

# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

MONDAY, DECEMBER 7, 2015

SESSION OF 2015

199TH OF THE GENERAL ASSEMBLY

No. 96

### HOUSE OF REPRESENTATIVES

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

#### THE SPEAKER (MIKE TURZAI) PRESIDING

#### PRAYER

The SPEAKER. The prayer today will be offered by Pastor Dave Spearly, retired, First United Methodist Church, Williamsport, and he is the guest of our friend and colleague, Representative Wheeland.

PASTOR DAVID SPEARLY, Guest Chaplain of the House of Representatives, offered the following prayer:

Please join with me in prayer.

Lord God Almighty, creator of heaven and earth, we praise Your holy name. We praise You for Your providence and grace, for we are truly a blessed nation.

Although our world seems chaotic and nothing remains constant, we acknowledge that You are constant and You are in control. We come to You this moment, in this place, seeking Your healing, seeking Your protection, and seeking Your wisdom.

Today we remember the day that we were suddenly attacked 74 years ago. Unfortunately, peace has been fleeting ever since. We and our way of life are constantly under assault, as witnessed by the recent mass shooting in California. We seek Your comfort for those who have lost loved ones last week.

Violence and war are epidemic in our world today, and we also witness pain and suffering in other areas. Workplace conflicts and domestic disputes too often give rise to violence. So we seek Your healing hand and Your peace wherever innocent blood is being shed, be it in the Middle East, be it in Africa, or be it in the streets or in the homes of our nation.

Today we seek Your protection for our nation, for our Commonwealth, and for those protecting us as hatred and jealousy seem to embolden our enemies. May Your peace come upon this world and may it become as plentiful as the stars at night.

We also seek Your wisdom this day. You alone know what is best. May our leaders direct our nation on its correct course. May the legislators gathered here today make decisions that honor the Commonwealth and honor You. Now may God's grace be upon each of us. May He light our paths and may He direct our lives evermore, and may all our deeds and words honor You, O God. Amen.

### PLEDGE OF ALLEGIANCE

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

### JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, the approval of the Journal of Sunday, December 6, 2015, will be postponed until printed.

### SENATE BILL FOR CONCURRENCE

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

#### SB 1071, PN 1410

Referred to Committee on STATE GOVERNMENT, December 7, 2015.

### SENATE MESSAGE

#### HOUSE AMENDMENTS CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives to **SB 524, PN 1443**.

### 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 524, PN 1443

An Act amending Title 61 (Prisons and Parole) of the Pennsylvania Consolidated Statutes, establishing the Non-narcotic Medication Assisted Substance Abuse Treatment Grant Pilot Program; and, imposing powers and duties on the Department of Corrections.

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

**LEAVES OF ABSENCE**

The SPEAKER. Turning to leaves of absence, are there any requests for leaves of absence?

The Chair recognizes the majority whip, who indicates that Representative SIMMONS of Lehigh County would like to be marked absent for the day, and Representative MURT of Montgomery County would like to be marked absent for the day.

The minority whip requests the following leaves of absence: Representative MATZIE of Beaver County for the day, Representative DeLUCA of Allegheny County for the day, and Representative THOMAS of Philadelphia County for the day. Without objection, those are granted.

**MASTER ROLL CALL**

The SPEAKER. We will now prepare our master roll call. The Chair is about to take the vote. Members will proceed.

The following roll call was recorded:

**PRESENT—198**

Acosta	Evankovich	Knowles	Rader
Adolph	Evans	Kortz	Rapp
Baker	Everett	Kotik	Ravenstahl
Barbin	Fabrizio	Krieger	Readshaw
Barrar	Farina	Krueger	Reed
Benninghoff	Farry	Lawrence	Reese
Bishop	Fee	Lewis	Regan
Bizzarro	Flynn	Longietti	Roae
Bloom	Frankel	Mackenzie	Roebuck
Boback	Freeman	Maher	Ross
Boyle	Gabler	Mahoney	Rothman
Bradford	Gainey	Major	Rozzi
Briggs	Galloway	Maloney	Saccone
Brown, R.	Gergely	Markosek	Sainato
Brown, V.	Gibbons	Marshall	Samuelson
Bullock	Gillen	Marsico	Sankey
Burns	Gillespie	Masser	Santarsiero
Caltagirone	Gingrich	McCarter	Santora
Carroll	Godshall	McClinton	Saylor
Causer	Goodman	McGinnis	Schemel
Christiana	Greiner	McNeill	Schlossberg
Cohen	Grove	Mentzer	Schreiber
Conklin	Hahn	Metcalfe	Schweyer
Corbin	Hanna	Metzgar	Sims
Costa, D.	Harhai	Miccarelli	Snyder
Costa, P.	Harhart	Millard	Sonney
Cox	Harkins	Miller, B.	Staats
Cruz	Harper	Miller, D.	Stephens
Culver	Harris, A.	Milne	Sturla
Cutler	Harris, J.	Moul	Tallman
Daley, M.	Heffley	Mullery	Taylor
Daley, P.	Helm	Mustio	Tobash
Davidson	Hennessey	Neilson	Toepel
Davis	Hickernell	Nesbit	Toohil
Dawkins	Hill	Neuman	Topper
Day	Irvin	O'Brien	Truitt
Dean	James	O'Neill	Vereb
Deasy	Jozwiak	Oberlander	Vitali
DeLissio	Kampf	Ortitay	Ward
Delozier	Kaufer	Parker, C.	Warner
Dermody	Kauffman	Parker, D.	Watson
Diamond	Kavulich	Pashinski	Wentling
DiGirolamo	Keller, F.	Payne	Wheatley
Donatucci	Keller, M.K.	Peifer	Wheeland
Driscoll	Keller, W.	Petrarca	White
Dunbar	Killion	Petri	Youngblood

