

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

MONDAY, JUNE 27, 2011

SESSION OF 2011

195TH OF THE GENERAL ASSEMBLY

No. 54

HOUSE OF REPRESENTATIVES

The House convened at 10 a.m., e.d.t.

THE SPEAKER (SAMUEL H. SMITH) PRESIDING

PRAYER

HON. MICHAEL K. HANNA, member of the House of Representatives, offered the following prayer:

Thank you, Mr. Speaker.

Please bow your heads in prayer:

Almighty God, You have given us this good land for our heritage. We humbly ask that we may always prove ourselves a people mindful of Your favor and glad to do Your will. Bless us in our land with honorable endeavor, sound learning, and pure manners. Save us from violence, discord, and confusion; from pride and arrogance; and from every evil way. Defend our liberties and fashion into one united people the multitude brought here out of many backgrounds and places. Endow with the spirit of wisdom those to whom in Your name we entrust the authority of government, that there may be justice and peace at home and that through obedience to Your law, we may show forth Your praise among the nations of earth.

In times of prosperity, fill our hearts with thankfulness, and in a day of trouble, do not allow our trust in You to fail. We ask all of this through You, our Lord. 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 Sunday, June 26, 2011, will be postponed until printed.

GUESTS INTRODUCED

The SPEAKER. Could I have the members' attention. The Speaker would like to welcome a couple of guests that are with us today.

Located to the left of the rostrum, we welcome Caia Caldwell, an intern in Representative Tallman's Hanover office,

and she is a student at the University of Pittsburgh. Welcome to the hall of the House. Please stand and wave.

And also over here to the left of the Speaker's rostrum, we welcome Adrian Klein, and he is an intern in Representative Sheryl Delozier's district office. Welcome to the hall of the House today.

RULES AND APPROPRIATIONS COMMITTEE MEETINGS

The SPEAKER. If I could have the members' attention. I need to announce a couple of meetings.

The Rules Committee will be meeting at 10:15 in 39 East Wing, followed by an Appropriations Committee meeting at 10:30 in the majority caucus room, and we will report back to the floor at 11 a.m.

LABOR AND INDUSTRY COMMITTEE MEETING

The SPEAKER. Does the gentleman, Mr. Miller, rise for the purpose of making an announcement? The gentleman is in order.

Mr. MILLER. Thank you, Mr. Speaker.

Just a reminder that on the call of the recess here, the call of the Chair, the Labor and Industry Committee will be meeting in room 205, Ryan Building. Thank you.

The SPEAKER. Labor and Industry will be meeting in room 205 Ryan at the call of the Chair.

RECESS

The SPEAKER. This House stands in recess until 11 o'clock, unless sooner recalled by the Speaker.

AFTER RECESS

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

The SPEAKER. Given that the Appropriations Committee has not finished their business, the House will be at ease, thereby giving them permission to continue their meeting.

The House will come to order.

I have been informed that the Appropriations Committee has concluded its business.

LEAVES OF ABSENCE

The SPEAKER. The Speaker turns to leaves of absence and recognizes the majority whip, who requests a leave of absence for the gentleman, Mr. CUTLER, from Lancaster County for the day; the gentleman, Mr. MUSTIO, from Allegheny County for the day; the gentleman, Mr. HESS, from Bedford County for the day. Without objection, the leaves will be granted.

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

MASTER ROLL CALL

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

(Members proceeded to vote.)

LEAVE OF ABSENCE

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

MASTER ROLL CALL CONTINUED

The following roll call was recorded:

PRESENT—198

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

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

ADDITIONS—0

NOT VOTING—0

EXCUSED—5

Bradford	Cutler	Hess	Mustio
Brennan			

LEAVES ADDED—5

DeWeese	Sabatina	Staback	Vereb
Preston			

LEAVES CANCELED—3

Bradford	DeWeese	Mustio
----------	---------	--------

The SPEAKER. One hundred ninety-eight members having voted on the master roll call, a quorum is present.

GUESTS INTRODUCED

The SPEAKER. The Speaker would like to welcome a couple of other guests that are with us.

Located to the left of the rostrum, we welcome guest page Alexandra Marie Wagner. Alexandra is here with her sister, Abigail Rose Wagner, and these girls are the goddaughters of Representative Tarah Toohil. Welcome to the hall of the House.

Also located to the left of the rostrum, we would like to welcome Luigi Borda, Angelica Borda, and Jamie Gobreski, and they are the guests of Representative Donatucci. Will our guests please rise. Welcome to the hall of the House.

STATEMENT BY MS. DONATUCCI

The SPEAKER. Does the lady from Philadelphia, Ms. Donatucci, seek recognition under unanimous consent relative to her visitors today?

Ms. DONATUCCI. Thank you, Mr. Speaker.

Luigi Borda came to America when he was 3 years old, and according to him, he has lived the American dream.

Mr. Speaker, as a friend, neighbor, and constituent, Luigi has always been involved in neighborhood and local matters. As an educator, Luigi is a strong advocate for education, and he is here today because over the course of 4 days, Thursday to Sunday, he ran from Philadelphia to Harrisburg, 25 miles a day, in an effort to increase public awareness of cuts to education.

Mr. Borda has written a children's book about discovering Philadelphia through the eyes of a little Fiat, also named Luigi, and for those of you who attend Phillies games, I am sure most of you have probably seen Luigi, the Philly Fiat.

So, Mr. Speaker and colleagues, please join me today in welcoming Luigi Borda. Thank you.

BILLS REREPORTED FROM COMMITTEES

HB 651, PN 651 By Rep. TURZAI

An Act to promote the general welfare and stimulate the economy of the Commonwealth by requiring that all government agencies purchase only flags manufactured in the United States; and imposing a penalty.

RULES.

HB 965, PN 1033 By Rep. TURZAI

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, in primary and election expenses, defining "prerecorded political message"; and further providing for advertising.

RULES.

HB 970, PN 2051 By Rep. ADOLPH

An Act providing for the validity of electronic documents; authorizing county recorders of deeds to receive electronic documents as a means for recording real property; granting powers and duties to the county recorders of deeds; establishing the Electronic Recording Commission; and prescribing standards of uniformity.

APPROPRIATIONS.

HB 1549, PN 2221 By Rep. ADOLPH

An Act amending the act of August 9, 1955 (P.L.323, No.130), known as The County Code, in names and corporate powers and classification of counties, further providing for counties divided into nine classes; and, in prothonotary, clerks of court, clerk of orphan's court, register of wills, recorder of deeds, further providing for how offices to be held.

APPROPRIATIONS.

HB 1683, PN 2185 By Rep. ADOLPH

An Act amending the act of July 2, 1984 (P.L.561, No.112), known as the Pennsylvania Conservation Corps Act, further providing for the definitions of "department" and "secretary"; and transferring the administration of the Pennsylvania Conservation Corps from the Department of Labor and Industry to the Department of Conservation and Natural Resources.

APPROPRIATIONS.

HB 1696, PN 2141 By Rep. ADOLPH

An Act providing for a temporary moratorium of court-ordered countywide reassessments and for reforms based upon study.

APPROPRIATIONS.

HB 1727, PN 2192 By Rep. ADOLPH

A Supplement to the act of July 28, 1966 (3rd Sp.Sess., P.L.87, No.3), known as the University of Pittsburgh—Commonwealth Act, making appropriations for carrying the same into effect; and providing for a basis for payments of such appropriations, for a method of accounting for the funds appropriated and for certain fiscal information disclosure.

APPROPRIATIONS.

HB 1728, PN 2193 By Rep. ADOLPH

A Supplement to the act of November 30, 1965 (P.L.843, No.355), known as the Temple University—Commonwealth Act, making appropriations for carrying the same into effect; providing for a basis for payments of such appropriations; and providing a method of accounting for the funds appropriated and for certain fiscal information disclosure.

APPROPRIATIONS.

HB 1729, PN 2194 By Rep. ADOLPH

An Act making appropriations to the Trustees of the University of Pennsylvania.

APPROPRIATIONS.

HB 1730, PN 2195 By Rep. ADOLPH

A Supplement to the act of July 7, 1972 (P.L.743, No.176), known as the Lincoln University—Commonwealth Act, making an appropriation for carrying the same into effect; providing for a basis for payments of the appropriation; and providing a method of accounting for the funds appropriated and for certain fiscal information disclosure.

APPROPRIATIONS.

HB 1731, PN 2222 (Amended) By Rep. ADOLPH

A Supplement to the act of April 1, 1863 (P.L.213, No.227), entitled "An act to accept the grant of Public Lands, by the United States, to the several states, for the endowment of Agricultural Colleges," making appropriations for carrying the same into effect; providing for a basis for payments of such appropriations, for a method of accounting for the funds appropriated and for certain fiscal information disclosure; and making an appropriation from a restricted account within the Agricultural College Land Scrip Fund.

APPROPRIATIONS.

SB 1131, PN 1389 By Rep. ADOLPH

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in general provisions relating to civil actions and proceedings, amending provisions relating to comparative negligence.

APPROPRIATIONS.

BILL REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

SB 552, PN 1442 (Amended) By Rep. MILLER

An Act amending the act of December 18, 2001 (P.L.949, No.114), known as the Workforce Development Act, providing for industry partnerships.

LABOR AND INDUSTRY.

PARLIAMENTARY INQUIRY

Mr. DERMODY. Mr. Speaker?

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

Mr. DERMODY. A point of parliamentary inquiry.

The SPEAKER. The gentleman will state his inquiry.

Mr. DERMODY. It is my understanding that HB 1731 was amended in the Appropriations Committee after it had received second consideration. I was wondering, I thought that was a violation of our rules to do that. So I am inquiring as to how that was properly amended after second in Appropriations.

The SPEAKER. I will get you the answer. Just one second. We have got to pull it up in the rules.

Under rule 19(a) on fiscal notes, item No. (3), "The Appropriations Committee shall be limited in its consideration of any such bill which has received second consideration" – that would be the bill in question; it had been given second consideration – "to the fiscal aspects of the bill and shall not consider the substantive merits of the bill nor refuse to report any such bill from committee for reasons other than fiscal aspects." So it is the Speaker's understanding that the amendment strictly applied to the fiscal aspects of the bill, which thereby under rule 19(a), section (3), would give them the authority to amend a bill that had previously been given second consideration on the House floor.

Mr. DERMODY. So does that mean the Appropriations Committee can amend after second for fiscal aspects of the bill?

The SPEAKER. That is exactly what rule 19(a), section (3), says: "...shall be limited in its consideration of any such bill which has received second consideration to the fiscal aspects of the bill...." So I believe that it is certainly the Speaker's understanding that the amendment that was inserted in Appropriations was restricted to the fiscal aspects and not the substantive nature of the nonpreferred appropriations bill, which, almost by definition, a nonpreferred bill is a fiscal bill.

Mr. DERMODY. Thank you, Mr. Speaker.

UNCONTESTED CALENDAR

RESOLUTION PURSUANT TO RULE 35

Mr. BRIGGS called up **HR 352, PN 2199**, entitled:

A Resolution recognizing the month of July 2011 as the "We (Heart) Brain Month" in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—198

Adolph	Emrick	Kortz	Ravenstahl
Aument	Evankovich	Kotik	Readshaw
Baker	Evans, D.	Krieger	Reed
Barbin	Evans, J.	Kula	Reese
Barrar	Everett	Lawrence	Reichley
Bear	Fabrizio	Longietti	Roae
Benninghoff	Farry	Maher	Rock

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

NAYS—0

NOT VOTING—0

EXCUSED—5

Bradford	Cutler	Hess	Mustio
Brennan			

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

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

SB 732, PN 1443 (Amended)

By Rep. BAKER

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

HEALTH.

CALENDAR

BILLS ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 247**, **PN 1752**, entitled:

An Act amending the act of December 4, 1996 (P.L.911, No.147), known as the Telemarketer Registration Act, further providing for definitions.

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

The SPEAKER. The House will please come to order and would kindly ask the members to please take their seats and clear the aisles. If members would please take their seats and if we could clear the aisles.

If members would please take their seats. Take the conversations to the back of the hall, if you can, kindly. We would appreciate it.

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

Mrs. **WATSON** offered the following amendment No. **A01947**:

Amend Bill, page 1, line 4, by inserting after "definitions" and for unlawful acts and penalties

Amend Bill, page 4, lines 21 and 22, by striking out all of said lines and inserting

Section 2. Section 5(a) of the act is amended by adding a paragraph to read:

Section 5. Unlawful acts and penalties.

(a) Acts enumerated.—The following acts are prohibited:

* * *

(10) Conducting telemarketing on a legal holiday.

* * *

Section 3. This act shall take effect as follows:

(1) The addition of section 5(a)(10) shall take effect in 60 days.

(2) This section shall take effect immediately.

(3) The remainder of this act shall take effect June 1, 2012, or immediately, whichever is later.

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

AMENDMENT WITHDRAWN

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

Mrs. WATSON. Thank you, Mr. Speaker.

Mr. Speaker, I am withdrawing this amendment. Thank you.

The SPEAKER. The Speaker thanks the lady.

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

* * *

The House proceeded to second consideration of **HB 1691**, **PN 2182**, entitled:

An Act amending the act of July 28, 1988 (P.L.556, No.101), known as the Municipal Waste Planning, Recycling and Waste Reduction Act, in general provisions, defining "yard waste," and in grants, further providing for general limitations.

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

* * *

The House proceeded to second consideration of **SB 260**, **PN 1400**, entitled:

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

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

Mr. **COHEN** offered the following amendment No. **A03605**:

Amend Bill, page 1, line 8, by inserting after "intent," for definitions,

Amend Bill, page 2, line 6, by inserting after "Prevention."

It is also the intent of the General Assembly to encourage persons in the general public to be screened for HIV infection.

Amend Bill, page 2, by inserting between lines 7 and 8

Section 2. Section 3 of the act is amended by adding a definition to read:

Section 3. Definitions.

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

* * *

"Rapid test." A test to determine the presence or absence of HIV antibodies in human body fluids that provides results in less than one hour.

* * *

Amend Bill, page 2, line 8, by striking out "1.1" and inserting 3

Amend Bill, page 2, line 8, by inserting after "(B)"

, (c), (d)

Amend Bill, page 2, line 9, by striking out "A SUBSECTION" and inserting

subsections

Amend Bill, page 2, lines 12 and 13, by striking out all of said lines and inserting

(a) Consent.—Except as provided in section 6 with respect to the

Amend Bill, page 2, line 14, by inserting a bracket before "no"

Amend Bill, page 2, line 16, by striking out the bracket before

"written"

Amend Bill, page 2, line 16, by striking out "]" documented"

Amend Bill, page 2, line 19, by inserting after "results."

] consent for an HIV-related test may be incorporated into a patient's general informed consent for medical care, providing that the patient is informed that the test will be performed unless the patient declines, and that the patient is provided with oral or written information that includes an explanation of HIV infection and the test, including prevention of, exposure to and transmission of HIV and the purpose,

potential uses and limitations of the test and the meaning of its results. The patient shall be offered the opportunity to ask questions and to decline testing.

Amend Bill, page 2, lines 20 through 26, by striking out all of said lines

Amend Bill, page 2, by inserting after line 30

(b.1) Oral or written information.—Information shall be made available to patients in a format that is easily understood and culturally and linguistically appropriate for the populations commonly encountered within the service area.

(b.2) Documentation.—A patient's consent or refusal to consent to an HIV-related test shall be documented in the patient's medical record.

(c) Confirmatory test.—No test result shall be determined as positive, and no positive test result shall be revealed, without confirmatory testing if it is required by generally accepted medical standards, provided that a provider may reveal the results of a rapid test along with an explanation of the significance of the test results, including that a confirmatory test is required to confirm a positive result.

(d) Notice of test result.—The physician who ordered the test, the physician's designee which for the delivery of positive results may include the Department of Health or a local health department or a successor in the same relationship to the subject shall make a good faith effort to inform the subject of the result regardless of whether the result is positive or negative.

Amend Bill, page 4, lines 14 through 30; page 5, lines 1 through 6, by striking out all of said lines on said pages

Amend Bill, page 5, line 7, by striking out "2" and inserting

4

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

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

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, this amendment was originally drafted by the Pennsylvania Department of Health to this bill. When the Human Services Committee first announced its intent to run this bill on June 7, it was assumed that this bill would be amended to include the amendment now before the House, drafted by the Department of Health, and circulated to committee members.

The amendment was the product of the stakeholders' meetings conducted over the past year and supported by the American Academy of HIV Medicine, the physicians who treat HIV (human immunodeficiency virus) and AIDS (acquired immune deficiency syndrome), as well as the testing by laboratories that visited my office on this subject. It also made significant steps toward addressing the concerns of the AIDS Law Project and others with this bill's objective of removing the requirements of current law for a patient's signature to consent to HIV testing.

No one communicated with my office any opposition to the original Department of Health language. I had stated my intention to vote for the bill with the Department of Health amendment, but at the last minute, the amendment was withdrawn. I would like this House to reinstate that amendment today. This amendment includes language from the Centers for Disease Control recommendations published September 22, 2006, as originally drafted by the Department of Health to flesh out the meaning of "informed consent" in this bill and to encourage HIV education. The amendment also includes language originally drafted by the department for the use of the

new HIV rapid test, which was supported by the HIV laboratories.

Mr. Speaker, there is nothing added or subtracted from this amendment that was not in the original Department of Health amendment or already adopted by this committee. I think we can make this bill a better bill today. If the goal is to truly meet CDC (Centers for Disease Control) guidelines, we should not just pick the convenient ones. We should adopt this amendment and preserve the CDC guidelines for informed consent and patient education.

The CDC guidelines are interrelated. They are comprehensive. We believe that this amendment makes this a much better bill. I urge support of it.

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

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

Mr. DiGIROLAMO. Thank you, Mr. Speaker.

Mr. Speaker, I rise in opposition to the amendment by my Democratic chairman, Representative Cohen. Although his intentions, I believe, are really good, this bill passed out of the Senate 50 to zero.

There were some concerns that the Department of Health had. We inserted an amendment in a Human Services Committee meeting. That amendment passed, and as it stands now, the bill was supported by many of the medical professionals around the State.

So I would ask for a negative vote. Actually, this bill as it stands now brings us into compliance with the CDC recommendations for HIV testing, and I would ask for a negative vote on the amendment. Thank you.

LEAVE OF ABSENCE CANCELED

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

CONSIDERATION OF SB 260 CONTINUED

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

The following roll call was recorded:

YEAS—57

Bishop	DeLissio	Keller, W.	Roebuck
Boyle, B.	Dermody	Kirkland	Sabatina
Boyle, K.	DeWeese	Kula	Samuelsom
Briggs	Donatucci	Mahoney	Santarsiero
Brown, V.	Evans, D.	Mann	Santoni
Brownlee	Fabrizio	Markosek	Staback
Buxton	Frankel	McGeehan	Sturla
Caltagirone	Freeman	Mirabito	Thomas
Cohen	George	Mundy	Vitali
Conklin	Gerber	Myers	Wagner
Cruz	Hanna	O'Brien, M.	Waters
Curry	Harkins	Parker	Wheatley
Daley	Johnson	Payton	Williams
Davidson	Josephs	Preston	Youngblood
Davis			

NAYS—142

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

NOT VOTING—0

EXCUSED—4

Bradford	Brennan	Cutler	Hess
----------	---------	--------	------

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

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

Ms. **DeLISSIO** offered the following amendment
No. **A03607**:

Amend Bill, page 2, line 16, by striking out the bracket before "written"

Amend Bill, page 2, line 16, by striking out "] documented"

Amend Bill, page 2, line 16, by inserting after "subject"
as evidenced by the patient's signature

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

The SPEAKER. Will the members please clear the aisles. Will the members please clear the aisles and take the conversations to the rear of the House if necessary.

On the amendment, the Speaker recognizes the lady, Ms. DeLissio.

Ms. DeLISSIO. Thank you, Mr. Speaker.

Mr. Speaker, the way the bill is currently drafted allows a physician to include the HIV test in a general consent form, and a general consent form is what we sign when we first sign up with a physician's practice.

This particular test is not called out in any way, and the concern would be that an individual physician may decide that they are at risk and orders the test for them without giving them an opportunity to really understand the test that is being ordered. And as we can imagine, testing HIV positive changes everything we know about life. There is a certain treatment, a regimen that one has to follow, and I think that having the ability to continue to definitively agree to this in writing is very important.

This amendment does not violate the CDC guidelines. In fact, the CDC guidelines talk about informed consent as "A process of communication between patient and provider through which an informed patient can choose whether to undergo HIV testing or decline to do so. Elements of informed consent typically include providing oral or written...." So the CDC guidelines give a choice of both.

My concern is that this bill has come about as a result of perceived and real barriers to Act 148. Those barriers are primarily those barriers identified by physicians who find it very time consuming to sit down to do the pretesting, the pretest counseling as well as the posttest counseling, even if somebody's results are negative. Physicians are generally somewhat pressed for time, and my concern is this can be very easily overlooked and informed consent will not necessarily be gotten in all occasions.

So I hope that everybody who considers themselves a patient would not want this done to them. If they were the patient, they would want to know this definitively and be able to give informed consent or be able to opt out. So we, too, are all patients of some doctor, so please put yourself in those shoes, decide if you would like this to happen to you without your knowing about it, and I would urge everybody to join me in voting "yes" for this amendment. Thank you.

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

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

Mr. DiGIROLAMO. Thank you, Mr. Speaker.

Again I rise in opposition to this amendment. And again, the gentelady has good intentions, but this bill as we have it on the floor brings Pennsylvania into compliance with the CDC recommendations. I might add that we are only one of five States that has not adopted the CDC recommendations.

And again, this bill as on the floor has the support of the Department of Health, the Hospital Association, the Pennsylvania Medical Society, the Academy of Family Physicians, the Academy of Pediatrics specialists, and the association of HIV/AIDS specialists.

So again, Mr. Speaker, I would ask for a negative vote on the amendment. Thank you.

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

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

Mr. COHEN. Mr. Speaker, AIDS and HIV are not just diseases; they are diagnoses that create legal and practical

problems for many of the people who have them. It is not just a matter of getting all the health-care professionals involved; you have to deal with the status concerns and the legal concerns of the people who are unfortunate enough to have HIV and AIDS.

Representative DeLissio's amendment deals with these concerns. It would be a major improvement for this bill. I would urge support of her amendment.

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

The following roll call was recorded:

YEAS—54

Boyle, B.	Donatucci	Mahoney	Roebuck
Boyle, K.	Evans, D.	Mann	Sabatina
Briggs	Frankel	Markosek	Samuelson
Brown, V.	Freeman	McGeehan	Santarsiero
Brownlee	George	Mirabito	Santoni
Buxton	Gerber	Mullery	Staback
Caltagirone	Gergely	Mundy	Sturla
Cohen	Hanna	Myers	Vitali
Curry	Johnson	O'Brien, M.	Wagner
Daley	Josephs	Parker	Waters
Davis	Kavulich	Pashinski	Wheatley
DeLissio	Keller, W.	Payton	Williams
Dermody	Kirkland	Preston	Youngblood
DeWeese	Kula		

NAYS—145

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

NOT VOTING—0

EXCUSED—4

Bradford Brennan Cutler Hess

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

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

Ms. **DeLISSIO** offered the following amendment
No. **A03608**:

Amend Bill, page 2, line 20, by striking out "may" and inserting
shall

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

The SPEAKER. On that question, the Speaker recognizes the lady, Ms. DeLissio.

