

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

TUESDAY, FEBRUARY 6, 2018

SESSION OF 2018

202D OF THE GENERAL ASSEMBLY

No. 6

HOUSE OF REPRESENTATIVES

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

THE SPEAKER (MIKE TURZAI) PRESIDING

PRAYER

HON. MATTHEW E. BAKER, member of the House of Representatives, offered the following prayer:

Thank you very much, Mr. Speaker.

Let me just preface the prayer this morning by wishing happy 100th birthday to Allen Scranton. He is a Bronze Star medalist in my district from World War II, and also to acknowledge that he is sharing a birthday with Ronald Reagan today.

Let us bow in prayer:

Almighty God, we come to honor You this day. We come with knowledge that You are the only one who can rightly lead and guide our nation and State. Lord, we lift up prayer for our nation and State. We ask that You would bless us with Your wisdom, Your love, and Your compassion. May we be a people who are pursuing You and Your plans for us, individually and corporately.

Lord, we lift up prayer for our leaders. Lord, we ask for blessings on our leaders. May these servants who are in positions of authority take that responsibility seriously and do their very best each day. May they realize their need for You and for Your direction. May they hear Your voice as they make their decisions and may they follow Your guidance. May they have a passion for people, for truth, and for servant leadership and righteousness.

Lord, we lift up prayer for our troops. Lord, we ask for blessings on our service men and women. We ask protection for all our men and women in uniform, both here and around the world. We are grateful for their service and their dedication to keeping our nation safe. We pray that You would keep them safe.

We thank You for our blessings of life and liberty. May our country and State show love and honor to You. May our dedication to You cause us to reach out to all others with a strong desire for peace and harmony, to be displayed with love and civility wherever and whenever possible.

We ask all these things in the name of our beloved son, Jesus Christ, who stayed on the cross to the very end and rose victoriously. Amen.

PLEDGE OF ALLEGIANCE

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

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, the approval of the Journal of Monday, February 5, 2018, will be postponed until printed.

RESOLUTION REPORTED FROM COMMITTEE

HR 291, PN 2995 (Amended)

By Rep. O'NEILL

A Resolution directing the Department of Revenue, in consultation with the Department of Community and Economic Development and the Independent Fiscal Office, to commence a study to investigate the feasibility and potential cost savings associated with the replacement of local earned income tax collection methods by local taxing committees with a Statewide collection method domiciled in the Department of Revenue.

FINANCE.

THE SPEAKER PRO TEMPORE (MATTHEW E. BAKER) PRESIDING

SENATE MESSAGE

JOINT SESSION

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,
February 5, 2018

RESOLVED, (the House of Representatives concurring), That the Senate and House of Representatives meet in Joint Session on Tuesday, February 6, 2018, at 11:30 a.m., in the Hall of the House of Representatives for the purpose of hearing an address by His Excellency, Governor Tom Wolf; and be it further

RESOLVED, That a committee of three, on the part of the Senate, be appointed to act with a similar committee on the part of the House of Representatives, to escort His Excellency, the Governor of the Commonwealth of Pennsylvania, to the Hall 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.

LEAVES OF ABSENCE

The SPEAKER pro tempore. The Chair is in receipt of a request for leaves of absence from the minority whip for the gentleman, Representative HARKINS, from Erie for the day, and Representative Curtis THOMAS from Philadelphia for the day. Without objection, the leaves will be so granted.

There are no requests for leaves of absence from the majority whip.

MASTER ROLL CALL

The SPEAKER pro tempore. The Chair is about to take the master roll. Members will proceed to vote.

The following roll call was recorded:

PRESENT—196

Baker	Dush	Krueger	Ravenstahl
Barbin	Ellis	Kulik	Readshaw
Barrar	Emrick	Lawrence	Reed
Benninghoff	English	Lewis	Reese
Bernstine	Evankovich	Longietti	Roae
Bizzarro	Evans	Mackenzie	Roe
Bloom	Everett	Madden	Roebuck
Boback	Fabrizio	Maher	Rothman
Boyle	Farry	Mako	Rozzi
Bradford	Fee	Maloney	Ryan
Briggs	Fitzgerald	Markosek	Saccone
Brown, R.	Flynn	Marshall	Sainato
Brown, V.	Frankel	Marsico	Samuelson
Bullock	Freeman	Masser	Sankey
Burns	Fritz	Matzie	Santora
Caltagirone	Gainey	McCarter	Saylor
Carroll	Galloway	McClinton	Schemel
Causser	Gillen	McGinnis	Schlossberg
Cephas	Gillespie	McNeill	Schweyer
Charlton	Goodman	Mehaffie	Simmons
Christiana	Greiner	Mentzer	Sims
Comitta	Grove	Metcalfe	Snyder
Conklin	Haggerty	Metzgar	Solomon
Cook	Hahn	Miccarelli	Sonney
Corbin	Hanna	Millard	Staats
Corr	Harper	Miller, B.	Stephens
Costa, D.	Harris, A.	Miller, D.	Sturla
Costa, P.	Harris, J.	Milne	Tallman
Cox	Heffley	Moul	Taylor
Cruz	Helm	Mullery	Tobash
Culver	Hennessey	Murt	Toepel
Cutler	Hickernell	Mustio	Toohil
Daley	Hill	Neilson	Topper
Davidson	Irvin	Nelson	Vazquez
Davis, A.	James	Nesbit	Vitali
Davis, T.	Jozwiak	O'Brien	Walsh
Dawkins	Kampf	O'Neill	Ward
Day	Kaufer	Oberlander	Warner
Dean	Kauffman	Ortitay	Warren

Deasy	Kavulich	Pashinski	Watson
DeLissio	Keefer	Peifer	Wentling
DeLozier	Keller, F.	Petrarca	Wheatley
DeLuca	Keller, M.K.	Pickett	Wheeland
Dermody	Keller, W.	Quigley	White
Diamond	Kim	Quinn, C.	Youngblood
DiGirolamo	Kinsey	Quinn, M.	Zimmerman
Donatucci	Kirkland	Rabb	
Dowling	Klunk	Rader	Turzai,
Driscoll	Knowles	Rapp	Speaker
Dunbar	Kortz		

ADDITIONS—0

NOT VOTING—0

EXCUSED—5

Gabler	Harkins	Pyle	Thomas
Godshall			

LEAVES ADDED—4

Christiana	Mehaffie	Milne	Stephens
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LEAVES CANCELED—1

Stephens

The SPEAKER pro tempore. One hundred and ninety-six members being present, we have a quorum.

**THE SPEAKER (MIKE TURZAI)
PRESIDING**

The SPEAKER. I would ask all members to please take your seats because we are going to begin with respect to our event today for the Governor's budget address. So I do need members to take their seats. All guests, we would ask that you please take your seats, our guests, for the address. All members, please take your seats. All guests, please take your seats. All members are called to the floor. All members are called to the floor. Please take your seats.

The Sergeants at Arms, will you please make sure that all the guests are taking their seats and that all members are in their seats as well. We are requesting the Sergeants at Arms to make sure that all guests take their seats. We need to bring other guests onto the House floor and we cannot do so until everybody takes their seats. Will the Sergeants at Arms continue to please ask all guests to be seated. We cannot proceed without all guests seated. If anybody needs assistance finding a seat, please see the Sergeants at Arms, because all guests must be seated. All staff must be seated. And, members, please take your seats. All guests, please take your seats. Thank you.

The Sergeants at Arms will close the doors of the House in the back. The Sergeants at Arms will close the back doors; not the front entrance, but the back doors to the House.

We are going to begin. We are going to begin with the joint session.

All members need to be seated. All members need to be seated.

COMMUNICATION FROM GOVERNOR**REQUEST FOR JOINT SESSION**

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

February 6, 2018

Dear Senator Scarnati and Speaker Turzai

If it meets the approval of the General Assembly, I am respectfully requesting a Joint Session of the General Assembly on Tuesday, February 6, 2018. The purpose of this session would be to address the members of the House and Senate for the annual budget address, at a time that is convenient to the General Assembly.

Sincerely,
Tom Wolf
Governor

RESOLUTION**COMMITTEE TO ESCORT GOVERNOR**

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

In the House of Representatives
February 6, 2018

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

The SPEAKER. The Sergeants at Arms will open the doors to the back to see if any other members need to get onto the floor.

COMMITTEE APPOINTED

The SPEAKER. The Speaker appoints as a committee to wait upon the Governor the following: the gentleman from Fayette County, Representative Ryan Warner; the gentleman from Chester County, Representative Harry Lewis; and the gentleman from Allegheny County, Representative Austin Davis.

The committee will proceed with the performance of its duties.

The Cabinet members will be coming into the chamber. The Governor's Cabinet members will be coming into the chamber at this time.

Would all guests please take their seats. Thank you.

GUESTS INTRODUCED

The SPEAKER. As we await the arrival of our colleagues from the Senate, we would like to introduce a few of the guests that are with us today. Amongst our statewide elected officials, we have two former colleagues who served in the House of Representatives. First, the Auditor General, the Honorable Gene DePasquale, would you please rise. And another of our colleagues, the Attorney General, the Honorable Josh Shapiro. And our Treasurer, our State Treasurer, the Honorable Joe Torsella. Thank you so much for being with us today.

I think it only fitting also that we honor today the First Lady of the Commonwealth of Pennsylvania. Frances Wolf, the First Lady.

To all the members of the Governor's Cabinet, we are very appreciative that you would be here to join us today for this joint session.

As we await the Senate, the House will just be at ease.

The escort committee from the Senate is proceeding back to meet the Governor.

The Senate escort committee, as appointed by the Senate pro tem: Senator Bartolotta, Senator Vulakovich, and Senator Street.

ARRIVAL OF SENATE

The SPEAKER. Members, it is my understanding that the Senate is now here to enter the hall, and the Sergeants at Arms should direct the Senate members to please come into the chamber. They are led by the Lieutenant Governor, Michael Stack. And I would ask all members and guests to please rise as our colleagues, Senate President Pro Tem Joe Scarnati, Senate Majority Leader Jake Corman, following Lieutenant Governor Mike Stack, enter the well of the House.

The Sergeant at Arms will be recognized. Please proceed.

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

The SPEAKER. Thank you, Sergeant.

Members, I would ask everybody to please take your seats. All guests, please take your seats. Members, please take your seats. All members, staff, and guests, please take your seats. Members, please take your seats. All guests, please take your seats. We are going to ask the Governor to enter the hall here shortly. All members and guests, please take your seats.

And the Speaker requests the Lieutenant Governor, the Honorable Mike Stack, to now preside over the proceedings of the joint session of the General Assembly.

As you know, the President pro tem of the Senate, the Honorable Joe Scarnati, is also invited to be seated on the rostrum for the Governor's presentation.

Members of the House and Senate, at this time I turn it over to Lieutenant Governor Mike Stack.

**JOINT SESSION OF THE
GENERAL ASSEMBLY**

**THE LIEUTENANT GOVERNOR
(MIKE STACK) PRESIDING**

The LIEUTENANT GOVERNOR. Thank you, Speaker Turzai.

And, Senator Williams, please keep your Eagles chants under control for a while.

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

**REPORT OF COMMITTEE
ESCORTING GOVERNOR**

The LIEUTENANT GOVERNOR. The General Assembly will not have to be at ease too long because the Governor is ready.

The General Assembly will come to order.

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

The Chair recognizes the chair of the committee to escort the Governor, the gentlelady from Washington County, Senator Bartolotta.

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

The LIEUTENANT GOVERNOR. The Chair, of course, thanks Chairwoman Bartolotta and the committee.

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

Governor Wolf.

**FISCAL YEAR 2018-2019
BUDGET ADDRESS OF
GOV. TOM WOLF**

The GOVERNOR. Thank you. Thank you. Thank you very much.

Lieutenant Governor Stack, Speaker Turzai, President Scarnati, Leader Corman, Leader Costa, Leader Reed, Leader Dermody, members of the General Assembly, invited guests, friends, family, and most importantly, my fellow Pennsylvanians:

Okay, before I begin, I want to take a moment, a moment, to congratulate the Philadelphia Eagles and the city of Philadelphia, but all of us, all of us in Pennsylvania. I know, just like we are sometimes split between parties, we are also split between the Eagles and Steelers here in the Commonwealth. But you know what? We are all fans of Pennsylvania, and the Eagles and their devoted fans deserve this moment, and we should all be happy to share it. We now have seven Super Bowl rings in Pennsylvania, and that is truly something we can be proud of. So fly, Eagles, fly.

So just like so many of us have pride in the Eagles, the story of the Commonwealth of Pennsylvania has always been a story about pride. We Pennsylvanians have always been proud of the work we do. Proud of the industries we have built. Proud of the communities we grow up in and raise our kids in. Proud of the traditions we pass down through the generations.

But by the time I took this office 3 years ago, the economy had changed, and the Commonwealth we love was headed in the wrong direction. When I stood outside this building on that Tuesday afternoon and took the oath of office as Pennsylvania's Governor, I talked about what made our Commonwealth a place we are all so proud to be from – a place where we build things, a place where you can find work that puts food on the table and allows you to save up for college or retirement, a place where you can watch your kids grow up, find jobs of their own, and maybe, maybe even start a business someday and sign the other side of a paycheck.

I believed then as I believe now that the people of Pennsylvania have what it takes to restore those values and build our prosperity. What was standing in our way was not our work ethic or our entrepreneurial spirit, but a kind of political paralysis, a status quo in which too often politicians here in Harrisburg simply could not find a way to make the tough decisions and smart investments we would need to get back on track.

So I promised that I would challenge that status quo here in Harrisburg, and that is what I have tried to do for the last 3 years. Sometimes that has meant challenging the legislature to step out of its comfort zone. Sometimes we have worked our way to a compromise. Sometimes I have been forced to move forward on my own. We still have a lot of work to do, but taking on the status quo here in Harrisburg – in doing that, we have already begun to write a new story for our Commonwealth. It is not a story about a past we will never get back; it is a story about a brighter future that we can all build together if we can muster up the political will to do it.

So today I am here to challenge you to join me in writing the next chapter of that proud Pennsylvania story. But where else could that story of Pennsylvania's future begin than in our schools? Long before I was Governor, I was a parent, and I knew that nothing is more important than being able to send your child to a great school, to get that child a great education. I was also a business owner who knew that nothing is more important than being able to find qualified employees. So I knew we could not bring back our economy until we brought back our public education system. I knew that businesses would not invest in Pennsylvania until Pennsylvania invested in its schools. And that is why the first thing I did when I got to Harrisburg was to draw a line in the sand on education. And over the last 3 years we have invested in our schools and reversed the billion dollars in cuts that were made under the previous administration – cuts that had led to larger class sizes, mass layoffs of educators, and cuts to programs like full-day kindergarten.

And we have already begun to see these investments pay off. Today we have nearly 100,000 students enrolled in full-day kindergarten. We have increased the number of kids able to attend prekindergarten by nearly half. Our high school graduation rate is more than 86 percent, making us a national leader. We are second in the nation in STEM (Science, Technology, Engineering, and Mathematics) education,

preparing our children for jobs of tomorrow. And we have increased the number of career and technical education students earning industry-recognized certificates by nearly 33 percent, preparing them for the jobs our employers are trying to fill right now.

Rebuilding our schools is the beginning of rebuilding our economy, but it is just the beginning. For 3 years now, we have been working to create more jobs that pay in every corner of our State. Since I took office, Pennsylvania has gained nearly 180,000 jobs. And in the last year, we led our region in job growth. Many of these jobs are from direct investment by the Commonwealth. For example, the investments we have made in the Shell cracker plant, the Port of Philadelphia, the online retailer in Paoli, and the steel plant in Johnstown are on pace to create more than 15,000 jobs. The workforce development partnerships we have forged are on pace to train thousands of workers for jobs that are sitting open right now.

Over the last 3 years, we have repaired or rebuilt 1,600 bridges and more than 18,000 miles of roadways. And over the next decade, we are going to invest \$2 billion more in rebuilding roads, highways, and bridges across our Commonwealth so that our people can get to work and our products can get to market.

It is for these reasons that I think a company like Amazon is considering Philadelphia or Pittsburgh as the location of its second headquarters. Businesses do not invest in States that do not invest in education, in infrastructure, or job training. We are doing all of these things, and I am hopeful that Amazon will come here, build here, and expand here. How about it?

Meanwhile, we have gotten rid of burdensome taxes like the capital stock and franchise tax, we have cut red tape that made it harder to build a small business, and we have streamlined the services we offer so that our government can be an ally, not an obstacle, for entrepreneurs looking to get started right here in Pennsylvania. In fact, this week we followed through on a promise I made last year by launching a one-stop shop for businesses and business owners to access State services.

