

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

MONDAY, FEBRUARY 10, 2014

SESSION OF 2014

198TH OF THE GENERAL ASSEMBLY

No. 11

HOUSE OF REPRESENTATIVES

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

**THE SPEAKER (SAMUEL H. SMITH)
PRESIDING**

PRAYER

The SPEAKER. Today the prayer will be offered by the Reverend Tom Willard, United Methodist Church of Camp Hill.

REV. TOM WILLARD, Guest Chaplain of the House of Representatives, offered the following prayer:

Let us pray together:

Great God of heaven, one of the things we learn about You from Your Word is that You desire to communicate to Your people. We have gathered together here in this place where so many voices have been heard over these many years. We pray as we gather this day that we might listen for that one voice. Truly speak into our hearts and lives.

Father, we give You thanks today for Jesse Topper and for the way in which You have been at work in his life, and we pray that as he moves forward, listening to the voices of family and friends, constituents, colleagues, and lobbyists, that he might continue to listen for the voice of God. Be at work here through all these members.

For Your honor and glory we pray. Amen.

PLEDGE OF ALLEGIANCE

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

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, the approval of the Journal of Wednesday, February 5, 2014, will be postponed until printed.

HOUSE RESOLUTIONS INTRODUCED AND REFERRED

No. 630 By Representatives ROZZI and CALTAGIRONE

A Resolution remembering Delaney Brown of West Reading, Berks County, affirming the solidarity among her well-wishers and her family and extending condolences.

Referred to Committee on RULES, February 10, 2014.

No. 639 By Representatives MIRANDA, KIRKLAND, CALTAGIRONE, MILLARD, COHEN, HARHART, MIRABITO, KINSEY, MCNEILL, CRUZ, LUCAS, BISHOP, DiGIROLAMO, D. EVANS, PARKER, MAHONEY, THOMAS, ROSS, BROWNLEE, GINGRICH, CLYMER, YOUNGBLOOD and GOODMAN

A Resolution honoring the life, service and legacy of "Reverend" Henry T. Wells, founder of One Day At A Time Recovery, Inc., and expressing condolences on his passing.

Referred to Committee on RULES, February 10, 2014.

HOUSE BILLS INTRODUCED AND REFERRED

No. 2016 By Representatives D. MILLER, BROWNLEE, JAMES, COHEN, KORTZ and CALTAGIRONE

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for special license plates for Honorary Consuls.

Referred to Committee on TRANSPORTATION, February 10, 2014.

No. 2017 By Representatives D. MILLER, ENGLISH, BISHOP, KOTIK, PAINTER, HAGGERTY and MURT

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 continuing education as a condition of license renewal.

Referred to Committee on PROFESSIONAL LICENSURE, February 10, 2014.

No. 2019 By Representative PYLE

An Act designating a bridge on that portion of S.R. 128 over Buffalo Creek, Freeport Borough, Armstrong County, as the Freeport Veterans Bridge.

Referred to Committee on TRANSPORTATION, February 10, 2014.

No. 2021 By Representatives MOUL, SAINATO, MALONEY, KAVULICH, BOBACK, BISHOP, KAUFFMAN, ROZZI, READSHAW, KORTZ, ENGLISH, MILLARD,

GILLESPIE, D. COSTA, BAKER, COX, COHEN, GILLEN, SWANGER, WATSON and MURT

An Act amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in assault, providing for the offense of assault by knocking out another; and, in juvenile matters, further providing for definitions and for transfer from criminal proceedings.

Referred to Committee on JUDICIARY, February 10, 2014.

No. 2022 By Representatives HANNA, LONGIETTI, NEUMAN, BARBIN, BIZZARRO, BRADFORD, BURNS, CONKLIN, DEASY, FABRIZIO, GIBBONS, GOODMAN, HARKINS, MULLERY, READSHAW and SNYDER

An Act amending the act of February 2, 1965 (P.L.1860, No.586), entitled "An act encouraging landowners to make land and water areas available to the public for recreational purposes by limiting liability in connection therewith, and repealing certain acts," further providing for liability for landowners to recreational users.

