

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

WEDNESDAY, JANUARY 18, 2012

SESSION OF 2012

196TH OF THE GENERAL ASSEMBLY

No. 3

HOUSE OF REPRESENTATIVES

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

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

PRAYER

HON. JOHN A. LAWRENCE, member of the House of Representatives, offered the following prayer:

This morning's prayer is an excerpt of a prayer first offered by the Reverend Jacob Duché, Rector of Christ Church of Philadelphia, on September 7, 1774, before the First Continental Congress.

Let us pray:

Be Thou present, O God of wisdom, and direct the councils of this honorable assembly; enable us to settle things on the best and surest foundation – that order, harmony, and peace may be effectually restored, and truth and justice, religion and piety, prevail and flourish amongst the people. Preserve the health of our bodies and the vigor of our minds; shower down on us and the millions we here represent, such temporal blessings as Thou seest expedient. All this we ask in the name and through the merits of Jesus Christ, Thy Son and our Savior. Amen.

PLEDGE OF ALLEGIANCE

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

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, the approval of the Journal of Tuesday, January, 17, 2012, will be postponed until printed.

BILL REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

SB 1237, PN 1900 (Amended) By Rep. HESS

An Act amending the act of October 6, 1998 (P.L.705, No.92), known as the Keystone Opportunity Zone, Keystone Opportunity Expansion Zone and Keystone Opportunity Improvement Zone Act, in keystone opportunity zones, further providing for extension for unoccupied parcels and for additional expansion zones; providing for

expansion for new job creation; further providing for application, for qualified businesses, for corporate net income tax and for capital stock franchise tax; and, in tax administration, further providing for application time; providing for monitoring data; and repealing expiration provision.

COMMERCE.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED
FOR CONCURRENCE AND
REFERRED TO COMMITTEE ON RULES

The clerk of the Senate, being introduced, returned **HB 1630, PN 2818**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

LEAVES OF ABSENCE

The SPEAKER. Are there any requests for leaves of absence? The Speaker recognizes the majority whip, who requests a leave of absence for the gentleman, Mr. MURT, from Montgomery County for the day, and the gentleman, Mr. HENNESSEY, from Chester County for the day. Without objection, the leaves will be granted.

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

BILLS REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

HB 254, PN 2963 (Amended) By Rep. GEIST

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for learners' permits.

TRANSPORTATION.

HB 1970, PN 2722 By Rep. GEIST

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for vehicles exempt from registration and for limits on number of towed vehicles.

TRANSPORTATION.

HB 2045, PN 2814

By Rep. GEIST

An Act designating the bridge that carries State Route 26 over the Raystown branch of the Juniata River in the borough of Everett, Bedford County, as the Sergeant Robert W. Hartsock Memorial Bridge.

TRANSPORTATION.

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—192

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

ADDITIONS—0

NOT VOTING—0

EXCUSED—5

DeWeese Hennessey Murt Preston Watson

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

GUESTS INTRODUCED

The SPEAKER. If we could have the members' attention, we have a few guests that we wanted to introduce. As guests of Representative Fleck, located to the left of the rostrum, we would like to welcome Denny and Matt Baer. Will our guests please rise. Welcome to the hall of the House.

Also to the left of the rostrum, as a guest of Representative Kavulich, we would like to welcome James Armillay, a Trinity College student. Please rise. Welcome to the hall of the House.

And as a guest of Representative Milne, also to the left of the rostrum, we would like to welcome John Hausladen, CEO (chief executive officer) of Plan Funding Solutions. Welcome to the hall of the House.

And as a guest of Representative Cox, Joelle Boehm. Joelle, welcome to the hall of the House.

In the well of the House, as a guest of Representative Hess, we would like to welcome guest page Annetta Hartman of Needmore. She is a junior at the Pennsylvania Virtual Charter School. Welcome to the hall of the House.

Also in the well of the House, as guests of Representative Toohil, is guest page Mark Dodson. He is here today with his aunt, Gayle Lukas, who is seated to the left of the rostrum. Will both of our guests please rise. Welcome to the hall of the House.

UNCONTESTED CALENDAR

RESOLUTIONS PURSUANT TO RULE 35

Mr. DEASY called up **HR 525, PN 2944**, entitled:

A Resolution designating the month of January 2012, the 10th anniversary of the successful rescue of Alicia Kozakiewicz, as "Internet Predator Victim Rescue Month" in Pennsylvania.

* * *

Mr. M. SMITH called up **HR 528, PN 2932**, entitled:

A Resolution recognizing January 2012 as "Diabetes Month" in Pennsylvania.

* * *

Mr. CHRISTIANA called up **HR 531, PN 2946**, entitled:

A Resolution declaring the month of January 2012 as "Learn to Ski and Snowboard Month" in Pennsylvania.

On the question,
Will the House adopt the resolutions?

The following roll call was recorded:

YEAS—192

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

NAYS—0

NOT VOTING—0

EXCUSED—5

DeWeese	Murt	Preston	Watson
Hennessey			

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

CALENDAR

RESOLUTION PURSUANT TO RULE 35

Mr. KRIEGER called up **HR 527, PN 2931**, entitled:

A Resolution honoring J. Edward Hutchinson "Hutch" of Greensburg, who, at 90 years of age, is one of the oldest active fire chiefs in the United States.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—192

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

NAYS—0

NOT VOTING—0

EXCUSED—5

DeWeese	Murt	Preston	Watson
Hennessey			

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

The SPEAKER. If I could have the members' attention. I would appreciate it if you would kindly take your seats and clear the aisles. If the members would please take their seats, we have one other special guest in a slightly unique position. I would appreciate it if the members would take their seats. The House will please come to order. The members will please take their seats.

FAREWELL ADDRESS BY MR. WILLIAMS

The SPEAKER. As it is the custom of the House when a member is leaving, we normally afford them an opportunity to make some farewell remarks. Due to the timing of session and other complicating factors, one of the members who was resigning in the middle of the session, or middle of this term, was unable to be worked into the schedule back in December. Of course, he had gone on to a new office, and so technically, he has resigned the House, but given the circumstances, we certainly wanted to afford him an opportunity to make farewell remarks.

With all due consideration to the nature of this individual, we are also reluctant to wonder what those remarks might be as he has been known to be a character on occasion. But it is with great pleasure to welcome back to the hall of the House, although it has not been that long, former member, former Representative and new sheriff of Philadelphia County, Jewell Williams, from the 197th Legislative District. He was a member since 2001, and he is here for your entertainment.

GUESTS INTRODUCED

Mr. WILLIAMS. Thank you, Mr. Speaker.

There is a new sheriff in town, in Philadelphia town, and his name is Jewell Williams. Again, thank you very much, Mr. Speaker.

Let me first acknowledge my guests who are with me today. I have Harriet Lessy, who is my communications director, along with Leonard Heard, who is my academic officer, along with my new staff inspector, Paris Washington, and Alan Kurtz, who is our integrity officer, and along with our communications number two person, Mr. Joe Blake, who was actually, Joseph Blake just happened to be a guy I went to school with at Dobbins High School along with Paris Washington.

But thank you again, Mr. Speaker. And to the majority leader and minority leader, it has been a pleasure over the last 11 years here as a legislator. It has been an honor to represent the 197th Legislative District and the city of Philadelphia.

Benjamin Franklin once said, "An investment in knowledge pays the best interest." This institution has taught me many lessons in understanding people that we all serve are different. In the end, as a legislator, we must respect our differences and attempt to remove our own interests to serve the people. Let me say, I am saying this because I had an interaction with a member one time, I will not call his name, and I think I went a little too far. But I do want to say to that member – and you know who you are, and we got into a little argument and disagreement – but I want to tell you sincerely I apologize, because in life, as you get older and you get more mature, you understand that people have their different ways and views and I may not understand your ways or your views, but I just want to apologize. You know who you are.

So, to all of my friends, let me tell you a little story when I first got here that was so important to me. There was a young lady who was sitting here as a messenger. She was with child and she was about, I guess, 7 or 8 months pregnant and she left here to go and have the baby. During the time of her having the baby, a violent act was against her baby's father, and the young lady was in need of employment. That person was Ashley Roach, who was my legislative assistant, and I did not really know her, but I reached back and gave her the opportunity. That is what I think this House is about, reaching back and giving the opportunity. A young African-American lady with child, does not have a baby's father who could do the necessary things they need to take care of the child; he gets murdered. I hear about the story that she was working here. She did not have the experience. I said, let us train her and I want her to work for me. I think this is what this institution should be about, and I think it should continue to look out and help people.

So for many years here I sat in the back and I was a little disturbed about one thing, Mr. Speaker, and that is, I watched the history of African-Americans, how we played a major role in building this country, and I just would hope that one day this chamber would reflect in one of those murals an African-American who has paid his dues, who has worked very hard in this country, in this city, in this State, that one day we can have a picture or a mural displaying, whether in chains or not, or with a book. There was a man, there were several men, Prince Hall, Richard Allen, many of them were African-Americans who fought in support of the Revolutionary War. So I would hope that one day we can have that implanted or inputted in the great mural that we have here.

Again, as sheriff, the new job as sheriff is going to be a difficult job, but we are working very hard at it. Now I will get to the good stuff. Now, you know Daryl Metcalfe was a very good friend of mine on the floor. You know, we used to go back and forth, but again, Daryl and I became really good friends because, you know, sometimes in life you have to understand people's views and ways. Mine are different. I invited him down to my district. He asked me, how many guns do we need to bring? I said you bring two if you come to my neighborhood. So we laughed and joked about it, and it became a newspaper story,

but it was all done in jest. And I say this because a lot of times we say things in jest, but when it gets to the media, it is a big story. So we all have to be a little careful what we say and the things that we do.

To Dwight Evans, who was my mentor coming here, along with Dave Richardson, along with Cherelle Parker, Jake Wheatley, the Black Caucus chairman, Ron Waters, it has been a great time here. It has been a great time. When I lost my mother, the passing of my mother, Louise Williams Bishop was there for me, holding my hand, and that was so important to me.

But again, I want to say this to all of you, in life we all get an opportunity to do some of the things that we always wanted to do. We get our requests. Sometimes you be careful what you ask for. But I will tell you, God has been very good to me. He took me from Broad and Susquehanna Avenue to building houses, helping people go to college, giving people jobs, to the Sheriff's Office as the chief of the criminal division, I was a legislator for 11 years, and now I am the sheriff of the city of Philadelphia.

So all of you, whether you believe in God or not, there is a God who is working and He works all the time. All you have to do is have faith and believe in Him. Faith, action, and your deeds will get you where you need to be in life. So I thank you, Mr. Speaker, for giving me the opportunity.

Again, there is a new sheriff in town, in Philadelphia, and his name is Jewell Williams.

COMMEMORATIVE GAVEL PRESENTED

The SPEAKER. Sheriff, it is a pleasure to have you back. Obviously, as a former member you are welcome back any time. We will not always give you the microphone at the dais, but you are welcome back any time.

As you take on your new duties, we do want to present you with a commemorative gavel just to mark an element of your service to the House of Representatives. God bless you and may your service as a sheriff to the people of Philadelphia County be as rewarding as your service in the House.

REPUBLICAN CAUCUS

The SPEAKER. The House will come to order. The Speaker recognizes the lady from Susquehanna County, Ms. Major, for the purpose of a caucus announcement.

Ms. MAJOR. Thank you, Mr. Speaker.

I would like to announce that Republicans will caucus today at 12 noon. I would ask our members to please report to our caucus room at 12, and we will report back to the floor at 1 p.m. Thank you.

The SPEAKER. The Speaker thanks the lady.

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.

Democrats will also caucus at 12 noon; Democrats will caucus at 12 noon, back on the floor at 1. Thank you.

RECESS

The SPEAKER. Seeing no further announcements, this House stands in recess until 1 p.m., unless sooner recalled by the Speaker.

AFTER RECESS

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

BILLS REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

HB 18, PN 2481

By Rep. CREIGHTON

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

LOCAL GOVERNMENT.

