

# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

TUESDAY, APRIL 23, 2013

SESSION OF 2013

197TH OF THE GENERAL ASSEMBLY

No. 28

### HOUSE OF REPRESENTATIVES

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

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

#### PRAYER

HON. GORDON DENLINGER, member of the House of Representatives, offered the following prayer:

Would you please join me in prayer:

Father in heaven, as we begin our day here in the House, we pause to thank You for Your many gifts to us, for the gift of this new day. As we see the beautiful flowering trees here on the Capitol grounds, and as we enjoy spring bursting forth all around us, we acknowledge Your role as the creator and sustainer of all things, of life itself, and we praise You for all that You are.

As we gather today, we recognize that there are those among us who face serious health problems and personal challenges. Some here grieve over the loss of a loved one or wrestle with the burden of a child who is not doing well. Father, we lift up each concern, each point of sadness to You and pray for Your wisdom and the comforting peace of Your spirit. You are the great physician, the eternal God all-wise, and we ask for Your strength for each one who needs Your abundant grace this hour.

As those chosen by the people of Pennsylvania to work in government, we praise You for Your wisdom in ordaining governments over mankind, as we see the need for order and civility and justice in society. While acknowledging the flaws we all see, we praise You for the gift of government and for this institution, and we are humbled by the opportunity You have given to each one of us to serve in this place.

And now, Father, we pray for strength to do the work of the day, for wisdom in our personal and official decisions, and that Your hand of blessing would rest upon this House of Representatives. These things we pray in Your most holy name. Amen.

#### PLEDGE OF ALLEGIANCE

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

### JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, the approval of the Journal of Monday, April 22, 2013, will be postponed until printed.

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

**HB 25, PN 1551**

By Rep. MARSICO

An Act amending Titles 42 (Judiciary and Judicial Procedure) and 57 (Notaries Public) of the Pennsylvania Consolidated Statutes, enacting uniform laws on attestation in the areas of unsworn foreign declarations and notarial acts; making editorial changes; making related repeals; and abrogating a regulation.

JUDICIARY.

**HB 474, PN 1579 (Amended)**

By Rep. MARSICO

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for definitions, for aggravated assault and for criminal trespass.

JUDICIARY.

**HB 1201, PN 1506**

By Rep. MARSICO

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in post-trial matters, further providing for report by district attorney.

JUDICIARY.

**HB 1217, PN 1580 (Amended)**

By Rep. MARSICO

An Act amending the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act, further providing for schedules of controlled substances.

JUDICIARY.

### RESOLUTION REPORTED FROM COMMITTEE

**HR 226, PN 1396**

By Rep. MARSICO

A Resolution calling on the Joint State Government Commission to conduct a study of all aspects of Pennsylvania's mental health system and report back with specific recommendations for amendment and

improvement, particularly as to how criminal defendants with mental illness are addressed by established procedures, policies and programs.

JUDICIARY.

### HOUSE BILLS INTRODUCED AND REFERRED

**No. 1242** By Representatives BURNS, KOTIK, V. BROWN, MAHONEY, SNYDER, YOUNGBLOOD, BARRAR, HARHAI and GINGRICH

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in pupils and attendance, further providing for transportation of school students.

Referred to Committee on EDUCATION, April 23, 2013.

**No. 1243** By Representatives STEPHENS, ADOLPH, BOBACK, R. BROWN, V. BROWN, CALTAGIRONE, CARROLL, DEAN, FABRIZIO, FARRY, GABLER, GINGRICH, GRELL, GROVE, HARPER, W. KELLER, KORTZ, MILLER, MOLCHANY, MURT, MUSTIO, O'BRIEN, O'NEILL, PARKER, PASHINSKI, SANTARSIERO, SCHLOSSBERG, STURLA, TOEPEL, TOOHL, TRUITT, VEREB and WATSON

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in firearms and other dangerous articles, further providing for persons not to possess, use, manufacture, control, sell or transfer firearms and for Pennsylvania State Police.

Referred to Committee on JUDICIARY, April 23, 2013.

**No. 1244** By Representatives GOODMAN, BARRAR, B. BOYLE, V. BROWN, BROWNLEE, CALTAGIRONE, COHEN, DEASY, DeLUCA, DONATUCCI, FARINA, FLECK, FRANKEL, GIBBONS, GILLEN, GINGRICH, HAGGERTY, C. HARRIS, HESS, KORTZ, KOTIK, KULA, LONGIETTI, MAHONEY, MATZIE, McGEEHAN, MICOZZIE, MILLARD, O'BRIEN, PARKER, READSHAW, ROZZI, SAINATO, TALLMAN, WATSON and YOUNGBLOOD

An Act providing compensation to persons in active service in connection with the Iraq War or their beneficiaries; authorizing the incurring of indebtedness and the issue and sale of bonds by the Commonwealth for the payment of compensation contingent upon electorate approval; creating a special fund in the State Treasury to be known as the Iraq War Veterans' Compensation Bond Fund; imposing powers and duties on the Department of Military and Veterans Affairs; and making appropriations.

Referred to Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, April 23, 2013.

**No. 1245** By Representatives THOMAS, MACKENZIE, BROWNLEE, CLAY, COHEN, CRUZ, DELISSIO, DONATUCCI, J. HARRIS, W. KELLER, KIRKLAND, MIRANDA, PARKER, SCHLOSSBERG and YOUNGBLOOD

An Act amending the act of December 18, 2001 (P.L.949, No.114), known as the Workforce Development Act, in administration, further providing for membership and for functions.

Referred to Committee on LABOR AND INDUSTRY, April 23, 2013.

**No. 1246** By Representatives STERN, CAUSER, PASHINSKI, M. K. KELLER, BAKER, KORTZ, FABRIZIO, HARHART, MOUL, O'NEILL, READSHAW, D. COSTA, SCHLOSSBERG, KAUFFMAN, KNOWLES, DAVIS, C. HARRIS, WATSON, FLECK, ROCK, MACKENZIE, MILLARD, NEILSON, MILLER, SWANGER, MURT, MILNE, FARRY, SAINATO, GABLER, GIBBONS, BROOKS, ELLIS, METCALFE, ROAE, PICKETT, REESE, EVERETT, SAYLOR, RAPP, BOBACK, STEVENSON, HARHAI, LONGIETTI, HESS, RAVENSTAHL, REED, SONNEY, DAY, TALLMAN, GINGRICH, GODSHALL, PYLE, WATERS, McGEEHAN, MAJOR, DEASY, SNYDER, MARSHALL, TOOHL, P. DALEY and GILLEN

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

Referred to Committee on TRANSPORTATION, April 23, 2013.

**No. 1247** By Representative STERN

An Act authorizing the release of Project 70 restrictions on certain Project 70 land situate in Piney Creek Springs, Woodbury Township, Blair County, owned by the Commonwealth in return for the imposition of Project 70 restrictions on certain land situate in Woodbury Township, Blair County, being conveyed to the Pennsylvania Fish and Boat Commission.

Referred to Committee on STATE GOVERNMENT, April 23, 2013.

**No. 1248** By Representatives GIBBONS, SAINATO, CALTAGIRONE, D. COSTA, LONGIETTI, MATZIE, BISHOP and COHEN

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, providing for certain furloughed professional employees and temporary professional employees.

Referred to Committee on EDUCATION, April 23, 2013.

**No. 1249** By Representatives R. BROWN, BOBACK, CALTAGIRONE, COHEN, DAY, DEASY, DONATUCCI, FRANKEL, HARKINS, HEFFLEY, MAHER, MILLARD, MUNDY, MURT, QUINN, SCAVELLO and WATSON

An Act regulating tattoo, body-piercing and permanent-cosmetic artists; limiting tongue splitting; providing for powers and duties of the Department of Health; establishing the Body Art Regulation Fund; and imposing penalties.

Referred to Committee on HEALTH, April 23, 2013.

**No. 1250** By Representatives DONATUCCI, BROWNLEE, MULLERY, SNYDER, KINSEY, NEILSON, B. BOYLE, McGEEHAN, ROZZI, O'BRIEN, BISHOP, CALTAGIRONE, PAINTER, KOTIK, MUNDY, V. BROWN, YOUNGBLOOD, COHEN, FRANKEL, SCHLOSSBERG, GINGRICH, THOMAS, CLAY and ROEBUCK

An Act amending the act of December 17, 1959 (P.L.1913, No.694), known as the Equal Pay Law, further providing for collection of unpaid wages and for penalties.

Referred to Committee on LABOR AND INDUSTRY, April 23, 2013.

**No. 1251** By Representatives DONATUCCI, CALTAGIRONE, J. HARRIS, YOUNGBLOOD, CLAY, BARRAR, KORTZ, SABATINA, COHEN, GINGRICH, PAINTER, KULA and KIRKLAND

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, providing for health insurance coverage for immunizations administered at a pharmacy by a pharmacist.

Referred to Committee on INSURANCE, April 23, 2013.

**No. 1252** By Representatives READSHAW, KORTZ, QUINN, COHEN and MOUL

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, in municipal authorities, further providing for purposes and powers.

Referred to Committee on LOCAL GOVERNMENT, April 23, 2013.

The SPEAKER. The House will come to order.

**LEAVES OF ABSENCE**

The SPEAKER. The Speaker turns to leaves of absence. The majority whip indicates there are no requests for leaves of absence.

The minority whip recognizes requests for leaves of absence for the gentleman, Mr. MAHONEY, from Fayette County for the day; the gentleman, Mr. CRUZ, from Philadelphia County for the day; and the gentleman, Mr. HANNA, from Clinton County for the day. Without objection, the leaves will be granted.

**MASTER ROLL CALL**

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

The following roll call was recorded:

**PRESENT—197**

Adolph	English	Kirkland	Petri
Aument	Evankovich	Knowles	Pickett
Baker	Evans	Kortz	Pyle
Barbin	Everett	Kotik	Quinn
Barrar	Fabrizio	Krieger	Rapp
Benninghoff	Farina	Kula	Ravenstahl
Bishop	Farry	Lawrence	Readshaw
Bizzarro	Fee	Longietti	Reed
Bloom	Fleck	Lucas	Reese
Boback	Flynn	Mackenzie	Regan
Boyle, B.	Frankel	Maher	Roae
Boyle, K.	Freeman	Major	Rock

Bradford	Gabler	Maloney	Roebuck
Briggs	Gainey	Markosek	Ross
Brooks	Galloway	Marshall	Rozzi
Brown, R.	Gergely	Marsico	Sabatina
Brown, V.	Gibbons	Masser	Saccone
Brownlee	Gillen	Matzie	Sainato
Burns	Gillespie	McCarter	Samuelson
Caltagirone	Gingrich	McGeehan	Sankey
Carroll	Godshall	McGinnis	Santarsiero
Causer	Goodman	McNeill	Saylor
Christiana	Greiner	Mentzer	Scavello
Clay	Grell	Metcalfe	Schlossberg
Clymer	Grove	Metzgar	Simmons
Cohen	Hackett	Miccarelli	Sims
Conklin	Haggerty	Micozzie	Smith
Corbin	Hahn	Millard	Snyder
Costa, D.	Haluska	Miller	Sonney
Costa, P.	Harhai	Milne	Stephens
Cox	Harhart	Mirabito	Stern
Culver	Harkins	Miranda	Stevenson
Cutler	Harper	Molchany	Sturla
Daley, M.	Harris, A.	Moul	Swanger
Daley, P.	Harris, J.	Mullery	Tallman
Davidson	Heffley	Mundy	Taylor
Davis	Helm	Murt	Thomas
Day	Hennessey	Mustio	Tobash
Dean	Hess	Neilson	Toepel
Deasy	Hickernell	Neuman	Toohil
DeLissio	James	O'Brien	Truitt
Delozier	Kampf	O'Neill	Turzai
DeLuca	Kauffman	Oberlander	Vereb
Denlinger	Kavulich	Painter	Vitali
Dermody	Keller, F.	Parker	Waters
DiGirolamo	Keller, M.K.	Pashinski	Watson
Donatucci	Keller, W.	Payne	Wheatley
Dunbar	Kim	Peifer	White
Ellis	Kinsey	Petrarca	Youngblood
Emrick			

**ADDITIONS—0**

**NOT VOTING—0**

**EXCUSED—4**

Cruz	Hanna	Killion	Mahoney
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**LEAVES ADDED—1**

McNeill

**LEAVES CANCELED—1**

Hanna

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

**GUESTS INTRODUCED**

The SPEAKER. If I could have the members' attention, I would appreciate holding the conversations down while I introduce some of the guests that are with us. I would appreciate your courtesy.

Located to the left of the rostrum, as guests of Representative Milne, we would like to welcome Terry Heyman and Bill Stribny and Stephanie Markstein. Will our guests please rise. Welcome to the hall of the House.

Also to the left of the rostrum, as guests of Representative Lawrence, we would like to welcome Dave and Crystal Messaros. Crystal is the granddaughter of the late James Herr, owner of Herr's Foods, and is the daughter of the current president of the company, Edwin Herr. Will our guests please rise. Welcome to the hall of the House.

Also to the left of the rostrum, we have three township supervisors from Monroe County, who are here as guests of Representatives Scavello, Peifer, Rosemary Brown, and Carroll. The guests are Reda Briglia and Louise Troutman, who represent Paradise Township, and Heidi Pickard, who represents Tobyhanna Township. Will our guests please rise. Welcome to the hall of the House.

In the rear of the House, we would like to welcome a group of undergraduate students from the 14 State-owned universities who are part of the spring Harrisburg internship semester. They have been working in various State agencies along with legislators in their offices since January. Will our guests please rise. Welcome to the hall of the House. Hope you are learning something in the internship.

Also in the rear of the House, as a guest of Representative Caltagirone, we would like to welcome Bryan Sanguinito and Anne Pletcher of the Reading Education Association. Will our guests please rise. Welcome to the hall of the House.

And in the well of the House, we would like to welcome guest page Yannick Ehlke. He is the guest of Representative Swanger. Welcome to the hall of the House.

Additionally, we have, as a guest of Representative Saylor, guest page Andrew Pritchard. Andrew is a junior at Red Lion Area High School, where he is an honor student. He is also very active in the school's music department. In his community, Andrew is a volunteer with the Laurel Windsor Fire Company and obtained the rank of Eagle Scout in 2011. Welcome to the hall of the House.

UNCONTESTED CALENDAR

RESOLUTIONS PURSUANT TO RULE 35

Mr. MURT called up HR 200, PN 1322, entitled:

A Resolution designating May 1, 2013, as "The Battle of the Crooked Billet Day" in Pennsylvania.

\* \* \*

Mr. MURT called up HR 201, PN 1323, entitled:

A Resolution designating the month of May 2013 as "Military Service-Related Post-Traumatic Stress Disorder Awareness Month" in Pennsylvania.

On the question, Will the House adopt the resolutions?

The following roll call was recorded:

YEAS-197

Table with 4 columns: Adolph, English, Kirkland, Petri; Aument, Evankovich, Knowles, Pickett; Baker, Evans, Kortz, Pyle; Barbin, Everett, Kotik, Quinn

Table with 4 columns of names: Barrar, Benninghoff, Bishop, Bizzarro, Bloom, Boback, Boyle, B, Boyle, K, Bradford, Briggs, Brooks, Brown, R, Brown, V, Brownlee, Burns, Caltagirone, Carroll, Causer, Christiana, Clay, Clymer, Cohen, Conklin, Corbin, Costa, D, Costa, P, Cox, Culver, Cutler, Daley, M, Daley, P, Davidson, Davis, Day, Dean, Deasy, DeLissio, Delozier, DeLuca, Denlinger, Dermody, DiGirolamo, Donatucci, Dunbar, Ellis, Emrick, Fabrizio, Farina, Farry, Fee, Fleck, Flynn, Frankel, Freeman, Gabler, Gainey, Galloway, Gergely, Gibbons, Gillen, Gillespie, Gingrich, Godshall, Goodman, Greiner, Grell, Grove, Hackett, Haggerty, Hahn, Haluska, Harhai, Harhart, Harkins, Harper, Harris, A, Harris, J, Heffley, Helm, Hennessey, Hess, Hickernell, James, Kampf, Kauffman, Kavulich, Keller, F, Keller, M.K, Keller, W, Kim, Kinsey, Krieger, Kula, Lawrence, Longietti, Lucas, Mackenzie, Maher, Major, Maloney, Markosek, Marshall, Marsico, Masser, Matzie, McCarter, McGeehan, McGinnis, McNeill, Mentzer, Metcalfe, Metzgar, Miccarelli, Micozzie, Millard, Miller, Milne, Mirabito, Miranda, Molchany, Moul, Mullery, Mundy, Murt, Mustio, Neilson, Neuman, O'Brien, O'Neill, Oberlander, Painter, Parker, Pashinski, Payne, Peifer, Petarca, Rapp, Ravenstahl, Readshaw, Reed, Reese, Regan, Roae, Rock, Roebuck, Ross, Rozzi, Sabatina, Saccone, Sainato, Samuelson, Sankey, Santarsiero, Saylor, Scavello, Schlossberg, Simmons, Sims, Smith, Snyder, Sonney, Stephens, Stern, Stevenson, Sturla, Swanger, Tallman, Taylor, Thomas, Tobash, Toepel, Toohil, Truitt, Turzai, Vereb, Vitali, Waters, Watson, Wheatley, White, Youngblood

NAYS-0

NOT VOTING-0

EXCUSED-4

Table with 4 columns: Cruz, Hanna, Killion, Mahoney

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

STATEMENT BY MR. MURT

The SPEAKER. The Speaker recognizes the gentleman from Montgomery County, Mr. Murt, under unanimous consent relative to one of the resolutions just adopted.

Mr. MURT. Thank you, Mr. Speaker.

Mr. Speaker, everyone is aware of the historical role Philadelphia played in the conception and birth of American independence. What is often unappreciated is the pivotal role the people living in the countryside around the city played in preserving our young nation.

On the night of April 30, 1778, the British, in control of Philadelphia, marched out of the city with 850 men on horse and on foot. Their destination was the Billet, what is known today as Hatboro, Pennsylvania. Their mission was to stop the American Militia from disrupting the British supply lines into Philadelphia. Their other objective was to capture the leader of the militia, Gen. John Lacey, and decimate the 300 militiamen encamped with Lacey at the Billet.

Mr. Speaker, the British marched through the Fox Chase area of Philadelphia up Huntingdon Pike, where they split up. The Queen's Rangers, a loyalist regiment, continued up Second Street Pike, and the 500 British regulars went left toward York Road. The plan was to have the British regulars wait in ambush along the old Horsham Meeting Road near the Old Mill Inn in Hatboro. The Queen's Rangers were to drive the militia into the waiting British troops. The militia was expected to retreat along the Horsham Meeting Road, which leads to Valley Forge and would have exposed the Continental Army.

General Lacey, the youngest appointed general under Washington's command, was a native of Bucks County and knew the area better than any of the British soldiers. During the battle that commenced May 1, 1778, 26 militiamen were killed, 9 wounded, and 58 captured. But most importantly, General Lacey saved hundreds of lives by moving his united militia north into Bucks County, away from General Washington's men.

