to-ear, million-dollar smile; hard-charging "let's go" attitude, especially when there was an issue that Mike really became passionate about, i.e., PIAA; or maybe it was for his love of sports or his family. His passion for

his family – all of his family – wife, Angela; three beautiful children; but also his brothers and his parents. When Mike spoke of Dad or Mom, you would think he was the only one on the planet that had one.

I will not try to speak for Mike Reese, but to truly honor his life, his legacy, I would ask you to think about how we live the rest of our own lives. What is really important to you? For Mike, it was about being genuine, serving others, not being pretentious or getting caught up in titles and the adulations that come with this job. For our friend, Mike Reese, the most important titles he held were "husband," "father," "brother" – and "brother" was extended to some that were not biological but earned, as you will hear from a few more speakers.

I have often told my children, meet as many people in life as you can – some for a minute, some will be for a lifetime, but each one of them will touch and possibly change your life. Mike had that impact on many people. Mike Reese made my life better just knowing him and getting to know what was important to him.

I am going close with a few lines from a country song. I know not all of you are country music fans, but the title is "How They Remember You" by Rascal Flatts. It says:

...It ain't a question of if they will
It's how they remember you.

Did you stand or did you fall?
Build a bridge or build a wall
Hide your love or give it all
What did you do?

Did you make 'em laugh or make 'em cry?
Did you quit or did you try?
Live your dreams or let 'em die
What did you choose?...

My friends, I choose to celebrate Mike's life. We mourn his passing, we mourn his absence, but I choose to celebrate his life, and I would encourage you to do that every day as well, looking for opportunities to do good.

Until we meet again, my friend. Blessings to you and your family.

I thank you, Mr. Speaker.
The SPEAKER. The Chair thanks the gentleman.

REMARKS BY MINORITY LEADER

The SPEAKER. The Chair recognizes the gentlewoman, Representative Leader McClinton.

Ms. McCLINTON. Thank you, Mr. Speaker.

Our hearts were truly broken at the very beginning of this year. I can still remember when my colleague, the gentlelady from Fayette County, contacted me to let me know that Representative Reese was sick and that it was not looking good. And I still remember exactly where I was when the Speaker contacted me to tell me the worst news that I have heard, which is that he left us far too soon, way too early, so suddenly.

And Mike was a very bright light in this chamber – not only his smile, not only his laugh, but his warm heart. He knows that I, like many times when I used to sit in the back, was going to call everybody's last name and speak to them. And he would turn around, "Hey, Joanna," "Hey, Reese," talking to him, laughing with him, getting to know him better, and being so proud of his

elevation in leadership with the caucus. He is a true blessing and a strong spirit that we will miss.

But I echo the majority leader's sentiments. We have a challenge among us. How can we reflect his legacy? How can we remember the grace that was in his heart and the way that he lived his life that made us all so proud? Not just the incredible service to his constituents and to this chamber, to this institution, but to his family, to his brother, to his mother, to his beautiful children and his wife. He was certainly someone who showed love every single moment, every opportunity.

He was not here for fame. He was not here living for his next election. He was here to do good work. And that means that we have to ask ourselves, what are we doing with this privilege and this opportunity? Because we do not know when it will be our last breath, whether we will make it through today, because we certainly know that tomorrow is not promised. But what I ask every single one of you is indeed to embody his legacy, let this chamber be one that we can be proud of; that we speak to each other genuinely, that we get to know each other across the aisle, because that is what Mike did. That is something that he did every single day, not just from when I came here a few years ago, he did that for a long time, for his entire career, and it did not start when he was being called Representative. I could talk to his mother – I am sure it started when he was a child, when he was a youth, to have that type of heart that simply cared about others and to be one who did the outreach.

So I will end with Psalms 30:5, which says: "...weeping may endure for a night, but joy comes in the morning." It does not say who has the joy, but one thing we know is Representative Reese right now has the joy – he is not sick, he is not suffering, he is beyond at peace. It says that where in the presence of the Lord, there is fullness of joy and pleasures forevermore.

So I am praying for you all. My caucus is praying for you. Our hearts hurt with yours. It was difficult even to get through our swearing-in day without making sure that we referenced and honored his legacy and his hard work. So just know you are not alone and that the D's next to our name do not mean that we are not with much sympathy. We have tons of sympathy. We are here for you. And like the Speaker said, if anything is ever needed, please reach out to us. Thank you.

The SPEAKER. The Chair thanks the lady.

REMARKS BY MR. DUNBAR

The SPEAKER. The Chair recognizes the gentleman, Representative Dunbar.

Mr. DUNBAR. Thank you, Mr. Speaker.

His friendship was true; his loyalty was fierce. That was what was said at Mike's funeral by Father Paul. Nothing could be more accurate in describing Mike. His friendship was true; his loyalty was fierce.

I steal that because it is hard for me to figure out what to say, because I know Mike is sitting up there right now saying, "This has got to be good, Dunbar has to say something nice about me." And understand, our whole friendship, as was many of ours, was predicated on picking on each other constantly. I know he had to be a great father and I know you guys had to love that. But I was the old man. I was the geek. I was a nerd. It was constant. Topper was fat. Believe me, nobody avoided this. Cutler was weak and frail. Nelson was tiny. Topper was fat. Joe Emrick was not nearly as good a football player as he was. And, Judge Walsh and Matt

Dowling, I am not even allowed to say what he talked about you. And again, Topper was fat. You could tell whom he really loved, and in all honesty, he got it as good as he gave it. We gave it right back to him constantly. We loved him. His friendship was true; his loyalty was fierce.

Everything Mike had was better than whatever you had. Everything that Mike did, he was better at it than you were. That was just Mike. And if you would think about it, that is a pretty annoying guy. You know, always picking on you. Everything he has is better. Dave, I am sure you know that. But like I said, his friendship was true, and that was the important thing.

We shared a secretary, a county, a vision, a true friendship, and an office, which is somewhat now popular because of Representative Pyle's farewell speech talking about 147 East Wing being the home of him and Cutler. It was the home of me and Reese right after that. So, Mustello and Struzzi, you have a legacy to live up to. By sharing that office, I was with him all the time and I got to see firsthand how much he cared, and he did. I mean, we say these things relatively easily but Mike really, really cared. I cannot tell you how many nights he would be on the phone with constituents, calling everybody back, and I would say, "Mike, why are you calling that guy? That's the fifth time this week he's called you." "Well, he called, I got to call him back." He cared. He really, really loved his district; he really loved his people.

It was like he had this childlike naivety because he was, like, from Mount Pleasant – you could take the boy out of Mount Pleasant but you cannot take the Mount Pleasant out of the boy. It is kind of like Mayberry. You know, it is very country bumpkinish, I guess you would say. But he had this naivety from there, like I remember when he was first running, I was county chair and we were trying to get Mike to go out and campaign a little bit harder. He was campaigning hard, do not get me wrong, that man worked. But we wanted him to go to this pretty big bar that everybody out in that area knows about, and we said, "Mike, you got to go to this bar and, you know, buy everybody a round of drinks, because you could reach the people you haven't reached yet." He had this look on his face like "You want me to go to a bar?" I said, "Come on, Reese, grow up." And he said, "Can I bring Angela with me?" And I am like, "No, you can't bring Angela with you." But that is the way Mike was.

And then he comes up here and it is the country boy visits the big city almost, although he went to Duquesne in town. It was like he had never been exposed to all the things. Greg Rothman had to teach him how to drink wine, and then he developed that taste for wine. I tried to teach him how to play poker, but as Representative Bradford will tell you, he was pretty bad at it. But he played, and he came and he played because it was my thing. It was what I liked to do, so he came to be with me. That was the type of person Mike was.

I remember the last time we were all together – Joan, Kara, Angela – we were at the casino. And do you remember, we were walking down the steps and there was a showgirl with the big flowers or whatever on and I made him stop and take a picture. He did the most uncomfortable look in the world. Mike standing next to a half-dressed woman with a feather boa. But I loved it. I have that picture in my office, by the way. It is one of my favorites.

Another thing about Mike: He is also the most respectful person I have ever met in my life, by far and away. He calls my wife Mrs. Dunbar. Now, understand, my wife – well, she will tell you – she is significantly younger than I am. Someone Mike's age

calling her Mrs. Dunbar would be an insult, I guess, to a lot of people, but to my wife, that was Mike. She loved him too.

And we also here, like we sit on the floor and we talk, and he would nudge me and he would say, "If there's a fight, who do you want to back you up, me or Emrick?" and "Who's a better athlete, me or Sankey?" That was Mike, though, and it was constant. It never changed. He was from Mayberry. But he loved his district, and they truly loved him as well. All you need to do is be out there. The signs – I know everybody did not see it, but the signs, you know, "We miss you, Mike," you know, "Thank you, Mike." I was playing golf on Sunday in his district, and I get out where you take your clubs out, and I dropped my clubs out and there is a little turnaround, and there is a "We miss you, Mike Reese" sign. This is 5 months later. People have not forgotten.

As far as everything he said that he is better than you at, he was a world-class athlete, apparently, as Cutler said, whether it was football or softball. He also was better than you at home additions, and believe me, he had pictures to prove it, and he would show us all whatever he was working on at home. His office was better than what I had, his clothes were better, but in all reality, let us be honest, he shopped at Kohl's. He loved Kohl's. I mean, that is, you know, and he knew all about the whole coupon scheme and he would get his 30 percent off. I mean, everything with Mike was like that. It was constant. We loved him.

Always, always with Mike, his bragging points also was his staff. I mean they were the world to him. Jordan, Jordan Frei is here. He was his right-hand man, and he constantly told me how great Jordan was. And I know he is. Amy; Rachel as well, who is here. Mike worshiped you both. Jessica, all I can tell you is he never was serious when he said he was going to fire you and hire Tiffany, which he told you about a hundred times. And you know how much he loved you as well. Here is a man – now, we all have staff out here – here is a man that not only takes care of his staff, he went and built her a porch. I mean, not just a small, little porch, but a big porch. And he recruited people to do it and help. And he built the porch; of course, took many pictures, and of course, told Davanzo he was a lot better carpenter than he was, even though Davanzo is actually a carpenter and Mike is not. But like I said, his loyalty was fierce, especially with his staff.

I talked to Mike every day. I still do. Every day. It is hard. Things happen here and the first reaction you have: call Mike, text Mike. And the Speaker has been one of the main points, because there was an episode about, I do not know, a month or two ago, and I do not know whom he was mad at, was it this side of the aisle or that side of the aisle, and Bryan had his arm in a sling, when Bryan still had his sling. And Bryan did not have his gavel in his hand, and he went to reach for that gavel, and his arm was in the sling and he could not reach it, and it was like you could see the pain. And he reaches with his left and he starts swinging the gavel, and Clancy is ducking up there. It was just— And then he finally grabbed it with his right hand and hits the gavel so hard. I said, oh, Reese would have had a field day with that. The first thing I went to do is "I got to tell Mike." And you realize he is not there. And then, it was only a couple of weeks ago, I do not know if anybody in this chamber noticed, but Cutler, with his immense strength and power, broke his gavel, and you actually split it. And my initial reaction was "I got to tell Mike." And Mike was not here.

I remember on January 1, fielding phone calls, talking to all of you; hiding from my wife because I was crying. And I could hear him: "Suck it up, buttercup. Put your big boy pants on." His

voice is always in my head. I think it was Sankey that may have said to me, "We lost a brother, but you lost a twin." It is a big adjustment for all of us. But my loss, our loss pales in comparison to your loss, Angela, Addison, Mike, Claire, Joan and Randy, Brandon, Dave, Kara. I almost did the same thing that Kerry did, did I not? Make no mistake, his life truly did revolve around you guys. It always did.

We spoke quite often about is this job fair to you kids? The time away. Should he be home more often? Should he continue to do this? It was always, always at the top of his thoughts. And believe me, he shared everything with us – videos, pictures – whether it was Charleston or Disney. And when he would show pictures of Disney, it was not of teacups and castles and princesses – it was about everybody at the house, everybody at the pool. Disney was not about that; Disney was about family. That is what really got Mike going.

Joan, I remember we had a fight over you one day where we had a classic "my mom is better than your mom" fight. But that is what dealing with Mike was, because it was about you had helped with a golf outing and he said, "My mother's the best in world." I said, "Well, yeah, your mom's great. I love Joan. She's fantastic." "Well, she's better than your mom." I said, "Mike, I can't say that." "I'm going to punch you in your face." I said, "We are so grown up, Mike. We are so grown up."

And even though, yes, the family was his focus, but that did not lessen his resolve in working hard up here. He was, he was a man who swam in what a lot of people consider a cesspool and never got dirty. No one has ever said a bad word about Mike, and I truly mean that; no one ever has. He was not only, he was not only loved by his friends, but he was also respected by everybody, which is really important up here. He challenged to work hard, and he worked hard. And it reminded me of his stride – if any of you have ever walked down the hallway with Mike, he goes really fast. He would walk and it was like he just had this, you know, wherever he was going had to be the most important place in the world, and he walked really fast. I had trouble keeping up with him, and he would just say, "Come on, old man. Come on, old man. Keep up." But that is the way he attacked work up here.

He rose through the ranks, got into leadership – not by any plans or any schemes, just solely by being himself. We all knew he was just barely scratching the surface. He certainly had a long way to go. And the funny thing is, we would all tell him that. I know the Speaker and myself had spoken to him many times about being more active on the floor because he was very good at it. Everyone knew he was still climbing the ladder – except for him. He did not realize it himself, and that was probably what endeared him to everybody. He will truly be missed.

And I will end with a story about the first times we got together. I know Mike is up there listening and he knew I would not leave without talking about the fact that the first time me and Mike met, we actually ran against each other. It was a county commissioner race, a primary. Myself and Senator Ward ran against Mike and several other people. I dusted him off. He said it was very close; I said it was a landslide. He told me later that nobody was allowed to mention my name in his house. He disliked me that much. And it was just a process where I had an endorsement, you know, it was going to be easy for me and I felt bad for him.

Shortly thereafter, that House seat opened up. I was county chair. We made the decision to try to talk Mike into running, that he would be, everything he had shown during that campaign

proved to us that he was certainly a star. So we asked Mike; he considered it and he ran and he won. He still hated me.

Two years later I was running. Mike would call me – even though he did not like me, he would call me – and he would say, "Okay, brother, you knocking on doors? You raising money? You doing what you need to do?" I said, "Yeah." Election night comes. Now, understand, we all have elections the same day. Mike has a race. He will tell you, it was really, really tough. I would say it was not that tough, but— Election night I had a race too. I was not supposed to win. I was running against a 14-year incumbent.

I am sitting there, you know, your get-together, your election night get-together, sitting there with my wife, and here comes Mike Reese. The man has an election that night and he does not like me all that much and he sat there with me as every vote was counted, and it was close. And I felt so bad. "Mike, why aren't you with your family? Mike, why aren't you—" "No, I need to be here." And he sat there with me through the whole night until we got the last couple of precincts in and knew I won. That I can never repay. He leans over to me, he says, "You won, brother." I got up, hugged my wife, hugged Mike, and it was the weakest, limpest hug you have ever had in your life. Mike was a bit of a germaphobe and he was not really much into man hugs. But he was there for me because his friendship was true and his loyalty was fierce.

So, brother, I do not know if I did well enough for you. I tried. But every phone call – and Jesse will tell you the same thing – ends the same way with Mike: "Okay, brother, talk to you later. Catch you later." So I will tell you this, brother, I will catch you later, and when I do, I expect a real hug.

The SPEAKER. The Chair thanks the gentleman.

REMARKS BY MR. TOPPER

The SPEAKER. The Chair recognizes the gentleman, Representative Topper.

Mr. TOPPER. Having a positive impact on this world is a goal that I believe is somewhat universal. As you have heard and as you will continue to hear – and not just today, but for years to come – Mike Reese made that kind of positive impact that we all dream about. And I have been trying for the past few days to form the words that would eloquently describe that impact and I simply cannot, except to say this: I always left a conversation with Mike feeling better than before. I do not know how else to say it. He was relentlessly positive. I believe that is the reason so many went to him for advice and counsel, and why he was such a successful mentor in this particular arena. Even when he had to offer constructive criticism – and he did – he did so in a way that let you know that he was going to be right there with you as you worked to solve the problem. He was truly a problem-solver, not just a problem-identifier – something that is in short supply in this place.

He was also a great listener. If any of you ever had a conversation with him, you know that it never felt like he was distracted while he was talking with you. He seemed to hang on every word, and even though I am sure there were times, especially with me, that he did not feel like listening, he never showed it.

Mike was also the ultimate protector. As George mentioned, he protected this institution, drawing a clear and bright line between what was an acceptable way to operate in this business

and what was not, and anyone who found themselves on the "what was not" side would have some constructive criticism thrown their way in a hurry.

I have had the tremendous good fortune of being able to spend a lot of time with these wonderful people in front of me, and I know Mike was fiercely protective of his family and of his time with his family as well – maybe Addy thinks a little too protective at times. But as has been mentioned, he loved each one of you and spoke so much about you that many of the people in this place who have never met you before today feel like they have known you for years already.

He was protective of his friends. I will tell one story that reflects two characteristics of Mike – one, that you have heard, is that he likes to give his buddies a particularly hard time, and two, that he was indeed protective of them. So Mike and Bryan, the Speaker, and I shared a text thread between the three of us that if anyone outside of our circle saw that text thread, they would not quite understand why we were all friends. Giving each other a hard time would be putting that text thread very mildly. I think, Angela, you saw a few of the texts, because I heard that you were not too thrilled about them, but it was all in good fun.

