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

THE SPEAKER (SAMUEL H. SMITH) 
PRESIDING

PRAYER
HON. RICK SACCONE, member of the House of Representatives, offered the following prayer:

Let us please bow our heads in prayer:
Father God, we come to You with praise and thanksgiving for all the blessings You have given us and our great nation. We ask You to make us worthy of the tasks You have set before us. Give us the wisdom You gave Solomon; give us the patience you gave Job.

Lord, be the unseen person in our conversations and deliberations. Help us to carry ourselves in a way pleasing to You, and may our actions honor You.

Help us to search our lives for that which displeases You, for wide is the gate that leads to destruction. Help us examine ourselves, Lord. Let us choose wisely what we put before our eyes – on TV, in movies, and what we read – that we do not fall unwittingly into sin. As the psalmist said, let the words of my mouth and the meditations of my heart be acceptable in Your sight, O Lord.

Bless our Armed Forces and their families and friends. Bless those troops that are in harm's way, and bless those that have suffered as casualties in defense of our freedom.

We ask all this in Your almighty name. Amen.

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

JOURNAL APPROVAL POSTPONED
The SPEAKER. Without objection, the approval of the Journal of Tuesday, January 3, 2012, will be postponed until printed.

JOURNALS APPROVED
The SPEAKER. However, the following Journals are in print and, without objection, will be approved: Monday, October 3, 2011; Tuesday, October 4, 2011; Wednesday, October 5, 2011; Monday, October 17, 2011; Tuesday, October 18, 2011; Wednesday, October 19, 2011; and Monday, October 24, 2011.

COMMUNICATION FROM PENNSYLVANIA TREASURY

(Copy of communication is on file with the Journal clerk.)

RESIGNATIONS OF MEMBERS
The SPEAKER. The clerk will read the following letters of resignation.

The following letters were read:

Dennis M. O'Brien
Councilman At-Large
City Council of Philadelphia
Room 582 City Hall
Philadelphia, PA 19107
Phone: 215-686-3440
Fax: 215-686-1929

January 3, 2012

Hon. Sam Smith
Speaker of the House
139 Main Capitol Building
Harrisburg, PA 17120

Dear Speaker Smith:

I write today to submit my resignation as a member of the Pennsylvania House of Representatives from the 169th district.

Please accept my resignation as of December 31, 2011.

Should you have any questions or concerns, do not hesitate to contact me.

Sincerely,
Dennis M. O'Brien
Councilman At-Large
December 30, 2011

Honorable Samuel H. Smith
Speaker of the House
Pennsylvania House of Representatives
139 Main Capitol
Harrisburg, PA 17120

Dear Mr. Speaker:

Please accept this correspondence as notification that effective December 30, 2011, I will be resigning as a member of the Pennsylvania General Assembly due to my election as a judge of the Court of Common Pleas of Lehigh County. It has been a great honor and pleasure to serve with you and the other members of the Pennsylvania State House, and I will always treasure my time serving on behalf of the people of the 134th House District.

Please do not hesitate to contact me if you need anything in the future.

Sincerely,
Douglas G. Reichley
State Representative, 134th District

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Jewell Williams
Sent: Monday, January 09, 2012 12:00 PM
To: Dermody, Frank; Mturzai@pahousegop.com; Samuel Smith
Subject: Official Resignation

Good Morning,

Effective Immediately: I have spoken to Tony Barbush and I will be leaving on January 9, 2012 @ 10:59 a.m. This notice serves as my official resignation. I do not wish to be compensated from January 2, 2012 to the present for any manner. Thank you for over 10 years of working in this institution as a legislator. I only wish the commitment remain the same and that is the constituents of the 197th Legislative district continue to receive legislative service from the district office and Ashley Roach remain the contact person for the 197th Legislative District in which she is greatly familiar.

Thank you very much. I am Jewell Williams, former legislator and now the newly elected Sheriff of the City and County of Philadelphia.

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Chelsa Wagner
Sent Via E-mail and Facsimile

Dear Ms. Brown,

I have resigned as a member of the Pennsylvania House of Representatives, effective January 16, 2012. Could you please email me the proper calculation, so that I may refund the appropriate amount from my January 1st paycheck back to the House immediately?

Should you have any questions, please feel free to contact me, (412) 498-9036.

Kind regards,
Chelsa Wagner

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No. 2108 By Representatives HALUSKA, HUTCHINSON, BAKER, CALTAGIRONE, CARROLL, COHEN, DENTLINGER, GABLTER, GINGRICH, HANNA, HEFFLEY, JOSEPHS, M. K. KELLER, MAHONEY, MOUL, PICKETT, READSHAW, STABACK, YOUNGBLOOD, CAUSER, DALEY, EVERETT, GEORGE, GROVE, HARRIS, HORNAMAN, F. KELLER, KULA, METZGAR, PEIFER, RAPP, REED and SWANGER

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in size, weight and load, further providing for restrictions on use of highways and bridges.

Referred to Committee on TRANSPORTATION, January 10, 2012.

No. 2109 By Representative SCHRODER

An Act authorizing the Department of Conservation and Natural Resources to release, upon the satisfaction of certain conditions, Project 70 restrictions on certain land owned by the Borough of Downingtown, Chester County, in return for the development of Kardon Park within the Borough of Downingtown and East Caln Township, Chester County.

Referred to Committee on STATE GOVERNMENT, January 10, 2012.

No. 2110 By Representatives METCALFE, EVERETT, GINGRICH, HELM and VULAKOVICH

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, further providing for definitions, for authority to issue liquor licenses to hotels, restaurants and clubs, for license districts, license period and hearings, for applications for hotel, restaurant and club liquor licenses, for issuance, transfer or extension of hotel, restaurant and club liquor licenses, for license fees, for sales by liquor licensees and restrictions, for sale of malt or brewed beverages by liquor licensees, for limiting number of retail licenses to be issued in each county, for unlawful acts relative to liquor, alcohol and liquor licensees and for unlawful acts relative to liquor, malt and brewed beverages and licensees.

Referred to Committee on LIQUOR CONTROL, January 10, 2012.
No. 2111 By Representatives SIMMONS, BLOOM, BOYD, BRENnan, CALTAGIRONE, CUTLER, DAVIDSON, DUNBAR, FARRY, GABLER, GROVE, LAWRENCE, PEIFER, RAPP, REED, SCAVELLO, SCHRODER, THOMAS and COX

An Act amending the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, further providing for transfer of portion of surplus.

Referred to Committee on APPROPRIATIONS, January 10, 2012.

No. 2112 By Representatives FRANKEL and STURLA

An Act amending Titles 74 (Transportation) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for definitions, for department authorization, for fund, for application and approval process, for coordination, for operating program, for asset improvement program and for programs of Statewide significance; and making repeals.

Referred to Committee on TRANSPORTATION, January 10, 2012.

No. 2113 By Representatives VITALI, HANNA, FRANKEL, GEORGE, STURLA, B. BOYLE, K. BOYLE, BRADFORD, BRIGGS, V. BROWN, CALTAGIRONE, COHEN, D. COSTA, CURRY, DAVIS, DAVIDSON, DELISSIO, FREEMAN, GERBER, GOODMAN, HARPER, HICKERNELL, HORNAMAN, JOSEPHS, MAHONEY, MUNDY, M. O'BRIEN, PARKER, PAYTON, QUINN, SAMUELSON, SANTARSIERO, K. SMITH and YOUNGBLOOD

An Act amending Title 35 (Health and Safety) of the Pennsylvania Consolidated Statutes, consolidating the Air Pollution Control Act; providing for air contaminant emissions, for exemptions from air pollution requirements for unconventional gas production processes prohibited and for permit fees; and making a related repeal.

Referred to Committee on ENVIRONMENTAL RESOURCES AND ENERGY, January 10, 2012.

No. 2114 By Representative PETRI

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, in responsible utility customer protection, further providing for termination of utility service; repealing provisions relating to liens by city natural gas distribution operations; in natural gas competition, further providing for city natural gas distribution operations; and making related repeals.