While the British reported no casualties, they never achieved their objectives. The militia continued disrupting supplies, and Gen. John Lacey was never captured. While the British would claim this as a military victory, it was clearly a British failure thanks to the quick thinking and leadership of Gen. John Lacey. He is truly one of the unappreciated heroes of the American Revolution.

Thank you, Mr. Speaker, for the opportunity to speak on HR 200.

### STATEMENT BY MR. MURT

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

Mr. MURT. Mr. Speaker, on unanimous consent regarding HR 201.

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

Mr. MURT. Thank you, Mr. Speaker.

Mr. Speaker, I rise to thank the House for their support of HR 201.

As the U.S. military continues drawing down the number of military personnel in harm's way, our task at home will grow more challenging. According to the Department of Veterans Affairs, as many as one in five veterans from the conflicts in Afghanistan and Iraq will suffer from a wound not visible to the naked eye. Posttraumatic stress disorder can occur to anyone placed in a distressing situation, and few people experience as many of those situations as our military personnel. These men and women, whether they have witnessed combat or not, know they are one directive away from a mission that will expose them to horrible and life-threatening experiences. Many have been shot at or have watched a buddy get hit or killed. All of these events can lead to posttraumatic stress disorder.

Symptoms of posttraumatic stress disorder are as varied as they are crippling. People with posttraumatic stress disorder repeatedly relive the ordeal through thoughts and memories of the trauma. These may include flashbacks, hallucinations, and nightmares. They also may feel great distress when things remind them of the trauma, such as the anniversary date of the event. Those suffering may avoid people, places, thoughts, or situations that may remind him or her of the trauma. This can lead to feelings of detachment and isolation from family and friends as well as a loss of interest in activities that the person once enjoyed. They could also experience excessive emotions, problems relating to others, showing affection, difficulty falling or staying asleep, irritability, outbursts of anger, difficulty concentrating, and being jumpy or easily startled. The person may also suffer physical symptoms, such as increased blood pressure and heart rate, rapid breathing, muscle tension, and nausea.

As legislators, it is our responsibility to make sure we take care of those who have sacrificed so much for us, our warriors, and that includes drawing attention to their problems as we search for ways to help them transition back into civilian life.

Thank you, Mr. Speaker, and thank you to the members of the House for their support of HR 201.

### LEAVE OF ABSENCE CANCELED

The SPEAKER. The Speaker returns to leaves of absence and recognizes the presence of the gentleman from Clinton County, Mr. Hanna, on the floor of the House. Without objection, his name will be added back to the master roll call.

### UNCONTESTED SUPPLEMENTAL CALENDAR A

#### RESOLUTION PURSUANT TO RULE 35

Mr. HEFFLEY called up **HR 267, PN 1578**, entitled:

A Resolution designating the month of May 2013 as "National Water Safety Month" in Pennsylvania.

On the question,

Will the House adopt the resolution?

The following roll call was recorded:

#### YEAS—198

Adolph	English	Kirkland	Petri
Aument	Evankovich	Knowles	Pickett
Baker	Evans	Kortz	Pyle
Barbin	Everett	Kotik	Quinn
Barrar	Fabrizio	Krieger	Rapp
Benninghoff	Farina	Kula	Ravenstahl
Bishop	Farry	Lawrence	Readshaw
Bizzarro	Fee	Longietti	Reed
Bloom	Fleck	Lucas	Reese
Boback	Flynn	Mackenzie	Regan
Boyle, B.	Frankel	Maher	Roae
Boyle, K.	Freeman	Major	Rock
Bradford	Gabler	Maloney	Roebuck
Briggs	Gainey	Markosek	Ross
Brooks	Galloway	Marshall	Rozzi
Brown, R.	Gergely	Marsico	Sabatina

Brown, V.	Gibbons	Masser	Saccone
Brownlee	Gillen	Matzie	Sainato
Burns	Gillespie	McCarter	Samuelson
Caltagirone	Gingrich	McGeehan	Sankey
Carroll	Godshall	McGinnis	Santarsiero
Causar	Goodman	McNeill	Saylor
Christiana	Greiner	Mentzer	Scavello
Clay	Grell	Metcalfe	Schlossberg
Clymer	Grove	Metzgar	Simmons
Cohen	Hackett	Miccarelli	Sims
Conklin	Haggerty	Micozzie	Smith
Corbin	Hahn	Millard	Snyder
Costa, D.	Haluska	Miller	Sonney
Costa, P.	Hanna	Milne	Stephens
Cox	Harhai	Mirabito	Stern
Culver	Harhart	Miranda	Stevenson
Cutler	Harkins	Molchany	Sturla
Daley, M.	Harper	Moul	Swanger
Daley, P.	Harris, A.	Mullery	Tallman
Davidson	Harris, J.	Mundy	Taylor
Davis	Heffley	Murt	Thomas
Day	Helm	Mustio	Tobash
Dean	Hennessey	Neilson	Toepel
Deasy	Hess	Neuman	Toohil
DeLissio	Hickernell	O'Brien	Truitt
Delozier	James	O'Neill	Turzai
DeLuca	Kampf	Oberlander	Vereb
Denlinger	Kauffman	Painter	Vitali
Dermody	Kavulich	Parker	Waters
DiGirolamo	Keller, F.	Pashinski	Watson
Donatucci	Keller, M.K.	Payne	Wheatley
Dunbar	Keller, W.	Peifer	White
Ellis	Kim	Petrarca	Youngblood
Emrick	Kinsey		

NAYS—0

NOT VOTING—0

EXCUSED—3

Cruz Killion Mahoney

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

The SPEAKER. The House will come to order.

### APPROPRIATIONS COMMITTEE MEETING

The SPEAKER. The Speaker recognizes the gentleman, Mr. Adolph, for the purpose of a committee announcement.

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

Mr. Speaker, there will be an immediate meeting of the Appropriations Committee in the majority caucus room. Thank you.

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

### REPUBLICAN CAUCUS

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

Ms. MAJOR. Thank you, Mr. Speaker.

I would like to announce Republicans will caucus today at 12 noon. I would ask our Republican members to please report to our caucus room at 12 noon. We would be prepared to come

back on the floor at 1 p.m.  
Thank you, Mr. Speaker.

### DEMOCRATIC CAUCUS

The SPEAKER. The Speaker recognizes the gentleman from Allegheny County, Mr. Frankel, for a caucus announcement.

Mr. FRANKEL. Thank you, Mr. Speaker.

Democrats will also caucus at 12 noon. Democrats will caucus at 12 noon. Thank you.

### ANNOUNCEMENT BY MR. PYLE

The SPEAKER. The Speaker recognizes the gentleman from Armstrong County, Mr. Pyle, for an announcement.

Mr. PYLE. Thank you, Mr. Speaker.

Mr. Speaker, on behalf of the Sportsmen's Caucus of the Pennsylvania House, I would like to make sure all members are aware that today is the annual field shoot. It is being held at Mechanicsburg Sportsmen's Club and all are invited.

Thank you, Mr. Speaker.

### RECESS

The SPEAKER. This House stands in recess till 1 p.m., unless sooner recalled by the Speaker.

### AFTER RECESS

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

### BILLS REREPORTED FROM COMMITTEE

#### HB 307, PN 545

By Rep. ADOLPH

An Act amending the act of January 8, 1960 (1959 P.L.2119, No.787), known as the Air Pollution Control Act, providing for the Clean Vehicles Program.

#### APPROPRIATIONS.

#### HB 468, PN 1577

By Rep. ADOLPH

An Act amending the act of June 27, 2006 (1st Sp.Sess., P.L.1873, No.1), known as the Taxpayer Relief Act, in senior citizens property tax and rent rebate assistance, further providing for definitions and for filing of claim.

#### APPROPRIATIONS.

#### HB 798, PN 1493

By Rep. ADOLPH

An Act amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, further providing for organization of commission.

#### APPROPRIATIONS.

#### HB 807, PN 918

By Rep. ADOLPH

An Act amending Title 35 (Health and Safety) of the Pennsylvania Consolidated Statutes, further providing for funds.

#### APPROPRIATIONS.

**HB 828, PN 1494**

By Rep. ADOLPH

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

APPROPRIATIONS.

**HB 891, PN 1032**

By Rep. ADOLPH

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

APPROPRIATIONS.

**GUESTS INTRODUCED**

The SPEAKER. I would like to recognize some additional guests that are with us this afternoon, guests of Representative Vanessa Brown. They are located up in the gallery, and they are from New Choices/New Options organization. Give us a wave. Welcome to the hall of the House.

**STATEMENT BY MS. BROWN**

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

Ms. V. BROWN. Personal privilege, Mr. Speaker.

The SPEAKER. How about unanimous consent?

Ms. V. BROWN. I will take that.

The SPEAKER. All right. The lady is in order and may proceed.

Ms. V. BROWN. All right.

Mr. Speaker, I would like to take this moment to welcome my friends from New Choices/New Options, and I wanted to explain to the members that they are women who are transitioning in their lives and they get to go to colleges and programs to take nontraditional career options.

Without that type of support from this Commonwealth, a person like me would never have been here because I am, too, a graduate of New Choices/New Options. I was enrolled in community college, went through their program. And of course, being a politician is not a traditional career for women, and here I am today. They are here to advocate in the budget. We used to think that this was really important and give them \$5 million to have 60 programs across this Commonwealth, and today they are down to \$400,000 with only 13 programs in the Commonwealth.

So I want to congratulate these ladies today for standing up and being here to fight to continue their program.

Thank you, Mr. Speaker.

The SPEAKER. The Speaker thanks the lady.

The House will come to order.

**CALENDAR****BILLS ON SECOND CONSIDERATION**

The House proceeded to second consideration of **HB 1128, PN 1377**, entitled:

An Act amending Title 12 (Commerce and Trade) of the Pennsylvania Consolidated Statutes, codifying the provisions of the Motor Vehicle Sales Finance Act and the Goods and Services Installment Sales Act; making conforming amendments to Titles 7 and 42; and making related repeals.

On the question,

Will the House agree to the bill on second consideration?

Bill was agreed to.

\* \* \*

The House proceeded to second consideration of **SB 623, PN 951**, entitled:

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, in hunting and furtaking licenses, further providing for license requirements and for unlawful acts concerning licenses.

On the question,

Will the House agree to the bill on second consideration?

Bill was agreed to.

\* \* \*

The House proceeded to second consideration of **SB 808, PN 837**, entitled:

An Act amending the act of August 9, 1955 (P.L.323, No.130), known as The County Code, further providing for applicability and for the abolishment of the office of jury commissioner.

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 987, PN 1151**, entitled:

An Act designating the bridge that carries State Route 973 over Loyalsock Creek in Upper Fairfield Township and Eldred Township, Lycoming County, as the George E. Logue, Sr. Memorial Bridge.

On the question,

Will the House agree to the bill on second consideration?

Bill was agreed to.

\* \* \*

The House proceeded to second consideration of **HB 992, PN 1156**, entitled:

An Act amending Title 15 (Corporations and Unincorporated Associations) of the Pennsylvania Consolidated Statutes, further providing for definitions; providing for electronic signatures in global and national commerce; in administration, further providing for applicability, functions, documents and processing; in fees, further providing for documents, schedules and disposition of funds; renaming the Corporation Bureau; making related repeals; and imposing duties on the Department of State and the Legislative Reference Bureau.

On the question,

Will the House agree to the bill on second consideration?

Mr. **KAMPF** offered the following amendment No. **A01169**:

Amend Bill, page 3, line 5, by inserting after "(7)"  
and (d)

Amend Bill, page 3, line 15, by striking out "Corporation  
Bureau" and inserting  
bureau

Amend Bill, page 6, by inserting between lines 22 and 23

(d) [Method of filing.—The department may prescribe by regulation procedures for filing documents by electronic mail, facsimile transmission, telex or other similar means of communication] (Reserved).

Amend Bill, page 6, line 25, by inserting a bracket before "Immediate"

Amend Bill, page 6, line 25, by inserting after "certified"  
] Duplicate

Amend Bill, page 6, line 26, by striking out all of said line and inserting

(1) If a duplicate copy, which may be either a signed or conformed copy, of any articles or other document authorized or required by this title to be filed in the department is delivered to the department with the original signed document, the department shall [compare the duplicate copy with the original signed document and, if it finds that they are identical, shall certify the duplicate copy by making upon it the same endorsement that is required to appear upon the original, together with a further endorsement that the duplicate copy is a true copy of the original signed document.] stamp the duplicate copy with the date received by the department and return the duplicate copy to the person who delivered it to the department.

Amend Bill, page 6, line 27, by striking out the bracket before "(2)"

Amend Bill, page 6, line 27, by inserting a bracket before "If"

Amend Bill, page 7, line 19, by inserting after "fees).]"

(Reserved).

Amend Bill, page 7, line 20, by inserting a bracket before "comparing"

Amend Bill, page 7, line 20, by inserting after "comparing"  
] date-stamping

Amend Bill, page 7, line 20, by inserting a bracket before "with"

Amend Bill, page 7, line 20, by inserting after "with"

] of

Amend Bill, page 10, line 29, by striking out "(i)"

Amend Bill, page 10, line 30, by striking out all of said line

Amend Bill, page 11, line 13, by striking out "(i)"

Amend Bill, page 11, line 14, by striking out all of said line

Amend Bill, page 11, lines 20 and 21, by striking out all of line 20 and "(iii)" in line 21 and inserting

(ii)

Amend Bill, page 11, line 27, by striking out "(i)"

Amend Bill, page 11, line 30, by striking out all of said line

Amend Bill, page 16, line 4, by striking out "153(a)" and inserting

153(a)(15)

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

The **SPEAKER**. On that question, the Speaker recognizes the gentleman from Chester County, Mr. Kampf.

Mr. **KAMPF**. Thank you, Mr. Speaker.

This amendment, Mr. Speaker, is really internal, technical changes to make the bill consistent internally, and then there is a fee reduction in the bill. It would make the fee reduction effective immediately.

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

The following roll call was recorded:

YEAS—198

Adolph	English	Kirkland	Petri
Aument	Evankovich	Knowles	Pickett
Baker	Evans	Kortz	Pyle
Barbin	Everett	Kotik	Quinn
Barrar	Fabrizio	Krieger	Rapp
Benninghoff	Farina	Kula	Ravenstahl
Bishop	Farry	Lawrence	Readshaw
Bizzarro	Fee	Longietti	Reed
Bloom	Fleck	Lucas	Reese
Boback	Flynn	Mackenzie	Regan
Boyle, B.	Frankel	Maher	Roae
Boyle, K.	Freeman	Major	Rock
Bradford	Gabler	Maloney	Roebuck
Briggs	Gainey	Markosek	Ross
Brooks	Galloway	Marshall	Rozzi
Brown, R.	Gergely	Marsico	Sabatina
Brown, V.	Gibbons	Masser	Saccone
Brownlee	Gillen	Matzie	Sainato
Burns	Gillespie	McCarter	Samuelson
Caltagirone	Gingrich	McGeehan	Sankey
Carroll	Godshall	McGinnis	Santarsiero
Causer	Goodman	McNeill	Saylor
Christiana	Greiner	Mentzer	Scavello
Clay	Grell	Metcalfe	Schlossberg
Clymer	Grove	Metzgar	Simmons
Cohen	Hackett	Miccarelli	Sims
Conklin	Haggerty	Micozzie	Smith
Corbin	Hahn	Millard	Snyder
Costa, D.	Haluska	Miller	Sonney
Costa, P.	Hanna	Milne	Stephens
Cox	Harhai	Mirabito	Stern
Culver	Harhart	Miranda	Stevenson
Cutler	Harkins	Molchany	Sturla
Daley, M.	Harper	Moul	Swanger
Daley, P.	Harris, A.	Mullery	Tallman
Davidson	Harris, J.	Mundy	Taylor
Davis	Heffley	Murt	Thomas
Day	Helm	Mustio	Tobash
Dean	Hennessey	Neilson	Toepel
Deasy	Hess	Neuman	Toohil
DeLissio	Hickernell	O'Brien	Truitt
Delozier	James	O'Neill	Turzai
DeLuca	Kampf	Oberlander	Vereb
Denlinger	Kauffman	Painter	Vitali
Dermody	Kavulich	Parker	Waters
DiGirolamo	Keller, F.	Pashinski	Watson
Donatucci	Keller, M.K.	Payne	Wheatley
Dunbar	Keller, W.	Peifer	White
Ellis	Kim	Petrarca	Youngblood
Emrick	Kinsey		

NAYS—0

NOT VOTING—0

EXCUSED—3

Cruz Killion Mahoney

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

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

Bill as amended was agreed to.

(Bill as amended will be reprinted.)

\* \* \*

The House proceeded to second consideration of **HB 1124, PN 1373**, entitled:

An Act amending Title 7 (Banks and Banking) of the Pennsylvania Consolidated Statutes, further providing for definitions, for license requirements, for exceptions to license requirements, for general requirements, for mortgage loan business prohibitions, for requirements as to open-end loans, for application for license, for preclicensing and continuing education, for licensee requirements, for licensee limitations, for surrender of license, for authority of department, for suspension, revocation or refusal, for penalties, for applicability and for procedure for determination on noncompliance with Federal law.

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

Mr. **SCAVELLO** offered the following amendment No. **A01159**:

Amend Bill, page 17, lines 27 and 28, by striking out "engages in the mortgage loan business less than four times" and inserting originates or negotiates less than four mortgage loans  
Amend Bill, page 17, line 29, by striking out "otherwise"

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

The SPEAKER. On that question, the Speaker recognizes the gentleman from Monroe County, Mr. Scavello.

Mr. SCAVELLO. I have not gone to the other side of the aisle.

This is a technical amendment, Mr. Speaker.

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

The following roll call was recorded:

YEAS—198

Adolph	English	Kirkland	Petri
Aument	Evankovich	Knowles	Pickett
Baker	Evans	Kortz	Pyle
Barbin	Everett	Kotik	Quinn
Barrar	Fabrizio	Krieger	Rapp
Benninghoff	Farina	Kula	Ravenstahl
Bishop	Farry	Lawrence	Readshaw
Bizzarro	Fee	Longietti	Reed
Bloom	Fleck	Lucas	Reese
Boback	Flynn	Mackenzie	Regan
Boyle, B.	Frankel	Maher	Roae
Boyle, K.	Freeman	Major	Rock
Bradford	Gabler	Maloney	Roebuck
Briggs	Gainey	Markosek	Ross
Brooks	Galloway	Marshall	Rozzi
Brown, R.	Gergely	Marsico	Sabatina
Brown, V.	Gibbons	Masser	Saccone

Brownlee	Gillen	Matzie	Sainato
Burns	Gillespie	McCarter	Samuelson
Caltagirone	Gingrich	McGeehan	Sankey
Carroll	Godshall	McGinnis	Santarsiero
Causar	Goodman	McNeill	Saylor
Christiana	Greiner	Mentzer	Scavello
Clay	Grell	Metcalfe	Schlossberg
Clymer	Grove	Metzgar	Simmons
Cohen	Hackett	Miccarelli	Sims
Conklin	Haggerty	Micozzie	Smith
Corbin	Hahn	Millard	Snyder
Costa, D.	Haluska	Miller	Sonney
Costa, P.	Hanna	Milne	Stephens
Cox	Harhai	Mirabito	Stern
Culver	Harhart	Miranda	Stevenson
Cutler	Harkins	Molchany	Sturla
Daley, M.	Harper	Moul	Swanger
Daley, P.	Harris, A.	Mullery	Tallman
Davidson	Harris, J.	Mundy	Taylor
Davis	Heffley	Murt	Thomas
Day	Helm	Mustio	Tobash
Dean	Hennessey	Neilson	Toepel
Deasy	Hess	Neuman	Toohil
DeLissio	Hickernell	O'Brien	Truitt
Delozier	James	O'Neill	Turzai
DeLuca	Kampf	Oberlander	Vereb
Denlinger	Kauffman	Painter	Vitali
Dermody	Kavulich	Parker	Waters
DiGirolamo	Keller, F.	Pashinski	Watson
Donatucci	Keller, M.K.	Payne	Wheatley
Dunbar	Keller, W.	Peifer	White
Ellis	Kim	Petrarca	Youngblood
Emrick	Kinsey		

NAYS—0

NOT VOTING—0

EXCUSED—3

Cruz Killion Mahoney

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

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

Bill as amended was agreed to.

