

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

WEDNESDAY, SEPTEMBER 28, 2016

SESSION OF 2016

200TH OF THE GENERAL ASSEMBLY

No. 59

HOUSE OF REPRESENTATIVES

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

THE SPEAKER (MIKE TURZAI) PRESIDING

PRAYER

The SPEAKER. The prayer today will be offered by a good friend of Representative McClinton. Rev. Antonio Bennett is here from the New Life Fellowship Baptist Church, and we are so glad to have him with us.

Reverend.

REV. ANTONIO BENNETT, Guest Chaplain of the House of Representatives, offered the following prayer:

First of all, it is an honor and privilege to be here today, not only to represent my church, New Life Baptist Church, but also as a Philadelphia police officer. I am grateful for this opportunity to give the invocation.

Shall we bow our heads.

Our Lord, our Lord, how excellent is Thy name in all the earth who has set Thy glory above the heavens. You are maker of heaven and earth, the sea, and everything in them. O Lord, You remain faithful forever. Gracious and merciful God, we give You thanks for giving us yet another day.

We thank You today for these 203 House of Representatives members that are assembled in this chamber. Lord, bless them, Father, for Your Word says that the just shall live by faith, so help them to be just in their dealings, just in their speech, just in their understanding, just in their compromising, just in their relationship in You and their relationship with others so that when we are unassured of the way that You will give us the strength that we need from day to day. God, may You endow these members with wisdom and discernment to create laws that would benefit, enrich, and give the citizens of Pennsylvania a better quality of life. Bless them, Father, and let the responsibilities they have for their communities be given the attention and solutions they so need.

We also ask that You will bless our military and law enforcement, who lay their lives on the line every day on our behalf.

Father, we know the members represented here are special, because not only did the citizens of Pennsylvania appoint them, but You have anointed them, for Your Word tells us that You ordain government.

Father, remind us that despite the turmoil we see in our world today that there still is hope. Help us to hold on to that hope – not a blind hope, but a hope for a better tomorrow, a hope that things will get better, a hope in unity, a hope in peace, a hope that love will conquer hate.

In Jesus' name we pray. And now may God bless you and may God bless the United States of America. Amen.

PLEDGE OF ALLEGIANCE

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

GUEST INTRODUCED

The SPEAKER. Reverend Bennett's wife is also with him, Ivene. Ivene, thank you so much for being with us here today. It is our honor.

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, the approval of the Journal of Tuesday, September 27, 2016, will be postponed until printed.

STATEMENT BY MS. McCLINTON

The SPEAKER. On unanimous consent, the Chair recognizes Representative Joanna McClinton.

Ms. McCLINTON. Thank you, Mr. Speaker.

I am so glad to have a good friend and colleague of mine in ministry, who joined us this morning to give the prayer. He is a new pastor. He pastors a congregation in north Philadelphia, New Life Christian Baptist Church. But most importantly, he and his wife are just incredible human beings, because every day they put their lives on the line for all of our constituents, as they are both Philadelphia Police Department members in the 35th Police District, and Reverend Bennett is also the community relations officer. So if we could just celebrate them for a moment and clap and salute them. Thank you for your service and your prayers.

The SPEAKER. Thank you, Representative McClinton.

ANNOUNCEMENT BY SPEAKER

The SPEAKER. Well, folks, you know, we have got big doings today, so we appreciate everybody coming promptly to the floor today. The Governor will be addressing the joint session of the House and Senate at 11:30 a.m.

**BILL REPORTED FROM COMMITTEE,
CONSIDERED FIRST TIME, AND TABLED****SB 1018, PN 1936**

By Rep. HARHART

An Act amending the act of May 26, 1947 (P.L.318, No.140), known as the CPA Law, further providing for definitions, for requirements for issuance of certificate, for certificates issued by domestic reciprocity, for licenses to practice, for licensing of firms and for peer review.

PROFESSIONAL LICENSURE.

SENATE MESSAGEHOUSE BILLS
CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, returned **HB 1711, PN 2565, and HB 1787, PN 2733**, with information that the Senate has passed the same without amendment.

BILLS SIGNED BY SPEAKER

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

HB 1711, PN 2565

An Act designating a bridge on a portion of Sheep Bridge Road over I-83, Newberry Township, York County as the Staff Sgt. Jason M. Faley Memorial Bridge.

HB 1787, PN 2733

An Act designating a portion of State Route 1013 in Philadelphia County as the Michael R. Goodwin, Sr. Memorial Highway.

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

LEAVES OF ABSENCE

The SPEAKER. The Chair turns to leaves of absence.

The majority whip requests a leave of absence for John TAYLOR of Philadelphia County for the day. Without objection, that will be granted.

The minority whip requests leaves of absence for the following members: Leslie ACOSTA of Philadelphia County for the day, Vanessa BROWN of Philadelphia County for the day, Donna BULLOCK of Philadelphia County for the day, Tony DeLUCA of Allegheny County for the day, Ed GAINY of Allegheny County for the day, Marc GERGELY of Allegheny County for the day, Lynwood SAVAGE of

Philadelphia County for the day, and Steve SANTARSIERO of Bucks County for the day. Without objection, those will be granted.

MASTER ROLL CALL

The SPEAKER. The Chair is now turning to the master roll. Members will proceed to vote.

The following roll call was recorded:

PRESENT—193

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

ADDITIONS—0**NOT VOTING—0****EXCUSED—10**

Acosta	DeLuca	Ross	Savage
Brown, V.	Gainey	Santarsiero	Taylor
Bulloch	Gergely		

LEAVES ADDED—9

Cruz	Galloway	Mahoney	Sturla
Davidson	Maher	McNeill	Thomas
Evans			

LEAVES CANCELED—5

Brown, V. Davidson	Maher	Taylor	Thomas
-----------------------	-------	--------	--------

The SPEAKER. One hundred and ninety-three members having voted, a quorum is present.

Members, please take your seats. Members, please take your seats.

LEAVE OF ABSENCE

The SPEAKER. Representative Dwight EVANS has requested to be placed on leave of absence for the remainder of the day. Without objection, that will be granted.

GUESTS INTRODUCED

The SPEAKER. Located in the rear of the House, the Chair welcomes Robert, MarySue, and Stacia Freyvogel and Andrew Hixon. They are a race team based in Butler County who raced at the Salt Flats in Utah. And with them is Nicole Bower, who races at Williams Grove Speedway in Mechanicsburg. Please stand. They are participating in an event sponsored by the United States Motorsports Association currently taking place on Commonwealth Avenue. They are the guests of Representative Payne, Representative Ellis, and Representative Delozier. Please give them a warm welcome.

Paige Duncan, will you please stand. She is a guest of Representative Jamie Santora. She is a student at Millersville University studying government and social work. Thank you for being with us today.

In the well of the House, the Chair welcomes guest page Andrew Bucci. He attends Hickory High School in Hermitage. He is here with his parents, Brian and Tracy; and Eunice Foraker. They are all seated in the rear of the House. Please stand. Thank you. And they are the guests of Representative Longietti. Thank you very much.

In the gallery – crowded day today – guests of Representative Greg Rothman are visiting us from the Netherlands: Thomaske Westra, T.S. Jarl, and Richolt Uilkema, and they are with Carolyn Rothman. Thank you. Please stand and give us a warm wave, if we could just see where you are located.

Members, it is important that we now take our seats. We need to begin the formalities with respect to the Governor's address, so I would ask everybody to please take your seats. Anybody in the anterooms should come into the chamber and take their seats. Before either the Senate or the Governor comes in, we have some formalities that we must undertake.

As you know, this is the people's chamber, the House of Representatives, and by Constitution and by tradition, there are only certain circumstances under which either the Senate or the

Governor participates in this chamber for the House of Representatives, so I would very much ask everybody to please take their seats.

COMMUNICATION FROM GOVERNOR

REQUEST FOR JOINT SESSION

The Speaker laid before the House the following communication in writing from the office of His Excellency, the Governor of the Commonwealth:

Commonwealth of Pennsylvania
Office of the Governor
Harrisburg

September 16, 2016

The Honorable Joseph Scarnati President Pro Tempore Senate of Pennsylvania 292 Main Capitol Building Harrisburg, PA 17120	The Honorable Mike Turzai Speaker Pennsylvania House of Representatives 139 Main Capitol Building Harrisburg, PA 17120
---	--

Dear President Pro Tempore Scarnati and Speaker Turzai:

If it meets with the approval of the legislature, I am respectfully requesting a Joint Session of the General Assembly on Wednesday, September 28, 2016, at a time that is convenient for the House and Senate. The purpose of this session would be to address the members of the House and Senate about our collective efforts to lead the nation in combatting the opioid and heroin crisis facing Pennsylvania.

After consultation and discussion with you, I believe we share the view that we can make the most profound and positive impact this session for the people of Pennsylvania by dealing with this issue as part of the remainder of the 2015-16 Legislative Session, rather than calling a Special Session.

This issue is one that we have all taken action on – be it the work that the Republican and Democratic caucuses have done in their communities with those struggling with addiction, or the legislation that the members of the General Assembly has positioned for passage – I thank you for all that you have done in the legislature and with my administration, to help those in need.

I look forward to continuing to work with the legislature to continue to address this epidemic that we all care deeply about.

Sincerely,
Tom Wolf
Governor

RESOLUTION

COMMITTEE TO ESCORT GOVERNOR

Mr. REED offered the following resolution, which was read, considered, and adopted:

In the House of Representatives
September 28, 2016

RESOLVED, That the Speaker appoint a committee of three to escort the Governor to the Hall of the House for the purpose of attending a Joint Session of the General Assembly.

COMMITTEE APPOINTED

The SPEAKER. The Speaker appoints as a committee to wait upon the Governor the following members: the gentlelady from Monroe County, Mrs. Rosemary Brown; the gentleman from Carbon County, Mr. Doyle Heffley; and the gentleman from Allegheny County, Mr. Dan Miller.

The committee will proceed with the performance of its duties.

LEAVE OF ABSENCE CANCELED

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

HEALTH COMMITTEE MEETING

The SPEAKER. Representative Matt Baker, at this time, if you would like, we can take a committee announcement.

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

At the break the Health Committee will have one bill to move in room G-50, at the break, and it has to do with the treatment of substance abuse, very important bill. Just one bill, and I believe it will be a very quick meeting. Thank you, Mr. Speaker.

The SPEAKER. Thank you, Chairman Baker.

At the break the Health Committee will meet in room G-50.

ARRIVAL OF SENATE

The SPEAKER. Members, our distinguished guests and colleagues from the Senate will now be entering the hall of the House, and I would ask all members and guests to please rise. Thank you.

As our good friends and colleagues enter into our chamber, the Chair recognizes the Sergeant at Arms of the House of Representatives for an announcement.

The SERGEANT AT ARMS. Mr. Speaker, the Senate is now present in the hall of the House.

The SPEAKER. Thank you, sir.

The Speaker requests the Lieutenant Governor, the Honorable Mike Stack, to preside over the proceedings of the joint session of the General Assembly, and our good friend and colleague, the President pro tem of the Senate, the Honorable Joseph Scarnati, to be seated on the rostrum at this time.

As our good friends from the Senate continue to enter into the well of the House, members of the House and Senate will please be seated.

Lieutenant Governor Stack, at this time the proceedings are now in your hands.

JOINT SESSION OF THE GENERAL ASSEMBLY

THE LIEUTENANT GOVERNOR (MIKE STACK) PRESIDING

The LIEUTENANT GOVERNOR. Would members please be seated. The Governor is about ready to go, so I would ask members to get it together.

This being the day and the hour agreed upon by a concurrent resolution of the Senate and House of Representatives to hear an address by His Excellency, the Governor, the Honorable Tom Wolf, this joint session will please come to order.

REPORT OF COMMITTEE ESCORTING GOVERNOR

The LIEUTENANT GOVERNOR. The General Assembly will be at ease while it awaits the arrival of the Governor.

The General Assembly will come to order.

The Governor is entering the hall of the House. Members and guests will please rise.

The Chair recognizes the chair of the committee to escort the Governor, the gentleman from Lycoming County, Senator Yaw.

Mr. YAW. Mr. President, Mr. Speaker, members of the General Assembly, as chairman of the committee to escort the Governor, I wish to report that His Excellency, the Governor, is present and is prepared to address this joint session.

The LIEUTENANT GOVERNOR. The Chair thanks Chairman Yaw and the committee.

Members of the General Assembly, I now have the honor and privilege of presenting His Excellency, the Governor, the Honorable Tom Wolf, who will now address this joint session.

ADDRESS OF GOV. TOM WOLF

The GOVERNOR. Thank you. Thank you. Thank you for allowing me to address a joint session of the legislature.

Working together, we have had great success in moving Pennsylvania forward, but we still have a lot of work to do.

I am grateful to President Scarnati, to Speaker Turzai, Leaders Corman and Reed and Dermody and Costa for your willingness to make the fight against opioid addiction a priority and for your work in the past to address this crisis.

The Center for Rural Pennsylvania, chaired by Senator Gene Yaw, has worked on solutions to this opioid epidemic since 2014. The work the center has undertaken has positioned many pieces of legislation for passage that we can now finalize. Senator Wozniak and Representatives Kavulich and Everett have also been strong voices in this effort.

I am also thankful to the chairs of the HOPE (Heroin, Opioid Prevention and Education) Caucus – Representatives Ed Gainey and Aaron Kaufer, as well as Senators Gene Yaw and Jay Costa – for their laser focus on fighting this opioid epidemic in communities throughout Pennsylvania.

I would also like to acknowledge Representative Gene DiGirolamo for his passion and his work to fight addiction. Thank you.

Many members here have provided thoughtful legislation and innovative ideas to fight opioid addiction. We are all aware of the opioid epidemic facing Pennsylvania, a public health crisis the likes of which we have not before seen. Every day we lose 10 Pennsylvanians to the disease of opioid addiction. This disease does not have compassion or show regard for status, gender, race, or borders. It affects each and every Pennsylvanian and threatens entire communities throughout our Commonwealth.

The disease of addiction has taken thousands of our friends and family members. In the past year alone we have lost over 3500 Pennsylvanians – 1,000 more lives than the year before. And we are not alone. According to the Centers for Disease Control, prescription opioid overdose deaths in the United States have quadrupled since 1999. Families have identified loved ones. People have buried their childhood friends. It is a crisis that has been building for years, right here in Pennsylvania, and again, all across the country.

Addiction too often is an invisible problem. People with substance use disorders and their families fear the stigma of addiction, which keeps them isolated and unwilling to ask for help. And the consequences therefore fall to law enforcement, to jails and prisons, and to understaffed treatment centers. But in Pennsylvania the problem is visible in many ways. It is visible in the lives lost, the families broken, and the communities that have been shaken. It is visible because parents have come to us, every single one of us, asking for help. It is visible because the members of this building listened and made the fight against opioid addiction a priority right here in Harrisburg. And because you have brought the voices of your constituents here, it is now possible for us to fight this scourge with every tool we have, and that is what we are going to do. We are going to take a stand against the vicious disease of opioid addiction.

This past year has moved from conflict to civility. We have achieved some very good things working together, and while achieving these things, we have made fighting the opioid epidemic a top priority. I have traveled the Commonwealth with Republicans and Democrats, and we have listened to our fellow Pennsylvanians. We have all held parents' hands as they have cried. We have hugged those in recovery who have risen above the disease. And we have heard their stories. Parents and those suffering from the disease of addiction have broken down telling us about the difficulty of finding treatment options. We heard them, so together in this year's budget we increased funding for treatment centers by more than \$20 million. That will create 45 centers for treatment, allowing nearly 11,000 Pennsylvanians to receive care. These centers integrate behavioral health, primary care, and when appropriate, evidence-based medication-assisted treatment. And by expanding Medicaid to provide nearly 700,000 Pennsylvanians with health care, we have also provided treatment to 63,000 Pennsylvanians battling the disease of addiction who previously did not have access to care. We are doing more to treat this like the public health crisis it is.

Doctors and other medical professionals have voiced frustration at the inability to find centralized prescription information. We heard them, so together we redesigned the Prescription Drug Monitoring Program, a database created by the legislature through a bill authored by Senator Pat Vance. The online database allows prescribers and pharmacists to monitor who is obtaining opioids and where and how often they were prescribed. This critical tool will support professionals in identifying patients struggling with the disease of addiction and get them the help they need.

Police and first responders, well, they asked for more tools to save people. We heard them too, so together we have made an opioid overdose reversal antidote, naloxone, available to Pennsylvanians, including local police departments. Last year Physician General Dr. Rachel Levine signed an order enabling all Pennsylvanians to access naloxone without a prescription at their local pharmacy. And since November of 2014, more than

1500 opioid overdoses have been reversed by local and State police officers. As York District Attorney Tom Kearney said of law enforcement officials, this disease was not their public health issue, but many of them made it their fight, and for that, we owe them a great debt of gratitude.

Ordinary Pennsylvanians wanted to know how they could help. We heard them, so together we are helping communities properly dispose of unused and unwanted prescriptions through a drug take-back program. There are nearly 520 take-back boxes located at police stations all across Pennsylvania, and we have collected and destroyed over 145,000 pounds of prescription drugs, including opioids.

Together, we have taken important steps to stop this crisis in Pennsylvania, but we have more to do. Over the past 6 months I have sat with many of you in roundtables with families, law enforcement, and medical professionals to discuss the opioid epidemic in Pennsylvania. But in addition to the stories we have heard, every one of us is likely to have a personal story they can recount by heart, and so many of these stories are the same, no matter how different the storytellers are.

Just a few weeks ago I was chatting with a friend who asked me if he could give me a letter. I asked if he just wanted to talk, but he had trouble composing his words. When he gave me the letter, I was surprised to learn that his own child had recently died from the disease of addiction. He was heartbroken, but he thanked all of us for the work we have done to help people suffering from the disease of addiction, and he implored us to do more. This is one example of the far-reaching effects of the opioid crisis. This crisis, again, reaches into every population; it reaches into every age group and every kind of family. It is our job to make sure no families have to write these letters or bear this pain ever again.

We must address this epidemic, but how can we make the biggest difference in the short time we have left this year? We should not place limitations on what we can achieve in this session. We all have our priorities and we all want action. But I want to talk about several bills that have already been introduced and discussed, and in some cases, even passed by one of the chambers here. We need to get them to my desk so that I can sign them and we can make progress, more progress in this fight. If we continue to work together, we can fight back against this epidemic in a very effective way. We must act now – many Pennsylvania families are counting on us.

So first, physicians should check the Commonwealth's Prescription Drug Monitoring Program each time they prescribe opioids and other controlled substances. Our current law is not strong enough. It only requires doctors to check the system the first time they prescribe to a patient or if they believe a patient is suffering from the disease of addiction. Pharmacists should enter data into the database within 24 hours of issuing a prescription, rather than the current 72 hours. Strengthening program requirements is imperative in helping doctors and pharmacists identify whether patients are doctor shopping or other doctors are overprescribing patients. State officials also need the tools to identify inappropriate prescribing and dispensing practices among health-care providers to better crack down on abuse.

Second, let us prepare doctors and physicians for prescribing opioids and pain management by improving medical school and continuing education curricula on opioids. This will give doctors the knowledge and best practices needed to tailor their clinical skills to identify signs of addiction and provide patients

with the information to avoid abuse or engage in meaningful treatment if they become addicted.

Third, let us limit the amount of opioids a patient can receive at emergency rooms to a 7-day supply with no refills. And we should put the same restriction in place for minors no matter where they get a prescription. We have all heard too many stories, too many horror stories about high school athletes whose futures are robbed by addiction that begins with prescription painkillers. Of course, those suffering from crippling pain need relief, and we must be careful to protect the ability of sufferers of long-term pain or victims of trauma to receive appropriate medication.

Fourth, let us require insurance companies to cover abuse-deterrent opioids, similar to what they already have in Massachusetts. This will make it more difficult to abuse prescription drugs. While many people become addicted simply by swallowing pills, others crush pills to snort or smoke. Drug manufacturers are rapidly developing new technologies to prevent this kind of abuse. Some of these drugs are uncrushable, even with a hammer, while others are formulated with naloxone so that the more an individual takes, the less effective it is in creating a high and limiting the potential for overdose. Others turn into a gel when they are crushed, making them impossible to put into a syringe to inject. These deterrent measures, if crafted properly, can be important tools against intentional or unintentional abuse or overdose.

Lastly, several new bills deserve our consideration. Two bills require schools to teach students about opioid misuse in existing drug and alcohol abuse curricula. Another bill would allow patients to establish a voluntary directive if they do not want to be prescribed opioids.

The point is that the time for action is now. As many have noted and as I said earlier, 3,500 Pennsylvanians lost their lives to addiction in 2015 alone. That means that each year we are losing the population of Parkesburg, Freeland, or Mifflinburg to the disease of addiction. And each year those numbers grow. The opioid epidemic did not start overnight and we will not fix it overnight, or even in this session, but by acting on these bills, and by putting other ideas on the table, we can continue to stem the tide of opioid abuse in Pennsylvania. We can make progress for the families we have met, the parents who have cried on our shoulders. Here in this building, we can make a difference. Right now. With bills that are close to passage.

In my inaugural address I acknowledged that some people out there feel indifference toward their government. In the past 2 years we have not always improved that perception, but in the past several months we have solved some big problems here by working together. Many of these issues have vexed Pennsylvania's elected leaders for generations. It is a start, and we have more work to do. But with the most Republican legislature in modern history and a Democratic Governor, we have balanced the budget, we have increased education funding, we have passed a fair funding formula, we have brought medical marijuana to suffering kids, and we have reformed the liquor system.

The magnitude of the opioid crisis threatens to cast a shadow over all of these important accomplishments and everything else we work to achieve in this building. But it is also a calling to use our time and our energy to fix a problem touching far too many Pennsylvanians. The crisis calls on us to cast aside

partisanship once again. It calls on us to reject cynicism once again. It calls on us to take action once again. Families in Philadelphia and Brockway and Indiana and Allegheny County and State College and Mount Wolf, and all across Pennsylvania are calling on us to act.

We have shown that we can work together to make Pennsylvania the great place we know it can be. It is now time to do that again and give the people of Pennsylvania a reason to believe in their leaders. It is up to us to tackle the opioid crisis and give Pennsylvania the prosperous, healthy, and safe future we know it deserves.

I look forward to a productive session and real progress toward stopping the opioid epidemic. Let us, here in Pennsylvania, lead the nation in fighting this crisis. Let us get this done.

Thank you very much.

JOINT SESSION ADJOURNED

The LIEUTENANT GOVERNOR. The Chair asks the members of the House and visitors to please remain seated for just a moment while the members of the Senate leave the hall of the House.

The business for which the joint session has been assembled having been transacted, the session is now adjourned.

THE SPEAKER (MIKE TURZAI) PRESIDING

The SPEAKER. Now that the members of the Senate have left the floor of the House, all guests are invited to leave the floor of the House at this time as well. You may proceed.

GUESTS INTRODUCED

The SPEAKER. To the First Lady, thank you so much for being here today. It is our honor to have you here today, to the First Lady of Pennsylvania, Frances Wolf. Thank you so much for being with us. And the Governor's mother; you may not know, but the Governor's mother is here as well. Thank you so much for being with us today.

Guests, you may take leave of the House at this time.

Members, the House will be in order.

