

# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

TUESDAY, JUNE 20, 2017

SESSION OF 2017

201ST OF THE GENERAL ASSEMBLY

No. 35

### 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 Imam Abdullah Dibba. He is the Imam of Bait-us-Samad Mosque in Baltimore. He is here at my invitation. And Kalim many of you know, House Republican photographer. He is close friends with the Imam and had suggested the opportunity for him to give our prayer today.

IMAM ABDULLAH DIBBA, Guest Chaplain of the House of Representatives, offered the following prayer:

May peace be unto you all, in the name of God the gracious, the merciful.

I am honored to be here to represent the Ahmadiyya movement in Islam, Muslims who believe in and accept the Messiah of the age.

We begin this day today in the name of the creator of the heavens and the earth and all that is in between them.

All praise belongs to God, Lord of all the worlds, the gracious, the merciful, master of the day of judgment. Thee alone do we worship and Thee alone do we implore for help. Guide us in the right path, the path of those on whom You have bestowed Your blessings, those who have not incurred Your displeasure, and those who have not gone astray.

God says in the Quran: "O mankind, We have created you from a male and a female, and We have made you into tribes and subtribes that you may recognize one another. Verily, the most honorable among you, in the sight of God, is he who is the most righteous among you."

We make no distinction between any of His prophets. We have heard and we are obedient. Our Lord, we implore Your forgiveness and to Thee is the returning.

God burdens not a soul beyond its capacity. It shall have the reward it earns and it shall get the punishment it incurs. Therefore, our Lord, do not punish us if we forget or fall into error, and our Lord, lay not on us a responsibility as You laid upon those before us. Our Lord, burden us not with what we have not the strength to bear, and efface our sins and grant us forgiveness and have mercy on us.

As you represent your communities and people, may God Almighty bestow upon you the ability to fulfill your responsibilities and serve the interest of your people and the

nation at large. May He enable you to stand for and represent peace and justice as expected of you all. Ameen.

#### PLEDGE OF ALLEGIANCE

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

#### JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, the approval of the Journal of Monday, June 19, 2017, will be postponed until printed.

#### LEAVES OF ABSENCE

The SPEAKER. Members, the majority whip has requested a leave of absence for the following members: Representative Thomas QUIGLEY of Montgomery County for the day, Representative John McGINNIS of Blair County for the day, and Representative Doyle HEFFLEY of Carbon County for the day. Without objection, the leaves will be granted.

The minority whip requests leaves of absence for the following members: Frank DERMODY of Allegheny County for the day, Flo FABRIZIO of Erie County for the day, Patty KIM of Dauphin County for the day, and Joanna McCLINTON of Philadelphia County for the day. Without objection, those will be granted.

#### MASTER ROLL CALL

The SPEAKER. We are going to proceed to vote on the master roll. Members, please proceed to vote.

The following roll call was recorded:

PRESENT—193

Baker	Ellis	Krueger	Readshaw
Barbin	Emrick	Kulik	Reed
Barrar	English	Lawrence	Reese
Benninghoff	Evankovich	Lewis	Roae
Bernstine	Evans	Longietti	Roe
Bizzarro	Everett	Mackenzie	Roebuck
Bloom	Farry	Madden	Rothman
Boback	Fee	Maher	Rozzi
Boyle	Fitzgerald	Mako	Ryan
Bradford	Flynn	Maloney	Saccone
Briggs	Frankel	Markosek	Sainato
Brown, R.	Freeman	Marshall	Samuelson
Brown, V.	Fritz	Marsico	Sankey

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

ADDITIONS—0

NOT VOTING—0

EXCUSED—10

Dermody	Heffley	McGinnis	Quigley
Fabrizio	Kim	Milne	Schemel
Gabler	McClinton		

LEAVES ADDED—1

Maher

LEAVES CANCELED—4

Dermody	Heffley	Kim	McClinton
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The SPEAKER. There are 193 members voting on the master roll. A quorum is present.

**BILLS REPORTED FROM COMMITTEES, CONSIDERED FIRST TIME, AND RECOMMITTED TO COMMITTEE ON RULES**

**HB 1385, PN 2071 (Amended)** By Rep. O'NEILL

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

FINANCE.

**HB 1518, PN 2069 (Amended)** By Rep. CAUSER

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, in organization of independent administrative boards and commissions, further providing for Agricultural Lands Condemnation Approval Board.

AGRICULTURE AND RURAL AFFAIRS.

**HB 1550, PN 2070 (Amended)** By Rep. CAUSER

An Act amending the act of June 30, 1981 (P.L.128, No.43), known as the Agricultural Area Security Law, further providing for purchase of agricultural conservation easements.

AGRICULTURE AND RURAL AFFAIRS.

**BILLS REREPORTED FROM COMMITTEE**

**HB 353, PN 2066** By Rep. SAYLOR

An Act amending the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act, further providing for professional prescription, administration, and dispensing.

APPROPRIATIONS.

**HB 566, PN 1928** By Rep. SAYLOR

An Act amending the act of February 17, 1994 (P.L.73, No.7), known as the Contractor and Subcontractor Payment Act, further providing for application of act, for owner's payment obligations, for owner's withholding of payment for good faith claims, for contractor's and subcontractor's payment obligations, for errors in documentation, for retainage, for contractor's withholding of payment for good faith claims and for penalty and attorney fee.

APPROPRIATIONS.

**HB 646, PN 689** By Rep. SAYLOR

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in assault, further providing for the offense of aggravated assault.

APPROPRIATIONS.

**HB 1139, PN 1986** By Rep. SAYLOR

An Act amending Titles 18 (Crimes and Offenses) and 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, in offenses against the family, further providing for newborn protection; in child protective services, further providing for taking child into protective custody; and, in newborn protection, further providing for definitions and for health care providers accepting newborns, providing for emergency services providers accepting newborns and for incubators for newborns and further providing for reporting acceptance of newborns, for immunity and for duties of department.

APPROPRIATIONS.

**SB 8, PN 719** By Rep. SAYLOR

An Act amending Titles 4 (Amusements), 18 (Crimes and Offenses), 30 (Fish), 42 (Judiciary and Judicial Procedure) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes, extensively revising forfeiture provisions as follows: in administration and enforcement relating to gaming, further providing for prohibited acts

and penalties; in inchoate crimes, further providing for the offense of manufacture, distribution, use or possession of devices for theft of telecommunications services; in assault, further providing for the offense of terrorism; in loss of property rights relating to sexual offenses, further providing for general rule and repealing provisions relating to process and seizure, to custody of property and to disposal of property; in forgery and fraudulent practices, further providing for the offenses of copying and recording devices and for trademark counterfeiting; in riot, disorderly conduct and related offenses, further providing for the offense of gambling devices, gambling, etc.; in wiretapping and electronic surveillance, further providing for seizure and forfeiture of electronic, mechanical or other devices; in minors, further providing for sentencing and penalties for trafficking drugs to minors; in nuisances, further providing for the offense of scattering rubbish; in other offenses, further providing for drug trafficking sentencing and penalties; in vehicle chop shop and illegally obtained and altered property, further providing for loss of property rights to Commonwealth and repealing provisions relating to procedure with respect to seized property subject to liens and rights of lienholders; in enforcement relating to Fish and Boat Code, further providing for forfeiture of fish and devices; in actions, proceedings and other matters generally relating to Judicial Code, providing for forfeiture of assets; in forfeitures, repealing provisions relating to controlled substances forfeiture, to terrorism forfeiture and to procedure with respect to seized property subject to liens and rights of lienholders; in size, weight and load relating to Vehicle Code, further providing for transporting foodstuffs in vehicles used to transport waste; in liquid fuels and fuel use tax enforcement, further providing for forfeitures and process and procedures and for disposition of fines and forfeitures; providing for conduct of forfeiture; and making repeals of provisions of the Liquor Code and another act relating to certain forfeiture of property.

#### APPROPRIATIONS.

#### SB 560, PN 936

By Rep. SAYLOR

An Act amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in wiretapping and electronic surveillance, further providing for definitions, for exceptions to prohibition of interception and disclosure of communications, for exceptions to prohibitions in possession, sale, distribution, manufacture or advertisement of electronic, mechanical or other devices and for expiration of chapter; and providing for recordings by law enforcement officers.

#### APPROPRIATIONS.

### HOUSE BILLS INTRODUCED AND REFERRED

#### No. 1582 By Representatives DELOZIER and SAYLOR

An Act amending Title 62 (Procurement) of the Pennsylvania Consolidated Statutes, in contracts for public works, providing for specifications for contracts.

Referred to Committee on STATE GOVERNMENT, June 20, 2017.

**No. 1583** By Representatives DELOZIER, WATSON, DONATUCCI, MURT, CALTAGIRONE, O'BRIEN, KINSEY, BULLOCK, FREEMAN, V. BROWN, SCHLOSSBERG, RAPP, DAVIS, J. HARRIS, DEAN, McNEILL, FRANKEL, D. COSTA, SOLOMON, STAATS, GILLEN, ROZZI, DALEY, BOYLE and McCARTER

An Act promoting women's health and economic security by eliminating discrimination and ensuring reasonable workplace accommodations for workers whose ability to perform the functions of a job are limited by pregnancy, childbirth or a related medical condition.

Referred to Committee on LABOR AND INDUSTRY, June 20, 2017.

**No. 1584** By Representatives ROTHMAN, MCGINNIS, MACKENZIE, RYAN, BAKER, BARRAR, PICKETT, MILLARD, BLOOM, R. BROWN, ZIMMERMAN, B. MILLER, COX, KAUFFMAN, SANKEY, A. HARRIS, WARD, LAWRENCE, STAATS, KEEFER, MARSICO, PHILLIPS-HILL, IRVIN, WHEELAND and DUSH

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

Referred to Committee on FINANCE, June 20, 2017.

**No. 1585** By Representatives WHITE, TAYLOR, MURT, W. KELLER, GODSHALL, DRISCOLL, WATSON, HEFFLEY, MUSTIO, DONATUCCI and D. COSTA

An Act amending Title 74 (Transportation) of the Pennsylvania Consolidated Statutes, providing for freight train crew requirement and imposing penalties.

Referred to Committee on TRANSPORTATION, June 20, 2017.

**No. 1586** By Representatives ORTITAY, PHILLIPS-HILL, JOZWIAK, LONGIETTI, MILLARD and GROVE

An Act amending the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, in school district debt refinancing bonds, further providing for sinking fund charges for school building projects.

Referred to Committee on EDUCATION, June 20, 2017.

**No. 1587** By Representatives KAUFFMAN, PASHINSKI, WARD, DALEY, PHILLIPS-HILL, PICKETT, RAPP and WATSON

An Act providing for certification of central service technicians; imposing continuing education requirements on central service technicians; and providing for duties of hospitals and ambulatory surgical facilities and the Department of Health.

Referred to Committee on HEALTH, June 20, 2017.

**No. 1588** By Representatives CORR, SACCONI, METZGAR, DUNBAR, RYAN, MILLARD, O'NEILL, M. QUINN, ROTHMAN, JAMES, A. HARRIS, KAUFFMAN, ENGLISH, STAATS, BLOOM, PETRI, PICKETT, SAYLOR, GROVE, COOK, TOPPER, B. MILLER, WARD, KAUFER, ORTITAY and SANKEY

An Act amending the act of August 26, 1971 (P.L.351, No.91), known as the State Lottery Law, in pharmaceutical assistance for the elderly, further providing for income verification.

Referred to Committee on AGING AND OLDER ADULT SERVICES, June 20, 2017.

### GUESTS INTRODUCED

The SPEAKER. We have, up here on the rostrum, Muhammad Sanyang. He is going into fourth grade. Please stand. Great to have you with us today, Muhammad. Thank you, buddy. He is the nephew of the Imam and was kind enough to come with us.

To the left of the rostrum, we welcome some good friends of Representative Warren Kampf. Please rise as I call your name: Gwen, Ian, Paula, and Randy Charles. Great to have you here today. Thank you so much for being with us.

In the rear of the House, we have got some great friends of Representative Joe Emrick. Representative Emrick has with him today these folks: Janet Layton, who is a fourth grade teacher in the Bangor Area School District, and she is here with a student, Deanna Friedman, and Deanna's mom, Diane. So would the three of them please stand. There they are. Great to have you here today. Thank you so much.

In the rear of the House, we welcome Michael McKinney. Where is Michael McKinney? Michael, thanks for being with us. He is with Representative Kristin Phillips-Hill for the day. Thanks for being here.

Our good friend and colleague, Representative Gene DiGirolamo, has invited guests from the Bensalem School District. If you could please rise when I call you. Sam Lee is the superintendent of the school district – there is Sam – Bill Ferrara is the principal, and Jeff Per is the athletic director. Great school district. Thanks for being with us here today as our guests.

In the rear off the House, we recognize a great friend of Representative Mark Keller, Myranda Kleckner. Myranda, would you please stand. There is Myranda. She is with the Center for Dairy Excellence. She is an intern with the Center for Dairy Excellence.

Representative Steve Barrar welcomes good friends – where is Judith Hinds? Judith, if you would please stand, and any guests you have. Judith, move over towards us a little bit; we have some people in front of you. Just come out. Judith, thanks so much for being with us today. I know you have some guests with you as well. Thank you.

Representative Bullock has brought with us some interns from her office: Noah Kulak – Noah, where are you? Noah, great to have you – and Madison Gharghoury.

In the rear of the House, Representative Mackenzie has an intern, Constantine Pavlack. Constantine, will you please stand. Great to have you here today. Thank you.

### ZACH BAUER PRESENTED

The SPEAKER. I am going to ask all the members to please take their seats. We are going to be honoring a retired employee, so I am going to ask everybody to please take your seats. He is someone who has served the Commonwealth of Pennsylvania and the House of Representatives for many, many years. So I am going to need all the members to please take your seats.

Guests, I am going to need you to please take your seats. If anybody has any business to conduct, please take it off the House floor. We are going to be closing the doors of the House for this retired employee, so if anybody has any business, please take it off the House floor at this time.

The Sergeants at Arms, I would ask that you close the doors of the House. If anybody needs to step out, this is the last moment; otherwise, all members, please take your seats.

Today it is my great pleasure to recognize Zach Bauer for 35 years of outstanding service to the House of Representatives. Zach, you have to stand. Come on, my good friend.

Zach is one of two individuals that operates the House voting system. He also assists in needed repairs to the voting system and the voting boards. In all these years that we had it, Zach, I just remember that one time we had that issue, and my goodness, did you manage that well. You were so entrepreneurial, and the reason we do not ever have any issues is because you are so on top of the system.

Zach began his tenure with our House of Representatives in February of 1982. He started as one of the messengers. He worked in the document room as a legislative clerk and then a document room clerk, and then he became the roll call clerk for the Chief Clerk's Office.

I know you all know this. I think sometimes the public forgets it. The votes that we take here are official records governing the rules and laws for 12 million citizens, and if we did not have a system that could, with accuracy, record the democratic voting in a functioning democracy, there would not be a level of trust in the work that we are doing here. So you have to have folks like Zach who bring integrity and accuracy to the recording of those votes to allow the citizens of Pennsylvania to have trust in us.

Zach, we have had trust in you and we are so appreciative of the vital role that you have played in keeping this floor truly functioning in an active democracy on a daily basis.

We thank you for your dependability, your attention to detail, your years of dedicated service that you have given this institution, the Commonwealth of Pennsylvania, and its citizens.

Now, we have Zach's family with us today. In the rear of the House, we have Zach's wife, Rhonda – please stand, Rhonda – his son, Garrett. Garrett, please stand. His sisters are here, Liz Hoover – Liz – and Tawna Bauer – Tawna – his brother, Frank, and sister-in-law, Marsha – please stand – and his nephew, Alex. Thank you for sharing this wonderful individual with us, and thank you for being here on this important date.

We also have a good number of coworkers and friends who are here to celebrate this day with Zach. Would you please stand. Anybody who is here as friends and colleagues with Zach, please stand at this time.

Zach, we congratulate you and wish you the best as you enter into a new journey in your life. We know this new chapter is going to include spending a little bit more time with the family, and you are going to continue the volunteer work but with more time available to devote to it. Please enjoy the special times that lie ahead. Zach. Thank you very, very much.

Please come up so I can present this citation to you, and if your wife and son could join us, we would greatly appreciate it. If you could come up front, we would greatly appreciate it. Thank you, everybody.

We can open the doors of the House. Thank you.

### GUESTS INTRODUCED

The SPEAKER. Members, we have some students who are participating in the Governor's School for the Sciences here today, and I would like to introduce them. I think they are in the

back-left, so if we could keep that clear. We are going to hold our applause until after they have all been introduced, but I would ask you to stand as I call out your name and we will do applause at the end.

Abigal Keebler from Representative Marcy Toepel's district, Brandon Dunlevy from Representative Snyder's district, Catherine de Lacoste-Azizi from Representative Youngblood's district, Aparna Paul from Representative Hickernell's district, Anna Hu from Representative Reese's district, Panayiotis Vandris from Representative Bradford's district, Kristine Lai from Representative Benninghoff's district, Vamsi Saladi from Representative Kampf's district, Noah Lee from Representative Rothman's district, Christopher Yang from Representative Harper's district, Sanjana Narayanan from Representative Milne's district, Daniel Qian from Representative Simmons' district, and Daniel Moreno from Representative Hahn's district. Please give them a round of applause. Thank you.