(Bill as amended will be reprinted.)

**BILL ON THIRD CONSIDERATION**

The House proceeded to third consideration of **HB 818, PN 928**, entitled:

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

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

Bill was agreed to.

(Bill analysis was read.)

The SPEAKER. 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 Allegheny County, Mr. Frankel.

Mr. FRANKEL. Thank you, Mr. Speaker.

Supporters of HB 818 argue that it simply keeps Pennsylvania in compliance with our own laws by preventing any Commonwealth funds from supporting access to abortion. The first question we should be asking is, does it even do that? Because it is clear to me that Commonwealth funds will not go to fund abortion access within the exchange regardless of whether or not this legislation passes. First, when the Affordable Care Act passed, one of the most contentious issues was whether or not abortion should be available as part of insurance packages for which citizens can get reimbursed. Congress elected not, not to allow abortion to be included in any insurance package that would result in a tax credit. Instead, under the exchange, people will have to write a separate check to the insurance company for coverage for abortion services. The insurance company will then deposit that check in a separate account, and only that money set aside can be used for abortion services. The Federal government will not give the taxpayer a reimbursement for those funds. So to be clear, no taxpayer subsidy goes to fund abortion coverage, none.

There is another specious argument floating around that women will be able to go outside of the exchange to purchase freestanding abortion coverage. What a painfully absurd idea. Many women's policy experts have expressed concern that it is already too hard to offer freestanding abortion coverage, and therefore, insurers might not just bother to offer it at all. Furthermore, as someone who has a background in insurance, I can tell you that nowhere in the business of legitimate insurance underwriting is coverage offered for one narrow medical procedure or condition. It does not happen, and I refuse to give that argument any credence.

What else do proponents of this bill say? They argue that somehow, some way, a minuscule amount of money allocated by the Commonwealth to run and manage the exchange will go to support abortion coverage, even though insurers will be paying for the exchange themselves. I do not buy into this as a legitimate argument to support the underlying bill either, but in order to attempt to compromise, I did offer an amendment last week that asked us to find that amount of money, if any, that if we are subsidizing abortion coverage, and if there is such a number, which I doubt there really is, figure out a way for the insurance to pay for it. Opponents rejected that opportunity by voting down my amendment.

One of the frustrations that I have when debating this bill is the almost forgotten point that Pennsylvania is not putting any money or any resources into the exchange at all. Instead, we are punting to the Federal government and allowing the Feds to manage the entire process. The Federal government will be the one implementing our exchange. The Federal government will be the one overseeing our exchange. The Federal government will be helping people get enrolled in health insurance and obtain their tax credits, not the Commonwealth of Pennsylvania. We have not even seen fit to pass the necessary legislation to make sure that our State Insurance Commissioner has the power to enforce the new laws that help consumers. We have not

passed legislation that makes sure that women cannot be charged more than men for health insurance simply because they are women. We have not passed legislation ensuring that preventive services, like mammograms and cervical cancer screenings, are fully covered by insurers.

Instead, the legislation we are trying to pass here is legislation that denies women the right to spend their own money, their very own dollars that they have earned, the way they deem fit. When given the opportunity to vote on other issues of importance to women as part of this debate, the opposite side voted, voted against the chance to protect women from forced ultrasounds. The opposite side voted, voted against the chance to trust women about whether they had been raped, whether or not their life is in danger from a pregnancy. The opposite side voted for parliamentary tricks to avoid amendments that would have actually strengthened the voice and protections of women in Pennsylvania.

Here is another cruel irony. We are having this vote during the same month that we recognize Equal Pay Day. Given the wage disparity in this Commonwealth, women will have to work all the way through last year up until April of this year in order to make the same amount of money that men made last year.

#### POINT OF ORDER

Mr. TURZAI. Point of order, Mr. Speaker.

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

Mr. TURZAI. Equal pay does not seem to be addressed in HB 818, and we are off the issue at hand.

The SPEAKER. The Speaker thanks the gentleman.

The gentleman is correct. You have to stay on the subject before us.

Mr. FRANKEL. I think the habit of interrupting is—

The SPEAKER. The gentleman will suspend.

Mr. FRANKEL. All right.

The SPEAKER. I just ask you to stay on the subject of the bill before us.

Mr. FRANKEL. On the subject, Mr. Speaker.

Well, now we are telling women how they can and cannot spend their money that they have worked so long to earn. Let us be honest, it does not matter what name you give it, HB 818, or the abortion opt-out bill, or a taxpayer protection measure, I am happy to call this what it is, yet one more misguided, ill-conceived battle in the ongoing war against women.

I urge my colleagues in the strongest possible way to vote "no" on 818.

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

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

Ms. MUNDY. Thank you, Mr. Speaker.

I rise in steadfast opposition to HB 818. This legislation puts women's lives at risk. You are imposing big government on personal, private family decisionmaking. You are putting women's lives at risk. But do not just take my word for that. Here is what the American Congress of Obstetricians and Gynecologists has to say about this bill. In a letter dated April 17, 2013, and signed by Sherry L. Blumenthal, M.D., from the American Congress of Obstetricians and Gynecologists, this is what she has to say on behalf of her organization.

"As Chair of the Pennsylvania Section of the American Congress of Obstetricians and Gynecologists (PA ACOG), I and the members of our Advisory Council must express serious concerns about House Bill 818, currently under consideration in the House of Representatives. As primary physicians for the women of the Commonwealth, OBGYN's have a unique prospective on the unintended consequences of restricting abortion services for our patients. OBGYN's are certainly sensitive to the emotional, religious and political issues associated with abortion, as many of our own members possess differing positions. However, in the interest of the health and welfare of our patients and your constituents, we ask that our legislators hear our concerns.

"House Bill 818 would essentially prohibit insurance coverage of abortion services even if the life of the mother is threatened by pregnancy and or if a lethal fatal anomaly is detected prenatally. Although not often, there are many circumstances in which we recommend against continuing a pregnancy because of extreme health risk to the woman. Comorbidities such as complicated diabetes, severe heart disease, or prior history of stroke are just a few of the many instances when pregnancy may threaten the lives of our patients. In cases of sepsis or maternal hemorrhage when a preterm fetus would not survive outside of the womb, abortion is often the only procedure which could save a patient's life. The fetus would not survive in any case; therefore we would lose two lives instead of one. Women who experience death or extreme disability often leave other small vulnerable children motherless, another unintended consequence of the barriers to appropriate care associated with HB 818.

"With advances in prenatal detection, we are often able to diagnosis fetal anomalies that are incompatible with life. Diseases such as anencephaly (absence of brain), renal agenesis (absence of kidneys), and several chromosomal abnormalities such as triploidy are just a few examples of certain fetal or neonatal death. When an accurate diagnosis is made early in pregnancy, a legal abortion of a preivable fetus should be an option for consideration for all women. Notwithstanding the emotional suffering to the family of carrying such a pregnancy to term and giving birth to a baby who will die, studies have shown that the risk of maternal death with childbirth is 14 times greater than with elective abortion, if done safely and legally.

"Decisions regarding the care of women in these circumstances should be made exclusively by patients and their physicians. As physicians, we practice with respect for patient autonomy and health regardless of personal beliefs. We respectfully ask you to support the sanctity of the doctor-patient relationship on consideration of House Bill 818."

Mr. Speaker, on behalf of women and families who will need to use the health insurances exchange for affordable health insurance, I implore you to reject this big government intrusion into the doctor-patient relationship and into the health insurance marketplace. I urge rejection of HB 818.

Thank you, Mr. Speaker.

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

On that question, the Speaker recognizes the gentleman from Philadelphia County, Mr. Sims.

Mr. SIMS. Thank you, Mr. Speaker.

Mr. Speaker, I rise to implore my colleagues to oppose HB 818. As a civil rights advocate, I see clearly, as do millions of men and women across the Commonwealth, that this bill's purpose is to discriminate against women and most often

women with less means than many of my colleagues have today.

As an attorney, I see clearly that this bill oversteps Federal law, effectively outlawing a private insurer from offering private coverage that would allow for a woman to exercise a constitutional right. Such illegal and repugnant attempts to make an end around the U.S. Supreme Court and the Constitution are beneath this body, Mr. Speaker, as they were beneath our former Governor when he attempted unsuccessfully to thwart the Constitution over two decades ago. It certainly flies in the face of any ideology or party that claims to support a free market.

As an elected official, Mr. Speaker, I see clearly what is actually happening here. I see that this legislation has nothing to do with creating jobs, creating respect, or creating a better future for the Commonwealth. This legislation is about advancing an ideology of oppression and suppression, even if such a plan means ignoring the oath of office that each of us swore.

Finally, as a reminder, Mr. Speaker, I do believe that this has been entirely forgotten by too many of my colleagues here today. Each of us put our hand on the Bible and swore to uphold the Constitution. We did not place our hands on a Constitution and swear to uphold the Bible.

This legislation is bad policy, it is bad law, and it is a poor reflection of how far we have come as a nation and a State in the last 100 years.

Mr. Speaker, I am not sure how I find myself in this room, of all rooms, as one of the men who respects women the most, but as is so often the case, I see the respect for the person and for personal responsibility is clearly more of a slogan than a reality.

For these reasons as well as those given by my colleagues, I ask that members vote "no" on HB 818 and reaffirm the Constitution – the freedom in the marketplace and freedom from an oppressive legislature.

Thank you, Mr. Speaker.

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

On that question, the Speaker recognizes the lady, Ms. Molchany, from Allegheny County.

Ms. MOLCHANY. Thank you, Mr. Speaker.

Today I rise for the first time since I was elected to this chamber. I had hoped to speak on issues of importance to all Pennsylvanians, have a conversation about various myriad of issues – transportation, education. I was hoping to deliver a speech about moving the State forward. I wanted to talk about legislation that impacts the lives of everyone in this Commonwealth.

Unfortunately, this legislature is focused on government restrictions of women's health care. Unfortunately, this House is making decisions for women in this State – deeply personal decisions.

While all of us come from different professional backgrounds, we are all legislators, not medical professionals, not insurance companies, and for the most part, not women. A vote in favor of HB 818 is neither a responsible nor a representative vote.

Today many members in this chamber intend to vote in favor of this legislation that experts in medicine describe as dangerous and the vast majority of women in Pennsylvania oppose.

I rise today because HB 818 is a bad bill. It is a dangerous bill, and it carries severe unintended consequences by creating barriers to legal and safe health-care options for women.

So why are we doing this? Our roads are crumbling. We rank 18th nationally in providing our children with the education they need, and under the Governor and this legislature, Pennsylvania ranks 33d in our nation's jobless rate. When I was elected last November, these were the issues that mattered. In my district, and I suspect most of your districts, people demanded we improve this economy and work toward a better future. Our roads, education system, and health of our economy matter to all Pennsylvanians, and HB 818 impacts half of our citizens and seeks to restrict their rights, and that is not what I signed up for.

I rise today to say we have common ground in working on 21st-century problems – problems we can fix, problems that impact all Pennsylvanians, not just some.

HB 818 is a bad bill full of unintended consequences. There are enough consequences in here to upset nearly every legislator in this chamber. If you oppose government regulation of private industry, your vote should be "no" on HB 818. If you oppose government telling you what you can and cannot spend your personal income on, you should vote "no" on HB 818. If you believe in a right to privacy, then you should vote "no" on HB 818.

Make no mistake, HB 818 is an assault on women. This legislation pushes government regulation into women's health care. It restricts products that insurance companies currently offer and dictates how they run their business.

HB 818 will disproportionately impact lower- and middle-income women. A health-care exchange will provide uninsured and underinsured women with affordable health-care insurance. But this bill restricts services insurance companies are allowed to offer these women. This bill leaves behind women who cannot afford the coverage outside of the exchange.

HB 818 creates two separate health-care classes of women: those with government restrictions and those with full coverage. This bill manipulates the free market by forcing insurance companies to stop covering abortion services in order to participate in the health-care exchange. Eighty percent of private insurance companies currently cover abortion. This should not be an either/or proposition for women.

So I rise today not because I wanted to, but because I have to. There is an obsession with women's health-care issues in this House, and there are far too few women elected to stand with us today to make this a fair fight. HB 818 does not focus on any of the crucially important issues facing all citizens of our State. This House should be ashamed of itself for sacrificing Pennsylvania women in the interest of politics, and I resent the fact that defending my rights to access the health care I deem necessary is even on the table for debate in this chamber.

I stand today to defend the rights of women and couples to responsibly start families and make personal, private decisions without State interference about their health and well-being. I stand against creating dangerous obstacles to basic, safe, and legal health care for anyone.

And finally, I stand to urge my colleagues, please vote "no" on HB 818.

Thank you, Mr. Speaker.

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

On that question, the Speaker recognizes the gentleman from Erie County, Mr. Fabrizio.

Mr. FABRIZIO. Thank you, Mr. Speaker.

Mr. Speaker, today I rise in opposition to HB 818. I stand here today not as pro-life, not as pro-choice, but as pro-health,

because essentially, this bill threatens women's rights and their access to health care. What we do here today will affect the health and welfare of countless women.

HB 818 prohibits individuals from purchasing private insurance coverage of abortion services in the Pennsylvania health insurance exchange. I remind you that the exchange will not be a State-run exchange but one that is federally designed and administered. Ostensibly, proponents of this legislation have introduced it to prevent the use of public funds for abortions.

Federal law already requires that there must be a separate payment of abortion coverage in an insurance plan offered through an insurance exchange and stipulates that the cost be paid entirely by a woman and her family. The Nelson amendment to the Affordable Care Act makes it completely unnecessary to ban coverage in the exchange. This bill, banning a private transaction with private funds, in essence prohibits our families, our neighbors, and our friends from purchasing with their own funds the type of insurance they desire or need. HB 818 prevents Pennsylvanians who are able and willing to purchase health insurance plans that they either want or need from doing so.

The real effect of the bill would be to marginalize abortion service from regulation and oversight by the medical and insurance industry. Taking away insurance coverage does not reduce the number of abortions. It only creates additional barriers for women to access the safe, affordable medical care they need.

Pennsylvania law should support the provision of safe, legal abortion and not push it into the hands of dangerous practitioners who threaten the lives of women and their health. Proponents of this bill state that women and their families can purchase supplemental insurance coverage of abortion outside the health exchange. Insurance experts have indicated that such rider plans do not exist, and even if they were provided, they may be out of financial reach of many of the women who desperately need them.

Mr. Speaker, currently 80 percent of the health insurance plans that are sold cover abortion. This bill will reduce that percentage to zero and leave women unprotected. HB 818 is a radical expansion of government interference into the ability of private insurance companies to provide coverage of comprehensive reproductive health care for private customers. Let me repeat that. This is a radical expansion of government interference into the ability of private insurance companies to provide coverage of comprehensive reproductive health care for private customers.

In 1973 the Supreme Court of the United States in its landmark decision of *Roe v. Wade* determined that the right to privacy under the due process clause of the 14th Amendment extended to a woman's decision to terminate a pregnancy; a right that allows a woman, not politicians, to make informed decisions when it comes to her own health and welfare. Women do not turn to politicians for advice about mammograms, prenatal care, or cancer treatments. Politicians should not be involved in a woman's personal medical decision. Ending a pregnancy is a deeply personal, private, and often complex decision for a woman, and we sitting here today cannot and should not make that decision for her. Ultimately, decisions about whether to choose adoption, end a pregnancy, or raise a child must be left to a woman, her family, and her faith, with the counsel of her doctor and health provider.

As currently written, HB 818 would allow an insurance company to cover an abortion if a woman was a victim of rape, incest, or it was necessary to avoid her death. These exceptions are severely limiting and exclude an entire population of women whose physical health is seriously jeopardized by the pregnancy but does not meet the standard of immediate death.

Seventy-nine percent of all Pennsylvanians strongly support a health exception. Unfortunately, an amendment to allow insurance plans sold in the exchange to cover the abortion that is necessary to protect a woman's physical health was defeated in committee. In addition, other amendments designed to protect a woman's physical health and welfare were defeated on this floor the other day.

There is no one in this chamber without concern for the unborn, but that concern must be balanced with the concern for the mother. HB 818 disregards that concern and puts the health and welfare of countless women at risk. Our focus should not be singular in fashion. To deny women the rights they have enjoyed for 40 years is unconscionable. To jeopardize their health and welfare is incredulous. To prevent women and their families from using their own hard-earned money to obtain health insurance plans that could save their lives is beyond descriptive terms.

The law of this land protects the women of this country's privacy. This is their inherent right. Government and politicians should stay out of their private and personal decisions. For the last couple of years we have heard that now familiar refrain about Obamacare, I do not want government in my health care. Why are we not hearing it now?

Thank you, Mr. Speaker.

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

On that question, the Speaker recognizes the gentleman from Tioga County, Mr. Baker.

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

I rise to support the gentlelady from Clarion County's legislation, HB 818.

I believe there is some confusion about the effect of this bill, and notwithstanding the pronouncements of the prior speakers, I do respectfully disagree with their remarks.

This bill, HB 818, does not change current law as to a woman's choice to have an abortion under three exceptions of the Abortion Control Act. It maintains that law as it currently applies. Under the Abortion Control Act, Title 18 limits the use of public funds for an abortion except when the life of the mother is at stake, when pregnancy was caused by a rape, and when pregnancy was caused by incest.

Prior to the Affordable Care Act, Pennsylvania limited the use of public funds in CHIP (Children's Health Insurance Program), Pennsylvania Fair Share, Medicaid, and those programs are funded, to some degree, by public funds. Medicaid, public-private share, is 100 percent. In the case of Fair Share, substantially less. The policy, however, is uniform across the board: No public funds support elective abortions, elective abortions on demand.

The bill simply extends the same policy to the Affordable Care Act health insurance exchange. Every plan offered through the exchange benefits in some way from public funding. That is the purpose of the Affordable Care Act. Therefore, in order to be consistent across all publicly subsidized insurance platforms, the bill is necessary. It simply maintains the status quo and treats everyone equally.

