

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

WEDNESDAY, OCTOBER 28, 2015

SESSION OF 2015

199TH OF THE GENERAL ASSEMBLY

No. 76

HOUSE OF REPRESENTATIVES

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

**THE SPEAKER (MIKE TURZAI)
PRESIDING**

PRAYER

The SPEAKER. Our prayer today will be offered by Rev. Frank Allen of St. David's Episcopal Church in Wayne, Pennsylvania. The Reverend is a guest of Representative Warren Kampf.

I might note that the church is approaching its 300th anniversary.

REV. FRANK ALLEN, Guest Chaplain of the House of Representatives, offered the following prayer:

Let us pray:

O Lord our God, we thank You for the gift of our lives and for calling us to tasks and work, which demand our best efforts.

Now bless the leaders of our Commonwealth, that we may be a people at peace among ourselves and a blessing to the Commonwealth, the country, and the nations of the earth. Send down the spirit of wisdom, charity, justice, and vision, that with clear purpose this body may faithfully serve in their office to promote the well-being of all people. And finally, grant us all the grace to honor You and one another with our gifts and our common work.

All this we ask through Your most holy name. 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 Tuesday, October 27, 2015, will be postponed until printed.

BILLS REPORTED FROM COMMITTEES, CONSIDERED FIRST TIME, AND TABLED

HB 544, PN 960

By Rep. HICKERNELL

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.

TOURISM AND RECREATIONAL DEVELOPMENT.

HB 1437, PN 2460 (Amended)

By Rep. PETRI

An Act amending the act of December 20, 2000 (P.L.724, No.99), known as the Municipal Code and Ordinance Compliance Act, further providing for compliance requirement.

URBAN AFFAIRS.

HB 1455, PN 2461 (Amended)

By Rep. PETRI

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

URBAN AFFAIRS.

HB 1490, PN 2462 (Amended)

By Rep. PETRI

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, providing for cultural improvement district advisory committees and for neighborhood improvement districts; and repealing the Neighborhood Improvement District Act.

URBAN AFFAIRS.

SENATE MESSAGE

RECESS RESOLUTION
FOR CONCURRENCE

The clerk of the Senate, being introduced, presented the following extract from the Journal of the Senate, which was read as follows:

In the Senate,
October 27, 2015

RESOLVED, (the House of Representatives concurring), Pursuant to Article II, Section 14 of the Pennsylvania Constitution, that when the Senate recesses this week, it reconvene on Monday, November 16, 2015, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, Pursuant to Article II, Section 14 of the Pennsylvania Constitution, that when the House of Representatives recesses this week, it reconvene on Wednesday, November 4, 2015, unless sooner recalled by the Speaker of the House of Representatives; and be it further

RESOLVED, Pursuant to Article II, Section 14 of the Pennsylvania Constitution, that when the House of Representatives recesses the week of November 4, 2015, it reconvene on Monday, November 9, 2015, unless sooner recalled by the Speaker of the House of Representatives; and be it further

RESOLVED, Pursuant to Article II, Section 14 of the Pennsylvania Constitution, that when the House of Representatives recesses the week of November 9, 2015, it reconvene on Monday, November 16, 2015, unless sooner recalled by the Speaker of the House of Representatives.

Ordered, That the clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate?

Resolution was concurred in.

Ordered, That the clerk inform the Senate accordingly.

FILMING PERMISSION

The SPEAKER, David Palmer of WCAU-TV, an NBC affiliate, channel 10, is present in the body today. He is going to be giving coverage that includes videotaping with audio. They do have permission to be in the chamber. David Palmer with WCAU-TV, NBC, channel 10.

HOUSE BILLS INTRODUCED AND REFERRED

No. 1010 By Representatives SANTARSIERO, D. COSTA, DEAN, SCHREIBER, FRANKEL, SCHLOSSBERG, BOYLE, GAINNEY, SIMS, KAMPF, STURLA, SANTORA, RAVENSTAHL, COHEN, KILLION, M. DALEY, VITALI, O'BRIEN, ROEBUCK, C. PARKER, ROSS, CRUZ, CARROLL, ADOLPH, DAVIS, SCHWEYER, BRIGGS, McCARTER, KIRKLAND, DAVIDSON, CALTAGIRONE, J. HARRIS, KIM, YOUNGBLOOD, BISHOP, DONATUCCI, MICCARELLI, TAYLOR, MCCLINTON, BRANEKY, D. MILLER, DeLISSIO, PASHINSKI, DEASY, WHEATLEY, BRADFORD, KINSEY, THOMAS, BULLOCK, GALLOWAY, ACOSTA, DAWKINS, LEWIS and SAMUELSON

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in firearms and other dangerous articles, further providing for sale or transfer of firearms.

Referred to Committee on JUDICIARY, October 28, 2015.

No. 1553 By Representatives TALLMAN, HARHART, GIBBONS, LONGIETTI, DUSH, ZIMMERMAN, MURT, BAKER, MALONEY, COHEN, TOBASH, DIAMOND, PICKETT, WARD and MOUL

An Act amending the act of December 18, 1987 (P.L.412, No.86), known as the Pennsylvania Fair Dealership Law, further providing for the definitions of "dealer" and "equipment," for termination of dealer agreement, for death or incapacitation of dealer and for repurchase of unused specialized repair tools; repealing provisions relating to coercion; and providing for violations of act, for warranty, for remedies and enforcement and for waiver.

Referred to Committee on COMMERCE, October 28, 2015.

No. 1659 By Representatives METCALFE, STAATS, KNOWLES, LAWRENCE, BLOOM, WARD, McGINNIS, MOUL, GREINER, KAUFFMAN, GROVE, MENTZER, DUSH, RADER, EVERETT, SACCONI, TALLMAN, HICKERNELL, TRUITT and ZIMMERMAN

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, prohibiting payroll collection of dues, fees and political contributions.

Referred to Committee on STATE GOVERNMENT, October 28, 2015.

No. 1667 By Representatives KAVULICH, THOMAS, SCHLOSSBERG, FARINA, McNEILL, COHEN, D. COSTA, DRISCOLL, YOUNGBLOOD, SAINATO, DEAN and SNYDER

An Act amending Title 8 (Boroughs and Incorporated Towns) of the Pennsylvania Consolidated Statutes, in civil service for police and fire apparatus operators, further providing for appointments of police and fire apparatus operators.

Referred to Committee on LOCAL GOVERNMENT, October 28, 2015.

No. 1668 By Representatives KAVULICH, THOMAS, SCHLOSSBERG, FARINA, McNEILL, COHEN, D. COSTA, DRISCOLL, YOUNGBLOOD, SAINATO, DEAN and SNYDER

An Act amending the act of June 24, 1931 (P.L.1206, No.331), known as The First Class Township Code, in general provisions relating to township officers, further providing for appointments of police and firemen.

Referred to Committee on LOCAL GOVERNMENT, October 28, 2015.

No. 1669 By Representatives GILLESPIE, ZIMMERMAN, LAWRENCE, A. HARRIS, SCHEMEL and THOMAS

An Act amending the act of May 17, 1921 (P.L.789, No.285), known as The Insurance Department Act of 1921, providing for self-service storage facility insurance.

Referred to Committee on INSURANCE, October 28, 2015.

No. 1718 By Representatives KAUFER, MURT, HEFFLEY, MILLARD, RADER, BARRAR, HELM, CUTLER, BAKER,

TOOHIL, METCALFE, B. MILLER, RAPP, JOZWIAK, BLOOM, TALLMAN, COHEN, D. COSTA, KAUFFMAN, KNOWLES, TOEPEL, YOUNGBLOOD, GROVE, WARNER, MAJOR, SAYLOR, SACCONI, TOPPER, JAMES, WATSON and ZIMMERMAN

An Act amending Title 62 (Procurement) of the Pennsylvania Consolidated Statutes, in Iran-free procurement, further providing for expiration.

Referred to Committee on STATE GOVERNMENT, October 28, 2015.

SENATE BILLS FOR CONCURRENCE

SB 501, PN 1315

Referred to Committee on STATE GOVERNMENT, October 28, 2015.

SB 526, PN 1295

Referred to Committee on LOCAL GOVERNMENT, October 28, 2015.

LEAVES OF ABSENCE

The SPEAKER. The majority whip requests leaves of absence for Representative MICCARELLI of Delaware County for the day and Representative VEREB of Montgomery County for the day. Without objection, those will be granted.

And the minority whip requests leaves of absence for Representative BISHOP of Philadelphia County for the day; Representative FRANKEL of Pittsburgh, Allegheny County, for the day; and Representative McNEILL of Lehigh County for the day. Without objection, those leaves will be granted.

MASTER ROLL CALL

The SPEAKER. We are now turning to the master roll call. Members will proceed to vote.

The following roll call was recorded:

PRESENT—197

Acosta	Evankovich	Kortz	Ravenstahl
Adolph	Evans	Kotik	Readshaw
Baker	Everett	Krieger	Reed
Barbin	Fabrizio	Krueger	Reese
Barrar	Farina	Lawrence	Regan
Benninghoff	Farry	Lewis	Roae
Bizzarro	Fee	Longietti	Roebuck
Bloom	Flynn	Mackenzie	Ross
Boback	Freeman	Mahoney	Rothman
Boyle	Gabler	Major	Rozzi
Bradford	Gainey	Maloney	Sacone
Briggs	Galloway	Markosek	Sainato
Brown, R.	Gergely	Marshall	Samuelson
Brown, V.	Gibbons	Marsico	Sankey
Bullock	Gillen	Masser	Santarsiero
Burns	Gillespie	Matzie	Santora
Caltagirone	Gingrich	McCarter	Saylor
Carroll	Godshall	McClinton	Schemel
Causar	Goodman	McGinnis	Schlossberg
Christiana	Greiner	Mentzer	Schreiber

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

ADDITIONS—0

NOT VOTING—0

EXCUSED—6

Bishop	Maher	Miccarelli	Vereb
Frankel	McNeill		

LEAVES ADDED—3

Godshall	Killion	Roebuck
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LEAVES CANCELED—2

Frankel	Vereb
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The SPEAKER. There are 197 members present today. A quorum is present.

We are going to be introducing our guests. I would ask all members to please be seated. If you could take any conversations to the anterooms, we would appreciate it.

GUESTS INTRODUCED

The SPEAKER. Located right to our left of the rostrum, we welcome Jillian Kennedy. Jillian is from Mission Viejo, California, and is a student at Penn State majoring in international politics, and she is the guest of Representative Gene DiGirolamo. Thank you for being here today.

Located in the rear of the House, the Chair welcomes students and parents from Our Lady of Mount Carmel School in Doylestown. We have with us the Matos family – Sandy, Anthony, Emily, and Abigail – and they are the guests of Representative Marguerite Quinn. Thank you so much for being with us today.

UNCONTESTED CALENDAR

RESOLUTIONS PURSUANT TO RULE 35

Mr. BIZZARRO called up HR 211, PN 1075, entitled:

A Resolution recognizing the month of November 2015 as "National Epilepsy Awareness Month" in Pennsylvania.

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Mr. MURT called up HR 495, PN 2204, entitled:

A Resolution designating the month of November 2015 as "Commonwealth Hunters Recognition Month" in Pennsylvania.

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Mr. NESBIT called up HR 520, PN 2284, entitled:

A Resolution designating the month of November 2015 as "Pulmonary Hypertension Awareness Month" in Pennsylvania and commending the work of the Pulmonary Hypertension Association.

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Mrs. BULLOCK called up HR 542, PN 2355, entitled:

A Resolution recognizing November 1, 2015, as "National Family Literacy Day" in Pennsylvania.

* * *

Mr. MATZIE called up HR 545, PN 2377, entitled:

A Resolution designating the month of November 2015 as "Pancreatic Cancer Awareness Month" in Pennsylvania.

* * *

Mr. ROAE called up HR 547, PN 2379, entitled:

A Resolution designating November 3, 2015, as "Color the World Orange Day" for reflex sympathetic dystrophy awareness in Pennsylvania.

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Ms. HARPER called up HR 557, PN 2435, entitled:

A Resolution designating November 6, 2015, as "Pennsylvania Veterans Day of Caring."

* * *

Mr. ROZZI called up HR 560, PN 2440, entitled:

A Resolution designating the month of November 2015 as "Military Family Appreciation Month" in Pennsylvania.

On the question,
Will the House adopt the resolutions?

The following roll call was recorded:

YEAS—197

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

NAYS—0

NOT VOTING—0

EXCUSED—6

Bishop	Maher	Miccarelli	Vereb
Frankel	McNeill		

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

STATEMENT BY MS. HARPER

The SPEAKER. At this time, on unanimous consent, Representative Kate Harper is recognized to speak on HR 557.

Ms. HARPER. Thank you, Mr. Speaker.

And I thank my colleagues, Mr. Speaker, for their unanimous passage of HR 557, which makes Friday, November 6, Pennsylvania Veterans Day of Caring.

As Veterans Day approached a few years ago, a constituent of mine from Upper Gwynedd Township noticed that one of his neighbors, a veteran getting on in years, needed a little help around the yard with problems that he himself was not physically able to handle. Dave pitched in, got his kids to pitch in, and cleaned up the veteran's yard. This was done out of respect, caring, and admiration for a man who had heard the call of his nation and stepped forward, putting his life on the line for Dave, his family, his neighbors, his country, and for the rest of us as citizens. Dave thought it would be a good idea to celebrate Veterans Day by encouraging people to look for veterans in their own neighborhood who might need a little help and offering to help them just as a way of caring and respect.

So HR 557 makes Friday, November 6, 2015, Pennsylvania Veterans Day of Caring. It is a reminder to all of us and to our fellow Pennsylvanians to take the time to notice and care about all of those who have willingly stepped forward to serve our nation as members of the Army, Navy, Air Force, Marines, Coast Guard, or National Guard. Please remind your neighbors about Pennsylvania Caring Day for its veterans.