Members, we are going to proceed to the uncontested calendar.

### LEAVE OF ABSENCE CANCELED

The SPEAKER. Representative Heffley is on the floor. He should be placed on the master roll.

### UNCONTESTED CALENDAR

#### RESOLUTIONS PURSUANT TO RULE 35

Mr. McCARTER called up **HR 383, PN 1950**, entitled:

A Resolution commemorating the 100th anniversary of the Pennsylvania Public School Employees' Retirement System on July 18, 2017.

\* \* \*

Mrs. SNYDER called up **HR 403, PN 2021**, entitled:

A Resolution designating the month of June 2017 as "Dairy Month" and "Dairy Farmers Appreciation Month" in Pennsylvania.

On the question,  
Will the House adopt the resolutions?

The following roll call was recorded:

#### YEAS—192

Baker	Ellis	Kortz	Readshaw
Barbin	Emrick	Krueger	Reed
Barrar	English	Kulik	Reese
Benninghoff	Evankovich	Lewis	Roae
Bernstine	Evans	Longietti	Roe
Bizzarro	Everett	Mackenzie	Roebuck
Bloom	Farry	Madden	Rothman
Boback	Fee	Maher	Rozzi
Boyle	Fitzgerald	Mako	Ryan
Bradford	Flynn	Maloney	Saccone
Briggs	Frankel	Markosek	Sainato
Brown, R.	Freeman	Marshall	Samuelson
Brown, V.	Fritz	Marsico	Sankey
Bullock	Gainey	Masser	Santora

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

#### NAYS—2

Lawrence Metcalfe

#### NOT VOTING—0

#### EXCUSED—9

Dermody	Kim	McGinnis	Quigley
Fabrizio	McClinton	Milne	Schemel
Gabler			

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

### CALENDAR

#### RESOLUTIONS PURSUANT TO RULE 35

Mr. DeLUCA called up **HR 362, PN 1860**, entitled:

A Resolution recognizing the continued commitment of Congress to eradicating cancer through additional funding to the National Institutes of Health and other important cancer programs in the most recent appropriation bill.

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—194

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

NAYS—0

NOT VOTING—0

EXCUSED—9

Dermody	Kim	McGinnis	Quigley
Fabrizio	McClinton	Milne	Schemel
Gabler			

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

\* \* \*

Mr. ROTHMAN called up **HR 408, PN 2050**, entitled:

A Resolution honoring the life and achievements of Jack Kemp.

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—194

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

NAYS—0

NOT VOTING—0

EXCUSED—9

Dermody	Kim	McGinnis	Quigley
Fabrizio	McClinton	Milne	Schemel
Gabler			

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

### STATEMENT BY MR. ROTHMAN

The SPEAKER. Members, please take your seats. I have three members who wish to speak on resolutions, one of whom has guests with him today.

At this time I would ask Representative Greg Rothman to come to the rostrum to be recognized on HR 408.

Members, please take your seats.

Mr. ROTHMAN. Mr. Speaker, I want to thank my colleagues for unanimously passing the resolution honoring the life of Jack Kemp.

Jack Kemp was an optimist. He was evangelical in his promotion of ideas and the American ideal. He believed that free people with free will and free minds and opportunity and a free market could have prosperity.

He was a champion in football and in politics. His professional career started in playing for the Pittsburgh Steelers. He believed the American dream should be accessible to all. He was outspoken in his belief that the party of Lincoln should also be the party of all. He was a powerful orator who gave a stirring speech at the 1980 Republican National Convention, where his former boss, Ronald Reagan, was nominated. He often quoted Martin Luther King and John F. Kennedy that a rising tide lifts all boats. In 1965, as a member of the AFL (American Football League) All-Star Team, he led a boycott against the city of New Orleans, after businesses would not allow his teammates to stay in their hotels or go to their clubs and restaurants. It was the first successful boycott against discrimination by a professional team. They moved the All-Star game to Houston.

Elected to Congress from Buffalo in 1970, he always said he was a liberal – an 18th century liberal – and that he was a small "d" democrat.

I was inspired by then Congressman Kemp when he was championing the free market and exporting freedom and democracy around the world to Eastern Europe and Central and Latin America.

He was the first in Congress to support and promote funding for Solidarity in Poland and helping Lech Walesa overthrow the Communist government. But Jack wanted that same freedom to create growth and opportunity in urban America. He preferred visiting public housing projects to country clubs. He embraced every man, woman, and child irrespective of race, creed, or religion. He truly wanted all boats to rise.

He authored the 1981 tax cuts – forever known as the Kemp-Roth tax cuts – that led to the doubling of revenues to the Federal Treasury.

He had confidence and enthusiasm for the ideas, the American ideas. He inspired me so much that I took a semester off of college in 1988. I went and campaigned with him in New Hampshire and South Carolina, North Carolina, Georgia, and Florida. I was a youth coordinator and an advance man. For several months I was with him nearly every day. I could give his stump speech in my sleep: "free men, free minds, free markets, free enterprise, the entrepreneurial spirit, prosperity for all, the American dream, and the American ideal."

Jack Kemp loved the American ideal and loved the American dream. He would go on to be President Bush's HUD (Housing and Urban Development) Secretary. He loved the fact that a son of a truck driver and a schoolteacher could become a professional football quarterback, a Congressman, a Cabinet Secretary, and in 1996, the Vice Presidential nominee.

His 4 children – Jeff, Jennifer, Judith, and Jimmy – and 17 grandchildren and 1 great-grandchild continue to promote the legacy, his legacy, through the Jack Kemp Foundation. The Kempian economic theories live on in those of us inspired to public service as we continue to promote the American ideal he cherished and championed.

My three children have heard me tell them every morning when they left for school or evenings when I dropped them off the words that Jack Kemp told me he told his children: "Be a leader." Jack Kemp was a leader.

Jack Kemp died in May of 2009, having left the arena way too soon. President Barack Obama honored him posthumously with the Presidential Medal of Freedom.

Today I ask you to join me in honoring my mentor, my boss, and my inspiration to public service, who believed in the civility and the idea of debate and believed in the power of the American ideal.

We are joined today by some guests who also were inspired and worked for Jack Kemp. Jeffrey Lord, former Reagan official—

The SPEAKER. Members, if you will just— Representative Rothman, if you would just give me a second.

Members, I would like you to take a moment to pay attention to the guests that are being introduced here today by Representative Rothman.

Members, if you could please take your seats.

Representative Rothman, please proceed.

Mr. ROTHMAN. We are joined today by guests who were inspired by and worked with Jack Kemp. Jeffrey Lord, a former Reagan and HUD official who worked with Jack and can now be seen regularly on CNN; Mr. Lord. John Bravacos, a former HUD official who also served on the HUD transition team, from Chester County. Otto Banks, a former HUD official who joined Jack and I on a tour of a HUD housing project in Harrisburg in 2006; Otto Banks. And finally, Jimmy Kemp, the youngest son of Jack and Joanne, who also played professional football and now serves as president of the Jack Kemp Foundation.

Mr. Speaker, thank you.

The SPEAKER. Representative Rothman, thank you so much.

Jack Kemp was an inspiration to many. I know he was the nominee for Vice President under Senator Dole. They did not win. It was gracious of President Obama to posthumously present Congressman Kemp and Secretary Kemp the Presidential Medal of Freedom award.

I have to say this: he was an inspiration for many, and I understand that House Speaker Paul Ryan had worked for Congressman Kemp as well.

Thank you very much, gentlemen, for being with us here today. We are very, very appreciative.

## STATEMENT BY MR. McCARTER

The SPEAKER. Representative McCarter is going to request to speak on HR 383.

Mr. McCARTER. Thank you, Mr. Speaker.

One hundred years ago in late June the Pennsylvania State Legislature, following the actions of 21 other States, created a retirement system for Pennsylvania's educators, just 2 months after the United States entered World War I. Named the "Public School Employees' Retirement System," it has served to provide pensions for hundreds of thousands of Pennsylvanian teachers, administrators, bus drivers, custodians, secretaries, and other education employees.

By July 1920, 204 members had been granted full retirement and 50 had been granted disability retirement. The average annuity was \$275 a year.

Mr. Speaker, in the 1920s economic boom, defined benefit pensions such as PSERS became part of the calculus for the American dream, which consisted of a steady job with a middle-class salary, decent benefits, and the promise of a pension in retirement.

By 1929, Mr. Speaker, PSERS membership had grown to 71,313 members. Funds then were invested exclusively in Pennsylvania State, county, city, borough, and township bonds, with preference for school district bonds, and because of this, the system was not threatened by the crash of '29. At the height of the Depression, PSERS annual report noted that through PSERS bond investments, jobs had been created building roads and schools throughout Pennsylvania.

Mr. Speaker, PSERS commitment continued throughout other difficult periods – World War II, the cold war, the Vietnam Conflict, and even the 1980s recession. As late as 2000, the fund was not only fully funded, but was in fact 126 percent funded. PSERS has done its job through times of difficulty and good times when the market thrived. Let us be honest, almost all of the system's problems have been created by foolhardy legislative action in this body and the Senate.

As of June 30, 2015, PSERS had nearly 220,000 retired members and beneficiaries and 260,000 active members. Its 2015 pension disbursements totaled \$6.3 billion, and 90 percent of that amount, or \$5.7 billion, went directly into State and local economies. According to a national study, spending multiplies throughout Pennsylvania's economy into an economic impact of \$10.2 billion. PSERS has become and remains one of the major drivers of Pennsylvania's economy, helping the American dream and providing a dignified retirement a reality for hundreds of thousands of Pennsylvanians.

Mr. Speaker, the dedicated men and women of PSERS who have successfully invested the contributions of Pennsylvania's educators, local school districts, and the State deserve a great deal of credit for their skill of investing and looking out for our educator retirees. PSERS has won many industry awards and has been recognized as one of the country's most successful public employee systems.

Mr. Speaker, a hundred years from now, when PSERS will celebrate its 200th anniversary, I hope that the legislators in this chamber can look back and praise the continued success of PSERS as we can today.

Thank you, Mr. Speaker.

## SUPPLEMENTAL CALENDAR A

## BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 566, PN 1928**, entitled:

An Act amending the act of February 17, 1994 (P.L.73, No.7), known as the Contractor and Subcontractor Payment Act, further providing for application of act, for owner's payment obligations, for owner's withholding of payment for good faith claims, for contractor's and subcontractor's payment obligations, for errors in documentation, for retainage, for contractor's withholding of payment for good faith claims and for penalty and attorney fee.

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—168

Baker	Emrick	Kulik	Rapp
Barbin	Evans	Lawrence	Ravenstahl
Barrar	Everett	Lewis	Readshaw
Benninghoff	Farry	Longietti	Reed
Bizzarro	Fee	Mackenzie	Reese
Boback	Fitzgerald	Madden	Roae
Boyle	Flynn	Maher	Roebuck
Bradford	Frankel	Mako	Rozzi
Briggs	Freeman	Maloney	Saccone
Brown, R.	Fritz	Markosek	Sainato
Brown, V.	Gainey	Marshall	Samuelson
Bullock	Galloway	Marsico	Sankey
Burns	Gergely	Matzje	Santora
Caltagirone	Gillespie	McCarter	Saylor
Carroll	Godshall	McNeill	Schlossberg
Cephas	Goodman	Mehaffie	Schweyer
Charlton	Greiner	Mentzer	Simmons
Christiana	Grove	Metzgar	Sims
Comitta	Haggerty	Miccarelli	Snyder
Conklin	Hahn	Millard	Solomon
Cook	Hanna	Miller, D.	Sonney
Corbin	Harkins	Moul	Staats
Corr	Harper	Mullery	Stephens
Costa, D.	Harris, A.	Murt	Sturla
Costa, P.	Harris, J.	Mustio	Taylor
Cox	Heffley	Neilson	Thomas
Cruz	Helm	Nesbit	Toepel
Culver	Hennessey	Neuman	Toohil
Cutler	Hickernell	O'Brien	Topper
Daley	Hill	O'Neill	Vazquez
Davidson	Irvin	Oberlander	Vitali
Davis	James	Ortitay	Warren
Dawkins	Jozwiak	Pashinski	Watson
Day	Kampf	Peifer	Wentling
Dean	Kaufner	Petrarca	Wheatley
Deasy	Kavulich	Petri	Wheeland
DeLissio	Keller, M.K.	Pickett	White



DeLuca	Keller, W.	Pyle	Youngblood
DiGirolamo	Kinsey	Quinn, C.	Zimmerman
Donatucci	Kirkland	Quinn, M.	
Driscoll	Klunk	Rabb	Turzai,
Dunbar	Kortz	Rader	Speaker
Ellis	Krueger		

NAYS—26

Bernstine	English	Masser	Ryan
Bloom	Evankovich	Metcalfe	Tallman
Causer	Gillen	Miller, B.	Tobash
Delozier	Kauffman	Nelson	Walsh
Diamond	Keefer	Roe	Ward
Dowling	Keller, F.	Rothman	Warner
Dush	Knowles		

NOT VOTING—0

EXCUSED—9

Dermody	Kim	McGinnis	Quigley
Fabrizio	McClinton	Milne	Schemel
Gabler			

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 646**, **PN 689**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in assault, further providing for the offense of aggravated assault.

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

(Bill analysis was read.)

The SPEAKER. This bill has been considered on three different days and agreed to and is now on final passage.  
The question is, shall the bill pass finally?

Representative Vitali has asked to be recognized on the bill.  
Sir, you are so recognized.

Mr. VITALI. Thank you, Mr. Speaker.

I just want to express my continuing concern for adding category and category of people to this enhanced aggravated assault statute. I think this is the 39th addition we have placed on this. No one has explained to me why the current Crimes Code statutes would not be protective of the public on this. I am very concerned when nonfelony offenses are elevated to felony offenses. They contain important restrictions on a person's civil rights, like the ability to carry a gun, the ability to have certain employment opportunities in schooling and health care. I do not think we should attach a felony status without due consideration.

I have also not heard the case made for why adding someone to these protected categories really results in the protection that has been sought after. This is all part of that sentencing creep process that has crowded our prisons and increased costs of incarcerations. So this is something we continually do and I just have concerns about it.

The SPEAKER. Thank you, sir.  
Does anybody else wish to be recognized on HB 646?

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

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

NAYS—6

Brown, V.	Gainey	Vitali	Wheatley
Davidson	Rabb		

NOT VOTING—0

EXCUSED—9

Dermody	Kim	McGinnis	Quigley
Fabrizio	McClinton	Milne	Schemel
Gabler			

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 1139, PN 1986**, entitled:

An Act amending Titles 18 (Crimes and Offenses) and 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, in offenses against the family, further providing for newborn protection; in child protective services, further providing for taking child into protective custody; and, in newborn protection, further providing for definitions and for health care providers accepting newborns, providing for emergency services providers accepting newborns and for incubators for newborns and further providing for reporting acceptance of newborns, for immunity and for duties of department.