HB 19, PN 2964 (Amended)

By Rep. CREIGHTON

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

LOCAL GOVERNMENT.

HB 21, PN 2483

By Rep. CREIGHTON

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

LOCAL GOVERNMENT.

HB 1857, PN 2383

By Rep. CREIGHTON

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, in general provisions relating to indebtedness and borrowing, further providing for home rule.

LOCAL GOVERNMENT.

SB 894, PN 911

By Rep. CREIGHTON

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

LOCAL GOVERNMENT.

BILLS REPORTED AND REREFERRED TO COMMITTEE ON VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS

HB 1573, PN 1935

By Rep. CREIGHTON

An Act amending the act of August 9, 1955 (P.L.323, No.130), known as The County Code, in special powers and duties of counties, further providing for markers for graves and headstones.

Reported from Committee on LOCAL GOVERNMENT with request that it be rereferred to Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS.

HB 1574, PN 1936

By Rep. CREIGHTON

An Act amending the act of June 11, 1935 (P.L.326, No.149), entitled "An act relating to counties of the first class; defining deceased service persons; providing for contributions by the county to the funeral expenses for such persons and their widows; providing for the erection and care of markers, headstones, and flags, and for the compilation of war records," further providing for markers for graves and headstones.

Reported from Committee on LOCAL GOVERNMENT with request that it be rereferred to Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS.

The SPEAKER. Without objection, the bills will be so rereferred.

HOUSE BILLS INTRODUCED AND REFERRED

No. 2129 By Representatives HARPER, BOBACK, BROOKS, CALTAGIRONE, COHEN, DALEY, EVERETT, GEIST, GILLEN, GODSHALL, GROVE, HORNAMAN, JOSEPHS, KORTZ, KRIEGER, LAWRENCE, LONGIETTI, MOUL, MURT, M. O'BRIEN, PASHINSKI, PEIFER, QUINN, TAYLOR, WATSON, WHITE, YOUNGBLOOD and HEFFLEY

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, further providing for retirement of justices, judges and justices of the peace.

Referred to Committee on STATE GOVERNMENT, January 18, 2012.

No. 2130 By Representatives AUMENT, BEAR, CREIGHTON, DALEY, DENLINGER, EVANKOVICH, EVERETT, GILLESPIE, HALUSKA and YOUNGBLOOD

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for regulated hunting grounds permits.

Referred to Committee on GAME AND FISHERIES, January 18, 2012.

No. 2131 By Representatives MURT, BRENNAN, V. BROWN, BROWNLEE, CRUZ, DALEY, DELISSIO, DIGIROLAMO, GALLOWAY, GODSHALL, HARPER, HORNAMAN, JOSEPHS, W. KELLER, KILLION, KOTIK, MAHONEY, MCGEEHAN, M. O'BRIEN, PARKER, PAYTON, QUIGLEY, ROSS, SABATINA, TURZAI, YOUNGBLOOD, TAYLOR and VEREB

An Act amending the act of December 5, 1936 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the Unemployment Compensation Law, in extended benefits, further providing for definitions.

Referred to Committee on LABOR AND INDUSTRY, January 18, 2012.

SENATE BILLS FOR CONCURRENCE

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

SB 1133, PN 1788

Referred to Committee on EDUCATION, January 18, 2012.

SB 1308, PN 1732

Referred to Committee on EDUCATION, January 18, 2012.

SB 1322, PN 1743

Referred to Committee on EDUCATION, January 18, 2012.

BILLS REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

HB 490, PN 445

By Rep. BENNINGHOFF

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, authorizing the green roof tax credit.

FINANCE.

HB 1972, PN 2965 (Amended) By Rep. BENNINGHOFF

An Act amending Title 12 (Commerce and Trade) of the Pennsylvania Consolidated Statutes, providing for a research and development tax credit; and making related repeals.

FINANCE.

The SPEAKER. Will the members please report to the floor. The House will come to order.

CALENDAR CONTINUED

BILLS ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 1156, PN 2628**, entitled:

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

On the question,

Will the House agree to the bill on second consideration?

Mr. **GEORGE** offered the following amendment No. **A08142**:

Amend Bill, page 3, line 12, by inserting after "business:"

and

Amend Bill, page 3, lines 14 through 16, by striking out "; and" in line 14, all of line 15 and "the actor or an accomplice of the actor" in line 16

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

AMENDMENT WITHDRAWN

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

Mr. GEORGE. If the Speaker pleases, I would like to withdraw that amendment.

The SPEAKER. That pleases the Speaker. Thank you.

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

* * *

The House proceeded to second consideration of **SB 726, PN 732**, entitled:

An Act amending the act of June 24, 1931 (P.L.1206, No.331), known as The First Class Township Code, further providing for elected officers enumerated, for vacancies in general, for the corporate power of first class townships being vested in the board of township commissioners, for elected officers in townships of the first class and for additions and revisions to duplicates.

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 1847, PN 2370**, entitled:

An Act designating the Davis Street Bridge over Interstate 81 in Moosic Borough, Lackawanna County, as the Andrew and Durando Pompey Memorial Bridge.

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

**BILL ON CONCURRENCE
IN SENATE AMENDMENTS
AS AMENDED**

The House proceeded to consideration of concurrence in Senate amendments to the following **HB 1458, PN 2959**, as further amended by the House Rules Committee:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in general provisions, further providing for definitions; in drivers' licenses, further providing for judicial review and for cancellation; in commercial drivers, further providing for definitions and for requirement, providing for certification requirements, for medical certification and for noncompliance and further providing for license and for disqualification; in general provisions, further providing for automated red light enforcement systems in first class cities; and, in State and local administration, further providing for nonreciprocity of operational limitations.

On the question,
Will the House concur in Senate amendments as amended by the Rules Committee?

The SPEAKER. Moved by the gentleman, Mr. Tallman, that the House concur in the amendments.

The Chair recognizes the gentleman from Adams County for a brief description of the Senate amendments.

Mr. TALLMAN. Thank you, Mr. Speaker.

Attention to the members of the House, on HB 1458, some amendments. The first one that was inserted by the Senate is a CDL (commercial driver's license) requirement that we need to adopt by February 1 or Pennsylvania will no longer be able to issue CDLs. So that one we need to have happen.

The second one, which was done in Rules, affects red lights. The Senate had a provision in there for expanding the use of red lights and that was removed. What is in the bill as amended in Rules Committee is extending the Philadelphia automatic red light enforcement until December 31, 2016, and then changing how that funding for the Philadelphia automated red light camera program is distributed by making all of those grant moneys distributed to be done on a competitive basis. I think that is an excellent idea.

The content of the bill, which passed this House unanimously, and the gentleman from York City and the gentleman from southern Lancaster County, we all know where our gravel truck companies are put at a competitive disadvantage by the companies in Maryland. They do not have to pay that \$1800—

The SPEAKER. Will the gentleman please suspend.

At this point in time, we really just needed a description of what was amended. At a later point, if you want recognized on the motion to concur, then you would be afforded to get into the whole substance that is before us.

Mr. TALLMAN. Thank you, Mr. Speaker.

The SPEAKER. The Speaker thanks the gentleman.

On the question of concurrence, the Speaker recognizes the gentleman from Philadelphia, Mr. McGeehan.

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

Mr. Speaker, I had a number of questions about the amendment inserted in the Rules Committee. I am wondering if anyone – I know the chairman is unable to answer questions because of his medical condition – I am wondering if anyone else could answer any questions about the amendment inserted in the Rules Committee yesterday.

The SPEAKER. The gentleman from Perry County, Mr. Mark Keller, indicates he will stand for interrogation. You may proceed.

Mr. McGEEHAN. Thank you very much, Mr. Speaker, and thank you for the indulgence of the gentleman.

Mr. Speaker, this has been a highly successful program in the city of Philadelphia. I may say, though, that it is not limited to the city of Philadelphia, the benefits. Although the vast majority of people who are being fined for red light camera violations come from the city of Philadelphia, this program has provided \$8.4 million in benefits to every county in this State. Mr. Speaker, the amendment inserted yesterday in the Rules Committee changed the formula on how those fines are

distributed from a 50-50 split, between 50 percent going to the city of Philadelphia and the other 50 percent going to the rest of the counties in the Commonwealth. Can you tell me, Mr. Speaker, what is the genius behind that move?

Mr. M. KELLER. Thank you, Mr. Speaker.

Some of the questions that were asked from the last speaker, first of all, it is not just Philadelphia that is paying those. There are people from all over the world, actually, that are paying those. There are also people from other districts throughout this Commonwealth. I think you will find that a lot of the tickets that are given are also given to other areas of the State.

Now, your part about the 50 percent, I think if you look back, the original way that it was written by this legislature was that it was to go back into that fund. Unfortunately, the last administration worked out something and it charged the 50 percent back to the city of Philadelphia. If I am not correct on that, I stand to be corrected, but I believe that is the way the bill was written originally. There was some administrative— In the last administration, there was some work done, and what happened was Philadelphia was then afforded the 50 percent back in.

Thank you, Mr. Speaker.

Mr. McGEEHAN. Thank you.

The SPEAKER. Does the gentleman seek further interrogation?

Mr. McGEEHAN. No. I am finished with my interrogation. May I speak on the concurrence?

The SPEAKER. The gentleman is in order on concurrence.

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

Mr. Speaker, thank you for the answers from the gentleman in pinch hitting for the chairman and thank you for the explanation. We are aware, of course, that the Philadelphia red light program has been a success in the city of Philadelphia. I know that none of us want to institute this type of program just as a revenue generator. And I can assure you, as a member of the Philadelphia delegation and as a member who has red light cameras in his district, that that is not the intent of this bill. This program as it has existed for the last 5 years has been a success, one of the few successes of newfound programs in this Commonwealth. It has provided more than \$16 million for public safety enhancements, not just in the city of Philadelphia, but in every county in this Commonwealth.

Many times I sit on this floor and Philadelphia often takes the brunt of abuse about the money that goes to Philadelphia, about the programs and the appropriations that go to Philadelphia. Well, here is a program, Mr. Speaker, that is situated in Philadelphia only. The vast majority of people who are being fined at red light cameras are from Philadelphia, yet half of that revenue goes to fund projects in other parts of the State. And I do not have a problem with that as a Philadelphian. I do have a problem in this radical change in this bill that was inserted yesterday in the Rules Committee that changes all that, that flies in the face of the arguments by members of this House in the decades that I have been in this House about Philadelphia being the black hole and sucking all the money. Well, here is a program where Philadelphia is giving back to the Commonwealth and you want to change the game in the second quarter, second half. That is unfair, Mr. Speaker. That is unfair.

I said yesterday in the Rules Committee that the hypocrisy of this amendment hangs heavy in the air and it does today, because I have heard the Governor talk about Marcellus Shale

and all of that money that is generated by the well drilling in local communities should stay in the local communities, because after all, those are the communities that are impacted by it. Well, does it not work the same way with this program? Tell me how this is different. Under the Corbett doctrine, those local communities that are impacted should keep all the revenue. Well, I can tell you in the red light camera, where it only exists in Philadelphia, we do not want to keep all the money. We shared half of the money to your counties and to your constituents and to your public safety enhancements in your local communities. We shared it.

This flies in the face of the stated goal of the Governor. This flies in the face of the 5-year success of the red light camera program and the revenues it has generated. This just does not make sense. This is a punitive measure meant to kick Philadelphia in the teeth and to flex a little muscle and to say, that a boy, we taught them. That is not fair, Mr. Speaker. That is not fair. I want to read you a quote: "Almost all of the money it brings in will go to benefit the places experiencing the impact." Makes sense, does it not? That was not me saying it. That was not the architects of the red light camera program's quote. That was a quote from the Governor. If it is good enough that all of that money that is generated from impact fees, from taxes, from whatever you want to call it from Marcellus Shale drilling, if that is the Governor's stated opinion and belief and philosophy that local communities who are impacted should keep all the local generated revenue, then what is the difference here? What is the difference here?

