

# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

MONDAY, DECEMBER 19, 2011

SESSION OF 2011

195TH OF THE GENERAL ASSEMBLY

No. 87

### HOUSE OF REPRESENTATIVES

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

#### THE SPEAKER (SAMUEL H. SMITH) PRESIDING

#### PRAYER

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

Thank you, Mr. Speaker.

Good afternoon. As we enter this holiday week, please bow your heads in prayer, as prayer is our response to God's love. For it is during prayer that God brings us hope, joy, peace, and love and connects us to Him directly, intimately, and lovingly. And in praying, we are given the reassurance of God's divine love and that in these precious moments we are not alone as we pray for others and we are one with God and each other. One prayer at a time, one person at a time, we are making a difference in our world as we become ambassadors of peace and love as we move through our day. We pray for good health for our members and their families and for all those serving our country, both at home and abroad and in harm's way.

All this we ask in You, God, who is the same yesterday, today, and forever. Amen.

#### PLEDGE OF ALLEGIANCE

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

#### JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, the approval of the Journal of Friday, December 16, 2011, will be postponed until printed.

#### JOURNAL APPROVED

The SPEAKER. However, the following Journal is in print and will be approved, without objection: Wednesday, September 28, 2011.

### ACTUARIAL NOTE

The SPEAKER. The Speaker acknowledges receipt of an actuarial note for HB 1761, PN 2894.

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

#### 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:

##### SB 1276, PN 1780

An Act amending the act of August 9, 1955 (P.L.323, No.130), known as The County Code, further providing for classification of counties.

##### SB 1335, PN 1824

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.

##### SB 1336, PN 1839

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.

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

#### HOUSE BILLS INTRODUCED AND REFERRED

**No. 2085** By Representatives EVANKOVICH, MARSHALL, GERGELY, AUMENT, BOBACK, DAVIS, EVERETT, GABLER, GEORGE, GILLEN, HALUSKA, HARHAI, HARHART, HEFFLEY, HELM, HENNESSEY, KNOWLES,

KORTZ, LAWRENCE, MAHONEY, MARSICO, METCALFE, MILLER, MUSTIO, OBERLANDER, PASHINSKI, PEIFER, PICKETT, PYLE, QUINN, REESE, SACCONI, SAINATO, STURLA, TALLMAN, VULAKOVICH and WAGNER

An Act amending Title 12 (Commerce and Trade) of the Pennsylvania Consolidated Statutes, in Infrastructure and Facilities Improvement Program, further providing for definitions; and providing for reporting use of tubular steel products.

Referred to Committee on CONSUMER AFFAIRS, December 19, 2011.

**No. 2089** By Representatives WHEATLEY and PARKER

An Act amending the act of February 1, 1966 (1965 P.L.1656, No.581), known as The Borough Code, providing for contracts to promote participation.

Referred to Committee on LOCAL GOVERNMENT, December 19, 2011.

**No. 2091** By Representatives WHEATLEY, CALTAGIRONE, HORNAMAN, PARKER and PAYTON

An Act amending the act of August 7, 1936 (1st Sp.Sess., P.L.106, No.46), referred to as the Flood Control Law, providing for contracts to promote participation.

Referred to Committee on LOCAL GOVERNMENT, December 19, 2011.

**No. 2092** By Representatives WHEATLEY, DePASQUALE, HORNAMAN, MURPHY and PAYTON

An Act amending the act of May 28, 1937 (P.L.955, No.265), known as the Housing Authorities Law, further providing for powers of an authority; and providing for contracts to promote participation.

Referred to Committee on LOCAL GOVERNMENT, December 19, 2011.

**No. 2093** By Representative WHEATLEY

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

Referred to Committee on LOCAL GOVERNMENT, December 19, 2011.

**No. 2094** By Representatives WHEATLEY and PRESTON

An Act amending the act of June 23, 1931 (P.L.932, No.317), known as The Third Class City Code, providing for contracts to promote participation.

Referred to Committee on LOCAL GOVERNMENT, December 19, 2011.

**No. 2095** By Representatives WHEATLEY, PARKER and PRESTON

An Act amending the act of May 27, 1953 (P.L.244, No.34), entitled "An act relating to and regulating the contracts of incorporated towns and providing penalties," providing for contracts to promote participation.

Referred to Committee on LOCAL GOVERNMENT, December 19, 2011.

**No. 2096** By Representatives WHEATLEY, V. BROWN, PARKER and PRESTON

An Act amending the act of April 29, 1937 (P.L.526, No.118), referred to as the Political Subdivision Joint Purchases Law, providing for contracts to promote participation.

Referred to Committee on LOCAL GOVERNMENT, December 19, 2011.

## LEAVES OF ABSENCE

The SPEAKER. Turning to leaves of absence, the Chair recognizes the majority whip, who requests a leave of absence for: the gentleman, Mr. MAHER, from Allegheny County for the day; the lady, Mrs. WATSON, from Bucks County for the day; the gentleman, Mr. SACCONI, from Allegheny County for the week; the gentleman, Mr. CUTLER, from Lancaster County for the week; the gentleman, Mr. John EVANS, from Erie County for the week; the gentleman, Mr. Dennis O'BRIEN, from Philadelphia County for the week. Without objection, the leaves will be granted.

The Chair recognizes the minority whip, who requests a leave of absence for: the lady, Ms. MUNDY, from Luzerne County for the day; the lady, Ms. WAGNER, from Allegheny County for the day; the lady, Mrs. DAVIDSON, from Delaware County for the day. Without objection, the leaves will be granted.

## MASTER ROLL CALL

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

The following roll call was recorded:

### PRESENT—194

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

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

## ADDITIONS—0

## NOT VOTING—0

## EXCUSED—9

Cutler	Maher	O'Brien, D.	Wagner
Davidson	Mundy	Saccone	Watson
Evans, J.			

## LEAVES ADDED—3

DeWeese	Reichley	Williams
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## LEAVES CANCELED—3

DeWeese	Reichley	Watson
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The SPEAKER. One hundred and ninety-four members having voted on the master roll call, a quorum is present.

## GUEST INTRODUCED

The SPEAKER. If I could have the members' attention, I wanted to welcome a guest that is with us today. Located over to the left of the rostrum, we welcome Jackie Bernard, the Chief Deputy District Attorney for the Blair County District Attorney's Office. She is the guest of Representative Jerry Stern. Welcome to the hall of the House.

## UNCONTESTED CALENDAR

## RESOLUTION PURSUANT TO RULE 35

Mr. METCALFE called up **HR 524, PN 2908**, entitled:

A Resolution commemorating the 70th anniversary of the Civil Air Patrol.

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

## YEAS—194

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

NAYS—0

NOT VOTING—0

EXCUSED—9

Cutler  
Davidson  
Evans, J.Maher  
MundyO'Brien, D.  
SacconeWagner  
Watson

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

The SPEAKER. If I could ask the members to please take their seats, clear the aisles, please. I need to recognize a member about a very serious event, and I would like the members' attention kindly.

### STATEMENT BY MR. NEUMAN

The SPEAKER. The gentleman from Washington County, Mr. Neuman, is recognized under unanimous consent.

Mr. NEUMAN. Thank you, Mr. Speaker.

The small town of East Washington, Pennsylvania, was stricken with a catastrophic event today. On a routine traffic stop, we had one police officer, John David Dryer, who was shot and killed. We had another, a retired State Police officer, that was shot and wounded, Robert Caldwell. I would just like to ask for a moment of silence for prayers that Mr. Caldwell is healed and that the officer's family can get through these hard times, especially during the holiday season. My prayers, my thoughts go out to the families of these officers, and I hope that our country comes together and we realize that shooting other Americans, especially Americans that are protecting us, is not the right thing to do and we are not going to accept this. Our police officers need to be protected, and I ask our members to please rise for a moment of silence and that your thoughts and prayers go out to these families.

The SPEAKER. The members and all guests will please rise in a moment of silence out of respect for the fallen police officer and in prayer for his family and the others involved.

(Whereupon, the members of the House and all visitors stood in a moment of silence in solemn respect to the memory of Officer John David Dryer.)

Mr. NEUMAN. Thank you, Mr. Speaker.

The SPEAKER. Members may be seated.

### APPROPRIATIONS COMMITTEE MEETING

#### REPUBLICAN CAUCUS

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

Ms. MAJOR. Thank you, Mr. Speaker.

I would like to ask for the members' attention as I announce that there will be an immediate Appropriations Committee

meeting. The Appropriations Committee will meet in the majority caucus room. And then there will be a Republican Caucus meeting at 1:45. We will be scheduled to come back on the floor at 3 o'clock. So Republicans will caucus at 1:45, Mr. Speaker.

The SPEAKER. There will be an immediate Appropriations Committee meeting in the majority caucus room.

### DEMOCRATIC CAUCUS

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

Mr. FRANKEL. Thank you, Mr. Speaker.

There will be a Democratic caucus at 1:45; a Democratic caucus at 1:45. Thank you.

### RECESS

The SPEAKER. Seeing no other announcements, this House stands in recess until 3 p.m., unless sooner recalled by the Speaker.

### RECESS EXTENDED

The time of recess was extended until 3:33 p.m.; further extended until 3:45 p.m.

### AFTER RECESS

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

### BILLS REREPORTED FROM COMMITTEE

#### HB 2004, PN 2747

By Rep. ADOLPH

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

#### APPROPRIATIONS.

#### HB 2011, PN 2748

By Rep. ADOLPH

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

#### APPROPRIATIONS.

#### SB 1054, PN 1190

By Rep. ADOLPH

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

#### APPROPRIATIONS.

The SPEAKER. The House will come to order.

## LEAVES OF ABSENCE

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

## CALENDAR

### BILLS ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 1000, PN 2878**, entitled:

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

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

\* \* \*

The House proceeded to second consideration of **HB 2027, PN 2776**, entitled:

An Act designating State Route 422, from its intersection with State Route 724 in the Borough of Sinking Spring, Berks County, to the west end of the Borough of Robeson, Berks County, as the Kyle D. Pagerly Memorial Highway.

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

\* \* \*

The House proceeded to second consideration of **HB 2036, PN 2836**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in licensing of drivers, further providing for judicial review and for cancellation of driver's license; and in commercial drivers, further providing for definitions; providing for type of driving certification requirements, for medical certification and for noncompliance with certification requirements; and further providing for commercial driver's license and for disqualification.

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 1249, PN 1869**, entitled:

An Act apportioning this Commonwealth into congressional districts in conformity with constitutional requirements; providing for the nomination and election of Congressmen; and requiring publication of notice of the establishment of congressional districts following the Federal decennial census.

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

Mr. **PAYTON** offered the following amendment  
No. **A08010**:

Amend Bill, page 21, lines 6 through 30; page 22, lines 1 through 10, by striking out all of said lines on said pages and inserting

(1) The First District is composed of part of Delaware County consisting of the City of Chester Wards 01 (Divisions 01, 02, 04, 05 and 08), 02, 03, 04, 05, 06, 07, 08, 09, 10 and 11 and the townships of Chester, Darby Wards 01, 02 and 03 (Division 01), Nether Providence, Ridley Ward 01 (Division 02), Tinicum Wards 01, 02 and 04 and Upper Darby Districts 02 (Division 01), 04, 05 (Divisions 01, 02 and 05), 06 and 07 and the boroughs of Collingdale, Colwyn, Darby, East Lansdowne, Eddystone, Folcroft, Glenolden Precincts 02, 03, 04 and 05, Lansdowne, Millbourne, Rose Valley, Sharon Hill, Swarthmore, Upland and Yeadon and part of Philadelphia County consisting of the City of Philadelphia Wards 01, 02, 03, 05 (Divisions 01, 02, 03, 04, 05, 10, 13, 15, 16, 17, 18, 19, 20, 21, 23, 25, 26 and 27), 07, 13, 14, 17 (Divisions 01 and 29), 18, 19, 20, 23 (Divisions 01, 02, 03, 04, 05, 06, 07, 08, 09, 10, 11, 12, 13, 15, 16, 17, 18, 19, 20, 21, 22 and 23), 25 (Divisions 05, 06, 07, 09, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23 and 24), 26, 31, 33, 34, 35 (Divisions 06, 12, 13, 14, 15, 16, 17, 18, 19, 21, 22, 23, 24, 26, 27, 28, 29, 30 and 31), 37 (Divisions 01, 03, 04, 05, 06, 07, 08, 09, 10, 11, 12, 13, 14, 15, 17, 18, 19 and 20), 39, 40, 41 (Divisions 01, 02 and 03), 42, 45 (Division 14), 49, 53 (Divisions 01, 02, 03, 04, 05, 06, 07, 08, 09, 10, 13 and 23), 54 (Divisions 01, 02, 03, 04, 05, 09 and 13) and 62 (Divisions 01, 02, 04, 05, 06, 07, 08, 09, 10, 11, 12, 13, 14, 15, 16, 17 and 26).

(2) The Second District is composed of part of Montgomery County consisting of the townships of Cheltenham Districts 01 (Divisions 02, 03 and 04), 02 (Divisions 02, 03 and 04), 03, 04, 05, 06 and 07 and Lower Merion Wards 01, 02 (Divisions 01, 02 all blocks except 1000, 1001, 1002 and 1021 of tract 204800 and 03), 03, 04, 05, 06, 07, 08, 09, 10, 11, 12, 13 and 14 and the borough of Narberth and part of Philadelphia County consisting of the City of Philadelphia Wards 04, 05 (Divisions 06, 07, 08, 09, 11, 12, 14, 22, 24, 28 and 29), 06, 08, 09, 10, 11, 12, 15, 16, 17 (Divisions 02, 03, 04, 05, 06, 07, 08, 09, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27 and 28), 21, 22, 24, 27, 28, 29, 30, 32, 36, 37 (Divisions 02, 16 and 21), 38, 43, 44, 46, 47, 48, 50, 51, 52, 59 and 60.

Amend Bill, page 33, lines 15 through 30; page 34, lines 1 through 16, by striking out all of said lines on said pages and inserting

(13) The Thirteenth District is composed of part of Montgomery County consisting of the townships of Abington, Cheltenham Districts 01 (Division 01) and 02 (Division 01), East Norriton Districts 01 (Division 02) and 02, Hatfield District 05 (part, Division 02 only block 3006 of tract 200704), Horsham Districts 01, 02 (Division 01 and 02 only blocks 2006 and 2027 of tract 200506), 03 (Divisions 01, 02 and 04) and 04 (Division 04), Lower Gwynedd Districts 01 (Divisions 01 and 04) and 02 (Division 02), Lower Merion Ward 02 (part, Division 02 only blocks 1000, 1001, 1002 and 1021 of tract 204800), Lower Moreland, Montgomery, Plymouth Districts 01 (Division 02), 02 (Divisions 03B and 03C), 03 (Divisions 02 and 03) and 04, Springfield Districts 01, 02, 04, 05 and 07 (Division 01), Upper Dublin Districts 01, 02 (Divisions 02 and 03), 03, 04 (Divisions 02 and 03), 05 (Divisions 02 and 03), 06 (Divisions 01, 03A and 03B) and 07 (Division 03), Upper Gwynedd District 03, Upper Merion Districts Belmont (Divisions 01 and 03), Candlebrook, Gulph (Division 01), King, Swedeland and Swedesburg, Upper Moreland, Whitmarsh Districts Middle (Divisions 01, 02, 03 and 04) and West and Whitpain Districts 04, 09 and 10 and the

boroughs of Ambler, Bridgeport, Bryn Athyn, Conshohocken, Hatboro, Jenkintown, Lansdale, Norristown, North Wales, Rockledge and West Conshohocken and part of Philadelphia County consisting of the City of Philadelphia Wards 23 (Division 14), 25 (Divisions 01, 02, 03, 04 and 08), 35 (Divisions 01, 02, 03, 04, 05, 07, 08, 09, 10, 11, 20, 25 and 32), 41 (Divisions 04, 05, 06, 07, 08, 09, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25 and 26), 45 (Divisions 01, 02, 03, 04, 05, 06, 07, 08, 09, 10, 11, 12, 13, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24 and 25), 53 (Divisions 11, 12, 14, 15, 16, 17, 18, 19, 20, 21 and 22), 54 (Divisions 06, 07, 08, 10, 11, 12, 14, 15, 16, 17, 18, 19, 20, 21 and 22), 55, 56, 57, 58, 61, 62 (Divisions 03, 18, 19, 20, 21, 22, 23, 24 and 25), 63, 64, 65 and 66.

On the question,

Will the House agree to the amendment?

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

Mr. PAYTON. Thank you, Mr. Speaker.

I would ask for support for this amendment as it corrects some cracking of communities of interest and some splitting of communities. Thank you.

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

### CONSTITUTIONAL POINT OF ORDER

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

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

I rise to challenge the constitutionality of amendment 8010 from the good gentleman from Philadelphia. As we all know—

The SPEAKER. The gentleman will suspend.

Will the gentleman please cite the section of the Constitution.

Mr. TURZAI. Article I, section 2, as amended by the 14th Amendment of the United States Constitution.

The SPEAKER. The gentleman, Mr. Turzai, raises the point of order that amendment A08010 is unconstitutional. The Speaker, under rule 4, is required to submit questions affecting the constitutionality of an amendment to the House for decision, which the Chair now does.

On the question,

Will the House sustain the constitutionality of the amendment?

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

Mr. TURZAI. As many of you know, one person, one vote is the seminal constitutional principle with respect to redistricting amongst the States in this country. In Pennsylvania, those members who were here 10 years ago should remember that better than most. In the 2002 court case of *Vieth v. Pennsylvania*, which dealt with the Pennsylvania congressional redistricting plan, the Supreme Court stated that the United States Constitution requires that each congressional district in a State contain equal population. The Supreme Court has been exceedingly clear in requiring lower courts to balance

population among the districts with precision. The *Vieth* case cited both the 1983 United States Supreme Court case of *Karcher v. Daggett* and the 1969 United States Supreme Court case of *Kirkpatrick v. Preisler*, noting that, quote, "There are no *de minimis* population variations"—

The SPEAKER. The gentleman will please suspend.

The House will please come to order. The members will please take their seats and clear the aisles. It is a little too loud in here. If we could have the members kindly take their seats, take the conversations to the rear of the House.

Mr. TURZAI. To finish the quote, which could have—

The SPEAKER. Just hold on one more minute, please. I apologize.

Thank you. The gentleman may proceed.

Mr. TURZAI. Noting that "There are no *de minimis* population variations, which could practicably be avoided,..." but which nonetheless meet "...the standard of Art. I, § 2, without justification," and that this standard requires an effort to achieve precise mathematical equality. The plan adopted by the General Assembly in 2001 had a deviation of 19 people from the most populous district to the least populous district; 19 people. In *Vieth*, the Supreme Court overturned this plan as an impermissible deviation. The plan in SB 1249 underlying this amendment is quote, unquote, "zeroed out." It has only the population difference of one person in several districts simply because the overall population in Pennsylvania did not divide evenly into 18 districts. There is no impermissible deviation under that map. However, the amendment 8010 that the good gentleman from Philadelphia has offered affects the 1st, 2d, and 13th proposed Congressional Districts. The problem with the amendment is that the changes it proposes are unconstitutional. It does not adhere to one person, one vote, or the *Vieth* decision. This means that the districts should be composed of equal population, but the amendment provides for legislative districts that are between 1,000 and 3,000 off in population, far greater than the 19 declared unconstitutional by the United States Supreme Court. Congressional District 1 has 707,752, which is 2,064 persons off from the needed number of 705,688. It is too high. Congressional District 2 is 3,835 off. It is lower than the target goal of 705,688. And Congressional District 13 is 1,771 off. It is greater than the number of 705,687.

Amendment 8010 is unconstitutional for failing to achieve population equality among districts, a goal which has in fact been achieved by SB 1249. Please vote that amendment 8010 is unconstitutional. Thank you.

### LEAVE OF ABSENCE CANCELED

The SPEAKER. Returning to leaves of absence, the Speaker notes the presence of the lady from Bucks County, Mrs. Watson, on the floor of the House. Her name will be added back to the master roll call.

The House will be at ease for a moment.

### CONSIDERATION OF SB 1249 CONTINUED

The SPEAKER. The House will come to order.

The question before the House is the constitutionality of amendment A08010.

Is the gentleman, Mr. Samuelson, seeking recognition on that question?

Mr. SAMUELSON. Yes, Mr. Speaker.

The SPEAKER. The gentleman would be in order. The gentleman from Northampton, Mr. Samuelson, is recognized on the question of constitutionality.

Mr. SAMUELSON. I rise to interrogate the majority leader on his objection on the question of constitutionality.

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

Mr. SAMUELSON. Thank you, Mr. Speaker.

The majority leader has raised the question of constitutionality about the Payton amendment and whether or not it meets the standard of one person, one vote. During his argument I heard him say, I heard him refer back to the original version of SB 1249 as an example of legislation that would meet the standard of one person, one vote. Now, I am looking at a copy of the original version of SB 1249, which had a first reading and a second reading before the State Senate and says, "The First District is composed of a portion of this Commonwealth." "The Second District is composed of a portion of this Commonwealth." Later on, it says, "The Thirteenth District is composed of a portion of this Commonwealth." The exact same phrase is used, but no details are given. From reading this bill, each district could have 5 people or each district could have 5 million people. It is hard to tell when Senator Pileggi's original bill says that each district is composed of a portion of this Commonwealth.

Now, this is the version that actually had a first reading before the Senate on December 7 and a second reading before the Senate on December 12. My question to the majority leader, does that phrase "a portion of this Commonwealth" meet the—

The SPEAKER. The gentleman will suspend. Will the gentleman suspend. Will the gentleman suspend.

For what purpose does the gentleman from Butler, Mr. Metcalfe, rise?

Mr. METCALFE. Mr. Speaker, the gentleman sought to speak to or interrogate on the motion of constitutionality to this amendment A8010, and he is pursuing the same line of questioning he did in the committee, Mr. Speaker. He is not speaking to this amendment's constitutionality, but trying to use it as a platform to talk about the base legislation, Mr. Speaker.

The SPEAKER. The Speaker appreciates the gentleman's point of order and would ask the gentleman, Mr. Samuelson, to focus his questions on the constitutionality of amendment A08010.

Mr. SAMUELSON. Let me state my question in two sentences. The majority leader referred back to the original version of SB 1249 as an example of a bill that meets the one-person-one-vote standard. Does the original version of this bill, where each district is composed of a portion of this Commonwealth, does that vague language meet the standard of one person, one vote?

The SPEAKER. The question before the House is the constitutionality of this amendment, not of the underlying bill.

Mr. SAMUELSON. The majority leader used that argument to try to say this amendment was unconstitutional. He pointed to the original version of this bill as an example of what might be constitutional. I am questioning whether a bill that says "a portion of this Commonwealth" with no details is constitutional, and I am curious about the majority leader's opinion on that subject.

Mr. TURZAI. SB 1249, as it stands before us to be voted, 13 of the districts in this map have a population of 705,688, and 5 districts in this map have a population of 705,687. You cannot divide it by 18 and come up with a single number. It is off by one person. It is, as the language is, it— It is, yeah, in *Vieth*, this is precise mathematical equality because you cannot have them all at or 705,688 or 705,687. Thirteen of the districts are at 705,688 and 5 of the districts are at 705,687. There is a deviation of one, and that is a permissible deviation because it is the only deviation.

Mr. SAMUELSON. Thank you, and a follow-up question.

The majority leader spoke about the Senate bill as it came over on third reading. Does the Senate bill that had its constitutional first reading and constitutional second reading, does that language, "a portion of this Commonwealth," does that meet the constitutional standard?

Mr. TURZAI. That is not SB 1249 that is subject to debate. I just gave you the statistics for the bill that is subject to debate and compared it to this amendment, 8010, that we are saying is unconstitutional and that has significant deviations. Thank you.

Mr. SAMUELSON. Thank you, Mr. Speaker.

That ends my interrogation. I would just make the point that a Senate bill that does not give any details about any of the 18 districts—

The SPEAKER. The question before the House is the constitutionality of amendment A08010, not the underlying bill.

Mr. SAMUELSON. I just wanted to make the point that the original bill did not have any specifics, and that has a constitutional issue when no details were spelled out.

Thank you, Mr. Speaker.

## POINTS OF ORDER

The SPEAKER. On the question, the gentleman from Philadelphia, Mr. Payton, is recognized.

Mr. PAYTON. Thank you, Mr. Speaker.

I want to raise a point of order with respect to amendment 8010.

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

Mr. PAYTON. The corrective reprint of this amendment is 8018. Should we be arguing and debating that one?

The SPEAKER. The amendment that you made reference to is a late-filed amendment. It is not a corrective reprint.

Mr. PAYTON. I would respectfully appeal the ruling of the Chair.

The SPEAKER. I am not sure that I made a ruling per se. My response to your question, your point of order, was that the late-filed amendment you had is in fact not a corrective reprint because the Legislative Reference Bureau said that it was a different amendment and not just a simple corrective reprint. Normally, they certify a corrective reprint.

Does the gentleman have a further point of order?

Mr. PAYTON. Yes. The amendment 8010 was based off of incorrect information provided by the Senate Republicans, and amendment 8018 reflects corrected data that was given at a late period of time. So I would ask that amendment 8018 be considered a corrective reprint. So I would ask for a ruling on that.

The SPEAKER. The gentleman will suspend.

Let me restate how we got here. The Legislative Reference Bureau in drafting the second amendment, 8018, did not certify

it as a corrective reprint. Therefore, the gentleman can offer that under— It would need a suspension of the rules, but it is not a corrective reprint.

Mr. PAYTON. I would move that it is a corrective reprint, and I would challenge any ruling to the contrary.

The SPEAKER. In the judgment of the Speaker, the Legislative Reference Bureau has not deemed amendment A08018 as a corrective reprint, and it would be the ruling of the Chair that it is in fact not a corrective reprint.

### RULING OF CHAIR APPEALED

Mr. PAYTON. That would be the ruling that I would appeal then, Mr. Speaker.

The SPEAKER. The gentleman from Philadelphia, Mr. Payton, has challenged the ruling of the Chair. When an appeal is taken, the Speaker should clearly state the decision which is being appealed. The Speaker has ruled that amendment A08018 is not a corrective reprint because it was not certified by the Legislative Reference Bureau as such.

On the question,

Shall the decision of the Chair stand as the judgment of the House?

The SPEAKER. On the question of the appeal of the ruling of the Chair, the gentleman from Philadelphia, Mr. Payton, is recognized.

