

# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

TUESDAY, OCTOBER 25, 2011

SESSION OF 2011

195TH OF THE GENERAL ASSEMBLY

No. 68

### 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 the Reverend Dr. David Roquemore, Camp Hill Presbyterian Church, right here in Camp Hill, Pennsylvania.

REV. DR. DAVID A. ROQUEMORE, Guest Chaplain of the House of Representatives, offered the following prayer:

May we pray:

Almighty God, we who gather here today give You thanks: for the blessings of this day; for the good people, the towns and villages, the cities and farmlands of our State; for the peace, productivity, and the prosperity of our people; for the energy, the gifts, the commitment, and the good work of the members of this House.

We ask Your guidance and wisdom: as we make decisions that affect the lives of Pennsylvania's people; as we listen to one another, argue with one another, and seek to persuade one another.

We seek pardon: for all that is misguided, wrong, and hurtful to the Commonwealth; for any partisan division that prevents us from doing good; for all that is unkind, for words said in haste, for foolishness we regret.

And we ask Your continued blessing: on those still suffering the effects of flood waters; those who are unemployed; those whose lives will be directly affected by our work here; those who are in need of any kind; for the Governor, for those who work in this House, in the Senate, and in all the agencies and offices of our State.

Hear our prayers, good and righteous God. Amen.

#### PLEDGE OF ALLEGIANCE

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

#### JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, the approval of the Journal of Monday, October 24, 2011, will be postponed until printed.

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

**HB 601, PN 2627** (Amended) By Rep. MARSICO

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for sentences for offenses against infant persons.

JUDICIARY.

**HB 1156, PN 2628** (Amended) By Rep. MARSICO

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in computer offenses, providing for the offense of phishing and for protection from liability under certain circumstances.

JUDICIARY.

**SB 818, PN 1710** (Amended) By Rep. MARSICO

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in juvenile matters, providing for disposition information; in registration of sexual offenders, further providing for legislative findings and declaration of policy, for definitions, for registration, for registration procedures and applicability, for sentencing court information, for verification of residence, for victim notification, for other notification, for information made available on the Internet and for duties of Pennsylvania State Police; and making editorial changes.

JUDICIARY.

**SB 834, PN 1669** By Rep. CREIGHTON

An Act amending Title 16 (Counties) of the Pennsylvania Consolidated Statutes, adding provisions for required fiscal security through bonding, blanket bonding and insuring of elected and appointed county officers and employees; providing for determining the form, amount and payment of premiums for and the filing and recording of the required security and for the subsequent issuance of official commissions; and making related repeals.

LOCAL GOVERNMENT.

#### SENATE MESSAGE

RECESS RESOLUTION  
FOR CONCURRENCE

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

In the Senate,  
October 24, 2011

RESOLVED, (the House of Representatives concurring), Pursuant to Article II, Section 14 of the Pennsylvania Constitution, that when the Senate recesses this week, it reconvene on Monday, October 31, 2011, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, Pursuant to Article II, Section 14 of the Pennsylvania Constitution, that when the House of Representatives recesses this week, it reconvene on Monday, October 31, 2011, unless sooner recalled by the Speaker of the House of Representatives.

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

On the question,  
Will the House concur in the resolution of the Senate?  
Resolution was concurred in.  
Ordered, That the clerk inform the Senate accordingly.

**LEAVES OF ABSENCE**

The SPEAKER. The Speaker turns to leaves of absence and recognizes the majority whip, who requests a leave of absence for the gentleman, Mr. DAY, from Lehigh County for the day; the gentleman, Mr. BOYD, from Lancaster County for the day; the gentleman, Mr. BEAR, from Lancaster County for the day. Without objection, the leaves will be granted.

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

Will the members report to the floor. We are about to take the master roll call.

**MASTER ROLL CALL**

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

The following roll call was recorded:

**PRESENT—198**

Adolph	Emrick	Kortz	Rapp
Aument	Evankovich	Kotik	Ravenstahl
Baker	Evans, D.	Krieger	Readshaw
Barbin	Evans, J.	Kula	Reed
Barrar	Everett	Lawrence	Reese
Benninghoff	Fabrizio	Longietti	Reichley
Bishop	Farry	Maher	Roe
Bloom	Fleck	Mahoney	Rock
Boback	Frankel	Major	Roebuck
Boyle, B.	Freeman	Maloney	Ross
Boyle, K.	Gabler	Mann	Sabatina
Bradford	Galloway	Markosek	Saccone
Brennan	Geist	Marshall	Sainato
Briggs	George	Marsico	Samuelson
Brooks	Gerber	Masser	Santarsiero
Brown, R.	Gergely	Matzie	Santoni

Brown, V.	Gibbons	McGeehan	Saylor
Brownlee	Gillen	Metcalfe	Scavello
Burns	Gillespie	Metzgar	Schroder
Buxton	Gingrich	Miccarelli	Shapiro
Caltagirone	Godshall	Micozzie	Simmons
Carroll	Goodman	Millard	Smith, K.
Causer	Grell	Miller	Smith, M.
Christiana	Grove	Milne	Sonney
Clymer	Hackett	Mirabito	Staback
Cohen	Hahn	Moul	Stephens
Conklin	Haluska	Mullery	Stern
Costa, D.	Hanna	Mundy	Stevenson
Costa, P.	Harhai	Murphy	Sturla
Cox	Harhart	Murt	Swanger
Creighton	Harkins	Mustio	Tallman
Cruz	Harper	Myers	Taylor
Culver	Harris	Neuman	Tobash
Curry	Heffley	O'Brien, D.	Toepel
Cutler	Helm	O'Brien, M.	Toohil
Daley	Hennessey	O'Neill	Truitt
Davidson	Hess	Oberlander	Turzai
Davis	Hickernell	Parker	Vereb
Deasy	Hornaman	Pashinski	Vitali
DeLissio	Hutchinson	Payne	Vulakovich
Delozier	Josephs	Payton	Wagner
DeLuca	Kampf	Peifer	Waters
Denlinger	Kauffman	Perry	Watson
DePasquale	Kavulich	Petrarca	Wheatley
Dermody	Keller, F.	Petri	White
DeWeese	Keller, M.K.	Pickett	Williams
DiGirolamo	Keller, W.	Preston	Youngblood
Donatucci	Killion	Pyle	
Dunbar	Kirkland	Quigley	Smith, S.,
Ellis	Knowles	Quinn	Speaker

**ADDITIONS—0**

**NOT VOTING—0**

**EXCUSED—5**

Bear	Day	Johnson	Thomas
Boyd			

**LEAVES ADDED—3**

Bishop	Gerber	Keller, M.K.
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**LEAVES CANCELED—2**

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

**CALENDAR**

**RESOLUTIONS PURSUANT TO RULE 35**

Mr. PAYTON called up **HR 472, PN 2601**, entitled:

A Resolution recognizing and designating October 2011 as "National Arts and Humanities Month" in Pennsylvania.

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—197

Adolph	Emrick	Kotik	Ravenstahl
Aument	Evankovich	Krieger	Readshaw
Baker	Evans, D.	Kula	Reed
Barbin	Evans, J.	Lawrence	Reese
Barrar	Everett	Longietti	Reichley
Benninghoff	Fabrizio	Maher	Roae
Bishop	Farry	Mahoney	Rock
Bloom	Fleck	Major	Roebuck
Boback	Frankel	Maloney	Ross
Boyle, B.	Freeman	Mann	Sabatina
Boyle, K.	Gabler	Markosek	Saccone
Bradford	Galloway	Marshall	Sainato
Brennan	Geist	Marsico	Samuelson
Briggs	George	Masser	Santarsiero
Brooks	Gerber	Matzie	Santoni
Brown, R.	Gergely	McGeehan	Saylor
Brown, V.	Gibbons	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	Tobash
Culver	Heffley	O'Brien, D.	Toepel
Curry	Helm	O'Brien, M.	Toohil
Cutler	Hennessey	O'Neill	Truitt
Daley	Hess	Oberlander	Turzai
Davidson	Hickernell	Parker	Vereb
Davis	Hornaman	Pashinski	Vitali
Deasy	Hutchinson	Payne	Vulakovich
DeLissio	Josephs	Payton	Wagner
DeLozier	Kampf	Peifer	Waters
DeLuca	Kauffman	Perry	Watson
Denlinger	Kavulich	Petrarca	Wheatley
DePasquale	Keller, F.	Petri	White
Dermody	Keller, M.K.	Pickett	Williams
DeWeese	Keller, W.	Preston	Youngblood
DiGirolamo	Killion	Pyle	
Donatucci	Kirkland	Quigley	Smith, S.,
Dunbar	Knowles	Quinn	Speaker
Ellis	Kortz	Rapp	

NAYS—1

Gillen

NOT VOTING—0

EXCUSED—5

Bear	Day	Johnson	Thomas
Boyd			

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

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Ms. V. BROWN called up **HR 475, PN 2604**, entitled:

A Resolution honoring the educational and professional achievements of Dr. Constance E. Clayton, former superintendent of the School District of Philadelphia.

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—198

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

NAYS—0

NOT VOTING—0

EXCUSED—5

Bear	Day	Johnson	Thomas
Boyd			

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

### CONDOLENCE RESOLUTION

The SPEAKER. The House will come to order. We are about to take up a condolence resolution for a former member and would appreciate the members taking their seats. Clear the aisles, please. Members and guests will take their seats.

#### FAMILY INTRODUCED

The SPEAKER. In the rear of the chamber are members of the Frascella family. They are seated in close proximity to the desk that the former member was seated in on the House floor. His son, Mike, a longtime House employee, is joined by his mother, Mary, along with his 7 siblings, 10 nieces and nephews, and 1 great-nephew.

Mike enjoyed a close relationship with his father and regarded him as one of his closest confidantes. In 1967 and 1968 Mike was a summer messenger for his dad. He was hired full time in 1969, and then served in the Army for 4 years. After the Army, he returned to the House as a messenger in the Chief Clerk's Office from 1975-79, and has been a clerk in the document room since 1979.

On behalf of the House of Representatives, I offer condolences to the entire Frascella family. Representative Payne will be presenting the condolence resolution to the family upon adoption by the House.

The Sergeants at Arms will close the doors of the House. Members will take their seats.

The clerk will read the resolution.

The following resolution was read:

#### COMMONWEALTH OF PENNSYLVANIA THE HOUSE OF REPRESENTATIVES

#### CONDOLENCE RESOLUTION

WHEREAS, The House of Representatives of Pennsylvania wishes to honor the memory of the Honorable Thomas A. Frascella, Sr., who passed away at the age of eighty-eight on October 12, 2011; and

WHEREAS, A former member of the House of Representatives of Pennsylvania who served the 13th Legislative District, Mr. Frascella was born in Trenton, New Jersey, on November 28, 1922. He served this country with honor and distinction as a member of the United States Army during World War II and was the recipient of the Bronze Star and Purple Heart. A six-term State legislator, Mr. Frascella was a former member of the Democratic State Committee and the 37th Ward Democratic Committee and served as Executive Director of the State Government Committee for the Pennsylvania General Assembly. A past President of FFO, Inc., he was a member of American Legion Post 265, Veterans of Foreign Wars Post No. 1687 and Saint Joan of Arc Roman Catholic Church; and

WHEREAS, A beloved family member, dedicated worker and avowed community steward, Mr. Frascella generously gave of his heart and time to enhance the quality of life of his family and community. His inspiring presence and genuine love of his family and friends will live long in the hearts and memories of the many individuals whose lives he touched; now therefore be it

RESOLVED, That the House of Representatives of the Commonwealth of Pennsylvania proclaim with enduring sorrow the passing of the Honorable Thomas A. Frascella, Sr.; and extend heartfelt condolences to his wife, Mary Reilly Frascella; sons, Michael J., Thomas A., Jr., Daniel J., Joseph M. and David J.; daughters, Mary E. Mader, Helen Fies and Theresa C.; ten grandchildren; one great-grandchild; and numerous other family members and friends; and be it further

RESOLVED, That a copy of this resolution, sponsored by the Honorable John D. Payne on October 14, 2011, be transmitted to Mary Reilly Frascella.

John D. Payne, Sponsor

On the question,  
Will the House adopt the resolution?

The SPEAKER. Those in favor of the resolution will please rise and remain standing as a mark of respect for the deceased former member. Guests will also please rise.

(Whereupon, the members of the House and all visitors stood in a moment of silence in solemn respect to the memory of the Honorable Thomas A. Frascella, Sr.)

The SPEAKER. The resolution has been unanimously adopted.

The Sergeants at Arms may open the doors of the House.

### KOREAN DELEGATION PRESENTED

The SPEAKER. I would like to recognize some special guests that are with us today. Located to the left of the rostrum, the Chair welcomes a group of distinguished guests from the Republic of Korea. Among our guests are Ambassador Kim, the Consul General of the Republic of Korea in New York; Consulate Yoon; Mr. Jong Yung; Mr. Hyung Wook; Mr. Sung Yun; Master Yang; and Mr. Bong Kim.

They are guests of Representative Harper, who recently had the pleasure of joining Consulate Yoon at a ceremony in her district where the government of Korea presented Peace Ambassador medals to Korean war veterans.

I would now like to recognize Ambassador Kim to address the House.

Ambassador, welcome to the hall of the House of the Commonwealth of Pennsylvania.

AMBASSADOR KIM. Honorable Speaker of the House, Samuel Smith; honorable members of the Pennsylvania General Assembly; distinguished guests, ladies and gentlemen, and friends:

I am truly honored to be invited to such a rare and special opportunity to meet you and speak before you today. It is indeed an honor and privilege to be giving my address to your Commonwealth with my colleagues and my community representatives.

As the birthplace of today's America and a nurturing cradle for independence, Pennsylvania rightly deserves its name, the Keystone State. The embryonic, it is better to understand, the embryonic union of States was held together under the common goal of establishing liberty, freedom, and independence.

Knowing this State's history and its heritage, it is of no coincidence that one of Korea's greatest intellectuals and an ardent activist for Korea's independence began his movement here in Pennsylvania in 1889. That young Korean intellectual was Seo Jae-pil, Mr. Seo. He first came to the United States in 1886. He would later convene the First Korean Congress in Philadelphia and begin an independence movement there. He sought to bring the world's attention to the distressing situation of Korea at the time, came from Japanese occupation, and tried to mobilize America through which his efforts eventually led to Korea's freedom in 1945.

In the beginning Mr. Seo was a young reformist officer. Following the failed coup attempt to change his government, he fled to the United States under the new American name "Philip Jaisohn." Overcoming many adversities, including language barriers, financial hardships, and isolation, in 1890 he became the first Korean to be naturalized as a U.S. citizen.

As he lived in America, in Philadelphia, as a medical doctor, he devoted his entire life and his possessions to educating and fighting for Korea's freedom from Japan, while gathering support from friends and citizens of Pennsylvania.

There is one more distinguished name I should mention to you today. A native of Souderton, Pennsylvania – it is hard to pronounce for me – Rev. Henry Appenzeller came to Korea in 1885 as a missionary to establish Korea's first modern and western-style private high school, under the mission with a Christian teaching, which greatly contributed to the awakening of a Korean society at the time by introducing modern science and education as well as Christianity. He also inspired young patriotic intellectuals during the poignant years of what seemed to be no hope and no future.

As I have introduced, Korea and Pennsylvania have a profound bond deeply rooted in history, struggling for democracy and freedom. Thus, I would like to take this opportunity to thank the courageous citizens of Pennsylvania who helped Korea achieve its independence from Japanese colonial rule.

I should also thank all those who bravely fought during the Korean war, saving Korea from the Communist aggression in 1950; the war lasted from 1950 to 1953. I know that some of you served in Korea as military officers, Air Force officers, and more fathers of your generation served in Korea and fought during the Korean war. I thank you so much for the sacrifices and helping hands that your fathers and yourself gave to Korea to make Korea independent and free, a democratic country. Korea will never forget your help.