Mr. Speaker, this is a punitive measure meant to send a signal that it is not lost on me or anybody in the Philadelphia delegation, nor should it be lost on anybody in this House. This flies in the face of a stated philosophy of the Governor, it flies in the face of a successful program, and it just does not make sense.

Mr. Speaker, I ask for a negative vote on concurrence.

The SPEAKER. On the question of concurrence, the Speaker recognizes the gentleman from Philadelphia County, Mr. Thomas.

Mr. THOMAS. Mr. Speaker, I rise in support of the Democratic chairman of the Transportation Committee. Mr. Speaker, I know that the chair cited concerns of the Governor and other concerns, but, Mr. Speaker, at the end of the day, this is just bad public policy, bad public policy, bad public policy.

Mr. Speaker, this is 2012. This is an opportunity for people to hear and see what goes on and respond by taking heed and governing themselves accordingly. And, Mr. Speaker, taking this change in the Rules Committee will aggravate the already troubling unemployment and underemployment which exists in Philadelphia County. Mr. Speaker, this amendment in Rules will aggravate an already troubling economic climate in Philadelphia County. Mr. Speaker, this amendment in Rules Committee aggravates an already troubling opinion of this Assembly by people in Philadelphia County. Mr. Speaker, people in Philadelphia County will tell you, "If it ain't broke, don't fix it." The policy prior to this amendment was not broken. It created jobs in Philadelphia County. It benefited the economic climate of Philadelphia County. It represented good policy in Philadelphia County because, Mr. Speaker, part of the revenues were shared by other counties in the Commonwealth of Pennsylvania.

So for those of us who believe in shared prosperity, for those of us that believe in shared prosperity, Philadelphia is not in the business of trying to take it all and not sharing it. Prior to this cancer, prior to this infection, which took place in the Rules Committee, this was a clear example of policy that embodied shared prosperity.

And, Mr. Speaker, in closing, the amendment was bad, and while the rest of the bill might be good, but because this amendment has shifted direction of the economics of this policy, it has destroyed the good intent of the bill and the maker of the bill.

The SPEAKER. Will the gentleman suspend.

PARLIAMENTARY INQUIRY

The SPEAKER. For what purpose does the gentleman from Butler County rise?

Mr. METCALFE. Parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman may state his inquiry.

Mr. METCALFE. Mr. Speaker, the gentleman has been talking about infections. I did not think this was a health-care bill. He just seems to be off on a lot of tangents. Just to clarify, it would not be appropriate to move the previous question right now, Mr. Speaker?

Mr. THOMAS. I challenge you to raise it.

The SPEAKER. The gentleman will suspend.

Mr. THOMAS. I challenge you to raise it. You will not turn this House—

The SPEAKER. The gentleman will suspend. You are not recognized. The gentleman, Mr. Thomas, is out of order. The gentleman, Mr. Thomas, you were not recognized.

Let us just back up here a minute. The gentleman from Butler County sought recognition to ask a parliamentary inquiry. The Speaker will respond to that parliamentary inquiry, and the gentleman, Mr. Thomas, will have the floor back, as it can only be interrupted for the purpose of a parliamentary inquiry or a privileged motion.

In response to the gentleman from Butler's parliamentary inquiry, your use of the word "appropriate" leaves the Speaker a little leeway of judgment. I would say under the sense of judgment, it would be inappropriate, but in the parliamentary procedure of things, that motion is in order, generally speaking.

Mr. METCALFE. Thank you, Mr. Speaker.

I respect the Speaker's decision on that, and seeing as though he does not think it would be appropriate, then I would not make it at this time, Mr. Speaker. Thank you, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Thomas, is in order on concurrence.

Mr. THOMAS. Mr. Speaker, let the record reflect when the gentleman seeks my attention, he will get it and he will get it in an appropriate manner. But back to HB 1458, Mr. Speaker, I rise to nonconcur and ask my colleagues to nonconcur. Join the chairman of the Transportation Committee, join the people of Philadelphia who need the revenues that were provided prior to the amendment that was made in Rules Committee. Nonconcurrency will say to the people of Philadelphia County that even when you share, we are not interested in your interests. Nonconcurrency will allow for this amendment that was used to infect this bill in the Rules Committee, will not aggravate the troubling unemployment and underemployment which exists in Philadelphia County. And last but not least, the

economic situation of Philadelphia County, economics have been managed well, but, Mr. Speaker, we are not in a position to accept any more losses in revenues to Philadelphia County.

So, Mr. Speaker, I am looking for all of those practitioners of local control. This is an issue of local control. This is an issue of good policy, to nonconcur on the infection of this bill by the amendment in Rules Committee. Thank you, Mr. Speaker.

The SPEAKER. On the question of concurrence, the Speaker recognizes the gentleman from Armstrong County, Mr. Pyle.

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

In my chairman's stead, who is somewhat ill and his voice is gone so he cannot really express, but being a member of the Transportation Committee, I have been in on the development of HB 1458 since its inception. I am going to boil this down to component elements. Vote "no," the red lights go away. What will happen, and we can offer data, is that your fatalities will increase. We have put great emphasis on revenue and money generators. Maybe I have a different perspective, Mr. Speaker. This is about ensuring that somebody visiting Philadelphia, and I enjoy visiting Philadelphia, but I do not want me and my kids in my Jeep innocently driving down Roosevelt Boulevard to be t-boned because of a lesser safety factor. Sir, the question is what price safety? What do we sacrifice? If this is about money to you, vote "no." The program dies; the sunset is passed; it is gone. But if you value public safety as I do, you will vote "yes" to continue this.

And, Mr. Speaker, I would like to conclude with one thing on a personal note, if I may. I know not to chastise other members or question motivations, but I would ask that today's record very clearly reflect that an automated camera red light system is not like cancer. Trust me. Thank you.

Vote "yes" for 1458. Thank you, Mr. Speaker.

The SPEAKER. On the question of concurrence, the Speaker recognizes the lady from Philadelphia, Miss Parker.

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

Mr. Speaker, although HB 1458 does contain an extension of the red light camera program in Philadelphia until December 2016, I rise to ask my colleagues to nonconcur. Mr. Speaker, I do want to clarify for the record that it was noted by one of the previous speakers that if you vote "no" — that is, if you vote to not concur with HB 1458 — you are in effect voting to shut down the red light camera program, which the gentleman from the other side of the aisle from Philadelphia has done an outstanding job during one of our previous meetings in explaining the importance this bill would have on public safety and the impact that the red light camera program has overall. But, Mr. Speaker, I have to note to you that when we talk about this issue of revenue, it was mentioned that passage of this bill should be more about public safety and that the issue of revenue should not matter. But, Mr. Speaker, I would daresay to you that whatever affects one directly, it affects us all indirectly.

First, 50 percent, Mr. Speaker, of the General Fund revenues in the Commonwealth of Pennsylvania, they come from six counties, Mr. Speaker. They come from Allegheny County. They come from Bucks County. They come from Chester, Delaware, Philadelphia, and Montgomery. Six counties in the Commonwealth of Pennsylvania generate 50 percent of our General Fund revenues. Now, Mr. Speaker, I did note this when we addressed this issue last week for the record, and sometimes, Mr. Speaker, I know it can become a tad bit tedious when we talk about the broader impact the legislation that we are working

on here in this chamber has on the entire Commonwealth and it can become a tad bit long-winded when we begin to spell out all the counties in the Commonwealth of Pennsylvania that have generated funds from this program.

Now, Mr. Speaker, I want you to note for the record that I am not pulling the names of the counties and the dollar amounts that these counties have received from this red light camera program sort of just out of my mind or just out of the clear blue sky. I am actually reading, Mr. Speaker, from a press release that comes from the Governor's Office. It was released on April 26, 2011, and, Mr. Speaker, the title of it is the Governor "...Announces Distribution of Red Light Enforcement Grants for Transportation Projects." And in this press release, the Governor talks about how he is so proud to award \$8.4 million for grants, totaling 106 transportation projects across the Commonwealth of Pennsylvania. Why, Mr. Speaker? Because although these infractions all occur in the city of Philadelphia, Mr. Speaker, when people decide not to obey the red light camera enforcement, all of those infractions take place in the city of Philadelphia, but, Mr. Speaker, because we understand the needs of our aging transportation infrastructure in this Commonwealth, you have not heard the city of Philadelphia, Mr. Speaker, members of this delegation, say that while all 100 percent of the funds generated from these infractions, they are generated in Philadelphia, so they should be spent all in Philadelphia. That has not been our perspective, Mr. Speaker, because if we think about governance that way, it would be shortsighted. But instead, Mr. Speaker, we support the 50-percent distribution of funds that, one, are spent on transportation-related projects in the city of Philadelphia along with those in other areas across the Commonwealth of Pennsylvania.

I want to note, Mr. Speaker, that in this same press release, it is noted that the projects that are funded outside of Philadelphia, they are projects to improve public safety, enhance mobility, and reduce congestion that are considered for funding these projects. Mr. Speaker, this program received more than 300 applications for \$68 million worth of projects, Mr. Speaker, and the counties, Mr. Speaker, and we have to state it for the record because we do often hear about how much revenue in the Commonwealth of Pennsylvania is spent on programs servicing Philadelphia in particular. Although I just gave the numbers about the 50 percent of the General Fund revenues being generated between Philadelphia, its five-county area, along with Allegheny County, let us talk about those counties that are benefiting, Mr. Speaker, from the red light camera infractions taking place in the city of Philadelphia. And I wonder, Mr. Speaker, how a legislator would feel if they represent one of these counties and they understood that for the benefit of the public safety of their constituents that they had the red light camera program established, but all of the revenue that was generated from that program after you paid those who administered the program, none of it was spent in the county where the actual infractions come from.

So once again, Mr. Speaker, in Adams County, Biglerville received \$8,440 for installation of a camera system at an intersection. Hamiltonban Township received \$25,200—

The SPEAKER. Will the lady suspend.

For what purpose does the gentleman from Allegheny County, Mr. Mustio, rise?

Mr. MUSTIO. Mr. Speaker, it is a little bit noisy back here outside the anteroom. I am having trouble hearing. Thank you.

The SPEAKER. The Speaker thanks the gentleman.

Will the conversations please be held down to a minimum and taken back out of the room. Will the Sergeants at Arms please try to notify the members in the rear of the House to hold the conversations down or take them off the floor.

The Chair apologizes. The lady may proceed.

Miss PARKER. Thank you, Mr. Speaker. I thank the gentleman from Allegheny for making note of such an important issue.

Again, Mr. Speaker, in Adams County, Biglerville received \$8,440 for installation of a camera system at an intersection. Hamiltonban Township received \$25,276 for an upgraded school zone speed limit sign. Mount Joy Township received \$200,000, Mr. Speaker, for a new traffic signal.

In Allegheny, Aspinwall received \$7500 for a sign replacement; Bellevue, almost \$10,000 for a sign replacement; Coraopolis, Mr. Speaker – and please forgive me if I am at any time mispronouncing the names of the towns in these counties – Coraopolis is \$145,000, Mr. Speaker, for upgraded traffic signals; McKeesport, \$300,000; the Southwest Pennsylvania Commission, almost \$900,000, Mr. Speaker, for signalization improvements. South Fayette Township has received \$15,500 for a school zone system; West View, \$7500 for traffic control devices.

Armstrong County, Mr. Speaker, there is a Perry Township; it received \$30,000 for the removal of roadway banks.

Beaver County, Mr. Speaker: Aliquippa received \$12,800 for school zone flashing; Franklin Township, \$12,800, upgrade of traffic light signals; Potter Township, almost \$15,000 for the upgrade of traffic light systems.

In Berks County, Mr. Speaker, Heidelberg Township, \$19,000 for sign upgrades; Perry Township, almost \$12,000 for sign replacements; Topton, \$6,000 for sign replacements; Washington Township, almost \$5,000 for traffic signal upgrades.

In Blair County, Mr. Speaker, Altoona received \$192,000 for sign replacements; Blair Township, \$20,000 for traffic signal upgrades.