Dush	Kim	Pickett	Zimmerman
Ellis	Kinsey	Pyle	
Emrick	Kirkland	Quigley	Turzai,
English	Klunk	Quinn	Speaker

ADDITIONS—0

NOT VOTING—0

EXCUSED—5

DeLuca	Murt	Simmons	Thomas
Matzie			

LEAVES ADDED—6

Briggs	Dermody	Harhai	Petri
Christiana	Hanna		

LEAVES CANCELED—4

Hanna	Matzie	Murt	Simmons
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The SPEAKER. There are 198 members voting on the master roll. A quorum is present.

**GUEST INTRODUCED**

The SPEAKER. Located to the left of the rostrum, the Chair welcomes the wife of our Guest Chaplain, Carol Spearly. Carol, if you could just stand and say hello to our chamber here as our guest. Carol is here, along with her husband, as a guest of Representative Wheeland.

**CUMBERLAND VALLEY HIGH SCHOOL BOYS WATER POLO TEAM PRESENTED**

The SPEAKER. Right now we are going to have a citation presentation. I invite Representatives Rothman, Bloom, Regan, and Phillips-Hill to the rostrum for the purpose of presenting a citation to the Cumberland Valley High School Boys Water Polo Team.

Members, please take your seats. We have a championship team in front of us here from the midstate.

I turn it over to Representative Rothman.

Thank you, sir. The floor is yours.

Mr. ROTHMAN. Mr. Speaker, thank you.

I wanted to take a moment today to congratulate the members of the Cumberland Valley Water Polo Team for winning the 2015 Boys Pennsylvania prep championship.

Mr. Speaker, this is Cumberland Valley's fourth State water polo championship. They won a decisive victory in the championship match, 10 to 4.

Congratulations to the team. We also have some in the back. Behind me, the seniors and captains: Duncan Bedell, Isaac Cantrell, Alexander Clarke, Jacob Deckman, John Dengler, Timothy Fencel, Benjamin Francis, Tyler Francis, Ian Geister, Brian Jones, Jordan McVeagh, Isaac Plasterer, Liam Rothwell, Crawford Smith, Pierce Sweeny, Erik Thorne, Sean Turnpaugh, Duncan Weiss, Kaelin Wolf, and Matt Zappe.

Also, congratulations to the outstanding coaching staff, head coach Corey Pelow and assistant coaches Sheri Bock, Jeremy Souder, and Callan Rowe.

Please join me in a round of applause for the 2015 Pennsylvania Boys Water Polo Champions, the Cumberland Valley Eagles.

The SPEAKER. Would the other members of the team in the back please stand and rise as well. It is great to have you here in the chamber.

It is great to have this championship team here. They beat my home school district, North Allegheny, in that championship match, but I am still very, very happy to have them here.

We will just take a few photos and we will be right back.

## CALENDAR

### RESOLUTIONS PURSUANT TO RULE 35

Mr. KINSEY called up **HR 588, PN 2525**, entitled:

A Resolution celebrating the National Guard on its 379th birthday.

On the question,  
Will the House adopt the resolution?

The SPEAKER. Representative Kinsey, on the resolution.

Members, please take your seats. I would ask that all conversations please go to the anterooms. Yes.

On the regular House resolutions, there is time for debate. On the uncontested, we do unanimous consent afterwards, so you are on right now. You are on the regular House calendar, the House resolution calendar.

Representative Kinsey, the floor is yours, sir.

Mr. KINSEY. Thank you, Mr. Speaker.

I would like to thank the chairmen of the Veterans Affairs and Emergency Preparedness Committee and ask all my colleagues to support HR 588, which recognizes the 379th birthday of the National Guard.