Mr. PAYTON. Thank you, Mr. Speaker.

I would ask for an affirmative vote to uphold this appeal based on the fact that the Senate Republicans gave bad data. We submitted the amendment timely with the data that was provided to us. When they came back and said we gave you the wrong data, we filed the corrective amendment. We filed the corrective amendment. And you are saying it is not timely filed, when the amendment previously was timely filed when you provided the bad data. If you have bad input, you get bad output. We can correct that very simply by having an up-or-down vote on amendment 8018. It would have been timely filed had we been provided with the correct data. That was not done, and I am being held responsible for the Senate's error with the bad data. If that is the case, that is fine, vote it up or down, but I would respectfully ask for the members to uphold this appeal to consider this a corrective reprint with the correct data that was provided at a later date that did not allow us to file a timely amendment like amendment 8010, which was filed timely.

The SPEAKER. Just for the information of the members, the way the questions are phrased on appeals of the Chair, those that would be supporting the ruling of the Chair would vote "aye"; those who disagree with the ruling of the Chair would vote "no." So I believe the gentleman from Philadelphia would actually be asking not to sustain the ruling of the Chair. I just want to clarify that for the members.

The gentleman, Mr. Payton—

Mr. PAYTON. I would be asking for a vote in the negative. Thank you.

The SPEAKER. Thank you.

On the appeal of the Chair, the Speaker recognizes the majority leader, Mr. Turzai.

Mr. TURZAI. In the first instance, another amendment filed by a member of the delegation across the aisle, amendment 7954, was appropriately zeroed out, unlike amendment 8010. The fact that somebody was given inappropriate data seems not to have been the case for 7954 but does seem to be the case by 8010. I think as we all know, our colleagues on the other side of the aisle have a significant staff that works on reapportionment and absolutely is capable, both in terms of experience and technology, to take the same data that they did and zero out 7954 and zero out 8010. In addition, 8018 is not in front of this body right now. That was filed. It is late-filed. We will deal with 8018 if and when it should be offered. But the fact of the matter is, 8010 is not timely filed. The bill, SB 1249, was reported out of committee on Thursday. Amendments were filed. Of the three amendments filed, one was appropriately zeroed out. Amendment 8010 is not appropriately zeroed out to meet the qualifications of one person, one vote, and the Chair is absolutely right that there should not be a corrective reprint. There is another amendment, 8018, and the good gentleman will be able to ask for a suspension of this body to file it and vote upon it, but that is not what is in front of us right now. Amendment 8010 is in front of us, and we should vote "yes" to sustain the ruling of the Chair. Vote "yes."

The SPEAKER. On the appeal of the Chair, the Speaker recognizes the gentleman from Allegheny County, Mr. Dermody.

Mr. DERMODY. Thank you, Mr. Speaker.

Mr. Speaker, the gentleman from Philadelphia used the data that was available to him at the time, the only data that was available to him and to any member of the General Assembly attempting to file an amendment to the Senate's redistricting plan that they sent over. Now, that is the only way he could file his amendment timely, was to use that data. That data was inaccurate in 8010. As soon as it became clear that it was, he filed 8018. Now, the argument that has just been made with regard to amendment 7954 does not apply here because 7954 is a gut-and-replace amendment. It did not rely on any data that the Senate sent over. It did not rely on the bill at all. The data that was available to the members of the General Assembly by 2 o'clock in the afternoon was the data that the Representative from Philadelphia used to file his amendment. Therefore, he should be allowed to file his corrective amendment and we should vote "no" on the ruling of the Chair.

Thank you, Mr. Speaker.

### PARLIAMENTARY INQUIRY

The SPEAKER. On the question, the gentleman from Delaware County, Mr. Vitali, is recognized.

Mr. VITALI. Parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state his inquiry.

Mr. VITALI. Could we be provided with the definition you used with regard to defining a technical amendment?

The SPEAKER. Will the gentleman restate his question? I am not sure I heard it clearly.

Mr. VITALI. Could you give us the definition you use in defining a technical amendment?

The SPEAKER. I did not define a technical amendment.

Mr. VITALI. A corrective reprint. What is the standard used there?



The SPEAKER. What I said was that the Reference Bureau normally determines whether it is a corrective reprint and certifies it as such for the normal practice of the body.

Mr. VITALI. And what is the standard used to determine whether something is a corrective reprint or not?

The SPEAKER. Generally speaking, the Legislative Reference Bureau acknowledges or would certify an amendment as a corrective reprint if in fact they made a mistake. If they did not make a mistake, then they would not certify it as a corrective reprint.

Mr. VITALI. In the circumstance where the, because I have been involved in these things before, and in circumstances where the concept is the same but the legislator was relying on bad information, it is my understanding, based on my experience, that as long as the concept is the same—

The SPEAKER. Is the gentleman making a point of order or a parliamentary inquiry?

Mr. VITALI. No. That concludes my parliamentary inquiry here. I would just like to speak on the appeal.

The SPEAKER. The question before the House is the appeal of the ruling of the Chair.

The gentleman from Delaware County is in order.

Mr. VITALI. Mr. Speaker, clearly, in my view, this is a corrective amendment. The concepts are the same. The gentleman is simply trying to make the district in question more contiguous. He is doing that by the calculations he was given. The information he was given was in error. He provided the correct information. It is the identical concept. We are not putting anyone, prejudicing anyone here. It is the same concept.

I might also note, if we can look at this practically, this count of people in the respective congressional districts was taken perhaps a year ago. That has already changed. It has already changed. The second it was taken, it changed, and it continues to change. But to be so hypertechnical on this point is to really miss the larger point, whereas we want districts to be contiguous. This is a good amendment. We have the power to improve this amendment, to make it in order, and I would support the gentleman's appeal. Thank you.

### LEAVE OF ABSENCE

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

### CONSIDERATION OF SB 1249 CONTINUED

The SPEAKER. The question is, shall the decision of the Chair stand as the judgment of the House?

For what purpose does the gentleman, Mr. Boyle, from Philadelphia stand?

Mr. B. BOYLE. If permissible, I would also like to speak briefly on this motion.

The SPEAKER. The question before the House is the appeal of the Chair.

The gentleman, Brendan Boyle, is in order.

Mr. B. BOYLE. Thank you, Mr. Speaker.

I just want to reiterate my support for my colleague from Philadelphia and ask that we support him in this. He clearly filed the amendment on time. Because of a mistake in the data that came from the Senate Republican technical files with one precinct, the numbers were thrown off. Once this mistake in the Senate Republican files was discovered over the weekend, the gentleman immediately filed a corrective amendment. Clearly, this is the right thing to do. The gentleman should have his opportunity to have his amendment voted up or down, and if people disagree with it on the merits, to simply vote against it on the merits. But to use a procedural maneuver to deny him even a vote on his amendment is not right.

Thank you, Mr. Speaker.

The SPEAKER. Shall the decision of the Chair stand as the judgment of the House?

Those in favor of sustaining the Chair's decision will vote "aye"; those opposed, "no."

On the question recurring,

Shall the decision of the Chair stand as the judgment of the House?

The following roll call was recorded:

#### YEAS—106

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

#### NAYS—86

Barbin	DeLissio	Kavulich	Petrarca
Bishop	DeLuca	Keller, W.	Preston
Boyle, B.	DePasquale	Kirkland	Ravenstahl
Boyle, K.	Dermody	Kortz	Readshaw
Bradford	Donatucci	Kotik	Roebuck
Brennan	Evans, D.	Kula	Sabatina
Briggs	Fabrizio	Longietti	Sainato
Brown, V.	Frankel	Mahoney	Samuelson
Brownlee	Freeman	Mann	Santarsiero

Burns	Galloway	Markosek	Santoni
Buxton	George	Matzie	Shapiro
Caltagirone	Gerber	McGeehan	Smith, K.
Carroll	Gergely	Mirabito	Smith, M.
Cohen	Gibbons	Mullery	Staback
Conklin	Goodman	Murphy	Sturla
Costa, D.	Haluska	Myers	Thomas
Costa, P.	Hanna	Neuman	Vitali
Cruz	Harhai	O'Brien, M.	Waters
Curry	Harkins	Parker	Wheatley
Daley	Hornaman	Pashinski	White
Davis	Johnson	Payton	Youngblood
Deasy	Josephs		

## NOT VOTING—0

## EXCUSED—11

Cutler	Evans, J.	O'Brien, D.	Wagner
Davidson	Maher	Reichley	Williams
DeWeese	Mundy	Saccone	

Less than a majority of the members elected to the House having voted in the negative, the decision of the Chair stood as the judgment of the House.

On the question recurring,

Will the House sustain the constitutionality of the amendment?

## PARLIAMENTARY INQUIRY

The SPEAKER. The question before the House is constitutionality of amendment A08010.

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

Mr. PRESTON. Thank you.

Mr. Speaker, relative to the issue of the amendment on constitutionality that is before us and during the previous scenario of questions relative to who printed what, the amendment that is before us, can I ask from the Speaker, who prepared the amendment that is being voted on, because I keep on hearing, is it the Reference Bureau or is it somebody else who is not even affiliated with the House of Representatives?

The SPEAKER. As a parliamentary inquiry, the Reference Bureau prepares the amendment based on information provided to them by either the member or their staff.

Mr. PRESTON. Thank you very much. I was just curious.

The SPEAKER. On the question of constitutionality, those voting "aye" will vote to declare the amendment to be constitutional; those voting "no" will 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—85

Barbin	DeLuca	Kavulich	Petrarca
Bishop	DePasquale	Keller, W.	Preston
Boyle, B.	Dermody	Kirkland	Ravenstahl
Boyle, K.	Donatucci	Kortz	Readshaw

Bradford	Evans, D.	Kotik	Roebuck
Brennan	Fabrizio	Kula	Sabatina
Briggs	Frankel	Longietti	Sainato
Brown, V.	Freeman	Mahoney	Samuelson
Brownlee	Galloway	Mann	Santarsiero
Burns	George	Markosek	Santoni
Buxton	Gerber	Matzie	Shapiro
Caltagirone	Gergely	McGeehan	Smith, K.
Carroll	Gibbons	Mirabito	Smith, M.
Cohen	Goodman	Mullery	Staback
Conklin	Haluska	Murphy	Sturla
Costa, D.	Hanna	Myers	Thomas
Costa, P.	Harhai	Neuman	Vitali
Cruz	Harkins	O'Brien, M.	Waters
Daley	Hornaman	Parker	Wheatley
Davis	Johnson	Pashinski	White
Deasy	Josephs	Payton	Youngblood
DeLissio			

## NAYS—107

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

## NOT VOTING—0

## EXCUSED—11

Cutler	Evans, J.	O'Brien, D.	Wagner
Davidson	Maher	Reichley	Williams
DeWeese	Mundy	Saccone	

Less than the majority having voted in the affirmative, the question was determined in the negative and the constitutionality of the amendment was not sustained.

On the question recurring,

Will the House agree to the bill on second consideration?

Mr. **STURLA** offered the following amendment  
No. **A08012**:

Amend Bill, page 27, lines 4 through 7, by striking out "; PART OF LANCASTER COUNTY " in line 4, all of lines 5 and 6 and "CHRISTIANA" in line 7

Amend Bill, page 36, line 22, by striking out "PART OF"

Amend Bill, page 36, lines 23 through 30; page 37, lines 1 through 5, by striking out "CONSISTING OF THE CITY OF LANCASTER AND THE " in line 23, all of lines 24 through 30 on page 36, all of lines 1 through 4 and "HILL" in line 5 on page 37

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

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

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, I believe that as this bill is filed, it is actually probably not constitutional. However, the reason for that is that when I went to the Reference Bureau and asked for an amendment that would keep Lancaster County whole, they said they needed an exact description of how I would keep Lancaster County whole, and I said, well, I will just keep Lancaster County whole; I will leave the details up to you as drafting attorneys. And actually, we gave them a better description of how to keep Lancaster County whole than was in SB 1249 as it was passed on first reading in the Senate, and they still said that was not enough information. So we filed one that kept Lancaster County whole but did not meet the one person, one vote in keeping the districts within one vote of each other, which was the argument that Representative Payton had just made recently in terms of trying to get his other amendment considered a corrective amendment.

### PARLIAMENTARY INQUIRY

Mr. STURLA. My guess is that my attempt to try and get the Chair to rule that mine is a corrective amendment also would fall in the same lap as Representative Payton's did. Would that be a fair assumption?

The SPEAKER. As a parliamentary inquiry, the Speaker is not aware of an additional amendment filed to the bill before us. However, the ruling of the Chair most likely would be consistent with the previous ruling.

Mr. STURLA. Thank you, Mr. Speaker.

The other amendment was A8019, which does meet constitutional muster and also keeps Lancaster County whole.

The SPEAKER. The gentleman would be in order to file that to seek a suspension of the rules for the consideration of that amendment.

Mr. STURLA. Thank you, Mr. Speaker.

I guess I will just see whether we can run this one and see whether anybody challenges the constitutionality of it. I certainly will not.

### CONSTITUTIONAL POINT OF ORDER

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, Mr. Speaker.

We do challenge the constitutionality of 8012, amendment to SB 1249. The good gentleman from Lancaster who offers amendment 8012 fails to meet the one-person-one-vote standard set in the *Vieth* case. At its essence, this requires population equality across the districts. Amendment 8012 simply changes

the congressional lines in SB 1249 without any regard to considerations of equality. It moves 32,705 people from the Seventh Congressional District with no corresponding change to add those people back in from somewhere else. The end result is that the 16th Congressional District has over 32,000 people too many and the 7th Congressional District has over 32,000 people less than it needs to meet the one-person-one-vote standard as outlined in the Constitution, the 14th Amendment, and the *Vieth* Supreme Court ruling.

Amendment 8012 is unconstitutional for failing to achieve the population equality—

The SPEAKER. Will the gentleman suspend. I apologize. I needed to read the question before you actually make your argument. That was the Chair's fault.

The gentleman, Mr. Turzai, raises the point of order—

Mr. TURZAI. Article I, section 2, sir.

The SPEAKER.—raises the point of order that amendment A08012 is unconstitutional. The Speaker, under rule 4, is required to submit questions affecting the constitutionality of an amendment to the House for decision, which the Chair now does.

On the question,

Will the House sustain the constitutionality of the amendment?

The SPEAKER. The Chair recognizes the gentleman, Mr. Turzai.

Mr. TURZAI. Mr. Speaker, we believe 8012 is unconstitutional, that it violates Article I, section 2, and the 14th Amendment of the United States Constitution, particularly as set forth in the *Vieth* case. It moves 32,705 people from the Seventh Congressional District with no corresponding change to add those individuals back in from somewhere else. The end result is that the 16th Congressional District has over 32,000 people too many and the 7th Congressional District has over 32,000 people less than it needs to meet the one-person-one-vote standard. Amendment 8012 is correspondingly unconstitutional.

The SPEAKER. On the question of constitutionality, those voting "aye" will vote 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—90

Aument	Davis	Johnson	Payton
Barbin	Deasy	Josephs	Petrarca
Bear	DeLissio	Kavulich	Preston
Bishop	DeLuca	Keller, W.	Ravenstahl
Boyd	DePasquale	Kirkland	Readshaw
Boyle, B.	Dermody	Kortz	Roebuck
Boyle, K.	Donatucci	Kotik	Sabatina
Bradford	Evans, D.	Kula	Sainato
Brennan	Fabrizio	Longietti	Samuelson
Briggs	Frankel	Mahoney	Santarsiero
Brown, V.	Freeman	Mann	Santoni
Brownlee	Galloway	Markosek	Shapiro

Burns	George	Matzie	Smith, K.
Buxton	Gerber	McGeehan	Smith, M.
Caltagirone	Gergely	Mirabito	Staback
Carroll	Gibbons	Mullery	Sturla
Cohen	Goodman	Murphy	Thomas
Conklin	Haluska	Myers	Vitali
Costa, D.	Hanna	Neuman	Waters
Costa, P.	Harhai	O'Brien, M.	Wheatley
Cruz	Harkins	Parker	White
Curry	Hickernell	Pashinski	Youngblood
Daley	Hornaman		

## NAYS—102

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

## NOT VOTING—0

## EXCUSED—11

Cutler	Evans, J.	O'Brien, D.	Wagner
Davidson	Maher	Reichley	Williams
DeWeese	Mundy	Saccone	

Less than the majority having voted in the affirmative, the question was determined in the negative and the constitutionality of the amendment was not sustained.

On the question recurring,

Will the House agree to the bill on second consideration?

Mr. **HANNA** offered the following amendment No. **A07954**:

Amend Bill, page 21, lines 6 through 30; pages 22 through 38, lines 1 through 30; page 39, lines 1 through 16, by striking out all of said lines on said pages and inserting

(1) The First District is composed of part of Delaware County consisting of the City of Chester Wards 01 (Divisions 01, 03, 04, 05, 06, 07 and 08), 02 (Divisions 01, 02 and 03), 03, 04, 05, 06, 07, 08, 09, 10 and 11 and the townships of Aston, Chester, Darby Wards 01 and 02, Ridley Wards 01 (Division 02) and 06 (Division 01) and Tinicum and the boroughs of Brookhaven, Darby, Eddystone, Folcroft, Millbourne, Parkside, Prospect Park, Ridley Park, Sharon Hill Precinct 04, Upland and Yeadon and part of Philadelphia County consisting of the City of

Philadelphia Wards 01, 02, 03, 04, 05, 07, 08 (Division 21), 11 (Division 01), 13 (Division 12), 14, 15 (Divisions 03, 07, 10, 15 and 17), 18, 19, 20, 23 (Divisions 01, 02, 03, 04, 05, 06, 07, 09, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22 and 23), 25, 26 (Divisions 02, 23 and 24), 31, 33 (Divisions 01, 02, 04, 05, 06, 07, 08, 09, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23 and 24), 34, 35 (Divisions 02, 03, 04, 05, 06, 07, 08, 09, 10, 12, 14, 15, 16, 17 and 32), 37, 39, 40, 41 (Divisions 01 and 03), 42 (Divisions 01, 02, 03, 04, 05, 06, 07, 08, 09, 10, 11, 13, 22 and 23), 43 (Divisions 01, 02, 03, 04, 05, 06, 07, 08, 09, 10, 11, 12, 13, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24 and 25), 45, 49 (Divisions 01, 04 and 05), 51 (Division 27), 53, 54 (Divisions 01, 02, 03, 04, 05, 06, 07, 08, 09, 10, 11, 12, 13, 14, 15, 16, 17, 18, 21 and 22), 55 (Divisions 08, 15 and 16), 56 (Divisions 07, 15, 34 and 40) and 62.

(2) The Second District is composed of part of Montgomery County consisting of the township of Cheltenham and part of Philadelphia County consisting of the City of Philadelphia Wards 06, 08 (Divisions 01, 02, 03, 04, 05, 06, 07, 08, 09, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 22, 23, 24, 25, 26, 27, 28, 29 and 30), 09, 10, 11 (Divisions 02, 03, 04, 05, 06, 07, 08, 09, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19 and 20), 12, 13 (Divisions 01, 02, 03, 04, 05, 06, 07, 08, 09, 10, 11, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24 and 25), 15 (Divisions 01, 02, 04, 05, 06, 08, 09, 11, 12, 13, 14, 16, 18 and 19), 16, 17, 21, 22, 23 (Divisions 08, 10, 11 and 12), 24, 26 (Divisions 01, 03, 04, 05, 06, 07, 08, 09, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21 and 22), 27, 28, 29, 30, 32, 33 (Division 03), 35 (Divisions 01, 11, 13, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30 and 31), 36, 38, 42 (Divisions 12, 14, 15, 16, 17, 18, 19, 20, 21, 24 and 25), 43 (Division 14), 44, 46, 47, 48, 49 (Divisions 02, 03, 06, 07, 08, 09, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21 and 22), 50, 51 (Divisions 01, 02, 03, 04, 05, 06, 07, 08, 09, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26 and 28), 52, 59, 60 and 61.

(3) The Third District is composed of part of Allegheny County consisting of the townships of Fawn District 02 and Marshall and the borough of Bradford Woods; part of Armstrong County consisting of the townships of Bradys Bend and Hovey; part of Butler County consisting of the City of Butler and the townships of Adams, Allegheny, Brady, Buffalo, Butler, Center, Cherry, Clay, Clinton, Concord, Connoquenessing, Cranberry, Donegal, Fairview, Forward, Franklin, Jackson, Jefferson, Lancaster, Marion, Mercer, Middlesex, Muddycreek, Oakland, Parker, Penn, Slippery Rock, Summit, Venango, Washington, Winfield and Worth and the boroughs of Bruin, Callery, Cherry Valley, Chicora, Connoquenessing, East Butler, Eau Claire, Evans City, Fairview, Harmony, Harrisville, Karns City, Mars, Petrolia, Portersville, Prospect, Saxonburg, Seven Fields, Slippery Rock, Valencia, West Liberty, West Sunbury and Zelienople; part of Crawford County consisting of the cities of Meadville and Titusville and the townships of Athens, Beaver, Bloomfield, Cambridge, Conneaut, Cussewago, East Fairfield, East Fallowfield, Fairfield, Greenwood, Hayfield, North Shenango, Oil Creek, Pine, Randolph, Richmond, Rockdale, Rome, Sadsbury, South Shenango, Sparta, Spring, Steuben, Summerhill, Summit, Troy, Union, Venango, Vernon, West Fallowfield, West Mead, West Shenango and Woodcock and the boroughs of Blooming Valley, Cambridge Springs, Centerville, Cochran, Conneaut Lake, Conneautville, Hydetown, Linesville, Saegertown, Spartansburg, Springboro, Townville, Venango and Woodcock; all of Erie County; part of Lawrence County consisting of the townships of Hickory, Neshannock, Perry District 02, Plain Grove, Pulaski Districts 02 and 03, Scott, Shenango District 05, Slippery Rock Districts 01 and 02, Washington and Wilmington and the boroughs of New Wilmington and Volant; part of Mercer County consisting of the cities of Farrell, Hermitage and Sharon and the townships of

Coolspring, Deer Creek, Delaware, East Lackawannock, Fairview, Findley, Greene, Hempfield, Jackson, Jefferson, Lackawannock, Lake, Liberty, Mill Creek, New Vernon, Otter Creek, Perry, Pine, Pymatuning, Salem, Sandy Creek, Sandy Lake, Shenango, South Pymatuning, Springfield, Sugar Grove, West Salem, Wilmington, Wolf Creek and Worth and the boroughs of Clark, Fredonia, Greenville, Grove City, Jackson Center, Jamestown, Mercer, New Lebanon, Sandy Lake, Sharpsville, Sheakleyville, Stoneboro, West Middlesex and Wheatland and part of Venango County consisting of the township of Frenchcreek.

(4) The Fourth District is composed of part of Allegheny County consisting of the City of Pittsburgh Ward 26 (Division 14) and the townships of Aleppo, Crescent, East Deer, Fawn District 01, Frazer, Hampton, Harmar, Harrison, Indiana, Kennedy, Kilbuck, Leet, McCandless, Neville, O'Hara, Ohio, Penn Hills, Pine, Reserve, Richland, Robinson District 05, Ross Wards 01 (Divisions 01, 02 and 04), 02, 03, 04, 05, 06, 07 (Divisions 01, 03 and 04), 08 and 09, Shaler, Springdale, Stowe, West Deer and Wilkins and the boroughs of Aspinwall, Avalon, Bell Acres, Bellevue, Ben Avon, Ben Avon Heights, Blawnox, Brackenridge, Chalfant, Cheswick, Churchill, Coraopolis Wards 01, 02, 03 (Division 01) and 04, Edgewood, Edgeworth, Emsworth, Etna, Forest Hills District 02, Fox Chapel, Franklin Park, Glen Osborne, Glenfield, Haysville, Leetsdale, McKees Rocks, Millvale, Monroeville Wards 01 (Divisions 01, 02 and 04), 02, 03, 04, 05, 06 and 07, Oakmont, Pitcairn, Plum, Sewickley, Sewickley Heights, Sewickley Hills, Sharpsburg, Springdale, Swissvale District 11, Tarentum, Verona, West View and Wilkinsburg; all of Beaver County; part of Lawrence County consisting of the City of New Castle and the townships of Little Beaver, Mahoning, North Beaver, Perry District 01, Pulaski District 01, Shenango Districts 01, 02, 03 and 04, Slippery Rock District 03, Taylor, Union and Wayne and the boroughs of Bessemer, Ellport, Ellwood City (Lawrence County portion), Enon Valley, New Beaver, S.N.P.J., South New Castle and Wampum; part of Washington County consisting of the townships of Cecil District 03, Hanover District 01 and Robinson and the boroughs of McDonald (Washington County portion) and Midway and part of Westmoreland County consisting of the cities of Arnold, Lower Burrell and New Kensington.

