

# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

TUESDAY, APRIL 12, 2011

SESSION OF 2011

195TH OF THE GENERAL ASSEMBLY

No. 26

### HOUSE OF REPRESENTATIVES

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

#### THE SPEAKER (SAMUEL H. SMITH) PRESIDING

#### PRAYER

REV. DAVID W. PECK, Guest Chaplain of the House of Representatives, offered the following prayer:

Thank you, Mr. Speaker.

Let us pray:

Heavenly Father, as we gather on this 150th anniversary of the start of hostilities at Fort Sumter that forced a nation into the course of restoring its purpose through conflict and the cost of civil war, we must first give You thanks for Pennsylvania's place in these United States. We thank You for all who fought and all who fell in the constitutional cause of the preservation of the Union and for its greatest fruit, which was the abolition of slavery. We remember and honor with devoted hearts and silent lips the inconceivable costs, which all citizens and combatants bore from this Commonwealth in the horrors of civil war.

We remember all those who in this House worked for reconciliation between North and South, between Black and White. So we continue in this, our own day, to pray with increased devotion for our own role in this place, to work for unity in the bond of peace among all people in this Commonwealth. We repent of our part in any unnecessary division as we work and contend with others here for the common good. We give You thanks that the edifice of this State House and the grandeur of its porticoes keep us ever mindful of a public faithfully served and a nation so conceived in liberty that none of the great sacrifices for the Union within our Commonwealth was wasted.

May we be blessed and inspired to continue their witness to a vision of humanity set free from its own chains of discord. All this we pray, in the name of God who governs the works of all mankind and from whom all unity, peace, and the true purpose for this place comes, now and forevermore. Amen.

#### PLEDGE OF ALLEGIANCE

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

### JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, the approval of the Journal of Monday, April 11, 2011, will be postponed until printed.

#### LEAVES OF ABSENCE

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

The Speaker recognizes the minority whip, who seeks no additional leaves of absence for the minority.

#### MASTER ROLL CALL

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

The following roll call was recorded:

#### PRESENT—201

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

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

## ADDITIONS—0

## NOT VOTING—0

## EXCUSED—2

Bear	Petri
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## LEAVES ADDED—4

Harper	Kortz	Mundy	Smith, M.
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## LEAVES CANCELED—2

Mundy	Smith, M.
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The SPEAKER. Two hundred and one members having voted on the master roll call, a quorum is present.

**BILLS REREPORTED FROM COMMITTEE****HB 197, PN 712** By Rep. ADOLPH

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, in area government and intergovernmental cooperation, further providing for review of agreement by Local Government Commission.

## APPROPRIATIONS.

**HB 960, PN 1028** By Rep. ADOLPH

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.

## APPROPRIATIONS.

**HB 1251, PN 1370** By Rep. ADOLPH

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.

## APPROPRIATIONS.

**HB 1261, PN 1385** By Rep. ADOLPH

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.

## APPROPRIATIONS.

**BILLS REPORTED FROM COMMITTEES, CONSIDERED FIRST TIME, AND TABLED****HB 396, PN 1525** (Amended) By Rep. MARSICO

An Act amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for drug delivery resulting in death and for sentences for second and subsequent offenses.

## JUDICIARY.

**HB 440, PN 1523** (Amended) By Rep. MILLER

An Act amending the act of June 2, 1915 (P.L.736, No.338), known as the Workers' Compensation Act, providing for insurance for different forms of business; and repealing provisions on logging.

## LABOR AND INDUSTRY.

**HB 463, PN 1522** (Amended) By Rep. HENNESSEY

An Act amending the act of August 26, 1971 (P.L.351, No.91), known as the State Lottery Law, in Pharmaceutical Assistance for the Elderly, further providing for determination of eligibility.

## AGING AND OLDER ADULT SERVICES.

**HB 804, PN 823** By Rep. MARSICO

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for exemptions from jury duty.

## JUDICIARY.

**HB 1055, PN 1524** (Amended) By Rep. MILLER

An Act providing for the registration and regulation of professional employer organizations and for powers and duties of the Department of Labor and Industry; and imposing penalties.

## LABOR AND INDUSTRY.

**HB 1121, PN 1526** (Amended) By Rep. MARSICO

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for sentencing for offenses committed in association with a criminal street gang.

## JUDICIARY.

**HB 1192, PN 1297** By Rep. MARSICO

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for nonmedical good Samaritan civil immunity.

## JUDICIARY.

**SB 265, PN 242**

By Rep. HUTCHINSON

An Act amending the act of December 18, 1984 (P.L.1069, No.214), known as the Coal and Gas Resource Coordination Act, further providing for definitions, for permits, for permit application, for minimum distance between gas wells, for well class designation and for coordination of gas well drilling through active coal mines; providing for a pillar support study; and further providing for plugging gas wells penetrating workable coal seams, for penalties and for validity of other laws.

**ENVIRONMENTAL RESOURCES AND ENERGY.**

**BILL REPORTED AND REREFERRED TO  
COMMITTEE ON VETERANS AFFAIRS  
AND EMERGENCY PREPAREDNESS**

**HB 1174, PN 1280**

By Rep. MARSICO

An Act amending Title 35 (Health and Safety) of the Pennsylvania Consolidated Statutes, in emergency telephone service, providing for prohibited release of information.

Reported from Committee on JUDICIARY with request that it be rereferred to Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS.

The SPEAKER. Without objection, the bill will be so rereferred.

**RESOLUTION REPORTED  
FROM COMMITTEE**

**HR 146, PN 1223**

By Rep. MILLER

A Resolution designating April 28, 2011, as "Workers' Memorial Day" in Pennsylvania.

**LABOR AND INDUSTRY.****GUESTS INTRODUCED**

The SPEAKER. The Speaker would like to recognize and welcome the many guests and visitors we have with us today. Located to the left of the rostrum, the Speaker welcomes Nicole North. She is a guest of Representative Mauree Gingrich. Nicole, would you stand and be recognized. Welcome to the House.

Located in the rear of the House, the Speaker welcomes the Young Marines. They are under the leadership of 1st Sgt. Ron Maxson, USMC (United States Marine Corps) retired. The Young Marines is a youth program in the United States open to children from the age of 8 through the completion of high school. The role and purpose of the program is to promote the mental, moral, and physical development of its members. Through the program, the Young Marines learn survival techniques, undergo physical training, and take part in hiking, swimming, rock climbing, rappelling, and scuba diving. They are guests of Representative Mike Reese. Will these visitors please rise and be welcomed.

Located up in the gallery, the Speaker welcomes Sue Farley and Celeste Samec of the Hazleton YWCA. They are guests of Representative Toohil. Welcome to the hall of the House.

Also in the gallery, we welcome the students from the University of Sciences in Philadelphia. They are guests of Representative Roebuck. Will you folks please rise and be recognized. Welcome to the hall of the House.

In addition, in the gallery, we welcome Jim Gingrich and students from Antietam High School. They are guests of Representative Dante Santoni. Welcome the guests. They are on the far side.

In the well of the House, the Speaker would like to welcome Lucie Loftus, daughter of Zoe and James Loftus. Lucie is a junior at Bishop McDevitt High School. She is serving as a guest page today and is a guest of Representative John Payne. Welcome to the hall of the House.

Additionally in the well of the House, we welcome Anthony Stem. He attends Southern Middle School and is in the eighth grade. Anthony is serving as a guest page, and he is the guest of Representative Ron Miller. Welcome to the hall of the House.

Additionally in the well, we have two foreign exchange students from Representative Mark Keller's district who are serving as guest pages: Till Siebert, from Kassel, Germany, is 16 and taking senior classes at West Perry High School. He will graduate with the class this year. He is being hosted by John and Barbara Stokes of Loysville. Andrea Robles, from Spain, is 16 – I am not going to even go after the name of that town, Majadahonda, Spain – she is 16 and is in the 11th grade at Newport High School. She is being hosted by the McClucas family in Newport. Welcome to the hall of the House.

Also in the gallery, the Chair welcomes the students from Lincoln University. They are guests of Representative Cherelle Parker.

**STATEMENT BY MISS PARKER**

The SPEAKER. Does the lady, Miss Parker, seek recognition under unanimous consent?

Miss PARKER. Yes, Mr. Speaker.

The SPEAKER. The lady may proceed.

Miss PARKER. Mr. Speaker, it gives me great honor and privilege to recognize the students of Lincoln University who are here today. I feel like a proud mother today, along with a proud daughter as a graduate of Lincoln University, but also, Mr. Speaker, as a member of the Lincoln University Board of Trustees.

For those members of our body who are not familiar with the history of Lincoln University, for the record, I would like you to know that Lincoln University is the first historically degree-granting institution of higher learning in the United States of America. We are the alma mater to Thurgood Marshall, who was the first African-American Supreme Court Justice in the United States. He also led the defense team in the *Brown v. Board of Education* case, which actually ended segregation in the American public school system.

Also, our long list of luminaries includes America's poet laureate Langston Hughes, Nnamdi Azikiwe, Kwame Nkrumah, and several other distinguished alum. But, Mr. Speaker, why I am even more proud today is that these students are doing what I also learned as a student at Lincoln University, and that is to get actively engaged in the public policy that will have a direct impact on their lives as students. They are here today to meet with legislators, to express their concerns regarding the

proposed budget along with the cuts proposed for State-related institutions and other higher institutions across the Commonwealth of Pennsylvania.

I want you to know, Lincoln family, that I am proud of you. Please continue to do what you do and make sure you remain actively engaged in any public policy matters that will have a direct impact on your quality of life. After all, that is what Lincoln University students do. Thank you, Mr. Speaker.

### STATEMENT BY MR. WATERS

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

Mr. WATERS. Thank you, Mr. Speaker.

Mr. Speaker, I also stand proud to be a Pennsylvanian today. I stand proud to be a member of the General Assembly today. I stand proud to have earlier met with the students of Lincoln University today. I just want to say that the students who are joining us here today, who are being escorted by René Amore, who came to meet us in the K. Leroy Irvis Building, the first African-American Speaker of the House, they came to meet us in the building named after him today.

These students spoke about what the HBCU (historically Black colleges and universities) experiment has meant to them and how it has helped them, not only to stay on the right course that we as Pennsylvanians really support, but they also talk about how it has saved lives, how it has helped people, how it has opened doors, how it has helped many of the underserved historically in this Commonwealth. I just want to say the cuts that are proposed to that university are unacceptable, and these students right here will demonstrate something that we all should be proud of, what is taking place in Lincoln University. Historically, it is the first African-American HBCU in this nation. It should be protected and we should respect it. Thank you, Mr. Speaker.

### GUESTS INTRODUCED

The SPEAKER. The Speaker thanks the gentleman.

The Speaker would like to also recognize one other guest who has been here a few times in the past, but we will welcome him back one more time. Located to the left of the rostrum, the Speaker welcomes former Representative Frank Oliver and his wife, Wilma. They are guests, obviously, of the House in general, as a former member, but also specifically of Representative Brownlee. Welcome to the hall of the House.

### STATEMENT BY MS. BROWNLEE

The SPEAKER. The Speaker recognizes the lady from Philadelphia, Ms. Brownlee, under unanimous consent.

Ms. BROWNLEE. Thank you, Mr. Speaker.

I rise to invite my colleagues from both sides of the aisle to an informal presentation of HR 50 to former State Representative Frank Oliver, which passed this House on February 8, honoring him for his 37 years of service and dedicating April 15, 2011, "Frank Oliver Day."

This presentation and lunch will be held in room 60E at the break of the House proceedings. Thank you, Mr. Speaker.

The SPEAKER. The Speaker thanks the lady.

The House will come to order. Members will please take their seats and clear the aisles. The House will please come to order. Members will please take their seats. Will members please take their seats. We are about to take up a condolence resolution.

The Speaker thanks the members.

### CALENDAR

#### RESOLUTIONS PURSUANT TO RULE 35

Mr. HEFFLEY called up **HR 151, PN 1299**, entitled:

A Resolution honoring the life of John J. "Sonny" Kovatch, Jr., a pillar of Carbon County.

On the question,

Will the House adopt the resolution?

#### GUESTS INTRODUCED

The SPEAKER. In that order, the Speaker would like to recognize some guests and family members. Located to the left of the rostrum, we welcome the family of John J. "Sonny" Kovatch, Jr., and we offer our condolences at your loss. The family members with us include his wife, Helen Kovatch; his son, John Kovatch III, and wife, Sharon; daughter, Judy Lebo, and her husband, Bob; daughter, Kathy Reaman, and husband, Ric; and daughter, Marianne Meixell. Along with those family members, also in the rear of the House are several of Mr. Kovatch's grandchildren. Would you please rise and be recognized by the House.

On the question, the Speaker recognizes the gentleman, Mr. Heffley.

Mr. HEFFLEY. Mr. Speaker, I rise to thank and ask my colleagues for their support for the House resolution honoring the late John "Sonny" Kovatch. Sonny was a 1943 graduate of Nesquehoning High School, a veteran of World War II, having served in the South Pacific theatre. After returning home from the war, he started a small car repair shop. Over the years his business grew into many small businesses, and in the 1980s, Kovatch Mobile Equipment Corporation was formed to begin the manufacture of new fire apparatus. Known today as KME, this company has become a global leader in specialty vehicle manufacturing. KME is the largest family-held fire truck manufacturer in North America.

Sonny's philosophy of hard work and commitment to a family-operated company that puts its customers and employees first has allowed KME to become one of the largest employers in Carbon County, providing quality jobs and a way of life for many hardworking families. Sonny cared about improving the quality of life in his community. As well as managing KME, he was an entrepreneur who developed an industrial park, aided in bringing a large supermarket and community college into his community, as well as being instrumental in bringing a solar energy park to Carbon County.

I think to sum up Sonny Kovatch, I would like to just quote from his son, John III, when asked about his father. John is now the CEO (chief executive officer) of Kovatch Corporation, and he had this to say: "My father was a true American success

story. He loved what he did and had a passion to build a legacy that will continue to positively affect our lives for generations to come."

KME is one of the largest employers not only in Carbon County but also employs several people in Schuylkill County. I asked my colleague, Jerry Knowles from Schuylkill, to say a few words as well.

The SPEAKER. Under unanimous consent, the gentleman, Mr. Knowles, is recognized.

Mr. KNOWLES. Thank you, Mr. Speaker.

I would like to first of all thank Representative Heffley for allowing me to be a part of this. I have been a lifelong friend of the Kovatch family, and I can tell you that Sonny Kovatch started out as a very simple small businessman and grew that business into a multimillion-dollar business. He is the largest employer in Carbon County, but I can tell you that probably half of the 700 that work there come from the district that I represent, because when you cross over from Schuylkill into Carbon, you shortly get into Kovatch country. This man was an icon in our area. He was an icon, and till the time that he passed, Representative Heffley and I had met with the Kovatch group just months before his passing and Sonny did not want to talk about history; he wanted to talk about the future. He wanted to talk about what they were going to do. He wanted to talk about the solar farm. He wanted to talk about how they were going to continue to grow the company. That is the kind of guy that he was. He was just a great guy. When you were in a room with Sonny Kovatch and when you got into debate, it was kind of like being in a room with Bud George. He was a vibrant guy. He was a guy who loved what he did, and up until the very moment of his last breath, he worked very hard for that company.

I want to thank the Kovatch Corporation for what they do for our area. Many times we forget about industries that are in our area and what they do. I am very happy to be here, and I think that John Kovatch V— Show John Kovatch V. This is John Kovatch V. So I am certain that in the future, John Kovatch V will be ready to take over for John Kovatch IV and John Kovatch III.

I would ask for your vote on this resolution. Thank you very much, Mr. Speaker.

The SPEAKER. Out of a sign of respect, I would ask the members and all 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 John J. "Sonny" Kovatch, Jr.)

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

The following roll call was recorded:

#### YEAS—201

Adolph	Ellis	Knowles	Ravenstahl
Aument	Emrick	Kortz	Readshaw
Baker	Evankovich	Kotik	Reed
Barbin	Evans, D.	Krieger	Reese
Barrar	Evans, J.	Kula	Reichley

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

NAYS—0

NOT VOTING—0

EXCUSED—2

Bear

Petri

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

\* \* \*

Ms. WAGNER called up **HR 182, PN 1449**, entitled:

A Resolution honoring the life and contributions of Mrs. Rita Wilson Kane and extending condolences to her family and colleagues.

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

## YEAS—201

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

## NAYS—0

## NOT VOTING—0

## EXCUSED—2

Bear Petri

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

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Mr. CLYMER called up **HR 195, PN 1491**, entitled:

A Resolution designating April 12, 2011, as the official beginning of Pennsylvania's Civil War 150th Commemoration.

On the question,  
Will the House adopt the resolution?

## GUESTS INTRODUCED

The SPEAKER. The Speaker would like to take a moment and recognize some additional visitors we have in the rear of the House. We welcome the Boy Scouts of America, Venture Crew 53 Fife and Drum Corps of Maytown, proudly portraying the Civil War field music of the 1st Regiment PA Reserves. The group performed this morning at the opening ceremonies of the 150th anniversary of the Civil War. They are guests of Representative Hickernell from Lancaster County. We welcome these young men to the hall of the House.

The question is, will the House adopt the resolution?

The Speaker recognizes the gentleman, Mr. Clymer, on the resolution.

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, the young men that you just recognized in the rear of the hall did a fabulous job this morning as we celebrated Pennsylvania's Civil War 150. It was a very good program, and I want to thank you, Mr. Speaker, for participating, for coming and sharing some very thoughtful remarks about this very special occasion. We had speakers from both chambers to make a presentation, in addition to Gov. Tom Corbett. So this is really a historic day here in Pennsylvania, and I certainly would ask members to support this resolution. Thank you.

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

The following roll call was recorded:

## YEAS—201

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

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

NAYS—0

NOT VOTING—0

EXCUSED—2

Bear Petri

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

## UNCONTESTED CALENDAR

### RESOLUTIONS PURSUANT TO RULE 35

Mr. BRIGGS called up **HR 191, PN 1472**, entitled:

A Resolution designating April 16, 2011, as "Earth Day—Pennsylvania."

\* \* \*

Mr. BRIGGS called up **HR 192, PN 1473**, entitled:

A Resolution recognizing the week of April 10 through 16, 2011, as the "Week of the Young Child" in Pennsylvania.

\* \* \*

Mr. GROVE called up **HR 199, PN 1495**, entitled:

A Resolution designating April 16, 2011, as "Y Healthy Kids Day" in Pennsylvania.

\* \* \*

Mr. PASHINSKI called up **HR 204, PN 1513**, entitled:

A Resolution designating the month of March 2011 as "Music in Our Schools Month" in Pennsylvania.

\* \* \*

Mrs. R. BROWN called up **HR 205, PN 1514**, entitled:

A Resolution designating the month of April 2011 as "Sexual Assault Awareness Month" in Pennsylvania.

On the question,

Will the House adopt the resolutions?

The following roll call was recorded:

### YEAS—201

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

NAYS—0

NOT VOTING—0

EXCUSED—2

Bear

Petri

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

## CALENDAR CONTINUED

### BILLS ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 278, PN 1426**, entitled:

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

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

Mr. **SANTARSIERO** offered the following amendment No. **A01290**:

Amend Bill, page 2, line 3, by striking out "BASE"

Amend Bill, page 2, line 5, by striking out "subject to adjustment under subsection (b.1)"

Amend Bill, page 2, line 26 by striking out "[that exceed {four} and inserting

that exceed [four

Amend Bill, page 2, line 27, by striking out "IN EXCESS OF THE BASE AMOUNT OF"

Amend Bill, page 2, lines 27 and 28, by striking out " " in line 27 and "subject to adjustment under subsection (b.1)," in line 28

Amend Bill, page 4, lines 23 through 30; page 5, lines 1 through 30; page 6, lines 1 through 15, by striking out all of said lines on said pages

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

The SPEAKER. On that question, the Speaker recognizes the gentleman from Bucks, Mr. Santarsiero.

Mr. **SANTARSIERO**. Thank you, Mr. Speaker.

This bill and a series of other bills would essentially increase the threshold for the requirement for bidding out contracts and services for local governments. My amendment, which has been filed to this and the other related bills, would take away the provision in the bill that would have that new threshold automatically increased as a consequence of an increase in the Consumer Price Index. My thought on this is that if the number is going to be increased, the legislature should be responsible for any additional increases down the road and not have it be an automatic increase pursuant to the CPI. So that is all that this amendment and the subsequent amendments to the other bills do.

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

On that question, the Speaker recognizes the gentleman from Perry County, Mr. Mark Keller.

Mr. M. **KELLER**. Thank you, Mr. Speaker.

Mr. Speaker, as we put these bills together on this bid package, we tried to do it so that there would be an orderly fashion. If this particular amendment would go in, what would happen is that it would create an issue that even next session, the organizations that are for this bill would be back for even higher amounts. This does it in an orderly fashion, that the legislature does not have to come back and redo this year after year after year.

So by taking that factor out, what it would do, it would create a problem for the future. When we are doing legislation, I would hope that we would do something for the future and that it would continue on in the future, that we are not burdened with this year after year after year.

So I am asking the members to not support amendment A01290.

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. Freeman.

Mr. **FREEMAN**. Thank you, Mr. Speaker.

Mr. Speaker, I rise in support of the Santarsiero amendment, A01290. I think Mr. Santarsiero's amendment strikes a balance. While I am generally sympathetic to the intent of the gentleman from Perry County's legislation, we must be mindful of the fact that the current raising of the bid limit within this legislation would raise it to \$25,000 and also provide for a CPI adjustment to deal with inflation year after year after year. If we look at what the current levels are, they are mostly around \$10,000 in terms of the bid limits. Had we had a CPI, a Consumer Price Index adjuster built into that legislation from the start, the current limits would only be roughly about \$17,000.

So in terms of the bill in principle, it is already \$8,000 over what the inflation adjustment would have provided for had we had that adjustment in the legislation from the start. That being kept in mind, the bill shoots for a limit of \$25,000. If you are going to go \$8,000 above what it should be for the rate of inflation, I do not see the need to build in a Consumer Price Index adjuster for the rate of inflation.

I think the gentleman from Bucks County strikes a fair balance. We can always come back and revisit this issue at sometime in the future, but there is no need to have both an increase to \$25,000 and a CPI adjustment built in. It should be one or the other. In light of that, I urge the members to support the Santarsiero amendment.

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

Seeing no one else jumping to the mike, would the gentleman from Bucks like to be recognized a second time?

The gentleman from Bucks, Mr. Santarsiero, is in order.

Mr. **SANTARSIERO**. Thank you, Mr. Speaker.

I just want to reiterate the comments that were just made and underscore them. The fact of the matter is, there is nothing magical about the \$25,000 number. If we were looking at simply the rate of inflation, it would be closer to \$17,000 since the last adjustment in the early nineties. Given that fact and given the fact that \$25,000 is, at the start, a somewhat arbitrary number, it further, I think, supports the idea that we should not be having an automatic inflation adjuster included in this bill, but rather, give the legislature the opportunity if it deems it necessary to increase the number down the road.



Thank you, Mr. Speaker.

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

The following roll call was recorded:

#### YEAS—90

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

#### NAYS—111

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

#### NOT VOTING—0

#### EXCUSED—2

Bear	Petri
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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?

Mr. **HARHAI** offered the following amendment  
No. **A01315**:

Amend Bill, page 2, lines 4 and 5, by striking out "twenty-five thousand dollars" in line 4 and "(\$25,000)" in line 5 and inserting  
twenty thousand dollars (\$20,000)

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

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

Mr. **HARHAI**. Thank you, Mr. Speaker.

I just rise to support my own amendment, obviously. All it is, is it just changes the threshold from the \$25,000 limit to a \$20,000 limit, because if it were done for inflation prior to the previous Representative speaking or the previous to the previous speaking, it would be about \$18,000, and that is my only change in that bill. I support the rest of what the Representative is doing. He did a fine job, and I know he did a lot of work on it.

Thank you.

The **SPEAKER**. The Speaker thanks the gentleman.

The question is, will the House agree to the amendment?

On that question, the Speaker recognizes the gentleman from Perry County, Mr. Mark Keller.

Mr. M. **KELLER**. Thank you, Mr. Speaker.

Just so the members are aware, when we first started working with this bill, the different organizations actually wanted me to go to the figure of \$50,000, and I felt that that was a little bit too much, so we moved it to \$25,000. The previous speaker was correct on the amount of inflation, around \$18,000, \$19,000, but I want you all to think about something. Tell me, what do you get done for \$25,000 today? Not very much. This is just another tool for our local municipalities and governments to be able to operate within their means. It does not take anything away from keeping it in the public, and of course, it is a compromise figure of \$25,000.

So I would ask that you vote "no" on the Harhai 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 Northampton, Mr. Freeman.

Mr. **FREEMAN**. Thank you.

I rise to support the Harhai amendment. I think for the reasons stated by the gentleman offering the amendment, this is closer to what would be reflected if there had been an inflation adjuster built into the original language of these limits. I appreciate the work, the fine work that the gentleman from Perry County has done. I know he is very sincere in his commitment to this issue, but I think sticking with a figure of \$20,000, as the amendment before us would provide for, is more in keeping with where that figure should be.

Now that the will of the House has made it clear that they want to retain the CPI inflation adjuster, I think it is more appropriate that we be at a figure of about \$20,000 and would urge the House to support this amendment.

### 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. Matt SMITH, from Allegheny County for the remainder of the day. Without objection, the leave will be granted.

### CONSIDERATION OF HB 278 CONTINUED

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

The following roll call was recorded:

#### YEAS—90

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

#### NAYS—110

Adolph	Fleck	Lawrence	Reese
Aument	Gabler	Maher	Reichley
Baker	Geist	Major	Roae
Barrar	Gillen	Maloney	Rock
Benninghoff	Gillespie	Marshall	Ross
Bloom	Gingrich	Marsico	Saccone
Boback	Godshall	Masser	Saylor
Boyd	Grell	Metcalfe	Scavello
Brooks	Grove	Metzgar	Schroder
Brown, R.	Hackett	Miccarelli	Simmons
Causar	Hahn	Micozzie	Sonney
Christiana	Harhart	Millard	Stephens
Clymer	Harper	Miller	Stern
Cox	Harris	Milne	Stevenson
Creighton	Heffley	Moul	Swanger
Culver	Helm	Murt	Tallman
Cutler	Hennessey	Mustio	Taylor
Day	Hess	O'Neill	Tobash
Delozier	Hickernell	Oberlander	Toepel
Denlinger	Hutchinson	Payne	Toohil
DiGirolamo	Kampf	Peifer	Truitt

Dunbar	Kauffman	Perry	Turzai
Ellis	Kavulich	Pickett	Vereb
Emrick	Keller, F.	Pyle	Vulakovich
Evankovich	Keller, M.K.	Quigley	Watson
Evans, J.	Killion	Quinn	
Everett	Knowles	Rapp	Smith, S.,
Farry	Krieger	Reed	Speaker

#### NOT VOTING—0

#### EXCUSED—3

Bear	Petri	Smith, M.
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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?  
Bill was agreed to.

\* \* \*

The House proceeded to second consideration of **HB 279, PN 1427**, entitled:

An Act amending the act of June 24, 1931 (P.L.1206, No.331), known as The First Class Township Code, in contracts, further providing for general regulations concerning contracts, for evasion of advertising requirements and for separate specifications for branches of work.

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

The SPEAKER. On that question, the Speaker recognizes the gentleman, Mr. Santarsiero. The gentleman indicates he is going to withdraw the amendments. The Speaker thanks the gentleman.

The Speaker recognizes the gentleman, Mr. Harhai, who has an amendment. Does the gentleman seek to offer the amendment?

Mr. HARHAI. Thank you, Mr. Speaker.

I think at this time what I am going to do is withdraw all the rest of my amendments out of respect for Representative Keller of Perry County. He has done a great job. I just really want to express my support for local government, but also the chance for some of the trades to have an opportunity to be a part of the bidding process, and I hope that that happens.

Thank you very much.

The SPEAKER. The Speaker thanks the gentleman.

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

The SPEAKER. It is the Speaker's understanding that the two gentlemen withdrew their amendments to the other bills as well that are all in this series. Is that correct?

Mr. HARHAI. Yes, Mr. Speaker. Thank you. For all of them.

\* \* \*

The House proceeded to second consideration of **HB 280, PN 1428**, entitled:

An Act amending the act of June 23, 1931 (P.L.932, No.317), known as The Third Class City Code, in contracts, further regulating contracts as to purchasing and advertising requirements.

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 281, PN 1429**, entitled:

An Act amending the act of February 1, 1966 (1965 P.L.1656, No.581), known as The Borough Code, in contracts, further providing for regulation of contracts, for evasion of advertising requirements and for certain purchase contracts.

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 282, PN 1430**, entitled:

An Act amending the act of May 27, 1953 (P.L.244, No.34), entitled "An act relating to and regulating the contracts of incorporated towns and providing penalties," further providing for regulation of contracts; providing for annual adjustment; further providing for evasion of advertising requirements, for contracts between \$750 and \$10,000 and for separate bids for plumbing, heating, ventilating and electrical work.

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 284, PN 1431**, entitled:

An Act amending the act of August 9, 1955 (P.L.323, No.130), known as The County Code, in contracts, further providing for commissioners sole contractors for county, for contract procedures, terms and bonds and advertising for bids and for evasion of advertising requirements; and, in grounds and buildings, further providing for bids for plumbing, heating, ventilating, electrical work, elevators and moving stairs.

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 286, PN 1432**, entitled:

An Act amending the act of April 29, 1937 (P.L.526, No.118), referred to as the Political Subdivision Joint Purchases Law, increasing the amount of purchases that may be made subject to certain conditions.

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 287, PN 1433**, entitled:

An Act amending the act of May 28, 1937 (P.L.955, No.265), known as the Housing Authorities Law, further providing for awards of contracts, completion bond, additional bond for protection of materialmen and others.

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 288, PN 1434**, entitled:

An Act amending the act of July 29, 1953 (P.L.1034, No.270), known as the Public Auditorium Authorities Law, increasing the dollar amount of supplies and materials which may be purchased without advertising.

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 289, PN 1435**, entitled:

An Act amending the act of August 6, 1936 (Sp.Sess., P.L.95, No.38 1/2), entitled "An act to authorize and empower cities, boroughs, towns, and townships, separately or jointly, to provide for protection against floods by erecting and constructing certain works and improvements, located within or without their territorial limits, and within or without the county in which situate; and to expend moneys and incur indebtedness; to assess benefits against property benefited; to issue improvement bonds imposing no municipal liability; and to acquire, take, injure or destroy property for such purposes," further providing for competitive bidding of contracts.

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 290, PN 1436**, entitled:

An Act amending the act of July 28, 1953 (P.L.723, No.230), known as the Second Class County Code, in preliminary provisions, providing for adjustments based on Consumer Price Index relating to contracts and purchases; in contracts, further regulating contracts and purchases; and, in grounds, property and buildings, further providing for competition in award of contracts.

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 291, PN 1437**, entitled:

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, in intergovernmental cooperation, further providing for competitive bidding of contracts, for written or telephonic price quotations required and for division of transactions provided.

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 294, PN 1438**, entitled:

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, in municipal authorities, further providing for competitive bidding of contracts.

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 712, PN 726**, entitled:

An Act designating State Route 997 within the limits of the Borough of Mont Alto, Franklin County, as the Sgt. Edward W. Shaffer Memorial Highway.

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

### BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 915, PN 1388**, entitled:

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.

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—200

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

## NAYS—0

## NOT VOTING—0

## EXCUSED—3

Bear                      Petri                      Smith, M.

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

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

## SUPPLEMENTAL CALENDAR A

## BILLS ON THIRD CONSIDERATION

The House proceeded to third 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 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—200

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	Sonney
Causar	Grell	Miller	Staback
Christiana	Grove	Milne	Stephens
Clymer	Hackett	Mirabito	Stern

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

## NAYS—0

## NOT VOTING—0

## EXCUSED—3

Bear                      Petri                      Smith, M.

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 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 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 lady from Philadelphia, Ms. DeLissio.

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

The SPEAKER. The lady indicates she will stand for interrogation. You may proceed.

Ms. DeLISSIO. Thank you, Mr. Speaker.

What are you attempting to accomplish with this legislation that current law does not provide?

Ms. TOOHL. Thank you, Mr. Speaker.

This bill accomplishes a number of goals. Specifically, this legislation takes the current welfare system, the statute that deals with welfare fraud, and streamlines it so that the penalties for committing fraud with ACCESS cards and EBT (electronic benefit transfer) devices are treated the same as food stamp fraud.

Ms. DeLISSIO. Mr. Speaker, what is the estimated cost of this legislation?

Ms. TOOHL. Mr. Speaker, there is no fiscal note attached to this bill.

Ms. DeLISSIO. Mr. Speaker, by increasing the grade of these offenses from misdemeanors to felony offenses, would this add to Pennsylvania's already overcrowded prison system? Do we anticipate that more people would indeed be convicted as a result of this?

Ms. TOOHL. Mr. Speaker, it has been shown in the Auditor General's report as well as in reports from inside the Department of Public Welfare that the system is rife with fraud and abuse. However, the question that has been posed makes an admission and an acknowledgement that there is a problem within the welfare system, and this legislation treats offenders and perpetrators and people that take advantage of the welfare system accordingly.

Ms. DeLISSIO. Mr. Speaker, those under current law who are convicted of misdemeanor-level public welfare fraud face up to 5 years in prison. Under this legislation, we would be adding 2 additional years of prison, increasing taxpayers' costs for their imprisonment for that timeframe. Mr. Speaker, in my opinion, those additional 2 years could be better spent if those folks were returned to society to have the opportunity to get jobs and to contribute to society in a positive way. So, Mr. Speaker, what is the benefit of keeping these nonviolent offenders in prison for an additional 2-year period at taxpayer expense?

Ms. TOOHL. Mr. Speaker, in answer to that question, the question that was in there, this legislation promotes integrity and restores accountability back into the system. So the fraud and the abuse and the people that are taking advantage of the system will actually result in a cost savings in the Department of Public Welfare.

Ms. DeLISSIO. Mr. Speaker, could I have a further explanation or clarification of this cost savings if the 2 years of additional prison time adding approximately \$32,000 per year per incarcerated person is added to the bill?

Ms. TOOHL. Once again, Mr. Speaker, the question in itself acknowledges that there is fraud being committed against the Department of Public Welfare and that there are people that are not eligible for these benefits that are taking advantage of this system. This increased accountability, increased integrity in the Department of Public Welfare, dealing specifically with these ACCESS cards, is going to result in cost savings. It also is very simple. It in fact takes the penalties for fraud that is committed with food stamps and uses that, it streamlines it so that it also is going to apply to ACCESS cards and EBT cards.

Ms. DeLISSIO. Mr. Speaker, I want to be clear that I do not support waste, fraud, or abuse anywhere in government, whether it is in welfare or corporations avoiding paying their tax bill. However, coming from a business background,

a cost-benefit analysis is always something that somebody should do that is extremely prudent, and my back-of-the-envelope cost-benefit analysis shows that this could cost the Commonwealth up to \$15 million to incarcerate additional people at a felony level versus a misdemeanor level, and I want to know what savings that we are garnering for that \$15 million expense.

Ms. TOOHL. Mr. Speaker, actually to clarify one of the questions that was posed, there is no mandatory incarceration that is being added with this legislation. It is only increasing the possible maximum on the back end.

Ms. DeLISSIO. On the bill, Mr. Speaker?

The SPEAKER. On the bill, the lady is in order.

Ms. DeLISSIO. According to the Pennsylvania Commission on Sentencing in 2010, there were 89 people convicted of felony-offense public welfare fraud in Pennsylvania, which carries a 7-year maximum prison term. If this legislation had been in place last year, an additional 236 people who were convicted of first- and second-degree misdemeanors would face those extended 7-year prison sentences, or potentially face those 7-year sentences since the maker indicates that it is not mandatory.

