

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

MONDAY, APRIL 11, 2011

SESSION OF 2011

195TH OF THE GENERAL ASSEMBLY

No. 25

HOUSE OF REPRESENTATIVES

The House convened at 1 p.m., e.d.t.

THE SPEAKER (SAMUEL H. SMITH) PRESIDING

PRAYER

RABBI SOLOMON ISAACSON, Guest Chaplain of the House of Representatives, offered the following prayer:

Before I begin my prayer, I wanted to just let everybody know that there is matzo and wine in the Republican caucus room, and there will be in the Democrat caucus room also once it gets delivered. So I hope all of you will enjoy it.

But I do want to tell you that on the holiday of Passover, we do not eat bread. So one of the gentlemen was sitting in the park eating matzo, and a blind gentleman sat down next to him and asked him if he could have a piece of what he was eating, and he gave it to him. The blind gentleman goes like this, and he says, "Who wrote this?" Anyway. Only those people would understand— Anyway; anyway. Okay. I tried.

I will first do a prayer for the soldiers and then I will do a prayer for the government:

May He who blessed our forefathers, Abraham, Isaac, and Jacob, may He bless the Armed Forces of the United States of America who stand guard over our land and wherever they may be. May the Almighty cause their enemies who rise up against us to be struck down before them. May the Holy One, blessed is He, preserve and rescue our fighting men and women from every trouble and distress and from every plague and illness. May He send blessing and success in their every endeavor. May He lead our enemies under their sway, and may He adorn them with the crown of salvation and with the diadem of triumph, and may there be fulfilled for them the verse, for it is the Almighty, your God, who goes with you to battle your enemies for you and to save you, and let us say amen.

He who grants salvation to kings and dominion to rulers, whose kingdom is a kingdom spanning all eternities; who releases David, His servant, from the evil sword; who places a road in the sea and a path in the mighty waters, may He bless, safeguard, preserve, help, exalt, make great, extol, and raise high our beloved President, Vice President, the Governor of the State of Pennsylvania, the Speaker of the House of Representatives, and all the others that are here and those that serve them.

The King who reigns over kings, in His mercy, may He sustain them and protect them from every trouble, woe, and injury; may He rescue them; may He gather peoples under their sway and cause their enemies to fall before them. Wherever they turn, may they succeed.

The King who reigns over kings, in His mercy, may He put into their heart and into the heart of all of their counselors and officials compassion to do good with us and with all the people of the land.

In their days and ours, so may it be the Almighty's will, and let us say 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 Wednesday, April 6, 2011, will be postponed until printed.

HOUSE RESOLUTIONS INTRODUCED AND REFERRED

No. 194 By Representatives BISHOP, McGEEHAN, DAVIS, JOSEPHS, KORTZ, MANN, M. O'BRIEN, PASHINSKI, PAYTON, READSHAW, WAGNER, SABATINA, DERMODY and KIRKLAND

A Concurrent Resolution urging the Supreme Court of Pennsylvania to revise the Rules of Civil Procedure to provide for temporary relief for mortgage foreclosure.

Referred to Committee on JUDICIARY, April 7, 2011.

No. 198 By Representatives GROVE, AUMENT, B. BOYLE, CREIGHTON, CUTLER, GEIST, GRELL, HARHART, HARRIS, HENNESSEY, HESS, KAUFFMAN, LAWRENCE, METZGAR, MOUL, PEIFER, SONNEY, SWANGER and VULAKOVICH

A Resolution directing the Legislative Budget and Finance Committee to study the feasibility of a four-day workweek for State employees.

Referred to Committee on LABOR AND INDUSTRY, April 8, 2011.

No. 202 By Representatives WHITE, D. COSTA, MANN, M. O'BRIEN, CUTLER and HENNESSEY

A Resolution directing the Legislative Budget and Finance Committee to investigate the potential cost savings and other benefits, as well as challenges, to school districts of implementing a four-day school week schedule.

Referred to Committee on EDUCATION, April 11, 2011.

No. 203 By Representatives DAVIDSON, BRADFORD, CALTAGIRONE, D. COSTA, DONATUCCI, FABRIZIO, JOSEPHS, KIRKLAND, KORTZ, MAHONEY, MILLARD, MIRABITO, MOUL, PARKER, READSHAW, STABACK, SWANGER, TOOHIL, WATERS and YOUNGBLOOD

A Resolution recognizing April 11, 2011, as "Eat for Peace Day" in Pennsylvania.

Referred to Committee on AGRICULTURE AND RURAL AFFAIRS, April 11, 2011.

No. 207 By Representatives M. SMITH, ELLIS, BISHOP, BRADFORD, CALTAGIRONE, D. COSTA, CUTLER, FABRIZIO, GEIST, GIBBONS, GILLESPIE, HARKINS, JOSEPHS, KIRKLAND, KORTZ, MANN, MURPHY, MURT, PAYTON, PETRI, READSHAW, SAINATO, SHAPIRO, K. SMITH, WAGNER and WHITE

A Resolution directing the Legislative Budget and Finance Committee to research and evaluate Commonwealth funding of Pennsylvania museums.

Referred to Committee on APPROPRIATIONS, April 11, 2011.

HOUSE BILLS INTRODUCED AND REFERRED

No. 131 By Representatives DAVIDSON, CALTAGIRONE, COHEN, GIBBONS, GOODMAN, HORNAMAN, JOSEPHS, KORTZ, MIRABITO, SWANGER, WHEATLEY and WHITE

An Act establishing the Commission on Realignment and Restructuring of State Government within the Office of the Governor; and providing for the composition, powers and duties and expiration of the commission.

Referred to Committee on STATE GOVERNMENT, April 8, 2011.

No. 469 By Representatives COX, BARRAR, BOYD, CALTAGIRONE, COHEN, D. COSTA, DAVIS, DAY, FABRIZIO, FREEMAN, GIBBONS, GILLESPIE, GINGRICH, GOODMAN, HARKINS, HORNAMAN, JOSEPHS, KAVULICH, KIRKLAND, KNOWLES, METZGAR, MICOZZIE, MILNE, MURT, PASHINSKI, READSHAW, REICHLEY, ROCK, SIMMONS, VULAKOVICH and WATSON

An Act amending the act of March 2, 1956 (1955 P.L.1211, No.376), known as the Practical Nurse Law, further providing for violations.

Referred to Committee on PROFESSIONAL LICENSURE, April 8, 2011.

No. 470 By Representatives COX, BARRAR, BOYD, CALTAGIRONE, COHEN, D. COSTA, DAVIS, DAY, FABRIZIO, FREEMAN, GIBBONS, GILLESPIE, GINGRICH, GOODMAN, HARKINS, HORNAMAN, JOSEPHS, KAVULICH, KIRKLAND, KNOWLES, METZGAR, MICOZZIE, MILNE, MURT, PASHINSKI, READSHAW, REICHLEY, ROCK, SIMMONS, VULAKOVICH and WATSON

An Act amending the act of May 22, 1951 (P.L.317, No.69), known as The Professional Nursing Law, further providing for use of title.

Referred to Committee on PROFESSIONAL LICENSURE, April 8, 2011.

No. 999 By Representatives BEAR, SAYLOR, AUMENT, BENNINGHOFF, BLOOM, BOYD, CAUSER, COX, CREIGHTON, CUTLER, DAY, DENLINGER, DUNBAR, EVERETT, FLECK, GILLESPIE, GINGRICH, GOODMAN, GROVE, HICKERNELL, KAUFFMAN, KNOWLES, MAJOR, MARSICO, METCALFE, MILLER, MILNE, MOUL, OBERLANDER, PERRY, RAPP, REICHLEY, ROAE, ROCK, ROSS, SCHRODER, STEVENSON, SWANGER, TALLMAN and TURZAI

An Act providing for open contracting by the Commonwealth and its political subdivisions and their agencies and authorities.

Referred to Committee on LABOR AND INDUSTRY, April 8, 2011.

No. 1253 By Representatives M. K. KELLER, GINGRICH, BRENNAN, BROOKS, V. BROWN, BUXTON, DAVIDSON, DAVIS, FABRIZIO, GEIST, GEORGE, GRELL, HARHAI, HESS, HORNAMAN, KORTZ, LONGIETTI, MARSHALL, MILLARD, MILLER, MURT, O'NEILL, PASHINSKI, PICKETT, QUINN, RAVENSTAHL, READSHAW, ROSS, SAINATO, SCAVELLO, SONNEY, STEPHENS, STEVENSON, SWANGER and VULAKOVICH

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in reimbursements by Commonwealth and between school districts, further providing for State reimbursement for health services.

Referred to Committee on EDUCATION, April 7, 2011.

No. 1301 By Representatives OBERLANDER, AUMENT, BAKER, BARRAR, BENNINGHOFF, BLOOM, CAUSER, DUNBAR, EVANKOVICH, FARRY, FLECK, GABLER, GRELL, GROVE, HESS, HICKERNELL, KAUFFMAN, KILLION, KNOWLES, KRIEGER, MARSHALL, METCALFE, METZGAR, MILLER, MOUL, MUSTIO, PICKETT, QUINN, REED, REESE, REICHLEY, ROAE, SAYLOR, STERN, TALLMAN, TOEPEL, VULAKOVICH, SWANGER, CUTLER, SCAVELLO, DELOZIER, GINGRICH, HUTCHINSON, RAPP, PERRY, MALONEY, SONNEY and STEPHENS

An Act amending the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, in public assistance, providing for the medical assistance transportation program.

Referred to Committee on HEALTH, April 7, 2011.

No. 1302 By Representatives CALTAGIRONE, CARROLL, D. COSTA, DONATUCCI, FABRIZIO, GILLESPIE, GROVE, MAHONEY, MANN, MILLER, PAYTON, REICHLEY, VULAKOVICH, WHITE, WAGNER 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 pupils and attendance, further providing for penalties for violating compulsory attendance and for suspension of operating privilege.

Referred to Committee on EDUCATION, April 7, 2011.

No. 1303 By Representatives CALTAGIRONE, CARROLL, D. COSTA, DONATUCCI, FABRIZIO, GILLESPIE, GROVE, MAHONEY, MANN, MILLER, REICHLEY, SWANGER, VULAKOVICH, WHITE and YOUNGBLOOD

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for suspension of operating privilege for failure to respond to citation.

Referred to Committee on TRANSPORTATION, April 7, 2011.

No. 1304 By Representatives READSHAW, KORTZ, HESS, DeWEESE, W. KELLER, CALTAGIRONE, CARROLL, D. COSTA, EVERETT, KULA, MARSHALL, MILLER and WHEATLEY

An Act amending the act of April 6, 1956 (1955 P.L.1414, No.465), known as the Second Class County Port Authority Act, further providing for powers of the authority.

Referred to Committee on TRANSPORTATION, April 7, 2011.

No. 1305 By Representatives DeLUCA, BISHOP, W. KELLER, COHEN, GEORGE, CALTAGIRONE, O'NEILL, THOMAS, GOODMAN, KULA, DONATUCCI, MANN, D. COSTA, STABACK, WHITE, SANTONI and DEASY

An Act amending the act of July 22, 1974 (P.L.589, No.205), known as the Unfair Insurance Practices Act, further providing for unfair methods of competition and unfair or deceptive acts or practices.

Referred to Committee on INSURANCE, April 7, 2011.

No. 1306 By Representatives TALLMAN, COX, GROVE, CLYMER, FLECK, GILLEN, M. K. KELLER, KRIEGER, MILLER, MILNE, MUSTIO, O'NEILL, PICKETT, RAPP, REESE, ROAE, ROCK, SIMMONS, VULAKOVICH and BROOKS

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in reimbursements by Commonwealth and between school districts, further providing for basic education funding for student achievement; and repealing provisions relating to accountability to Commonwealth taxpayers.

Referred to Committee on EDUCATION, April 7, 2011.

No. 1307 By Representatives MILNE, BOYD, CALTAGIRONE, CLYMER, COHEN, D. COSTA, DAY, GABLER, GINGRICH, HALUSKA, KAVULICH, MAJOR, MILLARD, MOUL, MUNDY, MURT, PAYTON, PEIFER, PICKETT, PYLE, RAPP, REICHLEY, ROSS, SCHRODER, SONNEY, THOMAS, TOEPEL and WAGNER

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in intermediate units, further providing for subsidies for services and for financial reports.

Referred to Committee on EDUCATION, April 7, 2011.

No. 1308 By Representatives SANTARSIERO, DeLUCA, V. BROWN, CALTAGIRONE, FABRIZIO, FRANKEL, FREEMAN, GEORGE, JOSEPHS, MATZIE, MUNDY, QUINN, STABACK and SWANGER

An Act providing for the Consumer Education in Small Face Amount Life Insurance Policies Act.

Referred to Committee on INSURANCE, April 7, 2011.

No. 1309 By Representatives JOSEPHS, BISHOP, WAGNER, V. BROWN, COHEN, M. O'BRIEN, BRIGGS, SANTARSIERO, PASHINSKI, PARKER and JOHNSON

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for firearms not to be carried without a license.

Referred to Committee on JUDICIARY, April 7, 2011.

No. 1310 By Representatives TOEPEL, BRADFORD, CALTAGIRONE, CARROLL, COHEN, D. COSTA, DONATUCCI, FABRIZIO, FARRY, GODSHALL, GROVE, HARPER, JOSEPHS, MICCARELLI, MILLARD, MOUL, REICHLEY, STEPHENS, VEREB, VULAKOVICH and GINGRICH

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, further providing for definitions; and limiting number of retail licenses to be issued in each county.

Referred to Committee on LIQUOR CONTROL, April 7, 2011.

No. 1311 By Representatives COX, BAKER, BOYD, CUTLER, DENLINGER, EVERETT, GODSHALL, GROVE, MAJOR, MILLER, MOUL, MUSTIO, RAPP, ROCK, SWANGER and TALLMAN

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, further providing for transfer of programs and classes.

Referred to Committee on EDUCATION, April 7, 2011.

No. 1312 By Representatives STEPHENS, REED, ADOLPH, AUMENT, BAKER, BLOOM, CLYMER, CUTLER, GABLER, GILLEN, GINGRICH, GRELL, GROVE, HARRIS, HICKERNELL, HUTCHINSON, KAUFFMAN, F. KELLER, KILLION, KRIEGER, MARSHALL, METZGAR, MILLARD,

MILLER, MILNE, MURT, OBERLANDER, O'NEILL, PERRY, ROSS, SAYLOR, SCAVELLO, SCHRODER, SWANGER, TOEPEL, VULAKOVICH, RAPP, QUIGLEY, MALONEY and FARRY

An Act amending the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, in public assistance, further providing for meeting special needs, work supports and incentives, and establishing the Job Transition Loan Fund.

Referred to Committee on HEALTH, April 7, 2011.

No. 1313 By Representatives KIRKLAND, PASHINSKI, HALUSKA, KORTZ, GODSHALL, MURPHY and MIRABITO

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, further providing for definitions relating to the hotel occupancy tax; and making certain related repeals.

Referred to Committee on TOURISM AND RECREATIONAL DEVELOPMENT, April 7, 2011.

No. 1315 By Representative PETRI

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in reimbursements by Commonwealth and between school districts, further providing for definitions and for basic education funding for student achievement.

Referred to Committee on EDUCATION, April 7, 2011.

No. 1316 By Representatives MICCARELLI, WHEATLEY, ADOLPH, AUMENT, BAKER, BARBIN, BARRAR, BEAR, BENNINGHOFF, BOBACK, B. BOYLE, BRENNAN, BROWNLEE, CALTAGIRONE, CARROLL, CHRISTIANA, CLYMER, D. COSTA, P. COSTA, COX, CUTLER, DAVIDSON, DAVIS, DEASY, DeLUCA, DePASQUALE, DERMODY, DeWEESE, DiGIROLAMO, ELLIS, EMRICK, EVERETT, FABRIZIO, FARRY, FLECK, FREEMAN, GABLER, GALLOWAY, GEIST, GEORGE, GERBER, GIBBONS, GINGRICH, GODSHALL, GOODMAN, GROVE, HACKETT, HAHN, HARHART, HARKINS, HARPER, HELM, HENNESSEY, HESS, HICKERNELL, HORNAMAN, HUTCHINSON, JOSEPHS, F. KELLER, M. K. KELLER, W. KELLER, KILLION, KNOWLES, KOTIK, LAWRENCE, MAJOR, MALONEY, MANN, MARKOSEK, MARSHALL, MARSICO, MASSER, MATZIE, McGEEHAN, METCALFE, MICOZZIE, MILLARD, MURPHY, MURT, MUSTIO, NEUMAN, D. O'BRIEN, M. O'BRIEN, O'NEILL, PASHINSKI, PAYTON, PEIFER, PETRI, PYLE, QUIGLEY, QUINN, RAPP, RAVENSTAHL, REED, REICHLEY, ROAE, ROCK, SABATINA, SACCONI, SAINATO, SANTONI, SAYLOR, SCAVELLO, SCHRODER, SIMMONS, STEPHENS, STEVENSON, SWANGER, TALLMAN, THOMAS, TOBASH, TOEPEL, TOOHIL, TURZAI, VEREB, WATERS, WATSON, WILLIAMS, HARHAI and J. TAYLOR

An Act amending Title 62 (Procurement) of the Pennsylvania Consolidated Statutes, providing for disabled veteran-owned small businesses.

Referred to Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, April 8, 2011.

No. 1323 By Representatives GROVE, HARRIS, BENNINGHOFF, HANNA, CALTAGIRONE, DONATUCCI, EVERETT, FARRY, GEIST, HALUSKA, M. K. KELLER, KOTIK, MARSICO, MILLARD, MILLER, MOUL, MYERS, PERRY, PYLE, SWANGER and VEREB

An Act amending the act of December 19, 1988 (P.L.1262, No.156), known as the Local Option Small Games of Chance Act, further providing for the definition of "games of chance"; and defining "coin auction."

Referred to Committee on GAMING OVERSIGHT, April 8, 2011.

No. 1324 By Representatives STEVENSON, AUMENT, BAKER, BLOOM, BOYD, CLYMER, D. COSTA, CREIGHTON, CUTLER, DeLUCA, EVERETT, FARRY, FLECK, GEIST, GEORGE, GIBBONS, GILLEN, GINGRICH, HARHART, HARRIS, HEFFLEY, HENNESSEY, HESS, HORNAMAN, KAUFFMAN, M. K. KELLER, KILLION, LONGIETTI, MAJOR, MARSHALL, MARSICO, MILLARD, MILLER, MILNE, MOUL, MURT, O'NEILL, PICKETT, PYLE, READSHAW, REICHLEY, ROCK, SCAVELLO, STERN, SWANGER, VULAKOVICH and WATSON

An Act amending Title 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes, further providing for settlement of small estates on petition, for estates not exceeding \$25,000 and for when guardian unnecessary.

Referred to Committee on JUDICIARY, April 8, 2011.

No. 1325 By Representatives STEVENSON, METCALFE, AUMENT, BOYD, CAUSER, CREIGHTON, CUTLER, DENLINGER, DeWEESE, J. EVANS, FLECK, GABLER, GEIST, GIBBONS, GILLEN, GROVE, HALUSKA, HARHART, HARRIS, HESS, HICKERNELL, HORNAMAN, HUTCHINSON, KAUFFMAN, KOTIK, LONGIETTI, MAJOR, MARSHALL, METZGAR, MICOZZIE, MILLARD, MILLER, MURT, OBERLANDER, PEIFER, PETRARCA, PICKETT, PYLE, RAPP, READSHAW, REICHLEY, ROAE, ROCK, SCAVELLO, SONNEY, STERN, SWANGER, TALLMAN and WHITE

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

Referred to Committee on JUDICIARY, April 8, 2011.

No. 1326 By Representatives GROVE, METCALFE, AUMENT, BENNINGHOFF, BLOOM, BOBACK, BOYD, CALTAGIRONE, CHRISTIANA, COX, CREIGHTON, CUTLER, DUNBAR, EVERETT, GALLOWAY, GILLESPIE, GINGRICH, HARRIS, HEFFLEY, HELM, HESS, HICKERNELL, KAUFFMAN, F. KELLER, M. K. KELLER, KRIEGER, LAWRENCE, MASSER, METZGAR, MILLARD, MILLER, MOUL, OBERLANDER, PERRY, PYLE, QUIGLEY, RAPP, ROAE, ROCK, SACCONI, SAYLOR, SCHRODER, SIMMONS, SONNEY, STEPHENS, SWANGER, TALLMAN, TURZAI and WATSON

An Act amending the act of June 27, 2006 (1st Sp.Sess., P.L.1873, No.1), known as the Taxpayer Relief Act, further providing for adoption of preliminary budget proposals and for public referendum requirements for increasing certain taxes; providing for public referendum requirements for increasing certain taxes; and further providing for tax relief.

Referred to Committee on FINANCE, April 8, 2011.

No. 1327 By Representatives CARROLL, BENNINGHOFF, CALTAGIRONE, COHEN, DEASY, DONATUCCI, EVERETT, FLECK, GEIST, GIBBONS, GILLEN, GINGRICH, GROVE, HORNAMAN, JOSEPHS, KAVULICH, KULA, MURT, READSHAW, SWANGER, J. TAYLOR and YOUNGBLOOD

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, further providing for powers and duties of campus police.

Referred to Committee on JUDICIARY, April 8, 2011.

No. 1328 By Representatives CARROLL, BENNINGHOFF, COHEN, DEASY, DONATUCCI, EVERETT, FLECK, GEIST, GIBBONS, GILLEN, GINGRICH, GROVE, HORNAMAN, JOSEPHS, KAVULICH, KULA, MURT, READSHAW, SCAVELLO, SWANGER, J. TAYLOR and YOUNGBLOOD

An Act amending Title 22 (Detectives and Private Police) of the Pennsylvania Consolidated Statutes, in private police, further providing for appointment by nonprofit educational corporations.

Referred to Committee on JUDICIARY, April 8, 2011.

No. 1329 By Representatives F. KELLER, AUMENT, BENNINGHOFF, BLOOM, BOYD, CAUSER, CLYMER, CUTLER, DENLINGER, EVERETT, FLECK, GILLEN, GROVE, HARRIS, HICKERNELL, KAUFFMAN, KRIEGER, LAWRENCE, MILLER, MILNE, MOUL, OBERLANDER, PERRY, PICKETT, REICHLEY, ROAE, ROCK, ROSS, SACCONI, SAYLOR and SCHRODER

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

Referred to Committee on LABOR AND INDUSTRY, April 8, 2011.

No. 1330 By Representatives QUIGLEY, CLYMER, GABLER, COX, ADOLPH, AUMENT, BAKER, BARRAR, BEAR, BENNINGHOFF, BLOOM, BOBACK, BOYD, B. BOYLE, BRADFORD, BRENNAN, CALTAGIRONE, CAUSER, CHRISTIANA, CONKLIN, D. COSTA, P. COSTA, CREIGHTON, CUTLER, DAY, DELOZIER, DeLUCA, DENLINGER, DePASQUALE, DiGIROLAMO, ELLIS, J. EVANS, EVERETT, FARRY, FLECK, GEIST, GERGELY, GIBBONS, GILLEN, GINGRICH, GODSHALL, GRELL, GROVE, HACKETT, HARKINS, HARPER, HARRIS, HEFFLEY, HENNESSEY, HESS, HORNAMAN, HUTCHINSON, KAUFFMAN, M. K. KELLER, W. KELLER,

KILLION, KNOWLES, KORTZ, KOTIK, KRIEGER, KULA, MAJOR, MALONEY, MANN, MARSHALL, MARSICO, McGEEHAN, METCALFE, METZGAR, MICCARELLI, MICOZZIE, MILLARD, MILLER, MILNE, MOUL, MURPHY, MURT, MUSTIO, MYERS, M. O'BRIEN, O'NEILL, PAYTON, PEIFER, PETRI, PYLE, QUINN, RAPP, READSHAW, REED, REESE, REICHLEY, ROAE, ROCK, SABATINA, SANTONI, SAYLOR, SCAVELLO, SCHRODER, SHAPIRO, SONNEY, STEPHENS, STERN, STEVENSON, TALLMAN, J. TAYLOR, TOEPEL, TURZAI, VEREB, VULAKOVICH, WAGNER and WATERS

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, providing for educational improvement tax credit; and repealing provisions of the Tax Reform Code of 1971 relating to educational improvement tax credit.

Referred to Committee on EDUCATION, April 11, 2011.

No. 1331 By Representatives ROAE, VULAKOVICH, SWANGER and CREIGHTON

An Act amending the act of September 30, 1983 (P.L.160, No.39), known as the Public Official Compensation Law, further providing for judicial salaries, for executive salaries and for legislative salaries.

Referred to Committee on STATE GOVERNMENT, April 8, 2011.

No. 1332 By Representatives DEASY, DeLUCA, READSHAW, COHEN, D. COSTA, DAVIS, DONATUCCI, GERGELY, HALUSKA, KAVULICH, KOTIK, M. SMITH and WHITE

An Act amending the act of June 21, 1939 (P.L.626, No.294), referred to as the Second Class County Assessment Law, further providing for administration and for revision of assessments.

Referred to Committee on FINANCE, April 11, 2011.

No. 1333 By Representatives DUNBAR, BENNINGHOFF, BAKER, BLOOM, R. BROWN, CALTAGIRONE, CUTLER, DeLUCA, EVANKOVICH, GILLEN, GRELL, GROVE, HARHART, HESS, KAUFFMAN, M. K. KELLER, KILLION, LAWRENCE, MILLER, MILNE, PICKETT, REESE, ROSS, SACCONI, SCHRODER, STERN, VULAKOVICH, WATSON, YOUNGBLOOD and LONGIETTI

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 additions to tax.

Referred to Committee on FINANCE, April 11, 2011.

SENATE BILLS FOR CONCURRENCE

The clerk of the Senate, being introduced, presented the following bills for concurrence:

SB 302, PN 279

Referred to Committee on ENVIRONMENTAL RESOURCES AND ENERGY, April 7, 2011.

SB 303, PN 280

Referred to Committee on ENVIRONMENTAL RESOURCES AND ENERGY, April 7, 2011.

SB 304, PN 281

Referred to Committee on ENVIRONMENTAL RESOURCES AND ENERGY, April 7, 2011.

SB 325, PN 981

Referred to Committee on CONSUMER AFFAIRS, April 7, 2011.

SB 508, PN 508

Referred to Committee on TRANSPORTATION, April 7, 2011.

LEAVES OF ABSENCE

The SPEAKER. The Speaker turns to leaves of absence. Are there requests for leaves of absence?

The Chair recognizes the majority whip, who requests a leave of absence for the gentleman, Mr. BEAR, from Lancaster County for the week. Without objection, the leaves are granted.

The Speaker turns to the minority whip, who indicates that there are no requests of leaves from the Democrat Caucus.

MASTER ROLL CALL

The SPEAKER. The Speaker is about to take the master roll call. Members will proceed to vote.

PRESENT—202

Adolph	Ellis	Knowles	Rapp
Aument	Emrick	Kortz	Ravenstahl
Baker	Evankovich	Kotik	Readshaw
Barbin	Evans, D.	Krieger	Reed
Barrar	Evans, J.	Kula	Reese
Benninghoff	Everett	Lawrence	Reichley
Bishop	Fabrizio	Longiatti	Roe
Bloom	Farry	Maher	Rock
Boback	Fleck	Mahoney	Roebuck
Boyd	Frankel	Major	Ross
Boyle, B.	Freeman	Maloney	Sabatina
Boyle, K.	Gabler	Mann	Saccone
Bradford	Galloway	Markosek	Sainato
Brennan	Geist	Marshall	Samuelson
Briggs	George	Marsico	Santarsiero
Brooks	Gerber	Masser	Santoni
Brown, R.	Gergely	Matzie	Saylor
Brown, V.	Gibbons	McGeehan	Scavello
Brownlee	Gillen	Metcalfe	Schroder
Burns	Gillespie	Metzgar	Shapiro
Buxton	Gingrich	Miccarelli	Simmons
Caltagirone	Godshall	Micozzie	Smith, K.
Carroll	Goodman	Millard	Smith, M.
Causser	Grell	Miller	Sonney
Christiana	Grove	Milne	Staback
Clymer	Hackett	Mirabito	Stephens
Cohen	Hahn	Moul	Stern
Conklin	Haluska	Mullery	Stevenson
Costa, D.	Hanna	Mundy	Sturla
Costa, P.	Harhai	Murphy	Swanger

Cox	Harhart	Murt	Tallman
Creighton	Harkins	Mustio	Taylor
Cruz	Harper	Myers	Thomas
Culver	Harris	Neuman	Tobash
Curry	Heffley	O'Brien, D.	Toepel
Cutler	Helm	O'Brien, M.	Toohil
Daley	Hennessey	O'Neill	Truitt
Davidson	Hess	Oberlander	Turzai
Davis	Hickernell	Parker	Vereb
Day	Hornaman	Pashinski	Vitali
Deasy	Hutchinson	Payne	Vulakovich
DeLissio	Johnson	Payton	Wagner
DeLozier	Josephs	Peifer	Waters
DeLuca	Kampf	Perry	Watson
Denlinger	Kauffman	Petrarca	Wheatley
DePasquale	Kavulich	Petri	White
Dermody	Keller, F.	Pickett	Williams
DeWeese	Keller, M.K.	Preston	Youngblood
DiGirolamo	Keller, W.	Pyle	
Donatucci	Killion	Quigley	Smith, S.,
Dunbar	Kirkland	Quinn	Speaker

ADDITIONS—0

NOT VOTING—0

EXCUSED—1

Bear

LEAVES ADDED—8

Day	Farry	O'Brien, D.	Taylor
Evans, D.	Harper	Quinn	Wheatley

LEAVES CANCELED—2

Day	Quinn
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The SPEAKER. Two hundred and two members having voted on the master roll call, a quorum is present.

COUNCIL ROCK NORTH GOLF TEAM PRESENTED

The SPEAKER. For the presentation of a citation, Representative Santarsiero and Representative Petri are invited to the rostrum. Along with the Representatives are Todd Smith, James Twomey, Austin Birky, Liam Kane, and Ryan Singer, who will be accepting this citation in recognition of the Council Rock North Golf Team winning the State title. Along with the boys is their coach. Additional team members and their families are seated in the rear of the House.

Mr. SANTARSIERO. Thank you, Mr. Speaker.

It is a great honor today to appear before the House with my colleague from Bucks County, Representative Petri, to pay homage to the 2010 PIAA State Champion Council Rock North Golf Team.

On October 25 and 26, the Indians defeated Peters Township at the Heritage Hills Golf Resort and Conference Center in York by six strokes to capture the State title. Erica Herr, who could not make it today, tied for fifth in the girls individual standings. She was 16 over par, with a two-round total of 160. Zach Herr, who also unfortunately could not make it today, was seventh in the boys individual standings. He was 2 over par, with a

two-round total of 144. Brandon Dalinka was eighth, with a score of 146.

Council Rock North also won the Eastern Regional Championship by 14 strokes over Scranton Prep on October 19 at Golden Oaks Golf Club in Fleetwood. The Indians also earned the District 1 and Suburban 1 League National Conference Championships.

Please join me in congratulating coaches Richard White and Paul Wysocki, the golfers, and their families, and with us here on the rostrum today, as the Speaker stated, are Todd Smith, Liam Kane, Ryan Singer, James Twomey, and Austin Birky. Please give them a round of applause, and congratulations on their achievement.

Scott.

Mr. PETRI. I would like to echo my colleague's thoughts and add to it. From a personal note, we all know how much we like the sport of golf, particularly as we progress and cannot perform our usual feats and skills in other sports. I am particularly envious of these young men and women who have won but very, very proud of them, because they are also academic scholars, and that is really great for our State. Thank you.

LINDSAY RHEINER PRESENTED

The SPEAKER. Representative Petri is invited to remain at the rostrum for the presentation of an additional citation. With Representative Petri is Lindsay Rheiner, who will be accepting this citation in recognition of winning the PIAA State Championship in Cross Country for Council Rock North High School. Along with Lindsay are her parents, Jack and Robin Rheiner, and they are seated to the left of the Chair. Let us welcome them to the hall of the House. Will you please rise as guests.

Mr. PETRI. Mr. Speaker, on the House floor, we acknowledge our bright future in the hands of our young people. I am delighted and proud to have the privilege of recognizing Lindsay Rheiner of Wycombe, Bucks County, Pennsylvania.

Lindsay is a senior at Council Rock North High School, where she accomplished herself as a superior student athlete in both cross country and lacrosse. Lindsay qualified from the PIAA Class AAA Cross Country State Championships in three of her last four high school years. She placed 10th as a sophomore. Illness precluded her from participating as a junior, but she made up for it this year by finishing the big race in 18 minutes, 42 seconds – a full 6 seconds ahead of her nearest challenger.

Lindsay has also achieved and has won numerous awards during her high school career. In fact, she is so proficient on and off the field that she has earned a scholarship to the United States Naval Academy in Annapolis, Maryland.

While she has accomplished herself in cross country, Lindsay will tell you that lacrosse is her passion and where her athletic talent lies. Her mastery on the field and her academic record caught the attention of recruiters at the Naval Academy, who plan to put Lindsay's skills and talents to work. While there, Lindsay said she has plans to study oceanography.

Lindsay, on behalf of the House of Representatives, congratulations, and we look forward to your tremendous successes.

Thank you, Mr. Speaker.

The SPEAKER. The Speaker thanks the gentleman.

FRAZIER HIGH SCHOOL GIRLS VOLLEYBALL TEAM PRESENTED

The SPEAKER. Representative Kula is invited to the rostrum for the purpose of presenting a citation. With Representative Kula are Giovanna Bitonti, Laurissa Ellis, Gena Keebler, Amanda Pato, and Savannah Prue, who will be accepting this citation in recognition of winning the WPIAL Class A Girls Volleyball Championship for Frazier High School.

Mrs. KULA. Thank you, Mr. Speaker.

I rise today with great pride to honor a group of young ladies and their coaches who prove that a refuse-to-lose attitude, with that attitude, great things can happen. Not just great things, but historic things can happen. Under the guidance of their coaches, encouragement of their classmates, and support of their families, the Frazier High School Commodores had a perfect season, winning game after game to finally take the 2010 WPIAL Class A Girls Volleyball Championship, the school's first girls' team to win the title.

But their accomplishment is more than just a trophy. Player Amanda Pato said of her team's accomplishment, "We just knew we wanted it more than anybody. We knew we were going to work and refuse to lose." We here in this chamber can certainly relate to those words, "refuse to lose." We think those three words every 2 years.