Referred to Committee on TOURISM AND RECREATIONAL DEVELOPMENT, February 10, 2014.

No. 2023 By Representatives HICKERNELL, HENNESSEY, MILLARD, PICKETT, BISHOP, MUSTIO, GREINER, YOUNGBLOOD, SWANGER, FREEMAN, McGEEHAN, FEE, CUTLER, AUMENT, BAKER, COHEN, DeLUCA, MARSICO, READSHAW, WATSON, MENTZER, ROCK, KORTZ, MAJOR and MURT

An Act amending the act of November 6, 1987 (P.L.381, No.79), known as the Older Adults Protective Services Act, in administration, providing for Statewide registry of perpetrators of abuse in facilities.

Referred to Committee on AGING AND OLDER ADULT SERVICES, February 10, 2014.

SENATE BILL FOR CONCURRENCE

The clerk of the Senate, being introduced, presented the following bill for concurrence:

SB 807, PN 1594

Referred to Committee on PROFESSIONAL LICENSURE, February 10, 2014.

BILLS SIGNED BY SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

SB 1024, PN 1732

An Act amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in inchoate crimes, further providing for possession of firearm or other dangerous weapon in court facility; in arson, criminal mischief and other property destruction, further providing for arson and related offenses; in sentencing, further providing for sentences for second and subsequent offenses; and providing for sentencing for arson offenses.

SB 1097, PN 1367

An Act designating a portion of State Route 4007 in the Borough of Indiana, Indiana County, as the James Nance Memorial Highway.

Whereupon, the Speaker, in the presence of the House, signed the same.

SPECIAL ORDER OF BUSINESS

SWEARING-IN OF NEW MEMBER

The SPEAKER. Without objection, the House will now take up a special order of business, the swearing-in of Representative-elect Jesse Topper of the 78th Legislative District. The Speaker hears no objections.

ELECTION RETURNS PRESENTED

The SPEAKER. The Speaker recognizes the Sergeant at Arms.

The SERGEANT AT ARMS. Mr. Speaker, the Commissioner of the Bureau of Commissions, Elections and Legislation, Jonathan Marks.

The SPEAKER. The Speaker recognizes the Commissioner of the Bureau of Commissions, Elections and Legislation, Jonathan Marks.

Mr. MARKS. Mr. Speaker, I have the honor of presenting the election returns and statement of campaign expense compliance for the special election held on January 28, 2014, in the 78th Legislative District.

The SPEAKER. The Speaker thanks Commissioner Marks.

The clerk will read the returns.

The following election returns were read:

COMMONWEALTH OF PENNSYLVANIA

TO THE HONORABLE SPEAKER AND MEMBERS OF THE HOUSE OF REPRESENTATIVES OF THE GENERAL ASSEMBLY OF THE COMMONWEALTH OF PENNSYLVANIA, GREETINGS:

I have the honor to present the official returns of the Special Election for Representative in the General Assembly of the Commonwealth of Pennsylvania held in the seventy-eighth Legislative District, as the same have been certified to and filed with my office by the Bedford, Fulton, and Huntingdon County Boards of Elections. Jesse Topper, having received the highest number of votes in the Special Election, and having complied with the provisions of Article XVI of the Pennsylvania Election Code pertaining to Primary and Election Expenses, was duly elected a Representative in the General Assembly.

IN TESTIMONY WHEREOF, I have hereunto set my hand and the seal of the office of the Secretary of the Commonwealth at the city of Harrisburg, this tenth day of February in the year of our Lord two thousand fourteen and of the Commonwealth the two hundred thirty-eighth.

