

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

MONDAY, DECEMBER 12, 2011

SESSION OF 2011

195TH OF THE GENERAL ASSEMBLY

No. 82

HOUSE OF REPRESENTATIVES

The House was convened at 1 p.m., e.s.t.

THE SPEAKER (SAMUEL H. SMITH) PRESIDING

PRAYER

The SPEAKER. Today the prayer will be offered by Maulana Naseem Mahdi, national vice president and missionary in-charge of the Ahmadiyya Muslim Community.

MAULANA NASEEM MAHDI, Guest Chaplain of the House of Representatives, offered the following prayer:

(Prayer in Arabic.)

In the name of God, the gracious, the merciful, may God's peace and blessings be upon all of you. All praise belongs to God only, the Lord of all the worlds.

I am humbled to stand before you and join with you all as we pray to God, the one who created all that exists. We are all His children, and He is the Lord, sustainer, provider, and protector of us all. I am a Muslim, a Muslim who believes in the Messiah, Mirza Ghulam Ahmad Qadiani. I belong to the oldest Muslim community in the United States, the Ahmadiyya Muslim Community, which was founded in the U.S. in 1920.

As a Muslim, I believe that the utter oneness of God has a most important implication, which we, the members of the Ahmadiyya Muslim Community, have taken as our motto: "Love for All, Hatred for None." If there is but one being who created all of us, who created all of us, and if we love Him and adore and worship Him, then how can we harbor any hate or ill will towards anyone? How can we love God and not fall in love with everyone and everything He has created? We cannot. So I stand here as a Muslim, as a believer in the one God, whom I love and worship, to pray that: O God, shower Your choicest blessings upon us all. Bless this nation, our home, and all who reside therein.

The holy founder of Islam, Muhammad, peace and blessings of God be upon him, taught Muslims in a famous saying of his that "Love of one's homeland, one's place of residence, is a part of a Muslim's faith." For a Muslim who loves God and His messenger, Muhammad, there is never any question of whether his faith comes first or his country, because Islam, the faith of Muslims, demands that we love the country of our residence. Another implication of God's unity is that He alone provides for all. He takes care of the spiritual as well as the physical needs of everyone, even for those who do not believe in His existence.

Look how the sun He has created shines upon us all. God takes care of all of our physical needs. How could the same God neglect some and choose to guide others when it comes to providing spiritual enlightenment? God could not have neglected anyone. God's love is universal and indiscriminate. This is the God Islam calls us to fall in love with and adore and worship.

Islam teaches us that God has been sending His revelation among all the people of the world, in all ages and periods from the earliest of times. So we Muslims believe in all the prophets including Adam and Noah and Abraham and Moses and Jesus and Zoroaster and Krishna and Buddha – may peace be on all of them. All were God's messengers sent to teach humanity about God's existence and provide them guidance to make their lives a veritable paradise on earth. So it is with this concept of the single universal God that I stand here and pray that He may bless us all who have made the United States our home.

Grant us, O God, unity, and make us all one. Let those of us whom You have blessed with abundance discharge our responsibility of caring for those who are not so fortunate. Remove, O God, from us all rancor and suspicion and unite us all in love and make harmony and peace reign throughout the land.

Amen. God bless us all.

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 Wednesday, December 7, 2011, will be postponed until printed.

JOURNALS APPROVED

The SPEAKER. However, the following Journals are in print and, without objection, will be approved: Monday, September 26, 2011, and Tuesday, September 27, 2011.

ANNOUNCEMENT BY SPEAKER

The SPEAKER. For the information of the members, the Labor Committee is currently in a meeting, and I give them permission to proceed with their meeting, and there will be no roll-call votes throughout that period of time.

**HOUSE RESOLUTION
INTRODUCED AND REFERRED**

No. 520 By Representatives DeLUCA, SCAVELLO, WATERS, PASHINSKI, STURLA, McGEEHAN, MATZIE, D. COSTA, MUNDY, HARHAI, DePASQUALE, DeWEESE, BISHOP, MANN, HORNAMAN, HARKINS, MIRABITO, JOSEPHS, YOUNGBLOOD, THOMAS, GERGELY, KIRKLAND, DAVIDSON, BRIGGS, V. BROWN, KORTZ, BROWNLEE, PRESTON, SANTARSIERO, MURPHY, M. O'BRIEN, GERBER, MAHONEY, CONKLIN, P. COSTA, CURRY, DAY, DEASY, DERMODY, FABRIZIO, FRANKEL, GEORGE, GIBBONS, GOODMAN, HALUSKA, M. K. KELLER, KOTIK, MARKOSEK, NEUMAN, PETRARCA, RAVENSTAHL, READSHAW, WHEATLEY, WHITE, WILLIAMS and HANNA

A Concurrent Resolution calling on the Attorney General of the United States to appoint a special counsel to investigate the handling by the Pennsylvania Office of Attorney General of an investigation into alleged sexual abuse of minors and to investigate whether that alleged sexual abuse may have violated Federal law.

Referred to Committee on RULES, December 12, 2011.

**HOUSE BILLS
INTRODUCED AND REFERRED**

No. 1892 By Representatives PAYNE, GEIST, BARRAR, BROOKS, FARRY, HESS, HORNAMAN, KAUFFMAN, MARSHALL, MILLARD, MURT, PETRI, SWANGER and VULAKOVICH

An Act establishing and making an appropriation for the Flood Victims Assistance Program; and providing for the deposit of liquor tax revenues into the Flood Victims Assistance Account.

Referred to Committee on APPROPRIATIONS, December 12, 2011.

No. 2052 By Representatives VULAKOVICH, DeLUCA, MICOZZIE, FRANKEL, MUSTIO, BROOKS, BARBIN, B. BOYLE, BURNS, CAUSER, D. COSTA, P. COSTA, DALEY, DEASY, DeWEESE, DUNBAR, ELLIS, J. EVANS, FABRIZIO, GEIST, GERGELY, GIBBONS, HALUSKA, HARKINS, HELM, HORNAMAN, HUTCHINSON, KORTZ, KOTIK, KRIEGER, KULA, LONGIETTI, MAHER, MAJOR, MARKOSEK, MARSHALL, MATZIE, METZGAR, MILLARD, NEUMAN, PASHINSKI, PRESTON, DERMODY, PYLE, RAVENSTAHL, READSHAW, REESE, ROAE, SAINATO, SAYLOR, M. SMITH, S. H. SMITH, SONNEY, STERN, STEVENSON, TURZAI, VEREB, WHEATLEY and WHITE

An Act amending Title 40 (Insurance) of the Pennsylvania Consolidated Statutes, in hospital plan corporations, further providing for rates and contracts.

Referred to Committee on INSURANCE, December 9, 2011.

No. 2053 By Representatives VULAKOVICH, DeLUCA, MICOZZIE, FRANKEL, MUSTIO, BROOKS, BARBIN, B. BOYLE, BURNS, CAUSER, D. COSTA, P. COSTA, DALEY, DEASY, DeWEESE, DUNBAR, ELLIS, J. EVANS,

FABRIZIO, GEIST, GERGELY, GIBBONS, HALUSKA, HARKINS, HELM, HORNAMAN, HUTCHINSON, KORTZ, KOTIK, KRIEGER, KULA, LONGIETTI, MAHER, MAJOR, MARKOSEK, MARSHALL, MATZIE, METZGAR, MILLARD, NEUMAN, PASHINSKI, PRESTON, DERMODY, PYLE, RAVENSTAHL, READSHAW, REESE, ROAE, SAINATO, SAYLOR, M. SMITH, S. H. SMITH, SONNEY, STERN, STEVENSON, TURZAI, VEREB, WHEATLEY and WHITE

An Act amending Title 40 (Insurance) of the Pennsylvania Consolidated Statutes, further providing for contract negotiations.

Referred to Committee on INSURANCE, December 9, 2011.

No. 2062 By Representatives MILNE, B. BOYLE, COHEN, FLECK, GILLEN, GINGRICH, GOODMAN, GROVE, KILLION, MURT, ROEBUCK, SABATINA and STURLA

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, further providing for form of official primary ballot.

Referred to Committee on STATE GOVERNMENT, December 12, 2011.

No. 2066 By Representatives BENNINGHOFF, AUMENT, BLOOM, BROOKS, R. BROWN, CALTAGIRONE, COHEN, CONKLIN, CREIGHTON, CUTLER, DAVIDSON, DeWEESE, DUNBAR, EVANKOVICH, J. EVANS, GINGRICH, GOODMAN, GROVE, HANNA, HARKINS, HARRIS, HELM, HICKERNELL, HUTCHINSON, JOSEPHS, KAUFFMAN, F. KELLER, KNOWLES, KORTZ, LAWRENCE, MAJOR, MILLARD, MOUL, MUNDY, MURPHY, MURT, MUSTIO, PERRY, PICKETT, RAPP, REICHLEY, ROAE, SCAVELLO, SCHRODER, STEPHENS, TALLMAN, TOEPEL, VULAKOVICH, WHITE and GILLEN

An Act amending the act of February 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law, in preliminary provisions, further providing for definitions; and repealing provisions relating to State-related institutions.

Referred to Committee on STATE GOVERNMENT, December 12, 2011.

No. 2071 By Representatives MARSICO, AUMENT, CALTAGIRONE, CREIGHTON, EVANKOVICH, EVERETT, GEIST, GIBBONS, GINGRICH, GROVE, HARKINS, HESS, HORNAMAN, M. K. KELLER, KILLION, MAHONEY, McGEEHAN, MILLARD, MILLER, MILNE, MURT, PICKETT, ROAE, STEVENSON, SWANGER and VULAKOVICH

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for the definition of "municipal police officer."

Referred to Committee on JUDICIARY, December 12, 2011.

No. 2072 By Representatives MALONEY, CALTAGIRONE, CREIGHTON, EVANKOVICH, EVERETT, FLECK, GEIST, GERGELY, GIBBONS, GILLEN, HALUSKA, HARRIS, HEFFLEY, HESS, HORNAMAN, HUTCHINSON,

MULLERY, PEIFER, READSHAW, ROCK, SACCONI, CULVER, SCHRODER, STABACK, WHITE and YOUNGBLOOD

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for eligibility for license.

Referred to Committee on GAME AND FISHERIES, December 12, 2011.

No. 2073 By Representatives MALONEY, HANNA, CALTAGIRONE, CAUSER, CREIGHTON, CUTLER, EVERETT, GINGRICH, GODSHALL, GROVE, HELM, HESS, HORNAMAN, MULLERY, RAPP, SACCONI, STERN, SWANGER and PERRY

An Act amending the act of June 25, 1982 (P.L.633, No.181), known as the Regulatory Review Act, further providing for the definition of "agency."

Referred to Committee on STATE GOVERNMENT, December 12, 2011.

SENATE BILLS FOR CONCURRENCE

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

SB 1237, PN 1837

Referred to Committee on COMMERCE, December 12, 2011.

SB 1335, PN 1824

Referred to Committee on COMMERCE, December 9, 2011.

SB 1336, PN 1839

Referred to Committee on INSURANCE, December 12, 2011.

BILL REPORTED FROM COMMITTEE

SB 1335, PN 1824

By Rep. HESS

An Act amending the act of November 30, 1965 (P.L.847, No.356), known as the Banking Code of 1965, further providing for names permitted to be used and for prohibition of adoption, use or advertisement of certain names, titles and descriptions.

COMMERCE.

SENATE MESSAGE

HOUSE BILL
CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, returned **HB 1792, PN 2295**, with information that the Senate has passed the same without amendment.

BILL SIGNED BY SPEAKER

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

HB 1792, PN 2295

An Act designating a portion of S.R. 642 in Northumberland and Montour Counties, as the United States Army Specialist Zachariah W. Long Highway.

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

COMMUNICATION FROM DEPARTMENT OF ENVIRONMENTAL PROTECTION

The SPEAKER. The Speaker acknowledges receipt of the Department of Environmental Protection Hazardous Sites Cleanup Fund Annual Report pursuant to Act 77 of 2007.

(Copy of communication is on file with the Journal clerk.)

GUESTS INTRODUCED

The SPEAKER. If I could have the members' attention, please. I just wanted to introduce some of the other guests that are with us today.

Located to the left of the rostrum, we would like to welcome guests who are accompanying our Guest Chaplain. They are: Dr. Mubashir Mumtaz, Mr. Akram Khalid, Mrs. Mubashrah Kalim Bhatti, and Mr. Mubashar Satkoi. Will our guests please rise. Welcome to the hall of the House, and I apologize for my inability to pronounce names well.

Also located to the left of the rostrum, the Speaker welcomes Stephanie Rhoades. She is a junior at Red Lion Senior High School, where she is a member of the student council, the softball team, and participates in the school musical. Stephanie was nominated by her school as a member of the 2012 Future Leaders of York program. She is here today as a guest of Representative Saylor. Welcome to the hall of the House, Stephanie.

Also located to the left of the rostrum, we would like to welcome Ron Evanko. He is the president of the Blairsville Borough Council and the Pennsylvania State Boroughs Association. He is here today as a guest of Representative Dave Reed. Welcome to the hall of the House.

And located up in the gallery, we would like to welcome a group of fourth grade students from Hampden Elementary School, and they are here today as guests of Representative Grell. Please rise and give us a wave. Welcome to the hall of the House.

And we have some guest pages with us. Located in the well of the House, we would like to welcome guest page Melissa Burgess. She is the guest of Representative Gillespie. Please rise. Welcome to the hall of the House.

Also serving as a guest page today is Christian Brice, a sophomore at Bishop McDevitt High School, and he is a guest of Representative Ron Marsico. Welcome to the hall of the House.

And third, we have Brittany Feeser, who is a guest page today, and she is a guest of Representative Will Tallman. Welcome to the hall of the House.

The House would please come to order.

BENJAMIN HYLAK PRESENTED

The SPEAKER. If I could have the members' attention, we would like to invite Representative Lawrence to the rostrum for the purpose of presenting a citation to Benjamin Hylak, winner of the Broadcom MASTERS (Math, Applied Science, Technology and Engineering as Rising Stars) national science fair.

The gentleman may proceed.

Mr. LAWRENCE. Thank you, Mr. Speaker.

Mr. Speaker, often we honor young people from across our great Commonwealth here in the hall of the House for their excellence on the athletic field. Today it is my great honor to recognize one of Pennsylvania's brightest young academics, Benjamin Hooker Hylak, from West Grove in southern Chester County.

Ben developed and constructed a telepresence robot he named MAYA, which stands for Me and You Anywhere. The robot was originally designed to be a companion and assistant to the bedridden or elderly. The robot moves on its own accord, has an interactive computer screen, a vacuum, a camera, and a remote arm. The robot can be programmed to recognize any object and can serve as a personal assistant; for example, going to get a book off of a library shelf or picking up medication to deliver to a patient. Through its computer screen and camera, family members who cannot visit a patient physically can communicate interactively, almost like attending a remote video conference.

Now, Ben did not invent this technology – you can go out today and buy a robot like this off the shelf for \$50,000 – but Ben's true innovation was bringing this technology affordably to the masses. Amazingly, Ben designed and built his robot with used parts he bought on eBay for around \$500. Ben entered MAYA into the Chester County Science Fair, where he won best of show across all divisions. As the countywide winner, he went on to the Northeast Regional Science Fair and competed against other regional winners from southeastern Pennsylvania, south Jersey, and the State of Delaware. At this State level, Ben again won best of show, gold medalist across all divisions. From here, Ben went to the Broadcom MASTERS national science fair in Washington, DC. In this arena, Ben competed against the 30 best science fair projects from across the nation, where he placed highly and won a \$10,000 cash prize.

For his amazing invention and intellectual excellence, Ben has also been recognized by the United States Navy, the United States Air Force, and the American Society of Naval Engineers. He has traveled to the White House to meet with President Obama's adviser for science and technology, and his invention has been displayed at the National Geographic Society in Washington, DC. Ben was also invited to lecture at the Massachusetts Institute of Technology, who has expressed interest in having Ben build a similar robot for MIT's International Health Lab in Nicaragua. Finally, in recognition of his achievement in the Broadcom MASTERS science fair, Ben had a minor planet named in his honor, Minor Planet (27433) Hylak.

Ben attended Sacred Heart School in Oxford and is currently a freshman at Salesianum High School in Wilmington, Delaware. Joining Ben today is his middle school science teacher, Mr. Kevin Bloh. Seated to the left of the rostrum are his father, Joseph Lee Hooker, and his mother, Bridget Gabrielle Hylak. Please stand to be recognized.

Also joining Ben in the gallery are his sister, Veronica Hylak; his brother, Blaise Hooker; and his friend and mentor, Robert Furmanak. Please stand to be recognized.

Ben's achievements are truly inspiring and are an example for us all. As we move into an age of new and unprecedented challenges, it will be people like Ben who will find answers to the perplexing problems of our time. It is truly an honor to host him here in the Capitol today.

For those who wish to meet MAYA the robot, please join Ben and his family at the rear of the House near the Lieutenant Governor's Office after the break. Please join me in congratulating one of Pennsylvania's outstanding young minds, Ben Hylak.

Thank you, Mr. Speaker.

MS. PENNSYLVANIA SENIOR AMERICA PRESENTED

The SPEAKER. I would like to invite Representative Buxton to the rostrum for the purpose of presenting a citation to Nannette Swanson, Ms. Pennsylvania Senior America 2011.

Welcome to the hall of the House.

Mr. BUXTON. Thank you, Mr. Speaker.

Mr. Speaker, it is an honor for me today to present to the House of Representatives Ms. Pennsylvania Senior America 2011, Nannette Swanson. Nannette is being honored for having been crowned Ms. Pennsylvania Senior America 2011. You should also know that as a nonprofit organization founded in 1980, Ms. Senior America is dedicated to enhancing and empowering women who have reached 60 years of age or older.

Nannette is a graduate of Harrisburg School District and the New Jersey Bible Institute. Ms. Swanson is a member of the Scott White Evangelistic Crusade and the New Hope Baptist Church, where she has appeared in several musical productions. To her great credit, she was selected as Ms. Pennsylvania Senior America 2011 for best exemplifying the dignity, maturity, and inner beauty of all Pennsylvania seniors.

Ladies and gentlemen, please join with me today in congratulating Nannette Swanson for achieving the Ms. Senior America Pageant 2011. Thank you.

GUESTS INTRODUCED

The SPEAKER. One other group of guests, although I am not really repeating myself, this is a second set of kids from the fourth grade class at Hampden Elementary that has joined us. They could not get them all up there at one time so we have another segment of the class. Kids, stand up and give us a wave. Welcome to the hall of the House.

REMARKS SUBMITTED FOR THE RECORD

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

Mr. Speaker, it is my privilege to bring to the attention of the Speaker and the members of the Pennsylvania House of Representatives the names of twelve students in the Council Rock School District who recently participated in an essay contest on "Fire Safety in the Home."

Mr. Speaker, the contest was sponsored by the Society of Chartered Property and Casualty Underwriters and was cosponsored by the school district.

Whereas, fire safety in the home is an important subject for the entire family to discuss and practice. The knowledge of understanding what to do in case of a fire can help save a life or prevent serious injury from occurring.

Now therefore, Mr. Speaker and the members of the House of Representatives, it is my privilege to congratulate and place in the Legislative Journal the names of the outstanding students: Gavin Zikria, Taylor Kredo, Kylie Gregory, Mollie Weinstein, Juliana Lupo, Eric Wang, Jordan Checkoff, Gulia Stokin, Hailey Brown, Connor Stoklosa, Julie Rebh, and Maria DeSimone.

REPUBLICAN CAUCUS

The SPEAKER. The lady from Susquehanna, Ms. Major, is recognized for the purpose of caucus announcements.

Ms. MAJOR. Thank you, Mr. Speaker.

I would like to announce that Republicans will caucus immediately. I would ask our Republican members to please report to our caucus room immediately, and we would be prepared to be back on the floor at 4:30.

Thank you, Mr. Speaker.

DEMOCRATIC CAUCUS

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

Mr. FRANKEL. Thank you, Mr. Speaker.

Democrats will caucus at 2 o'clock. Thank you. Democrats will caucus at 2 o'clock.

RECESS

The SPEAKER. This House stands in recess until 4:30 p.m., unless sooner recalled by the Speaker.

AFTER RECESS

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

BILL CONSIDERED FIRST TIME AND TABLED

The SPEAKER. Earlier today under reports of committees, SB 1335 was reported from the Commerce Committee.

Regarding SB 1335, will the House agree to the bill? Agreed to.

BILLS REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

HB 1820, PN 2879 (Amended)

By Rep. MILLER

An Act amending the act of January 17, 1968 (P.L.11, No.5), known as The Minimum Wage Act of 1968, further providing for minimum wages and for exemptions.

LABOR AND INDUSTRY.

SB 1310, PN 1849 (Amended)

By Rep. MILLER

An Act amending the act of December 5, 1936 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the Unemployment Compensation Law, further providing for definitions, for determination of contribution rate, for additional contribution for interest, for trigger determination, for collection of contribution and interest and injunctions, for compensation rate, for Unemployment Compensation Fund, for Interest Fund, for State Treasurer as custodian, for recovery and recoupment of compensation; and providing for unemployment compensation bonds and for unemployment compensation amnesty program.

LABOR AND INDUSTRY.

BILL SIGNED BY SPEAKER

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

SB 366, PN 351

An Act amending the act of December 22, 1983 (P.L.306, No.84), known as the Board of Vehicles Act, further providing for definitions, for licensure and for State Board of Vehicle Manufacturers, Dealers and Salespersons.

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

LEAVES OF ABSENCE

The SPEAKER. The Speaker turns to leaves of absence and recognizes the majority whip, who requests a leave for the gentleman, Mr. SIMMONS, from Lehigh County for the day; the gentleman, Mr. Dennis O'BRIEN, from Philadelphia County for the day; the gentleman, Mr. BOYD, from Lancaster County for the week. Without objection, the leaves will be granted.

The Speaker recognizes the minority whip, who requests a leave of absence for the lady, Ms. WAGNER, from Allegheny County for the day; the gentleman, Mr. PAYTON, from Philadelphia County for the day; and the gentleman, Mr. HORNAMAN, from Erie County for the day. Without objection, the leaves will be granted.

The members will please report to the floor. The Speaker is about to take the master roll call.

MASTER ROLL CALL

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

The following roll call was recorded:

PRESENT—197

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

ADDITIONS—0

NOT VOTING—0

EXCUSED—6

Boyd	O'Brien, D.	Simmons	Wagner
Hornaman	Payton		

LEAVES ADDED—9

Boyle, B.	Evans, J.	Johnson	Turzai
Day	Gerber	Preston	Vitali
Dermody			

LEAVES CANCELED—4

Day	Dermody	Turzai	Vitali
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The SPEAKER. One hundred and ninety-seven members having voted on the master roll call, a quorum is present.