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—194

Baker	Ellis	Kortz	Ravenstahl
Barbin	Emrick	Krueger	Readshaw
Barrar	English	Kulik	Reed
Benninghoff	Evankovich	Lawrence	Reese
Bernstine	Evans	Lewis	Roae
Bizzarro	Everett	Longietti	Roe
Bloom	Farry	Mackenzie	Roebuck
Boback	Fee	Madden	Rothman
Boyle	Fitzgerald	Maher	Rozzi
Bradford	Flynn	Mako	Ryan
Briggs	Frankel	Maloney	Saccone
Brown, R.	Freeman	Markosek	Sainato
Brown, V.	Fritz	Marshall	Samuelson
Bullock	Gainey	Marsico	Sankey
Burns	Galloway	Masser	Santora
Caltagirone	Gergely	Matzie	Saylor
Carroll	Gillen	McCarter	Schlossberg
Causar	Gillespie	McNeill	Schweyer
Cephas	Godshall	Mehaffie	Simmons
Charlton	Goodman	Mentzer	Sims
Christiana	Greiner	Metcalfe	Snyder
Comitta	Grove	Metzgar	Solomon
Conklin	Haggerty	Miccarelli	Sonney

Cook	Hahn	Millard	Staats
Corbin	Hanna	Miller, B.	Stephens
Corr	Harkins	Miller, D.	Sturla
Costa, D.	Harper	Moul	Tallman
Costa, P.	Harris, A.	Mullery	Taylor
Cox	Harris, J.	Murt	Thomas
Cruz	Heffley	Mustio	Tobash
Culver	Helm	Neilson	Toepel
Cutler	Hennessey	Nelson	Toohil
Daley	Hickernell	Nesbit	Topper
Davidson	Hill	Neuman	Vazquez
Davis	Irvin	O'Brien	Vitali
Dawkins	James	O'Neill	Walsh
Day	Jozwiak	Oberlander	Ward
Dean	Kampf	Ortitay	Warner
Deasy	Kaufner	Pashinski	Warren
DeLissio	Kauffman	Peifer	Watson
Delozier	Kavulich	Petrarca	Wentling
DeLuca	Keefer	Petri	Wheatley
Diamond	Keller, F.	Pickett	Wheatland
DiGirolamo	Keller, M.K.	Pyle	White
Donatucci	Keller, W.	Quinn, C.	Youngblood
Dowling	Kinsey	Quinn, M.	Zimmerman
Driscoll	Kirkland	Rabb	
Dunbar	Klunk	Rader	Turzai,
Dush	Knowles	Rapp	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—9

Dermody	Kim	McGinnis	Quigley
Fabrizio	McClinton	Milne	Schemel
Gabler			

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 **SB 8, PN 719**, entitled:

An Act amending Titles 4 (Amusements), 18 (Crimes and Offenses), 30 (Fish), 42 (Judiciary and Judicial Procedure) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes, extensively revising forfeiture provisions as follows: in administration and enforcement relating to gaming, further providing for prohibited acts and penalties; in inchoate crimes, further providing for the offense of manufacture, distribution, use or possession of devices for theft of telecommunications services; in assault, further providing for the offense of terrorism; in loss of property rights relating to sexual offenses, further providing for general rule and repealing provisions relating to process and seizure, to custody of property and to disposal of property; in forgery and fraudulent practices, further providing for the offenses of copying and recording devices and for trademark counterfeiting; in riot, disorderly conduct and related offenses, further providing for the offense of gambling devices, gambling, etc.; in wiretapping and electronic surveillance, further providing for seizure and forfeiture of electronic, mechanical or other devices; in minors, further providing for sentencing and penalties for trafficking drugs to minors; in nuisances, further providing for the offense of scattering rubbish; in other offenses, further providing for drug trafficking sentencing and penalties; in vehicle chop shop and illegally obtained and altered property, further providing for loss of property rights to Commonwealth and repealing provisions relating to procedure with respect to seized property subject to liens and rights of lienholders; in

enforcement relating to Fish and Boat Code, further providing for forfeiture of fish and devices; in actions, proceedings and other matters generally relating to Judicial Code, providing for forfeiture of assets; in forfeitures, repealing provisions relating to controlled substances forfeiture, to terrorism forfeiture and to procedure with respect to seized property subject to liens and rights of lienholders; in size, weight and load relating to Vehicle Code, further providing for transporting foodstuffs in vehicles used to transport waste; in liquid fuels and fuel use tax enforcement, further providing for forfeitures and process and procedures and for disposition of fines and forfeitures; providing for conduct of forfeiture; and making repeals of provisions of the Liquor Code and another act relating to certain forfeiture of property.

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—194

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

Donatucci	Keller, W.	Quinn, C.	Youngblood
Dowling	Kinsey	Quinn, M.	Zimmerman
Driscoll	Kirkland	Rabb	
Dunbar	Klunk	Rader	Turzai,
Dush	Knowles	Rapp	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—9

Dermody	Kim	McGinnis	Quigley
Fabrizio	McClinton	Milne	Schemel
Gabler			

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

Ordered, That the clerk return the same to the Senate with the information that the House has passed the same without amendment.

\* \* \*

The House proceeded to third consideration of **SB 560, PN 936**, entitled:

An Act amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in wiretapping and electronic surveillance, further providing for definitions, for exceptions to prohibition of interception and disclosure of communications, for exceptions to prohibitions in possession, sale, distribution, manufacture or advertisement of electronic, mechanical or other devices and for expiration of chapter; and providing for recordings by law enforcement officers.

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—185

Baker	Everett	Lawrence	Reed
Barbin	Farry	Lewis	Reese
Barrar	Fee	Longietti	Roae
Benninghoff	Fitzgerald	Mackenzie	Roe
Bernstine	Flynn	Madden	Roebuck
Bizzarro	Frankel	Maher	Rothman
Bloom	Freeman	Mako	Rozzi
Boback	Fritz	Maloney	Ryan
Boyle	Gainey	Markosek	Saccone
Bradford	Galloway	Marshall	Sainato
Briggs	Gergely	Marsico	Samuelson
Brown, R.	Gillen	Masser	Sankey
Bullock	Gillespie	Matzie	Santora
Burns	Godshall	McCarter	Saylor
Caltagirone	Goodman	McNeill	Schlossberg

Carroll	Greiner	Mehaffie	Schweyer
Causar	Grove	Mentzer	Simmons
Charlton	Haggerty	Metcalf	Sims
Christiana	Hahn	Metzgar	Snyder
Comitta	Hanna	Miccarelli	Solomon
Conklin	Harkins	Millard	Sonney
Cook	Harper	Miller, B.	Staats
Corbin	Harris, A.	Miller, D.	Stephens
Corr	Harris, J.	Moul	Sturla
Costa, D.	Heffley	Mullery	Tallman
Costa, P.	Helm	Murt	Taylor
Cox	Hennessey	Mustio	Thomas
Cruz	Hickernell	Neilson	Tobash
Culver	Hill	Nelson	Toepel
Cutler	Irvin	Nesbit	Toohil
Davis	James	Neuman	Topper
Day	Jozwiak	O'Brien	Vazquez
Dean	Kampf	O'Neill	Walsh
Deasy	Kaufner	Oberlander	Ward
DeLissio	Kauffman	Ortitay	Warner
Delozier	Kavulich	Pashinski	Warren
DeLuca	Keefer	Peifer	Watson
DiGirolamo	Keller, F.	Petrarca	Wentling
Donatucci	Keller, M.K.	Petri	Wheatley
Dowling	Keller, W.	Pickett	Wheeland
Driscoll	Kinsey	Pyle	White
Dunbar	Kirkland	Quinn, C.	Youngblood
Dush	Clunk	Quinn, M.	Zimmerman
Ellis	Knowles	Rader	
Emrick	Kortz	Rapp	Turzai,
English	Krueger	Ravenstahl	Speaker
Evanovich	Kulik	Readshaw	

NAYS-9

Brown, V.	Davidson	Diamond	Rabb
Cephas	Dawkins	Evans	Vitali
Daley			

NOT VOTING-0

EXCUSED-9

Dermody	Kim	McGinnis	Quigley
Fabrizio	McClinton	Milne	Schemel
Gabler			

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.

**MOTION TO PROCEED TO CONSIDERATION UNDER RULE 24**

The SPEAKER. The Chair now calls upon the majority leader with respect to a motion to proceed on HB 353.

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

I make a motion to proceed to the immediate consideration of HB 353.

Thank you, Mr. Speaker.

On the question,

Will the House agree to the motion?

The SPEAKER. Representative Hanna, on that motion, please.

Mr. HANNA. Thank you, Mr. Speaker.

I urge a "yes" vote on the motion to proceed.

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

YEAS-174

Baker	Dunbar	Clunk	Reed
Barbin	Dush	Knowles	Reese
Barrar	Emrick	Kortz	Roae
Benninghoff	Evanovich	Krueger	Roe
Bernstine	Evans	Kulik	Roebuck
Bizzarro	Everett	Lawrence	Rothman
Bloom	Farry	Lewis	Rozzi
Boback	Fee	Longietti	Ryan
Boyle	Fitzgerald	Mackenzie	Saccone
Bradford	Flynn	Madden	Sainato
Briggs	Frankel	Maher	Sankey
Brown, R.	Fritz	Mako	Santora
Brown, V.	Gainey	Maloney	Saylor
Bullock	Galloway	Markosek	Schlossberg
Burns	Gergely	Marshall	Schweyer
Caltagirone	Gillespie	Marsico	Simmons
Carroll	Godshall	Masser	Sims
Causar	Goodman	McNeill	Solomon
Cephas	Greiner	Mehaffie	Sonney
Charlton	Grove	Mentzer	Staats
Christiana	Haggerty	Metcalf	Stephens
Comitta	Hahn	Miccarelli	Sturla
Conklin	Hanna	Millard	Taylor
Cook	Harkins	Moul	Thomas
Corbin	Harper	Murt	Tobash
Corr	Harris, A.	Mustio	Toepel
Costa, D.	Harris, J.	Neilson	Toohil
Costa, P.	Heffley	Nelson	Topper
Cox	Helm	Nesbit	Vazquez
Cruz	Hennessey	O'Brien	Vitali
Culver	Hickernell	O'Neill	Walsh
Cutler	Hill	Oberlander	Ward
Daley	Irvin	Ortitay	Warner
Davis	James	Pashinski	Warren
Dawkins	Jozwiak	Peifer	Watson
Day	Kampf	Petrarca	Wentling
Deasy	Kaufner	Petri	Wheatley
Delozier	Kauffman	Pickett	Wheeland
DeLuca	Kavulich	Pyle	White
Diamond	Keller, F.	Quinn, C.	Youngblood
DiGirolamo	Keller, M.K.	Quinn, M.	Zimmerman
Donatucci	Keller, W.	Rader	
Dowling	Kinsey	Rapp	Turzai,
Driscoll	Kirkland	Readshaw	Speaker

NAYS-20

Davidson	Freeman	Metzgar	Rabb
Dean	Gillen	Miller, B.	Ravenstahl
DeLissio	Keefer	Miller, D.	Samuelson
Ellis	Matzie	Mullery	Snyder
English	McCarter	Neuman	Tallman

NOT VOTING-0

EXCUSED-9

Dermody	Kim	McGinnis	Quigley
Fabrizio	McClinton	Milne	Schemel
Gabler			

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

### BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 353, PN 2066**, entitled:

An Act amending the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act, further providing for professional prescription, administration, and dispensing.

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—194

Baker	Ellis	Kortz	Ravenstahl
Barbin	Emrick	Krueger	Readshaw
Barrar	English	Kulik	Reed
Benninghoff	Evankovich	Lawrence	Reese
Bernstine	Evans	Lewis	Roae
Bizzarro	Everett	Longiotti	Roe
Bloom	Farry	Mackenzie	Roebuck
Boback	Fee	Madden	Rothman
Boyle	Fitzgerald	Maher	Rozzi
Bradford	Flynn	Mako	Ryan
Briggs	Frankel	Maloney	Saccone
Brown, R.	Freeman	Markosek	Sainato
Brown, V.	Fritz	Marshall	Samuelson
Bullock	Gainey	Marsico	Sankey
Burns	Galloway	Masser	Santora
Caltagirone	Gergely	Matzie	Saylor
Carroll	Gillen	McCarter	Schlossberg
Causar	Gillespie	McNeill	Schweyer
Cephas	Godshall	Mehaffie	Simmons
Charlton	Goodman	Mentzer	Sims
Christiana	Greiner	Metcalfe	Snyder
Comitta	Grove	Metzgar	Solomon
Conklin	Haggerty	Miccarelli	Sonney
Cook	Hahn	Millard	Staats
Corbin	Hanna	Miller, B.	Stephens
Corr	Harkins	Miller, D.	Sturla
Costa, D.	Harper	Moul	Tallman
Costa, P.	Harris, A.	Mullery	Taylor
Cox	Harris, J.	Murt	Thomas
Cruz	Heffley	Mustio	Tobash
Culver	Helm	Neilson	Toepel
Cutler	Hennessey	Nelson	Toohil
Daley	Hickernell	Nesbit	Topper
Davidson	Hill	Neuman	Vazquez
Davis	Irvin	O'Brien	Vitali
Dawkins	James	O'Neill	Walsh
Day	Jozwiak	Oberlander	Ward
Dean	Kampf	Ortitay	Warner
Deasy	Kaufner	Pashinski	Warren
DeLissio	Kauffman	Peifer	Watson
Delozier	Kavulich	Petrarca	Wentling

DeLuca	Keefer	Petri	Wheatley
Diamond	Keller, F.	Pickett	Wheeland
DiGirolamo	Keller, M.K.	Pyle	White
Donatucci	Keller, W.	Quinn, C.	Youngblood
Dowling	Kinsey	Quinn, M.	Zimmerman
Driscoll	Kirkland	Rabb	
Dunbar	Klunk	Rader	Turzai,
Dush	Knowles	Rapp	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—9

Dermody	Kim	McGinnis	Quigley
Fabrizio	McClinton	Milne	Schemel
Gabler			

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.

### RULES COMMITTEE MEETING

The SPEAKER. At this time the majority leader, and the chair of the Rules Committee, for an announcement on the Rules Committee votes.

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

There will be an immediate meeting of the House Rules Committee in the House Appropriations conference room; an immediate meeting of the House Rules Committee.

The SPEAKER. There will be an immediate meeting of the House Rules Committee in the House Appropriations conference room.

### REPUBLICAN CAUCUS

The SPEAKER. Representative Marcy Toepel, for a caucus announcement.

Mrs. TOEPEL. Thank you, Mr. Speaker.

Republicans will caucus at 12:30. We would be prepared to return to the floor at 2 o'clock.

### DEMOCRATIC CAUCUS

The SPEAKER. Representative Dan Frankel, for a minority caucus announcement.

Mr. FRANKEL. Thank you, Mr. Speaker.

Democrats will caucus at 12:30. Democrats will caucus at 12:30.

### GUESTS INTRODUCED

The SPEAKER. Also, just before I do further announcements, the Keystone Boys State, we have a large contingent from all over the Commonwealth of Pennsylvania. They are up there in the gallery. Guys, could you please stand up. It is an honor to have you here. Great to have you here today. We are always so impressed with this group of young

men, so please make sure you get to meet your Representative from your particular district. We welcome you here to the Capitol.

### ETHICS COMMITTEE MEETING

The SPEAKER. The Chair of the Ethics Committee, Representative Jim Cox, for a committee announcement, please.

Mr. COX. The Ethics Committee will be meeting at noon in room B-31. Ethics will be meeting at noon in room B-31.

The SPEAKER. Thank you, sir.

The Ethics Committee will meet at noon in room B-31.

Do I have any other announcements?

### STATE GOVERNMENT COMMITTEE MEETING

The SPEAKER. Representative Daryl Metcalfe, for a committee announcement. Please proceed.

Mr. METCALFE. Thank you, Mr. Speaker.

The House State Government Committee will have a voting meeting immediately at the break today in room G-50 of the Irvis Office Building to consider HB 1479, as well as any other business that might come before the committee, Mr. Speaker.

So that is an immediate meeting at the break of the House State Government Committee, G-50, Irvis Office Building, to take up HB 1479. Thank you, Mr. Speaker.

The SPEAKER. Thank you, sir.

The House State Government Committee will have a voting meeting immediately at the break today in room G-50 of the Irvis Office Building.

Any other committee announcements or caucus announcements?

### RECESS

The SPEAKER. We are going to stand in recess until 2 p.m. We will be standing in recess until 2 p.m.

### AFTER RECESS

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

### BILLS REREPORTED FROM COMMITTEE

#### HB 18, PN 2014

By Rep. REED

An Act amending the act of June 2, 1915 (P.L.736, No.338), known as the Workers' Compensation Act, in liability and compensation, further providing for prescription drugs and the treatment of work-related injuries; and, in procedure, further providing for peer review.

RULES.

#### HB 359, PN 377

By Rep. REED

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, in hunting and furtaking, further providing for killing game or wildlife by mistake; and, in hunting and furtaking licenses, further providing for period of revocation.

RULES.

#### HB 1153, PN 1376

By Rep. REED

An Act amending Titles 30 (Fish) and 34 (Game) of the Pennsylvania Consolidated Statutes, in fishing licenses, providing for active duty military fishing reciprocity; and, in hunting and furtaking licenses, providing for active duty military hunting reciprocity.

RULES.

#### HB 1361, PN 1690

By Rep. REED

An Act amending the act of July 10, 1990 (P.L.404, No.98), known as the Real Estate Appraisers Certification Act, further providing for definitions and for State Board of Certified Real Estate Appraisers.

RULES.

#### HB 1363, PN 1692

By Rep. REED

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, in general provisions, providing for residency during military service.

RULES.

### SENATE MESSAGE

#### RECESS RESOLUTION FOR CONCURRENCE

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

In the Senate,  
June 19, 2017

RESOLVED, (the House of Representatives concurring), Pursuant to Article II, Section 14 of the Pennsylvania Constitution, that when the Senate recesses this week, it reconvene on Monday, June 26, 2017, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, Pursuant to Article II, Section 14 of the Pennsylvania Constitution, that when the House of Representatives recesses this week, it reconvene on Monday, June 26, 2017, unless sooner recalled by the Speaker of the House of Representatives.

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

On the question,

Will the House concur in the resolution of the Senate?

Resolution was concurred in.

Ordered, That the clerk inform the Senate accordingly.

### LEAVE OF ABSENCE CANCELED

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

**BILL REPORTED FROM COMMITTEE,  
CONSIDERED FIRST TIME, AND  
RECOMMITTED TO COMMITTEE ON RULES**

**HB 1479, PN 2082** (Amended) By Rep. METCALFE

An Act amending the act of August 15, 1961 (P.L.987, No.442), known as the Pennsylvania Prevailing Wage Act, further providing for definitions.

