

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

TUESDAY, MAY 10, 2011

SESSION OF 2011

195TH OF THE GENERAL ASSEMBLY

No. 34

HOUSE OF REPRESENTATIVES

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

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

PRAYER

The SPEAKER. This morning the prayer will be offered by Pastor John Trojak, First Baptist Church, Sharon, PA.

PASTOR JOHN M. TROJAK, Guest Chaplain of the House of Representatives, offered the following prayer:

It is an awesome privilege to be before you today in this hallowed House. As I heard those words of William Penn regarding a Holy Experiment, you have a high calling and you need God's help and His blessing. I have a renewed commitment to you to be praying for you and your communities, as you do very difficult and challenging work, that you would do it for the good of this Commonwealth and to the glory of God.

Let us pray together:

Our Father God, indeed these chambers hold much history. It began as a Holy Experiment some time back, and that experiment continues. It continues in the lives of these men and women who represent communities across this great Commonwealth, and, Lord, so it is necessary for us, as we come to prayer, to think of our districts. None of us knows all of them, all of us know some of them, and so as we think of those districts, we think of places and we think of people and we think of how that life is moving forward today, the challenges they face, and indeed, these are challenging times.

We ask, our Father, that You would be in those places, delighted that we serve a God who is not limited to hallowed halls but to hollows and hills and woods and cities, and, our Father, we ask You to be in those places that are represented by these folks here today, and we ask that Your hand will be upon them, those who do this challenging work. Sometimes perhaps they take this moment in history for granted, but it is a significant day that You have made. We rejoice and are glad in it, and we pray that You will be present in this place, bringing together parties that often are on opposite sides of things, where there is sometimes tension and struggle to work out a reasonable solution. And as, Lord, the work is done this day, may each Representative remember that community they serve, may they serve well, reminded that they serve both that community and they serve You.

For that blessing we pray in Christ's name. Amen.

PLEDGE OF ALLEGIANCE

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

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, the approval of the Journal of Monday, May 9, 2011, will be postponed until printed.

HOUSE BILL INTRODUCED AND REFERRED

No. 1485 By Representatives ADOLPH and TURZAI

An Act to provide from the General Fund for the expenses of the Executive, Legislative and Judicial Departments of the Commonwealth, the public debt and the public schools for the fiscal year July 1, 2011, to June 30, 2012, for certain institutions and organizations, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2011; to provide appropriations from the State Lottery Fund, the Energy Conservation and Assistance Fund, the Aviation Restricted Revenue Account, the Hazardous Material Response Fund, The State Stores Fund, the Milk Marketing Fund, the Home Investment Trust Fund, the Emergency Medical Services Operating Fund, the Tuition Payment Fund, the Banking Department Fund, the Firearm Records Check Fund, the Ben Franklin Technology Development Authority Fund and the Oil and Gas Lease Fund to the Executive Department; to provide appropriations from the Judicial Computer System Augmentation Account to the Judicial Department for the fiscal year July 1, 2011, to June 30, 2012; to provide appropriations from the Motor License Fund for the fiscal year July 1, 2011, to June 30, 2012, for the proper operation of the several departments of the Commonwealth and the Pennsylvania State Police authorized to spend Motor License Fund moneys; to provide for the appropriation of Federal funds to the Executive Department of the Commonwealth and for the payment of bills remaining unpaid at the close of the fiscal year ending June 30, 2011; and to provide for the additional appropriation of Federal and State funds from the General Fund for the Executive Department of the Commonwealth for the fiscal year July 1, 2010, to June 30, 2011, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2010.

Referred to Committee on APPROPRIATIONS, May 9, 2011.

BILLS REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

HB 298, PN 1815 (Amended)

By Rep. MARSICO

An Act amending Title 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes, providing for autopsies.

JUDICIARY.

HB 720, PN 1816 (Amended) By Rep. MARSICO

An Act amending the act of April 6, 1937 (P.L.200, No.51), known as the Pawnbrokers License Act, further providing for definitions, for identity of pledger and for pawn ticket; providing for hold orders and related procedures; and further providing for sale of pledge and for penalties.

JUDICIARY.

HB 1264, PN 1387 By Rep. MARSICO

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for expert testimony in certain criminal proceedings.

JUDICIARY.

BILLS REREPORTED FROM COMMITTEE

HB 9, PN 1812 By Rep. ADOLPH

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for junior driver's license, for learners' permits, for suspension of operating privilege and for restraint systems.

APPROPRIATIONS.

HB 896, PN 1813 By Rep. ADOLPH

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the offense of careless driving; establishing the Driver Distraction Awareness Fund; and providing for additional duties of the Department of Transportation.

APPROPRIATIONS.

HB 1330, PN 1749 By Rep. ADOLPH

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

APPROPRIATIONS.

SB 916, PN 949 By Rep. ADOLPH

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, further providing for Voting Standards Development Board.

APPROPRIATIONS.

SENATE MESSAGE

RECESS RESOLUTION FOR CONCURRENCE

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

In the Senate,
May 9, 2011

RESOLVED, (the House of Representatives concurring), Pursuant to Article II, Section 14 of the Pennsylvania Constitution, that when the Senate recesses this week, it reconvene on Monday, May 23, 2011, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, Pursuant to Article II, Section 14 of the Pennsylvania Constitution, that when the House of Representatives recesses this week, it reconvene on Monday, May 23, 2011, unless sooner recalled by the Speaker of the House of Representatives.

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

On the question,

Will the House concur in the resolution of the Senate?

Resolution was concurred in.

Ordered, That the clerk inform the Senate accordingly.

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. MAHER, from Allegheny County for the day. Without objection, the leave will be granted.

The Chair turns to the minority whip, who requests a leave of absence for the lady, Mrs. KULA, from Fayette County for the day, and the gentleman, Mr. JOHNSON, from Philadelphia County for the day. Without objection, the leaves will be granted.

MASTER ROLL CALL

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

The following roll call was recorded:

PRESENT—197

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

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

ADDITIONS—0

NOT VOTING—0

EXCUSED—6

Johnson	Kula	Mahoney	Miccarelli
Killion	Maher		

LEAVES ADDED—4

Evans, D.	O'Neill	Reichley	Santoni
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LEAVES CANCELED—3

Maher	O'Neill	Santoni	
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The SPEAKER. One hundred and ninety-seven members having voted on the master roll call, a quorum is present.

GUESTS INTRODUCED

The SPEAKER. The Speaker would like to welcome some of the guests that are with us in the hall of the House today.

Located to the left of the rostrum, we welcome Nick Cocco. He is the guest of Representative Hackett. Will you please stand and be recognized. Welcome to the hall of the House.

Also, we have former House member Art Hershey and his wife, Joyce, visiting today. Welcome back.

In the rear of the House, the Speaker welcomes the Warren County Composite Squadron of the Civil Air Patrol. They are here as guests of Representative Rapp, and among their crew are Timothy Hagberg, a senior member; Thomas Brown, senior member; Daniel Hagberg, a cadet; Bryan Johnson, cadet; and Edwin Rickerson, cadet. Welcome to the hall of the House.

And also in the rear of the House, we welcome members of the Civil Air Patrol Squadron 1008, based in Chester County. The squadron is commanded by Capt. Charles Gerth, and the following members are here with the captain: Cadet 2d Lt. Matthew Davis, cadet commander; Cadet M. Sgt. Ariana Ahadi; Cadet S. Sgt. Isaac VanDeBerg; Cadet Airman Oksanna Karaman; Cadet Airman John Karaman; Lt. Col. Gary Metz, Pennsylvania Wing Director of Operations and Group 3 Commander, and they are guests of the Chester County delegation. Will our guests please rise and be recognized. Welcome to the hall of the House.

Also in the rear of the House and in the gallery, the Speaker welcomes members of the Alpha Kappa Alpha Sorority here for their Legislative Day at the Capitol, and they are guests of the Pennsylvania Legislative Black Caucus, chaired by Representative Ron Waters. Will our guests please rise and be recognized. Welcome to the hall of the House.

Also in the rear of the House, as guests of Representative Shapiro and Representative Murt, we welcome Alex Ryan, Lizzy DeMarshall, Matthew Wilkinson, Jane Ring, and Mike DiCamillo from the Future Cities Program of Our Lady of Help Christian School in Abington Township. Will our guests please rise. Welcome to the hall of the House.

And up in the gallery, we want to welcome several guests of Representative George: Cathy Williams, Ted Amick, Jackie Ziegler, Jackie Reed, Luann Deshong, and Tina Rhoades. They are from Scenery Hill Manor, up in the gallery. Welcome to the hall of the House, way over on the left side.

Also in the gallery, as guests of Representative Reichley, we welcome Cindy Hornaman, vice president of the Rotary Club of Emmaus. She is hosting Cherbett Karen "Tala" Maralit, who is the Deputy Chief of Staff in the office of Philippine Senate President Juan Enrile. Welcome to the hall of the House. Thank you.

And additionally up in the gallery, we welcome the Daniel Boone Optimist Club of Douglassville. Included in the group are 12 junior class students in history honors and advanced placement courses, and they are the guests of Representative Maloney. Welcome to the hall of the House. Please stand.

And we have some guest pages with us down in the well of the House. As a guest of Representative Lawrence, we welcome guest page Cole Neville. Welcome to the House, Cole.

Also serving as a guest page today is Elizabeth Nauman, a fifth grade student at Swiftwater Elementary School. She is on the basketball team and active in her school's drama department. Her grandparents, Fred and Margaret Wyckoff, are located up in the gallery, and they are guests of Representative Mario Scavello. Welcome to the hall of the House.

And as guests of Representative Gerber, we have Joseph Carluccio, Nathan Batzer, Amelia Stuart, Corie Borgerhoff, and Lucy Keyser. They are also serving as guest pages. Welcome to the hall of the House.

**2010 BITUMINOUS COAL QUEEN
PRESENTED**

The SPEAKER. A couple other recognitions this morning.

The Speaker invites Representative DeWeese to the rostrum for the purpose of introducing the 2010 Bituminous Coal Queen.

The gentleman, Mr. DeWeese, may proceed.

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

Annie Caccimelio, Annie Caccimelio, our Coal Queen from southwestern Pennsylvania. She resides in Representative Mahoney's bailiwick, but Timmy, parenthetically one of only two working coal miners amongst our 203 – he worked in a mine many, many years ago – is expecting his first grandchild and could not be here. So I have the ineluctably happy opportunity to welcome the 2010-11 Coal Queen from Greene, Fayette, and Washington Counties, beyond the threshold of the Allegheny mountain range where bituminous coal is king.

To pretend for at least one moment that she is the adolescent feminine avatar of Eddie Day Pashinski, she is going to sing "God Bless America."

Ladies and gentlemen, the 2010 Pennsylvania Bituminous Coal Queen, Annie Caccimelio.

("God Bless America" was sung by Annie Caccimelio.)

Miss CACCIMELIO. Thank you.

ARCHBISHOP WOOD CATHOLIC HIGH SCHOOL GIRLS BASKETBALL TEAM PRESENTED

The SPEAKER. The Speaker invites Representative O'Neill to the rostrum for the purpose of presenting a citation to the Archbishop Wood Catholic High School Girls State Champion Basketball Team.

I believe some of the other members from the Bucks County delegation would like to be part of the presentation.

The gentleman, Mr. O'Neill, may proceed.

Mr. O'NEILL. Thank you, Mr. Speaker.

Mr. Speaker, I am pleased to stand here today with my fellow colleagues, Representative Murt, Representative Stevenson, Representative Santarsiero, Representative Petri, Representative Watson, Representative Quinn, and Representative Shapiro.

We are here today to welcome the Wood Lady Vikings Basketball Team to the floor and to congratulate them on successfully defending their title as the PIAA Class AAA State Basketball Champions.

Mr. Speaker, the Lady Vikings are the only team from Archbishop Wood to win a State championship, and with their 53-to-41 victory over Mercyhurst Prep earlier this year, they did it 2 years in a row in defending their championship.

Joining us on the floor today are two members of this championship squad and their coach – captains Stephanie Keyes, Christine Verrelle, and head coach Jim Ricci. Caitlin McCartney could not join us today, the third captain, because she is a multisport player, and she actually has an event today with one of her games.

I would ask – in the rear of the House are the rest of the girls of the basketball team – if they would stand up, and I ask that everybody please join me in congratulating them.

Mr. Speaker, the great football legendary coach Vince Lombardi once said that an individual commitment to a group effort makes a team work, makes a company work, makes a society work, and makes a civilization work. Every member of

this team has shown that commitment. Each of them remained focused to their goal and their single-minded dedication to the goal that led them to a double victory this year.

Mr. Speaker, because the students at Archbishop Wood hail from legislative districts throughout the southeast, as you can tell, my colleagues and I are joining together to present them with a citation from the House of Representatives to congratulate the Lady Vikings on their championship victory.

I would like to ask two Archbishop Wood alumni, Representative Quinn and Representative Tom Murt, to say a few words on behalf of their school.

Representative Quinn.

Ms. QUINN. Thank you.

It is with great pleasure that I am here to extend my sincere congratulations to my alma mater. I graduated a little bit ago, and I am presently the mother of a student there. So congratulations, girls. A year ago we thought it could not get better than this, and you did it.

But I just want to share with you that in addition to their success on the basketball court, these girls are role models through the school and through our community. They participate in a program called Athletes Helping Athletes, and I have got to tell you, when we were at the school for a pep rally parade, as we welcomed them back with their State championship, it was not just heartwarming, but it brought tears to a number of our eyes to see our athletes with special needs interact with these girls who brought home a State championship to Archbishop Wood for the first time in Wood's history.

So, girls, I commend you not just for your work on the court but for the heartfelt work and your compassion for those who do not have the same gifts and talents as you.

Thank you.

Mr. MURT. Mr. Speaker, as a proud graduate of Archbishop Wood High School, I wish to extend my most sincere congratulations and best wishes to these student athletes, who have worked so hard to bring great recognition and honor to their school and basketball program.

Mr. Speaker, we all know that one State championship in any sport is most impressive. These young women through their effort, hard work, discipline, and sacrifice have achieved not one but two consecutive State championships in girls basketball. Congratulations to them for representing their school, my school, in such a positive manner and for their impressive accomplishment. God bless you.

Mr. O'NEILL. Thank you.

I would just like to point out that joining us on the podium is Representative Brendan Boyle.

Mr. Speaker, I just want to once again congratulate the Lady Vikings and their coach for this great championship season.

As Representative Murt said, to win a State championship is very difficult. I come from the rival high school of Archbishop Wood, and we have yet to win a State championship, except in ice hockey. But I can tell you, to do it 2 years in a row, it is quite an accomplishment, and this is something these girls will be walking – as Fred Shero once said, the great coach of the Stanley Cup Champion Philadelphia Flyers, that you will walk together for a lifetime.

Congratulations, and thank you, Mr. Speaker.

The SPEAKER. The Speaker thanks the gentleman.

GUESTS INTRODUCED

The SPEAKER. The Speaker would like to welcome a couple other guests that are with us in the rear of the House. We have former Representative Rich Grucela, Vic Giobbi, and Tom Disabatino, and they are guests of Representative Fabrizio. Welcome to the hall of the House. Welcome back, Rich.

SUPPLEMENTAL CALENDAR B

RESOLUTION PURSUANT TO RULE 35

Mr. PRESTON called up **HR 281, PN 1817**, entitled:

A Resolution recognizing the achievements of the late Fannetta Nelson Gordon and her exemplary record of service on behalf of Alpha Kappa Alpha Sorority, Inc.

On the question,
Will the House adopt the resolution?

The SPEAKER. On that question, the Speaker recognizes the gentleman, Mr. Preston, from Allegheny County.

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

Long ago a gentleman by the name of Bob Marley, who was a musician, once made a statement that one day the color of one's skin will be just as insignificant as the color of one's eyes.

A few weeks ago the Westinghouse High School Alumni Association in Pittsburgh, which happens to be my alma mater, posthumously recognized the late Fannetta Nelson Gordon as valedictorian of the class of 1936, an honor she was denied for 75 years. She was also a graduate of the University of Pittsburgh, and the reason why I opened with that statement is because they recognized her 75 years later because a principal said, because of the color of this lady's skin, he did not want to have her to be the valedictorian. So eventually, after talking to several teachers, he had the teacher change her grade that made her ineligible from being first to fourth.

Today I thought it was only fitting to not only recognize the personal and professional achievements but to recognize her 70 years of exemplary community service as a member of Alpha Kappa Alpha Sorority, Incorporated, the first Greek letter organization of African-American women founded in 1908 on the campus of Howard University.

Today the Pennsylvania chapters are hosting the AKA Legislative Day at the Capitol. There are over 80 representatives here from chapters in Pittsburgh, Erie, Philadelphia, Harrisburg, West Chester, Delaware, and Montgomery Counties, and we also have present their international secretary, Mrs. Susan Simms Marsh, who is also a resident here of Dauphin County.

I would ask that you support the adoption of HR 281, and, Mr. Speaker, if you could, for just a few brief comments, recognize Representative Waters.

The SPEAKER. The Speaker thanks the gentleman.

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

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

Mr. WATERS. Thank you, Mr. Speaker.

I want to say thank you to my colleague from Allegheny County for the resolution and for the comments that he has made for the Alpha Kappa Alpha Sorority, Inc.

It gives me great pleasure to have met these ladies again today and to talk with some of the smartest and most distinguished women in the Commonwealth as well as alumni who have traveled to the State Capitol. I am indeed happy that they were here represented on the House floor.

What we have behind us are 10 representatives from the sorority, but that is just a fraction of the amount of members who are here today that could not make it on the floor, unfortunately, because of the numbers that they have, it is that great. But they have done a great job as they continue to do things to help make a difference in Pennsylvania and throughout the country.

I just want to thank Representative Preston for the resolution. I hope that everybody will support the resolution, and I want to thank you, Mr. Speaker, for allowing this presentation today.

Thank you, Mr. Speaker.

The SPEAKER. The Speaker thanks the gentleman.

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

The following roll call was recorded:

YEAS—197

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

DePasquale	Kavulich	Quigley	
Dermody	Keller, F.	Quinn	Smith, S.,
DeWeese	Keller, M.K.	Rapp	Speaker
DiGirolamo	Keller, W.	Ravenstahl	

NAYS—0

NOT VOTING—0

EXCUSED—6

Johnson	Kula	Mahoney	Miccarelli
Killion	Maher		

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

Ms. BOBACK called up **HR 256, PN 1673**, entitled:

A Resolution recognizing May 25, 2011, as "National Missing Children's Day" in Pennsylvania.

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Mr. J. EVANS called up **HR 276, PN 1787**, entitled:

A Resolution recognizing the week of May 21 through 27, 2011, as "National Safe Boating Week."

On the question,
Will the House adopt the resolutions?

The following roll call was recorded:

YEAS—197

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

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

NAYS—0

NOT VOTING—0

EXCUSED—6

Johnson	Kula	Mahoney	Miccarelli
Killion	Maher		

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

SUPPLEMENTAL CALENDAR A

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1330, PN 1749**, entitled:

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

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 Luzerne County, Ms. Mundy.

Ms. MUNDY. Thank you, Mr. Speaker.

Mr. Speaker, I was looking forward to voting for this bill, and I would be voting for it today had the amendments that were offered yesterday, at least some of them, been put into the bill. We offered several amendments yesterday that would have made this program more responsible, more accountable, and more likely to benefit those who need it the most. All of those

amendments were defeated. In fact, the amendments that were offered yesterday emulated the reforms that Arizona recently made to its Private School Tuition Tax-Credit Program in light of the many abuses that were reported in that program. I guess Pennsylvania will have to uncover those abuses somehow, even though we can ask no questions of those who participate.

Mr. Speaker, I would normally be voting in favor of the EITC (educational improvement tax credit) program, but given the lack of accountability, I simply cannot do so. We need to be accountable to the taxpayers of Pennsylvania for the money that we spend on their behalf, and there is no accountability in this bill.

Thank you, Mr. Speaker.

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

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

Mr. QUIGLEY. Thank you, Mr. Speaker.

I just wanted to take a brief moment to thank everyone who has been involved in putting this bill together – our House Education Committee, the number of cosponsors on the bill. It stands at 115 now. A number of my friends from the other side of the aisle have joined with us to promote a program that has worked well for the past 10 years. It has been a win-win for both the business community as well as our children here in Pennsylvania, offering numerous children and families the opportunity to make the choice for their education and to make their future better.

So again, I just thank everyone for their support as we pass this bill today. Thank you.

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

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

Mr. CLYMER. Mr. Speaker, thank you very much.

I just want to echo the sentiments of the previous speaker from Montgomery County. We have all heard the saying, if it works, do not fix it. EITC has been a highly successful program providing educational opportunities for thousands of students across Pennsylvania, thus enabling their parents to choose the appropriate school for their sons and daughters.

Mr. Speaker, HB 1330 will not only continue this educational tradition, but more parents will have the opportunity to be involved in the selection of education for their child.

Mr. Speaker, I ask for a "yes" vote on this legislation. Thank you.

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—190

Adolph	Dunbar	Kirkland	Ravenstahl
Aument	Ellis	Knowles	Readshaw
Baker	Emrick	Kortz	Reed
Barbin	Evankovich	Kotik	Reese
Barrar	Evans, D.	Krieger	Reichley
Bear	Evans, J.	Lawrence	Roae
Benninghoff	Everett	Longietti	Rock
Bishop	Fabrizio	Major	Ross
Bloom	Farry	Maloney	Sabatina
Boback	Fleck	Mann	Saccone

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

NAYS—7

Brown, V.	DeLissio	Mundy	Sturla
Curry	Josephs	Roebuck	

NOT VOTING—0

EXCUSED—6

Johnson	Kula	Mahoney	Miccarelli
Killion	Maher		

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

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

* * *

The House proceeded to third consideration of **SB 916, PN 949**, entitled:

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, further providing for Voting Standards Development Board.

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

(Bill analysis was read.)

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—197

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

NAYS—0

NOT VOTING—0

EXCUSED—6

Johnson	Kula	Mahoney	Miccarelli
Killion	Maher		

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

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

REMARKS SUBMITTED FOR THE RECORD

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

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

I have comments that I would like to submit for the record on final passage of HB 1330.

The SPEAKER. The Speaker thanks the gentleman. Deliver the remarks to the clerk and they will be placed on the record.

Mr. B. BOYLE submitted the following remarks for the Legislative Journal:

Today I rise in support of HB 1330.

For a decade now, the EITC has been a prime example of how the public and private sectors can work together to both responsibly and effectively shape public policy.

This legislation, passed in 2001 by many of you here today, has provided a way for businesses throughout the Commonwealth to assist in the intellectual development of our future workforce.

Enhancing the current legislation will afford more working-class and middle-class families the opportunity to escape failing public schools and will also provide a lifeline for those families struggling to pay rising tuition costs.

While EITC has undoubtedly provided countless students attending nonpublic schools a new pathway to success, it must be remembered that this program has also allowed for transformative educational opportunities for public school students.

EITC is more than just a scholarship program. Just ask the 350 Mt. Lebanon High School students who had the unique opportunity to attend an all-day conference where they learned about the latest genetics research and technology. They were all public school students and their experience was paid for by EITC funds.

During fiscal year 2007-08, 44,000 children across Pennsylvania benefited from EITC scholarships. Countless more students in public schools benefited from innovative programs that would have likely gone unfunded without EITC contributions.

Also noteworthy in this legislation is the increase of the maximum annual household income limits for those seeking scholarships from \$60,000 to \$75,000.

The middle-class families in Pennsylvania have bared the brunt of this recession and inclusion in programs such as EITC is critical to their ability to turn the corner and once again be the ever-present engine driving our economy.

