

# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

WEDNESDAY, NOVEMBER 20, 2013

SESSION OF 2013

197TH OF THE GENERAL ASSEMBLY

No. 75

### HOUSE OF REPRESENTATIVES

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

#### THE SPEAKER PRO TEMPORE (KAREN BOBACK) PRESIDING

#### PRAYER

The SPEAKER pro tempore. Today's prayer will be offered by Rev. John Detisch from St. Jude the Apostle, Erie, Pennsylvania.

REV. JOHN J. DETISCH, Guest Chaplain of the House of Representatives, offered the following prayer:

On Saturday the entire country will be honoring the 50th anniversary of one of those tragic days in the history of our country, and I am sure that each one of us as we honor will always remember one of the most memorable things that President Kennedy had ever said, which happened to be among the first words he said as President, "...ask not what your country can do for you, ask what you can do for your country." But there is another quote from that historic address that speaks so clearly to us here and all those who serve in government. President Kennedy also said, "With a good conscience our only sure reward, with history the final judge of our deeds, let us go forth to lead the land we love, asking His blessing and His help, but know that here on earth God's work must truly be our own." So, my friends, knowing that the presence of God is always with us as we strive to do his work, let us pray:

Father, You guide and govern everything with order and hope and love. Look upon all the members of our Pennsylvania legislature and fill them with the spirit of Your wisdom. May they always act in accordance with Your will and the decisions be for peace and for hope. May they look to Your Holy Spirit for courage and guidance and strength, and may they help to influence all of us to be the people that You call us to be – people of hope. We ask this in Your most Holy name. Amen.

#### PLEDGE OF ALLEGIANCE

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

### JOURNAL APPROVAL POSTPONED

The SPEAKER pro tempore. Without objection, the approval of the Journal of Tuesday, November 19, 2013, will be postponed until printed.

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

##### HB 1558, PN 2095

By Rep. HARHART

An Act amending the act of May 3, 1933 (P.L.242, No.86), referred to as the Cosmetology Law, providing for practice of massage therapy in cosmetology salon or esthetician salon.

#### PROFESSIONAL LICENSURE.

##### SB 137, PN 1603 (Amended)

By Rep. HARHART

An Act amending the act of December 21, 1984 (P.L.1253, No.238), known as the Speech-Language and Hearing Licensure Act, further providing for title of act, for short title, for declaration of policy, for definitions, for creation of board, appointment and term of members and officers, for powers and duties of board, for license required and persons and practices not affected and exclusions and for requirements for licensure; providing for certification for audiologists using intraoperative monitoring; further providing for refusal to issue and revocation, for requirement of a medical examination, for renewal fees and records, for limitation of renewal time and new license and for certification to the board; providing for use of title; and further providing for enforcement of certification to board, for impaired professionals, for penalties, for injunction against lawful practice and for appropriation.

#### PROFESSIONAL LICENSURE.

#### REPORT SUBMITTED

The SPEAKER pro tempore. The Speaker acknowledges the receipt of the House Select Committee for School Safety Final Report.

(Copy of report is on file with the Chief Clerk.)

#### GUESTS INTRODUCED

The SPEAKER pro tempore. Located to the left of the rostrum, the Chair welcomes Doug and Joy Compher and their daughters, Aliza and Noelle. They are the guests of Representative Lawrence. Will the guests please rise.

Also located to the left of the rostrum, the Chair welcomes Nicolette Loftus Dankmyer, a senior at the Academy of Notre Dame de Namur. She is shadowing Representative Corbin for

the day and is also a guest of Representative Vereb. Will the guest please rise.

Located in the rear of the House, the Chair welcomes some of Rep. Schreiber's constituents: Genevieve Ray, Paulette and Frank Hawkins, Barbara and Talbot Smith, and Mary Anne Bacas. With them are district office staff members Kyle Jones and Karin Swartz. Will the guests please rise.

Located in the rear of the House, the Chair welcomes Sgt. Scott Little, along with his wife, Lisa, and daughter, Mackenzie. They are guests of Representative Ron Miller. Will the guests please rise.

Located in the rear of the House, the Chair welcomes several representatives of the Pennsylvania Interscholastic Athletic Association. They are James Zack, president; Dr. Robert Lombardi, executive director; Mark Byers, chief operating officer; Melissa Mertz, associate executive director; Patrick Gebhart, assistant executive director; and Gregory Biller, director of business affairs; also Michael Solomon, director of legal affairs. They are guests of Representative Painter. Will the guests please rise.

Also located in the well of the House, the Chair welcomes guest page Valerie Bell. Valerie is an 11th grade student from Fairfield Area High School, who is the guest of Representative Moul. Will the guest please rise.

**LEAVES OF ABSENCE**

The SPEAKER pro tempore. Are there any requests for leaves of absence for the day? The Chair recognizes the majority whip. Leave is for Representative SWANGER from Lebanon for the day. Without objection, this leave of absence is granted.

The Chair recognizes the minority whip, who asks that the following be excused, and they are Ms. BISHOP from Philadelphia for the day and Representative HAGGERTY from Lackawanna for the day. Without objection, the leaves of absence are granted.

**MASTER ROLL CALL**

The SPEAKER pro tempore. The Chair is about to take the master roll call. Will the members proceed to vote.

The following roll call was recorded:

**PRESENT—199**

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

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

**ADDITIONS—0**

**NOT VOTING—0**

**EXCUSED—3**

Bishop Haggerty Swanger

**LEAVES ADDED—1**

Boyle, K.

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

**UNCONTESTED CALENDAR**

**RESOLUTIONS PURSUANT TO RULE 35**

Mr. PAINTER called up **HR 416, PN 2242**, entitled:

A Resolution congratulating the Pennsylvania Interscholastic Athletic Association on the 100th anniversary of its formation.

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Ms. RAPP called up **HR 560, PN 2667**, entitled:

A Resolution congratulating the Chief Cornplanter Council of the Boy Scouts of America on the occasion of its 100th anniversary.

On the question,  
Will the House adopt the resolutions?

The following roll call was recorded:

## YEAS—199

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

## NAYS—0

## NOT VOTING—0

## EXCUSED—3

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

**STATEMENT BY MR. PAINTER**

The SPEAKER pro tempore. The Chair recognizes Representative Painter and Representative DiGirolamo. They will be speaking on HR 416. This is under unanimous consent.

Will members please keep their voices down.

Mr. Painter, you may proceed.

Mr. PAINTER. Thank you, Madam Speaker.

Madam Speaker, I would like to thank my colleagues in the House of Representatives for their unanimous support of HR 416, and I would like to thank my colleague and neighbor from Bucks County for joining me here.

Madam Speaker, 100 years ago next month on December 29, 1913, a group of school principals from across our Commonwealth came together in the city of Pittsburgh to form the Pennsylvania Interscholastic Athletic Association. The purpose of the association was to establish policies and rules that would promote interscholastic contests.

Now, many members of this House, myself included, have had the honor and privilege of congratulating school teams from our districts that won PIAA championships. It is only appropriate that we all take a moment to say thank you to the organization that organizes these contests and makes those championships possible.

In the last 100 years, PIAA has grown and numerous additional sports have been recognized. Currently there are over 1400 schools participating in PIAA, over 14,000 officials, and 350,000 student athletes across the Commonwealth.

I would like to take a moment here, Madam Speaker, particularly to call attention to the sports officials, the 14,000 who regulate the games across the Commonwealth every day, who ensure that our athletic contests are fair and that our athletes are safe. Three members of my staff are either PIAA sports officials presently or PIAA athletes in their past, and we can attest firsthand to the value of those experiences as they are valuable for thousands of my constituents and millions of Pennsylvanians across our Commonwealth.

And I would like to acknowledge the PIAA officials who are in the back of the House who came today to observe the vote for this resolution. Thanks to them for coming. And again, thank you, Madam Speaker, for the opportunity to speak.

PIAA is truly the envy of the nation. We should be very proud to have this organization in Pennsylvania, and we look forward to another 100 years of grand athletic contests in our Commonwealth. Thank you, Madam Speaker.

The SPEAKER pro tempore. Thank you, Representative Painter.

**STATEMENT BY MR. DiGIROLAMO**

The SPEAKER pro tempore. The Chair recognizes Representative DiGirolamo to speak on HR 416. You may proceed.

Mr. DiGIROLAMO. Thank you, Madam Speaker.

Good morning everyone.

This resolution is really a big deal, a 100-year anniversary of the formation of the PIAA. I mean, it is a really big deal.

And I want to just let the members know I have been on the PIAA Legislative Council starting in 2000, and then in 2005 when we formed the PIAA Legislative Oversight Committee, I have been a member and the chairman, and I continue to be amazed at the phenomenal work that the PIAA does on behalf of our student athletes all across the State of Pennsylvania.

I would also like to recognize the two members here in the body who are members of the Oversight Committee, and that is Representative Reese and Representative Matzie. They are also

on the committee. And we have representatives of the PIAA who are in the back. If I might ask them to stand, and if everybody could just welcome them and recognize the members of the PIAA. Thank you for being here. Thank you for all the good work that you do and ask for an affirmative vote on the resolution. Thank you.

The SPEAKER pro tempore. Thank you, Representative DiGirolamo.

STATEMENT BY MS. RAPP

The SPEAKER pro tempore. The Chair recognizes Representative Rapp, who will address HR 560.

If I may have order on the floor.

Ms. RAPP. Thank you, Madam Speaker.

Madam Speaker, I would like to acknowledge the 100th anniversary of the Chief Cornplanter Council of the Boy Scouts of America located in Warren, Pennsylvania. The Chief Cornplanter Council is very honored to have a portrait of Chief Cornplanter that is displayed in the East Wing in the "Hello History" exhibit in the East Wing. Chief Cornplanter, by the way, is also mentioned every year in the Pennsylvania Manual.

The Chief Cornplanter Council of the Boy Scouts of America has existed for over 100 years and is the oldest continuously existing council of the Boy Scouts of America. It has become a very important part of our community, having existed for those 100 years, and I have been honored to attend many of their recognition award services for many of the Scouts in the area.

And I thank each and every one of you for supporting this resolution acknowledging the Chief Cornplanter Council. Thank you, Madam Speaker.

The SPEAKER pro tempore. Thank you, Representative Rapp.

UNCONTESTED SUPPLEMENTAL CALENDAR A

RESOLUTION PURSUANT TO RULE 35

Mr. CLYMER called up HR 565, PN 2696, entitled:

A Resolution recognizing the month of November 2013 as "National Model Railroad Month" in Pennsylvania.

On the question,

Will the House adopt the resolution?

The following roll call was recorded:

YEAS-199

Table listing names of representatives who voted 'YEAS' (199 total). Includes names like Adolph, English, Knowles, Petri, Aument, Evankovich, Kortz, Pickett, Baker, Evans, Kotik, Pyle, Barbin, Everett, Krieger, Quinn, Barrar, Fabrizio, Kula, Rapp, Benninghoff, Farina, Lawrence, Ravenstahl, Bizzarro, Farry, Longietti, Readshaw, Bloom, Fee, Lucas, Reed, Boback, Fleck, Mackenzie, Reese, Boyle, B., Flynn, Maher, Regan, Boyle, K., Frankel, Mahoney, Roae, Bradford, Freeman, Major, Rock, Briggs, Gabler, Maloney, Roebuck.

Table listing names of representatives who voted 'NAYS' (0 total). Includes names like Brooks, Gainey, Markosek, Ross, Brown, R., Galloway, Marshall, Rozzi, Brown, V., Gergely, Marsico, Sabatina, Brownlee, Gibbons, Masser, Saccone, Burns, Gillen, Matzie, Sainato, Caltagirone, Gillespie, McCarter, Samuelson, Carroll, Gingrich, McGeehan, Sankey, Causer, Godshall, McGinnis, Santarsiero, Christiana, Goodman, McNeill, Saylor, Clay, Greiner, Mentzer, Scavello, Clymer, Grell, Metcalfe, Schlossberg, Cohen, Grove, Metzgar, Schreiber, Conklin, Hackett, Miccarelli, Simmons, Corbin, Hahn, Micozzie, Sims, Costa, D., Haluska, Millard, Smith, Costa, P., Hanna, Miller, D., Snyder, Cox, Harhai, Miller, R., Sonney, Cruz, Harhart, Milne, Stephens, Culver, Harkins, Mirabito, Stern, Cutler, Harper, Miranda, Stevenson, Daley, M., Harris, A., Molchany, Sturla, Daley, P., Harris, J., Moul, Tallman, Davidson, Heffley, Mullery, Taylor, Davis, Helm, Mundy, Thomas, Day, Hennessey, Murt, Tobash, Dean, Hickernell, Mustio, Toepel, Deasy, James, Neilson, Toohil, DeLissio, Kampf, Neuman, Truitt, Delozier, Kauffman, O'Brien, Turzai, DeLuca, Kavulich, O'Neill, Vereb, Denlinger, Keller, F., Oberlander, Vitali, Dermody, Keller, M.K., Painter, Waters, DiGirolamo, Keller, W., Parker, Watson, Donatucci, Killion, Pashinski, Wheatley, Dunbar, Kim, Payne, White, Ellis, Kinsey, Peifer, Youngblood, Emrick, Kirkland, Petrarca.

NAYS-0

NOT VOTING-0

EXCUSED-3

Bishop Haggerty Swanger

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

STATEMENT BY MR. CLYMER

The SPEAKER pro tempore. The Chair recognizes Representative Clymer under unanimous consent.

Mr. CLYMER. Thank you, Madam Speaker.

I want to thank the members for the unanimous vote on HR 565. It is the National Model Railroad Month that we are honoring in this resolution.

When I was a child a number of years ago, it was always a delight to go to the Heinrichs house on South Main Street in Sellersville and see their wonderful display of railroad cars and the pageantry of towns and mountains that were part of that scene.

And as we enter into Christmas, the holiday season, I am sure many in this General Assembly have friends or neighbors or you yourself are putting up kind of a model railroad for people to come in and to take a look at it.

Now, here is the point that I want to make, that this resolution, you have an opportunity to take this resolution and take it to that friend or that acquaintance that has put together a wonderful scene of railroads and pageantry that I just mentioned and give them this House resolution. I think they would be delighted to receive it from you as their legislator.

So again, thank you for the unanimous vote on HR 565.

The SPEAKER pro tempore. The Chair thanks Representative Clymer.

**CALENDAR**

**BILL ON THIRD CONSIDERATION**

The House proceeded to third consideration of **HB 1599, PN 2194**, entitled:

An Act designating a bridge on that portion of S.R. 3019 over the Schuylkill River, City of Philadelphia, Philadelphia County, as the Honorable Robert C. Donatucci Memorial Bridge.

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

(Bill analysis was read.)

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

The question is, shall the bill pass finally?  
Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

(Members proceeded to vote.)

**VOTE STRICKEN**

The SPEAKER pro tempore. The clerk will strike the vote.

The lady, Representative Donatucci, would you like to speak?

The Chair recognizes Representative Donatucci on the bill. May we have order in the House, please.

On the question recurring,  
Shall the bill pass finally?

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

The following roll call was recorded:

**YEAS—199**

Adolph	English	Knowles	Petri
Aument	Evankovich	Kortz	Pickett
Baker	Evans	Kotik	Pyle
Barbin	Everett	Krieger	Quinn
Barrar	Fabrizio	Kula	Rapp
Benninghoff	Farina	Lawrence	Ravenstahl
Bizzarro	Farry	Longietti	Readshaw
Bloom	Fee	Lucas	Reed

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

**NAYS—0**

**NOT VOTING—0**

**EXCUSED—3**

Bishop                      Haggerty                      Swanger

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

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

**STATEMENT BY MS. DONATUCCI**

The SPEAKER pro tempore. The Chair recognizes, under unanimous consent, Representative Donatucci.

Ms. DONATUCCI. Thank you, Madam Speaker.

The SPEAKER pro tempore. Excuse me, Representative Donatucci.

May I ask all members, please give us your utmost attention.

Ms. DONATUCCI. Thank you.

The SPEAKER pro tempore. Please take your seats.

Ms. DONATUCCI. Every now and then, as a member of this esteemed House, we get an opportunity to stand on the floor and speak on a piece of legislation that is dear and close to our hearts. Today is one of those days, and this is one of those bills that is near and dear to me.

As I stand here today, I am joined by my children, Thomas and Dierdre, who have known nothing but Pennsylvania State politics their entire lives. Their father, the late Honorable Robert C. Donatucci, whom they knew simply as dad, was a member of this House from the time he was first elected in a special election on March 11, 1980, until the day he passed on November 9, 2010. For 30 years he served the people of the 185th District, and a week before his passing they elected him to his 16th term.

Many of you knew him – you have stories of partnerships and battles – and all of you knew of his dedication and commitment to the Commonwealth of Pennsylvania and his respect for this legislature. His constituents have many stories. Some still share a tale or two when they visit the district office or see me on the street. Bob helped everyone both professionally and personally.

After losing Bob, my children approached me about doing something to honor their father and to commemorate his service to this body and his constituents. What better way to honor his service and dedication to his district and family than to name in his memory one of the three bridges that connect the 185th District. HB 1599 will designate the bridge on a portion of State Route 3019 over the Schuylkill River in the city of Philadelphia as the Honorable Robert C. Donatucci Memorial Bridge. Bob would be embarrassed by this honor, but it is proper and fitting that we do this for a man who dedicated his life to serving and helping the citizens of the 185th District in a variety of ways. Robert lived to serve, and I only wish he could be here to see for himself the impact he made on so many.

As a wife and as a fellow member of this House, I thank you for the unanimous passage of this bill and for honoring the man that gave so much to his district and the House of Representatives. Thank you. Thank you, Madam Speaker.

The SPEAKER pro tempore. Thank you, Representative Donatucci.

### GUESTS INTRODUCED

The SPEAKER pro tempore. Located to the left of the rostrum, the Chair welcomes Representative Donatucci's son, Thomas, and her daughter, Dierdre Donatucci. Please rise.