HB 818 would allow the Commonwealth to opt out of abortion coverage in the federally facilitated health insurance exchange. Opting out of covering abortions in an exchange is specifically authorized under the Patient Protection and Affordable Care Act, the Federal health-care reform plan. In fact, President Barack Obama's Executive order, signed a couple of years ago, allows specifically the States to elect or opt out of this insurance exchange abortion funding option.

PPACA specifically permits States to prohibit insurance providers that participate in an exchange from covering elective abortions. To assure that elective abortion is not included in the health insurance exchange, the Commonwealth must affirmatively opt out by passing a State law, and in fact, many other States have done this already.

HB 818 will clearly prohibit taxpayer subsidized insurance from covering elective abortions and merely puts the newly created health exchange in line with long-standing policies in this Commonwealth that have been supported by Democrat Governors as well as Republican Governors.

Only elective abortions are excluded in HB 818. The bill does not eliminate coverage of abortions in the cases of rape, incest, or the life of the mother. HB 818 will not change a Pennsylvania woman's access to abortion.

Currently no tax dollars are used for elective abortions in Pennsylvania. We want to keep it that way. We want to keep it consistent with all the laws and policies that we have had for decades here in Pennsylvania. Abortion coverage has long been prohibited in Pennsylvania's Medicaid Program, except, again, in cases of rape, incest, or the life of a mother. HB 818 would guarantee that taxpayer supported plans in Pennsylvania's health insurance exchange, when created, are in line with this long-standing policy.

Once again, this bill, HB 818, we passed, actually, last session with bipartisan support. It has not changed. We passed similar language during the session with a vote of 146 to 45. This is not a different bill. This is the same language of last session.

In its current form, the bill limits the use of Federal and State funds to pay for abortion services to those exceptions which are included in the Pennsylvania Abortion Control Act. Again, those exceptions are for rape, incest, and to avert the death of the mother. These exceptions, again, are contained within Title 18 of our Abortion Control Act.

Once again, President Barack Obama's Executive order, which he signed in 2010, in March, limits the use of Federal funds and also mirrors the language in HB 818 in that it prohibits the use of public funds except in the case of rape, incest, or to protect the life of the mother.

Additionally, in Title 18, section 3215(e) does address insurance policies and requires that every insurer offer policies which expressly excludes coverage of abortion services, but for in cases of rape, incest, or the life of the mother. While some point to this provision as to why HB 818 is not necessary, it is important to note that the only insurance policies we are referring to in HB 818 are in the insurance exchange. The federally facilitated insurance exchange will be created by the Federal government using tax dollars. The insurance plans offered in the exchange will in almost every case be subsidized by tax credits, or paid by tax funds – anyone below 400 percent of the Federal poverty level is eligible for subsidies through that exchange – and the administrative costs will also be shouldered predominantly by the Commonwealth.

I just want to conclude by saying HB 818 is consistent with the Hyde amendment that was passed in Congress in 1976. It is consistent with the Abortion Control Act of Pennsylvania. It is consistent with President Barack Obama's Executive Order No. 13535, signed and dated March 24, 2010. It is consistent with the polling that I have seen. Depending on the poll, between 60 and 70 percent of Americans oppose using taxpayer dollars to fund elective abortions. And finally, this bill is consistent with what we have passed in the last session with a strong bipartisan vote of 146 to 45 on December 12, 2011.

Mr. Speaker, I proudly stand in support of the gentledady from Clarion County's legislation and ask for an affirmative vote. Thank you, Mr. Speaker.

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

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

Mr. TURZAI. Thank you, Mr. Speaker.

HB 818, sponsored by the good lady from Clarion County, does not limit in any manner a woman's ability to access abortion services. It does not limit a woman's ability to choose to have an abortion. The bill does not create any additional barriers for a woman to receive abortion services. The bill does not contravene Federal law in terms of Obamacare or other Federal jurisprudence related to the public funding for abortions. The bill simply maintains the status quo related to public funding, none, of abortions in Pennsylvania except in the instances of rape, incest, and the life of the mother.

What does HB 818 do? HB 818 would allow the Commonwealth to opt out of abortion coverage on the health insurance exchange under Obamacare. This is an important point. Opting out of covering abortions in a health insurance exchange is specifically authorized under Obamacare, the Patient Protection and Affordable Care Act, the Federal health-care reform plan. Many States have so opted out. Obamacare specifically permits States to prohibit insurance providers that participate in an exchange with respect to abortion coverage. To assure that elective abortions are not included on the exchange, the Commonwealth must affirmatively opt out by passing a State law.

HB 818 merely but clearly prohibits the taxpayer subsidized insurance from covering elective abortion and merely puts the newly created health exchange in line with long-standing policies in the Commonwealth. Only elective abortion coverage is excluded. The underlying bill absolutely does not address coverage in the cases of rape, incest, or the life of the mother.

I believe in the dignity of each and every human being, woman and man. I believe in the dignity of each unborn child. We are balancing whether or not there is government encouragement or discouragement from having an abortion, which is what you do if you do not opt out versus government staying out of the issue by opting out.

As the previous speaker said, this is consistent with past policy in Pennsylvania and is also consistent with President Obama's own Executive order. The issue here is, if we allow the commingling of abortion coverage on a government-run exchange, it is as if everyone is in fact encouraging this particular procedure and we should be out of the business of deciding. That should be up to each individual woman. We are balancing the position that government should not be in the business of supporting or advocating or encouraging a practice that not everybody agrees with in all circumstances, and by

opting out, we are getting the government out of the position of commingling or intermingling with this particular decision.

Obamacare specifically provided for this opt-out. It was necessary to get the votes on the other side of the aisle to pass it in Washington, DC. It has specifically told the States, you have the ability to get out of this on the exchanges, and in so doing, they had the votes to pass it. We are simply here today opting out of putting that in as part of the exchange that government must by law run. Both the Federal and the State governments are going to be involved, no matter what the decision is on the exchange, in the continued operation of the health insurance exchange. That is how it works. That is how the law of the land is right now. This gets us out of that decisionmaking and leaves that issue as it is in terms of Medicaid coverage today. There is coverage for incest, rape, and life of the mother. It is consistent with that policy just as it is consistent with Obamacare, just as it is consistent with the Executive order, and just as it is consistent with the Abortion Control Act, which is the law of the land and has been for decades.

This is a very understated policy that has had significant bipartisan support, and I ask everybody to please vote "yes" for this reasonable, appropriate legislation. Thank you.

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

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

Ms. DeLISSIO. Thank you, Mr. Speaker.

Mr. Speaker, because I sit on the Health Committee, I have had the opportunity to perhaps read more than some of my colleagues and be part of the discussion to a greater extent than the majority of my colleagues here on this particular issue, and what previously would have applied to a Medicaid recipient is now being extended to private citizens. That is indeed the main difference, and furthermore, these private citizens, not that a Medicaid citizen is not a private citizen, but someone who is not getting their health insurance through Medicaid is currently subjected to this Abortion Control Act, where an abortion procedure would only be permitted under the cases of rape, incest, and to avert the death of the mother. Now that same rule will apply to an individual who is a woman, who has paid for this insurance with their own private dollars, and is now going to be subjected, if that individual chooses to buy her insurance through the exchange, to this same ruling. And the whole idea behind the exchange in the Affordable Care Act, Mr. Speaker, is to provide insurance at a more affordable price. So many, many individuals will be availing themselves of this opportunity to get affordably priced health insurance and now will be subjected to this same ruling, this same limitation, and that, Mr. Speaker, is an intrusion of government in private decisions that have no right to be there.

We did try to amend this bill in committee, and the amendment in committee provided for one additional exception, and that exception was for the health of the mother. So, Mr. Speaker, I think it is very, very important for everybody to understand here that somebody who is paying for this insurance with their private dollars now can only have this procedure covered in the event of rape, incest, or to avert the death of the mother but speaks not to the health of the mother in any way, shape, or form, and there are many instances during pregnancy where someone's health could be compromised by that pregnancy or another health issue could arise, and there is no exception for that, Mr. Speaker.

Also, Mr. Speaker, if this indeed were – these exchanges were—

The SPEAKER. Will the lady suspend a second; I apologize.

The conversations are getting a little loud. I appreciate if the members would just kind of try to keep them down, if at all possible. Perhaps this can move along smoothly then.

The lady may proceed. Thank you.

Ms. DeLISSIO. I appreciate that, Mr. Speaker. Thank you. Because, indeed, this is a very serious issue. It is serious to me and it is serious to my constituents.

Mr. Speaker, if indeed the State and Federal dollars were already involved in these exchanges, we would not even be making this decision here today. We would not even have that option or opportunity, because it is already precluded by the Hyde amendment that no State and Federal dollars can be used for this.

So this is indeed an opportunity for what I think are some very strong personal beliefs to be legislated across the entire Commonwealth of Pennsylvania, and, Mr. Speaker, my job description as a State Representative does not include or should not include liability to legislate my own personal beliefs and impose those beliefs upon my fellow citizens.

So again, if there were State and Federal dollars involved in this discussion, we would not even be having this discussion here today, Mr. Speaker.

And in fact, what people refer to as subsidies in this health exchange are in fact Federal tax credits, and those tax credits will be issued either in advance of somebody participating in the exchange or subsequently, and what individuals choose to do with those tax credits should in no way be limited. We pose no such limitation now on those tax credits.

Mr. Speaker, I have heard HB 1977, the last session, referenced here and it was interesting. As I reviewed the floor debate for that particular debate and reviewed those remarks, there were quite a few inaccuracies that went back and forth, one of them being that HB 1977 would not apply if we chose one exchange over another exchange, and that was not accurate, and I think that is because the Affordable Care Act is very complicated. It is very difficult for all of us to do our homework to that degree to understand the nuances of that, and it is a perfect opportunity therefore then to pass public policy that may not be for the greater good, and this is one of these examples, Mr. Speaker.

So I would like to be very clear that this current law that applies only to those who get their insurance through Medicaid, we are now extending this to citizens who do not have their insurance or care for paid by Medicaid. So we are extending it to other citizens using their own dollars. And again, if the exchanges were benefiting from public funding, we would not be having this discussion today.

Mr. Speaker, I know this is a very difficult decision for many of my colleagues and really, really encourage them before they make a final decision on their vote and they are paying attention to this debate here today, give very thoughtful consideration to what this legislation is doing and what it is not doing to the citizens of Pennsylvania, and not just the citizens but very specifically the women of the State of Pennsylvania. Thank you, Mr. Speaker.

The SPEAKER. Did the lady conclude? I apologize.

The question is, shall the bill pass finally?

On that question, the Speaker recognizes the lady from Montgomery County, Mrs. Dean.

Mrs. DEAN. Thank you, Mr. Speaker.

HB 818 intends to do one thing, ensure that no Pennsylvania dollars are spent on abortion coverage. On that notion, I say, mission accomplished.

The fiscal note from the Appropriations Committee states that the cost is exactly zero dollars. The bill would have no adverse fiscal impact on Commonwealth funds. Let me repeat that, no adverse impact on Commonwealth funds. But our own Appropriations Committee chair, the august chair, stated that in fact no Commonwealth dollars are at risk. While I think this is yet another not so thinly veiled attack on women's rights, like past measures of increasing facilities to levels that are medically unnecessary or forcing invasive medically unnecessary procedures, we do not even need to go there.

Even more basically, this is an attack on the right of women to enter into a contract for insurance with her own money, limiting my right to buy insurance. God forbid my daughter or your daughter had to face some critical health decisions based on a rape or based on a pregnancy that jeopardized her health. The last body I would want to consult would be this legislative body.

Puzzling to me is that there is no such treatment of men as this does. For example, why not a carveout for insurance coverage for men seeking elective vasectomy? Why no such thing? Why the unequal treatment of women? Are we chattel, unable to make our own private insurance and health choices? I thought we fought and won that battle a long time ago.

Mr. Speaker, this bill is unnecessary. It is an empty vessel. It is empty of dollars. It is empty of substance. I urge a "no" vote on HB 818.

Thank you, Mr. Speaker.

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

On that question, the Speaker recognizes the gentleman from Philadelphia County, Mr. Thomas.

Mr. THOMAS. Thank you, Mr. Speaker.

I am trying to kind of get a handle on this conversation on this day at this time, and so to that end, I would like to ask the author of the bill if she would stand for interrogation.

The SPEAKER. The lady indicates she will stand for interrogation.

The gentleman will just suspend one second.

I appreciate if the members would hold the conversations down, especially with interrogation. It is hard to hear back and forth sometimes. I appreciate the members' courtesy.

The gentleman, Mr. Thomas, may proceed.

Mr. THOMAS. Thank you, Mr. Speaker.

Madam Speaker, has Pennsylvania adopted the affordability care act?

Ms. OBERLANDER. Mr. Speaker, there is no adoption of the Affordable Care Act. It is a Federal act.

Mr. THOMAS. Pardon me?

Ms. OBERLANDER. It is a Federal act. We do not have to adopt.

Mr. THOMAS. Madam Speaker, if I am correct, the then Attorney General, the Governor who was then Attorney General, filed a complaint asking to restrain Pennsylvania from application of the Federal law. Is that correct?

Ms. OBERLANDER. That is correct, but the Supreme Court held that it was constitutional.

Mr. THOMAS. So has the complaint been disposed of? I mean, has it been withdrawn or has the court ruled on the application of that law in Pennsylvania?

Ms. OBERLANDER. Mr. Speaker, there are some cases still pending, so I do not have an answer for your question.

Mr. THOMAS. Okay, Madam Speaker, because I thought that we have to run this 120-day period before the court would either respond or the Attorney General will have an opportunity to respond to the complaint that was filed by then Attorney General.

Ms. OBERLANDER. Mr. Speaker, I am not positively sure which complaint that you are discussing, so I do not have an answer to your question.

Mr. THOMAS. Thank you, Madam Speaker.

So, Madam Speaker—

The SPEAKER. Will the gentleman suspend.

Just as a matter of parliamentary procedure, I would remind the members that even when in interrogation, technically you are asking the questions to the Speaker, "Mr. Speaker," even though you may be speaking to a woman who makes you want to say "Madam." The two members technically—

Mr. THOMAS. I am not going to call you madam.

The SPEAKER. —are not talking to each other. They are talking to the Speaker as a matter of kind of keeping things, so it is "Mr. Speaker."

Mr. THOMAS. I am going to try to work with it, but I am not going to call you Madam Speaker.

The SPEAKER. No. I am Mr. Speaker.

Mr. THOMAS. I will try to work with you.

The SPEAKER. And you are to direct the questions to "Mr. Speaker" and the responder, even though technically you are talking through the Speaker.

Mr. THOMAS. Okay, Mr. Speaker.

Mr. Speaker, is it possible for the madam speaker to answer the question of whether Pennsylvania plans to comply with the affordability care act?

Ms. OBERLANDER. Mr. Speaker, the Supreme Court upheld that this was a tax and that we were required to move forward—

Mr. THOMAS. Pardon me?

Ms. OBERLANDER. —with the Affordable Care Act. The Supreme Court upheld that it was a tax.

Mr. THOMAS. Excuse me; "Affordable," Mr. Speaker, to the madam speaker.

Thank you, Mr. Speaker. I have concluded my interrogation.

The SPEAKER. Does the gentleman seek recognition on the legislation?

Mr. THOMAS. Thank you, Mr. Speaker.

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

Mr. THOMAS. Mr. Speaker, I am troubled, and I am more troubled by the confusion or the absence of both sides of the aisle having a basic set of facts, access to a basic set of facts.

The affordability act was signed into law, was challenged by Congress or some groups. The court ruled on the constitutionality of the law and pointed out some basic facts about the law, but in the Commonwealth of Pennsylvania and a number of other States, Attorneys General and/or Governors went into court and challenged not the constitutionality of the law but the application of the law in their State and whether or not they can accept all of what was signed into law or whether they could accept part of what was signed into law. But the fact is, there is a viable complaint on the application of the law in

the Commonwealth of Pennsylvania. And so, Mr. Speaker, if there is an agreement on that, HB 818 stands as a preemptive strike on the application of the law in Pennsylvania. It is a preemptive strike. It is a decision that we are seeking without a decision on whether or not we can implement the law fully in the Commonwealth of Pennsylvania.

And it is sad that we are using women; I will say that again, it is sad that we are using women as a way of testing the viability of the law in Pennsylvania. This bill specifically talks about what will be prohibitive in the Commonwealth of Pennsylvania, and what we are talking about as being prohibitive is no more than a restatement of what has been Federal law. You cannot use public funds in any way, and that law is clear. That has been the law for some time now. And so for my colleagues on both sides to engage in a preemptive strike on something which is settled law and not applicable in Pennsylvania until the courts clear up arguable questions that have been put before the court on the application of the law in Pennsylvania.

And, Mr. Speaker, we have devoted some time – and I am sure that there is a list of other speakers – but, Mr. Speaker, is this the right time and the right circumstances? We do not have a practice in Pennsylvania of using public dollars in inappropriate ways as a matter of public policy. We are not doing that. So why do we need the preemptive strike today under these circumstances, and especially when you line it up with the fact that unemployment in Pennsylvania is high and explosive in many of our counties – Carbon County, Cameron County, Pike County, Philadelphia County?

And, Mr. Speaker, furthermore, I cannot get a hearing on whether or not pregnancy is considered a preexisting condition and therefore denied access to care. That is a fundamental question. We should not be having that kind of debate in the 21st century on whether or not pregnancy is tantamount to a preexisting condition and therefore represents a bar to access to care. That is a troubling question in the 21st century. Now, that is something that is happening now.

We have thousands of people in Pennsylvania, even babies that do not have access to health care. That is an immediate question that needs to be resolved. We have people right here in the House and in the Senate that need decent wages, need better working conditions. That is an immediate need that requires a resolution now, not tomorrow.

We have been toying around with this question of whether the minimum wage should be increased. That is something that we can talk about now and need to talk about now.

And, Mr. Speaker, this whole question about— And there is some language in this bill which says we prohibit health plans from doing A, B, C. That is what you call a long arm of government that is unnecessary, a long arm of government that is unnecessary.

And so, Mr. Speaker, I just want to kind of conclude with a message from one of our Founding Fathers, Thomas Jefferson, somebody that we can all relate to. Thomas Jefferson said to us and we can apply it today, "The care of human life and happiness, and not their destruction, is the first and only" legitimate "object of...government." We should not, unless we are prepared to engage in policies that improve the care and happiness of Pennsylvanians, we should never engage in policies that can result in the destruction of life rather than the sanctity of life.

HB 818, by whatever standards you use, is going to be destructive to women rather than, rather than an invitation to improving the quality and happiness of their life.

And so, Mr. Speaker, now is not the time. Circumstances are not ripe. Mr. Speaker, we have some tough issues on the table. We need to be about the business of that now. Vote "no" on HB 818 and get on to the real business.

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

On that question, the Speaker recognizes the gentleman from Philadelphia County, Mr. Jordan Harris.

Mr. J. HARRIS. Thank you, Mr. Speaker.

Mr. Speaker, I rise today in opposition of HB 818. For me, Mr. Speaker, this is not about being pro-life or pro-choice. That debate, Mr. Speaker, is for another day and another time. Additionally, Mr. Speaker, I do not proclaim to be an expert on women's reproductive rights or issues. Yet I do stand today as the son of a mother, the brother of a sister, and prayerfully one day the father of a daughter.