MOTION TO PRINT PROCEEDINGS OF JOINT SESSION

The SPEAKER. The Chair recognizes the majority leader, who moves that the proceedings of the joint session of the Senate and House this 28th day of September 2016 be printed in full in this day's Legislative Journal.

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

The SPEAKER. Members, we are going to do some business before breaking.

CALENDAR**BILL ON CONCURRENCE
IN SENATE AMENDMENTS
AS AMENDED**

The House proceeded to consideration of concurrence in Senate amendments to the following **HB 568, PN 3949**, as further amended by the House Rules Committee:

An Act amending the act of November 10, 1999 (P.L.491, No.45), known as the Pennsylvania Construction Code Act, in preliminary provisions, further providing for definitions and for Uniform Construction Code Review and Advisory Council and providing for review of updated sections and adoption of updated sections into Uniform Construction Code; in Uniform Construction Code, further providing for revised or successor codes; in adoption and enforcement by municipalities, further providing for administration and enforcement; in training and certification of inspectors, further providing for education and training programs; and, in exemptions, applicability and penalties, further providing for applicability to certain buildings.

On the question,

Will the House concur in Senate amendments as amended by the Rules Committee?

LEAVE OF ABSENCE

The SPEAKER. Representative John MAHER has requested to be placed on leave for the remainder of the day. Without objection, that will be granted.

CONSIDERATION OF HB 568 CONTINUED

The SPEAKER. The question is, will the House concur in the amendments inserted by the Senate as amended by the House?

Moved by the gentleman, Representative Evankovich, that the House concur in the amendments; that is both Senate amendments and House amendments.

The Chair recognizes Representative Evankovich for a brief description of these amendments. This is of the Senate amendments as amended by the House.

Representative Evankovich, the floor is yours, sir.

Mr. EVANKOVICH. Thank you, Mr. Speaker.

Mr. Speaker, I urge my colleagues to support HB 568 in its current form, given the changes made in the Senate and our changes in Rules. The underlying bill would amend the UCC code (Uniform Construction Code) adoption process in Pennsylvania to ensure that there is a non-agenda-driven process that works a little bit better than what we currently have to ensure protection of consumers in our State.

I ask for an affirmative vote. Thank you.

The SPEAKER. Representative Greg Vitali is recognized.

Mr. VITALI. Thank you, Mr. Speaker.

May I ask that we pass over this bill just for a short period of time? We have amendments that have just come down from LRB (Legislative Reference Bureau), which are in transit. This is a very controversial bill, and just if we could simply just pass over this just as a courtesy for about 15 minutes, or perhaps take it up after the break, that would be a much appreciated courtesy.

The SPEAKER. Representative Vitali, unless you are making a motion, we have the bill in front of us on concurrence and we will be proceeding to take a vote. If you have—

Mr. VITALI. May I approach?

The SPEAKER. Yes, you certainly may.

(Conference held at Speaker's podium.)

LEAVE OF ABSENCE CANCELED

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

CONSIDERATION OF HB 568 CONTINUED

The SPEAKER. Members, we will be proceeding on the concurrence vote, but I know that Representative Vitali is going to be speaking with the minority leader for a moment, and then we will see if there is going to be a motion placed before us or if the good gentleman just wants to speak on the bill as amended by the Senate, as amended by the House, on concurrence.

Representative Vitali, you are recognized.

Sir, do you wish to make a motion at this time or to speak on the bill?

Mr. VITALI. I wish to speak on the bill. I just did not anticipate this being before the break, so I am just getting myself together.

The SPEAKER. Well, the floor is yours, sir.

Mr. VITALI. Thank you, Mr. Speaker.

I want to bring to the members' attention that this is in fact a very controversial bill because, and by way of background, it deals with how we update Pennsylvania's Construction Code. It is important, the Construction Code is very important because it lays out in our communities how houses and other buildings are updated with regard to fire safety, electrical components, energy efficiency. It really dictates the safety in our own communities.

The problem we are trying to deal with is the fact that right now the way we update our construction codes, it is broken. By way of background, every 3 years the international construction code comes out with revisions to ensure the safest, most energy-efficient, fire-safe buildings we can have. And up until 2009 we have routinely adopted those updates, so Pennsylvania was keeping up with the rest of the country to ensure our buildings were the safest.

But we passed legislation in 2011 which really changed it and caused us to be frozen in time. This is an important point: We have not updated our Pennsylvania Construction Code since 2009 because of the legislative changes we made in 2011. We have not adopted the most recent revisions, which most of the country is adopting, and we have not done that for a number of reasons, one of which is the change to a supermajority, or a two-thirds majority, of the approval of the international construction code. Because of the current composition of the — they call it the RAC (Review and Advisory Council), that commission — because of its current composition being heavily influenced by the building community and because of this two-thirds majority, we have not updated our Construction Code since 2009.

What I would like to do, because I do not claim to be an expert in this subject matter, I would like to relay to you some of the concerns with regard to groups who are much more familiar with this than me and why they oppose this bill.

I first want to read the position of the IBEW (International Brotherhood of Electrical Workers) Local 98. I know they have great credibility in some circles in this chamber, and this is from James T. Dollard, dated Monday, Monday afternoon, and he is talking about this bill, and he said, "PA will never adopt new codes with the present makeup of the RAC or with the revisions in this bill." And they are talking about the bill we are dealing with. "This is by design. Implementation of safety driven codes and standards is now a political football." So the IBEW opposes.

I also want to outline some of the problems in this bill outlined in a letter, again dated Monday afternoon, and these are some of the groups who are opposing, opposing this bill: The Delaware Valley Green Building Council, they are an expert in this; PennFuture; the Natural Resources Defense Council; the Sustainable Business Network; the Clean Air Council; the Conservation Voters of Pennsylvania; the Green Building Alliance; Conservation Consultants; Sierra Club; American Council for an Energy-Efficient Economy; and more.

These are some of the problems they cite with this bill. They say this bill, HB 568, and I am quoting, "Ensures that Pennsylvania will continue to build within 2009 codes through 2018." It says this bill "Delays future code adoption from 1 year to at least 4.5 years." They say this bill – those groups – "Continue to make it increasingly impossible to adopt new codes in the future." And they talk about requiring a two-thirds majority to adopt, and so forth. They talk about this bill politicizing the RAC we talked about. It says, "House Bill 568 adds six new appointments," made by the General Assembly, and so forth.

So all of these groups oppose this bill. It is also opposed by the Pennsylvania Environmental Council. It says, "In fact, along with the proposed amendment..., this bill "...stands to make the situation" even "worse.... HB 568 threatens the ability of the state to adopt and utilize...up-to-date standards."

MOTION TO SUSPEND RULES

Mr. VITALI. Mr. Speaker, this bill has numerous problems that we just discussed, and for that reason I am going to make a motion to suspend the House rules for the immediate consideration of amendment 10372.

The SPEAKER. The good gentleman has asked to move to suspend for immediate consideration of amendment 10372.

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

The SPEAKER. Does the majority leader wish to be recognized on the motion?

Mr. VITALI. May I speak on it first?

The SPEAKER. I thought you did, sir.

Mr. VITALI. Not yet.

The SPEAKER. You may proceed.

Mr. VITALI. What this amendment does and I think it gets at, the key point, the key problem—

The SPEAKER. Sir, this is just on the motion to suspend.

Mr. VITALI. Okay. What this motion would do would eliminate the two-thirds requirement to approve revisions to the building code and just revert that to a simple majority.

The SPEAKER. And the majority leader, on the motion to suspend.

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

I would ask the members to oppose the motion to suspend the rules. Thank you.

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

The following roll call was recorded:

YEAS—72

Artis	Dean	Harkins	O'Brien
Bizzarro	Deasy	Harris, J.	Pashinski
Boyle	DeLissio	Kavulich	Petrarca
Bradford	Dermody	Keller, W.	Ravenstahl
Briggs	DiGirolamo	Kim	Readshaw
Brown, V.	Donatucci	Kinsey	Roebuck
Burns	Driscoll	Kirkland	Sainato
Caltagirone	Fabrizio	Kortz	Samuelson
Carroll	Farina	Kotik	Schlossberg
Cohen	Flynn	Krueger	Schweyer
Conklin	Frankel	Longietti	Sims
Costa, P.	Freeman	Mahoney	Snyder
Cruz	Galloway	Markosek	Sturla
Daley, M.	Gibbons	Matzie	Thomas
Daley, P.	Godshall	McCarter	Vitali
Davidson	Goodman	McClinton	Wheatley
Davis	Hanna	McNeill	White
Dawkins	Harhai	Neilson	Youngblood

NAYS—121

Adolph	Greiner	Mentzer	Regan
Baker	Grove	Metcalfe	Roae
Barbin	Hahn	Metzgar	Rothman
Barrar	Harhart	Miccarelli	Rozzi
Benninghoff	Harper	Millard	Saccone
Bloom	Harris, A.	Miller, B.	Sankey
Boback	Heffley	Miller, D.	Santora
Brown, R.	Helm	Milne	Saylor
Causner	Hennessey	Moul	Schemel
Christiana	Hickernell	Mullery	Schreiber
Corbin	Hill	Murt	Simmons
Costa, D.	Irvin	Mustio	Sonney
Cox	James	Nelson	Staats
Culver	Jozwiak	Nesbit	Stephens
Cutler	Kampf	Neuman	Tallman
Day	Kaufner	O'Neill	Tobash
Delozier	Kauffman	Oberlander	Toepel
Diamond	Keller, F.	Ortitay	Toohil
Dunbar	Keller, M.K.	Parker, D.	Topper
Dush	Klunk	Payne	Truitt
Ellis	Knowles	Peifer	Vereb
Emrick	Lawrence	Petri	Ward
English	Lewis	Pickett	Warner
Evankovich	Mackenzie	Pyle	Watson
Everett	Maher	Quigley	Wentling
Farry	Major	Quinn, C.	Wheeland
Fee	Maloney	Quinn, M.	Zimmerman
Gabler	Marshall	Rader	
Gillen	Marsico	Rapp	Turzai,
Gillespie	Masser	Reed	Speaker
Gingrich	McGinnis	Reese	

NOT VOTING—0

EXCUSED—10

Acosta	Evans	Ross	Savage
Bullock	Gainey	Santarsiero	Taylor
DeLuca	Gergely		

Less than a majority of the members required by the rules having voted in the affirmative, the question was determined in the negative and the motion was not agreed to.

On the question recurring,
Will the House concur in Senate amendments as amended by the Rules Committee?

The SPEAKER. Does anybody else wish to speak on the concurrence vote?

Representative Krueger-Braneky, the floor is yours.

Ms. KRUEGER. Thank you, Mr. Speaker.

I wish to speak on the bill, please.

The SPEAKER. Yes. On the concurrence vote, yes.

Ms. KRUEGER. Thank you, Mr. Speaker.

I rise in opposition to this bill. I want to point out to my colleagues that it is opposed by an unlikely coalition of partners, including environmental groups, clean-energy businesses, labor, and conservation organizations.

This bill is problematic because it would amend the Uniform Construction Code to change the process by which Pennsylvania updates its building codes, the standards that right now keep our homes safe, our office buildings safe, and our businesses safe. We are opposed because we believe the changes would worsen an already broken system that has resulted in Pennsylvania failing to update its codes since 2009 for key building characteristics like fire safety, electrical components, and energy conservation products.

It is clear, Mr. Speaker, that right now our building code process is broken, but this bill would not fix the problem. It would weaken the code adoption process by even further politicizing the process and significantly delaying the review and adoption period for new codes.

Mr. Speaker, I oppose this bill because this is an economic issue, this is a safety issue, this is an environmental issue, and this is a labor issue. I urge my colleagues to vote "no" today.

Thank you, Mr. Speaker.

The SPEAKER. Thank you, Representative.

Representative Donna Oberlander, on the concurrence vote.

Ms. OBERLANDER. Thank you, Mr. Speaker.

I will keep my comments very brief, but I believe that it is important to clarify some of the comments that were made by a previous speaker.

In 2009 this House took this bill up to correct a problem with an automatic adoption of a building code, where our builders were literally getting new code that was at least 6 to 8 inches every couple of years. You could not possibly keep up with the code. It was making it quite unaffordable and it was making it very difficult for homeowners to build new homes.

I believe that this is a commonsense bill, and I stand in support of this bill.

Thank you, Mr. Speaker.

The SPEAKER. Representative Dermody, sir, on the concurrence vote.

Mr. DERMODY. Thank you, Mr. Speaker.

Mr. Speaker, as you have already heard, the effect of this bill actually would freeze the building code in 2009. The effect of this bill would prohibit making any improvements in the building code for a long time. That makes no sense. It is opposed, as you have heard, by the fire commissioner, labor unions, environmental groups, as it should be, because we should not be tying our hands from the ability to make improvements in our building code for many, many years to come; therefore, I ask the members to oppose concurrence.

Thank you, Mr. Speaker.

PARLIAMENTARY INQUIRY

The SPEAKER. Representative DiGirolamo, sir.

Mr. DiGIROLAMO. Thank you, Mr. Speaker.

Point of parliamentary inquiry.

The SPEAKER. Yes, sir, you may proceed.

Mr. DiGIROLAMO. Because this is a change in the code, does this vote need a simple majority or a two-thirds vote to pass this bill?

The SPEAKER. A majority of the full body of the House, which is 102 votes.

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

The SPEAKER. Yes, sir, you may proceed.

Mr. DiGIROLAMO. Mr. Speaker, this bill, to me, the more I look at it, leaves too many questions unanswered, Mr. Speaker. I think we need to err on the side of caution with this bill, Mr. Speaker. I know it is before us. I would like to ask everyone to vote "no" on the concurrence. I am starting to hear a lot from our building and construction trades around the State that they have very, very serious concerns with this bill, so I am going to ask everyone to vote "no" on concurrence. Thank you.

The SPEAKER. Representative Neilson, on concurrence.

Mr. NEILSON. Thank you, Mr. Speaker.

Mr. Speaker, I stand here today in opposition of the concurrence vote. And my previous experience – I call it my previous life – being in the construction industry and having overseen the implementation of the Uniform Construction Code in 2003, even though when it passed this House in '99, there are a lot of things these codes entail. And what I think we have to look at is the life safety. This is a life-safety issue. This is a safety issue for the homeowners and the businesses we go to.

Technology changes daily and these codes change daily. These codes are made to keep people safe, to make certain that people that are installing these systems, installing these into businesses and the homes that we go into are up to date and not behind. By passing this legislation, what we are saying is, it is okay, it is okay, do not worry about technology. Look, we will do the code. We will go over the code from 3, 4 years ago. We do not have to worry about the new standards that apply.

We find different things every day, every single day. They say, "Well, you know what? If we use this type of wire, it can last in a house fire for another 3-hour rating. When we use this kind of pipe for our sprinkler systems, it can save lives in dormitories." We have already gone through this for years and years. For us to put a roadblock to adopt new codes, life-safety codes, so someone does not have to buy an updated code book because it is 4 inches thick, that is insane.

So today I stand in opposition. I hope we all oppose this life-safety issue. Thank you, Mr. Speaker.

The SPEAKER. Representative Cris Dush is recognized. Sir, please proceed.

Mr. DUSH. Thank you, Mr. Speaker.

When I am listening to the opposition to this bill, I have to say, "Really?" I live in a 130-year-old home. You could shoot it with a .30-06 and not get inside of it. It still has the original roof on it. We did not have these building codes. We did not have all these architects that are doing all of – and all these products that are coming up that people are trying to sell through these codes. Come on, Mr. Speaker. These are not life-and-death issues. This is about applying some common sense and allowing people to have consumer choice. Thank you.

The SPEAKER. Representative Dan Frankel.

Mr. FRANKEL. Thank you, Mr. Speaker.

I would just like to point out, I mean, this bill came back significantly changed from its original form, and there has never been a hearing or an opportunity for stakeholders to weigh in in this chamber, in committee, or with any of us until we have this debate on the floor.

This is not a way to deal with something so fundamentally important to the safety of the public, to the safety of our commercial properties, our homes. This is something that needs to be considered in a much more careful manner as opposed to just freezing everything for the foreseeable future. As technology changes, safety changes. There is a rationale to why we review these issues every 3 years, and the fact that we are passing something that was so dramatically changed in the Senate without having the opportunity for those stakeholders who are in opposition to have the opportunity to weigh in tells me that this is something we should not be doing right now.

So I stand in opposition and urge my colleagues to take a step back, let us take another look at this, let us do this with transparency and the opportunity to hear from stakeholders who have genuine and legitimate concerns about this legislation. Thank you.

The SPEAKER. Representative McCarter.

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

Again, I rise in opposition to this bill also, and let me give one specific example as to why. As one of the other Representatives just mentioned, he lives in an older house; it is 130 years old. Well, I live in one that is closer to 170 years old, but that house and many others are now getting new technologies added to them, such as solar panels that are being added all across the Commonwealth by the tens of thousands. Solar panels take different technologies than are covered in the 2009 code. They are not covered, and as a result, we need to find ways to make sure that they are updated to both national and international standards.

So again, there is one prime example of a major technology change that is not covered and is being held off on this bill for another several years in which it would be addressed, since it would be up to 4.5 years under this bill's designation for future code adoption.

So again, I ask you to step back from this and also vote "no."

Thank you, Mr. Speaker.

The SPEAKER. Representative Pashinski.

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

I also rise in opposition to this bill. There have been some very good statements made here today, and I would like to share a few thoughts with everyone.

You know, every now and then we need our codes updated. I, too, live in a very old home, and it is a stately home and one that has stood many, many decades. But I can tell you that over time people have realized that what stood for decades is, the standard of building materials and building processes have changed dramatically. I would like to point out just three things for example.

The first is asbestos. Fifty years ago or more asbestos was a substance that was used in almost every kind of building material because it was stable, it was the kind of material that was accessible, and it was a material that helped those buildings. In time we all realized that asbestos is not good for our health and asbestos has now been banned. A considerable amount of dollars have been used in removing asbestos to make places safe.

Just a short time ago we discovered in Michigan lead pipes that have caused serious cancer conditions throughout those communities. My home, one of the first things I did in my home was to eliminate any lead pipes. That is a safety measure. Without the proper code, you would never be able to build a home with lead pipes.

Another thing that was changed in those old homes, the wiring. True, some of the wiring can still work; however, depending on the new techniques, the new machines, the new appliances that require more energy, it was found that the wiring of those old homes was inadequate.

It is imperative on us that we always vote on the side of safety of the people that we represent. This bill goes well beyond that and removes the safety measures. I urge a "no" vote.

Thank you, Mr. Speaker.

The SPEAKER. Representative Cris Dush.

Mr. DUSH. Thank you, Mr. Speaker.

I would like the chance to clarify my remarks. When I was talking about I live in a 130-year-old home, there were no designers, there were no codes that were there. I am in support of this bill completely. It is commonsense engineering. The people who want to make the choices to put solar panels on their roofs or not, they can do that. The people who are designing it and installing that just like the tradesmen back when my home was built, and again, it has the original roof on it that is 130 years old. It has never been replaced.

That is the kind of common sense that the tradesmen, the builders, brought to the construction of that home, and we do not need a bunch of organizations that are trying to sell products making it mandatory and trying to stipulate what kind of designs and how it is done. I am running into stuff all over the place in my district where the codes are becoming a problem. Even my Amish cannot build a traditional Amish home because of all these stupid codes.

I rise in support of this bill. Again, we have had common sense around with the people in the buildings and trades industries for an awful long time. People were designing some of these buildings – in fact, some of these old cathedrals and stuff that have been around, they were writing it in chalk on stone, and they are hundreds of years old. Thank you very much.

The SPEAKER. Representative Eli Evankovich, the maker of the bill.

Mr. EVANKOVICH. Thank you, Mr. Speaker.

Mr. Speaker, I appreciate the robust debate on what is included in HB 568. Mr. Speaker, there appears to be a minor

amount of confusion as to what is included in HB 568, so I would just like the opportunity to explain to the chamber some of the changes that HB 568 makes.

Mr. Speaker, to start from the top, the groups that support this bill are the Builders Association, the Pennsylvania architects association, Pennsylvania Association of Boroughs, and the Pennsylvania State Association of Township Supervisors.

Neutral on the bill are the building code officials, the International Code Council, the National Fire Protection Association, the National Electrical Manufacturers Association, and the American Chemistry Council.

Mr. Speaker, existing law created a two-thirds threshold for all codes adoption in Pennsylvania. What HB 568 seeks to do is fix a system that is broken. We heard from many prior speakers about how the existing process is broken. No codes were updated in 2012, even though some should have been, and no codes were updated – or 18 codes were updated in 2015.

What HB 568 does, for those members who spoke in opposition to the bill, is it creates a bifurcated process of examining the codes. Each code, whenever handed down from the ICC, would be assigned to a technical subcommittee. That technical subcommittee would have 21 months to review the code— I apologize; before those codes are even reviewed, there will be a 24-month waiting period so that Pennsylvania can learn from the experience of other States. Then those codes are sent into a technical subcommittee. Those technical subcommittees will take public input. Those technical subcommittees will advise on whether or not that code is controversial or not controversial. Any RAC member on that committee or any member of the public commenting on a code will make it controversial.

When the subcommittee reports out, when the subcommittee reports out, it will report out noncontroversial codes and controversial codes. Those noncontroversial codes will only require a simple majority vote by the full membership of the RAC to become, in effect, reg. If at that time a member of the RAC still feels like that code is controversial, they can pull it out of the noncontroversial bucket as a safety valve so that we do not incidentally have sprinkler mandates here in Pennsylvania like we did in 2009. Every other code that receives a comment or is controversial needs a two-thirds vote to become law.

So those of us who stood here today and said code adoption is too slow, some of their concerns are being addressed in 568. For those of us who are concerned that codes are being adopted too quickly, some of those concerns are being addressed in 568. But I can assure you that doing nothing will backfire on both groups of people who are concerned with code adoption here in Pennsylvania.

In closing, Mr. Speaker, among that group of special interests that I did not talk about were consumers, the people whom we are elected to represent. Codes represent a minimum, not a maximum. I, like many, do not believe that the RAC process should be used as an agenda-driving issue here in Pennsylvania. I believe that we need to vote HB 568, send it back to the Senate, get their concurrence, and have Gov. Tom Wolf sign this into law so that we can have a functioning code review process in Pennsylvania.

Thank you, Mr. Speaker.

The SPEAKER. Representative Galloway is our last speaker on the bill, and Representative Lawrence— I am sorry. I have two other members, Representative Galloway and Representative Lawrence.

Mr. GALLOWAY. Thank you, Mr. Speaker.

Would the maker of the bill stand for brief interrogation?

The SPEAKER. The gentleman has indicated he will so stand.

Mr. GALLOWAY. You mentioned a long list of organizations that support this bill. Can you tell me for certain that these organizations still support this bill after the substantial changes that came back from the Senate?

Mr. EVANKOVICH. Thank you, Mr. Speaker.

In fact, the organizations that I mentioned earlier were organizations that support the changes even as they were made in Rules Committee yesterday.

Mr. GALLOWAY. Thank you Mr. Speaker.

On the bill?

The SPEAKER. Representative Galloway, you may proceed.

Mr. GALLOWAY. As the maker of the bill explained, there have been substantial changes from when this bill left the House. These changes came from the Senate. The maker of the bill did a good job of going through a litany of these changes; there are actually more. This is why this bill should go through a hearing. This is why we need to explain these changes, to see if these kinds of changes are the things that we are looking for.