### STATEMENT BY MR. MCGEEHAN

The SPEAKER pro tempore. Under unanimous consent, the Chair recognizes Representative McGeehan.

Mr. MCGEEHAN. Thank you very much, Madam Speaker.

And I thank Representative Donatucci for the privilege of addressing the chamber, because for more than 20 years, Bob was a dear and trusted friend of mine and to many in this chamber. There are a couple of old-timers still left in this body who remember Bob's quiet, steady, reliable presence in the back row. I say quiet because Bob is part of the old school, and when I say old school, I mean that in the best sense. While he was a loyal and true Democrat, as chairman of the House Liquor Control Committee, I think it will be part of the historical record

that Bob never, never let partisanship get in the way of progress for this Commonwealth, and I know that every chairman that served with him can attest to that fact.

Bob was not a show horse. He was a workhorse. And when I say quiet, Bob was quiet. As a matter of fact, when Maria was sworn in, she gave a speech on the first day and she sat down, and I said, "Congratulations, Maria." She said, "What for?" I said, "You beat Bob's record of words spoken on the House floor on your very first day." But that quietness of Bob's belied a true passion for this work, for a commitment to the citizens he was entrusted to represent. It belied a keen intellect and a decency that is unrivaled in the long history of that district.

I can remember Dierdre and Tommy as infants on the House floor on many of the swearings-in and now they are beautiful young adults. He is still missed in this body. He is missed by his friends and his colleagues, but most particularly by his family who this wonderful tribute ensures that Bob's record of achievement and service will never be forgotten. Thank you, Madam Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

### STATEMENT BY MINORITY LEADER

The SPEAKER pro tempore. The Chair recognizes the minority leader.

Mr. DERMODY. Thank you, Madam Speaker.

Representative McGeehan just said it much better than I could, but I just wanted to say that I did have the honor and the pleasure of serving with Bob Donatucci and the honor and pleasure right now, obviously, of serving with his wife, Maria.

But as has been stated, Bob was a great guy. He was a hard worker, he was a quiet worker, but he was a tremendous chairman of our Liquor Committee. He was a long-standing and great, good friend. I think it is appropriate and I want to congratulate Maria and her family on this bridge being named in his memory and in his honor.

Thank you, Madam Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

### CONDOLENCE RESOLUTION

The SPEAKER pro tempore. We are about to take up a condolence resolution on the death of a former member of the House.

The Sergeants at Arms, please close the doors of the House. Members, please take your seats. The clerk will read the resolution.

The following resolution was read:

#### COMMONWEALTH OF PENNSYLVANIA THE HOUSE OF REPRESENTATIVES

#### CONDOLENCE RESOLUTION

WHEREAS, The House of Representatives of Pennsylvania wishes to honor the memory of the Honorable Joseph Rhodes, Jr., a former member of the House of Representatives of Pennsylvania serving the 24th Legislative District, who passed away at the age of sixty-six on November 7, 2013; and

WHEREAS, Born in Pittsburgh on August 14, 1947, Mr. Rhodes was a graduate of the California Institute of Technology and attended Harvard University as a Junior Fellow in Intellectual History. He held several teaching positions at the University of Massachusetts, California State College and the University of Pittsburgh, and he was also employed at the Jet Propulsion Laboratory and as a staff researcher for the Ford Foundation. Mr. Rhodes served on a number of national commissions, including the Commission on Campus Unrest, and was elected to the House of Representatives of Pennsylvania in 1972. Lauded as the youngest African-American elected to the Pennsylvania House of Representatives, he was reelected for three successive terms. During his tenure, Mr. Rhodes sponsored legislation that amended the Juvenile Justice Act and marshaled the passage of nine bills into law. In addition to serving as Chairman of the Judiciary Sub-Committee on Crime and Corrections and the House Investigating Sub-Committee on Lottery and Statewide Gambling, he was a member of the Governor's Justice Commission and the Pennsylvania Commission on Crime and Delinquency. After serving in the legislature, Mr. Rhodes served as the Deputy Secretary of Commerce for former Governor Robert P. Casey and as a Public Utilities Commissioner. A beloved family member, dedicated legislator and avowed community steward, Mr. Rhodes generously gave of his heart and time to enhance the quality of life of his family and community. His inspiring presence and genuine love for his family and friends will live long in the hearts and memories of the many individuals whose lives he touched; now therefore be it

RESOLVED, That the House of Representatives of the Commonwealth of Pennsylvania proclaim with enduring sorrow the passing of the Honorable Joseph Rhodes, Jr.; and extend heartfelt condolences to his son, Matthew V.; daughter, Brennan Rhodes-Bratton; and many other family members and friends; and be it further

RESOLVED, That a copy of this resolution, sponsored by the Honorable Ed Gainey on November 14, 2013, be transmitted to the family of the Honorable Joseph Rhodes, Jr.

Ed Gainey, Sponsor  
Samuel H. Smith, Speaker of the House  
ATTEST:  
Anthony Frank Barbush, Chief Clerk of the House

On the question,  
Will the House adopt the resolution?

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

(Whereupon, the members of the House and all visitors stood in a moment of silence in solemn respect to the memory of the Honorable Joseph Rhodes, Jr.)

The SPEAKER pro tempore. The resolution has been unanimously adopted.

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

### FAMILY INTRODUCED

The SPEAKER pro tempore. The Chair wishes to recognize the family of former Representative Joseph Rhodes, located to the left of the rostrum. Will the family of Joseph Rhodes please rise.

We have former Secretary of Aging Dr. Linda Rhodes and her children, Matthew, Brennan Rhodes-Bratton, and her husband, Ben Bratton.

Thank you.

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

**HB 1719, PN 2699** (Amended) By Rep. HARPER

An Act amending Titles 8 (Boroughs and Incorporated Towns) and 44 (Law and Justice) of the Pennsylvania Consolidated Statutes, consolidating The Borough Code; making revisions concerning definitions, applications, certificates, eligibility, collection of taxes, appointments and incompatible offices, council's powers, specific powers, preparation of plans and specifications and contracts, assessments, removal of elected official and appointee, recreation board and authority, ordinances and resolutions; making an editorial change; and making a related repeal.

LOCAL GOVERNMENT.

**HB 1825, PN 2632** By Rep. HARPER

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

LOCAL GOVERNMENT.

**SB 1046, PN 1304** By Rep. HARPER

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

LOCAL GOVERNMENT.

### APPROPRIATIONS COMMITTEE MEETING

The SPEAKER pro tempore. The Chair recognizes Chairman Adolph for a committee announcement.

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

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

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

### REPUBLICAN CAUCUS

The SPEAKER pro tempore. The Chair recognizes the lady, Ms. Major, for an announcement.

Ms. MAJOR. Thank you, Madam Speaker.

I would like to announce that Republicans will caucus today at 12:30. I would ask our Republican members to please report to our caucus room at 12:30. We would be prepared to come back on the floor at 1:30. Thank you, Madam Speaker.

### DEMOCRATIC CAUCUS

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Frankel, for an announcement.

Mr. FRANKEL. Thank you, Madam Speaker.

Democrats will caucus at 12:30. Democrats will caucus at 12:30. Thank you.

**RECESS**

The SPEAKER pro tempore. This House stands in recess until 1:30, unless recalled by the Speaker.

**RECESS EXTENDED**

The time of recess was extended until 1:45 p.m.

**AFTER RECESS**

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

**THE SPEAKER (SAMUEL H. SMITH)  
PRESIDING****BILL REREPORTED FROM COMMITTEE****HB 1603, PN 2636**

By Rep. ADOLPH

An Act amending the act of December 20, 1985 (P.L.457, No.112), known as the Medical Practice Act of 1985, providing for the provision of anesthesia care in certain settings; and conferring powers and imposing duties on the Department of Health.

APPROPRIATIONS.

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

The House proceeded to second consideration of **HB 1357, PN 2423**, entitled:

An Act amending Titles 18 (Crimes and Offenses) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for impersonating a public servant and for visual and audible signals on emergency vehicles.

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 1662, PN 2560**, entitled:

An Act amending Title 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes, in dispositions independent of letters, further providing for payments to family and funeral directors.

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 611, PN 2678**, entitled:

An Act amending the act of June 2, 1915 (P.L.736, No.338), known as the Workers' Compensation Act, further providing for workers' compensation benefits for certain emergency medical services personnel.

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 1131, PN 1577**, entitled:

An Act amending Title 3 (Agriculture) of the Pennsylvania Consolidated Statutes, in weights and measures, further providing for potatoes.

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 638, PN 1309**, entitled:

An Act amending the act of May 22, 1933 (P.L.853, No.155), known as The General County Assessment Law, further providing for definitions and for subjects of taxation enumerated.

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

Mr. **MAHER** offered the following amendment No. **A04175**:

Amend Bill, page 6, line 12, by striking out "COVERED AGRICULTURAL"

Amend Bill, page 6, line 13, by inserting after "STRUCTURE" used for agricultural purposes

Amend Bill, page 6, line 18, by inserting after "(2)" when covered.

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

**AMENDMENT WITHDRAWN**

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

Mr. MAHER. Thank you, Mr. Speaker.

This amendment is a technical change to the definition of high tunnels that appears in the bill. Thank you.

I am sorry, Mr. Speaker. I had intended to withdraw amendment A04175 and offer A04675.



The SPEAKER. The gentleman is correct. The Parliamentarian just advised me of that. We might have caught that at the same time.

The gentleman withdraws amendment 4175.

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

Mr. MAHER offered the following amendment No. A04675:

Amend Bill, page 1, line 13, by inserting after "FOR" definitions and for

Amend Bill, page 3, lines 2 through 4, by striking out all of said lines and inserting

Section 1. Section 102 of the act of May 22, 1933 (P.L.853, No.155), known as The General County Assessment Law, is amended by adding a definition to read:

Section 102. Definitions.—The following words and phrases shall, for the purpose of this act, have the meanings respectively ascribed to them in this section, except where the context clearly indicates a different meaning:

\* \* \*

"High tunnel" shall mean a structure which meets the following:

(1) Is used for the production, processing, keeping, storing, sale or shelter of an agricultural commodity as defined in section 2 of the act of December 19, 1974 (P.L.973, No.319), known as the "Pennsylvania Farmland and Forest Land Assessment Act of 1974," or for the storage of agricultural equipment or supplies.

(2) Is constructed consistent with all of the following:

(i) Has a metal, wood or plastic frame.

(ii) When covered, has a plastic, woven textile or other flexible covering.

(iii) Has a floor made of soil, crushed stone, matting, pavers or a floating concrete slab.

Section 2. Section 201(a) of the act, amended October 4, 2002 (P.L.873, No.124), is amended to read:

Amend Bill, page 6, lines 12 through 21, by striking out "NO COVERED AGRICULTURAL" in line 12 and all of lines 13 through 21 and inserting

No high tunnel shall be assessed or taxed as real estate regardless of whether the structure has become affixed to the real estate.

Amend Bill, page 6, line 23, by striking out "2" and inserting 3

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

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

Mr. MAHER. The amendment number has changed but the brief explanation remains the same. Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—199

Adolph	English	Knowles	Petri
Aument	Evankovich	Kortz	Pickett
Baker	Evans	Kotik	Pyle
Barbin	Everett	Krieger	Quinn
Barrar	Fabrizio	Kula	Rapp

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

NAYS—0

NOT VOTING—0

EXCUSED—3

Bishop Haggerty Swanger

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 530, PN 2500**, entitled:

An Act amending Title 62 (Procurement) of the Pennsylvania Consolidated Statutes, requiring Commonwealth agencies to procure only flags that are manufactured in the United States; and imposing a penalty.

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

**BILL PASSED OVER TEMPORARILY**

The **SPEAKER**. HB 530 will be over temporarily.

\* \* \*

The House proceeded to second consideration of **SB 607, PN 1556**, entitled:

An Act providing standards for carbon monoxide alarms; and imposing penalties.

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

Mr. **DALEY** offered the following amendment No. **A04580**:

Amend Bill, page 4, line 12, by striking out "one year" and inserting  
18 months

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

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

Mr. **DALEY**. Thank you, Mr. Speaker.

What this amendment simply does, it extends the complying state from 12 to 18 months. I believe it is generally an agreed-to amendment, and I ask for an affirmative vote.

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

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

Mr. **GODSHALL**. Thank you, Mr. Speaker.

This is an agreed-to amendment, and it is also agreed to by the sponsor of the bill over in the Senate that they agree to this amendment going into the bill. They will favorably look at the bill with this amendment in it. Thank you.

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

The following roll call was recorded:

**YEAS—199**

Adolph	English	Knowles	Petri
Aument	Evankovich	Kortz	Pickett
Baker	Evans	Kotik	Pyle
Barbin	Everett	Krieger	Quinn
Barrar	Fabrizio	Kula	Rapp
Benninghoff	Farina	Lawrence	Ravenstahl

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

**NAYS—0**

**NOT VOTING—0**

**EXCUSED—3**

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

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

Mr. **CUTLER** offered the following amendment No. **A04453**:

Amend Bill, page 5, line 30, by inserting after "alarms."  
If a municipality adopts more stringent requirements relating to carbon monoxide alarms, the municipality shall reimburse the actual costs for purchase and installation of the carbon monoxide alarms to the person who paid for the actual costs.

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

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

Mr. CUTLER. Thank you, Mr. Speaker.

Very briefly, while this act would set a floor, the proposed amendment that I am offering would simply say if a local municipality would put more stringent requirements in place, that the municipality would have to reimburse the actual cost related to those more stringent requirements.

I would certainly appreciate the members' support.

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

Those in favor of the amendment— I apologize.

The Speaker recognizes the gentleman from Bucks County, Mr. Farry.

Mr. FARRY. Thank you, Mr. Speaker.

This amendment is actually an unfunded mandate on the municipalities, and I respectfully ask for a "no" vote on this amendment.

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

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

Mr. CUTLER. Thank you, Mr. Speaker.

While I recognize the gentleman's concern, I would actually argue that the majority of the bill is an unfunded mandate on many property owners. I simply believe that if there are more stringent requirements in the base level that this bill sets, I believe that that should be borne by the individual municipality that wishes to set those mandates. They are elected officials, and I believe that they could be held accountable at the local level. Thank you.

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

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

Mr. GODSHALL. Thank you, Mr. Speaker.

The Senate has not agreed to this amendment going into their bill, and it will absolutely kill the bill. If this amendment goes in along with a couple additional amendments, it is going to kill the bill.

I would ask for a negative vote. And this is something that we really should be doing. It is a good start, and I would ask for a "no" vote.

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

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

Mr. DALEY. Thank you, Mr. Speaker.

I concur with the last two speakers – well, the speaker and then another speaker, skip that speaker. I agree with two of the last three speakers. How is that? Does that work better? And we would ask for a negative vote.

In the Senate it was not agreed to. It is not agreed to among us here in the House. And unfortunately, it is an unfunded mandate. We do not want to place any more onuses, burdens, upon the municipalities and ask for a "no" vote. Thank you.

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

The following roll call was recorded:

#### YEAS—62

Aument	Gillen	McGinnis	Rapp
Barrar	Gillespie	Mentzer	Reese
Benninghoff	Greiner	Metcalfe	Regan
Bloom	Grove	Metzgar	Roae
Brooks	Hahn	Miccarelli	Roebuck
Causser	Harris, A.	Micozzie	Sabatina
Cox	Hickernell	Millard	Sankey
Cruz	James	Miller, R.	Saylor
Cutler	Kauffman	Miranda	Sims
Denlinger	Keller, F.	Moul	Smith
Dunbar	Keller, W.	Mustio	Sonney
Ellis	Kirkland	O'Brien	Stevenson
Emrick	Krieger	Oberlander	Tallman
Evanovich	Lawrence	Peifer	Truitt
Fee	Maloney	Pyle	Youngblood
Gabler	McGeehan		

#### NAYS—137

Adolph	DiGirolamo	Killion	Petrarca
Baker	Donatucci	Kim	Petri
Barbin	English	Kinsey	Pickett
Bizzarro	Evans	Knowles	Quinn
Boback	Everett	Kortz	Ravenstahl
Boyle, B.	Fabrizio	Kotik	Readshaw
Boyle, K.	Farina	Kula	Reed
Bradford	Farry	Longietti	Rock
Briggs	Fleck	Lucas	Ross
Brown, R.	Flynn	Mackenzie	Rozzi
Brown, V.	Frankel	Maher	Saccone
Brownlee	Freeman	Mahoney	Sainato
Burns	Gainey	Major	Samuelson
Caltagirone	Galloway	Markosek	Santarsiero
Carroll	Gergely	Marshall	Scavello
Christiana	Gibbons	Marsico	Schlossberg
Clay	Gingrich	Masser	Schreiber
Clymer	Godshall	Matzie	Simmons
Cohen	Goodman	McCarter	Snyder
Conklin	Grell	McNeill	Stephens
Corbin	Hackett	Miller, D.	Stern
Costa, D.	Haluska	Milne	Sturla
Costa, P.	Hanna	Mirabito	Taylor
Culver	Harhai	Molchany	Thomas
Daley, M.	Harhart	Mullery	Tobash
Daley, P.	Harkins	Mundy	Toepel
Davidson	Harper	Murt	Toohil
Davis	Harris, J.	Neilson	Turzai
Day	Heffley	Neuman	Vereb
Dean	Helm	O'Neill	Vitali
Deasy	Hennessey	Painter	Waters
DeLissio	Kampf	Parker	Watson
Delozier	Kavulich	Pashinski	Wheatley
DeLuca	Keller, M.K.	Payne	White
Dermody			

#### NOT VOTING—0

#### EXCUSED—3

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

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

Mr. **METZGAR** offered the following amendment  
No. **A04455**:

Amend Bill, page 5, by inserting between lines 22 and 23  
Section 5.1 Reimbursement.

