

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

WEDNESDAY, MAY 11, 2011

SESSION OF 2011

195TH OF THE GENERAL ASSEMBLY

No. 35

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 Rev. Stephen E. Hollinger, Salem Evangelical and Reformed Church, Reamstown, PA.

REV. STEPHEN E. HOLLINGER, Guest Chaplain of the House of Representatives, offered the following prayer:

Please bow with me as I pray:

Almighty God, we bow together before You this morning setting aside, while briefly nevertheless, as a first order of business this time to focus our attention on You. May we be humbled as we consider who we are in the presence of Your supreme holiness and sovereignty.

Father God, thank You for the gifts with which You have blessed each woman and man here. Thank You for the various cultural and religious backgrounds they represent as well as the different geographic areas throughout this Commonwealth from which they have come. Thank You, our God, for life experiences each person has had and for the fact that You have been present with us throughout all of them.

I pray that You will bring to each Representative's mind right now the names and images of people who have significantly influenced their thinking as well as the priorities they have embraced. We want You, Father God, to know how thankful we are for those individuals. Thank You for the commitments each person here is making to serve those they represent and thank You, our God, for the personal sacrifices these Representatives and so many others are willing to make and for all that is accomplished as a result of their selfless and combined efforts.

We also pray for the family members of all who have been called to serve here, because the rigorous schedules associated with such demanding work must require sacrifices of time and intimacy with those they love the most. And so we entrust loved ones and their needs to You, Father.

Remembering those persons who may be absent today and whose absence renders this esteemed body incomplete, we ask for assurance for them of Your constant presence and Your more than adequate ability to care for them.

Now though, Father God, as the members of this House of Representatives and their staff members anticipate the opportunity to make decisions, the results of which will affect the lives of so many far beyond this hallowed and historic place, I pray that each of these most honorable Representatives of the citizens of our great Commonwealth will submit her or himself in body, mind, and spirit to You, and commit to obedience to Your will to the extent that they will be attentive and at ease as they engage in conversations and negotiations, drawing on Your divine wisdom and unequaled ability to weave even the greatest differences into beautiful tapestries of decisions that will bless Your people, Father, throughout Pennsylvania. And going about today's work with such mutual understanding of being surrendered to You, may all who are here today carry out their deliberations with the greatest sense of confidence and the fullest expectation of cooperation and effectiveness, ultimately giving You the credit for the amazing things only You can do.

Together we offer You, Almighty God, our prayer, doing so with faith and no doubt and ever so thankful of Your attentiveness to us. Amen.

PLEDGE OF ALLEGIANCE

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

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, the approval of the Journal of Tuesday, May 10, 2011, will be postponed until printed.

LEAVES OF ABSENCE

The SPEAKER. With a request for leaves of absence, the Chair recognizes the majority whip, who requests a leave of absence for the gentleman, Mr. Denny O'BRIEN, from Philadelphia County for the day. Without objection, the leave will be granted.

The Speaker recognizes the minority whip, who requests a leave of absence for the gentleman, Mr. JOHNSON, from Philadelphia County for the day. Without objection, the leave will be granted.

**BILLS REPORTED FROM COMMITTEES,
CONSIDERED FIRST TIME, AND TABLED**

HB 421, PN 387 By Rep. TAYLOR

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

LIQUOR CONTROL.

HB 581, PN 1856 (Amended) By Rep. TAYLOR

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

LIQUOR CONTROL.

HB 816, PN 1853 (Amended) By Rep. HARHART

An Act amending the act of July 9, 1987 (P.L.220, No.39), known as the Social Workers, Marriage and Family Therapists and Professional Counselors Act, further providing for qualifications for license.

PROFESSIONAL LICENSURE.

HB 838, PN 1854 (Amended) By Rep. HARHART

An Act amending the act of June 6, 1980 (P.L.197, No.57), known as the Optometric Practice and Licensure Act, defining "ophthalmic surgery"; and further defining "practice of optometry."

PROFESSIONAL LICENSURE.

HB 1054, PN 1855 (Amended) By Rep. HARHART

An Act amending the act of May 23, 1945 (P.L.913, No.367), known as the Engineer, Land Surveyor and Geologist Registration Law, further providing for continuing professional competency requirements.

PROFESSIONAL LICENSURE.

HB 1412, PN 1857 (Amended) By Rep. TAYLOR

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

LIQUOR CONTROL.

HB 1424, PN 1852 (Amended) By Rep. MAHER

An Act amending Title 3 (Agriculture) of the Pennsylvania Consolidated Statutes, providing for the establishment, registration, licensing and use of a Pennsylvania Preferred trademark; establishing the Pennsylvania Preferred Trademark Licensing Fund; and providing for penalties and for enforcement.

AGRICULTURE AND RURAL AFFAIRS.

HB 1479, PN 1858 (Amended) By Rep. TAYLOR

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, further providing for malt and brewed beverages manufacturers', distributors' and importing distributors' licenses, for malt or brewed beverages manufactured outside this Commonwealth, for brand registration and for revocation and suspension of licenses and fines.

LIQUOR CONTROL.

ANNOUNCEMENT BY SPEAKER

The SPEAKER. The Speaker gives permission to the Appropriations Committee to continue their meeting. There will be no votes on the floor of the House until that committee is adjourned.

BILL SIGNED BY SPEAKER

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

SB 916, PN 949

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.

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

**HOUSE RESOLUTIONS
INTRODUCED AND REFERRED**

No. 279 By Representatives CAUSER, GABLER, HUTCHINSON, BROOKS, CREIGHTON, GEIST, GILLESPIE, GINGRICH, GROVE, HORNAMAN, KAUFFMAN, MILLARD, MURT, PYLE, RAPP, ROAE and SONNEY

A Resolution memorializing the Pennsylvania Public Utility Commission to reconsider and reverse its December 17, 2010, Order directing a split of the 814 area code in favor of an overlay.

Referred to Committee on CONSUMER AFFAIRS, May 11, 2011.

No. 286 By Representatives CONKLIN, K. BOYLE, CALTAGIRONE, COHEN, DALEY, DeLUCA, FABRIZIO, GEORGE, GOODMAN, HENNESSEY, KORTZ, M. O'BRIEN, THOMAS, WHITE, YOUNGBLOOD and DONATUCCI

A Resolution directing the Legislative Budget and Finance Committee to undertake a study of the fairness of implementing mandatory combined reporting as well as the other major recommendations of the Pennsylvania Business Tax Reform Commission.

Referred to Committee on FINANCE, May 11, 2011.

No. 287 By Representatives CONKLIN, BOYD, CALTAGIRONE, CREIGHTON, DALEY, DePASQUALE, FABRIZIO, FREEMAN, GABLER, GERGELY, GROVE, HARKINS, HORNAMAN, HUTCHINSON, JOSEPHS, KAVULICH, M. O'BRIEN and SCHRODER

A Resolution directing the Legislative Budget and Finance Committee to conduct a performance audit of the Pennsylvania Turnpike Commission.

Referred to Committee on TRANSPORTATION, May 11, 2011.

HOUSE BILLS INTRODUCED AND REFERRED

No. 1522 By Representatives EVERETT, BENNINGHOFF, CALTAGIRONE, COHEN, DENLINGER, GABLER, GEIST, GINGRICH, GROVE, HESS, JOSEPHS, MARSHALL, McGEEHAN, MILLARD, MURT, MYERS, O'NEILL, PRESTON, K. SMITH, SWANGER and THOMAS

An Act amending the act of November 30, 2004 (P.L.1672, No.213), known as the Alternative Energy Portfolio Standards Act, further providing for definitions.

Referred to Committee on ENVIRONMENTAL RESOURCES AND ENERGY, May 11, 2011.

No. 1523 By Representatives METCALFE, AUMENT, BENNINGHOFF, CALTAGIRONE, CAUSER, COX, CREIGHTON, CUTLER, ELLIS, GABLER, GEORGE, GIBBONS, GRELL, GROVE, HARRIS, HESS, HUTCHINSON, KAUFFMAN, F. KELLER, KNOWLES, KORTZ, KOTIK, KRIEGER, LONGIETTI, MALONEY, METZGAR, MILLARD, MILLER, MOUL, MUSTIO, PERRY, PETRARCA, PYLE, RAPP, READSHAW, ROAE, ROCK, SACCONI, STABACK, STEVENSON, SWANGER, TALLMAN, TURZAI, VULAKOVICH, WHITE and CHRISTIANA

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in firearms and other dangerous articles, further providing for limitation on the regulation of firearms and ammunition.

Referred to Committee on JUDICIARY, May 11, 2011.

No. 1524 By Representatives SAYLOR, AUMENT, CALTAGIRONE, COHEN, D. COSTA, CREIGHTON, CUTLER, DONATUCCI, DUNBAR, FLECK, GABLER, GIBBONS, GILLESPIE, GINGRICH, GOODMAN, GRELL, GROVE, HARHAI, HARRIS, HENNESSEY, HORNAMAN, HUTCHINSON, JOSEPHS, F. KELLER, M. K. KELLER, KNOWLES, LAWRENCE, MALONEY, MARSHALL, MASSER, MILLER, MILNE, MULLERY, MUNDY, MURT, PETRARCA, PICKETT, PYLE, RAPP, ROAE, ROCK, TAYLOR, VEREB, VULAKOVICH, WAGNER and WATSON

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for automated telephone calls.

Referred to Committee on JUDICIARY, May 11, 2011.

No. 1526 By Representatives SAYLOR, AUMENT, BOYD, COHEN, D. COSTA, CREIGHTON, DALEY, DAVIS, DONATUCCI, FARRY, FLECK, GILLESPIE, GINGRICH, HENNESSEY, HORNAMAN, KOTIK, LONGIETTI, MUNDY, MURT, PICKETT, SCAVELLO, VULAKOVICH, WAGNER and WATSON

An Act amending the act of April 6, 1951 (P.L.69, No.20), known as The Landlord and Tenant Act of 1951, providing for the collection of rent upon death.

Referred to Committee on URBAN AFFAIRS, May 11, 2011.

No. 1527 By Representatives BARRAR, D. COSTA, GEIST, GEORGE, MUNDY, ROAE, SCHRODER, SWANGER and TRUITT

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, providing for retroactive denial of reimbursement of payments to health care providers by insurers.

Referred to Committee on INSURANCE, May 11, 2011.

No. 1528 By Representatives TAYLOR, BARRAR, BRENNAN, BURNS, DeLUCA, FABRIZIO, FLECK, FREEMAN, GEIST, HENNESSEY, HESS, KILLION, KOTIK, REICHLEY, SANTONI, SCAVELLO and YOUNGBLOOD

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, providing for certain prescription drug coverage.

Referred to Committee on INSURANCE, May 11, 2011.

No. 1529 By Representatives McGEEHAN, CALTAGIRONE, CARROLL, DeLUCA, FABRIZIO, JOSEPHS, KULA and MURT

An Act amending the act of May 28, 1937 (P.L.955, No.265), known as the Housing Authorities Law, providing for civil service merit system; and further providing for powers of an authority.

Referred to Committee on URBAN AFFAIRS, May 11, 2011.

No. 1530 By Representatives D. O'BRIEN, BARBIN, BARRAR, V. BROWN, FABRIZIO, FARRY, KILLION and KORTZ

An Act prohibiting any municipal pension or retirement system in a city of the first or second class from denying certain benefits to surviving spouses of firefighters or certain employees upon a subsequent remarriage of the surviving spouse; and making related repeals.

Referred to Committee on FINANCE, May 11, 2011.

No. 1531 By Representatives PYLE, AUMENT, BAKER, BEAR, BENNINGHOFF, BOYD, BROOKS, CAUSER, CHRISTIANA, COX, CREIGHTON, CUTLER, DENLINGER, DUNBAR, ELLIS, EMRICK, EVANKOVICH, J. EVANS, EVERETT, FARRY, FLECK, GABLER, GEIST, GERGELY, GIBBONS, GILLESPIE, GRELL, GROVE, HAHN, HARHAI, HARHART, HARRIS, HEFFLEY, HELM, HESS, HICKERNELL, HUTCHINSON, KAUFFMAN, F. KELLER, M. K. KELLER, KNOWLES, KORTZ, KOTIK, KRIEGER, MAJOR, MALONEY, MARSHALL, MARSICO, MASSER, METCALFE, METZGAR, MILLARD, MILLER, MILNE,

MOUL, MUSTIO, NEUMAN, OBERLANDER, PAYNE, PEIFER, PERRY, PICKETT, RAPP, READSHAW, REED, REESE, ROAE, ROCK, SACCONI, SAYLOR, SIMMONS, K. SMITH, SONNEY, STERN, STEVENSON, SWANGER, TALLMAN, TOBASH, TOOHIL, VEREB, VULAKOVICH, WATSON and WHITE

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for the offense of criminal surveillance.

Referred to Committee on JUDICIARY, May 11, 2011.

No. 1532 By Representatives B. BOYLE, CALTAGIRONE, D. COSTA, DeLUCA, FREEMAN, JOSEPHS, KOTIK, MATZIE, SWANGER and WAGNER

An Act amending the act of May 17, 1921 (P.L.789, No.285), known as The Insurance Department Act of 1921, providing for status of civil penalties.

Referred to Committee on INSURANCE, May 11, 2011.

No. 1533 By Representatives HARHAI, CALTAGIRONE, D. COSTA, DONATUCCI, FABRIZIO, JOSEPHS, W. KELLER, KIRKLAND, KORTZ, KOTIK, KULA, MAHONEY, MURT, PASHINSKI, WHEATLEY and YOUNGBLOOD

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, providing for school police and security officer training.

Referred to Committee on EDUCATION, May 11, 2011.

No. 1534 By Representatives HARHAI, CALTAGIRONE, D. COSTA, DONATUCCI, FABRIZIO, HORNAMAN, JOSEPHS, KORTZ, KOTIK, KULA, MILLARD, MIRABITO, PASHINSKI, PETRARCA, SONNEY and VULAKOVICH

An Act providing for notice of motor vehicle event data recorders and for information retrieval; imposing penalties; and providing for evidentiary rules.

Referred to Committee on TRANSPORTATION, May 11, 2011.

No. 1535 By Representatives HARHAI, BRENNAN, COHEN, D. COSTA, DAVIS, DONATUCCI, GEIST, GILLESPIE, GODSHALL, GOODMAN, HENNESSEY, W. KELLER, KORTZ, KOTIK, MAHONEY, MANN, MILLARD, MURT, READSHAW, WAGNER and YOUNGBLOOD

An Act amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in assault, further providing for the offense of harassment; and providing for peace orders.

Referred to Committee on JUDICIARY, May 11, 2011.

SENATE BILLS FOR CONCURRENCE

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

SB 330, PN 980

Referred to Committee on FINANCE, May 11, 2011.

SB 791, PN 821

Referred to Committee on ENVIRONMENTAL RESOURCES AND ENERGY, May 11, 2011.

SB 857, PN 882

Referred to Committee on EDUCATION, May 11, 2011.

SB 858, PN 977

Referred to Committee on EDUCATION, May 11, 2011.

SB 872, PN 956

Referred to Committee on EDUCATION, May 11, 2011.

SB 1006, PN 1120

Referred to Committee on JUDICIARY, May 11, 2011.

GUESTS INTRODUCED

The SPEAKER. The Speaker would like to recognize some of the guests that are with us today.