STATE GOVERNMENT.

**CALENDAR CONTINUED**

**BILLS ON SECOND CONSIDERATION**

The House proceeded to second consideration of **SB 365, PN 357**, entitled:

An Act amending the act of May 1, 1933 (P.L.103, No.69), known as The Second Class Township Code, in corporate powers, further providing for personal property.

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 1233, PN 1838**, entitled:

An Act amending the act of July 9, 1976 (P.L.817, No.143), known as the Mental Health Procedures Act, in general provisions, further providing for scope of act, providing for definitions and further providing for individualized treatment plan; in involuntary examination and treatment, further providing for persons subject, for persons for whom application may be made, and for additional periods of court-ordered involuntary treatment; and adding provisions relating to assisted outpatient treatment.

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

Mr. **MURT** offered the following amendment No. **A01992**:

Amend Bill, page 10, line 28, by inserting after "psychiatrist"  
or other qualified professional

Amend Bill, page 10, line 28, by striking out the period after "court" and inserting  
, provided that any qualified professional appointed by the court who is not a psychiatrist shall be from a panel of qualified professionals specifically designated by the county administrator for their demonstrated expertise and ability to conduct court-ordered examinations for assisted outpatient treatment.

Amend Bill, page 15, lines 15 and 16, by striking out "temporary detention if a petition is filed under subsection (b)" and inserting  
the person to be examined in accordance with section 302 for purposes of evaluation and, if appropriate, filing a petition that the person poses a clear and present danger under section 301(b)

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

The SPEAKER. Representative Murt rises to speak on the amendment.

Sir, you may proceed.

Mr. MURT. Thank you, Mr. Speaker.

Mr. Speaker, briefly, this amendment clarifies intent that only involuntary inpatient commitments are considered as part of the criteria for determining the applicability of assisted outpatient treatment. As drafted, one of the criteria could be construed as including both voluntary and involuntary inpatient hospitalizations.

Mr. Speaker, the amendment is also intended to provide an additional protection for seriously mentally ill individuals under assisted outpatient treatment. HB 1233 includes provisions enabling treatment providers to inform the court when a seriously mentally ill individual fails to adhere to the court-ordered treatment plan. This amendment provides a corresponding right to the seriously mentally ill individual to petition the court when the consumer in question can demonstrate that the provisions of his or her agreed-to plan are not being followed; for example, if a specific service included in the approved treatment plan is not provided.

Thank you, Mr. Speaker.

The SPEAKER. Thank you, sir

**LEAVE OF ABSENCE CANCELED**

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

**CONSIDERATION OF HB 1233 CONTINUED**

The SPEAKER. I do not see anybody else on the amendment.

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

The following roll call was recorded:

YEAS—196

Baker	Emrick	Krueger	Ravenstahl
Barbin	English	Kulik	Readshaw
Barrar	Evankovich	Lawrence	Reed
Benninghoff	Evans	Lewis	Reese
Bernstine	Everett	Longietti	Roae
Bizzarro	Farry	Mackenzie	Roe
Bloom	Fee	Madden	Roebuck
Boback	Fitzgerald	Maher	Rothman
Boyle	Flynn	Mako	Rozzi
Bradford	Frankel	Maloney	Ryan
Briggs	Freeman	Markosek	Saccone
Brown, R.	Fritz	Marshall	Sainato
Brown, V.	Gainey	Marsico	Samuelson
Bullock	Galloway	Masser	Sankey
Burns	Gergely	Matzie	Santora
Caltagirone	Gillen	McCarter	Saylor
Carroll	Gillespie	McClinton	Schlossberg
Causer	Godshall	McNeill	Schweyer
Cephas	Goodman	Mehaffie	Simmons
Charlton	Greiner	Mentzer	Sims
Christiana	Grove	Metcalfe	Snyder
Comitta	Haggerty	Metzgar	Solomon
Conklin	Hahn	Miccarelli	Sonney

Cook	Hanna	Millard	Staats
Corbin	Harkins	Miller, B.	Stephens
Corr	Harper	Miller, D.	Sturla
Costa, D.	Harris, A.	Moul	Tallman
Costa, P.	Harris, J.	Mullery	Taylor
Cox	Heffley	Murt	Thomas
Cruz	Helm	Mustio	Tobash
Culver	Hennessey	Neilson	Toepel
Cutler	Hickernell	Nelson	Toohil
Daley	Hill	Nesbit	Topper
Davidson	Irvin	Neuman	Vazquez
Davis	James	O'Brien	Vitali
Dawkins	Jozwiak	O'Neill	Walsh
Day	Kampf	Oberlander	Ward
Dean	Kaufer	Ortitay	Warner
Deasy	Kauffman	Pashinski	Warren
DeLissio	Kavulich	Peifer	Watson
Delozier	Keefer	Petrarca	Wentling
DeLuca	Keller, F.	Petri	Wheatley
Diamond	Keller, M.K.	Pickett	Wheeland
DiGirolamo	Keller, W.	Pyle	White
Donatucci	Kim	Quinn, C.	Youngblood
Dowling	Kinsey	Quinn, M.	Zimmerman
Driscoll	Kirkland	Rabb	
Dunbar	Klunk	Rader	Turzai, Speaker
Dush	Knowles	Rapp	
Ellis	Kortz		

NAYS—0

NOT VOTING—0

EXCUSED—7

Dermody	Gabler	Milne	Schemel
Fabrizio	McGinnis	Quigley	

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?

Mrs. **DAVIDSON** offered the following amendment No. **A02134**:

Amend Bill, page 2, lines 18 and 19, by striking out all of line 18 and "(3)" in line 19 and inserting

(2)

Amend Bill, page 2, line 20, by striking out "(4)" and inserting

(3)

Amend Bill, page 2, line 21, by striking out "(5)" and inserting

(4)

Amend Bill, page 2, line 22, by striking out "(6)" and inserting

(5)

Amend Bill, page 2, line 23, by striking out "(7)" and inserting

(6)

Amend Bill, page 2, line 24, by striking out "(8)" and inserting

(7)

Amend Bill, page 2, line 27, by striking out "(9)" and inserting

(8)

Amend Bill, page 6, by inserting between lines 17 and 18

(3) In addition to the criteria described in clause (1), a person must receive assertive community treatment prior to receiving assisted outpatient treatment. As used in this clause, the term "assertive community treatment" means a service delivery model for providing comprehensive community-based treatment to individuals with serious

mental illness that is a self-contained mental health program made up of a multidisciplinary mental health staff, including a peer specialist, who work as a team to provide the majority of treatment, rehabilitation and support services that patients need to achieve their goals.

Amend Bill, page 12, lines 25 and 26, by striking out "or an assertive community treatment team"

On the question,

Will the House agree to the amendment?

The **SPEAKER**. Representative Davidson, on the amendment, 2134.

Mrs. **DAVIDSON**. Thank you, Mr. Speaker.

In talking to my colleagues – and I want to applaud the maker of the underlying bill, HB 1233. It is rare that we actually have an opportunity to look at the Mental Health Act and to take into consideration the millions of people that are suffering with mental illness. I would like to call it brain disease for a neurologist who talks on Capitol Hill about mental illness often. If you look at mental illness and any other brain trauma – any trauma to the brain, whether it is neurological, whether it is chemical, or whether it is injury from trauma like an accident – you see the same types of behaviors in play whenever the brain has been damaged in any way. And unfortunately, under the banner of mental health, there is not a treatment, long-term treatment modality that is in existence in the Commonwealth of Pennsylvania where people with serious mental illness like bipolar disease and schizophrenia can receive long-term treatment.

Mr. Speaker, for the last 4 years, I have been working on a treatment modality under the name "assertive community treatment," which is the grand standard of mental health treatment in this country and in this Commonwealth, and the maker of the bill agrees with me. And so I have agreed to work with the maker of the amendment as well as the chairman of the Human Services Committee to make sure that we provide an opportunity for people with mental health issues to get long-term, comprehensive treatment that will help them to lead a productive life as citizens of this Commonwealth, and to finally provide relief to the family members that love these individuals and want to see them be productive members of our community.

AMENDMENT WITHDRAWN

Mrs. **DAVIDSON**. And so, Mr. Speaker, I thank you very much for this opportunity to speak on my amendments. I am going to withdraw them at this time, and I look forward to the opportunity to provide long-term community treatment in a voluntary way for members of our mental health community.

Thank you, Mr. Speaker.

The **SPEAKER**. Representative Davidson, I apologize. Are you withdrawing amendments 2134 and 2135?

Representative Davidson is withdrawing both amendments to HB 1233. I do not see any other amendments.

Representative Murt, you have no other amendments, right? All amendments are withdrawn.

On the question recurring,

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

Bill as amended was agreed to.



The SPEAKER. The bill as amended will be reprinted.

\* \* \*

The House proceeded to second consideration of **HB 1523, PN 1987**, entitled:

An Act amending Title 44 (Law and Justice) of the Pennsylvania Consolidated Statutes, in DNA data and testing, further providing for policy, for definitions, for powers and duties of State Police, for State DNA Data Base, for State DNA Data Bank, for State Police recommendation of additional offenses, for procedural compatibility with FBI and for DNA sample required upon conviction, delinquency adjudication and certain ARD cases, providing for collection from persons accepted from other jurisdictions and further providing for procedures for withdrawal, collection and transmission of DNA samples, for procedures for conduct, disposition and use of DNA analysis, for DNA data base exchange and for expungement.

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

The SPEAKER. It is my understanding, I believe there are three amendments – four amendments on that.

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

Mr. **D. MILLER** offered the following amendment No. **A02047**:

Amend Bill, page 31, line 20, by inserting after "OFFENSE"  
, other than an offense enumerated under paragraph (4) or (6) of the definition of "other specified offense" in section 2303

Amend Bill, page 31, line 20, by striking out the bracket before "MAY"

Amend Bill, page 31, line 20, by striking out "]" SHALL"

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

The SPEAKER. On the amendment, Representative Dan Miller. Amendment 2047, do I have the right—

It was originally, I believe, under Representative Marsico's name. It is under Representative Miller's name at this time, amendment 2047.

Mr. D. MILLER. Thank you, Mr. Speaker.

Mr. Speaker, I want to thank the majority's leadership staff for helping to craft an amendment here that would be very good for the bill. In essence what it does is it gets to the heart of where some of our concerns were regarding the collection of DNA for some individuals who otherwise would not be convicted of a crime. So I believe this could be an agreed-to amendment, but I definitely thank the leadership's team in helping us negotiate something that can work for both parties.

The SPEAKER. Thank you.

Chairman Marsico, on the amendment, sir.

Mr. MARSICO. Thank you, Mr. Speaker.

I want to thank the gentlemen for this cooperation, staff, and this is an agreed-to amendment. I ask for an affirmative vote.

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

The following roll call was recorded:

### YEAS—196

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

### NAYS—0

### NOT VOTING—0

### EXCUSED—7

Dermody	Gabler	Milne	Schemel
Fabrizio	McGinnis	Quigley	

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 Dan Miller I believe is going to withdraw a second amendment. Representative Miller I believe withdraws his other amendment.

Yes, please, Representative Miller.

Mr. D. MILLER. Thank you, Mr. Speaker.

I appreciate, again, the work on the previous amendment. If you could withdraw this current one, I would appreciate it very much.

The SPEAKER. Thank you.

On the question recurring,

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

Mrs. DEAN offered the following amendment No. A01900:

Amend Bill, page 39, line 29, by inserting after "BASE"  
. If expungement is requested, the court shall order the expungement of the DNA sample, record or profile pertaining to the person in the State DNA databank or the State DNA data base

On the question,

Will the House agree to the amendment?

The SPEAKER. Representative Dean, on amendment 1900. You may proceed.

Mrs. DEAN. Thank you, Mr. Speaker.

This is a commonsense amendment that I hope my colleagues will vote "yes" on. It just says that if a defendant person is found innocent and is entitled to the expungement of the DNA taken, that the court shall order that expungement. Simple common sense.

The SPEAKER. Chairman Marsico, on the amendment.

Mr. MARSICO. Mr. Speaker, this amendment is unnecessary, and with that, I do oppose the amendment. So I ask for a negative vote. Thank you.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—80

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

NAYS—116

Baker	Fritz	Maloney	Roae
Barrar	Gillen	Marshall	Roe
Benninghoff	Gillespie	Marsico	Rothman
Bernstine	Godshall	Masser	Ryan
Bloom	Greiner	Mehaffie	Saccone
Boback	Grove	Mentzer	Sankey
Brown, R.	Hahn	Metcalfe	Santora
Causer	Harper	Metzgar	Saylor
Charlton	Harris, A.	Miccarelli	Simmons
Christiana	Heffley	Millard	Sonney
Cook	Helm	Miller, B.	Staats
Corbin	Hennessey	Moul	Stephens
Corr	Hickernell	Murt	Tallman
Cox	Hill	Mustio	Taylor
Culver	Irvin	Nelson	Tobash
Cutler	James	Nesbit	Toepel
Day	Jozwiak	O'Neill	Toohil
Delozier	Kampf	Oberlander	Topper
Diamond	Kaufer	Ortitay	Walsh
DiGirolamo	Kauffman	Peifer	Ward
Dowling	Keefer	Petri	Warner
Dunbar	Keller, F.	Pickett	Watson
Dush	Keller, M.K.	Pyle	Wentling
Ellis	Klunk	Quinn, C.	Wheeland
Emrick	Knowles	Quinn, M.	White
English	Lawrence	Rader	Zimmerman
Evankovich	Lewis	Rapp	
Everett	Mackenzie	Reed	Turzai,
Farry	Maher	Reese	Speaker
Fee	Mako		

NOT VOTING—0

EXCUSED—7

Dermody	Gabler	Milne	Schemel
Fabrizio	McGinnis	Quigley	

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?

Mrs. DEAN offered the following amendment No. A01901:

Amend Bill, page 39, by inserting between lines 7 and 8  
(a.1) Notice.—Upon reversal of a conviction, adjudication of delinquency or the grant of an unconditional pardon of a crime for which a person's DNA sample was collected, the court of common pleas of the county where the original charges were filed shall notify the person of the person's right to request expungement of the DNA sample, record or profile in the State DNA Data Bank or the State DNA Data Base under subsection (b).

On the question,

Will the House agree to the amendment?

The SPEAKER. Representative Dean, amendment 1901.

Mrs. DEAN. Thank you, and I will be brief.

And to echo what the clerk has just read to you: this is simply a notice provision only. The now innocent defendant would simply get notice from the court of common pleas that the DNA is there and eligible for expungement. Thank you. I hope we can get a "yes" vote.

**LEAVE OF ABSENCE**

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

**CONSIDERATION OF HB 1523 CONTINUED**

The SPEAKER. Chairman Marsico, on the amendment, please.

Mr. MARSICO. Mr. Speaker, this is not feasible and it is not necessary for the court to do this, so I ask for a negative vote on this amendment.

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

The following roll call was recorded:

**YEAS—79**

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

**NAYS—116**

Baker	Fee	Maloney	Roae
Barbin	Fritz	Marshall	Roe
Barrar	Gillen	Marsico	Rothman
Benninghoff	Gillespie	Masser	Ryan
Bernstine	Godshall	Mehaffie	Saccone
Bloom	Greiner	Mentzer	Sankey
Boback	Grove	Metcalfe	Santora
Brown, R.	Hahn	Metzgar	Saylor
Causer	Harper	Miccarelli	Simmons
Charlton	Harris, A.	Millard	Sonney
Christiana	Heffley	Miller, B.	Staats
Cook	Helm	Moul	Stephens
Corbin	Hennessey	Murt	Tallman
Corr	Hickernell	Mustio	Taylor
Cox	Hill	Nelson	Tobash
Culver	Irvin	Nesbit	Toepel
Cutler	James	O'Neill	Toohil
Day	Jozwiak	Oberlander	Topper
Delozier	Kampf	Ortitay	Walsh
Diamond	Kaufer	Peifer	Ward
DiGirolamo	Kauffman	Petri	Warner
Dowling	Keefer	Pickett	Watson
Dunbar	Keller, F.	Pyle	Wentling
Dush	Keller, M.K.	Quinn, C.	Wheeland
Ellis	Klunk	Quinn, M.	White

Emrick	Knowles	Rader	Zimmerman
English	Lawrence	Rapp	
Evankovich	Lewis	Reed	Turzai,
Everett	Mackenzie	Reese	Speaker
Farry	Mako		

**NOT VOTING—0**

**EXCUSED—8**

Dermody	Gabler	McGinnis	Quigley
Fabrizio	Maher	Milne	Schemel

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

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

The SPEAKER. Members, I do not see any other amendments on HB 1523.

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.

**SUPPLEMENTAL CALENDAR B**

**BILLS ON SECOND CONSIDERATION**

The House proceeded to second consideration of **HB 359, PN 377**, entitled:

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, in hunting and furtaking, further providing for killing game or wildlife by mistake; and, in hunting and furtaking licenses, further providing for period of revocation.

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 1361, PN 1690**, entitled:

An Act amending the act of July 10, 1990 (P.L.404, No.98), known as the Real Estate Appraisers Certification Act, further providing for definitions and for State Board of Certified Real Estate Appraisers.