Bucks County, Mr. Speaker: Bensalem Township, \$36,000 for improvements; Bristol, \$20,000 for sign replacements; Buckingham, \$26,000 for sign upgrades; Chalfont, \$70,000 for pedestrian improvements; New Britain, \$34,000 for traffic control; Newtown Township, \$87,000 for fiber optics; Nockamixon Township, \$10,000 for traffic signals; Perkasie, \$12,000 for emergency preemption signals.

And in Butler County, Mr. Speaker, even in Butler County, we are talking about in Butler, \$84,000 for sign and intersection upgrades; Oakland Township, \$21,000 for sign replacements; Franklin Township, \$11,000 for traffic controls; Saxonburg, Mr. Speaker, \$15,000 for sign replacements; and Venango Township, \$9,000, Mr. Speaker, for sign replacements.

When we get to Cambria County, Sankertown, Mr. Speaker, received \$3,000 for sign replacements.

Carbon County: Beaver Meadows, \$5,000 for pedestrian and speed limit signs; Lehigh Township, \$21,900 for traffic control upgrades.

Centre County, Mr. Speaker: College Township and Ferguson Township, almost \$50,000 for traffic signal improvements.

Chester County, Mr. Speaker: Charlestown, East Brandywine, East Whiteland, Upper Uwchlan Township, and West Fallowfield Township, Mr. Speaker, almost \$300,000 from battery backup for traffic controls to safety and mobility improvements.

Clarion County, Mr. Speaker: Farmington Township and Monroe Township, almost \$50,000 for sign replacements and control updates.

Columbia County: Jackson Township, \$6,000, Mr. Speaker.

Crawford County: East Mead Township, West Mead Township, almost \$36,000, Mr. Speaker, for fire emergency warning signals and upgrading various signs.

Cumberland County, Mr. Speaker: Lemoyne and Lower Allen Township, almost \$14,000 for traffic control updates.

Dauphin County, Mr. Speaker: Highspire, Londonderry Township, and Millersburg, almost \$300,000 for improvements, sign upgrades, traffic control upgrades.

Delaware County, Mr. Speaker: Aston, Haverford, Milbourne, Tinicum, Upper Chichester Township, and Yeadon, Mr. Speaker, almost a half a million dollars in replacements.

Elk County, Mr. Speaker: Ridgway Township, \$8,000 for sign upgrades.

Fayette County: Menallen and Washington, almost \$38,000.

Huntingdon County: Huntingdon and Shirley Township, almost \$250,000 for improvements.

Indiana County, Mr. Speaker: White Township, \$50,000 for signalization.

Jefferson County, Mr. Speaker: Warsaw Township, \$34,000.

Lackawanna County: Scranton, \$75,000, Mr. Speaker.

Lancaster County: Columbia, East Lampeter Township, Lancaster, Manheim and Penn Township, Manheim Township, Salisbury Township, and Warwick Township, Mr. Speaker, almost a half a million dollars in improvements.

Lehigh County: Hanover Township, Lower Macungie Township, and North Whitehall Township, Mr. Speaker, almost \$220,000 in improvements.

Lycoming County: McNett Township, Mr. Speaker, \$7,000.

Mercer County: Clark Borough, Deer Creek Township, Hempfield Township, and Sharon, Mr. Speaker, almost \$150,000.

Montgomery County: Hatfield Township, \$782,000 for traffic control; Norristown, Mr. Speaker, Plymouth Township, Upper Dublin, along with Upper Merion Township, Mr. Speaker, almost \$1 million for improvements and handicap accessibility ramps.

Montour County: Danville, \$23,000.

Northampton County: Moore Township and Nazareth, almost \$11,000, Mr. Speaker.

Perry County: New Bloomfield and Marysville, \$19,300, Mr. Speaker.

Schuylkill County: Pottsville, \$140,000—

Mr. TURZAI. Mr. Speaker? Mr. Speaker?

The SPEAKER. Will the lady suspend.

POINT OF ORDER

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

Mr. TURZAI. Point of order, sir.

I certainly, absolutely respect the point that is being made by the good lady from Philadelphia County. I would just say that

I do think just a listing of locations is afield from argument on the merits of the bill itself.

The SPEAKER. The Speaker appreciates the gentleman's comments, certainly was weighing that perspective in my own mind and fundamentally came to the conclusion that if the lady feels that reading every grant across the State is the way to make her point, I feel it is not outside the confines of the debate. The lady may proceed.

Miss PARKER. Thank you very much, Mr. Speaker.

And the reason why we are reading the counties, Mr. Speaker, as you just reflected, is because this bill, all of the revenues that we are noting, I do want residents of the Commonwealth of Pennsylvania to note that I am not reading these respective counties and the townships that have received this funding for folly, Mr. Speaker; I am reading these townships off along with the grants, the dollar amounts of the grants that they have received, so the residents of the Commonwealth of Pennsylvania will know that the red light camera program is in existence in Philadelphia and these townships and these respective counties had these respective projects, the ones that I am reading that come from the Governor's press release, these projects in your hometown were funded with money that was generated from the city of Philadelphia, in the city of Philadelphia, via the red light camera program, Mr. Speaker.

So if I may continue – and thank you, Mr. Speaker, for your ruling – Westmoreland County: Between Derry, Hempfield, Murrsville, Rostraver Township, and Salem Township, Mr. Speaker, almost \$150,000, and that was for a new power supply for a signal, a school speed signal replacement, and several other transit improvement issues.

York County, Mr. Speaker: Hanover, \$95,000; Peach Bottom Township, \$25,000; Red Lion, \$28,000; Shrewsbury, \$9,000; Shrewsbury Township, \$8,000 for LED (light-emitting diode) signals at two. So that is Shrewsbury. That is Shrewsbury, one, and then the township second. West Manheim Township, \$595,000 for corridor improvements along Route 94 and upgrades for pedestrians; West York, \$8,600 for LED lights. And, Mr. Speaker, there is a PENNDOT contact if anyone needs confirmation of all of the counties and the amount of grants that they were funded as noted in the April 26 press release that Governor Corbett issued.

And I want to say again, Mr. Speaker, if in fact we were talking about an issue like Marcellus Shale that is having an extremely intense impact on the local community, I have heard several arguments made, and in fact, supporting the fact that any revenues generated from drilling, that it is the responsible thing to do to ensure that those revenues stay in the counties and support the residency and the constituency that is most impacted by the drilling. Mr. Speaker, I do not understand the sort of forked tongue in philosophy that I am constantly hearing in this body, because now we hear that all of the revenue that is generated in the city of Philadelphia from infractions of the red light camera program, 50 percent, which I just went to you, went across the Commonwealth of Pennsylvania from infractions occurring in the city of Philadelphia, and, Mr. Speaker, unfortunately, that is just not enough.

Finally, Mr. Speaker, let me just say for the record, to my colleagues who represent Allegheny County, you just heard me mention that 50 percent of the general revenues collected in the Commonwealth, generated in the Commonwealth of

Pennsylvania come from six counties; that is Philadelphia and its five-county area along with Allegheny County. I want us to think for the record, Mr. Speaker, how would you feel if you had a red light camera program instituted in your respective county and it was helping to ensure the public safety of residents in your county, revenue just happened to be generated while you were enhancing public safety, but the revenue you generated was used to support programs elsewhere and not your county?

Mr. Speaker, I ask that my colleagues think about home, think about reciprocity. Let us think about this agreement that the city of Philadelphia worked extremely hard with PENNDOT to negotiate, whereupon the city of Philadelphia received 50 percent of the revenues and the other 50 percent was competed for across the Commonwealth of Pennsylvania.

In addition to that, it was mentioned that if you vote "no" for HB 1458, if you do not concur with this bill, you are voting to shut down and voting against the red light camera program. I will daresay to each and every one of you, if you vote to nonconcur with HB 1458, you are not voting against the red light camera program. There is a sense of urgency, but we have time to fix it. A bill was passed that extends this program to July of this year, Mr. Speaker, and we have more than enough time to go back to the drawing board so that we can work out this issue associated with the 50-50 split in revenue. And I would ask my colleagues on both sides of the aisle, Mr. Speaker, to think about your own respective counties, and if revenues were generated from infractions made in your county, do you not think that your county should benefit?

Thank you, Mr. Speaker. Reciprocity.

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

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, I ask members to nonconcur, and in doing so, I am not asking members to kill the red light plan in the State of Pennsylvania or in the city of Philadelphia, as some members have suggested might happen. If you recall, many of you just voted a few weeks ago to nonconcur on Marcellus Shale legislation, purportedly not because you were trying to kill anything; you wanted to get a better deal. That is all nonconcurrency is. It says, we think we can negotiate a better deal than what the Senate sent us. Nonconcurring is not killing anything.

What I really find so hypocritical about some of the arguments that have been made, though, for concurrence is that there is a sense that all of the money from the fines for someone running a red light in the city of Philadelphia should come back to the State so that we can all share in those dollars, and I have even heard those arguments from some people that get free State Police protection in their districts where we spend \$500 million of the taxpayers' dollars to provide for State policemen to patrol.

Now, in the city of Philadelphia, where they run the red light camera program, the Parking Authority pays for the operation and maintenance of those red light cameras. The State does not pay for it. The city of Philadelphia and the Parking Authority pay for it. And we are saying, "We'll still take 50 percent of the money." You say, "No, no, no. That's not enough. We want 100 percent of the money. You can pay for the program. We'll get all the fine money." However, when it comes to some members' districts, they say, "But I'll tell you what. In my district you can pay for my State Police protection so that when

somebody runs a red light in my district, there's a State Police officer there that was paid for by the State, and then when the State Police officer writes a ticket, we won't send all that money to the State. I get to keep 50 percent of it in my district." How hypocritical can you be?

The notion that Philadelphia operates a safety program and pays for it and everyone in the State gets to benefit from it, but in your district the State gets to pay for it and you get to benefit from it, do you understand why there are people upset about this?

The notion that 50 percent of the money comes to the State is pretty tried and true. We do that with a lot of things regarding the Motor License Fund. But to say, not in Philadelphia, we are going to punish them, you all want to be a pig at the trough here. It just does not work that way.

I urge that you nonconcur. Be reasonable about this. Philadelphia is not saying they want 100 percent of the money; 50 percent, just like you get when the free State Police patrol your red lights. What they are asking for is more than reasonable.

I encourage you to nonconcur on HB 1458, and let us get this straightened out. Thank you, Mr. Speaker.

The SPEAKER. On concurrence, the Speaker recognizes the gentleman from Philadelphia, Mr. Brendan Boyle.

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

Mr. Speaker, I rise just to briefly discuss the concurrence of this bill, HB 1458, and much of the debate has focused on the fairness issue or the equity issue; that during the whole Marcellus Shale debate, we hear the argument that, well, the money should go to where the biggest impact is felt. Then suddenly when it comes to this issue, that logic suddenly does not apply.

But, Mr. Speaker, I also want to focus on one aspect of this debate that I think has been missing, and that is the public safety. When this whole red light camera plan came in back 5, 6 years ago, one of the major arguments for it actually had nothing to do with funding. It was about public safety, because the Route 1 corridor in particular in northeast Philadelphia is one of the most dangerous roads not just in the Commonwealth, but one of the most dangerous in the nation. According to AAA (American Automobile Association) and a number of insurance companies, 3 of the 10 most dangerous intersections in the nation are on this strip of road. Two of those intersections happen to be in my legislative district.

So, Mr. Speaker, when we talk about changing the funding formula and taking away resources that are supposed to be devoted to improving public safety on this highly dangerous 12-lane road, the only 12-lane highway in the entire Commonwealth, when we are talking about changing that formula, we are really talking about taking dollars away from public safety. Mr. Speaker, we need to ensure that the resources stay where they are needed, and they are desperately needed where these red light cameras exist.

So I support my fellow northeast Philadelphia resident, the chairman of the Transportation Committee. I support the members on this aisle that say no to concurrence. Thank you.

The SPEAKER. On the question of concurrence, the Speaker recognizes the gentleman from Perry County, Mr. Mark Keller.