Located to the left of the rostrum, we welcome Jacque Hollinger, who is Reverend Hollinger's wife; and Lydia Hollinger, his daughter, and they are also guests of Representative Gordon Denlinger. Will the guests please rise. Welcome to the hall of the House.

Also located to the left of the Speaker, we would like to welcome Donald Leshko. He is the chief of the Hazleton City Fire Department, and he is here today as the guest of Representative Toohil. Welcome. Please rise to be recognized.

And in the rear of the House, the Chair would welcome the Hempfield Senior High School Project 18 Club. They are here from Greensburg, in Westmoreland County, and they are guests of Representative Tim Krieger. Will our guests please rise and be recognized.

Up in the balcony, we would like to welcome some guests from the Purchase Line Junior/Senior High School, the Teen and Law students and their teacher, Mrs. Melinda Knapp, and they are guests of Representative Jeff Pyle and the Speaker's district as well. So welcome to the hall of the House. Please rise and be recognized.

CUMBERLAND VALLEY HIGH SCHOOL VARSITY CHEERLEADERS AND CUMBERLAND VALLEY CHEERLEADING ASSOCIATION JUNIOR SQUAD PRESENTED

The SPEAKER. Would Representative Grell, Representative Delozier, and Representative Bloom come up to the rostrum. This is for the purpose of presenting a citation to the

Cumberland Valley High School Varsity Cheerleaders and the Cumberland Valley Cheerleading Association Junior Squad.

The gentleman, Mr. Grell, may proceed.

Mr. GRELL. Thank you, Mr. Speaker.

I am joined at the rostrum by Representatives Delozier and Bloom, who also represent portions of the Cumberland Valley School District.

The Cumberland Valley School District prides itself on the pursuit of excellence in academics, and certainly, on the athletic fields, but we also pride ourselves on having the best cheerleaders in the State, and today we are here to recognize them.

It is a very energetic crowd. I understand they were even doing flips on the floor of the House before we started here today, and we may get an encore of that; I am not sure.

But we are delighted, Representatives Delozier and Bloom and I, to offer congratulations and welcome to the floor of the House two State championship cheerleading squads from the Cumberland Valley School District. The first squad is the Cumberland Valley High School Varsity Cheerleaders, and they are represented by their coach, Kristi Shaffner, and by varsity cheerleader Miranda Dively. And we also have the rest of the squad in the back, including another assistant coach, Bethany Mullin, who also is employed by our own Representative Vereb here in the House. They are also joined by family and friends in the gallery. So if we could recognize the Cumberland Valley Varsity Cheerleading Squad on being the 2010 Pennsylvania State champions in cheerleading.

We are also recognizing a second group. This is the Cumberland Valley Youth Cheerleading Association, the Junior Red Squad. They also are State champions. They won the 2010 Pennsylvania State Cheerleading Championship in the middle school division. In addition to that, they were also the 2011 national champion in the Small Junior Recreation Division at the Reach the Beach competition. We are joined up here by their adviser, Richard "Button" Myers, and cheerleader Alyssa Dively, and we also have the rest of the squad and parents and friends in the gallery, so if the junior association squad could rise and be recognized as well. Congratulations to both of these squads on their accomplishments. We have citations to offer to the team leaders and also to the members.

And in conclusion, we want to congratulate both squads on their outstanding accomplishments on behalf of their schools.

Thank you very much, Mr. Speaker.

The SPEAKER. The Speaker thanks the gentleman.

GUESTS INTRODUCED

The SPEAKER. The Speaker would also like to welcome a couple of guest pages located in the well of the House, guest pages Cale Wary and Cody Swank, who are guests of Representative Culver. Will our guest pages please rise and be recognized. Welcome to the hall of the House.

RECESS

The SPEAKER. The House will be in recess until the call of the Chair. Watch for an announcement.

AFTER RECESS

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

LEAVES OF ABSENCE

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

The Speaker turns to the minority whip, who requests a leave of absence for the gentleman, Mr. WHEATLEY, from Allegheny County for the remainder of the day; the lady, Ms. WAGNER, from Allegheny County for the remainder of the day; and the gentleman, Mr. DEASY, from Allegheny County for the remainder of 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 members will proceed to vote.

The following roll call was recorded:

PRESENT—194

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

Daley	Hennessey	Pashinski	Turzai
Davidson	Hess	Payne	Vereb
Davis	Hickernell	Payton	Vitali
Day	Hornaman	Peifer	Vulakovich
DeLissio	Hutchinson	Perry	Waters
Delozier	Josephs	Petrarca	Watson
DeLuca	Kampf	Petri	White
Denlinger	Kauffman	Pickett	Williams
DePasquale	Kavulich	Preston	Youngblood
Dermody	Keller, F.	Pyle	
DeWeese	Keller, M.K.	Quigley	Smith, S.,
DiGirolamo	Keller, W.	Quinn	Speaker

ADDITIONS—0

NOT VOTING—0

EXCUSED—9

Deasy	Killion	Miccarelli	Wagner
Hackett	Mahoney	O'Brien, D.	Wheatley
Johnson			

LEAVES ADDED—4

Godshall	Kavulich	Murt	Reichley
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The SPEAKER. One hundred ninety-four members having voted on the master roll call, a quorum is present.

GUESTS INTRODUCED

The SPEAKER. The Speaker would like to recognize a couple other guests that are with us this afternoon.

As guests of Representative Petri, to the left of the rostrum, we welcome Kristian Weeder, Katharine Weeder, and down in the well of the House, serving as a guest page, is 11-year-old daughter Kristen Weeder. Will all our guests please rise and be recognized. Welcome to the hall of the House.

SUPPLEMENTAL CALENDAR A

BILLS ON THIRD CONSIDERATION

The House proceeded to third 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 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?

BILL PASSED OVER TEMPORARILY

The SPEAKER. HB 574 will be passed over temporarily.

BILLS REREPORTED FROM COMMITTEE

HB 135, PN 1710 By Rep. ADOLPH

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.

APPROPRIATIONS.

HB 563, PN 619 By Rep. ADOLPH

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

APPROPRIATIONS.

HB 574, PN 1521 By Rep. ADOLPH

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.

APPROPRIATIONS.

HB 815, PN 1711 By Rep. ADOLPH

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.

APPROPRIATIONS.

HB 1053, PN 1850 By Rep. ADOLPH

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.

APPROPRIATIONS.

HB 1352, PN 1712 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, further providing for background checks of prospective employees and conviction of employees of certain offenses.

APPROPRIATIONS.

CONSIDERATION OF HB 574 CONTINUED

On the question recurring,
Shall the bill pass finally?

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

Ms. JOSEPHS. Thank you, Mr. Speaker.

Mr. Speaker, this is the bill we talked about at great length yesterday, the passage of which will make legitimate abortion providers go out of business, most if not all of them, as this kind of bill has done in several other States. It purports to be a measure to make the abortion procedure safer for women, but its effect will be to make the Gosnell clinic – with all its filth, all its abuse, all of its murder of babies and of pregnant women – the standard of care in this State. Women are seeking a legitimate constitutionally protected medical procedure, and they will not be able to get it in this State.

I want to digress a little bit to talk about my personal experience with this clinic. Almost 40 years ago, in 1972, as was noted by the grand jury report— Mr. Speaker, could we have a little attention here?

The SPEAKER. The House will please come to order; if we can hold the conversations down. Staff that does not need to be on the floor, if they could move off the floor. Members will please clear the aisles. The lady is correct. It is pretty loud in here. The Speaker thanks the members.

The lady may proceed.

Ms. JOSEPHS. The lady thanks the Speaker and the members.

Almost 40 years ago, in 1972, the women's community in Philadelphia, the pro-choice community, of which I was and continue to be a proud member, learned that a busload of teenage girls was coming from Chicago to undergo an untested, experimental abortion procedure, and they were headed to the Gosnell clinic, because even then, 40 years ago, Mr. Speaker, everybody knew about this man and his abuses. It was a very interesting conversation I had with the district attorney of Philadelphia when I talked to him about the letter that he sent, which I will get to in a minute, because when I mentioned that incident, which was in the grand jury report, he was astonished that it was members of the pro-choice community that were trying to stop these shameful experiments on human beings from going forward. He assumed, and apparently the grand jury assumed, that it was the anti-choice people, the folks who want to make legitimate, medically safe abortion inaccessible or illegal, the folks who want to take us back 50 years to the time when motorcycle mechanics used to do this in Philadelphia, in Pennsylvania, this procedure, and not legitimate professional doctors. Well, Mr. Speaker, it was not the anti-choice movement; it was not the people who talked so fervently about how they were concerned about women's health. It was the people who were really concerned about women's health who tried to stop Gosnell. We tried to stop him for 40 years. We could not get a response from the Health Department under all kinds of Governors – 40 years is how many Governors?

All the grand jury report asked for, although there was a lot of discussion about ambulatory service, all they asked for was that the Health Department do its job – oversight and inspection. Now, the gentleman from Chester yesterday introduced an amendment which would have gotten us there and which I think we all know is what the Senate is interested in. It

is a variation of the lady from Dauphin, I guess, the registered nurse, Senator Vance, her bill. I am very disappointed that those of us in the House did not have enough respect for women's constitutional rights and for their health and safety to pass that bill.

And make no mistake, the party and the people who vote for this version are going to be portrayed in the press, and I am going to help, as people who do not care about women's rights or their health and safety, because that is the case. That is the effect this bill will have.

I have almost 40 years – more than 40 years' experience in this very difficult subject matter; I acknowledge that, very difficult, but the pro-choice movement and the feminist community all around the State and in this country are genuinely concerned with the health and welfare and safety of women. We do not have a scorecard of how many abortions were done. We do not care what women do, whether they have babies or they have abortions or they give the babies up. All we want is for a safe and legitimate option to be there for them to choose if they choose it. This bill takes that option away, and I think the people who vote for it ought to be reprimanded, and they will be by the public. The public is a little outraged, you might have noticed.

Thank you, Mr. Speaker.

PARLIAMENTARY INQUIRY

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

Mr. PYLE. Thank you, Mr. Speaker.

A parliamentary inquiry.

The SPEAKER. The gentleman will state his inquiry.

Mr. PYLE. Is it still within the rules of the House not to question the motivation of a member in making a vote? I take offense.

The SPEAKER. The gentleman stated his point.

The gentleman is correct that debate is not to attack or question motives for voting, although I maybe did not catch every word that was said. I am not sure that that was what took place, but I am sensitive to the gentleman's concern. We will monitor that and would urge the members not to be arguing on the motive of someone's vote or their position. The gentleman is correct.

Mr. PYLE. May I ask a question of the Speaker?

The SPEAKER. You may state another question.

Mr. PYLE. Am I going to be reprimanded if I vote in favor of HB 574?

The SPEAKER. The gentleman will suspend.

Mr. PYLE. Thank you, Mr. Speaker.

The SPEAKER. For what purpose does the gentlelady, Mrs. Swanger, rise?

Mrs. SWANGER. Thank you, Mr. Speaker.

I rise to comment on the bill.

The SPEAKER. You will be recognized in due order. We have quite a list established. You are not too far down the list, but we will get to you in an order.

Mrs. SWANGER. Oh; okay. Thank you; sorry.

The question is, shall the bill pass finally?

On that question, the Speaker recognizes the lady, Mrs. Brooks, from Mercer County.

Mrs. BROOKS. Thank you, Mr. Speaker.

Mr. Speaker, I rise in support of HB 574. It is clear, Mr. Speaker: Surgical procedures are taking place in these facilities. Some of these facilities are collecting approximately \$10,000 to \$15,000 per night. These facilities should be regulated just like any other ambulatory surgical facility.

Mr. Speaker, I would like to read a small paragraph from the grand jury's report. "The search team discovered fetal remains haphazardly stored throughout the clinic – in bags, milk jugs, orange juice cartons, and even in cat-food containers. Some fetal remains were in a refrigerator, others were frozen. Gosnell admitted to Detective Wood that at least 10 to 20 percent of the fetuses were probably older than 24 weeks in gestation.... In some instances, surgical incisions had been made at the base of the fetal skulls" of live babies.

"The investigators found a row of jars containing just the severed feet of fetuses."

Nail salons, Mr. Speaker, have more regulations than these facilities. These are just some of the instances that happened in these facilities. How can anyone say there is not a need for greater restrictions and greater oversight?

I rise again in support of HB 574. Thank you, Mr. Speaker.

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

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

Mr. FRANKEL. Thank you, Mr. Speaker.

Yesterday we heard a lot of passionate arguments regarding the safety of women's health clinics, and I think we can all agree that no one wants to see an atrocity or the atrocities that took place in the Gosnell clinic – anywhere. But there seems to be a great deal of misinformation about HB 574. HB 574 is not a magic wand. It does not ensure better quality of care, it does not address the very real threat from anti-choice extremists, and it is not going to keep illegal abortions from happening; quite the opposite, in fact, but I will get to that a little bit later.

So what exactly does HB 574 do? It would regulate women's health clinics and abortion providers the same way we regulate ambulatory surgical facilities. In theory, this sounds like a pretty good idea, but let us think about it for a moment. HB 574 requires that procedure rooms must be at least 400 square feet. The average procedure room in a freestanding abortion clinic is about 100 to 150 square feet. Now, there is no proven medical benefit, none at all, for a larger procedure room. The only benefit that I can see is to intimidate and to frighten an already scared patient and to increase the difficulty of making the adjustments to the facility for that unit.

Another provision in HB 574 would require that at least one registered nurse be in attendance, quote, "during the hours patients are present," unquote. Again, that sounds like a fair idea. Currently abortion providers already must have an R.N. (registered nurse) or an L.P.N. (licensed practical nurse) present to monitor patients in the recovery room, but most clinics do not offer abortion services 5 days a week. This means that even when the clinics are not performing surgery, the other 4 days a week, the R.N. would have to be present. Employing a full-time nurse can cost \$70,000 to \$80,000 per year. This is just one example of how HB 574 will cost our women's health clinics egregious amounts of money, money that I propose will not make women any safer or any healthier. In fact, as the grand jury report says, it was not the legitimate health centers that were not doing their jobs, it was the State of Pennsylvania and

the Department of Health. It is our fault, our fault that those women were in danger, because we failed to inspect this clinic. That is why it is not the health centers that need to change; it is the State of Pennsylvania, and that is not what HB 574 does.

An amendment was proposed that would have placed the burden exactly where it should be – on State inspectors. It would have demanded, it would have demanded that those State inspectors do their job, do it thoroughly, and do it correctly. The chamber decided to defeat the Ross amendment by presenting untruths instead of facts. Let us be honest. The "able to" provision refers to clinics seeking to obtain a license for the first time. Once operational, the clinics must be in compliance. Instead, we have decided to force clinics through costly unnecessary upgrades. I am afraid that those clinics who have the women's best interests at heart will either go out of business or be forced to charge exorbitant rates to comply with these unnecessary, inappropriate regulations.

If HB 574 passes, how will our women's health-care facilities pay for all the necessary adjustments to these clinics? Well, they could move to another location, but under the current abortion regulation act, excessive zoning regulations make moving locations difficult to process for women's health clinics. It is almost impossible to move them.

The other option, the one most likely to become a reality, is that these costs will be passed on to the patient. If HB 574 becomes law, the cost of an abortion could increase by as much as \$1,000. Many women seeking or in desperate need of these services can barely pay the current \$350. The addition of another \$1,000 could put the cost of these procedures completely out of reach of some of our most vulnerable citizens.