Ms. DeLISSIO. Thank you, Mr. Speaker.

This amendment changes the word "may" to the word "shall." As you recall, I just read the CDC guidelines as it pertains to informed consent, and they are very clear about giving an opt-out opportunity. The way the language appears in the current legislation is that a health-care provider "may" offer opt-out HIV testing. The section under that also says that the health-care provider has to document the provision of informed consent.

Now, when I spoke to the Department of Health about their work group that they convened in 2008 and the reason for that work group, I found out that there were both perceived and real barriers to Act 148, and a lot of the problems came from the fact that the legislation was not very well drafted and the regulations subsequently were not very well drafted and it caused a lot of confusion. That confusion leads to inconsistent implementation. It makes organizations go seek legal advice and legal counsel. That counsel tends to be very, very conservative in how somebody should proceed. By simply changing this word from "may" to "shall," it will be perfectly clear, it will be perfectly clear that physicians must offer this opportunity to opt out.

Again, everybody here is a patient of a medical practice. I am sure not any of us would want this to happen to us individually or personally that we could inadvertently be tested for HIV without our permission. With that in mind, I encourage everyone to please vote "yes" for this amendment. Thank you.

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

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

Mr. COHEN. Thank you.

Mr. Speaker, like my amendment, this amendment is compliant with CDC regulations. This increases the degree to which the bill is compliant with CDC regulations. The CDC regulation that this is compliant with reads, "Performing HIV screening after notifying the patient that 1) the test will be performed and 2) the patient may elect to decline or defer testing. Assent is inferred unless the patient declines testing."

Mr. Speaker, Representative DeLissio's amendment takes a bill that serves an important purpose and makes it a much better bill that deals with the broader concerns dealing with people who have AIDS and HIV. I strongly urge support of this amendment.

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

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

Mr. DiGIROLAMO. Thank you, Mr. Speaker.

Again, as I stated in the previous two amendments, I would ask for a negative vote on this amendment.

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

The following roll call was recorded:

YEAS-57

Bishop	DeLissio	Kirkland	Roebuck
Boyle, B.	Dermody	Kula	Sabatina
Boyle, K.	DeWeese	Mahoney	Samuelson
Briggs	Donatucci	Mann	Santarsiero
Brown, V.	Evans, D.	McGeehan	Santoni
Brownlee	Frankel	Mirabito	Staback
Buxton	Freeman	Mullery	Sturla
Caltagirone	George	Mundy	Thomas
Carroll	Gerber	Myers	Vitali
Cohen	Hanna	O'Brien, M.	Wagner
Cruz	Johnson	Parker	Waters
Curry	Josephs	Pashinski	Wheatley
Daley	Kavulich	Payton	Williams
Davidson	Keller, W.	Preston	Youngblood
Davis			

NAYS-142

Adolph	Farry	Krieger	Ravenstahl
Aument	Fleck	Lawrence	Readshaw
Baker	Gabler	Longietti	Reed
Barbin	Galloway	Maher	Reese
Barrar	Geist	Major	Reichley
Bear	Gergely	Maloney	Roae
Benninghoff	Gibbons	Markosek	Rock
Bloom	Gillen	Marshall	Ross
Boback	Gillespie	Marsico	Saccone
Boyd	Gingrich	Masser	Sainato
Brooks	Godshall	Matzie	Saylor
Brown, R.	Goodman	Metcalfe	Scavello
Burns	Grell	Metzgar	Schroder
Causar	Grove	Miccarelli	Shapiro
Christiana	Hackett	Micozzie	Simmons
Clymer	Hahn	Millard	Smith, K.
Conklin	Haluska	Miller	Smith, M.
Costa, D.	Harhai	Milne	Sonney
Costa, P.	Harhart	Moul	Stephens
Cox	Harkins	Murphy	Stern
Creighton	Harper	Murt	Stevenson
Culver	Harris	Mustio	Swanger
Day	Heffley	Neuman	Tallman
Deasy	Helm	O'Brien, D.	Taylor
Delozier	Hennessey	O'Neill	Tobash
DeLuca	Hickernell	Oberlander	Toepel
Denlinger	Hornaman	Payne	Toohil
DePasquale	Hutchinson	Peifer	Truitt
DiGirolamo	Kampf	Perry	Turzai
Dunbar	Kauffman	Petrarca	Vereb
Ellis	Keller, F.	Petri	Vulakovich

Emrick	Keller, M.K.	Pickett	Watson
Evankovich	Killion	Pyle	White
Evans, J.	Knowles	Quigley	
Everett	Kortz	Quinn	Smith, S.,
Fabrizio	Kotik	Rapp	Speaker

NOT VOTING-0

EXCUSED-4

Bradford	Brennan	Cutler	Hess
----------	---------	--------	------

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

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

* * *

The House proceeded to second consideration of **SB 791, PN 821**, entitled:

An Act amending the act of May 13, 1980 (P.L.122, No.48), known as the Bluff Recession and Setback Act, further providing for definitions; and making editorial changes.

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

The SPEAKER. It is the Speaker's understanding that the one amendment filed to this bill has been withdrawn.

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

* * *

The House proceeded to second consideration of **HB 816, PN 1853**, entitled:

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.

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

SUPPLEMENTAL CALENDAR B

BILL ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 651, PN 651**, entitled:

An Act to promote the general welfare and stimulate the economy of the Commonwealth by requiring that all government agencies purchase only flags manufactured in the United States; and imposing a penalty.

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

CALENDAR CONTINUED

RESOLUTIONS

Mr. WHITE called up **HR 343, PN 2145**, entitled:

A Resolution establishing a task force to develop a set of uniform standards for county reassessment contracting, develop standards for disclosing the county's system of property valuation and assessment, develop a self-evaluation tool for counties to determine when a reassessment is warranted and recommend a standard to be used for a Statewide mandatory reassessment time frame.

On the question,
Will the House adopt the resolution?

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

Mr. HENNESSEY. Thank you, Mr. Speaker.

May I interrogate the maker of the resolution?

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

Mr. HENNESSEY. Thank you, Mr. Speaker.

Mr. Speaker, as we deal with this issue of assessments or the study of the assessment process, one issue of concern to a number of us in the House is the problem of fairly assessing mobile homes. In contrast to traditional housing, the stick-built housing, which generally appreciates over time, mobile homes almost universally depreciate, and it creates a real unfair situation for the owners of mobile homes as they deal with trying to pay their taxes on a depreciating asset. Do you feel that your resolution is broad enough to allow the task force that reports back to the House on this resolution to at least take a look at the issue of mobile home valuations for assessment purposes and report on different methods of trying to find fairness in our system?

Mr. WHITE. Thank you, Mr. Speaker.

Yes. After consulting with you and other members of the Local Government Committee on this issue, it is definitely the intention that this task force would be able to examine that issue and include that in its findings.

Mr. HENNESSEY. Okay. Thank you, Mr. Speaker.

Mr. Speaker, thank you very much. I wanted to establish the legislative intent that we ask this task force to give us some options in terms of how they might recommend we deal with the problem of assessing mobile homes, and I appreciate the maker of the resolution's willingness to include that within the scope of this legislation. Thank you.

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

The following roll call was recorded:

YEAS—199

Adolph	Evankovich	Kotik	Ravenstahl
Aument	Evans, D.	Krieger	Readshaw
Baker	Evans, J.	Kula	Reed

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

NAYS—0

NOT VOTING—0

EXCUSED—4

Bradford	Brennan	Cutler	Hess
----------	---------	--------	------

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

* * *

Mr. NEUMAN called up **HR 344, PN 2146**, entitled:

A Resolution establishing a task force to develop criteria and procedures for data submission, verification and collection to address insufficient sample data and/or to assure and disclose that the sample data relied on to develop a county's performance measure during a reassessment is representative of the bulk of the county's property inventory.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—199

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

NAYS—0

NOT VOTING—0

EXCUSED—4

Bradford	Brennan	Cutler	Hess
----------	---------	--------	------

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

SUPPLEMENTAL CALENDAR A

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 1131, PN 1389**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in general provisions relating to civil actions and proceedings, amending provisions relating to comparative negligence.

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

(Bill analysis was read.)

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

The question is, shall the bill pass finally?

On that question, the Speaker recognizes the gentleman from Chester County, Mr. Schroder. Will the gentleman just hold off a second.

Will the members please take their seats. The Speaker thanks the members.

The gentleman, Mr. Schroder, may proceed.

Mr. SCHRODER. Thank you, Mr. Speaker.

Mr. Speaker, I rise to urge a "yes" vote on final passage for SB 1131. As you know, SB 1131 is the Fair Share Act. It reflects the provisions that passed the House earlier this spring in HB 1.

Mr. Speaker, the Fair Share Act has had a long and twisted road over the past decade or so, and I am glad that we have finally been able to overcome these obstacles. Now, this is poised to go directly to the Governor's desk for his signature, and I want to thank the members of the House, the Republican Caucus, who have supported this so strongly during this session and over the years.

Mr. Speaker, when we pass the Fair Share Act and it goes to the Governor, we will once again be restoring a level of fairness to our civil justice system that has been missing for a long, long time, a system of fairness that the vast majority of other States across the nation have felt it worthy to pass into law and to be governed by. So, Mr. Speaker, by limiting the doctrine of joint and several liability and making sure that a defendant only pays the share that they are causally responsible for as apportioned by the jury, we will go a long way to not only restoring the fairness in our judicial system but in setting Pennsylvania up to be more competitive with neighboring States as far as their climate for creating jobs and retaining jobs here in this Commonwealth.

So I thank the House for your attention, and I ask for a "yes" vote for SB 1131.

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

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

Mr. HANNA. Thank you, Mr. Speaker.

Mr. Speaker, I rise in opposition to SB 1131. This bill repeals joint and several liability, which is a legal concept that has been in place in Pennsylvania for more than 200 years.

Although SB 1131 is referred to as the Fair Share Act, the truth is that it is the wrongdoer protection act.

Joint and several liability is a legal doctrine that ensures that a victim who is awarded damages by a court will be able to collect the total damages they are due, even if one of the wrongdoers is unable to pay. Under current law, a victim who has been injured or harmed by more than one wrongdoer is permitted to recover 100 percent of his or her damages from any one of the wrongdoers who are found legally liable.

Joint and several liability was created to make sure victims are able to be made whole, even if one or more of the wrongdoers are unable to pay their share of the damages. Joint and several liability prevents victims from having to bear the burden of damages done to them by wrongdoers. Joint and several liability ensures that even if one or more wrongdoers is insolvent and unable to pay the damages, the victim may still recover the full amount of judgment from each one of the remaining wrongdoers.

And I want to just share with you something that happened in my district, and while all the facts have not played out, the potential is certainly there that they could play out exactly as I am going to describe them to you.

As you are all aware, the Marcellus gas play is in full bloom in north-central Pennsylvania. In many cases, multinational gas companies are the parent companies of a subsidiary that owns a lease. That subsidiary then hires an independent drilling company. That independent drilling company then hires independent trucking companies. That independent trucking company then hires independent drivers. Ultimately, you end up with a scenario where there may be five or six corporations in the line of the development of that shale. That independent trucker, through largely his negligence, causes an accident in which pollution is caused to an innocent victim – pollution is caused to the property of an innocent victim. Now, think about it. A jury concludes that the truck driver, the independent truck driver, is 58-, 59-, or 60-percent liable. That victim and that independent truck driver is insolvent or bankrupt. That victim is going to pay 60 percent of the cost of cleanup in that lawsuit. The victim will end up picking up the tab to clean up that pollution.

Now, certainly in the scenario that I described to you, you would all agree that the multinational drilling company, the independent subsidiary, the independent drilling company, the independent trucking company, had a lot more control over the independent driver than the victim did. So certainly I would hope you would agree with me that it is unfair for this bill to provide that the victim will end up paying for 60 percent of the cleanup.

Under current law, any wrongdoer who reimbursed the victim for a greater portion of the damages directly attributed to his conduct may seek compensation for each of the other wrongdoers. So in my scenario, all of those others could share amongst themselves as to who is going to pay which portion of the damages. By seeking compensation, any wrongdoer who paid more than the amount directly attributed to his or her conduct can ensure he or she will only pay his fair share of the damages unless another wrongdoer cannot pay. If all wrongdoers are able to pay, no defendant will ever pay more than their fair share. When a wrongdoer cannot pay, the portion of the victim's damages directly attributed to that wrongdoer must be taken from one of the other parties to the lawsuit under current law.

Under joint and several liability, any portion not paid by the wrongdoer who owes it is taken from the other wrongdoers, because under joint and several liability, all victims are made whole. That is the key here. The rights of victims should be the number one priority in our legal system. Under this bill, wrongdoers become the priority and the interests of victims are brushed aside.

SB 1131 will protect the interests of wrongdoers over the interests of senior citizens. Many seniors are on fixed incomes or are just barely able to balance paying for their household expenses, including property taxes, energy costs, food and groceries, and of course, medical care. For these seniors who are already struggling, the financial burden from damages caused by wrongdoers is often more difficult to bear.

Let us ask ourselves one simple question: Whom are we trying to protect here? Do we really want to protect wrongdoers who harm seniors on fixed incomes or children, or do we want to protect Pennsylvania's seniors and children and most vulnerable constituents? This plan will hurt seniors who are the victims of wrongdoing and will protect those found legally liable of hurting them.

SB 1131 will shield wrongdoers who do harm to the Commonwealth or local governments, leaving taxpayers on the hook for damages and losses caused by their wrongdoing. Taxpayers should not be on the hook for someone else's wrongdoing against the Commonwealth – a county, a school district, a city, a borough, or a township or any other local government entity.

Under SB 1131, the taxpayers of Pennsylvania have zero protections to ensure they will not be left holding the bag to cover the losses or damages from an active wrongdoing against the Commonwealth or a local government. SB 1131 protects wrongdoers and leaves taxpayers holding the bag. Mr. Speaker, I urge a "no" vote.

Thank you, Mr. Speaker.

LEAVE OF ABSENCE CANCELED

The SPEAKER. The Speaker returns to leaves of absence and notices the presence of the gentleman from Montgomery County, Mr. Bradford, on the floor. His name will be added to the master roll call.

CONSIDERATION OF SB 1131 CONTINUED

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

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

Mr. BARBIN. Thank you, Mr. Speaker.

Will the majority leader stand for interrogation on the bill?

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

Mr. BARBIN. Thank you, Mr. Speaker.

Mr. Speaker, is there anything in the bill that would provide relief to a victim who does not receive a full recovery based upon a 59-percent judgment-proof defendant?

Mr. TURZAI. Mr. Speaker, as you well know, we have had significant debate on SB 1131 when we passed HB 1. There is really not much I can add, to answer your question, to the prior debate. Thank you.

Mr. BARBIN. Well, is your prior answer in debate then that there is no protection?

Mr. TURZAI. Prior debate speaks for itself, in addition to my comments on HB 1 and in prior sessions.

Mr. BARBIN. Is there anything in this bill to create a fund to protect victims who cannot receive a full recovery based on the judgment-proof defendant?

Mr. TURZAI. Mr. Speaker, I do believe these are questions that the maker knows the answer of. And I certainly understand that if he wants to argue on the floor with respect to those issues, that is appropriate, but under our rules, you are not to use the interrogation process to get answers that you know of already yourself.

Mr. BARBIN. Mr. Speaker—

The SPEAKER. The speaker will suspend.

The gentleman is correct. The purpose of interrogation is to seek information and it is not to pose questions in an argumentative way, and in that regard, the majority leader is correct.

The gentleman may proceed under interrogation.

Mr. BARBIN. Mr. Speaker, I will accept your ruling. However, I will note that this bill has been changed not only in the committee of the Senate but also—

The SPEAKER. The gentleman will suspend.

It is not the proper procedure for the Speaker to be in debate with a member. I would say that the member is in order and may proceed if he wishes to go further with interrogation.

Mr. BARBIN. One final question, Mr. Speaker. One final question.

Is there anything in this bill to provide a mechanism by which the legislature will know one way or the other whether jobs have been created as a result of this bill?

Mr. TURZAI. I think it is imperative upon the maker to look at the economic positive impact once the bill is enacted into law, and I think he will be surprised at how it brings new jobs to the State of Pennsylvania. It is a message to employers and entrepreneurs throughout the State to say, look, we want you to stay here, expand here, and relocate here, because Pennsylvania is open for jobs. Family-sustaining private-sector opportunities—

Mr. BARBIN. Mr. Speaker, a point of personal—

Mr. TURZAI. —is the goal of lawsuit abuse reform. Thank you.

Mr. BARBIN. Thank you.

On the bill, Mr. Speaker?

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

Mr. BARBIN. I am going to assume from that last discussion that the answers to the questions are no, no, and no. There is no relief for a 59-percent judgment-proof defendant in this bill. There is also no fund to protect seniors or anyone else from economic damages that are done in the context of a judgment-proof defendant. And lastly, there is nothing in this bill that will ever show us whether jobs are actually created by this bill.

Now, the thing that is most strange to me about this bill is that there is a serious problem that we need to deal with in Pennsylvania, and that problem is balancing the interests of businesses, hospitals, and people who need relief from certain aspects of trial decisions which are aberrations. Instead of dealing with that problem, we have chosen an entirely different way to go, and to me, it sounds like a sound bite. The reason it

sounds like a sound bite is, last night I read "The Patriot's Toolbox," and "The Patriot's Toolbox" is a publication put out by The Heartland Institute, and in their section on tort reform, the first thing that they say that is most important when dealing with tort reform is to make sure that victims are compensated fully. There are States that actually provide funds that make sure that victims are treated as well as the businesses that you want to provide the relief to. But for whatever reason, the Senate has taken out the two most important amendments, or they were part of the bill when they left this chamber: economic damages have to be recovered under joint and several. It goes over to the Senate; 13 Senators, 1 voting against it, agree to the bill that includes economic damages. Thirteen members of the Senate committee agree to the provision that says minors should be protected.

Now, if minors and economic damages were protected, you would not need a special provision for seniors. But because they are not, because the bill is amended on the floor with a gut-and-replace amendment in the Senate, seniors are at risk, all victims are at risk for economic damages, all minors are at risk.

Now, there is no reason in the world why we cannot provide tort reform. We can. This tort reform does not protect victims. It does not protect minors. It does not protect seniors. It does not even have a fund like the State of Missouri to at least have some way that if a person is injured by a judgment-proof defendant, that they do not have to become a ward of the State. This is a bad bill that could be corrected. And since we are taking no steps to correct it, since we are taking no steps to create a fund, I cannot vote for this bill and I do not think any of us should, because if a senior citizen is hurt after this bill is passed, they are in jeopardy of receiving recovery for economic damages. Even The Heartland Institute says that should be the first priority when you do tort reform. For some reason, we are not doing it here in Pennsylvania.

I do not know how you are going to vote on this, but as for me, I am voting for the seniors, the minors, and those people that should get economic damages. I ask for a "no" vote on the bill.

LEAVE OF ABSENCE

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

CONSIDERATION OF SB 1131 CONTINUED

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

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

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, I rise in opposition to final passage of SB 1131.

You know, in the past few years, we have seen a slow but determined erosion of individual rights in favor of corporate rights, and this is yet another example. We saw the *Citizens United* decision where corporations were given personhood status so they could contribute to political campaigns and exert more influence on the political process to the detriment of individuals.

Mr. SCHRODER. Mr. Speaker? Mr. Speaker?

Mr. STURLA. We have seen—

The SPEAKER. The gentleman will suspend.

POINT OF ORDER

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

Mr. SCHRODER. A point of order.

The gentleman is already, in his opening statements, far afield of anything that has to do with the joint and several liability or the contents of this bill. This bill has nothing to do with the *Citizens United* decision or anything emanating from that, so I ask that he be reminded to properly keep on the topic.

The SPEAKER. The Speaker thanks the gentleman and would ask the member to stay focused on the bill that is before us.

The gentleman may proceed.

Mr. STURLA. Thank you, Mr. Speaker.

If I could, this bill is part of a pattern, and it is the logical conclusion of a pattern that started with *Citizens United* and corporations gaining personhood status. We have seen it with the decision with Walmart where individuals could not file a class action lawsuit against them—

Mr. SCHRODER. Mr. Speaker?

Mr. STURLA. —and had to succumb to the interests of large corporations—

The SPEAKER. The gentleman will suspend.

POINT OF ORDER

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

Mr. SCHRODER. The same objection as before.

The SPEAKER. The Speaker recognizes the gentleman's objection. In the Speaker's judgment, the gentleman is pushing on the edge of the envelope, but he clearly is drawing a point of a pattern, and I do not think that it is too far afield from the subject before the House.

The gentleman may proceed.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, the reason I rise against this bill is because I believe it is part of a pattern. We have seen it with voting rights being taken away from individuals to increase the influence of corporations. We will see it with tax breaks for corporations and increased taxes for individuals.

Mr. SCHRODER. Mr. Speaker? Mr. Speaker?

The SPEAKER. The gentleman will suspend.

POINT OF ORDER

Mr. SCHRODER. Another point of order.

Now we are on the Tax Code. Mr. Speaker, this has nothing to do with civil liability or the joint and several or the Fair Share Act, and I ask that the gentleman be admonished to stay on point.

The SPEAKER. The Speaker thanks the gentleman.

The Speaker is monitoring the gentleman's debate closely, and in his judgment, he is, as I said before, he is certainly on the edge of getting off the subject. But I think he has been tying it

to his reasons for opposing the bill, and I believe— I do not speak for you opposing the bill; I apologize. The Speaker would ask the gentleman to keep the point succinct as he is making his circuitous way to the point he is making.

The gentleman may proceed.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, the point here is that we have started to see a pattern occurring where individual rights are being eroded in favor of corporate interests, and that is exactly what this bill is all about. That is the only thing this bill is about. This bill is about the erosion of the rights of individuals to recover damages in favor of the rights of corporate interests to not have to pay damages. Clear and simple, that is the only thing this bill is about, and it is a pattern that has been established.

Mr. Speaker, I know there are members on both sides of the aisle that like to go home and talk to their constituents about how they stood up for individuals and how individuals are paramount, and how they believe that individuals should take responsibility, and that individuals should be independent people, and then some members come back here and vote consistently again and again and again to erode the rights of those individuals and favor some nebulous entity called a corporation.

There was a time in Pennsylvania – it was before the time that I was here and before the time that any member who sits on the floor was here – when corporations in this State were granted a privilege to exist, and at any given point in time, that privilege could be removed from that corporation by an act of the State, and the State granted permission for that privilege because they were more concerned about the rights of individuals. And we have now turned the corner, I believe, and with this legislation gone well beyond the corner where some members are more concerned about the interests of corporations and believe that the rights of individuals are privileges.

I would urge a "no" vote on SB 1131. Thank you, Mr. Speaker.

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

On that question, the Speaker recognizes the gentleman from Washington County, Mr. Neuman.

Mr. NEUMAN. Thank you, Mr. Speaker.

