

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

TUESDAY, APRIL 4, 2017

SESSION OF 2017

201ST OF THE GENERAL ASSEMBLY

No. 13

HOUSE OF REPRESENTATIVES

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

THE SPEAKER PRO TEMPORE (MATTHEW E. BAKER) PRESIDING

PRAYER

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 Your 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, QUIGLEY, 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

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

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 the interns for 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 in the rear of the House, the Chair welcomes honor students from the Community College of Allegheny County who are members of the All-Pennsylvania Academic Phi Theta Kappa Team, and they are Josephine Albrecht from Representative Dom Costa's district – and please rise when your name is recognized – Samantha Musser from Representative Dom Costa's area, Ashley Campbell from Representative Markosek's district, Gina Ruggieri – I am not sure about that phonetically – from Representative DeLuca's district, Alison McMutrie from Representative Kulik's district, Gerad Greco from Representative Dom Costa's district, Jared Baran-Cummings from Representative Cook's district, and Stella Obiakor from Representative Gainey's district. Please rise and be recognized. Welcome.

Located to the left of the rostrum, the Chair welcomes Leah Poppo, 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 students from Harrisburg Community College's York campus – 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. Representative Kinsey is recognized under unanimous consent, without objection. You may proceed when you are ready, Representative Kinsey.

Mr. KINSEY. Thank you, Mr. Speaker.

Mr. Speaker, I stand with Representative Harris, Representative Bullock, Representative Dawkins, Representative Cephas, and also Representative McClinton,

who could not be here with us at this moment, to recognize an organization that has been making a difference in the lives of African-Americans for over 100 years.

When you give of yourself to others in need, when you give the very best you have, when you strive beyond the level of just being good enough, and when you continue to do it consistently over and over and over again, we end up here celebrating 100 years of what the Urban League of Philadelphia stands for.

Even though their achievement is not defined by years, the Urban League of Philadelphia is synonymous with giving back and empowerment. It is an organization that has a rich history of advocating and working to ensure equal rights for African-Americans and other minorities. Whether it is through programs such as career services, housing counseling, entrepreneur training, Youth Employment Network, or NExT (Network of Extraordinary Talent) Philadelphia, which is a signature program that trains young adults to become our next generation of world leaders, the Urban League is there, ready, willing, and able to serve.

So, Mr. Speaker, on behalf of my colleagues standing here 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 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 to the left of the rostrum, the Chair welcomes Dr. Colleen Hanycz, who is the president of La Salle University. She is the guest of Representative Kevin Boyle. Welcome.

Located in the rear of the House, the Chair welcomes students from the Bucktail Leadership Program – Shiane Acor, Karen Bunsick, Treavor Burrows, Aaliyah McGowan, Sylvia Moore, Benjamin Probert, and Elliot Probst – and they are guests of Representative Hanna. Please rise and be recognized. Welcome.

We will now move to members wishing to speak under unanimous consent.

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 Beaulé; 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 267, PN 226 By Rep. MARSICO

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in theft and related offenses, defining the offense of theft of secondary metal; and prescribing penalties.

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 infancy, 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

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, in inheritance tax, further providing for inheritance tax rate.

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	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	McCarter	Santora
Causar	Gillen	McClinton	Saylor
Cephas	Gillespie	McGinnis	Schemel
Charlton	Godshall	McNeill	Schlossberg
Comitta	Goodman	Mehaffie	Schweyer
Conklin	Greiner	Mentzer	Simmons
Cook	Grove	Metcalfe	Sims
Corbin	Haggerty	Metzgar	Snyder
Corr	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	Nesbit	Toohil

Day	Irvin	Neuman	Topper
Dean	James	O'Brien	Vitali
Deasy	Jozwiak	O'Neill	Walsh
DeLissio	Kampf	Oberlander	Ward
Delozier	Kaufer	Ortitay	Warner
DeLuca	Kauffman	Pashinski	Warren
Dermody	Kavulich	Peifer	Wentling
Diamond	Keefer	Petrarca	Wheatley
DiGirolamo	Keller, F.	Petri	Wheeland
Donatucci	Keller, M.K.	Pickett	White
Dowling	Keller, W.	Pyle	Youngblood
Driscoll	Kim	Quigley	Zimmerman
Dunbar	Kinsey	Quinn, C.	
Dush	Kirkland	Quinn, M.	Turzai,
Ellis	Klunk	Rabb	Speaker
Emrick	Knowles		

ADDITIONS—0

NOT VOTING—0

EXCUSED—6

Brown, V. Christiana	Madden Neilson	Sankey	Watson
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LEAVES ADDED—2

Barbin	Sturla
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LEAVES CANCELED—2

Madden	Neilson
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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.

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Mr. LONGIETTI called up **HR 123, PN 779**, entitled:

A Resolution recognizing April 4, 2017, as "National Healthy Schools Day" in Pennsylvania.

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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.

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Mr. NEUMAN called up **HR 183, PN 1065**, entitled:

A Resolution recognizing the month of May 2017 as "Postpartum Depression Awareness Month" in Pennsylvania.

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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.

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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
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	McCarter	Santora
Causar	Gillen	McClinton	Saylor
Cephas	Gillespie	McGinnis	Schemel
Charlton	Godshall	McNeill	Schlossberg
Comitta	Goodman	Mehaffie	Schweyer
Conklin	Greiner	Mentzer	Simmons
Cook	Grove	Metcalfe	Sims
Corbin	Haggerty	Metzgar	Snyder
Corr	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	Neilson	Toepel
Dawkins	Hill	Nelson	Toohil
Day	Irvin	Nesbit	Topper
Dean	James	Neuman	Vitali

Deasy	Jozwiak	O'Brien	Walsh
DeLissio	Kampf	O'Neill	Ward
DeLozier	Kaufer	Oberlander	Warner
DeLuca	Kauffman	Ortitay	Warren
Dermody	Kavulich	Pashinski	Wentling
Diamond	Keefer	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 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.

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

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

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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

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	McCarter	Santora
Causser	Gillen	McClinton	Saylor
Cephas	Gillespie	McGinnis	Schemel
Charlton	Godshall	McNeill	Schlossberg
Comitta	Goodman	Mehaffie	Schweyer
Conklin	Greiner	Mentzer	Simmons
Cook	Grove	Metcalfe	Sims
Corbin	Haggerty	Metzgar	Snyder
Corr	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	Neilson	Toepel
Dawkins	Hill	Nelson	Toohil
Day	Irvin	Nesbit	Topper
Dean	James	Neuman	Vitali
Deasy	Jozwiak	O'Brien	Walsh
DeLissio	Kampf	O'Neill	Ward
DeLozier	Kaufer	Oberlander	Warner
DeLuca	Kauffman	Ortitay	Warren
Dermody	Kavulich	Pashinski	Wentling
Diamond	Keefer	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 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
Bernstine	Fabrizio	Lewis	Readshaw
Bizzarro	Farry	Longietti	Reed
Bloom	Fee	Mackenzie	Reese
Boback	Fitzgerald	Maher	Roae
Boyle	Flynn	Mako	Roe
Bradford	Frankel	Maloney	Roebuck
Briggs	Freeman	Markosek	Rothman
Brown, R.	Fritz	Marshall	Rozzi
Bullock	Gabler	Marsico	Ryan
Burns	Gainey	Masser	Saccone
Caltagirone	Galloway	Matzie	Sainato
Carroll	Gergely	McCarter	Samuelson
Causar	Gillen	McClinton	Santora
Cephas	Gillespie	McGinnis	Saylor
Charlton	Godshall	McNeill	Schemel
Comitta	Goodman	Mehaffie	Schlossberg
Conklin	Greiner	Mentzer	Schweyer
Cook	Grove	Metcalfe	Simmons
Corbin	Haggerty	Metzgar	Sims
Corr	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

