

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

WEDNESDAY, OCTOBER 5, 2011

SESSION OF 2011

195TH OF THE GENERAL ASSEMBLY

No. 63

HOUSE OF REPRESENTATIVES

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

THE SPEAKER (SAMUEL H. SMITH) PRESIDING

PRAYER

The SPEAKER. This morning the prayer will be offered by Pastor Karen Yonney, Heidelberg United Church of Christ, Slatington, PA.

PASTOR KAREN YONNEY, Guest Chaplain of the House of Representatives, offered the following prayer:

Good morning.

I am pastor of Heidelberg United Church of Christ in Slatington, a community of faith located in the 187th Legislative District represented by our State Representative, Gary Day.

Let us pray:

In the quiet sanctuaries of our heart, let each of us name and come before the one we call holy. Gracious God, source of all that is good, font of every good gift, grant us the healing of nations that bring forth justice and welcome peace that the peoples of Your world might rejoice and grow and live as one. Wellspring of all that is truly human, heal our hearts of all that stands in the way of our coming together to shelter and feed, to clothe and care for one another. Let none go without while others have too much.

Depth of all wisdom, give us healing words to speak to one another; give us courage to announce to all what is true, what is just, and what is good; counsel us to seek the truth and to recognize it when we find it. Font of all that is pure, heal and cleanse whatever soils our dreams and desires, our imaginations and creative spirits. With beauty and integrity, shape and form our thoughts, our hopes, our plans, and let that light which is Yours alone shine in us, through us, and among us.

Creator of every good gift, restore our relationship with the world You have made, with the earth on which we walk, the air we breathe, the water we drink, and with all that lives and grows and moves around us. Forgive our poor stewardship and make us faithful guardians of Your garden.

Unfailing source of courage and strength, heal what keeps us from loving and working with one another in our families, in our neighborhoods, in our governments, in our cities and towns. Help us come together despite our differences, and teach us to learn from one another through our differences.

Bless those gathered here this morning. Assist with Your spirit of counsel and fortitude the President and the other government leaders of these United States. We especially ask Your spirit of counsel and fortitude to be with all gathered here today. For all the men and women representing the various districts throughout our wonderful State of Pennsylvania, may they always seek the ways of righteousness, justice, and mercy. Grant that they may lead our State and our country with honesty and integrity. We praise You, we bless You, and we thank You, and we call You holy. Amen.

PLEDGE OF ALLEGIANCE

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

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, the approval of the Journal of Tuesday, October 4, 2011, will be postponed until printed.

HOUSE RESOLUTION INTRODUCED AND REFERRED

No. 438 By Representatives CRUZ, YOUNGBLOOD, MCGEEHAN, K. BOYLE, MILLARD, BISHOP, V. BROWN, BROWNLEE, P. COSTA, DONATUCCI, HENNESSEY, JOHNSON, W. KELLER, MYERS, M. O'BRIEN, PAYTON, SABATINA, VEREB, WATERS, CALTAGIRONE, VULAKOVICH, KORTZ and MURT

A Resolution urging the City of Philadelphia to establish a year-round program providing for the safe removal and adequate disposal of illegally discarded waste tires.

Referred to Committee on ENVIRONMENTAL RESOURCES AND ENERGY, October 5, 2011.

HOUSE BILL INTRODUCED AND REFERRED

No. 1077 By Representatives RAPP, KULA, TURZAI, STERN, DENLINGER, CUTLER, ADOLPH, AUMENT, BAKER, BARBIN, BARRAR, BEAR, BENNINGHOFF, BLOOM, BOBACK, BOYD, BROOKS, R. BROWN, CALTAGIRONE, CAUSER, CHRISTIANA, CLYMER, COX, CREIGHTON, DAY, DIGIROLAMO, DUNBAR, ELLIS,

EMRICK, EVANKOVICH, J. EVANS, EVERETT, FLECK, GABLER, GEIST, GIBBONS, GILLEN, GILLESPIE, GINGRICH, GODSHALL, GRELL, GROVE, HACKETT, HAHN, HARHART, HARKINS, HARRIS, HEFFLEY, HELM, HENNESSEY, HESS, HICKERNELL, HORNAMAN, HUTCHINSON, KAUFFMAN, KAVULICH, F. KELLER, KILLION, KNOWLES, KOTIK, KRIEGER, LAWRENCE, LONGIETTI, MAHONEY, MAJOR, MALONEY, MARSHALL, MARSICO, MASSER, METCALFE, METZGAR, MICCARELLI, MICOZZIE, MILLARD, MOUL, MURT, MUSTIO, OBERLANDER, PAYNE, PEIFER, PERRY, PICKETT, PYLE, QUIGLEY, READSHAW, REED, REESE, REICHLEY, ROAE, ROCK, SACCONI, SANTONI, SAYLOR, SCAVELLO, CULVER, SCHRODER, SIMMONS, K. SMITH, S. H. SMITH, SONNEY, STEVENSON, SWANGER, TALLMAN, TAYLOR, THOMAS, TOBASH, TOEPEL, TOOHIL, TRUITT, VEREB, VULAKOVICH and WATSON

An Act providing for ultrasound test requirements to determine gestational ages of unborn children; establishing the right to view ultrasound image and ultrasound video of unborn child and the right to observe or hear the fetal heartbeat; providing for powers and duties of the Department of Health and for duties of physicians performing abortions; requiring certain reports to be filed with the Department of Health; imposing administrative sanctions and criminal penalties; and providing for remedies.

Referred to Committee on HEALTH, October 5, 2011.

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

SB 458, PN 1299

By Rep. DiGIROLAMO

An Act amending the act of October 20, 1966 (3rd Sp.Sess., P.L.96, No.6), known as the Mental Health and Mental Retardation Act of 1966, updating and modernizing certain terminology.

HUMAN SERVICES.

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. Dennis O'BRIEN, from Philadelphia County for the day. Without objection, the leave will be granted.

The Speaker turns to the Democratic whip, who requests a leave of absence for the gentleman, Mr. STABACK, from Lackawanna County for the day; the gentleman, Mr. NEUMAN, from Washington County for the day. Without objection, the leaves will be granted.

MASTER ROLL CALL

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

The following roll call was recorded:

PRESENT—200

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

ADDITIONS—0

NOT VOTING—0

EXCUSED—3

Neuman	O'Brien, D.	Staback
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LEAVES ADDED—1

Daley

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

UNCONTESTED CALENDAR

RESOLUTIONS PURSUANT TO RULE 35

Mr. MULLERY called up **HR 239, PN 1596**, entitled:

A Resolution commemorating the centennial anniversary of the Duquesne University School of Law.

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Mr. KRIEGER called up **HR 394, PN 2379**, entitled:

A Resolution designating October 6, 2011, as "Demi Brae Cuccia Day" in Pennsylvania.

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Mrs. BROOKS called up **HR 426, PN 2454**, entitled:

A Resolution congratulating graduates of the Pennsylvania Empowered Expert Residents Program and recognizing October 5, 2011, as "Pennsylvania Empowered Expert Residents Day" in Pennsylvania.