Our prisons are already filled well beyond capacity, and we have seemed to have discovered a new export business for the Commonwealth. We are shipping our prisoners out to other States – for example, to Virginia and Michigan, who are benefiting from that business.

The Commonwealth does indeed spend an average of \$32,000 per year to incarcerate inmates in our prisons. Again, that estimated price tag for those additional folks to be incarcerated is a shade over \$15 million, \$15 million that this Commonwealth cannot afford at this time. Again, I am not convinced that there is a benefit to doing that for the potential expense that we will encounter.

Mr. Speaker, why should the citizens of the Commonwealth, in particular, the constituents of the 194th District, agree to spend these millions of dollars to keep nonviolent offenders in prison when we are currently talking about very, very deep cuts to both basic education and higher education? Mr. Speaker, I believe this bill certainly has the potential to waste millions of taxpayer dollars for the sole purpose of scoring not just cheap PR points, but as you can see, it is not really cheap PR, it is going to cost us over \$15 million with the conservative Republican base. Mr. Speaker, I think that my constituents in the Commonwealth, citizens deserve better, and I will not be supporting this legislation. Thank you, Mr. Speaker.

The SPEAKER. The Speaker thanks the lady.

The members will please try to contain their conversations on the side. Some members are having trouble hearing.

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

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

Mr. WATERS. Thank you, Mr. Speaker.

Mr. Speaker, I stand in opposition to the bill, and my reasons are as such: Now we have lowered the threshold for when you are in violation from \$3,000 down to \$1,000. At the other end, we have changed the punishment from a misdemeanor to a third-degree felony. I believe what many people have championed over the years through the welfare reform measures that have been taken is to try to get people off of dependency and into independence. We have been champions of families.

We have been champions of families because we know families make Pennsylvania strong.

If we now – many of these people are single parents – if we now take a single parent and change that response to what they did to a felony, how much more difficult is it going to become for that person to be able to become independent by getting a family-supporting job? Also, if the person is within this window where the punishment has increased to up to 7 years, suppose they, because that will become statute anyway if we support this, who is going to take care of the children of the parent who now has to do time in jail? A thousand dollars fraud, we do not want fraud in any case. On the front end, I believe we need to invest, how do we prevent fraud from happening? And with all the technology that we have and we know of, why do we not work hard on prevention rather than on reaction?

The children of this parent will probably become, if they do not have any other family that can handle them, wards of the State. So now we have a \$1,000 problem that is going to turn into a \$35,000-a-year expense to the taxpayers. The children, if they have to become wards of the State, how much more is that going to cost if they have one child, two children, three children? I was just advised \$18,000 per child. I believe we are now beginning to kill a gnat with a sledgehammer. I believe when we do this we cause a bigger problem than just finding another way, even making that person pay that money back, sanction that person's payments. Find another way.

Let us not continue to do the kind of knee-jerk reaction that we do not think about this in terms of the big picture. In a puzzle, there are a lot of different pieces in the puzzle. If we are only looking at one piece of the puzzle, we will never see the entire picture. I say, let us look at the entire picture, what this really means to both families, to both the institution of corrections, what this means to that person ever being able to become self-sufficient, what that means to the children, what that means to us as lawmakers. Are we trying to find a solution, or are we creating a bigger problem? Yes. I agree, make the person pay the money back. Give the money back to the State, but make that person also still be free to raise their family without creating a bigger expense. One thousand versus \$35,000 a year; \$1,000 versus \$18,000 per child a year. One thousand means a broken family and perhaps the siblings are now separated. Who knows what could happen. I think that we, as lawmakers, have to look at what we are doing to the family. There are people all over this State. It is not just one area that receives these benefits. They are all over the State, in all of our districts. They are in all 67 counties. What are we doing? What are we telling our constituents? Are we pro-family or are we pro-incarceration? Are we pro cutting down on the costs of incarceration, or are we talking about the dollar savings?

Let us not overreact. Let us not create a bigger problem for the taxpayers. This bill probably is intended to be a deterrent, but I have news for you, in the almost 12 years I have been here, I have seen a lot of legislation that has been passed, and most people do not even know what the new laws are. So how is it a deterrent? And you say, ignorance of the law is no excuse, well, we keep creating new laws. It is difficult for people to keep up with what we are doing up here. We have to be fair. We have to have full disclosure. I do not see anything in this bill that talks about full disclosure. If you want to do a better job to end fraud, then we have to do the correct outreach. We should be about prevention, not reaction. Let us get in front of this. An ounce of prevention is worth a pound of cure. We have to start listening

to the things that we know all too well. I know the member wants to be able to pass something home that she can champion and say that this is what she did, but we have many people who are suffering, and many of the departments, from sentencing to correction, to many of us as lawmakers that said, we keep creating new tough-on-crime legislation, but so far all we have done as a result of that is build more prisons.

So now here we are talking about putting more people in jail. We have to work on prevention. Let us be creative. This is easy to do. Let us take on the real challenge. Let us find a creative way to help people and make sure that we put them on the right track, make sure that we do not let them get away with it, but let us not kill a gnat with a sledgehammer.

Mr. Speaker, I ask our colleagues to weigh this out. Think about what it is that we are saying here, what this legislation is intending and will do if it is signed into law.

Thank you, Mr. Speaker.

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

On that question, the Speaker recognizes the gentleman from Tioga County, Mr. Baker.

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

Mr. Speaker, I rise to support the gentlelady's legislation. This passed in the Health Committee by a vote of 15 to 7, and we did have good discussion, good questions, good debate. I think what this is basically trying to do here is to bring the punishments for welfare fraud from the Public Welfare Code in line with those currently existing in the Crimes Code.

Currently Pennsylvania has two different statutes, one under our Crimes Code and one under the Public Welfare Code, that have different criminal sanctions for equal types of welfare fraud. It is very strange that we would have two statutes that would have two different criminal sanctions for similar types of welfare fraud. So someone can commit, let us say, \$2,999 worth of welfare fraud for cash assistance and receive a misdemeanor, while someone who steals \$1,000 worth of food stamps will receive a felony. The current system allows someone to steal more but be punished less. So we need to equal the penalties for the same crime. That is what just one of the elements of this bill attempts to do, is to equalize and reconcile those differences.

The bill strengthens and modernizes the welfare fraud statute. The goal is to deter people from committing welfare fraud and to justify and punish those who do. Again, we are matching the punishments for this crime against existing portions of the Crimes Code. If someone believes that the punishments for food stamp fraud in Title 18 are too lenient, they have the right to introduce legislation to reduce that. They are free to introduce that and to reduce that crime's punishment, although I really believe that the majority of our constituents want us to crack down on welfare fraud and to save every dollar that we can, and my goodness, to use those savings to put into education, to put into health care, to put into a whole myriad of programs that we are faced with in terms of balancing our budget this year. So we are good stewards of the taxpayer money, and in doing so, we are trying to crack down on welfare fraud, save money, and fund programs that are desperately needed within our budget.

There was a comment about 7 years of imprisonment, and that is not really exactly what necessarily will happen. It allows for an additional 2 years, but it would be very much up to the discretion and determination of a judge through a judicial determination. Most likely, it will be the same punishment, although this would give the latitude to the judge. If a person

commits welfare fraud and happens to be on parole, takes a parole hit, then the judge will consider that, if they are a chronic violator, let us say, and there are some, unfortunately, there are some people that may perpetrate crimes, 50 to 100 misdemeanors, and they are not getting any additional punishment for the crimes. This gives the judge a little bit more latitude to consider the totality of all of the crimes and whether a person has been on probation.

I just would lastly like to conclude that the administration has weighed in on all four of these welfare reform bills that we are voting today, and the administration has sent a very strong letter of support, in support of all of the bills, including the gentelady's bill that is now before us. So I think we have a very strong mandate from the people to move these bills, all seven of them, perhaps eight of them later, altogether, and to move these over to the Senate.

I ask your kind and respectful vote in favor of this legislation. Thank you, Mr. Speaker.

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

On that question, the Speaker recognizes the lady from Luzerne County, Ms. Mundy.

Ms. MUNDY. Mr. Speaker, could I have a little order, please?

The SPEAKER. The House will come to order. The members will please take their seats and keep the conversations to a minimum.

The lady may proceed.

Ms. MUNDY. Thank you, Mr. Speaker.

I want to begin by commending the lady from Philadelphia, a freshman member, who has the courage to stand up and say, "The Emperor has no clothes." If this were a case where we were truly saving taxpayer dollars and could invest them in other areas, I do not think anyone would have a problem with this piece of legislation, but it is exactly the opposite. This piece of legislation is nothing more than a campaign brochure, and I am sure I will be paying for that next election.

If you want to deter welfare fraud, better train the county assistance personnel to make sure that people who do not qualify for welfare do not get it. If you want to deter welfare fraud, make sure that the computer systems that DPW uses are up to date and functioning properly. That is how you deter welfare fraud. And where are the big dollars in welfare fraud? In the Medicaid/medical assistance line item, where providers bill for services that they never provide, and we absolutely refused yesterday to do anything about that.

Mr. Speaker, sometimes it takes the courage to say, "The Emperor has no clothes." This is not a wise piece of legislation and I am not going to be voting for it because it makes no sense to spend \$70,000 in search of people who owe \$1,000 worth of welfare back to the Commonwealth. Please, please, let us put a little sense into what we do here. If you are not for welfare fraud, then find ways to make it truly unacceptable. Train your public assistance welfare workers; improve your computer systems. But this makes no sense, and therefore, I am asking all of my colleagues to please, please, let us not continue to overcrowd my prison at SCI (State correctional institution)-Dallas, which is in a dangerous, dangerous overcrowded situation, where guards are being attacked. Please, let us add a little sense to this process.

Thank you, Mr. Speaker.

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

On that question, the Speaker recognizes the gentleman from Indiana County, Mr. Reed.

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

Since we are talking about courage, sometimes you have to have the courage to stand up to somebody and say, you are stealing from the government, you are stealing from the taxpayers, and you are stealing from the truly needy citizens in this State, and because you are willing to steal and commit a crime, you are going to be punished accordingly in the Commonwealth of Pennsylvania. Right now, if you steal from the food stamp program, you are given a stricter set of penalties than if you steal from the cash assistance program. The benefits are on the same electronic benefits card. So depending on how they use that card, depends on what penalty they are going to get.

So today it is a very simple choice: If you believe we should stop people from stealing from the taxpayers, stop people from taking benefits away from those who truly need it, then you are going to vote to put the penalties in line with food stamp fraud. If you believe it is okay to steal from the government, if you believe it is okay to take moneys away from those who truly need it, if you believe it is okay to steal from the taxpayers — that is a different perspective; I disagree with it; I respect it — but you will be voting "no" on this particular proposal.

This is a very simple concept. If you commit a crime in Pennsylvania, you should be punished accordingly. It should not depend on what type of welfare benefits you are using. It should be a universal penalty across the board. If you commit food stamp fraud, you are going to get the same penalty as if you commit cash assistance fraud.

We have reached a time in the State of Pennsylvania where our citizens lack a very basic faith and trust in our welfare system, because they believe the benefits are being used in a way in which they do not approve. This proposal, HB 1251, has a very simple concept. If you are going to steal from the system, we are going to punish you accordingly. We are going to restore the public's faith. We are going to restore the public's trust in our welfare system. We are going to take care of the truly needy, and we are going to punish the folks who want to commit a crime by stealing from the Commonwealth of Pennsylvania.

I would ask that the members vote in favor of HB 1251.

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

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

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

On the bill?

The SPEAKER. The gentleman is in order.

Mr. W. KELLER. Mr. Speaker, I know the gentelady was not here last year, and I understand her bill expands the definition of welfare fraud and increases penalties, but fraud is fraud. Somebody commits fraud, we should do something about it. There is nothing— Nobody here can defend fraud.

I would just like to bring up, last year we had HB 400; that was the construction workers misclassification legislation. This legislation was targeted at employers who misclassified workers as a way of avoiding taxes, making workers' comp or unemployment payments according to the law, committing fraud. I wish somebody could explain to me, and I know that



cannot be the gentlelady, she was not here, or maybe the policy chair. Last year we voted on an amendment to that bill, amendments—

Mr. SAYLOR. Mr. Speaker? Mr. Speaker?

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

Mr. SAYLOR. I think the gentleman is off the subject that we are debating.

Mr. W. KELLER. Mr. Speaker, I am talking about fraud.

The SPEAKER. The gentleman will suspend.

Again, would the gentleman from York repeat why he rose?

Mr. SAYLOR. Mr. Speaker, I believe that he is talking about a bill that is not before this House and what happened in that particular case. I think we are talking about the current bill that is here.

The SPEAKER. The Speaker understands the gentleman's point and has been paying close attention to the remarks the gentleman from Philadelphia has been making. I would say that he is pushing on the edge. If he gets to his point, he is okay, but if he drags it out too far into legislation from past sessions, he might be over the line.

Mr. W. KELLER. Thank you.

The SPEAKER. I will ask him to focus on the bill before us. The gentleman may proceed.

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

I am talking about the same thing, Mr. Speaker. This bill that the gentlelady has introduced expands the definition of welfare fraud and increases penalties. Last year we voted on amendment A00930, which deleted portions of the criminal penalties of the bill. It made a felony of the third degree and replaced the grading with a misdemeanor of the third degree for a first offense, a misdemeanor of the second degree for the second or subsequent offenses. I am just trying to figure out why when its employers, we are lowering the grade, and when it is poor people receiving welfare, we are increasing the grade. I am just trying to get my mind around how it works around here.

Why should poor people have their grade increased and employers who are committing fraud by not paying into the workers' comp fund or the unemployment fund, avoiding taxes, why should we lower their grade? So maybe, Mr. Speaker, I would like to interrogate somebody. I know it is not the gentlelady. Why are we doing that? Could somebody explain to me the difference between the employers' fraud and the welfare recipients' fraud? I just need an explanation for that. I think it would help people when they go to make this vote today. Why is it we are decreasing the penalties for employers – we did it last year – and we are increasing penalties now for poor people on welfare?

And I am against fraud; I am against fraud. I just need to know why one fraud is different than another fraud. Could somebody from the opposing party explain that to me?

Thank you, Mr. Speaker. That answers my questions.

The SPEAKER. The gentleman—

Mr. W. KELLER. This is continually how it happens.

The SPEAKER. The gentleman did not seek to interrogate a specific person. To just broad base ask to interrogate the whole House is not quite appropriate.

Mr. W. KELLER. Anyone can jump up, Mr. Speaker. I will listen to anyone.

The SPEAKER. That is questionable.

Mr. W. KELLER. At this particular time, Mr. Speaker.

Thank you, Mr. Speaker. I think my question has been answered. Thank you.

## LEAVE OF ABSENCE CANCELED

The SPEAKER. The Speaker recognizes the presence of Mr. Matt Smith from Allegheny County back on the floor of the House. He will be returned to the master roll call.

## CONSIDERATION OF HB 1251 CONTINUED

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

On that question, the Speaker recognizes the gentleman from Montgomery County, Mr. Shapiro.

Mr. SHAPIRO. Thank you, Mr. Speaker.

Mr. Speaker, will the gentlelady from Luzerne submit to brief interrogation?

The SPEAKER. The lady indicates she will. You may proceed.

Mr. SHAPIRO. Thank you.

Mr. Speaker, the gentlelady, in an earlier comment, said there was no fiscal note on this bill. I believe she meant to say there was no fiscal impact. Is that correct, Mr. Speaker? I did note the presence of a fiscal note, and I would ask, does the gentlelady agree with that fiscal note?

Ms. TOOHL. Yes.

Mr. SHAPIRO. Thank you.

Mr. Speaker, the gentlelady also said that the goal here, and other members of the body have spoken that the goal here is to combat fraud. Is that correct? Is that a fair assessment of the gentlelady's legislation?

Ms. TOOHL. That is one of a number of goals in this legislation.

Mr. SHAPIRO. One of them. Thank you, Mr. Speaker.

Mr. Speaker, is it your intention to protect, to protect the people who commit the offense of buying or exchanging Federal food order coupons, stamps, authorization cards, or access devices? Is it your attempt to protect them?

Ms. TOOHL. Mr. Speaker, under this legislation, people that would be rightly deserving of protections are afforded those protections. I am not sure if the question is referring to the whistleblower portion of the statute.

Mr. SHAPIRO. Thank you, Mr. Speaker.

I will clarify. It is not. I am assuming the goal of this legislation is not to protect the people who commit the fraud. Is that correct?

Ms. TOOHL. Yes, Mr. Speaker.

Mr. SHAPIRO. Okay. That, Mr. Speaker, pertains to both an individual as well as, as you mentioned before, the whistleblower, the person who, for example, works at DPW. Is that correct? The intention is not to protect them in any way.

Ms. TOOHL. Mr. Speaker, the intent of this legislation is to prosecute those perpetrators who are stealing and defrauding the welfare system.

Mr. SHAPIRO. Thank you, Mr. Speaker.

Precisely. This is not meant to be a trick question. The purpose then is not to protect those individuals, but rather, to prosecute them, correct?

Ms. TOOHL. Can you repeat the question, Mr. Speaker?

Mr. SHAPIRO. Sure, I would be happy to.

The goal of HB 1251 is not in any way to protect those individuals who commit the fraud, but rather, to go after them more stringently, strongly, with greater efforts from law enforcement to punish them greater. You choose the words, but my real question is, are you seeking to protect them or punish them to a greater degree?

Ms. TOOHL. Mr. Speaker, this bill accomplishes a number of goals. One of those goals is to act as a deterrent to those people that are perpetrating and committing fraud against the welfare system and taking benefits which do not belong to them and are stealing them from the system, which is creating a lack of resources for those people that are truly needy.

Mr. SHAPIRO. Thank you, Mr. Speaker.

And again, if your legislation passes, you would be increasing the penalties on those very people who commit fraud, correct?

Ms. TOOHL. This bill ensures that those that are committing welfare fraud are treated accordingly. And, for example, if you are stealing \$1,000 worth of food stamps on your EBT access card, you will be treated – you can be prosecuted with a felony, and now they are bringing it in line so that in the welfare statute, if you commit \$1,000 worth of cash assistance fraud, you can be punished under the system for that. It streamlines it.

Mr. SHAPIRO. Thank you, Mr. Speaker.

So again, you are increasing the penalties. You are trying to get tougher on these individuals?

Ms. TOOHL. Yes.

Mr. SHAPIRO. Okay. Thank you, Mr. Speaker.

So I would call your attention, Mr. Speaker, then to page 3 of your legislation, line 27, part (d). You establish under this legislation a 4-year statute of limitations. Is that correct?

Ms. TOOHL. Mr. Speaker, can you clarify the line.

Mr. SHAPIRO. Sure; page 3, line 27, part (d). The legislation seems to establish a 4-year statute of limitations. Is that correct?

Ms. TOOHL. Yes; that is correct, Mr. Speaker.

Mr. SHAPIRO. Okay. And so in the vein of getting tough on those that commit fraud, are we increasing the statute of limitations here? Is it remaining the same? Is the statute of limitations being decreased? I will repeat the question. It sounds like the gentlelady did not hear. The 4-year statute of limitations that the gentlelady and I just discussed, in the vein of getting tough on those that perpetrate welfare fraud, are you increasing the statute of limitations, are you decreasing it, or is it remaining the same?

Ms. TOOHL. It is remaining the same, Mr. Speaker.

Mr. SHAPIRO. It is remaining the same.

Ms. TOOHL. Yes.

Mr. SHAPIRO. Okay. Mr. Speaker, then I would reference at this time Title 42, section 5552, which establishes the statute of limitations for the underlying fraud crimes that the gentlelady's bill is attempting to address. If the gentlelady does not have it before her, Mr. Speaker, I would be happy to read into the record what this is.

Ms. TOOHL. Mr. Speaker, may we be at ease so I can refer to the document?

The SPEAKER. Pardon me?

Ms. TOOHL. May we be at ease so I can refer to the document?

The SPEAKER. The House will be at ease.

Do you want to provide the lady with a copy of what you are referring to?

The House will be at ease for a moment.

The House will come to order.

## GUESTS INTRODUCED

The SPEAKER. While we have a moment here, the Speaker would like to recognize some other guests that are in the gallery. They are the students, parents, and teachers from Divine Redeemer Elementary School located in Ford City, Pennsylvania, and they are the guests of Representative Jeff Pyle. Welcome to the hall of the House.

## CONSIDERATION OF HB 1251 CONTINUED

The SPEAKER. The House will come to order.

Would the gentleman from Montgomery County, Mr. Shapiro, restate his question under interrogation?

Mr. SHAPIRO. Thank you, Mr. Speaker.

Mr. Speaker, I was asking the gentlelady about the statute of limitations. The underlying bill, as she had mentioned in her previous comments, the statute of limitations is in fact 4 years. Her attempt is to keep it consistent with the underlying law. So, Mr. Speaker, I was then asking her about Title 42, section 5552, which I gave to the gentlelady—

The SPEAKER. The Speaker apologizes. Will the gentleman suspend for a minute until we clear up this conversation in the well of the House.

Mr. SHAPIRO. I would be pleased to, Mr. Speaker.

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

The House will come to order.

## BILL PASSED OVER TEMPORARILY

The SPEAKER. Because of the communications issue, we are going to go over HB 1251 temporarily.

## PARLIAMENTARY INQUIRIES

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

Mr. SHAPIRO. Thank you, Mr. Speaker.

Mr. Speaker, I appreciate the attempts to address the concerns I have begun to raise in the bill, but, Mr. Speaker, I did have the floor. I was in the midst of an interrogation, speaking for the first time. Will I be permitted to continue that interrogation now, or when the gentleman brings that bill back up, will I be recognized initially to continue that? Can the Speaker just clarify?

The SPEAKER. When the bill would be called back up, the gentleman would be in the order that he is speaking for the first time and recognized without any penalty or loss of speaking. We would pick up the same list – those that have spoken before, who have already spoken once – and the gentleman would retain the floor on that particular issue.

Mr. SHAPIRO. Thank you, Mr. Speaker.

Mr. Speaker, if I may further with a parliamentary inquiry.

This may be stretching a parliamentary inquiry, but I will test the Chair, perhaps. Is it the Chair's intention then, as the Chair stated that we would be going over this bill temporarily, is it correct to assume then that the bill would be coming back up for consideration today and thus I would be able to continue my remarks today during this House session?

The SPEAKER. That would be the intention of the Chair. However, whether a bill is actually going over or being voted still is controlled by the members of the House. That is, generally speaking, it is a motion the majority leader would make to go over a bill for the day, go over a bill temporarily, which the members of the House, ultimately, can decide whether or not a bill would be gone over or called up. That is, technically at the end of the day, the majority of the members of the House would make that decision or would retain the authority to make that decision.

Mr. SHAPIRO. Thank you. And of course, I recognize which side of that majority I am on, Mr. Speaker. I just hope that we can consider this bill today, and I appreciate the Chair's indulgence.

### BILL ON THIRD CONSIDERATION

The House proceeded to third 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 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 lady from Philadelphia, Ms. DeLissio.

Ms. DeLISSIO. Thank you, Mr. Speaker.

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

The SPEAKER. The gentleman indicates he will.

Ms. DeLISSIO. Thank you, Mr. Speaker.

Mr. Speaker, I have a question. Can the data and evidence that indicates this is a problem be cited for the record?

Mr. QUIGLEY. Mr. Speaker, there is no hard or fast data to examine as it relates to this bill, or issue.

Ms. DeLISSIO. Mr. Speaker, could you repeat the answer, please. I am not sure— Or we could have a little bit of—

The SPEAKER. Will the lady suspend.

Will members please come to order. They are having a little trouble hearing the exchange of questions and answers.

The gentleman may proceed.

Mr. QUIGLEY. The answer was no.

Ms. DeLISSIO. Thank you, Mr. Speaker, for that clarification that there is indeed no data or evidence available to support this legislation.

On the bill, Mr. Speaker?

The SPEAKER. The lady may proceed.

Ms. DeLISSIO. Again, Mr. Speaker, I am in no way a proponent of fraud, abuse, or waste in any aspect of government. And any effort that is duplicative or redundant of bills, legislation, or policy that is already on the books just adds to an already overburdened bureaucracy, and that overburdened bureaucracy creates problems in and of itself where staff, in particular, employees of the State, spend a lot of time trying to sort out all of these requirements and are not serving their clients who are our constituents. When those clients are underserved, they run the risk of getting into trouble and run the risk, inadvertently, in some cases, of creating a situation whereby therein creating fraud or abuse or waste and it is unintentional.

The SPEAKER. The gentlelady will suspend.

For what purpose does the gentlelady, Ms. Mundy, rise?

Ms. MUNDY. Mr. Speaker, I am trying very hard to hear the debate, and I cannot hear a word.

The SPEAKER. The House will please come to order. The members will hold their conversations to a minimum. If we could clear the aisles and the members take their seats, please. The Speaker thanks the members.

The lady may proceed.

Ms. DeLISSIO. Mr. Speaker, in conclusion, to me this legislation appears to be a solution in search of a problem, and I would urge my colleagues to join me in voting "no" on HB 1261.

Thank you, Mr. Speaker.

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

Does the gentleman, Mr. Quigley, from Montgomery County seek recognition?

Mr. QUIGLEY. Yes, Mr. Speaker.

The SPEAKER. The gentleman is in order.

Mr. QUIGLEY. Mr. Speaker, this legislation is simply closing an existing loophole in the application process to ensure that those who are applying for benefits are awarded those benefits based on their county of permanent residency. During the course of our Republican policy committee hearings in the past 3 or 4 years, we heard anecdotal evidence that this violation was in fact taking place. It does not criminalize anything. We are simply tightening up this existing loophole that could be taken advantage of.

We heard earlier one of my colleagues from Philadelphia quoting Ben Franklin, saying "An ounce of prevention is worth a pound of cure," and that is what this bill is about.

Thank you, Mr. Speaker.

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

On that question, the Speaker recognizes the gentleman from Tioga County, Mr. Baker.

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

Mr. Speaker, this bill did pass with some bipartisan support in the Health Committee by a vote of 17 to 5, and it is a good-faith effort to limit benefit shopping, if you will. The welfare benefits do differ from county to county, and this is a good-faith effort to limit that, if not eliminate that, and to just make sure

that those that are residing in a particular county apply in that particular county and do not go to another county to benefit shop, thereby receiving more money than they should.

Mr. Speaker, I rise to support this good legislation. Thank you very much.

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, what this bill does is it uses the existence of a small differential in benefits in some counties to subject benefit applicants to detailed scrutiny as to where they reside and civil and possibly criminal penalties if they err deliberately or by inadvertence in filling out all of the paperwork required.

It seems to me, Mr. Speaker, that either we are going to give people who need governmental help benefits or we are not. Saying with one hand, yes, you can have the benefits, but with the other hand we are going to set up an elaborate mechanism to screen you – and this bill is only one of several that does that – and we are going to demand all sorts of information from you, and if you do not seem to meet our requirements, then you have an appeal process and you file information showing that you were right, and then we will investigate the information and hold a hearing on this information. What we are doing is adding an enormous amount of cost to the Department of Public Welfare to administer a very simple program, which in the general scheme of things does not cost very much money.

This whole process – and again, if this was the only bill, I would not be so sensitive to this, but this is one of a good number of bills that has been reported out already which does the same thing. It seeks to scare the heck out of people so they will not apply, so the money will not be spent, but some people are really desperate. They really need the money. They are going to go through all the paperwork and they are going to cost us a lot of money by actively contesting denials.

Yesterday I introduced an amendment which failed on a party-line vote trying to get rid of this whole pseudoissue by making the benefits uniform statewide. I think that is a solution that makes sense – make the benefits statewide. Let us either have benefit programs or not. There is no point at all that I could see in having a benefit program designed to entrap, to intimidate, to discourage. If we want to be generous, let us be generous. If we want to be stingy, let us have the guts to eliminate the programs that are not required by Federal law, but let us not torture the people and try to play gotcha with young mothers without much education and one or more children to support.

I urge a "no" vote on this amendment.

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, will the maker of the bill rise for brief interrogation?

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

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, I am trying to get my arms around what potential there is here in terms of savings. In terms of cash assistance, for example, from one county to the next, can you

give us an idea of what a cash assistance benefit is in the lowest county in Pennsylvania versus the highest county in Pennsylvania, on a monthly basis?

Mr. QUIGLEY. Mr. Speaker, hypothetically, let us take a family size of four. If you are in group 1, that would be \$514. If you are in group 4, it will be \$454.

Mr. STURLA. So what is the difference there? I did not get the math in my head there. About \$50 a month or something like that; \$60 a month?

Mr. QUIGLEY. \$60; that is correct.

Mr. STURLA. And are those adjacent counties to each other or are they at one end of the State to the other?

Mr. QUIGLEY. Some are adjacent and some are not.

Mr. STURLA. Okay.

Mr. Speaker, I have never had to collect cash assistance, and in fact, I guess since 1995 as an able-bodied male, I would not have been able to even if I was destitute. It only applies to women and children. But in talking with people that I know that have collected cash assistance in their lifetime, in most cases they are trying to live with an aunt temporarily, gone off somewhere else because the aunt says, hey; it is getting a little crowded in here right now with you and your two kids, and so you go live with a friend for a month. How does that work in terms of what your residence is if you are collecting cash assistance in the State of Pennsylvania but your address is changing on a rather regular basis? Is it where you are registered to vote? Is it once a year that your residence gets established? Is it prorated by the number of days you are in one county versus another? How do we do that in the State?

Mr. QUIGLEY. For the purpose of this bill, it would be your place of permanent residence.

Mr. STURLA. Mr. Speaker, if I am living in a homeless shelter, I do not have a permanent residence.

Do you understand who collects cash assistance in the State of Pennsylvania?

Mr. QUIGLEY. For homeless people, the department already has procedures to deal with determining the permanent residence of homeless individuals.

Mr. STURLA. Okay. And now if I do have a home because— For instance, in my school district we identify 900 homeless students every year. Not a single one of them is shelterless, but they are not living in a residence that is theirs, and that means that they are doubled up with an aunt, that means they are living with a friend, that means, in some cases, they are in a homeless shelter. They do not have a permanent address like you and I do. They do not own a piece of property like you and I do. They do not sign a year's lease like you and I do. How do we establish where that person's residence is for this bill so that we know that they are not perpetrating fraud because one week they are living in one county and the next week they are living in another county that might only be a mile down the road?

Mr. QUIGLEY. As long as they have been at that residence for more than 3 months, that would be their permanent residence.

Mr. STURLA. And if they are not like a good portion of people that are collecting cash assistance, then what? How does this work, I guess is what I am trying to figure out? Because, I mean, it sounds like on the surface this is a reasonable thing. We do not want anybody to be collecting more than they

should. I am for that, because I want the people that legitimately need it to be able to get it. But I want to know how this works on a practical basis for what is probably a majority of the people that are getting these benefits.

Mr. QUIGLEY. Again, if you are in a residence for more than 3 months, that is your permanent residence.

Mr. STURLA. And if you are not in a residence for more than 3 months, how do we go about establishing what county that person is in and do we prorate it? Are they going to get hauled in and told that they were collecting benefits in one county 1 week, and then the next week when they move to their friend's house a mile down the road in another county, that they are now in violation?

Mr. QUIGLEY. Actually, Mr. Speaker, what this law does is closes the procedures at the Department of Public Welfare. So there is no crime being committed here by an individual. This is something to tighten up the procedures and the policies of the Department of Public Welfare.

Mr. STURLA. And so where does it address in here if I do not have a permanent address for at least 3 months?

Mr. QUIGLEY. Then the temporary residence is what is provided for. That is what we provided for in the statute.

Mr. STURLA. Okay. And how does the department determine where I am living? Under that scenario, how does the department determine where I am living? Do I have to report in each day and tell them where I am? Do I have to tell them every time I move? Is there a reporting procedure for me so that I can make sure that I am not defrauding the government of \$60?

Mr. QUIGLEY. By showing your electric bill, Mr. Speaker, or any receipts, things of that nature that show an address where you are either permanently or temporarily living.

Mr. STURLA. Mr. Speaker, if I am living in a homeless shelter, I do not have an electric bill. If I am living with my aunt, I do not have an electric bill.

Mr. QUIGLEY. There is an address where you are living though, Mr. Speaker.

Mr. STURLA. And so when I move from address to address, as is frequently the case with those people that are collecting this type of assistance, am I required to report to the department every time that I move?

Mr. QUIGLEY. Yes.

Mr. STURLA. Okay. And there is a system by which they track that and prorate my dollars that I should get based on the residence as I report it when I move?

Mr. QUIGLEY. It would take a month for that to catch up to you, Mr. Speaker, before you would be shifted from a permanent residence to a temporary or from a temporary to a permanent residence.

Mr. STURLA. But what if I am going from a temporary to a temporary to a temporary to a temporary like a lot of these folks are and they are in different counties?

Mr. QUIGLEY. Under that scenario, you would be a temporary resident from one county to the next with a month lag before those benefits for that particular zone would catch up to you.

Mr. STURLA. Okay. So I am required to report when I go, but it is not prorated. It is just on a monthly basis?

Mr. QUIGLEY. Correct.

Mr. STURLA. Okay. Thank you, Mr. Speaker.

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

On that question, the Speaker recognizes the gentleman from Indiana County, Mr. Reed.

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

Just real quickly, I understand that when we are debating an issue, like bringing accountability and integrity back to our welfare system, it can become very controversial and very heated.

This bill is very simple. We think folks should get the benefits of which they deserve where they reside. We just do not think folks should be able to go from one region to another region in order to apply for a higher benefit level even though they are residing in a different location. So if you reside in group 1, if you reside in the city of Philadelphia, you should get the benefit level for the city of Philadelphia. If you reside in Elk County, you should get the benefit level for Elk County. You should not be able to reside in Elk County, drive to Philadelphia, apply for benefits, go home to Elk County, but get a higher level of benefits because you applied at a different public assistance office. So we just want folks to get the level of benefits they deserve, the level of benefits they are entitled to; nothing more, nothing less.

Thank you, Mr. Speaker.

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

On that question, the Speaker recognizes the lady from Philadelphia, Ms. Brown.

Ms. V. BROWN. Thank you, Mr. Speaker.

Would the author of this bill please stand for interrogation?

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

Ms. V. BROWN. Thank you.

In this situation I know of women who are surviving domestic violence, and there is no secret to anyone here that I am a survivor of domestic violence. And in the situation – and I am going to use my own self as an example – fleeing from domestic violence; leaving Philadelphia County; going into another county, in Norristown; having no access to funds; husband shutting off all of the access to funds – and there are many women who go through this when they leave one county and go to a shelter in another county and they go to apply for assistance – by your bill, which you are now introducing, how would those women be perceived from leaving one county to flee to another county?

Mr. QUIGLEY. There is no penalty or anything. It would just simply be you are now in another county and that county's benefits would kick in when you claim the residency in that new county.

Ms. V. BROWN. I am having a hard time hearing you; I am sorry.

Mr. QUIGLEY. I am sorry. There is no penalty to the individual, and under your scenario, if you left Philadelphia to go to Montgomery County, you would declare the residency of Montgomery County, and the benefits for that county would then be given to you.

Ms. V. BROWN. In the situation that I am explaining, when you go to that shelter and you are sent to the welfare department in that county, the case manager tells you that you have to go back to Philadelphia County. So you are telling me now you will be able to collect in the county where you now reside in a shelter? You will be able to claim residency from that particular shelter?

Mr. QUIGLEY. You will be able to claim residency in the county that you are currently residing in.

Ms. V. BROWN. By using that shelter's address.

Mr. QUIGLEY. Right. That is where you are residing, yes; a temporary residency; yes.

Ms. V. BROWN. As a temporary residency, you could claim, and there would be no penalty if you go back to Philadelphia.

Okay. Thank you, Mr. Speaker.

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

On that question, the Speaker recognizes the lady from Bucks County, Mrs. Watson.

Mrs. WATSON. Thank you, Mr. Speaker.

May I interrogate briefly the maker of the bill, please?