Daley	Helm	Murt	Taylor
Davidson	Hennessey	Mustio	Thomas
Davis	Hickernell	Neilson	Tobash
Dawkins	Hill	Nelson	Toepel
Day	Irvin	Nesbit	Toohil
Dean	James	Neuman	Topper
Deasy	Jozwiak	O'Brien	Vitali
DeLissio	Kampf	O'Neill	Walsh
Delozier	Kaufer	Oberlander	Ward
DeLuca	Kauffman	Ortitay	Warner
Dermody	Kavulich	Pashinski	Warren
Diamond	Keefer	Peifer	Wentling
DiGirolamo	Keller, F.	Petrarca	Wheatley
Donatucci	Keller, M.K.	Petri	Wheeland
Dowling	Keller, W.	Pickett	White
Driscoll	Kim	Pyle	Zimmerman
Dunbar	Kinsey	Quigley	
Dush	Kirkland	Quinn, C.	Turzai,
Ellis	Klunk	Quinn, M.	Speaker
Emrick	Knowles		

NAYS-0

NOT VOTING-1

Youngblood

EXCUSED-5

Brown, V. Christiana	Madden	Sankey	Watson
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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 1058**, entitled:

An Act amending the act of June 24, 1931 (P.L.1206, No.331), known as The First Class Township Code, in election of officers and vacancies in office, further providing for electors only eligible and for vacancies in general.

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.

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:

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, in inheritance tax, further providing for inheritance tax rate.

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	Farry	Maher	Roae
Bernstine	Fee	Mako	Roe
Bizzarro	Flynn	Maloney	Roebuck
Bloom	Freeman	Marshall	Rothman
Boback	Fritz	Marsico	Rozzi
Boyle	Gabler	Masser	Ryan
Brown, R.	Galloway	Matzie	Saccone
Bullock	Gergely	McGinnis	Sainato
Burns	Gillen	McNeill	Samuelson
Caltagirone	Gillespie	Mehaffie	Santora

Carroll	Godshall	Mentzer	Saylor
Causler	Goodman	Metcalfe	Schemel
Charlton	Greiner	Metzgar	Schweyer
Comitta	Grove	Miccarelli	Schweyer
Conklin	Haggerty	Millard	Simmons
Cook	Hahn	Miller, B.	Snyder
Corbin	Hanna	Milne	Solomon
Corr	Harkins	Moul	Sonney
Costa, D.	Harper	Mullery	Staats
Costa, P.	Harris, A.	Murt	Stephens
Cox	Heffley	Mustio	Sturla
Cruz	Helm	Neilson	Tallman
Culver	Hennessey	Nelson	Taylor
Cutler	Hickernell	Nesbit	Tobash
Davidson	Hill	Neuman	Toepel
Davis	Irvin	O'Brien	Toohil
Dawkins	James	O'Neill	Topper
Day	Jozwiak	Oberlander	Vitali
Deasy	Kampf	Ortitay	Walsh
Delozier	Kaufer	Pashinski	Ward
DeLuca	Kauffman	Peifer	Warner
Dermody	Keefer	Petrarca	Warren
Diamond	Keller, F.	Petri	Wentling
DiGirolamo	Keller, M.K.	Pickett	Wheatley
Donatucci	Keller, W.	Pyle	Wheeland
Dowling	Kinsey	Quigley	White
Driscoll	Kirkland	Quinn, C.	Youngblood
Dunbar	Clunk	Quinn, M.	Zimmerman
Dush	Knowles	Rader	
Ellis	Kortz	Rapp	Turzai,
Emrick	Kulik	Ravenstahl	Speaker
Evankovich	Lawrence		

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. Christiana	Madden	Sankey	Watson
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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 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-189

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

NAYS-8

Keller, F.	Lawrence	Metcalfe	Schemel
Knowles	McGinnis	Metzgar	Warner

NOT VOTING-0

EXCUSED-5

Brown, V. Christiana	Madden	Sankey	Watson
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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
Barrar	Evankovich	Kortz	Rader
Benninghoff	Evans	Krueger	Ravenstahl
Bernstine	Everett	Kulik	Readshaw
Bizzarro	Fabrizio	Lawrence	Reed
Bloom	Farry	Lewis	Roe
Boback	Fee	Longietti	Roebuck
Boyle	Fitzgerald	Mackenzie	Rothman
Bradford	Flynn	Maher	Rozzi
Briggs	Frankel	Mako	Ryan
Brown, R.	Freeman	Maloney	Saccone
Bullock	Fritz	Markosek	Sainato
Burns	Gabler	Marshall	Samuelson
Caltagirone	Gainey	Marsico	Santora
Carroll	Galloway	Masser	Saylor
Causser	Gergely	Matzie	Schlossberg
Cephas	Gillen	McCarter	Schweyer
Charlton	Gillespie	McClinton	Simmons
Comitta	Godshall	McNeill	Sims
Conklin	Goodman	Mehaffie	Snyder
Cook	Greiner	Mentzer	Solomon
Corbin	Grove	Miccarelli	Sonney
Corr	Haggerty	Millard	Staats
Costa, D.	Hahn	Miller, B.	Stephens
Costa, P.	Hanna	Miller, D.	Sturla
Cox	Harkins	Milne	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	Irvin	O'Neill	Ward

Deasy	James	Oberlander	Warren
DeLissio	Jozwiak	Ortity	Wentling
Delozier	Kampf	Pashinski	Wheatley
DeLuca	Kaufner	Peifer	Wheeland
Dermody	Kauffman	Petrarca	White
DiGirolamo	Kavulich	Petri	Youngblood
Donatucci	Keefer	Pickett	Zimmerman
Dowling	Keller, M.K.	Pyle	
Driscoll	Keller, W.	Quigley	Turzai,
Dush	Kim	Quinn, C.	Speaker
Ellis	Kinsey		

NAYS—13

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

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

NAYS-1

McGinnis

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.

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 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.

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	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	Sacone
Burns	Gainey	Masser	Sainato
Caltagirone	Galloway	Matzie	Samuelson
Carroll	Gergely	McCarter	Santora
Causar	Gillen	McClinton	Saylor
Cephas	Gillespie	McGinnis	Schemel
Charlton	Godshall	McNeill	Schlossberg
Comitta	Goodman	Mehaffie	Schweyer

Conklin	Greiner	Mentzer	Simmons
Cook	Grove	Metcalfe	Sims
Corbin	Haggerty	Metzgar	Snyder
Corr	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	Neilson	Toepel
Dawkins	Hill	Nelson	Toohil
Day	Irvin	Nesbit	Topper
Dean	James	Neuman	Vitali
Deasy	Jozwiak	O'Brien	Walsh
DeLissio	Kampf	O'Neill	Ward
Delozier	Kaufner	Oberlander	Warner
DeLuca	Kauffman	Ortitay	Warren
Dermody	Kavulich	Pashinski	Wentling
Diamond	Keefer	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. Christiana	Madden	Sankey	Watson
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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.

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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.

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	McCarter	Santora
Causer	Gillen	McClinton	Saylor
Cephas	Gillespie	McGinnis	Schemel
Charlton	Godshall	McNeill	Schlossberg
Comitta	Goodman	Mehaffie	Schweyer
Conklin	Greiner	Mentzer	Simmons
Cook	Grove	Metcalfe	Sims
Corbin	Haggerty	Metzgar	Snyder
Corr	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	Neilson	Toepel
Dawkins	Hill	Nelson	Toohil
Day	Irvin	Nesbit	Topper
Dean	James	Neuman	Vitali
Deasy	Jozwiak	O'Brien	Walsh
DeLissio	Kampf	O'Neill	Ward
Delozier	Kaufner	Oberlander	Warner
DeLuca	Kauffman	Ortitay	Warren
Dermody	Kavulich	Pashinski	Wentling
Diamond	Keefer	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. Christiana	Madden	Sankey	Watson
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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 take action to address an urgent need, and let us be honest, we are not always the fastest game in town. If we have an emergency and we are depending on ourselves here in the legislature to act quickly, that is something I really have not seen very much of in all the years that I have been here.