In a society that has taken up itself the charge of protecting the weak, it seems odd to me that we would hold hostage resources from a woman who chooses not to be traumatized through carrying to term a child that is the result of rape or incest unless she undergoes the scrutiny and retraumatization of reliving this experience.

Under this bill, Mr. Speaker, women who are victims of rape or incest would be forced to pursue their attackers in a court of law if they know who their attackers are. While it may seem like a good thing to those who have never been through such an ordeal, it should be the right of the woman to pursue in a court of law her attacker.

Mr. Speaker, we are not just simply opting out. We are continuing an ugly practice of blaming and shaming the victims of sexual assault. We are saying to the victims of sexual assault that unless you are willing to prove in a court of law that you have been abused, we will withhold these resources from you.

Mr. Speaker, under this bill, a 16-year-old victim would be forced to make the decision that she must endure the pain and suffering of bearing the child of her relative abuser because she is too afraid to endure the ridicule of her peers and the scrutiny of the legal system. Although many women have found the courage to stand up and face their attackers in a court of law, this bill should not be forcing any woman down that path unless she chooses to herself.

This law forces women into a corner, either press charges against your attacker or your procedure would not be covered. Mr. Speaker, we should not be pushing our mothers, daughters, sisters, or our neighbors into that process.

I believe it is nearly impossible to understand the level of suffering that a victim of rape or incest must carry after that incident, unless you yourself have been a victim of such a horrendous act. However, I do believe that it is our society's accepted role to provide resources for such victims.

Mr. Speaker, I urge my colleagues to vote "no" on HB 818. Regardless if you are pro-life or pro-choice, let us all be pro-support to the victims of such horrific crimes and not force them to relive such events. Thank you, Mr. Speaker.

## LEAVE OF ABSENCE

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

## CONSIDERATION OF HB 818 CONTINUED

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

On that question, the Speaker recognizes the gentleman from—

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

Mrs. BROOKS. A point of order, Mr. Speaker.

The SPEAKER. The lady may state her point of order.

Mrs. BROOKS. I think we have established that there is an exception in this legislation for rape, incest, and health of the mother, but yet continually in these discussions it is pointed out that those are not covered.

So I would just like to point that out for the record or ask for a ruling as far as is it appropriate in accuracy that that is continually pointed out?

The SPEAKER. That is not a point of parliamentary procedure. That is a matter of debate, and the only recourse is if one person says something that another person does not believe is accurate or contained in legislation, then they have to state that in the course of their debate. That is not a point of order.

Mrs. BROOKS. 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. Cutler.

Mr. CUTLER. Thank you, Mr. Speaker.

I rise in support of the gentelady's HB 818, and I would like to clarify the record on a couple points here this afternoon as we are debating this important issue.

Mr. Speaker, I think it is important to note, as the chairman of the Health Committee so eloquently pointed out previously, this is a specific exception that is allowed for under the Affordable Care Act. Mr. Speaker, additionally, this is consistent with our State law and our current policy of not allowing taxpayer dollars to be utilized for abortions.

Additionally, Mr. Speaker, I think it is also worth noting that while the gentelady from Montgomery County argued earlier that there is no State funding that is going towards these services in the future, I would point to an amendment drafted by the gentleman from Allegheny County yesterday that specifically said, should those costs exist, that there would be a reimbursement process for them. Mr. Speaker, if there are no costs, why would there be a reimbursement procedure? It is very clear, Mr. Speaker. The State will incur costs associated with this. We are going to have technological upgrades. We are going to have issues in the Insurance Department where we need to oversee this.

And, Mr. Speaker, I know the gentleman from Lancaster County argued previously in the debate that with that argument, any insurance policy would qualify for State funds. I would like to highlight this point. Mr. Speaker, there is a distinct difference

between regulating insurance, which the department does, and the selling of insurance, which is what the exchange will engage in. Our laws are clear. They allow for this exception, and what the gentlelady's bill simply does is exercise that exception under existing law.

Mr. Speaker, I would offer the following: Had this exclusion and this process not been included, I do not know if the Affordable Care Act would have even passed by the slim margin that it did. I believe those in Washington, DC, recognize that this would be an issue back home in their respective States. I believe, it is fair to say, that there are many States that already have policies consistent with our own that we do not expend State funds on services like this, and, Mr. Speaker, most importantly, they recognize this and they included it in the bill so that States like ours could exercise this option.

I would encourage an affirmative vote on this and to do just that, exercise our option that is allowed under Federal law, that is consistent with State policy, and is needed as we move the exchange forward. 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. Mary Jo Daley.

Ms. DALEY. Thank you, Mr. Speaker.

I rise today to speak in opposition to HB 818.

Currently there are eight States – Idaho, Kansas, Kentucky, Missouri, Nebraska, North Dakota, Oklahoma, and Utah – that prohibit abortion coverage in the private insurance market. However, Pennsylvania law does not currently prohibit private insurance companies from providing coverage for abortions. I am going to say that again. Currently Pennsylvania law does not prohibit private insurance companies from providing coverage for abortions. So HB 818 is a change to the health-care coverage for women, because as written, HB 818 will prohibit any provider participating in the health insurance exchange from offering abortion coverage except in instances of pregnancy by rape or incest or when death of the mother is imminent.

In spite of the fact that *Roe v. Wade* is the law of the land, those who would have the audacity to tell a woman what kind of medical care she can and cannot have have successfully prevented Federal funding for abortion through the Hyde amendment. They now seek to prohibit Pennsylvania women from using their own money to purchase comprehensive health insurance that would provide the health care they need. We need to remember that there is no government insurance in the exchanges, but rather, this is private insurance purchased through the Federal exchange.

HB 818 does not even see fit to grant an exception for the health of the mother. It would even demand that a fetus with absolutely no chance for survival be carried to term. According to the American Medical Association, Federal funding restrictions that deter or delay women from seeking early abortion care make it more likely that women will continue a potentially health-threatening pregnancy to term or undergo abortion procedures that could endanger their health. HB 818 goes a step further and prohibits women from using private dollars to access abortion coverage through the health insurance exchange that could preserve their health and potentially save their life before there is an imminent threat of death.

For the sake of the women in my district and in Pennsylvania, I will vote against HB 818. For the sake of your wives, mothers, daughters, and granddaughters, I urge my colleagues to do the same. Thank you.

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

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

Mr. ROSS. Thank you, Mr. Speaker.

I do recognize the sensitivity of this issue and the very, very strong and deeply held feelings that people have about it, but I want to make sure that we focus this debate correctly and not about many of the other issues that have been discussed here today.

We are not talking about government paying for an abortion. We are not even talking about government paying for insurance for an abortion. We are talking about an insurance exchange, essentially a database that provides information. That database currently is going in Pennsylvania to be provided by the Federal government, not by your State government. So we are really talking about some potential administrative costs to get to the Federal database whereby you will take private dollars and buy insurance with your private dollars.

Now, I do not feel that this is a significant use of State dollars and I do not feel that this bill is appropriate. I think it goes too far in attempting to send a message, perhaps. We can take any State dollars out of this equation. Unfortunately, we did not take the opportunity when this bill was on second. I am hopeful that that might be corrected later. But at the end of the day, we ought to really put the correct scope on this and recognize that the amount of damage that we will do in removing the information from the Web site is greater than the dollars that you are diverting, and on balance, that is the reason why I think that this bill is an inappropriate intervention on our part and that we should vote it down.

## GUESTS INTRODUCED

The SPEAKER. The Speaker would like to interrupt the debate just for a couple of minutes to introduce a couple of guests that are with us. These gentlemen are seasoned true veterans, and I would like to give them a little special recognition.

Located to the left of the rostrum, I would like to welcome David Root, commander, U.S. Navy, retired; along with combat veteran Capt. Sean Parnell, U.S. Army, retired. Captain Parnell is also the author of a New York Times bestseller, "Outlaw Platoon," and they are here today as guests of Representative Metcalfe. Please rise. Gentlemen, thank you for your service to our country.

## CONSIDERATION OF HB 818 CONTINUED

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

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

The lady, Ms. Brownlee, apparently— Thank you.

The lady, Ms. Brownlee, is in order and may proceed.

Ms. BROWNLEE. Thank you, Mr. Speaker.

Mr. Speaker, my purpose of rising today is to remind my colleagues of what happens when you take choices from

women. I want to remind you about a young lady named Savita Halappanavar, a woman who died last year in Ireland, where strict antiabortion laws prevented her from terminating her pregnancy that turned her body against her and killed her from the inside out.

On a Sunday in October, the 31-year-old dentist complains of back pains to her doctor, who determines she should stretch and take it easy. That evening she returns to the hospital in more pain. The hospital performs a blood count, but the results, which would have shown an elevated white count, are not given to her doctor. The next day, at 17 weeks pregnant, Savita's water breaks, and doctors determine that despite the detectable heartbeat, hope is lost for the fetus. Upon being advised of her health risks on Tuesday, Savita first asks for a termination. The request is discussed but not noted in her medical file. She is told that Irish law would not allow for an abortion, despite the fact that Ireland has provisions for abortion similar to Pennsylvania's Abortion Control Act.

Throughout Tuesday, Savita's health deteriorates quickly. During that time sepsis is diagnosed, rather than severe sepsis, because her blood pressure is not low. A termination is still not carried out. On Wednesday, now more than 48 hours after suffering an incomplete miscarriage, the doctor finally determines that a termination is legal and necessary. Before the procedure can be carried out, however, Savita delivers a dead baby. Over the next 4 days, she slips further into septic shock as an E. coli infection rages in her body. On Sunday, barely 1 week after seeing her doctor about back pain, Savita dies at 12:30 a.m. The back pain was later determined to be contractions associated with premature birth.

Now, if you are a mother, as many of us are, or a husband of someone who is a mother, or the father of someone who is a mother, you may want to recall what that person's pregnancy felt like. For most of us, it is a beautiful time, full of new bodily experiences, but for others, like Savita, it is not.

But more to the point of this bill, what does it feel like to not know if everything is all right and what would it be like to have your health choices placed in the hands of an insurance lawyer? Mr. Speaker, these things happen every day, and we need to recognize that by passing this bill, we would aim to put more insurance companies and more lawyers between mothers and their choices. I firmly believe that no pregnant woman wants an abortion and that it is wholly unnecessary and immoral for us to intercede in such affairs.

So in summation, ask yourself, will your name be in this bill's "yes" column when a pregnant woman with an unclear prognosis dies in a Pennsylvania hospital? Because mine will not. Vote "no" on HB 818.

Thank you, Mr. Speaker.

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

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

Mr. PAINTER. Thank you, Mr. Speaker.

Mr. Speaker, during the debate over the Affordable Care Act, I can recall critics of the bill complaining that if it were to pass, it would lead to government coming between doctors and patients, and by golly, if they were not right.

Mr. Speaker, pregnancy and birth is one of the most beautiful events that God, in His grace, allows us to see in this imperfect world, if only everyone was healthy. Unfortunately, that is not the case.

During second consideration, my good friend, the gentlelady from Philadelphia, discussed a hypothetical situation where a pregnant woman discovers that she has cancer and the difficult position that this bill would put her in. Mr. Speaker, I know something of such situations. I know firsthand what it means when a pregnancy goes wrong or seems to go wrong and the difficult decisions that must be made. Mr. Speaker, when that happens, doctors and patients come together and make difficult choices together. Doctors and patients meet in that way every day in this Commonwealth, and they make their decisions without the intervention of the General Assembly. As someone who has been in that situation, I can tell you that the intervention of the General Assembly is not welcome in those situations.

Mr. Speaker, I would like to echo the words of my good friend, the gentleman from Chester County, who pointed out some important facts about the bill before us. It does nothing to change the law concerning abortions. It does nothing to change the law concerning taxpayer funding of abortions. It does nothing to change the law concerning insurance coverage of abortions. It does nothing to change the law concerning taxpayer funding of insurance coverage for abortions.

Mr. Speaker, this bill cynically embraces the very thing it claims to abhor, taxpayer funding, and uses it as leverage to reach private insurance policies purchased privately by private citizens for legal medical procedures.

Mr. Speaker, my good friend from Allegheny County introduced an amendment on second consideration that would have put to rest the issue of taxpayer funding in a way that we could all agree on. I am sorry that the amendment did not pass, but I am sure if we asked him, he would introduce a freestanding bill, and in a matter of a few days, we could all vote on it and in a broad bipartisan way put this issue behind us once and for all. But in order to do that, first we must dispose of the bill before us, and therefore, I urge a "no" vote on HB 818.

Thank you, Mr. Speaker.

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

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

Mr. STERN. Thank you, Mr. Speaker.

We have heard a lot of reasoning here today by the opponents of this legislation dealing with women's health care. There is nothing any more important to me than the health of our women in Pennsylvania. My wife has spent 40 years dedicated to helping women, all income, low income. She has worked for family planning services. She is an ob-gyn (obstetrics-gynecology) nurse practitioner, and her whole emphasis has been about women's health.

We talk about all these scenarios that have been created here today and all these hypotheticals and situations that have occurred. While unfortunate, one of the prior speakers mentioned of a miscarriage and stated that under HB 818, qualified health plans would not cover this, but under HB 818, qualified health plans offered through a health insurance exchange cannot, cannot exclude coverage for any postabortion complication, any miscarriage, or any complication associated with a miscarriage. That is completely not accurate.

I am just trying to bring the accuracies of this legislation. This legislation does not prohibit an individual from purchasing abortion coverage for a separate premium outside a health insurance exchange.

We keep on mixing and intermingling here insurance exchanges and health insurance and what we are selling in insurance plans. We are trying to confuse everyone that is on the floor here today when this is quite simple. This bill regulates the use of public funds for abortion services to maintain consistency between the Federal law and the State law, the Abortion Control Act, here in Pennsylvania. We have already heard what those three exceptions are in Pennsylvania. And again, we can reemphasize what those three exceptions are. We have heard them over and over again – rape, incest, and the life of a mother. It is already in the act. We are not changing anything related to that. Nothing in this bill places greater burden on women seeking to obtain an abortion. Nothing in this bill limits a woman's ability to choose to terminate a pregnancy.

I have no doubt that, if challenged, the courts will quickly dismiss any constitutional challenge that is based on the idea that this bill violates the equal protection clause of the 14th Amendment. This bill does nothing to discriminate against a suspect class.

Furthermore, the United States Supreme Court has addressed this issue already in their 1977 decision, *Maher v. Roe*, and in that decision the Court held that there is no constitutional obligation for the State to pay for an abortion or any medical expense. The arguments that women cannot afford these services but for receiving it through the insurance exchange needs to be set aside as the Supreme Court held, citing the *San Antonio School District v. Rodriguez* and *Dandridge v. Williams*, "...has never held that financial need alone identifies a suspect class for purposes of an equal protection analysis."

Simply put, this bill limits the use of public funds. It coincides and keeps a long-standing policy of 30-plus years, going back to the time of Gov. Bob Casey. Gov. Bob Casey, from that period of time to this period of time in history, this is the policy that Pennsylvania has put in place. This is the policy that has been in place for 30-some years.

Simply put, the bill limits the use of public funds – to build the infrastructure of the health insurance exchange, to oversee the products offered in the health insurance exchange, and to maintain the health insurance exchange – in a manner that is consistent and has been consistent with State law, the Affordable Care Act, which enables us to enact this legislation today, and also President Obama's Executive order, and we have heard that mentioned numerous times here before us.

So to invent all these news stories and scenarios before this General Assembly today to confuse everyone here and to make this a war on women, it is not a war on women. My wife has dedicated her entire life for the protection of women, for their health care, for their benefit. And as a matter of fact, I was reading obstetrician and gynecology books even over the weekend, trying to understand everything that would be covered here during this debate today, and I got them from my wife's doctor that she works for. There is no one in Pennsylvania that is more concerned about women's health than my wife. She has dedicated 40 years of her life to women's health issues.

And other than making this a woman's health issue, it is not. It is just keeping in place the public policy about using taxpayer money for abortions, which has been in place for 30-plus years, and I would urge us to adopt HB 818. Thank you.

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

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

Mr. SANTARSIERO. Thank you, Mr. Speaker.

Mr. Speaker, I would like to make a number of points, and bear with me, because allergies and a cold have kind of clouded my head and my voice. So if I am a little difficult to understand, please bear with me.

The point has been made several times over the last few days in discussion of this bill that all this bill is about is bringing us into compliance with Federal law with the idea that public funds should not go toward funding abortions. And if indeed that were the only issue that was in front of the House today, this would be a relatively straightforward and simple matter and we would not have spent the last couple of hours so far debating it, but, Mr. Speaker, that is not so. And one need look no further than the fiscal note that was issued on this bill just yesterday that states clearly that not a dime of Commonwealth money is being implicated one way or the other with respect to this bill.

The issue in front of us today, and we cannot lose sight of this, is whether or not women will have access to private health insurance through the exchanges that would cover the right to an abortion. That is all, that is all that is in front of us. There is absolutely no need, no need to exclude the right to an abortion under the exchanges.

I heard an argument earlier, and you must forgive me because I do not remember at this point which speaker it was, but I heard an argument that, no, in fact, there is public funding implicated in this issue because the exchanges themselves are being set up by the Federal government and that involves Federal money and therefore Federal money is implicated. That is a specious argument, and it is for the following reason: because the only issue here again is whether or not a private individual has the right to purchase private insurance to cover abortions. This is not an issue of public money going to fund abortions, period.

But there is a secondary issue and it is no less important, and that is the fact, Mr. Speaker, that if this bill were to pass, it would have a real impact on the ability of women to obtain an abortion, because, Mr. Speaker, it will have an impact on the ability of a woman to be able to afford the procedure because an important insurance alternative would no longer be available.

And we have heard several arguments so far in this debate that there would always be some other insurance that could be purchased outside of the exchange that would cover the procedure and therefore there would not be any problem. But we have been shown no proof that there are carriers that are willing to underwrite those policies, we have heard nothing about what the cost would be, and so we are left with only one conclusion, and that is, to be able to have the procedure, if this bill were to pass, these women would have to pay out of pocket and, in many cases, would not be able to afford it.

Mr. Speaker, that being the case, despite what some of the previous speakers have said, this bill does indeed raise some pretty significant constitutional concerns. The controlling case is the Supreme Court's case of *Planned Parenthood v. Casey*, which involved our own Abortion Control Act, and the salient piece in the court's holding in that case is really two parts. One, that the court cannot – that a State cannot impose an undue burden on a woman's ability to obtain an abortion, and in that case what the Court said was that the State cannot institute a substantial obstacle in the path of being able to get an abortion, and for the reasons I just stated, making the abortion, frankly, unaffordable is a substantial obstacle, and therefore I believe

that, ultimately, if this bill were to become law, it could be struck down on that ground alone.