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Mr. BRIGGS called up **HR 428, PN 2473**, entitled:

A Resolution designating the week of October 16 through 22, 2011, as "Attention Deficit Hyperactivity Disorder (ADHD) Awareness Week" in Pennsylvania.

* * *

Mrs. WATSON called up **HR 429, PN 2474**, entitled:

A Resolution recognizing the week of October 16 through 22, 2011, as "National Teen Driver Safety Week" in Pennsylvania.

* * *

Mr. GOODMAN called up **HR 431, PN 2476**, entitled:

A Resolution designating the month of October 2011 as "Pennsylvania Fire Prevention Month," observing the week of October 9 through 15, 2011, as "National Fire Prevention Week," urging all Pennsylvanians to protect their homes and families by heeding the important safety activities and efforts of Pennsylvania's fire and emergency services and recognizing the efforts of all firefighters, fire service agencies and other first responders in preventing and combating fire dangers.

* * *

Mr. BOYD called up **HR 433, PN 2478**, entitled:

A Resolution recognizing October 2011 as "American Art and Craft Month" in Pennsylvania.

* * *

Mr. WATERS called up **HR 435, PN 2480**, entitled:

A Resolution designating the week of October 16 through 22, 2011, as "Rubbernecking Awareness Week" in Pennsylvania.

On the question,
Will the House adopt the resolutions?

The following roll call was recorded:

YEAS—200

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

NAYS—0

NOT VOTING—0

EXCUSED—3

Neuman O'Brien, D. Staback

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

UNCONTESTED SUPPLEMENTAL CALENDAR A

RESOLUTIONS PURSUANT TO RULE 35

Mr. CREIGHTON called up **HR 436, PN 2505**, entitled:

A Resolution designating October 10, 2011, as "Tenth Amendment Day" in Pennsylvania.

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Mr. MILNE called up **HR 441, PN 2510**, entitled:

A Resolution declaring October 14, 2011, as "Immaculata University Mighty Macs Day" in Pennsylvania.

On the question,
Will the House adopt the resolutions?

The following roll call was recorded:

YEAS—200

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

Dermody	Keller, F.	Pyle	
DeWeese	Keller, M.K.	Quigley	Smith, S.,
DiGirolamo	Keller, W.	Quinn	Speaker
Donatucci	Killion		

NAYS—0

NOT VOTING—0

EXCUSED—3

Neuman O'Brien, D. Staback

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

The SPEAKER. If I could have the members' attention. If I could have the members' attention and please take your seats for the introduction of a special guest that is with us today that deserves our attention and honor.

SGT. MATTHEW KEELER PRESENTED

The SPEAKER. Located to the left of the Speaker's chair, we would like to welcome Pennsylvania Army National Guard Sgt. Matthew Keeler. Sergeant Keeler is here today with his parents, Marian and Hal Keeler; his sister, Denise; and several of his fellow guardsmen.

Sergeant Keeler is an Iraq war veteran. He is a public affairs specialist with the 109th Mobile Public Affairs Detachment, 310th Expeditionary Sustainment Command.

Among his many military honors, he was awarded a Purple Heart for sustaining shrapnel wounds in the back and leg in the line of duty on June 11, 2011. He has also received the Army Commendation Medal.

Sergeant Keeler is a 2004 graduate of Ridley High School. He earned a degree in communications from York College. In 2009 he enlisted in the National Guard, and after boot camp went to journalism school in Fort Meade.

During his deployment, Sergeant Keeler wrote stories and took photographs for The Expeditionary Times.

He is joined today by fellow National Guard members Sfc. Kevin Askew and 1st Sgt. Sean Whelan, who served with him in Iraq.

Sergeant Keeler, we commend you on receiving these high military honors and are forever in your debt for the tremendous sacrifice you have endured on behalf of a grateful nation.

To all of our soldiers, we would like to say, on behalf of the Pennsylvania House of Representatives, thank you for your service to our Commonwealth and to our nation.

Will you please rise.

STATEMENT BY MR. HACKETT

The SPEAKER The members of this group are guests of Representative Hackett, and I would now like to recognize Representative Hackett under unanimous consent.

Mr. HACKETT. Thank you, Mr. Speaker.

Even before he landed in Iraq, Pennsylvania Army National Guard Specialist Matthew Keeler was one of our best and our brightest.

A 2004 graduate of Ridley High School, Matthew earned his communications degree from York College, but instead of joining the private sector, Matthew decided to give something back to his country. In 2008 Matthew joined the long line of valiant men and women who fought from Valley Forge to Vietnam, from Berlin to Baghdad, all on the front line of freedom. But Matthew shares something else with many of his band of brothers and sisters. In June, while serving in Iraq, Matthew was struck in the back and leg when shrapnel landed about 20 meters from him during an indirect fire attack on his base. But like the brave man he is, Matthew stood tall. He ignored his injuries and aided a civilian with wounds far more severe.

Matthew's story is an example of the price we pay for liberty, but some of us pay a greater price than others. Today America and her allies face threats far more complex and less predictable than those of the past.

At his inauguration in 1961, President Kennedy told the nation, "In the long history of the world, only a few generations have been granted the role of defending freedom in its hour of maximum danger." Today a new generation has assumed that mantle of responsibility.

Today we salute one of those young men who answered the call knowing he would land at the center of the war on terror. In that way, Matthew has much in common with the soldiers of the American Revolution who stepped forward to defend their country in its hour of need.

Matthew has joined the honored company of more than a half a million Purple Heart recipients alive today who all served and all sacrificed in the name of something higher than themselves. We must also remember the many Purple Heart recipients who were less fortunate than Matthew – those who will take years to recover physically. We must never forget the full extent of what these men and women have sacrificed for us. I am just happy Matthew is healthy enough to stand here in this historic building and accept our heartfelt appreciation.

On behalf of the people of Pennsylvania, it is a profound honor to thank you and your family for your sacrifice, your dedication, your courage, and your commitment. The American people are deeply in your debt.

Please stand, Sergeant.

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. DALEY, from Washington County for the remainder of the day. Without objection, the leave will be granted.

REMARKS SUBMITTED FOR THE RECORD

The SPEAKER. For what purpose does the lady, Mrs. Brooks, rise?

Mrs. BROOKS. Thank you, Mr. Speaker.

I would like to submit comments for HR 426 and thank the PEER (Pennsylvania Empowered Expert Residents) graduates for helping thousands of senior citizens across the State of Pennsylvania.

The SPEAKER. The lady's remarks will be added to the record.

Mrs. BROOKS submitted the following remarks for the Legislative Journal:

Mr. Speaker, I rise today to ask for support for HR 426, a resolution congratulating graduates of the Pennsylvania Empowered Expert Residents program (PEER) and recognizing October 5, 2011, as "Pennsylvania Empowered Expert Residents Day" in Pennsylvania.

Mr. Speaker, The PA PEER program is administered through the Pennsylvania Department of Aging for the purpose of supporting and empowering consumers 60 years of age and older to resolve individual complaints involving long-term-care services in the Commonwealth. This program is nationally recognized as the first in the country to include residents of long-term-care facilities within our long-term-care ombudsman program. These PEER volunteers are specially trained to educate long-term-care residents and staff on residents' rights and are currently doing that job in 183 facilities across Pennsylvania.