Things happen even with a good, responsible plan – even with a conservative plan. We cannot foresee everything. We would be better off and our constituents would be better off if the Governor kept flexibility for public safety projects.

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:

YEAS—117

Baker	Gabler	Marsico	Reese
Barrar	Gillen	Masser	Roae
Benninghoff	Gillespie	McGinnis	Roe
Bernstine	Godshall	Mehaffie	Rothman
Bloom	Greiner	Mentzer	Ryan
Boback	Grove	Metcalfe	Saccone
Brown, R.	Hahn	Metzgar	Santora
Causer	Harper	Miccarelli	Saylor
Charlton	Harris, A.	Millard	Schemel
Cook	Heffley	Miller, B.	Simmons
Corbin	Helm	Milne	Sonney
Corr	Hickernell	Moul	Staats
Cox	Hill	Murt	Stephens
Culver	Irvin	Mustio	Tallman
Cutler	James	Nelson	Taylor
Day	Jozwiak	Nesbit	Tobash
Delozier	Kampf	O'Neill	Toepel

Diamond	Kaufert	Oberlander	Toohil
DiGirolamo	Kauffman	Ortity	Topper
Dowling	Kefer	Peifer	Walsh
Dunbar	Keller, M.K.	Petrarca	Ward
Dush	Klunk	Petri	Warner
Ellis	Knowles	Pickett	Wentling
Emrick	Lawrence	Pyle	Wheeland
English	Lewis	Quigley	White
Evankovich	Mackenzie	Quinn, C.	Zimmerman
Everett	Maher	Quinn, M.	
Farry	Mako	Rader	Turzai,
Fee	Maloney	Rapp	Speaker
Fritz	Marshall	Reed	

NAYS—81

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

NOT VOTING—0

EXCUSED—4

Brown, V.	Christiana	Sankey	Watson
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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 Saylor.

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. Expediency, 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 expenditures 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	Kulik	Reed
Benninghoff	Everett	Lawrence	Reese
Bernstine	Fabrizio	Lewis	Roae
Bizzarro	Farry	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
Causar	Gillespie	Masser	Schemel
Cephas	Godshall	McClinton	Schlossberg
Charlton	Goodman	McGinnis	Schweyer
Comitta	Greiner	Mehaffie	Simmons
Cook	Grove	Mentzer	Sims
Corbin	Haggerty	Metcalfe	Snyder
Corr	Hahn	Miccarelli	Solomon
Costa, D.	Hanna	Millard	Sonney
Costa, P.	Harkins	Moul	Staats
Cox	Harper	Murt	Stephens
Cruz	Harris, A.	Mustio	Sturla
Culver	Heffley	Neilson	Taylor
Cutler	Helm	Nelson	Tobash
Davis	Hickernell	Nesbit	Toepel
Dawkins	Hill	O'Brien	Toohil
Day	Irvin	O'Neill	Topper
Deasy	James	Oberlander	Vitali
DeLissio	Jozwiak	Ortitay	Walsh
Delozier	Kampf	Pashinski	Ward
DeLuca	Kaufman	Peifer	Warner
Dermody	Kauffman	Petrarca	Warren
Diamond	Kavulich	Petri	Wentling
DiGirolamo	Keefer	Pickett	Wheeland
Donatucci	Keller, F.	Pyle	White
Dowling	Keller, M.K.	Quigley	Zimmerman
Driscoll	Keller, W.	Quinn, C.	
Dunbar	Kinsey	Quinn, M.	Turzai,
Dush	Klunk	Rader	Speaker
Ellis			

NAYS—31

Boyle	Gainey	McCarter	Rabb
Bradford	Gillen	McNeill	Ravenstahl
Conklin	Harris, J.	Metzgar	Samuelson
Daley	Hennessey	Miller, B.	Tallman
Davidson	Kim	Miller, D.	Thomas
Dean	Kirkland	Milne	Wheatley
English	Krueger	Mullery	Youngblood
Freeman	Matzie	Neuman	

NOT VOTING—0

EXCUSED—4

Brown, V.	Christiana	Sankey	Watson
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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.	Miccarelli	Saylor
Charlton	Heffley	Millard	Schemel
Cook	Helm	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	Kauffman	Oberlander	Toohil
Dowling	Keefer	Ortitay	Topper
Dunbar	Keller, F.	Peifer	Walsh
Dush	Keller, M.K.	Petri	Ward
Ellis	Klunk	Pickett	Warner
Emrick	Knowles	Pyle	Wentling
English	Lawrence	Quigley	Wheeland
Evankovich	Lewis	Quinn, C.	White
Everett	Mackenzie	Quinn, M.	Zimmerman
Farry	Maher	Rader	
Fee	Mako	Rapp	Turzai,
Fritz	Maloney	Reed	Speaker

NAYS—84

Barbin	DeLissio	Hennessey	O'Brien
Bizzarro	DeLuca	Kavulich	Pashinski
Boyle	Dermody	Keller, W.	Petrarca
Bradford	DiGirolamo	Kim	Rabb
Briggs	Donatucci	Kinsey	Ravenstahl
Bullock	Driscoll	Kirkland	Readshaw
Burns	Evans	Kortz	Roebuck
Caltagirone	Fabrizio	Krueger	Rozzi
Carroll	Fitzgerald	Kulik	Sainato
Cephas	Flynn	Longietti	Samuelson
Comitta	Frankel	Madden	Schlossberg
Conklin	Freeman	Markosek	Schweyer
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 Ortity 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, 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; it would not help 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 compulsive 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	Krueger	Rader
Benninghoff	Ellis	Kulik	Ravenstahl
Bernstine	English	Lewis	Readshaw
Bizzarro	Evans	Longietti	Reed
Bloom	Everett	Madden	Reese
Boyle	Fabrizio	Maher	Roae
Briggs	Farry	Mako	Roebuck
Brown, R.	Fitzgerald	Maloney	Rothman
Bullock	Flynn	Markosek	Rozzi
Caltagirone	Frankel	Marshall	Saccone
Carroll	Fritz	Marsico	Santora
Causar	Gabler	Masser	Saylor
Cephas	Gergely	Matzie	Schemel
Charlton	Gillespie	McClinton	Schweyer
Comitta	Godshall	Mehaffie	Simmons
Conklin	Grove	Metzgar	Sims
Cook	Haggerty	Miccarelli	Snyder
Corbin	Hahn	Millard	Solomon
Corr	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	Ortitay	Ward
DeLuca	Kauffman	Pashinski	Warner
Dermody	Kavulich	Petrarca	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	Hickernell	Miller, B.	Tobash
Dean	Kaufner	Miller, D.	Vitali
Dush	Keefer	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
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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.