Thank you, Mr. Speaker.

The SPEAKER. Thank you, Representative.

STATEMENT BY MR. MATZIE

The SPEAKER. Representative Matzie is recognized to speak on HR 545.

Mr. MATZIE. Thank you, Mr. Speaker.

I am pleased to introduce HR 545 today not because it is a happy topic but because it is a necessary one.

Pancreatic cancer is the fourth leading cause of cancer deaths in the United States, and because symptoms often do not appear until the advanced stage, it is among the most deadly cancers and tends to have a very low survival rate. Survival rates remain low, and despite health-care advances that have improved medicine and surgery by leaps and bounds over the past 25 years, there have not been any significant improvements in pancreatic cancer early detection or treatment methods.

The American Cancer Society estimates that nearly 49,000 people in the United States will be diagnosed with pancreatic cancer in 2015, the majority of them over the age of 45. An estimated 40,000 people in the United States will die from this disease this year – 2,000 of them in Pennsylvania alone.

Now, my passion for raising awareness of this baffling disease arises from personal experience, as I explained last year when I had the humbling opportunity to present this resolution, as my mother was diagnosed with pancreatic cancer. She endured chemotherapy and surgery, and we are lucky that she has survived. I am pleased to stand here today and announce that Mom is doing well. She has made a full recovery, and that

is a great thing. But everyone in my family knows that we are among the lucky few, given the grim prognosis that usually accompanies a pancreatic cancer diagnosis.

Now, my mom is a living testament to the fact that pancreatic cancer can be beaten, especially if you do not ignore symptoms and it is caught early enough. That is why it is so important that we as policymakers use our opportunity to express to folks about pancreatic cancer and other issues that are so important to us in this resolution process. We must do all that we can do to keep this deadly disease in the forefront of public health consciousness.

So I am very thankful for the support of the members. And I can tell you as a son, we look to our parents and we look to others as guides, as mentors, as people that show us the way. They are our first teachers, but of course, your parents are the ones that— You know, I am fortunate at my age of 47 to still have both of my parents. I am very grateful that I still do. And I thank you all for your great support during Mom's treatment last year and your prayers, and as I said earlier, she is a living testament, she is doing great, and she is just about back to where she was prior.

So again, thank you for your vote.

The SPEAKER. Thank you, Representative.

CALENDAR**RESOLUTION PURSUANT TO RULE 35**

Mr. KAMPF called up **HR 362, PN 1653**, entitled:

A Resolution congratulating St. David's Episcopal Church in Radnor on its 300th anniversary.

On the question,

Will the House adopt the resolution?

The SPEAKER. Representative Warren Kampf has the floor for a very joyous resolution.

Mr. KAMPF. Thank you, Mr. Speaker.

I am joined by my colleagues, Representative Milne and also Representative Adolph, in this resolution.

Mr. Speaker, I am not accustomed to running a resolution for a birthday, but this particular birthday could not go without, I think, significant recognition. This is the 300th anniversary of St. David's Episcopal Church in Radnor. That means that the church is older than the Commonwealth itself. It sits in Representative Adolph's and Representative Milne's districts, and I happen to be a parishioner there. Rev. Frank Allen was good enough to give us the prayer today, and he is the rector of St. David's.

Just very briefly about our wonderful church, it started out quite small more than 300 years ago. Little tidbits of early history: Gen. Anthony Wayne is buried in the churchyard. Henry Wadsworth Longfellow wrote a famous poem about our little church, but over the centuries it has grown, and now under Rector Allen, there are 3,000 active members. It is the largest Episcopal church in the diocese of Pennsylvania and one of the largest Episcopal churches in the nation. It has an annual fair, which is a community event. People from all over come to it, and it has been continuously running for 164 years, which means it is the longest running church fair in our country.

Maybe more significant about the church, however, is its service to our people and the people of the world, and some of you represent places where that service occurs. The church supports St. Augustine's Academy, which is a Norristown after-school program; St. James School, a Philadelphia middle school; and Cradles to Crayons, a nonprofit organization for impoverished children. The church also hosts the homeless through the Interfaith Hospitality Network in our region. The church supports two schools in Uganda, four parishes in Guatemala, and a church in Haiti. The church engages in three feeding ministries for the hungry: St. John's in Norristown, St. Augustine in Norristown, and St. Mary's Pantry in Chester. Mr. Speaker, those are just some of the service-oriented activities that the church currently engages in.

And I wonder, Mr. Speaker, if it would be all right if Reverend Allen and the vestry, who are seated to our left, could rise and we could thank them for their service and wish them a happy 300th birthday.

The SPEAKER. Representative Duane Milne, for remarks.

Mr. MILNE. Good morning.

I would like to add my words of welcome to the contingent we have from St. David's Episcopal Church. It is wonderful to have them in our House this morning to get a sense of what we do on the civic side of our societal life.

As somebody whose singing career ended after elementary school and church choir, you do not want to hear me sing "Happy Birthday," but I do want to make sure we extend a warm House happy birthday to what is really a remarkable milestone for any organization of 300 years, and that speaks to the lifeblood of any organization, including our churches, which are the volunteers and the parishioners who keep the life of a church going year after year, and we have a very fine contingent with us this morning that represents that ethos of service and spirit. And as somebody who has worshipped at St. David's on occasion, I can tell you that it is a place of much vitality, much faith, much sense of service, and they really make a terrific impact in our community, all of Chester County, and across the Commonwealth.

All three of us are very, very proud to represent the church itself and the parishioners and wish them all great continued success in all the good works that they do for our community, and I thank the House for its appreciation of what this church does for our area.

The SPEAKER. Gentlemen, thank you.

GUESTS INTRODUCED

The SPEAKER. Our guests include Rev. Amanda Eiman – if you could please stand – Geoff Chamberlain, Rob Hastings, Karen Miller, Susan Nagy, Catsby Michell, Hilary Fischer, and Joe Rollins, along with the Reverend. Again, thank you so much for being with us today.

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

The following roll call was recorded:

YEAS—197

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

NAYS—0

NOT VOTING—0

EXCUSED—6

Bishop	Maher	Miccarelli	Vereb
Frankel	McNeill		

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

LEAVE OF ABSENCE

The SPEAKER. Representative Bob GODSHALL has indicated to the majority whip that he would like to be placed on leave. Without objection, that request will be granted.

BILLS REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

HB 902, PN 1101 By Rep. HARPER

An Act amending the act of October 27, 1979 (P.L.241, No.78), entitled "An act authorizing political subdivisions, municipality authorities and transportation authorities to enter into contracts for the purchase of goods and the sale of real and personal property where no bids are received," providing for contracts for services.

LOCAL GOVERNMENT.

SB 775, PN 834 By Rep. HARPER

An Act amending Title 11 (Cities) of the Pennsylvania Consolidated Statutes, consolidating The Third Class City Code; making revisions concerning records of ordinances maintained by the city clerk, bond, insurance and salary, qualifications for office of city treasurer, committee preparation of uniform financial report forms, observances, celebrations and recognition, selection of appointee from certified list of applicants and support of Pennsylvania National Guard units; making an editorial change; and making a related repeal.

LOCAL GOVERNMENT.

SB 785, PN 1381 (Amended) By Rep. HARPER

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, in consolidated county assessment, further providing for definitions and for subjects of local taxation.

LOCAL GOVERNMENT.

SB 791, PN 951 By Rep. HARPER

An Act amending the act of May 1, 1933 (P.L.103, No.69), known as The Second Class Township Code, in township officers generally, further providing for removal for failure to perform duties.

LOCAL GOVERNMENT.

SB 793, PN 1031 By Rep. HARPER

An Act amending the act of May 1, 1933 (P.L.103, No.69), known as The Second Class Township Code, in corporate powers, further providing for building and housing regulations and repealing provisions relating to building and housing inspectors; and providing for Uniform Construction Code, property maintenance code and reserved powers.

LOCAL GOVERNMENT.

APPROPRIATIONS COMMITTEE MEETING

The SPEAKER. Turning to Representative Adolph, chair of the Appropriations Committee, for an announcement.

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

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

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

REPUBLICAN CAUCUS

The SPEAKER. Representative Sandra Major, caucus majority chair, for an announcement.

Ms. MAJOR. Thank you, Mr. Speaker.

I would like to announce Republicans will caucus today at 12 noon. I would ask our Republican members to please report to our caucus room at noon. We would be prepared to come back on the floor, Mr. Speaker, at 1 p.m. Thank you.

The SPEAKER. Thank you, Madam Chair.

DEMOCRATIC CAUCUS

The SPEAKER. Representative Dermody, for a caucus announcement.

Mr. DERMODY. Thank you, Mr. Speaker.

The Democrats will also caucus at noon. Democrats will caucus at noon. Thank you.

The SPEAKER. Thank you, sir.

RECESS

The SPEAKER. At this time the House will stand in recess until 1 p.m. The House will stand in recess until 1 p.m., unless sooner recalled by the Speaker. Thank you.

AFTER RECESS

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

THE SPEAKER PRO TEMPORE (MATTHEW E. BAKER) PRESIDING**BILLS REREPORTED FROM COMMITTEE**

HB 698, PN 2458 By Rep. ADOLPH

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, in hunting and furtaking, further providing for unlawful devices and methods; and, in special licenses and permits, further providing for permits for individuals with disabilities.

APPROPRIATIONS.

HB 1168, PN 2457 By Rep. ADOLPH

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

APPROPRIATIONS.

HB 1601, PN 2455 By Rep. ADOLPH

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; in sentencing authority, further providing for sentences for offenses committed on public transportation, for sentences for offenses against elderly persons, for sentences for offenses against infant persons and for sentences for offenses committed while impersonating a law enforcement officer.

APPROPRIATIONS.

HB 1632, PN 2366

By Rep. ADOLPH

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in sentencing, further providing for sentences for offenses committed with firearms and for sentences for certain drug offenses committed with firearms.

APPROPRIATIONS.

SB 77, PN 53

By Rep. ADOLPH

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, in special licenses and permits, further providing for dog training areas.

APPROPRIATIONS.

LEAVE OF ABSENCE CANCELED

The SPEAKER pro tempore. The Chair acknowledges the presence of the gentleman, Mr. Frankel, and he will be added to the master roll, without objection.

LEAVE OF ABSENCE

The SPEAKER pro tempore. And, without objection, the gentleman, Mr. ROEBUCK, will be placed on leave for the day.

CALENDAR CONTINUED

BILLS ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 406, PN 2398**, entitled:

An Act amending the act of June 27, 2006 (1st Sp.Sess., P.L.1873, No.1), known as the Taxpayer Relief Act, in senior citizens property tax and rent rebate assistance, further providing for definitions and for filing of claim.

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

The SPEAKER pro tempore. The Chair notes that the gentleman, Mr. Pashinski, has withdrawn his amendment.

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

* * *

The House proceeded to second consideration of **HB 1162, PN 2399**, entitled:

An Act amending the act of June 27, 2006 (1st Sp.Sess., P.L.1873, No.1), known as the Taxpayer Relief Act, further providing for definitions.

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

The SPEAKER pro tempore. The gentleman, Mr. Pashinski, has also withdrawn his amendment to this bill.

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

* * *

The House proceeded to second consideration of **HB 231, PN 225**, entitled:

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

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 1638, PN 2443**, entitled:

An Act amending the act of December 29, 1972 (P.L.1713, No.367), known as the Motor Vehicle Physical Damage Appraiser Act, further providing for compliance with act.

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 246, PN 2412**, entitled:

An Act amending the act of June 19, 1931 (P.L.589, No.202), referred to as the Barbers' License Law, further providing for licensure of manager-barbers and barber-teachers.

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 1229, PN 1614**, entitled:

An Act designating the overpass on State Route 3145 over Interstate 376, BMS 02-3145-0010-0537, in the Market District at Settlers Ridge, Robinson Township, Allegheny County, as the Roy F. Johns, Jr., Overpass.

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 1347, PN 2444**, entitled:

An Act designating a portion of State Route 981 in Mount Pleasant Township, Westmoreland County, as the James Paul Takitch Honorary Highway.

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

* * *

The House proceeded to second consideration of **HB 1579, PN 2273**, entitled:

An Act designating a bridge on that portion of State Route 62 over the Allegheny River, Tionesta Borough, Forest County, as the Lt. Col. Michael McLaughlin/AMVETS Post 113 Memorial Bridge.

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

* * *

The House proceeded to second consideration of **SB 887, PN 1364**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in rules of the road in general, further providing for duty of driver in construction and maintenance areas or on highway safety corridors and for duty of driver in emergency response areas.

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

GUESTS INTRODUCED

The SPEAKER pro tempore. We have a special visitor with us today. Located to the left of the rostrum, the Chair welcomes guests of Representative Hennessey, former Representative Jere Schuler and his wife, Renée. Representative Schuler served the 43d Legislative District from 1982 until his retirement in 2002. It was a great run, Jere. Good to see you back.

BILL ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 1322, PN 2453**, entitled:

An Act amending the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, in public assistance, further providing for identification and proof of residence.

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

The SPEAKER pro tempore. It is my understanding that the gentleman's amendment, Representative Neuman's amendment 3855, is out of order.

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

LEAVE OF ABSENCE CANCELED

The SPEAKER pro tempore. The Chair recognizes the presence of the gentleman, Mr. Vereb, and he will be added to the master roll.

BILLS ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 12, PN 2404**, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, in preliminary provisions relating to divorce, further providing for definitions; and, in dissolution of marital status, further providing for grounds for divorce, for counseling and for decree of court.

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

Mr. **SCHLOSSBERG** offered the following amendment No. **A03850**:

Amend Bill, page 2, line 2, by inserting after "**FOLLOWING**" , or criminal attempt, solicitation or conspiracy to commit any of the following

Amend Bill, page 4, line 15, by inserting after "**CONVICTED**" or has entered into an Accelerated Rehabilitative Disposition program as a result of conduct for which the other party was a victim

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

The SPEAKER pro tempore. On that question, the gentleman, Mr. Schlossberg, is recognized.