The SPEAKER. Will the gentleman, Mr. Quigley, stand for interrogation? The gentleman indicates he will. The lady may proceed.

Mrs. WATSON. Mr. Speaker, I am aware that we do not ask questions we think we know the answer to, but I need clarification, because I think I know but no one said it. So I am a little confused. Am I correct that it was referred to that there is a differential and we divide our State into groups, and so the benefit that is paid for group 1 for these counties, groups 2, 3, and 4, am I correct that the rationale behind that – this is what I thought but nobody is saying it, so maybe I am wrong – am I correct that the rationale is the fact there is a finite amount of money, and it is then, the amount paid to the individual in this group versus that group is based on the cost of living for that area, so that is the reason for a differential? Am I correct in that?

Mr. QUIGLEY. That is one of the factors, Mr. Speaker; yes.

Mrs. WATSON. Okay. So that is what basically underlines your bill then in terms of driving one place – or pretending to be somewhere else, because I see that, well, okay; I can get whatever the dollar value was you were quoting – I believe it was \$60 at one point – and the point being, but where I am spending and what I am doing I would be entitled to something less because the cost of living where I actually reside is a little bit less.

Mr. QUIGLEY. That is correct.

Mrs. WATSON. Okay. That helps me to understand how I am going to vote. Thank you very much, Mr. Speaker.

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

On that question, the Speaker recognizes the lady from Philadelphia, Ms. DeLissio.

Ms. DeLISSIO. Mr. Speaker, I would like to interrogate the maker of the legislation, please.

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

Ms. DeLISSIO. Thank you, Mr. Speaker.

Mr. Speaker, am I correct in understanding there is currently a process and policy in place whereby applicants for cash assistance come in for a personal interview and have to verify their current address and location by bringing with them some substantive documents like a utility bill, a bank statement, some piece of substantive information. Is that correct, Mr. Speaker?

Mr. QUIGLEY. That is correct.

Ms. DeLISSIO. On the bill, Mr. Speaker?

The SPEAKER. On the bill, the lady is in order.

Ms. DeLISSIO. I have looked at this tiered system of benefits across the Commonwealth, and the delta, for instance, if you are in group 1, and I believe that would be a single individual, is no more than \$40 difference from one part of the State to the other. I have also looked at the contiguous counties

that are in these various tiers, and even though I have not done an exhaustive analysis, it appears that it would cost more in gas to drive from one county to another county to garner this enhanced benefit.

Therefore, this is not a piece of legislation that warrants the thoughtful consideration of this body today. So again, I implore my colleagues to vote "no" on this piece of legislation. Thank you.

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

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

Mr. MYERS. Thank you, Mr. Speaker.

You know, I am not going to ask for an interrogation, because all the facts are going to do is confuse the issue. The issue is, how do I build a case for 2012? There does not have to be any rhyme or reason to that. And anybody who is starting their campaign early, it is a good move to start early. I hope we are starting early. And one of the things that I might be able to say is, I am hard on welfare fraud. I am going to lock somebody up for \$12 instead of the \$800 million we can get from the Marcellus Shale tax. The ideological hype, I understand that, too.

Mr. TURZAI. Mr. Speaker? Mr. Speaker?

The SPEAKER. The gentleman will suspend.

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

Mr. TURZAI. With all due respect to the good Chair, if we could just stay on the bill, please.

Mr. MYERS. I am on the bill.

The SPEAKER. The Speaker thanks the gentleman.

The gentleman will confine his remarks to the legislation before us. The gentleman may proceed.

Mr. MYERS. Thank you, Mr. Speaker.

I am on this bill; believe me, I am on this bill.

I want to thank my good friend, my Democratic colleague, whom I respect, Jack Wagner, for his contribution. Wagnerism; that is what is being used on this floor on about almost everything now. Jack Wagner's position – waste, abuse, and fraud – is an underlying factor we try to use to justify everything.

Hey, look; all I can say is this: I have a good relationship with my colleagues on the Health Committee on the other side and we talk straight up to one another, and we all know that this is incumbent protection. Nobody wants to say it on the floor, so I will say it for you.

You know you are not going to make any money out of this; I mean, \$14, \$50 at the most, and give people a criminal record for no reason, and we do not have the staff to do it because we are cutting everybody. If we really want to do something, let us raise the Marcellus Shale tax and get rid of the Delaware loophole, and some of this stuff might make sense.

Thank you, Mr. Speaker.

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

On that question, the Speaker recognizes the gentleman from Lackawanna County, Mr. Murphy.

Mr. MURPHY. Thank you, Mr. Speaker.

If I may interrogate the maker of the bill, please?

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

Mr. MURPHY. Mr. Speaker, I rise to ask a question as a follow-up to the gentelady from Philadelphia County who had a question in regards to the case of domestic violence or for some reason a recipient has to move to another county and they

apply for benefits. And if they go to a homeless shelter, will they have to be at that homeless shelter for 3 months before they are able to establish residency in that other county?

Mr. QUIGLEY. No. If you go to that homeless shelter, you are considered a temporary resident for the 3 months of that time period. So when you go there, you are now a temporary—And in the example the gentlelady from Philadelphia gave, you are going from Philadelphia to Montgomery County. Now you are a temporary resident of Montgomery County.

Mr. MURPHY. So as of the first day you apply for benefits in another county, other than your home county, on that first day you will be eligible under a temporary residency status?

Mr. QUIGLEY. Right; if you are not staying for more than 3 months. So if you go there and you do not know how long you are going to stay, you would say, in that case, you are going to be a temporary resident. And if you, unfortunately, have to stay there more than 3 months, then you will become a permanent resident of that county.

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

On the question recurring,

Shall the bill pass finally?

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

(Members proceeded to vote.)

### 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 lady from Luzerne County, Ms. MUNDY. Without objection, the leave will be granted.

### CONSIDERATION OF HB 1261 CONTINUED

On the question recurring,

Shall the bill pass finally?

The following roll call was recorded:

#### YEAS—166

Adolph	Evans, J.	Knowles	Quinn
Aument	Everett	Kortz	Rapp
Baker	Fabrizio	Kotik	Ravenstahl
Barbin	Farry	Krieger	Readshaw
Barrar	Fleck	Kula	Reed
Benninghoff	Freeman	Lawrence	Reese
Bloom	Gabler	Longietti	Reichley
Boback	Galloway	Maher	Roae
Boyd	Geist	Mahoney	Rock
Boyle, B.	George	Major	Ross
Boyle, K.	Gergely	Maloney	Saccone
Bradford	Gibbons	Markosek	Sainato
Brennan	Gillen	Marshall	Samuelson
Brooks	Gillespie	Marsico	Santoni
Brown, R.	Gingrich	Masser	Saylor
Burns	Godshall	Matzie	Scavello
Buxton	Goodman	McGeehan	Schroder
Caltagirone	Grell	Metcalfe	Shapiro
Carroll	Grove	Metzgar	Simmons

Causer	Hackett	Miccarelli	Smith, K.
Christiana	Hahn	Micozzie	Smith, M.
Clymer	Haluska	Millard	Sonney
Conklin	Hanna	Miller	Staback
Costa, D.	Harhai	Milne	Stephens
Costa, P.	Harhart	Mirabito	Stern
Cox	Harkins	Moul	Stevenson
Creighton	Harper	Mullery	Swanger
Culver	Harris	Murphy	Tallman
Cutler	Heffley	Murt	Taylor
Daley	Helm	Mustio	Tobash
Day	Hennessey	Neuman	Toepel
Deasy	Hess	O'Brien, D.	Toohil
DeLozier	Hickernell	O'Neill	Truitt
DeLuca	Hornaman	Oberlander	Turzai
Dellinger	Hutchinson	Pashinski	Vereb
DePasquale	Kampf	Payne	Vitali
DeWeese	Kauffman	Peifer	Vulakovich
DiGirolamo	Kavulich	Perry	Watson
Dunbar	Keller, F.	Petrarca	White
Ellis	Keller, M.K.	Pickett	
Emrick	Keller, W.	Pyle	Smith, S.,
Evankovich	Killion	Quigley	Speaker

#### NAYS—34

Bishop	DeLissio	Mann	Santarsiero
Briggs	Dermody	Myers	Sturla
Brown, V.	Donatucci	O'Brien, M.	Thomas
Brownlee	Evans, D.	Parker	Wagner
Cohen	Frankel	Payton	Waters
Cruz	Gerber	Preston	Wheatley
Curry	Johnson	Roebuck	Williams
Davidson	Josephs	Sabatina	Youngblood
Davis	Kirkland		

#### NOT VOTING—0

#### EXCUSED—3

Bear	Mundy	Petri
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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

### BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 40, PN 1038**, entitled:

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.

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. Perry.

Mr. PERRY. Thank you, Mr. Speaker.

Can you imagine, can you imagine waking up at 3 o'clock in the morning from a sound sleep, your family in their separate rooms in your home, somebody breaking in your door, front door or your back door, a window? Can you imagine trying to figure out what they are doing in your home, because right now in Pennsylvania that is your requirement. And can you imagine, can you imagine going out in the evening at 11 o'clock or so to get something out of your car or put something in your car on a warm summer's evening; maybe your lights are out in the front of your house and your family is inside sleeping, and you are confronted with an attacker that was headed for your house, and at that moment, where seconds are critical for your safety, you need to determine whether you should retreat or not for your safety. Can I make the front door? Can I make it around the car? Do I defend myself where I stand? Hold on. I do not know. I have got to figure that out, because right now in Pennsylvania we have that duty, the duty to retreat. And maybe the ultimate injustice, can you imagine defending yourself lawfully and being found to have lawfully defended yourself, and then after which find yourself in court, defending yourself civilly against the person that attacked you in your home or at your place of work, and even worse, losing that case? And it happens.

The current law tips the scales of justice in favor of the criminal ever so slightly. We would like to tip the scales in favor of the law abiding just so slightly, and HB 40 seeks to rectify the injustices I have so enumerated. What it does do is it creates a presumption that if someone is breaking into your home or your car, they intend to do you bodily harm. It eliminates your duty to retreat; it eliminates that. It offers protection against civil liability so you do not find yourself in civil court after finding yourself in criminal court. And it clarifies current firearm law related to transportation and possession of weapons.

What it does not do, the presumption does not apply, the presumption does not apply if you are another resident of the home that you are coming into, if you are a law enforcement officer, if you are a parent or a grandparent or other guardian removing a child from the home or a vehicle. It does not eliminate the responsibility to demonstrate, it does not eliminate the responsibility to demonstrate a reasonable belief of imminent danger prior to the use of lethal force if necessary. HB 40 does not endorse unlawful aggression. It is about self-defense. It provides law-abiding citizens necessary legal protection to respond, to respond to unlawful aggression.

In short, HB 40 tips the scales of justice in favor of the law abiding, and I would urge you all to vote in favor of HB 40. Thank you, Mr. Speaker.

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

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

Mr. THOMAS. Mr. Speaker, I rise in opposition to HB 40. And to restate what has happened within the last, well, before 100 days when this term started – and the people in my district constantly want me to provide them with a report of what it is that we are doing – so in the last couple months we have done several Public Welfare Code bills that will send folks to the penitentiary for 7 years and label them a felon for fraud. We have done away with joint and several liability. We have entertained a budget proposal that takes \$1.2 billion out of corrections and adds it to corrections. And now we are asking all of the folks in Pennsylvania that possess guns illegally, illegally, and for possession of an illegal gun the punishment is no greater than somebody who commits fraud in the Public Welfare Code with \$3,000. So you can have a gun illegally and get off better than under the Public Welfare Code, but under this HB 40, the only beneficiaries of HB 40 are the folks out there who have been using guns to injure, maim, and kill folks, and they have a defense now. Now they can say that that person over there, that they reasonably believe that their life is in imminent threat and possibly subject to harm, and so the Castle Doctrine extends outside of the home.

So I know that there have been some exceptions carved out, but at the end of the day, it does not, it does not create the kind of community, civil community that we need in the Commonwealth of Pennsylvania. After today if this bill ever becomes law, we cannot call this Pennsylvania anymore. We may as well call it Dodge City, Kansas, or someplace, because we should be about dealing with real problems facing real people.

And so to that end, I just want to ask the architect of this bill one question.

The SPEAKER. Is the gentleman seeking to interrogate the maker of the bill?

Mr. THOMAS. One question.

Mr. Speaker, please share with me, in your wisdom, the facts and/or circumstances which give rise to HB 40 and why we must act on it now in the face of the systemic unemployment and other problems facing Pennsylvanians?

Mr. PERRY. Thank you, Mr. Speaker.

I think the record is replete with instances where law-abiding citizens find themselves in the face of prosecution all around Pennsylvania, all around the nation, and this bill seeks to rectify that, and anytime, if you will let me finish, that that happens, there is an injustice. And why would we wait? Why would we wait another minute? I can cite several cases, certainly one in Venango County; one in Langeloth, PA. I can cite one, if you will bear with me, from North Carolina where a State Senator who is a longtime antigun advocate defended himself in his home with a gun and is now indicted for assault with a deadly weapon. And so you say, why? To those who say this is a solution in search of a problem, I would say, I hope you never have to defend yourself in your home, and that is why.

Thank you, Mr. Speaker.

Mr. THOMAS. Mr. Speaker, my only question was, provide me with some accurate, accurate information of facts and/or circumstances which give rise to why HB 40 needs to be voted on now. And, Mr. Speaker, please do not give me the lecture on defending my home. I am a single parent of twin boys that I have raised that are 32 years old, will be 33 this year. I have



never, never, never, never, never carried a gun, had a gun in my home, in my car, in my pocket, or anywhere, and I do not live in Jerusalem; I live in North Philadelphia. So, Mr. Speaker, please do not say to me that I need to have a gun so that I can protect myself from circumstances and/or facts which have never confronted me, my children, or any other of my family members, and I do not think that I am special. Okay?

So all I ask you – and I am going to take my seat – I am going to ask you, give me and/or my colleagues, this General Assembly, the House, the people's body, facts and/or circumstances which give rise to HB 40 and why we need to deal with it today while we have systemic unemployment in many of our communities, child care being cut, public education cut. I am off the issue, but give me some facts and/or circumstances which give rise to HB 40. Thank you.

Mr. PERRY. Mr. Speaker, I will do so—

The SPEAKER. The gentleman will suspend.

It is the Speaker's understanding that the gentleman had somewhat rhetorically walked away from interrogation. Obviously, if the gentleman from York would seek to be recognized later, he can respond, but I believe the gentleman had gone back on the bill, and it was the Speaker's fault for not clarifying that he was back on the bill and not interrogation.

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, just for clarification, as I understand current law, if I am in my house, I have already been considered to have retreated. I do not need to retreat beyond my house. This bill would expand that to say it is my entire property, wherever I go in the community, my car, but if I am in my house, the example that was used earlier, if I am in my house, I need to try and run from my house to get away from the person who is breaking into my house, I do not believe applies even under current law today. I am allowed to defend myself in my house. But the concern I have with the bill as it is proposed is that it says, I need to have a reasonable fear for my life.

Now, many of you go out and do public appearances, as I do, and over the years occasionally you get to one of those town meetings and there is some heated debate, and somebody whom you do not really fear for gets up and gets a little heated and they make some comment that could be construed as threatening. You go home and you say, gee, you know, I wonder if I really ought to report that as claiming I thought I was threatened or not. But you think about it a little bit, and meanwhile, that person has gone home and cooled down and they have thought about it a little bit, too, and they decide to come over to your house to apologize to you because they have realized that they were a little bit over the line. Now they are walking up on your porch, but you do not know their state of mind. The last time you saw them their state of mind was that they were going to get you, and now you reasonably have the right to shoot them and kill them dead. You had witnesses that said that they threatened you in public, and you are not held liable for anything. The widow can go testify that her husband was going over to apologize, and there is no recourse.

So I just have some concerns with the way this bill is written. I think it lends itself to, particularly in those neighborhoods where all the houses look alike, the neighbor trying to go into

the wrong house by mistake, the person that is visiting the neighbor going into the wrong house by mistake, the person that does not lock their doors having somebody walk in their house by mistake and somebody being shot. So I think it would be best if we voted against this bill, although I am pretty sure it is going to pass.

Thank you, Mr. Speaker.

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

On that question, was the gentleman from Montgomery County, Mr. Vereb, seeking recognition?

Mr. VEREB. That is correct, Mr. Speaker.

The SPEAKER. The gentleman is in order and may proceed.

Mr. VEREB. Thank you, Mr. Speaker.

I rise in support of HB 40. I think the scenario which was provided by the gentleman from Lancaster is a possibility in real life. But let us face it, if somebody comes up to your doorstep, there are many approaches to your doorstep they are going to take. You know, in the old days the saying was, I would rather be tried by 12 than carried by 6, and it is not the mentality we should be operating with in Pennsylvania.

I think HB 40 provides the reasonable language that a person can defend themselves when they are in a serious threat in a reasonable way, use the force which is necessary, and that force should not be the ability to retreat and run away from the grounds in which you have and defend, whether it is your home or your car or the space in which you stand. And a great example of this, Mr. Speaker, was just a few years ago right on Second Street in this town when a less than – let me just put it less than credible, unsavory fellow approached the good table where we were. And unlike the good gentleman from North Philadelphia, I do carry; I do own and I do love my guns. And that particular evening, Mr. Speaker, the gentleman made some irrational threats at the table. No one at that table displayed a weapon and terminated the gentleman's life. We simply used good verbal communications, which is all part of the process, Mr. Speaker. HB 40 does not turn us into some village in Texas. HB 40 defends law-abiding citizens to defend themselves without the trials and tribulations of long civil and criminal ramifications.

Thank you, Mr. Speaker.

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

On that question, the Speaker recognizes the lady from Philadelphia, Ms. Brown. Miss Parker is in line. The lady, Ms. Brown, is in order and may proceed.

Ms. V. BROWN. Thank you, Mr. Speaker.

Mr. Speaker, may I interrogate the maker of this bill, please?

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

Ms. V. BROWN. Mr. Speaker, my question is, how would this affect women on domestic violence, women who feel threatened and feel a need to protect themselves? How would this bill affect that scenario?

Mr. PERRY. Well, as far as I can tell, they would be affected as long as they were in lawful possession. If you are talking about use of a firearm in particular, they would be afforded all the protections to defend themselves legally just like anyone else would.

Ms. V. BROWN. Thank you.

Mr. Speaker, on the bill, please? Mr. Speaker, on the bill, please?

The SPEAKER. The lady is in order and may proceed.

Ms. V. BROWN. Thank you.

Of all of the legislation we have been here to vote on today, everything has been antimother and child. This is the first piece of legislation that could potentially be helpful to some women staying out of prison, because so many women are now incarcerated in our system in Muncy and other women facilities for protecting themselves from their mate. And this is the first piece of legislation that I see that has been helpful to those women, even though I stand and I ask for a negative vote on this bill, because I do not believe that this is the way we should go, because if I had chosen that way, my son would not have a father today. I am still asking this House for a negative vote, but I think that we need to consider how we craft legislation and how we look at everything as a whole. If we are going to help mothers, then we need to help them and not give them punitiveness for a \$1,000 infraction from moving from one county for \$40 and instead you arm them with a gun and you say, here you are; take care of yourself. I think we have the message wrong that we are sending to our Commonwealth.

Mr. Speaker, thank you.

The SPEAKER. The Speaker thanks the lady.

The question is, shall the bill pass finally?

On that question, the Speaker recognizes the lady from Philadelphia, Miss Parker.

Miss PARKER. Thank you, Mr. Speaker.

I also rise in opposition to HB 40, and I want to join my colleague, the gentleman from Lancaster, who spoke a few minutes ago, and he noted that he believed that there was overwhelming support on both sides of the aisle to pass this legislation.

My speaking here in opposition to this bill today is consistent with remarks made on the record when we dealt with this bill during the last session, and during that time, Mr. Speaker, we received documentation from the D.A.s Association of Pennsylvania. At that time, Mr. Speaker, we were functioning under a different administration, a Democratic administration. So the Pennsylvania State Police were in support of our voting against this bill. In addition to that, we also had the chiefs of police of the Commonwealth of Pennsylvania who were against this bill.

Mr. Speaker, I want to state for the record that I think that HB 40 is unjustified; it is unnecessary. We already have a duty to retreat. We are already relieved of that duty to retreat before using deadly force. Under current State law, again, there is going to be bipartisan support against this measure. The gentlelady from Philadelphia who spoke a few minutes before me talked about the impact of this bill once passed, and I do believe that it will be signed into law. Well, that is after, Mr. Speaker, the haggling is over between which chamber's bill is going to make it to the Governor's desk in time, but the bill will pass. But the impact that this measure will have on those who are victims of domestic violence and/or those who are looking for an excuse to say that their lives are in danger and they need to protect themselves, that is why they engage in an act of violence.

So, Mr. Speaker, once again I encourage my colleagues to vote against HB 40. I think it is bad public policy, Mr. Speaker, and I just hope that once this bill or the Senate version makes it to the Governor's desk and he signs this measure, we do not

read any negative headlines within the next year or so talking about the unintended consequences that the impact of HB 40 had on our criminal justice system.

Thank you, Mr. Speaker.

The SPEAKER. The Speaker thanks the lady.

The question is, shall the bill pass finally?

On that question, the Speaker recognizes the gentleman from Armstrong County, Mr. Pyle.

Mr. PYLE. Thank you, Mr. Speaker.

Mr. Speaker, like my good friend, the gentleman from Greene County, I am a student of history, and I recall that during the dark days of World War II, President Franklin Roosevelt declared in a famous speech that all Americans are born inherently with four freedoms, that amongst these were the right to be free of fear. Today, Mr. Speaker, the legislature considers a measure that goes a long way towards freeing us from that fear.

Today we consider HB 40, the Castle Doctrine, which strengthens our right to protect our homes and loved ones from those who would bring us harm or death. The Castle Doctrine makes possible the legal use of arms without fear of government reprisal against us when we acted only to protect our loved ones.

HB 40 would per se allow us to stand our ground when we feel there is a definitive threat to the safety of ourselves or our loved ones. In today's discussion, Mr. Speaker, we consider whether or not every citizen of Pennsylvania has that right. I say we do; we most definitely do.

Mr. Speaker, we hail from all points of this Commonwealth. For all of our diversity, we bear a commonality. How many amongst us, before we came to this hallowed hall, did not discuss with our spouses or our loved ones what to do in the event that something should go terribly wrong in our homes in our absence? God forbid this should happen to any Pennsylvanian, but we are always well advised to embrace the Boy Scouts' motto: Semper Paratus – "Always Be Prepared." I know my wife and I had that discussion. We spoke about what she should do if I was not home and she had to deal with an intruder and how to best protect herself and our children. I cannot say for sure, Mr. Speaker, but I imagine a lot of us had similar discussions.

Mr. Speaker, we live in an increasingly violent society. Talk with any policeman and they will tell you much of this violence is fueled by powerful illegal drugs. They will tell you that these drugs are unyielding in their ability to turn rational, productive people into beings dissociated from reality and desperate to feed their addictions. To feed these gnawing addictions, Mr. Speaker, these beings grow bolder and will do anything including breaking and entering into our homes as we sleep to steal anything that can be quickly pawned for more drug money. It is happening in my county. It is happening in the neighboring county of Allegheny and many others I know of. Innocent people are being hurt, victimized, and even sometimes sadly killed by these violent home invaders seeking to feed their habits. We have a chance to stop this, Mr. Speaker, and it comes to us in the form of HB 40.

Mr. Speaker, inherent in any study of the American people is an examination of why our nation committed to paper our government's obligations, responsibilities, and duties to and for our citizens. This commitment, our Constitution, has been our

testament to the relationship between a people and their elected government. A guiding principle of our nation, Mr. Speaker, is that our government respects our right to own property and to protect our loved ones and ourselves from harm. An affirmative vote for HB 40, Mr. Speaker, reaffirms our commitment to these guiding principles. HB 40 allows us to be free of fear from both criminals who would bring us harm and an overreaching government that would jail us for doing what anyone in this room would do, protect our loved ones should the need arise.

Critics of HB 40, Mr. Speaker, would have you believe that its passage will lead us into decay reminiscent of showdowns in the dusty streets of the Old West or the carnage of D-day. I think not. Truth be told, Mr. Speaker, in many States that have enacted Castle Doctrine or its equivalent, crime and murder rates have actually fallen. As an example, look to the crime statistics of Florida, Texas, or any of the other 30-plus Castle Doctrine States for proof. The preponderance of data heavily suggests proof in the adage that an armed society is a polite society.

Mr. Speaker, the framers of our Constitution recognized our liberty to keep and bear arms. The Commonwealth's Constitution, the one we all swore to defend, goes a step beyond to say the right of all Pennsylvanians to keep and bear arms "...shall not be questioned."

Vote for HB 40 today and we can realize Roosevelt's freedom from fear. Vote for HB 40 and assert that the people do not belong to the government, but rather that the government belongs to the people. Vote for HB 40 to free us from doing what anyone in this hallowed hall would do, defend our loved ones in a dire time. For whatever reason, one I have identified or one I have not, Mr. Speaker, I encourage the members to vote for HB 40.

Thank you, Mr. Speaker.

The SPEAKER. The Speaker thanks the gentleman.

### LEAVE OF ABSENCE CANCELED

The SPEAKER. The Speaker returns to leaves of absence and notices the presence of Ms. MUNDY back on the floor of the House. Her name will be added back to the master roll call.

### GUESTS INTRODUCED

The SPEAKER. Additionally, we would like to recognize some additional guests that are in the gallery, students from the Towamensing Elementary School from Palmerton, PA. They are guests of Representative Doyle Heffley. Welcome to the hall of the House.

### CONSIDERATION OF HB 40 CONTINUED

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

On that question, the Speaker recognizes the gentleman from Montgomery County, Mr. Gerber.

Mr. GERBER. Thank you, Mr. Speaker.

If I may, I would like to interrogate the maker of the bill.

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

Mr. GERBER. Thank you, Mr. Speaker.

I just have a couple of questions about definitions in the bill, Mr. Speaker, that I am concerned create ambiguities that would lead to violence in our communities that none of us would like to have.

Mr. Speaker, if I could turn your attention first to your definition of "residence." I am looking at page 3, line 26, Mr. Speaker. Mr. Speaker, in that definition you define "residence" as "a dwelling in which a person resides, either temporarily or permanently, or visits as an invited guest." Is that the language? Do you see the language?

Mr. PERRY. That is indeed.

Mr. GERBER. Okay. Mr. Speaker, with this definition does that mean that anybody I invite to my home, it could be a colleague who comes to visit me, it could be a sibling or a family member from somewhere else who stays with me, they would be an invited guest. Is that accurate?

Mr. PERRY. I would say that is accurate.

Mr. GERBER. Okay. And, Mr. Speaker, earlier in the definition it says, "A dwelling in which a person resides...." Is there anywhere in the bill that it says that the person must be residing lawfully?

Mr. PERRY. Mr. Speaker, I would answer the question by saying, you do not reside somewhere that you are illegally or uninvited. You do not reside there.

Mr. GERBER. Well, I will give you a hypothetical that I am thinking about. It is an issue that landlords have all over this Commonwealth. They have squatters. They have people that choose to live at a residence or at a dwelling of some sort. Even though they do not have the lawful right to be there, they choose to live there, and my concern is that there is nothing in this bill that would prevent a squatter, for example, from using deadly force under the bill if someone were to enter the home in which they are squatting. Is there anything in this bill that would prevent that scenario from taking place or would make that actor that shooter?

Mr. PERRY. Yes, Mr. Speaker, there is. This bill specifically states that you cannot use the provisions of the bill if you are involved in illegal activity. Illegally residing in a residence that is not your own would constitute illegal behavior and therefore nullify your protections under these provisions.

Mr. GERBER. And I am not an expert on our landlord and tenant law, but I do believe there are circumstances under our law under which a renter who is no longer paying rent has squatter's rights. We have heard that term before, "squatter's rights," meaning they are squatting but not illegally. That is a scenario I am concerned would give rise to problems under this language.

Mr. PERRY. We are not amending, Mr. Speaker, we are not amending landlord and tenant law. And once again, in the landlord and tenant law, if it describes squatter's rights, you are thereby legal. So this is being on one side of that line, legal or illegal. If you are on the illegal side, you cannot use the provisions of HB 40 as protection. If you are on the legal side, you can. That is as simple as it is.

Mr. GERBER. Okay. Going to a scenario that would involve an invited guest, an invited guest. So I am invited to your home and I am hanging out with you. You go out to the store and I am in the home, and I have my weapon handy. I am there lawfully

as your guest, and someone I perceive to be threatening, someone I perceive to be uninvited chooses to come into your home. Would I have the right to shoot that person if that person is coming into your home because I am there as your invited guest?

Mr. PERRY. You would have the right, Mr. Speaker, to defend yourself. Again, you would have the duty to essentially prove that you felt your life was in jeopardy by the person that was intruding on the home that you had been invited to.

Mr. GERBER. So let me see if I understand this. In my community, in my community, Mr. Speaker, if someone walks up the driveway in a three-piece suit and a briefcase, it is not terribly intimidating. I know and some others, you might think the man from the bank is coming to repossess the house, but in my community if someone walks up my driveway in camouflage with a rifle over his shoulder in a suburban Philadelphia community, that is not something you normally see. And I recognize maybe in a more rural area you might think, well, jeez, it is just a guy who probably needs a phone or maybe needs a drink of water, a hunter who is out there just doing something lawful, engaged in recreation that is normal for that type of rural environment. But here I am as a suburban fellow who is not used to that sight as a guest at your house and I see that gentleman coming up the driveway with his rifle over his shoulder wearing camouflage, and it scares me because that is not something I am used to. I now feel threatened because I have got a guy in camo wearing a gun, and I think, man, he must want to do harm. I am not thinking he needs a telephone because maybe his truck broke down. And under those circumstances as your invited guest, feeling uncomfortable looking at this gentleman, I would be able to use deadly force. Is that accurate?

Mr. PERRY. That is not accurate. If you turn to page 6 of 13, line 19, you will see that it requires "...unlawful and forceful entry...." So simply walking down the driveway – the heck with that, even simply just walking into the home where you are an invited guest, as you have also described, is still, under the provisions of the act, not enough reason to trigger your response, and I would think that you would have to defend yourself in criminal court if you responded out of kind for that kind of activity.

Mr. GERBER. So let me ask you this question then, Mr. Speaker: A porch is part of the residence. I am in the house. That kind gentleman whose truck broke down who just needs to use the telephone now walks up onto the porch, opens the door, pokes his head in the door, and says, "Hey, is anybody home?" He is now in the home. I do not know him. I see a gun. He has now entered. I do not know if he is entering lawfully or unlawfully. He certainly has not been invited, and I am there as your guest. You are out at the store. Under those circumstances, if I were to use deadly force, would I be protected under the Castle Doctrine for doing so, because I reasonably believe I am threatened? I see the gun. The gentleman is coming into the home; he is entering the home. I am not a police officer. I do not know if he is doing so lawfully or unlawfully, invited, uninvited. I just know I am scared. So I see the gun and he has come into the house. Under those circumstances, would I be protected under the Castle Doctrine? I could blow that guy's head off and say, hey, Castle Doctrine.

Mr. PERRY. I would say that, actually, under current provisions, if you reasonably believed that, you are currently protected.

Now, you said he opened the door. Did he forcefully open the door? In other words, did he break the door down or was the door unlocked?

Mr. GERBER. I do not know what forcefully is. Let us say he rips it open quickly because he is in a rush or let us say he does not realize the door opens inward and he pulls it outward and breaks it or vice versa, and it appears to be threatening, even though this gentleman is just in a rush to make a phone call. But the vibe that I get as your guest is, I am at my buddy's house and I have got a guy with a gun and he is trying to break in; I am going to shoot him. And I think he is being forceful, I think he is being aggressive, even though he is just in a hurry, he is nervous. His car broke down and he wants to call his wife and say, "Babe, I'm running late." He does not mean any harm. He is just in a hurry to get to a telephone. My concern is and my question to you is, under those circumstances an innocent gentleman just appears to be entering forcefully with a gun, do I have the right to shoot him under the Castle Doctrine?

Mr. PERRY. Under the circumstances you described, they are already dealt with under current law. If you reasonably felt that your life was in jeopardy, it would be up to you to prove to the district attorney that reasonable belief was founded. If you could not prove that that belief was founded, I imagine the district attorney would pursue you under criminal prosecution.

Mr. GERBER. So I guess that begs the rhetorical question I am going to ask you. Now for an answer is, if it already exists, why do we need this law?

Let me move you on to a different section. Let me move you through the definition of "vehicle." And now I will try to direct you there, if you bear with me one second. I will give you the page and the line number – page 4, line 8, "Vehicle." It says here, "A conveyance of any kind, whether or not motorized, that is designed to transport people or property." Mr. Speaker, my question to you is, would this apply to— I would assume this would apply to a motorcycle. It is a vehicle that moves people. It has got a motor.

Mr. PERRY. Yes, it does apply.

Mr. GERBER. Now, it says, "...whether or not motorized...." Would it also apply to a bicycle?

Mr. PERRY. It does. However, solely relying on the definition is not enough, because the law also requires forcible entry, and it is hard to establish how one forcibly enters a bicycle.

Mr. GERBER. So let me ask you this: So you and I are hanging out at a neighborhood bar, and we got there on our motorcycles. And we walk out to head home and a couple of punks come up and try to take our motorcycles from us, and we think they have a gun on them. We see a bulging item out of their pocket; we think they have a gun. They are not necessarily entering, because there is nothing to go into, but they are taking my vehicle and they do have a gun and they do look very threatening. Under those circumstances, would the Castle Doctrine apply?

Mr. PERRY. I am sorry. Mr. Speaker, did you say you were on the motorcycle or beside the motorcycle?

Mr. GERBER. You are on it; I am beside it.

Mr. PERRY. Well, whom did they try and take the motorcycle from, me or you?

Mr. GERBER. You.

Mr. PERRY. So I am on it. So they have assaulted me and tried to remove me from the vehicle.

Mr. GERBER. Or they just grab your handlebars and say "Get off" – get off the bike; get off the bike.

Mr. PERRY. Because somebody says to me "Get off the bike," somehow I am supposed to think my life is in danger?

Mr. GERBER. And you see a gun in his belt or in his pocket. That is part of the scenario.

Mr. PERRY. If I see a gun, if I see a gun, I think most people— If somebody is accosting me on my vehicle – motorcycle, car, or whatever – and they pull a gun on me, I think most people would legitimately feel their life or safety was threatened.

The SPEAKER. The gentleman will suspend.

This is kind of turning into a conversation and not really interrogation, and I would urge the gentleman to focus direct questions that would—

Mr. GERBER. That is just my friendly tone, Mr. Speaker. I try to make it conversational and not combative, but I can be more aggressive, if you would like.

The SPEAKER. The Speaker did not say to be more aggressive. I would just like the members to stay on direct questions with direct answers.

Mr. GERBER. Yes, Mr. Speaker, and I appreciate the instruction and I will be respectful of it.

The SPEAKER. The Speaker thanks the gentleman.

Mr. GERBER. What I am trying to get to, Mr. Speaker, is my concern that some of these definitions are probably unintentionally overbroad.

With the definition of "vehicle," Mr. Speaker, we have agreed that it could be a car. We have agreed that it could be a motorcycle. We have agreed it could be a bicycle. I suppose then we could agree it could be a skateboard. It is a vehicle. It is not motorized. It is designed to transport people. And if you have got a kid in a neighborhood riding on his skateboard and another kid comes up and shoves him off the skateboard and now we have him forcibly removing him from his vehicle, under those circumstances, if there was a gun, a knife, or some other weapon, a baton, a baseball bat, would the kid who was pushed off the skateboard—

Mr. TURZAI. Mr. Speaker? Mr. Speaker?

Mr. GERBER. —be allowed to use deadly force under these circumstances?

Mr. TURZAI. Mr. Speaker?

The SPEAKER. For what purpose does the gentleman rise?

