HON. THOMAS P. MURT, member of the House of Representatives, offered the following prayer:

Please bow your heads.

Heavenly and gracious Father, we pray for our nation with hopes that those elected to lead at every level will work for Your people. We pray these men and women will humble themselves to the sacred tasks of governing for the people.

God of power and might, wisdom and justice, through You authority is rightly administered, laws are enacted, and judgment is decreed. Assist us with Your spirit of counsel and fortitude. May we always seek the ways of righteousness, justice, and mercy.

Grant that we may be enabled by Your powerful protection to lead our country and our beloved Commonwealth with honesty, integrity, and compassion, and we ask this in Your name.

PLEDGE OF ALLEGIANCE

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

JOURNAL APPROVAL POSTPONED

The SPEAKER pro tempore. Without objection, the approval of the Journal of Monday, April 3, 2017, will be postponed until printed.

HOUSE BILLS

INTRODUCED AND REFERRED

No. 101 By Representatives BIZZARRO, HARKINS, D. MILLER, FREEMAN, McCLINTON, BULLOCK, V. BROWN, DAVIS, DEAN, O'BRIEN, SOLOMON, MADDEN, McNEILL, MULLERY, GOODMAN, SCHLOSSBERG and DEASY

An Act amending Title 25 (Elections) of the Pennsylvania Consolidated Statutes, in voter registration, further providing for methods of voter registration, providing for same-day registration of a qualified elector and further providing for time and for preparation and distribution of applications.

Referred to Committee on STATE GOVERNMENT, April 4, 2017.

No. 715 By Representatives J. HARRIS, WHEATLEY, CALTAGIRONE, KINSEY, D. COSTA, McCLINTON, V. BROWN, BULLOCK and LEWIS

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in pupils and attendance, further providing for possession of weapons prohibited and for suspension and expulsion of pupils.

Referred to Committee on EDUCATION, April 4, 2017.

No. 869 By Representatives BIZZARRO, ROZZI, McNEILL, MURT, MULLERY, D. COSTA, DEASY, DeLUCA, McCLINTON and GILLEN

An Act amending Title 65 (Public Officers) of the Pennsylvania Consolidated Statutes, in ethics standards and financial disclosure, further providing for restricted activities.

Referred to Committee on STATE GOVERNMENT, April 4, 2017.

No. 1064 By Representatives SNYDER, DUNBAR, CALTAGIRONE, CAUSER, D. COSTA, LONGIETTI, MATZIE, PETRARCA, McCARTER and KORTZ

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in taxes for highway maintenance and construction, further providing for allocation of proceeds.

Referred to Committee on TRANSPORTATION, April 4, 2017.

No. 1066 By Representatives STAATS, MENTZER, GREINER, MURT, BLOOM, B. MILLER, KAUFFMAN, PICKETT, ROTHMAN, METCALFE, F. KELLER, WATSON, SAYLOR, GROVE, IRVIN, JAMES, TOPPER, CUTLER, COX, MACKENZIE, KEEFER, HICKERNELL, WARD, KAMPF, TOEPEL, FEE, RYAN, PHILLIPS-HILL, KLUNK, HELM, DIAMOND, EVANKOVICH, M. K. KELLER, FRITZ, A. HARRIS, SIMMONS, DELOZIER, McGINNIS, ROE, KNOWLES, MOUL, ZIMMERMAN, TOBASH, ROAE, NESBIT, CAUSER and ROZZI
An Act amending the act of July 14, 1961 (P.L.604, No.304), known as The Apprenticeship and Training Act, further providing for powers and duties; providing for supervision; and abrogating a regulation.

Referred to Committee on LABOR AND INDUSTRY, April 4, 2017.

No. 1070 By Representatives KAUFFMAN, McGINNIS, QUIGLE, TOPPER, PICKETT, DUSH, MACKENZIE, GREINER, COX, MILLARD, WARD, MENTZER, READSHAW, RADER, GROVE and A. HARRIS

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

Referred to Committee on LABOR AND INDUSTRY, April 4, 2017.

No. 1113 By Representatives BIZZARRO, CAUSER, McNEILL, BARRAR, READSHAW, D. COSTA, WATSON, PASHINSKI and GILLEN

An Act amending Title 35 (Health and Safety) of the Pennsylvania Consolidated Statutes, providing for certification of community paramedics, for community paramedicine service coverage by casualty insurance carriers and for medical assistance reimbursement.

Referred to Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, April 4, 2017.

BILLS REPORTED FROM COMMITTEES, CONSIDERED FIRST TIME, AND TABLED

HB 125, PN 91 By Rep. BAKER

An Act providing for the use of certain credentialing applications, for credentialing requirements for health insurers and for protections for enrollees of health insurers; imposing penalties; and conferring powers and imposing duties on the Insurance Department and Department of Health.

HEALTH.

HB 239, PN 261 By Rep. BAKER

An Act establishing the Rare Disease Advisory Council and providing for its powers and duties; and providing for duties of the Department of Health, the Insurance Department, the Department of Human Services and the Department of Education.

HEALTH.

HB 453, PN 1241 (Amended) By Rep. METCALFE

An Act amending the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, in department of the Auditor General, further providing for audits of agencies receiving State aid.

STATE GOVERNMENT.

HB 508, PN 609 By Rep. BAKER


HEALTH.

GUESTS INTRODUCED

The SPEAKER pro tempore. Located to the left of the rostrum, the Chair welcomes Kelsey Harkins and her father, Ed Harkins. Kelsey is a high school senior and very interested in government and politics. They are the guests of Representative Mary Jo Daley. Welcome.

Located to the left of the rostrum, the Chair welcomes Kyle Schaeffer, who is a student at Elizabethtown College. He is the guest of Representative Hickernell and Representative Staats. Welcome.

Also located to the left of the rostrum, the Chair welcomes Laura Chisolm, a professor at Immaculata University, who is here with her student, Madison Buckley. They are the guests of Representative Milne. Welcome.

Located to the left of the rostrum, the Chair welcomes Lenaire Ahlum, with the Susquehanna Valley Community Education Project. She is working to facilitate the establishment of the Susquehanna Valley Community College. She is the guest of Representative Culver and Representative Masser. Welcome.

Also located to the left of the rostrum, the Chair welcomes Olivia Morrison attends Penn State Harrisburg and is from Tamaqua, which is in Representative Knowles district, and Cameron Smith is a graduate student at Indiana University of Pennsylvania and is from Kittanning, which is in Representative Pyle's district. Welcome.

Located in the rear of the House, the Chair welcomes honor students from the House Archives for the spring semester. Olivia Morrison attends Penn State Harrisburg and is from Tamaqua, which is in Representative Knowles district, and Cameron Smith is a graduate student at Indiana University of Pennsylvania and is from Kittanning, which is in Representative Pyle's district. Welcome.

Located to the left of the rostrum, the Chair welcomes intern in Representative Kaufer's district office this summer. Leah Popple, who is a student at Susquehanna University. She will intern in Representative Kaufer's district office this summer. Welcome to the House.

Located in the rear of the House, the Chair welcomes Matthew Williams, Madeline Thompson, Jadeia Howell, and their adviser, Errol Wizda. They are the guests of Representative Hill-Evans. Welcome to the floor of the House.
Located in the well of the House, the Chair welcomes guest pages Daren and David Fisher. They are guests of Representative Mark Keller. Welcome, gentlemen.

Also located in the well of the House, the Chair welcomes guest page Jarod Peterson. His parents, Brad and Nicole Peterson, are seated in the gallery. They are the guests of Representative Rapp. Welcome to the floor.

Located in the well of the House, the Chair welcomes guest pages Nicholas Schmieg and Nathan Pitcher from North Rome Christian School. They are guests of the Honorable Representative Tina Pickett. Welcome.

Also located in the well of the House, the Chair welcomes guest pages Molly McCormack and Cole Lazarus, who attend Trinity High School. They are guests of Representative Delozier and Representative Rothman. Welcome to the floor.

Located in the gallery, as guests of Representative Farry and the Bucks County delegation, we have students and staff from Bucks County Community College. Please rise and be recognized.

Located to the left of the rostrum, the Chair welcomes Rich and Linda Horner of Rimersburg. They are the guests of Representative Oberlander. Welcome.

**STATEMENT BY MS. OBERLANDER**

The SPEAKER pro tempore. Without objection, Representative Oberlander would like to be recognized under unanimous consent.

Ms. OBERLANDER. Thank you, Mr. Speaker.

I appreciate your introduction of my guests, and later on we will have an uncontested resolution regarding esophageal cancer awareness.

This is the seventh year that my constituents, Rich and Linda Horner, have come, and it is Rich’s seventh year of surviving this deadly cancer. They find it important enough to come each and every year, because until we get the word out and people can identify for themselves GERD (gastroesophageal reflux disease) and a potential for esophageal cancer awareness, our job is not done.

So thank you to my constituents, and thank you, Mr. Speaker.

The SPEAKER pro tempore. Thank you, Representative Oberlander.

**GUESTS INTRODUCED**

The SPEAKER pro tempore. Located in the rear of the House, the Chair welcomes representatives of the Urban League of Philadelphia. They are the guests of Representative Kinsey. Please rise and be recognized.

**STATEMENT BY MR. KINSEY**

The SPEAKER pro tempore. Located on the floor with me, we would like to ask the members of this body to give a warm welcome to our guests here from the Urban League of Philadelphia and NExT Philadelphia, and just welcome them to the House of Representatives. So if our guests can please stand again. Thank you very much for being here, and thank you very much, Mr. Speaker.

The SPEAKER pro tempore. Thank you, Representative Kinsey.

**GUESTS INTRODUCED**

The SPEAKER pro tempore. Located on the floor with me, we would like to ask the members of this body to give a warm welcome to our guests here from the Urban League of Philadelphia and NExT Philadelphia, and just welcome them to the House of Representatives. So if our guests can please stand again. Thank you very much for being here, and thank you very much, Mr. Speaker.

The SPEAKER pro tempore. Thank you, Representative Kinsey.

**STATEMENT BY MR. MURT**

The SPEAKER pro tempore. Representative Murt on HR 144, the Month of the Young Child. Representative Murt.

Mr. MURT. Thank you, Mr. Speaker.

Mr. Speaker, the evidence is in and it is overwhelming. More than 40 years of research shows that children receiving high-quality early education do better in school, have higher graduation rates, and attend college. High-quality early learning saves taxpayers money by reducing the need for special education, remedial education, and it actually decreases dropout rates, crime, and incarceration.

Mr. Speaker, when these children enter the workforce, they receive higher earnings, as they are prepared to succeed. For these reasons education, law enforcement, the military, and business leaders all support expanding access of high-quality early education programs.
And, Mr. Speaker, we cannot ignore the benefit to the taxpayers. The bulk of our State's budget is dedicated to education, human services, and corrections. If we can reduce the need for human services and corrections, all taxpayers will benefit. Unfortunately, there is still too much unmet need. Only one in six children are able to access high-quality, publicly funded pre-K, and less than 5 percent of child-care slots for children from birth to age 4 earn the highest quality accredited programs.

By declaring April "The Month of the Young Child," Mr. Speaker, we are raising awareness of this critical issue, and it is even more important that we put our words into actions. Thank you, Mr. Speaker.

The SPEAKER pro tempore. Thank you, Representative Murt.

STATEMENT BY MR. WHEATLEY

The SPEAKER pro tempore. Also speaking under unanimous consent is Representative Wheatley, on HR 215.

Mr. WHEATLEY. Thank you, Mr. Speaker.

Mr. Speaker, I just wanted to ask the members, if we could, to recognize—Later in the day we are going to recognize the life of Ms. Katie Everette Johnson, but this morning we have her son, Everette Johnson; his wife, Sonia Johnson; and a good friend of hers, Martha Moore, who are here today in the rear of the chamber. And if we could ask to have them recognized, it would be our honor and privilege. Later we will learn about Ms. Katie Everette, but I just wanted to recognize her family for being here today.

The SPEAKER pro tempore. Representative Wheatley, we are happy to recognize them. They are standing over on the left side of the rear of the House. Welcome to the floor of the House.

GUESTS INTRODUCED

The SPEAKER pro tempore. Located in the gallery, as guests of Representative Wentling, we have visiting students from Westminster College in New Wilmington, Lawrence County. We have with us Ellen DeWeese; Megan Beaule; Matthew Causer, son of Representative Causer; and Dr. Ed Cohen. Please rise and be recognized. Welcome to the floor of the House.

BILLS REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

HB 217, PN 181       By Rep. MARSICO

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in offenses against the family, further providing for the offense of endangering welfare of children.

JUDICIARY.

HB 489, PN 513       By Rep. MARSICO

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in sentencing, providing for sentencing for offenses involving indecent exposure when children present.

JUDICIARY.

SB 261, PN 631 (Amended) By Rep. MARSICO

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in limitation of time, further providing for six months limitation, for insanity or imprisonment, for no limitation applicable and for other offenses; and, in matters affecting government units, further providing for exceptions to sovereign immunity, for limitations on damages, for exceptions to governmental immunity and for limitations on damages.

JUDICIARY.

RESOLUTION REPORTED FROM COMMITTEE

HR 131, PN 1260 (Amended) By Rep. MARSICO

A Resolution appointing and empowering the Judiciary Committee to make an investigation.

JUDICIARY.

APPROPRIATIONS COMMITTEE MEETING

The SPEAKER pro tempore. The Chair recognizes the Appropriations chairman, Mr. Saylor, for a committee announcement.

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

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

REPUBLICAN CAUCUS

The SPEAKER pro tempore. The Chair recognizes Representative Toepel for a caucus announcement.

Mrs. TOEPEL. Thank you, Mr. Speaker.

Republicans will caucus at 1 o'clock. We would be prepared to return to the floor at 2:15.

The SPEAKER pro tempore. The Chair thanks the lady.

DEMOCRATIC CAUCUS

The SPEAKER pro tempore. Representative Frankel is recognized for a caucus announcement.

Mr. FRANKEL. Thank you, Mr. Speaker.

Democrats will caucus at 1 o'clock. Democrats will caucus at 1 o'clock.

The SPEAKER pro tempore. The Chair thanks the gentleman.
RECESS

The SPEAKER pro tempore. The House will now be in recess until 2:15, unless sooner recalled by the Speaker.

RECESS EXTENDED

The time of recess was extended until 2 p.m.; further extended until 2:30 p.m.

THE SPEAKER (MIKE TURZAI) PRESIDING

BILLs REREPORTED FROM COMMITTEE

HB 223, PN 192  By Rep. SAYLOR
An Act amending the act of December 14, 1982 (P.L.1227, No.281), known as the Architects Licensure Law, further providing for definitions, for powers of board and for issuance and renewal of certificates.

APPROPRIATIONS.

HB 291, PN 285  By Rep. SAYLOR

APPROPRIATIONS.

HB 445, PN 461  By Rep. SAYLOR
An Act amending the act of July 9, 1987 (P.L.220, No.39), known as the Social Workers, Marriage and Family Therapists and Professional Counselors Act, further providing for definitions, for reciprocity, for restriction on the use of title "licensed clinical social worker," for penalties and for unlawful practice; and repealing provisions related to appropriation.

APPROPRIATIONS.

HB 539, PN 565  By Rep. SAYLOR
An Act amending the act of April 16, 1992 (P.L.155, No.28), known as the Assessors Certification Act, repealing provisions relating to nonapplicability; and providing for certification.

APPROPRIATIONS.

HB 548, PN 573  By Rep. SAYLOR
An Act amending the act of July 2, 1993 (P.L.345, No.48), entitled "An act empowering the General Counsel or his designee to issue subpoenas for certain licensing board activities; providing for hearing examiners in the Bureau of Professional and Occupational Affairs; providing additional powers to the Commissioner of Professional and Occupational Affairs; and further providing for civil penalties and license suspension," further providing for hearing examiners.

APPROPRIATIONS.

HB 758, PN 826  By Rep. SAYLOR
An Act authorizing local taxing authorities to provide for tax exemption incentives for certain deteriorated industrial, commercial, business and residential property and for new construction in deteriorated areas of communities; providing for an exemption schedule; and establishing standards and qualifications.

APPROPRIATIONS.

HB 785, PN 864  By Rep. SAYLOR
An Act amending the act of February 9, 1999 (P.L.1, No.1), known as the Capital Facilities Debt Enabling Act, in capital facilities, further providing for bonds, issue of bonds and notes, maturity, interest, for appropriation for and limitation on redevelopment assistance capital projects and for administration of redevelopment assistance capital projects; and providing for capital budgets.

APPROPRIATIONS.

LEAVES OF ABSENCE

The SPEAKER. We are going to turn to leaves of absence. Representative Jim CHRISTIANA of Beaver County has requested to be placed on leave for the remainder of the week. Without objection, that will be granted.

Representative Vanessa BROWN of Philadelphia County requests leave for the day, Representative Maureen MADDEN of Monroe County for the day, and Representative Ed NEILSON of Philadelphia County for the day. Without objection, those will be granted.

MASTER ROLL CALL

The following roll call was recorded:

PRESENT–196

Baker  English  Kortz  Rader
Barbin  Evankovich  Krueger  Rapp
Barrar  Evans  Kalik  Ravenstahl
Benninghoff  Everett  Lawrence  Readshaw
Bernstine  Fabbriozio  Lewis  Reed
Bizzarro  Farry  Longietti  Reese
Bloom  Fee  Mackenzie  Roae
Boback  Fitzgerald  Mahler  Roe
Boyle  Flynn  Mako  Roebuck
Bradford  Frankel  Maloney  Rothman
Briggs  Freeman  Markosek  Rozzi
Brown, R.  Fritz  Marshall  Ryan
Bullock  Gabler  Marsico  Saccone
Bums  Gainey  Masser  Sainato
Caltagirone  Galloway  Matzie  Samuelson
Carroll  Gergely  McCarter  Santora
Causor  Gillen  McClinton  Saylor
Cephas  Gillespie  McGinnis  Schmel
Charleton  Godshall  McNeill  Schlossberg
Comitta  Goodman  Mehaffie  Schweyer
Conklin  Greiner  Mentzer  Simmons
Cook  Grove  Metcalfe  Sims
Corbin  Haggerty  Metzgar  Snyder
Cor  Hahn  Miccarelli  Solomon
Costa, D.  Hanna  Millard  Sonney
Costa, P.  Harkins  Miller, B.  Staats
Cox  Harper  Miller, D.  Stephens
Cruz  Harris, A.  Milne  Sturla
Culver  Harris, J.  Moul  Tallman
Cutler  Heffley  Mullery  Taylor
Daley  Helm  Murt  Thomas
Davidson  Hennessey  Mustio  Tobash
Davis  Hickernell  Nelson  Toepel
Dawkins  Hill  Nesbitt  Toohil
ADDITIONS–0
NOT VOTING–0
EXCUSED–6

Brown, V., Madden Sankey Watson
Christiana Neilson

LEAVES ADDED–2
Barbin Sturla

LEAVES CANCELED–2
Madden Neilson

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

UNCONTESTED CALENDAR
RESOLUTIONS PURSUANT TO RULE 35

Mr. BURNS called up HR 15, PN 18, entitled:
A Resolution designating the month of April 2017 as "Occupational Therapy Month" in Pennsylvania.

* * *

Mr. LONGIETTI called up HR 123, PN 779, entitled:
A Resolution recognizing April 4, 2017, as "National Healthy Schools Day" in Pennsylvania.

* * *

Mr. MURT called up HR 144, PN 860, entitled:
A Resolution designating the month of April 2017 as "The Month of the Young Child" in Pennsylvania.

* * *

Mr. NEUMAN called up HR 183, PN 1065, entitled:
A Resolution recognizing the month of May 2017 as "Postpartum Depression Awareness Month" in Pennsylvania.

* * *

Ms. OBERLANDER called up HR 190, PN 1139, entitled:
A Resolution designating the month of April 2017 as "Esophageal Cancer Awareness and Prevention Month" in Pennsylvania.

* * *

Mr. STURLA called up HR 199, PN 1208, entitled:
A Resolution designating April 4, 2017, as "Thaddeus Stevens Day" in Pennsylvania.

On the question,
Will the House adopt the resolutions?

(Members proceeded to vote.)

LEAVE OF ABSENCE CANCELED

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

CONSIDERATION OF RESOLUTIONS PURSUANT TO RULE 35 CONTINUED

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

The following roll call was recorded:

YEAS–197

Baker English Kortz Rader
Barbin Evankovich Krueger Rapp
Barrar Evans Kulik Ravenstahl
Benninghoff Everett Lawrence Readshaw
Bernstine Fabrizio Lewis Reed
Bizzarro Farry Longietti Reese
Bloom Fee Mackenzie Roae
Bobby Fitzgerald Maher Roe
Boyle Flynn Mako Roebuck
Bradford Frankel Maloney Rothman
Briggs Freeman Markosek Rozi
Brown, R. Fritz Marshall Ryan
Bullock Gabler Marsico Sainato
Burns Gainey Masser Sainato
Caltagirone Galloway Matzie Samuelson
Carroll Gergely McCarter Santora
Causor Gillen McClinton Saylor
Cephas Gillespie McGinnis Schenkel
Charlton Godshall McNeill Schlossberg
Comitta Goodman Meahffie Schweyer
Conklin Greiner Menges Simons
Cook Grove Metcalfe Sims
Corbin Haggerty Metzgar Snyder
Cor Hahn Miccarelli Solomon
Costa, D. Hanna Millard Sonney
Costa, P. Harkins Miller, B. Staats
Cox Harper Miller, D. Stephens
Cruz Harris, A. Mile Milne
Culver Harris, J. Moul Tallman
Cutler Heffley Mullery Taylor
Dale Hay Helm Murt Thomas
Davidson Hennessey Mustio Tobash
Davis Hickernell Neilson Toepel
Dawkins Hill Nelson Tootill
Day Irvin Nesbit Topper
Dean James Neuman Vitali
The majority having voted in the affirmative, the question was determined in the affirmative and the resolutions were adopted.