Mr. M. KELLER. Thank you, Mr. Speaker.

I want to try to bring this back into perspective of what HB 1458 actually does. What happened here is in 2002 when the bill was originally drafted and passed, it made those dollars

available to every municipality that the gentlelady from Philadelphia so eloquently listed. It made them all competitive with each other. That is what is trying to be accomplished now.

But I want to bring one other thing that is a part of this bill that not one individual here has talked about and it is very important. We here in this State are required by the Federal government to address our CDLs, our truck drivers. That is part of this bill. If we do not pass this bill by February 1, we here in this Commonwealth will not, again I will say, will not be able to issue any CDL license to any of those truckers that are out there. I want you to be aware of that.

Now, there have been all kinds of things said here today. The last thing that I want to say is, if you nonconcur in this particular issue, in this bill, all those moneys that went out to all the districts that were talked about will be nonexistent. There will be none.

But one thing to all remember here is the fact that we need to do this because of our requirements with the Federal government and the CDL for our truck drivers who transport our goods out of the ports in Philadelphia, out from Allegheny County across this Commonwealth. The CDL license, if we do not pass this, this State will not be able to issue a CDL license.

Thank you, Mr. Speaker.

The SPEAKER. On the question of concurrence, the Speaker recognizes the lady from Philadelphia, Ms. Bishop.

Ms. BISHOP. Thank you, Mr. Speaker.

Mr. Speaker, lend me your ears for just about 1 minute.

Some 10 years ago, give or take a year or two, when the maker of this bill had the power to run it and pass it, he had the horses. All he had to do was put it on and run it, but he did not. He came to this House and solicited the votes from both sides of the House in a fair manner at a time when the highway that was in question was like an expressway from one end to the other. People were being killed. They could not cross it in time before the next car came. Lives were lost. It was, as has been stated, one of the most dangerous highways in this country. But they crafted a bill in a fair manner and split it in a fair manner so that Philadelphia could have the money to pay for the things that were coming up because the highway was there. Police protection, they could not cross the highway sometimes before the next car came, and certainly they did not try to cross it with a wheelchair or in other manners, which they had done and been killed. But at a time when it was necessary to get that done, there was no red light program in existence, but he created it and asked the House to participate in it in a fair manner – 50 for Philadelphia and 50 for the rest of the State – where all of us shared, all of us voted, and all of us participated in the program. Those were the kinds of people we had running this House 10 years ago. My, how times have changed.

I am hoping that we will nonconcur until we can all get together and sit and talk and figure out again a fair manner so that everyone can be treated with respect and decency and fairly. Thank you.

The SPEAKER. On the question of concurrence, the Speaker recognizes the gentleman from Delaware County, Mr. Vitali.

Mr. VITALI. Thank you, Mr. Speaker.

I rise and urge nonconcurrence of HB 1458.

Mr. Speaker, 90 percent-plus of the debate to date has been about money, who gets the money, and frankly, that is what I think the issue of red light cameras is about. It is a moneymaker, and I do not think that is the way we ought to be making our money.

Mr. Speaker, it should be about public safety, and legitimate questions have been raised about the public safety issues surrounding red light cameras. And I think that since this program is not set to expire until June 30 of 2012, we should nonconcur on this bill and use that time to try to address these legitimate questions about public safety.

I am just looking at a recent article from the Inquirer which I cited the last time we debated this, which talked about "The total number of accidents was up 12 percent for the 15 intersections that have had cameras for at least a year...," Philadelphia police data showed. That raises questions; it raises questions. The problem is, you have those rear-end collisions because people stop short. So for intersections that have had this a year, had it a year, the community is used to it. According to police data, up 12 percent for the 15 intersections that had it for a year. That is one point we ought to take pause and think about.

The second point raised in this article, by the Parking Authority's own analysis, crashes at three red light camera intersections on the Roosevelt Boulevard, accidents with injuries, accidents with injuries were up 8 percent; three intersections, Roosevelt Boulevard, accidents with injuries up 8 percent. Now, that should just give us pause. I am not saying there is not an opposing point of view here, but I do think legitimate questions have been raised.

When we debated this last time, we made the point, I made the point certain municipalities, Houston and Los Angeles, they had dismantled, they had discontinued their red light program; major cities like Philadelphia discontinued their program. The maker of the bill at that time indicated he had no idea why they did that. We should use the next 6 months to find out why.

Mr. Speaker, this legislation, according to this article, has raised \$43 million from taxpayers. Mr. Speaker, that is a heck of a lot of money, and we should not be using the guise of public safety to be raising that kind of money, Mr. Speaker.

Mr. Speaker, I think one gentleman on the other side of the aisle eloquently raised the independence, the issues of government-intrusion-in-our-lives issues that are caused by cameras looking at us, the civil liberties issue. That is another thing to fit into the mix.

Mr. Speaker, if we nonconcur today, we have until June 30 to examine these questions. If we vote to concur, we are taking these questions off the table until 2016. We are taking the questions off the table about public safety and improper use of revenues, improper revenue-raising devices, and civil liberties infringements. We are taking them off the table.

I say we are a body about inquiry, examination. Let us nonconcur so we can do that inquiry and examination. Thank you.

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

Mr. HANNA. Mr. Speaker, I rise and ask for nonconcurrence on HB 1458.

Two points, Mr. Speaker. First, when the police make an arrest in the city of Lock Haven, the city of Lock Haven is guaranteed a portion of those funds. When the police make an arrest in the borough of Renovo, the borough of Renovo is guaranteed a portion of those funds. When the Penn State University police make an arrest on the University Park campus in College Township or any part of my district, Penn State University and College Township are guaranteed a portion of those funds. When the Pine Creek Township police make an arrest in my district, the Pine Creek Township police are

guaranteed a portion of that money. Why then, why then would we treat the city of the first class as second-class citizens and deny them a guaranteed portion of funds that are raised within the city? Why should we be punitive to a city of the first class? Why do we not treat them the same as we treat all of my police forces throughout my district in rural Pennsylvania?

Secondly, Mr. Speaker, I am very concerned that under this program, under HB 1458, 100 percent of the funds that are raised under this program will go to PENNDOT if we concur in this bill as it is now amended; 100 percent would go to PENNDOT. Who would distribute those funds in PENNDOT? Why, of course, the administration would distribute those funds. This is akin to approving a WAM (walking-around money) program for the Governor when we establish another program where the Governor and the administration will dole out these funds to those whom they think they should go to.

At the very least, Mr. Speaker, we should be sending this back to a committee to establish more stringent requirements that guarantee that at least a portion of these funds will be guaranteed to the first-class city that is raising the funds as well as more stringent requirements for everyone who is expending those funds so that it cannot be labeled a WAM program that PENNDOT is administering.

So for those reasons, Mr. Speaker, I strongly urge nonconcurrency on HB 1458. Thank you, Mr. Speaker.

The SPEAKER. On the question of concurrence, the Speaker recognizes the gentleman from Cambria County, Mr. Barbin.

Mr. BARBIN. Thank you, Mr. Speaker.

I rise in opposition or a vote for nonconcurrency for this bill, and I have three reasons. Number one, this is not the bill that came back from the Senate. This bill is a bill that the public never had a chance to oppose because it was changed in the Rules Committee. It is also not a bill that any committee had a chance to take a look at because it was changed in the Rules Committee.

The second reason is the sky is not falling. No matter what any of the prior speakers have said, the law does not change no matter what we do today. If we concur, it changes for the bad without any public ability to review it. On the other hand, if we nonconcur, this program continues in effect for 6 months. The Governor has already signed an extension. So none of the projects which some of the other speakers have discussed will be changed at all for the next 6 months.

The third reason is we have an obligation when the bill changes in Rules Committee – and nobody can say why, why did the allocation change – to say no. Step back and say we have an obligation to do this right. All it takes to do this right is to send it to a committee and say, what should the allocation be? Should there be a continuing allocation that Philadelphia enjoyed before? Should other cities be able to have the same program? But we should do that before we just transfer all the money over to PENNDOT. It is not surprising that this is coming right after the budget director has said we have lost – our collections are down 4 percent. Whether the collections end up at the end of the year 4 percent down or not should not be the reason to start moving money from appropriate legislative-directed programs to programs solely under the control of the Governor.

And I would say that we are all forgetting the most important thing in a democracy, and that is checks and balances. If we keep ceding the control to the executive branch, there is no reason to have a legislative branch. We are here for a job. Our

job is to make sure that all appropriations have been reviewed, have been aired in public, and have then been determined to be the best compromise possible for all the people of the State. This nonconcurrency change in Rules Committee violates all those rules, and for that reason I oppose it.

The SPEAKER. On the question of concurrence, the Speaker recognizes the gentleman from Philadelphia County, Mr. Taylor.

Mr. TAYLOR. Thank you, Mr. Speaker.

This particular vote is a dilemma not only for many of us, but even I as a Philadelphian have a problem with this vote. I would like to see as much money come into Philadelphia for our projects as possible. Lord knows we need it, but the critical factor here is that if this bill does not become law, if this extension for 5 years does not get approved – and by the way, for the benefit of all the members, this is strictly about Philadelphia; it has no cameras anywhere else – but if this is not approved, it is pretty silly to argue about where the money is going to go, because as of June 30, they will rip the cameras right out of the foundation in all the places they are in the city of Philadelphia, and there will be no revenue for the city of Philadelphia or anyone else.

Now, because this was amended in Rules, it has to go back to the Senate anyway. So at this point we vote "yes" or "no," and I think that on balance that the proper vote in this particular instance at this time is to concur with this bill.

So I would urge members to concur. We still have a shot to fight about the split in revenue, but until this is finalized in terms of the sunset provisions, there will be no revenue whatsoever to argue about.

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

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

In the first instance, it is crucial to pass HB 1458, sponsored by the good gentleman from Adams County, because if we do not get this bill on to the Governor's desk, we will not be able to issue CDL licenses in the Commonwealth of Pennsylvania. This bill is crucial and must be on the Governor's desk by February 1 of 2012.

Second, the original bill did not contain language, I concede, dealing with the automated red light enforcement. That did come over in HB 1458 from the Senate.

Now, the Senate version dealing with the automated red light enforcement— Mr. Speaker, if I could just have a little order, please.

Thank you, Mr. Speaker.

When the bill came over from the Senate, it expanded the application of the Philadelphia automated red light enforcement pilot program to numerous municipalities. In committee we made sure that it went back to the pilot program, just Philadelphia automated red light enforcement camera pilot program, which is where the program originally started and continues to exist today and was requested in the original legislation by the city itself to occur.

Now, it does extend the life of the Philadelphia automated red light enforcement camera program until December 31 of 2016; that is true. It does not expand the automated red light enforcement to any other municipality. That is not the case. It does not expand it in any way. It is limited to Philadelphia.

Now, when the bill originally passed in 2002 and was signed into law, all of that money – please take note of this – all of that money was placed into a central deposit here, central deposit.

There was no split. The split only occurs pursuant to regulation, not to statute, which was put into place last July 2010, or two Julys ago; I apologize, July 2010. So from 2002, by statute, up to and through July of 2010, the moneys went to a central location. Only pursuant to the last administration's regulations – it got started in the last administration in July 2010 when they promulgated them – did we get this 50-50 split. The money for all those years was in a central location. That was by statute. The split occurs by a promulgated regulation by an agency, and it was contrary to what the statutory language was when it was in 2002.

Keep in mind also that with respect to the revenues, the payment of those fines are not limited to Philadelphia residents, nor are the distributions of that money excluded to Philadelphia residents or Philadelphia projects, because like any municipality in the State, if you have a good project, you can apply for those dollars as set forth in HB 1458.

I will concede, I will concede that we would prefer that HB 1458 be about CDL licenses. It came over dealing with CDLs and automated red light enforcement, and we have taken away the expansion. We have made sure that there is an extension only for the Philadelphia program, and we have reverted back to the original statutory approach of a central collection as opposed to the regulatory approach put in place in July of 2010 that did this split.