Whenever you talk to people about joint and several liability and you explain the example of the 90 percent and 10 percent, or even 60/40, yeah, it sounds fair that somebody that was negligent, deemed to be negligent 60 percent or 10 percent only pay 10 percent. But if you ask that same person, if you are injured and you have \$10 in damages, if you have \$10,000 in damages, or if you have \$100,000 in damages, what should you recover, their answer is the same all the time: They should recover fully.

When I say "fully," I mean economic damages. I do not think anybody can stand up to the mike and say that some sort of reform is not needed. Economic damages should continue to be joint and several. It is important that we continue to provide the families of the injured a way to live, a way to have a home, a way to have money for groceries, a way to keep them off the State payrolls, a way to keep them off welfare.

Mr. Speaker, the reason I am voting against this is the exceptions are too very narrow. We talked about the exceptions in HB 1 on second consideration. There was some confusion. Some of the members thought that the intentional tort exception was broader than it is, but it only includes the person that committed the intentional tort.

Mr. Speaker, I hope I am not informing any member of this House that we have accomplice liability in this State. And yes, I know that is on the criminal side, but many civil actions stem from criminal cases, and right now, if we pass this bill, the accomplices of a criminal action and a civil action that stems from that will be protected. We will protect criminals.

Mr. Speaker, it is hard for me to say that no reform is needed, but this reform is not reasonable. This reform is reform that is antivictim. We will know that victims will be uncompensated, that families will suffer because they can no longer have the economics that they used to have, and insurance premiums will never go down. Mr. Speaker, medical malpractice lawsuits have gone down over 60 percent since 2002. No doctor has seen a decrease in insurance payments. Why is that? I cannot answer that. We need to ask the liability insurers.

Mr. Speaker, I am voting "no" today because this bill goes too far. It is more than the reform that is needed. Mr. Speaker, I encourage everyone today, especially the ones that voted "no" on HB 1, to unite together again and vote "no" on SB 1131.

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. Cohen.

Mr. COHEN. Thank you, Mr. Speaker.

The question here is what context should damages be evaluated in? Is the relevant context merely the percentage of fault that different defendants have so that Walmart, for instance, which had quarterly profits in April of 2011 of \$3.4 billion, is treated as though it really is the same as Joe's Hardware, which had profits of \$15,000 in the first quarter? Are we going to recognize the obvious fact that different defendants have far different resources? If we can recognize the obvious fact that different defendants have far different resources, then we can fully support the principle of joint and several liability and oppose this legislation.

It is simply shortsighted not to recognize the massive differences between resources of various defendants. People who are injured ought to be able to recover damages. The fact that there may be several defendants, and some of the defendants may not have any money precisely because they sell defective products that very few people want to buy, should not mean that the person who was stuck with a serious, possibly life-threatening injury as a result of purchasing a defective product should be denied relief.

The question is, how is that person going to be helped to deal with his or her life in the years ahead? Is it going to be government that picks up the tab so all our taxpayers can pay for it? People throughout the State are not really eager at various plans to expand welfare spending. A vote for this bill is a vote to expand State welfare spending, because it takes away the chance for a private-sector solution to a private sector-caused problem.

A lot of lobbying nowadays is about – in Representative Sturla's words, and I think this is a very accurate summary – is about privatizing profit and socializing loss. Socializing loss means that all of us are going to wind up paying for losses. A vote for this bill is a vote for all of us to pay for the losses that people suffer as a result of defective products. A vote against this bill is to concentrate the liability and concentrate the

possibility of remedy within the small group of people and corporations who have some direct responsibility for the damages that were caused.

There is no perfect solution. The very minor injustice that wealthy corporations may suffer pales into insignificance beside the much greater injustice that somebody who is crippled for life or somebody who is killed will suffer if there is no practical remedy without governmental aid. Our constituents are not pleading with us to exempt corporate wrongdoers and have them pay the bill. In 38 years in the legislature, I have never once had a constituent plead with me and say it is outrageous that corporations have to pay when they cause injuries. Please, we the citizens of Pennsylvania ought to pay. That is not what citizens want.

I strongly urge a "no" vote on this bill. It goes in the wrong direction. It goes in the direction of increasing taxpayer liability at a time in which taxpayers do not want more liabilities. It goes in the direction of reducing corporate responsibility at a time in which taxpayers want more corporate responsibility. It goes in the direction of reducing protection of consumers at a time in which the public wants more, not less protection of consumers. I urge a "no" vote.

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

On that question, the Speaker recognizes the gentleman from Westmoreland County, Mr. Krieger.

Mr. KRIEGER. Thank you, Mr. Speaker.

I will be brief. I have a couple points. I think there are a couple things that have been discussed today that need to be corrected.

A gentleman previously spoke and indicated that he thought the primary purpose of our law, system of law, our tort system, was to provide compensation for victims. I think that is the fundamental disagreement we have on this floor today. I would argue that is absolutely not the purpose of our law. Our purpose is to provide justice. Now, from the earliest times when we were running on a playground as children, we know that if you break it, you pay for it. You are responsible for the things you do. In fact, this bill even indicates that if you are 60 percent or more responsible, you are responsible for 100 percent of the recovery. So we have been more than fair here. I think it is just simple justice.

The gentleman earlier from Lancaster talked about corporate interest and the gentleman from Philadelphia mentioned that we need to recognize differences – that is, differences in resources – and I could not help but think of a saying I have heard before, "From each according to his ability, to each according to his needs...." Now you may recognize that statement. It is not original with me. Those of you who know your history know that that statement was from Karl Marx. I think this is misguided. We want justice. I think the people of this Commonwealth, whether they are victims or not, want justice. They are not demanding any more. So I think this is simple fairness. I would ask for your support on this bill. Thank you.

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

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

Ms. DeLISSIO. Thank you, Mr. Speaker.

On the bill, a very brief comment. The concept of reform is change. It is to improve something, to remove abuses. I think there is pretty broad consensus that the current situation

probably skews and favors victims and is not as evenhanded as it should be. The solution, however, that is before us is not a solution. It simply creates a pendulum that swings 180 degrees in the other direction. So for that reason, we are creating a different type of victim, a different type of beneficiary that is not very fair at all. Originally the amendment to HB 1 from the Representative from Montgomery County would have made that pendulum hang more in the middle, and that is what change and good productive change is about. So on behalf of the constituents of the 194th, I will be voting "no" on this.

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

On that question, the Speaker recognizes the gentleman from Chester, Mr. Schroder, for a second time.

Mr. SCHRODER. Thank you, Mr. Speaker.

Mr. Speaker, I will be brief. I just want to make a couple comments to some things that have been stated here this afternoon.

It always amazes me when I hear members talk in hushed tones of reverence about 200-plus years of joint and several liability and how it was passed down to us from the English common law. Mr. Speaker, there are plenty of unfair English common law concepts that have been changed legislatively over time, one of the most famous, infamous, depending on how you look at it, being contributory negligence. If we still lived under pure English common law, a plaintiff who was only 1 percent liable and at fault would not be able to recover against any defendant in any lawsuit. So before we wring our hands about adjusting longstanding jurisprudence that comes from English common law, let us just remember that I do not think there are too many that would take us back to that standard of contributory negligence.

Now, Mr. Speaker, there is a great fiction being promoted here today by the anti-economic recovery crowd, and that is this, that only corporations are defendants in lawsuits, and I guess only the big, evil multinational corporations are somehow ever sued in a lawsuit in Pennsylvania. Mr. Speaker, they would love you to believe that and that is all they will talk about, but it certainly is not true and is not reality. Mr. Speaker, individuals, seniors, individuals of any age are sued in lawsuits all the time as individuals in this State. Mr. Speaker, they will receive the same protections as defendants as anyone else in a civil lawsuit. The Fair Share Act protects every defendant, and that includes defendants who are individuals, defendants who are rich, defendants who are poor, defendants who are old or young. So, Mr. Speaker, let us not fall for the economic class warfare-type arguments that are being perpetrated here today.

Mr. Speaker, finally, I would just like to say that 40 States, 40 or so States, have enacted this or substantially similar reforms to their joint and several liability statutes. Mr. Speaker, none of the problems that have been suggested, none of the scenarios that have been raised, none of the fears that have been promoted have been problems in any of those States. There is not a single State that I am aware of that has acted to go back and to repeal the reforms that they made to joint and several liability, and that is because those reforms are working, they are working as intended. It is time – indeed, it is a decade past time that we get those reforms into law here in Pennsylvania. So I ask for a "yes" vote.

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

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

Mr. WATERS. Thank you, Mr. Speaker.

Mr. Speaker, I would like to request a chance to speak with the prime sponsor of this Senate bill – well, not the prime sponsor, but with the gentleman who was just speaking from Chester, Pennsylvania, Chester County. Chester County. Sorry. Chester County.

The SPEAKER. Is the gentleman asking if there is someone willing to stand for interrogation—

Mr. WATERS. Yes.

The SPEAKER. —relative to the bill? Since it is a Senate bill, there is no—

Mr. WATERS. No; that is true.

The SPEAKER. —prime sponsor in the House. Is the majority leader willing to stand for interrogation on the bill?

Mr. WATERS. Majority leader, that works for me. That is fine.

The SPEAKER. The gentleman, Mr. Waters, may proceed under interrogation.

Mr. WATERS. Thank you, Mr. Speaker.

Mr. Speaker, I was just curious, and I will be brief. The way I understand this mathematically is that if a person, based on an analogy that was used, is injured, severely injured, maybe even permanently injured, and maybe at a young age is injured by multi vehicles – let us use in this – and one vehicle is responsible for 10 percent of the damages and another vehicle is responsible for 90 percent of the damages, but the vehicle that is responsible for 90 percent of the damages might only have limited liability coverage, but the person who was injured has severe medical expenses and perhaps is injured for life, and they would only be required to pay – and they own nothing else – would only be required to pay the extent of what their coverage is. Is that the way that this bill reads?

Mr. TURZAI. To the good gentleman from Philadelphia, I am not prepared to answer a hypothetical, but I can tell you that the bill, the Fair Share Act, that in the seventies we enacted a comparative negligence statute and that statute said that the juries in civil actions were supposed to apportion fault. Prior to that, as the good gentleman from Chester County made clear, under common law, you would say that those parties or that party is negligent, and if the defendant or defendants could show that the plaintiff was even 1 percent at fault, the plaintiff could not recover. So many States went to a comparative negligence system, and in comparative negligence, what they did is they said you could apportion fault. Now, in a Supreme Court, Pennsylvania Supreme Court case, Chief Justice Flaherty intimated that when the legislature did comparative negligence, they did not follow through with the needed joint liability reform, which is what is before us today.

If you are up to 60 percent liable as a defendant, that is an individual or an entity – because there are individual defendants, there are entity defendants – if you are up to 60 percent liable, the amount that could be collected from you is equal to what your percentage of liability is. If you are 60 percent or more liable, then they can, the plaintiff, whether it is an entity or an individual – because there are plaintiffs that are entities, there are plaintiffs that are individuals – can come after you for the full amount of that damage. That was the sort of compromise approach that some States have. As you know, 40 States have either abolished or modified joint liability. We are behind the curve in meeting this commonsense reform.

Mr. WATERS. Thank you, Mr. Speaker.

Mr. Speaker, I just wanted to say, I see someone who, through no fault of their own, too, has been damaged, who might have family, who might have great responsibilities, and now because of something that happened through no fault of their own, could be 100 percent out of luck. So—

The SPEAKER. Is the gentleman still under interrogation, or is he speaking on the bill?

Mr. WATERS. Yes.

The SPEAKER. Does the gentleman seek further interrogation?

Mr. WATERS. No, no, no. I am sorry.

The SPEAKER. The gentleman is in order on the bill and may continue.

Mr. WATERS. Right. On the bill. On the bill.

I see a person who maybe now is permanently disabled as a result of this with great responsibilities, including family, dependent family, who they are responsible for caring for, who might be out in the cold as a result of the person who has 90 percent or even the greater portion of the damage is their fault, but because they only had limited tort or something to that effect, the person injured will now be limited to the amount of recovery that will be extended to them. As a result of that, I find what we are doing here to be problematic because we are talking about victims. We are talking about making a person whole. We are talking about justice. Even though this is called the Fair Share, I understand the intent of the legislation, but I also would like to know how a person is going to be made whole as a result of this if we do not have another recourse for them to be able to receive just compensation.

So, Mr. Speaker, I just wanted to state that and to say because of that, and because of the uncertainty that is in this legislation, I will not be in support of it. Thank you, Mr. Speaker.

The SPEAKER. The Speaker thanks the gentleman.

For the information of the members, I believe I have two members plus the two floor leaders that have indicated they would like to speak on this. I suspect people are getting hungry.

The question is, shall the bill pass finally?

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

Mr. GERBER. Thank you, Mr. Speaker.

I got your message there on the lunch hour. No need for interrogation, Mr. Speaker, but I did want to share comments about this because it is a very meaningful and I would say problematic piece of legislation that we are running right now. You have heard from lots of speakers this will have a disproportionate impact on seniors. It will have a disproportionate impact on children. It will have a disproportionate impact on stay-at-home parents, whether they be moms or dads. The fact of the matter is, this bill aims to protect defendants who have been found negligent, companies or individuals that have committed wrongs, companies or individuals that have harmed other people. I think this comes down to an issue of fundamental fairness.

The question really is, should victims bear the responsibility of a defunct or insufficiently funded defendant or should another culpable defendant bear that burden? A negligent defendant or a victim? That is what you are picking between here, a negligent defendant or a victim. And if that victim is a senior, if that victim is a child, or if that victim is a mom or dad who does not work and stays at home, they are hit even harder.

This is one of those gut check votes, I think in my judgment, and I certainly will be advocating for a "no" vote. Thank you, Mr. Speaker.

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

On that question, the Speaker recognizes the gentleman from Dauphin County, Mr. Marsico.

REMARKS SUBMITTED FOR THE RECORD

Mr. MARSICO. Thank you, Mr. Speaker.

I will be very brief. I ask for a "yes" vote. I would like to submit remarks for the record.

The SPEAKER. The Speaker thanks the gentleman.

His remarks will be spread upon the record.

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

Thank you, Mr. Speaker.

House Republicans have promised Pennsylvanians that we would improve the climate in the Commonwealth with respect to liability issues.

Our Commonwealth is in dire need of significant tort reform, and today we have the opportunity to take the final step toward enacting this very reform by voting "yes" on SB 1131, the Fair Share Act.

We have seen this issue many times before and we are excited for the opportunity to finally give the citizens of Pennsylvania the reform they have requested for far too long.

Today we send a message to everyone that Pennsylvania will no longer be one of the small handful of States that clings to a strict system of joint and several liability, which has long been antiquated and decades past its usefulness.

SB 1131 reforms a fundamentally unfair system.

The bottom line is that outrageous lawsuit abuse is impeding Pennsylvania's economy, business growth, and overall fiscal well-being.

It is time to make significant changes.

The Fair Share Act is not a General Assembly initiative. This is a fairness issue that many Pennsylvanians are truly concerned about.

The Fair Share Act is a major step in the right direction, and I ask for an affirmative vote on SB 1131. Thank you.

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

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

Ms. JOSEPHS. Thank you, Mr. Speaker.

What this bill does is really let manufacturers whom you cannot reach off the hook. So for instance, if a supplier in Pennsylvania sells a device that is manufactured in China, let us say, that injures somebody and you cannot get to the Chinese manufacturer, you also now cannot get to the supplier, which could be any one of our big-box stores. So now the supplier has no incentive whatsoever not to be selling these defective products. The gentleman from Chester, the person who is defending this bill on the House floor, mentioned that we would now have, that there would be, we were moving toward economic recovery, and I would say that is true for China. This is a great bill for the Chinese. Unfortunately, or fortunately for me, I do not represent anybody in China, I represent people in Pennsylvania. I think this is a "no" vote. Thank you, Mr. Speaker.

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

On that question, the Speaker recognizes the— I am down to the two floor leaders and was going to try to let it conclude with

them. Does the gentleman from Philadelphia, Mr. Thomas, seek recognition on the bill?

The gentleman is in order on the bill on final passage.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, I rise in opposition to SB 1131 and those who label this as the Fair Share Act. The Fair Share Act is not a principle that is available to everyone. It is designed to reduce and/or eliminate responsibility to those who have been harmed, whether it has been in a car accident, product defect, and I do not think I have ever seen a case around this whole issue of tort reform where strict liability was included. Strict liability is included in this apportionment of responsibility.

Mr. Speaker, I have been exposed to an excellent education, from grade school on through law school, but, Mr. Speaker, there are some situations where I have to go back to my grandmother. And I know sometimes people would come to my grandmother's house to share with her different experiences and called on her for wise counsel in how to resolve some complicated situations. I remember my grandmother used to look at people and listen and then she would say, well, you know, sometimes we suffer from paralysis of analysis, paralysis of analysis. We have become so clever until we have taken very commonsense approaches to dealing with some situations and created these clever hurdles that you have to jump over in order to get relief. That is what this Fair Share Act is really all about. Some folks have gotten clever in trying to make sure that you relieve as much responsibility as possible on the business side at the behest of the injured person. There is no consideration as to whether or not that injured person is either in the dawn of life or in the twilight of life. There is no consideration whatsoever. There is no consideration as to whether the victim is frail, aged, harmed, or what. This is really about how can I help the business community get off the hook and make it more difficult for you to pursue relief in a situation where you have been willfully harmed or negligently harmed.

So somebody just called me and said to me, Representative, this does not look like the Fair Share Act; this looks more like the fair hit on you act, the fair hit on you act. In other words— And a couple people said "hit on." (Additional remarks by Mr. Thomas at this point were voluntarily withdrawn from the record.) What they were saying, in effect, is that this bill is designed to make your situation worse than what it was after you have been harmed so that your injury, in effect, is aggravated because it has minimized your capacity to get full relief through all of these clever, legal hurdles that are articulated in this thing called Fair Share Act.

Vote "no" on SB 1131.

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

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

Mr. DERMODY. Thank you, Mr. Speaker.

Mr. Speaker, first, I would like to point out that contributory negligence was changed to protect victims. This bill deprives victims of their right to recover. This bill is just another bill in a series of bills that the majority party has offered, that are solutions in search of a problem.

Just the other night, before we were cut off from being able to debate, we were debating whether or not we should deprive people of their right to vote. Now, here we are getting ready to pass a bill that deprives innocent victims of their right to recover from a negligent defendant. This is just another smoke screen and diversion so that we cannot get through and look at

the real issues and discuss what is really going on here in Pennsylvania. When you cut through the smoke, you will find that school districts are laying off teachers and staff, that families and parents are being asked to pay fees so their children can play football, play in the band, and play softball. School lunch prices are being increased. Property taxes are being increased. Counties are having—

Mr. TURZAI. Mr. Speaker?

Mr. DERMODY. —difficulty providing services for the disabled and for the elderly. And here we are, here we are talking about depriving innocent victims who have been injured, depriving them of the ability to recover. If you follow all the debate that has gone on here in the House and here in the Senate on this bill or ones just like it, there has not been one piece of evidence presented that it saves any jobs, creates any jobs, or reduces insurance premiums one iota. What this is, is just a part of a right-wing agenda attacking the middle class. Innocent victims who are injured through no fault of their own and there are multiple defendants who have been found to be negligent, those defendants who have been found to be negligent ought to pay. This bill will result in innocent victims who have been, through no fault of their own, many times catastrophically injured will not be able to recover, will not be able to be made whole. We reward the wealthiest corporations; we punish the innocent victims. It is not right. This should not pass. This House, we should all be about protecting people's rights, not taking them away.

I urge a "no" vote on the wrongdoer protection act.

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

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

Mr. TURZAI. Mr. Speaker, I would ask voluntarily if I could submit to a 5-minute time clock for my remarks?

The SPEAKER. The gentleman would like a clock up there for 5 minutes; we would be glad to oblige. The gentleman will pause for a moment to allow the clerk to— There you go. Your clock is running.

The gentleman is in order.

Mr. TURZAI. Thank you, Mr. Speaker.

Mr. Speaker, I rise in support of SB 1131. This jobs bill is about people. It is about communities. It is about employers and family-sustaining jobs. In the end, it is about people like my sister, who works in a hospital, or our neighbor, who works in a restaurant. It is about people who are tired of being second-guessed in a court of law, where the consequence is they no longer want to stay in Pennsylvania. Forty States, 40 States have either abolished or modified joint liability, 40 States. We are behind the curve. We want to send a message out to all of the supporters, Pennsylvania supporters, of this Fair Share Act that Pennsylvania is going to get its legal system in order so that it is fair in this State. When you see support from organizations like the Allegheny Conference or the American Academy of Pediatrics or the American College of Physicians, broadband cable services or building codes assistance project, county commissioners, chambers of commerce, hospitals and health systems, insurance agents, Insurance Federation, National Federation of Independent Business, manufacturers associations, motortruck associations, motorcycle dealers, Neurological Society, Orthopaedic Society, personal care homes, health-care associations, Center for Assisted Living Management, why are they in support of this legislation? These are all organizations made up of people just like me and you

that are making a living, and they want to make a living so that they can provide a good product or a good service to some Pennsylvania citizen. They think over and over and over that they are not treated fairly in the legal system, and they want to see a significant reform passed in this State, just like that reform has been passed in 40 other States. This is about your neighbors. This is about people that want to make a positive difference, and they recognize that it is a fair approach.

Without question, our civil litigation system needs significant commonsense reform, and these individuals are tired of having to spend dollars defending baseless suits and spending numerous hours in depositions and gathering documents to be second-guessed. They are tired of being subjected to the stresses of litigation, and it is this doctrine of joint and several liability that fosters an unfairness. Essentially, the rule allows a plaintiff to collect his entire damage award from any one defendant, when defendants have been found to have acted negligently. We have a comparative negligence system, dating back to 1976, that says the jury should apportion fault. Well, when they apportion fault, they should also make it clear that if they find you responsible for 10 percent, they can only collect the 10 percent award from you. We need to change the deep-pocket theory that joint liability allows. According to a 1987 Dickinson Law Review article, the rule of joint and several liability has the effect of singling particular defendants out, particularly those with deep pockets.

This is about bringing fairness to the system, and it dictates that a party should only pay what he or she is responsible for. Let me make clear, this reform is about individuals and it is about fairness and it is about growing jobs and it is about providing quality health care. I urge you to vote "yes." Thank you.

On the question recurring,
Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—116

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

Emrick	Killion	Pyle	Watson
Evankovich	Knowles	Quigley	
Evans, J.	Krieger	Quinn	Smith, S., Speaker
Everett	Lawrence	Rapp	
Farry	Maher		

NAYS—83

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

NOT VOTING—0

EXCUSED—4

Brennan	Cutler	DeWeese	Hess
---------	--------	---------	------

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

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

REMARKS VOLUNTARILY WITHDRAWN

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

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, I rise to strike the record with respect to some comments that I shared with members from several people who had called me. I probably should not have repeated what they have said to me, and to that end, I apologize to each and every member of the House who might have been offended by those comments.

The SPEAKER. The Speaker thanks the gentleman.

REMARKS SUBMITTED FOR THE RECORD

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

Mr. HENNESSEY. To submit written comments regarding SB 1131.