UNCONTESTED SUPPLEMENTAL CALENDAR A

RESOLUTIONS PURSUANT TO RULE 35

Mr. WHEATLEY called up HR 215, PN 1238, entitled:

A Resolution honoring the life and the accomplishments of Katie Everett Johnson.

* * *

Mr. KINSEY called up HR 216, PN 1239, entitled:

A Resolution commemorating the 100th anniversary of the Urban League of Philadelphia.

* * *

Mr. WHEATLEY called up HR 217, PN 1240, entitled:

A Resolution honoring the life and accomplishments of Dr. Thomas Starzl.

On the question,
Will the House adopt the resolutions?

The following roll call was recorded:

YEAS–197

Baker English Kortz Rader
Barbin Evankovich Krueger Rapp
Barrar Evans Kulik Ravenstahl
Benninghoff Everett Lawrence Readshaw
Bernstine Fabrizio Lewis Reed
Bizzarro Farry Longietti Reese
Bloom Fee Mackenzie Roae
Boback Fitzgerald Maher Roe
Boyle Flynn Mako Roebuck

NAYS–0
NOT VOTING–0
EXCUSED–5

Brown, V. Madden Sankey Watson Christiana

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

CALENDAR

BILLS ON SECOND CONSIDERATION

The House proceeded to second consideration of HB 235, PN 1055, entitled:

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.

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 46, PN 1033, entitled:

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, in personal income tax, providing for contributions for pediatric cancer research.

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 397, PN 409, entitled:

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, in hunting and furtaking licenses, further providing for eligibility for license.

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 582, PN 618, entitled:

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, in hunting and furtaking licenses, providing for a volunteer instructor license.

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 675, PN 721, entitled:

An Act amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, in fishing licenses, further providing for exemptions from license requirements.

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 16, PN 1056, entitled:

An Act amending the act of May 25, 1945 (P.L.1050, No.394), known as the Local Tax Collection Law, providing for payment of taxes; and further providing for notices of taxes.

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 266, PN 1057, entitled:

An Act amending the act of November 10, 1999 (P.L.491, No.45), known as the Pennsylvania Construction Code Act, in preliminary provisions, further providing for definitions; and, in adoption and enforcement by municipalities, further providing for administration and enforcement.

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

Ms. Harper offered the following amendment No. A00569:

Amend Bill, page 3, lines 13 and 14, by striking out “by the department” and inserting under this subsection

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

The SPEAKER. On that amendment, the Chair calls upon Representative Kate Harper.

Ms. Harper. This is a purely technical amendment to fix a drafting error. It has no effect on the bill whatsoever other than that.

The SPEAKER. Thank you, Madam Chair.

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

The following roll call was recorded:

YEAS–196

Baker  English  Kortz  Rabb
Barbin  Evankovich  Krueger  Rader
Barrar  Evans  Kulik  Rapp
Benninghoff  Everett  Lawrence  Ravenstahl
Bernistine  Fabrizio  Lewis  Readshaw
Bizzarro  Farry  Longietti  Reed
Bloom  Fee  Mackenzie  Reese
Boback  Fitzgerald  Maher  Roe
Boyle  Flynn  Mako  Roae
Bradford  Frankel  Maloney  Roebuck
Briggs  Freeman  Markosek  Rothman
Brown, R.  Fritz  Marshall  Rozzi
Bullock  Gabler  Marsico  Ryan
Burns  Gainey  Masser  Saconce
Caltagirone  Galloway  Matzie  Sainato
Carroll  Gergely  McClintock  Samuelson
Causar  Gillen  McCollin  Santora
Cephas  Gillespie  McGinnis  Saylor
Charlton  Godshall  McNeill  Schermel
Comitta  Goodman  Meaffie  Schlossberg
Conklin  Greiner  Mentzer  Schweyer
Cook  Grove  Metcalfe  Simmons
Corbin  Haggerty  Metzgar  Sims
Cor  Hahn  Miccarelli  Snyder
Costa, D.  Hanna  Millard  Solomon
Costa, P.  Harkins  Miller, B.  Sonney
Cox  Harper  Miller, D.  Staats
Cruz  Harris, A.  Milne  Stephens
Culver  Harris, J.  Moul  Sturla
Cutler  Heffley  Mullery  Tallman
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.

The House proceeded to second consideration of HB 360, PN 378, entitled:

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, in employees, further providing for commission members.

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 422, PN 439, entitled:

An Act amending the act of May 1, 1933 (P.L.103, No.69), known as The Second Class Township Code, in election of officers and vacancies in office, further providing for vacancies in general.

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

SUPPLEMENTAL CALENDAR B

BILLS ON THIRD CONSIDERATION

BILL PASSED OVER TEMPORARILY

The SPEAKER. HB 785 will be passed over temporarily.

The House proceeded to third consideration of HB 291, PN 285, entitled:


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–176

Baker Evans Lewis Readshaw
Barbin Everett Longietti Reed
Barrar Fabrizio Mackenzie Reese
Benninghoff Furry Maher Roa
Bernstine Fee Mako Roe
Bizzarro Flynn Maloney Roebuck
Bloom Freeman Marshall Rothman
Boback Fritz Marsico Rozzi
Boyle Gabler Masser Ryan
Brown, R. Galloway Matzie Saconne
Bullock Gergely McGinnis Sainato
Burns Gillen McNell Samuelson
Caltagirone Gillespie Mehaffie Santora
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 423, PN 439, entitled:

An Act amending the act of May 1, 1933 (P.L.103, No.69), known as The Second Class Township Code, in election of officers and vacancies in office, further providing for vacancies in general.
NAYS–21

Bradford  English  Kavulich  McClinton
Briggs  Fitzgerald  Kim  Miller, D.
Cephas  Frankel  Krueger  Rabb
Daley  Gainey  Markosek  Sims
Dean  Harris, J.  McCarter  Thomas
DeLissio

NOT VOTING–0

EXCUSED–5

Brown, V.  Madden  Sankey  Watson
Christiana

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 223, PN 192, entitled:

An Act amending the act of December 14, 1982 (P.L.1227, No.281), known as the Architects Licensure Law, further providing for definitions, for powers of board and for issuance and renewal of certificates.

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

(Bill analysis was read.)
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 445, PN 461, entitled:

An Act amending the act of July 9, 1987 (P.L.220, No.39), known as the Social Workers, Marriage and Family Therapists and Professional Counselors Act, further providing for definitions, for reciprocity, for restriction on the use of title "licensed clinical social worker," for penalties and for unlawful practice; and repealing provisions related to appropriation.

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–184

Baker  Emrick  Kirkland  Quinn, M.
Barbin  English  Klunk  Rabb
Barr  Evankovich  Kortz  Rader
Benninghoff  Evans  Krueger  Ravenstahl
Bernistine  Everett  Kulik  Readshaw
Bizzarro  Fabrizio  Lawrence  Reed
Bloom  Farry  Lewis  Roe
Boback  Fee  Longietti  Roebuck
Boyle  Fitzgerald  Mackenzie  Rothman
Bradford  Flynn  Mahler  Rozzi
Briggs  Frankel  Mako  Ryan
Brown, R.  Freeman  Maloney  Saccone
Butlock  Fritz  Markosek  Sainato
Burns  Gabler  Marshall  Samuelson
Caltagirone  Gaine  Marsico  Santora
Carroll  Galloway  Masser  Saylor
Causer  Gergely  Matzie  Schlossberg
Cephas  Gillen  McCar  Schwyer
Charlton  Gillespie  McClint  Simmons
Cometta  Goddall  McNeill  Sims
Conklin  Goodman  Meaffie  Snyder
Cook  Greiner  Mentzer  Solomon
Corbin  Grove  Mccarelli  Sonney
Corr  Haggerty  Millard  Staats
Costa, D.  Hahn  Miller, B.  Stephens
Costa, P.  Hanna  Miller, D.  Sturla
Cox  Harkins  Mlne  Tallman
Cruz  Harper  Moul  Taylor
Culver  Harris, A.  Mullery  Thomas
Cutler  Harris, J.  Murt  Tobash
Daley  Heffley  Mustio  Toepel
Davidson  Helm  Neilson  Toohil
Davis  Hennessey  Nesbit  Topper
Dawkins  Hickernell  Neuman  Vitali
Day  Hill  O'Brien  Walsh
Dean  Irwin  O'Neill  Ward
DeLissio  Jozwiak  Ortitay  Warren
Delozier  Kampf  Pashinski  Wheatley
DeLuca  Kauffer  Peifer  Wheeland
Dermody  Kaufman  Petracar  White
DiGirolamo  Kavulich  Petri  Youngblood
Donatucci  Keeler  Pickett  Zimmerman
Dowling  Keller, M.K.  Pyle  Turner
Driscoll  Keller, W.  Quigley  Turzai
Dush  Kim  Quin, C.  Speaker
Knowles  James  Oberlander  Warner

NAYS–13

Diamond  McGinnis  Nelson  Roae
Dunbar  Metcalfe  Rapp  Schemel
Keller, F.  Metzgar  Reese  Warner

NOT VOTING–0

EXCUSED–5

Brown, V.  Madden  Sankey  Watson
Christiana  

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 539, PN 565, entitled:

An Act amending the act of April 16, 1992 (P.L.155, No.28), known as the Assessors Certification Act, repealing provisions relating to nonapplicability; and providing for certification.

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–196

Baker  English  Kortz  Rader
Barbin  Evankovich  Krueger  Rapp
Barrar  Evans  Kulik  Readshaw
Benninghoff  Everett  Lawrence  Readshaw
Bernistine  Fabrizio  Lewis  Reid
Bizzarro  Farly  Longietti  Reese
Bloom  Fee  Mackenzie  Roae
Boback  Fitzgerald  Mahler  Roebuck
Boyle  Flynn  Mako  Roebuck
Bradford  Frankel  Maloney  Rothman
Briggs  Freeman  Markosek  Rozzi
Deasy  James  Oberlander  Warren
DeLissio  Jozwiak  Ortitay  Wentling
Delozier  Kampf  Pashinski  Wheatley
DeLuca  Kauffer  Peifer  Wheeland
Dermody  Kaufman  Petracar  White
DiGirolamo  Kavulich  Petri  Youngblood
Donatucci  Keeler  Pickett  Zimmerman
Dowling  Keller, M.K.  Pyle  Turner
Driscoll  Keller, W.  Quigley  Turzai
Dush  Kim  Quin, C.  Speaker
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.

VOTE CORRECTION

The SPEAKER. Representative Youngblood is recognized on unanimous consent. You may proceed.

Ms. YOUNGBLOOD. Mr. Speaker, on HB 266 I was not recorded as voting. My button malfunctioned, and I would like to be recorded in the positive.

The SPEAKER. Yes. So you will be marked down as a "yes" vote, and I believe that was HB 266? Yes; okay. That will be done.

ANNOUNCEMENT BY SPEAKER

The SPEAKER. Also, members, just generally as a rule, because we are going to be getting into a lot of debate over the course of the next months, the leaders – and this has been a long-standing tradition – the leaders' podiums are typically for the leaders and the whips, and members are, without a doubt, invited to come up to the front podiums and make use of those at any time that they wish. Just let us know that they are going to come up to the front podiums and we will make sure that those are on to be able to speak out to the chamber itself, but typically, the leaders' podiums are for the leaders and the whips and anybody that they designate. That is why we have the front podiums.

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of HB 548, PN 573, entitled:

"An act empowering the General Counsel or his designee to issue subpoenas for certain licensing board activities; providing for hearing examiners in the Bureau of Professional and Occupational Affairs; providing additional powers to the Commissioner of Professional and Occupational Affairs; and further providing for civil penalties and license suspension," further providing for hearing examiners.

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

Baker English Kortz Rader
Barbin Evankovich Krueger Rapp
Barrar Evans Kulik Ravenstahl
Benninghoff Everett Lawrence Rea
Bernstine Fabrizio Lewis Reed
Bizzarro Farry Longietti Reese
Bloom Fee Mackenzie Turzai
Boback Fitzgerald Maher Vearer
Boyle Flynne Mackenzie Vea
Bradford Frankel Maloney Roae
Briggs Freeman Markosek Vean
Brown, R. Fritz Marshall Ryan
Burns Gabler Marsico Saccone
Caltagirone Galloway Matzie Samuelson
Carroll Gergely McCarter Santora
Causer Gillen McClintock Saylor
Cephas Gillespie McNeill Schlossberg
Charlton Godshall Mehaffie Schwab
Comitta Goodman Mehaffie Schweyer

NAYS–1

McGinnis

NOT VOTING–0

EXCUSED–5

Brown, V. Madden Sankey Watson
Christiania

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

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

Baker English Kortz Rader
Barbin Evankovich Krueger Rapp
Barrar Evans Kulik Ravenstahl
Benninghoff Everett Lawrence Rea
Bernstine Fabrizio Lewis Reed
Bizzarro Farry Longietti Reese
Bloom Fee Mackenzie Turzai
Boback Fitzgerald Maher Vearer
Boyle Flynne Mackenzie Vea
Bradford Frankel Maloney Roae
Briggs Freeman Markosek Vean
Brown, R. Fritz Marshall Ryan
Burns Gabler Marsico Saccone
Caltagirone Galloway Matzie Samuelson
Carroll Gergely McCarter Santora
Causer Gillen McClintock Saylor
Cephas Gillespie McNeill Schlossberg
Charlton Godshall Mehaffie Schwab
Comitta Goodman Mehaffie Schweyer

NAYS–1

McGinnis

NOT VOTING–0

EXCUSED–5

Brown, V. Madden Sankey Watson
Christiania
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 following roll call was recorded:

**YEAS–197**

Baker  English  Kortz  Rader
Barbin  Evankovich  Krueger  Rapp
Barrar  Evans  Kulik  Ravenstahl
Benninghoff  Everett  Lawrence  Readshaw
Bernstine  Fabrizio  Lewis  Reed
Bizzarro  Farry  Longietti  Reese
Bloom  Fee  Mackenzie  Roae
Boback  Fitzgerald  Maher  Roe
Boyle  Flynn  Mako  Roebuck
Bradford  Frankel  Maloney  Rothman
Briggs  Freeman  Markosek  Rozzi
Brown, R.  Fritz  Marshall  Ryan
Bullock  Gabler  Marsico  Saccone
Burns  Gainey  Masser  Sainato
Caltagirone  Galloway  Matzie  Samuelson
Carroll  Gergely  McClintock  Santora
Causer  Gillen  McNeill  Saylor
Cehpas  Gillespie  McGinnis  Schmerel
Charlton  Godshall  McNeill  Schlossberg
Comitta  Goodman  Meffaffie  Schveyer
Conklin  Greiner  Menzer  Simmons
Cook  Grove  Metcalfa  Sims
Corbin  Haggerty  Metzgar  Snyder
Cor  Hahn  Miccarelli  Solomon
Costa, D.  Hanna  Millard  Sonney
Costa, P.  Harks  Miller, B.  Staats
Cox  Harper  Miller, D.  Stevens
Cruz  Harris, A.  Milne  Sturla
Cutler  Harris, J.  Moul  Tallman
Daley  Helm  Murt  Thomas
Davidson  Hennessey  Mustio  Tobash
Davis  Hickernell  Neilson  Topeal
Dawkins  Hill  Nelson  Toohil
Day  Irvin  Nesbit  Topper
Dean  James  Neuman  Vitali
Deasy  Jozwiak  O'Brien  Walsh
DeLissio  Kampf  O'Neill  Ward
Delozier  Kauffer  Oberlander  Warner
DeLuca  Kauffman  Ortitay  Warren
Dermody  Kavulich  Pashinski  Welling
Diamond  Keeler  Peifer  Wheatley
DiGirolamo  Keller, F.  Petrarca  Wheeland
Donatucci  Keller, M.K.  Petri  White
Dowling  Keller, W.  Pickett  Youngblood
Driscoll  Kim  Pyle  Zimmerman
Dunbar  Kinsey  Quigley
Dush  Kirkland  Quinn, C.  Turzai,
Ellis  Klunk  Quinn, M.  Speaker
Emrick  Knowles  Rabb

**NAYS–0**

**NOT VOTING–0**

**EXCUSED–5**

Brown, V.  Madden  Sankey  Watson  Christiana

The House proceeded to third consideration of **HB 758, PN 826**, entitled:

An Act authorizing local taxing authorities to provide for tax exemption incentives for certain deteriorated industrial, commercial, business and residential property and for new construction in deteriorated areas of communities; providing for an exemption schedule; and establishing standards and qualifications.

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.

**NAYS–0**

**NOT VOTING–0**

**EXCUSED–5**

Brown, V.  Madden  Sankey  Watson  Christiana

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 785, PN 864, entitled:

An Act amending the act of February 9, 1999 (P.L.1, No.1), known as the Capital Facilities Debt Enabling Act, in capital facilities, further providing for bonds, issue of bonds and notes, maturity, interest, for appropriation for and limitation on redevelopment assistance capital projects and for administration of redevelopment assistance capital projects; and providing for capital budgets.

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?

At this time we are going to be recognizing the two Appropriations chairs.
The ranking member Democrat Appropriations chair, Representative Joe Markosek, on HB 785.
Mr. MARKOSEK. Thank you, Mr. Speaker.
Good afternoon, Mr. Speaker. I rise to oppose HB 785.
As you know, I have been here doing this job for a long time, and one benefit, and one benefit of being here awhile is that it provides perspective, especially on long-term issues. So often we do things with just the short term in mind, but does it not make sense that we think sometimes for the long term?

HB 785 is a proposal about one of these long-term issues, our debt policy for capital projects. Here is the key: Good long-term thinking is about more than just the costs. It is about the value, not just the costs.

We should also think about the needs, and we should think about what problems our actions today might create down the road in the long run. I think the problem with HB 785 is that it is not thinking about the other side of the coin as much as it should. We know the old adage that it is cheaper to fix a leak in the roof than it is to replace the roof.

We are deferring or potentially could defer long-term maintenance on a lot of our capital projects. This bill will create an arbitrary cap, an arbitrary cap on annual public improvement project releases. It is not a cap based on any analysis. It is not a cap based on anything other than it is just less than what we have been doing.

I think this limit creates a safety problem. Right now if there is a major problem with one of our public buildings or facilities, the Governor can act quickly to address that need. What if there is a fire or a big storm damaging a roof later in this year after the Governor moved forward with the regular planned projects? This takes away his ability and his flexibility to respond to that emergency. With the limit, the General Assembly might have to make those decisions, and we have demonstrated in the past that we tore down and replaced with the Keystone Building because there was a fire in the Transportation Building. This General Assembly acted quickly to do the right thing. The debate was at that time, do we build a new building or do we remodel the old building? And we made the right decision.

As somebody who comes from the construction field before coming here to the General Assembly, those are things you always have to talk about. You can repair a leak in a roof, but sometimes that roof has to be determined and totally replaced. I have an incident just in my own mother's home right now. She had a leak in her roof. The insurance company comes down and says, "No. That whole roof has to be repaired and replaced, because fixing that leak will only create more leaks later on." We have to have that ability in the General Assembly to make those decisions, and we have demonstrated in the past that this General Assembly and the Governor have acted quickly when we needed to.

I am also concerned about merging the annual capital budget with this Capital Facilities Debt Enabling Act. It is important to remember that we did not do our constitutional duty to adopt a capital budget during the 2016-2017 budget process. That was irresponsible on the part of the controlling body here in the House, which of course is the majority party, and it is unfortunate that we are even discussing it with this bill. Setting aside our inaction, putting a capital budget in this bill is a bad idea. Pennsylvanians benefit from stable, predictable debt policies that have consensus and are in place for a long time. Is that not how business does it?

We have to pass a capital budget each year. If we open this section of the law every year, there will be amendments to our policies every year, and down the road, there may be changes that even my Republican colleagues may dislike. Joining the two is a recipe for bad policy over the long run.

I do not believe HB 785 strikes the right balance, and I have talked about my concerns with the sponsor of the bill, my good friend, the majority chair of the Appropriations Committee, the gentleman from York County. And while I cannot support the bill right now and I would hope that he could not either, but I think he may. I do hope that he will give us some more thought to these issues as the bill moves forward.

I ask for a "no" vote, and thank you, Mr. Speaker.

The SPEAKER. Representative Stan Saylor, on HB 785, sir.
Mr. SAYLOR. Thank you, Mr. Speaker.
I rise today in support of this bill.
One of the things that is important to note, for those of us that have been around for a little while, the Transportation Building, now known as the Keystone Building, was a building that we tore down and replaced with the Keystone Building because there was a fire in the Transportation Building. This General Assembly acted quickly to do the right thing. The debate was at that time, do we build a new building or do we remodel the old building? And we made the right decision.

As somebody who comes from the construction field before coming here to the General Assembly, those are things you always have to talk about. You can repair a leak in a roof, but sometimes that roof has to be determined and totally replaced. I have an incident just in my own mother's home right now. She had a leak in her roof. The insurance company comes down and says, "No. That whole roof has to be repaired and replaced, because fixing that leak will only create more leaks later on."

We have to have that ability in the General Assembly to make those decisions, and we have demonstrated in the past that this General Assembly and the Governor have acted quickly when we needed to.

Think about this right now. Right now we have a debt service of roughly $1.3 billion a year that we pay. Back 12 years ago our debt service was roughly $500 million. Our pensions, to continue to borrow money in this State, is costing us dollars we could invest in areas where there is poverty, in areas where we need money for education, or any number of areas that any member of this General Assembly would like to spend additional dollars, but instead, we are paying it toward a debt service that many people in this General Assembly do not even know what it is for.

This bill also changes the way we pay our debt. In the past, this General Assembly and the Governor only paid interest on the debt, only interest on the debt. This bill now corrects that. Just like you do in your home mortgage, you will pay part
principal and part interest as a requirement in this debt bill, the way you should run a business.

Number two, this bill allows $125 million a year in RCAP (Redevelopment Assistance Capital Program), in development money to be released – $125 million. That is a lot of money to our families back home. And I do not see that there is any inhibitor to economic development in this State or maintaining or responding to an emergency.