MOTION TO RECOMMIT

Mr. GALLOWAY. That is why I would like to make a motion, Mr. Speaker.

The SPEAKER. Please state your motion.

Mr. GALLOWAY. I would like to make a motion that we recommit this bill back to the Labor Committee so we can have a hearing on this bill, please.

The SPEAKER. The motion is to go to the Labor Committee.

On the question,

Will the House agree to the motion?

The SPEAKER. Representative Reed, on the motion to refer the bill to the Labor Committee.

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

We would ask that the members oppose the motion to rerefer the bill to the Labor Committee. We would ask that the members oppose the motion to rerefer the bill. Thank you.

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—82

Artis	Deasy	Kavulich	O'Brien
Barbin	DeLissio	Keller, W.	Pashinski
Bizzarro	Dermody	Kim	Petrarca
Boyle	DiGirolamo	Kinsey	Ravenstahl
Bradford	Donatucci	Kirkland	Readshaw
Briggs	Driscoll	Kortz	Roebuck

Brown, V.	Fabrizio	Kotik	Rozzi
Burns	Farina	Krueger	Sainato
Caltagirone	Farry	Longietti	Samuelson
Carroll	Flynn	Mahoney	Schlossberg
Cohen	Frankel	Markosek	Schreiber
Conklin	Freeman	Matzie	Schweyer
Costa, D.	Galloway	McCarter	Sims
Costa, P.	Gibbons	McClinton	Snyder
Cruz	Godshall	McNeill	Sturla
Daley, M.	Goodman	Miller, D.	Thomas
Daley, P.	Hanna	Mullery	Vitali
Davidson	Harhai	Murt	Wheatley
Davis	Harkins	Neilson	White
Dawkins	Harris, J.	Neuman	Youngblood
Dean	Heffley		

NAYS—111

Adolph	Grove	McGinnis	Regan
Baker	Hahn	Mentzer	Roae
Barrar	Harhart	Metcalfe	Rothman
Benninghoff	Harper	Metzgar	Saccone
Bloom	Harris, A.	Miccarelli	Sankey
Boback	Helm	Millard	Santora
Brown, R.	Hennessey	Miller, B.	Saylor
Causer	Hickernell	Milne	Schemel
Christiana	Hill	Moul	Simmons
Corbin	Irvin	Mustio	Sonney
Cox	James	Nelson	Staats
Culver	Jozwiak	Nesbit	Stephens
Cutler	Kampf	O'Neill	Tallman
Day	Kaufner	Oberlander	Tobash
Delozier	Kauffman	Ortitay	Toepel
Diamond	Keller, F.	Parker, D.	Toohil
Dunbar	Keller, M.K.	Payne	Topper
Dush	Klunk	Peifer	Truitt
Ellis	Knowles	Petri	Vereb
Emrick	Lawrence	Pickett	Ward
English	Lewis	Pyle	Warner
Evankovich	Mackenzie	Quigley	Watson
Everett	Maher	Quinn, C.	Wentling
Fee	Major	Quinn, M.	Wheeland
Gabler	Maloney	Rader	Zimmerman
Gillen	Marshall	Rapp	
Gillespie	Marsico	Reed	Turzai,
Gingrich	Masser	Reese	Speaker
Greiner			

NOT VOTING—0

EXCUSED—10

Acosta	Evans	Ross	Savage
Bullock	Gainey	Santarsiero	Taylor
DeLuca	Gergely		

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,

Will the House concur in Senate amendments as amended by the Rules Committee?

The SPEAKER. Representative Lawrence, on the bill.

Mr. LAWRENCE. Thank you, Mr. Speaker.

Mr. Speaker, will the maker of the bill stand for interrogation?

The SPEAKER. He has indicated he will.

Representative Evankovich and Representative Lawrence, you both may proceed.

Mr. LAWRENCE. Thank you, Mr. Speaker.

Mr. Speaker, my question in my interrogation is under current law, the process that is established under current law versus the proposal that you are putting forward today, Mr. Speaker, under HB 568, is there more or less public vetting of changes to the building code under current law or under your proposal?

Mr. EVANKOVICH. Thank you, Mr. Speaker.

Mr. Speaker, under current law, there is no requirement for public vetting. There is no requirement for public comment. It is up to the RAC, but past practice has been that there is no public comment, so the public is shut out of this process altogether under current law. By not approving HB 568, we are continuing to shut the public out of the debate on building code adoption in Pennsylvania.

HB 568 creates two 120-day comment periods for the public to weigh in on these code provisions.

Mr. LAWRENCE. Thank you, Mr. Speaker.

On the bill?

The SPEAKER. You may proceed.

Mr. LAWRENCE. Mr. Speaker, I feel like the conversation today – I certainly appreciate everyone's thoughts and views on the bill – I do feel like some of the comments today have been far afield, to compare the legislation in front of us, you know, for example, asbestos and lead pipes, I think is overly dramatic. That is my opinion.

I think what we are looking at today is a commonsense approach to address legislation that was passed a number of years ago in response largely to the sprinkler mandate that was coming down on residential new construction, which this chamber easily passed, and many saw that as a vast overreach. This is legislation that I feel is timely and necessary, and certainly I would encourage an affirmative vote.

Thank you, Mr. Speaker.

On the question recurring,

Will the House concur in Senate amendments as amended by the Rules Committee?

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

The following roll call was recorded:

YEAS—107

Adolph	Hanna	Masser	Regan
Baker	Harhai	McGinnis	Roae
Barrar	Harhart	Mentzer	Rothman
Benninghoff	Harper	Metcalfe	Saccone
Bloom	Harris, A.	Millard	Sainato
Brown, R.	Heffley	Miller, B.	Sankey
Causer	Helm	Milne	Saylor
Corbin	Hickernell	Moul	Schemel
Cox	Hill	Mustio	Simmons
Culver	Irvin	Nelson	Sonney
Cutler	James	Nesbit	Staats
Day	Jozwiak	O'Neill	Stephens
Delozier	Kampf	Oberlander	Tallman
Diamond	Kaufner	Ortitay	Tobash
Dunbar	Kauffman	Parker, D.	Toepel
Dush	Keller, F.	Payne	Toohil
Ellis	Keller, M.K.	Peifer	Topper
Emrick	Klunk	Petrarca	Truitt
Evankovich	Knowles	Pickett	Ward
Everett	Lawrence	Pyle	Warner
Fee	Lewis	Quigley	Watson

Gabler	Longietti	Quinn, C.	Wentling
Gillen	Mackenzie	Quinn, M.	Wheeland
Gillespie	Maher	Rader	Zimmerman
Gingrich	Major	Rapp	
Greiner	Maloney	Reed	Turzai,
Grove	Marsico	Reese	Speaker
Hahn			

NAYS—86

Artis	Dean	Keller, W.	O'Brien
Barbin	Deasy	Kim	Pashinski
Bizzarro	DeLissio	Kinsey	Petri
Boback	Dermody	Kirkland	Ravenstahl
Boyle	DiGirolamo	Kortz	Readshaw
Bradford	Donatucci	Kotik	Roebuck
Briggs	Driscoll	Krueger	Rozzi
Brown, V.	English	Mahoney	Samuelson
Burns	Fabrizio	Markosek	Santora
Caltagirone	Farina	Marshall	Schlossberg
Carroll	Farry	Matzie	Schreiber
Christiana	Flynn	McCarter	Schweyer
Cohen	Frankel	McClinton	Sims
Conklin	Freeman	McNeill	Snyder
Costa, D.	Galloway	Metzgar	Sturla
Costa, P.	Gibbons	Miccarelli	Thomas
Cruz	Godshall	Miller, D.	Verbe
Daley, M.	Goodman	Mullery	Vitali
Daley, P.	Harkins	Murt	Wheatley
Davidson	Harris, J.	Neilson	White
Davis	Hennessey	Neuman	Youngblood
Dawkins	Kavulich		

NOT VOTING—0

EXCUSED—10

Acosta	Evans	Ross	Savage
Bullock	Gainey	Santarsiero	Taylor
DeLuca	Gergely		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments as amended by the Rules Committee were concurred in.

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

**THE SPEAKER PRO TEMPORE
(KATHARINE M. WATSON) PRESIDING**

LEAVE OF ABSENCE

The SPEAKER pro tempore. Good afternoon.

The gentleman, Representative Cutler, asked that Representative MAHER be placed on leave, and that shall be done.

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 2290, PN 3893**, entitled:

An Act amending the act of March 29, 1803 (P.L.542, No.156), entitled "An act to establish a Board of Wardens for the port of Philadelphia, and for the regulation of pilots and pilotages, and for other purposes therein mentioned," further providing for fees.

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—189

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

NAYS—3

Gillen	Metcalfe	Rothman
--------	----------	---------

NOT VOTING—0

EXCUSED—11

Acosta	Evans	Maher	Savage
Bullock	Gainey	Ross	Taylor
DeLuca	Gergely	Santarsiero	

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 2291, PN 3769**, entitled:

An Act amending the act of May 11, 1889 (P.L.188, No.210), entitled "A further supplement to an act, entitled 'An act to establish a board of wardens for the Port of Philadelphia, and for the regulation of pilots and pilotage, and for other purposes,' approved March twenty-ninth, one thousand eight hundred and three, and for regulating the rates of pilotage and number of pilots," further providing for rates of pilotage and computation, for pilotage fees and unit charge and for charges for services.

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—180

Adolph	Everett	Lewis	Ravenstahl
Artis	Fabrizio	Longietti	Readshaw
Barbin	Farina	Mackenzie	Reed
Barrar	Farry	Mahoney	Reese
Benninghoff	Fee	Major	Regan
Bizzarro	Flynn	Maloney	Roebuck
Bloom	Frankel	Markosek	Rozzi
Boback	Freeman	Marshall	Saccone
Boyle	Gabler	Marsico	Sainato
Bradford	Galloway	Masser	Samuelson
Briggs	Gibbons	Matzie	Sankey
Brown, R.	Gillespie	McCarter	Santora
Brown, V.	Gingrich	McClinton	Saylor
Burns	Godshall	McNeill	Schemel
Caltagirone	Goodman	Mentzer	Schlossberg
Carroll	Greiner	Metzgar	Schreiber
Causer	Grove	Miccarelli	Schweyer
Christiana	Hahn	Millard	Simmons
Cohen	Hanna	Miller, B.	Sims
Conklin	Harhai	Miller, D.	Snyder
Corbin	Harhart	Milne	Sonney
Costa, D.	Harkins	Moul	Staats
Costa, P.	Harper	Mullery	Stephens
Cox	Harris, A.	Murt	Sturla
Cruz	Harris, J.	Mustio	Tallman

Culver	Helm	Neilson	Thomas
Cutler	Hennessey	Nelson	Tobash
Daley, M.	Hickernell	Nesbit	Toepel
Daley, P.	Hill	Neuman	Toohil
Davidson	Irvin	O'Brien	Topper
Davis	James	O'Neill	Truitt
Dawkins	Jozwiak	Oberlander	Vereb
Day	Kampf	Parker, D.	Vitali
Dean	Kaufer	Pashinski	Ward
Deasy	Kauffman	Payne	Warner
DeLissio	Kavulich	Peifer	Watson
DeLozier	Keller, M.K.	Petrarca	Wentling
Dermody	Keller, W.	Petri	Wheatley
Diamond	Kim	Pickett	Wheeland
DiGirolamo	Kinsey	Pyle	White
Donatucci	Kirkland	Quigley	Youngblood
Driscoll	Klunk	Quinn, C.	Zimmerman
Dunbar	Kortz	Quinn, M.	
Dush	Kotik	Rader	Turzai,
Ellis	Krueger	Rapp	Speaker
English	Lawrence		

NAYS—12

Baker	Gillen	Knowles	Ortitay
Emrick	Heffley	McGinnis	Roae
Evankovich	Keller, F.	Metcalfe	Rothman

NOT VOTING—0

EXCUSED—11

Acosta	Evans	Maher	Savage
Bullock	Gainey	Ross	Taylor
DeLuca	Gergely	Santarsiero	

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.

APPROPRIATIONS COMMITTEE MEETING

The SPEAKER pro tempore. The Chair now recognizes Representative Bill Adolph, chairman of the House Appropriations Committee, for an announcement.

Mr. ADOLPH. Thank you, Madam Speaker.

Madam Speaker, I would like to call an immediate meeting of the House Appropriations Committee in the majority caucus room. Thank you.

The SPEAKER pro tempore. Thank you, Representative Adolph.

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

HEALTH COMMITTEE MEETING

The SPEAKER pro tempore. The Chair now recognizes Representative Baker for a committee announcement.

Mr. BAKER. Thank you very much.

The Health Committee will have an immediate meeting in room G-50 for consideration of one bill. Thank you.

The SPEAKER pro tempore. The Health Committee will have an immediate meeting in room G-50 for consideration of one bill.

REPUBLICAN CAUCUS

The SPEAKER pro tempore. The Chair now recognizes Representative Sandra Major, Republican caucus chairman, for an announcement.

Ms. MAJOR. Thank you, Madam Speaker.

I would like to announce Republicans will caucus today at 1:15. I would ask our Republican members to please report to our caucus room at 1:15. We would be prepared to come back on the floor, Madam Speaker, at 2 p.m. Thank you.

DEMOCRATIC CAUCUS

The SPEAKER pro tempore. The Chair now recognizes Representative Dan Frankel for a committee announcement.

Mr. FRANKEL. Thank you, Madam Speaker.

The Democrats will caucus at 1:15. Democrats will caucus at 1:15. Thank you.

RECESS

The SPEAKER pro tempore. Ladies and gentlemen, the House now stands in recess until 2 o'clock, unless recalled by the Speaker. Thank you.

RECESS EXTENDED

The time of recess was extended until 2:15 p.m.

AFTER RECESS

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

**THE SPEAKER PRO TEMPORE
(MATTHEW E. BAKER) PRESIDING****LEAVE OF ABSENCE CANCELED**

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

**BILL REPORTED FROM COMMITTEE,
CONSIDERED FIRST TIME, AND TABLED**

HB 2359, PN 3901

By Rep. BERNSTINE

An Act amending the act of April 14, 1972 (P.L.221, No.63), known as the Pennsylvania Drug and Alcohol Abuse Control Act, further providing for consent of minor.

HEALTH.

BILL REREPORTED FROM COMMITTEE

SB 286, PN 1437

By Rep. ADOLPH

An Act amending the act of June 12, 1931 (P.L.575, No.200), entitled "An act providing for joint action by Pennsylvania and New Jersey in the development of the ports on the lower Delaware River,

and the improvement of the facilities for transportation across the river; authorizing the Governor, for these purposes, to enter into an agreement with New Jersey; creating The Delaware River Joint Commission and specifying the powers and duties thereof, including the power to finance projects by the issuance of revenue bonds; transferring to the new commission all the powers of the Delaware River Bridge Joint Commission; and making an appropriation," further providing for the Delaware River Joint Commission, for composition, for employees, for financing and for executive sessions; providing for majority approval and contract procedures; further providing for report; providing for conflicts of interest, for master plan and creating the Port Authority Transit Corporation Commuter's Council; further providing for definitions; authorizing the Governor to apply for approval; prohibiting the entrance into a compact until passage of a similar act; and making editorial changes.

APPROPRIATIONS.**THE SPEAKER (MIKE TURZAI)
PRESIDING**

The SPEAKER. My good friend and colleague, Representative Matt Baker, had indicated we are moving to the uncontested House calendar.

I also wish to recognize my good friend and colleague, Kathy Watson, also for filling the role of pro tem here at the rostrum.

UNCONTESTED CALENDAR**RESOLUTIONS PURSUANT TO RULE 35**

Mr. MURT called up **HR 964, PN 3748**, entitled:

A Resolution recognizing the month of October 2016 as "National Disability Employment Awareness Month" in Pennsylvania.

* * *

Mr. MURT called up **HR 1001, PN 3850**, entitled:

A Resolution recognizing the week of October 2 through 8, 2016, as "Mental Illness Awareness Week" in Pennsylvania.

* * *

Mr. MATZIE called up **HR 1011, PN 3884**, entitled:

A Resolution designating the week of October 16 through 22, 2016, as "Credit Union Week" in Pennsylvania.

* * *

Mr. GOODMAN called up **HR 1022, PN 3907**, entitled:

A Resolution designating the month of October 2016 as "Fire Prevention Month" in Pennsylvania and recognizing October 9 through 15, 2016, as "National Fire Prevention Week" in Pennsylvania.

* * *

Ms. DELOZIER called up **HR 1023, PN 3908**, entitled:

A Resolution recognizing the month of October 2016 as "Domestic Violence Awareness Month" in Pennsylvania.

* * *

Mr. NELSON called up **HR 1029, PN 3936**, entitled:

A Resolution designating October 6, 2016, as "Domestic Violence Awareness Day" in Pennsylvania.

* * *

Mr. SAYLOR called up **HR 1034, PN 3941**, entitled:

A Resolution designating October 10, 2016, as "Put the Brakes on Fatalities Day" in Pennsylvania.

On the question,
Will the House adopt the resolutions?

The following roll call was recorded:

YEAS—193

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

NAYS—0

NOT VOTING—0

EXCUSED—10

Acosta	Evans	Maher	Santarsiero
Bullock	Gainey	Ross	Savage
DeLuca	Gergely		

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

The SPEAKER. We have three members who wish to be recognized on the uncontested House resolutions.

Representative Murt will be recognized on HR 964 and HR 1001, Representative Delozier will be recognized on HR 1023, and Representative Nelson will be recognized on HR 1029.

STATEMENT BY MR. MURT

The SPEAKER. Representative Murt, the floor is yours, sir.
Mr. MURT. Thank you, Mr. Speaker.

Mr. Speaker, I want to thank my colleagues for joining me in recognizing October as disabilities awareness month.

Mr. Speaker, all those with special needs deserve and need love, encouragement, and support. For children with learning disabilities, such positive reinforcement can help ensure that they achieve a strong sense of self-worth, confidence, and the determination to keep going when things get tough.

Mr. Speaker, in searching for ways to help children with learning disabilities, we as legislators and policymakers must be committed to giving them the tools to help them help themselves. Our responsibility is to give that person with the social and emotional challenges the tools he or she needs to work through challenges. In the long run, Mr. Speaker, facing and overcoming a challenge, such as a learning disability, can help an individual grow stronger and more resilient. Always remember that the way we respond to these challenges as legislators has an enormous impact on those who cannot help themselves. Platitudes alone will not solve the problems associated with a learning disability.

While this resolution may give those in need hope, it is critical that we follow up by properly funding the programs that help those with special needs find success in a world of challenges. A disability is not insurmountable. It is an obstacle like any other, but it is up to us to provide the tools so parents can teach their child how to deal with those obstacles without becoming discouraged or overwhelmed.

We must not let the bureaucracies and ineffective regulation distract caregivers from what is really important: offering emotional and moral support.

Finally, Mr. Speaker, let us use this disability awareness month to educate others about the challenges faced by those with special needs and to educate ourselves on ways to help them overcome these challenges.

Thank you, Mr. Speaker.
The SPEAKER. Thank you, sir.

STATEMENT BY MS. DELOZIER

The SPEAKER. Representative Sheryl Delozier is recognized to speak.

Ms. DELOZIER. Thank you, Mr. Speaker.

As we stand here today, there is someone somewhere in Pennsylvania who is being abused – physically, emotionally, or sexually. It is a sad but startling fact that 113 people in Pennsylvania were killed last year by someone that was supposed to love them. The youngest victim was just 18. The personal stories behind these statistics are just as shocking as the numbers, and domestic violence brutalizes women, men, and children, both physically and mentally, and it destroys families. We cannot and will not tolerate the violence any longer.

In hopes of bringing more awareness to this issue, HR 1023 officially designates October 2016 as "Domestic Violence Awareness Month" in Pennsylvania. We do this resolution each and every year in the hopes that sometime in the future we will not have to recognize that anyone was killed at the hand of domestic violence.

We as the General Assembly cannot conquer this issue alone, but we can take steps to help raise the public awareness. Education and awareness is what we need the most. I urge my colleagues and thank them very much for their support of HR 1023 to help shine the light on a problem that affects thousands of Pennsylvanians every year and to help victims gain the strength that they need to break the cycle of violence. And throughout October, I encourage everyone to do what they can to stop the epidemic of abuse and say "no more" to domestic violence.

Thank you, Mr. Speaker.

STATEMENT BY MR. NELSON

The SPEAKER. Representative Eric Nelson is recognized.

Mr. NELSON. Thank you, Mr. Speaker.

Each of us here in the House – just this week we had celebration of a new baby born to one of the families of a fellow Representative. Just earlier this month we had a grandbaby born to another Representative. The good fortune and blessing that we all share through love and loved ones and family, unfortunately, at times, comes at risk.

I rise today requesting recognition for an unfortunate situation that occurs in teens: domestic violence. In building off of what my previous colleague just mentioned, specifically, at times, our youth get involved in unhealthy relationships, and teens themselves, almost one out of three teens become involved in a potentially abusive relationship. This abuse can take the form of physical, but not just physical but mental, specifically in the area of electronics, social media and texting.

Unfortunately, I rise in memory of Demi Brae Cuccia, who, on August 15, 2007, was unfortunately killed in her home one day after her 16th birthday. As a father of six children, I, too, have a 16-year-old this day, and I recognize the loss and the tragedy that the family members had to experience.

I had the good opportunity to speak with her father, and from that tragedy, they have engaged in action. I have to give fine accomplishment that the Demi Brae Cuccia Awareness Organization has conducted over 225 outreaches to youth in the community. Since the death of their daughter, they have touched on over 250,000 youth that have been trained.

Each of us as parents, I encourage us to be active with our youth. The first several weeks after a separation can result in unfortunate violence, and in listening to her father, greater than

30 texts a day. Anxiety of a youth to be able to attend an event or to participate in an activity are warning signs of an unhealthy relationship.

As the Demi Brae Cuccia Foundation continues to move forward, I would like to ask this House to honor both her memory and the action moving forward to help prevent such tragic occurrences.

Myself, I have been touched by that with the loss of Tory Minnick, who also was a young person killed at the hands of a violent separation by somebody who did not know how to deal with the anxiety of young love that has come to an end.

So thank you, Mr. Speaker, in allowing the House to honor both the actions of the family and the efforts on behalf of educating people to reduce teen violence. Thank you, sir.

The SPEAKER. Thank you, sir, and may God bless.

UNCONTESTED SUPPLEMENTAL CALENDAR A

RESOLUTIONS PURSUANT TO RULE 35

Mr. GALLOWAY called up **HR 1035, PN 3954**, entitled:

A Resolution recognizing the week of October 16 through 22, 2016, as "Brachial Plexus Injury Awareness Week" in Pennsylvania.

* * *

Mr. MARSHALL called up **HR 1039, PN 3957**, entitled:

A Resolution recognizing the month of October 2016 as "Chiropractic Conservative Care First Month" in Pennsylvania.

* * *

Mr. SCHREIBER called up **HR 1041, PN 3961**, entitled:

A Resolution recognizing the month of October 2016 as "American Pharmacist and Pharmacy Month" in Pennsylvania.

On the question,

Will the House adopt the resolutions?