As has been noted, Mike had a specific target with me when he would give me a hard time, and that was my fluctuating weight based on my love of food, particularly ice cream, which was ironic coming from a guy that knew every ice cream joint here in Harrisburg and in Westmoreland County. There was a time that we went to Dairy Queen – and this typifies our relationship – we went in, we got cones, maybe they were large, I do not know. We had them eaten by the time we got back into his truck. So we get back in the truck and he looks at me and he goes, "You want another one, don't you?" I said, "No. No. I can't, I can't eat another." He is like, "Wimp," or something to that effect. I said, "Well, what, you want to go in?" "Let's go in and get another one. Come on, you know you want to." So we went in and we got another one. As soon as we got back in the truck eating our second ice cream, he looks at me and goes, "You're fat." He goes, "You know why?" I said, "Why?" He goes, "You don't have any self-control."

For the Speaker, he enjoyed ribbing him about his frail look and weak bone structure. And he would have enjoyed, as George mentioned, seeing you break that gavel the other week, but he would have said that you cut it first. So back when Speaker Cutler was the leader and the pandemic was just beginning, there were some very tense moments on this House floor, as we can all remember. And during one such moment, Leader Cutler and his Chief of Staff, Jake Smeltz, were right here in front of the rostrum having some intense fellowship with members of the minority party's leadership team. And one by one, more members and staffers from the other side of the aisle joined in this conversation, and quickly, Speaker Cutler and Jake were significantly outnumbered. And the conversation was getting more and more intense when Chairman Bradford entered the fray. And I am watching from my seat and I felt a hand on my shoulder and I looked up to hear Mike say, "Let's go, Topper. If this gets physical, those two little dudes up there don't stand a chance." So you saw the protective side of Mike and the guy that still loved to get his digs in at the same time. And I think he still has that role of a protector, it is just a little different now.

So in closing – because I need to close – I want to say thank you to his family. He never ducked a call from me and I know he took a lot of them at dinner, softball games, football practice, and

family gatherings. I can speak for me personally, he was my go-to guy and he was always there because you chose to share him. And you welcomed me into your family like I was one of your own. And, Kara, I never had a sister, so you get to be mine. And, Dave, you are going to still have to teach me the fine points of pouring concrete, because that one time we did it together, I do not think I learned everything he wanted me to know. But let me say this: You will never, ever know the full extent of the imprint that that great man made on the lives of so many. And I know that brings very little comfort, but I hope it brings some. He was quite simply the finest man I have ever known, and I will count his friendship as a blessing every day for the rest of my life.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

I think we all heard a little bit from folks today about how important Representative Reese was to all of us. And like the good gentleman from Westmoreland County, Representative Dunbar, I never said goodbye any time we talked on the phone. I likewise always said, "I'll see you later." I think that is a fitting final remark – we will see you later.

The House will be temporarily at ease for the presentation of the citation.

The House will please return to order.

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

CALENDAR

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1101, PN 1132**, entitled:

An Act designating a portion of Pennsylvania Route 981 from the intersection with Pennsylvania Route 819 to the intersection with State Route 2021 in Mount Pleasant Township, Westmoreland County, as the Honorable Mike Reese Memorial Highway.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

(Bill analysis was read.)

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

The question is, shall the bill pass finally?

On that question, the Chair recognizes the gentleman, Representative Warner, and it is the Chair's understanding that the members of the Westmoreland delegation will be joining you on the floor.

Representative Warner, you are in order and may proceed.

Mr. WARNER. Thank you, Mr. Speaker.

In honor of our late colleague, HB 1101 designates a portion of PA Route 981 in Westmoreland County as the "Honorable Mike Reese Memorial Highway." I am humbled by the opportunity to recognize Mike and carry out the grassroots effort of thousands of his constituents who signed a petition requesting this road renaming in his honor. I would give almost anything in the whole entire world to not have to do this piece of legislation.

First, I want to send my sincere condolences to his wife, Angela, his children, family, and friends – many of whom are with us here today.

Mike's sudden death was difficult to bear. I am sure we are all familiar with the saying that only the good die young. But Mike was not good – he was great. He was great a public servant, a great mentor, a great husband and father. He was the best friend that a guy could ask for. I believe that our colleague, Doyle Heffley, summed it up best when he stated on social media that if you could take every positive trait a person can have and combine them into one man, that would be Mike Reese.

It is hard to comprehend why things like this happen in life. I suppose that sometimes the greater plan is difficult to understand. However, I hope part of that plan is to challenge all of us here to Mike's standards as a legislator, and that means that each of us here should hold dear to and never sacrifice our core principles. But like Mike, we must be willing to honestly and openly listen and learn from each other.

Mike's death will have a profound and lasting effect on this House, on this Commonwealth, and on many of us here personally. Like so many others, I am going to miss him. I am going to miss our turnpike talks to and from session where we solved the world's problems. Whether it was a jab at me for being a hayseed country bumpkin from Fayette County, whether it was how old George Dunbar was or Jesse Topper's golf game, I am going to miss his witty sense of humor. I am going to miss his leadership and his ability to make you feel like everything was just going to be okay. But most of all, I am going to miss my friend.

When folks drive on this road and see the sign for this highway, I want them to do more than just see and remember a name. When people drive by that sign, I want them to remember the values that Mike embodied. I want them to remember to be kind and humble. I want them to remember to help others when you can. I want them to remember to hug their children a little tighter and tuck them into bed a little longer. I want them to remember that tomorrow is not guaranteed and that our time here is short. But most importantly, I want them to remember and never forget the most honorable man I have ever had the privilege of knowing.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentleman, Representative Eric Nelson.

Mr. E. NELSON. Thank you, Mr. Speaker.

What a statesman, you know, what a leader, and what a friend. I was fortunate to sit beside Mike for 5 years here on the floor and all of the bantering, the abuse, you know, the laughter, and the frustration that we would share, because I was the tiny one and Mike was the excessively large one, so we would banter back and forth. And I was fortunate to serve in the Marine Corps and Mike's dad also served in the Marine Corps, so we would go back and forth, and at one point, I had each of the Marines that were in the chamber approach Mike because he was always wanting to know, who will take whom in a fight? How will it happen? And he was like, "Oh, I'll snap you so quickly and easily," and I would say, "Mike, your large, lumbering body – you wouldn't have the ability to get that arm around, you'd already be done. It would be over before it started." And so we had each Marine at a different period do session, approach Mike and explain to him how they would eliminate him in this given moment at this given time.

There was Hal English, who sat behind him, and this really disturbed Mike, because he was like, "Is this what you guys think about all the time?" And I would say, "Yes, Mike, it is. We're thinking about how we're going to eliminate you." Hal English sat right behind him, and Mike turned around to Hal and he said, "Hal, are you thinking about that? What would you do?" And Hal leaned forward and he said, "Well, I would take my charging cord and wrap it around your neck and pull you backwards, and you'd be over before it started." Then Mike was like, "My neck is too powerful for that." And then Rothman would come over and say, "Well, I'm going to slam your head on the...." We had the most fun, the most fun time, and Mike could truly never get past the unsettling feeling of what he had, and really, Mr. Reese, we enjoyed so much time together, from the Disney app to the germs.

I have a farm. Mike was not a lover of germs, so just even at times as he would be eating and I would just gently reach over and put my hand right in the middle of whatever it was that he would be having, and he just did not know what to do, and then I would slowly take it from him. So Mike's attitude – his approach and his respectfulness – is something I think all of us really can learn from. And I know I work a lot, I work late, and Mike was somebody who was always working as well, and when I travel through the Capitol – right now my office is in the Irvis Building. And at the bottom of the Irvis Building – you know, it is named after a former Speaker – there is a poster in the entranceway, and if any of you have stopped to read it, one of the quotes of K. Leroy Irvis was that "I feel blessed in many ways that I am able to disagree with a man or a woman without disliking him or her. There is no one in the Hall of the House to whom I will not talk and to whom I will not listen...I will talk and I will listen and I will learn."

That saying was Mike Reese and his approach to legislating, even though Speaker Irvis was here 44 years ago, longer than some of you have been alive. Mike's approach carried forward – what a statesman was and what each of us should really hold true to ideals. He will be missed. You are in our hearts. And thank you for naming this road today in his memory.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentleman, Representative Davanzo.

Mr. DAVANZO. Thank you, Mr. Speaker.

Mr. Speaker, I want to start off by thanking the good gentleman from Fayette County, Representative Warner, for prime-sponsoring HB 1101.

Last week when I traveled through Norvelt, I came to an intersection and there was a sign, and it was not standing up, it was laying there. I pulled over and I straightened that sign up, because that sign should stand like Mike did. It should stand tall, it should stand proud, and it should stand with integrity.

I am still amazed at the support in that community when you drive through there. Those signs are everywhere, and I know Mike is up there smiling right now, just knowing Mike. George had mentioned about the porch that Mike had invited me along to, but he did not invite me to a side job, he invited me to a freshman picnic. Little did I know there was an 84 Lumber truck waiting to be unloaded once I got there. Mike said, "Hey, there are going to be some outdoor activities, you shouldn't wear a suit." As soon as I pulled in I said, "Mike, you got me," and of course he had that big smile. Then every time he wanted to know how to do something, he would pull me aside and he was like,

"I'm just going to take a little bit of advice from you, but I have to go out and call the shots, because the guys just won't listen to a freshman."

So Mike and I first crossed paths back in high school, on the football field, in the nineties. Little did I know that that game would lead to a floor debate 20-some years later. When Mike and Nelson were talking one day about football, I overheard Mike talk about a jersey number and what year he graduated, and I am like, man, you know what? I think I played against Mike. So I went home that weekend – now, granted, I was probably only here 3 weeks, 4 weeks at the most – I go home, I go through my scrapbook and I find a picture of both of us on the football field, only I was playing – Mike was standing on the sidelines. So Mike insisted that he was photoshopped into the picture. He just would not believe it.

So I took the picture and I enlarged it. I put one up on his House floor desk, and I put one on his office desk – when we came up, I ran down really quick and put it on there. I also had this plan that Jordan – where is he over there? We miss you, Jordan – I said to Jordan, "Do you think we could put this on Mike's screensaver so that when he comes down to his office and hits this button, he would see that?" He said, "I don't think it would be right if a freshman could pull that off, and besides, I like my job." Thanks for letting me down, Jordan. I appreciate that.

What I admire most about Mike was the love from his family. There was not a day go by that he did not speak about it. There also was not a day that he did not remind me that not only was he the best athlete in this body, but he was also a ten-times-better athlete than I was, and that his children would be way better athletes than I was. But he did not stop there. He went on to explain that his grandchildren would also be better athletes than my grandchildren. He also liked to remind me that I was out of shape, overweight, and bald, and that I would never be the legislator that he was.

Mike, I know you are probably up there jogging or on a treadmill right now, but I just wanted to say thank you. You have no idea the impact you made on me in my short time here knowing you. I want to thank you for being a leader, thank you for being a mentor, and thank you for being a friend. I truly believe that when you left us in January, you took a piece of all of us with you. Thank you, and you are missed by all.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,
Shall the bill pass finally?

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

(Members proceeded to vote.)

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

Mr. HARRIS. Thank you, Mr. Speaker.

The electronic board is accurate.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentlewoman, Representative Oberlander.

Ms. OBERLANDER. Thank you, Mr. Speaker.

The electronic board is accurate.

The SPEAKER. The Chair thanks the lady.

The following roll call was recorded:

YEAS—201

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

NAYS—0

NOT VOTING—0

EXCUSED—0

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

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

The SPEAKER. While we prepare for committee announcements, the House will temporarily be at ease so the friends and family may exit the floor.

The House will return to order.

GUESTS INTRODUCED

The SPEAKER. The Chair would like to recognize, located in the gallery, the following individuals from Representative Zabel's district office staff, whom I had the pleasure of meeting earlier: Gwendolyn McCullough, Katie Reimer, and Toty Boley. Welcome to the hall of the House, again.

The Chair would also like to recognize Lawrence and Melissa Raffel and their son, Max, who are here advocating for legislation, and they are guests of Representative Sims. Welcome.

APPROPRIATIONS COMMITTEE MEETING

The SPEAKER. The Chair recognizes the gentleman, Representative Topper, for an Appropriations Committee announcement.

Mr. TOPPER. Thank you, Mr. Speaker.

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

The SPEAKER. The Chair thanks the gentleman.

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

LABOR AND INDUSTRY COMMITTEE MEETING

The SPEAKER. The Chair recognizes the gentleman, Representative Cox, for a committee announcement.

Mr. COX. Thank you, Mr. Speaker.

There will be an immediate meeting of the Labor and Industry Committee in room 515 of the Irvis Office Building for the purpose of considering HB 406, the reinstating of work search and registration requirements in the Unemployment Compensation Law, and any other business to come before the committee. Thank you.

The SPEAKER. The Chair thanks the gentleman.

There will be an immediate meeting of the Labor and Industry Committee in room 515 of the Irvis Office Building.

ENVIRONMENTAL RESOURCES AND ENERGY COMMITTEE MEETING

The SPEAKER. The Chair recognizes the gentleman, Representative Metcalfe, for a committee announcement.

Mr. METCALFE. Thank you, Mr. Speaker.

Mr. Speaker, the House Environmental Resources and Energy Committee will hold a voting meeting immediately at the break today in room G-50, Irvis Office Building, to consider HB 1144 and two letters, one letter to IRRC (Independent Regulatory Review Commission) disapproving of regulation No. 7-533, water fee increases, and the other to RGGI, Inc. (Regional Greenhouse Gas Initiative) to state our concerns, as well as any other business that may be brought before the committee, Mr. Speaker.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The House Environmental Resources and Energy Committee will hold a voting meeting immediately at the break today in room G-50, Irvis Office Building.

LIQUOR CONTROL COMMITTEE MEETING

The SPEAKER. The Chair recognizes the gentleman, Representative Metzgar, for a committee announcement.

Mr. METZGAR. Thank you, Mr. Speaker.

The House Liquor Control Committee will have a voting meeting at 12:40 in 205 Ryan Office Building for consideration of HB 287, HB 476, HB 1154, and any other business that may come before the committee.

The SPEAKER. The Chair thanks the gentleman.

The House Liquor Control Committee will have a voting meeting at 12:40 in 205 Ryan Office Building.

REPUBLICAN CAUCUS

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

Mr. DUNBAR. Thank you, Mr. Speaker.

Republicans will caucus at 1 o'clock in the majority caucus room, as well as virtually; that is 1 o'clock in the majority caucus room. We would be prepared to be back on the floor at 2 o'clock.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

DEMOCRATIC CAUCUS

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

Mr. D. MILLER. Thank you, Mr. Speaker.

Democrats will caucus at 1 o'clock virtually.

The SPEAKER. The Chair thanks the gentleman.

RECESS

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

AFTER RECESS

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

BILLS REREPORTED FROM COMMITTEE

HB 72, PN 48

By Rep. SAYLOR

An Act amending the act of June 25, 1982 (P.L.633, No.181), known as the Regulatory Review Act, further providing for definitions, for proposed regulations and procedures for review and for final-form regulations and final-omitted regulations and procedures for review; providing for regulations deemed withdrawn; further providing for procedures for subsequent review of disapproved final-form or final-omitted regulations by the commission; and providing for concurrent resolution required for economically significant regulations.

APPROPRIATIONS.

HB 129, PN 1311

By Rep. SAYLOR

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 determination of compensation, appeals, reviews and procedure, further providing for rules of procedure and for place of hearing.

APPROPRIATIONS.

HB 139, PN 104

By Rep. SAYLOR

An Act providing for the administration of permits by State agencies, for a tracking system for permit applications, for the establishment of permit programs and for annual reports.

APPROPRIATIONS.

HB 288, PN 254

By Rep. SAYLOR

An Act providing for regulatory compliance.

APPROPRIATIONS.

HB 950, PN 958

By Rep. SAYLOR

An Act amending the act of June 25, 1982 (P.L.633, No.181), known as the Regulatory Review Act, further providing for procedures for subsequent review of disapproved final-form or final-omitted regulations.

APPROPRIATIONS.

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

HB 406, PN 1372

By Rep. COX

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 compensation, further providing for qualifications required to secure compensation.

LABOR AND INDUSTRY.

HB 1144, PN 1199

By Rep. METCALFE

An Act relating to conventional wells and the development of oil, gas and coal; imposing powers and duties on the Department of Environmental Protection; and providing for preliminary provisions, for general requirements, for underground gas storage, for enforcement and remedies, for related funds, parties and activities and for miscellaneous provisions.

ENVIRONMENTAL RESOURCES AND ENERGY.

CALENDAR CONTINUED**BILLS ON SECOND CONSIDERATION**

The House proceeded to second consideration of **HB 336, PN 311**, entitled:

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, in administrative organization, further providing for executive officers, administrative departments and independent administrative boards and commissions, for departmental

administrative boards, commissions and offices, for department heads and for gubernatorial appointments; in organization of departmental administrative boards and commissions and of advisory boards and commissions, further providing for board to license private bankers; in Commonwealth agency fees, further providing for Department of Banking and for Pennsylvania Securities Commission; in powers and duties of the Department of Banking and its departmental administrative board and commission, further providing for powers and duties in general, for banking supervisory powers and for banking laws; repealing provisions relating to powers and duties of the Pennsylvania Securities Commission; and making editorial changes.

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 723, PN 1312**, entitled:

An Act amending the act of December 18, 2001 (P.L.949, No.114), known as the Workforce Development Act, further providing for title of act; in preliminary provisions, further providing for declaration of policy, for definitions and for lobbying; in board, further providing for establishment, for membership, for conflicts of interest, for plan, functions and responsibilities and for State performance management system and providing for performance accountability system; in local workforce investment areas and boards, further providing for establishment, for membership, for conflicts of interest, for plan, functions and responsibilities and for local performance measures; in critical job training grants, further providing for purpose, for definitions, for program operation and for grants; in workforce leadership grants, further providing for innovative programs; in industry partnerships, further providing for industry clusters, for grant program operation and for interdepartmental cooperation; in miscellaneous provisions, further providing for construction; and making editorial changes.