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 1363, PN 1692**, entitled:

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, in general provisions, providing for residency during military service.

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 1153, PN 1376**, entitled:

An Act amending Titles 30 (Fish) and 34 (Game) of the Pennsylvania Consolidated Statutes, in fishing licenses, providing for active duty military fishing reciprocity; and, in hunting and furtaking licenses, providing for active duty military hunting reciprocity.

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

Mr. **ELLIS** offered the following amendment No. **A01996**:

Amend Bill, page 1, line 3, by inserting after "reciprocity" and for disabled veteran annual fishing license reciprocity

Amend Bill, page 1, line 5, by inserting after "reciprocity" and for disabled veteran annual hunting license reciprocity

Amend Bill, page 1, line 9, by striking out "a section" and inserting sections

Amend Bill, page 2, by inserting between lines 18 and 19 § 2702.3. Disabled veteran annual fishing license reciprocity.

(a) Permission.—Notwithstanding any other provision of this title, any person who possesses a valid and lawfully issued disabled veteran annual fishing license or permit which has been issued under the laws of another state, regardless of whether a reciprocity agreement exists between the Commonwealth and the state under subsection (b), may fish in any of the waters of this Commonwealth or in any boundary waters if all of the following apply:

(1) The state provides a reciprocal privilege for individuals possessing a disabled veteran annual fishing license issued under section 2707(a) (relating to disabled veterans and former prisoners of war).

(2) The Attorney General has determined that the fishing laws of the state are similar to the fishing laws of this Commonwealth.

(b) Reciprocity.—The following shall apply:

(1) The Attorney General shall have the power and duty to enter into reciprocity agreements with other states providing for the mutual recognition of disabled veteran annual fishing licenses issued by the Commonwealth and a similar license or permit issued by the other state. To carry out this duty, the Attorney General is authorized to negotiate reciprocity agreements and grant recognition of a disabled veteran annual fishing license or permit issued by another state.

(2) The Attorney General shall report to the General Assembly within 180 days of the effective date of this paragraph and annually thereafter concerning the agreements which have been consummated under this subsection.

Amend Bill, page 2, line 19, by striking out "a section" and inserting sections

Amend Bill, page 3, by inserting between lines 16 and 17 § 2703.2. Disabled veteran annual hunting license reciprocity.

(a) Permission.—Notwithstanding any other provision of this title, any person who possesses a valid and lawfully issued disabled veteran annual hunting license or permit which has been issued under the laws of another state, regardless of whether a reciprocity agreement exists between the Commonwealth and the state under subsection (b), may hunt in this Commonwealth if all of the following apply:

(1) The state provides a reciprocal privilege for individuals possessing a disabled veteran annual hunting license issued under section 2706(b) (relating to resident license and fee exemptions).

(2) The Attorney General has determined that the hunting laws of the state are similar to the hunting laws of this Commonwealth.

(b) Reciprocity.—The following shall apply:

(1) The Attorney General shall have the power and duty to enter into reciprocity agreements with other states providing for the mutual recognition of disabled veteran annual hunting licenses issued by the Commonwealth and a similar license or permit issued by the other state. To carry out this duty, the Attorney General is authorized to negotiate reciprocity agreements and grant recognition of a disabled veteran annual hunting license or permit issued by another state.

(2) The Attorney General shall report to the General Assembly within 180 days of the effective date of this paragraph and annually thereafter concerning the agreements which have been consummated under this subsection.

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

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

Mr. ELLIS. Thank you, Mr. Speaker.

Mr. Speaker, I would like to commend the author of the underlying bill for what we are doing for our soldiers and service men and women, and this just simply adds the disabled veterans as well, and I think that this is a great idea. A lot of other States have already gone this direction, and I think it is time Pennsylvania moves in the direction to help the folks that served us so well.

The SPEAKER. Thank you, sir.

Representative Boback, on the amendment, please.

Ms. BOBACK. Thank you, Mr. Speaker.

This will include even more veterans, particularly those who are disabled, and it is an agreed-to amendment.

Thank you, Mr. Speaker.

The SPEAKER. Thank you, Representative Boback.

Representative Bryan Barbin, on the amendment, please.

Mr. BARBIN. Yes, Mr. Speaker.

This is an agreed-to amendment. It is also not opposed by either the Game Commission or the Fish Commission. I urge a "yes" vote.

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

The following roll call was recorded:

YEAS—195

Baker	Emrick	Kortz	Ravenstahl
Barbin	English	Krueger	Readshaw
Barrar	Evankovich	Kulik	Reed
Benninghoff	Evans	Lawrence	Reese
Bernstine	Everett	Lewis	Roae
Bizzarro	Farry	Longietti	Roe

Bloom	Fee	Mackenzie	Roebuck
Boback	Fitzgerald	Madden	Rothman
Boyle	Flynn	Mako	Rozzi
Bradford	Frankel	Maloney	Ryan
Briggs	Freeman	Markosek	Saccone
Brown, R.	Fritz	Marshall	Sainato
Brown, V.	Gainey	Marsico	Samuelson
Bullock	Galloway	Masser	Sankey
Burns	Gergely	Matzie	Santora
Caltagirone	Gillen	McCarter	Saylor
Carroll	Gillespie	McClinton	Schlossberg
Causser	Godshall	McNeill	Schweyer
Cephas	Goodman	Mehaffie	Simmons
Charlton	Greiner	Mentzer	Sims
Christiana	Grove	Metcalfe	Snyder
Comitta	Haggerty	Metzgar	Solomon
Conklin	Hahn	Miccarelli	Sonney
Cook	Hanna	Millard	Staats
Corbin	Harkins	Miller, B.	Stephens
Corr	Harper	Miller, D.	Sturla
Costa, D.	Harris, A.	Moul	Tallman
Costa, P.	Harris, J.	Mullery	Taylor
Cox	Heffley	Murt	Thomas
Cruz	Helm	Mustio	Tobash
Culver	Hennessey	Neilson	Toepel
Cutler	Hickernell	Nelson	Toohil
Daley	Hill	Nesbit	Topper
Davidson	Irvin	Neuman	Vazquez
Davis	James	O'Brien	Vitali
Dawkins	Jozwiak	O'Neill	Walsh
Day	Kampf	Oberlander	Ward
Dean	Kaufner	Ortitay	Warner
Deasy	Kauffman	Pashinski	Warren
DeLissio	Kavulich	Peifer	Watson
Delozier	Keefer	Petrarca	Wentling
DeLuca	Keller, F.	Petri	Wheatley
Diamond	Keller, M.K.	Pickett	Wheeland
DiGirolamo	Keller, W.	Pyle	White
Donatucci	Kim	Quinn, C.	Youngblood
Dowling	Kinsey	Quinn, M.	Zimmerman
Driscoll	Kirkland	Rabb	
Dunbar	Klunk	Rader	Turzai,
Dush	Knowles	Rapp	Speaker
Ellis			

NAYS—0

NOT VOTING—0

EXCUSED—8

Dermody	Gabler	McGinnis	Quigley
Fabrizio	Maher	Milne	Schemel

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.

## CALENDAR CONTINUED

### BILL ON FINAL PASSAGE POSTPONED

The House proceeded to consideration on final passage postponed of **HB 442, PN 1929**, entitled:

An Act providing for plumbing contractors licensure; establishing the State Board of Plumbing Contractors and providing for its powers and duties; conferring powers and imposing duties on the Department of Labor and Industry; establishing fees, fines and civil penalties; establishing the Plumbing Contractors Licensure Account; and making an appropriation.

On the question recurring,  
Shall the bill pass finally?

### DECISION OF CHAIR RESCINDED

The SPEAKER. Now, members, without objection, the Chair is rescinding the third consideration that had been received. There is a technical amendment that has been filed. It does not need a motion to suspend. That is a ruling of the Chair.

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

Mr. **CHRISTIANA** offered the following amendment  
No. **A01928**:

Amend Bill, page 13, line 12, by striking out "all" and inserting any

Amend Bill, page 20, line 10, by inserting after "unless" any of the following have occurred

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

The SPEAKER. I do see that Representative Kinsey, Representative Tallman, and Representative Dush are all rising, but at this time we are on the amendment, so I am going to give Representative Christiana, whose amendment it is, the opportunity to speak on the amendment. It does not need a motion to suspend.

Representative Christiana, do you wish to speak on the amendment?

Then I see that I have Representative Kinsey, then it will be Representative Tallman, then it will be Representative Dush.

### PARLIAMENTARY INQUIRY

The SPEAKER. Come up to the podium, and you may—  
Representative Dush, you are making a parliamentary inquiry?

Mr. DUSH. Yes, Mr. Speaker.

Specifically, this bill was on third consideration. I am not familiar with the method that you used to suspend that.

The SPEAKER. Well, no, it is not – I am not using any method. We are rescinding the third consideration, which is appropriate, to entertain amendment on third.

Typically on amendments on third, it is the standard rule you have to have a motion to suspend and it requires a two-thirds vote. But the rules state that if it is a technical amendment, if it

is not changing the substance of the bill, and it is correcting some aspect of the bill in its language but it is not substantively changing it, then we do not need a motion to suspend for the two-thirds vote.

It was the opinion of the Parliamentarian, as he reviews the bills that come up in front of us – it is not typical that we have an amendment on third; that is not standard fare – but in reviewing it, he believed that it was technical in nature, was not substantive, and actually spoke to counsel for both the majority and minority sides. That is where we are.

Mr. DUSH. Thank you, Mr. Speaker.  
I thought you were reverting us somehow back to second.  
The SPEAKER. No.  
Mr. DUSH. Thank you.

**PARLIAMENTARY INQUIRY**

The SPEAKER. Representative Tallman, parliamentary inquiry?

Mr. TALLMAN. Mr. Speaker?  
The SPEAKER. Yes, sir.  
Mr. TALLMAN. Parliamentary inquiry.  
The SPEAKER. Yes.

Mr. TALLMAN. Who determines whether this amendment is substantive or not? I think it is.

The SPEAKER. The Chair. The Chair.  
I make the decision in consultation with the Parliamentarian.  
Mr. TALLMAN. Well, it does make some substantial changes.

The SPEAKER. It clarifies language in the bill.  
Mr. TALLMAN. Thank you.  
The SPEAKER. Now, Representative Kinsey, you wanted to – after the amendment? Okay.  
So at this time we are going to vote on the amendment.

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

The following roll call was recorded:

**YEAS–157**

Baker	Dowling	Lewis	Ravenstahl
Barbin	Driscoll	Longiotti	Readshaw
Barrar	Dunbar	Mackenzie	Reed
Benninghoff	Ellis	Madden	Reese
Bernstine	Evankovich	Maloney	Roae
Bizzarro	Evans	Markosek	Roebuck
Boyle	Everett	Marshall	Rozzi
Bradford	Farry	Marsico	Sainato
Briggs	Fee	Masser	Samuelson
Brown, R.	Fitzgerald	Matzie	Sankey
Brown, V.	Flynn	McCarter	Santora
Bullock	Frankel	McClinton	Saylor
Burns	Freeman	McNeill	Schlossberg
Caltagirone	Fritz	Mehaffie	Schweyer
Carroll	Gainey	Mentzer	Sims
Causar	Galloway	Metzgar	Snyder
Cephas	Gergely	Miccarelli	Solomon
Charlton	Godshall	Millard	Staats
Christiana	Goodman	Miller, B.	Stephens
Comitta	Greiner	Miller, D.	Sturla
Conklin	Haggerty	Moul	Taylor
Cook	Hahn	Mullery	Tobash
Corbin	Hanna	Murt	Toepel
Corr	Harkins	Mustio	Toohil

Costa, D.	Harris, A.	Neilson	Topper
Costa, P.	Harris, J.	Nelson	Vazquez
Cox	Heffley	Nesbit	Vitali
Cruz	Helm	Neuman	Walsh
Cutler	Hickernell	O'Brien	Ward
Daley	Irvin	O'Neill	Warren
Davidson	Jozwiak	Oberlander	Watson
Davis	Kampf	Pashinski	Wheatley
Dawkins	Kavulich	Peifer	Wheeland
Day	Keller, W.	Petrarca	White
Dean	Kim	Petri	Youngblood
Deasy	Kinsey	Pickett	Zimmerman
DeLissio	Kirkland	Pyle	
DeLuca	Kortz	Quinn, C.	Turzai,
DiGirolamo	Krueger	Quinn, M.	Speaker
Donatucci	Kulik	Rabb	

**NAYS–38**

Bloom	Grove	Klunk	Rothman
Boback	Harper	Knowles	Ryan
Culver	Hennessey	Lawrence	Saccone
Delozier	Hill	Mako	Simmons
Diamond	James	Metcalfe	Sonney
Dush	Kaufert	Ortitay	Tallman
Emrick	Kauffman	Rader	Thomas
English	Keefer	Rapp	Warner
Gillen	Keller, F.	Roe	Wentling
Gillespie	Keller, M.K.		

**NOT VOTING–0**

**EXCUSED–8**

Dermody	Gabler	McGinnis	Quigley
Fabrizio	Maher	Milne	Schemel

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 third consideration as amended?

**MOTION TO POSTPONE**

The SPEAKER. Given that the ruling was that it was a technical amendment under the rules, we are able to go straight to the bill. HB 442 is in front of us and, Representative Kinsey, I know you have a motion on the bill.

You may proceed.  
Mr. KINSEY. Thank you, Mr. Speaker.

I want to put forth a motion to postpone the vote on this legislation until Monday, which is June 26.

Mr. Speaker, the reason for this is that, as I read through this proposed legislation, this will have sweeping changes as it relates to plumbers, laborers, and folks in the workforce, and I am just asking that we give those industries a little bit more time to have a discussion to possibly modify this legislation.

So I am asking, Mr. Speaker, for postponement until Monday – just a few days to allow those parties to come together to have a discussion.

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

The SPEAKER. Representative Christiana, on the motion. It is a motion to postpone HB 442 until June 26. Representative Christiana, on the motion.

Mr. CHRISTIANA. Thank you, Mr. Speaker.

I rise in opposition to the motion. This bill has received a hearing through the Professional Licensure Committee last session. It received an overwhelmingly supportive bipartisan vote in the Professional Licensure Committee. We have had an opportunity to caucus this bill, and I would say that regardless of where you stand on the bill itself, this bill has been vetted. I do not see why a delay until next week provides any benefit to this legislation. There has been ample amount of time. I have introduced this bill for the last three sessions now, and I think it has been properly vetted and I cannot support a motion to postpone.

So I ask the members, regardless of where you stand on the merits, to vote against the motion. Thank you, Mr. Speaker.

The SPEAKER. Representative Kinsey, for the second time on the motion to postpone.

Mr. KINSEY. Mr. Speaker, I appreciate the good gentleman sharing the fact that he has offered this piece of legislation for the past 3 years. However, Mr. Speaker, you know, as we know, every single session we get – every 2 years we get new members in here, and even though he said it has been vetted internally, there is still some conversation externally with the folks that this will impact, and I am talking about whether it is the plumbers or whether it is the laborers. And so I just think that if we give those parties a little bit more time to have a conversation, we could probably come up with a better bill.

Thank you, Mr. Speaker.

The SPEAKER. Thank you, sir.

All those in favor of the motion to postpone will be voting "aye"; any opposed will be voting "nay."

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

The following roll call was recorded:

YEAS—75

Boback	Dush	Kim	Quinn, M.
Boyle	Fitzgerald	Kinsey	Rabb
Bradford	Flynn	Kirkland	Rapp
Briggs	Frankel	Klunk	Roae
Brown, V.	Freeman	Krueger	Rothman
Bullock	Gainey	Lawrence	Rozzi
Caltagirone	Galloway	Longiotti	Saccone
Carroll	Gillespie	Madden	Sainato
Cephas	Goodman	Markosek	Samuelson
Comitta	Haggerty	Marshall	Sims
Cruz	Hanna	McClinton	Sonney
Daley	Harris, J.	McNeill	Sturla
Davidson	Heffley	Millard	Tallman
Dawkins	James	Miller, D.	Thomas
Dean	Kaufner	Moul	Vazquez
DeLissio	Kavulich	Mullery	Vitali
Donatucci	Keefer	Neilson	Wheatley
Dowling	Keller, F.	Nelson	Youngblood
Driscoll	Keller, W.	Petrarca	

NAYS—120

Baker	English	Maloney	Roe
Barbin	Evankovich	Marsico	Roebuck
Barrar	Evans	Masser	Ryan
Benninghoff	Everett	Matzie	Sankey

Bernstine	Farry	McCarter	Santora
Bizzarro	Fee	Mehaffie	Saylor
Bloom	Fritz	Mentzer	Schlossberg
Brown, R.	Gergely	Metcalfe	Schweyer
Burns	Gillen	Metzgar	Simmons
Causer	Godshall	Miccarelli	Snyder
Charlton	Greiner	Miller, B.	Solomon
Christiana	Grove	Murt	Staats
Conklin	Hahn	Mustio	Stephens
Cook	Harkins	Nesbit	Taylor
Corbin	Harper	Neuman	Tobash
Corr	Harris, A.	O'Brien	Toepel
Costa, D.	Helm	O'Neill	Toohil
Costa, P.	Hennessey	Oberlander	Topper
Cox	Hickernell	Ortitay	Walsh
Culver	Hill	Pashinski	Ward
Cutler	Irvin	Peifer	Warner
Davis	Jozwiak	Petri	Warren
Day	Kampf	Pickett	Watson
Deasy	Kauffman	Pyle	Wentling
Delozier	Keller, M.K.	Quinn, C.	Wheeland
DeLuca	Knowles	Rader	White
Diamond	Kortz	Ravenstahl	Zimmerman
DiGirolamo	Kulik	Readshaw	
Dunbar	Lewis	Reed	Turzai,
Ellis	Mackenzie	Reese	Speaker
Emrick	Mako		

NOT VOTING—0

EXCUSED—8

Dermody	Gabler	McGinnis	Quigley
Fabrizio	Maher	Milne	Schemel

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 agree to the bill on third consideration as amended?