It is clear that the EITC has accomplished what many in Pennsylvania have been advocating for for years: to get the business community more involved in education. The EITC enables companies to support local nonprofit charities at minimal cost. It is that simple.

The business community has overwhelmingly responded to the challenge. To date, over 3,600 companies have pledged in excess of \$350 million to the programs, translating to thousands of dollars of savings for our schools and our State.

In fact, one study has already documented savings of \$360,000 annually to the Philadelphia School District as a result of the Futuro educational scholarship organization.

HB 1330 would allow us to expand on the successes of the EITC program by providing the necessary funding to give thousands more Pennsylvania students a quality education.

On May 7, 2001, by an overwhelming bipartisan majority, this chamber voted and Pennsylvania made history by becoming the first State to pass an education tax credit aimed at corporations.

In closing, I urge you to make history again by voting in favor of HB 1330. By doing so, you will bring us one step closer to giving the gift of education to countless Pennsylvania families.

CALENDAR

BILL ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 574, PN 1521**, entitled:

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

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

Mr. **FRANKEL** offered the following amendment
No. **A01665**:

Amend Bill, page 5, line 16, by striking out "60" and inserting
180

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

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

Mr. **FRANKEL**. Thank you, Mr. Speaker.

This amendment will allow these abortion facilities that are addressed in this bill, which I want to talk about in a second, the amendment would provide that if the licensed abortion facility files for a health-care facility license within 90 days of the effective date of this act, that the facility would be able to continue operating until the Department of Health made a final ruling on the health-care license application.

I am sorry; I have got the wrong amendment. Sorry; excuse me, Mr. Speaker.

This amendment changes the effective date of HB 574 from 60 to 180 days and would allow these facilities the time needed to adopt the measures listed under this bill.

And I think it is important to put this, frame it in terms of what this bill is trying to do. HB 574 was drafted in an attempt to address the issues that were uncovered earlier this year in Philadelphia County by a grand jury investigating alleged atrocities committed by Dr. Kermit Gosnell, head of the Women's Medical Society and abortion clinic in West Philadelphia. They were horrific allegations that included eight counts of murder, including seven newborns and one woman, an outrage that many of us felt—

The **SPEAKER**. Will the gentleman suspend.

Mr. **FRANKEL**. Yes.

The **SPEAKER**. If we could have the members' attention, we have a lot of amendments to this bill.

Mr. **FRANKEL**. Thank you, Mr. Speaker.

The **SPEAKER**. And the Speaker would also ask the gentleman to confine his remarks to the amendment that is before us, A01665.

Mr. **FRANKEL**. We will have an opportunity to talk on the Ross amendment more about the background of this. But this amendment purely tries to give these facilities a reasonable amount of time to make the adjustments that are proposed under this bill by bringing these facilities under the regulations of an ambulatory surgical unit, and we will talk about whether that is necessary or not in additional amendments. But HB 574 creates extraordinary changes made in these facilities that, in my view, will shut many of them down or certainly take many more days than 60 days to implement. In many cases it will require that the facilities double, triple, or quadruple in size. Some will have to replace elevators in order to accommodate a gurney, which is not necessary in these facilities. They will have to have additional staffing. And it is not reasonable, it is not a reasonable expectation that these facilities make these changes instantaneously.

If the Health Department is policing and inspecting and doing its job, which they failed to do with respect to the Gosnell clinic, if they are doing their job, these clinics that operate legitimately and safely in a sanitary way and provide necessary health services to women, these clinics should be given the opportunity to make the changes that they need to make in 6 months, not 2.

It is a reasonable request. It is a reasonable amendment to this piece of legislation, and I would ask the members of this House to support it.

Thank you, Mr. Speaker.

LEAVE OF ABSENCE CANCELED

The **SPEAKER**. The Speaker returns to leaves of absence and notes the presence on the floor of the gentleman from Allegheny County, Mr. Maher. His name will be added back to the master roll call.

CONSIDERATION OF HB 574 CONTINUED

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

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

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

We rise to oppose amendment 1665. The language in the underlying bill provides for 60 days. If you take a look at the grand jury report itself, it is clear, based on the recommendation of the grand jury report, that these changes need to be made with all deliberate speed. Sixty days is certainly a reasonable period of time. Keep in mind that the underlying bill, based on the grand jury report, has taken abortion facilities and placed them in the Health Care Facilities Act. Under the definition of the Health Care Facilities Act, these institutions or these facilities are already subject to the statutory and regulatory proscriptions under the Health Care Facilities Act. They include, but not limited to, general or special hospitals; psychiatric hospitals; rehabilitation hospitals; ambulatory surgical facilities; long-term-care nursing facilities; cancer treatment centers; drug and alcohol treatment facilities, both inpatient profit and nonprofit, and including those operated by any agency or State or local government. It also includes a hospice. It also includes a birthing center. There is no reason the grand jury believed that abortion facilities, which are significant

procedures, should not be subject to the same Health Care Facilities Act and regulations that other health-care facilities are.

This is something that is long overdue. Sixty days is certainly a reasonable period of time, and we would reject the notion that 180 days is needed. We would ask everybody to please vote "no" on the Frankel amendment.

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

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

Mr. MYERS. Thank you, Mr. Speaker.

Mr. Speaker, I feel somewhat confused about this bill, and part of it has to do with believing half of what you see and trying to pay attention to some of what you hear, and what I mean, Mr. Speaker, is that originally I voted for this bill to come out of committee. I voted for this bill to come out of committee because my partner, the Republican chairman, told me that my district attorney in the city of Philadelphia supported this measure. Now—

The SPEAKER. The gentleman will suspend.

The question before the House is whether we agree to amendment A01665.

Mr. MYERS. Yes; I am trying to get there.

The SPEAKER. The Speaker would ask the gentleman to confine his remarks to this amendment and the bill would be discussed in whole at a later time.

Mr. MYERS. Yes. Well, actually, I was trying to explain if I did not believe all that, we might not even be dealing with this amendment. I think that is part of the point I was trying to make.

Certainly, I do support the amendment, but I also do believe, and you will hear again today, that I do not believe that my partner, the Republican chairman, deliberately lied to me, because he is not that kind of guy. He is a very Christian guy with good values. I think he just got confused, and as a result, the reason that I am addressing this amendment today is because I believe I was misled about what we wanted from this bill as it relates to our district attorney.

So, Mr. Speaker, I would ask that we do support the amendment, but I also want to add to the backdrop that I feel somewhat hoodwinked being in this position.

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. Frankel, for the second time.

Mr. FRANKEL. Thank you, Mr. Speaker.

Now, since the majority leader broadened the context of discussion with the grand jury report, then let me respond to that, because I agree with the previous speaker that there has been a great deal of distortion and selective reading of that report. And certainly, the district attorney in Philadelphia, who sent a letter to House leaders and I believe to the rank-and-file members, does not believe that this bill, 574, is the right approach. And at the very least, given the extensive changes that are mandated under 574, an extension in the opportunity for these clinics to make the adjustments is certainly reasonable.

But let me just talk about what the district attorney did say. He wrote, "The Grand Jurors *did not*" – did not – "recommend that the Legislature change the definition of an ambulatory

surgical facility to include *all* abortion clinics. Nor did it recommend that abortion clinics be singled out for licensure under the Health Care Facilities Act—"

Mr. BAKER. A point of order. A point of order, Mr. Speaker.

The SPEAKER. The gentleman will suspend.

POINT OF ORDER

The SPEAKER. The gentleman, Mr. Baker, will state his point of order.

Mr. BAKER. Mr. Speaker, we are far afield here on this amendment. I am very much prepared, as we are, many of us, to debate that letter at the appropriate time, but I do not see how that letter at this point in time, on this particular amendment, is really relevant to this particular issue.

But I would like to make one comment of the gentleman—

The SPEAKER. Does the gentleman have a point of order to make?

Mr. BAKER. That the current line of debate is unrelated to the amendment and that we keep the discussions confined to the amendment.

The SPEAKER. The Speaker thanks the gentleman and would ask the members to confine their remarks to the specific amendment that is before us. Obviously, other elements of the bill will be debated within other amendments, and we would just ask the members to try to stay focused on the amendment that is before us.

Mr. FRANKEL. Thank you, Mr. Speaker. Certainly, I agree with the Speaker's ruling, but the majority leader certainly broadened the scope of that discussion, and I will save some of these comments for—

The SPEAKER. The Speaker recognizes that.

Mr. FRANKEL. Okay.

The SPEAKER. However, traditionally, the two floor leaders are given a little more latitude.

I understand your point. However, for the sake of working our way through these amendments, we would appreciate if we would stay focused on the specific subject of the amendment.

Mr. FRANKEL. Thank you, Mr. Speaker.

Nevertheless, this bill changes the legal playing field for abortion clinics and would force these clinics to spend hundreds of thousands of dollars to alter their operations, both in terms of the physical facilities and their personnel. Sixty days, sixty days is not a reasonable amount of time to come into compliance with these very stringent requirements. At the very least, at the very least we should extend that to 180 days.

This is a very reasonable amendment that deserves the support of all the members. Thank you.

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

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

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

I rise to oppose the amendment. You know, the abortion clinics have actually had 20 years to try to comply with the current existing regulations, and they have failed to do so. I do not really have a realistic expectation that given a few more extra months is going to do a whole lot here.

But I do want to respond to a comment, if I can, that the basis for this bill, contrary to what was said earlier by another member, is directly related to the grand jury report, and I would like to direct that to page 248, recommendation No. 5, and I will just read one sentence and call it good: "The Pennsylvania Department of Health should license abortion clinics as ambulatory surgical facilities," and the way you do that is under the Health Care Facilities Act, and that is what we are trying to do here. And I might add that that was referenced 52 different times within the grand jury report.

So there is no hoodwinking. There is no deception. The grand jury report, they said what they meant and they meant what they said, and we are abiding by the grand jury recommendations. Thank you, Mr. Speaker.

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

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

Ms. DeLISSIO. Thank you, Mr. Speaker. On the amendment.

The SPEAKER. The lady is in order, on the amendment, please.

You will be the first one that stays on the amendment, if you do.

Ms. DeLISSIO. My own personal experience over the years has been that when you are faced with compliance issues, particularly as it pertains to a physical plant, a 60-day window does not allow for documents to be drawn up, bids to be put out to bid, let alone having contractors coming in to make those necessary changes. I mean, whether we are reflecting on this in our own personal residential lives trying to get a contractor to respond or in the commercial world, and this would be a commercial contractor, it is the same situation.

So the gentleman from Allegheny County's amendment is unbelievably reasonable and realistic in terms of that expectation. Nothing can physically happen in that 60-day window, and those organizations currently operating, if they are out of compliance, would be forced to close. Therefore, many, many women would be denied the opportunity to access health-care services.

So I would encourage everybody to be extremely realistic about this and reflect on whether or not they could accomplish such a project within a 60-day window. It is not possible.

I would urge everybody to vote for this amendment. Thank you.

The SPEAKER. The Speaker thanks the lady.

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

The gentleman from Delaware County, Mr. Vitali, is recognized on the amendment.

Mr. VITALI. Thank you, Mr. Speaker.

I just want to comment on some of the statements made that oppose the amendment citing the grand jury as the reason for supporting this. I have never been before a grand jury, but it is not their function to pass on legislation. They are just 20-some-odd people gathered to deal with one particular case. They have no particular expertise. They are just citizens taken from the polling, the voting rolls.

I have read this before in other matters. I do not know why we are giving weight to a grand jury report with regard to this particular legislation. That is not their role; that is not their expertise. They do not have any particular qualifications here.

POINT OF ORDER

Mr. TURZAI. A point of order, Mr. Speaker. A point of order, Mr. Speaker.

The SPEAKER. The gentleman will please confine his remarks to the amendment.

Mr. VITALI. Thank you, Mr. Speaker.

Mr. DERMODY. Mr. Speaker?

The SPEAKER. The gentleman will suspend.

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

Mr. DERMODY. We just heard from the maker of the bill here, on an extensive reading from the grand jury report, which was way beyond the subject of this amendment. I think the gentleman ought to be allowed to speak his piece on what this amendment does and the impact it has.

The SPEAKER. The Speaker recognizes that, simply saying that there is a more appropriate time in the course of debate when that would be brought up. The Speaker would acknowledge that he allowed some of the earlier speakers to get a little far off the subject of the specific amendment, and if we are going to get through all these, I am just trying to keep us on this particular amendment, which is contextually pretty simple.

I respect your point of view. We would just ask the members to try to stay on the amendment.

Mr. VITALI. I will just summarize in one quick sentence.

The arguments made by previous speakers against this amendment, citing the grand jury, I would just point out that the grand jury has absolutely no expertise in this particular legislation. Thank you.

The SPEAKER. The Speaker thanks the gentleman.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—64

Bishop	DePasquale	McGeehan	Sabatina
Boyle, B.	Dermody	Mullery	Samuelson
Boyle, K.	DeWeese	Mundy	Santarsiero
Bradford	Donatucci	Murphy	Santoni
Brennan	Evans, D.	Myers	Shapiro
Briggs	Fabrizio	Neuman	Smith, K.
Brown, V.	Farry	O'Brien, M.	Smith, M.
Brownlee	Frankel	O'Neill	Sturla
Buxton	Freeman	Parker	Thomas
Carroll	Gerber	Pashinski	Vitali
Cohen	Haluska	Payton	Wagner
Costa, P.	Hanna	Petri	Waters
Cruz	Josephs	Preston	Wheatley
Curry	Keller, W.	Quinn	White
Davis	Kirkland	Roebuck	Williams
DeLissio	Mann	Ross	Youngblood

NAYS—134

Adolph	Evankovich	Keller, F.	Quigley
Aument	Evans, J.	Keller, M.K.	Rapp
Baker	Everett	Knowles	Ravenstahl
Barbin	Fleck	Kortz	Readshaw
Barrar	Gabler	Kotik	Reed
Bear	Galloway	Krieger	Reese
Benninghoff	Geist	Lawrence	Reichley
Bloom	George	Longiatti	Roae
Boback	Gergely	Maher	Rock
Boyd	Gibbons	Major	Saccone

Brooks	Gillen	Maloney	Sainato
Brown, R.	Gillespie	Markosek	Saylor
Burns	Gingrich	Marshall	Scavello
Caltagirone	Godshall	Marsico	Schroder
Causar	Goodman	Masser	Simmons
Christiana	Grell	Matzie	Sonney
Clymer	Grove	Metcalfe	Staback
Conklin	Hackett	Metzgar	Stephens
Costa, D.	Hahn	Micozzie	Stern
Cox	Harhai	Millard	Stevenson
Creighton	Harhart	Miller	Swanger
Culver	Harkins	Milne	Tallman
Cutler	Harper	Mirabito	Taylor
Daley	Harris	Moul	Tobash
Davidson	Heffley	Murt	Toepel
Day	Helm	Mustio	Toohil
Deasy	Hennessey	O'Brien, D.	Truitt
Delozier	Hess	Oberlander	Turzai
DeLuca	Hickernell	Payne	Vereb
Denlinger	Hornaman	Peifer	Vulakovich
DiGirolamo	Hutchinson	Perry	Watson
Dunbar	Kampf	Petrarca	
Ellis	Kauffman	Pickett	Smith, S., Speaker
Emrick	Kavulich	Pyle	

NOT VOTING—0

EXCUSED—5

Johnson	Kula	Mahoney	Miccarelli
Killion			

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. FRANKEL offered the following amendment
No. **A01685**:

Amend Bill, page 3, lines 9 and 10, by striking out "a " in line 9 and "subsection" in line 10 and inserting
subsections

Amend Bill, page 3, by inserting between lines 12 and 13

(a.1) Continuation of certain operations.—Notwithstanding the provisions of subsection (a), an abortion facility which is operational prior to the effective date of this subsection and which applies for a health care facility license within 90 days of the effective date of this subsection shall be eligible to continue to operate until such time as the department takes final action on the facility's licensure application.

* * *

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

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

Mr. FRANKEL. Thank you, Mr. Speaker.

This amendment says that if the licensed abortion facility files for a health-care facility license within 90 days of the effective date of this act, that facility would be able to continue operating until the Department of Health made a final ruling on the health-care facility's license application. The abortion

facility would have to already be licensed, operational, and in compliance when applying for the health-care facility license in order for this amendment to take effect. I believe this amendment provides a safety net to allow licensed and compliant facilities the assurance that they will be able to provide these services to the women of Pennsylvania while the Health Department confirms their application as a health-care facility.

Again, I think this is reasonable that if they are in compliance with all of the regulations, that they should be able to have the opportunity to continue to provide these services. Women in Pennsylvania should not be denied access while this is being implemented. You cannot shut all these clinics down and deny them the health-care treatment that they require and request.

Again, this is a very reasonable approach and request. If you are going to pass this piece of legislation, it should be phased in in a way not to limit the options available to the women of Pennsylvania for their health care. Thank you, Mr. Speaker.

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

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

Ms. RAPP. Thank you, Mr. Speaker.

I rise in opposition to amendment 1685. This amendment would provide an opportunity for facilities to continue operations while waiting for final action of their application for licensure. However, under Pennsylvania code, it is unnecessary. The code allows for the issuance of a provisional license by the Department of Health if there are concerns for issuing a license. The Department of Health has made it abundantly clear they have no interest in closing abortion facilities. This also provides a pass for abortion clinics which have demonstrated previous failures under the current regulations.

Again, we ask the members for a "no" vote on this amendment.

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

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

Mr. FRANKEL. Mr. Speaker, I believe the former speaker is incorrect, because if this piece of legislation is adopted, it will abrogate the current regs, and this needs to be reiterated in this piece of legislation. This legislation will shut down immediately the availability of health care for women in Pennsylvania who require these clinics.

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

(Members proceeded to vote.)

VOTE STRICKEN

The SPEAKER. Strike that.

Does the lady, Ms. Rapp, seek recognition on the amendment for the second time?

Ms. RAPP. Yes, Mr. Speaker.

The SPEAKER. On the amendment, the lady is in order.
 Ms. RAPP. Mr. Speaker, just to make a clarification. The regs are within this current regulation and specifically incorporated into this bill.

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 Bucks County, Mr. Petri.

Mr. PETRI. Mr. Speaker, may I interrogate the maker of the amendment?

The SPEAKER. Will the gentleman stand for interrogation? You may proceed.

Mr. PETRI. Mr. Speaker, my question is, with the wording of your amendment, would it apply to a facility that was currently noncompliant? So they were licensed but they had violations.

Mr. FRANKEL. Mr. Speaker, the answer is no, they would have to be in compliance.

Mr. PETRI. Thank you, Mr. Speaker.

LEAVE OF ABSENCE

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

CONSIDERATION OF HB 574 CONTINUED

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

The following roll call was recorded:

YEAS—60

Bishop	DePasquale	Kirkland	Ross
Boyle, B.	Dermody	Mann	Sabatina
Boyle, K.	DeWeese	McGeehan	Samuelson
Bradford	Donatucci	Milne	Santarsiero
Brennan	Evans, D.	Mundy	Shapiro
Briggs	Fabrizio	Murphy	Smith, M.
Brown, V.	Frankel	Myers	Sturla
Brownlee	Freeman	O'Brien, M.	Thomas
Buxton	George	O'Neill	Vitali
Cohen	Gerber	Parker	Wagner
Costa, P.	Gergely	Pashinski	Waters
Cruz	Haluska	Payton	Wheatley
Curry	Hanna	Petri	White
Davis	Josephs	Preston	Williams
DeLissio	Keller, W.	Roebuck	Youngblood

NAYS—137

Adolph	Evankovich	Knowles	Rapp
Aument	Evans, J.	Kortz	Ravenstahl
Baker	Everett	Kotik	Readshaw
Barbin	Farry	Krieger	Reed
Barrar	Fleck	Lawrence	Reese
Bear	Gabler	Longiatti	Reichley
Benninghoff	Galloway	Maher	Roae
Bloom	Geist	Major	Rock
Boback	Gibbons	Maloney	Saccone
Boyd	Gillen	Markosek	Sainato
Brooks	Gillespie	Marshall	Saylor

Brown, R.	Gingrich	Marsico	Scavello
Burns	Godshall	Masser	Schroder
Caltagirone	Goodman	Matzie	Simmons
Carroll	Grell	Metcalfe	Smith, K.
Causer	Grove	Metzgar	Sonney
Christiana	Hackett	Micozzie	Staback
Clymer	Hahn	Millard	Stephens
Conklin	Harhai	Miller	Stern
Costa, D.	Harhart	Mirabito	Stevenson
Cox	Harkins	Moul	Swanger
Creighton	Harper	Mullery	Tallman
Culver	Harris	Murt	Taylor
Cutler	Heffley	Mustio	Tobash
Daley	Helm	Neuman	Toepel
Davidson	Hennessey	O'Brien, D.	Toohil
Day	Hess	Oberlander	Truitt
Deasy	Hickernell	Payne	Turzai
Delozier	Hornaman	Peifer	Vereb
DeLuca	Hutchinson	Perry	Vulakovich
Denlinger	Kampf	Petrarca	Watson
DiGirolamo	Kauffman	Pickett	
Dunbar	Kavulich	Pyle	Smith, S.,
Ellis	Keller, F.	Quigley	Speaker
Emrick	Keller, M.K.	Quinn	

NOT VOTING—0

EXCUSED—6

Johnson	Kula	Miccarelli	Santoni
Killion	Mahoney		

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. **SANTARSIERO** offered the following amendment
 No. **A01676**:

Amend Bill, page 3, line 16, by inserting after "facilities"
, that become operational after the effective date of this act.

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 amendment is relatively straightforward. It merely states that the provisions of the bill would be effective only at facilities that become operational after the effective date of the act.

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

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

Ms. **RAPP**. Thank you, Mr. Speaker.

Again, Mr. Speaker, we respectfully ask for a "no" to this amendment.

No abortion facility currently operated in this Commonwealth would have to comply with the provisions of this bill under this amendment. It completely negates the intent of this legislation. Only 7 of the 22 abortion facilities inspected in 2010 by the Department of Health actually passed the

inspection with no violations. This exception is no different than the many passes the Gosnell clinic was given by the Department of Health.

This is about women's health and women's services, Mr. Speaker. We ask for a "no" vote.

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

On that question, the Speaker recognizes the gentleman from Bucks, Mr. Santarsiero, for the second time.

Mr. SANTARSIERO. Thank you, Mr. Speaker.

The real issue here, Mr. Speaker, is whether there is going to be enforcement of current regulations that are on the books. This bill, if passed in its current form, will effectively shut down many of the facilities that are currently complying with State law, and one admittedly horrific instance in one facility should not be used as a reason for shutting down facilities that are compliant.

If the supporters of this bill would like these changes to be made on a going-forward basis, that is what should happen and that is what my amendment is intended to get at. But foisting these changes upon existing facilities that comply with State law will do nothing but force those facilities to close. And that may well be, that may well be the intent of those who support this bill. I will not speak to that, Mr. Speaker, but that will be the practical effect, and that is why I urge my colleagues on both sides of the aisle to support this amendment.

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

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

Mr. FRANKEL. Thank you, Mr. Speaker.

I agree with my colleague. The fact of the matter is, the Gosnell case, as horrific as it was, is about enforcing existing law. Almost all these facilities comply, have records of few violations, have records of being sanitary, have records of being competent, and very few complaints at all. The fact of the matter is, this bill will force the mass closure of many of these, if not all of these facilities, and it is a back-door way to deny women what they are entitled to as the options for their own health care. That should not be the topic of debate, but it is a back-door way, for those who oppose a woman's right to choose, to enforce that point of view.