During the Senate hearings, hearings that we did not conduct in our House committee, one of the testifiers, Tyhisha Hudson, gave moving testimony of her experience in Gosnell's clinic. She was testifying on a panel with those who would want to limit access to abortion, but that is not what she said. Instead she said this, quote, "I had called Planned Parenthood first, and I could not afford Planned Parenthood, so I told someone that I was working with and she pretty much told me about his office," the Gosnell office. "He was pretty much known as the doctor that you can afford, he would work with you," she said. "A lot of women did go to him because a lot of women could not afford an abortion with anesthesia that was far along," unquote.

Many of my colleagues often complain that regulation, and particularly Republicans say this, adds cost. They are right, and in many cases that is appropriate. We can see an example of that right here, those not-for-profit clinics that acidulously adhere to regulations that are more expensive, and that is what these Planned Parenthood clinics do, they adhere to a higher standard than those in the regulations, and because of that, women sought cheaper alternative services that they could afford and ended up in Kermit Gosnell's deplorable facility.

HB 574 should make us hang our heads in shame. What this legislation does is changes the rules for well-run, compliant providers by changing many minor technical details, like the sizes of elevators, that will make their buildings unusable and drive up their costs or create insane demands that nurses hang out in empty clinics on days when procedures are not even taking place. And cost, we have learned, is what drove women to the Gosnell clinic. Are we really worried more about the size of doorways, elevators than the health care of women?

Another often-overlooked consequence of HB 574 is that it would compromise the safety of women and medical professionals by requiring that every woman's health clinic provide its floor plan to local fire companies. The problem is that the bill contains no reassurance whatsoever that this information will be protected, because certainly we want our fire departments to know the floor plans to respond to emergencies. Well, what about the extremists that we have seen across this country who have been attacking abortion providers and patients who now will have possession of these floor plans? The provisions of HB 574 could open the door to even more terrible tragedies in the name of protecting women.

Finally, there is no ambiguity here. The intention of HB 574 is to hinder, if not outright deny, the ability of women to seek out safe and legal medical procedures that some find questionable, but they are entitled to by right.

In Texas, there had been more than 20 providers of abortion care in that State. When Texas passed legislation almost identical to HB 574, only two providers managed to become certified as ambulatory surgical centers. In Pennsylvania we have 20 providers currently. I think it stands to reason that if HB 574 passes, we will see a serious decline, if not an entire closing, of the number of providers across the Commonwealth.

Mr. Speaker, can we not see what is really happening here? How many of these women will seek care outside of the State of Pennsylvania? In our rash attempt to reform the safety regulations for our women's health-care clinics, how many young women will actually be forced to seek out the unsafe, unsanitary, back-alley procedures carried out by Gosnell and others like him?

In his opening-day remarks, the majority leader remarked that "We can recognize the dignity of each unborn child and still be aware of the dignity of each and every woman," and that is a quote. I believe that HB 574 is a direct contradiction of that statement. It is not the regulations that failed these women. It was the Department of Health.

I urge my colleagues to do the right thing for women's rights and vote down this bill, but I also want to bring to your attention one issue that I think you need to talk about. There is enough conflicting information here that you would think we would have to take a little more care. The Senate took four committee hearings on this issue. One of those hearings – and the main sponsor of this bill said they did have a hearing – the hearing was a joint hearing with the Senate, and the only thing they discussed was the situation at Gosnell. They never reviewed any legislation. Secretary Avila was asked at one of the Senate hearings by the prime sponsor if he had any comments or supported HB 574. The Secretary had not even had an opportunity to look at it. So instead of taking the thoughtful, deliberative process that the Senate did – four hearings, testimonies from all aspects of this issue – this bill, HB 574, went like a freight train through the Health Committee, not one hearing, not a debate even on voting; 5 minutes of discussion.

This bill was passed, these regulations, without taking a look at all of the implications for Pennsylvania women. This is not a thoughtful, deliberative way to deal with something so critical, and I would suggest to you that even if you still feel inclined to support this bill, you should understand its consequences and get a fair hearing from experts on both sides of the issue.

MOTION TO RECOMMIT

Mr. FRANKEL. For that reason, Mr. Speaker, I move to have HB 574 recommitted to the Health Committee so that we can have a fair, deliberative process that Pennsylvania's women demand.

The SPEAKER. The gentleman, Mr. Frankel, has moved that HB 574 be recommitted to the Health Committee.

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

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

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

On the motion to recommit, we would ask that the members vote "no." The bill passed out of the Health Committee 19 to 4, with significant bipartisan support. The issue has been vetted significantly. Please vote "no."

The SPEAKER. On the question of recommitment, the Speaker recognizes the gentleman, Mr. Frankel.

Mr. FRANKEL. Briefly, it just seems reasonable to me. When you go back to your districts, you are going to be asked by people who need these health-care services what you did at least to take into consideration their concerns, the concerns of health-care providers in this State. It is only reasonable that we take something so important to Pennsylvania's women – their access to health care, the quality of their health care – and give them at least a little bit of attention to it. Five minutes, rushing it through committee, is unreasonable and irresponsible. We deserve to give them better, and you deserve to have the issues put in front of you in a thoughtful, deliberative way.

So I ask you to please support the motion to recommit.

The SPEAKER. On the question, the Speaker recognizes the gentleman, Mr. Cohen.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, as one of those who voted "no," I am confident that there are some members of the Health Care Committee who would have liked to have voted "no" and did not.

Of more substance to the House of Representatives is the issue of hearings. This is a complicated bill with many complicated legal issues. It is not something that is simple. It is something immensely complicated, as Representative Frankel indicated in his long speech.

We can pass this bill and zip it through and people will cheer, but then in court, it is going to receive very strenuous examination, and there will be injunctions against its taking effect, and years will go by and nothing will happen. I think if the goal is to get something in place soon, a much better-written bill, a bill that takes a much more comprehensive look at the legitimate competing interests involved and the regulation of abortion in Pennsylvania, would have a much greater chance of actually taking effect soon.

This is not the first time the Pennsylvania House of Representatives or the legislature has dealt with the question of abortion. When I was first sworn in 37 years ago, about a month later we were debating abortion. We have had numerous debates over abortion since. I find it ironic that the Abortion Control

Act, which was considered to be a strongly written bill to restrict abortion, is now being panned by the people who consider themselves pro-life and occasionally praised by the people who consider themselves pro-choice. But that evolution of interpretation, as to what the significance and what the adequacy of the Abortion Control Act is, is an example of how complex this issue is.

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

The SPEAKER. The gentleman will suspend.

For what purpose does the majority leader rise?

Mr. TURZAI. Sir, with all due respect, the motion is the motion to recommit, and I understand on final passage; I certainly understand.

The SPEAKER. The Speaker understands the gentleman's point. I think the point is that if the member could speak to why or why not the bill should be recommitted and not an entire history of the legislative history of this issue, it would be appreciated.

Mr. COHEN. Okay.

Mr. Speaker, the ultimate point here is that this is an extremely complex issue and that the Health Committee has not had the opportunity to deal with all the complexities. The Health Committee ought to have the opportunity to deal with all the complexities. If the Health Committee does deal with the complexities, it will produce a much better bill that will have a much better chance of actually taking effect in a short time period. I think that the way to speed up this actually taking effect and not being blocked by a court injunction, which will take years to deal with, is to recommit this bill to the Health Committee for further examination.

The SPEAKER. The question is, shall HB 574 be recommitted to the Health Committee?

On that question, the Speaker recognizes the gentleman from Greene County, Mr. DeWeese.

Mr. DeWEESE. My remarks are going to focus 100 percent, Mr. Speaker, on the procedure.

I believe the votes will approximately be 130 to 60. If this process takes place today or in a month or two, the votes will remain the same. But in contradistinction to the lofty phraseology and unalloyed idealism of swearing-in day, when the majority party promised us not only efficiency but thoroughness and a chance for bipartisan and collegial conversation on fundamental issues, it is my feeling that if this proposal were recommitted, the results would essentially be the same, but we would not be sacrificing a thorough and definitive work product for the sake of an efficient process. There is no reason we cannot do the same. We have 19 more months in this biennium, and I am certainly not under any moment of being disabused relative to the final outcome.

This is a pro-life organization. It has been that way for 3 1/2 decades at least. The vote will be 130 to 60, or in that neighborhood. But the gentleman from Allegheny County is not wrong, and this honorable colleague, my good friend from Allegheny County, God bless America, on swearing-in day, we talked about an efficient process, but we also talked about a bipartisan process and a recommitment to committee. You cannot just say it on swearing-in day, Mr. Speaker, that we are going to work with committees. We want to recommit only because we can have a more thorough work product.

I ask for recommitment, and the vote will be 130 to 60.

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

Those in favor of recommitting HB 574 to the Health Committee will vote "aye"; those opposed to recommitting the bill will vote "no."

On the question recurring,

Will the House agree to the motion?

(Members proceeded to vote.)

LEAVES OF ABSENCE

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

CONSIDERATION OF HB 574 CONTINUED

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—54

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

NAYS—138

Adolph	Fabrizio	Kortz	Quinn
Aument	Farry	Kotik	Rapp
Baker	Fleck	Krieger	Ravenstahl
Barbin	Gabler	Kula	Readshaw
Barrar	Galloway	Lawrence	Reed
Bear	Geist	Longietti	Reese
Benninghoff	George	Maher	Roae
Bloom	Gibbons	Major	Rock
Boback	Gillen	Maloney	Ross
Boyd	Gillespie	Markosek	Saccone
Brooks	Gingrich	Marshall	Sainato
Brown, R.	Goodman	Marsico	Saylor
Burns	Grell	Masser	Scavello
Caltagirone	Grove	Matzie	Schroder
Carroll	Hahn	Metcalfe	Simmons
Causer	Haluska	Metzgar	Smith, K.
Christiana	Hanna	Micozzie	Sonney
Clymer	Harhai	Millard	Staback
Conklin	Harhart	Miller	Stephens
Costa, D.	Harkins	Milne	Stern
Cox	Harper	Moul	Stevenson

Creighton	Harris	Mullery	Swanger
Culver	Heffley	Murt	Tallman
Cutler	Helm	Mustio	Taylor
Day	Hennessey	Neuman	Tobash
Delozier	Hess	O'Neill	Toepel
DeLuca	Hickernell	Oberlander	Toohil
Denlinger	Hornaman	Payne	Truitt
DiGirolamo	Hutchinson	Peifer	Turzai
Dunbar	Kampf	Perry	Vereb
Ellis	Kauffman	Petrarca	Vulakovich
Emrick	Kavulich	Petri	Watson
Evanovich	Keller, F.	Pickett	
Evans, J.	Keller, M.K.	Pyle	Smith, S.,
Everett	Knowles	Quigley	Speaker

NOT VOTING—0

EXCUSED—11

Deasy	Johnson	Miccarelli	Wagner
Godshall	Killion	O'Brien, D.	Wheatley
Hackett	Mahoney	Reichley	

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

On the question recurring,
Shall the bill pass finally?

The SPEAKER. On that question, the Speaker recognizes the lady from Lebanon County, Mrs. Swanger.

Mrs. SWANGER. Thank you, Mr. Speaker.

I rise to express my adamant support for HB 574. Whether some want to admit it or not, abortion is major surgery. How anyone could favor standards for this procedure that are less than those required for other surgical procedures would, in my opinion, be shortchanging women.

And to hear abortion referred to as health care, I find incredible. A baby is not a disease.

I urge my colleagues to stand with me and vote in favor of this bill. Thank you.

BILL PASSED OVER TEMPORARILY

The SPEAKER. The Chair is going over HB 574 just temporarily.

**BILL REPORTED FROM COMMITTEE,
CONSIDERED FIRST TIME, AND TABLED**

HB 1485, PN 1880 (Amended) By Rep. ADOLPH

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.

APPROPRIATIONS.

ANNOUNCEMENT BY MR. ADOLPH

The SPEAKER. The Speaker recognizes the gentleman, Mr. Adolph, for an announcement relative to the appropriations bill, which was just reported out of committee.

Mr. ADOLPH. Thank you, Mr. Speaker.

Mr. Speaker, the House Appropriations Committee met today and approved the general appropriations bill, HB 1485, as amended. HB 1485 will be scheduled for a vote the week of May 23d.

Pursuant to rule 19(b), any member who wishes to offer an amendment to the bill must file the amendment by 2 p.m. on Monday, May 16. Also pursuant to rule 19(b), any increase in General Fund spending must contain reductions in line items of equal or greater amount.

I believe this information complies with our obligation under rule 19(b) in notifying all the members of the House.

Thank you, Mr. Speaker.

The SPEAKER. The Speaker thanks the gentleman.

CONSIDERATION OF HB 574 CONTINUED

The SPEAKER. The Speaker now returns to consideration of HB 574.

On the question recurring,
Shall the bill pass finally?

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

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, this is not just a bill that will be decided by the Pennsylvania legislature. This is a bill that, ultimately, the Federal courts are going to be deciding.

The binding decision upon us and upon society as a whole in regards to these issues is the decision of *Planned Parenthood v. Casey*, which largely upheld the Abortion Control Act of 1989 passed in this General Assembly. The Supreme Court concluded that, quote, "To protect the central right recognized by *Roe* while at the same time accommodating the State's profound interest in potential life...the undue burden standard should be employed. An undue burden exists, and therefore a provision of law is invalid, if its purpose or effect is to place substantial obstacles in the path of a woman seeking an abortion before the fetus attains viability." Now, the Supreme Court said, again, "An undue burden exists, and therefore a provision of law is invalid, if its purpose or effect is to place substantial obstacles

in the path of a woman seeking an abortion before the fetus attains viability." So it does not really matter how many times people get up and say our intent is to protect the health care of the woman. The effect of this bill, whatever the intent of its advocates, is to make it more difficult for a woman to obtain a legal abortion in Pennsylvania.

Now, we have heard arguments back and forth as to whether or not this will shut down abortion clinics. Ultimately, what will count is not what is said on this floor but whether in fact it does shut down abortion clinics. If it does, then it will be clear that the effect of this legislation is to create an undue burden on behalf of women seeking abortion.

Representative Frankel and the pro-choice community in general have set forth in great detail what the barriers this bill sets up are. The most compelling point is the fact that this will enormously raise the cost of compliance, raise the price of an abortion from about \$350 to about \$1350, so the price will quadruple. And while the price quadruples – because the price quadruples – many abortion clinics will have to shut down and many women who are near abortion clinics which have not shut down will not be able to afford the abortion.

It was the very fact that there were no abortion clinics available to perform abortions in Texas near the residence of Jane Doe that led to *Roe v. Wade* in the first place. It was the unavailability of abortion in Texas that led to *Roe v. Wade*. What we are doing here is creating still one more case for plaintiffs to allege that there is State action restricting abortion and giving the Supreme Court another chance to review the matter. It is possible that the Supreme Court, with new judges, will move to restrict the right to choose an abortion. It is also possible that the Supreme Court will move to expand the right to an abortion; we do not know. But one thing we do know is that this act creates an undue burden, and the Constitution of the United States, as authoritatively interpreted by the U.S. Supreme Court, says we are not allowed to create an undue burden.