These are the things that are in this bill that make this bill responsible, just like our families do back home. If we need to buy a new car, we decide what we can afford to buy and how big the loan payments we can make. Pennsylvania can no longer afford to borrow money and steal money from programs we all argue about on this House floor that need more funding. It is time for us to look at our State budget the same way we look at our family budgets. How much can we afford to pay in our mortgage payments, in our car payments?

In this bill also is exactly what the Governor requested. He requested a $500 million ability in the coming budget. This bill takes into consideration the Governor's $500 million request and gives that to him. So this bill addresses many of the needs of Pennsylvania taxpayers, while at the same time addressing the request that Governor Wolf made to this General Assembly in his budget book.

I ask for a "yes" vote on this bill. Thank you very much, Mr. Speaker.

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.)

**LEAVE OF ABSENCE CANCELED**

The SPEAKER. Representative Maureen Madden is on the House floor and should be placed on the master roll.

**CONSIDERATION OF HB 785 CONTINUED**

On the question recurring, Shall the bill pass finally?

The following roll call was recorded:

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<th>YEAS–117</th>
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| KAUFER | KAUFMAN | KEEFER | KELLER, M.K. |
| KUNK | KNOWLES | LAWRENCE | LEWIS |
| MACKENZIE | MAHER | QUINN, C. | QUINN, M. |
| MAKO | MAKO | MAKO | MAKO |
| MALEY | MALONEY | MALONEY | MALONEY |
| MARTIN | MARSHALL | MARSHALL | MARSHALL |

**NAYS–81**

| Barbin | DeLissio | Kavulich | O'Brien |
| Bizzarro | DeLuca | Keller, F. | Pashinski |
| Boyle | Dermody | Keller, W. | Rabb |
| Bradford | Donutucci | Kim | Ravenstahl |
| Briggs | Driscoll | Kinsey | Reedsaw |
| Bullock | Evans | Kirkland | Roebuck |
| Burns | Fabrizio | Kortz | Rozi |
| Caltagirone | Fitzgerald | Krueger | Samualson |
| Carroll | Flynn | Kulik | Schlossberg |
| Cephas | Frankel | Longietti | Schwery |
| Comitta | Freeman | Madden | Sims |
| Conklin | Gainey | Markosek | Snyder |
| Costa, D. | Galloway | Matzie | Stair |
| Costa, P. | Gergely | McCarter | Sturla |
| Cruz | Goodman | McClinton | Thomas |
| Daley | Haggerty | McNeill | Vitali |
| Davidson | Hanna | Miller, D. | Warren |
| Davis | Harkins | Mullery | Wheatley |
| Dawkins | Harris, J. | Neilson | Youngblood |
| Dean | Hennessey | Neuman | |
| Deasy | | | |

**NOT VOTING–0**

**EXCUSED–4**

Brown, V. | Christiana | Sankey | Watson |

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

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

**CALENDAR CONTINUED**

**BILL ON THIRD CONSIDERATION**

The House proceeded to third consideration of HB 218, PN 1236, entitled:

An Act to provide from the General Fund for the expenses of the Executive and Judicial Departments, the State Government Support Agencies and the General Assembly of the Commonwealth, the public debt and the public schools for the fiscal year July 1, 2017, to June 30, 2018, for certain institutions and organizations and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2017; to provide appropriations from the State Lottery Fund, the Tobacco Settlement Fund, the Aviation Restricted Account, the Hazardous Material Response Fund, The State Stores Fund, the Milk Marketing Fund, the Home Investment Trust Fund, the Emergency Medical Services Operating Fund, the Tuition Account Guaranteed Savings Program Fund, the Banking Fund, the Firearm Records Check Fund, the Ben Franklin Technology Development Authority Fund, the Oil and Gas Lease Fund, the Home Improvement
Account, the Cigarette Fire Safety and Firefighter Protection Act Enforcement Fund, the Commonwealth Financing Authority Debt Service Restricted Revenue Account, the Insurance Regulation and Oversight Fund, the Pennsylvania Racehorse Development Restricted Receipt Account, the Multimodal Transportation Fund, the State Racing Fund and the ABLE Savings Program Fund to the Executive Department; to provide appropriations from the Judicial Computer System Augmentation Account to the Judicial Department for the fiscal year July 1, 2017, to June 30, 2018; to provide appropriations from the Motor License Fund for the fiscal year July 1, 2017, to June 30, 2018, for the proper operation of several departments of the Commonwealth and the Pennsylvania State Police authorized to spend Motor License Fund money; to provide for the appropriation of Federal funds to the Executive and Judicial Departments of the Commonwealth and for the payment of bills remaining unpaid at the close of the fiscal year ending June 30, 2017; and to provide for the additional appropriation of Federal and State funds from the General Fund, the State Lottery Fund and the Tobacco Settlement Fund for the Executive and Legislative Departments of the Commonwealth for the fiscal year July 1, 2016, to June 30, 2017, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2016.

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?

This is of course the budget bill, the general appropriation. We will not be able to vote on this bill until 5:15 p.m., given the 24-hour notice rule, but we are permitted, as you know, to begin debate.
The other item that is of importance is, because it is a General Fund appropriations bill, our rules do limit discussion to 5 minutes per person on the bill. And outside the leaders and the Appropriations chairs, everybody is limited to one opportunity to speak, if you so desire.

We are going to begin with the majority Appropriations chair, Stan Saylor, of York County.

Chairman Saylor.

Before you begin, Mr. Chair, if you will just give me a minute.

Members, I really would ask you to take your seats. Members, please take your seats.

This is the General Fund appropriations bill. I would very much appreciate it if everybody could take their seats. I know we have a lot of staff members here for such an important piece of legislation, but I would ask conversations to go off the House floor. Members, please take your seats.

Both the majority chair and the Democratic chair should be given the opportunity to be heard. Members, please take your seats.

Sergeants at Arms, if you could close the doors. Obviously, you can let people in and out, but if you could close the doors. Members, come to the floor.

And Chairman Saylor, you may proceed, sir.

Mr. SAYLOR. Thank you, Mr. Speaker.

I rise today to ask my colleagues to support HB 218, which is a responsible and sustainable budget for fiscal year 2017-18. The total spend number in this budget is $31.52 billion. This budget is a departure from past years and is a good first step in the direction of reinventing government. The citizens of Pennsylvania are tired of the status quo and are looking to Harrisburg to be innovative and responsible with their tax dollars. HB 218 answers that call by getting government back to its core functions and does not rely on any tax increases nor any borrowing. These are the issues that are important to the folks that we represent back home.

The budget that we will be voting on today represents a new kind of thinking here in Harrisburg. We cannot expect to continue borrowing and raising taxes to fund more State programs and spending. That is why this budget actually spends less than in the 2016-17 budget, while still making key investments in areas such as education.

The Governor has even said he is encouraged by this budget plan that embraces two of his shared priorities: one, decreasing the size of government through cutting and savings through those processes and protecting public education by increasing funding. Everyone here realizes the challenges that this budget faces. In order to close the deficit, hard choices had to be made. I believe that this budget can and should receive bipartisan support. We need to come together and be responsive to our constituents. HB 218 accomplishes that.

Education is a priority in this budget. The key investments in education are with $100 million more for basic education, $25 million more for special education, $20 million more for Pre-K Counts, $5 million more for Head Start, and a $220 million increase for our classroom teachers' pension system. Since the Governor introduced his budget proposal in early February, we have been able to use some of his data to recalculate our PSERS (Public School Employees' Retirement System) contribution, and that is where the $220 million comes from. With the passage of this budget, we will have invested more than $1 billion in pre-K to 12 education over the last 2 years. Additionally, this budget assumes a $75 million increase in our educational improvement tax credit that has previously been approved by this House in HB 250, which passed this House with bipartisan support.

HB 218 will provide an increase of $8.84 million for our State-owned universities and level funding for Penn State, Pitt, Temple, Lincoln, and our community colleges.

Realizing the need for more resources here to combat opioid addiction, this budget creates a new line item of $5 million for treatment of this deadly disease. There is also $1 million added to provide Narcan to our local emergency providers. We have added a $3 million line item as well to our system to provide drug courts in each of our counties.

Many members on both sides of the aisle have advocated for doing more to help those with intellectual disabilities and physical disabilities. HB 218 will provide those additional services to 3910 individuals with autism and intellectual disabilities, and 4428 more people with physical disabilities will receive services. It is important to note that Pennsylvania Advocacy and Resources for Autism and Intellectual Disability has come out and endorsed this bill. HB 218, because of the investment it makes in those services.

In an effort to reinvent government, we are moving the administration of our child-care programs back to the counties, the county assistance offices, to save taxpayers money, while still providing – and I repeat – while still providing the same level of child-care services.

The budget before us allows us to train three new classes of State troopers to ensure that our local communities are protected.
To pay for this budget, HB 218 accepts many of the proposals that Governor Wolf's February budget had. Roughly 60 percent of the cuts in this budget came from the Governor's proposal. The budget reflects the mergers of the Departments of Human Services, Health, Aging, and Drug and Alcohol. HB 218 also reflects the merger of the Department of Corrections and the Board of Probation and Parole.

The budget also makes cuts which allow for a total spend of $31.52 billion, which is below our current budget. In this budget we have eliminated many grant line items and reduced many administrative line items. We believe in leading the way here in the House of Representatives and in the General Assembly by reducing our own line items by 6 1/2 percent. This budget begins the process of stopping corporate welfare by reducing the tax credits that we issue here in Pennsylvania. This budget will also rely on revenue from expanded gaming and liquor reforms, which the House has passed numerous times, and we believe they are strong alternatives to raising taxes and borrowing more money.

I am asking all members for their support on HB 218. A budget that does not raise taxes, a budget that makes key investments in education is something that the people of Pennsylvania are looking for. This budget before us is a balanced and sensible budget that takes into account the issues that Republican and Democrat members have advocated for and includes many of the Governor's budget proposals. We need to come together and vote for this budget which is in the best interest of all Pennsylvanians.

Thank you, Mr. Speaker.

The SPEAKER. Thank you, Representative Taylor.

Representative Joe Markosek, the minority Appropriations chair, the floor is yours.

Mr. MARKOSEK. Thank you, Mr. Speaker.

You know, earlier this morning, as we debated a bill to exempt certain people from having to pay the inheritance tax, it was said that we need to do these kinds of things so we can do more things in the future. We have heard this rationale before. My colleagues and I – and the average Pennsylvania taxpayer – are still waiting for this Republican strategy to work.

When Tom Corbett was Governor and Republican majorities reigned in the legislature, we cut a laundry list of business taxes. One of those was a family farm exemption from the inheritance tax, another was the phaseout of the capital stock and franchise tax, and another was an increase in the net operating loss cap. The Corbett administration forecasted what all of these Republican moves would mean financially to the Commonwealth's revenues through the 2017-2018 fiscal year. The Corbett administration predicted all of those major tax savings initiatives would erase $6 billion from our General Fund ledger – $6 billion.

And look at where that has gotten the Commonwealth of Pennsylvania. We have a structural deficit of $2 billion and we have a revenue shortfall of $680 million. Are we asking these same businesses that needed our help to give a little back? No. Not only are we not doing that, but this Republican budget fails to include the specialized and targeted revenue enhancers that an overwhelming majority of Pennsylvanians support – things like a Marcellus Shale severance tax. Instead, this Republican budget looks, once again, to take from Pennsylvanians who need greater access to early childhood education. The Republican budget proposal strikes funding for the safe schools initiative. The Republican budget proposal cuts $31 million from programs for senior citizens and people with disabilities. The Republican budget proposal removes a purely businesslike move to lease-leaseback the Pennsylvania Farm Show. The Republican budget proposal deletes $52 million for child care. And the Republican budget proposal cuts $5 million from mental health services.

I heard someone say this Republican budget bill is sustainable. I think they probably believe it is sustainable because they have been doing this to Pennsylvania taxpayers for a very long time. The economy is growing and more people are working, yet we move on Pennsylvania taxpayers like they are the ones that have done something wrong. This Republican budget bill cuts into the bone that many of us agree is already bare.

It is good we are moving forward in early April, certainly, on the Commonwealth's budget. Expendiency, however, should not claim common sense as a victim; it should reward Pennsylvanians who have gotten us through this storm. When do we stop punishing Pennsylvanians for the budgetary policy of the Republican majorities?

I will be voting "no" on this Republican budget proposal and urge all the members in the General Assembly to do the same. Thank you, Mr. Speaker.

The SPEAKER. Representative Greg Vitali.

Mr. VITALI. Thank you, Mr. Speaker.

Mr. Speaker, from the perspective of the environment, this is an irresponsible budget that puts the health of Pennsylvania's citizens and the environment at risk. This cuts 9 additional million dollars from an already emaciated Department of Environmental Protection budget. It is simply irresponsible. Since the year 2002, 600 positions have been lost at the DEP and 40 percent cut in their general fund's moneys, and this cuts it even further. This irresponsibility and this putting of public health at risk have been confirmed by Federal agencies and nonprofit organizations.

This past December the EPA (Environmental Protection Agency) warned the Department of Environmental Protection that they have inadequate staffing to monitor the 8,500 drinking water systems. According to the EPA, this creates a serious public health risk. The average DEP inspector has twice the workload nationwide. With regard to air quality, a 2015 EPA audit indicated the DEP has insufficient staff to monitor air quality. Fewer companies' air quality is being monitored and their data is being looked at less often.

With regard to stream protection, the Division of Water Quality Standards has informed me they are 12 to 18 water protection biologists short. There is only one water protection biologist for the whole Pittsburgh region, only one. This creates the risk of more pollution to our rivers and the fact that pollution will go undetected for a longer period of time.

The Chesapeake Bay. We are not meeting our obligations to reduce runoff from Pennsylvania's 36,000 farms to the Chesapeake Bay. This creates dead zones in the bay and has hurt the oyster industry. We simply do not have enough DEP staff to monitor Pennsylvania's farms.

The oil and gas program. We have lost 38 people since Governor Wolf took office. People complain about permits not being turned around quickly enough – when you lose this sort of personnel, I think there is a good indication. Mr. Speaker, we have fewer inspectors at the DEP and this increases the risk of spills and leaks and other damage to the public.
Surface mining. We are putting miners’ lives at risk. Last March the U.S. Department of the Interior warned we had an insufficient number of compliance inspectors, and not only does this put miners’ lives at risk, but it increases the risk of pollution to rivers.

Abandoned wells. There are about between 475,000 and 750,000 abandoned wells in Pennsylvania. This increases the risk of explosion and also increases the risk of greenhouse gas.

Mr. Speaker, it is an absolute disgrace the way over time this body, the Senate, and the various Governors have allowed this very important department to atrophy. I talk with personnel. I talk with former Secretaries. I am out in the fields, Mr. Speaker. We need to reverse this trend. The Saylor bill cuts this an additional $9 million, and for that reason this budget should be rejected. Thank you.

The SPEAKER. Thank you, sir.
Representative Bryan Barbin.
Mr. BARBIN. Thank you, Mr. Speaker.

I rise in opposition to the bill. It is not a surprise. I would like to say one thing as we move forward, as this will go over to the Senate and it will be changed and it will come back. But common sense dictates that if we do not do anything else, if we really do have a structural deficit, we should at least try to get rid of the worst thing that we have in the budget, and the worst thing that we have in the budget is we spend $1.5 billion on charter schools. And you can have your own opinions about charter schools – how effective they are; choice is a good thing – but the one thing that is just an outrageous expense in a year that we are cutting $30 million from senior citizen programs is that we allow those moneys to be used for taxpayer-funded advertising. If you do not agree with me on anything else, you at least ought to really consider, should we not stop charter schools and cyber charter schools from taking hard-earned tax money and using it for a TV advertisement? That just has to stop.

The SPEAKER. Thank you, Representative Barbin.
Representative Frank Dermody, the minority leader, on HB 218.

Mr. DERMODY. Thank you, Mr. Speaker.

Mr. Speaker, I understand the desire to move this budget process forward, but we have a budget bill here today that was written solely by Republicans without any Democratic input at all.

Mr. Speaker, Pennsylvania needs a budget that reduces Pennsylvania’s growing deficit while making government more efficient and effective for families and small businesses. This budget falls far short, and this budget certainly does not do that.

This budget also falls far short of the Governor's request in early education programs and child care for working families and their kids. It includes large cuts that are detrimental to the health and safety of families and communities, and it falls far short of the bipartisan promise we made last year to effectively address Pennsylvania’s growing heroin and opioid addiction crisis.

This budget fails to make the investments we need to attract good family-sustaining jobs and to prepare our workers to fill those jobs. This budget ignores two things that a large majority of Pennsylvanians support. They support an increase in the State's minimum wage, and Pennsylvanians support a fair severance tax on gas drilling.

This plan, as we have just heard, also ignores the huge financial hole we already face. Just this week we learned that revenue collections for the current year are already $680 million behind projections. House Democrats join Governor Wolf in working for a budget that supports our schools, protects public health and safety, and reduces the deficit, while lowering costs for the individuals, families, and small businesses that bear most of the burden of funding State government. That is why the State budget must include a sincere effort to close business tax loopholes and end the built-in advantages that allow large corporations and the very wealthy to avoid paying their fair share.

Pennsylvania needs a budget that truly works for all people, especially working people in the middle class, not just the wealthy few. That is why we should vote "no" today on HB 218.

Thank you, Mr. Speaker.

The SPEAKER. Thank you, Representative Dermody.
Majority Leader, Representative Dave Reed.
Mr. REED. Thank you very much, Mr. Speaker.

You know, every 2 years we begin a new session, and as we begin a new session, we have a new beginning. And with that new beginning gives us a new opportunity, a new opportunity to look at public policy, and ultimately, generally in the first couple months of that new session, a new opportunity to examine the budget process here in Pennsylvania.

And as I look at that new opportunity before us right now, I cannot help but step back as majority leader and think of the successes and the failures of the last 2 years. There have been good moments and bad moments; moments of working together and moments of standing apart. And as I look back at the last 2 years, I try not to just learn from those 2 years but I also try to imagine, where do we want to be 2 years from now? Where do we want this body to be? Where do we want this budget process to be? Where do we want this State to be? And as I think of that question, I try not to think of it just as majority leader, I try not to think of it just as the legislator from the 62d District in Indiana County; I try most importantly to think of it as a father and as a husband. What do I want as a husband and father of three children from my government? What do I want to see my government and the State of Pennsylvania focused on over the next 2 years?

And basically, I come to five different conclusions. Number one, I want a government that is the most effective, efficient government at the lowest possible cost to the taxpayer. Number two, I want a government that has the least amount of intrusion in my life on a daily basis. Number three, I want a government that provides for the core functions, the core responsibilities that we think of coming from our government – things like infrastructure, education, and true safety net programs. Fourth, I want a government that protects us. That means fire, that means police, and at the Federal level, that means our military. And fifth and finally, I want a government that does the top four things on a daily basis without having to think about government operating, without our citizens having to worry, is government functioning today? Are our schools going to close down? Are our human services going to be there and be provided for our neediest citizens? Are we going to be protected in the case of an emergency? I want a government that functions.
Today we have an opportunity. We have got an opportunity to bring sanity, to bring predictability, and to bring affordability back to our State budget process. We begin the process at this moment, at this hour, on this day, of restructuring and reinventing how government operates in this State.

Now, this budget may not be perfect, but this budget accomplishes many core goals that we as Republicans and Democrats say that we stand together on. This budget looks to address the major cost drivers that continue to plague our budget situation year after year after year, from pension and debt obligations to our correctional spending to entitlement programs. This budget seeks to bring those costs back in line with reality, and while doing so, this budget increases funding to pre-K through 12 education programs across the Commonwealth, and it actually completes a 3-year commitment of this House to increase our investment in pre-K through 12 programs by over $1 billion – $1 billion in additional investments in our children's future are completed through this budget we are about to vote on here today. It brings down the waiting list for our neediest citizens who have been waiting so long for services they and their families desperately need and deserve. And it increases funding to fight the plague of opioid addiction across this Commonwealth.

We accomplish those goals today through this budget without raising taxes on working families, without increasing borrowing to spend today for our children to pay back tomorrow, and this budget actually gets expenditure in line with revenues. It spends less money than last year's budget proposal.

So today we have a chance. We have got a chance to begin the process of changing our budget, a chance to begin the process of changing our government. As we are about to vote on HB 218, I would leave you with this quote, ironically from a Democratic President in his inaugural address. F.D.R. was quoted as saying, quote, "There are many ways of going forward, but only one way of standing still."

Mr. Speaker, we have the opportunity today to not accept the one way of standing still, the one way of ensuring the status quo will continue to live on in the State of Pennsylvania. We can choose to have the courage to pick up the charge, to reinvent and restructure government, and to finally begin the process of moving Pennsylvania forward together.

I encourage you to support this budget, to move this process along, and let us move PA in the right direction. Thank you, Mr. Speaker.

MOTION TO PROCEED TO CONSIDERATION UNDER RULE 24

The SPEAKER. Representative Reed, a motion.

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

I would make a motion to proceed to the immediate consideration of HB 271 and HB 218.

Thank you, Mr. Speaker.

The SPEAKER. Thank you, sir.

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

The SPEAKER. Representative Dermody, with respect to that motion, sir.

Mr. DERMODY. Thank you, Mr. Speaker.

Mr. Speaker, I would urge the members to support the motion to proceed on HB 218 and HB 271.