Today Korea has emerged finally as a vibrant, free democracy, a powerful industrial country, and one of the key allies of the United States and important trading partner. As the 7th largest trading partner of the United States, Korea is the 10th largest export market for Pennsylvania. Korea is also the fifth largest market for U.S. agricultural products and the second largest service market in Asia for the U.S. service industry.

As you are well aware, the U.S. Congress passed this historic accord on October 13, just 1 day before receiving my President, President Lee Myung-bak, at the joint session of the Congress, about 2 weeks ago. For me, it almost looked like a miracle that the Congress passed the agreement after 5 years of struggle and confrontations between the two governments, within the parties,

but just to pass the agreement finally, just 1 day before the President's arrival in Washington and his address at the joint session.

Together with long and intimate discussions between the two Presidents, it was so moving and beautiful to watch the President of Korea speak at the joint session of Congress, during which unity prevailed over partisan differences. It is always good to watch and see the unity rather than dispute and conflict. Because we are allies, I was glad that our President has provided an opportunity to U.S. politics to be united and receive the President of the Allied countries and listen to him.

I thank you so much for the members of Congress, particularly members from Pennsylvania, to support the Korea-U.S. Free Trade Agreement and support the address of my President at the joint session of Congress. The political and security-oriented alliance now incorporates a new pillar that expands the scope of our partnership. This economic alliance at the time of our uncertainty and global economic downturn will help create, I believe, a needed momentum in addressing many socioeconomic challenges for the United States, for Korea, and probably the rest of the world. I think members of the Congress have worked so hard to achieve this agreement. Again, I believe that this agreement would be of historic value for the mutual benefit of our two countries.

According to the U.S.-Korea Business Council, the overall benefits of a KORUS FTA (Korea-United States Free Trade Agreement) are expected to create more than 70,000 new jobs in the U.S. Furthermore, U.S. exports to Korea would be increased by \$10 to \$11 billion shortly, more than 10 percent of its total trade volume, in which tariffs on 92 percent of goods and services would be eliminated immediately, or at least within 3 years.

For Pennsylvania, where nearly 220,000 jobs are supported by exporting goods, Korean tariffs on one-half of chemical and other manufactured products such as electronic goods from Pennsylvania will immediately be eliminated once the trade pact enters into full force. The rest of the chemical products would be duty-free within 3 years. Also, I believe agricultural and food products such as mushrooms, hides and skins, dairy, and chocolate, which Pennsylvania is proud of, will immediately benefit from the KORUS FTA.

I so very much like Hershey's Chocolate from my childhood. I hope that Koreans will love more Hershey's Chocolate from the agreement. Yet I believe more important are the significant benefits the free trade agreement would bring in terms of cross investments. Korean firms over the past 3 years have been investing in the U.S. at more than twice the level the U.S. invests in Korea. By the same token, Korean companies have steadily invested in Pennsylvania. Over the past 5 years an average annual of \$22 million was invested in Pennsylvania by Korean companies.

Of these, there are several Korean firms doing business and investing in Pennsylvania. They include Hyundai Rotem. One of the senior representatives from Hyundai Rotem is with me today. Hyosung Heavy Industries, Dongwon Food and Beverage, and Woori Bank and some other companies have been steadily working in Pennsylvania. From Pennsylvania, Bayer MaterialScience, as you know very well; Kurt J. Lesker Company; Respironics; Guardian Industries; and Merck have been very active in Korea. Also, in Pittsburgh, Westinghouse has been a key contributor to Korea's nuclear industry.

With our historic ties of friendship and existing cooperation as our guide, we will try our very best to encourage and enhance bilateral trade and investment between Korea and Pennsylvania. Thus, it is my earnest wish and hope that more Korean firms can contribute to job creation and mutual economic benefits through investment and partnerships.

Recently I have had an opportunity to visit the automotive plant of Kia Motors in Georgia. I have witnessed the immense impact the company brought on the economic development of that community. Direct investments such as this will not only allow Korean firms to expand its experience abroad and know-how in the global stage, but also significantly contribute to the local economies in the U.S. and to the national efforts of economic recovery.

I believe such a successful case of partnership can be expanded and brought here in Pennsylvania where a great history of industrialization, the world's top-level academia, and with the second largest reserve in shale gas are waiting for the full use. Therefore, I kindly request you, the honorable members of the General Assembly, to further promote an environment that encourages investments.

There is no better country in the world than the United States who can lead the world in global economy and democracy. In this birthplace of America's founding principles and democratic principles in the world with a tremendous base for industrial advancement, I am convinced that Pennsylvania will continue to serve as the keystone for the United States and beyond.

The world is facing instability across the world. We witness emerging powers take unprecedented socioeconomic discontents in each nation. Pains are everywhere. It is my earnest hope that the U.S. will address all pressing needs and domestic issues in time and come up on this world stage again as the confident and respected leader as ever, not only for the sake of the U.S. but also for the rest of the world.

Korea is ready to stand by the United States, and Korea and Pennsylvania, Korea and the U.S., can go together. Thank you so much for your kind attention.

The SPEAKER. Thank you, Ambassador Kim.

Will all of our guests please rise.

### **PATRICK ANDERSON PRESENTED**

The SPEAKER. For the purpose of presenting a citation, Representative Kathy Rapp is invited to the podium. She will be presenting a citation to Patrick Anderson, the 2011 PIAA State Track and Field Champion.

The lady, Ms. Rapp, is recognized.

Ms. RAPP. Thank you, Mr. Speaker.

As a State lawmaker, I am always pleased to recognize the outstanding achievements of Pennsylvania's student athletes in the spirit of personal sacrifice and commitment to excellence. I am also very excited to be standing here with the first athlete from the 65th Legislative District, during my service here in the House, to come to the House for recognition.

Today it is my privilege to present Patrick Anderson with an official House citation for capturing the Class AA Boys Pole Vault event, with an outstanding vault of 15 feet during the 2011 PIAA State Track and Field Championships.

Here on the House floor today with both his father and coach, Patrick is a junior at Kane Area High School who also qualified for the 2011 New Balance Outdoor Nationals championship meet in North Carolina. During this competition, Patrick further distinguished himself by winning the Boys Pole Vault Emerging Elite event with an even further vault of 15 feet 9 inches. Patrick also shared with me that to date, his highest pole vault was at 16 feet 1. Paving the way for future achievements, Patrick also finished in third place at the State pole vault competition during his sophomore year.

And at this time I would like to introduce Patrick's father, Dennis Anderson, here to my left; his coach, Tom Cecchetti, from Kane School District; and my staff assistant from my Kane office, Jill Thompson, who is in the back. They traveled a very long way to be here, Mr. Speaker, about 4 1/2 hours, and I know that because that is what I travel about every Sunday and upon my return.

Mr. Speaker, in light of his accomplishments, I invite the full House to stand and give Patrick the recognition he truly deserves for his exceptional ability and tenacious pursuit of athletic excellence. Thank you.

Thank you, Mr. Speaker.

### **GUESTS INTRODUCED**

The SPEAKER. I would like to recognize some other guests that are with us.

Located to the left of the rostrum, we welcome Carly Henry. Carly won the Distinguished Young Woman of Pennsylvania title and will compete in the national event next year. Along with her, seated in the rear of the House, are Carly's parents, Lora and Steve Henry; Lyn Bergdoll, president of the York County Junior Miss; Fred and Shirley Smith, cochairs of the State program; and Dawn and Bill Brenner, board members of the York County Junior Miss. They are here as guests of Representative Ron Miller. Will our guests please rise, and welcome to the hall of the House.

Located in the rear of the House, we welcome Philip Jodz. He is a guest of Representative John Lawrence. Welcome to the hall of the House.

Also, as a guest of Representative Dennis O'Brien, in the rear of the House, we would like to welcome Jim Mills. Welcome to the House, Jim.

And we have a couple of guest pages with us down in the well of the House. They are Katie and Rebecca McIntyre. They are here as guests of Representative Dick Stevenson. And their parents, Dr. and Mrs. Dale McIntyre, are up in the gallery. Welcome to the hall of the House.

### **APPROPRIATIONS COMMITTEE MEETING**

The SPEAKER. The gentleman from Delaware County, Mr. Adolph, is recognized for the purpose of calling a meeting announcement.

Mr. ADOLPH. Thank you, Mr. Speaker.

Mr. Speaker, I would like to call a House Appropriations Committee meeting down in the majority caucus room immediately following the break. An immediate meeting of the House Appropriations Committee at the break. Thank you.

**ANNOUNCEMENT BY SPEAKER**

The SPEAKER. May I have the members' attention just to clarify that announcement.

The House will be at ease. We will not have any votes, and we give the permission to the Appropriations Committee to meet immediately. And we will just be at ease with no votes while that meeting is in process, and it should not take too long. So the Appropriations Committee should go to the majority caucus room right now.

The House will come to order.

**BILLS REREPORTED FROM COMMITTEE**

**HB 1091, PN 1188** By Rep. ADOLPH

An Act designating a portion of State Route 955 in Lawrence Park Township, Erie County, as the Michael D. Crotty Memorial Parkway.

**APPROPRIATIONS.**

**HB 1827, PN 2345** By Rep. ADOLPH

An Act redesignating a bridge in Irvona Borough, Clearfield County.

**APPROPRIATIONS.**

**HB 1862, PN 2400** By Rep. ADOLPH

An Act designating a bridge carrying State Route 607 over Freeman Run in the Borough of Austin, Potter County, as the Captain Edgar E. Nuschke Memorial Bridge; and designating a bridge carrying State Route 872 at Section 110 Offset 0960 over the East Fork of Sinnemahoning Creek in Wharton Township, Potter County, as the Private First Class Edward Ritsick Memorial Bridge.

**APPROPRIATIONS.**

**HB 1893, PN 2550** By Rep. ADOLPH

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for gambling devices, gambling, etc.

**APPROPRIATIONS.****BILLS REPORTED FROM COMMITTEE,  
CONSIDERED FIRST TIME, AND TABLED**

**HB 2005, PN 2492** By Rep. SCHRODER

An Act amending Title 4 (Amusements) of the Pennsylvania Consolidated Statutes, in gaming, further providing for general and specific powers of the Pennsylvania Gaming Control Board.

**GAMING OVERSIGHT.**

**HB 2010, PN 2629** (Amended) By Rep. SCHRODER

An Act amending Title 4 (Amusements) of the Pennsylvania Consolidated Statutes, further providing for Pennsylvania Gaming Control Board established.

**GAMING OVERSIGHT.**

**HB 2012, PN 2630** (Amended) By Rep. SCHRODER

An Act amending Title 4 (Amusements) of the Pennsylvania Consolidated Statutes, in gaming, further providing for Pennsylvania Gaming Control Board established, for licensing of principals and for financial and employment interests.

**GAMING OVERSIGHT.****BILLS ON SECOND CONSIDERATION**

The House proceeded to second consideration of **HB 1052, PN 2588**, entitled:

An Act establishing an independent informal dispute resolution process for long-term care nursing facilities to dispute Department of Health survey deficiencies; and providing for the powers and duties of the Department of Health.

On the question,

Will the House agree to the bill on second consideration?

Bill was agreed to.

\* \* \*

The House proceeded to second consideration of **HB 1720, PN 2589**, entitled:

An Act amending Title 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes, providing for uniform adult guardianship and protective proceedings jurisdiction.

On the question,

Will the House agree to the bill on second consideration?

Bill was agreed to.

\* \* \*

The House proceeded to second consideration of **HB 1875, PN 2437**, entitled:

An Act designating the bridge that carries State Route 462 over the Norfolk Southern rail line in the Borough of Mountville, Lancaster County, as the Mountville Veterans Memorial Bridge.

On the question,

Will the House agree to the bill on second consideration?

Bill was agreed to.

\* \* \*

The House proceeded to second consideration of **HB 1886, PN 2461**, entitled:

An Act designating the bridge carrying State Route 136 over the Monongahela River connecting Forward Township, Allegheny County, to the City of Monongahela, Washington County, as the General Carl E. Vuono Bridge.

On the question,

Will the House agree to the bill on second consideration?

**SUPPLEMENTAL CALENDAR A**

**BILL ON THIRD CONSIDERATION**

The House proceeded to third consideration of **HB 1893, PN 2550**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for gambling devices, gambling, etc.

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

**BILL PASSED OVER TEMPORARILY**

The SPEAKER. The Speaker made an error. We are going over that bill temporarily. We will be back to it.

**CALENDAR CONTINUED**

**CONSIDERATION OF HB 1886 CONTINUED**

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

**SUPPLEMENTAL CALENDAR A CONTINUED**

**CONSIDERATION OF HB 1893 CONTINUED**

On the question recurring,  
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 Clinton County, Mr. Hanna.

Mr. HANNA. Thank you, Mr. Speaker.

Mr. Speaker, I rise to ask for a "yes" vote on HB 1893. The new and vibrant casino industry in Pennsylvania is the most successful jobs program of the last decade, bar none. More than 15,000 good-paying, family-sustaining jobs already have been created, along with billions of dollars in property tax relief. But if we do not act to stop this gimmick of Internet-based sweepstakes using simulated gaming devices to give people a false gaming experience, many of those jobs will be put at risk. Millions of dollars that should be kept here and used for property tax relief will be taken out of our State's economy and sent to other States and other countries. My friends in the majority have done precious little this session to help 523,000 Pennsylvania workers who are looking for jobs. This bill is at least one thing we can and should do. The least we can do is to help preserve the jobs and property tax relief we have as a result of gaming in Pennsylvania. I ask for an affirmative vote.

Thank you, Mr. Speaker.

**LEAVES 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 Montgomery County, Mr. GERBER, for the remainder of the day. Without objection, the leave will be granted.

The Speaker recognizes the majority whip, who requests a leave of absence for the gentleman, Mr. Mark KELLER, from Perry County for the remainder of the day. Without objection, the leave will be granted.

**CONSIDERATION OF HB 1893 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.

The following roll call was recorded:

**YEAS—196**

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

Dunbar	Kortz	Rapp	Speaker
Ellis	Kotik		

NAYS-0

NOT VOTING-0

EXCUSED-7

Bear	Day	Johnson	Thomas
Boyd	Gerber	Keller, M.K.	

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. VULAKOVICH**

The SPEAKER. Does the gentleman from Allegheny County, Mr. Vulakovich, seek recognition under unanimous consent relative to the legislation just passed?

Mr. VULAKOVICH. Yes, Mr. Speaker.

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

Mr. VULAKOVICH. I just would like to thank everybody for their affirmative vote on this piece of legislation. I think it is something that needed to be done. This is a loophole that was in the law. We have an industry that is unchecked, unregulated. We do not even know how many there are in Pennsylvania right now, but I think this is a good piece of legislation. I thank Representative Davis from the other side of the aisle who was instrumental in this piece of legislation; actually permitted me to take the lead on it, and I appreciate that very much. So I thank you all.

\* \* \*

The House proceeded to third consideration of **HB 1091, PN 1188**, entitled:

An Act designating a portion of State Route 955 in Lawrence Park Township, Erie County, as the Michael D. Crotty Memorial Parkway.

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	Emrick	Krieger	Ravenstahl
Aument	Evankovich	Kula	Readshaw
Baker	Evans, D.	Lawrence	Reed

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

NAYS-0

NOT VOTING-0

EXCUSED-7

Bear	Day	Johnson	Thomas
Boyd	Gerber	Keller, M.K.	

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

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

**STATEMENT BY MRS. DAVIS**

The SPEAKER. Is the lady from Bucks County, Mrs. Davis, seeking recognition under unanimous consent relative to HB 1893?

Mrs. DAVIS. Thank you, Mr. Speaker.

I just want to thank the gentleman from Allegheny County for working with me to address this issue. I would also like to

thank the majority and minority chairs of the Gaming Oversight Committee. As a freshman, this is very important for me to work in a bipartisan manner, so thank you.

The SPEAKER. The Speaker thanks the lady.

\* \* \*

The House proceeded to third consideration of **HB 1827, PN 2345**, entitled:

An Act redesignating a bridge in Irvona Borough, Clearfield County.