(SEAL)

Carol Aichele
Secretary of the Commonwealth

* * *

OFFICIAL

RESULTS

SPECIAL ELECTION
 REPRESENTATIVE IN THE GENERAL ASSEMBLY
 78th Legislative District

February 10, 2014

REPUBLICANVotes

Jesse Topper
 242 East Simpson Street
 Bedford, PA 15522

4631

DEMOCRATICVotes

Barbara L. Barron
 131 E. 1st Street
 Everett, PA 15537

925

CERTIFICATE ON ELECTION EXPENSES

COMMONWEALTH OF PENNSYLVANIA

TO THE HONORABLE SPEAKER AND MEMBERS OF THE
 HOUSE OF REPRESENTATIVES OF THE GENERAL ASSEMBLY
 OF THE COMMONWEALTH OF PENNSYLVANIA, GREETINGS:

In accordance with the provisions of Section 1632(b) of the Pennsylvania Election Code, 25 P.S. § 3252(b), I do hereby certify that the candidate who was elected Representative in the General Assembly from the 78th District in the Special Election held January 28, 2014, Jesse Topper, has filed all of the reports and statements of contributions and expenditures required by the provisions of Article XVI of the Pennsylvania Election Code entitled "Primary and Election Expenses."

Witness my hand and the seal of the office of
 the Secretary of the Commonwealth this tenth
 day of February, 2014.

(SEAL)

Carol Aichele
 Secretary of the Commonwealth

OATH OF OFFICE ADMINISTERED

The SPEAKER. The Speaker requests that the member-elect come forward to the well of the House for the purpose of taking the oath of office. Please bring your Bible, and if desired, a family member or members can also come forward to hold the Bible during the administration of the oath.

The oath of office required by Article VI, section 3, of the Constitution of Pennsylvania will now be administered.

Please raise your right hand and place your left hand on the Bible. Repeat after me: I, Jesse Topper, do solemnly swear or affirm that I will support, obey, and defend the Constitution of the United States and the Constitution of this Commonwealth and that I will discharge the duties of my office with fidelity.

(Member asserted oath.)

The SPEAKER. Congratulations.

REMARKS BY SPEAKER

The SPEAKER. On behalf of the members of the House of Representatives, I am pleased to welcome Representative Topper to the ranks of America's first independent legislative body.

I wish you great success as you embark on what I believe will be one of the more challenging times of your life, yet also the most rewarding.

GUESTS INTRODUCED

The SPEAKER. Now I have the pleasure of welcoming to the hall of the House some of Representative Topper's special guests, who are seated here in front of me. Would you please stand as you are introduced. It is my pleasure to welcome Representative Topper's wife, Christy, and two sons, Joshua and Jonah. We are also pleased to have with us John and Ruth Topper, Representative Topper's parents; and his mother- and father-in-law, Bob and Nancy Smith. Welcome to the hall of the House. Bedford County Commissioner Kirt Morris is also with us today. Welcome to the hall of the House.

And in addition to these guests, I want to thank all the friends and supporters for being here today. You have all played a very special role in this journey – some might call that an adventure – but believe me, the process of getting elected is just the first run down an exciting rollercoaster. The real adventure is in the years to come. I am certain you have all provided much-needed moral support over these past years, and I would suggest that do not think that that job as family, friends, and supporters is done yet either. The people that serve in this body need that kind of support behind them every day of the job, and it is an important role.

To Mrs. Topper, I know you have had a little experience working in a legislative office and have a sense of what you are getting into, but I suspect there are a few surprises in store for you just as to what is coming. And to the little ones, well, they will find out in the years to come. Their life does not change too dramatically.

So God bless you all, and may you provide strength for Representative Topper.

REMARKS BY MAJORITY LEADER

The SPEAKER. The Speaker recognizes the majority leader, Mr. Turzai.

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

As we all know, on January 28, 2014, Representative Jesse Topper was elected to serve the 78th Legislative District in the Pennsylvania House of Representatives, and you will now, Representative Topper, go to represent those communities in Bedford, Huntingdon, and Fulton Counties that have so, in my humble opinion, wisely elected you.

I welcome you and Christy and Joshua and Jonah to the well of this House today for, really, the beginning of a great journey, as our good Speaker said. You will have the opportunity to not only represent those great citizens of those counties, but you are going to have the opportunity to make a real, positive difference in the lives of all Pennsylvanians across the Commonwealth.