Referred to Committee on URBAN AFFAIRS, January 10, 2012.

No. 2115 By Representatives KRIEGER, CALTAGIRONE, TALLMAN, MURT, EVANKOVICH, LAWRENCE, SONNEY, PYLE, SWANGER, DAVIDSON, HORNAMAN, GEORGE, DENLINGER, METCALFE, KORTZ, DUNBAR, GINGRICH, HENNESSEY, EVERETT, COX and CREIGHTON

An Act amending Title 65 (Public Officers) of the Pennsylvania Consolidated Statutes, further providing for public participation.

No. 2116 By Representatives TALLMAN, CREIGHTON, HEFFLEY, MILLER and TRUITT

An Act amending the act of May 25, 1945 (P.L.1050, No.394), known as the Local Tax Collection Law, providing for a transition from township treasurers to tax collectors in first class townships; and making editorial changes.

Referred to Committee on LOCAL GOVERNMENT, January 10, 2012.

No. 2117 By Representatives DENLINGER, VEREB, AUMENT, BAKER, CALTAGIRONE, CAUSER, D. COSTA, CUTLER, DAVIS, FLECK, GEIST, GEORGE, GIBBONS, GINGRICH, GOODMAN, HARRIS, HESS, HUTCHINSON, KILLION, KIRKLAND, KULA, LONGIETTI, MAJOR, MURT, OBERLANDER, ONEILL, PERRY, PICKETT, PYLE, RAPP, READESHAW, ROCK, SCAVELLO, STEVENSON, TAYLOR and VULAKOVICH

An Act amending Title 71 (State Government) of the Pennsylvania Consolidated Statutes, further providing for definitions and for creditable nonstate service.

Referred to Committee on STATE GOVERNMENT, January 17, 2012.

No. 2118 By Representatives JOSEPHS, STURLA, DAVIDSON, DeLUCA, FABRIZIO, HARHAI, HARKINS, HORNAMAN, PASHINSKI and THOMAS

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, further providing for the qualifications of Governor, Lieutenant Governor and Attorney General.

Referred to Committee on STATE GOVERNMENT, January 17, 2012.

No. 2119 By Representatives PRESTON, GEIST, CALTAGIRONE, CHRISTIANA, DALEY, FABRIZIO, GERGELY, KORTZ, LAWRENCE, MAHONEY, MUSTIO, SIMMONS and WHEATLEY

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in rules of the road in general, further providing for maximum speed limits; and, in powers of department and local authorities, further providing for regulation of traffic on Pennsylvania Turnpike.

Referred to Committee on TRANSPORTATION, January 17, 2012.

No. 2120 By Representatives DELOZIER, MAJOR, AUMENT, BOYD, CALTAGIRONE, D. COSTA, CUTLER, DALEY, DENLINGER, EVERETT, GILLESPIE, GINGRICH, GRELL, KORTZ, MAHONEY, MILNE, MYERS, QUINN, RAPP, SCAVELLO, THOMAS, VULAKOVICH and YOUNGBLOOD

An Act amending Title 35 (Health and Safety) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, establishing a system for the use of volunteer health practitioners;
providing reasonable safeguards to assure that health practitioners are appropriately licensed and regulated to protect the public's health; providing for applicability of workers' compensation and occupational disease law; and providing for limitation of civil damages.

Referred to Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, January 17, 2012.

No. 2121 By Representatives ADOLPH, CALTAGIRONE, CARROLL, J. EVANS, EVERETT, FARRY, FLECK, GEIST, GRELL, HACKETT, HARPER, HESS, KILLION, KULA, MANN, MILLARD, MILNE, MURT, OBERLANDER, O'NEILL, QUINN, ROSS, SABATINA, SCAVELLO, CULVER, SCHRODER, SWANGER, TAYLOR, TOEPEL and WATSON

An Act amending the act of February 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law, further providing for definitions, for written requests and for fee limitations.

Referred to Committee on STATE GOVERNMENT, January 17, 2012.

No. 2122 By Representatives LAWRENCE, SIMMONS, BLOOM, CREIGHTON, CUTLER, EVANKOVICH, GILLEN, GROVE, HESS, HORNAMAN, KAUFFMAN, MAHONEY, MAJOR, MURT, SACCONE, SCHRODER, SWANGER, TALLMAN, TOOHIL and YOUNGBLOOD

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in district superintendents and assistant district superintendents, providing for severance packages.

Referred to Committee on EDUCATION, January 17, 2012.

No. 2123 By Representatives MURT, KILLION, BRENnan, ADOLPH, BISHOP, BOBACK, BOYD, R. BROWN, V. BROWN, D. COSTA, CREIGHTON, DALEY, DAVIS, DeLEUCA, DENLINGER, DONATUCCI, FARRY, GEIST, GIBBONS, GILLESPIE, GINGRICH, GODSHALL, GOODMAN, HACKETT, HAHN, HESS, HORNAMAN, MAHONEY, MAJOR, MURT, SACCONE, SCHRODER, SWANGER, TALLMAN, TOOHIL and YOUNGBLOOD

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for definitions, for licenses, for sale or transfer of firearms, for Pennsylvania State Police, for firearm sales surcharge, for the Firearm Records Check Fund, for licensing of dealers, for administrative regulations and for the Firearms Background Check Advisory Committee.

Referred to Committee on JUDICIARY, January 17, 2012.

No. 2124 By Representatives PRESTON, CALTAGIRONE, D. COSTA, CARROLL, DALEY, FREEMAN, HORNAMAN, MULLERY, READSHAW, TRUITT and YOUNGBLOOD

An Act amending the act of March 1, 1988 (P.L.82, No.16), known as the Pennsylvania Infrastructure Investment Authority Act, establishing municipal connection funding programs; making an appropriation; and making editorial changes.

No. 2125 By Representatives DELOZIER, MARSICO, CALTAGIRONE, BAKER, BOBACK, CUTLER, ELLIS, GEIST, GIBBONS, GINGRICH, GROVE, HARHART, HARKINS, HARRIS, HEFFLEY, HENNESSY, HESS, HICKERNELL, HORNAMAN, KAUFFMAN, M. K. KELLER, MAJOR, MARSHALL MILLARD MILLER, MILNE, MOUL, MURT, PASHINSKI, PETRI, QUIGLEY, QUINN, READSHAW, SAVARY, CULVER, K. SMITH, SONNEY, STEPHENS, STERN, STEVENSON, SWANGER, TAYLOR and TOEPEL

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for burglary, for robbery and for grading of theft offenses.

Referred to Committee on JUDICIARY, January 17, 2012.

No. 2126 By Representatives HESS, STERN, BENNINGHOFF, BROOKS, CREIGHTON, GEORGE, GODSHALL, HARRHAI, HARHART, HARRIS, M. K. KELLER, KULA, QUINN, READSHAW, ROCK, SACCONA, SAYLOR, TALLMAN, TOOHIL, VULAKOVICH, EVERETT, HAHN and KILLION

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in grounds and buildings, further providing for display of United States flag and development of patriotism.

Referred to Committee on EDUCATION, January 17, 2012.

No. 2127 By Representatives KRIEGER, SACCONA, GABLER, METCALFE, PERRY, LAWRENCE, TURZAI, TALLMAN, HUTCHINSON, KAUFFMAN, HARHAI, MILLARD, COHEN, DALEY, GIBBONS, GROVE, EVERETT, HARHART, WHITE, CAUSER, DENLINGER, ELLIS, MAHER, PICKETT, PETRARCA, MARSHALL, SWANGER, NEUMAN, QUINN, CUTLER, STEVENSON, CREIGHTON, STERN, BLOOM, GIBBONS, SONNEY, HORNAMAN and REESE

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for definitions, for licenses, for sale or transfer of firearms, for Pennsylvania State Police, for firearm sales surcharge, for the Firearm Records Check Fund, for licensing of dealers, for administrative regulations and for the Firearms Background Check Advisory Committee.