There is a lot more to do, from expanding access to the Internet to every corner of the Commonwealth, to a new workforce program called PAsmart that will consolidate our workforce development efforts into yet another one-stop shop.

And speaking of our workforce, in this year's budget, I am proposing another major step forward: a significant investment in career and technical education to help make Pennsylvania a better place to learn, a better place to work, and a better place to do business.

Developing a workforce that can compete and win in the 21st-century economy is the single best way to help Pennsylvania businesses grow and attract new businesses to our Commonwealth. It is also the single best thing we can do to help more of our people find better jobs – not just tomorrow, but today. Indeed, these are not just jobs; they are careers – everything from welding and machining to coding and advanced manufacturing – careers that can sustain families and enrich communities. And these careers are not reserved for people with 4-year degrees. Anyone in our State who is willing to put in an honest day's work deserves a shot to make a good living, and by investing in these programs, we can give them a chance to gain the skills they need to do it.

For example, at LCR Embedded Systems in Norristown, there is a man named Michael Rosenberger. Michael is here today, right? Michael, where are you? There you are, Michael. Okay. Stand up. Michael is here. Thank you for being here.

He works on the manufacturing line. He services a major contract. Now, 8 years ago – and I do not want to get personal here – but 8 years ago he would never have expected to be in that high-level advanced manufacturing position. He did not have a college degree and he was working in the plant as a janitor. Right, Michael? But Michael was a great employee, a smart guy who took the work he did to heart, no matter what it was. And he wanted to do more than just collect a paycheck. He wanted to build a career making things right here in Pennsylvania.

So thanks to a workforce training program through the Department of Community and Economic Development, he was able to get additional training at Montgomery County Community College. And with his new skills, he was able to move up to the assembly floor. Then he got promoted again to the machine shop. So here is a guy who had no formal experience in machine shop work until he got this additional training, and now he is head of the entire machine shop at LCR, where he is a role model to his fellow employees. Michael is making more money and making an even greater contribution, not just to his family and to his employer, but to the whole community. There should be a place in Pennsylvania's future for people like Michael. There should be a place in Pennsylvania's future for anyone willing to work hard to make a better life, and I hope you are ready to work with me to make that happen.

I am hopeful because over the last 3 years we have begun to see progress in changing the way things work around here. I am also well aware that sometimes progress does not come without an occasional push. When I took office as Governor, I knew that I had to set a new tone here in Harrisburg, and that is why I banned anyone in my administration from taking gifts from lobbyists. I got rid of pay-to-play contracting. I refused to take a salary or a pension. I pay for my own health insurance.

But the people of Pennsylvania had a right to expect much more from their government. Even though they elected a Democratic Governor and a Republican legislature, they expected all of us to find ways to work together for Pennsylvania, and they expected us to deliver results. Now, it has always been— Yeah. It has always been and it always— Thank you. It has always been, and it always will be, my preference to work with the legislature, and when we have found ways to do that, we have been able to get a lot of things done for the people of Pennsylvania.

That is how we expanded our response to the opioid crisis, arming law enforcement with the tools they need to fight this epidemic on the front lines and helping thousands of people struggling with addiction get the access to treatment that could save their lives. Working together, we have reduced the prison population, while lowering Pennsylvania's crime rates. Despite this, our cities still face issues— That is great for all of us; yeah. Despite this, our cities still face issues of violence, and we need to work together – legislators, the administration, Attorney General Shapiro – to make our cities and communities safer so violence is never an obstacle to opportunity.

Working together is how we enacted a fair funding formula in our education system that takes politics out of the school funding decision and makes sure that your ZIP (Zoning Improvement Plan) Code does not determine what kind of education you can get. Working together is how we solved one of the thorniest problems in Harrisburg: reforming our pension system in a way that is fair to our workers and fair to our taxpayers, so that we can stop wasting so much money on Wall Street fees, meet our obligations, and start paying down our debt. That is how we finally made medical marijuana legal so that our patients in our State can get access to the medicine they need to live without pain. And that is how at long, long last, we reformed our liquor system.

And when some in the legislature have not mustered up the political will to work with me, I have no problem doing it on my own. Whether it is expanding Medicaid to cover 715,000 Pennsylvanians and cutting our uninsured rate to the lowest it has ever been, expanding opportunities for seniors to stay in their homes while they can get the care they need as they age, or streamlining agencies in State government, I have done things on my own to help the people of Pennsylvania. But Harrisburg works better – and Pennsylvania works better – when we all work together to make it work for everyone.

So when it comes to this year's budget, working together should be easier than in years past, because after decades of neglect and years of crisis, we have finally begun to tame the fiscal beast that haunts Harrisburg. No one here needs reminding that Harrisburg's chronic inability to deal with that crisis has long been the most visible symbol of what is wrong with our State's government. And I am proud that we have begun to change that story.

Some of the work I have been able to do from the Governor's Office. I took a business owner's approach to our budget and was able to cut lots of money, \$2 billion, by streamlining our bureaucracy, and saving Pennsylvanians another \$700 million by cracking down on fraud and abuse. Some of the work we have been able to do together, like making full pension payments, reforming our criminal justice system to reduce our prison population, and lowering health-care costs.

And because we have begun to take a new approach to our budget, I can come before you today with a budget that makes the investments we need to continue our progress without any tax increases on Pennsylvania's families. I am going to keep doing whatever I can do to reduce costs and streamline government. But we can do so much more to improve our fiscal future if we work together.

And that brings me to the severance tax. Pennsylvania is one of the few States fortunate enough to have abundant natural gas resources, and yet we are the only one of those States without a severance tax. Everywhere else – Texas, Oklahoma, Louisiana, Alaska – they are bringing in billions of dollars from the oil and gas industries. That money is going to fix roads, to build schools, and keep taxes low. And let us understand exactly what a severance tax is. It is a tax paid by people mostly outside of Pennsylvania to use our natural resources. And by failing to put in place this commonsense tax, we are actually just paying the other States' taxes. Like when we fill up our cars or heat our homes, we are paying for Alaska's schools or Texas' roads. And I do not know about you, but I do not remember ever getting a thank-you note from any of the taxpayers in Texas or Alaska.

Pennsylvania is blowing most other States out of the water when it comes to production, but by joining every other gas-producing State in passing a severance tax, we could also join them by bringing billions of dollars into our own coffers. Ask these oil and gas behemoths to pay their fair share for extracting Pennsylvania's bountiful resources, and we can build a brighter future for Pennsylvania.

This is only hard if we choose to make it hard. So why is this not done? Well, the truth is, as rich as our Commonwealth is in some natural resources, special interests have put political courage in short supply. I get it. The oil and gas industry, they are powerful. But in the time I have been here, I have seen people in this legislature – even people I disagree with about pretty much everything – set politics aside to do what is right. I believe you have it in you to do that again. Pennsylvania is counting on you to do it again, so today I am not just asking you but challenging you to do the right thing: pass a severance tax this year so that we can keep making investments that will grow our economy, keep making progress on the issues Pennsylvanians care about, and keep writing the proud story of a brighter future for Pennsylvania.

After all, the Pennsylvania we are all so proud of – the place where you could work hard and earn a good living, raise your family in a strong community, watch your kids find opportunity of their own – was not magically bestowed upon us. It was built by generations of people who did hard things together. Now it is our turn. It is our turn to make the tough decisions with courage and conviction. It is our turn to invest in new technologies, to inspire new discoveries, and incubate new industries. It is our turn to build a stronger and fairer economy, a healthier and safer set of communities, and new opportunities for the next generation. It is our turn to finish writing the next chapter in the story of this great Commonwealth.

I have never been more proud to be a Pennsylvanian. I have never been more confident of our people. I have never been more hopeful of our future. And if you feel the same way, please consider this proposal an invitation to join me in building that future together.

Thank you very much.

JOINT SESSION ADJOURNED

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

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

THE SPEAKER (MIKE TURZAI) PRESIDING

The SPEAKER. Members, at this time our colleagues from the State Senate are exiting the hall. Members, please take your seats. Members, please take your seats as our guests leave the hall.

The House will come to order. The House will come to order. All members, please take your seats. The House will come to order.

MOTION TO PRINT PROCEEDINGS OF JOINT SESSION

The SPEAKER. The Speaker recognizes the majority leader, who moves that the proceedings of the joint session of the Senate and House of Representatives, this 6th day of February 2018, be printed in full in this day's Legislative Journal.

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

The SPEAKER. Members, the House will be at ease for approximately 20 minutes. We are at ease, we are not in recess, but we will be at ease until approximately 12:30 p.m. We are going to be at ease until about 12:30 p.m.

The House will come to order.

BILLS REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

HB 1237, PN 2996 (Amended) By Rep. METCALFE

An Act amending the act of June 25, 1982 (P.L.633, No.181), known as the Regulatory Review Act, further providing for definitions, for proposed regulations and procedures for review and for final-form regulations and final-omitted regulations and procedures for review; providing for regulations deemed withdrawn; further providing for procedures for subsequent review of disapproved final-form or final-omitted regulations by the commission; and providing for concurrent resolution required for economically significant regulations.

STATE GOVERNMENT.

HB 1960, PN 2861 By Rep. METCALFE

An Act providing for regulatory compliance.

STATE GOVERNMENT.

The SPEAKER. All members are requested to please come to the House floor. All members are requested to please come to the House floor.

UNCONTESTED CALENDAR

RESOLUTIONS PURSUANT TO RULE 35

Ms. HARPER called up **HR 666, PN 2956**, entitled:

A Resolution expressing unwavering support for the men and women of Team USA participating in the XXIII Winter Olympic Games in PyeongChang, Republic of Korea.

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Mr. ROTHMAN called up **HR 679, PN 2981**, entitled:

A Resolution honoring the 107th anniversary of President Ronald Wilson Reagan's birth on February 6, 2018.

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Ms. BOBACK called up **HR 681, PN 2983**, entitled:

A Resolution designating the week of February 7 through 14, 2018, as "Congenital Heart Defect Awareness Week" in Pennsylvania.

On the question,
Will the House adopt the resolutions?

The SPEAKER. Representative Gary Day is recognized on unanimous consent.

Mr. DAY. Thank you, Mr. Speaker.

Mr. Speaker, I wanted to ask a question about one of these resolutions. The one is about Korea, signified just Korea, not North or South Korea, and I was curious if the maker of this resolution or anyone could explain to me why that is?

The SPEAKER. I think the official name, if I am not mistaken, of what we know in the media as South Korea is known as the Republic of Korea.

Mr. DAY. Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—196

Baker	Dush	Krueger	Ravenstahl
Barbin	Ellis	Kulik	Readshaw
Barrar	Emrick	Lawrence	Reed
Benninghoff	English	Lewis	Reese
Bernstine	Evankovich	Longietti	Roae
Bizzarro	Evans	Mackenzie	Roe
Bloom	Everett	Madden	Roebuck
Boback	Fabrizio	Maher	Rothman
Boyle	Farry	Mako	Rozzi
Bradford	Fee	Maloney	Ryan
Briggs	Fitzgerald	Markosek	Saccone
Brown, R.	Flynn	Marshall	Sainato
Brown, V.	Frankel	Marsico	Samuelson
Bullock	Freeman	Masser	Sankey
Burns	Fritz	Matzie	Santora
Caltagirone	Gainey	McCarter	Saylor
Carroll	Galloway	McClinton	Schemel
Causar	Gillen	McGinnis	Schlossberg
Cephas	Gillespie	McNeill	Schweyer
Charlton	Goodman	Mehaffie	Simmons
Christiana	Greiner	Mentzer	Sims
Comitta	Grove	Metcalfe	Snyder
Conklin	Haggerty	Metzgar	Solomon
Cook	Hahn	Miccarelli	Sonney
Corbin	Hanna	Millard	Staats
Corr	Harper	Miller, B.	Stephens
Costa, D.	Harris, A.	Miller, D.	Sturla
Costa, P.	Harris, J.	Milne	Tallman
Cox	Heffley	Moul	Taylor
Cruz	Helm	Mullery	Tobash
Culver	Hennessey	Murt	Toepel
Cutler	Hickernell	Mustio	Toohil
Daley	Hill	Neilson	Topper
Davidson	Irvin	Nelson	Vazquez
Davis, A.	James	Nesbit	Vitali
Davis, T.	Jozwiak	O'Brien	Walsh
Dawkins	Kampf	O'Neill	Ward
Day	Kaufner	Oberlander	Warner
Dean	Kauffman	Ortitay	Warren
Deasy	Kavulich	Pashinski	Watson
DeLissio	Keefer	Peifer	Wentling
Delozier	Keller, F.	Petrarca	Wheatley
DeLuca	Keller, M.K.	Pickett	Wheeland
Dermody	Keller, W.	Quigley	White

Diamond	Kim	Quinn, C.	Youngblood
DiGirolamo	Kinsey	Quinn, M.	Zimmerman
Donatucci	Kirkland	Rabb	
Dowling	Klunk	Rader	Turzai,
Driscoll	Knowles	Rapp	Speaker
Dunbar	Kortz		

NAYS—0

NOT VOTING—0

EXCUSED—5

Gabler	Harkins	Pyle	Thomas
Godshall			

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

The SPEAKER. Typically, in the chamber, the Appropriations chairs, minority and majority, and the leaders, minority and majority, will respond to the Governor's address. So we are going to proceed to that here shortly. I just know that members are still getting seated. So we are going to just be at ease for a few minutes, and then I am going to call upon Minority Chair Joe Markosek, followed by Majority Chair Stan Saylor, followed by Minority Leader Frank Dermody, followed by Majority Leader Dave Reed.

My understanding is the leaders are not going to speak, so I apologize. I apologize.

But if all members could please take their seats. If all members could please take their seats.

STATEMENT BY MR. MARKOSEK

The SPEAKER. Members, at this time the Chair recognizes the minority Appropriations chair, Representative Joe Markosek, for remarks in response to the Governor's budget address.

Mr. MARKOSEK. Thank you, Mr. Speaker.

Mr. Speaker, I have but one question: What is not to like about the Governor's budget proposal for this coming year?

The Governor, the Governor is asking for no broad-based tax increases. Workforce development is a significant focus in the proposal now before us. He is continuing to make Pennsylvanians' children a priority by asking for a total of a \$225 million increase in basic and special education funding, Pre-K Counts, Head Start, and other education programs. What is not to like about that?

Governor Wolf wants a minimum-wage increase. Many of us, Republicans and Democrats, believe it is way, way past due. All the other States around us have increased their minimum wage; we have not. We are way behind, not only the States around us, but the rest of the nation in that. And I think most Pennsylvanians that are working for that would appreciate each and every one of us that vote for something like that and appreciate the Governor for proposing it.

He is seeking a significant dollar increase to shrink the waiting list for people with intellectual disabilities and autism who seek State services. What is there not to like about that? Who here is opposed to that? He is asking us and he will provide, he wants to provide enough funding so that we can cut

1,000 people – 1,000 Pennsylvanians, 1,000 vulnerable Pennsylvanians – from that waiting list, of which, by the way, we have about 14,000 people on that. We as a legislature have in many ways failed to provide those 14,000 people with the necessary funding. The Governor's proposal helps us to at least start the ball rolling to get all of those people off the waiting lists.

It is about those who are in school, those who work or own businesses, those who are treated less fairly than others, and those who have the ability to help more.

Our House Democratic Plan for PA is about all of these ideas also. Where Plan for PA is working to make sure working parents have safe and affordable child care, the Governor's 2018-19 budget proposal seeks an additional \$40 million to give our 3- and 4-year-olds access to high-quality early learning programs. Where Plan for PA pushes better programs to keep our younger working Pennsylvanians in Pennsylvania, the Governor's budget proposal requests \$10 million to expand apprenticeships and industry partnerships. What is not to like about all of that?

This is a critical year for Pennsylvanians. They want to see us invest. They want to see us invest in the programs, the schools, and the communities that are important to them. They want to know we are not turning away from them in favor of special interests. They want to know that we are not turning away from them in favor of special interests.

His budget proposal is a strong one. It might have been a short one, and in my 36 years here, this was the shortest one we ever had, but you know what? It might be the best one that I have heard in 36 years. It is a strong one, and it is worthy of our bipartisan – and that is what the citizens want, bipartisan – consideration and our enthusiastic and timely action on this budget.

What is not to like, ladies and gentlemen? Mr. Speaker, what is not to like about this budget?

Thank you very much.

STATEMENT BY MR. SAYLOR

The SPEAKER. The majority chair, Stan Saylor.