There are not many people that I have seen whose resumes make them as well suited in this endeavor as yours, Representative Topper: the son of a schoolteacher, participating in 4-H, and reaching the goal of Eagle Scout, a three-sport athlete for Bedford High and in coaching football for 7 years thereafter, a member of the Bedford Borough Council, and a vice president of the Bedford County Chamber of Commerce. You have been an active member of your community business-wise, local government-wise, and also given your experience as an executive minister at your church in the spiritual aspects of people's lives, and then having this wonderful family here to support you. You know what everyday citizens in your communities think and the common sense behind their perspectives. You live it, but you also have a breadth of experience to bring some real leadership to the House of Representatives and to the Commonwealth of Pennsylvania by virtue of those experiences.

I tell you this: Reach out to your colleagues within our caucus, but also to the colleagues on the other side of the aisle. You have to have bipartisanship to get a lot of items accomplished here, and you have to make friendships with people within and without of this special chamber. You are ideally suited to do it. This is a great day for you and your family, but it is also a great day for the citizens of those counties to see you come here to represent them. Take the time to have a conversation with the Speaker, get his sense of what it is to be able to be successful here and to make a difference, and make sure you make as many friends as you possibly can, because that is how you are going to get things done.

You are principled. You have great faith. You are a person who is thoughtful and smart. We all wish you the best from our office. Come see us any time. Congratulations.

REMARKS BY MR. MARKOSEK

The SPEAKER. On behalf of the minority leader, I recognize the gentleman from Allegheny County, Mr. Markosek.

Mr. MARKOSEK. Thank you, Mr. Speaker.

Mr. Speaker, on behalf of the minority leader, Frank Dermody; our Democratic leadership team; and our members of the Democratic Caucus, I want to say congratulations and welcome to you, Representative Topper, to the House of Representatives.

Let me further, just as an aside, say that as a longtime, 30-plus-year member of this chamber from Monroeville in Allegheny County, there is a certain part of your district that I have gotten to know very, very well. It is called the Pennsylvania Turnpike and the Midway Plaza, and I have always had very good hospitality when I have gone through there, so thank you.

Reverend, your swearing-in today is good news for the people who elected you in the 78th District; however, it follows the bad news of the untimely passing last year of our, and I will say my, longtime friend, Dick Hess. And I have to say that when I started here in the legislature, Clarence Dietz was the House member – I believe it is the late Clarence Dietz – and some of you may remember him, but your election and swearing-in means that the 78th District once again has an advocate in State government and here at the Capitol.

As a member of the Democratic Caucus, I want to say again, welcome to the House. Even those of us who have served here as long as I have are still in awe of this beautiful Capitol Building and this spectacular House chamber. Each of us who is elected to this House is lucky that we get to work here. I can tell you that feeling never wears off, and I hope that you take the time and make the time to appreciate it.

One expression that you will often hear in our debates is the reference to the other party as the "party across the aisle," referring to the center aisle, which is the line of demarcation between the Democrats and the Republicans. But take another look at that aisle. It is not a barrier. It is not the Berlin Wall – and you are too young to remember that, but I remember it very well – it is an open space, a meeting and talking place. Mr. Speaker, the only barriers that exist to two parties working together to get things done are the ones that we put in our own minds. That center aisle is a symbol of the mutual respect and willingness to work toward bipartisan solutions that too often is missing from the work that we do. So to everyone here today, and especially our new colleague from the 78th District, I say do not be afraid to reach across the aisle to get things done. Certainly your predecessor, Dick Hess, put that into practice in many, many ways over the years. He knew that we do better to work together when we do not let partisan differences keep us from achieving progress for the people who sent us here, the people of the Commonwealth of Pennsylvania.

Make no mistake, the challenges, the challenges that our State faces are large. Mr. Speaker, this House is not a place for passive spectators without voices. It is a chamber whose members need to be heard. That is as true in 2014 as in any other year before, because we have some very large issues to deal with this year. I must shortly leave the floor to return to the Appropriations Committee budget hearings that are ongoing right now. The budget we pass this year will have big consequences for the people of Pennsylvania. Representatives like our new colleague, the gentleman from Bedford, will be asked to weigh many competing demands and to make some very difficult choices.

Sir, we are glad that you are beginning your service in the House today. You are truly welcome here. Good luck to you, and God bless you in your endeavors.