The SPEAKER. The gentleman will submit the comments to the clerk and they will be put on the record.

Mr. HENNESSEY. Thank you.

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

Mr. Speaker, the bill presently before us seeks to change a long-standing tenet of the common law known as joint and several liability. This is an issue with which this legislature – and those in other states – have wrestled, trying to balance the interests of both the victims of negligence and those who have been deemed to have caused injury to those victims, but to a minor or less substantial extent than another negligent defendant.

While the common law protects the victims' right to recover fully for their injuries, the current momentum nationwide is to focus more attention and concern on protecting those "less negligent than someone else" from having to pay more than their perceived "fair share."

The precept of joint and several liability has served us well over the years, but it clearly has also been co-opted by those seeking "deep-pocket" defendants – some with only minimal potential liability – to bankroll a much larger verdict than a jury might expect them to have to pay. That perversion of the system – finding a deep pocket, any deep pocket, and constructing a case to have the jury assess even minimal fault against that "deep pocket" – has brought us to the point we are today. It has led to enormous expenditures of time, energy, and money by those deep-pocket defendants who try to show they were totally blameless and has led them to make settlement offers based upon fear of being stuck with the whole loss.

The cumulative effect of this perversion of the doctrine of joint and several liability has brought us to SB 1131, which kills the goose which laid the golden egg. The wisdom of that old proverb should have stood as a warning to the trial bar – and perhaps that warning was heeded by many plaintiffs' attorneys – but it takes only a few to cause the excesses which SB 1131 in its current form seeks to curb.

To be fair, in some instances it was attorneys for initially named defendants who sought to join those "deep-pocket" defendants as a way to spread the blame and minimize the damage assessed against their client.

But however we got to this point – and whoever got us here – the joint and several doctrine has become an albatross at the neck of our business community and has restrained business growth and development. That negatively burdens our Commonwealth, with fewer jobs for our citizens and fewer new enterprises being launched, slowing the economic engine of the State.

Just months ago I voted against HB 1, a virtually identical bill as SB 1131, in the hope that the Senate would address joint and several liability, and reform it somewhat differently, and more moderately. That has not happened. The Senate has voted to accept the stance of the House in HB 1.

While I would have preferred a more moderate reform, it has not happened. And since politics is the art of the possible – and not the perfect – I will vote today for these reform efforts contained in SB 1131. It is not in my mind the best solution, but it is the solution which has won out over all the others. And it is clear that the current system is broken as it applies to many situations.

Given the pressing need for reform and the fact that this approach embodied in SB 1131 is the only remaining option, I will cast my vote for SB 1131.

Thank you, Mr. Speaker.

REPUBLICAN CAUCUS

The SPEAKER. The lady, Ms. Major, for a caucus announcement.

Ms. MAJOR. Thank you, Mr. Speaker.

We would like to call caucus for Republicans at 2:15. We would be prepared to report back to the floor at 3:30. So I would ask our Republican members to please report promptly to our caucus room at 2:15.

Thank you, Mr. Speaker.

DEMOCRATIC CAUCUS

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

Mr. FRANKEL. Thank you, Mr. Speaker.

Democrats will caucus at 1:30, 1:30. And I am also advised that the southeast delegation will be meeting in the back of the House.

Thank you.

VOTE CORRECTIONS

The SPEAKER. Does the gentleman, Mr. Harhai, from Westmoreland County seek recognition for the correction of the record?

Mr. HARHAI. Yes, Mr. Speaker.

The SPEAKER. The gentleman may correct the record.

Mr. HARHAI. Thank you.

I rise to correct the record, not on the immediate vote, obviously, but, Mr. Speaker, on June 23 of 2011, on consideration of HB 934, on the motion to move the previous motion regarding the motion to adjourn offered by the majority leader, I was recorded as "not voting" and I wish to be recorded in the negative.

And on the same date and same bill, on the motion to adjourn offered by the minority leader, I was recorded as "not voting" and I wish to be recorded in the affirmative.

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

Mr. HARHAI. Thank you, Mr. Speaker.

QUESTION OF PERSONAL PRIVILEGE

The SPEAKER. For what purpose does the gentleman from Chester, Mr. Kirkland, rise?

Mr. KIRKLAND. Thank you, Mr. Speaker.

Personal privilege, Mr. Speaker. It is a good thing, Mr. Speaker.

The SPEAKER. The House will please come to order. I know we are about to break. Would the members please hold the conversations down.

The gentleman, Mr. Kirkland, is recognized under personal privilege.

Mr. KIRKLAND. Thank you, Mr. Speaker.

Mr. Speaker, last week, I think it was last Thursday, which was a very trying time for all of us, some comments were made by this legislator toward the Speaker, and I want to make it clear, Mr. Speaker, I have a great respect not only for the Speaker but for the position as well and will continue that great respect. And I think during that time there was a lot of frustration going on, and I just wanted to make it clear that, once again, I have a great love for this House and respect for each and every member. We will find ourselves in some very trying times; this is the budget season. I just wanted to say, Mr. Speaker, I love you very much.

Thank you, Mr. Speaker.

The SPEAKER. In a wholesome and manly way, of course.

The Speaker thanks the gentleman.

Mr. KIRKLAND. In a very wholesome and manly way, Mr. Speaker.

The SPEAKER. The Speaker thanks the gentleman and appreciates his comments, sincerely.

DEMOCRATIC CAUCUS

The SPEAKER. The gentleman, Mr. Frankel, for further announcement.

Mr. FRANKEL. Mr. Speaker, I just want to revise my caucus announcement. Democrats will caucus at 2 o'clock; 2 o'clock Democratic caucus, please.

STATEMENT BY MR. DePASQUALE

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

Mr. DePASQUALE. Unanimous consent, Mr. Speaker.

The SPEAKER. The gentleman may proceed under unanimous consent.

Mr. DePASQUALE. Mr. Speaker, 13 years ago, in about an hour, my wife and I got married. So what I promised her 13 years from today is that I would be in Harrisburg debating the budget and missing our 13th year anniversary. It is really a great way to sweet talk your wife and to convince her into walking down the aisle. I just want to say, obviously, she is not thrilled that I will not be home today, but I love her and happy anniversary.

The SPEAKER. The Speaker thanks the gentleman and would note my wedding anniversary is on the 29th. We have been married, it will be 26 years, and pretty much I have never been home for that one either, so I fully understand. I am not sure if my wife does, but we will see one day.

RECESS

The SPEAKER. This House stands in recess until the call of the Chair.

RECESS EXTENDED

The time of recess was extended until 3:45 p.m.; further extended until 4:15 p.m.; further extended until 4:32 p.m.

AFTER RECESS

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

SENATE MESSAGE

HOUSE BILLS CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, returned **HB 145, PN 85; HB 396, PN 1525; HB 438, PN 615; HB 797, PN 966;** and **HB 1173, PN 1279**, with information that the Senate has passed the same without amendment.

BILLS SIGNED BY SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HB 145, PN 85

An Act designating State Route 18 in Big Beaver Borough, Beaver County, as the "Vietnam Veterans of America Memorial Highway."

HB 396, PN 1525

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

HB 438, PN 615

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

HB 797, PN 966

An Act amending the act of June 2, 1915 (P.L.736, No.338), known as the Workers' Compensation Act, further defining "occupational disease"; and providing for cancer in the occupation of firefighter.

HB 1173, PN 1279

An Act amending Title 74 (Transportation) of the Pennsylvania Consolidated Statutes, further providing for metropolitan transportation authority powers relating to alternative means of raising revenue or reducing expenses.

SB 828, PN 846

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

SB 829, PN 847

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

SB 830, PN 848

An Act amending the act of June 23, 1931 (P.L.932, No.317), known as The Third Class City Code, providing for the office and powers and duties of a city administrator or manager.

SB 1096, PN 1291

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, further providing for purpose, for definitions, for acting for or aiding nonadmitted insurers, for requirements for eligible surplus lines insurers, for surplus lines licensee's duty to notify insured, for exempt risks, for surplus lines advisory organizations, for licensing of surplus lines licensee, for

surplus lines licensees may accept business from insurance producer, for surplus lines tax, for tax on independently procured insurance and for suspension, revocation or nonrenewal of surplus lines licensee's license.

SB 1097, PN 1279

An Act amending the act of July 6, 1917 (P.L.723, No.262), entitled "An act imposing a tax on premiums of insurance and reinsurance in foreign insurance companies and associations not registered in this Commonwealth; providing the method of collection of such tax, and imposing penalties," further providing for tax on contracts with unauthorized companies and deductions.

SB 1131, PN 1389

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in general provisions relating to civil actions and proceedings, amending provisions relating to comparative negligence.

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

The SPEAKER. The House will be at ease for a few minutes.

The House will come to order. Members will please take their seats. If we could clear the aisles, please. If the members could please clear the aisles.

GUEST INTRODUCED

The SPEAKER. Could I have the members' attention. I wanted to announce a guest that is with us today. To the left of the Speaker, we want to welcome Brendan O'Brien, who is the son of Representative Dennis O'Brien. Brendan, stand and wave. Welcome back to the hall of the House.

SUPPLEMENTAL CALENDAR A CONTINUED

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1727, PN 2192**, entitled:

A Supplement to the act of July 28, 1966 (3rd Sp.Sess., P.L.87, No.3), known as the University of Pittsburgh—Commonwealth Act, making appropriations for carrying the same into effect; and providing for a basis for payments of such appropriations, for a method of accounting for the funds appropriated and for certain fiscal information disclosure.

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?

Members will please take their seats. If the members would please clear the aisles.

LEAVE OF ABSENCE CANCELED

The SPEAKER. The Speaker returns to leaves of absence and notices the presence of the gentleman from Greene County, Mr. DeWeese, on the floor of the House. His name will be added to the master roll.

If the members would please clear the aisles and take their seats.

Will the members please clear the aisles and take their seats. Conferences will please break up.

CONSIDERATION OF HB 1727 CONTINUED

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

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

Mr. ADOLPH Thank you, Mr. Speaker.

Mr. Speaker, HB 1727 is the nonpreferred appropriation to the University of Pittsburgh. The amount of this appropriation is \$136,076,000. Mr. Speaker, I would like to remind the members of the House that when Governor Corbett announced his budget back in March, the State-related universities in the Governor's proposal reduced the appropriation by 51 percent. Throughout the budget hearings, members on both sides of the aisle expressed interest in trying to do more for these institutions of higher education. These are fine institutions, and this one in particular that we are voting on now, the University of Pitt, is world renowned.

We all know what the national recession has done to the economy across the nation, not just Pennsylvania. Other States are faced with these difficult decisions, and over 30 States have faced these tough decisions and have reduced the funding to higher education institutions. Last year the University of Pittsburgh received \$160,490,000, of which \$7.5 million was from the Federal stimulus money. This appropriation that we are going to vote today represents an increase from Governor Corbett's proposal by 30 percent. It does represent a 19-percent decrease from last year's appropriation when you add both Federal and State stimulus money into the amount. However, it represents a 15-percent decrease of State funds.

Mr. Speaker, in these difficult times, and I had the opportunity to listen to the chancellor of this fine university, and he said during the Appropriations hearings that his board will try to do everything that they can to work within an appropriation that we will approve. I can assure you that I have listened to members on both sides of this aisle and have negotiated an increase that I believe is workable in this economy.

I would ask for an affirmative vote on HB 1727.

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

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

Mr. BARBIN. Thank you, Mr. Speaker.

I would like to interrogate the majority Appropriations chairman, if he will stand for interrogation.

The SPEAKER. The gentleman indicates he will stand.

The Speaker would point out that the rules require a 5-minute clock on all appropriations bills, which we exempt the two floor leaders and the two Appropriations chairmen. So

I will give you an extra 10 seconds for that announcement. I just wanted to remind you.

The gentleman is in order.

Mr. BARBIN. I will try to do my best.

Mr. Speaker, is this bill a 19-percent cut to the State-related Pitt?

Mr. ADOLPH. 19 percent from last year's appropriation, which included Federal stimulus dollars, \$7.5 million.

Mr. BARBIN. Thank you. And is it also fair to say that as of this moment, as we are speaking, the General Assembly, at least the individual members, have not been given a copy of the general appropriations bill, which will determine how the State spends their money?

Mr. ADOLPH. I am not sure whether individual members on the other side of the aisle were given the breakdown of the general appropriations budget. I do know that our members, we caucused today and they were given for the first time the general appropriations budget spending plan, and the reason why that was done today is because until the Senate amended the House bill that passed the House back in May, we did not know what the final figures were going to be.

Mr. BARBIN. Was it intentional that you kept the same information that you provided to your caucus from our caucus?

Mr. ADOLPH. I believe, I believe your leader had that information. I cannot exactly say what time, but he did have the information.

Mr. BARBIN. Thank you.

Mr. Speaker, on the bill?

The SPEAKER. The gentleman may proceed on the bill.

MOTION TO TABLE

Mr. BARBIN. Thank you.

Mr. Speaker, I would say that given the fact that historically this House has not voted on nonpreferreds without first seeing the general appropriations bill, that to ask us to decide whether or not Pitt or Penn State or Penn or Temple or Lincoln should be given more or less is unreasonable, especially in light of the fact that when the bill left, the general appropriations bill left this House, \$4 million was deleted from the veterans' facility. So unless I know that the veterans' facility line has been reestablished, I am not prepared to vote on this bill. This is in violation of House history.

So I would ask, for those reasons, that this bill be tabled until we have a chance to review the general appropriations bill.

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

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

Mr. BARBIN. Mr. Speaker, I made a motion to table the bill.

The SPEAKER. Oh, I apologize; I apologize to the gentleman. I was distracted.

Mr. BARBIN. It is all right.

The SPEAKER. The gentleman from Cambria, Mr. Barbin, moves that HB 1727 be laid on the table. This motion is only debatable by the maker of the motion, the maker of the bill, and the two floor leaders.

On the question,

Will the House agree to the motion?

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

Mr. BARBIN. Mr. Speaker, I would just say this: We have not had any opportunity, although historically we always get a chance to at least see how the money has been discussed. In this particular negotiating, our leaders have even been kept out of the room. So you are now coming to us and saying we need to vote for a nonpreferred bill without us ever having been able to see what money you are spending and what money you are not spending. We know that there is a \$540 million reserve. We do not know how much of that has been spent. Until we see that, we are not in a position to cast our vote with knowledge. So I would ask that the motion to table be considered as a motion to refer it to Appropriations until we can see the general appropriations bill.

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

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

I rise in opposition to the motion to table.

We passed a budget on May 24. It was a budget that in fact could be into law. The past precedent with respect to this chamber with nonpreferreds is that they often trail a budget vote, not the budget vote. We have already passed a budget on May 24 that had significant detail. This is a red herring. What is really at issue here is a filibuster, where they do not want to get the budget done on time, this gentleman.

Order, please, Mr. Speaker.

The SPEAKER. The gentleman will suspend. The House will come to order.

Mr. TURZAI. In addition—

The SPEAKER. The gentleman will suspend. The House will come to order, please.

Mr. TURZAI. In addition—

The SPEAKER. The gentleman will just suspend for another minute here, please.

The House will come to order, please. The gentleman may proceed.

Mr. TURZAI. Thank you, sir.

In addition, the Appropriations chair provided to leadership from the other side a detailed line-by-line approach to the bill that the Senate is working on. It was not until 11 this morning that the Senate Appropriations in fact put out their version of the updated budget. Leadership has had that from the other side. Here is where we stand. The University of Pittsburgh, along with Temple University, Penn State University, Lincoln University, and the University of Pennsylvania veterinary program are in need of their funding. The House, in its version and in the Senate version, increased the amounts to go to each of these universities, and I will just take one of the letters that I just recently received from Temple University, which stated, to all members of the General Assembly, "...we urge you to vote yes for Temple's non-preferred appropriation when it comes to the floor." We would ask that you please vote against the motion to table.

The SPEAKER. The question before the House is whether to table HB 1727.

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

Mr. DERMODY. Thank you, Mr. Speaker.

Mr. Speaker, the majority leader knows that historically in this body the nonpreferreds have followed the budget bill, the

final budget bill. While it is correct that a spreadsheet was provided and that spreadsheet is now online, the language of the budget bill, these numbers in context, are still over in the Senate. They will not be here, if we are lucky, until tomorrow. I think it is common courtesy; it makes sense. The gentleman from Cambria County is correct. Having the opportunity to study these nonpreferred appropriations in context, along with all the other budget cuts in the final budget plan, makes sense. It is the right thing to do. We can table this bill for a day, study the budget bill, bring it back, and vote it.

Thank you, Mr. Speaker.

The SPEAKER. On the question to table, the Speaker recognizes the gentleman, Mr. Adolph.

Mr. ADOLPH. Thank you, Mr. Speaker.

Mr. Speaker, it is my understanding and my recollection that many times we have voted nonpreferred bills prior to the final budget vote. Many times these nonpreferred budget bills actually come back for a second vote. So the history of this House, it clearly states that this has been done before. The one thing we do know now, now that the Senate has moved the bill out of the Senate Appropriations Committee, these are the final figures. Figures will not change whether we wait 10 hours or 24 hours. These are the figures that are in the spreadsheet that was provided to the Democratic floor leader. This is a decision that we have to make today, whether to fund these schools, by defeating this motion to table. Thank you.

The SPEAKER. On the question to table the bill, the gentleman from Allegheny, Mr. Markosek, is recognized.

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

The SPEAKER. Will the gentleman suspend one minute, please.

The Speaker apologizes. The only people entitled to speak are the maker of the bill, the maker of the motion, and the two floor leaders. I apologize to the gentleman.

On the question to table, the gentleman from Cambria County, Mr. Barbin, is recognized for a second time.

Mr. BARBIN. Thank you, Mr. Speaker.

As we sit here on the House floor, we have spent 6 months, and we have been told by people that the budget is being taken care of, there is some man behind the curtain and pay no attention to him. We do not know if that man is the Governor. We do not know if that man is Grover Norquist. All we know is your assessment of this particular appropriation is you have done the best you can. Well, maybe you have and maybe you have not, but until we can see the general appropriations bill, we will never know. So the bottom line is, my 60,000 constituents are just as entitled to know what is in the budget as yours. And until I can see the general appropriations bill, I will never know whether this is as good as we can do or whether or not we have done what we should do. So I ask as a bit of common courtesy, a fact that every one of us should at least know what is in the bill before we are asked to vote on it. We are looking at a budget that is going to cut public education by over \$1 billion, and you are saying that we are also going to cut the nonpreferreds by a substantial amount and we are going to give Penn \$27 million, even though they are not a State-related, they are not a public school, they are not a State university.

The SPEAKER. The gentleman will suspend.

You are getting off the subject of whether or not the bill should be tabled, and I would ask you to confine your remarks to tabling.

Mr. BARBIN. Thank you, Mr. Speaker.

I would just close by saying this: All of those items, all of the educational items of the budget are important and you cannot vote on one without knowing what the others are. So for that reason I ask, not for myself but for the fact that I was elected to represent people who expect me to at least know what is in the budget before I vote on a nonpreferred – and I think that is reasonable to ask any member of the House – so I ask for a "yes" vote on my motion to table, to move it to the Appropriations Committee.

The SPEAKER. Those in favor of tabling HB 1727 will vote "aye"; those opposed to tabling the bill will vote "nay."

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—89

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

NAYS—111

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

Evans, J. Everett Farry	Lawrence Maher	Rapp Reed	Smith, S., Speaker
-------------------------------	-------------------	--------------	-----------------------

NOT VOTING—0

EXCUSED—3

Brennan	Cutler	Hess
---------	--------	------

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 gentleman from Lancaster, Mr. Sturla.

Mr. STURLA. Thank you, Mr. Speaker.

What we are told is that with a \$650 to \$700 million surplus, that the best we can do is cut State-related universities by 19 percent. So I am assuming that sets a new standard for us. Next year if we have a \$650 million surplus, we will cut them 19 percent again, because that is the acceptable standard. You know, I keep hearing also that, well, but part of this, you have to understand, is that the Feds did not fund with stimulus money even though we knew it was a one-time appropriation. You know, that is like saying for any of you who ever went through any rough times and you said to your uncle or your dad or somebody, "Hey, I'm just a little short. Can you help me out this month?" And they say, "Yeah, just don't make a habit of this. I understand times are tough. I will give you an extra 100 bucks for the rent this month." Then the next month rolls around and you go, "Well, darn it; I expect that \$100 from you." That is not the way it works. That is not the way the stimulus works. That is not the way it was set up. We were told it was a one-time appropriation to get us through. You cannot now count it as a cut.

So with this 19-percent decrease in funds, these institutions will be faced with several options. One will be to raise tuition, and I imagine every one of them will do so. The other option they have is to just take students that pay more than Pennsylvania students. Because our State-relateds get funds from us in exchange for their obligation, even though it is not stated in law, to take our Pennsylvania students at a lower tuition rate, but now we are going to give them a 19-percent cut, so if there is 19 percent less Pennsylvania students that end up at these institutions, well, so be it.

That is not the way we should be doing business. That is not what these appropriations were intended for. If you care about Pennsylvania students, you would fund these appropriations. If you believe that 20 percent less Pennsylvania students is okay, go ahead and vote for this. If you believe that higher tuition is okay, go ahead and vote for this. If you believe that the Federal government should keep funding stimulus, write your Congressman and say you want him to vote for another stimulus plan. But do not vote "yes" on this and claim there was nothing else you could do while you were sitting on a \$650 to \$700 million surplus.

Thank you, Mr. Speaker.

The SPEAKER. The question is, shall the bill pass finally?
On that question, the Speaker recognizes the gentleman from Bucks, Mr. Petri.

Mr. PETRI. Thank you, Mr. Speaker.

I encourage the members to vote in favor of this measure. When we had hearings last year with regard to the State-related universities, what we learned was that Pitt and Temple generally have about a \$7,000 reduction as a result of the State appropriation to their budgets. Whether that will be the same number this year is not for this body to determine; it is for the board of trustees of those fine institutions to determine. What I do know is, Mr. Speaker, that if the university took that 20-percent cut and applied it across the board, each student would get about \$5600. What I also know, Mr. Speaker, is \$5600 is a lot more than zero. If you want to talk about harm to students, vote "no." If you want to talk about parents and students that will not be able to make their tuition payments, vote "no." If you want to do what the institutions want us to do, then vote "yes."

Thank you, Mr. Speaker.

The SPEAKER. Members will please clear the aisles. Will the members please clear the aisles, take their seats.

The question is, shall the bill pass finally?

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

Mr. COHEN. Mr. Speaker, the question before us is, should the House of Representatives, at approximately 5:25 p.m. on June 27, 2011, vote for this appropriation? If this appropriation does not succeed, I have confidence that this will not be the final vote. If it turns out to be the final vote, that would be the decision of the leadership of the House and not the decision of the members. We do not have adequate information before us at this time to know whether this is the best possible deal we can get for the students. From a lobbyist's perspective, something is better than nothing, but from the student perspective – and the students are going to be paying tuition and are going to have to decide whether this is affordable or not – the difference between a 19-percent cut and a 10-percent cut or a 5-percent cut might be significant. We do not know that this is the best deal we can get for the students. We do not know how the overall budget fits in with this deal. A vote against this bill at this time, on June 27, is a vote for greater participation in the decisionmaking process; it is a vote for greater responsiveness in the decisionmaking process.

