

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

TUESDAY, FEBRUARY 10, 2015

SESSION OF 2015

199TH OF THE GENERAL ASSEMBLY

No. 12

HOUSE OF REPRESENTATIVES

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

**THE SPEAKER (MIKE TURZAI)
PRESIDING**

PRAYER

HON. STEPHEN BLOOM, member of the House of Representatives, offered the following prayer:

Let us pray:

Dear Lord, we stand in awe of Your indescribable power, Your breathtaking artistry, Your infinite nature, Your extravagant mercy. We thank You for granting us the opportunity to serve You and the citizens we represent in this unique and imperfect institution of government. We thank You for entrusting us as the heirs and stewards of the Holy Experiment You ceded so many years ago in the hearts and minds of William Penn and our Founders.

We thank You for patiently abiding our failures and weaknesses and selfish pride and for the limitless grace You so freely and generously offer in spite of our propensity to forget and reject Your presence and Your love. Lord, Your Scripture reminds us unless You build the house, we labor in vain who build it; unless You guard the city, we watch in vain who guard it.

So, Lord, we pray that You would be here and do Your work here, that You would clear aside the obstacles we constantly set in Your path. We pray that You would break the strongholds of evil in this room, in this Capitol, and in each of our own hearts. We pray that You would strengthen and challenge and use us to seek Your holy purposes. We pray for those we have chosen to lead us and for those we have chosen to serve us, realizing that neither is the more important or the less important in Your eyes.

We pray that each of our hearts would be drawn and bent and transformed to Your ways. And we pray for miracles, Your miracles, to unfold in our midst.

I pray all these things in the mighty name of my Lord and savior, Jesus Christ. 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, February 9, 2015, will be postponed until printed.

BILLS REPORTED FROM COMMITTEES, CONSIDERED FIRST TIME, AND TABLED

HB 147, PN 139

By Rep. O'NEILL

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, further providing for exemptions and special provisions.

FINANCE.

HB 188, PN 180

By Rep. CAUSER

An Act amending the act of June 30, 1981 (P.L.128, No.43), known as the Agricultural Area Security Law, further providing for definitions and for the purchase of agricultural conservation easements.

AGRICULTURE AND RURAL AFFAIRS.

HB 251, PN 480 (Amended)

By Rep. O'NEILL

An Act amending the act of August 26, 1971 (P.L.351, No.91), known as the State Lottery Law, in State lottery, providing for lottery winnings intercept.

FINANCE.

HOUSE BILLS INTRODUCED AND REFERRED

No. 428 By Representatives TOPPER, COHEN, D. COSTA, DIAMOND, A. HARRIS, HEFFLEY, IRVIN, KORTZ, MURT, READSHAW, SANKEY, SNYDER and WATSON

An Act amending Titles 34 (Game) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for the removal of deer carcasses.

Referred to Committee on GAME AND FISHERIES, February 10, 2015.

No. 429 By Representatives TRUITT, KINSEY, BISHOP, BROWNLEE, BARRAR, O'BRIEN, MACKENZIE, V. BROWN, SCHLOSSBERG, DRISCOLL, SAMUELSON, CONKLIN, KILLION, HARHART, DAVIDSON, TOOHIL and MURT

An Act providing for family and medical leave for eligible employees.

Referred to Committee on LABOR AND INDUSTRY, February 10, 2015.

No. 430 By Representatives TRUITT, DUSH, COHEN, KILLION, MILLARD, LAWRENCE, WATSON and MURT

An Act amending the act of August 24, 1963 (P.L.1175, No.497), known as the Mechanics' Lien Law of 1963, in definitions, further providing for definitions.

Referred to Committee on LABOR AND INDUSTRY, February 10, 2015.

No. 431 By Representatives McNEILL, O'BRIEN, COHEN, FLYNN, MILLARD, MACKENZIE, SNYDER, DAWKINS, BIZZARRO, DRISCOLL, FARINA, M. DALEY, READSHAW, HARKINS, FREEMAN, O'NEILL, SCHWEYER, SCHLOSSBERG, KAVULICH, CARROLL, TOOHL, ROZZI, KORTZ, D. COSTA and MURT

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, in dates of elections and primaries and special elections, further providing for affidavits of candidates; and, in nomination of candidates, further providing for affidavits of candidates.

Referred to Committee on STATE GOVERNMENT, February 10, 2015.

No. 432 By Representatives CARROLL, V. BROWN, COHEN, D. COSTA, DAVIDSON, DAVIS, DeLUCA, FREEMAN, GILLEN, HARHAI, KINSEY, KORTZ, McCARTER, MULLERY, MURT, O'BRIEN, PASHINSKI, READSHAW, SCHLOSSBERG, SCHWEYER and THOMAS

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, in powers and duties of the Department of Human Services and its departmental administrative and advisory boards and commissions, providing for housing for mentally ill inmates of county correctional institutions.

Referred to Committee on HUMAN SERVICES, February 10, 2015.

No. 433 By Representatives SANTARSIERO, THOMAS, COHEN, YOUNGBLOOD, C. PARKER, KINSEY, FRANKEL, McNEILL, DEAN, HARKINS, V. BROWN, D. COSTA, McCARTER, KORTZ, DONATUCCI, HELM, MURT and BROWNLEE

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in school health services, providing for parent educational information regarding eating disorders.

Referred to Committee on EDUCATION, February 10, 2015.

No. 434 By Representatives DeLUCA, BISHOP, PASHINSKI, FLYNN, MILLARD, KOTIK, SCHLOSSBERG, McNEILL, SAINATO, BROWNLEE, D. COSTA,

DAVIDSON, READSHAW, V. BROWN, MURT, COHEN, GIBBONS, KORTZ and McCARTER

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, in neighborhood blight reclamation and revitalization, further providing for the definition of "owner."

Referred to Committee on URBAN AFFAIRS, February 10, 2015.

No. 435 By Representatives COHEN, KINSEY, KIRKLAND, McCARTER, MURT, SAINATO and THOMAS

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, providing for an electric vehicle charging corridor tax credit.

Referred to Committee on FINANCE, February 10, 2015.

No. 436 By Representatives COHEN, BISHOP, V. BROWN, BROWNLEE, CALTAGIRONE, DAWKINS, DRISCOLL, HARKINS, KINSEY, MAHONEY, C. PARKER, SCHLOSSBERG and DeLUCA

An Act amending the act of January 17, 1968 (P.L.11, No.5), known as The Minimum Wage Act of 1968, further providing for definitions and for minimum wages; providing for reporting by the department; and repealing preemption provision.

Referred to Committee on LABOR AND INDUSTRY, February 10, 2015.

No. 437 By Representatives CALTAGIRONE, CARROLL, MILLARD, THOMAS, LONGIETTI, D. COSTA, GROVE, MURT, GABLER, READSHAW and GILLEN

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, in sales and use tax, further providing for the definition of "building machinery and equipment."

Referred to Committee on FINANCE, February 10, 2015.

No. 439 By Representatives KNOWLES, BAKER, WATSON, JAMES, TRUITT, WHEATLEY, TALLMAN, KAUFFMAN, HARHART, A. HARRIS, GILLEN, MILLARD, GROVE, LAWRENCE, SONNEY and TOBASH

An Act amending the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, in Human Services Block Grant Pilot Program; further providing for establishment of program.

Referred to Committee on HEALTH, February 10, 2015.

No. 440 By Representatives KNOWLES, DUSH, MILLARD, BLOOM, CAUSER, BARRAR, BAKER, DIAMOND, KAUFFMAN, DAY, McGINNIS, SAYLOR, GRELL, TALLMAN, JAMES, METCALFE, GABLER, M. K. KELLER and GILLEN

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, further providing for State Transportation Commission.

Referred to Committee on TRANSPORTATION, February 10, 2015.