(5) The Fifth District is composed of part of Armstrong County consisting of the City of Parker City and the townships of Bethel, Boggs, Burrell, Cadogan, Cowanshannock, East Franklin, Gilpin, Kiskiminetas Districts Horrell, Orch.hills-north and Spring Church, Kittanning, Madison, Mahoning, Manor, North Buffalo, Parks, Perry, Pine, Plumcreek, Rayburn, Redbank, South Buffalo, Sugarcreek, Valley, Washington, Wayne and West Franklin and the boroughs of Apollo, Applewold, Atwood, Dayton, Elderton, Ford City, Ford Cliff, Freeport, Kittanning, Leechburg, Manorville, North Apollo, Rural Valley, South Bethlehem, West Kittanning and Worthington; part of Bradford County consisting of the townships of Armenia, Canton, Columbia, Granville, Leroy, Ridgebury, Smithfield, South Creek, Springfield, Troy, Wells and West Burlington and the boroughs of Alba, Canton, Sylvania and Troy; part of Butler County consisting of the township of Clearfield; all of Cameron County; part of Centre County consisting of the townships of Benner, Boggs, Burnside, College, Curtin, Ferguson, Gregg, Haines, Halfmoon, Harris, Howard, Huston, Liberty, Marion, Miles, Patton, Penn, Rush, Snow Shoe, Spring, Taylor, Union, Walker and Worth and the boroughs of Bellefonte, Howard, Milesburg, Millheim, Philipsburg, Port Matilda, Snow Shoe, State College and Unionville; all of Clarion County; all of Clearfield County; part of Clinton County consisting of the City of Lock Haven and the townships of Allison, Bald Eagle, Beech Creek, Castanea, Chapman, Colebrook, Crawford, Dunnstable, East Keating, Greene, Grugan, Lamar, Leidy, Logan, Noyes, Pine Creek,

Porter, Wayne, West Keating and Woodward and the boroughs of Avis, Beech Creek, Flemington, Loganton, Mill Hall, Renovo and South Renovo; part of Crawford County consisting of the townships of East Mead and Wayne; all of Elk County; all of Forest County; part of Indiana County consisting of the townships of Banks, Canoe, East Mahoning, Grant, Montgomery, North Mahoning, South Mahoning, Washington and West Mahoning and the boroughs of Cherry Tree, Creekside, Glen Campbell, Marion Center, Plumville and Smicksburg; all of Jefferson County; part of Lycoming County consisting of the townships of Porter and Watson; all of McKean County; part of Mercer County consisting of the township of French Creek; part of Mifflin County consisting of the township of Armagh District Old; all of Potter County; part of Tioga County consisting of the townships of Bloss, Brookfield, Charleston, Chatham, Clymer, Covington, Deerfield, Delmar, Duncan, Elk, Farmington, Gaines, Hamilton, Jackson, Lawrence, Liberty, Middlebury, Morris, Nelson, Osceola, Putnam, Richmond, Rutland, Shippen, Sullivan, Tioga, Union District North, Ward and Westfield and the boroughs of Blossburg, Elkland, Knoxville, Lawrenceville, Liberty, Mansfield, Roseville, Tioga, Wellsboro and Westfield; part of Venango County consisting of the cities of Franklin and Oil City and the townships of Allegheny, Canal, Cherrytree, Clinton, Cornplanter, Cranberry, Irwin, Jackson, Mineral, Oakland, Oil Creek, Pinegrove, Plum, President, Richland, Rockland, Sandycreek, Scrubgrass and Victory and the boroughs of Barkeyville, Clintonville, Cooperstown, Emlenton (Venango County portion), Pleasantville, Polk, Rouseville, Sugarcreek and Utica and all of Warren County.

(6) The Sixth District is composed of part of Berks County consisting of the City of Reading Ward 18 (Division 01) and the townships of Amity, Brecknock, Caernarvon, Colebrookdale, Cumru, Douglass, Earl, Exeter Precincts 04 and 07, Heidelberg, Hereford District 02, Lower Heidelberg, North Heidelberg, Penn, Robeson, South Heidelberg, Spring, Union and Washington and the boroughs of Adamstown (Berks County portion), Bally, Bechtelsville, Birdsboro, Boyertown, Kenhorst, Mohnton, New Morgan, Robeson, Shillington, Sinking Spring, St. Lawrence, Wernersville, West Reading District 03, Womelsdorf and Wyomissing; part of Chester County consisting of the City of Coatesville and the townships of Birmingham, Caln District 02, Charlestown, East Brandywine, East Caln District 01, East Coventry, East Fallowfield, East Nantmeal, East Pikeland Precincts 01 and 03, East Vincent, East Whiteland, Honey Brook, Newlin, North Coventry, Pocopson, Sadsbury, South Coventry, Tredyffrin Districts Middle (Divisions 01 and 04) and West, Upper Uwchlan, Uwchlan, Valley, Wallace, Warwick, West Bradford Precincts 03, 04 and 05, West Brandywine, West Caln, West Marlborough, West Nantmeal, West Pikeland, West Sadsbury, West Vincent, West Whiteland Precincts 02, 03, 04, 05, 06 and 07 and Willistown District North (Divisions 04 and 06) and the boroughs of Downingtown District East (Division West), Elverson, Honey Brook, Modena, Parkesburg, South Coatesville and Spring City; part of Lancaster County consisting of the townships of Brecknock, Caernarvon, Clay, Earl, East Cocalico, East Earl, East Lampeter Districts 01, 02, 03, 04, 06, 07 and 08, Ephrata, Leacock, Manheim District 13, Salisbury, Upper Leacock, Warwick Districts Brunnerville, Clay Newport, Hilltop Manor, Millport, Newport West and Rothsville, West Cocalico and West Earl and the boroughs of Adamstown (Lancaster County portion), Akron, Christiana, Denver, Ephrata, Lititz, New Holland and Terre Hill and part of Montgomery County consisting of the townships of Douglass, Franconia, Hatfield Districts 02 (Division 01), 03 (Division 01) and 04 (Division 02), Limerick, Lower Frederick, Lower Pottsgrove, Lower Salford Districts 01, 02 and 05, Marlborough, New Hanover, Salford, Upper Frederick, Upper Hanover, Upper Pottsgrove, Upper Salford and West Pottsgrove and the boroughs

of East Greenville, Green Lane, Pennsburg, Pottstown, Red Hill, Souderton and Telford (Montgomery County portion).

(7) The Seventh District is composed of part of Chester County consisting of the townships of Caln Districts 01, 03 and 04, East Bradford, East Caln District 02, East Goshen, East Pikeland Precinct 02, Easttown, Schuylkill, Thornbury, Tredyffrin Districts East and Middle (Divisions 02, 03, 05, 06 and 07), West Bradford Precincts 01 and 02, West Goshen, West Whiteland Precinct 01, Westtown and Willistown Districts North (Divisions 01, 02, 03 and 05) and South and the boroughs of Downingtown Districts East (Division East) and West, Malvern, Phoenixville Wards East, Middle, North (Divisions 02 and 03) and West and West Chester; part of Delaware County consisting of the City of Chester Wards 01 (Division 02) and 02 (Division 04) and the townships of Bethel, Chadds Ford, Concord, Darby Wards 03, 04 and 05, Edgmont, Haverford, Lower Chichester, Marple, Middletown, Nether Providence, Newtown, Radnor, Ridley Wards 01 (Divisions 01 and 03), 02, 03, 04, 05, 06 (Division 02), 07, 08 and 09, Springfield, Thornbury, Upper Chichester, Upper Darby and Upper Providence and the boroughs of Aldan, Chester Heights, Clifton Heights, Collingdale, Colwyn, East Lansdowne, Glenolden, Lansdowne, Marcus Hook, Media, Morton, Norwood, Rose Valley, Rutledge, Sharon Hill Precincts 01, 02 and 03, Swarthmore and Trainer and part of Montgomery County consisting of the townships of Lower Merion, Lower Providence District 03 (Division 02) and Upper Merion Districts Belmont, Candlebrook, Gulph, King, Roberts and Swedesburg and the boroughs of Conshohocken, Narberth and West Conshohocken.

(8) The Eighth District is composed of part of Bucks County consisting of the townships of Bedminster, Bensalem, Bridgeton, Bristol, Buckingham, Doylestown, Durham, East Rockhill, Falls, Haycock, Hilltown, Lower Makefield, Lower Southampton, Middletown, Milford, New Britain, Newtown, Nockamixon, Northampton, Plumstead, Richland, Solebury, Springfield Districts East and West, Tinicum, Upper Makefield, Upper Southampton, Warminster, Warrington, Warwick, West Rockhill and Wrightstown and the boroughs of Bristol, Chalfont, Doylestown, Dublin, Hulmeville, Ivyland, Langhorne, Langhorne Manor, Morrisville, New Britain, New Hope, Newtown, Penndel, Perkasio, Quakertown, Richlandtown, Riegelsville, Sellersville, Silverdale, Telford (Bucks County portion), Trumbauersville, Tullytown and Yardley and part of Philadelphia County consisting of the City of Philadelphia Wards 57 (Divisions 01, 02, 09, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 21, 22, 24, 25, 27 and 28), 64 (Division 01), 65 (Divisions 01, 02, 03, 04, 05, 07, 10, 12, 13, 20 and 23) and 66.

(9) The Ninth District is composed of part of Allegheny County consisting of the borough of Monroeville Ward 01 (Division 03); part of Armstrong County consisting of the townships of Kiskiminetas District Orch.hills-south and South Bend; all of Bedford County; part of Blair County consisting of the City of Altoona and the townships of Allegheny, Antis, Blair, Catharine, Frankstown, Freedom, Greenfield, Huston, Juniata, Logan, North Woodbury, Snyder District 01, Taylor, Tyrone and Woodbury and the boroughs of Bellwood, Duncansville, Hollidaysburg, Martinsburg, Newry, Roaring Spring, Tunnelhill (Blair County portion), Tyrone and Williamsburg; part of Cambria County consisting of the townships of Barr, Blacklick District 01, Cambria District Colver, Chest, Clearfield, Dean, East Carroll District North, Elder, Reade, Susquehanna, West Carroll and White and the boroughs of Carrolltown, Hastings, Northern Cambria, Patton and Tunnelhill (Cambria County portion); part of Franklin County consisting of the townships of Antrim, Greene District 06, Guilford, Hamilton, Letterkenny, Metal, Montgomery, Peters, Quincy, St. Thomas, Warren and Washington and the boroughs of Chambersburg, Greencastle, Mercersburg, Mont Alto and Waynesboro; all of Fulton County;

part of Huntingdon County consisting of the townships of Carbon, Cass, Clay, Cromwell, Dublin, Hopewell, Juniata, Lincoln, Penn, Shirley, Springfield, Tell, Todd, Union, Walker and Wood and the boroughs of Birmingham, Broad Top City, Cassville, Coalmont, Dudley, Mapleton, Marklesburg, Orbisonia, Rockhill, Saltillo, Shade Gap, Shirleysburg and Three Springs; part of Indiana County consisting of the townships of Armstrong, Blacklick, Brush Valley, Buffington, Burrell, Center, Cherryhill, Conemaugh, East Wheatfield, Green, Pine, Rayne, West Wheatfield, White and Young and the boroughs of Armagh, Blairsville, Clymer, Ernest, Homer City, Indiana, Saltsburg and Shelocta; part of Somerset County consisting of the townships of Fairhope and Ogle and part of Westmoreland County consisting of the cities of Greensburg, Jeannette and Latrobe and the townships of Allegheny, Bell, Cook, Derry Districts Alters, Bradenville, Cokeville, Cooperstown, Kingston, Loyalhanna, Millwood, New Derry, Peanut, Saxman, Simpsons and Torrance, Donegal, Fairfield, Hempfield, Ligonier Districts North Ligonier and Wilpen, Loyalhanna, Mount Pleasant Districts Hecla, Laurel Run, Mammoth, Pleasant Valley, Ridgeview, Spring Garden, United and Westmoreland, North Huntingdon, Penn, Salem, St. Clair, Unity, Upper Burrell and Washington and the boroughs of Adamsburg, Arona, Avonmore, Bolivar, Delmont, Derry, Donegal, East Vandergrift, Export, Hyde Park, Irwin, Ligonier, Manor, Murrysburg, New Alexandria, New Florence, New Stanton, North Irwin, Oklahoma, Penn, Seward, South Greensburg, Southwest Greensburg, Trafford (Westmoreland County portion), Vandergrift, West Leechburg, Youngstown and Youngwood.

(10) The Tenth District is composed of part of Blair County consisting of the township of Snyder District 02; part of Centre County consisting of the township of Potter and the borough of Centre Hall; part of Clinton County consisting of the township of Gallagher; part of Columbia County consisting of the townships of Franklin and Madison and the borough of Catawissa; part of Cumberland County consisting of the townships of East Pennsboro Districts 05, 08 and 10, Hopewell, Lower Mifflin, North Middleton, North Newton, Shippensburg, Silver Spring Precinct 09, South Middleton Precincts 02, 03, 04, 05, 06, 08 and 09, Southampton, Upper Frankford and Upper Mifflin and the boroughs of Carlisle, Newburg and Shippensburg (Cumberland County portion); part of Dauphin County consisting of the City of Harrisburg Wards 14 and 15 and the townships of Conewago District 02, Derry Precincts 01, 02, 03, 04, 05, 06, 07, 08, 09, 10, 11, 12, 14 and 15, East Hanover Precinct 02, Halifax, Jackson, Jefferson, Lower Paxton Districts 01, 02, 03, 04, 05, 06, 07, 08, 09, 11, 12, 13, 14, 15, 16, 18, 19, 20, 21, 22, 23, 24, 25, 26 and 27, Lykens, Middle Paxton, Mifflin, Reed, Rush, South Hanover, Susquehanna Wards 02, 03, 04, 05, 06, 07, 08 and 09, Swatara Districts 04 and 06, Upper Paxton, Washington, Wayne, West Hanover, Wiconisco and Williams and the boroughs of Berrysburg, Dauphin, Elizabethville, Gratz, Halifax, Hummelstown, Lykens, Millersburg, Penbrook, Pillow and Williamstown; part of Franklin County consisting of the townships of Fannett, Greene Districts 02, 03 and 05, Lurgan and Southampton and the boroughs of Orrstown and Shippensburg (Franklin County portion); part of Huntingdon County consisting of the townships of Barree, Brady, Franklin, Henderson, Jackson, Logan, Miller, Morris, Oneida, Porter, Smithfield, Spruce Creek, Warriors Mark and West and the boroughs of Alexandria, Huntingdon, Mill Creek, Mount Union and Petersburg; all of Juniata County; part of Lycoming County consisting of the City of Williamsport and the townships of Anthony, Armstrong, Bastress, Brady, Brown, Cascade, Clinton, Cogan House, Cummings, Eldred, Fairfield, Franklin, Gamble, Hepburn, Jackson, Lewis, Limestone, Loyalsock, Lycoming, McHenry, McIntyre, McNett, Mifflin, Mill Creek, Moreland, Muncy, Muncy Creek, Nippenose, Old

Lycoming, Penn, Piatt, Pine, Plunketts Creek, Susquehanna, Upper Fairfield, Washington, Wolf and Woodward and the boroughs of Duboistown, Hughesville, Jersey Shore, Montgomery, Montoursville, Muncy, Picture Rocks, Salladasburg and South Williamsport; part of Mifflin County consisting of the townships of Armagh District New, Bratton, Brown, Decatur, Derry, Granville, Menno, Oliver, Union and Wayne and the boroughs of Burnham, Juniata Terrace, Kistler, Lewistown, McVeytown and Newton Hamilton; part of Montour County consisting of the townships of Anthony, Derry, Liberty, Limestone, Mayberry and West Hemlock and the borough of Washingtonville; part of Northumberland County consisting of the cities of Shamokin and Sunbury and the townships of Coal, Delaware, East Cameron, East Chillisquaque, Jackson, Jordan, Lewis, Little Mahanoy, Lower Augusta, Lower Mahanoy, Mount Carmel Districts Diamond, Exchange, Strong and West, Point, Ralpho, Rockefeller, Rush, Shamokin, Turbot, Upper Augusta, Upper Mahanoy, Washington, West Cameron, West Chillisquaque and Zerbe and the boroughs of Herndon, Kulpmont, Marion Heights, McEwensville, Milton, Mount Carmel, Northumberland, Riverside, Snyderstown, Turbotville and Watsontown; all of Perry County; all of Snyder County; part of Sullivan County consisting of the township of Hillsgrove; part of Tioga County consisting of the township of Union District South and all of Union County.

(11) The Eleventh District is composed of part of Bradford County consisting of the townships of Albany, Asylum, Athens, Burlington, Franklin, Herrick, Litchfield, Monroe, North Towanda, Orwell, Overton, Pike, Rome, Sheshequin, Standing Stone, Stevens, Terry, Towanda, Tuscarora, Ulster, Warren, Wilmot, Windham, Wyalusing and Wysox and the boroughs of Athens, Burlington, Leraysville, Monroe, New Albany, Rome, Sayre, South Waverly, Towanda and Wyalusing; part of Carbon County consisting of the township of Banks and the borough of Beaver Meadows; part of Columbia County consisting of the townships of Benton, Briar Creek, Catawissa, Cleveland, Conyngham, Fishing Creek, Greenwood, Hemlock, Jackson, Locust, Main, Mifflin, Montour, Mount Pleasant, North Centre, Orange, Pine, Roaring Creek, Scott, South Centre and Sugarloaf and the town of Bloomsburg and the boroughs of Ashland (Columbia County portion), Benton, Berwick, Briar Creek, Centralia, Millville, Orangeville and Stillwater; part of Lackawanna County consisting of the cities of Carbondale and Scranton Ward 03 (Division 02) and the townships of Abington, Benton, Carbondale, Elmhurst, Fell, Glenburn, Greenfield, Jefferson, La Plume, Madison, Newton, North Abington, Ransom, Roaring Brook, Scott, South Abington and West Abington and the boroughs of Archbald Wards 02, 03 and 04, Blakely Wards 02 and 03 (Division 02), Clarks Green, Clarks Summit, Dalton, Jermy, Mayfield, Moscow, Olyphant Ward 02 and Vandling; part of Luzerne County consisting of the cities of Hazleton, Nanticoke, Pittston and Wilkes-Barre and the townships of Bear Creek, Black Creek, Butler, Conyngham, Dallas, Dennison, Dorrance, Exeter, Fairmount, Fairview, Foster, Franklin, Hanover, Hazle, Hollenback, Hunlock, Huntington, Jackson, Jenkins, Kingston, Lake, Lehman, Nescopeck, Newport, Pittston, Plains, Plymouth, Rice, Ross, Salem, Slocum, Sugarloaf, Union, Wilkes-Barre and Wright and the boroughs of Ashley, Avoca, Bear Creek Village, Conyngham, Courtdale, Dallas, Dupont, Duryea, Edwardsville, Exeter, Forty Fort, Freeland, Harveys Lake, Hughestown, Jeddo, Kingston, Laffin, Larksville, Laurel Run, Luzerne, Nescopeck, New Columbus, Nuangola, Penn Lake Park, Plymouth, Pringle, Shickshinny, Sugar Notch, Swoyersville, Warrior Run, West Hazleton, West Pittston, West Wyoming, White Haven, Wyoming and Yatesville; part of Lycoming County consisting of the townships of Jordan and Shrewsbury; part of Montour County consisting of the townships of Cooper, Mahoning and Valley and the borough of

Danville; part of Northumberland County consisting of the township of Mount Carmel District Natalie; all of Pike County; part of Sullivan County consisting of the townships of Cherry, Colley, Davidson, Elkland, Forks, Fox, Laporte and Shrewsbury and the boroughs of Dushore, Eagles Mere, Forksville and Laporte; all of Susquehanna County; all of Wayne County and all of Wyoming County.

(12) The Twelfth District is composed of part of Allegheny County consisting of the City of Clairton and the townships of Elizabeth, Forward, South Park Districts 01, 02, 05, 06, 07, 08, 09 and 11 and South Versailles and the boroughs of Bethel Park Ward 04 (Division 03), Elizabeth, Glassport, Jefferson Hills, Liberty, Lincoln, Pleasant Hills District 05, Port Vue, Versailles, West Elizabeth and White Oak; part of Cambria County consisting of the City of Johnstown and the townships of Adams, Allegheny, Blacklick District 02, Cambria Districts 01, 04 and Revloc, Conemaugh, Cresson, Croyle, East Carroll District South, East Taylor, Gallitzin, Jackson, Lower Yoder, Middle Taylor, Munster, Portage, Richland, Stonycreek, Summerhill, Upper Yoder, Washington and West Taylor and the boroughs of Ashville, Brownstown, Cassandra, Chest Springs, Cresson, Daisytown, Dale, East Conemaugh, Ebensburg, Ehrenfeld, Ferndale, Franklin, Gallitzin, Geistown, Lilly, Lorain, Loretto, Nanty Glo, Portage, Sankertown, Scalp Level, South Fork, Southmont, Summerhill, Vintondale, Westmont and Wilmore; all of Fayette County; all of Greene County; part of Somerset County consisting of the townships of Addison, Allegheny, Black, Brothersvalley, Conemaugh, Elk Lick, Greenville, Jefferson, Jenner, Larimer, Lincoln, Lower Turkeyfoot, Middlecreek, Milford, Northampton, Paint, Quemahoning, Shade, Somerset, Southampton, Stonycreek, Summit and Upper Turkeyfoot and the boroughs of Addison, Benson, Berlin, Boswell, Callimont, Casselman, Central City, Confluence, Garrett, Hooversville, Indian Lake, Jennerstown, Meyersdale, New Baltimore, New Centerville, Paint, Rockwood, Salisbury, Seven Springs (Somerset County portion), Shanksville, Somerset, Stoystown, Ursina, Wellersburg and Windber; part of Washington County consisting of the cities of Monongahela and Washington and the townships of Amwell, Blaine, Buffalo, Canton, Carroll, Cecil Districts 01, 02, 04, 05 and 06, Chartiers, Cross Creek, Donegal, East Bethlehem, East Finley, Fallowfield, Hanover District 02, Hopewell, Independence, Jefferson, Morris, Mount Pleasant, North Bethlehem, North Franklin, North Strabane, Nottingham, Peters, Smith, Somerset, South Franklin, South Strabane, Union, West Bethlehem, West Finley and West Pike Run and the boroughs of Allenport, Beallsville, Bentleyville, Burgettstown, California, Canonsburg, Centerville, Charleroi, Claysville, Coal Center, Cokeburg, Deemston, Donora, Dunlevy, East Washington, Elco, Ellsworth, Finleyville, Green Hills, Houston, Long Branch, Marianna, New Eagle, North Charleroi, Roscoe, Speers, Stockdale, Twilight, West Brownsville and West Middletown and part of Westmoreland County consisting of the City of Monessen and the townships of Derry District Scalp Level, East Huntingdon, Ligonier Districts Idle Park, Laughlinstown, South Ligonier and Waterford, Mount Pleasant Districts Bridgeport and Duncan, Rostraver, Sewickley and South Huntingdon and the boroughs of Hunker, Laurel Mountain, Madison, Mount Pleasant, North Belle Vernon, Scottdale, Smithton, Sutersville and West Newton.

(13) The Thirteenth District is composed of part of Chester County consisting of the borough of Phoenixville Ward North (Division 01); part of Montgomery County consisting of the townships of Abington, East Norriton, Hatfield Districts 01, 02 (Division 02), 03 (Division 02), 04 (Division 01) and 05, Horsham, Lower Gwynedd, Lower Moreland, Lower Providence Districts 01, 02 and 03 (Divisions 01, 03 and 04), Lower Salford Districts 03, 04 and 06, Montgomery, Perkiomen, Plymouth,

Skippack, Springfield, Towamencin, Upper Dublin, Upper Gwynedd, Upper Merion District Swedeland, Upper Moreland, Upper Providence, West Norriton, Whitemarsh, Whitpain and Worcester and the boroughs of Ambler, Bridgeport, Bryn Athyn, Collegeville, Hatboro, Hatfield, Jenkintown, Lansdale, Norristown, North Wales, Rockledge, Royersford, Schwenksville and Trappe and part of Philadelphia County consisting of the City of Philadelphia Wards 41 (Divisions 02, 04, 05, 06, 07, 08, 09, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25 and 26), 54 (Divisions 19 and 20), 55 (Divisions 01, 02, 03, 04, 05, 06, 07, 08, 10, 11, 12, 13, 14, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28 and 29), 56 (Divisions 01, 02, 03, 04, 05, 06, 08, 09, 10, 11, 12, 13, 14, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 35, 36, 37, 38, 39 and 41), 57 (Divisions 03, 04, 05, 06, 07, 08, 20, 23 and 26), 58, 63, 64 (Divisions 02, 03, 04, 05, 06, 07, 08, 09, 10, 11, 12, 13, 14, 15, 16, 17 and 18) and 65 (Divisions 06, 08, 09, 11, 14, 15, 16, 17, 18, 19, 21 and 22).

(14) The Fourteenth District is composed of part of Allegheny County consisting of the cities of Duquesne, McKeesport and Pittsburgh Wards 01, 02, 03, 04, 05, 06, 07, 08, 09, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26 (Divisions 01, 02, 03, 04, 05, 06, 07, 08, 09, 10, 11, 12, 13, 15, 16 and 17), 27, 28, 29, 30, 31 and 32 and the townships of Baldwin, Collier, Findlay, Moon, Mount Lebanon, North Fayette, North Versailles, Robinson Districts 01, 02, 03, 04, 06, 07, 08 and 09, Ross Wards 01 (Division 03) and 07 (Division 02), Scott, South Fayette, South Park Districts 03, 04, 10 and 12 and Upper St. Clair and the boroughs of Baldwin, Bethel Park Wards 01, 02, 03, 04 (Divisions 01 and 02), 05, 06, 07, 08 and 09, Braddock, Braddock Hills, Brentwood, Bridgeville, Carnegie, Castle Shannon, Coraopolis Ward 03 (Division 02), Crafton, Dormont, Dravosburg, East McKeesport, East Pittsburgh, Forest Hills Districts 01, 03, 04, 05, 06, 07 and 08, Green Tree, Heidelberg, Homestead, Ingram, McDonald (Allegheny County portion), Mount Oliver, Munhall, North Braddock, Oakdale, Pennsbury Village, Pleasant Hills Districts 01, 02, 03, 04, 06, 07, 08, 09 and 10, Rankin, Rosslyn Farms, Swissvale Districts 01, 02, 03, 04, 05, 06, 07, 08, 09 and 10, Thornburg, Trafford (Allegheny County portion), Turtle Creek, Wall, West Homestead, West Mifflin, Whitaker, Whitehall and Wilmerding.

(15) The Fifteenth District is composed of part of Berks County consisting of the townships of Albany, District, Exeter Precincts 01, 02, 03, 05, 06, 08, 09 and 10, Greenwich, Hereford District 01, Longswamp, Lower Alsace District 01, Maxatawny, Oley, Pike and Rockland and the boroughs of Kutztown, Lenhartsville, Lyons and Topton; part of Bucks County consisting of the township of Springfield District Middle; all of Lehigh County and part of Northampton County consisting of the cities of Bethlehem (Northampton County portion) and Easton and the townships of Allen, Bethlehem, Bushkill, East Allen, Forks, Hanover, Lehigh, Lower Mount Bethel, Lower Nazareth, Lower Saucon, Moore Districts Beersville, Eastern and Pt. Phillips, Palmer, Plainfield, Upper Mount Bethel, Upper Nazareth, Washington and Williams and the boroughs of Bangor, Bath, Chapman, East Bangor, Freemansburg, Glendon, Hellertown, Nazareth, North Catasauqua, Northampton, Pen Argyl, Portland, Roseto, Stockertown, Tatamy, Walnutport, West Easton, Wilson and Wind Gap.