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 938, PN 946**, entitled:

An Act providing for nondisclosure agreements relating to sexual harassment.

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 859, PN 1309**, entitled:

An Act amending the act of May 15, 1933 (P.L.565, No.111), known as the Department of Banking and Securities Code, in banking and securities, further providing for fund.

On the question,

Will the House agree to the bill on second consideration?

Ms. **KRUEGER** offered the following amendment No. **A00792**:

Amend Bill, page 1, lines 1 through 24, by striking out all of said lines and inserting

Amending the act of April 9, 1929 (P.L.343, No.176), entitled "An act relating to the finances of the State government; providing for cancer control, prevention and research, for ambulatory surgical center data collection, for the Joint Underwriting Association, for entertainment business financial management firms, for private dam financial assurance and for reinstatement of item vetoes; providing for the settlement, assessment, collection, and lien of taxes, bonus, and all other accounts due the Commonwealth, the collection and recovery of fees and other money or property due or belonging to the Commonwealth, or any agency thereof, including escheated property and the proceeds of its sale, the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth, and the settlement of claims against the Commonwealth, the resettlement of accounts and appeals to the courts, refunds of moneys erroneously paid to the Commonwealth, auditing the accounts of the Commonwealth and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth, authorizing the Commonwealth to issue tax anticipation notes to defray current expenses, implementing the provisions of section 7(a) of Article VIII of the Constitution of Pennsylvania authorizing and restricting the incurring of certain debt and imposing penalties; affecting every department, board, commission, and officer of the State government, every political subdivision of the State, and certain officers of such subdivisions, every person, association, and corporation required to pay, assess, or collect taxes, or to make returns or reports under the laws imposing taxes for State purposes, or to pay license fees or other moneys to the Commonwealth, or any agency thereof, every State depository and every debtor or creditor of the Commonwealth," in additional special funds and restricted accounts, adding provisions relating to miscellaneous trust funds by converting the Banking Fund to the Banking Trust Fund, the Institution Resolution Account to the Institution Resolution Trust Fund, the Keystone Recreation, Park and Conservation Fund to the Keystone Recreation, Park and Conservation Trust Fund and the Fire and Emergency Medical Services Loan Fund to the Fire and Emergency Medical Services Loan Trust Fund; and making related repeals.

Amend Bill, page 1, lines 27 and 28; pages 2 through 4, lines 1 through 30; page 5, lines 1 through 25; by striking out all of said lines on said pages and inserting

Section 1. Article XVII-A.1 of the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, is amended by adding a subarticle to read:

SUBARTICLE J

MISCELLANEOUS TRUST FUNDS

Section 1791-A.1. Banking Trust Fund.

(a) Conversion of Banking Fund.—The Banking Fund is converted into a trust fund in the State Treasury to be known as the Banking Trust Fund and administered for the benefit of institutions, credit unions, licensees and their customers, except for persons subject to regulation under the act of December 5, 1972 (P.L.1280, No.284), known as the Pennsylvania Securities Act of 1972. The fund shall be administered by the department. All interest earned from the investment or deposit of money accumulated in the fund shall be deposited into the fund for the same use. All money deposited into the fund shall:

(1) be held in trust;

(2) not be considered general revenue of the Commonwealth;

(3) be used only to effectuate the purposes of this section as determined by the department; and

(4) be subject to audit by the Auditor General.

(b) Sources.—The sources of the fund are as follows:

(1) Money collected or received by the department arising from:

(i) fees, assessments, charges and penalties relating to the regulation of credit unions, institutions and licensees;

(ii) the sale by the Department of General Services of unserviceable property originally paid for out of the fund; and

(iii) similar sources.

(2) The sources of the fund shall not include fees, assessments, charges and penalties generated from:

(i) the Pennsylvania Securities Act of 1972;

(ii) the act of March 3, 1976 (P.L.42, No.19),

known as the Takeover Disclosure Law; or

(iii) portions of the money under paragraph (1) determined by the secretary to be paid into the Institution Resolution Trust Fund under section 1792-A.1.

(c) Use of fund.—The fund shall be used by the department to pay its expenses relating to the examination and regulation of institutions, credit unions and licensees, except for persons subject to regulation under the Pennsylvania Securities Act of 1972, including the following:

(1) Salaries of the secretary, the deputies, the examiners, the other employees of the department and attorneys.

(2) Rental and other expenses for offices, rooms, garage space and other accommodations, regardless of the municipality in which they are located, occupied by the department. This paragraph excludes offices, rooms, garage space and accommodations in the Capitol Complex.

(3) Premiums for workers' compensation insurance covering the officers and employees of the department.

(4) Premiums for surety bonds for officers and employees of the department required by law to furnish the bonds.

(5) Furniture, stationery, materials, supplies and overhead expenses of the department.

(d) Operating reserves.—The fund shall maintain an adequate operating reserve as determined by the secretary to be necessary to ensure the ability of the department to continue to pay its expenses described in subsection (c) in the event of adverse economic conditions, the loss of revenue as a result of institutions or licensees becoming subject to the jurisdiction of another primary regulator or emergencies. In determining the amount of the reserve to be held by the fund, the secretary shall take into consideration the accreditation requirements of the Conference of State Bank Supervisors, the National Association of State Credit Union Supervisors and the American Association of Residential Mortgage Regulators.

(e) Department of General Services.—Purchases and leases under subsection (c) shall be made through the Department of General Services, as agent. Contracts of insurance and surety bonds under subsection (c) shall be placed through the Department of General Services, as agent.

(f) Restrictions on appropriations.—For fiscal years beginning after June 30, 2012, the General Assembly shall appropriate the funds as it determines to be necessary from the fund for use only by the department and not for any other Commonwealth agency.

(g) Warrant.—Money in the fund appropriated to the department shall be paid out upon warrant of the State Treasurer drawn after requested by the secretary.

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

"Department." The Department of Banking and Securities of the Commonwealth.

"Fund." The Banking Trust Fund described in subsection (a).

"Secretary." The Secretary of Banking and Securities of the Commonwealth.

Section 1792-A.1. Institution Resolution Trust Fund.

(a) Conversion of Institution Resolution Account.—The Institution Resolution Account in the Banking Fund is converted into a trust fund in the State Treasury to be known as the Institution Resolution Trust Fund and administered for the benefit of banks, bank and trust companies, trust companies, savings banks, credit unions and their customers. The fund shall be administered by the department. All interest earned from the investment or deposit of money accumulated in the fund shall be deposited into the fund for the same use. All money deposited into the fund shall:

(1) be held in trust;

(2) not be considered general revenue of the Commonwealth;

(3) be used only to effectuate the purposes of this subsection as determined by the department; and

(4) be subject to audit by the Auditor General.

(b) Sources.—The sources of the fund are as follows:

(1) An amount determined by the secretary each fiscal year based upon economic and regulatory conditions from assessments, fees and administrative penalties generated from statutes administered by the department other than:

(i) the act of December 5, 1972 (P.L.1280, No.284), known as the Pennsylvania Securities Act of 1972; or

(ii) the act of March 3, 1976 (P.L.42, No.19), known as the Takeover Disclosure Law.

(2) Amounts received from court litigation involving the department.

(c) Use.—The secretary may use the money in the fund to pay for costs associated with any of the following:

(1) Resolution of an institution or an association, under Article X of the act of May 15, 1933 (P.L.565, No.111), known as the Department of Banking and Securities Code. Money under this paragraph may be used in lieu of paying expenses from the assets of an institution or association under section 1006 of the Department of Banking and Securities Code.

(2) Seizure and liquidation of a credit union under 17 Pa.C.S. § 503 (relating to regulation by department).

(d) Reserve.—In determining the amount to pay into the fund each year, the secretary shall do so in a manner that builds up a reserve sufficient to pay costs as described in subsection (c) in a manner that will allow the department to discharge its obligations to resolve, seize or liquidate an institution or credit union without impairing the ability of the department to continue to perform its other duties.

(e) Restrictions on appropriations.—For fiscal years beginning after June 30, 2012, the General Assembly shall appropriate the funds as it determines to be necessary from the fund for use only by the department and not for any other Commonwealth agency.

(f) Warrant.—Money in the fund appropriated to the department shall be paid out upon warrant of the State Treasurer drawn after requested by the secretary.

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

"Department." The Department of Banking and Securities of the Commonwealth.

"Fund." The Institution Resolution Trust Fund described in subsection (a).

"Secretary." The Secretary of Banking and Securities of the Commonwealth.

Section 1793-A.1. Keystone Recreation, Park and Conservation Trust Fund.

(a) Conversion of Keystone Recreation, Park and Conservation Fund.—The Keystone Recreation, Park and Conservation Fund established in section 4 of the act of July 2, 1993 (P.L.359, No.50),

known as the Keystone Recreation, Park and Conservation Fund Act, is converted to a trust fund in the State Treasury to be known as the Keystone Recreation, Park and Conservation Trust Fund to provide money necessary to implement the provisions of that act. All interest earned from the investment or deposit of money accumulated in the fund shall be deposited into the fund for the same use. All money deposited into the fund shall:

(1) be held in trust;

(2) not be considered general revenue of the

Commonwealth;

(3) be used only to effectuate the purposes of this section as determined by the agency; and

(4) be subject to audit by the Auditor General.

(b) Source of funds.—All proceeds from the sale of bonds or notes as approved under section 5 of the Keystone Recreation, Park and Conservation Fund Act and the monthly transfer of a portion of the State Realty Transfer Tax shall provide the necessary money for the fund.

(c) Appropriations.—All money in the fund is hereby appropriated on a continuing nonlapsing basis to the designated agencies in the amounts specified in section 12 of the Keystone Recreation, Park and Conservation Fund Act. No money shall be expended by any agency without authorization by the Governor.

(d) Interest.—All interest earned by the fund and all refunds or repayments shall be credited to the fund and are hereby appropriated to the appropriate agencies in the same percentage as specified in section 12 of the Keystone Recreation, Park and Conservation Fund Act.

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

"Agency." As defined in the Keystone Recreation, Park and Conservation Fund Act.

"Fund." The Keystone Recreation, Park and Conservation Trust Fund described in subsection (a).

Section 1794-A.1. Fire and Emergency Medical Services Loan Trust Fund.

(a) Conversion of Fire and Emergency Medical Services Loan Trust Fund.—

(1) The Fire and Emergency Medical Services Loan Fund established in former 35 Pa.C.S. § 7365 is converted to a trust fund in the State Treasury to be known as the Fire and Emergency Medical Services Loan Trust Fund.

(2) The fund shall be credited with all appropriations made by the General Assembly other than appropriations for expenses of administering 35 Pa.C.S. Ch. 73 Subch. E (relating to Fire and Emergency Medical Services Loan Program) or grants from other sources to the office as well as repayment of principal and interest on loans made under 35 Pa.C.S. Ch. 73 Subch. E.

(b) Requisition.—Upon approval of the loan, the commissioner shall routinely requisition from the fund such amounts as shall be allocated by the office for loans to fire companies or EMS companies. When and as the amounts so allocated as loans to fire companies or EMS companies are repaid according to the terms of the agreements made and entered into with the office, the office shall pay the amounts into the fund, it being the intent of 35 Pa.C.S. Ch. 73 Subch. E that the fund shall operate as a revolving fund in which all appropriations and payments made to the fund may be applied and reapplied to the purposes of 35 Pa.C.S. Ch. 73 Subch. E.

(c) Administration.—The commissioner may use up to 50% of the interest payments, but not in excess of \$600,000, for administrative costs on an annual basis.

(d) Definitions.—

(1) Except as otherwise provided in paragraph (2), the words and phrases as used in this section shall have the meanings given to them in 35 Pa.C.S. § 7363 (relating to definitions).

(2) As used in this section, "fund" means the Fire and Emergency Medical Services Loan Trust Fund described in

subsection (a).

Section 2. The addition of section 1793-A.1 of the act is a continuation of section 4 of the act of July 2, 1993 (P.L.359, No.50), known as the Keystone Recreation, Park and Conservation Fund Act, and the following shall apply:

(1) Except as otherwise provided in section 1793-A.1 of the act, all activities initiated under section 4 of the Keystone Recreation, Park and Conservation Fund Act, shall continue and remain in full force and effect and may be completed under section 1793-A.1 of the act. Resolutions, orders, regulations, rules and decisions which were made under section 4 of the Keystone Recreation, Park and Conservation Fund Act and which are in effect on the effective date of this section shall remain in full force and effect until revoked, vacated or modified under section 1793-A.1 of the act. Contracts, obligations and agreements entered into under section 4 of the Keystone Recreation, Park and Conservation Fund Act are not affected nor impaired by the repeal of section 4 of the Keystone Recreation, Park and Conservation Fund Act.

(2) Except as specified in paragraph (3), any difference in language between section 1793-A.1 of the act and section 4 of the Keystone Recreation, Park and Conservation Fund Act is intended only to conform to the style of the Pennsylvania Consolidated Statutes and is not intended to change or affect the legislative intent, judicial construction or administrative interpretation and implementation of section 4 of the Keystone Recreation, Park and Conservation Fund Act.

(3) Paragraph (2) does not apply to section 1793-A.1(a) and (e) of the act.

(4) Except as specified in paragraph (5), any difference in language between section 1794-A.1 of the act and 35 Pa.C.S. § 7365 is intended only to conform to the style of the act and is not intended to change or affect the legislative intent, judicial construction or administrative interpretation and implementation of 35 Pa.C.S. § 7365.

(5) Paragraph (4) does not apply to section 1794-A.1(a)(1) of the act.

Section 3. The following shall apply:

(1) A reference in any law to the Banking Fund shall be deemed to be a reference to the Banking Trust Fund.

(2) A reference in any law to the Institution Resolution Account in the Banking Fund shall be deemed to be a reference to the Institution Resolution Trust Fund.

(3) A reference in any law to the Keystone Recreation, Park and Conservation Fund shall be deemed to be a reference to the Keystone Recreation, Park and Conservation Trust Fund.

(4) A reference in any law to the Fire and Emergency Medical Services Loan Fund shall be deemed to be a reference to the Fire and Emergency Medical Services Loan Trust Fund.

(5) The reference to 35 Pa.C.S. § 7365 in 35 Pa.C.S. §§ 7363 and 7376 shall be deemed to be a reference to section 1794-A.1 of the act.

Section 4. Repeals are as follows:

(1) The General Assembly finds that the repeal under paragraph (2) is necessary to effectuate the addition of sections 1791-A.1 and 1792-A.1 of the act.

(2) Section 1113-A of the act of May 15, 1933 (P.L.565, No.111), known as the Department of Banking and Securities Code, is repealed.

(3) The General Assembly finds that the repeal under paragraph (4) is necessary to effectuate the addition of section 1793-A.1 of the act.

(4) Section 4 of the act of July 2, 1993 (P.L.359, No.50), known as the Keystone Recreation, Park and Conservation Fund Act, is repealed.

(5) The General Assembly finds that the repeal under paragraph (6) is necessary to effectuate the addition of section 1794-A.1 of the act.

(6) The provisions of 35 Pa.C.S. § 7365 are repealed. Amend Bill, page 5, line 26, by striking out "2" and inserting 5

On the question,

Will the House agree to the amendment?

AMENDMENT WITHDRAWN

The SPEAKER. On that question, the Chair recognizes the gentlewoman, Representative Krueger.

Ms. KRUEGER. Mr. Speaker, I would like to withdraw amendment 792.

The SPEAKER. The gentlelady will please suspend.

The House will please come to order. Members, take your seats. Move any conversations off the back of the House. The Sergeants at Arms will please clear the aisles. I need to hear the gentlewoman's requests regarding the amendments. I believe she indicated 792 will be withdrawn? The Chair thanks the lady.

Does she wish to offer 860? Very well.

On the question recurring,

Will the House agree to the bill on second consideration?

Ms. KRUEGER offered the following amendment No. **A00860**:

Amend Bill, page 1, lines 1 through 24, by striking out all of said lines and inserting
Amending the act of April 9, 1929 (P.L.343, No.176), entitled "An act relating to the finances of the State government; providing for cancer control, prevention and research, for ambulatory surgical center data collection, for the Joint Underwriting Association, for entertainment business financial management firms, for private dam financial assurance and for reinstatement of item vetoes; providing for the settlement, assessment, collection, and lien of taxes, bonus, and all other accounts due the Commonwealth, the collection and recovery of fees and other money or property due or belonging to the Commonwealth, or any agency thereof, including escheated property and the proceeds of its sale, the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth, and the settlement of claims against the Commonwealth, the resettlement of accounts and appeals to the courts, refunds of moneys erroneously paid to the Commonwealth, auditing the accounts of the Commonwealth and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth, authorizing the Commonwealth to issue tax anticipation notes to defray current expenses, implementing the provisions of section 7(a) of Article VIII of the Constitution of Pennsylvania authorizing and restricting the incurring of certain debt and imposing penalties; affecting every department, board, commission, and officer of the State government, every political subdivision of the State, and certain officers of such subdivisions, every person, association, and corporation required to pay, assess, or collect taxes, or to make returns or reports under the laws imposing taxes for State purposes, or to pay license fees or other moneys to the Commonwealth, or any agency thereof, every State depository and every debtor or creditor of the Commonwealth," in additional special funds and restricted accounts, adding provisions relating to miscellaneous trust funds and accounts by converting the Banking Fund to the Banking Trust Fund, the Institution Resolution Account to the Institution Resolution Trust Restricted Account, the Keystone Recreation, Park and

Conservation Fund to the Keystone Recreation, Park and Conservation Trust Fund and the Fire and Emergency Medical Services Loan Fund to the Fire and Emergency Medical Services Loan Trust Fund; and making related repeals.