I think everyone should be inspired by those words, and I hope that all of these young ladies will keep those words and that attitude with everything they do throughout their life. We all hope that they will keep focused on a straight and narrow path towards their end goal. I ask them to please remember this season always and the thrill of this victory. When the chips are down or when life throws a roadblock, recall the words "refuse to lose."

I would like to recognize the other members of the team. They are there in the back of the House. If they would stand as I call their name: Keana Bertocci, Kelsey Dillon, Megan Manack, Gabrielle Muzina, Janell Vasquez, McKenzie Barch, Erica Harvey, Alexandra Chuboy, Alexis Davies, Ashley Davies, Courteney Protos, and Lauren Somers. Also accompanying them are their coaches, Mandy and Don Hartman. If I could just please ask for the House of Representatives to give these outstanding ladies the warm welcome they deserve.

Thank you, Mr. Speaker.

The SPEAKER. The Speaker thanks the lady.

GUESTS INTRODUCED

The SPEAKER. The Speaker would also like to recognize some other guests who are with us today.

Located in the rear of the House, welcome representatives from the Philadelphia and Pittsburgh chapters of the ALS (amyotrophic lateral sclerosis) Association, and they are guests of Representative Bryan Cutler. Let us please give our guests a warm welcome. Please rise.

Also located in the rear of the House, the Speaker welcomes a political science class on State and local government from West Chester University, and they are guests of their professor, Representative Duane Milne. Will the guests please rise and be

recognized. Welcome to the hall of the House. That looks like that will be a tough grade, professor.

Also visiting the Capitol Building today, in the balcony, we have some guests: Michele Ehr Gott, Alexa Ehr Gott, and Lucille Laubach, and they are guests of Representative Marcia Hahn. Will our guests please rise and wave. Welcome to the hall of the House.

And in the rear of the House, we also have a couple of guests, Dan and Ed Wozniak, who are guests of Representative Brian Ellis. Will our guests please rise. Welcome to the hall of the House.

And located in the well of the House, the Speaker welcomes Megan Cowher, Celina Foran, Alyssa Mahonski, and Dan Warner, who is celebrating his 18th birthday. These young people are serving as guest pages, and they are guests of Representative Mirabito. Welcome to the hall of the House.

Also serving as a guest page today, as the guest of Representative Michele Brooks, down here in the well of the House, is Kaitlynn Kline, an 11th grade student at Cochran Junior-Senior High School, and Kaitlynn was also named "Miss Laurel Highlands' Outstanding Teen 2011." Welcome to the hall of the House, Kaitlynn.

Additionally, we welcome Joel Ogle, and he is serving as a guest page today, and he is the guest of Representative Keith Gillespie. Welcome to the House.

Two more recognitions in the well.

We welcome Kelsey Fetterhoff, daughter of Carolyn and Dohn Fetterhoff of Halifax. Kelsey is serving as a guest page today, and she is the guest of Representative Sue Helm. Welcome to the hall of the House.

And one more, located in the gallery, the Chair welcomes Zach Peirson, a student at Millersville University. Zach is shadowing Representative Aument for the day. Welcome to the hall of the House.

HEALTH COMMITTEE MEETING

The SPEAKER. The Speaker recognizes the gentleman, Mr. Baker, for the purpose of making an announcement.

Mr. BAKER. Thank you, Mr. Speaker.

I would like to call an immediate meeting of the Health Committee upon the break; an immediate meeting of the Health Committee in room 205, Ryan Office Building.

Thank you, Mr. Speaker.

The SPEAKER. The Health Committee will meet immediately at the break in room 205 of the Ryan Office Building.

APPROPRIATIONS COMMITTEE MEETING

The SPEAKER. The Speaker recognizes the gentleman, Mr. Adolph, for the purpose of making an announcement.

Mr. ADOLPH. Thank you, Mr. Speaker.

Mr. Speaker, I would like to call a meeting of the House Appropriations Committee immediately following at the break in the House majority caucus room. Thank you.

The SPEAKER. Appropriations will meet immediately at the break in the majority caucus room.

HUMAN SERVICES COMMITTEE MEETING

The SPEAKER. The Speaker recognizes the gentleman, Mr. DiGirolamo, for the purpose of making an announcement.

Mr. DiGIROLAMO. Thank you, Mr. Speaker.

I would like to call an immediate meeting of the House Human Services Committee in room B-31. That is in the basement right underneath the majority caucus room. An immediate meeting of the House Human Services Committee. Thank you.

The SPEAKER. The Human Services Committee will meet immediately in room B-31.

REPUBLICAN CAUCUS

The SPEAKER. For the purpose of making caucus announcements, the Speaker recognizes the lady, Ms. Major.

Ms. MAJOR. Thank you, Mr. Speaker.

I would like to announce that Republicans will caucus at 1:45. I would ask our members to please report to our caucus room at 1:45, and we would be prepared to come back on the floor at 2:30.

Thank you, Mr. Speaker.

The SPEAKER. The Speaker thanks the lady.

DEMOCRATIC CAUCUS

The SPEAKER. The Speaker recognizes the gentleman, Mr. Frankel, for a caucus announcement.

Mr. FRANKEL. Thank you, Mr. Speaker.

There will be a Democratic caucus at 1:45; Democratic caucus at 1:45. Thank you.

RECESS

The SPEAKER. Seeing no further announcements, this House stands in recess until 2:30.

RECESS EXTENDED

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

AFTER RECESS

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

BILLS REREPORTED FROM COMMITTEE

HB 1, PN 217

By Rep. ADOLPH

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, repealing and adding provisions relating to comparative negligence.

APPROPRIATIONS.

HB 40, PN 1038

By Rep. ADOLPH

An Act amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing, in general principles of justification, for definitions, for use of force in self-protection, for use of force for the protection of other persons, for grading of theft offenses and for licenses to carry firearms; and providing for civil immunity for use of force.

APPROPRIATIONS.

HB 140, PN 1057

By Rep. ADOLPH

An Act establishing the Methadone Death and Incident Review Team and providing for its powers and duties; and imposing a penalty.

APPROPRIATIONS.

HB 389, PN 353

By Rep. ADOLPH

An Act designating the Mill Creek Bridge on the new Route 202 Parkway in Warrington Township, Bucks County, as the George W. Niblock Bridge.

APPROPRIATIONS.

HB 390, PN 354

By Rep. ADOLPH

An Act designating Route 202 Parkway on State Route 202 connecting State Route 63 in Montgomery Township, Montgomery County, and State Route 611 in Doylestown Township, Bucks County, as the George A. Penglase Memorial Parkway.

APPROPRIATIONS.

HB 399, PN 365

By Rep. ADOLPH

An Act designating the Shenango River Bridge, which carries State Route 322 over the Shenango River in Jamestown Borough, Mercer County, as the Staff Sergeant David M. Veverka Veterans Memorial Bridge.

APPROPRIATIONS.

HB 438, PN 615

By Rep. ADOLPH

An Act amending the act of December 18, 2007 (P.L.464, No.71), entitled "An act designating a portion of State Route 145 in Northampton County as the Battle of the Bulge Veterans Memorial Highway," further providing for the Battle of the Bulge Veterans Memorial Highway.

APPROPRIATIONS.

HB 520, PN 923

By Rep. ADOLPH

An Act amending the act of August 26, 1971 (P.L.351, No.91), known as the State Lottery Law, providing for lottery winnings intercept.

APPROPRIATIONS.

HB 589, PN 573

By Rep. ADOLPH

An Act designating U.S. Route 1 in Bucks County from mile marker 66.8 to mile marker 80.2 as the Detective Christopher Jones Memorial Highway.

APPROPRIATIONS.

HB 705, PN 719

By Rep. ADOLPH

An Act amending the act of August 9, 1955 (P.L.323, No.130), known as The County Code, in county officers, further providing for enumeration of elected officers.

APPROPRIATIONS.

HB 707, PN 721

By Rep. ADOLPH

An Act amending the act of July 28, 1953 (P.L.723, No.230), known as the Second Class County Code, further providing for enumeration of elected officers.

APPROPRIATIONS.

HB 728, PN 741

By Rep. ADOLPH

An Act amending the act of February 11, 1998 (P.L.58, No.15), known as the Combustible and Flammable Liquids Act, further providing for regulations and for prohibitions.

APPROPRIATIONS.

HB 915, PN 1388

By Rep. ADOLPH

An Act amending the act of July 6, 2010 (P.L. , No.1A), known as the General Appropriation Act of 2010, by further providing for the appropriation of Federal funds to the Department of Education.

APPROPRIATIONS.

HB 986, PN 1067

By Rep. ADOLPH

An Act amending the act of August 26, 1971 (P.L.351, No.91), known as the State Lottery Law, further providing for powers and duties of secretary; and providing for reports.

APPROPRIATIONS.

RESOLUTION REPORTED FROM COMMITTEE

HR 177, PN 1392

By Rep. DiGIROLAMO

A Resolution requesting the Legislative Budget and Finance Committee to study county human services program mandate relief.

HUMAN SERVICES.

UNCONTESTED CALENDAR

RESOLUTIONS PURSUANT TO RULE 35

Mr. CUTLER called up **HR 129, PN 1090**, entitled:

A Resolution designating the month of May 2011 as "Amyotrophic Lateral Sclerosis Awareness Month" in Pennsylvania.

* * *

Mr. LONGIETTI called up **HR 138, PN 1173**, entitled:

A Resolution recognizing April 11, 2011, as "National Healthy Schools Day" in Pennsylvania.

* * *

Ms. HELM called up **HR 176, PN 1391**, entitled:

A Resolution designating April 16, 2011, as "World Voice Day" in Pennsylvania.

* * *

Mr. REICHLLEY called up **HR 179, PN 1394**, entitled:

A Resolution designating the week of April 17 through 23, 2011, as "Animal Abuse Awareness Week" in Pennsylvania.

* * *

Mrs. DAVIS called up **HR 181, PN 1448**, entitled:

A Resolution designating the week of April 10 through 16, 2011, as "Local Government Week" and April 15, 2010, as "Local Government Day" in Pennsylvania.

On the question,
Will the House adopt the resolutions?

The following roll call was recorded:

YEAS—202

Adolph	Ellis	Knowles	Rapp
Aument	Emrick	Kortz	Ravenstahl
Baker	Evankovich	Kotik	Readshaw
Barbin	Evans, D.	Krieger	Reed
Barrar	Evans, J.	Kula	Reese
Benninghoff	Everett	Lawrence	Reichley
Bishop	Fabrizio	Longietti	Roae
Bloom	Farry	Maher	Rock
Boback	Fleck	Mahoney	Roebuck
Boyd	Frankel	Major	Ross
Boyle, B.	Freeman	Maloney	Sabatina
Boyle, K.	Gabler	Mann	Saccone
Bradford	Galloway	Markosek	Sainato
Brennan	Geist	Marshall	Samuelson
Briggs	George	Marsico	Santarsiero
Brooks	Gerber	Masser	Santoni
Brown, R.	Gergely	Matzie	Saylor
Brown, V.	Gibbons	McGeehan	Scavello
Brownlee	Gillen	Metcalfe	Schroder
Burns	Gillespie	Metzgar	Shapiro
Buxton	Gingrich	Miccarelli	Simmons
Caltagirone	Godshall	Micozzie	Smith, K.
Carroll	Goodman	Millard	Smith, M.
Causser	Grell	Miller	Sonney
Christiana	Grove	Milne	Staback
Clymer	Hackett	Mirabito	Stephens
Cohen	Hahn	Moul	Stern
Conklin	Haluska	Mullery	Stevenson
Costa, D.	Hanna	Mundy	Sturla
Costa, P.	Harhai	Murphy	Swanger
Cox	Harhart	Murt	Tallman
Creighton	Harkins	Mustio	Taylor
Cruz	Harper	Myers	Thomas
Culver	Harris	Neuman	Tobash
Curry	Heffley	O'Brien, D.	Toepel
Cutler	Helm	O'Brien, M.	Toohil
Daley	Hennessey	O'Neill	Truitt
Davidson	Hess	Oberlander	Turzai
Davis	Hickernell	Parker	Vereb
Day	Hornaman	Pashinski	Vitali
Deasy	Hutchinson	Payne	Vulakovich
DeLissio	Johnson	Payton	Wagner
Delozier	Josephs	Peifer	Waters
DeLuca	Kampf	Perry	Watson
Denlinger	Kauffman	Petrarca	Wheatley
DePasquale	Kavulich	Petri	White

Dermody	Keller, F.	Pickett	Williams
DeWeese	Keller, M.K.	Preston	Youngblood
DiGirolamo	Keller, W.	Pyle	
Donatucci	Killion	Quigley	Smith, S.,
Dunbar	Kirkland	Quinn	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—1

Bear

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

STATEMENT BY MR. CUTLER

The SPEAKER. Under unanimous consent on HR 129 from the uncontested calendar, Representatives Cutler and Shapiro were seeking to be recognized.

Under unanimous consent, the Speaker recognizes the gentleman from Lancaster County, Mr. Cutler.

Mr. CUTLER. Thank you, Mr. Speaker.

I wanted to take some time, previously on the calendar we had a resolution regarding the ALS Association. The Speaker so graciously recognized them earlier. And as many of you know, I have got a personal connection with ALS, or Lou Gehrig's disease.

Mr. Speaker, when I was in high school, both of my parents were diagnosed with Lou Gehrig's disease, and to put that properly into focus, I would like to share some numbers. Mr. Speaker, the odds of any single individual getting Lou Gehrig's disease are one in a quarter million. At the time of my parents' diagnoses, they were one of two living couples – one of eight couples in the history of the United States in the medical records that were available – that had been diagnosed after marriage both with this horrible disease.

Mr. Speaker, Lou Gehrig, for whom the disease has been named, was the iron horse of baseball. He was the man that nothing could stop. Being a Yankees fan, I was obviously partial to him and his legacy, and, Mr. Speaker, it was sad to see this disease so tragically end his career.

Mr. Speaker, this disease affects people in different ways, and we as a Commonwealth have, I believe, a duty to care for our citizens who have Lou Gehrig's disease. By our estimates, there are probably 900 of these individuals in the Commonwealth. Mr. Speaker, we are blessed to have a wonderful clinic system here, and they have been providing these services for some time. We benefited from them. They came and they provided help; they provided medical equipment. They provided expertise, Mr. Speaker, that we could not find in any hospital that was local, and, Mr. Speaker, I appreciated that.

More importantly and more recently, the members of the ALS Association of Philadelphia and Pittsburgh have been up here advocating to each of you regarding Department of Health grants and different items of spending that are important to them. I wanted to convey my sincere thanks for each of you who has taken time out of your very busy schedules, each of you who has taken time to listen to what they are interested in,

to listen to what is important to them, because every time that you open your door, your ears, and your heart to them, I feel as if you are doing so for me. I appreciate that you take it as seriously as I do and that it means as much to you as it does to me.

Mr. Speaker, the reason I think that we as a State should be even more concerned about this is because of the following statistics: While we do not know what directly causes the disease, to mean that we do not know a certain virus or a certain chemical, we do know that it occurs. More importantly, it is markedly increased in our military veterans, so much so that military veterans are at a 50-percent greater risk of falling prey to Lou Gehrig's disease. Mr. Speaker, there have been three different studies, two Federal and one through Harvard, that have demonstrated this connection dating back to World War II.

While we have not found the answer as to why, we as the Commonwealth are oftentimes left with caring for these individuals. The vast majority of these individuals are very costly to care for. The average cost to maintain a residency in a nursing home is about \$84,000—

The SPEAKER. Will the gentleman just suspend for a second.

Would the House please come to order and hold the conversations to a minimum and allow a little more attention and let the members hear what the gentleman has to say. The Speaker thanks the House.

You may continue.

Mr. CUTLER. Thank you, Mr. Speaker.

The average cost per nursing home resident per year is about \$84,000. We were fortunate in that when my mom was diagnosed, we were able to keep her at home and utilize home health care in place of nursing home costs. Even back during the late nineties, this was almost \$6,000 a month that we had to pay for, predominantly out of pocket. Because of the Medicaid provisions, my mother was required to sell her home. We were fortunate; my wife and I were able to buy it, and we went through the appropriate regulatory process to make sure that that entire transaction was legal.

But, Mr. Speaker, the fact remains that the vast majority of these individuals outlive their assets, and they eventually end up on the State rolls. Mr. Speaker, there is a better way to care for these individuals. That is really what the advocacy has changed to most recently today when they were up earlier, and I think you are going to hear as we go throughout the budget process, there is a better way to care for these individuals holistically. There is a better way to care for them, and more importantly, Mr. Speaker, it can be done more cost-effectively, which is something I think that in this environment we are all looking for.

It is important to note the military connection for this final reason, Mr. Speaker: While last session we had two of our individuals who served overseas and we were deeply touched by their service, and I personally appreciated it greatly, the fact remains that the Commonwealth has deployed the largest number of National Guardsmen in the war on terror since the beginning. Mr. Speaker, with those kinds of statistics out there, thousands of our soldiers that are going to be coming home, we need to make sure, we need to make sure that we have the proper system in place to care for them, because, Mr. Speaker, this is statistically significant. And unfortunately, it is going to occur, and that is not a price that any veteran should be asked to pay for their country.

Mr. Speaker, I again sincerely thank everyone for their time, their attention, and I thank you as we move through the budgetary process that recognizing that times are tough, money is tight, that you still took the time to hear about them, their individual needs and concerns, and I, from the bottom of my heart, wanted to express my gratitude and appreciate every effort that you all have taken to accommodate them and their schedules. Thank you.

STATEMENT BY MR. SHAPIRO

The SPEAKER. Under unanimous consent, the gentleman from Montgomery County, Mr. Shapiro, is recognized.

Mr. SHAPIRO. Thank you, Mr. Speaker.

Mr. Speaker, I just want to commend the gentleman from Lancaster, my friend, and to let you know that the feeling is extended to each of you from across the aisle as well. We are grateful for the time that you have taken with the advocates from the ALS Associations who have been visiting us today. Obviously, there are many challenges facing us in this budget and many differing opinions on how to expend the tax dollars to meet the needs of Pennsylvanians, and we thank you for the attention you have shown.

And on a personal note, Mr. Speaker, I just want to commend the gentleman from Lancaster who has really taken an extraordinary personal challenge in his life and turned it into a moment of advocacy and into a moment of effort on behalf of others, and I think he ought to be commended for that. Thank you, Mr. Speaker.

SUPPLEMENTAL CALENDAR A

RESOLUTION PURSUANT TO RULE 35

Miss MANN called up **HR 200, PN 1496**, entitled:

A Resolution honoring Bayada Nurses on 36 years of providing in-home care.

On the question,

Will the House adopt the resolution?

The following roll call was recorded:

YEAS—202

Adolph	Ellis	Knowles	Rapp
Aument	Emrick	Kortz	Ravenstahl
Baker	Evankovich	Kotik	Readshaw
Barbin	Evans, D.	Krieger	Reed
Barrar	Evans, J.	Kula	Reese
Benninghoff	Everett	Lawrence	Reichley
Bishop	Fabrizio	Longietti	Roae
Bloom	Farry	Maher	Rock
Boback	Fleck	Mahoney	Roebuck
Boyd	Frankel	Major	Ross
Boyle, B.	Freeman	Maloney	Sabatina
Boyle, K.	Gabler	Mann	Saccone
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Brennan	Geist	Marshall	Samuelson
Briggs	George	Marsico	Santarsiero
Brooks	Gerber	Masser	Santoni
Brown, R.	Gergely	Matzie	Saylor
Brown, V.	Gibbons	McGeehan	Scavello
Brownlee	Gillen	Metcalfe	Schroder
Burns	Gillespie	Metzgar	Shapiro

Buxton	Gingrich	Miccarelli	Simmons
Caltagirone	Godshall	Micozzie	Smith, K.
Carroll	Goodman	Millard	Smith, M.
Causser	Grell	Miller	Sonney
Christiana	Grove	Milne	Staback
Clymer	Hackett	Mirabito	Stephens
Cohen	Hahn	Moul	Stern
Conklin	Haluska	Mullery	Stevenson
Costa, D.	Hanna	Mundy	Sturla
Costa, P.	Harhai	Murphy	Swanger
Cox	Harhart	Murt	Tallman
Creighton	Harkins	Mustio	Taylor
Cruz	Harper	Myers	Thomas
Culver	Harris	Neuman	Tobash
Curry	Heffley	O'Brien, D.	Toepel
Cutler	Helm	O'Brien, M.	Toohil
Daley	Hennessey	O'Neill	Truitt
Davidson	Hess	Oberlander	Turzai
Davis	Hickernell	Parker	Vereb
Day	Hornaman	Pashinski	Vitali
Deasy	Hutchinson	Payne	Vulakovich
DeLissio	Johnson	Payton	Wagner
Delozier	Josephs	Peifer	Waters
DeLuca	Kampf	Perry	Watson
Denlinger	Kauffman	Petrarca	Wheatley
DePasquale	Kavulich	Petri	White
Dermody	Keller, F.	Pickett	Williams
DeWeese	Keller, M.K.	Preston	Youngblood
DiGirolamo	Keller, W.	Pyle	
Donatucci	Killion	Quigley	Smith, S.,
Dunbar	Kirkland	Quinn	Speaker

NAYS-0

NOT VOTING-0

EXCUSED-1

Bear

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

SUPPLEMENTAL CALENDAR B

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 589, PN 573**, entitled:

An Act designating U.S. Route 1 in Bucks County from mile marker 66.8 to mile marker 80.2 as the Detective Christopher Jones Memorial Highway.

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

(Bill analysis was read.)

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

On that question, the Speaker recognizes the gentleman, Mr. Farry.

Mr. FARRY. Thank you, Mr. Speaker.
HB 589 renames the Route 1 superhighway in Bucks County from the Philadelphia line to the Delaware River after my friend and former coworker, Detective Chris Jones.

On January 29, 2009, Detective Jones tragically lost his life in the line of duty while performing a traffic stop on the Route 1 superhighway. His patrol vehicle was struck by an intoxicated driver and resulted in Detective Jones's passing.

Detective Jones was a 10-year member of the Middletown Township Police Department, a Navy veteran, and the first member of the Middletown Township Police Department to lose their life in the line of duty. This recognition and memorializing his name on the highway is a fitting tribute for my friend and former colleague and the residents of Middletown Township.

FAMILY INTRODUCED

Mr. FARRY. With me here today, and please rise when I call your name, are his wife, Suzanne; his three children, Detective Jones's three children, Christopher, Julianne, and Brendan; his brother, Andy; brother Brian; and his mother, Dot.

So I thank you for being here, and I thank you, colleagues, for recognizing the Jones family, whose husband, father, brother, and son has made the ultimate sacrifice protecting our community.

Also in the back of the chamber are other members of the Jones family and representatives of the F.O.P. (Fraternal Order of Police). With that said, I respectfully request an affirmative vote on this bill. Thank you.

The **SPEAKER**. As a sign of respect for Detective Jones and his family being here, I would ask all members and guests to please rise for a moment of silence.

(Whereupon, the members of the House and all visitors stood in a moment of silence in solemn respect to the memory of Detective Christopher Jones.)

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-202

Adolph	Ellis	Knowles	Rapp
Aument	Emrick	Kortz	Ravenstahl
Baker	Evankovich	Kotik	Readshaw
Barbin	Evans, D.	Krieger	Reed
Barrar	Evans, J.	Kula	Reese
Benninghoff	Everett	Lawrence	Reichley
Bishop	Fabrizio	Longiotti	Roae
Bloom	Farry	Maher	Rock
Boback	Fleck	Mahoney	Roebuck
Boyd	Frankel	Major	Ross
Boyle, B.	Freeman	Maloney	Sabatina
Boyle, K.	Gabler	Mann	Saccone
Bradford	Galloway	Markosek	Sainato
Brennan	Geist	Marshall	Samuelson
Briggs	George	Marsico	Santarsiero
Brooks	Gerber	Masser	Santoni
Brown, R.	Gergely	Matzie	Saylor

Brown, V.	Gibbons	McGeehan	Scavello
Brownlee	Gillen	Metcalfe	Schroder
Burns	Gillespie	Metzgar	Shapiro
Buxton	Gingrich	Miccarelli	Simmons
Caltagirone	Godshall	Micozzie	Smith, K.
Carroll	Goodman	Millard	Smith, M.
Causer	Grell	Miller	Sonney
Christiana	Grove	Milne	Staback
Clymer	Hackett	Mirabito	Stephens
Cohen	Hahn	Moul	Stern
Conklin	Haluska	Mullery	Stevenson
Costa, D.	Hanna	Mundy	Sturla
Costa, P.	Harhai	Murphy	Swanger
Cox	Harhart	Murt	Tallman
Creighton	Harkins	Mustio	Taylor
Cruz	Harper	Myers	Thomas
Culver	Harris	Neuman	Tobash
Curry	Heffley	O'Brien, D.	Toepel
Cutler	Helm	O'Brien, M.	Toohil
Daley	Hennessey	O'Neill	Truitt
Davidson	Hess	Oberlander	Turzai
Davis	Hickernell	Parker	Vereb
Day	Hornaman	Pashinski	Vitali
Deasy	Hutchinson	Payne	Vulakovich
DeLissio	Johnson	Payton	Wagner
Delozier	Josephs	Peifer	Waters
DeLuca	Kampf	Perry	Watson
Denlinger	Kauffman	Petrarca	Wheatley
DePasquale	Kavulich	Petri	White
Dermody	Keller, F.	Pickett	Williams
DeWeese	Keller, M.K.	Preston	Youngblood
DiGirolamo	Keller, W.	Pyle	
Donatucci	Killion	Quigley	Smith, S.,
Dunbar	Kirkland	Quinn	Speaker

NAYS-0

NOT VOTING-0

EXCUSED-1

Bear

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.

BILLS REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

HB 574, PN 1521 (Amended) By Rep. BAKER

An Act amending the act of July 19, 1979 (P.L.130, No.48), known as the Health Care Facilities Act, further providing for definitions, licensure, fees and issuance of license; and making an inconsistent repeal.

HEALTH.

HB 1297, PN 1464 By Rep. BAKER

An Act amending the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, in public assistance, providing for eligibility for persons with drug-related felonies.

HEALTH.

HB 1301, PN 1477 By Rep. BAKER

An Act amending the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, in public assistance, providing for the medical assistance transportation program.

HEALTH.

HB 1312, PN 1488 By Rep. BAKER

An Act amending the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, in public assistance, further providing for meeting special needs, work supports and incentives, and establishing the Job Transition Loan Fund.

HEALTH.

CALENDAR

RESOLUTION PURSUANT TO RULE 35

Mr. BARRAR called up **HR 135, PN 1170**, entitled:

A Resolution honoring Schramm, Inc., and its employees for their technology, resourcefulness and assistance in the rescue of 33 Chilean miners.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS-202

Adolph	Ellis	Knowles	Rapp
Aument	Emrick	Kortz	Ravenstahl
Baker	Evankovich	Kotik	Readshaw
Barbin	Evans, D.	Krieger	Reed
Barrar	Evans, J.	Kula	Reese
Benninghoff	Everett	Lawrence	Reichley
Bishop	Fabrizio	Longietti	Roae
Bloom	Farry	Maher	Rock
Boback	Fleck	Mahoney	Roebuck
Boyd	Frankel	Major	Ross
Boyle, B.	Freeman	Maloney	Sabatina
Boyle, K.	Gabler	Mann	Saccone
Bradford	Galloway	Markosek	Sainato
Brennan	Geist	Marshall	Samuelson
Briggs	George	Marsico	Santarsiero
Brooks	Gerber	Masser	Santoni
Brown, R.	Gergely	Matzie	Saylor
Brown, V.	Gibbons	McGeehan	Scavello
Brownlee	Gillen	Metcalfe	Schroder
Burns	Gillespie	Metzgar	Shapiro
Buxton	Gingrich	Miccarelli	Simmons
Caltagirone	Godshall	Micozzie	Smith, K.
Carroll	Goodman	Millard	Smith, M.
Causer	Grell	Miller	Sonney
Christiana	Grove	Milne	Staback
Clymer	Hackett	Mirabito	Stephens
Cohen	Hahn	Moul	Stern
Conklin	Haluska	Mullery	Stevenson
Costa, D.	Hanna	Mundy	Sturla
Costa, P.	Harhai	Murphy	Swanger
Cox	Harhart	Murt	Tallman
Creighton	Harkins	Mustio	Taylor
Cruz	Harper	Myers	Thomas
Culver	Harris	Neuman	Tobash
Curry	Heffley	O'Brien, D.	Toepel

Cutler	Helm	O'Brien, M.	Toohil
Daley	Hennessey	O'Neill	Truitt
Davidson	Hess	Oberlander	Turzai
Davis	Hickernell	Parker	Vereb
Day	Hornaman	Pashinski	Vitali
Deasy	Hutchinson	Payne	Vulakovich
DeLissio	Johnson	Payton	Wagner
Delozier	Josephs	Peifer	Waters
DeLuca	Kampf	Perry	Watson
Denlinger	Kauffman	Petrarca	Wheatley
DePasquale	Kavulich	Petri	White
Dermody	Keller, F.	Pickett	Williams
DeWeese	Keller, M.K.	Preston	Youngblood
DiGirolamo	Keller, W.	Pyle	
Donatucci	Killion	Quigley	Smith, S.,
Dunbar	Kirkland	Quinn	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—1

Bear

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

GUEST INTRODUCED

The SPEAKER. The Speaker would like to recognize another guest that is with us, to the left of the Speaker, Mike Lonergan. He is the borough manager of Orwigsburg Borough in Schuylkill County, and he is the guest of Representative Jerry Knowles and Representative Tobash. Welcome to the hall of the House. Please stand to be recognized.

SUPPLEMENTAL CALENDAR B CONTINUED

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1, PN 217**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, repealing and adding provisions relating to comparative negligence.

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?

MOTION TO SUSPEND RULES

The SPEAKER. For what purpose does the gentleman, Mr. McGeehan, rise?

Mr. McGEEHAN. Thank you, Mr. Speaker.
Mr. Speaker, for the purpose of making a motion.
The SPEAKER. The gentleman will state his motion.
Mr. McGEEHAN. Thank you, Mr. Speaker.
Mr. Speaker, I move that the House suspend the rules for the immediate consideration of amendment A01222.

DECISION OF CHAIR RESCINDED

The SPEAKER. Without objection, the Chair rescinds its announcement that the bill has been agreed to on third consideration.

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

The SPEAKER. The gentleman from Philadelphia, Mr. McGeehan, has moved to suspend the rules for consideration of amendment A01222.

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

The SPEAKER. On that question, the Speaker recognizes the gentleman, Mr. McGeehan.

Mr. McGEEHAN. Thank you, Mr. Speaker.
Mr. Speaker, I respectfully ask my colleagues to join me in voting to suspend the rules of the House to protect victims of sexual assault. Mr. Speaker, we need to suspend the House rules so that we can ensure that this bill will protect victims of sexual assault.

Unless we suspend the rules, Mr. Speaker, and adopt this amendment, this bill as it is currently written takes away the rights of sexual assault victims to seek full compensation for their damages from those who were complicit in or contributed to their sexual assaults. Mr. Speaker, a vote to suspend the rules will allow us to correct a horrible injustice by including victims of sexual assault among the exceptions currently listed in the bill.

Mr. Speaker, without this amendment, this bill – and make no mistake about it – without this amendment, this bill hurts victims of sexual assault. We should be protecting victims of wrongdoing—

Mr. TURZAI. Mr. Speaker, that is far afield from a motion to suspend.

The SPEAKER. The gentleman will suspend.
For what purpose does the majority leader rise?

Mr. TURZAI. Sir, it is far afield from the reasons for a motion to suspend.

The SPEAKER. The gentleman is correct. Your arguments should be as to why we should suspend the rules and not on the substance of the amendment.

Mr. McGEEHAN. Mr. Speaker, I want to give a brief description of the amendment so the members are aware of the gravity of the exclusion of this amendment from this current bill. Suspending the rules, Mr. Speaker, for the adoption of this amendment will prevent victims of sexual assault from being revictimized by our civil justice system when their wrongdoers cannot pay.

Mr. Speaker, this motion would not be necessary if it had not been for the—

The SPEAKER. The gentleman will suspend.

The Speaker would agree that the gentleman is in order to give a brief description so that the members might be familiar with the amendment but would suggest to the member to confine his remarks to that category.

Mr. McGEEHAN. Mr. Speaker, what the amendment will do is provide the exception to the ones already enunciated in HB 1, and it is critical to understand that it will exclude the victims of sexual assault. From the rules adopted by this bill, it will exclude them from the suspension of joint and several liability.

In essence, Mr. Speaker, for an example, if a—

The SPEAKER. The gentleman will suspend.

You are getting into debate on the amendment. You have pretty much given a brief description of the amendment that you were seeking suspension. If the suspension is granted, then you can get into examples and other descriptive reasons and the substance of the amendment.

Mr. McGEEHAN. Mr. Speaker, with respect, the majority leader had taken great exceptions to my remark last week when I was muzzled by the parliamentary gymnastics of moving the previous question, and I want an opportunity, Mr. Speaker, to debate this to the full House.

Mr. TURZAI. Objection; objection.

The SPEAKER. The gentleman will suspend.

By a majority vote of this House when this bill was before us on second consideration, the amendments that had been offered were either considered and defeated or they were dispensed with. The actions of this House were taken by a majority vote, and that is not the subject before us at this point in time. The subject before the House is your request that we suspend the rules for the consideration of an amendment, and the rules would provide that you are entitled to give a brief description of the amendment as to why we should suspend the rules, not a debate on the amendment.

Mr. McGEEHAN. Thank you, Mr. Speaker.

Well, I am left no other choice but to make this motion to suspend the rules, and I urge all members to vote to suspend the House rules and protect victims of sexual assault by adopting this amendment.

Thank you, Mr. Speaker.

The SPEAKER. The Speaker thanks the gentleman.

The question is, will the House suspend the rules?

The Speaker recognizes the majority leader, Mr. Turzai.

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

I would urge all the members to please vote against the motion to suspend. The underlying bill is prepared to run, and we can have a debate with respect to the underlying bill.

In addition, in that discussion, we can have a discussion as to exactly how the reform of joint liability works. Joint liability does not prohibit anybody from getting into a court of law. It talks about apportioning damages. We need to stick to the facts and not argue something that is not applicable with respect to the bill.

I would ask that everybody please vote "no." Thank you.

The SPEAKER. The question is, will the House suspend the rules? Does the minority leader seek recognition?

Mr. DERMODY. Thank you, Mr. Speaker.

Can I yield my chance to speak here to the maker of the motion?