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

Denlinger	Kavulich	Petri	Wheatley
DePasquale	Keller, F.	Pickett	White
Dermody	Keller, W.	Preston	Williams
DeWeese	Killion	Pyle	Youngblood
DiGirolamo	Kirkland	Quigley	
Donatucci	Knowles	Quinn	Smith, S.,
Dunbar	Kortz	Rapp	Speaker
Ellis	Kotik		

NAYS—0

NOT VOTING—0

EXCUSED—7

Bear	Day	Johnson	Thomas
Boyd	Gerber	Keller, M.K.	

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. GEORGE**

The SPEAKER. The gentleman from Clearfield County, Mr. George, is recognized under unanimous consent relative to HB 1827.

Mr. GEORGE. Mr. Speaker, thank you for allowing me the opportunity to thank the fine members of this House for the passage of HB 1827 today. Your action on this bill brings it one step closer to the Governor's desk. Mary Ellen Tiesi was a Clearfield County native who tragically lost her life on September 11, 2001, as she attempted to evacuate from the World Trade Center South Tower. Miss Tiesi paused to wait for her boss, her employer, who had a heart condition. When she met up with the gentleman, he decided he wanted to take the elevator. As she proceeded then down the stairs to help someone who might need help, unfortunately, she never reached the bottom. Her body was never found.

I would like to also express my gratitude to Chairman Geist, Chairman McGeehan, and all the great members on that committee for letting this bill out for our review and our passage.

Thank you, Mr. Speaker.

The SPEAKER. The Speaker thanks the gentleman.

\* \* \*

The House proceeded to third consideration of **HB 1862, PN 2400**, entitled:

An Act designating a bridge carrying State Route 607 over Freeman Run in the Borough of Austin, Potter County, as the Captain Edgar E. Nuschke Memorial Bridge; and designating a bridge carrying State Route 872 at Section 110 Offset 0960 over the East Fork of Sinnemahoning Creek in Wharton Township, Potter County, as the Private First Class Edward Ritsick Memorial Bridge.

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

NAYS—0

NOT VOTING—0

EXCUSED—7

Bear	Day	Johnson	Thomas
Boyd	Gerber	Keller, M.K.	

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

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

The SPEAKER. The House will come to order.

CALENDAR CONTINUED

BILL ON SECOND CONSIDERATION

The House proceeded to second consideration of **SB 314, PN 1696**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, defining "interactive wireless communications device"; and prohibiting use of interactive wireless communications devices for text-based communications while operating motor vehicles.

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

Mr. **TURZAI** offered the following amendment  
No. **A05630**:

Amend Bill, page 23, line 5, by striking out "SUBSECTION"  
and inserting  
section

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

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

Mr. TURZAI. Thank you, Mr. Speaker.

This is a technical amendment. It clarifies that the offense is for a violation of the new section 3316, prohibiting text-based communications, that we are adding to the Vehicle Code, not just the subsection. 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—196

Adolph	Emrick	Krieger	Ravenstahl
Aument	Evankovich	Kula	Readshaw
Baker	Evans, D.	Lawrence	Reed
Barbin	Evans, J.	Longietti	Reese
Barrar	Everett	Maher	Reichley
Benninghoff	Fabrizio	Mahoney	Roae
Bishop	Farry	Major	Rock
Bloom	Fleck	Maloney	Roebuck
Boback	Frankel	Mann	Ross
Boyle, B.	Freeman	Markosek	Sabatina
Boyle, K.	Gabler	Marshall	Saccone
Bradford	Galloway	Marsico	Sainato
Brennan	Geist	Masser	Samuelson
Briggs	George	Matzie	Santarsiero
Brooks	Gergely	McGeehan	Santoni
Brown, R.	Gibbons	Metcalfe	Saylor

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

NAYS-0

NOT VOTING-0

EXCUSED-7

Bear	Day	Johnson	Thomas
Boyd	Gerber	Keller, M.K.	

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

On the question,

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

Mr. SHAPIRO offered the following amendment No. **A05657**:

Amend Bill, page 1, lines 16 through 18, by striking out "AND PROHIBITING USE OF INTERACTIVE WIRELESS " in line 16, all of line 17 and "OPERATING MOTOR VEHICLES" in line 18 and inserting prohibiting use of interactive wireless communications devices; and further providing for duty of driver in construction and maintenance areas or on highway safety corridors, for duty of driver in emergency response areas, for accident report forms and for department to compile, tabulate and analyze accident reports

Amend Bill, page 22, lines 25 through 30; page 23, lines 1 through 25, by striking out all of said lines on said pages and inserting § 3316. Prohibiting use of interactive wireless communications devices.

(a) Prohibition.—No person shall drive a motor vehicle upon a roadway or trafficway in this Commonwealth while using an

interactive wireless communications device for a purpose other than:

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

(2) reading, selecting or entering a telephone number or name into an interactive wireless communications device for the purpose of voice communication while in hands-free mode; or

(3) activating or deactivating an interactive wireless communications device for the purpose of voice communication while in hands-free mode.

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

(1) Persons using an interactive wireless communications device to contact a 511 service or 911 system or wireless E-911 service, as defined in the act of July 9, 1990 (P.L.340, No.78), known as the Public Safety Emergency Telephone Act.

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

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

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

(5) Amateur radio operators using an interactive wireless communications device for voice communication.

(6) Coroners or deputy coroners using an interactive wireless communications device for voice communication while engaged in the performance of their official duties.

(c) Seizure.—The provisions of this section shall not be construed as authorizing the seizure or forfeiture of an interactive wireless communications device, unless otherwise provided by law.

(d) Penalty.—Any person who violates subsection (a) commits a summary offense and shall, upon conviction, be sentenced to pay a fine of \$50. A violation of subsection (a) shall not result in the accumulation of points under this title.

(e) Definitions.—As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

"Hands-free mode." The use of an interactive wireless communications device that allows the user to engage in communication without the use of either hand by means of an internal feature or function or an attachment or device.

"Volunteer emergency responder." Any of the following:

(1) a member of a volunteer ambulance service as defined in 35 Pa.C.S. § 7802 (relating to definitions);

(2) a member of a volunteer fire company as defined in 35 Pa.C.S. § 7802; or

(3) a member of a volunteer rescue company as defined in 35 Pa.C.S. § 7802.

Section 3. Sections 3326(c), 3327(e) and 3752(a) of Title 75 are amended to read:

§ 3326. Duty of driver in construction and maintenance areas or on highway safety corridors.

\*\*\*

(c) Fines to be doubled.—For any of the following violations, when committed in an active work zone manned by workers acting in their official capacity or on a highway safety corridor designated under section 6105.1 (relating to designation of highway safety corridors), the fine shall be double the usual amount:

Section 3102 (relating to obedience to authorized persons directing traffic).

Section 3111 (relating to obedience to traffic-control devices).

Section 3112 (relating to traffic-control signals).

Section 3114 (relating to flashing signals).  
 Section 3302 (relating to meeting vehicle proceeding in opposite direction).  
 Section 3303 (relating to overtaking vehicle on the left).  
 Section 3304 (relating to overtaking vehicle on the right).  
 Section 3305 (relating to limitations on overtaking on the left).  
 Section 3306 (relating to limitations on driving on left side of roadway).  
 Section 3307 (relating to no-passing zones).  
 Section 3309 (relating to driving on roadways laned for traffic).  
 Section 3310 (relating to following too closely).  
Section 3316 (relating to prohibiting use of interactive wireless communications devices).  
 Section 3323 (relating to stop signs and yield signs).  
 Section 3326 (relating to duty of driver in construction and maintenance areas or on highway safety corridors).  
 Section 3361 (relating to driving vehicle at safe speed).  
 Section 3362 (relating to maximum speed limits).  
 Section 3702 (relating to limitations on backing).  
 Section 3714 (relating to careless driving).  
 Section 3736 (relating to reckless driving).  
 Section 3802 (relating to driving under influence of alcohol or controlled substance).

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§ 3327. Duty of driver in emergency response areas.

\*\*\*

(e) Fines to be doubled.—In addition to any penalty as provided in subsection (b), the fine for any of the following violations when committed in an emergency response area manned by emergency service responders shall be double the usual amount:

Section 3102 (relating to obedience to authorized persons directing traffic).  
 Section 3111 (relating to obedience to traffic-control devices).  
 Section 3114 (relating to flashing signals).  
 Section 3302 (relating to meeting vehicle proceeding in opposite direction).  
 Section 3303 (relating to overtaking vehicle on the left).  
 Section 3304 (relating to overtaking vehicle on the right).  
 Section 3305 (relating to limitations on overtaking on the left).  
 Section 3306 (relating to limitations on driving on left side of roadway).  
 Section 3307 (relating to no-passing zones).  
 Section 3310 (relating to following too closely).  
 Section 3312 (relating to limited access highway entrances and exits).  
Section 3316 (relating to prohibiting use of interactive wireless communications devices).  
 Section 3323 (relating to stop signs and yield signs).  
 Section 3325 (relating to duty of driver on approach of emergency vehicle).  
 Section 3361 (relating to driving vehicle at safe speed).  
 Section 3707 (relating to driving or stopping close to fire apparatus).  
 Section 3710 (relating to stopping at intersection or crossing to prevent obstruction).  
 Section 3714 (relating to careless driving).  
 Section 3736 (relating to reckless driving).  
 Section 3802 (relating to driving under influence of alcohol or controlled substance).

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§ 3752. Accident report forms.

(a) Form and content.—The department shall prepare and upon request supply to all law enforcement agencies and other appropriate agencies or individuals, forms for written accident reports as required

in this subchapter suitable with respect to the persons required to make the reports and the purposes to be served. The written report forms shall call for sufficiently detailed information to disclose with reference to a vehicle accident the cause, conditions then existing and the persons and vehicles involved[.], including whether the driver of the vehicle was using an interactive wireless communications device when the accident occurred, and such other information as the department may require. Reports for use by the drivers and owners shall also provide for information relating to financial responsibility.

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Section 4. Section 3753 of Title 75 is amended by adding a subsection to read:

§ 3753. Department to compile, tabulate and analyze accident reports.

\*\*\*

(b.1) Certain reports.—The department shall annually compile and make available to the public information submitted on an accident report concerning interactive wireless communications devices in motor vehicles involved in traffic accidents. The report shall note whether the driver of the motor vehicle was using an interactive wireless communications device when the accident occurred. The data shall be included in a report submitted to the Transportation Committee of the Senate and the Transportation Committee of the House of Representatives.

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Section 5. This act shall take effect in 60 days.

On the question,

Will the House agree to the amendment?

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

Mr. SHAPIRO. Thank you, Mr. Speaker.

Mr. Speaker, this is not the amendment I intend to offer, Mr. Speaker.

The SPEAKER. You are withdrawing that amendment?

Mr. SHAPIRO. I am not withdrawing it at this time. I would like to offer amendment 5659, Mr. Speaker.

The SPEAKER. The precedent of the House has been that the majority leader determines the order of the amendments being called up. The amendment is before the House. That is the question before the House.

Does the gentleman seek recognition on amendment A05657?

Mr. SHAPIRO. Thank you, Mr. Speaker.

I do not seek recognition on amendment A05657.

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

Mr. SHAPIRO. Mr. Speaker?

The SPEAKER. Is the gentleman, Mr. Shapiro, seeking recognition?

Mr. SHAPIRO. I am, Mr. Speaker, but not for the purposes of offering amendment 5657. Is it not up to the member who has offered amendments to determine which amendment he or she would like to offer?

The SPEAKER. The precedent of the House is that the majority leader has the prerogative of calling up amendments, in what order.

Mr. SHAPIRO. And, Mr. Speaker, is the order then just simply the numerical order the Speaker intends to offer the amendments? It appears to be the case based on the initial amendment the Speaker pulled up.

The SPEAKER. The order of the amendments is not something that I have determined as Speaker. It is something

the majority leader would be determining, and the amendment before the House is 5657.

Mr. SHAPIRO. Thank you, Mr. Speaker.

Perhaps the process could be moved along quicker if I could interrogate briefly the majority leader as to his intention of the order of amendments, and then I could be able to determine for the Speaker which amendments I will be withdrawing and which amendments I intend to offer.

The SPEAKER. The Speaker would suggest perhaps a sidebar conversation. The question before the House is the amendment that is called up; therefore, I am not sure that interrogation on what amendments are going to be called up in what order is necessary, but I would recommend you talk to the majority leader at sidebar.

The House will be at ease for a moment.

The House will come to order.

### LEAVE OF ABSENCE

The SPEAKER. The Speaker returns to leaves of absence and recognizes the minority whip, who requests a leave of absence for the lady, Ms. BISHOP, from Philadelphia County for the remainder of the day. Without objection, the leave will be granted.

### LEAVE OF ABSENCE CANCELED

The SPEAKER. Additionally, the Speaker recognizes the presence of the gentleman from Lancaster County, Mr. Bear, on the floor. His name will be added to the master roll call.

### CONSIDERATION OF SB 314 CONTINUED

#### AMENDMENT WITHDRAWN

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

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

Mr. SHAPIRO. Thank you, Mr. Speaker.

Amendment 5657 is still before the House. Given the sidebar, at the Speaker's direction, with the majority leader, I would withdraw this amendment at this time, with the understanding that amendment 5659 is due up next.

The SPEAKER. Amendment 5657 is withdrawn.

On the question recurring,

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

Mr. SHAPIRO offered the following amendment No. **A05659**:

Amend Bill, page 1, lines 16 through 18, by striking out "AND PROHIBITING USE OF INTERACTIVE WIRELESS" in line 16, all of line 17 and "OPERATING MOTOR VEHICLES" in line 18 and inserting prohibiting use of interactive wireless communications devices; and further providing for duty of driver in construction and maintenance areas or on highway safety corridors, for duty of driver in emergency

response areas, for accident report forms and for department to compile, tabulate and analyze accident reports

Amend Bill, page 22, lines 25 through 30; page 23, lines 1 through 25, by striking out all of said lines on said pages and inserting § 3316. Prohibiting use of interactive wireless communications devices.

#### (a) Prohibition.—

(1) No person shall drive a motor vehicle upon a roadway or trafficway in this Commonwealth while using an interactive wireless communications device for a purpose other than:

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

(ii) reading, selecting or entering a telephone number or name into an interactive wireless communications device for the purpose of voice communication while in hands-free mode; or

(iii) activating or deactivating an interactive wireless communications device for the purpose of voice communication while in hands-free mode.

(2) A conviction or detention under this subsection by State or local law enforcement agencies for using an interactive wireless communications device for voice communication shall occur only as a secondary action when a driver of a motor vehicle has been detained or convicted of any other provision of this title.

(3) State and local law enforcement agencies shall enforce the use of an interactive wireless communications device for texting, e-mailing, browsing the Internet or instant messaging as a primary action.

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

(1) Persons using an interactive wireless communications device to contact a 511 service or 911 system or wireless E-911 service, as defined in the act of July 9, 1990 (P.L.340, No.78), known as the Public Safety Emergency Telephone Act.

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

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

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

(5) Amateur radio operators using an interactive wireless communications device for voice communication.

(6) Coroners or deputy coroners using an interactive wireless communications device for voice communication while engaged in the performance of their official duties.

(c) Seizure.—The provisions of this section shall not be construed as authorizing the seizure or forfeiture of an interactive wireless communications device, unless otherwise provided by law.

(d) Penalty.—Any person who violates subsection (a)(1) commits a summary offense and shall, upon conviction, be sentenced to pay a fine of \$50. A violation of subsection (a)(1) shall not result in the accumulation of points under this title.

(e) Definitions.—As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

"Hands-free mode." The use of an interactive wireless communications device that allows the user to engage in communication without the use of either hand by means of an internal feature or function or an attachment or device.

"Volunteer emergency responder." Any of the following:

(1) a member of a volunteer ambulance service as defined in 35 Pa.C.S. § 7802 (relating to definitions);

(2) a member of a volunteer fire company as defined in 35 Pa.C.S. § 7802; or

(3) a member of a volunteer rescue company as defined in 35 Pa.C.S. § 7802.

Section 3. Sections 3326(c), 3327(e) and 3752(a) of Title 75 are amended to read:

§ 3326. Duty of driver in construction and maintenance areas or on highway safety corridors.