Amend Bill, page 1, lines 27 and 28; pages 2 through 4, lines 1 through 30; page 5, lines 1 through 25; by striking out all of said lines on said pages and inserting

Section 1. Article XVII-A.1 of the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, is amended by adding a subarticle to read:

SUBARTICLE J

MISCELLANEOUS TRUST FUNDS AND ACCOUNTS

Section 1791-A.1. Banking Trust Fund.

(a) Conversion of Banking Fund.—The Banking Fund is converted into a trust fund in the State Treasury to be known as the Banking Trust Fund and administered for the benefit of institutions, credit unions, licensees and their customers, except for persons subject to regulation under the act of December 5, 1972 (P.L.1280, No.284), known as the Pennsylvania Securities Act of 1972. The fund shall be administered by the department. All interest earned from the investment or deposit of money accumulated in the fund shall be deposited into the fund for the same use. All money deposited into the fund shall:

(1) be held in trust;

(2) not be considered general revenue of the

Commonwealth;

(3) be used only to effectuate the purposes of this section as determined by the department; and

(4) be subject to audit by the Auditor General.

(b) Sources.—The sources of the fund are as follows:

(1) Money collected or received by the department arising from:

(i) fees, assessments, charges and penalties relating to the regulation of credit unions, institutions and licensees;

(ii) the sale by the Department of General Services of unserviceable property originally paid for out of the fund; and

(iii) similar sources.

(2) The sources of the fund shall not include fees, assessments, charges and penalties generated from:

(i) the Pennsylvania Securities Act of 1972;

(ii) the act of March 3, 1976 (P.L.42, No.19), known as the Takeover Disclosure Law; or

(iii) portions of the money under paragraph (1) determined by the secretary to be paid into the Institution Resolution Trust Fund under section 1792-A.1.

(c) Use of fund.—The fund shall be used by the department to pay its expenses relating to the examination and regulation of institutions, credit unions and licensees, except for persons subject to regulation under the Pennsylvania Securities Act of 1972, including the following:

(1) Salaries of the secretary, the deputies, the examiners, the other employees of the department and attorneys.

(2) Rental and other expenses for offices, rooms, garage space and other accommodations, regardless of the municipality in which they are located, occupied by the department. This paragraph excludes offices, rooms, garage space and accommodations in the Capitol Complex.

(3) Premiums for workers' compensation insurance covering the officers and employees of the department.

(4) Premiums for surety bonds for officers and employees of the department required by law to furnish the bonds.

(5) Furniture, stationery, materials, supplies and overhead expenses of the department.

(d) Operating reserves.—The fund shall maintain an adequate operating reserve as determined by the secretary to be necessary to

ensure the ability of the department to continue to pay its expenses described in subsection (c) in the event of adverse economic conditions, the loss of revenue as a result of institutions or licensees becoming subject to the jurisdiction of another primary regulator or emergencies. In determining the amount of the reserve to be held by the fund, the secretary shall take into consideration the accreditation requirements of the Conference of State Bank Supervisors, the National Association of State Credit Union Supervisors and the American Association of Residential Mortgage Regulators.

(e) Department of General Services.—Purchases and leases under subsection (c) shall be made through the Department of General Services, as agent. Contracts of insurance and surety bonds under subsection (c) shall be placed through the Department of General Services, as agent.

(f) Restrictions on appropriations.—For fiscal years beginning after June 30, 2012, the General Assembly shall appropriate the funds as it determines to be necessary from the fund for use only by the department and not for any other Commonwealth agency.

(g) Warrant.—Money in the fund appropriated to the department shall be paid out upon warrant of the State Treasurer drawn after requested by the secretary.

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

"Department." The Department of Banking and Securities of the Commonwealth.

"Fund." The Banking Trust Fund described in subsection (a).

"Secretary." The Secretary of Banking and Securities of the Commonwealth.

Section 1792-A.1. Institution Resolution Trust Fund.

(a) Conversion of Institution Resolution Account.—The Institution Resolution Account in the Banking Fund is converted into a restricted account in the Banking Trust Fund to be known as the Institution Resolution Trust Restricted Account and administered for the benefit of banks, bank and trust companies, trust companies, savings banks, credit unions and their customers. The restricted account shall be administered by the department. All interest earned from the investment or deposit of money accumulated in the restricted account shall be deposited into the restricted account for the same use. All money deposited into the restricted account shall:

(1) be held in trust;

(2) not be considered general revenue of the Commonwealth;

(3) be used only to effectuate the purposes of this subsection as determined by the department; and

(4) be subject to audit by the Auditor General.

(b) Sources.—The sources of the restricted account are as follows:

(1) An amount determined by the secretary each fiscal year based upon economic and regulatory conditions from assessments, fees and administrative penalties generated from statutes administered by the department other than:

(i) the act of December 5, 1972 (P.L.1280, No.284), known as the Pennsylvania Securities Act of 1972; or

(ii) the act of March 3, 1976 (P.L.42, No.19), known as the Takeover Disclosure Law.

(2) Amounts received from court litigation involving the department.

(c) Use.—The secretary may use the money in the restricted account to pay for costs associated with any of the following:

(1) Resolution of an institution or an association, under Article X of the act of May 15, 1933 (P.L.565, No.111), known as the Department of Banking and Securities Code. Money under this paragraph may be used in lieu of paying expenses from the assets of an institution or association under section 1006 of the Department of Banking and Securities Code.

(2) Seizure and liquidation of a credit union under 17

Pa.C.S. § 503 (relating to regulation by department).

(d) Reserve.—In determining the amount to pay into the restricted account each year, the secretary shall do so in a manner that builds up a reserve sufficient to pay costs as described in subsection (c) in a manner that will allow the department to discharge its obligations to resolve, seize or liquidate an institution or credit union without impairing the ability of the department to continue to perform its other duties.

(e) Restrictions on appropriations.—For fiscal years beginning after June 30, 2012, the General Assembly shall appropriate the funds as it determines to be necessary from the restricted account for use only by the department and not for any other Commonwealth agency.

(f) Warrant.—Money in the restricted account appropriated to the department shall be paid out upon warrant of the State Treasurer drawn after requested by the secretary.

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

"Department." The Department of Banking and Securities of the Commonwealth.

"Restricted account." The Institution Resolution Trust Restricted Account described in subsection (a).

"Secretary." The Secretary of Banking and Securities of the Commonwealth.

Section 1793-A.1. Keystone Recreation, Park and Conservation Trust Fund.

(a) Conversion of Keystone Recreation, Park and Conservation Fund.—The Keystone Recreation, Park and Conservation Fund established in section 4 of the act of July 2, 1993 (P.L.359, No.50), known as the Keystone Recreation, Park and Conservation Fund Act, is converted to a trust fund in the State Treasury to be known as the Keystone Recreation, Park and Conservation Trust Fund to provide money necessary to implement the provisions of that act. All interest earned from the investment or deposit of money accumulated in the fund shall be deposited into the fund for the same use. All money deposited into the fund shall:

(1) be held in trust;

(2) not be considered general revenue of the

Commonwealth;

(3) be used only to effectuate the purposes of this section as determined by the agency; and

(4) be subject to audit by the Auditor General.

(b) Source of funds.—All proceeds from the sale of bonds or notes as approved under section 5 of the Keystone Recreation, Park and Conservation Fund Act and the monthly transfer of a portion of the State Realty Transfer Tax shall provide the necessary money for the fund.

(c) Appropriations.—All money in the fund is hereby appropriated on a continuing nonlapsing basis to the designated agencies in the amounts specified in section 12 of the Keystone Recreation, Park and Conservation Fund Act. No money shall be expended by any agency without authorization by the Governor.

(d) Interest.—All interest earned by the fund and all refunds or repayments shall be credited to the fund and are hereby appropriated to the appropriate agencies in the same percentage as specified in section 12 of the Keystone Recreation, Park and Conservation Fund Act.

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

"Agency." As defined in the Keystone Recreation, Park and Conservation Fund Act.

"Fund." The Keystone Recreation, Park and Conservation Trust Fund described in subsection (a).

Section 1794-A.1. Fire and Emergency Medical Services Loan Trust Fund.

(a) Conversion of Fire and Emergency Medical Services Loan Trust Fund.—

(1) The Fire and Emergency Medical Services Loan

Fund established in former 35 Pa.C.S. § 7365 is converted to a trust fund in the State Treasury to be known as the Fire and Emergency Medical Services Loan Trust Fund.

(2) The fund shall be credited with all appropriations made by the General Assembly other than appropriations for expenses of administering 35 Pa.C.S. Ch. 73 Subch. E (relating to Fire and Emergency Medical Services Loan Program) or grants from other sources to the office as well as repayment of principal and interest on loans made under 35 Pa.C.S. Ch. 73 Subch. E.

(b) Requisition.—Upon approval of the loan, the commissioner shall routinely requisition from the fund such amounts as shall be allocated by the office for loans to fire companies or EMS companies. When and as the amounts so allocated as loans to fire companies or EMS companies are repaid according to the terms of the agreements made and entered into with the office, the office shall pay the amounts into the fund, it being the intent of 35 Pa.C.S. Ch. 73 Subch. E that the fund shall operate as a revolving fund in which all appropriations and payments made to the fund may be applied and reapplied to the purposes of 35 Pa.C.S. Ch. 73 Subch. E.

(c) Administration.—The commissioner may use up to 50% of the interest payments, but not in excess of \$600,000, for administrative costs on an annual basis.

(d) Definitions.—

(1) Except as otherwise provided in paragraph (2), the words and phrases as used in this section shall have the meanings given to them in 35 Pa.C.S. § 7363 (relating to definitions).

(2) As used in this section, "fund" means the Fire and Emergency Medical Services Loan Trust Fund described in subsection (a).

Section 2. The addition of section 1793-A.1 of the act is a continuation of section 4 of the act of July 2, 1993 (P.L.359, No.50), known as the Keystone Recreation, Park and Conservation Fund Act, and the following shall apply:

(1) Except as otherwise provided in section 1793-A.1 of the act, all activities initiated under section 4 of the Keystone Recreation, Park and Conservation Fund Act, shall continue and remain in full force and effect and may be completed under section 1793-A.1 of the act. Resolutions, orders, regulations, rules and decisions which were made under section 4 of the Keystone Recreation, Park and Conservation Fund Act and which are in effect on the effective date of this section shall remain in full force and effect until revoked, vacated or modified under section 1793-A.1 of the act. Contracts, obligations and agreements entered into under section 4 of the Keystone Recreation, Park and Conservation Fund Act are not affected nor impaired by the repeal of section 4 of the Keystone Recreation, Park and Conservation Fund Act.

(2) Except as specified in paragraph (3), any difference in language between section 1793-A.1 of the act and section 4 of the Keystone Recreation, Park and Conservation Fund Act is intended only to conform to the style of the Pennsylvania Consolidated Statutes and is not intended to change or affect the legislative intent, judicial construction or administrative interpretation and implementation of section 4 of the Keystone Recreation, Park and Conservation Fund Act.

(3) Paragraph (2) does not apply to section 1793-A.1(a) and (e) of the act.

(4) Except as specified in paragraph (5), any difference in language between section 1794-A.1 of the act and 35 Pa.C.S. § 7365 is intended only to conform to the style of the act and is not intended to change or affect the legislative intent, judicial construction or administrative interpretation and implementation of 35 Pa.C.S. § 7365.

(5) Paragraph (4) does not apply to section 1794-A.1(a)(1) of the act.

Section 3. The following shall apply:

(1) A reference in any law to the Banking Fund shall be

deemed to be a reference to the Banking Trust Fund.

(2) A reference in any law to the Institution Resolution Account in the Banking Fund shall be deemed to be a reference to the Institution Resolution Trust Fund.

(3) A reference in any law to the Keystone Recreation, Park and Conservation Fund shall be deemed to be a reference to the Keystone Recreation, Park and Conservation Trust Fund.

(4) A reference in any law to the Fire and Emergency Medical Services Loan Fund shall be deemed to be a reference to the Fire and Emergency Medical Services Loan Trust Fund.

(5) The reference to 35 Pa.C.S. § 7365 in 35 Pa.C.S. §§ 7363 and 7376 shall be deemed to be a reference to section 1794-A.1 of the act.

Section 4. Repeals are as follows:

(1) The General Assembly finds that the repeal under paragraph (2) is necessary to effectuate the addition of sections 1791-A.1 and 1792-A.1 of the act.

(2) Section 1113-A of the act of May 15, 1933 (P.L.565, No.111), known as the Department of Banking and Securities Code, is repealed.

(3) The General Assembly finds that the repeal under paragraph (4) is necessary to effectuate the addition of section 1793-A.1 of the act.

(4) Section 4 of the act of July 2, 1993 (P.L.359, No.50), known as the Keystone Recreation, Park and Conservation Fund Act, is repealed.

(5) The General Assembly finds that the repeal under paragraph (6) is necessary to effectuate the addition of section 1794-A.1 of the act.

(6) The provisions of 35 Pa.C.S. § 7365 are repealed. Amend Bill, page 5, line 26, by striking out "2" and inserting 5

On the question,

Will the House agree to the amendment?

The SPEAKER. On that question, the Chair recognizes the gentlewoman, Representative Krueger.

Ms. KRUEGER. Thank you, Mr. Speaker.

Today I ask my colleagues, will we choose to stand with firefighters and the EMS (emergency medical services) community? The purpose of the underlying bill is to protect a special fund from future raids. In fact, the cosponsorship memo for HB 859 detailed how the Banking Fund was recently raided to help balance the budget. I agree with the prime sponsor of this bill that we should be concerned about the constant raid of special funds to balance the budget. The bill today before us solves the problem for the banking community by redesignating the Banking Fund as the Banking Trust Fund, but I believe these special fund protections should be extended to more than just one influential industry.

My amendment would extend the same trust fund protections that the bill – ones we give to the banking community – to two important special funds: the Keystone Recreation, Park and Conservation Fund, and the Fire and Emergency Services Loan Fund. Mr. Speaker, the first fund, the Keystone Recreation, Park and Conservation Fund, supports grants for local recreation and parks, land trust to preserve open space and wildlife habitat, State parks and forests facility rehabilitation, our libraries, our historical sites, and the facilities of our 14 State System of Higher Education universities. And if you believe that parks, trails, green space, our Commonwealth's historical sites, and libraries are just as important as the bankers, then I ask you to vote "yes" today.

The second fund, Mr. Speaker, is the Fire and EMS Loan Fund, which supports—

The SPEAKER. The gentlelady will please suspend. The Speaker is having difficulty hearing the Representative. Members, please move your conversations off the back of the House and take your seats. The Chair thanks the lady.

You may proceed. I apologize.

Ms. KRUEGER. Thank you, Mr. Speaker.

The second fund that I seek to protect today is the Fire and EMS Loan Fund, which supports the loans to our volunteer firefighters, ambulance, and rescue squads that they so desperately rely on; vehicles and facilities for our volunteer first responders; and safety and protective gear and communications equipment to keep them safe. And if the voters approve of the referendum on the ballot for the primary, this fund will also support professional and municipal fire and EMS companies.

Mr. Speaker, so many of us supported the SR 6 Commission, which studied how we can help our volunteer fire and EMS companies that are critical to so many of our communities. Recommendation No. 10 of that report noted that we must protect the funding for the loan funds, and that past raids made it likely that the fund balance will not be sufficient to meet demands for loans.

So, Mr. Speaker, I ask my colleagues today, if you stand with our firefighters, our EMS workers, our libraries, and our parks, please support this amendment.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the lady.

The Chair recognizes the gentlewoman, Representative Delozier, on the amendment.

Ms. DELOZIER. Thank you, Mr. Speaker.

While the amendment may have good intentions for those funds – I think we can all agree we support every one that was listed – but this is a bill that was focused on and has been worked on for two sessions. The idea behind it is with a trust fund, and the underlying bill converts the Banking Fund to a trust fund and clarifies language in the Institution Resolution Account for the reserve account.

Banking is a differently funded entity. It is one funded by those that use or are in the industry itself. And on the other hand, the amendment, 860, converts the Banking Fund into a trust; while it does that, my bill also converts and the ability for us to take a look at – we do not deal with this issue straight up, with the money that comes out and has gone to other accounts.

What we need to understand about this is the fact that this a trust fund for the banking purposes. This is a bill that has been worked on for the last couple sessions. The agreed-to language by many of the banking associations, the department, we have worked on this; we have had many conversations. By gutting and replacing this bill, it changes the intent of the bill and it changes the purpose of the bill, and I respectfully ask for a "no" vote, Mr. Speaker.

The SPEAKER. The Chair thanks the lady and recognizes the sponsor of the amendment, Representative Krueger, for the second time.

Ms. KRUEGER. Thank you again, Mr. Speaker.

So the question is clear: Will we only stand with bankers today or we will stand with our firefighters and EMS? This amendment has the support of the Firemen's Associations of Pennsylvania, Pennsylvania Fire and Emergency Services Institute, the Fire Planning Associates, and WeConservePA, which is formerly the Pennsylvania Land Trust Association.

I ask you to stand with them and vote "yes."

The SPEAKER. The Chair thanks the lady.

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

(Members proceeded to vote.)

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

Ms. OBERLANDER. Thank you, Mr. Speaker.

The electronic board is accurate.

The SPEAKER. The Chair thanks the lady and recognizes the
gentleman, Representative Harris.

Mr. HARRIS. Thank you, Mr. Speaker.

The electronic board is accurate.

The SPEAKER. The Chair thanks the gentleman.