No. 441 By Representatives KNOWLES, GOODMAN, TOBASH, HEFFLEY, TOOHL, DiGIROLAMO, MILLARD, DUSH, READSHAW, CAUSER, BARRAR, SCHWEYER, BAKER, HENNESSEY, LONGIETTI, THOMAS, KAUFFMAN, KIM, GRELL, SAYLOR, HARHART, TALLMAN, D. COSTA, TOEPEL, WATSON, DEASY, FARINA, MARSICO, M. K. KELLER, HAHN, COHEN, MURT, JOZWIAK, GABLER, A. HARRIS, VEREB, ROAE, EVERETT, GREINER, MAJOR, SACCONI, MUSTIO, DELOZIER, MALONEY, KORTZ, PAYNE, MAHER, FARRY, KINSEY, HICKERNELL, SONNEY, GILLEN, McCARTER, BENNINGHOFF and ROZZI

An Act designating a portion of State Route 61 in Schuylkill County, from State Route 43 to State Route 2014, as the Captain Jason B. Jones Memorial Highway.

Referred to Committee on TRANSPORTATION, February 10, 2015.

No. 442 By Representatives KNOWLES, EMRICK, MUSTIO, D. COSTA, ROZZI, TOEPEL, M. K. KELLER, GOODMAN, MURT and BOBACK

An Act providing for municipal regulation of the deposit, disposal or land application of biosolid material; and requiring a public referendum under certain circumstances.

Referred to Committee on ENVIRONMENTAL RESOURCES AND ENERGY, February 10, 2015.

LEAVES OF ABSENCE

The SPEAKER. The majority whip requests the following leave of absence for the good lady, Representative WATSON, from Bucks County for the day.

There are no leaves from the minority whip. Without objection, the leave of absence will be granted.

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—199

| | | | |
|-------------|-----------|-----------|-------------|
| Acosta | Evans | Knowles | Rapp |
| Adolph | Fabrizio | Kortz | Ravenstahl |
| Baker | Farina | Kotik | Readshaw |
| Barbin | Farry | Krieger | Reed |
| Barrar | Fee | Lawrence | Reese |
| Benninghoff | Flynn | Lewis | Regan |
| Bishop | Frankel | Longietti | Roae |
| Bizzarro | Freeman | Mackenzie | Roebuck |
| Bloom | Gabler | Maher | Ross |
| Boback | Gainey | Mahoney | Rozzi |
| Boyle | Galloway | Major | Sabatina |
| Bradford | Gergely | Maloney | Saccone |
| Briggs | Gibbons | Markosek | Sainato |
| Brown, R. | Gillen | Marshall | Samuelson |
| Brown, V. | Gillespie | Marsico | Sankey |
| Brownlee | Gingrich | Masser | Santarsiero |
| Burns | Godshall | Matzie | Santora |
| Caltagirone | Goodman | McCarter | Saylor |

| | | | |
|------------|--------------|------------|-------------|
| Carroll | Greiner | McGinnis | Schemel |
| Causer | Grell | McNeill | Schlossberg |
| Christiana | Grove | Mentzer | Schreiber |
| Cohen | Hackett | Metcalfe | Schweyer |
| Conklin | Hahn | Metzgar | Simmons |
| Costa, D. | Hanna | Miccarelli | Sims |
| Costa, P. | Harhai | Millard | Snyder |
| Cox | Harhart | Miller, B. | Sonney |
| Cruz | Harkins | Miller, D. | Staats |
| Culver | Harper | Milne | Stephens |
| Cutler | Harris, A. | Moul | Sturla |
| Daley, M. | Harris, J. | Mullery | Tallman |
| Daley, P. | Heffley | Murt | Taylor |
| Davidson | Helm | Mustio | Thomas |
| Davis | Hennessey | Nesbit | Tobash |
| Dawkins | Hickernell | Neuman | Toepel |
| Day | Hill | O'Brien | Toohil |
| Dean | Irvin | O'Neill | Topper |
| Deasy | James | Oberlander | Truitt |
| DeLissio | Jozwiak | Ortitay | Vereb |
| Delozier | Kampf | Parker, C. | Vitali |
| DeLuca | Kaufer | Parker, D. | Ward |
| Dermody | Kauffman | Pashinski | Warner |
| Diamond | Kavulich | Payne | Waters |
| DiGirolamo | Keller, F. | Peifer | Wentling |
| Donatucci | Keller, M.K. | Petrarca | Wheatley |
| Driscoll | Keller, W. | Petri | Wheeland |
| Dunbar | Killion | Pickett | Youngblood |
| Dush | Kim | Pyle | Zimmerman |
| Ellis | Kinsey | Quigley | |
| Emrick | Kirkland | Quinn | Turzai, |
| English | Klunk | Rader | Speaker |
| Evankovich | | | |

NOT VOTING—0

EXCUSED—3

Corbin Everett Watson

LEAVES ADDED—2

Milne Petri

LEAVES CANCELED—1

Watson

The SPEAKER. One hundred and ninety-nine members having voted on the master roll, a quorum is present.

Members, at this time if you could take your seats, we will proceed to visitor recognition and presentations.

GUESTS INTRODUCED

The SPEAKER. Located to the left of the rostrum of the Chair, we welcome a member of Representative Pam Snyder's staff, Nathan Regotti. Nathan, please stand.

Located in the well of the House, the Chair welcomes guest pages Miles, Liam, and Pierce Wagler. They are the guests of Representative John Payne.

They will be recognized later when Representative Gillen speaks, but as guests of Representative Gillen, to the left, we have with us in commemoration of the 70th anniversary of the Battle of Iwo Jima, a Marine who fought in this battle, Pvt. Mahlon Fink, and he is joined by his son, Jeffrey Fink. And Representative Gillen will be speaking to us with Representative McGinnis shortly.

I would actually like to call to the rostrum Representative Gillen and Representative McGinnis on HR 27, and also Representative Barbin will be speaking on HR 69.

Just prior to their remarks, we are going to run the uncontested house calendar and then they will speak, but please proceed in just a second.

UNCONTESTED CALENDAR

RESOLUTIONS PURSUANT TO RULE 35

Mr. GILLEN called up **HR 27, PN 26**, entitled:

A Resolution commemorating February 19, 2015, as "The Battle of Iwo Jima Remembrance Day" in Pennsylvania.

* * *

Mr. GOODMAN called up **HR 52, PN 235**, entitled:

A Resolution designating February 16, 2015, as "Lithuanian Independence Day" in Pennsylvania.

* * *

Mr. READSHAW called up **HR 69, PN 371**, entitled:

A Resolution designating February 19, 2015, as "The Battle of Iwo Jima Remembrance Day" in Pennsylvania and recognizing the heroic contributions of Sergeant Michael Strank from Johnstown and the five other service members who raised the United States flag during the Battle of Iwo Jima.

* * *

Mr. READSHAW called up **HR 71, PN 373**, entitled:

A Resolution designating the week of February 9 through 15, 2015, as "Random Acts of Kindness Week" in Pennsylvania.

On the question,
Will the House adopt the resolutions?