(16) The Sixteenth District is composed of part of Berks County consisting of the townships of Marion and Tulpehocken; part of Chester County consisting of the townships of East Marlborough, East Nottingham, Elk, Franklin, Highland, Kennett, London Britain, London Grove, Londonderry, Lower Oxford, New Garden, New London, Penn, Pennsbury, Upper Oxford, West Fallowfield and West Nottingham and the boroughs of Atglen, Avondale, Kennett Square, Oxford and West Grove; part of Dauphin County consisting of the City of Harrisburg

(Wards 01, 02, 03, 04, 05, 06, 07, 08, 09, 10, 11, 12 and 13) and the townships of Conewago (District 01), Derry (Precinct 13), East Hanover (Precinct 01), Londonderry, Lower Paxton (Districts 10 and 17), Lower Swatara and Swatara (Districts 01, 02, 03, 05, 07, 08 and 09) and the boroughs of Highspire, Middletown, Paxtang, Royalton and Steelton; part of Lancaster County consisting of the City of Lancaster and the townships of Bart, Colerain, Conestoga, Conoy, Drumore, East Donegal, East Drumore, East Hempfield, East Lampeter (District 05), Eden, Elizabeth, Fulton, Lancaster, Little Britain, Manheim (Districts 01, 02, 03, 04, 05, 06, 07, 08, 09, 10, 11, 12, 14, 15, 16, 17, 18, 19, 20, 21, 22 and 23), Manor, Martic, Mount Joy, Paradise, Penn, Pequea, Providence, Rapho, Sadsbury, Strasburg, Warwick (Districts Kissel Hill, Southwest and Woodcrest), West Donegal, West Hempfield and West Lampeter and the boroughs of Columbia, East Petersburg, Elizabethtown, Manheim, Marietta, Millersville, Mount Joy, Mountville, Quarryville and Strasburg; all of Lebanon County and part of Schuylkill County consisting of the township of Pine Grove (Precinct 02).

(17) The Seventeenth District is composed of part of Berks County consisting of the City of Reading Wards 01, 02, 03, 04, 05, 06, 07, 08, 09, 10, 11, 12, 13, 14, 15, 16, 17, 18 (Divisions 02, 03 and 04) and 19 and the townships of Alsace, Bern, Bethel, Centre, Jefferson, Lower Alsace District 02, Maiden Creek, Muhlenberg, Ontelaunee, Perry, Richmond, Ruscombmanor, Tilden, Upper Bern, Upper Tulpehocken and Windsor and the boroughs of Bernville, Centerport, Fleetwood, Hamburg, Laureldale, Leesport, Mount Penn, Shoemakersville, Strausstown and West Reading District 01; part of Carbon County consisting of the townships of East Penn, Franklin, Kidder, Lausanne, Lehigh, Lower Towamensing, Mahoning, Packer, Penn Forest and Towamensing and the boroughs of Bowmanstown, East Side, Jim Thorpe, Lansford, Lehigh, Nesquehoning, Palmerton, Parryville, Summit Hill, Weatherly and Weissport; part of Columbia County consisting of the township of Beaver; part of Lackawanna County consisting of the City of Scranton Wards 01, 02, 03 (Division 01), 04, 05, 06, 07, 09, 10, 11, 12, 13, 14, 15, 16, 17, 19, 20, 21, 22, 23 and 24 and the townships of Clifton, Covington, Spring Brook and Thornhurst and the boroughs of Archbald Ward 01, Blakely Wards 01 and 03 (Division 01), Dickson City, Dunmore, Jessup, Moosic, Old Forge, Olyphant Wards 01, 03 and 04, Taylor and Throop; part of Luzerne County consisting of the township of Buck; all of Monroe County; part of Northampton County consisting of the township of Moore District Klecknersville; part of Northumberland County consisting of the township of Mount Carmel District Locust Gap and part of Schuylkill County consisting of the City of Pottsville and the townships of Barry, Blythe, Branch, Butler, Cass, Delano, East Brunswick, East Norwegian, East Union, Eldred, Foster, Frailey, Hegins, Hubley, Kline, Mahanoy, New Castle, North Manheim, North Union, Norwegian, Pine Grove Precinct 01, Porter, Reilly, Rush, Ryan, Schuylkill, South Manheim, Tremont, Union, Upper Mahantongo, Walker, Washington, Wayne, West Brunswick, West Mahanoy and West Penn and the boroughs of Ashland (Schuylkill County portion), Auburn, Coaldale, Cressona, Deer Lake, Frackville, Gilberton, Girardville, Gordon, Landingville, Mahanoy City, McAdoo, Mechanicsville, Middleport, Minersville, Mount Carbon, New Philadelphia, New Ringgold, Orwigsburg, Palo Alto, Pine Grove, Port Carbon, Port Clinton, Ringtown, Schuylkill Haven, Shenandoah, St. Clair, Tamaqua, Tower City and Tremont.

(18) The Eighteenth District is composed of all of Adams County; part of Cumberland County consisting of the townships of Cooke, Dickinson, East Pennsboro Districts 01, 02, 03, 04, 06, 07 and 09, Hampden, Lower Allen, Lower Frankford, Middlesex, Monroe, Penn, Silver Spring Precincts 01, 02, 03, 04, 05, 06, 07 and 08, South Middleton Precincts 01 and 07, South



Newton, Upper Allen and West Pennsboro and the boroughs of Camp Hill, Lemoyne, Mechanicsburg, Mount Holly Springs, New Cumberland, Newville, Shiremanstown and Wormleysburg; part of Dauphin County consisting of the township of Susquehanna Ward 01; part of Franklin County consisting of the township of Greene Districts 01 and 04 and all of York County.

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

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

Mr. HANNA. Thank you, Mr. Speaker.

Mr. Speaker, we can rest assured that this one is drafted constitutionally since the majority leader cited it as an example of one that is drafted constitutionally. Mr. Speaker, my amendment will create a fair redistricting map, putting aside partisan interests and protecting the voice of voters. My plan will minimize district splits in counties and municipalities and ensure equality of representation across the 18 congressional districts. It will emphasize the compactness of districts while ensuring traditional communities of interest remain together in the same district. If you look at my plan regionally, communities with a historical, cultural, and economic relationship are not separated for partisan reasons. For example, the Lehigh Valley remains united in the 15th Congressional District. A united 15th Congressional District is supported by the Lehigh Valley Chamber of Commerce and the citizens of Lehigh and Northampton Counties. In southeast Pennsylvania, Montgomery and Chester Counties are in consolidated blocks under my amendment rather than the cherry-picked, gerrymandered mess that is SB 1249. I am sure the people of Montgomery and Chester Counties support my amended plan over SB 1249. In south-central Pennsylvania, eight counties are currently represented by four Congressmen. Under SB 1249, those eight counties are chopped into eight different congressional districts. My plan reduces this number significantly and sets these communities in districts within their region rather than 180 miles away. The people of Lancaster, York, Dauphin, Cumberland, Adams, Perry, Lebanon, and Franklin Counties deserve a strong voice in Washington. My plan continues their strong voice and influence.

Voting is the only way citizens can hold their government accountable. Unfortunately, based on what we have seen so far in this process, redistricting has become a game which cripples competitive elections and ensures incumbency protection. This game can damage communities for a decade. If you want evidence, just ask the people of Berks County who were carved up 10 years ago and continue to have representation problems in Washington. Anyone claiming to be a reformer should be ashamed of SB 1249. This is politics at its worst and a backward movement in transparency and reform. We should make certain that every person's vote counts, putting the interests of citizens first, not the politicians. These divided and gerrymandered congressional districts in SB 1249 reduce the voice of communities and inhibit public cohesiveness. Studies have shown that Federal dollars are reduced in these disjointed districts and community projects fall through the cracks of bureaucracy. Even reformers within the Republican Party are against SB 1249. The good Senator from Lebanon County

called SB 1249 an attempt by Republicans to compensate for the surplus of Democrats on the State voter rolls and a prime example for why redistrict reform is needed.

For those of you who may argue that my plan was released late, remember that the language for SB 1249 was released only a day before the Republican Party leaders in the Senate forced it through that chamber. My language and map have been released for days. It has been available for days. My amendment will not suppress the voices of 12.7 million Pennsylvania residents, but allow their voices to be heard through their vote. My amendment supports the principles proposed by the League of Women Voters and Common Cause and required by our Constitution, and I ask for your affirmative vote. Thank you, Mr. Speaker.

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

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

Mr. TURZAI. We would ask for a "no" vote on amendment 7954. I do want to make clear that I set forth that the Hanna amendment is in fact zeroed out. I did not say that it was constitutional on all fronts. But 7954 is zeroed out, but I am not conceding that it is constitutional on all fronts.

But let me compare the Hanna amendment with the underlying bill. Split counties: Amendment 7954 runs roughshod over the primary political subdivision within Pennsylvania, our counties. Now it is clear, given 67 counties and 18 districts, you are not going to be able to have a singular congressional district for each county. Let us also make clear that particularly with respect to the populous counties, you are going to have splits because a congressional district is about 705,000; 705,688 to be specific. SB 1249 splits 28 counties in apportioning the 18 congressional districts. Amendment 7954 splits 39 counties in accomplishing the same task. Amendment 7954 contains a 39-percent increase in split counties over SB 1249.

Split municipalities: Amendment 7954 also creates more split municipalities than SB 1249. SB 1249 splits 65 municipalities. Amendment 7954 splits 71 municipalities, which represents a 9-percent increase in split municipalities over SB 1249. In many cases, the cross-county border raids found in amendment 7954 connect only small portions of counties. Sometimes this occurs multiple times within a county. These small, broken pieces can be lost in a congressional district, and that is maximized under the amendment, the 7954 amendment that the good gentleman from Clinton County has offered.

Compactness: As for compactness, in many of the tests, SB 1249, the districts are more compact. For example, using one of the standard academic tests of compactness, Districts 2, 4, 5, 9, 14, 16, and 18 are more compact in SB 1249. The fact of the matter is, under compactness, it is about equal in terms of the two amounts, depending on which test is offered.

Contiguity: Amendment 7954 creates a noncontiguous congressional district. Lower Alsace 1 in Berks County is assigned to the 15th Congressional District, unfortunately is not connected to the remainder of the district. It is cut off from the 15th Congressional District by Mount Penn Township in the 17th Congressional District and Exeter Township and St. Lawrence Borough in the 6th Congressional District. The fact of

the matter is, given the factors that are at issue, the underlying SB 1249 meets the test of constitutionality and statutory requirements in far greater ways given the needed factors than amendment 7954. We would ask everybody to please vote "no" on amendment 7954. Thank you.

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

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

Mr. VITALI. Thank you, Mr. Speaker.

I rise in support of the Hanna amendment because it corrects what I consider to be perhaps one of the most outrageous legislative districts I have ever seen drawn, which is the Seventh Congressional District. Mr. Speaker, one look at this district and you see it is not being done in the best interest of the people of Pennsylvania, but rather, for the benefit of politicians and protecting incumbency. Mr. Speaker, when we look at legislative districts, one thing we strive for is keeping communities of interest together, and under the Hanna amendment, this district retains the primary community interest of the Seventh Legislative District. This is a suburban Philadelphia district. It is not and has never been an urban district and it is not and has never been a rural district. The character of this district is and has been a suburban Philadelphia district.

Now, what the Hanna amendment does is change the outrage of how communities of interest have been split. I am going to ask especially my brethren from Delaware County, Montgomery County, this puts in the same community of interest suburban legislators and the Amish wagon pullers of Paradise Township in Lancaster County. Simply outrageous. This bill, which the Hanna amendment addresses, shoots the Seventh District well into Oley, Berks County. We in southeastern Pennsylvania, Mr. Speaker, we in southeastern Pennsylvania have a character and it is being destroyed by this plan.

Mr. Speaker, it also divides municipalities unnecessarily. The Delaware, this Seventh District – and again, I appeal to my brethren in Delaware County, Montgomery, and Chester – this district has been primarily a Delaware County district with a piece of Montgomery and a piece of Chester; three counties, primarily one county. This gives us five counties, Lancaster, Berks County, not communities of interest. It splits us up and it makes it more difficult for Congressmen to do their job. Mr. Speaker, a Congressman has a finite amount of time and he has a finite amount of intellectual capacity. He can only absorb so much information. It is difficult to do his job as it is, but to force him to learn not only the problems of Chester, Montgomery, Delaware Counties, but also now deal with the rural areas of Lancaster and Berks Counties, you are just making him do his job less efficiently. Mr. Speaker, time is a limited commodity. Right now in the Seventh Congressional District, it does not take that much time for a Congressman to go from town meeting from one place to the next. To force a Congressman to get out to Paradise, Lancaster County, and Berks County and Montgomery County, you are eating up his time unnecessarily. You are causing him to be inefficient, Mr. Speaker.

You are also making it unfair for the people a Congressman would represent. I think what people want, they want a Congressman whom they know, whom they have seen, whom maybe they have grown up with or they have grown up with

their family, their friends. You know, former Congressman Sestak, for example, everyone knew he went to Cardinal O'Hara, his mom taught there, and everyone either knew him or knew of him. They knew something about him. Congressman Weldon, everyone knew he was the mayor of Marcus Hook. They had some connection with him. Now, by your extending this congressional district way up into Paradise, Lancaster County, and Berks County, you are going to alienate those people. They are not going to have any sense for who this Congressman is and who he is to get his measure, Mr. Speaker.

Mr. Speaker, this is being done simply to make the Pat Meehan seat a safe Republican seat. Let us call it for what it is. That is what it is. It is a cherry-picking of Republican-leading municipalities from here to Lancaster to make it a seat that will be a safe Republican seat. Now, what are the consequences of that? And certainly you are making the Democratic seats more Democratic. You are making the Schwartz seat more Democratic, the Brady seat more Democratic. And what is the consequence of making these seats less competitive? It exacerbates the problems we have in Washington today, because when you have a safe seat of one party or another, you as an elected official tend to play to your base, the ideological extremes of your base, as opposed to having to appeal to a broad base of your population. That makes you less willing to compromise, and the result of that is the gridlock you see in Washington today.

Mr. Speaker, the Hanna amendment addresses that by making these seats more competitive. We cannot get things done in Washington today. The approval ratings of Congressmen are now in the teens because of this gridlock. Our bond ratings at Standard & Poor are going down because we cannot pass basic legislation. We cannot pass budgets. You have gridlock and we have—

Mr. TURZAI. Mr. Speaker?

The SPEAKER. Will the gentleman suspend. For what purpose does the gentleman, Mr. Turzai, rise?

Mr. TURZAI. Sir, this is far afield from the amendment.

Mr. VITALI. Let me tie it in, if I could.

The SPEAKER. The gentleman will suspend just a second.

The Speaker is paying attention to the gentleman. The issue is kind of broad and diverse and has given him a little leeway. I would ask the member to stay focused on the amendment, although it is a fairly broad issue.

Mr. VITALI. Right. Let me tie that in for the majority leader. The Hanna amendment makes legislative districts more competitive. The competition for office causes elected officials to be more towards the center, more willing to compromise. Less competitive districts cause elected officials to appeal to the extremes of their base. That leads to gridlock. Therefore, the Hanna amendment is something we can do as a chamber to deal with the gridlock in Washington today. We cannot, we cannot, we should not be making this problem worse, Mr. Speaker.

Mr. Speaker, this probably is one of the most important things some of us will ever do as legislators because it not only affects us and our constituents, but it really affects the governance of our nation for the next decade. I would say that this is an opportunity for us to break with party lines, go with public policy, and really think about what your constituents would want you to do. If you are a legislator from Delaware County, what would your constituents want you to do? Would they want you to vote for the Hanna amendment that has a compact, contiguous district that has the same community of

interest, suburban Philadelphia? Or would they want you to create this monstrosity that swirls this district way up into Amish country, way up into Berks County, way into Montgomery County? Would they want that?

It is important for you to really think about what your constituents would want you to do because they will know about this vote. This is an important vote. They will know about this vote. The question is, what do you think they would want you to do, Mr. Speaker? I think they would want you to do what the League of Women Voters has proposed, and I think they would want you to vote "yes" for Hanna. I urge a "yes" vote. Thank you.

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

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

Mr. PETRI. Mr. Speaker, may I interrogate the maker?

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

Mr. PETRI. Mr. Speaker, is my understanding correct that your particular map divides Bucks County by segregating one small voting precinct?

Mr. HANNA. Yes, you are correct, and it is for purpose of creating equal population.

Mr. PETRI. Okay. So as I understand it, your map then would segregate and divide Bucks County so that it would not be whole.

Mr. HANNA. That is correct.

Mr. PETRI. That is correct?

Mr. HANNA. Yes.

Mr. PETRI. And is it also true that at least in 10 other circumstances besides that, you divide more counties than in the map under the main bill?

Mr. HANNA. That is correct as well, but please note that even my home county loses one particular township. It is all done to try and create one man, one vote to comply with the constitutional requirement, and it does not butcher up a county like the Republican map, which carves up Berks County in four, or I cannot even tell, it looks like four or five different congressional districts.

Mr. PETRI. On the bill, or on the amendment?

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

Mr. PETRI. Mr. Speaker, I believe that this map divides more communities. Now, you know, the gentleman may be correct that under his amendment, Lehigh Valley remains whole, but a county like Bucks County gets divided, and I understand that he had some difficulties with one man, one vote and had to make divisions. So the question for consideration at the moment is which amendment is closer to the constitutional mandates. I guess, Mr. Speaker, if we were all king for the day, we could take a magic pen and draw the map that we thought was the fairest, whatever that might mean, but we are not, and we have to work as a body and this is a difficult process. It is difficult because in Pennsylvania we lost population nationally and we lost a seat, and so all our congressional districts have to change.

Mr. Speaker, I think that this amendment, you know, coming from Bucks County and being a Representative of Bucks County, does something that my community does not want. It divides them. And I understand that no one wants to be divided if it can be avoided and they all want to remain whole in one

congressional district, but the logic of segregating one voting precinct and splitting a township and a county when it does not have to be done, when there were other ways to do that, and that would be simply, if you are trying to get to one man, one vote, take a part of that particular congressional district and reduce the amount of intrusion into Montgomery County like the main bill does. I think that is a better map for Bucks County, and I certainly would encourage all my Bucks County colleagues to support the concept of trying to keep Bucks County whole.

As to the whole map, Mr. Speaker, I have to say that if the goal is to keep as many counties whole as possible, splitting 11 more counties cannot be the right way to go. So I would encourage the members to defeat this amendment. Thank you, Mr. Speaker.

### LEAVE OF ABSENCE CANCELED

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

### CONSIDERATION OF SB 1249 CONTINUED

The SPEAKER. The question before the House is, shall it agree to the amendment?

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

Mr. FREEMAN. Thank you, Mr. Speaker.

Mr. Speaker, I rise in support of the Hanna amendment, amendment A07954. The plan outlined in the Hanna amendment is a balanced and fair plan and a vast improvement on what is currently contained in SB 1249. What is in 1249 as it stands now is by far the worst case of gerrymandering I have seen in my 25 years of service in this chamber. The Hanna amendment seeks to bring about a form of reapportionment that would put aside partisan differences, emphasize the compactness of districts and the need to keep communities of interest together.

The majority leader talked about the number of splits in his amendment compared to the language in SB 1249. Well, let me speak from my experience as a Representative from the Lehigh Valley. Under SB 1249, the Lehigh Valley would be cut apart. Half of Northampton County would be put in the 17th District and the other half would remain in the 15th District, the district traditionally assigned to the Lehigh Valley. The remaining Lehigh Valley district would stretch from Williams Township on the Delaware River in the east all the way to Londonderry Township in Dauphin County on the banks of the Susquehanna. A district that had been compact in the two-county region of Northampton and Lehigh would now stretch for over a hundred miles. That is absurd. That is outrageous.

The gentleman from Delaware County spoke about the transformation that the Seventh District would undergo if SB 1249 in its current form is adopted. In the Hanna amendment, the Seventh District is kept more in line with communities of interest. The 15th District, the Lehigh Valley district, is kept together under the Hanna amendment, ensuring that that region of our State, my region of the State, has its congressional district as it deserves. What is outlined in the Hanna amendment is an approach to reapportionment that

good-government groups have been advocating for a very long time, which the gentleman from Clinton County correctly points out is our charge under the Constitution. Common Cause, the League of Women Voters, have advocated the kind of plan which is contained in the Hanna amendment, and we should embrace it in the name of good government.

Although this amendment is authored by a Democrat, it is not a Democratic plan. Look closely at the plan, compare the maps. This plan does not favor Democrats over Republicans. In fact, under the Hanna amendment, there are eight safe Republican districts, more so than there are safe Democratic districts. But it is fair. It is balanced. It represents communities of interest, and it follows the guideline for compact congressional districts.

Most importantly, from my perspective and from those of my colleagues who come from the Lehigh Valley, this keeps the communities of the Lehigh Valley together in the 15th Congressional District. As I mentioned under SB 1249 in its current form, Northampton County would be split apart. The 15th Congressional District that has traditionally represented the Lehigh Valley for over 40 years would be split apart. We would lose our Lehigh Valley district. Prior to the Lehigh Valley region being known as the Lehigh Valley, it was always known as the A-B-E area, the Allentown-Bethlehem-Easton area. Under 1249, you remove the "E" from the A-B-E. The Hanna amendment puts it back in, keeps the valley whole, which is something we should be doing. The Lehigh Valley is a region which has continued to grow in population. It is a region which has evolved into a cohesive region readily recognized as the Lehigh Valley. The Lehigh Valley is the third largest metropolitan region of Pennsylvania. It deserves its own district. It deserves not to be split up. It deserves to have a Lehigh Valley Congressman looking out for Lehigh Valley needs and interests. That can be achieved in the Hanna amendment.

I want to make a particular emphasis on calling upon my colleagues from the Lehigh Valley on the other side of the aisle to stand with us on this amendment. We have a long tradition as the Lehigh Valley delegation that despite our differences as Democrats and Republicans, despite different philosophical outlooks, when it comes to an issue that affects the Lehigh Valley, we have traditionally united to protect the interests of the Lehigh Valley. SB 1249 is opposed by the Greater Lehigh Valley Chamber of Commerce. Others in the Lehigh Valley, like the Express-Times, our local newspaper in the eastern part of the Lehigh Valley, has also strongly come out against this proposal. The Hanna amendment addresses that. It keeps us together. I call upon my colleagues from the Lehigh Valley on the other side of the aisle to stand with us, to stand united in defense of the Lehigh Valley and keeping the Lehigh Valley whole.

Many in this chamber were elected over the last several years on platforms of reform, of changing the political culture of business as usual, as politics as usual here in Harrisburg. SB 1249 is a continuation of politics as usual with an even more egregious overreaching in terms of partisan advantage and totally disregarding communities of interest that should and need to be kept together. The Hanna amendment corrects that. It does not favor Democrats over Republicans, but it gives a fair and balanced reapportionment plan for this Commonwealth. Keep in mind that our decisions today and tomorrow will affect the nature of the political process in this Commonwealth for the next 10 years. We should not be embracing a plan like the one

contained in SB 1249, which is absolutely absurd, outrageous, undercuts communities of interest, and distorts the map of Pennsylvania. We should be embracing the Hanna proposal, which by its nature is in keeping with the practices of good government, of good reapportionment, will keep communities of interest together.

The Hanna amendment is the test of all those here in this chamber who ran on a platform of reform, on changing the politics as usual tendencies of this Capitol. If you truly stand up for reform, if you truly believe in reform, if you truly want to break the cycle of politics as usual, then vote for the Hanna amendment.

Thank you, Mr. Speaker.

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

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

Mr. GILLEN. Thank you, Mr. Speaker.

I have heard quite a bit today from my colleagues on the other side of the aisle with regard to efficiency and compactness and a map that is culturally homogeneous, and I certainly would assert that is my aspiration as well.

On several occasions, Mr. Speaker, I heard my own home county of Berks mentioned. And I pulled up the proposed map of amendment 7954, produced by my good friend from Clinton County, and I looked at the 17th Congressional District in northern Berks County, which, might I add, Mr. Speaker, Berks County is carved into four sections under this particular amendment, and I noticed with this particular map, Northumberland County – that is, a very small portion, including Locust Gap – now would become part of the homogeneous community of Berks County represented by Reading, and I noticed that a small portion of Columbia County is also included in this homogeneous map by the municipality of Beaver.

I noticed additionally as I looked at Luzerne County, it is part of the new 17th Congressional District that is proposed, and it would include the municipality of Buck, and as I look very carefully at the map, there were very, very small portions of these counties that I was told would be efficient and compact and homogeneous.

Additionally, I noticed Monroe County, Carbon County, a portion of Northampton County, which would not keep the Lehigh Valley whole, and additionally, I saw that Schuylkill County was on the map as well.

So, Mr. Speaker, my question to the maker of the amendment, when he spoke of compactness and efficiency, did that include Berks County in the 17th Congressional District?

Mr. HANNA. The answer is yes.

The SPEAKER. The Speaker apologizes. I was not aware that we were under interrogation. The gentleman, Mr. Hanna, gracefully has agreed to interrogation just to keep us on point here. I apologize.

Mr. HANNA. The answer is yes.

Mr. GILLEN. So was I accurate in my recitation, Mr. Speaker, on those individual municipalities and those assorted counties? You are asserting that that is an efficient compact map?

Mr. HANNA. Far more efficient than what is in the Republican plan where we take cities like Harrisburg and move them into neighboring counties solely for the purpose of putting all the Democrats in a different congressional district or take

places like Reading and move them into a neighboring county to put all the Democrats with a separate legislative district. In your case we moved one tiny precinct in I believe you said Berks or Northumberland, not anywhere near the scale as what you see when you move something like Harrisburg or move something like Reading, the way it is done in the underlying plan.

Mr. GILLEN. So with regard to the efficiency, what would Olyphant in Lackawanna County, closer to the New York line than we are to Philadelphia, what would that have in common with Reading?

Mr. HANNA. I would submit to you that it is a community of interest. It is not significantly different than Schuylkill County.

Mr. GILLEN. It may not be significantly different, but it happens to be three-quarters of the way to the New York line. Does geography not matter in the composition of this amendment?

Mr. HANNA. Oh, boy. Let me talk to you about geography. When we look at the Republican map, we have a district that goes from the Delaware River to the Susquehanna River. Geography certainly is a product in that.

Mr. GILLEN. Okay. Thank you very much.

Just to make a final point. With the map that is proposed on SB 1249, I notice that we have 8 other counties that are contemplated in the draw of that map in addition to Berks County, but under this particular amendment, there are 15 counties. So I would recommend a "no" vote on this amendment. Thank you, Mr. Speaker.

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

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

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, I rise in support of the Hanna amendment.

Just a quick question to the Representative from the Seventh Congressional District, Kannscht Du Deitsch Schwetze? You might get that if you are from Berks or Lancaster Counties, but I do not know that Representative Meehan will ever understand that.