CONSTITUTIONAL POINT OF ORDER

Mr. COHEN. Because we are acting in violation of the 1992 Supreme Court decision of *Planned Parenthood v. Casey*, this bill is unconstitutional. I would request that the House vote to declare it unconstitutional.

The SPEAKER. Would the gentleman cite the specific section of the Constitution that he is declaring this?

Mr. COHEN. The 14th Amendment to the U.S. Constitution, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Cohen, raises the point of order that HB 574 is unconstitutional. The Speaker, under rule 4, is required to submit questions affecting the constitutionality of a bill to the House for decision, which the Chair now does.

On the question,
Will the House sustain the constitutionality of the bill?

The SPEAKER. The Speaker recognizes the gentleman, Mr. Cohen, on that question.

Mr. COHEN. Thank you.

Mr. Speaker, when we are sworn in to office every year, we pledge that we will obey the Constitution of Pennsylvania and the Constitution of the United States. The U.S. Supreme Court in *Roe v. Wade* held that the women of America have a constitutional right to an abortion. They said that the Constitution in the 14th Amendment and other sections gives women a right to privacy, and the right to privacy includes the right to a legal abortion if the fetus is not viable at the time.

The Supreme Court in *Planned Parenthood v. Casey* in 1992 fundamentally restated the opinion in *Roe v. Wade* but added with more specificity that the test of whether a given regulation of abortion is constitutional or not is whether or not there is an undue burden placed on the women seeking abortion.

I believe that forcing abortion clinics to shut down to some degree and nearly quadrupling the price of an abortion among those clinics that manage to stay open constitutes an undue burden on women seeking an abortion, and it is our duty as people sworn to uphold the Constitution of the United States and sworn to uphold the Constitution of Pennsylvania to follow the rulings of the U.S. Supreme Court and not pass this legislation.

I would urge a "no" vote on the question of whether this legislation is constitutional.

The SPEAKER. On the question of constitutionality, the Speaker recognizes the gentleman, Mr. Turzai.

Mr. TURZAI. Thank you, Mr. Speaker.

We oppose the motion that this proposal is unconstitutional. In 2007 the *Gonzales v. Carhart* decision by the United States Supreme Court upheld the Federal statute banning partial-birth abortions even without a health exception. The fact of the matter is, consistently throughout the decisions, with respect to abortion facilities and abortion procedures, regulation with respect to health has always been upheld.

Let us make it clear: The bill in front of us treats similarly situated health-care facilities the same. Under the present definition of "Health care facility," the definition "...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." In addition, "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."

It is clear that abortion facilities are being treated similarly under the Health Care Facilities Act to other health-care-related facilities. We strongly disagree in any way that this bill would place an undue burden on women who seek the services of a provider, and we are confident that the Supreme Court, given its case law, would use the *Carhart* standard to uphold the bill's requirement that these procedures are performed in facilities that qualify as comprehensive freestanding facilities.

We would ask everybody to vote that the underlying bill is constitutional. Thank you.

The SPEAKER. On the question of constitutionality, the Speaker recognizes the gentleman from Montgomery County, Mr. Shapiro.

Mr. SHAPIRO. Thank you, Mr. Speaker.

Mr. Speaker, I rise in support of the gentleman from Philadelphia's motion to state that this legislation is unconstitutional. And I do so, Mr. Speaker, understanding the gravity and the seriousness of what happened in Philadelphia and, like all of the members of this chamber, being absolutely disgusted by what occurred, but also recognizing that we have laws on our books that have allowed the prosecutors in Philadelphia to address this case.

And, Mr. Speaker, we have tried over the last couple of days to address this legislation in amendments to try and at least in some members' minds make it better and in other members' minds certainly not make it better, and in this chamber we have made the judgment to move this bill to final passage as has been constructed by the good gentleman, Mr. Baker. I do, however, believe that regardless of one's position on the overlying issue of being pro-choice, pro-life, anti-choice, anti-life – whatever it is the label that one wants to put on it – I do respectfully believe that the way this legislation is crafted makes it unconstitutional for the following reasons, Mr. Speaker.

We all know, whether we like the decision or not, that the *Roe v. Wade* decision and its progeny have established the right of a woman to choose, not only in this Commonwealth but in this country. But, Mr. Speaker, the actual effect, the actual effect of HB 574 will be the elimination, the elimination of a woman's right to choose due to unnecessary and unreasonable regulations placed on the abortion facilities that will have the effect of shutting down a woman's access to her right here in the Commonwealth of Pennsylvania.

Mr. Speaker, it was cited before by the gentleman from Philadelphia the *Roe v. Wade* decision and the *Casey* decision. I would also cite for the record the *Carey* decision. In *Carey v. Population Services International*, the United States Supreme Court wrote that "...state regulations that burden an individual's right to decide to...terminate pregnancy by substantially limiting access to the means of effectuating that decision... 'may be justified only by' " – only by – " 'a "compelling state interest"...' " – and I state for emphasis "a compelling state interest" – " 'and...must be narrowly drawn to express only the legitimate state interests at stake.' "

Mr. Speaker, I would respectfully submit that HB 574 falls woefully short of that "compelling state interest" standard. And furthermore, because the gentleman from Chester's amendment was not adopted, I do believe that this bill is not narrowly tailored. The two key tests the United States Supreme Court spelled out, compelling State interest and it being narrowly tailored, are not met under HB 574, thus making it unconstitutional.

Mr. Speaker, it was cited many times by the chairman of the Health Committee, the proponent of this legislation, the grand jury report, the Gosnell grand jury report. Well, in that grand jury report they also talked about similar regulations that have been imposed in Texas. And in Texas, where there were 22 facilities where a woman could exercise her constitutional right, after these regulations went into effect, those facilities were limited to 2. It is not a far stretch to imagine that if HB 574 becomes the law in Pennsylvania that it could lead to the total elimination of access for a woman to have that right to choose.

So, Mr. Speaker, in sum, to impose these new and restrictive and unnecessary regulations in a way that is not narrowly tailored, in a way that does not clearly define a compelling State interest, is not constitutional.

Mr. Speaker, whether one is on one side of this debate or the other side of this debate, I think we can all agree that our objective here is to pass legislation that is within the confines of the United States Constitution. And I would respectfully submit, and if I may take the liberty of suggesting that I think the motives of the gentleman who authored this legislation are good. The gentleman is trying to do something good for the women of Pennsylvania, but by the same token, I think the manner in which he has crafted this legislation puts women's rights in jeopardy in Pennsylvania.

So while the gentleman pursues this legislation going forward, I would ask that we stop; we review it just simply on its constitutional grounds. And for the reasons stated, I believe this bill to be unconstitutional, and I would ask that we support the gentleman from Philadelphia's motion. Thank you very much, Mr. Speaker.

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. MURT, from Montgomery County for the remainder of the day. Without objection, the leave will be granted.

CONSIDERATION OF HB 574 CONTINUED

The SPEAKER. On the question of constitutionality, the Speaker recognizes the gentleman from Lancaster, Mr. Cutler.

Mr. CUTLER. Thank you, Mr. Speaker.

I rise to oppose this motion and, unfortunately, disagree with my good friend from Montgomery County. I would agree with the constitutional standards that have been put forth here this afternoon, Mr. Speaker, and yet I come down on a different side of the debate.

Mr. Speaker, in regards to the undue burden, the other item that is in balance with that is the compelling State interest that the prior speaker just referred to, and in this case, the compelling State interest is the health of the patient seeking the care or the woman who is in the clinic.

Mr. Speaker, from the very beginning in *Roe v. Wade*, constitutionally speaking, they had three criteria, and I would like to read them as follows: "First is a recognition of the right of the woman to choose to have an abortion before viability and to obtain it without undue interference from the State. Before viability, the State's interests are not strong enough to support a prohibition of abortion or the imposition of a substantial obstacle to the woman's effective right to elect the procedure. Second is a confirmation of the State's power to restrict abortions after fetal viability, if the law contains exceptions for pregnancies which endanger the woman's life or health." And finally and most importantly, Mr. Speaker, "And third is the principle that the State has legitimate interests from the outset of the pregnancy in protecting the health of the woman and the life of the fetus that may become a child."

Furthermore, Mr. Speaker, in referencing the *Carhart* decision, obviously it dealt with the partial-birth abortion ban, and it was specific to a medical procedure that was being debated. But I find the logic that the court rested on to be very helpful in this particular situation, and it reads as follows: "Considerations of marginal safety, including the balance of

risks, are within the legislative competence when the regulation is rational and in pursuit of legitimate ends. When standard medical options are available, mere convenience does not suffice to displace them; and if some procedures have different risks than others, it does not follow that the State is altogether barred from imposing reasonable regulations. The Act" – being the partial-birth abortion ban – "is not invalid on its face where there is uncertainty over whether the barred procedure is ever necessary to preserve a woman's health, given the availability of other abortion procedures that are considered to be safe alternatives."

Recognizing, Mr. Speaker, that this was about a particular procedure as compared to others, I would make the argument as follows: Mere convenience is not an undue burden. Mr. Speaker, these are not new standards. We have had regulations on the books, as both sides have attested, for some time that deal with the safety of the patient seeking care. These include equipment that is available, personnel who should be present, as well as the dimensions of rooms and hallways. Mr. Speaker, these are not only State regulations; these are actually the 2011 Clinical Policy Guidelines of the National Abortion Federation. They clearly lay out what is considered to be a safe medical practice. They highlight equipment; they highlight anesthesia; who should be monitored; when they should be monitored.

Mr. Speaker, furthermore, in the grand jury report, if I may briefly reference it, I think it was worth noting that they referenced that the majority of the abortion providers who had testified felt that it would not be an undue burden to forgo inspections and other reasonable aspects of regulation.

Mr. Speaker, we can certainly debate the reasonableness and the level of regulations that have to occur. I think that is certainly within our legislative prerogative. But, Mr. Speaker, I also clearly think that the safety of the patient seeking care is also within our prerogative. That is the legislative authority that we can operate under and why I can say that this bill as drafted is constitutional, Mr. Speaker.

That is why I oppose this motion, because it really is, Mr. Speaker, not a pro-life or a pro-choice decision. It deals with the compelling State interest that we all have to represent our constituents to ensure that if a legal procedure is being performed, they can have a reasonable expectation that it will be carried out competently. Thank you.

The SPEAKER. The question is, is the bill constitutional?

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

Mr. THOMAS. Mr. Speaker, I rise to support a very good argument raised by my colleague on the constitutionality of HB 574. I also stand and support the argument that our colleague from Montgomery County made. And I would like to just take a minute to deal with this whole issue of compelling State interest and that we tailor this legislative prescription to deal with a problem or deal with, dealt with, our emotions surrounding the circumstances in the Gosnell case.

The Gosnell case was egregious and should never occur in the Commonwealth of Pennsylvania. But, Mr. Speaker, when you take the totality of circumstances as they are laid out in this legislative prescription, then we go far beyond the question of dealing with the problems associated with the Gosnell case. And, Mr. Speaker, when you apply the totality of circumstances, we have created a situation that is going to

burden every woman in Pennsylvania who desires to seek a safe and good health treatment.

Mr. Speaker, this in effect will limit a woman's right to seek out good health care. Mr. Speaker, any time a legislative prescription outlines barriers to access, then it threatens, it threatens the *Roe v. Wade* decision and makes the *Roe v. Wade* decision very troubling, and it is not a road that we need to go down or should be going down on this particular issue.

Mr. Speaker, the author of HB 574 is trying to do good, and I am convinced that he wants to make sure that another Gosnell situation does not occur in Pennsylvania. But, Mr. Speaker, sometimes in our effort to do what is right, we sometimes go far beyond what is necessary to alleviate a problem that is of concern to us. And so to that end, the intent, the underlying concern is good, but the prescription to dealing with it went farther than anybody on each side intended to reach.

I am somewhat bothered by the fact that we are turning this issue into pro-life, pro-choice, or whatever other position you want to take. That is not the problem that is facing us in Pennsylvania and those of us in Philadelphia County and government. The issue in front of us is, what do we do to make sure that the egregious conduct which occurred at the Gosnell clinic never happens again?

The SPEAKER. The gentleman will suspend.

We would kindly ask the gentleman to keep his remarks towards whether or not the bill is constitutional and not necessarily the substance of the bill.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, I think that no matter what standard you apply, this bill is unconstitutional. Whether you apply a liberal or very strict application of the law, whichever side you come down on, this bill is unconstitutional, and it does nothing for us to try and go forward with this.

And I mentioned during the early time of my career when we dealt with this whole issue of abortion, on the Pennsylvania abortion control law, I remember then I said on the floor of the House that if we go down this road, we are going to end up having to revisit it after the courts provide correct instructions as to how we should be dealing with this issue. And there were parts of that bill that were thrown out, that were declared unconstitutional. And, Mr. Speaker, I say to you this evening, if we go forward with HB 574, it will be declared unconstitutional, and at the end of the day, the author of this bill's desire to deal with this Gosnell situation will be delayed.

We do not defer and thereby delay. Let us deal with it now, get rid of the broad prescription outlined in HB 574, declare it unconstitutional, and go back to the table and come up with a legislative prescription that deals with the problem that truly, truly faces, the problem that truly challenges the conscience of the Commonwealth of Pennsylvania surrounding issues of the Gosnell clinic. So let us go back to the table and deal with that issue and get this off the table right now.

Thank you, Mr. Speaker.

The SPEAKER. On the question of constitutionality, the Speaker recognizes the gentleman from Tioga County, Mr. Baker.

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

We have heard lots of references by a number of members referring to Texas, and I rise to say that this bill is obviously constitutional and disagree with the motion that it is unconstitutional.

I would just like to, on the issue of Texas, read into the record to correct an assertion that has been made that this bill is unconstitutional, is unnecessary and unreasonable in terms of the regulations that it imposes. And we did contact Texas, and we have a document from Marc Allen Connelly, deputy general counsel to the Texas Department of State Health Services, and in that, contrary to some of the assertions that have been made, "...there was no bill passed in the 2003 legislative session that required Abortion Facilities to comply with the Texas Ambulatory Surgical Centers...licensing and regulation statutes, nor am I aware of or able to verify any legislation which may have caused 18 of 20 abortion providers to close in 2004.

"If you review the Texas Abortion Laws and Rules, you will see all the requirements regarding abortion facilities and staffing. Specifically, Section 245.010 of the statute sets out the minimum standards for such facilities."

Mr. Speaker, on constitutionality, the bill's provision on comprehensive freestanding abortion facilities increases women's health and safety without imposing a substantial obstacle on women seeking an abortion. For this reason, I am confident that the bill will pass constitutional challenge or muster on the *Carhart* test.

Thank you, Mr. Speaker. The bill is constitutional.

The SPEAKER. On the question of constitutionality, those voting "aye" will vote to declare the bill to be constitutional; those voting "no" will vote to declare the bill to be unconstitutional.

On the question recurring,

Will the House sustain the constitutionality of the bill?