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

YEAS–167

Baker Emrick Knowles Rapp
Barbin Evankovich Kortz Readshaw
Barrar Evans Kalik Reed
Benninghoff Everett Lawrence Reese
Bizzarro Furry Longietti Roe
Bloom Fee Mackenzie Roebuck
Boback Fitzgerald Madden Rothman
Briggs Flynn Maher Rozzi
Brown, R. Frankel Mako Ryan
Bullock Fritz Maloney Saccone
Burns Gabler Markosek Sainato
Caltagirone Galloway Marshall Santora
Carroll Gergely Marsico Saylor
Causer Gillespie Masser Schmell
Cephass Godshall McClintock Schlossberg
Charlton Goodman McGinnis Schweder
Cimmita Greiner Meaffie Simmons
Cook Grove Mentzer Sims
Dobin Haggerty Metcalfe Snyder
Corr Hahn Micarelli Solomon
Costa, D. Hanna Millard Sonney
Costa, P. Harkins Moul Staats
Cox Harper Murt Stephens
Cruz Harris, A. Mustio Sturla
Culver Heffley Neilson Taylor
Dellwo Helm Nelson Tohaji
Davies Hickersen Nesbit Toepel
Dawkins Hill O'Brian Toohil
Day Irish O'Neall Toper
Deasy James Oberlander Vitale
DeLissio Jozwik Orttay Walsh
Delozier Kampf Pashinski Ward
De Luca Kauffer Peifer Werner
Dermody Kauffman Petracca Warren
Diamond Kavulich Petrash Wentling
DiGirolamo Keever Pickert Wheeland
Donatucci Keller, F. Pyle White
Dowling Keller, M.K. Quigley Zimmerman
Driscoll Keller, W. Quinn, C.
Dunbar Kinsey Quinn, M. Turza,
Dush Klunk Rader Speaker
Ellis

NAYS–31

Boyle Gainey McCarver Rabb
Bradford Gillen McNeill Ravenstahl
Conklin Harris, J. Metzgar Samuelson
Daley Hennessey Miller, B. Tallman
Davidson Kim Miller, D. Thomas
Dean Kirkland Milne Wheatley
Driscoll Keller, W. Quinn, C.
Dunbar Kinsey Quinn, M. Turza,
Dush Klunk Rader Speaker
Ellis

NOT VOTING–0

EXCUSED–4

Brown, V. Christiana Sankey Watson
A majority of the members required by the rules having voted in the affirmative, the question was determined in the affirmative and the motion was agreed to.

The SPEAKER. We will now proceed to votes on HBs 218 and 271.

CONSIDERATION OF HB 218 CONTINUED

On the question recurring,

Shall the bill pass finally?

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

The following roll call was recorded:

YEAS–114

Baker Gabler Marshall Reese
Barrar Gillen Marsico Roae
Benninghoff Gillespie Masser Roe
Bernstine Godshall Mehaffie Rothman
Bloom Greiner Mentzer Ryan
Boback Grove Metcalfe Saccone
Brown, R. Hahn Metzgar Santora
Causer Harris, A. Mccarelli Saylor
Charlton Heffley Millard Schel
Cook Hlh Miller, B. Simmons
Corbin Hickernell Milne Sonney
Corr Hill Moul Staats
Cox Irvin Murt Stephens
Culver James Mustio Tallman
Cutler Jozwiak Nelson Taylor
Day Kampf Nesbit Tobash
Delozier Kaufer O'Neill Toepel
Diamond Kaufman Oberlander Tohill
Dowling Keffer Ornay Toppin
Dunbar Keller, F. Peifer Walsh
Dush Keller, M.K. Petri Ward
Ellis Klunk Pickett Warner
Emrick Knowles Pyle Wentling
English Lawrence Quigley Wheeland
Evanovich Lewis Quinn, C. White
Everett Mackenzie Quinn, M. Zimmerman
Farley Maher Rader
Farrer Major Rapp Turziak
Fitz Fako Rapp Turzai
Fritz Maloney Reed Speaker

NAYS–84

Barbin DeLissio Hennessey O'Brien
Bizzarro DeLuca Kavulich Pashinski
Boyle Dermyo Keller, W. Petrarca
Bradford DiGiolamo Kim Rabb
Briggs Donatucci Kinsey Ravenstahl
Bullock Driscoll Kirkland Readshaw
Bums Evans Korz Roeuck
Calitgerone Fabrizio Krueger Rozi
Carroll Fitzgerald Kulik Sainato
Cephas Flynn Longietti Samuelson
Commissa Frankel Madden Schlossberg
Conklin Freeman Markosek Schweger
Costa, D. Gainey Matzie Sims
Costa, P. Galloway McCarter Snyder
Cruz Gergely McClinton Solomon
Daley Goodman McGinnis Sturla
Davidson Haggerty McNeill Thomas
Davis Hanna Miller, D. Vitali
Dawkins Harkins Mullery Warren
Dean Harper Neilson Wheatley
Deasy Harris, J. Neuman Youngblood

NOT VOTING–0

EXCUSED–4

Brown, V. Christiana Sankey Watson

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

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

The SPEAKER. Representative Ortitay calls up HB 271—

I apologize.

REMARKS SUBMITTED FOR THE RECORD

The SPEAKER. Representative Hennessey, my apologies.

For what purpose does the gentleman rise?

Mr. HENNESSEY. I would like to submit remarks for the record with regard to the passage of HB 218.

The SPEAKER. Yes, sir.

Mr. HENNESSEY. Thank you.

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

I ask my colleagues to vote "no" on HB 218, even though I recognize this bill is the start of a process and not reflective of an end budget product.

The pivotal issue for me is the incorporation into the bill of the proposed merger of the Departments of Health, Human Services, Aging, and Drug and Alcohol in a new Department of Health and Human Services. HB 144 would move Drug and Alcohol to the proposed DHHS, HB 254 would move Health to the proposed DHHS, and HB 257 would move Human Services to the proposed DHHS.

While I have heard the statement from our leadership that the adoption of the DHHS format should not be taken as an agreement sanctioning adoption of the proposed merger, it would certainly be viewed as an endorsement by the public and media, and tomorrow's headlines would read, "House Adopts Proposed Merger Plan," and "Merger Plan Moves Ahead in House Vote." The Senate will certainly read it that way. A proposed merger will gain momentum even while our leadership says it is still up for discussion and review by the committee. Our leadership has put it in this bill.

The Department of Aging runs an efficient, lean operation with a total budget of $800 million, all run by 102 employees totally paid for from the Lottery Fund. Look at the budget printout we received yesterday – no mention of Aging, because Aging does not draw from the General Fund.

I heard the proposed merger would benefit the State by reducing money paid by PACE (Pharmaceutical Assistance Contract for the Elderly) and PACENET (Pharmaceutical Assistance Contract for the Elderly Needs Enhancement Tier). Any saving from reducing dispensing fees would go back to or remain in the Lottery Fund. Look at the budget printout we received yesterday – no mention of Aging, because Aging does not draw from the General Fund.

I heard the proposed merger would benefit the State by reducing money paid by PACE (Pharmaceutical Assistance Contract for the Elderly) and PACENET (Pharmaceutical Assistance Contract for the Elderly Needs Enhancement Tier). Any saving from reducing dispensing fees would go back to or remain in the Lottery Fund. Look at the budget printout we received yesterday – no mention of Aging, because Aging does not draw from the General Fund.

Aging's 102 employees would be lost, and 17,300 Human Services employees and the "voice of the elderly" would be diminished. Just when, by 2020, 25 percent of Pennsylvania's population will be 60 or older.

Aging's $800 million budget would be dwarfed by the new Health and Human Services budget of $40 billion – 50 times the Aging budget, and bigger than the Pennsylvania General Fund budget. It would be larger than all States except California, New York, and Texas, and maybe one or two others.
We have all experienced this past year the debacle when Human Services engaged MAXIMUS to take over the Aging waiver. MAXIMUS began April 1 with the independent enrollment of seniors. Our seniors’ applications were lost or delayed for months and months for needed services. Your district office phones were likely ringing off the hook with complaints about MAXIMUS. One year later problems are still being corrected.

You have likely heard that Human Services have issued and reissued requests for proposals four separate times because they did not issue them correctly and chose not to defund it on appeal. The announced startup dates for the Community HealthChoices program have had to be rescheduled at least three times because Human Services has tried to move too fast. And for years Human Services has paid MAXIMUS $950 for enrollment – while paying our AAAs only $95 for the same service enrollments.

Why on earth would we want to increase the responsibilities of Human Services when they made so many, many mistakes on serious issues affecting our citizens?

But HB 218 does just that. Despite all the problems at Human Services, this bill would make them the lead department. We will hear again and again that this bill will change, but the die will have been cast about the merger. It would have made more sense for HB 218 to reflect our current structure of government, to have maintained the status quo, but instead, it endorses the merger that should be much better deliberated – as our committees are trying to do.

Our citizens deserve better. Our seniors deserve better. We should fix the obvious problems. I ask for a “no” vote on HB 218.

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of HB 271, PN 1237, entitled:

An Act amending Title 4 (Amusements) of the Pennsylvania Consolidated Statutes, in general provisions, further providing for definitions; in Pennsylvania Gaming Control Board, further providing for general and specific powers, for regulatory authority of board and for reports to board; in licensees, further providing for supplier licenses and for manufacturer licenses; providing for airport gaming; and, in administration and enforcement relating to gaming, further providing for compulsory and problem gambling program and for prohibited acts and penalties.

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 Representative Jason Ortitay.
Mr. ORTITAY. Thank you, Mr. Speaker.

This bill was amended in Appropriations to include tablet gaming at State College airport and the Latrobe airport. Thank you.

The SPEAKER. Thank you, sir.

On the question recurring,
Shall the bill pass finally?

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

The following roll call was recorded:

YEAS–142

Barrar   Dunbar   Knueger   Rader
Benninghoff   Ellis   Kalik   Ravenstahl
Bernstine   English   Lewis   Readshaw
Bizzarro   Evans   Longietti   Reed
Bloom   Everett   Madden   Reese
Boyle   Fabrizio   Mahler   Roae
Briggs   Farry   Mako   Roebuck
Brown, R.   Fitzgerald   Maloney   Rothman
Bullock   Flynn   Markosek   Rozzi
Caltagirone   Frankel   Marshall   Saccone
Carroll   Fritz   Marsico   Santora
Causer   Gabler   Masser   Saylor
Cephas   Gergely   Matzie   Schemel
Charlton   Gillespie   McClintock   Schweyer
Comitta   Godshall   Mehaffie   Simmons
Conklin   Grove   Metzgar   Sims
Cook   Haggerty   Miccarelli   Snyder
Corbin   Hahn   Millard   Solomon
Cor   Harkins   Moul   Sonney
Costa, D.   Harris, A.   Mullery   Staats
Costa, P.   Harris, J.   Mustio   Stephens
Cox   Heffley   Neilson   Sturla
Cruz   Helm   Nelson   Taylor
Cutler   Hennessey   Nesbit   Thomas
Davis   Hill   Neuman   Toepel
Dawkins   Irvin   O'Brien   Toohil
Deasy   James   O'Neill   Topper
DeLissio   Jozwiak   Oberlander   Walsh
Delozier   Kampf   Oritay   Ward
DeLuca   Kaufman   Paehnisko   Warner
Dermody   Kavulich   Petrarcia   Warren
Diamond   Keller, M.K.   Petri   Wheeland
DiGirolamo   Keller, W.   Pyle   White
Donatucci   Kinsey   Quigley
Dowling   Klunk   Quinn, C.   Turzai,
Driscoll   Kortz   Quinn, M.   Speaker

NAYS–56

Baker   Freeman   Knowles   Rabb
Barbin   Gainey   Lawrence   Rapp
Boback   Galloway   Mackenzie   Roe
Bradford   Gillen   McCarter   Ryan
Burns   Goodman   McGinnis   Sainato
Culver   Greiner   McNeill   Samuelson
Daley   Hanna   Mentzer   Schlossberg
Davidson   Harper   Metcalfe   Tallman
Day   Hickenell   Miller, B.   Tobash
Dean   Kauffer   Miller, D.   Vitali
Dush   Keever   Milne   Wentling
Emrick   Keller, F.   Murt   Wheatley
Evankovich   Kim   Peifer   Youngblood
Fee   Kirkland   Pickett   Zimmerman

NOT VOTING–0

EXCUSED–4

Brown, V.   Christiana   Sankey   Watson

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

Ordered, That the clerk present the same to the Senate for concurrence.
BILLS ON SECOND CONSIDERATION

The House proceeded to second consideration of HB 741, PN 807, entitled:

An Act amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in minors, further providing for sentences and penalties for trafficking drugs to minors and for drug-free school zones; in other offenses, further providing for drug trafficking and sentencing and penalties; and, in sentencing, further providing for sentences for offenses committed with firearms, for sentences for certain drug offenses committed with firearms, for sentences for offenses against elderly persons, for sentences for offenses committed while impersonating a law enforcement officer, for sentences for failure to comply with registration of sexual offenders and elderly persons, for sentences for offenses against infant persons, for sentences for offenses committed on public transportation, for sentences for offenses against offenses committed with firearms, for sentences for certain drug offenses committed with firearms, for sentences for offenses against certain drug offenses committed with firearms, for sentences for offenses against

penalties; and, in sentencing, further providing for sentences for offenses committed with firearms, for sentences for certain drug offenses committed with firearms, for sentences for offenses against elderly persons, for sentences for offenses against infant persons, for sentences for offenses committed while impersonating a law enforcement officer.

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

The SPEAKER. There are quite a few amendments, and I am going to go by author of the amendment. We will begin with Representative Stephens himself.

Representative Stephens, you have amendments 659, 663, and 666. Will any of those be withdrawn or we will be addressing each of those?

Mr. STEPHENS. Mr. Speaker, I will be withdrawing amendments 659 and 666.

The SPEAKER. At this time we will call up amendment 663.
Thank you, sir.

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

Mr. STEPHENS offered the following amendment No. A00663:

Amend Bill, page 2, line 10, by inserting after "years"

| one year |

Amend Bill, page 2, line 4, by inserting after "years"

| two years |

Amend Bill, page 2, line 9, by inserting a bracket before "two"

| one year |

Amend Bill, page 2, line 10, by inserting after "years"

| one year |

Amend Bill, page 4, lines 15 through 30; page 5, lines 1 through 8; by striking out all of said lines on said pages and inserting

(a) General rule.—[A]

(1) Except as provided under paragraph (2), a person 18 years of age or older who is convicted in any court of this Commonwealth of a violation of section 13(a)(14) or (30) of the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act, shall, if the delivery or possession with intent to deliver of the controlled substance occurred within 1,000 feet of the real property on which is located a public, private or parochial school or a college or university or within 250 feet of the real property on which is located a recreation center or playground or on a school bus, be sentenced to a minimum sentence of at least [two years] one year of total confinement, notwithstanding any other provision of this title, The Controlled Substance, Drug, Device and Cosmetic Act or other statute to the contrary. The maximum term of imprisonment shall be [four] two years for any offense:

(1) (1) subject to this section; and

(2) (3) for which The Controlled Substance, Drug, Device and Cosmetic Act provides for a maximum term of imprisonment of less than [four] two years.

(2) With respect to a college or university, the provisions of paragraph (1) shall not apply to a violation if the controlled substance is marihuana or hashish.

(3) If the sentencing court finds that the delivery or possession with intent to deliver was to an individual under 18 years of age, then this section shall not be applicable and the offense shall be subject to section 6314 (relating to sentencing and penalties for trafficking drugs to minors).

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

The SPEAKER. Representative Stephens, on the amendment.

Mr. STEPHENS. Thank you, Mr. Speaker.
Amendment 663 would go ahead and increase the mandatory minimum sentence for drug trafficking to minors from 1 year to 2 years, and it would decrease the additional mandatory minimum where there is an aggravating factor for drug trafficking to minors from 2 years to 1 year. It also decreases the mandatory minimum sentence for drug offenses in a school zone from 2 years to 1 year, and eliminates drug offenses involving marijuana from the school zone mandatory if the offense occurs on or near a college or university.

The SPEAKER. Will the House agree to the amendment?
Representative Jason Dawkins, on the amendment, sir.

Mr. DAWKINS. Thank you, Mr. Speaker.
I have a question for the maker of the bill? Is the intention—

The SPEAKER. Sir, hold on just one second.

The good gentleman has indicated he will stand for questioning. Representative Dawkins, you may proceed, sir.

Mr. DAWKINS. Thank you, Mr. Speaker.
Just to get clarity, is the intention of this particular amendment to allow individuals to sell drugs or any possession of drugs within colleges but not in schools? Is that the intention of this amendment—

Mr. STEPHENS. No, not—

Mr. DAWKINS. —that we are giving college students a pass?

Mr. STEPHENS. No, not at all, Mr. Speaker.

Mr. DAWKINS. So on line 3 in the amendment, where it says committed offense within 100 feet of a school, college, or university versus, what is it, 500 feet within a bus stop? Because it was kind of confusing, because it says it is decreasing the minimum sentence for "delivery or possession with intent to deliver" drugs and an adult within 1,000 feet of a school or within 200 feet of a recreation center. But it seemed as if the colleges do not have that same standard. I am just trying to get some clarity on it.

Mr. STEPHENS. The colleges— Are you talking about in the underlying bill or are you talking about in the amendment or are you talking about current law?

Mr. DAWKINS. The amendment.

Mr. STEPHENS. Sure. Yeah. So the idea was to pull out any issues concerning marijuana at colleges and universities from the school zone mandatory. All the other same criminal provisions apply, whether it is an ungraded misdemeanor or an ungraded felony, depending on the amount, depending on the circumstances, all those other provisions still apply. The mandatory minimums for weight still apply. If you are dealing, you know, larger quantities of marijuana, then obviously you are going to have to deal with those weight mandatories as well.
All this does is actually remove the school zone mandatory at colleges and universities for marijuana.

Mr. DAWKINS. So I guess that is the question, why would we remove colleges and universities from those same mandatory practices that we have for any other school system that we have in the Commonwealth?

Mr. STEPHENS. So there were a number of folks who had suggested, with the evolving view of marijuana—

Mr. DAWKINS. I am sorry, Mr. Speaker, I cannot hear you.

Mr. Speaker, I cannot hear him.

The SPEAKER. Yes, please, members— I apologize, Representative Dawkins and Representative Stephens. Members, please take your seats. Members, please take your seats.

Representative Stephens, you may proceed, sir.

Mr. STEPHENS. Thank you, Mr. Speaker.

So to answer your question, Representative, one of the things that a number of folks who have been critical of this bill have raised are cost issues. Trying to take a look at ways to more narrowly focus our efforts, in an effort to keep an eye on any fiscal impact that this bill would have caused us to sort of reexamine some of the different policies, and in this particular amendment, one of things that I noticed was we had tougher penalties for adults delivering in a school zone than we had for an adult delivering to a minor. And in my mind, we ought to be providing greater protections for minors. And so that is why this amendment reduces the school zone mandatory from 2 years to 1 year but increases the sale-to-minor mandatory from 1 year to 2 years, because in my mind, the focus ought to be on protecting our kids.

As it relates to the colleges and universities, the prevailing wisdom was that with colleges and universities, you are dealing with students who are now living on their own and ought to be able to be better equipped to make their own decisions. And if we are going to try to, again, sort of evolve — there is this evolving thought on marijuana across not only the Commonwealth, but across the country — so the idea was, okay, we will go ahead and we will exempt-out marijuana at colleges and universities and exclude them from the school zone mandatory, but they are still subject to all the other mandates.

So if you deal to a minor, for instance, at a college or university, you are still going to be subject to the delivery-to-a-minor mandatory. If you are dealing in larger quantities of marijuana, you are still going to be subject to the weight mandatory, you are just not going to be subject to the mandatory for being within 1,000 feet of a college or university if you are dealing with one of the smaller amounts of marijuana.

Mr. DAWKINS. So one more question, Mr. Speaker, and I do thank you for that answer. What happens in an event that a school is within the boundaries of a college? Does that provision still stand?

Mr. STEPHENS. So all the provisions concerning schools would still remain. It is only the college or university measurement that would go away.

Mr. DAWKINS. So the mandatory, the mandatory enhancement would stand if a college is within 1,000 feet of that school, correct?

Mr. STEPHENS. The only thing that would trigger it would be being within 1,000 feet of the school. The college would no longer trigger the school zone mandatory within 1,000 feet as it relates only to marijuana.

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

The SPEAKER. Representative Dawkins, on the bill, sir.

Mr. DAWKINS. So I stand in opposition of this amendment and I also stand in opposition of this bill, because from the speaker's own description, he stated that we are removing universities because kids or young adults are now forced to live on their own. So it sounds as if we are okay with college students making a living off of marijuana but we are not okay if that individual did not attend college. I think that sets a very bad precedent for this body to essentially say that we are willing to give you a mandatory minimum if you feel the need that you need a subsidy such as marijuana selling on the side and is permissible if you go to a university or a college but is not permissible if you do not. I truly believe that is not the direction we should be going into.

I would be standing, again, in opposition, and I would hope that all of my colleagues kind of stand with me and with other folks who have been railroaded over the years of small sales of marijuana that has ruined their chances to ever have gainful employment. And we are talking about a particular substance that we are looking to legalize through our medical practices and maybe one day legalize in a recreation standpoint, and I think it is really dangerous for us to have a mandatory minimum for those who were not able or afforded the opportunity to go to college. Thank you.

The SPEAKER. Representative Stephens.

Mr. STEPHENS. Mr. Speaker, may I just respond to that last piece there?

The SPEAKER. Representative Stephens, on the amendment you will only be able to speak twice. If you want to wait to see if there is any other debate—

Mr. STEPHENS. That is fine.

The SPEAKER. —so that you can reserve that opportunity and if— But I will definitely call on you again.

Does anybody else wish to address this amendment?

Representative Stephens.

Mr. STEPHENS. Thank you, Mr. Speaker.

Mr. Speaker, as it relates to the gentleman from Philadelphia’s comments, I certainly respect and appreciate them, and there is no requirement that you be enrolled in college or that you have a college degree or anything else like that. The school zone mandatory is triggered by simple geography, so there are plenty of folks who are charged with a school zone mandatory because they are within 1,000 feet of a college or university who have absolutely nothing to do with the college or university. And the aim of this amendment was to try to reduce that impact a little bit. And I think from my research over at looking with the numbers and the number of beds, this amendment would have a dramatic reduction in the number of folks and the number of beds required by the Department of Corrections for the school zone mandatory, most specifically because we are dropping it in half from 2 years to 1 year for the school zone mandatory, and that is the big impact.

So again, I appreciate the member’s concern and his comments, and I would respectfully request the members’ support for this amendment.