Mr. SAYLOR. Thank you, Mr. Speaker.

I rise today to offer the people of Pennsylvania an alternative to the tax-and-spend policies of the Governor. For the last 3 years we have heard the doom and gloom that would befall Pennsylvania if we did not raise taxes on hardworking families and employers here in Pennsylvania. By holding the line on spending and looking out for taxpayers, the House Republican Caucus has saved the taxpayers of Pennsylvania millions and millions of dollars.

Now with his fourth budget proposal, the Governor says he is taking care of the structural deficit. This proves that his pursuit of higher taxes about one more spending plan. Pennsylvania's economy has been lagging in these last 3 years. While the country is seeing job growth and higher wages and more consumer spending, Pennsylvania seems to be stuck in the mud. Between December of 2017 and December of 2016, Pennsylvania lost 10,000 jobs. Our demographics are trending in the wrong direction, as confirmed by our State Treasurer, with our senior population growing and our young people leaving to find employment in other States. The budget needs to be about one thing: growing private-sector jobs in Pennsylvania

for our citizens and for our young men and women graduating from our universities and our tech schools. And while the Governor and our friends on the other side of the aisle may disagree, we in the House Republican Caucus know that government is not the answer to this problem. Government does its best to get out of the way and to allow the private sector to be the driving force in our economy. Government needs to get out of the way of the private sector to grow jobs.

We need to focus on keeping taxes low and our regulations reduced to a minimum so that the essential role of government should be to prepare our students for the careers that our private-sector employers create. That is why I am glad to see the Governor following our lead by recognizing the importance of career and technical education in his budget proposal. We as elected officials constantly hear from businesses all over the Commonwealth of Pennsylvania about the difficulty they face in finding qualified candidates for good-paying jobs in the Commonwealth. Not only have we heard from them, but we have heard from the mayors of Philadelphia that they have 30,000 jobs – from Mayor Kenney, and prior to him, Mayor Nutter – that they cannot fill because they cannot find the people to fill the jobs that have the training that they need. We need to train that new workforce to meet the demands of the 21st-century economy.

You know, education and education funding have been priorities for nearly every member in this chamber; however, we must be cautious and not simply just throw money at the education system just to score easy political points. We need accountability in the dollars we spend so that we can ensure that they are helping to better educate our children so that they are prepared to take on their life's challenges. That is why we will carefully consider the Governor's proposals in education during our budget hearings as they go forward in the next few weeks. We will expect that the Secretaries will be giving to us, the House and the Senate, that they are producing outcomes for our young men and women across this Commonwealth that will return them to good-paying jobs here.

Last year the House Republican Caucus embarked on a mission to reinvent government. Our constituents have shown us that they do not want to settle for the status quo. While changing the way the State government operates can be frustrating, we fully intend to continue to eliminate government waste and duplicative programs, and to find a strategic way to promote the proficiencies in State government. We need to focus on ways to reduce State spending so that we can ensure long-term fiscal stability.

Nearly everyone in Pennsylvania has been personally affected by the scourge of the opioid epidemic. The problem is not just localized for any specific group or family or any area of the State; it is widespread, affecting everyone. While we have made some progress in addressing this epidemic, more work is needed to be done. We must encourage that every dollar that we spend to combat this disease is having a real impact. We must continue to push for policy changes that will help stem the tide on this war. The House Republican Caucus will continue to look for ways to make smart investments, to help provide treatments for those dealing with the addiction, and to support our law enforcement officers in getting drugs off the street.

The budget proposal the Governor has shown us reveals his budget priorities. Now it is time for the House, the Senate, and the Governor to produce a more reasonable and responsible product that meets the needs of every Pennsylvanian without raising taxes.

Mr. Speaker, I thank you very much.

The SPEAKER. Thank you, Chair.

At this time we will be looking for caucus announcements. Actually, I am sorry. Two members wish to speak on resolutions. My apologies.

STATEMENT BY MR. ROTHMAN

The SPEAKER. The Chair will begin with Representative Rothman. Representative Rothman, these were resolutions that we passed. The floor is yours, sir.

Mr. ROTHMAN. Mr. Speaker, thank you, and I want to thank my colleagues for unanimously passing a resolution honoring the 107th birthday of our 40th President, Ronald Reagan. The jelly beans that are at your desk are from the Reagan Library, and Ronald Reagan, as history will tell you, started eating jelly beans as a way to quit smoking cigarettes, so that is why he always had jelly beans on his desk.

So on this day, when we remember and honor President Reagan for all his work he did as President and how cheerful and hopeful he was and how much he believed in the people of the United States, I just want to say, happy birthday, Gipper.

APPROPRIATIONS COMMITTEE MEETING

The SPEAKER. The majority caucus chair is recognized for a caucus announcement. Oh, excuse me. I apologize.

Representative Saylor, the majority Appropriations chair, is recognized for I believe a committee meeting announcement first.

Mr. SAYLOR. Thank you, Mr. Speaker.

The Appropriations Committee will meet at 12:02 in the majority caucus room. Sorry, Mr. Speaker, I cannot read the clock. We will meet at 1:02 in the majority caucus room.

The SPEAKER. I think that means immediately.

The Appropriations Committee will meet immediately in the majority caucus room.

REPUBLICAN CAUCUS

The SPEAKER. The majority caucus chair, for a caucus announcement.

Mrs. TOEPEL. Thank you, Mr. Speaker.

Republicans will caucus at 1:15. We would be prepared to return to the floor at 2:15.

DEMOCRATIC CAUCUS

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

Mr. FRANKEL. Thank you, Mr. Speaker.

Democrats will caucus at 1:15. Democrats will caucus at 1:15.

RECESS

The SPEAKER. Members, we will stand in recess until 2:15 p.m. on the floor. We will stand in recess until 2:15.

RECESS EXTENDED

The time of recess was extended until 2:30 p.m.; further extended until 2:45 p.m.; further extended until 3:15 p.m.; further extended until 3:30 p.m.

AFTER RECESS

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

BILLS REREPORTED FROM COMMITTEE

HB 153, PN 2993 By Rep. SAYLOR

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, reducing the size of the General Assembly.

APPROPRIATIONS.

HB 253, PN 2914 By Rep. SAYLOR

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, reducing the size of the General Assembly.

APPROPRIATIONS.

HB 348, PN 2912 By Rep. SAYLOR

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

APPROPRIATIONS.

HB 979, PN 1136 By Rep. SAYLOR

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in forgery and fraudulent practices, providing for the offense of false caller identification information display; and imposing penalties.

APPROPRIATIONS.

HB 1974, PN 2830 By Rep. SAYLOR

An Act amending the act of November 24, 1998 (P.L.882, No.111), known as the Crime Victims Act, in crime victims, further providing for rights.

APPROPRIATIONS.

HB 1979, PN 2837 By Rep. SAYLOR

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in limitation of time, further providing for twenty year limitation.

APPROPRIATIONS.

SB 936, PN 1281

By Rep. SAYLOR

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.

APPROPRIATIONS.

STATEMENT BY MR. EVANKOVICH

The SPEAKER. The Chair recognizes Representative Eli Evankovich, on unanimous consent.

Mr. EVANKOVICH. Thank you, Mr. Speaker and colleagues.

Mr. Speaker, earlier we had an announcement about a great American's birthday, Ronald Reagan. And while this next person that I am going to wish happy birthday was never Governor of California and he was never President of the United States, he is the son of an electrician, the father of 6 very diverse and tenacious children, a grandfather of 14, an electrical maintenance worker to this day, a cattle farmer, and a man who, even if he cannot lift his arms up or stand up straight, always gets the job done.

So I want to wish my father, Carl Evankovich, a very happy 63d birthday. Happy birthday, Dad.

The SPEAKER. Thank you, Representative Evankovich. All members, please come to the floor.

BILLS REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

HB 908, PN 2997

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 2017, PN 2998 (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 corporate net income tax, further providing for definitions.

FINANCE.

SUPPLEMENTAL CALENDAR A**BILL ON THIRD CONSIDERATION**

The House proceeded to third consideration of **SB 936, PN 1281**, 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 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?

Nobody was raising their hand. There was plenty of opportunity. Representative Mackenzie is recognized on the bill, SB 936, PN 1281. And then it will be Representative Mullery, followed by Representative Kauffman, followed by Representative Dom Costa, followed by Representative Bryan Cutler, followed by Representative Maher, Representative Vitali, Representative Dean.

Representative Mackenzie, on the bill, please.

Mr. MACKENZIE. Thank you, Mr. Speaker.

I rise to support SB 936. This is an important piece of legislation which deals with the workers' compensation system here in Pennsylvania and the treatment that injured workers will receive. It is always an unfortunate incident when an injured worker has to go through a treatment process because of an injury that they sustained on a job. It is something none of us wants to think about, something that we do not want to have to deal with, but it is an unfortunate reality for all too many Pennsylvanians. When they go through that treatment process, unfortunately what we are finding in Pennsylvania is that they are being overprescribed opioids to a significant degree. A Workers Compensation Research Institute study from 2016 found that our injured workers are receiving the second highest amount of opioids in the entire country, out of the States that were studied. They also found that they were receiving a significantly higher dosage amount than the injured workers were receiving in other States, and the morphine equivalent average was one of the highest in the country as well.

Mr. Speaker?

The SPEAKER. Members, please take your seats. Members, please take your seats. The good gentleman is entitled to be heard. All members, please take your seats. You may proceed, sir.

Mr. MACKENZIE. Thank you.

Mr. Speaker, every year we also know that thousands of Pennsylvanians die because of heroin and opioid addictions. This is something that all too often stems from prescription abuse, prescription drug abuse. And when these incidents occur, through our workers' compensation system, where they are being overprescribed opioids, we can see and come to a logical conclusion that something needs to be done, and the next question is, what can we do about this overprescribing of opioids in our workers' compensation system?

Many other States have already dealt with this by introducing a drug formulary. Around the country States like Texas, Ohio, California, and New York have already adopted a drug formulary for their workers' compensation system. What they found in Texas is a prime example of the benefits that we could receive with such a system here in Pennsylvania. They found that they could reduce the overprescribing of opioids to injured workers on the magnitude of 60 to 70 percent, and at the same time, they could get their injured workers back to work and healthy 34 percent faster. Those are the outcomes that we want: getting people healthy and back to work and having less opioids being prescribed where injured workers can get

addicted. When you look at these statistics, Mr. Speaker, it is no wonder that people around the country, in both conservative and liberal States, have adopted a drug formulary.

What we want to do here in Pennsylvania is not only adopt that drug formulary, but then also introduce a process whereby we can have a medical check on those prescriptions that are going out. A drug formulary is something that there are nationally recognized standards that we can adopt. We do not need to create it here specific for Pennsylvania. They have done that work around the country. Medical professionals have gotten together, come up with a solution based on peer-reviewed evidence and scientifically accurate data that shows that a drug formulary on certain types of drugs can be most beneficial for these injured workers. If there are instances where they want to go beyond that, that is certainly allowed, and as can be seen in a place like Texas, where opioids have been reduced in their prescribing amounts by 60 to 70 percent, they are still being prescribed in instances where necessary.

So when you look at this, Mr. Speaker, SB 936 is something that is proven medically effective in other States to reduce the overprescribing of opioids, getting workers healthy and back to work faster, and this is a real win for Pennsylvanians and our injured workers.

So, Mr. Speaker, I would like to thank you. I would like to thank the members for their support of SB 936 today, and certainly would ask for an affirmative vote. Thank you.

The SPEAKER. Representative Mullery, followed by Representative Maher.

Mr. MULLERY. Thank you, Mr. Speaker.

I rise in opposition to SB 936. Mr. Speaker, in my time here in the General Assembly, I can count on one hand the number of times we have sought to substantially amend the Pennsylvania Workers' Compensation Act. And I believe there are two primary reasons behind our relative unwillingness to disturb our workers' compensation law. First, I honestly believe that every member of this chamber and all of our colleagues in the Senate genuinely care about the treatment of our constituents who, through no fault of their own, were injured in the course and scope of their employment.

Secondly, our workers' compensation law is solid. I have had the opportunity over my legal career to work on every side of a workers' compensation claim. I have represented hundreds of injured workers and employers, and I have been in-house counsel to a Pennsylvania workers' compensation insurance carrier. Across the board, injured workers, Pennsylvania employers, the claimants' bar, the defense bar, the administrative law judges, and the medical providers all will agree this General Assembly did a great job crafting the Workers' Compensation Act. For these reasons any amendment to this act needs to be scrutinized from front to back and from top to bottom, and when this legislation is subject to that scrutiny, it falls short.

It is well-established that our Workers' Compensation Act is remedial in nature and intended to benefit the injured worker and must be liberally construed to effectuate its humanitarian objective. That is the law in Pennsylvania. Part and parcel of that humanitarian objective is the acceptance and acknowledgement of the sacred relationship between an injured worker and his or her treating physician. This is so important that our courts have consistently ruled that greater credence

must be given to an injured worker's treating physician than to any other medical testimony when weighing crucial evidence in these claims. Why? Because it is uncontroverted that the injured worker's treating physician, the medical provider who is actually laying hands on the patient, is in the best position to obtain a history, to review their past medical treatment, to conduct a physical examination, to review diagnostic studies, and to prescribe a treatment plan to include or not include prescription medications. This is a one-on-one relationship, not a one-size-fits-all relationship. That is the type of relationship that we will create with the drug formularies outlined in this bill. This relationship is not something that should be left to a private national corporation who knows nothing about our constituents other than the limited information transmitted to them on a piece of paper or across a computer screen. That is not humanitarian, and that is not the process that is intended to benefit the injured worker.

Mr. Speaker, these issues are not new today. This bill has the same flaws it had on June 20, 2017, when it was presented before this body for consideration. At that time we elected to rerefer this legislation because of those flaws and because of the information identified in the Supreme Court's *Protz* decision that was circulated on that day. Nothing has changed. The legislative process is still vested in this General Assembly. It is still unconstitutional to delegate our authority to another body. With this bill we still have not established the primary standards to guide and restrain these formularies. This legislation continues to bestow upon formularies "carte blanche authority to implement" their "own policies and standards." These formularies continue to be private entities unaccountable to the public. Again, this is not humanitarian or intended to benefit the injured worker. I see no provision in this legislation that contains some intelligible principle to which the formulary is directed to conform.

Finally, Mr. Speaker, if you really want to know what this legislation is all about, you need look no further than page 4, section VIII. The legislation provides, and I quote, "Within 18...months following..." enactment, the PCRB "shall calculate the savings achieved through the implementation of the prescription drug formulary..." end quote. Nowhere in this legislation is there a mandate, or even a suggestion, that the PCRB (Pennsylvania Compensation Ratings Bureau) or any other body conduct a survey to ascertain how implementation of this prescription drug formulary has affected the quality of care received by our constituents. We are placing profits over care. That is not humanitarian and that is not intended to benefit the injured workers of the Commonwealth.

Mr. Speaker, this is a bad bill that will have even worse consequences for injured workers throughout the Commonwealth. This bill puts the interests of employers and insurance carriers over the interests of the injured worker, in direct violation of the intended purposes of our workers' compensation law. I have heard rumblings in the Capitol over the past few weeks about the grand bargain. A member on the other side of the aisle even sent out a cosponsorship memo referencing the "grand bargain." For those of you unfamiliar with what it is, the grand bargain refers to Pennsylvania injured workers giving up their right to sue their employers in civil court for workplace injuries in exchange for the statutory benefits obtainable under our no-fault Workers' Compensation Act. What we are attempting to do today can be called the grand betrayal.

Mr. Speaker, I will not betray the people I represent. Today I stand with our police officers, our teachers, our firefighters, our corrections officers, and all of those in labor who have written each and every one of us to express their concern with this legislation, and I stand with the thousands more Pennsylvanians who expect us to protect their right to the best available medical treatment when they have been injured in the course and scope of their employment, and I urge all of you to join with me and vote "no" on SB 936.

Thank you, Mr. Speaker.

The SPEAKER. Representative John Maher. Representative Maher, if you want to come down to the rostrum.

Mr. MAHER. Well, I must admit, that was fascinating. I was wondering whoever could be opposed to this proposal to stand up for workers; now I found out. If you are an attorney who has made a living off this system on all sides, as he explained, you are opposed. All right, that would be one. On the other hand, on the other hand, the teachers, the police, the corrections officers – all just mentioned – in their own health insurance, they have formularies. In our health insurance, we have a formulary. Across this great Commonwealth, most workers now have the protection of a formulary for their insurance that they get through their workplace.

POINT OF ORDER

Mr. DERMODY. Mr. Speaker? Point of order, Mr. Speaker?