The SPEAKER. The rules would provide that the maker of the motion and the sponsor of the bill would be entitled to speak twice on the suspension of the rules. That would also apply to the floor leaders, but generally we have afforded them additional comment if they chose.

Mr. DERMODY. If I could make a few brief comments?

The SPEAKER. The gentleman is in order.

Mr. DERMODY. Thank you, Mr. Speaker.

Mr. Speaker, I am hoping that the members of the Republican Caucus will join us today in making a choice to protect victims of sexual assault by voting to suspend the rules to consider this amendment. Only by voting to suspend the rules to consider this amendment will we be able to ensure that Pennsylvania's civil justice system works for those who have suffered among the most egregious wrongs – victims of sexual assault. This amendment gives the body the opportunity to make the right choice about who should be protected by our civil justice system.

The SPEAKER. The gentleman will suspend.

Mr. DERMODY. I urge all members to vote to suspend the rules and protect victims of sexual assault.

The SPEAKER. The gentleman will suspend; the gentleman will suspend.

Mr. DERMODY. Thank you, Mr. Speaker.

The SPEAKER. On the question of suspension of the rules, does the gentleman, Mr. McGeehan, seek second recognition?

Mr. McGEEHAN. Mr. Speaker, the majority leader wants to hear the facts and here are the facts: Those who are victims of sexual assault will not be covered under the bill as it currently exists.

Mr. TURZAI. Objection.

The SPEAKER. The gentleman will suspend; the gentleman will suspend.

Mr. McGEEHAN. That is a fact.

The SPEAKER. The gentleman will suspend.

Mr. TURZAI. Objection, Mr. Speaker.

The SPEAKER. The question before the House is, shall we suspend the rules for the consideration of an amendment?

Mr. McGEEHAN. Thank you, Mr. Speaker.

Mr. Speaker, I beg the Chair's pardon for my passion, but having been stifled last week and the gravity of this amendment got the better of my emotions, and I apologize to you and to the House.

The SPEAKER. The Speaker thanks the gentleman.

Mr. McGEEHAN. Mr. Speaker, the facts remain: Without this amendment being inserted, without a vote of suspension of the rules, victims of sexual assault will not be protected under this bill, and I urge—

Mr. TURZAI. Objection.

Mr. McGEEHAN. —an affirmative vote for the suspension of the rules.

The SPEAKER. The question is, shall the House suspend the rules?

On that question, the Speaker recognizes the gentleman, Mr. Schroder.

Mr. SCHRODER. Thank you, Mr. Speaker.

Mr. Speaker, I, too, ask for a "no" vote on the suspension of the rules. We are fully prepared to debate the underlying issues of this bill on the merits when the appropriate time comes and

when the appropriate people are recognized. Whether it is that issue or a number of other issues that will be brought up, we are prepared to debate it. We are prepared to provide answers to the questions and issues that are raised. I believe it is time to move on and get to the business at hand here. Thank you.

The SPEAKER. On the question, shall the House suspend the rules for the consideration of amendment A01222?

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

The following roll call was recorded:

YEAS—94

Barbin	DePasquale	Keller, W.	Petrarca
Bishop	Dermody	Kirkland	Preston
Boyle, B.	DeWeese	Kortz	Ravenstahl
Boyle, K.	Donatucci	Kotik	Readshaw
Bradford	Evans, D.	Kula	Roebuck
Brennan	Fabrizio	Longietti	Sabatina
Briggs	Frankel	Mahoney	Sainato
Brown, V.	Freeman	Mann	Samuelson
Brownlee	Galloway	Markosek	Santarsiero
Burns	George	Matzie	Santoni
Buxton	Gerber	McGeehan	Shapiro
Carroll	Gergely	Mirabito	Smith, K.
Cohen	Gibbons	Mullery	Smith, M.
Conklin	Goodman	Mundy	Staback
Costa, D.	Haluska	Murphy	Sturla
Costa, P.	Hanna	Murt	Thomas
Cruz	Harhai	Myers	Vitali
Curry	Harkins	Neuman	Wagner
Daley	Harper	O'Brien, D.	Waters
Davidson	Hennessey	O'Brien, M.	Wheatley
Davis	Hornaman	Parker	White
Deasy	Johnson	Pashinski	Williams
DeLissio	Josephs	Payton	Youngblood
DeLuca	Kavulich		

NAYS—108

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

NOT VOTING—0

EXCUSED—1

Bear

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

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

The SPEAKER. The question is, will the House agree to the bill?

On that question, the Speaker recognizes the gentleman, Mr. Schroder.

Mr. SCHRODER. Thank you, Mr. Speaker.

Mr. Speaker, this is a great and exciting day because today we will complete the first step of the restoration of the Fair Share Act here in Pennsylvania. Once signed into law, HB 1 will restore an element of fairness to our justice system that for too long has victimized large and small employers alike, our hospitals, and our State and local governments, all in the name of high contingency fees for trial lawyers.

The SPEAKER. The gentleman will suspend; the gentleman will suspend.

For what purpose does the gentleman, Mr. Pashinski, rise?

Mr. PASHINSKI. Mr. Speaker, I humbly apologize to you. I did indicate to the gentleman up there that I wanted to make a motion to suspend the rules for the consideration of A01083.

The SPEAKER. The gentleman was not recognized to make a motion. The gentleman, Mr. Schroder, had the floor. I think it is the custom of the House to allow – I probably erred on the first one by not allowing the prime sponsor of the bill to be recognized first; however, the gentleman does have the floor.

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

The SPEAKER. You will be recognized at the appropriate time.

The gentleman, Mr. Schroder, may proceed.

Mr. SCHRODER. Mr. Speaker, our current joint and several rule destroys the fairness of our comparative fault system contained in Pennsylvania's comparative negligence statute. It creates unfairness and uncertainty in our civil justice system and wreaks havoc upon those trying to bring economic hope and opportunity to Pennsylvania. For these reasons, joint and several liability must be replaced so that defendants only pay their fair share of a verdict as opposed to being required to pay 100 percent of the damages when in fact they are liable for only a small fraction of those damages.

Let us begin by acknowledging that only nine States still hold to the doctrine of joint and several liability the way Pennsylvania does. Those that moved away from it have done so because its intent to, quote, "make the victims whole" has been grossly distorted by greed. The all-or-nothing doctrine of contributory negligence in place at the turn of the last century provided the foundation for justifying joint and several liability. Under the contributory negligence doctrine, a plaintiff who was even partially at fault for his or her own injury was totally

barred from recovery. In 1978 Pennsylvania moved to remedy the harsh consequences of this all-or-nothing contributory negligence rule and began to apply comparative fault principles. Under comparative fault, now a plaintiff who was partially to blame for their own injury is not barred from recovery, but will have his or her recovery reduced in proportion to the individual's share of fault for the harm. There is, therefore, a theoretical conflict between joint and several liability, which initially assigns to a joint defendant liability that is not in proportion to his fault—

The SPEAKER. The gentleman will suspend; the gentleman will suspend.

PARLIAMENTARY INQUIRY

The SPEAKER. For what purpose does the gentleman, Mr. Pashinski, rise?

Mr. PASHINSKI. Rule 77 indicates that point of order may be recognized, Mr. Speaker.

The SPEAKER. You may interrupt for a point of order.

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

The SPEAKER. State the point of order.

Mr. PASHINSKI. I am asking for suspension of rules on A01083.

The SPEAKER. The gentleman will suspend. That is not a point of order.

Mr. PASHINSKI. Rule 77 says that the rules may be temporarily suspended at any time.

The SPEAKER. If the gentleman will just hold on just a second, I will read you the rules. Rule 11, "Interruption of a Member Who Has the Floor. A member who has the floor may not be interrupted, except for questions of order," — which is what I allowed you for — "by a motion to extend session" — which would be like suspension of the 11 o'clock rule — "or by a motion for the previous question."

Mr. PASHINSKI. I am just referring to rule 77, Mr. Speaker, which says any time.

The SPEAKER. The Speaker just read the rule that says you are allowed to interrupt for a point of order, to extend session, or to move the previous question. Those are the only motions that would be in order. Do you have a further parliamentary inquiry?

Mr. PASHINSKI. No, Mr. Speaker.

I thank you very much for your ruling. I thank you very much. I would appreciate, though, when we make that note and I am recognized that I know that I am in order to speak.

Thank you, sir.

The SPEAKER. The gentleman, Mr. Schroder, has the floor and may proceed.

Mr. SCHRODER. Thank you, Mr. Speaker.

Mr. Speaker, because I have been interrupted twice now, I am going to go back and review a little bit of what was said previously, just so it is not missed or lost upon the General Assembly. Those States that have moved away from joint and several liability have done so because its intent to make the victims whole has been grossly distorted by greed. The all-or-nothing doctrine of contributory negligence in place at the turn of the last century provided the foundation for justifying joint and several liability. Under the contributory negligence doctrine, a plaintiff who was even partially at fault for his or her

own injury was totally barred from recovery. The plaintiff had to be totally without fault to obtain said recovery.

In 1978 Pennsylvania moved to remedy the harsh consequences of the all-or-nothing contributory negligence rule and began to apply comparative fault principles. Under comparative fault, a plaintiff who is partially to blame for his or her own injury is not barred from recovery but will have his or her recovery reduced in proportion to that individual's share of fault for the harm. There is, therefore, a theoretical conflict between joint and several liability, which initially assigns fault to a joint defendant, liability that is not in proportion to his or her fault, and comparative negligence, which apportions responsibility according to the relative fault of all the parties to the injury-causing event. Joint and several liability has also been justified on the ground that each defendant's tortious conduct is a legal cause of the entirety of the plaintiff's injury. Of course, with the adoption of comparative fault, the plaintiff, who was comparatively negligent, is also the legal cause of the entirety of the injury, but I doubt you will be hearing that little legal fact from opponents of the bill today. There is a growing trend toward the abrogation of joint and several liability rule, where the rule is replaced by the proportionate liability rule. Under proportionate liability, a defendant's liability is limited to that part of the plaintiff's award which corresponds to the defendant's portion of the fault contributing to the plaintiff's injury.

Every day in cases throughout this Commonwealth, deep-pocket defendants are being brought into cases solely for the purpose that the 1 percent needed to place them on the hook for 100 percent of the risk. This forces them to settle and pay rather than risk a catastrophic verdict. The rule of joint and several liability is not fair nor rational, because it fails to equitably distribute liability. Joint and several allows those most responsible for injury to escape the consequences of their actions. While compensation of injured persons is of importance in the law of accidents, justice requires not only compensation but compensation that is fair. Juries think they are doing the defendants the right thing by finding only a small percentage of damage to those defendants who really did not cause the harm or much of the harm, but let us remember that juries are not informed of the concept of joint and several liability, and therefore, have no idea that a minimally or partially liable defendant might have to pay the entire verdict.

Now, some may point to the Uniform Contribution Amongst Tortfeasors Act, which allows a defendant in that situation to initiate a lawsuit against the other defendants to recover moneys it paid out beyond its percentage share, as the defendant's recourse. But that remedy is simply a paper tiger which forces a minimally liable defendant to have to expend litigation costs, on top of the verdict it already unfairly had to pay, to go after its codefendants. Now, you will hear from almost every opponent of the bill today lamenting the possibility of a victim not being fully compensated under the Fair Share Act and under proportional liability. Let us not forget, however, that in our imperfect system of justice, this already happens. But is it not interesting, Mr. Speaker, that not one of them that we will hear from today lamenting this situation with plaintiffs not being fully compensated, not one of them offered an amendment to limit or reduce the 30- to 40-percent contingency fees charged off the top of the award to the plaintiff? That, Mr. Speaker, would be the quickest and easiest way to get additional

compensation to the victim, but you are not going to hear anyone discuss that today.

It also must be understood that plaintiffs are not the only victims in many lawsuits. Over the years defendants have been victimized by the search for deep pockets. Merely by being named in a suit, they often settle out of fear of meeting the 1-percent threshold that could put them on the hook for the entire verdict. In addition to fairness, joint and several's impact on employers, job creation, and our economy are the other reasons why we must make this change. In one recent Harris survey, an overwhelming majority – 68 percent – of executives at major U.S. employers said a State's lawsuit climate impacts important decisions, such as where to locate or expand their business. According to organizations representing our small businesses in Pennsylvania, 6 out of every 10 businesses feel they would be able to increase revenues if they were assured that they would be protected from frivolous lawsuits. Now, what would they do with those increased revenues? Well, 80 percent would improve their facilities or purchase new equipment; 76 percent would increase compensation to employees; 69 percent would expand the market for what they offer; 65 percent would increase benefits offered to employees; 63 percent would hire additional employees, something that we cannot afford to overlook in this economic climate; 56 percent would develop new products or services.

Now, we also know that about 27 percent of small business owners involved in lawsuits report that they either had no insurance coverage or inadequate insurance coverage. About a third of those reporting legal disputes reported cases taking more than a year to settle, while 16 percent reported cases taking more than 2 years. Two-thirds of our small business owners report that they make business decisions to avoid lawsuits; 23 percent say those decisions have forced them to cut employee benefits, and 11 percent say those decisions have forced them to lay off employees.

For consumers, hidden lawsuit taxes increase prices across the board, from higher insurance rates to the cost of consumer goods to inflated health-care costs and high malpractice insurance rates. It can also result in reduced access to critical professional services, fewer jobs, and fewer product innovations. Taxpayers pay the price for lawsuits filed against our schools, municipalities, and our Commonwealth. This reform is also critical to maintaining health care and long-term care systems that provide ongoing access for the frail, sick, and elderly for quality care in Pennsylvania.

The Pennsylvania Health Care Association reports that providers and their employees are under attack by out-of-State law firms trying to cripple an industry that cares for the most vulnerable of our population. Law firms are targeting them because they are located in Pennsylvania, which has one of the nation's most favorable climates for trial lawyers and lawsuits. Pennsylvania's personal injury lawyers recently suggested that partial repeal of joint and several liability would raise the likelihood that more small businesses would be brought into these types of lawsuits. Mr. Speaker, small businesses have led the fight nationally to repeal joint and several liability rules. Their efforts have been successful in over 40 States. Nowhere has there been a call by small business owners to repeal these meaningful civil justice reforms.

In claiming that the Fair Share Act will cost State taxpayers money in the form of increased Medicaid costs, the trial bar cannot produce any verifiable data – none – to validate their claim. There simply is no precedent upon which to base numbers about cases that have not yet been brought and damages that have yet to be awarded. And this concern has not materialized in any of the 41 States that have modified or repealed joint and several liability. Now, Mr. Speaker, we will hear today, as we heard last week, about how we should not change long-standing common law originating with the common law in England as it was brought over to our shores. Well, that did not stop the legislature from abandoning the harsh contributory negligence that was brought over by common law when we enacted the comparative negligence statute in the 1970s. Just as we abandon the harsh law of contributory negligence, so too must we abandon the harsh, unfair doctrine of joint and several liability. Mr. Speaker, I ask for a "yes" vote on HB 1. Thank you.

The SPEAKER. The question is, will the House agree to the bill?

On that question, the Speaker recognizes the gentleman, Mr. Pashinski.

Mr. PASHINSKI. Thank you very much. A01083 deals with senior citizens being exempted from this portion of HB 1. Senior citizens do not have the ability to recoup their losses once they are victimized.

The SPEAKER. The gentleman will confine the remarks to the bill before us.

MOTION TO SUSPEND RULES

Mr. PASHINSKI. Well, I would like to make a motion to suspend the rules again, sir, so we could discuss the senior citizen amendment.

The SPEAKER. The gentleman is moving to suspend the rules for consideration of what amendment?

Mr. PASHINSKI. A01083 exempts senior citizens age 65 or older—

The SPEAKER. The gentleman will suspend; the gentleman will suspend.

The gentleman, Mr. Pashinski, has moved that the House rules be suspended for the consideration of amendment A01083.

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

The SPEAKER. On that question, the Speaker recognizes the gentleman, Mr. Pashinski, on the question to suspend the rules.

Mr. PASHINSKI. Mr. Speaker, I would like to make a motion again to suspend the rules to protect the senior citizens age 65 or older to be exempt from this provision of HB 1.

The SPEAKER. The gentleman will suspend. Your remarks should be confined to the reasons that we should suspend the rules and not the subject of the amendment. If the House votes to suspend the rules, then the discussion of the specifics of the amendment would be in order.

Mr. PASHINSKI. Thank you, Mr. Speaker.

I am recommending this because this House has historically supported people that have been victimized or harmed. I am suggesting, sir, that this amendment be thoroughly discussed

and vetted so that we can understand completely what will occur if HB 1 does indeed pass. Those people that are 65 and older, in the twilight years of their life, have no ability to recoup the losses—

The SPEAKER. The gentleman will suspend.

Mr. TURZAI. Objection, Mr. Speaker.

The SPEAKER. You are debating the substance of the amendment and not the reason why we should suspend the rules. The Speaker would ask the gentleman confine his remarks to the reason we should suspend the rules.

Mr. PASHINSKI. Thank you, Mr. Speaker.

My amendment was filed properly and I was cut off from debate.

The SPEAKER. The Speaker thanks the gentleman.

On the question of suspension of the rules, the Speaker recognizes the gentleman, Mr. Schroder.

Mr. SCHRODER. Thank you, Mr. Speaker.

Mr. Speaker, nowhere in our civil law that I am aware of are seniors treated differently or differentially than any other litigant. Seniors have the same rights.

The SPEAKER. The gentleman will suspend.

I have to hold you to the same standard. We are not debating the substance of the amendment.

Mr. SCHRODER. I understand, Mr. Speaker; I apologize for that. I am asking to oppose the suspension of rules. Am I in order to give the reasons why or does that wait?

The SPEAKER. You go as far as you can go.

Mr. SCHRODER. I am not trying to cross any—

The SPEAKER. I know. The Speaker recognizes that. I just would suggest that the member should confine the remarks to the purpose why we should or should not suspend the rules. We are not to debate the substance of the amendment.

Mr. SCHRODER. I appreciate that, Mr. Speaker. I would just once again ask for a "no" vote on the suspension of rules. Thank you.

The SPEAKER. The Speaker thanks the gentleman.

On the question of suspension of the rules, the Speaker recognizes the minority leader, Mr. Dermody.

Mr. DERMODY. Thank you, Mr. Speaker.

Mr. Speaker, we should suspend the rules so that we can protect senior citizens and not wrongdoers. I hope the Republican Caucus joins us all today in suspending the rules so that we can protect the senior citizens and not wrongdoers.

Thank you, Mr. Speaker.

The SPEAKER. The Speaker thanks the gentleman.

On the question of suspension of the rules, the Speaker recognizes the majority leader, Mr. Turzai.

Mr. TURZAI. Thank you very much.

It might help with respect to a motion to suspend to understand that a motion to suspend is not a privileged motion under rule 55. The fact of the matter is, when you move to suspend a rule, you are abrogating other rules that are set forth in our rules that were promulgated in January 2011 by unanimous votes in the House of Representatives. When we passed those rules, every single member had an opportunity to review those particular rules. Under rule 55, under "Privileged Motions," there are eight motions for which you can move that have to be taken into account immediately. Of those eight, one of them was specifically adopted that allowed for moving the previous question, and there are reasons to in fact move the

previous question. We had a full – if I might, Mr. Speaker? – a full and fair debate, and the previous question passed this House and is completely appropriate under the rules that were adopted by every single individual in this chamber.

Now, when you move to suspend the rules, which is not a privileged motion—

Mr. DERMODY. Mr. Speaker?

The SPEAKER. For what purpose does the gentleman, Mr. Dermody, rise?

Mr. DERMODY. I do not believe we are speaking about the motion to suspend right now, Mr. Speaker.

The SPEAKER. The Speaker recognizes the point the gentleman, Mr. Dermody, is making. I think he is in the context of the rules and leading to an argument as to why we should not suspend the rules. I am going to give him a little more leeway since the speaker is clearly talking about the rules that we operate under. I am going to give him a little more leeway.

Mr. TURZAI. When you move to suspend, as is being done here, one of our rules that is being suspended is rule 24, again, adopted by every single person in the House. Rule 24 says that amendments are not to be considered on third consideration. There are good policy reasons for that. The fact of the matter is, they are not to be considered on third consideration because on second consideration you can either flesh out those amendments or you can use one of the privileged motions to end debate if it seems that there had already been significant discussion. We had significant discussion last Wednesday with respect to the policy merits going positive and minus with respect to joint liability reform. The fact of the matter is, the motion to suspend here is designed to abrogate rule 24, rule 21, and our fiscal note requirements. We should not be suspending the rules to be considering amendments on third consideration when this body has already made its decision through appropriate votes on the underlying amendments and on motions on second consideration last Wednesday.

I would urge everybody to vote "no" on the motion to suspend and to not abrogate any of the rules that are set forth in our rules that were promulgated unanimously in January 2011. Please vote "no" on the motion to suspend to keep the rules in check as they have been voted on by every member here.

The SPEAKER. The question is, will the House suspend the rules?

On that, the Speaker recognizes the gentleman, Mr. Pashinski, for the second time.

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

May I point out that the reason I requested the suspension of rules is because last Wednesday I was denied to present this amendment, which was following the rules. Not only was I denied to present this, but the senior citizens 65 years and older that all of us represent were denied this opportunity for that bipartisanship that we had talked about, that I heard the majority leader say the very first day when we were sworn in: This is what I am looking forward to, sir. It is 112 to 91; what is the harm to allow us to fully debate this issue so that everyone can be represented, especially those 65 years and older, those people who do not have the opportunity to recoup in case they are the victim?

The SPEAKER. The gentleman will suspend.

Mr. PASHINSKI. Yes, Mr. Speaker.

The SPEAKER. You were doing pretty good there for a minute. You are drifting off a little bit. Has the gentleman concluded?

Mr. PASHINSKI. It is amazing when you have the power of that button.

I just want to say to you, Mr. Speaker, I thank you very much and I really appreciate your having to control debate here, but last Wednesday there were several of us that filed our amendments in a timely fashion that are indeed germane and appropriate. The amendment that I deal with is very important to those people that I represent, just like all of you do. I was hoping that we could have a suspension of the rules just to completely debate the issue, allow me to present the issues that I believe are important, and then let the democratic process take place. Let the vote take place.

The SPEAKER. The Speaker thanks the gentleman.

Mr. PASHINSKI. Thank you, Mr. Speaker.

The SPEAKER. The question is, shall the House suspend the rules?

On that question, those in favor—

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

The SPEAKER. For what purpose does the gentleman, Mr. Hanna, rise?

Mr. HANNA. On the motion to suspend the rules.

The SPEAKER. The gentleman is not in order. The majority leader is in order if he chooses.

Mr. DERMODY. May I yield? May I yield?

The SPEAKER. Does the gentleman, Mr.—

Mr. DERMODY. Thank you, Mr. Speaker.

The SPEAKER. No; you cannot. Once you have spoken, you are the only one that can use the authority of the leader's podium.

Mr. DERMODY. I may be recognized twice, correct?

The SPEAKER. You may; you may.

Mr. DERMODY. Mr. Speaker?

The SPEAKER. On the question of suspension of the rules, the gentleman, Mr. Dermody, is recognized.

Mr. DERMODY. Mr. Speaker, we should suspend the rules today because we have no choice and we were offered no choice because you used the nuclear option by moving the previous question and shutting off debate. The only way for us, the only ability we have to debate these issues is if we suspend the rules today. And I believe that the rules provide for open debate here and so does the Constitution in the speech and debate clause. We have been deprived of those rights because of implementation of moving the previous question in that rule.

The only opportunity we have and the only alternative we have to debate this is to suspend the rules, and that is why you should allow us to vote to suspend the rules.

The SPEAKER. The Speaker thanks the gentleman.

The question is, will the House suspend the rules for the consideration of amendment A1083?

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—92

Barbin	DeLissio	Kavulich	Petrarca
Bishop	DeLuca	Keller, W.	Preston
Boyle, B.	DePasquale	Kirkland	Ravenstahl
Boyle, K.	Dermody	Kortz	Readshaw
Bradford	DeWeese	Kotik	Roebuck
Brennan	Donatucci	Kula	Sabatina
Briggs	Evans, D.	Longietti	Sainato
Brown, V.	Fabrizio	Mahoney	Samuelson
Brownlee	Frankel	Mann	Santarsiero
Burns	Freeman	Markosek	Santoni
Buxton	Galloway	Matzke	Shapiro
Caltagirone	George	McGeehan	Smith, K.
Carroll	Gerber	Mirabito	Smith, M.
Cohen	Gergely	Mullery	Staback
Conklin	Gibbons	Mundy	Sturla
Costa, D.	Goodman	Murphy	Thomas
Costa, P.	Haluska	Myers	Vitali
Cruz	Hanna	Neuman	Wagner
Curry	Harhai	O'Brien, D.	Waters
Daley	Harkins	O'Brien, M.	Wheatley
Davidson	Hornaman	Parker	White
Davis	Johnson	Pashinski	Williams
Deasy	Josephs	Payton	Youngblood

NAYS—110

Adolph	Fleck	Maher	Reese
Aument	Gabler	Major	Reichley
Baker	Geist	Maloney	Roae
Barrar	Gillen	Marshall	Rock
Benninghoff	Gillespie	Marsico	Ross
Bloom	Gingrich	Masser	Saccone
Boback	Godshall	Metcalfe	Saylor
Boyd	Grell	Metzgar	Scavello
Brooks	Grove	Miccarelli	Schroder
Brown, R.	Hackett	Micozzie	Simmons
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	Hennessey	O'Neill	Taylor
Day	Hess	Oberlander	Tobash
Delozier	Hickernell	Payne	Toepel
Denlinger	Hutchinson	Peifer	Toohil
DiGirolamo	Kampf	Perry	Truitt
Dunbar	Kauffman	Petri	Turzai
Ellis	Keller, F.	Pickett	Vereb
Emrick	Keller, M.K.	Pyle	Vulakovich
Evankovich	Killion	Quigley	Watson
Evans, J.	Knowles	Quinn	
Everett	Krieger	Rapp	Smith, S.,
Farry	Lawrence	Reed	Speaker

NOT VOTING—0

EXCUSED—1

Bear

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

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

The SPEAKER. On that question, the Speaker recognizes the gentleman, Mr. Marsico.

Mr. MARSICO. Thank you, Mr. Speaker.

House Republicans have promised Pennsylvanians that we will improve the climate in the Commonwealth with respect to liability issues. Our Commonwealth is in dire need of significant tort reform, and today we have the opportunity to make a huge step in the right direction by voting "yes" on HB 1, the Fair Share Act.

Today we send a message to everyone that Pennsylvania will no longer be one of a small handful of States that cling to a strict system of joint and several liability, which has long been antiquated and decades past its usefulness. No longer will defendants who are found to be minimally liable for the injuries to the plaintiff be required to pay for the damages that others have influenced.

Mr. Speaker, HB 1 reforms that fundamentally unfair system and requires that each defendant bear the cost of their own actions and does not hold defendants liable for the actions of others. Furthermore, Mr. Speaker, many of the opponents of HB 1 claim that this is an issue of victims versus business. And that, Mr. Speaker, fails to address the root problem and big picture of this issue. The issue is much bigger than victims versus business, because the cost, the cost of the current lawsuit lottery system inflicts great harm on many victims. Those victims, Mr. Speaker, are the entire population of this Commonwealth.

The current system, which encourages the search for the deep pockets, not only affects businesses and health-care providers but also encourages lawsuits against the Commonwealth, local governments, civic organizations, churches, and community groups. Yes, Mr. Speaker, the Pennsylvania Attorney General also supplied a letter indicating that each year the Commonwealth is sued several hundred times. It is my belief, that is shared by many of my colleagues, that HB 1 is essential to Pennsylvania's taxpayers because it is all of us who end up paying the price for the lawsuits filed against our Commonwealth, municipalities, the police departments, and schools in the form of higher taxes.

Furthermore, Mr. Speaker, Pennsylvanians are further burdened by the system we currently have in place because runaway litigation jeopardizes their jobs, and the men and women in our communities are afraid to operate a business because of the fear and potential of lawsuits and litigation.

The bottom line is that outrageous lawsuit abuse is impeding Pennsylvania's economy, business growth, and overall fiscal well-being. It is time to make significant changes. The Fair Share Act is not a General Assembly initiative; this is a fundamental fairness issue that many Pennsylvanians are truly concerned about. And make no mistake, the vote we are about to take today is for significant tort reform. A vote against this bill is a vote for the status quo. If you vote "no" on the Fair Share Act, you are telling the Pennsylvania citizens that you believe the current system is working. If you feel like I do and understand and appreciate that the current system is flawed and in dire need of significant reform, then vote "yes" on the Fair Share Act.

Mr. Speaker, nearly 14,000 small business owners and over 700 organizations support HB 1, and only two organizations are against HB 1, and they are the Trial Lawyers of Pennsylvania and the Pennsylvania AFL-CIO. The Fair Share Act is a major step in the right direction. I ask for an affirmative vote to HB 1. Thank you.

The SPEAKER. The question is, will the House agree to the bill?

MOTION TO SUSPEND RULES

The SPEAKER. On that question, the Speaker recognizes the gentleman, Mr. Longietti.

Mr. LONGIETTI. I rise to make a motion, Mr. Speaker.

The SPEAKER. The gentleman will state his motion.

Mr. LONGIETTI. I move that the House suspend its rules for immediate consideration of amendment A01087.

The SPEAKER. The gentleman, Mr. Longietti, has moved that the rules of the House be suspended for the consideration of amendment A01087.

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

The SPEAKER. On that question, the Speaker recognizes the gentleman, Mr. Longietti.

Mr. LONGIETTI. Thank you, Mr. Speaker.

Mr. Speaker, it is important that we suspend the rules today for consideration of amendment A01087. This amendment was timely filed. We had second consideration on Wednesday of amendments and we just heard from the gentleman from Allegheny County that amendments need to be considered on second consideration. However, even though this amendment was timely filed, the majority decided to move the previous question, thereby cutting off all debate and all consideration of this amendment. The only way to remedy that, the only way to remedy that is to suspend the rules now so that we can consider this amendment.

You know, we heard the gentleman from Dauphin County talk about promises that were made to Pennsylvanians. Well, there were a lot of promises that were made in the last few months. One of those promises is that we would have debate on this floor of the House of Representatives, that we would have up-or-down votes on amendments, that they would be given consideration, that we would have transparency. Yet, here we are, we need to suspend the rules in order to remedy that. If we are going to fulfill those promises, we have to suspend the rules, because debate was cut off on second consideration, Mr. Speaker.

Mr. Speaker, it is important, it is important to us because so many of us have stood for transparency, have talked about that leading up to the last campaign, about the need for transparency, the need to have debate, the need to consider ideas. And here we are today, and the only way to do that, the only way to fulfill those promises is to suspend the rules and to consider this amendment. Moving the previous question, as what happened on Wednesday, is a very blunt instrument. It should be used very, very sparingly. Yet here we are, and it has already been used three times in the last several months since we have had a new majority in this body.

Mr. Speaker, if we are really going to stand behind our words, if we are really going to stand for the opportunity to have a fair debate, then we are going to have to either stop moving the previous question or we are going to have to suspend the rules so that we can consider these amendments on third consideration. If we are going to take up a measure as important as this measure is, and everybody has talked about how important this particular bill is, whether you are for it or against it—

The SPEAKER. The gentleman will suspend.

For what purpose does the gentleman, Mr. Metcalfe, rise?

Mr. METCALFE. Thank you, Mr. Speaker.

Mr. Speaker, I think the gentleman is going far afield to instruct us on what we are going to need to do in the future to prevent this type of action. I think he should stick to why we should suspend the rules and not be far afield, where he is instructing all of us on what we should not do in the future with moving to the previous question.

The SPEAKER. The Speaker thanks the gentleman and would encourage the member to focus on the reasons to suspend the rules and not the long-standing practices of the House.

Mr. LONGIETTI. It is vitally important that we consider this amendment today because debate was cut off. Debate and any opportunity to consider this amendment was cut off. If we as a body are going to stand here and cut off debate on an important amendment like this, then the only way, the only way to consider it is by a suspension of the rules. So that is why I offer a suspension of the rules today. This legislation is too important for us to take a slipshod approach to considering this without considering amendments like amendment A01087. We do not want to pass a bill out of this chamber, like the bill in front of us, without consideration of amendments like my amendment, without any debate on them. That would be a foolhardy approach. It would be a foolhardy approach, and it would weaken the message to Pennsylvanians about what we stand for as a body. So it is imperative, Mr. Speaker, that we suspend the rules, that we have a fair debate, that we consider this amendment; otherwise, we will rue the day that we pass this bill without consideration of important amendments like amendment A01087.

So I urge my colleagues who have all stood for transparency – who all stood and made remarks like remarks saying that we will have a fair debate, we will vote measures up and down – to give me a chance, to give me the opportunity to offer A01087, and the only way that I can do that since I tried on second consideration and debate was cut off, the only way I can do that is by a suspension of the rules.

So, Mr. Speaker, I urge a positive vote on the suspension of the rules.

The SPEAKER. The Speaker thanks the gentleman.

On the question of suspension of the rules, the Speaker recognizes the gentleman, Mr. Schroder.

Mr. SCHRODER. Thank you, Mr. Speaker.

Mr. Speaker, I understand the gentleman's concern and I do feel the gentleman's pain, just like we all felt the pain when in December of 2009 the Democratic majority called the previous question on the table games legislation that night. So, Mr. Speaker, I believe that before we get into too much self-righteousness, before we get into too—

The SPEAKER. The gentleman will suspend.

Let us try to stay on why we should suspend, and we do not need to discuss history too much.

Mr. SCHRODER. Mr. Speaker, with all due respect, I do believe that that is directly relevant to why we should not suspend, but I will, as always, heed the Speaker's admonishment and I will therefore just ask that we vote "no" to suspend the rules. Thank you.

The SPEAKER. The Speaker would acknowledge that the prior speaker did open the door to that debate, but I do not think that it is productive for us to go down that road.

The question is, will the House suspend the rules?

On that question, the Speaker recognizes the minority leader, Mr. Dermody.

Mr. DERMODY. Thank you, Mr. Speaker.

Just briefly, I would like to remind the last speaker that we debated table games 3 days. You give us 3 days and we will be okay. You give us 3 days on this, we will work all the amendments in. This amendment is important, and we need to suspend the rules for this amendment because it saves the taxpayers a great deal of money. It preserves joint and several liability when the Commonwealth or a political subdivision—

The SPEAKER. The gentleman will suspend.

Mr. DERMODY. —is a victim.

The SPEAKER. We will give you the brief description, but—

Mr. DERMODY. It preserves joint and several when the Commonwealth or a political entity is a victim. Why would you want to leave a school district with a school construction contract holding the bag when one of the builders or those involved with construction is judgment proof? The taxpayers need to be protected. The Representative from Mercer is trying to protect taxpayers.