The following roll call was recorded:

YEAS—193

Adolph	Everett	Lawrence	Ravenstahl
Artis	Fabrizio	Lewis	Readshaw
Baker	Farina	Longietti	Reed
Barbin	Farry	Mackenzie	Reese
Barrar	Fee	Mahoney	Regan
Benninghoff	Flynn	Major	Roae
Bizzarro	Frankel	Maloney	Roebuck
Bloom	Freeman	Markosek	Rothman
Boback	Gabler	Marshall	Rozzi
Boyle	Galloway	Marsico	Saccone
Bradford	Gibbons	Masser	Sainato
Briggs	Gillen	Matzie	Samuelson
Brown, R.	Gillespie	McCarter	Sankey
Brown, V.	Gingrich	McClinton	Santora
Burns	Godshall	McGinnis	Saylor
Caltagirone	Goodman	McNeill	Schemel
Carroll	Greiner	Mentzer	Schlossberg
Causer	Grove	Metcalfe	Schreiber
Christiana	Hahn	Metzgar	Schweyer
Cohen	Hanna	Miccarelli	Simmons
Conklin	Harhai	Millard	Sims

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

NAYS—0

NOT VOTING—0

EXCUSED—10

Acosta	Evans	Maher	Santarsiero
Bullock	Gainey	Ross	Savage
DeLuca	Gergely		

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

The SPEAKER. Members, just a point of edification. I do want to remind everybody of "Rule 64, Members Required to be Present and Vote."

"No member shall be permitted to vote and have his or her vote recorded on the roll call unless present in the Hall of the House during the roll call vote."

The issue, of course, is the second paragraph. You "shall be permitted to vote and have his or her vote recorded on the roll..." if "...present in the Hall of the House during the roll call vote."

We have had a number of members ask us, once again, about this particular rule. Some members have suggested changes to the rules with respect to the enforcement of that particular rule. I would just call attention to everybody that a number of members on both sides of the aisle have asked the rostrum to be cognizant of "Rule 64, Members Required to be Present and Vote."

LEAVE OF ABSENCE

The SPEAKER. Representative MAHONEY of Fayette County has requested to be placed on leave. Without objection, that will be granted.

CALENDAR CONTINUED

BILLS ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 1528, PN 2298**, entitled:

An Act amending the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, in children and youth, further providing for adoption opportunity payments and reimbursement.

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 1530, PN 2300**, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, in petition for adoption, further providing for consents necessary to adoption.

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 1311, PN 2061**, entitled:

An Act amending Titles 23 (Domestic Relations) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in adoption, further providing for grounds for involuntary termination; in child protective services, further providing for definitions and for release of information in confidential reports; and, in juvenile matters, further providing for definitions.

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 1885, PN 3075**, entitled:

An Act amending Titles 42 (Judiciary and Judicial Procedure) and 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, in matters affecting government units, providing for exceptions to governmental immunity related to unauthorized aliens; and, in preemptions, providing for restriction on municipal regulation of official and employee communications relating to immigration status.

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

The SPEAKER. The House will stand at ease for a moment.

The House will come to order.

SUPPLEMENTAL CALENDAR B

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 286, PN 1437**, entitled:

An Act amending the act of June 12, 1931 (P.L.575, No.200), entitled "An act providing for joint action by Pennsylvania and New Jersey in the development of the ports on the lower Delaware River, and the improvement of the facilities for transportation across the river; authorizing the Governor, for these purposes, to enter into an agreement with New Jersey; creating The Delaware River Joint Commission and specifying the powers and duties thereof, including the power to finance projects by the issuance of revenue bonds; transferring to the new commission all the powers of the Delaware River Bridge Joint Commission; and making an appropriation," further providing for the Delaware River Joint Commission, for composition, for employees, for financing and for executive sessions; providing for majority approval and contract procedures; further providing for report; providing for conflicts of interest, for master plan and creating the Port Authority Transit Corporation Commuter's Council; further providing for definitions; authorizing the Governor to apply for approval; prohibiting the entrance into a compact until passage of a similar act; and making editorial changes.

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?

On that question, the Chair recognizes Representative Bill Keller.

Mr. W. KELLER. Thank you, Mr. Speaker.

Mr. Speaker, unfortunately I rise in opposition to this bill. We are all for the reforms in the bill. Most of them have already been adopted; we are just codifying them. But unfortunately, on December 1, I offered an amendment to make, what I think, this bill much better and acceptable to everyone. In this bill, the Governor will have to get confirmation for his appointees to the DRPA (Delaware River Port Authority). This I believe, not only to this Governor but any future Governor, is an impediment we should not put on them. The New Jersey Governor has complete veto power over the minutes of every meeting. He has that power. We are just putting another hurdle in front of our Governor.

I ask for a "no" on this and hopefully we could redo this bill and get an amendment in that will take care of that problem. Thank you, Mr. Speaker.

The SPEAKER. Thank you, sir.

Representative Mike Vereb, on the bill.

Mr. VEREB. Thank you, Mr. Speaker.

I stand and ask for a "yes" vote on this very important reform package that, Mr. Speaker, has been a very exhaustive 7 to 8 years in bringing to a final product and getting consensus from both sides of the aisle and both chambers, and the Senator, the author of the bill and a companion package that we ran, has worked diligently with this. It is an important reform for the Delaware River Port Authority.

Again, I thank everyone for their support and ask for a "yes" vote on this bill. Thank you, Mr. Speaker.

The SPEAKER. Representative John Taylor, on the bill.

Mr. TAYLOR. Very briefly, Mr. Speaker.

This bill reflects an interstate compact between Pennsylvania and New Jersey. This language in this bill is exactly the same as that of New Jersey. Should we not pass this or if we change it, then Congress would not be able to act to enact this compact, which is reform of the Delaware River Port Authority.

So as a result, Mr. Speaker, I would ask for a "yes" vote on this bill.

On the question recurring,
Shall the bill pass finally?

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

(Members proceeded to vote.)

LEAVES OF ABSENCE

The SPEAKER. Representative Margo DAVIDSON has requested to be placed on leave. Without objection, that will be granted.

It is my understanding that Representative Curtis THOMAS has requested to be placed on leave. Without objection, that will be granted.

CONSIDERATION OF SB 286 CONTINUED

On the question recurring,
Shall the bill pass finally?

The following roll call was recorded:

YEAS—117

Adolph	Godshall	McGinnis	Roae
Baker	Greiner	Mentzer	Rothman
Barrar	Grove	Metcalfe	Saccone
Benninghoff	Hahn	Metzgar	Sankey
Bloom	Harhart	Miccarelli	Santora
Boback	Harper	Millard	Saylor
Brown, R.	Harris, A.	Miller, B.	Schemel
Causar	Heffley	Milne	Simmons
Christiana	Helm	Moul	Sonney
Corbin	Hennessey	Murt	Staats
Cox	Hickernell	Mustio	Stephens
Culver	Hill	Nelson	Tallman
Cutler	Irvin	Nesbit	Taylor
Day	James	O'Neill	Tobash
Delozier	Jozwiak	Oberlander	Toepel
Diamond	Kampf	Ortity	Toohil
DiGirolamo	Kaufer	Parker, D.	Topper
Dunbar	Kauffman	Payne	Truitt
Dush	Keller, F.	Peifer	Vereb
Ellis	Keller, M.K.	Petri	Ward
Emrick	Klunk	Pickett	Warner
English	Knowles	Pyle	Watson
Evankovich	Lawrence	Quigley	Wentling
Everett	Lewis	Quinn, C.	Wheeland
Farry	Mackenzie	Quinn, M.	White
Fee	Major	Rader	Zimmerman
Gabler	Maloney	Rapp	
Gillen	Marshall	Reed	Turzai,
Gillespie	Marsico	Reese	Speaker
Gingrich	Masser	Regan	

NAYS—73

Artis	Dean	Kavulich	O'Brien
Barbin	Deasy	Keller, W.	Pashinski
Bizzarro	DeLissio	Kim	Petrarca
Boyle	Dermody	Kinsey	Ravenstahl
Bradford	Donatucci	Kirkland	Readshaw
Briggs	Driscoll	Kortz	Roebuck
Brown, V.	Fabrizio	Kotik	Rozzi
Burns	Farina	Krueger	Sainato
Caltagirone	Flynn	Longietti	Samuelson
Carroll	Frankel	Markosek	Schlossberg
Cohen	Freeman	Matzie	Schreiber
Conklin	Galloway	McCarter	Schweyer
Costa, D.	Gibbons	McClinton	Sims
Costa, P.	Goodman	McNeill	Snyder
Cruz	Hanna	Miller, D.	Sturla
Daley, M.	Harhai	Mullery	Vitali
Daley, P.	Harkins	Neilson	Wheatley
Davis	Harris, J.	Neuman	Youngblood
Dawkins			

NOT VOTING—0

EXCUSED—13

Acosta	Evans	Maher	Santarsiero
Bullock	Gainey	Mahoney	Savage
Davidson	Gergely	Ross	Thomas
DeLuca			

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 with amendment in which the concurrence of the Senate is requested.

CALENDAR CONTINUED

BILL ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 2303, PN 3794**, entitled:

An Act amending Title 3 (Agriculture) of the Pennsylvania Consolidated Statutes, making editorial changes; consolidating an article of The Administrative Code of 1929 relating to race horse industry reform; further providing for Pennsylvania Breeding Fund; and making a related repeal.

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

The SPEAKER. Now, the good gentleman, Representative Causer, has three amendments. They are 9829, 9909, and 10309.

Representative Causer, do you intend to offer all three amendments, sir?

Mr. CAUSER. Mr. Speaker, I am withdrawing one amendment and offering two subsequent amendments. If I could offer A09829 first, it would be appreciated.

The SPEAKER. Okay, so we will do 9829 first.

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

Mr. CAUSER offered the following amendment No. **A09829**:

Amend Bill, page 40, lines 19 through 21, by striking out "If a commissioner disqualifies himself under this" in line 19 and all of lines 20 and 21 and inserting

(Reserved).

Amend Bill, page 57, lines 12 and 13, by striking out "9326 (relating to admission to racetrack)" and inserting 9329 (relating to interstate simulcasting)

Amend Bill, page 91, line 12, by striking out "chapter" and inserting subchapter

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

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

Mr. CAUSER. Thank you, Mr. Speaker.

Mr. Speaker, I ask for support for A09829. This is purely a technical amendment, and it is agreed to.

The SPEAKER. Representative Carroll, do you wish to speak on that, sir?

Mr. CARROLL. Thank you, Mr. Speaker.

As was stated by the chair, this is an agreed-to technical amendment, and I would appreciate an affirmative vote.

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

The following roll call was recorded:

YEAS—190

Adolph	Everett	Krueger	Rapp
Artis	Fabrizio	Lawrence	Ravenstahl
Baker	Farina	Lewis	Readshaw
Barbin	Farry	Longietti	Reed
Barrar	Fee	Mackenzie	Reese
Benninghoff	Flynn	Major	Regan
Bizzarro	Frankel	Maloney	Roae
Bloom	Freeman	Markosek	Roebuck
Boback	Gabler	Marshall	Rothman
Boyle	Galloway	Marsico	Rozzi
Bradford	Gibbons	Masser	Saccone
Briggs	Gillen	Matzie	Sainato
Brown, R.	Gillespie	McCarter	Samuelson
Brown, V.	Gingrich	McClinton	Sankey
Burns	Godshall	McGinnis	Santora
Caltagirone	Goodman	McNeill	Saylor
Carroll	Greiner	Mentzer	Schemel
Causer	Grove	Metcalfe	Schlossberg
Christiana	Hahn	Metzgar	Schreiber
Cohen	Hanna	Miccarelli	Schweyer
Conklin	Harhai	Millard	Simmons
Corbin	Harhart	Miller, B.	Sims
Costa, D.	Harkins	Miller, D.	Snyder
Costa, P.	Harper	Milne	Sonney
Cox	Harris, A.	Moul	Staats
Cruz	Harris, J.	Mullery	Stephens
Culver	Heffley	Murt	Sturla
Cutler	Helm	Mustio	Tallman
Daley, M.	Hennessey	Neilson	Taylor
Daley, P.	Hickernell	Nelson	Tobash
Davis	Hill	Nesbit	Toepel
Dawkins	Irvin	Neuman	Toohil
Day	James	O'Brien	Topper
Dean	Jozwiak	O'Neill	Truitt

Deasy	Kampf	Oberlander	Vereb
DeLissio	Kaufer	Ortitay	Vitali
Delozier	Kauffman	Parker, D.	Ward
Dermody	Kavulich	Pashinski	Warner
Diamond	Keller, F.	Payne	Watson
DiGirolamo	Keller, M.K.	Peifer	Wentling
Donatucci	Keller, W.	Petrarca	Wheatley
Driscoll	Kim	Petri	Wheeland
Dunbar	Kinsey	Pickett	White
Dush	Kirkland	Pyle	Youngblood
Ellis	Klunk	Quigley	Zimmerman
Emrick	Knowles	Quinn, C.	
English	Kortz	Quinn, M.	Turzai,
Evankovich	Kotik	Rader	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—13

Acosta	Evans	Maher	Santarsiero
Bullock	Gainey	Mahoney	Savage
Davidson	Gergely	Ross	Thomas
DeLuca			

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, do you wish to offer 9909?

Mr. CAUSER. Mr. Speaker, I am withdrawing that amendment.

The SPEAKER. Sir, do you wish to offer 10309?

Mr. CAUSER. Yes, please.

On the question recurring,

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

Mr. CAUSER offered the following amendment No. **A10309**:

Amend Bill, page 63, by inserting between lines 27 and 28 (a.1) Effective dates.—If at least \$10,000,000 more than the amount deposited into the Pennsylvania Breeding Fund in 2016 under subsection (a) is deposited into the Pennsylvania Breeding Fund, this subsection and subsection (d.1) shall become effective on January 1 of the year following the effective date of the deposit, and shall remain effective for each year the deposit amount under this subsection is met. If, in any year the funding requirement under this subsection is not met, subsections (c) and (d) shall remain in effect for the following year.

Amend Bill, page 64, by inserting between lines 21 and 22

(3) An award of 10% of the purse earned by any registered Pennsylvania-bred thoroughbred race horse that finishes first in any race not restricting entry to registered Pennsylvania-bred thoroughbred race horses conducted by a licensed racing entity under this chapter shall be paid to the owner of the registered Pennsylvania-bred thoroughbred race horse at the time of winning. A single award under this paragraph may not exceed .5% of the total annual fund money.

Amend Bill, page 64, line 22, by striking out "(3)" and inserting

(4)

Amend Bill, page 65, line 27, by striking out "breeder and stallion"

Amend Bill, page 65, line 27, by inserting after "awards" under subsection (b) or (b.1)

Amend Bill, page 66, lines 4 and 5, by striking out "at 11:59 p.m. on" in line 4 and all of line 5 and inserting

upon the date subsection (a.1) is implemented. If in any year the funding requirement under subsection (a.1) is not met, this subsection shall remain in effect for that year.

Amend Bill, page 66, lines 7 and 8, by striking out "(b)(1) and (2)" and inserting

(b) or (b.1)

Amend Bill, page 66, lines 23 and 24, by striking out "at 11:59 p.m. on" in line 23 and all of line 24 and inserting

upon the date subsection (a.1) is implemented. If in any year the funding requirement under subsection (a.1) is not met, this subsection shall remain in effect for that year.

Amend Bill, page 66, line 26, by striking out "each year"

Amend Bill, page 66, line 29, by striking out "breeder and stallion"

Amend Bill, page 97, line 1, by striking out "9336(b.1)," and inserting

9336(a.1), (b.1),

On the question,

Will the House agree to the amendment?

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

Mr. CAUSER. Thank you, Mr. Speaker.

Mr. Speaker, I am asking for support for A10309. This makes technical changes and also changes to the distribution of remaining money for a new structure for restricted races. It is important that we move this bill forward so that we can get these breeder awards out to the breeders in Pennsylvania. And this is an agreed-to amendment.

LETTER SUBMITTED FOR THE RECORD

Mr. CAUSER. I have a letter that I would also like to submit for the record from the Secretary of Agriculture in support of this amendment.

And as I said, it is agreed to, and I would appreciate the support of the membership.

Mr. CAUSER submitted a letter for the Legislative Journal.

(For letter, see Appendix.)

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

Mr. CARROLL. Thank you, Mr. Speaker.

Mr. Speaker, I would like to thank the chair of the committee for his superior work on this amendment. This, as was stated, does encapsulate the agreement that solves this problem that we have, and I would ask for an affirmative vote as well.

The SPEAKER. Thank you, sir.

On the question recurring,

Will the House agree to the amendment?

(Members proceeded to vote.)

LEAVE OF ABSENCE

The SPEAKER. It is my understanding that Representative CRUZ wishes to be placed on leave for the remainder of the day. Without objection, that will be granted.

CONSIDERATION OF HB 2303 CONTINUED

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

The following roll call was recorded:

YEAS—189

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

NAYS—0

NOT VOTING—0

EXCUSED—14

Acosta	DeLuca	Maher	Santarsiero
Bullock	Evans	Mahoney	Savage
Cruz	Gainey	Ross	Thomas
Davidson	Gergely		

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?

The SPEAKER. Representative Carroll offers two amendments, 9673 and 9834.

Representative Carroll, which of the amendments do you prefer? So we will call up 9673 at this time.

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

Mr. CAUSER offered the following amendment No. A09673:

Amend Bill, page 39, line 29, by inserting after "commissioner"
, except the commissioner appointed under section 9311(b)(3).

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

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

Mr. CARROLL. Thank you, Mr. Speaker.

Mr. Speaker, amendment A9673 is technical in nature, but to summarize what it does, it removes the prohibition on the Secretary of Ag from ex parte communications because he would be an ex officio member who does not vote.

The SPEAKER. Thank you, sir.

Representative Causer, on the amendment, sir.

Mr. CAUSER. Thank you, Mr. Speaker.

Mr. Speaker, I would like to thank the gentleman for offering this amendment. It is technical in nature but very important, and I would ask the members to support the amendment, and also thank the gentleman for all his work on this particular bill.

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

The following roll call was recorded:

YEAS—189

Adolph	Fabrizio	Lawrence	Ravenstahl
Artis	Farina	Lewis	Readshaw
Baker	Farry	Longietti	Reed
Barbin	Fee	Mackenzie	Reese

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

NAYS—0

NOT VOTING—0

EXCUSED—14

Acosta	DeLuca	Maher	Santarsiero
Bullock	Evans	Mahoney	Savage
Cruz	Gainey	Ross	Thomas
Davidson	Gergely		

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?

The SPEAKER. Representative Carroll has indicated that amendment 9834 will be withdrawn.

On the question recurring,

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

Mr. STEPHENS offered the following amendment
No. A09907:

Amend Bill, page 67, by inserting between lines 17 and 18

(4) An owner of a horse that receives a bonus or purse under this subsection shall only receive the bonus or purse if the winning thoroughbred race horse was stabled in Pennsylvania for at least 180 days of the calendar year in which the bonus or purse was earned.

On the question,

Will the House agree to the amendment?

The SPEAKER. On the question, the Chair recognizes Representative Todd Stephens.

Mr. STEPHENS. Thank you, Mr. Speaker.

Mr. Speaker, for years I have been trying to get some accountability and transparency into the Race Horse Development Fund and the funds that are distributed therefrom — \$250 million each year going out the door.

And frankly, there is zero accountability, zero accountability. We do not assess whether or not we are actually creating jobs in Pennsylvania. We do not assess whether or not these horses are coming from Maryland or Ohio or Kentucky, or frankly, the Middle East. There have been stories run in newspapers from, you know, sheiks who own horses that are racing them here in Pennsylvania. They stay here a few days, maybe a week or two, and then they go back to wherever they are being stabled.

So this amendment is very simple. All it does is say, hey, look, if you are going to get one of these supplements, you are going to get one of these bonuses, then we want to make sure that you are actually spending money in Pennsylvania, employing people in Pennsylvania. So whether you are using hay and straw from Pennsylvania, farriers and blacksmiths from Pennsylvania, veterinarians from Pennsylvania, we want to make sure that you are using Pennsylvania services for these racehorses, Mr. Speaker.

So this amendment simply says, you need to stable your racehorse in Pennsylvania for 6 months if you are going to take home one of these bonuses.

So I would urge the members to support this measure and we begin to put some accountability into this \$250 million piece of corporate welfare that goes out the door every year.

Thank you, Mr. Speaker.

The SPEAKER. Thank you, sir.

Representative Stan Saylor, on the amendment.

Mr. SAYLOR. Thank you, Mr. Speaker.

I want to rise to oppose the Stephens amendment.

I will give you an example. You have a horse that races in Presque Isle in Erie. Erie's racetrack is shut down for a great part of the winter months, of course, so you may bring your horse back and have it win a race in May, and then guess what? You have to wait 6 months to collect your winnings. Those are the kinds of things that will take place if this amendment goes in. Pennsylvania owners and Pennsylvania horses will be under the same way this amendment is drafted.

I ask for a negative vote. Let us not punish Pennsylvania horses and Pennsylvania owners simply because they take their horse out of State to race while the winter months are here. So I rise to ask for a negative vote on the Stephens amendment.

The SPEAKER. Representative Causer, on the amendment.

Mr. CAUSER. Thank you, Mr. Speaker.

Mr. Speaker, I reluctantly rise to ask the gentleman to also either withdraw or ask the members to vote "no" on the Stephens amendment.

I think that it is problematic in several ways. In concept, I do not necessarily disagree, but with the reasons that Chairman Saylor just noted and also the problematic nature of the language, certainly this amendment could be very problematic, and I ask the members to not support, to vote "no" on this amendment.

The SPEAKER. Representative DiGirolamo.

Mr. DiGIROLAMO. Thank you, Mr. Speaker.

I agree with the chairman and ask for a "no" vote on the amendment.

The SPEAKER. Representative Todd Stephens, for the second time.

Mr. STEPHENS. Thank you, Mr. Speaker.

Mr. Speaker, look, I just wanted to thank the good gentleman from York for pointing out the days of racing up at Presque Isle, but the great news is, right down in the gentleman from Bucks' district is Parx. And so the horses from Presque Isle that cannot race in the winter can certainly traverse the State and go down to Parx and they can race there. So there is plenty of racing available in Pennsylvania, and I am sure that these fine owners would love to keep their horses in Pennsylvania and therefore keep their dollars in Pennsylvania.

I ask for an affirmative vote. Thank you, Mr. Speaker.

The SPEAKER. Representative Mike Carroll, on the amendment.

Mr. CARROLL. Thank you, Mr. Speaker.

Mr. Speaker, a significant amount of work went into this bill and these amendments, and really, I think at this point to jeopardize the agreement and the complex nature of this whole arrangement, I think the smart move today is to reject the Stephens amendment and advance this bill forward. Let us solve the problem we have with the breeders that was so eloquently executed by the chair of the committee and end this debate today.

So I ask for a "no" vote.