\* \* \*

(c) Fines to be doubled.—For any of the following violations, when committed in an active work zone manned by workers acting in their official capacity or on a highway safety corridor designated under section 6105.1 (relating to designation of highway safety corridors), the fine shall be double the usual amount:

Section 3102 (relating to obedience to authorized persons directing traffic).

Section 3111 (relating to obedience to traffic-control devices).

Section 3112 (relating to traffic-control signals).

Section 3114 (relating to flashing signals).

Section 3302 (relating to meeting vehicle proceeding in opposite direction).

Section 3303 (relating to overtaking vehicle on the left).

Section 3304 (relating to overtaking vehicle on the right).

Section 3305 (relating to limitations on overtaking on the left).

Section 3306 (relating to limitations on driving on left side of roadway).

Section 3307 (relating to no-passing zones).

Section 3309 (relating to driving on roadways laned for traffic).

Section 3310 (relating to following too closely).

Section 3316 (relating to prohibiting use of interactive wireless communications devices).

Section 3323 (relating to stop signs and yield signs).

Section 3326 (relating to duty of driver in construction and maintenance areas or on highway safety corridors).

Section 3361 (relating to driving vehicle at safe speed).

Section 3362 (relating to maximum speed limits).

Section 3702 (relating to limitations on backing).

Section 3714 (relating to careless driving).

Section 3736 (relating to reckless driving).

Section 3802 (relating to driving under influence of alcohol or controlled substance).

\* \* \*

§ 3327. Duty of driver in emergency response areas.

\* \* \*

(e) Fines to be doubled.—In addition to any penalty as provided in subsection (b), the fine for any of the following violations when committed in an emergency response area manned by emergency service responders shall be double the usual amount:

Section 3102 (relating to obedience to authorized persons directing traffic).

Section 3111 (relating to obedience to traffic-control devices).

Section 3114 (relating to flashing signals).

Section 3302 (relating to meeting vehicle proceeding in opposite direction).

Section 3303 (relating to overtaking vehicle on the left).

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left).

Section 3306 (relating to limitations on driving on left side of roadway).

Section 3307 (relating to no-passing zones).

Section 3310 (relating to following too closely).

Section 3312 (relating to limited access highway entrances and exits).

Section 3316 (relating to prohibiting use of interactive wireless communications devices).

Section 3323 (relating to stop signs and yield signs).

Section 3325 (relating to duty of driver on approach of emergency vehicle).

Section 3361 (relating to driving vehicle at safe speed).

Section 3707 (relating to driving or stopping close to fire apparatus).

Section 3710 (relating to stopping at intersection or crossing to prevent obstruction).

Section 3714 (relating to careless driving).

Section 3736 (relating to reckless driving).

Section 3802 (relating to driving under influence of alcohol or controlled substance).

\* \* \*

§ 3752. Accident report forms.

(a) Form and content.—The department shall prepare and upon request supply to all law enforcement agencies and other appropriate agencies or individuals, forms for written accident reports as required in this subchapter suitable with respect to the persons required to make the reports and the purposes to be served. The written report forms shall call for sufficiently detailed information to disclose with reference to a vehicle accident the cause, conditions then existing and the persons and vehicles involved[.], including whether the driver of the vehicle was using an interactive wireless communications device when the accident occurred, and such other information as the department may require. Reports for use by the drivers and owners shall also provide for information relating to financial responsibility.

\* \* \*

Section 4. Section 3753 of Title 75 is amended by adding a subsection to read:

§ 3753. Department to compile, tabulate and analyze accident reports.

\* \* \*

(b.1) Certain reports.—The department shall annually compile and make available to the public information submitted on an accident report concerning interactive wireless communications devices in motor vehicles involved in traffic accidents. The report shall note whether the driver of the motor vehicle was using an interactive wireless communications device when the accident occurred. The data shall be included in a report submitted to the Transportation Committee of the Senate and the Transportation Committee of the House of Representatives.

\* \* \*

Section 5. This act shall take effect in 60 days.

On the question,

Will the House agree to the amendment?

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

Mr. SHAPIRO. Thank you, Mr. Speaker.

Mr. Speaker, we are, of course, debating amendments to an underlying distracted driving bill. This is an issue that has gotten significant debate on this House floor and has had significant support on both sides of the aisle, so I will not belabor the arguments as to why I believe we ought to ban texting and handheld cell phone use in one form or another here in the Commonwealth of Pennsylvania. We know that it will save lives. We know that it will cut down on accidents. And we

know, Mr. Speaker, that the vast majority of members of this chamber have voted for this type of legislation both in the last session and in a different form in this session.

The underlying bill, SB 314, came over from the Senate in a form that, if my amendment were to be accepted, would be nearly identical to what the Senate passed. Let me give you the two highlights there, Mr. Speaker. When the Senate voted earlier this year by a margin of 41 to 8, they sent a bill over here to the House, Mr. Speaker, that would be a primary enforcement ban on texting while driving and a secondary enforcement ban on handheld cell phone use. Now, it is my preference, Mr. Speaker, that it be primary across the board – and in fact in the last session of this legislature, 189 members of the General Assembly agreed with that, and in fact earlier on in this session, more than 150 members agreed with that. However, Mr. Speaker, I am a realist. This issue has been moving forward now for the last decade, and I have been a part of it for the last 7 years, as has the lady on the other side of the aisle from Bucks, the gentleman from York, and the gentleman from Montgomery, the majority caucus secretary. This has been a bipartisan effort.

But it was said on the floor, Mr. Speaker, a few months ago that the perfect cannot get in the way of the possible. This is the possible, Mr. Speaker. The Senate, by a vote of 41 to 8, passed legislation that is roughly mirrored in my amendment that would be a primary ban on texting while driving and a secondary ban on handheld cell phone use. There is no doubt about the fact, Mr. Speaker, that this will cut down on accidents on our roadways. There is no doubt about it that it will cut down on fatalities on our roadways. And there is no doubt about the fact that the public supports this. Whether a Franklin and Marshall poll or a Quinnipiac poll, more than 85 percent of the public has been behind this. Heck, more than 85 percent of this chamber has been behind this type of an effort.

And so, Mr. Speaker, in the spirit of bipartisanship and cooperation, as has been the case with these distracted driving bills, I would respectfully ask the members on both sides of the aisle to do what they have already done and support this legislation, send it back to the Senate, where they have already shown that they are willing to pass this, where they have already shown they are willing to pass this, adopt this legislation, and make our roadways safe.

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 Somerset County, Mr. Metzgar.

Mr. METZGAR. Thank you, Mr. Speaker.

Would the gentleman from Montgomery County stand for brief interrogation?

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

Mr. METZGAR. It is my understanding that the impetus behind your bill is that you are interested in protecting the safety of the populace and their property. Is that correct?

Mr. SHAPIRO. Thank you, Mr. Speaker.

I am interested in making our roadways safer, and in the process ensuring the well-being of the people of Pennsylvania.

Mr. METZGAR. If I would direct your attention to Title 75, section 3714, and also, Title 75, 3736, known colloquially as the

reckless and careless driving sections. If you read those, would it not seem to indicate that what the people are doing that you are trying to stop is already covered by Title 75?

Mr. SHAPIRO. Mr. Speaker, I do not have the section that the gentleman is referring to. If you would like to submit it to the record or if I can get a copy, I would be happy to—

Mr. METZGAR. I can read it to you.

Subsection (a) of "Reckless driving." "...Any person who drives any vehicle in willful or wanton disregard for the safety of persons or property is guilty of reckless driving." Or in the alternative, "Careless driving." "...Any person who drives a vehicle in careless disregard for the safety of persons or property is guilty of careless driving, a summary offense." That would seem to indicate the type of behavior which we are trying to prevent against, correct?

Mr. SHAPIRO. Thank you, Mr. Speaker.

What is the question?

Mr. METZGAR. My question is, is not the behavior to which your bill is directed already covered by two sections of Title 75 already?

Mr. SHAPIRO. Thank you for clarifying, Mr. Speaker. The answer is no.

Mr. METZGAR. I am confused as to why it is not.

Mr. SHAPIRO. Because I do not think so, Mr. Speaker.

Mr. METZGAR. Okay.

(At the request of Representative Metzgar, remarks were stricken from the record.)

Mr. Speaker, I have a question about the application of this particular law in our court system. If a person is cited with an infraction based on the gentleman from Montgomery County's amended bill, how would the officer prove that the person was in fact engaging in the activity to which he was being charged?

Mr. SHAPIRO. Mr. Speaker, I am not particularly interested in engaging in hypotheticals, particularly with the previous comment that the gentleman from Somerset made, but if he is going to ask a hypothetical, he should at least understand the hypothetical that he is asking. Is he referring to an infraction that deals with texting? Is he referring to an infraction that deals some other use?

Mr. METZGAR. My question, specifically, is how would one prove that one was using a cellular phone?

Mr. SHAPIRO. Thank you, Mr. Speaker.

Mr. Speaker, I would enter into the record a letter from the Pennsylvania State Police, who call for this type of legislation to be passed, who have said that they have the ability to enforce this type of law that I propose, and I would read a section of a letter that was sent to Chairman Geist and Chairman McGeehan: "...as Commissioner of the Pennsylvania State Police," – this was written by the head of the State Police – "I cannot stress enough the importance of making enforcement...a primary offense." Changing enforcement or these offenses to a secondary offense would prove problematic for law enforcement; quite honestly, enforcement would probably be almost nonexistent. And the letter explains that they will be able to enforce this law. Municipal police departments, who have embraced this, have said that they would be able to enforce this law. And I would leave it up to our brave men and women in our State Police and municipal police departments, and their statements that they are able to enforce it, to answer the gentleman from Somerset's question.

Mr. METZGAR. Thank you, Mr. Speaker.

I appreciate the fact that that particular piece of correspondence was read in. I believe, though, that that particular piece of correspondence was discussing what would be a primary offense. This particular amendment is discussing a secondary offense. But I digress, Mr. Speaker. If I could speak on the bill?

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

Mr. METZGAR. I think that taking the last series of questions first brings forth an interesting conundrum for an arresting officer across the Commonwealth, with this particular bill or frankly any others that are discussing how do we fine someone for the use of a cellular, some sort of device that is in that particular car. The only way that we can actually prove conclusively that that actually occurs is if we bring in evidence from the cell phone company, that of course cannot testify for itself; we actually have to bring someone from the cell phone company in, subpoena them, bring them in, and have them testify about the precise moment at which that activity occurred, and then make it correspond to the arrest. And that is very difficult, if not impossible, to do that.

The second issue, which goes back to the first question, is, do we not already have laws that address this? General laws, laws that are good across the board that say, if you do something reckless, no matter what it is, or careless, no matter what it is, that puts others in danger, you can be pulled over for it. You can be cited for it. We do not make laws in this Commonwealth, or at least we should not make laws in this Commonwealth, that are specific to a technology. Fifteen years ago, no one in this room knew what a text message was, and now we are going to make a bill about text messaging or dialing. And in 10 years or 15 years, is that going to be the same thing that we do today, or are we going to have a chip in our brain that can dial or text for us and we will then have something in Title 75 about that?

There is an inherent issue with making specific laws to technology, which goes above and beyond where we are actually at at this point. So I think there are multiple problems with this particular amendment, and I would encourage a "no" vote. Thank you.

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

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

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

As many of you may know, HB 9 that addressed safe teen driving was signed into law by Governor Corbett today, and that particular piece of legislation was authored by our good friend from Bucks County. There has been an absolute commitment to safe driving measures on this caucus's side – to bring it to a vote, to work with our colleagues in the Senate, and to get legislation signed into law. We have been, from the moment we hit the ground running, about results.

With respect to the safe driving, we have seen it in three component parts. First, teen safe driving, which we got done. Second, a reasonable, rational texting ban. And third, particularly once we reach consensus with our Senate colleagues, legislation that deals with handheld phones. Right now what we have in front of us is the texting ban. That is the underlying legislation. Our good colleague in the Senate from Bucks County originally introduced legislation that banned

texting, and he had as a singular piece of legislation. We are dividing up those issues and addressing them in a rational, consensus-oriented approach, such that each and every one of them will become law, signed by the Governor, just as HB 9 was signed by the Governor today.

Now, we can make theater of what we together are attempting to accomplish, both Republicans and Democrats, House members and Senate members, or we can get the work done. Right now what we have in front of us is a texting ban that should this House pass in its underlying form will be sent to our colleagues in the Senate, and we believe, to the Governor's desk. It will be the second piece signed into law. Over the past 4 years, under a different leadership, there was much talk about these safe driving issues, but nothing became law. We are on the verge right now, as a chamber, working with our Senate colleagues, to get the second piece with respect to safe driving into law and signed by the Governor, and we can actually, instead of talking about saving lives, actually do something about saving lives. Because in the end, if you do not get the legislation onto the Governor's desk for his signature, you have done nothing but posture.

We recognize that there are two other bills in the House – HB 146 by the good gentleman from Allegheny County and HB 8 by the good lady from Bucks County – that are vehicles that deal with the handheld issue. We will be getting to those pieces of legislation. One is actually scheduled for a vote today with a number of amendments, including this same, identical amendment, and we will be addressing handheld phones in its specific order. We know, however, if we get this texting ban passed as written today that it will get to the Governor's desk.

I ask everybody to please vote "no" on 5659, and understand that we will not be able to deal – I believe it will be based on the Speaker's ruling later, if this amendment should be brought up with respect to HB 146 and it is defeated here – it will not be able to be brought back up under our rules with respect to another piece of legislation. The important thing, I think, that we should be doing here, with all due respect, is we should be getting right to the underlying bill, sending it to the Senate, and letting it get to the Governor's desk. And we will have finally passed a texting ban that has consensus among not only the citizens of Pennsylvania, but members on both sides of the aisle and both sides of the Capitol.

Please vote "no" on amendment 5659 so that we can get SB 314 to the Governor's desk. Thank you.

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

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

Mr. DePASQUALE. Thank you, Mr. Speaker.

I want to start off by first, I do want to commend the majority leader, because I do think that there is a seriousness in this term on finally addressing this issue. I support the Shapiro amendment, not only because I think it is good policy, but it is admittedly out of frustration, as I was someone that was the first person to introduce a bill to ban texting while driving 5 years ago under Democratic and Republican leadership. That bill has yet to get a vote even in committee, so I am admittedly pretty frustrated by that.

When I first introduced that proposal, one State, the State of Washington, had a law on the books, and I was told to be patient. Today 41 States have that law on the books, and we have yet to even have a vote in committee in the House on that

proposal. So my day of patience on this issue is over. The Shapiro amendment will make this current proposal an even stronger law. It will protect more people and will do it in a more comprehensive fashion. And the people of Pennsylvania, at least the ones I speak to on this issue, their patience is running thin with this General Assembly, both the House and Senate, on this issue.

I remember watching the chamber debate between Mr. Onorato and Mr. Corbett when they were both candidates for the Office of Governor. There was one issue, one issue they agreed on: this amendment, this amendment. One issue that they both said immediately – without any debate, without any discussion – that they would immediately sign, and it was this amendment. They both said it on television. If you want to have some fun and go back and watch the tape, feel free to do it, or you can go back and read all my tweets because I retweeted it as soon as they did it. Yes, I was watching the debate, which may concede a little bit about something, how exciting my life can be sometimes. But that is the one issue that they both agreed on during that debate. Governor Corbett will sign this into law. He has said it in a debate format when he debated Mr. Onorato.

Over 80 percent of the public want a handheld cell phone ban. Over 90 percent of the public want a primary texting ban. According to the public, this is not a debate anymore. As each of us in York County knows, as you enter Maryland the signs now say "no more handheld cell phone use; no more texting while driving." We continually get e-mails and calls: Why am I safer driving in Maryland and not in my own State of Pennsylvania? They want to know why they are allowed to be safer in their cars in Maryland and not in Pennsylvania. And I do think the issue, I do want to commend the gentleman for talking about what the State Police said; the D.A.'s Association has also said that they want this tool as well. The reckless provision in Title 75 does not do enough to protect on the texting while driving ban. That is why we have had to pass DUI (driving under the influence) laws. That is why we have speed limits. That is why we have stop signs.