Thank you, Mr. Speaker.
LEAVES OF ABSENCE

The SPEAKER. Representative Mike STURLA has requested to be placed on leave, without objection, and Representative Bryan BARBIN has requested to be placed on leave. Without objection, those will be granted.

CONSIDERATION OF HB 741 CONTINUED

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

The following roll call was recorded:

YEAS–112

Barrar  Gabler  MacKenzie  Roae
Benninghoff  Galloway  Maher  Rohr
Bernstine  Grechely  Mako  Rothman
Bizzarro  Gillespie  Marshall  Saccone
Bloom  Godshall  Marsico  Saitano
Brown, R.  Greiner  McGinnis  Samuelson
Bums  Grove  Mehaffie  Santora
Charlton  Hahn  Mentzer  Saylor
Conklin  Hanna  Metzgar  Schemel
Cook  Harper  Mccarelli  Simmonds
Corbin  Harris, A.  Millard  Snyder
Corr  Helm  Moul  Sonney
Costa, D.  Hennessey  Mullery  Stephens
Cox  Hickernell  Mustio  Tallman
Cutler  Hill  Nesbit  Taylor
Day  Irwin  Neuman  Tobash
Delozier  James  O'Neill  Toepel
DeLuca  Jozwiak  Oberlander  Toobil
DiGiroldo  Kampf  Peifer  Topper
Dowling  Kaufer  Petrarcia  Ward
Dush  Kaufman  Petri  Warner
Ellis  Keefe  Pickett  Wentling
Emrick  Keller, F.  Pyle  Wheatland
Evankovich  Keller, M.K.  Quigley  White
Everett  Klunk  Quinn, C.  Zimmerman
Farry  Knowles  Quinn, M.  Zimmerman
Fee  Lawrence  Rader  Turzai
Freeman  Lewis  Reed  Speaker
Fritz  Longietti

NAYS–84

Baker  Dermody  Kinsey  Oritat
Boback  Diamond  Kirkland  Pashinski
Boyle  Donatucci  Kortz  Rabb
Bradford  Driscoll  Krueger  Rapp
Briggs  Dunbar  Kulik  Ravenshall
Bullock  English  Madden  Readshaw
Caltagirone  Evans  Maloney  Reese
Carroll  Fabrizio  Markovetz  Reobuck
Causer  Fitzgerald  Masser  Rozzi
Cephas  Flynn  Matzie  Ryan
Comitta  Frankel  McCarter  Schlossberg
Costa, P.  Gainey  McClinton  Schweyer
Cruz  Gillen  McNeill  Sims
Culver  Goodman  Metcalf  Solomon
Daley  Haggerty  Miller, B.  Stasas
Davidson  Harkins  Miller, D.  Thomas
Davis  Harris, J.  Milne  Vitali
Dawkins  Heffley  Murt  Walsh
Dean  Kaulich  Neilson  Warren
Deasy  Keller, W.  Nelson  Wheatley
Delladio  Kim  O'Brien  Youngblood

NOT VOTING–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. Representative Petrarca has six amendments, and, Representative Petrarca, if you could just tell me which ones, if you are withdrawing any of those amendments, sir? No; you are going to be calling on each and every amendment. Okay. We will start with amendment 602, and then you have amendments 603, 608, 609, 610, and 628.

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

Mr. PETRARCA offered the following amendment No. A00602:

Amend Bill, page 17, line 23, by striking out "and" where it occurs the third time and inserting a comma
Amend Bill, page 17, line 24, by inserting after "(e)" , 9717, 9718(c) and (e), 9718.4 and 9719(b) and (d)
Amend Bill, page 21, lines 20 and 21, by striking out all of said lines
Amend Bill, page 21, line 23, by striking out all of said line and inserting
(a) Mandatory sentence.–A person under 60 years of age convicted of the following offenses when the victim is over 60 years of age and not a police officer shall be sentenced to a mandatory term of imprisonment as follows:
18 Pa.C.S. § 2702(a)(1) and (4) (relating to aggravated assault) - not less than [two] three years.
18 Pa.C.S. § 3121 (relating to rape) - not less than [five] six years.
18 Pa.C.S. § 3123 (relating to involuntary deviate sexual intercourse) - not less than [six] years.
18 Pa.C.S. § 3922 (relating to theft by deception) - not less than [twelve] months, two years, but the imposition of the minimum sentence shall be discretionary with the court where the court finds justifiable cause and that finding is written in the opinion.
(b) Eligibility for parole.–Parole shall not be granted until the minimum term of imprisonment has been served.
Amend Bill, page 22, lines 10 and 11, by striking out all of said lines
Amend Bill, page 29, line 18, by striking out “5” and inserting 3

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

The SPEAKER. On the question, the Chair recognizes Representative Petrarca. You may proceed, sir.
Mr. PETRARCA. Thank you, Mr. Speaker.

This amendment, you know, as we continue to deal with mandatory minimum sentences in Pennsylvania, we continue to discuss if we should impose those sentences and how they affect judicial discretion and even how they are affected by the sentencing guidelines. What I am trying to do with this amendment simply is to raise the mandatory minimums 1 year for the most serious crimes affecting our elderly residents in Pennsylvania, certainly some of our most vulnerable residents. And again, this amendment increases the statute of limitations, increases the mandatory minimum regarding these citizens by 1 year.

The SPEAKER. Representative Todd Stephens, on the amendment, please.

Mr. STEPHENS. Thank you, Mr. Speaker.

Mr. Speaker, look, I am the one introducing the bill to restore all these mandatory minimum sentences. I would love to, love to support this amendment. Unfortunately, because of the way it is drafted, there are some unintended consequences that would frankly jeopardize public safety in a pretty dramatic way by allowing judges to sentence offenders without any parole. One of the things that is universally recognized across the country is the importance of reentry services for offenders, particularly dangerous offenders, and the fact that this amendment would permit judges to go ahead and sentence without any parole tail ultimately would seriously jeopardize public safety.

I would urge the members to oppose the amendment. Thank you, Mr. Speaker.

The SPEAKER. Thank you, sir.

Representative Cris Dush, on the amendment, sir.

Mr. DUSH. Thank you, Mr. Speaker.

I would like to back up the sponsor of this, or I mean, Representative Stephens on this.

When you have the judges cannot tack on the probationary supervision – I want to give a personal example out of the Department of Corrections in my experience. When we had an individual from Erie County that was maxing out, he told us flat-out he was going to rape another child. He was going after the children, but he was not going to leave a witness. We did everything we could up at Houtzdale to try and find some way to keep that guy in. He maxed out, he had no parole supervision, and within a matter of a couple weeks, we had the Office of Professional Responsibility down there looking at our records office in Houtzdale because he had left an 8-year-old child in a ditch for dead.

We need to have the supervision of these inmates once they have maxed out of their sentences. This type of stuff, I know it is an unintended consequence on this, but we cannot allow these guys to go out without additional supervision and the ability for the courts to supervise their transition into normal life. Thank you.

The SPEAKER. Representative Petrarca, for the second time.

Mr. PETRARCA. Thank you, Mr. Speaker.

I obviously listened to the previous two speakers, and this amendment has nothing to do with parole. It simply raises the mandatory minimum. And again, these are some very serious crimes that affect some of our most vulnerable residents; they are our senior citizens. And again, this amendment is about incarceration. It is about prison time. It is about raising the mandatory minimum. It is not about parole.

The SPEAKER. Representative Todd Stephens, on the amendment.

Mr. STEPHENS. Mr. Speaker, necessarily in sentencing in Pennsylvania, parole is always an issue because our laws require a minimum and a maximum. Well, as a result, when you start, when you start down this road and you actually impose mandatory minimums that would require exceeding a statutory maximum, you then run afoul of the minimum-maximum rule, which would then obviously cause that rule to be set aside, and of course now that means the judges could go ahead and impose flat sentences. Flat sentences mean that sex offenders, for instance, walk out of the doors of a prison with no conditions attached – no requirement that they not live with children, no requirement that they not hang out at the playground, no assistance in finding a job, no other reentry services at all that our own Department of Corrections and Board of Probation and Parole have said are so important and worthwhile, especially for violent offenders.

So again, I am certain it is an unintended consequence because I know the gentleman would not deliberately try to endanger the public and jeopardize public safety, but that is exactly what would happen if we adopt this amendment, and so I urge the members to vote "no."

Thank you, Mr. Speaker.

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

Mr. DERMODY. Thank you, Mr. Speaker.

Mr. Speaker, the maximum sentences are either 10 or 20 years, therefore it provides for years of parole upon release from serving your minimum if you are released upon serving your minimum. It simply is not the case. What happens here is, after you serve that minimum sentence, there is a long period of parole.

Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS–45

Baker
Bizzarro
Boback
Burns
Causer
Daley
Davis
Deasy
DeLuca
Dermody
Dunbar
Fabrizio

Farrar
Evans
Everett
Farry
Fee
Fitzgerald
Flynn
Frankel
Fritz

Millard
Gillen
Goodman
Hanna
Harkins
Hennessey
Kortz
Longietti
Matzie
Metzgar

Moul
Mulley
Murt
Nelson
Nesbit
Neuman
Pashinski
Petrarca
Rapp
Ravenstahl

Youngblood

NAYS–151

Barrar
Benninghoff
Bernstine
Bloom
Boyle
Bradford
Briggs
Brown, R.
Bullock

Evankovich
Evans
Everett
Farry
Fee
Fitzgerald
Flynn
Frankel
Fritz

Kirkland
Klunk
Knowles
Krueger
Kulk
Lawrence
Lewis
Mackenzie
Malden

Quinn, C.
Quinn, M.
Rabb
Rader
Reed
Roe
Roebuck
Rothman
Rozzi
NOT VOTING–0
EXCUSED–6

Barbin Christiana Sturla Watson
Brown, V. Sankey

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

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

The SPEAKER. Members, I do apologize, but I am just going to do some housekeeping first before I continue with the amendments.

Representative Petrarca has indicated he wishes to offer the rest of his amendments. That is fine and we will get through all of them.

I just want to clarify for the record if any other amendments have been withdrawn, so I am going to ask before we proceed with the remaining amendments.

Chairman Marsico has amendment 673. Sir, will you be offering that amendment? No, that is withdrawn. So amendment 673 has been withdrawn.

Representative Frankel, I know. I think has four amendments filed. Representative Frankel, of 667, 668, 669, and 671, will you be withdrawing any of those? If not, it is okay. Amendment 671 will be offered. Okay. Amendments 667, 668, and 669 will be withdrawn; 671 will be offered.

Representative Jake Wheatley has six amendments. They are amendments 635, 636, 637, 638, 672, and 675. Representative Wheatley, will you be withdrawing any of those amendments or are you going to be offering all of them? You are going to offer all of them. Okay. Fine.

So, members, we have 13 amendments still in front of us.
We are going to complete Representative Petrarca's amendments, we will go to Representative Frankel, and then we will go to Representative Wheatley.

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

Mr. PETRARCA offered the following amendment No. A00603:

Amend Bill, page 17, line 24, by striking out "9713(c)" and inserting

9713(a), (c)

Amend Bill, page 20, by inserting between lines 13 and 14

(a) Mandatory sentence.—Except as provided under section 9716 (relating to two or more mandatory minimum sentences applicable), any person who is convicted in any court of this Commonwealth of a crime of violence as defined in section 9714(g) (relating to sentences for second and subsequent offenses), shall be sentenced to a minimum sentence of at least [five] six years of total confinement if the crime occurs in or near public transportation as defined in subsection (b), notwithstanding any other provision of this title or other statute to the contrary.

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

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

Mr. PETRARCA. Thank you, Mr. Speaker.
This amendment again raises the mandatory minimum by 1 year for crimes of violence committed on public transportation. We continue to hear of instances of violence on public transportation in Pennsylvania, be it buses, trains, and this legislation, again, increases that by 1 year, the mandatory minimum.

The SPEAKER. Thank you, sir.
Representative Stephens, on the amendment, please.
Mr. STEPHENS. Thank you, Mr. Speaker.
Mr. Speaker, again, as the maker of the bill who is looking to restore these mandatory minimum sentences, I would love to support this amendment, but this is drafted the exact same way and has the same unintended consequences because of the crimes that it involves and the mandatory minimums that it would require exceeding some of the statutory maximums. This could jeopardize public safety by allowing judges to sentence offenders without a parole tail, which significantly jeopardizes public safety. It is pretty well universally agreed that offenders without a parole tail, which significantly jeopardizes public safety by allowing judges to sentence offenders without a parole tail, which significantly jeopardizes public safety.

The SPEAKER. Thank you, sir.
Representative Petrarca, on the amendment for the second time.
Mr. PETRARCA. Thank you, Mr. Speaker.
This does not exceed a maximum, and again, this amendment does not affect parole. Thank you.

On the question recurring,
Will the House agree to the amendment?
The following roll call was recorded:

**YEAS–32**

Baker  
Bizzarro  
Burns  
Costa, D.  
Daley  
Deasy  
DeLuca  
Demody  
Barrar  
Benninghoff  
Bernstine  
Bloom  
Boback  
Boyle  
Bradford  
Briggs  
Brown, R.  
Bullock  
Caltagirone  
Carroll  
Causier  
Cephas  
Charlton  
Comitta  
Conklin  
Cook  
Corbin  
Corry  
Costa, P.  
Cox  
Cruz  
Culver  
Cutler  
Davidson  
Davis  
Dawkins  
Day  
Dean  
DeLissio  
Delozier  
Diamond  
DiGiorlando  
Donatucci  
Dowling  
Driscoll  
Dush  
Ellis  
Emrick  
English  
Evans  

**NAYS–163**

Flynn  
EXCUSED–6

Barbin  
Brown, V.  

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

On the question recurring,

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

Mr. **PETRARCA** offered the following amendment No. **A00608**:

Amend Bill, page 22, line 10, by striking out “9718(c)” and inserting

9718(a), (c)

Amend Bill, page 22, by inserting between lines 12 and 13

(a) Mandatory sentence.–

(1) A person convicted of the following offenses when the victim is less than 16 years of age shall be sentenced to a mandatory term of imprisonment as follows:

18 Pa.C.S. § 2702(a)(1) and (4) (relating to aggravated assault) - not less than [two] three years.

18 Pa.C.S. § 3121(a)(1), (2), (3), (4) and (5) (relating to rape) - not less than [ten] 11 years.

18 Pa.C.S. § 3123 (relating to involuntary deviate sexual intercourse) - not less than [ten] 11 years.

18 Pa.C.S. § 3125(a)(1) through (6) (relating to aggravated indecent assault) - not less than [five] 6 years.

(2) A person convicted of the following offenses when the victim is less than 13 years of age shall be sentenced to a mandatory term of imprisonment as follows:

18 Pa.C.S. § 2502(c) (relating to murder) - not less than [15] 16 years.

18 Pa.C.S. § 2702(a)(1) - not less than [five] six years.

(3) A person convicted of the following offenses shall be sentenced to a mandatory term of imprisonment as follows:

18 Pa.C.S. § 3121(c) and (d) - not less than [ten] 11 years.

18 Pa.C.S. § 3125(a)(7) - not less than [five] six years.

18 Pa.C.S. § 3125(b) - not less than [ten] 11 years.

On the question,

Will the House agree to the amendment?

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

Mr. **PETRARCA**. Thank you, Mr. Speaker.

If we are serious about penalties for crimes in Pennsylvania, if we are serious about incarceration, I think we need to support this amendment. The mandatory minimums were not increased under the last two amendments for offenses on public transportation and for offenses against the elderly. This amendment deals with offenses against children. A lot of instances of violence, of sexual acts on minors, we continue to hear about these instances in Pennsylvania. Again, this does not affect parole. This is making the sentences tougher on those who also prey on our most vulnerable residents – our children.

Thank you.

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

Mr. **STEPHENS**. Thank you, Mr. Speaker.

Again, the issue here, and for the members, I was a sex crimes prosecutor for 10 years. I certainly would do everything I could to increase the penalties for sex offenders for every amount that I could. But unfortunately, this amendment has the exact same problems, and it is very simple. We have other provisions in law that would require parole tails, and sex...
offenders are, frankly, the most important people to have a parole tail on. The unintended consequence of this amendment would be that a judge could sentence someone and not require a parole tail. Admittedly, it is an unintended consequence, but it is the way it is drafted and it is based on the offenses that exist and the statutory maximums for some of those offenses and how they would be in conflict with the mandatory minimum that the maker is offering here.

As much as I would love to support it, I have to ask the members again to oppose this, because this could seriously jeopardize public safety upon reentry for these violent sex offenders.

Thank you, Mr. Speaker.

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

The following roll call was recorded:

**YEAS—48**

Baker English Marshall Readshaw
Bizzarro Evankovich Matzie Reese
Boback Freeman Metzgar Roac
Burns Gillen Moul Sainato
Cox Hanna Mullery Samuelson
Daley Kortz Murt Santora
Deasy Kulik Nelson Schweyer
Delozier Longietti Nesbit Simmons
DeLuca Mackenzie Neuman Snyder
Dermody Mako Petrarca Solomon
Dunbar Maloney Rapp Walsh
Emrick Markosek Ravenstahl Wentling

**NAYS—148**

Barrar Everett Keller, W. Quinn, C.
Benninghoff Fabrizio Kim Quinn, M.
Bernistine Farry Kinsey Rabb
Bloom Fee Kirkland Rader
Boyle Fitzgerald Klunk Reed
Bradford Flynn Knowles Roe
Briggs Frankel Krueger Roebuck
Brown, R. Fritz Lawrence Rothman
Bullock Gabler Lewis Rozzi
Calagrine Calagrine Madden Ryan
Carroll Galloway Mentzer Saccione
Causier Gergely Marsico Saylor
Cephas Gillespie Masser Schemel
Charlton Godshall McCarter Schlossberg
Comitta Goodman McGinnis Sims
Conklin Greiner McGinnis Sonney
Cook Grove McNeill Staats
Corbin Haggerty McAffie Stephens
Corr Hahn Mertzer Tallman
Costa, D. Harkins Metcalfe Taylor
Costa, P. Harper Muccarelli Thomas
Cruz Harris, A. Millard Tobash
Culver Harris, J. Miller, B. Toepel
Cutler Heffley Miller, D. Toohil
Davidson Helm Milne Topper
Davis Hennessey Mustio Vitali
Dawkins Hickernell Neilson Ward
Day Hill O'Brien Warner
Dean Irvin O'Neill Warren
DeLissio James Oberlander Wheatley
Diamond Jozwiak Ortitay Wheeland
DiGirolamo Kampf Pashinski White

Donatucci Kaufer Peifer Youngblood
Dowling Kauffman Petri Zimmerman
Driscoll Kavulich Pickett Turzai,
Dush Keefer Pyle
Ellis Keller, F. Quigley
Evens Keller, M.K.

NOT VOTING—6

Barbin Christina Sturla Watson
Brown, V. Sankey

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 as amended?

Mr. PETRARCA offered the following amendment No. A00609:

Amend Bill, page 23, line 25, by inserting a bracket before "two"
Amend Bill, page 23, line 25, by inserting after "two"
| three
Amend Bill, page 24, line 4, by inserting a bracket before "three"
Amend Bill, page 24, line 4, by inserting after "three"
| four
Amend Bill, page 24, line 11, by inserting a bracket before "three"
Amend Bill, page 24, line 11, by inserting after "three"
| four
Amend Bill, page 24, line 18, by inserting a bracket before "five"
Amend Bill, page 24, line 18, by inserting after "five"
| six
Amend Bill, page 24, line 26, by inserting a bracket before "five"
Amend Bill, page 24, line 26, by inserting after "five"
| six
Amend Bill, page 25, line 2, by inserting a bracket before "seven"
Amend Bill, page 25, line 2, by inserting after "seven"
| eight
Amend Bill, page 25, line 13, by inserting a bracket before "two"
Amend Bill, page 25, line 13, by inserting after "two"
| three
Amend Bill, page 25, line 19, by inserting a bracket before "three"
Amend Bill, page 25, line 19, by inserting after "three"
| four
Amend Bill, page 25, line 26, by inserting a bracket before "three"
Amend Bill, page 25, line 26, by inserting after "three"
| four
Amend Bill, page 26, line 3, by inserting a bracket before "five"
Amend Bill, page 26, line 3, by inserting after "five"
| four
Amend Bill, page 26, line 11, by inserting a bracket before "five"
Amend Bill, page 26, line 11, by inserting after "five"
| six
Amend Bill, page 26, line 17, by inserting a bracket before "seven"
Amend Bill, page 26, line 17, by inserting after "seven"
| eight

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

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

Mr. PETRARCA. Thank you, Mr. Speaker.

The failure to register as a sexual offender in Pennsylvania is a serious thing, and we have a mandatory minimum sentence that we would like to impose for people who fail to do this, and this would increase those penalties by 1 year. I think it is very important to our residents, to our communities to know who these people are, where they are, and again, this would certainly strengthen, strengthen our law regarding these folks who fail to register.

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

Mr. STEPHENS. Would the maker of the amendment stand for interrogation?

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

Mr. STEPHENS. Actually, I am sorry. You know what? I will withdraw that request. I apologize.

The SPEAKER. Okay. Interrogation request withdrawn, and you may proceed, sir.

Mr. STEPHENS. Mr. Speaker, again, I am sure it is an unintended consequence, but actually, this amendment would reduce the penalty for transient sex offenders from 5 years to 4 years. And so transient sex offenders, to give you an idea, these are folks with no fixed address. They are the most concerning of the sex offenders. This amendment would actually roll the mandatory back for those individuals, among the other problems that we have discussed earlier.

So for those reasons I would urge the members to oppose this amendment.

The SPEAKER. Representative Petrarca.

Mr. PETRARCA. Mr. Speaker, I certainly disagree with the comment that this amendment rolls back any of our mandatory minimums.

The SPEAKER. Representative Stephens.

Mr. STEPHENS. On page 2 of the amendment, at lines 17 and 18, we bracket out a “five” and we replace that with a “four.” I think that is a reduction, and therefore, I would urge the members to oppose the amendment.