We can do much better than this set of proposals does. We can get more money for the University of Pittsburgh, not less money. We can get more money for other basic programs, not less money. We have a surplus of between \$650 million and \$700 million, which will come back next year, too, so it is really a surplus of \$1.3 billion or \$1.4 billion in spendable money. We cannot accept a totally inadequate funding for our universities and for the education system in this Commonwealth. I urge a "no" vote.

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

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

Mr. MAHER. Thank you, Mr. Speaker.

I wish it were true that Pennsylvania had some sort of a surplus, but it does not. It only has a surplus the way that someone who is maxed out on their credit cards, has borrowed for their car, has no money in the bank account and finds

10 bucks in the pocket of their jeans coming out of the dryer thinks that they have a surplus. The big picture, the big picture is that we do not, and all you need to do is look at the State's audited financial statements for last year to know what you can expect they are going to look like for this year. There is no surplus. There is not even an imagination of a surplus. So these are difficult times.

Now, we have great universities: Temple, Lincoln, Pitt, Penn State. In the interest of disclosure, I think many of you know this, but I together with the minority caucus chair both serve as trustees, happily, of the University of Pittsburgh. But I would hope that we would have learned from the experiences of the last couple of years that when the students at those universities become the pawns in some political battle, it is not good for those students, it is not good for the universities, it is not good for our communities, and frankly, it is not good for you. So I hope you will resist the urge to make this mistake that has been made in the recent past again, and let us do right by the students. Let us move forward. And like many of you, I wish there was more, and you can take great credit for the fact that there is so much, because it was in fact this House that stood up and said there needs to be more. You have accomplished a great deal. Applaud the progress. Let us go forward. And if we get to that happy day when there is more, I am sure we will be able to do better.

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. Roebuck.

Mr. ROEBUCK. Thank you, Mr. Speaker.

I rise to urge that we vote against this appropriation. I do that because I believe there is an integral responsibility between all educational institutions in this State. Now, it is nice that we have been able to do something for those institutions of higher learning, but those institutions exist only if our educational structure is sound. At the same time we have been able to restore a portion of the funding for those institutions, we have cut deeply the funding for basic education. How do students get to go to college if they do not get a good foundation upon which to go forward? How do students get to go to Temple, to Pitt, to Lincoln, or to Penn State unless they get a good education through high school? If we fail to see that relationship, Mr. Speaker, then we fail to do our due duty as legislators. What parent here would think it was okay that we could cheat our students, our children out of a basic education and expect them to excel at college?

I think that colleges have a responsibility also to be stronger in terms of their advocacy and recognition, that they are linked to the basic education system. We need to understand that the two are not separated. Now, perhaps, we put money back into basic education. Who knows. I have not seen a budget. I think it is also imperative that at least we be given the opportunity to look at what we are going to vote on in order to interrelate and then we can make a fair judgment on what we should do. I do not know anyone here who wants to make that kind of vote not knowing how the total flow of funds fits together.

Certainly, Mr. Speaker, we deserve no less. Our constituents deserve no less of us. I would ask that we vote "no" on this proposed appropriation. Thank you.

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

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

Mr. KILLION. Thank you, Mr. Speaker.

Here we are on Monday. Thursday is June 30. The budget is coming to the end and we are about to enter into a very, very dangerous game of chicken, a game of chicken. The only difference is, normally in a game of chicken, each side has a chance of being harmed. That is why they are in the game. But right now we have both sides playing the game of chicken, being started on the Democratic side, and the only ones that are going to be harmed, the only ones that are going to be harmed are the parents and the children and the students at Penn State, Temple, Lincoln, or Pitt. I am hearing from the other side, maybe we could do better; maybe we could get more money. Check your e-mail. Both Temple and Penn State have said, vote for this appropriation. It is a difference for this one, Pitt, of \$136 million and zero, \$136 million and zero.

We should not be playing chicken with these students and their parents. We should vote "yes" on this bill. Give them money so the trustees can calculate the tuition and send the bills out in August. Vote "yes." Do not play this game.

Thank you, Mr. Speaker.

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

On that question, the Speaker recognizes the gentleman from Clinton County, Mr. Hanna.

Mr. HANNA. Thank you, Mr. Speaker.

Mr. Speaker, I rise to request a "no" vote on HB 1727. Mr. Speaker, this simply is not the time for this vote. It is not the time for this vote. This bill proposes a 19-percent cut to the University of Pittsburgh. We have between \$650 and \$700 million in surplus money and we do not know how it is going to be spent. The House D's have not been included in this budget. We do not know what the budget says. We do not know what the basic education formula says. How can we determine how we want to spend money for higher education when we do not know what the basic education formula says? We have not seen the language of the general appropriations bill. Mr. Speaker, the general appropriations bill is a preferred appropriation. It is a preferred appropriation. It should be dealt with first. It should be dealt with first. We have always done it that way, and we should be doing it that way today. This is not the time for this vote.

Mr. Speaker, I cannot believe that a previous speaker said that we are playing chicken with higher education funding. There is no reason to characterize this as chicken for higher education funding. There is absolutely no reason that this vote should take place today. There is no reason to say that the vote cannot take place again. We will have the opportunity over the course of the next 5 days to reconsider this vote on these bills. And I will guarantee you within the next several days, we will receive Senate bills on these very same subjects. We are not playing chicken with anything. This is not the only vote on this subject. This is not the time for this vote. I strongly urge a "no" vote on these bills. 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.

My concern in voting for the nonpreferred appropriations today, both this bill, HB 1727, and I am sure the other four to follow, is the fact that I have not had the opportunity to look at the general appropriations budget, and I know that there was a budget that was passed by the House, HB 1485, sometime in mid to late May. However, as both a voter and a taxpayer, and

up here now as a member, I am very clear that that bill has gone through many, many iterations and those line items, I am sure, have been rearranged many times over and will probably still be rearranged before it is signed as final. The fact that those numbers have come in on a spreadsheet without any language so that they can be understood in context, let alone shared yet, is of high concern. I would never think, and I owe it to my constituents to be fully informed, fully informed, fully informed as to what the line items are in this budget, and I think it is the height of irresponsibility to look and make an appropriation out of context that way.

Now, I do not know about the constituents in the other 202 districts in the Commonwealth of Pennsylvania, but mine have a much higher expectation of me and have asked me to take this responsibility to ensure that their best interests are represented. If I cannot look at those numbers and know that firsthand, I have no way of doing that. So I would ask everybody to vote "no" for these nonpreferred appropriations till that general Appropriations budget has been looked at by all of the rank and file as well as leadership. Thank you.

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

On that question, the Speaker recognizes the gentleman from Monroe County, Mr. Scavello.

Mr. SCAVELLO. Thank you, Mr. Speaker.

My God, how times have changed. I stood at this same microphone about a year and a half ago and I must have heard about 20 members talking about the budget and how they liked the budget on the opposite side of the aisle, and when I questioned them, did you see the budget, not one of them had seen the budget. The gentleman from Cambria County earlier today said he wants to see a budget. He voted for a \$1.2 billion tax increase without seeing a budget.

Mr. Speaker—

The SPEAKER. The gentleman will stay on the subject of the bill that is before us, please.

Mr. SCAVELLO. Thank you, Mr. Speaker.

It really comes down to—

The SPEAKER. The gentleman will suspend.

For what purpose does the gentleman, Mr.—

Mr. BARBIN. Personal privilege.

The SPEAKER. Could the gentleman approach the rostrum, please.

The House will come to order. Members will please take their seats. The Sergeants at Arms will clear the aisles. The House will come to order. Members will please take their seats.

The Speaker thanks the members.

The gentleman, Mr. Scavello, may proceed on the final passage of HB 1727.

Mr. SCAVELLO. Thank you, Mr. Speaker.

I just want to remind the members that a "no" vote for this, 1727, for the University of Pittsburgh, would mean no dollars for those students, no dollars for those students attending this university. So I urge the members for an affirmative vote.

Thank you, Mr. Speaker.

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

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

Mr. MARKOSEK. Thank you, Mr. Speaker.

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

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

Mr. MARKOSEK. Thank you, Mr. Speaker.

Mr. Speaker, my data indicates that under your amendment – and we have already talked about the 19-percent cut – but it appears that it is a \$31 million, almost \$32 million cut from this year's appropriation. Do you have some information regarding how that translates into tuition increases?

Mr. ADOLPH. Thank you, Mr. Speaker.

Mr. Speaker, if you remember when the chancellor of the University of Pitt came before the House Appropriations Committee, when that question was asked of the chancellor, he said that the board will be considering various scenarios, various scenarios, depending on the amount of funding. I have discussed this matter with representatives from the University of Pitt. We have received letters today from Temple University as well as Penn State University regarding what they have done to cut costs and to try to keep tuition down as low as possible.

In addition to that, many members of this General Assembly know that there was an additional \$50 million added to the contribution by PHEAA (Pennsylvania Higher Education Assistance Agency) that will help our students with the tuition. So despite the amount of \$30 million, the University of Pitt does have other revenue, and this tuition does not represent their entire revenue source. So we are working with the universities in trying to develop the best possible plan.

Mr. MARKOSEK. Thank you, Mr. Speaker.

Mr. Speaker, that ends my interrogation.

The SPEAKER. Will the gentleman suspend just a minute, please.

If the House could come to order, please. Will you hold the conversations down kindly. It is getting loud. If the members would please hold the conversations down.

The Speaker thanks the members.

The gentleman, Mr. Markosek, may proceed.

Mr. MARKOSEK. Thank you, Mr. Speaker.

Mr. Speaker, very briefly, I have been pretty consistent on standing here and in committee and elsewhere and indicating that this is a 19-percent cut at a time when we have roughly \$600 million on the table that we know of, and you could probably extrapolate that into anywhere to \$1 billion or more that we can assume, almost assume that would be there. And with those kinds of revenues on the table, it is just very difficult to go home and tell folks that you are taking a 19-percent cut when you have these kinds of revenues on the table.

I get a lot of mail from folks back home that have told me on and on that we should not accept this. This is a cut that will hurt education; it will cost jobs in the city of Pittsburgh.

And also, also, as was mentioned here several times, and I know the majority chair has indicated that we have received a copy of the printout of the budget that is currently still in the Senate, but we just did get that a couple hours ago. It is a thick document. It has many, many lines, as we all know, and we have not had enough time to appropriately have our staff look at that and analyze it and go through all the things in that budget that are more than likely being cut that we do not even know of as we stand here. So it is very difficult to say that we should accept these cuts to the University of Pittsburgh while we are cutting in a big way a lot of other educational opportunities for people in the Commonwealth, not to mention human services opportunities for people in the Commonwealth, too.

So given all that, I will stick with my consistent mantra here relative to these nonpreferred appropriations and ask the members to vote "no." Thank you.

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

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

Ms. MUNDY. Thank you, Mr. Speaker.

Mr. Speaker, I rise to put on the record why I will be a "no" vote on HB 1727 and all the other nonpreferred appropriations this evening.

No surplus? The gentleman from Allegheny apparently does not believe that \$540 million sitting in the bank over and above what we anticipated in revenues, what we appropriated in revenues is not a surplus. I respectfully disagree, and we anticipate that by the end of June we will have an additional amount of surplus, perhaps as much as \$650 million in surplus. Pawns in a political battle? Nonsense. The students and their families are what are at stake here. There is money that we could use to lessen their pain, and we are not doing that.

I have not seen a General Fund appropriation budget. I am told that it is still in the Senate Appropriations Committee. I have no idea what has been negotiated between the House, the Senate, and the Governor.

Let us do right by the students. Another statement that was made by one of your colleagues on the Republican side of the aisle, how in the world do you consider cutting their appropriation by 19 percent doing right by the students and their families when we have \$540 million sitting in the bank?

Now, yes, the lobbyists for these institutions, the trustees, and the administrations have told us that they believe this is the best that they can do. Well, I do not represent the lobbyists, I do not represent the trustees, and I do not represent the administration of these institutions. I represent the students and the families who attend those institutions, and I believe we can do better. I know we can do better than a 19-percent cut, which will force tuitions to rise.

Now, many have said that a "no" vote tonight means that there is no appropriation. Nonsense. A "no" vote tonight means we want to see the General Fund budget. We would really like you and the majority party to spend some of the \$540 million in surplus to alleviate some of the pain that you have inflicted in the budget that you passed last month. A "no" vote tonight means that we can do better. A "no" vote tonight means that we must do better for the students and their families.

Thank you, Mr. Speaker.

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

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

Mr. REICHLEY. Thank you, Mr. Speaker.

I understand some members of the aisle did not like the ornithological reference made by the gentleman from Delaware County not long ago to a chicken. So we can choose anything else. You can choose Lucy Goosey; you can choose an ostrich sticking his head in the sand.

The gentelady just referred to the fact that we have all this money sitting in the bank, but members on the other side of the aisle who sat through the 4 weeks of Appropriations hearings also heard the fact that we have the potential of owing \$800 million back into the Mcare (Medical Care Availability and Reduction of Error) Fund that was passed in 2009. And I would ask folks from the other side of the aisle who are demanding that part of this supposed surplus be spent, what will you do if the Supreme Court comes in and says, now you must return \$800 million back to the Mcare Fund in the middle of the

fiscal year? Are you going to say it is okay now to go back in and cut more in welfare, cut in agriculture, cut in environment?

This is the responsible fiscal measure to take up. This is the responsible way to handle these things, and whether it is from the bonus appreciation, which could cost us \$200 million in business tax revenue next year, or as much as an \$800 million settlement that will be foisted on this Commonwealth, this is a responsible fiscal measure to take place. The universities themselves have said they will make do and work within these budgetary appropriations, and the chamber should vote "yes" on HB 1727. 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.

I stand here this evening as a Representative who has the University of Pittsburgh in his district, and as my colleague noted earlier, a trustee.

I stand here this evening at this juncture in this discussion to ask my colleagues to vote "no." Democrats on this side of the aisle have been excluded from this process, and we are being told that we should be in a position to just accept, accept a 19-percent cut for our State-related universities, and from my university at the University of Pittsburgh, that amounts to between \$35 million and \$40 million.

The good gentleman, my colleague from Allegheny County, implied earlier that students who are being used as pawns by those of us who feel that a 19-percent cut is just too much to vote for, Mr. Speaker, my friend and fellow trustee from the University of Pittsburgh was not entirely incorrect. Students are being used as pawns, Mr. Speaker; parents are being used as pawns; faculty, staff, and communities who depend on State-related universities to spur their economic engines are being used as pawns, but they are not being used by those who are going to vote "no" on this bill.

Mr. Speaker, let me be as clear as I can possibly be: Students, educators, and communities from one end of the Commonwealth to the other are being used as pawns tonight by those on the other side of the aisle, by this Governor, by those who are completely unwilling to put a dent into what appears to be now almost a \$700 million surplus this year that could easily be projected to replicating itself next year, surplus dollars that are being held back when students and families are going to be asked to pay more. They are being used as pawns by those who let their vote be dictated by right-wing think tanks in Washington, DC, that do not care what happens to students in Pennsylvania. Mr. Speaker, our higher education community is being used as a pawn by those who choose to govern by signing and adhering to shortsighted, cold-hearted, no-tax pledges that do nothing to strengthen and enhance the lives of our students and our educators at our universities in Pennsylvania.

Mr. Speaker, I and those on this side of the aisle remain committed to seeing the University of Pittsburgh and all the other State-related universities funded at the very highest level, and for that reason I do not support this 19-percent cut in funding on higher education in the State of Pennsylvania and for the students and families in this State. Thank you, Mr. Speaker.

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

On that question, the Speaker recognizes the gentleman from Centre County, Mr. Conklin.

Mr. CONKLIN. I want to thank you, Mr. Speaker.

Mr. Speaker, while I was sitting here, I had a young 18-year-old man, who is going to turn 19, listening to our debate, and he has listened because he has a vested interest, Mr. Speaker. He is getting ready to go to college, and he texted me on my phone, and I just want to read a little bit what he texted at 5:28. He says, I have been listening to the floor debate, and what he tells me, he says that I need to get to the microphone. I need to tell them that every dollar counts for the poor and we need public education funding. We need higher education funding. We need to do much more with our money than what they are planning on doing, Mr. Speaker. He says his name is Paul. He is not a pawn. He is a real live human being that has to pay more in tuition, Mr. Speaker. He says that this is a game, but not a game he wants to be played in. He is tired of being chicken; he is tired of it, Mr. Speaker. He is texting me because he cannot believe what this floor is doing, Mr. Speaker. And he said that as far as filibustering, he said that when in America is filibustering and free speech mixed up? He said that perhaps filibustering is what gets shut off, but he likes to think of it as free speech, Mr. Speaker. This is a young man that is very concerned. And the reason I read this— This is a Droid. I was asked how many words you can get on one of these. On these Droids they go on forever.

But, Mr. Speaker, I think when we look at this, these are people; they have names, and as far as the surplus goes, it is an excess of money. You know, whether you are an accountant, whether you are somebody that works in a small business, when you have more money in the bank account at the end of the day, that is, most likely, considered a surplus.

And I forgot to put one more thing that he just sent over to me. He said, tell the folks sitting on this floor if they are worried about incurred expenses in the future, since it was brought up, we do have that gas industry that already charges folks a percentage when they take the gas out of the ground. Maybe if we really have a shortfall and we need an emergency fund, perhaps we can look at the fee process, but that is for another debate.

But what this is about is whether we really, truly look at the glass half empty or half full. Which way do we want to look at how the light shines on the situation because there are good people—

The SPEAKER. Will the gentleman suspend.

Will the members hold the conversations down, please.

The Speaker thanks the gentleman. The gentleman, Mr. Conklin, may proceed.

Mr. CONKLIN. Thank you, Mr. Speaker.

But there is nothing wrong with a good lively debate, because that is what this country is founded on, and that is what the budget is going to be. It is going to be a good lively debate. Our intentions are not that of filibustering or using pawns on either side of this aisle, our intentions are not to insult one's integrity or one's motives, but our intentions are basically to get what is best for our constituents back home and the people.

And I think what is important, what I started out beginning to say, is that when you look at this text, it is from a real human being, it is from a young person 18 years old getting ready to enter college, it is someone that is very concerned about the amount of the student loan, and it is nice that PHEAA is going to give extra student loans. For those of you that are worried about debt and the future of the State, that is what debt is. When

you go into debt because you have to pay extra in tuition, that is debt; it is double-dipping. It is taking tax dollars once and then charging them again later on down the road.

Mr. Speaker, as we go down this line, I know we are going to have a lot of different views and we are going to have a lot of different ideas on how we look at this and we are going to look at this in a different light and we are going to look at this in a different character, but at the end of the day for many of us when we look at this, we look at this as a 19-percent reduction in funding, we look at this as tuition increases, we look at this as families needing to pay more, we look at this as young people needing to pay more, but most of all, Mr. Speaker, we see this as unneeded. We look at ways that we can fund this, and we can go down that road. We have tried to do amendments, we have tried to do bills, but because of a difference of opinion, neither of those funding sources were added to this process.

So, Mr. Speaker, all I am asking is for the folks to look at this. We do not need to do this today. Let us wait for the budget to come over. Let us look at the very last options we have on the table and try to do better because we can. This body can do better.

Thank you, Mr. Speaker, and I want to thank the colleagues for giving me the opportunity to hear what constituents do have to say. Thank you.

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

On that question, the Speaker recognizes the gentleman from Northampton, Mr. Samuelson.

Mr. SAMUELSON. Thank you, Mr. Speaker.

I rise to urge a "no" vote on this bill. A couple of the speakers on the other side of the aisle have said that the choice is to accept a 19-percent cut or the students and the families will get nothing. One of my colleagues even said it was kind of like a game of chicken. I might say it is more like Chicken Little. Do you remember Chicken Little, who always went around saying, "the sky is falling"; "the sky is falling"?

As I think about this argument that the choice is between a 19-percent cut or the students get nothing, that is a false choice. In fact, if I take that argument that was made by three of my Republican colleagues, what if they used that argument back in March? Do you remember back in March the Governor was trying to get a 51-percent cut for Penn State, Pitt, Lincoln, and Temple? If that argument was used back then, take it or leave it, that would have been an argument to accept a 51-percent cut. What if that argument was used on May 24? Do you remember May 24 when the House Republicans passed their budget? At that time the proposal was for a 25-percent cut for Penn State, Pitt, Lincoln, and Temple; take it or leave it. Well, here we are, and the latest proposal is for a 19-percent cut. There is still time and we still can do better. The choice is not take it or leave it at a 19-percent cut.

Several people have said, well, I should look at the budget printout; I should look at the budget. Well, I did. About an hour ago I got a copy of the Senate Republican budget printout. I tried to get a copy of the Senate Republican budget, but guess what? It does not exist yet. If you go to your computer and call up HB 1485, as of 6:03 tonight the language on that computer, the language that exists right now is the House Republican budget from May 24. There is no new proposal in writing. The budget bill from May 24 is actually 360 pages long. That is the budget detail we have from May 24. What do we have more recently? Well, we have a 19-page printout, Senate Republican printout.

A lot of questions in the hour I have had to look at this: Am I happy with a 61-percent cut to the block grants that our school districts use for pre-K programs and all-day kindergarten? Am I happy for an environmental protection budget that has deeper cuts than even the House Republicans wanted? Am I happy with the basic education line? And wait a second; there is a \$400 million mistake on the Senate Republican printout. They have actually misstated by \$400 million the amount of money currently going into basic education. It makes it look like level funding when in fact we know it is about a \$400 million, \$430 million decrease. It causes me to wonder if they are making a \$400 million mistake on one of these line items—

The SPEAKER. Will the gentleman suspend.

Mr. SAMUELSON. —how do I know there are not more mistakes—

The SPEAKER. Will the gentleman suspend.

The question before the House is the nonpreferred appropriation to HB 1727, not the general appropriations bill.

Mr. SAMUELSON. Thank you, Mr. Speaker.

Without a general appropriations bill that all of us can read with only a 19-page printout, we cannot put this nonpreferred appropriation to the University of Pittsburgh in context, in the context of the other education-related line items, in the context of the rest of the budget, and we do not have enough information to know if this is the best proposal.

Nineteen percent is a devastating deep cut to our students and families. There are avenues that have not been explored, whether we should use some of that \$540 million surplus to make these cuts less, whether we should tax the Marcellus Shale to make these cuts less. We have a Governor who says we should drill on the college campuses. I think we should find a way to fund our college campuses. I think a 19-percent cut for Penn State, Pitt, Lincoln, and Temple is too much, the cut is too deep, and we can do better. Thank you, Mr. Speaker.

The SPEAKER. The House will come to order, please.

The members will please hold the conversations down.

The Speaker thanks the members.

The question is, shall the bill pass finally?

On that question, the Speaker recognizes the gentleman from Erie, Mr. Evans.