We need this additional protection for the people of Pennsylvania. Forty-one States are enforcing this law as it is. Let us make Pennsylvania the 42d. Thank you.

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

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

Mr. BARBIN. Thank you, Mr. Speaker.

I rise in support of the Shapiro amendment. I do not rise in support of the amendment because the people of Pennsylvania want it, because they do; 80 percent of the people want this done. And I do not rise in support of this amendment because it is a bipartisan position that we have passed laws before that were even stronger than this one because it was the right thing to do. So we bipartisanly agreed to do the right thing. I do this because the person who knows the most about this issue has said it needs to be done. And he has said it for 2 straight years. On April 19, 2011, in a letter to the Honorable Richard Geist, head of the Transportation Committee, he said that "Distracted driving continues to be a significant factor in highway crashes." That is what he said. He said, "...I cannot stress enough the importance of making enforcement of such violations a primary offense." Okay? I did not say it. Representative Shapiro did not say it. Representative Geist did not say it. The head of the State Police said it. Now, if the head of the State Police says it, and

41 other States require it to be done because they do not want as many underage people dying on our streets because we have not chosen to tell the Senate they are wrong, then that is our fault.

You do the right thing because it is the right thing to do. It does not matter; this bill is going to the Governor's desk no matter what. It is either going to go to the Governor's desk as a weak bill or it is going to go to the Governor's desk as a strong bill. The Senate is not doing the right thing, and it is not me who is saying so. It is the Commissioner of the State Police. So we should sit here today and not say this is Republican or Democrat. We just lost another life in our district. About 2 months ago somebody died because of distracted driving. She was texting and she died. And she may not have died if it was a primary offense because a police officer, whether it was a State policeman or a township policeman, could have stopped her. He could have pulled her over because it was a primary offense. If we let this bill go to the Governor's desk weak, they will not be allowed to pull people over. It is that simple. I want less people to die on the highway. We should do the right thing because it is the right thing to do.

Thank you, Mr. Speaker.

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

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

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

Mr. Speaker, there are two ways for us to ensure, or at least try to ensure, driver safety on our roads in Pennsylvania. One is by having a very secure and efficient infrastructure. The other is to somehow modify and control and watch over the behavior of our drivers out on the road. This amendment does not deal with infrastructure, so we are not talking about that here today; that is for another day and another argument. But as far as driving behavior goes, we have seen over the years a proliferation of these electronic devices and a proliferation of people using them while they should be doing something else, particularly while they should be paying attention to where they are going with a 4,000-pound weapon, which is their automobile.

We have had numerous statistics about folks that have had accidents, folks that have killed people, and I think every one of us in this chamber has had a constituent that has notified us – seen us at the store, seen us at church, wherever, when we knocked on doors – that has said, "I almost got run over because the person behind me was texting and they hit me" or "they almost hit me" or "I just avoided an accident." I have even heard some of my own constituents say that they themselves, because they were texting while driving or on a cell phone while driving or being distracted by an electronic device, they have almost caused an accident. And in one case, I had one person actually admit that in fact they did cause an accident.

So we know what the problem is. Just as a little bit of a review for some of perhaps the newer members here, last session we had a bill in this House that passed this House pretty overwhelmingly that was a lot tougher than this. It was a lot tougher than this. It had primary offenses for all of these distractions, or many of these distractions. We sent it over to the Senate. They sent back to us a piece of legislation that was so weak that we overwhelmingly nonconcurred, and that was a bill that a legislator could have had go right to the Governor's desk and gone home and said, "Look what I got passed." That legislator stood up and said, "This is so weak that it is not worth passing."

Now, I have to give the Senate some credit this year. What they have sent back to us here with SB 314 is certainly a lot better, an improvement, over what they had sent back to us last year, but it is still not enough. And I think the Shapiro amendment completes this bill to where it really should be, and by the way, where I think most of your constituents want it and expect it to be. I can only speak for my own district, but as chairman of the Transportation Committee last session, I heard a lot of input from all over the State, from almost every member about how important this was, every media outlet, many media outlets all over the State, on how important this was, and why in the world can we not get it passed?

And I would also echo what one of the previous speakers talked about in terms of enforcement. Primary is the way to go, and if you think that this bill is enforceable with a secondary penalty, I think you are wrong. We have heard evidence that the State Police think you are wrong. I have had my local police say that you are wrong. This needs to be primary. This amendment completes this bill and we still have more work to do, certainly with all that infrastructure, and again, we will talk about that later. But nevertheless, I think we all should vote for the Shapiro amendment and complete this bill and bring Pennsylvania to where we need to be relative to distracted driving.

Thank you, Mr. Speaker.

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

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

Mr. DERMODY. Thank you, Mr. Speaker.

Mr. Speaker, the Senate passed the bill, this bill, and they wanted to protect Pennsylvanians. When this bill came over from the Senate, it contained a texting ban and it also prohibited the handheld cell phones. The bill came over with the Shapiro amendment in the language originally. It was stripped out here in our own Transportation Committee. All the gentleman is doing here today is putting the Senate bill back together with language that has been approved in this House several times in the past. It makes the bill better. It protects more Pennsylvanians. It is what the Senate bill sent over here. It is what the Senate sent over. We should at least offer the same protections that our colleagues in the Senate placed in the bill originally.

This is an important amendment for the safety of all Pennsylvanians. It was in the original language. Let us restore the original language to this bill and adopt the Shapiro amendment. Thank you, Mr. Speaker.

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

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

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, I would encourage members to vote "yes" on this amendment. We heard the skewed logic that this bill is going to go to the Governor's desk; therefore, you should vote against something that you are for because it might actually reach the Governor's desk eventually. Instead, you should wait until later when there is a bill that probably will not go to the Governor's desk and vote for it then so that you can claim you were for it even though it will never make it into law. I do not understand that. That is a little bit beyond my pay grade. I do not think you all understand it either.

The reality is, this bill has the opportunity to get signed by the Governor with the Senate's approval. Now is the time. Now is the time you should be voting for it. Now is the time you can tell your constituents you actually did try to do something, not tried to avoid doing something. I encourage a "yes" vote.

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

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

Mr. HANNA. Thank you, Mr. Speaker.

Mr. Speaker, I rise in support of the Shapiro amendment to SB 314. Mr. Speaker, I particularly want to address the comments made by the gentleman from Somerset. It was suggested that there are other provisions of the Motor Vehicle Code that cover this type of activity. In particular, section 3736, "Reckless driving." I would point out that that section clearly says that it prohibits "...willful or wanton disregard for the safety of persons..." in driving. Well, that is rather generic. And when you look at the very specific provisions of the Shapiro amendment, it is 100 percent clear what is a disregard of the safety of others, and it includes enumerated provisions pertaining to the use of cell phones.

Mr. Speaker, I do not think people want to make the mistake of assuming that the literally thousands of judges, thousands of cops, and hundreds of district justices are all going to have the same understanding of what "willful" and "wanton" are. They would be much happier, those people put in that law enforcement position would be much happier to have it well-defined, as it is in the Shapiro amendment. So let us make it abundantly clear. Let us not leave it generic. Let us not leave it up to the interpretations of thousands of different law enforcement officers of what is willful and wanton. Let us make it 100 percent clear that operating a car with a cell phone, a handheld cell phone, is in fact prohibited. I urge a "yes" vote on the Shapiro amendment.

Thank you, Mr. Speaker.

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

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

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

I think there should be a couple things that are made clear here. First of all, everything that we are talking about doing is in, I think it is HB 146, the Chris Ross language, which we have kicked around for many, many years. It is all-encompassing. It just is not one thing specifically; it covers everything. The second thing that I would like to say is that in my years here, this is a body that has specialized in reaching consensus – reaching consensus with the Senate, reaching consensus with the Governor, reaching consensus among ourselves. This has been a real long trail. This morning the Governor signed Katharine Watson's legislation, which took a long time to get done, the teenage driving bill, a very good piece of legislation.

When this stuff was broken up into manageable parts going back and forth between the Senate, I think our leadership did a good job to get as much and as best as we could with the legislation. Therefore, I would urge that we work with our leaders, keep to the business of consensus, and get a bill and get something else that we can get signed into law. Otherwise, we will be having the same arguments next term with more legislators, new guys coming in, all saying basically the same

thing. Let us get what we can get, let us get a good vote, and let us get a bill passed. Thank you.

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

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

Mr. D. COSTA. Thank you, Mr. Speaker.

I rise to support Representative Shapiro's amendment. I think as a former law enforcement officer for 29 years, former Chief of Police, city of Pittsburgh, I can speak as the chief – I will speak for the chief, I believe, in Pittsburgh – that this bill is necessary to be primary. Because without the primary, on three occasions I have pulled people over for driving using cell phones, driving while texting, and on three occasions they have been thrown out, and I charged them with careless driving. There is a large difference between reckless and careless as far as the statute itself, but I charged them with careless driving, not paying attention. Unfortunately, one of them was in a school zone, speeding through the school zone on a cell phone. When I got to the magistrate, I emphasized the use of the cell phone, they were not paying attention. The problem with this bill being secondary is it will not aid law enforcement in pulling people over, because they have to wait for a violation to occur. When the violation occurs, unfortunately, Mr. Speaker, sometimes it is too late: They have had an accident, they have crossed the center line, they have gone through a stop sign, or they have speeded through a school zone.

So I urge all of my colleagues on both sides of the aisle to make this bill really work, to give law enforcement the tools they need to do this, and let the judges decide, because let us face it, when we go there, I have judges who have held it as careless driving, have thrown it out because there is nothing in the provision as far as cell phone use. It is very, very important to law enforcement. I can assure you that. My colleagues on the other side that were former police officers as I was can emphasize this: You need to have a primary violation.

I urge you to support this bill. Thank you. Thank you, Mr. Speaker.

### LEAVE OF ABSENCE CANCELED

The SPEAKER. The Speaker returns to leaves of absence and recognizes the presence of the gentleman from Perry County, Mr. Mark Keller, on the floor of the House. His name will be added back to the master roll call.

### CONSIDERATION OF SB 314 CONTINUED

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. Thank you, Mr. Speaker.

Mr. Speaker, I do not intend to demean anyone, but I heard one of my colleagues talk about consensus. What do we need as further consensus in the fact that we have been on the highways, all of us, many days a week, and we have been passed by someone that had that phone up to their ear, and 10 miles down the road, because of a traffic slowdown, you go by that same car and that phone is still in their ear. I do not think we need consensus. This is a body that does everything they can to

protect the lives and the well-being of our citizens who sent us here. This is not a big deal if we pass this amendment. It is the right thing to do if we pass this amendment. It is for those that sent us here, and they themselves or their children or anyone else that might be involved in an accident because somebody was more interested in texting than they were in obeying the law of nature to be decent, civil, and responsible.

Thank you, Mr. Speaker.

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

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

Mr. SANTARSIERO. Thank you, Mr. Speaker.

A short while ago the majority leader made a very eloquent plea for his position on this matter, and he spoke about reasonableness and rationality. But, Mr. Speaker, eloquent though it may have been, I would contend that it is neither reasonable nor rational to hold up passage of these provisions any further than today. There is no reason, Mr. Speaker, that we should not address both texting and cell phone use today. There is no reason we should not send this bill as amended, by the amendment proposed by the gentleman from Montgomery County, to the Senate, and ultimately to the Governor's desk, now rather than to wait on some undetermined process that allegedly will get us to the same place. Why not do it now, Mr. Speaker? These provisions in a similar form passed overwhelmingly in the last session. We should do it again now. In my home county, in my home county of Bucks County there have been numerous documented cases of accidents caused by distracted driving by texting and cell phone use. I know the same is true in Montgomery County, the home county of the gentleman who has offered this amendment. I know it is true throughout the Commonwealth of Pennsylvania.

Mr. Speaker, the people of Pennsylvania are watching us today. They want to know whether we are going to stand up for their safety and the safety of everyone on the roads and pass this bill with this amendment today. I urge my colleagues to vote "yes" on the Shapiro amendment. Thank you, Mr. Speaker.

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

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

Mr. TURZAI. Mr. Speaker, just for clarification so that all the members understand what the amendment is in front. The underlying language of SB 314 is that there is a texting ban and it is secondary. The amendment, 5659, maintains the texting ban as secondary. It is not increasing it to primary. The amendment does one other thing. It does include a ban on handheld cellular phones. We will be voting on a ban on handheld cellular phones in HB 146, and also later with HB 8, which has always been our intention. We did teen safety driving in HB 9. We are doing a texting ban in SB 314, and we will be addressing handheld phone bans with respect to HB 146 and HB 8. The amendment does not make texting— I apologize, and I stand corrected.

The amendment does in fact take the texting ban from secondary to primary. I am sorry; the summary that was in front of me was written differently and I do apologize. However, this bill does address the texting ban, and we will be able to get that into law as we pass this to the Senate and the Senate concurs and sends it to the Governor's desk. We will be addressing handheld cell phone bans in HB 146 and in HB 8. Thank you.

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

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

Mr. DeLUCA. Thank you, Mr. Speaker.

Would the maker of the amendment stand for brief interrogation?

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

Mr. DeLUCA. Mr. Speaker, I am a little confused. Am I correct it was stated that this amendment came over from the Senate in this Senate bill, or in the House bill, one of the two, and if we put this, your amendment back in, it would go back to the Senate and the Senate would just have to okay their own amendment that they voted before. Is that correct?

Mr. SHAPIRO. Thank you, Mr. Speaker.

The language that I seek to put back into SB 314 effectively mirrors what was already passed in the Senate, that the Senate voted by a margin of 41 to 8 to pass. So while I certainly— I do not think any member of this chamber knows what the Senate is ever going to do. I would expect, as I would expect here in this chamber, that if 41 members already voted for it, when it comes back in a substantially similar form, they are going to vote for it again, Mr. Speaker.

Mr. DeLUCA. So in other words, if I am hearing you right, we would be strengthening this bill and it still would be able to go to the Governor's desk if we passed the Shapiro amendment. Is that correct?

Mr. SHAPIRO. Thank you, Mr. Speaker.

Mr. Speaker, I understand from press reports, some of the comments that have been made by the leaders on both sides of the aisle – excuse me; in both chambers – that there is an understanding that SB 314, along with the prior passed and I guess signed into law today HB 8 by the gentlelady from Bucks, were the two vehicles that would be used in this process. So yes, Mr. Speaker, it would make sense to me that if we simply reverted this language back to what the Senate passed and sent it back to the Senate under the title, excuse me, under the bill with the sponsor who there is some agreement would be the sponsor ultimately that gets his bill to the Governor's desk, that they would pass it again.

And again, just to reiterate, 41 Senators voted "yes" for this, Mr. Speaker, and we are merely just trying to get the language back to what it was before it went through the Transportation Committee. Thank you, Mr. Speaker.

Mr. DeLUCA. Thank you, Mr. Speaker.

That ends my interrogation. I would like to speak on the amendment.

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

Mr. DeLUCA. Mr. Speaker, I think we have an opportunity here to really address an issue out there that is really on the minds of every one of our constituents. We have all heard from our constituents. We have an opportunity to send this over, SB 314, with the Shapiro amendment, that the Senate voted 40-some to 9, and we would be doing something. That would be a great thing for the citizens of the Commonwealth of Pennsylvania. It makes no sense to go and do another House bill when we have the opportunity to do it right now.

Now, if you are worried about your constituents, the safety out there, then you have an obligation. You have an obligation

to vote for this Shapiro amendment and send it over to the Senate and let it become law. There is no reason why the Senate would not accept this bill with the Shapiro amendment when it passed 40-some to 9. Mr. Speaker, I urge the members of this House to vote for a strong bill that we can put our hats on and say we did something in Pennsylvania that the other 40-some States have done, and we are joining you.

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 Centre County, Mr. Conklin.

Mr. CONKLIN. Thank you, Mr. Speaker.