Mr. **SCHLOSSBERG**. Thank you, Mr. Speaker.

Amendment A03850 adds criminal attempt, solicitation, or conspiracy to the personal injury crimes that are already listed. This is a clarifying amendment, and I believe it is agreed to.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the chairman, Representative Marsico, on the amendment.

Mr. **MARSICO**. Thank you, Mr. Speaker.

This amendment is agreed to. I appreciate an affirmative vote.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—197

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

NAYS—0

NOT VOTING—0

EXCUSED—6

Bishop	Maher	Miccarelli	Roebuck
Godshall	McNeill		

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 pro tempore. Mr. Schlossberg, do you have one more amendment? Okay.

On the question recurring,

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

Mr. **SCHLOSSBERG** offered the following amendment No. **A03685**:

Amend Bill, page 1, line 12, by striking out "A DEFINITION" and inserting

definitions

Amend Bill, page 1, by inserting after line 17

"Convicted." Having been found guilty, having entered a plea of guilty or nolo contendere or having been accepted into Accelerated Rehabilitative Disposition.

* * *

Amend Bill, page 4, line 15, by striking out "IN" and inserting for

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. On that question, the Chair recognizes the gentleman, Mr. Schlossberg.

Mr. SCHLOSSBERG. Thank you, Mr. Speaker.

Mr. Speaker, amendment 03685 adds ARD (Accelerated Rehabilitative Disposition) into the definition of "convicted" for the purposes of obtaining a presumed consent or avoiding counseling.

This is also an agreed-to amendment, and I would appreciate a "yes" vote.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman, Mr. Marsico, on the amendment.

Mr. MARSICO. Mr. Speaker, this amendment is also agreed to. I appreciate an affirmative vote.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—186

Acosta	English	Knowles	Ravenstahl
Adolph	Evankovich	Kortz	Readshaw
Baker	Evans	Kotik	Reed
Barbin	Everett	Krieger	Reese
Barrar	Fabrizio	Krueger	Regan
Bizzarro	Farina	Lawrence	Ross
Bloom	Farry	Lewis	Rothman
Boback	Fee	Longietti	Rozzi
Boyle	Flynn	Mackenzie	Saccone
Bradford	Frankel	Mahoney	Sainato
Briggs	Freeman	Major	Samuelson
Brown, R.	Gabler	Markosek	Sankey
Brown, V.	Gainey	Marshall	Santarsiero
Bullock	Galloway	Marsico	Santora
Burns	Gergely	Masser	Saylor
Caltagirone	Gibbons	Matzie	Schemel

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

NAYS—11

Benninghoff	Irvin	Metcalfe	Roae
Dush	James	Ortitay	Truitt
Gillen	Maloney	Rapp	

NOT VOTING—0

EXCUSED—6

Bishop	Maher	Miccarelli	Roebuck
Godshall	McNeill		

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

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

The SPEAKER pro tempore. The bill as amended will be reprinted.

* * *

The House proceeded to second consideration of **HB 1233, PN 2373**, entitled:

An Act providing for summaries or copies of patient test results to be sent directly to a patient or the patient's designee when there is a finding of a significant abnormality; and providing for duties of the Department of Health.

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

Ms. **QUINN** offered the following amendment No. **A03838**:

- Amend Bill, page 2, line 15, by inserting after "designee" by providing notice
- Amend Bill, page 3, line 16, by striking out "Test results.—No" and inserting
Time.—Except as provided under subsection (d)(2)(v), no
- Amend Bill, page 3, line 17, by inserting after "date" the results were sent to the ordering health care practitioner as provided
- Amend Bill, page 3, lines 19 through 21, by striking out "impression, conclusion or" in line 19, all of line 20 and "performed on the patient" in line 21 and inserting
notice under subsection (a)
- Amend Bill, page 3, lines 23 and 24, by striking out "and test results under subsection (c)"
- Amend Bill, page 3, lines 26 and 27, by striking out "AND THE TEST RESULTS UNDER SUBSECTION (C)"
- Amend Bill, page 4, line 13, by striking out "TEST RESULTS" and inserting
notice
- Amend Bill, page 4, line 13, by striking out "(C)" and inserting (a)
- Amend Bill, page 4, lines 25 through 30, by striking out all of said lines
- Amend Bill, page 5, line 1, by striking out "6" and inserting
- Amend Bill, page 5, line 5, by striking out "7" and inserting

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

The SPEAKER pro tempore. On that question, the Chair recognizes the gentlelady, Ms. Quinn.
Ms. QUINN. Thank you, Mr. Speaker.
This is a technical amendment. It clarifies the language in the bill, and it is agreed upon. I ask the members for a vote.

**THE SPEAKER (MIKE TURZAI)
PRESIDING**

The SPEAKER. Thank you, Representative.
Does anybody else wish to be recognized?
Representative Fabrizio.
Mr. FABRIZIO. Thank you, Mr. Speaker.
This is an agreed-to amendment.

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

The following roll call was recorded:

YEAS—197

Acosta	Evankovich	Kortz	Ravenstahl
Adolph	Evans	Kotik	Readshaw
Baker	Everett	Krieger	Reed
Barbin	Fabrizio	Krueger	Reese
Barrar	Farina	Lawrence	Regan
Benninghoff	Farry	Lewis	Roae
Bizzarro	Fee	Longietti	Ross
Bloom	Flynn	Mackenzie	Rothman
Boback	Frankel	Mahoney	Rozzi
Boyle	Freeman	Major	Saccone
Bradford	Gabler	Maloney	Sainato

Briggs	Gainey	Markosek	Samuelson
Brown, R.	Galloway	Marshall	Sankey
Brown, V.	Gergely	Marsico	Santarsiero
Bullock	Gibbons	Masser	Santora
Burns	Gillen	Matzie	Saylor
Caltagirone	Gillespie	McCarter	Schemel
Carroll	Gingrich	McClinton	Schlossberg
Causar	Goodman	McGinnis	Schreiber
Christiana	Greiner	Mentzer	Schweyer
Cohen	Grove	Metcalfe	Simmons
Conklin	Hahn	Metzgar	Sims
Corbin	Hanna	Millard	Snyder
Costa, D.	Harhai	Miller, B.	Sonney
Costa, P.	Harhart	Miller, D.	Staats
Cox	Harkins	Milne	Stephens
Cruz	Harper	Moul	Sturla
Culver	Harris, A.	Mullery	Tallman
Cutler	Harris, J.	Murt	Taylor
Daley, M.	Heffley	Mustio	Thomas
Daley, P.	Helm	Neilson	Tobash
Davidson	Hennessey	Nesbit	Toepel
Davis	Hickernell	Neuman	Toohil
Dawkins	Hill	O'Brien	Topper
Day	Irvin	O'Neill	Truitt
Dean	James	Oberlander	Vereb
Deasy	Jozwiak	Ortitay	Vitali
DeLissio	Kampf	Parker, C.	Ward
Delozier	Kaufer	Parker, D.	Warner
DeLuca	Kauffman	Pashinski	Watson
Dermody	Kavulich	Payne	Wentling
Diamond	Keller, F.	Peifer	Wheatley
DiGirolamo	Keller, M.K.	Petrarca	Wheeland
Donatucci	Keller, W.	Petri	White
Driscoll	Killion	Pickett	Youngblood
Dunbar	Kim	Pyle	Zimmerman
Dush	Kinsey	Quigley	
Ellis	Kirkland	Quinn	Turzai,
Emrick	Klunk	Rader	Speaker
English	Knowles	Rapp	

NAYS—0

NOT VOTING—0

EXCUSED—6

Bishop	Maher	Miccarelli	Roebuck
Godshall	McNeill		

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.

SENATE MESSAGE

HOUSE AMENDMENTS
CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives to **SB 765, PN 1302**.

BILL SIGNED BY SPEAKER

Bill numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the title was publicly read as follows:

SB 765, PN 1302

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in preliminary provisions, further providing for the definitions of "emergency service responder" and "emergency vehicle"; and, in rules of the road in general, further providing for duty of driver in emergency response areas.

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

BILL ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 380, PN 2406**, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, in dissolution of marital status, further providing for grounds for divorce.

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

Mr. **BARBIN** offered the following amendment
No. A03764:

- Amend Bill, page 1, line 3, by inserting after "divorce" and for decree of court
- Amend Bill, page 1, line 8, by striking out "3323(G)(3)" and inserting
3323(c.1) and (g)(3)
- Amend Bill, page 2, by inserting between lines 26 and 27
(c.1) Bifurcation.—With the consent of both parties, the court may enter a decree of divorce or annulment prior to the final determination and disposition of the matters provided for in subsection (b) if the court determines that doing so provides sufficient economic protections for any minor children of the marriage. In the absence of the consent of both parties, the court may enter a decree of divorce or annulment prior to the final determination and disposition of the matters provided for in subsection (b) if:
 - (1) grounds have been established as provided in subsection (g); and
 - (2) the moving party has demonstrated that:
 - (i) compelling circumstances exist for the entry of the decree of divorce or annulment; and
 - (ii) sufficient economic protections have been provided for the other party and any minor children of the marriage during the pendency of the disposition of the matters provided for in subsection (b).

* * *

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

The SPEAKER. On that question, the Chair recognizes Representative Barbin.
Mr. BARBIN. Thank you, Mr. Speaker.
This is an agreed-upon amendment. I want to thank the chairman of the Judiciary, our chairman, and the Pennsylvania

Bar Association for working on a compromise which not only protects the 1-year no-fault provisions but also provides additional protection for minor children.

The SPEAKER. Thank you, sir.
 And Representative Toohil, on the amendment.
 Ms. TOOHIL. Thank you, Mr. Speaker.
 This is an agreed-to amendment.
 The SPEAKER. Thank you.

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

The following roll call was recorded:

YEAS—197

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

NAYS—0

NOT VOTING—0

EXCUSED—6

Bishop Godshall	Maher McNeill	Miccarelli	Roebuck
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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?

The SPEAKER. Representative Barbin, amendment 3686? Withdrawn. Amendment 3686 has been withdrawn.

Representative Snyder calls up amendment 3735. That amendment is withdrawn. Representative Snyder withdraws amendment 3735.

Representative Schlossberg, do you have amendment 3736? That amendment is withdrawn.

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.

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 44, PN 2405**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in sentencing, further providing for sentences for offenses committed with firearms.

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?

Representative Vitali, the floor is yours.
 Mr. VITALI. Thank you, Mr. Speaker.
 I rise in opposition to HB 44.

This involves the general topic of mandatory minimum sentences, and specifically, what the bill provides is with regard to section 9712, sentences for offenses committed with a firearm, that is a 5-year mandatory minimum right now, and what this bill would do would be to require that any other convictions with regard to that incident or other incidents must be run consecutively as opposed to concurrently. That means they have to run back to back as opposed to the same time.

Now, the reason I oppose that is because I think it makes what is essentially a bad bill even worse. The bill itself, 5 years

mandatory minimum for crimes committed with a firearm, is bad because it must apply in every circumstance. Certainly there are occasions where one should get much more than 5 years for an offense committed with a firearm, but there are other circumstances where maybe 3 years is the appropriate penalty or 2 years is the appropriate penalty or 4 1/2 years is the appropriate penalty.

I remember years ago reading a very poignant article by a judge opposing mandatory minimums, and he used this section as an example. He talked about someone who was before him – someone who had just been unemployed, someone who had never committed a crime in his life. He was desperate. He was in very unusual circumstances. He was stressed, and he took a toy gun, a toy gun, and he did in fact rob a cabdriver of \$50. Now, that is wrong and you need to go to jail for that; there is no doubt about that, but his point was he would not have sentenced that man to 5 years in jail given the fact that he had never committed a crime before. He had very unusual circumstances. So the underlying crime here is bad.

Now, what this bill does is deals with running related crimes consecutively as opposed to concurrently. Now, traditionally – and I have practiced criminal law; I have taken cases to trial; I have gone before judges in sentencing – judges, in almost all cases, are given the discretion to impose sentences concurrently, at the same time, when justice requires it. For example, if you rob someone with a gun, not only do you have the gun offense, you have the robbery offense, you may have the terroristic threat offense, you may even have some property damage offense. You could have five different convictions related to the same incident or transaction, and judges are given the discretion, historically, to do these concurrently, because to require all convictions to be running consecutively would create absurdly long sentences. This bill, because it requires the 5-year mandatory to run consecutively, also has that potential to create absurdly long sentences and thus prevents the judge from doing justice.

Mr. Speaker, we discussed, we discussed all the bad policy reasons for mandatory minimums – why it has been revealed to be a bad policy, why it is overcrowding our prisons, disproportionately affects minorities, and so forth, and I will not get into that in great detail. I only want to put on the record the fact that I do think this bill is not a good idea, and I would ask for a negative vote.

The SPEAKER. Representative Tony DeLuca, the floor is yours, sir.

Mr. DeLUCA. Thank you, Mr. Speaker.

Mr. Speaker, I strongly support this HB 44, and I want to commend the gentleman from Washington County because of the fact we worked together. I worked on this legislation about 6 years ago, and he finally took it over the goal line. I want to commend him for that, and I want to thank him for getting this bill because of the fact we heard a lot about guns and that there.

About 15 years ago this bill was passed – not this bill, but a bill was passed for a mandatory 5-year prison sentence if you committed a crime with a gun. Like everything else, the judges did not run them consecutively. They ran them concurrently. Now, when we pass legislation in this House, that is what we intend to do, and we can talk about how bad guns are and everything else, but if we do not follow the legislation and be tough with it, then it makes no difference.

So I want to commend the gentleman for introducing this, for getting this over the goal line, and for having this bill pass, and it certainly was a pleasure working with the Representative. Thank you.