BILL 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 sentencing and penalties for trafficking drugs to minors and for drug-free school zones; in other offenses, further providing for drug trafficking 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 committed on public transportation, for sentences for offenses against elderly persons, for sentences for offenses against infant persons, for sentence for failure to comply with registration of sexual offenders and 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 4, by inserting a bracket before "one"

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

] two years

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

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)] (i) subject to this section; and

[(2)] (ii) 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 marijuana 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. No, 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	Roe
Bernstine	Gergely	Mako	Rothman
Bizzarro	Gillespie	Marshall	Saccone
Bloom	Godshall	Marsico	Sainato
Brown, R.	Greiner	McGinnis	Samuelson
Burns	Grove	Mehaffie	Santora
Charlton	Hahn	Mentzer	Saylor
Conklin	Hanna	Metzgar	Schemel
Cook	Harper	Miccarelli	Simmons
Corbin	Harris, A.	Millard	Snyder
Corr	Helm	Moul	Sonney
Costa, D.	Hennessey	Mullery	Stephens
Cox	Hickernell	Mustio	Tallman
Cutler	Hill	Nesbit	Taylor
Day	Irvin	Neuman	Tobash
Delozier	James	O'Neill	Toepel
DeLuca	Jozwiak	Oberlander	Toohil
DiGirolamo	Kampf	Peifer	Topper
Dowling	Kaufner	Petrarca	Ward
Dush	Kauffman	Petri	Warner
Ellis	Keefer	Pickett	Wentling
Emrick	Keller, F.	Pyle	Wheeland
Evankovich	Keller, M.K.	Quigley	White
Everett	Klunk	Quinn, C.	Zimmerman
Farry	Knowles	Quinn, M.	
Fee	Lawrence	Rader	Turzai,
Freeman	Lewis	Reed	Speaker
Fritz	Longietti		

NAYS—84

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

NOT VOTING—0

EXCUSED—6

Barbin	Christiana	Sturla	Watson
Brown, V.	Sankey		

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 [five] six years.

18 Pa.C.S. § 3922 (relating to theft by deception) - not less than [12 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	Freeman	Millard	Readshaw
Bizzarro	Galloway	Moul	Reese
Boback	Gillen	Mullery	Roae
Burns	Goodman	Murt	Sainato
Causer	Hanna	Nelson	Samuelson
Daley	Harkins	Nesbit	Santora
Davis	Hennessey	Neuman	Simmons
Deasy	Kortz	Pashinski	Snyder
DeLuca	Longietti	Petrarca	Solomon
Dermody	Matzie	Rapp	Walsh
Dunbar	Metzgar	Ravenstahl	Youngblood
Fabrizio			

NAYS—151

Barrar	Evankovich	Kirkland	Quinn, C.
Benninghoff	Evans	Klunk	Quinn, M.
Bernstine	Everett	Knowles	Rabb
Bloom	Farry	Krueger	Rader
Boyle	Fee	Kulik	Reed
Bradford	Fitzgerald	Lawrence	Roe
Briggs	Flynn	Lewis	Roebuck
Brown, R.	Frankel	Mackenzie	Rothman
Bullock	Fritz	Madden	Rozzi

Caltagirone	Gabler	Maher	Ryan
Carroll	Gainey	Mako	Saccone
Cephas	Gergely	Maloney	Saylor
Charlton	Gillespie	Markosek	Schemel
Comitta	Godshall	Marshall	Schlossberg
Conklin	Greiner	Marsico	Schweyer
Cook	Grove	Masser	Sims
Corbin	Haggerty	McCarter	Sonney
Corr	Hahn	McClinton	Staats
Costa, D.	Harper	McGinnis	Stephens
Costa, P.	Harris, A.	McNeill	Tallman
Cox	Harris, J.	Mehaffie	Taylor
Cruz	Heffley	Mentzer	Thomas
Culver	Helm	Metcalfe	Tobash
Cutler	Hickernell	Miccarelli	Toepel
Davidson	Hill	Miller, B.	Toohil
Dawkins	Irvin	Miller, D.	Topper
Day	James	Milne	Vitali
Dean	Jozwiak	Mustio	Ward
DeLissio	Kampf	Neilson	Warner
Delozier	Kaufner	O'Brien	Warren
Diamond	Kauffman	O'Neill	Wentling
DiGirolamo	Kavulich	Oberlander	Wheatley
Donatucci	Keefer	Ortitay	Wheeland
Dowling	Keller, F.	Peifer	White
Driscoll	Keller, M.K.	Petri	Zimmerman
Dush	Keller, W.	Pickett	
Ellis	Kim	Pyle	Turzai,
Emrick	Kinsey	Quigley	Speaker
English			

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 need some type of supervision upon release to reenter society and toe the line. So for that reason, Mr. Speaker, I would urge a "no" vote on this amendment.

The SPEAKER. 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	Dunbar	Longiotti	Neuman
Bizzarro	Evankovich	Maloney	Petrarca
Burns	Fabrizio	Markosek	Ravenstahl
Costa, D.	Galloway	Matzie	Readshaw
Daley	Gillen	Millard	Reese
Deasy	Hanna	Mullery	Sainato
DeLuca	Harkins	Murt	Schweyer
Dermody	Kortz	Nelson	Snyder

NAYS—163

Barrar	Everett	Krueger	Rapp
Benninghoff	Farry	Kulik	Reed
Bernstine	Fee	Lawrence	Roae
Bloom	Fitzgerald	Lewis	Roe
Boback	Frankel	Mackenzie	Roeback
Boyle	Freeman	Madden	Rothman
Bradford	Fritz	Maher	Rozzi
Briggs	Gabler	Mako	Ryan
Brown, R.	Gainey	Marshall	Saccone
Bullock	Gergely	Marsico	Samuelson
Caltagirone	Gillespie	Masser	Santora
Carroll	Godshall	McCarter	Saylor
Causser	Goodman	McClinton	Schemel
Cephas	Greiner	McGinnis	Schlossberg
Charlton	Grove	McNeill	Simmons
Comitta	Haggerty	Mehaffie	Sims
Conklin	Hahn	Mentzer	Solomon
Cook	Harper	Metcalfe	Sonney
Corbin	Harris, A.	Metzgar	Staats
Corr	Harris, J.	Miccarelli	Stephens
Costa, P.	Heffley	Miller, B.	Tallman
Cox	Helm	Miller, D.	Taylor
Cruz	Hennessey	Milne	Thomas
Culver	Hickernell	Moul	Tobash
Cutler	Hill	Mustio	Toepel
Davidson	Irvin	Neilson	Toohil
Davis	James	Nesbit	Topper
Dawkins	Jozwiak	O'Brien	Vitali
Day	Kampf	O'Neill	Walsh
Dean	Kaufner	Oberlander	Ward
DeLissio	Kauffman	Ortitay	Warner
Delozier	Kavulich	Pashinski	Warren
Diamond	Keefer	Peifer	Wentling
DiGiroalamo	Keller, F.	Petri	Wheatley
Donatucci	Keller, M.K.	Pickett	Wheeland
Dowling	Keller, W.	Pyle	White
Driscoll	Kim	Quigley	Youngblood
Dush	Kinsey	Quinn, C.	Zimmerman
Ellis	Kirkland	Quinn, M.	
Emrick	Klunk	Rabb	Turzai,
English	Knowles	Rader	Speaker
Evans			

NOT VOTING—1

Flynn

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?

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] six 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	Roae
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	Markosok	Ravenstahl	Wentling

NAYS—148

Barrar	Everett	Keller, W.	Quinn, C.
Benninghoff	Fabrizio	Kim	Quinn, M.
Bernstine	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
Caltagirone	Gainey	Madden	Ryan
Carroll	Galloway	Maher	Saccone
Causar	Gergely	Marsico	Saylor
Cephas	Gillespie	Masser	Schemel
Charlton	Godshall	McCarter	Schlossberg
Comitta	Goodman	McClinton	Sims
Conklin	Greiner	McGinnis	Sonney
Cook	Grove	McNeill	Staats
Corbin	Haggerty	Mehaffie	Stephens
Corr	Hahn	Mentzer	Tallman
Costa, D.	Harkins	Metcalfe	Taylor
Costa, P.	Harper	Miccarelli	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	Kaufner	Peifer	Youngblood
Dowling	Kauffman	Petri	Zimmerman
Driscoll	Kavulich	Pickett	
Dush	Keefer	Pyle	Turzai,
Ellis	Keller, F.	Quigley	Speaker
Evans	Keller, M.K.		

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?