Referred to Committee on JUDICIARY, January 17, 2012.
No. 2142 By Representatives THOMAS, WHEATLEY, MYERS, PAYTON, YOUNGBLOOD, COHEN and FABRIZIO

An Act providing for the establishment of the Surety Bond Guarantee Program; imposing duties on the Department of Community and Economic Development; establishing the Surety Bond Guarantee Fund; providing for contracts eligible for guarantee and for participation by disadvantaged businesses; and making an appropriation.

Referred to Committee on STATE GOVERNMENT, January 10, 2012.

LEAVES OF ABSENCE

The SPEAKER. Are there requests for leaves of absence?

The Speaker recognizes the majority whip, who requests a leave of absence for the gentleman, Mr. HENNESSEY, from Chester County for the day, and the lady, Mrs. WATSON, from Bucks County for the week. Without objection, the leaves will be granted.

The Speaker recognizes the minority whip, who requests a leave of absence for the gentleman, Mr. Brendan BOYLE, from Philadelphia County for the day; the lady, Miss PARKER, from Philadelphia County for the day; the gentleman, Mr. ROEBUCK, from Philadelphia County for the day; and the gentleman, Mr. PRESTON, from Allegheny County for the day. Without objection, the leaves will be granted.

If I could have the members' attention. If we could kindly hold the conversations down and clear the aisles a little wee bit. I would like to have a couple of guests recognized and we would appreciate the members' attention.

MEGHAN McGOVERN PRESENTED

The SPEAKER. First of all, we would like to invite Representative Todd Stephens to the rostrum for the purpose of presenting a citation to Meghan McGovern, who is a State champion in cross country from North Penn High School.

If we could kindly have the members' attention and courtesy, please. If we could kindly have the members' attention, please. We would appreciate your courtesy. If the members could kindly hold the conversations down.

The gentleman, Mr. Stephens, may proceed.

Mr. STEPHENS. Thank you, Mr. Speaker.

I want to thank my colleagues in the House of Representatives. I am here to recognize another outstanding scholar-athlete from the 151st Legislative District. You may recall, before the holiday break we recognized the boys cross-country State champion, and I am here now to proudly recognize Meghan McGovern, who is the girls State champion in cross country from North Penn High School. She is an outstanding scholar-athlete who is planning on attending William & Mary next year to continue her studies.

Just briefly, she won the PIAA State Class AAA Girls Individual Cross Country Championship with a time of 18 minutes 28 seconds. She is truly deserving of recognition and praise for utilizing her exceptional ability with diligence and for her tenacious pursuit of athletic excellence.

I would also like to note, she is a cousin of Representative Tom Murt as well. So if you would all kindly join me in recognizing Meghan Mc Govern for her outstanding accomplishments.

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

GUESTS INTRODUCED

The SPEAKER. If I could have the members' attention. We have some guests that are to the left of the rostrum as guests of Representative Lawrence: Roger, Mary-Pat, and Alex Saul. Will our guests please rise. Welcome to the hall of the House.

If I could have the members' attention. We would appreciate if the members would kindly take their seats.

EDWARD "CHAMP" HALL INTRODUCED

The SPEAKER. In honor of Martin Luther King Day, we have a guest with us this afternoon, someone that many of us have seen and heard before. You may remember Edward "Champ" Hall when he was with us to celebrate this day back in 2009.

Mr. Hall is a guest of Representative Sturla and a resident of Lancaster County. He is the founder of and instructor at Champ's Barber School, and he owns and operates barbershops in Lancaster and Neffsville.

This afternoon, Mr. Hall will recite the last speech— If I could kindly have the members' attention. Would you kindly hold the conversations down. Thank you. I appreciate your courtesy and attention.

This afternoon, Mr. Hall will recite the last speech delivered by Martin Luther King entitled "I've Been to the Mountaintop." Martin Luther King gave this speech on April 3, 1968, at the Mason Temple in Memphis. As we all know, the next day he was assassinated.

If I could kindly have the members' attention. It is my pleasure to introduce Mr. Champ Hall.

Mr. HALL. Thank you.

I want to thank State Representative Mike Sturla for the invitation, to the Speaker of the House, and to the House body. We pay tribute and commemoration and salutation to the life and legacy of the Honorable Dr. Martin Luther King, Jr.

Go with me now to the year 1968 in Memphis, Tennessee. These were the last words spoken by the late Dr. Martin Luther King, Jr.
Mr. HALL. "As I listened to Ralph Abernathy and his eloquent and generous introduction and then thought about myself, I wondered who he was talking about. It's always good to have your closest friend and associate to say something good about you. And Ralph Abernathy is the best friend that I have in the world. I'm delighted to see each of you here tonight in spite of a storm..." watch. "You reveal that you are determined to go on anyhow.

"Something is happening in Memphis; something is happening in our world. And you know, if I were standing at the beginning of time, with...a kind of general and panoramic view of the whole of human history up to now, and the Almighty said to me, 'Martin Luther King, which age would you like to live in?' I would take my mental flight by Egypt and I would watch God's children in their magnificent trek from the dark dungeons of Egypt...across the Red Sea, through the wilderness on toward the promised land. And in spite of its magnificence, I wouldn't stop there."

Oh, "I would move on by Greece and take my mind to Mount Olympus. And" there "I would see Plato, Aristotle, Socrates, Euripides and Aristophanes assembled around the Parthenon. And I would watch them around the Parthenon as they discussed the great and eternal issues of reality. But I wouldn't stop there."

Oh, "I would go...to the great heyday of the Roman Empire. And I would see developments...there, through various emperors and leaders. But I wouldn't stop there."

Oh, "I would...come up to the day of the Renaissance, and get a quick picture of all that the Renaissance did for the cultural and aesthetic life of man. But I wouldn't stop there."

Oh, "I would...go by the way..." to whom "the man...I am named had his habitat. And I would watch Martin Luther as he tacked his ninety-five theses on the door at the church of Wittenberg. But I wouldn't stop there."

Oh, "I would come on up...to 1863, and watch a vacillating President by the name of Abraham Lincoln finally come to the conclusion that he had to sign the Emancipation Proclamation. But I wouldn't stop there."

Oh, "I would...come up to the early thirties, and see a man grappling with the problems of the bankruptcy of his nation," saying "...that we have nothing to fear but 'fear itself.' But I wouldn't stop there."

Oh, "Strangely enough, I would turn to the Almighty, and say, 'If you allow me to live just a few years' " longer " in the second half of the 20th century, I will be happy.'

"Now that's a strange statement to make, because the world is all messed up. The nation is sick. Trouble is in the land; confusion all around. That's a strange statement. But I know, somehow, that only when it is dark enough can you see the stars. And I see God working in this period of the twentieth century in a way that men, in some strange way, are responding.

"Something is happening in our world. The masses of people are rising up. And wherever they are assembled today, whether they are in Johannesburg, South Africa; Nairobi, Kenya; Accra,
that came in, and from all over the states and the world, kind letters…. I had received…" a letter "from the President and the Vice-President. I've forgotten what those telegrams said. I'd received..." a letter and a visit "from the Governor of New York" City, "but I've forgotten what that letter said. But there was another letter..." that I will never forget. "It said simply," Dr. Martin Luther King, "I am a ninth-grade student at the White Plains High School." "And "While it should not matter, I would" just "like to mention that I'm a white girl. I read in the paper of your..." suffering and of your misfortune. "And I read that if you had sneezed, you would have died." "Well, "...I'm simply writing you to say that I'm so happy that you didn't sneeze.'

"And I want to say tonight...that I too am happy that I didn't sneeze. Because if I had sneezed, I wouldn't have been around here in 1960, when students all over the South..." were "sitting-in.... And I knew that as they were sitting, they were really standing up for the best in the American dream, and taking the whole nation back to those great wells of democracy which were dug deep by the Founding Fathers in the Declaration of Independence and the Constitution.