The SPEAKER. Thank you, Representative. Representative Santarsiero.

Mr. SANTARSIERO. Thank you, Mr. Speaker.

I rise in support of HB 44, and I, too, would like to commend the gentleman. I think it is an important measure, but what I would say is this: This cannot be a substitute to reasonable gun safety legislation. HB 1010 needs to be brought to the floor for a vote, and we need to pass universal background checks. Thank you.

**THE SPEAKER PRO TEMPORE
(MATTHEW E. BAKER) PRESIDING**

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,
Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—158

Acosta	Farry	Krieger	Ravenstahl
Adolph	Fee	Lawrence	Readshaw
Baker	Flynn	Lewis	Reed
Barbin	Freeman	Longietti	Reese
Barrar	Gabler	Mackenzie	Regan
Benninghoff	Galloway	Mahoney	Roae
Bizzarro	Gergely	Major	Ross
Bloom	Gibbons	Maloney	Rothman
Boback	Gillen	Marshall	Rozzi
Boyle	Gillespie	Marsico	Saccone
Bradford	Gingrich	Masser	Sainato
Brown, R.	Goodman	Matzie	Samuelson
Burns	Greiner	McGinnis	Sankey
Caltagirone	Grove	Mentzer	Santarsiero
Causar	Hahn	Metcalfe	Santora
Christiana	Hanna	Metzgar	Saylor
Conklin	Harhai	Millard	Schemel
Corbin	Harhart	Miller, B.	Schreiber
Costa, D.	Harkins	Milne	Simmons
Costa, P.	Harper	Moul	Snyder
Cox	Harris, A.	Mullery	Sonney
Culver	Heffley	Murt	Staats
Cutler	Helm	Mustio	Stephens
Daley, P.	Hennessey	Neilson	Tallman
Davis	Hickernell	Nesbit	Taylor
Day	Hill	Neuman	Tobash
Deasy	Irvin	O'Neill	Toepel
Delozier	James	Oberlander	Toohil
DeLuca	Jozwiak	Ortitay	Topper
DiGirolamo	Kampf	Parker, D.	Vereb
Driscoll	Kaufner	Pashinski	Ward
Dunbar	Kauffman	Payne	Warner
Dush	Kavulich	Peifer	Watson
Ellis	Keller, F.	Petrarca	Wentling
Emrick	Keller, M.K.	Petri	Wheeland
English	Killion	Pickett	White
Evankovich	Klunk	Pyle	Zimmerman
Everett	Knowles	Quigley	
Fabrizio	Kortz	Quinn	Turzai,
Farina	Kotik	Rapp	Speaker

NAYS—39

Briggs	DeLissio	Kinsey	Schlossberg
Brown, V.	Dermody	Kirkland	Schweyer
Bullock	Diamond	Krueger	Sims
Carroll	Donatucci	Markosek	Sturla
Cohen	Evans	McCarter	Thomas
Cruz	Frankel	McClinton	Truitt
Daley, M.	Gainey	Miller, D.	Vitali
Davidson	Harris, J.	O'Brien	Wheatley
Dawkins	Keller, W.	Parker, C.	Youngblood
Dean	Kim	Rader	

NOT VOTING—0

EXCUSED—6

Bishop	Maher	Miccarelli	Roebuck
Godshall	McNeill		

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

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

SUPPLEMENTAL CALENDAR A

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 77, PN 53**, entitled:

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, in special licenses and permits, further providing for dog training areas.

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

(Bill analysis was read.)

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—197

Acosta	Evankovich	Kortz	Ravenstahl
Adolph	Evans	Kotik	Readshaw
Baker	Everett	Krieger	Reed
Barbin	Fabrizio	Krueger	Reese
Barrar	Farina	Lawrence	Regan
Benninghoff	Farry	Lewis	Roae
Bizzarro	Fee	Longietti	Ross
Bloom	Flynn	Mackenzie	Rothman
Boback	Frankel	Mahoney	Rozzi
Boyle	Freeman	Major	Saccone
Bradford	Gabler	Maloney	Sainato
Briggs	Gainey	Markosek	Samuelson

Brown, R.	Galloway	Marshall	Sankey
Brown, V.	Gergely	Marsico	Santarsiero
Bullock	Gibbons	Masser	Santora
Burns	Gillen	Matzie	Saylor
Caltagirone	Gillespie	McCarter	Schemel
Carroll	Gingrich	McClinton	Schlossberg
Causer	Goodman	McGinnis	Schreiber
Christiana	Greiner	Mentzer	Schweyer
Cohen	Grove	Metcalfe	Simmons
Conklin	Hahn	Metzgar	Sims
Corbin	Hanna	Millard	Snyder
Costa, D.	Harhai	Miller, B.	Sonney
Costa, P.	Harhart	Miller, D.	Staats
Cox	Harkins	Milne	Stephens
Cruz	Harper	Moul	Sturla
Culver	Harris, A.	Mullery	Tallman
Cutler	Harris, J.	Murt	Taylor
Daley, M.	Heffley	Mustio	Thomas
Daley, P.	Helm	Neilson	Tobash
Davidson	Hennessey	Nesbit	Toepel
Davis	Hickernell	Neuman	Toohil
Dawkins	Hill	O'Brien	Topper
Day	Irvin	O'Neill	Truitt
Dean	James	Oberlander	Vereb
Deasy	Jozwiak	Ortitay	Vitali
DeLissio	Kampf	Parker, C.	Ward
Delozier	Kaufert	Parker, D.	Warner
DeLuca	Kauffman	Pashinski	Watson
Dermody	Kavulich	Payne	Wentling
Diamond	Keller, F.	Peifer	Wheatley
DiGirolamo	Keller, M.K.	Petrarca	Wheeland
Donatucci	Keller, W.	Petri	White
Driscoll	Killion	Pickett	Youngblood
Dunbar	Kim	Pyle	Zimmerman
Dush	Kinsey	Quigley	
Ellis	Kirkland	Quinn	Turzai,
Emrick	Klunk	Rader	Speaker
English	Knowles	Rapp	

NAYS—0

NOT VOTING—0

EXCUSED—6

Bishop	Maher	Miccarelli	Roebuck
Godshall	McNeill		

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 return the same to the Senate with the information that the House has passed the same without amendment.

* * *

The House proceeded to third consideration of **HB 1601, PN 2455**, 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; in sentencing authority, further providing for sentences for offenses committed on public transportation, for sentences for offenses against elderly persons, for sentences for offenses against infant persons and for sentences for offenses committed while impersonating a law enforcement officer.

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

(Bill analysis was read.)

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

The question is, shall the bill pass finally?

On that question, Mr. Dawkins is recognized.

Mr. DAWKINS. Thank you, Mr. Speaker.

May I ask the maker of the bill to stand for interrogation, please?

The SPEAKER pro tempore. The gentleman has agreed, and you may proceed.

Mr. DAWKINS. Thank you.

Under the current law, does the mandatory minimum apply to this crime?

Mr. VEREB. Can you repeat that question, please.

Mr. DAWKINS. Under the current law, does the mandatory minimum apply to this crime?

Mr. VEREB. If you could pick a crime, I would be glad to answer.

Mr. DAWKINS. Well, the one that actually involves actual drug possession. Does the mandatory minimum apply to the crime for drug possession currently in Pennsylvania?

Mr. VEREB. Manufacturing and dealing under current law.

Mr. DAWKINS. I could not hear you. Say it one more time.

Mr. VEREB. Manufacturing and dealing under current law or possession when intent to deliver.

Mr. DAWKINS. Was this provision not struck down by the Supreme Court for being unconstitutional?

Mr. VEREB. Only the procedure was struck down, and that is what we are correcting in this legislation.

Mr. DAWKINS. So in fact when we talked about reducing the actual time an individual will receive with possession under this law when it currently does not exist, would that not be untrue? When we talk about reduction of mandatory minimums, if mandatory minimums currently are not applied, would this bill not reapply mandatory minimums?

Mr. VEREB. Some are being reduced, and we are reinstating others.

Mr. DAWKINS. So again, let me make sure we got the question correct. Currently in Pennsylvania we are trying to reenact – this bill would reenact mandatory minimums, correct?

Mr. VEREB. In certain situations, correct.

Mr. DAWKINS. So therefore, when we talk about the reduction of mandatory minimums under this bill, we currently do not have mandatory minimums. So this bill would in fact increase the time an individual will receive, correct?

Mr. VEREB. No.

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

The SPEAKER pro tempore. The gentleman has concluded his interrogation and is in order on final passage.

Mr. DAWKINS. You know, it is baffling to me when we as legislators want to be the enforcer of the law, we want to be the executor of the law. We do not want to allow the judges in which we have selected through our electoral process to do their

jobs. When we talk about what sentences are fair, I do not believe that is the standpoint in which we should take. I think we should defer to the ones who sit on the bench to allow them to give the fair sentences to their discretion. I just believe that this bill would be taken in the wrong direction because we, obviously, felt the need it was unconstitutional, and I do not believe that we should be putting something back in the law that the Supreme Court has already deemed unconstitutional.

So I would strongly advise all of my colleagues to oppose this bill. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman, Mr. Frankel, on final passage.

Mr. FRANKEL. Thank you, Mr. Speaker.

I rise because I believe that this piece of legislation is very premature. When we talked about the Marsico amendment a couple of days ago, I discussed, I think, the developing debate in this country, the developing consensus that we need to be in a position to take a look at our criminal justice system, and in particular, we need to reevaluate the use of mandatory minimum sentences for nonviolent offenders.

Now, while this piece of legislation reinstates a number of mandatories – it lowers some, it eliminates some – it does not go far enough for many of us, and the process, the discussion that we have had about it has been on the floor. There has been no opportunity to really have a thoughtful process, hearings in committee, to bring in stakeholders that have opinions, and there are many throughout the country that think we ought to take a more thoughtful approach before we go back and reinstitute mandatory minimum sentences. Now, this is not some liberal Democratic idea. This is something that has created a bipartisan consensus that has suggested that we need to reevaluate this.

And I would like to cite some of my Republican friends at the national level, some quotes about this very issue that I think would commend us to take a more thoughtful approach. Congressman Paul Ryan, the likely new Speaker in Congress, said, "Under current law a single gram of crack cocaine could be all that separates a convict from a less-than-five-year sentence and a 40-year sentence. Rigid and excessive mandatory sentences for low-level drug offenders, like these, may add to an already over-crowded prison system without appreciably enhancing public safety."

Senator Rand Paul, "The injustice of mandatory minimum sentences is impossible to ignore when you hear the stories of the victims." He added that mandatory minimum sentences are a "...major culprit in our unbalanced and often unjust drug laws."

Senator Ted Cruz, quote, "Harsh mandatory minimum sentences for nonviolent drug crimes have contributed to prison overpopulation and are both unfair and ineffective relative to the public expense and human costs of years-long incarceration."

REMARKS SUBMITTED FOR THE RECORD

Mr. FRANKEL. I could go on, and I will submit these for the record. I have quotes from Mike Huckabee, Speaker John Boehner, Senator Mike Lee of Utah.

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

Here are some quotes, if the Speaker would indulge me for a few minutes, from a number of Republicans on this issue:

Mike Huckabee, former Governor of Arkansas, "We need to re-examine our incarceration objectives. We must make these decisions with an eye toward rationality. The ultimate purpose of the system – beyond establishing guilt, assigning responsibility, delivering justice, and extending punishment – is to correct the behavior that led to the crime. Major first steps include treating drug addicts, eliminating waste, and addressing the character of our citizens and children." He added, "We have far too many bureaucratic protocols and sentencing mandates that create career criminals. This doesn't make our streets safer – it just makes our government more expensive. We need commonsense reforms, especially with sentencing."

Speaker John Boehner, "I've long believed that there needed to be reform of our criminal justice system.... We've got a lot of people in prison, frankly, that don't really in my view need to be there. It's expensive to house. Some of these people are in there for what I'll call flimsy reasons."

Senator Mike Lee of Utah, "It is not just to keep people in jail until they are 70 or 80 just because they sold drugs or had a gun. Unfortunately, this is precisely the situation we have created with many of our lengthy mandatory prison sentences.... Sentences like these are just too high: they impose real costs, both human and financial; they are out of step with American tradition; and they have to be fixed. It's not sufficient anymore to say that sentences like these – sentences that don't fit the crime – are the cost of doing business. They aren't – we can fix them...."

Mr. FRANKEL. So it is kind of interesting that there is this really thoughtful process taking place at the Federal level that we ought to be, I think, emulating here.

Even Charles Koch, and I mentioned him the other day, but let me read you this quote. Quote, "Monstrous.... Obscene. Somebody makes one mistake, violates a law – and I'm not talking about people who are violent criminals who are hurting people and destroying property – and their lives are ruined" forever "by these massive sentences."

Do you not think, Mr. Speaker, that we ought to take a more thoughtful approach than doing a knee-jerk reaction and just reinstating these mandatory sentences after the Supreme Court invalidated them? There ought to be a much more thoughtful process. I mean, the consensus is incredible. You have the ACLU (American Civil Liberties Union) and Grover Norquist agreeing on this. It is about time we take a more thoughtful approach to this piece of legislation and have an opportunity to hear from stakeholders, not just the District Attorneys Association.

MOTION TO RECOMMIT

Mr. FRANKEL. So, Mr. Speaker, I would like to make a motion.

The SPEAKER pro tempore. The gentleman, Mr. Frankel, will state his motion.

Mr. FRANKEL. Mr. Speaker, I would like to recommit HB 1601 to the Judiciary Committee so that we can have a more thoughtful, in-depth discussion in hearings so we can have a better approach to this piece of legislation.

The SPEAKER pro tempore. The gentleman, Mr. Frankel, has made the motion to refer this piece of legislation to the Judiciary Committee.

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

The SPEAKER pro tempore. On the motion, the gentleman, Mr. Vereb, is recognized.