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

Burns	Grove	Mullery	Roae
Deasy	Kortz	Murt	Sainato
Dermody	Longietti	Petrarca	Schweyer
Freeman	Markosek	Rapp	Solomon
Gergely	Metzgar	Readshaw	Thomas

NAYS—176

Baker	Emrick	Kirkland	Quinn, C.
Barrar	English	Klunk	Quinn, M.
Benninghoff	Evankovich	Knowles	Rabb
Bernstine	Evans	Krueger	Rader
Bizzarro	Everett	Kulik	Ravenstahl

Bloom	Fabrizio	Lawrence	Reed
Boback	Farry	Lewis	Reese
Boyle	Fee	Mackenzie	Roe
Bradford	Fitzgerald	Madden	Roebuck
Briggs	Flynn	Maher	Rothman
Brown, R.	Frankel	Mako	Rozzi
Bullock	Fritz	Maloney	Ryan
Caltagirone	Gabler	Marshall	Sacone
Carroll	Gainey	Marsico	Samuelson
Causar	Galloway	Masser	Santora
Cephas	Gillen	Matzie	Saylor
Charlton	Gillespie	McCarter	Schemel
Comitta	Godshall	McClinton	Schlossberg
Conklin	Goodman	McGinnis	Simmons
Cook	Greiner	McNeill	Sims
Corbin	Haggerty	Mehaffie	Snyder
Corr	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	Vitali
Dawkins	Hill	Nelson	Walsh
Day	Irvin	Nesbit	Ward
Dean	James	Neuman	Warner
DeLissio	Jozwiak	O'Brien	Warren
Delozier	Kampf	O'Neill	Wentling
DeLuca	Kaufman	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, Speaker
Dush	Kim	Quigley	
Ellis	Kinsey		

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?

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 I will be supporting this amendment.

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

The following roll call was recorded:

YEAS—153

Baker	Evankovich	Lewis	Rapp
Barrar	Everett	Longiotti	Ravenstahl
Benninghoff	Fabrizio	Mackenzie	Readshaw
Bernstine	Farry	Maher	Reed
Bizzarro	Fee	Mako	Reese
Bloom	Freeman	Maloney	Roae
Boback	Fritz	Markosek	Roe
Boyle	Gabler	Marshall	Rothman
Brown, R.	Galloway	Marsico	Ryan
Burns	Gergely	Masser	Saccone
Caltagirone	Gillen	Matzie	Sainato
Causer	Gillespie	McGinnis	Samuelson
Charlton	Godshall	Mehaffie	Santora
Comitta	Goodman	Mentzer	Saylor
Conklin	Greiner	Metcalfe	Schemel
Cook	Grove	Metzgar	Schweyer
Corbin	Hahn	Miccarelli	Simmons
Corr	Hanna	Millard	Snyder
Costa, D.	Harkins	Miller, B.	Solomon
Cox	Harper	Milne	Sonney
Cruz	Heffley	Moul	Staats
Culver	Helm	Mullery	Stephens
Cutler	Hennessey	Murt	Tallman
Daley	Hickernell	Mustio	Taylor
Davis	Hill	Neilson	Tobash
Day	Irvin	Nelson	Toepel
Deasy	James	Nesbit	Toohil
Delozier	Jozwiak	Neuman	Topper
DeLuca	Kampf	O'Neill	Walsh
Dermody	Kaufer	Oberlander	Ward
DiGirolamo	Kauffman	Ortitay	Warner
Donatucci	Keller, F.	Peifer	Wentling
Dowling	Keller, M.K.	Petrarca	Wheeland
Driscoll	Keller, W.	Petri	White
Dunbar	Clunk	Pickett	Zimmerman
Dush	Knowles	Pyle	
Ellis	Kortz	Quigley	Turzai,
Emrick	Kulik	Quinn, C.	Speaker
English	Lawrence	Quinn, M.	

NAYS—43

Bradford	Evans	Kinsey	Rader
Briggs	Fitzgerald	Kirkland	Roebuck
Bullock	Flynn	Krueger	Rozzi
Carroll	Frankel	Madden	Schlossberg
Cephas	Gainey	McCarter	Sims
Costa, P.	Haggerty	McClinton	Thomas
Davidson	Harris, A.	McNeill	Vitali
Dawkins	Harris, J.	Miller, D.	Warren
Dean	Kavulich	O'Brien	Wheatley
DeLissio	Keefer	Pashinski	Youngblood
Diamond	Kim	Rabb	

NOT VOTING—0

EXCUSED—6

Barbin	Christiana	Sturla	Watson
Brown, V.	Sankey		

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 17, by inserting between lines 6 and 7

(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 17, line 24, by inserting after "amended"

and the sections are amended by adding subsections

Amend Bill, page 18, by inserting between lines 16 and 17

(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 25 and 26

(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 22, line 11, by inserting after "amended"

and the sections are amended by adding subsections

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 27, 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.

(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 29, by inserting between lines 1 and 2

(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.

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 mandatorics mandatory, and when the legislature does act and pass legislation on mandatory sentences, they will be followed. I would appreciate your support.

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 being 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

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
Dermody			

NAYS-189

Baker	Evans	Kulik	Rapp
Barrar	Everett	Lawrence	Ravenstahl
Benninghoff	Fabrizio	Lewis	Readshaw
Bernstine	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
Caltagirone	Gergely	Matzie	Sainato
Carroll	Gillen	McCarter	Samuelson
Causar	Gillespie	McClinton	Santora
Cephas	Godshall	McGinnis	Saylor
Charlton	Goodman	McNeill	Schemel
Comitta	Greiner	Mehaffie	Schlossberg
Conklin	Grove	Mentzer	Schweyer
Cook	Haggerty	Metcalfe	Simmons
Corbin	Hahn	Metzgar	Sims
Corr	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	Toepel
Dawkins	James	Nelson	Toohil
Day	Jozwiak	Nesbit	Topper
Dean	Kampf	Neuman	Vitali
Deasy	Kaufner	O'Brien	Walsh
DeLissio	Kauffman	O'Neill	Ward
Delozier	Kavulich	Oberlander	Warner
Diamond	Keefe	Ortitay	Warren
DiGirolamo	Keller, F.	Pashinski	Wentling
Donatucci	Keller, M.K.	Peifer	Wheatley
Dowling	Keller, W.	Petri	Whealand
Driscoll	Kim	Pickett	White
Dunbar	Kinsey	Pyle	Youngblood
Dush	Kirkland	Quigley	Zimmerman
Ellis	Klunk	Quinn, C.	
Emrick	Knowles	Quinn, M.	Turzai,
English	Kortz	Rabb	Speaker
Evankovich	Krueger	Rader	

NOT VOTING-2

Briggs Galloway

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 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:

(1) 18 Pa.C.S. § 6314 (relating to sentencing and penalties for trafficking drugs to minors).

(2) 18 Pa.C.S. § 6317 (relating to drug-free school zones).

(3) 18 Pa.C.S. § 7508 (relating to drug trafficking sentencing and penalties).

(4) Section 9712 (relating to sentences for offenses committed with firearms).

(5) Section 9713 (relating to sentences for offenses committed on public transportation).

(6) Section 9717 (relating to sentences for offenses against elderly persons).

(7) Section 9718 (relating to sentences for offenses against infant persons).

(8) Section 9718.4 (relating to sentences for failure to comply with registration of sexual offenders).

(9) Section 9719 (relating to sentences for offenses committed while impersonating a law enforcement officer).

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 Frankel, on the amendment, sir.

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.

Judges want and should have flexibility in sentencing. My colleague here argued that, you know, we should not be tying prosecutors' hands and we should be giving them flexibility. Well, it seems to me that that is why we elect judges. They should not have their hands tied either, and they should have some flexibility when having to exercise their judgment. They want to be able to consider the individual circumstances of each case, each defendant, and each offense.