Would it be out of line for me just to ask the majority leader a quick question on a comment that he made earlier?

The SPEAKER. Is the gentleman seeking to interrogate the majority leader on the amendment that is before the House?

Mr. CONKLIN. Not so much the amendment, but on a comment he had made earlier, just a statement that he made. I promise it will be in a wholesome way, nothing to try to do anything, you know, to distract from the argument.

The SPEAKER. Frankly, I do not see him on the floor at the moment.

Mr. CONKLIN. Thank you, Mr. Speaker.

May I speak on the amendment then, Mr. Speaker?

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

Mr. CONKLIN. The only question I wanted to ask the majority leader is that he talked about all these bills that were waiting to be brought to the floor to basically do what the gentleman of the amendment is doing. And my question was, is this a bad amendment or is it a good amendment? Is this something that the majority leader is for or is it something that he is against? And I think what he would have said was, the Shapiro amendment is a good amendment, that it does exactly what we in the chamber want to do. And I think that is the essence of what we do here. Do we want to be political and give somebody else the credit, or are we actually trying to bring safe driving to the citizens of Pennsylvania? That is the only question going on today.

Again, I am going to reiterate that. From listening to the statements being made against this, it is not being made against this amendment; it is being made against the timing of this amendment. And all that I can read through that, it is being made on who is going to get the credit, who is going to have their name put in lights on the front of the billboard for tonight's play, and that is not what good legislation is about. Good legislation is about doing the right thing, as was said by the gentleman from Cambria County. It is about doing the right thing at the right time.

The SPEAKER. The gentleman will suspend.

### POINT OF ORDER

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

Mr. METCALFE. Mr. Speaker, it seemed like the speaker on this amendment is referring to somebody's motivations for taking a position. I do not think that is proper under our rules, Mr. Speaker.

The SPEAKER. The Speaker thanks the gentleman.

I was conferring with the Parliamentarian. Certainly, the gentleman was right on the edge of that line. I tend to agree, but gave him just a tad of latitude.

The gentleman may proceed on the amendment.

Mr. CONKLIN. Sorry, Mr. Speaker.

I did not mean to, you know, offend the gentleman from Butler County, because a man of arms is a man of arms and a man of integrity. So I apologize for any misconstruing of my going too close to a line. But with that said, Mr. Speaker, the essence of this, is it good or bad? The answer to that is good. The essence of it again is timing. Is timing better today or tomorrow or next month or next year or maybe under the next session? My answer is, the timing is now.

You know, the opportunity to strike is when the opportunity presents itself. We have an opportunity right now. We have a gentleman who has been working on this diligently to get it done. We have other folks on both sides of the aisle who have been working on this diligently to get it done. So now the only question is, are we for or are we against safety? That is the only question when you vote on this amendment. We can go back and we can say the timing is not right, but today the timing is perfect. You are either for safe driving or against safe driving. We are going to spread it on the record today. We are going to cast a vote, and your vote is going to be either up or down; very simple.

I am asking my folks to vote for timing, to vote to make our roads safer, and give the citizens of Pennsylvania what they are asking for: safe driving habits and a safe atmosphere.

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. Shapiro, for the second time.

Mr. SHAPIRO. Thank you, Mr. Speaker.

Per House custom, I would hope to speak last, so if there are other speakers, I would like to defer to other speakers on this.

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

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

Mr. KORTZ. Thank you, Mr. Speaker.

I rise in support of amendment A5659. There is no doubt in my mind that this language will help improve the bill. From my own experience 2 years ago, Mr. Speaker, I was involved in an automobile accident late at night sitting at a red light at the bottom of a hill on Lebanon School Road, and I looked in the mirror and saw this SUV (sport utility vehicle) coming at me at a high rate of speed. I could not go anywhere so I braced for impact, and I took a pretty good slam in the back end of my van. The young lady got out of her totaled vehicle and the first thing she said to me, with her BlackBerry in her hand, was, I am so sorry; I did not see you. I was texting.

Mr. Speaker, she was lucky that she was not severely hurt. I was okay, but if I had been on my motorcycle, sir, I would not be here today. So for all the people that travel the roadways of Pennsylvania, I think it is the right thing to do to make banning texting a primary offense so the police can do something about it. Because right now, you heard that our good gentleman from Allegheny County, former Chief of Police of Pittsburgh, testified that he has pulled people over and given them tickets, and they have been let go. Well, sir, I also want to go back and

digress: If I would have been on that motorcycle, I would not be here. So for all the motorcyclists in Pennsylvania, I would ask everybody to step up and do the right thing for texting. It is very dangerous.

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. Shapiro, for the second time.

Mr. SHAPIRO. Thank you, Mr. Speaker.

I would like to make four points on process that have come up during the course of this debate. And, Mr. Speaker, let me thank the leader for allowing this debate to occur and for discussing this on the House floor. Number one, a statement was made by the leader that the underlying legislation is just about texting. Respectfully, that is not the case. As we have heard many times, including from the minority leader from Allegheny, this legislation came over from the Senate dealing with both handheld cell phone use and texting while driving. Point number two, this legislation makes texting a primary enforcement ban, and I appreciate the majority leader clarifying his statement on the floor to that effect. The aim of making it primary and upgrading it from the underlying legislation as amended by the House Transportation Committee is to ensure that we can stop an accident from occurring in the first place and not simply cite someone after the fact.

Number three on process, Mr. Speaker, it was said on the House floor that we need to pass this to get this to the Governor's desk, and I want to clarify from a process standpoint that whether we amend this bill or not on the House floor, it cannot go directly to the Governor's desk; because it was amended in the House Transportation Committee, it must go back to the Senate. And given that fact, Mr. Speaker, I think it is incumbent upon us, certainly upon this member, to improve the bill.

And fourth from a process standpoint, the Senate and the House have already passed this language. They have already passed this language. Mr. Speaker, may I please respectfully request a bit of order in the chamber?

The SPEAKER. The House will come to order. The members will please hold the conversations down, take them to the back of the House, if necessary.

The gentleman may proceed.

Mr. SHAPIRO. Thank you, Mr. Speaker.

And thank you for the opportunity to clarify those process points. Second point, Mr. Speaker, this issue, as the good chairman from Blair County who heads the Transportation Committee spoke about, has been bubbling in this chamber and in the chamber across the way for many years now. A couple of years ago I had the opportunity to stand with one of the bravest Pennsylvanians I have ever met, Jacy Good. Jacy Good is from Lancaster County. She spoke about how on the day she graduated from Muhlenberg College, Mr. Speaker, and drove home with her family in two separate cars, a trucker who was texting ended up swerving in the road and running smack-dab into the carload carrying her family that was right beside her. They all died, Mr. Speaker. And Jacy Good came to the Capitol to tell the story, and Republicans and Democrats stood with Jacy Good, Republicans and Democrats who then spoke on the House floor in favor of this type of legislation to honor Jacy's family's memory. Democrats and Republicans stood together on this issue because this is a bipartisan issue.

Point number three, Mr. Speaker, there was some discussion about enforceability. Former police chief and now Representative Costa spoke about how this would be enforced, and we entered into the record a letter from the Colonel of the State Police calling for this type of legislation and supporting this type of legislation. The State Police supports it and our municipal police departments support it. Mr. Speaker, in closing, this is long overdue. This amendment represents the compromise position between the House and the Senate that the Senate has already passed and the House has shown a willingness to before.

Finally, Mr. Speaker, in response to something the majority leader from Allegheny said, the majority leader said that there is going to be a related bill on the House calendar today, and that if I offer this amendment now, it could potentially be out of order on this other bill. So, Mr. Speaker, let me make this clear to all of the members: This is your one shot to vote for or against this amendment. It will not be permitted to come up on another bill, and I do not intend to offer it on another bill given the guidance that the majority leader put forth. This is the one time to vote on this amendment. And, Mr. Speaker, in the spirit of bipartisanship, the way this issue has played out in the past, I would respectfully ask the members on both sides of the aisle to join me in making our roadways just a bit safer by adopting this amendment.

Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS-93

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

NAYS-104

Adolph	Fleck	Maloney	Roae
Aument	Gabler	Marshall	Rock
Baker	Geist	Masser	Ross
Barrar	Gillen	Metcalfe	Saccone
Bear	Gingrich	Metzgar	Saylor
Benninghoff	Godshall	Miccarelli	Scavello
Bloom	Grell	Micozzie	Schroder
Boback	Grove	Millard	Simmons

Brooks	Hahn	Miller	Sonney
Brown, R.	Harhart	Milne	Stern
Causar	Harris	Moul	Stevenson
Christiana	Heffley	Mustio	Swanger
Clymer	Helm	O'Brien, D.	Tallman
Cox	Hennessey	O'Neill	Taylor
Creighton	Hess	Oberlander	Tobash
Culver	Hickernell	Peifer	Toepel
Cutler	Hutchinson	Perry	Toohil
Delozier	Kampf	Petri	Truitt
Denlinger	Kauffman	Pickett	Turzai
DiGirolamo	Keller, F.	Pyle	Vereb
Dunbar	Keller, M.K.	Quigley	Vitali
Ellis	Killion	Quinn	Vulakovich
Emrick	Knowles	Rapp	Watson
Evankovich	Krieger	Reed	
Evans, J.	Lawrence	Reese	Smith, S.,
Everett	Maher	Reichley	Speaker
Farry	Major		

NOT VOTING-0

EXCUSED-6

Bishop	Day	Johnson	Thomas
Boyd	Gerber		

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 as amended?

Mr. **SHAPIRO** offered the following amendment  
No. **A05660**:

Amend Bill, page 23, lines 5 through 8, by striking out "SECONDARY ACTION--A CONVICTION UNDER THIS SUBSECTION BY" in line 5, all of lines 6 and 7 and "CONVICTED OF ANY OTHER PROVISION OF THIS TITLE" in line 8 and inserting

(Reserved)

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

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

Mr. SHAPIRO. Thank you, Mr. Speaker.

Mr. Speaker, this amendment simply takes the texting offense in the underlying bill and makes it primary enforcement as opposed to secondary enforcement as the underlying bill is.

Mr. Speaker, the leader spoke on the House floor earlier today and said that he wanted to bifurcate the issue. He did not want to deal with handheld cell phone use. He just wanted to deal with texting while driving. Well, this amendment goes right to what the majority leader wanted. This only deals with texting, and the only change it makes is that it says it would be a primary offense as opposed to a secondary offense, a primary offense because it is necessary to stop the accident from occurring in the first place.

Mr. Speaker, the distinguished gentleman from Blair, the chairman of the Transportation Committee, said on this House floor that he wanted to, quote, "break up the bill into

manageable parts." Mr. Speaker, I accept his direction. After all, he is the majority chairman. This amendment keeps within the spirit of that and breaks it up into manageable parts. It only deals with texting.

A third source on this was the spokesman for the majority leader, who said in the Philadelphia Inquirer this morning that the House leadership is committed to dealing with the texting issue, but they only want to deal with the texting issue in SB 314. They would like to deal with the handheld cell phone issue in the other bill. That is fine with me, Mr. Speaker. This is the opportunity to address that. The simple change is to make texting a primary offense.

Mr. Speaker, I will reiterate just briefly from the last debate. The Pennsylvania State Police has said, has said, quote, "...I cannot stress enough the importance of making enforcement of such violations a primary offense," a primary offense. "Enactment of..." this as "...a violation a primary enforcement provision will undoubtedly save lives." The State Police has made it clear that a texting ban that is primary enforced will save lives. It is the State Police and the district attorneys, as was said from the gentleman from York earlier, it is their preference that it be primary.

So, Mr. Speaker, I respect the will of the majority and particularly appreciate the goal of the majority leader to only deal with the texting issue. This only deals with the texting issue. It does, as the chairman from Blair said, break it up into manageable parts. It deals with the texting issue. It makes it a primary offense.

And I would respectfully ask the members on both sides of the aisle to again do what they have already done. You have already voted for this. In the last session 189 of you did, and in this session over 150 did again. Stay consistent with how you have already voted. Make it a primary offense. Save lives on Pennsylvania's roadways, while keeping within the framework of what the majority leader has said he would like to do on SB 314.

I thank the Speaker.

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

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

Mr. CUTLER. Thank you, Mr. Speaker.

While we heard some procedural reasons why we should have opposed the last amendment, I would like to get to the substance of this one that causes me some concern.

Mr. Speaker, anytime that we pass a law, I believe that we have a responsibility to make sure that it is in fact enforceable. And under this scenario what I am fearful of is the suspicion of texting or the suspicion of being engaged in some activity, as described in this amendment, would give the officers the pretext to pull you over, and then they could conduct further questions or further searches of your vehicle. Mr. Speaker, it is not that I do not necessarily agree with the honorable gentleman from Montgomery County on this issue. The reality is, as drafted I do not believe this is enforceable. I believe it sets us up as drivers to be stopped for really no reason or a false pretense of a reason in order to be pulled over, which would then open up all of our constituents to further investigation and further questions when in fact the underlying offense that was argued was not in fact a reality.

More importantly, Mr. Speaker, if you are pulled over under the pretense of texting, how do you prove that you texted? How do you prove— Are you going to be detained while your phone is searched? Are you going to wait until the court of law when you go in for your hearing sometime later to try to prove that your phone was in fact not being used?

And furthermore, Mr. Speaker, what is to say in today's world with technology where we have phones that can play music as well as send e-mails as well text and a variety of other functions, how do you prove that you were searching for an item on your playlist as opposed to texting, one of which is an offense, one of which is not?

Mr. Speaker, I do agree with the gentleman from Chester County on his approach. I believe we should be strengthening the distracted driver laws, as he has advocated for many times, Mr. Speaker, because technology is way ahead of where our laws are. Our laws should accurately reflect those items which we can accurately enforce, and, Mr. Speaker, this amendment simply does not do that, and I would urge the members for a "no" vote. Thank you.

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

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

Mr. BARBIN. Thank you, Mr. Speaker.

I rise in support of this amendment, and I think it is important for everybody to recognize the fact that 41 States do not think this is a problem with regard to the last speaker's suspicions or worries that police officers, whom we have invested with the authority to protect our society, are going to somehow pull people over and somehow they are not going to be able to say what happened. Well, it is pretty simple. I am driving down the road. Somebody is looking down from the steering wheel or out from the front of their car and they are going like this and they pass a police officer, and that police officer can be a State policeman or it can be a local policeman, but if you are doing this, you do not need any more evidence. You have got the evidence of a man who is sworn to protect our society. Forty-one other States say that is acceptable. It is acceptable to me to take the word of a State policeman. If he says that someone passed him going like this, that is evidence. That is all you need. All of these other things are excuses for not doing the right thing.

If you do not want to make this primary, if you do not want to give police officers the ability to pull them over, then do not do it, but do not put up a ridiculous statement and say, oh, it is too hard to tell and we will not have enough evidence. If you do not want to do it, do not do it. But today we are here to say it is going to be a primary offense or it is going to be a secondary offense. If it is primary, the State Police can enforce it. If it is primary, the municipal police officer can enforce it. If you do not want to do that, do not do it, but do not hide behind it. Do what you are going to do, and then at least be willing to admit the truth.

Today the truth is we do not want to make it a primary offense because somebody in the Senate does not want us to. So we changed the language in the Transportation Committee and then we come on the House floor and say, well, we really cannot do this because they will not accept it. That is just not

the truth. The truth is the Senate has already passed a bill that has allowed it to be a primary offense, and we are doing all these legal gymnastics to say that you do not have to vote on that; you are covered. Well, we are not covered if we are not doing the right thing for the constituents. People are dying on our highways and we are letting it happen, and somebody comes up with a good excuse for it, but that is all it is. It is an excuse.

So I rise and say one more time: We have a chance to protect people, and the only way we can protect people is if we make it a primary offense, so no more excuses. Let us just have a vote.

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 Shapiro amendment. I think it is an excellent amendment. I think texting while driving is an extremely dangerous activity. I think giving this primary offense status gives police the tools they need to aggressively go after this extremely dangerous activity.

I speak from personal experience as one who has spoken on the phone, texted on the phone, and while texting knew it was an extremely dangerous activity, and while doing it knew I should be stopped from doing it.