Mr. VEREB. Thank you, Mr. Speaker.

Obviously, I would ask the members to vote "no." This is a bill that went through committee, went through the Judiciary Committee already, unlike some other things that come to the floor. This went through Appropriations, where there was debate today, and we are now on the floor on final consideration to send it to the Senate.

I would ask the members to please vote "no."

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the motion, the gentleman, Mr. Frankel.

Mr. FRANKEL. Well, I would beg to differ with my colleague from Montgomery County. I mean, it did go through committee, not a hearing. This is really important stuff. It is important at every level of government that people are talking about this on a bipartisan basis. There are folks at the University of Pittsburgh. Mark Nordenberg is convening a group of people to take a look at criminal justice reform, and at the top of the list is taking a look at reevaluating mandatory minimum sentences for nonviolent offenders. Do you not think we ought to take a more thoughtful process as well here and maybe hear from folks like Mark Nordenberg and other folks who have an interest in this?

This is a reasonable request that we recommit this bill so that we can have stakeholders and interested parties and be part of the national discussion looking at criminal justice reform.

I would ask my colleagues to please support the motion to recommit. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman, Mr. Benninghoff, on the motion to recommit.

Mr. BENNINGHOFF. Thank you, Mr. Speaker.

I would ask our members to oppose this motion to recommit, remembering that it had almost a unanimous vote in committee, 26 to 1.

Everyone in this chamber also has the opportunity to offer amendments throughout the process, and we are at the moment now that this bill needs to move. Please oppose the motion to recommit. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The motion before us is recommitment of HB 1601 to the Judiciary Committee.

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

The following roll call was recorded:

YEAS—65

Acosta	Dean	Harkins	Parker, C.
Barbin	DeLissio	Harris, J.	Pashinski
Boyle	Dermody	Kavulich	Ravenstahl
Bradford	Donatucci	Keller, W.	Rozzi
Briggs	Driscoll	Kim	Samuelson
Brown, V.	Evans	Kinsey	Santarsiero
Bullock	Fabrizio	Kirkland	Schlossberg

Burns	Farina	Krueger	Schreiber
Carroll	Flynn	Mahoney	Schweyer
Cohen	Frankel	Markosek	Sims
Conklin	Freeman	McCarter	Snyder
Costa, P.	Gainey	McClinton	Sturla
Cruz	Galloway	Miller, D.	Thomas
Daley, M.	Gergely	Mullery	Vitali
Davidson	Goodman	Neilson	Wheatley
Davis	Hanna	O'Brien	Youngblood
Dawkins			

NAYS—132

Adolph	Gillen	Maloney	Reese
Baker	Gillespie	Marshall	Regan
Barrar	Gingrich	Marsico	Roe
Benninghoff	Greiner	Masser	Ross
Bizzarro	Grove	Matzie	Rothman
Bloom	Hahn	McGinnis	Saccone
Boback	Harhai	Mentzer	Sainato
Brown, R.	Harhart	Metcalfe	Sanke
Caltagirone	Harper	Metzgar	Santora
Causar	Harris, A.	Millard	Saylor
Christiana	Heffley	Miller, B.	Schemel
Corbin	Helm	Milne	Simmons
Costa, D.	Hennessey	Moul	Sonney
Cox	Hickernell	Murt	Staats
Culver	Hill	Mustio	Stephens
Cutler	Irvin	Nesbit	Tallman
Daley, P.	James	Neuman	Taylor
Day	Jozwiak	O'Neill	Tobash
Deasy	Kampf	Oberlander	Toepel
Delozier	Kaufert	Ortitay	Toohil
DeLuca	Kauffman	Parker, D.	Topper
Diamond	Keller, F.	Payne	Truitt
DiGirolamo	Keller, M.K.	Peifer	Vereb
Dunbar	Killion	Petrarca	Ward
Dush	Klunk	Petri	Warner
Ellis	Knowles	Pickett	Watson
Emrick	Kortz	Pyle	Wentling
English	Kotik	Quigley	Wheeland
Evankovich	Krieger	Quinn	White
Everett	Lawrence	Rader	Zimmerman
Farry	Lewis	Rapp	
Fee	Longietti	Readshaw	Turzai,
Gabler	Mackenzie	Reed	Speaker
Gibbons	Major		

NOT VOTING—0

EXCUSED—6

Bishop	Maher	Miccarelli	Roebuck
Godshall	McNeill		

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

On the question recurring,
Shall the bill pass finally?

The SPEAKER pro tempore. Returning to HB 1601 on final passage, the gentleman, Mr. Thomas, is recognized.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, let me extend my thanks and appreciation to the author of this bill, because I know coming out of Norristown and coming out of Montgomery County, they have some real problems around drugs. Like him, I do not have a whole lot of tolerance for folks who sell or use drugs, and like him and like

many of you, I want to be aggressive in reducing, if not eliminating, this problem. So I thank the author for that.

But, Mr. Speaker, when I looked at the motion to recommit and I will look at the vote on final passage, I saw some names up there of some people who have been around here for a long time. The author of this bill, he has not been around here a long time, but there are some other people who have been around here for a long time. I think it is important, I think it is important for the people that have been around here for a long time – like if you came to this august body in the late eighties or early nineties when we started down, we started down, this General Assembly and other General Assemblies went down this mandatory minimum road.

Now, if we look at what has happened from the time you arrived to today, here is what has happened. In the eighties it cost less than \$10,000 – probably 9,600-some dollars – for every inmate that was in Pennsylvania prisons. The population was less than 10,000. What is it today? The population is over 30,000. The cost is 35, close to \$40,000 – \$9,000 to 30-plus thousand, \$9,000 in costs to almost \$40,000 per inmate.

Now, if mandatory minimums are an economic engine, you have satisfied it, you have satisfied it, because if you look at the largest population of people in our system, they are people who are there because of what you and I consider victimless crimes – a gram of cocaine, a little bag of marijuana. The irony is that the people we are applying these mandatory minimums to, they do not have the ability to produce any crack cocaine or marijuana. They are not the producers. They are not the producers.

So, Mr. Speaker, I believe that my friend from Norristown – Norristown is part of his district; that might not be where he lives – but I believe that at the heart of this bill is public safety. I believe that. I also believe that at the heart of this bill is his commitment to young people, families, and communities. I believe that. I do not think that my friend from Butler County can offer me any kind of money to make me think any differently. I believe that that is correct, that he believes that.

Now, what is in front of us is an opportunity to show up, stand up, and make a real statement about public safety. This is not about public safety. We are not going to reduce, if not eliminate, with this scientific analysis contained in HB 1601. There is so much stuff about this gram, that gram, and these grams.

My grandmama used to say that you can almost end up with a paralytic of analysis. You could take a very simple situation and not complicate it, not complicate it.

For this amount of drugs, we want to apply a mandatory minimum and continue the explosion of population and costs in the State correctional institution. If we want to continue to do that, then we cannot do it with 1601.

I would say to my friend, I would say to my friend, let him and I, along with everybody else that believes in real public safety, let us sit down with the Reps from Clearfield County. All the Reps from Clearfield County, stand up; let us sit down with them. Because in Clearfield County, there is something called the Quehanna Boot Camp. From Butler, that is Quehanna Boot Camp. It is a diversionary program.

There are 300 people there that are engaged in a 6-month diversionary program. They tell me, while they did not show me the data, they tell me that their recidivism is almost 100 percent; that with this diversion, they are not only making sure that the little bag of reefer and the little gram of cocaine – that these young people and older people, because you can be 18 and

100 and go into Quehanna – that we spend less than – about 40 percent of the State correctional cost on Quehanna Boot Camp. So it does not blow the taxpayer's pocketbook up, we get public safety through diversion, and thirdly, we are able to redirect – avoid the explosion of our State correctional institutions so that we can free up beds for those people who really need to be incarcerated for now and into the near future.

So through Quehanna Boot Camp or through Clearfield County, my friend, we can sit down with them and really talk about public safety by diverting these people from their bad, bad acts into something that will help make sure they do not have to revisit this. So if we are really about public safety, that is what we should be doing.

Adding to the mandatory minimum – because as our able Rep and attorney from Philadelphia County said the other day, there is no empirical data or evidence-based facts to imply or even to show us that mandatory minimums reduce prison populations or get at public safety. In fact, one of my colleagues just said to me the other day, Rep, keep your eyes and ears open because we are going to be moving medical marijuana. Now, folks who need medical marijuana, what are we going to do, give them mandatory minimum sentences?

This is a good opportunity for us to take a minute and think about what we want to do. We can be hard and also be smart. We can be hard on drugs and also be smart. HB 1601 is a reflection of our passion but does not reflect a solution, a solution.

So I ask you, each and every one of you from each side, since you did not run after the recommittal— My colleague, he tried to give you a way out. He tried to give you a way out, and he was very nice about it. Some of you all did not take it and you know what the facts are. But here is another opportunity, we get another shot at it, we get another shot at saying to the public that enough is enough.

They tell me that mandatory minimums – a doctor out of New York tells me that mandatory minimums have resulted in the incarceration of more Black men than there was during slavery, that mandatory minimums are tantamount to mass incarceration without a way out.

We can turn the clock today; we can turn the corner. We can demonstrate to our constituents and to the people of Philadelphia that we are truly committed to public safety, because we are going to vote this down and we are going to meet with the people from Clearfield County tomorrow so that we can come up with something really that can bring about public safety. Vote "no" on HB 1601.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentelady, Ms. Acosta, on final passage.

Ms. ACOSTA. Thank you, Mr. Speaker.

I would like to interrogate the maker of the bill, please.

The SPEAKER pro tempore. The gentleman, Mr. Vereb, has agreed to interrogation, and you may proceed.

Ms. ACOSTA. HB 1601, Mr. Speaker, was originally crafted to deal with violent crimes. Is that correct?

Mr. VEREB. Yes.

Ms. ACOSTA. But the bill has ended with many provisions specifically relating to nonviolent crimes. Is that correct?

Mr. VEREB. Can you be more specific as to what you are relating to?

Ms. ACOSTA. Well, can you itemize what those nonviolent crimes are?

Mr. VEREB. Actually, you are the one asking the question. If you could just put what you believe is nonviolent onto the floor, I would be glad to discuss it with you.

Ms. ACOSTA. You started with violent crimes – the bill, the legislation, the measure started with violent crimes and now there are provisions relating to nonviolent crimes. What specific nonviolent crimes are included in this measure?

Mr. VEREB. I am a bit confused with your question because the bill does not cover nonviolent crimes.

Ms. ACOSTA. It was drug-related crimes, nonviolent crimes. Is that correct? Marijuana, cocaine; is that right?

Mr. VEREB. Of course, because drug dealers are not violent people, so if that is your interpretation, then yes. But I will say no; I consider drug traffickers and dealers to be part of an ultimate violent crime.

Ms. ACOSTA. Okay. If this measure is passed, how will this impact the jurisprudence of the judges? In other words, if a judge decides he wants to dole out less prison time or even probation over incarceration, this measure of restoring a mandatory minimum would impact that judge's decision. Is that correct?

Mr. VEREB. Yes.

Ms. ACOSTA. Is there any evidence that mandatory minimum sentences lower recidivism rate?

Mr. VEREB. Based on the Uniform Crime Report, yes, we have that, between 1994 and 2012.

Ms. ACOSTA. So what is the percentage on that?

Mr. VEREB. I do not have the percentage; I just have some raw numbers.

Ms. ACOSTA. Thank you.

Now, let us say I live within 1,000 feet from a school zone, and I decide that I want to bake enhanced brownies and I live within 1,000 feet of a school zone. I get caught, it is for personal use, but it is possession. I am actually— I am not selling it; I am using it for personal use. Could a prosecutor be inclined to send me to jail for 2 years because I baked these enhanced brownies within 1,000 feet from a school zone?

Mr. VEREB. If you are baking brownies over the limits, which would then be considered manufacturing, yes; otherwise, no.

Ms. ACOSTA. So I would be considered manufacturing if I am doing it for personal use, enhanced brownies in my home?

Mr. VEREB. No.

Ms. ACOSTA. So the question again is, if I am caught baking these enhanced brownies – there is no sale, no sale was needed, just possession – I can potentially serve 2 years in jail?

Mr. VEREB. If you are not manufacturing a drug, then no.

Ms. ACOSTA. Are you sure about that?

Mr. VEREB. That is my answer.

Ms. ACOSTA. Okay. Well, the fact is that mandatory minimum sentences, Mr. Speaker—

The SPEAKER pro tempore. Will the gentelady please suspend.

We were wondering if you had completed your interrogation.

Ms. ACOSTA. I have completed my interrogation. I would like to make a statement.

The SPEAKER pro tempore. Thank you very much. You are in order and may proceed.

Ms. ACOSTA. Thank you.

The fact is that the mandatory minimum sentencing balloons our prison populations. The proof is in the pudding. Drug offenses are the single most significant driver of incarceration in Pennsylvania – 43.6 percent are serving for Part II offenses, of which 39.9 are drug-related.

I just want to make this point very clear. In 2012 SB 100, now Act 122, was signed by Governor Corbett and enacted based on a bipartisan recommendation of the Justice Reinvestment Initiative and supported by the Commonwealth Foundation. The sole purpose of Act 122 was to, in effect, address decades of ineffective and expensive correction policies, including keeping low-risk cases out of prison in favor of less expensive, more effective sentencing.

We have and we know that there is a widespread agreement that drug offenses do not deter crime, do not prevent recidivism, and do not slow down the drug trade.

HB 1601 is counterintuitive to the direction and trend on criminal justice reform. I am asking a "no" vote on HB 1601. Thank you.

The SPEAKER pro tempore. The Chair thanks the lady and recognizes the gentleman, Mr. Stephens, on final passage.

Mr. STEPHENS. Thank you, Mr. Speaker.

Mr. Speaker, just a couple points of clarification that I think are important and I will make it quick.