What we have heard argued here a lot today is that the reason you should not vote for the Hanna amendment is because some counties have a tiny portion taken out of them to balance out the districts, but if you happen to live in, say, Adamstown, you are probably more closely affiliated with Reading than you are with Lancaster, as one of the gentlemen might know who now represents parts of Berks County and Adamstown, and yet they are in different counties because communities of interest are not the same as counties, and there is nothing in the Constitution that says counties need to remain whole.

So I would simply encourage members to take a look at the Hanna proposal versus a current proposal that has what was described by a geospatial analysis firm as perhaps the most gerrymandered district in the nation.

I do not intend to vote for the underlying bill. I certainly think the Hanna amendment does a better job at what we are set out here to do. Thank you, Mr. Speaker.

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

Is the gentleman, Mr. Turzai, seeking additional recognition?

On the amendment.

Mr. TURZAI. Just by final argument, sir, with respect to split counties, amendment 7594 contains a 39-percent increase in split counties over the underlying bill and a 9-percent increase in split municipalities over SB 1249.

The good gentleman from Lancaster argues about community interests versus counties, although it is interesting that his failed constitutional amendment was about a singular county. I might say that just using that one as an example, SB 1249 takes Lancaster County, the good gentleman's home county, and 93.7 percent of that particular county is in one district, the 16th District. Under the Hanna amendment, 159,873 persons out of 519,000 for that county are in the Sixth District, meaning that only 70 percent of that particular county, his home county, is in Congressman Pitts's district versus SB 1249, which has 93.7. So to the extent that the good gentleman is arguing community interest from his own home territory, SB 1249 offers a more homogeneous community of interest under SB 1249 than it does under A7954, and I use that by way of example.

The fact of the matter is, overall, the underlying bill is far better than the Hanna amendment in dealing with the constitutional and statutory obligations in drawing a congressional map. Please vote "no" on the Hanna amendment.

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

Is the gentleman, Mr. Vitali, seeking recognition on the amendment for a second time?

Mr. VITALI. I am.

The SPEAKER. The gentleman, Mr. Vitali, from Delaware County is recognized on the amendment for the second time.

Mr. VITALI. Thank you.

I did not intend to speak a second time, but I have been just looking transfixed at a map of the Seventh Congressional District, and I just wanted to point out a couple of things. You have a big bulk of the Sixth District almost solely within, solely within the Seventh District. It is almost like a pine cone totally within. So if you are in the Seventh Congressional District and you want to get from one end to the other, you have to crisscross the Sixth District.

The other thing I wanted to point out is in the Seventh District, under which the Hanna amendment seeks to correct, you have a suburban piece and then you just have this sort of rural wing just out there that stretches from Colerain up to Oley. It is just totally out of character. It is totally nonsuburban; it is totally nonsuburban Philadelphia. It is just totally out of character with the rest of this district.

You have the opportunity, and I think the Hanna amendment corrects this, in keeping the Seventh more compact by simply going into Montgomery County, just going the next municipality over beyond Haverford and Radnor to Lower Merion, yet it just sort of snakes and fingers its way into various pieces of Montgomery County. There is no rhyme or reason to this configuration.

I am just asking the good people of my area, the good legislators of Montgomery and Chester and Delaware Counties, to just think about this map, think about how unnecessarily cumbersome you are making this for the Congressman who represents this. Think of how you are making it more difficult for the citizen who lives in the outer reaches of this district to feel connected with his government, to not feel the alienation of

someone who feels he is without a Representative. Mr. Speaker, I would ask that the Representatives from Delaware, Montgomery, Chester just think about this map, and in good conscience, we have something before us that can correct it; that is the Hanna amendment. If you do not vote for the Hanna amendment, you are going to have some explaining to do to the people you represent.

I ask for a "yes" vote on Hanna. Thank you.

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

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

Ms. DeLISSIO. Thank you, Mr. Speaker. On the amendment.

Mr. Speaker, I am in favor of this amendment for a couple of reasons. I am new to the House, new to the floor, but a longtime constituent voter and taxpayer, and I will tell you, this is absolutely incredible to witness and participate in this process firsthand.

Constituents and voters and taxpayers have been frustrated for a very, very long time about what they perceive, and I believe rightfully so, as manipulation, shenanigans, and things that are done for the convenience of the elected officials versus the convenience of the constituents that they represent. This congressional redistricting process from beginning to end, and I have paid very close attention to this discussion today as well as the discussions that have happened previous to this, is a very clear example of this type of manipulation, and if our goal is in fact to turn off voters, to have them throw up their hands in utter dismay as to why they should even participate in the process, then if this amendment is not voted for, that goal will be achieved.

My constituents have been very, very clear at a series of town meetings over the last several months that their level of frustration and what they perceive as to be unresponsive legislators to their very real needs, it has been very clear to me, and I just refuse to participate in that type of manipulation. This is what we should be doing, what is correct for the greater good, not what is expedient for elected officials, and this process as well as the redistricting process that we did for our own legislative districts, both in the Senate and the House, was the same type of process. We are not looking out for the good of the community and the constituents. There is just way too much self-interest here. The whole process needs to be changed.

So I will be voting for this amendment, because it goes much further than the current plan that is on the table without this amendment toward limiting that manipulation. Thank you.

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

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

Ms. JOSEPHS. Thank you, Mr. Speaker.

I also rise in support of the Hanna amendment.

Interesting what the lady before me said. I want to just reiterate or make a point. I think nobody has made this point yet. I have been through several of these reapportionments, and this is a very different one in one significant way. This is a reapportionment in which the ordinary citizen can easily look at the maps because everything is online.

For those of you who have said, and I would say in a specious way, but let the constituents themselves characterize the arguments made by both sides, anybody who is listening to

these arguments or reads them in the paper or sees them online can immediately go to a map. That is a lot different than it used to be, and people who do not vote for the Hanna amendment are going to find folks in their districts who have gone to a map and clearly have seen the difference between these two amendments, and the Hanna amendment is the one that is convenient, sensible to the constituents, and while we may not win this battle in this building, we will win it because of the Internet in the hearts and the minds of the voters, and I have no doubt they are going to be pretty angry when they see the majority's map.

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 Clinton County, Mr. Hanna.

Mr. HANNA. Thank you, Mr. Speaker.

Mr. Speaker, it would help to review the legal requirements that are necessary for approval of this plan. First off and most importantly is the constitutional requirement of one person, one vote. That is the single most important requirement. That is a constitutional requirement – one person, one vote. It must be honored in the final plan, absolutely constitutionally required; no two ways about it.

The courts have said that there are also principles that are important to a final plan, and those principles include compactness, communities of interest, and competitiveness. Those things are principles. They are not constitutionally required. They are legal standards held out there by the courts. The constitutional requirement is one person, one vote. So when we look at the idea of keeping communities of interest together, we need to look at it in light of the one-person-one-vote requirement. If one or the other must yield, then it has to be communities of interest. So my plan is precisely drawn to do just that, to put the constitutional requirement of one person, one vote first and to unite communities of interest in every other way.

Now, the majority leader points out that there are some counties split. There is nothing in the Constitution that requires that counties be kept together. In fact, there is nothing in any court ruling that says that counties need to be kept together. The court rulings have looked at municipalities, not at counties, and I would urge you, look at the maps. If you have any question about compactness, look at the maps. If you have any questions about communities of interest, look at the maps.

Now, the majority says that six of the districts in the Republican map are more compact than in mine. Well, by implication, that means 12 of the districts in my map are more compact than in the Republican map. Keep that in mind. The Republican majority leader's argument is that six are more compact in the Republican plan. By implication, that means 12 are more compact in the Hanna amendment. So compactness is clearly better in the Hanna amendment.

And when we look at compactness, please, once again look at the map. Look at the 10th District. The 10th District is located in the heart of central Pennsylvania in the Hanna amendment. Look at the 10th District on the Republican plan. It starts a mere 50 or 60 miles north of the Maryland border. It goes the whole way to southern New York and all the way east to New Jersey. Think about that. The 10th Congressional District starts a mere 50 or 60 miles from the Maryland border and goes all the way to southern New York and all the way east to New Jersey.

Look at the 12th District map. It goes all the way from the Ohio border to Johnstown; all the way from the Ohio border to Johnstown.

Look at the map for the 11th District. It actually has someone from Hazleton representing the community nearby here of Shippensburg. Think about that – somebody from Hazleton representing the nearby community of Shippensburg.

Look at the 17th District. That is the district that goes from the Delaware River all the way to the Susquehanna River in the underlying map. Look at my map. These districts are all much more compact, but do not take my word for it.

What is important for you to realize is the Seventh Congressional District has been given the unfortunate designation by an independent organization as the most gerrymandered district proposed in this entire country. Let me repeat that. Under the underlying bill, the Seventh Congressional District has the distinction of being the most gerrymandered district in the entire country. Clearly, the Hanna amendment is far more compact, far more uniting of communities of interest, and I can assure you, far more competitive, and it completely honors the one-man-one-vote requirement, and I can also assure you that it was drawn without consideration of where incumbents reside. We did not even look at incumbents' addresses when we put this map together.

So let me return to what I started with. Mr. Speaker, the importance of the Hanna amendment is it recognizes the constitutional requirement of one person, one vote, and it recognizes the principles that the courts are going to look at for compactness, competitiveness, and communities of interest.

I urge a "yes" vote on amendment A07954. Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

#### YEAS–85

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

#### NAYS–108

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

#### NOT VOTING–0

#### EXCUSED–10

Cutler	Maher	Reichley	Wagner
Davidson	Mundy	Saccone	Williams
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?

#### POINT OF ORDER

The SPEAKER. For what purpose does the gentleman from Delaware County, Mr. Vitali, rise?

Mr. VITALI. I rise to a point of order.

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

Mr. VITALI. Mr. Speaker, my point is that this bill is out of order because it was failed to be considered on three days by the Senate. My point of order is that this bill is not in order for us to be considered.

The SPEAKER. Are you raising the issue of constitutionality?

Mr. VITALI. Well, not initially. My point is that we should not be considering a bill that has not been considered on three days by the Senate, and my contention is that this bill has not been considered three days by the Senate.

The SPEAKER. Would the gentleman then state specifically what his point of order is. The bill is currently before this House on second consideration, and I am not sure I follow the point of order the gentleman is trying to make.

Mr. VITALI. Well, Let me try to restate that a little bit.

Article III, section 4, of the Pennsylvania Constitution states, "Every bill shall be considered on three different days in each House." My contention is that this bill was not considered on three days by the Senate because the "shall," which got first and second consideration, was not in fact a bill as defined by the Constitution. The only time this actually became a bill was when it was unveiled on the 14th. So my contention is that we should not be considering this bill because it was not considered on three separate days by the Senate.

The SPEAKER. For the information of the member, the legislative record indicates that it was considered on three different days in the Senate. However, it is not the prerogative of the Chair to make a determination if the gentleman is challenging the constitutionality of the bill that is before us.

Mr. VITALI. Well, then I will. I will challenge the constitutionality of— Again, I am not considering the— My challenge goes to the procedure. We as a chamber should not be considering a bill in the other chamber that has not been considered on three separate days. Although the bill may have—

The SPEAKER. Will the gentleman suspend.

I believe I understand what you are stating. Because the legislative record indicates that the bill was considered on three different days, the only real recourse that you would have would be to challenge the constitutionality based on that section of the Constitution that requires a bill to be considered on three different days in each body.

Mr. VITALI. Now, would it be in order for us to consider the constitutionality of us considering this bill as opposed to the constitutionality of its contents? Because what I am really trying to get at here is procedure, not so much content of the bill. I think that is another argument, but this goes to procedure. A bill has to be considered on three separate days in each chamber. This was not considered—

The SPEAKER. Then in further response to your parliamentary inquiry, the Constitution does speak to procedure, and it would be my judgment, in terms of responding to your question, that you would need to challenge the portion of the Constitution that outlines the procedure by which a bill is considered.

Mr. VITALI. I am sorry. Could you repeat that last sentence. I was just distracted.

The SPEAKER. I was stating that if you are questioning the constitutionality of this based on the procedure and not necessarily the substance, then I would suggest that you would be in order to raise that question based on that particular section of the Constitution that prescribes procedure.

Mr. VITALI. Right. I will do that.

The SPEAKER. That would be Article III, section 4.

Mr. VITALI. Correct.

## CONSTITUTIONAL POINT OF ORDER

Mr. VITALI. So I would move that this bill – it is unconstitutional for us to consider this bill at this point.

The SPEAKER. The gentleman will suspend.

Let me read that into the record. The gentleman, Mr. Vitali, raises the point of order that SB 1249, PN 1869, is unconstitutional.

The Speaker, under rule 4, is required to submit questions affecting the constitutionality of a bill to the House for decision, which the Chair now does.

On the question,

Will the House sustain the constitutionality of the bill?

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

Mr. VITALI. But again, to be clear, the consideration of this bill is unconstitutional at this point as opposed to the— I just want to be clear for the record the argument I am making and what we are voting on, and I can make that argument now. I think I have established the record of where I am coming from on this, and I will just do the best I can.

Mr. Speaker, Article III, section 4, of the Constitution provides that a bill shall be considered on three separate days in each House, and there are very good reasons for that, because we do not want bills to be rushed through without the opportunity for members to have the opportunity to understand the content, nor do we want it to be rushed through without the constituents to be able to be aware and to be able to give and take. This is a representative democracy. We represent the views of our people. The only way we can know the views of our people is if they have time to express them to us, and they can only express them to us adequately if they are aware of the issue at hand.

Now, this bill, although it was introduced as something called SB 1249 and was introduced back in September, it simply had no content to it. I personally do not remember ever seeing a bill without content. It simply could not be passed in that form because it had no content. It was simply a shell. It would be like showing someone an empty frame without a picture and saying, what do you think of this picture?

So this had first and second consideration before it really became a bill and had any content. So the requirements of this being considered on three separate days were not fulfilled here, either in spirit or in practice, because the people of Pennsylvania did not have that first and second consideration, which the Constitution requires. This is different from the situation, Mr. Speaker, where you have, let us say, a bill on horse racing that becomes a gambling bill because the initial bill had content. This bill had no content. I would submit arguably it was not even a bill. It was not even a bill until the 14th, until last Wednesday. And because of that, I want to make clear for the record, because this bill will be litigated I believe, I want to make clear for the record this has a very serious flaw. It had no content and in fact was not a bill until the content was added on December 14 as it was in the Senate committee.



So we should not be condoning these sorts of practices. We are doing ourselves a disservice, we are doing our constituents a disservice, and we are violating our oath to the Constitution of Pennsylvania. So I would urge that this procedure by which we are considering this bill be found to be unconstitutional.

The SPEAKER. On the question of constitutionality, the gentleman from Allegheny County, Mr. Turzai, is recognized.

Mr. TURZAI. Mr. Speaker, I would be willing to provide the gentleman from Delaware County with a copy of the bill history which demonstrates that it was considered on three separate days in the Senate. First consideration was December 7 of 2011, second consideration was December 12 of 2011, and third consideration and final passage was December 14 of 2011. It has been on first consideration here after being reported out of the State Government Committee on December 14, first consideration was December 15, and we are now presently on second consideration.

With respect to the good gentleman's I would say novel idea that first consideration in the Senate does not constitute first consideration in the Senate, then he turn to the *PAGE* (Pennsylvanians Against Gambling Expansion Fund, Inc.) case, "...the General Assembly is given full opportunity to amend and even expand a bill, and not run afoul of the constitutional prohibition on an alteration or amendment.... The original purpose is...compared to the final purpose and a determination is made as to whether an unconstitutional alteration or amendment...has taken place so as to change its original purpose."

There is no doubt that the original purpose was not done. This has been and always was the reapportionment bill with respect to congressional districts. From the very first moment, it has always been a bill dealing with congressional districts. It has had no other purpose other than congressional redistricting lines, period.

Please vote that SB 1249 is constitutional, and please vote down the good gentleman from Delaware County's motion.

The SPEAKER. On the question of constitutionality, the gentleman from Northampton County, Mr. Samuelson, is recognized.

Mr. SAMUELSON. Thank you, Mr. Speaker.

The majority leader just cited the legislative history of this bill reading from a piece of paper which talks about a first reading on December 7 and a second reading on December 12. On December 13 there was a State Government Committee meeting where the map was released for the very first time. So the majority leader is trying to say that this map which did not—

The SPEAKER. The gentleman will suspend.

I just would remind the members to refrain from using graphics and displays of that nature.

The gentleman may proceed.

Mr. SAMUELSON. I will follow what the Speaker said. Instead of holding up a map, which was presented on December 16, I will hold up my hands to show you what was available on December 7, which was absolutely nothing. When this bill had first reading, the Senate had no plan. When this bill had second reading, the Senate had no plan. The map was not revealed until December 13. The details, as many of you know – many of you went to the Internet trying to look for those details – they were not available until 9 a.m. on December 14. So for the majority

leader to look at the piece of paper and read a legislative history, that legislative history is not worth the paper it is written on.

The State Senate actually had a first reading of a bill which said that the 1st District of Pennsylvania consists of a portion of this Commonwealth and the 2d District of Pennsylvania consists of a portion of this Commonwealth, and so on until you get to the 18th District, and it says the 18th District consists of a portion of this Commonwealth, is composed of a portion of this Commonwealth. Well, having a first reading of a bill with no details and no map and having a second reading of a bill with no details and no map, that does not meet the constitutional requirement provided in Article III of our Constitution that says every bill shall have three readings before each House of the General Assembly, and what that means is it needs three readings in the Senate and also three readings in the House of Representatives. Clearly, having a first and second reading in the State Senate on December 7 and December 12 before the map even existed, 2 days before the description of the map even existed, that does not meet the constitutional requirement.

And the gentleman, Mr. Vitali, is absolutely correct. There have been other bills over the years that have been amended, but when that has happened, those original bills were actual pieces of legislation which could have been called up for a vote, which could have been voted, which could have been sent to the Governor's desk. In this case the original bill, SB 1249, could not have been called up for a vote in the Senate. Its companion, HB 5, could not have been called up for a vote in the House because in its original format, it did not meet the constitutional requirements. You have to, when you are passing a congressional redistricting bill, you actually have to say what the districts are.

So I support the motion the gentleman, Mr. Vitali, has made to declare this as unconstitutional to declare a bill where the Senate did not have a first reading and a second reading and dropped in the actual details of this bill in an amendment 14 hours before the final vote. They brought up their amendment about 9 a.m. last Wednesday, December 14, and they had their final vote at 11:18 p.m. last Wednesday, December 14.

Thank you, Mr. Speaker.

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

On the question recurring,

Will the House sustain the constitutionality of the bill?

The following roll call was recorded:

#### YEAS—106

Adolph	Fleck	Lawrence	Reed
Aument	Gabler	Major	Reese
Baker	Geist	Maloney	Roae
Barrar	Gillen	Marshall	Rock
Bear	Gillespie	Marsico	Ross
Benninghoff	Gingrich	Masser	Saylor
Bloom	Godshall	Metcalfe	Scavella
Boback	Grell	Metzgar	Schroder
Boyd	Grove	Miccarelli	Simmons

Brooks	Hackett	Micozzie	Sonney
Brown, R.	Hahn	Millard	Stephens
Causser	Harhart	Miller	Stern
Christiana	Harper	Milne	Stevenson
Clymer	Harris	Moul	Swanger
Cox	Heffley	Murt	Tallman
Creighton	Helm	Mustio	Taylor
Culver	Hennessey	O'Neill	Tobash
Day	Hess	Oberlander	Toepel
Delozier	Hickernell	Payne	Toohil
Denlinger	Hutchinson	Peifer	Truitt
DiGirolamo	Kampf	Perry	Turzai
Dunbar	Kauffman	Petri	Vereb
Ellis	Keller, F.	Pickett	Vulakovich
Emrick	Keller, M.K.	Pyle	Watson
Evankovich	Killion	Quigley	
Everett	Knowles	Quinn	Smith, S.,
Farry	Krieger	Rapp	Speaker

## NAYS—87

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

## NOT VOTING—0

## EXCUSED—10

Cutler	Maher	Reichley	Wagner
Davidson	Mundy	Saccone	Williams
Evans, J.	O'Brien, D.		

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

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

## MOTION TO POSTPONE

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

Mr. SAMUELSON. Thank you, Mr. Speaker.  
To make a motion.

The SPEAKER. The gentleman may state his motion.

Mr. SAMUELSON. I rise to make a motion to postpone consideration of this bill until Tuesday, January 3, and I would like to state the reason for my motion.

The SPEAKER. The gentleman from Northampton, Mr. Samuelson, has moved to postpone the vote on SB 1249 until— The date you said, sir?

Mr. SAMUELSON. Tuesday, January 3.

The SPEAKER. Tuesday, January 3.

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

The SPEAKER. On that question, the gentleman, Mr. Samuelson, is in order.

Mr. SAMUELSON. I thank you, Mr. Speaker.

I am moving to postpone the second consideration of this bill, which we are on right now, until Tuesday, January 3, and the reason is that this bill, as I said just a few minutes ago, did not really have adequate public notice. Over in the State Senate the public had about 14 hours to see the details. Now, since the Senate came out with their plan last Wednesday, the public has had a grand total of 5 days. When we do our legislative districts for the State House and the State Senate, there is a constitutionally required 30-day period for public review. As we know, the Reapportionment Commission adopted a legislative plan October 31 and then a final vote on that plan was December 12. So the public had more than a month to see the proposed plan for the Reapportionment Commission to consider changes. That was for the State House districts and the State Senate districts. In this case we are being asked— The bill that has been called up was just released to the public last Wednesday. It has now been out there for the public to see for about 5 days. My motion would postpone it 2 weeks, which would give the public about a total of 20 days, not the 30 days that we have in our own process, but given the tight timeframe, 20 days, and that would allow us to do many things, including addressing some issues that have come up around the State.

If you are listening closely to the debate, you know that legislators of both parties in Lancaster County have concerns over the way the map is drawn and it splits Lancaster County. Legislators in both parties from Erie County have concerns that this proposal actually splits Erie County and puts part of Erie County with another congressional district.

In central Pennsylvania two of the Senators voted "no" because they had concerns about the way this map is drawn. I heard one of my colleagues on the other side of the aisle talk about the difficulties of a proposal that splits Berks County, and as I am looking at this map, Berks County is split four ways and the city of Reading is put in a district down in Lancaster County.

And also, of course, we have talked about the Lehigh Valley. The Lehigh Valley, which has been—

The SPEAKER. The gentleman is getting a little off the reason for postponement. We would just ask you to stay focused on the motion before us and why or why not we should postpone.

Mr. SAMUELSON. Okay.

My final example of ways that this map needs to be improved would be the Lehigh Valley, where the district has been one congressional district for 40 years. This proposal splits it in two. It takes 48 percent of Northampton County outside the Lehigh Valley congressional district.

If this motion would pass to postpone for only 2 weeks, it would give legislators of both parties a chance in the next

2 weeks to come up with some alternatives to address these issues that legislators in both parties have been raising. We could propose alternatives. We could propose an improved map. And when you think about it, we are voting on a map that is going to be with Pennsylvania for 10 years. It is going to be with the people of Pennsylvania for 10 years and the communities of Pennsylvania for 10 years. I think we should take 2 weeks to get it right, take 2 weeks to make sure we are voting on a map that respects communities of interest and that comes up with compact legislative districts.

I ask for a "yes" on the motion to postpone second consideration of this bill until Tuesday, January 3. Thank you, Mr. Speaker.

### LEAVE OF ABSENCE CANCELED

The SPEAKER. The Speaker returns to leave of absence and notes the presence of the gentleman from Lehigh County, Mr. Reichley, on the floor. His name will be added back to the master roll call.

### CONSIDERATION OF SB 1249 CONTINUED

The SPEAKER. On the motion to postpone, the Speaker recognizes the gentleman from Allegheny County, Mr. Turzai.

Mr. TURZAI. Thank you, Mr. Speaker.

Please vote "no."

The SPEAKER. On the question to postpone, the gentleman from Delaware County, Mr. Vitali, is recognized.

Mr. VITALI. I was not going to get up, but I just could not let those arguments of the majority leader stand.

The SPEAKER. The gentleman will suspend.

Mr. VITALI. They needed rebuttal.

The SPEAKER. The gentleman will confine his remarks to the motion to postpone.

Mr. VITALI. Thank you, Mr. Speaker.

I just want to sort of underscore some of the gentleman's remarks from the Lehigh Valley. This is one of the most important things we will do. This really will have impact at a national level. It is incredibly important and it will last for the next 10 years. I think that if we are truly comfortable with what we are doing today, we should let it out there for public inspection. Let the public comment. Let them tell us exactly what they think. If we are proud of what we are doing today, then there is no harm in just letting the public know what we are doing.

Mr. Speaker, I do think, as the gentleman from the Lehigh Valley has stated, there very well may be other proposals where the public is just starting to become aware of this. We have the one proposal that was crafted in the backroom, as it were, without any public input, as it were. It is the only thing out there.

There has been no, absolutely no give-and-take, no public input on this, no give-and-take, no tweaking based on public sentiment, no opportunities for the public to come up with tweaks or counterproposals. We need to do better than what we are doing right now.

So I support the gentleman from the Lehigh Valley's motion to postpone. Thank you.

The SPEAKER. On the motion to postpone second consideration of SB 1249 until January 3, those in favor of postponing will vote "aye"; those opposed to postponing the vote will vote "nay."

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

The following roll call was recorded:

#### YEAS—83

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

#### NAYS—111

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

#### NOT VOTING—0

#### EXCUSED—9

Cutler	Maher	O'Brien, D.	Wagner
Davidson	Mundy	Saccone	Williams
Evans, J.			

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

The SPEAKER. The House will be at ease for a moment.

The House will come to order.

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

\* \* \*

The House proceeded to second consideration of **HB 1907, PN 2609**, entitled:

An Act amending the act of March 20, 2002 (P.L.154, No.13), known as the Medical Care Availability and Reduction of Error (Mcare) Act, further providing for punitive damages.

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

Mr. **GRELL** offered the following amendment No. **A07738**:

Amend Bill, page 2, lines 15 and 16, by striking out "a home" in line 15 and all of line 16

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

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

Mr. GRELL. Thank you, Mr. Speaker.

This amendment would simply eliminate home health-care agencies, home health-care services, and hospice services from the scope of the underlying bill.