LEAVES OF ABSENCE

The SPEAKER. The Speaker returns to leave of absence and recognizes the minority whip.

Mr. HANNA. Thank you, Mr. Speaker.

Mr. Speaker, I rise to put the gentleman, Mr. VITALI, from Delaware County on leave and the gentleman, Mr. JOHNSON, from Philadelphia County on leave.

The SPEAKER. Without objection, the leaves will be granted.

Additionally, the Speaker recognizes the minority whip, who requests a leave of absence for the gentleman, Mr. DERMODY, for 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. TURZAI, for the day. Without objection, the leave will be granted.

**HOUSE RESOLUTION
INTRODUCED AND REFERRED**

No. 522 By Representatives **MARSICO** and **CALTAGIRONE**

A Resolution establishing the Task Force on Child Protection.

Referred to Committee on JUDICIARY, December 12, 2011.

LEAVES OF ABSENCE CANCELED

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

Additionally, the Speaker recognizes the presence of the gentleman from Delaware County, Mr. Vitali. His name will be added back to the master roll call.

The House will come to order.

We need to have a few announcements.

APPROPRIATIONS COMMITTEE MEETING

The SPEAKER. Is the gentleman from Delaware County seeking recognition for announcing an Appropriations Committee meeting? The gentleman may proceed.

Mr. ADOLPH. Thank you, Mr. Speaker.

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

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

INSURANCE COMMITTEE MEETING

The SPEAKER. The Speaker recognizes the gentleman from Delaware County, Mr. Micozzie, for the purpose of calling a committee announcement.

Mr. MICOZZIE. Thank you, Mr. Speaker.

There will be an Insurance Committee meeting in the Ryan Building, room 205, immediately.

The SPEAKER. The Insurance Committee will meet immediately in room 205, Ryan Building.

GAMING OVERSIGHT COMMITTEE MEETING

The SPEAKER. The Speaker recognizes the gentleman from Chester County, Mr. Schroder, for the purpose of a committee announcement.

Mr. SCHRODER. Thank you, Mr. Speaker.

Mr. Speaker, there will be a meeting of the House Gaming Oversight Committee tomorrow, December 13, at 10 a.m. in room B-31, Main Capitol Building, to consider SB 444 and any other bills that might come before the committee.

The SPEAKER. The Speaker thanks the gentleman.

The Gaming Oversight Committee will meet tomorrow at 10 a.m. in room B-31, Main Capitol Building.

Just for the edification of the members, the Appropriations Committee meeting is going to meet right now; the Insurance Committee is meeting right now. The Gaming Oversight Committee meeting announcement was for tomorrow.

The House will be at ease for the duration of the two meetings that are taking place right now.

The House will come to order.

BILLS REREPORTED FROM COMMITTEE

HB 761, PN 2590 By Rep. ADOLPH

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, in realty transfer tax, further providing for definitions, for excluded transactions and for acquired company.

APPROPRIATIONS.

HB 1864, PN 2401 By Rep. ADOLPH

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, in inheritance tax, further providing for transfers not subject to tax.

APPROPRIATIONS.

HB 1976, PN 2863 By Rep. ADOLPH

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for original jurisdiction and venue in courts of common pleas; and providing for venue in personal injury actions against corporations and similar entities.

APPROPRIATIONS.

HB 1977, PN 2735 By Rep. ADOLPH

An Act amending Title 40 (Insurance) of the Pennsylvania Consolidated Statutes, providing for compliance with Federal health care legislation.

APPROPRIATIONS.

HB 1983, PN 2862 By Rep. ADOLPH

An Act amending the act of December 18, 1996 (P.L.1066, No.159), known as the Accident and Health Filing Reform Act, dividing the act into Federal compliance and Commonwealth exclusivity; in Federal compliance, further providing for definitions, for required filings, for review procedure, for notice of disapproval, for use of disapproved forms or rates, for review of form or rate disapproval, for disapproval after use, for filing of provider contracts, for record maintenance, for public comment and for penalties and providing for regulations and for expiration; in Commonwealth exclusivity, providing for regulations and for action by the Insurance Commissioner; and making editorial changes.

APPROPRIATIONS.

HB 2005, PN 2492 By Rep. ADOLPH

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.

APPROPRIATIONS.

BILLS REPORTED FROM COMMITTEES, CONSIDERED FIRST TIME, AND Tabled

HB 2052, PN 2864 By Rep. MICOZZIE

An Act amending Title 40 (Insurance) of the Pennsylvania Consolidated Statutes, in hospital plan corporations, further providing for rates and contracts.

INSURANCE.

SB 1054, PN 1190 By Rep. ADOLPH

An Act providing for the capital budget for the fiscal year 2011-2012.

APPROPRIATIONS.

SB 1336, PN 1839 By Rep. MICOZZIE

An Act amending the act of December 18, 1996 (P.L.1066, No.159), known as the Accident and Health Filing Reform Act, dividing the act into Federal compliance and Commonwealth exclusivity; in Federal compliance, further providing for definitions, for required filings, for review procedure, for notice of disapproval, for use of disapproved forms or rates, for review of form or rate disapproval, for disapproval after use, for filing of provider contracts, for record maintenance, for public comment and for penalties and providing for regulations and for expiration; in Commonwealth exclusivity, providing for regulations and for action by the Insurance Commissioner; and making editorial changes.

INSURANCE.

LEAVE OF ABSENCE

The SPEAKER. The Speaker returns to leave of absence and recognizes the majority whip, who requests a leave of absence for the gentleman, Mr. John EVANS, from Crawford County. Without objection, the leave will be granted.

UNCONTESTED CALENDAR

RESOLUTION PURSUANT TO RULE 35

Mr. MURT called up **HR 517, PN 2841**, entitled:

A Resolution designating the month of November 2011 as "Disability History Awareness Month" in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—194

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

NAYS—0

NOT VOTING—0

EXCUSED—9

Boyd	Hornaman	O'Brien, D.	Simmons
Dermody	Johnson	Payton	Wagner
Evans, J.			

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

CALENDAR

RESOLUTIONS PURSUANT TO RULE 35

Mr. WATERS called up **HR 371, PN 2318**, entitled:

A Resolution honoring the life and legacy of Mrs. Edythe Scott Bagley and extending condolences to her family and many colleagues.

On the question,
Will the House adopt the resolution?

LEAVE OF ABSENCE CANCELED

The SPEAKER. The Speaker recognizes the presence of the gentleman from Allegheny County, Mr. Dermody. His presence is on the floor. His name will be added back to the master roll call.

CONSIDERATION OF HR 371 CONTINUED

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

The following roll call was recorded:

YEAS—195

Adolph	Dunbar	Knowles	Rapp
Aument	Ellis	Kortz	Ravenstahl
Baker	Emrick	Kotik	Readshaw
Barbin	Evankovich	Krieger	Reed
Barrar	Evans, D.	Kula	Reese
Bear	Everett	Lawrence	Reichley
Benninghoff	Fabrizio	Longietti	Roae
Bishop	Farry	Maher	Rock
Bloom	Fleck	Mahoney	Roebuck
Boback	Frankel	Major	Ross
Boyle, B.	Freeman	Maloney	Sabatina
Boyle, K.	Gabler	Mann	Saccone
Bradford	Galloway	Markosek	Sainato
Brennan	Geist	Marshall	Samuelson
Briggs	George	Marsico	Santarsiero
Brooks	Gerber	Masser	Santoni
Brown, R.	Gergely	Matzie	Saylor
Brown, V.	Gibbons	McGeehan	Scavello
Brownlee	Gillen	Metcalf	Schroder
Burns	Gillespie	Metzgar	Shapiro
Buxton	Gingrich	Miccarelli	Smith, K.
Caltagirone	Godshall	Micozzie	Smith, M.
Carroll	Goodman	Millard	Sonney
Causar	Grell	Miller	Staback

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

NAYS-0

NOT VOTING-0

EXCUSED-8

Boyd	Hornaman	O'Brien, D.	Simmons
Evans, J.	Johnson	Payton	Wagner

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

* * *

Mr. WATERS called up **HR 518, PN 2842**, entitled:

A Resolution honoring the life and extending condolences upon the death of champion boxer, Joseph William Frazier.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS-195

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

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

NAYS-0

NOT VOTING-0

EXCUSED-8

Boyd	Hornaman	O'Brien, D.	Simmons
Evans, J.	Johnson	Payton	Wagner

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

BILLS ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 1960, PN 2674**, entitled:

An Act amending the act of November 24, 1999 (P.L.884, No.54), known as the Prescribed Pediatric Extended Care Centers Act, further providing for definitions and for regulations.

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

* * *

The House proceeded to second consideration of **SB 242, PN 209**, entitled:

An Act designating the bridge that carries State Route 601 over Barclay Run in the Borough of Somerset, Somerset County, as the Trooper Stephen R. Gyurke Memorial Bridge.

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

**THE SPEAKER PRO TEMPORE
(JOHN MAHER) PRESIDING**

* * *

The House proceeded to second consideration of **SB 732, PN 1443**, entitled:

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

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

Mr. **BAKER** offered the following amendment No. **A07472**:

Amend Bill, page 1, line 14, by striking out "AND" and inserting a comma

Amend Bill, page 1, line 15, by striking out "; AND MAKING AN INCONSISTENT REPEAL" and inserting
and for inspections

Amend Bill, page 1, by inserting between lines 15 and 16
The General Assembly finds and declares as follows:

(1) A Philadelphia County investigating grand jury report has revealed systemic deficiencies in the manner in which the Commonwealth has regulated abortion facilities operating in this Commonwealth.

(2) These systemic deficiencies have led to horrific instances of bodily injury and death.

(3) Surgical abortions are at a minimum an outpatient surgical procedure performed in this Commonwealth.

(4) The general public has a substantial interest in the comprehensive regulation of abortion facilities operating in this Commonwealth.

(5) Comprehensive regulation of abortion facilities reasonably serves the Commonwealth's substantial interests in protecting the health, safety and welfare of the general public.

(6) Regulation of abortion facilities that perform outpatient surgical procedures as ambulatory surgical facilities is necessary to cure the systemic deficiencies present in the current regulatory scheme.

(7) Proper licensing and a system of random administrative inspections of abortion facilities operating in this Commonwealth are also a necessary part of any comprehensive regulatory scheme.

(8) Unannounced inspections are necessary to further the regulation of abortion facilities due to the controversial nature of the procedures performed in an abortion facility and understandable concerns by the patients that their medical history will not remain private if a report of a violation is made.

Amend Bill, page 11, lines 16 through 20, by striking out all of said lines and inserting

Section 1. Section 802.1 of the act of July 19, 1979 (P.L.130, No.48), known as the Health Care Facilities Act, is amended by adding a definition to read:

Amend Bill, page 11, line 25, by inserting after "HOSPITAL,"
not subject to inspection and regulation under this act, and any

Amend Bill, page 11, line 27, by inserting a comma after "INSTITUTION"

Amend Bill, page 11, line 29, by striking out "THE"

Amend Bill, page 12, lines 3 through 28, by striking out all of said lines

Amend Bill, page 12, lines 29 and 30, by striking out "A " in line 29 and "SUBSECTION" in line 30 and inserting
subsections

Amend Bill, page 13, lines 3 through 6, by striking out all of said lines and inserting

(h) Abortion facilities.—

(1) The department shall apply the same regulations promulgated under subsection (f) to abortion facilities that are applied to ambulatory surgical facilities. These regulations include classification of the facilities in the same manner as ambulatory surgical facilities.

(2) The department shall apply to abortion facilities any other provision of this chapter governing health care facilities insofar as they are applicable to ambulatory surgical facilities.

(3) For the purpose of applying the rules applicable to ambulatory surgical facilities, all of the following apply:

(i) The department shall allow the abortion facility to request an exception.

(ii) The request must identify with specificity the reasons for which the exception is sought.

(iii) In considering a petition under this paragraph, the department shall apply the same procedures and criteria that are applicable to other health care facilities.

(iv) The department shall issue a written determination stating the reasons for a decision under this paragraph.

(4) None of the following shall apply to an abortion facility:

(i) The definition of "ambulatory surgical facility" in section 802.1.

(ii) The definition of "ASF—Ambulatory Surgical Facility" in 28 Pa. Code § 551.3 (relating to definitions).

(5) Notwithstanding the definition of "abortion facility" in section 302 of the act of March 20, 2002 (P.L.154, No.13), known as the Medical Care Availability and Reduction of Error (Mcare) Act, an abortion facility shall continue to comply with applicable provisions of the Medical Care Availability and Reduction of Error (Mcare) Act.

(6) An abortion facility shall comply with Federal privacy statutes, including the Health Insurance Portability and Accountability Act of 1996 (Public Law 104-191, 110 Stat. 1936).

Amend Bill, page 14, lines 15 and 16, by striking out "THIS APPROPRIATION SHALL NOT LAPSE AT THE END OF ANY" in line 15 and all of line 16

Amend Bill, page 15, lines 12 through 16, by striking out all of said lines and inserting

Section 4. Section 813 of the act, added July 12, 1980 (P.L.655, No.136), is amended to read:

Section 813. Right to enter and inspect.

(a) Authorization.—For the purpose of determining the suitability of the applicants and of the premises or for determining the adequacy of the care and treatment provided or the continuing conformity of the licensees to this act and to applicable local, State and Federal regulations, any authorized agent of the department may enter, visit and inspect the building, grounds, equipment and supplies of any health care facility licensed or requiring a license under this act and shall have full and free access to the records of the facility and to the patients and employees therein and their records, and shall have full opportunity to interview, inspect, and examine such patients and employees. Upon entering a health care facility the inspectors shall properly identify themselves to the individual on the premises then in charge of the facility.

(b) Abortion facilities.—

(1) In addition to an inspection under subsection (a), the department shall conduct, on an annual basis, at least one unannounced inspection of each abortion facility.

(2) An inspection of an abortion facility under this section shall be conducted in a manner which respects the privacy of each patient of the facility.

Section 5. Nothing in this act shall be construed to limit:

(1) a provision of 18 Pa.C.S. Ch. 32; or

(2) a regulation promulgated under 18 Pa.C.S. Ch. 32 if the regulation provides greater health and safety protection than this act or a regulation promulgated under this act.

Section 6. The provisions of this act are severable. If any provision of this act or its application to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application.

Amend Bill, page 15, line 17, by striking out "5" and inserting

7

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. On the question, the gentleman from Tioga County, Mr. Baker, is recognized on the amendment.

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

Mr. Speaker, this amendment is an agreed-to amendment between the leadership in our House, the Senate, and the administration. This includes the legislative intent language requested by the Governor's Office, limitations on the application of inspection and regulation provisions to hospitals, inspection provisions and clarifications of interplay between this act and the Abortion Control Act.

This act also clarifies a number of issues which have been asked including that abortion facilities can limit their regulation to those that apply to class A abortion facilities if they limit their procedures to those that require only a local anesthetic, and the ability for an abortion facility to petition for an exception of a regulation as other ambulatory surgical facilities and health-care facilities have already heretofore demonstrated.

Mr. Speaker, I respectfully request a "yes" vote on this amendment so that we can move this bill forward and ensure that it will be signed into law by the Governor and that the health and safety of women and children in this Commonwealth will be protected.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. On the amendment, the gentleman from Allegheny County, Mr. Mustio, is recognized.

Mr. MUSTIO. Thank you, Mr. Speaker.

I would like to ask the maker of the amendment a couple questions, if I could.

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

Mr. MUSTIO. Mr. Speaker, in caucus I had a couple questions over the last couple months as it related to parking restrictions that I think were in the original bill. Does the waiver provision in this amendment, do the waiver provisions in this amendment enable, as an example, the facility in the city of Pittsburgh that does not have parking to apply for a waiver and to continue to operate?

Mr. BAKER. Yes. As a part of the agreed-to amendment, there is clarifying language in this bill that would allow for an exception in that case.

Mr. MUSTIO. Thank you, Mr. Speaker.

Mr. BAKER. You are welcome, sir.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Delaware County, Mr. Vitali, on the amendment.

Mr. VITALI. Thank you, Mr. Speaker.

I am still trying to get my head around this and how it amends the bill in chief. My concern with the issue was that it, the bill in chief would impose unneeded requirements on the procedure for conducting abortion, which would make it difficult for certain facilities that do provide abortions from doing it, thus indirectly affecting a woman's right to choose.

Now, I am trying to get at how— Maybe a shorthand way of doing it would be to ask what groups are opposed to this amendment and what groups are supportive of this amendment. Can you tell me that? That might guide me in figuring this out.

The SPEAKER pro tempore. The gentleman, Mr. Baker, indicates he will stand for interrogation. You may proceed.

Mr. BAKER. The same groups that opposed HB 574 that we had extensive debate and final vote on: The groups, Planned Parenthood and ACLU (American Civil Liberties Union), I believe continue to oppose this legislation, and those that are strongly supporting, as I understand it, are the Pennsylvania Catholic Conference, the Pennsylvania Family Institute, the Pro-Life Federation, and other pro-life groups.

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

That concludes my interrogation.

The SPEAKER pro tempore. Is the gentleman, Mr. Frankel, seeking recognition?

Mr. FRANKEL. Yes; yes, Mr. Speaker.

The SPEAKER pro tempore. The gentleman is recognized on the amendment.

Mr. FRANKEL. Mr. Speaker, I rise to oppose the Baker amendment as I had risen to oppose the underlying bill, the original bill, that we considered months ago.

This bill is unnecessary, and it certainly is being offered as a solution to the problem that we had in the city of Philadelphia with a rogue operation that failed to meet State existing criteria for safety. It ended up becoming a criminal case against a rogue operator, where fetuses were killed, women were maimed, and certainly something that every member of this House abhors.

Nevertheless, this amendment would seek to create standards for these facilities that will ultimately serve to shut them down. They have nothing to do with public safety or the safety of women who need access to these services. They will force these facilities to do things like change their elevators, make them larger, create larger spaces within the facility, require staffing with medical personnel on days when no procedures are taking place. Everything about this amendment is about trying to shut down these clinics that offer access to women who typically do not have the resources to get the services that they need. It is part of what we know now is a national effort to circumvent the Supreme Court decision that secured the right for all women to have the ability to make their own choices with regard to their reproductive health. It is a cookie-cutter amendment being replicated throughout this country in order to shut down abortion clinics; we know in the State of Texas where there were more than 20 clinics that were shut down.

Mr. Speaker, my colleague across the aisle who has offered this may like to talk about this and cloak this as an issue of women's safety. The way to protect women is to enforce

existing law. What happened in Philadelphia happened purely because the State of Pennsylvania abdicated its responsibility to inspect these facilities; purely and simply that was what happened here. That was our failure.

I am offering an amendment later that will reassert and hold the State to even a higher standard in terms of those inspections and in terms of the things that they should do without the intent of trying to shut these down, because, quite frankly, this amendment, this amendment will create unnecessary burdens and will limit access across the State, as many of the clinics will not be able to meet these standards, and if they do, it will increase the cost of procedures at these clinics for poor women to such a level that they will not be able to afford it and will have the opposite effect of what is intended. It will have the absolute effect of forcing women to go to unscrupulous providers such the Gosnells of this State. Those who would exploit women will be empowered by this amendment and by this bill.

If you are really concerned, really concerned about the health care of women and their safety, you will reject this piece of legislation, this amendment, and you will consider the amendment that I will offer later.

So I ask all of my colleagues to take a good look here, or at least to be honest about what you are voting on here. This is not about women's safety; this is about shutting down women's choices. I ask all members to vote against the Baker amendment.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

LEAVE OF ABSENCE

The SPEAKER pro tempore. The Chair recognizes the minority whip, who requests that the gentleman, Mr. Brendan BOYLE, from Philadelphia be put on leave for the balance of the day. Without objection, leave is granted.

CONSIDERATION OF SB 732 CONTINUED

The SPEAKER pro tempore. On the amendment, the Chair recognizes the gentledady from Philadelphia, Ms. Brown.

Ms. V. BROWN. Thank you.

Would the maker of the bill stand for brief interrogation?

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

Ms. V. BROWN. Thank you.

While I am glad to see that there are exceptions on the bill, I am not quite clear what that exactly means. Could you define the process of the exceptions? How would someone apply for one, what would be the timeframe, and what would be the circumstances of which that would be granted?

Mr. BAKER. Currently what we are trying to do here is to make the same standard apply to these abortion clinics as it applies to other facilities, and the Department of Health would apply that same standard in terms of considering requests for exceptions.

Ms. V. BROWN. There is no time limit. Is that correct?

Mr. Speaker, I think the gentleman from Tioga is having a hard time hearing me. I will repeat my question again.

The SPEAKER pro tempore. If the House members could take their conversations off the floor, it would be appreciated.

You may proceed.

Ms. V. BROWN. All right.

My question again would be, could you speak to the time limit, because my understanding is that there is not a time limit established?

Mr. BAKER. It is within the discretion of the Department of Health in terms of establishing the time limit.

Ms. V. BROWN. For the exception to be in place or for the response to come back to the request for the exception?

Mr. BAKER. There is no specific timeframe within the code.

Ms. V. BROWN. So if a company were to file for the exception, an abortion clinic, and they were granted the exception, it is for undefined time. Is that what you are saying?

Mr. BAKER. It could be.

Ms. V. BROWN. It could be. Okay.

And the process of filing the exception, once they put in the application, are there so many days that they have to receive an answer to that exception?

Mr. BAKER. I believe there is a tremendous amount of latitude and discretion by the Department of Health to determine any such limitations.

Ms. V. BROWN. So at this time that has not been defined in the language of the bill. Okay.

Now, I have one more question. Under what type of scenario would an exception be granted? Could you help the members of this body understand that, because I am not quite clear what would qualify or constitute an exception.

Mr. BAKER. Far be it from me to speak on behalf of the administration or the Department of Health, but the previous gentleman asked about limited parking spaces, for instance. There may be 4 or 6, 8 parking spaces; maybe you need 10, 15, or 20. That would be one exception that perhaps a facility would request of the Department of Health an exception, because it would be very difficult to comply based on a limited parking space. But again, it would be up to the facility to request such an exception, and it would be up to the Department of Health to grant any such exception, and then the terms of those exceptions in terms of compliance with those exceptions.

Ms. V. BROWN. Thank you.