But perhaps even more importantly and I think clear without a question is the second piece of what the *Casey* decision stood for in affirming the previous decision of *Roe v. Wade*, and that is that any State restriction on abortion, any State restriction on abortion must have two exceptions. It must have an exception to account for the life of the mother and it must have an exception to account for the health of the mother. And despite what the gentledady from Crawford County said earlier, this bill does not address the issue of the health of the mother. It does not. In fact, an amendment that would have addressed the health of the mother was defeated in committee, it was defeated in committee, and as some previous speakers have already indicated today, the only three exceptions in this bill are the three that are in the Abortion Control Act, which are life of the mother, rape, and incest. Health of the mother is not included. That is in direct and clear contravention of the Supreme Court's holding both in *Roe v. Wade* and as reaffirmed in *Planned Parenthood v. Casey*.

### CONSTITUTIONAL POINT OF ORDER

Mr. SANTARSIERO. It is clear, Mr. Speaker, clear that this bill is constitutionally infirm, and I believe it would be challenged as such and defeated and ultimately overturned, rather, if it does ultimately pass this legislature and is signed into law, but, Mr. Speaker, at this point I think I am not going to wait for that.

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

The SPEAKER. The gentleman may state his motion.

Mr. SANTARSIERO. Mr. Speaker, I move that HB 818 violates the 14th Amendment of the United States Constitution and therefore is unconstitutional.

The SPEAKER. The gentleman, Mr. Santarsiero, raises the point of order that HB 818 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. Does the gentleman seek recognition on that issue?

Mr. SANTARSIERO. Mr. Speaker, I would like to reserve my right to comment after any other comments have been made on the motion, if I may.

The SPEAKER. The question on constitutionality, those—

Is the gentleman, Mr. Cohen, seeking recognition on constitutionality? The gentleman from Philadelphia, Mr. Cohen, is in order.

Mr. COHEN. Thank you, Mr. Speaker.

I think the gentleman from Bucks County has given a very succinct and very accurate description of what the law is and why this law is not constitutional.

I would suggest, in addition to weighing my colleague from Bucks County's very profound argument, I would suggest that we ought to think through the practical effects of what this is, because dealing with the practical effects makes clear how deeply this bill violates the Constitution.

Under *Roe v. Wade*, the Supreme Court held that stopping abortions violated a woman's right to privacy. Under *Planned Parenthood v. Casey*, they held that no regulation on abortion could create an undue burden on the right to have an abortion. Now, let us keep these two standards, which are complementary – a right to privacy and an undue burden – in mind as we think about what happens when a family seeks to buy abortion coverage under Pennsylvania law if this bill is signed into effect.

Now, Mr. Frankel has given us his expert opinion that there will be no abortion coverage offered because this kind of coverage for a single condition simply does not exist. Well, if there is no abortion coverage offered, then people are not going to be able to get it and then that certainly is an undue burden. It is restricting a woman's right to privacy to choose abortion.

Now, let us suppose, however, that because of significant public demand, the insurance industry reverses its field and says, okay, for this special case we are going to offer coverage for an abortion and then they would proceed to offer this coverage in a manner similar to their offering other coverages. They would want to know, what is the risk in any given family of any member of that family having an abortion? So they would want to know what the age of the female members of the family are, what their health is. Are they capable of bearing children? Will they be capable of bearing children in the future? And then they would want to know, well, how sexually active are those women who are capable of bearing children? And it would seem to me they would want to know that on a fairly regular basis because that affects the risk and that affects the insurance premium. And they would be asking questions about, what are people's attitudes toward premarital sex? Exactly how intimate is the relationship between a woman and her husband, between a woman and her boyfriend? And all these questions, Mr. Speaker, are questions that people normally in this society do not ask and normally they do not answer, and having special abortion coverage would basically place the insurance industry that offers this coverage, if indeed any company does offer that coverage, in a position of violating a woman's privacy.

So I think this bill is clearly unconstitutional. It is unconstitutional if there is no abortion coverage and it is unconstitutional if there is abortion coverage, because if there is abortion coverage, then the questions of the insurers will inherently have to be intrusive and violative of the privacy of the women covered.

For all these reasons I would urge a "no" vote on the constitutionality of this act.

The SPEAKER. On the question of constitutionality, the Speaker recognizes the gentleman from Lancaster County, Mr. Cutler.

Mr. CUTLER. Thank you, Mr. Speaker.

I rise to oppose the motion of constitutionality for a variety of reasons, which I would like to briefly outline here.

Mr. Speaker, if you believe this logic that the bill as drafted is unconstitutional, you need to look no further than the Affordable Care Act to find the language in which it is based. So a vote that this bill is unconstitutional would also mean that the Affordable Care Act itself is unconstitutional because it is what allows the exception.

Furthermore, Mr. Speaker, I believe we should take a greater look at some of the other areas that include these exceptions that we are simply reinforcing with this bill, whether it be the Hyde

or the Stupak amendments at the Federal level or even our own Abortion Control Act that the gentleman cited in making the motion to begin with.

Mr. Speaker, it is important to note that *Planned Parenthood v. Casey* just was not the challenge of any Abortion Control Act. It was the challenging of our Abortion Control Act that was upheld by the United States Supreme Court.

Mr. Speaker, the one flaw in the gentleman's logic can actually be pointed to in *Roe*. He keeps talking about the health exception. Mr. Speaker, quoting from *Roe v. Wade*, it says, "Only when the life of the pregnant mother herself is at stake, balanced against the life she carries within her, should the interest of the embryo or fetus not prevail." Mr. Speaker, this decision was a plurality decision. It means that there were a variety of decisions in concurring and dissenting opinions. It was not a straight 9-0 opinion. It was not even a straight 5-4 opinion because there were separate distinctions in the act. So you have to look deeper into Federal case law to find out how this is applied.

Mr. Speaker, the most recent abortion act challenges involve the *Carhart* decision, *Gonzales v. Carhart* in 2007. The Supreme Court sustained the constitutionality of Federal legislation aimed at a law that banned the practice known as partial birth abortions, and in that case, Mr. Speaker, they did affirm part of *Planned Parenthood v. Casey*, and it was as follows. There were three conditions: "(1) women have the right to choose to have an abortion before fetal viability without undue interference from the state; (2) after viability, the state is empowered to restrict abortions if the law contains exceptions for pregnancies endangering a pregnant woman's life or health;" – which our current Abortion Control Act does – "and (3) the state has a legitimate interest from the outset of pregnancy in protecting the health of the woman and the life of the fetus that may become a child." This can be found in *Carhart*. The specific case site is 550 U.S., page 145. In effect, the *Casey* judgment had established a balancing standard and then *Carhart* established the standards by which that balancing test would be applied.

Mr. Speaker, this bill is clearly constitutional and we should defeat this motion. I would urge a "no" vote.

The SPEAKER. On the question of constitutionality, the Speaker recognizes the gentleman from Montgomery County, Mr. Bradford.

Mr. BRADFORD. Thank you, Mr. Speaker.

To follow up on the gentleman from Lancaster, I think he makes a great point. He says that if you believe that this bill is unconstitutional, then you believe that the Affordable Care Act is unconstitutional. But I think if the gentleman was here and under interrogation, he would admit that he believes that the Affordable Care Act is unconstitutional and he would make the argument that the reason why the Affordable Care Act is unconstitutional, as was made at the Supreme Court by our then Attorney General, now our Governor, he made the argument that to force an individual through the personal mandate, an idea that was put into discourse as public policy by the Heritage Foundation, to force an individual to purchase private insurance through the personal mandate violated their constitutional rights.

Well, today we have a bill that would tell Pennsylvania's women that they cannot use private dollars to buy private insurance through a private insurance exchange to buy the health care of their choice. The logic that is employed here,

I would argue, is hypocritical, but to the point of the motion in front of us, it is unconstitutional.

Yesterday, in what I would argue was a rather novel understanding of equal protection and constitutional law, the gentleman from Lancaster put forth an idea that it violated equal protection of the 14th Amendment of the Constitution to expand the exceptions for the right of a woman to receive reproductive health care under the Constitution if those exceptions were anything broader than the language in the Abortion Control Act. What the gentleman forgets to mention is the Abortion Control Act speaks to a very distinct subset of law. It is those abortions that are permitted to use State funding. Let us be clear. In Pennsylvania today, pursuant to the Abortion Control Act, there is State funding of certain abortions. There is a subset of those abortions that are the result of rape or incest or the life of the mother, which Commonwealth taxpayer funds today go to fund those abortions for exceptional circumstances.

There was an amendment yesterday put forward that would have expanded the meaning of those exceptions to cover every woman who is a victim of rape or incest. Citing the Abortion Control Act, the gentleman says that we can only cover a certain subclass of victimized women. We cannot cover all women who are the victims of rape, but we can only cover those in which the rape "...has been reported, together with the identity of the offender, if known, to a law enforcement agency having the requisite jurisdiction and has been personally reported by the victim." Again, not all women who are the victims of rape have the right to abortion, but under the Abortion Control Act, the very language that is being inserted in this bill, those women who have been victims, those young women who have been the victims of incest, who have personally reported to a law enforcement agency having the requisite jurisdiction or the agency of the county child protective service agency or the other party to which the incestuous act has been named in such report.

So to be clear, what the gentleman from Lancaster has put forth to this body is an exceptional understanding of equal protection jurisprudence, that some victims of rape are more eligible for reproductive health care than others, that some women who are the victims of incest are more willing of this body's generosity and support than others. That, the gentleman put forth yesterday, was a violation of equal protection if we expanded the jurisprudence any further, if we made these exceptions broad enough to cover every woman, every victim, every child. That violated equal protection, but today, today in a bill that would keep a very narrow exception, an exception that is in law, to be clear, not to talk about private health insurance but to talk about publicly paid-for reproductive services under the Abortion Control Act. I think that the gentleman is misguided in his understanding of equal protection, but I think the gentleman from Bucks County, who has raised a very valid substantive due process issue, is right on target. He has made clear that this bill under *Casey* presents an undue burden, an undue burden to those women who wish to exercise their constitutional right.

These bills are nothing more than not very veiled attempts to prevent women from exercising their reproductive rights. They are unconstitutional. Unfortunately, it is not the first time in this legislature that this body has attempted to minimize the rights of women. This body believes it knows better, but when it engages in acts like this that affect those women who have been violated in terms of rape and incest, this body goes too far. It goes too far

in that it violates the Constitution of the United States, and that is why I stand in support of the motion from the gentleman from Bucks County and thank the Speaker.

The SPEAKER. On the question of constitutionality, the gentleman from Westmoreland County, Mr. Krieger, is recognized on the motion of constitutionality.

Mr. KRIEGER. Thank you, Mr. Speaker.

I rise to take exception to the gentleman who spoke previously's understanding of both the gentleman from Lancaster's argument and his understanding of the Constitution. If I understood his argument correctly, he is saying that the gentleman from Lancaster was somehow hypocritical to believe that under the Affordable Care Act, it should be unconstitutional to force someone to buy insurance. And I do not know if that is the gentleman's position, that certainly – I would agree with that position. I do not think it is at all hypocritical to then take the position that this bill is constitutional. If I understand the gist of the arguments on the other side with regard to this bill is that it is unconstitutional because it does not pay for someone's abortion. I think that is fundamentally opposed to, on one hand saying it is unconstitutional for someone to buy insurance, which we are not doing here, and to say on that side that it is unconstitutional because it does not buy that insurance for that person.

The last argument I would make regarding the Abortion Control Act, this bill contains the same exceptions, so if you vote that this bill is unconstitutional, you must thereby be saying that the Abortion Control Act is unconstitutional. The only problem you have there is the Supreme Court has come to a contrary conclusion.

So I would urge the members to support the constitutionality of HB 818. Thank you.

The SPEAKER. On the question of constitutionality, the gentleman from Bucks County, Mr. Santarsiero.

Mr. SANTARSIERO. Yes.

The SPEAKER. I cannot guarantee.

Mr. SANTARSIERO. I understand. Thank you. Thank you, Mr. Speaker, I understand.

Mr. Speaker, a number of points I would like to make in response to some of the arguments that were just made.

First of all, the last speaker talked about the Abortion Control Act and how the very same exceptions were in the Abortion Control Act, and therefore if those exceptions are not adequate in this law, then they must render the Abortion Control Act unconstitutional as well. I think it is an excellent argument. The fact of the matter is that in *Planned Parenthood v. Casey* that aspect of the Abortion Control Act was not at issue before the Court. So the Court did not pass on that part of the act. So it remains to be seen and I think a challenge to the Abortion Control Act could easily be made, and likely, the act itself would be found unconstitutional. But that is not the issue in front of us today. The issue in front of us today is this particular bill and whether or not this particular bill is unconstitutional.

Now, the gentleman from Lancaster County talked about a more recent case dealing with abortion and the constitutionality of abortion in which he quoted the Supreme Court, and the salient quote from the holding in that case from the Supreme Court that the gentleman read into the record just moments ago is the very same language that exists, that is in *Planned Parenthood v. Casey*, and it is the very same language that renders this particular bill unconstitutional. And what is that? The Court found that there has to be an exception when there is

an endangering of the health of the mother. That is what they said in the case that the gentleman cited.

Well, it is exactly what they also said in *Planned Parenthood v. Casey*, on page 846, "...the State's power to restrict abortions after fetal viability, if the law contains exceptions for pregnancies which endanger the woman's life or health...." On page 880 of *Planned Parenthood v. Casey*, "...for the essential holding of *Roe*" – which the Court upheld – "forbids a State to interfere with a woman's choice to undergo an abortion procedure if continuing her pregnancy would constitute a threat to her health."

Mr. Speaker, it is clear, this bill does not contain an exception for the health of the mother, and as a consequence, under both *Roe*, under *Planned Parenthood v. Casey*, and even under the decision that the gentleman from Lancaster cited today, this bill is unconstitutional on that basis alone. But as the gentleman from Montgomery County rightly pointed out and as I stated at the outset, it is also unconstitutional because it imposes an undue burden on women. And why does it do that? Because once again, it makes it nearly impossible for certain women to be able to get insurance coverage, and that is what we are talking about here today.

If your concern is that no public money go to fund abortions, then you should not have a problem. You should not have a problem with the insurance exchanges absent this bill because it is not going to happen anyway. But you should be concerned about voting for a bill that is clearly unconstitutional, and therefore I ask that you support the motion. Thank you.

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—142

Adolph	Farry	Kotik	Petri
Aument	Fee	Krieger	Pickett
Baker	Fleck	Kula	Pyle
Barbin	Flynn	Lawrence	Quinn
Barrar	Gabler	Longietti	Rapp
Benninghoff	Galloway	Lucas	Ravenstahl
Bizzarro	Gibbons	Mackenzie	Readshaw
Bloom	Gillen	Maher	Reed
Boback	Gillespie	Major	Reese
Brooks	Gingrich	Maloney	Regan
Brown, R.	Godshall	Markosek	Roae
Burns	Goodman	Marshall	Rock
Caltagirone	Greiner	Marsico	Saccone
Carroll	Grell	Masser	Sainato
Causer	Grove	Matzie	Samuelson
Christiana	Hackett	McGinnis	Sankey
Clymer	Haggerty	Mentzer	Saylor
Conklin	Hahn	Metcalfe	Scavello
Corbin	Hanna	Metzgar	Simmons
Cox	Harhai	Miccarelli	Smith
Culver	Harhart	Micozzie	Snyder
Cutler	Harkins	Millard	Sonney
Daley, P.	Harper	Miller	Stephens
Davidson	Harris, A.	Milne	Stern
Day	Heffley	Mirabito	Stevenson
Deasy	Helm	Moul	Swanger
Delozier	Hennessey	Mullery	Tallman

Denlinger	Hess	Murt	Taylor
DiGirolamo	Hickernell	Mustio	Tobash
Dunbar	James	Neuman	Toepel
Ellis	Kampf	O'Neill	Toohil
Emrick	Kauffman	Oberlander	Truitt
English	Kavulich	Payne	Turzai
Evankovich	Keller, F.	Peifer	Vereb
Everett	Keller, M.K.	Petrarca	Watson
Farina	Knowles		

## NAYS—55

Bishop	DeLissio	Kinsey	Ross
Boyle, B.	DeLuca	Kirkland	Rozzi
Boyle, K.	Dermody	Kortz	Sabatina
Bradford	Donatucci	McCarter	Santarsiero
Briggs	Evans	McGeehan	Schlossberg
Brown, V.	Fabrizio	Miranda	Sims
Brownlee	Frankel	Molchany	Sturla
Clay	Freeman	Mundy	Thomas
Cohen	Gainey	Neilson	Vitali
Costa, D.	Gergely	O'Brien	Waters
Costa, P.	Haluska	Painter	Wheatley
Daley, M.	Harris, J.	Parker	White
Davis	Keller, W.	Pashinski	Youngblood
Dean	Kim	Roebuck	

## NOT VOTING—0

## EXCUSED—4

Cruz	Killion	Mahoney	McNeill
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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. On that question, the Speaker recognizes the gentleman from Philadelphia County, Mr. O'Brien.

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

I will be very, very brief. Let us consider for a moment, in very recent history it was not uncommon for a woman to die in childbirth, the child to be born stillborn, or the mother and child to die; very recent history. Mr. Speaker, what we are doing here is simply denying good health care as a woman enters into the most perilous endeavor she will ever undertake.

This is a question of choice. It is a question of the choice of a woman how to spend her money. It is a question of choice, the woman's choice to follow the advice of her doctor. But what this is not is an abortion question.

The right and the just thing to do is to support a woman's right to ensure good health care, and I would urge a "no" vote.

## REMARKS SUBMITTED FOR THE RECORD

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

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

Mr. STEPHENS. Mr. Speaker, I just have some remarks I would like to submit for the record, please.

The SPEAKER. The Speaker thanks the gentleman.

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

Mr. Speaker, I rise to comment on HB 818.

While I fully support the concept that public funds should not be used for abortion services, I urge the Senate to amend the bill to provide a broader exception to protect a woman's health. I was disappointed an amendment to provide for a broader exception for women's health was withdrawn at the last minute and not considered during the amendment process on this bill. While I do not believe there will be large numbers of women who will be adversely affected by the existing language, I do believe that providing for a broader exception for women's health would help ensure that no woman would be adversely affected.

I believe we can maintain our existing policy that public funds not be used for abortion services while protecting women's health through a broad-based women's health exception amendment to the bill before it is enacted.

Thank you, Mr. Speaker.

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

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

Mr. McCARTER. Thank you, Mr. Speaker.

I rise today to urge a "no" vote on HB 818.

"Don't tread on me!" I have seen those words all over the Capitol today. HB 818 aims to control how Pennsylvania's women and families may utilize their own money when purchasing health insurance within the Federal health-care exchange. Let me repeat that, their own money. Mr. Speaker, how would all the supporters of the Second Amendment react to a bill that said they could not use their money to purchase insurance for their guns in Pennsylvania?

Current law already prohibits the use of Pennsylvania taxpayer dollars for abortion services pursuant to the Pennsylvania Abortion Control Act. Likewise, current law prohibits Federal taxpayer dollars from being used to fund abortion services, other than in the case of rape, incest, or the life of the mother. Therefore, Mr. Speaker, if no Pennsylvania taxpayer dollars may be used to fund abortions and no Federal taxpayer dollars may be used to fund abortions, then I am very puzzled by what we are facing here with HB 818. I wonder if it is really the intention of this chamber to limit how individuals may spend their own personal money, and if so, I challenge where this line of thinking will end.