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

The following roll call was recorded:

YEAS–20

Bloom  Fabrizio  Lawrence  Reed
Bobby  Fabrizio  Lewis  Reese
Boyle  Fee  Mackenzie  Roe
Bradford  Fitzgerald  Madden  Roebuck
Briggs  Flynn  Mahler  Rothman
Brown, R.  Frankel  Mako  Rozzi
Bullock  Fritz  Maloney  Ryan
Caltagirone  Gabler  Martin  Saconce
Carroll  Gainey  Marsico  Samuelson
Causer  Galloway  Masser  Santora
Cehas  Gillen  Matzie  Saylor
Charlton  Gillespie  McCarter  Schemel
Comitta  Godshall  McClintock  Schlossberg
Conklin  Goodman  McGinnis  Simmons
Cook  Greiner  McCain  Sims
Corbin  Haggerty  Meaffie  Snyder
Cor  Hahn  Mentzer  Sonney
Costa, D.  Hanna  Metcalfe  Staats
Costa, P.  Harkins  Miccarelli  Stephens
Cox  Harper  Millard  Tallman
Cruz  Harris, A.  Miller, B.  Taylor
Culver  Harris, J.  Miller, D.  Tobash
Cutler  Heffley  Milne  Toepel
Daley  Helm  Moul  Toohil
Davidson  Hennessey  Mustio  Topper
Davis  Hickernell  Neilson  Viti
Dawkins  Hill  Nelson  Walsh
Day  Irvin  Nesbit  Ward
Dean  James  Neuman  Warner
DeLissio  Joziak  O’Brien  Warren
Delozier  Kampf  O’Neill  Wentling
DeLuca  Kauffer  Oberlander  Wheatley
Diamond  Kauffman  Ortitay  Wheeland
DiGirolamo  Kavulich  Pashinski  White
Donatucci  Keefer  Peifer  Youngblood
Dowling  Keller, F.  Petri  Zimmerman
Driscoll  Keller, M.K.  Pickett
Dunbar  Keller, W.  Pyle  Turzai
Dush  Kim  Quigley  Speaker
Ellis  Kinsey

NOT VOTING–0

EXCUSED–6

Barbin, V.  Christiana  Sturla  Watson
Brown, V.  Sankey

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

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

Mr. PETRARCA offered the following amendment No. A00610:

Amend Bill, page 22, line 10, by striking out “9719(b)” and inserting “9719(a), (b)”

Amend Bill, page 28, line 10, by striking out all of said line and inserting (a) Mandatory sentence.—A person convicted of murder of the third degree, voluntary manslaughter, rape, involuntary deviate sexual intercourse, aggravated assault as defined in 18 Pa.C.S. § 2702(a)(1) (relating to aggravated assault), robbery as defined in 18 Pa.C.S. § 3701(a)(1)(i), (ii) or (iii) (relating to robbery) or kidnapping or who is convicted of attempt to commit any of these crimes shall, if the person was impersonating a law enforcement officer during the commission of
the offense, be sentenced to a minimum sentence of at least [three] four years of total confinement notwithstanding any other provision of this title or other statute to the contrary.

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

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

Mr. PETRARCA. Thank you, Mr. Speaker.

This increases the mandatory for impersonating a police officer in Pennsylvania. And again, just like a number of these other crimes that we are dealing with in addition to the other things that were mentioned, again, impersonating a police officer I think is a serious offense in Pennsylvania, and I am asking to raise that mandatory by 1 year. Thank you.

The SPEAKER. Representative Todd Stephens, on the amendment, please.

Mr. STEPHENS. Mr. Speaker, this amendment does not have the issue that all the others we have discussed had, so

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

The following roll call was recorded:

YEAS–153

NAYS–43

Barbin
Brown, V.
Bullock
Byrne
Cephas
Cheesman
Chilton
Christy
Conklin
Costa, D.
Cox
Creech
Dempsey
DiGiacomo
Dunbar
Dush
Ellis
Emrick
English
Fitzgerald
Flynn
Frankel
Gainey
Haggerty
Harris, A.
Harris, J.
Kaufilich
Keefer
Kim
Kinsey
Kirkland
Krueger
Madden
McCarter
McClintong
McNeill
Miller, D.
O'Brien
Owen
Quinn, C.
Quinn, M.
Rade
gbuck
Rozzi
Schlossberg
Sims
Thomas
Vitali
Warren
Youngblood
Rothman
Ryan
Saccone
Sainato
Samuelson
Santora
Schemel
Schwey
Simmons
SNYD
Tobash
Toepel
Topper
Walsh
Warner
Wenting
Wheeland
White
Zimmerman
Turzai,
Speaker

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

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

Mr. PETRARCA offered the following amendment No. A00628:

Amend Bill, page 1, line 18, by inserting after "amended"

and the sections are amended by adding subsections

Amend Bill, page 3, by inserting between lines 11 and 12

(c.1) Notice not required.–Notice to the defendant that a mandatory minimum penalty applies shall not be required.

(c.2) Enhancing elements.–

(1) Whenever the Commonwealth becomes aware of the existence of facts within its possession or control, including, but not limited to, facts within the possession or control of law enforcement agencies, that constitute enhancing elements required for imposition of the mandatory minimum sentence under this section, the Commonwealth shall charge the defendant with any and all offenses that include the enhancing elements, and may not dismiss the charges or remove the enhancing elements or move for admission of the defendant to Accelerated Rehabilitative Disposition on an offense arising from a criminal episode involving an offense that includes enhancing elements.

(2) Subject to evidentiary rules and established law, in such cases, the Commonwealth shall offer all evidence that may establish an enhancing element to the fact-finder at trial or shall present all enhancing elements to the court as enhancing elements as part of a plea of guilty or nolo contendere.

Amend Bill, page 5, by inserting between lines 28 and 29

(b.1) Notice not required.–Notice to the defendant that a mandatory minimum penalty applies shall not be required.

(b.2) Enhancing elements.–

(1) Whenever the Commonwealth becomes aware of the existence of facts within its possession or control, including, but not limited to, facts within the possession or control of law enforcement agencies, that constitute enhancing elements required for imposition of the mandatory minimum sentence under this section, the Commonwealth shall charge the defendant with any and all offenses that include the enhancing elements, and may not dismiss the charges or remove the enhancing elements or move for admission of the defendant to Accelerated Rehabilitative Disposition on an offense arising from a criminal episode involving an offense that includes enhancing elements.

(2) Subject to evidentiary rules and established law, in such cases, the Commonwealth shall offer all evidence that may establish an enhancing element to the fact-finder at trial or shall present all enhancing elements to the court as enhancing elements as part of a plea of guilty or nolo contendere.
Amend Bill, page 19, by inserting between lines 6 and 7
(b.2) Enhancing elements.–

(1) Whenever the Commonwealth becomes aware of the existence of facts within its possession or control, including, but not limited to, facts within the possession or control of law enforcement agencies, that constitute enhancing elements required for imposition of the mandatory minimum sentence under this section, the Commonwealth shall charge the defendant with any and all offenses that include the enhancing elements, and may not dismiss the charges or remove the enhancing elements or move for admission of the defendant to Accelerated Rehabilitative Disposition on an offense arising from a criminal episode involving an offense that includes enhancing elements.

(2) Subject to evidentiary rules and established law, in such cases, the Commonwealth shall offer all evidence that may establish an enhancing element to the fact-finder at trial or shall present all enhancing elements to the court as enhancing elements as part of a plea of guilty or nolo contendere.

(c.1) Notice not required.–Notice to the defendant that a mandatory minimum penalty applies shall not be required.

(c.2) Enhancing elements.–

(1) Whenever the Commonwealth becomes aware of the existence of facts within its possession or control, including, but not limited to, facts within the possession or control of law enforcement agencies, that constitute enhancing elements required for imposition of the mandatory minimum sentence under this section, the Commonwealth shall charge the defendant with any and all offenses that include the enhancing elements, and may not dismiss the charges or remove the enhancing elements or move for admission of the defendant to Accelerated Rehabilitative Disposition on an offense arising from a criminal episode involving an offense that includes enhancing elements.

(2) Subject to evidentiary rules and established law, in such cases, the Commonwealth shall offer all evidence that may establish an enhancing element to the fact-finder at trial or shall present all enhancing elements to the court as enhancing elements as part of a plea of guilty or nolo contendere.

Amend Bill, page 21, by inserting between lines 4 and 5
(c.1) Notice not required.–Notice to the defendant that a mandatory minimum penalty applies shall not be required.

(c.2) Enhancing elements.–

(1) Whenever the Commonwealth becomes aware of the existence of facts within its possession or control, including, but not limited to, facts within the possession or control of law enforcement agencies, that constitute enhancing elements required for imposition of the mandatory minimum sentence under this section, the Commonwealth shall charge the defendant with any and all offenses that include the enhancing elements, and may not dismiss the charges or remove the enhancing elements or move for admission of the defendant to Accelerated Rehabilitative Disposition on an offense arising from a criminal episode involving an offense that includes enhancing elements.

(2) Subject to evidentiary rules and established law, in such cases, the Commonwealth shall offer all evidence that may establish an enhancing element to the fact-finder at trial or shall present all enhancing elements to the court as enhancing elements as part of a plea of guilty or nolo contendere.

Amend Bill, page 22, by inserting between lines 2 and 3
(c.1) Notice not required.–Notice to the defendant that a mandatory minimum penalty applies shall not be required.

(c.2) Enhancing elements.–

(1) Whenever the Commonwealth becomes aware of the existence of facts within its possession or control, including, but not limited to, facts within the possession or control of law enforcement agencies, that constitute enhancing elements required for imposition of the mandatory minimum sentence under this section, the Commonwealth shall charge the defendant with any and all offenses that include the enhancing elements, and may not dismiss the charges or remove the enhancing elements or move for admission of the defendant to Accelerated Rehabilitative Disposition on an offense arising from a criminal episode involving an offense that includes enhancing elements.

(2) Subject to evidentiary rules and established law, in such cases, the Commonwealth shall offer all evidence that may establish an enhancing element to the fact-finder at trial or shall present all enhancing elements to the court as enhancing elements as part of a plea of guilty or nolo contendere.

Amend Bill, page 23, by inserting between lines 3 and 4
(c.1) Notice not required.–Notice to the defendant that a mandatory minimum penalty applies shall not be required.

(c.2) Enhancing elements.–

(1) Whenever the Commonwealth becomes aware of the existence of facts within its possession or control, including, but not limited to, facts within the possession or control of law enforcement agencies, that constitute enhancing elements required for imposition of the mandatory minimum sentence under this section, the Commonwealth shall charge the defendant with any and all offenses that include the enhancing elements, and may not dismiss the charges or remove the enhancing elements or move for admission of the defendant to Accelerated Rehabilitative Disposition on an offense arising from a criminal episode involving an offense that includes enhancing elements.

(2) Subject to evidentiary rules and established law, in such cases, the Commonwealth shall offer all evidence that may establish an enhancing element to the fact-finder at trial or shall present all enhancing elements to the court as enhancing elements as part of a plea of guilty or nolo contendere.

Amend Bill, page 24, by inserting between lines 14 and 15
(b.2) Notice not required.–Notice to the defendant that a mandatory minimum penalty applies shall not be required.

(b.3) Enhancing elements.–

(1) Whenever the Commonwealth becomes aware of the existence of facts within its possession or control, including, but not limited to, facts within the possession or control of law enforcement agencies, that constitute enhancing elements required for imposition of the mandatory minimum sentence under this section, the Commonwealth shall charge the defendant with any and all offenses that include the enhancing elements, and may not dismiss the charges or remove the enhancing elements or move for admission of the defendant to Accelerated Rehabilitative Disposition on an offense arising from a criminal episode involving an offense that includes enhancing elements.

(b.2) Notice not required.–Notice to the defendant that a mandatory minimum penalty applies shall not be required.
Mr. PETRARCA. Thank you, Mr. Speaker.

Will the House agree to the amendment?

The SPEAKER. Representative Petrarca, sir.

What this amendment does is it takes away that notice requirement so that the district attorney does not need to provide notice of a mandatory sentence, but the prosecution must, under this amendment, present facts, if they exist, that would impose a mandatory minimum.

The SPEAKER. Representative Todd Stephens, on amendment 628.

Mr. STEPHENS. Mr. Speaker, this amendment actually has several problems. It certainly has constitutional issues associated with it, but some of the more egregious issues surrounding this amendment are the fact that it would prohibit, for instance, a prosecutor – so the police charge an individual with a crime. During the, you know, you have a preliminary hearing. The case goes up to the court of common pleas and a prosecutor is presented with exculpatory evidence from the defense attorney. Well, this amendment prohibits the prosecutor from dismissing charges. So the prosecutor is compelled to move forward even though they have been presented with exculpatory evidence. That certainly is problematic and contrary to justice and is deeply troubling, frankly.

On top of that, though, there are other serious concerns. You know, one of the things, and we spoke about child abuse cases. Having mandatory minimums in place gives the prosecutor an ability to negotiate and avoid an 8-year-old rape victim from having to get on the witness stand and be confronted by their accuser and endure cross-examination in a public courtroom. If you start tying a prosecutor’s hands and not allowing them the flexibility to negotiate, you will force every single one of those child victims to get up and testify in every single instance, even if the defendant does not want them to.

Mr. Speaker, I had cases where the defendant – who very often in a child abuse case is a relative – says, "I don't want to put him or her through that. I don't want to have to make her testify." This amendment would force the prosecutor to move forward, call that child witness, and endure cross-examination unnecessarily, when none of the parties involved wanted it to happen. It is a dangerous road to go down and would wreak havoc, frankly, on the criminal justice system, particularly as it relates to child abuse cases.

You know, it creates a lot of questions concerning the Rules of Professional Conduct. We have a Constitutional requirement that our district attorneys and our Attorney General be attorneys, and the fact of the matter is, this amendment would be contrary to the Rules of Professional Conduct in many instances, which could ultimately lead to the district attorney or Attorney General being disbarred and no longer able to be the district attorney or Attorney General. So those are some of the constitutional conflicts.

But I think the most serious and egregious issues with this approach that is pursued in this amendment is what it would do to victims of child sex abuse who would be forced to take the

On the question,

Will the House agree to the amendment?

The SPEAKER. Representative Petrarca, sir.

Mr. PETRARCA. Thank you, Mr. Speaker.

I would like to change gears to a certain extent with this amendment. As we continue to discuss mandatory minimum sentences in Pennsylvania, as I said initially, they start controversy regarding sentencing commission, judicial discretion, and where we want to go with mandatory minimums.

What this amendment does, simply, is it makes mandatory minimum sentences mandatory. According to the Pennsylvania Commission on Sentencing, fewer than half of sentences which would warrant the imposition of a mandatory minimum actually receive one. The commission determined that this suggests the need for a far more targeted and consistent application of mandatory minimum sentencing provisions. That is what this amendment does.

Currently law requires the district attorneys to notify the defendant and the court of their intention to pursue a mandatory minimum sentence. Way too often, in my opinion, that leads to a situation of a plea bargain when, again, a mandatory minimum sentence that should have been applied is not applied.

How often have we heard, how often have we heard from our sportsmen in Pennsylvania that we do not need more laws? We do not need more gun laws, just apply the laws that are on the books. In Pennsylvania when you do a crime with a handgun, as you know, you can and will receive a 5-year mandatory sentence, but as the Sentencing Commission said, if we are not charging people or noticing that we are going to pursue a mandatory minimum, what is the sense of having mandatory minimums at all?

What this legislation does is it takes away that notice requirement so that the district attorney does not need to provide notice of a mandatory sentence, but the prosecution must, under this amendment, present facts, if they exist, that would impose a mandatory minimum.

Again, as we continue to have these discussions on mandatory minimums in Pennsylvania, if they are not being applied, why are we even having the discussion? What this legislation, what this amendment does to this bill, again, it makes mandatory mandatory, and when the legislature does act and pass legislation on mandatory sentences, they will be followed. I would appreciate your support.

On top of that, there are other serious concerns. You know, one of the things, and we spoke about child abuse cases. Having mandatory minimums in place gives the prosecutor an ability to negotiate and avoid an 8-year-old rape victim from having to get on the witness stand and be confronted by their accuser and endure cross-examination in a public courtroom. If you start tying a prosecutor’s hands and not allowing them the flexibility to negotiate, you will force every single one of those child victims to get up and testify in every single instance, even if the defendant does not want them to.

Mr. Speaker, I had cases where the defendant – who very often in a child abuse case is a relative – says, "I don't want to put him or her through that. I don't want to have to make her testify." This amendment would force the prosecutor to move forward, call that child witness, and endure cross-examination unnecessarily, when none of the parties involved wanted it to happen. It is a dangerous road to go down and would wreak havoc, frankly, on the criminal justice system, particularly as it relates to child abuse cases.

You know, it creates a lot of questions concerning the Rules of Professional Conduct. We have a Constitutional requirement that our district attorneys and our Attorney General be attorneys, and the fact of the matter is, this amendment would be contrary to the Rules of Professional Conduct in many instances, which could ultimately lead to the district attorney or Attorney General being disbarred and no longer able to be the district attorney or Attorney General. So those are some of the constitutional conflicts.

But I think the most serious and egregious issues with this approach that is pursued in this amendment is what it would do to victims of child sex abuse who would be forced to take the
The following roll call was recorded:

Will the House agree to the amendment?

On the question recurring,

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

NOT VOTING–2

Briggs Galloway

EXCUSED–6

Barbin Christina Sturla Watson
Brown, V. Sankey

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

On the question recurring,

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

The SPEAKER. Members, I would certainly like to move forward here. If you are following the scorecard, Representative Frankel is next with amendment 671.

On the question recurring,

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

Mr. FRANKEL offered the following amendment No. A00671:

Amend Bill, page 1, line 14, by inserting after “officer” ; and providing from departure from mandatory minimum sentences

Amend Bill, page 29, by inserting between lines 17 and 18

Section 5. Title 42 is amended by adding a section to read:

§ 9720.8. Departure from mandatory minimum sentences.

(a) General rule.—Notwithstanding any other provision of this title or other statute to the contrary, a court may depart from a mandatory minimum sentence if the court finds and states on the record that, giving due regard to the nature of the crime, the history and character of the defendant and the defendant’s chances of successful rehabilitation:

(1) Imposition of the mandatory minimum sentence would result in substantial injustice to the defendant.

(2) The mandatory minimum sentence is not necessary for the protection of the public.

(b) Applicability.—This section shall apply to a mandatory minimum sentence imposed under any of the following:

stand and endure that testimony and that cross-examination unnecessarily, even if the defendant themselves did not want to subject that young child to that cross-examination.

So for those reasons, Mr. Speaker, I would urge the members to oppose this amendment.

The SPEAKER. Representative Petrarca.

Mr. PETRARCA. Mr. Speaker, again, if there is exculpatory evidence, that certainly can be presented and certainly the district attorney does not need to proceed.

Again, we are trying to make a statement on behalf of victims and their families, and again, when you have the Sentencing Commission saying that mandatory minimums when they could be applied are only being applied in half of the cases, we have a problem. We have a problem that what the legislature intends is not being carried out in Pennsylvania in our courtrooms, and this would certainly change that.

The SPEAKER. Representative Stephens.

Mr. STEPHENS. Thank you, Mr. Speaker.

As it relates to victims and their families, you know, the victim advocate of Pennsylvania supports the underlying bill, which does not involve any of these things, and while I certainly cannot speak for her, I can certainly tell you that victims and their families are not going to be in favor of anything that requires a child rape victim to get up on the stand when nobody else involved in the criminal justice system wants them to have to do that, and taking away this tool from prosecutors and allowing them to address those types of situations would be detrimental to the system of justice in Pennsylvania, and we ought to oppose this amendment.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS–5

DeLuca Hanna Markosek Petrarca

NAYS–189

Baker Evans Kulik Rapp
Barrar Everett Lawrence Ravenstahl
Benninghoff Fabrizio Lewis Readshaw
Bernistine Farry Longietti Reed
Bizzarro Fee Mackenzie Reese
Bloom Fitzgerald Madden Roae
Boback Flynn Maher Roe
Boyle Frankel Mako Roebuck
Bradford Freeman Maloney Rothman
Brown, R. Fritz Marshall Rozzi
Bullock Gabler Marsico Ryan
Burns Gainey Masser Saccone
Calogirone Gergely Matzie Sainato
Carroll Gillen McCarter Samuelson
Causier Gilspie McClintock Santora
Cephas Godshall McGinnis Saylor
Charloton Goodman McNeill Schemel
Comitta Greiner Mehaffie Schlossberg
Conklin Grove Mentzer Schweyer
Cook Haggerty Metcalfe Simmons
Corbin Hahn Metzgar Sins
Cress Harkins Miccarelli Snyder
Costa, D. Harper Millard Solomon
Costa, P. Harris, A. Miller, B. Sonney
Cox Harris, J. Miller, D. Staats
Cruz Heffley Milne Stephens
Culver Helm Moul Tallman
Cutler Hennessey Mullery Taylor
Daley Hickernell Murt Thomas
Davidson Hill Mustio Tobash
Davis Irvin Neilson Toopel
Dawkins James Nelson Toohil
Day Jozwiak Nesbit Topper
Dean Kampf Neuman Vitali
Deasy Kauffer O'Brien Walsh
DeLisso Kauffman O'Neill Ward
Delozier Kavulich Oberlander Warner
Diamond Keeler, F. Ortitay Warren
DiGiroampo Keller, F. Pashinski Wentling
Donatucci Keller, M.K. Peifer Wheatley
Dowling Keller, W. Petri Wheeland
Driscoll Kim Pickett White
Dunbar Kinsey Pyle Youngblood
Dush Kirkland Quigley Zimmerman
Ellis Klunk Quinn, C. Turzai,
Emrick Knowles Quinn, M. Turzai,
English Kortz Rabb Speaker
Evanovich Krueger Rader

Culver Helm Moul Tallman
Cutler Hennessey Mullery Taylor
Daley Hickernell Murt Thomas
Davidson Hill Mustio Tobash
Davis Irvin Neilson Toopel
Dawkins James Nelson Toohil
Day Jozwiak Nesbit Topper
Dean Kampf Neuman Vitali
Deasy Kauffer O'Brien Walsh
DeLisso Kauffman O'Neill Ward
Delozier Kavulich Oberlander Warner
Diamond Keeler, F. Ortitay Warren
DiGiroampo Keller, F. Pashinski Wentling
Donatucci Keller, M.K. Peifer Wheatley
Dowling Keller, W. Petri Wheeland
Driscoll Kim Pickett White
Dunbar Kinsey Pyle Youngblood
Dush Kirkland Quigley Zimmerman
Ellis Klunk Quinn, C. Turzai,
Emrick Knowles Quinn, M. Turzai,
English Kortz Rabb Speaker
Evanovich Krueger Rader

Barbin Christina Sturla Watson
Brown, V. Sankey

Cutler Hennessey Mullery Taylor
Daley Hickernell Murt Thomas
Davidson Hill Mustio Tobash
Davis Irvin Neilson Toopel
Dawkins James Nelson Toohil
Day Jozwiak Nesbit Topper
Dean Kampf Neuman Vitali
Deasy Kauffer O'Brien Walsh
DeLisso Kauffman O'Neill Ward
Delozier Kavulich Oberlander Warner
Diamond Keeler, F. Ortitay Warren
DiGiroampo Keller, F. Pashinski Wentling
Donatucci Keller, M.K. Peifer Wheatley
Dowling Keller, W. Petri Wheeland
Driscoll Kim Pickett White
Dunbar Kinsey Pyle Youngblood
Dush Kirkland Quigley Zimmerman
Ellis Klunk Quinn, C. Turzai,
Emrick Knowles Quinn, M. Turzai,
English Kortz Rabb Speaker
Evanovich Krueger Rader

Culver Helm Moul Tallman
Cutler Hennessey Mullery Taylor
Daley Hickernell Murt Thomas
Davidson Hill Mustio Tobash
Davis Irvin Neilson Toopel
Dawkins James Nelson Toohil
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English Kortz Rabb Speaker
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Ellis Klunk Quinn, C. Turzai,
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English Kortz Rabb Speaker
Evanovich Krueger Rader

Culver Helm Moul Tallman
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Dowling Keller, W. Petri Wheeland
Driscoll Kim Pickett White
Dunbar Kinsey Pyle Youngblood
Dush Kirkland Quigley Zimmerman
Ellis Klunk Quinn, C. Turzai,
Emrick Knowles Quinn, M. Turzai,
Mr. FRANKEL. Thank you, Mr. Speaker.