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

The following roll call was recorded:

#### YEAS—192

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

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

#### NAYS—2

Hackett	Micozzie
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#### NOT VOTING—0

#### EXCUSED—9

Cutler	Maher	O'Brien, D.	Wagner
Davidson	Mundy	Saccone	Williams
Evans, J.			

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

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

Mr. **WHITE** offered the following amendment No. **A07518**:

Amend Bill, page 1, lines 18 through 20, by striking out all of said lines and inserting

Section 1. Section 505(a) and (d) of the act of March 20, 2002 (P.L.154, No.13), known as the Medical Care Availability and Reduction of Error (Mcare) Act, are amended to read:

Amend Bill, page 1, by inserting between lines 21 and 22

(a) Award.—Punitive damages may be awarded for conduct that is the result of the health care provider's [willful or] wanton conduct or reckless indifference to the rights of others. In assessing punitive damages, the trier of fact can properly consider the character of the health care provider's act, the nature and extent of the harm to the patient that the health care provider caused or intended to cause and the wealth of the health care provider.

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

The SPEAKER. On that question, the Speaker recognizes the gentleman from Washington County, Mr. White.

Mr. WHITE. Thank you, Mr. Speaker.

This is a simple amendment. What it would do is it would amend this bill related to punitive damages and it would delete the phrase "willful misconduct" and allow such an award to be based on just wanton or reckless misconduct. This is an amendment designed to help protect our senior citizens from any potential wrongdoing that may take place in one of these facilities.

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

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

Mr. GRELL. Thank you, Mr. Speaker.

I would request a negative vote on the amendment. This amendment would result in the reversal and the weakening of the current provisions applicable to physicians. So not only would this amendment change the underlying bill, but it would also weaken the protection given to physicians from punitive damage claims under the existing Mcare (Medical Care Availability and Reduction of Error) bill.

So if you want your doctors also to be angry with you, you should support this amendment. "Willful" means voluntary and intentional, so by removing "willful" from the Mcare bill as proposed, it would allow punitive damages to be sought and received where the conduct was not even voluntary or intentional.

So I would ask the members to reject the amendment. Thank you, Mr. Speaker.

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

On that question, the Speaker recognizes the gentleman, Mr. White, for a second time.

Mr. WHITE. Thank you, Mr. Speaker.

Just to clarify the gentleman's remarks. We were talking about constituencies that this bill would help. The main constituency that this bill would help would be senior citizens. This would protect our senior citizens who are victims of wanton or reckless misconduct based on treatment in nursing homes. So if we are going to be voting on amendments based on what constituencies we help the most, I personally am going to throw my lot in with the senior citizens of Pennsylvania, and I would ask my colleagues to do the same. Thank you.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

#### YEAS-86

Barbin	Dermody	Kavulich	Payton
Bishop	DeWeese	Keller, W.	Petrarca
Boyle, B.	DiGirolamo	Kirkland	Preston
Boyle, K.	Donatucci	Kortz	Ravenstahl
Bradford	Fabrizio	Kula	Readshaw
Briggs	Frankel	Longietti	Roebuck
Brown, V.	Freeman	Mahoney	Sabatina
Brownlee	Galloway	Mann	Sainato
Burns	George	Markosek	Samuelson
Buxton	Gerber	Matzie	Santarsiero

Caltagirone  
Carroll  
Cohen  
Conklin  
Costa, D.  
Costa, P.  
Cruz  
Daley  
Davis  
Deasy  
DeLuca  
DePasquale

Gergely  
Gibbons  
Goodman  
Haluska  
Hanna  
Harhai  
Harkins  
Harper  
Hennessey  
Hornaman  
Johnson  
Josephs

McGeehan  
Metzgar  
Mirabito  
Mullery  
Murphy  
Murt  
Myers  
Neuman  
O'Brien, M.  
Parker  
Pashinski

Santoni  
Shapiro  
Smith, K.  
Smith, M.  
Staback  
Sturla  
Thomas  
Waters  
Wheatley  
White  
Youngblood

#### NAYS-108

Adolph  
Aument  
Baker  
Barrar  
Bear  
Benninghoff  
Bloom  
Boback  
Boyd  
Brennan  
Brooks  
Brown, R.  
Causer  
Christiana  
Clymer  
Cox  
Creighton  
Culver  
Curry  
Day  
DeLissio  
Delozier  
Denlinger  
Dunbar  
Ellis  
Emrick  
Evankovich  
Evans, D.

Everett  
Farry  
Fleck  
Gabler  
Geist  
Gillen  
Gillespie  
Gingrich  
Godshall  
Grell  
Grove  
Hackett  
Hahn  
Harhart  
Harris  
Heffley  
Helm  
Hess  
Hickernell  
Hutchinson  
Kampf  
Kauffman  
Keller, F.  
Keller, M.K.  
Killion  
Knowles  
Kotik  
Krieger

Lawrence  
Major  
Maloney  
Marshall  
Marsico  
Masser  
Metcalfe  
Miccarelli  
Micozzie  
Millard  
Miller  
Milne  
Moul  
Mustio  
O'Neill  
Oberlander  
Payne  
Peifer  
Perry  
Petri  
Pickett  
Pyle  
Quigley  
Quinn  
Rapp  
Reed  
Reese

Reichley  
Roae  
Rock  
Ross  
Saylor  
Scavello  
Schroder  
Simmons  
Sonney  
Stephens  
Stern  
Stevenson  
Swanger  
Tallman  
Taylor  
Tobash  
Toepel  
Toohil  
Truitt  
Turzai  
Vereb  
Vitali  
Vulakovich  
Watson  
Smith, S.,  
Speaker

#### NOT VOTING-0

#### EXCUSED-9

Cutler  
Davidson  
Evans, J.

Maher  
Mundy

O'Brien, D.  
Saccone

Wagner  
Williams

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. WHITE offered the following amendment No. **A07559**:

Amend Bill, page 2, line 8, by inserting after "misconduct"  
or when the tort occurred under the influence of alcohol, a  
drug or a prescription medication

On the question,

Will the House agree to the amendment?

The SPEAKER. On that question, the Speaker recognizes the gentleman from Washington County, Mr. White.

Mr. WHITE. Thank you, Mr. Speaker.

What this amendment would do would be to add language giving exceptions to the application of the cap in instances where the case involved alleging intentional misconduct or when the tort occurred under the influence of drugs or alcohol. So what we are saying here is the cap would not apply if the actor involved was under the influence of drugs or alcohol at the time of the offense.

This is a reasonable amendment, again, designed to protect our senior citizens against bad actors and bad actions, and I would ask the members to support it.

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

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

Mr. GRELL. Thank you, Mr. Speaker.

I would also ask for a negative vote on this amendment. This amendment may sound good, but the way it is drafted is overbroad and it does not even require the drug or alcohol use to have caused the injuries or led to the injuries. It is so broad that if an incident occurs, trial attorneys will be checking the records to see if anybody has been taking prescription blood pressure medicine, allergy medicine, and the like, or any innocuous prescription medication.

So because the amendment as written is overbroad, I would request the members to reject the amendment. Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

#### YEAS—84

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

#### NAYS—110

Adolph	Evans, D.	Knowles	Rapp
Aument	Everett	Kotik	Reed
Baker	Fleck	Lawrence	Reese
Barrar	Gabler	Major	Reichley
Bear	Geist	Maloney	Roae
Benninghoff	Gillen	Mann	Rock

Bloom	Gillespie	Marshall	Ross
Boback	Gingrich	Marsico	Saylor
Boyd	Godshall	Masser	Scavello
Brennan	Grell	Metcalfe	Schroder
Brooks	Grove	Miccarelli	Simmons
Brown, R.	Hackett	Micozzie	Sonney
Causer	Hahn	Millard	Stern
Christiana	Harhart	Miller	Stevenson
Clymer	Harper	Milne	Swanger
Cox	Harris	Moul	Tallman
Creighton	Heffley	Murt	Taylor
Culver	Helm	Mustio	Toepel
Curry	Hennessey	O'Neill	Toohil
Day	Hess	Oberlander	Truitt
DeLissio	Hickernell	Payne	Turzai
Delozier	Hornaman	Peifer	Vereb
Denlinger	Hutchinson	Perry	Vitali
DiGirolamo	Kampf	Petri	Vulakovich
Dunbar	Kauffman	Pickett	Watson
Ellis	Keller, F.	Pyle	
Emrick	Keller, M.K.	Quigley	Smith, S.,
Evankovich	Killion	Quinn	Speaker

#### NOT VOTING—0

#### EXCUSED—9

Cutler	Maher	O'Brien, D.	Wagner
Davidson	Mundy	Saccone	Williams
Evans, J.			

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. **WHITE** offered the following amendment No. **A07590**:

Amend Bill, page 1, line 18, by striking out "505(d)" and inserting

505(b) and (d)

Amend Bill, page 1, line 20, by striking out "is" and inserting are

Amend Bill, page 1, by inserting between lines 21 and 22

\* \* \*

(b) [Gross negligence.—A showing of gross negligence is insufficient to support an award of punitive damages.](Reserved).

On the question,

Will the House agree to the amendment?

The SPEAKER. On that question, the Speaker recognizes the gentleman from Washington County, Mr. White.

Mr. WHITE. Thank you, Mr. Speaker.

Hopefully everybody was saving up their "aye" votes, for this third time is the charm.

What this amendment would do – this is again another amendment designed to protect our senior citizens from bad actors in nursing homes – and what this would do is this would delete the portion that shows that gross negligence is insufficient to support an award of punitive damages. So what we are saying is that if someone in a nursing home exhibits gross negligence, punitive damages would be in order.

Again, I think as we are looking at this bill, we have to realize whom this is designed to protect. This is designed to protect our senior citizens, one of our most vulnerable constituencies that are at the mercy of caregivers, and what we are saying is, if a caregiver exhibits gross negligence, then they should have to pay the price. I think that is a reasonable amendment to put in, and again, I would ask for the support.

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

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

Mr. GRELL. Thank you, Mr. Speaker.

This is also an amendment that not only addresses a provision in my bill, it also changes the existing law with respect to the Mcare law and would eliminate the gross negligence provision. So this is another one that will not only anger your nursing homes but also anger your physicians if the amendment is supported.

Pennsylvania courts have long recognized that punitive damages are penal in nature and are only to be awarded where there is wanton and willful misconduct, and there are cases that specifically say that negligence is not sufficient for an award of punitive damages no matter how gross the negligence may be.

So I would ask the members to reject the amendment. Thank you, Mr. Speaker.

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

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

Mr. DERMODY. Thank you, Mr. Speaker.

Mr. Speaker, all the gentleman is trying to do here today is protect our most vulnerable citizens. If the nursing home treats their patients with careless disregard, they ought to be subject to punitive damages. They ought to know there is going to be a problem for them, that they are going to pay if they treat their patients with the careless disregard for their health and welfare. Therefore, we should support the gentleman's amendment. It is to protect the most vulnerable citizens among us.

Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

#### YEAS—83

Barbin	Deasy	Josephs	Petrarca
Bishop	DeLuca	Kavulich	Preston
Boyle, B.	DePasquale	Keller, W.	Ravenstahl
Boyle, K.	Dermody	Kirkland	Readshaw
Bradford	DeWeese	Kortz	Roebuck
Brennan	Donatucci	Kula	Sabatina
Briggs	Evans, D.	Longietti	Sainato
Brown, V.	Fabrizio	Mahoney	Samuelson
Brownlee	Frankel	Markosek	Santarsiero
Burns	Freeman	Matzie	Santoni
Buxton	Galloway	McGeehan	Shapiro
Caltagirone	George	Metzgar	Smith, K.
Carroll	Gerber	Mirabito	Smith, M.
Cohen	Gergely	Mullery	Staback
Conklin	Gibbons	Murphy	Sturla
Costa, D.	Goodman	Myers	Thomas
Costa, P.	Haluska	Neuman	Waters

Cruz  
Curry  
Daley  
Davis

Hanna  
Harhai  
Harkins  
Johnson

O'Brien, M.  
Parker  
Pashinski  
Payton

Wheatley  
White  
Youngblood

#### NAYS—111

Adolph  
Aument  
Baker  
Barrar  
Bear  
Benninghoff  
Bloom  
Boback  
Boyd  
Brooks  
Brown, R.  
Causer  
Christiana  
Clymer  
Cox  
Creighton  
Culver  
Day  
DeLissio  
Delozier  
Denlinger  
DiGirolamo  
Dunbar  
Ellis  
Emrick  
Evankovich  
Everett  
Farry  
Fleck

Gabler  
Geist  
Gillen  
Gillespie  
Gingrich  
Godshall  
Grell  
Grove  
Hackett  
Hahn  
Harhart  
Harper  
Harris  
Heffley  
Helm  
Hennessey  
Hess  
Hickernell  
Hornaman  
Hutchinson  
Kampf  
Kauffman  
Keller, F.  
Keller, M.K.  
Killion  
Knowles  
Kotik  
Krieger

Lawrence  
Major  
Maloney  
Mann  
Marshall  
Marsico  
Masser  
Metcalf  
Miccarelli  
Micozzie  
Millard  
Miller  
Milne  
Moul  
Murt  
Mustio  
O'Neill  
Oberlander  
Payne  
Peifer  
Perry  
Petri  
Pickett  
Pyle  
Quigley  
Quinn  
Rapp  
Reed

Reese  
Reichley  
Roae  
Rock  
Ross  
Saylor  
Scavello  
Schroder  
Simmons  
Sonney  
Stephens  
Stern  
Stevenson  
Swanger  
Tallman  
Taylor  
Tobash  
Toepel  
Toohil  
Truitt  
Turzai  
Vereb  
Vitali  
Vulakovich  
Watson  
Smith, S.,  
Speaker

#### NOT VOTING—0

#### EXCUSED—9

Cutler  
Davidson  
Evans, J.

Maher  
Mundy

O'Brien, D.  
Saccone

Wagner  
Williams

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. **NEUMAN** offered the following amendment  
No. **A07556**:

Amend Bill, page 2, line 8, by inserting after "misconduct"  
or when the facility falsified medical records

On the question,

Will the House agree to the amendment?

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

Mr. NEUMAN. Thank you, Mr. Speaker.

This amendment is simple language that will allow an exception if the facility or an employee of the facility modifies and falsifies medical records that relate to the injury involved,

and this is very, very imperative that we do this. We cannot allow facilities to be able to falsify medical records and let them get away with that. It happens a lot in Pennsylvania – not a lot, but it happens in Pennsylvania to the point where it is egregious conduct that needs punitive damage involved with no cap.

So, Mr. Speaker, I encourage an affirmative vote.

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

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

Mr. GRELL. Thank you, Mr. Speaker.

This amendment also is poorly drafted in that it does not require that falsification to be either knowing, intentional, willful, or material. The amendment does not require the falsification to relate to the plaintiff patient or to have caused or even contributed to the injury suffered.

So for those reasons I would ask for a rejection of this amendment.

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

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

Mr. DERMODY. Thank you, Mr. Speaker.

Mr. Speaker, adoption of this amendment would ensure that when a facility knows that medical records are being falsified and knows that injuries to patients will occur as a result of these medical records, these offenses would be punished with punitive damages. They know they are falsifying, they know that this happened, and their conduct would have to be willful and wanton. Those elements would have to be proved before they could be eligible for punitive damages.

We ought to approve this amendment. Thank you, Mr. Speaker.

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

On that question, the Speaker recognizes the gentleman, Mr. Neuman, for the second time.

Mr. NEUMAN. Thank you, Mr. Speaker.

One thing my previous speaker failed to mention is that falsification inherently is intentional. That is what that means.

The other thing that was failed to be mentioned is a court will never allow altered documents that do not apply to the injury in fact. That is what the court does. It weeds out what is allowed and what is not allowed. If there are falsified records that do not apply to the underlying injury, the court will not allow them in. So the court has the discretion to look at what documents should be allowed in that were falsified and what should not be allowed in that were falsified. That language is not necessary for this amendment to be drafted properly, and I would encourage a "yes" vote.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

## YEAS—96

Barbin	DeWeese	Keller, W.	Quinn
Bishop	DiGirolamo	Kirkland	Ravenstahl
Boyle, B.	Donatucci	Kortz	Readshaw
Boyle, K.	Evans, D.	Krieger	Reichley
Bradford	Fabrizio	Kula	Roebuck

Brennan	Farry	Longiotti	Sabatina
Briggs	Frankel	Mahoney	Sainato
Brown, V.	Freeman	Markosek	Samuelson
Brownlee	Galloway	Matzie	Santarsiero
Burns	George	McGeehan	Santoni
Buxton	Gerber	Metzgar	Shapiro
Caltagirone	Gergely	Millard	Smith, K.
Carroll	Gibbons	Mirabito	Smith, M.
Cohen	Goodman	Mullery	Staback
Conklin	Haluska	Murphy	Stephens
Costa, D.	Hanna	Myers	Sturla
Costa, P.	Harhai	Neuman	Thomas
Cruz	Harkins	O'Brien, M.	Vereb
Daley	Harper	Parker	Vitali
Davis	Hennessey	Pashinski	Waters
Deasy	Hornaman	Payton	Watson
DeLuca	Johnson	Petrarca	Wheatley
DePasquale	Josephs	Petri	White
Dermody	Kavulich	Preston	Youngblood

## NAYS—98

Adolph	Evankovich	Knowles	Rapp
Aument	Everett	Kotik	Reed
Baker	Fleck	Lawrence	Reese
Barrar	Gabler	Major	Roae
Bear	Geist	Maloney	Rock
Benninghoff	Gillen	Mann	Ross
Bloom	Gillespie	Marshall	Saylor
Boback	Gingrich	Marsico	Scavello
Boyd	Godshall	Masser	Schroder
Brooks	Grell	Metcalfe	Simmons
Brown, R.	Grove	Miccarelli	Sonney
Causar	Hackett	Micozzie	Stern
Christiana	Hahn	Miller	Stevenson
Clymer	Harhart	Milne	Swanger
Cox	Harris	Moul	Tallman
Creighton	Heffley	Murt	Taylor
Culver	Helm	Mustio	Tobash
Curry	Hess	O'Neill	Toepel
Day	Hickernell	Oberlander	Toohil
DeLissio	Hutchinson	Payne	Truitt
Delozier	Kampf	Peifer	Turzai
Denlinger	Kauffman	Perry	Vulakovich
Dunbar	Keller, F.	Pickett	
Ellis	Keller, M.K.	Pyle	Smith, S.,
Emrick	Killion	Quigley	Speaker

## NOT VOTING—0

## EXCUSED—9

Cutler	Maher	O'Brien, D.	Wagner
Davidson	Mundy	Saccone	Williams
Evans, J.			

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. NEUMAN offered the following amendment  
No. A07551:

Amend Bill, page 2, line 8, by inserting after "misconduct"  
or when the facility engaged in an unlawful practice



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

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

Mr. NEUMAN. Thank you, Mr. Speaker.

Mr. Speaker, this amendment, once again, is very simple. It allows for an exception of the underlying bill when the employee or the facility is engaged in unlawful practice that caused the underlying injury, and we should not encourage or put a cap on outrageous conduct that is unlawful. Unlawful conduct does not have to be intentional. We know that, and I encourage a "yes" vote, because we should not have a cap on punitive damages for unlawful practice within a facility.

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

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

Mr. GRELL. Thank you, Mr. Speaker.

Unfortunately, again I am going to have to ask for a negative vote on the amendment. I searched the Mcare statute and cannot find any definition anywhere in there as to what constitutes an unlawful practice. The amendment itself does not define "unlawful practice," and as an undefined term, it is very vague and too vague for enforcement, really. It could be anything from perhaps violating an indoor smoking ban to age discrimination to failure to withhold taxes, or anything might be considered unlawful under the scope of this amendment.

So for those reasons— And in addition, the amendment does not require the unlawful practice to have related to or caused the injury giving rise to the claim. So for those reasons I would ask for rejection of the amendment.

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

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

Mr. HENNESSEY. Thank you, Mr. Speaker.

I rise to support the amendment. It seems clear to me that when a physician or a nursing home is engaged in unlawful practice, any kind of unlawful conduct related to the injury, that we should not be insulating them from liability.

Thank you.

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

Is the gentleman, Mr. Neuman, seeking recognition for the second time? I do not see anybody else.

The gentleman, Mr. Neuman, is in order for the second time on the amendment.

Mr. NEUMAN. Mr. Speaker, the term "unlawful" defines itself. It is against the law. We have a Crimes Code here. Any practice that is against the law is unlawful. That does not need to be defined. It is not ambiguous at all. The courts, once again, can determine what unlawful practice is related to the underlying injury. There is a factor in there that we have called the discovery, and the courts will know if the unlawful practice relates to the injury or not. If it does not relate to the injury, it has no business being before the court or before the jury. If the unlawful practice relates to the injury, the judge will allow it.

I support a "yes" vote on this amendment. It is common sense to not allow a punitive damage cap on unlawful activities, crimes. Thank you, Mr. Speaker.

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

The following roll call was recorded:

#### YEAS—101

Barbin	DeWeese	Keller, W.	Quinn
Bishop	DiGirolamo	Kirkland	Ravenstahl
Boyle, B.	Donatucci	Kortz	Readshaw
Boyle, K.	Evans, D.	Kula	Roebuck
Bradford	Fabrizio	Longietti	Sabatina
Brennan	Farry	Mahoney	Sainato
Briggs	Frankel	Markosek	Samuelson
Brown, V.	Freeman	Matzie	Santarsiero
Brownlee	Galloway	McGeehan	Santoni
Burns	George	Metzgar	Scavello
Buxton	Gerber	Millard	Shapiro
Caltagirone	Gergely	Mirabito	Smith, K.
Carroll	Gibbons	Mullery	Smith, M.
Cohen	Goodman	Murphy	Staback
Conklin	Hackett	Murt	Stephens
Costa, D.	Haluska	Myers	Sturla
Costa, P.	Hanna	Neuman	Taylor
Cruz	Harhai	O'Brien, M.	Thomas
Curry	Harkins	O'Neill	Truitt
Daley	Harper	Parker	Vereb
Davis	Hennessey	Pashinski	Waters
Deasy	Hornaman	Payton	Watson
DeLissio	Johnson	Petrarca	Wheatley
DeLuca	Josephs	Petri	White
DePasquale	Kavulich	Preston	Youngblood
Dermoddy			

#### NAYS—93

Adolph	Everett	Kotik	Reed
Aument	Fleck	Krieger	Reese
Baker	Gabler	Lawrence	Reichley
Barrar	Geist	Major	Roae
Bear	Gillen	Maloney	Rock
Benninghoff	Gillespie	Mann	Ross
Bloom	Gingrich	Marshall	Saylor
Boback	Godshall	Marsico	Schroder
Boyd	Grell	Masser	Simmons
Brooks	Grove	Metcalfe	Sonney
Brown, R.	Hahn	Miccarelli	Stern
Causar	Harhart	Micozzie	Stevenson
Christiana	Harris	Miller	Swanger
Clymer	Heffley	Milne	Tallman
Cox	Helm	Moul	Tobash
Creighton	Hess	Mustio	Toepel
Culver	Hickernell	Oberlander	Toohil
Day	Hutchinson	Payne	Turzai
Delozier	Kampf	Peifer	Vitali
Denlinger	Kauffman	Perry	Vulakovich
Dunbar	Keller, F.	Pickett	
Ellis	Keller, M.K.	Pyle	Smith, S., Speaker
Emrick	Killion	Quigley	
Evankovich	Knowles	Rapp	

#### NOT VOTING—0

#### EXCUSED—9

Cutler	Maher	O'Brien, D.	Wagner
Davidson	Mundy	Saccone	Williams
Evans, J.			

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

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

Mr. **GEORGE** offered the following amendment  
No. **A07993**:

Amend Bill, page 1, line 15, by inserting after "repeals,""  
providing for applicability of Whistleblower Law; and

Amend Bill, page 1, lines 18 through 20, by striking out all of  
said lines and inserting

Section 1. The act of March 20, 2002 (P.L.154, No.13), known  
as the Medical Care Availability and Reduction of Error (Mcare) Act, is  
amended by adding a section to read:

Section 313.1. Applicability of Whistleblower Law.

A health care worker who reports the occurrence of a serious  
event in accordance with this act shall not be subject to any retaliatory  
action for reporting the serious event and shall have the protections and  
remedies set forth in the act of December 12, 1986 (P.L.1559, No.169),  
known as the Whistleblower Law.

Section 2. Section 505(d) of the act is amended to read:

Amend Bill, page 2, line 27, by striking out "2" and inserting

3

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

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

Mr. GEORGE. Thank you, Mr. Speaker.

Mr. Speaker, this does not hurt the bill at all. This  
amendment would apply the protections afforded to employees  
under the Whistleblower Law to all health-care workers covered  
by the Mcare Act. If the intent of this bill is to place limits on  
the award of damages, I do not believe that it is unreasonable  
for us to expand the protections afforded to employees that  
report instances of misconduct. It is for this reason that I ask for  
the members' support. Thank you.

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

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

Mr. GRELL. Thank you, Mr. Speaker.

I do not disagree with the intention of the maker of the  
amendment. The amendment proposes to add a section, 313.1,  
to the Mcare law relating to the Whistleblower Law, but the  
proposed language being added is identical to language already  
contained in the Mcare Act under section 308(c). So for those  
reasons the whistleblower protection that the gentleman seeks is  
already in the Mcare law. So I would ask members to reject the  
amendment.

Thank you, Mr. Speaker.

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

The following roll call was recorded:

#### YEAS—96

Barbin	DePasquale	Josephs	Petri
Bishop	Dermody	Kavulich	Preston
Boyle, B.	DeWeese	Keller, W.	Ravenstahl
Boyle, K.	DiGirolamo	Kirkland	Readshaw

Bradford	Donatucci	Kortz	Reichley
Brennan	Evankovich	Kula	Roebuck
Briggs	Evans, D.	Longietti	Sabatina
Brown, V.	Fabrizio	Mahoney	Sainato
Brownlee	Farry	Mann	Samuelson
Burns	Frankel	Markosek	Santarsiero
Buxton	Freeman	Matzie	Santoni
Caltagirone	Galloway	McGeehan	Shapiro
Carroll	George	Metzgar	Smith, K.
Cohen	Gerber	Mirabito	Smith, M.
Conklin	Gergely	Mullery	Staback
Costa, D.	Gibbons	Murphy	Stephens
Costa, P.	Goodman	Murt	Sturla
Cruz	Haluska	Myers	Thomas
Curry	Hanna	Neuman	Tobash
Daley	Harhai	O'Brien, M.	Vitali
Davis	Harkins	Parker	Waters
Deasy	Harper	Pashinski	Wheatley
DeLissio	Hornaman	Payton	White
DeLuca	Johnson	Petrarca	Youngblood

#### NAYS—97

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

#### NOT VOTING—1

Scavello

#### EXCUSED—9

Cutler	Maher	O'Brien, D.	Wagner
Davidson	Mundy	Saccone	Williams
Evans, J.			