The following roll call was recorded:

YEAS—199

| | | | |
|-------------|-----------|-----------|-------------|
| Acosta | Evans | Knowles | Rapp |
| Adolph | Fabrizio | Kortz | Ravenstahl |
| Baker | Farina | Kotik | Readshaw |
| Barbin | Farry | Krieger | Reed |
| Barrar | Fee | Lawrence | Reese |
| Benninghoff | Flynn | Lewis | Regan |
| Bishop | Frankel | Longiotti | Roae |
| Bizzarro | Freeman | Mackenzie | Roebuck |
| Bloom | Gabler | Maher | Ross |
| Boback | Gainey | Mahoney | Rozzi |
| Boyle | Galloway | Major | Sabatina |
| Bradford | Gergely | Maloney | Saccone |
| Briggs | Gibbons | Markosek | Sainato |
| Brown, R. | Gillen | Marshall | Samuelson |
| Brown, V. | Gillespie | Marsico | Sankey |
| Brownlee | Gingrich | Masser | Santarsiero |
| Burns | Godshall | Matzie | Santora |
| Caltagirone | Goodman | McCarter | Saylor |
| Carroll | Greiner | McGinnis | Schemel |
| Causar | Grell | McNeill | Schlossberg |
| Christiana | Grove | Mentzer | Schreiber |
| Cohen | Hackett | Metcalfe | Schweyer |

| | | | |
|------------|--------------|------------|------------|
| Conklin | Hahn | Metzgar | Simmons |
| Costa, D. | Hanna | Miccarelli | Sims |
| Costa, P. | Harhai | Millard | Snyder |
| Cox | Harhart | Miller, B. | Sonney |
| Cruz | Harkins | Miller, D. | Staats |
| Culver | Harper | Milne | Stephens |
| Cutler | Harris, A. | Moul | Sturla |
| Daley, M. | Harris, J. | Mullery | Tallman |
| Daley, P. | Heffley | Murt | Taylor |
| Davidson | Helm | Mustio | Thomas |
| Davis | Hennessey | Nesbit | Tobash |
| Dawkins | Hickernell | Neuman | Toepel |
| Day | Hill | O'Brien | Toohil |
| Dean | Irvin | O'Neill | Topper |
| Deasy | James | Oberlander | Truitt |
| DeLissio | Jozwiak | Ortitay | Vereb |
| DeLozier | Kampf | Parker, C. | Vitali |
| DeLuca | Kaufner | Parker, D. | Ward |
| Dermody | Kauffman | Pashinski | Warner |
| Diamond | Kavulich | Payne | Waters |
| DiGirolamo | Keller, F. | Peifer | Wentling |
| Donatucci | Keller, M.K. | Petrarca | Wheatley |
| Driscoll | Keller, W. | Petri | Whealand |
| Dunbar | Killion | Pickett | Youngblood |
| Dush | Kim | Pyle | Zimmerman |
| Ellis | Kinsey | Quigley | |
| Emrick | Kirkland | Quinn | Turzai, |
| English | Klunk | Rader | Speaker |
| Evankovich | | | |

NAYS—0

NOT VOTING—0

EXCUSED—3

Corbin Everett Watson

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

STATEMENT BY MR. MCGINNIS

The SPEAKER. Representative Gillen and Representative McGinnis are recognized to speak on HR 27. They will be followed by Representative Barbin speaking on HR 69. Please proceed. The floor is yours.

Mr. MCGINNIS. Thank you, Mr. Speaker.

Mr. Speaker, there are certain moments of human history that are beyond description and even beyond understanding. How does a tiny island of volcanic ash in the vast Pacific Ocean become the decision point for the future of civilization? Yet nothing less was at stake on Iwo Jima in February 1945.

Mr. Speaker, the statistics of that battle tell a grim story, but United States Marines are never defeated by statisticians. The victory on Iwo Jima secured a path for world freedom and instantiated America as the paramount guardian of liberty.

Mr. Speaker, we rightfully call attention to the Marine veterans whose courage 70 years ago vanquished the forces of despotism and evil. I would like to specifically mention my friend back in Altoona, Gene Boyle, who is unable to be with us today, and of course, Mr. Mahlon Fink, who is with us today. Thank you, gentlemen.

Mr. Speaker, let us forever remember and be grateful for the sacrifice of theirs and that of their fallen comrades.

Thank you, Mr. Speaker.

STATEMENT BY MR. GILLEN

The SPEAKER. Mr. Gillen.

Mr. GILLEN. Thank you, Mr. Speaker.

In a few moments I will speak more specifically about my friend and constituent and neighbor, United States Marine Mahlon Fink.

This is a place that those coming of age in the thirties that would eventually serve in the United States Armed Forces had never heard of, had never studied in their history books, had never examined on a map, yet it was part of a notable island chain administered, interestingly enough, though 600 miles away, administered by Tokyo municipally. Iwo Jima was and is part of the volcano island chain.

Just a few moments ago, sitting with Mahlon Fink, I asked him about the Sulfur Island, or Iwo Jima, that he served on. Indeed, Mahlon Fink on day one, on February 19, 1945, landed that morning on Iwo Jima, and several days later he watched the flag-raising ceremony on Mount Suribachi. He said that he and his fellow Marines, because of the vents that were on the island and an extraordinary heat, he said they actually cooked their beans and meals, he and his fellow Marines, on that island. Not only was the heat oppressive and sulfur and the smell of decaying bodies in the air, but he said there were times that he paused during his 12 days of fighting, that he paused to think about his mother. I asked him, did he think about his father. He said, yeah, but he thought about his mother first. And maybe more significantly, he stopped to pray. No doubt in the midst of that titanic struggle involving tens of thousands of combatants on either side, there were a lot of thoughts of home. There were no doubt a number of prayers that went up. And when it was all done, there were nearly 7,000 men that would never see their mother or father again. There were 7,000 that would not be opening any more Christmas presents back home. There were 7,000 that left behind brothers and sisters and aunts and uncles and mothers and fathers.

It is our great honor to have Mahlon Fink here today. Lest we ever forget the sacrifice and the price that was paid for that flag, though two stars less, flying on Mount Suribachi, Mahlon Fink and his comrades-in-arms counted duty and flag and honor and country more important than life itself. And he was quick to note when the United States Navy came up that they ferried them around, and indeed, there were naval losses during this conflict. Everything that you might expect in war, in a very condensed 8-square-mile area about the size of Harrisburg, at least Harrisburg's land mass, was present in and around Iwo Jima, U.S. Army Air Forces, predecessors to the United States Air Force; K-9 war dogs; code talkers; United States Navy; Navy corpsmen. It was a universal effort on the part of this country.

And when that AP (Associated Press) editor developed the picture that came from Mount Suribachi to Guam, he remarked in looking at that picture, "This is one for all time." Indeed, that picture symbolizes bravery for all time. And yet, as we reflect and memorialize this battle, just as Mahlon said to me, he is passing a torch, and if this country is going to remain free and we are going to be in a position where we can pledge allegiance to our flag every day, there is another generation of Americans that have to take up a mantle and sacrifice and give and to do what Mahlon Fink did.

On February 19, 1945, he stepped on to the sands of Iwo Jima, and 12 days later, just a few feet from where he and his comrades-in-arms were standing, an enemy mortar hit and shattered with shrapnel both of his legs. And there has not been a day in these 70 years that have gone by where Mahlon Fink does not think about Iwo Jima. There is not a day that has gone by in 70 years where he does not bear the marks and the scars and indeed the shrapnel of Iwo Jima. Our task is small today, but it is necessary to remember that sacrifice. And corporately this Assembly says to you, Mahlon, God bless you, and thank you for serving the United States in the United States Marine Corps.

STATEMENT BY MR. BARBIN

The SPEAKER. The good gentleman from Cambria County, Representative Barbin.

Mr. BARBIN. Thank you, Mr. Speaker.

I am also here to thank Mr. Fink. As the Bible tells us, a man's life is threescore and ten, plus if you are healthy and you are lucky. What is important to us is for us to remember what true honor really is. It is not the Super Bowl honor. It is not power. It is not prestige. It is the person who is willing to do something that most people hesitate to do. Mr. Fink is here to say that because we are now at the 70th anniversary. The person in from Johnstown who is part of that iconic picture is no more or less important to the success we saw at Iwo Jima. We created a landing site that allowed us to have an airport where damaged aircraft could recover as opposed to going all the way back to Guam, and that turned World War II by taking it at a huge cost.