The SPEAKER. Point of order for what? Who is it?

Mr. VITALI. Me.

The SPEAKER. What? Representative Vitali, what? What is the point of order, sir?

Mr. VITALI. Our House rules prohibit impugning motives. The speaker has impugned the motives of the previous speaker implying his motives for making his arguments were pecuniary. I ask that he be admonished for that.

The SPEAKER. The discussion I heard was about formularies.

Mr. VITALI. If you could pay a little closer attention, because that is not what was said.

The SPEAKER. Represent Vitali, you will not impugn my integrity, and if there was any reflection with respect to motive, that should not be done on the House floor. Everybody knows that rule.

Mr. VITALI. Mr. Speaker, perhaps we could roll back the record and establish what was said.

The SPEAKER. Are you taking issue with the macebearer who is doing his job up here? I do not control the microphones. The macebearer is doing his job and he is trying best to do it.

Mr. VITALI. To be clear, I have made a point of order. The gentleman, Mr. Maher—

The SPEAKER. Please take your seat, and shut off the mike.

Mr. DERMODY. Mr. Speaker?

The SPEAKER. You may approach the bench.

(Conference held at Speaker's podium.)

The SPEAKER. Representative Vitali has indicated that there were comments made with respect to the occupation of the previous speaker. To the extent that any comments were made with respect to somebody's prior occupation or present occupation aside from our position here as State Representative,

that would not be appropriate. I would ask everybody to refrain from in any way addressing the motives behind anybody's remarks. That goes for each and every one of us.

I am sorry if I missed that comment. Your point is fairly made. Let us please get on to the discussion of the underlying bill dealing with formularies. Nobody in any time interrupted the prior speaker. We will proceed.

Mr. MAHER. Thank you, Mr. Speaker.

And if anybody did feel impugned, I apologize for that. What I was simply trying to do was to recap what I thought I had just heard from the previous speaker. He was in fact the one that introduced this information. I was just putting a little highlighter on it.

Now, before that interesting interruption, I was reviewing that most employees in Pennsylvania that have health insurance through their employer have the standard of care of a formulary, but should that individual suffer a workplace injury, and boom, it is gone. It is gone. The insurance standard that protects these employees evaporates. There are formularies for Medicaid introduced by this General Assembly. There are formularies for Medicare. There are formularies for most teachers' health-care plans. My district, teachers think they have a pretty good health-care plan, and they do. It involves a formulary, and the formulary really protects workers.

So if you want to stand up for workers, consider this: Jerry Brown's California now has a formulary for injured workers. Governor Cuomo's New York now has a formulary for injured workers. This morning our Governor talked about, let us try to be bipartisan. Let us try to sort things out. I was really hoping that might last into the afternoon, because here we have a proposal that has been embraced and pushed by Democrat Governors of some note across this nation, pushed by Republicans, and now it is a partisan law. Oh, come on.

This is good for workers. It is good enough for us. It is good enough for the Governor. Do you trust the Governor? Do you believe that the Governor would select a formulary that was not going to protect the workers? I believe he will choose one that will, but if you do not trust the Governor, by all means, vote "no." I am voting "yes" for the workers.

The SPEAKER. Representative Galloway. Waives off.

Representative Dom Costa.

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

I stand in opposition to this bill, and I stand in opposition to this bill because of the first responders that I have represented since I got here – our fire, our police, our EMS (emergency medical services). They are the ones that are most likely to get hurt, most likely to need the compensation because of the extreme dangers of their job. And these are the people that I have heard from the most about this bill that are opposed to it because we are now taking the protection that they have and telling them that they do not need it and they will be on their own when they are told that they do not need a certain medication, that they do not even have anyone to stand for them. They stand for us every day, every night, every day of every year, and we need to stand for them.

Please, relook at this thing and vote "no" on this bill for our public safety people. Thank you.

Thank you, Mr. Speaker.

The SPEAKER. Representative Jesse Topper.

Mr. TOPPER. Thank you, Mr. Speaker.

Just to address a few things to make sure we are on the same page. We are talking here about a drug formulary for prescriptions. This is not like a bill a few sessions ago that talked about practices. This is about prescriptions. We have heard in the committee and also here on the floor about the interference with doctors and injured workers, and yet the doctors are not opposed. The Medical Society is not opposed. The Hospital Association in fact is supportive. These are people who care about the doctor and patient relationship.

Mr. Speaker, we have also heard, well, if this is just about opioids, let us just restrict it to opioids. We had that point made in committee as well as here on the floor. But if we follow that logic, if we understand that a formulary is okay for opioids, then how is it not okay for a cream coming out of the back of a guy's pickup truck? This will work for all medications. It does work for all medications.

Mr. Speaker, ultimately, we are trying to bring stability to a system that is in desperate need of it, for workers, for the injured workers.

So, Mr. Speaker, I would encourage us to move forward. Let us pass SB 936, and let us bring the much-needed stability to this very important system. Thank you.

The SPEAKER. Representative Doyle Heffley.

Mr. HEFFLEY. Thank you, Mr. Speaker.

Mr. Speaker, I rise in support of SB 936. Mr. Speaker, this is an ongoing issue across our Commonwealth and across our nation, the opioid and heroin epidemic. I would find it very hard to believe that anybody could vote against this bill and yet say that you are standing up for workers and standing up to curb the tide of this epidemic. Eighty-two percent of people that abuse heroin start with opioid prescription pain pills. Out of a recent study, out of 26 States, Pennsylvania was second highest in opioids prescribed per claim in workers' comp, and out of that, we are also second highest in the amount of opioids in the prescriptions.

Mr. Speaker, an injury on the job to a working-class family should not be a death sentence of addiction. We need to curb the prescribing of these dangerous opioids in a workers' comp system. So often I have heard from people who were injured on the job and they got over their injury, but they never got back to work because they never got over the addiction. I hear of cases of people that were injured on the job and were overprescribed opioids, became addicted, could not beat the addiction, and wound up committing suicide. We lose 14 Pennsylvanians per day to overdoses from opioids, and that is just a small fraction of what is actually being counted. How we in good conscience could let this practice go on in workers' comp to continue this kind of prescribing. Aside from that, there are many abuses other than just the opioids in workers' comp that drive up the cost to the employees.

When somebody is hurt on the job – and I have known several people that have been injured on the job – they want to get back to work. They do not want to be going and dealing with prescription drugs that they should never have been given in the first place. It drives up the cost for those employees and the time that they spend out of work.

So I would ask for an affirmative vote on this because the opioid and heroin epidemic is the largest opioid epidemic in the history of the world and it affects one in four families. And I do not know how we could in good conscience look at the voters

and the residents here and the workers in Pennsylvania and say that we did everything that we could to protect them from these very dangerous prescriptions if we do not put in some kind of stopgap in formularies like this in the workers' comp system.

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

The SPEAKER. Representative Tobash.

Mr. TOBASH. Thank you, Mr. Speaker.

I rise today in support of SB 936. Now, we just got out of a budget address this morning, and the Governor took advantage of a phrase, something that we need to do in the State of Pennsylvania, and that is work towards "economic growth." Undoubtedly in this budget cycle, we will be discussing recurring revenue, and the way Pennsylvania should get recurring revenue is through economic growth. As speakers before have mentioned, this is a bipartisan effort in other States. In other Pennsylvania health care – Medicare, Medicaid, our CHIP Program (Children's Health Insurance Program), private health care for teachers, police, and other Pennsylvania workers – I can tell you that the goal of workers' compensation insurance is to return people to good health, and having a formulary in place helps to do that. The question becomes, compared to these other health-care systems, why are we driving up the cost to do business in the State of Pennsylvania? We are being punitive against job creators. We want to embrace the Governor's message today of economic growth, but we need to do that as a place where business is friendly; a Commonwealth where employers want to set up, establish their business, and have a good, thriving, productive, and healthy workforce.

Mr. Speaker, as others have mentioned, we have an opioid crisis. Formularies help in making sure that prescriptions are given to patients, injured workers, in a consistent fashion. We can start by turning the tide of our cycle of poverty here in Pennsylvania by making sure that we focus on a business-friendly State.

Please vote "yes" for SB 936. Thank you, Mr. Speaker.

The SPEAKER. Representative Tim Hennessey.

Mr. HENNESSEY. Thank you, Mr. Speaker.

I believe SB 936 is fundamentally flawed and we should vote against it. We all want to have procedures in place to improve the practices of medical treatment and medication management for our workers' compensation system and the people who depend upon it. SB 936 is an attempt to do that, but it goes about it, quite frankly, the wrong way.

Just last June, our Pennsylvania Supreme Court put in place guidelines on how we must go about this type of legislative action, and the *Protz* decision was referred to by our previous speaker. The court stated very clearly that the legislature, the House and the Senate, may not delegate the power to make laws to any other branch of government or to any other body. Certain decisions, major decisions which can affect our citizens' lives are to be made by the legislature. SB 936 is one of those decisions, and the question, the underlying question of whether or not we should adopt a formulary. SB 936 seeks to impose a formulary which will substantially change the way injured workers are treated and with which medicines, and if the methods and medicines are not in the adopted formulary, the patient, the injured worker, must do without it until a review body changes its mind and will allow the treatment preferred by the worker and his doctor.

It is our responsibility to consider this and to act on it. It is not our responsibility, and not even allowed for us, to delegate it. In the *Protz* decision, our Supreme Court did allow some delegation of authority, but it said "...the basic policy choices must be made by the..." legislature. And it also said that the legislation must contain "...adequate standards to guide and restrain the exercise of delegated administrative functions...." Does SB 936 meet these standards? I suggest to you it does not. The bill directs the Department of Labor and Industry – not the legislature, the Department of Labor and Industry – to choose an evidence-based formulary. It then directs Labor and Industry to solicit public comments over a 90-day period on the formulary that it has selected, to hold one public hearing, and then the Department of Labor and Industry chooses the formulary which will then take effect within 180 days. There is no action whatever, not even a review by the House or the Senate, by our legislature.

The only standards set forth in SB 936 are rather nebulous. It tells us that the review has to be a formulary which "focuses on medical treatment" – well, that is the whole purpose of the formulary – specific to workers' comp, that "...the basis for the formulary is readily apparent..." – I am not certain of what that means; I doubt that any of us could explain it if we had to – that the formulary deal, among other things, with "opioid medications" and whether or not "the formulary appropriately limits both duration and dosage of prescriptions." And then it wraps up saying, by the way, tell us the cost of what this adoption of the formulary amounts to. The bill contains no basic policy choices to be made by the legislature and has no adequate standards to guide and restrain. What it sets, basically, are 30-day and 180-day limitations and that is it.

I do not know who put pen to paper in drafting SB 936, but they missed the mark. The bill as drafted does not establish primary standards, which are our responsibility to consider and adopt here. It does not set up guidelines and it does not set out any declared legislative policy whatever. That is what *Protz* requires. This bill as drafted does not seem to speak to that.

Now, as a legislative body, we are free to ignore the court's mandates, but if we do, we should not be surprised when that same court rules the statute unlawful, which I suggest to you is very likely given the procedure that has been involved in this and the language in the bill.

A little legislative history. In contrast to what we are seeking to do here, what SB 936 seeks to do, when we adopted the Uniform Construction Code standards by Act 45 of 1999, the Act reads that this is "An act establishing a uniform construction code;..." And we voted for it, the House and the Senate. In SB 936 the formula would become law without us, the House or the Senate, ever seeing it. The Supreme Court in *Protz* was dealing with language that told L&I (Labor and Industry) to apply the most recent edition of the American Medical Association Guides to the Evaluation of Permanent Impairment. Our Supreme Court struck that down. SB 936 contains similar update provisions, again bypassing the legislature.

There is no reason, frankly, to think the court will not strike this down should it pass. There are ways to accomplish what is sought to be accomplished here; SB 936 just does not do it. There is no reason we should tempt the court to hold this version unlawful. We should vote it down and start over, and

we should not delegate our authority as the House and the Senate to make the determinations and to vote on a formulary, not to allow one to become law because 180 days have gone by and the Department of Labor is the only group that took any action to adopt a formulary.

It is wrong. Our courts have told us it is wrong. We likely will just have wasted a lot of time if we were to pass this and just wait for it to be struck down. I suggest that the proper vote here is a vote against 936, and let us go about doing it the right way.

Thank you, Mr. Speaker.

LEAVE OF ABSENCE

The SPEAKER. Representative Todd STEPHENS has requested to be placed on leave.

CONSIDERATION OF SB 936 CONTINUED

The SPEAKER. Representative Eli Evankovich is recognized.

Mr. EVANKOVICH. Thank you, Mr. Speaker.

Mr. Speaker, we have heard a lot on both sides of this debate on SB 936. Some people believe that it is an argument for and against workers, other people contend that, as the language clearly states, it is about setting up drug formularies, which exist across the board for basically all insurance products. I think what we just heard from a prior speaker was that this is kind of uncharted territory, with what 936 purports to do in setting those formularies. I would just like to put a fine point on the fact that one of the things brought up was the Uniform Construction Code, and as everyone in this body knows, I have been talking about Uniform Construction Codes for way too long and I have learned way too much about them. But the reality is that very simply what we do with the Uniform Construction Code is we delegate it to a body outside of our own to sift through the code, to sort through the code, to set the right, quote, unquote, "regulations" or codes for our State. We do not vote on it.

We have chosen to delegate that authority to another body – in the Uniform Construction Code, it is the RAC (Review and Advisory Council), and really, when you think about it, almost every program that we have in the State of Pennsylvania relies on some type of agency law regulation that is set up by a body outside the legislature. This is not new. This is actually a very common way that we do things, and I think in approaching this problem, it makes a lot of sense, because the Department of Labor and Industry can tap into a lot of different resources, both in the medical world and whatever other profession or industry would matter in this particular very narrow circumstance about opioids and what opioids should be included in the formulary.

So I just encourage an affirmative vote. Thank you.

The SPEAKER. Representative Cris Dush.

Mr. DUSH. Thank you, Mr. Speaker.

I just want to clarify a couple things. Speaking as somebody who has worked in law enforcement, corrections, and also has been on comp while in the Department of Corrections – it is actually called Heart and Lung – but our State employees, our corrections officers, and our State troopers are on a drug formulary. Page 67 on the PDF (portable document format) file of the Pennsylvania State Police benefits plan: "Prescription" drug "Coverage – Effective July 1, 2007. A three-tier system

will be used. The plan will...list...generic and brand-name drugs called a formulary." And it goes on to describe the rest, the Pennsylvania Employee Benefit Trust Fund, CVS Caremark formulary exclusions for PEBTF and non-Medicare-eligible REHP (Retired Employees Health Program) members. That is the rest of our State employees. They are on these types of formularies and it has been set up by an independent body. The formulary was not approved by the legislature. It was formed by the independent bodies like the Pennsylvania Employees Benefit Trust Fund.

Mr. Speaker, I am at a loss when States like California and New York, with their Governors, that how in the world do they pass this thing and we do not? This is a no-brainer. When we first had the House version of this bill, one of the unions that represented part of that career field, which I was a member, drug me out into the hallway to speak with somebody, and I walk out and there is a \$3,000 suit staring me in the face. I knew immediately because I had worked as an insurance investigator. I was on the defense side, but I knew whom I was dealing with, and sure enough, within a matter of weeks, the Philadelphia Inquirer has that guy as part of an exposé. He is manipulating the system. Five thousand dollar tubes of specially formulated medicines that he is referring his clients to his own drug formulary, his own pharmacy.

Speaking as somebody who has been involved with law enforcement and corrections and who has been investigating insurance fraud, I have a hard time understanding how the law enforcement community could stand behind such a reprehensible process.

Thank you, Mr. Speaker.

The SPEAKER. Thank you, sir.

Representative Marguerite Quinn.

Ms. QUINN. Thank you, Mr. Speaker.

I look around and I just know everybody knows what they are going to do on this and that we are working in the bipartisan fashion that Governor Wolf spoke of today. So let me remind you of something. I am going to give you a history lesson. For those who were not here a couple of sessions ago, we had one of our colleagues from west of here talk about the only time he remembered a change to the workmen's compensation bill in his history here in the House. If my recollection serves me correctly, because I know it was my bill – I do not know if there was another bill – but we passed a bill that was basically the precursor to this. We passed it with so much brouhaha. It was being discussed. We had bipartisan support on the Labor Committee. Then it got into some hands and we were all tugged at. Everyone wanted us to vote one way or the other, and by the time that bill came up for a vote, we had a unanimous vote. Again, my recollection, I might be off by a vote or two, but you get the message.