So without this amendment, this bill will particularly impact poor women, women who reside in rural areas, because they will have fewer options for safe and affordable care. That is not what we should be doing here in this General Assembly. Women will not stop needing abortion care but will be forced to go to providers like Gosnell. Gosnell will be the provider of only resort and those like him, not the competent, not the regulated, not the compliant facilities that exist to provide these services to women who will not otherwise have the availability of this health-care option, and that is not what we ought to be doing.

So I join with my colleague from Bucks County in asking the members to support this amendment. Thank you.

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

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

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

Mr. Speaker, I rise to oppose the amendment and also to correct the record. Fifteen of the 22 abortion clinics inspected last year failed – failed. This bill is about patient safety. It is about raising the bar of health care for women and children. It is nothing less, but it is extremely important.

Thank you, Mr. Speaker.

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

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

Ms. DeLISSIO. On the amendment, Mr. Speaker.

I rise to support the amendment. I think undeniably we all support safe delivery of medical services and medical procedures to everyone, particularly those who are uninsured or underinsured and have very few choices as to where they can avail themselves to obtain health-care services.

The physical plant requirements alone in this bill are not realistic, and for an existing organization to have to incorporate these capital costs into their budget, and we have already discussed the timeliness that is going to be required, I am telling you, it is physically impossible to get this done within that 60-day window. By not supporting this bill, we are further jeopardizing the safety of women's health, because access to care will be unavailable. Thank you.

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

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

Mr. CUTLER. Thank you, Mr. Speaker.

As a follow-up to the gentleman from Tioga County, the main sponsor of the bill, in addition to the 15 clinics that failed inspection, I think it is also worth noting that Gosnell's clinic was not the only clinic of ill repute, Mr. Speaker. Not only was Gosnell closed down, after the inspections, two other clinics, rather than even attempting to comply, chose to rather just shut their doors.

So, Mr. Speaker, we can talk about access to good, clean, safe abortion care and we can attempt to hide the fact and say that Gosnell acted alone, but, Mr. Speaker, when you have 3 out of 23 clinics closing their doors because of substandard care and an additional 15 failing to pass inspections, I think that there is a much broader problem, Mr. Speaker, in regard to the standard of care being offered in these clinics.

Mr. Speaker, I recognize that many on both sides are attempting to paint this as a pro-life versus pro-choice debate. In fact, I have seen letters saying that that was going to be the case, that these votes would all be scored. Mr. Speaker, this debate is much simpler than that. It is about the women's health who are seeking these kinds of services.

Roe v. Wade clearly said that they wanted—

The SPEAKER. The gentleman will suspend.

I am trying very hard—

Mr. CUTLER. I apologize, Mr. Speaker.

The SPEAKER. —to keep the members on the amendment.

Mr. CUTLER. Yes, Mr. Speaker. On the amendment.

The SPEAKER. The gentleman will proceed.

Mr. CUTLER. Mr. Speaker, the courts have clearly outlined how we can do this. It is within our purview to regulate the health, safety, and welfare. And while I understand the concern

about certain clinics not currently complying, I think it is worth noting that an individual who receives substandard care in a new clinic versus an old clinic should not be treated differently, and all clinics should be held to the same standard. 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 Montgomery County, Mr. Briggs.

Mr. BRIGGS. Thank you, Mr. Speaker.

I just would like to address the comments regarding the failing clinics. Current law already has it necessary to identify the clinics and also ability to allow the public to address those issues. So I do not know why it would be necessary to create an overburden, as previous speakers said, raising the bar. I think it just will raise the bar to an unaffordable, inaccessible procedure. 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 lady from Philadelphia, Ms. Josephs.

Ms. JOSEPHS. Thank you, Mr. Speaker.

I am reacting to the remarks by one of the gentlemen on the other side that somebody was trying to make this into an abortion debate, somebody who is pro-choice. I am not trying to do that. This is a debate about malpractice and people committing crimes. This is a debate about accessibility to a legal procedure. You may not like it, but it is legal. If we make it inaccessible, which is the intent of HB 574, there will be more Gosnells. Gosnell will be the standard of care in this State. Let us not do that, please.

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

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

Ms. DeLISSIO. Thank you, Mr. Speaker. On the amendment.

A point of clarification for the gentleman from Tioga County who referenced 15 clinics who failed last year. The Department of Health conducts surveys. As a result of these surveys, if there are facilities that are out of compliance on any of the regulations, then a deficiency is issued. There is no failure of a clinic. You may be getting deficiencies for any number of items. They can be very serious deficiencies or they can be very nonsignificant deficiencies. And then if the Department of Health goes through a certain process, a provisional license is issued, and a license would subsequently be rescinded if it is found that the clinic is persistently out of compliance.

So I believe that there have not been 15 clinics who have failed the licensure requirements. There may have been 15 clinics who received deficiencies. Those deficiencies may be of varying degrees but not indicative of the level of care that was delivered. Thank you.

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

On that question, the Speaker recognizes the gentleman from Allegheny, Mr. Frankel, for the second time.

Mr. FRANKEL. Thank you, Mr. Speaker.

And let me amplify the comments of the last speaker, because much of this debate leading up and some of the discussions that have taken place before we had the debate on

the floor have, I believe, been distorted, and I think some of the information that was just provided or detailed by the prime sponsor is really not entirely accurate.

The violations that the prime sponsor talked about were, by and large, almost entirely of a clerical or technical nature. There have only been two or three violations with respect to service provided, and if any of them had risen to a level that the Department of Health had determined was sufficient to close them, they would have been closed.

So I think it is disingenuous to be utilizing information that does not relate to the quality of care, that relates to medical charts, clerical information, as a way to say that these facilities have violated care standards, regulations, which is clearly not the case. They continue to operate, they were not shut down on this basis, and they clearly have a record that provides women not only with access but access to safe, affordable care that this legislation seeks to deny the women of Pennsylvania. Thank you.

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

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

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

On the amendment, very quickly.

We have already defeated an amendment that gave 180 days' timespan. What this amendment actually does is gives an unlimited amount of time, in perpetuity, eternally, to comply. So in keeping with our previous votes, I ask for a negative vote.

Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—51

Bishop	DePasquale	Mann	Sabatina
Boyle, K.	Dermody	McGeehan	Santarsiero
Bradford	DeWeese	Milne	Shapiro
Brennan	Donatucci	Mundy	Smith, M.
Briggs	Evans, D.	Myers	Sturla
Brown, V.	Frankel	O'Brien, M.	Thomas
Brownlee	Freeman	O'Neill	Vitali
Buxton	George	Parker	Wagner
Cohen	Gerber	Pashinski	Waters
Cruz	Haluska	Payton	Wheatley
Curry	Josephs	Preston	Williams
Davis	Keller, W.	Roebuck	Youngblood
DeLissio	Kirkland	Ross	

NAYS—146

Adolph	Evankovich	Keller, M.K.	Quinn
Aument	Evans, J.	Knowles	Rapp
Baker	Everett	Kortz	Ravenstahl
Barbin	Fabrizio	Kotik	Readshaw
Barrar	Farry	Krieger	Reed
Bear	Fleck	Lawrence	Reese
Benninghoff	Gabler	Longietti	Reichley
Bloom	Galloway	Maher	Roae
Boback	Geist	Major	Rock
Boyd	Gergely	Maloney	Saccone
Boyle, B.	Gibbons	Markosek	Sainato
Brooks	Gillen	Marshall	Samuelson
Brown, R.	Gillespie	Marsico	Saylor

Burns	Gingrich	Masser	Scavello
Caltagirone	Godshall	Matzie	Schroder
Carroll	Goodman	Metcalfe	Simmons
Causser	Grell	Metzgar	Smith, K.
Christiana	Grove	Micozzie	Sonney
Clymer	Hackett	Millard	Staback
Conklin	Hahn	Miller	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
Davidson	Helm	O'Brien, D.	Toohil
Day	Hennessey	Oberlander	Truitt
Deasy	Hess	Payne	Turzai
Delozier	Hickernell	Peifer	Vereb
DeLuca	Hornaman	Perry	Vulakovich
Denlinger	Hutchinson	Petrarca	Watson
DiGirolamo	Kampf	Petri	White
Dunbar	Kauffman	Pickett	
Ellis	Kavulich	Pyle	Smith, S., Speaker
Emrick	Keller, F.	Quigley	

NOT VOTING—0

EXCUSED—6

Johnson	Kula	Miccarelli	Santoni
Killion	Mahoney		

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. **SANTARSIERO** offered the following amendment No. **A01687**:

Amend Bill, page 2, line 11, by inserting after "child," The term "abortion facility" shall not include a facility that solely facilitates the use of an intrauterine device or birth control pill to inhibit or prevent ovulation, fertilization or the implantation of a fertilized ovum within the uterus.

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 amendment is also relatively straightforward. It removes from the definition of "abortion facility" a facility that solely facilitates the use of birth control.

Given the sponsor of this bill's indication that this bill is primarily an outgrowth of the reaction to the horrific events at the Gosnell facility, it seems appropriate that there should be, at the very least, a carveout for facilities that merely provide birth control.

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 Tioga County, Mr. Baker.

Mr. **BAKER**. Thank you, Mr. Speaker.

I rise to oppose the amendment. This amendment alters the definition of an abortion facility to exclude those places that solely provide an intrauterine device or birth control pills in the form of contraception. This is an unnecessary amendment in light of the "surgical" definer included in the "abortion facility" definition. We need to take note and instruction that the term "surgery" is defined under the ambulatory surgical facility regulations, 28 Pa. Code § 551.3.

And I might add, Mr. Speaker, this is really unnecessary in that we amended this bill in committee unanimously with this vote that would only apply this bill to surgical abortion clinics. So it is really quite unnecessary, Mr. Speaker, and once again I ask for a negative vote. Thank you very much.

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

On that question, the Speaker recognizes the gentleman from Bucks, Mr. Santarsiero, for the second time.

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

If in fact this is belt and suspenders, then presumably there should not be any opposition to it, and I would ask my colleagues on both sides of the aisle to vote for it.

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

The following roll call was recorded:

YEAS—64

Bishop	DePasquale	McGeehan	Ross
Boyle, B.	Dermody	Milne	Sabatina
Boyle, K.	DeWeese	Mullery	Samuelson
Bradford	Donatucci	Mundy	Santarsiero
Brennan	Evans, D.	Murphy	Shapiro
Briggs	Fabrizio	Myers	Smith, K.
Brown, V.	Frankel	O'Brien, M.	Smith, M.
Buxton	Freeman	O'Neill	Sturla
Carroll	George	Parker	Thomas
Cohen	Gerber	Pashinski	Vitali
Costa, P.	Haluska	Payton	Wagner
Cruz	Josephs	Petri	Waters
Curry	Keller, W.	Preston	Wheatley
Davidson	Kirkland	Quinn	White
Davis	Mann	Reichley	Williams
DeLissio	Markosek	Roebuck	Youngblood

NAYS—132

Adolph	Evans, J.	Keller, F.	Quigley
Aument	Everett	Keller, M.K.	Rapp
Baker	Farry	Knowles	Ravenstahl
Barbin	Fleck	Kortz	Readshaw
Barrar	Gabler	Kotik	Reed
Bear	Galloway	Krieger	Reese
Benninghoff	Geist	Lawrence	Roae
Bloom	Gergely	Longietti	Rock
Boback	Gibbons	Maher	Saccone
Boyd	Gillen	Major	Sainato
Brooks	Gillespie	Maloney	Saylor
Brown, R.	Gingrich	Marshall	Scavello
Burns	Godshall	Marsico	Schroder
Caltagirone	Goodman	Masser	Simmons
Causser	Grell	Matzie	Sonney
Christiana	Grove	Metcalfe	Staback
Clymer	Hackett	Metzgar	Stephens
Conklin	Hahn	Micozzie	Stern
Costa, D.	Hanna	Millard	Stevenson
Cox	Harhai	Miller	Swanger

Creighton	Harhart	Mirabito	Tallman
Culver	Harkins	Moul	Taylor
Cutler	Harper	Murt	Tobash
Daley	Harris	Mustio	Toepel
Day	Heffley	Neuman	Toohil
Deasy	Helm	O'Brien, D.	Truitt
Delozier	Hennessey	Oberlander	Turzai
DeLuca	Hess	Payne	Vereb
Denlinger	Hickernell	Peifer	Vulakovich
DiGirolamo	Hornaman	Perry	Watson
Dunbar	Hutchinson	Petrarca	
Ellis	Kampf	Pickett	Smith, S.,
Emrick	Kauffman	Pyle	Speaker
Evankovich	Kavulich		

NOT VOTING—1

Brownlee

EXCUSED—6

Johnson	Kula	Miccarelli	Santoni
Killion	Mahoney		

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. **BRIGGS** offered the following amendment
No. **A01732**:

Amend Bill, page 1, line 10, by inserting after "license;"
providing for governing law for abortion facilities;

Amend Bill, page 5, by inserting between lines 10 and 11

Section 4. The act is amended by adding a section to read:

Section 822. Governing law for abortion facilities.

The provisions of 18 Pa.C.S. Ch. 32 (relating to abortion) shall supersede the provisions of this act to the extent of any inconsistency with this act relating to abortion facilities.

Amend Bill, page 5, line 11, by striking out "4" and inserting
5

Amend Bill, page 5, line 16, by striking out "5" and inserting
6

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

The SPEAKER. On that question, the Speaker recognizes the gentleman from Montgomery County, Mr. Briggs.

Mr. BRIGGS. Thank you, Mr. Speaker.

Amendment A1732 clarifies how we can handle discrepancies between the provisions in HB 574 and the Abortion Control Act.

My amendment would make clear that the Abortion Control Act shall supersede the provisions laid forth in HB 574 in instances where there are inconsistencies. Here are a few examples of inconsistencies that I have seen: The current ASF (ambulatory surgical facility) regulations make no provisions, as far as I am aware, for right of conscience or instances of spousal notice. My amendment would help close those gaps in the legislation, and I ask for an affirmative vote. Thank you.

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

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

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

This amendment – I respectfully ask for a negative vote – provides for provisions of the Abortion Control Act would supersede the requirements of this legislation. We have taken great pains not to reopen the Abortion Control Act at all. And if the Abortion Control Act were sufficient to address the health and safety concerns raised by the Gosnell case and the lack of oversight provided by the Department of Health, and I might add the Department of State and the Department of Health within the city of Philadelphia, then the legislation would not be necessary.

In section 808(a)(6) of the Health Care Facilities Act, we require that abortion facilities be in compliance with the Abortion Control Act and regulations promulgated thereunder. As a result, there could be no inconsistency between the Abortion Control Act and the provisions of this act.

Moreover, no other health-care facility is subject to a provision clarifying the governing law. This could also potentially give the Department of Health the ability to repeal a law passed by our legislature using the rulemaking authority of the Abortion Control Act, and that should give us great pause in and of itself as it potentially would be a violation of our Constitution and the separation-of-powers clause. So I ask for a negative vote.

Thank you, Mr. Speaker.

VOTE CORRECTION

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

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

Ms. BROWNLEE. Thank you, Mr. Speaker.

On that last vote, my button malfunctioned.

The SPEAKER. The lady would like to be recognized to clarify a vote?

Ms. BROWNLEE. Clarify a vote, Mr. Speaker.

The SPEAKER. The lady may state her position.

Ms. BROWNLEE. My vote was in the affirmative. Thank you, Mr. Speaker.

The SPEAKER. The lady's remarks will be spread upon the record.

CONSIDERATION OF HB 574 CONTINUED

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

The following roll call was recorded:

YEAS—51

Bishop	DeLissio	Kirkland	Santarsiero
Boyle, B.	DePasquale	Mann	Shapiro
Boyle, K.	Dermody	McGeehan	Smith, M.
Bradford	DeWeese	Mundy	Sturla
Brennan	Donatucci	Myers	Thomas
Briggs	Evans, D.	O'Brien, M.	Vitali
Brown, V.	Fabrizio	Parker	Wagner

Brownlee	Frankel	Pashinski	Waters
Buxton	Freeman	Payton	Wheatley
Cohen	Gerber	Preston	White
Cruz	Haluska	Roebuck	Williams
Curry	Josephs	Ross	Youngblood
Davis	Keller, W.	Sabatina	

NAYS—146

Adolph	Evans, J.	Knowles	Quigley
Aument	Everett	Kortz	Quinn
Baker	Farry	Kotik	Rapp
Barbin	Fleck	Krieger	Ravenstahl
Barrar	Gabler	Lawrence	Readshaw
Bear	Galloway	Longiatti	Reed
Benninghoff	Geist	Maher	Reese
Bloom	George	Major	Reichley
Boback	Gergely	Maloney	Roe
Boyd	Gibbons	Markosek	Rock
Brooks	Gillen	Marshall	Saccone
Brown, R.	Gillespie	Marsico	Sainato
Burns	Gingrich	Masser	Samuelson
Caltagirone	Godshall	Matzie	Saylor
Carroll	Goodman	Metcalfe	Scavello
Causar	Grell	Metzgar	Schroder
Christiana	Grove	Micozzie	Simmons
Clymer	Hackett	Millard	Smith, K.
Conklin	Hahn	Miller	Sonney
Costa, D.	Hanna	Milne	Staback
Costa, P.	Harhai	Mirabito	Stephens
Cox	Harhart	Moul	Stern
Creighton	Harkins	Mullery	Stevenson
Culver	Harper	Murphy	Swanger
Cutler	Harris	Murt	Tallman
Daley	Heffley	Mustio	Taylor
Davidson	Helm	Neuman	Tobash
Day	Hennessey	O'Brien, D.	Toepel
Deasy	Hess	O'Neill	Toohil
Delozier	Hickernell	Oberlander	Truitt
DeLuca	Hornaman	Payne	Turzai
Denlinger	Hutchinson	Peifer	Vereb
DiGirolamo	Kampf	Perry	Vulakovich
Dunbar	Kauffman	Petrarca	Watson
Ellis	Kavulich	Petri	
Emrick	Keller, F.	Pickett	Smith, S., Speaker
Evankovich	Keller, M.K.	Pyle	

NOT VOTING—0

EXCUSED—6

Johnson	Kula	Miccarelli	Santoni
Killion	Mahoney		

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

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

The SPEAKER. The gentleman from Cambria County, Mr. Barbin, has indicated he is withdrawing amendment A01656. Is the Speaker correct?

Mr. BARBIN. Yes, Mr. Speaker, I will be withdrawing the amendment. I would like to just speak on my amendment for a moment.

The SPEAKER. The gentleman may proceed.

Mr. BARBIN. Thank you, Mr. Speaker.

I rise in support of the underlying bill and against the amendments, and on that basis, my amendment was agreed by the pro-life organizations as a strengthening bill, but at the request I am withdrawing this amendment, because it is time for this House to do something additional that was being done during the Gosnell period, and that is what this bill is about today. So I will be withdrawing my amendment on the basis that we will be moving forward to provide additional regulation in an area where we need it.

Thank you, Mr. Speaker.

The SPEAKER. The Speaker thanks the gentleman.

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

Mr. FRANKEL offered the following amendment No. A01734:

Amend Bill, page 2, line 19, by inserting after "center"
and any other facility that uses general anesthesia

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

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

Mr. FRANKEL. Thank you, Mr. Speaker.

This amendment amends the definition of "health care facility" in HB 574 to include any facility that uses general anesthesia. If the intent of this legislation is to strengthen the regulations of health-care facilities, there seems to only be an emphasis on adding abortion facilities to the definition.

Regardless of your views about that issue – and I believe we need to expand the definition to include any facility that uses general anesthesia – there should be uniformity in our laws, and by including some facilities but not others to the definition of "health care facility" does not seem reasonable.

By amending the definition to include all facilities that use general anesthesia, we can ensure consistency in regulations for all of our health-care facilities. I believe we should always strive to make sure our health-care facilities work within the boundaries of the law, maintain proper and up-to-date licensure, and follow a similar standard to each other. This amendment seeks to make a correction to this definition.

I would appreciate your support for this amendment. Thank you.

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

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

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

I rise in opposition to amendment 1734. I think it is important to note that the way that the "health care facility" is drafted, and I would like to quote here, "...a health care facility includes, but is not limited to, a general, chronic disease or other type of hospital, a home health care agency, a home care agency, a hospice, a long-term care nursing facility, cancer treatment centers using radiation therapy on an ambulatory basis, an ambulatory surgical facility, a birth center regardless of whether such health care facility is operated for profit, nonprofit or by an agency of the Commonwealth or local

government. The department shall have the authority to license other health care facilities as may be necessary due to emergence of new modes of health care." The glaring exception with respect to the definition is abortion facilities. It seems to me that what is missing from the definition is not what is at issue, given the maker from Allegheny County, but what this bill in and of itself attempts to correct.

As a result and based on the evidence that has been put into the record here and through the grand jury report, we would ask that everybody vote "no" on this particular amendment. Thank you.

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

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

Mr. FRANKEL. Thank you, Mr. Speaker.

If the point of HB 574 is to make abortion facilities safer and not just an attack on abortion itself, then how can we argue that all health-care facilities that use general anesthesia should not be held to those same health-care standards?

I believe this amendment merits your support. Thank you.

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

The following roll call was recorded:

YEAS—48

Bishop	DeLissio	Kirkland	Santarsiero
Bradford	DePasquale	Mann	Shapiro
Briggs	Dermoddy	McGeehan	Smith, M.
Brown, V.	DeWeese	Myers	Sturla
Brownlee	Donatucci	O'Brien, M.	Thomas
Buxton	Evans, D.	Parker	Vitali
Cohen	Frankel	Pashinski	Wagner
Costa, P.	Gerber	Payton	Waters
Cruz	Haluska	Preston	Wheatley
Curry	Hanna	Roebuck	White
Davidson	Josephs	Ross	Williams
Davis	Keller, W.	Sabatina	Youngblood

NAYS—149

Adolph	Evans, J.	Knowles	Quigley
Aument	Everett	Kortz	Quinn
Baker	Fabrizio	Kotik	Rapp
Barbin	Farry	Krieger	Ravenstahl
Barrar	Fleck	Lawrence	Readshaw
Bear	Freeman	Longiotti	Reed
Benninghoff	Gabler	Maher	Reese
Bloom	Galloway	Major	Reichley
Boback	Geist	Maloney	Roae
Boyd	George	Markosek	Rock
Boyle, B.	Gergely	Marshall	Saccone
Boyle, K.	Gibbons	Marsico	Sainato
Brennan	Gillen	Masser	Samuelson
Brooks	Gillespie	Matzie	Saylor
Brown, R.	Gingrich	Metcalfe	Scavello
Burns	Godshall	Metzgar	Schroder
Caltagirone	Goodman	Micozzie	Simmons
Carroll	Grell	Millard	Smith, K.
Causar	Grove	Miller	Sonney
Christiana	Hackett	Milne	Staback
Clymer	Hahn	Mirabito	Stephens
Conklin	Harhai	Moul	Stern
Costa, D.	Harhart	Mullery	Stevenson
Cox	Harkins	Mundy	Swanger
Creighton	Harper	Murphy	Tallman
Culver	Harris	Murt	Taylor

Cutler	Heffley	Mustio	Tobash
Daley	Helm	Neuman	Toepel
Day	Hennessey	O'Brien, D.	Toohil
Deasy	Hess	O'Neill	Truitt
Delozier	Hickernell	Oberlander	Turzai
DeLuca	Hornaman	Payne	Vereb
Denlinger	Hutchinson	Peifer	Vulakovich
DiGirolamo	Kampf	Perry	Watson
Dunbar	Kauffman	Petrarca	
Ellis	Kavulich	Petri	Smith, S.,
Emrick	Keller, F.	Pickett	Speaker
Evankovich	Keller, M.K.	Pyle	

NOT VOTING—0

EXCUSED—6

Johnson	Kula	Miccarelli	Santoni
Killion	Mahoney		

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?