The Department of Labor and Industry shall reimburse the actual costs for the purchase and installation of carbon monoxide alarms to the person who paid for the actual costs.

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

The **SPEAKER**. On that question, the Speaker recognizes the gentleman from Somerset County, Mr. Metzgar.

Mr. **METZGAR**. Thank you, Mr. Speaker.  
This is a simple safety amendment.

We believe that this is such an important thing that our safety, the safety of the people of the Commonwealth, is so important. We need to make sure that no one falls through the cracks and everyone has this that needs to comply. And so we are going to make sure that the Department of Labor funds this mandate for our landowners so that we make sure those carbon monoxide detectors are in place.

Please support. Thank you.

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

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

Mr. **FARRY**. Thank you, Mr. Speaker.

While I appreciate my colleague from Somerset's desire to ensure that detectors get in as many homes as possible – as many dwelling units as possible, this is an unfunded mandate on the Department of Labor, and I request a "no" vote on this amendment.

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

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

Mr. **DALEY**. Thank you, Mr. Speaker.

Once again, I agree with the previous speaker that it is an unfunded mandate. We place the onus back on Labor and Industry. This calls for no appropriation. That can be done in this legislation, and we ask for a "no" vote.

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

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

Mr. **GODSHALL**. Same reasons as given before, this is not an agreed-to amendment. We would ask for a "no" vote. Thank you.

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

On that question, the Speaker recognizes the gentleman from Adams County, Mr. Tallman.

Mr. **TALLMAN**. Thank you, Mr. Speaker.

Just to correct the record here, this whole bill is an unfunded mandate. Thank you.

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

On that question, the Speaker recognizes the gentleman from Somerset County, Mr. Metzgar.

Mr. **METZGAR**. Thank you, Mr. Speaker.

I guess we are in that spot where we are asking two things of ourselves. We are asking, do we want to make sure that the mandate is on the government to pay and make sure that everyone has this in place, or do we want to have the mandate on the people directly and make them pay and wonder if the safety is, you know, ensured? So I guess my thought is make sure that, if this is something that the gentleman from Bucks wishes to do and the body wants to do, that we should make sure that it is funded correctly from the coffers of the government, we are not asking the people for more money, and then we are going to make sure that we have that device in place that is espoused to save so many lives.

So I think that this vote is about whether you think that it is important enough to fund and also important enough to ensure that it is in place.

So I encourage a "yes" vote. I think that a "no" vote sends the wrong message. It sends a message that you believe that we can let it be paid willy-nilly and let it be installed willy-nilly, and no one wants to see anyone die because they do not have this device in place. Thank you.

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

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

Mr. **GODSHALL**. These alarms run approximately \$20, sometimes \$25, up to a maximum of \$30, so an average of about \$25 per alarm. Every year 400 Americans die from unintentional poisoning, 20,000 visit the emergency room, and 4,000 are hospitalized by CO (carbon monoxide) poisoning.

This is a start in the right direction. This is something that the Senate has agreed to put in place, and I ask at this point, again, for a negative vote.

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

The following roll call was recorded:

#### YEAS—29

Barrar	Haluska	McGinnis	Roae
Benninghoff	Hanna	Metcalfe	Roebuck
Brooks	Keller, F.	Metzgar	Sabatina
Causar	Keller, W.	Moul	Sankey
Christiana	Krieger	O'Brien	Smith
Cutler	Maher	Oberlander	Tallman
Gabler	McGeehan	Rapp	Truitt
Gillespie			

#### NAYS—170

Adolph	Emrick	Kinsey	Petrarca
Aument	English	Kirkland	Petri
Baker	Evankovich	Knowles	Pickett
Barbin	Evans	Kortz	Pyle
Bizzarro	Everett	Kotik	Quinn
Bloom	Fabrizio	Kula	Ravenstahl
Boback	Farina	Lawrence	Readshaw
Boyle, B.	Farry	Longietti	Reed
Boyle, K.	Fee	Lucas	Reese
Bradford	Fleck	Mackenzie	Regan

Briggs	Flynn	Mahoney	Rock
Brown, R.	Frankel	Major	Ross
Brown, V.	Freeman	Maloney	Rozzi
Brownlee	Gainey	Markosek	Saccone
Burns	Galloway	Marshall	Sainato
Caltagirone	Gergely	Marsico	Samuelson
Carroll	Gibbons	Masser	Santarsiero
Clay	Gillen	Matzie	Saylor
Clymer	Gingrich	McCarter	Scavello
Cohen	Godshall	McNeill	Schlossberg
Conklin	Goodman	Mentzer	Schreiber
Corbin	Greiner	Miccarelli	Simmons
Costa, D.	Grell	Micozzie	Sims
Costa, P.	Grove	Millard	Snyder
Cox	Hackett	Miller, D.	Sonney
Cruz	Hahn	Miller, R.	Stevens
Culver	Harhai	Milne	Stern
Daley, M.	Harhart	Mirabito	Stevenson
Daley, P.	Harkins	Miranda	Sturla
Davidson	Harper	Molchany	Taylor
Davis	Harris, A.	Mullery	Thomas
Day	Harris, J.	Mundy	Tobash
Dean	Heffley	Murt	Toepel
Deasy	Helm	Mustio	Toohil
DeLissio	Hennessey	Neilson	Turzai
Delozier	Hickernell	Neuman	Verab
DeLuca	James	O'Neill	Vitali
Denlinger	Kampf	Painter	Waters
Dermody	Kauffman	Parker	Watson
DiGirolamo	Kavulich	Pashinski	Wheatley
Donatucci	Keller, M.K.	Payne	White
Dunbar	Killion	Peifer	Youngblood
Ellis	Kim		

NOT VOTING—0

EXCUSED—3

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

On the question recurring,

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

Mr. **METZGAR** offered the following amendment No. **A04454**:

Amend Bill, page 4, lines 2 through 6, by striking out "Residential building.—Upon the sale of a residential" in line 2 and all of lines 3 through 6 and inserting  
(Reserved).

Amend Bill, page 5, by inserting between lines 22 and 23 Section 5.1 Certificate of occupancy.

Notwithstanding any other provisions of this act, if a certificate of occupancy has been filed for a multifamily dwelling or a residential building, the owner of the multifamily dwelling or residential building shall not be required to disclose information regarding the installation of carbon monoxide detectors on the property nor to provide access to the multifamily dwelling or residential building for purposes relating to the installation of carbon monoxide detectors.

On the question,

Will the House agree to the amendment?

The SPEAKER. On that question, the Speaker recognizes the gentleman from Somerset County, Mr. Metzgar.

Mr. METZGAR. Thank you, Mr. Speaker.

Simple reimbursement provision, if you have to put an alarm in because we mandate it, you get reimbursed for it. That is all. Thank you.

The SPEAKER. The question is, will the House agree to the— Had the gentleman, Mr. Metzgar, concluded his comments on the amendment?

Mr. METZGAR. I am sorry, Mr. Speaker, I believe I read the wrong one for you.

The SPEAKER. I thought so.

Mr. METZGAR. Yeah.

The SPEAKER. I am going to give you the courtesy of being — you are still continuing. I did not think you had finished. I think you can keep going on your first shot at this.

Mr. METZGAR. Thank you, Mr. Speaker.

The amendment in question, contrary to my earlier comment, this is the one that says that an owner of a multifamily dwelling where the certificate of occupancy has been filed shall not be required to disclose in order for that property to be transferred. So that is what this one is about.

The SPEAKER. The Speaker thanks the gentleman.

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

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

Mr. GODSHALL. Again, for the same reasons as we put forth before, we ask for a negative vote because it is not agreed to by the Senate. It will actually kill the bill.

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

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

Mr. DALEY. Thank you, Mr. Speaker.

To concur with the remarks of my chairman, we do not understand what the purpose of this amendment is. It does not make any sense to us. It has no practicality to what we are trying to do here. We believe that the amendment needs to be defeated.

Thank you, Mr. Speaker.

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

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

Mr. FARRY. Thank you, Mr. Speaker.

Joining with the two chairmen, this bill was actually negotiated with the various stakeholders, including the realtors, the apartment association, and the owners of rental properties. They agreed to include within the seller's disclosure whether or not carbon monoxide detectors are located within the property. They believe it not to be onerous, and they are in favor of legislation. I recommend a "no" vote on this amendment.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

## YEAS—35

Benninghoff	Evankovich	Maher	Reese
Bloom	Gabler	Masser	Regan
Brooks	Gillespie	McGeehan	Roae
Causar	Greiner	McGinnis	Sankey
Christiana	Haluska	Metcalfe	Smith
Culver	James	Metzgar	Stevenson
Cutler	Keller, F.	Moul	Tallman
Denlinger	Keller, W.	Oberlander	Truitt
Ellis	Krieger	Rapp	

## NAYS—164

Adolph	English	Kirkland	Petrarca
Aument	Evans	Knowles	Petri
Baker	Everett	Kortz	Pickett
Barbin	Fabrizio	Kotik	Pyle
Barrar	Farina	Kula	Quinn
Bizzarro	Farry	Lawrence	Ravenstahl
Boback	Fee	Longiotti	Readshaw
Boyle, B.	Fleck	Lucas	Reed
Boyle, K.	Flynn	Mackenzie	Rock
Bradford	Frankel	Mahoney	Roebuck
Briggs	Freeman	Major	Ross
Brown, R.	Gainey	Maloney	Rozzi
Brown, V.	Galloway	Markosek	Sabatina
Brownlee	Gergely	Marshall	Saccone
Burns	Gibbons	Marsico	Sainato
Caltagirone	Gillen	Matzie	Samuelson
Carroll	Gingrich	McCarter	Santarsiero
Clay	Godshall	McNeill	Saylor
Clymer	Goodman	Mentzer	Scavello
Cohen	Grell	Miccarelli	Schlossberg
Conklin	Grove	Micozzie	Schreiber
Corbin	Hackett	Millard	Simmons
Costa, D.	Hahn	Miller, D.	Sims
Costa, P.	Hanna	Miller, R.	Snyder
Cox	Harhai	Milne	Sonney
Cruz	Harhart	Mirabito	Stephens
Daley, M.	Harkins	Miranda	Stern
Daley, P.	Harper	Molchany	Sturla
Davidson	Harris, A.	Mullery	Taylor
Davis	Harris, J.	Mundy	Thomas
Day	Heffley	Murt	Tobash
Dean	Helm	Mustio	Toepel
Deasy	Hennessey	Neilson	Toohil
DeLissio	Hickernell	Neuman	Turzai
Delozier	Kampf	O'Brien	Vereb
DeLuca	Kauffman	O'Neill	Vitali
Dermody	Kavulich	Painter	Waters
DiGirolo	Keller, M.K.	Parker	Watson
Donatucci	Killion	Pashinski	Wheatley
Dunbar	Kim	Payne	White
Emrick	Kinsey	Peifer	Youngblood

## NOT VOTING—0

## EXCUSED—3

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

On the question recurring,

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

Mr. **METZGAR** offered the following amendment No. **A04452**:

Amend Bill, page 5, by inserting after line 30  
Section 8. Presumption of liability.

There shall be a rebuttable presumption that a manufacturer or seller of a carbon monoxide detector is responsible for death or injury of any individual from carbon monoxide poisoning in a leased premises where a carbon monoxide detector has been installed and maintained in accordance with this act.

On the question,

Will the House agree to the amendment?

The **SPEAKER**. On that question, the Speaker recognizes the gentleman from Somerset County, Mr. Metzgar.

Mr. **METZGAR**. Thank you, Mr. Speaker.

Just one last little tweak to this bill.

This amendment— We are creating a standard of care for both our tenants and our landlords in this bill. The standard of care is different for both, but what happens is that there are going to be lawsuits. The attorneys will win, if you will. There are going to be lawsuits on both sides.

But what this will do is it will take some of the pressure off our landlords and our tenants by saying, hey, if there is a failure, an injury, or a death that should have been picked up by this carbon monoxide detector, that that carbon monoxide detector manufacturer or seller now at least has a rebuttable presumption of liability. So they are responsible, and that kind of takes some of the heat off of our landlords and tenants because we are creating some standards of care that they might not be comfortable with.

So I encourage you to support this. You know, it might make the bill a little more palatable for your constituents. Thank you.

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

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

Mr. **GODSHALL**. Again, this is not a negotiated amendment with the stakeholders, it is not a negotiated amendment with the Senate, and we ask for a negative vote.

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

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

Mr. **FARRY**. Thank you, Mr. Speaker.

There is nothing in this proposed bill that would actually prevent an aggrieved party, whether it is the estate or the injured party, from pursuing a products liability case against the manufacturer of the carbon monoxide detector. The gentleman from Somerset is trying to change the standard in terms of litigation. This is unnecessary. There is nothing prohibitive in the underlying bill.

I recommend a "no" vote on this amendment.

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

On the question, the Speaker recognizes the gentleman from Washington County, Mr. Pete Daley.

Mr. **DALEY**. Thank you, Mr. Speaker.

I agree with the last speaker. I think what the maker of this amendment is trying to do is create a new standard of care. I think the law covers that quite well under the products liability

aspect. I think it creates further litigation that can occur by placing this language in, which I think is actually covered by current law, and I think it really actually creates a burden to the legislation. It is going to cause its death when it goes back to the Senate.

So I ask for a "no" vote.

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

The following roll call was recorded:

YEAS—27

Benninghoff	Greiner	Metcalfe	Regan
Bloom	Harhart	Metzgar	Roae
Brooks	James	Moul	Sankey
Causer	Keller, F.	Oberlander	Smith
Cutler	Krieger	Pyle	Tallman
Emrick	Lawrence	Rapp	Truitt
Gabler	McGinnis	Reese	

NAYS—172

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

NOT VOTING—0

EXCUSED—3

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

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

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

Mr. MUSTIO. Thank you, Mr. Speaker.

The amendment that I have will mandate the care facilities, assisted living facilities have detectors. I have agreed to pull that amendment. The nonprofit and for-profit facility owners associations have agreed to meet with me. I have had several constituents in these facilities pass away from carbon monoxide poisoning, and they have agreed to work with me and the department to come up with a solution to this problem.

So with that and the agreement of the support from the maker of this bill, I have agreed to pull my amendment. Thank you.

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

Bill as amended was agreed to.

(Bill as amended will be reprinted.)

\* \* \*

The House proceeded to second consideration of **SB 34, PN 930**, entitled:

An Act amending the act of December 12, 1973 (P.L.397, No.141), known as the Professional Educator Discipline Act, making extensive substantive and editorial changes; providing for imposition of discipline on additional grounds, for imposition of discipline on founded reports, for confidentiality, for subpoenas and for disposition of fees and fines collected; and establishing the Professional Educator Discipline Account.

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

Mr. **ROEBUCK** offered the following amendment  
No. **A02070**:

- Amend Bill, page 1, line 7, by striking out "and indicated"
- Amend Bill, page 29, lines 1 and 2, by striking out "and Indicated"
- Amend Bill, page 29, lines 11 through 28, by striking out all of lines 11 through 27 and "(3)" in line 28 and inserting  
(2)
- Amend Bill, page 29, line 30, by striking out "or indicated"
- Amend Bill, page 30, line 1, by striking out "or indicated"
- Amend Bill, page 30, line 5, by striking out "or indicated"
- Amend Bill, page 30, line 6, by striking out "or indicated"
- Amend Bill, page 30, lines 8 through 14, by striking out all of said lines

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

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

Mr. ROEBUCK. Thank you, Mr. Speaker.

This amendment, A2070, would remove references to indicated reports of child abuse under Title 23 as an independent basis for discipline under the Pennsylvania Educator Discipline Act. While an educator can still be disciplined and have his or her certification revoked in the case of an indicated report, there would be an opportunity for a hearing on the underlying facts and alleged conduct before the revocation could occur.

This process which is utilized by licensing boards for other professions such as nursing, medical practices, psychologists, social workers, and counselors that also have a direct interaction with children, the licensing laws for these professions do not include the statutory authority for automatic discipline following an indicated report of child abuse. Rather, the licensing laws provide the licensing board the authority to discipline based on the underlying conduct that led to an indicated report, but the licensee would have the opportunity for due process before the board prior to disciplinary action being taken.

It is my understanding that this is agreed to, and I would appreciate support of the members for this amendment. Thank you, Mr. Speaker.

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

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

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, amendment A02070 is an agreed-to amendment, and I would ask for a positive vote. Thank you.

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

The following roll call was recorded:

YEAS—192

Adolph	Emrick	Kinsey	Petri
Aument	English	Kirkland	Pickett
Baker	Evankovich	Knowles	Pyle
Barbin	Evans	Kortz	Quinn
Barrar	Everett	Kotik	Ravenstahl
Benninghoff	Fabrizio	Kula	Readshaw
Bizzarro	Farina	Lawrence	Reed
Boback	Farry	Longiatti	Reese
Boyle, B.	Fee	Lucas	Regan
Boyle, K.	Fleck	Mackenzie	Roae
Bradford	Flynn	Maher	Rock
Briggs	Frankel	Mahoney	Roebuck
Brooks	Freeman	Major	Ross
Brown, R.	Gainey	Maloney	Rozzi
Brown, V.	Galloway	Markosek	Sabatina
Brownlee	Gergely	Marshall	Saccone
Burns	Gibbons	Marsico	Sainato
Caltagirone	Gillen	Masser	Samuelson
Carroll	Gillespie	Matzie	Sankey
Causar	Gingrich	McCarter	Santarsiero
Christiana	Godshall	McGeehan	Saylor
Clay	Goodman	McNeill	Scavello
Clymer	Greiner	Mentzer	Schlossberg

Cohen	Grell	Miccarelli	Schreiber
Conklin	Grove	Micozzie	Simmons
Corbin	Hackett	Millard	Sims
Costa, D.	Hahn	Miller, D.	Smith
Costa, P.	Haluska	Miller, R.	Snyder
Cox	Hanna	Milne	Sonney
Cruz	Harhai	Mirabito	Stephens
Culver	Harhart	Miranda	Stern
Cutler	Harkins	Molchany	Stevenson
Daley, M.	Harper	Moul	Sturla
Daley, P.	Harris, A.	Mullery	Tallman
Davidson	Harris, J.	Mundy	Taylor
Davis	Heffley	Murt	Thomas
Day	Helm	Mustio	Tobash
Dean	Hennessey	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
DiGirolo	Keller, M.K.	Pashinski	Watson
Donatucci	Keller, W.	Payne	Wheatley
Dunbar	Killion	Peifer	White
Ellis	Kim	Petrarca	Youngblood

NAYS—7

Bloom	Krieger	Metcalfe	Rapp
Gabler	McGinnis	Metzgar	

NOT VOTING—0

EXCUSED—3

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

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

Mr. CUTLER offered the following amendment No. A04464:

Amend Bill, page 27, by inserting between lines 29 and 30  
(c) Upon conviction of an educator for an offense set forth in section 111(e) of the "Public School Code of 1949," the court shall notify the department of the conviction.