Mr. Speaker, this is an excellent amendment. We need to take people off the road and punish them who do this activity, and I ask for an affirmative vote. Thank you.

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

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

Mr. SAYLOR. Thank you, Mr. Speaker.

I rise today to oppose the Shapiro amendment on two reasons. One, we in York County have a regular twice-a-year meeting with our court of common pleas judges to discuss legislation and talk about the problems they see sometimes in things that we pass and how they enforce it in the court system, and we also discussed this bill and similar legislation with texting and handheld phones. The judgment of our court of common pleas in York County and 13 judges there was that making this a primary offense is almost unenforceable. In most cases the judges would most likely throw it out. And as the gentleman from the 95th District of York County can attest, as he was at that meeting, the judges' feelings are it is very, very difficult in our circumstances for a police officer to make a judgment as to what has been happening in a car when somebody is holding a cell phone.

Also, the other thing I would like to point out to the members of the General Assembly today in the House is that we are one of the best States in the nation with seat belts. We have a seat belt law in Pennsylvania that is secondary. And it is a secondary offense and it is one of the best, and we are one of the best States in the nation in having compliance with that law. So I see no reason for this to be a primary offense, and I ask for a negative vote on the Shapiro amendment. Thank you.

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

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

Mr. SAMUELSON. Thank you, Mr. Speaker.

The last time the House visited this issue was back in May, May 11, when 151 members of the House voted for language that included making texting a primary offense; 151 to 39 was the vote back in May.

The Senate, as has been stated on the House floor, did pass making this a primary offense. The vote happened on June 8, 41 to 8. So there are 41 Senators who have voted for making texting and driving a primary offense. A very interesting article in the Pittsburgh Post-Gazette the next day talked about the Senate bill that passed and includes this phrase here, "The bill now heads to the House, where a more stringent distracted-driving bill has stalled...." The words, "more stringent," stand out to me, because as of 10 minutes ago this House has made this bill less stringent.

You know that without approving the original Shapiro amendment, this bill as it stands right now has texting while driving as a secondary offense. You can look up how you voted. Back in 2010, in January, there was a vote where 189 of us wanted to make texting while driving a primary offense. On May 11, under HB 8 – I know the majority leader has talked about HB 8 several times – well, it has been 5 1/2 months. HB 8 had a second reading back on May 11. Normally, our custom is you have a second reading one day and then you have a third reading and a final vote the next day. Well, under the leadership of the majority leader, this bill had a second reading on May 11 and is still in limbo. We have not brought up HB 8, with the vote of 151 of us saying it should be a primary offense. That bill is in limbo. Now today he is saying, yes, it will come up soon; it will come up in the future. Well, we have waited 5 1/2 months. So now Representative Shapiro is trying an approach that would say, let us make the language of this bill match the language of the Senate bill.

Some of the speakers have talked about how 41 States have already passed a ban on texting while driving. Well, while acknowledging that, I would also say that 41 Senators here in Pennsylvania, 41 out of 50, do support the stronger language. So let us not make our legacy taking a Senate bill and making it weaker, taking a Senate bill and making it less stringent. Let us pass the Shapiro amendment. Let us restore the bill to the way it was when it left the Senate, which included texting while driving as a primary offense.

I urge a "yes" vote on the Shapiro amendment.

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

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

Mr. DERMODY. Thank you, Mr. Speaker.

Mr. Speaker, we have already heard today that this is a public safety issue, and we have all seen and heard and read about the devastation that is caused by distracted drivers. Lives have been lost; families have been ruined because of distracted drivers.

The Pennsylvania State Police support making this a primary offense. Municipal police departments support making this a primary offense. We ought to be about allowing our police officers to do their job, to do their job honestly and effectively and help us protect the public. That is all they will be doing, and we know it is a public safety issue because distracted driving costs lives. Today we can take a step to protecting Pennsylvanians and protecting Pennsylvania families.

I urge support of the Shapiro amendment. Thank you, Mr. Speaker.

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

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

Mr. DePASQUALE. Thank you, Mr. Speaker.

I do want to say that the gentleman from York, Mr. Saylor, is correct. We do have those meetings with judges where we talk about this issue. It would probably be a stretch to say that all 13 of the judges felt strongly about this, but I do know one of them did. But I also want to say in full disclosure that the spouse of that president judge, as a constituent of mine, was not happy with her husband that he did not support primary on texting while driving, because she made it very clear in my legislative survey that she is a strong supporter of banning texting while driving, and just because one judge does not does not mean that we should not be voting for the Shapiro amendment.

Thank you, Mr. Speaker.

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

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

Mr. KORTZ. Thank you, Mr. Speaker.

I rise once again in support of the Shapiro amendment.

Mr. Speaker, let us use some common sense in this. I do not think anybody in here that would travel on an airplane would want that pilot texting when he is taking off or landing. Now, yes, he is in a 300-ton vehicle; we are talking about a 2-ton vehicle. The same damage and death can happen.

I would ask for an affirmative vote on this, Mr. Speaker, because we have got to improve the safety of our roadways. And again, on behalf of all the motorcyclists of Pennsylvania who are at risk when people are texting and they can be run over, I would ask for an affirmative vote. 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. Shapiro, for the second time.

Mr. SHAPIRO. Thank you, Mr. Speaker.

Mr. Speaker, I want to clarify a few points that were made on the other side of this debate. There was a nice story shared by the majority whip from York about what a judge thinks. While I appreciate the story he shares, respectfully to that jurist, I am less concerned about what a judge thinks and a whole lot more concerned about stopping an accident from occurring on our roadways in Pennsylvania, and respectfully, I think we all should be, too.

Number two, this is totally and completely enforceable. The gentleman from Lancaster, who I think began the debate on the other side, suggested that it is not. Again, I would return to the letter that the State Police put forth in calling for this type of enforcement for this type of an infraction.

And to that point, as well as to the gentleman from York's point, the majority whip, there was a discussion led by the majority whip about seat belts being a secondary offense, and it ties in I think beautifully to the gentleman from Lancaster's point about enforceability. Mr. Speaker, at 10:30 this morning Governor Corbett signed into law the lady from Buck's

legislation that makes seat belt use primary enforcement in Pennsylvania for our junior drivers. He just signed it into law. Pull it up on your screens. And in that case, as will be the case with texting, the reasonableness standard is called upon from our law enforcement community, a reasonableness standard that they have made clear that they can adhere to in making sure our roadways are safe.

In the case of seat belts, if you are dumb enough not to wear your seat belt, you are only going to hurt yourself. In the case of texting while driving, you are not only risking your own life, you are risking the lives of others. So you do not have to look any further than the precedent of 10:30 this morning that our Governor signed into law. Come on, Mr. Speaker; if you are against it, you can be against it, but do not make up silly arguments about why.

When Representative DePasquale from York and I and the gentleman from Allegheny and the gentlelady from Bucks began this effort years ago, I think there were just a couple other States that were doing what we are attempting to do here today – banning texting while driving as primary enforcement so we can stop these accidents from occurring. Seven years later, after we have kicked the can down the road, 32 States have beat us to it; 32 States. New Jersey, one of our neighbors, started out as secondary, Mr. Speaker, and within the last year they moved to primary because they understood that they could not protect motorists on their roadways. They could not protect residents of the Garden State unless it was primary. Our other neighbor, New York; our other neighbor, Delaware; our other neighbor, Maryland – they all have primary texting bans.

Mr. Speaker, the time has come to get this done. I have adhered to the wishes of the majority leader and the majority chairman of the Transportation Committee that this be broken up into parts and just be dealt with as a texting bill, and so that is what we have done, and I have put before you language that you voted for in the past; that you voted for in the past. To turn around now and vote against what you have already voted for and risk lives in Pennsylvania, respectfully, Mr. Speaker, is the height of irresponsibility. We have a job to do, and that is to protect the people of Pennsylvania. This is our opportunity to do that. I urge you to pass 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 gentleman from Delaware County, Mr. Vitali, for the second time.

Mr. VITALI. Thank you, Mr. Speaker.

I did not want to speak after the prime sponsor, but I thought the issue of enforceability, I wanted to address that.

This Shapiro amendment is very enforceable, because it was actually enforced against me. When I was driving down the turnpike, I was cited for making an entry into an appointment book. And the way it was enforced was, I was so engrossed in making an entry that a police officer pulled right beside me, looked into my car, saw I was doing it, and then pulled me over and cited me.

So this is entirely enforceable. To say this is not an enforceable violation just is incorrect. I think we need to support this important amendment. Representative Shapiro is addressing a very dangerous situation. Enforceability, or lack thereof, is just an excuse. We have got to get this done and make our highways safer. Thank you.

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

The following roll call was recorded:

## YEAS—128

Adolph	DeWeese	Mahoney	Ravenstahl
Barbin	Donatucci	Mann	Readshaw
Barrar	Evans, D.	Markosek	Reed
Boback	Fabrizio	Marshall	Roebuck
Boyle, B.	Farry	Marsico	Sabatina
Boyle, K.	Frankel	Masser	Sainato
Bradford	Freeman	Matzie	Samuelson
Brennan	Galloway	McGeehan	Santarsiero
Briggs	George	Miccarelli	Santoni
Brown, R.	Gergely	Micozzie	Scavello
Brown, V.	Gibbons	Milne	Shapiro
Brownlee	Gillespie	Mirabito	Simmons
Burns	Goodman	Moul	Smith, K.
Buxton	Hackett	Mullery	Smith, M.
Caltagirone	Haluska	Mundy	Staback
Carroll	Hanna	Murphy	Stephens
Christiana	Harhai	Murt	Sturla
Clymer	Harkins	Mustio	Swanger
Cohen	Harper	Myers	Tobash
Conklin	Hornaman	Neuman	Toepel
Costa, D.	Josephs	O'Brien, D.	Toohil
Costa, P.	Kampf	O'Brien, M.	Truitt
Cruz	Kavulich	O'Neill	Vereb
Curry	Keller, M.K.	Parker	Vitali
Daley	Keller, W.	Pashinski	Vulakovich
Davidson	Killion	Payne	Wagner
Davis	Kirkland	Payton	Waters
Deasy	Kortz	Peifer	Watson
DeLissio	Kotik	Petrarca	Wheatley
DeLuca	Kula	Preston	White
DePasquale	Longietti	Quigley	Williams
Dermody	Maher	Quinn	Youngblood

## NAYS—69

Aument	Evans, J.	Hutchinson	Reese
Baker	Everett	Kauffman	Reichley
Bear	Fleck	Keller, F.	Roae
Benninghoff	Gabler	Knowles	Rock
Bloom	Geist	Krieger	Ross
Brooks	Gillen	Lawrence	Saccone
Causar	Gingrich	Major	Saylor
Cox	Godshall	Maloney	Schroder
Creighton	Grell	Metcalfe	Sonney
Culver	Grove	Metzgar	Stern
Cutler	Hahn	Millard	Stevenson
Delozier	Harhart	Miller	Tallman
Denlinger	Harris	Oberlander	Taylor
DiGrolamo	Heffley	Perry	Turzai
Dunbar	Helm	Petri	
Ellis	Hennessey	Pickett	Smith, S., Speaker
Emrick	Hess	Pyle	
Evanovich	Hickernell	Rapp	

## NOT VOTING—0

## EXCUSED—6

Bishop	Day	Johnson	Thomas
Boyd	Gerber		

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

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

Mr. **SANTARSIERO** offered the following amendment  
No. **A05672**:

Amend Bill, page 1, line 16, by striking out "AND" and inserting further providing for schedule of convictions and points;  
Amend Bill, page 1, line 18, by inserting after "VEHICLES"  
; and further providing for speed timing devices and for specific powers of department and local authorities  
Amend Bill, page 22, by inserting between lines 23 and 24  
Section 2. Section 1535(d) of Title 75 is amended to read:  
§ 1535. Schedule of convictions and points.

\* \* \*

(d) [Exception] Exceptions.—

(1) This section does not apply to a person who was operating a pedalcycle or an animal drawn vehicle.

(2) If a speeding offense under section 3362 (relating to maximum speed limits) is charged as a result of use of a device authorized by section 3368(c)(2)(ii) (relating to speed timing devices), no points shall be assigned under subsection (a) unless the speed recorded is ten or more miles per hour in excess of the legal speed limit.

\* \* \*

Amend Bill, page 22, line 24, by striking out "2" and inserting  
3

Amend Bill, page 23, by inserting between lines 24 and 25

Section 4. Section 3368(a), (c) and (e) of Title 75 are amended and the section is amended by adding subsections to read:

§ 3368. Speed timing devices.

(a) Speedometers authorized.—The rate of speed of any vehicle may be timed on any highway by a police officer using a motor vehicle equipped with a speedometer, except as provided in section 6109 (relating to specific powers of department and local authorities). In ascertaining the speed of a vehicle by the use of a speedometer, the speed shall be timed for a distance of not less than three-tenths of a mile.

\* \* \*

(c) Mechanical, electrical and electronic devices authorized.—

(1) Except as otherwise provided in this section and in section 6109, the rate of speed of any vehicle may be timed on any highway by a police officer using a mechanical or electrical speed timing device.

(2) Except as otherwise provided in paragraph (3), electronic devices such as radio-microwave devices (commonly referred to as electronic speed meters or radar) or infrared laser light devices (commonly referred to as LIDAR) may be used [only by]:

(i) By members of the Pennsylvania State Police.

(ii) Upon completion of a training course approved by the Pennsylvania State Police and the Municipal Police Officers' Education and Training Commission, by full-time police officers employed by a full-service police department if official warning signs indicating the use of these devices are erected within 500 feet of the border of the political subdivision on the main arteries entering that political subdivision.

(3) Electronic devices which calculate speed by measuring elapsed time between measured road surface points by using two sensors and devices which measure and calculate the average speed of a vehicle between any two points may be used by any police officer.

(4) No person may be convicted upon evidence obtained through the use of devices authorized by paragraphs (2) and (3) unless the speed recorded is six or more miles per hour in excess

of the legal speed limit. Furthermore, no person may be convicted upon evidence obtained through the use of devices authorized by subparagraph (2)(ii) or paragraph (3) in an area where the legal speed limit is less than 55 miles per hour if the speed recorded is less than ten miles per hour in excess of the legal speed limit. This paragraph shall not apply to evidence obtained through the use of devices authorized by paragraph (2) or (3) within a school zone or an active work zone.

(5) As used in this subsection, the following words and phrases shall have the meanings given to them in this paragraph:

"Full-service police department." A local or regional police department which:

(i) is authorized by one or more political subdivisions;

(ii) provides 24-hour-a-day patrol and investigative services; and

(iii) reports its activities monthly to the Pennsylvania State Police in accordance with the Uniform Crime Reporting System.

"Full-time police officer." An employee of a political subdivision or regional police department who complies with all of the following:

(i) Is certified under 53 Pa.C.S. Ch. 21 Subch. D (relating to municipal police education and training).

(ii) Is empowered to enforce 18 Pa.C.S. (relating to crimes and offenses) and this title.

(iii) Is a regular full-time police officer under the act of June 15, 1951 (P.L.586, No.144), entitled "An act regulating the suspension, removal, furloughing and reinstatement of police officers in boroughs and townships of the first class having police forces of less than three members, and in townships of the second class," or works a minimum of 1,250 hours a year.

(iv) Is provided coverage by a police pension plan under:

(A) the act of May 24, 1893 (P.L.129, No.82), entitled "An act to empower boroughs and cities to establish a police pension fund, to take property in trust therefor and regulating and providing for the regulation of the same";

(B) the act of June 23, 1931 (P.L.932, No.317), known as The Third Class City Code;

(C) the act of May 22, 1935 (P.L.233, No.99), referred to as the Second Class City Policemen Relief Law;

(D) the act of May 29, 1956 (1955 P.L.1804, No.600), referred to as the Municipal Police Pension Law; or

(E) the act of July 15, 1957 (P.L.901, No.399), known as the Optional Third Class City Charter Law.

The term does not include auxiliary, part-time or fire police.