Ms. JOSEPHS offered the following amendment No. A01735:

Amend Bill, page 3, lines 9 and 10, by striking out "a " in line 9 and "subsection" in line 10 and inserting subsections

Amend Bill, page 3, by inserting between lines 17 and 18

(i) Inspections.—Prior to the issuance of a license to an abortion facility, the department shall conduct an inspection of the abortion facility. The inspection shall be performed by a physician or registered nurse who has at least one year of experience in the field of gynecological care and abortion services.

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

The SPEAKER. On that question, the Speaker recognizes the lady from Philadelphia County, Ms. Josephs.

Ms. JOSEPHS. Thank you, Mr. Speaker. Let me find my place in this, if you will. Oh; okay. Thank you very much.

This is an amendment which would bring oral and maxillofacial facilities that perform surgical procedures under the ambiance of the same regulations as ambulatory facilities.

Mr. Speaker, friends, I just had some oral surgery. Let me tell you, it is pretty detailed— Wrong amendment am I talking about? Sorry.

The SPEAKER. The lady will suspend.

Ms. JOSEPHS. Yes; wrong amendment. Sorry.

Sorry. Please, I take it back.

The SPEAKER. That is okay. It took us a minute to catch up, too.

On the amendment.

Ms. JOSEPHS. Amendment 1735.

The people who are going to inspect these facilities from the Health Department, before there is an issuance of license to a facility that does these procedures, it should be more qualified than the people who sat on the grand jury, who really only wanted to have the Health Department do its job, which is what

I want. So what this amendment would require is that the inspection should be performed by a physician or a registered nurse who has at least 1 year of experience in the field of gynecological care and abortion services.

Mr. Speaker, once you are pregnant, the safest thing you can do is have a legal abortion. The worst thing you can do is go to a place like Gosnell's. In between, you can have the baby, which is not a safe procedure if you look at the statistics, but we do it, gentlemen, because we love you and we love the babies that you and I or you and us or you and we have conceived, but it is a dangerous procedure. We think that somebody who has experience in abortion and gynecological services ought to be the person who does these inspections of these health facilities, which are absolutely vital to women's health.

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 Tioga County, Mr. Baker.

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

I rise to oppose, respectfully, the gentlelady's amendment, my former cochair of the State Government Committee.

Mr. Speaker, this amendment could raise a constitutional question, as this would provide for a separate class for additional inspection criteria as it applies to abortion facilities. And under section 806.4 of the Health Care Facilities Act, it allows the department to inspect at the time of the application issuance and renewal.

The crux of the problem with this amendment that I see is, it allows an abortionist to inspect an abortion clinic, and that gives me great concern, and I oppose this amendment, Mr. Speaker. Thank you very much.

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

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

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

Would the maker of the amendment stand for interrogation? My former chairwoman.

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

Mr. B. BOYLE. I am just trying to figure out the practical implication of this amendment and really trying to figure out how practically this would apply. When it says, quote, "inspectors that have medical training in the field of abortion," and I think in the actual amendment text there is slightly different language, could you give me an example of who would meet this definition and who would not meet this definition?

Ms. JOSEPHS. I would say that it would be a physician or a nurse, people who are medically certified in their field, who have experience, which means they have worked in a women's health facility, and for the medical person, delivered babies and also terminated pregnancies when he or she was called on.

Mr. B. BOYLE. Do we know now if the current Department of Health inspectors, who in the Gosnell case were clearly and tragically asleep at the switch, do we know if our current Department of Health inspectors have this sort of background and would they meet your definition?

Ms. JOSEPHS. I do not know, but I do not think so or I do not think that the advocates would have suggested this amendment to me.

Mr. B. BOYLE. Okay. All right. I thank the lady's indulgence for my questions, and that concludes my interrogation. 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 lady from Philadelphia, Ms. Josephs, for a second time.

Ms. JOSEPHS. Thank you, Mr. Speaker.

Happy to hear that my former cochair of the State Government Committee is so concerned about the constitutional rights of somebody – women would be nice – but I do not think there is any constitutional issue. This is— I will not go to motivation, but clearly, clearly there is an attempt being made here to make a legal procedure, which is constitutionally protected, inaccessible to the people who need it.

I do not see any constitutional issue here. Because you want to send people who are qualified to make a judgment as representing the State when a judgment has to be made, is that a constitutional issue? Come on. Think of a better reason. Please vote for this amendment.

Thank you, Mr. Speaker.

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

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

Ms. DeLISSIO. Thank you, Mr. Speaker. On the amendment.

I rise to support the amendment, and the fact that surveyors in the Department of Health should have appropriate backgrounds and credentials given the arena in which they are inspecting, if I were to follow the logic of the gentleman from Tioga County, that I would not want a person well versed in plumbing to come out and do my plumbing inspection, I would want an electrical guy to do the plumbing inspection, I just do not follow that logic. And part of the problem with the surveyors in the Department of Health is, they do not have the background and the training in the field in which they are surveying, so they often overlook those deficiencies that might be serious and certainly emphasize those other things that are not as serious.

So I support the amendment and would appreciate my colleagues doing so as well.

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

On that question, the Speaker recognizes the gentleman from Blair County, Mr. Stern.

Mr. STERN. On the amendment, Mr. Speaker.

Having an abortionist inspect an abortion facility would almost be like the fox guarding the henhouse. I would ask for opposition to this amendment. Thank you.

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

On that question, the Speaker recognizes the gentleman from Lehigh, Mr. Reichley.

Mr. REICHLEY. Thank you, Mr. Speaker.

Would the gentlelady stand for brief interrogation?

The SPEAKER. Will the lady, Ms. Josephs, stand for interrogation? She indicates she will. The gentleman may proceed.

Mr. REICHLEY. Thank you, Mr. Speaker.

Mr. Speaker, I understand the gentelady's concerns about having adequately trained personnel to perform these inspections. If I may ask a question: In line 9 of the amendment, it refers to "...a physician or registered nurse who has...one year of experience in the field of gynecological care and abortion services." Is that correct, Mr. Speaker? Is that the way the amendment reads at this time?

Ms. JOSEPHS. That is how I see it, and from my piece of paper, that is what it says. Yes, sir.

Mr. REICHLEY. Mr. Speaker, does that mean then that a physician or a registered nurse who had 1 year of training only in gynecological care would therefore be ineligible to perform these inspections?

Ms. JOSEPHS. Yes.

Mr. REICHLEY. You would require that there has to be 1 year of gynecological care and a separate year of abortion service training, or are they at the same time?

Ms. JOSEPHS. No, sir. Gynecologists do these services all the time. So do nurses. It is not a big deal. If you are a gynecologist, you have probably done a number of abortions. If you are a registered nurse, a gynecological nurse, you have helped, you have assisted with a number of them in the course of a year. It is part of practice, medical practice.

Mr. REICHLEY. Well, Mr. Speaker, is the gentelady stating that gynecological care in and of itself requires there to be abortion service training, or would that be more in the obstetrical care field?

Ms. JOSEPHS. I have no idea what gynecological care in medical schools includes. I have no notion.

Mr. REICHLEY. And you are the maker of the amendment.

Ms. JOSEPHS. Yes, but I am not a doctor and neither are you, and I do not know whether both of them are included.

Gynecological care, I assume that you are defining that as when we are talking about a natural live birth, but it includes everything. And I do believe that this amendment, this amendment was done this way to make sure that we understand, when we are voting for it, that gynecology and abortion are the same in most cases and that most people who deal with gynecological care have done or witnessed or helped with doing legal abortions.

Pregnancy termination happens one way or another. You either have the baby or something else happens. Come on.

Mr. REICHLEY. Mr. Speaker, furthermore, on line 8 it says, "The inspection shall be performed by a physician..." Is there a definition of the word "physician" within the amendment or anywhere else within the bill?

Ms. JOSEPHS. Physicians are licensed by the State, sir. And after an abortion, gynecological care has to continue. It continues until the old age and sometimes the death of the patient.

Mr. REICHLEY. And I appreciate that answer, but I think my question was, is there a definition of the word "physician" within the amendment or elsewhere in the bill?

Ms. JOSEPHS. Not that I know of, but there is a definition in the code. Physicians are licensed by the State. I do not think there is any problem figuring out who a physician is, if that is your question.

Mr. REICHLEY. And, Mr. Speaker, is the gentelady sure that the term "physician" is defined somewhere else in the code or is it "licensed physician"?

Ms. JOSEPHS. I believe that the courts that analyze this and anybody who just picks it up and reads it understands that physicians are licensed by definition, and everybody knows who a physician is.

Mr. REICHLEY. Okay. On the amendment, Mr. Speaker.

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

Mr. REICHLEY. Thank you, Mr. Speaker.

As I said in the beginning of my remarks, I do understand the gentelady's concerns. I think all of us would want to ensure that there are adequately trained personnel performing these inspections. However, the wording of this amendment leaves a lot to be asked for.

First off, let me deal with the last point that we were discussing. This says a physician; it does not say a licensed physician. So therefore, it is possible that a person could have completed medical school and not have taken the exam to be licensed. It could be possible that this could refer to a medical student who has performed their 1 year of rotation of gynecological studies.

In addition, I believe the gentelady's references to the conjunctive phrase that the requirement would be for 1 year of gynecological care "and" abortion services really is applying two different concepts. The gynecological care does not necessarily involve abortion services. That would be more in the field of obstetrical services.

So I believe for a number of reasons, although the intention is well made, the language of this amendment leaves too many questions to be asked, and I ask for a negative vote. Thank you.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—50

Bishop	Davis	Keller, W.	Sabatina
Boyle, B.	DeLissio	Kirkland	Santarsiero
Boyle, K.	DePasquale	Mann	Shapiro
Bradford	Dermody	McGeehan	Smith, M.
Brennan	DeWeese	Mundy	Sturla
Briggs	Donatucci	Myers	Thomas
Brown, V.	Evans, D.	O'Brien, M.	Vitali
Brownlee	Fabrizio	Parker	Wagner
Buxton	Frankel	Pashinski	Waters
Cohen	Freeman	Payton	Wheatley
Costa, P.	Gerber	Preston	Williams
Cruz	Haluska	Roebuck	Youngblood
Curry	Josephs		

NAYS—147

Adolph	Farry	Kotik	Rapp
Aument	Fleck	Krieger	Ravenstahl
Baker	Gabler	Lawrence	Readshaw
Barbin	Galloway	Longietti	Reed
Barrar	Geist	Maher	Reese
Bear	George	Major	Reichley
Benninghoff	Gergely	Maloney	Roae
Bloom	Gibbons	Markosek	Rock
Boback	Gillen	Marshall	Ross

Boyd	Gillespie	Marsico	Saccone
Brooks	Gingrich	Masser	Sainato
Brown, R.	Godshall	Matzie	Samuelson
Burns	Goodman	Metcalfe	Saylor
Caltagirone	Grell	Metzgar	Scavello
Carroll	Grove	Micozzie	Schroder
Causer	Hackett	Millard	Simmons
Christiana	Hahn	Miller	Smith, K.
Clymer	Hanna	Milne	Sonney
Conklin	Harhai	Mirabito	Staback
Costa, D.	Harhart	Moul	Stephens
Cox	Harkins	Mullery	Stern
Creighton	Harper	Murphy	Stevenson
Culver	Harris	Murt	Swanger
Cutler	Heffley	Mustio	Tallman
Daley	Helm	Neuman	Taylor
Davidson	Hennessey	O'Brien, D.	Tobash
Day	Hess	O'Neill	Toepel
Deasy	Hickernell	Oberlander	Toohil
Delozier	Hornaman	Payne	Truitt
DeLuca	Hutchinson	Peifer	Turzai
Denlinger	Kampf	Perry	Verbe
DiGirolamo	Kauffman	Petrarca	Vulakovich
Dunbar	Kavulich	Petri	Watson
Ellis	Keller, F.	Pickett	White
Emrick	Keller, M.K.	Pyle	
Evankovich	Knowles	Quigley	Smith, S.,
Evans, J.	Kortz	Quinn	Speaker
Everett			

NOT VOTING—0

EXCUSED—6

Johnson	Kula	Miccarelli	Santoni
Killion	Mahoney		

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. ROSS offered the following amendment No. **A01894**:

Amend Bill, page 1, lines 1 through 11, by striking out all of said lines and inserting

Regulating certain facilities which perform abortions; imposing powers and duties on the Department of Health and the Legislative Reference Bureau; and imposing penalties.

Amend Bill, page 1, lines 14 through 17; pages 2 through 4, lines 1 through 30; page 5, lines 1 through 16, by striking out all of said lines on said pages and inserting

Section 1. Short title.

This act shall be known and may be cited as the Department of Health Abortion Facility Oversight Act.

Section 1.1. Legislative findings and declaration of policy.

(a) Legislative findings.—It is hereby determined and declared as a matter of legislative finding that:

(1) The citizens of this Commonwealth have a substantial interest in regulating abortion facilities operating in this Commonwealth.

(2) Regulation of abortion facilities reasonably serves the Commonwealth's substantial interests in protecting the citizens of this Commonwealth from bodily injury and death.

(3) Warrantless administrative inspections of abortion facilities operating in this Commonwealth are a necessary part of this comprehensive regulatory scheme.

(b) Declaration of policy.—It is hereby declared to be the

intention of the General Assembly to protect the safety and general welfare of the citizens of this Commonwealth by closely regulating abortion facilities operating in this Commonwealth.

Section 2. Definitions.

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

"Abortion." As defined in 18 Pa.C.S. § 3203 (relating to definitions).

"Abortion facility." A facility:

(1) which is not subject to licensure under act of July 19, 1979 (P.L.130, No.48), known as the Health Care Facilities Act; and

(2) in which abortions are performed on an elective basis.

"Complainant." An individual who contacts the department for the purpose of making a complaint.

"Complaint." A communication received by the department, which describes conduct in violation of this act or any other statute or regulations pertaining to abortions or abortion facilities.

"Department." The Department of Health of the Commonwealth.

"Inspection." An examination by the department, including interviews with the office staff, clients and individuals providing abortions or assisting in providing abortions, and a review of documents pertinent to initial and continued compliance for the purpose of operating an abortion facility.

"Serious event." As defined in section 302 of the act of March 20, 2002 (P.L.154, No.13), known as the Medical Care Availability and Reduction of Error (Mcare) Act.

Section 3. Licensure.

(a) License required.—An abortion facility must be licensed by the department.

(b) Procedure.—

(1) An abortion facility must submit an application for licensure to the department on a form prescribed by the department.

(2) Upon receipt of an application under paragraph (1), the department shall inspect the abortion facility to determine the ability to comply with this act.

(c) License.—

(1) If the department determines that the abortion facility is able to comply with this act, the department shall issue a license indicating all of the following:

(i) Name.

(ii) Compliance with statutory and regulatory requirements.

(iii) Term. The term shall be for a period of not more than one year.

(iv) The date the inspection took place.

(2) A license is nontransferable.

(3) The abortion facility shall prominently display the license where it is visible to patients.

(d) Renewal.—Before expiration of the term under subsection (c)(1)(iii), an abortion facility must apply for renewal in accordance with subsection (c).

Section 4. Inspections.

(a) Authority.—

(1) An inspector of the department may, with identification, enter and inspect an abortion facility which:

(i) holds a license; or

(ii) is seeking licensure.

(2) In an inspection, the department shall have free and full access to all of the following:

(i) Premises and records of the abortion facility.

(ii) Individuals employed by or under contract with the abortion facility. This subparagraph includes the opportunity to interview the individuals.

(b) Timing.—

(1) An initial inspection shall be conducted under section

3(b)(2).

(2) An inspection shall be conducted for license renewal under section 3(d).

(3) The department may conduct random inspections at each abortion facility.

(4) The department may conduct other inspections, announced or unannounced, for the purpose of:

- (i) ensuring compliance; or
- (ii) investigating a complaint.

(c) Reports.—Inspection reports and plans of correction under section 5(c)(3) shall be posted on the department's publicly accessible Internet website and shall be searchable by the public.

Section 5. Violations.

(a) Illegal actions.—The following are violations of this act:

(1) Violation of a regulation promulgated under this act or any other statute or regulation pertaining to abortions or abortion facilities.

(2) Transferring a license.

(3) Obtaining or attempting to obtain a license in violation of this act. This paragraph includes fraud or deceit in the application process.

(4) Gross incompetence, negligence or misconduct in operation of the abortion facility.

(5) Mistreating or abusing patients cared for in the abortion facility.

(6) Failure to permit inspectors to enter the facility or to provide access to requested records.

(b) Notice.—If the department discovers a violation under subsection (a), the department shall give written notice to the abortion facility specifying the violation.

(c) Effect.—

(1) The department may deny licensure or renewal until correction of the violation under subsection (a).

(2) If the department determines that a violation under subsection (a) immediately compromises the health and safety of the patient, the department shall immediately revoke the license.

(3) Except as set forth in paragraph (1) or (2), within ten days of notice under subsection (b), the abortion facility shall prepare a plan of correction.

(4) The department may assess an administrative penalty against a license holder. This paragraph is subject to 2 Pa.C.S. Chs. 5. Subch. A (relating to practice and procedure of Commonwealth agencies) and 7 Subch. A (relating to judicial review of Commonwealth agency action).

Section 6. Operation without a license.

(a) Prohibition.—An abortion facility may not operate without a license. Each day of operation constitutes a separate offense.

(b) Penalty.—A person that violates subsection (a) commits a summary offense and shall, upon conviction, be sentenced to pay a fine of \$250.

Section 7. Complaints.

(a) Procedure.—The department shall promulgate regulations for a formal complaint process for a person to report a violation of this act or any other statute or regulation pertaining to abortions or abortion facilities. The process shall include:

(1) A toll-free telephone number for lodging verbal complaints.

(2) A form, easily accessible on the department's Internet website, to allow for electronic submission of written complaints.

(3) An intake system and protocols for dealing with individuals making complaints directly to department employees or through the postal system.

(4) A complaint tracking system.

(b) Treatment.—A complainant shall receive all of the following:

(1) Notification of the option to remain anonymous.

(2) Written acknowledgment regarding the receipt of the complaint.

(3) Written notification of the final outcome of

investigation of the complaint.

Section 8. Reports.

(a) Serious event reports.—

(1) Notwithstanding any other provision to the contrary, all abortion facilities as defined in this act shall report the occurrence of a serious event to the department and the Patient Safety Authority within 24 hours of the abortion facility's confirmation of the serious event.

(2) Within 72 hours of a report of a serious event, the department shall initiate an inspection.

(3) Failure to report a serious event may be the basis for the revocation of licensure under this act. In addition to any penalty which may be imposed under 18 Pa.C.S. Ch. 32 (relating to abortion), an abortion facility which fails to report a serious event in accordance with this act may be subject to an administrative penalty of \$1,000 per day imposed by the department.

(4) Reporting under paragraph (1) shall be in accordance with section 313 of the act of March 20, 2002 (P.L.154, No.13), known as the Medical Care Availability and Reduction of Error (Mcare) Act.

(b) Communication with Department of State.—The department shall establish regular and formal mechanisms for making reports to the Department of State. Complaints pertaining to any licensed professional under the jurisdiction of the Bureau of Professional and Occupational Affairs shall be reported as soon as possible to the appropriate licensing board but no less than 72 hours after receipt.

Section 9. Confidentiality.

Information regarding complainant and patient identity received by the department shall be kept confidential and shall not be subject to the act of February 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law.

Section 10. Regulations.

The department shall promulgate regulations to implement this act. Existing regulations of the department applicable to abortion facilities not clearly inconsistent with the provisions of this act shall remain in effect until amended by the department under this section.

Section 11. Existing abortion facilities.

The department shall begin a process to ensure all of the following:

(1) Abortion facilities in existence on the effective date of this section are able to receive a license if warranted. When a licensure process is in effect, the department shall transmit notice of this fact to the Legislative Reference Bureau for publication in the Pennsylvania Bulletin.

(2) Abortion facilities are in compliance with other statutes administered by the department pertaining to abortion facilities.

Section 12. Construction.

Nothing in this act shall be construed to limit the provisions of 18 Pa.C.S. Ch. 32 (relating to abortion) or limit any regulation promulgated under 18 Pa.C.S. Ch. 32.

Section 30. Effective date.

This act shall take effect as follows:

(1) The following provisions shall take effect immediately:

(i) Section 2.

(ii) Section 10.

(iii) Section 11.

(iv) This section.

(2) Section 6 shall take effect 60 days after publication of the notice under section 11(1).

(3) The remainder of this act shall take effect in 60 days.

On the question,

Will the House agree to the amendment?

The SPEAKER. On that question, the Speaker recognizes the gentleman from Chester County, Mr. Ross.

Mr. ROSS. Thank you, Mr. Speaker.

And now for a little change of pace. This is not a minor amendment. This is a whole different approach, and I want to explain a little bit what I intend to do by this amendment and also give a little background as to why I am doing it, if I may.

In addition to the work that has been done in the House, there is a parallel effort being done at the administration and also in the Senate to address the particular situation that occurred as a result of the tragic events in Philadelphia, and in order to do that, we need to go back and look briefly at what those events were and what happened. There have been some descriptions of the circumstances there, but I want to highlight a couple of things that I think my amendment directly addresses.

First of all, Kermit Gosnell – and I reluctantly do not want to call him a doctor, because he does not actually have a license at this point, as I understand, and did not when he was performing a lot of these so-called services – was supposed to be following Pa. Code 28, chapter 29, subchapter D, "AMBULATORY" – and please listen to this – "AMBULATORY GYNECOLOGICAL SURGERY IN HOSPITALS AND CLINICS." These are regulations that were put in place and prepared back in 1994. They are targeted and specifically focused on abortion-providing clinics and hospitals.

The elements within the various different forms of abuse that Kermit Gosnell committed in Philadelphia are extensively mentioned and are clearly in violation of these regulations. They refer to things such as dealing with the corridors and the space and making sure that they are sufficient to provide for gurneys. They detail in some great length the kinds of equipment, lifesaving equipment, that need to be in one of these clinics. They speak to the qualifications of the medical personnel. They cover many of the things that have been talked about today and previously that need to be done. They were uniformly violated. What instead happened was when he did the horrible things that he did in Philadelphia, several women attempted to get the Department of Health to inspect, and they called and called anonymously, and the Department of Health refused to take their anonymous complaints.

In addition to that, when they refused to take the anonymous complaints, a third party at another clinic attempted to complain on their behalf, and the department refused to take a third-party complaint, stating that, one, they would not take anonymous complaints and inspect and investigate them; and two, they would not take third-party investigations and complaints. If either of those complaints had been followed up on, Gosnell would have been put out of business much earlier under the violations of 28 Pa. Code, chapter 29, subchapter D, "AMBULATORY GYNECOLOGICAL SURGERY IN HOSPITALS AND CLINICS."

So what is the reaction to that? As far as the Department of Health is concerned, they called all the clinics in and they started inspecting, and they inspected based on these regulations, which are there to protect the health and safety of the women who go into the clinics. It has been pointed out that there were some violations found, which is good. We want violations to be found. The violations that I am told, according to the Secretary of Health, that were mentioned were minor and technical in nature and did not cause risk to the women.

I am glad that some clinics that did not intend to follow these regulations closed down. That is good, too. We only want clinics operating in Pennsylvania that actually treat women properly and follow these regulations.

My amendment, which is, quite frankly, stolen from my colleague over in the Senate who was one of our former colleagues, the Senator from Cumberland County, who was trained as a nurse and took extensive testimony and understands these issues far better than I do and perhaps far better than many of us here, is designed to focus on two particular areas: inspections, and they require inspections initially, and then frequently, on an annual basis, and immediately in response of complaints; and secondarily, they make it plain that complaints, whether they are delivered anonymously or through a third party, are to be inspected, followed up on, and addressed.