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

One of the previous speakers cited a text message he had received a few moments ago, and I think I would like now to take the liberty of referencing an e-mail that was sent to all members of the House within the past 10 minutes. It comes from the University of Pittsburgh, and in that e-mail they indicate to members that they are writing to request an "...affirmative vote in support of the non-preferred bills for the University of Pittsburgh and other state-related universities. We recognize that this has been an exceedingly difficult budget process, and that there are many members that have significant concerns with various issues. However, it is vital to the University of Pittsburgh that it receives a timely appropriation, albeit a significant reduction from our current funding level. If the University of Pittsburgh's non-preferred appropriation bill is not approved before the summer break, it will create significant disruption to our efforts to establish a University budget and set tuition for the coming year. Incoming students and their families have already endured a great deal of uncertainty as a result of the initially proposed 50% reductions to the appropriations of the state-relateds. While the 19% reduction contained in the currently proposed budget will pose significant challenges for

the University and its students, we are grateful for the efforts on both sides of the aisle in the General Assembly to reduce and minimize the cut as proposed in the original budget." And this is signed by the vice chancellor for government relations and the director for Commonwealth relations of the University of Pittsburgh.

So, Mr. Speaker, it is clear that a "no" vote on this HB 1727 is going against the wishes of the University of Pittsburgh, plain and simple. They are asking us for an affirmative vote this evening, and I ask my colleagues to vote "yes" on HB 1727. Thank you, Mr. Speaker.

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

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

The House will please come to order. The members will please clear the aisles. The gentleman will just suspend for a minute, please. Will the members please take their seats and clear the aisles. The Sergeants at Arms will please clear the aisles.

The Speaker thanks the members.

The gentleman, Mr. Kortz, is in order.

Mr. KORTZ. Thank you, Mr. Speaker.

Mr. Speaker, this is the fifth budget that I will take part in, and it is the first time where we have put the nonpreferreds before the general appropriation. I asked several of the members much senior to me if this has ever been done. Several have been here for several decades, sir, and said this has never been done. So I guess my question is, why are we short-circuiting the process that has been established over many, many decades to do the general appropriations and then do the nonpreferreds, but we have completely changed that around. That makes no sense, unless we are trying to pull something here.

Mr. Speaker, on Pitt, the University of Pitt, as we all know the current budget is almost \$168 million – \$160 million of that was from the State; \$7.5 million was the stimulus money; \$7.5 million, 4.5 percent. Now, the Governor in March proposed that we cut 52 percent of their funding, or \$80 million. That was the proposal back in March, and to the gentleman's credit, the majority chair of the Appropriations Committee, he did an admirable job. He tried to put money back in there, and I applaud that effort. He brought some common sense. He added about \$56 million back into that, which I appreciate, bringing it up to \$136 million, much better than what the Governor proposed but still a 19-percent cut.

Now, something has changed as we have gone forward, and that changed condition, sir, was the amount of the surplus that truly is there. That is the new changed condition on this battlefield of priorities and funding. And if you go back in history and look at any great leader, whether it is in war or in government or in business, and we can all name them, those great leaders had the opportunity and the foresight to take advantage of those changed conditions on the battlefield so that they would win at the end of the day. Well, sir, I would propose that this surplus is a changed condition and we should seriously, seriously take some of that money and try to put it back into education. We should put some of that money back.

I disagree at what the prior speaker was talking about a "no" vote is against them. I think a "no" vote today is a "no" vote to the cuts, sir, and I am going to vote "no" to the cuts. I am going to vote for the children of this State, for their parents that want to go to Pitt. I am going to vote "no," and I would ask that everybody else consider that, and I would ask, respectfully

request, that we take a look at some of the surplus and put it back into education, because it truly is a changed variable on this battlefield that we can win for these kids of Pennsylvania, and I would urge a "no" vote. 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. DeLuca.

Mr. DeLUCA. Thank you, Mr. Speaker.

Mr. Speaker, I am a little confused today. I heard the gentleman from Erie mention the vice chancellor calling him up and e-mailing him and saying we should vote for the appropriation not only for Pitt, for all the other institutions. I am amazed though. I did not get any letters from higher education saying anything about the cuts in basic education. That is a feeder system to higher education. I did not hear anything from higher education about the property taxes that are going to be raised because of basic education.

POINT OF ORDER

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

The SPEAKER. The gentleman will suspend.

The House will come to order. The members will please take their seats. The members will please take their seats.

A point of order was raised, and I believe it was relative to staying on the subject of the nonpreferred appropriation bill that is before us. I would urge the member to stay on the topic of the bill before us.

The gentleman, Mr. DeLuca, may proceed.

Mr. DeLUCA. Thank you, Mr. Speaker. I will.

On this appropriation for higher education, for Pitt, and all the other State-relateds, but I will mention Pitt, I really have not had too much correspondence coming from parents telling me to vote for this 19-percent cut. Now, I understand the chancellor asking for this and I understand some of the board members who are asking for this, but I think we forget that we represent approximately 60,000 people out there, and it gets harder and harder for these individuals in middle-class America to send their children to college.

Now, if the universities would be saying to us that they are going to tighten their belts, they are going to do what the Governor said – take pay freezes and take pay cuts and pay more in their health care – then I could understand that; I might be a little inclined to vote for this. But I have not heard that.

And to the Governor's credit, he says that we need to tighten our belts in all education situations, but I have not heard the higher education saying they are going to tighten their belt, they are going to quit building these big additions they put on, they are going to quit putting – adding the money for using different subjects, but I have not heard that, and that is one of the reasons that I am going to be voting against this, because I think that we need to hear from the parents out there, the students. We did hear from them at the beginning of this budget process, but I have not heard and gotten all those e-mails that I got before to vote for this 19-percent cut. And I believe that we should vote "no" on this and see if we can do better. Thank you, Mr. Speaker.

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

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

Mr. ADOLPH. Thank you, Mr. Speaker.

Mr. Speaker, I think it is incumbent upon me to talk a little bit about the \$700 million surplus. I will be the first one to agree that we will have revenue over expenses at the end of June of approximately \$700 million.

Now, before you all start clapping, let me explain to you about a balance sheet, and I am going to ask a question after I explain to you about a Commonwealth Court order on April 15, 2010, in the Commonwealth Court, an Mcare judgment against the Commonwealth of Pennsylvania for \$716 million. That surplus that you were just clapping for of \$700 million has already been ordered to be paid back by the Commonwealth Court of Pennsylvania. The State Supreme Court now has heard the case. We are waiting for their decision. I do not believe anyone in this Pennsylvania House knows what that decision will be, but the Commonwealth Court ruled \$716 million.

Number one liability. A few weeks ago in this House we debated the Unemployment Compensation Fund. Now, everyone in this House knows that we owe the Federal government \$4 billion. I have in front of me a total debt owed by this Commonwealth that equals \$50.5 billion. Why would you then go and spend cash that is owed on these liabilities? It would be irresponsible.

A gentleman from Philadelphia used the math that if you have \$700 million left over in 1 year, you automatically have \$700 million left over the next year. Mr. Speaker, that is not the way it works. It is not the way it works when you have an extraordinary month, the best month that this Commonwealth has had in over 3 years, that being April of 2011, and there are reasons for that.

The SPEAKER. Will the gentleman suspend.

Will the House please come to order.

POINT OF ORDER

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

Mr. DALEY. Point of order, Mr. Speaker.

The SPEAKER. The gentleman will state his point of order.

Mr. DALEY. I understand the Speaker gives the speaker great latitude in his speaking on a particular subject. However, many of us have been admonished about sort of straying afield, and I know the last three or four parts of his last soliloquy have been way afield. I would ask that he try to maintain the amendment, Mr. Speaker.

The SPEAKER. The Speaker thanks the gentleman and certainly will pay closer attention. As the gentleman mentioned, we do give the two Appropriations chairmen on appropriations bills and the floor leaders a little more latitude, but we will certainly ask the gentleman to keep his remarks directed toward the bill that is before us.

Mr. ADOLPH. Thank you, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Adolph, may proceed.

Mr. ADOLPH. Thank you, Mr. Speaker.

Mr. Speaker, I waited about an hour and I listened to why we have the money to give an additional appropriation to the University of Pitt. Many times I heard the reason is because of that \$700 million revenue over surplus. I certainly believe the residents of Pennsylvania should also be told about the liabilities of the Commonwealth of Pennsylvania, and I would

be remiss as the chairman of the Appropriations Committee not to state that.

Now, I have heard that the other side of the aisle has not had an opportunity to review the budget. It is online. It is the same budget that we caucused on today. The suggestion of giving the University of Pitt additional money, you had the opportunity yesterday on second consideration. Not one member spoke today about this funding to the University of Pitt was not enough; not one member rose with an amendment to show the amount of money that they wanted to add to the University of Pitt and where that money was going to come from.

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

The Speaker would ask the gentleman to stay on the bill that is before the House.

Mr. ADOLPH. Thank you, Mr. Speaker.

In closing, Mr. Speaker, I want to remind everyone that this appropriation is a 30-percent increase from the proposal by Governor Corbett in March. It is a 6-percent increase from the proposal that left this House in May. This university needs this money. The students that go there appreciate the effort that has been put forth in coming up with a fair appropriation considering the economic times of this Commonwealth of Pennsylvania. Thank you so much.

LEAVE OF ABSENCE

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

CONSIDERATION OF HB 1727 CONTINUED

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

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

Mr. DERMODY. Thank you, Mr. Speaker.

Mr. Speaker, just to make a slight correction, amendments were offered to increase the subsidies to the University of Pittsburgh and these other nonpreferreds. They were offered on the floor and they were found to be out of order, and we believe they were in order, but it follows a pattern where we have been prevented from filing amendments and from debating here on the House floor. However, those amendments were filed and they would have increased the subsidies, increased the appropriation to the University of Pittsburgh. They were filed and found to be out of order.

LEAVE OF ABSENCE

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

CONSIDERATION OF HB 1727 CONTINUED

On the question recurring,

Shall the bill pass finally?

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

(Members proceeded to vote.)

The SPEAKER. The Speaker is watching the clock. The Parliamentarian actually keeps the clock.

The following roll call was recorded:

YEAS—125

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

NAYS—73

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

NOT VOTING—0

EXCUSED—5

Brennan Hess Sabatina Staback
Cutler

Less than the two-thirds majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill fell.

* * *

The House proceeded to third consideration of **HB 1730, PN 2195**, entitled:

A Supplement to the act of July 7, 1972 (P.L.743, No.176), known as the Lincoln University-Commonwealth Act, making an appropriation for carrying the same into effect; providing for a basis for payments of the appropriation; and providing a method of accounting for the funds appropriated and for certain fiscal information disclosure.

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

(Bill analysis was read.)

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—136

Adolph	Everett	Maloney	Roae
Aument	Farry	Mann	Rock
Baker	Fleck	Marshall	Ross
Barrar	Gabler	Marsico	Saccone
Bear	Geist	Masser	Santoni
Benninghoff	Gerber	Metcalfe	Saylor
Bloom	Gibbons	Metzgar	Scavello
Boback	Gillen	Miccarelli	Schroder
Boyd	Gillespie	Micozzie	Simmons
Brooks	Gingrich	Millard	Smith, K.
Brown, R.	Godshall	Miller	Sonney
Brown, V.	Grell	Milne	Stephens
Brownlee	Grove	Moul	Stern
Buxton	Hackett	Mullery	Stevenson
Caltagirone	Hahn	Murt	Swanger
Carroll	Harhart	Mustio	Tallman
Causar	Harper	Myers	Taylor
Christiana	Harris	O'Brien, D.	Thomas
Clymer	Heffley	O'Neill	Tobash
Cox	Helm	Oberlander	Toepel
Creighton	Hennessey	Parker	Toohil
Cruz	Hickernell	Payne	Truitt
Culver	Hutchinson	Payton	Turzai
Davidson	Johnson	Peifer	Vereb
Day	Kampf	Perry	Vitali
Delozier	Kauffman	Petri	Vulakovich
Denlinger	Kavulich	Pickett	Waters
Dermody	Keller, F.	Pyle	Watson
DiGirolamo	Keller, M.K.	Quigley	Wheatley

Dunbar	Killion	Quinn	Williams
Ellis	Knowles	Rapp	Youngblood
Emrick	Krieger	Reed	
Evankovich	Lawrence	Reese	Smith, S.,
Evans, D.	Maher	Reichley	Speaker
Evans, J.	Major		

NAYS—62

Barbin	DeLuca	Josephs	O'Brien, M.
Bishop	DePasquale	Keller, W.	Pashinski
Boyle, B.	DeWeese	Kirkland	Petrarca
Boyle, K.	Donatucci	Kortz	Preston
Bradford	Fabrizio	Kotik	Ravenstahl
Briggs	Frankel	Kula	Readshaw
Burns	Freeman	Longietti	Roebuck
Cohen	Galloway	Mahoney	Sainato
Conklin	George	Markosek	Samuelson
Costa, D.	Gergely	Matzie	Santarsiero
Costa, P.	Goodman	McGeehan	Shapiro
Curry	Haluska	Mirabito	Smith, M.
Daley	Hanna	Mundy	Sturla
Davis	Harhai	Murphy	Wagner
Deasy	Harkins	Neuman	White
DeLissio	Hornaman		

NOT VOTING—0

EXCUSED—5

Brennan Hess Sabatina Staback
Cutler

The two-thirds 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 1728, PN 2193**, entitled:

A Supplement to the act of November 30, 1965 (P.L.843, No.355), known as the Temple University-Commonwealth Act, making appropriations for carrying the same into effect; providing for a basis for payments of such appropriations; and providing a method of accounting for the funds appropriated and for certain fiscal information disclosure.

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

(Bill analysis was read.)

LEAVE OF ABSENCE

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

CONSIDERATION OF HB 1728 CONTINUED

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

The question is, shall the bill pass finally?

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

The House will please come to order. The members will please take their seats. The lady will just suspend for just one minute, please.

The House will come to order, please. The members will please take their seats. The Sergeants at Arms will clear the aisles, please.

The lady, Ms. Harper, may proceed.

Ms. HARPER. Thank you, Mr. Speaker.

I rise to stand with Temple University. Many of my constituents have gone to Temple or send their children there. It is a good, reasonably priced education, and this is their annual appropriation.

We have one choice tonight. You are either with Temple or you are against Temple. That is the name of the game. I stand with Temple and all of the students there.

The SPEAKER. The lady will suspend a moment.

The House will please come to order. The House will please come to order.

The lady may continue.

Ms. HARPER. Mr. Speaker, I am trying to continue. I am trying to point out that the vote tonight is not whether this is the best bill you have ever seen, the best budget year we have ever had, or what you would do if you were king of the Commonwealth of Pennsylvania. You have one choice, Mr. Speaker. You are either voting to approve Temple's appropriation or you are voting against Temple. That is your choice.

Unlike Illinois, we do not have a legislature where one can vote present but not voting. In Pennsylvania if you are here, you are voting. You are voting for Temple or you are voting against Temple, and any speech you make to the contrary will not change the facts. You either stand with the students at Temple or you stand against them, and do not kid yourselves. I stand with Temple.

The SPEAKER. The House will come to order.

PARLIAMENTARY INQUIRY

The SPEAKER. Is the gentleman, Mr. Daley, seeking a parliamentary inquiry?

Mr. DALEY. Yes, Mr. Speaker.

The SPEAKER. The gentleman may state his parliamentary inquiry.

Mr. DALEY. Mr. Speaker, I know on the last two votes that the Speaker kept the board open a certain period of time, and is it not true, according to the rules, at least I have experienced over the last 29 years, that if the Speaker calls for the vote once, that is appropriate; if the Speaker calls for the vote the second time, that is appropriate; the third time is the vote? I thought that was my understanding of how the rules called, number one.

Number two is, Mr. Speaker, I thought the board could only stay open for 5 minutes.

The SPEAKER. The rules allow, at the Speaker's discretion, for the board to remain open for 10 minutes.

And relative to your first parliamentary inquiry, while it is pretty customary that the Speaker would repeat "Have all the members voted" three times, there is no rule as to how many times the Speaker may state that phrase.

Mr. DALEY. Mr. Speaker, then acknowledging the fact that you will, if you make that decision, you will keep it no longer than 10 minutes open, of course.

The SPEAKER. Ten minutes.

Mr. DALEY. 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. Cohen.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, my district is on the periphery of Temple. None of Temple is in the district, but we have some student housing where there are a couple hundred Temple students probably.

I believe that the best way to be for Temple is to vote against this bill at this time. Temple students are historically people who do not have a heck of a lot of money. They need affordable tuition. The current Temple tuition has gradually risen over the years. Temple is becoming less and less affordable for more and more people. A 19-percent cut in Temple's budget moves Temple out of affordability for some people.

We have had various offers before. This is a negotiating process. Governor Corbett began by offering a 50-percent cut. We said no. The House Republican budget on May 24 said, how about a 25-percent cut? We said no. We are now asked, how about a 19-percent cut? I think we ought to say no.

Temple is a vital part of the State of Pennsylvania, and the last time I was in western Pennsylvania, I went by billboards urging people to go to Temple. Temple is all over the State. It has a campus in Harrisburg right across from the Main Capitol Building in Strawberry Square. It is an outstanding university.

The best way to help Temple over the long run is to vote "no" tonight on June 27. I think we can do better. If we wait longer, we probably will do better. The answer as to what the future of Temple is, is intricately tied in with the future of all the other programs funded by State government. It has been over 20 years since the State ordered us to provide money for local court systems. We have not done that. We have taken the position that we are not bound by court decisions on major budgetary appropriations. The action of the State legislature has been reminiscent of Andrew Jackson's statement, almost 200 years ago now, saying that the Supreme Court has made the decision, let them enforce it.

We have the ability to strike a blow for greater funding for Temple, for greater funding for other State-related universities such as the University of Pittsburgh, and we have the ability to strike a blow for greater funding of other budgetary items not now before us.

For all of these reasons I urge a "no" vote.

On the question recurring,

Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—132

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

NAYS—65

Barbin	DeLuca	Josephs	Pashinski
Bishop	DePasquale	Keller, W.	Petrarca
Boyle, B.	DeWeese	Kirkland	Ravenstahl
Boyle, K.	Donatucci	Kortz	Readshaw
Bradford	Fabrizio	Kotik	Roebuck
Briggs	Frankel	Kula	Sainato
Burns	Freeman	Longietti	Samuelson
Cohen	Galloway	Mahoney	Santarsiero
Conklin	George	Markosek	Shapiro
Costa, D.	Gergely	Matzie	Smith, M.
Costa, P.	Goodman	McGeehan	Sturla
Curry	Haluska	Mirabito	Wagner
Daley	Hanna	Mundy	Waters
Davidson	Harhai	Murphy	Wheatley
Davis	Harkins	Neuman	White
Deasy	Hornaman	O'Brien, M.	Youngblood
DeLissio			

NOT VOTING—0

EXCUSED—6

Brennan	Hess	Sabatina	Staback
Cutler	Preston		

Less than the two-thirds majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill fell.

The SPEAKER. The House will please come to order. The House will come to order. The House will please come to order. The members will please take their seats.

* * *

The House proceeded to third consideration of **HB 1729, PN 2194**, entitled:

An Act making appropriations to the Trustees of the University of Pennsylvania.

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—128

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

NAYS—69

Barbin	DeLissio	Keller, W.	Pashinski
Bishop	DeLuca	Kirkland	Ravenstahl
Boyle, B.	DePasquale	Kortz	Readshaw
Boyle, K.	DeWeese	Kotik	Roebuck

Bradford	Donatucci	Kula	Sainato
Briggs	Fabrizio	Longiotti	Samuelson
Brown, V.	Frankel	Mahoney	Santarsiero
Brownlee	Freeman	Markosek	Shapiro
Burns	Galloway	Matzie	Smith, M.
Cohen	Gergely	McGeehan	Sturla
Conklin	Goodman	Mirabito	Thomas
Costa, D.	Haluska	Mundy	Wagner
Costa, P.	Hanna	Murphy	Waters
Cruz	Harhai	Myers	Wheatley
Curry	Harkins	Neuman	White
Davidson	Hornaman	O'Brien, M.	Williams
Davis	Josephs	Parker	Youngblood
Deasy			

NOT VOTING—0

EXCUSED—6

Brennan	Hess	Sabatina	Staback
Cutler	Preston		

Less than the two-thirds majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill fell.

MOTION TO SUSPEND RULES

The SPEAKER. The Speaker recognizes the gentleman, Mr. Adolph, who moves for a suspension of the rules for the consideration of HB 1731, PN 2222, on page 2 of today's House calendar, supplemental A.

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

The SPEAKER. On that question, the Speaker recognizes the gentleman from Delaware, Mr. Adolph.

Mr. ADOLPH. Thank you, Mr. Speaker.

Mr. Speaker, I ask for the suspension of the rules, and the reason for that, Mr. Speaker, is today in the House Appropriations Committee there was an amendment that passed that moved Penn State University's appropriation for their ag research and the appropriation for the ag extension out of the nonpreferreds into the General Fund, and for that purpose I am asking for a suspension of the rules.

The SPEAKER. The question before the House is, shall the rules be suspended for the immediate consideration of HB 1731?

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

The following roll call was recorded:

YEAS—116

Adolph	Fleck	Maloney	Reese
Aument	Gabler	Marshall	Reichley
Baker	Geist	Marsico	Roae
Barrar	Gibbons	Masser	Rock
Bear	Gillen	Metcalfe	Ross

Benninghoff	Gillespie	Metzgar	Saccone
Bloom	Gingrich	Miccarelli	Saylor
Boback	Godshall	Micozzie	Scavello
Boyd	Grove	Millard	Schroder
Brooks	Hackett	Miller	Simmons
Brown, R.	Hahn	Milne	Smith, K.
Carroll	Harhart	Moul	Sonney
Causser	Harper	Mullery	Stephens
Christiana	Harris	Murt	Stern
Clymer	Heffley	Mustio	Stevenson
Conklin	Helm	O'Brien, D.	Swanger
Cox	Hennessey	O'Neill	Tallman
Creighton	Hickernell	Oberlander	Taylor
Culver	Hutchinson	Payne	Tobash
Day	Kampf	Peifer	Toepel
Delozier	Kauffman	Perry	Toohil
Denlinger	Kavulich	Petrarca	Truitt
DiGirolamo	Keller, F.	Petri	Turzai
Dunbar	Keller, M.K.	Pickett	Vereb
Ellis	Killion	Pyle	Vulakovich
Emrick	Knowles	Quigley	Watson
Evankovich	Krieger	Quinn	
Evans, J.	Lawrence	Rapp	Smith, S.,
Everett	Maher	Reed	Speaker
Farry	Major		

NAYS—81

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

NOT VOTING—0

EXCUSED—6

Brennan	Hess	Sabatina	Staback
Cutler	Preston		

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

The SPEAKER. The House will be at ease for a few minutes.

The House will come to order.
Please take your seats.

CALENDAR CONTINUED

BILL ON SECOND CONSIDERATION

The House proceeded to second consideration of **SB 263, PN 240**, entitled:

An Act amending the act of June 25, 1982 (P.L.633, No.181), known as the Regulatory Review Act, further providing for definitions, for proposed regulations and procedures for review and for criteria for review of regulations.

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

Ms. **JOSEPHS** offered the following amendment No. **A03207**:

Amend Bill, page 2, lines 15 through 17, by striking out "An agency." in line 15 and all of lines 16 and 17

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

The SPEAKER. The House will please come to order. Will the members please clear the aisles.