I am certainly in favor of any Philadelphia projects that would be applicable and that should be supported by this fund. Certainly I think everybody here would be. I, however, do think that it is in tune with the legislation that passed in 2002 that was led— That legislation was led by a Philadelphia Representative on our side of the aisle and represented many of the interests at that time from the city of Philadelphia.

I want to reiterate what the good gentleman on our side of the aisle from Philadelphia stated. This bill is crucial to making sure that CDL licenses can continue to be issued so that we are in compliance with the Federal requirements. I think there is to a certain extent – and I do apologize to those that disagree with my perspective – much ado about nothing, and that it is crucial that we move this CDL bill even if it extends the red light program in the one city that it was created for in 2002.

I would ask you to please vote "yes."

The SPEAKER. On the question of concurrence, the Speaker recognizes the lady from Philadelphia, Ms. Donatucci.

Ms. DONATUCCI. Thank you, Mr. Speaker.

I was a cosponsor of this bill in its original form. However, with the amended version that came out of the Rules Committee, I urge members to join me and vote "no" on concurrence. I cannot support this change especially since we have until June to make it right, especially for Philadelphia. The Governor already extended the red light camera program. We have a few months to work together and make it fair for everybody.

Thank you, Mr. Speaker.

The SPEAKER. On the question of concurrence, the Speaker recognizes the gentleman from Allegheny County, Mr. Dermody.

The gentleman, Mr. Dermody, does not seek recognition at this moment?

MOTION TO RECOMMIT

The SPEAKER. On the question of concurrence, the Speaker recognizes the gentleman from Philadelphia County, Mr. McGeehan.

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

Mr. Speaker, I would like to be recognized to make a motion.

The SPEAKER. The gentleman may state his motion.

Mr. McGEEHAN. Thank you, Mr. Speaker.

Mr. Speaker, I move that HB 1458 be rereferred to the Transportation Committee.

The SPEAKER. The gentleman from Philadelphia, Mr. McGeehan, has moved that HB 1458 be recommitted to the Committee on Transportation.

On the question,

Will the House agree to the motion?

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

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

Mr. Speaker, in the hour and a half that we have debated, essentially we agreed to 95 percent of the contents of this bill. I think it is prudent of us. Obviously, this issue of the split of the revenue generated from red light cameras has not been fully vetted. This has been an eleventh-hour insertion without debate in the Rules Committee. The proper place to debate this is in the Transportation Committee. As I said, Mr. Speaker, I think we can get an agreement on 95 percent of the contents of this bill.

Again, the rush to include this objectionable language to not only Philadelphians but I think anybody who objectively looks at the fairness of this split would demand that this bill go back. Red light cameras are not going to end tomorrow. We have plenty of time to address it. We do have to address the CDL issue. It was wrong to foist these last-minute changes onto this House without debate, and I think it is prudent that we recommit this bill to Transportation and get an agreement and come back onto this floor and pass it expeditiously.

The SPEAKER. On the motion to recommit, the Speaker recognizes the gentleman from Allegheny County, Mr. Dermody.

Mr. DERMODY. Thank you, Mr. Speaker.

Mr. Speaker, as the maker of the motion has just stated, 99 percent of this bill is agreed to. However, this last-minute insertion of language that punishes the city of Philadelphia obviously has not been vetted and has caused a real problem.

This bill can be sent back to the committee, fixed, brought back to the floor, voted, sent to the Senate, passed, and everybody is taken care of, the red light cameras are taken care of, the CDL issue is taken care of, and people are treated fairly throughout the Commonwealth. This should be recommitted so it can be fixed properly and these issues can be addressed in a deliberative manner and we can solve the problems that this bill solves.

Thank you, Mr. Speaker.

PARLIAMENTARY INQUIRY

The SPEAKER. On the motion to recommit, the Speaker recognizes the gentleman from Perry County, Mr. Keller.

Mr. M. KELLER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman may state his inquiry.

Mr. M. KELLER. I have a question here. If this is recommitted to Transportation, can we act on a concurrence bill?

The SPEAKER. By rule, the Transportation Committee would not be allowed to amend this bill because it is a bill on concurrence.

Mr. M. KELLER. So I do not believe it would be in our best interest to rerefer it to Transportation.

The SPEAKER. I am sorry; I could not hear you.

Mr. M. KELLER. I said, I do not believe it would be in our best interest to refer to Transportation if we cannot do anything with it.

The SPEAKER. Is that a parliamentary inquiry or do you seek recognition?

Mr. M. KELLER. I guess, yes, that is a parliamentary inquiry; yes.

The SPEAKER. Well, I do not think that necessarily was a parliamentary inquiry.

Mr. M. KELLER. Mr. Speaker, I ask for a "no" vote on recommitting to the Transportation Committee. Thank you.

The SPEAKER. On the question of recommitment, those in favor of recommitting the bill to Transportation will vote "aye"; those opposed to recommitment will vote "no."

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

The following roll call was recorded:

YEAS—85

Table with 4 columns of names: Barbin, Bishop, Boyle, B., Boyle, K., Bradford, Brennan, Briggs, Brown, V., Brownlee, Burns, Buxton, Caltagirone, Carroll, Cohen, Conklin, Costa, D., Costa, P., Cruz, Curry, Daley, Davidson, Davis, Deasy, DeLissio, DeLuca, DePasquale, Dermody, Donatucci, Evans, D., Fabrizio, Frankel, Freeman, Galloway, George, Gerber, Gergely, Gibbons, Goodman, Haluska, Hanna, Harhai, Harkins, Hornaman, Josephs, Kavulich, Keller, W., Kirkland, Kortz, Kotik, Kula, Longietti, Mahoney, Mann, Markosek, Matzie, McGeehan, Mirabito, Mullery, Mundy, Murphy, Myers, Neuman, O'Brien, M., Parker, Pashinski, Payton, Petrarca, Ravenstahl, Readshaw, Roebuck, Sabatina, Sainato, Samuelson, Santarsiero, Santoni, Smith, K., Smith, M., Staback, Sturla, Thomas, Vitali, Waters, Wheatley, White, Youngblood

NAYS—107

Table with 4 columns of names: Adolph, Aument, Baker, Barrar, Bear, Farry, Fleck, Gabler, Geist, Gillen, Lawrence, Maher, Major, Maloney, Marshall, Reed, Reese, Roae, Rock, Ross

Table with 4 columns of names: Benninghoff, Bloom, Boback, Boyd, Brooks, Brown, R., Causer, Christiana, Clymer, Cox, Creighton, Culver, Cutler, Day, Delozier, Denlinger, DiGirolamo, Dunbar, Ellis, Emrick, Evankovich, Evans, J., Everett, Gillespie, Gingrich, Godshall, Grell, Grove, Hackett, Hahn, Harhart, Harper, Harris, Heffley, Helm, Hess, Hickernell, Hutchinson, Kampf, Kauffman, Keller, F., Keller, M.K., Killion, Knowles, Krieger, Marsico, Masser, Metcalfe, Metzgar, Miccarelli, Micozzie, Millard, Miller, Milne, Moul, Mustio, O'Neill, Oberlander, Payne, Peifer, Perry, Petri, Pickett, Pyle, Quinn, Quigley, Rapp, Saccone, Saylor, Scavello, Schroder, Simmons, Sonney, Stephens, Stern, Stevenson, Swanger, Tallman, Taylor, Tobash, Toepel, Toohil, Truitt, Turzai, Vereb, Vulakovich, Smith, S., Speaker

NOT VOTING—0

EXCUSED—5

Table with 4 columns of names: DeWeese, Hennessey, Murt, Preston, Watson

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

On the question recurring,
Will the House concur in Senate amendments as amended by the Rules Committee?

MOTION TO RECOMMIT

The SPEAKER. On the question of concurrence, is the gentleman, Mr. McGeehan, seeking additional recognition? The gentleman may proceed.

Mr. McGEEHAN. Thank you, Mr. Speaker.

Mr. Speaker, I heard the gentleman from Perry, and I agree with his comments.

I make a motion that we rerefer HB 1458 to the Rules Committee, where this bill initially was amended.

The SPEAKER. The gentleman from Philadelphia, Mr. McGeehan, has moved that HB 1458 be recommitted to the Committee on Rules.

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

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

Mr. DERMODY. Thank you, Mr. Speaker.

Mr. Speaker, as we have just heard, apparently this bill will not be able to be amended in the Transportation Committee. However, the Transportation Committee could make recommendations as to how this bill can be fixed to solve the problems that we have here, the problems that we have with the CDL and the problems that we have with the distribution of the funds that are raised from the only city in the Commonwealth

that has a pilot program for a red light camera. Those recommendations can be referred to the Rules Committee if this bill is recommitted to Rules, they can be inserted into this bill to make it the bill that works and solves all of our problems, and I urge a "yes" vote on recommitment to the Rules Committee.

Thank you, Mr. Speaker.

The SPEAKER. On the motion to recommit, the gentleman from Allegheny County, Mr. Turzai, is recognized.

Mr. TURZAI. Thank you, Mr. Speaker.

I would ask to vote against recommitment. Thank you.

The SPEAKER. On the question, on the motion to recommit HB 1458, those in favor of recommitting the bill to the Rules Committee will vote aye"; those opposed to recommitment will vote "nay."

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

The following roll call was recorded:

YEAS—85

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

NAYS—107

Adolph	Farry	Lawrence	Reed
Aument	Fleck	Maher	Reese
Baker	Gabler	Major	Roae
Barrar	Geist	Maloney	Rock
Bear	Gillen	Marshall	Ross
Benninghoff	Gillespie	Marsico	Saccone
Bloom	Gingrich	Masser	Saylor
Boback	Godshall	Metcalfe	Scavello
Boyd	Grell	Metzgar	Schroder
Brooks	Grove	Miccarelli	Simmons
Brown, R.	Hackett	Micozzie	Sonney
Causar	Hahn	Millard	Stevens
Christiana	Harhart	Miller	Stern
Clymer	Harper	Milne	Stevenson
Cox	Harris	Moul	Swanger
Creighton	Heffley	Mustio	Tallman
Culver	Helm	O'Neill	Taylor
Cutler	Hess	Oberlander	Tobash
Day	Hickernell	Payne	Toepel
Delozier	Hutchinson	Peifer	Toohil
Denlinger	Kampf	Perry	Truitt

DiGirolamo	Kauffman	Petri	Turzai
Dunbar	Keller, F.	Pickett	Vereb
Ellis	Keller, M.K.	Pyle	Vulakovich
Emrick	Killion	Quigley	
Evankovich	Knowles	Quinn	Smith, S.,
Evans, J.	Krieger	Rapp	Speaker
Everett			

NOT VOTING—0

EXCUSED—5

DeWeese	Murt	Preston	Watson
Hennessey			

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

On the question recurring,
Will the House concur in Senate amendments as amended by the Rules Committee?

PARLIAMENTARY INQUIRY

The SPEAKER. For what purpose does the gentleman from Allegheny, Mr. Paul Costa, rise?

Mr. P. COSTA. Thank you, Mr. Speaker.

I have got a parliamentary question.

The SPEAKER. The gentleman may state his parliamentary inquiry.

Mr. P. COSTA. Thank you.

On the board it says that this bill is concurrence, but it is my understanding it was amended in the Rules Committee. So it has to go back to the Senate?

The SPEAKER. Yes. This bill, actually, when I read the question across the desk, I said, "The question is, will the House concur in the amendments inserted by the Senate as amended by the House?" Although subsequent to that I referred to it as simply concurrence, but in fact, since it was amended by the House, it does have to go back to the Senate.

Mr. P. COSTA. Well, I am confused then why we could not amend it in committee if it was amended in the Rules Committee. Are they the only committee that is permitted to make amendments?

The SPEAKER. Under the House rules, a bill on concurrence can only be amended by the Rules Committee.

Mr. P. COSTA. What if there is a suspension of the rules?

The SPEAKER. I suppose there could be some form of a suspension of the rules by the whole House to grant a committee leeway beyond that, but it would probably require the adoption of a temporary rule of some sort. I am not saying you could not get there, but I am saying we have never been there, and it would be kind of cutting a new swath.