Now, my amendment does take out the terms that are in currently in HB 574, and it is different as a result of that. The reason I took out the terms in 574 when I filed my amendment was because it refers to a more general ambulatory surgery care statute rather than the very specific one that we have here. It duplicates in many places the regulation I have in my hand. It is perhaps in conflict in other places.

As far as I know, there is no recommendation to abrogate or remove these regulations, so therefore, we will have a second set of regulations. But wait, there is a third set of regulations, because they come under the abortion care act, the abortion act, so that has a whole series of reporting requirements. And if there is a laboratory, there is a separate set of regulations for the laboratory if the testing is being done on site at that location.

So there is not an absence of regulation. There may in fact be an excess of regulation at some point. What there is and has been, I should say, and I think is being corrected now, was an absence of inspection, an absence of enforcement of regulations, and an absence of response to complaints when they do occur. My amendment goes directly to those faults and stops an occurrence like this from happening again.

I am assured by the Department of Health and the Secretary that he is doing exactly what we are suggesting here, but he agrees that it is appropriate to institutionalize these changes and these mandates in law in case, after he leaves, somebody else goes back to the bad old days of the way they were before.

So I urge my colleagues to take this practical and straightforward approach to address what the real problem was here with Kermit Gosnell – lack of inspection, lack of response to complaints – and feel comfortable that there are extensive regulations in place that the department is enforcing now and do protect women, and they are targeted specifically for these kinds of clinics. Thank you.

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

LEAVE OF ABSENCE CANCELED

The SPEAKER. The Speaker returns to leaves of absence and recognizes the presence of the gentleman, Mr. Santoni, on the floor of the House. His name will be added to the master roll call.

LEAVE OF ABSENCE

The SPEAKER. The Speaker also recognizes the majority whip, who requests a leave of absence for the gentleman, Mr. O'NEILL, for the remainder of the day. Without objection, the leave will be granted.

LEAVE OF ABSENCE CANCELED

The SPEAKER. Oh; excuse me. The gentleman, Mr. O'Neill, is back. He will be added back to the master roll.

CONSIDERATION OF HB 574 CONTINUED

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

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

Ms. PICKETT. Thank you, Mr. Speaker.

Mr. Speaker, you may know that in my career before I came to the House of Representatives, I was in the food service business. There is a troubling term used in regard to this amendment that I really cannot imagine, and that would be "able to comply." In my business, when I had an inspection, I believed that those inspections gave my customers the safety satisfaction that when they walked through my doors, they knew that I was adhering to the standards of health that I was expected to. I cannot imagine that I might have been able to say to one of my inspectors, well, I am able to comply, but you do not mean that I really need to. I have the equipment; I have somebody on staff who could do that, but it costs us too much money, or it is too inconvenient, or it is just something that we are not going to do. But we are able to do it; we can meet that compliance if we need to. Well, under this amendment, the department could determine that the abortion facility is able to comply with this act. That does not mean they actually need to comply – able to but not need to.

Mr. Speaker, I would ask, how would a woman walking through the doors to use that facility and expecting her health to be protected possibly know that that facility is actually practicing those compliances? And, Mr. Speaker, the facilities that failed inspections in 2010 would only have to show they are able to be in compliance. Mr. Speaker, the Gosnell clinic was able to comply with this act but was simply too concerned with their own bottom line and their income to actually comply.

Mr. Speaker, I believe that we owe it to the women of this Commonwealth to know that we are watching out for their safety, that we are putting in the rule book the compliances that are needed at a very vulnerable time in their life, for whatever the reasons may be, that they know that we have at least taken care of their health and their safety.

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 Allegheny County, Mr. Frankel.

Mr. FRANKEL. Mr. Speaker, I rise in support of the Ross amendment.

Let me refer you, I think we have had a number of citations of the grand jury report, and while I agree with my colleague who spoke on an earlier amendment that the grand jury should be

given a limited amount of leeway with respect to recommendations given their lack of professional perspective, lack of education in the subject matter, and lack of historical perspective, I think they were right with one respect, and I am going to quote from that report. Quote: "Many organizations that perform safe abortion procedures do their own monitoring and adhere to strict, self-imposed standards of quality. But the excellent safety records and the quality of care that these independently monitored clinics deliver to patients are no thanks to the Pennsylvania Department of Health," unquote. That is the issue. That is the issue, and this amendment, the Ross amendment, as well as the Senate bill that is moving through the Senate rapidly, with bipartisan support, came out of committee with a 10-to-1 affirmative vote, is the reasonable approach.

Why is this amendment better than the existing language in HB 574? This amendment directly addresses the broken system that the grand jury saw, and it fixes it once and for all. Many of these reforms have already been put in place by Secretary Avila, but this amendment will put these reforms into statute so they cannot be revoked and they cannot be changed in the next administration. HB 574 does not fix what is broken with the Health Department. It just heaps another set of regulations on to providers, which the next illegal provider can ignore the same way Gosnell did.

This amendment has an easily accessible complaint process; HB 574 does not.

This amendment requires the Health Department to share information about licensed professionals with the Department of State; HB 574 does not.

This amendment will not saddle good medical providers with millions of dollars in construction and staffing costs that have nothing to do, nothing to do with patient safety. This amendment helps to solve the problem; HB 574 makes the problem worse.

It will actually create more illegal providers of abortion and make it impossible for legal and safe providers to survive. Those who can bring themselves into compliance will have to raise the cost of abortion care out of the reach of most women or limit their services to the most basic care, leaving women no choice but to go out of State or to find someone operating illegally in this system. It is not good patient care; it is not a service for the women of Pennsylvania. This penalizes them and limits their access to care.

If you want to be able to go home to your constituents and assure them that you have fixed this problem at the Department of Health that let Dr. Gosnell's facility run amok, this amendment fixes it; HB 574 does not.

I urge you, in the name of women in Pennsylvania who need access to health care, do not support 574. Support this amendment, which fixes a problem that needs to be fixed and we all acknowledge, but 574 overreaches and actually will create more of a problem than it is trying to fix.

I hope my colleagues will see the wisdom in that and support the Ross amendment. Thank you very much.

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

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

Mr. CUTLER. Thank you, Mr. Speaker. On the amendment, if I may.

The SPEAKER. On the amendment.

Mr. CUTLER. Thank you.

Mr. Speaker, I would like to correct the record on a couple items regarding some of the facts that were recited earlier. Unfortunately, Dr. Gosnell was in fact a doctor up until the point of the raid. He was actually the subject of a drug raid for overissuance of OxyContin prescriptions and other pain medicines. He actually had an entirely other illegal business that he was running, and unfortunately, it was actually the drug raid that precipitated the discovery of all these other horrors regarding his nighttime business, which was the abortions. Mr. Speaker, what was true, though, was two of his individuals that worked for him were not doctors in the licensed sense. They had graduated from medical school. One was in Grenada, and I do not remember the location of the other, but they both did work for him and they certainly falsified paperwork to make it appear as if they were licensed physicians.

Mr. Speaker, I would agree with many of the prior speakers that this was actually created by the lack of oversight inspections and compliance. Absolutely, that was the case. Mr. Speaker, one of the reasons that the inspections did not occur was because the Department of Health themselves and the grand jury later reiterated that the regulations they felt were somewhat vague on whether or not they had the authority to inspect, and if in fact they did find things, what in fact could they do?

Mr. Speaker, what concerns me about this proposed amendment is simply this: It does a good job, I believe, of outlining the new complaint process, outlining the inspection process, but I would ask this, Mr. Speaker: Under the proposed inspections, what authority if any do we give the department or ourselves even to regulate the health and safety of the patients who are seeking these services? Unfortunately, Mr. Speaker, this amendment does not address that. It says that they can promulgate regulations, which, Mr. Speaker, I would point out are the very same regulations that failed us in the first place with the lack of oversight and compliance, but it does not clearly place out some of the health, safety, and welfare standards that we as a legislature have the constitutional authority to oversee. Perhaps it is the size of the rooms. Perhaps it is the availability of certain equipment, the licensing of personnel. All of those, Mr. Speaker, are within our legislative purview and are absolutely within our legislative authority.

Mr. Speaker, we are not dealing in the theoretical here. The grand jury report clearly pointed out a woman died because they could not get a stretcher down the hallways. We are not saying that we are concerned about the hallways because we think that aesthetically they look nicer. This is a direct issue of patient safety, Mr. Speaker, and that is why we have the authority and we should, as under HB 574 as drafted, make sure that these kinds of standards are put on all facilities, Mr. Speaker, that offer these kinds of services.

But even more troubling on this amendment, and I recognize the gentleman from Allegheny County referred to this amendment as, in bill form, rapidly moving through the Senate, I would hope they would correct this shortsightedness before the bill reaches us. Mr. Speaker, it clearly says that if violations are found, under subsection (c), there is a list of items in effect that the department may do. It says they may deny their licensure or renewal. It says if they determine "...a violation under subsection (a) immediately compromises the health and safety of the patient, the department shall immediately revoke

the license. Except as set forth in paragraph (1) or (2)," – previously mentioned – "within ten days of notice under subsection (b), the abortion facility shall prepare a plan of correction." Or "The department may assess an administrative penalty against a license holder."

Mr. Speaker, those are the remedies that we are listing in this law when someone violates this act. The administrative penalty is clearly spelled out in section 6 of \$250, but, Mr. Speaker, the problem is, we, by omission, have taken away the private right of action of an individual who is injured in one of these clinics. I would not expect many of the other members to know this because it has happened in our county and I am following the court case, the Commonwealth Court has recently ruled that a mandatory reporting statute, which this would be, and as Title 23 also is, does not allow for a private cause of action of an individual harmed under that statute because the legislature has not explicitly permitted it.

Mr. Speaker, there is a clean list, if you will, in this proposal and in the Senate bill that we will soon see. Mr. Speaker, nowhere in that list, nowhere does it say that the patient would continue to have a private cause of action. Mr. Speaker, the courts have interpreted that basically to say if we do not put it in the list, we must have therefore meant to exclude it. Mr. Speaker, I certainly do not think that is the gentleman's intent from Chester County. I do not think that was the prime sponsor's intent that is forwarding the bill over in the Senate, but statutory construction would say that is how it is going to be interpreted in court.

Mr. Speaker, I do not believe we want to take that cause of action away from anyone. Mr. Speaker, I believe that people who are harmed in a facility such as Gosnell's should be able to pursue legal remedies against the parties that harm them, and to inadvertently take that away with this amendment, Mr. Speaker, is unfortunate, it is improper. Mr. Speaker, I would urge a "no" vote on this for that very reason. 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 gentlelady from Cumberland County, Ms. Delozier.

Ms. DELOZIER. Thank you, Mr. Speaker.

I rise today to make a few statements on the issue we have before us. This is not an issue that should be about where you stand on abortion, even though it has been made out to be that way. I am, like many others, bringing past experiences to bear when we come in here to the legislature when we make our votes. I think that makes us a stronger body for doing so. My experience has been as a counselor for victims of domestic violence and rape, and I have advocated on their behalf for over 20 years. I have seen all types of health care being provided at clinics such as those that we discussed today, all levels of care that we need in our communities.

Many have misdescribed independent clinics, and I would be surprised if those passing these misconceptions have ever once stepped foot in a clinic that provides services to individuals that need them. I have seen what these clinics can do. Less than 3 percent of what they do is providing abortion services. I wholeheartedly support regulation of abortions being provided in clinics. I support the efforts of what we are trying to do – surprise inspections, making it able so that we can report when we think things are being done wrong – and many aspects of what it is that we are trying to do. What I do not support is the ability for clinics to be shut down and closed, making

97 percent of the services that they provide unavailable to our communities.

The SPEAKER. The lady will suspend.

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

Mr. METCALFE. I am waiting to hear the gentlelady's concerns and advocacy for the amendment rather than the legislation.

The SPEAKER. The Speaker accepts your comments and would ask the lady to stay focused on the amendment that is before us.

The lady may proceed.

Ms. DELOZIER. Thank you, Mr. Speaker.

The amendment that we do have before us makes it capable for those clinics to stay alive, to be able to provide education, to teach preventative care for those that do not have that support system at home. It provides sex education and information on sexually transmitted diseases so our youth and those that need it can be safe. If this amendment does not go through, we will have these clinics no longer in our communities. They also provide adoption counseling, pre- and post-natal care and many capabilities to provide access to people in our area that cannot pay for insurance or do not have insurance provided by their jobs. This amendment will allow for low-cost health care. This amendment will allow for the 20 clinics that have been inspected by the Secretary of Health and have been proven to be providing good care and support to those that need it.

We need to make sure that we can have a fair way to provide safe health care, while not removing access to so many that need it, and this amendment will do that. We need to provide education so we do not have the need for any abortion services. We need to stop what happened in Philadelphia and make sure it never happens again. This amendment will do that. We need to make sure we have safe health care for all that need it, and we need to have access for all. The long-term impact needs to be that we make sure we do not create another problem that takes us 20 years to fix, and this amendment, I believe, will do that. Thank you, Mr. Speaker.

The SPEAKER. The Speaker thanks the lady.

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

On that question, the Speaker recognizes the lady from Lebanon County, Mrs. Gingrich.

Mrs. GINGRICH. Thank you, Mr. Speaker.

I promise to be clear and concise in my comments on the amendment, but I am not going to talk to you today as a lawyer or as a medical professional, although I certainly do have that background. I am going to talk to you as an older woman. That is hard to admit.

But remember almost 40 years ago when *Roe v. Wade* finally surfaced and supposedly resolved a horrific situation for women in America. Thankfully, I was never in that position and never had to deal with that, but in 1973 I was a young woman. In the years that preceded that, I watched a lot of women go through the process much like we saw horrifically occur almost 40 years after *Roe v. Wade*. I almost cannot believe that we are talking about a loophole, a loophole that has allowed women to be treated, mistreated, and have literally lost their lives in a situation in a Philadelphia clinic a few miles from us. We cannot tolerate this. We cannot call it a loophole. We have to fix it. We have to stop it. We have to do more; we cannot do less. We have that responsibility to do so.

I have a great deal of respect for my colleague from Chester County, and I know the hard work that went into this amendment, I know the hard work that has gone into this bill, and I know the public input on what we face here today. We have a decision to make. Do we want to try harder to remedy this to keep this from happening anywhere when in the grand jury report, which I am not inclined to quote, but certainly we did read there that most of the legitimate providers said that they meet all the standards that we are talking about here today? I am not quite sure where the big problem is. It is not a loophole. We have to make the decision. I do not understand, no one can explain to me why these abortion providers were not included in the original ambulatory surgical facilities act when they certainly fell under the Health Care Facilities Act. I think we can make this right. I think we can strengthen it up, and if everybody will start doing their jobs, from all of our own departments and agencies out to us as legislators, we will actually make this a better world for women and for everyone. Thank you.

The SPEAKER. The Speaker thanks the lady.

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

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

Ms. RAPP. Thank you, Mr. Speaker.

I rise in opposition to this amendment. Women deserve, as *Roe v. Wade* stated, maximum safety during an abortion procedure, maximum safety. What this amendment does, it says that the facility, the department determines that the abortion facility is able to comply with the act. I think we know as legislators the difference between the words "able" and "shall." You know, you can get a license under this amendment just because you are able. You are able to comply, not that you shall comply to protect the lives of a woman in your facilities or have a clean environment for women in these facilities, free from all of the horrible substances in the environment of the Gosnell facility, Mr. Speaker, because he was able to comply.

Mr. Gosnell, doctor – I even hate to use that phrase to describe the gentleman – was not exactly a poor physician. This is an industry that makes millions, and he was certainly able to comply with the millions of dollars that he was making from this procedure in this filthy, filthy, horrendous house of horrors in Philadelphia. At what time do we say that the abortion industry cannot afford to upgrade their facilities? What do we say to the family, Mr. Speaker, of the woman who lost her life in the Gosnell facility? What do we say to the husband? Oh, it was not worth the money to spend on coming into compliance to upgrade the facilities. These women do not deserve a clean environment. What do we say to the parents and possibly to the children who are left behind because we only want these facilities to be able to comply? So what price do we put on the women and their lives and how they can possibly be maimed or obtain diseases because they are in a filthy environment where the doctor refuses to bring his facility up to standards?

This amendment does less to protect women who need the service of abortion providers, less to keep them safe, less to keep them informed of providers who have failed to meet even the bare-bones current regulations, and less to have the Department of Health take an active role in the monitoring and regulation of the facilities that the present law does. After Gosnell and what we have read in that horror of horrors story, why would anyone want to do less to protect women?

Thank you, Mr. Speaker. I urge a "no" vote on this amendment.

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

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

Ms. DeLISSIO. On the amendment, Mr. Speaker. Will the maker of the amendment stand for interrogation briefly?

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

Ms. DeLISSIO. Thank you, Mr. Speaker.

Mr. Speaker, on this concept of able to meet the intent in the regulation, it is my understanding that an organization that is licensed, such as this, whether you are a nursing home, personal care home, hospital, et cetera, that all of these organizations, these entities, need to be able to comply; otherwise, they would not be eligible for licensure. Can you add to that thought, Mr. Speaker?

Mr. ROSS. Yes. I think you have stated it very well. I would like the members to actually listen to this. The question about able to comply, which has been brought up by several members so far, what I would compare that to is when you go to get your driver's license, you prove that you are able to drive, but that does not relieve you from the obligations to follow all the rules that are out on the road. These regulations that I have been pointing to are not voluntary. They are mandatory. They tell you what you must do if you are a clinic. So there is no wiggle room here. There are no loopholes. You must do this. Gosnell did not. So it is not a matter of just simply saying you are able and then we forget about you. Not only are you able, but you must then comply with these regulations.

Ms. DeLISSIO. Thank you, Mr. Speaker.

So after someone is licensed, it is not optional as to whether they comply or not; it is required in order for them to maintain their license. Is that correct?

Mr. ROSS. That is correct.

Ms. DeLISSIO. Mr. Speaker, I also would like to point out that these inspections that folks are very focused on at the moment are a snapshot at a point in time. Particularly, the food service industry is a good example. They could be inspected at noon today, and within 24 or 48 hours, they could be majorly out of compliance. They are still a licensed entity. Their customers are still anticipating that they are in compliance, but theoretically they can be out of compliance. So this does come down to an enforcement issue.

I stand today to support this amendment because it makes the most sense in trying to ensure that the clinics that fall under the purview of this amendment are inspected on a regular basis and are held to a consistent goal or benchmark. As in any industry, there are those who just refuse to comply for whatever reason. Their motive is money; their motive is – I am not sure what their motive is. If we reacted in this way for everybody who violated the rules of their own particular industry, we would not have a lot of services out there. So thank you, Mr. Speaker. I support the amendment and urge my colleagues to understand what able does in fact mean.

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

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

Ms. JOSEPHS. Thank you, Mr. Speaker.

I want to make a kind of correction to something that was said, just for the people, for my colleagues' edification, and also to urge that we vote for this amendment. The gentleman from Lancaster County who spoke back a couple of minutes ago made an argument that this amendment, which has mandatory reporting in it, would prevent people from suing on their own – in other words, would end a private right of action. That is not correct. Mr. Speaker, that is not correct. The Abortion Control Act, which has been in effect for more than 20 years, has mandatory reporting. Even as we speak, there are suits against Kermit Gosnell going on under mandatory reporting, which is the law of this Commonwealth.

So the statement that nobody can sue Dr. Gosnell is wrong on its surface. It is happening now under a mandatory reporting scheme, and it will continue to happen when the gentleman from Chester's amendment is accepted, whether it is in this form or whether it comes from the Senate or the gentlelady from Cumberland County – I believe that is right – who is doing that bill there.

I do not see any objection to the bill, the Ross amendment here, none at all. There have been a number of people who have stood up on the other side, who have talked about whether they are against legal abortion, they are for legal abortion, but in the end, those people have basically said, and I agree entirely, that this is not about the procedure. This whole scandal is really about somebody who committed very serious crimes and will be finally brought to justice for them, and it is about malpractice. If we want to make sure that these crimes are not repeated, if we want to make sure that physicians and laypeople, physicians and other medical professionals do not engage in these kinds of acts, this is the way to go.

If you care about women's health, and people who would like to end legal abortion say they do, if you care about women's health, this is the amendment to vote for. 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 Blair County, Mr. Stern.

Mr. STERN. Thank you, Mr. Speaker.

I wanted to talk briefly about some of the speakers' previous comments about women's health care, providing services, and what this particular amendment would do, Mr. Speaker. Women's health clinics that are not performing invasive procedures, surgical procedures, that are covered under the Abortion Control Act would not be covered under HB 574. So women's health services, education, Pap smears, things that women go to for health care, would not be touched under HB 574.

This amendment, the Ross amendment, is strictly an amendment to dilute this bill, to gut and replace it, and to put language in that really, quite honestly, would be similar to what was in language before with the Department of Health, that they did not go out and inspect. I see no problem with HB 574, what the maker of that bill wants to do, in putting standards in place under ambulatory surgical facilities, and anytime that a woman would have to go into a facility where she would undergo surgical treatment, that it would be regulated and it would also— Standard of care that is already placed out there, it is

already put in effect, that would cover over 50 pages of regulations that would allow women to be provided the health care that they deserve. They deserve protection like everyone else whenever they go into these facilities. Part of the current debate and what we are talking about here today is, we had for two decades individuals not doing their jobs and they were not going in and inspecting the facilities.

Mr. Speaker, HB 574 will set up a procedure for licensing, regulation, and also for the standards that would be put in place under the ambulatory surgical facilities that would provide the quality of care. We have not even talked about infections and things like that today, but that would all be covered under 17 different standards that are included under ambulatory surgical facilities. Why should not women that walk into an abortion clinic deserve the same safety, the same practice and comforts, knowing that they are going into a facility that will be performing quality care on women? This is about women's safety, women's health standards, and also, for those that would also be in a position, an unborn baby that could possibly be born in a surgical procedure in an abortion clinic.

HB 574 just deals with abortion facilities; that is it. This amendment, make no mistake, is an amendment to really kill the bill, and I would ask members to oppose the Ross amendment. Thank you.

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

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

Mr. CUTLER. Thank you, Mr. Speaker.

I just rise to correct the record, Mr. Speaker, in regard to my prior statements. It was not that Dr. Gosnell himself could not be sued because he can and should be. Mr. Speaker, it is that under this proposal, by virtue of not including the right of a private action or any other remedies under law, I believe that we are inadvertently, by omission, prohibiting legal action for women who are injured.

Mr. Speaker, I would like to make one other point regarding the violations section. Mr. Speaker, it clearly says that an illegal action would be gross incompetence, negligence, or misconduct. Mr. Speaker, grossly incompetent, that could be anything. We saw it documented in other cases where perforated uterus, transmission of STDs (sexually transmitted diseases) from failure to clean surgical instruments, reusing surgical instruments that were only meant to be used one time, a torn cervix, or any other medical problem or complication that might come along with a procedure. Grossly incompetent, Mr. Speaker, that under any other law could be actionable as medical malpractice. Mr. Speaker, and what occurs here is a license revocation and a \$250 fine. Mr. Speaker, I fear that by omitting the phrase "and any other remedies available under law," we are in fact limiting what remedies patients who are injured by – and I hesitate to use this term – "doctors" like this would perform.

Mr. Speaker, I believe that while we are not doctors ourselves, we can all recognize the practice of bad medicine as it occurs to individuals who are injured and, unfortunately, sometimes die. Mr. Speaker, I do not believe that limiting the remedies to a license revocation and a \$250 fine is even remotely appropriate for a woman who is injured, a woman who may be infertile the rest of her life, or, Mr. Speaker, as has already been the case, that a woman might die. We need stiffer

penalties, we need better language, and we should oppose this amendment. Thank you.