Mr. Speaker, the PEER program has been in existence since June 2002, and since that time the program has graduated more than 1,400 residents in long-term-care facilities in 58 Pennsylvania counties. I ask my colleagues to join me in supporting the adoption of HR 426, PN 2454, congratulating this year's PEER graduating class and recognizing this excellent program with the designation of October 5 as "PEER Day" in Pennsylvania. Thank you.

VOTE CORRECTION

The SPEAKER. The lady, Miss Parker, from Philadelphia is recognized for the purpose of correcting the record.

Miss PARKER. Thank you, Mr. Speaker.

I would like to correct the record on the vote of HB 1294 yesterday. I was recorded as voting in the affirmative, and I wanted to be voted in the negative, Mr. Speaker.

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

APPROPRIATIONS COMMITTEE MEETING

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

Mr. ADOLPH. Thank you, Mr. Speaker.

Mr. Speaker, there will be a House Appropriations Committee meeting immediately at the break in the majority caucus room. Thank you.

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

HEALTH COMMITTEE MEETING

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

Mr. BAKER. Committee announcement.

The SPEAKER. The gentleman may make the announcement.

Mr. BAKER. Thank you, Mr. Speaker.

Just a friendly reminder, the Health Committee will meet immediately at the break in room G-50. One bill and one resolution; it should not take long. Thank you, Mr. Speaker.

The SPEAKER. Thank you.

The Health Committee will meet immediately at the break in room G-50, Irvis Building.

REPUBLICAN CAUCUS

The SPEAKER. The Speaker recognizes the lady from Susquehanna, Ms. Major.

Ms. MAJOR. Thank you, Mr. Speaker.

I would like to announce a Republican caucus at 11:45. I would ask Republicans to please report to our caucus room at 11:45, and we would be prepared to come back on the floor at 1 o'clock. Thank you.

DEMOCRATIC CAUCUS

The SPEAKER. The gentleman, Mr. Frankel, is recognized for the purpose of an announcement.

Mr. FRANKEL. Thank you, Mr. Speaker.

There will be no need for a Democratic caucus today. Thank you.

RECESS

The SPEAKER. This House stands in recess until 1 o'clock, unless sooner recalled by the Speaker.

RECESS EXTENDED

The time of recess was extended until 1:30 p.m.

AFTER RECESS

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

The SPEAKER. The members will please report to the floor.

BILLS REREPORTED FROM COMMITTEE

HB 210, PN 2503 By Rep. ADOLPH

An Act amending the act of December 19, 1990 (P.L.1234, No.204), known as the Family Caregiver Support Act, further providing for intent, for definitions, for caregiver support program, for reimbursements and for entitlement not created.

APPROPRIATIONS.

HB 267, PN 220 By Rep. ADOLPH

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for installment payment plans.

APPROPRIATIONS.

HB 529, PN 496 By Rep. ADOLPH

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, defining the offense of false caller identification information display; and imposing penalties.

APPROPRIATIONS.

HB 1025, PN 1112

By Rep. ADOLPH

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for collection of restitution, reparation, fees, costs, fines and penalties.

APPROPRIATIONS.

HB 1349, PN 1558

By Rep. ADOLPH

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

APPROPRIATIONS.

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

HB 1400, PN 2512 (Amended)

By Rep. BAKER

An Act establishing a Statewide stroke system of care by recognizing primary stroke centers and directing the creation of emergency medical services training and transport protocols.

HEALTH.

**RESOLUTION REPORTED
FROM COMMITTEE**

HR 354, PN 2201

By Rep. BAKER

A Resolution promoting awareness of atrial fibrillation and urging the Secretary of Health to prioritize atrial fibrillation and implement programs, evaluation, assessment and policy changes that will reduce the burden of this costly, progressive disease.

HEALTH.

The SPEAKER. The members will please report to the floor.

CALENDAR**BILL ON SECOND CONSIDERATION**

The House proceeded to second consideration of **SB 631, PN 1033**, entitled:

An Act designating the section of State Route 23 that is situated between Chester County's border with Montgomery County and State Route 100 as the Medal of Honor Grove Highway.

On the question,

Will the House agree to the bill on second consideration?

Bill was agreed to.

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 200, PN 1637**, entitled:

An Act establishing standards for managing concussions and traumatic brain injuries to student athletes; assigning duties to the Department of Health and the Department of Education; and imposing penalties.

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—199

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

NAYS—0

NOT VOTING—0

EXCUSED—4

Daley Neuman O'Brien, D. 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 return the same to the Senate with the information that the House has passed the same with amendment in which the concurrence of the Senate is requested.

STATEMENT BY MR. BRIGGS

The SPEAKER. Does the gentleman from Montgomery County, Mr. Briggs, seek recognition under unanimous consent relative to the legislation that we just passed?

The gentleman is recognized.

Mr. BRIGGS. Thank you, Mr. Speaker.

I just want to take a moment and thank you all for supporting SB 200 today.

We are taking a great step to protect our student athletes right here in Pennsylvania.

As you know, I have been working on this issue for 2 1/2 years and want to congratulate and thank Senator Browne for working with me to address this. Over the years the mentality of head injuries in sports was to shake it off and get back in the game, and I wanted to make sure that we were part of protecting our State's most valuable resource, our children, and to let our youth, parents, and coaches know that concussions are nothing to shake off.

When this was first introduced as a House bill, there was only one law of its kind in the nation. As of today there are 31 States that have passed similar laws. This bill has grown and evolved into one of the most comprehensive youth concussion bills in the nation and has been used as model legislation throughout the country.

A concussion is a brain injury, pure and simple. According to the Centers for Disease Control and Prevention, there are as many as 3.8 million sports- and recreational-related concussions each year, and possibly more than 150,000 in Pennsylvania alone. These numbers are daunting, but it is my hope that with the Safety in Youth Sports Act, it will improve concussion management in Pennsylvania youth sports and raise awareness regarding the devastating lifelong effects they can cause when not handled properly.

I just want to take a moment to thank all of the colleagues who have helped me throughout this process – Representatives Cutler, Stevenson, Chairman Clymer, Chairman Roebuck – the list can go on and on. I want to thank the organizations – the Pennsylvania Brain Injury Coalition, athletic trainers, the Psychological Association, and the physical therapists – for helping me through the process. The sports teams – the Philadelphia Eagles, the Pittsburgh Steelers, and the National Football League – have stood up by my side throughout the process. And I want to thank all the young athletes who had the courage to tell their stories of suffering concussions and the devastating effects they had with their lives.

Thank you very much, and I appreciate your support for SB 200.

STATEMENT BY MR. CUTLER

The SPEAKER. Does the gentleman from Lancaster, Mr. Cutler, seek recognition under unanimous consent? The gentleman may proceed.

Mr. CUTLER. Thank you, Mr. Speaker.

I would like to join my colleague in thanking the members of the House in supporting SB 200. It certainly was a long process. The one thing that the gentleman from Montgomery County left out, I think, was the timeline as we went through this.