Mr. TURZAI. Yes, sir. With respect to interrogation, you know, the rules incorporate Mason's Legislative Manual. And hypotheticals are all nice and everything, but I do not know who could keep this particular hypothetical together. And under section 253 of Mason's Legislative Manual, really, members are not supposed to be presenting arguments under the guise of questions. And essentially the rule has historically been, if you know your answer, you are not asking questions that you have the answer to, and we have not really ever allowed hypotheticals certainly to this extent.

I would just say, if he has specific questions where he desires information, that is what interrogation is about. It is not about posing hypotheticals. And I do think it is a bad precedent, and I think that the good member from Montgomery County really needs to ask questions for information that he does not know the answer to.

Mr. GERBER. Mr. Speaker, if I may respond.

The SPEAKER. The gentleman will suspend just one minute.

Mr. GERBER. Yes.

The SPEAKER. The majority leader does have a valid point in that the use of a hypothetical is proper to the degree of making a point. Where it becomes a little bit questionable is whenever you just pose hypothetical after hypothetical as a way of trying to cover all the bases, and I think that is the point that the gentleman was making and I would concur with that.

The gentleman may proceed.

Mr. GERBER. Thank you, Mr. Speaker, and thank you to the maker of the bill for standing for interrogation.

The purpose of the hypotheticals as part of a question or part of a series of questions was to demonstrate, Mr. Speaker, that despite the good effort that went into crafting this bill, that these definitions are drafted in such an obtuse fashion that they leave themselves open to loopholes. They leave themselves open to interpretation, and that is—

The SPEAKER. Is the gentleman off interrogation and back on the bill?

Mr. GERBER. Thank you, Mr. Speaker. Yes. Thank you. Thank you, Mr. Speaker.

The SPEAKER. The gentleman is in order under the question of the bill.

Mr. GERBER. Thank you, Mr. Speaker. To the bill.

The purpose of the interrogation and the purpose of the use of the hypotheticals was to establish that the obtuse nature of the definitions leaves open the interpretation for Pennsylvanians all across our Commonwealth that the Castle Doctrine will protect people in circumstances, protect people from the law where they use deadly force in circumstances where we do not want Pennsylvanians using deadly force.

Now, I recognize that the good gentleman who drafted the bill is trying to establish a law that will enable people to protect themselves in their homes and protect themselves in their car if they are in fact the victims of a violent crime and protect themselves before, before they become an injured or, even worse, deceased victim of a violent crime, and I think that is the intention. But because of the drafting errors, because of the loose nature of the language, I am concerned and I suggest to the entire chamber that everybody should be concerned that we are encouraging people to use deadly force in circumstances where we do not want them using deadly force. And certainly, certainly we do not want to be encouraging Pennsylvanians to kill each other, and we do not want to be creating law that protects killers under circumstances where we do not want to be protecting killers.

And when we have definitions as loose as this where we may be giving squatters the right to kill people who come onto a property where they are squatting or where they have a drug house, or encouraging kids who have their bikes stolen or their skateboards stolen to use deadly force because they are upset or

they are angry at the guy or the gal that is stealing the bike or the skateboard, we do not want to be encouraging them to use deadly force because we are giving them an out, because now they can "Castle" someone and say, hey, man, I can do that under the law.

And we certainly do not want to tie the hands of law enforcement or of prosecutors who are going after people who have killed someone because now that killer's defense lawyer says, hey, we have the Castle Doctrine; he was stealing his bike; he was stealing his skateboard; he took his roller blades. Is that really what we want to create here in Pennsylvania? Is that really the environment that we want to create? Do we really want to encourage people to use deadly force because they now think they have an out with the Castle Doctrine?

Come on, Mr. Speaker. We care about the people we represent. We certainly do not want to encourage violence. I am not saying do not establish a law that enables people to protect themselves in their homes or in their vehicles. I am not saying that, but let us get it right if we are going to do it. Let us get it right. Let us not have such obtuse language. Let us craft it narrowly. Let us think it through.

Mr. Speaker, I am very concerned that we are creating an environment that will encourage people to use deadly force, and I encourage everybody to vote "no" so we can get this bill more narrowly tailored, more refinely articulated, so we do not encourage violence in Pennsylvania.

Again, Mr. Speaker, I encourage a "no" vote. Thank you.

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

On that question, the Speaker recognizes the gentleman from Allegheny County, Mr. Wheatley.

The gentleman will suspend.

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

Mr. MAHER. I was just looking to get on the list, Mr. Speaker.

The SPEAKER. For the information of the members, it looks like there are about eight speakers floating on that list.

The gentleman from Allegheny, Mr. Wheatley, is recognized on the bill.

Mr. WHEATLEY. Thank you, Mr. Speaker. And I am not sure if my colleague from Allegheny was doing that because he saw me at the mike or not, but I will be brief.

I rarely nor do I want to find myself in constant opposition with my good friends and colleagues from Montgomery County, Philadelphia County, and Lancaster County. However, on this issue, I must ask for support of HB 40. I represent a district, a city, and a region that has seen its fair share of violence with guns, and so I am always sensitive when we have bills and discussions around guns and the violence that is created with those guns and the people who are involved with it.

But I think this is very simply a question between, should we give law-abiding citizens the ability to protect themselves and not question the fact in that protection of themselves if they should retreat or stand their ground in their own property or in their own places where they are lawfully able to be? To me, there is a very simple answer to that: Yes, they should have the ability to protect themselves. Yes, I believe that ability should be extended beyond just their homes, quite frankly.

So when I saw this bill, and I understand all the ramifications around this type of bill and the concept that people believe that once you allow for this to happen, then you have what essentially becomes a Wild Wild West, but we still have laws that will guide and still will empower law enforcement to be

able to determine if someone is overly asserting themselves in this concept and just indiscriminately using their gun in an attempt to further their own position, and it does not have anything about defense of themselves. I believe we should be about empowering citizens to be able to protect themselves and their family and their property, so I would encourage our members to support HB 40 in its passage. Thank you.

The SPEAKER. The Speaker thanks the gentleman.

The question is, shall the bill pass finally?

On that question, the Speaker recognizes the gentleman from Butler County, Mr. Metcalfe.

Mr. METCALFE. Thank you, Mr. Speaker.

Mr. Speaker, I, of course, rise in support of HB 40. There has been a lot of misinformation, I believe, given here on the floor today from those who are in opposition. I think the legislation as it was proposed and as it came through the Judiciary Committee process – I know the chairman of the Judiciary Committee offered an amendment, and based on that amendment, I know the D.A.s Association was involved in discussions on that amendment, and that amendment actually brought us to a point where, unlike last year, the D.A.s Association this year has not come out in opposition to this legislation this year. So a lot of the stories that have been created here, the fiction that has been proposed here on the floor of what this bill will actually do, it is just that, it is fiction.

Mr. Speaker, what this bill actually does is reempower law-abiding citizens in the Commonwealth of Pennsylvania with the right to protect themselves and their families and their property. I think as the gentleman from Armstrong had discussed with his discussions with his wife, and I think that many of us who have traveled over the years certainly have had discussions with our family members. I know I have had my family out to the range a number of times ensuring that they know how to use firearms and that they are accurate with the use of those firearms. But I think the important point is that prior to the Castle Doctrine, my advice to any family member or to any friend was, if you have a situation occur where some criminal perpetrator is attempting to do you harm in your home, if you have to use lethal force, then make sure that you only speak to an attorney afterwards and that you do not say too much beyond speaking to your attorney and ensuring that you are not going to be prosecuted in a fallacious manner because you have actually just tried to protect your life, your family's lives, and your property.

But with Castle Doctrine, Mr. Speaker, Pennsylvanians will not have to worry about that anymore. If someone is an intruder in your home, they will be deemed to have come into your home with intent to do you harm, and that is the way it should be. And when you talk to folks out on the street, they really thought that is the way it already was. They did not realize that some rogue D.A. could take to a prosecution under the current law and you would have to go through the expense and go through the public embarrassment of your being brought before your fellow citizens to be judged whether or not you were operating in a legal manner by defending yourself and your property.

But, Mr. Speaker, what this legislation does is just reestablish our God-given right to protect ourselves and our family and our property. It reestablishes the constitutional affirmation of that right, Mr. Speaker. HB 40 gives us the ability to protect ourselves in our home and gives us the ability to stand our ground outside our home instead of having to duck for

cover when a criminal element might threaten us with deadly force or with a deadly weapon. This in no way, shape, or form provides safe harbor for that criminal element.

The message that should come out of this vote today and out of the ultimate signature by the Governor of HB 40 in the near future, Mr. Speaker, should be a message to the criminals of Pennsylvania that no longer will law-abiding citizens have to fear a suit by your relatives if they do take you out because you have attempted to do bodily harm to them and their family. No longer will they have to fear the criminal elements coming in and doing damage to their home and invading and putting their family under threat of losing their own lives, that they will be able to step up as law-abiding citizens and defend themselves, their families, their property, without fear of the government actually prosecuting them for doing what is only their God-given right, and that is defending themselves.

And once again, outside of the home, if somebody attempts to do you harm with a weapon that can cause your death, you will be in your full right to stand your ground and not have to turn your back and flee from that criminal who might shoot you in the back, Mr. Speaker.

So, Mr. Speaker, I stand up in support of HB 40, and I would ask the General Assembly to support it in a supermajority fashion. 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 from Lackawanna County, Mr. Staback.

Mr. STABACK. Thank you, Mr. Speaker.

Mr. Speaker, I stand in support of HB 40. This legislation follows the example of many other States that have given gun owners the very same protections found in HB 40. When faced with a serious bodily threat, no one should be weighing legal questions or debates. They need to act in their own self-protection, however they deem appropriate. When every second counts and law enforcement may be minutes away, the ability to stand one's ground is, for some, the best option.

Mr. Speaker, this bill is clearly not about creating a Wild West mentality. It is about safety and about common sense. There is specific language in the bill prohibiting provocation of the assailant. HB 40 simply says retreat is not the only option and that there are circumstances where legitimate, law-abiding citizens can protect life and properties with the level of force that some would use to steal them away.

HB 40 makes it very clear that victims do not become criminals when they defend themselves. The natural inclination to stand firm is a personal choice, not an illegal act, and may very well serve as a deterrent to future acts of violence. Because when HB 40 becomes law, the criminal who chooses to threaten a law-abiding citizen will never know, 100 percent be certain what exactly awaits him in return.

Mr. Speaker, on that note, I would ask for a "yes" vote on the measure.

The SPEAKER. The Speaker thanks the gentleman.

The question is, shall the bill pass finally?

On that question, the Speaker recognizes the lady from Warren County, Ms. Rapp.

Ms. RAPP. Thank you, Mr. Speaker.

I rise to support HB 40, and I was sitting here listening to debate, kind of taking offense to one of the former speakers as he gave several hypotheticals out there, and in his hypotheticals he kept using the word "killing." Mr. Speaker, this bill is not

about killing; it is about the right to defend. It is about the right for a woman being able to fend against attackers. It is about mothers and fathers being able to protect their home and their children and for all citizens to be able to defend themselves, their families, against those who would choose to do them harm. This bill is about defense and protecting your loved ones in your family, not outright killing. This bill is defense. It is about the Second Amendment rights of the people of this Commonwealth and the people of the United States of America.

Thank you, Mr. Speaker.

The SPEAKER. The Speaker thanks the lady.

The question is, shall the bill pass finally?

On that question, the Speaker recognizes the lady, Ms. Mundy.

Ms. MUNDY. Thank you, Mr. Speaker.

Mr. Speaker, HB 40 has been repeatedly referred to as the "Castle Doctrine" today and in much previous debate, but HB 40 is not the Castle Doctrine. The Castle Doctrine is current law. Under current law, you have no duty to retreat in your own home, and you only have that duty elsewhere if you can do so safely. That is current law, and that is the Castle Doctrine.

Despite repeated requests to the sponsor of the bill and supporters of this bill for instances that raise a significant need for an expansion of the Castle Doctrine, the only thing they can cite is some South Carolina, North Carolina case? If there are specific instances in Pennsylvania where overzealous prosecutors have prosecuted individuals for defending themselves in the face of a violent criminal, where is the case? Show it to me. I want to see it. I have asked for that so many times, and nothing but a case from North Carolina.

Now, I believe in the right to protect yourself, but my overriding and overarching concern in this bill was expressed to us in letters last session from the law enforcement community, and I want to read from those letters.

The Pennsylvania District Attorneys Association said, in a letter dated October of 2010, "Law abiding citizens who protect themselves from criminals will not be the beneficiaries of this bill. Criminals will. This legislation is a ready-made defense for violent criminals – a defense which their attorneys will exploit in court. Furthermore, the bill encourages the taking of human life even when there is a safe option of retreating. We need to discourage the use of violence unless it is absolutely necessary, not encourage it."

The Pennsylvania Law Enforcement Gun Violence Policy Group, made up of police chiefs and other law enforcement professionals from large and small communities all across the Commonwealth, said in a letter dated September 24, 2010, "This established standard" – in other words, the current law regarding the Castle Doctrine – "This established standard works and should not be changed. Individuals can defend themselves against home intruders, can defend their place of work, and are able to use necessary force in other situations when retreat is not a safe option – while balancing the need to reduce unnecessary violent confrontation.

"H.B.40 will make it harder for police and prosecutors to do their jobs....

"The proposed expansions to the 'castle doctrine' will make the job of prosecutors – working to get stiff penalties for violent offenders – more difficult. As Lancaster Mayor Richard Gray described it in the November, 2009 hearing on this bill, 'H.B.40 is a defense attorney's dream.' H.B.40 will provide a creative defense for violent criminals, such as gang members,

for violence against one another – and even collateral tragedies of civilians caught in the crossfire. It could also be used as a way out for domestic disputes, or even road rage."

Now, granted, these letters were written last session and there were minor changes made in the House Judiciary Committee this session, but I am not convinced that any of those minor changes made in this bill this session have alleviated those concerns.

Mr. Speaker, we have promised our constituents that we would always try to act in their best interest. I, for one, will continue to stand up to any powerful special interest group whose policies put the safety of my constituents at risk, make our streets less safe, and make the prosecution of violent criminals more difficult. I will be voting against this expansion of the Castle Doctrine for those reasons.

Thank you, Mr. Speaker.

The SPEAKER. The Speaker thanks the lady.

The question is, shall the bill pass finally?

On that question, the Speaker recognizes the gentleman from Allegheny County, Mr. Maher. The gentleman waives off. The Speaker thanks the gentleman.

On the question, the Speaker recognizes the lady from Delaware County, Mrs. Davidson.

Mrs. DAVIDSON. Thank you, Mr. Speaker.

Will the maker stand for truly brief interrogation?

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

Mrs. DAVIDSON. I want to ask a couple of questions regarding this legislation and current law.

Under current law, if I am in my home and I am threatened with deadly force and I shoot and kill the person that comes into my home threatening me, would I be protected under current law?

Mr. PERRY. As long as you could demonstrate a reasonable belief that you thought your life was in jeopardy or your safety was in jeopardy or those of the occupants of the home at the time.

Mrs. DAVIDSON. Okay. So I would be protected under current law.

Mr. PERRY. Yes.

Mrs. DAVIDSON. (Remarks stricken from the record.)

The SPEAKER. Those remarks will be stricken from the record.

On the bill, the lady is in order under interrogation of the maker of the bill, the gentleman from York County.

Mrs. DAVIDSON. In a workplace situation, if I felt threatened, even in this workplace, and I felt threatened and I used deadly force, would I be protected under current law?

Mr. PERRY. Again, as long as you had and can demonstrate a reasonable belief that your life or safety were in jeopardy, you would be protected under current law.

Mrs. DAVIDSON. In the third scenario, Mr. Speaker, if I am outside and I feel threatened and I use deadly force, would I be protected under current law?

Mr. PERRY. Again, that depends on the circumstances. Under current law, you would have to first demonstrate that you could not have safely retreated before using mortal force.

Mrs. DAVIDSON. I am sorry?

Mr. PERRY. Under current law, you would have to demonstrate that you could not safely retreat prior to using mortal force.

Mrs. DAVIDSON. So I would be protected under current law as long as I could show that I could not reasonably retreat?

Mr. PERRY. As long as you felt your life was in jeopardy, as I understand, that is correct.

Mrs. DAVIDSON. Okay. Thank you.

On the bill?

The SPEAKER. On the bill, the lady is in order.

Mrs. DAVIDSON. I apologize, Mr. Speaker, if my previous question under interrogation was inflammatory, but I just wanted to demonstrate the point that any person could feel reasonably threatened in a workplace environment, in an adversarial position, with opposing points of view, with someone who is known to carry a gun. A reasonable person could feel threatened by that person in a workplace situation, and under current law, that person would be already protected in that situation.

So therefore, I think even though my remarks were inflammatory, I think the point was made that I am already protected under current law. If someone comes into my home, if someone comes into my workplace or is in my workplace already by right, and also if they are outside on the street, all I have to prove is that I could not reasonably retreat. Those protections are already under current law, so I am not sure what the need is for this current legislation. Thank you.

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

On that question, the Speaker recognizes the gentleman from Allegheny County, Mr. Frankel.

Mr. FRANKEL. Thank you, Mr. Speaker.

And I will be very brief, speaking in opposition to HB 40. And I was prompted, really, by comments of one of my colleagues who said this really is not a Wild West bill, and I would like to really dispute that, because I sense a pattern that is bringing Pennsylvania into the Wild West.

Between this gun bill, this so-called Castle Doctrine, which is really a "shoot first, ask questions later" bill, and the administration's opposition to an extraction tax on Marcellus Shale and the administration's position in making it difficult to cite drillers for violations, this administration and the Republican Caucus apparently really are moving to make Pennsylvania a Wild West State.

So here is one place we can probably stop that from continuing, and I rise in opposition, recognizing the numbers and the daunting support for this bill. But let us not make Pennsylvania the Wild West. Thank you.

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

On that question, the Speaker recognizes the gentleman from York County, Mr. Grove.

Mr. GROVE. Thank you, Mr. Speaker.

Would the prime sponsor rise for interrogation?

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

Mr. GROVE. Thank you, Mr. Speaker.

Under current law, if an individual utilizes deadly force in the case of an intruder coming into their home, is cleared by the D.A., can that individual protecting his house and his family be sued under current law?

Mr. PERRY. He can be.

Mr. GROVE. And under your bill?

Mr. PERRY. He still could be— He would be granted civil protections such that he would be able to recoup his attorney's fees, professional witness fees, court costs, et cetera, where currently that is all borne by the victim.



Mr. GROVE. How about a law enforcement officer who duly utilizes his powers as a law enforcement officer, protecting the citizens of this great Commonwealth, has to use deadly force, would that law enforcement officer also face civil liability under current law?

Mr. PERRY. He could under current law.

Mr. GROVE. And in your bill?

Mr. PERRY. He would be protected.

Mr. GROVE. Thank you.

On the bill, Mr. Speaker?

The SPEAKER. The gentleman is in order.

Mr. GROVE. Mr. Speaker, as just shown, this bill is more about personal defense. It also is about protection from civil liability, to ensure that when you act to protect yourself or law enforcement officers protecting the general public, they are not held liable in civil court. They have civil protections to ensure they can do their job without fear of repercussions. This has happened. This has happened in York County where a law enforcement officer utilized deadly force on an intruder and ended up being sued in court.

I stand in support of our law enforcement, Mr. Speaker. I stand in support of our families and those who want to utilize every means necessary to protect their families in cases of danger. I stand in support of HB 40, Mr. Speaker. Thank you.

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

On that question, the Speaker recognizes the gentleman from Bucks County, Mr. Santarsiero.

Mr. SANTARSIERO. Thank you, Mr. Speaker.

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

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

Mr. SANTARSIERO. Thank you, Mr. Speaker.

How is the term "forceful entry" defined in this bill?

Mr. PERRY. Mr. Speaker, are you making reference to the terms "unlawfully" and "forceful entry"?

Mr. SANTARSIERO. Right. Thank you, Mr. Speaker.

As I read the presumption, which I think is section (2.1), it talks about that the person against whom the force is going to be used has to both unlawfully and forcefully enter into a dwelling or residence. Is that correct?

Mr. PERRY. That is correct. We are trying to protect the individual who might be coming over to borrow a cup of sugar or an egg or something like that from being randomly shot by his or her neighbor, obviously.

Mr. SANTARSIERO. Thank you, Mr. Speaker. I understand.

My question is, what is the term "forcefully" used, or what does it mean in this context?

Mr. PERRY. It means just what it says – with force, to break in. It does not mean turning the doorknob and opening the door; it means knocking the door down, knocking the window out, something along those lines.

Mr. SANTARSIERO. Thank you, Mr. Speaker.

As I understand it, the term "dwelling" includes or encompasses a patio as well as a deck. Is that correct?

Mr. PERRY. That is correct.

Mr. SANTARSIERO. And that could be an open patio and an open deck, correct?

Mr. PERRY. Correct.

Mr. SANTARSIERO. How does one forcefully, using the definition you just gave, enter onto an open patio or a deck?

Mr. PERRY. Unlawful and forceful may not apply under those circumstances. You cannot unlawfully— Well, you can unlawfully, but it is hard to forcefully walk onto an open patio or deck. It just does not apply in that instance.

Mr. SANTARSIERO. Thank you, Mr. Speaker. That was my understanding as well.

So I guess my question is, that being the case, if you cannot forcefully walk onto a deck or an open patio, why are we including a deck or an open patio in the definition of "dwelling"?

Mr. PERRY. Because someone could still be unlawfully or forcefully removed from their patio or deck, which still applies in this instance.

Mr. SANTARSIERO. Well, thank you, Mr. Speaker, but the presumption in (2.1) requires that the person against whom force is being used has unlawfully and – not "or," "and" – forcefully entered upon a dwelling or a residence, and a dwelling includes an open patio or a deck. So I do not see how that presumption could ever arise if you are talking about someone coming onto an open patio or a deck.

Mr. PERRY. I am sorry. Could you repeat the question, Mr. Speaker?

Mr. SANTARSIERO. The presumption in (2.1) talks about the actor against whom force is going to be used as having to both unlawfully and forcefully enter into a dwelling or a residence, and a dwelling includes an open patio or a deck. So I am not sure how the presumption could ever apply to an actor who is entering onto a patio or a deck.

Mr. PERRY. Thank you, Mr. Speaker.

If you keep reading, so to keep the phrase in complete context, you will see it says "...or the person against whom the force is used is or is attempting to unlawfully and forcefully remove another against that other's will from the dwelling, residence or occupied vehicle," home, et cetera.

Mr. SANTARSIERO. Okay. But you could never have a situation where someone is just entering onto a deck or a patio and, therefore, the presumption would arise?

Mr. PERRY. These hypothetical situations could be anything, and they at some point all depend on the facts of the situation as they occur. And of course, latitude is left for district attorneys to determine whether force was justified or not, based on the circumstances. I mean, we could come up with any manner, any number of different scenarios, and the law provides for every single one of them. In keeping with the district attorney, he is still the person to adjudicate what occurred and by virtue of the jury and the decision of the court.

Mr. SANTARSIERO. Okay. Thank you, Mr. Speaker.

I would like to speak on the bill, if I may, and I thank the gentleman for standing for interrogation.

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

Mr. SANTARSIERO. Thank you, Mr. Speaker.

Mr. Speaker, I intend to vote against HB 40 for a number of the reasons that my colleagues have already raised. But the fact is, particularly in light of the interrogation we just had, that there are enough uncertainties in the way that this bill is drafted that at the end of the day, this bill could in fact be an enticement to more violence occurring. And it has not been shown, at least in my view, that current law is not a sufficient protection for potential victims of crime, that they would be able to defend themselves adequately under current law, and by changing the law, we are in fact, I think, encouraging further violence and

perhaps the unlawful use of force, all in the name of trying to expand protection of victims, which I think this bill does not do.

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 from Montgomery County, Mr. Quigley.

Mr. QUIGLEY. Thank you, Mr. Speaker.

Mr. Speaker, just to clarify an earlier interrogation. In addition to all of the scenarios we have heard, how this is going to lead to the Wild West and more gun violence in Pennsylvania than there already is, the civil aspect of this bill is what interests me, so let me give you a scenario.

Under the current law, someone forcibly enters someone's home—

The SPEAKER. The gentleman will suspend.

Were you seeking interrogation?

Mr. QUIGLEY. I am sorry. Yes, I was done with the— Yes.

The SPEAKER. The Speaker apologizes. The gentleman will stand for interrogation. You may proceed.

Mr. QUIGLEY. Mr. Speaker, let me give you a scenario: Someone breaks into your house; you defend yourself and shoot that individual. That individual's family could then come back and try to sue you for a wrongful death under the current situation, the current law in Pennsylvania.

Mr. PERRY. That is correct.

Mr. QUIGLEY. This bill will change it so that if in fact they try to sue you and lose, that they would be incurring and paying all your legal fees and court costs.

Mr. PERRY. That is correct.

Mr. QUIGLEY. Okay.

Mr. Speaker, if I could speak on the bill?

The SPEAKER. The gentleman is in order.

Mr. QUIGLEY. Mr. Speaker, this is one of the more important aspects of this bill that we are trying to pass today. Just imagine that scenario I outlined where you are forced to have to defend yourself against someone entering your home, you successfully defend yourself against physical harm to you and your family, and then you are facing financial catastrophe because of a lawsuit that is filed by that individual's family on a wrongful death. This law will put in place provisions that any reasonable attorney would take a look at that case and realize they cannot win in court and never take the case in the first place.

So in addition to all of the scenarios we have had to run through here about violence and leading to more gun play and the Wild West, the other aspect of this bill that has not been talked about enough is the fact that it gives civil protection to those who successfully defend themselves so they do not face financial ruin. That is one of the more important factors of this bill, and I urge the members to pass it. Thank you.

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

On that question, the Speaker recognizes the gentleman from Philadelphia County, for the second time, Mr. Thomas.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, we have had a lot of conversation and I know we are moving down to voting, and to that end, it is clear that I started out in the beginning and now I am near the end and I still have not received any meritorious facts and/or circumstances which give rise to why this is necessary and whether it is necessary now. But in listening to the conversation, a couple other questions have come up, and so to that end,

I would like to ask the maker if he would answer a couple of questions.

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

Mr. THOMAS. Thank you.

Mr. Speaker, what is the application of your bill to a situation where I am under lawful restraint from approaching someone else who has taken out a peace bond against me? How does your bill—

Mr. PERRY. Mr. Speaker, I just want to make sure I am clarifying. You are talking about somebody who has filed a protection-from-abuse order?

Mr. THOMAS. Yes.

Mr. PERRY. And that person approaches you?

Mr. THOMAS. Approaches me or I approach them. I am under a restraining order.

Mr. PERRY. Oh, you are under the restraining order.

Mr. THOMAS. Under a restraining order not to go anywhere. The restraining order was brought at a time where we both were legally in possession of a weapon and had a permit to use that weapon. And so, Mr. Speaker, the question is, I know that that person was so outraged by my conduct which led to taking out this restraining order, happens to see me someplace where he or she did not expect me to be; under your bill, what would prevent them from using deadly force upon coming in contact with me while I am under that restraining order?

Mr. PERRY. Well, first of all, it is my understanding that the restraining order that was imposed on you would preclude you from lawfully possessing a firearm. Furthermore, the other person would still, in coming in contact with you, would still have to demonstrate that they reasonably believed that their life or safety or those around them were in jeopardy by your presence.

Mr. THOMAS. Well, Mr. Speaker, I guess what I am asking is, the reason that the restraining order was retained was because of conduct which you believe I placed you in harm's way. So from the time that the restraining order was issued – right? – you are under the impression that I am a threat to your health, safety and welfare. So you happen to run into me and you see me and you say, "Oh, my God," I pull my gun, and I shoot you, or you pull your gun and shoot me. How does your bill apply in a situation like that?

Mr. PERRY. This bill does not challenge the current circumstance, but I would say if just by sight, under the current situation or if this HB 40 is passed and made into law, just by mere sight, even under circumstances where there is a restraining order present, that that would not be deemed as demonstrating reasonable proof that you felt that your health, safety, or life was in jeopardy, just by the mere sight of the other person.

Mr. THOMAS. And, Mr. Speaker, it is quite possible that by the time your bill becomes law, the restraining order has ceased and I am of the impression that you would do harm to me, and so I run into you. What is to stop me from using deadly force if I believe that you are going to do harm to me?

Mr. PERRY. Again, you would have to— At that point the other person, I would have to display a firearm. Out on the street you cannot just— This is about protection and defense, not offense and aggression. So someone would have to present and display a weapon that you saw it, which led you to believe that your life or health or safety was in jeopardy. And unless that is the case, you would not be justified in firing— Either

party would not be justified in aggressive action in that circumstance.

Mr. THOMAS. So, Mr. Speaker, it is correct to conclude that your legislative prescription lends itself more to presence rather than conduct?

Mr. PERRY. No; that is not correct. You still have to have and demonstrate a reasonable belief of imminent death or bodily injury.

Mr. THOMAS. But, Mr. Speaker, within the context of your bill, there is a definition for "believes," and that definition is "reasonably believes." That is a subjective standard. And so to that end, this is a subjective standard contained in your bill, and it really is almost like in the eyes of the beholder; it is what I believe.

Mr. PERRY. And, Mr. Speaker, reasonable belief is already current law, universally recognized in the Pennsylvania Code, in the criminal code. So it is already being adjudicated by district attorneys everywhere, because I am sure there are criminals and other would-be actors that say "I had a reasonable belief," under current law, "that my life was in jeopardy," and at that time the district attorney has to determine and does determine whether or not he believes it. And just by saying, "Well, the person I saw walking down the street used harsh language against me or did not like me," I would suspect, and you can talk to every district attorney in 67 counties, would not qualify for reasonable belief that your life was in jeopardy.

Mr. THOMAS. Thank you, Mr. Speaker. I have concluded my interrogation. I would like to share my comments.

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

Mr. THOMAS. Mr. Speaker, I thank the architect of HB 40 for making it very clear that under current law, we have protection. And, Mr. Speaker, the speaker has now made it clear that there is no law in Pennsylvania called Castle Doctrine. Castle Doctrine is a principle arising out of a series of cases where the courts have limited the application of circumstances in which deadly force can be used.

And, Mr. Speaker, it is clear that HB 40 is not a testimony to the Second Amendment. It is not the Second Amendment. Now, some speakers have said that this will embody some empowerment arising out of the Second Amendment, but the Second Amendment is not under review here with respect to HB 40. It is not a question of Second Amendment rights.

Thirdly, Mr. Speaker, my friend from Butler County, and I almost got out of my seat when Butler and Allegheny Counties came together on this issue, but, Mr. Speaker, as the gentleman from Butler County was talking, it kind of crystallized for me kind of what is going on here in two instances.

Number one, I remember last year when there was a conversation from a member from Philadelphia County inviting the member from Butler County to Philadelphia County to a community festival for an opportunity to walk through his district. And now the gentleman from Butler County has a perception of what goes on in this gentleman's district in Philadelphia County, and so he, without hesitation, said to the gentleman from Philadelphia County that I will visit your district, but I am going to bring my two Glockes, because he wanted to be prepared to protect himself if for what he perceives about the gentleman's district does in fact occur.

And that is what brings me to the second instance, that after listening to you and what I thought about is really going on in HB 40, and that is, my friend from Butler County might have a lawful permit to carry, and under the Castle Doctrine, he has

some degree of protection with respect to his home. And case law has even suggested that even with respect to the home, if the son of a gun comes in and tries to harm you, you can use deadly force, but it might have not stopped him completely and they try to get out of the house, and some case law has suggested that you need to grab the perpetrator's leg and pull him back into the house to make sure that you are protected. But what HB 40 does as an expansion of that principle, and that is that if my friend from Butler is at the library and he is strapped, and my friend from Philadelphia County walked up to him in the library and happened to show his gun, and they just got finished arguing here on the floor of the House, Butler has a right to defend himself. But under HB 40, what happens now is, the gentleman from Philadelphia County knows that he is strapped, so when he sees him, he is going to make sure that he is strapped, and it is really about who shoots whom first. That is really what is going on under HB 40; it is about who gets to whom first.

And do not let anybody confuse you about thinking that you would not have any rights to the courts. Access to courts is fundamental. So whether you think you are protected or not protected under HB 40, if you think that you are harmed in a way that gives rise to a cause of action under the Crimes Code or the Civil Code, you have access to the courts. So do not let anybody tell you that access is limited and/or not available. Current law provides sufficient protections for good people living in a civil society.

The problem in our civil society, there are a whole bunch of bad people who do not want to comply with any rules or conform their behavior to some rules. And so what some of us have suggested is that because of the confusion in HB 40 as it is currently articulated, bad people are going to get away with bad behavior, because this is really about reasonable suspicion and who shoots whom first.

And in this House and in the General Assembly, we have to stop acting as though everybody understands things the way that we understand them. People on the outside are paying attention to what is going on here. And individually, everybody believes this is the right thing: Let me get my gun so that I can protect myself under this so-called expansion of the Castle Doctrine. So there are a whole bunch of bad people out there who are listening to what is going on and they are saying to themselves that that gentleman from Butler County, we have always had some problems, our relationship has always been a hostile relationship, and I even heard from his sister that he might be trying to do some harm to me. And so in the minds of these bad people, they believe it is okay for them to strap, draw, and shoot if they believe that you are, as long as he has a reasonable suspicion—

Mr. TURZAI. Mr. Speaker?

Mr. THOMAS. —that my friend from Butler County is going to do harm.

Mr. TURZAI. Mr. Speaker?

Mr. THOMAS. And I did not call any names and I did not talk about my friend from Butler County. He is a good legislator. But as he was talking, it brought and made it very clear to me on what is going on in HB 40.

So in closing, let me say to my colleagues, Democrats, Republicans, and Independents, vote "no" on HB 40 so that we will not have a situation about who shoots whom first in our perception of defending our interests. Thank you.

The SPEAKER. The Speaker thanks the gentleman.

The question is, shall the bill pass finally?

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

Mr. WATERS. Thank you, Mr. Speaker.

Mr. Speaker, I would like to ask if I could interrogate the maker of the bill, HB 40?

The SPEAKER. The gentleman is in order and may proceed.

Mr. WATERS. Thank you, Mr. Speaker.

Mr. Speaker, I heard the previous speaker speak about the word "Castle Doctrine," and I would like to know, according to my understanding, the Castle Doctrine, it was supposed to come from the idea that a man's home is his castle. Is that correct?

Mr. PERRY. Mr. Speaker, as I understand it, it emanates essentially from that, and it is Old English law. So it is basically, essentially the foundation of our nation, and it actually precedes that.

Mr. WATERS. Okay. But the idea is that a man's home is his castle, correct? Would you say that? That is pretty much what you are thinking?

Mr. PERRY. A man's home is his castle?

Mr. WATERS. Yes.

Mr. PERRY. Absolutely.

Mr. WATERS. I agree with that; a man's home is his castle. And a woman's home is her castle, too.

I would just like to know, in the previous bill that we had last term, I found that to be very extreme, and I know that there have been some changes made in the bill that is being presented before us today, and it has, because of those changes, also received kind of a neutral response from the D.A.s Association?

Mr. PERRY. It has received that. The D.A.s Association previously was opposed. They are not opposed at this time.

Mr. WATERS. Okay. And one of the problems that I had at that time was the very fact that a person knocking on the door, it could be perceived as imminent danger. And that is how it was, one of the problems it had for me, because as a legislator, every 2 years we have got to knock on a whole lot of doors, and you understand that, right?

Mr. PERRY. Yes, Mr. Speaker, I do.

Mr. WATERS. Okay. And then there are some religious organizations out there, too, who knock on doors a lot, too, correct?

Mr. PERRY. As I understand it, yes, sir, that is correct, Mr. Speaker.

Mr. WATERS. Okay. I did not want to have the freedom of a person to be able to perceive a threat and to be able to get away with it by just saying, "In my opinion, my life was in danger."