What that bill did was solely address workmen's compensation workers, our State's greatest asset, right? No matter what industry, our workers are our jewels and we take good care of them. But what that bill did was to put limits on the practice of directly dispensing drugs – over-the-counter medications, opioids, and normal prescriptions – directly dispensing them to the patient. We heard how the patients, our workers, would suffer. You know they have not, because they would come to your office to have that happen.

We have heard so much, even here, that we need something standardized, guidelines for our workers. Well, guess what? When you take and you compound medications, that means you

are basically putting ingredients in a bowl – now, I am watering it down, and no offense to the pharmacist and the compounding pharmacist, but you are not getting that product that you are delivering to have FDA (Food and Drug Administration) approval. Your standards are just too low for the workers we have in this State. I heard another worker talk about page 4, section VIII, that this is only about profit for the insurance companies, because in that section it says that after 18 months, we must calculate the savings. Guess what? That is part of every year, because in order to calculate what is owed, in order to calculate the cost for that premium next year, you have to look in the rearview mirror to see what the costs were, what the savings were, and put it all together and come up with that number. That language is identical to the language that was in the bill that passed here before that took such good care of our workers.

One other— I love the attention here.

The SPEAKER. Members – please suspend – the good lady is correct. She is entitled to be heard. All members, please take your seats.

Ms. QUINN. We all have workers and we all want to take care of them, and today the focus is on opioids. However, this bill does more than that. This bill would provide our workers with a list of known quantities, FDA-approved drugs that are also not out for the profiteering. When we pass, before we pass the House bill I did a couple sessions ago, I was told then, do not worry, Marguerite. There is going to be a way around it. They are just going to own their own pharmacies. That day has come. We expected it and it is our responsibility to address that today.

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

The SPEAKER. Thank you, Representative Quinn.

Representative Barry Jozwiak.

Mr. JOZWIAK. Thank you, Mr. Speaker.

I rise in opposition to this bill for a couple reasons. First of all, this workmen's compensation act has been in effect for many, many decades, and they called it the grand bargain, and what that was, it was a political agreement to prevent workers from suing their employers when they had an on-the-job injury. In exchange for that, they were to get medical attention and a supplemental wage that was not taxed. So this drug formulary, as I see it, shifts the burden of proof here. Currently if an employee gets injured, his doctor prescribes a medication, the employer or the insurance company has the right to appeal. During that appeal process, the employee still gets his medication, which is the number one thing we have to remember, that the employee is injured. Under this new plan – this is what the change is – so if the employee gets hurt and his doctor prescribes a medication and it gets rejected by the formulary, it is now, the burden of proof is on the employee, where the employee must now file an appeal, and if his appeal is denied, he has to pay out of his pocket for this medication that he is guaranteed under the workmen's compensation act.

So I have to say, when I look at the law enforcement community, who I think gets injured more than an average worker because they are always tussling with people – they are reaching in pockets, they are sticking their fingers in and they are getting stuck with needles and razor blades – I think that is very important for these people to have immediate attention when necessary. Also, I do not think the insurance companies or the government should be between the doctor and the patient. I think the doctor knows the patient's situation, and if this drug

formulary points out a drug that the doctor does not want you to have, you may have a reaction to it. It may be in conflict with some other medication that you are already taking.

So for those reasons I would like this body to consider voting "no" on this bill, and if they want to redo it some other way, that is possible, but I am a "no" vote and I would request a "no" vote from the rest of you.

The SPEAKER. Representative Doyle Heffley, for the second time.

Mr. HEFFLEY. Thank you, Mr. Speaker.

I do not like to speak twice, but I just heard a lot of discussions about not wanting to get between the doctor and the patient. Well, if we all remember last session, we passed a series of legislation, a prescription drug monitoring program. We limited ER (emergency room) prescribing to no more than 7 days. We limited youth prescribing to 7 days. We passed a whole series of bills and legislation and regulations at the State level that have significantly impacted and cut down on the prescribing of opioids in this Commonwealth, and while we were doing it, we heard from the Medical Society that said they did not want it. We heard from the insurance industry that said they did not want it. We heard from the hospitals that said they did not want to do this. But you have got to take them all on.

This is a complex issue. Right now in the State of Pennsylvania, and the Governor has been highlighting it, opioid prescribing is down 26 percent. That is a good thing. Youth prescribing of opioids is down 46 percent, because this body got involved, and how dare we turn our backs on working men and women who are injured on the job and let them be abused by people that are going to overprescribe opioids.

Mr. Speaker, please vote for SB 936.

The SPEAKER. Representative Warren Kampf.

Mr. KAMPF. Thank you, Mr. Speaker.

Mr. Speaker, I heard the gentleman from Berks County and the gentleman from Luzerne County talk about how this somehow changes the appeal process, and I just want you to – on page 3 of the bill, section VII, it says that "The prescription of drugs that is not consistent with or recommended by the prescription drug formulary may only be considered reasonable and necessary...if the treating health care provider..." – that is the doctor – says that it is medically necessary. So what the bill does is it gives you a list of drugs that are preapproved, and if for some reason the drug that is at issue is not on it, if your doctor says that it is necessary, it is okay. Then you are back in business. So all this talk about there is going to be some kind of an automatic appeal process and it is going to be incredibly costly or unfair to the patient is just not true, if you read the language of the bill.

To me, all this does is provide a list of drugs and prescriptions that are going to be preapproved, like everybody else in the world has outside of a workers' compensation context, and it requires some credentialing, essentially, checking out of these utilization review organizations. It seems to me like a fairly small thing to do.

There was an indication that this is unconstitutional. The Department of Labor and Industry submitted language for this bill after that *Protz* case was decided, and that language from the Department of Labor and Industry, having read the *Protz* case, is in this bill. The *Protz* case said, you know what? If you want any guidelines, just go to the American Medical Association. That is all you have to do. And the court said, we are not delegating our authority to some private organization

over which we have no control. Okay. Fair enough. But the court went on to say that if you have a public comment period, if you have a public hearing, if you explain your reasoning, if you have guidelines for why you are prescribing, then your legislation is going to be okay. Well, that is in this bill. All of that is required: public comment, public hearing, annual review, and guidelines for adopting the formulary. So this bill is constitutional.

To me, in the end – I have had some experience in this through my legal work – generally speaking, the workers' compensation system is difficult for employers, and the answer this bill provides is, there will be a list of prescription medication that you get preapproval for, and utilization review organizations will have some credentials before they get to start reviewing. Those are very small and necessary steps. It seems to me, the grand bargain is only made better, only made better, if we add these small steps to that system.

Please vote "yes" on this legislation. Thank you, Mr. Speaker.

The SPEAKER. Representative Rob Kauffman.

Mr. KAUFFMAN. Thank you, Mr. Speaker.

You know, this is seemingly an earth-shattering thing we are attempting to do here today. I am astonished at how earth-shattering it is. Twenty-one other States have embarked upon a similar process. They have embarked upon a formulary. States across the Union – red States, blue States, purple States – from Texas to California to New York to States that are very similar to Pennsylvania, like Ohio, and it is just mind-boggling that Pennsylvania always seems to be left in the dust. We cannot move along and get out of the Dark Ages on some things.

Today I have heard a lot of misrepresentation as folks oppose this legislation. You know, I have heard the public employees unions and various groups opposing this, yet most of them have formularies in their own insurance plans that they utilize, from our law enforcement folks right on down the line. I have heard that this bill is about insurance profits. Well, the bill requires the PCRB to calculate any savings that are realized, and they are returned to policyholders. That means they are returned to the job creators in Pennsylvania. I suspect that the opposition to this bill is certainly about profits, but it is not the profits of insurance companies or the job creators in Pennsylvania. It is the profits of other interests that probably do not have the best interest of Pennsylvania at heart.

The process by which a formulary is adopted is a very public process done through the Department of Labor and Industry. You know, the Department of Labor and Industry, I would anticipate that they would be choosing a formulary for the benefit of workers in the Commonwealth of Pennsylvania. I would suspect that our Governor, who stood up here today, and his Secretary of Labor and Industry and the Department of Labor and Industry, because they care so much about our workers in Pennsylvania, because they care about addiction in Pennsylvania, would be choosing a formulary that would benefit the workers of this Commonwealth. To suspect otherwise impugns, the integrity and motivation of His Excellency who stood up here today, and that is a shame, because I think we should expect that in this process it would be done well.

When left to the prescribing doctor, Pennsylvania's injured workers receive 87 percent more opioids than they do in other States. We are number two in the nation in the prescription of opioids within the workers' compensation system. That is a

statistic, that is a number two that I do not think Pennsylvania should be.

This conversation today seems to be about throwing anything you can at the wall and seeing what may stick to prevent this from passage. But I would encourage my astute colleagues, whom I see across this room today, to look past the smoke and mirrors, to look past the distractions that are being created, and to look toward the workers, the injured workers across Pennsylvania, look toward what would be in their best interest, in the best interest of this Commonwealth. That is what we are here to do today, and, Mr. Speaker, I would encourage you to support SB 936. Thank you.

LEAVE OF ABSENCE CANCELED

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

CONSIDERATION OF SB 936 CONTINUED

The SPEAKER. Representative Bryan Cutler.

Mr. CUTLER. Thank you, Mr. Speaker.

Mr. Speaker, as is often the case here in the House, there is a lot of misinformation regarding this bill and what it does and does not do, and while many of the speakers have hit on it, I thought it would be good to provide a summary in terms of what some of that misinformation is.

The constitutionality of the bill was questioned regarding the *Protz* decision, and the *Protz* decision is very clear, as the good gentleman from Chester County pointed out, that in that particular case, it laid out the fundamental requirements that are required, and SB 936 was drafted with that in mind. In fact, it contemplated the *Protz* decision as it was being drafted regarding the different parameters that are to be used, the periods of public comment, and all of the short failings that were identified in the *Protz* decision itself have been addressed with this proposal.

Mr. Speaker, in regards to the opioid epidemic, I do not believe there is a single individual in the chamber that would say that we have been successful on that fight or that it is over. In fact, it is far from that. That is a very long journey that we have ahead of us in combatting that epidemic across the Commonwealth. I would offer that the best way to stop that is this bill. Mr. Speaker, when you look at our prescription rates for the workers' comp program, it is the second highest in the nation. The good lady from Bucks County indicated the work that she had done on prescriptions served in emergency rooms, and it was a great first step. Unfortunately, as is often the case, there has been a work-around put in place in the current system. With the second highest rate of prescriptions, I think it is time that we follow the lead of Ohio, who had a significant decrease when they instituted a similar plan.

Regarding other States that have instituted similar plans; it was alluded to earlier, but I think it is important again to note two of the States that have adopted similar plans, one being California, where this proposal passed the House unanimously, 51 Democrats and 28 Republicans, and in the Senate, 14 Democrats and 14 Republicans. Strong bipartisan support in a very blue State. In New York it was similar. It was 98 to 33, with 90 Democrats, 7 Republicans, and 1 Independent; and in the Senate it was unanimous, 29 Democrats, 28 Republicans.

This is not a Republican or a Democrat issue because of what it deals with. It deals with the injured worker, putting standards in place for their care; creating a formulary, a formulary that all of us deal with. All of the organizations that have sent us letters of opposition for their members all have formularies in their plans.

It was offered that perhaps medications that were contrary to the patients' best interest would be offered under a forced formulary. Mr. Speaker, it would be no different than what happens in our current plan. If you are allergic to a medicine or there is another contraindication as to why you cannot take a certain type of medication, there are alternatives built into that formulary and there is a process. We are not breaking new ground. This is something that is done in Medicare, Medicaid, CHIP, and all the groups and plans that oppose it that I am aware of.

So, Mr. Speaker, this bill is certainly constitutional, it certainly would help with the opioid epidemic, and it is certainly nothing new. I think it is time that we update our workers' comp system to be consistent with the health care that is provided to everyone else across the Commonwealth, and I would urge a "yes" vote.

The SPEAKER. I do not see any other speakers on the bill. Does anybody else wish to speak on the bill?

Representative Stephens is on the House floor.

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-98

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

NAYS-98

Barbin	DeLissio	Kim	Rabb
Barrar	DeLuca	Kinsey	Rader
Bizzarro	Dermody	Kirkland	Ravenstahl
Boyle	DiGirolamo	Kortz	Readshaw
Bradford	Donatucci	Krueger	Roebuck
Briggs	Driscoll	Kulik	Rozzi
Brown, V.	Ellis	Lewis	Sainato
Bullock	Evans	Longietti	Samuelson
Burns	Fabrizio	Madden	Santora
Caltagirone	Farry	Markosek	Schlossberg
Carroll	Fitzgerald	Matzie	Schweyer
Cephas	Flynn	McCarter	Sims
Charlton	Frankel	McClinton	Snyder
Comitta	Freeman	McNeill	Solomon
Conklin	Gainey	Metzgar	Stephens
Costa, D.	Galloway	Miccarelli	Sturla
Costa, P.	Goodman	Miller, D.	Taylor
Cruz	Haggerty	Mullery	Toohil
Daley	Hanna	Murt	Vazquez
Davidson	Harris, J.	Neilson	Vitali
Davis, A.	Hennessey	O'Brien	Warren
Davis, T.	Jozwiak	O'Neill	Wheatley
Dawkins	Kaufner	Pashinski	White
Dean	Kavulich	Petrarca	Youngblood
Deasy	Keller, W.		

NOT VOTING-0

EXCUSED-5

Gabler	Harkins	Pyle	Thomas
Godshall			

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill fell.

RULES COMMITTEE MEETING

The SPEAKER. The Chair calls upon Representative Reed for a Rules Committee announcement, followed by Representative Metcalfe for a State Government Committee announcement.

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

There will be an immediate meeting, upon the break, of the House Rules Committee in the Appropriations conference room. An immediate meeting of the House Rules Committee in the Appropriations conference room. Thank you.

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

STATE GOVERNMENT COMMITTEE MEETING

The SPEAKER. Representative Metcalfe.

Mr. METCALFE. Thank you, Mr. Speaker.

Mr. Speaker, the House State Government Committee will hold a voting meeting immediately at the break in room G-50 of the Irvis Office Building, to consider SB 1034, as well as any other business that might be brought before the committee, Mr. Speaker. So that is a meeting at the break, immediately, in G-50 of the Irvis Office Building to consider SB 1034.

Thank you, Mr. Speaker.

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

COMMITTEE MEETING CANCELED

The SPEAKER. On unanimous consent, Representative David Millard, followed by Representative Mark Mustio.

Mr. MILLARD. Thank you, Mr. Speaker. Just a committee announcement, if I may?

The SPEAKER. Yes, sir. You may proceed.

Mr. MILLARD. Tomorrow's Tourism and Recreational Development hearing that was scheduled has now been canceled.

The SPEAKER. Thank you, sir.

COMMITTEE MEETING POSTPONED

The SPEAKER. Representative Mark Mustio.

Mr. MUSTIO. Thank you, Mr. Speaker.

The Professional Licensure Committee meeting has been moved to the call of the Chair, should we be in session tomorrow. Thank you.

COMMITTEE MEETING CANCELED

The SPEAKER. Representative Tim Hennessey.

Mr. HENNESSEY. Thank you, Mr. Speaker.

The House Aging and Older Adult Services Committee meeting which was scheduled for tomorrow morning has been canceled. We had witnesses coming in from far reaches of the State, and with the weather, we decided we will postpone that. Thank you.

ANNOUNCEMENT BY MR. BARRAR

The SPEAKER. Representative Stephen Barrar.

Mr. BARRAR. Thank you, Mr. Speaker.

I wanted to let the members know that the Civil Air Patrol breakfast for tomorrow and the meeting with the Civil Air Patrol for tomorrow have been canceled also. Thank you.

The SPEAKER. Members, at this time we are going to stand at ease; at ease, we are not in recess. So we are going to be at ease until about 5:15, when the committees come back. That is my best estimate, about 5:15, but we have to wait for the votes of the committees and then we will come back to order.

The House will come to order.

RECONSIDERATION MOTION FILED

The SPEAKER. The Chair is in receipt of a motion to reconsider from Representatives Kauffman and Mackenzie. It asks to reconsider the vote by which SB 936 was defeated 98 to 98 on this 6th day of February, and they want that to be reconsidered.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED
FOR CONCURRENCE AND
REFERRED TO COMMITTEE ON RULES

The clerk of the Senate, being introduced, returned **HB 631, PN 2992**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

SENATE MESSAGE

HOUSE AMENDMENTS
CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives to Senate amendments to House amendments to **SB 354, PN 1426**.

SENATE MESSAGE

HOUSE AMENDMENTS
CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives to **SB 894, PN 1372**.