The SPEAKER. The gentleman will suspend.

For what purpose does the gentleman, Mr. Schroder, rise?

Mr. SCHRODER. I just respectfully request that you admonish the gentleman. He had gone far afield of appropriate discussion of suspending amendments.

The SPEAKER. The Speaker thanks the gentleman and would remind the members that we will try to keep it focused on the question at hand; however, we do customarily allow the two floor leaders to drift a little bit.

Does the gentleman, Mr. Dermody, wish to continue?

Mr. DERMODY. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The question is, shall the House suspend the rules?

On that question, the Chair recognizes the majority leader, Mr. Turzai.

Mr. TURZAI. Thank you, Mr. Speaker.

I would ask that everybody please oppose this motion to suspend. Sir, this is not an issue of transparency. The Judiciary Committee had an extensive hearing with respect to joint liability and questions with respect to it. Quite a few amendments were offered in a separate Judiciary Committee vote, which was held after the Judiciary informational meeting. Numerous amendments were considered last Wednesday and there was significant debate with respect to the underlying merits, pro and con, of joint liability reform. Please vote "no" on suspension. Thank you very much.

The SPEAKER. The question is, will the House suspend the rules?

On that question, the Speaker recognizes the gentleman, Mr. Longiotti, for a second time.

Mr. LONGIETTI. Thank you, Mr. Speaker.

Mr. Speaker, once again it is imperative that we suspend the rules and consider A01087. The fact that both sides of the aisle have now been admonished for going far afield of their comments shows why, because we have not had a debate on this amendment. We have to have a debate on the amendment. You can see both sides of the aisle desire that. They have both tried to work it into their comments but were unable to do that because we are on third consideration, because debate was cut off prematurely on second consideration.

It is imperative that we suspend the rules and that we have a fair debate on this amendment that everybody seems to want to debate, and the only way that we can do that is by suspending the rules. So if we are all going to live up to our promises to have transparency, to have debate, to have up-or-down votes, then we must suspend the rules and consider this amendment once and for all.

Thank you, Mr. Speaker.

The SPEAKER. The Speaker thanks the gentleman and would note that I do not know that I would characterize it as an admonishment yet; these were just cautions. The admonishments will come later if necessary.

The question is, shall the House suspend the rules for consideration of amendment A01087?

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

(Members proceeded to vote.)

LEAVE OF ABSENCE

The SPEAKER. The Speaker returns to leaves of absence and recognizes the minority whip, who asks for a leave of absence for the gentleman, Mr. WHEATLEY, from Allegheny County for the remainder of the day. Without objection, the leave will be granted.

CONSIDERATION OF HB 1 CONTINUED

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

The following roll call was recorded:

YEAS—91

Barbin	DeLissio	Kavulich	Petrarca
Bishop	DeLuca	Keller, W.	Preston
Boyle, B.	DePasquale	Kirkland	Ravenstahl
Boyle, K.	Dermody	Kortz	Readshaw
Bradford	DeWeese	Kotik	Roebuck
Brennan	Donatucci	Kula	Sabatina
Briggs	Evans, D.	Longiotti	Sainato
Brown, V.	Fabrizio	Mahoney	Samuelson
Brownlee	Frankel	Mann	Santarsiero
Burns	Freeman	Markosek	Santoni
Buxton	Galloway	Matzie	Shapiro

Caltagirone	George	McGeehan	Smith, K.
Carroll	Gerber	Mirabito	Smith, M.
Cohen	Gergely	Mullery	Staback
Conklin	Gibbons	Mundy	Sturla
Costa, D.	Goodman	Murphy	Thomas
Costa, P.	Haluska	Myers	Vitali
Cruz	Hanna	Neuman	Wagner
Curry	Harhai	O'Brien, D.	Waters
Daley	Harkins	O'Brien, M.	White
Davidson	Hornaman	Parker	Williams
Davis	Johnson	Pashinski	Youngblood
Deasy	Josephs	Payton	

NAYS—110

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

NOT VOTING—0

EXCUSED—2

Bear Wheatley

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

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

The SPEAKER. On that question, the Speaker recognizes the gentleman, Mr. George.

Will the gentleman suspend.

GUESTS INTRODUCED

The SPEAKER. The Speaker has been asked to introduce a couple other guests that are with us today. From Grove City Borough, I believe in the balcony, we have Mayor Randy

Riddle and his wife, Sallie; council member Patrick Chapman; and assistant borough manager, Will Rose. They are guests of Representative Dick Stevenson. Will our guests please rise and be recognized. Welcome to the hall of the House.

CONSIDERATION OF HB 1 CONTINUED

The SPEAKER. On the question, the gentleman, Mr. George, is recognized.

Mr. GEORGE. Thank you, Mr. Speaker.

Mr. Speaker, if I may, off the moment and deviating a little, I am very happy to be standing here for the first time. And I am wondering if you remember when you were a freshman, I was a chairman of the Mines and Energy, what a pain in the eye you were to me once in a while? So I would just caution you that I am old and weary and maybe you will take it a little easy on this old boy. I am your neighbor, you know?

The SPEAKER. How much butter are you going to put on this bread?

Mr. GEORGE. Well, you know, I served with your dad, God bless him, and I served with you. I know you and I know you are a nice guy, but take it a little easy once. I am going to be here long enough that the next time we are in the majority, I am going to run for Speaker. If you are still here, I will be nice to you.

Now, Mr. Speaker, what I want to do is I want to agree with the sponsor of this bill to a degree. And you are going to say, what is the purpose you stand? Thank you for being flexible. I agree that we should have a degree of fairness, absolute fairness to all, not just to some that have been named or specified as the sole responsible entity. Mr. Speaker, you and I come from a rural area where things are very tough, and I want to put some of that responsibility and degree of fairness on the poor rascal that suffered the pain and the loss and the problem. I am not just worried about those who are paying. You would be just exactly like me, because you are a good guy. If you were down here, you would be worried about the individual that had his water lost, that had the Marcellus drilling, and it is not about Marcellus—

The SPEAKER. The gentleman will suspend.

Mr. GEORGE. I knew that would come, I just thought it would come a little earlier.

The SPEAKER. Well, you were nice to me the first couple minutes in committee back all those years ago, but I think I got shut down a few times.

Mr. GEORGE. Mr. Speaker, I was as nice to you as your daddy. I knew that you were just a nice kid from Jefferson that did not know a lot in those days, but look—

The SPEAKER. The gentleman will focus his remarks on HB 1.

Mr. GEORGE. But look now, you are my boss and I am going to respect you seriously, as I do. Mr. Speaker, I want to try to amend this bill. I understand the purpose of some, but again, Mr. Speaker, I have been here 38 years and there is not anyone in here, Republican or Democrat, that I do not personally like. I do like each and every one of us. We all have our own problems, but we are not here to be supportive of a group, unless the group is our people. I would like an opportunity to run A01089 because it would protect—

The SPEAKER. The gentleman will suspend.

Mr. GEORGE. Oh, I got two today.

MOTION TO SUSPEND RULES

The SPEAKER. Are you making a motion to suspend the rules for the consideration of an amendment?

Mr. GEORGE. Please.

The SPEAKER. Would you repeat the number of that amendment, please?

Mr. GEORGE. It is A01089, Mr. Speaker.

The SPEAKER. The gentleman, Mr. George, has moved that the House suspend the rules for consideration of amendment A01089.

On the question,

Will the House agree to the motion?

The SPEAKER. On the question of suspension of the rules, the Speaker recognizes the gentleman, Mr. George.

Mr. GEORGE. My fine colleague, Mr. Speaker, most seriously and all my heart, I thank you for being patient with me. As you know – and I knew you would chuckle – that I have no grievance against anybody or anything, but I believe there is not a Democrat over here or a Republican over there that down in their hearts and in their minds they want fairness. That is why I am saying to you: I want this bill that would protect victims of wrongdoing when it involves extraction storage or transportation of natural gas.

When individuals of companies operating on that—

The SPEAKER. The gentleman will suspend. You need to confine your remarks to the purpose, why we should suspend the rules, and not the substance of the amendment.

Mr. GEORGE. Well, we would suspend the rules, Mr. Speaker, as I said, so we can have as your sponsor said, fairness, but I want to carry it one step further. I want fairness on those or that individual that has been harmed on either himself, his person, or his property. I want the potential harm paid for by those that were responsible for it, no matter who, how, or how many. They have the ability to pay first and collect from their codefendants later in this bill. Most Pennsylvanians do not have that same resource.

So, Mr. Speaker, I will make it easy for you and I will make it easier for the responsible people in here that believe as I do that that guy back home trusts us, so I am asking you to vote "yes" on that amendment. Thank you.

The SPEAKER. The Speaker thanks the gentleman.

The question is, shall the House suspend the rules for the consideration of amendment A01089?

On that question, the Speaker recognizes the gentleman, Mr. Schroder.

Mr. SCHRODER. Thank you, Mr. Speaker.

I just rise to ask for a "no" vote on suspension so that we can get to the underlying issues of the bill. Thank you.

The SPEAKER. The Speaker thanks the gentleman.

The gentleman, Mr. Dermody, on the question of suspension.

Mr. DERMODY. Mr. Speaker, may I yield to Representative Hanna, the whip?

Mr. HANNA. I promise I will be brief.

The SPEAKER. The Parliamentarian advises me that generally if the majority leader is present that yielding is not exactly the common custom; however, given that you are yielding to the minority whip, we will certainly acquiesce to that.

The gentleman, Mr. Hanna, is recognized on the question of suspension of the rules.

Mr. HANNA. Thank you, Mr. Speaker.

Mr. Speaker, we need to consider why we are here today, why we are in this situation, and the clear answer to that is our rules are designed to allow for an orderly debate. Last week when we had the opportunity for an orderly debate on second consideration, the nuclear option was imposed. All debate was cut off just some 2 hours after we started the debate. The nuclear option was imposed. I want my friends on the other side of the aisle to think about that. I mean, over the course of just a few short months, we have seen motions on germaneness and now we have seen the nuclear option, cutting off all debate by moving the previous question. I think we have seen it three times now in just a few short months.

I challenge you to look back over the years and see where it has ever been used to that extent. It is truly the nuclear option. We are supposed to be the People's House. We are supposed to have the opportunity to debate. We were denied that opportunity last week. That is why we find ourselves in this position today.

With this particular amendment, Mr. Speaker, the exception for hazardous substances currently in the bill will never apply to natural gas operations because the reference law—

The SPEAKER. The gentleman—

Mr. HANNA. —presently excludes—

The SPEAKER. The gentleman will—

Mr. HANNA. —natural gas operations.

The SPEAKER. —suspend. Confine your remarks to the reasons why we should suspend and not on the merits of the underlying amendment.

Mr. HANNA. Without this amendment, that hazardous sites exclusion that is currently in HB 1 will not cover natural gas industries, and that is what the purpose of the George amendment is and that is why we need to do that. Mr. Speaker, again I remind everyone that we are in this situation because debate was cut off last week after just 2 short hours, probably not more than a handful of amendments. We should have the opportunity to debate these things.

Let me remind you that a famous person once said, "I do not really care to do clever procedural maneuvers. I would rather us have straightforward, civil policy debates to recognize the differences and then to let democracy take hold. You can vote "yes" or you can vote "no" and we still can be friends afterwards and we can still hold our heads high with respect to the citizens of Pennsylvania." I am quoting the majority leader when I say that.

I submit to you that we can no longer hold our heads high if we are going to cut off debate every time we do not like a particular amendment. I urge you to vote "yes" on suspension of the rules so that we can consider the George amendment.

Thank you, Mr. Speaker.

The SPEAKER. The Speaker thanks the gentleman.

The question is, shall the House suspend the rules?

On that question, the Speaker recognizes the gentleman, Mr. Turzai.

Mr. TURZAI. Thank you very much.

Sir, the reference to moving the previous question; in this session that has only been used once, and it is specifically set forth in rule 55. It has only been used once since we have been in the majority and that was on Wednesday. It was also an appropriate use. The rule is in the rules for a reason. The fact of the matter is, joint liability reform has been debated in

significant fashion in the Judiciary Committee in an informational meeting, in committee when they defeated certain amendments and had discussion on that, and on the House floor where there was full discussion with respect to amendments. Keep in mind, joint liability has also been debated in detail in 2002, 2005. A vast majority of the Democratic leadership voted for the underlying language, which I assume we are going to get to here shortly. Let us just by way of comparison, since I need to respond to the door that had been opened by the minority whip, the fact of the matter is, there are a variety of ways that the opposing party, when they were in the majority in the last 4 years – we have not used any gut-and-replace at all. A gut-and-replace is you put in different language that knocks out all amendments. We have never used a gut-and-replace. Or it would be sent to Appropriations where a gut-and-replace, which is a questionable practice, while the move for the previous question is specifically put forth in rule 55.

The gentleman would like to have his cake and eat it too. But the fact of the matter is, every single person in this chamber voted for the rules that were promulgated in January, and the rules provide for a motion for the previous question, and the majority of the members here voted to move the previous question after significant debate on other amendments. I think that there was significant justification for it. I think it is interesting, you know, you always go to procedure when you are not winning on the merits. The fact of the matter is, we are ready to vote on the underlying bill, and this individual and every member of this House will have the opportunity to vote "yea" or "nay" on the underlying bill. The pros and cons of that bill have been debated in significant fashion.

Please vote "no" on the motion to suspend so that we can get to the underlying bill. Thank you.

The SPEAKER. The question is, will the House suspend the rules?

On that question, the Speaker recognizes the gentleman, Mr. Hanna, again.

Mr. HANNA. Thank you, Mr. Speaker.

Mr. Speaker, when I said that it has been used three times in the last several months, I of course was including the two times last fall when members of the majority party were still in the minority but used the opportunity to move the previous question twice after the election last year.

The SPEAKER. I think you supported it those two times though.

Mr. HANNA. On the motion to call the previous question, I am not sure you are correct. I would be happy to look at the record.

But in any event, it was used three times by the Republicans over the course of the last several months. In fact, if we look back over the course of the last several decades, Mr. Speaker, we will see that it has always been considered the nuclear option and never used with that degree of frequency. The majority leader continues to say that we voted unanimously for the rules. I would remind him that when we did so, rule 24 and rule 77 were included in the rules. If you read those rules together, clearly it allows for the opportunity for a motion to suspend so that amendments may be considered on third and final consideration. That is what this motion is. It is necessary because debate on this issue was cut off last week, and we request that all members support the motion to suspend so that we may get to the debate on this amendment.

Thank you, Mr. Speaker.

The SPEAKER. The Speaker thanks the gentleman.

LEAVE OF ABSENCE

The SPEAKER. The Speaker returns to leaves of absence and recognizes the minority whip, who requests a leave of absence for the gentleman, Mr. Dwight EVANS – he is from Philadelphia County – for the remainder of the day. Without objection, the leave will be granted.

CONSIDERATION OF HB 1 CONTINUED

The SPEAKER. The question is, shall the House suspend the rules for the consideration of amendment A01089?

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

The following roll call was recorded:

YEAS—90

Table listing names of members who voted 'YEAS' (90 total). Includes names like Barbin, Bishop, Boyle, B., etc.

NAYS—110

Table listing names of members who voted 'NAYS' (110 total). Includes names like Adolph, Aument, Baker, Barrar, etc.

Table listing names of members who were present or absent. Includes Keller, M.K., Pyle, Vulakovich, etc.

NOT VOTING—0

EXCUSED—3

Table listing names of members who were excused: Bear, Evans, D., Wheatley.

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

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

(Bill analysis was read.)

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

On that question, the Speaker recognizes the gentleman, Mr. Neuman. The gentleman yields to the minority leader on the bill. On the question, will the House agree to the bill? The Speaker recognizes the gentleman, Mr. Dermody. Mr. DERMODY. Thank you, Mr. Speaker. Mr. Speaker, I wonder if the maker of the bill would stand for interrogation?

The SPEAKER. The gentleman indicates he will. You may proceed. Mr. DERMODY. Thank you, Mr. Speaker. Mr. Speaker, as I read HB 1, the bill repeals all of existing Title 42, section 7102. Is that correct? Mr. SCHRODER. I believe you are talking about the existing comparative negligence statute? Mr. DERMODY. That is correct. Mr. SCHRODER. It repeals and reenacts parts of it; that would be correct.

Mr. DERMODY. Okay. The current law repealed section 7102, and the new section being added by the bill, section 7102.1, includes a subsection (b). Both the current law and the law proposed in the bill use the same heading for subsection (b), which is, "Recovery against joint defendant; contribution." Beyond that, however, there do appear to be some differences between the two subsections. I would like to ask you some questions about those two subsections so we might be able to understand some differences.

There is a new phrase added to paragraph one of the subsection in the law proposed by the bill. The new phrase in the first line of the subsection (b)(1) is "where recovery is allowed against more than one person." What is the legal difference between the new phrase "where recovery is allowed against more than one person" on page 4, lines 8 and 9, and the phrase "where recovery is allowed against more than one defendant", which is the first sentence in subsection (b) of the current law?

Mr. SCHRODER. Thank you, Mr. Speaker.

Mr. Speaker, I do not read any difference into it. A defendant is a person, you know, in the lawsuit.

Mr. DERMODY. So as "person" is used in the bill, it is one and the same with "defendant"? Is that what you are saying?

Mr. SCHRODER. In that particular instance that you are citing, I am saying that the term "person" and "defendant" would be interchangeable.

Mr. DERMODY. Okay. Well, the new phrase talks about a person against whom recovery is allowed, and it currently talks about defendants against whom recovery is allowed. Are we allowing recovery against more people who are not defendants in the lawsuit?

Mr. SCHRODER. I am sorry; you tailed off at the end. Are we allowing recovery—

Mr. DERMODY. Are we allowing recovery against more people who are not defendants in the lawsuit?

Mr. SCHRODER. The answer to that would be no, Mr. Speaker.

Mr. DERMODY. On page 4, lines 9 and 10 of the bill, the new subsection (b)(1) uses the phrase "liability is attributed to more than one defendant." What does that phrase mean when used together with the phrase we just discussed "where recovery is allowed against more than one person"?

Mr. SCHRODER. I am sorry, Mr. Speaker. I know you said page 4, but where did you specifically—

Mr. DERMODY. Page 4, lines 9 and 10.

Mr. SCHRODER. Sorry; I was looking at the wrong page. Just give me a moment.

Mr. DERMODY. No problem.

Mr. SCHRODER. Okay. Page 4, lines 9 and 10, Mr. Speaker, if I am not mistaken, is the section that we just discussed about whether "defendant"—

Mr. DERMODY. Yeah.

Mr. SCHRODER. —and "person" were interchangeable.

So what is your question from that?

Mr. DERMODY. Well, what does that mean? That phrase says "where recovery is allowed against more than one defendant", and then the phrase we just discussed is "where recovery is allowed against more than one person." What does it mean when they are used together? Is it the same thing?

Mr. SCHRODER. Mr. Speaker, I do not believe, as I said, that there is a difference to the extent "person" is used versus "defendant" previously. I think it is a distinction without a difference.

Mr. DERMODY. As I continue to compare the language of the two subsections, I notice that existing Title 42, 7102(b) does not contain the phrase "including...strict liability," but in the new subsection proposed in the bill, the phrase is added. Why is the phrase "including...strict liability" being added? What is the effect legally and otherwise?

Mr. SCHRODER. Well, Mr. Speaker, the only thing I can say is it means what it says on its face, and that is that strict liability, actions in strict liability or strict liability that is attributed to a defendant are included in this particular section that you are referencing.

Mr. DERMODY. Well, so we are expanding this to beyond negligence. Is that correct?

Mr. SCHRODER. To the extent that it covers strict liability.

Mr. DERMODY. Well, strict liability is not a negligence claim. There is no negligence—

Mr. SCHRODER. I was about to finish, Mr. Speaker. To the extent that we are covering strict liability here, that would be correct.

Mr. DERMODY. Current law talks about contribution and ratios to the amount of causal negligence. The language of the proposed section (b)(1) does not include the phrase "causal negligence" or the word "negligence." Does the section apply where a defendant's liability results from negligence?

Mr. SCHRODER. Mr. Speaker, I must apologize. With some of the noise in the room, I did not hear the whole question.

Mr. DERMODY. In the current law—

The SPEAKER. The gentleman will suspend. The House will come to order. The members will hold their conversations to a minimum.

Mr. DERMODY. The current law talks about contribution and the ratio of the amount of causal negligence. The language of the proposed new section of (b)(1) does not include the phrase "causal negligence," or even the word "negligence" does not appear for that matter. Does the proposed subsection apply in cases where the defendant's liability results from his negligence?

Mr. SCHRODER. I am sorry; where the defendant's liability is what?

Mr. DERMODY. From his negligence.

Mr. SCHRODER. Yes.

Mr. DERMODY. Does not appear in the subsection. "Negligence" does not appear there.

Mr. SCHRODER. I see—

Mr. DERMODY. "Causal negligence" is no longer there.

Mr. SCHRODER. I see the change that you are talking about from the original statute, which I have before me, but I think it would be liability, whether that liability is strict liability or liability resulting from negligence.

Mr. DERMODY. And the other thing, you mean you only mention strict liability? Any other things included here?

Mr. SCHRODER. I do not believe so.

Mr. Speaker, to attempt to further answer your question and clarify, my answer stands: strict liability and negligence. I would point out that the term "causal negligence" is used under the previous section, under 7102.1(a). But no, it would be actions and strict liability and negligence, is what this change would apply to.

Mr. DERMODY. But it does not say "negligence" in (b). We are not talking about (a); we are talking about (b).

Mr. SCHRODER. I understand that it does not use the term "negligence," but it is certainly covering actions in negligence as well as strict liability.

Mr. DERMODY. Mr. Speaker, I thank you for that answer. Mr. Speaker, I am sure you are aware there are a number of statutes on the books today, I believe 33 of them, where joint and several liability is imposed are referred to in a relevant way. In Title 75 of the Vehicle Code, section 1574 says the owner of a car is "...jointly and severally liable with the driver for any damages caused by..." the driver if the driver was not legally allowed to drive the car; for instance, if the person did not have a license. In Title 30, which pertains to fish and trout, Fish and Boat – fish and trout; I am thinking of Mike Hanna – Fish and Boat, section 5504, says that the owner of a boat is jointly and severally liable with any other person that the owner allows to use the boat for damages arising as a result of the operation of the boat.

In Title 68, which pertains to real property, there are various provisions – sections 3304, 4304, 5304 – imposing joint and several liability on original developers and their affiliated successors in condominiums, co-ops, and planned communities. In Title 62, the Procurement Code, section 4504 imposes joint and several liability on any participant in a bid-rigging scheme. In the Surface Mining Conservation and Reclamation Act, section 3 says that if there are multiple operators of the surface mining operations, they are jointly and severally liable for compliance with the law. Section 3.1 imposes joint and several liability with the owner on independent contractors who are in charge of the surface mining operation for the owner's violation of the law.

In the Oil and Gas Act, section 11 says that a person who provides products or services to a well is jointly and severally liable with the well owner for violations of the law caused by his actions at the well site.

In the Municipal Waste Planning, Recycling and Waste Reduction Act, section 103 says that if there are multiple operators of a solid waste processing or disposal operation, they are jointly and severally liable for compliance with the law.

In the Pennsylvania Election Code, section 1769 imposes joint and several liability for the costs on all petitioners in a contested nomination or election cases if the court finds that the contest is without probable cause.

And there are various provisions in the Pennsylvania Securities Act – sections 501, 502, 503 – imposing joint and several liability on brokers, agents, sellers, and purchasers of stock for violations of the law.

Is it not true that under the rules of statutory construction, all these provisions will be abrogated if this bill becomes law?

Mr. SCHRODER. Mr. Speaker, that is not true at all, and I will cite a couple reasons. First of all, under the "General rule" under "Comparative negligence," it states that "In all actions brought to recover damages for negligence..., and this piece of legislation does not repeal or does not vitiate those different titles that you specifically referenced where joint and several liability is specifically given or enunciated in those areas. So I would, first of all, congratulate you on locating numerous other exceptions to the legislation that do not fall in or are covered under the Fair Share Act.

Mr. DERMODY. Mr. Speaker, statutory construction says that each section must be taken separately. It does appear in (a). That does not say anything. We are talking about section (b). And, for example, if you remember or recall when we did the Right-to-Know Law, we included a safe harbor provision there; that is, the bill— If you will, it said that the bill did not change specific provisions in existing law with respect to what documents were to be considered public documents. The thought was that there were a number of places in existing law where we had made a determination that a particular class of documents should be kept confidential, and we did not want unintended consequences of the new law overriding those well-thought-out prior determinations. I am assuming that same thought process went on here, but I do not see any savings clause or any safe harbor clause in this legislation that would ensure that those sections of the statute are not abrogated.

Mr. SCHRODER. Mr. Speaker, I did not know whether you were done with your question.

Mr. DERMODY. Does the bill include a safe harbor provision?

Mr. SCHRODER. Mr. Speaker, it is our studied belief that such provisions are not necessary in this piece of legislation to protect and prevent the abrogation of those different titles that you have just enunciated and mentioned.

Mr. DERMODY. The final question for section (b)(1) pertains to the last line in the subsection on page 4, lines 14 and 15. The language reads, "...and other persons to whom liability is apportioned...." Current law does not include reference to those other persons. Who are these other persons that are going to have liability apportioned to them? Can you give me some examples of who they might be?

Mr. SCHRODER. They would be joint tortfeasors who settled prior to trial is who they would be.

Mr. DERMODY. Only the joint tortfeasors?

Mr. SCHRODER. And any settling defendant, Mr. Speaker.

Mr. DERMODY. Well, could it be apportioned to any absent tortfeasor?

Mr. SCHRODER. I am sorry; I did not—

Mr. DERMODY. Could it be apportioned to any absent tortfeasor?

Mr. SCHRODER. For liability to be apportioned under subsection (c), they have to be a party and entered into a release.

Mr. DERMODY. Thank you, Mr. Speaker.

Mr. Speaker, can we move on now to subsection (b)(3), proposed subsection (b)(3) on page 4, line 21, of the bill, which purports to reinstate the existing law of joint and several liability with respect to certain enumerated actions. Are you talking about reinstating joint and several with respect to any single defendant in the actions that are being accepted or all of the defendants in the actions that are being accepted?

Mr. SCHRODER. Thank you for that question, Mr. Speaker.

You are under the exceptions in subsection (3), correct? Just so I am sure where we are.

Mr. DERMODY. Yes; (b)(3).

Mr. SCHRODER. Okay. Under the first exception, "Intentional misrepresentation," that would be only the defendant who was found to engage in that intentional misrepresentation would joint and several be subject to. With number (ii), "An intentional tort" exception, only the defendant who was found to commit the intentional tort. In number (iii), "Where a defendant has been held liable for not less than 60%...." In other words, the 60-percent threshold, it would only be that defendant who is found to be joint and severally liable when they are 60 percent or more determined to be at fault.

Now, under sections (iv) and (v), section (iv), "A release or threatened release of a hazardous substance...." Under those causes of actions, all defendants would be subject to joint and several liability. Under section (v) regarding the so-called dram shop exception, all defendants under that cause of action would be subject to joint and several liability under that exception.

Mr. DERMODY. My question would be, where in the bill does it say that?

Mr. SCHRODER. It says that in section (3), exceptions (i), (ii), (iii), (iv), and (v). And I would also just add that—

Mr. DERMODY. I have seen that, but it does not say that; it says "defendant."

Mr. SCHRODER. With all due respect, exceptions (iv) and (v) cite specific causes of action, and that is why all defendants in those causes of action would be subject to joint and several liability. The other exceptions only reference specific defendants.

Mr. DERMODY. The lead-in language in that section says "a defendant."

Mr. SCHRODER. It does say "a defendant."

Mr. DERMODY. And that would lead anybody reading this section to believe any defendant who was involved. If there are four defendants, which defendant? I do not see any of the things you have just described in this statute.

Mr. SCHRODER. Mr. Speaker, if you look at line 21, it says, "A defendant's liability in any of the following actions shall be joint and several..." and then it talks about "...and against the defendant for the total dollar amount awarded as damages." So under (i), (ii), and (iii) exceptions that we just went over, it would be limited to those particular defendants who meet that exception.

Mr. DERMODY. So in (iv) and (v), you are saying it is all defendants. Is that correct?

Mr. SCHRODER. Yes, because they are written and speak in terms of causes of action.

Mr. DERMODY. I do not think it says that either, Mr. Speaker.

Mr. SCHRODER. I believe it plainly says that.

Mr. DERMODY. Mr. Speaker, the bill here certainly does not make that clear. I believe most any intelligent person reading that will find it does not make that clear whether it is a defendant, the defendant, or what they would be responsible for through all those subsections.

Mr. SCHRODER. Well, Mr. Speaker, was that a question? Or argument, I guess.

Mr. DERMODY. Excuse me, Mr. Speaker; I will be right with you.

I think one or two final questions. With respect to the exception for the release of hazardous substances, lines 1 through 4 on page 5, I just want to make sure that the Hazardous Sites Cleanup Act contains a specific exception from its provisions for oil and gas. So fracking liquids or other wastewater issues arising from Marcellus drilling would not be included in this exception. Is that right?

Mr. SCHRODER. Mr. Speaker, I do not have the Hazardous Sites Cleanup Act before me to reference that.

Mr. DERMODY. So you are saying you do not know whether or not Marcellus drilling would be— What is included then?

Mr. SCHRODER. It all depends on whether it falls within the definition of "hazardous waste," Mr. Speaker, and I assume the statute speaks for itself on that.

Mr. DERMODY. Thank you, Mr. Speaker.

The SPEAKER. Has the gentleman concluded his interrogation?

The question is, shall the bill pass finally?

On that question, the Speaker recognizes the lady from Montgomery County, Ms. Harper.

Ms. HARPER. Thank you, Mr. Speaker.

On the bill?

The SPEAKER. The lady is in order.

Ms. HARPER. Thank you, Mr. Speaker.

How to vote on HB 1 has troubled me greatly this past weekend, and I was not sure what I was going to do. Most of my colleagues on this side of the aisle will be voting for the bill, and I wanted to vote for the bill, but I find myself unable to do that. This is because although this bill is called tort reform, I have been around long enough to know that not everything called a reform is actually an improvement over the current

situation; in this case, not actually an improvement over hundreds of years of jurisprudence in Pennsylvania.

One of my colleagues pointed out that most of the chambers of commerce are in favor of this bill, and further, that few groups are opposed to it. Perhaps this is because there are no organized lobbyists for people who are about to be seriously injured by the carelessness of others.

When I hit a certain age, AARP sent me a birthday card and invited me to join. They said, you are about to be in our group; join us. But there is no such organization and no such notice for people who are about to be in an accident, people who are about to be injured by the carelessness of others. Instead, they rely on us to watch out for them.

Now, when we were sworn in in January, we all swore to support, defend, and obey the Constitution and laws of the Commonwealth and this country, and I believe all of us intend to do that. I even believe that HB 1 is offered with an intention of helping those people that we represent. I just do not think it is going to do that.

Now, when I got sworn in, I also made a pledge to myself to do two other things. First, do no harm. Second, beware of the law of unintended consequences. Quite frankly, HB 1 and a vote in favor of it violates both of those principles. HB 1, well-meaning as it is, if passed in its current form will violate the Hippocratic oath; first, do no harm. It will unquestionably lead to injured people who a jury has already determined are deserving of a fair share of damages from the people responsible for their injury not getting the fair share that a jury has apportioned to them – unquestionably.

In addition, HB 1 has nothing to do with frivolous lawsuits or ending frivolous lawsuits. It does not come into play until a jury has determined that someone has been injured through the negligence and carelessness of others and is owed damages.

Now, the law of unintended consequences. Many of us would like to help our doctors. Doubtless, however, if this bill becomes law, many doctors will be surprised by what happens at trial. By abolishing joint liability and joint responsibility, we also abolish the incentives for a joint defense and joint payment of damages. Doubtless, doctors will be surprised to find that hospitals and medical centers have a financial incentive to point the finger of blame at the doctor, and so to avoid financial joint responsibility for the medical center or hospital, doctors will need to buy more malpractice insurance. They do not have enough to survive in a situation where the medical center will not be jointly liable, and it will be expensive and it will hurt. That is the law of unintended consequences coming home to roost.

And to those who believe that abolishing joint and several liability will somehow lead to fewer parties being sued, I think that will also have unintended consequences. Instead of fewer parties being sued, not only plaintiffs looking for responsible parties, but other defendants will have a financial incentive to pin the blame on others to deflect it from themselves. Small businesses may find that big businesses turn their defense into an attack on the small business who is also a joint defendant. Abolishing joint liability and joint responsibility for damages sets up a scenario where the defendants will be incentivized to fight with one another.

Ultimately, HB 1 will not help those we are trying to help, and it will hurt a group that a jury has already determined has been injured by the negligence or carelessness of others, because they will not get their fair share.

If you believe, as I do, that we should first do no harm, you need to vote "no" on HB 1. If you worry, as I do, about the law of unintended consequences of bills that we pass, consider the effect on parties who are now defended jointly and who will find themselves, surprisingly, in the cross hairs. I am voting "no," and I urge my colleagues to do the same. Thank you.

The SPEAKER. The question is, shall the bill pass finally?

On that question, the Speaker recognizes the gentleman, Mr. Neuman.

Mr. NEUMAN. Thank you, Mr. Speaker.

I would ask that the maker of the bill rise for brief interrogation.

The SPEAKER. The gentleman indicates he will stand for interrogation. You may proceed.

Mr. NEUMAN. Thank you, Mr. Speaker.

Mr. Speaker, you mentioned in your earlier interrogation on intentional torts that the exception only applies to those defendants who committed the intentional tort. Is that correct?

Mr. SCHRODER. That would be correct; yes.

Mr. NEUMAN. So in the instance where I rose last Wednesday and I talked about six adult mentally handicapped adults that were sexually assaulted on a bus in Westmoreland County, the bus company would not be held jointly and severally with the bus driver. Is that correct?

Mr. SCHRODER. Well, Mr. Speaker, there are a number of things that could be going on here. First of all, it would certainly apply to the bus driver. Secondly, it could also, through vicarious liability, concepts of respondeat superior, the bus company could still very well be on the hook for all of the damage that was done by the driver.

Mr. NEUMAN. And where is that exception in the bill? I only see intentional torts.

Mr. SCHRODER. It does not have to be put in the bill, because this does not impact any of those other areas of the law that impact employer-employee type of liability.