The following roll call was recorded:

YEAS—90

Benham	Driscoll	Kirkland	Pashinski
Bizzarro	Evans	Kosierowski	Pisciottano
Boyle	Fiedler	Krajewski	Rabb
Bradford	Fitzgerald	Krueger	Rozzi
Briggs	Flynn	Kulik	Sainato
Brown, A.	Frankel	Lee	Samuelson
Bullock	Freeman	Longiatti	Sanchez
Burgos	Gainey	Madden	Sappey
Burns	Galloway	Malagari	Schlossberg
Carroll	Guenst	Markosek	Schweyer
Cephas	Guzman	Matzie	Shusterman
Ciresi	Hanbidge	McClinton	Sims
Conklin	Harkins	McNeill	Snyder
Cruz	Harris	Merski	Solomon
Daley	Herrin	Miller, D.	Sturla
Davidson	Hohenstein	Mullery	Vitali
Davis, A.	Howard	Mullins	Warren
Davis, T.	Innamorato	Neilson	Webster
Dawkins	Isaacson	Nelson, N.	Wheatley
Deasy	Kenyatta	O'Mara	Williams, D.
DeLissio	Kim	Otten	Young
Delloso	Kinkead	Parker	Zabel
DeLuca	Kinsey		

NAYS—111

Armanini	Gregory	Masser	Rowe
Benninghoff	Greiner	Mehaffie	Ryan
Bernstine	Grove	Mentzer	Sankey
Boback	Hamm	Mercuri	Saylor
Bonner	Heffley	Metcalfe	Schemel
Borowicz	Helm	Metzgar	Schmitt
Brooks	Hennessey	Mihalek	Schroeder
Brown, R.	Hershey	Millard	Silvis
Causar	Hickernell	Miller, B.	Smith
Cook	Irvin	Mizgorski	Sonney
Cox	James	Moul	Staats
Culver	Jones	Mustello	Stambaugh
Davanzo	Jozwiak	Nelson, E.	Stephens
Day	Kail	O'Neal	Struzzi
Delozier	Kaufer	Oberlander	Thomas
DelRosso	Kauffman	Ortitay	Tomlinson
Diamond	Keefer	Owlett	Toohil
Dowling	Kerwin	Peifer	Topper
Dunbar	Klunk	Pennycuick	Twardzik
Ecker	Knowles	Pickett	Warner
Emrick	Labs	Polinchock	Wentling
Farry	Lawrence	Puskaric	Wheeland
Fee	Lewis	Quinn	White
Flood	Mackenzie, M.	Rader	Williams, C.
Fritz	Mackenzie, R.	Rapp	Zimmerman

Gaydos	Mako	Rigby	
Gillen	Maloney	Roae	Cutler,
Gillespie	Marshall	Rothman	Speaker
Gleim			

NOT VOTING—0

EXCUSED—0

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

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

* * *

The House proceeded to second consideration of **HB 1012,**
PN 1051, entitled:

An Act amending the act of June 13, 1967 (P.L.31, No.21), known
as the Human Services Code, in public assistance, further providing for
medical assistance payments for institutional care.

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

Mr. **BOYLE** offered the following amendment No. **A00782:**

Amend Bill, page 2, lines 7 through 16, by striking out all of said
lines and inserting

(vii) For each fiscal year beginning on or after fiscal year 2021-
2022, an additional annual payment equal to one hundred thirty dollars
(\$130) per eligible Medicaid ventilator or tracheostomy day shall be paid
to qualified medical assistance nonpublic and county nursing facilities.
The department will take all steps required to secure approval, if
possible, for Federal Medicaid matching funds. The following apply:

Amend Bill, page 2, line 18, by striking out "any quarter of"

Amend Bill, page 2, line 18, by inserting after "the" where it
occurs the second time

previous fiscal

Amend Bill, page 2, lines 18 through 28, by striking out "the
facility" in line 18 and all of lines 19 through 28 and inserting

the facility had a minimum of one medical assistance recipient
resident who received medically necessary ventilator care or
tracheostomy care according to the most recent available Picture Date
CMI Report.

Amend Bill, page 3, line 8, by striking out "quarterly"

Amend Bill, page 3, line 18, by striking out "quarter" and
inserting

payment period

Amend Bill, page 3, line 21, by striking out "quarter" and
inserting

period

Amend Bill, page 3, line 23, by striking out "on a quarterly basis"

Amend Bill, page 3, by inserting between lines 26 and 27

(D) The department shall ensure that payments calculated under
clause (B) are made to each eligible facility when combining fee-for-
services and managed care entities' payments.

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

AMENDMENT WITHDRAWN

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

Mr. BOYLE. Thank you, Mr. Speaker.

I would like to withdraw this amendment.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the bill on second consideration?

Bill was agreed to.

* * *

The House proceeded to second consideration of **HB 939, PN 1308**, entitled:

An Act amending the act of June 25, 1982 (P.L.633, No.181), known as the Regulatory Review Act, further providing for definitions; and establishing the Independent Office of the Repealer and providing for its power and duties.

On the question,

Will the House agree to the bill on second consideration?

Ms. **KLUNK** offered the following amendment No. **A00808**:

Amend Bill, page 1, lines 5 and 6, by striking out " and for existing regulations"

Amend Bill, page 2, lines 3 through 20, by striking out all of said lines

Amend Bill, page 2, line 21, by striking out "3" and inserting 2

Amend Bill, page 6, lines 21 through 24, by striking out all of lines 21 through 23 and "(II)" in line 24 and inserting

(i)

Amend Bill, page 6, line 26, by striking out "(III)" and inserting

(ii)

Amend Bill, page 6, by inserting between lines 28 and 29

(iii) The director shall report to the director of the Joint State Government Commission.

Amend Bill, page 7, lines 7 through 10, by striking out all of lines 7 through 9 and "(4)" in line 10 and inserting

(3)

Amend Bill, page 7, line 20, by striking out "AND FIX COMPENSATION"

Amend Bill, page 7, line 26, by inserting after "AFFILIATION" and approved by the director of the Joint

State Government Commission

Amend Bill, page 8, by inserting between lines 11 and 12

(4) The director shall not have the power and authority

to:

(i) Fix compensation.

(ii) Dictate the expenditure of funds.

Amend Bill, page 9, lines 18 and 19, by striking out "A COMMONWEALTH AGENCY FOR THE PURPOSES OF" and inserting

subject to

Amend Bill, page 9, lines 21 through 30; page 10, lines 1 through 16; by striking out all of said lines on said pages

Amend Bill, page 10, line 17, by striking out "4" and inserting 3

On the question,

Will the House agree to the amendment?

The SPEAKER. On that question, the Chair recognizes the gentlewoman, Representative Klunk.

Ms. KLUNK. Thank you, Mr. Speaker.

Mr. Speaker, this amendment is the product of listening to a number of members and individuals over the past and previous sessions in trying to make sure that we are getting a product that more individuals can get on board with.

This particular amendment also addresses some concerns that were raised in consultation with the Joint State Government Commission, and I ask members for a positive vote. Thank you.

The SPEAKER. The Chair thanks the lady.

Seeing no one else seeking recognition, the Chair recognizes the gentleman, Leader Benninghoff.

Mr. BENNINGHOFF. Thank you, Mr. Speaker.

I just rose to support the Klunk amendment and ask the members to support it. Thank you.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendment?

(Members proceeded to vote.)

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

Ms. OBERLANDER. Thank you, Mr. Speaker.

The electronic board is accurate.

The SPEAKER. The Chair thanks the lady and recognizes the gentleman, Representative Harris.

Mr. HARRIS. Thank you, Mr. Speaker.

The electronic board is accurate.

The SPEAKER. The Chair thanks the gentleman.

The following roll call was recorded:

YEAS—119

Armanini	Gregory	Mehaffie	Sainato
Benninghoff	Greiner	Mentzer	Samuelson
Bernstine	Grove	Mercuri	Sankey
Boback	Hamm	Metcalf	Saylor
Bonner	Heffley	Metzgar	Schemel
Borowicz	Helm	Mihalek	Schmitt
Brooks	Hennessey	Millard	Schroeder
Brown, R.	Hershey	Miller, B.	Silvis
Burns	Hickernell	Mizgorski	Smith
Causar	Irvin	Moul	Snyder
Cook	James	Mullery	Sonney
Cox	Jones	Mustello	Staats
Culver	Jozwiak	Nelson, E.	Stambaugh
Davanzo	Kail	O'Neal	Stephens
Day	Kaufer	Oberlander	Struzzi
Delozier	Kauffman	Ortitay	Thomas
DelRosso	Keefer	Owlett	Tomlinson
Diamond	Kerwin	Peifer	Toohil
Dowling	Klunk	Pennycuick	Topper
Dunbar	Knowles	Pickett	Twardzik
Ecker	Kulik	Polinchock	Vitali
Emrick	Labs	Puskaric	Warner
Farry	Lawrence	Quinn	Wentling
Fee	Lewis	Rader	Wheeland
Flood	Mackenzie, M.	Rapp	White
Freeman	Mackenzie, R.	Rigby	Williams, C.
Fritz	Mako	Roae	Zimmerman
Gaydos	Maloney	Rothman	
Gillen	Marshall	Rowe	Cutler,
Gillespie	Masser	Ryan	Speaker
Gleim			

NAYS—82

Benham	DeLuca	Kinkead	Otten
Bizzarro	Driscoll	Kinsey	Parker
Boyle	Evans	Kirkland	Pashinski
Bradford	Fiedler	Kosierowski	Pisciottano
Briggs	Fitzgerald	Krajewski	Rabb
Brown, A.	Flynn	Krueger	Rozzi
Bullock	Frankel	Lee	Sanchez
Burgos	Gainey	Longiatti	Sappey
Carroll	Galloway	Madden	Schlossberg
Cephas	Guenst	Malagari	Schweyer
Ciresi	Guzman	Markosek	Shusterman
Conklin	Hanbidge	Matzie	Sims
Cruz	Harkins	McClinton	Solomon
Daley	Harris	McNeill	Sturla
Davidson	Herrin	Merski	Warren
Davis, A.	Hohenstein	Miller, D.	Webster
Davis, T.	Howard	Mullins	Wheatley
Dawkins	Innamorato	Neilson	Williams, D.
Deasy	Isaacson	Nelson, N.	Young
DeLissio	Kenyatta	O'Mara	Zabel
Delloso	Kim		

NOT VOTING—0

EXCUSED—0

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

On the question,

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

The SPEAKER. It is the Chair's understanding that the gentlewoman wishes to withdraw the remaining amendments? The Chair thanks the lady.

On the question recurring,

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

Bill as amended was agreed to.

The SPEAKER. The bill as amended will be reprinted.

* * *

The House proceeded to second consideration of **HB 765, PN 1152**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in powers of department and local authorities, further providing for specific powers of department and local authorities.

On the question,

Will the House agree to the bill on second consideration?

Mr. **B. MILLER** offered the following amendment No. **A00668**:

Amend Bill, page 3, line 24, by striking out "in 60 days" and inserting immediately

On the question,

Will the House agree to the amendment?

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

Mr. B. MILLER. Thank you, Mr. Speaker.

I rise in support of amendment A00668, which will change the effective date of this bill from 60 days to immediately to help the expeditious implementation of the bill. I ask for the members' support.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendment?

(Members proceeded to vote.)

The SPEAKER. On that question, the Chair recognizes the Democratic whip, the gentleman, Representative Harris.

Mr. HARRIS. Thank you, Mr. Speaker.

The electronic board is accurate.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentlewoman, Representative Oberlander.

Ms. OBERLANDER. Thank you, Mr. Speaker.

The electronic board is accurate.

The SPEAKER. The Chair thanks the lady.

The following roll call was recorded:

YEAS—201

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

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

NAYS—0

NOT VOTING—0

EXCUSED—0

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

On the question,

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

Bill as amended was agreed to.

The SPEAKER. The bill as amended will be reprinted.

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 609**, **PN 1281**, entitled:

An Act amending the act of May 23, 1945 (P.L.913, No.367), known as the Engineer, Land Surveyor and Geologist Registration Law, further providing for definitions, for procedure for licensing as professional engineer, for continuing professional competency requirements and for exemption from licensure and registration.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

(Bill analysis was read.)

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

The question is, shall the bill pass finally?

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

(Members proceeded to vote.)

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

Ms. OBERLANDER. Thank you, Mr. Speaker.

The electronic board is accurate.

The SPEAKER. The Chair thanks the lady and recognizes the gentleman, Representative Harris.

Mr. HARRIS. Thank you, Mr. Speaker.

The electronic board is accurate.

The SPEAKER. The Chair thanks the gentleman.

The following roll call was recorded:

YEAS—197

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

NAYS—4

Delozier	Keefer	Rothman	Ryan
----------	--------	---------	------

NOT VOTING—0

EXCUSED—0

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

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

SUPPLEMENTAL CALENDAR A

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 72, PN 48**, entitled:

An Act amending the act of June 25, 1982 (P.L.633, No.181), known as the Regulatory Review Act, further providing for definitions, for proposed regulations and procedures for review and for final-form regulations and final-omitted regulations and procedures for review; providing for regulations deemed withdrawn; further providing for procedures for subsequent review of disapproved final-form or final-omitted regulations by the commission; and providing for concurrent resolution required for economically significant regulations.

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

(Bill analysis was read.)

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

The question is, shall the bill pass finally?

On that question, the Chair recognizes the prime sponsor, Representative Keefer.

Mrs. KEEFER. Thank you, Mr. Speaker.

This bill simply puts some more checks and balances back in government and puts more responsibility back on the legislature to make sure that we are involved in the process of the laws. So this is "economically significant regulations." Any regulation having an impact greater than \$1 million, the General Assembly should absolutely have a voice in passing such a measure, and I would appreciate my colleagues' support. Thank you.

The SPEAKER. The Chair thanks the lady and recognizes the gentleman from Delaware County, Representative Vitali.

Mr. VITALI. Thank you, Mr. Speaker.

I rise in opposition to this bill. This is probably opposed by not only the administration, but by pretty much every environmental group in the State. This is what the bureau of licenses and inspections says about this bill: "...this bill significantly delays an already protracted regulatory process...."

The DCED (Department of Community and Economic Development) opposes. They say: "The regulatory process through IRRC is clear and has worked very well over the years."

Mr. Speaker, this bill appears to be unconstitutional. It creates a one-chamber process, a one-chamber veto of regulations. Generally, in the regulatory process, the General Assembly, in conjunction with the Governor, can block a regulation, but all have to act in unison. This allows any chamber to block any regulation for any reason simply by inactivity, which probably makes it unconstitutional.

Mr. Speaker, this bill will apply to almost every regulation because it is below threshold of only \$1 million per year. This bill makes what is already a lengthy regulatory process more lengthy.

So for these reasons I would ask for a "no" vote.

The SPEAKER. This Chair thanks the gentleman.

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

Ms. HERRIN. Thank you, Mr. Speaker.

HB 72 is one of a number of proposed bills on third consideration today that could cut deeply into the health, safety, and security protections for the people of this Commonwealth.

The bill requires the General Assembly to approve any regulation – that is any regulation – with an economic impact of \$1 million or more. By setting the bar this low, HB 72 effectively covers almost all new regulations in Pennsylvania coming out of each and every regulatory body in this State. We are talking about departments like Labor and Industry, which we know regulates issues like ensuring workers are covered in case of job-related injury, disability, or death. We are talking about the Department of Human Services, which regulates day-care centers, nursing facilities, birthing centers, dialysis services, mental health, and more. And of course we are talking about the Department of Environmental Protection, which we know works to clean up the air and water so our kids do not get sick and we have clean water to drink and we can help prevent polluters from abusive practices that contaminate our land and our neighborhoods.

On the surface, it may seem pretty harmless to have the General Assembly concur on new regulations, but the devil is always in the details. The details of this bill show that it gives the majority party a way to send final regulations to the graveyard to die, even after the regulations have been through what is already an arduous and vetted public process that can take up to 2 years.

So instead of just passing a bill once to set up, say, a new pipeline safety measure, HB 72 gives the General Assembly two bites at the apple – one, on the bill directing the regulation in the first place, and the second on the actual regulation itself. This opens the door for us to make decisions through inaction, which, let us face it, is the easiest way to fly under the radar if we do not want to be on the record as opposing something. We need to be accountable and we need to be transparent.

The details of this bill also show that it handcuffs regulatory agencies from doing their jobs. HB 72 disqualifies any rulemaking unless there is statutory language expressly authorizing the specific purpose of the rule, and this is incredibly problematic. The reason is is that statutes are often intentionally written broadly to give the regulatory agency enough flexibility so it can respond to changing needs, they can adapt to changes in Federal law.

The government cannot be efficient without some inherent flexibility to adapt to new and changing needs, technologies, and information. And as Representative Vitali said, it is worth mentioning that this bill violates the Pennsylvania Constitution. We need to stop viewing regulation as a dirty word that needs to be eliminated altogether. Just ask the avalanche of Americans who suffered home foreclosures during the subprime mortgage crisis if they would have preferred some good regulation of the banking industry.

Our job is to regulate and our job is to regulate smartly. We need to seek the right balance. We need to protect the fundamental rights, safety, security, and health of the people who live and work in our great State. We should not overreach as a body and stifle our regulatory agencies. It is our job to make these agencies work better and work more efficiently for everybody, including our businesses, and not send them down a potentially futile 2-year path of rulemaking to no good end.

This bill is opposed by the administration, the Pennsylvania Department of Community and Economic Development, and every environmental group you can think of, and the

Pennsylvania Department of Human Services and the Pennsylvania Department of Labor and Industry have significant concerns.

I urge my colleagues to oppose HB 72 with the hope that we can come together to find the right balance.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the lady.

The Chair recognizes the gentlewoman, Representative Keefer, for the second time on final passage.