Are you concerned with the timeframe from once the person applies for that exception, are you concerned with the length of time that the department would have to get back to them? Because without that being defined, without us saying 30 days or 2 weeks, it could be endless. It could be a year before they get back to you, and I am kind of concerned that that is not actually defined in the language and left up to the discretion of the department, and I am just wondering if you have the similar concerns?

Mr. BAKER. We are trying to give parity here with respect to these clinics. Right now other ambulatory surgical facilities are eligible to be granted exceptions. Some refer to them as waivers, exceptions. Given what happened at the Gosnell clinic and the fact that four people have already admitted, pled guilty to murder, I think the Department of Health is going to be very careful if and when they grant any exceptions, and if they do, they are going to have strict timelines. But again, I cannot speak for the Department of Health or the administration here, but I am sure they are supersensitive to this issue and they want these issues resolved as quickly and expeditiously as possible.

Ms. V. BROWN. Mr. Speaker, I would like to just say thank you. I appreciate the comments from the gentleman from Tioga and for indulging me.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the lady.

LEAVE OF ABSENCE

The SPEAKER pro tempore. The Chair recognizes the minority whip, who requests that the gentleman from Allegheny County, Mr. PRESTON, be placed on leave. Without objection, that leave is granted.

CONSIDERATION OF SB 732 CONTINUED

The SPEAKER pro tempore. On the amendment, the Chair recognizes the gentleman from Bucks County, Mr. Galloway.

Mr. GALLOWAY. Thank you, Mr. Speaker.

Mr. Speaker, on the bill, please?

The SPEAKER pro tempore. On the amendment, Mr. Galloway.

Mr. GALLOWAY. On the amendment; I am sorry. Thank you.

Mr. Speaker, when authorities raided Dr. Gosnell's abortion clinic in February 2010, they were shocked. According to grand jury reports, Gosnell's clinic contained refrigerators stuffed full of fetuses.

Mr. Speaker, could I have a little bit of order, please?

The SPEAKER pro tempore. The gentleman is correct. If you could monitor the volume of your conversations, please, so that we can all hear the gentleman from Bucks County.

Mr. GALLOWAY. Mr. Speaker, I rise to talk about this culture war that was brought up earlier, and I would like to refute that. I understand there are those on the pro-choice side who would like to use this as an opportunity, but to be honest with you, they picked the wrong fight.

What happened at Dr. Gosnell's clinic was a disgrace. It was a national disgrace, a disgrace to Philadelphia, a disgrace to Pennsylvania. It was a culture of death. For them to pick this fight talking about parking spaces and elevators is simply a joke. Not now; not now. There is a war going on, I will agree, but not now; not over this. We have to respond to what happened. Quite frankly, the pro-choice forces are lucky we did not go further. What happened was a disgrace. It has to be addressed.

Mr. Speaker, I urge my colleagues to support this amendment and support this bill, and let us send a message that we are serious about what happened at Dr. Gosnell's clinic. Thank you very much.

The SPEAKER pro tempore. On the amendment, the Chair recognizes the gentelady from Philadelphia, Miss Parker.

Miss PARKER. Thank you, Mr. Speaker.

Mr. Speaker, will the gentleman from Tioga stand for brief interrogation?

The SPEAKER pro tempore. The gentleman indicates he will. You may proceed.

Miss PARKER. Thank you, Mr. Speaker, and thank you, Mr. Speaker, for agreeing to stand.

Mr. Speaker, I just wanted to sort of take a stroll back to some of the responses that you gave to one of the questions that you were asked earlier, and it was about the list of organizations

that were either for or against, on the record, of amendment 7472. And for the record, if I am incorrect, please correct me, Mr. Speaker – you noted that, I believe, it is the Pro-Life Federation, the Catholic Conference, and the PA Family Institute are in support of amendment 7472. Is that correct, Mr. Speaker?

Mr. BAKER. That is correct. And it is also my understanding, just to clarify, that the Governor is in agreement with this amendment, as well as the Senate.

Miss PARKER. Okay. Thank you, Mr. Speaker.

Mr. Speaker, I wanted to ask, are you familiar with an organization called the American Congress of Obstetricians and Gynecologists? This is an organization that represents approximately 52,000 medical experts and professionals who specialize in providing health care for women. It is sort of the national organization, and I know they did weigh in previously against SB 732 and also HB 574. And I was wondering if you, in the development of amendment 7472, did you consult or hear from this group in where they stand on this particular amendment?

Mr. BAKER. No, I have not. They have not corresponded with me, as far as I know, on this amendment whatsoever.

Miss PARKER. Okay. Next, Mr. Speaker, as the chair of a committee that usually when we are working on any legislative initiative proffered before this body, we usually seek, through the use of public hearings, the comments and/or responses from individual organizations and/or entities that will be impacted by the legislative initiatives we put forth, and it is with that in mind that I think we can note that those that will be most impacted by amendment 7472 are not the hospital providers but very much the freestanding providers. And I was wondering whether or not we have any comments from those 22 entities across the Commonwealth of Pennsylvania as it relates to amendment 7472, whether or not they were for or against, Mr. Speaker?

Mr. BAKER. Once again, they have not been in touch with me concerning this particular amendment.

Miss PARKER. Okay. Well, thank you, Mr. Speaker, for that clarity.

I wanted to just note for the record that although the group that I referenced earlier today, the American Congress of Obstetricians and Gynecologists, had not reached out to you on this particular amendment, 7472, they were extremely vocal as it related to HB 574, along with SB 732. And I wanted to state for the record that according to information that I just received, and also some letters I have here, that the American Congress of Obstetricians and Gynecologists; the Women's Law Project; the Pennsylvania Coalition Against Domestic Violence; you mentioned, Mr. Speaker, the ACLU, along with Planned Parenthood; but the UPMC's (University of Pittsburgh Medical Center) Department of Obstetrics, Gynecology and Women's Health, have sort of weighed in. Mr. Speaker, does that concern you that the largest organization comprised of medical professionals that addresses the needs of women's health across the U.S. – along with these very particular regional groups such as UPMC, along with Women's Law and the Coalition Against Domestic Violence and you mentioned Planned – did it concern you at all, Mr. Speaker, about why these entities and/or organizations were against this amendment?

Mr. BAKER. Once again, I am not privy to their opposition, necessarily, to this amendment, but I am extremely concerned, as are most of the people, I believe, in this chamber, with the health and safety of innocent children and women that are

seeking medical treatment. And this is, notwithstanding the protestations that I have heard earlier, it is about patient safety and good health care.

Miss PARKER. Thank you, Mr. Speaker, for your interrogation.

On the amendment.

The SPEAKER pro tempore. The lady is recognized on the amendment.

Miss PARKER. Thank you, Mr. Speaker.

Mr. Speaker, no matter what your opinion is on the issue of abortion in the Commonwealth of Pennsylvania, I think we can both agree that there are women in Pennsylvania who seek abortion services, whether or not their decision is based on rape, whether or not it is based on incest, whether or not it is based on health reasons or family planning choices that they make with their husbands, their mates, and their partners, or simply an independent choice that they personally make as it relates to their reproductive rights.

We have had over 37,000 women in the Commonwealth of Pennsylvania seek abortion services. I know sometimes, Mr. Speaker, we speak philosophically, and we have sort of code words that we use to make a determination about how and why we will support a particular initiative. I want to state for the record— Mr. Speaker, may I have a little order, please?

The SPEAKER pro tempore. It is relatively quiet in here, Miss Parker.

Miss PARKER. Thank you, Mr. Speaker.

Mr. Speaker, if we were to visit many of the urban areas and rural areas in the Commonwealth of Pennsylvania, and we had an opportunity to speak with women who chose, who chose to make the decision to seek abortion services, particularly those who are not financially wealthy, who are not going to hospitals to receive abortion services, the passage of this amendment will not affect them because it will not impact their pocketbooks, because if a teenage daughter of a family that is wealthy gets pregnant or if a woman who is part of a family or who is independently wealthy gets pregnant, her wealth or the family's wealth allows her for herself and/or her child to make the decision about whether or not choice is available and whether or not that is what they will choose. For those women, Mr. Speaker, and/or children who are born into families that are not wealthy, who have to seek these services from independent, freestanding abortion providers, Mr. Speaker, this will strongly work against them.

And there is such a thing that I have learned that has consistently happened in this body, Mr. Speaker, as it relates to the passage of several of the legislative initiatives we worked on in this body, and they are called unintended consequences, Mr. Speaker. So while I have heard some of my colleagues stand up and give impassioned pleas about the safety and the welfare of the women of the Commonwealth because we want to make sure that they have access to safe environments if they choose to utilize abortion services in the Commonwealth of Pennsylvania, Mr. Speaker, the unintended consequences are, if you are not rich enough, if you are not born into a family that is extremely wealthy, where if you choose to get this service, your father can pay for it or your mother can pay for it because they are wealthy enough, it is those individuals, Mr. Speaker, who choose for one reason or another to seek abortion services but may financially not be able to go to the hospital providers. They use those freestanding clinics that are affordable to them, Mr. Speaker.

And furthermore, Mr. Speaker, I find it very interesting that the same organizations that strongly support amendment 7472, and those same organizations – and they have a right, Mr. Speaker, to be strongly pro-life – but when a woman decides what decision she will make with her body, they have a strong opinion about that. But if she is poor, Mr. Speaker, and the child is born out of wedlock and she has to rely on government to help her take care of her child, we cut public education. If she has to rely on government to assist her in getting day care so that she can go and get a job, we have cut those services, Mr. Speaker. So if we are talking about we support women's health and we want people to be independent and we want them to be self-sufficient, the way to do it is not to support amendment 7472, because what it will do, it will further what has happened in the Commonwealth and across this nation. If you are wealthy enough to get the best care, you can pay for it and get it and you can do it in the cloak of secrecy, but if you are poor and you need to go to a freestanding clinic, the costs will go up. You will make a choice. You may not be able to have it or achieve it because you cannot afford it. When you have the child and you need government support, all of the organizations supporting this, all of a sudden they are nowhere to be found, and we are standing up here saying we want people to be self-sufficient and responsible.

I urge my colleagues to vote "no."

The SPEAKER pro tempore. On the amendment, the Chair recognizes the gentleman from Philadelphia, Mr. O'Brien.

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

Will the maker of the amendment rise for brief interrogation?

The SPEAKER pro tempore. The gentleman indicates that he will. You may proceed.

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

Mr. Speaker, does this amendment regulate any other similar gynecological procedure?

Mr. BAKER. I am very sorry. Could you repeat the question, please? We are having a hard time hearing over here.

Mr. M. O'BRIEN. Certainly, Mr. Speaker.

The question is, does this amendment regulate any other gynecological procedure?

Mr. BAKER. It does not regulate any procedure but rather the procedures that are performed within an abortion clinic.

Mr. M. O'BRIEN. Now, Mr. Speaker, would you be kind enough to establish the difference between the procedure used during an abortion and the procedure used during other gynecological procedures, perhaps a D&C (dilation and curettage), commonly known as a dilation and cleansing?

Mr. BAKER. If a D&C is performed within a covered entity under the Health Care Facilities Act, then it would be subject.

Mr. M. O'BRIEN. It would be subject. Mr. Speaker, would you be kind enough to point out that specific language in the amendment?

Mr. BAKER. If the procedure is covered under an ambulatory surgical facility, then obviously it applies; it is applicable.

Mr. M. O'BRIEN. In my reading of the amendment in the brief time that we have had, Mr. Speaker, I have read language that deals with abortion ambulatory—

Mr. BAKER. It is not covered in my amendment. It is already in the existing Health Care Facilities Act.

Mr. M. O'BRIEN. It is already in the existing act. Okay.

So we have two identical procedures here that in essence are being treated differently. Would you agree with that?

Mr. BAKER. Yes.

Mr. M. O'BRIEN. They are being treated differently. We have two procedures, both legal in the Commonwealth of Pennsylvania, both legal in the United States of America, that are being treated differently.

Mr. BAKER. Correct.

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

I appreciate your time.

Mr. BAKER. You are welcome, sir.

CONSTITUTIONAL POINT OF ORDER

Mr. M. O'BRIEN. Mr. Speaker?

The SPEAKER pro tempore. Are you seeking recognition on the amendment?

Mr. M. O'BRIEN. Mr. Speaker, I am seeking to place a question of constitutionality before the House. This amendment allows due process under the 14th Amendment. I believe it is unconstitutional, and I ask to put the question before the chamber.

The SPEAKER pro tempore. The gentleman, Mr. O'Brien, raises the point of order that this amendment No. 7472, is unconstitutional.

Under rule 4, the questions of constitutionality are required to be submitted to the House, which the Chair now does.

On the question,

Will the House sustain the constitutionality of the amendment?

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. O'Brien, on that question.

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

We have two procedures, two procedures that in essence are identical, two procedures that enter the uterus and remove something, be it the fetus, which some may find distasteful, or be it a fibrous tumor. Nonetheless, the process is identical. There is no difference.

If, if there are issues that are placed in the regulation of abortion, it needs to be placed in the regulation of all gynecological procedures; not to do that is a frontal assault on a woman's access to abortion. It is denying due process, it is unconstitutional, and I would ask this chamber for a vote on unconstitutionality. Thank you, Mr. Speaker.

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

Mr. BAKER. Thank you, Mr. Speaker.

I respectfully oppose this motion that it is unconstitutional. I believe the *Carhart* case and other court cases have spoken very clearly on this issue, and I would respectfully request whatever the Chair requires, either a "no" or a "yes" vote. I oppose the gentleman's motion that this is unconstitutional.

The SPEAKER pro tempore. Those voting "aye" will vote to declare the amendment to be constitutional; those voting "no" will vote to declare the amendment to be unconstitutional.

The Chair recognizes the majority leader from Allegheny County, Mr. Turzai.

Mr. TURZAI. Thank you, Mr. Speaker.

The amendment is absolutely constitutional. The amendment in fact makes it clear that the waiver provision in the existing

ambulatory surgical facility for other facilities, that the waiver that is granted to those other facilities is the same for an abortion facility. That in fact works toward constitutionality. Please vote "yes" on constitutionality.

The SPEAKER pro tempore. Those voting "aye" will be voting to declare the amendment to be constitutional; those voting "no" will vote to declare the amendment to be unconstitutional.

On the question recurring,

Will the House sustain the constitutionality of the amendment?

The following roll call was recorded:

YEAS—144

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

NAYS—49

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

NOT VOTING—0

EXCUSED—10

Boyd	Hornaman	Payton	Simmons
Boyle, B.	Johnson	Preston	Wagner
Evans, J.	O'Brien, D.		

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

The SPEAKER pro tempore. This House has decided that the amendment is constitutional.

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

The SPEAKER pro tempore. On the amendment, the Chair recognizes the gentlelady from Philadelphia County, Ms. DeLissio. Ms. DeLissio indicates she will pass.

On the amendment, the Chair recognizes the majority leader from Allegheny County, Mr. Turzai, on the amendment.

Mr. TURZAI. I apologize for the slight delay. I had a phone call from my 13-year-old back home telling me about basketball practice. But we are ready. We have got to get this stuff done. I will call him back here in a second.

Sir, with respect to 7472, this amendment, the important thing to remember about this particular amendment is the original HB 574, which was sent over to the Senate, did not have this significant of a waiver provision. We have negotiated this waiver provision with the Governor's Office, with the Senate, and with our members of the House. HB 574, when it passed, which is essentially what SB 732 is without this amendment, did not have the waiver language that is going to be put into place given the Baker amendment. And the waiver language is essentially this: ambulatory surgical facilities can go to the Department of Health and can seek a waiver for some of the requirements that apply to those ambulatory surgical facilities. That is how it is presently. An abortion facility to be treated in a similarly situated manner, those individuals would be able – or corporations that are an abortion facility – would be able to go to the Department of Health and seek a waiver. The fact of the matter is, the Baker amendment is designed to meet the concerns of all the parties and it makes – I would say that it is a commonsense amendment to move forward in addressing the Gosnell clinic, really a significant tragedy.

We need to get this amendment passed so that the bill can move over to the Senate and onto the Governor's desk. It is an outstanding piece of legislation underneath, and this particular provision allows all the parties to get together to get this bill to the Governor's desk. We would ask everybody to please vote "yes."

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

The following roll call was recorded:

YEAS—149

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

NAYS—44

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

NOT VOTING—0

EXCUSED—10

Boyd	Hornaman	Payton	Simmons
Boyle, B.	Johnson	Preston	Wagner
Evans, J.	O'Brien, D.		

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?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Cambria County, who is presenting amendment A4494. Mr. Barbin, I understand you intend to withdraw the amendment after a brief comment?

Mr. BARBIN. I do, Mr. Speaker.

The SPEAKER pro tempore. Thank you. You may proceed.

Mr. BARBIN. Thank you, Mr. Speaker.

My amendment to this bill was a freestanding bill as well and required a transfer agreement and physician privileges for anyone that would be operating a facility where abortions were provided, but in light of the request of the Catholic Conference and the Pro-Life Federation, I will be withdrawing this amendment on the bill. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,

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

Ms. **BROWNLEE** offered the following amendment No. **A04398**:

Amend Bill, page 1, lines 5 through 15, by striking out all of said lines and inserting

Imposing duties upon the Department of Health; and imposing penalties.

Amend Bill, page 11, lines 16 through 30; pages 12 through 14, lines 1 through 30; page 15, lines 1 through 17, by striking out all of said lines on said pages and inserting

Section 1. Short title.

This act shall be known and may be cited as the Patient Protection and Abortion Care Act.

Section 2. Definitions.

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

"Abortion." A medical procedure as defined in 18 Pa.C.S. § 3203 (relating to definitions), except the term does not include nonsurgical abortions.

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

Section 3. Complaints.

(a) Department duties.—The department shall establish a system for accepting, investigating and responding to complaints about facilities where abortions are provided. The department shall:

(1) Accept complaints from individuals and medical providers regarding conditions or practices that threaten patient safety.

(2) Provide an easily accessible complaint form on its Internet website in English and Spanish.

(3) Provide assistance upon request to any person wishing to submit a complaint.

(4) Not refuse to accept or investigate a complaint solely because it is made anonymously or pseudonymously, or solely because the complainant refuses to assist the department with the investigation.

(b) Notice.—Facilities where abortions are provided shall prominently post a toll-free telephone number maintained by the department for the purpose of accepting complaints about any facility in this Commonwealth where abortions are provided. This complaint line shall be answered by department staff with recent training in

abortion care.

(c) Confidentiality.—All information contained in complaints shall be confidential and shall not be subject to disclosure under the act of February 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law.

(d) Immunity.—Any person who in good faith makes a complaint under this section is immune from civil and criminal liability for making such good faith complaint.

Section 4. Investigation of complaints.

(a) General rule.—The department shall promptly assess all complaints it receives pursuant to section 3.

(b) Investigation.—If there is reason to suspect that the facility identified in the complaint has committed a violation of duly enacted health or safety laws or regulations which places patients at risk, and if the violation falls within the regulatory authority of the department, the department shall promptly investigate the complaint. This investigation may include interviews of the complainant, scheduled or unannounced inspections of the facility, inspection of facility records and interviews of facility personnel, which shall be performed consistent with section 5.

(c) Transfer to Department of State.—If there is reason to suspect that a violation of duly enacted health or safety laws or regulations has occurred at the facility which places patients at risk and which is outside the regulatory authority of the department but within the regulatory authority of the Department of State, the department shall forward the complaint to the Department of State.

(d) Transfer to law enforcement.—If, at any point in the department's assessment or investigation of a complaint, there is reason to suspect that a violation of the criminal laws of this Commonwealth has occurred at the facility which places patients or others at risk of bodily harm, the department shall refer the complaint to a law enforcement agency with requisite jurisdiction.

Section 5. Inspections of facilities and records.

(a) Inspections.—Inspections of facilities undertaken by the department pursuant to this act may be scheduled or unannounced.

(b) Identification.—The department shall provide each of its inspectors with official photo identification which the inspectors shall present to the individual on the premises who is in charge of the facility prior to the inspectors' request for entry.

(c) Method.—The department shall conduct its inspection in such a way so as not to delay, disrupt or interfere with patient care or jeopardize patient safety and privacy.

(d) Patient privacy.—The department shall at all times respect the privacy of patients and others at the facility. The department shall obtain consent from any patient or person accompanying the patient prior to interviewing such person. The department shall not conduct interviews with patients or persons accompanying a patient while patients are preparing for, undergoing or recovering from surgery.

(e) Nonprivate records.—In investigating a complaint under this act, the department shall have full and free access to any relevant documents maintained by the facility that pertain to the complaint and that do not identify individual patients, including medication logs, vendor and maintenance contracts, personnel records, professional licensure files, patient safety plans and patient safety committee records and facility policies and procedures.

(f) Private records.—

(1) The department shall have full and free access to the medical records of patients who have consented in writing to the release of their records.

(2) When necessary to investigate a complaint described in section 4(b), the department shall have access to the medical records of patients who have not consented to the release of their records, provided that one of the following is done:

(i) The patient records are first redacted to eliminate all patient-identifying information and matter extraneous to the subject under investigation. The department shall reasonably limit its demands for redacted records so as not to unduly burden the facility and so as not to interfere with patient care.

(ii) The patient records are obtained pursuant to a duly executed warrant supported by probable cause and describing particularly the items to be searched.

(g) Removal of records.—No documents or copies of documents containing patient names, photographs or other information identifying patients shall be removed from the facility without the express written consent of the patient unless obtained pursuant to a duly executed warrant supported by probable cause.

(h) Public disclosure.—The department shall not publicly disclose names, photographs or other identifiers of the facility's medical personnel, staff, agents, volunteers or other persons affiliated with the facility.

Section 6. Disposition of complaints.

(a) Complainant.—At the close of the investigation, upon the request of a complainant who has provided the department with contact information, the department shall inform the complainant of the outcome of its investigation. This information shall be limited to any enforcement actions the department has taken in response to the complaint and any corrective measures the facility has taken. The department shall not disclose confidential information, patient identities or the identities of persons affiliated with the facility.

(b) Facility.—

(1) If the department's investigation of a complaint reveals that the complaint has no merit, does not implicate patient safety or requires no further action, the department shall so notify the facility identified in the complaint and, if the complainant has so requested, shall also notify the complainant.

(2) If the department's investigation of a complaint reveals that the facility has violated duly enacted health and safety laws or regulations, the department shall notify the facility of its deficiencies and require the facility to submit a corrective plan in accordance with applicable administrative procedures.