Mr. NEUMAN. So if the bus driver is an independent contractor, how does it affect that?

Mr. SCHRODER. Well, Mr. Speaker, I will admit I am not sure how many bus drivers are independent contractors. Most of the ones that I know and am aware of would work for specific bus lines and be hired and employed by specific bus companies. But in that situation the— Well, in that situation I doubt there would be another defendant if they were independent contractors. Even if there were, however, the joint and several would only apply, I believe, to that particular defendant, and whatever insurance and assets that that defendant had or maintained would be collectable by the plaintiff.

Mr. NEUMAN. Okay. Thank you, Mr. Speaker.

Now, whenever you are in an institution – a hospital, a school – and there is a patient-on-patient rape or a student-on-student rape, how is the plaintiff that was sexually assaulted protected under joint and several liability in this bill?

Mr. SCHRODER. I am sorry; could you give those examples again? Patient on what?

Mr. NEUMAN. Patient-on-patient rape, which has been known to happen numerous times, almost every day, and also student-on-student rape, which there was an occurrence in Allegheny County just last year. How are the victims of those rapes and sexual assaults, how are they protected under HB 1?

Mr. SCHRODER. Well, they are certainly protected under the criminal laws of the Commonwealth, first and foremost, none of which is changed by HB 1. So the first and foremost

public policy consideration has to be the prosecution and the conviction and punishment of those perpetrators, none of which is impacted by HB 1.

Mr. NEUMAN. I am referring to the civil action that is going to occur after the criminal action is over. The jury is going to come back with a verdict, potentially, for a number, and they may say that the school is 40 percent liable and the student is 60 percent liable. Is the victim protected under civil law by HB 1 with joint and several liability?

Mr. SCHRODER. Mr. Speaker, it is absolutely possible that today, even under joint and several liability, that a party might not collect all of the damages that have been assigned to him or her by a jury. So while I understand your point, I do not think we should forget that today's system is not a perfect system for anyone, neither is it perfect for the plaintiff, and no one, even under joint and several liability, is guaranteed that they will have solvent defendants or enough solvent defendants or enough insurance to pay for their entire claim or entire verdict.

Mr. NEUMAN. Thank you, Mr. Speaker.

I do not mean to belabor the point, but it seems to me that your answer is, there is potential that a sexual assault victim or a rape victim will not – defendants will not be held jointly and severally liable under HB 1. Is that correct?

Mr. SCHRODER. There is the potential in today's litigation system that the plaintiff will not be able to collect all of his or her damages.

Mr. NEUMAN. That is not what I asked; I asked if they would be held jointly and severally liable.

Mr. SCHRODER. Mr. Speaker, if your concern is the collection of damages, which I assume it is under this, then my answer stands. I would also suggest that another way for that plaintiff who is victimized to collect more damages at least would be for the attorney representing that plaintiff to reduce his or her 30 to 40 percent outrageous contingency fee that would get money to the victims in the lawsuit much more quickly and efficiently than any other change.

Mr. NEUMAN. But HB 1 does not affect lawyers' contracts, does it?

Mr. SCHRODER. No, but do not tempt me.

Mr. NEUMAN. Thank you, Mr. Speaker.

Whenever you were fully vetting this bill, did you take into consideration including social hosts with the dram shop act as an exception?

Mr. SCHRODER. Mr. Speaker, it has been my understanding that the Pennsylvania Supreme Court has decreed or ruled that social host liability does not apply, so this bill does not change that.

Mr. NEUMAN. So you are saying reckless or grossly negligent activity by a social host, that they have never been held jointly and severally responsible for their actions?

Mr. SCHRODER. I am saying that the Supreme Court has ruled on this with the exception, I believe, that social host does apply in situations of minors.

Mr. NEUMAN. So I just want clarification: So social hosts will be held jointly and severally liable even if this bill passes?

Mr. SCHRODER. There is no liability, period, under current law for social hosts, and this bill does not change that.

Mr. NEUMAN. Thank you, Mr. Speaker.

Also, whenever you were considering exceptions, did you consider including reckless behavior?

Mr. SCHRODER. Mr. Speaker, reckless behavior is not included. I am not sure that the question, with all due respect, is

proper to what the maker of the bill or anyone else considered prior to its introduction.

Mr. NEUMAN. My point being, Mr. Speaker, if an activity is deemed by a jury to be grossly negligent or reckless, those defendants would not be held jointly and severally liable if this bill passes, correct?

Mr. SCHRODER. That would be correct, Mr. Speaker.

Mr. NEUMAN. Was it your intention in drafting this bill, Mr. Speaker, to exclude and allow reckless behavior and persons that commit reckless behavior to not be jointly and severally liable?

Mr. SCHRODER. Mr. Speaker, it was my intention in drafting the bill to return an element of fairness to our civil justice system that had been lost over the years, and to make sure that defendants only pay the share of liability that has been properly apportioned to them by the judge or jury. That is my intention in drafting the bill.

Mr. NEUMAN. So your intention, with all due respect, tells me that reckless – if you are an accomplice in reckless behavior, you should not be held jointly and severally for being a defendant in that case?

Mr. SCHRODER. Mr. Speaker, I believe we already asked and answered that particular question as to the effect of the bill on that issue.

Mr. NEUMAN. Thank you, Mr. Speaker.

On the bill?

The SPEAKER. The gentleman is in order on the bill.

Mr. NEUMAN. Thank you, Mr. Speaker.

I rise today, obviously, to oppose HB 1. Last week I spoke of an instance where there were six mentally handicapped adults that were sexually assaulted on a bus, and if this bill was passed, those defendants, being potentially a bus company and the perpetrator, will not be held jointly and severally liable. And the reason I know so much about this case is because one of those plaintiffs, one of those victims where the bus driver has already pled guilty to sexually assaulting them, one of those victims is my cousin. My cousin, who is mentally challenged, was sexually assaulted not once but every single day that bus driver drove her to work. That bus driver does not have insurance himself. That bus driver is not capable of paying for any compensation that comes.

This bill potentially allows a company that negligently hired, that negligently failed to supervise, that fell below numerous standards of care in the industry, it potentially allows my cousin to not be fully compensated when, in my opinion, those are victims, victims of sexual assault, victims of rape. Rapes happen in schools, rapes happen just about everywhere, that potentially could not be fully compensated.

I had people from both sides of the aisle approach me, and last week they spoke of a broad definition of "intentional tort" and the defendants that would be included. The defendants, it has narrowed since last week and now the argument is only the defendants that committed the intentional tort will be held jointly and severally liable. When it comes to sexual assault and rape, there is usually only one perpetrator. Who are you going to jointly and severally connect them to in a civil suit?

We need to understand that most cases do not go to jury. The instances where you are saying 1-percent liability, that means that it was argued and fully defended until the jury heard it. The jury is the only one that can decide who can divide up the liability. Those defendants that are 1 percent liable, their insurance rates are not going to go down. They have to defend

themselves to the end. If you want lawsuit reform, if you want reform that is sensible to protect small businesses, I would argue that this is not it. The small businesses will still have to argue and pay defense fees until the jury verdict comes.

Philosophically, a lot of people came to me and said, if you are 10 percent liable, you should only pay 10 percent. That is a compelling argument and I cannot disagree with that, but we live in reality. The reality is we have accomplice liability. If you believe in that philosophy, then I expect a bill to abolish accomplice liability to come next.

This is important that we understand this law and we understand this bill. We were not able to argue some of the amendments. My amendment was on gross negligence. There is also reckless behavior that is protected under HB 1, and now we are looking to protect businesses and institutions that negligently hire people that potentially will sexually assault and rape people.

I am voting "no" on this bill not because there does not have to be some sort of reform. I am voting "no" on this bill because it does not include gross negligence, it does not include reckless behavior, and it does not protect the victims of sexual assault and rape. Thank you.

The SPEAKER. The Speaker thanks the gentleman.

LEAVE OF ABSENCE

The SPEAKER. The Speaker returns to leaves of absence and recognizes the majority whip, who requests a leave of absence for the gentleman, Mr. DAY, from Lehigh County for the remainder of the day. Without objection, the leave will be granted.

CONSIDERATION OF HB 1 CONTINUED

The SPEAKER. The question is, shall the bill pass finally?

On that question, the Speaker recognizes the gentleman from Philadelphia, Mr. Cohen.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, the key question we have to face today is the question of who are we here for? Who are we, in the Pennsylvania House of Representatives, 330 years after William Penn came to Pennsylvania, here for? Are we here for victims or just for defendants in civil litigation? Are we here for senior citizens? Are we here for victims of sexual abuse? Are we here for buyers of defective products, users of dangerous products, and drinkers of polluted water? Or are we only here for people, corporations, and organizations who have benefited from good fortune, success, and political and economic power? Are we here in the legislature for people who have been injured and need redress, or are we here to protect the rights of civil wrongdoers to make more profits, hire more people, and perhaps do more wrongs? The fact is that there is a lot of injustice in the world, and there is a need for checks and balances in private dealings just as there is a need for checks and balances in government.

I personally do not want to tell the parents of a child seriously injured by a defective product made in a foreign country by a fly-by-night foreign manufacturer that they have no recourse because the company is out of business and insolvent while the international seller of that product earned billions of dollars in profits. I personally do not want to tell the

child or children of a parent who suffered greatly for negligence at an out-of-business nursing home that they cannot sue for redress from the national chain of service providers responsible for some of the suffering. I personally do not want to tell a victim of sexual abuse by a member of the clergy or anyone else now without assets that the perpetrator, now without assets, cannot be sued and nor can the religious organization or other organization that knew about and did little or nothing effective to stop the clergyman's sexual abuse.

I know I am not the only one who does not want to take personal responsibility for increasing the sufferings of others. Many members of the House and Senate have voted against this bill last week and today and have voted against prior versions of this bill. This bill first passed the legislature in 2002, and the Supreme Court invalidated it on procedural grounds. The second time this bill passed the legislature in 2006, Governor Rendell vetoed it.

This is not a bill that everyone is proud of, that everyone wants to take credit for, that everyone thinks is a positive step. Although I know the need, although I know how to read the board that we vote on as well as anyone else does, I still have a little bit of hope that at least some members of the majority, enough to defeat this bill, will rise to do so. We in the legislature are the guardians of the public. The average person has no lobbyist; it is up to us to represent him or her. We should exercise our responsibility to the citizens we represent in order to make the legal system that governs us all represent the average citizen too.

I urge the defeat of HB 1 for a fairer and more just Pennsylvania legal system. We do not need a wrongdoer's protection act; what we need is a victim's protection act, which is what we have in current law. Let us vote "no" on HB 1.

LEAVE OF ABSENCE

The SPEAKER. The Speaker returns to leave of absence and recognizes the majority whip, who requests a leave of absence for the lady, Ms. QUINN, from Bucks County for the day. Without objection, the leave will be granted.

CONSIDERATION OF HB 1 CONTINUED

The SPEAKER. The question is, will the bill pass finally?

On that question, the Speaker recognizes the gentleman from Cambria County, Mr. Barbin.

Mr. BARBIN. Thank you, Mr. Speaker.

I rise in opposition to HB 1 whether it is labeled the Fair Share Act or the wrongdoer's protection act. This is a matter of importance to all Pennsylvanians, and a balance should have been made to protect all interests, both personal and business. Last Wednesday and again today the process eliminated a full and civil debate. This ends-justify-the-means procedural maneuvering will undermine public confidence in government if it does not cease.

Make no mistake, HB 1 will pass today without a full and fair debate, and the Senate will modify the bill to protect both Pennsylvania businesses and the victims' respective interests. So long as winning by procedural maneuvers is viewed as more important than freedom of speech and full debate among elected Representatives, the Commonwealth of Pennsylvania will be subject to a far greater harm than the passage of this bill today.

Bad process has created a bad bill. It is bad because we do not have exceptions for sexual assault. It is bad because we do not protect seniors. It is bad because we do not protect victims as much as we protect foreign manufacturers, as much as we protect other corporate defendants that set up corporations as shells. As drafted, this bill does not even provide the benefit for which the business industry asked us to address, the 1-percent judgment becoming liable for the whole. We could have done that with the gentlelady from Montgomery's amendment, but we chose not to do it. We will have to be satisfied when this bill comes back from the Senate with that amendment in it. We should have discussed it. We should have passed it.

I would say there are two other reasons to vote "no" on this bill. Number one was a statement made at the turn of our nation, "If the freedom of speech is taken away then dumb and silent we may be led, like sheep to the slaughter." That was George Washington. The other one was the man there right behind the Speaker's podium, "Right is right, even if everyone is against it, and wrong is wrong, even if everyone is for it." That is what William Penn said.

It is wrong to limit duly elected officials' right to debate the protection of victims. If 2 hours 45 minutes is full and fair debate, where will we be next week when we have something else that is important to discuss? Will 1 hour 45 minutes be enough? Will 30 minutes be enough? Will 2 minutes be enough? You cannot allow the procedure to stop the intention of the government. We are supposed to have fair and full civil discourse, then we are supposed to vote. We did not do it this time; as a result we are going to have to rely on the Senate to do it.

I ask everyone to oppose this bill. Thank you, Mr. Speaker.

The SPEAKER. The Speaker thanks the gentleman.

The question is, shall the bill pass finally?

On the question, the Speaker recognizes the majority leader, Mr. Turzai.

Mr. TURZAI. Thank you very much.

I would urge the members to vote in favor of joint liability reform. With all due respect, this is not a bill about the exceptions that are being alleged here; this is a bill that deals simply with the civil litigation system. It is a bill that provides balance between plaintiffs and defendants. Keep in mind that when individuals commit crimes, there is a criminal system that is designed under our court system to punish criminal wrongdoers. Individuals that commit murder, that commit rape, that commit sexual assault, individuals that commit those crimes are punished after a district attorney or after an Attorney General brings a criminal case in front of a jury of their peers, and the penalties with respect to those crimes under the criminal system are significant – exceptionally significant. In fact, for many of those crimes, years and years and years from your life can be taken away as you are incarcerated, as it should be. That is in fact why we have a criminal legal system.

The fact of the matter is you can completely be against that crime – murder, sexual assault, rape – by wanting tough penalties under the criminal legal system where judges can in fact throw the book at those horrendous perpetrators, and that is true no matter what their position, no matter where they might work or what they might be as individuals. We are for a strong criminal defense and prosecution system whereby after you present your evidence and you convince a jury of their peers, that individual's liberty is taken away from them, that perpetrator, that defendant.

This bill is about the civil system, where parties can get into court to sue each other for something based on negligent action or a tortious action. This is a civil litigation system. Keep in mind, we have a criminal court system designed to put people in jail for being wrongdoers, and when the opportunity comes perhaps to increase penalties with respect to certain crimes, it will be interesting to see where people fall when dealing with the criminal court system. But this is a civil litigation system and it is how you deal when somebody hires an attorney and decides to sue somebody in a court of law to recover monetary damages.

The fact of the matter is, this bill, joint liability reform, does nothing, does nothing to prevent anybody from filing a civil lawsuit. Anybody can file a lawsuit under a meritorious claim in a court of law. This bill does not address whether or not you can file that lawsuit. You can file a lawsuit. That is what the civil system is about. All this bill does is it talks about the apportionment of damages after a civil jury decides what your measure of fault is, what your measure of fault is.

And in 1978 this legislature, like most of the States in the United States, went to a comparative fault system, and what we do is we say, what, jury, is that defendant's percentage of fault? Now, I can bring that lawsuit as a plaintiff. I can allege whatever claim I want with respect to a particular defendant or defendants, and I have got to prove my case in front of a jury on the civil litigation side, and let us say I am 40 percent at fault. Well, in terms of damages today, you can go after that person for 100 percent. Under this reform – which deals only with how we collect damages; it has nothing to do with the criminal legal system, has nothing to do with the civil litigation system's ability to file a lawsuit – it says, if a jury finds you 40 percent at fault in a civil lawsuit, they can collect 40 percent of the damages awarded from you.

Now, here is the compromise. The compromise is, and it is based on States that already have joint liability reform. Over 40 States have joint liability reform. There are some States that say, if there is a finding in a civil lawsuit of 10 percent against you, they can only get the 10 percent against you. There are some that say, if there is 65 percent fault against you, they can only get 65 percent of the damages against you. Our compromise, based on other States, including New York and New Jersey, is that we have a 60-percent threshold. If in a civil lawsuit, the jury in a civil lawsuit – not a criminal suit where your liberty can be taken from you; this is for monetary damages. If you are brought into a court of law up to 60 percent, say you are 50 percent at fault, they can collect 50 percent of whatever the damage that the jury found against you. If you are 60 percent or more at fault, they can still come after the whole 100 percent in terms of damages, because remember, joint liability, joint liability reform is about the collection of damages, not the apportionment of fault. In 1978 we went to a comparative negligence system like every State in the Union. Now 40-some States have already changed how we collect damages, and we are just getting in line with the rest of those States.

If you cannot argue on the merits, what you do is you create incendiary situations and you try to act like somehow that you are not going to prosecute criminals. By goodness, I am expecting the D.A.s and the Attorneys General to prosecute every murderer and rapist and person who does sexual assault in this State. We have extended the statute of limitations with respect to those crimes because we know how important those

prosecutions are, and I am expecting that every plaintiff has the ability to get in court if they have the meritorious claim on the civil litigation side. All we are saying here – and let us not make it something it is not; let us not be phony; let us not be disingenuous – this is not about murder or sexual assault. This bill is about how you apportion damages in a civil lawsuit.

And why do you want to pass this? I will tell you why you want to pass it, because your competing States recognize that you need a more fair legal system to create private-sector jobs; jobs, jobs, jobs. Employers do not locate here nor do they stay here nor do they expand here for a variety of reasons, but one of the most significant reasons is because Pennsylvania, unlike other States, has not undertaken a reform that is being put forth today. They tell us all the time – small businesses, larger businesses, who are all people who are providing family-sustaining jobs, who are allowing people to be entrepreneurs and to actually be able to service customers and to hire employees and to take care of vendors and to contribute to the YMCA or to contribute to the local Little League. All these individuals are people who are taking risk in creating jobs. And do you know what they have asked us to do? They have asked us to look at the damage perspective; they have asked us to look at the damage perspective and said, "Hey; can you not make it more fair like New York and New Jersey?" Not a single one of those employers has asked us not to be tough on murderers and rapists, because that is not the issue. That is fake; it is phony; it is disingenuous.

In addition, do you know who else has asked us to pass this bill? The health-care community, in droves, because they are tired of being second-guessed in a court of law. They are tired of being brought in because they are a deep pocket. A hospital, unlike a business, does not get to move. But do you know what they sometimes have to do? They sometimes have to shut down maternity wards; they sometimes do not have radiologists; they sometimes do not have neurosurgeons or people to deliver your babies; they sometimes, like Tyrone Hospital, have to consider bankruptcy, and all they have asked is that we can be a little bit more like all the other States that have passed joint liability reform over the years and give them a fair shake.

Again, they are not opposed to people having their day in court and getting a suit filed in a civil litigation. They are certainly in favor of strong prosecution on the criminal side. But the reason employers and individuals and hospitals and health-care providers are asking us to do a commonsense reform that so many other States have is because they want to do their best and they are tired of being second-guessed in a court of law and they are tired of individuals coming after their deep pockets.

Quit making this into an argument it is not. It is disingenuous. This is about private-sector jobs, this is about quality health care, and that is why there is a laundry list of employers all across the State and a laundry list of hospitals and health-care providers who are asking for this reform. They are asking you to vote "yes" on joint liability reform so that they can serve the citizens of Pennsylvania better, and they are asking for an honest debate on the merits instead of a disingenuous debate about which it is not.

Thank you very, very much. Please vote "yes" on joint liability reform.

The SPEAKER. The question is, shall the bill pass finally?

On that question, the Speaker recognizes the gentleman from Lancaster County, Mr. Sturla.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, if there is any disingenuousness in the debate, it is in claiming that as long as somebody is providing jobs, they should not be held liable with regard to hiring pedophiles. They should not be held liable with regard to their actions which cause harm to other people in the State of Pennsylvania.

This notion that we are going to solve the 1 percent here; the facts remain that there has never been a 1-percent decision in the history of the State of Pennsylvania. All these years that we have operated under the current joint and several liability system, never once has there been a 1-percent decision, not once. So if you want to pass a law that says we cannot do a 1 percent, I will vote for it, because it does not exist.

You know, we heard that this is not about the criminal system; it is about the civil system. And I agree it is not about the criminal system. Just because somebody perpetrates an act, whether it is rape or murder or any of those things, and gets punished for that, that punishes the individual that did that perpetration, but it does not do anything for the victim, nothing. The victim can be left with hundreds of thousands of dollars' worth of medical bills and the criminal system does not award them a dollar. The victim can be left with lifelong psychological scarring and the criminal system does not award them a single bit of compensation. This is about civil liability, and it is about people's responsibility to act accordingly.

Now, let me paint a scenario. Somebody in the State of Pennsylvania wants to get their house fixed up and so they call their local interior decorator and say, I want to do a lot of work at my house. I am going to be going away on vacation for a month. And the interior decorator says, do not worry about it. I know some good contractors. We will have this all taken care of when you get back. And the interior decorator goes and hires a contractor, and that contractor hires a subcontractor, and that subcontractor happens to have some illegal aliens working for them – and by the way, these illegal aliens were Canadians that were trying to avoid a national health-care system and fled to the United States – and those illegal aliens, while they are working at that person's house, decide to let some homeless person in to sleep there because they feel sorry for him, and that homeless person burns down my house. Now, the criminal system is going to say, you know what? We are going to lock up that homeless person. He burned down your house. And the criminal system is going to say, you know what? We are going to deport those Canadians. And meanwhile, the person that I gave the original responsibility to, the interior decorator, is going to say, I did not hire those illegal aliens. I did not let the homeless person in. At best you can hold me maybe 5, 10 percent responsible. But I am not going to get a dime from the homeless person and I am not going to get a dime from the Canadians and I am not going to get a dime from anyone else along the way. Now my house is leveled flat, and the criminal system did not rebuild my house and neither will this form of fair share joint and several liability.

And I could cite, if you want to, we can stay here until 11 o'clock tonight and try and list the kinds of things that can happen under this bill. I am not a lawyer, but I know that anywhere along the way in that process, if the illegal aliens had said, I am not letting the homeless guy in; if the subcontractor had said, I am not hiring the illegal aliens; if the contractor had not hired the subcontractor; if the interior designer had not hired the original contractor that led to all of this chain of events, if one of them, just one of them had said no, I might have

responsibility for that person's house in the end, and I am going to check out to see that this is being done properly. If anyone along the way had said, I am going to take responsibility for that, they could have stopped 100 percent of the loss. But what we are saying under this legislation is, they do not bear 100 percent of the responsibility; they bear a tiny portion of the responsibility.

And if we apply that same logic over on the criminal side, I really do not have much responsibility if all I do is help plan the bank robbery but I never go do it. But under our criminal system we say, you help plan it, you get charged with it. In this particular case, we are saying, it does not matter if you were part of it. You are only a little bit a part of it. You really cannot be held very much liable. That is not the way we do business here in Pennsylvania.

So you can say that this is about the guilty parties and how we divvy up the spoils among the guilty parties. HB 1 says as a general rule, and I will quote, "...the fact that the plaintiff may have been guilty of contributory negligence..." does not guarantee them full reward on the damages. That is the language of HB 1. Guilty parties are not fully guilty. I think we can do better than that.

So I will not give examples until 11 o'clock, but we have not had a full debate on this. When we did the gaming bill, there were 190 amendments and we debated for 3 full days, and that was just on gaming. We have debated a couple hours on whether or not Representative Neuman's cousin will ever get any recovery from the acts perpetrated on her.

And you can vote in favor of this bill and say, well, it is not my responsibility. You can take 1 of 112th responsibility for it. You really do not feel so bad that way. But any one of you can stand up right now and stop this from happening. I encourage a "no" vote on HB 1.

Thank you, Mr. Speaker.

The SPEAKER. The Speaker thanks the gentleman.

The question is, shall the bill pass finally?

On that question, the Speaker recognizes the gentleman, Mr. Hanna.

Mr. HANNA. Thank you, Mr. Speaker.

Mr. Speaker, I rise in opposition to HB 1. Now, the other day the majority leader said that this was a negotiated compromise. Well, we have tried hard to find who was negotiated with on this side of the aisle, and we cannot find anyone who was included in the discussion of this piece of legislation.

In addition, the prime sponsor has argued – and as we just heard from the gentleman from Lancaster – the prime sponsor has argued that this bill is to protect 1-percent defendants. Now, think about what the gentleman from Lancaster said. It was determined in a Senate hearing today, the testimony that was provided in a Senate hearing today showed that there has never, ever, ever in the history of the Commonwealth of Pennsylvania been a 1-percent defendant. There has never been one in the history of the Commonwealth of Pennsylvania. In the entire claims history, in the entire claims history of this country, there have only ever been three 1-percent defendants. So when the prime sponsor says you are voting to protect 1-percent defendants, you are simply not. That is not the case.

Now, let us just take a minute and look at what I consider three fatal flaws in this bill. First off, just the absence of the Longietti amendment. The Longietti amendment protects the Commonwealth when the Commonwealth is the plaintiff, and that is not in the bill now because we were not able to suspend

the rules today to consider it, and debate was cut off last week before we were able to consider it. But without that in the bill, our numbers show that it could easily cost the Commonwealth, on average, \$35 million a year in claims that we will no longer be able to recover.

A second fatal flaw that I see in this, section (3) says there are only five exceptions. Now, the prime sponsor has said that his reading is that the first three apply only to individual defendants. I urge you to look at section (3). It is clear that the first three and the last two are treated the same. So when the prime sponsor says to you that they are different in how they apply, that the first three apply to individual defendants and that the last two apply to defendants collectively, that simply cannot be true. Under Pennsylvania law, if the plain language of the statute says something, then the court has to give that effect to it, and in this case, the plain language of the statute does not distinguish between the first three exceptions and the last two. So we are either capturing all defendants or we are capturing a single defendant. There cannot be a division as the prime sponsor has suggested. The Statutory Construction Act on that is very clear, and as the minority leader pointed out, the language is very, very clear when you read it. So I am urging you to read it. Do not take my word for it, do not take the minority leader's word for it, do not take the prime sponsor's word for it; read the statute. Those five exceptions are all written the same way. So they are all in or they are only individually in. There is no division as the prime sponsor has suggested.

Another fatal flaw: As the minority leader pointed out, this bill does not address 33 other acts where joint and several liability is mentioned; 33 other acts where joint and several liability was included specifically by this General Assembly. We intended to define it in those 33 other acts and we mentioned it specifically in those. And what are they? I mean, one of the examples is clear. It says that under Title 75, if a driver were to give his keys to someone who is not licensed, there should be joint and several liability. Now, the prime sponsor says that those acts are unaffected. Well, again, as the minority leader pointed out, the Statutory Construction Act says that the last legislative action in time is controlling, and this act, this act today, this bill that we are looking at today does away with joint and several liability except for those five enumerated exceptions that we talked about in section (3). So if it does away with joint and several liability, it abolishes what we established in those 33 other acts, and I submit to you that is not our intention. Again, they are things like that Title 75 example I gave you; they are things like the Oil and Gas Act; they are things like the Surface Mining Act. These are specific areas where we felt joint and several liability should be included, and now they will be abrogated by this act.

Mr. Speaker, I strongly urge a "no" vote on HB 1 for all of these fatal flaws in its drafting. Thank you, Mr. Speaker.

The SPEAKER. The question is, shall the bill pass finally?

On that question, the Speaker recognizes the gentleman, Mr. DePasquale.

Mr. DePASQUALE. Thank you, Mr. Speaker.

Medical liability premiums are the highest in the nation, we are losing doctors faster than they are being replaced, and we are ranked 50th in the nation in access to emergency medical care. Is that Pennsylvania? No. That is directly from the Florida

Medical Association's Web site, a State that passed similar legislation to this in 2007. That is on their Web site right now; not mine, not any of ours. That is the Florida Medical Association's Web site advocating that they need to do more after passing this because it has not done enough.

Texas passed similar legislation to this. Did it have impact on the medical cost in Texas? Of the top 10 expensive medical care cities in the nation, three of them are in the State of Texas, and just for information, if you want to look it up, McAllen, Arlington, and Corpus Christi. So Florida and Texas have gone down this path, and it did not lower their health-care costs.

Florida passed this legislation in 2007. In 2008 their economy went into the tank. Now, I am not suggesting their economy went into the tank because they passed this legislation. I am suggesting that it did nothing to help their economy, it did nothing to lower their health-care costs, and did not help their economy, and even still today we are 3 percentage points lower in unemployment percentage in Pennsylvania than the State of Florida. In Florida you would have to figure that at least doctors would want to retire there maybe because of the weather. So if doctors are retiring at a faster rate in Florida with the weather, then what is the problem? One thing that was not the solution was this legislation before us. In fact, in Texas, in each city that I named – McAllen, Arlington, and Corpus Christi – the Medicaid cost for every patient averages over \$10,000 a year, which is a couple thousand dollars higher average than the rest of the nation. And that is in Texas, considered the capital of tort reform, which, again, passed legislation that is even more stringent than this.

Instead, if we want to look at lowering health-care costs, we should look specifically at instituting policies that will help us do what they are doing in the Cleveland Clinic and the Mayo Clinic, where they are delivering efficient, effective health care at a lower cost, and they are not putting victims at risk by doing that. Those are the types of policies we should be doing. It did not take HB 1 or that version in Ohio and Minnesota to get that done. It took working together – Democrats, Republicans, the doctor community, the medical community – working together in a bipartisan fashion to create policies that deliver effective medical care that has access and lower costs for everybody.

Instead of working together in a bipartisan fashion, what do we do here? We have votes to shut off debate, limit discussion for Democrats to actually try to propose suspending the rules on third consideration just to get amendments that we believe would have made the legislation stronger on second consideration. Why? Well, we know why, because some of those votes may have been tough votes and sometimes the majority seeks to avoid tough votes. I understand that from the political side of it, but in this era of openness and transparency where we worked so hard together these last couple terms to put more information on our Web site, where we passed good PennWATCH (Pennsylvania Web Accountability, Transparency and Contract Hub) legislation to make sure more government spending is online, and where we passed two terms ago one of the best open records law in the nation, shutting off debate to pass a failed bill is not the solution. We should be looking to the Cleveland Clinic and the Mayo Clinic for what they are doing, because that is working, and not doing what Texas and Florida are doing, because that is not working.

Mr. Speaker, I thank you for the time, and I ask my colleagues to vote "no" on HB 1. Thank you.

MOTION TO RECOMMIT

The SPEAKER. The question is, shall the bill pass finally?

On that question, the Speaker recognizes the gentleman from Philadelphia County, Mr. Brendan Boyle.

Mr. B. BOYLE. Thank you, Mr. Speaker.

I rise to make a motion.

The SPEAKER. The gentleman will state his motion.

Mr. B. BOYLE. Mr. Speaker, like many of us on both sides of the aisle, I ran on reform and transparency in government. Mr. Speaker, there have been serious questions about the openness of this debate. Therefore, I make a motion that this bill be recommitted to the Judiciary Committee to give all of us an opportunity to have an open amendment process and a fair debate.

The SPEAKER. The gentleman, Mr. Brendan Boyle, has moved that the bill be recommitted to the Judiciary Committee.

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

The SPEAKER. On that question, the Speaker recognizes the majority leader, Mr. Turzai.

Mr. TURZAI. It seems like a pretty full debate here and on Wednesday. Please vote "no." Let us move to the underlying bill and stop the stall tactics. Thank you.

The SPEAKER. On the question of recommitment, the Speaker recognizes the minority leader, Mr. Dermody.

Mr. DERMODY. Thank you, Mr. Speaker.

Mr. Speaker, the gentleman is correct. Yes, we have had a debate here today, but we were shut off from debate on Monday. We have been shut off to debate constantly, and this bill has not been vetted properly. We had several amendments that are crucial to children in this Commonwealth, the victims of sexual crimes. They are the taxpayers of the Commonwealth. They have not been able to be considered.

The gentleman is right. This bill should be recommitted and give us the opportunity to debate all the amendments that were on this bill and have a proper vetting of the bill. I support the motion to recommit. We all should vote for it in the spirit of cooperation and transparency.

The SPEAKER. The question is, shall the bill be recommitted?

On that question, the Speaker recognizes the gentleman, Mr. Brendan Boyle.

Mr. B. BOYLE. Thank you, Mr. Speaker.

And very briefly, I would just ask that all of my colleagues from both sides of the aisle who believe in transparency, who believe in open government, put actions to their words and join me in voting for this motion. Thank you.

The SPEAKER. The question is, shall the bill be recommitted?

On that question, the Speaker recognizes the majority chairman of the Judiciary Committee, Mr. Marsico.

Mr. MARSICO. Thank you, Mr. Speaker.

Just to respond to the comments by the Democrat leader, the Judiciary Committee did have a full public hearing on this issue, HB 1 – a full and fair hearing, by the way. And also, then the members of the committee, the Democrat committee and Republican members, had an opportunity to provide amendments at the committee meeting. So there was a fair hearing and a fair discussion with those opportunities for

amendments. Some were considered and they were defeated, but it was not closed at all and it was an open meeting.

So I ask that we vote "no" to reconsider the motion to send it to the Judiciary Committee. Thank you.

The SPEAKER. The question is, shall HB 1 be recommitted to the Judiciary Committee?

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

(Members proceeded to vote.)

The SPEAKER. The gentleman, Mr. Kotik, indicates that his button is not working? I would assume he wants to be recorded in the affirmative?