The following roll call was recorded:

YEAS—148

Adolph	Evans, J.	Kortz	Rapp
Aument	Everett	Kotik	Ravenstahl
Baker	Fabrizio	Krieger	Readshaw
Barbin	Farry	Kula	Reed
Barrar	Fleck	Lawrence	Reese
Bear	Gabler	Longiotti	Roae
Benninghoff	Galloway	Maher	Rock
Bloom	Geist	Major	Ross
Boback	George	Maloney	Saccone
Boyd	Gergely	Markosek	Sainato
Boyle, B.	Gibbons	Marshall	Samuelson
Boyle, K.	Gillen	Marsico	Santoni
Brooks	Gillespie	Masser	Saylor
Brown, R.	Gingrich	Matzie	Scavello
Burns	Goodman	Metcalfe	Schroder
Caltagirone	Grell	Metzgar	Simmons
Carroll	Grove	Micozzie	Smith, K.
Causser	Hahn	Millard	Sonney
Christiana	Haluska	Miller	Staback
Clymer	Hanna	Milne	Stephens
Conklin	Harhai	Mirabito	Stern
Costa, D.	Harhart	Moul	Stevenson
Cox	Harkins	Mullery	Swanger
Creighton	Harper	Murphy	Tallman
Culver	Harris	Mustio	Taylor
Cutler	Heffley	Neuman	Tobash
Daley	Helm	O'Neill	Toepel
Davidson	Hennessey	Oberlander	Toohil
Day	Hess	Payne	Truitt
Delozier	Hickernell	Peifer	Turzai
DeLuca	Hornaman	Perry	Vereb
Denlinger	Hutchinson	Petrarca	Vulakovich
DiGirolamo	Kampf	Petri	Watson
Donatucci	Kauffman	Pickett	White

Dunbar	Kavulich	Pyle	
Ellis	Keller, F.	Quigley	Smith, S.,
Emrick	Keller, M.K.	Quinn	Speaker
Evankovich	Knowles		

NAYS—43

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

NOT VOTING—0

EXCUSED—12

Deasy	Johnson	Miccarelli	Reichley
Godshall	Killion	Murt	Wagner
Hackett	Mahoney	O'Brien, D.	Wheatley

The majority having voted in the affirmative, the question was determined in the affirmative and the constitutionality of the bill was sustained.

On the question recurring,
Shall the bill pass finally?

The SPEAKER. On that question, the Speaker recognizes the gentleman from Lancaster County, Mr. Denlinger.

Mr. DENLINGER. Thank you, Mr. Speaker.

Mr. Speaker, obviously we are gripped with a very grave matter that occurred down in Philadelphia, and I rise to speak about that. We have had some debate this afternoon about compelling interests and about procedural guidelines, and it is appropriate that we do this. But, you know, at the heart of this matter, if you back away from the legal jargon, there are people involved, and I would like to bring those to your attention, specifically one person, this afternoon.

The bottom line is that there was a lady who went into a facility that was licensed by this State and presented herself to an individual who was licensed by this State. He was a State-licensed fiend, and he was working in a State-licensed hellhole. Mr. Speaker, that individual had a face and she had a name. Quite frankly, in our world of tragedies, at points, these things are obscured. When we think about natural—

Mr. DERMODY. Mr. Speaker? Mr. Speaker?

I believe the argument right now has nothing to do with the piece of legislation that is before the House and would ask that his remarks be confined to the bill.

The SPEAKER. The Speaker takes the gentleman's admonition and would ask the member to keep the remarks confined as to the pros and cons and why this legislation should pass or not.

Mr. DENLINGER. Respectfully, Mr. Speaker, the individual at the center of this is whom I am talking about. I cannot think of anything that is more on point.

The SPEAKER. The gentleman will suspend. The gentleman will suspend.

We are not going to argue about it. I am just asking you to make your remarks toward the bill.

Mr. DENLINGER. Toward the bill, Mr. Speaker.

Mr. Speaker, I will mention the name of the party, the woman who died in that clinic, on the floor of this House: Karnamaya Mongar, 41 years old, originally from Bhutan, a refugee from Nepal who came to this country. Mr. Speaker, this government, this government that licensed that facility let her down, and that is why we need to approach this issue through HB 574. And I realize that is difficult, and I understand why some would raise issue with my raising her name. But, you know, this tragedy was about a person; this person had a name and a face, and I want to bring her to your mind today.

Obviously, Mr. Speaker, some will cast this as a women's health issue. Some will say it is a pro-life/pro-choice issue. That is up to the members here. But as we vote, as we consider HB 574, I would encourage each member here to look within themselves and consider what happened there and whether this bill approaches a correction properly. I would say that it does, and I applaud the maker of 574 and in the most strong terms encourage each member here to stand with the Representative from Tioga and vote affirmatively on HB 574.

Thank you, Mr. Speaker.

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

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

Ms. DeLISSIO. Thank you, Mr. Speaker.

I appreciate the opportunity to speak to the bill and very, very specifically that I have heard that this bill is about patient safety. And I think over the last several days what we have heard very clearly is that there was a situation that happened in a clinic, and since the Governor has addressed that several months ago, almost about 4 months at this time, and the current regulations and laws on the books have been enforced, vigorously enforced, there has been no evidence of any other situation commensurate or anything near what took place at the Gosnell clinic. And I am truly struck by the fact that we have chosen to take one incident and paint every provider who provides like services with that broad brush and mete out what I think is in effect a punishment to everyone when one person violated those rules.

If in the ensuing 4 months since the Governor was very clear to the Department of Health and the then Acting Secretary of the Department of Health had found that there were other situations that were similar to this, this legislation would indeed make some sense. Those events did not occur and have not occurred. And over many years we are all aware of very terrible situations that have been caused in hospital settings or in long-term-care facilities, and I have never seen such a response to one incident where everybody in the industry is then found guilty for the services that they are delivering because of one person's infraction of rules, regardless of how serious those infractions were.

Yesterday I was also particularly struck by a couple of the amendments that were presented and were voted down, and one in particular – because again, this bill is about safety – that required that existing organizations delivering services and falling under this category be in compliance within a 60-day window, a 60-day window to comply with some serious physical plant requirements and upgrades that are not necessary for this. We know definitively – and no one has brought out any evidence otherwise – that it is not physically possible to meet

that compliance window within those 60 days; it is just not possible. So the realistic outcome of that is these organizations would have to shut their doors, and we are doing this because we are endeavoring to keep folks safe, and I am not really sure how that is being safe for folks who may have no other alternative to access health care.

So I rise and ask my colleagues to be very thoughtful about the safety issues here, because this is a bill about safety, and to join with me in voting "no" for this particular bill at this time. Thank you.

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

On that question, the Speaker recognizes the lady from Clarion County, Ms. Oberlander.

Ms. OBERLANDER. Thank you, Mr. Speaker.

Whether the members are pro-life or pro-choice, I imagine that we are all very emotional and passionate about the side that we fall on for that issue. However, yesterday we heard from a number of members on both sides of the aisle that this is not a pro-life or a pro-choice issue, and I agree. So I fully intend to take the emotion out of my argument and be as objective as possible.

HB 574 is about a patient's rights and expectations. Whether an individual is seeking the abortion services of one of these clinics, they have the right to expect a clean facility. They have the right to expect sterilized instruments. They have the right to expect hallways that are large enough to be removed in emergency situations if they should arise, and they have the right to expect qualified individuals performing the services. I believe that these expectations are reasonable and that they are achievable, and I would encourage a "yes" vote on HB 574.

Thank you, Mr. Speaker.

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

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

Ms. BROWNLEE. Thank you, Mr. Speaker.

As I have said on the floor of this House today and yesterday, listening to the debate and hearing such things as, this is what the grand jury recommends; this is not a pro-choice/pro-life issue; we should raise the bar to allow a woman access to health care, I could not help but think some of these arguments are valid and maybe some not so much.

Mr. Speaker, many of you may know the Women's Medical Society, which was operated by Kermit Gosnell, was located in my district. Mr. Gosnell himself lived in my district, in the Mantua section located west of the Philadelphia Zoo. Many of my constituents were his patients. However, I submit to you, Mr. Speaker, that something went horrifically wrong with Mr. Gosnell. Was it greed? Was it a lack of respect for his patients? A lack of respect for life? His arrogance and blatant disrespect for rules? Did he think society had perpetrated an injustice upon him, or was it just a God complex, a psychosis that told him he could do whatever he wanted? I say it is all of the above. It is not in our purview to figure out that, but I feel Mr. Gosnell became a mass murderer who had a license to practice medicine. He has to answer to the justice system and to his Maker for what he did or did not do.

Mr. Speaker, HB 574 is intended to rectify years of neglect and oversight by the State Department of Health. It seeks to merge clinics under ambulatory surgical facilities. This is its intent. I say, Mr. Speaker, the way to hell is paved with good intentions. Mr. Speaker, we must ask ourselves some questions: Will HB 574 ensure access to safe procedures for women? Will

it guarantee oversight? Will it prevent these horrific occurrences from happening again?

Mr. Speaker, just the other day I received a call from a constituent who went to Mr. Gosnell for a Pap smear and left his office with an infection. She is against HB 574. I have received several letters from constituents asking me to oppose HB 574, and I ask, why should I oppose this bill since these horrific and horrendous acts occurred in my district and to some of my constituents? The reasons are as follows: HB 574 would drastically increase the cost of abortion care, which would have the unintended consequence of delaying care to a later state of pregnancy. It would impose obstacles on providers and discourage doctors from integrating abortion care into their practices. It does not address mandatory oversight of these facilities. It does not provide for protocols for investigating allegations of misconduct, standards for sanctioning facilities, for compliance issues. It has no correction plan to address problems. However— I am sorry, Mr. Speaker; pardon me. It does not speak to a formal complaint process. It does not speak to the criminality of the actions perpetrated on women and children in my district and throughout this Commonwealth.

Some even say, Mr. Speaker, this bill is politically motivated. It does, however, give way to someone with a Gosnell mindset to perform more illegal abortions in a larger space. The Philadelphia D.A. said HB 574 goes beyond the scope of the grand jury report. I say I oppose—

The SPEAKER. The lady will suspend. The lady will suspend.

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

Mr. THOMAS. Mr. Speaker, this is a new member. We might not like what she is saying, but we at least should respect her.

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

Mr. THOMAS. To get some respect for the member that is presenting her position on HB 574.

The SPEAKER. The Speaker thanks the gentleman and would ask the members to quiet the conversations and kindly clear the aisles.

Ms. BROWNLEE. Thank you, Mr. Speaker. Thank you, Mr. Chairman.

The SPEAKER. I would note that it is a bipartisan clangor that sometimes overrides the members speaking. The Chair apologizes to the lady, and she may proceed.

Ms. BROWNLEE. Thank you, Mr. Speaker. Thank you, Mr. Chairman.

I say I oppose HB 574 in its current form, and I ask my colleagues, women and men who have mothers, wives, sisters and daughters, aunts and female cousins, to oppose HB 574.

Whether you are pro-life or choice, this is not the issue. This is a criminal issue on behalf of Mr. Gosnell and an issue of access to quality, affordable health care to the women of my district, the 195th Legislative District, and this great Commonwealth.

I thank you for your indulgence, Mr. Speaker.

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

On that question, the Speaker recognizes the gentleman from Adams County, Mr. Tallman.

Mr. TALLMAN. Thank you, Mr. Speaker.

Some quick comments on the bill and some clarification on some of the arguments that we have had today.

Number one, my background later in life was working in food plants, and in food plants you have what is called good manufacturing practice, GMP for short. I am also an EMT (emergency medical technician), been in many emergency rooms when things went bad. And so I am asking the members, if you really, truly support women's safety, you will support this bill, at least make it a higher standard than you have in a food plant.

Thank you, Mr. Speaker.

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

On that question, the Speaker recognizes the gentleman from Philadelphia, Mr. O'Brien.

Mr. M. O'BRIEN. Thank you, Mr. Speaker.

I think we need to take one second of this debate and we need to turn our attention to the maker of the bill, to the gentleman from Tioga, a good and decent gentleman; a gentleman who reacted quickly to an act of butchery in Philadelphia; a gentleman who saw a heinous and a horrible crime take place and took speed to pen to bring forth a piece of legislation. I thank the gentleman from Tioga for his decency. But sadly, in his haste, in his haste to do good, he lost sight of the core issue before us.

Regardless of where you are on the choice spectrum, the irrefutable fact is that it is the law of the land. Regardless of where you are on the choice spectrum, the issue before us is women seeking medical procedures, seeking health care allowable by the law.

Now, the question becomes, ultimately, how do we provide this health-care procedure to women in a safe environment? And ultimately, the question before us becomes, what is the lesser of evils? And certainly, I believe that the standards established by Planned Parenthood for this legal procedure are high standards. Certainly, I believe a vehicle waits for us in the other chamber that is agreed to, that is agreed to by those across the spectrum of choice, agreed to to the point that it was reported out of the committee 10 to 1.

Sadly, while I thank the gentleman from Tioga and I honor the gentleman from Tioga for his work, this is not the vehicle; this is not the time. While the situation is grave and the butchery needs to be addressed, we can wait for a vehicle from across the building. I ask for a "no" vote.

Thank you, Mr. Speaker.

REMARKS SUBMITTED FOR THE RECORD

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

On that question, the Speaker recognizes the lady from Cumberland County, Ms. Delozier.

Ms. DELOZIER. Thank you, Mr. Speaker.

Considering the amount of time and effort that we have spent on this issue, I would like to ask the Speaker if I may submit my comments for the record on the issue that we have in front of us, to save time.

The SPEAKER. The Speaker would appreciate that and thanks the lady.

Ms. DELOZIER. Thank you.

Ms. DELOZIER submitted the following remarks for the Legislative Journal:

Thank you, Mr. Speaker.

We need to make sure that we have safe/clean facilities for all patients in any health-care environment. We owe that to our citizens.

I feel strongly that we need to come up with a compromise. The ability to see and consider both sides of an issue is needed in this instance; there is too high a cost if we do not.

We need to make sure that the case in Philadelphia never happens again, but that we are able to continue to provide full access to health care for all.

I do not think that HB 574 is that compromise, but it is what we have in front of us in the House to vote on to have stronger regulation, which is needed.

It is my hope that when this bill passes, it will be just the first draft, and the final version will be a bill that will be a true compromise of the language that we have in the House and the Senate to maintain the access to safe, low-cost health care that is very needed across our State.

REMARKS SUBMITTED FOR THE RECORD

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

On that question, the Speaker recognizes the gentleman from Montgomery County, Mr. Briggs. The gentleman is in order.

Mr. BRIGGS. Thank you, Mr. Speaker.

I am standing to rise in opposition to HB 574, but for brevity, I would like to submit my comments for the record.

The SPEAKER. The Speaker thanks the gentleman.

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

Thank you, Mr. Speaker.

I rise today in opposition to HB 574. While this bill may have good intentions, it will only have tragic consequences for women.

Plain and simple, this legislation will not make abortion clinics safer. It will result in sharply reduced access to safe, affordable abortion care for women in Pennsylvania. By changing the legal playing field for abortion clinics, this bill would force clinics to spend hundreds of thousands of dollars to unnecessarily alter their operations to comply with the new law. Changes this drastic could force many, if not all, clinics in Pennsylvania to close, leading to a public health crisis of epic proportions. Because the need for abortion care will not end with this bill – just the number of reputable facilities providing the services – women will be forced to go out of State or to disreputable "houses of horrors," such as the facility run by Dr. Kermit Gosnell.

This bill presents unreasonable and excessive regulation on abortion clinics – facilities which are already heavily regulated in Pennsylvania. The real issue here is not that laws to regulate these facilities do not exist, but that they have not been enforced. The horrific travesty that occurred at the Gosnell clinic was not caused by a lack of regulation but by a complete failure of the State government to adequately enforce existing laws and regulations. Several regulations that already exist on the books but were not enforced include:

- A regulation stating that "prior to the performance of an abortion, the attending physician shall insure that the patient has had tests for hemoglobin or hematocrit, blood group and RH type, and urine protein and sugar. All of the foregoing laboratory results shall be entered in the medical record of the patient."