Judges have told stories of cases where the defendant's involvement in the offense was very minor, where the amount of drugs they handled was small, or where they were simply in the wrong place at the wrong time. Cases where the judges wish they were not statutorily required to impose a mandatory minimum sentence. Those are the kinds of cases that this amendment is targeting. Those are the kinds of defendants for whom a mandatory minimum sentence represents a significant injustice.

This amendment retains the mandatory minimum as a default sentence while allowing judges to depart from the mandatory minimum in those cases of significant injustice. It will save individuals from unnecessarily harsh punishments that do not fit the crime they committed.

This is not a new idea. The following States – and these are red and blue States and battleground States – have safety valve protections in place: Montana, Oregon, Maine, Connecticut, Minnesota, New York, Florida, Virginia, and North Dakota. Pennsylvania ought to join those States in providing this mechanism, this safety valve, so that we do not have prosecutorial abuse and misconduct – which happens, by the way. They are not perfect. Judges are not perfect.

I ask my colleagues to vote in favor of this amendment. Thank you very much, Mr. Speaker.

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

Mr. STEPHENS. Thank you, Mr. Speaker.

You know, the gentleman made a pretty impassioned plea for why it is in the best interest of the defendant for his amendment to be adopted. The defendant in every case. We kept hearing about the defendant, the defendant, the defendant. The word that was never once used and whose voice is completely silent in his amendment is the "victim." Not one time. There is no opportunity for victim input or requirement that the victim's thoughts be considered before the judge exercises this "safety valve."

You know, this would affect violent crimes. I mean, we can talk about judicial discretion— Oh, let me back up. I have never heard of the crime of being at the wrong place at the wrong time. I will check Title 18. I have not seen it there.

You know, what is interesting is, the whole reason we are here is because the U.S. Supreme Court said that juries, not judges, need to decide whether a mandatory minimum should apply. 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 mandatories 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.

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, so 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	Diamond	Kinsey	Rabb
Bradford	Donatucci	Kirkland	Rader
Briggs	Driscoll	Kortz	Ravenstahl
Bullock	Evans	Krueger	Readshaw
Caltagirone	Fitzgerald	Madden	Roebuck
Carroll	Flynn	Markosek	Rozzi
Cephas	Frankel	Matzie	Samuelson
Comitta	Freeman	McCarter	Schemel
Costa, P.	Gainey	McClinton	Schlossberg
Cruz	Galloway	McNeill	Schweyer
Daley	Goodman	Mehaffie	Sims
Davidson	Haggerty	Miller, D.	Solomon
Davis	Hanna	Mullery	Thomas
Dawkins	Harris, J.	O'Brien	Vitali
Dean	Hill	Pashinski	Warren
Deasy	Kavulich	Petrarca	Wheatley
DeLissio	Keller, W.	Petri	Youngblood
Dermody	Kim	Quinn, M.	

NAYS—125

Baker	Farry	Longietti	Reed
Barrar	Fee	Mackenzie	Reese
Benninghoff	Fritz	Maher	Roae
Bernstine	Gabler	Mako	Roe
Bizzarro	Gergely	Maloney	Rothman
Bloom	Gillen	Marshall	Ryan
Boback	Gillespie	Marsico	Saccone
Brown, R.	Godshall	Masser	Sainato
Burns	Greiner	McGinnis	Santora
Causar	Grove	Mentzer	Saylor
Charlton	Hahn	Metcalfe	Simmons
Conklin	Harkins	Metzgar	Snyder
Cook	Harper	Miccarelli	Sonney
Corbin	Harris, A.	Millard	Staats
Corr	Heffley	Miller, B.	Stephens
Costa, D.	Helm	Milne	Tallman
Cox	Hennessey	Moul	Taylor
Culver	Hickernell	Murt	Tobash
Cutler	Irvin	Mustio	Toepel
Day	James	Neilson	Toohil
Delozier	Jozwiak	Nelson	Topper
DeLuca	Kampf	Nesbit	Walsh
DiGirolamo	Kaufner	Neuman	Ward
Dowling	Kauffman	O'Neill	Warner
Dunbar	Keefer	Oberlander	Wentling
Dush	Keller, F.	Ortitay	Wheeland
Ellis	Keller, M.K.	Peifer	White
Emrick	Klunk	Pickett	Zimmerman
English	Knowles	Pyle	
Evankovich	Kulik	Quigley	Turzai,
Everett	Lawrence	Quinn, C.	Speaker
Fabrizio	Lewis	Rapp	

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?

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

"Proof"

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 before "to"

Amend Bill, page 3, line 16, by inserting a bracket after "to"

Amend Bill, page 3, line 16, by inserting a bracket before

"Nothing"

Amend Bill, page 3, line 21, by inserting a bracket after "section."

Amend Bill, page 3, line 22, by inserting a bracket before "not"

Amend Bill, page 3, line 22, by inserting a bracket after "not"

Amend Bill, page 3, line 24, by inserting a bracket before "(e)"

Amend Bill, page 3, line 24, by striking out the bracket before "If"

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 "confinement"

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 "There"

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"

Amend Bill, page 7, line 13, by striking out "] one year"

Amend Bill, page 7, line 19, by striking out the bracket before "three"

Amend Bill, page 7, lines 19 and 20, by striking out "] one year"

Amend Bill, page 7, line 24, by striking out the bracket before "four"

Amend Bill, page 7, line 24, by striking out "] two"

Amend Bill, page 7, line 29, by striking out the bracket before "five"

Amend Bill, page 7, line 29, by striking out "] three"

Amend Bill, page 8, line 2, by striking out the bracket before the period after "activity"

Amend Bill, page 8, lines 2 through 7, by striking out "]; however," in line 2 and all of lines 3 through 7

Amend Bill, page 8, line 13, by inserting a bracket before "mandatory"

Amend Bill, page 8, line 13, by inserting a bracket after "minimum"

Amend Bill, page 8, line 14, by inserting a bracket before "as"

Amend Bill, page 8, line 14, by inserting after "subsection:"

] determined by the court.

[

Amend Bill, page 9, line 15, by inserting a bracket after "activity."

Amend Bill, page 9, line 25, by inserting a bracket before "mandatory"

Amend Bill, page 9, line 26, by inserting a bracket after "minimum"

Amend Bill, page 9, line 26, by inserting a bracket before "set"

Amend Bill, page 9, line 27, by inserting after "subsection:"

] determined by the court.

[

Amend Bill, page 9, line 30, by striking out the bracket before "2.0"

Amend Bill, page 9, line 30, by striking out "] 5.0"

Amend Bill, page 9, line 30, by striking out the bracket before "ten"

Amend Bill, page 9, line 30, by striking out "] 25"

Amend Bill, page 10, line 5, by striking out the bracket before "three"

Amend Bill, page 10, line 5, by striking out "] two"

Amend Bill, page 10, line 11, by striking out the bracket before "ten"

Amend Bill, page 10, line 11, by striking out "] 25"

Amend Bill, page 10, line 11, by striking out the bracket before "three"

Amend Bill, page 10, line 11, by striking out "] two"

Amend Bill, page 10, line 16, by striking out the bracket before "five"

Amend Bill, page 10, line 16, by striking out "] four"

Amend Bill, page 10, line 26, by striking out the bracket before "seven"

Amend Bill, page 10, lines 26 and 27, by striking out "] eight"

Amend Bill, page 10, line 29, by inserting a bracket after "activity."

Amend Bill, page 11, line 10, by inserting a bracket before "mandatory"

Amend Bill, page 11, line 10, by inserting a bracket after "minimum"

Amend Bill, page 11, line 10, by inserting a bracket before "set"

Amend Bill, page 11, line 11, by inserting after "subsection:"

] determined by the court.

[

Amend Bill, page 12, line 14, by striking out the bracket before "(5)"

Amend Bill, page 14, line 5, by inserting a bracket before "set"

Amend Bill, page 14, line 5, by inserting after "paragraph:"

] determined by the court.