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

The following roll call was recorded:

YEAS—88

Barbin	Deasy	Josephs	Petrarca
Bishop	DeLissio	Kavulich	Preston
Boyle, B.	DeLuca	Keller, W.	Ravenstahl
Boyle, K.	DePasquale	Kirkland	Readshaw
Bradford	Dermody	Kortz	Roebuck
Brennan	DeWeese	Kula	Sabatina
Briggs	Donatucci	Longietti	Sainato
Brown, V.	Fabrizio	Mahoney	Samuelson
Brownlee	Frankel	Mann	Santarsiero
Burns	Freeman	Markosek	Santoni
Buxton	Galloway	Matzie	Shapiro
Caltagirone	George	McGeehan	Smith, K.
Carroll	Gerber	Mirabito	Smith, M.
Cohen	Gergely	Mullery	Staback
Conklin	Gibbons	Mundy	Sturla
Costa, D.	Goodman	Murphy	Thomas
Costa, P.	Haluska	Myers	Vitali
Cruz	Hanna	Neuman	Wagner
Curry	Harhai	O'Brien, M.	Waters
Daley	Harkins	Parker	White
Davidson	Hornaman	Pashinski	Williams
Davis	Johnson	Payton	Youngblood

NAYS—109

Adolph	Gabler	Major	Reichley
Aument	Geist	Maloney	Roae
Baker	Gillen	Marshall	Rock
Barrar	Gillespie	Marsico	Ross
Benninghoff	Gingrich	Masser	Saccone
Bloom	Godshall	Metcalfe	Saylor
Boback	Grell	Metzgar	Scavello
Boyd	Grove	Miccarelli	Schroder
Brooks	Hackett	Micozzie	Simmons
Brown, R.	Hahn	Millard	Sonney
Causer	Harhart	Miller	Stephens
Christiana	Harper	Milne	Stern
Clymer	Harris	Moul	Stevenson
Cox	Heffley	Murt	Swanger
Creighton	Helm	Mustio	Tallman
Culver	Hennessey	O'Brien, D.	Taylor
Cutler	Hess	O'Neill	Tobash
Delozier	Hickernell	Oberlander	Toepel
Denlinger	Hutchinson	Payne	Toohil
DiGirolamo	Kampf	Peifer	Trutt
Dunbar	Kauffman	Perry	Turzai
Ellis	Keller, F.	Petri	Vereb
Emrick	Keller, M.K.	Pickett	Vulakovich

Evankovich	Killion	Pyle	Watson
Evans, J.	Knowles	Quigley	
Everett	Krieger	Rapp	Smith, S.,
Farry	Lawrence	Reed	Speaker
Fleck	Maher	Reese	

NOT VOTING—1

Kotik

EXCUSED—5

Bear	Evans, D.	Quinn	Wheatley
Day			

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

On the question recurring,
Shall the bill pass finally?

The SPEAKER. On that question, the Speaker recognizes the minority leader, Mr. Dermody.

Mr. DERMODY. Thank you, Mr. Speaker.

Mr. Speaker, as I stated earlier in the week, this is not a Fair Share Act; this is a wrongdoer protection act. And as we have heard many times today over and over, we have not had an opportunity to debate this bill, and important amendments have not been allowed to be heard, and we have not taken the opportunity to improve a bad bill. We have not taken the opportunity to protect senior citizens, to protect our children, to protect victims of sexual assault, and to protect the taxpayers of the Commonwealth. That has not been allowed, and we have been shut off at every turn.

And as the debate has shown throughout the day today, this bill is poorly drafted. This bill does not do what the prime sponsor says it does. It leaves things out. It abrogates very, very important statutes that are crucial to the well-being and the safety of the people of the Commonwealth, and it has language in it that is confusing at best and just plain wrong at worst.

We can only hope that our colleagues in the Senate are paying close attention here so they can fix and change the worst parts of this bill; they can draft it properly so that it can make some sense. However, I do not believe that is possible.

Mr. Speaker, we have missed the boat with the wrongdoer protection act. We ought to be voting to protect our victims. We ought to be voting to help the people of the Commonwealth. We ought to be voting so that the people of the Commonwealth are protected and have a full opportunity to recover when they are damaged. This puts them at risk. It protects the wealthiest and the most well-off among us and takes the poorest and the most vulnerable among us and punishes them.

I ask you all, please, to vote "no."

The SPEAKER. The question is, shall the bill pass finally?

On that question, the Speaker recognizes the gentleman, Mr. Schroder.

The House will be at ease for a moment.

Mr. SCHRODER. Mr. Speaker, could I just ask for a moment to confer, please?

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

The House will come to order.

The question is, shall the bill pass finally?

On that question, the Speaker recognizes the gentleman from Lancaster County, Mr. Cutler.

Mr. CUTLER. Thank you, Mr. Speaker.

Given that some of my comments were referenced earlier, and I was looking through the preliminary Journal, I did feel it was fair to clear up some of the remarks and some of the statements made previously, particularly in regards to victims' rights and the nonadoption of an amendment on this bill.

Mr. Speaker, this bill, for me, is very simple. I spoke at great length previously about the deep pockets and the search for the deep pockets and relayed my own personal experience about how I was personally sued in a case involving a patient that was injured at a hospital that I personally worked at. The honorable gentleman from, I believe, Washington County and I have discussed about that previously, and his comment was, the system worked; the legal system worked. And I was exonerated and was soon released from the suit as soon as everyone realized that I was not liable for the patient's injuries. Mr. Speaker, I question if that procedure would have went as smoothly had I been a deep-pocket defendant. Would I have been let off just as soon?

We heard about the fallacy of the 1 percent, Mr. Speaker, and that may be true. Perhaps there are no exact cases on file in regards to a reference of 1 percent, but, Mr. Speaker, I think that we could find several where there is a significant minority defendant who is responsible for the entire judgment as it is entered into the court order. Mr. Speaker, that is the doctrine of fairness that I am looking for in this bill.

And, Mr. Speaker, while I understand the issues surrounding victims' rights and I am very compassionate towards them and their need to be made whole in this process, I do not want to miss the other group of victims that currently exists in our current system: those victims who are only 10 percent liable yet shoulder 100 percent of the bill. Mr. Speaker, they deserve equal representation in this. They deserve to be equally covered by the law in such a manner that they are also protected.

Mr. Speaker, many times what we do is nothing more than a balancing act. We balance the interests of individuals against one another, we balance the policies, and we hope to use data to make the best decisions that we can with the best data that we have at that time. Mr. Speaker, that is the goal here; that is why I am supporting HB 1, because I do believe that it is better than the alternative which currently exists, and I would certainly ask for everyone's support. And with that, I will yield, Mr. Speaker. Thank you.

LEAVE OF ABSENCE CANCELED

The SPEAKER. The Speaker notes the presence of the lady, Ms. Quinn, from Bucks County. She will be added back to the master roll call.

CONSIDERATION OF HB 1 CONTINUED

The SPEAKER. The question is, shall the bill pass finally?

On that question, the Speaker recognizes the gentleman, Mr. Schroder.

Mr. SCHRODER. Thank you, Mr. Speaker.

Mr. Speaker, I certainly appreciate the patience and the forbearance of all the members. I promise you I will not go on long here. But there has been a lot said today, much of it inaccurate, frankly, and I do think there are some things that need to be addressed and need to be rebutted before we close out this argument.

Mr. Speaker, we have heard from a couple of opponents that there has never been a 1-percent liability decision in Pennsylvania. Mr. Speaker, that is a hard proposition to either prove or disprove, because the facts are that the courts do not, the courts do not keep records as such. They do not keep records of percentage of liability of either the plaintiffs or defendants except in one area, and that is in medical malpractice cases, as a result of an act, the Mcare Act (Medical Care Availability and Reduction of Error Act) or whichever one it was we passed a few years ago.

And the other thing that you have to understand about what is called the 1-percent rule is that if in fact 1-percent liability is not being assigned against defendants in the courtroom, it is because those defendants settled out long before the case ever got to trial. Those are the defendants who were brought into the case in the first place by trial attorneys looking for a deep pocket, and they know that all that trial attorney has to do is cross that 1-percent threshold and they could be hit for a catastrophic jury verdict against them. Therefore, they are the first ones to settle out and they never get to trial, Mr. Speaker.

Mr. Speaker, I also heard an interesting comment, I believe from the gentleman from Lancaster County, a while ago who was questioning and criticizing the fact that the plaintiff has a percentage of responsibility assigned to him or her and was critical of that in HB 1. Well, Mr. Speaker, the fact of the matter is, that is current law. That is the law currently in the comparative negligence statute, and no change has been made or altered that. So I just wanted to make sure that the members understood and the record is clear that right now under the current comparative negligence statute, that a plaintiff can be and is often assigned a percentage of fault and their award reduced accordingly and proportionately.

Mr. Speaker, we also heard that doctors at trial, boy, they are going to be in for a big, rude surprise because of changes being made in the Fair Share Act. Well, Mr. Speaker, the trend today in the medical community is that many doctors, if not most now, are actually employed by the hospitals or they are employed by large group practices. So it is not the case where you have very many single doctors out there on their own that are going to be impacted by any change in this policy.

Mr. Speaker, we did hear of a heartrending and really tragic situation of a young person who was sexually victimized. But, Mr. Speaker, as terrible as that is, let us make sure that we understand how the law operates and how the law would operate under this particular legislation. Mr. Speaker, the perpetrator of that horrible incident would be joint and severally liable; there is no doubt about that. Mr. Speaker, if that bus driver was employed by a bus company, then under theories of respondeat superior, an employer/employee liability law, nothing changes the liability of that bus company under this act.

Mr. Speaker, we have heard about this act being a so-called wrongdoers protection act. Look, I will give you this much: It is a nice sound bite, okay? But, Mr. Speaker, nothing could be

further from the truth. It is absurd, it is patently absurd to conclude that by the mere fact that someone is sued in a civil case, that they are somehow a wrongdoer, an evildoer, you know, someone with evil intent. That is simply not the case. And I will tell you this much: I refuse to yield to money-hungry trial lawyers to determine the definition of "right" or "wrong" just by suing someone in a case, Mr. Speaker, because that is what that definition assumes. You are all of a sudden leaving the trial lawyer as the sole determining factor, out of their monetary interests, of whether or not someone committed wrong. Mr. Speaker, that is wrong, and that is not sustainable.

Mr. Speaker, we heard about a list of laws that specifically, that specifically place joint and several liability in certain situations, and there has been this argument made – not an accurate one – that rules of statutory construction would say that HB 1 will somehow vitiate or abrogate those laws. Mr. Speaker, let us be clear what HB 1, the Fair Share Act, applies to. It amends the existing comparative negligence statute. The comparative negligence statute applies to actions brought to recover damages for negligence, Mr. Speaker. Therefore, the changes to the comparative negligence statute affecting joint and several liability do not change or impact or abrogate any other cause of action that is currently found in the numerous laundry lists of statutes that were read previously during this debate. There is no inconsistency in interpretation, and there is no abrogation of the existing statutes.

Mr. Speaker, there has been a desperate attempt, a desperate attempt to turn HB 1 into something it is not. Mr. Speaker, to suggest that sexual offenders are not going to receive adequate punishment, to suggest that their victims will not have access to the courts in order to seek redress in the civil arena for their crimes, is just not correct. Mr. Speaker, these are intentional acts, and the individuals will be subjected to joint and several liability. And, Mr. Speaker, in many, many situations, if they are employed and this happened during course of employment, the employer will also be responsible.

So, Mr. Speaker, let us not lose sight of the fact that Pennsylvania, as I started out the debate saying today, is one of only nine States not to take this step or similar steps. Mr. Speaker, do you hear or read about the projected catastrophic results that we heard today occurring in the other 40 States of our Union? No; you do not, Mr. Speaker. That is because the other side is desperately grasping at straws in order to protect one of their favorite special interests, and, Mr. Speaker, we are not going to stand for it. We are going to return fairness, we are going to return sensibility to our civil justice system, and we are going to start that today by right now taking a vote and passing HB 1, the Fair Share Act. Thank you.

LEAVE OF ABSENCE CANCELED

The SPEAKER. The Speaker notices the presence of the gentleman, Mr. Day, from Lehigh County. His name will be added back to the master roll call.

CONSIDERATION OF HB 1 CONTINUED

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—112

Adolph	Farry	Major	Reese
Aument	Fleck	Maloney	Reichley
Baker	Gabler	Mann	Roae
Barrar	Geist	Marshall	Rock
Benninghoff	Gillen	Marsico	Ross
Bloom	Gillespie	Masser	Saccone
Boback	Gingrich	Metcalfe	Saylor
Boyd	Godshall	Metzgar	Scavello
Brooks	Grell	Miccarelli	Schroder
Brown, R.	Grove	Micozzie	Simmons
Buxton	Hackett	Millard	Sonney
Causar	Hahn	Miller	Stephens
Christiana	Harhart	Milne	Stern
Clymer	Harris	Moul	Stevenson
Cox	Heffley	Murt	Swanger
Creighton	Helm	Mustio	Tallman
Culver	Hess	O'Neill	Taylor
Cutler	Hickernell	Oberlander	Tobash
Davidson	Hornaman	Payne	Toepel
Day	Hutchinson	Peifer	Toohil
Delozier	Kampf	Perry	Truitt
Denlinger	Kauffman	Petri	Turzai
DiGirolamo	Keller, F.	Pickett	Verb
Dunbar	Keller, M.K.	Pyle	Vulakovich
Ellis	Killion	Quigley	Watson
Emrick	Knowles	Quinn	
Evankovich	Krieger	Rapp	Smith, S.,
Evans, J.	Lawrence	Reed	Speaker
Everett	Maher		

NAYS—88

Barbin	DeLuca	Kavulich	Petrarca
Bishop	DePasquale	Keller, W.	Preston
Boyle, B.	Dermoddy	Kirkland	Ravenstahl
Boyle, K.	DeWeese	Kortz	Readshaw
Bradford	Donatucci	Kotik	Roebuck
Brennan	Fabrizio	Kula	Sabatina
Briggs	Frankel	Longietti	Sainato
Brown, V.	Freeman	Mahoney	Samuelson
Brownlee	Galloway	Markosek	Santarsiero
Burns	George	Matzie	Santoni
Caltagirone	Gerber	McGeehan	Shapiro
Carroll	Gergely	Mirabito	Smith, K.
Cohen	Gibbons	Mullery	Smith, M.
Conklin	Goodman	Mundy	Staback
Costa, D.	Haluska	Murphy	Sturla
Costa, P.	Hanna	Myers	Thomas
Cruz	Harhai	Neuman	Vitali
Curry	Harkins	O'Brien, D.	Wagner
Daley	Harper	O'Brien, M.	Waters
Davis	Hennessey	Parker	White
Deasy	Johnson	Pashinski	Williams
DeLissio	Josephs	Payton	Youngblood

NOT VOTING—0

EXCUSED—3

Bear	Evans, D.	Wheatley
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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 **HB 960, PN 1028**, entitled:

An Act amending the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, providing for fraud detection system and for income eligibility verification system.

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

* * *

The House proceeded to second consideration of **HB 1251, PN 1370**, entitled:

An Act amending the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, adding definitions; and further providing for false statements, investigations and penalty and for reporting fraud.

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

Mr. **GERBER** offered the following amendment
No. **A01336**:

Amend Bill, page 1, line 3, by striking out "and"
Amend Bill, page 1, line 5, by inserting after "fraud"
; and providing for liability for false claims, for treble damages, costs and civil penalties, for powers of the Attorney General and for qui tam actions

Amend Bill, page 2, by inserting between lines 5 and 6
Section 2. Article IV of the act is amended by adding a subarticle to read:

ARTICLE IV
PUBLIC ASSISTANCE

* * *

(f.1) Medical Assistance False Claims

Section 450.1. Definitions.

The following words and phrases when used in this subarticle shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Claim." As follows:

(1) A request or demand for money or property, whether under contract or otherwise and regardless of whether the Commonwealth has title to the money or property, which meets any of the following:

(i) Is presented to an employee, officer or agent of the Commonwealth.

(ii) Was made to a contractor, grantee or other recipient and any portion of the money or property came from or was provided using Commonwealth funds or the money or property will be spent or used on the Commonwealth's behalf or to advance a program or interest.

(2) The term does not include requests or demands for money or property the Commonwealth has paid to an individual as compensation for employment or as an income subsidy with no restrictions on the individual's use of the money or property.

(3) To the extent it is not connected to a request or demand for money or property, a filing with a Commonwealth agency pursuant to the Commonwealth's insurance laws shall not constitute a claim.

(4) The term shall apply only to claims made under the medical assistance program.

"Knowingly." Whenever a person, with respect to information, does any of the following:

(1) Has actual knowledge of the information.

(2) Acts in deliberate ignorance of the truth or falsity of the information.

(3) Acts in reckless disregard of the truth or falsity of the information. Proof of specific intent to defraud is not required.

"Material." A natural tendency to influence, or be capable of influencing, the payment or receipt of money or property.

"Medical assistance program." The program established by Subarticle (f).

"Obligation." An established duty, whether or not fixed, arising from any of the following:

(1) An express or implied contract.

(2) A grantor-grantee relationship.

(3) A licensor-licensee relationship.

(4) A fee-based or similar relationship.

(5) A statute or regulation.

(6) The retention of an overpayment.

"Official use." Any use that is consistent with the law and the regulations and policies of the Office of Attorney General including the following:

(1) Use in connection with internal memoranda and reports.

(2) Communications between the Office of Attorney General and a Federal, State or local government agency or a contractor of a Federal, State or local government agency, undertaken in furtherance of an investigation or prosecution of an action.

(3) Interviews of a qui tam plaintiff or other witness.

(4) Oral examinations.

(5) Depositions.

(6) Preparation for and response to civil discovery requests.

(7) Introduction into the record of an action or proceeding.

(8) Applications, motions, memoranda and briefs submitted to a court or other tribunal.

(9) Communications with investigators, auditors, consultants and experts, the counsel of other parties, arbitrators and mediators concerning an investigation, action or proceeding.

"Person." A natural person, corporation, firm, association, organization, partnership, business or trust.

"Qui tam plaintiff." A person bringing a civil action under section 450.2.

Section 450.2. Acts subjecting persons to liability for treble damages, costs and civil penalties; exceptions.

(a) Liability.—A person who commits acts prohibited in subsection (b) shall be liable to the Commonwealth for three times the amount of damages which the Commonwealth sustains because of the act of that person.

(b) Prohibited acts.—A person who commits any of the following acts with respect to the medical assistance program shall be liable to the Commonwealth for the costs of a civil action brought to recover any of those penalties or damages and shall be liable to the Commonwealth for a civil penalty of not less than \$5,000 nor more than \$10,000 for each violation:

(1) Conspires to defraud the Commonwealth by getting a false or fraudulent claim allowed or paid or conspires to defraud the Commonwealth by knowingly making, using or causing to be made or used a false record or statement to conceal, avoid or decrease an obligation to pay or transmit money or property to

the Commonwealth with respect to the medical assistance program.

(2) Has possession, custody or control of public property or money used or to be used by the Commonwealth with respect to the medical assistance program and knowingly delivers or causes to be delivered less property than the amount for which the person receives a certificate or receipt.

(3) Is authorized to make or deliver a document certifying receipt of property used or to be used by the Commonwealth with respect to the medical assistance program and, intending to defraud the Commonwealth, makes or delivers the receipt without completely knowing that the information on the receipt is true.

(4) Knowingly makes, uses or causes to be made or used a false record or statement to conceal, avoid or decrease an obligation to pay or transmit money or property to the Commonwealth with respect to the medical assistance program.

(5) Is a beneficiary of an inadvertent submission of a false or fraudulent claim to any employee, officer or agent of the Commonwealth or to any contractor, grantee or other recipient of funds under the medical assistance program, subsequently discovers the falsity of the claim and fails to disclose the claim to the Commonwealth within a reasonable time after discovery of the claim.

(6) Having a duty to make disclosure of a fact, event or occurrence, knowingly fails to disclose such fact, event or occurrence in order to conceal, avoid or decrease an obligation to pay or transmit money or property to the Commonwealth with respect to the medical assistance program.

(c) Damages limitation.—Notwithstanding subsection (a), the court may assess not less than two times the amount of damages which the Commonwealth sustains because of the act of the person described in that subsection and no civil penalty if the court finds all of the following:

(1) The person committing the violation furnished the Commonwealth officials who are responsible for investigating false claims violations with all information known to that person about the violation within 30 days after the date on which the person first obtained the information.

(2) The person fully cooperated with any investigation by the Commonwealth.

(3) At the time the person furnished the Commonwealth with information about the violation, no criminal prosecution, civil action or administrative action had commenced with respect to the violation, and the person did not have actual knowledge of the existence of an investigation into the violation.

(d) Exclusion.—This section does not apply to claims, records or statements made under the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971.

(e) Actions to recover damages and adjustment of penalties.—A person who is liable for the damages or penalties assessed under subsections (a) and (b) shall also be liable to the Commonwealth for the costs of a civil action brought to recover any of those damages or penalties. The civil penalties payable under subsection (b) shall be adjusted from time to time as provided in the Federal Civil Penalties Inflation Adjustment Act of 1990 (Public Law 104-410, 28 U.S.C. § 2461).

Section 450.3. Attorney General investigations and prosecutions: powers of prosecuting authority; civil actions by individuals as qui tam plaintiff and as private citizen; jurisdiction of courts.

(a) Responsibilities of the Attorney General.—The Attorney General shall diligently investigate a violation of section 450.2. If the Attorney General finds that a person has violated or is violating section 450.2, the Attorney General may bring a civil action under this section against that person.

(b) Actions by private persons.—

(1) A person may bring a civil action for a violation of

this subarticle for the person and for the Commonwealth in the name of the Commonwealth. The person bringing the action shall be referred to as the qui tam plaintiff. Once filed, the action shall be dismissed only with the written consent of the court, taking into account the best interest of the parties involved and the policy of this subarticle.

(2) A copy of the complaint and written disclosure of substantially all material evidence and information the qui tam plaintiff possesses shall be served on the Attorney General. The complaint shall be filed in camera and shall remain under seal for at least 60 days and shall not be served on the defendant until the court orders the service. The Commonwealth may elect to intervene and proceed with the action within 60 days after it receives the complaint and the material evidence and information.

(3) The Commonwealth may, for good cause shown, move the court for extensions of the time during which the complaint remains under seal under paragraph (2). The motions may be supported by affidavits or other submissions in camera. The defendant shall not be required to respond to any complaint filed under this section until the complaint is unsealed and served upon the defendant under the Pennsylvania Rules of Civil Procedure.

(4) Before the expiration of the 60-day period or any extensions obtained under paragraph (3), the Commonwealth shall:

(i) proceed with the action, in which case the action shall be conducted by the Commonwealth; or

(ii) notify the court it declines to take over the action, in which case the person bringing the action shall have the right to conduct the action.

(5) (i) If a municipality is named as a coplaintiff with the Commonwealth in an action brought under this subsection, the qui tam plaintiff or the Commonwealth may, notwithstanding a seal on the action ordered by the court, serve the complaint, other pleadings and written disclosure of substantially all material evidence and information possessed by the qui tam plaintiff on the appropriate local law enforcement authorities.

(ii) If information about an action is shared with local law enforcement under subparagraph (i), the seal on the action ordered by the court shall apply to the subject municipality and local law enforcement authorities to the same extent as the seal applied to other parties in the action.

(c) Intervention.—When a person brings a valid action under this subsection, no person other than the Commonwealth may intervene or bring a related action based on the facts underlying the pending action.

(d) Rights of the parties to qui tam actions.—

(1) If the Commonwealth proceeds with the action, it shall have the primary responsibility for prosecuting the action and shall not be bound by an act of the person bringing the action. The qui tam plaintiff shall have the right to continue as a party to the action, subject to the limitations set forth in paragraph (2).

(2) (i) The Commonwealth may move to dismiss the action for good cause despite the objections of the qui tam plaintiff if the qui tam plaintiff has been notified by the Commonwealth of the filing of the motion and the court has provided the qui tam plaintiff with an opportunity to oppose the motion and present evidence at a hearing.

(ii) The Commonwealth may settle the action with the defendant despite the objections of the qui tam plaintiff if the court determines, after a hearing providing the qui tam plaintiff an opportunity to present evidence, the proposed settlement is fair, adequate and reasonable under the circumstances.

(iii) Upon a showing by the Commonwealth that unrestricted participation during the course of the litigation by the qui tam plaintiff would interfere with or unduly delay the Commonwealth's prosecution of the case or would be repetitious, irrelevant or harassment, the court may, in its discretion, impose limitations on the qui tam plaintiff's participation by:

(A) limiting the number of witnesses the person may call;

(B) limiting the length of the testimony of the witnesses;

(C) limiting the qui tam plaintiff's cross-examination of witnesses; or

(D) otherwise limiting the participation by the person in the litigation.

(iv) Upon a showing by the defendant that unrestricted participation during the litigation by the qui tam plaintiff initiating the action would be for purposes of harassment or would cause the defendant undue burden or unnecessary expense, the court may limit the participation by the qui tam plaintiff in the litigation.

(3) If the Commonwealth elects not to proceed with the action, the qui tam plaintiff shall have the right to conduct the action. If the Commonwealth requests, it shall be served with copies of all pleadings filed in the action and shall be supplied with copies of all deposition transcripts at the Commonwealth's expense. When a person proceeds with the action, the court, without limiting the status and rights of the qui tam plaintiff, may permit the Commonwealth to intervene at a later date upon a showing of good cause.

(4) Whether or not the Commonwealth proceeds with the action, upon a showing by the Commonwealth that certain actions of discovery by the qui tam plaintiff would interfere with the Commonwealth's investigation or prosecution of a criminal or civil matter arising out of the same facts, the court may stay the discovery for a period of not more than 60 days. The showing shall be conducted in camera. The court may extend the 60-day period upon a further showing in camera that the Commonwealth has pursued the criminal or civil investigation or proceedings with reasonable diligence and the discovery proposed in the civil action will interfere with the ongoing criminal or civil investigations or proceedings.

(5) Notwithstanding subsection (b), the Commonwealth may elect to pursue its claim through an alternate remedy available to the Commonwealth, including an administrative proceeding to determine a civil money penalty. If the alternate remedy is pursued in another proceeding, the qui tam plaintiff shall have the same rights in the proceeding as if the action continued under this section. A finding of fact or conclusion of law made in the other proceeding that has become final shall be conclusive on all parties to an action under this section. A finding or conclusion is final if it has been finally determined on appeal to the appropriate court of the Commonwealth, if the time for filing the appeal regarding the finding or conclusion has expired or if the finding or conclusion is not subject to judicial review.

(e) Award to qui tam plaintiff.—

(1) If the Commonwealth proceeds with an action brought by a qui tam plaintiff, the qui tam plaintiff shall, subject to the provisions of this paragraph, receive at least 15% but not more than 25% of the proceeds of the action or settlement of the claim, including damages, civil penalties, payments for costs of compliance and any other economic benefit realized by the Commonwealth as a result of the action, depending upon the extent to which either or both the person and his counsel substantially contributed to the prosecution of the action. Where the court finds the action is based primarily on disclosures of specific information, other than information provided by the qui tam plaintiff, relating to allegations or transactions specifically in

a criminal, civil or administrative hearing or in a legislative or administrative report, hearing, audit or investigation or from the news media, the court may award the sums as it considers appropriate, but in no case more than 10% of the proceeds, taking into account the significance of the information and the role of the person bringing the action in advancing the case to litigation. A payment to a person under the first or second sentence of this paragraph shall be made from the proceeds. The person shall also receive an amount for reasonable expenses which the appropriate judge finds was necessarily incurred, plus reasonable attorney fees and costs. The expenses, fees and costs shall be awarded against the defendant.

(2) If the Commonwealth does not proceed with an action under this section, the qui tam plaintiff shall receive an amount which the court decides is reasonable for collecting the civil penalty and damages. The amount shall not be less than 25% and not more than 30% of the proceeds of the action or settlement and shall be paid out of the proceeds, which includes damages, civil penalties, payments for costs of compliance and any other economic benefit realized by the Commonwealth as a result of the action. The person shall also receive an amount for reasonable expenses which the appropriate Commonwealth court judge finds to have been necessarily incurred, plus reasonable attorney fees and costs. All the expenses, fees and costs shall be awarded against the defendant.

(3) Whether or not the Commonwealth proceeds with the action, if the court finds the action was filed by a person who planned and initiated the violation of section 450.2(a) upon which the action was filed, then the court may, to the extent the court considers appropriate, reduce the share of the proceeds of the action which the person would otherwise receive under paragraph (1) or (2), taking into account the role of that person in advancing the case to litigation and any relevant circumstances pertaining to the violation. If the person bringing the action is convicted of criminal conduct arising from his or her role in the violation of section 450.2(a), that person shall be dismissed from the civil action and shall not receive a share of the proceeds of the action. The dismissal shall not prejudice the right of the Commonwealth to continue the action.

(4) If the Commonwealth does not proceed with the action and the person bringing the action conducts the action, the court may award to the defendant its reasonable attorney fees and expenses if the defendant prevails in the action and the court finds the claim of the person bringing the action was clearly frivolous, clearly vexatious or brought primarily for purposes of harassment.

(f) Certain actions barred.—

(1) No court shall have jurisdiction over an action brought under subsection (b) against a member of the legislative branch, a member of the judiciary or a senior executive branch official if the action is based on evidence or information known to the Commonwealth when the action was brought.

(2) In no event may a person bring an action under subsection (b) which is based upon allegations or transactions which are the subject of a civil suit or an administrative civil penalty proceeding for money in which the Commonwealth is already a party.

(3) Upon the motion of the Attorney General, the court may, in consideration of all the equities, dismiss a relator of the elements of the actionable false claims alleged in the qui tam complaint which have been publicly disclosed, specifically in the news media or in a publicly disseminated governmental report, at the time the complaint is filed.

(g) Commonwealth not liable for certain expenses.—The Commonwealth is not liable for expenses which a person incurs in bringing an action under this section.

(h) Private action for retaliation action.—An employee, contractor or agent who is discharged, demoted, suspended, threatened, harassed

or in any other manner discriminated against in the terms and conditions of employment, contract or agency because of lawful acts by the employee, contractor or agent on behalf of the employee, contractor or agent or associated others in furtherance of an action under this section or efforts to stop one or more violations of this subarticle, including investigation for, initiation of, testimony for or assistance in an action filed or to be filed under this section, shall be entitled to all relief necessary to make the employee, contractor or agent whole. The relief shall include reinstatement with the same seniority status the employee, contractor or agent would have had but for the discrimination, two times the amount of back pay, interest on the back pay and compensation for any special damages sustained as a result of the discrimination, including litigation costs and reasonable attorney fees. Commonwealth Court shall have exclusive jurisdiction for all actions seeking relief under this subsection.

(i) Civil investigative demand.—

(1) (i) The Attorney General shall have the authority to issue civil investigative demands under paragraph (2).

(ii) Nothing in this subsection shall be construed to limit the regulatory or investigative authority of any department or agency of the Commonwealth whose functions may relate to persons, enterprises or matters falling within the scope of this chapter.

(2) (i) Whenever the Attorney General has reason to believe that any person or enterprise may be in possession, custody or control of documentary material relevant to an investigation under this subarticle, the Attorney General may issue in writing, and cause to be served upon the person or enterprise, a civil investigative demand requiring the production of the material for examination.

(ii) Each demand shall:

(A) state the nature of the conduct constituting the alleged violation which is under investigation, the applicable provision of law and the connection between the documentary material demanded and the conduct under investigation;

(B) describe the class or classes of documentary material to be produced with sufficient definiteness and certainty to permit the material to be fairly identified;

(C) state the demand is returnable or prescribe a return date which will provide a reasonable time period within which the material demanded may be assembled and made available for inspection and copying or reproduction;

(D) identify an investigator to whom the material shall be made available; and

(E) contain the following statement printed conspicuously at the top of the demand:

"You have the right to seek the assistance of an attorney and he may represent you in all phases of the investigation of which this civil investigative demand is a part."

(iii) The demand shall not:

(A) contain a requirement which would be held to be unreasonable if contained in a subpoena duces tecum issued by any court in connection with a grand jury investigation of such alleged violation; or

(B) require the production of documentary evidence which would be privileged from disclosure if demanded by a subpoena duces tecum issued by a court in connection with a grand jury investigation of the alleged violation.

(iv) Service of any such demand or any petition

filed under this paragraph shall be made in the manner prescribed by the Pennsylvania Rules of Civil Procedure for service of writs and complaints.

(v) A verified return by the individual serving a demand or petition setting forth the manner of the service shall be prima facie proof of the service. In the case of service by registered or certified mail, the return shall be accompanied by the return post office receipt of delivery of the demand.

(vi) (A) Any party upon whom any demand issued under this subsection has been duly served shall make the material available for inspection and copying or reproduction to the investigator designated at the principal place of business of the party, or at another place as the investigator and party may agree or as the court may direct under this paragraph, on the return date specified in the demand. The party may upon agreement of the investigator substitute copies of all or any part of the material for the originals.

(B) The investigator to whom documentary material is delivered shall take physical possession of it and shall be responsible for the use for which it is made and for its return under this paragraph. The investigator may cause the preparation of copies of the documentary material as may be required for official use. While in the possession of the investigator, no material produced shall be available for examination without the consent of the party who produced the material by an individual other than the Attorney General or investigator. Under reasonable terms and conditions as the Attorney General shall prescribe, documentary material while in the possession of the investigator shall be available for examination by the party who produced the material or a duly authorized representative of the party.

(C) Upon completion of the investigation for which documentary material was produced under this paragraph and any case or proceeding arising from the investigation, the investigator shall return to the party who produced the material all the material other than copies made under this paragraph which have not passed into the control of any court or grand jury through introduction into the record of the case or proceeding.

(D) When documentary material has been produced by a party under this paragraph for use in an investigation and no case or proceeding arising therefrom has been instituted within a reasonable time after completion of the examination and analysis of all evidence assembled in the course of the investigation, the party shall be entitled, upon written demand made upon the Attorney General, to the return of all documentary material, other than copies made under this paragraph, produced by the party.

(vii) Whenever a person or enterprise fails to comply with a civil investigative demand duly served upon him under this paragraph or whenever satisfactory copying or reproduction of the material cannot be done and the party refuses to surrender the material, the Attorney General may file, in Commonwealth Court, and serve upon the party a petition for an order of the court for the enforcement of this paragraph.

(viii) Within 20 days after the service of the

demand upon a person or enterprise, or at any time before the return date specified in the demand, whichever period is shorter, the party may file, in Commonwealth Court, and serve upon the Attorney General a petition for an order of the court modifying or setting aside the demand. The time allowed for compliance with the demand in whole or in part as deemed proper and ordered by the court shall not run during the pendency of the petition in the court. The petition shall specify each ground upon which the petitioner relies in seeking the relief, and may be based upon a failure of the demand to comply with the provisions of this paragraph or upon a constitutional or other legal right or privilege of the party.

(ix) When the Attorney General is in custody or control of documentary material delivered by a party in compliance with a demand, the party may file, in Commonwealth Court, and serve upon the Attorney General a petition for an order of the court requiring the performance of a duty imposed by this paragraph.

(x) Whenever a petition is filed under this paragraph, the court shall have jurisdiction to hear and determine the matter so presented, and, after a hearing at which all parties are represented, to enter an order as may be required to carry into effect the provisions of this paragraph.

(3) Whenever an individual refuses, on the basis of his fifth amendment to the Constitution of the United States privilege against self-incrimination, to comply with a civil investigative demand issued under paragraph (2), the Attorney General may invoke the provisions of 42 Pa.C.S. § 5947 (relating to immunity of witnesses).