As with any issues that have multiple professional interests interested in the outcome, this one had physicians, it had trainers, it had neuropsychologists, and athletic trainers. All of those groups brought interesting scope-of-practice issues to the table as we discussed this. I am pleased, and with the help from the gentleman from Montgomery County as well as the honorable gentleman from the 8th Legislative District, that we were able to work through all of these and keep the better goal in mind, that of the students who are participating in the athletic events, and we were able to draft a bill I think that is quite comprehensive, as well as should be a model as it goes forward.

For that I want to thank them. It was a pleasure to work with them as we worked through the process, and certainly I feel better knowing that this will soon be heading to the Governor's desk and that students will be better protected. So I just wanted to briefly say thank you to everyone yet again.

SUPPLEMENTAL CALENDAR B**BILLS ON THIRD CONSIDERATION**

The House proceeded to third consideration of **HB 210, PN 2503**, entitled:

An Act amending the act of December 19, 1990 (P.L.1234, No.204), known as the Family Caregiver Support Act, further providing for intent, for definitions, for caregiver support program, for reimbursements and for entitlement not created.

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.

(Members proceeded to vote.)

VOTE STRICKEN

The SPEAKER. Excuse me; does the lady seek recognition on the bill?

The clerk will strike the vote.

The question is, shall the bill pass finally?

On that question, the Speaker recognizes the gentleman from Tioga, Mr. Baker. You kept moving around; I could not find you.

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

I appreciate your running HB 210 and am very grateful for over the last 12 years, really, we have had great bipartisan support for this legislation.

Eleven years ago I became aware of the Family Caregiver Support Program. As a member of the Aging and Youth Committee and a caregiver for my own sister – who after many years eventually succumbed and passed away in our home – I developed a keen interest in the program and became concerned with the fact that despite the obvious increase in our cost of living since the program began in 1990, the reimbursements to caregivers were never adjusted upward.

I introduced legislation, HB 2465, to increase the reimbursement benefits and have introduced this proposal in every consecutive session since that time. And over the course of time, versions of this proposal have passed this body three times. Two of those efforts were led by my colleague, former Aging Committee chair Phyllis Mundy, and in all three instances, however, the legislation did not make it to the Governor's desk.

Mr. Speaker, in 2000 our Federal elected officials recognized the significance of our Pennsylvania caregiver program and passed it into law, a Federal caregiver support program as well. Now 11 years later HB 210 will ensure that the State and Federal programs will have the same standards in the benefits that they provide under the Pennsylvania Caregiver Support Program.

I stand here today hopeful that HB 210 will make it past the goal line, and I am humbled by the efforts of Senator Kim Ward, who has graciously introduced a companion to my bill and has expressed dedicated support for this initiative.

Mr. Speaker, I am pleased to say that the Corbett administration, and in particular Aging Secretary Brian Duke, have expressed vehement support for this proposal. Mr. Speaker, HB 210 is a major step in the right direction for our caregivers across the Commonwealth. This is not an entitlement program. The Lottery Fund is not a bottomless well. This is a commonsense approach. Let us do the right thing for our seniors and the thousands and thousands of individuals who are giving of themselves to care for their loved ones.

Mr. Speaker, please join the Pennsylvania Homecare Association, the Alzheimer's Association, AARP, the Center for Advocacy for the Rights and Interests of the Elderly, the Pennsylvania Adult Day Services Association, and the Pennsylvania Association of Senior Centers, the Pennsylvania Association of Area Agencies on Aging, and the Pennsylvania Life Provider Alliance in support of HB 210.

Thank you very much, Mr. Speaker.

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

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

Ms. MUNDY. Thank you, Mr. Speaker.

I thank Representative Baker for his persistence on this issue.

Mr. Speaker, while I was disappointed that HB 210 was amended yesterday to remove the increased limits for

reimbursement expenses and home modification grants, I rise in strong support of final passage of the bill, as part of a pie is better than no pie at all.

With the exception of yesterday's amended language, HB 210 is similar to legislation I have introduced for several sessions to remove barriers and modernize Pennsylvania's Family Caregiver Support Program.

As we know, today's informal, unpaid caregivers are not limited to family members or family members who live in the same household as the care recipient. The reality is that some seniors live alone or far away from loved ones, and as a result, depend on a kind neighbor or friend for assistance.

Unfortunately, many local area agencies on aging have been unable to fully utilize all of the State funding they receive for Pennsylvania's Family Caregiver Support Program, despite having a waiting list. This is due to the State's outdated eligibility requirements that bar nonrelatives or relatives living outside the senior's home from accessing the program. HB 210 addresses this inequity by mirroring the Federal Family Caregiver Support Program, which does not have these onerous eligibility requirements.

Mr. Speaker, seniors want to age in their own homes, they want to stay at home as long as possible, and this legislation would help more to do that by providing caregivers the support they need and deserve. The bill also helps the State economically, because it is far less costly to care for a person at home than in an institutional setting. The economic value of Pennsylvania's caregivers has been estimated in the billions. Without the support of these unsung heroes, our Commonwealth would face even greater fiscal challenges.

I join my colleague, Representative Baker, thank him for his efforts with regard to getting this bill passed, and I ask for my colleagues' affirmative support.

REMARKS SUBMITTED FOR THE RECORD

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

Thank you, Mr. Speaker.

I rise today in support of HB 210 that would modernize our Family Caregiver Support Program.

This bill recognizes that today's informal, unpaid caregivers are not limited to family members in the same household, as perhaps was the norm a generation ago.

Today the caregiver may not be able to live with the person in need, or it is a trusted friend, but because they do not meet the current restrictive guidelines, they cannot get financial assistance from this program to help them with the important work that they do.

Our area agencies on aging are frustrated, too, unable to take full advantage of the funding they receive because of outdated guidelines.

There are 300 people waiting for help and \$1.2 million in unused funds. This bill would put that money to the very good use of caring for our senior citizens.

I ask that you vote "yes" on HB 210 and help our seniors live longer in their own homes and give families more options in caring for their loved ones.

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—199

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

NAYS—0

NOT VOTING—0

EXCUSED—4

Daley	Neuman	O'Brien, D.	Staback
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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the bill passed finally.

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

STATEMENT BY MR. BAKER

The SPEAKER. The gentleman, Mr. Baker, is recognized under unanimous consent.

Mr. BAKER. Thank you, Mr. Speaker.

I just wanted to thank the members from the bottom of my heart for passage of this legislation. This is the fourth time, I believe, we have passed this legislation unanimously, and I am very hopeful that we can get this to the Governor's desk. Thank you very, very much on behalf of all the caregivers of Pennsylvania. God bless.

* * *

The House proceeded to third consideration of HB 267, PN 220, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for installment payment plans.