Mr. P. COSTA. All right. I appreciate your answers. Thank you.

BILL PASSED OVER TEMPORARILY

The SPEAKER. HB 1458 will be over temporarily.

BILL ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 1159, PN 1261**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, extensively revising the Uniform Arbitration Act; and making editorial changes.

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

The SPEAKER. On that question, it is the Speaker's understanding that the amendments have been withdrawn. The amendments are withdrawn.

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

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1907, PN 2960**, 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 third consideration?
Bill was agreed to.

(Bill analysis was read.)

The SPEAKER. This bill has been considered on three different days and agreed to and is now on final passage.
The question is, shall the bill pass finally?

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

Mr. GRELL. Thank you, Mr. Speaker.

Mr. Speaker, this legislation has been debated. This is the legislation that would extend to our long-term-care providers the same kind of cap on punitive damages in civil litigation that currently exists for doctors under the Mcare (Medical Care Availability and Reduction of Error) law. We have taken great steps to keep this proposal consistent in every respect with the protection that is already afforded to physicians under Mcare. This legislation does not prohibit the recovery of 100 percent of the actual damages that anybody suffers as a result of any negligent conduct in a long-term-care facility. Somebody who suffers damages would be entitled to receive all of their actual medical expenses and costs. They would also be able to receive compensation for any loss of income, loss of wages, loss of life's pleasures, pain and suffering, and all of the things that go into an award of compensatory damages for that individual.

In addition, if there is egregious conduct, willful and wanton conduct on the part of the facility operator, punitive damages can still be awarded. All this legislation does is puts a cap on those punitive damages so that they could not receive in punitive damages more than double what they already would

receive for their actual compensatory damages. This legislation is not intended to take away anybody's rights to full recovery. It is not intended to take away the punitive aspect of conduct that rises to the level of being egregious. All this legislation intends to do is to eliminate the jackpot type of litigation that sometimes exists where a punitive damage award of many, many multiples of the actual damages might be awarded.

As I have indicated, we have taken great steps to make this legislation identical to the protection that already is afforded to our physicians under the Mcare law, and the legislation also includes a provision, which is currently in the Mcare law, that in the event that there is an award of punitive damages, at least \$100,000 worth of punitive damages has to be awarded. So even in cases where there would be a punitive damage award, it would not be a nominal punitive damage award. It would have to be at least \$100,000 under the current Mcare law, which is then extended under this legislation to the long-term-care facilities.

This is an opportunity for you to do something to help your nursing home facilities in your districts. They need some predictability, some certainty as to the worst case. In the event of egregious conduct, there are still criminal penalties in the event a criminal violation occurs. In addition, there are licensing penalties that the nursing home would be subject to if there is egregious conduct that could result in the revocation of their license or penalties. All we are trying to do here is put a cap, eliminate the jackpot verdicts that sometimes can arise, and give some predictability and some certainty to your nursing home operators.

For all of those reasons I would respectfully request your support on final passage of this legislation. Thank you, Mr. Speaker.

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

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

Mr. NEUMAN. Thank you, Mr. Speaker.

I would ask the sponsor of the bill to stand for an interrogation.

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

Mr. NEUMAN. Thank you, Mr. Speaker.

Mr. Speaker, it is clear, based on your previous statements, that the interests in this bill are predictability for nursing homes and there is no real State interest. Is that correct?

Mr. GRELL. I am sorry; I could not hear you.

Mr. NEUMAN. Sorry. Based on your previous statements, the interest in this bill is predictability for nursing homes, but there is no real State interest. It is for nursing homes to have predictable outcomes. Is that correct?

Mr. GRELL. No, that is not correct. Mr. Speaker, the State interest here is so that we have nursing home operators and nursing home facilities to care for the needs of our senior citizens and those who require nursing home services. So the nursing home operators are not put out of business because of some excessive jury award of punitive damage.

Mr. NEUMAN. And, Mr. Speaker, how many nursing homes have been put out of business because punitive damages were over 200 percent of the compensatory damages?

Mr. GRELL. I do not know the answer to that question.

Mr. NEUMAN. So your statement is not based on any factual – has no factual basis?

Mr. GRELL. No. Certainly there is a fact that the State has an interest in making sure that we have viable nursing homes.

Mr. NEUMAN. But this legislation directly does not deal with that, because there is no factual basis that because of punitive damages, that nursing homes have shut down. Is that correct?

Mr. GRELL. I do not think that was a question. I think that was a statement.

CONSTITUTIONAL POINT OF ORDER

Mr. NEUMAN. Mr. Speaker, at this time I would like to make a motion.

The SPEAKER. The gentleman may state his motion.

Mr. NEUMAN. The motion I would like to make is that this bill is unconstitutional based on Article III, section 18, of our great State's Constitution.

The SPEAKER. The gentleman from Washington County, Mr. Neuman, raises the point of order that HB 1907, PN 2960, 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 Chair recognizes the gentleman, Mr. Neuman, on that question.

Mr. NEUMAN. Thank you, Mr. Speaker.

This bill is clearly unconstitutional. The statements made previously by the sponsor can show that there is no compelling State interest to have this bill. Our Constitution is clear. Justice Roberts, after the Constitutional Convention, in a case stated, "[I]t is clear that it forbids the Legislature to place a maximum dollar limitation on the amount of damages that are otherwise recoverable in law." A \$100,000 cap works exactly against what Justice Roberts said and against our Constitution.

We love to use our Constitution when it is fortuitous for us to use, but then we like to not abide by what the great people of Pennsylvania have put in our Constitution. There is a way to get caps, and that is a constitutional amendment. Caps on punitive damages are not allowed under Article III, section 18, of our Constitution.

So I would ask for the members to vote that this bill is unconstitutional because it has to be a constitutional amendment.

Thank you, Mr. Speaker.

The SPEAKER. On the question of constitutionality, the gentleman from Cumberland County, Mr. Grell, is recognized.

Mr. GRELL. Thank you, Mr. Speaker.

Clearly this legislation is not unconstitutional for a couple of reasons. First of all, all we are doing is taking a cap that currently exists for physicians and extending it to nursing homes and long-term-care providers. I would suggest that the caps that the gentleman claims would be unconstitutional have already existed with respect to physicians for 10 years.

And the reason it is not unconstitutional currently and the reason it would not be unconstitutional under this legislation, the constitutional provision deals with compensation. Punitive damages are not considered compensation. They are considered

penal in nature; they are in the nature of a penalty, and there are court decisions that make that distinction between punitive damages and compensatory damages. So the damages that we are putting a cap on under this legislation are not compensation to the individual that might run afoul of the constitutional provision. In fact, they are penal in nature, and therefore the legislation as proposed is constitutional.

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—110

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

NAYS—82

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

NOT VOTING—0

EXCUSED—5

DeWeese
Hennessey

Murt

Preston

Watson

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,
Shall the bill pass finally?

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

Excuse me. The Speaker apologizes. I thought the debate was concluded.

The gentleman, Mr. Neuman, did have the floor when he made the motion and may proceed.

Mr. NEUMAN. Thank you, Mr. Speaker.

I just have a few other brief questions, and I will try to be as brief as possible.

Mr. Speaker—

The SPEAKER. The gentleman will suspend.

The gentleman may proceed with interrogation. However, generally, and it is not in the rules, generally the practice of the House has been that if a member seeks to interrogate another member, they conduct interrogation when they return to debating the bill or the amendment. Then that constitutes that recognition. We do not really like to go back and forth on a single recognition, and I would like to just clarify that for the members. So if you want to seek interrogation, you would conduct the whole interrogation. Do not go back to motions or debating the bill or the amendment and then back to interrogation. As I say, that is not in rule. It is more the practice of the House, but certainly the Speaker will afford the gentleman to return to interrogation if he so chooses.

Mr. NEUMAN. Yes, Mr. Speaker. I am sorry for that. I was unaware of that practice, and I will be brief. I do apologize.

The SPEAKER. The gentleman, Mr. Grell, indicates that he will stand for additional interrogation.

Mr. NEUMAN. Thank you.

Mr. Speaker, is there any logical relationship between compensatory damages and punitive damages that would cause the 200-percent cap?

Mr. GRELL. Well, the logic behind the proposal that is before us is to make the law consistent between the cap on punitive damages that already exists for physicians and that which would apply to long-term-care facilities so that there is not an inconsistent basis in law.

Mr. NEUMAN. But there is nothing that says compensatory damages and punitive damages are in such a relationship that there should be a cap. Is that correct?

Mr. GRELL. That is more of a statement as well. I am not aware of any formula that exists in law for the imposition of punitive damages.

Mr. NEUMAN. Okay. Do you know how many civil cases involve long-term-care facilities in the State of Pennsylvania?

Mr. GRELL. Over what period?

Mr. NEUMAN. In a year.

Mr. GRELL. I do not know.

Mr. NEUMAN. So I assume you do not know the percentage that would include punitive damages that are charged to the jury?

Mr. GRELL. I do not know.

Mr. NEUMAN. And do you know how many of these long-term-care facilities that we are protecting in this bill are owned by corporations out of the State of Pennsylvania?

Mr. GRELL. No; I do not know the answer to that.

Mr. NEUMAN. And I assume that you know that punitive damages are reserved for the most outrageous conduct and to deter similar conduct. Is that correct?

Mr. GRELL. Yes, I am aware of that.

Mr. NEUMAN. So if punitive damages are reserved for outrageous conduct and to deter similar conduct by nursing homes, why are we putting the nursing home's interest above the consumer's interest in this bill?

Mr. GRELL. We are not doing that. What we are doing is just imposing a reasonable cap on what those punitive damages can be, considering the fact that there is much more severe action that can be taken against an outrageously operated nursing home through the licensing procedure, and it should not be translated into some jackpot in a civil litigation setting.

Mr. NEUMAN. Okay.

Mr. Speaker, in the interest of the House – and thank you for your leniency – I will end my interrogation at this time.

The SPEAKER. Has the gentleman concluded interrogation?

Mr. NEUMAN. Yes, Mr. Speaker.

The SPEAKER. And do you want to further debate the bill?

Mr. NEUMAN. On the bill, Mr. Speaker.

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

Mr. NEUMAN. Thank you, Mr. Speaker.

I think it is clear that everybody here understands that punitive damages are for the most outrageous conduct that a consumer will encounter, and punitive damages, as I said before, are used and designed to punish the actor. And now that we want a cap on punitive damages that involve our most vulnerable constituents, the ones that are 100 percent dependent on care, we need to look at exactly how outrageous the conduct has to be in order for punitive damages to exist.

It is very difficult in a case to get punitive damages. A very small percentage of cases the judge even allows punitive damages. And whenever we are dealing with senior citizens, whenever we are dealing with the elderly, people in nursing homes, the compensatory damages are so low that a 200-percent cap on punitive damages in relationship to compensatory damages makes no sense; there is no correlation.

Compensatory damages are based on medical expenses. Compensatory damages are based on actual expenses – loss of income, those sorts of things. If you are in a nursing home, you generally do not have income. If you are in a nursing home, the medical expenses that only apply are the ones that relate to the injury. So if you die immediately, if a person in the nursing home dies immediately, there are no medical expenses, because the only medical expenses that exist in the case are the ones that relate to the injury. So compensatory damages in these cases are very, very low.

And 200 percent sounds like a great number and it sounds like you are doing your due diligence and you can go back to your constituents and say you are fighting for 200 percent of compensatory damages, but when the compensatory damages are so low, 200 percent is meaningless. It does not punish the

actor that performed this outrageous conduct. We need to understand we are protecting the smallest amount of cases where the most egregious conduct has happened with this bill, if you pass this bill. We need to make sure that the ones that are the most dependent on care, the ones that are most dependent on nursing homes and staff are the ones that are protected the most.

Mr. Speaker, I ask and encourage the members of this chamber to vote "no" on HB 1907. Thank you, Mr. Speaker.

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

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

Ms. HARPER. Thank you, Mr. Speaker.