[
Amend Bill, page 15, line 10, by inserting a bracket after "activity."

Amend Bill, page 16, line 16, by striking out the bracket before "Proof"

Amend Bill, page 16, line 26, by striking out the bracket after "applicable."

Amend Bill, page 16, lines 27 through 30; page 17, lines 1 through 6; by striking out all of said lines on said pages

Amend Bill, page 17, line 8, by inserting a bracket before "(d)"

Amend Bill, page 17, line 8, by striking out the bracket before "Appellate"

Amend Bill, page 17, lines 14 through 21, by striking out "Appeal by the" in line 14 and all of lines 15 through 21

On the question,

Will the House agree to the amendment?

The SPEAKER. On the amendment, the Chair recognizes Representative Wheatley.

Mr. WHEATLEY. Thank you, Mr. Speaker.

Mr. Speaker, it is my understanding that we have a Sentencing Commission, that members of this body and of the State Senate and the Governor and of the various other stakeholder groups, victims, prosecutors, and defense attorneys are a part of. It is my understanding that when we do things like mandatory minimums from the General Assembly that we impede their opportunity to do the work that we structure and set them up to do.

I believe the gentleman from Montgomery County serves on that commission. I believe we have other members in this body – my leader on our side of the aisle used to serve on that commission. I believe we should empower that commission to do the work that we have sent them to do and not put artificial barriers in their place. And I know we have heard a lot from people today how these laws protect victims, bringing and punishing those who commit these heinous crimes, and I will tell you, we have a process in place through the Sentencing Commission and through our court system to deal exactly with those street folks who may do these crimes. What I do not believe we do and that things like the mandatory minimum help us to do is make people safer, that somehow protects people when we lock people up artificially with no understanding of what it will do to our ultimate criminal justice system from a fairness and financial circumstance, as well as what it will do to our Department of Corrections.

Now, none of the stuff that we do here on this floor is done in a vacuum. When we do things here that have financial realities and they have real impacts to real people, for the victims, the families of the victims, as well as the families of those who commit these crimes—

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

Mr. METCALFE. I would just like the gentleman that is offering the amendment to speak to the amendment so we can move on.

The SPEAKER. Yes.

Representative Wheatley, and you certainly will have an opportunity to speak on final passage of the bill, but I know you have a lot of amendments, and if you could speak just to the specifics of this amendment, that would be helpful. Thank you, sir.

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 tailor 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	Kavulich	O'Brien
Bullock	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	McCarte	Vitali
Davidson	Galloway	McClinton	Warren
Davis	Gergely	McNeill	Wheatley
Dawkins	Haggerty	Miller, D.	Youngblood
Dean	Hanna		

NAYS—142

Baker	Freeman	Mako	Readshaw
Barrar	Fritz	Maloney	Reed
Benninghoff	Gabler	Marshall	Reese
Bernstine	Gillen	Marsico	Roae
Bizzarro	Gillespie	Masser	Roe
Bloom	Godshall	Matzie	Rothman
Boback	Goodman	McGinnis	Ryan
Boyle	Greiner	Mehaffie	Saccione
Brown, R.	Grove	Mentzer	Sainato
Burns	Hahn	Metcalfe	Samuelson
Causar	Harkins	Metzgar	Santora
Charlton	Harper	Miccarelli	Saylor
Conklin	Harris, A.	Millard	Schemel
Cook	Heffley	Miller, B.	Schweyer
Corbin	Helm	Milne	Simmons
Corr	Hennessey	Moul	Snyder
Costa, D.	Hickernell	Murt	Solomon
Cox	Hill	Mustio	Sonney
Culver	Irvin	Neilson	Staats
Cutler	James	Nelson	Stephens
Day	Jozwiak	Nesbit	Tallman
Deasy	Kampf	Neuman	Taylor
Delozier	Kaufert	O'Neill	Tobash
DeLuca	Kauffman	Oberlander	Toepel
Diamond	Keefer	Ortitay	Toohil
DiGirolamo	Keller, F.	Peifer	Topper
Dowling	Keller, M.K.	Petrarca	Walsh
Dunbar	Klunk	Petri	Ward
Dush	Knowles	Pickett	Warner
Ellis	Kortz	Pyle	Wentling
Emrick	Kulik	Quigley	Wheeland
English	Lawrence	Quinn, C.	White
Evankovich	Lewis	Quinn, M.	Zimmerman
Everett	Longietti	Rader	
Farry	Mackenzie	Rapp	Turzai,
Fee	Maier	Ravenstahl	Speaker

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, 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

Boyle	Dermody	Kavulich	O'Brien
Bradford	Evans	Kim	Pashinski
Briggs	Fitzgerald	Kinsey	Rabb
Bullock	Flynn	Kirkland	Roebuck
Carroll	Frankel	Krueger	Rozzi
Cephas	Gainey	Madden	Schweyer
Comitta	Galloway	McCarter	Solomon
Daley	Gergely	McClinton	Thomas
Davidson	Haggerty	McNeill	Vitali
Dawkins	Hanna	Miller, D.	Wheatley
Dean	Harris, J.	Mullery	Youngblood
DeLissio			

NAYS—149

Baker	Everett	Mackenzie	Ravenstahl
Barrar	Farry	Maher	Readshaw
Benninghoff	Fee	Mako	Reed
Bernstine	Freeman	Maloney	Reese
Bizzarro	Fritz	Markosek	Roae
Bloom	Gabler	Marshall	Roe
Boback	Gillen	Marsico	Rothman
Brown, R.	Gillespie	Masser	Ryan
Burns	Godshall	Matzie	Saccone
Caltagirone	Goodman	McGinnis	Sainato
Causar	Greiner	Mehaffie	Samuelson
Charlton	Grove	Mentzer	Santora
Conklin	Hahn	Metcalfe	Saylor
Cook	Harkins	Metzgar	Schemel
Corbin	Harper	Miccarelli	Schlossberg
Corr	Harris, A.	Millard	Simmons
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	Neilson	Taylor
Davis	James	Nelson	Tobash
Day	Jozwiak	Nesbit	Toepel
Deasy	Kampf	Neuman	Toohil
DeLozier	Kaufner	O'Neill	Topper
DeLuca	Kauffman	Oberlander	Walsh
Diamond	Keefe	Ortity	Ward
DiGirolamo	Keller, F.	Peifer	Warner
Donatucci	Keller, M.K.	Petrarca	Warren
Dowling	Keller, W.	Petri	Wentling
Driscoll	Klunk	Pickett	Wheeland
Dunbar	Knowles	Pyle	White
Dush	Kortz	Quigley	Zimmerman
Ellis	Kulik	Quinn, C.	
Emrick	Lawrence	Quinn, M.	Turzai,
English	Lewis	Rader	Speaker
Evankovich	Longietti	Rapp	

NOT VOTING—2

Fabrizio	Sims
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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?