"If I had sneezed, I wouldn't have been around here in 1961, when we decided to take a ride for freedom and ended segregation in inter-state travel.

"If I had sneezed, I wouldn't have been around here in 1962, when Negroes in Albany, Georgia, decided to straighten their backs up. And whenever men and women straighten their backs up, they are going somewhere, because a man can't ride your back unless it is bent.

"If I had sneezed...I wouldn't have been" around "here in 1963, when the black people of Birmingham, Alabama, aroused the conscience of this nation, and brought into being the Civil Rights Bill.

"If I had sneezed, I wouldn't have had a chance later that year, in August, to...tell America about a dream that I had had. "...I wouldn't have been down in Selma, Alabama, to see the great Movement there.

"...I wouldn't have been in Memphis to see a community rally around those brothers and sisters who are suffering."

Oh, "I'm so happy that I didn't sneeze."

But it doesn't matter with me now. "I left Atlanta this morning, and as we got started on the plane, there were six of us." The pilot came over the public address system and said, "We are sorry for the delay, but we have Dr. Martin Luther King on the plane. And to be sure that all of the bags were checked,..." "carefully, to be sure there would be nothing wrong with the plane," "...we've had the plane protected and guarded all night.

"And then I got into Memphis. And some began to...talk about the threats that were out. What would happen to me from some of our sick white brothers?"

"Well, I don't know...now. We've got some difficult days ahead.... "Like anybody, I would like to live a long life. Longevity has its place. But I'm not concerned about that now. I just want to do God's will. And He's allowed me to go up to the mountain. And I've looked over. And I've seen the Promised Land. I may not get there with you. But I want you to know tonight, that we, as a people, will get to the promised land!"

And so tonight, "I'm not fearing about anything. "I'm not fearing any man!"

Because "mine eyes have seen the glory of the coming of the Lord!!"

And with this faith, we will transform dark yesterdays into bright tomorrows. And with this faith, "...all of God's children – black men and white men, Jews and Gentiles, Protestants and Catholics – will be able to join hands and sing..." in the words of the Negro spiritual of old: "Free at last! Free at last! Thank God Almighty, we are free at last!"

The SPEAKER. The Speaker thanks the gentleman for helping us to remember Martin Luther King.

STATEMENT BY MR. STURLA

The SPEAKER. The gentleman from Lancaster County, Mr. Sturla. You are recognized under unanimous consent.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, if I could, I just wanted to thank Mr. Hall – Champ, as I know him – for helping us remember those prophetic words of Dr. Martin Luther King. We were talking earlier about the fact that there is a whole generation that maybe did not have the same experience we did in hearing those firsthand, and it is, I think, extremely important that we continue to hear that and that people get to experience, as best we can, what it might have been like in those days.

Thank you, Mr. Speaker.

STATEMENT BY MAJORITY LEADER

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

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

That was an outstanding presentation of Dr. King's famous "I've Been to the Mountaintop" speech, and on April 4 of 1968, Dr. King, a true leader, a great leader in the history of the United States, was assassinated.

Senator Robert Kennedy was on the campaign trail at that time and would soon meet his own demise by assassination, and he gave a speech, certainly not with the oratorical skills, because he was not known for that, that Dr. Martin Luther King gave, but it was one of the most touching, I think, tributes to this great individual. And it is a simple line that he stated in that speech that night in Indianapolis upon the death of Dr. King.

But he said, "Martin Luther King dedicated his life to love and to justice for his fellow human beings, and he died because of that effort." And then he went on to say, "Or we can make an effort, as Martin Luther King did, to understand and to comprehend, and to replace that violence, that stain of bloodshed that has spread across our land, with an effort to understand with compassion and love...."

"So I shall ask you tonight to return home, to say a prayer for the family of Martin Luther King, that's true, but more importantly to say a prayer for our own country, which all of us love – a prayer for understanding and that compassion of which I spoke" and for which he stood.

All of us, no matter where we are with respect to our political perspectives, recognize the importance that America is for all human beings, no matter your religion, faith, color, background. Martin Luther King was certainly an individual who brought us to where we are today, and but for his efforts
and the efforts of many of those who followed in his path, we would not have an even greater country today than we had in the past.

I want to just say that we appreciate the opportunity to hear that speech again and reflect on the great words of Martin Luther King. Thank you.

STATEMENT BY MR. WATERS

The SPEAKER. Is the gentleman from Philadelphia, Mr. Waters, seeking recognition under unanimous consent?

Mr. WATERS. Yes, Mr. Speaker.

The SPEAKER. The gentleman may proceed.

Mr. WATERS. Thank you, Mr. Speaker.

Mr. Speaker, I, too, want to thank Mr. Hall for sharing with us his outstanding rendition of one of Dr. King's most poignant speeches.

Dr. King's life was cut short in 1968. Today he would be 83 years old. But with the annual holiday marking his birthday, we are reminded of all he stood for and fought for during his short, intense time on this earth.

Many Pennsylvanians join Dr. King and other leaders in that struggle for civil rights, including some who are members of this House. We can honor their legacy and Dr. King's by committing ourselves to continuing to keep our eyes on the prize. Civil rights for all people is a dream we have yet to realize. Racial equality is a promise that has not yet been fulfilled. Social justice is a goal that still eludes us in many regards.

Five decades ago, America was blessed by the stirring words, the nonviolent philosophy, and the leadership of the Reverend Martin Luther King, Jr. Today let us all re dedicate ourselves to the principles that he put into action: Fight for justice, lift up our fellow human beings, and do what is right and good for all of us.

Thank you, Mr. Speaker.

The SPEAKER. The Speaker thanks the gentleman.

The Speaker is about to take the master roll call, but first returns to leaves of absence and recognizes the presence of the lady from Philadelphia, Miss Parker's presence on the floor. Her name will be removed from the absentee request.

MASTER ROLL CALL

The SPEAKER. The members will please proceed to vote on the master roll call.

The following roll call was recorded:

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<th>PRESENT—192</th>
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<td>Adolph Donatucci Killion Pyle</td>
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<td>Aumont Dunbar Kirkland Quigley</td>
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<td>Baker Ellis Knowles Quinn</td>
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<td>Causer Godshall Micozzie Sonney</td>
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<td>Christiana Goodman Millard Staback</td>
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<td>Clymer Grell Miller Stephens</td>
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<td>Cohen Grove Mihle Stern</td>
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<td>Conklin Hackett Mirabeto Stevenson</td>
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<td>Costa, D. Hahn Moul Sturla</td>
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The SPEAKER. One hundred ninety-two members having voted on the master roll call, a quorum is present.

RULES COMMITTEE MEETING

REPUBLICAN CAUCUS

The SPEAKER. The lady from Susquehanna, Ms. Major, is recognized for the purpose of two announcements, one being a Rules Committee and one being caucus. The lady may proceed.

Ms. MAJOR. Thank you, Mr. Speaker.

I would like to announce there will be an immediate Rules Committee meeting that will be held back in the Appropriations meeting room.

And then I would like to call for a caucus meeting. Republicans will caucus at 2 p.m., and we would be prepared to come back on the floor at 2:30 – 2:30.

Thank you, Mr. Speaker.

The SPEAKER. That is the kind of caucus meeting you like.

Rules will meet immediately in the Appropriations meeting room.

DEMOCRATIC CAUCUS

The SPEAKER. The gentleman from Allegheny, Mr. Frankel, is recognized for the purpose of a caucus announcement and may proceed.

Mr. FRANKEL. Thank you, Mr. Speaker.

Democrats will caucus at 2 o'clock; Democrats will caucus at 2 o'clock. Thank you.
On the question,
Will the House agree to the bill on second consideration?
Bill was agreed to.

BILL ON CONCURRENCE
REPORTED FROM COMMITTEE

HB 1458, PN 2959 (Amended)  By Rep. TURZAI

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in general provisions, further providing for definitions; in drivers’ licenses, further providing for judicial review and for cancellation; in commercial drivers, further providing for definitions and for requirement, providing for certification requirements, for medical certification and for noncompliance and further providing for license and for disqualification; in general provisions, further providing for automated red light enforcement systems in first class cities; and, in State and local administration, further providing for nonreciprocity of operational limitations.