HB 818 sets a precedent, Mr. Speaker, and it seems it is meant to send a message to Pennsylvania's women and families that government does have a right to determine how they spend their personal health-care dollars, at least when it comes to insurance coverage for abortion services. However, Mr. Speaker, this line of thinking flies in the face of those who believe that government should play less of a role in individual's lives. Voting "yes" on this bill would also fly in the face of those who often like to argue that government has no place in mandating educational standards or that we should not be in the business of building roads or funding prescription drug programs for seniors.

For those legislators here today who hold true to the principle of government having no place in interfering with an individual's personal freedoms, they cannot vote "yes" on this bill today. Well, I guess they can, but they are going to have a hard time defending themselves back in their districts as a

champion of individual liberties and freedoms, Mr. Speaker. This is not just any abortion bill. This bill strikes at the very core of what so many members hold true to their very basic political beliefs; the belief that government has no place in controlling personal rights, liberties, and freedom.

Mr. Speaker, I urge all those members who are considering voting "yes" on this bill to be very aware of the action that they are taking here on the House floor today. A "yes" vote on this bill is a policy statement in favor of limiting personal freedom, liberty, and legal rights. Mr. Speaker, this chamber should not be treading on the women of Pennsylvania.

Thank you, Mr. Speaker.

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

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

Mr. GAINEY. Thank you, Mr. Speaker.

I am urging my colleagues to vote "no" on HB 818.

Maybe we have not learned one thing that we should have from the Federal elections, that dictating what a woman can do shall not be tolerated in the United States. We have an obligation to make sure that we give access to all Pennsylvanians, not try to limit the access that they have. We have that obligation. We look at it right now and we are saying that the tax credit that individuals will receive from participating in the exchange will be valued solely on the amount of money spent by individuals on the insurance exchange, excluding abortions.

There are no tax dollars in this. We should not be saying that there are tax dollars in this when there are not. We have an obligation to tell Pennsylvanians the truth. We have an obligation to let them know that right now if you are looking at the health of a woman, whether she has cancer, whether it is kidney, who is going to pay for that? Why are we going backwards when you know we have an obligation to go forward? We cannot continue to take steps back and limit women's health knowing that they need coverage. We cannot keep saying that we are going to send them to a free market, a market where they can purchase abortion and it does not even exist. Why do we continue to do what we know on the Federal level did not work in the election, and that is deny people access.

We have an obligation and I am asking my colleagues on both sides, let us not play the ideology type of a game. Let us play a game that makes it easier for Pennsylvanians to be able to live healthy lives. Allow this chamber today to vote this down, and let us do it for the sake of women.

As a father of two, I want my daughters to have the choice. I want it to be between my God, my family, and their doctors on what they should do, not devise the lies or create alibis about things that do not exist such as a rider that nobody knows whether the market is here today or not.

Let us vote this bill down, and let us give women what they rightfully deserve, and that is called access. Thank you.

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

On that question, the Speaker recognizes the gentleman from Philadelphia County, Mr. Waters.

Mr. WATERS. Thank you, Mr. Speaker.

HB 818 places limits on what Pennsylvanians may do with their own hard-earned money. The majority party has lamented about big government and Obamacare. Yet this intrusion into the most personal, private aspect of an individual's life somehow seems acceptable to some people.

We have been told that this legislation would cover medically safe procedures in these three cases: rape, incest, and to avert the death of the mother. But that is not entirely the case. Not all rape victims would be covered. Only the 40 percent of rape victims who report their cases to law enforcement would. Are we questioning the legitimacy of the statement of a victim who has been traumatized in the most heinous possible way?

How many of us in this room are doctors, nurses, or nurse midwives? Are we certainly not aware of what is best for the woman in the case-by-case basis? Every woman is different and every circumstance is different and every case is different. There is no exception in this bill for cases where a woman's health is in extreme jeopardy. Sure, there is an exception for when her death is imminent, but to comply with this law, her physician must wait until her condition becomes absolutely grave, her pregnancy more advanced, before her insurance will pay for this life-saving procedure. This makes an already gut-wrenching decision that much more awful for a woman whose pregnancy started out as a planned and happy event.

I am not sure that what I have to say here is going to change anyone's mind. I am not an illusionary. But I want all of you to think about this: Imagine a woman – she might be your wife; she might be your sister; she might be your daughter. Imagine that woman has been trying to get pregnant for years. She and her spouse work hard, but they are not wealthy. They struggle like many Pennsylvanians do to make ends meet. At about 18 weeks of her pregnancy, her water breaks. There is no chance that the baby's lungs will develop. Without medical intervention, she would have to wait several weeks for labor to occur naturally. Every single day that passes increases her risk of serious infection but does not increase the baby's chance of survival, which can lead to a hysterectomy and mean that she could possibly never get pregnant again and destroy her chances of having children.

Under this law, her doctor would have to wait until she was at death's door before her insurance would cover the medically safe procedure. I cannot imagine a crueler or more dangerous thing to do to a woman. Every day would be a day of agony.

On behalf of the women and families across this Commonwealth, I ask you to vote "no" on HB 818.

Thank you, Mr. Speaker.

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

On that question, the Speaker recognizes the lady from Warren County, Ms. Rapp.

That microphone we have been having some problems with today; I apologize.

Ms. RAPP. Thank you, Mr. Speaker.

As has been said many times by previous speakers, this State passed legislation, the Abortion Control Act, which does allow for abortion for rape, incest, and life of the mother. Nothing in this bill changes that. This law was passed over 25 years ago and was upheld by our Supreme Court.

Some taxpayers may agree with your right to terminate a pregnancy under *Roe v. Wade*. However, they do not want their money to pay for it in any way. And those who are pro-life definitely do not want their hard-earned tax dollars to pay for abortion.

In light of the horrors in Philadelphia, and we talked about, previous speakers talked about women who died because they could not have an abortion, right here in our own State we had a woman die in an abortion clinic, in an abortion clinic. Taxpayers who are opposed to abortion are even more

convinced that they do not want taxpayer dollars to go to such procedures.

I am thankful to see the fiscal note that says zero for abortions and so are many of my constituents and the pro-life constituents across the State of Pennsylvania. We already regulate the health-care industry, and with the Affordable Health Care Act, government will be in every aspect of health care, every aspect of health care.

I have listened to the rhetoric on this side of the aisle and talked from the very first speaker to some of the last speakers on the war against women. Mr. Speaker, in a real war there are usually casualties, someone dies. Money has been spent in this country, from the poorest of the poor to the very wealthy, on abortion. As a matter of fact, Mr. Speaker, the track record for abortions in our nation right now is around 54 million abortions. That is 23 million little baby boys and that many little baby girls. To me, that is the real war on women; 37,000 in the State of Pennsylvania. Now, money was found somewhere for all of those abortions, 54 million of them.

Our Abortion Control Act for over 25 years has prohibited State funds being used for abortions. And I hope that the members will continue to support that, support the Abortion Control Act, support pro-life issues in the State of Pennsylvania or how many millions more, how many millions more on top of that 54 million should taxpayers support.

Thank you, Mr. Speaker.

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

On that question, the Speaker recognizes the gentleman from Lehigh County, Mr. Schlossberg.

Mr. SCHLOSSBERG. Thank you, Mr. Speaker.

I rise today in defense of two distinctly American values: the right of a woman to control her own body and the free market. I want to make three points regarding HB 818.

First, all of us recognize the great emphasis placed on getting the Commonwealth more involved in preventative care. This is completely appropriate, because preventative care ultimately saves dollars and saves lives. However, under this bill, there is no health exception. In other words, in order to have an abortion covered, a woman cannot have the procedure during pregnancy merely because her health is endangered, and I want to emphasize that word again, "merely." She must wait until she is actually sliding into death. What kind of madness is this? What kind of message are we sending to the women of the Commonwealth? We are here to help, but only when you are about to die.

Second, under this legislation, a woman cannot use private money, her own money, to purchase abortion coverage on the health exchange. In my 5 months here, and particularly during the liquor debate, we heard speaker after speaker extol the virtues of the free market. I cannot imagine that we would ever sit here and discuss outlawing any other insurance coverage for any other specific type of procedure.

Now, we have heard many people say that this bill is simply a reaffirmation of already existing policy, but that is simply not true. This bill stops a woman from buying abortion coverage with her own money, and if this bill really does not change the law, then why are we here now? Why are we even having this conversation if this bill is simply a reaffirmation of already existing policy?

Last, we have all heard quite a bit lately about Kermit Gosnell, whose Philadelphia abortion clinic and alleged horrors have been in the news a great deal. Every single person in this

room, pro- or anti-choice, wants to make sure that the monstrous crimes that Dr. Gosnell has been accused of are never ever repeated. No one in here wants to sanction illegal or unsanitary medical procedures.

That being said, by passing this bill, we are creating an environment that would fuel a market for these atrocities. Desperate people do desperate things, and if a woman is desperate and cannot afford an abortion, what does anyone in here think will happen? If her safe, sanitary, and legal options are taken away, where is she likely to turn? This legislation will dramatically increase the chances of a woman seeking out someone who will not only perform the abortion but do so in an environment that is unsafe and dangerous – somewhere that is outside the law; somewhere that it may injure or kill the woman.

Estimates put the number of illegal abortions performed in the fifties and sixties between 200,000 and 1.2 million. During the same time period, 160 to 260 women died every year and thousands more were injured. Now, clearly this bill will not bring us back to those types of numbers, but it will push us in that direction. It will force us into a situation where crimes like those allegedly committed by Gosnell are more common by pushing abortion out of the sunshine of regulation and into the darkness of the back alley.

I understand that there are individuals in this room who do not believe that the health exchange should sell abortion coverage, and believe it or not, I do understand that position completely. But that being said, I have many objections to some of the stances that have been taken in this room. I deeply object to policies and priorities that have forced my school district in Allentown to lay off 350 teachers in 3 years due to State funding cuts, and I make the argument that being pro-life means caring for all life, particularly and especially children whose only crime was to be born in a poor city.

The truth is, the current budget and the tax rates within it contain items that every single one of us objects to.

Mr. TURZAI. Point of order, Mr. Speaker.

The SPEAKER. The gentleman will allow the Speaker to manage that. I got it. I would ask the gentleman to stay on the issue before us, which is HB 818, not the State budget.

Mr. SCHLOSSBERG. Thank you, Mr. Speaker.

My point was this: In government and in life, we do not sit here and say, "Well, some individuals have an objection to a policy, so we should abandon it completely." That is because government is supposed to operate in the best interest of all, not based on the moral objections of a few. And I firmly believe that it is in the best interest of the people of Pennsylvania that we allow women to purchase insurance that covers a safe and legal procedure. To do otherwise is nonsensical, economically counterproductive, and medically dangerous. Thank you.

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

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

Mr. BRADFORD. I rise also in opposition to HB 818. I know that the gentlelady from Warren County makes a good point and one I respect, while I disagree with it. There are those who advocate for a slow march to criminalizing women, their doctors, and their choices. This bill is another step in that march.

Mr. TURZAI. Point of order, Mr. Speaker.

Mr. BRADFORD. The gentleman—

Mr. TURZAI. This is not a criminal law. This is completely out of line.

The SPEAKER. Both gentlemen will suspend. Both – please stop, stop.

Mr. TURZAI. Question the motivation, and to indicate that this is a criminal law is ridiculous.

The SPEAKER. The gentleman, Mr. Turzai, hold on a second.

Mr. TURZAI. It is out of line.

The SPEAKER. The gentleman, hold on.

Would you like to state the point of order?

The members will come to order.

The gentleman, Mr. Bradford, may continue on the bill. The Speaker would remind members that they are not to impugn the motives in the course of debate.

Mr. BRADFORD. To be clear, I have no intent to impugn anyone's motives, but I do question a legislative maneuver time and time again to march to the criminalization of a woman's—

Mr. TURZAI. Point of order, Mr. Speaker.

Mr. BRADFORD. —constitutional right to make reproductive choices.

The SPEAKER. The gentleman will suspend. The gentleman will suspend.

### POINT OF ORDER

The SPEAKER. Mr. Turzai, what is the point of order?

Mr. TURZAI. Yes, sir.

This bill in no way is part of the Criminal Code and has nothing to do with any criminal law or criminal procedure. It is completely off the subject of the underlying bill and far afield.

Mr. DERMODY. Mr. Speaker?

The SPEAKER. The Speaker thanks the gentleman for his point of order. Again, I would urge the gentleman to confine his remarks to the legislation that is before us.

Is the gentleman from Allegheny County, Mr. Dermody, seeking recognition, for what purpose?

Mr. DERMODY. Well, I would just, Mr. Speaker, urge the Speaker to allow the gentleman to make some remarks, because he has not been able to get any in in the last several minutes. And I do not believe that there was ever a point of order made. What it was, he is talking about a legitimate debate here which—

The SPEAKER. Does the gentleman, Mr. Dermody, have a point of order? Or is that an opinion?

Mr. DERMODY. It is an opinion, Mr. Speaker.

The SPEAKER. Oh, okay.

Mr. DERMODY. Thank you very much.

The SPEAKER. Well, all right. We all have opinions.

I would ask the gentleman from Bradford— One day you are going to be the gentleman, Mr. Montgomery, from Bradford County. I have a couple of those out here, the name and the county are interchangeable.

The gentleman from Montgomery County is in order and would state specifically on the bill, and we will try to get through this.

Mr. BRADFORD. Again, I do want to make clear to the Speaker, I respect the Speaker and I understand it is difficult to maintain some semblance of order, but I would ask for the same leniency. The interruptions are consistent, and I would just ask that I can make my point, which is simply that what we have seen time and time again on this issue is a false choice. We have seen the false choice that somehow the standard for a Medicaid

abortion in Pennsylvania should be the standard for every woman in Pennsylvania to use private funds with private insurance to make a private decision; that is what this comes down to.

When we say that we are not expanding the restrictions on a woman's right to choose, understand what is being proposed on the other side is that the standard for a woman who is receiving a Medicaid taxpayer-funded abortion should be the same for every woman. Every one of your daughters and your wife, they should be the same standard; that is what is being proposed here. This is not vanilla legislation, and the hoops that we heard about yesterday are constitutionally undue burdens to the right of every woman in Pennsylvania.

Now, those who talk about 54 million abortions, and I must tell you they have every right to raise that issue no matter how far afield it is from the topic today. I would argue that criminalizing women and the doctors and their constitutionally protected choices is far afield from what we should be doing in this body, which is protecting women's rights. Private dollars with private insurance for private decisions, that is what this legislative body, that is controlled by those who claim to support small government, would impose on every woman. This is not about what taxpayers will fund; this is about what women choose. And the choice that is put forth, I believe, is to vote against HB 818.

But I want to go further because one of the false arguments that I believe has been put forward today is that this is about protecting State dollars from paying for reproductive health care. As a member of the Appropriations Committee, I got the opportunity to ask a very brief question or two today, and I asked, well, if we are not going to be funding abortion with State dollars, then how much are we going to save? Because clearly, there must be this huge windfall by enacting this legislation. So I got the opportunity to look at the fiscal note and I asked the Appropriations chair, a good and honorable man, and he pointed out that there are no State dollars involved. That is the simple reality. This is an attempt to use a false argument to get government involved in private insurance with private dollars for the private right of women. It is shameful.

The fiscal note points out the simple reality. This bill does nothing but make a tough choice for women harder. It creates undue burdens. It is unconstitutional, and for those who are the victim of rape or incest or for those who the health of a woman is at stake, it is unconscionable. It is bad public policy and it is poorly wrapped in order to make it look like something it is not. What it is, is a continued slow march to criminalize women, their doctors, and their choices.

Thank you, Mr. Speaker.

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

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

Ms. V. BROWN. Thank you, Mr. Speaker.

Am I not a woman? And right now I am feeling like a second-class citizen. I cannot believe that here in Pennsylvania, 40 years after the Supreme Court ruled that abortion was a constitutional right and a decision between a woman and a doctor, that we are here trying to turn back the clock. Actually, I should not be that surprised, because destroying this hard-fought right has been a goal of a vocal minority for the last four decades.

Currently 80 percent of the plans sold here in this Commonwealth cover abortion. If this bill becomes law, none of the plans sold in the exchange will ever cover abortion. Yet here we are today trying to make it impossible for women, even those who can afford to pay for extended coverage, to purchase insurance with their own personal money which pays for abortions, unless a woman is in grave danger.

This sets up an unfair market. This sets up a market where those women who can afford to have abortions will have them. The women that I serve in my district that are low income will not be able to get the same rights as women who have money. Who makes that call? And now, how do we as a Commonwealth determine if a doctor's decision is correct?

HB 818 requires women and their families to purchase a rider outside of the insurance exchange. However, there is currently no insurance company that offers these riders. Additionally, we do not know how much these riders will cost. We are leading women down a path where there is no light at the end of the tunnel. We take a law which already addresses how public money can be spent and add more restrictions to make that right now nonexistent.

Once again, when I think back to that Supreme Court ruling from 40 years ago, and as I stand here today, I am sorry for the women whose lives we may be negatively affecting by this bill. Women to whom the provisions of this bill will apply are women who wanted a healthy, thriving pregnancy, but due to medical complications, they may be faced with difficult decisions, and these women wanted to bring home their healthy bundle of joy. And at this time we are making this an even more difficult circumstance and making it even harder and more emotionally distressing.

I am voting "no," and I plead with my fellow legislators to think of the precedents we set and the legacy we leave behind and join me in defeating this bill.

Thank you, Mr. Speaker.

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

On that question, the Speaker recognizes the gentleman from Westmoreland County, Mr. Krieger.

Mr. KRIEGER. Thank you, Mr. Speaker.

When I came into this hall today, I was not sure if I would speak. I do not have a set speech; in fact, you can see I scribbled some notes. But there were some things said today that – and again, I will probably not say anything that is earth-shattering. I may not say anything you have heard said before, but it is one of those issues where I feel compelled to make a statement.

Some arguments were made today. One is that those of us who support this bill are trying to make an end run around the Constitution. And I would challenge those members on the other side, if they think that is the case, the Affordable Care Act clearly provides for the opt-out – and I will remind you that the ACA was passed without a single Republican vote. So I would urge you to challenge your party that passed the ACA with the opt-out procedure. We are taking advantage of something the law permits us to take and I think appropriately so.

Some have said that somehow, all of a sudden, conservatives are for big government and this is a big-government idea. I would say this to you: If government does not have a role in protecting innocent life, then what is the government's role? I would argue that what you advocate, those that oppose this bill, is not limited government, it is moral anarchy. Liberty is not anarchy.

Some have argued that somehow because I am a man and others are men in this hall, somehow we are not qualified to speak on something that is, quote, "a women's issue." I would take a strong exception to that as well. All of us here have mothers, wives; many of us have daughters. We not only have a right to speak, we have an obligation to speak.

The last thing, some have said that somehow we are trying to oppress or suppress, that we are engaged in ideology. I would say quite the opposite. I know many of you on this side agree with me; many of you agree that abortion on demand is a moral evil. Many of you agree that outside of narrow exceptions, it is repugnant. I know many of you on that side agree with me on that. Those opposing the bill from the left are engaged in an ideological struggle.