And one of the other problems that I had was for police officers, people in law enforcement to come not dressed as a police officer, which they usually are. They try to dress like regular people when they come inside of someone's house on a raid, and I was deathly afraid that this could cause a confrontation with our law enforcement department. So that was another problem. What is the position on that in this bill?

Mr. PERRY. Well, the law as it states, you see it specifically addresses peace officers, which includes your police, your sheriffs, constables, et cetera, and they are excluded from the provisions of the Castle Doctrine, whereby you could say, well, I did not know he was a police officer and I shot him or defended myself against him. They, in this case, have immunity from that.

Mr. WATERS. So now a person could shoot a police officer with this legislation and have immunity, you are saying?

Mr. PERRY. No, no; the police officers. The police officers are excluded in this case. So if the police officer is coming to your home and you decide to shoot the police officer, you cannot use HB 40 or the provisions therein as a method of defending yourself or justifying your actions.

Mr. WATERS. Okay. But that is if you know that they are a police officer, correct?

Mr. PERRY. Or had reasonable belief. So let us say you knew the police officer, because you knew him when he was in uniform, but let us say he came to your home afterwards and he was out of uniform—

Mr. WATERS. Okay.

Mr. PERRY. —and you knew, you still knew he was a police officer, you could not claim that "I didn't know he was a police officer" and use that as a method of defense.

Mr. WATERS. Okay.

And now I wanted to ask you a question, too, because with this doctrine right here, does a person have to say "Stop or I'm going to shoot" like police officers have to say if they are about to—

Mr. PERRY. Mr. Speaker, there is no change in that from the current law. You do not have to do that now, and HB 40 does not address or change that in any way.

Mr. WATERS. So law enforcement has stricter guidelines than a regular citizen has when it comes down to lethal force, you are saying?

Mr. PERRY. Well, the law does not require it now, and certainly there is no difference if the law enforcement officer is in his own home.

Mr. WATERS. Right. But from what I understand, if a police officer is about to use his weapon, he is required to identify himself as a police officer, and before he fires his weapon, he has to give a warning "Stop or I'll shoot." That is the way I understand the law.

Mr. PERRY. Mr. Speaker, I do not know of any law requiring police officers to do that. That might be individual department policies or something along that line. But I do not know of any statute that requires that.

Mr. WATERS. You do not know if— Well, from what I understand, I had a conversation with a police officer and an ex-police officer who said that they are required to do so, identify themselves as the police and then warn the person "Stop or I'll shoot."

Mr. PERRY. Again, I would say that it is my understanding that that would be probably standard policy for police officers.

Mr. WATERS. Yes.

Mr. PERRY. And I would also reiterate, if you are engaged in illegal activity, that that would be excluded as well.

Mr. WATERS. Okay. Well, that is not the way I understand it, but I will accept that response from you.

In the case of a wrongful death, in the original bill it said that your ability to pursue civil liability was extremely limited compared to the current Castle Doctrine.

Mr. PERRY. There was no change in the civil liability from the bill that was passed last session to the current session.

Mr. WATERS. So it is the same. So the civil liability response of maybe a family of someone who has been killed, and it was found out that this was aggressive, well beyond

reasonable death that was inflicted upon this person because a person was using his or her weapon aggressively, and the family, according to how I understood the original bill, had no recourse in terms of civil liability.

Mr. PERRY. No, that was never the intent or the case. The family has always had recourse and still does under the current provisions.

Mr. WATERS. Okay. Well, maybe the bill has changed some then, because I remember, that was one of the things that came up when I was on Judiciary. I remember that coming up before.

Mr. PERRY. I am sorry. I am sorry; could you repeat the question?

Mr. WATERS. Well, I remember that coming up in Judiciary about the civil liability factor of a person's family being able to take an action against a person who shot and killed a relative. That did come up last term in Judiciary.

Mr. PERRY. The provisions of civil liability have not changed from the original bill to the current bill. So I am not sure what the discussion was in Judiciary; I am not a member of the committee, but the aggrieved on either side has recourse. What is included in HB 40 is if you were found to be not guilty in defending yourself, you have certain protections under civil liability. If the perpetrator's family would come back and sue you civilly, you can recoup your court costs, your lawyer fees, et cetera, regarding your defense.

Mr. WATERS. Okay. I want to ask you, too, since this is a bill that is designed to expand the use, expand the current Castle Doctrine law – this is an expansion of it – is there anything in this measure that requires any additional training of a person that now buys a firearm?

Mr. PERRY. No, Mr. Speaker, there is nothing. Although much of the debate and the discussion today is in regard to firearms, this is not a firearms bill; this is a self-protection bill. So you can protect yourself in any manner of ways, a firearm being one of those. So no, there is no specific regard to training of self-defense.

Mr. WATERS. Well, it has become pretty much a part of this debate, because many people, if they have an intruder coming after them or if they feel that they are in harm's way, I doubt if most people who have a gun are going to pick up a baseball bat and go after someone who they definitely feel as though they will not have the ability to win in that kind of confrontation.

So for most people, this bill is about the use of lethal force, and for most people, and especially as tough as it is to get a gun bill passed in this particular General Assembly, most of the problems that we see with people who are being killed are being killed by guns. I do not know how many people are being killed by other ways than by a gun when it comes down to murder. I understand that people are dying of car accidents and all that kind of stuff, but most of the people who are being killed by another person intentionally are being killed with the use of a gun. So that is why I believe that this part is being perceived as a gun bill, because in many cases, that is the weapon of choice.

So that is why I asked, when the weapon of choice becomes a gun, is there anything in here that talks about training a person if they buy a gun? And in many places where— And we saw what happened here in the last couple of years when people got afraid that the President was going to take away their guns. People did not go out and buy more knives; people went out and bought more guns. And that is a fact; people went out and bought more guns.

So in respect of the way that people feel about the Second Amendment, and I hear a lot of people talking, they are not talking about using any other weapon except the weapon of choice, and that is a gun. So that is why I ask, is there anything in here that requires a person, if they do decide to go out and buy a gun, that will say that they need additional training to make sure that they hit the correct target if the Castle Doctrine bill, if they are justified in shooting a person under the protection of the Castle Doctrine bill?

Mr. PERRY. Mr. Speaker, I would say that this legislation is about self-protection and self-defense, regardless of the vehicle that you use. It does not and we are not going to condition self-protection on training of the use of a vehicle, a gun, a baseball bat, a brick, or anything else, or your fists, or anything else that you might use to protect yourself. So the short answer is no.

Mr. WATERS. Okay. That is the short answer. Okay. And I appreciate that response, Mr. Speaker.

I just want to say that I really appreciate the fact that you did, with the help of other recommendations from either the D.A.s Association, who was very concerned about the original bill, and through listening to other legislators here, both in the House and the Senate, and perhaps even the Governor's Office, you changed this bill to make it a lot more civil than the bill was before – in my opinion, when I use the word "civil" – a lot more civil than the bill was before, because there is also a certain level of responsibility when you talk about the use of lethal force. And I know for yourself as a man who, maybe at this time last year, you were abroad serving our country, you know all about how it is to deal with war zones. And where I come from, in some of these urban communities, we read about some war zones happening out there, too.

We, because of what we are trying to deal with in our communities, are concerned about anything that expands the use of lethal force. So as a result of our own particular concerns, many of us, not all of us, but many of us who come from communities where we are trying to curtail violence, anything that talks about the ability to use violence in an expanded way kind of goes against the grain of where we are coming from, but it does not and it is not limited to the right that a person has to protect themselves from an intruder, from a threat that is legitimate.

I totally support that part of it, totally, because if someone comes into your home, you should not sit around and ask the question about "Why are you here?" It is too late for that. But in certain counties where all the houses look alike and a person can mistakenly walk inside of the wrong house, and now the person sitting in their house just happens to have their gun in their hand at the same time, for whatever reason they have it or it is close by, we have seen where this expanded use of the Castle Doctrine has led to people, innocent people, being killed. So those are some concerns that I have about anytime we expand or increase the use of violence, and I hope that you understand that, Mr. Speaker.

Mr. PERRY. I do.

Mr. WATERS. So I am glad you changed the bill. I am glad you made the bill better. Maybe I should be asking for my comments on the bill right now, but since the Speaker is busy, I will just keep on talking.

But, Mr. Speaker, I just want to let you know I appreciate the fact that you toned down this bill, but I wish that we found another way to deal with this without taking away a person's

right to defend themselves and their home, because I am a true believer that the home is the castle, not your car, unless somebody is definitely threatening you, not an ex-boyfriend that a woman feels intimidated by but is not really threatening to harm her, or not a person whom you just happen not to like, be it a police officer or a politician or someone from the clergy or just the next-door neighbor where you are saying "Now's my chance."

So, Mr. Speaker, I want to thank you so much for changing this, and I thank you for allowing me to interrogate you. Thank you, Mr. Speaker.

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

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

Mr. CRUZ. May I interrogate the maker of the bill, Mr. Speaker?

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

Mr. CRUZ. I have a little question and I am in doubt. If people in domestic abuse apply for a restraining order, presently they are denied the right to apply for a license to carry arms. Under this bill, will that remove that part and give them the right to bear arms to defend themselves actually?

Mr. PERRY. No. This bill does not change the provisions of a restraining order and domestic violence and domestic relations whatsoever.

Mr. CRUZ. Okay. All right. Thank you. May I speak on the bill, Mr. Speaker?

The SPEAKER. The gentleman is in order and may proceed.

Mr. CRUZ. Being the fact that in largely all of Pennsylvania, a majority of the cities of the first class we have so much violence with guns, bats, cars, you name it, and I do not think it is appropriate at this time for us to be pushing a bill of this nature. So I am asking all my colleagues on both sides of the aisle to vote "no" on this bill, Mr. Speaker. Thank you.

The SPEAKER. The Speaker thanks the gentleman

## GUESTS INTRODUCED

The SPEAKER. The Speaker would like to recognize some additional guests in the rear of the House, the guests of Representative Frank Dermody.

I was recognizing your guests. Welcome to the hall of the House.

## CONSIDERATION OF HB 40 CONTINUED

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

On that question, the Speaker recognizes the lady from Philadelphia, Ms. Bishop.

Ms. BISHOP. Thank you, Mr. Speaker.

I am not going to interrogate. I just wish to make a statement for the record on HB 40. I waited as long as I possibly could. Being, perhaps, a woman of peace, it is very difficult for me to even comment on a bill like this at a time when violence is on the rise, at a time when crime is on the rise in the Commonwealth of Pennsylvania, not just Philadelphia.

We have spent 3 hours or more debating the right to be able to extend legally our powers beyond our home, beyond the protection of our home, to other places and give us power to use a gun, deadly force. I only want to rest this on your mind: Guns

kill. That is what they were made to do. That is what they do. So we are asking for powers to kill, not maim, to kill anyone that we feel is threatening us. Not everyone has the same feeling. I can only say I will be voting "no" on HB 40.

I do not know if you have ever had to kill anyone, but I have talked a lot to people who have killed and I prayed a lot with people who have killed and who carry that guilt to their graves, some accidentally and some at the time they deliberately did it. So while we are extending our powers to kill, remember also, if you ever have to do it, you will live with it the rest of your life and you will regret it, too. For me, I would rather someone kill me than for me to kill someone else.

I will be voting "no," and I say search your conscience on this one and do what makes you feel comfortable. Thank you.

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

On that question, the Speaker recognizes the gentleman from Allegheny County, Mr. Saccone.

Mr. SACCONI. Thank you, Mr. Speaker.

I will be brief. I sat through the previous two hearings on this bill two Novembers ago and last May and I heard many of these same arguments that have already been given and debated very clearly. I just want to say that this bill finally removes all doubt and clearly provides for citizens to defend themselves and their families in their own home. It is time we shift power from the criminal to the law-abiding citizen. HB 40 does that.

Pennsylvanians want this bill, and this House overwhelmingly voted in favor of it just last session and I suspect they will do so again in a few minutes. I support this bill. Let us not delay. Please vote "yes" on HB 40. Thank you, Mr. Speaker.

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

On that question, the Speaker recognizes the gentleman from Berks County, Mr. Gillen.

Mr. GILLEN. Thank you, Mr. Speaker.

Very briefly, if I could personalize this just for a moment. I wanted to thank the maker of the bill. I have four young daughters, a 3-year-old, a 6-year-old, an 8-year-old, and an 11-year-old. They play on a very large, extended porch area of our house. It is gated. It is visible from the street. My wife and my daughters do not have the opportunity to retreat. They will have to defend, and certainly, no one would think lightly of taking a life, but my wife has the responsibility in my absence to defend the family.

To my friends in the county of Philadelphia, my 85-year-old mother lives in the city of Philadelphia in a gated home. She has a backyard area. Once again, as an 85-year-old woman in the city of Philadelphia, she does not have the luxury of retreat.

So I would recommend to my friends on both sides of the aisle that you support HB 40.

Thank you, Mr. Speaker.

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

On that question, the Speaker recognizes the gentleman from York County, Mr. Perry.

Mr. PERRY. Thank you, Mr. Speaker.

HB 40 is not a gun bill. It is a bill to enhance the ability of citizens to protect themselves and defend themselves, but for those who might think it is a gun bill, to those who swore to uphold and defend, they might hearken back to a quote from one of our Founding Fathers, George Washington. This was provided to me from one of my good friends on the other side of the aisle from me. President Washington said, "Firearms are

second only to the Constitution in importance; they are the peoples' liberty's teeth."

With that, HB 40 is reasonable, responsible, measured legislation designed solely for the protection of law-abiding citizens. To those who would say that the District Attorneys Association or other law enforcement agencies oppose this and reference letters, I would remind everybody that those letters predate the changes to the bill, which were made in direct consultation with the D.A.s Association. This is good legislation because a citizen defending themselves should not have to be forced into a legal analysis when someone is breaking into their home at 4 in the morning or breaking into their car at the stoplight at 4 o'clock in the afternoon.

I would ask your affirmative vote for this. To save a little bit of time, I would like to, in the hopes that it would pass, thank all my colleagues and let you know that over the course of the time of this debate in this session and past, that your questions and interaction have enabled me to make this a better bill and I thank you for that. I would like to thank the House leadership for helping me move this along, Judiciary chairmen on both sides of the aisle. I would like to thank Karen Coates and Rod Corey, very specifically, and the various groups. Also, the Senate, as imitation is the highest form of flattery, I would like to thank them for moving their version of this bill forward. Of course, the thousands and thousands of citizens that we have all heard from over the course of these couple years. It has been a long haul.

Again, thank you, Mr. Speaker. I urge your affirmative vote.

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—164

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

Day	Hennessey	O'Neill	Truitt
Deasy	Hess	Oberlander	Turzai
Delozier	Hickernell	Pashinski	Vereb
DeLuca	Hornaman	Payne	Vulakovich
Denlinger	Hutchinson	Peifer	Wagner
DePasquale	Kampf	Perry	Watson
Dermody	Kauffman	Petrarca	Wheatley
DeWeese	Kavulich	Pickett	White
DiGirolamo	Keller, F.	Pyle	
Dunbar	Keller, M.K.	Quigley	Smith, S.,
Ellis	Killion	Quinn	Speaker
Emrick	Knowles		

#### NAYS—37

Bishop	Donatucci	Mann	Sabatina
Boyle, K.	Evans, D.	McGeehan	Samuelson
Briggs	Frankel	Mundy	Santarsiero
Brown, V.	Freeman	Myers	Sturla
Brownlee	Gerber	O'Brien, M.	Thomas
Cohen	Johnson	Parker	Vitali
Cruz	Josephs	Payton	Waters
Curry	Keller, W.	Preston	Williams
Davidson	Kirkland	Roebuck	Youngblood
DeLissio			

#### NOT VOTING—0

#### EXCUSED—2

Bear	Petri
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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.

#### LEAVE OF ABSENCE

Mr. HANNA. Mr. Speaker?

The SPEAKER. For what purpose does the gentleman rise?

Mr. HANNA. To place the gentleman, Mr. Kortz, on leave for the balance of the day.

The SPEAKER. Without objection, the gentleman, Mr. KORTZ, will be placed on leave for the remainder of the day.

#### SUPPLEMENTAL CALENDAR A CONTINUED

#### CONSIDERATION OF HB 1251 CONTINUED

#### DECISION OF CHAIR RESCINDED

The SPEAKER. Without objection, the Chair rescinds its announcement that HB 1251 was agreed to on third consideration.

On the question recurring,

Will the House agree to the bill on third consideration?

The SPEAKER. The gentleman, Mr. Shapiro, from Montgomery County had the floor and may proceed with his interrogation.

Mr. SHAPIRO. Thank you, Mr. Speaker.

Mr. Speaker, may I just respectfully ask for some order in the chamber?

The SPEAKER. The House will come to order. Members will please take their seats. It is almost lunchtime. Members will please keep the conversations to a minimum. The gentleman may proceed.

Mr. SHAPIRO. Thank you, Mr. Speaker.

Mr. Speaker, when we were last discussing this legislation, I was interrogating the gentlelady, the lady from Luzerne, and I was hoping to continue with that interrogation if I may be in order on interrogation.

The SPEAKER. The gentleman is in order.

Mr. SHAPIRO. Thank you.

Mr. Speaker, the lady from Luzerne had stated on this floor that it was her intention to keep the statute of limitations under HB 1251, which was established at 4 years, as we established, to be the same as current law. Mr. Speaker, I had been prepared to go through an analysis of in fact how the statute of limitations under current law can be established at either 5 years or 10 years, depending upon the type of offense that has occurred, and thus, the statute of limitations as proposed by the lady from Luzerne would in fact be less than current law. So, Mr. Speaker, is that a fair analysis that I planned to go through, but to spare the members of this chamber the full dialogue, is that a fair analysis that your underlying bill actually lessens the statute of limitations than exists under current law?

Ms. TOOHL. Thank you, Mr. Speaker.

I appreciate your raising the issue regarding the statute of limitations. I have taken the time to look at the specific language in the bill with regard to the statute of limitations, and I agree that as currently drafted, my bill creates two conflicting statutes of limitations for certain fraud offenses. Upon the gentleman from Montgomery County yielding the floor, I will move under rule 24 to call up amendment A014—

The SPEAKER. The lady will suspend.

Under interrogation, the gentleman, Mr. Shapiro, has the floor. You may answer and you may predict what you are going to do, but you cannot make a motion until he no longer has the floor. Just to be clear.

Ms. TOOHL. Thank you, Mr. Speaker.

Thank you, Mr. Speaker. I plan to introduce a technical amendment to deal with the statute of limitations issue.

Mr. SHAPIRO. Okay. So, Mr. Speaker, then am I correct in my assessment that the statute of limitations as you presented it in HB 1251 is actually weaker than current law, and thus, you would at some point attempt to amend it. Is that correct?

Ms. TOOHL. I agree that I will be making a technical amendment.

Mr. SHAPIRO. Okay. Thank you, Mr. Speaker.

I am not sure I would agree that it is technical, but we can argue that point later.

Moving on to another line of questioning, and I appreciate the lady's comments as it relates to statute of limitations. Further on in your legislation, on page 3 of your legislation, it transfers some fairly significant authority from the Treasurer's Office to the Inspector General's Office. Is that correct?

Ms. TOOHL. The legislation reflects the current practice where the Inspector General investigates rather than the Treasurer, and this legislation is reflecting that practice.

Mr. SHAPIRO. Actually, Mr. Speaker, I think the Treasury Department currently has the authority to address welfare fraud, and under the lady's bill, she seeks to transfer that authority to the Inspector General's Office. I am referring to page 3, line 29, of the lady's legislation.

Ms. TOOHL. They do have that authority, yes.

Mr. SHAPIRO. The lady seeks to give that authority to the Inspector General, correct?

Ms. TOOHL. Yes.

Mr. SHAPIRO. Okay. So they do not have it now? Mr. Speaker, they do not have it now. Is that correct?

Ms. TOOHL. To be clear, Mr. Speaker, the Treasurer's Office has that power now, and this transfers it to the Inspector General's Office.

Mr. SHAPIRO. Thank you. Precisely. I appreciate the clarification.

The Office of Inspector General, as we know, unlike the Treasury Department, was created by Executive order, so it was not created with statutory authority. In fact, if you review the Office of Inspector General's Executive order that established it, they were given investigative responsibility, not prosecutorial authority. The lady seeks, under this legislation on page 4, to provide that prosecutorial authority. Is that correct?

Mr. TURZAI. Sir? Mr. Speaker?

Mr. SHAPIRO. Actually, excuse me, Mr. Speaker—

Mr. TURZAI. Mr. Speaker?

Mr. SHAPIRO. —it is on page 3 of that legislation.

The SPEAKER. The gentleman will suspend. The gentleman will suspend.

## POINT OF ORDER

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

Mr. TURZAI. Sir, the good lady is not on a witness stand. Interrogation under Mason's Legislative Manual, under section 253, is "Request for Information from Members."

Please, I would like some order. I would like some order, please.

The SPEAKER. The House will come to order. The House will come to order. The gentleman is entitled to state his point of order.

Mr. TURZAI. Under section 253, which is "Request for Information from Members," the essence of interrogation is to get information from a question where you do not know the answer. This is not cross-examination. You do not use the interrogation process to make your arguments "...under the guise of questions," and that is a direct quote. I would object, sir, to this line of questioning and say that if the good gentleman from Montgomery County wants to ask questions that he does not know the answers to, okay, but this is not where you do leading questions on cross-examination, where you know the answers. If he wants to make use of what he believes is appropriate information in his argument for or against the bill, that is appropriate, but you do not use questions to present arguments. That is not appropriate.

Thank you.

The SPEAKER. The Speaker would agree with the gentleman in terms of the interpretation of the purpose of debate and the purpose of interrogation and would ask the member to



focus the questions on getting specific information from the maker of the bill or the amendment, as the case may be, and not necessarily to craft their point.

The gentleman may proceed with interrogation.

Mr. SHAPIRO. Mr. Speaker, I appreciate the majority leader's lecture on Mason's. I was attempting to get to the question at hand. I was merely asking whether or not the authority was being transferred from the Treasury Department to the Inspector General's Office. The lady had answered first that it was not and then that it was. Once she established that it was, I was asking a question—

The SPEAKER. The gentleman will suspend.

The gentleman is recognized under the debate on HB 1251 and is not in a position to necessarily debate with the Chair relative to what he was or was not doing. If you want to ask the Speaker a question, then it should be formed in the way of a parliamentary inquiry.

Mr. SHAPIRO. Okay.

Mr. Speaker, does the Inspector General's Office today have prosecutors on staff?

Ms. TOOHL. This statute does not deal with the prosecutorial part of it. What it is dealing with is the investigative practices. So currently this statute will reflect the current practice whereby the Inspector General investigates.

Mr. SHAPIRO. Thank you, Mr. Speaker.

That is precisely what I was trying to establish. The lady just said that this statute does not deal with the prosecutorial aspect of it. In fact, it does. Mr. Speaker, it says on line 30 of page 3—

The SPEAKER. Is the gentleman done with interrogation? Do you want to be recognized on the bill?

Mr. SHAPIRO. I am not; I am not, Mr. Speaker. I am leading to a question. "The Inspector General's Office shall have the power to investigate and prosecute...." So I would like to ask the lady a further question about this prosecutorial authority that she seeks to transfer to the Inspector General's Office.

I asked before, Mr. Speaker, whether there are prosecutors on the staff of the Inspector General. I would like to reiterate that question to the lady now that I have focused the attention of the House on this line in the bill. Are there prosecutors on the staff of the Inspector General in order to be able to accomplish the aims that the lady seeks?

Ms. TOOHL. To answer your question, a private criminal complaint can be drafted and then it is forwarded usually to the district attorney's office, who would prosecute these cases.

Mr. SHAPIRO. Okay. So then the power to prosecute, Mr. Speaker, would still be handled as it is currently with the district attorney handling the prosecution, not the Office of Inspector General?

Ms. TOOHL. Yes.

Mr. SHAPIRO. Okay. But, Mr. Speaker, then I would caution the House further, and I am continuing my interrogation, that the language here specifically enumerates a power to the Inspector General's Office to prosecute, yet the lady, in terms of establishing the intent of what she is trying to accomplish, is saying that that is not in fact the case, that in fact she wants the district attorneys to continue to prosecute it.

So, Mr. Speaker, I would ask the lady, what exactly is the intent here?

Ms. TOOHL. Mr. Speaker, to repeat myself here, what this statute does is it takes out the language for the Treasury Department and inserts Inspector General's Office to reflect the current practices.

Mr. SHAPIRO. Thank you, Mr. Speaker.

I accept that, but it also seems to convey a power to prosecute "...any case involving replacement of or duplicate receipt of,..." et cetera, et cetera. I am just reading from your legislation. So it seems to be conferring a special prosecutorial power to the Inspector General's Office. If that is not the case, then perhaps as the lady considers an amendment, we ought to strike that language. If that is the case, then, Mr. Speaker, I would like to continue with the questioning as it relates to this prosecutorial authority.

Ms. TOOHL. Mr. Speaker, at the risk of repeating myself again on an answer to this question, the language is inserted for the Inspector General's Office and the language for the Treasury Department is removed under this legislation and all of the other legislation which the speaker is referring to is kept the same.

Mr. SHAPIRO. Mr. Speaker, under current law, the lady believes that the Treasury has the power to prosecute. Is that correct?

Ms. TOOHL. Mr. Speaker, I am sorry. Can you repeat the question?

Mr. SHAPIRO. Sure. I believe, Mr. Speaker, respectfully, I think I understand what the lady is trying to do and that is to simply transfer the authority from the Treasury Department to the Inspector General's Office. I think I understand that that is the lady's goal. We can debate whether that is right or wrong, but if that is the lady's goal— Then she, Mr. Speaker, stated that in fact this same authority is being transferred over to the Inspector General's Office, the prosecutorial authority. Is that a fair assessment of the comments of the lady?

Ms. TOOHL. Under the language of this bill, the Inspector General's Office is inserted into the language and it "...shall have the power to investigate and prosecute...." This language referred prior to the Treasury Department.

Mr. SHAPIRO. Okay.

Ms. TOOHL. This change is a very important change because it reflects the current practices whereby we are currently operating under.

Mr. SHAPIRO. Thank you, Mr. Speaker.

So we have established then that this power to prosecute goes to the Inspector General's Office. Mr. Speaker, as I understand it, and I will frame this as a question if the lady does not agree, currently the Inspector General does not have prosecutorial authority. Thus, we would be providing that authority, as the lady just stated, yet there are no prosecutors there now. Thus, would that not require the acquisition of, the hiring of, the transfer of, what have you, some prosecutors to the Inspector General's Office to do the important work that the lady suggests is necessary here in Pennsylvania?

Ms. TOOHL. Mr. Speaker, I have answered this question prior. Thank you.

Mr. SHAPIRO. Mr. Speaker, I have further questions. Would the lady continue to submit to interrogation or no?

The SPEAKER. I think she is saying if you have new questions.

Mr. SHAPIRO. Okay. I will be happy to ask a new question.

Mr. Speaker, the lady stated that in fact this prosecutorial authority would be transferred over to the Inspector General's Office, where currently they do not have such authority. Thus, they would need to be able to hire prosecutors in order to conduct this important work that the lady believes needs to be done. Thus, Mr. Speaker, does the lady anticipate an added cost

to the budget of the Inspector General in order to deal with all of these new prosecutions that allegedly will need to take place to combat the welfare fraud that the lady believes is occurring here in Pennsylvania?

Ms. TOOHL. No.

Mr. SHAPIRO. No. Okay. So there would be no cost to hiring new prosecutors or hiring people in order to deal with these challenges? That is a redundant question. Excuse me. Does the lady anticipate that we would need to transfer some of the work that is currently being done in the Inspector General's Office to somewhere else in order to free up personnel to be able to do this work?

Ms. TOOHL. No, because once again, it reflects current practice.

Thank you, Mr. Speaker.

Mr. SHAPIRO. Thank you, Mr. Speaker.

Mr. Speaker, I will speak on the bill. I think this has proven to be somewhat fruitless.

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

Mr. SHAPIRO. Mr. Speaker, I applaud the attempt by the lady from Luzerne to deal with welfare fraud, and I appreciate the tough task that has been handed to her today here on the House floor, but, Mr. Speaker, I think what is being attempted, particularly with this transfer of the authority from the Treasury Department to the Inspector General's Office, is fool's gold. It does not solve a thing, but it really creates other problems. Let me enumerate the problems that I think it creates.

We will transfer, if the lady's bill passes, significant authority from the Treasurer's Office to the Inspector General's Office. In doing so, the lady stated on the floor that it will not cost anything and we do not need to hire any new people, yet the same work will be able to be done. It strikes me that either this fiscal note that says there is no cost is wrong and there is a cost or the work of the Inspector General's Office, an office I think we would all agree is critically important to the effectiveness of government, is going to be undermined because the people who are doing the work there now are going to have to do this work.

Furthermore, the fiscal note here that states that there is zero cost assumes, as it says under the "Fiscal Impact" paragraph, that some of that cost will be made up by fines of up to \$15,000 cash against these people who were perpetrating welfare fraud here in Pennsylvania. A \$15,000 fine for someone who just stole five, six, seven hundred dollars, \$1,000 in welfare money, something that is absolutely inexcusable, but that \$15,000 is never going to be recouped. If the people had the five or six or seven hundred dollars in the first place, they would not be in this mess. Now we are going to ask them for a \$15,000 fine to pay the cost of this when they do not have that either.

What we are doing here, Mr. Speaker, is transferring from one entity, from the Treasurer's Office, an office that I think has been conducting itself professionally and spot-on when it comes to this, over to the Inspector General's Office. We are giving them prosecutorial authority that they have never had before. We are giving them, according to this legislation, subpoena authority – this is line 7 of page 4 – an authority they have never had before, and we are saying it is going to cost the same, and at the same time, we are saying that we are not going to undermine the core mission of the Inspector General's Office.

In addition to that, as the lady conceded, what this bill actually does is weaken, weaken our efforts to combat welfare fraud because it trims the statute of limitations, which currently at its height is 10 years, and brings it down to 4 years.

Now we will have a debate momentarily, Mr. Leader and Mr. Leader, on whether or not a bill can actually be amended on third consideration for something as substantive as a change to the statute of limitations. But, Mr. Speaker, while I do appreciate the lady from Luzerne, what she is trying to do here, and support the aim of what she is trying to do here, there are so many flaws in this legislation, Mr. Speaker.

### MOTION TO RECOMMIT

Mr. SHAPIRO. As a result of those flaws, Mr. Speaker, flaws that have been admitted by the speaker on this floor here today, at this time, Mr. Speaker—

The SPEAKER. The gentleman is in order to make a motion.

Mr. SHAPIRO. Thank you, Mr. Speaker.

I would make a motion that this bill be recommitted to – and you will excuse me, Mr. Speaker; I am not aware of which committee this came from prior to Appropriations; I believe it was the Health Committee – that this bill be recommitted to the Health Committee with specific instructions that the issue of the statute of limitations that the lady has conceded is wrong under this legislation, and perhaps the other issue that I raised about the transfer of authority, though obviously that will be subject to the majority on that committee, be addressed.

Mr. Speaker, I would make that motion at this time, and I would respectfully ask at the appropriate time to be recognized on that.

The SPEAKER. The gentleman has moved that HB 1251 be recommitted to the Health Committee?

Mr. SHAPIRO. Mr. Speaker, I stated the Health Committee because that was my belief that that is where the bill came from.

The SPEAKER. That HB 1251 be recommitted to the Health Committee.

On the question,

Will the House agree to the motion?

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

Mr. SHAPIRO. Thank you, Mr. Speaker.

Mr. Speaker, we have been through this interrogation today. I have stated very clearly my belief that this legislation is important, but I have also stated my belief, as has the maker of the bill, that this bill is flawed. I do not believe that we ought to try and move a flawed bill through the process. I think we ought to recommit this bill to the Health Committee, where Chairman Baker and others will have the chance to fix it, bring it right back out on the floor where we will have the opportunity to consider it. We do not need to rush this bill. We need to get this bill right. If we are going to be serious about combating welfare fraud in Pennsylvania, then let us be serious about it.

The lady is entitled to her day, the lady is entitled to her bill, but I believe that she is entitled to pass a bill, I would hope, that is one that is going to be correct and one that is not going to have these gaping flaws as this one does.

So, Mr. Speaker, I would respectfully ask that the members support this motion to recommit the bill to the Health Committee with those specific instructions.

Thank you, Mr. Speaker.

**PARLIAMENTARY INQUIRY**

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

Mr. MAHER. Mr. Speaker, point of parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. MAHER. In fact, I am going to make a motion that the pending motion is actually out of order because the motion is not simply a question of rereferral.

The SPEAKER. I think you were going to state a parliamentary inquiry.

Mr. MAHER. I can do it that way.

The SPEAKER. Then we will determine whether or not that would yield a motion or a challenge or some other objection.

Mr. MAHER. Thank you, Mr. Speaker.

It is just so rare I have had this opportunity on a friendly basis.

My parliamentary inquiry, Mr. Speaker, is, while it may be appropriate to seek to rerefer a bill and it may be appropriate to seek to rerefer a bill with instructions as to what a committee should seek to undertake, that I believe that it is out of order to recommit a bill with specific instructions that express a conclusion of this body that is to be embraced by the committee, insofar as the committee itself has its own ability to make decisions quite apart from what this body might view, that this body cannot presuppose the judgment of the committee.

The SPEAKER. The answer to the parliamentary inquiry is that a bill can be recommitted to a committee with certain instructions. However, I do not think that those instructions could have drawn a conclusion. They should instruct the committee to look at something or to examine a particular subset of the bill that is being rereferred, but it would not contain a conclusion per se.

Mr. MAHER. Therefore, Mr. Speaker, because this motion instructs the committee to adopt a conclusion that the committee might not adopt on its own, I believe that this motion is out of order.

The SPEAKER. Would the gentleman suspend.

Before you take that to the next step, we are getting into a fairly fine line of definition of what the instructions could or could not be. Would the gentleman, Mr. Shapiro, and the gentleman, Mr. Maher, come to the dais so we can make sure we understand which hair we are splitting here.

Mr. MAHER. Thank you, Mr. Speaker.

(Conference held at Speaker's podium.)

The SPEAKER. The House will come to order.

The Speaker recognizes the gentleman, Mr. Maher, for an additional parliamentary inquiry.

Mr. MAHER. Thank you, Mr. Speaker.

I understand that the progress of the conversation at the rostrum may make my point of order unnecessary, so I will withdraw the point of order with the expectation the concern will be resolved.

The SPEAKER. The Speaker thanks the gentleman.

**MOTION WITHDRAWN**

The SPEAKER. The Speaker recognizes the gentleman, Mr. Shapiro. This is where we are. Before the House right now is a motion that the gentleman, Mr. Shapiro, made to recommit this bill to the Health Committee. The gentleman is recognized on that subject.

Mr. SHAPIRO. Thank you, Mr. Speaker.

Mr. Speaker, at this time I would seek to withdraw that motion and instead be recognized to make a separate motion.

The SPEAKER. Let us do this one step at a time. The gentleman indicates he is willing to withdraw the motion to recommit. That would put us back on the legislation.

On the question recurring,

Will the House agree to the bill on third consideration?

The SPEAKER. You would like to be recognized—

Mr. SHAPIRO. I would like to be recognized to make an—

The SPEAKER. —to make an additional motion on the bill.

Mr. SHAPIRO. Yes.

The SPEAKER. The gentleman is in order.

Mr. SHAPIRO. Thank you, Mr. Speaker.

At this time I would like to withdraw the motion.

The SPEAKER. We already withdrew that. You are having a little problem with asking questions twice today, are you not?

Mr. SHAPIRO. You are too quick, Mr. Speaker.

The SPEAKER. You want to ask that one more time?

**MOTION TO RESCIND**

Mr. SHAPIRO. Mr. Speaker?

The SPEAKER. The gentleman has withdrawn the motion, and the Speaker appreciates that. He is recognized to make an additional motion.