RULES.

THE SPEAKER PRO TEMPORE
(JOHN MAHER) PRESIDING

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of HB 1907, PN 2921, entitled:

An Act amending the act of March 20, 2002 (P.L.154, No.13), known as the Medical Care Availability and Reduction of Error (Mcare) Act, further providing for punitive damages.

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

SECOND CONSIDERATION OF HB 1907 RECONSIDERED

The SPEAKER pro tempore. The Chair is in possession of a motion to reconsider the move by which the House gave second consideration to HB 1907, PN 2609, on the 19th day of December 2011, filed by Representatives Vereb and Grell.

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

The SPEAKER pro tempore. The Chair recognizes the gentleman from Washington County, Mr. Grell.

Mr. GRELL. Thank you, Mr. Speaker.

We are asking for a reconsideration of this amendment because of some confusion among the members at the time of the original vote.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Cumberland County, Mr. Grell.

Mr. GRELL. Thank you, Mr. Speaker.

We are asking for a reconsideration of this amendment because of some confusion among the members at the time of the original vote.

The SPEAKER pro tempore. For the information of the members, the motion is to reconsider the movement of this bill on second consideration, not the underlying amendment.

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

The following roll call was recorded:

YEAS–105

Adolph Everett Krieger Rapp
Aument Farry Lawrence Reed
Baker Fleck Maher Reese
Barrar Gabler Major Rock
Bear Geist Maloney Roae
Benninghoff Gillen Marshall Ross
Bloom Gillespie Marsico Sacone
Boback Gingrich Masser Saylor
Boyd Godshall Metcalfe Schroder
Brooks Grell Micarelli Simmons
Brown, R. Grove Micozzie Sonney
Causer Hackett Millard Stern
Christiania Hahn Miller Stevenson
Clymer Harhart Milne Swanger
Cox Harris Moul Tallman
Creighton Heffley Murt Taylor
Cruz Heln Mustio Tobash
Culver Hess O’Neill Toepel
Cutler Hickernell Oberlander Toohil
Day Hutchinson Payle Truitt
Delozier Kampf Peifer Turzai
Denlinger Kauffman Perry Vebek
Digirolamo Keller, F. Petri Vulakovich
Dunbar Keller, M.K. Pickett
Ellis Kilion Pyle Smith, S., Speaker
Emrick Knowles Quigley Sonney
Evankovich Kotik Quinn
Barbin
DeLuca
Josephs
Payton
Bishop
DePasquale
Kavalich
Petrarca
Boyle, K.
Dermody
Keller, W.
Ravenstahl
Bradford
DeWeese
Kirkland
Readshaw
Brennan
Donatucci
Kortz
Sabatina
Briggs
Evans, D.
Santo
Brown, V.
Evans, J.
Langiotti
Samuelson
Brownlee
Fabrizio
Mahoney
Santarsiero
Burns
Frankel
Mann
Santoni
Buxton
Freeman
Markosek
Scavello
Caltagirone
Galloway
Matzie
Smith, K.
Carroll
George
McGeehan
Smith, M.
Cohen
Gerber
Metzgar
Staback
Conklin
Gergely
Mirabito
Stephens
Costa, D.
Gibbons
Mullery
Sturla
Costa, P.
Goodman
Mundy
Thomas
Curry
Haluska
Murphy
Vitali
Daley
Hanna
Myers
Waters
Davidson
Harhai
Neuman
Wheatley
Davis
Harkins
O’Brien, M.
White
Deasy
Harper
Parker
Youngblood
DeLissio
Hornaman
Pushinski

NAYS–87

Boyle, B.
Preston
Roebuck
Watson
Hennessey

EXCUSED–5

NOT VOTING–0

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

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

AMENDMENT A07551 RECONSIDERED

The SPEAKER pro tempore. Continuing with respect to HB 1907, the Chair is also in receipt of a motion to reconsider the vote by which amendment A7551 to HB 1907, PN 2609, was adopted on the 19th day of December of last year. That motion is from Representatives Vereb and Grell.

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

The SPEAKER pro tempore. On that question, the Chair recognizes the gentleman from Cumberland County, Mr. Grell.

Mr. GRELL. Thank you, Mr. Speaker.

The reasoning is still the same. The last vote was to simply take the bill back to second consideration. The purpose of going back to second consideration was to now request reconsideration of the specific amendment.

The SPEAKER pro tempore. On that question, the Chair recognizes the gentleman from Washington County, Mr. Neuman.

Mr. NEUMAN. Thank you, Mr. Speaker.

Once again I rise to oppose this motion to reconsider the amendment, which I filed and passed successfully in this House a month ago. The motion to reconsider is not proper at this point because we already debated this, and now we are going to defend nursing homes and long-term-care facilities and allow them to do unlawful activity. We already debated this, we already spoke about this, we already voted on this, and I encourage a "no" vote on reconsideration.

Thank you, Mr. Speaker.

Mr. KAMPF. Thank you, Mr. Speaker.

Really two points. On the bill itself, I think for the benefit of the members, it is important to understand that compensatory damages are still available to the plaintiff. What that means is not only medical bills can be recovered but also pain and suffering, which is up to the jury to decide. So that is irrespective of the punitive damages cap. If the jury wants to award pain and suffering under this legislation, they still can.

POINT OF ORDER

Mr. DERMODY. Mr. Speaker? Mr. Speaker, I believe the motion on the floor is a motion to reconsider. Debate should be confined to a motion to reconsider.

The SPEAKER pro tempore. The Chair thanks the gentleman and will remind the members that their comments should be with respect to the motion to reconsider and not the underlying merits of the amendment.

Mr. KAMPF. So, Mr. Speaker, I urge a vote for reconsideration on the vote on the amendment, because I think the amendment significantly weakened the bill.

The SPEAKER pro tempore. The Chair thanks the gentleman.

Are there any other members seeking recognition?

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, normally as a courtesy I think the motion to reconsider is reasonable, but I think what we probably have going on here, and I am hesitant to speculate, but we have a situation where there was an amendment that made a whole lot of sense for the citizens of Pennsylvania, and quite a few people wanted to vote for that so they could go home into their districts and say, I did what was good for the people of Pennsylvania. And now they want to take that vote back so that they can be friends of the industry.

The SPEAKER pro tempore. Mr. Sturla?

Mr. STURLA. They will go home and say to their constituents—

The SPEAKER pro tempore. The gentleman will suspend, please.

A gentle reminder to not imagine motivations from members but speak to the question of reconsideration.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, if you vote to reconsider this, you cannot say "I was actually for the citizens of Pennsylvania when I voted for the amendment originally." You cannot be against it after you were for it, but now you are against it after you reconsider what you meant you wanted to do. Before, you were for it; after, you are against it. Remember that old speech? It just does not work that way.

I urge a "no" vote on the motion to reconsider here. Let us do the business for the people of Pennsylvania as we are sworn by the Constitution to do. Thank you, Mr. Speaker.
The SPEAKER pro tempore. Was the gentleman, the minority leader, seeking recognition?

Mr. DERMODY. Yes, Mr. Speaker.

The SPEAKER pro tempore. The gentleman is recognized on the question of reconsideration.

Mr. DERMODY. Thank you, Mr. Speaker.

On reconsideration, I just want to agree with the gentleman from Washington County that this amendment should not be reconsidered. We had approved an amendment that makes sense, and we should vote "no."

Thank you, Mr. Speaker.

The SPEAKER pro tempore. On the question of reconsideration, the Chair recognizes the majority leader, the gentleman from Allegheny County, Mr. Turzai.

Mr. TURZAI. Thank you very much, Mr. Speaker. I would urge all the chamber to please vote "yes" on the motion to reconsider.

Thank you. Please vote "yes" on the motion to reconsider.