(4) The Attorney General may delegate the authority to issue civil investigative demands under this subsection. If a civil investigative demand is an express demand for the production of discovery, the Attorney General or his designee shall cause to be served, in any manner authorized under this subsection, a copy of the demand upon the person from whom the discovery was obtained and shall notify the person to whom the demand is issued of the date on which the copy was served. Any information obtained by the Attorney General or his designee under this subsection may be shared with a qui tam plaintiff if the Attorney General or his designee determines it is necessary as part of an investigation of a claim.

Section 450.4. Limitation of actions; prior activities; burden of proof.

(a) Statute of limitations.—

(1) A civil action under section 450.3 may not be brought more than ten years after the date on which the violation was committed.

(2) (i) If the Commonwealth elects to intervene and proceed with an action brought under section 450.3(b), the Commonwealth may file its own complaint or amend the complaint of the qui tam plaintiff who brought the action in order to clarify or add detail to the claims and to add any additional claims with respect to which the Commonwealth contends it is entitled to relief.

(ii) If the Commonwealth makes an election under subparagraph (i), any such Commonwealth pleading shall relate back to the filing date of the complaint of the qui tam plaintiff to the extent that the claim of the Commonwealth arises out of the conduct, transactions or occurrences set forth, or attempted to be set forth, in the qui tam plaintiff's complaint.

(b) Burden of proof.—In any action brought under section 450.3, the Commonwealth or the qui tam plaintiff shall be required to prove all essential elements of the cause of action, including damages, by a preponderance of the evidence.

(c) Estoppel.—Notwithstanding any other provision of law, a

guilty verdict rendered in a criminal proceeding charging false statements or fraud, whether upon a verdict after trial or upon a plea of guilty or nolo contendere, shall estop the defendant from denying the essential elements of the offense in any action which involves the same transaction as in the criminal proceeding and which is brought under section 450.3(a) or (b).

Section 450.5. Remedies under other laws; severability of provisions; liberality of legislative construction.

(a) Remedies under other laws.—The provisions of this subarticle are not exclusive and the remedies provided for in this subarticle shall be in addition to any other remedies provided for in any other law or available under common law.

(b) Liberality of legislative construction.—This chapter shall be liberally construed and applied to promote the public interest.

Section 450.6. Regulations.

(a) General rule.—The Attorney General shall have the power and authority to promulgate rules and regulations which may be necessary to carry out the purposes set forth in this subarticle.

(b) Guidelines.—In order to facilitate the speedy implementation of this subarticle, the Attorney General shall have the power and authority to promulgate, adopt and use guidelines which shall be published in the Pennsylvania Bulletin. The guidelines shall not be subject to review under section 205 of the act of July 31, 1968 (P.L.769, No.240), referred to as the Commonwealth Documents Law; sections 204(b) and 301(10) of the act of October 15, 1980 (P.L.950, No.164), known as the Commonwealth Attorneys Act; or the act of June 25, 1982 (P.L.633, No.181), known as the Regulatory Review Act. The guidelines shall be effective for not more than two years from the effective date of this subarticle. After the expiration of the two-year period, the guidelines shall be promulgated as regulations.

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

Amend Bill, page 4, line 19, by striking out "3" and inserting
4

Amend Bill, page 4, line 30, by striking out "4" and inserting
5

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

The SPEAKER. On that question, the Speaker recognizes the gentleman, Mr. Gerber.

Mr. GERBER. Thank you, Mr. Speaker.

This amendment is an effort to help save the Commonwealth money. This is a false claims bill encapsulated in an amendment but limited to Medicaid actions only. The goal here is to deter fraud, and we know from experiences outside of Pennsylvania, States all over the country and at the Federal level, that there is unfortunately a very severe amount of fraud in Medicaid. Hundreds of millions of dollars have been recovered by the Federal government and by other States using this tool, where this tool is in place.

Under a False Claims Act, the Commonwealth would be able to recover treble damages from someone or from a company that tries to defraud State government. Therefore, it will help the Commonwealth save money, not just by deterring fraud and weeding out the corruption that costs us money but also in the form of recoveries that will bring real dollars into Pennsylvania.

Under this amendment, the Attorney General's Office would have the authority to pursue these cases on behalf of taxpayers. Again, this is an effort to save taxpayers' money, to deter fraud in the Medicaid space, and in those cases where the Attorney General does find fraud and prevails through legal action, to bring dollars into the Commonwealth.

If you look at the statistics, Mr. Speaker, cases all over the country have brought in, as I said, hundreds of millions of dollars, and I will just share some of those examples with you, Mr. Speaker.

In California, there were several cases where a False Claims Act was used to help the State. In one case, \$187 million was recovered; in another, \$30 million; in a third, \$32 million; and a fourth, \$3.4 million. Cases like this in those States that have passed a False Claims Act have happened to the tune of tens of millions of dollars, and at the Federal level, it is to the tune of hundreds of millions of dollars, and again I will give you examples, Mr. Speaker.

Mr. Speaker, in 2006, a case against Tenet Healthcare, there was a recovery of \$900 million. Mr. Speaker, in 2000 another health-care company forked over \$731 million. Again in '03, that same company, \$631 million. I could go on and on, Mr. Speaker, but hundreds of millions of dollars are at stake. And right now because we do not have a false claims bill on the books, we do not share in those recoveries the way other States do that have it.

Better yet, Mr. Speaker, under President Reagan, when there was an emphasis on enforcement, we saw more and more of these cases emerge. Then under President Bush, Bush 43, legislation was moved through the Federal government to incentivize States to pass this law. And the way they incentivized States, Mr. Speaker, was by offering a 10-percent bump on any recovery that came from a false claims action. So, Mr. Speaker, for example, here in Pennsylvania, if we were to recover \$100 million from a wrongdoer, the Federal government would add \$10 million to that recovery.

So, Mr. Speaker, there is great incentive for us, particularly under these budget times when we have a \$4 billion deficit, as our Governor says, to do everything we can to make sure taxpayer dollars are protected; to do everything we can to make sure those that steal from the Commonwealth pay the price; to do everything that we can, Mr. Speaker, to deter fraud, and where we catch it, recover the moneys that are due to the taxpayers of Pennsylvania.

Mr. Speaker, this is an amendment that was embodied in a bill that has passed out of this chamber with broad bipartisan support on numerous occasions. Historically, our colleague from Philadelphia, Representative Kenney, had introduced a false claims bill, and many of the members in this chamber voted for it and sent it to the Senate.

Mr. Speaker, this passed out of committee last term. Unfortunately, we ran out of time. But when I introduced this bill last term, it had broad bipartisan support with many cosponsors from both parties. This is not a Democrat bill, this is not a Republican bill; this is a taxpayer bill for all Pennsylvanians.

Mr. Speaker, I encourage a "yes" vote on this amendment. Thank you very much.

LEAVES OF ABSENCE

The SPEAKER. The Speaker returns to leaves of absence and recognizes the majority whip, who requests a leave for the gentleman, Mr. FARRY, from Bucks County for the day, and for the gentleman, Mr. TAYLOR, from Philadelphia County for the day. Without objection, the leaves will be granted.

CONSIDERATION OF HB 1251 CONTINUED

The SPEAKER. The question is, will the House agree to the amendment?

On that question, the Speaker recognizes the gentleman from Philadelphia, Mr. Cohen. The gentleman waives off.

The question is, will the House agree to the amendment?

On that question, the Speaker recognizes the majority leader, Mr. Turzai.

Mr. TURZAI. Yes, sir. Could we please be at ease for a minute, please? Thank you.

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

The House will come to order.

LEAVE OF ABSENCE

The SPEAKER. The Speaker returns to leaves of absence and recognizes the majority whip, who requests a leave of absence for the lady, Ms. HARPER, from Montgomery County. Without objection, the leave will be granted.

CONSIDERATION OF HB 1251 CONTINUED

The SPEAKER. The question is, will the House agree to the amendment?

On that question, the Speaker recognizes the gentleman, Mr. Baker.

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

I rise to respectfully oppose the gentleman's amendment. This legislation is strongly opposed by our health-care organizations across the Commonwealth of Pennsylvania, as well as the County Commissioners Association; MH/MR (mental health/mental retardation) programs; PANPHA (Pennsylvania Association of Non-Profit Homes for the Aging); the Academy of Family Physicians, our 5,000 family doctors; our ambulatory surgical associations; the community health centers; the County Human Services Administrators; the Pennsylvania Association of Medical Suppliers; our Pennsylvania Chamber of Business and Industry; the Pennsylvania Health Care Association; the Pennsylvania Medical Society; the Pennsylvania Pharmacists Association; our retailers; our nurses; PhRMA (Pharmaceutical Research and Manufacturers of America). The list goes on and on. And why do they oppose this amendment?

Pennsylvania's False Claims Act will further deteriorate Pennsylvania's health-care climate. Health-care providers are dedicated to the pursuit of eliminating true fraud and waste. Establishing a State False Claims Act will only further hinder the recruitment and retention of physicians practicing in Pennsylvania.

A Pennsylvania False Claims Act is unnecessary. The proposed False Claims Act would create another layer of oversight that is both unnecessary and duplicative of existing law. There are already currently an array of State and Federal agencies. Enacting a False Claims Act will only create additional confusion and delay investigation and prosecution of legitimate claims.

Pennsylvania currently receives 100 percent, 100 percent of its share of any recovery obtained as a result of a False Claims Act whistleblower suit, which applies to all State programs that

receive Federal funding. Because of not enacting a State False Claims Act, DPW (Department of Public Welfare) does not have to pay anything toward the relator's share. This is why most States have not enacted false claims statutes.

A False Claims Act in Pennsylvania will cause Pennsylvania to lose money. Evidence suggests that Pennsylvania would continue to receive the same number and amount of false claims settlements, but if the General Assembly enacts a False Claims Act, DPW would have to pay the whistleblower's trial lawyer 20 percent out of its share of revenues, a net loss to Pennsylvania.

Remember what I said before? Currently Pennsylvania gets 100 percent. This would actually cost the Commonwealth more money, and my goodness, we are trying to gain more money right now with the deficit, not lose more money. Pennsylvania would have to take a substantial burden of investigating every whistleblower allegation and deciding where to intervene in each case, regardless of how meritorious or nonmeritorious it is.

Increased costs in each Medicaid fraud case pursued under this new statute will consume the entire 10-percent incentive offered under the Federal government's Deficit Reduction Act. Presently only the Federal government pays whistleblowers who file qui tam lawsuits disclosing frauds against the Pennsylvania Medicaid program. Pennsylvania pays nothing. Under the bill, Pennsylvania will pay, again, an average of 20 percent of its recovery in each case.

This false claims amendment builds false expectations. Proponents of a Pennsylvania Medicaid false claim are actually being somewhat intellectually dishonest if they suggest that mere enactment will somehow trigger more jury verdicts and thus treble damage payments in the Commonwealth. No one has demonstrated, nor do many of us believe that they can, how DPW's proposed False Claims Act would provide any enhanced revenues for Pennsylvania. The evidence suggests the precise opposite. Pennsylvania would continue to receive the same number and amount of false claims settlements, but if the General Assembly enacts a False Claims Act, DPW would have to pay the whistleblower's trial lawyers 20 percent out of its share of revenues; a net loss, once again, to Pennsylvania.

Pennsylvania's legislature has a responsibility to protect taxpayer dollars from fraud, waste, and abuse. It also has a responsibility to protect Pennsylvania businesses, health-care providers, universities, and workers from abusive and costly litigation, particularly in our troubled economic times. Federal law already provides sufficient incentives for whistleblowers to come forward and sufficient remedies to deter fraud.

The False Claims Act already enables Pennsylvania to recover State money lost to false or fraudulent Medicaid claims, and health-care entities in Pennsylvania are already subject to treble damages and civil penalties under that statute. There is no evidence that the Federal False Claims Act incentives, which provide for payment up to 30 percent of every dollar recovered from the Federal government, are insufficient incentives for whistleblowers.

The current laws are working and benefiting Pennsylvania. Just this month, Pennsylvania recovered over \$1.8 million from actions filed under the False Claims Act. Importantly, Pennsylvania received those settlements without having to pay a single penny of its recovery to the whistleblowers as a bounty for blowing the whistle. The whistleblowers' bounty for reporting Medicaid fraud occurring in Pennsylvania was paid entirely by the Federal government.

I believe that this could result in substantial costs to the Commonwealth of Pennsylvania. There is little question that enacting a qui tam statute would impose substantial costs on the Attorney General and State prosecutors who must investigate and decide whether to pursue allegations raised in every bounty hunter lawsuit filed anywhere in the country. Most cases filed under the False Claims Act, by some accounts 7 or 8 out of every 10, produce no recovery despite requiring a substantial investment of Federal investigative resources and an average of 14 to 16 months of investigation.

Again, this legislation could hurt businesses and jobs in Pennsylvania. The legislature should think long and hard before enacting a litigation bounty-hunter scheme where the cost of defending and disproving unfounded allegations of fraud could drive small businesses to financial ruin and cost Pennsylvania citizens their jobs.

The qui tam provision is a bounty hunter provision that, if enacted, would give whistleblowers and their lawyers far greater control over actions of the Attorney General and many more opportunities to disrupt and interfere with the government's orderly prosecution of frauds. The qui tam provision actually decreases the State's ability to control how it uses its limited resources to investigate and pursue fraud while it increases the bounty that whistleblowers will peel away from the State's treasuries.

It certainly is not clear that it will not uncover undetected Medicaid fraud. The Federal False Claims Act already rewards whistleblowers handsomely for helping Pennsylvania recover State money lost to false or fraudulent Medicaid claims.

There are also some constitutional concerns. Among other things, it imposes liability for inaction by beneficiaries of inadvertent submissions, as this would impose penalties on a strict liability basis for a defendant's inaction. It presents serious fairness and due process concerns. Moreover, as a basis for strict liability in a whistleblower State, the provision creates an incentive for employees who observe such a discovery to sue first and advise their employers later.

Lastly, I am not totally convinced this is not about fraud. It is about ceding the State's control over long, drawn-out investigations dictating how the State's prosecutorial resources must be spent and diverting recovered funds away from the State's coffers to whistleblowers who have no connection to Pennsylvania.

This debate matters to taxpaying Pennsylvanians because most of the bounty hunters who will use this new statute will not be Pennsylvania citizens; they will be residents of other States who have already blown the whistle on national Medicaid scams and are looking to increase their reward for having done so. These bounty hunters and their lawyers are already in line for the potential bounty payoffs from the Federal government, because Medicaid is jointly funded by the Federal and State governments. And Pennsylvania's prosecutors already have access to all the information these bounty hunters can provide through the State's Medicaid Fraud Control Unit.

Pennsylvania law enforcement learns about fraud allegations from Federal prosecutors handling the whistleblowers' Federal False Claims Act suits, thereby permitting Pennsylvania prosecutors to decide whether it makes sense to invest Pennsylvania's limited law enforcement resources in investigating them. With the Federal government already paying the bounty hunter and Pennsylvania already getting the benefit of that bounty hunter's information, it makes no sense for

Pennsylvania to give away part of its recovery simply to increase a bounty hunter's already sizable reward.

For this and many other reasons, especially our allied health-care field, our business economic development producers, in the name of job creation, and especially our health-care organizations, I respectfully request opposition on this amendment.

Thank you, Mr. Speaker.

The SPEAKER. The question is, will the House agree to the amendment?

On that question, the Speaker recognizes the gentleman, Mr. Marsico.

Mr. MARSICO. Thank you, Mr. Speaker.

I rise to oppose the amendment A01336. Just a few hours ago and for most of the afternoon, we heard from the other side that they did not have enough time to fully understand HB 1 and all the amendments, and it is just amazing that we hear that and now the amendment we just received today was only filed less than a week ago, and it is a very complicated, 13-page, single-spaced amendment and very controversial. So here we are now with less than a week, a few days to review this amendment, and asked to make a vote either way.

I think that it also borders on whether or not it is germane to the bill. This amendment creates a new civil cause of action, and the underlying bill increases the criminal penalties for welfare fraud. So I am not going to challenge the germaneness; I am just going to ask for a negative vote on this amendment.

Thank you, Mr. Speaker.

The SPEAKER. The question is, will the House agree to the amendment?

On that question, the Speaker recognizes the gentleman from Cambria County, Mr. Barbin.

Mr. BARBIN. Thank you, Mr. Speaker.

I rise in support of this amendment for the following reasons.

In 2001 this same bill was voted 197 to 0. In 2003 this same bill was voted 197 to 0.

I take exception to the gentleman, the prior speaker, who indicated that the majority of States do not have a false claims statute; the fact is, 28 States do have a false claims statute.

I take exception to the fact that this would not be worthwhile. If the State had a False Claims Act, we would be in a position to lower insurance premiums, because the insurance fraud that is taking place is estimated to be in the hundreds of millions of dollars. Now, if we can save hundreds of millions of dollars in insurance fraud, we are going to lower insurance premiums. That is one of the big issues we have to deal with, since the Federal health-care statute does not come into effect until 2014.

Now, this amendment also was excepted to as too costly. Well, if you have to pay out 20 percent but you receive 80 percent, that is not costly; that is additional moneys.

And lastly, if we are going to make additional crimes to apply to the poor, to the people that are caught up in a welfare system that does not provide a good read of individual databases for income verification guidelines, I think the least that we should do is to have the same rules apply not to good hospitals or good doctors or good health-care organizations; we are not talking about any of those. We are talking about the guy who decides that he is going to upcode. He is going to intentionally bilk the system out of millions of dollars. Now, I do not know why we are protecting somebody like that. I do not know why the Hospital Association wants to protect that person. I do not know why physicians want to protect that person. But as the

stewards of the taxpayers' money, we should not be protecting those people. And if they commit fraud, we should have treble damages against them. That is what this amendment does. It does not just say you get part of the Federal amount; it says you get the State's amount. It is a much higher amount.

Now, this bill does not need to be looked at anymore. We have looked at it in two prior sessions. Every single member that looked at it agreed that we needed to pass it. We are just putting this off because we want to get to it another day. Well, frankly, this amendment will do a whole lot more for our fiscal situation than the underlying bill would, and I ask that all members support this amendment, because it is in the interests of the taxpayer.

The SPEAKER. The question is, will the House agree to the amendment?

On that question, the Speaker recognizes the gentleman, Mr. Reichley.

Mr. REICHLEY. Thank you, Mr. Speaker.

I have taken a little bit of a different tack to explain my position on this. I had a chance to speak with the maker of the amendment earlier tonight, and I think at the core, we have a lot of agreement, that I do not think any member could stand here and say we believe we are trying to shield those who are defrauding the taxpayers and defrauding the government with illegal fees that are being received or that we should not provide incentives to whistleblowers, people who are truly able to bring these kinds of allegations to our attention. But the concern I have is that the legislation, as it did not have in its previous versions, does not have a cap on the attorney's fees that can be warranted. There is a qui tam portion of the bar which makes a large practice out of this. In some ways, this was regarded as the next asbestos litigation field.

So I believe that instead of us trying to hang our hat tonight on the idea that this is not something which is worthy for us to do – obviously, the Federal government and other States have looked at this – I think we need to take a little more of a narrow focus to say that this legislation makes the mistake in not placing a limitation on the fees of those attorneys who would be standing in the shoes of the government to try and recover these fees, and therefore, I think that there is an opening for us to work with the gentleman to try to find better legislation, to place a cap on the attorney's fees so we can still accomplish the goal of rooting out fraud, of bringing back well-deserved taxpayer money, and still not unduly enriching those lawyers who would stand in the shoes of the government.

So for those reasons and only those reasons, I would ask the members to vote "no" on this amendment. But hopefully, the gentleman and I can work together to find a more acceptable piece of legislation.

Thank you, Mr. Speaker.

The SPEAKER. The question is, will the House agree to the amendment?

On that question, the Speaker recognizes the gentleman from Lancaster, Mr. Cutler.

Mr. CUTLER. Thank you, Mr. Speaker.

I was wondering if the maker of the amendment might stand for brief interrogation?

The SPEAKER. The gentleman indicates he will. You may proceed.

Mr. CUTLER. Thank you, Mr. Speaker.

I just want to make sure that I understand the proper breadth of this amendment. Under this proposal, Mr. Speaker, does this

qui tam amendment only apply to Medicaid fraud involving individuals on welfare or would it apply generally across to all individuals in the system?

Mr. GERBER. Mr. Speaker, this applies to any Medicaid fraud. It is not targeted after any one individual. In fact, it would give our Attorney General's Office the tools it needs to go after players in the system that commit fraud to the tune of tens of millions, hundreds of millions of dollars maybe even, not just the little guy who might be defrauding for a couple hundred bucks.

The idea behind this is to go after the people who are draining the big chunks of money out of the system, not necessarily the little guy who, you know, might be taking a couple of bucks from it, Mr. Speaker. Certainly we want to deter that level of fraud, too, but in the scheme of things, in the scheme of things it is those big companies that are engaged in those inappropriate, illegal activities that drain hundreds of millions or tens of millions, not necessarily the little guy that is just taking a few bucks.

Mr. CUTLER. Mr. Speaker, so this amendment as proposed does go outside just those individuals collecting welfare? Obviously HB 1251 as drafted applies to individuals who apply for welfare benefits, but is it fair to say, Mr. Speaker, that your amendment as drafted would apply to the entire system, not just those individuals on welfare?

Mr. GERBER. This has to do with people engaged in the welfare system. I think I answered your question, but I will try to state it differently.

This is a tool that our Attorney General can use to go after wrongdoers who steal from the Medicaid system and seek treble damages; yes, Mr. Speaker.

Mr. CUTLER. Perfect. Thank you, Mr. Speaker.

On the bill, if I may?

The SPEAKER. The gentleman is in order and may proceed.

Mr. CUTLER. Thank you, Mr. Speaker.

Being a newer member, I did appreciate kind of the history on this bill, the passage in 2001 and 2003. I was actually a cosponsor my first term here. I think the number was 2509, Mr. Speaker, and last session I believe the House bill was 1679.

Mr. Speaker, as a supporter of the concept, I share the gentleman from the Lehigh Valley's concerns regarding the cap on attorney's fees, but I also, Mr. Speaker, have some other concerns regarding the manner in which this amendment is drafted as compared to the rest of the bill. Mr. Speaker, I really believe if this amendment as drafted would go into the bill, it would violate the single-subject rule. We certainly could argue germaneness, but I am not going to make that motion at this point in time. However, I think it is important to point out the bill as drafted, Mr. Speaker, involves strictly criminal penalties involving individuals who engage in welfare fraud. Mr. Speaker, this amendment as drafted clearly goes beyond that scope, as I think it should, Mr. Speaker, and which is why I supported the initial concept as presented during my first term.

Mr. Speaker, I think as we look at this, we have to be very careful in our drafting. We cannot pass a bill, Mr. Speaker, that would inadvertently be overturned by the courts. I believe, Mr. Speaker, and correct me if I am wrong, but I believe as originally drafted, the bill was a freestanding act. Mr. Speaker, I believe that is the appropriate tack to take. I think it is appropriate to look at caps on attorney's fees, particularly in some of these larger litigations, as well as the fact of it being drafted differently previously.

Mr. Speaker, we heard all evening regarding how the issue of fair share legislation was not properly vetted. I think it is worth pointing out, even as a supporter of this measure in some form, Mr. Speaker, as drafted, it is 13 pages of single-spaced text. This is not something that should be added in at the eleventh hour. I think, Mr. Speaker, going forward, this is certainly something that should be reviewed in the committee process. I think it is certainly an issue that I think a lot of individuals would be interested in undertaking. But, Mr. Speaker, in its current form, I really believe this is the wrong process and the wrong place to put this amendment.

Mr. Speaker, if we are really about solving this issue, I would encourage the gentleman to withdraw the amendment, because my fear is if we consider it here and it fails, we are done for the session, Mr. Speaker, and we cannot properly address this without substantive changes in the underlying amendment.

For those reasons, Mr. Speaker, I will be opposing the amendment as drafted in its current form, but I certainly welcome the opportunity to work with the gentleman going forward on the underlying issue and putting some of the other safeguards in place. Thank you.

The SPEAKER. The question is, will the House agree to the amendment?

On that question, the Speaker recognizes the gentleman from Allegheny County, Mr. Markosek.

Mr. MARKOSEK. Thank you, Mr. Speaker.

Mr. Speaker, I rise, one of the previous speakers had mentioned that we should not support this because it will cost us some money. We have a fiscal note that was done today, dated April 11, 2011, that indicates that the opposite is true.

While there are some additional expenses, particularly with staff, in having this amendment pass, we will see an additional recoup of finances from those people who commit these crimes, the damages that are collected. And while it is just a small amount, a relatively small amount for our overall budget, the fiscal note that was done this morning by the Appropriations Committee indicates that we will have a balance of money, over our expenses, of \$87,000.

I just want the members to know that this is not a loser; we are actually making some money, albeit a very small amount. But it is not a loss; we are not losing revenue by passing this particular amendment.

Thank you, Mr. Speaker.

The SPEAKER. The question is, will the House agree to the amendment?

On that question, the Speaker recognizes the gentleman from Indiana County, Mr. Reed.

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

I do not want to belabor the points already made by my colleagues, but there seems to be two chief areas of concern. I think most folks can agree that we want to look at the concept of a False Claims Act, but we have got concerns whether the current language in this amendment would still meet the Federal requirements to get the bonus payment from the Federal government for enacting the State's False Claims Act. We know it may have met the requirements a decade ago when these bills were previously voted upon, but I think we owe it to ourselves and the Commonwealth, particularly when we are looking at a \$4 billion budget deficit, to make sure with 100-percent

certainty that we meet today's requirements for the Federal government for us to receive that additional 10-percent bonus payment. And secondly, I do think we need to revisit the concept of capping the attorney's fees in regard to the False Claims Act.

So looking at those two issues in totality, I think it merits that for today, on this particular bill, on HB 1251, that we vote against the Gerber amendment, we look at this bill through the committee process, we make sure we meet the Federal requirements, we cap the attorney's fees, and we get the best False Claims Act possible for the Commonwealth of Pennsylvania so that we can root out the fraud, we can get those additional dollars into our Commonwealth, and we can help offset other possible cuts in the budget with that revenue.

Thank you, Mr. Speaker, and I would ask that we oppose the Gerber amendment.

The SPEAKER. The question is, will the House agree to the amendment?

On that question, the Speaker recognizes the gentleman, Mr. Gerber, for the second time.

Mr. GERBER. Thank you, Mr. Speaker, and thank you to all my colleagues on both sides of the aisle that have—

The SPEAKER. Will the gentleman suspend.

I apologize; there was one other member that was seeking recognition, and I will come back to you just to try to give you the last straw.

The question is, will the House agree to the amendment?

On that question, the Speaker recognizes the gentleman from Allegheny County, Mr. Maher.

Mr. MAHER. Thank you, Mr. Speaker, and thank you for giving the gentleman from Montgomery County the last word, because I think he is going to need it.

All day, all day we listened to expressions about the desire for transparency, about legislation which is identical to that which has not only passed this chamber before but has twice before gone to the Governor's desk. We have a decade of transparency and discussion, including, in this session, hearings by the Judiciary Committee, a full day of debate last week, a full day of debate this week, about the bill we just passed, HB 1, and I think that is healthy.

Now, in this case, we have an amendment drawn up which may or may not be identical to something that has come before this chamber in the past, because frankly, we do not know the answer to that. And from a quick perusal, it does not seem to be identical to what was voted on in this chamber in the past, although we have heard that it is supposed to be.

Now, whether those differences are accidental or those differences are thoughtful, this much I know: that none of us know the answer. None of us really know what is in this amendment. And while each of us, and I thank the gentleman from Cambria County for making it crystal clear to the public that it was a Republican initiative, embraced unanimously by Republicans, to advance a False Claims Act in Pennsylvania, and notionally, it is something that I think we would all agree on, that this is not the way to do business. Because beyond the concerns about transparency, we also have to have the concerns about the legitimacy of this legislation in the eyes of the Supreme Court. How could we forget the lesson that is associated with HB 1 in tort reform that was just before us today, that if you vary from the single subject, particularly on matters near and dear to the courts, the courts will shred the result.

Days like today, amendments like this, make me wish we still had the opportunity to table amendments, because this would be a good time to do so. Because notionally, many of us are in favor of this, but frankly, we do not have enough information about this particular amendment. And we cannot table amendments, but because it would fail the constitutional test, we could have a motion that it is not constitutional. Or frankly, because it goes beyond the scope of the existing title that it is amended into, we could have a debate about whether it is germane. And I would be happy doing either of those things, but frankly, I think this is an amendment which is show and tell; it is a scorecard item. And I respect the gentleman from Montgomery, and I know that in his heart he wants to see a False Claims Act; in my heart I want to see a False Claims Act, but not this way. I want it done in a way that will be durable, that can actually be enforced and have teeth, and so I hope you will join me in opposing this amendment.

Thank you, Mr. Speaker.

The SPEAKER. The question is, will the House agree to the amendment?

On that question, the Speaker recognizes the lady from Luzerne County, Ms. Toohil.

Ms. TOOHI. Thank you, Mr. Speaker.

Mr. Speaker, I rise in opposition of this amendment. There seems to be some confusion about this amendment. It was in fact filed last week, and it is a 13-page backdoor amendment.

This amendment embarks on a very complicated issue that should be vetted through committee appropriately. In fact, the medical assistance False Claims Act was addressed by this chamber in 2001 and in 2002. However, half of this House was not in office during that time.

This amendment needs to be given serious consideration as separate legislation, and it needs to be done correctly. It needs to be put through the correct process and procedure. This piece of legislation passed out of committee clean, without amendments, and it is a good and necessary piece of legislation.

I ask respectfully that the members of this House will vote "no" on this amendment. Thank you.

The SPEAKER. The question is, will the House agree to the amendment?

On that question, the Speaker recognizes the gentleman from Montgomery County, Mr. Gerber, for the second time.

Mr. GERBER. Thank you, Mr. Speaker.

And as I started my comments briefly before, thank you to all my colleagues that have stood to debate this amendment, on both sides of the aisle. What I think we are hearing is broad-based support. We have heard from members on both sides that they want a false claims bill. We have heard from members on both sides that they want to deter fraud. We have heard from members on both sides of the aisle that they have supported this legislation in the past. I appreciate that.

What I am confused about, though, Mr. Speaker, is we have also heard about process. We have heard that this was slipped in. Well, Mr. Speaker, this was not slipped in. Mr. Speaker, these 13 pages, remember, contained in bills that passed this chamber twice before, contained in bills that were introduced last session and again this session, these 13 pages were filed Wednesday at 2 o'clock. It is Monday, long after 2 o'clock. I have a high regard for my colleagues, and I suspect all of them can read 13 pages over the last several days. Most of them can probably read those 13 pages in 20 minutes.

And for a lot of the members, and I realize not all the members, I realize not all the members, but for a lot of members, this is a bill we have seen time and time again. It has been offered by both Democrats and Republicans. When it passed this chamber in '01 and '03, three of the previous speakers voted for this bill. They voted for the bill. All those problems that they have mentioned were in that bill. They voted for it then, not once but twice.

Come on, Mr. Speaker, let us be real. You know this bill. You know what is in this bill or this amendment. You have seen it. And if you did not read it over the weekend, that is not everybody else's fault in this chamber. It is not the taxpayers' fault that you did not read it. This was introduced on Wednesday at 2 o'clock, within our rules. There is no circumvention of the rules here, Mr. Speaker.

A couple of other points I would like to make, Mr. Speaker, points I want to take exception to where people just misstated the truth. More than half the States in this nation have a false claims bill. One of the previous speakers said most do not. I think more than half is most, and most have it.

Mr. Speaker, we heard previous speakers say the Commonwealth will lose money. Our Republican majority chairman of the Appropriations Committee gave us a fiscal note today that said in year 1, we will make money. The Commonwealth will make money, yet a previous speaker said we will lose money.

Mr. Speaker, people get up and down and say they want to deter fraud. You hear it all the time. There is no more powerful tool to deter fraud than to have a false claims bill.

Mr. Speaker, we also heard complaints that this was going to cost money in the A.G.'s Office. The A.G. was going to be forced to deal with all of these cases. Well, first of all, Mr. Speaker, that would be a good problem, because that means private citizens are out there uncovering fraud. Private citizens are out there blowing the whistle. Those are not State workers. And yes, private lawyers are helping mature these cases. That is a true public-private partnership, Mr. Speaker. We hear about P3s. You may not think of it in this context, I realize that, but that is what this does. This gives people in the private sector incentive to help us in government deter fraud and catch bad guys. This is about going after bad guys. That is what you have to understand in this chamber.

And yes, Mr. Speaker, I will say to you, on this amendment, a vote against the amendment is to protect people that are committing fraud against this Commonwealth. A vote "yes" on this amendment, Mr. Speaker, puts the white hat on your head and is a vote to put the bad guys in their place, recover money from them, and save taxpayers money.

Mr. Speaker, I encourage a "yes" vote on this amendment. Thank you.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—89

Barbin	DeLissio	Kavulich	Petrarca
Bishop	DeLuca	Keller, W.	Preston
Boyle, B.	DePasquale	Kirkland	Ravenstahl
Boyle, K.	Dermody	Kortz	Readshaw
Bradford	DeWeese	Kotik	Roebuck

Brennan	Donatucci	Kula	Sabatina
Briggs	Fabrizio	Longiatti	Sainato
Brown, V.	Frankel	Mahoney	Samuelson
Brownlee	Freeman	Mann	Santarsiero
Burns	Galloway	Markosek	Santoni
Buxton	George	Matzie	Shapiro
Caltagirone	Gerber	McGeehan	Smith, K.
Carroll	Gergely	Mirabito	Smith, M.
Cohen	Gibbons	Mullery	Staback
Conklin	Goodman	Mundy	Sturla
Costa, D.	Haluska	Murphy	Thomas
Costa, P.	Hanna	Myers	Vitali
Cruz	Harhai	Neuman	Wagner
Curry	Harkins	O'Brien, M.	Waters
Daley	Hornaman	Parker	White
Davidson	Johnson	Pashinski	Williams
Davis	Josephs	Payton	Youngblood
Deasy			

NAYS—108

Adolph	Gabler	Maloney	Reese
Aument	Geist	Marshall	Reichley
Baker	Gillen	Marsico	Roe
Barrar	Gillespie	Masser	Rock
Benninghoff	Gingrich	Metcalfe	Ross
Bloom	Godshall	Metzgar	Saccone
Boback	Grell	Miccarelli	Saylor
Boyd	Grove	Micozzie	Scavello
Brooks	Hackett	Millard	Schroder
Brown, R.	Hahn	Miller	Simmons
Causar	Harhart	Milne	Sonney
Christiana	Harris	Moul	Stephens
Clymer	Heffley	Murt	Stern
Cox	Helm	Mustio	Stevenson
Creighton	Hennessey	O'Brien, D.	Swanger
Culver	Hess	O'Neill	Tallman
Cutler	Hickernell	Oberlander	Tobash
Day	Hutchinson	Payne	Toepel
Delozier	Kampf	Peifer	Toohil
Denlinger	Kauffman	Perry	Truitt
DiGirolo	Keller, F.	Petri	Turzai
Dunbar	Keller, M.K.	Pickett	Vereb
Ellis	Killion	Pyle	Vulakovich
Emrick	Knowles	Quigley	Watson
Evankovich	Krieger	Quinn	
Evans, J.	Lawrence	Rapp	Smith, S.,
Everett	Maher	Reed	Speaker
Fleck	Major		

NOT VOTING—0

EXCUSED—6

Bear	Farry	Taylor	Wheatley
Evans, D.	Harper		

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?