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,
February 6, 2018

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, March 19, 2018, 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 Senate recesses the week of March 19, 2018, it reconvene on Monday, March 26, 2018, 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 Senate recesses the week of March 26, 2018, it reconvene on April 16, 2018, 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, March 12, 2018, unless sooner recalled by the Speaker of the House of Representatives; and be it further

RESOLVED, Pursuant to Article II, Section 14 of the Pennsylvania Constitution, that when the House of Representatives recesses the week of March 12, 2018, it reconvene on Monday, April 9, 2018, unless sooner recalled by the Speaker of the House of Representatives; and be it further

RESOLVED, Pursuant to Article II, Section 14 of the Pennsylvania Constitution, that when the House of Representatives recesses the week of April 9, 2018, it reconvene on Monday, April 16, 2018, 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.

BILLS SIGNED BY SPEAKER

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

SB 354, PN 1426

An Act amending the act of July 2, 1993 (P.L.345, No.48), entitled "An act empowering the General Counsel or his designee to issue subpoenas for certain licensing board activities; providing for hearing examiners in the Bureau of Professional and Occupational Affairs; providing additional powers to the Commissioner of Professional and Occupational Affairs; and further providing for civil penalties and license suspension," further providing for definitions; providing for reporting of sanctions and criminal proceedings and for suspension; and further providing for civil penalties.

SB 894, PN 1372

An Act designating a portion of State Route 2005 in Saxonburg Borough, Butler County, as the Chief Gregory B. Adams Way; designating a bridge on that portion of Pennsylvania Route 271 over US Route 22, Jackson Township, Cambria County, as the Trooper Gary Fisher Memorial Bridge; designating a bridge on that portion of Pennsylvania Route 53 over US Route 22, Cresson Township, Cambria County, as the Corporal Robert J. Sherwood, Jr., Memorial Bridge; designating a bridge on Segment 80 of State Route 2015, along Overbridge Street and over Railroad Street, Lilly Borough, Cambria County, as the Paul E. Sweeney Memorial Bridge; designating a bridge on that portion of Avenue A over the Allegheny River, Coudersport Borough, Potter County, as the Commander Philip F. "Jet" Palmatier, Jr., Memorial Bridge; designating a bridge on that portion of Sunnyside Road over the Oswayo Creek, Shinglehouse Borough, Potter County, as the PVT Malon Stanley Memorial Bridge; designating a portion of State Route 1001 in Greene Township, Franklin County, as the Lance Corporal Michael L. Freeman, Jr., Memorial Highway; designating a bridge on that portion of State Route 533 over Muddy Run, Southampton Township, Franklin County, as the Private First Class Dana Edward Diehl Memorial Bridge; and designating a bridge on that portion of State Route 1004 over the Conococheague Creek, Greene Township, Franklin County, as the Private Charles W. "Bill" Roher Memorial Bridge.

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

BILL ON CONCURRENCE REPORTED FROM COMMITTEE

HB 631, PN 2992

By Rep. REED

An Act amending Titles 18 (Crimes and Offenses), 23 (Domestic Relations) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in sexual offenses, further providing for conduct relating to sex offenders and for general rule; in falsification and intimidation, further providing for the offense of failure to comply with registration requirements, defining the offense of failure to comply with 42 Pa.C.S. Ch. 97 Subch. I registration requirements and imposing penalties; in proceedings prior to petition to adopt, further providing for grounds for involuntary termination and for definitions; in domestic and sexual violence victim address confidentiality, further providing for agency use of designated address; in sentencing, providing for a mandatory period of probation for certain sexual offenders and extensively revising registration of sexual offenders provisions; and making editorial changes.

RULES.

HOUSE BILLS INTRODUCED AND REFERRED

No. 2066 By Representatives DOWLING, MILLARD, ROTHMAN, TAYLOR, WARNER and WARD

An Act amending Title 74 (Transportation) of the Pennsylvania Consolidated Statutes, in scenic highways, further providing for designation of certain State routes as scenic byways.

Referred to Committee on TRANSPORTATION, February 6, 2018.

No. 2067 By Representatives TAYLOR, WHITE, COX, ROTHMAN, O'NEILL, HENNESSEY, BAKER, SAYLOR, LONGIETTI and BURNS

An Act designating a portion of Pennsylvania Route 73 in Philadelphia County as the Police Officer Isabel Nazario Memorial Highway.

Referred to Committee on TRANSPORTATION, February 6, 2018.

LEAVES OF ABSENCE

The SPEAKER. Representative Jim CHRISTIANA has requested to be placed on leave. Without objection that will be granted.

Representative Tom MEHAFFIE has requested to be placed on leave. Without objection that will be granted.

Members, I am going to need a motion, if the members are so inclined, a motion with respect to HB 153. We are going to go over on 153, but we will be calling that up shortly.

SUPPLEMENTAL CALENDAR B

BILL ON CONCURRENCE
IN SENATE AMENDMENTS

The House proceeded to consideration of concurrence in Senate amendments to **HB 631, PN 2992**, entitled:

An Act amending Titles 18 (Crimes and Offenses), 23 (Domestic Relations) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in sexual offenses, further providing for conduct relating to sex offenders and for general rule; in falsification and intimidation, further providing for the offense of failure to comply with registration requirements, defining the offense of failure to comply with 42 Pa.C.S. Ch. 97 Subch. I registration requirements and imposing penalties; in proceedings prior to petition to adopt, further providing for grounds for involuntary termination and for definitions; in domestic and sexual violence victim address confidentiality, further providing for agency use of designated address; in sentencing, providing for a mandatory period of probation for certain sexual offenders and extensively revising registration of sexual offenders provisions; and making editorial changes.

On the question,

Will the House concur in Senate amendments?

The SPEAKER. Moved by Chairman Marsico that the House concur in the amendments inserted by the Senate. The Chair calls upon the chairman to tell us about the underlying bill and the Senate amendments.

Mr. MARSICO. Thank you, Mr. Speaker.

I am pleased that this bill is called up. The language of HB 1952 was added to HB 631 that is before us. HB 631 is before the House on concurrence. HB 1952 is the bill which responds to the *Muniz* case and the *Butler* case, which is HB 1952, passed by the House by a vote of 188 to 0 on December 13, 2017, and as reported out unanimously. I ask for an affirmative vote.

Thank you, Mr. Speaker.

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

On the question recurring,

Will the House concur in Senate amendments?

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

The following roll call was recorded:

YEAS—194

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

Caltagirone	Gainey	Matzie	Saylor
Carroll	Galloway	McCarter	Schemel
Causser	Gillen	McClinton	Schlossberg
Cephas	Gillespie	McGinnis	Schweyer
Charlton	Goodman	McNeill	Simmons
Comitta	Greiner	Mentzer	Sims
Conklin	Grove	Metcalfe	Snyder
Cook	Haggerty	Metzgar	Solomon
Corbin	Hahn	Miccarelli	Sonney
Corr	Hanna	Millard	Staats
Costa, D.	Harper	Miller, B.	Stephens
Costa, P.	Harris, A.	Miller, D.	Sturla
Cox	Harris, J.	Milne	Tallman
Cruz	Heffley	Moul	Taylor
Culver	Helm	Mullery	Tobash
Cutler	Hennessey	Murt	Toepel
Daley	Hickernell	Mustio	Toohil
Davidson	Hill	Neilson	Topper
Davis, A.	Irvin	Nelson	Vazquez
Davis, T.	James	Nesbit	Vitali
Dawkins	Jozwiak	O'Brien	Walsh
Day	Kampf	O'Neill	Ward
Dean	Kaufman	Oberlander	Warner
Deasy	Kauffman	Ortitay	Warren
DeLissio	Kavulich	Pashinski	Watson
Delozier	Keefer	Peifer	Wentling
DeLuca	Keller, F.	Petrarca	Wheatley
Dermody	Keller, M.K.	Pickett	Whealand
Diamond	Keller, W.	Quigley	White
DiGirolamo	Kim	Quinn, C.	Youngblood
Donatucci	Kinsey	Quinn, M.	Zimmerman
Dowling	Kirkland	Rabb	
Driscoll	Klunk	Rader	Turzai,
Dunbar	Knowles	Rapp	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—7

Christiana	Godshall	Mehaffie	Thomas
Gabler	Harkins	Pyle	

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

Ordered, That the clerk inform the Senate accordingly.

BILL SIGNED BY SPEAKER

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

HB 631, PN 2992

An Act amending Titles 18 (Crimes and Offenses), 23 (Domestic Relations) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in sexual offenses, further providing for conduct relating to sex offenders and for general rule; in falsification and intimidation, further providing for the offense of failure to comply with registration requirements, defining the offense of failure to comply with 42 Pa.C.S. Ch. 97 Subch. I registration requirements and imposing penalties; in proceedings prior to petition to adopt, further providing for grounds for involuntary termination and for definitions; in domestic and sexual violence victim address confidentiality, further providing for agency use of designated address; in sentencing, providing for a mandatory period of probation for certain sexual offenders and extensively revising registration of sexual offenders provisions; and making editorial changes.

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

CALENDAR

BILL ON SECOND CONSIDERATION

The House proceeded to second consideration of HB 1409, PN 2911, entitled:

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, in hunting and furtaking licenses, further providing for resident license and fee exemptions and for license costs and fees; and making editorial changes.

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

Mr. CUTLER offered the following amendment No. A05689:

Amend Bill, page 1, line 4, by inserting after "fees;" in special licenses and permits, providing for permit exemptions; Amend Bill, page 5, by inserting between lines 6 and 7 Section 3. Title 34 is amended by adding a section to read: § 2902.1. Permit exemptions. (a) Prohibition.—Notwithstanding any other provision of this title, the holder of a permit-exempt license may not be required to obtain a permit to hunt a species that the holder of the permit-exempt license was allowed to hunt without a permit prior to July 1, 2017. (b) Definitions.—As used in this section, the following words and phrases shall have the meanings given to them in this subsection unless the context clearly indicates otherwise: "Permit-exempt license." Any of the following: (1) A senior lifetime resident hunting license. (2) A senior lifetime resident combination hunting and furtaker license. Section 4. The addition of 34 Pa.C.S. § 2902.1 shall apply retroactively to July 1, 2017. Amend Bill, page 5, line 7, by striking out "3" and inserting 5

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

The SPEAKER. Representative Wentling, on the amendment, sir? Waives off.

Representative Cutler, on the amendment, sir. Mr. CUTLER. Thank you, Mr. Speaker.

Mr. Speaker, very briefly. For some of our senior hunters here in the Commonwealth, there has been a new program instituted regarding the pheasant stamp, where there is an additional required permit. I believe for those individuals who bought a senior license prior to the enactment of those changes, we should honor the promise that they had when they originally bought their license and that should be included going forward, as was the original contract when they purchased that license.

So for that reason I am offering this amendment to honor all of the past promises, and certainly would urge a "yes" vote. Thank you.

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

Mr. WENTLING. For the benefit of the members, I just want to let them know that this is an agreed-to amendment with Representative Cutler. Thank you.

The SPEAKER. Thank you, sir.

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

The following roll call was recorded:

YEAS—194

Table listing names of representatives who voted 'YEAS' (194 total). Includes Baker, Barbin, Barrar, Benninghoff, Bernstine, Bizzarro, Bloom, Boback, Boyle, Bradford, Briggs, Brown, R., Brown, V., Bullock, Burns, Caltagirone, Carroll, Causser, Cephas, Charlton, Comitta, Conklin, Cook, Corbin, Corr, Costa, D., Costa, P., Cox, Cruz, Culver, Cutler, Daley, Davidson, Davis, A., Davis, T., Dawkins, Day, Dean, Deasy, DeLissio, Delozier, DeLuca, Dermody, Diamond, DiGirolamo, Donatucci, Dowling, Driscoll, Dunbar, Dush, Ellis, Emrick, English, Evankovich, Evans, Everett, Fabrizio, Farry, Fee, Fitzgerald, Flynn, Frankel, Freeman, Fritz, Gainey, Galloway, Gillen, Gillespie, Goodman, Greiner, Grove, Haggerty, Hahn, Hanna, Harper, Harris, A., Harris, J., Heffley, Helm, Hennessey, Hickernell, Hill, Irvin, James, Jozwiak, Kampf, Kaufner, Kauffman, Kavulich, Keefer, Keller, F., Keller, M.K., Keller, W., Kim, Kinsey, Kirklund, Klunk, Knowles, Kortz, Krueger, Kulik, Lawrence, Lewis, Longietti, Mackenzie, Madden, Maher, Mako, Maloney, Markosek, Marshall, Marsico, Masser, Matzie, McCarter, McClinton, McGinnis, McNeill, Mentzer, Metcalfe, Metzgar, Miccarelli, Millard, Miller, B., Miller, D., Milne, Moul, Mullery, Murt, Mustio, Neilson, Nelson, Nesbit, O'Brien, O'Neill, Oberlander, Ortitay, Pashinski, Peifer, Petrarca, Pickett, Quigley, Quinn, C., Quinn, M., Rabb, Rader, Rapp, Ravenstahl, Readshaw, Reed, Reese, Roae, Roe, Roebuck, Rothman, Rozzi, Ryan, Saccone, Sainato, Samuelson, Sankey, Santora, Saylor, Schemel, Schlossberg, Schweyer, Simmons, Sims, Snyder, Solomon, Sonney, Staats, Stephens, Sturla, Tallman, Taylor, Tobash, Toepel, Toohil, Topper, Vazquez, Vitali, Walsh, Ward, Warner, Warren, Watson, Wentling, Wheatley, Wheeland, White, Youngblood, Zimmerman, Turzai, Speaker.

NAYS—0

NOT VOTING—0

EXCUSED—7

Table listing names of representatives who were 'EXCUSED' (7 total). Includes Christiana, Gabler, Godshall, Harkins, Mehaffie, Pyle, Thomas.

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.

SUPPLEMENTAL CALENDAR A CONTINUED

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 253, PN 2914**, entitled:

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, reducing the size of the General Assembly.

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

LEAVE OF ABSENCE

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

CONSIDERATION OF HB 253 CONTINUED

On the question recurring,
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 Dermody, you may proceed.

Mr. DERMODY. Thank you, Mr. Speaker. I will be brief.

I did want to make a few comments. As we spoke last night, we talked about the other constitutional amendment, that if you really want to change the size of the General Assembly, it ought not to be done piecemeal; it ought to be done in a comprehensive fashion. And this is not reform what we are doing right now. What it is is just more gerrymandering and we ought to vote "no," and I am voting "no" on HB 253.

The SPEAKER. Representative Vitali, on HB 253. Waives off.

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—101

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

NAYS—92

Barbin	Dawkins	Harris, J.	Quinn, M.
Bizzarro	Dean	Kavulich	Rabb
Boback	Deasy	Keller, W.	Rader
Boyle	DeLissio	Kim	Rapp
Bradford	DeLuca	Kinsey	Ravenstahl
Briggs	Dermody	Kirkland	Readshaw
Brown, R.	Diamond	Kortz	Roebuck
Brown, V.	DiGirolamo	Krueger	Rozzi
Bullock	Donatucci	Kulik	Sainato
Burns	Driscoll	Longietti	Samuelson
Caltagirone	Dush	Madden	Schlossberg
Carroll	English	Markosek	Schweyer
Causer	Evans	Matzie	Sims
Cephas	Fabrizio	McCarter	Snyder
Comitta	Fitzgerald	McClinton	Solomon
Conklin	Flynn	McNeill	Sturla
Costa, D.	Frankel	Miller, D.	Taylor
Costa, P.	Freeman	Mullery	Vazquez
Cruz	Gainey	Neilson	Vitali
Daley	Galloway	O'Brien	Warren
Davidson	Goodman	Pashinski	Wheatley
Davis, A.	Haggerty	Peifer	White
Davis, T.	Hanna	Petrarca	Youngblood

NOT VOTING—0

EXCUSED—8

Christiana	Godshall	Mehaffie	Pyle
Gabler	Harkins	Milne	Thomas

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

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

CALENDAR CONTINUED

BILLS ON SECOND CONSIDERATION

The House proceeded to second consideration of **SB 135, PN 116**, entitled:

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, in hunting and furtaking, further providing for dogs pursuing, injuring or killing big game.

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

* * *

The House proceeded to second consideration of **SB 449, PN 1424**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in assault, further providing for probable cause arrests in domestic violence cases.

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

The SPEAKER. There are some amendments. I see an amendment from Representative Delozier, 5557.