I rise to ask my colleagues to support this amendment, which creates a safety valve, a safety valve provision for all mandatory minimum sentences that would be reenacted under this bill. The safety valve allows a judge to depart from the mandatory minimum sentence if the judge finds that the imposing of the mandatory minimum would create a substantial injustice to the defendant and that imposing the mandatory minimum is not necessary for the protection of the public. The judge is directed to give due regard to the nature of the offense, the defendant's character and history, and the defendant's potential for rehabilitation when deciding whether to depart from the mandatory minimum.

This amendment preserves the reenactment of all mandatory minimums under the bill, while providing some recourse to those individuals who truly do not deserve the mandatory penalty. It allows those who have been convicted of egregious offenses or who present a significant threat to the public to continue to receive the mandatory minimum penalty.

Juries, not judges. That was the U.S. Supreme Court – obviously judges saying judges should not make this decision, juries should.

So this whole bill is about changing the procedure in Pennsylvania so that juries, not judges, decide whether or not a mandatory minimum applies. So the judges have told us that judges should not be making that decision and juries should. That is exactly what our underlying bill does. This amendment would then turn that on its head and send it back to judges.

So in the end – let me give you an example of some of the sentences recently handed down since the mandatory minimums were removed. So there is a gunpoint robbery where the defendant threatened to kill the victim. That person was sentenced to less than a year in prison. Gunpoint robbery. It would have been a 5-year mandatory minimum prison sentence for using a firearm illegally in the course of a robbery. This person got less than a year. Home invasion gunpoint robbery.

We have done bills in this chamber—

The SPEAKER. Please, suspend, sir, for a second. Representative Wheatley – and I apologize – for what purpose do you rise, sir?

Mr. WHEATLEY. Mr. Speaker, if I am not mistaken, the speaker from Montgomery County is going awry of the amendment, and so we are on the amendment from the Representative from Allegheny County, and so I would just like to get clarity from you if that is indeed what is happening here.

On the question,

Will the House agree to the amendment?

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

Mr. FRANKEL. Thank you, Mr. Speaker.

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On the question,

Will the House agree to the amendment?
The SPEAKER. Thank you very much, sir.

Representative Stephens, you will have an opportunity to speak on final passage of the bill on third consideration, and if we can just stay on the amendment at this time and we will take a vote on that. Thank you, sir.

Mr. STEPHENS. Sure. The amendment is all about giving the judge discretion, so I was just giving some examples of where the judge had discretion, and frankly, they blew it.

I will just finish real quickly on this home invasion gunpoint robbery, where the individual was sentenced to less than 2 years. The defendant entered a home, cocked a gun, pointed it at the occupants, and robbed them. It would have been a 5-year mandatory minimum sentence; less than 2 years.

The SPEAKER. Yes, Representative Stephens.

Mr. STEPHENS. Mr. Speaker, for those reasons I would urge the members to oppose this amendment.

The SPEAKER. Representative Frankel, on the amendment.

Mr. FRANKEL. Let me just say, I mean, look. We can all tell stories on both sides of this, that some injustice has taken place. This amendment seeks to find justice. You know, there are plenty of examples of prosecutorial misconduct as well as some judge making a mistake as well, there is not perfection on either side. But ultimately, our system of justice was created around using judges and electing judges, appointing judges who are going to be able to use their own discretion to be able to reach a just decision and a just sentence. That is what this seeks to do.

Again, this is not something wild. The safety valve provision is something that— I have listed a number of States, almost 10 States, conservative and liberal, that have this provision. This is not some wild suggestion. This amendment should be adopted to make this a just bill. Thank you.

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

Mr. STEPHENS. It is not just if victims do not have a voice. Please vote "no."

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

The following roll call was recorded:

YEAS–71

Boyle
Bradford
Briggs
Bullock
Caltagirone
Carroll
Cephas
Comitta
Costa, P.
Cruz
Daley
Davidson
Davis
Dawkins
Dean
Deasy
DeLissio
Dermody

Diamond
Donatucci
Driscoll
Evans
Fitzgerald
Flyn
Frankel
Freeman
Gainey
Galloway
Goodman
Haggerty
Hanna
Harris, J.
Hill
Kavulich
Keller, W.
Kim

Kinsey
Kirkland
Kortz
Krueger
Madden
Markosek
Mazie
McCarter
McClinton
McNeill
Mehaffie
Miller, D.
Mullery
O'Brien
Pashinski
Petrarca
Petrarca
Quinn, M.

Rabb
Rader
Ravenstahl
Readshaw
Roebuck
Rozzi
Samuelson
Schelmen
Schlossberg
Schweyer
Sims
Solomon
Thomas
Vitali
Warren
Wheatley
Youngblood

NAYS–125

Baker
Barrar
Benninghoff
Bernstine
Bizzarro
Bloom
Boback
Brown, R.
Burns
Causier
Charlton
Conklin
Cook
Corbin
Corr
Costa, D.
Cox
Culver
Cutler
Day
Delozier
DeLuca
DiGirolamo
Dowling
Dunbar
Dush
Ellis
Emrick
English
Evanovich
Everett
Fabrizio

Farry
Fee
Fritz
Gabler
Gergely
Gillen
Gillespie
Godshall
Greiner
Grove
Hahn
Harkins
Harper
Harris, A.
Heffley
Helm
Hennessey
Hickernell
Irvin
James
Jozwiak
Kampf
Kauffer
Kauffman
Keeler
Keller, F.
Keller, M.K.
Knuck
Knowles
Kulik
Lawrence
Lewis

Longietti
Mackenzie
Maher
Mako
Maloney
Marshall
Marsico
Masser
McGinnis
Mentzer
Metcalfe
Metzgar
Miccarelli
Millard
Miller, B.
Milne
Moul
Murt
Mustio
Neilon
Neison
Nelson
Nebit
Neuman
O'Neill
Oberlander
Ortitay
Peifer
Pickett
Pyle
Quigley
Quinn, C.
Rapp

Reed
Reese
Roae
Roe
Santoro
Snyder
Sonny
Staats
Stephens
Tallman
Taylor
Tobash
Toepel
Toohil
Topper
Walsh
Warner
Wenting
Wheeland
White
Zimmerman

NOT VOTING–0

Barbin
Brown, V.

Christian
Sturla
Watson
Sankey

EXCUSED–6

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

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

Mr. WHEATLEY offered the following amendment No. A00635:

Amend Bill, page 2, line 4, by inserting a bracket before "a"
Amend Bill, page 2, line 4, by inserting a bracket after "year"
Amend Bill, page 2, line 5, by inserting after "confinement" at the discretion of the court
Amend Bill, page 2, line 7, by inserting a bracket before "mandatory"
Amend Bill, page 2, line 8, by inserting a bracket after "minimum"
Amend Bill, page 2, line 9, by inserting a bracket before "minimum"
Amend Bill, page 2, line 9, by inserting a bracket after "minimum"
Amend Bill, page 2, line 9, by inserting a bracket before "at"
Amend Bill, page 2, line 10, by inserting a bracket after "years"
Amend Bill, page 2, line 10, by inserting after "confinement" at the discretion of the court
Amend Bill, page 2, line 22, by striking out the bracket before
Amend Bill, page 3, lines 2 through 11, by striking out the bracket in line 2 and all of lines 3 through 11
Amend Bill, page 3, line 12, by inserting a bracket before "there"
Amend Bill, page 3, line 15, by striking out the bracket before "subsection"
Amend Bill, page 3, line 15, by striking out "] subsections (a) and (b)"
Amend Bill, page 3, line 15, by inserting after "to"  
] The court may
Amend Bill, page 3, line 16, by inserting a bracket after "to"
Amend Bill, page 3, line 16, by inserting a bracket after "to"
Amend Bill, page 3, line 16, by inserting a bracket before "(e)"
Amend Bill, page 3, line 16, by striking out the bracket before "activity"
Amend Bill, page 3, line 30; page 4, lines 1 through 7; by striking out "If the fact:; in line 30 on page 3 and all of lines 1 through 7 on page 4
Amend Bill, page 4, line 24, by inserting a bracket before "a" where it occurs the second time
Amend Bill, page 4, line 25, by inserting a bracket after "of" where it occurs the second time
Amend Bill, page 4, line 25, by inserting after "confinelement" at the discretion of the court
Amend Bill, page 5, line 9, by striking out the bracket before "Proof"
Amend Bill, page 5, lines 19 through 28, by striking out the bracket in line 19 and all of lines 20 through 28
Amend Bill, page 5, line 29, by inserting a bracket before "section."
Amend Bill, page 6, line 2, by inserting after "to" where it occurs the first time
] The court may
Amend Bill, page 6, line 2, by inserting a bracket before "to" where it occurs the second time
Amend Bill, page 6, line 2, by inserting a bracket after "to" where it occurs the second time
Amend Bill, page 6, line 3, by inserting a bracket before "Nothing"
Amend Bill, page 6, line 7, by inserting a bracket after "section."
Amend Bill, page 6, line 9, by inserting a bracket before "not"
Amend Bill, page 6, line 9, by inserting a bracket after "not"
Amend Bill, page 6, line 11, by striking out the bracket before "If"
Amend Bill, page 6, lines 17 through 24, by striking out "] If the fact" in line 17 and all of lines 18 through 24
Amend Bill, page 7, line 3, by inserting a bracket before "mandatory"
Amend Bill, page 7, line 3, by inserting a bracket after "minimum"
Amend Bill, page 7, line 4, by inserting a bracket before "set"
Amend Bill, page 7, line 5, by inserting after "subsection:"
] determined by the court.
Amend Bill, page 7, line 8, by striking out the bracket before the semicolon after "plants"
Amend Bill, page 7, line 11, by striking out the bracket after "however:
Amend Bill, page 7, line 11, by striking out "and"
Amend Bill, page 7, line 13, by striking out the bracket before "two"
Mr. WHEATLEY. Thank you, Mr. Speaker.

So if the gentleman from Butler County read my amendment, he would understand that I am speaking to the amendment, because the amendment is removing the language for mandatory minimums and saying that we have a system in place to address the sentencing of any criminal who commits a crime under our laws. Thank you.

The SPEAKER. Representative Stephens, on the amendment.

Mr. STEPHENS. Thank you, Mr. Speaker.

Mr. Speaker, this amendment has a drafting error in it, frankly. It adds back language that says the mandatory minimums would need to be determined by the court. That is the language it uses. The whole reason we are here is because the U.S. Supreme Court has said that these things cannot be determined by the court; they must be determined by juries beyond a reasonable doubt. On top of that are these arguments about drug mandatories. These drug mandatories apply to drug dealers. These are not addicts. These are drug dealers. These are people who prey on addicts and exploit addicts for profit. That is who is affected by drug mandatories, and frankly, Mr. Speaker, with the time and attention that this entire body has spent focused on the opioid epidemic, along with our colleagues over in the Senate and along with the Governor, we have spent a lot of time, a lot of energy, and frankly, we are investing a lot of money in trying to combat this opioid epidemic that is not only traversing Pennsylvania but also traversing the nation, and part of that equation must be cutting off the supply. Part of that equation has to be incapacitating those drug dealers that would pedal their poison to the addicts on our streets and are leading to the horrific opioid epidemic and overdoses that are consuming all of our communities.

For those reasons, Mr. Speaker, I would urge the members to oppose this amendment. Thank you.

The SPEAKER. Members, just with respect to – we have already passed the General Fund budget bill, but we are going to be, as you know, over the next weeks taking up much legislation. As a general rule, in determining whether remarks are germane to an amendment versus a bill, clearly an amendment, the remarks should be more specific and that the opportunity to expound at a larger length to the consequences or the perspectives on a particular bill, there is more leeway there. With the amendments, I just think as a matter of prudence it befits all of us if we are more specific on our remarks about the amendments, recognizing that you will have another opportunity on third consideration with the bill finally.

In addition, I would just ask the good gentleman from Allegheny County and others, in the end, if somebody raises the issue as you did and as the good gentleman from Butler did, if you raise the issue, I am going to try to tail it, try to make sure the remarks are as tailored to the amendment as possible. But if we can just not impugn anybody’s reputation or integrity, I think that is very, very important. By and large, it is probably not best to interrupt members while they are speaking. I realize sometimes if you think it is too much you may feel compelled to do it, but by and large, it is just good practice to let them finish their remarks unless they are way off the mark.

Representative Wheatley, do you want to speak again on the amendment, sir?
Mr. WHEATLEY. Mr. Speaker, thank you.

And I certainly do not want to bring our august body and the standards by which we govern ourselves down, so if anyone thought that I was trying to impugn them with comments that I have made, I am certainly apologetic for that.

I would like to, because the speaker from Montgomery County brought this up, I just want to ask a question, if I may, of clarity, if I may?

The SPEAKER. Sir, you may interrogate the member and I think he will stand for interrogation, so you may.

Mr. WHEATLEY. Thank you.

There was a mention about this whole epidemic on drugs and the war on the drug dealers. It is my understanding that if we were to pass this mandatory minimum bill as is, which is why I am offering the amendment that I am offering, that it could potentially add to more of an epidemic of folks going to jail for the opioid crisis situation than what we are currently set up in structure. So my question to you is, you serve on the Sentencing Commission. Why then can we not allow the Sentencing Commission, working with victims and prosecutors and the whole process that it has currently, to develop what we ought to do as it relates to our sentencing guidelines?

Mr. STEPHENS. Well, the Sentencing Commission certainly has a role and the Sentencing Commission can certainly take action, but the legislature also has a say. I mean, we are the elected people. We are the elected representatives of our communities, and as a result, we have the opportunity to, through the laws that we adopt, enact public policies that we think are important. And one of the policies that I think is important is for some crimes, for certain crimes, there be a mandatory minimum sentence applied, and so the legislature is certainly within its purview of taking action along these lines. We, for instance, also decide the maximum sentences for all of these crimes. Those are policy decisions that we, as the elected representatives of our communities, are here to make, and so that is why I put this bill forward to help our law enforcement community and to help make our streets safer.

Mr. WHEATLEY. And one last question and then I will sit down, Mr. Speaker, if I may?

The SPEAKER. You may proceed.

Mr. WHEATLEY. If we pass things like mandatory minimums, does not that tie the hands of our Sentencing Commission in their process? Do they have any leeway to develop alternative guidelines, or are they instructed and connected to what we pass here if these things are passed?

Mr. STEPHENS. The Sentencing Commission could not undermine a mandatory minimum sentence that the legislature adopted.

Mr. WHEATLEY. So thank you for that.

I just believe that we invest in, we appoint to, we have a process that is a public process that includes all of the major stakeholder groups, including victims, including prosecutors. I just would encourage us in this body to allow for that process to work.

We do not need to have mandatory minimum types of language in order to get fairness and justice from our criminal justice system. I would encourage the members here to support this amendment to continue to move our Commonwealth forward in a just and fair manner.

Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—54

Bradford DeLissio Harris, J. Mullery
Briggs Dermody Kavalich O'Brien
Butler Donatucci Keller, W. Pashinski
Caltagirone Driscoll Kim Rabb
Carroll Evans Kinsey Roebuck
Cephas Fabrizio Kirkland Rozzi
Comitta Fitzgerald Krueger Schlossberg
Costa, P. Flynn Madden Sims
Cruz Frankel Markosek Thomas
Daley Gainey McCarter Vitali
Davidson Galloway McClintock Warren
Davis Gergely McNell Wheatley
Dawkins Haggerty Miller, D. Youngblood
Dean Hanna

NAYS—142

Baker Freeman Mako Readshaw
Barrar Fritz Maloney Reed
Benninghoff Gabler Marshall Reese
Bernistine Gillen Marsico Roe
Bizzarro Gillespie Masser Roe
Bloom Godshall Matzie Rothman
Boback Goodman McGinnis Ryan
Boyle Greiner Mehaffie Saccone
Brown, R. Grove Minter Sainato
Burns Hahn Metcalf Samuelson
Caster Harkins Metzgar Santora
Charlton Harper Miccari Saylor
Conklin Harris, A. Millard Schelmi
Cook Heffley Miller, B. Schweyer
Corbin Helm Mine Simmons
Corr Hennessey Moul Snyder
Costa, D. Hickernell Murt Solomon
Cox Hill Mustio Sonney
Culver Irvin Neilon Staats
Cutler James Nelson Stephens
Day Jozwiak Nesbit Tallman
Deasy Kampf Neuman Taylor
Delozier Kauffer O'Neil Tobash
DeLuca Kaffman Oberlander Toepel
Diamond Keffer Ortitay Toohil
DiGirolamo Keller, F. Peifer Topper
Dowling Keller, M.K. Petrarcha Walsh
Dunbar Klunk Petri Ward
Dush Knowles Pickett Warner
Ellis Kortz Pyle Wentling
Emrick Kulik Quigley Wheeland
English Lawrence Quin, C. White
Evanovich Lewis Quin, M. Zimmerman
Everett Longietti Rader
Farry Mackenzie Rapp Turzai,
Fee Mahler Ravenstahl Speaker

EXCUSED—0

Barbin Christiana Sturla Watson
Brown, V. Sankey

NOT VOTING—6

Bohannon Cephas Fabrizio Kirkland Rozzi
Benninghoff Gabler Marshall Reese
Brown, V. Sankey

Less than the majority having voted in the affirmative, the question was determined in the negative and the amendment was not agreed to.
On the question recurring,
Will the House agree to the bill on second consideration as amended?

The SPEAKER. Members, we do have five more amendments. If possible, I would like to move through them with some efficiency.

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

Mr. WHEATLEY offered the following amendment No. A00636:

Amend Bill, page 9, line 30, by striking out “5.0” and inserting 20
Amend Bill, page 9, line 30, by striking out “25” and inserting 100
Amend Bill, page 10, line 11, by striking out “25” and inserting 100
Amend Bill, page 10, line 11, by inserting a bracket before “100”
Amend Bill, page 10, line 11, by inserting after “100” 1,000
Amend Bill, page 10, line 21, by inserting a bracket before “100”
Amend Bill, page 10, line 21, by inserting after “100” 1,000

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

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

Mr. WHEATLEY. It is my understanding, from my cursory review in other States similar as ours for incidence of drugs, the weights of drugs that classify themselves as mandatory minimums, they are at a higher rate. They are 10 times the rate that is above what was in this initial bill. I am just trying to make our weight rate similar to those other States, and so I would ask for support of this change that allows for that weight rate to increase.

The SPEAKER. Representative Stephens.

Mr. STEPHENS. Thank you, Mr. Speaker.

Two things, Mr. Speaker. First of all, it is hard to compare Pennsylvania's weights with other States because some States include crack and do not include crack with cocaine. Some treat them differently. We happen to treat them the same. I know there are a lot of folks out there looking at Federal studies and everything else like that, but Pennsylvania, we have our own unique sentencing system and our own unique sentencing structure, so it is hard to compare across State lines.

I do want to make the point that the bill as it is proposed would in fact increase the weight of cocaine before you would get a mandatory, from where it was when mandatory minimums were invalidated. It used to be that you would get a mandatory minimum sentence if you delivered 2 grams of cocaine. Under the bill, you would not receive a minimum until you delivered 5 grams of cocaine, and just so the members understand, 5 grams of cocaine is the equivalent of about 50 lines of cocaine. So a mandatory does not kick in until you are delivering 50 lines of cocaine – again, more than double what it used to be. So we are already moving in that direction.