I would just leave you with this. Over 3,000 years ago, a great prophet of Israel stood before the people and said, "...choose you this day whom you will serve...." We have a similar choice today. We have life and what Pope John Paul II said is the "culture of death." I would ask you to choose life today.

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

On that question, the Speaker recognizes the gentleman from Philadelphia County, Mr. Cohen.

Mr. COHEN. Mr. Speaker, whatever we do today, abortions will continue to occur in Pennsylvania. We cannot stop abortions from occurring. What we can do is protect the constitutional rights of women to have laws that are fair and just and treat them and everyone else in Pennsylvania with respect. This law does not treat women with respect. This law sets up additional obstacles that are at best inconvenient and at worse make this law unconstitutional.

I would strongly urge people to vote against this law and preserve the rights of women, families in Pennsylvania.

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

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

Ms. DONATUCCI. Thank you, Mr. Speaker.

Mr. Speaker, I believe we keep ignoring one very important piece of information during this debate, and that is the fact that the Federal Hyde amendment explicitly prohibits the use of Federal funds to pay for abortion services. There is no way to get around the Hyde amendment, as it was expressly created in response to the *Roe v. Wade* decision, so the fear that somehow Federal funds would be used to subsidize abortion is completely unfounded.

The problem that I have with this legislation is its attempt to dictate to private citizens what they can and cannot purchase with their own money. To put it another way, I am explicitly against any legislature dictating to private citizens what insurance they can purchase or not purchase with their own money.

Regardless of our personal beliefs, we must all accept that there are constitutional rights that have been upheld by the Supreme Court, and we cannot ignore that these rights exist. If we are going to begin telling private citizens what insurance they can and cannot purchase, what are we going to tell them next? What kind of firearms they can or cannot buy?

Mr. Speaker, we are setting a very dangerous precedent with HB 818, and for this reason 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, will the maker of the bill rise for brief interrogation?

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

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, I understand under this proposal that abortion services could not be offered as an insurance through the exchange. So let us assume that as a purchaser, I purchase insurance through the exchange and there is no abortion coverage, and the person then goes out and either self-induces an abortion or has a back-alley abortion, and – does the insurance that the person has cover them if they then end up in the hospital?

Ms. OBERLANDER. Yes.

Mr. STURLA. Thank you.

That ends my interrogation, Mr. Speaker.

The SPEAKER. Is the gentleman seeking recognition on the bill?

Mr. STURLA. Thank you; yes, Mr. Speaker.

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

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, while it is not common practice these days because abortion has been legal in these United States for many years, one of my first experiences in campaigning for this job many years ago was I knocked on the door of a senior citizen. She was a woman in her eighties. And her first question to me was, "Are you pro-choice?" And I thought for sure looking at her registration, which was from a different party, and that she was elderly, that I was about ready to get an earful. But I was honest and I said, "Yes, I'm pro-choice." And she said, "Good. You've got my vote." And I asked her for a little explanation, and she said, "Don't ever let us go back to the days when abortions weren't safe and legal." She said, "I lost too many friends because they made a mistake as a young girl and ended up in a back alley somewhere and ended up dying."

Now, today self-induced abortions are pretty rare because a legal one is much safer and affordable, but if you want to revert back to the days when a woman will not be able to obtain abortion coverage, as I believe this legislation will do, there will be – particularly with the advent of the Internet – about a thousand ways that women will be able to self-induce abortions, and believe me, they will. And then, when there are complications from that – as undoubtedly there will be, because it will not be a safe, clinical procedure – they will end up in the hospital with the results of that being paid with the insurance they bought on the insurance exchange. So I do not know that this really accomplishes what the maker intends.

In fact, if the intention was to say that no public funds could be used for abortion, that is what the bill should say, no public funds can be used for abortion. That would be pretty simple. But that is not what the bill says. The bill under the guise of no public funds can be used for an abortion says the insurance companies that are offering insurance on the exchange cannot sell you that coverage. That is a whole lot different, which is why I believe that in the long run, the courts will see through this for what it truly is and rule it unconstitutional.

Now, that may make some of you happy because you will have your vote on the floor of the House that says you were trying to stop abortions and you were trying to do all those things that you want to go back home and say you did, and it was just that darn Supreme Court that upheld the Constitution. But that is not what we are here for. We are here to actually do what is right for the people of Pennsylvania and this bill does not do that.

If you wanted to just say, no public funds can be used for an abortion, you might get a unanimous vote here. You know, somebody said the Affordable Care Act did not pass with any Republican votes. I am assuming that means that any bill that passes without any Democratic votes, they hold in equal disdain because it is not a bipartisan effort. We can count one of those weekly if not daily here on this floor and in Congress.

Mr. Speaker, if you buy into this notion that if there are any dollars used anywhere related to this, then you have to ban it, then the next time we try to fund school books and transportation for private and parochial schools, I am assuming you will vote to ban that, because the courts are able to distinguish what is a religious teaching and what is books and transportation. And so they say when the State provides books and transportation, that is not promoting religion, but they say the State cannot pay for the religion class. You have said, the court is not capable of making that distinction; we have got to ban it completely.

So, Mr. Speaker, I do not think we are going to change any minds here today on the vote, but my guess is, when this gets declared unconstitutional, maybe someone will come back and say, "Well, let's pass a bill that says you can't use any public funds for abortions on the exchange," and that would be a legal thing to say and that might pass, and then you will get the vote that actually will mean something.

In the meantime, I believe this vote, not only do I believe it is unconstitutional, but I believe that voting for final passage on this is not doing at all what is supposedly intended here. It is simply denying women the right to a legally, constitutionally supported right to choose.

Mr. Speaker, I would encourage a "no" vote on HB 818.

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

On that question, the Speaker recognizes the gentleman from Allegheny County, Mr. Frankel, for the second time.

Mr. FRANKEL. Thank you, Mr. Speaker.

And I will be brief. I want to, particularly since my remarks and my amendment were characterized in a certain way, I just want to bring some corrections to that and a few other comments made today.

Some have stood here today to proclaim that this bill creates no obstruction, no barrier, from abortion coverage in our Commonwealth. Mr. Speaker, that simply is not true. Medical care is unexpected and it costs a significant amount of money. That is why insurance exists. We can see with other medical procedures if they are not covered by insurance, they are effectively unavailable. That is why we mandate coverage for certain care – diabetes care, autism services – in order to make them available. It is inconceivable that the other side would claim that HB 818 creates no barrier.

The failure, the failure to include provisions that allow for abortion coverage to protect the health of the mother, which HB 818 fails to do, will, will create an unfair and costly barrier

for women in this Commonwealth who need to terminate a pregnancy in order to preserve their own health. Worse, this bill presents a clear and difficult barrier for abortion coverage if a family is faced with the painful and tragic need to terminate a pregnancy because of a fetal anomaly.

Mr. Speaker, supporters of this bill have also stood here today to say that this bill simply upholds the status quo and is needed to prevent Federal and State taxpayer dollars from being used for abortion coverage. Federal and Pennsylvania law already prohibits tax money from going to abortion coverage. The Frankel amendment, which was mentioned previously today, offered that even if an infinitesimal amount of money were used in the implementation of the exchange, we could find a way to make sure that it would be covered by private entities.

Mr. Speaker, the gentleman from Lancaster County implied that just because I offered the amendment, that I was somehow conceding to the idea that taxpayer money will be used. That could not be further from the truth. I have stated it clearly on two separate days that I do not believe that taxpayer money will be going toward abortion coverage in the exchange. I offered my amendment in an attempt to meet some of the moderate members of this chamber in the middle and to make clear that a woman has the right to use her private money as she sees fit, and that if any minute sum of State money is used, we will find it and we will have the insurance companies pay for it. Even though the Federal government allows us to limit the private insurance market with these kinds of bills, it does not make it right, nor does it change the fact that we, the General Assembly of Pennsylvania, are now telling the women of the Commonwealth what they can and cannot do with their money.

My colleague from Allegheny County, the majority leader, kept pointing out that this bill does nothing to criminalize abortion access. He is correct in that very narrow view. Although since laws related to abortion access are all in Title 18, the Criminal Code, one could argue that this body brings the Criminal Code into all issues related to abortion coverage. And my colleagues are also correct that there are ways to limit legal access to reproductive health care without locking women up. You can limit access by making it harder for doctors to practice and by making it too expensive to build and maintain clinics. Or you can simply refuse to allow them to obtain health-care coverage that would pay for this service.

We are doing nothing less than chipping away at the constitutional right to privacy and a long-standing Supreme Court decision that affirmed the right of women to make their own reproductive health decisions. We are better than that. Please vote "no" on HB 818.

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

On that question, the Speaker recognizes the gentleman from Centre County, Mr. Benninghoff.

Mr. BENNINGHOFF. Thank you, Mr. Speaker.

I suspect I may not convince anybody one way or another, but I feel compelled as I sat here and listened to lots of this debate and thought about it over the weekend to just share a couple thoughts with you. And I do not stand here as an expert at all, but I think we get caught up in our own rhetoric sometimes and we almost inflame each other with things that are not necessarily facts. I do not see this as a bill that is trying to harm somebody's choice, but I stand here for several reasons and I feel compelled to do that.

Number one, I am here because a woman many years ago made a choice. I was an unplanned pregnancy, and that woman made two choices – and I will tell you about something that happened Sunday morning that makes me feel even more compelled to be here – but that woman made a choice to go ahead and carry me for 9 months when she already had three children that she could barely afford. She further went on to make another choice and that was to give me away. As a father of five children, I could not imagine that.

Some of you know, I gave one away 2 years ago, and not by choice, but nonetheless, not any easier than the decision my mother made. And it only heightened to me about the value of that choice that that woman made at a time when she was 41 and trying to raise her own family. Then there was another woman who made a choice after already adopting two children – I apologize – adopting three children, and then adopted me. What a tremendous sacrifice but a great gift of love that those two women made because they wanted to give somebody the chance at life.

Fast-forward you to Sunday morning. I was walking into church, and it was a beautiful, sunny day. It was crisp; there was still frost on the window of my car. But I was thinking about the majestic beauty that God was showing me, not only with the sun but the glare coming off the ice on the window of my car, and how it could be warm from the sun and cold from the air, and I thought, boy, it just does not get much more beautiful than this and I am thankful to be able to go into church and give thanks for that. Well, He amazed me again as I could not find a seat because I was late, and I migrated to the back of the church and there happened to be three chairs against the wall or a pew where I had to step over somebody, and not trying to draw attention to myself, I chose to go to the back benches and sit in the back of the church.

Well, He had a great gift waiting for me. There was a woman whom I have not seen for a while sitting there with her daughter and eventually what I learned to be her granddaughter. Quickly with some pleasantries and said hello, she asked me how my own children were doing, and I was proud to say that my one is going to be expecting a child in September. She said, "Well, then you need to practice," and handed me over her grandchild. And for that 45-minute church service, I was blessed with a great gift and that was to hold a child in my hands that I did not even know, that was barely 2 months alive, but yet was totally dependent on me – how I held it, how I cooed it, and eventually, how I fed it. I was glad to see that my talents of a father came back very quickly.

Well, you do not want to hear all those stories of my daily activities, but as I looked down at this child's face and I saw these tiny little eyelashes, these tiny little fingers, this head that she could barely hold up by herself, and how dependent she was of me holding that up, I thought about the responsibility that we have as policymakers and the decision we have to make today. And I think we have tried to strike a balance, and that is why I have risen to support HB 818. Yes, I know that is a roundabout way to get to that comment. But I think we are trying to respond to our constituents, many of which we have heard from, who say, I may have not liked the fact that the Federal government shoved a health-care plan down on me that I do not want, but I surely do not want my choice taken away about how my tax dollars are being spent.

The reality of this bill is, it does not prohibit anyone going out in the private-sector market to buy insurance off a private insurance company. Insurance companies are in the process – pardon me – in the business to sell a product. If there is a demand for a product, they will sell it. If there is a demand for people to buy private insurance to do that, they can take their money outside in the private market to do that. They do not need to do it through the national health-care plan.

Well, I could go on and on, but I would just like to say, please cut through the rhetoric. We are not trying to deny any human being any choices. We are trying to preserve the rights of those individuals who are taxpayers to have some say where their dollars go.

But I would also ask you to think about those little children who do not have a choice whether they are conceived or not. And I have said time and time again, children only ask for two things and that is to be loved and to be secure. And secure comes in a multitude of ways, whether it is being held tightly in someone's hands, protected from harm, kept warm, or fed, but love being that greatest of all.

So as you go to cast your voice and your vote, do what your conscience tells you, but remember, the choice is about whether or not that child is conceived, how we can prevent that, but more importantly, when they are conceived, about loving them as God has first loved us. Thank you.

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

On that question, the Speaker recognizes the lady from Clarion County, Ms. Oberlander.

Ms. OBERLANDER. Thank you, Mr. Speaker.

Just to clarify a couple of things first. Under HB 818, qualified health plans offered through a health insurance exchange cannot exclude coverage for any postabortion complication, any miscarriage, or any complication associated with a miscarriage. This legislation does not prohibit any individual from purchasing abortion coverage for a separate premium outside a health insurance exchange.

With those clarifications made, I believe it is also important to let the body know that this bill does not limit in any way a woman's ability to access abortion services. It does not limit a woman's ability to choose an abortion. It does not create any additional barriers to receive abortion services, and it does not contravene the Federal jurisprudence related to the public funding for abortions. To be clear, this bill does not prohibit abortion. This bill maintains the status quo as it relates to public funding of abortions in Pennsylvania, maintaining payment in only the cases of rape, incest, and life of the mother.

As a former member stated – and we have had many members speak on this – CHIP, Fair Share, and Medicaid, all public insurance programs in Pennsylvania, already limit the use of their funds to these three areas: rape, incest, and life of the mother. Most of Pennsylvania's 35,000-plus, 35,000-plus abortions a year are paid for out of pocket. The issue is not whether or not a woman is able to get an abortion, but rather, it is whether or not those who disagree with abortion should be made to pay through taxpayer subsidies, taxpayer-funded administration, or mandatory insurance premiums through an insurance exchange to help fund elective abortions.

I maintain that this is the reason our current policy does not allow payment now for elective abortions. In order to be sure that the policy remains as we move into this new age of Federal

health care, it is important that we elect to opt out of abortion coverage as afforded us in the Affordable Care Act and as 17 other States have already done.

I respectfully request your affirmative vote on HB 818.

Thank you, Mr. Speaker.

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—144

Adolph	Everett	Keller, F.	Peifer
Aument	Farina	Keller, M.K.	Petrarca
Baker	Farry	Knowles	Petri
Barbin	Fee	Kortz	Pickett
Barrar	Fleck	Kotik	Pyle
Benninghoff	Flynn	Krieger	Quinn
Bizzarro	Gabler	Kula	Rapp
Bloom	Galloway	Lawrence	Ravenstahl
Boback	Gergely	Longietti	Readshaw
Brooks	Gibbons	Lucas	Reed
Brown, R.	Gillen	Mackenzie	Reese
Burns	Gillespie	Maher	Regan
Caltagirone	Gingrich	Major	Roae
Carroll	Godshall	Maloney	Rock
Causer	Goodman	Markosek	Saccone
Christiana	Greiner	Marshall	Sainato
Clymer	Grell	Marsico	Sankey
Conklin	Grove	Masser	Saylor
Corbin	Hackett	Matzie	Scavello
Costa, P.	Haggerty	McGinnis	Simmons
Cox	Hahn	Mentzer	Smith
Culver	Hanna	Metcalfe	Snyder
Cutler	Harhai	Metzgar	Sonney
Daley, P.	Harhart	Miccarelli	Stephens
Davidson	Harkins	Micozzie	Stern
Day	Harper	Millard	Stevenson
Deasy	Harris, A.	Miller	Swanger
Delozier	Heffley	Mirabito	Tallman
DeLuca	Helm	Moul	Taylor
Denlinger	Hennessey	Mullery	Tobash
DiGirolamo	Hess	Murt	Toepel
Dunbar	Hickernell	Mustio	Toohil
Ellis	James	Neuman	Truitt
Emrick	Kampf	O'Neill	Turzai
English	Kauffman	Oberlander	Vereb
Evankovich	Kavulich	Payne	Watson

#### NAYS—53

Bishop	Dermody	McCarter	Rozzi
Boyle, B.	Donatucci	McGeehan	Sabatina
Boyle, K.	Evans	Milne	Samuelson
Bradford	Fabrizio	Miranda	Santarsiero
Briggs	Frankel	Molchany	Schlossberg
Brown, V.	Freeman	Mundy	Sims
Brownlee	Gainey	Neilson	Sturla
Clay	Haluska	O'Brien	Thomas
Cohen	Harris, J.	Painter	Vitali
Costa, D.	Keller, W.	Parker	Waters
Daley, M.	Kim	Pashinski	Wheatley
Davis	Kinsey	Roebuck	White
Dean	Kirkland	Ross	Youngblood
DeLissio			

NOT VOTING—0

## EXCUSED—4

Cruz Killion Mahoney McNeill

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

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

The SPEAKER. There will be no further recorded 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 987;  
HB 992;  
HB 1124;  
HB 1128;  
SB 623; and  
SB 808.

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 440;  
HB 484;  
HB 1190; and  
SB 5.

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

**BILLS ON SECOND CONSIDERATION**

The House proceeded to second consideration of **HB 23**, **PN 743**, 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?

**BILL TABLED**

The SPEAKER. The Speaker recognizes the majority leader, who moves that HB 23 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 23 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.

\* \* \*

The House proceeded to second consideration of **HB 342**, **PN 349**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in depositions and witnesses, further providing for declaration of policy, for definitions and for victims of sexual or physical abuse.

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 342 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 342 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.

**REMARKS SUBMITTED FOR THE RECORD**

The SPEAKER. For what purpose does the gentleman from Chester County, Mr. Lawrence, rise?

Mr. LAWRENCE. Mr. Speaker, I would like to submit remarks for the record on HB 818.

The SPEAKER. Please deliver them to the clerk, and they will be noted for the record.

Mr. LAWRENCE. Thank you, Mr. Speaker.

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

Mr. Speaker, I rise in favor of the legislation presented by the lady from Clarion County. Let us be clear on the intent of this legislation – it reinforces the long-standing practice on both a Federal and State level concerning the question of funding abortions with taxpayer dollars; that is it. This is not a bill outlawing any procedure; it does not outlaw anyone from using their own money to pay for insurance to cover abortions or for an abortion itself with their own money. It simply says that elective abortions should be completely free of taxpayer money.

Wherever one stands on the underlying issue of abortion, how in good conscience can we mandate a sizeable percentage of taxpayers who oppose abortion on moral grounds and believe life begins at conception to fund a practice diametrically opposed to their strongly held religious beliefs? I do not believe we can.

I encourage an affirmative vote on HB 818.

### **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 this House, the Speaker recognizes the gentleman, Mr. Schlossberg, from Lehigh County, who moves that this House do adjourn until Wednesday, April 24, 2013, at 11 a.m., e.d.t., unless sooner recalled by the Speaker.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 4:28 p.m., e.d.t., the House adjourned.