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

The following roll call was recorded:

YEAS—12

Barrar	Irvin	Miller, D.	Stephens
Brown, R.	McGinnis	Murt	Toohil
Harper	Millard	Regan	Vereb

NAYS—177

Adolph	Everett	Kotik	Rapp
Artis	Fabrizio	Krueger	Ravenstahl
Baker	Farina	Lawrence	Readshaw
Barbin	Farry	Lewis	Reed
Benninghoff	Fee	Longietti	Reese
Bizzarro	Flynn	Mackenzie	Roae
Bloom	Frankel	Major	Roebuck
Boback	Freeman	Maloney	Rothman
Boyle	Gabler	Markosek	Rozzi
Bradford	Galloway	Marshall	Saccone
Briggs	Gibbons	Marsico	Sainato
Brown, V.	Gillen	Masser	Samuelson

Burns	Gillespie	Matzie	Sankey
Caltagirone	Gingrich	McCarter	Santora
Carroll	Godshall	McClinton	Saylor
Causer	Goodman	McNeill	Schemel
Christiana	Greiner	Mentzer	Schlossberg
Cohen	Grove	Metcalfe	Schreiber
Conklin	Hahn	Metzgar	Schweyer
Corbin	Hanna	Miccarelli	Simmons
Costa, D.	Harhai	Miller, B.	Sims
Costa, P.	Harhart	Milne	Snyder
Cox	Harkins	Moul	Sonney
Culver	Harris, A.	Mullery	Staats
Cutler	Harris, J.	Mustio	Sturla
Daley, M.	Heffley	Neilson	Tallman
Daley, P.	Helm	Nelson	Taylor
Davis	Hennessey	Nesbit	Tobash
Dawkins	Hickernell	Neuman	Toepel
Day	Hill	O'Brien	Topper
Dean	James	O'Neill	Truitt
Deasy	Jozwiak	Oberlander	Vitali
DeLissio	Kampf	Ortitay	Ward
Delozier	Kaufer	Parker, D.	Warner
Dermody	Kauffman	Pashinski	Watson
Diamond	Kavulich	Payne	Wentling
DiGirolamo	Keller, F.	Peifer	Wheatley
Donatucci	Keller, M.K.	Petrarca	Wheeland
Driscoll	Keller, W.	Petri	White
Dunbar	Kim	Pickett	Youngblood
Dush	Kinsey	Pyle	Zimmerman
Ellis	Kirkland	Quigley	
Emrick	Klunk	Quinn, C.	Turzai,
English	Knowles	Quinn, M.	Speaker
Evankovich	Kortz	Rader	

NOT VOTING—0

EXCUSED—14

Acosta	DeLuca	Maher	Santarsiero
Bullock	Evans	Mahoney	Savage
Cruz	Gainey	Ross	Thomas
Davidson	Gergely		

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

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

The SPEAKER. There are no further amendments on this bill.

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

Bill as amended was agreed to.

The SPEAKER. The bill as amended will be reprinted.

Members, I ask everybody to please take their seats. It is hard to believe it is at the time of the session where members who are moving on to different endeavors will begin addressing this august chamber. So I would ask everybody to please take their seats. Each and every one of us at some point will avail ourselves of this opportunity. I would ask any conversations to be taken off the House floor.

**FAREWELL ADDRESS
BY MR. REGAN**

The SPEAKER. Representative Mike Regan has served the 92d District of Cumberland and York Counties for the last 4 years, having been elected in 2012. He currently serves as the secretary of the Insurance Committee as well as serving on the Judiciary, Liquor Control, and Veterans Affairs and Emergency Preparedness Committees. Prior to his election, he served as a U.S. marshal, and was the U.S. marshal for the middle district.

He resides in Carroll Township with his lovely wife, Fran, who is with us today. Fran, could you please stand for a second. Thank you. They have four children, and with Michael and Fran today is his daughter, Brooke. Brooke, thank you for being here today.

Soon I know he is headed to a different chamber. He will tell you a little bit about that. So we will still be seeing a good bit of our good friend, but at this time Mike Regan is here to address us for the last time.

Mr. REGAN. I am sorry, who are you people?

Mr. Speaker, thank you so much.

And I am going to start by saying something about you, Mr. Speaker. During my entire 4 years here, you were leader and then Speaker, and you have been so courteous to me in so many different ways. You have been a true leader, a good friend, and someone I could trust, and I thank you so much for your service. It has been a huge honor to serve under your watch. Thank you so much for that. Thank you.

So the Speaker was so kind to introduce Fran and Brooke. They are here, but I also have my daughter, Shea, who is at Penn State right now watching this streaming live on PCN (Pennsylvania Cable Network). So, Shea, I love you. I hope she is studying.

I do not think I have been here long enough to really give a long and grandiose speech; I reserve that for the guys who have served long and distinguished careers. But there are, I think, some things that happened over the last 4 years in this august chamber that I would like to share with you that I think will probably stay with me for the rest of my life, beginning with having shared a Yuengling Lager with the Governor in the Governor's Mansion the night, the first time we passed a real privatization bill. That was really kind of a memorable experience. Unfortunately, we have not gotten that full privatization across the finish line. I am hopeful that is going to happen soon.

The gauntlet that I had to run during the vote on transportation on my way to a "no" vote was really an educational experience, because I got hit by some really big names along the way during that process, and that was extremely interesting and kind of a welcome-to-the-legislature moment for me.

Honoring the U.S. marshals who apprehended Eric Frein on the House floor was a really big day for me, kind of a sentimental day, that I was able to participate and honor guys whom I once served with. Thank you for giving me that honor, Mr. Speaker.

Being asked to and being able to second the nomination of the Speaker of the House in caucus and on the House floor was a huge honor. A little nerve-racking on the day of his swearing-in, but it was really a neat experience and something I will never forget.

Oh, also medical marijuana. I mean, gosh; that whole process. The moms and all the debate and all the talking and all the members that I reached out to and asked for help, which culminated with the vote that day which passed, was I think, probably, if I am ever, in the rest of my time here, if I am ever able to do anything that is equal to that, I will be very lucky. So thank you so much for that bipartisan vote and thank you so much to our leaders for running that bill.

But probably most of all I will remember the friendships. You know, my first 2 years I was able to sit on the Republican side of the aisle between Dan Moul and John and Keith and those guys, and it was a great experience. I was a little claustrophobic, though, between those two guys, and you had Moul yelling at Gillespie at the other end. It was like, give me a little information overload, and I felt like I needed to move to an aisle seat, but the aisle seat was on the Democrat side, and I remember saying, "I'm not sure if I want that because I think I'm going to get abused." But I went over to the Democrat side, and it was really a great experience. I mean, a lot of really nice people, such a valuable experience for me to have friends over there, and I think it has helped me, you know, in my quest to pass legislation, but also in meeting and knowing some really wonderful people. Thank you, guys. I really appreciate your hospitality on that side of the aisle. You guys are great.

I have to say, though, to my Republican friends, I hate to say it, but I have to say that the Democrats are a little funnier than the Republicans. So Matzie's comments, his comments are hysterically stinging – and rude and ignorant – but they are funny, I have got to tell you that.

You know, I honestly will miss you all very much. And as the Speaker alluded to, if I am fortunate enough to be elected to the Senate, I just want to say that if you see me in the hallway and I do not make eye contact with you and I act like I do not really know who you are, just know that in my heart that I do love you.

Thank you so much for your service. It has been my great honor to serve with you. Godspeed, everybody. Thank you.

The SPEAKER. Mike, to an outstanding public servant, an outstanding legislator, in your 4 years here, you have worked on significant and substantive pieces of legislation that have had significant, long-term, positive impact. May you continue that career in the Senate. And please know we will be looking directly at you when we see you in the hallways and saying "Mike, Mike."

Keep up the great work. Thank you very, very much.

And to your lovely family, thank you.

(Commemorative gavel was presented.)

LEAVES OF ABSENCE CANCELED

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

Representative Margo Davidson is back on the House floor and should be placed back on the master roll.

BILLS ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 2338, PN 3838**, entitled:

An Act providing for student protection during the transition of a postsecondary education institution to new accreditation.

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

Mr. **ADOLPH** offered the following amendment
No. **A10351**:

Amend Bill, page 2, line 6, by inserting after "assistance."
When advancing financial assistance funds during a school's transition to new accreditation, the Pennsylvania Higher Education Assistance Agency may follow the United States Department of Education's issuance of Federal Title IV financial assistance, along with any other terms and conditions applied during this transition.

Amend Bill, page 2, by inserting between lines 27 and 28

(c) Student disclosures.—During the transition period to new accreditation, the institution shall provide a disclosure to the recipients of any State aid provided for in subsection (a)(1). This disclosure shall provide the status of the institution's application for new accreditation. It may also contain other information important to students.
Section 3. Notice.

The Pennsylvania Higher Education Assistance Agency shall publish guidance on its publicly accessible Internet website for implementation of this act.

Amend Bill, page 2, line 28, by striking out "3" and inserting

4 Amend Bill, page 2, line 30, by striking out "4" and inserting

5

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

The **SPEAKER**. On the amendment, the Chair recognizes Representative Adolph.

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

Mr. Speaker, Representative Gabler's bill addresses the concern that these schools would be without State financial aid since one of the requirements for receiving aid is that the school must be accredited.

This amendment has been agreed to by the prime sponsor and the stakeholders. It gives the Pennsylvania Higher Education Assistance Agency the discretion to follow the Federal government's transition process for institutions affected by the bill when advancing financial aid. It also requires disclosure to students regarding the status of an institution's application for a new accreditation, and requires the Pennsylvania Higher Education Assistance Agency to publish guidance on its Web site.

I appreciate a positive vote on this amendment. Thank you.

The **SPEAKER**. Representative Gabler, on the amendment.

Mr. **GABLER**. Thank you very much, Mr. Speaker.

I thank the good chairman for offering the amendment. This amendment does provide some language that PHEAA was requesting, and this would be a great improvement to the bill. I ask for an affirmative vote. Thank you very much.

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

The following roll call was recorded:

YEAS—191

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

NAYS—0

NOT VOTING—0

EXCUSED—12

Acosta	DeLuca	Gergely	Ross
Bullock	Evans	Maher	Santarsiero
Cruz	Gainey	Mahoney	Savage

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

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

The SPEAKER. The bill as amended will be reprinted.

* * *

The House proceeded to second consideration of **HB 1968, PN 3881**, entitled:

An Act authorizing the Department of General Services, with the approval of the Pennsylvania Historical and Museum Commission and the Governor, to grant and convey to the Bradford House Historical Association certain lands situate in the City of Washington, Washington County; and to grant and convey, at a price to be determined through a competitive bid process, certain lands, buildings and improvements situate in South Strabane Township, Washington County.

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

Mr. **RADER** offered the following amendment No. **A10330**:

Amend Bill, page 1, line 8, by striking out the period after "COUNTY" and inserting ; and authorizing the Department of General Services, with the approval of the Department of Military and Veterans Affairs and the Governor, to grant and convey to the Salvation Army, or its successors or assigns, certain lands, buildings and improvements situate in the Borough of East Stroudsburg, Monroe County.

Amend Bill, page 13, by inserting between lines 17 and 18 Section 3. Conveyance in East Stroudsburg Borough, Monroe County.

(a) Authorization.—The Department of General Services, with the approval of the Department of Military and Veterans Affairs and the Governor, is hereby authorized on behalf of the Commonwealth of Pennsylvania to grant and convey to the Salvation Army, or its successors or assigns, the following tract of land together with any buildings, structures or improvements thereon, situate in the Borough of East Stroudsburg, Monroe County, for \$75,000, and under terms and conditions to be established in an Agreement of Sale with the Department of General Services.

(b) Property description.—The property to be conveyed pursuant to subsection (a) consists of approximately 0.60-acres of land and improvements located thereon, bounded and more particularly described as follows:

ALL THAT CERTAIN lot or piece of land with improvements thereon erected, situate in the Borough of East Stroudsburg, County of Monroe and Commonwealth of Pennsylvania, bounded and described, as follows, to wit:

BEGINNING at an iron bolt in the southeasterly side of Washington Street, a corner of this and also of lands now or late of William A. Gilbert Company, thence extending along the southeasterly side of Washington Street, with bearings from the Magnetic Meridian of 1902, north thirty-four degrees fifteen minutes east, one hundred and eleven feet to a corner of lands now or formerly of Edith Brockley, thence by the said land crossing the head of a certain alley fifteen feet wide, (which head line of said alley is fifteen and forty-seven one-hundredths feet) and extending along other land of Luther S. Hoffmann and others of which this was part, two hundred and twenty-seven and fifty-seven one-hundredths feet to a point, thence by other land of Luther S. Hoffmann, south twenty-seven degrees thirty-five minutes east forty-two and three-tenths feet to a corner of concrete wall in the northwesterly side of East Brown or Brown Street, thence south sixty-two degrees fifteen minutes west along the said side of East Brown or Brown Street one hundred and two and five-tenths feet to an iron bolt a corner of this and land now or late of William A. Gilbert Company, thence along the same north fifty-five degrees forty minutes west two hundred and fifteen and one-tenth feet to the place of BEGINNING.

Containing 0.60 acres, more or less.
BEING Parcel ID No. 05730120719604.

BEING the same premises conveyed from Monroe Armory Association, to the Commonwealth of Pennsylvania, by deed dated October 11, 1922 and recorded in the Monroe County Recorder of Deeds Office in Deed Book Volume 88, Page 2.

(c) Requirement for conveyance.—The conveyance shall be made under and subject to all lawful and enforceable easements, servitudes and rights of others, including but not confined to streets, roadways and rights of any telephone, telegraph, water, electric, gas or pipeline companies, as well as under and subject to any lawful and enforceable estates or tenancies vested in third persons appearing of record, for any portion of the land or improvements erected thereon.

(d) Condition.—Any conveyance authorized under this section shall be made under and subject to the condition, which shall be contained in the deed of conveyance, that no portion of the property conveyed shall be used as a licensed facility, as defined in 4 Pa. C.S. § 1103 (relating to definitions), or any other similar type of facility authorized under State law. The condition shall be a covenant running with the land and shall be binding upon the Grantee, its successors and assigns. Should the Grantee, its successors or assigns, permit any portion of the property authorized to be conveyed in this act to be used in violation of this subsection, the title shall immediately revert to and revest in the Grantor.

(e) Discretion of Secretary of General Services.—The Secretary of the Department of General Services shall have the authority to impose any covenants, conditions and restrictions as deemed in the best interests of the Commonwealth.

(f) Deed.—The deed of conveyance shall be by Special Warranty Deed and shall be executed by the Secretary of General Services in the name of the Commonwealth of Pennsylvania.

(g) Costs and fees.—Costs and fees incidental to this conveyance shall be borne by the Grantee.

(h) Deposit of proceeds.—The proceeds from the sale shall be deposited in the State Treasury Armory Fund.

(i) Alternate disposition.—In the event that this conveyance is not executed per the terms and conditions as established in the Agreement of Sale, with the Department of General Services, the property may be disposed of by competitive bid.

Amend Bill, page 13, line 18, by striking out "3" and inserting 4

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

The SPEAKER. On the question, the Chair recognizes Representative Rader for a summary of the amendment.

Mr. RADER. Thank you, Mr. Speaker.

This just authorizes DGS (Department of General Services), with the Department of Military and Veterans Affairs, to grant and convey approximately .60 acres of land located in the Borough of East Stroudsburg, Monroe County, to the Salvation Army for \$75,000. This money will be deposited into the State Treasury Armory Fund.

I appreciate a "yes" vote on the amendment. Thank you.

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

The following roll call was recorded:

YEAS—190

Adolph	Everett	Krueger	Rapp
Artis	Fabrizio	Lawrence	Ravenstahl
Baker	Farina	Lewis	Readshaw
Barbin	Farry	Longietti	Reed
Barrar	Fee	Mackenzie	Reese
Benninghoff	Flynn	Major	Regan

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

NAYS-0

NOT VOTING-1

Schlossberg

EXCUSED-12

Acosta	DeLuca	Gergely	Ross
Bullock	Evans	Maher	Santarsiero
Cruz	Gainey	Mahoney	Savage

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

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

The SPEAKER. The bill as amended will be reprinted.

* * *

The House proceeded to second consideration of **SB 1062, PN 1679**, entitled:

An Act amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in burglary and other criminal intrusions, further providing for burglary; and, in sentencing, providing for sentencing for burglary.

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

Mr. **STEPHENS** offered the following amendment
No. **A09661**:

Amend Bill, page 1, line 4, by inserting after "burglary; "
in minors, further providing for sentencing and penalties for trafficking drugs to minors and for drug-free school zones; in other offenses, further providing for drug trafficking sentencing and penalties; and, in sentencing, further providing for sentences for offenses committed with firearms, for sentences for certain drug offenses committed with firearms, for sentences for offenses committed on public transportation, for sentences for offenses against elderly persons, for sentences for offenses against infant persons, for sentence for failure to comply with registration of sexual offenders, for sentences for offenses committed while impersonating a law enforcement officer

Amend Bill, page 1, line 4, by striking out ", IN SENTENCING,"
Amend Bill, page 2, by inserting after line 30

Section 2. Sections 6314, 6317 and 7508(a), (b) and (d) of Title 18 are amended to read:

§ 6314. Sentencing and penalties for trafficking drugs to minors.

(a) General rule.—A person over 18 years of age who is convicted in any court of this Commonwealth of a violation of section 13(a)(14) or (30) of the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act, shall, if the delivery or possession with intent to deliver of the controlled substance was to a minor, be sentenced to a minimum sentence of at least one year total confinement, notwithstanding any other provision of this title or other statute to the contrary.

(b) Additional penalties.—In addition to the mandatory minimum sentence set forth in subsection (a), the person shall be sentenced to an additional minimum sentence of at least two years total confinement, notwithstanding any other provision of this title or other statute to the contrary, if the person did any of the following:

(1) Committed the offense with the intent to promote the habitual use of the controlled substance.

(2) Intended to engage the minor in the trafficking, transportation, delivery, manufacturing, sale or conveyance.

(3) Committed the offense within 1,000 feet of the real property on which is located a public, private or parochial school or a college or university.

(4) Committed the offense on a school bus or within 500 feet of a school bus stop.

(c) [Proof at sentencing.—The provisions of this section shall not be an element of the crime. Notice of the applicability of this section to the defendant shall not be required prior to conviction, but reasonable notice of the Commonwealth's intention to proceed under this section shall be provided after conviction and before sentencing. The applicability of this section shall be determined at sentencing. The court shall consider evidence presented at trial, shall afford the Commonwealth and the defendant an opportunity to present necessary additional evidence, and shall determine, by a preponderance of the evidence, if this section is applicable.] Application of mandatory minimum penalty.—Any provision of this section that requires

imposition of a mandatory minimum sentence shall constitute an element enhancing the underlying offense. Any enhancing element must be proven beyond a reasonable doubt at trial on the underlying offense and must be submitted to the fact-finder for deliberation together with the underlying offense. If the fact-finder finds the defendant guilty of the underlying offense, the fact-finder shall then also decide whether any enhancing element has been proven.

(d) Authority of court in sentencing.—There shall be no authority for a court to impose on a defendant to which this section is applicable a lesser sentence than provided for in [subsection (a)] subsections (a) and (b), to place the defendant on probation or to suspend sentence. Nothing in this section shall prevent the sentencing court from imposing a sentence greater than that provided in this section. Sentencing guidelines promulgated by the Pennsylvania Commission on Sentencing shall not supersede the mandatory sentences provided in this section. Disposition under section 17 or 18 of The Controlled Substance, Drug, Device and Cosmetic Act shall not be available to a defendant to which this section applies.

(e) Appeal by Commonwealth.—[If a sentencing court refuses to apply this section where applicable, the Commonwealth shall have the right to appellate review of the action of the sentencing court. The appellate court shall vacate the sentence and remand the case to the sentencing court for imposition of a sentence in accordance with this section if it finds that the sentence was imposed in violation of this section.] If the fact-finder has found any enhancing element and a sentencing court imposes a sentence below the mandatory minimum sentence, the Commonwealth shall have the right to appellate review of the sentence. If the appellate court finds that the mandatory sentencing provision was applicable, the court shall vacate the sentence and remand for resentencing in accordance with that provision.

(f) Forfeiture.—Assets against which a forfeiture petition has been filed and is pending or against which the Commonwealth has indicated an intention to file a forfeiture petition shall not be subject to a fine under this section.

(g) Definition.—As used in this section, the term "minor" means an individual under 18 years of age.
§ 6317. Drug-free school zones.

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

(1) subject to this section; and

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

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

(b) [Proof at sentencing.—The provisions of this section shall not be an element of the crime. Notice of the applicability of this section to the defendant shall not be required prior to conviction, but reasonable notice of the Commonwealth's intention to proceed under this section shall be provided after conviction and before sentencing. The applicability of this section shall be determined at sentencing. The court shall consider evidence presented at trial, shall afford the Commonwealth and the defendant an opportunity to present necessary additional evidence and shall determine by a preponderance of the evidence if this section is applicable.] Application of mandatory

minimum penalty.—Any provision of this section that requires imposition of a mandatory minimum sentence shall constitute an element enhancing the underlying offense. Any enhancing element must be proven beyond a reasonable doubt at trial on the underlying offense and must be submitted to the fact-finder for deliberation together with the underlying offense. If the fact-finder finds the defendant guilty of the underlying offense, the fact-finder shall then also decide whether any enhancing element has been proven.

(c) Authority of court in sentencing.—There shall be no authority for a court to impose on a defendant to which this section is applicable a lesser sentence than provided for in subsection (a), to place the defendant on probation or to suspend sentence. Nothing in this section shall prevent the sentencing court from imposing a sentence greater than that provided in this section. Sentencing guidelines promulgated by the Pennsylvania Commission on Sentencing shall not supersede the mandatory sentences provided in this section. Disposition under section 17 or 18 of The Controlled Substance, Drug, Device and Cosmetic Act shall not be available to a defendant to which this section applies.

(d) Appeal by Commonwealth.—[If a sentencing court refuses to apply this section where applicable, the Commonwealth shall have the right to appellate review of the action of the sentencing court. The appellate court shall vacate the sentence and remand the case to the sentencing court for imposition of a sentence in accordance with this section if it finds that the sentence was imposed in violation of this section.] If the fact-finder has found any enhancing element and a sentencing court imposes a sentence below the mandatory minimum sentence, the Commonwealth shall have the right to appellate review of the sentence. If the appellate court finds that the mandatory sentencing provision was applicable, the court shall vacate the sentence and remand for resentencing in accordance with that provision.

§ 7508. Drug trafficking sentencing and penalties.

(a) General rule.—Notwithstanding any other provisions of this or any other act to the contrary, the following provisions shall apply:

(1) A person who is convicted of violating section 13(a)(14), (30) or (37) of the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act, where the controlled substance is marijuana shall, upon conviction, be sentenced to a mandatory minimum term of imprisonment and a fine as set forth in this subsection:

(i) when the amount of marijuana involved is at least two pounds, but less than ten pounds, or at least ten live plants but less than 21 live plants; [one year in prison and a fine of \$5,000 or such larger amount as is sufficient to exhaust the assets utilized in and the proceeds from the illegal activity; however], and if at the time of sentencing the defendant has been convicted of another drug trafficking offense: [two years] one year in prison and a fine of \$10,000 or such larger amount as is sufficient to exhaust the assets utilized in and the proceeds from the illegal activity;

(ii) when the amount of marijuana involved is at least ten pounds, but less than 50 pounds, or at least 21 live plants but less than 51 live plants; [three years] one year in prison and a fine of \$15,000 or such larger amount as is sufficient to exhaust the assets utilized in and the proceeds from the illegal activity; however, if at the time of sentencing the defendant has been convicted of another drug trafficking offense: [four] two years in prison and a fine of \$30,000 or such larger amount as is sufficient to exhaust the assets utilized in and the proceeds from the illegal activity; and

(iii) when the amount of marijuana involved is at least 50 pounds, or at least 51 live plants; [five] three years in prison and a fine of \$50,000 or such larger amount as is sufficient to exhaust the assets utilized in and the proceeds from the illegal activity[.]; however, if at the time of sentencing the defendant has been convicted of another drug trafficking offense: five years

in prison and a fine of \$50,000 or such larger amount as is sufficient to exhaust the assets utilized in and the proceeds from the illegal activity.