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

Ms. **DELOZIER** offered the following amendment No. **A05557**:

Amend Bill, page 1, line 1, by striking out "Title" and inserting Titles

Amend Bill, page 1, line 1, by inserting after "Offenses)" and 42 (Judiciary and Judicial Procedure)

Amend Bill, page 1, line 3, by striking out the period after "cases" and inserting

; and, in bonds and recognizances, further providing for bail to be governed by general rules.

Amend Bill, page 4, by inserting between lines 8 and 9

Section 2. Section 5702 of Title 42 is amended to read: § 5702. Bail to be governed by general rules.

(a) General rule.—Except as otherwise provided by this title and the laws relating to the regulation of surety companies, all matters relating to the fixing, posting, forfeiting, exoneration and distribution of bail and recognizances shall be governed by general rules.

(b) Use of cash bail.—

(1) In a case in which the defendant is the named depositor, any cash bail deposited by the defendant that is otherwise returnable to the defendant shall be held and applied to the payment of any restitution, fees, fines and costs imposed upon the defendant in connection with any criminal or delinquency case, unless the defendant shows that he or she would suffer an undue hardship.

(2) In a case in which the defendant is not the named depositor, the court may order, upon motion of the attorney for the Commonwealth, that any cash bail deposited on behalf of the defendant that is otherwise returnable to the depositor be held and applied to the payment of any restitution, fees, fines and costs imposed upon the defendant in connection with any criminal or delinquency case, unless the depositor shows that he

or she would suffer an undue hardship.

(3) Written notice of the provisions of this subsection shall be provided to a depositor prior to the acceptance of a deposit.

Amend Bill, page 4, line 9, by striking out "2" and inserting 3

Amend Bill, page 4, by inserting between lines 12 and 13

(2) The amendment of 42 Pa.C.S. § 5702 shall take effect in 180 days.

Amend Bill, page 4, line 13, by striking out "(2)" and inserting (3)

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

AMENDMENT WITHDRAWN

The SPEAKER. The Chair calls upon Representative Delozier, on the amendment.

Ms. DELOZIER. Thank you, Mr. Speaker.

I simply rise to bring attention to the fact. I will withdraw this amendment. I have spoken to the sponsor of the bill. We have many bills that are sitting in the Senate on restitution for victims' voices that need to be heard. We have a package of bipartisan bills that have gone over, and I would just put on the record that we would very much appreciate working with the Senate to get these restitution bills passed.

This underlying bill is an extremely important bill as well. Speaking to the sponsor of the bill, I have consented to take this amendment off so that we can at least get this one successfully through to the Governor's desk, and I would ask for your support of the underlying bill.

Thank you, Mr. Speaker.

The SPEAKER. Thank you.
Amendment 5557 has been withdrawn.

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

The SPEAKER. Representative Dean has three amendments. We are going to start with amendment 5529.

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

Mrs. **DEAN** offered the following amendment No. **A05529**:

Amend Bill, page 1, line 1, by striking out "Title" and inserting Titles

Amend Bill, page 1, line 1, by inserting after "Offenses)" and 23 (Domestic Relations)

Amend Bill, page 1, line 3, by inserting after "cases"

; and, in protection from abuse, further providing for commencement of proceedings

Amend Bill, page 4, by inserting between lines 8 and 9

Section 2. Section 6106(e) and (f) of Title 23 are amended to read:

§ 6106. Commencement of proceedings.

* * *

[(e) Court to adopt means of service.—The court shall adopt a means of prompt and effective service in those instances where the plaintiff avers that service cannot be safely effected by an adult individual other than a law enforcement officer or where the court so

orders.]

(f) Service by sheriff.—[If the court so orders, the] The sheriff or other designated law enforcement agency or individual shall serve the petition and order.

* * *

Amend Bill, page 4, line 9, by striking out "2" and inserting
3

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

AMENDMENT WITHDRAWN

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

Mrs. DEAN. Thank you, Mr. Speaker.

In the interest of the underlying legislation, I am going to be withdrawing all three of my amendments, and I want to make sure that people understand: this is important legislation. The amendments that we added would add important layers of protection for domestic violence for families, for victims, and I am looking forward to moving those in the future.

So at this time I withdraw my amendments and support the bill.

The SPEAKER. Thank you.

My understanding is amendments 5529, 5530, and 5531 have been withdrawn.

I do not see any other amendments on this particular bill, SB 449, PN 1424.

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

The SPEAKER. We are going to stand at ease.

The House will come to order.

BILL REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

SB 1034, PN 1441

By Rep. METCALFE

An Act amending the act of December 22, 2011 (P.L.598, No.131), known as the Congressional Redistricting Act of 2011, in establishment of congressional districts, repealing provisions relating to congressional districts.

STATE GOVERNMENT.

BILL ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 1814, PN 2469**, entitled:

An Act amending the act of July 7, 1947 (P.L.1368, No.542), known as the Real Estate Tax Sale Law, in short title and definitions, further providing for definitions; and, in sale of property, further providing for repurchase by owner and providing for limitation on trusteeship and for ownership interests and responsibilities of delinquent property owner.

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

The SPEAKER. We have no other bills on second consideration.

SUPPLEMENTAL CALENDAR A CONTINUED

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 348, PN 2912**, entitled:

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

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

(Bill analysis was read.)

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

The question is, shall the bill pass finally?

Representative Vitali, on the bill.

Mr. VITALI. Thank you, Mr. Speaker.

Will the maker of the bill stand for brief interrogation?

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

Mr. VITALI. Could you explain the bill? I saw mandatory minimum sentencing and that concerned me. Could you give me an explanation of the bill?

Mr. DeLUCA. Let me tell you, we had passed legislation years ago that pertained to anybody that committed a crime with a firearm, there was mandatory 5-year sentence. What is happening is that district attorneys and they are pleading it down, the judges are making decisions, and they run them consecutively instead of concurrently. The fact is, we continue to talk about gun violence, but we do not talk about the fact that it is the judicial system that does not follow the laws that we make here. Now, if we are going to make laws, then let us follow them. And what happens is, the fact is, they are not following the law we did 10 years ago.

Mr. VITALI. So you mention consecutive versus concurrent. Tell me what this bill does relating to sentencing.

Mr. DeLUCA. What it does is, if you commit a crime with a gun—

Mr. VITALI. Right.

Mr. DeLUCA. —and the judge gives you 2 years for the crime you did—

Mr. VITALI. Right.

Mr. DeLUCA. —and you have a gun—

Mr. VITALI. Right.

Mr. DeLUCA. —you get the mandatory 5 years after that with a firearm.

Mr. VITALI. Got it. Okay, I understand.

Mr. DeLUCA. You understand that?

Mr. VITALI. Yeah.

I would like to speak on the bill.

The SPEAKER. You may proceed, sir.

You may proceed.

Mr. VITALI. Thank you.

First of all, the Representative maker always does a great job attacking important issues, and again this is a really important issue, and I salute him for doing that.

I have a concern with regard to taking the ability of the judge to exercise discretion with regard to sentencing. I used to try cases before I became a legislator, and as a general rule, when there was one set of facts that led to multiple crimes, the judge, unless he really wanted to hammer the guy, the judge ran them concurrently, because it was just one set of facts. If I understand this bill, this requires the sentences to run end on end. It does not give the judge that discretion, and I think that that concerns me because every criminal defendant is different. They have different life stories, different prior records, different reasons for getting where they did. The facts differ. And we elect judges to do justice. We elect people of good judgment to just be fair. And there may be 1 judge in 100 that abuses that authority, and to that I say, deal with that one judge; do not tie the other 99 judges' hands who want to be fair. And I just fear – if I am understanding this bill correctly – it would, to some degree, tie a judge's ability to be fair, tie a judge's hands and his ability to be fair. So I do not think I am going to be supporting this.

The SPEAKER. Representative Rick Saccone.

Mr. SACCONI. Thank you, Mr. Speaker.

I rise in support of this bill. I congratulate the chairman on this bill. Several sessions ago he started this bill. Last session I took this bill. It passed through the House. It died in the Senate. My good colleague from Allegheny County is trying again to get it through. We supported it in committee almost unanimously. I think there was only vote against it, if I remember correctly.

Look, this is one of those bills where we should all agree. If you are pro-gun, we want to see the laws enforced. This is an enforcement of the law. If you are for more gun control, you should be for this bill, because this is, again, enforcing the laws. When you commit a crime with a gun, you will do the time. That is what this law is saying.

So everyone in this chamber should be for this bill, and I am hoping that this will be a unanimous vote. I congratulate my colleague from Allegheny County and please vote "yes" on this bill.

The SPEAKER. Representative Jordan Harris.

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

Will the maker of the bill stand for brief interrogation?

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

Mr. J. HARRIS. Thank you.

Mr. Speaker, can you explain to me the "replica of a firearm" part of this legislation? Can you explain, is that still in or was that stricken from the legislation?

Mr. DeLUCA. Pardon me. I did not hear you. Will you repeat that, please?

Mr. J. HARRIS. The replica firearm piece.

Mr. DeLUCA. Mr. Speaker, I cannot give you the year we passed that legislation, but it is in the Criminal Code and I cannot give that to you right now. That is how long ago we passed it, Mr. Speaker.

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

Mr. Speaker, replica, could replica be defined as a "toy" gun also, a toy firearm?

Mr. DeLUCA. Absolutely, because of the fact that if you are using that, you do not know if it is real or not. The fact is, a lot of people are getting shot because of replicas, and the fact is, you should not be robbing anybody with a replica.

Mr. J. HARRIS. Okay.

Mr. DeLUCA. If you are robbing somebody, and you have got not a real gun, then you should not be doing that. You are doing something wrong. If you want that gun to scare somebody, how does he know or she know if it is a real gun or if it is not a real gun, a fake gun?

Mr. J. HARRIS. Last question, Mr. Speaker.

If you can explain to me, does the person have to pull the firearm? Could the firearm be in a person's waistband? Does the person have to brandish the firearm in the commission of this crime?

Mr. DeLUCA. I would imagine.

Mr. Speaker, if you look at the bill, it will say, "visibly possessed."

Mr. J. HARRIS. Right. I get that.

But if a firearm is in a person's waistband and I see it, does that qualify as visibly possessed?

Mr. DeLUCA. Mr. Speaker, if it is in plain view, it qualifies; yes.

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

Mr. Speaker, on the bill?

The SPEAKER. Yes.

Mr. J. HARRIS. On the bill?

The SPEAKER. Yes, please, on the bill, Representative Harris.

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

Mr. Speaker, I rise today. I respect the good gentleman from Allegheny County. I respect his service in this great chamber, but, Mr. Speaker, I have to rise today to oppose HB 348 for several reasons.

One, Mr. Speaker, we would, in essence, be requiring judges to do mandatory minimums for what could possibly be a toy gun. That is the first point. The second point is, the person would not actually have to pull out the toy firearm. It could be in a waistband, it could be in a pocket that, you know, as long as the person says they could see it, this person would be liable for – a judge would have to impose a mandatory sentence on this person. In addition to that, if there is more than one person in the group when this is happening, there could be a chance where a person is charged with multiple offenses. If they are found guilty of those multiple offenses in one incident, Mr. Speaker, the judge would then be forced to give a mandatory sentence for each of those persons present and make those sentences run consecutively. So you could have a situation where there is one incident where three people are there and the judge would have to impose a sentence of around 15 years, because there would be a mando for each of the persons present, and it would have to be given consecutively.

Mr. Speaker, our own Secretary of the Department of Corrections has told us that mandatory minimums do not work with the rehabilitation of our folks. It has been proven study after study that mandatory minimums do not work. The national trend has turned against using mandatory minimums. Our own courts have talked about mandatory minimums. The bottom line is this: We elect judges in the Commonwealth, and they get elected and we do not even reelect them, we vote to retain them. That is how much faith we have in our judges. So if we have the faith in our judges, then why are we tying judges' hands with these types of bills?

Additionally, the fiscal note says that this bill will cost the taxpayers of Pennsylvania over \$20 million. I thought we had moved on from the conversation of mandatory minimums, Mr. Speaker. This is a throwback to the past to a time that did not work with regards to preventing crimes.

So while I respect the good gentleman, I respect all of the work and the body of work he has done in this legislature, this is wrong for Pennsylvania, and it takes us back to a time where we had bloated budgets for the Department of Corrections with no change and no decrease in crime. I urge my colleagues to vote "no" on HB 348.

Thank you, Mr. Speaker.

BILL PASSED OVER TEMPORARILY

The SPEAKER. Members, at this time we are going to go over this bill. We will come back to it at a later point. It may not be this evening. We have some other bills we have got to get through.

* * *

The House proceeded to third consideration of **HB 979, PN 1136**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in forgery and fraudulent practices, providing for the offense of false caller identification information display; and imposing penalties.

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

(Bill analysis was read.)

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—193

Baker	Dush	Kortz	Readshaw
Barbin	Ellis	Krueger	Reed
Barrar	Emrick	Kulik	Reese
Benninghoff	English	Lawrence	Roae
Bernstine	Evankovich	Lewis	Roe
Bizzarro	Evans	Longietti	Roebuck
Bloom	Everett	Mackenzie	Rothman

Boback	Fabrizio	Madden	Rozzi
Boyle	Farry	Maher	Ryan
Bradford	Fee	Mako	Saccione
Briggs	Fitzgerald	Maloney	Sainato
Brown, R.	Flynn	Markosek	Samuelson
Brown, V.	Frankel	Marshall	Sankey
Bullock	Freeman	Marsico	Santora
Burns	Fritz	Masser	Saylor
Caltagirone	Gainey	Matzie	Schemel
Carroll	Galloway	McCarter	Schlossberg
Causer	Gillen	McClinton	Schweyer
Cephas	Gillespie	McGinnis	Simmons
Charlton	Goodman	McNeill	Sims
Comitta	Greiner	Mentzer	Snyder
Conklin	Grove	Metcalfe	Solomon
Cook	Haggerty	Metzgar	Sonney
Corbin	Hahn	Miccarelli	Staats
Corr	Hanna	Millard	Stephens
Costa, D.	Harper	Miller, B.	Sturla
Costa, P.	Harris, A.	Miller, D.	Tallman
Cox	Harris, J.	Moul	Taylor
Cruz	Heffley	Mullery	Tobash
Culver	Helm	Murt	Toepel
Cutler	Hennessey	Mustio	Toohil
Daley	Hickernell	Neilson	Topper
Davidson	Hill	Nelson	Vazquez
Davis, A.	Irvin	Nesbit	Vitali
Davis, T.	James	O'Brien	Walsh
Dawkins	Jozwiak	O'Neill	Ward
Day	Kampf	Oberlander	Warner
Dean	Kaufer	Ortitay	Warren
Deasy	Kauffman	Pashinski	Watson
DeLissio	Kavulich	Peifer	Wentling
DeLozier	Keefer	Petrarca	Wheatley
DeLuca	Keller, F.	Pickett	Wheeland
Dermody	Keller, M.K.	Quigley	White
Diamond	Keller, W.	Quinn, C.	Youngblood
DiGirolamo	Kim	Quinn, M.	Zimmerman
Donatucci	Kinsey	Rabb	
Dowling	Kirkland	Rader	Turzai, Speaker
Driscoll	Klunk	Rapp	
Dunbar	Knowles	Ravenstahl	

NAYS—0

NOT VOTING—0

EXCUSED—8

Christiana	Godshall	Mehaffie	Pyle
Gabler	Harkins	Milne	Thomas

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 1979, PN 2837**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in limitation of time, further providing for twenty year limitation.