The person from Johnstown who served also on that first day was Sgt. Michael Strank, and the people that are here that hear me give the prayer on numerous occasions have heard me speak of him because he really is the type of person that we are supposed to be passing laws for. You talk about an honor, it is about doing something you are not supposed to do or most people would hesitate to do. Strank entered the war early. He was 25 when he was killed in the Battle of Iwo Jima. He is the only person on the flagpole that you really do not see, and he is the only person raising the flag that does not grab the flag. What he does is he grabs another one of his platoon members to kind of help him lift, to push that heavy iron pipe up so that all the Marines on this cruddy island could see the flag, was the second reason.

The book "Flags of Our Fathers" is about what actually happened that day, and it is really, it is his self-sacrifice. What he does is, he turns— He has fought on Bougainville, which is the worst fighting of the war up to that point. He goes back to the States for rest and relaxation. They want to promote him. He insists upon going back because all the guys in the platoon are 18. He is 25. So he turns the promotion down. He goes back. He knows that he will be killed, or at least he believes that, so he tells his parents that, "Don't expect to see me come back." And he is there, because it is like out at Soldiers' and Sailors', Hazo says that it is at that moment when you decide the person's life beside you is more important than your own. That is what makes a hero. So you look at what they have done, what Mr. Fink has done, and it is that spirit that actually says America for whatever its flaws are has a unity and resolve which will allow us to continue to be light.

So, Mr. Fink, thank you for being here to remind us what real honor is and what our duty is to make sure we are the light. Mr. Boyle, who is from Hollidaysburg, Mr. McGinnis's constituent, is featured in the documentary that will be shown next Saturday which celebrates the flag raisers at Iwo Jima, including Michael Strank.

Thank you for participating in our ceremony today. Thank you for keeping that light going, and we do have it. So if anybody says we are losing a generation, we still have all of the heroes in Iraq and Afghanistan. We have got six from Johnstown. We also have Chris Kyle and we have Pat Tillman. They did the same as Mr. Fink. They did the same as Mr. Strank. And I would like to publicly say that is God in an American soldier's life when you give up, when you are willing to make that sacrifice, and all of our soldiers do.

Thank you.

The SPEAKER. Thank you, Representative Barbin, Representative Gillen, Representative McGinnis. And thank you, Mr. Fink.

Fleet Admiral Chester Nimitz of the U.S. Navy said in March of 1945, "Among the men who fought on Iwo Jima, uncommon valor was a common virtue."

Thank you very much.

GUEST INTRODUCED

The SPEAKER. Located to the left of the rostrum, the Chair welcomes Randall Love, who is a guest of Representative Dwight Evans and is interning in his office. Please stand.

APPROPRIATIONS COMMITTEE MEETING

The SPEAKER. The Chair recognizes Representative Bill Adolph, our Appropriations chair, for a notice.

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

Mr. Speaker, there will be an immediate meeting of the Appropriations Committee in the majority caucus room. Thank you.

The SPEAKER. There will be an immediate Appropriations Committee meeting in the majority caucus room.

HEALTH COMMITTEE MEETING

The SPEAKER. The Chair recognizes Representative Matt Baker for I believe a committee notice.

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

The Health Committee will meet immediately in room G-50, immediately in room G-50, for consideration of two bills.

Thank you, Mr. Speaker.

The SPEAKER. There will be an immediate Health Committee meeting in room G-50.

REPUBLICAN CAUCUS

The SPEAKER. The Chair recognizes the majority caucus chair, Representative Major, for a notice.

Ms. MAJOR. Thank you, Mr. Speaker.

I would like to announce Republicans will caucus today at 1 p.m. I would ask our Republican members to please report to

our caucus room at 1 o'clock. We would be prepared to come back on the floor, Mr. Speaker, at 2:30. Thank you.

The SPEAKER. Thank you, Madam Chair.

DEMOCRATIC CAUCUS

The SPEAKER. The Speaker recognizes the minority chair, Representative Dan Frankel.

Mr. FRANKEL. Thank you, Mr. Speaker.

Democrats will also caucus at 1 p.m. Democrats will caucus at 1 p.m. Thank you.

RECESS

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

Let me rephrase that. I apologize. We will be back on the floor at 2:30, at 2:30, unless sooner recalled by the Speaker. Return to the floor at 2:30 p.m. Thank you.

AFTER RECESS

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

BILLS REPORTED FROM COMMITTEES, CONSIDERED FIRST TIME, AND TABLED

HB 14, PN 162

By Rep. METCALFE

An Act amending the act of July 10, 1968 (P.L.316, No.154), known as the Legislative Code of Ethics, further providing for definitions, for prohibitions and for civil remedies.

STATE GOVERNMENT.

HB 166, PN 150

By Rep. BAKER

An Act amending the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, in public assistance, prohibiting eligibility for violators of sexual offender registration.

HEALTH.

HB 297, PN 481 (Amended)

By Rep. BAKER

An Act providing for release of information by coroners and medical examiners.

HEALTH.

BILLS REREPORTED FROM COMMITTEE

HB 89, PN 79

By Rep. ADOLPH

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in discipline, removal and retirement of judicial officers, further providing for automatic retirement on age.

APPROPRIATIONS.

HB 90, PN 251

By Rep. ADOLPH

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, further providing for compensation and retirement of justices, judges and justices of the peace.

APPROPRIATIONS.

HB 215, PN 463

By Rep. ADOLPH

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in assault, further providing for the offense of neglect of care-dependent person; and providing for the offense of abuse of care-dependent person.

APPROPRIATIONS.

HB 221, PN 464

By Rep. ADOLPH

An Act amending Titles 42 (Judiciary and Judicial Procedure) and 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, in selection and retention of judicial officers, further providing for continuing education requirement; and, in municipal police education and training, further providing for powers and duties of Municipal Police Officers' Education and Training Commission.

APPROPRIATIONS.

LEAVE OF ABSENCE CANCELED

The SPEAKER. The majority whip has indicated that Representative Watson is now on the floor and is no longer on leave.

LEAVES OF ABSENCE

The SPEAKER. Representative MILNE of Chester County will be marked on leave for the rest of the day, and Representative PETRI of Bucks County will also be going on leave for the rest of the day.

**HOUSE BILL
INTRODUCED AND REFERRED**

No. 438 By Representatives KNOWLES, METCALFE, MILLARD, BLOOM, DUNBAR, BOBACK, CAUSER, BARRAR, SACCONI, HICKERNELL, KAUFFMAN, DAY, HEFFLEY, SAYLOR, TALLMAN, ACOSTA, D. COSTA, MULLERY, GOODMAN, JAMES, MARSICO, M. K. KELLER, EMRICK, MURT, GABLER, A. HARRIS, FEE, ROAE, CUTLER, EVERETT, ZIMMERMAN, DIAMOND, GREINER, EVANKOVICH, TOOHIL, FARRY, SONNEY, REGAN, GILLEN, MASSER, SIMMONS and PHILLIPS-HILL

An Act amending the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, in public assistance, further providing for eligibility for persons with drug-related felonies.

Referred to Committee on HEALTH, February 10, 2015.

The SPEAKER. Would all members please take their seats, clear the aisles. We will move to the second consideration bills.

There are not many amendments to the bills on second today, so we can move through this fairly efficiently.

CALENDAR**BILLS ON SECOND CONSIDERATION**

The House proceeded to second consideration of **HB 224, PN 214**, entitled:

An Act providing for the posting of annual financial information for public school entities.

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 88, PN 78**, entitled:

An Act designating a portion of State Route 309 North in Lynn Township, Lehigh County, between the intersections of Northwest Road and Long Court and Mosserville Road and Mountain Road, as the Lance Corporal Brandon J. Van Parys Memorial Road.

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 150, PN 130**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in registration of vehicles, providing for Share the Road plate.

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 178, PN 308**, entitled:

An Act designating the interchange of State Route 43 at the Mon-Fayette Expressway Interchange with State Route 88, known as Exit 28, in Washington County as the Marine Cpl. Thomas R. Matty Memorial Interchange; designating a bridge on that portion of State Route 1013, known as Knupp Road, over the Hypocrite Creek, Fairfield Township, Westmoreland County, as the PFC LeRoy D. "Whitey" Schaller Bridge; and designating a portion of State Route 711 in New Florence Borough through St. Clair Township, Westmoreland County, as the Veterans Highway.