(c) Actions.—If the department's investigation of a complaint reveals conditions or practices posing a substantial threat to patient safety at the facility, the department may take any and all action within its scope of authority necessary to protect the public health, including temporarily or permanently suspending operation of the facility, subject to 2 Pa.C.S. Chs. 5 Subch. A (relating to practice and procedure of Commonwealth agencies) and 7 Subch. A (relating to judicial review of Commonwealth agency action).

Section 7. Penalties.

(a) Unfounded and false complaint.—Any person who willfully, intentionally or knowingly makes an unfounded or false complaint under section 3 or who makes a complaint for any malicious or improper purpose commits a misdemeanor of the third degree.

(b) Confidentiality.—Any person who willfully, intentionally, knowingly or recklessly discloses any confidential information in violation of this section or 5, 6 or 8 commits a misdemeanor of the second degree.

(c) Impersonation.—Any person who fraudulently impersonates an inspector of the department for purposes of entering a facility or obtaining documents or other information relating to a facility or its personnel or patients commits a misdemeanor of the second degree.

Section 8. Private right of action.

Any person or facility where abortion care is provided that is harmed by actions of the department or its agents in violation of any provision of this act may bring a civil action in the court of common pleas for the judicial district in which the violation occurred or in which the provider is located for declaratory and injunctive relief. This right of action is in addition to and does not preclude pursuit of other remedies.

Section 9. Effective date.

This act shall take effect in 60 days.

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. On the question, the Chair recognizes the gentlelady from Philadelphia, Ms. Brownlee.

Ms. BROWNLEE. Thank you, Mr. Speaker.

This amendment creates the Patient Protection and Abortion Care Act. It does exactly what the title proclaims. It protects patients and helps to ensure that abortion procedures are done in a safe environment and that providers are being held to a high standard of care.

The SPEAKER pro tempore. On the amendment, the Chair recognizes the gentleman from Tioga County, Mr. Baker.

Mr. BAKER. Thank you, Mr. Speaker.

Mr. Speaker, I rise to respectfully oppose this amendment. This is a gut-and-replace amendment with language to investigate and resolve complaints, among other things; inspect facilities' records, impose penalties, and private right of action.

This amendment, however, does not ensure patient safety to the degree of the underlying bill. This amendment focuses on reporting of violations under current regulations, which we know have been lacking over a good many years. This does not provide for licensure requirements, and even the abortion providers are content with the licensing requirements and inspections.

So, Mr. Speaker, I respectfully request a "no" vote on this amendment. Thank you, Mr. Speaker.

The SPEAKER pro tempore. On the amendment, the Chair recognizes the gentlelady from Philadelphia, for the second time, Ms. Brownlee.

Ms. BROWNLEE. Thank you, Mr. Speaker.

Mr. Speaker, as a result of the Gosnell case, which we have talked about, which was a horrific, horrific situation that happened in Philadelphia – in fact, it happened in my district – the grand jury report stated that the regulations on the record were not being followed, and that is why Gosnell was able to get away with what he got away with for so long. There were no inspections in that clinic for over 15 years. Now, our Governor has instituted those inspections, both announced and unannounced. The grand jury report also stated that those regulations were there but they were not followed.

So, Mr. Speaker, this amendment would make it mandatory that no administration, for whatever reason, political or personal, would be able to waive those regulations in any way. That is simply what this amendment is doing, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Tioga County, for the second time on the amendment, Mr. Baker.

Mr. BAKER. Thank you, Mr. Speaker.

While I appreciate the gentlelady's concerns and perspectives, I rise once again to ask for a "no" vote. This is a gut-and-replace amendment, and it does weaken the underlying theme of patient protection and safety.

So I respectfully request a "no" vote on the current amendment before us. Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—45

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

NAYS—148

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

NOT VOTING—0

EXCUSED—10

Boyd	Hornaman	Payton	Simmons
Boyle, B.	Johnson	Preston	Wagner
Evans, J.	O'Brien, D.		

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?

PARLIAMENTARY INQUIRY

The SPEAKER pro tempore. For what purpose does the gentleman from Montgomery County, Mr. Shapiro, rise?

Mr. SHAPIRO. Thank you, Mr. Speaker.

A parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. SHAPIRO. Thank you, Mr. Speaker.

In light of the adoption of the gentleman's amendment from Tioga, I had filed amendment A05541; Mr. Speaker, is that amendment still in order or would that need to be redrafted in light of the adoption of the gentleman's amendment?

The SPEAKER pro tempore. The gentleman, if he is interested in continuing to offer that amendment, he would need to ask LRB (Legislative Reference Bureau) to redraft it in light of the passage of the Baker amendment, and we currently are reserving a spot for you on the amendment list if that is your intention, to proceed.

Mr. SHAPIRO. Thank you, Mr. Speaker.

I would state for the record that is my intention and will work to get that amendment redrafted. Thank you, Mr. Speaker.

The SPEAKER pro tempore. Please be in touch with LRB.

Mr. SHAPIRO. Thank you.

The SPEAKER pro tempore. Thank you.

On the question recurring,

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

Ms. **DeLISSIO** offered the following amendment
No. **A04455**:

Amend Bill, page 1, line 14, by striking out the comma after "DEFINITIONS" and inserting
and

Amend Bill, page 1, line 14, by striking out the comma after "licensure" and inserting
; providing for departmental inspection requirement; further providing

Amend Bill, page 13, by inserting between lines 6 and 7

Section 3. The act is amended by adding a section to read:

Section 806.5. Departmental inspection requirement.

(a) Requirement.—Within 72 hours of a report of a serious event, the department shall conduct an inspection.

(b) Definition.—As used in this section, the term "serious event" is as defined in section 302 of the act of March 20, 2002 (P.L.154, No.13), known as the Medical Care Availability and Reduction of Error (Mcare) Act.

Amend Bill, page 13, line 7, by striking out "3" and inserting
4

Amend Bill, page 14, line 18, by striking out "3.1" and inserting
5

Amend Bill, page 15, line 12, by striking out "4" and inserting
6

Amend Bill, page 15, line 17, by striking out "5" and inserting
7

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

The SPEAKER pro tempore. On the amendment, the Chair recognizes the gentledady from Philadelphia, Ms. DeLissio.

Ms. DeLISSIO. Thank you, Mr. Speaker.

Mr. Speaker, this amendment requires that within 72 hours of the report to the Department of Health of a serious event, the serious event being defined, they shall conduct an inspection. This particular provision is missing from both the gentleman from Tioga's amendment as well as the underlying bill.

As we have acknowledged, the entire problem that we are dealing with currently would have been absolutely avoided if the Department of Health had done its job and chosen to enforce the regs that are already on the books. The original iteration of SB 732 actually accommodated that by stating that an inspection would be required. Ever since the executive order was signed back in January or February of this year by the current Governor, no major or substantive issues have been identified through a series of inspections. So I believe that the regulations that are currently in place, with the enforcement provision being carried out – that is where the failure was – would correct the situation.

That being said, originally this request for a 72-hour response time for a serious event is important because the Department of Health also refused to follow up on any type of complaints that were submitted. So here we have citizens doing their best and/or staff of these different clinics perhaps bringing concerns to the department, and there is no requirement of the department to respond. So I believe if we are truly serious about correcting the situation and helping it along, this amendment that would require a 72-hour response time for a defined serious event would go a long way to making this a safer procedure for women to have.

So I would respectfully ask that everybody vote for this amendment, and this will enhance the bill as it is currently written. Thank you.

The SPEAKER pro tempore. The Chair thanks the lady and recognizes, on the amendment, the gentleman from Tioga County, Mr. Baker.

Mr. BAKER. Thank you, Mr. Speaker.

I rise to respectfully oppose this amendment. Mcare (Medical Care Availability and Reduction of Error) currently covers both abortion facilities and all health-care facilities in section 308 of the Mcare Act. The facility is required to report a serious event within 24 hours, a serious event within 24 hours. However, there is no requirement under the department which the department has only 72 hours in which to investigate the event. In fact, Mcare specifically allows the facility, that is all health-care facilities, time to investigate and respond to the report of a serious event and allow the patient who is subject to that complaint to also participate. By adopting this amendment, you will create an overlapping standard for the abortion facilities for the reporting of a serious event. Additionally, you will subject the Department of Health to a narrower timeframe to review these complaints; unfortunately, 72 hours is not always sufficient in order to investigate these matters.

Moreover, this bill goes to great lengths to treat abortion facilities the same as other health-care facilities. This amendment would breach that similar treatment.

Mr. Speaker, I respectfully request a "no" vote on this amendment.

The SPEAKER pro tempore. On the amendment, the gentledady from Philadelphia is recognized for the second time, Ms. DeLissio.

Ms. DeLISSIO. Thank you, Mr. Speaker.

The concern is the response of the Department of Health to the submission of the complaint. I understand that the facility has 24 hours to record an incident and register it with the Department of Health. One of the absolute failure points in the Department of Health in the Gosnell situation was its total lack of responsiveness in any type of timely way to respond to a serious complaint as defined in that Mcare Act, and I think that the fact that the department needs to be told now that they have to go in to inspect once a year is no different than telling them that they have an explicit timeframe in which they need to respond.

Now, if 72 hours feels like it may be too tight a timeframe, I am happy to discuss broadening that to perhaps 4 or 5 days instead of 72 hours. But this follows the same exact logic by which we are dictating to the Department of Health and codifying the fact that they must do this inspection that apparently was their regulatory option all along. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentledady.

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

The following roll call was recorded:

YEAS—54

Bishop	Davis	Kirkland	Sabatina
Boyle, K.	DeLissio	Kortz	Santarsiero
Bradford	DePasquale	Mann	Santoni
Brennan	Dermody	McGeehan	Shapiro
Briggs	DeWeese	Mundy	Smith, M.
Brown, V.	Donatucci	Myers	Sturla
Brownlee	Evans, D.	Neuman	Thomas
Buxton	Fabrizio	O'Brien, M.	Vitali
Cohen	Frankel	Parker	Waters
Conklin	Freeman	Pashinski	Wheatley
Cruz	Gerber	Readshaw	White
Curry	Harkins	Roebuck	Williams
Daley	Josephs	Ross	Youngblood
Davidson	Keller, W.		

NAYS—139

Adolph	Gabler	Krieger	Quigley
Aument	Galloway	Kula	Quinn
Baker	Geist	Lawrence	Rapp
Barbin	George	Longietti	Ravenstahl
Barrar	Gergely	Maher	Reed
Bear	Gibbons	Mahoney	Reese
Benninghoff	Gillen	Major	Reichley
Bloom	Gillespie	Maloney	Roae
Boback	Gingrich	Markosek	Rock
Brooks	Godshall	Marshall	Saccone
Brown, R.	Goodman	Marsico	Sainato
Burns	Grell	Masser	Samuelson
Caltagirone	Grove	Matzie	Saylor
Carroll	Hackett	Metcalfe	Scavello
Causar	Hahn	Metzgar	Schroder
Christiana	Haluska	Miccarelli	Smith, K.
Clymer	Hanna	Micozzie	Sonney
Costa, D.	Harhai	Millard	Staback
Costa, P.	Harhart	Miller	Stephens
Cox	Harper	Milne	Stern

Creighton	Harris	Mirabito	Stevenson
Culver	Heffley	Moul	Swanger
Cutler	Helm	Mullery	Tallman
Day	Hennessey	Murphy	Taylor
Deasy	Hess	Murt	Tobash
Delozier	Hickernell	Mustio	Toepel
DeLuca	Hutchinson	O'Neill	Toohil
Denlinger	Kampf	Oberlander	Truitt
DiGirolamo	Kauffman	Payne	Turzai
Dunbar	Kavulich	Peifer	Vereb
Ellis	Keller, F.	Perry	Vulakovich
Emrick	Keller, M.K.	Petrarca	Watson
Evankovich	Killion	Petri	
Everett	Knowles	Pickett	Smith, S.,
Farry	Kotik	Pyle	Speaker
Fleck			

NOT VOTING—0

EXCUSED—10

Boyd	Hornaman	Payton	Simmons
Boyle, B.	Johnson	Preston	Wagner
Evans, J.	O'Brien, D.		

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. **FRANKEL** offered the following amendment No. **A04485**:

Amend Bill, page 1, lines 5 through 15, by striking out all of said lines and inserting
Regulating certain facilities which perform abortions; imposing powers and duties on the Department of Health and the Legislative Reference Bureau; and imposing penalties.

Amend Bill, page 11, lines 16 through 30; pages 12 through 14, lines 1 through 30; page 15, lines 1 through 17, by striking out all of said lines on said pages and inserting
Section 1. Short title.

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

Section 1.1. Legislative findings and declaration of policy.

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

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

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

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

(b) Declaration of policy.—It is hereby declared to be the intention of the General Assembly to protect the safety and general welfare of the citizens of this Commonwealth by closely regulating abortion facilities operating in this Commonwealth.

Section 2. Definitions.

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

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

definitions).

"Abortion facility." A facility:

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

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

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

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

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

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

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

Section 3. Licensure.

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

(b) Procedure.—

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

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

(c) License.—

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

(i) Name.

(ii) Compliance with statutory and regulatory requirements.

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

(iv) The date the inspection took place.

(2) A license is nontransferable.

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

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

Section 4. Inspections.

(a) Authority.—

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

(i) holds a license; or

(ii) is seeking licensure.

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

(i) Premises and records of the abortion facility.

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

(b) Timing.—

(1) An initial inspection shall be conducted under section 3(b)(2).

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

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

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

(i) ensuring compliance; or

(ii) investigating a complaint.

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

Section 5. Violations.

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

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

(2) Transferring a license.

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

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

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

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

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

(c) Effect.—

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

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

(3) Except as set forth in paragraph (1) or (2), within 12 days of notice under subsection (b), the abortion facility shall prepare a plan of correction.

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

Section 6. Operation without a license.

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

(b) Penalty.—A person that violates subsection (a) commits a summary offense and shall, upon conviction, be sentenced to pay a fine of \$500.

Section 7. Complaints.

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

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

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

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

(4) A complaint tracking system.

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

(1) Notification of the option to remain anonymous.

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

(3) Written notification of the final outcome of investigation of the complaint upon request.

Section 8. Reports.

(a) Serious event reports.—

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

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

(3) Failure to report a serious event may be the basis for the revocation of licensure under this act. In addition to any penalty which may be imposed under 18 Pa.C.S. Ch. 32 (relating to abortion), an abortion facility which fails to report a serious event in accordance with this act may be subject to an administrative penalty of \$800 per day imposed by the department.

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

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

Section 9. Confidentiality.
Information regarding complainant and patient identity received by the department shall be kept confidential and shall not be subject to the act of February 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law.

Section 10. Regulations.

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

Section 11. Existing abortion facilities.

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

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

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

Section 12. Construction.

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

Section 30. Effective date.

This act shall take effect as follows:

(1) The following provisions shall take effect immediately:

(i) Section 2.

(ii) Section 10.

(iii) Section 11.

(iv) This section.

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

(3) The remainder of this act shall take effect in 180 days.

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. On that question, the Chair recognizes the gentleman from Allegheny County, Mr. Frankel. Mr. FRANKEL. Thank you, Mr. Speaker.

SB 732, as currently amended with the Baker language, has been purportedly introduced in response to the case of Kermit Gosnell in the city of Philadelphia.

So let us take apart what actually happened in that case. Kermit Gosnell provided cheap illegal abortions. He flagrantly ignored the law. He hurt and killed women. He killed babies. The man was a monster, and we – we – did not stop him. We did not stop him because we did not do inspections like we should have, like the law mandated. And we did not stop him because we did not have a way for people to let health inspectors know that a serious problem existed.

If this bill passes, Pennsylvania will have a whole new host of regulations for abortion providers. We will have a whole new host that will create obstacles for women, but after all, Gosnell ignored the laws already on the books about providing safe legal abortion. He ignored the basic laws about when abortions are legal as well as basic medical practice. Why would he follow laws about the sizes of elevators and procedure rooms?

The way to stop providers of illegal abortions like Kermit Gosnell is not to introduce more laws for them to break. The way to stop the Kermit Gosnells of this world is to catch them early. That is what SB 732 in its original form did, and that is what this amendment will do.

This amendment would increase oversight of abortion clinics and give the Department of Health the explicit responsibility to close and sanction clinics in violation of health and safety standards. Rather than attacking legal safe abortion facilities, this amendment is aimed at addressing the real issue identified by the grand jury in the Gosnell case. This amendment will institute a statutory requirement for the Department of Health to register abortion clinics. It would also provide protocols for investigating allegations of misconduct, standards for sanctioning facilities for failure to comply with plans of correction, and departmental responsibility to immediately, immediately close a facility if it is warranted.

Under this amendment, an abortion facility would be required to be licensed by the Department of Health. Under this amendment, a State Department of Health inspector may enter and inspect the abortion facility and have free full access to the premises, records, and individuals employed by and under contract with the facility. The Department of Health inspector would be permitted to conduct an initial license renewal inspection, random inspections at each abortion facility, or the other inspections, announced or unannounced, for purposes of ensuring compliance or investigating a complaint. This amendment would require inspection reports and plans of correction to be posted on the Department of Health's Web site.

This amendment also provides for specific violations by an abortion facility including violation of a regulation promulgated under this act or any other statute or regulation pertaining to abortion facilities or abortion; transferring a license; obtaining or attempting to obtain a license in violation of this act including fraud or deceit in the application process; gross incompetence, negligence, or misconduct in the operation of abortion facilities; mistreating or abusing patients cared for in the facility; failure to permit inspectors to enter the facility or provide access to requested records.

This amendment also provides for specific protocols for the Department of Health when a violation is discovered, including giving written notice to the facility specifying the violation. The department may deny licensure or renewal until correction of the violation. If the violation immediately compromises the health and safety of the patient, the department can immediately

revoke the license. Within 10 days of notice, the abortion facility shall prepare a plan of correction. The department may assess an administrative penalty against the license holder.

This amendment would also require the Department of Health to institute a formal complaint process for individuals to report a violation of the law or any other regulations pertaining to abortion or abortion facilities. The formal complaint process would include a toll-free number, a form easily accessible on the department's Web site, an intake system, and complaint tracking system.

Under this amendment, a complainant will receive notification of the option to remain anonymous. They can be anonymous in the written acknowledgment regarding the receipt of the complaint as well as written notification of the final outcome.

This amendment, this amendment attacks the root cause of the problem – oversight and enforcement of existing regulations – without negatively impacting the ability of women to access safe, affordable, and legal, legal abortion care in the State of Pennsylvania.

So if we are really concerned about stopping the abuses that we witnessed at Gosnell, maintaining the ability of women to have access, this amendment does those things. The existing bill as amended does the opposite. Under the guise of reform, it will shut down access. It will create more Gosnells because women will not be able to afford or have access to a clinic. This bill addresses the exact problem.

So I ask my colleagues to support this reasonable piece of reform legislation that brings us accountability with how we regulate and police abortion clinics and allowing women to have safe and legal access.

Thank you, Mr. Speaker.

LEAVE OF ABSENCE

The SPEAKER pro tempore. The Chair recognizes the majority whip, Mr. Saylor, who requests leave for the gentleman from Lehigh, Mr. DAY. Without objection, leave is granted.

CONSIDERATION OF SB 732 CONTINUED

The SPEAKER pro tempore. On the question of the amendment, the Chair recognizes the gentleman from Tioga County, Mr. Baker.

Mr. BAKER. Thank you, Mr. Speaker.

Mr. Speaker, I rise to respectfully oppose this amendment. We defeated this amendment soundly on a previous bill that passed here overwhelmingly with bipartisan support, in HB 574. This was redrafted with two minor changes to get another crack at it, if you will, to get another vote. This merely changed the fines and the effective date in order to have another vote on this amendment, but this amendment does not address concerns adequately over patients' safety that have been raised over and over again by the public, by this body, and by most inquiring minds.

This amendment would actually not require compliance with the act but only the demonstration that the facility is able to comply. Dr. Gosnell was able to comply but was not willing to do so. Hence, we have this serious gap, this serious problem that has been created.

Mr. Speaker, this amendment was defeated already previously 68 to 130, and I would ask that the members kindly defeat this amendment once again.

Thank you very much, Mr. Speaker.

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

The following roll call was recorded:

YEAS—46

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

NAYS—146

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

NOT VOTING—0

EXCUSED—11

Boyd	Evans, J.	O'Brien, D.	Simmons
Boyle, B.	Hornaman	Payton	Wagner
Day	Johnson	Preston	

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

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

Mr. M. O'BRIEN offered the following amendment No. A05533:

Amend Bill, page 11, line 20, by striking out "A DEFINITION" and inserting definitions
Amend Bill, page 12, by inserting between lines 28 and 29 "Unborn child." The term as defined in 18 Pa.C.S. § 3203 (relating to definitions).

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

The SPEAKER pro tempore. On that question, the Chair recognizes the gentleman from Philadelphia, Mr. O'Brien.

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

Mr. Speaker, this is more of a technical amendment. Certainly, we have had passions fly back and forth on either side as we debate this issue tonight.

This amendment simply refers in the definition back to Title 18 of the PA Code, makes it consistent with language later on in the legislation. Again, it is technical and obviously a drafting error, and I would ask for an affirmative vote.

The SPEAKER pro tempore. On the question, the Chair recognizes the gentleman from Tioga County, Mr. Baker.

Mr. BAKER. Thank you, Mr. Speaker.

Let me just simply say that we believe this is a redundant amendment and is unnecessary, and I respectfully request a "no" vote.

The SPEAKER pro tempore. On the question of the amendment, the Chair recognizes the gentleman from Philadelphia, Mr. O'Brien, for the second time.

Mr. M. O'BRIEN. Mr. Speaker, when I was staff, before I became a member, when one would sit down with pen in hand to draft legislation, it was drilled into me that one dotted i's and crossed t's, and that referencing existing legislation that the bill refers to was not a redundancy but a necessity.

Mr. Speaker, again I would ask the chamber for an affirmative vote.

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

The following roll call was recorded:

YEAS—52

Bishop	Davis	Keller, W.	Sabatina
Boyle, K.	DeLissio	Kirkland	Samuelson
Bradford	DePasquale	Kortz	Santarsiero
Brennan	Dermody	Mann	Shapiro
Briggs	DeWeese	McGeehan	Smith, M.
Brown, V.	Donatucci	Mundy	Sturla
Brownlee	Evans, D.	Myers	Thomas

Buxton	Fabrizio	Neuman	Vitali
Cohen	Frankel	O'Brien, M.	Waters
Conklin	Freeman	Parker	Wheatley
Cruz	Gerber	Pashinski	White
Curry	Harkins	Readshaw	Williams
Daley	Josephs	Roebuck	Youngblood

NAYS—140

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

NOT VOTING—0

EXCUSED—11

Boyd	Evans, J.	O'Brien, D.	Simmons
Boyle, B.	Hornaman	Payton	Wagner
Day	Johnson	Preston	

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

On the question recurring,

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

Mr. **SANTARSIERO** offered the following amendment No. **A04597**:

Amend Bill, page 13, line 6, by inserting after "FACILITIES." Construction requirements for abortion facilities shall not include requirements pertaining to the size of the room in which surgical services meant to terminate the clinically diagnosable pregnancy of a woman are conducted.