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-199

Table listing names of members who voted 'YEAS' for HB 267, including Adolph, Aument, Baker, Barbin, Barrar, Bear, Benninghoff, Bishop, Bloom, Boback, Boyd, Boyle, B., Boyle, K., Bradford, Brennan, Briggs, Brooks, Brown, R., Brown, V., Brownlee, Burns, Buxton, Caltagirone, Carroll, Causer, Christiana, Clymer, Cohen, Conklin, Costa, D., Costa, P., Cox, Ellis, Emrick, Evankovich, Evans, D., Evans, J., Everett, Fabrizio, Farry, Fleck, Frankel, Freeman, Gabler, Galloway, Geist, George, Gerber, Gergely, Gibbons, Gillen, Gillespie, Gingrich, Godshall, Goodman, Grell, Grove, Hackett, Hahn, Haluska, Hanna, Harhai, Harhart, Harkins, Kirkland, Knowles, Kortz, Kotik, Krieger, Kula, Lawrence, Longietti, Maher, Mahoney, Major, Maloney, Mann, Markosek, Marshall, Marsico, Masser, Matzie, McGeehan, Metcalfe, Metzgar, Miccarelli, Micozzie, Millard, Miller, Milne, Mirabito, Moul, Mullery, Mundy, Murphy, Murt, Rapp, Ravenstahl, Readshaw, Reed, Reese, Reichley, Roae, Rock, Roebuck, Ross, Sabatina, Saccone, Sainato, Samuelson, Santarsiero, Santoni, Saylor, Scavello, Schroder, Shapiro, Simmons, Smith, K., Smith, M., Sonney, Stephens, Stern, Stevenson, Sturla, Swanger, Tallman, Taylor, Thomas.

Table listing names of members who voted 'NAYS' for HB 267, including Creighton, Cruz, Culver, Curry, Cutler, Davidson, Davis, Day, Deasy, DeLissio, Delozier, DeLuca, Denlinger, DePasquale, Dermody, DeWeese, DiGirolamo, Donatucci, Dunbar, Harper, Harris, Heffley, Helm, Hennessey, Hess, Hickernell, Hornaman, Hutchinson, Johnson, Josephs, Kampf, Kauffman, Kavulich, Keller, F., Keller, M.K., Keller, W., Killion, Mustio, Myers, O'Brien, M., O'Neill, Oberlander, Parker, Pashinski, Payne, Payton, Peifer, Perry, Petrarca, Petri, Pickett, Preston, Pyle, Quigley, Quinn, Tobash, Toepel, Toohil, Truitt, Turzai, Vereb, Vitali, Vulakovich, Wagner, Waters, Watson, Wheatley, White, Williams, Youngblood, Smith, S., Speaker.

NAYS-0

NOT VOTING-0

EXCUSED-4

Table listing names of members who were excused: Daley, Neuman, O'Brien, D., 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 529, PN 496, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, defining the offense of false caller identification information display; and imposing penalties.

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-199

Table listing names of members who voted 'YEAS' for HB 529, including Adolph, Aument, Baker, Barbin, Barrar, Bear, Benninghoff, Bishop, Bloom, Ellis, Emrick, Evankovich, Evans, D., Evans, J., Everett, Fabrizio, Farry, Fleck, Kirkland, Knowles, Kortz, Kotik, Krieger, Kula, Lawrence, Longietti, Maher, Rapp, Ravenstahl, Readshaw, Reed, Reese, Reichley, Roae, Rock, Roebuck.

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

NAYS-0

NOT VOTING-0

EXCUSED-4

Daley	Neuman	O'Brien, D.	Staback
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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the bill passed finally.

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

* * *

The House proceeded to third consideration of **HB 1025, PN 1112**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for collection of restitution, reparation, fees, costs, fines and penalties.

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-199

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

NAYS-0

NOT VOTING-0

EXCUSED-4

Daley	Neuman	O'Brien, D.	Staback
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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the bill passed finally.

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

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The House proceeded to third consideration of **HB 1349, PN 1558**, entitled:

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

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

(Bill analysis was read.)

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

The question is, shall the bill pass finally?

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

Ms. JOSEPHS. Thank you, Mr. Speaker.

First I want to commend the lady for her attention to small businesses. I know she herself, the maker of this bill, is a small business owner. She is in a very hard field. She is in the food business, her family. She has been doing it for a whole bunch of years successfully, and I commend her for that.

I also want to make for the record sure, to make it positive for the record, that I understand the role that small businesses play in creating jobs, in discovering new processes, of really being the linchpin of our economy, certainly in the businesses in the cities, and I believe, because we have so many family farms, the agricultural small businesses are really paramount in importance to us in the cities – we cannot feed ourselves – and to the economy of the State.

But I am very concerned about this particular bill. We did not have hearings; I regret that. Some of my concerns might have been answered if we had had a more thorough examination of what this bill was actually going to do and what the downsides might be. Now, as good as any piece of legislation is, I think we all recognize that there are some downsides to everything. That is what humans are like. That is what human nature is. But we never had a chance, really, to examine whether, whatever the downsides might be, whether they were overbalanced by what is clearly the intent of the bill, which is to help small businesses deal with regulations that might be overburdensome for them.

I as a member the last couple of years, when I was the chair of the State Government Committee, did a great deal of work in trying to help small businesses, particularly women- and minority-owned, get contracts with the State. So I really do understand how important it is to help small businesses, and I put my mouth and my body on the line and my time and energy in order to help small businesses, and I have that in the record.

But I am very concerned about this bill, particularly some of the amendments that were defeated pretty much along party lines, which I find very disheartening, which would have helped, I believe, protect people all across the State from any kind of pollution of water, air, sound pollution, that might be going on and might be sickening people or worse while we are having a procedure that has to do with making sure that small business is not overburdened.

This is all a balancing act, and partly because I see the negative, partly because I did not have a chance to understand these issues in the way that I think is incumbent upon all of us to understand an issue before we cast a vote, I am going to – nothing against small businesses; I am a big small business advocate – but I am going to be voting "no" on this bill. I fear that, I fear that if I vote "yes," something is seriously going to go awry and then people are going to know it was my fault and I will feel terrible. So I just cannot, I just cannot vote for this.

Thank you, Mr. Speaker.

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

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

Ms. PICKETT. Thank you, Mr. Speaker.

This bill is about jobs and the job creators in Pennsylvania. Our small businesses create well over one-half of the new net jobs in this State. They will tell you that not having a voice in the writing of regulations is a real impediment to them being able to do so.

Mr. Speaker, if I may quote the Pennsylvania Chamber of Commerce: "Requiring agencies to seek input from small businesses will result in regulations that better balance public welfare with economic growth." If some were to express a concern about our public safety or environmental or economic welfare, we can assure them that this bill requires that the agency be consistent with health, safety, environmental, and economic welfare expectations in any statute that they are writing regulations for.

Mr. Speaker, again I urge that we move forth with this bill to help our small businesses in Pennsylvania. Thank you.

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.

Will the lady consent to interrogation?

The SPEAKER. Will the lady, Ms. Pickett, stand for interrogation? The lady indicates she will stand for interrogation. You may proceed.

Mr. COHEN. Thank you, Mr. Speaker.

Will the lady explain to us what the definition of "small business" is, covered in this bill?

Ms. PICKETT. Mr. Speaker, in this bill we are using the national small business agency definitions of "small business," and they relate to the size of that business within its own industry where it is doing business. So it will vary from business to business, but we do know that in general, over the average for the Small Business Administration, it is 500 employees or less for most manufacturing industries, and \$7 million or less in annual receipts for most nonmanufacturing industries.