- A regulation stating that "each freestanding clinic shall have a written transfer agreement. The agreement shall be entered into with a hospital which is capable of providing routine emergency services" including "a physician at all times in the hospital available to provide

emergency services; either full surgical or full obstetrical and gynecological surgical capability, including anesthesia, available for use within 30 minutes notice; blood bank, clinical laboratory and diagnostic radiological services for use within 30 minutes notice."

- A regulation stating that "when general anesthesia or major regional anesthesia blockade, including spinal or epidural anesthesia, is utilized, it shall be administered by a second physician, or a nurse anesthetist under appropriate supervision."

State law already provides guidelines on equipment, staff, emergency transfers to hospitals, counseling, and reporting by abortion clinics. And Pennsylvania abortion providers who perform 100 or more procedures a year are already required to report medical errors under the Mcare Act (Medical Care Availability and Reduction of Error Act) and to comply with the patient safety provisions and site visits required by that act.

Safe, high-quality abortion care currently exists in Pennsylvania at freestanding facilities that abide by all current regulations. In fact, these facilities were praised in the Gosnell grand jury report for their excellent medical care and safety protocols and stated to be "more stringent and more protective of women's safety" than the abortion regulations in Pennsylvania.

I urge a "no" vote among my colleagues on HB 574. Thank you.

REMARKS SUBMITTED FOR THE RECORD

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

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

Mr. STERN. Thank you, Mr. Speaker.

I also would like to rise in support of HB 574 and ask for an affirmative vote, and I will be submitting my remarks for the record as well.

The SPEAKER. Judging by the volume you have there, we are glad you are.

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

Thank you, Mr. Speaker.

We are deliberating final passage of HB 574 and the requirements that would place abortion facilities under a licensing, regulation, and inspection process that is consistent with ambulatory surgical facilities. Much of the floor debate centered on the grand jury report and recommendations. The purpose was to highlight the troubling facts that surrounded the Gosnell clinic and the lack of oversight from various State agencies. This resulted in the death of a woman and numerous babies that are pending a criminal complaint and trial.

More troubling is the fact that this facility was allowed to operate for over 20 years without inspection or accountability. HB 574 is based on the grand jury report from District Attorney Seth Williams's recommendation, number 5. The Pennsylvania Department of Health should license abortion clinics as ambulatory surgical facilities. Under the plain language of the Health Care Facilities Act, abortion clinics should be regulated, licensed, and monitored as ambulatory surgical facilities. Had not the State Department of Health not inexplicably declined to classify abortion clinics as ASFs, Gosnell's clinic would have been subject to yearly inspection and licensing.

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.

Those clinics, unlike abortion facilities, must implement measures for infection control (28 Pa. Code 567.3 lists 17 specific procedures that ASFs must follow to control infection). They must use sterile linens (567.21-24). They must keep premises and equipment clean and free of vermin, insects, rodents, and litter (567.31). The regulations devote three pages to anesthesia protocols (28 Pa. Code 555.33).

HB 574 was introduced to insure quality of care for women who may undergo surgical procedures in an abortion facility. The bill was intended to provide safety for patients and the women or babies who could be affected in this clinical setting. The Gosnell case is the extreme measure of brutal and almost indescribable conditions of the most horrific nature. To believe something like Gosnell was allowed to proceed for over 20 years without being inspected is not acceptable. We must have licensure, accountability, and standards in place to make sure women and children have the fullest protections under the law for their safety and well-being.

Much reference has been made to the Report of the County Investigating Grand Jury XXIII under the name of R. Seth Williams, district attorney. These findings and report under the Court of Common Pleas, First Judicial District of Pennsylvania, Criminal Trial Division. These findings and court order issued on the 14th day of January, 2011, signed by Supervising Judge Renee Cardwell Hughes.

I am submitting the grand jury report as part of my remarks. Thank you, Mr. Speaker.

(For grand jury report, see Appendix.)

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

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

Miss PARKER. Thank you, Mr. Speaker.

I rise in opposition to HB 574. I want to begin my remarks by thanking the gentleman from Allegheny County and his leadership in helping to ensure that both sides of the argument regarding this issue were heard, along with the gentlelady from Philadelphia whose district was actually home to the Gosnell clinic and the eloquent manner in which she communicated her position on this bill.

I have listened to the debate, Mr. Speaker, and I do believe, despite where we stand on the issue of choice or being pro-life, that the end gain that we hoped would come out of us addressing this issue was patient safety. But since during these tough economic times the issue of finances has often been at the center of the debate about anything that we are discussing, I want to talk about the unintended consequences that this bill is going to have on those women and girls that seek access to a safe abortion. I want to talk about the impact that it is going to have on those providers who provide access to safe abortions and do so at a price that the average Pennsylvanian can afford.

Mr. Speaker, as we have listened to this debate, let me make myself clear, because there is something that I have not heard mentioned quite often. When you talk about the unintended consequences that the passage of this bill is going to have on driving up the cost to having access to a safe and healthy abortion, many people act as if that is not major. Mr. Speaker, unfortunately, if you are wealthy, Mr. Speaker, if you are wealthy and from the Main Line, and you are a woman or you are a family and you have a daughter and she decides that she wants to have an abortion, if you are wealthy, passage of this bill is not going to have an impact on you, because you can afford to travel wherever you need to to ensure that you can have access to a safe and healthy surgical procedure. But for

those women in our Commonwealth, Mr. Speaker, who because of their financial circumstances do not have the option of going and traveling to the closest State nearby so that they can quietly find a safe institution, a safe clinic, a safe hospital where they can afford to because their bank account is large enough to get a safe procedure, we are talking about, Mr. Speaker, having access to a safe – a safe abortion, Mr. Speaker, should not be determined by the size of your bank account. I have not heard it stated on the record and just wanted to make sure that I mentioned it today.

Once again, if you are wealthy, if you are wealthy and from the Main Line, if you are wealthy and you are on the Main Line and your daughter gets pregnant, or if you are in rural Pennsylvania or in urban Pennsylvania and your bank account is large enough and you can afford to pay to travel wherever you need to to get a safe abortion, this bill will not impact you.

I ask us, Mr. Speaker, to think about the unintended consequences that this bill is going to have on women and girls and families who seek out a safe abortion procedure but whose bank account is not equal to those who are wealthy. Wealth should not mean you have the opportunity to choose a safe and healthy access to an abortion; it should be because we want this for all Pennsylvanians. And I believe that the gentleman, the maker of this bill, I believe, Mr. Speaker, that patient safety was at the foundation of where he was moving—

The SPEAKER. Will the lady suspend just for a second?

I ask the members to please hold the conversations down. It is gradually getting louder and louder. If the members would please, if you need to conference, please take them off the floor and generally calm the conversations down a little bit. The Speaker thanks the members.

The lady may proceed.

Miss PARKER. Thank you, Mr. Speaker, for your courtesy, because it is not very easy when we talk about access to safe health options and we talk about disparities between the haves and the have-nots. That is not a discussion we often want to have out loud. But the fact of the matter is that when it comes time to make a decision, the tough decision about whether or not you will choose an abortion procedure, I do not care whether you are for or against, it is a tough decision. But if you are wealthy, Mr. Speaker, you have more options, and I just ask the members of this chamber to think about the options for those people who may not have bank accounts that are large enough to ensure that they have as many options as they like, Mr. Speaker. I ask that we keep that in mind.

Safety as it relates to abortions should not be about the size of our pocketbooks and our bank account. Thank you very much, Mr. Speaker.

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. Thank you, Mr. Speaker.

Mr. Speaker, I will be brief.

I rise in support of HB 574, legislation that would provide protection for a woman undergoing a surgical procedure for the purpose of an abortion. Mr. Speaker, each one of us here today, we cherish life. We have become involved in fundraisers to combat diseases such as cancer and heart disease and multiple sclerosis and stroke, to mention a few. As community members,

legislators are involved with local hospitals and other medical services to ensure that patients will receive the best medical care possible. Why? It is about healing; it is about life.

Frequently I receive House resolutions reminding us that certain diseases and illnesses are still afflicting our citizens and there is a need for a cure, and together, we need to find that cure. We attempt to provide the best services possible for those afflicted with drugs or alcohol abuse or both, because it is about life and it is about their well-being.

The singular purpose of HB 574 is about life, to provide safe and secure medical conditions for women who are about to have an abortion. Mr. Speaker, I urge a "yes" vote for HB 574. Thank you.

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

On that question, the Speaker recognizes the gentleman from Chester County, Mr. Lawrence.

Mr. LAWRENCE. Thank you, Mr. Speaker.

Over the past 2 days we have heard a great deal as to why facilities providing surgical abortions should continue to enjoy an exemption from regulations required of every other surgical ambulatory facility in the State. These arguments have been framed in the terms of protecting women and providing access.

With all due respect to those offering these arguments, they are the exact same arguments that created a culture of willful ignorance as to the state of abortion facilities in this Commonwealth for years. These are the exact same arguments that led to a complete lack of State inspection for surgical abortion facilities over three separate Governors' administrations, and these are the exact same arguments that permitted a clinic in Philadelphia that routinely killed viable babies delivered alive to operate with absolute impunity for decades.

After the situation in Philadelphia came to light, Mayor Michael Nutter told the Philadelphia Inquirer that it is, quite frankly, a mystery to me how or why the Commonwealth would have allowed these kinds of barbaric activities to go on for so long.

Mr. Speaker, today is our opportunity for action. The gentleman from Tioga's legislation is, frankly, long overdue, and I encourage my colleagues to vote "yes."

Thank you, Mr. Speaker.

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

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

Mr. SACCONI. Thank you, Mr. Speaker.

I rise in support of HB 574. Mr. Speaker, I believe there is a thirst for truth in this Commonwealth on this issue, and I ask my colleagues to look behind them on the ceiling above and remember the scripture recorded there from John, chapter 8:32, "Then you will know the truth, and the truth will set you free." Mr. Speaker, until these clinics are properly and regularly inspected and regulated, we will never know the truth of how many Gosnells are out there.

Mr. Speaker, the gentlelady from Philadelphia complained that this bill would take us back 40 years in medicine. Mr. Speaker, I suggest to you that the horrors perpetrated in Mr. Gosnell's clinic have already taken us back to medieval times.

And I ask my colleagues: Among you, who will champion those who cannot speak for themselves? Who will demand the decency that those houses of horrors be subjected to the same

types of inspections and regulations that other clinics are? And I implore you to face the truth and force those clinics out of the darkness and into the light for the sake of decency and humanity.

Thank you, Mr. Speaker.

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

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

Mr. MYERS. Thank you, Mr. Speaker.

Mr. Speaker, the last couple of days I have been trying to gauge and balance the arguments that I am hearing. See, because I started this week out under the impression that I was dealing with the truth will set you free, but I realize the truth is relevant and relevant to who is saying it.

Like I spoke earlier, I was under the impression that the first African-American district attorney in the city of Philadelphia, whom I worked night and day for, wanted us to do a certain thing, and I did it. I come to find out it was not true. Yesterday I was led under the impression that the Ross amendment would stop all this discussion. Here we are today talking about the truth will set you free.

You know, a part of, a part of the problem I am having is getting my arms wrapped around what is it we are really trying to do, see, because on one hand, this snake that calls himself a doctor needs to be adjudicated to the devil; on the other hand, how do we make it safe? In some kind of way, both of these things are wrapped up into this discussion.

So it seems to me that we started out with, let us make it safe, and in order to make it safe, now we are saying you have got to have more money. If you do not have more money, then it is not going to be safe. We are saying, well, let us let the Health Department go; the way to handle this problem is not to put pressure on the Health Department but to put pressure on the providers. We are saying we want to protect women by making it harder for them to get access to this service. We are saying we want to save women by making the burden too hard and difficult for them to reach their mark. We are saying – and this is for my Republican friends – we are saying that government is too big on one hand, but we want to make it just a little more involved in our lives on this hand, that we want to reduce costs by creating the scenario that will in fact raise costs and that the only line left is social responsibility.

So it sounds like somewhere my friends on the other side do not see us addressing social responsibility, because let me tell you what I am hearing the people on the right, conservatives, saying: poor people asking for more; people who do not pay taxes asking for more; people who have not contributed to the wealth and growth of this country asking to pay more. Do not we do clothing? Do not we do food? Do not we do housing? Have we not lived up to our social contract? Yeah, we got Section 8; yeah, we got food stamps. That is no social contract.

So, Mr. Speaker, I would ask in all deference that if we are going to deal with the truth, we need to swallow this pill and leave the intellectual ideology out and do what is best to help the women in the Commonwealth of Pennsylvania, and I believe the best way to help the women here in this Commonwealth is to defeat HB 574.

Thank you, Mr. Speaker.

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

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

Ms. RAPP. Thank you, Mr. Speaker.

Mr. Speaker, I have heard *Roe v. Wade* stated several times during the debate this afternoon. I was a young person during *Roe v. Wade*, did not really know what an abortion was. For the first time in my life, I heard the term "fetus," which we, before that time, used the word "baby." So we had a lot of new words coined at the time of *Roe v. Wade*. I heard a lot of talk about back-alley abortions. And certainly as a young person, it was very disconcerting to hear the arguments of the day.

But I have a quote from *Roe v. Wade*, and here is the quote: "The State has a legitimate interest in seeing to it that abortion, like any other medical procedure, is performed under circumstances that insure maximum safety for the patient. This interest obviously extends at least to the performing physician and his staff, to the facilities involved, to the availability of after-care, and to adequate provision for any complication or emergency that might arise. The prevalence of high mortality rates at illegal 'abortion mills' strengthens, rather than weakens, the State's interest in regulating the conditions under which abortions are performed."

So I think it is kind of hard to argue, Mr. Speaker, that the State does not have a responsibility to provide maximum safety for the patient. Women in our State have a right to expect clean, sterile facilities for medical procedures. Women in our State deserve to be treated with up-to-date equipment and technology, not equipment that is dust-covered, taped, or simply not in working order. They deserve to be treated by trained professional staff.

Argument for cost, Mr. Speaker, can never outweigh – never – the cost of the life of your mother, your wife, your daughter, your sister. And yes, my argument is a pro-life statement to keep women safe in this State. Staff, also, in our State, wherever they work, deserve clean working conditions, especially in medical facilities where we expect certain standards. None of us, none of us would expect our staff to keep their lunches in refrigerators that are stuffed with bags of body parts, as in the Gosnell case.

A previous speaker stated, Mr. Speaker, that we should not be running legislation because we find one case where atrocities were committed, that that is not how we should do legislation. But, Mr. Speaker, I would like to remind my colleagues who were here last session how we ran a bill for puppy mills and dog kennels. Why? Because we found a couple cases around the State where dogs were being mistreated. So we passed legislation, Mr. Speaker, that demanded that our puppy mills and our dog kennels in this State invest more money to keep animals in a more protected environment. I do not think we should expect any less for our women in this State.

We need to ensure in Pennsylvania, Mr. Speaker, what the Supreme Court stated for the protection of women. Again, "The State has a legitimate interest in seeing to it that abortion, like any other medical procedure, is performed under circumstances that insure maximum" – the maximum – "safety for the patient."