\* \* \*

(e) Distance requirements for use of mechanical, electrical and electronic devices.—[Mechanical]

(1) Except as provided in paragraph (2), mechanical, electrical or electronic devices may not be used to time the rate of speed of vehicles within 500 feet after a speed limit sign indicating a decrease of speed. This limitation on the use of speed timing devices shall not apply to speed limit signs indicating school zones, bridge and elevated structure speed limits, hazardous grade speed limits and work zone speed limits.

(2) Whenever radio-microwave speed timing devices or infrared laser light devices are used by a local or regional police officer of a political subdivision authorized under subsection (c), the police officer must locate the vehicle with the radio-microwave speed timing device or infrared laser light device in a location that is not intentionally concealed from the motoring

public.

(f) Local ordinance required to enforce.—

(1) Prior to use of radio-microwave speed timing devices or infrared laser light devices used for speed timing by local or regional police officers of political subdivisions authorized under subsection (c), the appropriate governing body must adopt an ordinance authorizing the local or regional police department to employ the devices on roads within the boundaries of the governing body where a required engineering and traffic study has been conducted and in accordance with section 6109(a)(11) to address citizen complaints or demonstrable traffic safety concerns, such as high crash rates or fatalities.

(2) During the initial 90 days of speed enforcement by a local or regional police department of a political subdivision authorized under subsection (c) using radio-microwave speed timing devices or infrared laser light devices, persons may only be sanctioned for violations with a written warning.

(g) Excess revenues.—The primary use of radar or LIDAR by local or regional police officers of political subdivisions authorized under subsection (c) is for traffic safety purposes. Each local or regional police department that uses radar or LIDAR shall report annually to the Pennsylvania State Police the municipal revenue generated from speed enforcement citations on such forms as may be prescribed by the Pennsylvania State Police. In the event the municipal share of revenue generated from speed enforcement citations exceeds 5% of the total municipal budget or 5% of the regional police department budget, all sums in excess thereof shall be remitted to the Pennsylvania State Police to be used for traffic safety purposes.

Section 5. Section 6109(a)(11) of Title 75 is amended to read:  
§ 6109. Specific powers of department and local authorities.

(a) Enumeration of police powers.—The provisions of this title shall not be deemed to prevent the department on State-designated highways and local authorities on streets or highways within their physical boundaries from the reasonable exercise of their police powers. The following are presumed to be reasonable exercises of police power:

\* \* \*

(11) Enforcement of speed restrictions authorized under Subchapter F of Chapter 33[, except that] in accordance with the following:

(i) Except as set forth in subparagraph (ii), speed restrictions may be enforced by [local police] full-time police officers employed by the full-service police department of a political subdivision or regional police department on a limited access or divided highway only if [it] this title authorizes such enforcement and the highway is patrolled by the local or regional police force under the terms of an agreement with the Pennsylvania State Police.

(ii) If this title authorizes speed restrictions to be enforced by a police department of a city of the first class, they may be enforced on limited access or divided highways within the police department's jurisdiction. An agreement with the Pennsylvania State Police is not necessary under this subparagraph.

\* \* \*

Amend Bill, page 23, line 25, by striking out "3" and inserting  
6

On the question,

Will the House agree to the amendment?

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

Mr. SANTARSIERO. Thank you, Mr. Speaker.

In the previous debate on the amendments from the gentleman from Montgomery County, we heard repeatedly the

number 41, in that 41 other States have laws proscribing texting while driving. Well, while we consider this amendment, Mr. Speaker, I would ask that my colleagues think about the number 49, because 49 other States have laws that enable local police departments to use radar to enforce speed limits and protect motorists on our roads; 49 other States, Mr. Speaker. Every State except the Commonwealth of Pennsylvania has a law on the books that enables the police across their States in every town to use radar. Pennsylvania is the only one that does not do it.

This amendment, Mr. Speaker, would give the police departments across the Commonwealth the ability to use radar, and it does so, Mr. Speaker, in a way that it is protective of the interests of the citizens of Pennsylvania. First of all, Mr. Speaker, it requires that the police be a full-time police force and that the officers be full-time police officers. It requires that the municipality in question first pass an ordinance allowing for the use of radar. It further stipulates that signs must be posted within 500 feet of the borders of the municipalities that adopt the ordinance on the major arteries going into the municipality indicating that radar is being used. It prohibits local police from intentionally concealing their presence when using radar. In the first 90 days after any ordinance is passed, only a warning would be issued. After that, there would be violations issued. Further, it provides that any excess revenue above 5 percent of a municipality's annual budget or 5 percent of the budget of a regional police force would go not to either the regional police force or the municipality but rather the State Police for the purposes of traffic safety. It would further state that points could not be given unless the motorists were found to have been going over 10 miles an hour above the speed limit. And moreover, there would be no conviction where the speed limit is below 55 unless, again, the motorists were going over 10 miles above the limit, the only exception being in school zones.

Mr. Speaker, this is a reasonable approach, this is a reasonable approach here in Pennsylvania. As I said, 49 other States allow this. It is time, just like we need a ban on texting as a primary offense, it is high time that we give local police departments the authority to use radar to calm traffic and protect its citizens.

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 Bucks County, Mrs. Watson.

Mrs. WATSON. Thank you, Mr. Speaker.

I will try to be brief. First let me say I applaud the gentleman from Bucks County for the concept that is here, and certainly he is quite correct that radar should be available as a tool for local police. I have certainly signed on to that bill. I believe if I have been here 10 years, I think I have signed on to it four times.

### GERMANENESS QUESTIONED

Mrs. WATSON. My question is, in all honesty, I do not see it as part of this. It is not in the same section, and I believe that it – for real now, sir, respectfully – this is not germane to this bill. If it goes in, what will happen is the fact that then they will disallow the bill. So we lose the texting, and I do not get – well, we do not get radar. So I am going to ask the Speaker, I have to

challenge this amendment on germaneness, which is not to say that I do not applaud what the gentleman has done and there should be running of a bill just to discuss radar, but I do challenge on the fact of it being germane. Thank you, Mr. Speaker.

The SPEAKER. The lady from Bucks County, Mrs. Watson, has raised the question of whether amendment A05672 is germane.

Under House rule 27, questions involving whether an amendment is germane to the subject shall be decided by the House.

On the question,

Will the House sustain the germaneness of the amendment?

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

Mr. SANTARSIERO. Thank you, Mr. Speaker.

I was expecting my colleague from Lancaster County to get up and talk about germaneness, as he usually does, but in lieu of that, I will do so.

With all due respect for my colleague from Bucks County, Mr. Speaker, I would say that this amendment is in fact very germane, because it goes ultimately to the safety of motorists and others on our roads throughout Pennsylvania, and that is obviously what the underlying bill is trying to do by preventing texting while driving.

So, Mr. Speaker, this amendment is very germane. It protects motorists; it protects our citizens. Again, it is something that we should be doing now and not waiting for some day in the future. Forty-nine other States have this, Mr. Speaker. We should allow it here in Pennsylvania. It is germane and should not be defeated on a procedural motion. We should move forward and protect the people of Pennsylvania.

The SPEAKER. The question before the House, is the amendment germane? Those who believe the amendment is germane will vote "aye"; those who believe the amendment is not germane will vote "no."

On the question recurring,

Will the House sustain the germaneness of the amendment?

The following roll call was recorded:

### YEAS—88

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

Davidson	Hornaman	Pashinski	Williams
Davis	Josephs	Payton	Youngblood

NAYS—109

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

NOT VOTING—0

EXCUSED—6

Bishop	Day	Johnson	Thomas
Boyd	Gerber		

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

On the question recurring,

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

**AMENDMENT A05660 RECONSIDERED**

The SPEAKER. The Speaker is in receipt of a motion to reconsider an amendment. Representatives Hickernell and Cutler move that the vote by which amendment A05660 to SB 314, PN 1696, was passed on the 25th of October be reconsidered.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—172

Adolph	Evans, J.	Kula	Rapp
Aument	Everett	Lawrence	Ravenstahl
Baker	Fabrizio	Longiatti	Readshaw
Barbin	Farry	Maher	Reed
Barrar	Fleck	Major	Reese

Bear	Frankel	Maloney	Reichley
Benninghoff	Gabler	Mann	Rock
Bloom	Galloway	Markosek	Ross
Boback	Geist	Marshall	Sabatina
Bradford	George	Marsico	Saccone
Brennan	Gergely	Masser	Sainato
Briggs	Gibbons	Matzie	Santarsiero
Brooks	Gillen	McGeehan	Santoni
Brown, R.	Gillespie	Metcalfe	Saylor
Burns	Gingrich	Metzgar	Scavello
Buxton	Godshall	Miccarelli	Schroder
Carroll	Goodman	Micozzie	Shapiro
Causer	Grell	Millard	Simmons
Christiana	Grove	Miller	Smith, K.
Clymer	Hackett	Milne	Smith, M.
Cohen	Hahn	Mirabito	Sonney
Conklin	Haluska	Moul	Staback
Costa, D.	Hanna	Mullery	Stephens
Costa, P.	Harhai	Mundy	Stern
Cox	Harhart	Murt	Stevenson
Creighton	Harkins	Mustio	Sturla
Culver	Harper	Myers	Swanger
Curry	Harris	Neuman	Tallman
Cutler	Heffley	O'Brien, D.	Taylor
Daley	Helm	O'Neill	Tobash
Davis	Hennessey	Oberlander	Toepel
Deasy	Hess	Pashinski	Toohil
DeLozier	Hickernell	Payne	Turzai
DeLuca	Hutchinson	Payton	Verbe
Denlinger	Kampf	Peifer	Vitali
DePasquale	Kauffman	Perry	Vulakovich
Dermody	Kavulich	Petrarca	Wagner
DeWeese	Keller, F.	Petri	Watson
DiGirolamo	Keller, M.K.	Pickett	Wheatley
Dunbar	Killion	Preston	White
Ellis	Knowles	Pyle	
Emrick	Kortz	Quigley	Smith, S.,
Evankovich	Kotik	Quinn	Speaker
Evans, D.	Krieger		

NAYS—25

Boyle, B.	DeLissio	Kirkland	Roebuck
Boyle, K.	Donatucci	Mahoney	Samuelson
Brown, V.	Freeman	Murphy	Truitt
Brownlee	Hornaman	O'Brien, M.	Waters
Caltagirone	Josephs	Parker	Williams
Cruz	Keller, W.	Roae	Youngblood
Davidson			

NOT VOTING—0

EXCUSED—6

Bishop	Day	Johnson	Thomas
Boyd	Gerber		

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

The SPEAKER. The amendment will be reconsidered.

**BILL PASSED OVER**

The SPEAKER. SB 314 will be over for the day.

**ANNOUNCEMENT BY SPEAKER**

The SPEAKER. I would like to remind the members that the Speaker, as well as the majority leader and the minority leader, has committed to the members' symposium, which starts in

about 10 minutes, at 2:30, over at the museum and would encourage the members to attend that. A subtle reminder to the attorneys amongst us, it is a CLE (Continuing Legal Education), and therefore the business before the House will be wrapping up momentarily.

### VOTE CORRECTION

The SPEAKER. For what purpose does the gentleman from Montgomery County, Mr. Godshall, seek recognition?

Mr. GODSHALL. Thank you, Mr. Speaker.

On SB 314, amendment 5660, I was incorrectly recorded in the negative, and I want to be recorded in the affirmative.

The SPEAKER. The gentleman's remarks will be noted for the record.

### REPUBLICAN CAUCUS

The SPEAKER. For the purpose of a caucus announcement, the Speaker recognizes the lady, Ms. Major, from Susquehanna County.

Ms. MAJOR. Thank you, Mr. Speaker.

I would like to announce that Republicans will caucus immediately, as soon as we adjourn. I would ask our Republican members to please report to our caucus room immediately for a brief caucus. Thank you, Mr. Speaker.

### POINT OF ORDER

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

Mr. SHAPIRO. Point of order, Mr. Speaker.

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

Mr. SHAPIRO. So, Mr. Speaker, not 15 minutes ago 128 members of this House, Democrats and Republicans, voted to approve an amendment. We then reconsidered it because it sounded like a number of members on the other side of the aisle wanted to jump on board the train. Now the Speaker has gone over the bill. Can the Speaker indicate when this legislation is going to come back before the House, because now you have abruptly ended session before the House has had the opportunity to vote on that finally?

The SPEAKER. I am not able to tell you exactly when that bill will be brought up other than I would reaffirm to the members that the purpose for ending session at this point in time is because all of us have committed to participating in the members' symposium.

Mr. SHAPIRO. Right. I thank the Speaker.

That vote that we cast, again, where 128 members voted together to address this issue, took less than 60 seconds. I would question why the Speaker would not find the time to allow the members on the other side of the aisle to vote again in affirmation for this amendment and move the bill forward. We spoke before how important it was to get this done—

The SPEAKER. The gentleman—

Mr. SHAPIRO. —and I would simply ask the Speaker to call this amendment back up—

The SPEAKER. The gentleman will suspend.

Mr. SHAPIRO. —and allow it to be voted on.

The SPEAKER. The gentleman will suspend.

You were recognized to make a point of parliamentary inquiry or a point of order. The Speaker does not discern that you were making a point of order.

Mr. SHAPIRO. I will restate my point of order, Mr. Speaker.

Point of order, when does the House expect to come back to this legislation?

The SPEAKER. I cannot determine that. That would be up to the majority leader and the body as a whole.

### PARLIAMENTARY INQUIRIES

Mr. SHAPIRO. Parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. SHAPIRO. Mr. Speaker, the hour is now 2:20. I am to assume then if there are any amendments filed at this juncture to SB 314, they would not be timely filed for consideration tomorrow. Is that correct, Mr. Speaker?

The SPEAKER. Any amendment that would have been filed before 2 o'clock today would find its way in order, but any amendment that would be filed at this juncture would not be in order, assuming the bill was run tomorrow.

Mr. SHAPIRO. Thank you.

And then a further parliamentary inquiry, just so I understand. This bill is on second consideration. The House in a bipartisan way has already voted to support this amendment, and yet we are now going over on the bill until tomorrow where the bill will remain on second consideration, if the Speaker decides to even bring it up at that point. Is that correct?

The SPEAKER. When we convene session tomorrow, the bill will be on the calendar the same as it is today on second consideration.

Mr. SHAPIRO. On second consideration.

Thank you, Mr. Speaker.

The SPEAKER. There will be no further votes.

### BILLS RECOMMITTED

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

HB 1052;  
HB 1720;  
HB 1875; and  
HB 1886.

On the question,

Will the House agree to the motion?

Motion was agreed to.

### BILLS REMOVED FROM TABLE

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

HB 1400;  
 HB 1901;  
 HB 2007;  
 HB 2009;  
 HB 2014; and  
 SB 566.

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

### **BILL ON SECOND CONSIDERATION**

The House proceeded to second consideration of **HB 965, PN 1033**, entitled:

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.

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

### **BILL TABLED**

The SPEAKER. The Speaker recognizes the majority leader, who moves that HB 965 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 HB 965 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.

### **BILL ON THIRD CONSIDERATION**

The House proceeded to third consideration of **HB 970, PN 2051**, entitled:

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.

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

### **BILL TABLED**

The SPEAKER. The Speaker recognizes the majority leader, who moves that HB 970 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 HB 970 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.

### **BILL REMOVED FROM TABLE**

The SPEAKER. The Speaker recognizes the majority leader, who moves that HB 1344 be removed from the table and placed on the active calendar.

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

### **BILLS AND RESOLUTIONS PASSED OVER**

The SPEAKER. Without objection, all remaining bills and resolutions on today's calendar will be passed over. The Chair hears no objection.

### **ADJOURNMENT**

The SPEAKER. The Speaker recognizes the gentleman, Mr. Emrick, from Northampton County, who moves that this House do adjourn until Wednesday, October 26, 2011, at 11 a.m., e.d.t., unless sooner recalled by the Speaker.

On the question,  
 Will the House agree to the motion?  
 Motion was agreed to, and at 2:25 p.m., e.d.t., the House adjourned.