The SPEAKER pro tempore. The Chair sees no further members seeking recognition.

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

The following roll call was recorded:

YEAS–102

Adolph  Farry  Krieger  Rapp
Aument  Fleck  Lawrence  Reed
Baker   Gabler  Mahler  Reese
Barrar  Geist  Major  Roae
Bear    Gillen  Maloney  Rock
Benninghoff  Gillespie  Marshall  Ross
Bloom  Gingrich  Marsico  Saccone
Boback  Godshall  Masser  Saylor
Boyd    Grell  Metcalfe  Schroder
Brooks  Grove  Miccarelli  Simmons
Brown, R.  Hackett  Miccuzie  Sonney
Causer  Hahn  Millard  Stern
Christiana  Harhart  Miller  Stevenson
Clymer  Harris  Milne  Swanger
Cox     Heffley  Moul  Tallman
Creighton  Helm  Mustio  Taylor
Culver  Hess  O'Neill  Tobash
Cutler  Hickernell  Oberlander  Toepel
Day      Hutchinson  Payne  Tohill
Delozier  Kampf  Peifer  Truitt
Denlinger  Kaufman  Perry  Turzai
Dunbar  Keller, F.  Petri  Vebere
Ellis    Keller, M.K.  Pickett  Vulakovich
Emrick  Killion  Pyle
Evankovich  Knowles  Quigley  Smith, S.
Everett  Kotik  Quinn  Speaker

NAYS–90

Barbin  DeLuca  Josephs  Pashinski
Bishop  DePasquale  Kavulich  Payton
Boyle, K.  Dernody  Keller, W.  Petracca
Bradford  DeWeese  Kirkland  Ravenstahl
Brennan  DiGiroldo  Kortz  Readshaw
Briggs  Donatucci  Kula  Sabatia
Brown, V.  Evans, D.  Longietti  Sainato
Brownlee  Evans, J.  Mahoney  Samuelson
Burns  Fabrizio  Mann  Santarsiero
Buxton  Franklin  Markosek  Santoni
Caltagirone  Freeman  Matzie  Scavello
Carroll  Galloway  McGeehan  Smith, K.
Cohen   George  Metzgar  Smith, M.
Conklin  Gerber  Mirabito  Staback
Costa, D.  Gergely  Mullery  Stephens
Costa, P.  Gibbons  Mundy  Sturla
Cruz    Goodman  Murph  Thomas
Curry   Haluska  Murt  VITALI
Daley   Hanna  Myers  Waters
Davidson  Harhai  Neuman  Waterly
Davis   Harkins  O'Brien, M.  White
Deasy  Harper  Parker  Youngblood

NOT VOTING–0

EXCUSED–5

Boyle, B.  Preston  Roebuck  Watson
Hennessey

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

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

The clerk read the following amendment No. A07551:

Amend Bill, page 2, line 8, by inserting after "misconduct" or when the facility engaged in an unlawful practice

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

The SPEAKER pro tempore. On that question, the Chair recognizes the gentleman from Washington County, Mr. Neuman.

Mr. NEUMAN. Thank you, Mr. Speaker.

This is the same amendment we voted on a month ago. It is a simple amendment that adds an exception to the bill, the underlying bill. The cap on punitive damages would not apply when unlawful activity causes the injury or is the result of the injury or the lawsuit.

This is a very simple amendment. It protects people, our senior citizens, the ones that are 100-percent dependent most of the time on care, protects them from unlawful activity.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. On that question of the amendment, the Chair recognizes the gentleman from Cumberland County, Representative Grell.

Mr. GRELL. Thank you, Mr. Speaker.

The maker of the amendment is correct in that it is a simple amendment. Unfortunately, the problem with the amendment is it is too simple. It does not define the term "unlawful practice," therefore leaving it to the whim of a judge as to what might constitute unlawful practice, leaving it to the whim of a plaintiff's attorney to determine what constitutes unlawful practice.

If you will recall, during the original debate on this I pointed out that there was no definition of "unlawful practice," and that is the confusion that led many members to the problem with the vote on the amendment in the first place.

During that debate, when we were discussing what would constitute an unlawful practice, the minority leader said, well, we know what an unlawful practice is; just look at Title 18. Well, Title 18 is the criminal code, and there might be some
unlawful practices in Title 18, but the phrase "unlawful practice" goes well beyond things that are criminal violations in the Commonwealth of Pennsylvania, yet those, quote, "unlawful practices" would still come into play if this amendment is allowed to stand.

Moreover, the amendment is simple in that it does not even require that the unlawful practice that is being complained of caused or even led to or contributed to the damage that is being alleged in the lawsuit.

So for those reasons, this amendment is way too broad, way too undefined, and would do serious damage to the intention of the underlying bill, and I would urge all of my colleagues to reject the amendment.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. Are there any further members seeking recognition?

The Chair recognizes the majority leader, Mr. Turzai.

Mr. TURZAI. I am asking the chamber to please vote "no." As the good gentleman from Cumberland County has pointed out, the bill already addresses illegal conduct. That has been specifically defined. There is no need for this language that was placed in amendment 7551.

I would ask everybody to please vote "no" on amendment 7551.

The SPEAKER pro tempore. On that question, the Chair recognizes the gentleman from Chester County, Mr. Clymer.

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, we are all concerned about the elderly, about our older Pennsylvanians, and, Mr. Speaker, many of them are in these nursing homes, these very good nursing homes that provide excellent care for our older Pennsylvanians. They are the ones, the nursing homes, Mr. Speaker, that want this amendment pulled, because they recognize the financial problems that this amendment, if it is put back in again, could cause them. So it just makes sense that these nursing homes that provide this wonderful care for older Pennsylvanians are the ones that want this out, because it will drive up the cost, and we know that the cost of nursing homes continues to go upward.

Why should we agitation that issue?

So, Mr. Speaker, I stand in opposition to this legislation. And I have six nursing homes in my legislative district, by the way. Thank you, Mr. Speaker.

The SPEAKER pro tempore. On the question of the amendment, the Chair recognizes the gentleman from Chester County, Mr. Kampf.

Mr. KAMPF. Thank you, Mr. Speaker.

Again, for the members, these kinds of claims, you are still going to be able to have compensatory damages, and that means medical bills and pain and suffering. The reason why I think this amendment significantly weakens the bill is not only because "unlawful practice" is a vague term, but the nursing home industry, as I understand it, is about the most highly regulated industry in the country.

They are running ads, this law firm down in southeastern Pennsylvania called Wilkes & McHugh is running ads about surveys that have been conducted by the Federal government where there are plenty of violations in the surveys. One of them is "…to allow residents to easily see the results of the nursing home's most recent survey." The reason I read that to you is, that is a regulation that you have to post the survey somewhere in the facility, and if the facility does not do that quite right, it can be a violation of a regulation. The question for you is, if you want there to be a cap on punitive damages, which keep in mind is double whatever the jury award is – there is already going to be a cap of double; you can get double in punitive damages – do you want that cap to go away just because there is a violation of one of umpteen regulations?

Already for regulations we know there will be fines, there could be proceedings before some sort of a regulatory agency, but do you want the cap to go away for a violation of something like that? I think if you do this, if you allow this amendment to stand, you will essentially reduce the power of the bill to create a cap on damages. So I recommend that you vote against the amendment.

The SPEAKER pro tempore. On the question of the amendment, the Chair notices that both the minority leader and the maker of the amendment are seeking recognition. By tradition, we allow the maker of the amendment the last word, but I will defer to the two of you as to who proceeds.

And the Chair recognizes the gentleman, the minority leader from Allegheny County, Mr. Dermody.

Mr. DERMOODY. Thank you, Mr. Speaker.

Mr. Speaker, there has to be, the bill requires and the amendment requires that there has to be a violation of the law, and no, it does not necessarily have to be a violation of criminal law, but you have to violate the law before this can even apply, and that violation has to relate to the injury. There has to be causation, and if there is causation, the only way there could be punitive damages is if the conduct is related.