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

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

Mr. FRANKEL. Thank you, Mr. Speaker.

HB 574, its sponsor and many of its supporters may have the best of intentions, but quite frankly, it will have tragic consequences.

The Department of Health should have shut down Dr. Gosnell's clinic but failed to take any action whatsoever. This is not a problem that Pennsylvania— The problem is not that Pennsylvania lacks an effective and stringent regulatory system for abortion providers. The real problem is that Pennsylvania's oversight agency did not do the job they were charged to do.

This amendment, the Ross amendment, addresses the shortfall. It takes after the legislation that went through a very deliberative process in the State Senate, four hearings; weeks and weeks of deliberation about something that is going to fundamentally change women's access to good, safe health care in our State, the appropriate way to deal with something of such weighty and serious matter. This committee, the Health Committee in the House, had no hearings. This bill came out of committee in 5 minutes. In fact, some of those who voted for it, as was explained by the chairman, the Democratic chairman earlier, in further review, further study, and further deliberation, think it is a bad piece of legislation, but the opportunity to dissect it, to review it, to do the things that we are brought here to do, particularly when it is something as important as a woman's access to affordable, safe health care, was not done in our House Committee. The Senate did, and they, in their deliberative process, came out with a 10-to-1 bipartisan vote in favor of what is essentially the Ross amendment. That is the way we ought to be deliberating about this piece of legislation.

HB 574 will not make abortion clinics safer, but it will result in sharply reduced access to safe, affordable abortion care for Pennsylvania women. The Ross amendment takes the opposite approach. It deserves your consideration and it deserves your vote today on the House floor.

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. Baker.

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

Mr. Speaker, I strongly rise to oppose my good friend, Mr. Ross's amendment. Make no mistake about it, this amendment guts and replaces, eviscerates, destroys the intent of the underlying bill, which is patient safety and raising the bar of health care for women and children being treated in abortion clinics. Make no mistake about it.

This amendment would actually not require compliance with the act, but only the demonstration that the facility is able to comply. Gosnell, Dr. Gosnell, was able to comply but was not willing to do so. This amendment, this bill, would have licensed the Gosnell clinic, would have allowed it to continue the atrocities, the maiming, the death, the destruction, the infanticide. My goodness, why are we revisiting that? Why are we retreating? Why are we not raising the bar of patient safety?

This goes in the opposite direction. This amendment weakens the intent of trying to improve patient safety for women.

Mr. Speaker, to get a license for abortion facilities that had failed inspections or been extremely deficient in 2010 would only have to show that they are able to be in compliance. "Able," that is the keyword in the amendment. You can then obviously aver that the Gosnell clinic was able to comply with this act, but he was simply too concerned with his own bottom line and income to actually comply. By the way, footnote, this doctor averaged about \$1.8 million a year, and yet he did not seem to care about the patient safety of women. Hundreds of charges are affiliated with this clinic. Everyone affiliated with the clinic has been arrested.

I champion and applaud and praise the grand jury report, the 1-year investigation, the recommendations. I am shocked and dismayed that certain members on the floor of the House are so quick to throw the grand jury under the bus. That is not right. They spent a lot of time, and they said it right in the report, this should not be about whether you are pro-life or pro-choice; this is about patient safety. That is our goal. That is our singular goal, to improve the health and welfare of women.

I think we need to revisit what we are trying to address here. For many, many years, abortion clinics have had a free pass. They have been exempt. There has been a loophole created for abortion clinics where they do not have to be licensed and regulated as ambulatory surgical facilities under the Health Care Facilities Act. That needs to change. That is fundamentally a problem. Look, there are 212 ambulatory surgical centers performing surgeries. Why do we not require these 20 or 22 surgical centers that are performing surgical abortions to comply with the same rules, if you will? It just makes common sense to do that. Why are they excluded? Why are they exempt? Why are people dying and not being treated with dignity and respect and with the highest level of medical care?

I do not understand why there are some people here retreating from that. I thought we all cared about the highest level of medical care for women and children. This does not do that. Under the current regulations, the grand jury found, on page 137, quote, "...Pennsylvania's Department of Health has deliberately chosen not to enforce laws that should afford patients at abortion clinics the same safeguards and assurances of...health care as patients of other medical service providers." And get this, this is shocking. They went on to say, quote, "Even nail salons in Pennsylvania are monitored more closely for client safety." That is shocking. That is just inexcusable. That is outrageous. Every one of us on this floor should be appalled by that.

This amendment would continue the loophole and not require any new regulations. I would like to quote, "...the legitimate abortion providers who testified before the Grand Jury told us that they already comply with standards as demanding as those for ASFs." That is on page 162 to 163 of the grand jury report. So what is the problem? Why is Planned Parenthood fighting this so much? Legitimate abortion providers have already testified that they are complying, legitimate abortion providers.

This amendment does less to protect women who need the services of abortion providers, less to keep them safe, less to keep them informed of providers who have failed to meet even the bare-bones current regulations, and less to have the Department of Health take an active role in the monitoring and regulation of the facilities—

The SPEAKER. The gentleman will suspend.

POINT OF ORDER

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

Mr. SHAPIRO. Mr. Speaker, just a point of order.

The comment was made from the gentleman, the chairman whom I respect a great deal, about legitimate abortion providers, somehow suggesting that those Planned Parenthood facilities in Pennsylvania that provide safe and legal abortions are not legitimate. I would just ask the Speaker to keep the gentleman on point with the amendment and restrict the rhetoric to what is fact.

Thank you, Mr. Speaker.

The SPEAKER. The Speaker thanks the gentleman.

The gentleman would confine his remarks to the amendment that is before us. You may proceed.

Mr. BAKER. Thank you, Mr. Speaker.

Again, I was quoting the grand jury on that remark, but I appreciate the gentleman's encouragement.

On page 249 of the grand jury report, "The regulations for Pennsylvania's ambulatory surgical facilities – which run over 30 pages – provide a comprehensive set of rules and procedures to assure overall quality of care at such facilities. The effect of the Department of Health's reluctance to treat abortion clinics as ASFs was to accord patients of those facilities far less protection than patients seeking, for example, liposuction or a colonoscopy."

The current amendment before us takes out "ambulatory surgical facilities," again, continues the loophole, continues the exception, continues the lower standard of care on patient safety for women and children. You have to remember, abortion clinics would be Class B ambulatory surgical facilities. So a recurrent theme and argument that I have heard over and over again is, this is going to close abortion facilities. Not true. If they are out of compliance, the surgical part of that abortion clinic would have to comply before they could operate again. However, the rest of that abortion clinic could remain open. So to just arbitrarily say that the entire clinic is going to close is unfair, inaccurate, and patently false.

I also want to mention that this vote in the Health Committee was not done without a lot of thought and a lot of care. There was a joint hearing of the House and the Senate. The amendment to apply this only to surgical abortion clinics passed unanimously. The bill itself passed 19 to 4. Again, the theme, if you will believe us, is patient safety. It is not about closing abortion clinics. It is raising the level of patient safety and care for women and children.

I would like to just finish by quoting on page 7 of the grand jury report, quote, "But Gosnell did not like it when women screamed or moaned in his clinic, so the staff was under instruction to sedate them into stupor. Of course his assistants had no idea how to manage the powerful narcotics they were using. Gosnell prepared a list of preset dosage levels to be administered in his absence. But no allowances were made for individual patient variations, or for any monitoring of vital signs. All that mattered was the money." The money. "The more you paid, the more pain relief you received. It was all completely illegal, and completely unsafe."

We are trying to make this safer. Please oppose an amendment that diminishes, guts and replaces, and destroys the underlying intent of the bill, and that is to raise the bar equally with other ambulatory surgical facilities that are performing surgical abortions. Thank you very much, Mr. Speaker.

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

On that question, the Speaker recognizes the gentleman from Delaware County, Mr. Vitali.

Mr. VITALI. Thank you, Mr. Speaker.

I do not want to beat a dead horse, but the previous speaker, the maker of the bill, repeatedly referred to the grand jury report, and I just want to underscore the fact that what the function of a grand jury is, and I am taking this off of the Attorney General's Web site, "...a grand jury's function is to determine whether sufficient evidence exists for prosecutors to file a complaint initially charging a person with a crime." "A grand jury convened under Pennsylvania law is a group of 23 citizens called together to investigate...criminal wrongdoing."

A grand jury has no function in making recommendations with regard to legislation. If you recall, a previous grand jury recommended this House eliminate its political caucuses. They really are not qualified to make these judgments. They do not have the facts before them to make these judgments, and I think it is—

Mr. TURZAI. Point of order, Mr. Speaker.

Mr. VITALI. —wrong for this—

Mr. TURZAI. Point of order.

Mr. VITALI. —continual reference to a grand jury report, giving them authority, when they are talking about things they have no business talking about and no expertise talking about. Thank you, Mr. Speaker.

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 Chester County, Mr. Ross.

Mr. ROSS. Thank you, Mr. Speaker.

We have been here for a while, and I am going to try and be as brief as I can.

First of all, I was going to try not to bring up the grand jury, but boy, have we brought it up a lot already. So I am going to say something very briefly which I think relates to the amendment, and that is that I got a different message out of them. I got a message that the Department of Health had dropped the ball. That was where the problem was. I do not think there is a loophole. I think we have regulations. We have regulations here that talk about "Every medical facility shall meet the following requirements with respect to the provision of abortions...." There is a whole list of elements in here that you have to have in that clinic, that are there to protect the patients. We have language in here that says it shall only be performed by a physician, not somebody who mailed off and got a degree someplace that does not count anywhere. We have "Each freestanding clinic shall" – not may, not should be able to, but shall – "have a written transfer agreement," so if anything goes wrong, you can get them right over to a hospital and you must be able to do that within 30 minutes' notice and have access to these facilities. There is a whole list of things. I am not sure how many of the members have read these regulations, but there is quite a lot of technical and specific detail. I will pick out just one other one: "Corridor doors, elevators, and other passages

shall be adequate" – not insufficient so you cannot get a gurney down, but adequate – "in size and arrangement to allow a stretcher-borne patient to be moved from each procedure room and recovery room to a street-level exit." There is even language in here about abortion after viability, another thing that Kermit Gosnell had a problem with. There is some specific language about a child who is born alive has to be cared for properly. He did not do that either.

Now, the most shocking part about this is, when this was reported to the Department of Health, they did not do their job. Now, they are claiming the guys that dropped the ball said, oh, we were not really sure whether we were supposed to enforce the regulations. Well, now, you can blame the regulations, but I do not think we should. Our current Secretary of Health does not blame the regulations; he is enforcing them. He is taking these clinics up and he is going in there and he is checking them and making sure that they follow these regulations. There is no loophole.

Why did they not include the abortion facilities in the Health Care Facilities Act? Well, one reason why they may not have done it is because they had a set of regulations already specifically for abortion facilities that were very specific. When you have specific regulations, why do you drop them and go to a general regulation?

Now, I will point out that many of these clinics have been operating properly and sufficiently and satisfactorily to their patients for a long time. They may have situations where they may have a room where they are doing these procedures according to the rules, just the way they were asked to do for years, that may be a few square feet short, so now, ex post facto, we are going in there and saying either you knock down that wall and get the right number of square feet so you will meet these new regulations we are going to drop on you or we are going to close you down because you are out of compliance. Okay, so maybe you are only closing part of the clinic down, I am not sure how that would work and whether that is really allowed for, but it is the same effect.

Now, I do not want to belabor this point, but I do want to point out that the Gosnell clinic was closed down when we finally inspected it, and it was not because he might be able to meet the regulations; it was because he did not meet the regulations and he was violating the law. So if we only enforce the law and enforce these regulations that have been on the books since 1994 that good clinics have been following and patients have been going to and have been safely treated and handled there, we will be fine. This amendment requires the inspections and makes it necessary for complaints to be received and handled and reacted to promptly.

Thank you, Mr. Speaker. I urge a positive vote on the amendment.

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

Is the gentleman from Philadelphia, Mr. Thomas, seeking recognition?

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, I take that no as a yes. Mr. Speaker, I do not want to take up too much time, but I want to rise and thank Chairman Ross for the very thoughtful legislative prescription that he has presented to the House. Mr. Speaker, I do not want colleagues on my side and I do not want colleagues on the other side to beat up on this chairman. This chairman has thought this through. This chairman has provided a prescription that we can

embrace. Mr. Speaker, I think that as a testimony to the hard work that he has put in this amendment, we should support this amendment from both sides of the aisle.

Now, we can find some problems with the abortion control law. We have some concerns. I do not think there is a member in this Assembly that is not outraged by the conduct and existence of the Gosnell clinic and Dr. Gosnell. I should not even say Dr. Gosnell because he did not have a license to do what he did, and it was wrong. Once it was complained and inspected, Mr. Speaker, folks took some steps but did not take those steps far enough. So I think that Chairman Ross has done a good job. You know, I respect the other speakers, they have provided some good points, but do not question, do not question the sincerity, question the commitment to try to deal with the situation arising out of the Gosnell situation, and we can do that by supporting this amendment, Chairman Ross's amendment. I encourage the members on both sides, even those who said that I should not stand up, I am standing up and I am saying without equivocation, that the Ross amendment is a good amendment and we should support it with a majority vote.

Thank you, Mr. Speaker.

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

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

Ms. DeLISSIO. Will the maker of the amendment stand for brief interrogation, please?

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

Ms. DeLISSIO. Thank you, Mr. Speaker.

The amendment addresses a commonsense approach to the issue that was discovered at the Gosnell clinic. I believe a couple of months ago the Governor directed the Department of Health to begin vigorous enforcement proceedings as they are currently on the books. Is the maker of the amendment aware of any of these other 212 surgical centers throughout the Commonwealth having violations that even approximate those that were found in Philadelphia County?

Mr. ROSS. Mr. Speaker, I am no expert on the location of all of the violations that may or may not have happened elsewhere. I have been told that those places where the inspections have occurred, that there were some paperwork or technical, I guess called violations, but I understand the Secretary of Health was careful to announce that in no way were any of these threatening to the health and safety of the women in the clinics, and certainly, the Gosnell situation screams something quite different.

Ms. DeLISSIO. So the deficiencies that were— So that the regulatory process works when in fact the regulatory process is working and is enforced, your amendment tries to reinforce that what is on the books is current and is appropriate and that HB 574 takes this in a whole other direction and one incident, albeit as horrible and horrifying as that one incident is, does not then call for a total revamping of the system when the system we have has been found in the last short couple of months that it has actually been instituted to work?

The SPEAKER. The lady will suspend.

The line of questioning is not seeking to solicit information from the maker of the amendment. You are into making a statement now, and I would ask you to focus your interrogation on specific information relative to the amendment.

Ms. DeLISSIO. Thank you, Mr. Speaker.

I think the gentleman has answered my question, that there have been no other serious violations to the level of Mr. Gosnell's. Thank you.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—68

Bishop	DeLozier	Mann	Samuelson
Boyle, B.	DePasquale	McGeehan	Santarsiero
Boyle, K.	Dermody	Milne	Santoni
Bradford	DeWeese	Mullery	Shapiro
Brennan	Donatucci	Mundy	Smith, K.
Briggs	Evans, D.	Murphy	Smith, M.
Brown, V.	Fabrizio	Myers	Staback
Brownlee	Farry	Neuman	Stephens
Buxton	Frankel	O'Brien, M.	Sturla
Carroll	Freeman	O'Neill	Thomas
Cohen	Gerber	Parker	Vitali
Costa, P.	Haluska	Pashinski	Wagner
Cruz	Hanna	Payton	Waters
Curry	Harhart	Preston	Wheatley
Davidson	Josephs	Roebuck	White
Davis	Keller, W.	Ross	Williams
DeLissio	Kirkland	Sabatina	Youngblood

NAYS—130

Adolph	Evans, J.	Keller, M.K.	Quigley
Aument	Everett	Knowles	Quinn
Baker	Fleck	Kortz	Rapp
Barbin	Gabler	Kotik	Ravenstahl
Barrar	Galloway	Krieger	Readshaw
Bear	Geist	Lawrence	Reed
Benninghoff	George	Longietti	Reese
Bloom	Gergely	Maher	Reichley
Boback	Gibbons	Major	Roae
Boyd	Gillen	Maloney	Rock
Brooks	Gillespie	Markosek	Saccone
Brown, R.	Gingrich	Marshall	Sainato
Burns	Godshall	Marsico	Saylor
Caltagirone	Goodman	Masser	Scavello
Causar	Grell	Matzie	Schroder
Christiana	Grove	Metcalfe	Simmons
Clymer	Hackett	Metzgar	Sonney
Conklin	Hahn	Micozzie	Stern
Costa, D.	Harhai	Millard	Stevenson
Cox	Harkins	Miller	Swanger
Creighton	Harper	Mirabito	Tallman
Culver	Harris	Moul	Taylor
Cutler	Heffley	Murt	Tobash
Daley	Helm	Mustio	Toepel
Day	Hennessey	O'Brien, D.	Toohil
Deasy	Hess	Oberlander	Truitt
DeLuca	Hickernell	Payne	Turzai
Denlinger	Hornaman	Peifer	Vereb
DiGirolamo	Hutchinson	Perry	Vulakovich
Dunbar	Kampf	Petrarca	Watson
Ellis	Kauffman	Petri	
Emrick	Kavulich	Pickett	Smith, S.,
Evankovich	Keller, F.	Pyle	Speaker

NOT VOTING—0

EXCUSED—5

Johnson	Kula	Mahoney	Miccarelli
Killion			

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

GUESTS INTRODUCED

The SPEAKER. The Speaker would like to recognize a couple of guests who have been with us. Located to the left of the rostrum, we welcome former Representative Mary Ann Dailey, along with Melissa Stolley and Robin Wilkinson. Representative Dailey is now the director of the graduate nursing program at Kutztown University, and they are here as guests of Representative Quigley. Welcome back to the House.

ANNOUNCEMENT BY MR. MAHER

The SPEAKER. The Speaker would also recognize the gentleman, Mr. Maher, for the purpose of making an announcement.

Mr. MAHER. Thank you, Mr. Speaker.

I happened to notice today's calendar coincides with an event that happened 35 years ago while I was in high school, a senior preparing for the monumental Carlisle Bicentennial Day Parade that lasted 3 1/2 hours, but 35 years ago today, one of our colleagues was first sworn in and that would be Representative Bill DeWeese, and I thought we should note it.

The SPEAKER. The Speaker thanks the gentleman.

Would the member be willing to tell how much Mr. DeWeese paid you to make that announcement? That was a rhetorical question, not intended for an actual response.

CONSIDERATION OF HB 574 CONTINUED

BILL PASSED OVER TEMPORARILY

The SPEAKER. We are going to go over this bill temporarily.

REPUBLICAN CAUCUS

The SPEAKER. For the purpose of an announcement, the Speaker recognizes the lady, Ms. Major.

Ms. MAJOR. Thank you, Mr. Speaker.

I would like to announce a Republican caucus at 2:30. I would ask our Republican members to please report to our caucus room at 2:30. We would be prepared to come back on the floor at 3 o'clock. Thank you.

DEMOCRATIC CAUCUS

The SPEAKER. The gentleman, Mr. Frankel, from Allegheny County is recognized for the purpose of making an announcement.

Mr. FRANKEL. Thank you, Mr. Speaker.

Democrats will caucus at 2:30; back on the floor at 3 o'clock. Thank you.

RECESS

The SPEAKER. This House stands in recess till 3 o'clock, unless sooner recalled by the Speaker.

AFTER RECESS

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

HOUSE BILLS INTRODUCED AND REFERRED

No. 20 By Representatives WATSON, KILLION, BOYD, FABRIZIO, GRELL, CALTAGIRONE, COHEN, D. COSTA, DALEY, DAY, ELLIS, FLECK, GEIST, GILLESPIE, GINGRICH, HORNAMAN, M. K. KELLER, KOTIK, MAHONEY, MATZIE, MILLER, MOUL, MURT, PICKETT, QUINN, RAPP, SONNEY, TAYLOR and TOEPEL

An Act amending the act of May 17, 1921 (P.L.789, No.285), known as The Insurance Department Act of 1921, providing for self-service storage facility insurance.

Referred to Committee on INSURANCE, May 10, 2011.

No. 1225 By Representatives BUXTON, CALTAGIRONE, CARROLL, COHEN, D. COSTA, GEIST, GEORGE, GOODMAN, HALUSKA, HARKINS, JOSEPHS, W. KELLER, KOTIK, KULA, MANN, MUNDY, M. O'BRIEN, READSHAW, SANTONI, K. SMITH, STABACK and STURLA

An Act requiring public employers to protect the occupational safety and health of their employees; and providing for enforcement and penalties.

Referred to Committee on LABOR AND INDUSTRY, May 10, 2011.

No. 1503 By Representatives SAYLOR, PAYNE, EVANKOVICH, AUMENT, BOYD, DUNBAR, HARRIS, MILNE, RAPP, SCAVELLO, MAJOR, BAKER, CALTAGIRONE, CHRISTIANA, CLYMER, CREIGHTON, CUTLER, DALEY, ELLIS, EVERETT, FARRY, GILLESPIE, GINGRICH, GOODMAN, GROVE, HARHAI, HARKINS, HENNESSEY, HESS, HICKERNELL, HORNAMAN, KAUFFMAN, M. K. KELLER, KILLION, KORTZ, LAWRENCE, LONGIETTI, MARSHALL, MARSICO, MILLER, OBERLANDER, PICKETT, PRESTON, PYLE, READSHAW, ROAE, ROCK, SAINATO, M. SMITH, STEVENSON, SWANGER, TALLMAN, TOOHIL, VULAKOVICH, WAGNER, GIBBONS and QUINN

An Act amending Title 12 (Commerce and Trade) of the Pennsylvania Consolidated Statutes, providing for an angel investment tax credit.

Referred to Committee on FINANCE, May 10, 2011.

No. 1504 By Representatives GROVE, MALONEY, BENNINGHOFF, TALLMAN, BLOOM, CLYMER, CREIGHTON, DENLINGER, GINGRICH, HEFFLEY, HENNESSEY, KAUFFMAN, MARSHALL, METZGAR, MULLERY, ROAE, ROSS, TOBASH and WAGNER

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, further providing for a change in the school district fiscal year for third and fourth class school districts.

Referred to Committee on EDUCATION, May 10, 2011.

No. 1505 By Representatives DeLUCA, CUTLER, AUMENT, COHEN, D. COSTA, CREIGHTON, DAVIS, DAY, DUNBAR, GINGRICH, GRELL, HARKINS, HENNESSEY, HORNAMAN, KAUFFMAN, KORTZ, KOTIK, KULA, MANN, MARSHALL, MILNE, MOUL, MURT, M. O'BRIEN, PASHINSKI, PYLE, SANTONI, SCAVELLO, SCHRODER, K. SMITH, STEPHENS, STURLA, WAGNER, WATSON, WHITE and YOUNGBLOOD

An Act amending Title 65 (Public Officers) of the Pennsylvania Consolidated Statutes, further providing for definitions and for statement of financial interests.

Referred to Committee on STATE GOVERNMENT, May 10, 2011.

No. 1506 By Representatives MURT, DONATUCCI, FARRY, GEIST, GINGRICH, GODSHALL, GROVE, HORNAMAN, MILNE, MOUL, PETRI, TALLMAN and VULAKOVICH

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in falsification and intimidation, further providing for the offense of false reports to law enforcement authorities.

Referred to Committee on JUDICIARY, May 10, 2011.

No. 1507 By Representatives MURT, BOYD, CALTAGIRONE, GIBBONS and PICKETT

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, in Commonwealth agency fees, further providing for Department of State.