Bill as amended 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?

I know Representative Dush wishes to speak. Does anybody else wish to be placed – Representative Rapp wishes to speak. Representative Thomas wishes to speak. So we are going to begin with Representative Dush, followed by Representative Rapp, followed by Representative Thomas.

Representative Dush, the floor is yours, sir.

Mr. DUSH. Thank you, Mr. Speaker.

Mr. Speaker, the Oldsmobile 442 was a muscle car that muscled its bulky frame down the road in an impressionable fashion. HB 442 muscles good contractors, good plumbers with decades of experience into going one of two things, neither of which he wants nor should be compelled to do. We are forcing these good contractors to make a decision. Decision one: fall in line and register and fall under the control of the government, or to have to endorse somebody forcing them to defend their business for an imputed lack of qualifications as a result of this legislation. No matter how you try to spin this, it is government

use of force against people who are lawfully and in good faith providing excellent service to their clients.

We have good contractors out there who do not want to have to make this choice. They have been working in our homes for decades. They have been working for the people who own properties, rental properties. Some of the members in this House own rental properties, others own rental properties, and you know what this bill does? It does a second thing. It opens a door for them to be called slumlords, because what is going to happen is the same thing that happened down in Philadelphia with the Democratic convention when the convention center decided not to use people within a certain classification.

This is arbitrary. What will happen is, you have got good people who own rental properties and somebody wants to come along and say, hey, you are not even using a master plumber. You are not even using so much as a journeyman or an apprentice. You do not have a licensed contractor working for you. You do not have a licensed plumber. Meanwhile, that somebody that has 40 years of experience who has been working on your rentals properties for 20 years and has done an excellent job now has you on the defensive.

Mr. Speaker, this is an abuse of the force of government. You know, we are ignoring the warnings that were given to us by Frederic Bastiat back in the 1730s when he reminded us that all government is force. You are forcing good people to have to defend themselves, even though they have never had anything bad in their behavior, you are forcing them to be on the defensive. That is out and out wrong on its face.

We do have good people who are apprentices, journeymen, and master plumbers with the unions. I have got friends that are in that. I have got friends who are plumbers. They both have their jobs and they both do very well. We do not have to have these new regulations and then put good people on the defensive.

Thank you, Mr. Speaker.

The SPEAKER. Representative Kathy Rapp.

Ms. RAPP. Thank you, Mr. Speaker.

Mr. Speaker, could we have order?

The SPEAKER. Members, members, please. I would ask that everybody take their seats. We have this bill and another bill still to consider, and I would ask all members to please take your seats. Everybody is entitled to be heard. Members and staff, if you have conversations, I would appreciate if you would take it off the House floor.

I have Representative Rapp, followed by Representative Thomas. Members, please take your seats. Staff, members, please, if you have conversations, if you could take them off the House floor.

Sir, Representative Rapp is about to speak. I need to clear the aisle. Thank you.

Representative Rapp, you may proceed.

Ms. RAPP. Thank you, Mr. Speaker.

Mr. Speaker, I rise in opposition to this bill. I believe this bill is taking us in the wrong direction in the trades in the State of Pennsylvania. I have served on the Education Committee for 11 years. On the Education Committee, we have seen a true pendulum swing from encouraging all students to go into a 4-year university to now looking at our communities and where the manufacturing jobs are in the State of Pennsylvania to consider the trades, to consider career and technical education.

This bill, Mr. Speaker, would require plumbers to be licensed, small plumber businesses in our rural communities to seek licensing from this State. Mr. Speaker, we just, I believe a month or so ago, passed a bill for career and technical students, exempting them from PSSAs (Pennsylvania System of School Assessment), from Keystones, from statewide testing so that they could graduate and pass their NOCTI (National Occupational Competency Testing Institute) exams, because we know in education that many of those students are not good test takers. But here we are, in this piece of legislation we are going to force these same students who went into the trades so that they could stay in their rural communities, and even in the urban and suburban communities, to have a job and support their families. But now we are going to force on our trades more regulation, more continuing education, more money out of their pockets to send to the State to license them and their profession. Every small business owner in this State, Mr. Speaker, to stay in business, they must stay on top of regulations, they must keep informed on the newest in codes, the newest in any technology, to remain in business in a competitive society and competitive communities in our State.

Mr. Speaker, previous speakers stated that if we do not license our plumbers, we will have situations like Flint, Michigan. Mr. Speaker, the incident in Flint, Michigan, had nothing to do with plumbers. It had everything to do with people who are corrupt in government in Michigan – nothing to do with the plumbers.

Mr. Speaker, I stand, again, with my concerns about this licensing. I ask you to consider the bills that we just passed regarding our career and technical students, and please consider not forcing the people in our trades who already to remain competitive must stay up on the latest in regulations, in technology, or they will not be in business. Remember, we exempted our career and technical students from these exams so that they could graduate and go into the trades.

Mr. Speaker, I ask for a "no" vote on this piece of legislation.

The SPEAKER. Thank you, Representative Rapp.

Representative Curtis Thomas.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, I am standing over here because I am standing with my friend, Representative Rapp, and the other and the other and the other – this is bipartisanship – because, Mr. Speaker, we have an issue, an issue that is not Democrat, Republican, or Independent. This is a people's issue. This is an opportunity to decide whether we expand the availability of people being able to get a skill and take care of their families, or whether we close the door on thousands of people who are unable to do that.

Now, I have to step back and I have to make sure that the record is clear. Representative Christiana, the author of this bill, he heard my concerns last week and went back and tried to straighten it out, and I want to thank him for that, because he could have just said the heck with it, but he tried to do the right thing. But it is one of those situations where we got there but we did not get through. We did not get through. We need some time. There is some way to work this out for people who believe that the world of plumbers needs to be reduced rather than expanding. There is a way to do that, and so my friend who moved to postpone to Monday, that might have been enough time to get it done, but, Mr. Speaker, the reality of it is, even with the technical amendment, it still sets a standard which is different from any other trade standard. It is different.



It also, Mr. Speaker, it says to the people who believe in the law of second chances, who believe that good people who make a mistake in violation of the Controlled Substances Act, that they should have a second chance, and under current law, you cannot work in hospitals, you cannot work in nursing homes, you cannot work in hotels. There are a whole number of institutions that we have said that a violation of the Controlled Substances Act constitutes a drug felony, and therefore, you are prohibited from working in many of these places. So now we want to add the world of plumbing and the world of skilled trades. But, Mr. Speaker, I thought it was kind of interesting that the bar to admission to apprenticeship, master, and journeyman is the controlled substances law. What happened to the robbers and murderers? What about the sexual assault on children? What about some of these other heinous crimes? It is not included, because under current law, you can deal with that. Remember, this is the Commonwealth of Pennsylvania. This is an at-will State. Employers can pull, do background checks almost on anything. We have an Attorney General's Office that has a good consumer protection division that is constantly monitoring the work of people out there in the Commonwealth. So, Mr. Speaker, these provisions make life more difficult for people who need a second chance.

So as I watch these votes today, I believe that there are second chance believers on both sides of the aisle that believe in giving people a second chance is not a Democrat or a Republican, it is not a Montgomery County resident or an Elk County resident, that it is about people, and, Mr. Speaker, today is the day, today is the day, today is the day that we can stand, we can stand up on behalf of people.

Vote "no" on HB 442. Thank you.

The SPEAKER. Thank you, Representative Thomas.

### LEAVE OF ABSENCE CANCELED

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

### CONSIDERATION OF HB 442 CONTINUED

The SPEAKER. Representative Santora.

Mr. SANTORA. Will the maker stand for interrogation?

The SPEAKER. The good gentleman has indicated he will stand for interrogation.

Mr. SANTORA. Mr. Speaker, one of the prior speakers mentioned several things within the bill. One was that there is more regulation. Is that the case?

Mr. CHRISTIANA. Thank you, Mr. Speaker.

I disagree with the previous speaker's comment that there are more regulations due to this bill. In fact, I think this will get rid of a tremendous amount of regulation, in that every municipality in Pennsylvania can charge a license fee and a licensure. They can even administer their own license and tests. We have lots of municipalities that administer their own license test to do work in that municipality.

So if this was a one, universal statewide test, that then allows our plumbers to go into surrounding States, then I cannot support the claim that this is more regulation; in fact, I think this will save a tremendous amount of time, money, and a lot less regulation, Mr. Speaker.

Mr. SANTORA. Thank you, Mr. Speaker.

Mr. Speaker, also, it was mentioned by a prior speaker that this would actually cost more money out of the pockets of plumbers.

Mr. CHRISTIANA. Mr. Speaker, I do not agree with that characterization of the bill, either, and I will give you two examples. To do work in Erie County and around the city of Erie, I have plumbers in Beaver County that bid on work that have to spend \$6,000 to \$7,000 on licensing fees to do work in that area, because every one of their plumbers has to take the Erie test for \$350. Mr. Speaker, the same problem exists in the southeastern part of the State, where to do work in the five surrounding Philadelphia counties, it costs our plumbers \$7,000 to meet all the licensing requirements and to take all the tests.

Mr. Speaker, the Appropriations Committee said a biennial license to do work in all those areas would be \$56, \$26 per year. When one municipality can charge \$300, yet you can do work in all of the State, the entire State and all the surrounding States for \$56, I do not understand how that is more money and more – you can legitimately say this is going to increase costs. I do not agree with that, Mr. Speaker.

Mr. SANTORA. All right. Thank you, Mr. Speaker.

Mr. Speaker, there has been a lot of information put out there that there are no public safety benefits to this bill. Do you agree with that, and where is it addressed that there is or is not?

Mr. CHRISTIANA. Mr. Speaker, one group, the Associated Builders and Contractors, put out a letter stating that claim, that there was no public safety benefit to this bill, yet that same group testified last year on this bill and said that not only would this statewide license improve the protection of consumers, but it would also expand the growth potential for skilled trades. That same group now is saying that there is no public safety benefit, but they testified last year that this would protect consumers. So I feel that their most recent claims are not legitimate.

A licensure title protection bill is designed explicitly to give consumers some level of expectation with the professional that they are interacting with. So this is a pro-consumer protection bill.

Mr. SANTORA. Now, Mr. Speaker, I know that there is some provision in this bill that actually helps our plumbers in Pennsylvania that want to work out of State, but I am not quite clear on it. Could you explain it a little further?

Mr. CHRISTIANA. We are one of six States in the country, Mr. Speaker, that does not have a statewide licensure for plumbers. That means that the States that surround Pennsylvania that have a statewide licensure for plumbing, that means they can restrict Pennsylvania plumbers from doing work in their State unless our plumbers go take their test. So Pennsylvania plumbers, like in my area, that live on the border of Ohio and West Virginia, they not only have to meet all those municipalities' fees and tests in Pennsylvania, they also have to go take the Ohio test. They have to take the West Virginia test. They have to pay those fees too. This bill would allow for reciprocal agreements just like 44 other States do in the country.

Mr. SANTORA. Thank you, Mr. Speaker.

Finally, does this bill control the practice of plumbing?

Mr. CHRISTIANA. No, Mr. Speaker, I think one of the previous speakers and some of these interest groups have said that this bill regulates the practice of plumbing. Mr. Speaker,

this is a title protection bill only. It has nothing to do with the practice of plumbing. It is what you call yourself, and you can only hold yourself out as a certain type of plumber if you have a license and you meet those requirements. This is not a scope-of-practice bill. Those groups and members that are saying that are completely being disingenuous about what this bill does and does not do.

Mr. SANTORA. Thank you, Mr. Speaker.

Mr. CHRISTIANA. Mr. Speaker, if I could add one other thing.

That group, the Associated Builders and Contractors, testified last year. This was their testimony on this bill: This bill only controls the title of plumbing. Their testimony said this bill does not control the practice of plumbing. That was the ABC's testimony last session, Mr. Speaker, that this bill does not control the practice of plumbing. It only is a title protection bill.

Mr. SANTORA. Thank you, Speaker.

I am done on interrogation. May I speak on the bill?

The SPEAKER. Yes, sir.

Representative Santora, on the bill.

Mr. SANTORA. This bill clearly is a good bill for the plumbing industry in Pennsylvania. This bill will allow plumbers – before I get into that, I sat through a hearing last year before the Professional Licensure Committee, and I saw nonunion, merit shop, and union contractors all sitting side by side pushing for the same bill. These members were from all over the Commonwealth – not just the southeast, not just the west, but all over the Commonwealth – arguing for this bill. All the stakeholders came to the table multiple times to work out issues within the bill, and now we have an opportunity to vote on this good bill that helps this industry and elevates this industry in Pennsylvania.

I fully support this bill. Thank you, Mr. Speaker.

The SPEAKER. Representative Krueger-Braneky, on the bill, please.

Ms. KRUEGER. Thank you, Mr. Speaker.

Based on the debate that is happening on the floor right now, I feel a little bit confused about this bill, what this bill actually does. I am hearing people talk about unions and regulations, and by my read of this bill, this is just about public safety. Right now Pennsylvania is one of only six States in the country that does not have a statewide license for plumbers. Let me say that again: we are one of only six States in the country that does not have statewide licensing for plumbers. So if you are a consumer, if you are a constituent, and you invite someone into your home because you have a leaky toilet or a leaky pipe, there is no way for you to know right now whether that person is qualified or unqualified.

Now, I have heard a lot of rhetoric on the House floor today about who wants this bill and who does not. Two weeks ago I went to sit with the Pennsylvania Association of Plumbing, Heating and Cooling Contractors. They just bought an old firehouse in my district in Aston, and this is a training program for small, open-shop contractors. And I looked around the room and I asked folks how many employees they had: one, two, three employees; hoping to grow; all open-shop plumbing companies. And they told me that passing this bill was their highest priority.

Now, I will admit, I have also got a lot of union plumbers in my district, and they have also told me that this bill is their highest priority, and I do not know about you, but I have not heard open-shop contractors and union contractors come

together very often and tell me that they want the same thing, and it is about keeping people safe.

So I will be a "yes" on this bill today, and I ask you to support it as well. Thank you, Mr. Speaker.

The SPEAKER. We have two other speakers, Representative Fred Keller and Representative Frank Farry.

Mr. F. KELLER. Thank you, Mr. Speaker.

I was wondering if the maker of the bill would stand for brief interrogation.

The SPEAKER. The good gentleman has indicated he will so stand for an interrogation, I believe. Yes. Representative Christiana.

Mr. F. KELLER. Mr. Speaker, it has been mentioned that this bill will help with reciprocity in other States. Have we contacted these other States to make sure that they will accept a license issued by the Commonwealth?

Mr. CHRISTIANA. Mr. Speaker, this bill is the first major step and the most important step in establishing reciprocity agreements. I do not know of any reciprocity agreements that are established by picking up the phone ahead of time and working out the differences.

What I can reassure the gentleman on is that reciprocity agreements are in place when the standards are similar. I feel very confident that the standards in this bill will be extremely close to those of the surrounding States that also have statewide licensure requirements so that a reciprocity agreement can be reached afterwards.

Mr. F. KELLER. The short answer is, there is no guarantee that they would accept what we do?

Mr. CHRISTIANA. Mr. Speaker, let me say this: I will say that there is a guarantee that reciprocity will not be established without this bill. That is the only guarantee; that is, inaction guarantees that we have no reciprocity agreements moving forward.

Mr. F. KELLER. Okay. Will the bill exempt work done by licensed plumbers from having to be code inspected?

I mean, when there are projects in the Commonwealth, you have to get building permits and so on and so forth, or housing permits. Will this exempt that work, those people that are licensed plumbers from having to get those inspections?

Mr. CHRISTIANA. This bill has no effect on occupancy or building permits, and I actually think it says it explicitly in the bill, that this bill shall not control local governments from charging fees for those types of business privilege licenses, occupancy permits. It says on page 25 that this bill will not change that practice.

Mr. F. KELLER. Will the bill prohibit plumbing contractors, if they were to get this license, would they still have to register with the Pennsylvania Attorney General as a contractor? If they had this license, would that exempt them from having to do that?