So the bill and the amendment work perfectly to protect the most vulnerable among us, and if the conduct is so egregious and there are injuries and there is fault and it is so egregious that it can result in punitive damages, then that injured senior citizen, that vulnerable person, can recover. And it could also punish in a meaningful way those folks that incur conduct that would cause those types of injuries in the future. That is why an amendment of this type is necessary. It is about protecting the most vulnerable among us, who otherwise would have nobody to stand up for them.

Please approve the Neuman amendment again. Thank you, Mr. Speaker.

The SPEAKER pro tempore. On the question of the amendment, the Chair recognizes the gentlelady from Luzerne County, Ms. Mundy.

Ms. MUNDY. Thank you, Mr. Speaker.

We stand on this House floor and talk as though weakening the bill is a bad thing. Well, I do not support the underlying bill and I strongly support the Neuman amendment because it makes the underlying bill at least better. The nursing home industry is not the same as the frail elderly that they care for. We must protect the frail elderly who have no one else to care for them, who have no one else to watch out for them. There are so little in compensatory damages for our frail elderly in nursing homes. They have no lost wages. They do not have a long life span to expect. Punitive damages serve as a deterrent to negligent behavior, to outrageously negligent behavior.

The very idea that we would not want to allow punitive damages when someone has actually violated the law in a nursing home is unbelievable to me, and I will support the Neuman amendment and I would ask you to do the same. Thank you, Mr. Speaker.
POINT OF ORDER

The SPEAKER pro tempore. The Chair recognizes the gentleman, the minority whip, Mr. Hanna, on the question.

Mr. HANNA. Mr. Speaker, point of order.

We are having difficulty finding this amendment on the floor system. Are we looking in the wrong place, or is 7551 not on the floor system?

The SPEAKER pro tempore. The amendment is A07551. I do believe that your colleague and your caucus properly filed the amendment. We will investigate the floor system, but if necessary, we can have copies produced for all the members. It is a single page, a single sentence. If you would like us to delay to accomplish that, we would—

Mr. HANNA. Thank you, Mr. Speaker. They found it on second as opposed to on third.

The SPEAKER pro tempore. Thank you. The Chair thanks the gentleman for the technological adjustment.

On the amendment, does the gentleman, the minority leader, still seek recognition? Is there anyone else other than the maker of the amendment seeking recognition?

The Chair recognizes, on the question of the amendment for the second time, the gentleman from Washington County, Mr. Neuman.

Mr. NEUMAN. Thank you, Mr. Speaker.

The whole nature of punitive damages is to reserve those damages for the most outrageous conduct, and what my amendment will do is protect outrageous, unlawful conduct. We need to understand that punitive damages are not easy to get. A judge has to relate the injury to the unlawful activity. It does not need to be said; that is what a judge does. If the unlawful activity does not relate to the injury, to the damages, then it will not be part of the case. So now my amendment will allow our most frail, in some cases the ones that are 100-percent dependent on care to be protected from unlawful activity, the very laws that we pass every day.

If a nursing home or long-term-care facility breaches a law and that causes the injury, there should not be a cap on punitive damages. We also need to understand that compensatory damages do exist in this bill, that is correct, but we are dealing with people that have no income, that may fall and just die, there is no pain and suffering, and have very little total compensatory damages. Doubling zero is still zero.

We need to protect our elderly, our frail, from outrageous, unlawful activity, so please support my amendment. Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS–94


Bishop, DePasquale, Keller, W. Geary, Galloway, Metzgar, Smith, K.

Boyle, DePasquale, Keller, W. Gerber, Galloway, Metzgar, Smith, M.

Boyle, DePasquale, Keller, W. Gergely, Gelfand, Millard, Staback.

Boyle, DePasquale, Keller, W. Gibbons, Goodman, Mullery, Sturla.

Boyle, DePasquale, Keller, W. Haluska, Goodwin, Mundy, Taylor.

Boyle, DePasquale, Keller, W. Hanna, Murphy, Thomas.

Boyle, DePasquale, Keller, W. Harhai, Myers, Vitali.

Boyle, DePasquale, Keller, W. Harkins, Neuman, Waters.


Boyle, DePasquale, Keller, W. Horan, Parker, White.

Boyle, DePasquale, Keller, W. Josephs, Pashinski, Youngblood.

Boyle, DePasquale, Keller, W. Kavulich, NAYOS–98

Adolph, Everet, Knowles, Rapp.

Aument, Farry, Kotik, Reed.

Baker, Fleck, Lawrence, Reese.

Barrar, Gabler, Major, Roae.

Bear, Geist, Maloney, Rock.

Benninghoff, Gillen, Mann, Ross.

Bloom, Gillespie, Marshall, Saconce.

Boback, Gingrich, Marsico, Saylor.

Boyd, Godshall, Masser, Schroder.

Brooks, Grell, Metcalfe, Simmons.

Brown, R., Grove, Micozzi, Sonney.

Causer, Hackett, Miller, Stern.

Christian, Hahn, Milne, Stevenson.

Clouser, Harhart, Moul, Swanger.

Cox, Harris, Murt, Tallman.

Creighton, Heffley, Mustio, Tobash.

Culver, Helm, O’Neill, Toepel.

Cutter, Hiss, Oberlander, Toohill.

Day, Hickeame, Payne, Truitt.

Delozier, Hutchinson, Peifer, Turzai.

Denlinger, Kampf, Perry, Vereb.

Dunbar, Kaufman, Pickett, Vulakovich.

Ellis, Keller, F., Pyle.

Emrick, Keller, M.K., Quigley, Smith, S.,

Evankovich, Killion, Quinn, Speaker.

NOT VOTING–0

Boyle, B., Preston, Roebuck, Watson.

Excused–5

Boyle, B., Preston, Roebuck, Watson.

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

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

MOTION TO RECONSIDER AMENDMENT A07993

The SPEAKER pro tempore. The Chair has a further motion to reconsider associated with HB 1907. Representatives Hanna and George move that the vote by which amendment A07993 to HB 1907 was defeated on the 19th of December 2011 be reconsidered.
On the question,
Will the House agree to the motion?

The SPEAKER pro tempore. On that motion, the Chair recognizes the gentleman, Mr. George.
Mr. GEORGE. Thank you, Mr. Speaker.
Mr. Speaker, I will stay right on the subject matter. The last time we brought this to the attention of our fellow members, it was positioned at, under the law, employees are protected. But the truth is that once these employees are talking to law enforcement, they are not. So I ask for consideration of that amendment, which offers whistleblower protection to health-care workers under this act. As I said earlier, current law provides for whistleblower protection regarding internal reports, but not if a health-care worker speaks to law enforcement. Now, we are sitting here, all of us, supposedly caring and respecting that we are here to protect those that depend on us.

I am not insisting that every nursing home is not legitimate, but what I am saying is, accidents happen, things take place, and where it does, somebody ought to be responsible. So regardless of what the rebuttal is, we are wrong if we do not take care of this individual that has been harmed and should not have been. So I ask you to vote for this amendment.

The SPEAKER pro tempore. On the motion to reconsider, the Chair recognizes the gentleman from Cumberland County, Representative Grell.
Mr. GRELL. Thank you, Mr. Speaker.
I would request the members to not support the request for reconsideration here. If you will remember, this amendment is an amendment that proposes language that is already in the Mcare (Medical Care Availability and Reduction of Error) law under section 307(b)(4) relating to whistleblower protection.

So the gentleman's intention is already in law in Pennsylvania. There is no need for the amendment, and there is certainly no need to reconsider the previous defeat of the amendment. Thank you, Mr. Speaker.

The SPEAKER pro tempore. On the motion to reconsider, the Chair will recognize the Representative, Mr. George, for the second time and encourage him to remember that the subject is the motion to reconsider. You may proceed.
Mr. GEORGE. Thank you, Mr. Speaker.
Mr. Speaker, I would like to take question and rebut what the gentleman, my friend, has said because that law only pertains to internal reports. It does not in any way do what you and I and the rest of our colleagues would want, that if someone allows or is responsible for some action that harms one of our patients, that individual is allowed because of conscience and good-hearted feeling to come forth and say what is responsible and what it should do. Shame on us if we do not support this amendment.