So the gentleman from Philadelphia talking about motivational boot camp, I think there is a telling provision in Title 42 that would maybe help allay some of his concerns. It reads, "An eligible offender may be sentenced to State intermediate punishment...or to State motivational boot camp..., even if a mandatory minimum sentence would otherwise be provided by law."

So his applause and support for boot camps, certainly noteworthy and well-placed, but certainly that does not mean that these folks subject to a mandatory minimum sentence would not be eligible for that boot camp program.

Additionally, to the gentelady who was just up speaking, I got some numbers this morning from the Department of Corrections, and just to give people an idea of what percent of our State prison population we are talking about here, a whopping 4.3 percent of our State prison population is on a mandatory minimum drug sentence – 4.3 percent.

You know, the claim was just made that this is the number one driver of our inmate population in Pennsylvania and it is just not true. As a matter of fact, the New York Times just did a piece 2 days ago talking nationally about the fact that drug offense mandatory minimum sentences are not what drives the general prison populations; it is those serving sentences for violent crimes after committing violent offenses. So this notion that this bill is going to somehow dramatically increase our prison population or that these drug mandatories are at the root of any type of prison overcrowding is just misplaced and not backed up by any of the facts.

More importantly, Mr. Speaker, we spend a lot of time in this chamber and I know everyone in this room has the same concerns I have about the kids that are out there dying from prescription drug overdoses, the kids that are out there dying from heroin, the folks that are out there dying from cocaine and other drugs that they receive – this bill does not go, does not go at the drug users. This bill goes to the source, the source of that poison being peddled to the rest of our citizens. So we spend a lot of time in our districts, we spend a lot of time working with

a lot of our constituents trying to save lives and protect people. This is a way you save lives and protect people. You put the people that are peddling the poison in prison, put the people that are peddling the poison in prison, and that will help save lives across this Commonwealth. That is why we need to support this bill.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman, Mr. Pyle, on final passage.

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

The SPEAKER pro tempore. You are in order and may proceed.

Mr. PYLE. Thank you.

Mr. Speaker, I really enjoy listening to the conversations on big topics like this because it allows us an opportunity to get perspective from an enormous State, over 60,000 square miles.

Now, I have heard a couple of things today – and pardon my knowledge base if I am off here; I only have a degree in this stuff and taught it for 14 years – but judges, if I am not mistaken, are held to what the statute is within the sentence in prescribing sentence. All of our judicial system has a sentencing grid that gives a range of what they can sentence. Mandatory minimums would seem to run counter to that, but yet why are we so enamored at this idea?

I wish, Mr. Speaker, as the gentleman from the county of the first class had asserted, this was just a little bag of reefer or a couple of tablets of friendly Oxycontin, but where I live it is not. It is truckloads of heroin coming in through New Castle. Now, if you do not think those guys are violent, come on out to my little backwater town where everybody thinks it is sunshine and rainbows all the time, and I will show you such horribly inhuman things that I would almost be ashamed of myself. So I appreciate the gentleman's perspective, but to invoke another gentleman from Allegheny County who was kind enough to expose to us the entire Republican slate of candidates, I would like to return the favor.

Mr. Thomas P. O'Neill, Tip O'Neill, former Speaker of the House, said, "All politics is local." Well, here is my thing, you all do what your people demand you do. Mine have been very clear; they do not want us to slap the heroin dealers on the hands. They do not want us to go, "Poor little meth dealer, go forth and prosper." They want us to put them away. Okay?

Now, the gentleman also oscillated on another great thing – \$38,000 to incarcerate somebody, and then in Appropriations I heard, "No, that is an incorrect number; it may be \$45,000." I think we ought to look at cutting those costs. How about it? Let us get into corrections, let us get down into the line items, and the first time we see cable television, let us just hack it. Let us bring that cost down.

The law exists to have sanction on the back end for those that have violated our social mores we hold so dear that there must be retribution for violation – that is the basis of Judeo-Christian Western law.

Please vote for HB 1601.

Thank you, Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Thomas, for the second time.

Mr. THOMAS. Now, I heard all that – I am not going to make this adversarial. All right. All right. I am not going to

make this adversarial; I am not going to call names and finger pointing and all that. I just think that it is important that the record is straight; that is all.

Now, my friend, he says that the population is only 4.3 – that is almost 8,000 people; that is almost 8,000 people. If there is one that should not be there because we need to get somebody in there that has done some real bad stuff, then let us look at diversion.

Secondly, I heard my last friend, and I call him my friend because I am not going to make it adversarial, and I do not know anything about Judeo and you know, I do not know all of that. What I do know, what I do know is that the people of the 181st Legislative District, they tell me that if I take \$35,000 that I spend on inmates in Pennsylvania jails, give them the \$35,000 and they will promise you that those young people will go to Yale; that they can go to Yale rather than jail if we spend on education what we spend on corrections.

We are one of only two States left in the country that do not have a budget. We do not have a budget because there are serious differences. You know, I respect my friends who have made a pledge that they are not going to raise any taxes. Now, I am okay with that. But I also know that we cannot produce a quality product for the 22d century with our young people if we do not spend the money. You cannot keep asking young people to give you Cadillac performance and you are spending Volkswagen money. You get what you put out there.

So all I am suggesting to my colleagues – not Democrats and Republicans, but stellar public officials, public servants, people who are committed to doing not only what is right but also what is smart around the issues of public safety – so all I am saying, we have some models, we have some models to deal with this.

The fact that you can be mandatory minimum eligible and still go into boot camp, I like that too. But I like it better by letting our judicial branch of government have some discretion in making these decisions, because they know that you and I cannot keep taxing our citizens for issues that do not provide any real return to us. We do not get any return on these mandatory minimum sentences other than to lock people up. In fact, in some cases you might be putting people in jail under a mandatory minimum for a bag of reefer and they come out of jail having learned how to plant poppy plants and become marijuana dealers, open up stores.

When you put these young people in these mandatory minimum sentences, what situations are you putting them in? Because we all know that 60 percent of the people that go into our prison, they are coming back into our communities. They are going to be back in Norristown, they are going to be back in Butler County, they are going to be back in Philadelphia County. We know that. We know that. We only have 181 folks in Pennsylvania prisons that are there for the rest of their natural life until they drop dead. We know that everybody that is in our system, a large number of them are coming back to our communities. Why put these young people in situations where they learn how to really be criminals, learn how to carry a gun with them the next time they manufacture or get high?

I know that you have a problem in your district. Well, in Philadelphia last week when I went home, I had to deal with a 14-year-old who got in a fight with a 19-year-old over a girl and the 19-year-old went around the corner and got a gun rather than a book, shot him in the head, and then shot him three times while he was on the ground – 14 years old. Those are the kinds of issues that I am having to deal with.

But these issues around these small amounts of marijuana, these victimless crimes – we serve our constituents better when we invest in those tools that really will generate public safety. This will not do that. So I ask you – I am not fighting with you; I am not going to get all mad—

The SPEAKER pro tempore. Will the gentleman kindly suspend.

For what purpose does the gentleman, Representative Evankovich, rise?

Mr. EVANKOVICH. Mr. Speaker, HB 1601 pertains to restoring mandatory minimum sentences for violent crimes. The gentleman speaking is moving off field of that subject and just slowing the debate down in this chamber, and I would just ask that the gentleman stay on target, please.

Mr. THOMAS. I want to say to my friend—

The SPEAKER pro tempore. Mr. Thomas, you are recognized to speak now.

Mr. THOMAS. Right; we are back on 1601. But you know, a lot of this stuff is kind of intricately intertwined; it is hard to do one without the other. But I will get back to 1601.

Join me, let us vote "no" on 1601, get with my friend from Montgomery County and my friends from Clearfield County, and let us really talk about what we can do to achieve public safety around these small amounts of drugs or drug manufacturing. Because there are tools out there that work, that work, and save our constituents some money because they have to put out the 30-plus thousand dollars every year for almost 40,000 people who are in Pennsylvania prisons. I guarantee you, if you go back home and say to any constituent that you run into, is it better to send a child to Yale rather than to send to jail, and can we spend \$35,000 to send that child to Yale and avoid him or her from having to go to jail?

Vote "no" on 1601. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentelady, Ms. Acosta, for the second time.

Ms. ACOSTA. Mr. Speaker, I just want to make a note of the fiscal impact this is going to have if this measure goes through. DOC (Department of Corrections) is expecting to increase the incarceration rate by 620 new inmates as a result of this measure, which is going to cost the Commonwealth and the taxpayer almost \$23 million. I just wanted to make that note for the record. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentelady.

The Chair at this time recognizes the minority leader, Mr. Dermody, on final passage.

Mr. DERMODY. Thank you, Mr. Speaker.

Mr. Speaker, I was not going to speak on this bill, but after a lot of what I have heard this afternoon, I feel compelled to do so.

As I have mentioned several times on this floor, I have spent some time in the criminal justice system. When I arrived here, I spent 20 years on the Commission on Sentencing. I spent 12 years as chairman on the Commission on Sentencing. The Commission on Sentencing's main function is establishing sentencing guidelines for judges of the Commonwealth for every crime and for criminal court judges to sentence criminal defendants.

I spent 6 years in the Allegheny County D.A.'s Office in a unit where I prosecuted rapists, murderers, and child abusers.

I spent days arguing in a court at a sentencing hearing, and if the maximum penalty was 20 years, I was begging for every day. There were times when I spent most of my time trying to stand on my head to avoid implementing a mandatory sentence, and you know why? That is because I was there. I tried the case. I saw the witnesses and knew the witnesses, observed them as they testified. There was a jury or a judge making a decision, but I knew what was going on.

I often wonder why we think we know so much and we can sentence a criminal defendant here in Harrisburg and why it is so easy for us to do so. It is easy for us to do so because we are unencumbered with any knowledge, any knowledge of the case. We did not hear the testimony, we did not get a chance to view the witnesses and listen to their testimony and make a decision of how credible they were. We did not have a benefit of a sentencing hearing to hear the victims and the families of the victims and to have access to a presentence report. Yet we feel we know how to sentence a criminal defendant.

Mandatory sentencing is sentencing without thought, and if there is one thing we ought to be doing, it is sentencing with thought. We ought to take care, we ought to make sure that that criminal defendant gets what that defendant deserves, but what is best for society, what is best for our future, what is best for that person's future, the victim's futures, the victim's family's future, the whole system, that can only be done having knowledge of the case, which we do not.

Now, judges make mistakes, we make mistakes; we all know that. But they are in the best position of anybody in this room to exercise their discretion and make a determination of whether that defendant should get every day for what they did or whether there should be some sentence fashioned that can be fashioned in a way that there is a chance for rehabilitation, there is a chance of restitution, there is a chance to make that family whole, that victim whole.

Nobody is soft on crime. Now, I hear it again, we are going to be soft on crime. That is nonsense. It is nonsense. What we are and what we are attempting to do is make sure that the system is as fair as possible and works in the best possible way. That means you give the judges the tools they need to fashion an effective sentence. That is what we should be doing. We should be passing laws that give those judges the tools they need to make sure they can do their job and we do ours. So I am not going to listen to that anymore.

Look, I have done it, and maybe I will have a chance to do it again, but I think we ought to sentence with thought, we ought to be thoughtful about our sentencing schemes, we ought to work with the Commission on Sentencing and establish guidelines that make sense, and we ought to let judges do their job.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman, Mr. Moul, on final passage.

Mr. MOUL. Thank you, Mr. Speaker.

You know, I was not going to get up and speak on this, although this touches very close to home for me, this issue. I have heard this bill, 1601, twisted around to somebody having a nickel bag of pot and going to jail forever. I have heard it twisted around that somebody is baking brownies and going to jail for many, many years. I have actually listened to somebody

stand up a while ago and tell this whole body that drug trafficking is not a violent crime. Please explain that to Austin's parents who just recently died from a drug overdose in my district where they bring heroin and meth up from Baltimore on a daily basis, and we think that these people do not deserve a very long mandatory sentence?

Some judges, yes, they are very soft on crime. We are not talking about the kids that are smoking a joint here and there, but those pigs that are bringing that poison into our communities and poisoning these children are not just destroying the children, they are destroying the whole darn family, and if that is not violent, I do not know what is.

Please vote "yes" on 1601. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

GUESTS INTRODUCED

The SPEAKER pro tempore. Let us take a brief interlude here to recognize some very special guests who have to leave by 2:30.

Located to the left of the rostrum, the Chair is honored to welcome a group of Pennsylvania military commanders: Capt. Rudolph Geisler from the Navy Supply Depot in Mechanicsburg and the Philadelphia Navy Yard, Col. Gregory D. Peterson from Tobyhanna Army Depot, Lt. Col. Greg W. Ank from the Carlisle Barracks, and Lt. Col. Nicholas Montalto III from the Harrisburg Recruiting Battalion. Accompanying them are Joe Spielbauer and Peter Witmer of the Military Community Enhancement Commission. They are guests of Representative Readshaw and Representative Miccarelli. Please all rise and be recognized.

Thank you one and all for your great service.

CONSIDERATION OF HB 1601 CONTINUED

The SPEAKER pro tempore. Returning to the debate on final passage, the Chair recognizes the gentleman, Mr. Sims.

Mr. SIMS. Thank you, Mr. Speaker.

Mr. Speaker, it is currently about 2:23 on October 28, on the 120th day that we have not had a budget in this State. There are 12 1/2 million people in Pennsylvania that need a budget and 203 of us that were elected to work on a budget.

MOTION TO TABLE

Mr. SIMS. I move to table this discussion until December 7 so that we can get to work on a budget as we are supposed to be doing right now.

The SPEAKER pro tempore. The maker of the motion, Mr. Sims, has asked that the bill in chief, HB 1601 on final passage, be tabled. This is debatable only by the leaders, the maker of the motion, and the author of the bill.

On the question,

Will the House agree to the motion?