Referred to Committee on STATE GOVERNMENT, May 10, 2011.

No. 1508 By Representatives MURT, BOYD, V. BROWN, DONATUCCI, GIBBONS, GINGRICH, GODSHALL, MANN, MILLARD, MOUL, M. O'BRIEN, REICHLEY and SWANGER

An Act amending the act of August 11, 1941 (P.L.900, No.344), known as the Unfair Sales Act, further providing for nonapplicability.

Referred to Committee on CONSUMER AFFAIRS, May 10, 2011.

No. 1509 By Representatives MURT, CALTAGIRONE, CLYMER, GEIST, GEORGE, GIBBONS, GOODMAN, LONGIETTI, MILLARD and WAGNER

An Act amending the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, further providing, in Local Government Capital Project Loan Fund provisions, for assistance to municipalities.

Referred to Committee on FINANCE, May 10, 2011.

No. 1510 By Representatives MURT, CALTAGIRONE, DEASY, DeWEESE, FARRY, GIBBONS, GILLEN, GODSHALL, GROVE, HARRIS, MILNE, MOUL, MULLERY and VULAKOVICH

An Act prohibiting Commonwealth agencies from paying bonuses to employees; and imposing penalties.

Referred to Committee on STATE GOVERNMENT, May 10, 2011.

No. 1511 By Representatives MURT, V. BROWN, CLYMER, DONATUCCI, EVERETT, GEIST, GIBBONS, GILLEN, GINGRICH, GOODMAN, HESS, JOSEPHS, MANN, MILLARD, MOUL, MUNDY, M. O'BRIEN, PETRARCA, QUINN, REICHLEY, ROEBUCK, STURLA, VULAKOVICH and YOUNGBLOOD

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, prohibiting mutilation of female genitalia.

Referred to Committee on JUDICIARY, May 10, 2011.

No. 1512 By Representatives MURT, BOYD, CLYMER, FARRY, GEIST, GILLEN, GODSHALL, MILLARD, MILLER, MILNE, MOUL, QUINN, READSHAW and VULAKOVICH

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for monetary limits of liability.

Referred to Committee on JUDICIARY, May 10, 2011.

No. 1513 By Representatives MURT, V. BROWN, CALTAGIRONE, D. COSTA, DONATUCCI, J. EVANS, FARRY, GILLEN, GINGRICH, GODSHALL, GOODMAN, GROVE, MILLARD, MILLER, MOUL, MUNDY, PETRI, PICKETT, ROSS, SWANGER, VULAKOVICH, WHEATLEY and WHITE

An Act prohibiting employees of long-term care providers from serving as guardian, agent under a power of attorney, insurance or annuity beneficiary or estate executor of individuals who receive services from a long-term care provider.

Referred to Committee on AGING AND OLDER ADULT SERVICES, May 10, 2011.

No. 1514 By Representatives MURT, BOYD, CLYMER, D. COSTA, DONATUCCI, FARRY, GEIST, GINGRICH, GROVE, W. KELLER, McGEEHAN, MOUL, PETRI, READSHAW, REICHLEY, STERN, STURLA and VULAKOVICH

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in general provisions relating to criminal proceedings, requiring saliva or tissue sample for DNA analysis after arrest for violent offense; and providing for DNA data bank exchange.

Referred to Committee on JUDICIARY, May 10, 2011.

No. 1515 By Representatives CLYMER, AUMENT, BAKER, BLOOM, CREIGHTON, CUTLER, KAUFFMAN, LAWRENCE, MILNE, MOUL, RAPP, REICHLEY, ROCK, ROSS, SCAVELLO and TALLMAN

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, providing for adjustments based on Consumer Price Index relating to contracts and purchases; and further providing for work to be done under contract let on bids and exception, for purchase of supplies, for contracts for construction, repair, renovation or maintenance, for project contracts and for powers and duties of institution presidents.

Referred to Committee on EDUCATION, May 10, 2011.

No. 1516 By Representatives STABACK, K. SMITH, MURPHY and KAVULICH

An Act amending the act of August 9, 1955 (P.L.323, No.130), known as The County Code, in fiscal affairs, further providing for authorization of hotel tax.

Referred to Committee on TOURISM AND RECREATIONAL DEVELOPMENT, May 10, 2011.

No. 1517 By Representatives BISHOP, ROEBUCK, STURLA, PAYTON, McGEEHAN, YOUNGBLOOD, WATERS, WILLIAMS, COHEN and BROWNLEE

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, exempting first class school districts from provisions on distress.

Referred to Committee on EDUCATION, May 10, 2011.

No. 1518 By Representatives BISHOP, STURLA, COHEN, V. BROWN, McGEEHAN, YOUNGBLOOD, WATERS, WILLIAMS, VULAKOVICH and BROWNLEE

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, further providing for assignment of pupils to schools.

Referred to Committee on EDUCATION, May 10, 2011.

No. 1519 By Representatives M. O'BRIEN, CLYMER, KOTIK, HENNESSEY, COHEN, DEASY, JOSEPHS, KAVULICH, READSHAW, WAGNER, YOUNGBLOOD and DONATUCCI

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, further providing for enforcement.

Referred to Committee on LIQUOR CONTROL, May 10, 2011.

No. 1520 By Representatives M. O'BRIEN, JOSEPHS, DALEY, EVERETT, COHEN, D. COSTA, KOTIK, THOMAS, QUINN and DONATUCCI

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, further providing for sales by Pennsylvania liquor stores.

Referred to Committee on LIQUOR CONTROL, May 10, 2011.

No. 1521 By Representatives HARPER, CREIGHTON, DeLUCA, GEIST, HENNESSEY, HESS, HORNAMAN, MURT, PASHINSKI, PEIFER, VEREB and WATSON

An Act amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for the offense and consequences of possession of a vehicle with false compartments.

Referred to Committee on JUDICIARY, May 10, 2011.

SENATE BILLS FOR CONCURRENCE

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

SB 224, PN 1181

Referred to Committee on EDUCATION, May 10, 2011.

SB 552, PN 619

Referred to Committee on LABOR AND INDUSTRY, May 10, 2011.

BILLS REPORTED FROM COMMITTEES, CONSIDERED FIRST TIME, AND TABLED

HB 468, PN 479

By Rep. BENNINGHOFF

An Act amending the act of June 27, 2006 (1st Sp.Sess., P.L.1873, No.1), known as the Taxpayer Relief Act, further providing for filing of claim.

FINANCE.

HB 774, PN 1846 (Amended)

By Rep. CREIGHTON

An Act amending the act of August 9, 1955 (P.L.323, No.130), known as The County Code, in special powers and duties of counties, further providing for board of visitors for charitable reform and penal institutions.

LOCAL GOVERNMENT.

HB 808, PN 1847 (Amended)

By Rep. MILLER

An Act amending the act of June 2, 1915 (P.L.736, No.338), known as the Workers' Compensation Act, in liability and compensation, further providing for the schedule of compensation.

LABOR AND INDUSTRY.

HB 916, PN 1848 (Amended) By Rep. MILLER

An Act amending the act of December 5, 1936 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the Unemployment Compensation Law, further providing for definitions, for relief from charges from certain employers and for establishment and maintenance of employer's reserve accounts; providing for relief from charges; further providing for qualifications required to secure compensation, for ineligibility for compensation and for rate and amount of compensation; providing for effect of severance pay on wages; further providing for extended benefits program definitions and for rules of procedure; and providing for applicability.

LABOR AND INDUSTRY.

HB 958, PN 1844 (Amended) By Rep. BAKER

An Act amending the act of June 29, 1953 (P.L.304, No.66), known as the Vital Statistics Law of 1953, providing for certificate of birth resulting in stillbirth.

HEALTH.

HB 1164, PN 1845 (Amended) By Rep. BENNINGHOFF

An Act amending the act of July 2, 2006 (P.L.292, No.65), known as the Organ and Bone Marrow Donor Act, further providing for applicability of act.

FINANCE.

HB 1326, PN 1505 By Rep. BENNINGHOFF

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

FINANCE.

HB 1439, PN 1729 By Rep. CREIGHTON

An Act amending the act of June 24, 1931 (P.L.1206, No.331), known as The First Class Township Code, repealing provisions relating to failure of township officer to perform duties.

LOCAL GOVERNMENT.

HB 1440, PN 1730 By Rep. CREIGHTON

An Act amending the act of May 27, 1953 (P.L.249, No.35), entitled "An act providing that the town councils of incorporated towns shall have the right to declare vacant the seats of councilmen or presidents of town councils for failure to qualify and for failure to attend meetings or vote upon questions before the council," repealing provisions relating to nonfeasance in office.

LOCAL GOVERNMENT.

HB 1442, PN 1732 By Rep. CREIGHTON

An Act amending the act of May 1, 1933 (P.L.103, No.69), known as The Second Class Township Code, repealing provisions relating to removal of township officer for failure to perform duties.

LOCAL GOVERNMENT.

HB 1443, PN 1733

By Rep. CREIGHTON

An Act amending the act of February 1, 1966 (1965 P.L.1656, No.581), known as The Borough Code, repealing provisions relating to right of council to declare seat of member vacant for failure to attend meetings.

LOCAL GOVERNMENT.

HB 1459, PN 1765

By Rep. CREIGHTON

An Act amending the act of June 23, 1931 (P.L.932, No.317), known as The Third Class City Code, in civil service, further providing for promotions.

LOCAL GOVERNMENT.

HB 1460, PN 1766

By Rep. CREIGHTON

An Act amending the act of June 24, 1931 (P.L.1206, No.331), known as The First Class Township Code, in civil service for police and firemen, further providing for examinations and for eligibility list and manner of filling appointments.

LOCAL GOVERNMENT.

HB 1461, PN 1767

By Rep. CREIGHTON

An Act amending the act of February 1, 1966 (1965 P.L.1656, No.581), known as The Borough Code, in civil service for police and firemen, further providing for examinations and for eligibility list and manner of filling appointments.

LOCAL GOVERNMENT.

SB 357, PN 347

By Rep. CREIGHTON

An Act amending the act of February 1, 1966 (1965 P.L.1656, No.581), known as the Borough Code, further providing for general powers.

LOCAL GOVERNMENT.

SB 358, PN 348

By Rep. CREIGHTON

An Act amending the act of June 24, 1931 (P.L.1206, No.331), known as The First Class Township Code, further providing for suits and property.

LOCAL GOVERNMENT.

SB 359, PN 1202 (Amended)

By Rep. CREIGHTON

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 power to convey.

LOCAL GOVERNMENT.

SB 360, PN 350

By Rep. CREIGHTON

An Act amending the act of June 23, 1931 (P.L.932, No.317), known as The Third Class City Code, further providing for sales of personal property.

LOCAL GOVERNMENT.

**BILL REPORTED AND REFERRED TO
COMMITTEE ON HUMAN SERVICES**

SB 260, PN 237

By Rep. BAKER

An Act amending the act of November 29, 1990 (P.L.585, No.148), known as the Confidentiality of HIV-Related Information Act, further providing for legislative intent, for consent to HIV-related tests and for counseling.

Reported from Committee on HEALTH with request that it be rereferred to Committee on HUMAN SERVICES.

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

**RESOLUTION REPORTED
FROM COMMITTEE**

HR 244, PN 1632

By Rep. MILLER

A Resolution commemorating the 25th anniversary of the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) in 2011.

LABOR AND INDUSTRY.

The SPEAKER. The members will report to the floor.

CALENDAR CONTINUED

CONSIDERATION OF HB 574 CONTINUED

The SPEAKER. The Speaker returns to HB 574 on page 1 of today's calendar.

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

LEAVE OF ABSENCE

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

CONSIDERATION OF HB 574 CONTINUED

The SPEAKER. It is the Speaker's understanding that the remaining amendments to HB 574 have been withdrawn.

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 815, PN 1711**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for the offense of sexual abuse of children; and defining the offense of sexting by minors.

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 135, PN 1710**, entitled:

An Act amending the act of November 22, 1978 (P.L.1166, No.274), referred to as the Pennsylvania Commission on Crime and Delinquency Law, further providing for the Pennsylvania Commission on Crime and Delinquency, for powers and duties of the commission, for duties of the commission relative to criminal statistics, for duties of public agencies and officers in reporting criminal statistics, for the Juvenile Justice and Delinquency Prevention Committee, for powers and duties of the Juvenile Justice and Delinquency Prevention Committee, for Targeted Community Revitalization and Crime Prevention Advisory Committee and for powers and duties of Targeted Community Revitalization and Crime Prevention Advisory Committee.

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 1053, PN 1626**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for the offense of neglect of care-dependent person; and providing for the offense of abuse of care-dependent person.

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

Mr. **FARRY** offered the following amendment No. **A01664**:

Amend Bill, page 1, line 15, by inserting a bracket before "or"

Amend Bill, page 1, line 15, by inserting after "or"

↓

Amend Bill, page 1, line 15, by inserting after "injury" where it occurs the second time

or death

Amend Bill, page 2, line 7, by inserting a bracket before "or" where it occurs the second time

Amend Bill, page 2, line 7, by inserting after "or" where it occurs the second time

↓

Amend Bill, page 2, line 8, by inserting after "injury"

or death

Amend Bill, page 2, line 20, by inserting after "injury"

or death

Amend Bill, page 2, line 26, by inserting after "injury"

or death

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

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

Mr. FARRY. Thank you, Mr. Speaker.

This is an agreed-to amendment. This amendment arose from an incident that transpired in my district in Langhorne, Bucks County. There is a facility in Langhorne, Bucks County, named Woods Services, which is a residential treatment facility for those with traumatic brain injuries and with special needs.

The SPEAKER. Will the members come to order, please. The members will please take their seats, clear the aisles.

Mr. FARRY. Thank you, Mr. Speaker.

On a tragic day at Woods Services last year, a young man by the name of Bryan Nevins, who was under the care of Woods Services, who has treated thousands and thousands of young men and women with special needs over the last decades, Mr. Nevins was highly autistic and in his early twenties. After a trip to Sesame Place with two counselors and three fellow residents, they returned to the campus. Unfortunately, an employee by the name of Stacey Strauss was negligent that day. Ms. Strauss, who was responsible for Mr. Nevins's care, left Mr. Nevins in the van that day. It was a 90-degree day. Mr. Nevins, unable to exit the van himself due to his condition, tragically died in the van that day.

The gentlelady from Lebanon County has worked very, very hard on this legislation, which addresses some voids in the statute with the negligent care of a dependent. This amendment fills another void. When it came time to prosecute Stacey Strauss for this terrible, terrible act, the district attorney found a gap in the statute. He was left to charge Ms. Strauss with the negligent care of a dependent and involuntary manslaughter. Current State law does not factor the negligent care of a dependent that results in the death of that dependent. This amendment solves that problem and hopefully will bring future justice to any caregiver that negligently cares for a dependent that leads to the passing of that dependent.

So with that, I respectfully ask for a positive vote on this amendment.

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

On that question, the Speaker recognizes the lady, Mrs. Gingrich.

Mrs. GINGRICH. Thank you, Mr. Speaker.

I thank my colleague for bringing the extension to the piece of legislation included in this amendment to my attention. I not only support it, but I appreciate it. Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—197

Adolph	Donatucci	Knowles	Readshaw
Aument	Dunbar	Kortz	Reed
Baker	Ellis	Kotik	Reese
Barbin	Emrick	Krieger	Reichley

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

NAYS—0

NOT VOTING—0

EXCUSED—6

Evans, D.	Killion	Mahoney	Miccarelli
Johnson	Kula		

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

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

Bill as amended was agreed to.

The SPEAKER. The bill as amended will be reprinted.

* * *

The House proceeded to second consideration of **HB 1352, PN 1712**, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, further providing for background checks of prospective employees and conviction of employees of certain offenses.

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

SUPPLEMENTAL CALENDAR A

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 9, PN 1812**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for junior driver's license, for learners' permits, for suspension of operating privilege and for restraint systems.

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—

BILL PASSED OVER TEMPORARILY

The SPEAKER. We will go over HB 9 temporarily. We may have a question here.

LEAVE OF ABSENCE

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

CALENDAR CONTINUED

BILL ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 563, PN 619**, entitled.

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for motorcycle safety education program.

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

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

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

Mr. Speaker, I had an amendment to this bill, and I was talking with Chairman Geist earlier and he indicated that he was willing to run my amendment as a freestanding bill, which I am certainly very happy to do that. I do not see him on the floor right now, and I was hoping that I could perhaps just briefly interrogate the subcommittee chair on highways, Representative Keller, who I know is also in support of what I am trying to do with this bill, and just essentially put it on the record that the committee would be willing to run the language as a freestanding bill, which is already in the committee.

The SPEAKER. The gentleman, Mr. Keller, indicates that he would stand for interrogation. You may state your question.

Mr. MARKOSEK. Thank you, Mr. Speaker.

Mr. Speaker, I understand that the majority chairman has indicated that he would run the bill or run the language in the amendment as a freestanding bill, and I just wanted to get it on the record that that in fact is the case.

Mr. M. KELLER. Mr. Speaker, yes, that is the case. As you know, Mr. Speaker, I am the second cosponsor on that particular bill, and I would also like to see it run as a freestanding bill also.

Mr. MARKOSEK. Okay. Thank you, Mr. Speaker.

I will withdraw the amendment at this time. Thank you.

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.

SUPPLEMENTAL CALENDAR A CONTINUED

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration on **HB 896, PN 1813**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the offense of careless driving; establishing the Driver Distraction Awareness Fund; and providing for additional duties of the Department of Transportation.

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

Mr. ROSS offered the following amendment No. **A02135**:

Amend Bill, page 2, lines 16 and 17, by striking out ", upon " in line 16 and "conviction," in line 17

Amend Bill, page 2, line 18, by striking out "No person shall be convicted under this subsection" and inserting

The provisions of this subsection shall not apply to any person

Amend Bill, page 2, line 19, by striking out "also"

Amend Bill, page 2, line 22, by striking out "for a conviction" and inserting

on account of any increased fine
 Amend Bill, page 2, lines 22 and 23, by striking out "Conviction"
 " in line 22 and "under" in line 23 and inserting
Application of

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

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

Mr. ROSS. Thank you, Mr. Speaker.

This is a technical correction. It was pointed out that the distracted driving is actually an enhancement rather than a separate conviction, so the Reference Bureau kindly corrected that technical error so that we can have the bill make more sense and read properly. I appreciate a positive vote on the amendment.

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

The following roll call was recorded:

YEAS—196

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

Dermody	Keller, M.K.	Quinn	Smith, S.,
DeWeese	Keller, W.	Rapp	Speaker
DiGirolamo	Kirkland		

NAYS—0

NOT VOTING—0

EXCUSED—7

Evans, D.	Killion	Mahoney	Reichley
Johnson	Kula	Miccarelli	

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?

The SPEAKER. For the information of the members, under rule 24, HB 9 and HB 896 on page 2 of today's House calendar supplemental A cannot be voted for approximately a half an hour because of the 24-hour rule, unless someone were to make a motion to proceed.

MOTION TO PROCEED TO CONSIDERATION UNDER RULE 24

Ms. HARPER. Mr. Speaker?

The SPEAKER. For what purpose does the lady, Ms. Harper, rise?

Ms. HARPER. Mr. Speaker, I would like to make a motion to proceed and to suspend the rules in order to proceed and get those bills considered right now.

The SPEAKER. Technically, it is not a suspension of the rules. The rule provides for the authorization to proceed, and you have properly made that motion.

Pursuant to the motion, those who wish to proceed to the vote on HB 9 and HB 896 on page 2 of today's House calendar supplemental A will vote "aye"; those opposed will vote "no."

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

The following roll call was recorded:

YEAS—156

Adolph	Donatucci	Keller, W.	Quigley
Aument	Ellis	Kirkland	Quinn
Baker	Evankovich	Knowles	Ravenstahl
Barbin	Evans, J.	Kortz	Readshaw
Barrar	Everett	Longietti	Reed
Bear	Fabrizio	Maher	Reese
Benninghoff	Farry	Major	Rock
Bishop	Fleck	Maloney	Roebuck
Bloom	Frankel	Mann	Ross
Boback	Freeman	Markosek	Sabatina
Boyd	Gabler	Marshall	Saccone
Boyle, K.	Geist	Marsico	Sainato
Bradford	George	Masser	Santoni
Brennan	Gerber	McGeehan	Saylor
Brown, R.	Gergely	Micozzie	Scavello

Brownlee	Gillespie	Millard	Schroder
Burns	Gingrich	Miller	Smith, K.
Buxton	Godshall	Mirabito	Sonney
Caltagirone	Goodman	Moul	Staback
Carroll	Grove	Mullery	Stephens
Causar	Hackett	Mundy	Stern
Christiana	Haluska	Murphy	Stevenson
Clymer	Hanna	Murt	Sturla
Cohen	Harhai	Mustio	Swanger
Conklin	Harhart	Myers	Taylor
Costa, P.	Harkins	Neuman	Tobash
Cox	Harper	O'Brien, D.	Toepel
Cruz	Harris	O'Brien, M.	Toohil
Culver	Heffley	O'Neill	Vereb
Curry	Helm	Parker	Vitali
Daley	Hennessey	Pashinski	Vulakovich
Davidson	Hess	Payne	Waters
Deasy	Hickernell	Payton	Watson
DeLissio	Hornaman	Peifer	White
Delozier	Hutchinson	Petrarca	Williams
DeLuca	Josephs	Petri	Youngblood
DePasquale	Kampf	Pickett	
Dermody	Kauffman	Preston	Smith, S.,
DeWeese	Keller, F.	Pyle	Speaker
DiGirolamo	Keller, M.K.		

NAYS—40

Boyle, B.	Dunbar	Lawrence	Santarsiero
Briggs	Emrick	Matzie	Shapiro
Brooks	Galloway	Metcalfe	Simmons
Brown, V.	Gibbons	Metzgar	Smith, M.
Costa, D.	Gillen	Milne	Tallman
Creighton	Grell	Oberlander	Thomas
Cutler	Hahn	Perry	Truitt
Davis	Kavulich	Rapp	Turzai
Day	Kotik	Roae	Wagner
Denlinger	Krieger	Samuelson	Wheatley

NOT VOTING—0

EXCUSED—7

Evans, D.	Killion	Mahoney	Reichley
Johnson	Kula	Miccarelli	

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

STATEMENT BY MAJORITY LEADER

Mr. TURZAI. Mr. Speaker?

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

Mr. TURZAI. Point of personal privilege, if that is the right—

The SPEAKER. The majority leader does not really need personal privilege. You would be recognized.

Mr. TURZAI. Sir, just for the record, I recognize – and the vote is the vote with respect to the motion to proceed – I do want to just say for the record, we have rules that are in place with respect to a 24-hour waiting period. The Senate, I believe, has a 6-hour waiting period. I know oftentimes I hear folks come up and say, can we not do a motion to proceed so that we can get out of here? The fact of the matter is, if people have some difficulty with the 24-hour waiting period, then we ought to substantively address whether or not our rule should be more like the Senate's of a 6-hour or a 12-hour. Personally, I did vote

"no." I will make it clear that with respect to those kinds of motions, if we are going to have a rule, by and large, we ought to be adhering to the rule. If we think it is inappropriate so that people can leave sooner, then we ought to change the rule to a shorter time period. Thank you.

PARLIAMENTARY INQUIRY

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

Mr. M. SMITH. Parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state his inquiry.

Mr. M. SMITH. Would a motion for reconsideration on the prior motion be in order?

The SPEAKER. Because that was a procedural motion, a motion to reconsider the vote would not be in order.

Mr. M. SMITH. Would not. Thank you, Mr. Speaker.

CONSIDERATION OF HB 9 CONTINUED

On the question recurring,
Shall the bill pass finally?