Mr. CHRISTIANA. This bill will have no effect on the statutes or the requirements that the gentleman just mentioned. So this will have no effect on those other responsibilities under different acts or titles or regulations.

Mr. F. KELLER. Somebody that is already in the plumbing business, is there any provision to have them grandfathered into not having to take the test, if they have already been in plumbing for X number of years?

Mr. CHRISTIANA. Yes. Thank you, Mr. Speaker, for the question, because I think it is important to understand the transition of how our current plumbers would go from the status

quo into a new system, and to be honest, this grandfather provision within the bill is extremely generous. If you are licensed in any of the 53 third-class cities – like the city of Reading, the city of Erie, Lancaster city, York city, city of Harrisburg – if you are licensed in any of those 53 third-class cities, you are grandfathered in. If you are licensed to do work in Philadelphia County or Allegheny County or Delaware County, Bucks County, Cumberland County, and you are licensed, you will fall under the grandfather provision and you will be grandfathered in.

Mr. F. KELLER. Okay. Are all those licensing tests, will they all be at least as stringent as the State test, or are there going to be differences between our State-established tests and those different licenses?

Mr. CHRISTIANA. I would say, Mr. Speaker, that once this bill is in place – aside from the Philadelphia County and the Allegheny County tests, because they are administered to a different construction code. They have customized construction codes that deal with skyscrapers that we do not have in Beaver County or Washington County, so they do have a different set of construction codes that were established in 1999. But the rest of the test, like I mentioned, in Erie or Delaware Counties, Bucks County, Harrisburg, those tests would no longer be necessary. You would take a statewide test that would allow you to do work in all those municipalities. You would not have to pay their average fee that is between \$50 and \$200. You would pay one \$56 fee instead of each individual municipality fee, and those tests on a local level would become useless, and to be honest, it is outlawed by the bill.

Mr. F. KELLER. Let me understand. So Philadelphia's test, because they have different kinds of skyscrapers and so forth that they do not maybe in some of the other cities, their test is currently a little more stringent than maybe Erie County or Erie's or some other places, correct?

Mr. CHRISTIANA. I think that is a fair way to characterize it. It is a higher standard.

Mr. F. KELLER. But if I am a plumber and I pass the test that does not have the stringent guidelines now, I am not going to have to take that other test that is more stringent. I am simply going to be able to use the certificate from the test I passed.

Mr. CHRISTIANA. That is correct. If you have already taken a test and you have already passed the test in Philadelphia County and Allegheny County, and you are licensed to do work currently, you will become a master plumber under this bill by filling out your application notifying the requirements under the bill, that you have fulfilled that requirement, and you will not have to take a test and you would be grandfathered in under this bill.

Mr. F. KELLER. Okay. Another question that I would have would be in section 502, when it goes under "Qualifications," whether it is a master plumber or a journeyman or apprentice, each one of those has a section that mentions, and "Pay the fee set by the board." Those fees have not been established, they are set by the board?

Mr. CHRISTIANA. That is correct, Mr. Speaker. Those fees have not been established, but let me give you a little bit of background on how those fees will be controlled.

These fees, the fees that will be established, our Appropriations Committee fiscal note has identified or estimated that the biennial fee would be \$56, and they came up

with that number because the language controls the amount of the fees that the board can set to merely cover the costs of operating the board and enforcing the act.

Mr. F. KELLER. Okay. That ends my interrogation.

On the bill, please?

The SPEAKER. On the bill, sir.

Mr. F. KELLER. Thank you, Mr. Speaker.

I wanted to get some answers on this bill, because after reading it and going over it several times, I have heard a lot of assertions this afternoon that this is about public safety, okay?

Currently in the Commonwealth, if you are going to build a building or you are going to do renovations work, you get a permit. That permit is governed by the local agency hired by that municipality to make sure the work meets standards. You are still going to have to have it inspected. Public safety – the code inspector is still going to come in and inspect that construction work or that plumbing work. So we can say and we can feel good by saying this helps public safety, but it does not do that. It does not exempt anybody that is a licensed plumber from the code inspections. It does not say that we do not have to register with the Attorney General's Office. You still have to do those things. Those things were put in place to make sure that people in the Commonwealth were following those rules for public safety.

Now all of a sudden we have decided that the Attorney General is not good enough and that our code inspectors are not good enough to oversee this work, and we have to create another bureaucracy that somebody is going to pay money to so that they can do work in the Commonwealth or they can hold themselves out as a plumber. Again, we have fees that are going to be set by the commission. A commission of nonelected people are going to be setting fees enough to cover the expenses, but we have not defined in the bill what expenses they can charge, how elaborate their building or their offices can be, what their expenses should be. It says reasonable expenses, but I am sure that if we put reasonable expenses for debate up here in this House floor, there are 203 of us, we would probably have 300 different estimations on what reasonable would be.

So we can feel good by saying it is going to get reciprocity, but there is no guarantee. We can say, well, that is the first step in reciprocity. Well, we already have laws for other things like concealed carry permits and we do not get reciprocity from all States on those, so I do not know what makes us think that as soon as we license somebody we are going to get reciprocity. I do not see how this improves public safety when we have code inspectors and we are licensed with the Attorney General, and now we have already found out that if we take a test that is not as strict as what the Statewide test may be, we are going to grandfather you. Well, there again, that does not help public safety. The fees that are set, and if you read the bill, they are set by a commission that is not elected by the taxpayers, and they can change those fees as they need to change those fees based upon what they deem their expenses are.

We already have problems with people following these rules and keeping things reasonable. Now we are going to have some unelected body setting fees and governing that. We do not trust the Fish Commission to do it, we do not trust the Game Commission to do it, but all of a sudden, we are going to trust another unelected commission in the guise of public safety, which we have already realized does not do anything to help that, to do this.

I think we should vote "no" on this bill. It is not necessary. The people of this Commonwealth do not need us to protect them from the people they hire to do the work in their homes. Thank you, Mr. Speaker.

The SPEAKER. Thank you, Representative Keller.  
Representative Frank Farry.

Mr. FARRY. Thank you, Mr. Speaker.

Mr. Speaker, I have heard, both through caucus last week and discussions last week and now on the floor today, several criticisms of this piece of legislation, and I think it is pretty important that I impart a few stories on my colleagues about some people that work back in my county and some of their history.

The first story I would like to talk about is a gentleman by the name of Kevin Glasson, and the plumbing company and heating and air conditioning companies that he and his family own employ 24 people. Kevin got his start by going to our technical school in Bucks County. He was originally rejected from the program. He got on his bike, peddled from his Levittown house, talked to the administrators, and his courage and composure led them to accept him into the program, and now he and his wife run several successful contractor businesses. They employ people with good living wages in Bucks County. Kevin is also a member of ABC. This issue is so important to Kevin that Kevin took the time to take a day off from running those companies to come up here and testify at the hearing on this bill.

Likewise, a gentleman by the name Kevin Seifert started his career as a plumber working out of the back of his station wagon. Kevin successfully runs a plumbing business now that employs roughly 35 people and is a very benevolent – just like Kevin Glasson is – they are very benevolent people in our community.

Right now any Tom, Dick, Harry, or Mary can hang out a shingle and say they are a plumber, and we have a responsibility in this body to do what is right for the protection of the residents of our community. This is not about Flint, Michigan; this is about the senior citizens in our community.

A handyman who held himself out to be a plumber in our county went and installed a hot water heater, gas-fired, in a senior citizen's basement. That plumber/handyman did not vent that hot water heater. We are very lucky that that senior citizen did not die of carbon monoxide poisoning, because this individual that had whatever degree of skill held himself out to be a plumber, went and worked in somebody's home, and put that person unnecessarily in harm's way. A plumber from our community that is an advocate for this program actually went forward, found the problem, fixed the hot water heater, properly vented it, and ultimately, over the course of time, saved that property owner's life.

We heard the concerns about the impacts on good contractors. Well, what are the impacts that bad contractors are having on the constituents that we meet? That is the impetus for this bill. I have worked with the plumbing community in Bucks County and this Commonwealth on this for the last several years on this issue. These are real stories. These are not arbitrary stories. This is not calling somebody down the street. These are real people that run businesses and want to be held to this standard.

I request a "yes" vote. Thank you, Mr. Speaker.

The SPEAKER. Members, we are nearing when the maker of the bill gets to speak on the bill, and I saw Representative Dom Costa just asked to be recognized.

Sir, you may proceed.

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

I am going to make this very short. I am a registered master plumber. I have been one for more time than you want to remember, and I can tell you this – I will make it real simple – we want this bill, we need this bill, we need to protect people.

And there is a slogan that goes, "The plumber protects the health of the nation," and believe me, that is true.

So please vote the affirmative on this bill. Thank you, Mr. Speaker.

The SPEAKER. Thank you.

Representative Harry Readshaw, on the bill.

Mr. READSHAW. Thank you, Mr. Speaker.

Mr. Speaker, listening to all the speeches here, whether you are pro or con on this piece of legislation, I must say that some of the negative explanations have gotten far off track, so let us keep this simple and let us explain what this bill really is.

As we all know, there was a hearing, the Professional Licensure Committee. It came out unanimous vote. My message here is, which everyone should listen to because here is the fact: this is a title protection bill only. It will not and does not change anyone's scope of practice.

Thank you very much, Mr. Speaker. I ask everyone to vote "yes."

The SPEAKER. Thank you, Representative Readshaw.

Representative Curtis Thomas requests to speak a second time on the bill.

Representative Thomas.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, I am going to make this real short. Clap on that. We all support, we all support, we all support both Democrats and Republicans support creating an environment where the maximum safety is provided. We all support that. Nobody disagrees with that. But when you take the opportunity to define the class and who will participate, and you define that class in such a way that some get in, some will not get in, and under no circumstances will people with a second chance will have an opportunity. So that is the problem. It is not what it is that we want and that the author of this bill set out to do, but it is the direction that it has taken that has made it problematic, and so that is why we have to be a "no" on HB 442.

The SPEAKER. Representative Christiana, on final passage.

Mr. CHRISTIANA. Thank you, Mr. Speaker.

I just would like to clarify one thing that one of the previous speakers mentioned. They mentioned that there is no legislative oversight over the fees that this board can assess for the statewide license. And I just want to point out that, on page 8, the board is required "To submit annually to the Appropriations Committee of..." both "...the Senate and the...House...15 days after the Governor has submitted a budget...a copy of the budget request for the upcoming fiscal year that the board previously submitted to the department." This bill has multiple, multiple transparency measures and controls on the fees that the board can assess. It is in the bill.

So, Mr. Speaker, with understanding that the fees are controlled, not to mention the savings that a statewide license will provide for our local plumbers, the reciprocal agreements that will be put in place as a result of this bill will put our

plumbers in the best – in a better position than they are in today. I point to the testimony of the Associated Builders and Contractors from last year. ABC testified that this proposal, reciprocity would provide an enormous economic benefit for Pennsylvania plumbers.

This bill is supported by both union and nonunion plumbers. It provides an extremely generous transition to a statewide license, and that is why plumbing groups from all over Pennsylvania support this proposal, and I urge the members to support this bill.

Thank you, Mr. Speaker.

The SPEAKER. Representative Dan Moul rises.

Mr. MOUL. Thank you, Mr. Speaker.

May I interrogate the maker of the bill, please, just for a moment?

The SPEAKER. Representative Moul, the good gentleman has indicated he will stand for your questions.

Mr. MOUL. Thank you, Mr. Speaker.

I just would like to get your answer into the Journal, if I could. Does your bill preclude someone that is a contractor that also does plumbing but does not hold himself out as a master plumber, but is registered with the Attorney General's Office, does your bill preclude him in any way, shape, or form from doing plumbing work, let us say, in an apartment building where somebody wants to hire him to put on an addition, maybe a bathroom addition? Does your bill preclude him from being able to do that work because he is not a registered master plumber? For the Journal.

Mr. CHRISTIANA. Absolutely not. This bill would not prevent him from continuing to do work as a plumber so long as he does not hold himself out as a master plumber. And I would bet in that hypothetical scenario that that gentleman is probably doing work in a municipality or a county currently that would allow him to become a master plumber without taking another test and be grandfathered in. So he would probably still have a desire to fall under the grandfather provision, but he does not have to, and he does not have to change anything he is doing in the practice of plumbing under this bill.

Mr. MOUL. Myself, as someone who built for 25 years and did a lot of plumbing on my own, would I be able to go in and pick up a master plumber's license because I am grandfathered in with this?

Mr. CHRISTIANA. Mr. Speaker, if I could just look at the bill to see if the gentleman would be under the grandfather provision.

Mr. Speaker, could the gentleman repeat his question, if he would want to be a master plumber, a journeyman plumber, or an apprentice plumber? I do not know if you specified.

Mr. MOUL. Okay. You made the inference to people being grandfathered in who were plumbers. In a lot of my townships, you do not have to be – they do not require master plumber licenses to work. So given the fact that I did plumbing work as part of my building for 25 years, could I now be grandfathered in and just go in and sign whatever needs to be signed and be granted by grandfathering a master plumber's license?

Exactly what do you need to be in order to be grandfathered in? Just swear on an affidavit that you know what you are doing about plumbing, or do you have to take a test or—

Mr. CHRISTIANA. Mr. Speaker, to be grandfathered as a master plumber, you have to have 5 years of prior experience immediately preceding the application providing plumbing

services within the Commonwealth. Additionally, 5 consecutive years of— I am sorry. That is all you would have to do.

Mr. MOUL. So if I swore that I have been doing my own plumbing work for 5 years inside of Pennsylvania, I can become a master plumber by this bill. I am grandfathered in.

Mr. CHRISTIANA. Upon applying within 24 months and you are more than 18 years of age—

Mr. MOUL. I pass that one.

Mr. CHRISTIANA. —and you paid the required fee, which is estimated at \$56, then yes, under (3)(iii), you would be grandfathered in.

Mr. MOUL. Now, just so I am clear, because I did work, it does not matter whether it is on my properties or on somebody else's, I swear on an affidavit that I have been doing it for more than 5 years, I pay the money, and I am grandfathered in and I become a master plumber by this bill, correct?

Mr. CHRISTIANA. The only thing I would add, Mr. Speaker, is 5 years immediately preceding your application.

Mr. MOUL. Sure. I still work on my own buildings, so I am still doing work as plumbing in the Commonwealth, and now I am going to be considered a master plumber as soon as I give somebody a check.

Mr. CHRISTIANA. Mr. Speaker, you would fall under the grandfather clause in this bill. However, there is nothing saying that you could not continue to do what you are doing already. You just cannot hold yourself out as a master plumber.

Mr. MOUL. Until I give them that check, and then I can say I am a master plumber even though you and I both know that I am really not.

Thank you, Mr. Speaker. I appreciate your time.

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—105

Barbin	DeLuca	Kortz	Roebuck
Barrar	Dermody	Krueger	Rozzi
Benninghoff	DiGirolamo	Lewis	Sainato
Bernstine	Driscoll	Longietti	Samuelson
Bizzarro	Dunbar	Markosek	Santora
Boyle	Ellis	Marshall	Saylor
Bradford	Evankovich	Matzie	Schlossberg
Briggs	Farry	McCarter	Schweyer
Burns	Fee	McNeill	Snyder
Caltagirone	Flynn	Mehaffie	Solomon
Carroll	Frankel	Mentzer	Staats
Charlton	Freeman	Miccarelli	Stephens
Christiana	Galloway	Miller, D.	Sturla
Comitta	Gergely	Murt	Taylor
Conklin	Gillen	Mustio	Toepel
Corbin	Godshall	Neilson	Topper
Costa, D.	Goodman	Nesbit	Vazquez
Costa, P.	Haggerty	Neuman	Vitali
Cox	Hanna	O'Brien	Warren
Cruz	Harkins	O'Neill	Watson
Cutler	Helm	Pashinski	Wheatley
Daley	Hennessey	Petrarca	White
Davidson	Hickernell	Petri	Zimmerman
Davis	Jozwiak	Quinn, C.	
Dean	Kampf	Ravenstahl	Turzai,
Deasy	Keller, W.	Readshaw	Speaker
DeLissio	Kim	Reed	

NAYS-91

Baker	Fritz	Kulik	Rader
Bloom	Gainey	Lawrence	Rapp
Boback	Gillespie	Mackenzie	Reese
Brown, R.	Greiner	Madden	Roae
Brown, V.	Grove	Mako	Roe
Bullock	Hahn	Maloney	Rothman
Causer	Harper	Marsico	Ryan
Cephas	Harris, A.	Masser	Saccone
Cook	Harris, J.	McClinton	Sankey
Corr	Heffley	Metcalfe	Simmons
Culver	Hill	Metzgar	Sims
Dawkins	Irvin	Millard	Sonney
Day	James	Miller, B.	Tallman
Delozier	Kaufer	Moul	Thomas
Diamond	Kauffman	Mullery	Tobash
Donatucci	Kavulich	Nelson	Toohil
Dowling	Keefer	Oberlander	Walsh
Dush	Keller, F.	Ortitay	Ward
Emrick	Keller, M.K.	Peifer	Warner
English	Kinsey	Pickett	Wentling
Evans	Kirkland	Pyle	Wheeland
Everett	Klunk	Quinn, M.	Youngblood
Fitzgerald	Knowles	Rabb	

NOT VOTING-0

EXCUSED-7

Fabrizio	Maher	Milne	Schemel
Gabler	McGinnis	Quigley	

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

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

**SUPPLEMENTAL CALENDAR B CONTINUED**

**BILL ON SECOND CONSIDERATION**

The House proceeded to second consideration of **HB 18, PN 2014**, entitled:

An Act amending the act of June 2, 1915 (P.L.736, No.338), known as the Workers' Compensation Act, in liability and compensation, further providing for prescription drugs and the treatment of work-related injuries; and, in procedure, further providing for peer review.