Thank you, Mr. Speaker.

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

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

Ms. BISHOP. Thank you, Mr. Speaker.

We have come a long way. I was in this House when we had the opportunity to make abortions legal, and we did so because some of the same things that are happening now with the

Gosnell incident were the things that were happening then. I lost two of my best friends in high school, in the last year. They were on their way to college. One died from a backroom with a clothes hanger, the other one with a lead pencil. And so when I had the opportunity to be here and to see a new life, I was delighted and never thought that we would have to go through something like this again.

I am not comfortable with HB 574 because I feel that it really does set us back. It takes what we have fought so hard for and really turns it back to the back alleys. You have already seen that happen in unsafe, unclean places where some have said even dogs would get better. And until I am comfortable that we have exactly what we need, quality health care for every woman, and it is about price; it is about money. Many of the people who went to that clinic could not afford to have it done in a hospital, in a decent place where they would have had the insurance or the money to get it done like a human being. So they had to end up in a place, some of it never came out here what was going on. Some of them, after they got there, changed their mind and wanted to leave. I am told they were knocked in the head and told they could not leave and they did it anyway. So we do not want to see our families, our friends, our constituents, who do not have the insurance or do not have the money to get it done in a legitimate place, go back to the back alleys where they are going to, no doubt, die again.

So I ask you, please, think seriously about your daughters and your granddaughters and your nieces and your nephews and your constituents who have no health care. Before you make this vote, think and search your souls hard: Do you want them to be without it, get it done perhaps in a safer place, or would you prefer them who have no money, no insurance, end up the way those women did in the Gosnell clinic?

Vote "no" for HB 574. Thank you.

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

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

Mr. CUTLER. Thank you, Mr. Speaker.

Mr. Speaker, I would like to start by the things that I think we agree on in this debate: that abortion facilities, to some measure, should be licensed, monitored, or inspected, whatever term we may wish to use, but I think that the paramount difference that we have is to what level should they be regulated.

Mr. Speaker, I think it is important that we start out by examining exactly who HB 574 affects. It would affect those single-specialty or multispecialty clinics that perform surgical abortions. Simply put, surgical abortions are an outpatient surgery. I realize that sounds an oversimplification, but it is one that I believe you will find throughout the grand jury report.

Quoting directly from there, it says, "We recommend that the Pennsylvania Department of Health plug the hole it has created for abortion clinics. They should be explicitly regulated as ambulatory surgical facilities, so that they are inspected annually and held to the same standards as all other outpatient procedure centers."

Mr. Speaker, I do not know why abortion clinics were left out of the original regulations. Perhaps it dealt with the fact that *Roe v. Wade* was relatively new and they were fearful that the entire act would be challenged or held up. But for whatever reason, we have had years, years, Mr. Speaker, where they have not been regulated to the same standard. Yes, they have been

regulated, but I think that in light of the facts that we have before us today, we would also all agree they have not been regulated to the point that they should have been.

Mr. Speaker, I do not believe that we as a legislature can any longer leave this issue solely in the hands of the Department of Health and regulations. I do not believe that we can risk whatever changes we make, whether it be through this bill or another bill later in the session, to be changed by further administrations with their noncompliance of enforcement. Mr. Speaker, that is why I believe these changes should be put in statute.

And, Mr. Speaker, I believe that the fundamental area where we can find this authority, as we debated earlier and was confirmed by this body in an affirmative vote, is that this bill is constitutional. Mr. Speaker, I will not repeat the constitutional reasons as to why I believe other than the fact that it is our legitimate compelling State interest to regulate the health of the woman and the life of the fetus that may become a child.

Mr. Speaker, I think it is important to pull the closest medical parallel from the prior testimony at the hearings that the gentleman from Allegheny referenced. I had the privilege of sitting in on one of those joint hearings; the Health Committee was invited to do so. And, Mr. Speaker, the closest medical parallel is that of a miscarriage, a miscarriage where, unfortunately, the baby dies and the tissue needs to be surgically removed.

Mr. Speaker, in testimony before the Senate, an OB (obstetrics) doctor said that in excess of 10 weeks, he routinely referred his patients to an ambulatory surgical center. Mr. Speaker, attempts to categorize this as a simple procedure, a simple vacuum procedure, are simply wrong. Zero out of the 27,000 abortions categorized last year were not categorized this way. In fact, Mr. Speaker, I would argue that if it were truly a simple procedure, anesthesia would not be needed. Mr. Speaker, the documents and the information that we have received and reviewed in contemplating this legislation clearly indicate that the procedure can be extremely uncomfortable; there is pain. Mr. Speaker, we would not offer full anesthesia to the patient seeking this care if it were merely simple.

Furthermore, Mr. Speaker, I do not believe that a reasonable person can deny that they get informed consent when they have these procedures. Informed consent is not needed just because the procedures are simple, Mr. Speaker; it is needed because of the risks. Though rare, they do occur. The process sounds very simple: You dilate the cervix. Surgical instruments are used to scrape the uterine lining. The scraping involves certain medical risks, those being hemorrhage, uterine perforation, cervical tears, or, in some cases, infertility and diseases related to unclean instruments.

Mr. Speaker, I also think it is important to note that under HB 574, and generally speaking, clinics are classified by the types of surgery and not the anesthesia that is used or the level of anesthesia that is used. In fact, the Department of Health has different clarifications and classifications for facilities that perform like procedures and categorize them differently based on their anesthesia use. But, but, Mr. Speaker, and I think this is very important, they all do fall under the Health Care Facilities Act, which is what we are trying to do here.

Mr. Speaker, the issue surrounding available equipment, full-time nurses, room size, passages, they exist for a reason. Mr. Speaker, they do not exist for when procedures go as planned; they exist for cases like the death of the patient that

was documented in the grand jury report, for when things go wrong, for when things go horribly wrong, Mr. Speaker. That is the reason we need suction tubing, oxygen, crash carts, and access and availability to the rooms, hallways, and the outside should someone need to be transferred.

Mr. Speaker, I believe that the affirmative vote by this chamber clearly proves that we have the legislative authority to do this. Attention has been given to the burden of the access after this law would be implemented or the effect of the legislation. Mr. Speaker, as we have argued before and already affirmed, the State can impose reasonable regulations related to the health and safety of the mother seeking the care.

Mr. Speaker, furthermore, these regulations are not new. We can debate the reasonableness and the merits of the regulations that we have before us today, but I do not believe that we can argue that we do not have that authority.

Mr. Speaker, and to treat this as an isolated incident simply is wrong. After this clinic was discovered, inspections were performed, and 3 out of 23 clinics closed their doors. Mr. Speaker, furthermore, 15 of these clinics had deficiencies which could be corrected and are in the process of doing so. That is a 13-percent closure rate, Mr. Speaker – 13 percent.

We were notified several sessions ago about hospital-acquired infections. At that time, it was estimated that 5 to 10 percent of all patients that interacted with a hospital acquired an infection. We passed legislation so that would be reported and recorded, and we have laws to protect patients. Mr. Speaker, just yesterday we debated a bill, HB 1053, and we added an amendment for a dependent death subsequent to a caregiver. Mr. Speaker, we needed to enhance that penalty because of that very, very sad case, the neglect of care for a dependent person. Mr. Speaker, there again, we had real hard evidence before us; we took action.

Mr. Speaker, we now have the same issue before us now. The issue of patient safety is a compelling State interest. We have the legislative authority to act on this, and I believe that we should regulate these facilities. Women pursuing a legal procedure have expectations. They have expectations that the facilities will be safe and clean. Mr. Speaker, they also believe that the procedure will be done safely and competently.

While we may disagree on the underlying issue of abortion, I do not believe that we should disagree on the safety of the people seeking that care. Mr. Speaker, Bill Clinton himself said that abortion should be legal, safe, and rare, and I think that we need to do what we can today to ensure that they are safe.

Thank you, Mr. Speaker.

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

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

Mrs. DAVIDSON. Thank you, Mr. Speaker.

I have listened to this debate from my good friends and colleagues on both sides of the aisle. I have listened to the debate on HB 574, sometimes with tears in my eyes. Mr. Speaker, I respect the sanctity of life and I respect the sanctity of life of women. I am supporting HB 574 on behalf of my cousin who was killed at the Gosnell clinic.

Mr. Speaker, I am supporting this bill on behalf of the women that seek to get a legal procedure that is their choice. My cousin, on that fateful day, Mr. Speaker, went to get a legal procedure from a licensed facility in the State of Pennsylvania. I did not know she was going, at 22 years old, to seek this procedure. I got the call at her death, to eulogize her. As a

licensed minister, it was the last person that I eulogized. At 22 years old, she sought a legal procedure at a licensed health-care center in the State of Pennsylvania, which was her choice. It is our choice today to decide to make all clinics that perform this procedure to the highest standard.

I believe, Mr. Speaker, that we must hold health providers responsible to the highest level of care for women in this Commonwealth. It is outpatient surgery. It is the choice of every woman. I want to see that that choice is preserved, if she decides to seek it, in a facility that is well-run, that is clean, and that has all of the other ambiance that other health-care facilities have. I was in support of the Ross amendment, Mr. Speaker, because I thought it sought to do the same thing, but I will be in support of HB 574 because I believe that health-care providers should do this procedure, holding women's lives in the highest possible esteem. It is a personal responsibility of every woman who seeks to exercise their choice to seek out a licensed facility in Pennsylvania that has the highest standard of care.

Today I will support HB 574 for the highest possible standard of care for women in Pennsylvania. Thank you, Mr. Speaker.

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

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

Mr. GILLEN. Thank you, Mr. Speaker.

Given that my colleague from Delaware County has said nearly everything that needs to be articulated on the issue, I will be extraordinarily brief, just a few seconds. My perspective as an emergency medical technician for over 20 years involved medical emergencies in a variety of areas, including miscarriage and hemorrhage. I wanted to say that doorways, egresses, ingresses – access issues matter when it comes to medical emergencies. Facility size does matter when it comes to medical emergencies. It can be the difference between a medical success and a tragedy. The maneuvering room that is necessary, patient access, patient access to advanced medical care matters a great deal.

I understand correctly the Gosnell clinic produced \$1.8 million worth of income, and certainly, less than 4 percent of that money could go to a registered nurse. If an additional 250 square feet of rental space is needed, certainly with \$1.8 million worth of income, that would be readily accessible. As an emergency medical technician currently licensed in the State of Pennsylvania, I find these requirements under HB 574 both modest and reasonable, and I would encourage the support of the House for this fine bill.

Thank you, Mr. Speaker.

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

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

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

I had many notes, many pages, arguments, counterarguments. You will be delighted to know that I am going to forgo those, but I do want to make a few points before we have the vote. Out of respect to the concerns in Philadelphia and the Gosnell abortion clinic, I reached out to the district attorney, Seth Williams, this morning. We had a good conversation. He reemphasized to me that the grand jury that deliberated worked on this grand jury report for a year, interviewed 58 witnesses, reviewed thousands of pieces of evidence. They were horrified. They were outraged and furious, according to him, that nothing has been done – not the

Department of Health, not the Department of State, and not even the Department of Health within the city of Philadelphia.

To do nothing is not a good option. The status quo is not a good option. I would just like to read and quote why this bill is necessary. This bill I do not take credit for. I give credit to this great work, this great 300-page document, the grand jury document, the grand jurors, the investigators, everybody that put their heart and soul into this deserves the credit for this. If we save one life – one woman's life, one child's life, one infant that was born alive and then killed – under this report, if we can save just one of them by elevating the status of patient safety, this bill is worth it.

"This case is about a doctor who killed babies and endangered women. What we mean is that he regularly and illegally delivered live, viable, babies in the third trimester of pregnancy" – this is from District Attorney Seth Williams and the grand jury – "and then murdered these newborns by severing their spinal cords with scissors. The medical practice by which he carried out this business was a filthy fraud in which he overdosed his patients with dangerous drugs, spread venereal disease among them with infected instruments, perforated their wombs and bowels – and, on at least two occasions, caused their deaths. Over the years, many people came to know something was going on here. But no one put a stop to it." I am quoting now from the D.A. and the grand jury report; I might add, again, not the Department of Health, not the Department of State, or the Department of Health within Philadelphia.

He goes on to say, and the grand jury, and then I will conclude with the grand jury. "Let us say right up front that we realize this case will be used by those on both sides of the abortion debate. We ourselves cover a spectrum of personal beliefs about the morality of abortion. For us as a criminal grand jury, however, the case is not about that controversy; it is about disregard of the law and disdain for the lives and health of mothers and infants. We find common ground in exposing what happened here, and in recommending measures to prevent anything like this from ever happening again."

The grand jury report went on to – not once, but I believe 52 different times – ask that we do what is contained in HB 574 and that we regulate these abortion clinics under the Health Care Facilities Act as ambulatory surgical centers.

Again, what to do about all these problems? "We, the jurors, have reviewed thousands of pieces of evidence and heard testimony from 58 witnesses. The squalid spectacle that greeted investigators when they raided the clinic last February was awful, to say the least. Yet even their descriptions of the scene could not prepare the Grand Jurors for the shocking things we have since learned about Gosnell, his medical practice, and the way abortion clinics are regulated in Pennsylvania." Or I might say, not regulated in Pennsylvania.

Mr. Speaker, I have heard a lot of concerns about cost. I have been told over and over again that only about 3 percent of the volume in these abortion clinics actually results in abortions; 97 percent are not. So let us get to the heart of the problem then. If the lion's share of the revenue in these abortion clinics is not abortion related, well, let us fix the problem then. Let us fix what is the underlying tragedy, atrocity, and horror. Again, the gentleman said earlier, how do we know how many more Dr. Gosnells are out there? We need to regulate. We need to tighten this. We need to eliminate the loophole of the exception that was carved out back in the late 1970s. My goodness, in 17 years or more there was not even one singular inspection of

these abortion clinics. That is just inexcusable and outrageous. Let us do something good here, Mr. Speaker.

I am going to conclude, Mr. Speaker, with a quote by De Grellet: "I expect to pass through this world but once; any good thing therefore that I can do, or any kindness that I can show to any fellow creature, let me do it now; let me not defer or neglect it, for I shall not pass this way again."

A great person once said, "Evil flourishes when good men do nothing." It is such a time as this that we are compelled to act and do good, hopefully prevent future loss of life, and increase substantially patient safety within abortion clinics that should be licensed and regulated as ambulatory surgical facilities under the Health Care Facilities Act. Mr. Speaker, today at this hour, place, and time, we have a unique opportunity to do that which is good, just, and appropriate. Let us not defer or neglect a chance to make sure that the horrors and evil that transpired within the abortion clinics run by Dr. Gosnell never happen again on our great soil here in Pennsylvania.

I urge your support for HB 574, and may God bless you as you cast your vote for patient safety and human dignity. Thank you, Mr. Speaker.

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

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

Mr. VITALI. Thank you, Mr. Speaker.

I was not going to get up today, but the maker of this bill continues to misuse the grand jury report to make it appear that a grand jury has any business at all making any sort of recommendations on State legislation. That is not their function. The only function of a grand jury is to sift through evidence to see if a crime has been committed – period. They are not a blue-ribbon panel. They are not a panel of doctors, health-care providers, women's advocates. You could get a bus and drive it down any street in your district and get the first 23 people who answer their door, put them on the bus, and they would have as much experience as a grand jury.