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

#### VOTE CORRECTION

The SPEAKER. For what purpose does the gentleman from  
Delaware County, Mr. Micozzie, rise?

Mr. MICOZZIE. Mr. Speaker, I erroneously voted "no" on  
A7738. I wanted to vote "yes."

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

## CONSIDERATION OF HB 1907 CONTINUED

On the question recurring,

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

Ms. **DeLISSIO** offered the following amendment No. **A07690**:

Amend Bill, page 1, line 15, by inserting after "damages"

; and providing for public disclosure of information concerning physicians

Amend Bill, page 2, by inserting between lines 26 and 27

Section 2. The act is amended by adding a section to read:

### Section 911. Public disclosure.

(a) Data repository established.—There shall be jointly established between the State Board of Medicine and the State Osteopathic Board of Medicine a data repository which shall annually collect information to create individual profiles on each physician licensed in this Commonwealth. The information shall be collected on a form prescribed by the licensing board and shall be made available to the general public on the Department of State's publicly accessible Internet website.

(b) Required information.—By July 1, 2012, and every year thereafter, each physician shall submit to the licensing board on the prescribed form the following:

(1) Information regarding the sentencing of a physician for an offense as provided in section 15 of the act of October 5, 1978 (P.L.1109, No.261), known as the Osteopathic Medical Practice Act, or section 41 of the act of December 20, 1985 (P.L.457, No.112), known as the Medical Practice Act of 1985.

(2) Information regarding the arrest of a physician for any of the following offenses in this Commonwealth or another state:

(i) 18 Pa.C.S. Ch. 25 (relating to criminal homicide).

(ii) 18 Pa.C.S. § 2702 (relating to aggravated assault).

(iii) 18 Pa.C.S. Ch. 31 (relating to sexual offenses).

(iv) A violation of the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act.

(3) A description of any charges to which a physician pleads nolo contendere or where sufficient facts of guilt were found and the matter was continued without a finding of a court of competent jurisdiction.

(4) A description of any final disciplinary actions taken against a physician by the licensing board in this Commonwealth or a health care licensing authority in another state within the ten most recent years.

(5) A description of any revocation or involuntary restriction of hospital privileges for reasons related to competency or character taken by a hospital's governing body or any other official of a hospital after procedural due process has been afforded, or the resignation from or nonrenewal of medical staff membership or the resignation of privileges at a hospital in lieu of or in settlement of a pending disciplinary case related to competence or character of the physician in that hospital in the ten most recent years.

(6) All medical malpractice judgments or settlements in which a payment is awarded to a complaining party within the ten most recent years. Disposition of paid claims shall be reported in a minimum of three graduated categories indicating the level of significance of the judgment or settlement. Information involving paid malpractice claims shall be put in context by the repository by showing a comparison between a

physician's judgment awards and settlements to the experience of other physicians within the same specialty classification. Information concerning all settlements shall be accompanied by the following statement:

Settlement of a malpractice claim may occur for a variety of reasons which do not necessarily reflect negatively on the professional competence or conduct of a physician. A payment in settlement of a malpractice claim should not be construed as creating a presumption that medical malpractice has occurred.

Nothing herein shall be construed to limit or prevent the licensing board from providing further information about the significance of categories in which settlements are reported.

(7) Names of medical schools attended, graduate medical education obtained and dates of graduation.

(8) Specialty board certification.

(9) Number of years in practice.

(10) Names of hospitals at which privileges are attained.

(11) Appointments to medical school faculties.

(12) Information on published articles in peer review literature.

(13) The location and telephone number of the physician's primary practice setting.

(14) An indication as to whether the physician participates in the Medicare or State medical assistance program.

(c) Explanation.—Physicians may provide an explanation of any information disclosed pursuant to subsection (b) which shall be included by the licensing board in the profile.

(d) Initial profile.—The licensing board shall provide physicians with a copy of their initial profile prior to its release to the general public. Physicians shall have no more than 30 days from the date of receipt of this profile to correct any factual inaccuracies that appear in the profile and return it to the licensing board at which time the initial profile shall be published.

(e) Revision or correction.—The licensing board shall establish a process through which each physician may revise or correct any information contained in the profile, provided however, that revisions to information disclosed under subsection (b)(1), (2), (3), (4), (5) and (6) shall be made within 60 days of any arrest, sentencing or other final action taken against a physician.

(f) Penalties.—In addition to any other penalty provided for in this act, the licensing board shall impose a civil penalty for any violations of the provisions of this section in the following manner: \$1,000 for a first offense, \$2,500 for any second offense; and \$5,000 for any third or subsequent offenses.

Amend Bill, page 2, line 27, by striking out "2" and inserting

3

On the question,

Will the House agree to the amendment?

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

Ms. DeLISSIO. Thank you, Mr. Speaker.

It is my privilege to introduce this on behalf of the lady from Luzerne County who is excused today.

This amendment would create a comprehensive database under the auspices of the Department of Health so that all physicians would have an entry, and any types of misconduct, criminal or otherwise, would be listed on this database. There are currently— It is a database very similar to ones that exist in the Commonwealth of Pennsylvania for attorneys.

This biographical profile, which would include an area-licensed physician, would be on a set and prescribed form and it would be made available to the general public – I beg

your pardon – on the Department of State's Web site. The information that would be included in this profile would be the physician's education, degrees and certifications, as well as any prior arrests for sexual or drug offenses, descriptions of any final disciplinary actions taken against a physician by the licensing board, and any medical malpractice judgments or settlements in the most recent 10 years. The physician also would have an opportunity to explain any type of events that are disclosed, and they would have up to 30 – we give them 30 days to correct any inaccurate information that would appear in their profiles.

Mr. Speaker, as any of us have done research looking for physicians in our own communities for our own health care, we see physicians being rated on all sorts of Web sites and all sorts of comments being entered by their patients that may have been seen by this physician on one occasion or many occasions. There is no reliable resource that consumers can go to to access this information in a readily available way with the confidence that this information is credible. So this type of database would be extremely helpful to that end and would allow the Commonwealth's consumers to be able to evaluate and ask very knowledgeable questions of the physician that they may want to establish a relationship with.

So I will be voting for this amendment in the affirmative, obviously, and would urge everybody to consider doing the same. Thank you.

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

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

Mr. GRELL. Thank you, Mr. Speaker.

I would request a rejection also of this amendment. This amendment duplicates information and creates a data bank that is very similar to the National Practitioner Data Bank, which was created under the Health Care Quality Improvement Act back in 1986 and already exists.

Secondarily, the cost of creating any kind of a data bank of the nature being proposed in this amendment, the cost of that would be passed on to all of your physicians through increased licensing fees because the State licensing boards have to be self-sustaining. So any costs relating to the creation of this data bank, which already exists, would result in increased assessments to your physicians.

Thank you, Mr. Speaker.

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

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

Ms. DeLISSIO. Thank you, Mr. Speaker.

Mr. Speaker, my fiscal note indicates that there is no adverse fiscal impact on the Commonwealth's funds for creating such a database. The information does exist.

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

Is the gentleman, Mr. Grell, seeking recognition again?

Mr. GRELL. Yes.

The SPEAKER. The gentleman is in order for the second time on the amendment.

Mr. GRELL. Thank you.

Just to clarify the comment of the previous speaker and the maker of the amendment, there would be no cost to the

Commonwealth as a result of the creation of this data bank, because under the licensing board laws, those boards have to be self-sustaining. So any costs that are generated as a result of creating this data bank would go into the licensing costs passed on to the physicians so that there is no cost to the Commonwealth itself; the physicians would have to pick up that cost.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

#### YEAS—79

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

#### NAYS—115

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

NOT VOTING—0

## EXCUSED—9

Cutler	Maher	O'Brien, D.	Wagner
Davidson	Mundy	Saccone	Williams
Evans, J.			

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. **PASHINSKI** offered the following amendment No. **A07689**:

Amend Bill, page 1, line 15, by inserting after "providing" for declaration of policy,

Amend Bill, page 1, line 15, by inserting after "damages" , for Medical Care Availability and Reduction of Error Fund, for medical professional liability insurance by the joint underwriting association, for approval of medical professional liability insurers and for administrative definitions; and providing for functions of the Department of Health

Amend Bill, page 1, lines 18 through 20, by striking out all of said lines and inserting

Section 1. Sections 102, 505(d), 712(g), 733, 741 and 902 of the act of March 20, 2002 (P.L.154, No.13), known as the Medical Care Availability and Reduction of Error (Mcare) Act, are amended to read:

Section 102. Declaration of policy.

The General Assembly finds and declares as follows:

(1) It is the purpose of this act to ensure that medical care is available in this Commonwealth through a comprehensive and high-quality health care system.

(2) Access to a full spectrum of hospital services and to highly trained physicians in all specialties must be available across this Commonwealth.

(3) To maintain this system, medical professional liability insurance has to be obtainable at an affordable and reasonable cost in every geographic region of this Commonwealth.

(4) A person who has sustained injury or death as a result of medical negligence by a health care provider must be afforded a prompt determination and fair compensation.

(5) Every effort must be made to reduce and eliminate medical errors by identifying problems and implementing solutions that promote patient safety.

(6) Recognition and furtherance of all of these elements is essential to the public health, safety and welfare of all the citizens of Pennsylvania.

(7) The costs of medical malpractice insurance premiums are directly impacted by medical errors.

(8) Research shows that a vast majority of medical errors are systemic rather than human errors.

(9) Total quality management systems implemented in industry and by the United States Department of Veterans Affairs hospital system have successfully reduced medical errors.

(10) It is the purpose of this act to improve patient safety, improve health care quality and lower health care costs by offering medical malpractice premium discounts to health care providers that institute total quality management health care systems.

Amend Bill, page 2, by inserting between lines 26 and 27

Section 712. Medical Care Availability and Reduction of Error Fund.

\* \* \*

(g) Additional adjustments of the prevailing primary premium.—The department shall adjust the applicable prevailing primary premium of each participating health care provider in accordance with the following:

(1) The applicable prevailing primary premium of a participating health care provider which is not a hospital may be adjusted through an increase in the individual participating health care provider's prevailing primary premium not to exceed 20%. Any adjustment shall be based upon the frequency of claims paid by the fund on behalf of the individual participating health care provider during the past five most recent claims periods and shall be in accordance with the following:

(i) If three claims have been paid during the past five most recent claims periods by the fund, a 10% increase shall be charged.

(ii) If four or more claims have been paid during the past five most recent claims periods by the fund, a 20% increase shall be charged.

(2) The applicable prevailing primary premium of a participating health care provider which is not a hospital and which has not had an adjustment under paragraph (1) may be adjusted through an increase in the individual participating health care provider's prevailing primary premium not to exceed 20%. Any adjustment shall be based upon the severity of at least two claims paid by the fund on behalf of the individual participating health care provider during the past five most recent claims periods.

(3) The applicable prevailing primary premium of a participating health care provider not engaged in direct clinical practice on a full-time basis may be adjusted through a decrease in the individual participating health care provider's prevailing primary premium not to exceed 10%. Any adjustment shall be based upon the lower risk associated with the less-than-full-time direct clinical practice.

(4) The applicable prevailing primary premium of a hospital may be adjusted through an increase or decrease in the individual hospital's prevailing primary premium not to exceed 20%. Any adjustment shall be based upon the frequency and severity of claims paid by the fund on behalf of other hospitals of similar class, size, risk and kind within the same defined region during the past five most recent claims periods.

(5) A participating health care provider that implements, to the satisfaction of the Department of Health, a total quality management health care system approved by the Department of Health shall be entitled to a 20% discount in the applicable prevailing primary premium for each fiscal year in which the system is implemented.

\* \* \*

Section 733. Deficit.

(a) Filing.—In the event the joint underwriting association experiences a deficit in any calendar year, the board of directors shall file with the commissioner the deficit.

(b) Approval.—Within 30 days of receipt of the filing, the commissioner shall approve or deny the filing. If approved, the joint underwriting association is authorized to borrow funds sufficient to satisfy the deficit.

(c) Rate filing.—Within 30 days of receiving approval of its filing in accordance with subsection (b), the joint underwriting association shall file a rate filing with the department. The commissioner shall approve the filing if [the];

(1) The premiums generate sufficient income for the joint underwriting association to avoid a deficit during the following 12 months and to repay principal and interest on the money borrowed in accordance with subsection (b).

(2) There is a 20% discount in each premium for a health care provider that implements, to the satisfaction of the Department of Health, a total quality management health care system approved by the Department of Health.

## Section 741. Approval.

In order for an insurer to issue a policy of medical professional liability insurance to a health care provider or to a professional corporation, professional association or partnership which is entirely owned by health care providers, the insurer must [be] comply with all of the following:

(1) Be authorized to write medical professional liability insurance in accordance with the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921.

(2) Offer a 20% discount in the premium for a health care provider that implements, to the satisfaction of the Department of Health, a total quality management health care system approved by the Department of Health.

## Section 902. Definitions.

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

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

"Licensure board." Either or both of the following, depending on the licensure of the affected individual:

(1) The State Board of Medicine.

(2) The State Board of Osteopathic Medicine.

"Physician." An individual licensed under the laws of this Commonwealth to engage in the practice of:

(1) medicine and surgery in all its branches within the scope of the act of December 20, 1985 (P.L.457, No.112), known as the Medical Practice Act of 1985; or

(2) osteopathic medicine and surgery within the scope of the act of October 5, 1978 (P.L.1109, No.261), known as the Osteopathic Medical Practice Act.

Section 2. The act is amended by adding a section to read:

Section 911. Department of Health.

(a) Total quality management health care system approval.—

(1) A total quality management health care system may apply to the department for approval. The application must be on a form prescribed by the Department of Health and must be accompanied by a fee set by regulation.

(2) Within 30 days of receipt of an application under paragraph (1), the department shall do one of the following:

(i) If the department determines that the system will successfully reduce medical errors by a health care provider, approve the application.

(ii) If the department determines that the system will not successfully reduce medical errors by a health care provider, deny the application. This subparagraph is subject to 2 Pa.C.S. Ch. 7 Subch. A (relating to judicial review of Commonwealth agency action).

(3) Failure to act within the time specified in paragraph

(2) shall be deemed approval of the application.

(b) Total quality management health care system implementation.—The department shall provide health care providers with certification of implementation of total quality management health care systems as required by sections 712(g)(5), 733(c)(2) and 741(2).

(c) Regulations.—The department may promulgate regulations to implement this section.

Amend Bill, page 2, line 27, by striking out "2" and inserting

3

On the question,

Will the House agree to the amendment?

The SPEAKER. On that question, the Speaker recognizes the gentleman from Luzerne County, Mr. Pashinski.

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

I rise in favor of A07689. This amendment, Mr. Speaker, seeks to protect the patients from preventable medical errors, also to lower health-care costs, by offering an incentive to

health-care providers to implement quality management systems. Remember, this is not a mandate. That is an incentive to provide these incentives to prevent medical errors.

Mr. Speaker, according to the American Hospitals Study "HealthGrades Patient Safety" of 2009, there were over 40,000 instances of medical error in that year – 40,000 instances not in a year but in a day. Forty thousand times 365 is over 14 million medical incidents that could have likely been prevented with quality management systems.

This incentive that we are talking about would be a 20-percent discount on Mcare primary premiums. This would go to the health-care providers who institute a quality management system. This quality management system would be approved by the Department of Health. Once again, this does not mandate nor does it require any QM system in particular or any in whole. It is a particular management system that is not required, not mandated.

Most everyone in this great hall is very much aware of the fact that manufacturing has used quality management systems for literally decades, and yet in our American hospitals, we are lagging way behind in preventing medical errors, and yes, deaths.

What is a quality management system? A quality management system is simply a process that analyzes, standardizes, streamlines, improves what you do and how you do it every single day. By engaging in this process, you ensure quality and prevent mistakes, eliminate waste and duplication – eliminate those mistakes and duplication in health care to save lives. Mr. Speaker, that life may be your own. We have heard the term "The life you save may be your own." A quality management system can help prevent errors that could prevent suffering, and yes, death.

No job should rely on a worker's vigilance alone. No job should rely on a worker's vigilance alone to prevent medical mistakes. The best solution is to implement a system of error-proofing, proofing that makes the mistake impossible. I wonder if you have ever heard of the process which says "can't" rather than "don't." A process through evaluation, a process through analyzing and collecting data, can determine when something goes awry because a system fails, not the person – "can't" rather than "don't."

The philosophy that I speak about was implemented by Baxter Healthcare after an accidental overdose of heparin which endangered the children of the actor Dennis Quaid. You may have remembered that. That incident just occurred a short time ago. Baxter Healthcare made it almost impossible to administer high concentrations of heparin by accident. The company simply changed its heparin package by adding a red caution label. That label had to be torn off in order to open the vial. Something so simple as that prevents the medical errors that just occurred prior to that.

It is almost impossible for a health-care practitioner, no matter how fatigued, to use this high concentration of heparin by mistake. They cannot do it. They cannot make the mistake because they have to tear off the red label – once again, a simple, commonsense solution that saves lives, a process that prevents suffering and hardship and likely death.

Mechanisms and procedures such as this one are used in quality management systems all over the country. Whether it be ISO 9000 or Six Sigma, they can protect patients from these preventable errors, dramatically decrease the health-care costs

that we all know are escalating at alarming rates, lower medical malpractice insurance premiums through better patient outcomes. That is the key. Preventing the medical errors will allow the Mcare Fund to continue to grow. There will be less payment out; consequently, the fund will be solvent and provide a potential for future premium reduction.

According to the Centers for Disease Control, there are nearly 2 million Americans that suffer each year from hospital-acquired infections. Now, this results in anywhere from \$28 to \$45 billion in direct medical costs each year. Huge savings could be incurred and also elimination of suffering and loss of life because of quality management systems.

Anywhere from 20 to 70 percent of hospital-acquired infections are preventable – 20 to 70 percent if we do the right thing. All you have to do is look anywhere in this building, anywhere in any office building, certainly every hospital, place that you go. Most likely each one of you have what I am talking about in your pocket, on your person, or even in your desk. We have learned that carrying a container of sterilization liquid can prevent germs and can keep us healthy. We have seen that all over where we definitely use the sterilization provided, and that eliminates the kind of infection that creates huge costs and suffering.

It is incredible to me to know that quality management systems are now being utilized in other countries, and they are doing it in other countries because it is proven to reduce the medical errors, such as unreadable prescriptions, wrong-site surgery. We have heard of "never events" where the wrong appendage is amputated. How do you make a mistake like that in the year 2010, '09, '08, '07, and '11? How could we possibly amputate the wrong appendage? That is due to a system failure. Quality management systems can help prevent that.

I want you to know that in Asia, Australia, and New Zealand and in most facilities throughout Europe, quality management systems have been and continue to be used. As a matter of fact, the medical facilities in India cite ISO 9000, which is a quality management system, they cite this system certification in an effort to encourage Americans and other foreigners to go offshore to India for their medical conditions. I am going to repeat that: India and most foreign countries are using a quality management system in order to attract other patients throughout the world, and yes, even here from America, to come to India for their medical service.

I strongly believe at this point that this legislation will help reduce not only the human suffering, but it will also eliminate, reduce, the ever-rising financial costs. Let us not push our Americans out of America to be treated medically. Let us keep them here. Provide the quality medical systems to prevent the medical errors, to provide a better quality health-care system, lower the costs, save lives, and yes, it could be yours.

I urge everyone to support A07689. 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 Cumberland County, Mr. Grell.

Mr. GRELL. Thank you, Mr. Speaker.

Again, I would ask for a negative vote on this amendment for several reasons.

First and most importantly, section 307 of the Mcare Act already requires health-care providers to submit a patient safety plan for review and approval by the department. It contains

many of the same things that the gentleman who is offering the gentlelady's amendment would call for.

Secondly, this amendment does not establish any criteria for what an acceptable total quality management system would be. It leaves it totally to the discretion of the department.

Thirdly, there is no data at all to support the 20-percent premium reduction that is required by this amendment. I would submit that the 20-percent premium reduction is an arbitrary amount. It will not be realized because we already have the same kind of patient safety management requirements in current Mcare law. So what would happen is if 20-percent premium reductions are given out to providers who implement a new repetitive, in my view, total quality management plan, the Mcare Fund would suffer because of the loss of premium because of all of these 20-percent reductions, unless, of course, there is a 20-percent reduction in claims, which is certainly not guaranteed by this amendment and there is no data to suggest that those kinds of savings would be realized. So if those 20-percent premium reductions are being handed out and the Mcare Fund does not realize the same level of reduction in claims, the other premium payers would have to make up the difference and basically subsidize all of those health-care providers that are getting the 20-percent discount.

I would point out that this same concept, in fact the same language, was submitted and considered by the Insurance Committee in the previous legislative session in March of 2010, and with support from both sides of the aisle, these provisions as a separate stand-alone piece of legislation could not get out of the House Insurance Committee.

So for all of these reasons I would request rejection of the amendment, although I would certainly be willing to work with the gentlelady and perhaps the gentleman offering the amendment to come up with something that might accomplish some of those things outside of the context of my legislation.

Thank you, Mr. Speaker.

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

On that question, the Speaker recognizes the gentleman, Mr. Pashinski, for the second time.

Mr. PASHINSKI. Thank you, Mr. Speaker, and I thank the good gentleman from Cumberland County. The only problem is, I disagree on several of the areas that he pointed out.

First of all, the Department of Health is a qualified authority on what to determine will prevent medical errors. Certainly their job is to make sure they review all quality management systems and they allow for the ability of the hospital to deal with the appropriate quality system. So as far as mandating anything, as far as requiring anything, keep in mind that this is an incentive. So if a hospital chooses or providers choose not to use this, they do not have to.

As far as the 20-percent premium, it is correct in the law already; they can provide several vehicles to reduce some of those costs to the providers. However, this particular incentive would guarantee 20 percent.

The whole basis of this amendment and this idea is that if we reduce medical error, we drastically reduce the cost, and that has been documented time and time and time again. Whether it be the Harvard study, whether it be the Kaiser Foundation, it is documented time and time again that medical errors cause incredible cost to the entire system.

The idea of also having to readmit patients who have received a medical service and have been sent home, only to acquire a hospital-acquired infection, has to be readmitted, which then quadruples the cost.

Once again, quality management systems can identify where these systems break down. Twenty percent of the errors have been determined to be caused by an individual, yet 80 to 85 percent of errors have been determined to be caused by system failure, and that is why quality management systems become vital to the safety/security of the patient.

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

The following roll call was recorded:

## YEAS—82

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

## NAYS—112

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

NOT VOTING—0

EXCUSED—9

Cutler  
Davidson  
Evans, J.

Maher  
Mundy

O'Brien, D.  
Saccone

Wagner  
Williams

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.)

## SUPPLEMENTAL CALENDAR A

## BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 1054, PN 1190**, entitled:

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

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

(Bill analysis was read.)

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

## YEAS—119

Adolph	Farry	Major	Reed
Baker	Fleck	Mann	Reichley
Barrar	Freeman	Markosek	Roebuck
Benninghoff	Galloway	Marshall	Ross
Boback	Geist	Marsico	Samuelson
Bradford	Gerber	Matzie	Santarsiero
Brennan	Gergely	Metzgar	Santoni
Brown, V.	Gillespie	Miccarelli	Saylor
Brownlee	Gingrich	Micozzie	Scavello
Buxton	Godshall	Millard	Smith, K.
Caltagirone	Grell	Miller	Sonney
Carroll	Grove	Mirabito	Staback
Causar	Hackett	Moul	Stern
Clymer	Harhart	Murt	Stevenson
Conklin	Harkins	Mustio	Sturla
Costa, D.	Harper	Myers	Swanger
Costa, P.	Harris	O'Brien, M.	Tallman
Daley	Helm	O'Neill	Taylor
Day	Hennessey	Oberlander	Tobash



Deasy	Hess	Parker	Toohil
Delozier	Johnson	Payne	Turzai
DeLuca	Josephs	Payton	Vereb
Denlinger	Kampf	Peifer	Vitali
DePasquale	Keller, M.K.	Perry	Vulakovich
Dermody	Keller, W.	Petri	Waters
DeWeese	Killion	Pickett	Watson
DiGirolamo	Kirkland	Pyle	Wheatley
Donatucci	Knowles	Quinn	
Evans, D.	Kula	Ravenstahl	Smith, S.,
Everett	Mahoney	Readshaw	Speaker
Fabrizio			

## NAYS—75

Aument	Davis	Hutchinson	Preston
Barbin	DeLissio	Kauffman	Quigley
Bear	Dunbar	Kavulich	Rapp
Bishop	Ellis	Keller, F.	Reese
Bloom	Emrick	Kortz	Roae
Boyd	Evankovich	Kotik	Rock
Boyle, B.	Frankel	Krieger	Sabatina
Boyle, K.	Gabler	Lawrence	Sainato
Briggs	George	Longietti	Schroder
Brooks	Gibbons	Maloney	Shapiro
Brown, R.	Gillen	Masser	Simmons
Burns	Goodman	McGeehan	Smith, M.
Christiana	Hahn	Metcalfe	Stephens
Cohen	Haluska	Milne	Thomas
Cox	Hanna	Mullery	Toepel
Creighton	Harhai	Murphy	Truitt
Cruz	Heffley	Neuman	White
Culver	Hickernell	Pashinski	Youngblood
Curry	Hornaman	Petrarca	

## NOT VOTING—0

## EXCUSED—9

Cutler	Maher	O'Brien, D.	Wagner
Davidson	Mundy	Saccone	Williams
Evans, J.			

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

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

**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 1054, PN 1190**

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

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

**REMARKS SUBMITTED FOR THE RECORD**

The SPEAKER. For what purpose does the lady from Philadelphia, Ms. Youngblood, rise?

Ms. YOUNGBLOOD. Mr. Speaker, since I did not have the opportunity to speak on SB 1054, I am going to submit my remarks for the record on why I vehemently oppose SB 1054. Thank you.

The SPEAKER. The Speaker thanks the lady.