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

Mr. **MACKENZIE** offered the following amendment No. **A02126**:

- Amend Bill, page 1, line 9, by striking out "and,"
- Amend Bill, page 1, line 10, by inserting after "review"
- ; and, in insurance fraud, further providing for compensation to other persons
- Amend Bill, page 1, lines 17 through 20, by striking out all of said lines and inserting
- Section 1. Section 306(f.1)(3)(iii) and (6)(ii) of the act of June 2, 1915 (P.L.736, No.338), known as the Workers' Compensation Act, are amended, paragraph (3)(vi) is amended by adding a subclause and paragraph (6) is amended by adding a subparagraph to read:

Amend Bill, page 2, by inserting between lines 4 and 5  
 (iii) Notwithstanding any other provision of law, it is unlawful for a provider to refer a person for laboratory, physical therapy, rehabilitation, chiropractic, radiation oncology, psychometric, pharmacy, home infusion therapy or diagnostic imaging, goods or services pursuant to this section if the provider has a financial interest with the person or in the entity that receives the referral. There shall be no exception or safe harbor to the prohibition under this subclause, regardless of any other provision of law or regulation, but this subclause shall not limit the ability of a provider to furnish in-office ancillary services, including, if otherwise allowed by law, providing pharmaceuticals. It is unlawful for a provider to enter into an arrangement or scheme such as a cross-referral arrangement, which the provider knows or should know has a principal purpose of assuring referrals by the provider to a particular entity which, if the provider directly made referrals to such entity, would be in violation of this section. No claim for payment shall be presented by an entity to any individual, third-party payer or other entity for a service furnished pursuant to a referral prohibited under this section.

\* \* \*

Amend Bill, page 3, by inserting between lines 9 and 10  
(f) Whether the entity that has developed the formulary has instituted procedures and safeguards to prevent conflicts of interest with regard to the selection or denial of any particular medication, or its type, dosage or duration for use in the formulary.

(IV) The department may not select a drug formulary developed by an entity that has a financial interest in the selection or denial of any particular medication, or its type, dosage or duration for use in the formulary, or any similar conflict of interest.

Amend Bill, page 3, line 10, by striking out "(IV)" and inserting (V)

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

Amend Bill, page 3, line 26, by striking out "(VI)" and inserting (vii)

Amend Bill, page 4, line 4, by striking out "(VII)" and inserting (viii)

Amend Bill, page 4, line 13, by striking out "(VIII)" and inserting (ix)

Amend Bill, page 8, by inserting between lines 17 and 18

Section 3. Section 1103 of the act is amended by adding a subsection to read:

Section 1103. \* \* \*

(d) With respect to a workers' compensation insurance benefit or claim, a lawyer may not refer a client to a health care provider who will prescribe treatment or prescription drugs at a health care facility or pharmacy in which the lawyer holds a direct or indirect ownership interest.

Amend Bill, page 8, line 18, by striking out "3" and inserting 4

Amend Bill, page 8, line 22, by striking out "4" and inserting 5

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

The **SPEAKER**. Representative Mackenzie, on the amendment, sir.

Mr. **MACKENZIE**. Thank you, Mr. Speaker.

HB 18 introduces a drug formulary in the workers' comp system here in Pennsylvania, a reform that has proven effective in other States.

This amendment, amendment 2126, clarifies that a health-care provider may not refer a patient to a pharmacy where the provider has an ownership interest, and it also prohibits a lawyer from referring a workers' comp client to a

health-care provider or pharmacy in which the lawyer holds an ownership interest.

Additionally, it incorporates two things, which actually came up in committee from a Democrat member, around requiring L&I (Labor and Industry) to consider the formulary, developer's conflict of interest procedures, when selecting a formulary, and also prohibiting L&I from selecting a formulary from a developer who has a conflict of interest in the medication selected.

This amendment is very important, Mr. Speaker, because, first of all, we want to ensure that a drug formulary is adopted in Pennsylvania, that it had no conflicts of interest involved in its development and implementation here in the State.

Also, Mr. Speaker, since this introduction of HB 18 and some articles that have been around this topic, we have heard about practices that are going on in our workers' comp system that are very scary, quite honestly, for the care of our injured workers. There are law firms out there in Pennsylvania which advertise for injured workers to come into their law firm. They then direct those injured workers to physicians who redirect those patients and those injured workers to pharmacies that are owned by the same individuals who have the law firm. So law firm participants also own pharmacies here in the State. It seems to me that that is a direct conflict of interest. What makes it even worse is that oftentimes these pharmacies are prescribing medications which are very expensive in nature, which are driving up the costs in these particular cases, and then the law firms on the other side are using those inflated medical costs as leverage in their settlement agreements on the legal side – a very dangerous practice for our injured workers. Mr. Speaker, we need to close that down, close down these loopholes in our law and make sure there are no conflicts of interest.

I would ask for a "yes" vote on amendment 2126. Thank you.

The SPEAKER. Representative Gene DiGirolamo, on the amendment, please.

Mr. DiGIROLAMO. Thank you, Mr. Speaker.

Mr. Speaker, on the amendment. I have very serious concerns about how this amendment and how it relates to the bill gets in between injured workers and their health care and their doctors, Mr. Speaker.

Also, for the information of the members, today there was a Supreme Court ruling, a 6-to-1 decision, that the impairment rating evaluation process was declared unconstitutional. HB 18, though its designation of a guideline formulary to a private entity is pursuant to this rule, is unconstitutional.

### BILL RECOMMENDED

Mr. DiGIROLAMO. So, Mr. Speaker, with the question of whether it is constitutional or not, with the question of how this relates to injured workers getting their health care and getting to their doctors, Mr. Speaker, I would like to be recognized to make a motion.

The SPEAKER. Sir, you are going to be making a motion?

We did pass the pension bill last week.

Yes, you are free to make a motion, sir. Please state your motion for the record.

Mr. DiGIROLAMO. Mr. Speaker, I would like to move that we refer HB 18 with all amendments to the Human Services Committee. Thank you.

The SPEAKER. Members, the motion is to send the bill to Human Services with the amendments.

On the question,

Will the House agree to the motion?

The SPEAKER. Representative Mackenzie, on that, please.

Mr. MACKENZIE. Thank you, Mr. Speaker.

I would ask for a "no" vote on this motion to recommit HB 18 to the Human Services Committee.

I appreciate the comments from the chairman of the Health and Human Services Committee. We had held a hearing on this legislation in the Labor and Industry Committee back in February. We had a pretty lengthy discussion specifically on this Supreme Court case that was just referenced, and we also adopted an amendment in committee that actually deals with this and utilizes the language that was recommended to us from the Department of Labor and Industry. So we have addressed it.

Also, the amendment that we were considering would further strengthen the requirements of the Department of Labor and Industry when they are adopting a formulary by requiring them to take into account conflicts of interest.

So again, Mr. Speaker, all of this has been considered, it has been debated, it has been discussed for 4 months now. The Supreme Court case does not change it because, again, we had anticipated that in the amendment that was adopted in committee, and that is taken care of in this legislation that is before us now.

Thank you, Mr. Speaker.

The SPEAKER. Representative Mullery, on the motion.

Mr. MULLERY. Thank you, Mr. Speaker.

I rise in support of the gentleman from Bucks County's motion. We are truly fortunate to have the decision circulated by the Pennsylvania Supreme Court today, and it is directly analogous to HB 18.

The *Mary Ann Protz v. WCAB* (Workers' Compensation Appeal Board) case outlined for us a line of cases that specifically addressed the delegative authority of the General Assembly to other governmental bodies and agencies where our Supreme Court has consistently found that type of delegation to be unconstitutional. Here, with HB 18, we are not delegating to another branch or another agency or another department. We are delegating to a private entity. That is exactly what happened in the *Protz* case, and our court, in wonderful fashion, issued a decision, 5 to 1, telling us that that was unconstitutional.

Mr. Speaker, HB 18 would give either the Work Loss Data Institute or the regroup de facto, unfettered control over what prescription medication, not just opioids, a licensed treating physician in the Commonwealth of Pennsylvania could prescribe to an injured Pennsylvania worker. That is unconstitutional, and that is why I think we need to vote "yes" to rerefer this to Human Services so that we can get this right. Thanks, Mr. Speaker.

The SPEAKER. Thank you, Representative Mullery.

Representative Reed, on the motion to recommit to Human Services.

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

I would ask the members to oppose the motion to recommit the bill to Human Services. I would ask the members to oppose the motion. Thank you.

The SPEAKER. Representative Neuman, on the motion, and then Representative Barbin, on the motion.

Mr. NEUMAN. Thank you, Mr. Speaker.

I appreciate the maker of the bill's argument that we considered this Supreme Court decision. The Supreme Court decision, handed down June 20, 2017, which by my calendar is today, reads pretty clearly that what we are trying to do today or would be trying to do today is most likely unconstitutional. We can go through an exercise of 122 amendments, pass a bill over to the Senate, and if they would pass it, then the Governor would sign it. The Supreme Court has made it clear that this will be deemed unconstitutional.

Article II, section 1, does not allow us to delegate any authority or power to an agency that is not a governmental agency.

The SPEAKER. Sir, I apologize.

You may be making an important constitutional argument, but that is not the motion in front of us. You can at a later point make that motion, but right now it is a motion to recommit, and I do apologize.

Mr. NEUMAN. Yeah, that is no problem.

I believe the motion to recommit was on the basis of this Supreme Court case, which the explanation of it is very important as to if you are going to vote to recommit this to HHS or not.

This Supreme Court decision that was handed down today, we need to delve into it even more; even though I think it is pretty clear, there may be differing minds. But as you read through this decision and why this should be recommitted, and we should look at this as it impacts workers and how this bill, HB 18, would delegate certain powers to a nongovernmental entity, it is imperative we send this back to committee, understand the breadth of this Supreme Court decision, and understand how this bill as drafted is clearly unconstitutional based on a 6-to-1 decision, one dissenting justice, one concurring justice. So it is really 5-1-1. But I believe that it is proper for our body to take our time to look at this decision and how we divide the power up and assign power here in the legislature to make sure that we are not doing something that is eventually going to be deemed unconstitutional.

So I would ask that you support this motion, send it back to committee, study this case, make sure that anything that comes out would meet the parameters that the Supreme Court has laid for us, and I think it is clear that as drafted, this bill is clearly unconstitutional.

Thank you, Mr. Speaker.

The SPEAKER. Representative Barbin, on the motion to recommit.

Mr. BARBIN. Thank you, Mr. Speaker.

I rise in support of this motion.

I should not have to remind everybody, but there are three branches of government. There is the executive, there is the legislature, and there is our Supreme Court. This is not a question of the Commonwealth Court, which is the intermediate court, saying you cannot do this. I have read the decision. It is a broad – you are absolutely not allowed to do this. So if that is the rule, the idea of going forward with amendments today is really a legislative branch saying, we are more important than the Supreme Court. The Supreme Court said this is an unconstitutional delegation of authority. It can only be done by

the legislature, the House, and the Senate. Because it is not an interim decision, it is the decision of the Pennsylvania Supreme Court.

At a minimum, this bill should go back to the committee, and if you want to move forward with this, you should at least have some expert opinion that says somehow the Pennsylvania Supreme Court decision decided this morning, which says that you cannot do this, does not apply in this situation. I do not accept as a reasonable explanation you deciding 3 months ago to put in an amendment if this bill was decided as unconstitutional by the Pennsylvania Supreme Court. It was not until this morning that the language of the opinion was even known, but the language says you cannot do this. If we are going to be, you know, an equal branch of government, we have to accept when the Supreme Court says, you have got to do it a different way.

It at least should go back to the committee. I ask for a vote in favor of recommitting.

The SPEAKER. Representative Frank Dermody, followed by Representative Tim Hennessey.

Mr. DERMODY. Thank you, Mr. Speaker.

Mr. Speaker, as we have heard, very serious questions have been raised about this bill, so I would urge all the members to vote to recommit this bill to the Human Services Committee. Thank you, Mr. Speaker.

The SPEAKER. Representative Tim Hennessey.

Mr. HENNESSEY. Thank you, Mr. Speaker.

I rise to support the motion to recommit HB 18 to the House Human Services Committee.

The *Protz* decision that came out from the Supreme Court this morning makes it very clear that HB 18, as it is currently written, would be an improper delegation of legislative authority to an unelected commission. It would actually create a formulary at their own discretion, rather than have us take a look at a formulary which the legislature could debate, could approve or reject. This would actually create something and then give it the power of law. It is clear under the *Protz* decision that that would be unconstitutional in the view of this, our Supreme Court, as composed today.

So it seems to me, quite frankly, that we should not be doing something that would be fruitless. We should recommit this and give it more thought in light of the decision that came out early this morning.

Thank you. I ask people to vote to recommit.

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—102

Barbin	DeLuca	Kinsey	Rabb
Barrar	Dermody	Kirkland	Rader
Bizzarro	DiGirolamo	Kortz	Ravenstahl
Boback	Donatucci	Krueger	Readshaw
Boyle	Driscoll	Kulik	Roebuck
Bradford	English	Lewis	Rozzi
Briggs	Evans	Longietti	Sainato
Brown, V.	Fitzgerald	Madden	Samuelson
Bullock	Flynn	Markosek	Santora
Burns	Frankel	Matzie	Schlossberg



Caltagirone	Freeman	McCarter	Schweyer
Carroll	Gainey	McClinton	Simmons
Cephas	Galloway	McNeill	Sims
Charlton	Gergely	Miccarelli	Snyder
Comitta	Goodman	Millard	Solomon
Conklin	Haggerty	Miller, D.	Sturla
Costa, D.	Hanna	Mullery	Taylor
Costa, P.	Harkins	Neilson	Thomas
Cruz	Harper	Neuman	Toohil
Daley	Harris, J.	O'Brien	Vazquez
Davidson	Hennessey	Pashinski	Vitali
Davis	Jozwiak	Peifer	Warren
Dawkins	Kaufer	Petrarca	Wheatley
Dean	Kavulich	Petri	White
Deasy	Keller, W.	Pickett	Youngblood
DeLissio	Kim		

## NAYS—94

Baker	Fee	Mako	Roae
Benninghoff	Fritz	Maloney	Roe
Bernstine	Gillen	Marshall	Rothman
Bloom	Gillespie	Marsico	Ryan
Brown, R.	Godshall	Masser	Saccone
Causar	Greiner	Mehaffie	Sankey
Christiana	Grove	Mentzer	Saylor
Cook	Hahn	Metcalfe	Sonney
Corbin	Harris, A.	Metzgar	Staats
Corr	Heffley	Miller, B.	Stephens
Cox	Helm	Moul	Tallman
Culver	Hickernell	Murt	Tobash
Cutler	Hill	Mustio	Toepel
Day	Irvin	Nelson	Topper
Delozier	James	Nesbit	Walsh
Diamond	Kampf	O'Neill	Ward
Dowling	Kauffman	Oberlander	Warner
Dunbar	Keefer	Ortitay	Watson
Dush	Keller, F.	Pyle	Wentling
Ellis	Keller, M.K.	Quinn, C.	Wheeland
Emrick	Klunk	Quinn, M.	Zimmerman
Evankovich	Knowles	Rapp	
Everett	Lawrence	Reed	Turzai,
Farry	Mackenzie	Reese	Speaker

## NOT VOTING—0

## EXCUSED—7

Fabrizio	Maher	Milne	Schemel
Gabler	McGinnis	Quigley	

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

The SPEAKER. There are no further votes.

**BILLS RECOMMITTED**

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

HB 359;  
HB 1153;  
HB 1233;  
HB 1361;  
HB 1363;  
HB 1523; and  
SB 365.

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 624 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 REMOVED FROM TABLE**

The SPEAKER. The Chair recognizes the majority leader, who moves that HB 1248 be removed from the tabled calendar and placed on the active calendar.

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

**BILL TABLED**

The SPEAKER. The Chair recognizes the majority leader, who moves that HB 1248 be removed from the active calendar and placed on the tabled calendar.

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

**BILLS 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 Matt Bradford moves that the House be adjourned until Wednesday, June 21, 2017, at 11 a.m., e.d.t., unless sooner recalled by the Speaker.

On the question,  
Will the House agree to the motion?  
Motion was agreed to, and at 4:07 p.m., e.d.t., the House adjourned.