The SPEAKER pro tempore. So on the motion to table, the gentleman, Mr. Vereb, is recognized.

Mr. VEREB. Thank you, Mr. Speaker.

With greatest respect, I ask members to vote "no" on the motion to table and remind members that a budget was passed and sent to the Governor.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman, Mr. Benninghoff, on the motion to table.

Mr. BENNINGHOFF. I simply would ask the members to not support the motion to table. I think this bill has been well discussed and I think we have had a lot of good discussion here.

But as a former county coroner, I appreciate the leader's passion and actually agreed with a lot of what he was saying at the beginning of his comments. But at the end of the day, I am here because as coroner, I was always frustrated by what I saw in the families and the victims who could not fight for themselves.

The bottom line is, we are trying to correct some things that the courts have pointed out that needed changed, that they found unconstitutional. This bill provides that opportunity. I will always stand on the side of the victims and the victims' families, and I ask you to join me and vote "no" to tabling this bill. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the minority whip, Mr. Hanna, on the motion to table.

Mr. HANNA. Thank you, Mr. Speaker.

Mr. Speaker, I rise in support of the motion to table. I would be remiss if I did not point out to the gentleman from Montgomery County that the budget that he sent to the Governor was not balanced. So with that, I would reiterate that I urge a "yes" vote on the motion to table.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

Mr. Sims, would you like to be recognized? You are in order.

Mr. SIMS. Thank you, Mr. Speaker.

I do not often get to speak up here. Thank you, Mr. Speaker.

Just a reminder that from whatever procedurally was sent to the Governor, whether it was balanced or not, the fact remains that we are 120 days without a budget – 120 days – and every minute that we are working on something else—

The SPEAKER pro tempore. Will the gentleman suspend.

Mr. BENNINGHOFF. On the motion, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will please suspend.

The question before us is the motion to table or not.

Mr. Sims.

Mr. SIMS. I urge the members to support my motion because we are not doing the job that we were sent here to do right now. We are trying to hurt poor kids instead of pass a budget.

The SPEAKER pro tempore. On the motion to table, Representative Benninghoff.

Mr. BENNINGHOFF. I would remind those in this chamber and outside the chamber that we gave the members not once, but two or three times, the opportunity to vote for funding to fund our children, our schools, our rape crisis centers, our hospitals, and everyone else, and it was not the majority of the chamber that voted "no" to that. We are more than willing and we would be more than glad to bring up more opportunities for you to vote to support the people and give them back the tax dollars that they are paying—

Mr. HANNA. Mr. Speaker?

The SPEAKER pro tempore. Will the gentleman kindly suspend.

Mr. HANNA. Mr. Speaker? Mr. Speaker?

The SPEAKER pro tempore. The Parliamentarian has advised the Chair that what is before us is the motion to table. Are we ready for a vote on the motion to table?

Representative Hanna.

Mr. HANNA. Thank you, Mr. Speaker.

We are ready for a vote, and I would urge a "yes" vote on the motion to table.

The SPEAKER pro tempore. The Chair thanks the gentleman.

Representative Benninghoff.

Mr. BENNINGHOFF. We would ask the members to vote "no" to this motion because we want to get the people's business done.

The SPEAKER pro tempore. The Chair thanks the gentleman.

Before us is a motion to table HB 1601.

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—67

Acosta	Dawkins	Hanna	Parker, C.
Bizzarro	Dean	Harkins	Pashinski
Boyle	Deasy	Harris, J.	Ravenstahl
Bradford	DeLissio	Kavulich	Rozzi
Briggs	Dermody	Keller, W.	Samuelson
Brown, V.	Donatucci	Kim	Santarsiero
Bullock	Driscoll	Kinsey	Schlossberg
Caltagirone	Evans	Kirkland	Schreiber
Carroll	Fabrizio	Kortz	Schweyer
Cohen	Farina	Krueger	Sims
Conklin	Flynn	Mahoney	Snyder
Costa, D.	Frankel	Markosek	Sturla
Costa, P.	Freeman	McCarter	Thomas
Cruz	Gainey	McClinton	Vitali
Daley, M.	Galloway	Miller, D.	Wheatley
Davidson	Gergely	Neilson	Youngblood
Davis	Goodman	O'Brien	

NAYS—130

Adolph	Gillespie	Marshall	Reese
Baker	Gingrich	Marsico	Regan
Barbin	Greiner	Masser	Roae
Barrar	Grove	Matzie	Ross
Benninghoff	Hahn	McGinnis	Rothman
Bloom	Harhai	Mentzer	Saccone
Boback	Harhart	Metcalfe	Sainato
Brown, R.	Harper	Metzgar	Sankey
Burns	Harris, A.	Millard	Santora
Causar	Heffley	Miller, B.	Saylor
Christiana	Helm	Milne	Schemel
Corbin	Hennessey	Moul	Simmons
Cox	Hickernell	Mullery	Sonney
Culver	Hill	Murt	Staats
Cutler	Irvin	Mustio	Stephens
Daley, P.	James	Nesbit	Tallman
Day	Jozwiak	Neuman	Taylor
Delozier	Kampf	O'Neill	Tobash
DeLuca	Kaufner	Oberlander	Toepel
Diamond	Kauffman	Ortity	Toohil
DiGirolamo	Keller, F.	Parker, D.	Topper
Dunbar	Keller, M.K.	Payne	Truitt

Dush	Killion	Peifer	Vereb
Ellis	Klunk	Petrarca	Ward
Emrick	Knowles	Petri	Warner
English	Kotik	Pickett	Watson
Evankovich	Krieger	Pyle	Wentling
Everett	Lawrence	Quigley	Wheeland
Farry	Lewis	Quinn	White
Fee	Longietti	Rader	Zimmerman
Gabler	Mackenzie	Rapp	
Gibbons	Major	Readshaw	Turzai,
Gillen	Maloney	Reed	Speaker

NOT VOTING—0

EXCUSED—6

Bishop	Maher	Miccarelli	Roebuck
Godshall	McNeill		

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

On the question recurring,
Shall the bill pass finally?

The SPEAKER pro tempore. Returning to the debate on final passage, we are down to the final speaker, maker of the legislation, Representative Vereb.

Mr. VEREB. Thank you, Mr. Speaker.

I remind everyone there is no better day to be here debating all afternoon than when it is pouring rain outside. I go back to a good colleague of ours from the other side of the aisle who stood up here one day and said, "Mr. Speaker, don't tell him it is raining outside if his feet ain't wet." Well, our feet are wet today and they are wet with about 45 minutes' worth of skulduggery.

Mr. Speaker, on this legislation, we are talking about brownies – I mean, we are talking about brownies. If your brownies have 10 pounds of marijuana for personal use, while I admire your sweet tooth, if you are caught with over 10 pounds, your brownies are going to go to State prison.

But we focused this whole debate, Mr. Speaker, around drugs, and we are talking about we want to represent our districts and the cost of incarceration. Well, perhaps if incarceration would do more for the people that were in the facilities, rather than just to wash down their cells, to educate them, to give them the assistance they need to go back into the workforce when they are done, maybe we would not have this problem.

So if we are approaching this from a budget standpoint of how much we pay to have people in prison, how much are we paying rebuilding communities because of some of these very crimes?

Mr. Speaker, unfortunately, the minority leader had to step off, but I just say this: I have great respect for him, and he knows that, but to suggest that drafting this language – that to this very day many of us, including myself, have not stared victims of current cases in the face and their families and that we just drafted this with a bunch of lawyers to just throw everybody in jail is ludicrous.

You want to be soft on crime, hard on crime; I do not care where you are on crime, but let us go through some of this other stuff. You know, we are talking about ounces of coke and

marijuana brownies. Give me a break. Let us go through some of the other stuff in the bill, Mr. Speaker.

Now, if you want to vote "no," that is fine, but also in this bill we are talking about a conviction of the following offenses against a victim who is less than 16 years old: aggravated assault, rape, involuntary deviate sexual intercourse, aggravated indecent assault. Yes, that is being hard on crime, is it not? How many families have you stared in the face and had to walk through this? I am sure many.

Upon conviction of these offenses against a victim who is less than 13 years old: Relating to murder – the list goes on and on. These crimes are not just violent crimes; they are heinous crimes. If you want to put your equity in saving prison costs, then so be it.

The legislature sets minimums and maximums for every single crime. It is our job here to be here in Pennsylvania to protect our citizenry as much as it is to pass a budget. I admire all these motions, but a 26-to-1 vote in committee, with lots of questions even from the "no" vote, respectful questions, anything less than believing that this was thought out, and the last motion maker to suggest that we are going after minorities and the poor, it has got to stop. It is outrageous. To sit here and think that any member of this institution is going to draft language to lock up the poor and lock up the minority population of this Commonwealth, it is a disgrace to say it and it would be a disgrace if we drafted bills to do so.

The Supreme Court spoke, we listened, we made the fixes that they are requesting with their order, and I simply ask you this: When you go home and you realize the list of crimes and the victims of those crimes that you vote for or vote against, I just want you to be comfortable in the mirror in the bathroom tomorrow morning. It is not a matter if you are soft on crime or hard on crime. These are real crimes. These are real criminals. These are violent criminals. These folks are a menace to our society and cost us on the back end besides the incarceration costs which you list.

Thank you, Mr. Speaker. I ask for a "yes" vote on HB 1601.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman, Mr. Frankel, for the second time.

Mr. FRANKEL. Thank you, Mr. Speaker.

I was not going to get up for a second time, but I thought it was important.

The fact of the matter is, the maker of this legislation who just spoke talked about all the crimes, and yes, there are violent crimes in here that we are increasing mandatories for, but at the same time, some of the issues that have been brought up here deal with minor, nonviolent crimes that we are conflating with folks who commit violent crimes. We should not be doing that.

Maybe we should have mandatory minimums for folks who are rapists, who are murderers, and so forth. Okay, grant you that. But for that young man, that student at Penn State that I talked about on Monday, 20 years old, his parents testified in front of the Commission on Sentencing who, for selling a nickel bag of pot, spent 2 years in State prison, that is not what we ought to be doing.

The fact is that we are conflating in this bill because it was rushed through without having hearings from many stakeholders; a bill that had one discussion in committee, that was drafted by the District Attorneys Association, is not the way we ought to be doing this. I would hope – my guess is, it is

going to sail through here – that our State Senate colleagues will take a much more deliberative process, a more thoughtful process, a more responsible process that we should have taken and undertaken here in this committee before this bill came to the floor.

We are putting nonviolent young people in harm's way because they made a dumb mistake somewhere along the way. It could be your kid, it could be your constituent's kid or somebody in your family that is going to go to State prison for 2 or 3 years for some minor, nonviolent offense because we are conflating that person with a rapist.

This bill is not ready for prime time. It ought to be voted down because it just does not make sense to put nonviolent criminals who have made a mistake, put them in prison – the costs to the Commonwealth are enormous, the costs to our families are enormous – and put them in prison with those violent offenders.

So I believe we ought to vote this down, have it taken back to committee, let them reconsider this in a thoughtful way, and hear from stakeholders. We have not done that. Vote "no."

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman, Mr. Vereb, for the second time.

Mr. VEREB. Mr. Speaker, regards to the last comments, if I may respectfully submit that it removes the mandatory for the first offense, and the amounts that he is talking about under this law, that gentleman or that young lady or adult male or woman would not have a minimum/maximum under this legislation.

So that is the point, we are talking about these little amounts. This legislation raised the threshold, raised the threshold – 10 pounds of marijuana. Now, maybe there are certain areas of this State that would consider that personal use, but it is 10 pounds, Mr. Speaker, to be very clear. We are not picking on the little kids walking down the street, smoking a joint, unless it is a 10-pound joint, Mr. Speaker. Thank you.

On the question recurring,
Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—143

Adolph	Galloway	Mackenzie	Reed
Baker	Gibbons	Mahoney	Reese
Barbin	Gillen	Major	Regan
Barrar	Gillespie	Maloney	Roae
Benninghoff	Gingrich	Marshall	Rothman
Bizzarro	Goodman	Marsico	Rozzi
Bloom	Greiner	Masser	Saccone
Boback	Grove	Matzie	Sainato
Boyle	Hahn	McGinnis	Samuelson
Brown, R.	Harhai	Mentzer	Sankey
Burns	Harhart	Metcalfe	Santarsiero
Caltagirone	Harper	Metzgar	Santora
Causar	Harris, A.	Millard	Saylor
Christiana	Heffley	Miller, B.	Schemel
Corbin	Helm	Milne	Schweyer
Costa, D.	Hennessey	Moul	Simmons
Costa, P.	Hickernell	Mullery	Snyder
Cox	Hill	Murt	Sonney
Culver	Irvin	Mustio	Staats
Cutler	James	Neilson	Stevens

Daley, P.	Jozwiak	Nesbit	Tallman
Day	Kampf	Neuman	Taylor
Deasy	Kaufner	O'Neill	Toepel
Delozier	Kauffman	Oberlander	Toohil
DeLuca	Keller, F.	Ortitay	Topper
DiGirolamo	Keller, M.K.	Parker, D.	Vereb
Dunbar	Killion	Payne	Ward
Dush	Klunk	Peifer	Warner
Ellis	Knowles	Petrarca	Watson
Emrick	Kortz	Petri	Wentling
English	Kotik	Pickett	Whealand
Evankovich	Krieger	Pyle	White
Everett	Krueger	Quigley	Zimmerman
Farry	Lawrence	Rapp	
Fee	Lewis	Ravenstahl	Turzai,
Freeman	Longietti	Readshaw	Speaker
Gabler			

NAYS—54

Acosta	DeLissio	Harris, J.	Quinn
Bradford	Dermody	Kavulich	Rader
Briggs	Diamond	Keller, W.	Ross
Brown, V.	Donatucci	Kim	Schlossberg
Bullock	Driscoll	Kinsey	Schreiber
Carroll	Evans	Kirkland	Sims
Cohen	Fabrizio	Markosek	Sturla
Conklin	Farina	McCarter	Thomas
Cruz	Flynn	McClinton	Tobash
Daley, M.	Frankel	Miller, D.	Truitt
Davidson	Gainey	O'Brien	Vitali
Davis	Gergely	Parker, C.	Wheatley
Dawkins	Hanna	Pashinski	Youngblood
Dean	Harkins		

NOT VOTING—0

EXCUSED—6

Bishop	Maher	Miccarelli	Roebuck
Godshall	McNeill		

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 1632, PN 2366**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in sentencing, further providing for sentences for offenses committed with firearms and for sentences for certain drug offenses committed with firearms.