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

Mr. Speaker, I understand the necessity and importance of SB 1054. The Redevelopment Assistance Capital Program is a vital component to our State's economic development initiatives, and it is important that we provide cash flow to this program that offers our communities the ability to employ more people, attract development, and improve economic activity.

However, the RCAP process is in dire need of reform.

Before we allocate additional funding for this and other grant programs, we need to have a serious discussion on how we improve accountability and transparency within the RCAP process and put an end to the pay-to-play politics that have surrounded this program for decades.

I will not go into tremendous detail, Mr. Speaker, but recently the constituents of my district living in the Germantown neighborhood of Philadelphia were witness to the evils of the RCAP process.

As I started to look into a project that was awarded RCAP funding, I began to have some serious concerns with the entire RCAP process, and it made me realize that we need to take this process out of the Dark Ages and into the light of day.

Last month I introduced legislation that I hope will be the starting point for a serious discussion on how we can reform RCAP and bring some accountability and transparency to the process.

And I know that many of my fellow House members, on both sides of the aisle, feel that RCAP reform is necessary. I have received 40 cosponsors for my proposal, with support from both Democrats and Republicans.

Mr. Speaker, without reforms in place that provide more accountability and transparency to the RCAP process, I simply cannot support this legislation.

In addition, Mr. Speaker, the very project that has become the example of all that is wrong with the RCAP process will benefit from the passage of SB 1054.

Although the project has been awarded RCAP funds, none of the funds have been released to date. If we pass this bill, this will provide the "cash flow" needed to fund a very unpopular and extremely controversial project in my district.

Mr. Speaker, for these reasons I voted "no" on this legislation. Thank you.

The SPEAKER. For what purpose does the gentleman from Bedford County, Mr. Hess, rise?

Mr. HESS. A committee meeting announcement, Mr. Speaker.

The SPEAKER. Could we come back to you when we finish the voting schedule?

Mr. HESS. Yes. That would be fine.

The SPEAKER. Just so we do not get too far off the beaten path.

## CALENDAR CONTINUED

## BILL ON FINAL PASSAGE POSTPONED

The House proceeded to consideration on final passage postponed of **SB 1310, PN 1870**, entitled:

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.

On the question recurring,  
Shall the bill pass finally?

## DECISION OF CHAIR RESCINDED

The SPEAKER. Without objection, the Chair rescinds its announcement that SB 1310 has been agreed to for the third time.

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

Mr. **MILLER** offered the following amendment  
No. **A08017**:

Amend Bill, page 7, line 25, by inserting after "]"  
with approval by the Office of the Budget

Amend Bill, page 8, line 2, by inserting after "DEPARTMENT'S"  
and Office of the Budget's

Amend Bill, page 8, line 2, by inserting after "JUDGMENT"  
to fund adequate debt service reserves

Amend Bill, page 17, line 21, by inserting after "OF"  
debt service reserves in

Amend Bill, page 17, line 21, by inserting after  
"DEPARTMENT"

, with approval by the Office of the Budget,

Amend Bill, page 24, line 29, by striking out "in consultation"

Amend Bill, page 24, line 29, by inserting after "with"  
approval by

Amend Bill, page 25, line 3, by striking out "in consultation"

Amend Bill, page 25, line 3, by inserting after "with"  
approval by

Amend Bill, page 27, line 14, by inserting after "SALE"  
through open competitive bidding

Amend Bill, page 27, line 24, by striking out "PRIVATE" and  
inserting  
negotiated public

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

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

Mr. **MILLER**. Thank you, Mr. Speaker.

Appropriations staff in the House in both the Democratic and the Republican Caucuses have reviewed SB 1310 and asked that we introduce this amendment, A08017. It clears up ambiguities

with the bill that the Appropriations staff believe are needed, and it makes the bill as concise as possible, and I would ask for a positive vote.

Thank you, Mr. Speaker.

The SPEAKER. For the information of the members, under rule 24, an amendment that is necessary to make the document internally consistent or to clear up ambiguities, etc., that it is in order and would not preclude the House from proceeding with the vote on the bill should it pass.

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

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

Mr. W. KELLER. Thank you, Mr. Speaker.

We agree that this amendment is needed. It makes the bill much better, and the Appropriations staffs also agree on that.

Thank you, Mr. Speaker.

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

The following roll call was recorded:

## YEAS—194

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

DeWeese	Keller, F.	Preston	
DiGirolamo	Keller, M.K.	Pyle	Smith, S.,
Donatucci	Keller, W.	Quigley	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—9

Cutler	Maher	O'Brien, D.	Wagner
Davidson	Mundy	Saccone	Williams
Evans, J.			

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 third consideration as amended?

Bill as amended was agreed to.

(Bill analysis was read.)

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

The question is, shall the bill pass finally?

Is the gentleman, Mr. DeWeese, seeking recognition on the bill?

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

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

Notwithstanding the efficacy of the last amendment, my vote will be in the negative, and I may be the only person here that is going to vote in the negative.

But when this new administration came to Harrisburg, the Corbett administration, their unalloyed advocacy of transparency and a brutal struggle with the traditions of the past relative to pay-to-play were profound and incontrovertible. It seemed to be a premier part of the Corbett campaign platform. And notwithstanding this aggressive enthusiasm, this unabated will, in commercial after commercial, public pronouncement after public pronouncement that we would not have pay-to-play, this legislation allows for dominant law firms, preeminent, preeminent bond counsel from around the State to be involved without a competitive bid – without a competitive bid. Millions of dollars will potentially sluice into big law firms and into big bond counsel settings.

Now, I really think we have a chance here to make a profound statement, the statements that were made again and again in the summer of '010 and in the fall of '010. And I know that my honorable colleague, my friend, the chairman, will advocate for flexibility, but I would advocate for no flexibility on final passage. A negative vote would make certain that competitive bidding for the largest bond issue in the history of the Commonwealth is an accomplished fact. No other exception, no competitive bidding, is what could potentially happen if this bill is passed.

And again, I will give the honorable chairman credit. It might go either way. But a negative vote on my part will say to the world that we will not have pay-to-play, that we will have,

we will have competitive, competitive, competitive bidding, Mr. Speaker, just like the GOP advocated for in every level of the legislative and executive campaigns of 2010.

I ask for a negative vote.

On the question recurring,

Shall the bill pass finally?

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

(Members proceeded to vote.)

VOTE STRICKEN

The SPEAKER. Excuse me. Strike the vote.

Is the gentleman, Mr. Keller, seeking recognition for the second time, or maybe the first on the bill on final passage. I apologize.

Mr. W. KELLER. Yes, Mr. Speaker.

The SPEAKER. The gentleman is in order on final passage. I apologize.

Mr. W. KELLER. We passed an amendment that I believe went a long way. That amendment makes this bill that you have to competitively bid the bonds. That was not in the bill. We put it in the bill on this floor. That is a big step, a long way to going to what we wanted. So these bonds must first be competitively bid, which is the right way to do it. But it also gives the option of a negotiated bid if the competitive bids do not meet the standard.

I believe the bill as it stands now takes care of that problem for the first time ever. That is the way it should be. It is the way it is in this bill, and we should be for it. But the thing I would like to point out is that this bill is not a solvency bill. We need to address solvency. The last time we were here, we talked about solvency. We need to seriously consider solvency. We have not done it yet.

We are taking the most important tool we have, bonding, and we are going to use that tool and for the right way. We are going to save businesses in the Commonwealth a lot of money. We should do that. The Federal charge is 4 percent. There are estimates somewhere between 2 and 2 1/2 percent for the bonding. That is a good thing. But we may also need bonding to fix solvency. We may also have to increase the contributions to the fund, and I say "contributions." I am not saying that dirty word. But both business, employers, and employees have to increase their contributions to the trust fund that we administer. That is money going into the funds that only people who participate in those funds can take out. We cannot just say, we cannot address this without addressing three things: bonding, and increase in both employer and employee contributions.

Please, what is going to happen is, in the future we are going to come back here to address solvency, because you are going to have people unemployed and we need to extend the benefits. We did that once before; we should do it again. But we should not hold the solvency of this fund hostage. We should address it the right way. We should address it with bonding, with increases for both employers and employees.

We will be back here at some future time. Please remember what I said here today. This is a good bill. We need it. This is best for Pennsylvania, but we also have to address solvency in the same way we are doing this today. Thank you, Mr. Speaker.

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

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

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

Please understand that the State of Pennsylvania is already significantly indebted to the Federal government for our unemployment compensation benefits. This bill does allow for a refinancing of our existing debt to get a lower rate of interest, which ultimately saves taxpayers.

Keep in mind, I, too, believe there needs to be significant legislation on solving what is the, quote, unquote, "solvency of the Unemployment Compensation Fund." We need reforms that deal with the abuses of the unemployment compensation system, like revisiting things like willful misconduct or voluntary quit. And I know Mr. Keller has some other ideas, but that is not what is in front of us today. What is in front of us today is a commonsense measure to refinance our existing debt at a lower rate of interest and to do it in an appropriate, transparent, accountable manner, which overall with our changes SB 1310 does.

I would ask people to vote "yes" on SB 1310. It is not new borrowing; it is the refinancing of an existing debt obligation. Thank you.

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

Is the gentleman, Mr. Keller, from Philadelphia seeking recognition for the second time on the bill?

Mr. W. KELLER. I was not going to, Mr. Speaker, but now I have to.

The SPEAKER. I would have to say you opened the door earlier.

Mr. W. KELLER. Well, I did not open the door, Mr. Speaker. We have a big problem in—

The SPEAKER. The gentleman, Mr. Keller, is recognized for the second time on the final passage.

Mr. W. KELLER. Thank you, Mr. Speaker.

We have a big problem in Pennsylvania. Our fund is insolvent, all right? But it did not get insolvent just because people are unemployed, all right? We gave tax cuts of \$3 billion at a time when we should not have. We owe the Federal government \$3.1 billion. If we did not give the tax cuts, we would not be insolvent. If we just keep money going into the fund the way it is set up, we will be fine, but we keep playing with it.

And now you are going to come back here in the future, and I will tell you what people will want to do: They will want to mess with eligibility so people will not be able, who lose a job through no fault of their own, no fault of their own they lose a job, we will be addressing eligibility. And then we will be addressing benefit cuts.

The SPEAKER. The gentleman will suspend.

Would you keep your remarks focused on why we should pass or not pass the bill before us, please.

Mr. W. KELLER. We should pass this bill because this is a good bill for Pennsylvania. The bill that is coming forward is not going to be a good bill for Pennsylvania.

The SPEAKER. We are not— Excuse me. The gentleman will suspend.

We are not debating a prospective bill. We are debating SB 1310 as is before us.

Mr. W. KELLER. Mr. Speaker, you said I opened the door. I think the majority leader opened the door. He was talking—

The SPEAKER. The gentleman will suspend.

Will the gentleman confine his remarks to SB 1310, final passage, please.

Mr. W. KELLER. Yes, sir. I was just trying to address the majority leader's remarks, and I guess I am not allowed to do that.

SB 1310 we should vote on. It does address the problem of competitive bids, but it does not address the problem of insolvency, which is the biggest problem we have with this fund. I hope in the future we will be able to address that.

Thank you, Mr. Speaker.

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

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

Mr. DeWEESE. Just one quick question to the honorable majority leader under interrogation on final passage.

The SPEAKER. The gentleman indicates he will stand for interrogation.

Mr. DeWEESE. My only question, my good friend from Allegheny County, would be, if on final passage this receives a favorable vote, and I would opine that it will receive a very favorable vote, the Governor's Office will subsequently potentially be allowed to make the call on who will be the bond counsel on the unemployment compensation bond effort. Yes or no? Without any kind of competitive bidding, it is possible, if this passes, that the Governor's Office could reach out and say that firm XYZ or firm ABC, without competitive bidding, will get the business. Is that the case, my good friend?

Mr. TURZAI. This goes one step beyond what current law is under the Procurement Code and calls for competitive bidding. I think the amendment improves existing law with respect to this specific refinancing, and I think it is a step in the right direction.

Please vote "yes."

Mr. DeWEESE. On the bill, and I can do this in 30 seconds.

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

Mr. DeWEESE. My very good friend, the honorable and respected majority leader, avoided a direct answer because the answer is, we could potentially have, we could potentially have the largest bond issue in the history of Pennsylvania decided whimsically, capriciously, arbitrarily by the Governor of Pennsylvania without a competitive bid.

I would ask for a negative vote.

On the question recurring,

Shall the bill pass finally?

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

The following roll call was recorded:

#### YEAS—193

Adolph	Ellis	Kirkland	Rapp
Aument	Emrick	Knowles	Ravenstahl
Baker	Evankovich	Kortz	Readshaw
Barbin	Evans, D.	Kotik	Reed
Barrar	Everett	Krieger	Reese
Bear	Fabrizio	Kula	Reichley
Benninghoff	Farry	Lawrence	Roae
Bishop	Fleck	Longietti	Rock
Bloom	Frankel	Mahoney	Roebuck
Boback	Freeman	Major	Ross

Boyd	Gabler	Maloney	Sabatina
Boyle, B.	Galloway	Mann	Sainato
Boyle, K.	Geist	Markosek	Samuelson
Bradford	George	Marshall	Santarsiero
Brennan	Gerber	Marsico	Santoni
Briggs	Gergely	Masser	Saylor
Brooks	Gibbons	Matzie	Scavello
Brown, R.	Gillen	McGeehan	Schroder
Brown, V.	Gillespie	Metcalfe	Shapiro
Brownlee	Gingrich	Metzgar	Simmons
Burns	Godshall	Miccarelli	Smith, K.
Buxton	Goodman	Micozzie	Smith, M.
Caltagirone	Grell	Millard	Sonney
Carroll	Grove	Miller	Staback
Causar	Hackett	Milne	Stephens
Christiana	Hahn	Mirabito	Stern
Clymer	Haluska	Moul	Stevenson
Cohen	Hanna	Mullery	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
Davis	Hickernell	Pashinski	Vereb
Day	Hornaman	Payne	Vitali
Deasy	Hutchinson	Payton	Vulakovich
DeLissio	Johnson	Peifer	Waters
Delozier	Josephs	Perry	Watson
DeLuca	Kampf	Petrarca	Wheatley
Denlinger	Kauffman	Pickett	White
DePasquale	Kavulich	Preston	Youngblood
Dermody	Keller, F.		
DiGirolo	Keller, M.K.	Pyle	Smith, S.,
Donatucci	Keller, W.	Quigley	Speaker
Dunbar	Killion	Quinn	

## NAYS-1

DeWeese

## NOT VOTING-0

## EXCUSED-9

Cutler	Maher	O'Brien, D.	Wagner
Davidson	Mundy	Saccone	Williams
Evans, J.			

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

Ordered, That the clerk return the same to the Senate with the information that the House has passed the same with amendment in which the concurrence of the Senate is requested.

## BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1702, PN 2900**, entitled:

An Act reenacting and amending the act of February 1, 1966 (1965 P.L.1656, No.581), known as The Borough Code.

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

(Bill analysis was read.)

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

## YEAS-190

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

## NAYS-4

Evankovich	Hutchinson	Maloney	Metzgar
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## NOT VOTING-0

## EXCUSED-9

Cutler	Maher	O'Brien, D.	Wagner
Davidson	Mundy	Saccone	Williams
Evans, J.			

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

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

### STATEMENT BY MRS. GINGRICH

The SPEAKER. Is the lady from Lebanon County, Mrs. Gingrich, seeking unanimous consent relative to the legislation that just passed?

Mrs. GINGRICH. Yes, Mr. Speaker. I would like to thank my colleagues. Is that appropriate?

The SPEAKER. The lady would be in order.

Mrs. GINGRICH. Thank you, Mr. Speaker.

I would also like to make some comment on the people who worked very hard on this arduous task. The Borough Code has not been reviewed or revised since 1965, and thanks to our Local Government Commission working together with the Boroughs Association and a lot of the other entities, like the F.O.P. (Fraternal Order of Police) and the Newspaper Association and all those that operate under the Borough Code, I thank you for making this arduous task a happy ending.

Thank you, Mr. Speaker.

The SPEAKER. The Speaker thanks the lady.

### BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1813, PN 2901**, entitled:

An Act amending the act of May 31, 1945 (P.L.1198, No.418), known as the Surface Mining Conservation and Reclamation Act, further providing for mining permit, reclamation plan and bond; and providing for land reclamation financial guarantees.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

(Bill analysis was read.)

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

#### YEAS—193

Adolph	Dunbar	Killion	Quinn
Aument	Ellis	Kirkland	Rapp
Baker	Emrick	Knowles	Ravenstahl
Barbin	Evankovich	Kortz	Readshaw
Barrar	Evans, D.	Kotik	Reed
Bear	Everett	Krieger	Reese
Benninghoff	Fabrizio	Kula	Reichley
Bishop	Farry	Lawrence	Roae
Bloom	Fleck	Longietti	Rock
Boback	Frankel	Mahoney	Roebuck
Boyd	Freeman	Major	Ross
Boyle, B.	Gabler	Maloney	Sabatina

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

#### NAYS—1

Santarsiero

#### NOT VOTING—0

#### EXCUSED—9

Cutler	Maher	O'Brien, D.	Wagner
Davidson	Mundy	Saccone	Williams
Evans, J.			

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

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

### STATEMENT BY MR. TOBASH

The SPEAKER. Is the gentleman from Schuylkill County, Mr. Tobash, seeking recognition under unanimous consent relative to the legislation that just passed?

Mr. TOBASH. Yes. Thank you, Mr. Speaker.

I rise to thank my colleagues for support on HB 1813.

Mr. Speaker, we are at the beginning of a coal shortage in the State of Pennsylvania, and our citizens depend on coal. They depend on it for their electricity. They depend on it for industrial use, for commercial and residential heat. We have got reclamation that needs to be done in the Commonwealth, and we have got acid mine drainage sites that require treatment.

Mr. Speaker, I am happy that we were able to undertake this important work this evening. HB 1813, Mr. Speaker, will absolutely increase the supply of coal in the Commonwealth. It will help us to clean up our environment, and it will, without a doubt, create jobs, particularly in the anthracite region.

Mr. Speaker, I am happy for the widespread support that I have had on this bill, which includes the industry and environmental groups, and I want to thank my colleagues again for their support on behalf of myself and on behalf of the citizens of the Commonwealth of Pennsylvania.

Thank you, Mr. Speaker.

The SPEAKER. The Speaker thanks the gentleman.

## SUPPLEMENTAL CALENDAR A CONTINUED

### BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 2004, PN 2747**, entitled:

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

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

(Bill analysis was read.)

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

#### YEAS—194

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

Conklin	Hanna	Mullery	Sturla
Costa, D.	Harhai	Murphy	Swanger
Costa, P.	Harhart	Murt	Tallman
Cox	Harkins	Mustio	Taylor
Creighton	Harper	Myers	Thomas
Cruz	Harris	Neuman	Tobash
Culver	Heffley	O'Brien, M.	Toepel
Curry	Helm	O'Neill	Toohil
Daley	Hennessey	Oberlander	Truitt
Davis	Hess	Parker	Turzai
Day	Hickernell	Pashinski	Vereb
Deasy	Hornaman	Payne	Vitali
DeLissio	Hutchinson	Payton	Vulakovich
DeLozier	Johnson	Peifer	Waters
DeLuca	Josephs	Perry	Watson
Denlinger	Kampf	Petrarca	Wheatley
DePasquale	Kauffman	Petri	White
Dermody	Kavulich	Pickett	Youngblood
DeWeese	Keller, F.	Preston	
DiGirolamo	Keller, M.K.	Pyle	Smith, S.,
Donatucci	Keller, W.	Quigley	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—9

Cutler	Maher	O'Brien, D.	Wagner
Davidson	Mundy	Saccone	Williams
Evans, J.			

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 2011, PN 2748**, entitled:

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

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

(Bill analysis was read.)

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

#### YEAS—194

Adolph	Dunbar	Killion	Quinn
Aument	Ellis	Kirkland	Rapp
Baker	Emrick	Knowles	Ravenstahl
Barbin	Evankovich	Kortz	Readshaw
Barrar	Evans, D.	Kotik	Reed

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

NAYS—0

NOT VOTING—0

EXCUSED—9

Cutler	Maher	O'Brien, D.	Wagner
Davidson	Mundy	Saccone	Williams
Evans, J.			

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

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

### STATEMENT BY MR. SCAVELLO

The SPEAKER. Is the gentleman from Monroe County, Mr. Scavello, seeking recognition under unanimous consent? The gentleman may proceed.

Mr. SCAVELLO. Thank you, Mr. Speaker.

I got an early Christmas present just a few hours ago. I received an e-mail from my daughter, Melissa, who will be walking with her doctorate at Widener University in education.

So I want to congratulate my daughter. Congratulations, Melissa. You made me proud.

The SPEAKER. Congratulations.

### STATEMENT BY MR. TRUITT

The SPEAKER. Is the gentleman from Chester County, Mr. Truitt, seeking recognition under unanimous consent?

Mr. TRUITT. Yes. Thank you, Mr. Speaker.

Because this is the first time I can recall not being at home on December 19, and because I know she is watching, I would like to wish my wonderful wife, Michele, a happy 24th anniversary.

Thank you, Mr. Speaker.

### COMMERCE COMMITTEE MEETING

The SPEAKER. The gentleman from Bedford County, Mr. Hess, is recognized for the purpose of a committee announcement.

Mr. HESS. Thank you, Mr. Speaker.

I would like to announce a Commerce Committee meeting tomorrow morning at 10:30 in the Ryan Building. That is at 10:30 in the Ryan Building, a Commerce Committee meeting. Thank you.

The SPEAKER. The Commerce Committee will meet at 10:30 tomorrow in the Ryan building.

### STATEMENTS BY MAJORITY LEADER

The SPEAKER. Is the gentleman, the majority leader, seeking recognition?

Mr. TURZAI. Yes.

The SPEAKER. The gentleman may proceed.

Mr. TURZAI. Thank you.

Unanimous consent, Mr. Speaker, on two points.

The first point: I would like to congratulate our colleague, Justin Simmons, and his new bride, Erica. They were married on December 3, and I would like everybody to give him a round of applause.

Thank you very much, Mr. Speaker.

Also, Mr. Speaker, I would just like to announce that with respect to the indebtedness that has been incurred in this Commonwealth, that we recognize that we have to meet our payments that have been incurred to make sure that our bond ratings continue to be good. But I would set forth that along with my colleagues, Representative Rosita Youngblood and Representative Eli Evankovich, we will be looking to work with the Governor's administration to be able to begin, over time, to reduce the debt that has been incurred and to make sure that we bring Pennsylvania to a more fiscally responsible position.

Thank you very much, Mr. Speaker.

### VOTE CORRECTIONS

The SPEAKER. Is the gentleman from Butler, Mr. Ellis, seeking recognition? For what purpose?

Mr. ELLIS. Correction of the record, Mr. Speaker.

The SPEAKER. The gentleman may state his correction.



Mr. ELLIS. Mr. Speaker, on SB 1054, I was recorded in the negative and I should have been recorded in the affirmative. Thank you.

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

Is the gentleman from Schuylkill, Mr. Goodman, seeking recognition for the purpose of correcting the record?

Mr. GOODMAN. Yes, Mr. Speaker.

On SB 1054, I was recorded in the negative. I would like to be recorded in the positive.

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

### STATEMENT BY MS. YOUNGBLOOD

The SPEAKER. The lady from Philadelphia, Ms. Youngblood. For what purpose are you seeking recognition?

Ms. YOUNGBLOOD. For unanimous consent, Mr. Speaker.

The SPEAKER. The lady is recognized under unanimous consent.

Ms. YOUNGBLOOD. Thank you, Mr. Speaker.

I am glad that we will have bipartisanship with both Republicans and Democrats working to reform not only the RCAP process but the debt service process, which will benefit the residents of the Commonwealth.

We will no longer be blindsided by various projects in our district and our constituents come to us and state that they had no idea and neither did the members. Such a thing happened to me with the Cheltenham Plaza – 3,000 signatures. L&I (Labor and Industry), our licensing and inspection, said because of historical Germantown, they had no right to build that strip mall. The City Planning Commission urged the mayor not to support this project. The application should have been denied for RCAP funding, but unfortunately, the developer will receive the money that he needs in SB 1054, ignoring the pleas of the constituents in my district. And I know this is not an isolated event, that it has happened throughout this great Commonwealth.

So I look forward with all of us working together for accountability and transparency in the process for the benefit of the citizenry of this Commonwealth, because they are the true taxpayers.

### DEMOCRATIC CAUCUS

The SPEAKER. Is the gentleman from Allegheny County, Mr. Dermody, seeking recognition?

Mr. DERMODY. For an announcement, Mr. Speaker.

The SPEAKER. The gentleman may state his announcement.

Mr. DERMODY. Thank you, Mr. Speaker.

Mr. Speaker, I would like to announce a Democratic caucus for tomorrow morning at 10 a.m.; 10 o'clock, Democratic caucus.

### VOTE CORRECTION

The SPEAKER. For what purpose does the gentleman from Monroe County, Mr. Scavello, rise?

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

The SPEAKER. The gentleman will state his correction.

On HB 1907, amendment No. 07993, I was not registered at all. I would like to be registered in the negative.

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

### STATEMENT BY MR. THOMAS

The SPEAKER. Is the gentleman from Philadelphia, Mr. Thomas, seeking recognition?

Mr. THOMAS. Thank you, Mr. Speaker.

The SPEAKER. Are you seeking recognition under unanimous consent, sir?

Mr. THOMAS. Unanimous consent.

The SPEAKER. The gentleman is in order.

Mr. THOMAS. Mr. Speaker, I am urging the majority leader, the Democratic leader, and the other leadership from both sides to take a hard look at these capital projects and make sure that those projects do in fact result in jobs, full participation, and a real benefit to the Commonwealth of Pennsylvania. Make sure that we are not dealing with pet projects for a few at the behest of the masses.

So, Mr. Speaker, I ask leadership from both sides to look at these projects with a jaundiced eye and make sure that taxpayers get the return that they expect to get from these kinds of investments.

Thank you, Mr. Speaker.

The SPEAKER. For the information of the members, there will be no further votes.

### BILLS RECOMMITTED

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

HB 1000;  
HB 1907;  
HB 2027;  
HB 2036; and  
SB 1249.

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 63;  
HB 415; and  
HB 1749.

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

**BILLS TABLED**

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

HB 63;  
HB 415; and  
HB 1749.

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. Stephens, from Montgomery County, who moves that this House do adjourn until Tuesday, December 20, 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 7:42 p.m., e.s.t., the House adjourned.