(2) A person who is convicted of violating section 13(a)(14), (30) or (37) of The Controlled Substance, Drug, Device and Cosmetic Act where the controlled substance or a mixture containing it is classified in Schedule I or Schedule II under section 4 of that act and is a narcotic drug shall, upon conviction, be sentenced to a mandatory minimum term of imprisonment and a fine as set forth in this subsection:

(i) when the aggregate weight of the compound or mixture containing the substance involved is at least 2.0 grams and less than ten grams; two years in prison and a fine of \$5,000 or such larger amount as is sufficient to exhaust the assets utilized in and the proceeds from the illegal activity; however, if at the time of sentencing the defendant has been convicted of another drug trafficking offense: three years in prison and \$10,000 or such larger amount as is sufficient to exhaust the assets utilized in and the proceeds from the illegal activity;

(ii) when the aggregate weight of the compound or mixture containing the substance involved is at least ten grams and less than 100 grams; three years in prison and a fine of \$15,000 or such larger amount as is sufficient to exhaust the assets utilized in and the proceeds from the illegal activity; however, if at the time of sentencing the defendant has been convicted of another drug trafficking offense: five years in prison and \$30,000 or such larger amount as is sufficient to exhaust the assets utilized in and the proceeds from the illegal activity; and

(iii) when the aggregate weight of the compound or mixture containing the substance involved is at least 100 grams; five years in prison and a fine of \$25,000 or such larger amount as is sufficient to exhaust the assets utilized in and the proceeds from the illegal activity; however, if at the time of sentencing the defendant has been convicted of another drug trafficking offense: seven years in prison and \$50,000 or such larger amount as is sufficient to exhaust the assets utilized in and the proceeds from the illegal activity.

(3) A person who is convicted of violating section 13(a)(14), (30) or (37) of The Controlled Substance, Drug, Device and Cosmetic Act where the controlled substance is coca leaves or is any salt, compound, derivative or preparation of coca leaves or is any salt, compound, derivative or preparation which is chemically equivalent or identical with any of these substances or is any mixture containing any of these substances except decocainized coca leaves or extracts of coca leaves which (extracts) do not contain cocaine or ecgonine shall, upon conviction, be sentenced to a mandatory minimum term of imprisonment and a fine as set forth in this subsection:

(i) when the aggregate weight of the compound or mixture containing the substance involved is at least [2.0] 5.0 grams and less than [ten] 25 grams; one year in prison and a fine of \$5,000 or such larger amount as is sufficient to exhaust the assets utilized in and the proceeds from the illegal activity; however, if at the time of sentencing the defendant has been convicted of another drug trafficking offense: [three] two years in prison and \$10,000 or such larger amount as is sufficient to exhaust the assets utilized in and the proceeds from the illegal activity;

(ii) when the aggregate weight of the compound or mixture containing the substance involved is at least [ten] 25 grams and less than 100 grams; [three] two years in prison and a fine of \$15,000 or such larger amount as is sufficient to exhaust the assets utilized in and the

proceeds from the illegal activity; however, if at the time of sentencing the defendant has been convicted of another drug trafficking offense: [five] four years in prison and \$30,000 or such larger amount as is sufficient to exhaust the assets utilized in and the proceeds from the illegal activity; and

(iii) when the aggregate weight of the compound or mixture of the substance involved is at least 100 grams; four years in prison and a fine of \$25,000 or such larger amount as is sufficient to exhaust the assets utilized in and the proceeds from the illegal activity; however, if at the time of sentencing the defendant has been convicted of another drug trafficking offense: [seven] eight years in prison and \$50,000 or such larger amount as is sufficient to exhaust the assets utilized in and the proceeds from the illegal activity.

(4) A person who is convicted of violating section 13(a)(14), (30) or (37) of The Controlled Substance, Drug, Device and Cosmetic Act where the controlled substance is methamphetamine or phencyclidine or is a salt, isomer or salt of an isomer of methamphetamine or phencyclidine or is a mixture containing methamphetamine or phencyclidine, containing a salt of methamphetamine or phencyclidine, containing an isomer of methamphetamine or phencyclidine, containing a salt of an isomer of methamphetamine or phencyclidine shall, upon conviction, be sentenced to a mandatory minimum term of imprisonment and a fine as set forth in this subsection:

(i) when the aggregate weight of the compound or mixture containing the substance involved is at least five grams and less than ten grams; three years in prison and a fine of \$15,000 or such larger amount as is sufficient to exhaust the assets utilized in and the proceeds from the illegal activity; however, if at the time of sentencing the defendant has been convicted of another drug trafficking offense: five years in prison and \$30,000 or such larger amount as is sufficient to exhaust the assets utilized in and the proceeds from the illegal activity;

(ii) when the aggregate weight of the compound or mixture containing the substance involved is at least ten grams and less than 100 grams; four years in prison and a fine of \$25,000 or such larger amount as is sufficient to exhaust the assets utilized in and the proceeds from the illegal activity; however, if at the time of sentencing the defendant has been convicted of another drug trafficking offense: seven years in prison and \$50,000 or such larger amount as is sufficient to exhaust the assets utilized in and the proceeds from the illegal activity; and

(iii) when the aggregate weight of the compound or mixture containing the substance involved is at least 100 grams; five years in prison and a fine of \$50,000 or such larger amount as is sufficient to exhaust the assets utilized in and the proceeds from the illegal activity; however, if at the time of sentencing the defendant has been convicted of another drug trafficking offense: eight years in prison and \$50,000 or such larger amount as is sufficient to exhaust the assets utilized in and the proceeds from the illegal activity.

(5) A person who is convicted of violating section 13(a)(14), (30) or (37) of The Controlled Substance, Drug, Device and Cosmetic Act, and who, in the course of the offense, manufactures, delivers, brings into this Commonwealth or possesses with intent to manufacture or deliver amphetamine or any salt, optical isomer, or salt of an optical isomer, or a mixture containing any such substances shall, when the aggregate weight of the compound or mixture containing the substance involved is at least five grams, be sentenced to two and one-half years in

prison and a fine of \$15,000 or such larger amount as is sufficient to exhaust the assets utilized in and the proceeds from the illegal activity; however, if at the time of sentencing the defendant has been convicted of another drug trafficking offense: be sentenced to five years in prison and \$30,000 or such larger amount as is sufficient to exhaust the assets utilized in and the proceeds from the illegal activity.

(6) A person who is convicted of violating section 13(a)(14), (30) or (37) of The Controlled Substance, Drug, Device and Cosmetic Act where the controlled substance is methaqualone shall, upon conviction, be sentenced to a mandatory minimum term of imprisonment and a fine as set forth in this subsection:

(i) when the aggregate weight of the compound or mixture containing the substance involved is at least 50 tablets, capsules, caplets or other dosage units, or 25 grams and less than 200 tablets, capsules, caplets or other dosage units, or 100 grams; one year in prison and a fine of \$2,500 or such larger amount as is sufficient to exhaust the assets utilized in and the proceeds from the illegal activity; however, if at the time of sentencing the defendant has been convicted of another drug trafficking offense: three years in prison and \$5,000 or such larger amount as is sufficient to exhaust the assets utilized in and the proceeds from the illegal activity; and

(ii) when the aggregate weight of the compound or mixture containing the substance involved is at least 200 tablets, capsules, caplets or other dosage units, or more than 100 grams; two and one-half years in prison and a fine of \$15,000 or such larger amount as is sufficient to exhaust the assets utilized in and the proceeds from the illegal activity; however, if at the time of sentencing the defendant has been convicted of another drug trafficking offense: five years in prison and \$30,000 or such larger amount as is sufficient to exhaust the assets utilized in and the proceeds from the illegal activity.]

(7) A person who is convicted of violating section 13(a)(14), (30) or (37) of The Controlled Substance, Drug, Device and Cosmetic Act where the controlled substance or a mixture containing it is heroin shall, upon conviction, be sentenced as set forth in this paragraph:

(i) when the aggregate weight of the compound or mixture containing the heroin involved is at least 1.0 gram but less than 5.0 grams the sentence shall be a mandatory minimum term of two years in prison and a fine of \$5,000 or such larger amount as is sufficient to exhaust the assets utilized in and the proceeds from the illegal activity; however, if at the time of sentencing the defendant has been convicted of another drug trafficking offense: a mandatory minimum term of three years in prison and \$10,000 or such larger amount as is sufficient to exhaust the assets utilized in and the proceeds from the illegal activity;

(ii) when the aggregate weight of the compound or mixture containing the heroin involved is at least 5.0 grams but less than 50 grams: a mandatory minimum term of three years in prison and a fine of \$15,000 or such larger amount as is sufficient to exhaust the assets utilized in and the proceeds from the illegal activity; however, if at the time of sentencing the defendant has been convicted of another drug trafficking offense: a mandatory minimum term of five years in prison and \$30,000 or such larger amount as is sufficient to exhaust the assets utilized in and the proceeds from the illegal activity; and

(iii) when the aggregate weight of the compound or mixture containing the heroin involved is 50 grams or

greater: a mandatory minimum term of five years in prison and a fine of \$25,000 or such larger amount as is sufficient to exhaust the assets utilized in and the proceeds from the illegal activity; however, if at the time of sentencing the defendant has been convicted of another drug trafficking offense: a mandatory minimum term of seven years in prison and \$50,000 or such larger amount as is sufficient to exhaust the assets utilized in and the proceeds from the illegal activity.

(8) A person who is convicted of violating section 13(a)(12), (14) or (30) of The Controlled Substance, Drug, Device and Cosmetic Act where the controlled substance or a mixture containing it is 3,4-methylenedioxyamphetamine (MDA); 3,4-methylenedioxyamphetamine (MDMA); 5-methoxy-3,4-methylenedioxyamphetamine (MMDA); 3,4-methylenedioxy-N-ethylamphetamine; N-hydroxy-3,4-methylenedioxyamphetamine; or their salts, isomers and salts of isomers, whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation, shall, upon conviction, be sentenced as set forth in this paragraph:

(i) When the aggregate weight of the compound or mixture containing the substance involved is at least 50 tablets, capsules, caplets or other dosage units, or 15 grams and less than 100 tablets, capsules, caplets or other dosage units, or less than 30 grams, the person is guilty of a felony and, upon conviction thereof, shall be sentenced to imprisonment not exceeding five years or to pay a fine not exceeding \$15,000, or both.

(ii) When the aggregate weight of the compound or mixture containing the substance involved is at least 100 tablets, capsules, caplets or other dosage units, or 30 grams and less than 1,000 tablets, capsules, caplets or other dosage units, or less than 300 grams, the person is guilty of a felony and, upon conviction thereof, shall be sentenced to imprisonment not exceeding ten years or to pay a fine not exceeding \$100,000, or both.

(iii) When the aggregate weight of the compound or mixture containing the substance involved is at least 1,000 tablets, capsules, caplets or other dosage units, or 300 grams, the person is guilty of a felony and, upon conviction thereof, shall be sentenced to imprisonment not exceeding 15 years or to pay a fine not exceeding \$250,000, or both.

(b) [Proof of sentencing.—Provisions of this section shall not be an element of the crime. Notice of the applicability of this section to the defendant shall not be required prior to conviction, but reasonable notice of the Commonwealth's intention to proceed under this section shall be provided after conviction and before sentencing. The applicability of this section shall be determined at sentencing. The court shall consider evidence presented at trial, shall afford the Commonwealth and the defendant an opportunity to present necessary additional evidence and shall determine, by a preponderance of the evidence, if this section is applicable.] Application of mandatory minimum penalty.—With the exception of prior convictions, any provision of this section that requires imposition of a mandatory minimum sentence shall constitute an element enhancing the underlying offense. Any enhancing element must be proven beyond a reasonable doubt at trial on the underlying offense and must be submitted to the fact-finder for deliberation together with the underlying offense. If the fact-finder finds the defendant guilty of the underlying offense, the fact-finder shall then also decide whether any enhancing element has been proven.

(d) [Appellate review.—If a sentencing court refuses to apply this section where applicable, the Commonwealth shall have the right to appellate review of the action of the sentencing court. The appellate

court shall vacate the sentence and remand the case to the sentencing court for imposition of a sentence in accordance with this section if it finds that the sentence was imposed in violation of this section.] Appeal by the Commonwealth.—If the fact-finder has found any enhancing element and a sentencing court imposes a sentence below the mandatory minimum sentence, the Commonwealth shall have the right to appellate review of the sentence. If the appellate court finds that the mandatory sentencing provision was applicable, the court shall vacate the sentence and remand for resentencing in accordance with that provision.

* * *

Section 3. Sections 9712(b) and (d), 9712.1(c) and (e) and 9713(c) and (e) of Title 42 are amended to read:

§ 9712. Sentences for offenses committed with firearms.

* * *

(b) [Proof at sentencing.—Provisions of this section shall not be an element of the crime and notice thereof to the defendant shall not be required prior to conviction, but reasonable notice of the Commonwealth's intention to proceed under this section shall be provided after conviction and before sentencing. The applicability of this section shall be determined at sentencing. The court shall consider any evidence presented at trial and shall afford the Commonwealth and the defendant an opportunity to present any necessary additional evidence and shall determine, by a preponderance of the evidence, if this section is applicable.] Application of mandatory minimum penalty.—Any provision of this section that requires imposition of a mandatory minimum sentence shall constitute an element enhancing the underlying offense. Any enhancing element must be proven beyond a reasonable doubt at trial on the underlying offense and must be submitted to the fact-finder for deliberation together with the underlying offense. If the fact-finder finds the defendant guilty of the underlying offense, the fact-finder shall then also decide whether any enhancing element has been proven.

* * *

(d) Appeal by Commonwealth.—[If a sentencing court refuses to apply this section where applicable, the Commonwealth shall have the right to appellate review of the action of the sentencing court. The appellate court shall vacate the sentence and remand the case to the sentencing court for imposition of a sentence in accordance with this section.] If the fact-finder has found any enhancing element and a sentencing court imposes a sentence below the mandatory minimum sentence, the Commonwealth shall have the right to appellate review of the sentence. If the appellate court finds that the mandatory sentencing provision was applicable, the court shall vacate the sentence and remand for resentencing in accordance with that provision.

* * *

§ 9712.1. Sentences for certain drug offenses committed with firearms.

* * *

(c) [Proof at sentencing.—Provisions of this section shall not be an element of the crime, and notice thereof to the defendant shall not be required prior to conviction, but reasonable notice of the Commonwealth's intention to proceed under this section shall be provided after conviction and before sentencing. The applicability of this section shall be determined at sentencing. The court shall consider any evidence presented at trial and shall afford the Commonwealth and the defendant an opportunity to present any necessary additional evidence and shall determine, by a preponderance of the evidence, if this section is applicable.] Application of mandatory minimum penalty.—Any provision of this section that requires imposition of a mandatory minimum sentence shall constitute an element enhancing the underlying offense. Any enhancing element must be proven beyond a reasonable doubt at trial on the underlying offense and must be submitted to the fact-finder for deliberation together with the underlying offense. If the fact-finder finds the defendant guilty of the underlying offense, the fact-finder shall then also decide whether any enhancing element has been proven.

* * *

(e) Appeal by Commonwealth.—[If a sentencing court refuses to apply this section where applicable, the Commonwealth shall have the right to appellate review of the action of the sentencing court. The appellate court shall vacate the sentence and remand the case to the sentencing court for imposition of a sentence in accordance with this section.] If the fact-finder has found any enhancing element and a sentencing court imposes a sentence below the mandatory minimum sentence, the Commonwealth shall have the right to appellate review of the sentence. If the appellate court finds that the mandatory sentencing provision was applicable, the court shall vacate the sentence and remand for resentencing in accordance with that provision.

* * *

§ 9713. Sentences for offenses committed on public transportation.

* * *

(c) [Proof at sentencing.—Provisions of this section shall not be an element of the crime and notice thereof to the defendant shall not be required prior to conviction, but reasonable notice of the Commonwealth's intention to proceed under this section shall be provided after conviction and before sentencing. The applicability of this section shall be determined at sentencing. The court shall consider any evidence presented at trial and shall afford the Commonwealth and the defendant an opportunity to present any necessary additional evidence and shall determine, by a preponderance of the evidence, if this section is applicable.] Application of mandatory minimum penalty.—Any provision of this section that requires imposition of a mandatory minimum sentence constitutes an element enhancing the underlying offense. An enhancing element must be proven beyond a reasonable doubt at trial on the underlying offense and must be submitted to the finder of fact for deliberation together with the underlying offense. If the finder of fact determines the defendant is guilty of the underlying offense, the finder of fact will then decide whether an enhancing element has been proven.

* * *

(e) Appeal by Commonwealth.—[If a sentencing court refuses to apply this section where applicable, the Commonwealth shall have the right to appellate review of the action of the sentencing court. The appellate court shall vacate the sentence and remand the case to the sentencing court for imposition of a sentence in accordance with this section.] If the finder of fact has found an enhancing element and a sentencing court imposes a sentence below the mandatory minimum sentence, the Commonwealth has the right to appellate review of the sentence. If the appellate court finds that the mandatory sentencing provision was applicable, the court must vacate the sentence and remand for resentencing in accordance with that provision.

Section 4. Section 9717 of Title 42 is amended by adding subsections to read:

§ 9717. Sentences for offenses against elderly persons.

* * *

(c) Application of mandatory minimum penalty.—Any provision of this section that requires imposition of a mandatory minimum sentence shall constitute an element enhancing the underlying offense. An enhancing element must be proven beyond a reasonable doubt at trial on the underlying offense and must be submitted to the finder of fact for deliberation together with the underlying offense. If the finder of fact determines the defendant is guilty of the underlying offense, the finder of fact shall then decide whether an enhancing element has been proven.

(d) Appeal by Commonwealth.—If the finder of fact has found an enhancing element and a sentencing court imposes a sentence below the mandatory minimum sentence, the Commonwealth has the right to appellate review of the sentence. If the appellate court finds that the mandatory sentencing provision was applicable, the court must vacate the sentence and remand for resentencing in accordance with that provision.

Section 5. Sections 9718(c) and (e), 9718.4 and 9719(b) and (d) of Title 42 are amended to read:

§ 9718. Sentences for offenses against infant persons.

* * *

(c) [Proof at sentencing.—The provisions of this section shall not be an element of the crime, and notice of the provisions of this section to the defendant shall not be required prior to conviction, but reasonable notice of the Commonwealth's intention to proceed under this section shall be provided after conviction and before sentencing. The applicability of this section shall be determined at sentencing. The court shall consider any evidence presented at trial and shall afford the Commonwealth and the defendant an opportunity to present any necessary additional evidence and shall determine, by a preponderance of the evidence, if this section is applicable.] Application of mandatory minimum penalty.—Any provision of this section that requires imposition of a mandatory minimum sentence constitutes an element enhancing the underlying offense. An enhancing element must be proven beyond a reasonable doubt at trial on the underlying offense and must be submitted to the finder of fact for deliberation together with the underlying offense. If the finder of fact determines the defendant is guilty of the underlying offense, the finder of fact will then decide whether an enhancing element has been proven.

* * *

(e) Appeal by Commonwealth.—[If a sentencing court refuses to apply this section where applicable, the Commonwealth shall have the right to appellate review of the action of the sentencing court. The appellate court shall vacate the sentence and remand the case to the sentencing court for imposition of a sentence in accordance with this section if it finds that the sentence was imposed in violation of this section.] If the finder of fact has found an enhancing element and a sentencing court imposes a sentence below the mandatory minimum sentence, the Commonwealth has the right to appellate review of the sentence. If the appellate court finds that the mandatory sentencing provision was applicable, the court must vacate the sentence and remand for resentencing in accordance with that provision.

§ 9718.4. Sentence for failure to comply with registration of sexual offenders.

(a) Mandatory sentence.—Mandatory sentencing shall be as follows:

(1) Sentencing upon conviction for a first offense shall be as follows:

(i) Not less than two years for an individual who:

(A) is subject to section 9799.13 (relating to applicability) and must register for a period of 15 years under section 9799.15 (relating to period of registration) or a similar provision from another jurisdiction; and

(B) violated 18 Pa.C.S. § 4915.1(a)(1) or (2) (relating to failure to comply with registration requirements).

(ii) Not less than three years for an individual who:

(A) is subject to section 9799.13 and must register for a period of 15 years under section 9799.15 or a similar provision from another jurisdiction; and

(B) violated 18 Pa.C.S. § 4915.1(a)(3).

(iii) Not less than three years for an individual who:

(A) is subject to section 9799.13 and must register for a period of 25 years or life under section 9799.15 or a similar provision from another jurisdiction; and

(B) violated 18 Pa.C.S. § 4915.1(a)(1) or (2).

(iv) Not less than five years for an individual who:

(A) is subject to section 9799.13 and must register for a period of 25 years or life

under section 9799.15 or a similar provision from another jurisdiction; and

(B) violated 18 Pa.C.S. § 4915.1(a)(3).

(2) Sentencing upon conviction for a second or subsequent offense shall be as follows:

(i) Not less than five years for an individual who:

(A) is subject to section 9799.13 and must register for a period of 15 or 25 years or life under section 9799.15 or a similar provision from another jurisdiction; and

(B) violated 18 Pa.C.S. § 4915.1(a)(1) or (2).

(ii) Not less than seven years for an individual who:

(A) is subject to section 9799.13 and must register for a period of 15 or 25 years or life under section 9799.15 or a similar provision from another jurisdiction; and

(B) violated 18 Pa.C.S. § 4915.1(a)(3).

(a.1) Transients and mandatory sentence.—Mandatory sentencing shall be as follows:

(1) Sentencing upon conviction for a first offense shall be as follows:

(i) Not less than two years for an individual who:

(A) is subject to section 9799.13 and must register for a period of 15 years under section 9799.15 or a similar provision from another jurisdiction [and is a transient]; and

(B) violated 18 Pa.C.S. § 4915.1(a.1)(1) or (2).

(ii) Not less than three years for an individual who:

(A) is subject to section 9799.13 and must register for a period of 15 years under section 9799.15 or a similar provision from another jurisdiction [and is transient]; and

(B) violated 18 Pa.C.S. § 4915.1(a.1)(3).

(iii) Not less than three years for an individual who:

(A) is subject to section 9799.13 and must register for a period of 25 years or life under section 9799.15 or a similar provision from another jurisdiction [and is transient]; and

(B) violated 18 Pa.C.S. § 4915.1(a.1)(1) or (2).

(iv) Not less than five years for an individual who:

(A) is subject to section 9799.13 and must register for a period of 25 years or life under section 9799.15 or a similar provision from another jurisdiction [and is a transient]; and

(B) violated 18 Pa.C.S. § 4915.1(a.1)(3).