Thank you, Mr. Speaker.

The SPEAKER. The Speaker thanks the gentleman.

I would note that a couple of members of one side of the aisle seem to be sitting over on this side of the aisle too. Look over there. Maybe they are getting comfortable.

That concludes the swearing-in portion of today's session. I have a couple of housekeeping motions to make and then we will be adjourning.

BILLS REMOVED FROM TABLE

The SPEAKER. The Speaker recognizes the majority leader, who moves that HB 359 and HB 1576 be removed from the tabled calendar and placed on the active calendar.

On the question,

Will the House agree to the motion?

Motion was agreed to.

CALENDAR**BILLS ON SECOND CONSIDERATION**

The House proceeded to second consideration of **HB 544, PN 600**, entitled:

An Act amending the act of February 2, 1965 (P.L.1860, No.586), entitled "An act encouraging landowners to make land and water areas available to the public for recreational purposes by limiting liability in connection therewith, and repealing certain acts," further providing for liability for landowners to recreational users; and providing for attorney fees and court costs.

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

BILL TABLED

The SPEAKER. The Speaker recognizes the majority leader, who moves that HB 544 be removed from the active calendar and placed on the tabled calendar.

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

* * *

The House proceeded to second consideration of **HB 1807, PN 2679**, entitled:

An Act providing Statewide uniformity regarding vacation and other forms of leave mandated by political subdivisions.

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

BILL TABLED

The SPEAKER. The Speaker recognizes the majority leader, who moves that HB 1807 be removed from the active calendar and placed on the tabled calendar.

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

* * *

The House proceeded to second consideration of **HB 1960, PN 2899**, entitled:

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, providing for leave and compensation mandates.

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

BILL TABLED

The SPEAKER. The Speaker recognizes the majority leader, who moves that HB 1960 be removed from the active calendar and placed on the tabled calendar.

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

BILL REMOVED FROM TABLE

The SPEAKER. The Speaker recognizes the majority leader, who moves that HB 1877 be removed from the tabled calendar and placed on the active calendar.

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

BILL TABLED

The SPEAKER. The Speaker recognizes the majority leader, who moves that HB 1877 be removed from the active calendar and placed on the tabled calendar.

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

BILLS ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 836, PN 2148**, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for liability for support.

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

BILL TABLED

The SPEAKER. The Speaker recognizes the majority leader, who moves that HB 836 be removed from the active calendar and placed on the tabled calendar.

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

BILL REMOVED FROM TABLE

The SPEAKER. The Speaker recognizes the majority leader, who moves that HB 836 be removed from the tabled calendar and placed on the active calendar.

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

* * *

The House proceeded to second consideration of **HB 1897, PN 2771**, entitled:

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, reenacting and further providing for elk hunting licenses; and abrogating a regulation.

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

BILL TABLED

The SPEAKER. The Speaker recognizes the majority leader, who moves that HB 1897 be removed from the active calendar and placed on the tabled calendar.

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

BILL REMOVED FROM TABLE

The SPEAKER. The Speaker recognizes the majority leader, who moves that HB 1897 be removed from the tabled calendar and placed on the active calendar.

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

RESOLUTION

Mr. TURZAI called up **HR 348, PN 2793**, entitled:

A Resolution directing the Legislative Budget and Finance Committee to study the issue of specialty tier prescription drug pricing in Pennsylvania.

On the question,
Will the House adopt the resolution?

RESOLUTION TABLED

The SPEAKER. The Speaker recognizes the majority leader, who moves that HR 348 be removed from the active calendar and placed on the tabled calendar.

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

RESOLUTION REMOVED FROM TABLE

The SPEAKER. The Speaker recognizes the majority leader, who moves that HR 348 be removed from the tabled calendar and placed on the active calendar.

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

BILLS AND RESOLUTIONS PASSED OVER

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

ADJOURNMENT

The SPEAKER. Seeing no further business before the House, the Speaker recognizes the gentleman, Mr. Dunbar, from Westmoreland County, who moves that this House do now adjourn until Monday, March 10, 2014, at 1 p.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 1:19 p.m., e.s.t., the House adjourned.