I would urge the members to oppose this amendment. I think the underlying bill really goes far enough. Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS–45
Baker    Everett    Mackenzie   Ravenstahl
Barrar   Everitt     Mahler      Readshaw
Benninghoff Fee       Mako       Reed
Bernistine Freeman     Maloney    Reese
Bizzarro  Fritz       Markosek   Roe
Bloom  Gabler       Marshall    Roe
Boback  Gillen       Marmo      Rothman
Brown, R.  Gillespie  Maser      Ryan
Bums    Godshall     Matzie      Saccone
Caltagione Goodman    McGinnis   Sainato
Causer  Greiner     Mehaffie    Samuelson
Charlton  Grove      Menter      Santora
Conklin  Hahn        Metcalfe    Saylor
Cook  Harkins       Metzgar     Schlemel
Corbin  Harper      Mincarelli  Schlossberg
Cor  Harris, A.    Millard     Simmonds
Costa, D.  Heffley   Miller, B.  Snyder
Costa, P.  Helm      Milne       Sonney
Cox    Hennessey    Moul        Staats
Cruz  Hickernell   Murt        Stephens
Culver  Hill        Mustio      Tallman
Cutler  Irvin       Neilon      Taylor
Davis  James       Nelson      Tobash
Day  Jozwiak     Nesbit       Topeil
Deasy  Kampf      Neuman      Toohil
Delozier  Kauper    O'Neill     Topper
DeLaca  Kaufman    Oberlander  Walsh
Diamond  Keever     Ortley      Ward
DiGirolamo DiGirolamo   Keller, F. Peifer    Warner
Donatucci Keller, M.K.  Petracca   Warren
Dowling  Keller, W.  Petri       Wentling
Driscoll  Klunk      Pickett     Wheeland
Dubar      Knowles    Pyle        White
Dush  Kortz       Quigley      Zimmermann
Ellis  Kulik        Quinn, C.   Zuria
Emrick  Lawrence    Quinn, M.   Zuria
English Lewis      Rader       Speaker
Evankovich  Longietti  Rapp

NAYS–149
Bloom Gabler Marshall Roe
Boback Gillen Marmo Rothman
Brown, R. Gillespie Maser Ryan
Burns Godshall Matzie Saccone
Caltagione Goodman McGinnis Sainato
Causer Greiner Mehaffie Samuelson
Charlton Grove Menter Santora
Conklin Hahn Metcalfe Saylor
Cook Harkins Metzgar Schlemel
Corbin Harper Mincarelli Schlossberg
Cor Harris, A. Millard Simmonds
Costa, D. Heffley Miller, B. Snyder
Costa, P. Helm Milne Sonney
Cox Hennessey Moul Staats
Cruz Hickernell Murt Stephens
Culver Hill Mustio Tallman
Cutler Irvin Neilon Taylor
Davis James Nelson Tobash
Day Jozwiak Nesbit Topeil
Deasy Kampf Neuman Toohil
Delozier Kauper O'Neill Topper
DeLaca Kaufman Oberlander Walsh
Diamond Keever Ortley Ward
DiGirolamo Keller, F. Peifer Warner
Donatucci Keller, M.K. Petracca Warren
Dowling Keller, W. Petri Wentling
Driscoll Klunk Pickett Wheeland
Dubar Knowles Pyle White
Dush Kortz Quigley Zimmermann
Ellis Kulik Quinn, C. Zuria
Emrick Lawrence Quinn, M. Zuria
English Lewis Rader Speaker
Evankovich Longietti Rapp

NOT VOTING–2
Fabrizio Sims

EXCUSED–6
Barbin Christiana Sturla Watson
Brown, V. Sankey

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

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

Mr. WHEATLEY offered the following amendment No. A00637: Amend Bill, page 2, line 17, by inserting a bracket before "1,000"
Amend Bill, page 2, line 17, by inserting after "1,000"
Amend Bill, page 2, line 20, by inserting a bracket before "500"
Amend Bill, page 2, line 20, by inserting after "500"
Amend Bill, page 4, line 20, by inserting a bracket before "1,000"
Amend Bill, page 4, line 20, by inserting after "1,000"

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

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

Mr. WHEATLEY. So once again I am trying to make a bad idea a little less bad. I think arbitrarily, we pick distances from schools. We pick things that we pull out of the air. So I am not sure what the difference is between 1,000 feet from a school and 500 feet from a school bus stop, versus 250 feet from a school and 250 feet from a bus stop. I do not know if there is much of a difference, because if you are selling drugs or possessing drugs, if you are around schools, I am not sure if there is much of a difference. But we believe that you can have homes and other gathering spaces that are 1,000 feet from a school that picks up a whole bunch of other people into a mandatory minimum situation that might not necessarily be the case or what we want to do, at least what I hope we want to do. So my amendment is just trying to make a bad idea a little less bad.

Mr. Speaker, if I may ask the maker – because I am not clear on this; when I made this amendment, I was not clear on this – why the decision of 1,000 feet from a school and 500 feet from a school bus stop was determined, and I do not know if that was some statistical evidence that showed more people deal drugs within that square footage or what. So maybe I can pull this if he can explain to me why that was for.

The SPEAKER. Representative Stephens, I realize it is the maker's amendment, but he does have a question with respect to those zones. Do you mind answering?

Mr. STEPHENS. I do not mind answering, but I do not know the answer. I have my own personal opinion, but I do not know why it was set at 1,000 when it was set at 1,000.

The SPEAKER. It has been in the law for – I do not know the timeframe.

Mr. WHEATLEY. Okay.

The SPEAKER. But you may proceed, sir.

Mr. WHEATLEY. So again, I am just trying to offer some semblance of a rational way to figure out how not to just catch indiscriminate people into this process of a mandatory minimum pipeline that gets people caught into our criminal justice system unnecessarily.

So I would hope that the members of the body would support it, and I ask for an affirmative vote. Thank you.

The SPEAKER. Thank you, sir.

Representative Stephens, on the amendment, sir.

Mr. STEPHENS. Thank you, Mr. Speaker.

Mr. Speaker, you know, the school zone mandatory is intended to keep drugs away from kids, and our School Code says that school districts do not have to transport kids unless they live a mile and a half from the school, so that is obviously a whole lot longer than just 1,000 feet. You know, look, I do not want children walking by drug dealers. I do not want children seeing drug dealers. I do not want children to get the idea that it is all right to use drugs. I do not want them to think it is okay to sell drugs. I do not want them to think that they are going to make a lot of money. I do not want any of that, and so I think the reason that it is important to maintain this 1,000 feet is so that we do everything we can to keep drugs and drug dealers away from kids.

Now, that being said, one of the things that I did identify along those lines was really the inconsistency in my mind of the fact that we had a 2-year mandatory minimum for being in the school zone but we only had a 1-year mandatory minimum if you dealt to kids, and if we really are about protecting kids, it made sense to me to flip those.

So that is what the underlying bill does. So I think that helps address some of the concerns that the gentleman is trying to get to, but I do think that it is important that we do everything we can to prevent children and kids who are attending school and walking to and from school from being exposed to the drug-dealing activity that happens all too often in our communities.

So I would ask the members to oppose this amendment. Thank you, Mr. Speaker.

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

(Members proceeded to vote.)

The SPEAKER. Representative Wheatley.

Mr. WHEATLEY. Mr. Speaker, in the interest of time, I would like to pull amendment A00638, seeing that both of those individually went down. There is no sense of us making a vote on that one.

The SPEAKER. Correct. I will follow up with you on that in a second, sir.

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

The following roll call was recorded:

YEAS–31

Daley  Galloway  Markosek  Thomas
Dawkins  Haggerty  McClinton  Vitali
Dermody  Harris, J.  Mullery  Wheatley
Fitzgerald  Kavulich  Roebuck
Bullock  Flynn  Kinsey  Rozzi
Carroll  Frankel  Kirkland  Sims
Cephas  Gainey  Madden  Solomon
Daley  Galloway  Markosek  Thomas
Davidson  Haggerty  McClinton  Vitali
Dawkins  Haggerty  McNell  Wheatley
Dermody  Harris, J.  Mullery  Youngblood
Mr. WHEATLEY offered the following amendment No. A00672:

Amend Bill, page 1, line 3, by inserting after "Statutes,"
in general provisions, providing for study on mandatory minimum penalties;
Amend Bill, page 1, lines 17 through 19, by striking out all of said lines and inserting
Section 1. Title 18 of the Pennsylvania Consolidated Statutes is amended by adding a section to read:
§ 113. Study on mandatory minimum penalties.

(a) Scope.—The commission shall conduct a study on the effects of mandatory minimum sentences, particularly as the effects relate to violations under the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act, on the following:
(1) Minorities.
(2) Women.
(3) Lesbian, gay, bisexual and transgender individuals.
(4) Low-income families and individuals.

(b) Commencement.—The commission shall commence the study upon the effective date of this act and shall gather information and statistics throughout the three years following the effective date of this act.

(c) Report.—Within 90 days after the expiration of three years following the effective date of this act, the commission shall issue a report to the General Assembly containing the commission's findings and recommendations regarding the effects of mandatory minimum sentences.

(d) 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:

Section 2. Sections 6314, 6317 and 7508(a), (b) and (d) of Title 18 are amended to read:
Amend Bill, page 17, line 23, by striking out "2" and inserting 3
Amend Bill, page 21, line 20, by striking out "3" and inserting 4
Amend Bill, page 22, line 10, by striking out "4" and inserting 5
Amend Bill, page 29, line 18, by striking out "5" and inserting 6

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

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

Mr. WHEATLEY. Thank you, Mr. Speaker.

Mr. Speaker, I feel if we do things like this when we know there has been historical evidence to show these types of laws have a negative impact on citizens of diverse communities, I would at least expect that if we are going to do this again we would have intentionality to tracking who is impacted, and if in fact we find that there is some implication of impact, that we will be open to coming back and trying to address those negative impacts. So this particular amendment does not stop our process of, you know, being tough on crime. It also would add into our process some information about what our laws are doing as it relates to communities throughout Pennsylvania.

So I would ask the members to support this amendment.

The SPEAKER. Representative Stephens, on the amendment.
Mr. STEPHENS. Thank you, Mr. Speaker.

Mr. Speaker, I actually agree with a lot of what the gentleman said and there is certainly merit to looking at any proposal, frankly, for those reasons. I do not think PCCD (Pennsylvania Commission on Crime and Delinquency) is the appropriate entity to do that. I think, actually, the Sentencing Commission would be better situated to do that type of work. As a matter of fact, in the previous mandatory study, they touched on some of those issues. It was interesting because they actually came up with some diverging information, and because of limited time and resources they could not really dig in on it, but they have all the data. They have done the mandatory study previously.

And so I would ask the members to oppose this amendment. The idea is a good one. I just think instead of PCCD, it would need to be another entity, and therefore, I would urge the members to oppose the amendment.

The SPEAKER. Representative Wheatley, you may proceed.

Mr. WHEATLEY. Thank you, Mr. Speaker.

If I may ask the gentleman to stand for interrogation.

The SPEAKER. Representative Stephens, will you stand for a brief question, sir?

He has indicated he will.

Mr. WHEATLEY. Mr. Speaker, if in fact we were able to change the language, would you be supportive of getting it in if this bill does move tomorrow?

Mr. STEPHENS. I am having a little trouble hearing.

The SPEAKER. Members, please take your seats. These are the last two amendments.

Representative Wheatley, what I would like you to do right now, because that is not really a question for interrogation, if you could take a moment and just meet with Representative Stephens, that would be great.

STATEMENT BY MR. DAY

The SPEAKER. While we are waiting, Representative Gary Day, on unanimous consent. Representative Gary Day, on unanimous consent.

Mr. DAY. Thank you, Mr. Speaker.

On this day 25 years ago, my wife and I said "I do." That is 25 years, Mr. Speaker. I rise today to say thank you to my wife for standing beside me for 25 years, our silver anniversary, and allowing me to serve the people of the 187th District. So happy anniversary, Susan.

Thank you, Mr. Speaker.

VOTE CORRECTIONS

The SPEAKER. Representative Adam Ravenstahl or Representative Gerald Mullery?

Representative Mullery.

Mr. MULLERY. Thank you, Mr. Speaker.

May I correct the record?

The SPEAKER. Yes, sir. You may proceed.

Mr. MULLERY. On amendment 00638, I was recorded in the affirmative. I would like to be recorded in the negative.

The SPEAKER. Yes, sir. That will be reflected in the record.

Representative Kristin Hill. You may proceed.

Mrs. HILL. Thank you, Mr. Speaker.

I need to correct the record. On amendment A00671 to HB 741, I was recorded in the affirmative and I wish to be recorded in the negative.

The SPEAKER. Yes, that is reflected.

Mrs. HILL. Thank you, Mr. Speaker

The SPEAKER. I do apologize. I have a note here that Representative Ravenstahl wanted to correct the record as well, but I understand he does not. Maybe he should – but no, I am teasing. I am kidding. I apologize.

CONSIDERATION OF HB 741 CONTINUED

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

Mr. WHEATLEY. Mr. Speaker, I have had the sidebar and I am satisfied with the sidebar, so we can vote the amendment.

On the question recurring.

Will the House agree to the amendment?

The following roll call was recorded:

YEAS–71

Bizzarro DeLissio Keller, W.  Pashinski
Boyle Dermody Kim Rabb
Bradford Donatucci Kinsey Ravenstahl
Briggs Driscoll Kirkland Readshaw
Bullock Evans Kortz Roe
Caltagirone Fabrizio Krueger Roebuck
Carroll Fitzgerald Kalik Rozzi
Cephas Flynn Madden Schlossberg
Comitta Frankel Markosek Schlossberg
Conklin Freeman Matzie Schwegler
Costa, P. Gainey McClinton Sims
Cruz Galloway McClinton Snyder
Daley Gergely McNell Thomas
Davidson Haggerty Miller, D. Vitali
Davis Hanna Mullery Warren
Dawkins Harkins Neilson Wheatley
Dean Harris, J. Neuman Youngblood
Deasy Kavulich O'Brien

NAYS–125

Baker Fritz Mako Reed
Barrar Gabler Maloney Reese
Benninghoff Gillen Marshall Roae
Bernstine Gillespie Marsico Rothman
Bloom Godshall Masser Ryan
Boback Goodman McGinnis Saccone
Brown, R. Greiner Mehaffie Sainato
Burns Grover Mentzer Santora
Cauzer Hahn Metcalfe Saylor
Charlton Harper Metzgar Schemel
Cook Harris, A. Miscarelli Simmons
Corbin Heffley Millard Solomon
Corr Helm Miller, B. Sonney
Costa, D. Hennessey Milne Staats
Cox Hickerne Moul Stephens
Culver Hill Murt Tallman
Cutler Irvin Mustio Taylor
Day James Nelson Tobash
Delozier Jozwiak Nesbit Toepel
DeLucia Kampf O'Neill Tohok
Diamond Kaufer Oberlander Tooper
DiGirolamo Kaufman Ortutay Walsh
Dowling Keefer Peifer Ward
Dunbar Keller, F. Petrarca Warner

VOTE CORRECTIONS

The SPEAKER. Representative Adam Ravenstahl or Representative Gerald Mullery?

Representative Mullery.

Mr. MULLERY. Thank you, Mr. Speaker.

May I correct the record?

The SPEAKER. Yes, sir. You may proceed.

Mr. MULLERY. On amendment 00638, I was recorded in the affirmative. I would like to be recorded in the negative.

The SPEAKER. Yes, sir. That will be reflected in the record.

Representative Kristin Hill. You may proceed.
Does anybody else wish to correct the record? I think people are getting a little tired.

The SPEAKER. Members, we are on the last amendment.

Amend Bill, page 17, by inserting between lines 22 and 23

A00675:

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

Mr. WHEATLEY offered the following amendment No. A00675:

Amend Bill, page 4, by inserting between lines 11 and 12

Amend Bill, page 6, by inserting between lines 24 and 25

On amendment 675,

The SPEAKER. The last amendment is amendment 675.

VOTE CORRECTIONS

The SPEAKER. Prior to that, Representative Comitta wishes to correct the record.

Mrs. COMITTA. Thank you, Mr. Speaker.

For amendment 00663 for HB 741, my vote was recorded negative and I intended to vote positive.

The SPEAKER. Yes, and the record will so reflect.

Representative Rosita Youngblood I think also has a correction to the record.

Ms. YOUNGBLOOD. Mr. Speaker, on HB 271, I was recorded in the negative. I would like to be recorded in the positive.

The SPEAKER. Okay, HB 271.

Now we are on amendment 675.

Representative Wheatley, on the amendment?

Mr. WHEATLEY. Mr. Speaker, I was actually rising to correct the record, too, for a minute, if I may.

The SPEAKER. Yes, you may, please.

Mr. WHEATLEY. HB 291, I was voted in the affirmative. I would like to be voted in the negative.

The SPEAKER. In the negative. Okay.

And then Representative Millard, on the record, you want to correct the record, I believe?

Mr. MILLARD. Yes, Mr. Speaker.

On amendment 602 and amendment 603. I was recorded in the positive. I want to be recorded in the negative.

The SPEAKER. Yes, sir.

Representative Angel Cruz? No. Okay.

CONSIDERATION OF HB 741 CONTINUED

The SPEAKER. Members, we are on the last amendment.

Does anybody else wish to correct the record? I think people are getting a little tired.
Mr. STEPHENS, Thank you, Mr. Speaker.

Mr. Speaker, it appears as though there is a pretty significant drafting error within this amendment. Actually, the amendment includes language directing the Legislative Reference Bureau to take action, although I am not entirely clear what the action is, so I would urge members to oppose this amendment.

Thank you very much, Mr. Speaker.

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

The following roll call was recorded:

YEAS—64

Bizzarro             Dean             Hanna             Miller, D.
Boyle                Deasy             Harkins             Neilson
Bradford             DelLissio          Harris, J.          O'Brien
Briggs               DeLuca             Kavulich            Pashinski
Bullock              Dermody            Keller, W.          Rabb
Calagione            Donatucci          Kim                Ravenstahl
Cephas               Driscoll           Kinsey             Readshaw
Comitta              Evans              Kirkland            Roebuck
Conklin              Fabrizio           Kortz              Samuels
Costa, D.             Fitzgerald          Krueger            Schlossberg
Costa, P.             Frankel            Madden             Schwayer
Cruz                 Freeman            Markosek            Sims
Daley                Gainey             Mazie              Thomas
Davidson             Galloway           McCarter           Vitali
Davis                Gergely            McClinton          Wheatley
Dawkins              Goodman            McNeill            Youngblood

NAYS—132

Baker                 Gillen             Marsico             Roae
Barrar                Gillespie          Masser             Roe
Benninghoff           Godshall           McGinnis            Rothman
Bernistine            Greiner            Mchaffie            Rozzi
Bloom                 Grove              Mentzer            Ryan
Boback                Haggerty           Metcalfe            Saccone
Brown, R.             Hahn               Metzgar             Sainato
Burns                 Harper              Maccarelli          Santora
Carroll               Harris, A.         Millard             Saylor
Causer                Heffley            Miller, B.          Schmel
Charlton              Helm               Milne               Simmons
Cook                  Hennessey          Moul               Snyder
Corbin                Hickernell         Mullery             Solomon
Corr                  Hill               Murt               Sonney
Cox                   Irvin              Mustio             Staats
Culver                James              Nelson             Stephens
Cutler                Jozwiak            Nesbit             Tallman
Day                   Kampf              Neuman             Taylor
Delozier              Kaufer             O'Neill             Tobash
Diamond              Kaufman            Oberlander          Toepel
DeGirolamo           Keefer             Ortitay             Tooil
Doling                Keller, F.         Peifer             Topper
Dunbar                Keller, M.K.        Petrarca            Walsh
Dush                  Klunk              Petri               Ward
Ellis                 Knowles            Pickett             Warner
Emrick                Kulik              Pyle               Warren
English              Lawrence            Quigley             Wentling
Evanovich            Lewis              Quinn, C.           Wheeland
Everett               Longietti          Quinn, M.           White
Farry                 Mackenzie          Rader              Zimmerman
Fee                   Maher              Rapp               Turzai,
Fritz                 Maloney            Reese              Speaker
Gabler                Marshall

NOT VOTING—0

EXCUSED—6

Barbin                Christiana          Sturla              Watson
Brown, V.             Sankey

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

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

The SPEAKER. Are there any other amendments that have been offered? Any other amendments that have been offered?

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.

Members, there are no further votes.

Now, everybody, we are going to be here tomorrow at 10:30. We are going to start at 10:30. So we have a motion to adjourn until 10:30 a.m. There is going to be a swearing-in tomorrow, so we are going to start a half hour early so that we can be prompt at 11 a.m. for the swearing-in. So we are going to get some important business done at 10:30.

BILLS RECOMMENDED

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

HB   16;
HB   46;
HB 235;
HB 266;
HB 397;
HB 422;
HB 423;
HB 582;
HB 675; and
HB 741.

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

BILLS REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader, who moves that the following bills be removed from the tabled calendar and placed on the active calendar:
HB 45;
HB 93;
HB 199;
HB 269;
HB 283;
HB 303;
HB 381;
HB 409;
HB 580; and
SB 250.

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

ANNOUNCEMENT BY MR. HENNESSEY

The SPEAKER. Representative Tim Hennessey is recognized.
You may proceed.
Mr. HENNESSEY. Thank you, Mr. Speaker.
Tomorrow morning we have scheduled at 9 o'clock – it was scheduled to go from 9 to 11 – a joint meeting of the Human Services Committee, Drug and Alcohol Committee, and the Aging Committee, and we have a whole schedule of witnesses.
The SPEAKER. Representative Hennessey, we are not going to be taking votes from 10:30 to 11, so you will be fine.
Mr. HENNESSEY. We can continue it until 11 o'clock?
The SPEAKER. Yes, you may.
Mr. HENNESSEY. Thank you.
The SPEAKER. Because we are not going to take votes. We are going to get done with some of the preliminaries. Thank you, sir.

BILLS AND RESOLUTIONS PASSED OVER

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

ADJOURNMENT

The SPEAKER. Representative Kathy Rapp moves that we be adjourned until Wednesday, April 5, 2017, at 10:30 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 5:18 p.m., e.d.t., the House adjourned.