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 179, PN 173**, entitled:

An Act designating a bridge on that portion of S.R. 88 over Muddy Creek, Cumberland Township, Greene County, as the Army Corporal Richard W. Kowalewski, Jr., Memorial Bridge.

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 229, PN 310**, entitled:

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

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

Mr. **KRIEGER** offered the following amendment No. **A00104**:

Amend Bill, page 1, lines 6 through 10, by striking out all of said lines and inserting

Section 1. Section 2709(c)(2) and (f) of Title 18 of the Pennsylvania Consolidated Statutes are amended, subsection (b.1) is amended by adding a paragraph and the section is amended by adding a subsection to read:

Amend Bill, page 1, line 16; page 2, line 1; by striking out "by repeatedly" in line 16 on page 1 and "communicating" in line 1 on page 2 and inserting

of making

Amend Bill, page 3, line 8, by striking out all of said line and inserting

"Communicates." Conveys a message without intent of legitimate communication or address by oral, nonverbal, written or electronic means, including telephone, electronic mail, Internet, facsimile, telex, wireless communication or similar transmission.

"Course of conduct." A pattern of actions composed of more than one act over a period of time, however short, evidencing a continuity of conduct. The term includes lewd, lascivious, threatening or obscene words, language, drawings, caricatures or actions, either in person or anonymously. Acts indicating a course of conduct which occur in more than one jurisdiction may be used by any other jurisdiction in which an act occurred as evidence of a continuing pattern of conduct or a course of conduct.

Amend Bill, page 3, lines 11 through 13, by striking out all of said lines and inserting

"Family or household member." Spouses or persons who have been spouses, persons living as spouses or who lived as spouses, parents and children, other persons related by consanguinity or affinity, current or former sexual or intimate partners or persons who share biological parenthood.

Amend Bill, page 3, line 17, by inserting after "age" and which produces some physical manifestation of the distress

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

The SPEAKER. On that question, the Chair recognizes Representative Krieger.

Folks, we are going to hear from Representative Krieger on the amendment.

Sir, the floor is yours.

Mr. KRIEGER. Thank you, Mr. Speaker.

The amendment does two things. Essentially, what it is designed to do is to narrow, to some degree, the scope of the bill. Now, there were concerns expressed in committee on both the right and the left as to the possible chilling effect on free speech, and we are all very sensitive to that.

So what this bill is designed to do is a couple things. The original bill allowed for two incidences of conduct to occur with no specified time period in between. The amendment would define a pattern of conduct that is patterned after other statutes in the common law that would require a court to find that there was a pattern here of misconduct that we are seeking to find, seeking to penalize. So that is one. It narrows it a little bit to make sure there is a pattern of conduct.

The second thing it does is models after existing tort law. There is a tort called intentional infliction of emotional distress, and what we are doing to some degree here is, in some instances, criminalizing this behavior. So what it does is requires there be a physical manifestation of this emotional harm, and really, to succinctly put it, we are trying to make sure we do not criminalize hurt feelings but have something more substantial to reach, to make sure that we are narrowing the speech we are reaching here.

So my understanding is this is an agreed-to amendment.

The SPEAKER. The Chair calls upon the good gentleman from Dauphin County, Chairman Ron Marsico.

Mr. MARSICO. Thank you, Mr. Speaker.

This amendment is agreed to, and I appreciate the members' favorable vote. Thank you.

The SPEAKER. Thank you, sir.

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

The following roll call was recorded:

YEAS—198

| | | | |
|-------------|------------|-----------|-------------|
| Acosta | Evankovich | Klunk | Ravenstahl |
| Adolph | Evans | Knowles | Readshaw |
| Baker | Fabrizio | Kortz | Reed |
| Barbin | Farina | Kotik | Reese |
| Barrar | Farry | Krieger | Regan |
| Benninghoff | Fee | Lawrence | Roae |
| Bishop | Flynn | Lewis | Roebuck |
| Bizzarro | Frankel | Longiatti | Ross |
| Bloom | Freeman | Mackenzie | Rozzi |
| Boback | Gabler | Maher | Sabatina |
| Boyle | Gainey | Mahoney | Saccone |
| Bradford | Galloway | Major | Sainato |
| Briggs | Gergely | Maloney | Samuelson |
| Brown, R. | Gibbons | Markosek | Sankey |
| Brown, V. | Gillen | Marshall | Santarsiero |
| Brownlee | Gillespie | Marsico | Santora |
| Burns | Gingrich | Masser | Saylor |
| Caltagirone | Godshall | Matzie | Schemel |
| Carroll | Goodman | McCarter | Schlossberg |

| | | | |
|------------|--------------|------------|------------|
| Causer | Greiner | McGinnis | Schreiber |
| Christiana | Grell | McNeill | Schweyer |
| Cohen | Grove | Mentzer | Simmons |
| Conklin | Hackett | Metcalfe | Sims |
| Costa, D. | Hahn | Metzgar | Snyder |
| Costa, P. | Hanna | Miccarelli | Sonney |
| Cox | Harhai | Millard | Staats |
| Cruz | Harhart | Miller, B. | Stephens |
| Culver | Harkins | Miller, D. | Sturla |
| Cutler | Harper | Moul | Tallman |
| Daley, M. | Harris, A. | Mullery | Taylor |
| Daley, P. | Harris, J. | Murt | Thomas |
| Davidson | Heffley | Mustio | Tobash |
| Davis | Helm | Nesbit | Toepel |
| Dawkins | Hennessey | Neuman | Toohil |
| Day | Hickernell | O'Brien | Topper |
| Dean | Hill | O'Neill | Truitt |
| Deasy | Irvin | Oberlander | Vereb |
| DeLissio | James | Ortitay | Vitali |
| Delozier | Jozwiak | Parker, C. | Ward |
| DeLuca | Kampf | Parker, D. | Warner |
| Dermody | Kaufner | Pashinski | Waters |
| Diamond | Kauffman | Payne | Watson |
| DiGirolamo | Kavulich | Peifer | Wentling |
| Donatucci | Keller, F. | Petrarca | Wheatley |
| Driscoll | Keller, M.K. | Pickett | Wheeland |
| Dunbar | Keller, W. | Pyle | Youngblood |
| Dush | Killion | Quigley | Zimmerman |
| Ellis | Kim | Quinn | |
| Emrick | Kinsey | Rader | Turzai, |
| English | Kirkland | Rapp | Speaker |

NAYS-0

NOT VOTING-0

EXCUSED-4

| | | | |
|--------|---------|-------|-------|
| Corbin | Everett | Milne | Petri |
|--------|---------|-------|-------|

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

On the question,

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

Mr. **PETRARCA** offered the following amendment No. **A00094**:

Amend Bill, page 3, line 16, by striking out "serious" and inserting substantial

On the question,

Will the House agree to the amendment?

The SPEAKER. On that question, the Chair recognizes the good gentleman from Westmoreland County, Representative Petrarca.

Mr. PETRARCA. Thank you, Mr. Speaker.

What this amendment does, it tightens up the definition of "seriously disparaging statement or opinion" from "serious emotional distress" to "substantial emotional distress," which will put this legislation in line with legislation that we have previously passed dealing with stalking in Pennsylvania. Thank you.

The SPEAKER. Thank you, sir.
The Chair recognizes the good gentleman from Dauphin County, Representative Marsico.

Mr. MARSICO. Thank you, Mr. Speaker.