Mrs. KEEFER. Thank you, Mr. Speaker.

First of all, it is our job to legislate, not to regulate, and too often if it is not a partisan issue, we fail to do our job. We write very broad laws and we leave it up to the Executive to interpret those laws and give way too much flexibility.

I disagree; I believe \$1 million is a lot of money, and I believe my constituents would believe as well that \$1 million is a lot of money, and so if we are going to make a decision like this – right? – to allow them, we should have some accountability. These individuals that are making these rules that continuously change, increasing fees, have no accountability. They are not elected and they are not accountable to anybody, so if we are going to make a decision that is going to have a significant financial impact on our constituents, they should have the ability to come back and hold us accountable, and right now we do not have that. Too often we are punting to the Executive and we are not taking up our responsibility as legislators.

So this is a good measure. It is good checks and balances to get back on the books to make us accountable to our constituents, and unconstitutional is us not doing our jobs. We are the legislators – we legislate. That is not something that should be done at the administrative level. That is not something that should be done at the judicial level. Unfortunately, that is happening too frequently. So we need to be more specific in writing these bills and we need to take back the power that is ours, and that is to legislate, because we are legislators.

So I would appreciate my colleagues' support on this bill.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the lady.

On the question recurring,

Shall the bill pass finally?

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

(Members proceeded to vote.)

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

Mr. HARRIS. Thank you, Mr. Speaker.

The electronic board is accurate.

The SPEAKER. The Chair thanks the gentleman and now recognizes the gentlewoman, Representative Oberlander.

Ms. OBERLANDER. Thank you, Mr. Speaker.

The electronic board is accurate.

The SPEAKER. The Chair thanks the lady.

The following roll call was recorded:

YEAS—108

Armanini	Gillespie	Marshall	Rothman
Benninghoff	Gleim	Masser	Rowe
Bernstine	Gregory	Mehaffie	Ryan
Boback	Greiner	Mentzer	Sankey
Bonner	Grove	Mercuri	Saylor
Borowicz	Hamm	Metcalfe	Schemel
Brooks	Heffley	Metzgar	Schmitt
Brown, R.	Helm	Mihalek	Silvis
Burns	Hennessey	Millard	Smith
Causer	Hershey	Miller, B.	Sonney
Cook	Hickernell	Mizgorski	Staats
Cox	Irvin	Moul	Stambaugh
Culver	James	Mustello	Stephens
Davanzo	Jones	Nelson, E.	Struzzi
Day	Jozwiak	O'Neal	Thomas
Delozier	Kail	Oberlander	Tomlinson
DelRosso	Kaufert	Ortitay	Toohil
Diamond	Kauffman	Owlett	Topper
Dowling	Keefer	Peifer	Twardzik
Dunbar	Kerwin	Pennycuik	Warner
Ecker	Klunk	Pickett	Wentling
Emrick	Knowles	Polinchock	Wheeland
Farry	Lawrence	Puskaric	White
Fee	Lewis	Rader	Zimmerman
Flood	Mackenzie, M.	Rapp	
Fritz	Mackenzie, R.	Rigby	Cutler, Speaker
Gaydos	Mako	Roac	
Gillen	Maloney		

NAYS—93

Benham	Fiedler	Krajewski	Quinn
Bizzarro	Fitzgerald	Krueger	Rabb
Boyle	Flynn	Kulik	Rozzi
Bradford	Frankel	Labs	Sainato
Briggs	Freeman	Lee	Samuelson
Brown, A.	Gainey	Longietti	Sanchez
Bullock	Galloway	Madden	Sappety
Burgos	Guenst	Malagari	Schlossberg
Carroll	Guzman	Markosek	Schroeder
Cephas	Hanbidge	Matzie	Schweyer
Ciresi	Harkins	McClinton	Shusterman
Conklin	Harris	McNeill	Sims
Cruz	Herrin	Merski	Snyder
Daley	Hohenstein	Miller, D.	Solomon
Davidson	Howard	Mullery	Sturla
Davis, A.	Innamorato	Mullins	Vitali
Davis, T.	Isaacson	Neilson	Warren
Dawkins	Kenyatta	Nelson, N.	Webster
Deasy	Kim	O'Mara	Wheatley
DeLissio	Kinhead	Otten	Williams, C.
Delloso	Kinsey	Parker	Williams, D.
DeLuca	Kirkland	Pashinski	Young
Driscoll	Kosierowski	Pisciottano	Zabel
Evans			

NOT VOTING—0

EXCUSED—0

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

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

The House proceeded to third consideration of **HB 139, PN 104**, entitled:

An Act providing for the administration of permits by State agencies, for a tracking system for permit applications, for the establishment of permit programs and for annual reports.

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

(Bill analysis was read.)

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

The question is, shall the bill pass finally?

On that question, the Chair recognizes the gentleman, Representative Rothman.

Mr. ROTHMAN. Thank you, Mr. Speaker.

Mr. Speaker, almost exactly 3 years ago today, on May 1, I stood at this podium and I quoted Gov. Tom Wolf while we were debating the same legislation. Governor Wolf said "...supporting common sense legislation that will bring the permit process in line with the industry it is...engaged with..." makes sense. He recognized earlier that year that there was permit paralysis. COVID, the pandemic, has only made it worse.

This bill, Mr. Speaker, creates transparency and efficiency. People who apply for permits deserve to know where they are in the process. This bill – and to the Governor's credit, the administration's credit, they have taken many steps that were contained in the original version of the bill to create more transparency, but the reality is that permits are still being delayed.

Mr. Speaker, we saw in the recent demographic study from the census data that Pennsylvania is losing compared to other States. We are losing jobs, we are losing employees, we are losing to the States that make it easier for people to start jobs and get permits. And by the way, it is not just private businesses; it is schools and individuals.

Mr. Speaker, this bill says that if a State agency is not issuing permits in the statutory required time, then the applicant can engage an approved-by-the-agency third-party reviewer, and I have seen, in some of the interest groups' opposition to this, that third party is some kind of a pejorative, a third-party reviewer.

And I want to tell you the story of four engineers that live in my district. One of them went to Lehigh and went to work for a large corporation, also based in my district, that does engineering, and worked there for 40 years. The other went to the University of Pennsylvania and got his engineering degree, he went to work for PennDOT, and worked there for 40 years. They live about a quarter mile from each other. Is there any difference between the two and their qualifications? No.

There are also two other gentlemen. They were classmates at Penn State, both became engineers. One started a small business where he is an engineer. The other became Secretary of Transportation. They took the same classes. They were classmates at Penn State. There is no difference between the two in qualifications.

We use third-party reviewers all over State government. When you get your car inspected, you do not take it to PennDOT and have a PennDOT mechanic look over your car. It is a

PennDOT-approved mechanic. Physicals; in fact, PennDOT is already doing a lot of this, and DEP, I would argue, is also using third-party reviewers in their conservation districts.

And I would say that the Department of Environmental Protection's mission statement is "to protect Pennsylvania's air, land and water from pollution and to provide for the health and safety of its citizens through a cleaner environment..." This is their mission statement. "We will work as partners" – not overlords – "partners with individuals, organizations, governments and businesses to prevent pollution and restore our natural resources." There is nowhere in there that says they will review permits. Let us get DEP back to doing their core function, which is protecting the environment, not holding up progress. Nothing in this bill, nothing in this bill lowers regulation standards, nothing in this bill suspends permit requirements. It simply provides the duty of a State agency, that if they cannot meet that responsibility, they will let someone else do the review; they will still issue the permit.

And finally, Mr. Speaker, speaking of third parties, thank God that we engage third parties to provide vaccinations, because if we had waited for the Department of Health to do all of the vaccinations, we would still be waiting.

Thank you, Mr. Speaker.

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

Mr. VITALI. Thank you, Mr. Speaker.

I rise in opposition to HB 139. Third-party permitting, with regard to the Department of Environmental Protection, is just a really bad idea. It seems that the problem you are trying to solve is slow permit turnaround time. The real solution is to properly fund the Department of Environmental Protection so they have the staffing and the resources to do their job.

Since 2003 their staffing has been cut 28 percent, about a thousand positions. You know, the analogy I would like to think of is this: If you own a restaurant and you cut the waitstaff and you cut the kitchen help in half, do not be surprised if the meals are slow coming out. It is just common sense.

We as a legislature have simply and intentionally starved the Department of Environmental Protection for years, and if we have problems with permitting, maybe that is the solution. You know, the problem with permitting is – and I talked to the DEP staffing – it can be laid at the foot of improper applications and applications that are simply defective, applicants who are not putting the correct things in permit applications, and why is that? Because the DEP staff that used to be there to educate these people, to have seminars and explain all this and monitor this, are gone, cut by attrition.

Mr. Speaker, there clearly is a conflict of interest here. Let me just read from the bureau of licenses and inspections, their comments on this about third-party, that it would seem that this is an abdication of governmental responsibility and certainly could create conflicts of interest.

Now, you used the example of the auto mechanic to inspect the car. Sure, they are private companies, but they have a very real financial incentive to find and fix problems because that is how they make their money; just the opposite would be the case with regard to third-party inspectors who want more business and know the answers and opinions that want to be rendered by the people who pay them.

Mr. Speaker, this bill is also opposed by the Pennsylvania Association of Conservation Districts. They say, and I quote: "...these private reviews will actually hinder the...permit review process, resulting in permit approval delays, and create the potential for permits that are below state standards." The DEP says that the bill is unnecessary, and to the extent that it is actually implementable, the DEP already does this.

Mr. Speaker, this has been opposed by pretty much every environmental group in the State. I think we should not be privatizing the protection of public health and the environment. We should be properly funding it so they can do their jobs. So I would ask for a "no" vote. Thank you.

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

Mr. KAIL. Thank you, Mr. Speaker.

I rise in support of HB 139. The author of the bill ought to be commended for his efforts. In western Pennsylvania, Mr. Speaker, we know a little bit about regulatory oversight and the problems that it creates when extremists get in control. There are a couple of numbers that are seared into our minds: \$1.5 billion, 4 million, and 1,000 – \$1.5 billion is the investment that was wiped away; 4 million man-hours will not be had by members of unions; 1,000 full-time jobs, full-time union jobs, all because bureaucrats embrace an extreme environmental ideology and because there was no accountability or oversight. Mr. Speaker, this bill offers that oversight.

You know, in Pennsylvania, we are at a crossroads. We can either embrace the doctrine of rainbows and unicorns and keep sending our jobs to China where there are no environmental regulations, where there are no labor standards, or we can do it here and do it right. We can help our blue-collar workers. We can help our building trade unions. We can help our steelworkers.

Mr. Speaker, do not take my word for it. My good friend, Mr. Ken Broadbent, said it best in the Pittsburgh Post-Gazette. He is the business manager for the Steamfitters Local 449. He said, " 'We need jobs that give people a good middle class lifestyle. We also need clean air and water,' and U.S. Steel was working on that. 'Let's work on controlling emissions here' instead of watching China and other countries make steel while operating under guidelines this country can not control...."

Mr. Speaker, we can have it both ways. We can benefit our blue-collar workers and we can benefit our environment, and this bill works towards that end.

Thank you very much, Mr. Speaker.

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

Ms. KRUEGER. Thank you, Mr. Speaker.

I rise in opposition to HB 139 today. This bill would allow "state agencies to contract with third-party professionals to review permit applications subject to the bill's definition of a 'permit decision delay.' Yet..." this bill "includes no provisions to prevent conflicts of interests or" even to "setup of a minimum level of qualifications for those third-party professionals." Essentially, we would be letting the oil and gas industry regulate themselves.

I want to note, too, that this is not just about the Department of Environmental Protection; this also includes permits from the Department of Human Services, who also has concerns.

Mr. Speaker, I ask my colleagues to vote "no."

The SPEAKER. The Chair thanks the lady and recognizes the gentleman, Representative Kenyatta.

Mr. KENYATTA. Thank you, Mr. Speaker.

The gentleman from Beaver just made some comments that I do not think we can just let idly go by. The good gentleman said, 'We can have it both ways,' he said. But no, we cannot have it both ways when it comes to clean air and clean water. You cannot have it both ways. You cannot put the fox in charge of guarding the henhouse and hope that the hens are going to be there in the morning. This idea that government should outsource its responsibility to make sure every Pennsylvanian has clean water and clean air is a fool's errand.

The gentleman from Delaware County said it correctly. If folks want to see the permit process sped up, we have a budget that is coming up. We ought to make sure that budget includes significant investments in DEP if we want to see permits that move through quickly. But no, we cannot allow big polluters to decide how much they want to pollute our air, how much they want to pollute our streams, how much they want to cut down our parks – absolutely not; absolutely not.

We need to have it one way, and that one way is to acknowledge that we are in the midst of a climate crisis, and when we get to a place where kids – like they are in my district – are having asthma attacks so bad that prior to COVID shutting down school buildings, they were shut down because they could not breathe in the dang school. They could not breathe walking around their neighborhood.

The way we need to have it is that this building and the folks in this body ought to be doing everything we can to make the type of critical investments that would allow for the good green union jobs that would be blue collar. But this "have it both ways" approach where, yes, we are going to have clean air, clean water, but yet we are going to allow the polluters to decide whether or not they move forward with a permit – give me a break. Nobody in their right mind believes this. Nobody. And so no, I am against foxes deciding how many dang hens are in the house.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Representative Eric Nelson.

Mr. E. NELSON. Mr. Speaker, I think one of the most important things to realize of this issue and debate: There is a larger concept at hand, and that larger concept is the incessant growth and overcontrol of government and government agencies, even the inference that only the DEP and an engineer that works at DEP have the ability to review a permit – all engineers have the ability to review expectations, and having more people held accountable for what they review is important.

If we take a look at what happened to U.S. Steel and the multiple-year delay and the hundreds of thousands of man-hours of work lost, and then we take a look at Marcus Hook refinery and the refinery that left this State and went to Texas. The refinery is still happening. The work is still going. It is just not our citizens who have an opportunity to do it, and the reason for both of those failures of this State, of this government, is permit delays.

This bill is important. It does not erode or undermine environmental expectation at all. This bill clarifies that engineers have a stamp, they have a responsibility, they have a third-party reviewing their information so that we can build it here; we can make it here and it can be safer.

The project at U.S. Steel would have reduced emissions. Now not only did we lose the work, but we lost the investment, and it is going to happen someplace else. If we do not engage and choose to be responsible for our own environmental future, where are we going to be, Mr. Speaker?

This bill is important because government is not the only way. Environmental expectations, responsible development, and having certified engineers review plans and procedures to allow our businesses to employ our families, to keep our children in this State. This is a critical bill because it sends a message to all businesses of Pennsylvania that, yes, you can do it right, and you can do it here.

So thank you to the maker for the bill. Thank you for the opportunity to speak, and we should all embrace responsible environmental development.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

Seeing no one else, the Chair will now turn to the prime sponsor and the leaders.

The gentleman, Representative Rothman, is in order and is recognized for the second time.

Mr. ROTHMAN. Thank you, Mr. Speaker.

I just wanted to address some of the comments that were made. There is a rhetorical argument process called fallacy. There are like 15 different types of doing it, but you throw something out that appeals to our emotion without really any logic. I said it before and I am going to say it again: nothing in this bill lowers any standards for pollution regulation – nothing. Nothing in this bill will change your standards for building and construction – nothing.

We have set up a system in Pennsylvania where businesses and citizens and schools have to go to the government to get a permit. There is an application process. You should look at the applications. Some of them are 100-and-some pages long, hundreds of pages long. The process is, you apply for an application, just like you apply for anything.

Imagine, if you will, that this were about voting, and you applied for your voter registration or you applied for your mail-in ballot and it did not show up for 2 years and it did not show up until after the election. We would be screaming and yelling. We have an obligation as a government to be transparent, to be efficient, to be respectful for the people who are investing money in our State. And thank you to my good friend from Beaver County – \$1.5 billion investment U.S. Steel just pulled out, and there are a lot of issues we can talk about, but the reality was, during the delay, a delay by DEP, they decided to take their capital somewhere else.

We are not just competing with China; we are competing with Ohio, we are competing with New York and West Virginia, and we are competing with Maryland. And if you drive down Route 15 and you are going to Maryland, there is a sign that says, "Open for Business." We do not have the same sign coming into Pennsylvania.

My friend from Philadelphia, the good chairman, mentioned the complement at DEP and DCNR (Department of Conservation and Natural Resources). There are actually, since April of 2013, there are actually over 400 more employees at DEP as of April of 2021. There are not less. Now, I do not know about 2003, but at least in the last 8 years – which is what I was able to find – they have hired more people, and I am trying to allow them to hire even more people, third-party reviewers.

I mentioned – maybe you did not hear it – DEP engaged, they engaged outside legal counsel, third party. And the last to the last time – I hope I never have to say this again – these professionals that are going to be hired by the agencies, whose qualifications will have to be the same as would be for the person working for the Commonwealth, to imply that they would somehow, somehow they have a conflict of interest? They are your neighbors, they are your constituents, they are graduates of your universities. They are going to put their license on the line? They are going to do something to pollute and cause polluted air and water for our children? We have children too. It is a fallacy argument.

Mr. Speaker, we do have a crisis. We have a crisis in Pennsylvania. It is an economic crisis. And if we do not start doing things to bring this State back – bring it back not just from COVID, but from problems that we had before COVID; structural problems we had with too many regulations, with permit paralysis, with overtaxation, with a sign that says, "We're not open for business" – we are going to continue to lose populations from our State and you are going to see us continue to lose congressional seats and continue to lose influence in this country, and that is wrong, and this bill is a first step to turning that around.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

Turning to the leaders, the Chair recognizes Leader Benninghoff on final passage.