On the question,

Will the House agree to the amendment?

The **SPEAKER** pro tempore. On that question, the Chair recognizes the gentleman from Bucks County, Mr. Santarsiero.

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

This amendment is fairly straightforward. It merely requires, it merely carves out the requirement for construction changes with respect to the rooms where the surgical procedure will be performed. It is fairly straightforward.

The **SPEAKER** pro tempore. The Chair thanks the gentleman and recognizes, on the question, the gentleman from Tioga County, Mr. Baker.

Mr. **BAKER**. Mr. Speaker, thank you.

I rise to oppose this amendment. The amendment that I proffered earlier pretty much addresses the concerns of this gentleman. And again, this amendment is counterintuitive to the previous amendment, and I ask for a "no" vote. Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—47

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

NAYS—145

Adolph	Fleck	Kotik	Quinn
Aument	Gabler	Krieger	Rapp
Baker	Galloway	Kula	Ravenstahl
Barbin	Geist	Lawrence	Readshaw
Barrar	George	Longietti	Reed
Bear	Gergely	Maher	Reese
Benninghoff	Gibbons	Mahoney	Reichley
Bloom	Gillen	Major	Roae
Boback	Gillespie	Maloney	Rock
Brooks	Gingrich	Markosek	Saccone
Brown, R.	Godshall	Marshall	Sainato
Burns	Goodman	Marsico	Samuelson
Caltagirone	Grell	Masser	Santoni
Carroll	Grove	Matzie	Saylor
Causer	Hackett	Metcalf	Scavello
Christiana	Hahn	Metzgar	Schroder
Clymer	Haluska	Miccarelli	Smith, K.
Conklin	Hanna	Micozzie	Sonney
Costa, D.	Harhai	Millard	Staback
Costa, P.	Harhart	Miller	Stephens
Cox	Harkins	Milne	Stern
Creighton	Harper	Mirabito	Stevenson
Culver	Harris	Moul	Swanger
Cutler	Heffley	Mullery	Tallman
Davidson	Helm	Murphy	Taylor
Deasy	Hennessey	Murt	Tobash
DeLozier	Hess	Mustio	Toepel

DeLuca	Hickernell	O'Neill	Toohil
Denlinger	Hutchinson	Oberlander	Truitt
DiGirolamo	Kampf	Payne	Turzai
Donatucci	Kauffman	Peifer	Vereb
Dunbar	Kavulich	Perry	Vulakovich
Ellis	Keller, F.	Petrarca	Watson
Emrick	Keller, M.K.	Petri	
Evankovich	Killion	Pickett	Smith, S., Speaker
Everett	Knowles	Pyle	
Farry	Kortz	Quigley	

NOT VOTING—0

EXCUSED—11

Boyd	Evans, J.	O'Brien, D.	Simmons
Boyle, B.	Hornaman	Payton	Wagner
Day	Johnson	Preston	

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

On the question recurring,

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

BILL PASSED OVER TEMPORARILY

The SPEAKER pro tempore. For the information of the members, we are awaiting reprint amendments to be offered by Mr. Shapiro and by Mr. Santarsiero, and it is the understanding of the Chair there are no further amendments to be offered.

We will go over this bill temporarily, awaiting those amendments.

SUPPLEMENTAL CALENDAR A

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1977, PN 2735**, entitled:

An Act amending Title 40 (Insurance) of the Pennsylvania Consolidated Statutes, providing for compliance with Federal health care legislation.

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

(Bill analysis was read.)

The SPEAKER pro tempore. 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 Chair recognizes the gentlelady from Clarion County, Ms. Oberlander.

The gentlelady indicates that she waives off.

The Chair recognizes, on the question, the gentleman from Delaware County, Mr. Vitali.

Mr. VITALI. Thank you, Mr. Speaker.
Will the maker of the bill stand for brief interrogation?
The SPEAKER pro tempore. The gentlelady, Ms. Oberlander, indicates that she will. You may proceed.

Mr. VITALI. Could you give a brief explanation of what this bill does and why?

Ms. OBERLANDER. Thank you, Mr. Speaker.
Pursuant to the authority provided under the Federal Patient Protection and Affordable Care Act, HB 1977 prohibits coverage for abortions in qualified health plans offered through a health insurance exchange.

Mr. VITALI. And why is that? What are you trying— What policy goal are you trying to achieve here?

Ms. OBERLANDER. We are trying to follow the Federal guidelines that allow us to opt out of using State and Federal taxpayer dollars to fund elective abortions.

Mr. VITALI. Now, why is it referring to health-care exchanges only?

Ms. OBERLANDER. Mr. Speaker, that is because that is what the Federal law allows for us to do, and we are only regulating through the health insurance exchanges.

Mr. VITALI. Okay. Thank you.

The SPEAKER pro tempore. On the question of final passage, the House recognizes the gentlelady from Philadelphia, Ms. Josephs.

Ms. JOSEPHS. Thank you, Mr. Speaker.

Mr. Speaker, I just want to make sure that all of you understand what you are doing if you vote for this bill, which I consider a monstrosity. You are saying, you are saying to your constituents who may be women, may be these women's husbands, fathers, sons, who knows, your middle-class constituents who have their own money, you are saying to them, if you go to the health exchanges, you may not use your own money to buy a policy which might cover you in case you needed this procedure.

Now, the health exchanges we have not even seen yet. It is astounding to me that we are already telling people, telling the people in this State that they cannot do something under a system that we have not even seen yet. But apparently, the health exchanges are offices, agencies, places people can go if you do not work for a big corporation, if you work for a nonprofit, if you work for a small or medium-sized business and you would like, either as a worker or as the proprietor of that business or the executive director of the nonprofit, to get health insurance for the people who work for you. And you go to these exchanges and packages will be put together – I imagine; we do not really know – that will help you as a proprietor or as a CEO (chief executive officer), executive director, to find the best coverage for your nonprofit, your small business.

There is also a prohibition in this bill that affects private citizens – and I started out with this – people who have their own money. They are workers. They are not people coming to us for benefits for which the taxpayer pays. These are women and their families who are workers, who have money, who could buy a policy that had in it the option for abortion for themselves and/or their family members, and we are saying, we do not trust you with your own money. We are saying, we are going to tell you how to spend your own money. We are saying, we are smarter than you are and we are going to tell you how to run your life with your own money – with your own money.

Now, I am just astounded to hear this coming from the other side, because mostly what I hear from them is, oh, people should keep their own money and spend it as they will. Yes, people should keep their own money and spend it as they will. I am just amazed that the people who are going to vote for this bill – male, female, Republican, Democrat, rural or suburban or urban – they trust their constituents to vote for them but not to make decisions about their own lives. That is unacceptable. That is absolutely unacceptable, and I predict a big backlash from taxpayers who would like to use their own money as they feel that they should, which is, I understand, a principle of the other party and with which I also agree.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Philadelphia County, Mr. Thomas, on the question of final passage.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, I rise in opposition to HB 1977. And, Mr. Speaker, I have sat here and paid pretty close attention to the earlier conversation that we have had, and I have heard the previous architect of a comprehensive amendment talk about the need for access and protection and all of that, and I do not understand where we are going with respect to HB 1977. Mr. Speaker, if anything, if there was a piece of legislation that flies in the face of whatever notion we have of access, this flies in the face of that.

Furthermore, Mr. Speaker, I think the last speaker kind of hit the nail on the head when, why are we prohibiting something that we do not have in place? We have not had any conversation about health-care exchanges. We have not had a conversation about health-care affordability. We have not had a conversation about health care for people who are in need of quality health care. We have not had those conversations. And, Mr. Speaker, the last time I checked, our Excellency, while he was Attorney General, went to court to prohibit the implementation of any conversation about exchanges, health exchanges, and about some of these other so-called new ideas about making health care available to folk.

And, Mr. Speaker, the last time I checked, that case is currently before the courts, along with some other States, and the United States Supreme Court at some point is going to undertake this issue. But, Mr. Speaker, this discussion is not ripe for review. This discussion is not on the table, and because it is not on the table, the last thing that we want to do is to legislate based on what we speculate. We are speculating that something is going to happen and we need to react now. We cannot legislate and speculate. The lives of people are too much at stake to be speculating on what we think is going to happen, and therefore, we need to act.

Now, if we want to talk about something right now, let us talk about creating jobs for folk who are unemployed. Let us talk about some kids that need a good education. Let us talk about the thousands of people who were thrown off of the adult health insurance program and how we need to provide those folk with access to quality health care. Those are issues that are in front of us; those are issues that require our immediate attention.

Mr. Speaker, I ask my colleagues to vote "no" on HB 1977. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Montgomery County, Mr. Shapiro, on the question of final passage.

Mr. SHAPIRO. Thank you, Mr. Speaker.

Mr. Speaker, would the lady from Clarion submit to interrogation?

The SPEAKER pro tempore. She indicates that she will. You may proceed.

Mr. SHAPIRO. Thank you, Mr. Speaker.

Mr. Speaker, it was stated earlier that Pennsylvania has not yet adopted a State exchange program yet. Is that correct?

Ms. OBERLANDER. That is correct.

Mr. SHAPIRO. Okay. And, Mr. Speaker, if we were to go down that route and adopt this State exchange, under this legislation you could not purchase coverage for a legal right granted to women in Pennsylvania, abortion coverage, through the exchange, correct?

Ms. OBERLANDER. That is correct.

Mr. SHAPIRO. Okay. And, Mr. Speaker, there is also another option, as I am sure the lady knows, to adopt a Federal exchange in the event that we do not establish a Pennsylvania exchange. Could the lady explain how this legislation would interact with a Federal exchange taking hold here in Pennsylvania?

Ms. OBERLANDER. One moment, Mr. Speaker.

Mr. Speaker, if we were to adopt the Federal insurance exchange rather than to create our own, this would not take effect.

Mr. SHAPIRO. This would not take effect, Mr. Speaker? Okay.

For the purposes of the questioning, assuming we have a State exchange then, I will just ask one more question, or a couple more questions.

Under the legislation, it says that with a State exchange in place, that you can purchase optional supplemental abortion coverage with a separate premium outside of the exchange. That is the language in your bill. I am assuming you acknowledge that, correct?

Ms. OBERLANDER. That is correct.

Mr. SHAPIRO. Okay. So, Mr. Speaker, what is the market outside of the exchange that is defined in your legislation? If you can purchase the coverage outside of your exchange, what is that market?

Ms. OBERLANDER. Mr. Speaker, that is pure speculation, and it would be the private insurance industry.

Mr. SHAPIRO. I am sorry. Maybe I am having a hard time hearing, Mr. Speaker, but could the lady repeat the answer to that?

Ms. OBERLANDER. That this would be pure speculation, but that it would be the private insurance industry that would offer that package, that coverage.

Mr. SHAPIRO. Right. Thank you, Mr. Speaker. I understand that the private insurers would offer it, and your legislation indicates that there would be a private separate market. What I am trying to understand, Mr. Speaker, is, who is in that market? Which insurer is in that market? What type of coverage is offered in that market?

If we are going to limit the ability, Mr. Speaker, for a woman to get access and you are saying that there is a private market, I just would like to know what that private market is.

Ms. OBERLANDER. Mr. Speaker, that is a changing market, a fluid market, and it depends on supply and demand – those who demand it and those who are willing to supply it. So at this point, I cannot give you specific companies who offer that service.

Mr. SHAPIRO. Mr. Speaker, so it could be no companies that offer it then?

Ms. OBERLANDER. It could be.

Mr. SHAPIRO. It could be. So if there are no companies that offer it, Mr. Speaker, then where is the market that the lady sets forth in her legislation where women could go and purchase this coverage?

Ms. OBERLANDER. Mr. Speaker, could you repeat the question, please?

Mr. SHAPIRO. You know, Mr. Speaker, actually, that concludes my interrogation. I have gotten the answers to my questions and I will just speak on the legislation.

The SPEAKER pro tempore. The gentleman is in order.

Mr. SHAPIRO. Thank you, Mr. Speaker.

Mr. Speaker, the lady from Clarion just stated on the record that we are adopting a restriction to women's rights in Pennsylvania prior to even deciding whether or not we want to establish an exchange in Pennsylvania or adopt the Federal standard. And the lady further said that if we adopt the Federal standard, this legislation will have no bearing on that. It is the epitome, Mr. Speaker, of putting the cart before the horse.

We are making, the lady from Clarion is making a judgment call as it relates to one aspect of health care here in Pennsylvania, Mr. Speaker, and saying to women in Pennsylvania, notwithstanding the fact that the United States Constitution guarantees a particular right to women all across this country, that here in Pennsylvania we will treat women as second-class citizens. We will say to women that you cannot purchase your health coverage the way everybody else does; you can go in this separate market, Mr. Speaker – a separate market, Mr. Speaker, that the lady from Clarion says may not exist. It may not exist. There may be no one in this private marketplace. There may be no insurer to offer this coverage. There may be no opportunity for women in Pennsylvania to purchase, with their own money, not with government dollars but with their own money, coverage for a medical procedure, for medical care, that is guaranteed under the United States Constitution.

Mr. Speaker, let us not put the cart before the horse. Let us not subject women in Pennsylvania to be second-class citizens. Let us not adopt, let us not adopt HB 1977. Thank you, Mr. Speaker.

The SPEAKER pro tempore. On the question of final passage, the Chair recognizes the majority leader, the gentleman from Allegheny County, Mr. Turzai.

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

I rise in support of HB 1977.

Mr. Speaker, when the Patient Protection and Affordable Care Act was passed as Federal legislation – Obamacare – one of the most significant discussions was, could the Federal government force the use of public moneys or a public entity to push the coverage of abortion?

Now, everybody knows that there are significant differences with respect to that issue, but this is not about the legality or the illegality of the procedure. Under American jurisprudence, the procedure is allowed by *Roe v. Wade* and its progeny. That is not at issue. The only thing that is at issue is whether or not taxpayer dollars should be used in connection with that procedure.

Because the issue was so contentious on a Federal level, the compromise with Republican and Democratic votes was that States were given the opportunity to opt out if they felt like

those public dollars should not be used in connection with the procedure or promoting or facilitating the procedure. That is all that is at issue here. The Federal statute, Obamacare, to be able to pick up Republican and Democratic votes, reached a compromise that said that States could opt out of the promotion or the usage of this procedure on a publicly funded exchange. That is it.

The Senate, in SB 3, and us in HB 1977 are saying we should opt out. It does not address in any way the legality of the provision, which is guaranteed as the jurisprudence stands in our country right now under *Roe v. Wade* and its progeny. It just says that public dollars should not be used. And under HB 1977, the ability to opt out was provided to the legislature, and we are advocating that we choose that opt-out with respect to the use of Federal public dollars for the promotion or the facilitation of the procedure.

This is a very, very simple proposal. It is one that the Federal legislation asked each and every State to consider, and in fact we are considering it here today. I think it is a commonsense approach. Many individuals do not feel as if their public dollars should be used to promote or to facilitate this procedure, and as a result, they would ask us to please vote to opt out of the usage of those Federal tax dollars in that area. It is a simple vote.

I would urge everybody to please support HB 1977. Thank you.

The SPEAKER pro tempore. On the question of final passage, the Chair recognizes the gentleman from Lancaster County, Mr. Cutler.

Mr. CUTLER. Thank you, Mr. Speaker. To follow up on the majority leader's comments.

I respectfully disagree with my colleague from Montgomery County for the following reasons. We are not putting the cart before the horse, so to speak. We are laying out the framework by which we can create our own exchange here in the Commonwealth. I believe it is fair to say that there are multiple proposals currently percolating through the legislative process on what this exchange will look like. As the speaker before me clearly pointed out, there were provisions in the Federal law to allow for these kinds of decisions to be made by us as a State.

Furthermore, Mr. Speaker, in regards to the market, the private insurance market that may or may not exist, in the memo that Planned Parenthood put out, obviously in opposition to the bill, they quote, an insurance package being offered, roughly 80 percent of private insurance plans cover abortion. Mr. Speaker, if that is true, and I have no reason to doubt it, then I would certainly argue that that private market is not only there, it is very robust.

This bill is very simple: It gives us the framework by which to set up our exchange. It allows us to honor the longstanding provisions here in the Commonwealth of not using State or Federal funds in the furtherance of abortions, and I respectfully request an affirmative vote. Thank you.

The SPEAKER pro tempore. On the question of final passage, the Chair recognizes, for the second time, the gentleman from Philadelphia, Mr. Thomas.

Mr. THOMAS. Mr. Speaker, will the majority leader stand for interrogation?

Mr. TURZAI. Yes.

The SPEAKER pro tempore. You may proceed.

Mr. THOMAS. Thank you, Mr. Speaker.

I need some clarification. What is the status of the Federal health-care law that talks about exchanges?

Mr. TURZAI. It was passed by the United States Congress and signed into law by the President.

Mr. THOMAS. Well, Mr. Speaker, is not Pennsylvania 1 of 31 States that is opposing implementation of it? Is that correct?

Mr. TURZAI. Sir, if you are referencing that Attorneys General across the State have filed challenges, I think the answer is yes. I believe that the Attorney General did file a suit challenging the constitutionality of the legislation. But there has not been a ruling, as I understand, by the Supreme Court with respect to Obamacare, and there are options that were— And you have to work. And with respect to the choices that were put forth in the Federal legislation to the States, we have to assume that that is going to be the law of the land. I mean, it already has been enacted and they are following on that course. Regulations are being promulgated.

Mr. THOMAS. Mr. Speaker, is it true that some State Supreme Courts have already responded to the application—

The SPEAKER pro tempore. Will the gentleman suspend for a moment, please?

The Chair would like to remind all that the subject before us is final passage of HB 1977 and would keep your observations and questions on that subject, please.

Mr. THOMAS. Mr. Speaker, I will take heed and govern myself accordingly.

HB 1977 refers to something contained in a Federal law that has been challenged by I think at least 31 States, and there are some States, to the best of my knowledge, and I am asking the majority leader for clarification, some State Supreme Courts have already responded to how they feel about parts of the law. And the issue itself, the law itself, to the best of my knowledge, is before the United States Supreme Court. Is that correct, sir?

Mr. TURZAI. Sir, first of all, my understanding of interrogation is if you know the answer, you do not ask the question. And secondly, I do not know the status of the court cases with respect to the Federal legislation. I do not know what the status in any of the States are. I do know that the Federal legislation provides for an opt-out by the States, that that was a key component of the provision, and we are opting out by virtue of HB 1977, if you vote "yes," against the use of publicly funded, through tax dollars, exchanges. That is what I know.

Mr. THOMAS. Mr. Speaker, no, I am not asking questions that I already have the answer. You are the majority leader, and I am looking for your guidance. And I know that you are a learned attorney, so I just kind of think, believe, that you know some things that I do not know.

So my last question is, assuming that this issue is before the United States Supreme Court, and I believe that in Congress there are several bills to repeal Obamacare, and so my question is, if we move forward on HB 1977 tonight and the United States Supreme Court declares Obamacare unconstitutional and/or Congress moves to repeal Obamacare and all of its parts—the exchanges, the mandatory participation, all of that—

Mr. TURZAI. Mr. Speaker?

Mr. THOMAS. —what then would be the net effect of HB 1977?

Mr. TURZAI. Sir, with all due respect, the purpose of interrogation is not to speculate. The Federal legislation was passed by Congress and signed by the President, and it provides for an opt-out with respect to the use of taxpayer-funded dollars for this procedure. We are voting today to opt out of the use of Federal taxpayer dollars as the Federal legislation allows. And if

you support the use of Federal public tax dollars in the furtherance of the procedure, then I suspect you would be voting "yes." If you are opposed to the use of Federal tax dollars in the furtherance of the procedure, you would vote "no." That is what is in front of us today, and I would suggest that we move on. I cannot speculate on things that are not in front of us.

Mr. THOMAS. Mr. Speaker, I conclude my interrogation, and let me share my final comments.

The SPEAKER pro tempore. The gentleman is in order, on final passage.

Mr. THOMAS. Mr. Speaker, the majority leader is correct. We should not be speculating on something that is not in front of us. Mr. Speaker, we do not have a health care exchange program in the Commonwealth of Pennsylvania. And, Mr. Speaker, we, all 203 of us, are free to take a position on whether or not public dollars should be used for XYZ. We all are entitled to have an opinion on that issue, but, Mr. Speaker, HB 1977 forces your opinion in the context of something that has been challenged by our Excellency. Our Excellency has said that Obamacare should not be applied in the Commonwealth of Pennsylvania. He went to court on that, and until that issue is resolved, we should not be taking an affirmative position on anything that is subjected to a decision that moots out whatever exists with HB 1977.

Mr. Speaker, I join the majority leader in acknowledging that we should not speculate and legislate, and so I ask each and every one of you, do not legislate based on what we might speculate on HB 1977. I share the intent of the maker of the bill. I share the intent with all who might believe one way or the other on what we should be doing, how we should be spending public dollars. But when the bill ties how we feel to something that is up in the air, we cannot go down that road tonight.

So, Mr. Speaker, I urge each and every one of you, vote "no" on HB 1977, and if you cannot vote because you do not know what the outcome is going to be of Obamacare, abstain by walking off the floor. But, Mr. Speaker, we cannot vote on this issue while this so-called Obamacare is hanging out there in the air. Even by the leader of this Commonwealth, the leader of this Commonwealth has said that the application of Obamacare in the Commonwealth of Pennsylvania should never happen. Regardless of what we think about Obamacare, the leader of this Commonwealth has said that it should not be applied. And because the gentlelady tied her feelings about how public dollars should be spent to this Federal law that her Governor has challenged the very existence of it and it is going to be disposed of by the United States Supreme Court. It is going to be resolved; let us wait.

Vote "no" on HB 1977.

LEAVE OF ABSENCE

The SPEAKER pro tempore. The Chair recognizes the minority whip, who requests leave for the gentleman from Montgomery County, Mr. GERBER. Without objection, leave is granted.

CONSIDERATION OF HB 1977 CONTINUED

The SPEAKER pro tempore. On the question of final passage, the Chair recognizes the gentleman from Luzerne County, Mr. Pashinski.