To suggest somehow that because a grand jury took it upon themselves to go well beyond the authority they were given and start making recommendations to us is just wrong. Mr. Speaker, I would ask this body, no matter what they think of this issue, to totally disregard any opinions that any grand jury might have about legislation we might be considering.

Thank you, Mr. Speaker.

The SPEAKER. The Speaker thanks the gentleman.

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—148

Adolph	Evankovich	Knowles	Quinn
Aument	Evans, J.	Kortz	Rapp
Baker	Everett	Kotik	Ravenstahl
Barbin	Fabrizio	Krieger	Readshaw
Barrar	Farry	Kula	Reed
Bear	Fleck	Lawrence	Reese
Benninghoff	Gabler	Longietti	Roae
Bloom	Galloway	Maher	Rock
Boback	Geist	Major	Saccone
Boyd	George	Maloney	Sainato

Boyle, B.	Gergely	Markosek	Samuelson
Boyle, K.	Gibbons	Marshall	Santoni
Brooks	Gillen	Marsico	Saylor
Brown, R.	Gillespie	Masser	Scavello
Burns	Gingrich	Matzie	Schroder
Caltagirone	Goodman	Metcalfe	Simmons
Carroll	Grell	Metzgar	Smith, K.
Causer	Grove	Micozzie	Sonney
Christiana	Hahn	Millard	Staback
Clymer	Haluska	Miller	Stephens
Conklin	Hanna	Milne	Stern
Costa, D.	Harhai	Mirabito	Stevenson
Costa, P.	Harhart	Moul	Swanger
Cox	Harkins	Mullery	Tallman
Creighton	Harper	Murphy	Taylor
Culver	Harris	Mustio	Tobash
Cutler	Heffley	Neuman	Toepel
Daley	Helm	O'Neill	Toohil
Davidson	Hennessey	Oberlander	Truitt
Day	Hess	Payne	Turzai
Delozier	Hickernell	Peifer	Vereb
DeLuca	Hornaman	Perry	Vulakovich
Denlinger	Hutchinson	Petrarca	Watson
DiGirolamo	Kampf	Petri	White
Donatucci	Kauffman	Pickett	
Dunbar	Kavulich	Pyle	Smith, S., Speaker
Ellis	Keller, F.	Quigley	
Emrick	Keller, M.K.		

NAYS—43

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

NOT VOTING—0

EXCUSED—12

Deasy	Johnson	Miccarelli	Reichley
Godshall	Killion	Murt	Wagner
Hackett	Mahoney	O'Brien, D.	Wheatley

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

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

* * *

The House proceeded to third consideration of **HB 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 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—191

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

NAYS—0

NOT VOTING—0

EXCUSED—12

Deasy	Johnson	Miccarelli	Reichley
Godshall	Killion	Murt	Wagner
Hackett	Mahoney	O'Brien, D.	Wheatley

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

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

* * *

The House proceeded to third consideration of **HB 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 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—191

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

Davis	Hornaman	Peifer	Vulakovich
Day	Hutchinson	Perry	Waters
DeLissio	Josephs	Petrarca	Watson
Delozier	Kampf	Petri	White
DeLuca	Kauffman	Pickett	Williams
Denlinger	Kavulich	Preston	Youngblood
DePasquale	Keller, F.	Pyle	
Dermody	Keller, M.K.	Quigley	Smith, S.,
DeWeese	Keller, W.	Quinn	Speaker
DiGirolamo			

NAYS-0

NOT VOTING-0

EXCUSED-12

Deasy	Johnson	Miccarelli	Reichley
Godshall	Killion	Murt	Wagner
Hackett	Mahoney	O'Brien, D.	Wheatley

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

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

* * *

The House proceeded to third consideration of **HB 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 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-191

Adolph	Donatucci	Kirkland	Rapp
Aument	Dunbar	Knowles	Ravenstahl
Baker	Ellis	Kortz	Readshaw
Barbin	Emrick	Kotik	Reed
Barrar	Evankovich	Krieger	Reese
Bear	Evans, D.	Kula	Roae
Benninghoff	Evans, J.	Lawrence	Rock

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

NAYS-0

NOT VOTING-0

EXCUSED-12

Deasy	Johnson	Miccarelli	Reichley
Godshall	Killion	Murt	Wagner
Hackett	Mahoney	O'Brien, D.	Wheatley

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

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

CALENDAR

BILLS ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 1278, PN 1541**, entitled:

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, further providing for sales by liquor licensees and restrictions and for special occasion permits.

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 8, PN 1706**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for schedule of convictions and points; and prohibiting the operation of motor vehicles while using interactive wireless communication devices.

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

Mrs. **WATSON** offered the following amendment No. **A01882**:

Amend Bill, page 5, lines 14 and 15, by striking out "not less than" in line 14 and "\$50 and not more than \$100" in line 15 and inserting

\$75

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

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

Mrs. **WATSON**. Thank you, Mr. Speaker.

The amendment, I believe, Mr. Speaker, as you read it, speaks for itself. What it simply does is to clarify, not give a range for a fine, but clarifies it to a specific detail so that if someone is convicted, wants to pay the fine, does not have to go to a hearing, can send the money in. Thank you, Mr. Speaker.

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

(Members proceeded to vote.)

VOTE STRICKEN

Mr. **HANNA**. Mr. Speaker? Mr. Speaker?
The **SPEAKER**. The clerk will strike the vote.

LEAVE OF ABSENCE

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

Mr. **HANNA**. To place the gentleman, Mr. Kavulich, on leave.

The **SPEAKER**. Without objection, the gentleman, Mr. **KAVULICH**, will be placed on leave.

Mr. **HANNA**. Thank you, Mr. Speaker.

CONSIDERATION OF HB 8 CONTINUED

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

The following roll call was recorded:

YEAS—190

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

NAYS—0

NOT VOTING—0

EXCUSED—13

Deasy	Kavulich	Miccarelli	Reichley
Godshall	Killion	Murt	Wagner
Hackett	Mahoney	O'Brien, D.	Wheatley
Johnson			

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?

Mr. SHAPIRO offered the following amendment No. A01930:

Amend Bill, page 4, lines 28 through 30; page 5, lines 1 through 9, by striking out "to write, send or read any text-based communication," in line 28, all of lines 29 and 30 on page 4 and all of lines 1 through 9 on page 5 and inserting for a purpose other than:

(1) voice communication through the use of an interactive wireless communication device while in hands-free mode;

(2) reading, selecting or entering a telephone number or name into an interactive wireless communication device for the purpose of voice communication; or

(3) utilizing a global positioning or navigation system.

(b) Exceptions.—This section shall not apply to:

(1) A driver using an interactive wireless communication device to contact a 911 system or wireless E-911 service, as defined in the act of July 9, 1990 (P.L.340, No.78), known as the Public Safety Emergency Telephone Act.

(2) A driver using an interactive wireless communication device when the vehicle is stopped due to a traffic obstruction and the motor vehicle transmission is in neutral or park.

(3) Operators of emergency vehicles who use an interactive wireless communication device for voice communication for the purpose of responding to an emergency while engaged in the performance of their official duties.

(4) Volunteer emergency responders who use an interactive wireless communication device for voice communication for the purpose of responding to an emergency while engaged in the performance of their official duties.

Amend Bill, page 6, by inserting between lines 1 and 2 "Hands-free mode." The use of an interactive wireless communication device that allows the user to engage in communication without the use of either hand by means of an internal feature or function or an attachment or device.

Amend Bill, page 6, lines 14 through 16, by striking out all of said lines and inserting

"Volunteer emergency responder." Any of the following:

(1) A member of a volunteer ambulance service as defined in section 102 of the act of July 31, 2003 (P.L.73, No.17), known as the Volunteer Fire Company and Volunteer Ambulance Service Grant Act.

(2) A member of a volunteer fire company as defined in section 102 of the Volunteer Fire Company and Volunteer Ambulance Service Grant Act.

(3) A member of a volunteer rescue company as defined in section 102 of the Volunteer Fire Company and Volunteer Ambulance Service Grant Act.

On the question,

Will the House agree to the amendment?

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

Mr. SHAPIRO. Thank you, Mr. Speaker.

Briefly, this amendment would add to the lady's legislation and ban handheld cell phones and texting while driving. Three quick points, Mr. Speaker. I think the statistics are quite clear as to the need for this amendment. According to PENNDOT, since 2002 there have been 590 accidents attributed to driving while using a hands-free phone in Pennsylvania. At the same time, there were 10,231 accidents attributed to using a handheld phone. Number two, Mr. Speaker: The public supports this measure. The public, in a Quinnipiac poll last year, 85 percent of Pennsylvanians said they are for this type of legislation to ban handheld cell phones while driving. Point number three, Mr. Speaker: This House has spoken. In the last session this House overwhelmingly voted for a similar measure that was ultimately adopted by the House 189 to 6.

I believe this measure enjoys bipartisan support, and I thank the Speaker for the opportunity to make some brief remarks. 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 Montgomery County, Mr. Vereb.

Mr. VEREB. Thank you, Mr. Speaker.

I commend the maker of the amendment and his work on this bill. So many people have worked so hard, and there are ranging opinions in this chamber, but I rise to support the Shapiro amendment. Hopefully, we send this over to the Senate and get this bill signed into law.

Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—151

Adolph	DeLuca	Kampf	Preston
Aument	DePasquale	Kauffman	Pyle
Baker	Dermody	Keller, M.K.	Quigley
Barbin	DeWeese	Keller, W.	Quinn
Barrar	DiGirolamo	Kirkland	Ravenstahl
Bear	Donatucci	Kortz	Readshaw
Bishop	Ellis	Kotik	Reed
Bloom	Emrick	Kula	Rock
Boback	Evans, D.	Major	Roebuck
Boyd	Evans, J.	Mann	Sabatina
Boyle, B.	Fabrizio	Markosek	Samuelson
Boyle, K.	Farry	Marshall	Santarsiero
Bradford	Fleck	Marsico	Santoni
Brennan	Frankel	Masser	Saylor
Briggs	Freeman	Matzie	Scavello
Brown, R.	Galloway	McGeehan	Schroder
Brown, V.	George	Micozzie	Shapiro
Brownlee	Gerber	Millard	Simmons
Burns	Gergely	Miller	Smith, K.
Buxton	Gibbons	Milne	Smith, M.
Caltagirone	Gillespie	Mirabito	Sonney
Carroll	Gingrich	Moul	Staback
Christiana	Goodman	Mullery	Stephens
Clymer	Grell	Mundy	Sturla
Cohen	Grove	Murphy	Swanger
Conklin	Hahn	Mustio	Taylor
Costa, D.	Haluska	Myers	Thomas

Costa, P.	Hanna	Neuman	Toohil
Creighton	Harhai	O'Brien, M.	Truitt
Cruz	Harhart	O'Neill	Turzai
Culver	Harkins	Parker	Vereb
Curry	Harper	Pashinski	Vulakovich
Daley	Harris	Payne	Waters
Davidson	Helm	Payton	Watson
Davis	Hennessey	Peifer	White
Day	Hickernell	Petrarca	Williams
DeLissio	Hornaman	Petri	Youngblood
Delozier	Josephs	Pickett	

NAYS—39

Benninghoff	Gillen	Maloney	Sainato
Brooks	Heffley	Metcalfe	Stern
Causer	Hess	Metzgar	Stevenson
Cox	Hutchinson	Oberlander	Tallman
Cutler	Keller, F.	Perry	Tobash
Denlinger	Knowles	Rapp	Toepel
Dunbar	Krieger	Reese	Vitali
Evankovich	Lawrence	Roe	
Everett	Longietti	Ross	Smith, S.,
Gabler	Maher	Saccone	Speaker
Geist			

NOT VOTING—0

EXCUSED—13

Deasy	Kavulich	Miccarelli	Reichley
Godshall	Killion	Murt	Wagner
Hackett	Mahoney	O'Brien, D.	Wheatley
Johnson			

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

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

Bill as amended was agreed to.

The SPEAKER. The bill will be reprinted as amended.

* * *

The House proceeded to second consideration of **HB 170, PN 114**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for driving on right side of roadway, for overtaking vehicle on the left, for no-passing zones, for required position and method of turning and for minimum speed regulation.

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

RESOLUTION PURSUANT TO RULE 35

Mr. TURZAI called up **HR 150, PN 1298**, entitled:

A Resolution recognizing the unwavering leadership, commitment and trailblazing accomplishments of Geno Auriemma, the head coach of the University of Connecticut Huskies women's basketball team who led the Huskies to an impressive record 90-game winning streak.

On the question,
Will the House adopt the resolution?

RESOLUTION RECOMMITTED

The SPEAKER. The Speaker recognizes the majority leader, who moves that HR 150 be removed from the active calendar and recommitted to the Committee on Rules.

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

RESOLUTIONS REFERRED

The SPEAKER. The Speaker states for the record that HR 82 and HR 232 should be removed from the uncontested calendar and referred to the Committee on Rules.

UNCONTESTED CALENDAR

RESOLUTIONS PURSUANT TO RULE 35

Mr. GRELL called up **HR 275, PN 1818**, entitled:

A Resolution recognizing May 2011 as "Drug Treatment Court Month" in Pennsylvania.

* * *

Mr. BRADFORD called up **HR 277, PN 1819**, entitled:

A Resolution recognizing the role of licensed physical therapists in promoting the health of women and calling upon the women of this Commonwealth to take steps to maintain their health.

* * *

Mr. STURLA called up **HR 278, PN 1820**, entitled:

A Resolution recognizing May 14 through 22, 2011, as "Outdoor Living Week" in Pennsylvania.

* * *

Ms. DONATUCCI called up **HR 280, PN 1821**, entitled:

A Resolution designating May 8 through 14, 2011, as "National Nursing Home Week" in Pennsylvania.

On the question,
Will the House adopt the resolutions?

The following roll call was recorded:

YEAS—190

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

NAYS—0

NOT VOTING—0

EXCUSED—13

Deasy	Kavulich	Miccarelli	Reichley
Godshall	Killion	Murt	Wagner
Hackett	Mahoney	O'Brien, D.	Wheatley
Johnson			

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

ANNOUNCEMENT BY SPEAKER

The SPEAKER. For the information of the members, there will be no further votes today and the session day tomorrow has been canceled.

BILLS RECOMMITTED

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

- HB 8;
- HB 170; and
- HB 1278.

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

BILLS REMOVED FROM TABLE

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

- HB 808;
- HB 916;
- HB 1336;
- HB 1411; and
- HB 1485.

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

BILLS REMOVED FROM TABLE

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

- HB 553;
- HB 575;
- HB 608;
- HB 735;
- HB 864; and
- SB 387.

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

BILLS TABLED

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

HB 553;
HB 575;
HB 608;
HB 735;
HB 864; and
SB 387.

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. Petrarca, seek recognition?

Mr. PETRARCA. To correct the record, Mr. Speaker.

The SPEAKER. The gentleman may state his correction.

Mr. PETRARCA. On HB 896, I was improperly recorded in the affirmative. I would like the record to show that I intended to vote "no" on that bill.

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

ADJOURNMENT

The SPEAKER. The Speaker recognizes the lady, Mrs. Rosemary Brown, from Monroe County, who moves that this House do adjourn until Monday, May 23, 2011, at 1 p.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 5:43 p.m., e.d.t., the House adjourned.