Mr. BENNINGHOFF. Thank you, Mr. Speaker. I will be brief.

The gentleman that just preceded me did such an excellent job, I just want to stand up in support of him. But I do think it is a global thought we need to think about, and that is that we want Pennsylvania to be perceived as being modern in how we proceed with things, that we are open for business.

The previous speaker said something I wanted to echo, and that is that licensed engineers, for the most part, are the ones that are preparing these documents to come into the State. They are not going to jeopardize their license, whether they are in a State building or outside a State building. That is ridiculous and almost insulting for it to even be implied.

We have third-party billing in our lives. We have third-party review. Most of you are not getting your medical bills and those things sent to you from your local doctors. They are coming from all over the world. At the end of the day, we need to be a State that is perceived to be trying to modernize themselves and forever changing. This whole idea behind the fact that only State government engineers can do this right is ridiculous, and frankly, we have heard time and time from multiple businesses that they are waiting 100, 150, 250 days and not even in compliance with their own statutes that govern themselves. I think that is ridiculous, unacceptable, and frankly, it ought to be embarrassing to the departments that come up with their own statutes but do not look at them.

I do not believe it is an economic issue as far as money for these departments. At the end of the day, if you do not have enough money to run departments, maybe you should not be running 100-page permits to dig a hole in the ground. At the end of the day, clean water and clean air are concerns for all of us. Our party has always been very aggressive on that and wanting to pay attention to that. At the end of the day, I want to see Pennsylvania strong. We need to rebound from a very tough last

12, 14 months, and the only way we do that is to put the sign in both entrances of Pennsylvania that we are open for business, we understand what it takes to run a business, and we care about the environment and our children and will protect them, and this bill is a good start. Let us vote "yes." Thank you.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,
Shall the bill pass finally?

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

(Members proceeded to vote.)

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

Mr. HARRIS. Thank you, Mr. Speaker.

The electronic board is accurate.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentlewoman, Representative Oberlander.

Ms. OBERLANDER. Thank you, Mr. Speaker.

The electronic board is accurate.

The SPEAKER. The Chair thanks the lady.

The following roll call was recorded:

YEAS—113

Armanini	Gleim	Marshall	Ryan
Benninghoff	Gregory	Masser	Sainato
Bernstine	Greiner	Mehaffie	Sankey
Boback	Grove	Mentzer	Saylor
Bonner	Hamm	Mercuri	Schemel
Borowicz	Heffley	Metcalfe	Schmitt
Brooks	Helm	Metzgar	Schroeder
Brown, R.	Hennessey	Mihalek	Silvis
Burns	Hershey	Millard	Smith
Causer	Hickernell	Miller, B.	Snyder
Cook	Irvin	Mizgorski	Sonney
Cox	James	Moul	Staats
Culver	Jones	Mustello	Stambaugh
Davanzo	Jozwiak	Nelson, E.	Stephens
Day	Kail	O'Neal	Struzzi
Delozier	Kaufer	Oberlander	Thomas
DelRosso	Kauffman	Ortitay	Tomlinson
Diamond	Keefer	Owlett	Toohil
Dowling	Kerwin	Peifer	Topper
Dunbar	Klunk	Pennycuik	Twardzik
Ecker	Knowles	Pickett	Warner
Emrick	Kulik	Polinchock	Wentling
Farry	Labs	Puskaric	Wheeland
Fee	Lawrence	Rader	White
Flood	Lewis	Rapp	Zimmerman
Fritz	Mackenzie, M.	Rigby	
Gaydos	Mackenzie, R.	Roae	Cutler,
Gillen	Mako	Rothman	Speaker
Gillespie	Maloney	Rowe	

NAYS—88

Benham	Driscoll	Kinsey	Pashinski
Bizzarro	Evans	Kirkland	Pisciottano
Boyle	Fiedler	Kosierowski	Quinn
Bradford	Fitzgerald	Krajewski	Rabb
Briggs	Flynn	Krueger	Rozzi
Brown, A.	Frankel	Lee	Samuelson
Bullock	Freeman	Longiotti	Sanchez
Burgos	Gainey	Madden	Sappey
Carroll	Galloway	Malagari	Schlossberg
Cephas	Guent	Markosek	Schweyer

Ciresi	Guzman	Matzie	Shusterman
Conklin	Hanbidge	McClinton	Sims
Cruz	Harkins	McNeill	Solomon
Daley	Harris	Merski	Sturla
Davidson	Herrin	Miller, D.	Vitali
Davis, A.	Hohenstein	Mullery	Warren
Davis, T.	Howard	Mullins	Webster
Dawkins	Innamorato	Neilson	Wheatley
Deasy	Isaacson	Nelson, N.	Williams, C.
DeLissio	Kenyatta	O'Mara	Williams, D.
Delloso	Kim	Otten	Young
DeLuca	Kinkead	Parker	Zabel

NOT VOTING—0

EXCUSED—0

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

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

PARLIAMENTARY INQUIRY

The SPEAKER. For what purpose does Leader McClinton rise?

Ms. McCLINTON. Parliamentary inquiry, Mr. Speaker.

The SPEAKER. You are in order and may proceed.

Ms. McCLINTON. Thank you, Mr. Speaker.

Just standing to inquire whether or not the action in writing is still in effect that the BMC (Bipartisan Management Committee) produced asking members to wear a mask, because there are dozens on the floor without one.

The SPEAKER. The leader inquired regarding the action in writing, and that is still in effect. Members are reminded to please wear your masks.

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 288, PN 254**, entitled:

An Act providing for regulatory compliance.

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

(Bill analysis was read.)

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

The question is, shall the bill pass finally?

The Chair recognizes the gentleman, Representative O'Neal, on final passage.

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

Mr. Speaker, HB 288 requires each State agency to appoint a regulatory compliance officer tasked with duties related to interfacing with regulated communities. So essentially, HB 288 will help improve communication between agencies and the communities that they regulate. It changes the role of regulators

to be more understanding and less punitive towards the PA business community. The fact of the matter is, collaborative compliance is greater than punitive actions. It will inspire greater transparency and ease compliance for regulated entities by fostering an environment of collaboration as opposed to opposition.

We have heard that some of the opponents of the bill have said, oh, well, these officers will be inundated with requests and they only have 20 days to do it. Well, the fact of the matter is, it is 20 business days, and they have the full weight of the agency behind them to develop any opinions. Well, there is also a safe harbor provision, because, quite frankly, why would we not offer a business safe harbor when they follow the opinion issued by the agency on how to follow a regulation and that opinion was wrong, how can we possibly hold the regulated entity liable for following the opinion of the agency? It is ridiculous to think otherwise.

So other people have said this will cost money, and that may be true for certain agencies, but the fact of the matter is, there is nothing in this legislation that requires that positions be added in order to comply.

Mr. Speaker, when it really comes down to it, this is about improving compliance of regulation. It is about improving compliance. It is about ensuring that our regulated community has a point of contact to go to in each of their agencies that regulate them. We consistently require businesses to be accountable and responsive to our State agencies, and there is absolutely no reason why we should not expect the same thing the other way around.

Again, this is about ensuring that business entities are able to better comply with laws and regulations, and I would encourage each of us to support this endeavor. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentleman from Delaware County, Representative Vitali.

Mr. VITALI. Thank you, Mr. Speaker.

I rise in opposition to HB 288. In the previous debate, the gentleman from Westmoreland County railed against creating additional government bureaucracy, and this is precisely what this bill would do, requiring a compliance officer in every State agency. This is what the Department of Agriculture said about this bill: "...the bill would have an estimated cost of approximately \$185,000 to the Department for salary, benefits, and administrative charges relating to this new position...." That is just one agency. Is that what we really want, big government, greater bureaucracy? Is that what you guys stand for? This is what the Department of Agriculture said and this is serious. This is stuff that your constituents care about. "...we are concerned that this bill would have a harmful impact on the safety of food processed, prepared, and/or sold in Pennsylvania, which is why we are opposed to this bill." So know when you vote for this bill that the Pennsylvania Department of Agriculture is opposed to it because they have concerns about the safety of food that your constituents will eat. Explain that to your constituents.

Mr. Speaker, the bill, in addition to creating this bureaucracy, requires this compliance officer to render opinions, and whether it is 20 business days or 20 calendar days, it is really irrelevant. If they fail to do this, it shall be a complete defense to any enforcement proceeding initiated by the agency; a complete defense. That is a bad and it is a dangerous idea.

Mr. Speaker, this bill is opposed not only by the administration, but by pretty much every environmental group in the State. The Department of Environmental Protection points out that the department "...already has an office dedicated to helping small businesses with regulatory compliance" and that is "the Small Business Ombudsman's Office." So this already exists. We would just be duplicating efforts. And it creates, as was previously mentioned, a get-out-of-jail-free card for polluters, because the volume of opinions simply could not be responded to in this 20-day period, which would provide a complete defense.

Just a bad idea, and I ask for a "no" vote.

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

You are in order and may proceed. Thank you.

Ms. OTTEN. Thank you, Mr. Speaker.

Mr. Speaker, I rise in opposition to HB 288. The last thing that the people and the property owners of Pennsylvania need right now is for more out-of-State multibillion-dollar corporations walking around with a get-out-of-jail-free card in Pennsylvania. HB 288 would create another layer of bureaucracy in just about every agency of government, giving one person the power to undermine and second-guess the experience, background, and expertise of teams of professional engineers, scientists, policy experts, and stewards of our regulatory process. HB 288 would create a burden within every agency to have one individual who is well versed in all of the aspects of the agency's operations and the regulatory process, in the interest of second-guessing the decisions made by folks who are experts in their specialty. This proposal simply will not work out well for the health, welfare, safety, and private property rights of Pennsylvanians. A bridge engineer has different expertise than a traffic engineer, who has different expertise than a drainage specialist or a traffic signals specialist. And many of the folks working in our State agencies are already helping private corporate entities with regulatory and permit compliance. It is already a widespread practice, and there is certainly nothing preventing agency staff from engaging in field views, where they take a hands-on approach to helping with regulatory interpretation and permit compliance.

Living with Mariner East construction for the last 4 years, and working with State agencies for the last 2 1/2 years, I can attest from personal experience – sometimes to the dismay of my constituents – that our State agencies are already holding the hands of corporations in Pennsylvania. HB 288 would create a process to waive penalties for violations of the law, as long as the violator told on themselves. There is no provision requiring permittees to demonstrate that those violations have in fact even been remedied. These policies have lasting environmental impacts and actual life or death consequences for real people and families.

Last August, Energy Transfer's Mariner East drilling resulted in a discharge of over 8,000 gallons of drilling mud into the lake at my district's beloved Marsh Creek State Park. Nine months later more than 33 acres of the lake are still restricted from the public as a result of Energy Transfer's mistake. HB 288 would exempt Energy Transfer from any violations or consequences, as long as the company self-reported the spill. That is not okay.

I have a cousin who has lived through the nightmare of wildfires in California for the last several years. Well before COVID, she would send me pictures of her kids, who are the

same age as mine, wearing masks everywhere they go. The California Camp Fire killed 85 people. It caused billions of dollars in damages. But because the utilities that caused the fires told on themselves, they will walk away scot-free. There is no recourse available under law because of statutory framework, just like HB 288 would create here in Pennsylvania.

In Pennsylvania we have already borne the cost of paying billions of dollars to clean up after the coal industry when it went bankrupt. HB 288 would create a dangerous loophole, allowing corporations to take the money and run, leaving the taxpayers holding the bag for cleanup of their messes, suffering the consequences of violations of the law by multibillion-dollar out-of-State corporations.

Please join me in voting "no" on HB 288, which gives corporate lawbreakers a get-out-of-jail-free card, paid for by and at the risk of Pennsylvania taxpayers.

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

Mr. KRAJEWSKI. Thank you, Mr. Speaker. I will keep my remarks short.

I rise today to speak in opposition of HB 288. This bill was written with the intent of streamlining regulations, but instead, it will unnecessarily duplicate processes while potentially endangering hundreds of millions of dollars in Federal funding. The DEP has already dedicated resources for helping small businesses reach compliance. Every day the hardworking staff at the DEP, who are already beleaguered by funding and staffing cuts, work with people in small businesses to help them achieve compliance. In remarks of the previous bill, we already heard comments about preventing government overreach, yet here we are considering a bill that plans to duplicate an already existing process. This is separate from the other issue which is that it is not the State's job to clean up the negligence of polluters. It is the job for us to hold polluters accountable for unethical and hazardous practices. Any entity that wishes to use natural resources of our Commonwealth must also take up the responsibility of being an accountable steward of our environment. This bill as written allows far too much opportunity for exploitation for polluters seeking to avoid culpability.

Additionally, the guidelines of the Federal regulations that the DEP enforces on behalf of the Federal government will not allow the DEP to continue enforcement on behalf of the EPA (Environmental Protection Agency). If the DEP loses this opportunity, it will cost the Commonwealth millions of dollars as part of our enforcement agreement. This agreement includes compliance with the Federal Clean Air Act. As part of complying with the Clean Air Act, Pennsylvania receives \$1.7 billion annually in highway funding that goes towards highway maintenance. Our environmental regulatory bodies have already been suffering from repeated cycles of underfunding, and this legislation would serve as another death knell in our Commonwealth's ability to protect its natural resources and hold actors accountable for how they do business in our environment.

I will be voting "no" on this bill and I ask members to join me. Thank you.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,
Shall the bill pass finally?

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

(Members proceeded to vote.)

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

Mr. HARRIS. Thank you, Mr. Speaker.

The electronic board is accurate.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentlewoman, Representative Oberlander.

Ms. OBERLANDER. Thank you, Mr. Speaker.

The electronic board is accurate.

The SPEAKER. The Chair thanks the lady.

The following roll call was recorded:

YEAS—106

Armanini	Gillespie	Maloney	Roae
Benninghoff	Gleim	Marshall	Rothman
Bernstine	Gregory	Masser	Rowe
Boback	Greiner	Mehaffie	Ryan
Bonner	Grove	Mentzer	Sankey
Borowicz	Hamm	Mercuri	Saylor
Brooks	Heffley	Metcalfe	Schemel
Brown, R.	Helm	Metzgar	Schmitt
Causar	Hennessey	Mihalek	Silvis
Cook	Hershey	Millard	Smith
Cox	Hickernell	Miller, B.	Snyder
Culver	Irvin	Mizgorski	Sonney
Davanzo	James	Moul	Staats
Day	Jones	Mustello	Stambaugh
Delozier	Jozwiak	Nelson, E.	Struzzi
DelRosso	Kail	O'Neal	Tomlinson
Diamond	Kaufner	Oberlander	Toohil
Dowling	Kauffman	Ortitay	Topper
Dunbar	Keefer	Owlett	Twardzik
Ecker	Kerwin	Peifer	Warner
Emrick	Klunk	Pennycuick	Wentling
Farry	Knowles	Pickett	Wheeland
Fee	Lawrence	Polinchock	White
Flood	Lewis	Puskaric	Zimmerman
Fritz	Mackenzie, M.	Rader	
Gaydos	Mackenzie, R.	Rapp	Cutler,
Gillen	Mako	Rigby	Speaker

NAYS—95

Benham	Evans	Krajewski	Rabb
Bizzarro	Fiedler	Krueger	Rozzi
Boyle	Fitzgerald	Kulik	Sainato
Bradford	Flynn	Labs	Samuelson
Briggs	Frankel	Lee	Sanchez
Brown, A.	Freeman	Longietti	Sappety
Bullock	Gainey	Madden	Schlossberg
Burgos	Galloway	Malagari	Schroeder
Burns	Guenst	Markosek	Schweyer
Carroll	Guzman	Matzie	Shusterman
Cephas	Hanbidge	McClinton	Sims
Ciresi	Harkins	McNeill	Solomon
Conklin	Harris	Merski	Stephens
Cruz	Herrin	Miller, D.	Sturla
Daley	Hohenstein	Mullery	Thomas
Davidson	Howard	Mullins	Vitali
Davis, A.	Innamorato	Neilson	Warren
Davis, T.	Isaacson	Nelson, N.	Webster
Dawkins	Kenyatta	O'Mara	Wheatley
Deasy	Kim	Otten	Williams, C.
DeLissio	Kinhead	Parker	Williams, D.
Delloso	Kinsey	Pashinski	Young
DeLuca	Kirkland	Pisciottano	Zabel
Driscoll	Kosierowski	Quinn	

NOT VOTING—0

EXCUSED—0

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

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

The SPEAKER. The Speaker would like to ask both leaders to please approach the rostrum, and the House will be temporarily at ease.

(Conference held at Speaker's podium.)

The SPEAKER. The House will please return to order.

* * *

The House proceeded to third consideration of **HB 129, PN 1311**, 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 determination of compensation, appeals, reviews and procedure, further providing for rules of procedure and for place of hearing.

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

(Bill analysis was read.)

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

The question is, shall the bill pass finally?

The Chair recognizes the gentleman, Representative Mullery, on final passage.

Mr. MULLERY. Thank you, Mr. Speaker.

Under HB 129, telephone and videoconference hearings become the norm, the standard, the rule in unemployment compensation cases, unless one of four very specific and very rigid exceptions is present. The first is if a party has a "physical, mental or intellectual disability"; the second, if a party "requires an interpreter" and the State cannot provide one; the third, "compelling evidence" is presented by a party to show that an e-hearing would prejudice them; or number four, under penalty of perjury, a party advises that they are unable to attend an e-hearing. That is it. There are no other exceptions. That means under no other circumstances can your unemployment constituent — your small-business family owner, your manufacturer, or your frontline hero — request their day in court. So if one party, the claimant or the employer, wants to attend an in-person hearing, too bad. If both parties agree that an in-person hearing should be what is held for them — sorry, out of luck. If the referee realizes that an in-person hearing is appropriate and would be the best practice, this bill takes that authority away from him. If the claimant and the employer or the claimant or the

employer plans on presenting testimony from multiple witnesses or introducing substantial exhibits or evidence that is best suited for an in-person hearing, it is not happening.