This amendment is also agreed to, and I ask for an affirmative vote.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS-198

| | | | |
|-------------|--------------|------------|-------------|
| Acosta | Evankovich | Clunk | Ravenstahl |
| Adolph | Evans | Knowles | Readshaw |
| Baker | Fabrizio | Kortz | Reed |
| Barbin | Farina | Kotik | Reese |
| Barrar | Farry | Krieger | Regan |
| Benninghoff | Fee | Lawrence | Roae |
| Bishop | Flynn | Lewis | Roebuck |
| Bizzarro | Frankel | Longietti | Ross |
| Bloom | Freeman | Mackenzie | Rozzi |
| Boback | Gabler | Maher | Sabatina |
| Boyle | Gainey | Mahoney | Saccone |
| Bradford | Galloway | Major | Sainato |
| Briggs | Gergely | Maloney | Samuelson |
| Brown, R. | Gibbons | Markosek | Sankey |
| Brown, V. | Gillen | Marshall | Santarsiero |
| Brownlee | Gillespie | Marsico | Santora |
| Burns | Gingrich | Masser | Saylor |
| Caltagirone | Godshall | Matzie | Schemel |
| Carroll | Goodman | McCarter | Schlossberg |
| Causer | Greiner | McGinnis | Schreiber |
| Christiana | Grell | McNeill | Schweyer |
| Cohen | Grove | Mentzer | Simmons |
| Conklin | Hackett | Metcalfe | Sims |
| Costa, D. | Hahn | Metzgar | Snyder |
| Costa, P. | Hanna | Miccarelli | Sonney |
| Cox | Harhai | Millard | Staats |
| Cruz | Harhart | Miller, B. | Stephens |
| Culver | Harkins | Miller, D. | Sturla |
| Cutler | Harper | Moul | Tallman |
| Daley, M. | Harris, A. | Mullery | Taylor |
| Daley, P. | Harris, J. | Murt | Thomas |
| Davidson | Heffley | Mustio | Tobash |
| Davis | Helm | Nesbit | Toepel |
| Dawkins | Hennessey | Neuman | Toohil |
| Day | Hickernell | O'Brien | Topper |
| Dean | Hill | O'Neill | Truitt |
| Deasy | Irvin | Oberlander | Vereb |
| DeLissio | James | Ortitay | Vitali |
| Delozier | Jozwiak | Parker, C. | Ward |
| DeLuca | Kampf | Parker, D. | Warner |
| Dermody | Kaufner | Pashinski | Waters |
| Diamond | Kauffman | Payne | Watson |
| DiGirolamo | Kavulich | Peifer | Wentling |
| Donatucci | Keller, F. | Petrarca | Wheatley |
| Driscoll | Keller, M.K. | Pickett | Wheeland |
| Dunbar | Keller, W. | Pyle | Youngblood |
| Dush | Killion | Quigley | Zimmerman |
| Ellis | Kim | Quinn | |
| Emrick | Kinsey | Rader | Turzai, |
| English | Kirkland | Rapp | Speaker |

NAYS-0

NOT VOTING-0

EXCUSED-4

| | | | |
|--------|---------|-------|-------|
| Corbin | Everett | Milne | Petri |
|--------|---------|-------|-------|

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

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

The SPEAKER. The bill as amended will be reprinted.

SUPPLEMENTAL CALENDAR A

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 89, PN 79**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in discipline, removal and retirement of judicial officers, further providing for automatic retirement on age.

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

(Bill analysis was read.)

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—154

| | | | |
|-------------|------------|------------|-------------|
| Acosta | Donatucci | Killion | Ravenstahl |
| Adolph | Driscoll | Kim | Readshaw |
| Barbin | Ellis | Kinsey | Reed |
| Barrar | English | Kirkland | Reese |
| Benninghoff | Evankovich | Knowles | Roebuck |
| Bishop | Evans | Kortz | Ross |
| Bizzarro | Fabrizio | Kotik | Rozzi |
| Boback | Farina | Krieger | Sabatina |
| Boyle | Farry | Lewis | Sainato |
| Bradford | Flynn | Longietti | Samuelson |
| Briggs | Frankel | Mahoney | Sankey |
| Brown, R. | Freeman | Major | Santarsiero |
| Brown, V. | Gabler | Markosek | Santora |
| Brownlee | Gainey | Marsico | Saylor |
| Burns | Galloway | Masser | Schemel |
| Caltagirone | Gergely | Matzie | Schlossberg |
| Carroll | Gibbons | McCarter | Schreiber |
| Christiana | Gillen | McNeill | Schweyer |
| Cohen | Gillespie | Metzgar | Simmons |
| Conklin | Godshall | Miccarelli | Sims |
| Costa, D. | Goodman | Millard | Snyder |
| Costa, P. | Grell | Miller, D. | Staats |
| Cox | Grove | Moul | Stephens |
| Cruz | Hanna | Mullery | Sturla |
| Culver | Harhai | Murt | Taylor |
| Daley, M. | Harhart | Mustio | Thomas |
| Daley, P. | Harkins | Nesbit | Tobash |
| Davidson | Harper | Neuman | Toepel |
| Davis | Harris, A. | O'Brien | Toohil |

| | | | |
|------------|--------------|------------|------------|
| Dawkins | Harris, J. | Parker, C. | Topper |
| Day | Heffley | Parker, D. | Vereb |
| Dean | Helm | Pashinski | Vitali |
| Deasy | Hennessey | Payne | Waters |
| DeLissio | Jozwiak | Peifer | Watson |
| Delozier | Kampf | Petrarca | Wheatley |
| DeLuca | Kaufert | Pickett | Youngblood |
| Dermody | Kavulich | Quigley | |
| Diamond | Keller, M.K. | Quinn | Turzai, |
| DiGirolamo | Keller, W. | Rader | Speaker |

NAYS—44

| | | | |
|----------|------------|------------|-----------|
| Baker | Hahn | Maloney | Regan |
| Bloom | Hickernell | Marshall | Roae |
| Causer | Hill | McGinnis | Saccone |
| Cutler | Irvin | Mentzer | Sonney |
| Dunbar | James | Metcalfe | Tallman |
| Dush | Kauffman | Miller, B. | Truitt |
| Emrick | Keller, F. | O'Neill | Ward |
| Fee | Klunk | Oberlander | Warner |
| Gingrich | Lawrence | Ortitay | Wentling |
| Greiner | Mackenzie | Pyle | Wheeland |
| Hackett | Maher | Rapp | Zimmerman |

NOT VOTING—0

EXCUSED—4

| | | | |
|--------|---------|-------|-------|
| Corbin | Everett | Milne | Petri |
|--------|---------|-------|-------|

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 90, PN 251**, entitled:

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, further providing for compensation and retirement of justices, judges and justices of the peace.

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

(Bill analysis was read.)

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—154

| | | | |
|-------------|------------|----------|------------|
| Acosta | Donatucci | Killion | Ravenstahl |
| Adolph | Driscoll | Kim | Readshaw |
| Barbin | Ellis | Kinsey | Reed |
| Barrar | English | Kirkland | Reese |
| Benninghoff | Evankovich | Knowles | Roebuck |

| | | | |
|-------------|--------------|------------|-------------|
| Bishop | Evans | Kortz | Ross |
| Bizzarro | Fabrizio | Kotik | Rozzi |
| Boback | Farina | Krieger | Sabatina |
| Boyle | Farry | Lewis | Sainato |
| Bradford | Flynn | Longietti | Samuelson |
| Briggs | Frankel | Mahoney | Sankey |
| Brown, R. | Freeman | Major | Santarsiero |
| Brown, V. | Gabler | Markosek | Santora |
| Brownlee | Gainey | Marsico | Saylor |
| Burns | Galloway | Masser | Schemel |
| Caltagirone | Gergely | Matzie | Schlossberg |
| Carroll | Gibbons | McCarter | Schreiber |
| Christiana | Gillen | McNeill | Schweyer |
| Cohen | Gillespie | Metzgar | Simmons |
| Conklin | Godshall | Miccarelli | Sims |
| Costa, D. | Goodman | Millard | Snyder |
| Costa, P. | Grell | Miller, D. | Staats |
| Cox | Grove | Moul | Stephens |
| Cruz | Hanna | Mullery | Sturla |
| Culver | Harhai | Murt | Taylor |
| Daley, M. | Harhart | Mustio | Thomas |
| Daley, P. | Harkins | Nesbit | Tobash |
| Davidson | Harper | Neuman | Toepel |
| Davis | Harris, A. | O'Brien | Toohil |
| Dawkins | Harris, J. | Parker, C. | Topper |
| Day | Heffley | Parker, D. | Verbe |
| Dean | Helm | Pashinski | Vitali |
| Deasy | Hennessey | Payne | Waters |
| DeLissio | Jozwiak | Peifer | Watson |
| Delozier | Kampf | Petrarca | Wheatley |
| DeLuca | Kaufer | Pickett | Youngblood |
| Dermody | Kavulich | Quigley | |
| Diamond | Keller, M.K. | Quinn | Turzai, |
| DiGirolamo | Keller, W. | Rader | Speaker |