Mr. COHEN. And what percentage of all the businesses in Pennsylvania are covered by this legislation?

Ms. PICKETT. Mr. Speaker, we believe, by the definitions that we would be using in this Small Business Administration definition, it might affect 98 percent of our small businesses.

Mr. COHEN. It would affect 98 percent of our businesses in Pennsylvania.

And of this 98 percent of all the businesses in Pennsylvania that are affected by this bill, what percentage of all the jobs do these 98 percent of businesses have in Pennsylvania?

Ms. PICKETT. Mr. Speaker, first of all, I would like to change that number to 93 percent. I am sorry; I did not remember it correctly in my mind.

Mr. COHEN. Okay.

Ms. PICKETT. And I would like to say that the statistic that we are well aware of is that over 50 percent of new jobs created come from small businesses and that they employ about two-thirds of our workers.

Mr. COHEN. Okay.

How many jobs do you expect this bill to create in Pennsylvania?

Ms. PICKETT. Mr. Speaker, we do not have a number on that, but we do know that our small businesses are the creators; they are the job creators; they are the ones that bring the new jobs to Pennsylvania, and they have listed this as one of the number one problems for them to decide whether they are going to expand, grow, or be able to continue business in Pennsylvania.

Mr. COHEN. Thank you.

Mr. Speaker, does the lady have any figures as to how many jobs have been created in other States which have passed similar legislation?

Ms. PICKETT. Would you repeat that question?

Mr. COHEN. Other States have passed similar forms of legislation, to the best of my knowledge. Does the lady have any figures as to what the number of jobs in other States is that have been created as a result of this legislation?

Ms. PICKETT. We do not have the number of jobs handy here in other States, but we do know they report very good success with it. They believe that they have made a real difference in the regulations, and many of the States that have this in place have made a very aggressive attempt to work with their small businesses as partners in job creation.

Mr. COHEN. How does section (d) of this bill, saying that any small business affected by a regulation can file for judicial review, coexist with section (e), which says the bill will not create a right or benefit enforceable by law?

Ms. PICKETT. I am sorry, Mr. Speaker. I cannot quite hear with the activity. Could you repeat that?

Mr. COHEN. Yes, I can.

Section (d) of this bill says that any small business affected by a regulation can file for judicial review, and section (e) of this bill says that the bill will not create a right or benefit enforceable by law. If there is no right created by this legislation, you know, it is not clear to me what can be litigated. If they can file for judicial review, then there has to be a reason why they can file for judicial review.

Ms. PICKETT. Mr. Speaker, the judicial review is in this bill to allow our small businesses to challenge the agency if they did not in fact follow the requirements of this bill. They have 18 months to do that. The average regulation takes 2 years to be totally in place. They have 18 months to question whether or not

the agency actually followed the requirements of this bill and consulted with small business before moving forth with the regulation.

Mr. COHEN. Can a person negatively affected by a less stringent regulation file for judicial review as well?

Ms. PICKETT. Once again, we are having a hard time hearing your question, Mr. Speaker.

Mr. COHEN. Will the person who—

The SPEAKER. Will the gentleman suspend.

Will the House please come to order and members hold the conversations down and kindly take their seats. The two members doing interrogation are not able to hear each other. We would appreciate if the members would hold the conversations down.

The House will please come to order. Will the members please hold the conversations down. The Speaker thanks the members.

The gentleman may proceed with interrogation.

Mr. COHEN. Okay. Thank you, Mr. Speaker.

Suppose someone is adversely affected by this bill and there is greater air pollution or greater water pollution or a greater congestion in the traffic or damaged roads or some other negative effect that takes place as a result of this regulatory flexibility. Can that person sue?

Ms. PICKETT. This only grants the judicial review to challenge whether or not small businesses were consulted throughout the process of creating the regulation. It does not give them the right to sue because they believe the regulation is wrong.

Mr. COHEN. Okay.

Have you been in touch with agencies to see if they see this as an unfunded mandate? Putting a burden on eight governmental agencies to do more analyses has costs to it. Have you looked into those costs?

Ms. PICKETT. Yes, Mr. Speaker. The word we have from the agencies and the Governor's Office is that it is a very, very minimal cost, so small that they are not even projecting a number on it. And we have heard this from all of the other States that are involved that we have looked into. They also report that really there is no significant cost at all to putting this in place and a great savings overall in the State for being able to help their small businesses.

Mr. COHEN. Okay.

Thank you, Mr. Speaker. I have no further questions for the lady. I thank the lady for her cooperation in the interrogation. I would like to speak on the bill.

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

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, there is always a question in law as to when flexibility becomes a useful tool and when flexibility just becomes an invitation to endless litigation. Historically over time, the law was basically the common law. The common law was what judges said. You had to know what was said in this case or that case 10, 20, 50 years ago. It was not readily accessible by statute.

Over time, we have moved much more towards statutory law and much less towards common law, because statutory law is more easily accessible. It is more comprehensible. There is much more notice to people than there is in a situation in which the law is just gathered on a case-by-case basis so that you have to be a lawyer who has got a lot of time in order to understand it.

This is a step backward. This is a step towards more case law and less statutory law. This is a step towards law that is more obscure and less readily understandable.

I am not certain that this gives any jobs at all. The lady was unable to supply any information which would lead us to know for certain that in some other State, X numbers of jobs were created, and therefore, we could expect that in Pennsylvania, X numbers of jobs would be created. I think a clear source of job creation under this legislation is jobs for lawyers, because people will have to need lawyers to understand how the lawsuits have gone. They will need lawyers to plow through the additional case law that will be created. Stuff that is now in statute will be kind of murky: well, maybe it applies in this case, maybe it does not. There will be less specificity, less certainty in the law than there is now.

I think we have to, while we talk about regulatory flexibility, we have to consider the interests of ordinary citizens. We do not want to be voting for more pollution. We do not want more air pollution; we do not want more water pollution. We do not want more environmental degradation. We do not want more costs in terms of fixing highways, or in terms of fixing small local roads, or in terms of losing property values.

I would think, Mr. Speaker, that this legislation has risks, it has costs, and it frankly has very marginal benefits. I assume everybody would kind of like to be free from all regulation, but I think what this does is people are free from obvious stated regulation that they can fully comprehend and they are still liable to judicial opinion which is much harder to comprehend.

For all these reasons, I would join the lady from Philadelphia and urge a "no" vote on this legislation.

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?

I just want to make a comment that currently there exists the Small Business Advocacy Council, and I am a recent appointee to that council. The caucus, both caucuses, each appoint two members to the council, as does the Senate, and this council has yet to be activated under this administration.

I think the purpose of the Small Business Advocacy Council as I read it and how I could help indeed small businesses in the Commonwealth of Pennsylvania is a very important vehicle to ensure that small businesses cannot only remain viable but that they can truly thrive, and I think we should use the mechanisms that are available to us now and urge that everybody contact the Governor's Office so that we can get this Small Business Advocacy Council up and running as soon as possible. Thank you.