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

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

Ms. JOSEPHS. Thank you, Mr. Speaker.

This bill changes the way IRRC, the Independent Regulatory Review Commission, does its work. The bill requires, which I think is not a bad requirement, that all of the evidence that IRRC and the agency which proposes regulations uses to write the regulation and evaluate the regulation be based on testable evidence, scientific evidence, and the hope is that our regulations will be more sensible, more consumer-friendly.

But one of the things that is a problem and which this amendment seeks to change is that under the bill as it is now written, the agency which proposes the regulation, the agency which we have to assume is the expert, has the personnel who are the experts, who are educated, whose experience has made them experts, will have the burden of proof to show that the regulation is based on scientific evidence.

What amendment 3207 does is it removes the language that declares the agency— Mr. Speaker, it does seem to be a little loud in here, sir.

The SPEAKER. The Speaker would agree with the lady and would ask the members to please clear the aisles. The lady will suspend for a minute. Will the members please take their seats. The Speaker thanks the members.

The lady may proceed.

Ms. JOSEPHS. Thank you, Mr. Speaker.

As I was saying, as the bill stands now, the agency, the experts, the folks who have been appointed one way or another by the Governor, because we are talking about executive agencies, have the burden of proof. They have to show that the evidence they are using is scientific, is testable, is empirical.

My amendment removes the sentence, this amendment 3207 simply removes the sentence that directs the agency, tells the agency that that agency has the burden of proof. So there is no mention at all about burden of proof relative to the agency, to the regulated community, or to us, actually, because we passed

the legislation that the executive agency is trying to implement through its regulation.

I think this is a much fairer way to approach this bill, which, as I said, I think is not a terrible bill. I would just like it to be more fair.

Thank you, Mr. Speaker.

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

Will the conversations in the aisles please break up. The Speaker thanks the members.

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

Mr. METCALFE. Thank you, Mr. Speaker.

As chairman of the State Government Committee, I stand to oppose amendment 3207.

This legislation that we have before us, SB 263, if amended by this amendment, this amendment would ultimately defeat the real purpose of the legislation. The legislation is commonsense legislation, Mr. Speaker, that actually requires that when an agency promulgates a regulation, that they have some data that would justify promulgating that regulation and that it would be based on data that would be sound data, it would ultimately be good scientific data that would ultimately justify why this regulation will be imposed on those in our society whom it is being imposed on.

Mr. Speaker, this legislation is, once again, another piece of legislation that we are moving forward on that ultimately will help us see jobs created in Pennsylvania. Burdensome regulations that are not promulgated based on good science, Mr. Speaker, end up tying the hands of entrepreneurs, on business owners who are trying to create jobs in our State. And, Mr. Speaker, if we require the agency actually provide information, provide data that backs up what regulations they are promulgating, then I think that will go a long way toward ensuring that jobs are created in Pennsylvania and people who are trying to create them are not having their hands tied.

We have many organizations that are out there trying to create jobs that are supportive of this legislation unamended so we can see it arrive on the Governor's desk. Folks like the NFIB, National Federation of Independent Business; the Builders Association; and the Pennsylvania Farm Bureau would all like to see this legislation move forward unamended so that the Governor can sign this and help us move forward with creating jobs in Pennsylvania, Mr. Speaker.

So I would ask for a "no" vote, Mr. Speaker. Thank you.

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

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

Mr. VITALI. Thank you, Mr. Speaker.

I rise in support of the Josephs amendment because the Josephs amendment, if passed, will make this bill more acceptable to those who are fighting for Pennsylvania's environment. In its present form this bill is opposed by PennEnvironment, PennFuture, the advisory committee to the Department of Environmental Protection, and Clean Water Action. Mr. Speaker, these groups support the Josephs amendment.

Mr. Speaker, the regulatory process is somewhat difficult to get your head around, but the burden-of-proof concept in this bill is really inappropriate, because at the end of the day the IRRC is only advisory. There is no courtroom-type filtering of

facts in the regulatory process. We in the legislature pass a law, an agency like the Department of Environmental Protection promulgates regulations, and it goes through a regulatory process where there is a give-and-take. There are public hearings. There is give-and-take between IRRC and the agency, and it moves through the process. But IRRC cannot stop this. They can only give advisory opinions. Because of that this concept of burden of proof, more appropriate to a legal proceeding, is just not appropriate here.

Mr. Speaker, let me just read what PennFuture said about this concept: "The bill could prove a boon to trial lawyers, who will conjure infinite variations on the claim that data judged...by the agency's specially-trained experts nevertheless is not 'acceptable.'"

Mr. Speaker, I have spoken with groups who support this legislation; for example, the home builders, and they cite reasons like this would allow them to challenge things like stream buffers, this would allow them to challenge having development close to streams; this would allow them to do that. And the discussions I have had with home builders would say that this sort of language would give them a pretext to go into court and use this whole burden-of-proof language to hurt environmental protection like stream buffers.

Mr. Speaker, this legislation is designed or has been promulgated by people who oppose things like the total dissolved solid standards that protect our drinking water from hydraulic fracking fluid. People who support this legislation cite the problems they had with our TDS regulations, which really protect our drinking water. Mr. Speaker, people who support these regulations cite problems they have with designations of exceptional value streams. Mr. Speaker, it is important to anglers and hunters that things like exceptional value streams maintain their qualifications so we can fish for trout and all the other good things we can do. The people who support this bill want to challenge those exceptional value designations, they want to challenge stream buffers, they want to challenge standards to keep our drinking water clean.

Mr. Speaker, this amendment, the Josephs amendment, will cause this to be a better bill by not giving those people who would challenge these environmental protection tools to do that. Mr. Speaker, many groups urge support of the Josephs amendment and I do, too, and I ask for an affirmative vote.

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

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

Mr. ROSS. Thank you, Mr. Speaker.

In fact, actually, when you go before IRRC as an agency, you have to prove that (a), No. 3, there is a statement of the need for the regulation and also you have to prove that you have chosen the least burdensome acceptable alternative. So in both of those cases, the burden of proof is in fact on the agency attempting to promulgate the regulation. It is logical to assume, therefore, that the data that they are using to back up that position should also be proved and the burden of proof should be on the agency attempting to promulgate that regulation.

So at the end of the day, the agency is attempting to show and must provide the burden of proof that the regulation is needed and that the regulation is the least burdensome. The data they are using for that should be also their responsibility, and the burden of proof of providing that data should logically be with the agency.

I therefore urge the members to vote "no" on this amendment.

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

On that question, the Speaker recognizes the lady, Ms. Josephs, for the second time.

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

It already takes an unconscionable amount of time to get regulations promulgated and put out so that the bills that we pass here can be effectuated. I am trying to not add to the amount of time, the days, the weeks, the months. This gives us, gives the IRRC some flexibility in looking at what is scientific data. It is not meant to thwart the purpose of this bill at all.

I would appreciate— And many, many other groups and folks who represent the hunters and hikers and all kinds of folks may be a little dissatisfied when they see how these regs start to come out under this, but that is in the future. Please vote "yes" for my amendment. Thank you.

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

On the question of the amendment, the Speaker recognizes the gentleman from Clearfield County, Mr. George.

Mr. GEORGE. I apologize, Mr. Speaker, for interrupting you, but we have been talking back and forth for hours, for 3 days, and we have been talking about matters that individuals believe are important. There is nothing that will come before us that will be more important than the preservation of water. That is one matter that those who promise to protect the people that they have and what they own and to provide them homes and jobs and all of those things, it cannot be done without pure water.

So I am asking you to support the Josephs amendment, please. Thank you.

The SPEAKER. The Speaker thanks the gentleman.

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

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

Mr. MAHER. I am heartened to hear the concern for clean water, clean air. Everything should be clean, green, but to get there, it takes good science; it takes science. That is what causes us to know how to ensure that the water is clean.

This bill simply says that the regulations that have that same goal should be based in that same science. Now, I do understand why the gentlelady might recognize that as a challenge. After all, she has just voted against educating scientists of the future.

The SPEAKER. The gentleman will suspend.

Mr. MAHER. Thank you, Mr. Speaker.

The SPEAKER. The gentleman slid that in there pretty quickly.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—74

Barbin	Davis	Josephs	Ravenstahl
Bishop	Deasy	Kavulich	Readshaw
Boyle, B.	DeLissio	Keller, W.	Roebuck
Boyle, K.	DeLuca	Kirkland	Samuelson
Bradford	DePasquale	Kula	Santarsiero
Briggs	Dermody	Mahoney	Santoni

Brown, V.	DeWeese	Mann	Shapiro
Brownlee	Donatucci	Markosek	Smith, K.
Burns	Evans, D.	Matzie	Smith, M.
Buxton	Fabrizio	McGeehan	Sturla
Caltagirone	Frankel	Mirabito	Thomas
Cohen	Freeman	Mundy	Vitali
Conklin	Galloway	Murphy	Wagner
Costa, D.	George	Myers	Waters
Costa, P.	Gerber	O'Brien, M.	Wheatley
Cruz	Hanna	Parker	White
Curry	Harkins	Pashinski	Williams
Daley	Hornaman	Payton	Youngblood
Davidson	Johnson		

NAYS—123

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

NOT VOTING—0

EXCUSED—6

Brennan	Hess	Sabatina	Staback
Cutler	Preston		

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

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

Ms. **JOSEPHS** offered the following amendment
No. **A03270**:

Amend Bill, page 2, lines 15 through 17, by striking out "An agency" in line 15 and all of lines 16 and 17 and inserting Data offered by an agency shall be presumed to be acceptable. A third party disputing the agency data shall have the burden to prove by a preponderance of the evidence that the data is not acceptable.

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

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

Ms. JOSEPHS. Thank you, Mr. Speaker.

This amendment pretty much – well, it also talks about burden of proof. The third party, which of course is the regulated community, under this amendment would have to have the burden of proof. The amendment requires the complaining third party to prove that the agency's data is unacceptable.

Again, we are asking for respect for the agency, which is only trying to do what we have asked them to do, and I really do not see any reason why we should be putting roadblocks in its way. In some ways I do not mind because it is not my Governor, but there is a principle here, and it applies to all Governors. 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 Butler, Mr. Metcalfe.

Mr. METCALFE. Thank you, Mr. Speaker.

Mr. Speaker, as chairman of the State Government Committee, I rise in opposition to this amendment also, amendment 3270. It is just this legislation requires that the agency actually produce acceptable data, which is defined as being "empirical, replicable and testable data as evidenced in supporting documentation, statistics, reports, studies or research" when promulgating regulations, Mr. Speaker.

Just common sense to ensure that when an agency promulgates a regulation, that it is based on good science, Mr. Speaker, so that they are just not promulgating regulations based on feelings. This legislation, this amendment to this legislation would actually take the responsibility away from the agency in having to prove that their data is acceptable data. It is just common sense that the agencies promulgating the regulation, they should be the ones backing up that regulation with the data, Mr. Speaker.

And the amendment creates kind of a third-person scenario that really does not exist in the current legislation, and I am not sure how the maker of the amendment came to that decision, but the way the legislation is drafted, it is just assumed that when you go through the process with the Independent Regulatory Review Commission, that this would be part of the process, not that there is somebody objecting to the regulation necessarily, but that as it is being promulgated, that the agency would actually be able to back up that regulation with good science data to ensure that they are not promulgating regulations that are going to stop job creation without having data to back it up, Mr. Speaker.

Once again, this legislation really will help us to move forward once again with creating jobs in Pennsylvania, and this amendment will undermine that direction, Mr. Speaker. I would ask for a "no" vote on amendment 3270.

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

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

Mr. VITALI. Thank you, Mr. Speaker.
I rise in support of the Josephs amendment.

I think it just is common sense if you understand a couple of facts. This is a situation where an agency is presenting information to IRRC. Now, take, for example, the Department of Environmental Protection. This is an agency who has highly skilled experts – engineers, scientists, biologists. They are chock-full of people who are experts in their field on a given regulation. IRRC, on the other hand, does not have nearly the expertise in— They are people whose jobs are to review regulations as opposed to being an expert in a specific field, be it education, transportation, environment, whatever. So it is logical to presume— The analogy I am thinking of is if your doctor takes a look at your Pap smear and says, as it happened to a recent friend of mine, "You have a very serious cancer," and you say, "Well, I feel fine." "But listen, I went to medical school, I went to all the rest. This is my professional opinion." That doctor, because he is the expert, is in a better position to evaluate the course of treatment than a patient. I think the analogy is similar here. If you have an agency who possesses engineers, scientists, and so forth and they render their opinion here, I think the Josephs amendment is correct in having this presumption.

So I would offer support of the Josephs amendment. Thank you.

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

On that question, the Speaker recognizes the gentleman from Cumberland County, Mr. Grell.

Mr. GRELL. Thank you, Mr. Speaker.
I rise in opposition to this amendment.

Now, the first amendment that we considered just eliminated the burden of proof altogether. This amendment eliminates it from the agency who, as the gentleman from Delaware County just said, has all of these highly skilled experts to support the evidence and the data that is used. This amendment actually shifts it to the individual, to the taxpayer, to the citizens environmental group, to the individual who is trying to go up against big government. Now they are going to have to go out and hire highly skilled experts to take on the agency at great expense.

So for those reasons I urge rejection of this amendment. Thank you, Mr. Speaker.

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

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

Ms. JOSEPHS. Thank you, Mr. Speaker.

I want to thank the gentleman from Cumberland for giving me such a segue, because I was going to talk about how expensive this is going to be for State government.

Of course the regulated community has resources that we know from our recent discussions we do not have in this State. Well, we are going to spend a lot of the resources we do not have because we are not giving the agency the chance to shift to the regulated community the burden of proof. We are forcing the agency to go to all kinds of lengths in order to carry out legislation that a majority of us have passed. I am a little flummoxed about this. I really am. Are we working against ourselves and causing the taxpayer a tremendous bill? Again I will ask myself, and the answer is yes.

Thank you, Mr. Speaker.

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

(Members proceeded to vote.)

LEAVE OF ABSENCE

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

CONSIDERATION OF SB 263 CONTINUED

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

The following roll call was recorded:

YEAS—70

Barbin	Davis	Josephs	Ravenstahl
Bishop	DeLissio	Keller, W.	Roebuck
Boyle, B.	DeLuca	Kirkland	Samuelson
Boyle, K.	DePasquale	Kula	Santarsiero
Bradford	Dermody	Mahoney	Santoni
Briggs	DeWeese	Mann	Shapiro
Brown, V.	Donatucci	Markosek	Smith, K.
Brownlee	Evans, D.	Matzie	Smith, M.
Buxton	Fabrizio	McGeehan	Sturla
Caltagirone	Frankel	Mirabito	Thomas
Cohen	Freeman	Mundy	Vitali
Conklin	Galloway	Murphy	Wagner
Costa, D.	George	Myers	Waters
Costa, P.	Gerber	O'Brien, M.	Wheatley
Cruz	Hanna	Parker	White
Curry	Harkins	Pashinski	Williams
Daley	Hornaman	Payton	Youngblood
Davidson	Johnson		

NAYS—126

Adolph	Gabler	Krieger	Quinn
Aument	Geist	Lawrence	Rapp
Baker	Gergely	Longietti	Readshaw
Barrar	Gibbons	Maher	Reed
Bear	Gillen	Major	Reese
Benninghoff	Gillespie	Maloney	Reichley
Bloom	Gingrich	Marshall	Roae
Boback	Godshall	Marsico	Rock
Boyd	Goodman	Masser	Ross
Brooks	Grell	Metcalfe	Saccone
Brown, R.	Grove	Metzgar	Sainato
Burns	Hackett	Miccarelli	Saylor
Carroll	Hahn	Micozzie	Scavello
Causer	Haluska	Millard	Schroder
Christiana	Harhai	Miller	Simmons
Clymer	Harhart	Milne	Sonney
Cox	Harper	Moul	Stephens
Creighton	Harris	Mullery	Stern
Culver	Heffley	Murt	Stevenson
Day	Helm	Mustio	Swanger
Deasy	Hennessey	Neuman	Tallman
Delozier	Hickernell	O'Brien, D.	Taylor
Denlinger	Hutchinson	O'Neill	Tobash
DiGirolamo	Kampf	Oberlander	Toepel
Dunbar	Kauffman	Payne	Toohil
Ellis	Kavulich	Peifer	Truitt
Emrick	Keller, F.	Perry	Turzai
Evankovich	Keller, M.K.	Petrarca	Vulakovich
Evans, J.	Killion	Petri	Watson

Everett	Knowles	Pickett	
Farry	Kortz	Pyle	Smith, S.,
Fleck	Kotik	Quigley	Speaker

NOT VOTING—0

EXCUSED—7

Brennan	Hess	Sabatina	Vereb
Cutler	Preston	Staback	

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

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

Ms. **JOSEPHS** offered the following amendment
No. **A03271**:

Amend Bill, page 2, lines 2 and 3, by striking out "a " in line 2 and "paragraph" in line 3 and inserting paragraphs

Amend Bill, page 2, by inserting between lines 17 and 18
(14.1) A third party challenging the acceptability of data offered by an agency shall have the burden to prove by a preponderance of the evidence that the data is not acceptable.

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

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

Ms. JOSEPHS. Thank you, Mr. Speaker.

This amendment, 03271, would have pretty much the same effect as 03270, except that it is worded a little bit differently. It says that the third-party challenger – that would be the regulated community – has the burden to prove by a preponderance of the evidence that the agency data is not acceptable, "acceptable" being a term of art in this bill.

Again, I am looking for a solution that has a problem, actually. Is that not unique and special? What did the Church Lady used to say? "Isn't that special?" There is a problem here. I do not disagree entirely that there is a problem here, but let us not have this problem cost State government a huge amount of money. Make this regulation process much, much longer.

I do not understand the claim that this is going to bring in jobs. When it passes, if it passes, I really want to see some proof. I want to see some acceptable scientific data that shows that this bill is going to increase jobs. Huh? How about that.

Please vote for my amendment. Thank you.

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

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

Mr. METCALFE. Thank you, Mr. Speaker.

As chairman of the State Government Committee, of which this bill was processed through, I oppose amendment 3271. Once again, the legislation is just common sense to ensure that regulations are promulgated based on good science and not good feelings, Mr. Speaker. Amendment 3271 undermines this legislation, and just the drafting of the amendment in itself does

not really seem like it would even work well with the intent of the legislation to begin with, along with undermining it.

So, Mr. Speaker, I would ask for a "no" vote on amendment 3271. Once again, good science will lead to good regulations, which will lead to more jobs being created by those who are trying to create them, Mr. Speaker. I ask for opposition to 3271.

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 Armstrong County, Mr. Pyle.

Mr. PYLE. Thank you, Mr. Speaker.

Mr. Speaker, I rise in opposition to amendment 3271. In listening to the rationale proposed from both the lady from Philadelphia and the gentleman from Butler, it becomes apparent that one side favors a bigger government stacking up against the common man whereas the other side favors the common man standing up against an overbearing government.

I feel it is imperative upon us to side with our citizenry, our common man. It is our duty as Pennsylvania legislators to vote in opposition to A3271. 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 Delaware County, Mr. Vitali.

Mr. VITALI. Thank you, Mr. Speaker.

I was not going to speak on this amendment, but I am compelled to by what the previous speaker has said.

What this amendment does is in fact favor the common man. This in fact favors those who would drink our water. The common citizens of the Marcellus region and elsewhere who want clean water, it favors them over the drillers who want weakened regulations.

Mr. Speaker, it favors our common man who, after a hard week's work, wants to just simply fish in an exceptional value stream. It favors him, the common sportsman, over those who would want to degrade the value of our streams. Mr. Speaker, it favors the common man who wants clean streams as opposed to those who would overdevelop and profit by overdevelopment and violate stream buffers. This amendment favors the common man of Pennsylvania who simply wants clean air, water, and streams and wants to be protected against overdevelopment, Mr. Speaker.

I urge a "yes" vote.

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

On that question, the Speaker recognizes the gentleman from Clearfield County, Mr. George.

Mr. GEORGE. You know, Mr. Speaker, a while ago a couple of previous speakers spoke about the genius and the intellect of some of these people that are going to go out and make some of these decisions. And I am far from a genius, but you know, I know the difference between (word stricken) and money to buy whiskey.

The SPEAKER. The gentleman will suspend.

Mr. GEORGE. I already did.

The SPEAKER. The gentleman will suspend.

The gentleman knows when we are speaking at the side bar, he can say almost anything, but the Speaker would ask the gentleman to refrain on the record.

Mr. GEORGE. I have to get this guys to cheer, Mr. Speaker, because they are a very solemn group of people.

The SPEAKER. Yes, it has been a long day.

The gentleman, Mr. George, is in order.

Mr. GEORGE. It has been a heck of a long day, Mr. Speaker. Marcellus Shale is behind that and the commission that the Governor is going to appoint to make these decisions. So next year and the year after, I will be there to remind all of you, shame, shame on you.

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

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

Mr. MAHER. If you were not reading the bill and if you were not reading the amendment, you might think that this bill and this amendment was about Marcellus, was about water. It is not. It is about the interrelationship of government and the people. It is about, when the government is telling the people how they must behave, that it is the burden of the government to have a sound, scientific basis. And if to the extent those regulations deal with the oil and gas industry, to the extent they deal with clean water and clean air, I want regulations that are sound science. I do not want regulations that are not grounded in sound science.

I find it astonishing that the notion of clean water standards based in science, clean air standards based in science, drilling regulations based in science, would be frightening to anyone. We have gone through a progression of amendments that really have the same objective, which is to throw the science out the window and replace it with some bureaucrat's opinion. And with all due respect to bureaucrats who may be wise, the people of Pennsylvania deserve more than someone's opinion when science should be the guide, and in these areas, science should be the guide.

Thank you, Mr. Speaker.

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

On that question, the Speaker recognizes the lady, Ms. JOSEPHS, for the second time.

Ms. JOSEPHS. Thank you, Mr. Speaker.

Again, a previous speaker has— Oh, I think there are some more folks. Perhaps I should stop. If I can come back again. I saw hands go up.

The SPEAKER. The Speaker has been scanning the floor and always tries to recognize the maker of the amendment last. He cannot totally control that. But I did not see anybody else seeking recognition—

Ms. JOSEPHS. Okay. Sorry.

The SPEAKER. —so the lady may proceed.

Ms. JOSEPHS. Thank you, Mr. Speaker.

The gentleman from Allegheny, it is hard to figure out whether he was making my point or his point. But here is what is happening here, Mr. Speaker.

I do not oppose having our regulations based on science. What I oppose is allowing third parties – regulated communities, international, global conglomerates that are in our beautiful forestland and farmland fracking for natural gas – what I oppose is having them being allowed to spend untold amounts of money on lawyers coming in to prove that what they say is science is science while State government is hamstrung, because, as we all know, we have some budget problems, and it is our legislation that we are allowing to go down the proverbial place where things go.