(2) Sentencing upon conviction for a second or subsequent offense shall be as follows:

(i) Not less than five years for an individual who:

(A) is subject to section 9799.13 and must register for a period of 15 or 25 years or life under section 9799.15 or a similar provision from another jurisdiction [and is transient]; and

(B) violated 18 Pa.C.S. § 4915.1(a.1)(1) or (2).

(ii) Not less than seven years for an individual who:

(A) is subject to section 9799.13 and must register for a period of 15 or 25 years or life

under section 9799.15 or a similar provision from another jurisdiction [and is a transient]; and

(B) violated 18 Pa.C.S. § 4915.1(a.1)(3).

(b) Proof at sentencing.—The provisions of this section shall not be an element of the crime, and notice thereof to the defendant shall not be required prior to conviction, but reasonable notice of the Commonwealth's intention to proceed under this section shall be provided after conviction and before sentencing. The applicability of this section shall be determined at sentencing. The court shall consider any evidence presented at trial and shall afford the Commonwealth and the defendant an opportunity to present any necessary additional evidence and shall determine by a preponderance of the evidence if this section is applicable.]

(b.1) Application of mandatory minimum penalty.—Any provision of this section that requires imposition of a mandatory minimum sentence shall constitute an element enhancing the underlying offense. Any enhancing element must be proven beyond a reasonable doubt at trial on the underlying offense and must be submitted to the fact-finder for deliberation together with the underlying offense. If the fact-finder finds the defendant guilty of the underlying offense, the fact-finder shall then also decide whether any enhancing element has been proven.

(c) Authority of court in sentencing.—There shall be no authority in any court to impose on an offender to which this section is applicable any lesser sentence than provided for in subsection (a) or (a.1) or to place such offender on probation or to suspend sentence. Nothing in this section shall prevent the sentencing court from imposing a sentence greater than that provided in this section. Sentencing guidelines promulgated by the Pennsylvania Commission on Sentencing shall not supersede the mandatory sentences provided in this section.

(d) Appeal by Commonwealth.—[If a sentencing court refuses to apply this section where applicable, the Commonwealth shall have the right to appellate review of the action of the sentencing court. The appellate court shall vacate the sentence and remand the case to the sentencing court for imposition of a sentence in accordance with this section if it finds that the sentence was imposed in violation of this section.] If the fact-finder has found any enhancing element and a sentencing court imposes a sentence below the mandatory minimum sentence, the Commonwealth shall have the right to appellate review of the sentence. If the appellate court finds that the mandatory sentencing provision was applicable, the court shall vacate the sentence and remand for resentencing in accordance with that provision. § 9719. Sentences for offenses committed while impersonating a law enforcement officer.

* * *

(b) [Proof at sentencing.—Provisions of this section shall not be an element of the crime and notice thereof to the defendant shall not be required prior to conviction, but reasonable notice of the Commonwealth's intention to proceed under this section shall be provided after conviction and before sentencing. The applicability of this section shall be determined at sentencing. The sentencing court shall consider evidence presented at trial and shall afford the Commonwealth and the defendant an opportunity to present necessary additional evidence and shall determine, by a preponderance of the evidence, if this section is applicable.] Application of mandatory minimum penalty.—With the exception of prior convictions, any provision of this section that requires imposition of a mandatory minimum sentence constitutes an element enhancing the underlying offense. An enhancing element must be proven beyond a reasonable doubt at trial on the underlying offense and must be submitted to the finder of fact for deliberation together with the underlying offense. If the finder of fact determines the defendant is guilty of the underlying offense, the finder of fact will then decide whether an enhancing element has been proven.

* * *

(d) Appeal by Commonwealth.—[If a sentencing court refuses to apply this section where applicable, the Commonwealth shall have the

right to appellate review of the action of the sentencing court. The appellate court shall vacate the sentence and remand the case to the sentencing court for imposition of a sentence in accordance with this section if it finds that the sentence was imposed in violation of this section.] If the finder of fact has found an enhancing element and a sentencing court imposes a sentence below the mandatory minimum sentence, the Commonwealth has the right to appellate review of the sentence. If the appellate court finds that the mandatory sentencing provision was applicable, the court must vacate the sentence and remand for resentencing in accordance with that provision.

* * *

Amend Bill, page 3, line 1, by striking out "2" and inserting 6

Amend Bill, page 3, line 8, by striking out "3" and inserting 7

On the question,

Will the House agree to the amendment?

The SPEAKER. The Chair recognizes Representative Todd Stephens for a brief description of the amendment.

Mr. STEPHENS. All right, hopefully this one goes a little bit better than the last one.

This amendment is really the combination of two prior House bills that we considered that passed overwhelmingly: HB 1601, which passed this chamber by a vote of 143 to 54, and HB 1632, which passed this chamber by a vote of 165 to 31.

In essence, Mr. Speaker, this amendment restores the mandatory minimum sentencing provisions that were the subject of a court challenge and found to be unconstitutional following a U.S. Supreme Court ruling many, many months ago. And our law enforcement community and those of us who want to have safe communities, frankly, have been without the benefit of those mandatory minimum sentences, and this amendment would simply combine those two bills into one amendment and restore those mandatory minimum sentencing provisions and apply the appropriate constitutional procedures to ensure that they survive.

Thank you, Mr. Speaker.

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

Mr. DAWKINS. Thank you, Mr. Speaker.

If I may, may I briefly interrogate the maker of this amendment?

The SPEAKER. The gentleman has indicated he will so stand, and, Representative Dawkins, you may proceed.

Mr. DAWKINS. Thank you.

Under the current amendment that is being proposed, for how many of the, I guess, charges under the new code that you want to reinstate will be considered a misdemeanor?

Mr. STEPHENS. I am not sure. So you are asking, of all the charges for which a mandatory would apply under my amendment, how many of those are misdemeanors?

Mr. DAWKINS. No. Let me try it differently. How many categories of burglary are in the Penal Code currently?

Mr. STEPHENS. Mr. Speaker, I do not know that off the top of my head. I could pull up, I think it is section 3501, I believe, in Title 18, but I do not have it in front of me.

Mr. DAWKINS. So in terms of— What I am trying to get to, what is the highest grade in terms of burglary? Which form of burglary would be considered the highest grading offense?

Mr. STEPHENS. So these are offenses that are involving

firearms. So if you commit a burglary with a firearm – all right? – now we are going to talk about a mandatory minimum sentence. If you commit a rape with a firearm or you commit a rape against someone who is under certain ages, now we are going to be talking about mandatory minimum sentences. These are violent crimes. These are crimes that I am certain we all want to take very seriously and we want to ensure that our law enforcement community, frankly, can address these violent criminals in the most appropriate manner possible, and that is why it is important that we have these mandatory minimum sentences.

Mr. DAWKINS. So given the fact that they were deemed unconstitutional, what is, I guess, the intent of putting them back into the law?

Mr. STEPHENS. They were found to be unconstitutional on procedural grounds; in other words, the way that the sentences were being imposed by the judge instead of the fact finder, the jury, making the determination as opposed to the elements that would require and trigger the mandatory minimum sentence. So this amendment addresses that and corrects that.

Mr. DAWKINS. Thank you.

On the bill, Mr. Speaker?

The SPEAKER. Yes, sir, you may proceed.

Mr. DAWKINS. Thank you, Mr. Speaker.

So in terms of mandatory minimums, it was already deemed unconstitutional. And I have stronger opinions when we talk about mandatory minimums, so there is no surprise that I will be opposing this amendment.

But I just want to talk a little bit about why it is important that we allow judges to have the discretion. I think every case is uniquely different. I think that we need to allow our judges the ability to kind of sentence accordingly or oppose the fair sentencing which they believe should be for this particular case.

I am in agreement with the maker that we want to be able to kind of have fair penalties for individuals who are entering houses with firearms, but I think that should be left up to the courts, and I do not believe that we should be legislating something that was already deemed unconstitutional.

Thank you, Mr. Speaker.

The SPEAKER. Thank you, sir.

Representative Frankel, on the amendment.

Mr. FRANKEL. Thank you, Mr. Speaker.

I rise in opposition to this amendment, as I did when HB 1601 was considered here on the House floor, and as the maker of the amendment said, was passed and sent over to the Senate where it languishes today, and I assume that this is an attempt to circumvent the Judiciary Committee in the Senate. I rise in opposition because this is certainly not a timely amendment, given the debate that is sweeping this country, and our State with respect to reforming our judiciary system, reforming mandatory sentencing, looking at the way we deal with criminals.

Certainly this addresses some violent crimes and there is concern with respect to that, but it also addresses many drug crimes – drug-free schools, drug trafficking based on weight, you know, offenses with firearms, drug offenses. You know, these are things that people are taking a lot of time to consider, and there is an enormous amount of bipartisan effort across this country to take a look at the way we have done mandatory sentencing in the past and why it needs to be reformed. But when you take a look at the levels of incarceration that are overwhelming our State and county governments, people,

including the Koch brothers, including foundations like the Arnold Foundation and others, are taking a serious look at reforming mandatory sentencing among other procedures and issues with respect to the criminal justice system.

This piece of legislation, this amendment and the bill that preceded it, never had a hearing, never had a hearing here in the House, never had a hearing in the Senate. This is a serious matter. It is part of a national debate, a national discussion, and it should not be passed in such a casual way without having a legitimate discussion that mirrors the discussion that Republicans and Democrats, conservatives and liberals are having throughout this nation. This is not appropriate in that context when there is an effort to take a look at reforming our criminal justice system, to look at the rates of incarceration, whom we are incarcerating for how long, and taking away the discretion from judges to use common sense when it comes to sentencing.

So I urge you to take another look at this. Let us put this on the back burner while we have these discussions on a State and national basis, while we take the opportunity to have a transparent discussion with hearings and input from stakeholders. There are so many people who are engaged in this. It is part of this Presidential election. It is part of the debates taking place in elections across our State and across our country. And we are going to do this again, as we did earlier, by sending a bill over to the Senate, which the Senate Judiciary chairman has reasonably deferred to move on without having a transparent, thorough discussion that mirrors the debate that is taking place across our nation.

So I ask my colleagues to use common sense, to take the opportunity to be careful about reinstituting a system that many, many people believe is broken, and take the opportunity to be thoughtful and consider what others are weighing in on. I know the Koch brothers have taken a particular interest in this.

So I urge that my colleagues defeat this amendment. Let us put this on the agenda when we come back in January and use a very thoughtful, transparent, thorough discussion to consider changes in our criminal justice system.

Thank you, Mr. Speaker.

The SPEAKER. Representative Mike Vereb, on the amendment.

Mr. VEREB. Thank you, Mr. Speaker.

In this amendment is a bill, which I definitely agreed for the gentleman to kind of put them together, that we ran through this House and sent to the Senate, and I know it is over in the Senate Judiciary and I know there are issues with it.

But, Mr. Speaker, I had to rise, number one, to support this amendment and try to address some of the things that have been brought up here. There is no question that we are talking about reform to the criminal justice system. There is no question that we want people to not recidivate and that we want people to be productive members of our society. There is no question, there is no question that we want to load up our prisons with nonviolent criminals.

But we heard the word "common sense" from the last speaker a few times. I think it defies logic, in a violent crime with the use of a weapon, to sit and say that we should not address this today and wait until next year.

Mr. Speaker, the Governor was here to address us. Now, I am certainly not an expert on drug enforcement. I have done it, but not an expert. So we know what is going on with the opioid and heroin situation. We have families becoming addicted. We

have kids and we have adults resorting to then buying heroin on the streets, but, Mr. Speaker, that heroin is not being grown and produced here in Pennsylvania. That heroin is coming from out of this country, and I can assure you that the people bringing it here are not coming unarmed. They are violent criminals. We have prisons for violent criminals.

This is not a nonviolent crime bill. It is a violent crime bill, Mr. Speaker, and the common sense I think that needs to be exercised here today is, none of us want these people on the streets. We want them where they belong and potentially learn their lesson and grow to ultimately become productive members of our society, but this is not a time to be soft on crime.

Let us remember, Mr. Speaker, every time we run one of these bills and we worry about the cost of incarceration, let us just also worry about the cost of our victims of these crimes, of what it takes for them themselves to recover and again go back to a normal life.

I ask for a "yes" vote, Mr. Speaker.

THE SPEAKER PRO TEMPORE (JOHN D. PAYNE) PRESIDING

The SPEAKER pro tempore. The Chair thanks the gentleman.

Representative Thomas.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, let me thank the author of this amendment for stepping up to the plate on a problem that is confronting all of us throughout Pennsylvania. But, Mr. Speaker, let us also consider what the gentleman from Philadelphia County, the gentleman from Allegheny County said about where we are and where we need to go as a civil society.

Mr. Speaker, when I came to this House, there were nine correctional institutions in the Commonwealth of Pennsylvania. The population was around 8,000, maybe 9,000. But, Mr. Speaker, today it is over 50,000, there are over 30 correctional institutions, and, Mr. Speaker, there are plans to increase the corrections budget so that we can consider building more correctional institutions.

And so, Mr. Speaker, the question before us today is whether or not mandatory sentencing or triggering facts that give rise to the imposition of mandatory sentencing, whether that is going to, one, reduce the growing population of people in our correctional institutions; two, whether it is going to reduce the number of correctional institutions that are on track for expansion and/or for new construction; and more importantly, how is this mandatory language going to impact the explosive, the explosive costs associated with this massive growth in correctional institutions and the population?

And, Mr. Speaker, I can stand here and say to you that part of the problem that we are facing today is because of our eagerness to use mandatory sentencing as a plausible weapon to rehabilitate and/or punish someone entering State correctional institutions. And, Mr. Speaker, all studies have shown that mandatory sentencing has not changed the face, foundation, or the future of State corrections.

Mr. Speaker, studies have also shown – and I want to thank Senator Greenleaf on the Senate side for stepping up to the plate at the right time on sentencing reform. Sentencing reform is not something we can put off for tomorrow or next week. We must deal with it right now. And, Mr. Speaker, I am less concerned

about the Presidential election and some of these other national conversations. The facts in front of us require that sentencing reform happens now. We cannot put it off any longer.

And, Mr. Speaker, by taking away from the judges the ability to be creative – rather than talking about mandatory sentencing, I would like to talk about enhanced responsibility. I would like to talk about expanding the availability of responsibility, because more often than not our punishment is devoid of the doctrine of responsibility. So we are eager to put folks away but do not move them to take some responsibility for their mad behavior or their wrongful behavior. And so, Mr. Speaker, there are a number of other tools that can be used to get at where the author of this amendment wants to go in terms of enhancing punishment, but there are more appropriate methodologies that can be applied to get at where we need to go.

And so, Mr. Speaker, in the interest of the future – today, tomorrow, and the future – if we are really serious about altering the course of State corrections or corrections in America – because right now corrections in America is more egregious than Third World countries – and so, Mr. Speaker, if we are serious about, serious about turning the corner on this, vote "no" on the Stephens amendment. And I ask the author of this amendment to meet us on January 1, if not before the end of this term, to talk about how we can increase, increase the responsibility that I think needs to be integrated in this whole conversation about punishment, because all criminal justice is about in America is about punishment. It is not rehabilitation; it is about punishment. But how do you impose punishment that brings about the kind of outcomes that we need to see in this State and in this country?

Vote "no" on the Stephens amendment. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

LEAVES OF ABSENCE

The SPEAKER pro tempore. The Chair wants to note that Representative STURLA and Representative GALLOWAY have asked to be placed on leave, and it should be so noted.

CONSIDERATION OF SB 1062 CONTINUED

The SPEAKER pro tempore. Representative Dom Costa.

Mr. D. COSTA. Thank you, Mr. Speaker.

I rise to support this amendment from the good gentleman, and I will tell you why. When we were all raised, we were told, if you do this, you get that. If you do this, you get that, whether it be 10 days in the house, because now it is a treat to stay in the house because of all the toys they have, but in our day we wanted outside.

Well, my idea of this whole thing is that we are looking at statistics that mandatory sentencing is not working, and I agree with that to a point, but we are talking about mandatory sentencing for people who have weapons and commit violent crimes. Tell me how many people have been saved from being hurt, raped, or brutalized by the people that are in prison right now because of a mandatory sentence.

So what this is doing is it is protecting our society from people who are violent, people who do not want to be part of society, people who knew when going into it that there were

mandatory sentences for these types of things. I feel no pity or sorrow for them. If you want to call it punishment, call it punishment, but you do not commit the crime if you cannot do the time.

I support this amendment. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the maker of the amendment, Representative Stephens, for the second time.

Mr. STEPHENS. Thank you, Mr. Speaker.

You know, I really appreciate some of the suggestions and comments offered by some of the previous speakers, and I do think that there should be some additional measures taken and additional discussions occurring about what is happening with these folks while they are in prison so that we can help reduce recidivism, so we can help get at some of the programming that is necessary to maybe address some of these issues.

But one of the things, Mr. Speaker, that is really frustrating is, frankly, some of the hypocrisy. I hear so much, time after time, about how we need to address gun violence, how we need to address the heroin epidemic. We have these drug problems on our corners. We have these issues in our communities. We have home invasion robberies going on. We have all these violent criminals, and here is an opportunity, Mr. Speaker, to move the needle and get these people where they belong: behind bars. Behind bars is where the people belong that are committing these crimes.

And let me just go through the list of crimes we are talking about here. We are talking about selling drugs to minors. We are talking about murder, voluntary manslaughter, aggravated assault, assault of a law enforcement officer, human trafficking, weapons of mass destruction, rape, involuntary deviate sexual intercourse, sexual assault, incest, kidnapping, burglary, robbery, drug delivery resulting in death – all committed with a gun. Those are the crimes that we are talking about restoring a mandatory minimum sentence for, Mr. Speaker.

Do you know what else we are talking about? We are talking about crimes committed against the elderly. We are talking about crimes committed against children. What are those crimes? Again, aggravated assault, rape, involuntary deviate sexual intercourse, aggravated and indecent assault. You know, these are serious crimes committed against some of our most vulnerable citizens. I am tired of hearing how people want to do things to help address violent crime. They want to stop the gun violence, but then when it comes time to actually hold people accountable for their actions, they run and hide.

Mr. Speaker, I hope and I plead for the gentleman from Allegheny and the gentleman from Philadelphia, who both voted for my bill in October of 2015, to reconsider their comments today and support this amendment. Thank you, Mr. Speaker.

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

Mr. FRANKEL. Thank you, Mr. Speaker.

I just want to suggest, first of all, that these people are going to jail, these violent criminals today. It is not like they are walking free. We have a system that is making sure justice is rendered and we have judges who are using their discretion to pass just sentences.

But the fact of the matter is, this piece of legislation does not just deal with violent crimes; it deals with a number of drug-related crimes as well. And we know, we know that we are

filling up our prisons, that the rate of incarceration has gone up so dramatically over the last 20 years, by tenfold in our State prisons in the last 20 years, a tenfold increase, and a predominant number of those being convicted are mandatory sentences related to drug offenses, and that is conflated in this bill with violent crimes.

So what I am suggesting is, maybe there are appropriate crimes that we ought to be looking at mandatorily on and maybe there are not, but let us take a thoughtful approach. The fact that not one single hearing was held on this amendment, or the bill that preceded it and is sitting in the Senate, is not a reasonable way to talk about criminal justice reform. It is not the right way to proceed. This is serious business. It is a serious national, statewide discussion. We ought to treat it that way. We ought not to be treating it in a cavalier way by not even having one single hearing and letting stakeholders on all sides of the question have an opportunity to weigh in. We have a responsibility to do things in a thorough, transparent way, and this is not the way to proceed.

So with that in mind, again I rise and ask my colleagues to take the opportunity to defeat this. Let us revisit this in January. We ought to have a very thorough discussion. Let folks who are dealing with this around the country come in and advise us, talk to us about what they are looking at with respect to criminal justice reform. This is one element in mandatory sentencing. There are many other elements to it, but we ought to be doing it in a comprehensive, thoughtful way.

This is not the way to do it. This should be defeated. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

BILL PASSED OVER TEMPORARILY

The SPEAKER pro tempore. The Chair announces that this bill will be over temporarily.

* * *

The House proceeded to second consideration of **HB 30, PN 3572**, entitled:

An Act amending Title 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes, in health care, further providing for definitions; in anatomical gifts, further providing for definitions, for persons who may execute anatomical gift, for persons who may become donees and purposes for which anatomical gifts may be made, for manner of executing anatomical gifts, for amendment or revocation of gift, for rights and duties at death, for requests for anatomical gifts, for use of driver's license or identification card to indicate organ or tissue donation, for the Governor Robert P. Casey Memorial Organ and Tissue Donation Awareness Trust Fund contributions, for the Governor Robert P. Casey Memorial Organ and Tissue Donation Awareness Trust Fund, for confidentiality requirement and for prohibited activities; providing for promotion of organ and tissue donation; establishing the Donate Life PA Registry; providing for facilitation of anatomical gift from decedent whose death is under investigation, for collaboration among departments and organ procurement organizations, for information relative to organ and tissue donation, for Department of Transportation, for Department of Corrections, for requirements for physician and nurse training relative to organ and tissue donation and recovery, for uniformity of application and construction and for relation to Electronic Signatures in Global and National Commerce Act; and repealing provisions relating to corneal transplants.

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

The SPEAKER pro tempore. The Chair wishes to inform Representative Harper that her amendments, 9645, 9648, and 10280, are out of order. All other amendments have been withdrawn.

VOTE CORRECTION

The SPEAKER pro tempore. The Chair recognizes Representative Schlossberg for the purpose of correcting the record.

Mr. SCHLOSSBERG. Thank you, Mr. Speaker.

On HB 1968, amendment 10330, I was not recorded. I wish to be recorded in the affirmative.

The SPEAKER pro tempore. It will be spread across the record. The Chair thanks the gentleman.

The House will be at ease for one moment.

CONSIDERATION OF HB 30 CONTINUED

The SPEAKER pro tempore. The House will come to order.

The gentleman, Mr. Cutler, is recognized for a motion on HB 30. The Chair recognizes Representative Cutler.

BILL PASSED OVER

The SPEAKER pro tempore. The Chair wants to announce that HB 30 will be over for the day.

CONSIDERATION OF SB 1062 CONTINUED

CONSIDERATION OF AMENDMENT A09661 CONTINUED

The SPEAKER pro tempore. The House returns to SB 1062.

The Chair recognizes Representative Jordan Harris on the amendment.

Mr. J. HARRIS. Thank you, Mr. Speaker.

Will the maker of the amendment stand for brief interrogation?

The SPEAKER pro tempore. The gentleman looks like he agrees to stand for interrogation.

Mr. J. HARRIS. Thank you.

Mr. Speaker, what stops a judge from imposing the suggested mandatory minimum under the amendment already?

Mr. STEPHENS. You are saying, currently does the judge have the ability to impose a sentence that would be required under the mandatory minimum?

Mr. J. HARRIS. Yes.

Mr. STEPHENS. So it depends on the sentencing guidelines. I mean, the sentencing guidelines, the judge has to consider sentencing guidelines, and sometimes those sentencing guidelines are—

Mr. J. HARRIS. Mr. Speaker, I cannot hear. I cannot hear, Mr. Speaker.

The SPEAKER pro tempore. The Chair asks the House to come to order.