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

AMENDMENT WITHDRAWN

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

Mr. CUTLER. Thank you, Mr. Speaker.

Very briefly, I just wanted to offer some comments.

Mr. Speaker, recently we had a local issue where we had a teacher who held a certificate by the department and this teacher had an inappropriate relationship with a young person at their church, and unfortunately, this entire experience exposed, in my opinion, a gaping loophole in the existing law. Since she was



not an employee of the church, she was a volunteer, the incident was ultimately not reported to anybody. While she pled guilty to the crime and she was only a long-term sub that was on a variety of substitution teaching lists, there was not an employer to actually report the crime to. And I had a host of concerns because this individual ultimately held her teaching certificate and remained on an active substitution list for a period of 9 months after she pled guilty to inappropriate sexual contact with a minor.

So in working with the chairman and his staff, it became clear that this issue is going to need some additional work. So with that in mind and the hard work and the years of progress they have put into SB 34, I am going to at this time withdraw this amendment, continue to work with the chairman and his staff and the department, and hopefully we can resolve this issue where the individual teachers who are not employed or where those occurrences occur outside of the actual place of employment are also caught and appropriately intercepted in regards to their teaching certifications and appropriately handled so that we can continue to protect our children.

And so with that, Mr. Speaker, at this time I will be withdrawing the amendment and look forward to working with the chairman, the staff, and all the stakeholders on the issue going forward. Thank you.

The SPEAKER. The Speaker thanks the gentleman. The amendment is withdrawn.

On the question recurring,

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

Bill as amended was agreed to.

(Bill as amended will be reprinted.)

#### DECISION OF CHAIR RESCINDED

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

Mr. CLYMER. Mr. Speaker, to make some very brief remarks on the bill.

The SPEAKER. Without objection, the Speaker rescinds the announcement that the House agreed to the bill.

On the question recurring,

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

The SPEAKER. The Speaker recognizes the gentleman from Bucks County, Mr. Clymer.

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, SB 34 will modernize and overhaul in the Professional Educator Discipline Act, the law which governs the investigation and discipline of educators for misconduct. SB 34 is identical to HB 930, sponsored by Representative O'Neill, which this chamber passed unanimously in April.

The Professional Standards and Practices Commission, which oversees educator discipline in Pennsylvania, has worked on these amendments for over the past 8 years. The bill is supported by the Pennsylvania School Boards Association, and

the Pennsylvania State Education Association is neutral on the bill. And finally, the bill is endorsed by the Pennsylvania Task Force on Child Protection, and I would ask for a positive vote.

Thank you, Mr. Speaker.

On the question recurring,

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

Bill as amended was agreed to.

(Bill as amended will be reprinted.)

#### CONSIDERATION OF HB 530 CONTINUED

The SPEAKER. Return to consideration of HB 530.

The question is, will the House agree to the bill? That would be HB 530 on page 8 of today's House calendar that we went over temporarily a few minutes ago.

On the question recurring,

Will the House agree to the bill on second consideration?

Mr. COHEN offered the following amendment No. **A04253**:

Amend Bill, page 6, lines 10 and 11, by striking out all of line 10 and "3765" in line 11 and inserting

3764

Amend Bill, page 6, line 12, by striking out "3766" and inserting

3765

Amend Bill, page 6, line 13, by striking out "3767" and inserting

3766

Amend Bill, page 8, lines 2 through 5, by striking out all of said lines

Amend Bill, page 8, line 6, by striking out "3765" and inserting

3764

Amend Bill, page 8, line 15, by striking out "3766" and inserting

3765

Amend Bill, page 8, line 19, by striking out "3765" and inserting

3764

Amend Bill, page 8, line 24, by striking out "3765" and inserting

3764

Amend Bill, page 8, line 28, by striking out "3767" and inserting

3766

Amend Bill, page 9, line 6, by striking out "3766" and inserting

3765

On the question,

Will the House agree to the amendment?

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

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, A4253 is an agreed-to amendment which removes some language that confuses more than clarifies. I would urge support for this agreed-to amendment from all the members.

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

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

Mr. CLYMER. Thank you, Mr. Speaker.  
This is indeed an agreed-to amendment, and I would ask for an affirmative vote.

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

The following roll call was recorded:

YEAS—199

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

NAYS—0

NOT VOTING—0

EXCUSED—3

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

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

Mr. COHEN offered the following amendment No. A03967:

Amend Bill, page 1, line 7, by inserting after "STATES" and give preference to American-made products  
Amend Bill, page 6, line 5, by inserting after "PROCUREMENT"  
AND  
AMERICAN-MADE PRODUCT PREFERENCE  
Amend Bill, page 6, line 16, by inserting after "PROCUREMENT"  
and American-made Product Preference  
Amend Bill, page 6, line 20, by striking out "PROVIDES" and inserting  
and other American-made products provide  
Amend Bill, page 6, line 29, by striking out "THE FLAG"  
Amend Bill, page 7, line 5, by inserting after "PEOPLE"  
and give preference to American-made products when they are similarly priced and of similar value and similar usefulness  
Amend Bill, page 8, line 7, by inserting before "ALL"  
(a) Flags.—  
Amend Bill, page 8, by inserting between lines 14 and 15  
(b) Other products.—All Commonwealth agencies and the General Assembly, its officers and agencies shall give preference to American-made products when they are similarly priced and of similar value and similar usefulness.  
Amend Bill, page 9, line 9, by inserting after "FLAGS"  
or other products under 62 Pa.C.S. § 3765

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

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

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, this amendment seeks to expand the purpose of the underlying bill, which is exemplary. The underlying bill provides that American flags purchased by governmental agencies shall be made in America. That is a good general rule which I heartily support.

This amendment seeks to expand the preference for American-made products in government agencies throughout Pennsylvania. This amendment requires that all government agencies give preference to American-made products when they are similarly priced and of similar value and similar usefulness. This is a general standard over time by regulation, experienced court decisions, the standard will undoubtedly be fleshed out. But in the meantime, what we are doing is sending a very strong message that we believe in jobs for American citizens. We are saying that we are going to be using the economic power of State government to create jobs for American citizens when the products that are offered are similarly priced, of similar value and similar usefulness.

In many areas of the marketplace, it is very, very hard to find American-made products. Indeed, it is so hard to find American-made products that many stores have been formed around the country just promoting American-made products, and these stores and these Web sites and these distribution centers have received a very supportive response from the public. National polls show the vast majority of Americans prefer to buy American-made products if they can.

This amendment recognizes that there are not American-made products for all items that the government would want to buy. It does not interfere with any trade in foreign-made products. It does not say, all American-made products shall be purchased regardless of the price. It just sets a general standard that government agencies shall give preference to American-made products when they are similarly priced, of similar value and similar usefulness.

I think this is a broad, general principle that we all ought to be able to agree upon and that will do a lot to create jobs in Pennsylvania and around the country. I would urge support of this amendment.

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

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

Mr. CLYMER. Thank you, Mr. Speaker.

And I certainly can appreciate the sentiments and the concern of the former speaker seeking to have General Services purchase – all products that they purchase be American-made.

Here is the problem. This bill specifically targets that when General Services purchases flags, the two flags – the United States flag and the Pennsylvania flag – that they have "Made in the U.S.A." label on those flags. If you expand it, it creates more of a problem in this bill for General Services to determine what is 100 percent American, if it is 80 percent American, and there are many items that are out there that they would have to look through and determine, you know, is this truly an American-made product? Some products have labels on them where it is made in a foreign country but it is put together in the U.S.A., and it creates more of a problem than it does a solution, and General Services does not support the Cohen amendment as I do not support it as well.

But I commend the gentleman for an interest in wanting to have purchases made of American products, and perhaps that is a debate for another day, that he can put a bill in and we can have a conversation around the table and see how we can look at his amendment and put that into a bill-type form.

But at this point I would ask the members to be a "no" vote on the Cohen amendment. Thank you, Mr. Speaker.

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

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

Mr. COHEN. Thank you.

Mr. Speaker, this legislation does not require any products to be 100 percent American-made or 80 percent or 60 percent American-made. It does not define what American-made is. It does not define what similarly priced is. It does not define what similar value is. It does not define what similar usefulness is.

It basically retains a large grant of discretion in the Department of General Services to make decisions. We are not interested in tying up the Department of General Services with a complex regulatory scheme. We are not interested in generating

a lot of expensive legislation. We are setting a general standard that would encourage a search for American-made products. It is not going to tie everything up in bureaucracy.

I guess there could be some outrageous case in which an American-made product is available for \$1 and a foreign-made product costs \$100, and something like that might lead to litigation. But the vast majority of times, there is not going to be any litigation. We are not setting up a complex standard. We are not setting up booby traps for anybody. This is the desire to— This amendment seeks to set forth a general standard that will lead to more American-made products being purchased by State governmental agencies and create more jobs for American citizens. That is our need.

We have too much unemployment in Pennsylvania. We have too much unemployment throughout the country. This amendment is a small step in the direction of fighting this kind of unemployment and creating more American jobs.

I urge support for this amendment.

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

The following roll call was recorded:

#### YEAS—136

Aument	Denlinger	Keller, M.K.	Painter
Barbin	Dermody	Keller, W.	Parker
Barrar	Donatucci	Kim	Pashinski
Benninghoff	Emrick	Kinsey	Payne
Bizzarro	Evans	Kirkland	Peifer
Bloom	Fabrizio	Kortz	Petrarca
Boyle, B.	Farina	Kotik	Quinn
Boyle, K.	Flynn	Kula	Ravenstahl
Bradford	Frankel	Lawrence	Readshaw
Briggs	Freeman	Longietti	Reese
Brooks	Gabler	Maher	Regan
Brown, V.	Gainey	Mahoney	Rock
Brownlee	Galloway	Maloney	Roebuck
Burns	Gergely	Markosek	Rozzi
Caltagirone	Gibbons	Marshall	Sabatina
Carroll	Gillen	Marsico	Sainato
Christiana	Gingrich	Matzie	Samuelson
Clay	Godshall	McCarter	Santarsiero
Cohen	Goodman	McGeehan	Schlossberg
Conklin	Greiner	McNeill	Schreiber
Costa, D.	Grell	Mentzer	Sims
Costa, P.	Grove	Metzgar	Snyder
Cox	Haluska	Miller, D.	Stephens
Cruz	Hanna	Mirabito	Sturla
Daley, M.	Harhai	Miranda	Taylor
Daley, P.	Harkins	Molchany	Thomas
Davidson	Harper	Moul	Tobash
Davis	Harris, A.	Mullery	Toepel
Day	Harris, J.	Mundy	Truitt
Dean	Heffley	Murt	Vitali
Deasy	Hickernell	Mustio	Waters
DeLissio	James	Neilson	Wheatley
Delozier	Kauffman	Neuman	White
DeLuca	Kavulich	O'Brien	Youngblood

#### NAYS—63

Adolph	Fee	Masser	Ross
Baker	Fleck	McGinnis	Saccone
Boback	Gillespie	Metcalfe	Sankey
Brown, R.	Hackett	Miccarelli	Saylor
Causer	Hahn	Micozzie	Scavello
Clymer	Harhart	Millard	Simmons
Corbin	Helm	Miller, R.	Smith

Culver	Hennessey	Milne	Sonney
Cutler	Kampf	O'Neill	Stern
DiGirolo	Keller, F.	Oberlander	Stevenson
Dunbar	Killion	Petri	Tallman
Ellis	Knowles	Pickett	Toohil
English	Krieger	Pyle	Turzai
Evankovich	Lucas	Rapp	Vereb
Everett	Mackenzie	Reed	Watson
Farry	Major	Roae	

NOT VOTING—0

EXCUSED—3

Bishop Haggerty Swanger

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

On the question recurring,

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

Bill as amended was agreed to.

(Bill as amended will be reprinted.)

### BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1138, PN 2684**, entitled:

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, in sales and use tax, further providing for definitions.

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 Delaware County, Mr. Vitali.

Mr. VITALI. Thank you, Mr. Speaker.

Will the maker of the bill stand for brief interrogation?

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

Mr. VITALI. Thank you, Mr. Speaker.

It is my understanding that the fiscal cost of this bill is about \$1 million next year. Is that right?

Mr. GABLER. That is correct.

Mr. VITALI. Now, I am trying to get at — this gives timbering sales tax breaks on the equipment they purchase for the timbering operation. Is that right?

Mr. GABLER. Mr. Speaker, the intent of this bill is to correct what I believe to be an oversight, what I believe to be an error in the Tax Code in that we currently have sales and use tax exclusions for agriculture, saw mills, manufacturing. The idea is

that through the production process of materials, we should not be compounding sales tax into that process. Rather, when a product is ready to be sold at retail, we can collect the sales tax at that time.

What I believe to be the case is that currently agriculture is excluded; however, it is the Department of Revenue's interpretation that timbering is not agriculture. It is my opinion that timbering is in fact agriculture. In fact, this idea was brought to me by the Elk County Farm Bureau.

Furthermore, when you look at the way the current sales and use tax exclusion works pertaining to saw mills and otherwise, we are dealing with the same supply chain process. Yet right now there are complicated audits that take place to figure out if something was used before it got to the saw mill or after it got to the saw mill, and in many cases that is very difficult to divide out.

So the purpose of this is to provide clarity and uniformity in the Tax Code so that we are not splitting hairs on the collection of sales and use tax in this process.

Mr. VITALI. Right. Okay. What I am hearing is sort of the reason for this, this is kind of like the "me too" argument. They are getting it, so timbering, we want it too.

Is there any economic need for this? Is there any— In other words, I know, you know, there are a number of timbering companies in Clearfield County and others, but are there any that are going bankrupt? Why are we spending \$1 million on this? Is this an industry that just needs our support? Are there good policy reasons other than they are getting it so I should too to spend \$1 million on this tax break?

Mr. GABLER. I think it is important to point out that the part of the bill you are referring to is the timber sales and use tax exclusion. The fiscal impact of that is roughly half of what you say because the entire \$1 million of the entire fiscal impact of the bill is because there was an amendment put on the bill on second consideration offered by my good friend, the Democratic chairman of the Judiciary Committee from Berks County, who identified a separate issue that affects our municipalities. So I think it is important to be clear that the fiscal impact of this provision that you are referring to, the timber sales and use tax, is roughly half a million dollars. The fiscal impact of the benefit in this bill to our municipalities is also roughly half a million dollars, offering a total of \$1 million.

Mr. Speaker, you also asked about the economic need for this. This issue was brought to me by the Elk County Farm Bureau. These are small mom-and-pop job creators who are very important to our local economy, and they pointed out to me that this does make a difference and they are facing difficult economic times. The timber industry is a tough industry. Add to that the fact that, unfortunately, our Department of Transportation has not been very kind to them recently and they are facing difficulties.

So yes, this is a bill that will protect jobs in the State of Pennsylvania. It also makes our Pennsylvania industry competitive with other industries, and I think it is very important that we pass this. And this is a grass roots thing; this was asked for at the grass roots level. This was not brought to me by anyone in Harrisburg. This is something that real citizens are going to see a real impact from, and it is a very, very minor fiscal impact.

Mr. VITALI. Okay. Thank you, Mr. Speaker.

May I speak on the bill?

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

Mr. VITALI. Just to be clear, I mean, I am looking at the fiscal note. The fiscal note is pretty clear that the fiscal impact of this is \$1 million in 2013-2014. I am not sure how that is broken down.

I just want to give you the opinion of the PA Budget and Policy Center on this bill. By memorandum dated November 18, 2013, "We urge the General Assembly to reject House Bill 1138. The Corbett Administration has indicated...there is nearly a \$1 billion shortfall between expected revenues and expenditures in the 2014-15 budget. This legislation would make the imbalance worse. The bill creates yet another special interest sales tax exemption that will have little economic benefit for..." the citizens of Pennsylvania. They go on further, a couple paragraphs, "Many who study tax policy say tax bases should be as broad as possible to keep the rate" down "as low as possible. HB 1138 is going in the opposite direction, adding another hole to our Swiss cheese sales tax system."

I do want to point out that we are facing a very serious budget hole coming up in this next budget. Budget Secretary Zogby has again estimated over a \$1 billion shortfall. We do not know where the money is coming from. I would suggest, it is simply the wrong time to be giving yet another tax break to special interest.

I do not know the economic and financial condition of these timbering companies. We have tried to do the research. I do know that Weyerhaeuser, one of the largest manufacturers of wood products, earned \$1.2 billion in gross profits in 2012. Plum Creek Timber, the largest private landowner, produces lumber products – \$378 million gross profits in 2012. Rayonier, another timbering operation – \$144 million gross profits in 2012, on and on.

It is fine, Mr. Speaker, if we were dealing with a struggling industry, and it is fine, Mr. Speaker, if we had a surplus, and it is fine if this were going to further some economic interest, but just the opposite is the case.