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—193

Baker	Dush	Kortz	Readshaw
Barbin	Ellis	Krueger	Reed
Barrar	Emrick	Kulik	Reese
Benninghoff	English	Lawrence	Roae
Bernstine	Evankovich	Lewis	Roe
Bizzarro	Evans	Longietti	Roebuck
Bloom	Everett	Mackenzie	Rothman
Boback	Fabrizio	Madden	Rozzi
Boyle	Farry	Maher	Ryan
Bradford	Fee	Mako	Saccone
Briggs	Fitzgerald	Maloney	Sainato
Brown, R.	Flynn	Markosek	Samuelson
Brown, V.	Frankel	Marshall	Sankey
Bullock	Freeman	Marsico	Santora
Burns	Fritz	Masser	Saylor
Caltagirone	Gainey	Matzie	Schemel
Carroll	Galloway	McCarter	Schlossberg
Causar	Gillen	McClinton	Schweyer
Cephas	Gillespie	McGinnis	Simmons
Charlton	Goodman	McNeill	Sims
Comitta	Greiner	Mentzer	Snyder
Conklin	Grove	Metcalfe	Solomon
Cook	Haggerty	Metzgar	Sonney
Corbin	Hahn	Miccarelli	Staats
Corr	Hanna	Millard	Stephens
Costa, D.	Harper	Miller, B.	Sturla
Costa, P.	Harris, A.	Miller, D.	Tallman
Cox	Harris, J.	Moul	Taylor
Cruz	Heffley	Mullery	Tobash
Culver	Helm	Murt	Toepel
Cutler	Hennessey	Mustio	Toohil
Daley	Hickernell	Neilson	Topper
Davidson	Hill	Nelson	Vazquez
Davis, A.	Irvin	Nesbit	Vitali
Davis, T.	James	O'Brien	Walsh
Dawkins	Jozwiak	O'Neill	Ward
Day	Kampf	Oberlander	Warner
Dean	Kaufer	Ortitay	Warren
Deasy	Kauffman	Pashinski	Watson
DeLissio	Kavulich	Peifer	Wentling
Delozier	Keefer	Petrarca	Wheatley
DeLuca	Keller, F.	Pickett	Wheeland
Dermody	Keller, M.K.	Quigley	White
Diamond	Keller, W.	Quinn, C.	Youngblood
DiGirolamo	Kim	Quinn, M.	Zimmerman
Donatucci	Kinsey	Rabb	
Dowling	Kirkland	Rader	Turzai,
Driscoll	Klunk	Rapp	Speaker
Dunbar	Knowles	Ravenstahl	

NAYS—0

NOT VOTING—0

EXCUSED—8

Christiana	Godshall	Mehaffie	Pyle
Gabler	Harkins	Milne	Thomas

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 1974, PN 2830**, entitled:

An Act amending the act of November 24, 1998 (P.L.882, No.111), known as the Crime Victims Act, in crime victims, further providing for rights.

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, I see that you have risen.

Mr. VITALI. I have.

Will the maker of the bill stand for brief interrogation?

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

Mr. VITALI. My first question would be, could you give a brief explanation of the bill?

Mr. ENGLISH. I would be happy to, Mr. Speaker.

If one looks at their sheets from caucus you will understand that this enhances the ability of crime victims to attend criminal trials. The bill amends the Crime Victims Act so that victims have a right not to be excluded from a trial, unless the court finds that the testimony of the victim would be altered if the victim heard other witnesses testify. "Before making a determination, the court..." must "make every effort to permit the fullest attendance possible..." and must "consider reasonable alternatives to the exclusion." The reasons for exclusion must be stated on the record.

Mr. VITALI. Right. Is there a set of facts that causes you to feel there is a need for this bill? I am trying to understand.

Mr. ENGLISH. So HB 1974 is modeled after the Federal victims bill of rights. In the last several sessions it has been unanimously passed by this body.

Mr. VITALI. Okay. Because my first question was going to be, does this apply to proceedings pre-finding of guilt? Does this apply – you may have answered it, but I just want to make sure this applies to court proceedings prior to the finding of guilt.

Mr. ENGLISH. Sure. That would be during the trial so a determination of guilt has not been made, so yes.

Mr. VITALI. Okay.

So I just wanted to speak on the bill. Thank you very much.

The SPEAKER. Yes. You may proceed.

Mr. VITALI. I guess my first concern here is the use of the word "victim," because, I mean, in our society there is this presumption of innocence. Now, if someone is accused of a

crime, he should be sitting at the defense table presumed to be innocent, and if you are calling someone a victim who is the complaining witness, you are assuming a person presumed innocent is guilty, and I think that may pose some real constitutional problems here. It just erodes this concept of presumption of innocence. They are not a victim yet, because the crime has not yet been proven. That is the whole function of a trial.

I mean, my second problem – and this really takes me back a quarter of a century to my case-trying days – is, there can be very good reasons why you want to sequester witnesses, including the complaining witness, and that is that if they all get to hear everybody's testimony, they can at least subconsciously shape their own testimony, you know, the color of the car, you know, whatever. So there are very legitimate reasons for sequestration of witnesses. It helps in the truth-finding process and it reduces the chances of a person who is in fact innocent from being wrongfully convicted.

So I just wanted to raise those concerns to my justice-loving colleagues and ask you to take them under consideration. Thank you.

The SPEAKER. Representative Barbin.

Mr. BARBIN. I rise to support the bill and note that the language of the bill itself specifically allows the judge to sequester a witness if he feels the testimony may be altered. It is already taken care of. This is a good bill. We should pass the bill.

The SPEAKER. Representative Kathy Watson, on the bill.

Mrs. WATSON. Thank you, Mr. Speaker.

I, too, rise in support of this bill, as the previous speaker, has said. But I must take exception with a previous speaker who described and went after the word "victim." I will tell you this: with my background, particularly as a former high school English teacher, it got me right up out of my seat.

It is used correctly in the bill. Let me give you an example. The example that I have seen in my years here, in talking with crime victims, they are. If I am mugged, but for some reason they arrest my good friend, Representative DiGirolamo, when actually it should be my other good friend, Representative Lewis, that is an issue about who is responsible, but I am no less beaten up and I am no less a victim. That is what this talks about. We have victims of crime all the time. In fact, we have a lot of victims who never get justice ever. We are working to make sure that they do, that they are treated fairly. This is simply a bill in search of a better treatment, and yes, Mr. Speaker, they are victims, they are real, and they certainly deserve our support.

Thank you, Mr. Speaker.

On the question recurring,
Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—192

Baker	Dush	Kortz	Ravenstahl
Barbin	Ellis	Krueger	Readshaw
Barrar	Emrick	Kulik	Reed
Benninghoff	English	Lawrence	Reese
Bernstine	Evankovich	Lewis	Roae

Bizzarro	Evans	Longiatti	Roe
Bloom	Everett	Mackenzie	Roebuck
Boback	Fabrizio	Madden	Rothman
Boyle	Farry	Maher	Rozzi
Bradford	Fee	Mako	Ryan
Briggs	Fitzgerald	Maloney	Saccone
Brown, R.	Flynn	Markosek	Sainato
Brown, V.	Frankel	Marshall	Samuelson
Bullock	Freeman	Marsico	Sankey
Burns	Fritz	Masser	Santora
Caltagirone	Gainey	Matzie	Saylor
Carroll	Galloway	McCarter	Schemel
Causar	Gillen	McClinton	Schlossberg
Cephas	Gillespie	McGinnis	Schweyer
Charlton	Goodman	McNeill	Simmons
Comitta	Greiner	Mentzer	Sims
Conklin	Grove	Metcalfe	Snyder
Cook	Haggerty	Metzgar	Solomon
Corbin	Hahn	Miccarelli	Sonney
Corr	Hanna	Millard	Staats
Costa, D.	Harper	Miller, B.	Stephens
Costa, P.	Harris, A.	Miller, D.	Sturla
Cox	Harris, J.	Moul	Tallman
Cruz	Heffley	Mullery	Taylor
Culver	Helm	Murt	Tobash
Cutler	Hennessey	Mustio	Toepel
Daley	Hickernell	Neilson	Toohil
Davidson	Hill	Nelson	Topper
Davis, A.	Irvin	Nesbit	Vazquez
Davis, T.	James	O'Brien	Walsh
Dawkins	Jozwiak	O'Neill	Ward
Day	Kampf	Oberlander	Warner
Dean	Kaufner	Ortitay	Warren
Deasy	Kauffman	Pashinski	Watson
DeLissio	Kavulich	Peifer	Wentling
Delozier	Keefer	Petrarca	Wheatley
DeLuca	Keller, F.	Pickett	Wheeland
Dermody	Keller, M.K.	Quigley	White
Diamond	Keller, W.	Quinn, C.	Youngblood
DiGirolamo	Kim	Quinn, M.	Zimmerman
Donatucci	Kinsey	Rabb	
Dowling	Kirkland	Rader	Turzai, Speaker
Driscoll	Klunk	Rapp	
Dunbar	Knowles		

NAYS—1

Vitali

NOT VOTING—0

EXCUSED—8

Christiana	Godshall	Mehaffie	Pyle
Gabler	Harkins	Milne	Thomas

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

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

The SPEAKER. Members, we only have one other bill in front of us. We cannot vote it until 8:48. That is HB 153, which was amended yesterday. It is printer's number – well, it was amended, so I am not sure what the— Oh, yeah, PN 2993. It is on page 2 of today's supplemental A House calendar.

We are going to have to stand in recess until 8:48.

I do not see anybody moving to proceed.

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

The SPEAKER. Representative Knowles.

Mr. KNOWLES. Mr. Speaker, I would like to make a motion that we proceed.

The SPEAKER. The good gentleman has moved to proceed to take a vote on HB 153, PN 2993, which otherwise we would not be able to vote on until 8:48.

On the motion, all those in favor of moving to proceed to vote on HB 153 will vote "aye"; those opposed will vote "nay."

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

The following roll call was recorded:

YEAS—104

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

NAYS—89

Barbin	Deasy	Harris, J.	Pashinski
Bizzarro	DeLissio	Jozwiak	Petrarca
Boback	DeLuca	Kavulich	Rabb
Boyle	Dermody	Keller, W.	Rapp
Bradford	DiGirolamo	Kim	Ravenstahl
Briggs	Donatucci	Kinsey	Readshaw
Brown, V.	Driscoll	Kirkland	Roebuck
Bullock	Dush	Kortz	Rozzi
Burns	English	Krueger	Sainato
Caltagirone	Evans	Kulik	Samuelson
Carroll	Everett	Longiatti	Schlossberg
Cephas	Fabrizio	Madden	Schweyer
Comitta	Fitzgerald	Markosek	Sims
Conklin	Flynn	Matzie	Snyder
Costa, D.	Frankel	McCarter	Solomon
Costa, P.	Freeman	McClinton	Sturla
Cruz	Gainey	McNeill	Tallman
Daley	Galloway	Miller, B.	Vazquez
Davidson	Gillen	Miller, D.	Vitali
Davis, A.	Goodman	Mullery	Warren
Davis, T.	Haggerty	Neilson	Wheatley
Dawkins	Hanna	O'Brien	Youngblood
Dean			

NOT VOTING—0

EXCUSED—8

Christiana Gabler	Godshall Harkins	Mehaffie Milne	Pyle Thomas
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Less than a majority of the members required by the rules having voted in the affirmative, the question was determined in the negative and the motion was not agreed to.

The SPEAKER. The motion to proceed fails. We will not be able to vote the bill until 8:48.

CONSIDERATION OF HB 348 CONTINUED

The SPEAKER. Members, at this time we can return to HB 348, PN 2912.

Representative Dawkins, do you wish to speak on this? Waives off.

Representative Dean? Waives off, I understand.

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—134

Baker	Everett	Longiatti	Reed
Barbin	Farry	Mackenzie	Reese
Barrar	Fee	Maher	Roae
Benninghoff	Flynn	Mako	Roe
Bernstine	Fritz	Maloney	Rothman
Bizzarro	Galloway	Marshall	Saccone
Bloom	Gillen	Marsico	Sainato
Boback	Gillespie	Masser	Samuelson
Brown, R.	Greiner	McGinnis	Sankey
Burns	Grove	Mentzer	Santora
Caltagirone	Hahn	Metcalfe	Saylor
Causer	Harper	Metzgar	Schemel
Charlton	Harris, A.	Miccarelli	Simmons
Conklin	Heffley	Millard	Snyder
Cook	Helm	Miller, B.	Sonney
Corbin	Hennessey	Moul	Staats
Corr	Hickernell	Mullery	Stephens
Costa, D.	Hill	Murt	Tallman
Cox	Irvin	Mustio	Taylor
Culver	James	Nelson	Tobash
Cutler	Jozwiak	Nesbit	Toepel
Davis, T.	Kampf	O'Brien	Toohil
Day	Kaufner	O'Neill	Topper
Deasy	Kauffman	Oberlander	Walsh
Delozier	Kavulich	Ortitay	Ward
DeLuca	Keefer	Pashinski	Warner
DiGirolamo	Keller, F.	Peifer	Watson
Dowling	Keller, M.K.	Petrarca	Wentling
Dunbar	Klunk	Pickett	Wheeland
Dush	Knowles	Quigley	White
Ellis	Kortz	Quinn, C.	Zimmerman
Emrick	Kulik	Quinn, M.	
English	Lawrence	Rapp	Turzai,
Evankovich	Lewis	Readshaw	Speaker

NAYS-59

Boyle	DeLissio	Keller, W.	Ravenstahl
Bradford	Dermody	Kim	Roebuck
Briggs	Diamond	Kinsey	Rozzi
Brown, V.	Donatucci	Kirkland	Ryan
Bullock	Driscoll	Krueger	Schlossberg
Carroll	Evans	Madden	Schweyer
Cephas	Fabrizio	Markosek	Sims
Comitta	Fitzgerald	Matzie	Solomon
Costa, P.	Frankel	McCarter	Sturla
Cruz	Freeman	McClinton	Vazquez
Daley	Gainey	McNeill	Vitali
Davidson	Goodman	Miller, D.	Warren
Davis, A.	Haggerty	Neilson	Wheatley
Dawkins	Hanna	Rabb	Youngblood
Dean	Harris, J.	Rader	

NOT VOTING-0

EXCUSED-8

Christiana	Godshall	Mehaffie	Pyle
Gabler	Harkins	Milne	Thomas

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.

ANNOUNCEMENT BY SPEAKER

The SPEAKER. Members, at this time there will be no more votes. The Governor has closed the executive branch and departments and agencies for tomorrow because of winter weather. My understanding is that the Senate is going to go on 6-hour call. The House, at this time, we are not going to come in tomorrow. We are going to be on 12-hour call. The House will be on 12-hour call. We are not scheduled to be in tomorrow. We will be on 12-hour call.

REPUBLICAN CAUCUS

The SPEAKER. We do have a caucus announcement for the majority caucus.

Please proceed.

Mrs. TOEPEL. Thank you, Mr. Speaker.

Republicans will caucus immediately at the break. Thank you.

ANNOUNCEMENT BY MRS. DEAN

The SPEAKER. Representative Dean, on unanimous consent.

Mrs. DEAN. I have an announcement. Southeast Delegation members, Southeast Delegation members, there will be a brief but delicious meeting of the Southeast Delegation in my office, 32 East Wing, catering by Koh. Southeast Delegation, I will see you in 32 East Wing, catering by Koh.

COMMITTEE MEETING CANCELED

The SPEAKER. Chairman Metcalfe, for an announcement, sir.

Mr. METCALFE. Thank you, Mr. Speaker.

We intended on calling for a meeting tomorrow at 10, if we were going to be in session, but we will not have a meeting of the State Government Committee tomorrow, due to not having session. So we will look forward to continuing our work that we were intending to do tomorrow at a future date when we are back in session.

Thank you, Mr. Speaker.

The SPEAKER. Thank you, sir.

REMARKS SUBMITTED FOR THE RECORD

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

Mr. Speaker, it is my privilege to bring to the attention of the Speaker and the members of the Pennsylvania House of Representatives the name of Evan Joseph Capinas, who has been awarded Scouting's highest honor – Eagle Scout.

Mr. Speaker, I would like to read to the members of the House of Representatives the following citation of merit honoring Evan Joseph Capinas.

Whereas, Evan Joseph Capinas earned the Eagle Award in Scouting. This is the highest award that Boy Scouts can bestow and as such represents great sacrifice and tremendous effort on the part of this young man. Evan is a member of Troop 153.

Now therefore, Mr. Speaker and the members of the House of Representatives, it is my privilege to congratulate and place in the Legislative Journal the name of Evan Joseph Capinas.

* * *

Mr. Speaker, it is my privilege to bring to the attention of the Speaker and the members of the Pennsylvania House of Representatives the name of Clayton Malaney, who has been awarded Scouting's highest honor – Eagle Scout.

Mr. Speaker, I would like to read to the members of the House of Representatives the following citation of merit honoring Clayton Malaney.

Whereas, Clayton Malaney earned the Eagle Award in Scouting. This is the highest award that Boy Scouts can bestow and as such represents great sacrifice and tremendous effort on the part of this young man. Clayton is a member of Troop 210.

Now therefore, Mr. Speaker and the members of the House of Representatives, it is my privilege to congratulate and place in the Legislative Journal the name of Clayton Malaney.

BILLS RECOMMITTED

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

HB 1409;
HB 1814;
SB 135; and
SB 449.

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

BILLS REMOVED FROM TABLE

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

HB 1881;
HB 1898;
HB 1910;
HB 1958;
HB 1964;
HB 1986; and
SB 1034.

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.

RECESS

The SPEAKER. The House will stand in recess until a call from the Chair, and we are on 12 hours' notice with respect for a call from the Chair.