Mr. SHAPIRO. Thank you, Mr. Speaker.

Mr. Speaker, during the course of the discussion and the debate, the lady from Luzerne made it clear that it was going to be her intention to offer an amendment to correct a problem in the underlying bill, a problem that I appreciate her recognizing with a fix that I would support. And thus, Mr. Speaker, because I believe this to be a substantive amendment, I would ask, Mr. Speaker, that the Speaker rescind the ruling that the bill has gone from second to third to allow the House to move this bill back to second for consideration of what I presume would be the Toohil amendment.

So, Mr. Speaker, at this time my motion, succinctly, would be to move the bill, HB 1251, from third consideration to second, and I ask that the Speaker rescind his announcement.

The SPEAKER. The gentleman, Mr. Shapiro, has moved that the vote by which the bill received second consideration be rescinded.

On the question,

Will the House agree to the motion?

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

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

We oppose the motion to rescind. There is no need to rescind. To make any technical corrections, that will be done under rule 24, third consideration and final passage bills. We would ask everybody to please oppose the gentleman from Montgomery County's motion to rescind.

The SPEAKER. On the motion, the Speaker recognizes the gentleman, Mr. Dermody.

Mr. DERMODY. Thank you, Mr. Speaker.

Mr. Speaker, any amendments that will be done here today to this bill, at least that we are discussing with the statute of limitations, are substantive. They are clearly substantive. The proper way to do that to honor the spirit of our rules is to place this bill back on second consideration, give the gentlelady an opportunity to file amendments, give all our members an opportunity to file amendments, have those amendments heard on the floor of the House and voted.

In that case, Mr. Speaker, I ask all the members to support this motion to rescind third consideration, place the bill on second, and give the members the opportunity to file amendments properly, according to our rules.

The SPEAKER. On the motion to rescind the announcement that HB 1251 had been given second consideration, those in favor of rescinding will vote "aye"; those opposed to rescinding will vote "no."

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

#### YEAS—90

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

#### 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'Brien, D.	Taylor
Day	Hess	O'Neill	Tobash
Delozier	Hickernell	Oberlander	Toepel
Denlinger	Hutchinson	Payne	Toohil
DiGirolamo	Kampf	Peifer	Truitt
Dunbar	Kauffman	Perry	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—3

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

On the question recurring,

Will the House agree to the bill on third consideration?

The SPEAKER. On that question, the Speaker recognizes the lady from Luzerne, Ms. Toohil.

Ms. TOOIL. Mr. Speaker, may I make a motion?

The SPEAKER. The lady is in order.

Ms. TOOIL. Mr. Speaker, I move under rule 24 to call up amendment A01488, which is an amendment that is necessary for the purpose of statutory construction.

The SPEAKER. The lady, Ms. Toohil, has moved for the immediate consideration of an amendment under rule 24, which states "Bills on third consideration shall be considered in their calendar order and shall be subject to amendment only when an amendment is necessary to make the document internally consistent, to clear up an ambiguity, to correct grammar or to correct a drafting error or is necessary for purposes of statutory construction."

In the Speaker's judgment, this amendment does fall within the parameters of rule 24, which allows for a bill to be amended. Therefore, the question is, will the House agree to the amendment?

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

Mr. DERMODY. Thank you, Mr. Speaker.

Mr. Speaker, as I understand it, the Chair has made a ruling that this is a technical amendment.

The SPEAKER. The Speaker has ruled that the amendment is in order under the parameters that are enumerated in the first part of rule 24, that this amendment is in order.

## RULING OF CHAIR APPEALED

Mr. DERMODY. Mr. Speaker, I would like to challenge the ruling of the Chair.

The SPEAKER. The gentleman, Mr. Dermody, has challenged the ruling of the Chair. When an appeal is taken, the question before the House then is, shall the decision of the Chair stand as the judgment of the House?

To clarify the ruling, the Speaker has ruled that amendment A01488 is in order under rule 24.

On the question,

Shall the decision of the Chair stand as the judgment of the House?

The SPEAKER. Those in favor of sustaining the Chair's decision will vote "aye"; those opposed—

Mr. DERMODY. Mr. Speaker?

The SPEAKER. Does the gentleman, Mr. Dermody, seek recognition?

Mr. DERMODY. I have a question.

The SPEAKER. The gentleman is in order.

Mr. DERMODY. Thank you, Mr. Speaker.

Mr. Speaker, rule 26, I believe – rule 24, the exceptions for the technical amendments, I do not believe that the current amendment— The current amendment fails to fit the requirements for any of those exceptions to our rule. If you are talking about statutory construction, certainly the specific controls here. The bill is clear that the statute of limitations is 4 years if this bill passes. There is no ambiguity. There is no doubt. Rules of statutory construction are that this bill, this language with regard to the statute of limitations controls. Therefore, the ruling of the Chair is in error.

The SPEAKER. The Speaker recognizes the gentleman, Mr. Turzai.

Mr. TURZAI. Thank you.

I rise in support of the ruling of the Chair, the Speaker of the House. Under rule 24, the language says that "Bills on third consideration...shall be subject to amendment...when an amendment is necessary to make the document internally consistent, to clear up an ambiguity, to correct grammar or to correct a drafting error or is necessary for purposes of statutory construction." There are and have been differences between the statute of limitations of Title 18, Title 42, and the Public Welfare Code. The fact of the matter is, there is an internal inconsistency and we want to make it internally consistent, and we are clearing up an ambiguity. We will make it clear by adopting this technical amendment which specific statute of limitations applies.

By removing the language which references Title 18, section 7313, we have lost nothing in the prosecution of the crime of welfare fraud, which is what the substantive aspect of the bill is, but have created more certainty in the statute of limitations which applies to welfare fraud.

We support the ruling that rule 24 applies and that this is a technical amendment that allows us to be internally consistent and that clears up an ambiguity.

Mr. Speaker, to support your ruling, how should we vote? Is that a "yes" vote?

The SPEAKER. I will phrase the question at that time—

Mr. TURZAI. Okay.

The SPEAKER. —that those who support the ruling of the Chair will vote "aye" and those who oppose the ruling of the Chair will vote "no."

On the question, the Speaker recognizes the gentleman, Mr. DeWeese, from Greene County.

Mr. DeWEESE. Thank you, Mr. Speaker.

The previous speaker, the gentleman from Allegheny County, described a series of observations that if printed out and shared with the membership would probably include every amendment that we shall offer in this session. His comments tell me that every amendment that we will have is a technical amendment. I think that I am going to ask the presiding officer to delineate and amplify the thought process from the Chair, from the dais, as to why this is technical. There is nothing ambiguous about this. This is a substantive amendment, and only the most parliamentary doublespeak that one can conceive of could reverse that.

So if the honorable gentleman who wields the gavel, the presiding officer, could tell us one more time why this is not, why this is not a substantive amendment, it would be to the gratification of the chamber and to the enhancement of our process. Thank you.

## PARLIAMENTARY INQUIRY

The SPEAKER. The gentleman knows very well that it is not in order to debate the Chair. If you would like the Speaker, under a parliamentary inquiry, to restate the ruling of the Chair, that is what I am allowed to do, and then it is up to the members to decide whether or not they agree or disagree with that ruling.

Mr. DeWEESE. The honorable Speaker is correct, and therefore, rather than the series of things that were read by the honorable gentleman from Allegheny, could the Chair tell us which one of those things, delineate which one of those items is the reason? This is my parliamentary inquiry. Why, sir, are we saying that this, this change in the statute of limitations, is not a substantive amendment?

The SPEAKER. To restate the ruling of the Chair, it was my ruling that this amendment is allowable under rule 24; more specifically, under the aspects of the rule that say to make the document internally consistent and for the purpose of statutory construction.

Mr. BARBIN. Mr. Speaker?

The SPEAKER. The gentleman from Cambria County, Mr. Barbin, seeks recognition on the question and is in order.

Mr. BARBIN. Thank you, Mr. Speaker.

I rise in opposition to this motion to declare for the first time in Pennsylvania history that a change to the statutory provision on a matter as important as whether the amount of time served, is it going to be 4 years or is it going to be 5 to 10, has somehow been relegated to a substantive – a technical amendment by the Chair. I think this is a mistake. The problem with this ruling is it is following on a course of deciding which amendments will be heard and which amendments will not be heard.

We got up yesterday and we argued under the joint and several bill that the amendments were appropriate to make the bill better. Now, in this instance, what is really happening here is that instead of just admitting the truth – and the truth is that a mistake was made on the statute of limitations; that is all that happened – now, instead of doing what is right, which is sending it back to committee to correct it or holding it over 1 day so that we can look at a fair amendment and vote on it according to our conscience, we are using the rules in a way that only allows the amendments that are offered from the Republican side to be heard.

If the bill is a good bill, it will be passed. If the amendment is a good amendment, it will be passed. But if we continue to use procedural rules and twist the rules so that the rule no longer makes any common sense, then there is no limit to the harm that can be done by the public. I ask respectfully that all the members of the House send this back. Let it be amended appropriately so that when we are asked by the press or we are asked by the public, did we do this the right way, we can say yes.

I respectfully ask for a "no" vote that this is a technical amendment.

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

Mr. TURZAI. Thank you, Mr. Speaker.

With all due respect to the gentleman from Cambria County, the Speaker did not quote, unquote, "twist the rules," and we are supporting his ruling. Prior to this amendment, the statute of limitations for welfare fraud was 4 years. Once we pass this technical amendment, it continues to be 4 years. It was pointed out, the ambiguity, based by the reference to another statute as to an argument as to 2 or 4, when everyone knows that it is was designed to be 4 years and we are making the correction that was pointed out by the good gentleman of Montgomery County.

So what is the end result? The gentleman pointed it out in his debate, the ambiguity or the inconsistency, and so we are taking steps with the ruling of the good Chair to make it clear that it remains 4, as the gentleman from Montgomery County wanted it to be and as the maker of the bill wants it to be. This is much ado about nothing and is phony. The fact of the matter is, the Speaker has indicated that it falls under rule 24. If you notice, rule 24 is not just a singular component; it actually provides a number of prongs, all of which are completely applicable in being able to do this type of amendment. Everybody passed and voted for rule 24 unanimously when we did the rules in January.

So where is the form over substance? The fact of the matter is, it will be cleared up right now so that it makes it clear to everybody that there will be a 4-year statute of limitations, and rule 24 is quite clear that you can do this type of an amendment on third consideration when it "...is necessary to make the document internally consistent, to clear up an ambiguity, to correct grammar or to correct a drafting error or is necessary for purposes of statutory construction."

No one here, I suspect, does not want it to be a 4-year statute of limitation. Everybody here wants it to be a 4-year statute of limitation. This amendment, pointed out the need for by the good gentleman from Montgomery County, will make that ambiguity or that inconsistency go away as to whether Title 18, Title 42, or the Public Welfare Code technically applies. What we will know is that the 4-year statute of limitations for welfare fraud specifically applies by upholding the good ruling of the Chair.

I will say, the notion that the Speaker would, quote, unquote, "twist the rules" in his ruling I think is disrespectful. I would ask everybody to please vote to uphold the Chair. Thank you.

### PARLIAMENTARY INQUIRY

The SPEAKER. On the question, the Speaker recognizes the gentleman from Centre County, Mr. Conklin.

Mr. CONKLIN. Thank you, Mr. Speaker.

Mr. Speaker, I just have a question of the Chair or the Parliamentarian.

The SPEAKER. The gentleman has a parliamentary inquiry?

Mr. CONKLIN. Yes. I am just curious, loving history and loving this great chamber as we do and loving Pennsylvania history, and as we turn around and we look at Ben Franklin's chair behind you, can you tell me, in the history of this chamber, has there ever been a ruling such as this that actually changes the substance of the date, that actually changes the legal laws from 4 years to this? Can you tell me, in the history of this chamber, has there ever been an act 24 that has done this much to change that is not technical or perceived as technical? Can you tell me anything in the history of this chamber that equates to this that has been called a technical amendment?

The SPEAKER. Well, the Speaker is not sure that that is exactly an appropriate parliamentary inquiry. I will try to respond in this fashion. To speak as to whether this has happened before in this House is difficult for the Speaker to ascertain. If to put it into context, from session to session, the rules under which we operate are different. So there was a time when I was first elected, we voted amendments on third consideration and passed the amendments and passed the bill all in one afternoon.

So I am not sure that I can answer the question with certainty. I will say this though, since you opened the door on this parliamentary inquiry, that the process by which this amendment is being considered is certainly more appropriate and transparent than the past process that was used in the last couple of sessions, where the bill would have been referred back to a committee on third consideration, amended in committee, and brought out on the House floor and ruled to be unamendable by the full House.

Mr. CONKLIN. Thank you, Mr. Speaker. Is that the answer then?

The SPEAKER. Yes.

Mr. CONKLIN. Thank you, Mr. Speaker.

Just to finish up. You know, for a House I love so, and I love procedure, and many times, you know, when I was young, I still remember many times some people would pick on me, and rather than going out and picking a fight back because they picked, I decided to correct the situation to make sure that things were done correctly and fairly across the board. I respect the decision, but my feeling is that although the gentlelady who has made the bill and we are trying to correct it, I feel that we should stay to a strict, a strict parliamentary way that we implement laws within this chamber. I believe this is not an act 24; I believe that this goes beyond that.

I believe what she wants to do is probably a correction. I believe that what we want to do is make this a corrective matter that is not only done correctly for the people of Pennsylvania but is done through an open nature, one that we can be proud of at the end of this day. But what I am afraid of

is, what the young people of Pennsylvania are seeing today, what the senior citizens that have watched this chamber over the years are seeing today may not be the wholesome nature of what they have come to expect from the elected officials.

So just for that reason alone, I believe that we should send this back. No offense to the chairman; I respect him very much. I respect Punxsutawney. I respect Phil. But with that said, I think it would be important that just for the fact of the way this is put forward, that we vote "no" to that decision. Send this back and let us do it correctly.

I thank the Speaker.

The SPEAKER. The Speaker thanks the gentleman and will certainly remember his remarks.

On the question, the gentleman from Allegheny, Mr. Maher, is recognized.

Mr. MAHER. Thank you, Mr. Speaker.

Given the preceding speaker's concern for the children of Pennsylvania and what they might learn from today's debate, I would offer that every one of us will express the desire to have a collaborative, deliberative House of Representatives, where ideas are shared, and the result of that sharing of ideas is good legislation. Now, today there was an extended series of inquiries between the gentleman from Montgomery and the gentelady from Luzerne, and during the course of that series of inquiries, it was suggested time and again that there was some ambiguity, perhaps some internal consistency problem, perhaps a drafting error, perhaps, perhaps. I applaud the gentelady from Luzerne, instead of having a pride of authorship of saying this was done before we were started, she takes the other tack and says, I am open to your ideas; if you believe we need further clarification, I will offer the technical amendment to provide that clarity. So she comes forward and offers the technical amendment to provide the clarity in the spirit of working together, and her reward is to be condemned, to be condemned by those who would say that they wanted this correction, they wanted the clarity. They attack her effort that was conducted in a bipartisan manner to embrace ideas from your side of the aisle and to provide that clarity.

I am confused by that, frankly. Whether it is ambiguous as it is, whether there is an internal inconsistency, whether there is a drafting error, it makes no difference because under rule 24 all are accommodated.

So once again, I applaud the lady from Luzerne for offering a real civics lesson to the children of Pennsylvania, that legislators can listen across the aisle, can embrace the ideas from across the aisle, and can come forward with improvements that would seem to satisfy all on their merits.

Thank you, Mr. Speaker.

### PARLIAMENTARY INQUIRY

The SPEAKER. On the question, the Speaker recognizes the gentleman from York, Mr. DePasquale.

Mr. DePASQUALE. Thank you, Mr. Speaker.

Parliamentary inquiry.

The SPEAKER. The gentleman may state his parliamentary inquiry.

Mr. DePASQUALE. Is the amendment being allowed— Rule 24 gives four specific reasons why you can allow this: internally consistent, clear up an ambiguity, grammatical error, statutory construction. Under which of the four is this being allowed, under your ruling?

The SPEAKER. The Speaker previously answered that question. The two items that I would specifically note were to make the document internally consistent and necessary for the purpose of statutory construction. To narrow the ruling of the Chair, those would be the ones that—

Mr. DePASQUALE. Thank you.

The SPEAKER. —that under the Speaker's ruling, believes this amendment complies and falls within those parameters.

Mr. DePASQUALE. Thank you, Mr. Speaker.

Would it be appropriate for me to interrogate the maker of the motion just so we can clear up— Just a couple quick questions? I will do my best to keep it tight.

The SPEAKER. The maker of the motion was the gentleman from Allegheny County, Mr. Dermody.

Mr. DePASQUALE. I am specifically looking— Well, here is what I am asking. Let me just say it in real terms, and that may be helpful. That is, I am just concerned that we are – there is some concern on this side of the aisle that we are breaking, we are going to be making bad precedent. I know you would hold a different view. So I want to ask some questions regarding the amendment that is being offered to make sure that we are not going in that direction, so it would be to interrogate the maker of the amendment.

The SPEAKER. The speaker has concluded his parliamentary inquiry. The Chair thanks the gentleman.

On the question, is the gentleman from Montgomery County, Mr. Vereb, seeking recognition? The gentleman waives off.

### PARLIAMENTARY INQUIRY

The SPEAKER. On the question, the Speaker recognizes the gentleman from Lancaster, Mr. Sturla.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, I guess my concern here is that it has been intimated that somehow this amendment is seeking to find a compromise with our ideas over here. I do not understand how, if this is a compromise of ideas, that it cannot be substantive. If it is technical, then it is not a compromise of ideas. One of the earlier speakers said that this was just everyone on the other side of the aisle being magnanimous and saying, we are going to embrace your ideas. If it is that there was a clear error here and you are going to embrace that error, then I think you need to do a corrective action and you cannot just do a rule 24.

So I am trying to figure out what this is. I guess I am asking you if in the future, if somehow we decide we are going to give the Senate a 10-year term instead of a 4-year term, is none of that stuff substantive? Is that all just drafting errors?

The SPEAKER. If the members would turn to the current copy of the House rules and read, certainly, the first third or so of rule 24. You will note in the Speaker's ruling, the Speaker did not identify the amendment as technical, although that is often

the term that is used. The Speaker did not state whether or not the amendment was substantive or not. The rule does not speak to those characterizations. The rule says that a bill shall be subject to amendment only when an amendment is necessary to make the document internally consistent; only when an amendment is necessary to clear up an ambiguity; only when an amendment is for the correction of a grammatical error; only when an amendment is to correct a drafting error; only when an amendment is necessary for the purpose of statutory construction.

The rule does not specifically define "technical." The rule does not say that the effect of that amendment may not have substance attached to it. The rule simply says that if it is for one of these specific reasons, that it is allowable under our rules, and that is the basis on which the Chair made the ruling.

Mr. STURLA. Mr. Speaker, if I could, if I read beyond where you had read, it says, "...a bill may not receive action on final passage until at least 24 hours have elapsed from the time the bill and its amendatory language was available to the public, unless the amendment was a technical amendment" – it says right there in rule 24, "a technical amendment" – "permitted under the first paragraph of this rule..." It does not say a substantive amendment; it says a technical amendment.

Now, I am not an attorney, but I believe that when it says a technical amendment, it actually means a technical amendment. Otherwise, it would have said a substantive amendment.

The SPEAKER. The word "technical" used later on in the rule is sort of an all-encompassing word to characterize the several points that I have been referring to earlier in the paragraph.

Mr. STURLA. Okay. I just wanted to make sure we have that on the record for the future.

Thank you, Mr. Speaker.

### PARLIAMENTARY INQUIRIES

The SPEAKER. On the question, the Speaker recognizes the gentleman from Montgomery County, Mr. Shapiro.

Mr. SHAPIRO. Thank you, Mr. Speaker.

Mr. Speaker, I wanted to speak on the motion but begin with a parliamentary inquiry, if I may.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. SHAPIRO. Thank you.

Mr. Speaker, when the Chair stated that the specific points he was addressing in rule 24 dealt solely with making a document internally consistent, was the Chair speaking of this document, HB 1251, or a document being all statutes?

The SPEAKER. Will the gentleman restate the parliamentary inquiry.

Mr. SHAPIRO. Thank you, Mr. Speaker.

The Chair stated in a prior parliamentary inquiry that the section of rule 24 that the Chair was speaking of related to making a document internally consistent, and thus, this amendment would be permitted on third consideration. My parliamentary inquiry to the Chair is in referring to a document being internally consistent, is the Chair referring as the document to being HB 1251 or is the document being a particular statute or is the document being all statutes?

The SPEAKER. The motion made by the gentleman, Mr. Dermody, was challenging the ruling of the Chair that this amendment was in order under rule 24. The Speaker, in an attempt to provide a little clarity to the members, tried to narrow the focus, but in fact, this amendment, the ruling of the Chair is that the amendment is in order under the entire elements, all the elements of rule 24.

So to the degree that I can answer that question, while I attempted to give a little more clarity and focus, the fact is that the amendment, the Chair has ruled that the amendment is in order under rule 24 and not an absolute specific phrase within that rule.

Mr. SHAPIRO. Thank you, Mr. Speaker.

Further parliamentary inquiry.

The SPEAKER. The gentleman is in order.

Mr. SHAPIRO. I had seized on that language of making a document internally consistent because of the Chair's answer to a prior speaker. I will ask a further parliamentary inquiry, and that is, the Chair also stated that this amendment was in order under the statutory construction language in rule 24. Again, my question, Mr. Speaker, is, does that relate to the construction of HB 1251, the statutes in question that the lady is seeking to amend, or all statutes?

The SPEAKER. To the degree that the ruling of the Chair affects the statutory construction, clearly it involves the bill itself, but part of the inconsistency could also be with other laws that exist.

Mr. SHAPIRO. Okay. Thank you, Mr. Speaker.

On the motion then, if I may continue.

The SPEAKER. The gentleman is in order.

Mr. SHAPIRO. Thank you.

Mr. Speaker, thank you for answering my interrogation.

Mr. Speaker, as the majority leader said earlier, he suggested this was phony and much ado about nothing. In fact, he did not suggest that; he stated that on the floor. Mr. Speaker, this is not phony, and this is not much ado about nothing. As the Chair himself just said, what we are seeking to do is create a consistency between this bill and other bills that exist – other statutes, excuse me, that exist. What would stop us, Mr. Speaker, in the future from saying, well, boy, this budget is a little different than last year's budget, but we will amend it on third because we want to make it consistent with last year's budget? Or this bill is a little different from the other bill that we are seeking to amend, but we can amend it on third.

Mr. Speaker, I am not against the substance of what the lady from Luzerne is trying to do. In fact, I pointed out the need for the amendment. What I am against is the fact that we are doing this on third consideration and effectively eviscerating the rules reforms that were put in place three terms ago, adopted last term, and adopted and touted by this majority just a few months ago, rules that I support. If we allow this amendment to go in on third consideration, then there is no need to amend on second anymore, because we will just say, well, boy, this amendment is going to make us consistent with something else.

Mr. Speaker, I think, respectfully, we are establishing a very dangerous precedent today. That is why I moved earlier to simply move us back to second to allow the lady to offer her amendment, an amendment I would vote for, an amendment, I imagine, based on the dialogue here today, many of us would



vote for, but we could do it on second, where it would properly be done, move the bill to third, and then let the House have its way on third as to whether or not the merits of this bill warrant their support.

My objection, Mr. Speaker, and my reason for supporting Leader Dermody's effort here is to make sure that we are upholding not just the spirit of our rules but our rules themselves, the words in these rules that we all supported, and the right approach is to amend bills on second consideration. It is what we have touted. It is the right way to do it. The way we are approaching this today establishes a very dangerous precedent going forward for the majorities of today and the majorities of tomorrow.

I would respectfully ask the members to support Leader Dermody, to try and get this bill in a position where it can properly be amended, and to consider the lady's amendment at the appropriate time.

Thank you, Mr. Speaker.

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

Mr. TURZAI. Under the reforms, we amend on second consideration, except that there was new language put in with respect to rule 24 that allowed, under the rules, which everyone here voted for, amendment on third consideration. Rule 24 specifically allows amendment on third consideration, which it did not do before, "...only when an amendment is necessary to make the document internally consistent, to clear up an ambiguity, to correct grammar or to correct a drafting error or is necessary for purposes of statutory construction."

This is not a budget bill amendment. If that language is supposed to have any meaning, then it would be applicable to a fact pattern like the one before us. Now, if the good gentleman who was one of the leaders of the reforms of the rules thought that you should never be able to amend on third, he certainly had an opportunity to make sure that there was no such language in rule 24 or that this aspect of rule 24 did not exist. He would like to conveniently ask all of us, based on his argument calling it dangerous, dangerous, that we would be using the specific language in rule 24 that has been drafted and which the good Speaker is appropriately relying upon and he is using his wisdom in interpreting that language. You do not get to have your cake and eat it too. You do not get to pretend like the language is not there. The language is there to address specific fact patterns like the one before us. This is not an attempt to get around a budget bill.

This is a technical amendment that deals with inconsistencies on which is the appropriate statute of limitations. If the gentleman would like to change our rules to remove that language in rule 24, he is more than welcome to do so. Please introduce it, but you cannot conveniently ignore it. The fact of the matter is, rule 24 allows for this type of an amendment. That is why we have the rule in the first place.

I would ask everybody to please uphold the ruling of the Chair and to allow us to get on to the business of addressing the underlying bill instead of this game, for the lack of a better phrase. Please uphold the ruling of the Chair and the reforms that were put into place that allowed the language of rule 24 to amend on third consideration under these exact circumstances. Thank you.

The SPEAKER. On the question, the Speaker recognizes the gentleman, Mr. Dermody.

Mr. DERMODY. Thank you, Mr. Speaker.

Mr. Speaker, the language of this bill before the amendment, before the amendment, made conduct under the Crimes Code a violation of the Welfare Code, it gave authority to the Inspector General to investigate and prosecute crimes under Title 18, and it changed the statute of limitations. This amendment removes all that language. There is nothing technical about the removal of that language. This is all substantive language that drastically changes this bill. This is not phony. Nobody is playing a game here. What this amendment does is takes the language we just talked about out of the bill. It is crucial to this bill and it is crucial to this House of Representatives to give us the opportunity to vote on that.

This appeal should be sustained because it violates our rules. It violates the rules. It violates the conduct of this House. We ought to do the right thing here today. We ought to honor our rules. We ought to honor transparency. Give us the opportunity to debate this bill to make this bill correct, make it right, and make it work for the people of the Commonwealth. Nothing phony about it, Mr. Speaker. We need to sustain the appeal.

The SPEAKER. Shall the decision of the Chair stand as the judgment of the House? Those in favor of sustaining the Chair's decision will vote "aye"; those opposed, "no."

On the question recurring,

Shall the decision of the Chair stand as the judgment of the House?

The following roll call was recorded:

#### YEAS—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'Brien, D.	Taylor
Day	Hess	O'Neill	Tobash
Delozier	Hickernell	Oberlander	Toepel
Denlinger	Hutchinson	Payne	Toohil
DiGirolamo	Kampf	Peifer	Truitt
Dunbar	Kauffman	Perry	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

#### NAYS—89

Barbin	DeLissio	Kavulich	Preston
Bishop	DeLuca	Keller, W.	Ravenstahl
Boyle, B.	DePasquale	Kirkland	Readshaw
Boyle, K.	Dermody	Kotik	Roebuck
Bradford	DeWeese	Kula	Sabatina
Brennan	Donatucci	Longietti	Sainato

Briggs	Fabrizio	Mahoney	Samuelson
Brown, V.	Frankel	Mann	Santarsiero
Brownlee	Freeman	Markosek	Santoni
Burns	Galloway	Matzie	Shapiro
Buxton	George	McGeehan	Smith, K.
Caltagirone	Gerber	Mirabito	Smith, M.
Carroll	Gergely	Mullery	Staback
Cohen	Gibbons	Mundy	Sturla
Conklin	Goodman	Murphy	Thomas
Costa, D.	Haluska	Myers	Vitali
Costa, P.	Hanna	Neuman	Wagner
Cruz	Harhai	O'Brien, M.	Waters
Curry	Harkins	Parker	Wheatley
Daley	Hornaman	Pashinski	White
Davidson	Johnson	Payton	Williams
Davis	Josephs	Petrarca	Youngblood
Deasy			

## NOT VOTING—1

Evans, D.

## EXCUSED—3

Bear	Kortz	Petri
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Less than a majority of the members elected to the House having voted in the negative, the decision of the Chair stood as the judgment of the House.

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

**MOTION TO RECOMMIT**

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

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

Mr. HANNA. To make a motion, Mr. Speaker.

The SPEAKER. The gentleman will state his motion.

Mr. HANNA. Mr. Speaker, I make a motion that the bill be recommitted to the Appropriations Committee for the purpose of a fiscal note as required by rule 19(a), for the amendment.

The SPEAKER. The gentleman, Mr. Hanna, has moved that HB 1251 be recommitted to the Appropriations Committee for the purpose of a fiscal note.

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. We oppose. Please vote "no."

The SPEAKER. On the motion, I am only going to give you one more chance.

Mr. HANNA. Mr. Speaker?

The SPEAKER. The Speaker recognizes the gentleman, Mr. Hanna, on the motion.

Mr. HANNA. Thank you, Mr. Speaker.

Mr. Speaker, the last hour has been devoted to the sanctity of our rules. Rule 19(a) could not be more clear, a bill or an amendment needs a fiscal note. It is only appropriate that this amendment, the bill and the amendment be rereferred to the Appropriations Committee so that the amendment can be in compliance with our rules and carry that fiscal note. So if we

are going to be about the sanctity of our rules, if we are going to be about what is right, then we need to send this back for a fiscal note. There is no question that the amendment changes the bill, and there is a need to know the fiscal impact of that. That is what our rules provide for. That is why we adopted our rules, and rule 19(a) specifically requires it.

So I would urge everyone to support the motion to recommit it to Appropriations so that we can comply with our rules and respect the sanctity of our rules. That is what we have been talking about for the last hour, and everybody says that is what they want to do. Let us honor that and let us send it back as required by our rules for a fiscal note.

Thank you, Mr. Speaker.

The SPEAKER. Those in favor of the motion to recommit the bill to the Appropriations Committee for the purpose of a fiscal note will vote "aye"; those opposed to the motion to recommit will vote "no."

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

The following roll call was recorded:

## YEAS—90

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

## 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	Metcalf	Saylor
Boyd	Grell	Metzgar	Scavella
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'Brien, D.	Taylor
Day	Hess	O'Neill	Tobash
Delozier	Hickernell	Oberlander	Toepel
Denlinger	Hutchinson	Payne	Toohil

DiGirolamo	Kampf	Peifer	Truitt
Dunbar	Kauffman	Perry	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—3

Bear                      Kortz                      Petri

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

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

### POINT OF ORDER

Mr. HANNA. Mr. Speaker?

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

Mr. HANNA. Point of order, Mr. Speaker.

The SPEAKER. The gentleman will state his point of order.

Mr. HANNA. Mr. Speaker, pursuant to rule 19(a), this amendment needs a fiscal note, and I am asking if this amendment is out of order.

The SPEAKER. The gentleman is correct that the amendment would require a fiscal note, and it is my understanding that the Appropriations Committee is preparing that as we speak.

The House will be at ease awaiting the preparation of the fiscal note. Well, you are not happy when you win.

The House will come to order. The House will come to order.

For the information, the Chair is in receipt of the fiscal note that was asked about this amendment, and the question before the House is consideration of HB 1251, PN 1370.

On that question, the Chair recognizes the lady, Ms. Toohil, who offers up amendment—

Mr. HANNA. Mr. Speaker?

The SPEAKER. —A01488, which the clerk will read.

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

The SPEAKER. The gentleman will suspend until we get the amendment before the House.

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

Ms. **TOOHIL** offered the following amendment  
No. **A01488**:

Amend Bill, page 2, lines 18 through 20, by striking out all of lines 18 and 19 and "access devices)," in line 20

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

### POINTS OF ORDER

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

Mr. HANNA. Mr. Speaker, it is my understanding under a reading of the rules that a fiscal note is issued by the committee when the committee is in possession of the bill. Since this bill and the amendment were not rereferred to the committee, how was the Appropriations Committee able to write a fiscal note?

The SPEAKER. The committee does fiscal notes for amendments all the time without being physically in control of those amendments or those bills.

On the question—

Mr. HANNA. Mr. Speaker?

The SPEAKER. —will the House agree to the amendment?

The Speaker recognizes the lady, Ms. Toohil.

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

The SPEAKER. The gentleman will state his point of order.

Mr. HANNA. Mr. Speaker, under rule 19(a), number (6), it specifically says, "When an amendment or certificate is timely filed with the amendment clerk..., the amendment or certificate shall be forwarded to the Appropriations Committee. Upon receipt of an amendment, the Appropriations Committee shall automatically prepare a fiscal note."

Mr. TURZAI. Point of order, Mr. Speaker.

The SPEAKER. One point of order at a time, please.

To answer the gentleman's point of order, the rule that you are referring to, item (6), is referring to an amendment under rule 21, and that is not the case, and the committee did in fact have a copy of the amendment from which to draw the fiscal note.

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

Mr. TURZAI. Mr. Speaker, just I wanted to point out that it is interesting that the maker of the previous motion cited 19(a)(6), because that references an amendment or a certificate timely filed under rule 21. In fact, the amendment is under rule 24, not rule 21, and therefore the argument would be that a certificate is not needed at all. If they are in fact relying on 19(a)(6), you do not need a fiscal note.

Thank you.

### POINT OF ORDER

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

The SPEAKER. The question before the House is, shall the House agree to the amendment?

Mr. HANNA. Mr. Speaker?

The SPEAKER. Does the gentleman seek recognition on the amendment?

Mr. HANNA. No. On the point that the majority leader just made, I wanted to ask a point of order.

As the majority leader just indicated, rule 19(a) talks about amendments that are timely filed and how they come into possession of the committee so that a fiscal note can be issued. Since this amendment is being considered under rule 24, I am asking the Speaker, how did the committee come into possession of this amendment so that they could issue a fiscal note?

The SPEAKER. Quite frankly, it would be the same way that the committee is in possession of an amendment under rule 21, where a member is required to provide a copy of the amendment to the committee for consideration. So it parallels that same process, but it is not like the bill is in the Appropriations Committee with all of the amendments that they would then draft the fiscal note. So it is really a matter of providing a copy of the amendment to the committee so that the fiscal note will be available.

Mr. HANNA. Rule 24 makes no specific reference, while the rule that you are referring to, rule 19(a), in section (6), does make a specific reference of referral to the committee. That is my point. How does it come into the possession of the committee when there is no specific reference in rule 24 such as you are citing in rule 19(a)?

The SPEAKER. Oh, you know, if you keep talking, you might convince me that under rule 24 we did not need a fiscal note after all. If that is the argument you would like to make, I might consider that.

Mr. HANNA. I suspect the substance of the fiscal note will show that we probably did not—

The SPEAKER. Look, what we applied was the same standard that when a member is preparing an amendment under a second consideration bill when we are in the normal run of things, the member is required, under that rule you are talking about, to submit a copy of the amendment to the Appropriations Committee for the purpose of creating a fiscal note. We basically acquiesced to your objection earlier to do that same thing under rule 24, to give a copy of the amendment to the committee for which they could prepare a fiscal note.

Mr. HANNA. Thank you, Mr. Speaker.