You know, this sort of "me too" philosophy – they are getting the tax break, me too – I mean, what if the poorer school district said that these wealthier school districts have an arts program or small classroom sizes, me too? What if people struggling to pay for their health care said, you know, I see others with great health-care programs, me too? And there are a lot of unmet needs in Pennsylvania, Mr. Speaker, and I am just concerned that, although in and of itself this \$1 million or half a million dollars, whatever it is, is not used in the ultimate scheme of things, my concern is that this combined with the tax breaks we routinely give to local, favored industries just adds cumulatively to the fiscal problems we have.

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

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

Mr. MAHER. This may come as news to some whose districts are not rural or agricultural. Perhaps the gentleman who was just speaking is unaware about how we get timber. We grow trees. Timber is agriculture. Agriculture has had a deliberate exemption for sales and use tax since the institution of sales and use tax. What has changed is the interpretation of whether or not it is agriculture, and different people auditing different ways, and you know I am an auditor and I love

auditing, but auditors sometimes splinter things, and we need to repair the splinters, remove the splinters from the Tax Code, and make it crystal clear that timber is agriculture.

You just voted, many of you, for a preference for American-made products. Timber is the most durable American-made agricultural product in Pennsylvania, and I hope you stay consistent in your support for Pennsylvania-made durable goods that come from timber and support this important aspect of our agricultural industry. Thank you.

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

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

Mr. BARBIN. Thank you.

I rise in support of the bill.

The issue in this case is trying to clear up a problem that has happened on how auditors go out and decide how much of the exemption applies for agriculture.

If you have a piece of equipment timbering that takes the tree down and drags the tree out and uses a forklift to get that on a truck so it can be sold, if it is done for any other crop, it is exempt as agriculture. For some reason, the auditors over the last 10 years have said, it is not directly used, the same piece of equipment.

What this exclusion does, by amending this, it tells the auditors, go look somewhere else for the sales tax money. It does not mean that sales tax is not going to come in at the same audit level. They are just not going to impose it on the guys that have the family lumber company.

The hardwood industry has been in tough economic times for the last 4 years. You cannot make it up on sales tax because all this equipment is directly used in agriculture. All this bill does is to tell the revenue auditors, stop auditing it. So I support the bill.

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

On that question, the Speaker recognizes the gentleman from Snyder County, Mr. Fred Keller.

Mr. F. KELLER. Thank you, Mr. Speaker.

I know we are having much debate about tax on this. A couple things I would like to bring to point.

One thing is the average age of a forester is somewhere in the upper fifties. It is an at-risk business. They have lost jobs over the last decade. We have recognized that as a Commonwealth.

But I want to make another point, and the point is that forest products from Pennsylvania are exported around the world. We are known for the quality of our hardwoods. And if we cannot have businesses that extract this and can get it to market, I think there is a definite impact negatively on our economy.

Furthermore, hardwood lumber when used in building products, even if we have to ship it around the world and it is used around the world, halfway across the globe, has a negative carbon footprint. It absorbs more carbon than is used to harvest, transport, manufacture, and install into building products.

So if we are concerned about preserving jobs, exports, dollars to the economy, and the environment, I would suggest that we support this bill and give it an affirmative vote. 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—146

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

NAYS—53

Bizzarro	Dean	Kirkland	Readshaw
Boyle, B.	Deasy	Markosek	Sabatina
Boyle, K.	Dermody	McCarter	Samuelson
Bradford	Donatucci	McNeill	Santarsiero
Briggs	Evans	Miller, D.	Schlossberg
Brown, V.	Fabrizio	Miranda	Sims
Brownlee	Frankel	Molchany	Sturla
Clay	Freeman	Mullery	Thomas
Cohen	Gainey	Mundy	Truitt
Cruz	Harkins	Neilson	Vitali
Daley, M.	Harris, J.	Painter	Waters
Daley, P.	Kim	Parker	White
Davidson	Kinsey	Pashinski	Youngblood
Davis			

NOT VOTING—0

EXCUSED—3

Bishop	Haggerty	Swanger
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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.

REMARKS SUBMITTED FOR THE RECORD

The SPEAKER. For what purpose does the gentleman from Clearfield County, Mr. Gabler, rise?

Mr. GABLER. Mr. Speaker, I would like to submit a few remarks for the record.

The SPEAKER. The gentleman will submit them to the clerk, and they will be noted in the record.

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

The language contained in HB 1138 is the result of a series of discussions with the Department of Revenue to ensure proper interpretation of the bill's provisions. I offer these comments to make the bill's legislative intent clear.

This bill is intended to provide a sales and use tax exclusion for those who harvest timber for the commercial production of various forest products. The bill's reference to energy was amended in the House Appropriations Committee to make clear that we are referring only to energy products derived from wood. It is our intent that this bill should have no impact on other energy sources not derived from wood.

\* \* \*

The House proceeded to third consideration of **SB 763, PN 782**, entitled:

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for roster of parties hunting big game.

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

(Bill analysis was read.)

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—199

Adolph	English	Knowles	Petri
Aument	Evankovich	Kortz	Pickett
Baker	Evans	Kotik	Pyle
Barbin	Everett	Krieger	Quinn
Barrar	Fabrizio	Kula	Rapp
Benninghoff	Farina	Lawrence	Ravenstahl
Bizzarro	Farry	Longietti	Readshaw
Bloom	Fee	Lucas	Reed
Boback	Fleck	Mackenzie	Reese

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

NAYS-0

NOT VOTING-0

EXCUSED-3

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

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

\* \* \*

The House proceeded to third consideration of **SB 1042, PN 1578**, entitled:

An Act amending the act of September 26, 1951 (P.L.1539, No.389), known as The Clinical Laboratory Act, further providing for definitions, for inspection, for unlawful conduct and for penalty.

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

(Bill analysis was read.)

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS-199

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

NAYS-0

NOT VOTING-0

EXCUSED-3

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

Ordered, That the clerk return the same to the Senate with the information that the House has passed the same with amendment in which the concurrence of the Senate is requested.

\* \* \*

The House proceeded to third consideration of **HB 207, PN 2558**, entitled:

An Act amending Title 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes, providing for autopsies.

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

(Bill analysis was read.)

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—199

Adolph	English	Knowles	Petri
Aument	Evankovich	Kortz	Pickett
Baker	Evans	Kotik	Pyle
Barbin	Everett	Krieger	Quinn
Barrar	Fabrizio	Kula	Rapp
Benninghoff	Farina	Lawrence	Ravenstahl
Bizzarro	Farry	Longietti	Readshaw
Bloom	Fee	Lucas	Reed
Boback	Fleck	Mackenzie	Reese
Boyle, B.	Flynn	Maher	Regan
Boyle, K.	Frankel	Mahoney	Roae
Bradford	Freeman	Major	Rock
Briggs	Gabler	Maloney	Roebuck
Brooks	Gainey	Markosek	Ross
Brown, R.	Galloway	Marshall	Rozzi
Brown, V.	Gergely	Marsico	Sabatina
Brownlee	Gibbons	Masser	Saccone
Burns	Gillen	Matzie	Sainato
Caltagirone	Gillespie	McCarter	Samuelson
Carroll	Gingrich	McGeehan	Sankey
Causar	Godshall	McGinnis	Santarsiero
Christiana	Goodman	McNeill	Saylor
Clay	Greiner	Mentzer	Scavello
Clymer	Grell	Metcalfe	Schlossberg
Cohen	Grove	Metzgar	Schreiber
Conklin	Hackett	Miccarelli	Simmons
Corbin	Hahn	Micozzie	Sims
Costa, D.	Haluska	Millard	Smith
Costa, P.	Hanna	Miller, D.	Snyder
Cox	Harhai	Miller, R.	Sonney
Cruz	Harhart	Milne	Stephens
Culver	Harkins	Mirabito	Stern
Cutler	Harper	Miranda	Stevenson
Daley, M.	Harris, A.	Molchany	Sturla
Daley, P.	Harris, J.	Moul	Tallman
Davidson	Heffley	Mullery	Taylor
Davis	Helm	Mundy	Thomas
Day	Hennessey	Murt	Tobash
Dean	Hickernell	Mustio	Toepel

Deasy	James	Neilson	Toohil
DeLissio	Kampf	Neuman	Truitt
Delozier	Kauffman	O'Brien	Turzai
DeLuca	Kavulich	O'Neill	Vereb
Denlinger	Keller, F.	Oberlander	Vitali
Dermody	Keller, M.K.	Painter	Waters
DiGirolamo	Keller, W.	Parker	Watson
Donatucci	Killion	Pashinski	Wheatley
Dunbar	Kim	Payne	White
Ellis	Kinsey	Peifer	Youngblood
Emrick	Kirkland	Petrarca	

NAYS—0

NOT VOTING—0

EXCUSED—3

Bishop Haggerty Swanger

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.

SUPPLEMENTAL CALENDAR B

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1603, PN 2636**, entitled:

An Act amending the act of December 20, 1985 (P.L.457, No.112), known as the Medical Practice Act of 1985, providing for the provision of anesthesia care in certain settings; and conferring powers and imposing duties on the Department of Health.

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 Delaware County, Mr. Barrar.

Mr. BARRAR. Thank you, Mr. Speaker.

Could I ask the maker of the bill to stand for brief interrogation?

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

Mr. BARRAR. Thank you, Mr. Speaker.

Mr. Speaker, is the language in your bill exactly the same as the regulation that you say that you are codifying into law?

Mr. CHRISTIANA. Yes, Mr. Speaker.

Mr. BARRAR. There has been nothing omitted from the regulation? I think one of the concerns is that the regulation that you say you are codifying into law was cherry-picked and part of the regulation was left out.



Mr. CHRISTIANA. Mr. Speaker, the bill is codifying a regulation that has been in existence for 30 years, so it is the exact same legislation, Mr. Speaker, the exact same language that has been in regulation for quite some time.

Mr. BARRAR. One of the concerns expressed in your comments was patient safety concerns. Is there a difference in patient safety outcomes when we look at collaboration between the physician and the certified registered nurse anesthetist?

Mr. CHRISTIANA. Mr. Speaker, currently and for the last several decades, medical teams in the hospital rooms when anesthesia is being administered, nurses do not work independent of an anesthesiologist, so therefore, statistics do not exist of whether one nurse is equally, less, or more safe – if a patient is less safe under the care of a nurse or an anesthesiologist because that has never existed. It has always been a team approach, which has been very successful, Mr. Speaker. So I do not know if I can answer the gentleman's question because nurses do not work independent of physicians, they work together within a hospital setting.

Mr. BARRAR. Exactly, and patient safety has not been affected because of the collaboration efforts that have been made in the operating room and in the hospitals between the nurse anesthetist and the anesthesiologist. I guess you would not disagree then with the fact that in the past 20 years the mortality rates of anesthesia-related deaths have gone from 1 in 25,000 to 1 in 300,000; that is because of that collaborative effort that is made in the hospital.

Mr. CHRISTIANA. Mr. Speaker, I would say that the success that Pennsylvania has with administering anesthesia within a hospital setting is not due to the word "collaboration" that you used, but because doctors within a hospital setting are leading the team, the medical team, administering the anesthesia. So what you call "collaboration," the regulation says "supervision," where the doctor, the anesthesiologist, who has a lot more extensive training than a nurse, is leading the process. That is what has been in existence for 30 years. That is supervision, Mr. Speaker, not collaboration.

So I would disagree with the gentleman that the collaboration is not collaboration. It is direct supervision or the administering of anesthesia directly from the anesthesiologist with the nurse assisting that process. That is why it has been so successful over the years and why the underlying bill is so important that we codify.

Mr. BARRAR. So what exactly does this change between the doctor and CRNA (certified registered nurse anesthetist) relationship? I am trying to find in the regulation versus the statute that you are doing why that relationship needs to change at this point. I cannot find any sensible reason that we would have to change that relationship.

Mr. CHRISTIANA. Mr. Speaker, we are not; that is the point. The underlying bill does not change that relationship. What it simply does is it takes it from the regulatory process, which the legislature, the Professional Licensure Committee that handles scope of practice debates does not have a direct oversight of and it codifies into law, which we do oftentimes in this chamber, so that if that scope of practice changes 6 months from now, 6 years from now, 20 years from now, it would go through the legislative process to change that scope of practice where the people's Representatives and Senators have a direct impact on changing that scope of practice. That is why it is so important that we do this when talking about such a serious issue like the administering of anesthesia.

Mr. BARRAR. The Hospital Association says that your legislation will prohibit cooperation, collaboration, between the physician and the nurse. The Hospital Association, who probably has a little bit more experience in running hospitals than you and I do, says that collaboration does not mean the physician abrogates their responsibility to the patient or the nurse usurps the role of the physician. Rather, collaboration means both physician and CRNA operate to the full scope of their practice, but your legislation basically prohibits collaboration.

Mr. CHRISTIANA. Mr. Speaker, I think earlier you credited that the cooperation, collaboration, the current workings of a medical team in a hospital setting are why we are so successful. I am not changing that with the underlying bill. In fact, we are protecting that from being changed in an arbitrary manner going forward.

Mr. Speaker, I think the current system is successful. However, interest groups may disagree. Nurses oftentimes disagree with doctors, and doctors oftentimes disagree with executives from a hospital. I believe that this is an appropriate legislation that strengthens and protects patient safety in the operating room or in the emergency room when anesthesia is being admitted going forward.

I think it is pretty simple; nothing more, nothing less. Some interest groups may disagree, but I am satisfied with this legislation protecting patient safety.

Mr. BARRAR. Can you explain to me the difference between a regulation and a statute, what is the difference between collaboration and supervision then? Maybe I misunderstand the difference.

Mr. CHRISTIANA. Mr. Speaker, the word "collaboration" I do not believe is in this language and was not in the regulation. What I am trying to take from regulation and put it into statute is that the administering of anesthesia must be done by a physician or supervised by a physician if a nurse is administering that. That is what has been in place for 30 years. That is exactly what we are trying to put into law. The word "collaboration" does not exist.

Mr. BARRAR. Your legislation amends the Medical Practice Act. Is that right?

Mr. CHRISTIANA. Yes, Mr. Speaker.

Mr. BARRAR. Why then if this affects only in a hospital setting, why then would it not make more sense to amend the Health Care Facilities Act, where actually we affect the nurses here, or to basically amend the professional nurse practice act?

Mr. CHRISTIANA. Mr. Speaker, the Medical Practice Act guides physicians and their responsibilities. This regulation, which we hopefully would be putting into law, is guiding that anesthesiologists will be leading the medical team when dealing with administering anesthesia. I think it is more than appropriate to amend the Medical Practice Act, which guides the actions of physicians.

Mr. BARRAR. You have said that there have been some hearings on this legislation?

Mr. CHRISTIANA. Mr. Speaker, this issue has been debated for several terms and several years, and there have been hearings held in 2007, 2008, 2010 on this exact issue. The testimony from those hearings has always been available since then; yes, Mr. Speaker.

Mr. BARRAR. But this was actually not the focus of the hearings, this statute was not the focus of the hearings. The hearings actually focused on the scope of practice and title

retention for CRNAs, which I was the prime sponsor of that legislation at that time. I have followed this issue for 10 years. This is the first time since I have been on this issue that I have ever seen this issue come up, and I am unaware of any hearings or debate until today on this issue.

Mr. CHRISTIANA. Mr. Speaker, the hearings in 2007, 2008, 2010 have dealt with whether or not a physician should be leading the medical team when administering anesthesia. That has been the focus of those hearings over the years and remains the focus in this legislation.

Mr. BARRAR. Thank you, Mr. Speaker.

Mr. Speaker, on the bill?

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

Mr. BARRAR. Mr. Speaker, I would ask the members to vote against this legislation.

The nurses are opposed to it. We have received information from the Hospital Association opposing it, and it says, "HB 1603 is...not necessary because the issue of how anesthesia is administered in a hospital setting is already addressed..." They also talk about, too, "As is the case...any legislative effort to place a current standard of care or best practice patient care into statute, hospitals oppose doing so because...care and best practices are constantly evolving, advancing and improving." What we tend to do with this type of legislation is stymie innovation in a hospital setting, and that is wrong to do.

HB 1603 negatively impacts the profession of nursing by limiting their scope of practice and setting a dangerous precedent in Pennsylvania for all nurses. Actually, 33 States have gone away from supervision to collaboration between the physician and the nurse anesthetists. We are going in the exact opposite direction.

I would ask the members to vote against this legislation, and maybe we can have a hearing on this or something in the future, but I think this is the wrong piece of legislation to do at this time, and I would ask the members to vote "no." Thank you.

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

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

Ms. DeLISSIO. Thank you, Mr. Speaker.

Mr. Speaker, will the maker of the bill stand for brief interrogation?

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

Ms. DeLISSIO. Thank you, Mr. Speaker.

Mr. Speaker, I have a number of concerns about this bill.

I have done a little bit of homework, and unlike my colleague from Delaware County, I have been following the issue for a shorter period of time but share similar concerns, and I will tell you, when I have just heard that he has been following the issue for 10 years, that should give everybody in this chamber pause for thought.

Mr. Speaker, can you please tell me if the definition of "supervision" is in this HB 1603?

Mr. CHRISTIANA. The underlying bill, it takes the regulation as it has been in existence for 30 years and puts it directly into law. As it is written in the regulation is how it is written in this bill, so the answer to the lady's question, Mr. Speaker, is no. The definition is not in this bill, as she could probably find that as the legislation is written on the system.

Ms. DeLISSIO. Mr. Speaker, then how will "supervision" be defined when the act is implemented, because this is a very important definition.

Mr. CHRISTIANA. Mr. Speaker, can the gentlelady repeat her question?

Ms. DeLISSIO. Yes, Mr. Speaker—

The SPEAKER. The lady will suspend a minute. If we could hold the conversations down a little bit, especially during interrogation. It is difficult for the members engaged in that process to hear.

The lady may proceed. Restate her question.

Ms. DeLISSIO. Thank you, Mr. Speaker.