(Bill analysis was read.)

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

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

Mr. MARKOSEK. Thank you, Mr. Speaker.

May I interrogate the young lady, please?

The SPEAKER. The maker of the bill? Will the maker of the bill stand for interrogation? The lady indicates she will stand for interrogation. The gentleman may proceed.

Mr. MARKOSEK. Thank you, Mr. Speaker.

Mr. Speaker, just very briefly, the penalties, or I should say the enforcement of your legislation, is it primary or secondary?

Mrs. WATSON. We are talking about HB 9, sir? This is not texting now; this is the teen driver bill?

Mr. MARKOSEK. Yes.

Mrs. WATSON. Well, indeed, it would be primary. It is the same as the current law for the children. Are you referring to the primary law making the seat belt, or I mean overall— I am having trouble understanding the question. I apologize.

Mr. MARKOSEK. Well—

Mrs. WATSON. Are you referring to the one section on seat belts?

Mr. MARKOSEK. Well, on seat belts, on the other issues that pertain to texting or—

Mrs. WATSON. Excuse me, Mr. Speaker. None of that would be in the bill. The bill is now just the three tenets, which would be that we would increase the time of behind-the-wheel driver experience from 50 to 65. The one we will do is make a primary seat belt law that is consistent, which it is now for infants and young children, to go from birth up to age 18, and that would be primary, but obviously for a 19-year-old, it drops back to the secondary. That would really be, I think, the only change that you are really talking about.

Mr. MARKOSEK. Okay. Thank you very much.

Mrs. WATSON. And the number of passengers, they could pull you over. It would restrict it to the one.

Mr. MARKOSEK. Okay. Thank you.

That ends my interrogation, and I applaud the lady for her efforts. I know we worked a long time the last couple of terms relative to this, had many hearings. It is a good bill, and I certainly support it. I support the primary enforcement of whatever we are doing and would hope that our colleagues in the Senate would also support it. As we know from past history, we have been pretty bipartisanly in favor of these kinds of bills that are relatively strong, but obviously, once it went to the Senate, they were not on the same page with us.

So I, again, applaud the lady, and I would ask the members to vote "yes" on this. I think it is a good bill. Thank you.

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

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

Mrs. WATSON. Thank you, Mr. Speaker.

Perhaps this is a parliamentary inquiry question. I have remarks. I do not always do that. I usually just speak from head and heart, but I did prepare remarks. But if it would make the bill go faster and get a vote, two or more, after all these years, I am willing to wait until after and say it. I think we have said so much, in all honesty and seriousness. I think people know what they are voting on, and I am looking just forward, I hope, to the vote, sir.

The SPEAKER. The Speaker thanks the lady.

Are you asking if you can submit remarks for the record?

Mrs. WATSON. I will do them after, because I do have, assuming things go well, sir, I do have a few thank-yous. I will submit them for the record, but I will actually do it, but let us not take this any longer. Thank you, sir.

The SPEAKER. The Chair thanks the lady.

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

On that question, the Speaker recognizes the gentleman from Somerset, Mr. Metzgar.

Mr. METZGAR. Thank you, Mr. Speaker.

Will the lady, the maker of the bill, please stand for interrogation?

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

The gentleman may proceed.

Mr. METZGAR. Actually, Mr. Speaker, may I speak on the bill, please?

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

Mr. METZGAR. Mr. Speaker, I find a couple of issues with this particular bill. The first issue I would like to address is the identification of a minor. I understand it would be a primary offense to not use a restraint device on this particular bill, only for a minor. The question becomes, how would one identify a minor when one is driving past that particular person? I know that some of our colleagues here are youthful in appearance, and for them to be identified in a drive-by situation would be very difficult.

Secondly, I always explain to some of my constituents how Pennsylvania is somewhat ungovernable because of its nature. It has two large metropolitan areas on its ends and then it has the ever-present T in the middle, and one of the problems with this particular bill is that T in the middle. You see, many of the members in this particular body live in areas where they are 10 miles from anywhere, and for those individuals, whenever a son or daughter becomes 16 and then goes through the process and gets that particular license, they become the school bus

driver, if you will, and that is one of the issues that I think the gentlelady seeks to address is that there are sometimes dangers associated with having many children within that vehicle. However, one of the facts of life in rural areas is that we use that and take advantage of that opportunity to get ourselves through the daily life of rural Pennsylvania, and for us to foreclose that opportunity in the name of a great idea, safety, I think is folly.

I believe that we are making a great mistake, and I think that we are going to hear from our constituents whenever the day comes where these kids cannot get to school or work or to sporting events because they can no longer transport with one another. I believe that we are going to have a large problem, and I think that there is a disconnect between rural and urban areas for us to push that bill through the way it is currently.

So I would urge a "no" vote particularly from the rural legislators on HB 9. Thank you.

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

On that question, the Speaker recognizes the gentleman from Lawrence County, Mr. Sainato.

Mr. SAINATO. Thank you, Mr. Speaker.

Would the maker of the bill agree to brief interrogation?

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

Mr. SAINATO. Sure.

Mr. Speaker, I heard you say with the previous person that it would be a primary offense. Now, the police would be able to pull this person over if they think—

Mrs. WATSON. Mr. Speaker, I cannot hear.

Mr. SAINATO. The police would be able to pull this person over if they think they are under the age of 18. Is that correct?

Mrs. WATSON. Yes, Mr. Speaker. The police would be able to stop the individual in the vehicle they believe is under the age of 18.

Mr. SAINATO. Okay. Now, what if that person is 21 years of age and the police think that he is 17 years of age?

Mrs. WATSON. From speaking to police officers, what they said to me was they do what they do now with the helmet law that was put into place I guess several years ago, and they simply look at the ID and say, thank you very much. I hope you have a good day, a good evening, whatever it might be.

Mr. SAINATO. Okay. What about if there would be something in that vehicle that should not be in there, would they be able to prosecute them for something? Say they have alcohol in the car and they are 19 years old, would they be able to be charged with underage drinking?

Mrs. WATSON. It is my understanding, and I am certainly not an attorney, but it is my understanding that they would not be able to.

Mr. SAINATO. Okay. You are saying that they would not be able to be charged if they are pulled over and they are of legal age but they are not of legal age to have, say, alcohol in their car?

Mrs. WATSON. That is correct.

Mr. SAINATO. Okay; all right. Thank you for the interrogation.

I, too, have concern over this bill, especially the part about being able to just pull people over. You could be 25 years old – or not just with the seat belt law. There are two people in the car and you see the kids. You think they are kids and they are actually in their twenties and very easily could give you reason. I think I am going to check these kids out. Let us see what they

are up to. I have some concern over that, Mr. Speaker. Thank you.

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

On that question, the Speaker recognizes the gentleman from Northampton, Mr. Samuelson.

Mr. SAMUELSON. Thank you, Mr. Speaker.

I rise in support of HB 9, the additional safety requirements for teen drivers. I recall that on the floor of the House here last summer, we as a House stood strong as the Senate tried to weaken this proposal. The gentlelady from Bucks County has a requirement in this bill that a teenage driver should only have one additional passenger. We remember the bill that the Senate sent us last year which would allow three additional passengers, not much different from current law. Current law, as you know, is that there can only be as many passengers in the car as there are number of seat belts. So what the Senate was doing last year was not much of an improvement. This bill has the stronger requirement that we only have one passenger for a teenage driver, one unrelated passenger.

We nonconcurred in that bill last year. Last June we sent that bill – tried to send that bill to a conference committee to provoke some negotiations with the Senate. Another issue in that bill last summer was we were trying to get a cell phone and text messaging prohibition here in Pennsylvania. The Senate and the House did not see eye to eye on that. We wanted a stronger cell phone bill.

My one concern about this bill is it does not include the cell phone provision. I believe that is because we are going to deal with that in a separate bill tomorrow, and I look forward to the debate on that bill. In that way we can make sure that the cell phone and the text messaging provisions apply to all drivers, not just the teen drivers that are in this bill.

So I commend the maker of this bill. I also commend the House last summer for standing strong for a stronger version of this legislation than the Senate was willing to accept in 2010.

Thank you, Mr. Speaker.

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

On that question, the Speaker recognizes the gentleman from Erie County, Mr. John Evans.

Mr. J. EVANS. Thank you, Mr. Speaker.

I was not planning to speak on this bill, but due to some of the recent comments, I think that it would be wise to make a few statements on it.

Having served on the Transportation Committee for several years and working with Representative Watson on this safety legislation, this is a very, very important bill, and it is actually done in many other States. It is model language that has been proven in other States of this country and needs to be adopted in Pennsylvania.

And quite frankly, the argument that rural legislators should somehow be against this bill rings hollow, because if anything, I think it would be necessary for rural areas to have this type of legislation, because if a teen driver is involved in an automobile accident in a remote location, it takes all that much longer for rescue vehicles to come to their aid. Think about that. This is about safety, and this is a bill that has been worked in a bipartisan fashion for many years, and I urge my colleagues to vote "yes" on HB 9. Thank you.

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

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

Mr. P. COSTA. Thank you, Mr. Speaker.

Is it possible to interrogate the maker of the bill?

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

Mr. P. COSTA. First off, I want to thank you for doing this bill. I know you worked a long time, many sessions, trying to get this done.

But I have a question. On your part about the siblings being allowed to be in the car, are they required to show proof or is it just their word or how is this going to be addressed if a police officer does pull somebody over?

Mrs. WATSON. They would show, I would assume, and again, I am not a person in law enforcement, but the police officer would be in the right to simply say, if you say, well, this is my sister, Kathy, and this is my brother, Fred, then they would simply – they might have ID to say they were, and I think you would have to accept it at face value.

Mr. P. COSTA. There is no burden of proof on the driver or the passengers, just their word?

Mrs. WATSON. Not to carry, necessarily, ID as such. I mean, imagine if you have got Kathy is 12 and Fred is 10, while PENNDOT does issue; you could go get one. The chances are, they might not have ID. I think you would have to accept that, and we understood.

Mr. P. COSTA. Thank you.

Again, these things pop into my head; sometimes I get crazy. But I appreciate the work that you are doing on this bill and the long work that you put into it. Thank you, Mr. Speaker.

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

The gentleman, Mr. Turzai, is recognized on final consideration.

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

I recognize oftentimes there is a balance with respect to health and safety regulations, which are a legitimate power of government, and whether, ultimately, we are intruding on individual rights, but the fact of the matter is, there are many compelling reasons to work towards the safety of the individuals of this State. There are many areas, including the seat belts laws, which we recognize are designed to save lives.

Now, I would contend that if there is a compelling reason or a heightened reason, it certainly speaks to kids, to teens. I have three young boys, 12, 11, and 8, and they will soon be moving into those driving ages, and I think, given the police power, the power with respect to health and safety, that the proposal that has been put forth by the honorable gentlelady from Bucks County is right on target.

Traffic crashes are the number one cause of death for teens. For the last available numbers in 2008, 4,054 teenagers, ages 13 to 19, nationwide died. In Pennsylvania in 2010, fatalities in crashes that involved a 16- or 17-year-old driver increased from 40 in 2009 to 57 last year, a 43-percent increase.

We are one of only seven States without an improved graduated driver licensing law. Teen driver and peer passenger deaths account for one-quarter of the total teen deaths from any cause. The greatest lifetime chance of crashing an automobile occurs in the first 6 months after licensure. Teen drivers, ages 16 to 19, have fatal crashes at four times the rate of adult drivers, ages 25 to 69. It is not that teens do not hear the safety messages. Instead, they interpret them through different cultural filters.

I recognize there is a balance when we go into these health and safety and police regulatory issues, but I do believe that the case has been made by the good lady from Bucks County that there is reason to have narrowly tailored regulations to protect children in all areas of the State. That is true in our urban areas, our suburban areas, and our rural areas. Each and every one of those kids matters. Every Pennsylvania citizen will benefit.

I rise up in support of this proposal, and I think it is a commonsense proposal to a real safety issue. Thank you.

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

On that question, the Speaker recognizes the gentleman from Blair, Mr. Geist.

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

I rise to urge a "yes" vote on this legislation.

Although it is different than the Senate bill, I think we should send this over to the Senate with the idea that somehow we get together on a final solution that really works.

I want to praise Representative Watson for the many hours, days, weeks, and months that she spent working on this, and I think it is a fitting tribute to her and everybody that has worked on it to give her a vote, send it to the Senate, and let us get about that business.

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—175

Adolph	DiGirolamo	Keller, M.K.	Ravenstahl
Aument	Donatucci	Keller, W.	Readshaw
Baker	Dunbar	Kirkland	Reed
Barbin	Ellis	Knowles	Reese
Barrar	Emrick	Kortz	Rock
Bear	Evankovich	Kotik	Roebuck
Benninghoff	Evans, J.	Lawrence	Ross
Bishop	Everett	Longietti	Sabatina
Bloom	Fabrizio	Maher	Samuelson
Boback	Farry	Major	Santarsiero
Boyd	Fleck	Mann	Santoni
Boyle, B.	Frankel	Markosek	Saylor
Boyle, K.	Freeman	Marshall	Scavello
Bradford	Gabler	Marsico	Schroder
Brennan	Galloway	Matzie	Shapiro
Briggs	Geist	McGeehan	Simmons
Brown, R.	George	Micozzie	Smith, K.
Brown, V.	Gerber	Miller	Smith, M.
Brownlee	Gergely	Milne	Sonney
Burns	Gillen	Mirabito	Staback
Buxton	Gillespie	Moul	Stephens
Caltagirone	Gingrich	Mullery	Stern
Carroll	Goodman	Mundy	Stevenson
Causar	Grell	Murphy	Sturla
Christiana	Grove	Murt	Swanger
Clymer	Hackett	Mustio	Tallman
Cohen	Hahn	Myers	Taylor
Conklin	Hanna	Neuman	Thomas
Costa, D.	Harhai	O'Brien, D.	Tobash
Costa, P.	Harhart	O'Brien, M.	Toepel
Creighton	Harkins	O'Neill	Toohil
Cruz	Harper	Parker	Truitt
Curry	Harris	Pashinski	Turzai
Daley	Heffley	Payne	Vereb
Davidson	Helm	Payton	Vitali
Davis	Hennessey	Peifer	Vulakovich
Day	Hess	Petrarca	Wagner

Deasy	Hickernell	Petri	Waters
DeLissio	Hornaman	Pickett	Watson
DeLozier	Hutchinson	Preston	Wheatley
DeLuca	Josephs	Pyle	White
DePasquale	Kampf	Quigley	Williams
Dermody	Kauffman	Quinn	Youngblood
DeWeese	Kavulich	Rapp	

NAYS—21

Brooks	Godshall	Metcalfe	Saccone
Cox	Haluska	Metzgar	Sainato
Culver	Keller, F.	Millard	
Cutler	Krieger	Oberlander	Smith, S.,
Denlinger	Maloney	Perry	Speaker
Gibbons	Masser	Roae	

NOT VOTING—0

EXCUSED—7

Evans, D.	Killion	Mahoney	Reichley
Johnson	Kula	Miccarelli	

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.

STATEMENT BY MRS. WATSON

REMARKS SUBMITTED FOR THE RECORD

The SPEAKER. Under unanimous consent, the Speaker recognizes the lady, Mrs. Watson, from Bucks County.

Mrs. WATSON. Thank you, Mr. Speaker, and I will be brief.

And I am submitting some lengthy remarks which review everything for the record.

But let me say this: I thank those of you who are able to vote for this very much. Let me assure you that we will join, if this becomes law then, we will join those 43 other States, many of whom have a lengthy track record and statistical data to prove that this makes a difference. Those who were here in 1999, you voted for that graduated driver licensing law in the hope that that would make a difference, and it did. It took it to a lower level, but it has not totally reduced it, and we still can say, as you have heard speakers, that this age group, that 16 1/2 to 18 new driver, has an incredibly high rate of crashes and deaths. We can further reduce that.

I have been asked before and I would say to you there is no law we can design that will bring every young person home safely, but in 43 other States right now, they bring more of their young people home safely, and they do that in all parts with all geography.

You have all received a copy of a recent statewide poll conducted by a reputable polling company that was done in March where, when they tested the three parts of this bill, folks agreed, even though this was a stretch – and I recognize cultural differences – it was a stretch, but they agreed that for teens and also to make the roads safer for the rest of us, they would vote for this. So if you were able to vote for it, I particularly thank you. I thank you on behalf of the families that have endured this tragedy and have made, if you have talked to them, something

positive. They speak to groups. They set up scholarships. They have done the work that they could do, and now it was time for us to do the work that we as legislators can do to make things better for Pennsylvania and for our roads.

Thank you very much.

The SPEAKER. The Speaker thanks the lady, and her additional remarks will be spread upon the record.

Mrs. WATSON submitted the following remarks for the Legislative Journal:

HB 9 is the culmination of a 5-year effort and three previous bills introduced in three previous sessions to upgrade Pennsylvania's graduated driver license law, GDL, for new drivers in order to further reduce crashes, injuries, and deaths for this age group, while improving road safety for all drivers.

With the passage of the original GDL in 1999, Pennsylvania saw a significant reduction in crashes for new drivers, ages 16.5 to 18 years of age. There is no doubt that GDL worked, but further reduction in injuries and deaths has been stalled. However, with the three enhancements proposed in HB 9, continuing reductions are not only possible, they are to be expected. How do we know this? Because we have the statistical data from many other States where these three changes have been implemented and significant reductions have occurred. In Illinois, after 1 year under these changes, crashes and injuries decreased 40 percent for their new drivers. Obviously, there is no law that we can pass that will guarantee every new teen driver's safe return from every trip, but in 43 other States where various permutations of this enhanced GDL has been implemented, more of their young new drivers do arrive home safely and roads are safer for all drivers.

HB 9 is grounded in scientific studies and analyses provided by groups such as the Children's Hospital of Philadelphia, Allstate Insurance, State Farm, AAA (American Automobile Association) Federation of Pennsylvania, and Johns Hopkins University, just to name a few. Furthermore, the three upgrades,

1. Limiting the number of teen passengers in the vehicle for the new driver in order to reduce the risk of crashes due to distraction;
2. Increasing the amount of hours required in behind-the-wheel training from 60 to 75 hours, with 10 additional hours of nighttime driving and 5 hours of driving in inclement weather; and
3. Making the appropriate passenger restraint, such as infant seat, child safety seat, booster to seat belt, while riding in a vehicle from birth to 18 years a primary offense and the new driver's responsibility because it prevents injuries and death in the event of a crash,

are the pillars of HB 9 and have recently been the subject of a statewide poll conducted to test the public's sentiments dealing with attitudes and opinions toward what Pennsylvanians believe are the greatest threats they face on our public highways today, as well as whether or not they would support the key legislative initiatives introduced in this bill. According to poll results, 49 percent believe accidents from distracted drivers are the single biggest threat to public safety. Also, poll results showed that 58 percent believe State government needs to implement tougher laws to reduce the number of accidents and deaths caused by teen drivers, while only 34 percent believe the current laws are adequate. Finally, an overwhelming 75 percent of Pennsylvanians support passage of a new law instituting passenger limits similar to what has been passed in the 40 States that already have moved in this direction.

This strongly suggests that most believe this type of law is reasonable, appropriate, and will help to reduce the risk of accidents involving teen drivers in Pennsylvania. Seventy-seven percent of those surveyed statewide support increasing the number of hours of behind-

the-wheel training for teen drivers and 70 percent say they support strengthening the current law to allow law enforcement officials to stop and fine teen drivers, 17 years and younger, if they or their young passengers are not wearing seat belts. This requirement is necessary because it has been documented that 50 percent of those teens killed in crashes died because they were not buckled up.

I should note for the record that each House member received a complete summary of poll results and accompanying graphics in his or her mail last week. The results of this poll demonstrate the HB 9 does have statewide public support and when enacted will make the roads safer for all residents. HB 9 supports families and the decisions they make regarding their teens. A recent Insurance Institute for Highway Safety survey showed that 89 percent of parents want a legal limit on the number of nonfamily passengers allowed in vehicles driven by teens. For those of us who have no teenagers in our family, passage of HB 9 will produce better, more experienced young drivers, thus making our roads safer. Children's Hospital of Philadelphia released a study in January citing that 30 percent of those injured in a teen driver crash are not teens but adults such as you and me, just in the wrong place at the wrong time.

Why now is passage of a teen driver/GDL legislation so important? Consider these facts since teen driver legislation was first introduced in 2006 and the first hearings on the issue were held in Harrisburg:

- Approximately 130,000 teen driver crashes have occurred
- More than 8,000 teens have been hospitalized with crash-related injuries
- More than 500 teen drivers, 300 passengers, and 300 other road users have died in teen driver-related crashes
- Half of the teen drivers and their passengers who died were not wearing seat belts.

The time for House passage and hopefully Senate passage is now, now before more families are forever altered by the death of one of their teenage children who either was a new driver or a passenger in a motor vehicle; now before other individuals just driving on a PA roadway are injured or worse, at the hands of a new, inexperienced teen driver; now before Pennsylvania has the distinction of being the last of our 50 States to upgrade their graduated driver licensing law and further reduce the number of crashes and deaths. Currently 43 States have implemented this legislation and have statistical data to prove that it works.

Finally, as all of you know, no bill gets to the House floor without the help and input of many, both inside and outside this chamber. To all those families who have turned their personal suffering into positive grassroots support for this legislation, to those who volunteer to speak at school assemblies and share their personal story, to those who raise funds to give scholarships in remembrance of their teen now deceased, we say thank you. You did not enlist in this army; you were drafted by the cruelest means, but you made the very best of your service, and that is noted and honored in this legislation.

Thank you, Mr. Speaker. I respectfully request an affirmative vote from the members of this House on HB 9.

CONSIDERATION OF HB 896 CONTINUED

On the question recurring,

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

Bill as amended was agreed to.

(Bill analysis was read.)

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

The question is, shall the bill pass finally?
Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

The following roll call was recorded:

YEAS—184

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

NAYS—12

Carroll	Dunbar	Krieger	Mullery
Cox	Evankovich	Metcalfe	Perry
DeLissio	Gillen	Metzgar	Vitali

NOT VOTING—0

EXCUSED—7

Evans, D.	Killion	Mahoney	Reichley
Johnson	Kula	Miccarelli	

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

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

The SPEAKER. There will be no more votes this afternoon.

BILLS RECOMMITTED

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

HB 574;
HB 135;
HB 815;
HB 1053;
HB 1352; and
HB 563.

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

VOTE CORRECTION

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

Mr. MASSER. I had a malfunction. On HB 9 my button recorded a "no" vote. I want to be recorded as a "yes," please.

The SPEAKER. The gentleman's remarks will be spread upon the record.

BILLS REMOVED FROM TABLE

The SPEAKER. The Speaker recognizes the majority leader, who moves that HB 1278 and SB 71 be removed from the tabled calendar and placed on the active calendar.

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

CALENDAR CONTINUED

BILLS ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 174, PN 118**, entitled:

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 exclusions from tax and for exemption certificates.

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

BILL TABLED

The SPEAKER. The Speaker recognizes the majority leader, who moves that HB 174 be removed from the active calendar and placed on the tabled calendar.

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

* * *

The House proceeded to second consideration of **HB 3, PN 1037**, entitled:

An Act amending Title 74 (Transportation) of the Pennsylvania Consolidated Statutes, providing for public-private transportation partnerships; and making a related repeal.

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

BILL TABLED

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

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

BILLS AND RESOLUTIONS PASSED OVER

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

ADJOURNMENT

The SPEAKER. There being no further business before the House, the Speaker recognizes the lady, Ms. Brownlee, from Philadelphia County, who moves that this House do adjourn until Wednesday, May 11, 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 4:16 p.m., e.d.t., the House adjourned.