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

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

Mr. STURLA. Thank you, Mr. Speaker.

Will the maker of the legislation rise for brief interrogation?

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

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, does this apply to government entities that have less than 500 employees?

Ms. PICKETT. No, Mr. Speaker; it does not.

Mr. STURLA. Does it apply to not-for-profit organizations that have less than 500 employees?

Ms. PICKETT. Yes, Mr. Speaker.

Mr. STURLA. Thank you.

If I could make a brief comment, Mr. Speaker?

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

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, I guess I am a little concerned that it does not apply to local governments. You know, what is good for corporations I think should be good for government entities. We have talked about that in the past, that we should act more like a business.

But beyond that, I just want to point one thing out. On September 8 of this year, President Barack Obama, in a speech to Congress, said that "...there are some rules and regulations that do put an unnecessary burden on businesses at a time when they can least afford it. That's why I ordered a review of all government regulations. So far, we've identified over 500 reforms, which will save billions of dollars over the next few years. We should have no more regulation than the health, safety and security of the American people require. Every rule should meet that common-sense test."

So in that sense, I want to thank the maker of the legislation for taking up the call of President Barack Obama and bringing this to our attention in the form of this legislation today. So thank you.

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

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

Ms. MUNDY. Thank you, Mr. Speaker. I will not be long.

I would love to vote in favor of this bill. The 10 years before I was elected, I helped to run a small manufacturing company, some 60 employees, and I will readily acknowledge that often our State agencies take the laws that we pass and take the regulations beyond what the original intent might have been, and that sometimes these regulations are too burdensome on our small businesses.

However, I would remind you that we have a process in place for everyone, not just individuals, not just big organizations, but everybody, including small businesses, to comment on those regulations and to have input through the regulatory review process, and that is why I have fought hard to make sure that that regulatory review process is followed once we pass legislation here in the House, the Senate, and it is signed by the Governor.

If what is written in the bill analysis that I just read, that the lady has had prepared by the committee, if that were all that were involved, I would vote for this in a heartbeat. My concern is that this legislation will have unintended consequences that we cannot envision because we did not have hearings on this bill, and we truly do not know what the ramifications might be for the general public were this to become law.

So I would really encourage further discussion, further debate about this bill. I think we should have public hearings so that we can hear from those who are concerned about it, including the environmental community, to see what the possible ramifications could be before we take such a significant step.

So I applaud the lady for her intention. I do not want to be the victim of unintended consequences, and therefore, I cannot support the legislation until I know what those unintended consequences might be. Thank you, Mr. Speaker.

The SPEAKER. The question is, shall the bill pass finally?
On that question, the Speaker recognizes the gentleman from Delaware County, Mr. Vitali.

Mr. VITALI. Thank you, Mr. Speaker.

I just wanted to let the body know that three environmental groups have written in opposition to this bill – PennFuture, Clean Water Action, and the Sierra Club. PennFuture, by a letter dated today, indicated that the "bill will hinder the Commonwealth's ability to protect our environment and the health, safety and welfare of our citizens." And Clean Water Action and the Sierra Club, in a joint letter, indicated that the bill creates a special judicial review for the agency's processes. It also points out the fact that it has concerns that this legislation could delay regulations, and it also expresses concerns about this bill also affects regulations relating to the Marcellus Shale drilling.

So just bear in mind, this bill is opposed by PennFuture, Clean Water Action, and the Sierra Club. 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—158

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

NAYS—41

Bishop	DeWeese	Kirkland	Samuelson
Boyle, B.	Donatucci	Kortz	Santarsiero
Boyle, K.	Evans, D.	McGeehan	Santoni
Brennan	Freeman	Mundy	Sturla
Briggs	George	Murphy	Vitali
Brown, V.	Gerber	O'Brien, M.	Wagner
Brownlee	Johnson	Parker	Waters
Caltagirone	Josephs	Pashinski	Wheatley
Cohen	Kavulich	Roebuck	Williams
Cruz	Keller, W.	Sabatina	Youngblood
Curry			

NOT VOTING—0

EXCUSED—4

Daley	Neuman	O'Brien, D.	Staback
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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the bill passed finally.

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

REMARKS SUBMITTED FOR THE RECORD

The SPEAKER. The lady, Ms. Pickett, is recognized under unanimous consent.

Ms. PICKETT. Thank you, Mr. Speaker.

I would like to thank my colleagues for that vote to help the number one issue in Pennsylvania, that being jobs, and I would like to submit some remarks for the record.

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

Mr. Speaker, like many of my colleagues, most of the job creators in my district are small.

The truth is, most of the jobs and nearly all of the growth in my district happens on Main Street, not Wall Street.

These local eateries, family farms, office centers, machine shops, and tourist destinations are the economic backbone of the communities in my district – as they are in communities across Pennsylvania.

The hardworking men and women who run these firms love the communities in which they live, work, and raise their families.

They made the choice to stay here – either to pick up the reigns of the family business or to start their own entrepreneurial endeavors.

But now they are hurting.

High taxes, lawsuit abuse, unfair competition abroad, and government overregulation here at home all are barriers to economic growth and good-paying jobs.

Small businesses will create virtually all of the net new jobs as Pennsylvania's economy continues its recovery.

That is why we need to remove any possible barrier to job creation for these smallest employers. One area where lawmakers can provide significant relief is by reducing government red tape. That is what the small business regulatory flexibility legislation is all about.

The legislation, modeled after the Federal Regulatory Flexibility Act (RFA), would require State agencies to consider the small business impact before imposing regulatory mandates.

By listening to small businesses, State agencies can ensure that small business resources that would have been spent on overburdensome new regulations instead are available for hiring new employees and making new investments.

At the same time, agencies still meet their regulatory goals, such as higher environmental quality, greater travel safety, better workplace conditions, and increased family financial security.

Small business owners consider government regulation one of their most formidable business problems – and it is getting worse – evidenced by personal testimony before this House from small business owners.

The U.S. Small Business Advocate reports that small firms each year spend 40 percent more per employee just to comply with government regulations.

But any small business owner will tell you that these regulatory burdens do not just come from Washington, DC.

Since most small employers are not involved in the State's rulemaking process, they often do not find out about new regulations until after they take effect.

The NFIB (National Federation of Independent Business) reports that 82 percent of small business owners stumble across new rules during their normal course of business. We propose they should have a voice as regulations are being written.

Small business owners in my district believe that sensitizing government regulators to how mandates affect small employers will help improve compliance; protect our health, safety, and quality of life; but also ensure that businesses remain competitive.

The Small Business Regulatory Flexibility Act can be a powerful economic development tool that can help regulators and job creators to work together to protect important public policy goals as environmental quality, travel safety, and workplace safety, without sacrificing jobs and family financial security.

Pennsylvania's economic success is directly tied to the success of Pennsylvania's small businesses and entrepreneurs. These firms employ nearly half of Pennsylvania's private workforce. But today they are struggling – and looking to policymakers in Harrisburg and Washington for relief.

Thank you.

ANNOUNCEMENT BY DEMOCRATIC LEADER

The SPEAKER. If I could have the members' attention.