Mr. Speaker, since the definition of "supervision" is not in HB 1603 that is before us today, my question is, how and who will be responsible for defining what "supervision" is when this is implemented?

Mr. CHRISTIANA. Mr. Speaker, we are taking a part of the regulation that deals with the supervision of administering anesthesia and putting it into statute. The regulations that would define what "supervision" is could be found in the regulation.

Ms. DeLISSIO. Mr. Speaker, to my knowledge, it is not defined in the regulation either.

Mr. CHRISTIANA. Could you repeat that, Mr. Speaker?

Ms. DeLISSIO. To my knowledge, I do not believe the definition of "supervision" currently exists in the regulation either. If it is, it is not in the bill.

Mr. CHRISTIANA. Mr. Speaker, I do not know what the question is. Is there a question, Mr. Speaker?

Ms. DeLISSIO. The question is, who will be defining "supervision" in the legislation when the legislation is implemented?

Mr. CHRISTIANA. As the regulation 123.13 "Policies or responsibilities," Mr. Speaker, "The governing body or its designee shall determine the extent of anesthesia services and shall define the degree of supervision required for and the scope of responsibilities..." Mr. Speaker.

Ms. DeLISSIO. So, Mr. Speaker, I just want to be clear, are those individuals affiliated with the implementation and the oversight of the Medical Practice Act who will be then defining "supervision"?

Mr. CHRISTIANA. Mr. Speaker, the hospital regulations define the extent of what supervision is. That has nothing to do with the underlying bill that a physician must supervise the administering of anesthesia.

Ms. DeLISSIO. Mr. Speaker, I am going to move on to the next question at this point.

I also have a concern, Mr. Speaker, that the way the bill is written, I believe it allows any physician, not just an anesthesiologist, to be the responsible supervising party for a nurse anesthetist. In other words, if you are in perhaps a rural hospital setting and since the nurse anesthetists under this bill are under supervision, that it could be any physician who could find themselves, he or she, supervising a nurse anesthetist. Is that correct?

Mr. CHRISTIANA. Mr. Speaker, the surgical team operating within a hospital setting, as it has been for 30 years, will be led by a physician working in conjunction with, let us say in this particular instance, a nurse anesthetist. That has been in existence for 30 years. That is not changing with this bill. And the regulation looks exactly the same as the underlying bill where physicians are leading the medical team, whether that is

an anesthesiologist or an operating physician, working with the nurse anesthetists. That is exactly the same under this underlying bill, Mr. Speaker.

Ms. DeLISSIO. Mr. Speaker, I do not think that is how it currently works, because currently a physician may not be – just a for-instance, a GI (gastrointestinal) physician may not currently be responsible for supervising a nurse anesthetist, and I wonder how that individual's malpractice insurance is going to— I am concerned about all of the things that have not been addressed in this bill, Mr. Speaker. That is why I am asking all these various questions, to point out that there are many, many serious unresolved issues here, and perhaps I have overlooked the fact that they are in the bill and I have misread it.

So malpractice is one of them. How is a physician's malpractice insurance going to accommodate the fact that that physician, who has nothing more than a clinical rotation in anesthesia, is now responsible for overseeing a nurse anesthetist?

Mr. CHRISTIANA. Mr. Speaker, the same concerns that the gentlelady may or may not have would be in existence currently whether or not this bill gets signed into law. Her concerns, if they are valid today, will be valid tomorrow if and when this bill is signed into law. This bill is not meant to address her concerns if she has these concerns currently.

Ms. DeLISSIO. Mr. Speaker, I am finished with my interrogation. May I make comments on the bill, please?

The SPEAKER. The lady is in order on the bill and may proceed.

Ms. DeLISSIO. Mr. Speaker, on the bill, it was very interesting earlier today, I had the opportunity to chat with the maker of the bill and received a tremendous compliment from the gentleman from Beaver County as he had indicated he did his best to ensure that I was enjoying a vacation day today and would not be on the floor of the House. So I want to thank him for those kind thoughts and indeed that high compliment.

As the previous gentleman from Delaware County, I have concerns about this on a number of levels.

Earlier this session we passed HB 1190, which was the deemed status bill for hospital licensure, a very progressive and landmark piece of legislation. I was very proud to be a part of making that happen. Here we are faced with HB 1603, which is actually a very regressive piece of legislation. And in addition to the Hospital Association of Pennsylvania being against this, the Pennsylvania Association of Nurse Anesthetists and the Pennsylvania Society of Nurses are also against this.

I have some information that I want to make sure that our colleagues are aware of. I have heard a variety of comments over the past couple of weeks, including "Why does this bill have so many cosponsors? It must be a good bill." Well, the cosponsorship memo itself says very clearly that this bill is doing nothing more than codifying what is in existing regulation, and that is not true. The Hospital Association itself in a communication it put out to all of us on November 13 is very clear that it is not taking what is in current regulation and codifying it. So that is number one, and I ask my colleagues to reflect on that.

The second thing that concerns me is that this is the Medical Practice Act. The Medical Practice Act supervises physicians. We are now having the Medical Practice Act involve itself in the professional lives of nurse anesthetists that are overseen by the Nurse Practice Act. All of this taking place in a hospital setting—

Mr. Speaker, I hope our colleagues do not ever end up needing anesthesia any time soon.

This all takes place in a hospital setting that is governed by the Health Care Facilities Act. I assure you that all three of these things are going to conflict and set up a situation that actually jeopardizes our constituents' well-being and certainly their ability to access care in a smooth manner. So that is a very high degree of concern here.

When we talked about the hearings that were happening, or said to have happened in years 2007, 2008, and 2010, I could only establish the hearings that happened in 2007 and 2008, and they were not on this issue. They were on scope of practice for nurse anesthetists and they were on certification. They were not on supervision. So for us to think that those hearings take the place of having any public scrutiny or stakeholder input into this bill is very, very misleading. And I could not even discover what the hearing in 2010 was about. So in effect, we have not followed any type of meaningful process to produce this very important piece of public policy.

The Affordable Care Act, which passed at the Federal level in 2010 and which we are living with its implementation currently, reinforces for us that at the moment health care is moving and changing at a rapid pace. To codify something in law today that does not need to be codified today or in the foreseeable future at all in this way is being very shortsighted and very different than the House bill that we passed earlier this session, HB 1190.

I find it interesting that in addition to the stakeholders, members from both sides of the aisle here have asked the chairs of this committee for public hearings and those public hearings were not held. I find that to be not a good way to develop public policy.

And last but not least, Mr. Speaker, I would like to refer to the cosponsorship memo itself. For those who think this is about patient safety, I have to read this paragraph directly. "Pennsylvania has an outstanding record of patient safety concerning the administration of anesthesia. In just the last 20 years, the mortality rate of anesthesia related deaths has gone from 1 in 25,000 to 1 in 300,000!" That is a phenomenally great statistic that we can and should be proud of. It was done under the current situation. Therefore, Mr. Speaker, I have to ask the question, what is the compelling reason to put this into law? And I am concerned that one of those reasons is about market share and it has nothing to do with patient safety.

I will be a "no" vote on this bill, and I sincerely, sincerely ask for the thoughtful consideration of all of my colleagues for a similar vote. Thank you.

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

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

Mr. MUSTIO. Thank you, Mr. Speaker.

Is the maker of the bill—

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

Mr. MUSTIO. Mr. Speaker, one of the advantages that we have with the committee system here in the House is that we have the ability to have hearings, and this issue has had so many hearings over the years that there is some information that I think needs to be brought to the attention of the members.

I would like to inquire with the maker of the bill if he is aware of the training, education training differences between the anesthesiologist and a nurse anesthetist, if he could please relate that to the members, because I think that is important information that they would need to know before we take this vote.

Mr. CHRISTIANA. Mr. Speaker, while I try and define the specifics, I believe it is the training for a nurse anesthetist would be about 1200 hours of training as opposed to an anesthesiologist that receives, I believe, up to fifteen to eighteen thousand hours of clinical training. So, Mr. Speaker, there is clearly a difference in level of training between a nurse and an anesthesiologist.

Mr. MUSTIO. Thank you.

Mr. Speaker, at one of the hearings that we had on this issue as it relates to the differences between a nurse anesthetist and an anesthesiologist, the question of cost arose, and the chairman of the committee at the time asked the nurse anesthetist representative if it was not a fact that if a nurse anesthetist was performing the service, would that not be a cost saver to the hospital? And the response at the hearing was, no, we as nurse anesthetists expect to be paid what an anesthesiologist is to be paid. Later in that testimony, the representative from the association specifically implied that in fact we do not even see a need for anesthesiologists. It almost got that quiet at the committee when we heard that.

That is the reason that we need this legislation, because if we get a bureaucrat across the street that all of a sudden wants to make this regulatory change in our hospitals—

The SPEAKER. The gentleman will suspend one minute. Are you— I apologize.

Mr. MUSTIO. I am sorry, Mr. Speaker.

The SPEAKER. Have you ceased your interrogation?

Mr. MUSTIO. I think I would like to speak on the bill.

The SPEAKER. The gentleman is in order.

Mr. MUSTIO. I apologize.

The SPEAKER. I just wanted to keep it in order.

Mr. MUSTIO. Thank you. That is why we need this legislation. If a bureaucrat in a department someday decides that due to whatever pressure is being put on that we need to make a change and get away from this fabulous safety system that is set up right now in Pennsylvania – we have heard quotes on the very significant improvement in the number of fatalities – do we want to get away from that with regulation, or should that decision be made, one, first by coming with a request to the Professional Licensure Committee, having a hearing, and then have that put to a vote in the front of the House, have that put to a vote in front of the Senate, and then have the Governor sign that into law?

This is not a shortsighted piece of legislation as was mentioned by one of the previous speakers. Rather, this bill is visionary and proactively protective of Pennsylvania residents.

This is not changing current practice. This is not changing current practice in the hospitals. The maker of the bill and myself were on a conference call with the hospitals this past week, and that is a fact. They agreed with that. But what this is doing is making sure if life-and-death decisions are going to be made, they are going to be made in this body with hearings and not with the stroke of a pen across the street.

Mr. Speaker, I urge all members to be proactively protective of our residents and vote "yes" for this bill. Thank you.

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

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

Mr. BENNINGHOFF. Thank you, Mr. Speaker.

For disclosure purposes I will tell you that my sister is a nurse since 1970-whatever, so I do not know how many years that is. And I worked in a hospital for 11 years, but that does not necessarily make me an expert on the administration of anesthesiology. But I think what it does do is it gives me the insight both as a patient, as a parent of patients, and as a worker in a hospital about the fact that the administration of anesthesia is probably the most critical aspect of your medical care.

What we are trying to do here is to codify that every patient, who I believe and it has been my experience believe a doctor is providing this administration of these medications that put you to sleep. That might sound like a relatively simple procedure, but if you have ever met most anesthesiologists, they are the brightest of those who go to medical school because it is a very succinct and very technical, skilled profession. These people go to school for 12 or 15 years; very, very bright. They do fellowships, internships, and a lot of hands-on training. This is a delicate part of medicine, especially if you have preexisting conditions. These people are not just administering some medication, but they are monitoring your blood pressure, your temperature, your breathing, and most importantly, your heartbeat. They are providing minute-by-minute information to that surgeon who is trying to, in many cases – because we are talking about hospital-based settings, lifesaving measures, whether it is through trauma, a spontaneous aortic aneurysm that is pumping blood out faster than they can try to protect it. These are time-sensitive situations where a critical decision not made by somebody of the magnitude of an anesthesiologist— And I have all the love and respect for nurses as many of you do and then some, but we have different levels of schooling for a reason. We require people to go to different levels and they choose to go to different levels of different professions within health care.

I believe— It has been my experience that most patients believe that it is a physician that will be supervising their being put under, their heart rate, their temperature, their blood pressure, and their breathing. I would ask you to support this measure so that all patients do not have to wonder what or who is monitoring their sleep while they trust, during a traumatic situation or a surgery, who is providing their care.

Mr. Speaker, I remind the voters here in this chamber, the administration of anesthesiology is the most critical part of your health care, especially in a surgical setting. I think the Representative is just trying to ensure that patient's safety universally across Pennsylvania.

I thank you, Mr. Speaker, and I want to ask the members to support this initiative.

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

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

Mr. KILLION. Thank you, Mr. Speaker.

I will be brief. I am just rising in support of this bill.

Most of it has been said already. The system is currently working; however, the rules are in a regulatory process. We need to move them into the legislative process. This is about patient safety, and it is at the end of the day about making sure

when people are put under in a hospital setting that there is a doctor there.

We have already heard about the different levels of education. The nurse anesthetists are professionals, but at the end of the day they are not doctors.

I believe we need to protect patients of Pennsylvania and pass HB 1603. Thank you, Mr. Speaker.

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

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

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

I am a practical guy, so let us take a practical look at this. Now, 18 months ago I was lying on a table in an operating room and a nurse came over to me – a certain Eileen Sabatina, somehow related to a colleague of ours – and said to me that this procedure has a 1 in 44,000 chance of death, 1 in 44,000. Let me assure you, Mr. Speaker, I said a good Act of Contrition, and if I had a rosary, I would be counting my beads.

Now, this is very simple. Even though I was given a sedative and not anesthesia, when I closed my eyes, I wanted to know that my eyes would open again, and what I want to know when I close my eyes, there are physicians in the room to tend to me if something should go wrong.

It is a practical solution to a practical problem, and I believe it is an important issue to vote "yes" on. Thank you, Mr. Speaker.

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

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

Mr. SCAVELLO. Thank you, Mr. Speaker.

I rise in support of HB 1603.

I have been on the Professional Licensure Committee for about 7 years, and in every session there has been some type of hearing on this issue. And I think we have had plenty of hearings. I think it is time to move forward, and I support the bill. Thank you very much. I ask the members for an affirmative vote.

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

On that question, the Speaker recognizes the lady from Northampton County, Mrs. Harhart.

Mrs. HARHART. Thank you, Mr. Speaker.

As chair of Professional Licensure Committee, I want to share with you my support for passage of HB 1603.

There has been much discussion, both in my committee and here on the House floor, wanting a public hearing on HB 1603. It is simply not necessary. The House Professional Licensure Committee held public hearings on issues of supervision of CRNAs in June of 2007 and January of 2010. Additionally, the House Insurance Committee also held a hearing on this issue in 2008. While the language in HB 1603 is different from the legislation considered at each of these previous public hearings, the underlying issue is the same – the appropriate level of supervision of nurse anesthetists.

The provisions of HB 1603 are identical to the hospital regulations currently being used. There is no change whatsoever. To hold a public hearing, in my opinion, is not productive, nor necessary in moving this legislation forward. HB 1603 should be passed in order to put the current regulation into statute. This would ensure the General Assembly has

oversight if any future legislation change needs to be made rather than leaving decisions to the bureaucrats.

Again, let me stress, HB 1603 does not make any changes to the current regulation, and hospital nurse anesthetists must be supervised by a physician. That is the current law and practice in the hospitals in Pennsylvania, and I encourage your support for HB 1603. Thank you.

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

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

Mr. COX. Thank you, Mr. Speaker.

I would like to interrogate the prime sponsor of the bill if I could.

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

Mr. COX. I am curious, I did not hear a definitive answer in some of the questioning that occurred earlier, and so I would like to perhaps ask a little bit more direct question. The word "supervision" is used here and it has been claimed numerous times that we are pulling over the word "supervision" out of the regulations and we are just changing that from just being a regulation, putting it into law so that it cannot be changed by, quote, "the bureaucrats across the street." Can you define for me what "supervision" means in this bill?

Mr. CHRISTIANA. Mr. Speaker, the definition for "supervision" as well as the rest of the hospital regulations is still in existence. This bill does not have an effect on the rest of the regulations that are in existence, Mr. Speaker. This takes out the regulation of administering anesthesia and places it into law. That is what this bill does. It does not disrupt any other regulation or any other definition, and the definition of "supervision" would be found in the rest of the regulations.

Mr. COX. Okay. With that being the case, can you read to me how "supervision" is defined in the regulations currently?

Mr. CHRISTIANA. Mr. Speaker, that question has nothing to do with the underlying bill. I would have to research the rest of the hospital regulations to find that definition. I think the gentleman could do that, but I would also say it is not necessary in that this bill has nothing to do with that regulation.

Mr. COX. Mr. Speaker, with all due respect for the gentleman from Beaver County, I am asking a pretty direct question. "Supervision" as a term is not defined in HB 1603, and so because it is not defined there, I am simply asking the gentleman to expand on his comments where he stated that "supervision" is in fact defined in the regulations. I am asking him if he can point me to that and read to me the definition. He has the benefit of research staff there with him. I would be willing to wait for the answer.

Mr. CHRISTIANA. Mr. Speaker, there is no specific definition in HB 1603 for "supervision." The gentleman, if he would like that definition, which is a separate regulation, he could find that in the regulation. That is not in this bill.

Mr. Speaker, chapter 123 in the Department of Health regulations will help the gentleman find his answer in a separate regulation. This bill does not address that regulation, though.

Mr. COX. Again, I would ask that if there is in fact a definition in there, that you would point me to it, because the absence of a definition in a piece of legislation or in a law that we pass will default over to what I think the gentleman would be opposed to, and that is the bureaucrats across the street deciding what exactly supervision is. You stated earlier that

allowing the individuals across the street to decide when something is required and when it is not, that is unacceptable to the prime sponsor, and yet by default, not defining a term such as "supervision," which this entire bill hinges upon, I think puts us in the very position that the gentleman is trying to avoid.

I, for one, would like to know what "supervision" means, because when I think of supervision, I ask the question in my mind, is that direct supervision, is the anesthesiologist or a physician required to stand over their shoulder, can he be in the next room, can he be on the same floor of the facility? What is "supervision"?

Mr. CHRISTIANA. Mr. Speaker, as I read to the gentelady earlier, regulation 123.13, "Policies or responsibilities. The governing body or its designee shall determine the extent of anesthesia services and shall define the degree of supervision required for and the scope of responsibilities...."