Mr. PASHINSKI. Thank you, Mr. Speaker.
 Would the majority leader please stand for brief interrogation?

The SPEAKER pro tempore. The gentleman indicates that he will. You are in order.

Mr. PASHINSKI. Thank you very much, Mr. Speaker.
 Just a clarification. There was great concern about the health of the woman as we debated this particular issue last week, and the concern that many of us faced was, what occurs if an individual is part of the exchange and during the time of the pregnancy experiences medical conditions with irrevocable health concerns for the future of that mother? It may not cause death to her at that point, but irrevocable medical conditions. Under this provision, under this HB 1977, if that situation occurs after we pass this HB 1977, how would that individual be treated if that medical condition occurred?

Mr. TURZAI. Sir, this bill is solely about whether or not taxpayer dollars, Federal taxpayer dollars, should be used in the furtherance of the procedure or not. For those that believe that taxpayer dollars should be used in furtherance of the procedure, I suspect that you would vote "yes." For those that believe that taxpayer dollars should not be used in furtherance of the procedure, I would contend, like myself, you should vote "no."

I apologize. We are not on the amendment. I apologize. With respect to the final bill, if you believe that taxpayer dollars should be used in furtherance of the procedure, then you would be voting against HB 1977 – and I apologize; I had written this for the amendment – and if you believe that taxpayer dollars should not be used in furtherance of the procedure and that we should opt out as provided for in the Federal legislation, you should be voting for HB 1977.

In particular, this Commonwealth and its citizens have supported a longstanding history of not using public taxpayer funds to pay for the procedure, and I do not think that we should be changing course with respect to the Federal legislation. As everybody knows, it was contentious legislation, and the compromise reached in the Federal government before they passed the Obamacare law was that the States would have the ability to opt out of using taxpayer dollars to fund in furtherance of the procedure.

Mr. PASHINSKI. Thank you, Mr. Speaker.

Mr. Speaker, I have no question with you relative to the proper use of taxpayer dollars. I am concerned about the health of thousands of women that experience complications that can produce irrevocable medical damage to those women for their future. And the question that I asked was, if HB 1977 were to pass today and become law, what would happen to the women that experience these irrevocable medical conditions? How would they be treated?

Mr. TURZAI. The interrogation calls for speculation, and if you have a particular perspective, good gentleman, please, we understand that you have the opportunity to argue that before the House here today. But I do not have anything to answer to the speculative interrogation.

Mr. PASHINSKI. But these are actual cases, Mr. Speaker. This is not speculation.

Mr. TURZAI. Sir, I do not have any answer. In fact—

The SPEAKER pro tempore. If the gentlemen would suspend.

I believe you have asked your question. I believe you have had your answer. Do you have further interrogation, or do you wish to be recognized on final passage?

Mr. PASHINSKI. On the bill, Mr. Speaker.

The SPEAKER pro tempore. You are in order.

Mr. PASHINSKI. And thank you very much. I appreciate the attempt to answer the question.

That is one of the reasons that I think most of us still have grave concern for HB 1977. There is no doubt we want to make sure that taxpayer dollars are spent wisely, but there also should be no doubt that we want to make sure that the health procedures are of the utmost for the health of the mother and the health of the child. Without having a provision that identifies the process for those individual women that experience those medical conditions that will cause bodily harm for them in the future, which may also prevent them from having children in the future, there is no way that many of us can support this, because that provision is not in HB 1977. If that provision was there, it would be more realistic to be able to support this.

And for that reason, for the health of the women that experience these unfortunate medical conditions, I ask you to vote "no." Thank you.

On the question recurring,
 Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—146

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

NAYS—45

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

NOT VOTING—0

EXCUSED—12

Boyd	Evans, J.	Johnson	Preston
Boyle, B.	Gerber	O'Brien, D.	Simmons
Day	Hornaman	Payton	Wagner

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

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

* * *

The House proceeded to third consideration of **HB 1983, PN 2862**, entitled:

An Act amending the act of December 18, 1996 (P.L.1066, No.159), known as the Accident and Health Filing Reform Act, dividing the act into Federal compliance and Commonwealth exclusivity; in Federal compliance, further providing for definitions, for required filings, for review procedure, for notice of disapproval, for use of disapproved forms or rates, for review of form or rate disapproval, for disapproval after use, for filing of provider contracts, for record maintenance, for public comment and for penalties and providing for regulations and for expiration; in Commonwealth exclusivity, providing for regulations and for action by the Insurance Commissioner; and making editorial changes.

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

(Bill analysis was read.)

The SPEAKER pro tempore. 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—190

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

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

NAYS—1

Shapiro

NOT VOTING—0

EXCUSED—12

Boyd	Evans, J.	Johnson	Preston
Boyle, B.	Gerber	O'Brien, D.	Simmons
Day	Hornaman	Payton	Wagner

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

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

* * *

The House proceeded to third consideration of **HB 1864, PN 2401**, entitled:

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, in inheritance tax, further providing for transfers not subject to tax.

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

(Bill analysis was read.)

The SPEAKER pro tempore. 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 the question of final passage, the Chair recognizes the gentlelady from Philadelphia, Ms. Josephs.

Ms. JOSEPHS. Thank you, Mr. Speaker.

Mr. Speaker, you may remember we had a debate over an amendment that I offered to this bill, which would have exempted from inheritance taxes certain couples who were not in a formal marriage. I am regretful that that amendment failed, but I understand how important this bill is to farming families. I am in, most arguably, the most urban district in the State. I want to support the farmers. I want to support the agriculture industry. I could give you a long reason why, but I will not do that since it is late. I will just say, I like to eat.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. On the question of final passage, the Chair recognizes the gentleman from Cumberland County, Mr. Bloom.

Mr. BLOOM. Thank you, Mr. Speaker.

A safe and secure food supply is essential to our national security and our economic security. The Commonwealth of Pennsylvania invests over \$100 million a year in our agricultural infrastructure to make sure that we keep our family farms farming. But, Mr. Speaker, at the same time, we shoot ourselves in the foot by penalizing farm families when a loved one dies with an inheritance tax that often requires them to sell vital assets that would have kept their farms viable businesses.

So, Mr. Speaker, this bill would protect those families by eliminating that tax burden for them when farm property passes to a lineal descendant or a sibling, and, Mr. Speaker, for that reason I urge the members to support the bill and vote "yes."

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

REMARKS SUBMITTED FOR THE RECORD

The SPEAKER pro tempore. The Chair recognizes, on the question of final passage, the minority whip, the gentleman from Clinton County, Mr. Hanna.

Mr. HANNA. Thank you, Mr. Speaker.

Mr. Speaker, I encourage an affirmative vote on this bill, and I will submit the balance of my comments for the record.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

Mr. Speaker, I encourage an affirmative vote on HB 1864.

Mr. Speaker, it is the nature of the farming business to be in a position of being land rich and cash poor. The business requires considerable land and other assets to be held to be viable.

Farm families often lack the personal and financial resources to plan for the transfer of assets when a family member dies.

Mr. Speaker, a limited Pennsylvania inheritance tax exemption to apply to farm families will greatly assist efforts to preserve our family farms by not requiring valuable assets to the farming operation to be liquidated in order to pay the tax.

Mr. Speaker, as the former chairman of the House Agriculture and Rural Affairs Committee, I know how important this bill is to our farm families, and that is why I am voting "yes" and I encourage my colleagues to do the same.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Philadelphia, Mr. Cohen.

Mr. COHEN. Thank you.

Mr. Speaker, will the prime sponsor consent to brief interrogation on the bill?

The SPEAKER pro tempore. The gentleman indicates that he will. You may proceed.

Mr. COHEN. Does this bill have a fiscal note?

Mr. BLOOM. Yes, it does, Mr. Speaker.

Mr. COHEN. And what is the fiscal cost of exempting the farmers from the inheritance tax?

Mr. BLOOM. In the first year, Mr. Speaker, the fiscal impact would be approximately \$2 million, and as we project that out into future years, Mr. Speaker, the top, the highest impact in year 2016-2017 would be approximately \$4 million.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, I recognize the will of the General Assembly, but I intend to vote against this legislation. I do not think we can afford this money.

The SPEAKER pro tempore. The Chair recognizes, for the second time, the gentleman from Cumberland County, Mr. Bloom.

Mr. BLOOM. Mr. Speaker, I would note that this is a tax cut, not a cost on the Commonwealth.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

Going once, going twice, going three times.

On the question recurring,

Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—190

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

Brownlee	Gillespie	Metcalfe	Schroder
Burns	Gingrich	Metzgar	Shapiro
Buxton	Godshall	Miccarelli	Smith, K.
Caltagirone	Goodman	Micozzi	Smith, M.
Carroll	Grell	Millard	Sonney
Causser	Grove	Miller	Staback
Christiana	Hackett	Milne	Stephens
Clymer	Hahn	Mirabito	Stern
Conklin	Haluska	Moul	Stevenson
Costa, D.	Hanna	Mullery	Sturla
Costa, P.	Harhai	Mundy	Swanger
Cox	Harhart	Murphy	Tallman
Creighton	Harkins	Murt	Taylor
Cruz	Harper	Mustio	Thomas
Culver	Harris	Myers	Tobash
Curry	Heffley	Neuman	Toepel
Cutler	Helm	O'Brien, M.	Toohil
Daley	Hennessey	O'Neill	Truitt
Davidson	Hess	Oberlander	Turzai
Davis	Hickernell	Parker	Vereb
Deasy	Hutchinson	Pashinski	Vitali
DeLissio	Josephs	Payne	Vulakovich
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.	Pyle	Youngblood
DiGirolamo	Killion	Quigley	
Donatucci	Kirkland	Quinn	Smith, S.,
Dunbar	Knowles	Rapp	Speaker

NAYS-1

Cohen

NOT VOTING-0

EXCUSED-12

Boyd	Evans, J.	Johnson	Preston
Boyle, B.	Gerber	O'Brien, D.	Simmons
Day	Hornaman	Payton	Wagner

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

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

* * *

The House proceeded to third consideration of **HB 761, PN 2590**, entitled:

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, in realty transfer tax, further providing for definitions, for excluded transactions and for acquired company.

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

(Bill analysis was read.)

The SPEAKER pro tempore. 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 Chair recognizes the gentleman from Lancaster County, Mr. Cutler.

Mr. CUTLER. Thank you, Mr. Speaker.

I rise to ask for an affirmative vote on HB 761. What it seeks to do is make the tax laws consistent with farms as compared to other business entities.

Several years ago there was an internal change that was made that treated the transfer of farms from a general partnership to a limited liability corporation or a limited liability partnership differently, and therefore, realty transfer tax was collected when farmers who perhaps were changing for liability reasons from the old way that they used to farm into modern family farms, and they were hit with these unexpected realty transfer tax bills.

Mr. Speaker, I want to thank the gentleman from Lycoming County. We worked on this last session successfully, but it was not signed into law, despite passage here in this chamber. We worked hard again this session. We would certainly appreciate an affirmative vote, and I just want to thank him again for his efforts on this issue. And I know that he has a personal story on how this relates, but, Mr. Speaker, this is something that I think fundamentally needs corrected in order to create fairness with farmers as compared to other businesses so that they can be treated the same, since that is our largest business.

Thank you, Mr. Speaker.

REMARKS SUBMITTED FOR THE RECORD

The SPEAKER pro tempore. On the question of final passage, the Chair recognizes the gentleman from Centre County, Mr. Hanna.

Mr. HANNA. Thank you, Mr. Speaker.

Mr. Speaker, again, I urge a "yes" vote, and I will submit the balance of my comments for the record.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

Mr. Speaker, as the former chairman of the House Agriculture and Rural Affairs Committee, I know how important this bill is to our farm families.

Mr. Speaker, HB 761 is a commonsense approach to treating farm family businesses the same as any other family business in providing a clear exemption from realty transfer taxes when conveying property for business restructuring purposes.

The Pennsylvania legislature should be encouraging farm families to best position their businesses for the future instead of penalizing them for taking actions other family businesses take without a tax penalty.

Mr. Speaker, I encourage a "yes" vote on HB 761.

The SPEAKER pro tempore. On the question of final passage, the Chair recognizes the gentleman from Lycoming County, Mr. Mirabito.

Mr. MIRABITO. Thank you, Mr. Speaker.

I want to thank my colleague from Lancaster County. This bill is going to have a profound effect on the way farm families organize their businesses, because what it does is it allows them

to take the most prudent course of action and not simply try to avoid the problems that the current law has. It is very important, and I urge a "yes" vote.

And I want to thank my colleague from Lancaster for the work on this together, both last session and this session. Thank you.

The SPEAKER pro tempore. On the question of final passage, the Chair recognizes the gentleman from Philadelphia County, Mr. Cohen.

Mr. COHEN. Mr. Speaker, do we have a fiscal note for this legislation?

The SPEAKER pro tempore. Is the gentleman seeking interrogation or are you seeking information, Mr. Cohen?

Mr. COHEN. Will the gentleman submit to interrogation?

The SPEAKER pro tempore. The gentleman indicates that he will submit to interrogation, and for your information, as printed on the House calendar, there is a fiscal note for the bill.

Mr. CUTLER. Thank you, Mr. Speaker.

Very briefly, yes, there is a fiscal note. The fiscal note that we were offered says that the cost will be nominal. And this is my opinion, Mr. Speaker, but the reason is that farmers are not going to make these transitions based on current tax laws now that they are aware of them, so that any cost going forward would be nominal at best.

Mr. COHEN. So there is no specific figure?

Mr. CUTLER. No, Mr. Speaker. It literally says "nominal."

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

On the question recurring,

Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—191

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

Cox	Harkins	Murt	Taylor
Creighton	Harper	Mustio	Thomas
Cruz	Harris	Myers	Tobash
Culver	Heffley	Neuman	Toepel
Curry	Helm	O'Brien, M.	Toohil
Cutler	Hennessey	O'Neill	Truitt
Daley	Hess	Oberlander	Turzai
Davidson	Hickernell	Parker	Vereb
Davis	Hutchinson	Pashinski	Vitali
Deasy	Josephs	Payne	Vulakovich
DeLissio	Kampf	Peifer	Waters
Delozier	Kauffman	Perry	Watson
DeLuca	Kavulich	Petrarca	Wheatley
Denlinger	Keller, F.	Petri	White
DePasquale	Keller, M.K.	Pickett	Williams
Dermody	Keller, W.	Pyle	Youngblood
DeWeese	Killion	Quigley	
DiGirolamo	Kirkland	Quinn	Smith, S.,
Donatucci	Knowles	Rapp	Speaker
Dunbar			

NAYS—0

NOT VOTING—0

EXCUSED—12

Boyd	Evans, J.	Johnson	Preston
Boyle, B.	Gerber	O'Brien, D.	Simmons
Day	Hornaman	Payton	Wagner

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

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

* * *

The House proceeded to third consideration of **HB 2005, PN 2492**, entitled:

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.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

(Bill analysis was read.)

The SPEAKER pro tempore. 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 Chair recognizes the gentleman from Bucks County, Mr. Clymer.

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, HB 2005 is a recommendation of the grand jury on the casino gambling bill that we passed some years ago, and what it does, it simply requires the Pennsylvania Gaming Control Board to post all contracts on their Internet Web site. This is in relation and in accordance with the Right-to-Know Law, and I would ask for an affirmative vote.

On the question recurring,
Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—189

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

NAYS—2

Santoni	Youngblood
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NOT VOTING—0

EXCUSED—12

Boyd	Evans, J.	Johnson	Preston
Boyle, B.	Gerber	O'Brien, D.	Simmons
Day	Hornaman	Payton	Wagner

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 (SAMUEL H. SMITH)
PRESIDING**

CALENDAR CONTINUED

BILL ON SECOND CONSIDERATION

The House proceeded to second consideration of **SB 1183, PN 1821**, entitled:

An Act amending Titles 18 (Crimes and Offenses), 23 (Domestic Relations), 42 (Judiciary and Judicial Procedure), 44 (Law and Justice) and 61 (Prisons and Parole) of the Pennsylvania Consolidated Statutes, extensively revising provisions relating to registration of sexual offenders pursuant to Federal mandate; and making editorial changes.

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

RULES SUSPENDED

The SPEAKER. It is the Speaker's understanding that the amendments that are posted on this bill have been withdrawn. However, the gentleman from Dauphin County is seeking recognition to suspend the rules for consideration of amendment A07626, and the gentleman, Mr. Marsico, is recognized to that effect.

Mr. MARSICO. Thank you, Mr. Speaker.

Amendment A07626 to SB 1183, I would ask for a suspension of the rules to offer the amendment for second consideration. The amendment replaces the others that are filed under my name.

As the members know, we are facing a deadline regarding the Adam Walsh Child Protection and Safety Act of 2006. The amendment I offer on second consideration—

The SPEAKER. The gentleman will suspend.

The gentleman would be in order to give a brief description of what that amendment is; however, first we need to consider the suspension of the rules in order to actually get into the full breadth of it. So I would give you a little leeway for a brief description of why we should suspend the rules, and we need you to actually make the motion to suspend the rules.

Mr. MARSICO. Okay. I make the motion to suspend the rules, Mr. Speaker. It represents language agreed to by the Governor's Office, the Senate, and the House. The agreement was reached last Thursday. It is a comprehensive amendment, mostly technical in nature, and I ask for a suspension of the rules.

The SPEAKER. The gentleman, Mr. Marsico, has moved to suspend the rules for the immediate consideration of amendment A07626.

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

The SPEAKER. On the motion to suspend the rules, the gentleman from Berks County, Mr. Caltagirone, is recognized.

Mr. CALTAGIRONE. Thank you, Mr. Speaker.

I would also urge the members, in a bipartisan way, to support this. Our staffs have worked together collectively and with both chambers to get this language worked out, and I would appreciate an affirmative vote.

Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—187

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

NAYS—4

Cutler	Grell	Lawrence	Mullery
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NOT VOTING—0

EXCUSED—12

Boyd	Evans, J.	Johnson	Preston
Boyle, B.	Gerber	O'Brien, D.	Simmons
Day	Hornaman	Payton	Wagner

A majority of the members required by the rules having voted in the affirmative, the question was determined in the affirmative and the motion was agreed to.

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

Mr. **MARSICO** offered the following amendment No. **A07626**:

Amend Bill, page 114, line 19, by striking out "FOR"
Amend Bill, page 117, by inserting between lines 2 and 3
(d) Definition.—As used in this section the term "parent" means a natural parent, stepparent, adoptive parent or guardian of a minor.

Amend Bill, page 117, line 15, by inserting after "IS"
not
Amend Bill, page 117, lines 23 through 27, by striking out the colon after "KNOWINGLY" in line 23 and all of lines 24 through 27 and inserting
Restrains another unlawfully so as to interfere substantially with his liberty.

(d) Definition.—As used in this section the term "parent" means a natural parent, stepparent, adoptive parent or guardian of a minor.

Amend Bill, page 118, line 7, by striking out "NOT"
Amend Bill, page 123, line 11, by striking out "FOR"
Amend Bill, page 124, line 4, by inserting after "9795.1(A)"
or (a.1)

Amend Bill, page 124, line 6, by inserting a bracket before "9795.1(B)(1),"
Amend Bill, page 124, line 6, by inserting after "(3)"
] 9795.1(b)

Amend Bill, page 125, line 1, by inserting after "9795.1(A)"
or (a.1)
Amend Bill, page 125, line 6, by inserting after "9795.1(A)"
or (a.1)

Amend Bill, page 125, line 12, by inserting after "9795.1(A)"
or (a.1)
Amend Bill, page 125, line 18, by inserting a bracket before "9795.1(B)(1)"

Amend Bill, page 125, line 19, by inserting after "(3)"
] 9795.1(b)
Amend Bill, page 125, line 23, by inserting a bracket before "9795.1(B)(1),"

Amend Bill, page 125, line 23, by inserting after "(3)"
] 9795.1(b)
Amend Bill, page 125, line 30, by inserting a bracket before "9795.1(B)(1),"

Amend Bill, page 125, line 30, by inserting after "(3)"
] 9795.1(b)
Amend Bill, page 128, line 24, by inserting after "PREDATOR"
or sexually violent delinquent child

Amend Bill, page 128, line 25, by inserting after "§"
6404.2(g) (relating to duration of outpatient commitment and review) or

Amend Bill, page 129, line 13, by inserting after "(2)"
or (a.1)(1) or (2)
Amend Bill, page 129, line 30, by inserting after "(2)"
or (a.1)(1) or (2)

Amend Bill, page 130, line 20, by striking out the comma after "(A.1)(1)" and inserting

or

Amend Bill, page 130, line 20, by striking out "OR (3)"

Amend Bill, page 130, line 22, by striking out "(A.1)(1), (2) OR (3)" and inserting

(a)(1) or (2) or (a.1)(1) or (2)

Amend Bill, page 131, line 7, by striking out the comma after "(A.1)(1)" and inserting

or

Amend Bill, page 131, lines 7 and 8, by striking out "OR" in line 7 and "(3)" in line 8

Amend Bill, page 131, line 9, by striking out "(A.1)(1), (2) OR (3)" and inserting

(a)(1) or (2) or (a.1)(1) or (2)

Amend Bill, page 131, line 12, by inserting after "PREDATOR" or sexually violent delinquent child

Amend Bill, page 132, by inserting between lines 24 and 25 "Sexually violent delinquent child." The term shall have the meaning given to it in 42 Pa.C.S. § 9799.12 (relating to definitions).

Amend Bill, page 133, line 5, by striking out "5902(C)" and inserting

5902

Amend Bill, page 133, lines 8 through 27, by striking out all of said lines and inserting

(a) Prostitution.—A person is guilty of prostitution if he or she:

(1) is an inmate of a house of prostitution or otherwise engages in sexual activity as a business; or

(2) loiters in or within view of any public place for the purpose of being hired to engage in sexual activity.

(a.1) Grading of offenses under subsection (a).—An offense under subsection (a) constitutes a:

(1) Misdemeanor of the third degree when the offense is a first or second offense.

(2) Misdemeanor of the second degree when the offense is a third offense.

(3) Misdemeanor of the first degree when the offense is a fourth or subsequent offense.

(4) Felony of the third degree if the person who committed the offense knew that he or she was human immunodeficiency virus (HIV) positive or manifesting acquired immune deficiency syndrome (AIDS).