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

(Bill analysis was read.)

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

The question is, shall the bill pass finally?

On that question, the gentleman, Representative Vitali, is recognized.

Mr. VITALI. Thank you, Mr. Speaker.

I stand in opposition to HB 1632.

This, again, is a mandatory minimum bill. It reinstates the 5-year mandatory minimum for two sections of the Crimes Code: Section 9712, "Sentences for offenses committed with firearms"; and section 9712.1, "Sentences for certain drug offenses committed with firearms." So there are probably, maybe, 20 different crimes. This reinstates that 5-year mandatory minimum.

If this bill fails, those 5-year mandatory minimums would not be imposed and it would be the sentencing guidelines which would control sentencing. Sentencing guidelines, for reasons just discussed, are a much more preferable way to do it.

I will not belabor the point, but if you oppose mandatory minimums, you want to vote "no" on HB 1632.

The SPEAKER pro tempore. The Chair thanks the gentleman.

LEAVE OF ABSENCE

The SPEAKER pro tempore. The Chair is in receipt of a request for leave for the gentleman, Mr. KILLION. Without objection, the leave will be so granted.

CONSIDERATION OF HB 1632 CONTINUED

The SPEAKER pro tempore. On final passage, the gentleman, Mr. Stephens.

Mr. STEPHENS. Thank you, Mr. Speaker.

This bill goes right to the heart of violent criminals using firearms. I think it is something that we all hear about and we certainly want to ensure that they are held accountable for their actions, and a "yes" vote will ensure that we are holding them accountable for their actions.

I would urge a "yes" vote from my colleagues, respectfully. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring, Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—165

Table listing names of representatives who voted 'YEAS' (165 total): Acosta, Adolph, Baker, Barbin, Barrar, Benninghoff, Bizzarro, Bloom, Boback, Boyle, Bradford, Brown, R., Burns, Fee, Flynn, Frankel, Freeman, Gabler, Galloway, Gergely, Gibbons, Gillen, Gillespie, Gingrich, Goodman, Greiner, Lewis, Longietti, Mackenzie, Mahoney, Major, Maloney, Markosek, Marshall, Marsico, Masser, Matzie, McGinnis, Mentzer, Reed, Reese, Regan, Roae, Ross, Rothman, Rozzi, Saccone, Sainato, Samuelson, Sankey, Santarsiero, Santora.

Table listing names of representatives who voted 'NAYS' (31 total): Caltagirone, Causer, Christiana, Cohen, Conklin, Corbin, Costa, D., Costa, P., Cox, Culver, Cutler, Daley, P., Davis, Day, Deasy, Delozier, DeLuca, Dermody, DiGirolamo, Dunbar, Dush, Ellis, Emrick, English, Evankovich, Everett, Fabrizio, Farina, Farry, Grove, Hahn, Hanna, Harhai, Harhart, Harkins, Harper, Harris, A., Heffley, Helm, Hennessey, Hickernell, Hill, Irvin, James, Jozwiak, Kampf, Kaufer, Kauffman, Kavulich, Keller, F., Keller, M.K., Klunk, Knowles, Kortz, Kotik, Krieger, Krueger, Lawrence, Metcalfe, Metzgar, Millard, Miller, B., Miller, D., Milne, Moul, Mullery, Murt, Mustio, Neilson, Nesbit, Neuman, O'Neill, Oberlander, Ortitay, Parker, D., Pashinski, Payne, Peifer, Petrarca, Petri, Pickett, Pyle, Quigley, Quinn, Rapp, Ravenstahl, Readshaw, Saylor, Schemel, Schreiber, Schweyer, Simmons, Snyder, Sonney, Staats, Stephens, Tallman, Taylor, Thomas, Tobash, Toepel, Toohil, Topper, Truitt, Vereb, Ward, Warner, Watson, Wentling, Wheeland, White, Zimmerman, Turzai, Speaker.

NAYS—31

Table listing names of representatives who voted 'NOT VOTING' (0 total): Briggs, Brown, V., Bullock, Carroll, Cruz, Daley, M., Davidson, Dawkins, Dean, DeLissio, Diamond, Donatucci, Driscoll, Evans, Gainey, Harris, J., Keller, W., Kim, Kinsey, Kirkland, McCarter, McClinton, O'Brien, Parker, C., Rader, Schlossberg, Sims, Sturla, Vitali, Wheatley, Youngblood.

NOT VOTING—0

EXCUSED—7

Table listing names of representatives who were 'EXCUSED' (7 total): Bishop, Godshall, Killion, Maher, McNeill, Miccarelli, Roebuck.

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 698, PN 2458, entitled:

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, in hunting and furtaking, further providing for unlawful devices and methods; and, in special licenses and permits, further providing for permits for individuals with disabilities.

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

(Bill analysis was read.)

The SPEAKER pro tempore. 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

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

NAYS—0

NOT VOTING—0

EXCUSED—7

Bishop	Killion	McNeill	Roebuck
Godshall	Maher	Miccarelli	

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 1168, PN 2457**, 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 third consideration?
Bill was agreed to.

(Bill analysis was read.)

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

The question is, shall the bill pass finally?

On that question, the gentleman, Mr. Vitali, is recognized.
Mr. VITALI. Thank you, Mr. Speaker.

I just wanted to bring to the attention of the body several groups that oppose this legislation.

By way of background, with the passage of this bill, school districts would be required to provide their school facilities, at the request of the Game Commission, for the purpose of hunting safety courses. While I have no problems with hunting safety courses and no problems with hunting, there is this principle of who should decide how school facilities are used.

So the first thing I would like to do is to read from a letter from the Pennsylvania Association of School Administrators regarding HB 1168. They oppose this bill. They say, quote, it "imposes yet another State mandate on public schools already overwhelmed with state and federal mandates."

Skipping down a little bit, they make an interesting point which I did not consider. They say, "State and Federal law prohibits the possession of a weapon on school property and requires that schools impose a mandatory one-year expulsion on any student who brings a weapon onto school property...."

I assume that gun safety courses probably at some point would actually involve bringing a gun into a school. I could be wrong on that.

They make a third point in opposition. The Pennsylvania Association of School Administrators say, "In light of the massacre at Sandy Hook Elementary School just over two years ago and shootings on college campuses more recently, teachers, students and parents are hyper-vigilant and fearful when anyone brings a weapon near a school building...."

The School Boards Association suggests they would support legislation which would allow school districts to enter into a voluntary agreement, but they oppose a mandatory requirement.

I also want to let you know that the Pennsylvania School Boards Association, although they have not weighed in this year on the bill, with regard to a previous bill, which I am told is identical or near identical, HB 126, said they oppose that bill

"...because it undermines local control and eliminates school board discretion as to how school facilities are used."

And I think my philosophy goes along with that. I mean, school board officials, they are elected officials. They are elected for a specific purpose by constituents who elect us. School board directors are elected to control these school districts and school facilities and what happens in there. Each school district in this State, all five hundred and one or three of them are different, and we have a system of representative democracy where citizens elect certain people to have certain authority, and our citizens have elected our school board directors to have authority over school facilities, and because of that, I think we should respect that and let each individual school board decide what happens in their facilities. That is just a basic principle of local control, which many of us agree with.

So I would ask for a "no" vote on 1168. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman, Mr. Maloney, on final passage.

Mr. MALONEY. Thank you, Mr. Speaker.

And I certainly would be concerned with the objections raised by my good friend from Delaware County. However, we did pass this last session. We just amended it with a good colleague from, I believe, Luzerne County with respect to after-school hours. So this is something that opens up the education and the safety concerns and requirements, and I would also go to something that he may not be aware of, and that is the Game Commission no longer uses any kind of live firearm in their training, none.

And furthermore, on the possession of a weapon on school property, we actually have an exemption that if the weapon is possessed and used in conjunction with the lawful supervised school activity, it is allowable. So we already have that. There are schools that do this, but there are schools that do not allow it. I think that is the important part here. I do not really want to deny any of our young people the opportunity to understand and experience part of our great heritage and part of what we have in Pennsylvania.

So I hope that clears up some questions that my colleague may have had, and certainly I would suggest and ask you for an affirmative vote.

So thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the minority whip, Mr. Hanna, on final passage.

Mr. HANNA. Thank you, Mr. Speaker.

Mr. Speaker, I likewise rise to support HB 1168, and the only thing I would like to add to the conversation is, I am reading lines 3 and 4 on page 2, where it very clearly says, "The commission shall compensate the school for the actual cost incurred by the school related to the commission's use of the facility." So there is absolutely no question that this is not an unfunded mandate. The schools will be compensated for this. In some of our rural areas, some of our schools are the best place for this type of educational class.

So I would urge a "yes" vote on this legislation. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,
Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—170

Adolph	Fabrizio	Kotik	Ravenstahl
Baker	Farina	Krieger	Readshaw
Barbin	Farry	Lawrence	Reed
Barrar	Fee	Lewis	Reese
Benninghoff	Flynn	Longietti	Regan
Bizzarro	Frankel	Mackenzie	Roae
Bloom	Freeman	Mahoney	Ross
Boback	Gabler	Major	Rothman
Boyle	Galloway	Maloney	Rozzi
Bradford	Gergely	Markosek	Saccone
Brown, R.	Gibbons	Marshall	Sainato
Brown, V.	Gillen	Marsico	Samuelson
Burns	Gillespie	Masser	Sankey
Caltagirone	Gingrich	Matzie	Santarsiero
Carroll	Goodman	McGinnis	Santora
Causer	Greiner	Mentzer	Saylor
Christiana	Grove	Metcalfe	Schemel
Conklin	Hahn	Metzgar	Scheiber
Corbin	Hanna	Millard	Simmons
Costa, D.	Harhai	Miller, B.	Snyder
Costa, P.	Harhart	Milne	Sonney
Cox	Harkins	Moul	Staats
Cruz	Harper	Mullery	Stephens
Culver	Harris, A.	Murt	Sturla
Cutler	Heffley	Mustio	Tallman
Daley, P.	Helm	Neilson	Taylor
Davis	Hennessey	Nesbit	Tobash
Day	Hickernell	Neuman	Toepel
Deasy	Hill	O'Neill	Toohil
Delozier	Irvin	Oberlander	Topper
DeLuca	James	Ortitay	Truitt
Dermody	Jozwiak	Parker, D.	Vereb
Diamond	Kampf	Pashinski	Ward
DiGirolamo	Kaufman	Payne	Warner
Donatucci	Kavulich	Peifer	Watson
Driscoll	Keller, F.	Petrarca	Wentling
Dunbar	Keller, M.K.	Petri	Wheatley
Dush	Keller, W.	Pickett	Wheeland
Ellis	Kim	Pyle	White
Emrick	Klunk	Quigley	Zimmerman
English	Knowles	Quinn	
Evankovich	Kortz	Rader	Turzai,
Everett		Rapp	Speaker

NAYS—26

Acosta	Dean	Krueger	Schlossberg
Briggs	DeLissio	McCarter	Schweyer
Bullock	Evans	McClinton	Sims
Cohen	Gainey	Miller, D.	Thomas
Daley, M.	Harris, J.	O'Brien	Vitali
Davidson	Kinsey	Parker, C.	Youngblood
Dawkins	Kirkland		

NOT VOTING—0

EXCUSED—7

Bishop	Killion	McNeill	Roebuck
Godshall	Maher	Miccarelli	

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

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

STATEMENT BY MR. MATZIE

The SPEAKER pro tempore. The gentleman, Mr. Matzie, on unanimous consent – Matzie. Thank you.

Mr. MATZIE. Thank you, Mr. Speaker.

I know it is the conclusion of session and the hour is late, but I would be remiss if I did not say a few words about an incident that occurred in my district, but quite frankly, in my neighborhood. When I drive home, hopefully the crime scene will be concluded. An officer was shot this morning in my district, in my neighborhood, and the officer was doing his job, and thankfully, as the officer was shot, he was shot in the chest and he had his vest on.

He is home. He is out of the hospital. He will be okay. The manhunt continues. Our elementary schools were closed. Our junior high and our high school had already gone to school. They were released at normal time, but Alan Loskoch is the officer. I would just ask everyone in this august chamber and everyone watching to keep him and his family in your prayers for a speedy recovery, and thank goodness that he made it. He is a veteran as well. He is a good man and a good family man, who recently moved into the community to work in our community.

The manhunt, as I said, continues as of right now, but as I said, hopefully that 4-hour trek west, by the time I get home, the crime scene will be concluded and apprehension will have occurred. So keep us in your thoughts tonight on your way home. Thank you.

The SPEAKER pro tempore. Thank you very much, Representative Matzie.

BILLS RECOMMITTED

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

HB 12;
 HB 231;
 HB 246;
 HB 380;
 HB 406;
 HB 1162;
 HB 1229;
 HB 1233;
 HB 1322;
 HB 1347;
 HB 1579;
 HB 1638; and
 SB 887.

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

BILLS AND RESOLUTIONS PASSED OVER

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

ADJOURNMENT

The SPEAKER pro tempore. Representative Pyle moves that this House do now adjourn until Wednesday, November 4, 2015, at 1 p.m., e.s.t., unless sooner recalled by the Speaker.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 2:58 p.m., e.d.t., the House adjourned.