Mr. COX. And so with that being the case, it sounds like the individuals across the street are able to define what exactly "supervision" is. What does that provision mean to you then?

Mr. CHRISTIANA. Mr. Speaker, that may be the case, but that is not what HB 1603 addresses. I think we have been very clear. HB 1603 does not redefine what "supervision" is.

Mr. COX. And I would agree with you to the extent that "supervision" is not defined anywhere either in regulation or in statute, and so therefore it is left up to interpretation.

Another question I have for the gentleman from Beaver County if I could, could you tell me, the regulations that you are bringing into the Medical Practice Act under HB 1603, what are those regulations promulgated under?

Mr. CHRISTIANA. The regulation 123.5 is a regulation within the Health Care Facilities Act.

Mr. COX. And so my question for you, Mr. Speaker, is, we have a set of regulations that we are supposedly taking out of regulation and making them permanent in law. If the authority for those regulations came from the Health Care Facilities Act, why are we trying to insert the content of those regulations into the Medical Practice Act?

Mr. CHRISTIANA. Mr. Speaker, as I mentioned earlier, I think it is appropriate to amend the Medical Practice Act, which guides the responsibilities of physicians, and when we are talking about administering anesthesia in a hospital setting, we are taking a regulation and we are putting it into statute that guides the responsibilities of that anesthesiologist. We are telling, this law would be telling anesthesiologists or a physician in a hospital setting that they are doing what they have done for 30 years. They are leading the medical team when administering anesthesia, so this guides the responsibilities of anesthesiologists, and I think it is appropriate to amend the very act that gives physicians the responsibilities, which this bill is giving anesthesiologists the responsibility to administer anesthesia.

Mr. COX. Mr. Speaker, I have another question that I would like to get an answer for if I could.

Currently the Medical Practice Act, in section 49, states that "The provisions of this act shall not apply either directly or indirectly, by intent or purpose, to affect the practice of...Professional Nursing, as authorized by...The Professional Nursing Law..." And that is one of many laws that is referenced that the Medical Practice Act is definitively saying it will not affect the practice of. How do you resolve the conflict between section 49 of the Medical Practice Act and what you are trying to do through your bill?

Mr. CHRISTIANA. Mr. Speaker, this bill does not change the responsibilities of a nurse anesthetist. There is language in the bill that explicitly says this cannot change the responsibilities of a nurse anesthetist. I think it is pretty clear and I think we have been very clear, Mr. Speaker, that this bill is not changing anything other than where these scope of practice debates will occur in the future.

We have heard a lot of reasons why there should be a scope of practice debate here today, but this bill does not address whether or not we should change one scope of practice. This is simply saying that if we have those scope of practice debates, the legislature will control that, and that may be appropriate to have those scope of practice debates, but we are not having that here today.

This is not changing the responsibility of nurses or nurse anesthetists. This is not changing the responsibility of a doctor or physician or an anesthesiologist. I think we have been pretty clear with that. So I do not believe there is a conflict.

Mr. COX. Mr. Speaker, I believe that concludes my interrogation. I do ask for the right to reinterrogate if the need may arise.

The SPEAKER. The gentleman—

Mr. COX. I do have further remarks, Mr. Speaker. On the bill, Mr. Speaker.

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

Mr. COX. Thank you, Mr. Speaker.

The comments from the prime sponsor a moment ago illuminate exactly one of the problems with the way this bill was brought about. The discussion that was just had stated that we are not trying to limit the scope of practice debate, that the legislature is the place for scope of practice debate to take place.

Mr. Speaker, in fact, that is exactly what I and other members of the Professional Licensure Committee attempted to do earlier in October of this year. We requested a hearing, multiple requests were made for a hearing. We simply wanted the stakeholders to be able to voice their opposition or support for this in a public setting with this bill in its current form. There are six new members of the Professional Licensure Committee that I am personally aware of, there may be more, but six new members of the committee who have not had the benefit of testimony on this issue.

Now, earlier today you have heard several people speak in support of a bill and they keep saying, this issue has had multiple hearings; this issue has had multiple hearings. When you say that an issue has had multiple hearings, that can apply to just about any bill that we discuss on this floor. This bill, HB 1603, has had no public vetting. Certainly the issue of nurse anesthetists and scope of practice and other variations on that theme have had public hearings. But even if hearings had been held on this bill as recently as 2010 as claimed by previous speakers, we are closing in on 2014.

Now, I am not a medical professional, but the medical profession and best practices and how we should do things in the medical profession, they are constantly changing, as they should. We are going on 4 years ago as being the most recent commentary submitted in a public setting. The process for this piece of legislation was flawed. Do not be fooled by believing that because we discussed the issue almost 4 years ago that we should just wave our hand over this and say it should be law because we discussed the issue in the past, how different can it be?

As I touched on it in my questioning of the Speaker, of the gentleman from Beaver County, this bill is modifying the Medical Practice Act. Previous pieces of legislation dealing with this issue were attempting to modify the Health Care Facilities Act and attempting to modify the Professional Nursing Act. The gentleman from Delaware County had a bill; it was going to make changes to the Professional Nursing Act. Those bills, those issues in fact have seen some level of vetting through public hearings. HB 1603 did not have any such hearing.

Outside of the process being flawed with how this bill has come to the floor, this bill actually is in conflict with existing law. The Medical Practice Act currently states that the provisions of the Medical Practice Act "...shall not apply...directly or indirectly, by intent or purpose, to affect the practice of...Professional Nursing, as authorized by...The Professional Nursing Law."

The Medical Practice Act is a physician's scope of practice act that is intended to regulate physicians. This bill then goes further, and instead of just regulating what a physician does, it also says what a certified registered nurse anesthetist is able to do or not do. This bill establishes a dangerous precedent in reaching out and regulating another profession just because of the way we phrase it. We are reaching out and regulating nurse interactions in a hospital setting, and there is no authority for that in the Medical Practice Act. Because of that convolution of the law, this bill is redundant and troublesome and it complicates from a legal perspective the administration of anesthesia and it brings liability questions into play.

We heard a few moments ago that we really do not have a definition of "supervision." With no one to define what "supervision" is, what exactly do you think attorneys will do when something goes wrong? They are going to ask if supervision was there during the incident, and then they are going to begin asking what supervision means. And when we do not define what "supervision" means, we leave it up to the courts to decide, and that is an abrogation of our duties as a legislature. We are dropping the ball here.

This bill also circumvents an existing regulatory scheme. The State Board of Nursing has already established regulations defining the scope of practice for CRNAs. This bill effectively renders those regulations meaningless.

I would contend today that HB 1603 is a solution in search of a problem. HB 1603 is unnecessary legislation. The prime sponsor, a few moments ago and throughout the discussion today, has said something to the effect of, this does not change anything, this does not do anything except limit or define what a doctor or an anesthesiologist is permitted or required to do. If we are not changing anything, then what is point of the bill?

The cosponsorship memo further lends itself to that same line of thinking. And the cosponsorship bill – and it has been pointed out a couple of times this evening – says that "Pennsylvania has an outstanding record of patient safety concerning the administration of anesthesia. In just the last 20 years, the mortality rate of anesthesia related deaths has gone from 1 in 25,000 to 1 in 300,000! We need to ensure that this record of excellence continues." I agree with that statement, but I think that is where I tend to stop seeing eye-to-eye with the prime sponsor on this bill.

The outstanding record of patient safety in Pennsylvania I believe can be directly attributed to the existing cooperative nature of nurses working with physicians to determine the best health care for a patient. Nurse anesthetists have been administering anesthesia safely for decades, working cooperatively with physician colleagues.

An August 2010 report that is based on a 5-year examination of data confirms this information. The report states that certified registered nurse anesthetists in every State should be allowed to work without the supervision of a surgeon or anesthesiologist. The report further stated that no increase in the odds of a patient dying or experiencing complications in States existed where there was no physician supervision requirement. Additionally, it stated that no differences in patient outcomes of anesthesia services when delivered by solo CRNAs, solo anesthesiologists, or by CRNAs being supervised by anesthesiologists.

Let me repeat that, because patient safety has been something that we have all heard about. Everyone opposing this, all of the organizations opposing this, or all the organizations supporting this, I should say, have stated that this is about patient safety. If this is about patient safety, why are we ignoring these studies that are showing us that there is no difference in patient outcomes? Why are we ignoring existing statistics that tell us that the number of anesthesia-related deaths has declined over the last decade?

This legislation is not necessary. There will be no public health benefit resulting from the passage of this legislation, but it will come with a cost.

"In [a] time when effective health care delivery is about to change..., why would the legislature want to restrict delivery of anesthetic services in any way?" That is a quote from a CRNA who lives in my district. We are about to see the Affordable Care Act fully implemented, and there are a lot of unknowns, as we have already seen. Why do we want to restrict delivery of services under a bill like HB 1603?

As health-care demands continue to grow, increasing the number and the availability of CRNAs to administer anesthesia will be a key to containing costs while maintaining health care. Containing costs is something that should be important to every single one of us. And if you represent a rural community, this is something you may want to pay attention to. If you have a small number of hospitals or if you have a small hospital operating within your district, this is something you may want to take note of.

Research definitively shows us that CRNAs acting independently providing anesthesia services do so at the lowest economic cost. Models for administering anesthesia that require physician oversight are inefficient and therefore more costly, especially in rural communities. This bill would increase health-care costs by requiring a physician to do or to be present to allow a CRNA to do exactly what they were trained to do.

When you go to the dentist, how often does the dentist himself do the cleaning of your teeth? The dentist, I daresay, will probably never do the actually cleaning of your teeth. Instead, there are trained hygienists that do that job. While your teeth are being cleaned, how many times is the dentist standing over the shoulder of the hygienist making sure that nothing goes wrong? Now, this is just a simple example in one area of practice, and it is—

The SPEAKER. The gentleman will suspend.

### PARLIAMENTARY INQUIRY

The SPEAKER. For what purpose does the gentleman from Beaver County, Mr. Christiana, rise?

Mr. CHRISTIANA. Parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman may state his inquiry.

Mr. CHRISTIANA. The gentleman is far reaching from the administering of anesthesia in a hospital setting. He has talked about nurse anesthetists that work independent; he has talked about dentist offices. First of all, nurse anesthetists do not operate independently in a hospital setting, and this is a far cry from dentist office procedures.

Thank you, Mr. Speaker.

The SPEAKER. The Speaker appreciates the inquiry.

In response to that, it has been the Speaker's interpretation that the gentleman has been trying to use other examples as to how that would compare to this. I would suggest that you are getting out there away from the actual substance of this bill and would ask the gentleman to stay as focused on the bill as possible, but I believe I follow your examples, although many.

Mr. COX. Thank you, Mr. Speaker.

We have a well-documented shortage of physicians in Pennsylvania. Doctors are not sticking around. In fact, "brain drain" has been referenced by numerous members of this body because we are training physicians in some of the finest educational institutions in the country, and yet we may train one of the finest anesthesiologists that the United States may ever know, but they are leaving the Commonwealth once they are trained.

Does it make sense when we have an aging population in Pennsylvania? Does it make sense when we have this shortage of physicians in Pennsylvania? Does it make sense to increase the responsibilities of physicians, stretching them to do even more? Increasing supervisor responsibilities will not have the desired effect here. This will actually affect patient care in a negative way.

I believe this legislation is a full step backwards for nursing practice and patient care in Pennsylvania. We are in a time when we should be encouraging health-care professionals to come together to build more collaborative relationships, not requiring direct supervision by one professional over another professional.

Thirty-three other States recognize the value of a collaborative team approach, not a direct supervisory approach, but a collaborative team approach to administering anesthesia. In Pennsylvania we should be working actively to create an environment where each health-care professional can practice to the fullest extent of their ability and the fullest extent of their training.

HB 1603 is bad policy, it was brought about through a bad process, and it will make bad law. Please join me in voting "no" on HB 1603. Thank you, Mr. Speaker.

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

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

Mr. READSHAW. Thank you, Mr. Speaker.

Mr. Speaker, one of my colleagues from Philadelphia probably a half hour or so ago prefaced his remarks on HB 1603 by saying that he is a practical guy. I would like to believe I am a practical guy also, Mr. Speaker, and I would just like to concur with the majority chairlady's remarks on this issue of

professional licensure. I am the minority chairperson. This has been thoroughly vetted. The committee vote was overwhelming. I would like to ask for an affirmative vote on 1603. Thank you, sir.

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

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

Mr. CUTLER. Thank you, Mr. Speaker.

Mr. Speaker, very briefly, like my prior colleague from the middle part of the State, I have some disclosure. My wife is a nurse. I previously worked in a hospital. I worked in the operating room, both with anesthesiologists and nurse anesthetists, so I have a good understanding of the clinical setting and how this is applied. Mr. Speaker, the reason I share that is because of this: In the clinical setting, our current regulations work. Mr. Speaker, the protocols, the procedures, the policies, the delivery of care is wonderful by both parties that we are discussing here today.

As the gentelady from Philadelphia had alluded to earlier, we had dived marginally into this issue under HB 1190, and we did our best to skirt the issue of scope of practice and we had moved that debate to today. The reason that I stand in support of the bill today is because it does codify existing regulations. However, Mr. Speaker, I was contacted by my local hospital after the debate of 1190 and as this bill was moving, and they did ask me to raise some concerns – not concerns over the bill in regards to existing regulations or how it is applied or how the care is delivered clinically, but because they had concerns over some of the procedures.

Mr. Speaker, some of our colleagues have danced around some of these issues before, but I want to be very clear. Their concerns were based on the following items. Their concerns were based on the fact that there are some regs, we can call it supervision, we can call it working together collaboratively, working in conjunction with each other, and their concerns are, how will all of these work together going forward? Their other concerns were for the larger health systems, of which they are one, how will they now operate internally with the hospitals as well as the outpatient facilities that operate under the same umbrellas? Mr. Speaker, they had concerns about the two practice acts and the Health Care Facilities Act, and they expressed the same concerns that HAP (Hospital & Healthsystem Association of Pennsylvania) had done so previously as well and that they believed that it was better suited in the Health Care Facilities Act.

Mr. Speaker, I promised and understand those concerns, and I promised to raise them today. But I will be voting in the affirmative for that bill because I do believe that our current setting does work, and I do believe as we head to the Senate with this piece of legislation after a vote hopefully later, I just urge the Senate to take those concerns into consideration, and as the stakeholders continue to have conversations, I encourage them to balance them all against each other and make sure that all of those interests are accurately and adequately addressed.

Thank you, Mr. Speaker.

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

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

Mr. MAHER. One of the miracles of modern medicine has got to be the amazing success and the delivery of anesthesia,



and here in Pennsylvania, we are very fortunate to have one of the best track records, perhaps the best track record to be found anywhere in the world. So we must be doing something right. This bill simply seeks to ensure that we continue to do the same things right.

There were some concerns when the bill was originally drafted that it maybe had not accurately conveyed the existing regulations into statute, and those concerns were addressed in committee, and the bill was amended to ensure that the medical board will not be writing regulations about nurses, the nurses will not be writing regulations about doctors, and the status quo, which has served our constituents so very well, will continue.

If you agree that this model of health care is working when it comes to anesthesia, well, then you ought to be voting "yes" and ensuring that patient safety in Pennsylvania is respected into the future. Thank you.

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

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

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

I rise to support the gentleman from Beaver County's bill, HB 1603. I think it promotes patient safety.

I think the important message here is that I think it is very important for the anesthesiologists and the anesthesiologists to have a great working relationship. I think that in addition for the anesthesiologists, it is important with respect to their work that they know that they can rely on an anesthesiologist, and for those reasons I support the legislation. Thank you.

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

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

Ms. DeLISSIO. Thank you, Mr. Speaker.

Mr. Speaker, I think this is the first time I have risen twice to speak on one bill – truly – and I do this because what I have witnessed here today is a lot of debate, a lot of confusion, a lot of misinformation and misclarification. If this bill simply did anything and was simply echoing what is, then we would not need the bill. We do not need the bill. This bill should be voted down today. It will find its way back to the committee, I feel very certain of that, and we would hold a hearing and we would proceed in an orderly fashion to develop meaningful and responsible public policy. That is what I have taken from our debate today, Mr. Speaker, and I sincerely hope a majority of my colleagues have taken the same. Thank you.

### 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 from Philadelphia County, Mr. Kevin BOYLE, for the remainder of the day. Without objection, the leave will be granted.

### CONSIDERATION OF HB 1603 CONTINUED

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

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

Mr. CHRISTIANA. Thank you, Mr. Speaker.

Mr. Speaker, we have heard some very dramatic rhetoric today about what this bill does and what it does not do, and it matches some of the rhetoric that we have seen over the last week that has tried to use HB 1603 as a bill to define one scope of practice. Mr. Speaker, HB 1603 is not a scope of practice change. It is not the forum to have a scope of practice debate.

We have heard that this bill is a full step backwards. Mr. Speaker, it takes a longstanding regulation and it codifies it into law. I do not know how maintaining the status quo is a full step backwards.

As many of us know, the administering of anesthesia is a very serious, complicated, and life-threatening procedure, and when done in an operating room of a hospital, surgical health-care teams made up of doctors and nurses, made up of doctors and nurses are typically addressing some of the most serious and critical problems a patient can experience, and when dealing with these serious cases, the risk of complications and potentially life-threatening complications are most likely to arise and are difficult to overcome, and they typically have the smallest window of time to address these concerns. These difficult times, life-threatening complications take the most talented and the most experienced personnel to work together to achieve success and to protect a patient's life. The current teamwork system in place now allows a physician, an anesthesiologist, and a nurse anesthetist to strike a reasonable balance between maximizing patient safety and maximizing resources.

We have heard how the teamwork system in place has been so successful, but we have also heard that maintaining that successful relationship in HB 1603, protecting that if changes are going to occur, we have heard how all of a sudden that is a huge step backwards.