What we are seeing here in Pennsylvania is science for sale – science for sale. That is pretty depressing. I should actually be for it, because it is also welfare for lawyers, and considering what we did this morning to lawyers, it is time to pay them back. Maybe that is what the gentleman has in mind. This is science for sale. It is welfare for lawyers. It is not for the common person. It is not for the voter. It is not for the constituent. It is not for the taxpayer. It is not for the private-property owner who now has a huge drilling apparatus on his or her property. It is not for the hiker. It is not for the hunter. It is not for anybody who wants to enjoy our forests. I think the Farm Bureau will be sorry when they see what happens here, that they were for it. They are good environmentalists.

Please, save yourselves. Vote for this amendment. Otherwise, all of our budget goes to paying lawyers, which really ought to be all right with me but it is not. Please vote "yes."

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

The following roll call was recorded:

YEAS-71

Barbin	Davis	Josephs	Ravenstahl
Bishop	DeLissio	Kavulich	Roebuck
Boyle, B.	DeLuca	Keller, W.	Samuelson
Boyle, K.	DePasquale	Kirkland	Santarsiero
Bradford	Dermody	Kula	Santoni
Briggs	DeWeese	Mahoney	Shapiro
Brown, V.	Donatucci	Mann	Smith, K.
Brownlee	Evans, D.	Markosek	Smith, M.
Buxton	Fabrizio	Matzie	Sturla
Caltagirone	Frankel	McGeehan	Thomas
Cohen	Freeman	Mirabito	Vitali
Conklin	Galloway	Mundy	Wagner
Costa, D.	George	Murphy	Waters
Costa, P.	Gerber	Myers	Wheatley
Cruz	Hanna	O'Brien, M.	White
Curry	Harkins	Parker	Williams
Daley	Hornaman	Pashinski	Youngblood
Davidson	Johnson	Payton	

NAYS-125

Adolph	Gabler	Lawrence	Rapp
Aument	Geist	Longietti	Readshaw
Baker	Gergely	Maher	Reed
Barrar	Gibbons	Major	Reese
Bear	Gillen	Maloney	Reichley
Benninghoff	Gillespie	Marshall	Roae
Bloom	Gingrich	Marsico	Rock
Boback	Godshall	Masser	Ross
Boyd	Goodman	Metcalfe	Sacccone
Brooks	Grell	Metzgar	Sainato
Brown, R.	Grove	Miccarelli	Saylor
Burns	Hackett	Micozzie	Scavello
Carroll	Hahn	Millard	Schroder
Causer	Haluska	Miller	Simmons
Christiana	Harhai	Milne	Sonney
Clymer	Harhart	Moul	Stephens
Cox	Harper	Mullery	Stern
Creighton	Harris	Murt	Stevenson
Culver	Heffley	Mustio	Swanger
Day	Helm	Neuman	Tallman
Deasy	Hennessey	O'Brien, D.	Taylor
Delozier	Hickernell	O'Neill	Tobash

Denlinger	Hutchinson	Oberlander	Toepel
DiGirolamo	Kampf	Payne	Toohil
Dunbar	Kauffman	Peifer	Truitt
Ellis	Keller, F.	Perry	Turzai
Emrick	Keller, M.K.	Petrarca	Vulakovich
Evankovich	Killion	Petri	Watson
Evans, J.	Knowles	Pickett	
Everett	Kortz	Pyle	Smith, S.,
Farry	Kotik	Quigley	Speaker
Fleck	Krieger	Quinn	

NOT VOTING—0

EXCUSED—7

Brennan	Hess	Sabatina	Vereb
Cutler	Preston	Stabak	

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

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

Mr. **VITALI** offered the following amendment No. **A03624**:

Amend Bill, page 1, line 18, by striking out "and" and inserting a comma

Amend Bill, page 1, line 18, by inserting after "data"
or otherwise reliable

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

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

Mr. **VITALI**. Thank you, Mr. Speaker.

This is a fairly simple amendment. It really just involves four words. It involves removing one word and adding three words. And no matter what is said by subsequent speakers, I am going to ask you to please just keep what we are talking about in mind.

Mr. Speaker, this bill adds a definition of "acceptable data," acceptable data that an agency has to provide to IRRC when they want to promulgate a regulation. So what we are really talking about with this amendment is the definition of "acceptable data." Let us keep that in mind.

Now, let us look at the bill, page 1, line 18, and it defines "acceptable data" as follows: "Empirical, [reliable] and testable data...." Just to underscore that, "acceptable data" is defined by this bill as "Empirical, [reliable] and testable data...." It seems pretty reasonable. We just tweak that a little bit, and that is all this amendment is about. So instead of reading "Empirical, [reliable] and testable data....," if you vote for this amendment, it will read empirical, reliable – I am sorry – empirical, replicable "or otherwise reliable" data. The new definition will be "Empirical, replicable, testable or otherwise reliable data...." That is what this is all about, changing the definition from "Empirical, replicable and testable data...." to "Empirical, replicable, testable or otherwise reliable data...." That is really what this debate is about.

Now, the reason that is important is because sometimes not everything is 100-percent testable. In other words, if you want a regulation— For example, if you want a regulation that sets out a 150-foot stream buffer, for example, to prove in a testable way the 150 feet is right versus 130 feet versus 170 feet, sometimes you just cannot do it, although you know that is about right, so you can provide reliable data, general reliable data.

Mr. Speaker, this amendment is just a commonsense amendment to deal with situations where sometimes you have good reliable data that is not empirical, replicable, and testable. You are just creating a situation where you can give other reliable data. So it is not really a difficult concept. It is just a very simple tweaking to make sure you are not barred from doing things like adding commonsense regulations, even though something might not be 100-percent testable.

The TDS regs that we passed in the Marcellus situation that protected our water from the dangers of fracking, those regs were not 100-percent testable but we got the regs in anyway, and they are supported by Secretary Krancer and others because they are good measures to protect the public. And we needed to do it right away because the drilling was happening right away, even though they might not have been exactly immediately testable. Mr. Speaker, those who promulgate this bill were people who wanted to stop the TDS regulations.

So, Mr. Speaker, again, I will leave the mike, but again, no matter what is said after we leave, all we are doing is adding to the definition of "acceptable data" "otherwise reliable data." That is all we are doing. "Otherwise reliable data"; that is all we are doing. I hope you can support me on this. It is not a bridge too far. It is a very logical, commonsense thing. I would appreciate your support.

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

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

Mr. **METCALFE**. Thank you, Mr. Speaker.

Mr. Speaker, as chairman of the State Government Committee, I rise in opposition to amendment 3624. In fact, Mr. Speaker, the maker of the amendment, as he was reading the current legislation as drafted, was mistaken several times when he was trying to read what is currently required in SB 263. He replaced "reliable" for "replicable," Mr. Speaker. In fact, it says that the acceptable data is "Empirical, replicable and testable data...." "Empirical, replicable and testable," not "reliable" as the maker of the amendment inserted while he was reading the language. His amendment would actually add, additionally, the "otherwise reliable," Mr. Speaker. And, Mr. Speaker, adding "otherwise reliable" just infers that the data would not be "empirical, replicable and testable," Mr. Speaker.

Mr. Speaker, this legislation is drafted to ensure that when regulations are put forward, that good science is applied. And as one of the previous speakers had mentioned earlier this evening, we want good science to ensure that we do have clean air and clean water, Mr. Speaker. We do not want it based on somebody's feelings or somebody's knee-jerk reaction, Mr. Speaker. Mr. Speaker, we want good science to actually be the foundation for why regulations are being promulgated to ensure that we have clean water and clean air, Mr. Speaker.

Mr. Speaker, I oppose amendment 3624 and would ask the members to vote "no" so that we can move this legislation to the

desk of the Governor to have this legislation signed so this can be one more step in helping ensure that jobs start to be created by reining in some of the excessive regulation that takes place when good science is not the foundation of a promulgated regulation, Mr. Speaker.

Thank you, Mr. Speaker.

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

The lady, Ms. Josephs, from Philadelphia is recognized on the amendment.

Ms. JOSEPHS. Thank you, Mr. Speaker.

This amendment does, will have the effect of the amendments I just offered, which is to make this whole process, this IRRC process which we are changing in a very significant way, more consumer-friendly, more constituent-friendly. The common person, the voter, your neighbor, now under this kind of amendment, under this amendment, will have a better chance to get his or her opinion before the Independent Regulatory Review Commission. And the things that we have asked the agency to do when we passed the legislation will have more of a chance of coming out quickly, cleanly, and less expensively. I still would like to see how this bill is going to create jobs, and I want scientific data to prove it.

Please vote for this amendment. Mr. Vitali is absolutely right. Thank you, Mr. Speaker.

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

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

Mr. VITALI. Just to close.

I am just going to ask members just to look at your screen. It says, all we are adding are the words "or otherwise reliable." What is wrong with adding "reliable data," really? What is wrong with that?

Mr. Speaker, I ask for an affirmative vote. Thank you.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—76

Barbin	Davis	Josephs	Pashinski
Bishop	Deasy	Kavulich	Payton
Boback	DeLissio	Keller, W.	Ravenstahl
Boyle, B.	DeLuca	Kirkland	Readshaw
Boyle, K.	DePasquale	Kortz	Roebuck
Bradford	Dermody	Kula	Samuelson
Briggs	DeWeese	Maher	Santarsiero
Brown, V.	Donatucci	Mahoney	Santoni
Brownlee	Evans, D.	Mann	Shapiro
Buxton	Frankel	Markosek	Smith, K.
Caltagirone	Freeman	Matzie	Smith, M.
Cohen	Galloway	McGeehan	Sturla
Conklin	George	Miccarelli	Thomas
Costa, D.	Gerber	Mirabito	Vitali
Costa, P.	Hanna	Mundy	Wagner
Cruz	Harper	Murphy	Waters
Curry	Hennessey	Myers	Wheatley
Daley	Hornaman	O'Brien, M.	Williams
Davidson	Johnson	Parker	Youngblood

NAYS—120

Adolph	Gabler	Longiatti	Reed
Aument	Geist	Major	Reese
Baker	Gergely	Maloney	Reichley
Barrar	Gibbons	Marshall	Roae
Bear	Gillen	Marsico	Rock
Benninghoff	Gillespie	Masser	Ross
Bloom	Gingrich	Metcalfe	Sacone
Boyd	Godshall	Metzgar	Sainato
Brooks	Goodman	Micozzie	Saylor
Brown, R.	Grell	Millard	Scavello
Burns	Grove	Miller	Schroder
Carroll	Hackett	Milne	Simmons
Causer	Hahn	Moul	Sonney
Christiana	Haluska	Mullery	Stephens
Clymer	Harhai	Murt	Stern
Cox	Harhart	Mustio	Stevenson
Creighton	Harkins	Neuman	Swanger
Culver	Harris	O'Brien, D.	Tallman
Day	Heffley	O'Neill	Taylor
Delozier	Helm	Oberlander	Tobash
Denlinger	Hickernell	Payne	Toepel
DiGirolamo	Hutchinson	Peifer	Toohil
Dunbar	Kampf	Perry	Truitt
Ellis	Kauffman	Petrarca	Turzai
Emrick	Keller, F.	Petri	Vulakovich
Evankovich	Keller, M.K.	Pickett	Watson
Evans, J.	Killion	Pyle	White
Everett	Knowles	Quigley	
Fabrizio	Kotik	Quinn	Smith, S., Speaker
Farry	Krieger	Rapp	
Fleck	Lawrence		

NOT VOTING—0

EXCUSED—7

Brennan	Hess	Sabatina	Vereb
Cutler	Preston	Staback	

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

On the question recurring,

Will the House agree to the bill on second consideration?

The SPEAKER. On that question, the gentleman, Mr. Vitali, had another amendment filed, but it is out of order because it is the same as a previously considered Josephs amendment.

On the question recurring,

Will the House agree to the bill on second consideration?

Mr. PYLE offered the following amendment No. **A03763**:

Amend Bill, page 1, lines 10 through 13, by striking out all of said lines and inserting

Section 1. The definition of "agency" in section 3 of the act of June 25, 1982 (P.L. 633, No. 181), known as the Regulatory Review Act, reenacted and amended June 30, 1989 (P.L. 73, No.19), and amended June 25, 1997 (P.L.252, No.24) is

amended and the section is amended by adding a definition to read:

Amend Bill, page 1, by inserting after line 20

"Agency." Any department, departmental administrative board or commission, independent board or commission, agency or other

authority of this Commonwealth now existing or hereafter created, but shall not include the Senate or the House of Representatives, [the Pennsylvania Fish Commission,] the Pennsylvania Game Commission or any court, political subdivision, municipal or local authority.

Amend Bill, page 4, line 19, by striking out all of said line and inserting

Section 4. Beginning on the date specified in section 5(2) of this act, the amendment of the definition of "agency" in section 3 of the act shall apply to the following actions of the Pennsylvania Fish and Boat Commission:

- (1) "Proposed regulations," as defined in section 3 of the act.
- (2) "Final-omitted regulations," as defined in section 3 of the act.

Section 5. This act shall take effect as follows:

- (1) The following provisions shall take effect immediately:
 - (i) Section 4 of this act.
 - (ii) This section.
- (2) The remainder of this act shall take effect in 60 days.

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

AMENDMENT WITHDRAWN

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

Mr. PYLE. Thank you, Mr. Speaker.

Mr. Speaker, in the interest of brevity, I will be withdrawing this amendment. Thank you, Mr. Speaker.

The SPEAKER. The Speaker thanks the gentleman.

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

Mr. **STURLA** offered the following amendment No. **A03979**:

Amend Bill, page 1, line 19, by inserting after "reports,"
modeling.

Amend Bill, page 1, line 20, by inserting after "research"
or other commonly supported, peer-reviewed methods of
collecting and analyzing scientific data

Amend Bill, page 2, line 13, by inserting after "A"
decision document that presents a

Amend Bill, page 4, line 8, by striking out "acceptable data is the
basis of" and inserting
a decision document accompanies

Amend Bill, page 4, lines 17 and 18, by striking out "the
regulation is supported by acceptable" in line 17 and "data" in line 18
and inserting

a decision document has been provided with the regulation

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

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

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, this amendment changes the definition of "acceptable data" to include a broader range of research as well as reports and modeling. Modeling can be a vital tool to protect

clean water and clean air. Modeling has been in use for decades and is required to be used in developing Pennsylvania's State Implementation Plan under the Clean Air Act.

This amendment also requires an agency to provide the IRRC with a decision document explaining the scientific basis of the regulation and eliminates a requirement for the IRRC to make a determination regarding acceptable data. The IRRC already has the authority to reject or return proposed regulations to executive agencies if IRRC believes that the agency has not made the case for a regulation.

I think this is pretty straightforward and allows for better science to be applied here. 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 Butler County, Mr. Metcalfe.

Mr. METCALFE. Mr. Speaker, I rise in opposition to amendment 3979. Once again, the language that we have in this legislation before us is very clearly moving us in the direction of ensuring that any regulation adopted would require that you have good science procedures brought to bear as a foundation to why it should be accepted, Mr. Speaker. Requiring empirical, replicable, and testable data really covers it. To start to try and get into the additional language that the maker of this amendment wants to include, it is not needed and in fact could possibly cause other complications as the IRRC attempts to consider what data is presented to them. With the changes that this amendment would make, it would possibly limit that to where they are provided with a documentation rather than actually being provided with a data that is substantiating what is actually the foundation for considering the proposed regulations, Mr. Speaker.

So I would ask for a "no" vote on amendment 3979, Mr. Speaker.

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

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

Mr. ROSS. Thank you, Mr. Speaker.

I would suggest that modeling would be included in the definition currently, that it would be part of supporting documentation, statistics, reports, studies, or research. By calling it out specifically and indicating that that is a style or technique that is to be favored, it might actually prejudice against other techniques that might also be used. And it might well, by being so specific in this area, raise questions about whether other types of document gathering would be acceptable as well.

Since it is included in the definition already and by including it it might tend to preclude other techniques also being used, I would urge a "no" vote on this amendment.

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

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

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, I have heard with this amendment and others that what we are really seeking is good science. And you know, Elton John had a famous line. It was, "And all this science I don't understand. It's just my job five days a week."

The scientific community has said that these amendments make this bill more palatable, make this more acceptable to science. The definition of "good science" by some members is that Marcellus Shale is only 6,000 years old. The definition of "good science" for some members is that things just happen. What this does is use real science to try and improve the definitions here. So I would just encourage members to use real science and vote "yes."

Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—75

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

NAYS—121

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

NOT VOTING—0

EXCUSED—7

Brennan	Hess	Sabatina	Vereb
Cutler	Preston	Staback	

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

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

SUPPLEMENTAL CALENDAR A CONTINUED

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1549, PN 2221**, entitled:

An Act amending the act of August 9, 1955 (P.L.323, No.130), known as The County Code, in names and corporate powers and classification of counties, further providing for counties divided into nine classes; and, in prothonotary, clerks of court, clerk of orphan's court, register of wills, recorder of deeds, further providing for how offices to be held.

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

(Bill analysis was read.)

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—196

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

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

NAYS-0

NOT VOTING-0

EXCUSED-7

Brennan	Hess	Sabatina	Vereb
Cutler	Preston	Staback	

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 1696, PN 2141**, entitled:

An Act providing for a temporary moratorium of court-ordered countywide reassessments and for reforms based upon study.

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

(Bill analysis was read.)

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

The question is, shall the bill pass finally?

On that question, the Speaker recognizes the gentleman from Washington County, Mr. White.

Mr. WHITE. Thank you, Mr. Speaker.

I just have one brief question for interrogation.

The SPEAKER. The gentleman indicates he will stand for interrogation.

Mr. WHITE. Thank you, Mr. Speaker.
Mr. Speaker, would this legislation apply to a situation where a county was being sued by school districts and forced to do a reassessment pursuant to a stipulated court order? Would it apply to that situation?

The SPEAKER. The gentleman may proceed.

Mr. SACCONI. Yes, it would, Mr. Speaker.

Mr. WHITE. Thank you, Mr. Speaker.

On the question recurring,
Shall the bill pass finally?

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

The following roll call was recorded:

YEAS-192

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

NAYS-4

Denlinger	Krieger	Maher	Vulakovich
-----------	---------	-------	------------

NOT VOTING—0

EXCUSED—7

Brennan	Hess	Sabatina	Vereb
Cutler	Preston	Staback	

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

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

STATEMENT BY MR. SACCONI

The SPEAKER. Is the gentleman from Allegheny, Mr. Saccone, seeking unanimous consent relative to the legislation that just passed?

Mr. SACCONI. Yes, Mr. Speaker.

The SPEAKER. The gentleman may proceed under unanimous consent.

Mr. SACCONI. Thank you, Mr. Speaker.

I just want to thank all the members for their vote on this bill, and I want to thank my two colleagues from Washington who did a lot of work and preparation. And I want to thank the minority leader for his efforts in the last session to get this bill passed through. I really appreciate all their work. And my other wish is that this seemingly narrowly focused legislation will actually serve as a tiny spark that ignites the powder of a much larger property tax revolt, and I want this to be the first volley and the first skirmish of property tax reform.

And to my colleagues in the Senate, I ask for quick passage. And months from now when all the armies of opponents and naysayers are formidably arrayed against us, I hope we will stand shoulder to shoulder to defeat them and ultimately achieve final victory over the specter of property tax haunting our seniors and indeed all the homeowners of the Commonwealth of Pennsylvania.

Thank you, Mr. Speaker.

The SPEAKER. That is pretty good under unanimous consent.

REMARKS SUBMITTED FOR THE RECORD

The SPEAKER. For what purpose does the gentleman, Mr. Lawrence, from Chester rise?

Mr. LAWRENCE. Mr. Speaker, to submit some comments for the record on HB 1730.

The SPEAKER. The gentleman may submit them to the clerk, and they will be spread upon the record.

Mr. LAWRENCE. Thank you, Mr. Speaker.

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

Mr. Speaker, I rise to support HB 1730. Lincoln University provides thousands of students from around the world with a quality education. As the first, and many would argue the best, HBCU (historically Black college and university) in America, Lincoln

is truly an asset to the Commonwealth. This legislation provides critically important funding for the upcoming fiscal year, and I urge an affirmative vote.

VOTE CORRECTION

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

Mr. DeWEESE. One moment on unanimous consent, but really does not have anything to do with anything ultraprovocative.

The SPEAKER. Boy, you left the Speaker wide open there.

The gentleman may proceed under unanimous consent, respectfully.

Mr. DeWEESE. This afternoon I was on leave attending a meeting that Governor Corbett had arranged for me earlier in the year. Had I been in my seat, I would have voted in the negative on SB 1131.

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

BILLS RECOMMITTED

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

HB 247;
 HB 651;
 HB 816;
 HB 1691;
 SB 260;
 SB 263; and
 SB 791.

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

CALENDAR CONTINUED

RESOLUTION

Mr. TURZAI called up **HR 70, PN 604**, entitled:

A Resolution requesting the Department of Transportation to conduct a study of the slate industry for the purpose of devising the best means of utilizing the slate waste by-product as a component in highway construction and civil engineering projects.

On the question,
 Will the House adopt the resolution?

RESOLUTION TABLED

The SPEAKER. The Speaker recognizes the majority leader, who moves that HR 70 be removed from the active calendar and placed on the tabled calendar.

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

RESOLUTION REMOVED FROM TABLE

The SPEAKER. The Speaker recognizes the majority leader, who moves that HR 70 be removed from the tabled calendar and placed on the active calendar.

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

EDUCATION COMMITTEE MEETING

The SPEAKER. Is the gentleman, Mr. Clymer, seeking recognition for the purpose of making an announcement?

Mr. CLYMER. Yes, Mr. Speaker.

Mr. Speaker, I would like to announce a meeting of the House Education Committee for tomorrow at 9 o'clock in room B-31. That is 9 o'clock, B-31.

Thank you, Mr. Speaker.

The SPEAKER. The Speaker thanks the gentleman.

The Education Committee will meet at 9 a.m. tomorrow in room B-31.

REPUBLICAN CAUCUS

The SPEAKER. The lady from Susquehanna, Ms. Major, is recognized for the purpose of making an announcement.

Ms. MAJOR. Thank you, Mr. Speaker.

I would ask all Republican members to please report to our caucus room immediately upon the recess or the adjournment tonight. And also I would like to announce, Mr. Speaker, that there will be a Republican caucus tomorrow morning at 9.

So I would ask our members to please report immediately when we are finished, and then we will have a caucus at 9 a.m., and I anticipate we will be on the floor at 10 o'clock tomorrow morning.

Thank you, Mr. Speaker.

DEMOCRATIC CAUCUS

The SPEAKER. The gentleman, Mr. Frankel, from Allegheny County for the purpose of making a caucus announcement.

Mr. FRANKEL. Thank you, Mr. Speaker.

Democrats will caucus tomorrow at 9 a.m. No caucus this evening. There will be a caucus tomorrow morning at 9 o'clock.

BILLS AND RESOLUTIONS PASSED OVER

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

ADJOURNMENT

The SPEAKER. Seeing no further business, the Speaker recognizes the gentleman, Mr. Maloney, from Berks County, who moves that this House do adjourn until Tuesday, June 28, 2011, at 10 a.m., e.d.t., unless sooner recalled by the Speaker.

On the question,
Will the House agree to the motion?
Motion was agreed to, and at 8:17 p.m., e.d.t., the House adjourned.