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"

] 250

Amend Bill, page 2, line 20, by inserting a bracket before "500"

Amend Bill, page 2, line 20, by inserting after "500"

] 250

Amend Bill, page 4, line 20, by inserting a bracket before "1,000"

Amend Bill, page 4, line 20, by inserting after "1,000"

] 250

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 or 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

Bullock	Flynn	Kinsey	Rozzi
Carroll	Frankel	Kirkland	Sims
Cephas	Gainey	Madden	Solomon
Daley	Galloway	Markosek	Thomas
Davidson	Haggerty	McClinton	Vitali
Dawkins	Hanna	McNeill	Wheatley
Dermody	Harris, J.	Mullery	Youngblood
Fitzgerald	Kavulich	Roebuck	

NAYS—165

Baker	English	Lawrence	Rabb
Barrar	Evankovich	Lewis	Rader
Benninghoff	Evans	Longietti	Rapp
Bernstine	Everett	Mackenzie	Ravenstahl
Bizzarro	Fabrizio	Maher	Readshaw
Bloom	Farry	Mako	Reed
Boback	Fee	Maloney	Reese
Boyle	Freeman	Marshall	Roae
Bradford	Fritz	Marsico	Roe
Briggs	Gabler	Masser	Rothman
Brown, R.	Gergely	Matzie	Ryan
Burns	Gillen	McCarter	Saccone
Caltagirone	Gillespie	McGinnis	Sainato
Causar	Godshall	Mehaffie	Samuelson
Charlton	Goodman	Mentzer	Santora
Comitta	Greiner	Metcalfe	Saylor
Conklin	Grove	Metzgar	Schemel
Cook	Hahn	Miccarelli	Schlossberg
Corbin	Harkins	Millard	Schweyer
Corr	Harper	Miller, B.	Simmons
Costa, D.	Harris, A.	Miller, D.	Snyder
Costa, P.	Heffley	Milne	Sonney
Cox	Helm	Moul	Staats
Cruz	Hennessey	Murt	Stephens
Culver	Hickernell	Mustio	Tallman
Cutler	Hill	Neilson	Taylor
Davis	Irvin	Nelson	Tobash
Day	James	Nesbit	Toepel
Dean	Jozwiak	Neuman	Toohil
Deasy	Kampf	O'Brien	Topper
DeLissio	Kaufner	O'Neill	Walsh
DeLozier	Kauffman	Oberlander	Ward
DeLuca	Keefer	Ortitay	Warner
Diamond	Keller, F.	Pashinski	Warren
DiGirolamo	Keller, M.K.	Peifer	Wentling
Donatucci	Keller, W.	Petrarca	Wheeland
Dowling	Kim	Petri	White
Driscoll	Klunk	Pickett	Zimmerman
Dunbar	Knowles	Pyle	
Dush	Kortz	Quigley	Turzai,
Ellis	Krueger	Quinn, C.	Speaker
Emrick	Kulik	Quinn, M.	

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. Representative Wheatley has withdrawn amendment 638. We did vote on the two component parts of that and this brought them together. We are now going to move to amendment 672.

On the question recurring,

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

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:

"Commission." The Pennsylvania Commission on Crime and Delinquency.

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.

Mr. Speaker, I would like to thank my colleagues for allowing me to speak today.

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	Kulik	Rozzi
Cephas	Flynn	Madden	Samuelson
Comitta	Frankel	Markosek	Schlossberg
Conklin	Freeman	Matzie	Schweyer
Costa, P.	Gainey	McCarter	Sims
Cruz	Galloway	McClinton	Snyder
Daley	Gergely	McNeill	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	Sacccone
Brown, R.	Greiner	Mehaffie	Sainato
Burns	Grove	Mentzer	Santora
Causer	Hahn	Metcalfe	Saylor
Charlton	Harper	Metzgar	Schemel
Cook	Harris, A.	Miccarelli	Simmons
Corbin	Heffley	Millard	Solomon
Corr	Helm	Miller, B.	Sonney
Costa, D.	Hennessey	Milne	Staats
Cox	Hickernell	Moul	Stephens
Culver	Hill	Murt	Tallman
Cutler	Irvin	Mustio	Taylor
Day	James	Nelson	Tobash
Delozier	Jozwiak	Nesbit	Toepel
DeLuca	Kampf	O'Neill	Toohil
Diamond	Kaufman	Oberlander	Topper
DiGirolamo	Kauffman	Ortity	Walsh
Dowling	Keefer	Peifer	Ward
Dunbar	Keller, F.	Petrarca	Warner

Dush	Keller, M.K.	Petri	Wentling
Ellis	Klunk	Pickett	Wheeland
Emrick	Knowles	Pyle	White
English	Lawrence	Quigley	Zimmerman
Evankovich	Lewis	Quinn, C.	
Everett	Longietti	Quinn, M.	Turzai,
Farry	Mackenzie	Rader	Speaker
Fee	Maher	Rapp	

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. 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.

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

(f.1) Expiration.—Each mandatory minimum penalty under this section shall expire (the Legislative Reference Bureau shall insist here, in lieu of this statement, the date that is five years after the effective date of this subsection). After (the Legislative Reference Bureau shall insist here, in lieu of this statement, the date that is five years after the effective date of this subsection), a defendant to which this section is applicable shall be sentenced at the discretion of the court. Nothing in this subsection shall affect a sentence made on or before (the Legislative Reference Bureau shall insist here, in lieu of this statement, the date that is five years after the effective date of this subsection).

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

(e) Expiration.—Each mandatory minimum penalty under this section shall expire (the Legislative Reference Bureau shall insist here, in lieu of this statement, the date that is five years after the effective date of this subsection). After (the Legislative Reference Bureau shall insist here, in lieu of this statement, the date that is five years after the effective date of this subsection), a defendant to which this section is applicable shall be sentenced at the discretion of the court. Nothing in this subsection shall affect a sentence made on or before (the Legislative Reference Bureau shall insist here, in lieu of this statement, the date that is five years after the effective date of this subsection).

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

(g) Expiration.—Each mandatory minimum penalty under this section shall expire (the Legislative Reference Bureau shall insist here, in lieu of this statement, the date that is five years after the effective date of this subsection). After (the Legislative Reference Bureau shall insist here, in lieu of this statement, the date that is five years after the effective date of this subsection), a defendant to which this section is applicable shall be sentenced at the discretion of the court. Nothing in this subsection shall affect a sentence made on or before (the Legislative Reference Bureau shall insist here, in lieu of this statement, the date that is five years after the effective date of this subsection).

On the question,

Will the House agree to the amendment?

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

Mr. WHEATLEY. Thank you, Mr. Speaker.

Mr. Speaker, with everything we do, I think we always have to give ourselves a chance to come back and reevaluate its effectiveness and time and sensitivity and the nature of what we do. Our world changes. And so this amendment gives us a chance in 5 years to come back, reflect on mandatory minimums and how it is working, what are the challenges, some of the challenges, and we can reinstitute it or we can decide to do something differently.

So again, this is just another amendment to give us a chance to take a look at the environment once we change it, 5 years later, possibly change it or strengthen it in some capacity. So I would ask the members to support this amendment. Thank you.

The SPEAKER. Representative Todd Stephens, on the amendment.

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	DeLissio	Harris, J.	O'Brien
Briggs	DeLuca	Kavulich	Pashinski
Bullock	Dermodoy	Keller, W.	Rabb
Caltagirone	Donatucci	Kim	Ravenstahl
Cephas	Driscoll	Kinsey	Readshaw
Comitta	Evans	Kirkland	Roebuck
Conklin	Fabrizio	Kortz	Samuelson
Costa, D.	Fitzgerald	Krueger	Schlossberg
Costa, P.	Frankel	Madden	Schweyer
Cruz	Freeman	Markosek	Sims
Daley	Gainey	Matzie	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
Bernstine	Greiner	Mehaffie	Rozzi
Bloom	Grove	Mentzer	Ryan
Boback	Haggerty	Metcalfe	Saccone
Brown, R.	Hahn	Metzgar	Sainato
Burns	Harper	Miccarelli	Santora
Carroll	Harris, A.	Millard	Saylor
Causar	Heffley	Miller, B.	Schemel
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	Kauffman	Oberlander	Toepel
DiGirolamo	Keefer	Ortitay	Toohil
Dowling	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
Evankovich	Lewis	Quinn, C.	Wheeland
Everett	Longjetti	Quinn, M.	White
Farry	Mackenzie	Rader	Zimmerman
Fee	Maher	Rapp	
Flynn	Mako	Reed	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 recommended to the Committee on Appropriations:

- HB 16;
- HB 46;
- HB 235;
- HB 266;
- HB 360;
- 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.