With all due respect, let the gentleman ask the question so he can be heard.

The Chair asks the House to come to order and please take your seats. Thank you.

Mr. STEPHENS. So it really depends on the specific circumstances. There may be times where, because of the sentencing guidelines, the judge would have to be going outside of those guidelines in order to get to the mandatory minimum sentence, and that is what would prevent them from getting there.

Mr. J. HARRIS. But there are instances where, if the mandatory that is under this amendment falls within the guidelines, the judge could impose that sentence currently?

Mr. STEPHENS. If that is the case, if the mandatory minimum sentence falls within the guidelines, then yes.

Mr. J. HARRIS. Okay. Thank you, Mr. Speaker.

That concludes my interrogation.

On the amendment?

The SPEAKER pro tempore. The gentleman may speak to the amendment.

Mr. J. HARRIS. Thank you.

Mr. Speaker, every year, every other year our citizens go and they vote on judges for the court of common pleas and municipal court, depending on if there are vacancies, and we vote on those judges to give them the ability to dispense justice. We give them the ability to make decisions when it comes to sentencing those folks who have been found guilty in a court of law. We already have a system in place that provides sentences for those who have been convicted criminals, and that is the jurisdiction of our judges.

You know, Mr. Speaker, when I was growing up, my mother would take me to the shoe store and she would have my foot measured before she bought me shoes. Even though I may have been 4 years old or 5 years old, my foot may have not been the size of the average 4- or 5-year-old. The same thing happens in our judicial system. One size does not fit all, and therefore we have judges who have the discretion to put forth sentences based off of circumstances that they deem fit and appropriate for the crime. These mandatory minimums, which have already been seen to be unconstitutional, are a one-size-fits-all approach that does not take into account situations and circumstances in the commission of these crimes, and therefore we have seen that they, one, do not deter folks from committing crimes; two, they increase the rolls of our prison; and three, they cost our taxpayers dollar after dollar after dollar. It is shown that mandatory minimums do not work.

Mr. Speaker, we should not be going backwards by trying to reinstitute mandatory minimums. What we should be doing is having faith in the judicial system so that our judges have the discretion necessary to look at a set of circumstances and make the appropriate decision. They are there to do that. Let us give them the ability to do their jobs, and that is why I oppose this amendment.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes Representative Vereb, for the second time.

Mr. VEREB. Thank you, Mr. Speaker.

Just, if I could, three quick points: one, we heard about hearings, etc., but we have already voted on this language in this session; secondly, our District Attorneys Association supports

this; and thirdly, in terms of the shoe store, if you get measured for shoes in Philadelphia and then you go to Bucks County to get measured for the shoe, it is going to be the same size.

So, Mr. Speaker, I would suggest that we need equal sentencing across this State. You should not be able to put your gun in someone's mouth in one county and rape them and get one sentence and then go to another county and commit the same crime and have a different sentence. This is equality for the most serious violent crimes in our Commonwealth, Mr. Speaker. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes Representative Jordan Harris, for the second time.

Mr. J. HARRIS. Thank you, Mr. Speaker.

Mr. Speaker, I am glad the gentleman from Montgomery County can admit that the dispensation of justice is not the same throughout the Commonwealth. I think that is a bigger issue for another day that we should discuss and that we should take up, that something that happens in Philadelphia and something that happens in a different county, a person could be charged with different crimes, a person could be given different sentences, a person could be given consecutive and not concurrent sentences. I am so glad the gentleman from Montgomery County has articulated that the justice system is not equal in all of the 67 counties, and I would hope that before this term is over, we can actually address that issue, but today we are talking about mandatory minimums and how they do not work for the criminal justice system.

Thank you, Mr. Speaker.

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—145

Adolph	Gibbons	Mackenzie	Readshaw
Baker	Gillen	Major	Reed
Barbin	Gillespie	Maloney	Reese
Barrar	Gingrich	Marshall	Regan
Benninghoff	Godshall	Marsico	Roae
Bizzarro	Goodman	Masser	Rothman
Bloom	Greiner	Matzie	Rozzi
Boback	Grove	McGinnis	Saccone
Brown, R.	Hahn	Mentzer	Sainato
Burns	Hanna	Metcalfe	Samuelson
Caltagirone	Harhai	Metzgar	Sankey
Causar	Harhart	Miccarelli	Santora
Christiana	Harkins	Millard	Saylor
Conklin	Harper	Miller, B.	Schweyer
Corbin	Harris, A.	Milne	Simmons
Costa, D.	Heffley	Moul	Snyder
Cox	Helm	Mullery	Sonney
Culver	Hennessey	Murt	Staats
Cutler	Hickernell	Mustio	Stephens
Daley, P.	Hill	Nelson	Tallman
Day	Irvin	Nesbit	Taylor
Deasy	James	Neuman	Tobash
Delozier	Jozwiak	O'Neill	Toepel
DiGirolamo	Kampf	Oberlander	Toohil
Dunbar	Kaufer	Ortitay	Topper
Dush	Kauffman	Parker, D.	Vereb
Ellis	Kavulich	Payne	Ward

Emrick	Keller, F.	Peifer	Warner
English	Keller, M.K.	Petrarca	Watson
Evankovich	Klunk	Petri	Wentling
Everett	Knowles	Pickett	Wheeland
Farina	Kortz	Pyle	White
Farry	Kotik	Quigley	Zimmerman
Fee	Krueger	Quinn, C.	
Flynn	Lawrence	Quinn, M.	Turzai,
Freeman	Lewis	Rapp	Speaker
Gabler	Longietti	Ravenstahl	

NAYS—44

Artis	Dawkins	Kim	Rader
Boyle	Dean	Kinsey	Roebuck
Bradford	DeLissio	Kirkland	Schemel
Briggs	Dermody	Markosek	Schlossberg
Brown, V.	Diamond	McCarter	Schreiber
Carroll	Donatucci	McClinton	Sims
Cohen	Driscoll	McNeill	Thomas
Costa, P.	Fabrizio	Miller, D.	Trutt
Daley, M.	Frankel	Neilson	Vitali
Davidson	Harris, J.	O'Brien	Wheatley
Davis	Keller, W.	Pashinski	Youngblood

NOT VOTING—0

EXCUSED—14

Acosta	Evans	Maher	Santarsiero
Bullock	Gainey	Mahoney	Savage
Cruz	Galloway	Ross	Sturla
DeLuca	Gergely		

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. The Chair asks Representative Neuman whether he is going to offer amendment 9846?

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

Mr. NEUMAN offered the following amendment
No. **A09846**:

Amend Bill, page 2, by inserting between lines 1 and 2
(ii) enters a building or occupied structure, or separately secured or occupied portion thereof, that is adapted for overnight accommodations in which at the time of the offense any minor is present;

Amend Bill, page 2, line 2, by striking out "(ii)" and inserting
(iii)

Amend Bill, page 3, line 6, by inserting after "3502(A)(1)(I)"
and (ii)

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

The SPEAKER pro tempore. On that question, the Chair recognizes Representative Neuman.

Mr. NEUMAN. Thank you, Mr. Speaker.

It is my understanding that this is an agreed-to amendment.

This would just, in addition to the underlying bill, it would also add if there is a burglary with a weapon, that it would also add a potential enhancement that the Sentencing Commission can look at if there is a minor in the dwelling. We had a couple of situations in my home county where the perpetrator, there was not this availability of an enhancement. And in one instance, four gentlemen entered a dwelling and they just started shooting and a stray bullet killed a 10-year-old girl in my district, and there was not the availability of the courts to have an enhancement. This will give the commission the ability to do that.

I request an affirmative vote. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes Chairman Marsico.

Mr. MARSICO. Thank you, Mr. Speaker.

Yes, Mr. Speaker, this is a good amendment and it is an agreed-to amendment. I want to thank the sponsor for offering the amendment. So I ask for an affirmative vote.

The SPEAKER pro tempore. Thank you, Representative.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—188

Adolph	Everett	Lawrence	Ravenstahl
Artis	Fabrizio	Lewis	Readshaw
Baker	Farina	Longietti	Reed
Barbin	Farry	Mackenzie	Reese
Barrar	Fee	Major	Regan
Benninghoff	Flynn	Maloney	Roae
Bizzarro	Frankel	Markosek	Roebuck
Bloom	Freeman	Marshall	Rothman
Boback	Gabler	Marsico	Rozzi
Boyle	Gibbons	Masser	Saccone
Bradford	Gillen	Matzie	Sainato
Briggs	Gillespie	McCarter	Samuelson
Brown, R.	Gingrich	McClinton	Sankey
Brown, V.	Godshall	McGinnis	Santora
Burns	Goodman	Mentzer	Saylor
Caltagirone	Greiner	Metcalfe	Schemel
Carroll	Grove	Metzgar	Schlossberg
Causar	Hahn	Miccarelli	Schreiber
Christiana	Hanna	Millard	Schweyer
Cohen	Harhai	Miller, B.	Simmons
Conklin	Harhart	Miller, D.	Sims
Corbin	Harkins	Milne	Snyder
Costa, D.	Harper	Moul	Sonney
Costa, P.	Harris, A.	Mullery	Staats
Cox	Harris, J.	Murt	Stephens
Culver	Heffley	Mustio	Tallman
Cutler	Helm	Neilson	Taylor
Daley, M.	Hennessey	Nelson	Thomas
Daley, P.	Hickernell	Nesbit	Tobash
Davidson	Hill	Neuman	Toepel
Davis	Irvin	O'Brien	Toohil
Dawkins	James	O'Neill	Topper
Day	Jozwiak	Oberlander	Truitt
Dean	Kampf	Ortitay	Verab
Deasy	Kaufer	Parker, D.	Vitali
DeLissio	Kauffman	Pashinski	Ward
Delozier	Kavulich	Payne	Warner
Dermody	Keller, F.	Peifer	Watson
Diamond	Keller, M.K.	Petrarca	Wentling

DiGirolamo	Keller, W.	Petri	Wheatley
Donatucci	Kim	Pickett	Wheeland
Driscoll	Kinsey	Pyle	White
Dunbar	Kirkland	Quigley	Youngblood
Dush	Klunk	Quinn, C.	Zimmerman
Ellis	Knowles	Quinn, M.	
Emrick	Kortz	Rader	Turzai,
English	Kotik	Rapp	Speaker
Evankovich	Krueger		

NAYS—0

NOT VOTING—1

McNeill

EXCUSED—14

Acosta	Evans	Maher	Santarsiero
Bullock	Gainey	Mahoney	Savage
Cruz	Galloway	Ross	Sturla
DeLuca	Gergely		

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?

The SPEAKER pro tempore. The gentleman, Representative Farry, has withdrawn amendment 9836.

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 SPEAKER (MIKE TURZAI) PRESIDING

The SPEAKER. We have two folks on unanimous consent.

STATEMENT BY MR. WARNER

The SPEAKER. The Chair would like to recognize Representative Ryan Warner to the front rostrum on unanimous consent.

Mr. WARNER. Thank you, Mr. Speaker.

Mr. Speaker, close to a month ago to this day the city of Connellsville, Connellsville Township, and Bullsken Township were devastated by one of the worst flooding disasters to ever hit the area. And many of us here have witnessed the devastation of natural disasters on the news, but to witness one firsthand is an eye-opening experience.

The days and weeks after the flood, the outpouring of support and donations from individuals, volunteer organizations, students, and local businesses has been

overwhelming and truly awe-inspiring. And there is not enough praise that can be given to our first responders. These extremely dedicated men and women worked tirelessly around the clock for days saving lives and keeping our communities safe.

Moving forward, there is still much left to do for full recovery, but I just want to take a quick moment and from the bottom of my heart thank all those volunteers and first responders, who have made me prouder than ever to say that I am from Fayette County.

Thank you, Mr. Speaker.

The SPEAKER. Thank you, Representative Warner.

STATEMENT BY MR. FARRY

The SPEAKER. Representative Frank Farry is recognized on unanimous consent.

Mr. FARRY. Thank you, Mr. Speaker.

It is with sad news that I announce that my one district office staff member, Andrew Tomlinson's 5-year-old son was diagnosed with stage III lymphoma last night. So I just ask that you keep Andrew, his family, and specifically, his son, Kayden, in your prayers as we move forward with what is going to be a very lengthy battle.

So we are with you, Kayden. Stay strong.

The SPEAKER. Thank you, Representative Farry, and they will be in our prayers.

LEAVE OF ABSENCE

The SPEAKER. Representative McNEILL has requested to be placed on leave for the remainder of the day. Without objection, that will be granted.

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 2241, PN 3858**, entitled:

An Act amending Title 40 (Insurance) of the Pennsylvania Consolidated Statutes, in regulation of insurers and related persons generally, providing for retroactive denial of reimbursements.

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

(Bill analysis was read.)

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

The question is, shall the bill pass finally?

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

(Members proceeded to vote.)

VOTE STRICKEN

The SPEAKER. Please strike the vote. Strike the vote. I do apologize. Please strike the vote.

Some members wish to speak on the bill, and I do apologize.

Representative Barrar, just a moment.

Representative Barrar is recognized.

Mr. BARRAR. Thank you, Mr. Speaker.

I wanted to interrogate the maker of the bill.

The SPEAKER. Yes, sir. Representative Barrar, the maker of the bill, the good lady, has indicated that she will stand for interrogation, and you may proceed.

Mr. BARRAR. Thank you, Mr. Speaker.

Mr. Speaker, if a doctor is denied a payment because of a retroactive denial because of retroactive review, does the health-care provider that is denied have an opportunity at some point in time to rebill the health insurance company? I was not sure if that was addressed in the bill. I apologize.

Ms. BOBACK. Will you please repeat the question?

Mr. BARRAR. For the sake of the members, the bill deals with a retroactive denial of payment. If a retroactive review results in a health-care provider being denied a payment, that he would have to reimburse the health insurance company back because of like a code, a billing code error, does the health-care provider have an opportunity to rebill the insurance company for that denial?

Ms. BOBACK. Yes, Mr. Speaker. That is correct.

Mr. BARRAR. Okay. Since this bill sets a 24-month limit lookback by the insurance company, if a claim is denied, if that claim is beyond the 24 months, do you know if the health-care provider would have any opportunity after the 24 months to submit for a claim also? So his claim would—

The SPEAKER. If I—

Ms. BOBACK. It is the coordination—

The SPEAKER. —might just interject at this time. We are going to go over the bill for just a second to allow the parties to get together to talk about the substance of the bill — Representative Boback, Representative Barrar, and staff members.

Mr. BARRAR. Well, Mr. Speaker, I am fine with— I will withdraw that question.

The SPEAKER. Okay.

Mr. BARRAR. I have another one that I think is probably a little bit more—

Ms. BOBACK. It was the coordination of benefits; yes.

Mr. BARRAR. Okay. Mr. Speaker, I understand that provisions of section 3703 are specifically intended to ensure that if a paid claim is retroactively denied due to improper coding by a health-care provider, an insurer may only do so based upon the coding guidelines and the policies that were in effect at the time. So if they change the coding requirements now, they cannot go back and deny that payment later.

Ms. BOBACK. That is correct, Mr. Speaker.

Mr. BARRAR. Is that correct?

Ms. BOBACK. Yes.

Mr. BARRAR. Okay. Mr. Speaker, if I could on the bill real quick?

The SPEAKER. Yes; you may, sir. Please proceed.

Mr. BARRAR. Thank you, Mr. Speaker.

I would like to thank the gentelady and the chairman of the Insurance Committee for their help on this. Actually, this legislation has been around since the early 2000s. Actually, this bill passed under— I had passed this bill back in, I think, 2007 under a version of legislation, a form of HB 1100 at that

session time. I am pleased that the gentledady has worked so hard on this in order to work out a compromise that I was unable to do, and I would ask the members to vote for this.

This is an important bill to our health-care providers. They have suffered tremendously under the impact when the insurance companies— Right now the insurance companies can claw back up to 6 years of payments from a health-care provider. This is so necessary to get done. I actually had a chiropractor who was actually forced to pay over \$200,000 back, and it actually put him out of business after he ended up paying about two hundred grand back to the insurance company that did a retroactive review, or retroactive denial payment on.

So I would ask the members to vote "yes" on this. This is a great bill. It is a good compromise that the gentledady worked out, and I thank her for that.

Thank you, Mr. Speaker.

The SPEAKER. Thank you, sir.

Representative Dom Costa, on the bill, and then I am going to turn it over to the maker of the bill, Representative Boback.

Mr. D. COSTA. Thank you, Mr. Speaker.

I rise to support this bill. Through much negotiation with the health-care providers and the providers of the insurers, an agreement was agreed to and everyone is good with the bill, so I am asking for an affirmative vote for this bill. Thank you.

The SPEAKER. Representative Boback, on the bill, please.

Ms. BOBACK. Thank you, Mr. Speaker.

I do urge all of my colleagues to vote in favor of HB 2241. Let us put this important, longstanding issue to rest. I would appreciate your support.

Thank you, Mr. Speaker.

The SPEAKER. Thank you, Representative Boback.

Representative Pickett, do you wish to be recognized?

Ms. PICKETT. Thank you, Mr. Speaker.

I just want to thank everyone involved with this, all parties. It is a good agreement. It is going to work well for many people who will be affected by it. Long time coming. I am very pleased to stand and ask for your support of this bill. Thank you.

On the question recurring,

Shall the bill pass finally?

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

The following roll call was recorded:

YEAS-188

Adolph	Everett	Lawrence	Ravenstahl
Artis	Fabrizio	Lewis	Readshaw
Baker	Farina	Longietti	Reed
Barbin	Farry	Mackenzie	Reese
Barrar	Fee	Major	Regan
Benninghoff	Flynn	Maloney	Roae
Bizzarro	Frankel	Markosek	Roebuck
Bloom	Freeman	Marshall	Rothman
Boback	Gabler	Marsico	Rozzi
Boyle	Gibbons	Masser	Saccone
Bradford	Gillen	Matzie	Sainato
Briggs	Gillespie	McCarter	Samuelson
Brown, R.	Gingrich	McClinton	Sankey
Brown, V.	Godshall	McGinnis	Santora
Burns	Goodman	Mentzer	Saylor
Caltagirone	Greiner	Metcalfe	Schemel
Carroll	Grove	Metzgar	Schlossberg

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

NAYS-0

NOT VOTING-0

EXCUSED-15

Acosta	Evans	Maher	Santarsiero
Bullock	Gainey	Mahoney	Savage
Cruz	Galloway	McNeill	Sturla
DeLuca	Gergely	Ross	

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

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

The SPEAKER. This will be our last vote for the day.

* * *

The House proceeded to third consideration of **HB 1313, PN 3927**, entitled:

An Act amending the act of December 19, 1988 (P.L.1262, No.156), known as the Local Option Small Games of Chance Act, in preliminary provisions, further providing for legislative intent and for definitions; in games of chance, further providing for prize limits and for sales limited, providing for pull-tab deal, further providing for distributor licenses and for major league sports drawing, providing for airport 50/50 drawing, further providing for registration of manufacturers, for regulations of department, for licensing of eligible organizations and for special permits and providing for special location permits, for vertical wheel game permits and for poker run permits; in club licensees, further providing for club licensee, providing for definition and for club licensee, further providing for distribution of proceeds and providing for club licensee location permits; in enforcement, further providing for revocation of licenses and for enforcement; and, in tavern gaming, further providing for definitions, for licenses, for application, for approval, for tavern raffle, for

distribution of net revenue, for tavern games tax, for host municipality tavern games tax and for enforcement.

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

(Bill analysis was read.)

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—167

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

NAYS—21

Bradford	Hahn	Maloney	Rapp
Brown, V.	Harhart	McCarter	Samuelson
Daley, M.	Harris, J.	Metcalfe	Thomas
Dean	Keller, F.	Miller, D.	Vitali
Freeman	Lawrence	Milne	Wentling
Gillen			

NOT VOTING—0

EXCUSED—15

Acosta	Evans	Maher	Santarsiero
Bullock	Gainey	Mahoney	Savage
Cruz	Galloway	McNeill	Sturla
DeLuca	Gergely	Ross	

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

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

The SPEAKER. Turning to housekeeping.

BILLS RECOMMITTED

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

- HB 1528;
- HB 1530;
- HB 1885;
- HB 1968;
- HB 2303;
- HB 2338;
- SB 1062; and
- SB 1311.

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

BILLS REMOVED FROM TABLE

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

- HB 564;
- HB 1473;
- HB 2293;
- HB 2304;
- SB 889; and
- SB 1219.

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

BILLS ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 1064, PN 3366**, entitled:

An Act amending the act of March 20, 2002 (P.L.154, No.13), known as the Medical Care Availability and Reduction of Error (Mcare) Act, in medical professional liability, providing for emergency care.

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

BILL TABLED

The SPEAKER. The Chair recognizes the majority leader, who moves that HB 1064 be removed from the active calendar and placed on the tabled calendar.

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

BILL REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader, who moves that HB 1064 be removed from the tabled calendar and placed on the active calendar.

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

* * *

The House proceeded to second consideration of **HB 1499**, **PN 3371**, entitled:

An Act amending Titles 24 (Education), 51 (Military Affairs) and 71 (State Government) of the Pennsylvania Consolidated Statutes, extensively revising pension provisions: for the Public School Employees' Retirement System, in the areas of preliminary provisions, of membership, contributions and benefits, of School Employees' Defined Contribution Plan, of administration and miscellaneous provisions and of health insurance for retired school employees; for military pensions, in the area of military leave of absence; for the State Employees' Retirement System, in the areas of preliminary provisions, of membership, credited service, classes of service and eligibility for benefits, of contributions, of benefits, of State Employees' Defined Contribution Plan, of administration, funds, accounts, general provisions; providing, as to the revisions, for reservation of legislative authority, for construction, for accrued liability, for construction related to Federal law, for immunity from personal liability, for restoration of service credit or a retirement benefit, for recertification of contribution rates, for transfer of assets and for severability; and making editorial changes.

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

BILL TABLED

The SPEAKER. The Chair recognizes the majority leader, who moves that HB 1499 be removed from the active calendar and placed on the tabled calendar.

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

BILL REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader, who moves that HB 1499 be removed from the tabled calendar and placed on the active calendar.

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

* * *

The House proceeded to second consideration of **SB 645**, **PN 1090**, entitled:

An Act providing for notice and disclosure of proposed collective bargaining agreements and related documents and for open records.

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

BILL TABLED

The SPEAKER. The Chair recognizes the majority leader, who moves that SB 645 be removed from the active calendar and placed on the tabled calendar.

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

BILL REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader, who moves that SB 645 be removed from the tabled calendar and placed on the active calendar.

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

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 785**, **PN 1381**, entitled:

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.

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

BILL TABLED

The SPEAKER. The Chair recognizes the majority leader, who moves that SB 785 be removed from the active calendar and placed on the tabled calendar.

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

BILL REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader, who moves that SB 785 be removed from the tabled calendar and placed on the active calendar.

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

BILLS AND RESOLUTIONS PASSED OVER

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

ADJOURNMENT

The SPEAKER. Representative Jamie Santora moves that the House be adjourned until Monday, October 17, 2016, at 1 p.m., e.d.t., unless sooner recalled by the Speaker.

On the question,
Will the House agree to the motion?
Motion was agreed to, and at 4:09 p.m., e.d.t., the House adjourned.