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

The following roll call was recorded:

**YEAS–82**

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**NAYS–110**

| Adolph | Farry | Lawrence | Reed |
| Aument | Fleck | Maher | Reeve |
| Baker | Gabler | Major | Roe |
| Barrar | Geist | Maloney | Rock |
| Bear | Gillen | Marshall | Ross |
| Benninghoff | Gillespie | Marsico | Sacccone |
| Bloom | Gingrich | Masser | Saylor |
| Boback | Godshall | Metcalfe | Scavello |
| Boyd | Grell | Metzgar | Schroder |
| Brooks | Grove | Miccarelli | Roser |
| Brown, R. | Hackett | Mioezzie | Smith, K. |
| Causer | Hahn | Millard | Sonney |
| Christiana | Harhart | Miller | Stephens |
| Clymer | Harper | Milne | Stern |
| Cox | Harris | Moul | Stevenson |
| Creighton | Heffley | Murt | Swanger |
| Culver | Helm | Mustio | Tallman |
| Cutler | Hess | O'Neill | Taylor |
| Day | Hickernell | Oberlander | Tobash |
| Delozier | Hutchinson | Payne | Toepel |
| Denlinger | Kampf | Peifer | Tootil |
| DiGirolamo | Kauffman | Perry | Truitt |
| Dunbar | Keller, F. | Petri | Turzai |
| Ellis | Keller, M.K. | Pickett | Vreb |
| Emrick | Killion | Pyle | Vukovich |
| Evankovich | Knowles | Quigley | |
| Evans, J. | Kotik | Quinn | Smith, S., |
| Everett | Krieger | Rapp | Speaker |

**NOT VOTING–0**

**EXCUSED–5**

| Boyle, B. | Preston | Roebuck | Watson |
| Hennessey | |

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

**GUESTS INTRODUCED**

The SPEAKER pro tempore. The Chair would like to welcome a guest of Representative Dick Stevenson, Mr. Will Connect, the CEO (Chief executive officer) of Wendell August Forge of Grove City. Accompanying him is Mr. Larry Segal. They are sitting to the left of the Speaker. Please welcome them to the House.
CONSIDERATION OF HB 1907 CONTINUED

The SPEAKER pro tempore. It is the understanding of the Chair that Mr. Neuman will not be offering his late-filed amendment. Is that correct? The Chair thanks the gentleman.

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

(Bill as amended will be reprinted.)

LEAVE OF ABSENCE

The SPEAKER pro tempore. The Chair recognizes the minority whip, who asks that the gentleman, Mr. COHEN, from Philadelphia be placed on leave for the remainder of the day. Without objection, the leave is granted.

ANNOUNCEMENT BY SPEAKER

The SPEAKER pro tempore. For the information of the members, we do not expect any further recorded votes today. We have some housekeeping items and members seeking recognition under unanimous consent, and we will proceed with those items.
Are there any announcements?
The Chair recognizes for the purpose of an announcement—Is it an announcement? Unanimous consent? We are going to take care of some housekeeping items first, and then we will move to unanimous consent.

VOTE CORRECTION

The SPEAKER pro tempore. The gentleman, Mr. Petri, is recognized for the purpose of correction to the record.
Mr. PETRI. Mr. Speaker, on HB 1907, amendment 7551, I was incorrectly recorded in the affirmative. I would like to be recorded in the negative. Thank you.
The SPEAKER pro tempore. The gentleman's remarks will be spread upon the record.
Any other corrections to the record?

BILL RECOMMITTED

The SPEAKER pro tempore. The Speaker recognizes the majority leader, who moves that HB 1761 be recommitted to the Committee on Appropriations.

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

BILLS REMOVED FROM TABLE

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

HB 193;
HB 1156;
HB 1159;
HB 1682;
HB 1847; and
SB 726.

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

BILLS TABLED

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

HB 1617;
HB 1898;
HB 1906; and
HB 2002.

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

BILL TABLED

The SPEAKER pro tempore. The Speaker recognizes the majority leader, who moves that HB 3 be removed from the tabled calendar and placed on the active calendar.

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

BILL REMOVED FROM TABLE

The SPEAKER pro tempore. The Speaker recognizes the majority leader, who moves that HB 3 be removed from the tabled calendar and placed on the active calendar.

On the question,
Will the House agree to the motion?
Motion was agreed to.
STATEMENT BY MR. DeWEESE

The SPEAKER pro tempore. The Chair understands the gentleman from Greene County is seeking recognition under unanimous consent. The Chair recognizes, without objection, the gentleman from Greene County under unanimous consent and would ask the members to show appropriate courtesy.

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

I wanted to relate to the membership a brief conversation that I had a few moments ago with Mr. Dennis Owens of a local media outlet. He asked me how it is going, and I said that relative to my own predicament, 222 years ago enshrined in the very heart of our Constitution were two facets that certainly are important to me today and in the ensuing weeks. One of them is a fundamental and incontrovertible presumption of innocence; says it all, presumption of innocence. Number two, the fact that our Founding Fathers built a House of Representatives at a Federal level, and subsequently in Pennsylvania, the 2-year term was enshrined. The fact that, Mr. Speaker, we have a 2-year term indicates that we are an organically political body. Having said that, the reason I have been able to serve with gusto, confidence, and if it is not a stretch, at least on occasions, some joie de vivre, some spirit of living, is because fundamentally, Mr. Speaker, throughout my career, in the seventies, eighties, nineties, and into the present time, I continued to project that people on our team do the campaign work inherent in a 2-year cycle on nongovernment hours. A presumption of innocence is what I shared with him.

One other quick point before I close, and that is, Mr. Speaker, and I have said this before and I will say it again – and it is a respectful and it is an academic topic that someone could research – but among the 50 States, it is unprecedented, it is unprecedented that an Attorney General would be conducting, what will be in a few days into the sixth year, an investigation of our branch of government.

Mr. Speaker, there were three options before you get to criminality. One of them would have been our own House Ethics Committee; names like Harper and Manderino and Ellis and Santarsiero and Samuelson and DePasquale, Scavello and Watson. Wholesome, solid members of the House Ethics Committee – that was option number one in 2007.

Option number two would have been an ethics committee – excuse me, Mr. Speaker – the Ethics Commission of the Commonwealth, which had a rolling membership, a rolling membership, gubernatorial appointments, House and Senate appointments. That would have been the second option for all of the AG's folks to have decided upon, and those dynamics would have been civil in nature.

Third option which was brought forward would have been a grand jury report, Mr. Speaker, where House and Senate leaders and others could have been brought into the jurisprudential setting, sworn in, talked about the world that we work in, in the House and Senate, and a grand jury report would have been forthcoming.

The fourth option was criminal procedures, and that is where we are.

To close, Mr. Speaker, I want to share with my colleagues the fact that though the ensuing weeks will be challenging, I will work unstintingly to maintain a good spirit, to reflect a dignity that would be worthy of the men and women I work with, both Republicans and Democrats, to keep my chin up, to keep my shoulder to the wheel, and look forward to exoneration and some robust opportunities on this floor in the days and years ahead.

Thank you very much, Mr. Speaker, and thank you, my colleagues, for your attention.

The SPEAKER pro tempore. Are any other members seeking recognition for announcements or other purposes?

BILLS AND RESOLUTIONS PASSED OVER

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

ADJOURNMENT

The SPEAKER pro tempore. The Chair recognizes the gentleman from Chester County, Representative Dan Truitt, who moves this House now adjourn until Wednesday, January 18, 2012, at 11 a.m., e.s.t., unless sooner recalled by the Speaker.

On the question,
Will the House agree to the motion?
Motion was agreed to, and at 3:45 p.m., e.s.t., the House adjourned.