(b) Promoting prostitution.—A person who knowingly promotes prostitution of another commits a misdemeanor or felony as provided in subsection (c) of this section. The following acts shall, without limitation of the foregoing, constitute promoting prostitution:

(1) owning, controlling, managing, supervising or otherwise keeping, alone or in association with others, a house of prostitution or a prostitution business;

(2) procuring an inmate for a house of prostitution or a place in a house of prostitution for one who would be an inmate;

(3) encouraging, inducing, or otherwise intentionally causing another to become or remain a prostitute;

(4) soliciting a person to patronize a prostitute;

(5) procuring a prostitute for a patron;

(6) transporting a person into or within this Commonwealth with intent to promote the engaging in prostitution by that person, or procuring or paying for transportation with that intent;

(7) leasing or otherwise permitting a place controlled by the actor, alone or in association with others, to be regularly used for prostitution or the promotion of prostitution, or failure to make reasonable effort to abate such use by ejecting the tenant, notifying law enforcement authorities, or other legally available means; or

(8) soliciting, receiving, or agreeing to receive any benefit for doing or agreeing to do anything forbidden by this subsection.

(b.1) Promoting prostitution of minor.—A person who promotes prostitution of a minor commits a felony of the third degree, whether or not the person is aware of the age of the minor. The following acts shall, without limitation of the foregoing, constitute promoting prostitution of a minor:

(1) owning, controlling, managing, supervising or otherwise keeping, alone or in association with others, a house of prostitution or a prostitution business in which a victim is a minor;

(2) procuring an inmate who is a minor for a house of prostitution or a place in a house of prostitution where a minor would be an inmate;

(3) encouraging, inducing, or otherwise intentionally causing a minor to become or remain a prostitute;

(4) soliciting a minor to patronize a prostitute;

(5) procuring a prostitute who is a minor for a patron;

(6) transporting a minor into or within this Commonwealth with intent to promote the engaging in prostitution by that minor, or procuring or paying for transportation with that intent;

(7) leasing or otherwise permitting a place controlled by the actor, alone or in association with others, to be regularly used for prostitution of a minor or the promotion of prostitution of a minor, or failure to make reasonable effort to abate such use by ejecting the tenant, notifying law enforcement authorities or other legally available means; or

(8) soliciting, receiving, or agreeing to receive any benefit for doing or agreeing to do anything forbidden by this subsection.

(c) Grading of offenses under subsection (b).—

(1) An offense under subsection (b) constitutes a felony of the third degree if:

(i) the offense falls within paragraphs (b)(1), (b)(2) or (b)(3);

(ii) the actor compels another to engage in or promote prostitution;

[(iii) the actor promotes prostitution of a child under the age of 16 years, whether or not he is aware of the age of the child;]

(iv) the actor promotes prostitution of his spouse, child, ward or any person for whose care, protection or support he is responsible; or

(v) the person knowingly promoted prostitution of another who was HIV positive or infected with the AIDS virus.

(2) Otherwise the offense is a misdemeanor of the second degree.

(d) Living off prostitutes.—A person, other than the prostitute or the prostitute's minor child or other legal dependent incapable of self-support, who is knowingly supported in whole or substantial part by the proceeds of prostitution is promoting prostitution in violation of subsection (b) of this section.

(e) Patronizing prostitutes.—A person commits the offense of patronizing prostitutes if that person hires a prostitute or any other person to engage in sexual activity with him or her or if that person enters or remains in a house of prostitution for the purpose of engaging in sexual activity.

(e.1) Grading of offenses under subsection (e).—An offense under subsection (e) constitutes a:

(1) Misdemeanor of the third degree when the offense is a first or second offense.

(2) Misdemeanor of the second degree when the offense is a third offense.

(3) Misdemeanor of the first degree when the offense is a fourth or subsequent offense.

(4) Felony of the third degree if the person who committed the offense knew that he or she was human immunodeficiency virus (HIV) positive or manifesting acquired

immune deficiency syndrome (AIDS).

(e.2) Publication of sentencing order.—A court imposing a sentence for a second or subsequent offense committed under subsection (e) shall publish the sentencing order in a newspaper of general circulation in the judicial district in which the court sits, and the court costs imposed on the person sentenced shall include the cost of publishing the sentencing order.

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

"House of prostitution." Any place where prostitution or promotion of prostitution is regularly carried on by one person under the control, management or supervision of another.

"Inmate." A person who engages in prostitution in or through the agency of a house of prostitution.

"Minor." An individual under 18 years of age.

"Public place." Any place to which the public or any substantial group thereof has access.

"Sexual activity." Includes homosexual and other deviate sexual relations.

Amend Bill, page 134, line 7, by striking out "IF THE VICTIM IS A MINOR" and inserting

in which a minor is depicted

Amend Bill, page 134, line 19, by striking out "IF THE VICTIM IS A MINOR" and inserting

in which a minor is included

Amend Bill, page 134, lines 25 and 26, by striking out "THE" in line 25 and "VICTIM IS A MINOR" in line 26 and inserting

a minor is included

Amend Bill, page 141, line 20, by inserting after "BEHAVIOR"

while committed for inpatient treatment

Amend Bill, page 145, line 9, by inserting after "PERSON" and inform the person on the record and in open court of the person's obligation to attend counseling under subsection (g), including the penalty for failing to attend counseling under 18 Pa.C.S. § 4915.1 (relating to failure to comply with registration of sexual offenders requirements)

Amend Bill, page 145, line 11, by inserting after "PERSON." Upon discharge, the person shall attend counseling under subsection (g).

(g) Counseling of sexually violent delinquent children.—For the time period under section 9799.15 (relating to period of registration), a sexually violent delinquent child shall attend at least monthly counseling sessions in a program approved by the board and shall be financially responsible for all fees assessed from the counseling sessions. The board shall monitor compliance. If the sexually violent delinquent child can prove to the satisfaction of the court inability to afford to pay for the counseling sessions, the sexually violent delinquent child shall attend the counseling sessions and the parole office shall pay the requisite fees.

Amend Bill, page 148, line 12, by inserting after "9795.1(A)" or (a.1)

Amend Bill, page 148, line 21, by inserting after "9795.1(A)" or (a.1)

Amend Bill, page 150, line 1, by striking out "§ 4915(A)(1)" and inserting

§ 4915.1(a)(1)

Amend Bill, page 150, line 10, by striking out "§ 4915(A)(3)" and inserting

§ 4915.1(a)(3)

Amend Bill, page 150, line 17, by striking out "§ 4915(A)(1)" and inserting

§ 4915.1(a)(1)

Amend Bill, page 150, line 23, by striking out "§ 4915(A)(3)" and inserting

§ 4915.1(a)(3)

Amend Bill, page 151, line 1, by striking out "§ 4915(A)(1)" and inserting

§ 4915.1(a)(1)

Amend Bill, page 151, line 8, by striking out "§ 4915(A)(3)" and inserting

§ 4915.1(a)(3)

Amend Bill, page 151, line 18, by striking out "§ 4915(A.1)(1)" and inserting

§ 4915.1(a.1)(1)

Amend Bill, page 151, line 25, by striking out "§ 4915(A.1)(3)" and inserting

§ 4915.1(a.1)(3)

Amend Bill, page 152, line 2, by striking out "§ 4915(A.1)(1)" and inserting

§ 4915.1(a.1)(1)

Amend Bill, page 152, line 8, by striking out "§ 4915(A.1)(3)" and inserting

§ 4915.1(a.1)(3)

Amend Bill, page 152, line 16, by striking out "§ 4915(A.1)(1)" and inserting

§ 4915.1(a.1)(1)

Amend Bill, page 152, line 23, by striking out "§ 4915(A.1)(3)" and inserting

§ 4915.1(a.1)(3)

Amend Bill, page 156, line 30, by inserting after "INCLUDING" , but not limited to,

Amend Bill, page 157, lines 3 through 30; page 158, lines 1 through 30; page 159, lines 1 through 25, by striking out all of said lines on said pages and inserting

Section 9. Sections 9795.1(a) introductory paragraph and (3) and (b) of Title 42 are amended and the section is amended by adding subsections to read:

§ 9795.1. Registration.

(a) Ten-year registration.—[The] Except as set forth in subsection (a.1) or (b), the following individuals shall be required to register with the Pennsylvania State Police for a period of ten years:

* * *

(3) Individuals [currently residing] who currently have a residence in this Commonwealth who have been convicted of offenses similar to the crimes cited in paragraphs (1) and (2) under the laws of the United States or one of its territories or possessions, another state, the District of Columbia, the Commonwealth of Puerto Rico or a foreign nation or under a former law of this Commonwealth.

(a.1) Exception to ten-year registration.—Except as provided under subsection (b), an individual considered to be an offender pursuant to section 9795.2(b) (relating to registration procedures and applicability) shall be required to register with the Pennsylvania State Police for a period less than life, the duration of which is to be determined under section 9795.2(b).

(b) Lifetime registration.—The following individuals shall be subject to lifetime registration:

(1) An individual with two or more convictions of any of the offenses set forth in subsection (a).

[(2) Individuals convicted of any of the following offenses:

18 Pa.C.S. § 3121 (relating to rape).

18 Pa.C.S. § 3123 (relating to involuntary deviate sexual intercourse).

18 Pa.C.S. § 3124.1 (relating to sexual assault).

18 Pa.C.S. § 3125 (relating to aggravated indecent assault).

18 Pa.C.S. § 4302 (relating to incest) when the victim is under 12 years of age.

(3) Sexually violent predators.

(4) Individuals currently residing in this Commonwealth who have been convicted of offenses similar to the crimes cited in paragraph (2) under the laws of the United States or one of its territories or possessions, another state, the District of Columbia, the Commonwealth of Puerto Rico or a foreign nation or under a former law of this Commonwealth.]

(2) Individuals convicted:(i) in this Commonwealth of the following offenses:18 Pa.C.S. § 3121 (relating to rape).18 Pa.C.S. § 3123 (relating to involuntary deviate sexual intercourse).18 Pa.C.S. § 3124.1 (relating to sexual assault).18 Pa.C.S. § 3125 (relating to aggravated indecent assault).18 Pa.C.S. § 4302 (relating to incest) when the victim is under 12 years of age.(ii) of offenses similar to the crimes cited in paragraph (2)(i) under the laws of the United States or one of its territories or possessions, another state, the District of Columbia, the Commonwealth of Puerto Rico or a foreign nation or under a former law of this Commonwealth who currently reside in this Commonwealth.(3) Sexually violent predators.(4) An individual who is considered to be a sexually violent predator under section 9795.2(b) or who is otherwise required to register for life under section 9795.2(b).

* * *

(d) Residents in group-based homes.—(1) A group-based home may not provide concurrent residence in the group-based home to more than five individuals who are required to register under this chapter as sexually violent predators.(2) A group-based home that violates paragraph (1) shall be subject to a civil penalty in the amount of \$2,500 for a first violation and in the amount of \$5,000 for a second or subsequent violation.(3) The Pennsylvania State Police or local law enforcement agency of jurisdiction shall investigate compliance with this subsection, and the Attorney General or district attorney may commence a civil action in the court of common pleas of the county in which a group-based home is located to impose and collect from the group-based home the penalty under paragraph (2).(4) As used in this subsection, the term "group-based home" has the meaning given to it in 61 Pa.C.S. § 6124(c) (relating to certain offenders residing in group-based homes).

Section 9.1. Sections 9795.2(a)(2)(i) and (3), (b)(4) introductory paragraph and (i) and (5) introductory paragraph and (c)(1) and (3), 9795.3(2), (2.1) and (3) and 9795.5(a)(1) of Title 42 are amended to read:

Amend Bill, page 160, by inserting between lines 26 and 27

(3) The [ten-year] registration period required in section 9795.1(a) and (a.1) (relating to registration) shall be tolled when an offender is recommitted for a parole violation or sentenced to an additional term of imprisonment. In such cases, the Department of Corrections or county correctional facility shall notify the Pennsylvania State Police of the admission of the offender.

Amend Bill, page 175, line 27, by inserting after "FIVE"

business

Amend Bill, page 183, line 28, by inserting after

"9799.14(C)(1)."(1.1), (1.2)

Amend Bill, page 183, line 30, by inserting after

"9799.14(C)(1)."(1.1), (1.2)Amend Bill, page 184, lines 1 and 2, by string out "OR (8)" and inserting, (8) or (9)Amend Bill, page 184, line 4, by striking out "OR (8)" and inserting, (8) or (9)Amend Bill, page 185, line 1, by inserting after "INCLUDING", but not limited to,

Amend Bill, page 185, by inserting between lines 13 and 14

(1.1) An individual who, on or after the effective date of this section, has been convicted of a sexually violent offense in this Commonwealth and does not have a residence in this Commonwealth and:(i) is employed in this Commonwealth; or(ii) is a student in this Commonwealth.Amend Bill, page 185, line 20, by striking out "COMMITTED" and insertingbeen convicted of

Amend Bill, page 185, by inserting between lines 21 and 22

(2.1) An individual who, on or after the effective date of this section, is an inmate in a Federal correctional institution or is supervised by Federal probation authorities and has committed a sexually violent offense.

Amend Bill, page 186, by inserting between lines 7 and 8

(4.1) An individual who was required to register under this subchapter and has fulfilled the period of registration provided in this subchapter and who, on or after the effective date of this section, is convicted of a sexually violent offense or of an offense graded as a felony.Amend Bill, page 186, line 19, by striking out "REDUCTION" and insertingterminationAmend Bill, page 186, line 26, by inserting after "OFFENSE" or under a sexual offender statute in the jurisdiction where the individual is convicted

Amend Bill, page 186, by inserting after line 30

(7.1) An individual who, on or after the effective date of this section, is required to register in a sexual offender registry in another jurisdiction or foreign country based upon a conviction of a sexual offense which is not classified as a sexually violent offense and:(i) has a residence in this Commonwealth;(ii) is employed within this Commonwealth; or(iii) is a student within this Commonwealth.Amend Bill, page 187, lines 26 and 27, by striking out "IF THE VICTIM IS A MINOR AND THE SEXUAL" in line 26 and "OFFENDER IS NOT THE VICTIM'S PARENT OR GUARDIAN" in line 27

Amend Bill, page 189, by inserting between lines 8 and 9

(1) 18 Pa.C.S. § 3122.1(a)(2) (relating to statutory sexual assault).(1.1) 18 Pa.C.S. § 3124.2(a.2) and (a.3) (relating to institutional sexual assault).Amend Bill, page 189, line 9, by striking out "(1)" and inserting(1.2)Amend Bill, page 189, line 10, by striking out "§ 5902(B)" and inserting§ 5902(b.1)Amend Bill, page 189, lines 11 and 12, by striking out "IF THE SEXUAL OFFENDER PROMOTES THE" in line 11 and "PROSTITUTION OF A MINOR" in line 12

Amend Bill, page 190, lines 16 through 18, by striking out all of said lines

Amend Bill, page 190, line 28, by striking out "§ 3124.2 IF THE VICTIM IS A MINOR" and inserting§ 3124.2(a.1)

Amend Bill, page 191, by inserting between lines 15 and 16

(16) Two or more convictions of offenses listed as Tier I or Tier II sexual offenses.

Amend Bill, page 192, by inserting between lines 2 and 3

(7) An individual subject to registration under section 9799.13 shall register for the period of time equal to the time for which the individual was required to register in another

jurisdiction or foreign country.

Amend Bill, page 192, line 27, by striking out "PROBATION" and inserting

disposition

Amend Bill, page 193, lines 5 through 7, by striking out "THE EARLIER" in line 5 and all of lines 6 and 7 and inserting transfer to involuntary outpatient treatment

Amend Bill, page 193, lines 9 through 13, by striking out "TREATMENT); OR" in line 9 and all of lines 10 through 13 and inserting

treatment).

Amend Bill, page 193, line 19, by inserting after "COMMONWEALTH."

This subparagraph shall apply to an individual convicted of a sexually violent offense in another jurisdiction or foreign country or comparable military offense and who is a transient.

Amend Bill, page 195, by inserting between lines 5 and 6

(4) An individual required to register pursuant to section 9799.13(7.1) shall appear annually.

Amend Bill, page 195, lines 11 and 12, by striking out "EVERY 90" in line 11 and "DAYS" in line 12 and inserting quarterly

Amend Bill, page 195, line 18, by inserting after "NAME" , including an alias

Amend Bill, page 195, line 27, by striking out "A" where it occurs the first time and inserting

An addition and a

Amend Bill, page 195, line 30, by striking out "A CHANGE IN OR" and inserting

An addition, a change in and

Amend Bill, page 196, line 4, by striking out "or other identifiers" and inserting

or other identifiers and an addition to or change in the address of the place the vehicle is stored

Amend Bill, page 196, by inserting between lines 12 and 13

(9) An addition, change in or termination of information related to occupational and professional licensing, including type of license held and license number.

Amend Bill, page 196, line 20, by striking out "EVERY 30 DAYS" and inserting monthly

Amend Bill, page 196, line 21, by striking out "EVERY 30 DAYS" and inserting monthly

Amend Bill, page 196, line 29, by striking out "EVERY 40 DAYS" and inserting quarterly

Amend Bill, page 197, lines 3 and 4, by striking out "EVERY 90" in line 3 and "DAYS" in line 4 and inserting quarterly

Amend Bill, page 199, line 1, by inserting after "INCLUDING" , but not limited to,

Amend Bill, page 202, line 23, by striking out "REDUCTION" and inserting

Termination

Amend Bill, page 202, lines 24 through 30; page 203, lines 1 through 29, by striking out all of said lines on said pages

Amend Bill, page 203, line 30, by striking out "(B)" and inserting (a)

Amend Bill, page 204, line 22, by striking out "THE" and inserting

For a period of 25 years prior to the filing of the petition,

the

Amend Bill, page 204, line 23, by inserting after "SUBSEQUENT"

sexually violent offense or a subsequent

Amend Bill, page 204, line 29, by inserting after "SUPERVISION"

without revocation

Amend Bill, page 205, lines 6 through 18, by striking out all of said lines and inserting

(b) Procedure.—An individual who seeks to terminate the obligation to register pursuant to subsection (a) may petition the court of common pleas of the county in which the individual was adjudicated delinquent for termination. The court shall:

Amend Bill, page 205, line 19, by striking out "(2)" and inserting (1)

Amend Bill, page 205, line 20, by striking out "SENTENCING COURT" and inserting court

Amend Bill, page 205, lines 21 and 22, by striking "REDUCE THE PERIOD OF REGISTRATION TO TEN YEARS OR TO"

Amend Bill, page 205, lines 22 and 23, by striking out ", AS APPROPRIATE"

Amend Bill, page 205, lines 29 and 30, by striking out all of line 29 and "REGISTRATION TO TEN YEARS OR" in line 30 and inserting

(2) The court shall

Amend Bill, page 206, line 1, by striking out ", AS APPROPRIATE,"

Amend Bill, page 206, line 2, by inserting after "THAT"

the petitioner has satisfied the criteria in subsection (a) and that

Amend Bill, page 206, lines 2 and 3, by striking out "REDUCE THE PERIOD OF REGISTRATION OR TO"

Amend Bill, page 206, line 4, by striking out ", AS APPROPRIATE,"

Amend Bill, page 206, line 5, by inserting after "PERSON." The burden of proof shall be on the petitioner.

Amend Bill, page 206, line 6, by striking out "(D)" and inserting (c)

Amend Bill, page 206, line 9, by striking out "(E)" and inserting (d)

Amend Bill, page 206, line 11, by striking out "SENTENCING"

Amend Bill, page 206, line 12, by striking out "SENTENCING"

Amend Bill, page 206, line 13, by striking out "(F)" and inserting (e)

Amend Bill, page 206, line 17, by inserting after "FOR" a period of 15 years or

Amend Bill, page 219, line 2, by striking out "RELEASE THE SEXUALLY VIOLENT DELINQUENT CHILD" and inserting transfer the sexually violent delinquent child to outpatient treatment

Amend Bill, page 220, line 2, by striking out "DISCHARGE" where it appears the second time and inserting

transfer

Amend Bill, page 220, line 3, by inserting after "CHILD" to outpatient treatment or discharge the child

Amend Bill, page 220, line 9, by striking out

"COMMONWEALTH.—IF THE INDIVIDUAL IS, ON OR AFTER THE EFFECTIVE" and inserting

Commonwealth.—The following apply:

(1) If the individual is, on or after the effective

Amend Bill, page 220, by inserting between lines 24 and 25

(2) If the individual is, on or after the effective date of this section, a juvenile offender as defined in paragraph (2) of the definition of "juvenile offender" in section 9799.12 (relating to definitions), the individual shall appear in person at an approved registration site to provide the information set forth in section 9799.16(b) to the Pennsylvania State Police within three business days of establishing residence, commencing employment or commencing enrollment as a student within this Commonwealth. In addition, the individual shall comply with the other provisions of this subchapter, including section 9799.15 (relating to period of registration). If the individual fails to establish a residence but nevertheless resides in this Commonwealth, the individual shall register as a transient. The Pennsylvania State Police shall ensure

that the information set forth in section 9799.16(c) with respect to the individual is collected and entered in the registry.

Amend Bill, page 225, line 27, by striking out "REDUCTION" and inserting

termination

Amend Bill, page 230, lines 11 through 18, by striking out all of said lines

Amend Bill, page 230, lines 28 and 29, by striking out "ONCE" in line 28 and "PER CALENDAR YEAR" in line 29 and inserting annually

Amend Bill, page 231, lines 1 and 2, by striking out "EVERY" in line 1 and "180 DAYS" in line 2 and inserting semiannually

Amend Bill, page 231, lines 4 and 5, by striking out "EVERY" in line 4 and "90 DAYS" in line 5 and inserting quarterly

Amend Bill, page 231, line 8, by striking out "EVERY 90 DAYS" and inserting quarterly

Amend Bill, page 231, line 10, by striking out "EVERY 90 DAYS" and inserting quarterly

Amend Bill, page 231, line 12, by striking out "EVERY 90 DAYS" and inserting quarterly

Amend Bill, page 231, line 14, by striking out "EVERY 30 DAYS" and inserting monthly

Amend Bill, page 231, by inserting between lines 14 and 15

(8) An individual required to register under section 9799.13(7.1) (relating to applicability) shall annually appear in person at an approved registration site.

Amend Bill, page 233, by inserting between lines 1 and 2

(f) Residents in group-based homes.—

(1) A group-based home may not provide concurrent residence in the group-based home to more than five individuals who are required to register under this chapter as sexually violent predators.

(2) A group-based home that violates paragraph (1) shall be subject to a civil penalty in the amount of \$2,500 for a first violation and in the amount of \$5,000 for a second or subsequent violation.

(3) The Pennsylvania State Police or local law enforcement agency of jurisdiction shall investigate compliance with this subsection, and the Attorney General or district attorney may commence a civil action in the court of common pleas of the county in which a group-based home is located to impose and collect from the group-based home the penalty under paragraph (2).