In committee debate, several members supported this legislation and expressed happiness that this provided claimants and employers with an option. Make no mistake, this bill does not provide claimants or employers with an option; it makes e-hearings the rule, with extremely limited exceptions.

If you vote for this bill, you cannot return to your districts tomorrow and tell your claimants or your small business owners or your large manufacturers that they have retained their right to an in-person hearing. They have not. This bill takes it away from them.

Twenty-four hours ago on this House floor, we passed legislation to rein in modernization, in part because of concerns we had for our constituents' technological abilities; 24 hours ago. What has changed? Nothing. I fully support modernizing the UC (unemployment compensation) system, but I cannot support legislation that makes e-hearings the default, and I cannot support a bill that so severely limits the opportunities of a claimant or a business owner to their day in court, and I ask you to join me in opposing HB 129.

Thank you, Mr. Speaker.

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

Mr. COX. Thank you, Mr. Speaker.

I love a good story. What I do not like is a story that is incomplete, a story that leaves out important pieces of information, a story that does not tell me the whole story. So today I am going to tell you "the rest of the story," as Paul Harvey used to say. The concerns that the good gentleman from Luzerne County just raised were actually concerns that were addressed — or that would have been addressed, I should say, if he had kept the two amendments on the bill that existed yesterday prior to coming to the floor. You can look it up: amendment 798 and amendment 799. Both of those amendments had been agreed to. I said I was fine with them. The gentleman from Luzerne chose to withdraw the amendments.

I will fill in the rest of the story, in case you do not feel like looking up those amendments on your system. Amendment 798 would have provided an additional reason for good cause for an in-person—

The SPEAKER. The gentleman will please suspend. What is currently before us is the bill on final passage and not the amendment, so I would simply encourage the gentleman to please stay on the underlying topic of the bill.

Mr. COX. Thank you, Mr. Speaker.

The gentleman is pointing out the shortcomings of the bill as it is currently before us. I am simply pointing out that he had the opportunity — and those amendments were agreed to — he had the opportunity to have those—

The SPEAKER. The gentleman will please suspend.

POINT OF ORDER

The SPEAKER. For what purpose does the gentleman rise? Please state your point of order.

Mr. MULLERY. Again, Mr. Speaker, we are here on HB 129, not amendments that he or any other member of this House could have offered. So I would appreciate if he stayed on HB 129 and

not worry about amendments that any of the 203 members of this House could have or maybe should have offered. This is the bill, not an amendment—

The SPEAKER. The gentleman will suspend. You have stated your point of order. This is not a debate.

I would encourage the prime sponsor of the bill to please stay on the underlying topics and how any deficiencies that may have been pointed out relate to the bill as it is currently written, not what it might have been yesterday with the addition of amendments.

Mr. COX. Mr. Speaker, I am asking that we consider the process and the process that was not utilized. I am pointing out that changes can and could have been made, and the process allows for amendments—

The SPEAKER. The gentleman will please suspend.

POINT OF ORDER

The SPEAKER. For what purpose does the gentleman rise?

Mr. MULLERY. The same point of order, Mr. Speaker. We are here on HB 129.

The SPEAKER. The gentleman will please suspend and state the point of order.

Mr. MULLERY. Sure.

The SPEAKER. This is not a policy between—

Mr. MULLERY. If we want to talk about process—

The SPEAKER. The gentleman will please suspend.

Mr. MULLERY. —the bill could have been written correctly the first time.

The SPEAKER. The gentleman will suspend.

Will the gentlemen please approach the rostrum.

(Conference held at Speaker's podium.)

The SPEAKER. The House will please come to order.

The gentleman from Luzerne was previously recognized regarding a point of order, which he indicated was the same one raised previously.

The members have been counseled regarding the scope of debate, regarding both the House and the prior amendments. Those items are noted and the debate will continue on the final passage of the underlying bill.

The gentleman, Representative Cox, is back in order and may be recognized then.

The gentleman, Representative Cox, is in order and may proceed.

Mr. COX. Thank you, Mr. Speaker.

This bill has been caucused. Both caucuses have had an opportunity to fully discuss what is in the bill. I will not belabor the point. I will not go over all of the contents of the bill. Suffice it to say, this bill is about modernization. This bill is about bringing technology to use, technology that was utilized very heavily during the pandemic and technology that will continue to be utilized in the future. But it is taking it a step further than just the telephone hearings and it is looking at video hearings. There are numerous reasons that an individual can utilize a telephone hearing or go to an in-person hearing, if they choose. That is the process. It is included in the bill. I will simply ask for a "yes" vote at this point. Thank you.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentleman, Representative Schweyer, on final passage. The gentleman waives off. The Chair thanks the gentleman.

The question is, shall the bill pass finally? Agreeable to the provisions of the Const—

I apologize; I did not see the gentleman, Representative Matzie, seeking recognition. You are in order and may proceed.

Mr. MATZIE. Thank you, Mr. Speaker.

Just real quick. You know, prior to getting elected to the House, I was a staff member in the State Senate on the front lines, and we owe a debt of gratitude to our staff who is on the front lines. And, you know, I have been very critical during this entire pandemic – both publicly and privately – of our how our unemployment compensation system has crippled so many folks and really put folks in a bad way. I have got to tell you, as the Democratic chairman of the Consumer Affairs Committee, as someone who has pushed very hard to eliminate the digital divide, to do this now, to do this right now when we still have areas of the 67 counties of the Commonwealth of Pennsylvania that cannot get a signal, cannot get reliable Internet – it is a disservice to the people we represent.

So I think until we eliminate that digital divide, we advance measures in this chamber, we take advantage of infrastructure dollars that are coming from Washington, DC, and ensure that everyone, every student has access, every person who might be in a situation where they want to have an opportunity for their day in court, for their opportunity to have that hearing, this is something, really, that needs to be put on pause. So I would urge a "no" vote.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Shall the bill pass finally?

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

(Members proceeded to vote.)

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

Mr. HARRIS. Thank you, Mr. Speaker.

The electronic board is accurate.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentlewoman, Representative Oberlander.

Ms. OBERLANDER. Thank you, Mr. Speaker.

The electronic board is accurate.

The SPEAKER. The Chair thanks the lady.

The following roll call was recorded:

YEAS—102

Armanini	Gillespie	Mako	Rigby
Benninghoff	Gleim	Maloney	Roae
Bernstine	Gregory	Marshall	Rothman
Boback	Greiner	Masser	Rowe
Bonner	Grove	Mentzer	Ryan
Borowicz	Hamm	Mercuri	Sankey
Brooks	Heffley	Metcalfe	Saylor

Brown, R.	Helm	Metzgar	Schemel
Causar	Hennessey	Mihalek	Schmitt
Cook	Hershey	Millard	Silvis
Cox	Hickernell	Miller, B.	Smith
Culver	Irvin	Mizgorski	Sonney
Davanzo	James	Moul	Staats
Day	Jones	Mustello	Stambaugh
DeLozier	Jozwiak	Nelson, E.	Stephens
DelRosso	Kail	O'Neal	Struzzi
Diamond	Kaufner	Oberlander	Toohil
Dowling	Kauffman	Ortitay	Topper
Dunbar	Keefer	Owlett	Twardzik
Ecker	Kerwin	Peifer	Warner
Emrick	Klunk	Pennycuick	Wentling
Fee	Knowles	Pickett	Wheeland
Flood	Lawrence	Polinchock	Zimmerman
Fritz	Lewis	Puskaric	
Gaydos	Mackenzie, M.	Rader	Cutler,
Gillen	Mackenzie, R.	Rapp	Speaker

NAYS—99

Benham	Farry	Krueger	Rozzi
Bizzarro	Fiedler	Kulik	Sainato
Boyle	Fitzgerald	Labs	Samuelson
Bradford	Flynn	Lee	Sanchez
Briggs	Frankel	Longiatti	Sappey
Brown, A.	Freeman	Madden	Schlossberg
Bullock	Gainey	Malagari	Schroeder
Burgos	Galloway	Markosek	Schweyer
Burns	Guenst	Matzie	Shusterman
Carroll	Guzman	McClinton	Sims
Cephas	Hanbidge	McNeill	Snyder
Ciresi	Harkins	Mehaffie	Solomon
Conklin	Harris	Merski	Sturla
Cruz	Herrin	Miller, D.	Thomas
Daley	Hohenstein	Mullery	Tomlinson
Davidson	Howard	Mullins	Vitali
Davis, A.	Innamorato	Neilson	Warren
Davis, T.	Isaacson	Nelson, N.	Webster
Dawkins	Kenyatta	O'Mara	Wheatley
Deasy	Kim	Otten	White
DeLissio	Kinhead	Parker	Williams, C.
Deloso	Kinsey	Pashinski	Williams, D.
DeLuca	Kirkland	Pisciottano	Young
Driscoll	Kosierowski	Quinn	Zabel
Evans	Krajewski	Rabb	

NOT VOTING—0

EXCUSED—0

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

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

* * *

The House proceeded to third consideration of **HB 950, PN 958**, entitled:

An Act amending the act of June 25, 1982 (P.L.633, No.181), known as the Regulatory Review Act, further providing for procedures for subsequent review of disapproved final-form or final-omitted regulations.

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

(Bill analysis was read.)

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

The question is, shall the bill pass finally?

On that question, the Chair recognizes the gentleman, Representative Metcalfe.

Mr. METCALFE. Thank you, Mr. Speaker.

Mr. Speaker, I would ask the members for an affirmative vote on HB 950. It is one of the package of bills that we have directed toward regulatory reform. We held hearings while I was State Government Committee chairman several sessions back. As State Government Committee chair, through those hearings, we identified areas that needed to be reformed for the benefit of the Commonwealth, for the benefit of our citizens, for the benefit of job creation in Pennsylvania. And one of those provisions was improving the regulatory culture so that the application of existing laws is collaborative and not punitive; and second was improving the regulatory culture by systematically reviewing existing regulations; and third was improving the regulatory culture by stopping bad regulations before implementation, and all of these bills help to meet some of the findings that we had out of those hearings.

This bill would give the legislature an opportunity, above and beyond what currently exists, to bring up regulations that are creating problems within our economy, within our communities, and to pass and offer resolutions to repeal those particular regulations. And if we were successful in repealing those – with the Governor's signature as you are required when presenting those types of joint concurrent resolutions – then the agency would not be able to promote that same type of regulation again, as a result of that repeal by the legislature.

So there are a lot of regulations that are on the books. During those hearings we had had testimony that had revealed that there were 153,000 regulatory restrictions at that time. I would guess that there are far more at this time, because as now chairman of the ERE (Environmental Resources and Energy) Committee, we are routinely looking at considering addressing, and in fact just voted two letters out of our committee today, one to IRRC and one to RGGI dealing with regulatory overreach.

So this change to the law in HB 950 would put more opportunities back into the hands of the legislature to rein in regulations that are harmful to our communities and to our citizens and ensure that we are able to protect the health, wealth, and safety of our citizens.

Thank you, Mr. Speaker.

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

Mr. VITALI. Thank you, Mr. Speaker.

I rise in opposition to this bill. I just want to point out that this is opposed by the administration. They say the bill is unnecessary. They say the General Assembly can already disapprove new regulations and pass laws repealing existing regulations. They point out the bill creates regulatory uncertainty, subjecting regulations to sudden repeal without going through existing processes, which include many opportunities for public participation.

I will also note that this bill is opposed by all the major environmental groups in this State, including PennFuture, Sierra Club, Clean Water Action, PennEnvironment, and many more.

Their letter says this weakens the permitting and rulemaking authority of agencies doing work in the Commonwealth. So I would ask for a "no" vote.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,
Shall the bill pass finally?

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

(Members proceeded to vote.)

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

Mr. HARRIS. Thank you, Mr. Speaker.
The electronic board is accurate.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentlewoman, Representative Oberlander.

Ms. OBERLANDER. Thank you, Mr. Speaker.
The electronic board is accurate.

The SPEAKER. The Chair thanks the lady.

The following roll call was recorded:

YEAS—109

Armanini	Gillespie	Marshall	Rowe
Benninghoff	Gleim	Masser	Ryan
Bernstine	Gregory	Mehaffie	Sankey
Boback	Greiner	Mentzer	Saylor
Bonner	Grove	Mercuri	Schemel
Borowicz	Hamm	Metcalfe	Schmitt
Brooks	Heffley	Metzgar	Schroeder
Brown, R.	Helm	Mihalek	Silvis
Burns	Hennessey	Millard	Smith
Causser	Hershey	Miller, B.	Sonney
Cook	Hickernell	Mizgorski	Staats
Cox	Irvin	Moul	Stambaugh
Culver	James	Mustello	Stephens
Davanzo	Jones	Nelson, E.	Struzzi
Day	Jozwiak	O'Neal	Thomas
Delozier	Kail	Oberlander	Tomlinson
DelRosso	Kaufner	Ortitay	Toohil
Diamond	Kauffman	Owlett	Topper
Dowling	Keefer	Peifer	Twardzik
Dunbar	Kerwin	Pennycuik	Warner
Ecker	Klunk	Pickett	Wentling
Emrick	Knowles	Polinchock	Wheeland
Farry	Lawrence	Puskaric	White
Fee	Lewis	Rader	Zimmerman
Flood	Mackenzie, M.	Rapp	
Fritz	Mackenzie, R.	Rigby	Cutler,
Gaydos	Mako	Roae	Speaker
Gillen	Maloney	Rothman	

NAYS—92

Benham	Evans	Kosierowski	Pisciottano
Bizzarro	Fiedler	Krajewski	Quinn
Boyle	Fitzgerald	Krueger	Rabb
Bradford	Flynn	Kulik	Rozzi
Briggs	Frankel	Labs	Sainato
Brown, A.	Freeman	Lee	Samuelson
Bullock	Gainey	Longietti	Sanchez
Burgos	Galloway	Madden	Sappery
Carroll	Guenst	Malagari	Schlossberg
Cephas	Guzman	Markosek	Schweyer
Ciresi	Hanbidge	Matzie	Shusterman
Conklin	Harkins	McClinton	Sims
Cruz	Harris	McNeill	Snyder

Daley	Herrin	Merski	Solomon
Davidson	Hohenstein	Miller, D.	Sturla
Davis, A.	Howard	Mullery	Vitali
Davis, T.	Innamorato	Mullins	Warren
Dawkins	Isaacson	Neilson	Webster
Deasy	Kenyatta	Nelson, N.	Wheatley
DeLissio	Kim	O'Mara	Williams, C.
Delloso	Kinhead	Otten	Williams, D.
DeLuca	Kinsey	Parker	Young
Driscoll	Kirkland	Pashinski	Zabel

NOT VOTING—0

EXCUSED—0

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

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

CALENDAR CONTINUED

BILL ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 874, PN 860**, entitled:

An Act designating the portion of State Route 4014, also known as Grandview Boulevard, from Pittsburgh Avenue to State Route 4015, also known as Zuck Road, in Millcreek Township, Erie County, as the John A. Pulice Memorial Highway.

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

The SPEAKER. For the information of the members, there will be no further votes; however, we will be doing some housekeeping and reports from committees.

BILL REPORTED FROM COMMITTEE,
CONSIDERED FIRST TIME, AND TABLED

HB 1154, PN 1421 (Amended) By Rep. METZGAR

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, in licenses and regulations and liquor, alcohol and malt and brewed beverages, further providing for sales by liquor licensees and restrictions and repealing provisions related to prepared beverages and mixed drinks for off-premises consumption during disaster emergency.

LIQUOR CONTROL.

LOCAL GOVERNMENT
COMMITTEE MEETING

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

Mr. KNOWLES. Mr. Speaker, for a committee announcement.

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

Mr. KNOWLES. Thank you, Mr. Speaker.

Mr. Speaker, the Local Government Committee will meet tomorrow morning at 10 a.m., in room 523 – that is 523 – of the Irvis Office Building. It will be a voting meeting.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Local Government Committee will meet tomorrow morning at 10 in room 523, Irvis Office Building, for a voting meeting.

TRANSPORTATION COMMITTEE MEETING

The SPEAKER. The Chair recognizes the gentleman, Representative Hennessey, for a committee announcement.

Mr. HENNESSEY. Thank you, Mr. Speaker.

I want to remind the members of the House Transportation Committee that we will have a voting meeting tomorrow, Wednesday, May 5, at 10 a.m., in B-31 of the Main Capitol. The agenda will include votes on electric vehicle registration fees, commercial trucks with power take-off units, weight limit exemptions for certain commercial vehicles, movements of agricultural vehicles on our highways, and a host of bridge and highway naming bills. Again, tomorrow, House Transportation Committee voting meeting, at 10 a.m., B-31 Main Capitol. Thank you.

The SPEAKER. The Chair thanks the gentleman.

There will be a Transportation Committee meeting on May 5 at 10 a.m. in B-31 Main Capitol.

BILLS RECOMMITTED

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

HB 336;
 HB 723;
 HB 765;
 HB 859;
 HB 874;
 HB 938;
 HB 939; and
 HB 1012.

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

BILLS REMOVED FROM TABLE

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

HB 358;
 HB 602;
 HB 1010;
 HB 1013;
 HB 1041; and
 HB 1264.

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. The Speaker is in receipt of a motion made by Representative Schroeder that moves that this House do now adjourn until Wednesday, May 5, 2021, at 11 a.m., e.d.t., unless sooner recalled by the Speaker.

On the question,
 Will the House agree to the motion?
 Motion was agreed to, and at 3:55 p.m., e.d.t., the House adjourned.