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

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

#### YEAS—189

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

Costa, D.	Hackett	Mirabito	Stevenson
Costa, P.	Hahn	Moul	Sturla
Cox	Haluska	Mullery	Swanger
Creighton	Hanna	Mundy	Tallman
Cruz	Harhai	Murt	Taylor
Culver	Harhart	Mustio	Thomas
Curry	Harkins	Neuman	Tobash
Cutler	Harper	O'Brien, D.	Toepel
Daley	Harris	O'Brien, M.	Toohil
Davidson	Heffley	O'Neill	Truitt
Davis	Helm	Oberlander	Turzai
Day	Hennessey	Parker	Vereb
Deasy	Hess	Pashinski	Vitali
DeLissio	Hickernell	Payne	Vulakovich
DeLozier	Hornaman	Peifer	Wagner
DeLuca	Hutchinson	Perry	Watson
Denlinger	Kampf	Petrarca	White
DePasquale	Kauffman	Pickett	Youngblood
Dermody	Kavulich	Preston	
DeWeese	Keller, F.	Pyle	Smith, S., Speaker
DiGirolamo	Keller, M.K.	Quigley	
Donatucci	Keller, W.	Quinn	

#### NAYS—11

Brown, V.	Josephs	Payton	Wheatley
Cohen	Murphy	Roebuck	Williams
Johnson	Myers	Waters	

#### NOT VOTING—0

#### EXCUSED—3

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

On the question,

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

Bill as amended was agreed to.

(Bill analysis was read.)

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

The question is, shall the bill pass finally?

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

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, I thought I was on the list prior to everything going on with amendments and things like that. I apologize for not standing up earlier.

But would the maker of the bill rise for brief interrogation?

The SPEAKER. The lady indicates she will stand for interrogation. The gentleman may proceed.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker—

Ms. TOOHIL. Mr. Speaker?

The SPEAKER. The gentleman will suspend.

Ms. TOOHIL. Mr. Speaker, I would decline.

The SPEAKER. The Chair apologizes and stands corrected. The lady indicates that she will not stand for interrogation. The gentleman is in order on the bill.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, I had hoped to get a clarification on a point, but now I will just state what I believe is the problem with this bill.

On page 4, line 29, actually lines 28 and 29, it says, "Immunity from civil or criminal liability for the reporting of suspected fraud," and that is under the whistleblower portion. It does not say for reporting of fraud. It says, "...for the reporting of suspected fraud."

And for those of you that may not have people that receive public assistance walk into your office on a daily basis, you may not be aware of this, but I do, and what I hear on an all too often basis is that somebody believes that they have a caseworker that has it out for him. Some of the times the caseworker does not have it out for him and the caseworker is doing the exact job that they are supposed to do, and when we check into it, we say, "Well, it was just a complainer." But every once in a while we check it out and we have it reviewed, and the supervisor says, "No, I can't figure out why this person would have done this," and sometimes these people come back two and three times, and then you have to start to believe that maybe there is one bad apple out there in the barrel.

And this is not to impugn the integrity of anyone that works in a public assistance office, but what lines 28 and 29 do is say that they are immune from criminal or civil liability if they report suspected fraud, and this is true of the public also. So if I just think that my neighbor should not be getting public assistance, all I need to do is report them for suspected fraud, and I can do that with immunity from civil or criminal liability. And I can harass the living daylights out of somebody who is rightfully, under the law, getting some form of public assistance, but I can make their life a living hell by reporting them for suspected fraud. It does not have to be real fraud; it never has to be proven. It just has to be suspected, and who is to know whether I truly suspected it or whether I wanted to suspect it, but that is the way the bill is written, and I think that is one of the other flaws in this bill.

So, Mr. Speaker, I am not sure what the intent of the maker was when they wrote this because she refused to rise for brief interrogation, but I am going to assume she just wants everybody to report everybody that they think is collecting public assistance.

I am going to vote "no" on this bill. Thank you, Mr. Speaker.

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

Is the gentleman seeking recognition?

Mr. SHAPIRO. Thank you, Mr. Speaker.

Mr. Speaker, I appreciate albeit—

The SPEAKER. The gentleman, Mr. Shapiro, just to be clear because this was an extended consideration of this bill, you are under your second turn on this bill, just to be clear.

Mr. SHAPIRO. Thank you, Mr. Speaker.

Mr. Speaker, I appreciate the attempts to correct this legislation albeit through the parliamentary gymnastics, at least in my opinion, that we had to go through to get here. However, I do believe that this bill still has at least one significant flaw in it.

In the Treasurer's Office where the enforcement used to occur, if the lady gets her way with HB 1251, they were set up to be able to go out and root out the welfare fraud that the lady suggests is occurring. By transferring the authority, as this bill does, over to the Inspector General's Office and giving the

Inspector General, as I believe, and I think during our interrogation it was somewhat established, for the first time subpoena power and prosecutorial power, even though there are no prosecutors over there and, according to the fiscal note, no money to pay those prosecutors, so while people here are attempting to get tough on welfare fraud, effectively we are just shoving this over to a department, albeit headed by a very able and capable Inspector General, but shoving it over to a department that does not have the ability to go after the welfare fraud that the lady seeks that the Commonwealth go after. The fiscal note talks about the fact that we are going to get \$15,000 in fines back from people who go and violate our welfare laws, yet, A, there is no real ability to go after them in the Inspector General's Office, and, B, these individuals do not have \$15,000. Otherwise, they probably would not be committing the fraud in the first place.

There are so many inconsistencies with this legislation, yet, of course, it is fool's gold. We are attempting to address a problem that exists with a whole bunch of window dressing without actually taking time to look at the underlying substance of what this bill does. We all agree in this chamber we need to address welfare fraud. In fact, many members on both sides of the aisle have voted for a number of the bills that the majority has put up, but this bill has a significant flaw in it by transferring the authority to an agency that has no ability to be able to go after the fraud. Read the fiscal note; read the underlying bill. Look at past practices.

Mr. Speaker, I think we ought to vote down this bill. I thought perhaps we could send it back to a committee or move it to second in order to amend it and perfect it. The majority had its way and we did not have the chance to do it. But, Mr. Speaker, now is the time for each and every member to vote "no" on a bad bill and be concerned about the substance of what is in the bill and not the headlines of how this bill may read in a political commercial or in the newspaper tomorrow. This is a bad bill with a good aim. It needs to be rejected. It needs to be brought back to the floor in a better manner, in a way that each member of this chamber can vote for it.

Mr. Speaker, I urge the members to vote "no" on this legislation. Thank you.

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

On that question, the Speaker recognizes the gentleman from Allegheny County, Mr. Saccone.

Mr. SACCONE. Thank you, Mr. Speaker.

I am sorry. I was in the queue earlier, and I appreciate your letting me speak.

This will seem like maybe an older argument if you think way back in the beginning when we first started this. I just wanted to address two quick points. I will be brief.

I would like to return to an argument made earlier. I disagree with the notion that this bill will necessarily increase prison costs. I believe that argument neglects to consider the deterrent effect of stiff penalties.

But, Mr. Speaker, most importantly, I was disturbed by some arguments that attempted to make victims of criminals. Mr. Speaker, I just want to go on record as saying it is time to stop excusing welfare fraud and start demanding law-abiding behavior.

Thank you, Mr. Speaker.

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

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

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, I rise in opposition to HB 1251. I think that both sides of the aisle have laid out why this bill must be rejected.

Number one, Mr. Speaker, this attempts to resolve a problem that really we have plenty of systems in place to deal with.

Secondly, Mr. Speaker, we talk about getting hard without getting smart. We want to check bad behavior, but we are giving it to someone who is without the capacity to check their behavior. The Inspector General is without the capacity to do anything other than investigate.

Number three, Mr. Speaker, there is no continuity or uniformity between all of these measures. You know, we had one violation, violation of the law that results in a misdemeanor, mandatory 2 years. Then we came with another one that requires felony, grading a felony, and 7 years in prison. Mr. Speaker, there is no uniformity. So the message that we are sending is not a clear message, and sometimes it even reflects what it is that we want more so than what we are really trying to achieve.

As an earlier speaker said, the Inquirer, Patriot-News, other papers will look good tomorrow with this headline, but, Mr. Speaker, once they tell the story, they will find out that it is about a bark that has no bite, a dog that is without teeth, and, Mr. Speaker, that is not really what we want to say to the people of Pennsylvania.

I applaud the author. Representative Toohil, she is new; she is new. Mr. Speaker, she was required to pick up bad habits today as a new member, but, Mr. Speaker, she is trying to do something that is right, and I applaud her for her efforts. I am just hoping that – I kind of feel as though this metroliner is on the tracks, and unless it blows up, unless we blow it up, it is not going to stop.

And so to that end, I ask Representative Toohil as a new member to not stop. Once this passes, maybe talk to the Senate, or when it comes back for ratification, have an amendment that cleans this up so that this bark has some bite to it if we are really serious about checking bad behavior in the Public Welfare Code.

Mr. Speaker, for new members, as the young people say, I and some of us are old heads at this now, and so, Mr. Speaker, we have had a chance to see things kind of happen, go, and come again, and it is interesting that every time, every time the budget gets tight, we go after poor people with this message that we are going to save money by going after poor people. How are you going to save something by punishing the poor people? They do not have anything as it is. So it is interesting that every time we want to talk about reform or we want to save money, we go after the Public Welfare Code.

Let us get creative. Let us bring some vision to dealing with the issues that we face rather than just, it is easy to go after folks who cannot fight back. It is easy to go after those who are, as Thurgood Marshall used to say, politically impotent and are not able to fight back. We do not want to continue down that road.

So, Mr. Speaker, I ask members on both sides to vote "no" on HB 1251, and if it passes, I ask the author of the bill to do the right thing. Do not go back to your district without taking some steps or getting on the phone to try to find some way to

make this bad bill into a good bill before it gets to the Senate or gets out of the Senate and comes back here. Thank you, Mr. Speaker.

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

On that question, the Speaker recognizes the gentleman, Mr. Saylor, from York County.

Mr. SAYLOR. Thank you, Mr. Speaker.

I have been listening to this debate today on the House floor, and I just cannot believe what I hear from the other side of the aisle. It is unbelievable that you would defend welfare fraud on this House floor when the voters are very clear, if you read your own newspapers, how many people have seen the fraud and abuse in their own communities.

Last session we had a Governor here who when the State employees stole \$500,000 in LIHEAP (Low-Income Home Energy Assistance Program) money, the Governor said that was not much money. Well, I do not know about you, \$500,000 stolen by State employees in a LIHEAP program is a lot of money to my constituents. And then we had the case in York County where a lady who owned a \$600,000 home was collecting welfare. Yes; a \$600,000 home. There is no fraud or abuse going on in this State. It is just trivial. It does not mean anything.

And then people who suggest there should not be more penalties. Well, apparently the penalties we have in this State are not strong enough as they are. If you want to continue to condone the use of taxpayers' money in a fraudulent way, you vote "no" today on that bill; you go ahead. But my constituents, my taxpayers, want their money spent in a rightful way. There are people who are on welfare who deserve the dollars they get, but there are far too many people in this State who are getting money that they do not deserve, and they know they do not deserve it.

I am disgusted by the defense of people who are committing fraud saying we are going to put them in prison. Do you want to give them a time-out? Is that what you want? At what point in time do we decide that it is time to stop fraud and abuse of taxpayers' money?

At what point are you going to start protecting the children of these people who are on welfare? These people who are fraudulently using these dollars are not spending them for their own children. They are spending them for drugs and everything else. It is about time that we as politicians stand up on this House floor and make those parents who are using these things fraudulently to purchase drugs and everything but food to feed their children and to put them in clothing that they deserve, it is time for this House of Representatives to pass legislation that does defend children and holds parents responsible when they do not do the right thing with the money that our taxpayers are sending to this Capitol. It is time—

Mr. DERMODY. Mr. Speaker, that is enough.

Mr. SAYLOR. —for us to end this fraud and abuse.

Mr. DERMODY. We have heard enough, Mr. Speaker.

Mr. SAYLOR. And for somebody—

Mr. DERMODY. Let us go. He is out of line, Mr. Speaker.

Mr. SAYLOR. —to suggest that this gentlelady—

Mr. DERMODY. Mr. Speaker?

The SPEAKER. The gentleman will suspend.

Mr. DERMODY. On the bill. He is out of order.

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

Mr. DERMODY. Mr. Speaker, I believe the gentleman has swayed from the bill and speaking to the bill, and I believe we ought to talk about the bill and that is that.

The SPEAKER. The House will come to order.

Frankly, he had them whipped up in such a frenzy, I was not sure what he was saying, if he was on the bill or not, but he seemed to be making some — he was getting people excited.

The Speaker will ask the gentleman to focus on the legislation that is before us.

Mr. SAYLOR. Well, in closing, Mr. Speaker, I want to go to a point that a gentleman from Montgomery County made earlier. He accused the sponsor of this bill of being political. While that same gentleman is running for a county office, he suggests that our—

Mr. DERMODY. Mr. Speaker? Mr. Speaker?

The SPEAKER. The gentleman will suspend.

Mr. DERMODY. It has nothing to do with—

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

Mr. SAYLOR. Mr. Speaker?

The SPEAKER. The House will come to order. The gentleman will suspend. The House will come to order.

The Speaker did not mind standing up here all through lunch. He was hoping not to stand here all through dinner.

Mr. DERMODY. Mr. Speaker?

Mr. SAYLOR. Mr. Speaker, if I may, for a second?

The SPEAKER. If you would like to retract your direction, I will accept that.

Mr. SAYLOR. No, Mr. Speaker. He made the comment about the lady.

The SPEAKER. The gentleman will not— We are not debating it.

The Speaker would acknowledge that the door was open a little bit. However, I would caution that the direction the gentleman was getting was more personal and not necessarily within the confines of the debate and would urge the member to refrain from getting into the personal circumstances involving another member.

Mr. SAYLOR. I appreciate that, Mr. Speaker.

### PARLIAMENTARY INQUIRY

The SPEAKER. Does the gentleman, Mr. Dermody, seek recognition on a parliamentary inquiry?

Mr. DERMODY. Well, personal privilege. A point of parliamentary inquiry then, Mr. Speaker.

Mr. Speaker, earlier in the day one of our members was admonished for her speech on the floor here today. We have heard very similar comments here today. As a matter of fact, I believe they have gotten much further than the earlier comments. And the recurring remarks we have just gone through should be stricken from the record, and the Speaker should be admonishing members from doing something like that again, Mr. Speaker.

The SPEAKER. The Speaker has been trying to be fair and evenhanded in these areas. The comments made earlier, in the Speaker's judgment, were personally inflammatory. These comments certainly were pushing on the edge of it, and it certainly would be the Speaker's intention to try to maintain the proper decorum of this House.

At this point the Speaker would like to proceed with the debate and ask the gentleman from York to refrain from the direction of questioning other actions outside of this House that are not directly related to the bill.

Mr. SAYLOR. I appreciate that, Mr. Speaker.

And again, to the members of this House, I do not question anybody's integrity of this House and I do not like other member's questioning each other's integrity.

But I do want to make a point that this bill is something that is long overdue in Pennsylvania.

The SPEAKER. The gentleman will suspend.

### POINT OF ORDER

The SPEAKER. Does the gentleman, Mr. Thomas, seek to raise a point of order?

Mr. THOMAS. Mr. Speaker, you have been doing real good, but we need to be clear; we need to be consistent. If it is wrong over here, it has got to be wrong over here. We have to strike his comments or he should be man enough to stand up and strike them himself. It is wrong, Mr. Speaker; it is wrong.

The SPEAKER. The Speaker will review the record. It is the judgment, in the context of things, that one was not quite as egregious as the other, and certainly the Speaker is trying to maintain balance.

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

Mr. ROEBUCK. Mr. Speaker, I think we all should be conducting this in a certain amount of order and respect for each other, but I do not think we have to continually be subjected to sound and fury signifying nothing and insulting to members. That is wrong, Mr. Speaker.

The SPEAKER. The question before the House—

### POINTS OF ORDER

Mr. M. SMITH. Point of order, Mr. Speaker.

The SPEAKER. Will the gentleman state his point of order.

Mr. M. SMITH. Point of order, Mr. Speaker.

What rule are you basing your ruling on that a member can question and impugn the motives of another member? Is there a rule?

The SPEAKER. I did not state a rule. This is a matter of interpretation of decorum.

Mr. M. SMITH. I would just remind the body the gentleman from York is a member of leadership and he should certainly know better. We do not question the gentleman from Lehigh County—

The SPEAKER. The gentleman will suspend. The gentleman will suspend.

Mr. M. SMITH. Yes.

The SPEAKER. The gentleman is not recognized to comment on the proceedings of the House. He was recognized to make a point of order—

Mr. M. SMITH. Unanimous consent?

The SPEAKER. —and he may make a point of order, but you are not recognized for anything further than that.

Mr. M. SMITH. Point of order.

The SPEAKER. Do you have a point of order?

Mr. M. SMITH. Yes.

The SPEAKER. The gentleman will state his point of order.

Mr. M. SMITH. Thank you, Mr. Speaker.

I just make the point of order that we certainly do not question other members from the other side of the aisle every time they are running for office, and I think it sets a very, very bad precedent that the gentleman from York is questioning the gentleman from Montgomery's motives.

The SPEAKER. The gentleman will suspend.

Mr. M. SMITH. Thank you, Mr. Speaker.

The SPEAKER. I think the Speaker asked the gentleman to retract from the direction he was going and certainly will take under consideration the comments, the points of order that were raised, and that the best thing for us to do at this point is to try to proceed.

The question before the House is, shall the bill pass finally?

The gentleman, Mr. Saylor, from York County has the floor and may proceed.

Mr. SAYLOR. In conclusion, Mr. Speaker, apparently the penalties we have in this State to deter fraud in this Commonwealth are not enough. We have constantly seen the Auditor General, the Inspector General, and others point out areas of fraud in this Commonwealth. To argue that the penalties we have now are harsh enough and that we need to move on and continually to ignore the fraud is happening is not reasonable. It has not worked. We have seen this go on. The Auditor General has made his report to this General Assembly and to the public of Pennsylvania. It is far long overdue that this HB 1251 become law in this Commonwealth.

And we finally, finally passed something of substance that maybe the future of Pennsylvania, we will see taxpayers' moneys more respected than they currently are.

Thank you, Mr. Speaker.

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

Mr. M. SMITH. Point of order.

I am making a motion to—

The SPEAKER. The gentleman will state his point of order.

Mr. M. SMITH. Thank you, Mr. Speaker.

I am making a motion to adjourn until the Speaker has ruled on the issue of the admonishment of the gentleman from York County.

The SPEAKER. That is not a point of order.

Mr. M. SMITH. Parliamentary inquiry.

The SPEAKER. Does the gentleman seek—

Mr. M. SMITH. Permission to make a motion.

The SPEAKER. The gentleman was recognized to make a point of order.

The question before the House is, shall the bill pass finally?

On that question, the Speaker recognizes the lady from Philadelphia, Miss Parker.

Mr. M. SMITH. Mr. Speaker, is a motion— Parliamentary inquiry.

The SPEAKER. The gentleman is not in order. The gentleman is not recognized and is not in order. The Speaker recognized him to make a point of parliamentary inquiry or a point of order, but the gentleman is not recognized.

The lady from Philadelphia, Miss Parker, has the floor, on the bill.

Miss PARKER. On the bill, Mr. Speaker.

Mr. Speaker, I rise in opposition to HB 1251, and while I wholeheartedly believe that we have a duty and a responsibility to rid any Commonwealth department, agency, or program of fraud, waste, and abuse, I do not think that HB 1251

is the way. As a matter of fact, Mr. Speaker, I do not think it is even as equal to what many will consider to be low-hanging fruit.

Now, I have heard many of my colleagues on this side of the aisle being admonished for noting that the support of and a vote for HB 1251 is merely a political ploy to gain a headline in some of our newspapers. But, Mr. Speaker, I am going to say something today, I am going to say something today, Mr. Speaker, that may send the other side of the aisle in a frenzy. Mr. Speaker, while I am rising to oppose HB 1251, Cherelle Parker, Mr. Speaker, the Democrat from Philadelphia, is also rising to say that I found some common ground with one of the most noted conservatives in our country. Now, members on my side of the aisle may not be very familiar with him, but his name is Grover Norquist. Now, Mr. Speaker, for those who are not familiar with him, he is the president of Americans for Tax Reform, and it is an ultraconservative organization, Mr. Speaker, that is based in DC. He is also a board member with the NRA (National Rifle Association). In addition to that, Mr. Speaker, he is a member of the advisory council of a group called GOProud.

And I bring up the name of this conservative, Mr. Speaker, because one of the things that we have heard today, particularly from members on the other side of the aisle, is that much of the content of this bill is based on reports that were given to the legislature and disseminated in the public by our Auditor General. But, Mr. Speaker, if we would pay attention to what the Auditor General noted, it was not just his report on waste, fraud, and abuse in the Department of Public Welfare; he also issued a report, Mr. Speaker, on the importance of reforming our corrections system and he talked about the impact that it is going to have on our overall State budget.

Why do I bring up the name of Mr. Norquist, Mr. Speaker? I bring it up because he formed what many called a very unlikely and an unusual union. He, Mr. Speaker, formed an alliance with the NAACP (National Association for the Advancement of Colored People) recently when the NAACP released its report regarding the need for reform in the area of corrections, and, Mr. Speaker, these are not my words.

Mr. Speaker, may I have a little bit of order here, just a little?

The SPEAKER. The House will come to order. The members will please take their seats and clear the aisles. The House will come to order. The members will please take their seats and hold the conversations to a minimum.

The lady may proceed.

Miss PARKER. Thank you, Mr. Speaker.

Mr. Speaker, I just find it very interesting that we do not want to hear about the comments made by a Pennsylvanian, not just one of the most noted conservatives in the United States, but a Pennsylvanian who happens to be from Sharon in our great Commonwealth, and these are not my comments, Mr. Speaker, but they are his, and he made them on a show called the Alyona Show on something called rt.com. When questioned about why he formed this alliance with the NAACP to bring light to the issue of the cost of corrections that is actually bursting State budgets across the Commonwealth of Pennsylvania, the comments that he made were as follows. And again, Mr. Speaker, members on my side of the aisle were recently admonished when talking about the reasons that HB 1251 was being introduced, because individuals were attempting to not truly get to the bottom of fixing the problem, but they wanted to grab a quick headline in preparation for a



campaign. But this was what Mr. Norquist had to say. A lot of people want to make headlines and they want to get on television by announcing that they are getting tough on a particular crime and they are pushing for a longer sentence for that crime. He said, and when that happens, we for 30 and 40 years have to deal with the fiscal impact that that knee-jerk decision and/or reaction has on our overall budget. So he goes on even further, Mr. Speaker, to note that a guy stands up and he gives a speech, and they say that we must right X crime or X wrong and they give the impression, Mr. Speaker, that they are being extremely tough on crime, but in the end, Mr. Speaker, they do not tell the constituency about the financial impact of that knee-jerk reaction to solving what some identify as being a problem. And again, we do need to find a way to rid any agency of waste, fraud, and abuse, but we should not do it using a knee-jerk reaction.

In addition, Mr. Speaker, I want to note for the record that the Commonwealth of Pennsylvania in the most recent Governor's budget has proposed approximately \$1.9 billion for our Department of Corrections budget. It is one of the highest in the nation, Mr. Speaker. When the gentlelady from Philadelphia spoke earlier, she was actually very gentle when she talked about the impact that passage of this bill will have on the pocketbook of the great Commonwealth when she gave a figure, I believe, of about \$33,000 that it takes to house an inmate at one of our State correctional institutions for a year. But the gentlelady was definitely gentle, because that number is not \$33,000. According to our Judiciary Committee, that number is \$35,900.

So, Mr. Speaker, when the gentleman who preceded me recently talked about how annoyed and frustrated he was about members on this side of the aisle supporting welfare fraud, Mr. Speaker, when we think about the unintended consequences of this bill, we think about how we feel about corporate welfare that we allow to continue in this Commonwealth; we think about not taxing shale, Mr. Speaker, so that we can bring the revenue that we need in this Commonwealth. Mr. Speaker, we think about the fat checks, Mr. Speaker, and the clear walkway that we give to the big corporations in this Commonwealth—

Mr. TURZAI. Mr. Speaker, it is off the subject; please. Please, we would ask that the gentlelady be directed to speak to the subject of the bill.

The SPEAKER. The Speaker thanks the gentleman.

Miss PARKER. Thank you, Mr. Speaker.

As I stated, Mr. Speaker, HB 1251 goes for the low-hanging fruit. We already have deterrents and criminal penalties, Mr. Speaker, that should deter people from attempting to defraud our public welfare system. And once again, we should not take it lightly. We should do any and everything that we possibly can to rid any State department and/or agency of waste, fraud, and abuse, but, Mr. Speaker, we should think about overall how much it is going to cost this Commonwealth.

You know, in the 1980s and even the early nineties, we got tough on crime, Mr. Speaker, because it was great for the headlines. We did, Mr. Speaker, but as a result of that, now we are talking about reducing the cost or the contribution that we are making for basic education and for higher education in this Commonwealth, Mr. Speaker, but we are increasing our contribution to the Corrections Department by \$186 million.

Mr. Speaker, I can think of several other ways and other things that the Commonwealth could be doing in order to save money right now. And while we should be doing our best to rid

the Commonwealth of waste, fraud, and abuse, we should not be doing it, Mr. Speaker, for the opportunity to grab a quick headline, but at the same time, we are busting open the pocketbooks of the average citizens of the Commonwealth of Pennsylvania because we want to grab a sexy headline. HB 1251 is the low-hanging fruit. The gentlelady from Philadelphia and the gentleman from Montgomery County gave an outstanding presentation about the reason why. I encourage my colleagues to join me.

I also, Mr. Speaker, for the record before I go, because this often comes to my mind, when I am in the city of Philadelphia talking to my constituency, Mr. Speaker – and I want to be very clear in communicating to you who I represent; Mr. Speaker, my constituency is not a constituency that is completely filled with people who are TANF (Temporary Assistance for Needy Families) recipients; Mr. Speaker, I represent a middle- and working-class community and I also represent some of the wealthiest constituents in the city of Philadelphia – but, Mr. Speaker, you know what they tell me? They tell me when I go back to my district at community meetings, when you talk about this issue of welfare, you would believe that the only individuals in need of financial support are those women of color and children of color who are from urban enclaves in different pockets across the Commonwealth. But I would daresay to you, Mr. Speaker, that when we talk about admonishing the little person, trying to say what the savings are that we claim that we are going to make, Mr. Speaker, as a result of this, but I call that into question based on the information that was brought out via the dialogue. But when we think about this, Mr. Speaker, we are wrong. We should, Mr. Speaker, be attempting to identify all of the men and women across the Commonwealth of Pennsylvania who, particularly during these tough fiscal times, are having problems, Mr. Speaker, and some need real assistance, very much so. And, Mr. Speaker, they are not just in urban enclaves like the city of Philadelphia. They are in rural Pennsylvania, too, Mr. Speaker. They are receiving assistance from counties across the Commonwealth of Pennsylvania, Mr. Speaker.

So in the end, I want the residents of the Commonwealth of Pennsylvania to know that this is the low-hanging fruit. We are going to pass this bill tonight because there will be enough votes to pass it, Mr. Speaker, but we will do so without the due diligence, without the clear research about knowing the financial impact that it is going to have on the Commonwealth, and I think it is irresponsible, particularly for those who consider themselves to be fiscal conservatives, to stand up and say that we should be for HB 1251.

I thank you, Mr. Speaker.

The SPEAKER. 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.

I will be brief because I believe it is important to come back to the root of the debate that started several hours ago at this point.

While I think we have been waylaid with procedural motions and really down in the weeds, so to speak, on a lot of the other stuff, at the end of the day this is really about taking welfare from needy people who need it. Mr. Speaker, what happens is, we are prosecuting individuals who are stealing from other welfare recipients, they are stealing from the taxpayers, and they are stealing from the Commonwealth. Mr. Speaker, that is

what this issue is about. The gentleman from Indiana County referenced it earlier.

Mr. Speaker, this bill simply puts everything back in line. Under current law, individuals are actually incentivized to steal with their EBT cards as opposed to their food stamps. It is the same card, Mr. Speaker; it is the same victims, it is the taxpayers; and it is the same people perpetuating the fraud.

Mr. Speaker, this is about fairness. When we go to the grocery store, we hear the following question, Mr. Speaker. We hear, paper or plastic? The reality is, that is also what this is about. Are you going to steal with the EBT cards and steal paper money, or are you going to steal plastic bags of groceries? It does not matter to the taxpayers if the same amount and the same value of goods are stolen. It should be prosecuted accordingly.

Mr. Speaker, it was brought up earlier on whether or not we had proper disclosure regarding the outcomes of this. Mr. Speaker, I have and have read through the application for benefits that we have, and on the very last page of the application, it is clearly spelled out. It says, you may not "...use your Food Stamp...to buy drugs or controlled substances,..." and the list goes on and on. It clearly says here what will happen. It says, "If you are found guilty of violating these rules,..." you can be "...fined up to \$250,000 for Food Stamps" fraud "and up to \$15,000 for cash...." Mr. Speaker, it has been fully disclosed. The applicant puts their name – they put pen to paper and sign this contract, this agreement.

Mr. Speaker, we also got waylaid with the debate of whether or not the Office of Inspector General actually had this authority. Mr. Speaker, I went to the OIG's Web site. Right on their Web site, their Bureau of Fraud Prevention and Prosecution, it clearly states, "The Bureau of Fraud Prevention and Prosecution...is responsible for conducting investigations into suspected welfare fraud and abuse as well as performing...activities for public assistance programs administered by the..." State DPW. Mr. Speaker, the investigatory and prosecutory powers were moved to the OIG under Gov. Bob Casey. They have been there for some time. They were put there by a member of the opposite party. This is not new.

Mr. Speaker, to understand the process and understand what has been going on, I think it is important to understand the mechanics of what happens when welfare fraud is suspected. The OIG gets a referral; they investigate it. They then take that complaint and work in conjunction with the local district attorney to prosecute this offense. That is why the fiscal note on the bill is appropriate. That is why this is not a new power. That is why this has always been there, as documented on the Web site.

Mr. Speaker, this bill is a leveler. It acts in a manner to put theft in line with other kinds of theft. It should not matter whether you are stealing from the food stamp program or stealing from the EBT card program. The bottom line is, you are stealing. That is how it should be graded. I would beg to differ that it would not act as a deterrent as previously offered. I think there will be real fraud reduction.

Mr. Speaker, and most importantly, this is not a knee-jerk reaction. This process has been in place since Bob Casey, the prior Governor. Mr. Speaker, it is time that the law accurately reflects what is going on. Mr. Speaker, those are many of the reasons why I support HB 1251, and I believe the other members of the chamber should do so as well.

Mr. Speaker, it is time that we call it what it is. Welfare fraud is wrong. It is stealing from the citizens of the Commonwealth, the taxpayers of the Commonwealth, and most importantly, Mr. Speaker, it prevents those individuals who really need the assistance the access to welfare if people who are fraudulently on the list are engaging in fraudulent behavior in front of them. Mr. Speaker, it is time that we put an end to that and we move HB 1251 so it can be properly given consideration in the Senate, and I would encourage an affirmative vote. Thank you.

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

On that question, the Speaker recognizes the lady from Philadelphia, Ms. Bishop.

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

Let me begin by saying that there is an old expression, if you do the crime, you have to do the time. I am certainly not opposed to anyone who has violated the law, and that is stealing, but I think what we really need to be careful of is how this bill is written. And while we are not trying to get anybody off who has committed a crime, but basically, if we look back 10 years ago, 15 years ago, most of the people who committed those crimes were not mothers taking care of children, single-head-of-the-household families. Many of them are misusing, in some way, their cards, and many of them can be considered stealing, and I do think that they have to be dealt with. But we also have to find a way— We say this bill saves taxpayers' money. But when a mother goes to jail – and we have more women now in jail than any other time – and if she is going for \$1,000 that she has stolen, there must be some way we can work with them, if we work together with this bill, include a way so that they are not taken out of the house and Welfare then takes the children out of the house. So are we saving money whenever we do that? I think we are creating even more expense, because we are leaving children to go into the welfare system where they stay there until that mother gets out, and hope that she gets out, and comes home and is rehabilitated and is able to take the children out.

And I say from the amount of children that we are dealing with now and the amount of women that are going to jail, and some of them even now are going to jail because they have committed a crime, we have to find a way. I do not know if jail is a way, but to grab a person who has taken \$1,000 and has abused their card and leave families – remember, they are single-head-of-the-household families – leaving two, three, four, five children to go into the welfare system, it just does not sound like to me that this HB 1251 makes good sense, and we need to look at it, and until then, I am going to have to be, unfortunately, a "no" vote. Thank you.

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

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

Mr. BOYD. Thank you, Mr. Speaker.

In the interest of brevity and the fact that HB 40 passed earlier and I am sensing there might be some threatened people out there, I will be very, very quick.

I just wanted to respond to one comment that was made earlier by my good friend from Montgomery County – and I do wish him well in all his future endeavors – but there was some reference that was made to this department being moved to the Inspector General for prosecution. And I happen to have in my legislative district a welfare fraud investigator in the IG's Office who came to visit me a couple years ago and begged me to give them the enforcement power that goes along with the

investigation. They said repeatedly – he told me repeatedly that they would find welfare fraud, turn it over after the investigation was done, and nothing was ever done, nothing was ever prosecuted. So based on that – it is just anecdotal; I am sure other members have stories – but I just at least wanted to get on the record that there are folks in the IG's Office that are asking to have that type of authority within their jurisdiction.

So I just wanted to get that on the record. Thank you for your time.

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

On that question, the Speaker recognizes the gentleman from Allegheny County, Mr. Preston.

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

About three speakers ago the gentleman from Lancaster made a very eloquent presentation, and I would like to say seriously that I agree with the information that he put with about 90 percent of it, because it is true that we have given powers from the General that are not being used, but there are also an awful lot of other things. And I could have sat down and I was not really going to say anything, but I want to deal with something that I heard about these people and I want to deal with the issue of deterrent.

We have not been here for a while in dealing with the issue of crime and fraud, and I really believe if you are doing wrong, yes, you should pay the cost. And let us look at this, let us look at this body politic and let us try to deal with results, because I would like to think that we are here today about deliverables, not trying to sugarcoat anything, but deliverables to try to solve a problem so that we can go on and solve something else.

Now, I am trying to figure out – and I could have asked the sponsor of the bill, I could have asked a couple of people in leadership and interrogated them, I could have asked a couple other members that we are trying to point out about one side of the aisle or the other, and this is not about one side of the aisle or the other. This is about fraud. This is about the dollars of the taxpayers and where it is going. And I could have asked him, can you tell me of any empirical study that says that what we are doing will be a deterrent?

Now, let me give a couple of postulates as we talk about this. Having been here for a while, I have watched us several years ago under one administration, Governor Thornburgh, where we said, if you do something with a weapon, you got 5 years. Did crime go down? Did anybody go out and try to stop robbing people? If you remember, we talked about so many years ago we only had 8,000 people in our system. Now we are over 50,000 people and we are talking about spending \$32,000 per inmate. Then we came up with three strikes you are out. That was also supposed to be a word for, the word "deterrent" for, quote, unquote, "these people," and our corrections system is still being overbloaded at \$32,000. And I am trying to get where – and I could ask a person, I could ask one of the leadership, or I could ask the sponsor of the bill, explain to me that if someone is incarcerated, how this is going to be a deterrent and what is going to be the difference that they are going to act any differently from 3 years to 7 years and show me the measurements of the deliverables where this will solve the problem; show me where this will solve the problem. I did not hear any statistics about that. All I kept on hearing was about these people and about a deterrent.

Now, we need to sit down and look at it, because remember something, two out of three people who are incarcerated in our system now come back. The word is "recidivism." So I am still

trying to figure out about this deterrent when we are talking about fraud. And if you talk to a police chief, if you talk to a district attorney, let us look at the ultimate crime. We do not just give a life sentence. We still have, even though we are on hold a little bit, the death penalty in this State; we have the death penalty in this State, and I am trying to figure out, has that been a deterrent? I am not asking you if you are for or against it. It is the issue of a deterrent, and if you look at it, you tell me that it is a deterrent if someone goes into anybody's house, into a bar, into a hospital, or on the street and, unfortunately, murders someone that all of a sudden, before they would even think about doing that, oh, wait a minute; we have the death penalty in Pennsylvania; I am not going to do that. Is that a deterrent?