NAYS—44

| | | | |
|----------|------------|------------|-----------|
| Baker | Hahn | Maloney | Regan |
| Bloom | Hickernell | Marshall | Roe |
| Causar | Hill | McGinnis | Saccone |
| Cutler | Irvin | Mentzer | Sonney |
| Dunbar | James | Metcalfe | Tallman |
| Dush | Kauffman | Miller, B. | Truitt |
| Emrick | Keller, F. | O'Neill | Ward |
| Fee | Klunk | Oberlander | Warner |
| Gingrich | Lawrence | Ortity | Wentling |
| Greiner | Mackenzie | Pyle | Wheeland |
| Hackett | Maher | Rapp | Zimmerman |

NOT VOTING—0

EXCUSED—4

| | | | |
|--------|---------|-------|-------|
| Corbin | Everett | Milne | Petri |
|--------|---------|-------|-------|

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.

REMARKS SUBMITTED FOR THE RECORD

The SPEAKER. For what purpose does the gentlelady, Ms. Harper, rise?

Ms. HARPER. Thank you, Mr. Speaker.

I have remarks to submit to the record on submitting the question to the voters of the mandatory retirement of judges.

The SPEAKER. Thank you very much. Those will be accepted.

Ms. HARPER. Thank you.

Ms. HARPER submitted the following remarks for the Legislative Journal:

This bill proposes a constitutional amendment that would let the voters decide if they believe judges can serve until age 75. Right now judges are required to retire when they hit the age of 70.

The Constitution was last amended on this point nearly 50 years ago in 1968 when we were wearing tie-dyed jeans and the average life expectancy was 70. Americans are living longer, healthier lives and many judges are being forced to retire when they are really at their peak of performance.

If you are a Major League baseball player, you should probably think about retiring before you are 70 years old because you need vast physical skills that do decline with age. However, if you are a judge, your years on the Bench, even your years on the Earth, furnish you with a wealth of experiences and life lessons that can only make the quality of judging better. In short, for many judges, years on the Bench help them develop wisdom, help them be better judges, and the Commonwealth is the poorer if they are forced to retire. The quality of justice in the Commonwealth is enriched by older, wiser, experienced judging.

For women too, the amendment offers the chance of serving longer since many women come to the Bench a little bit older since they have sequenced their careers to handle children or other family responsibilities. This will allow the system to keep those women judges longer.

Last session we had hearings on this bill and medical testimony that there is no noticeable decline in intellectual ability for most people between the ages of 70 and 75. If there is a problem with an individual judge, we have a mechanism in place to take care of that.

The bills do not propose any change in the qualifications for serving as senior judges whose age limit remains at 78. Ultimately, it is up to Pennsylvania voters who elect judges to that coequal branch of government to decide whether judges should be forced off the Bench at age 70. I believe raising the mandatory retirement age to 75 is a reasonable change, and I hope the voters will agree.

The SPEAKER. Members, if you will please clear the aisles, we have two more bills on third consideration.

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 215, PN 463**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in assault, further providing for the offense of neglect of care-dependent person; and providing for the offense of abuse of care-dependent person.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

(Bill analysis was read.)

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—198

| | | | |
|-------------|--------------|------------|-------------|
| Acosta | Evankovich | Klunk | Ravenstahl |
| Adolph | Evans | Knowles | Readshaw |
| Baker | Fabrizio | Kortz | Reed |
| Barbin | Farina | Kotik | Reese |
| Barrar | Farry | Krieger | Regan |
| Benninghoff | Fee | Lawrence | Roae |
| Bishop | Flynn | Lewis | Roebuck |
| Bizzarro | Frankel | Longietti | Ross |
| Bloom | Freeman | Mackenzie | Rozzi |
| Boback | Gabler | Maher | Sabatina |
| Boyle | Gainey | Mahoney | Saccone |
| Bradford | Galloway | Major | Sainato |
| Briggs | Gergely | Maloney | Samuelson |
| Brown, R. | Gibbons | Markosek | Sankey |
| Brown, V. | Gillen | Marshall | Santarsiero |
| Brownlee | Gillespie | Marsico | Santora |
| Burns | Gingrich | Masser | Saylor |
| Caltagirone | Godshall | Matzie | Schemel |
| Carroll | Goodman | McCarter | Schlossberg |
| Causar | Greiner | McGinnis | Schreiber |
| Christiana | Grell | McNeill | Schweyer |
| Cohen | Grove | Mentzer | Simmons |
| Conklin | Hackett | Metcalfe | Sims |
| Costa, D. | Hahn | Metzgar | Snyder |
| Costa, P. | Hanna | Miccarelli | Sonney |
| Cox | Harhai | Millard | Staats |
| Cruz | Harhart | Miller, B. | Stephens |
| Culver | Harkins | Miller, D. | Sturla |
| Cutler | Harper | Moul | Tallman |
| Daley, M. | Harris, A. | Mullery | Taylor |
| Daley, P. | Harris, J. | Murt | Thomas |
| Davidson | Heffley | Mustio | Tobash |
| Davis | Helm | Nesbit | Toepel |
| Dawkins | Hennessey | Neuman | Toohil |
| Day | Hickernell | O'Brien | Topper |
| Dean | Hill | O'Neill | Truitt |
| Deasy | Irvin | Oberlander | Vereb |
| DeLissio | James | Ortitay | Vitali |
| Delozier | Jozwiak | Parker, C. | Ward |
| DeLuca | Kampf | Parker, D. | Warner |
| Dermody | Kaufar | Pashinski | Waters |
| Diamond | Kauffman | Payne | Watson |
| DiGirolamo | Kavulich | Peifer | Wentling |
| Donatucci | Keller, F. | Petrarca | Wheatley |
| Driscoll | Keller, M.K. | Pickett | Wheeland |
| Dunbar | Keller, W. | Pyle | Youngblood |
| Dush | Killion | Quigley | Zimmerman |
| Ellis | Kim | Quinn | |
| Emrick | Kinsey | Rader | Turzai, |
| English | Kirkland | Rapp | Speaker |

NAYS—0

NOT VOTING—0

EXCUSED—4

| | | | |
|--------|---------|-------|-------|
| Corbin | Everett | Milne | Petri |
|--------|---------|-------|-------|

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 221, PN 464**, entitled:

An Act amending Titles 42 (Judiciary and Judicial Procedure) and 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, in selection and retention of judicial officers, further providing for continuing education requirement; and, in municipal police education and training, further providing for powers and duties of Municipal Police Officers' Education and Training Commission.

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

(Bill analysis was read.)