So if we are just protecting the current system, why is this bill necessary? I think that is an absolute and fair and appropriate question. Simply put, it is needed to protect patient safety as the key ingredient in the future scope of practice debates. We are not having that scope of practice debate here today, but clearly interest groups that oppose this bill, members that oppose this bill would love to have a scope of practice debate. We have heard objections to this bill because a scope of practice debate is needed to expand a nurse's scope of practice while restricting a physician's scope of practice. HB 1603 does not do that.

While a scope of practice change may be honorable, commendable, maybe even appropriate, I believe that the Professional Licensure Committee should vet that process. I believe that the legislature, the people's chamber, and the Senate should debate those scope of practice changes. I believe that the Medical Practice Act, which guides the actions of physicians, which is what we are talking about in HB 1603, is the law which these debates should originate. I believe that the legislative branch, specifically the Professional Licensure Committee, should define the boundaries of where one scope of practice begins and where another ends. A back-door approach through the regulatory process or amending an act that does not guide the actions of a physician is not the appropriate place to have a scope of practice debate. Those debates will not guarantee that patient safety is the most important, the most important part of that debate. This legislation takes a very appropriate regulation, one that is working extremely well, and simply puts it into law, making certain that any deviation from

that scope of practice will be done in the light of day and ensures patient safety. I think that is more than appropriate.

And the concept of not having hearings on this piece of legislation, as we have heard from my colleague from Allegheny County, is not accurate. I think when this chamber debates going forward from taking a bill that would take a longstanding regulation and simply codify that into law, I think if every chairman in this chamber had to hold a hearing on those types of bills every single time, I think they would get frustrated with that process.

So, Mr. Speaker, I urge that we send this bill to the Senate and we protect patient safety and the role of a physician and the role of a nurse, and we put it into law. 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 will be brief.

I rise to strongly urge my colleagues to vote "no" on this bill. As a member of the Professional Licensure Committee, Mr. Speaker, I will tell you that we did not do our job in vetting this bill. Nearly a third of the members of the committee are brand new this year. As many as half were not members the last time a similar issue was debated a half a decade ago. Mr. Speaker, if hearings a half a decade ago are sufficient to say that we have vetted a contemporary bill, then I would submit that we need to have a lot less hearings than just review our older records.

We have been debating merit selection for almost 50 years. Have we sufficiently vetted merit selection? Of course not. Our job is to review these bills in a contemporary fashion. So much has changed in law and policy and medicine in the last 4 or 5 and 6 years.

I would also submit, Mr. Speaker, that if this bill as it has been claimed it does nothing and changes nothing, then it therefore cannot be advancing patients' rights. I have been confused as I have heard in the same breath proponents say that it does nothing but it advances patient safety. If it does nothing, then by definition it advances nothing.

Mr. Speaker, I urge my colleagues to vote "no."

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

On that question, the Speaker recognizes the gentleman from Monroe County, Mr. Scavello, for the second time.

Mr. SCAVELLO. Mr. Speaker, I have been on the committee for approximately 7 years. We have had three hearings. Every member of that committee was instructed that there were hearings for any questions that they needed answered. All the transcripts of those various hearings are available. There is no reason why a member – you know, if he is a new member on a committee, that information is available to all.

I urge the members for an affirmative vote.

On the question recurring,

Shall the bill pass finally?

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

The following roll call was recorded:

#### YEAS—131

Adolph	Everett	Killion	Neuman
Aument	Fabrizio	Kirkland	O'Brien
Barbin	Farina	Knowles	Oberlander
Benninghoff	Fee	Kortz	Pashinski
Bizzarro	Fleck	Kotik	Peifer
Briggs	Flynn	Kula	Petrarca
Brown, R.	Frankel	Lawrence	Pickett
Brown, V.	Gabler	Longietti	Quinn
Burns	Gainey	Mackenzie	Ravenstahl
Caltagirone	Galloway	Maher	Readshaw
Christiana	Gibbons	Mahoney	Reed
Clay	Gillen	Major	Roebuck
Clymer	Gillespie	Maloney	Rozzi
Cohen	Gingrich	Markosek	Sabatina
Conklin	Godshall	Marshall	Saccone
Costa, D.	Goodman	Marsico	Sainato
Costa, P.	Greiner	Masser	Sankey
Cruz	Grell	Matzie	Saylor
Culver	Grove	McGeehan	Scavello
Cutler	Hackett	Mentzer	Schlossberg
Daley, M.	Hahn	Metzgar	Simmons
Daley, P.	Hanna	Miccarelli	Snyder
Day	Harhai	Micozzie	Sonney
Deasy	Harhart	Millard	Stevenson
Delozier	Harkins	Miller, D.	Sturla
DeLuca	Harris, A.	Miller, R.	Taylor
Denlinger	Harris, J.	Milne	Toepel
Dermody	Heffley	Mirabito	Turzai
Donatucci	Helm	Miranda	Vereb
Dunbar	Hickernell	Molchany	Vitali
Emrick	Kampf	Moul	Waters
English	Keller, M.K.	Mullery	Youngblood
Evankovich	Keller, W.	Mustio	

#### NAYS—67

Baker	Ellis	McGinnis	Ross
Barrar	Evans	McNeill	Samuelson
Bloom	Farry	Metcalfe	Santarsiero
Boback	Freeman	Mundy	Schreiber
Boyle, B.	Gergely	Murt	Sims
Bradford	Haluska	Neilson	Smith
Brooks	Harper	O'Neill	Stephens
Brownlee	Hennessey	Painter	Stern
Carroll	James	Parker	Tallman
Causar	Kauffman	Payne	Thomas
Corbin	Kavulich	Petri	Tobash
Cox	Keller, F.	Pyle	Toohil
Davidson	Kim	Rapp	Truitt
Davis	Kinsey	Reese	Watson
Dean	Krieger	Regan	Wheatley
DeLissio	Lucas	Roae	White
DiGirolamo	McCarter	Rock	

#### NOT VOTING—0

#### EXCUSED—4

Bishop	Boyle, K.	Haggerty	Swanger
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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.

**CONSIDERATION OF HB 530 CONTINUED**

**DECISION OF CHAIR RESCINDED**

The SPEAKER. Without objection, the Speaker rescinds its earlier announcement that the House has agreed to HB 530, PN 2500, on page 8 of today's House calendar.

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

**AMENDMENT A03967 RECONSIDERED**

The SPEAKER. The Speaker is in receipt of a motion to reconsider an amendment submitted by Representatives Turzai and Boback, who move that the vote by which HB 530, PN 2500, was amended by amendment A03967 be reconsidered, and that amendment passed on the 20th of November.

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

The following roll call was recorded:

**YEAS—121**

Adolph	Everett	Knowles	Pyle
Aument	Farina	Krieger	Quinn
Baker	Farry	Kula	Reed
Barbin	Fee	Lawrence	Reese
Barrar	Fleck	Lucas	Regan
Benninghoff	Gabler	Mackenzie	Rock
Bloom	Gillen	Maher	Ross
Boback	Gillespie	Major	Saccone
Brooks	Gingrich	Maloney	Sankey
Brown, R.	Godshall	Markosek	Saylor
Causar	Goodman	Marshall	Scavello
Christiana	Greiner	Marsico	Schlossberg
Clymer	Grell	Mentzer	Simmons
Cohen	Grove	Metcalfe	Smith
Corbin	Hackett	Metzgar	Snyder
Cox	Hahn	Miccarelli	Sonney
Culver	Hanna	Micozzie	Stephens
Cutler	Harhart	Millard	Stern
Daley, M.	Harper	Miller, R.	Stevenson
Daley, P.	Harris, A.	Milne	Tallman
Day	Heffley	Moul	Taylor
Delozier	Helm	Murt	Thomas
DeLuca	Hennessey	Mustio	Tobash
Denlinger	Hickernell	Neuman	Toepel
Dermody	James	Oberlander	Toohil
DiGirolamo	Kampf	Painter	Turzai
Dunbar	Kauffman	Payne	Vereb
Ellis	Keller, F.	Peifer	Vitali
Emrick	Keller, M.K.	Petri	Waters
English	Killion	Pickett	Watson
Evankovich			

**NAYS—77**

Bizzarro	Evans	Kotik	Pashinski
Boyle, B.	Fabrizio	Longiotti	Petrarca
Bradford	Flynn	Mahoney	Rapp
Briggs	Frankel	Masser	Ravenstahl
Brown, V.	Freeman	Matzie	Reidshaw
Brownlee	Gainey	McCarter	Roae
Burns	Galloway	McGeehan	Roebuck

Caltagirone	Gergely	McGinnis	Rozzi
Carroll	Gibbons	McNeill	Sabatina
Clay	Haluska	Miller, D.	Sainato
Conklin	Harhai	Mirabito	Samuelson
Costa, D.	Harkins	Miranda	Santarsiero
Costa, P.	Harris, J.	Molchany	Schreiber
Cruz	Kavulich	Mullery	Sims
Davidson	Keller, W.	Mundy	Sturla
Davis	Kim	Neilson	Truitt
Dean	Kinsey	O'Brien	Wheatley
Deasy	Kirkland	O'Neill	White
DeLissio	Kortz	Parker	Youngblood
Donatucci			

**NOT VOTING—0**

**EXCUSED—4**

Bishop	Boyle, K.	Haggerty	Swanger
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The majority having voted in the affirmative, the question was determined in the affirmative and the motion was agreed to.

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

The clerk read the following amendment No. **A03967**:

Amend Bill, page 1, line 7, by inserting after "STATES" and give preference to American-made products  
Amend Bill, page 6, line 5, by inserting after "PROCUREMENT"  
AND  
AMERICAN-MADE PRODUCT PREFERENCE  
Amend Bill, page 6, line 16, by inserting after "PROCUREMENT"  
and American-made Product Preference  
Amend Bill, page 6, line 20, by striking out "PROVIDES" and inserting  
and other American-made products provide  
Amend Bill, page 6, line 29, by striking out "THE FLAG"  
Amend Bill, page 7, line 5, by inserting after "PEOPLE"  
and give preference to American-made products when they are similarly priced and of similar value and similar usefulness  
Amend Bill, page 8, line 7, by inserting before "ALL"  
(a) Flags.—  
Amend Bill, page 8, by inserting between lines 14 and 15  
(b) Other products.—All Commonwealth agencies and the General Assembly, its officers and agencies shall give preference to American-made products when they are similarly priced and of similar value and similar usefulness.  
Amend Bill, page 9, line 9, by inserting after "FLAGS"  
or other products under 62 Pa.C.S. § 3765

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

The SPEAKER. On the amendment, the Speaker recognizes the gentleman from Bucks County, Mr. Clymer.

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, let me say this: American manufacturing provides wealth, job opportunities, tax revenue, and stabilizes our communities. So let us support our American worker. Let us demonstrate here, collectively, today that we acknowledge their hard work and the pride they have in manufacturing American

products and the pride they have in sewing on that label "Made in the U.S.A." on that manufactured product.

So let us stay American and support the Cohen amendment.

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

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

Mr. COHEN. Thank you, Mr. Speaker.

I thank my friend from Bucks County for that excellent speech and his support. I look forward to unanimous passage of this amendment.

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

The following roll call was recorded:

YEAS—197

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

NAYS—1

Ross

NOT VOTING—0

EXCUSED—4

Bishop

Boyle, K.

Haggerty

Swanger

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

On the question recurring,

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

Bill as amended was agreed to.

(Bill as amended will be reprinted.)

STATEMENT BY MR. GAINEY

The SPEAKER. If I could have the members' attention, earlier today a condolence resolution had been presented for former Representative Joe Rhodes, and I want to recognize the gentleman from Allegheny County, Mr. Gainey, under unanimous consent relative to that resolution that was considered earlier today. I would appreciate the members' attention and courtesy given the nature of the resolution.

Mr. GAINEY. Mr. Speaker, thank you.

I wanted to stand up here because the man that came before me, who held the seat that I have that made it possible for me to be here today, passed away, and I wanted to send my respects and my thoughts and my prayers to his family. His name was Joe Rhodes. He was the youngest African-American to ever hold this seat. He did a lot of great work in regards to the justice system and making sure that young kids were not charged as adults. I think whenever we have a member who comes through this House that has done great work, that we should honor them, and I am honored and privileged that he set a way for me to be here today, and I wish I was here earlier to thank his family, but I wanted to make sure that I took the time out to make sure that everybody in this room knows that I appreciate the work that he did, a trailblazer that he was, and that he made it possible for me to be here today.

In my community he was the first, youngest. He did it all. He set the pattern, he set the goal, and I am glad he raised the standard of them all because it gives me a lot to reach out for. So I wanted to send my condolences and say thank you.

And again, Mr. Speaker, I appreciate your giving me this opportunity. Thank you, and I just thank all of you all, and let us say a prayer for the family.

The SPEAKER. The Speaker thanks the gentleman.

**STATEMENT BY MR. COHEN**

The SPEAKER. Is the gentleman, Mr. Cohen, seeking recognition under unanimous consent relative to the same thing? The gentleman may proceed.

Mr. COHEN. Yes, Mr. Speaker.

Mr. Speaker, as one of the few members of the House who was here when Joe Rhodes was here, I would like to offer a few words.

First, Joe Rhodes got here under very memorable circumstances. He was serving on a commission headed by former Pennsylvania Governor William Scranton, which was investigating campus disorders. It was the time of riots around the country, and Joe Rhodes and former Governor William Scranton and other distinguished members of the commission were going around the country and hearing testimony. Joe Rhodes and Governor Scranton became good friends, and Governor Scranton urged Joe Rhodes to become active in Pennsylvania politics. That might have been very casual, except one day Joe Rhodes made a remark which was covered by the media, and Vice President Spiro Agnew strongly attacked it in his speech and gave Rhodes's statements a national audience, and the politics of the State being so different, as we have commented on, that Vice President Agnew's attack on him counted very strongly in his favor in his home district in East Liberty, Pennsylvania. So armed with this effective endorsement from the Vice President, Rhodes went back to East Liberty and ran for the legislature and won.

Joe Rhodes was a remarkable human being. He had a tremendous dedication, a tremendous energy, and a tremendous calmness about him. He faced hard issues. At the time there was a lot of worry in our cities about the difficulty of relations between police and minority communities. There were a lot of angry words being spread. Joe Rhodes saw this as a solvable problem, and he formed the committee of the House Judiciary Committee to work on that and to investigate all sorts of criminal matters. And I remember going to Philadelphia night after night and listening to the anguished words of both policemen and community residents concerned about the problems with fighting crime, and often the remarks contradicted each other because they were on different sides of the issues, but Rhodes masterfully looked for the common core. And he was the primary author of a study on how urban policing could be improved, and I was a minor coauthor of that study, and the Rhodes study was used as a model for improving police community relations in Philadelphia and Pittsburgh and other parts of the State and in other States. He really showed an ability to go to the core of a difficult problem and come up with commonsense recommendations that made lasting changes in public policy.

He is a man who will be deeply missed. He was a great legislator. He gave up his seat to run for the U.S. Senate in 1980 and came very close to getting the Democratic nomination. Only the last-minute entry of Pete Flaherty really denied him the nomination at that time. So he left here after 8 years. The obituaries mistakenly said he only served 6 years here. But his 8 years here were years of service across a whole range of issues. His legislation gave the Attorney General the power to conduct statewide grand jury investigations, for instance. He was active in a whole range of issues. Wherever he served, he made a positive difference, and I think he should be recognized as one of the more brilliant, more productive, greatest members of the

Pennsylvania House of Representatives. I am pleased to have known him as a friend. I am pleased to have served with him. He was a great human being and a great Pennsylvania legislator. Thank you very much.

**BILL SIGNED BY SPEAKER**

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

**SB 763, PN 782**

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for roster of parties hunting big game.

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

**CONSUMER AFFAIRS  
COMMITTEE MEETING**

The SPEAKER. I would like to make a committee announcement. The Consumer Affairs Committee will meet at 9 a.m. Thursday in room 1:45, the majority caucus room.

**COMMITTEE MEETING CANCELED**

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

Mr. TURZAI. Thank you, Mr. Speaker.

For the members of the Rules Committee, there will not be a meeting tonight. We will be having the Rules Committee meeting tomorrow, but we will make that announcement tomorrow morning. But there is no Rules Committee meeting tonight. It will be tomorrow morning. Thank you.

**ANNOUNCEMENT BY SPEAKER**

The SPEAKER. There will be no further business other than some housekeeping. I would remind the members that the House will convene, when we do adjourn, it will convene at 2 p.m. tomorrow.

**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 803;  
HB 810;  
HB 1741;  
SB 21;  
SB 23;  
SB 28;  
SB 30;  
SB 193;  
SB 437; and  
SB 1116.

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

### CALENDAR CONTINUED

#### BILL 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.

#### BILLS RECOMMITTED

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

HB 530;  
HB 611;  
HB 1131;  
HB 1357;  
HB 1662;  
SB 34;  
SB 607; and  
SB 638.

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

#### REPUBLICAN CAUCUS

The SPEAKER. The Speaker recognizes the gentleman from York County, Mr. Saylor, for a caucus announcement.

Mr. SAYLOR. The Republicans will caucus tomorrow at 1 o'clock in the majority caucus room.

#### DEMOCRATIC CAUCUS

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

Mr. FRANKEL. Thank you, Mr. Speaker.

I recognize some members may have walked off the floor and we will send an e-mail, but we will caucus prior to coming to the floor tomorrow at 1 o'clock. There will be a Democratic caucus at 1 p.m. tomorrow. Thank you.

#### BILLS AND RESOLUTIONS PASSED OVER

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

#### ADJOURNMENT

The SPEAKER. The Speaker recognizes the gentleman, Mr. James, from Venango County, who moves that this House do now adjourn until Thursday, November 21, 2013, at 2 p.m., e.s.t., unless sooner recalled by the Speaker.

On the question,  
Will the House agree to the motion?  
Motion was agreed to, and at 4:38 p.m., e.s.t., the House adjourned.