As many of us have heard some bad news about one of our member's family members, I wanted to recognize the minority leader, Mr. Dermody, to make some comments relative to Mr. Staback.

Mr. DERMODY. Thank you, Mr. Speaker.

Mr. Speaker, I just wanted to let the members know that our friend and colleague, Ed Staback's grandson suffered devastating injuries yesterday fighting for his country in Iraq and is now back home in Archbald with his family. But I would just ask the members to please remember his grandson and the Staback family in your prayers throughout the next several weeks.

Thank you, Mr. Speaker.

The SPEAKER. The Speaker thanks the gentleman.

STATEMENT BY MAJORITY LEADER

The SPEAKER. The gentleman, the majority leader, Mr. Turzai, is recognized.

Mr. TURZAI. From everybody in our caucus, please God bless Representative Staback and his family and his grandson. Our prayers are with you.

BILL RECOMMITTED

The SPEAKER. The Speaker recognizes the majority leader, who moves that SB 631 be recommitted to the Committee on Appropriations.

On the question,

Will the House agree to the motion?

Motion was agreed to.

STATEMENT BY DEMOCRATIC LEADER

The SPEAKER. The gentleman, Mr. Dermody, is recognized.

Mr. DERMODY. Thank you, Mr. Speaker. Just briefly.

I think I said Iraq when I talked about Ed Staback's grandson, but he was injured fighting for his country in Afghanistan.

Thank you, Mr. Speaker.

The SPEAKER. The Speaker thanks the gentleman.

There will be no more votes this afternoon.

BILLS REMOVED FROM TABLE

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

HB 1324;

HB 1417;

HB 1792;

HB 1794; and

HB 1825.

On the question,

Will the House agree to the motion?

Motion was agreed to.

BILLS REMOVED FROM TABLE

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

SB 109;

SB 468; and

SB 566.

On the question,

Will the House agree to the motion?

Motion was agreed to.

BILLS TABLED

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

SB 109;
SB 468; and
SB 566.

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

CALENDAR CONTINUED

BILL ON SECOND CONSIDERATION

The House proceeded to second consideration of **SB 612, PN 1386**, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in professional employees, further providing for causes for suspension and for persons to be suspended.

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

BILL TABLED

The SPEAKER. The Speaker recognizes the majority leader, who moves that SB 612 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.

BILL REMOVED FROM TABLE

The SPEAKER. The Speaker recognizes the majority leader, who moves that SB 612 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.

STATEMENT BY MR. DeWEESE

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

Mr. DeWEESE. Yes, Mr. Speaker. I am requesting unanimous consent.

The SPEAKER. The gentleman is recognized under unanimous consent.

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

I have three quick points to share with the membership.

Point number one, the Greek philosopher, Plato, indicated that repetition is the first law of learning. So along that line, I shall continue to repeat some of the declarations that are foremost in my thought process.

The second point I want to make is that this institution is fundamentally unique among our 12.6 million people, and this institution has been under very aggressive and unremitting

scrutiny by the executive branch of government for what now is ending almost our fifth year. There are members and former members of this institution, this chamber, that are very, very much under the spotlight of the executive branch.

My third and final point would be that today, Mr. Speaker, marks 2 months – 2 months – when I very politely, very politely indicated to the Attorney General, to the Inspector General, and to the Commissioner of State Police my vexation, my confusion, about a member of the Pennsylvania State Police. This was not done in a random or casual fashion; these letters are substantive and strong.

Today it is me. Tomorrow it could be you, or you, or one of you. For a member of this Pennsylvania General Assembly to write a polite note to Attorney General Linda Kelly 2 months ago and to receive no reply from Attorney General Linda Kelly certainly begs the issue relative to the viability of our involvement as single members of this body.

State Police Commissioner Noonan, a former Marine, takes his oath not to Mr. Corbett but to the Constitution of the State of Pennsylvania. Two months ago I wrote to the Commissioner of State Police asking about the actions of one of his troopers. I talked to a very squared away young man, a major in the State Police, his legislative liaison. He had not been informed about the matter, and that was only a week or two ago.

And finally, the Inspector General, General Faulkner – and I very respectfully addressed them by their titles, the statutory construction, and it came out of this room to create the Inspector General – talked about her, in this case, ability to take a look at misconduct, illegal conduct, or even something that was questionable relative to behavior.

Mr. Speaker, finally, I would like the Chief Clerk to take these six pieces of paper and make sure that when we return to session in a week and a half, that they are placed on each person's desk in hard copy. My office will send out e-mails later today. But when you see these letters and you have the tangible feel of these letters, they could be yours. This institution, Mr. Speaker, at least individually and collectively, deserves a response, even if it is pro forma, even if it is nebulous, even if it is off the mark.

But I really think that the supererogation, the condescension that emanates from some of these executive branches needs to be discussed on this floor. There are three branches of government, Mr. Speaker, and we are a robust and central element amongst 12.6 million people. We cannot allow, we cannot allow the executive branch to renege upon their collective oaths of office when they swear to the Constitution – not to Mr. Corbett.

So I would ask that this series of papers be put upon your desks when you come back. Hopefully, I will not go 10 weeks; it has only been 8 today. Two months for a member of the General Assembly – no contact from the legislative liaisons; no contact from the Cabinet Secretaries.

Mr. Speaker, as our leader, as our institutional buttress against this kind of casuality, I ask you to inquire on behalf of this member from Greene County. I am asking you, respectfully, my friend from Jefferson, to ask the Attorney General of this State, the Inspector General of this State, and the Commissioner of our State troopers to please respond to these very substantive letters.

And I thank my members and my friends for unanimous consent, and I wish Mike Vereb a very happy birthday.

STATEMENT BY MR. GABLER

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

Mr. GABLER. Mr. Speaker, I just wanted to rhetorically ask my friend from Greene County if there does in fact exist such a thing as a "former Marine"?

Thank you, Mr. Speaker.

STATEMENT BY MR. DAY

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

Mr. DAY. I rise under unanimous consent to make a brief—

The SPEAKER. The gentleman is recognized under unanimous consent.

Mr. DAY. —brief statement and then submit the rest of my comments for the record.

Mr. Speaker, I had a constituent come into my office, and he was 90-plus years old, and said to me that ever since he was in school, that Ralph Waldo Emerson made a statement, a quotation from him, "Speak your latent conviction, and it shall be the universal sense...." It said, "Beware lest tomorrow a neighbor say with utterly good sense precisely what you have thought and felt all along, and you will be forced to take with shame your own opinion from another."

Mr. Speaker, Mr. Stewart Sell from the 187th District has a latent conviction, and it is called DNA memory, and I am submitting it for the record as my comments for today.

Thank you, Mr. Speaker.

The SPEAKER. The Speaker thanks the gentleman.

LETTER SUBMITTED FOR THE RECORD

Mr. DAY submitted a letter for the Legislative Journal.

(For letter, see Appendix.)

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 lady, Mrs. Davidson, from Delaware County, who moves that this House do adjourn until Monday, October 17, 2011, at 1 p.m., e.d.t., unless sooner recalled by the Speaker.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 2:38 p.m., e.d.t., the House adjourned.