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—197

| | | | |
|-------------|--------------|------------|-------------|
| Acosta | Evans | Knowles | Readshaw |
| Adolph | Fabrizio | Kortz | Reed |
| Baker | Farina | Kotik | Reese |
| Barbin | Farry | Krieger | Regan |
| Barrar | Fee | Lawrence | Roae |
| Benninghoff | Flynn | Lewis | Roebuck |
| Bishop | Frankel | Longietti | Ross |
| Bizzarro | Freeman | Mackenzie | Rozzi |
| Bloom | Gabler | Maher | Sabatina |
| Boback | Gainey | Mahoney | Saccone |
| Boyle | Galloway | Major | Sainato |
| Bradford | Gergely | Maloney | Samuelson |
| Briggs | Gibbons | Markosek | Sankey |
| Brown, R. | Gillen | Marshall | Santarsiero |
| Brown, V. | Gillespie | Marsico | Santora |
| Brownlee | Gingrich | Masser | Saylor |
| Burns | Godshall | Matzie | Schemel |
| Caltagirone | Goodman | McCarter | Schlossberg |
| Carroll | Greiner | McGinnis | Schreiber |
| Causar | Grell | McNeill | Schweyer |
| Christiana | Grove | Mentzer | Simmons |
| Cohen | Hackett | Metcalfe | Sims |
| Conklin | Hahn | Metzgar | Snyder |
| Costa, D. | Hanna | Miccarelli | Sonney |
| Costa, P. | Harhai | Millard | Staats |
| Cox | Harhart | Miller, B. | Stephens |
| Cruz | Harkins | Miller, D. | Sturla |
| Culver | Harper | Moul | Tallman |
| Cutler | Harris, A. | Mullery | Taylor |
| Daley, M. | Harris, J. | Murt | Thomas |
| Daley, P. | Heffley | Mustio | Tobash |
| Davidson | Helm | Nesbit | Toepel |
| Davis | Hennessey | Neuman | Toohil |
| Dawkins | Hickernell | O'Brien | Topper |
| Day | Hill | O'Neill | Truitt |
| Dean | Irvin | Oberlander | Vereb |
| Deasy | James | Ortitay | Vitali |
| DeLissio | Jozwiak | Parker, C. | Ward |
| Delozier | Kampf | Parker, D. | Warner |
| DeLuca | Kaufar | Pashinski | Waters |
| Dermody | Kauffman | Payne | Watson |
| Diamond | Kavulich | Peifer | Wentling |
| DiGirolamo | Keller, F. | Petrarca | Wheatley |
| Donatucci | Keller, M.K. | Pickett | Wheeland |
| Driscoll | Keller, W. | Pyle | Youngblood |
| Dunbar | Killion | Quigley | Zimmerman |

| | | | |
|------------|----------|------------|---------|
| Ellis | Kim | Quinn | |
| Emrick | Kinsey | Rader | Turzai, |
| English | Kirkland | Rapp | Speaker |
| Evankovich | Klunk | Ravenstahl | |

NAYS—1

Dush

NOT VOTING—0

EXCUSED—4

| | | | |
|--------|---------|-------|-------|
| Corbin | Everett | Milne | Petri |
|--------|---------|-------|-------|

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.

STATEMENT BY MRS. DAVIDSON

The SPEAKER. On unanimous consent, the gentlelady from Delaware County, Representative Davidson, will have the floor.

Please, everybody, if you could give Representative Davidson your attention.

Mrs. DAVIDSON. Thank you, Mr. Speaker.

I just wanted to take a moment to acknowledge something that I believe is significant.

First of all, I want to commend the maker of the bill, the gentleman from Berks County, Mr. Caltagirone, and all the cosponsors of HB 221. I also want to commend the makers of the amendments, including the gentleman from Allegheny County, Mr. Miller, who withdrew his amendment but brought to our attention, I believe, what is important for us to consider as we move forward in trying to create a system that serves people well, people among us who have ailments and conditions that affect the brain.

There are times in this House where we do something significant, something important that really affects and changes the course of people's lives in a positive and dramatic way. There are sometimes when we do something significant, and then you know there are sometimes when we do not. So when we do, I believe it is worth mentioning.

In this moment when we see the effects of mental illness, autism, and intellectual disabilities and the effects that it has on our society, these individuals that are most vulnerable and are in the greatest risk are being misunderstood and therefore mistreated in our society, mistreated by our criminal justice system, mistreated by providers who do not understand, mistreated even by family members who do not understand the disease or the conditions for which they suffer. We have to begin to change the trajectory of their lives and not put people in prison who need to be in treatment and need to be cared for. We need to begin to preserve the life and to preserve the dignity of these individuals, their families, and their loved ones.

As this bill has passed the House today and now goes to the Senate, I know that I will do everything in my limited power to see that it does not go to the Senate to die like so many of our bills do. I will call on the Senators with whom I have a relationship and I will ask members of these affected

communities with the conditions that affect the brain and all of their advocates to call on their Senators to make sure that this bill gets passed and becomes the law of the land.

I invite each and every one of you, my esteemed colleagues on both sides of the aisle, to do the same, because this is a bipartisan issue, because diseases, disorders, and conditions that affect the brain have no respect of persons. It affects anyone, it affects everyone, and affects my family and many of yours in this House.

Today we did something important, and I want to acknowledge that and encourage us to make sure full passage happens on behalf of the people that we love and all the citizens of this great Commonwealth. Today we did something important, and I wanted to acknowledge that. Thank you, Mr. Speaker.

The SPEAKER. Thank you, Representative Davidson.

STATEMENT BY MR. CALTAGIRONE

REMARKS SUBMITTED FOR THE RECORD

The SPEAKER. The Speaker recognizes, on unanimous consent, the good gentleman, Representative Caltagirone, of Berks County.

Mr. CALTAGIRONE. Thank you, Mr. Speaker.

I would like to thank Chairmen Marsico, Petrarca; the staff; and especially the members of the Judiciary Committee and all of the members of the House.

I have submitted remarks for the record, but I want to thank those that were most helpful in getting this legislation moved. We did this in the last session. It is a repeat to get it over to the Senate again. I would hope that they would consider it. Thank you, Mr. Speaker.

The SPEAKER. Thank you, sir.

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

Mr. Speaker, HB 221 will provide for training for police and minor judiciary. The training will provide them with the tools they need to recognize individuals with mental illness, intellectual disabilities, and autism.

The training will include proper techniques to interact with these individuals, de-escalate potentially dangerous situations, and instruction on alternative services or diversionary options available to these individuals. It is critical that we provide our police and minor judiciary with the tools they need to protect themselves as well as help people with mental illness, intellectual disabilities, and autism.

Mr. Speaker, I would like to thank Chairman Marsico and his staff for their hard work on this legislation over the past two sessions.

Mr. Speaker, I ask that the House join me and vote for HB 221.

Thank you, Mr. Speaker.

STATEMENT BY MR. DeLUCA

The SPEAKER. The Chair recognizes, on unanimous consent, the good gentleman from Allegheny County, Representative DeLuca.

Mr. DeLUCA. Thank you, Mr. Speaker.

I just want to say to my colleagues out there that I have been here for 15 terms. I know we have a lot of new members here, and, Mr. Speaker, you have been here quite a while too. I have

never – and I served under Democratic and Republican Governors – I have never seen a Governor like the Governor we have today, Governor Wolf, who has bipartisanly gone to Republicans and Democrats – he is not done yet – in the office, walking the halls, and talking to our staff. That has been unheard of in my 15 terms here, and I think we ought to just congratulate him on starting a new day here in Pennsylvania.

Thank you, Mr. Speaker.

The SPEAKER. Thank you, Representative DeLuca.

There will be no further votes.

BILL REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader, who moves that HB 93 be removed from the tabled calendar and placed on the active calendar.

On the question,

Will the House agree to the motion?

Motion was agreed to.

BILLS RECOMMITTED

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

HB 88;

HB 150;

HB 178;

HB 179;

HB 224; and

HB 229.

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 good gentleman from Armstrong County, Representative Pyle, moves that the House be adjourned until Wednesday, February 11, 2015, at 11 a.m., e.s.t., unless sooner recalled by the Speaker. Thank you.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 3:02 p.m., e.s.t., the House adjourned.