So I say to those people who talk about these people and about the deterrent, I have not heard you say anything about that, whether it was the sponsor of the bill, whether it was other people who pointed it out on this side of the aisle about being in support of welfare, and I did not hear that. I heard members on both sides of the aisle talk about compassion, about protecting the taxpayers, but also making those people who have done something wrong.

But let us look at the other thing that we are talking about with this deterrent. We have a Department of Corrections. Now, all the information and the statements I have made, you show me how the Department of Corrections is correcting anything, but yet in a sense we think that it is a deterrent and we are going to correct something, instead of 3 years or 5 years, now we are going to say 7 years, and all we are going to do is create a permeable system of doing this. We need to wake up, because in all honesty, we are not being fair to the people who elected us here because we have not created anything as a deterrent. When you have two out of three people coming back into the system after 3 years and you are going to tell me that making something from 4 to 7 years is going to make that much of a difference, we need to correct it.

Now, let me give you a brief – this was a study that was done here years ago for the House of Representatives and in dealing with the Commonwealth, and it came from a former Commissioner of the Department of Corrections. Sixty percent of the people in our system could be rehabilitated, rehabilitated; 15 to 20 percent of the people could be rehabilitated, but it will take an awful lot of money and it will take an ancillary effort, a large area of concentration. Then you have 15 or 20 percent of the people: Lock the suckers up; do not let them out; do not go past go, directly to jail, and do not come out. But let us look at just that 60 percent that we are not even being fair about. Now, where is the deterrent in that? I do not think the Speaker, the maker of this bill, or anybody else who has been in support of this can say that this is going to be a deterrent and stop people from committing the crime and for committing the fraud. We are not doing our job here.

This is an issue of responsibility and an issue of conscience about what is right. What is the deterrent? I do not know anybody that we can see in this system and in the past that has said that if they go from 5 years to 7 years instead, it is going to be a deterrent, because the odds say that 2 to 3 years later they are going to be back in our system and we still have not done our job. Rehabilitation; we are not correcting it. This bill does not correct it. It does not help and deter anything, and until someone can give me empirical information where that is the case, where the studies have been here in Pennsylvania, I cannot vote for this. It is not fair, it is not appropriate, and what we are

doing is misleading the people of Pennsylvania to think that we are up here doing a job, because we are not deterring anything for these people.

This is not the way of doing it. It does not solve the situation, and until someone can give me the answer – and I have not heard it yet; I still have not heard it yet, other than the word "deterrent" – Mr. Speaker, I am going to vote "no" on this bill, because I do not think it deters one thing.

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

On that question, the Speaker recognizes the gentleman from Luzerne County, Mr. Mullery.

Mr. MULLERY. Thank you, Mr. Speaker.

As I have been sitting here for several hours listening to debate on this bill, I had an opportunity to review the Pennsylvania House Republican Caucus Web site, and I looked at the WelFAIR (Fairness, Accountability, Integrity and Responsibility) program, W-e-l-F-A-I-R, that is outlined on that Web site. For those of you who have not had a chance to look at it, this is the Policy Committee's ideal to rebuild public assistance—

Mr. TURZAI. Mr. Speaker?

Mr. MULLERY. —through "Fairness, Accountability, Integrity and Responsibility." It is a package deal. That is why we have been fighting so hard for the last several hours, because we need to pass the package.

The SPEAKER. The legislation before the House is HB 1251.

Mr. MULLERY. I am getting there.

I supported seven of the eight bills in this package on the House floor and in the Health Committee, but I cannot support this one, and the reasons are simple. This bill does nothing to increase the number of violators to the crime. All it does is take those violators and puts them in prison for a longer period of time. All that means to the taxpayers in my district and in all your districts is that we are spending more money to incarcerate individuals who are currently being incarcerated, and they are taking up beds in our prisons so we are going to be required to continue to send our prisoners out to other States. We are one of only what, like 50 States? I think we are the only one sending them out.

Now, I heard my good friend, the gentleman from York County and my friend from Lancaster County talk about how this is going to be a deterrent. Not true. My friend from Allegheny County hit it right on the head. We have not heard about any study showing that increasing the penalty is a deterrent, because there are not any. There is not one credible study in the world that will tell you that increasing the penalty of a crime is a deterrent. You could increase the crime for welfare fraud to the death penalty, it is not going to decrease the amount of criminal actions that are committed.

And for that reason I am voting "no" on this bill, and I would ask all my colleagues to vote "no" as well. Thank you, Mr. Speaker.

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

On that question, the Speaker recognizes the gentleman from Montgomery County, Mr. Gerber.

Mr. GERBER. Thank you, Mr. Speaker.

On the bill?

The SPEAKER. On the bill.

Mr. GERBER. Thank you, Mr. Speaker.

I know we have been having quite a spirited debate here today, and I think everybody is having a lot of fun. I just want to make a couple of brief comments, as my colleague from Delaware County is telling me to hustle up.

The fact is, Mr. Speaker, I think the intention behind this bill is pure. It is to try to clean up the system and it is to try to save a little bit of money, and I emphasize a little bit, because you have got to remember what you are talking about here. You are talking about going after that guy or that gal out on the street that might have taken a few bucks more from a welfare check than they were supposed to. You are not talking about a big company that took tens of millions of dollars or hundreds of millions of dollars. You are not talking about an entire hospital system that has been upcoding for months and months and taking tens and hundreds of millions of dollars. You are talking about a little guy, and now you are talking about throwing that little guy in jail for a long time, which, by the way, is going to cost taxpayer dollars. It is going to cost money. We are already shipping prisoners to other States.

Corrections is a huge, huge part of our budget. We have a \$4 billion deficit, and that is assuming you do not even discuss transportation, you do not even discuss the Unemployment Compensation Fund. You just focus on the General Fund deficit. Yet you want to start spending more money, throwing little guys away, but you will not even do a false claims bill as an amendment to this bill to go after the big guys—

Mr. TURZAI. Mr. Speaker?

Mr. GERBER. —that take tens of millions of dollars or hundreds of millions of dollars in fraudulent schemes—

Mr. TURZAI. Mr. Speaker?

The SPEAKER. The gentleman will suspend.

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

The gentleman was asking the member to stay as close on the bill as he can.

Mr. TURZAI. Yes, sir, please.

The SPEAKER. It has been a long day, and we appreciate your focusing on the bill.

The gentleman is in order.

Mr. GERBER. Thank you, Mr. Speaker.

I thought I was on the bill.

What I was trying to highlight was the deficiencies with this bill. That is the point I am making. The bill is deficient. You have heard about the technical problems. There are some serious technical problems. What is the rush? Get it right; pull back; make the changes; fix those technical deficiencies. But beyond the technical deficiencies, get the policy right; get it right, Mr. Speaker. If we are serious about saving this Commonwealth money, and we should be all the time, particularly when we have a \$4 billion deficit, but if we are serious about saving the Commonwealth money, this falls way short. This is window dressing as you have heard from others.

So, Mr. Speaker, in the interest of brevity, what I am saying to you is, we have technical problems. It falls short, it costs more money, and it does not really go after the people that are draining the system of the tens and millions of dollars that are being drained.

And for those reasons, Mr. Speaker, I encourage you to vote "no" on this House bill. Thank you, Mr. Speaker.

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

The gentleman, Mr. Murphy, was next on the list. You are waiving off? Oh; finally, we have got a smart guy here. You win favor with the rest of the House.

The question is, shall the bill pass finally?

The Speaker recognizes the gentleman from Philadelphia, Mr. Thomas, for the second time.

Mr. THOMAS. Mr. Speaker, the gentleman from Butler County says that violators of this bill will— You have got some beds in Butler County? Okay. He has got some space in Butler County. And, Mr. Speaker, I guess it is a real concern as to whether or not you are spending \$1.2 billion to add to corrections and taking \$1.2 billion out of education. We are investing on the back end and taking the money out from the front end. Mr. Speaker, nothing is really going to be accomplished through HB 1251 other than just aggravating an already bad situation.

And I just want to remind people that under the President Clinton welfare reform plan – do you remember that? And in Pennsylvania, some steps were taken around welfare reform under the Public Welfare Code, and everybody here should know that if you have been convicted of a crime, you are forever precluded from public housing, publicly funded jobs, publicly funded training programs. I mean, we have in place the toughest, toughest laws in the country in Pennsylvania and nationally for people that are on welfare, and, Mr. Speaker, with all of that, we still have not brought an end to fraud in the public welfare system.

And so, Mr. Speaker, I am rising to just ask, let us get this done so that we can get to the people who are unemployed and want to work in Pennsylvania, get to the State-related universities and colleges that have been—

Mr. TURZAI. Mr. Speaker? Mr. Speaker, a point of order.

Mr. THOMAS. —that will be funded by 50 percent. Commonwealth colleges and universities—

The SPEAKER. The gentleman will suspend.

Mr. THOMAS. —child care—

The SPEAKER. The gentleman will suspend.

Mr. THOMAS. —let us get to those things, Mr. Speaker, so that we can really—

The SPEAKER. The gentleman will suspend.

The question is, shall the bill pass finally?

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

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, I watched today as we made up the rules as we went along here to suit the purposes of getting this bill to a final passage, and I understand that there are people that have dinners to go to tonight who are trying to get through this. One of the speakers earlier, one of my colleagues, figuratively referred to this as only affecting "the little guys," and I know he was speaking about that figuratively because there are no guys. We eliminated the possibility for males to collect this kind of public assistance in 1995.

So what we are talking about here is women. And we are not talking about what most people conjure up when they think of some welfare queen. The average welfare recipient in the State of Pennsylvania is a single white woman and she lives in rural Pennsylvania. And what we heard from the other side of the aisle today was that apparently those single white women in rural Pennsylvania are wont to commit waste, fraud, and abuse against the State of Pennsylvania and we need to go get them.

And while that may be a laudable task if in fact they are trying to commit fraud and abuse against the State of Pennsylvania, this bill does not do it in a way that makes sense. It does not appropriate any dollars for more fraud investigators. It does not man the hotline 24 hours a day. It does not do any of those things that would actually let us go after the more people that somehow we know must be out there, because after all, if they are collecting welfare, and by some people's account they must be wanting to perpetrate fraud. What it does is takes those people that we already know are doing it, that their neighbors have already reported who belong in jail, and ups the cost of putting them there.

So we can go around and beat our chests if you want and say you did something about welfare fraud in the State of Pennsylvania, but what you probably did was cost the taxpayers a few more dollars and went after a lot of women in rural Pennsylvania. Thank you, Mr. Speaker.

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

On that question, the Speaker recognizes the gentleman from Philadelphia County, Mr. Waters, for the second time.

Mr. WATERS. Thank you, Mr. Speaker, for recognizing me for the second time.

My remarks will not be long in the interest of time. I would just like to ask the gentelady who is the prime sponsor of the bill if I could have brief interrogation.

The SPEAKER. The gentleman seeks interrogation. The lady indicates that she is not willing to stand for interrogation.

Mr. WATERS. Okay. Mr. Speaker, I just wondered, could I just speak on the bill then?

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

Mr. WATERS. Thank you, Mr. Speaker.

Mr. Speaker, I was interested in knowing about the bill and what it can do, if the gentelady or anyone here who could favor this bill are really willing to – because of maybe a person having to cross the threshold of \$1,000, because that is what this bill lowers it to – are willing to send a person to incarceration for up to 7 years for crossing that threshold.

I also would like to know if we are also remembering that because this is probably a single parent that is watching dependent children, that these dependent children could be separated, these siblings could be separated, and are we clear what this could cost the State if that person, if a parent goes to jail, what that costs? Are we clear about what it costs to take care of these dependent children and what that costs? And are we willing to do that to a family because they violated a law? If this is really what we want to do up here, do we really want to do that to a single parent and to dependent children? Eighteen thousand dollars for a child it would cost to turn them over to the system, and 30-something thousand dollars a year it would cost to lock up the parent for a thousand dollar violation. And on top of that, we are going to turn it into a third-degree felony. Do we really want to do that? What does this cost this Commonwealth in the long run if we take these steps? Do we really want to do that?

And to the point that the gentleman from Allegheny County brought up earlier, do we really believe that the bills we pass up here have served as a deterrent? If they have, then why did we go from noncorrectional facilities to 27 in about 30 years, and why are we proposing to build 3 more? It was supposed to be four more. What are we anticipating? Are we really stopping crime, reducing crime? Are we really making an impact on crime? Because if you really think that this is going to change

behavior, how do we intend on informing the public and everyone that this is what you are risking now?

Deterrents have not worked. Tough on crime has not worked. It is time for us to be smart on crime. Let us find a way to cut off the ability for a person to have the ability to create or to do welfare fraud or whatever fraud. That is the challenge that I believe that we should be focused on right now: How do we reduce crime rather than how do we react to crime? And how do we as stewards of taxpayers' dollars be responsible in making sure that instead of the prison population growing and the cost to house these individuals is on the taxpayers' dime, how do we make sure that we are showing that we can effectively stop welfare fraud without it costing more money at the same time? This legislature is going to cost more money. We are going to spend thousands and thousands and thousands more in this legislation in reacting to the crime than what the crime itself costs.

Let us make the person pay back the money. Let us sanction the person. Let us find a way that we break even on this and teach the person a lesson, whatever that is. But this is going way too far. We do not need to do this. This is zero tolerance. It is zero common sense. Let us find a way that we have some mercy in our heart and find a way to stop this behavior rather than punish the behavior.

Mr. Speaker, I want to just ask that question to our members. Let us hang our hat on some legislation that we can all be proud of, that we can all support, rather than telling our citizens we are going to build more prisons and you are going to pay for them. Thank you, Mr. Speaker.

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

On that question, the Speaker recognizes the lady from Philadelphia County, Ms. Brown.

Ms. V. BROWN. Thank you, Mr. Speaker, and good evening. I believe the last time I was here, it was good morning.

The SPEAKER. The Speaker thanks the lady for recognizing that fact.

Ms. V. BROWN. And I also have a request for the author of this bill. I would like to know if she would indulge me and stand for interrogation. It is a very humble request.

The SPEAKER. The lady indicates she is not willing to stand for interrogation.

Ms. V. BROWN. Could she at least come to the podium and acknowledge that she is not going to speak?

The SPEAKER. No, the lady has fulfilled her requirements. She does not have to speak.

Ms. V. BROWN. Okay. Thank you, Mr. Speaker.

On the bill, Mr. Speaker?

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

Ms. V. BROWN. Before I speak on the bill, I would just like to just let you know what questions I had, because she may have a change of heart. One of my questions would be if she could quantify the amount of fraud that is occurring now, because we have been talking about this all day and we have been talking about this bill, 1251, in theory, and in theory, Mr. Speaker, we have said that there is an enormous amount of fraud, that we must make sure that we hold welfare recipients accountable.

Mr. Speaker, I can hardly hear myself speak.

The SPEAKER. The lady is correct. The members of the House will please come to order. Hold the conversations to a minimum. Members will please take their seats.

The lady may proceed.

Ms. V. BROWN. Thank you, Mr. Speaker.

For hours we have been talking in theory about the amount of fraud that is occurring now and that we must establish this legislation, HB 1251, in order to rectify an ongoing problem, but we have yet to have heard of the actual amount of fraud that is happening on our budget right now. We have been able to quantify that we were able to give a \$300 million tax break to corporations, but we cannot quantify how much fraud is occurring in the welfare system, and I have a problem with that, Mr. Speaker. I have a problem that we are not fully understanding how a \$1,000 penalty, because we can quantify that, would be an infraction on welfare fraud. If you look at that number and you think about it in realistic terms, a mother with one child gets \$316 a month from our welfare system. If this fraud is occurring up to \$1,000, it takes her 3 months for this to happen. Within this time in the scenario that this could potentially happen, a mother is collecting welfare and may have been lucky enough to get a minimum-wage job. In that transition from coming off welfare and collecting her new full-time salary of minimum wage making maybe \$12,000 a year, she may have taken one, two, possibly three too many payments, and I take issue with anyone who would assume that that mother spent that \$316 in 1 month on drugs. I take issue with that.

In that transition period, potentially a woman could have used that money to help pay a bill, because she is no longer getting some of the supports that she was getting on welfare. They are cut back. And for us to make these punitive, punitive penalties on these mothers of changing it from a misdemeanor to a Federal crime, it is out of order. It is not fair. The long-term effects of what we are proposing today, as some of my colleagues have already identified – not being able to have access to public housing, not being able to have access to a job – will take away their ability to provide for those children and will have a life-lasting effect on those families because they spent \$316 in 1 month.

Mr. Speaker, as a society, we must look at the most vulnerable people in our constituency. I deal with these people on a daily basis in my district office. I can show you records, Mr. Speaker, of women who come to my office looking for assistance on welfare. I can tell you that every week I have a woman who comes into my office who says that she was cut off because of some type of clerical error. We do nothing to compensate those women for those errors, but we sure can quickly pick up a switch and say that I will take you to jail if you make an infraction, but when the welfare system makes infractions, we just say oops, my bad.

Mr. Speaker, there are not enough savings from HB 1251 to quantify the long-lasting effects that the punitiveness of this bill will bring forth on our Commonwealth. And as I conclude, I cannot say enough that every woman on welfare is not a drug addict. Women on welfare are trying to maintain. Women on welfare do not want to be on welfare. Women on welfare are forced into job-training programs that only prepare them for a low-wage job, not making any money. These women are trying to survive.

So I ask my colleagues on the other side to have some compassion. And I know that it is a hard thing to think about when you are well fed at night, when you have a nice home to go to, you have beautiful children to look at that are not struggling like these women are struggling, when you know you

have heat on every night when you go home. I am asking my colleagues, and even some maybe on this side, to please consider the lifestyles that most of these women on welfare have. Please consider that.

These are not bad people. This is a very small, very small class of people who are making these errors, who are committing these crimes – a very small category. Do not lump sum every woman on welfare into that category. And, Mr. Speaker, I rest on that. Thank you so much.

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

On that question, the Speaker recognizes the gentleman from Montgomery County, Mr. Briggs.

Mr. BRIGGS. Thank you, Mr. Speaker.

I know the hour is getting late. I just have a very quick question for the gentlelady, if she would stand for interrogation.

The SPEAKER. The lady indicates she is not standing for interrogation.

Mr. BRIGGS. Okay. The concern I have is really about the unintended consequence of someone who is on welfare, who got a job, who was making the best of their life, and during the paperwork, the 30- to 60-day process, received a check, and I just was trying to ask a question to see if that was something that she was going to have to spend a number of years in jail for.

So without that, I appreciate the time and have a nice night.

On the question recurring,  
Shall the bill pass finally?

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

(Members proceeded to vote.)

#### VOTE STRICKEN

The SPEAKER. The clerk will strike the board.

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

Mr. HALUSKA. I am on the list to speak, Mr. Speaker. I dated Jimmy to put me on the list. It will be quick.

The SPEAKER. The Chair apologizes. The gentleman is in order, on the bill.

Mr. HALUSKA. Thank you, Mr. Speaker.

Mr. Speaker, I have been standing here scratching my head as this whole thing was going on, and it is like déjà vu. We are going back to the future here. In 1995 when we did the special session on crime, everybody knows how well that worked out. We ramped our prison budget from \$100 million to almost \$2 billion now. And then once again here we are, we are going to move this up to a felony 3 instead of a misdemeanor, a 5- to 7-year sentence, \$35,000 a year to keep somebody in prison, and all this is over somebody defrauding us out of \$1,001. It will probably cost us more than that to prosecute the person rather than just take their benefits away from them and fine them. They probably never would pay the fine. So we are going to send them off to prison. We are going to spend roughly \$35,000, keep them in prison for 5 to 7 years, over \$1,001.

Now, to me, when I do the math, I am scratching my head, I got to think to myself, we are going to spend a quarter of a million dollars to show somebody that they should not have defrauded us out of \$1,001. Where does this make sense? I mean, I am trying to figure this all out in my head, but I cannot

put the numbers to this where we are going to spend a quarter of a million dollars plus to teach somebody a lesson when we could give them community service, take their benefits away from them, and make them do something instead of locking them up in prison.

These are nonviolent offenders. If we did not learn our lesson in 1995 when we did the special session on crime and started to lock up all these nonviolent offenders and ramp our prison budget up to almost \$2 billion today with almost 60,000 people in jail, when are we going to wake up and smell the roses? It does not work that way. We cannot fund our colleges, we cannot fund our schools, but we can keep on ramping up these charges, and now we are going to take somebody that defrauded us out of \$1,001 and spend a quarter of a million dollars to teach them a lesson. That is good legislation.

Thank you, Mr. Speaker.

#### 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, for the remainder of the day.

#### CONSIDERATION OF HB 1251 CONTINUED

The SPEAKER. The House will come to order.

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—130

Adolph	Farry	Lawrence	Readshaw
Aument	Fleck	Longiatti	Reed
Baker	Gabler	Maher	Reese
Barrar	Geist	Major	Reichley
Benninghoff	George	Maloney	Roae
Bloom	Gibbons	Marshall	Rock
Boback	Gillen	Marsico	Ross
Boyd	Gillespie	Masser	Saccone
Bradford	Gingrich	Metcalfe	Sainato
Brooks	Godshall	Metzgar	Saylor
Brown, R.	Goodman	Miccarelli	Scavello
Burns	Grell	Micozzie	Schroder
Causer	Grove	Millard	Simmons
Christiana	Hackett	Miller	Smith, M.
Clymer	Hahn	Milne	Sonney
Conklin	Hanna	Mirabito	Stephens
Costa, P.	Harhai	Moul	Stern
Cox	Harhart	Murt	Stevenson
Creighton	Harris	Mustio	Swanger
Culver	Heffley	Neuman	Tallman
Cutler	Helm	O'Brien, D.	Taylor
Daley	Hennessey	O'Neill	Tobash
Day	Hess	Oberlander	Toepel
Deasy	Hickernell	Payne	Toohil
Delozier	Hutchinson	Peifer	Truitt
Denlinger	Kampf	Perry	Turzai
DiGirolamo	Kauffman	Petrarca	Vereb
Dunbar	Keller, F.	Pickett	Vulakovich
Ellis	Keller, M.K.	Pyle	Watson

Emrick	Killion	Quigley	White
Evankovich	Knowles	Quinn	
Evans, J.	Kotik	Rapp	Smith, S.,
Everett	Krieger	Ravenstahl	Speaker

## NAYS—69

Barbin	DeLuca	Kavulich	Preston
Bishop	DePasquale	Keller, W.	Roebuck
Boyle, B.	Dermody	Kirkland	Sabatina
Boyle, K.	DeWeese	Kula	Samuelson
Brennan	Donatucci	Mahoney	Santarsiero
Briggs	Evans, D.	Mann	Santoni
Brown, V.	Fabrizio	Markosek	Shapiro
Brownlee	Frankel	Matzie	Smith, K.
Buxton	Freeman	McGeehan	Staback
Caltagirone	Galloway	Mullery	Sturla
Carroll	Gerber	Mundy	Thomas
Cohen	Gergely	Murphy	Vitali
Costa, D.	Haluska	Myers	Wagner
Cruz	Harkins	O'Brien, M.	Waters
Curry	Hornaman	Parker	Wheatley
Davidson	Johnson	Pashinski	Williams
Davis	Josephs	Payton	Youngblood
DeLissio			

## NOT VOTING—0

## EXCUSED—4

Bear	Harper	Kortz	Petri
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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.

### HOUSE BILLS INTRODUCED AND REFERRED

**No. 1314** By Representatives BARBIN, STERN, KULA, BAKER, HALUSKA, AUMENT, BOBACK, B. BOYLE, BURNS, CALTAGIRONE, CARROLL, CLYMER, D. COSTA, CREIGHTON, CUTLER, DeLUCA, FLECK, GALLOWAY, GEORGE, GINGRICH, HANNA, HARKINS, KOTIK, LAWRENCE, LONGIETTI, MATZIE, PETRARCA, READSHAW, SACCONI, SAINATO, SWANGER, TALLMAN and HORNAMAN

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in abortion, further providing for prohibited acts.

Referred to Committee on JUDICIARY, April 12, 2011.

**No. 1334** By Representatives HESS, GEIST, STERN, FLECK, METZGAR, AUMENT, BAKER, BLOOM, BOYD, CALTAGIRONE, COHEN, D. COSTA, COX, CREIGHTON, GILLESPIE, GINGRICH, GRELL, HUTCHINSON, M. K. KELLER, KILLION, LONGIETTI, MASSER, MICOZZIE, MILLARD, MILLER, MILNE, MUSTIO, O'NEILL, PYLE, REICHLEY, ROAE, SWANGER, VULAKOVICH, WATSON and BOBACK

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, in sales and use tax, further providing for time for filing returns and for time of payment.

Referred to Committee on FINANCE, April 12, 2011.

**No. 1335** By Representatives D. O'BRIEN, CLYMER, HARHAI, HESS, MILNE, PASHINSKI, SWANGER, VULAKOVICH and WAGNER

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in criminal history record information, further providing for information in central repository or automated systems.

Referred to Committee on JUDICIARY, April 12, 2011.

**No. 1336** By Representatives GODSHALL, PRESTON, AUMENT, BAKER, BURNS, BUXTON, CHRISTIANA, P. COSTA, DELOZIER, ELLIS, FABRIZIO, FARRY, GABLER, GIBBONS, GRELL, KAUFFMAN, M. K. KELLER, MARSICO, METZGAR, MURT, MUSTIO, OBERLANDER, PAYTON, PICKETT, PYLE, QUIGLEY, QUINN, REED, SAINATO, SANTONI, SCHRODER, SONNEY, STEPHENS, SWANGER, TOOHL and VEREB

An Act amending the act of October 17, 2008 (P.L.1645, No.132), known as the Home Improvement Consumer Protection Act, providing for the definition of "home improvement retailer"; and further providing for procedures for registration as a contractor and for prohibited acts.

Referred to Committee on CONSUMER AFFAIRS, April 12, 2011.

**No. 1337** By Representatives BAKER, PICKETT, CAUSER, CALTAGIRONE, COHEN, D. COSTA, CREIGHTON, EVERETT, FABRIZIO, FLECK, GILLEN, GILLESPIE, GINGRICH, GRELL, HESS, KNOWLES, KULA, MARSHALL, MILLARD, MILLER and RAPP

An Act authorizing the turn back from the Commonwealth to Ward Township, Tioga County, of the road known as Old Possessions Road in Ward Township, Tioga County; and providing for the powers and duties of the Secretary of Conservation and Natural Resources.

Referred to Committee on TRANSPORTATION, April 12, 2011.

### SUPPLEMENTAL CALENDAR B

#### RESOLUTION PURSUANT TO RULE 35

Miss PARKER called up **HR 209, PN 1527**, entitled:

A Resolution commemorating the 100th anniversary of the Triangle Shirtwaist factory fire of March 25, 1911, in New York City.

On the question,  
Will the House adopt the resolution?



The following roll call was recorded:

## YEAS—199

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

## NAYS—0

## NOT VOTING—0

## EXCUSED—4

Bear	Harper	Kortz	Petri
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The majority having voted in the affirmative, the question was determined in the affirmative and the resolution was adopted.

## STATEMENT BY MISS PARKER

The SPEAKER. Does the lady, Miss Parker, seek unanimous consent on this resolution?

Miss PARKER. Yes, I do, Mr. Speaker. And, Mr. Speaker, I know the hour is late, but if we could just take a second, and I think this matter is important enough that it deserves the utmost honor and respect of our body. If you all could just bear with me and give me about a minute or two so that we can pay homage to those who were impacted by the events that were listed in the resolution.

Mr. Speaker, could we just have a little order, Mr. Speaker?

The SPEAKER. We can try. We might be pushing our luck a little bit.

The House will come to order. The members will please take their seats. We do not have much more to do yet this evening. The members' patience will be appreciated.

The lady may proceed.

Miss PARKER. Thank you, Mr. Speaker.

Mr. Speaker, it happened on a Saturday afternoon, March 25, 1911, and this year marked the 100th anniversary of this unfortunate and very senseless American tragedy. Most of the victims of this tragedy, Mr. Speaker, were women. One hundred and forty-six of them died. Some of them, Mr. Speaker, were as young as 15 years old, and for the most part, they were Italian and European Jewish immigrants who came to America with their families seeking a better life.

Mr. Speaker, could we just have a little order here? We are talking about the death of 146 people, Mr. Speaker. It was a tragedy in our country. Could we just have a little order, please.

The SPEAKER. The House will come to order. The members will please cease conversations. Members will please take their seats.

Miss PARKER. Thank you, Mr. Speaker.

The SPEAKER. The lady will suspend.

The conversation will cease.

The lady may proceed.

Miss PARKER. As I stated earlier, Mr. Speaker, it happened on a Saturday afternoon on March 25 in 1911, and this year marks the 100th anniversary of this very unfortunate and senseless American tragedy.

Most of the victims of this tragedy, Mr. Speaker, were women, and 146 of them died. Some of them were as young as 15 years old. And for the most part, they were Italian and European Jewish immigrants who came to America with their families seeking a better life.

While they were struggling, Mr. Speaker, to learn this new language and this new culture, they became desperate for work in an effort to provide for their families. They sought and obtained employment, Mr. Speaker, in what was then a nonunion shop called the Triangle Shirtwaist Factory in New York City. It was here that many of these working-poor, new immigrants would be exploited by their employers while trying to make a living under some of the most horrifying working conditions.

When a fire broke out, Mr. Speaker, on the top floors of the Shirtwaist Factory, there were no safety measures that were in place to help these workers, Mr. Speaker, out of this burning

building. The doors were locked. The fire escape bent when there were so many of these workers, again, women, Mr. Speaker, who were trying to escape this fire. In addition to that, the firefighters who came to the scene, their ladders could not reach the top floors. Their hoses were too short. And many of these workers, Mr. Speaker, they chose to jump. They chose to jump to their deaths, Mr. Speaker, rather than burn alive in this building.

Afterwards, Mr. Speaker, the Ladies' Waist and Dressmaking Union, Local 25 of the International Ladies' Garment Workers' Union, the Women's Trade Union League, the American Red Cross, the Workmen's Circle, the United Hebrew Trades, and the Jewish Daily Forward formed something called the Joint Relief Committee to support the families of the victims. Their efforts, Mr. Speaker, were to rally for the implementation of public policies that would improve workplace safety conditions.

As a member of the House Labor and Industry Committee, Mr. Speaker, I thank members of this body for unanimously supporting this resolution, and although, Mr. Speaker, it is late in the hour, this could not come at a more appropriate time, considering the challenges that workers across our country are dealing with as it relates to public policy today.

So I want to thank my colleagues for supporting this effort. I ask us that we keep this unfortunate tragedy foremost in our mind, and let us not forget about those 146 victims who died in the Shirtwaist Factory in that tragedy.

Thank you, Mr. Speaker.

### RESOLUTION PURSUANT TO RULE 35

Mr. ROEBUCK called up **HR 212, PN 1530**, entitled:

A Resolution honoring the Philadelphia College of Pharmacy, the first college of pharmacy in North America.

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

#### YEAS—199

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

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

#### NAYS—0

#### NOT VOTING—0

#### EXCUSED—4

Bear	Harper	Kortz	Petri
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The majority having voted in the affirmative, the question was determined in the affirmative and the resolution was adopted.

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

**SB 71, PN 56**

By Rep. SCHRODER

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in other offenses, further providing for the offense of greyhound racing.

#### GAMING OVERSIGHT.

### BILLS RECOMMITTED

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

HB 278;  
HB 279;  
HB 280;  
HB 281;  
HB 282;  
HB 284;  
HB 286;  
HB 287;  
HB 288;  
HB 289;  
HB 290;

HB 291;  
HB 294; and  
HB 712.

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

### **BILLS REMOVED FROM TABLE**

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

HB 292;  
HB 293;  
HB 371;  
HB 639;  
HB 715;  
HB 898;  
HB 1297;  
HB 1301; and  
HB 1312.

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

### **BILLS REMOVED FROM TABLE**

The SPEAKER. The Speaker recognizes the majority leader, who moves that the following bills be removed from the tabled calendar and placed on the active calendar: HB 92 and HB 210.

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

### **BILLS TABLED**

The SPEAKER. The Speaker recognizes the majority leader, who moves that the following bills be removed from the active calendar and placed on the tabled calendar: HB 92 and HB 210.

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

### **REMARKS SUBMITTED FOR THE RECORD**

The SPEAKER. For what purpose does the gentleman, Mr. Schroder, seek recognition?

Mr. SCHRODER. Thank you, Mr. Speaker.

Just to submit remarks for the record on the debate on HB 1 yesterday.

The SPEAKER. The gentleman's remarks will be spread upon the record.

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

Mr. Speaker, there has been some discussion and question regarding the legislative intent of the exceptions where joint and several liability would continue to apply once HB 1 becomes law. Let me be very clear as to the legislative intent of those five exceptions.

HB 1 specifies that "A defendant's liability in any of the following actions shall be joint and several, and the court shall enter a joint and several judgment in favor of the plaintiff and against the defendant for the total dollar amount awarded as damages."

The first exception where joint and several liability applies is civil actions in which a defendant has been found liable for an intentional misrepresentation. In civil actions alleging international misrepresentation, there may be multiple defendants found liable. The legislative intent of this exception is for each defendant found liable for the intentional misrepresentation to be jointly and severally liable. If, however, the civil action involved multiple defendants and only one of the defendants is liable for an intentional misrepresentation, then that defendant, and that defendant only, would be jointly and severally liable for the damages of all the defendants. Any remaining defendants found liable but not liable for an intentional misrepresentation, or one of the other exceptions, would be severally liable and only responsible for their apportioned percentage of the damages.

The second exception is for intentional torts. This exception would function identically as the first. In any civil action in which a defendant is liable for an intentional tort, the court would enter a joint and several judgment against that defendant. Again, in a civil action where multiple defendants are liable for an intentional tort, each defendant is jointly and severally liable. If, however, only one defendant is liable for an intentional tort and his codefendant or codefendants are liable under a lesser degree of liability, then the intentional tortfeasor would be jointly and severally liable for the damages and the codefendants would be severally liable for the damages.

The third exception provides that defendants who are held liable for 60 percent or more of the apportioned liability shall be jointly and severally liable for the liability apportioned to all defendants. This exception would function essentially like the first two exceptions; however, due to the law of percentages, only one defendant could qualify under this exception and is jointly and severally liable for the damages. The legislative intent of this exception is to allow plaintiffs to seek full compensation from the defendant who is found substantially liable, should any defendant with a lesser degree of liability be unable to satisfy judgment.

The fourth exception allows for joint and several liability to apply in all cases where a plaintiff sues alleging a release or threatened release of hazardous substance under section 702 of the Hazardous Sites Cleanup Act. In contrast to the first three exceptions which are "defendant specific," this exception is more broadly drafted and is "civil action specific" and focuses on the civil claim in which the plaintiff has brought suit, rather than the civil liability of each of the defendants. By including this exception, it is the legislative intent of HB 1 to exempt all actions brought under section 702 of the Hazardous Sites Cleanup Act from the substantive changes to joint and several liability. As such, in all civil actions involving section 702 of the Hazardous Sites Cleanup Act, joint and several liability will continue to apply, and all defendants held liable under the act are jointly responsible for all the damages, regardless of their apportioned percentage of liability.

The fifth exception functions much like the fourth and would apply joint and several liability to all cases involving actions brought under section 497 of the Liquor Code, more commonly known as dram shop liability. The language of this exception is intentionally drafted more broadly to include all defendants in an action alleging dram shop liability. It is the legislative intent of this exception to exempt all actions alleging dram shop liability from substantive changes to joint and several liability. The law as it relates to joint and several liability in dram shop actions would remain unchanged.

**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. Simmons, from Northampton County, who moves that this House do now adjourn until Wednesday, April 13, 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 7:21 p.m., e.d.t., the House adjourned.