(4) As used in this subsection, the term "group-based home" has the meaning given to it in 61 Pa.C.S. § 6124(c) (relating to certain offenders residing in group-based homes).

Amend Bill, page 243, lines 3 through 6, by striking out all of said lines

Amend Bill, page 243, line 7, by striking out "(2)" and inserting (1)

Amend Bill, page 243, line 11, by striking out "(3)" and inserting (2)

Amend Bill, page 256, by inserting between lines 11 and 12

(4) The addition of 42 Pa.C.S. §§ 9795.1(d) and 9799.25(f) shall apply to all group-based homes and their residents, regardless of when the group-based homes began to provide housing or the residents began their residency.

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

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

Mr. MARSICO. Thank you, Mr. Speaker.

This is a bipartisan amendment. I appreciate the support of Chairman Caltagirone and members of the committee and the Democrat staff, and I want to say thanks to our staff as well on the Republican side.

Once again, it is a technical amendment that clarifies some of the refinements for the legislation. But it is technical in nature and corrects some of the numerous errors in drafting, so I would appreciate an affirmative vote.

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

The following roll call was recorded:

YEAS—191

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

NAYS—0

NOT VOTING—0

EXCUSED—12

Boyd	Evans, J.	Johnson	Preston
Boyle, B.	Gerber	O'Brien, D.	Simmons
Day	Hornaman	Payton	Wagner

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?

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

Mr. McGEEHAN. Thank you, Mr. Speaker.

Mr. Speaker, am I in order to speak on the withdrawn amendments?

The SPEAKER. The gentleman is in order.

Mr. McGEEHAN. Thank you, Mr. Speaker.

Mr. Speaker, I did have two amendments posted to this bill: amendment 07018, which dealt with the window legislation; the other amendment, 07019. Mr. Speaker, these two important amendments, one would allow a 2-year revival period window for adult victims of sexual abuse to seek justice against perpetrators, whether they be entities or individuals. Mr. Speaker, these two amendments came out of the two horrific grand jury presentments that involved Philadelphia grand juries dealing with childhood sexual abuse.

Mr. Speaker, I am forced to amend many of the bills that come across, because as the minority member in this House, that is my only venue to try to shape the policy that comes out of this House. I will continue to do that, Mr. Speaker, as we move forward until these pieces of legislation become law.

I know in talking to the majority and minority chairmen of the House Judiciary Committee how important the Adam Walsh bill was, how important it was to act expeditiously to assure the accountability of those on Megan's Law and to strengthen the loopholes in Megan's Law. That does not take away from the importance of these two amendments. I acceded to the gentleman's request to withdraw the amendments based on their recommendation and the recommendation of other advocacy groups, but we will be back.

I thank the majority and minority chairs of the Judiciary Committee. Thank you, Mr. Speaker.

On the question recurring,

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

Bill as amended was agreed to.

(Bill as amended will be reprinted.)

CONSIDERATION OF SB 732 CONTINUED

The SPEAKER. The House will return to consideration of SB 732, PN 1443, on page 3 of today's House calendar.

On the question recurring,

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

Mr. **SHAPIRO** offered the following amendment No. **A07638**:

Amend Bill, page 1, lines 1 through 5 (A07472), by striking out all of said lines and inserting

Amend Bill, page 1, lines 14 and 15, by striking out ", FOR LICENSURE, FOR APPLICATION FOR LICENSE AND " in line 14 and "FOR ISSUANCE OF LICENSE; AND MAKING AN INCONSISTENT REPEAL" in line 15 and inserting

; and providing for medical expert panel

Amend Bill, page 2, lines 13 through 38; page 3, lines 1 through 30; page 4 lines 1 through 17 (A07472), by striking out all of said lines on said pages and inserting

Amend Bill, page 12, lines 3 through 30; pages 13 and 14, lines 1 through 30; page 15, lines 1 through 17, by striking out all of said lines on said pages and inserting

Section 2. The act is amended by adding a section to read:

Section 822. Medical expert panel.

The department shall convene a panel of medical experts to issue a report advising the General Assembly on medically appropriate regulation of abortion facilities. The panel shall issue its report within 90 days of the effective date of this section. The panel shall be comprised of the heads of the obstetrics and gynecology departments of each Pennsylvania hospital with expertise in the matter. Disputes regarding eligibility for the panel shall be resolved by the Secretary of Health.

Section 3. This act shall take effect in 90 days.

On the question,

Will the House agree to the amendment?

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

Mr. SHAPIRO. Thank you, Mr. Speaker.

Mr. Speaker, I thank you and the leader for affording me the opportunity to redraft this amendment after adoption of the gentleman from Tioga's amendment earlier.

Mr. Speaker, my amendment is very clear. What it does is it replaces the key components of this legislation with a section establishing and empowering a panel of medical experts to adopt recommendations for regulatory changes for abortion facilities here in Pennsylvania. And, Mr. Speaker, you might ask, why is it that we are going to rely on the advice of medical experts as opposed to the will of the House? Well, Mr. Speaker, the will of the House through the adoption of the Baker amendment flies in the face of many of the prominent medical organizations throughout the Commonwealth of Pennsylvania. To name just a few: the Pennsylvania Coalition Against Rape, the Pennsylvania Coalition Against Domestic Violence, the American Congress of Gynecologists and Obstetricians, the

National Association of Social Workers, the University of Pittsburgh Medical Center, the Hospital of the University of Pennsylvania – the American Congress of Obstetricians and Gynecologists and the University of Pittsburgh Medical Center, just to name a few.

Mr. Speaker, these medical organizations have said that the language that this House is poised to adopt is bad for women in Pennsylvania. We should rely on the recommendations of medical professionals who are trained and who practice in this medical field each and every day to supply this House, to supply this State government, with the necessary regulations that are needed to ensure that an awful, awful situation like what occurred in Philadelphia never occurs again. We should rely on their judgment, we should rely on their expertise, not, not the collective will, it seems, of this House that these medical organizations have rejected.

So, Mr. Speaker, I would ask you to adopt this amendment, amendment A7638. Thank you, Mr. Speaker.

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

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

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

I rise to respectfully request a "no" vote on this amendment. This amendment is very clear that it guts and replaces the underlying bill. Most parties agree, at a minimum abortion facilities need to be licensed and inspected. This amendment does not address that concern and will do nothing to protect the health and safety of women. As we know, there were numerous atrocities that transpired in the Gosnell clinic, and we need to address this in a decisive, definitive way.

I would respectfully request a "no" vote. Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—48

Bishop	Davis	Josephs	Ross
Boyle, K.	DeLissio	Keller, W.	Sabatina
Bradford	DePasquale	Kirkland	Santarsiero
Brennan	Dermody	Mann	Shapiro
Briggs	DeWeese	McGeehan	Smith, M.
Brown, V.	Donatucci	Mundy	Sturla
Brownlee	Evans, D.	Myers	Thomas
Buxton	Fabrizio	Neuman	Vitali
Cohen	Frankel	O'Brien, M.	Waters
Cruz	Freeman	Parker	Wheatley
Curry	Galloway	Pashinski	White
Daley	Gergely	Roebuck	Youngblood

NAYS—143

Adolph	Gabler	Kula	Rapp
Aument	Geist	Lawrence	Ravenstahl
Baker	George	Longiotti	Readshaw
Barbin	Gibbons	Maher	Reed
Barrar	Gillen	Mahoney	Reese
Bear	Gillespie	Major	Reichley
Benninghoff	Gingrich	Maloney	Roae
Bloom	Godshall	Markosek	Rock
Boback	Goodman	Marshall	Saccone
Brooks	Grell	Marsico	Sainato
Brown, R.	Grove	Masser	Samuelson

Burns	Hackett	Matzie	Santoni
Caltagirone	Hahn	Metcalfe	Saylor
Carroll	Haluska	Metzgar	Scavello
Causser	Hanna	Miccarelli	Schroder
Christiana	Harhai	Micozzie	Smith, K.
Clymer	Harhart	Millard	Sonney
Conklin	Harkins	Miller	Staback
Costa, D.	Harper	Milne	Stephens
Costa, P.	Harris	Mirabito	Stern
Cox	Heffley	Moul	Stevenson
Creighton	Helm	Mullery	Swanger
Culver	Hennessey	Murphy	Tallman
Cutler	Hess	Murt	Taylor
Davidson	Hickernell	Mustio	Tobash
Deasy	Hutchinson	O'Neill	Toepel
DeLozier	Kampf	Oberlander	Toohil
DeLuca	Kauffman	Payne	Truitt
Denlinger	Kavulich	Peifer	Turzai
DiGirolamo	Keller, F.	Perry	Vereb
Dunbar	Keller, M.K.	Petrarca	Vulakovich
Ellis	Killion	Petri	Watson
Emrick	Knowles	Pickett	Williams
Evankovich	Kortz	Pyle	
Everett	Kotik	Quigley	Smith, S.,
Farry	Krieger	Quinn	Speaker
Fleck			

NOT VOTING—0

EXCUSED—12

Boyd	Evans, J.	Johnson	Preston
Boyle, B.	Gerber	O'Brien, D.	Simmons
Day	Hornaman	Payton	Wagner

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. **SANTARSIERO** offered the following amendment No. **A07640**:

Amend Bill, page 2, line 22 (A07472), by inserting after "facilities"

which become operational one year after the effective date of this section

Amend Bill, page 2, line 26 (A07472), by inserting after

"facilities"
which become operational one year after the effective date of this section

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

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

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

This amendment is offered in the spirit of compromise. It is an attempt to try to find a moderate middle ground that can address the concerns of the proponents of SB 732 while at the same time enable facilities against which there have been absolutely no allegations of any impropriety or functioning in a way that is either unhealthy or unsafe to continue to operate as they have in the past.

Put simply, Mr. Speaker, this amendment simply makes the provisions of SB 732 operable to those facilities that first begin operation 1 year after the effective date of the bill, and as such, as I said, is able to create a compromise, a middle ground, on this issue. And as a consequence, I would urge my colleagues on both sides of the aisle to support 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 majority leader, Mr. Turzai.

Mr. TURZAI. Thank you very much.

We would ask everybody to please vote "no" on the 7640 amendment. Thank you.

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

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

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

I respectfully request a "no" vote on this amendment. Under this amendment, no abortion facility currently operating in the Commonwealth would have to comply with the provisions of the underlying bill. This completely negates the intent of the legislation. This exception is no different than the many passes that Gosnell was already given and has been demonstrated, and I respectfully request a "no" vote on this amendment.

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

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

Mr. SANTARSIERO. Mr. Speaker, when this bill was considered months ago and now again today, we have continually heard about the tragedy in Philadelphia, and "tragedy" is the right word to describe what happened there. It was an awful, awful thing. But we have not, repeatedly, we have not heard any examples of similar actions happening at any other facilities in the Commonwealth of Pennsylvania, and we should not allow one admitted tragedy to determine the fate of other facilities that are complying with the current law. And as a consequence, Mr. Speaker, as I said earlier, this amendment is offered as a compromise to allow those facilities that are functioning and are functioning well today to continue to do so and not be shut down as a consequence of this bill.

And as a result, Mr. Speaker, I ask that my colleagues on both sides of the aisle please support this amendment. Thank you.

LEAVE OF ABSENCE CANCELED

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

CONSIDERATION OF SB 732 CONTINUED

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

The following roll call was recorded:

YEAS—44

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

NAYS—148

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

NOT VOTING—0

EXCUSED—11

Boyd	Gerber	O'Brien, D.	Simmons
Boyle, B.	Hornaman	Payton	Wagner
Evans, J.	Johnson	Preston	

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

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

Mr. **BRADFORD** offered the following amendment No. **A04475**:

Amend Bill, page 11, line 20, by striking out "A DEFINITION" and inserting
definitions

Amend Bill, page 12, by inserting between lines 2 and 3
"Buffer zone." A zone extending 15 feet from any entrance to a hospital or health care facility in which no person or persons shall knowingly congregate, patrol, picket or demonstrate. This limitation shall not apply to police and public safety officers, fire and rescue personnel or other emergency workers in the course of their official business or to authorized security personnel employees or agents of the hospital, medical office or clinic engaged in assisting patients and other persons to enter or exit the hospital, medical office or clinic.

Amend Bill, page 15, by inserting between lines 10 and 11
(7) All abortion facilities shall have a buffer zone.

(a.1) Penalty.—A person, firm or corporation who pleads guilty or nolo contendere or is convicted of violating the buffer zone under subsection (a)(7) commits a summary offense and shall, upon conviction, be sentenced to pay a fine of not less than \$50 for the first offense; a fine of not less than \$150 for a second offense within five years; and a fine of not less than \$300 for a third offense within five years. For fourth and subsequent offenses within five years, the sentence shall be a fine of not less than \$300 or a term of imprisonment of not less than three days, nor more than 30 days, or both. No part of the minimum fine may be suspended or discharged, except upon proof and a finding of indigence by the court. Indigent defendants may pay fines imposed under this section by participation in a court-designated community service program, crediting the commensurate dollar amount of each hour of community service toward payment of the minimum fine owed.

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

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

Mr. BRADFORD. Thank you, Mr. Speaker.

I, too, rise to offer an amendment to this bill. Obviously, the proponents of this have insisted that this bill would further women's safety. My bill similarly is to protect women as they are entering and exiting these facilities. Unfortunately, there has been a long history of those trying to obstruct and acts of violence at abortion facilities.

While this bill does not interfere with people's constitutional rights, it is narrowly tailored to ensure the safety of these women, providing a 15-foot buffer zone between those facilities.

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.

Mr. Speaker, a buffer zone, as described in this amendment, could be any zone extending a certain amount of distance. However, Mr. Speaker, I would like to point out that our courts have already held these types of buffer zones to be unconstitutional.

Mr. Speaker, in the case of *Beecham v. Stop Huntingdon Animal Cruelty*, they clearly outlined the fact that we, the government, have to have a compelling governmental interest in creating these buffer zones. Furthermore, Mr. Speaker, in the case of *Brown v. City of Pittsburgh*, they clearly held that ordinance combinations of buffer zones, bubble zones, whatever term that you might wish to use, around hospitals and medical offices were not sufficiently tailored to the governmental interest.

Mr. Speaker, for that reason I would urge a "no" vote on this, because it is inconsistent with prior case law in the Commonwealth. Thank you.

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

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

Mr. BRADFORD. Respectfully to the speaker from Lancaster, I would point out that the compelling State interest is the safety of women and health-care providers who consistently have seen tactics used that have sometimes been violent, have been disruptive. This is clearly limited. This is narrowly tailored. It fits every constitutional requirement. It is held to 15 feet.

And I believe that this would pass any constitutional scrutiny. I notice that that is not the objection that is being placed because I do not think that is appropriate. What I would ask is for an affirmative vote on this amendment to secure the rights and safety of women.

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

The following roll call was recorded:

YEAS—52

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

NAYS—140

Adolph	Galloway	Krieger	Rapp
Aument	Geist	Kula	Ravenstahl
Baker	George	Lawrence	Readshaw
Barbin	Gergely	Longietti	Reed
Barrar	Gibbons	Maher	Reese
Bear	Gillen	Mahoney	Reichley
Benninghoff	Gillespie	Major	Roae
Bloom	Gingrich	Maloney	Rock
Boback	Godshall	Markosek	Ross
Brooks	Goodman	Marshall	Saccone
Brown, R.	Grell	Marsico	Sainato
Burns	Grove	Masser	Santoni
Caltagirone	Hackett	Matzie	Saylor
Causer	Hahn	Metcalf	Scavello

Christiana	Haluska	Metzgar	Schroder
Clymer	Hanna	Miccarelli	Smith, K.
Conklin	Harhai	Micozzie	Sonney
Cox	Harhart	Millard	Staback
Creighton	Harkins	Miller	Stephens
Culver	Harper	Milne	Stern
Cutler	Harris	Mirabito	Stevenson
Day	Heffley	Moul	Swanger
Deasy	Helm	Murt	Tallman
Delozier	Hennessey	Mustio	Taylor
DeLuca	Hess	O'Neill	Tobash
Denlinger	Hickernell	Oberlander	Toepel
DiGirolamo	Hutchinson	Payne	Toohil
Dunbar	Kampf	Peifer	Truitt
Ellis	Kauffman	Perry	Turzai
Emrick	Kavulich	Petrarca	Vereb
Evankovich	Keller, F.	Petri	Vulakovich
Everett	Keller, M.K.	Pickett	Watson
Fabrizio	Killion	Pyle	
Farry	Knowles	Quigley	Smith, S.,
Fleck	Kortz	Quinn	Speaker
Gabler	Kotik		

NOT VOTING—0

EXCUSED—11

Boyd	Gerber	O'Brien, D.	Simmons
Boyle, B.	Hornaman	Payton	Wagner
Evans, J.	Johnson	Preston	

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

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

(Bill as amended will be reprinted.)

BILL ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 1769, PN 2744**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for criminal laboratory user fee.

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

Mrs. **DAVIDSON** offered the following amendment No. **A07065**:

Amend Bill, page 1, line 3, by inserting after "fee" and for governmental immunity
Amend Bill, page 4, by inserting between lines 1 and 2
Section 2. Section 8542(b) of Title 42 is amended by adding a paragraph to read:
§ 8542. Exceptions to governmental immunity.
* * *

(b) Acts which may impose liability.—The following acts by a local agency or any of its employees may result in the imposition of liability on a local agency:
* * *

(9) Damage to financial reputation.—Maintenance of records of legal and equitable liens against the property of a person. Damages and attorney fees shall be recoverable for failure to properly:

(i) indicate satisfaction of the lien; or

(ii) remove an electronic record of the lien

within 48 hours of satisfaction.

* * *

Section 3. The addition of 42 Pa.C.S. § 8542(b)(9) shall apply to causes of action which arise on or after the effective date of this section.

Amend Bill, page 4, line 2, by striking out "2" and inserting
4

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

AMENDMENT WITHDRAWN

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

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

After numerous discussions with my colleagues on the other aisle, I am going to withdraw the amendment and offer it at another time.

The **SPEAKER**. The Speaker thanks the lady.

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

**HOUSE BILL
INTRODUCED AND REFERRED**

No. 1000 By Representatives **STEPHENS, MARSICO, CALTAGIRONE, BLOOM, EVANKOVICH, EVERETT, GEIST, GODSHALL, HARHART, M. K. KELLER, KORTZ, MAHER, MAJOR, MARSHALL, MILLARD, MILLER, QUIGLEY, READSHAW, VEREB** and **WATSON**

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

Referred to Committee on **JUDICIARY**, December 12, 2011.

SENATE MESSAGE

**HOUSE BILLS
CONCURRED IN BY SENATE**

The clerk of the Senate, being introduced, returned **HB 715, PN 729**, and **HB 755, PN 846**, with information that the Senate has passed the same without amendment.

The **SPEAKER**. There will be no more votes this evening.

BILLS SIGNED BY SPEAKER

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

HB 715, PN 729

An Act amending the act of May 25, 1945 (P.L.1050, No.394), known as the Local Tax Collection Law, further providing for definitions; and providing for collection of municipal taxes by county treasurer.

HB 755, PN 846

An Act amending the act of August 9, 1955 (P.L.323, No.130), known as The County Code, further providing for other meeting expenses paid by counties.

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

BILLS RECOMMITTED

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

HB 1769;
HB 1960;
SB 242;
SB 732; and
SB 1183.

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 1232;
SB 560; and
SB 743.

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

BILLS ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 146, PN 2186**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in rules of the road in general, prohibiting interactive wireless communications devices and prohibiting use of interactive wireless communications devices by junior drivers; further providing for duty of driver in construction and maintenance areas or on highway safety corridors, for duty of driver in emergency response areas and for the offense of careless driving; establishing the Driver Distraction Awareness Fund; and providing for additional duties of the Department of Transportation.

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

BILL TABLED

The SPEAKER. The Speaker recognizes the majority leader, who moves that **HB 146** be removed from the active calendar and placed on the tabled calendar.

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

* * *

The House proceeded to second consideration of **HB 955, PN 2571**, entitled:

An Act amending Titles 4 (Amusements) and 35 (Health and Safety) of the Pennsylvania Consolidated Statutes, revising grants to fire companies and volunteer services in the areas of scope, administration, programs, expiration of authority and special provisions; and making a related repeal.

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

BILL TABLED

The SPEAKER. The Speaker recognizes the majority leader, who moves that **HB 955** be removed from the active calendar and placed on the tabled calendar.

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

* * *

The House proceeded to second consideration of **HB 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.

* * *

The House proceeded to second consideration of **HB 1454, PN 1760**, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in school districts, further providing for value-added assessment system.

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 1454 be removed from the active calendar and placed on the tabled calendar.

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

* * *

The House proceeded to second consideration of **SB 303, PN 1406**, entitled:

An Act amending the act of October 18, 1988 (P.L.756, No.108), known as the Hazardous Sites Cleanup Act, further providing for the fund and for civil penalties.

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

BILL TABLED

The SPEAKER. The Speaker recognizes the majority leader, who moves that SB 303 be removed from the active calendar and placed on the tabled calendar.

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

* * *

The House proceeded to second consideration of **SB 304, PN 281**, entitled:

An Act amending the act of January 8, 1960 (1959 P.L.2119, No.787), known as the Air Pollution Control Act, further providing for public review of State implementation plans.

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

BILL TABLED

The SPEAKER. The Speaker recognizes the majority leader, who moves that SB 304 be removed from the active calendar and placed on the tabled calendar.

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

* * *

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

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

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

BILL TABLED

The SPEAKER. The Speaker recognizes the majority leader, who moves that SB 612 be removed from the active calendar and placed on the tabled calendar.

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

RESOLUTION

Mr. TURZAI called up **HR 6, PN 175**, entitled:

A Resolution amending the General Operating Rules of the House of Representatives, further providing for standing committees and subcommittees and tabling.

On the question,
Will the House adopt the resolution?

RESOLUTION TABLED

The SPEAKER. The Speaker recognizes the majority leader, who moves that HR 6 be removed from the active calendar and placed on the tabled calendar.

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

RESOLUTION REMOVED FROM TABLE

The SPEAKER. The Speaker recognizes the majority leader, who moves that HR 6 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.

BILLS AND RESOLUTIONS PASSED OVER

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

ADJOURNMENT

The SPEAKER. Seeing no further business before the House, the Speaker recognizes the gentleman, Mr. Masser, from Northumberland County, who moves that this House do now adjourn until Tuesday, December 13, 2011, at 11 a.m., e.s.t., unless sooner recalled by the Speaker.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 8:33 p.m., e.s.t., the House adjourned.