The SPEAKER. It is the Chair's understanding that the gentleman from Philadelphia, Mr. Cohen, has two late-filed amendments. Is he seeking to move to suspend the rules for the consideration of those amendments?

Mr. COHEN. I am seeking to suspend the rules for one of the two amendments, Mr. Speaker. It will be amendment 1382. It is a very simple amendment.

The SPEAKER. The gentleman will suspend just one minute.

MOTION TO SUSPEND RULES

The SPEAKER. The gentleman, Mr. Cohen, has moved that we suspend the rules for the consideration of amendment A01382.

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

The SPEAKER. On that question, the Speaker recognizes the gentleman, Mr. Cohen.

Mr. COHEN. Mr. Speaker, I believe, again, that an unintended consequence of this legislation would be to give immunity to government, to officials committing fraud, and I think that we should not be giving them criminal immunity if they turn State's evidence automatically. And therefore, I seek to suspend the rules to stop the automatic giving of criminal immunity to State workers engaged in welfare fraud turning State's evidence. I think whether they deserve—

The SPEAKER. The gentleman will suspend.

A brief description of what the amendment does. If the House votes to suspend the rules for the consideration of that amendment, then you can get into the substance of the amendment.

Mr. COHEN. What this does is removes automatic criminal immunity for State welfare caseworkers who commit crimes and then cooperate with investigators. I think it ought to be earned; it should not be automatic.

The SPEAKER. The question is, will the House suspend the rules?

On that question, the Speaker recognizes the majority leader, Mr. Turzai.

Mr. TURZAI. I would ask everybody to please vote "no" on the motion to suspend. Thank you.

The SPEAKER. The question is, will the House suspend the rules for the consideration of amendment A01382?

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

The following roll call was recorded:

YEAS—89

Barbin	DeLissio	Kavulich	Petrarca
Bishop	DeLuca	Keller, W.	Preston
Boyle, B.	DePasquale	Kirkland	Ravenstahl
Boyle, K.	Dermody	Kortz	Readshaw
Bradford	DeWeese	Kotik	Roebuck
Brennan	Donatucci	Kula	Sabatina
Briggs	Fabrizio	Longiatti	Sainato
Brown, V.	Frankel	Mahoney	Samuelson
Brownlee	Freeman	Mann	Santarsiero
Burns	Galloway	Markosek	Santoni
Buxton	George	Matzie	Shapiro
Caltagirone	Gerber	McGeehan	Smith, K.
Carroll	Gergely	Mirabito	Smith, M.
Cohen	Gibbons	Mullery	Staback
Conklin	Goodman	Mundy	Sturla
Costa, D.	Haluska	Murphy	Thomas
Costa, P.	Hanna	Myers	Vitali
Cruz	Harhai	Neuman	Wagner

Curry	Harkins	O'Brien, M.	Waters
Daley	Hornaman	Parker	White
Davidson	Johnson	Pashinski	Williams
Davis	Josephs	Payton	Youngblood
Deasy			

NAYS—108

Adolph	Gabler	Maloney	Reese
Aument	Geist	Marshall	Reichley
Baker	Gillen	Marsico	Roe
Barrar	Gillespie	Masser	Rock
Benninghoff	Gingrich	Metcalfe	Ross
Bloom	Godshall	Metzgar	Saccone
Boback	Grell	Miccarelli	Saylor
Boyd	Grove	Micozzie	Scavello
Brooks	Hackett	Millard	Schroder
Brown, R.	Hahn	Miller	Simmons
Causar	Harhart	Milne	Sonney
Christiana	Harris	Moul	Stephens
Clymer	Heffley	Murt	Stern
Cox	Helm	Mustio	Stevenson
Creighton	Hennessey	O'Brien, D.	Swanger
Culver	Hess	O'Neill	Tallman
Cutler	Hickernell	Oberlander	Tobash
Day	Hutchinson	Payne	Toepel
Delozier	Kampf	Peifer	Toohil
Denlinger	Kauffman	Perry	Truitt
DiGirolo	Keller, F.	Petri	Turzai
Dunbar	Keller, M.K.	Pickett	Vereb
Ellis	Killion	Pyle	Vulakovich
Emrick	Knowles	Quigley	Watson
Evankovich	Krieger	Quinn	
Evans, J.	Lawrence	Rapp	Smith, S.,
Everett	Maher	Reed	Speaker
Fleck	Major		

NOT VOTING—0

EXCUSED—6

Bear	Farry	Taylor	Wheatley
Evans, D.	Harper		

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

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

* * *

The House proceeded to second consideration of **HB 1254, PN 1439**, entitled:

An Act amending the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, further providing for prohibited use of public assistance funds.

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

Mr. **WATERS** offered the following amendment No. **A01337**:

Amend Bill, page 1, line 11, by inserting after "purchase" firearms, ammunition,

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

BILL PASSED OVER TEMPORARILY

The **SPEAKER**. Without objection, we will go over the bill temporarily.

* * *

The House proceeded to second consideration of **HB 1261, PN 1385**, entitled:

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

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

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

The **SPEAKER**. For what purpose does the gentleman, Mr. Hanna, rise?

Mr. **HANNA**. On that last bill, Mr. Cohen had an amendment filed; albeit late filed, he did have an amendment filed to that bill, 1261.

The **SPEAKER**. The Speaker was not informed that there were any late-filed amendments.

The Speaker was not aware that there had been a late-filed amendment. Would the gentleman come to the dais for a moment?

(Conference held at Speaker's podium.)

DECISION OF CHAIR RESCINDED ON HB 1261

The **SPEAKER**. Without objection, the Speaker rescinds his announcement that HB 1261 was agreed to.

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

MOTION TO SUSPEND RULES

The **SPEAKER**. The Speaker recognizes the gentleman from Philadelphia, Mr. Cohen, who seeks recognition to suspend the rules for consideration of amendment A01364.

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

The **SPEAKER**. On the question of suspension, the gentleman, Mr. Cohen, is recognized for a brief description of the amendment, relative to suspension of the rules.

Mr. **COHEN**. Thank you, Mr. Speaker.

Mr. Speaker, this amendment seeks to solve the problem perceived by the bill. The perceived problem in the bill is that there are three different TANF (Temporary Assistance for Needy Families) standards in the Commonwealth of Pennsylvania based on some cost-of-living formula, and it is

believed that there are TANF recipients who seek to game the system by pretending that they live in one county instead of another county in order to get more benefits. What my amendment does is creates a statewide standard which will stop the perceived gaming of the system.

The SPEAKER. The Speaker thanks the gentleman.

The question is, will the House suspend the rules for the consideration of this amendment?

On that question, the Speaker recognizes the gentleman, Mr. Reed, from Indiana County.

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

Since the net impact of this amendment would actually increase welfare benefits for folks across the Commonwealth at a time when we are supposed to try to find welfare savings to increase the funding for education, we would respectfully ask that folks oppose the suspension of the rules for the Cohen amendment. Thank you.

The SPEAKER. The question is, shall the House suspend the rules?

On the question of suspension, the gentleman from Philadelphia, Mr. Cohen, is recognized.

Mr. COHEN. Mr. Speaker, I think we ought to suspend the rules to fully consider this amendment, because while this amendment will create some slightly more expense in direct payments to needy recipients, it will save a fortune in administrative costs, which will in all likelihood exceed the amount of money expended.

I believe there is a net savings in this, and we ought to be fully free to debate this and examine it in detail.

The SPEAKER. The question is, will the House suspend the rules for the consideration of amendment A01364?

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

The following roll call was recorded:

YEAS-89

Barbin	DeLissio	Kavulich	Petrarca
Bishop	DeLuca	Keller, W.	Preston
Boyle, B.	DePasquale	Kirkland	Ravenstahl
Boyle, K.	Dermody	Kortz	Readshaw
Bradford	DeWeese	Kotik	Roebuck
Brennan	Donatucci	Kula	Sabatina
Briggs	Fabrizio	Longietti	Sainato
Brown, V.	Frankel	Mahoney	Samuelson
Brownlee	Freeman	Mann	Santarsiero
Burns	Galloway	Markosek	Santoni
Buxton	George	Matzie	Shapiro
Caltagirone	Gerber	McGeehan	Smith, K.
Carroll	Gergely	Mirabito	Smith, M.
Cohen	Gibbons	Mullery	Staback
Conklin	Goodman	Mundy	Sturla
Costa, D.	Haluska	Murphy	Thomas
Costa, P.	Hanna	Myers	Vitali
Cruz	Harhai	Neuman	Wagner
Curry	Harkins	O'Brien, M.	Waters
Daley	Hornaman	Parker	White
Davidson	Johnson	Pashinski	Williams
Davis	Josephs	Payton	Youngblood
Deasy			

NAYS-108

Adolph	Gabler	Maloney	Reese
Aument	Geist	Marshall	Reichley
Baker	Gillen	Marsico	Roae
Barrar	Gillespie	Masser	Rock
Benninghoff	Gingrich	Metcalfe	Ross
Bloom	Godshall	Metzgar	Saccone
Boback	Grell	Miccarelli	Saylor
Boyd	Grove	Micozzie	Scavello
Brooks	Hackett	Millard	Schroder
Brown, R.	Hahn	Miller	Simmons
Causar	Harhart	Milne	Sonney
Christiana	Harris	Moul	Stephens
Clymer	Heffley	Murt	Stern
Cox	Helm	Mustio	Stevenson
Creighton	Hennessey	O'Brien, D.	Swanger
Culver	Hess	O'Neill	Tallman
Cutler	Hickernell	Oberlander	Tobash
Day	Hutchinson	Payne	Toepel
Delozier	Kampf	Peifer	Toohil
Denlinger	Kauffman	Perry	Truitt
DiGirolamo	Keller, F.	Petri	Turzai
Dunbar	Keller, M.K.	Pickett	Vereb
Ellis	Killion	Pyle	Vulakovich
Emrick	Knowles	Quigley	Watson
Evankovich	Krieger	Quinn	
Evans, J.	Lawrence	Rapp	Smith, S., Speaker
Everett	Maher	Reed	
Fleck	Major		

NOT VOTING-0

EXCUSED-6

Bear	Farry	Taylor	Wheatley
Evans, D.	Harper		

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

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

SUPPLEMENTAL CALENDAR B CONTINUED

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 520, PN 923**, entitled:

An Act amending the act of August 26, 1971 (P.L.351, No.91), known as the State Lottery Law, providing for lottery winnings intercept.

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—197

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

NAYS—0

NOT VOTING—0

EXCUSED—6

Bear	Farry	Taylor	Wheatley
Evans, D.	Harper		

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 140, PN 1057**, entitled:

An Act establishing the Methadone Death and Incident Review Team and providing for its powers and duties; and imposing a penalty.

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—197

Adolph	Dunbar	Kortz	Rapp
Aument	Ellis	Kotik	Ravenstahl
Baker	Emrick	Krieger	Readshaw
Barbin	Evankovich	Kula	Reed
Barrar	Evans, J.	Lawrence	Reese
Benninghoff	Everett	Longietti	Reichley
Bishop	Fabrizio	Maher	Roae
Bloom	Fleck	Mahoney	Rock
Boback	Frankel	Major	Roebuck
Boyd	Freeman	Maloney	Ross
Boyle, B.	Gabler	Mann	Sabatina
Boyle, K.	Galloway	Markosek	Saccone
Bradford	Geist	Marshall	Sainato
Brennan	George	Marsico	Samuelson
Briggs	Gerber	Masser	Santarsiero
Brooks	Gergely	Matzie	Santoni
Brown, R.	Gibbons	McGeehan	Saylor
Brown, V.	Gillen	Metcalfe	Scavello
Brownlee	Gillespie	Metzgar	Schroder
Burns	Gingrich	Miccarelli	Shapiro
Buxton	Godshall	Micozzie	Simmons
Caltagirone	Goodman	Millard	Smith, K.
Carroll	Grell	Miller	Smith, M.
Causer	Grove	Milne	Sonney
Christiana	Hackett	Mirabito	Staback
Clymer	Hahn	Moul	Stephens
Cohen	Haluska	Mullery	Stern
Conklin	Hanna	Mundy	Stevenson
Costa, D.	Harhai	Murphy	Sturla
Costa, P.	Harhart	Murt	Swanger
Cox	Harkins	Mustio	Tallman
Creighton	Harris	Myers	Thomas
Cruz	Heffley	Neuman	Tobash
Culver	Helm	O'Brien, D.	Toepel
Curry	Hennessey	O'Brien, M.	Toohil
Cutler	Hess	O'Neill	Truitt

Daley	Hickernell	Oberlander	Turzai
Davidson	Hornaman	Parker	Vereb
Davis	Hutchinson	Pashinski	Vitali
Day	Johnson	Payne	Vulakovich
Deasy	Josephs	Payton	Wagner
DeLissio	Kampf	Peifer	Waters
Delozier	Kauffman	Perry	Watson
DeLuca	Kavulich	Petrarca	White
Denlinger	Keller, F.	Petri	Williams
DePasquale	Keller, M.K.	Pickett	Youngblood
Dermody	Keller, W.	Preston	
DeWeese	Killion	Pyle	Smith, S.,
DiGirolamo	Kirkland	Quigley	Speaker
Donatucci	Knowles	Quinn	

NAYS-0

NOT VOTING-0

EXCUSED-6

Bear	Farry	Taylor	Wheatley
Evans, D.	Harper		

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 705, PN 719**, entitled:

An Act amending the act of August 9, 1955 (P.L.323, No.130), known as The County Code, in county officers, further providing for enumeration of elected officers.

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

(Bill analysis was read.)

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS-136

Adolph	DePasquale	Kirkland	Rapp
Aument	Dermody	Knowles	Ravenstahl
Baker	DiGirolamo	Kortz	Readshaw
Barrar	Dunbar	Krieger	Reese
Benninghoff	Emrick	Lawrence	Roae
Bloom	Evankovich	Maher	Rock
Boback	Evans, J.	Major	Roebuck
Boyd	Everett	Maloney	Saccone
Boyle, B.	Fabrizio	Mann	Samuelson
Boyle, K.	Frankel	Markosek	Santarsiero
Bradford	Freeman	Marsico	Santoni
Brennan	Galloway	Masser	Saylor
Briggs	Gerber	Matzie	Shapiro

Brown, R.	Gillen	Metcalfe	Simmons
Buxton	Gillespie	Miccarelli	Smith, K.
Caltagirone	Gingrich	Micozzie	Smith, M.
Carroll	Goodman	Miller	Sonney
Causar	Grell	Moul	Staback
Christiana	Grove	Mullery	Sturla
Clymer	Hackett	Mundy	Swanger
Cohen	Hahn	Murphy	Tallman
Costa, D.	Hanna	Mustio	Tobash
Cox	Harhart	Myers	Toohil
Creighton	Harkins	Neuman	Truitt
Culver	Harris	O'Brien, D.	Turzai
Curry	Heffley	O'Neill	Vitali
Cutler	Helm	Pashinski	Vulakovich
Daley	Hickernell	Payne	Wagner
Davidson	Hornaman	Payton	Watson
Day	Josephs	Perry	White
Deasy	Kampf	Petri	Williams
DeLissio	Kauffman	Pickett	
Delozier	Keller, F.	Preston	Smith, S.,
DeLuca	Keller, M.K.	Quinn	Speaker
Denlinger	Killion		

NAYS-61

Barbin	George	Mahoney	Reed
Bishop	Gergely	Marshall	Reichley
Brooks	Gibbons	McGeehan	Ross
Brown, V.	Godshall	Metzgar	Sabatina
Brownlee	Haluska	Millard	Sainato
Burns	Harhai	Milne	Scavello
Conklin	Hennessey	Mirabito	Schroder
Costa, P.	Hess	Murt	Stephens
Cruz	Hutchinson	O'Brien, M.	Stern
Davis	Johnson	Oberlander	Stevenson
DeWeese	Kavulich	Parker	Thomas
Donatucci	Keller, W.	Peifer	Toepel
Ellis	Kotik	Petrarca	Vereb
Fleck	Kula	Pyle	Waters
Gabler	Longietti	Quigley	Youngblood
Geist			

NOT VOTING-0

EXCUSED-6

Bear	Farry	Taylor	Wheatley
Evans, D.	Harper		

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 707, PN 721**, entitled:

An Act amending the act of July 28, 1953 (P.L.723, No.230), known as the Second Class County Code, further providing for enumeration of elected officers.

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

(Bill analysis was read.)

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—139

Aument	Dunbar	Killion	Rapp
Baker	Emrick	Kirkland	Ravenstahl
Barrar	Evankovich	Knowles	Readshaw
Bishop	Evans, J.	Kortz	Reese
Bloom	Everett	Krieger	Roae
Boback	Fabrizio	Lawrence	Rock
Boyd	Fleck	Maher	Roebuck
Boyle, B.	Frankel	Major	Ross
Boyle, K.	Freeman	Maloney	Saccone
Bradford	Gabler	Mann	Samuelson
Brennan	Galloway	Markosek	Santarsiero
Briggs	Gerber	Marsico	Santoni
Brown, R.	Gergely	Masser	Saylor
Buxton	Gibbons	Matzie	Shapiro
Caltagirone	Gillen	Metcalfe	Simmons
Carroll	Gillespie	Miccarelli	Smith, K.
Causer	Gingrich	Micozzie	Smith, M.
Christiana	Goodman	Miller	Sonney
Clymer	Grell	Mullery	Staback
Costa, D.	Grove	Mundy	Swanger
Cox	Hackett	Murphy	Tallman
Creighton	Hahn	Mustio	Thomas
Culver	Hanna	Myers	Tobash
Curry	Harhart	Neuman	Toohil
Cutler	Harkins	O'Brien, D.	Truitt
Davidson	Harris	O'Neill	Turzai
Davis	Heffley	Pashinski	Vitali
Day	Helm	Payne	Vulakovich
Deasy	Hickernell	Payton	Wagner
DeLissio	Hornaman	Perry	Watson
Delozier	Josephs	Petri	White
DeLuca	Kampf	Pickett	Williams
Denlinger	Kauffman	Preston	
DePasquale	Keller, F.	Pyle	Smith, S., Speaker
Dermody	Keller, M.K.	Quinn	
DiGirolamo			

NAYS—58

Adolph	Geist	Marshall	Reed
Barbin	George	McGeehan	Reichley
Benninghoff	Godshall	Metzgar	Sabatina
Brooks	Haluska	Millard	Sainato
Brown, V.	Harhai	Milne	Scavello
Brownlee	Hennessey	Mirabito	Schroder
Burns	Hess	Moul	Stephens
Cohen	Hutchinson	Murt	Stern
Conklin	Johnson	O'Brien, M.	Stevenson
Costa, P.	Kavulich	Oberlander	Sturla
Cruz	Keller, W.	Parker	Toepel
Daley	Kotik	Peifer	Vereb
DeWeese	Kula	Petrarca	Waters
Donatucci	Longietti	Quigley	Youngblood
Ellis	Mahoney		

NOT VOTING—0

EXCUSED—6

Bear	Farry	Taylor	Wheatley
Evans, D.	Harper		

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 389, PN 353**, entitled:

An Act designating the Mill Creek Bridge on the new Route 202 Parkway in Warrington Township, Bucks County, as the George W. Niblock Bridge.

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—197

Adolph	Dunbar	Kortz	Rapp
Aument	Ellis	Kotik	Ravenstahl
Baker	Emrick	Krieger	Readshaw
Barbin	Evankovich	Kula	Reed
Barrar	Evans, J.	Lawrence	Reese
Benninghoff	Everett	Longietti	Reichley
Bishop	Fabrizio	Maher	Roae
Bloom	Fleck	Mahoney	Rock
Boback	Frankel	Major	Roebuck
Boyd	Freeman	Maloney	Ross
Boyle, B.	Gabler	Mann	Sabatina
Boyle, K.	Galloway	Markosek	Saccone
Bradford	Geist	Marshall	Sainato
Brennan	George	Marsico	Samuelson
Briggs	Gerber	Masser	Santarsiero
Brooks	Gergely	Matzie	Santoni
Brown, R.	Gibbons	McGeehan	Saylor
Brown, V.	Gillen	Metcalfe	Scavello
Brownlee	Gillespie	Metzgar	Schroder
Burns	Gingrich	Miccarelli	Shapiro
Buxton	Godshall	Micozzie	Simmons
Caltagirone	Goodman	Millard	Smith, K.
Carroll	Grell	Miller	Smith, M.
Causer	Grove	Milne	Sonney
Christiana	Hackett	Mirabito	Staback
Clymer	Hahn	Moul	Stephens
Cohen	Haluska	Mullery	Stern
Conklin	Hanna	Mundy	Stevenson
Costa, D.	Harhai	Murphy	Sturla
Costa, P.	Harhart	Murt	Swanger
Cox	Harkins	Mustio	Tallman
Creighton	Harris	Myers	Thomas
Cruz	Heffley	Neuman	Tobash
Culver	Helm	O'Brien, D.	Toepel
Curry	Hennessey	O'Brien, M.	Toohil
Cutler	Hess	O'Neill	Truitt
Daley	Hickernell	Oberlander	Turzai

Davidson	Hornaman	Parker	Vereb
Davis	Hutchinson	Pashinski	Vitali
Day	Johnson	Payne	Vulakovich
Deasy	Josephs	Payton	Wagner
DeLissio	Kampf	Peifer	Waters
Delozier	Kauffman	Perry	Watson
DeLuca	Kavulich	Petrarca	White
Denlinger	Keller, F.	Petri	Williams
DePasquale	Keller, M.K.	Pickett	Youngblood
Dermody	Keller, W.	Preston	
DeWeese	Killion	Pyle	Smith, S.,
DiGirolamo	Kirkland	Quigley	Speaker
Donatucci	Knowles	Quinn	

NAYS—0

NOT VOTING—0

EXCUSED—6

Bear	Farry	Taylor	Wheatley
Evans, D.	Harper		

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 390, PN 354**, entitled:

An Act designating Route 202 Parkway on State Route 202 connecting State Route 63 in Montgomery Township, Montgomery County, and State Route 611 in Doylestown Township, Bucks County, as the George A. Penglase Memorial Parkway.

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—197

Adolph	Dunbar	Kortz	Rapp
Aument	Ellis	Kotik	Ravenstahl
Baker	Emrick	Krieger	Readshaw
Barbin	Evankovich	Kula	Reed
Barrar	Evans, J.	Lawrence	Reese
Benninghoff	Everett	Longiatti	Reichley
Bishop	Fabrizio	Maher	Roae
Bloom	Fleck	Mahoney	Rock
Boback	Frankel	Major	Roebuck
Boyd	Freeman	Maloney	Ross
Boyle, B.	Gabler	Mann	Sabatina
Boyle, K.	Galloway	Markosek	Saccone
Bradford	Geist	Marshall	Sainato

Brennan	George	Marsico	Samuelson
Briggs	Gerber	Masser	Santarsiero
Brooks	Gergely	Matzie	Santoni
Brown, R.	Gibbons	McGeehan	Saylor
Brown, V.	Gillen	Metcalfe	Scavello
Brownlee	Gillespie	Metzgar	Schroder
Burns	Gingrich	Miccarelli	Shapiro
Buxton	Godshall	Micozzie	Simmons
Caltagirone	Goodman	Millard	Smith, K.
Carroll	Grell	Miller	Smith, M.
Causer	Grove	Milne	Sonney
Christiana	Hackett	Mirabito	Staback
Clymer	Hahn	Moul	Stephens
Cohen	Haluska	Mullery	Stern
Conklin	Hanna	Mundy	Stevenson
Costa, D.	Harhai	Murphy	Sturla
Costa, P.	Harhart	Murt	Swanger
Cox	Harkins	Mustio	Tallman
Creighton	Harris	Myers	Thomas
Cruz	Heffley	Neuman	Tobash
Culver	Helm	O'Brien, D.	Toepel
Curry	Hennessey	O'Brien, M.	Toohil
Cutler	Hess	O'Neill	Truitt
Daley	Hickernell	Oberlander	Turzai
Davidson	Hornaman	Parker	Vereb
Davis	Hutchinson	Pashinski	Vitali
Day	Johnson	Payne	Vulakovich
Deasy	Josephs	Payton	Wagner
DeLissio	Kampf	Peifer	Waters
Delozier	Kauffman	Perry	Watson
DeLuca	Kavulich	Petrarca	White
Denlinger	Keller, F.	Petri	Williams
DePasquale	Keller, M.K.	Pickett	Youngblood
Dermody	Keller, W.	Preston	
DeWeese	Killion	Pyle	Smith, S.,
DiGirolamo	Kirkland	Quigley	Speaker
Donatucci	Knowles	Quinn	

NAYS—0

NOT VOTING—0

EXCUSED—6

Bear	Farry	Taylor	Wheatley
Evans, D.	Harper		

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.

LEAVE OF ABSENCE

The SPEAKER. The Speaker returns to leaves of absence and recognizes the majority leader, who requests a leave of absence for the gentleman, Mr. Dennis O'BRIEN, from Philadelphia County for the remainder of the day. Without objection, the leave is granted.

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 399, PN 365**, entitled:

An Act designating the Shenango River Bridge, which carries State Route 322 over the Shenango River in Jamestown Borough, Mercer County, as the Staff Sergeant David M. Veverka Veterans Memorial Bridge.

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—196

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

NAYS—0

NOT VOTING—0

EXCUSED—7

Bear	Farry	O'Brien, D.	Wheatley
Evans, D.	Harper	Taylor	

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 438, PN 615**, entitled:

An Act amending the act of December 18, 2007 (P.L.464, No.71), entitled "An act designating a portion of State Route 145 in Northampton County as the Battle of the Bulge Veterans Memorial Highway," further providing for the Battle of the Bulge Veterans Memorial Highway.

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—196

Adolph	Dunbar	Kortz	Rapp
Aument	Ellis	Kotik	Ravenstahl
Baker	Emrick	Krieger	Readshaw
Barbin	Evankovich	Kula	Reed
Barrar	Evans, J.	Lawrence	Reese
Benninghoff	Everett	Longietti	Reichley
Bishop	Fabrizio	Maher	Roae
Bloom	Fleck	Mahoney	Rock
Boback	Frankel	Major	Roebuck
Boyd	Freeman	Maloney	Ross
Boyle, B.	Gabler	Mann	Sabatina
Boyle, K.	Galloway	Markosek	Saccone
Bradford	Geist	Marshall	Sainato
Brennan	George	Marsico	Samuelson
Briggs	Gerber	Masser	Santarsiero
Brooks	Gergely	Matzie	Santoni
Brown, R.	Gibbons	McGeehan	Saylor
Brown, V.	Gillen	Metcalfe	Scavello
Brownlee	Gillespie	Metzgar	Schroder
Burns	Gingrich	Miccarelli	Shapiro
Buxton	Godshall	Micozzie	Simmons
Caltagirone	Goodman	Millard	Smith, K.
Carroll	Grell	Miller	Smith, M.
Causar	Grove	Milne	Sonney
Christiana	Hackett	Mirabito	Staback
Clymer	Hahn	Moul	Stephens
Cohen	Haluska	Mullery	Stern
Conklin	Hanna	Mundy	Stevenson

Costa, D.	Harhai	Murphy	Sturla
Costa, P.	Harhart	Murt	Swanger
Cox	Harkins	Mustio	Tallman
Creighton	Harris	Myers	Thomas
Cruz	Heffley	Neuman	Tobash
Culver	Helm	O'Brien, M.	Toepel
Curry	Hennessey	O'Neill	Toohil
Cutler	Hess	Oberlander	Truitt
Daley	Hickernell	Parker	Turzai
Davidson	Hornaman	Pashinski	Vereb
Davis	Hutchinson	Payne	Vitali
Day	Johnson	Payton	Vulakovich
Deasy	Josephs	Peifer	Wagner
DeLissio	Kampf	Perry	Waters
Delozier	Kauffman	Petrarca	Watson
DeLuca	Kavulich	Petri	White
Denlinger	Keller, F.	Pickett	Williams
DePasquale	Keller, M.K.	Preston	Youngblood
Dermody	Keller, W.	Pyle	
DeWeese	Killion	Quigley	Smith, S.,
DiGirolamo	Kirkland	Quinn	Speaker
Donatucci	Knowles		

NAYS-0

NOT VOTING-0

EXCUSED-7

Bear	Farry	O'Brien, D.	Wheatley
Evans, D.	Harper	Taylor	

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 728, PN 741**, entitled:

An Act amending the act of February 11, 1998 (P.L.58, No.15), known as the Combustible and Flammable Liquids Act, further providing for regulations and for prohibitions.

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

(Bill analysis was read.)

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

On that question, the Speaker recognizes the gentleman from Delaware County, Mr. Barrar.

Mr. BARRAR. Thank you, Mr. Speaker.

I am just going to submit my comments for the record and ask for a "yes" vote.

The SPEAKER. The Speaker thanks the gentleman. His remarks will be spread upon the record.

REMARKS SUBMITTED FOR THE RECORD

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

Mr. Speaker, HB 728 simply allows for the placement of an additional emergency control shutoff device in the gas pump area of a self-serve gasoline convenience store, thereby allowing the maximum distance between the main emergency shutoff switch and the furthest gasoline pump to be a maximum distance of 200 feet rather than the current 125 feet.

The provisions of this bill are consistent with a Federal NFPA (National Fire Protection Association) 30-A standard that allows for these additional emergency shutoff switches and has been adopted by 26 other States. I would add that this bill is more stringent because it creates a maximum distance of 200 feet, whereas the NFPA standard does not have a maximum distance.

The purpose of my legislation is to alleviate congestion in the gas pump bay areas and create safer traffic patterns for the customers.

This legislation is supported by the membership of the Pennsylvania Convenience Store Council, the Pennsylvania Food Merchants Association, the State Fire Commissioners Office, and the Pennsylvania Fire and Emergency Services Institute.

I want to thank the committee members, the various fire and emergency services groups, the retail gasoline station industry representatives, and staff on both sides of the aisle for the hard work on this bill, and I would ask the members for an affirmative vote on this legislation.

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

Adolph	Donatucci	Knowles	Ravenstahl
Aument	Dunbar	Kortz	Readshaw
Baker	Ellis	Kotik	Reed
Barbin	Emrick	Kula	Reese
Barrar	Evans, J.	Lawrence	Reichley
Benninghoff	Everett	Longietti	Roae
Bishop	Fabrizio	Maher	Rock
Bloom	Fleck	Mahoney	Roebuck
Boback	Frankel	Major	Ross
Boyd	Freeman	Maloney	Sabatina
Boyle, B.	Gabler	Mann	Saccone
Boyle, K.	Galloway	Markosek	Sainato
Bradford	Geist	Marshall	Samuelson
Brennan	George	Marsico	Santarsiero
Briggs	Gerber	Masser	Santoni
Brooks	Gergely	Matzie	Saylor
Brown, R.	Gibbons	McGeehan	Scavello
Brown, V.	Gillen	Miccarelli	Schroder
Brownlee	Gillespie	Micozzie	Shapiro
Burns	Gingrich	Millard	Simmons
Buxton	Godshall	Miller	Smith, K.
Caltagirone	Goodman	Milne	Smith, M.
Carroll	Grell	Mirabito	Sonney
Causar	Grove	Moul	Staback
Christiana	Hackett	Mullery	Stephens
Clymer	Hahn	Mundy	Stern
Cohen	Haluska	Murphy	Stevenson
Conklin	Hanna	Murt	Sturla
Costa, D.	Harhai	Mustio	Swanger

Costa, P.	Harhart	Myers	Tallman
Cox	Harkins	Neuman	Thomas
Creighton	Harris	O'Brien, M.	Tobash
Cruz	Heffley	O'Neill	Toepel
Culver	Helm	Oberlander	Toohil
Curry	Hennessey	Parker	Truitt
Cutler	Hess	Pashinski	Turzai
Daley	Hickernell	Payne	Vereb
Davidson	Hornaman	Payton	Vitali
Davis	Hutchinson	Peifer	Vulakovich
Day	Johnson	Perry	Wagner
Deasy	Josephs	Petrarca	Waters
DeLissio	Kampf	Petri	Watson
Delozier	Kauffman	Pickett	White
DeLuca	Kavulich	Preston	Williams
Denlinger	Keller, F.	Pyle	Youngblood
DePasquale	Keller, M.K.	Quigley	
Dermody	Keller, W.	Quinn	Smith, S.,
DeWeese	Killion	Rapp	Speaker
DiGirolo	Kirkland		

NAYS—4

Evankovich	Krieger	Metcalf	Metzgar
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NOT VOTING—0**EXCUSED—7**

Bear	Farry	O'Brien, D.	Wheatley
Evans, D.	Harper	Taylor	

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. For the information of the members, there will be no more votes this evening.

BILLS RECOMMITTED

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

HB 960;
HB 1251; and
HB 1261.

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

BILL REMOVED FROM TABLE

The SPEAKER. The Speaker recognizes the majority leader, who moves that HB 395 be removed from the tabled bill calendar.

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

BILL TABLED

The SPEAKER. The Speaker recognizes the majority leader, who moves that HB 395 be placed on the tabled bill calendar.

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

The SPEAKER. Are there any announcements?

BILLS AND RESOLUTIONS PASSED OVER

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

ADJOURNMENT

The SPEAKER. The Speaker recognizes the gentleman, Mr. Saccone, from Allegheny County, who moves that the House do adjourn until Tuesday, April 12, 2011, at 11 a.m., e.d.t., unless sooner recalled by the Speaker.

On the question,
Will the House agree to the motion?
Motion was agreed to, and at 8 p.m., e.d.t., the House adjourned.