I rise in opposition to this bill. Punitive damages are a relatively rare occurrence in Pennsylvania. In fact, to get punitive damages, a jury must find that the conduct of the defendant was outrageous. This is what the judge tells the jury, if you find that the conduct of the defendant was outrageous, you may award punitive damages as well as compensatory damages in order to punish the defendant for his conduct and to deter the defendant and others from committing similar acts. That is the only time you get punitive damages in Pennsylvania. Those are the actual jury instructions that a judge would give.

This bill seeks to limit the exposure of nursing homes to punitive damages for outrageous acts. Mr. Speaker, I would respectfully suggest that we are protecting the wrong end of this problem. We ought to be protecting our moms and dads, our grandmoms and grandpops, our aunts and uncles who are in nursing homes. And if there is a nursing home provider who wants the ability to operate a nursing home in Pennsylvania without worrying about punitive damages for outrageous conduct, I do not care if they go out of business. I do not think we need operators like that.

I urge a "no" vote. The equities in this situation are with our vulnerable elders who just do not have the ability to protect themselves when they are in nursing homes. That is why they are in nursing homes. They are fragile and dependent. We need to look out for them and not for nursing home operators who want the right to be protected from punitive damages for outrageous behavior. I urge a "no" vote.

Thank you, Mr. Speaker.

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

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

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, Citizens United said that corporations have personhood, and what we see in this bill here is that they are apparently sort of special kind of people, because if someone as a citizen perpetrates an act on some other citizen, they may have to pay restitution, but they also face the prospect of going to jail. But since we do not send corporations to jail, what are left are punitive damages because corporations live and die by the bottom line. So the way to punish them is to say the only way to change your behavior is to affect your bottom line, and that is what punitive damages when rarely awarded do. But now we have created another special kind of person over here. They have personhood but you just cannot punish them. It does not matter what they do. As long as they pay to take care of the damage they did, you cannot punish them. That is just not right.

Please vote "no" on HB 1907. Thank you.

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

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

Mr. BARBIN. Thank you, Mr. Speaker.

The issues have been debated. The question that everyone should be asking themselves is, why were nursing homes not included in the original bill when we had the Medicare cap? The bottom line is, they were not because they knew the people that were in the nursing homes would not have compensatory damages.

Now, the problem with this bill is the same problem that we had with the voter ID bill. This is legislation in search of a problem. There are no facts that justify taking away the rights of senior citizens that are hurt in a nursing home from reaching a fair recovery. The idea that you would be creating a special class of people that has a special entry when they go to court is ridiculous, because the idea was discussed before, and it was decided that nursing home patients, it was not necessary for them to be included.

So here we are again. There is no evidence that says that this is going to put anybody out of business. This is not providing jobs for Pennsylvania. All it is really doing is saying we can feel good about ourselves because we passed some additional cap to say we are really doing something for business. I say, vote for a bill that actually provides a job and stop doing these types of bills that have no effect and actually hurt real people. If your mother or father is in a nursing home and they happen to be subject to intentional misconduct – they are dropped and then they are hidden; the person is picked up, put on a bed. The person who dropped them and caused the broken bone does not report it. It does not get reported by the next shift, does not get reported by the next shift. That is conduct that should be compensated. This bill will not allow it.

I will be voting "no."

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

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

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

I would urge the members to please vote "yes" on HB 1907. The fact of the matter is, current Pennsylvania law, Mcare, does limit punitive damages to two times the compensatory damages for physicians when we did the medical malpractice reform. It has consistently been said that the medical malpractice reforms as enacted under Mcare made significant positive steps in our litigation environment in the medical arena.

HB 1907 would conform these same limits for long-term-care providers who are providing medical care. The fact of the matter is, we have 700 nursing homes with nearly 90,000 beds, and the demand for those nursing home services remains steady, and it is providing a vital service for so many of our citizens in this State.

In fact, almost 80 percent of those 80,000 residents are on Medicaid and Medicare. On average, 65 percent of residents are on Medicaid and approximately 13 percent are on Medicare. These are people that need our care and need these facilities, and we need to make sure that we have a vibrant nursing home community in the State of Pennsylvania. They should be treated similar to the way we treat physicians under Mcare, and in fact, the threat of a lawsuit or the threat of a punitive damage claim specifically is more difficult for a nursing home to address than it is true for a physician. That is why these limits on punitive damages, not the compensatory damages, make common sense.

We have consistently addressed through great legislation from my colleague from Bucks County or from my colleague from Lebanon County, have consistently addressed licensing

issues and standard issues with respect to nursing homes and other places for our adult seniors. The way to deal with the issues are twofold: One, a vibrant regulatory policy that has consistent oversight by the executive administration, and two, I would concede, through litigation, civil litigation, but particularly civil litigation that is done in a meaningful, reasonable manner.

Mcare has worked successfully in the medical arena. Everybody applauds it. Many people who were originally opposed to Mcare today applaud it. HB 1907 conforms those same limits to our long-term-care providers, our nursing homes, that are providing a human, a human element to these needy people who are in our senior homes.

I would urge you to vote "yes" to this commonsense, tried-and-true approach. Thank you.

On the question recurring,
Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—103

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

NAYS—89

Barbin	Deasy	Hornaman	Pashinski
Bishop	DeLissio	Josephs	Payton
Boyle, B.	DeLuca	Kavulich	Petrarca
Boyle, K.	DePasquale	Keller, W.	Ravenstahl
Bradford	Dermody	Kirkland	Roebuck
Brennan	DiGirolamo	Kortz	Sabatina
Briggs	Donatucci	Krieger	Sainato
Brown, R.	Evans, J.	Longietti	Samuelson
Brown, V.	Fabrizio	Maher	Santarsiero
Brownlee	Frankel	Markosek	Santoni
Burns	Freeman	Matzie	Scavello
Buxton	Galloway	McGeehan	Smith, K.
Caltagirone	George	Metzgar	Smith, M.
Carroll	Gerber	Miccarelli	Sonney
Cohen	Gergely	Mirabito	Staback
Conklin	Gibbons	Mullery	Sturla

Costa, D.	Goodman	Mundy	Taylor
Costa, P.	Haluska	Murphy	Thomas
Cruz	Hanna	Myers	Waters
Curry	Harhai	Neuman	Wheatley
Daley	Harkins	O'Brien, M.	White
Davidson	Harper	Parker	Youngblood
Davis			

NOT VOTING—0

EXCUSED—5

DeWeese	Murt	Preston	Watson
Hennessey			

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. STEPHENS

The SPEAKER. For the information of the members, I wanted to make two particular announcements. However, I would yield part of that announcement to the new father and would recognize the gentleman from Montgomery County, Mr. Stephens, under unanimous consent for the purpose of an announcement.

Mr. STEPHENS. Thank you, Mr. Speaker.

I just wanted to rise and thank all my colleagues and friends for their love and support for my new son born January 1, 3:39 a.m. His mother, Nicole, and Will are doing well and resting at home. Thank you very much. I appreciate it.

The SPEAKER. Did you win the new-baby award at the hospital?

Mr. STEPHENS. We were the first runner-up, and the people who won the first-baby award were not interested in any of the accolades, so we happily took them.

The SPEAKER. Well, congratulations.

Mr. STEPHENS. Thank you, Mr. Speaker.

REMARKS SUBMITTED FOR THE RECORD

Mr. STEPHENS. I do have some remarks on another matter I wish to submit for the record.

The SPEAKER. The gentleman may submit the remarks to the clerk.

Mr. STEPHENS. Thank you.

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

Mr. Speaker, it is my privilege to bring to the attention of the Speaker and the members of the Pennsylvania House of Representatives the name of John Edward Bense, who has recently been awarded Scouting's highest honor – Eagle Scout.

Mr. Speaker, I would like to read to the members of the House of Representatives the following citation of merit honoring John Edward Bense.

Whereas, John Edward Bense earned the Eagle Award in Scouting. This is the highest award that Boy Scouts can bestow and as such

represents great sacrifice and tremendous effort on the part of this young man. John is a member of Troop 547.

Now therefore, Mr. Speaker and members of the House of Representatives, it is my privilege to congratulate and place in the Legislative Journal the name of John Edward Bense.

ANNOUNCEMENT BY SPEAKER

The SPEAKER. And additionally, on December 13 Representative Tony Payton was the proud father of Jeremiah. So I am not sure if Tony is on the floor at the moment, but we did want to acknowledge his new arrival as well.

For the information of the members, there will be no more 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 1156;
HB 1159;
HB 1847; and
SB 726.

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 601;
HB 1398;
HB 1820;
SB 159; and
SB 923.

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

BILL REMOVED FROM TABLE

The SPEAKER. The Speaker recognizes the majority leader, who moves that HB 1980 be removed from the tabled calendar and placed on the active calendar.

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

BILL TABLED

The SPEAKER. The Speaker recognizes the majority leader, who moves that HB 1980 be removed from the active calendar and placed on the tabled calendar.

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

BILL ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 1891, PN 2697**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for bowling center operator civil immunity.

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

BILL TABLED

The SPEAKER. The Speaker recognizes the majority leader, who moves that HB 1891 be removed from the active calendar and placed on the tabled calendar.

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

BILL REMOVED FROM TABLE

The SPEAKER. The Speaker recognizes the majority leader, who moves that HB 1891 be removed from the tabled calendar and placed on the active calendar.

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

HOUSE BILLS INTRODUCED AND REFERRED

No. 1782 By Representatives ROSS, TAYLOR, THOMAS, CALTAGIRONE, DALEY, DeLUCA, GOODMAN, GROVE, HACKETT, HARKINS, HELM, HESS, KOTIK, MASSER, MILNE, MUNDY, MURT, QUINN, SONNEY, SWANGER, VULAKOVICH and YOUNGBLOOD

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, providing for tax foreclosure; and making related repeals.

Referred to Committee on URBAN AFFAIRS,
December 21, 2011.

No. 2104 By Representatives REED, AUMENT, BENNINGHOFF, BOYD, BRENNAN, CALTAGIRONE, CLYMER, DALEY, DAVIDSON, FLECK, GEORGE, GILLEN, GINGRICH, GODSHALL, GRELL, GROVE, HALUSKA, HARPER, HARRIS, HELM, HESS, HORNAMAN, KAUFFMAN, F. KELLER, M. K. KELLER, KILLION, KRIEGER, MARSHALL, MILLARD, MILNE, MUNDY, MURT, O'NEILL, PEIFER, PICKETT, RAPP, READSHAW, ROCK, ROSS, SCAVELLO, STEVENSON, TAYLOR, TOOHL, YOUNGBLOOD, QUINN, GEIST, EVERETT, FARRY, DENLINGER, FABRIZIO, HACKETT, COX, CREIGHTON, VULAKOVICH and KULA

An Act amending the act of December 19, 1990 (P.L.1200, No.202), known as the Solicitation of Funds for Charitable Purposes Act, further providing for registration of charitable organizations, financial reports, fees and failure to file.

Referred to Committee on FINANCE, December 21, 2011.

No. 2105 By Representative HUTCHINSON

An Act authorizing the Department of General Services, with the approval of the Governor, to grant and convey to VARHA, Inc., certain lands situate in the Borough of Polk, Venango County.

Referred to Committee on STATE GOVERNMENT, December 21, 2011.

No. 2106 By Representatives ROSS, BOYD, CALTAGIRONE, DALEY, ELLIS, GINGRICH, GOODMAN, HALUSKA, HARPER, HESS, HORNAMAN, LAWRENCE, LONGIETTI, MILNE, QUINN, RAPP, READSHAW, TOBASH and YOUNGBLOOD

An Act amending the act of June 30, 1981 (P.L.128, No.43), known as the Agricultural Area Security Law, further providing for the purchase of agricultural conservation easements.

Referred to Committee on AGRICULTURE AND RURAL AFFAIRS, December 21, 2011.

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. Tobash, from Schuylkill County, who moves that this House do now adjourn until Monday, January 23, 2012, at 1 p.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 3:21 p.m., e.s.t., the House adjourned.