The National Guard, which celebrates its birthday every December 13, is the oldest component of the United States Armed Forces and one of the nation's longest enduring institutions. Today tens of thousands of Guard members are serving in harm's way in Iraq and Afghanistan as the National Guard continues its historic dual mission, providing to the States trained units equipped to protect life and property, while providing to the nation trained units equipped and ready to defend the United States and its interests all over the globe.

The National Guard traces its history back to the earliest English Colonies in North America. Responsible for their own defense, the colonists drew on English military traditions and organized able-bodied male citizens and militias. When the Guard's oldest regiments met for their first drill—

The SPEAKER. Representative Kinsey, please suspend for a moment.

Members, if we could take our seats, please, and if all conversations could please go to the anteroom.

The good gentleman is recognizing, in celebration, the National Guard on its 379th birthday. Many members of that Guard have given their lives and all of them put their lives at risk for the citizens of this Commonwealth and for this country.

If you could, please take your seats. These are important remarks with respect to the National Guard.

Representative Kinsey, the floor is yours, sir.

Mr. KINSEY. Thank you, Mr. Speaker.

When the Guard's oldest regiments met for their first drill on the village green in Salem, Massachusetts, they were barely 3 months old, organized on December 13, 1636, the date we now celebrate as the National Guard birthday.

In 1637 the English settlements in North America were a tiny fringe along the eastern seaboard. As settlement pushed west into the interior, the institution of the militia, which the colonists brought with them from England, went with them. The militia tradition meant citizens organizing themselves into military units, responsible for their own defense. Organizing the militia into regiments increased its efficiency and responsiveness, which proved crucial to the defense of their communities.

The National Guard is the oldest unit in the United States military and among the oldest military unit in the world. The militia, called the National Guard since 1916, has served communities, States, and nations for nearly 400 years, and citizen soldiers have fought in every major American conflict from 1637 to present-day operations in Afghanistan and Iraq. Much has changed since the first muster, but more than 370 years later, the men and women of the National Guard are still defending our neighborhoods and our nation.

The Guard doubled the size of the Regular Army when it was mobilized in 1940, more than a year before Pearl Harbor, and contributed 19 divisions to that war as well as numerous other units, including Guard aviation squadrons. More than 138,000 guardsmen were mobilized for Korea, followed by numerous smaller mobilizations for the Berlin Crisis, Vietnam, and numerous strikes and riots at home. Approximately 63,000 Army Guards were called to serve in Desert Storm, and in the decade since then, guardsmen have served and seen a greater role than ever before, including peacekeeping in Somalia, Haiti, Saudi Arabia, and Kuwait, to name a few. Following the attacks on September 11, 2001, guardsmen were called upon by both their States and the Federal government to provide security at home and combat terrorism abroad. Today, in addition to its usual stateside requirements and peacekeeping missions, the Army National Guard is heavily engaged in both Iraq and Afghanistan.

Mr. Speaker, again, I want to thank my colleagues in advance and ask for their support. We have men and women in this very chamber who have donned the uniform and have committed themselves to serve in the National Guard. Even though the art of war has changed a great deal, their commitment to serve has not.

Thank you, Mr. Speaker, and I urge unanimous support for HR 588.

Thank you, Mr. Speaker.

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

The following roll call was recorded:

#### YEAS—198

Acosta	Evankovich	Knowles	Rader
Adolph	Evans	Kortz	Rapp
Baker	Everett	Kotik	Ravenstahl
Barbin	Fabrizio	Krieger	Readshaw
Barrar	Farina	Krueger	Reed

Benninghoff	Farry	Lawrence	Reese
Bishop	Fee	Lewis	Regan
Bizzarro	Flynn	Longietti	Roae
Bloom	Frankel	Mackenzie	Roebuck
Boback	Freeman	Maher	Ross
Boyle	Gabler	Mahoney	Rothman
Bradford	Gainey	Major	Rozzi
Briggs	Galloway	Maloney	Saccone
Brown, R.	Gergely	Markosek	Sainato
Brown, V.	Gibbons	Marshall	Samuelson
Bullock	Gillen	Marsico	Sankey
Burns	Gillespie	Masser	Santarsiero
Caltagirone	Gingrich	McCarter	Santora
Carroll	Godshall	McClinton	Saylor
Causer	Goodman	McGinnis	Schemel
Christiana	Greiner	McNeill	Schlossberg
Cohen	Grove	Mentzer	Schreiber
Conklin	Hahn	Metcalfe	Schweyer
Corbin	Hanna	Metzgar	Sims
Costa, D.	Harhai	Miccarelli	Snyder
Costa, P.	Harhart	Millard	Sonney
Cox	Harkins	Miller, B.	Staats
Cruz	Harper	Miller, D.	Stephens
Culver	Harris, A.	Milne	Sturla
Cutler	Harris, J.	Moul	Tallman
Daley, M.	Heffley	Mullery	Taylor
Daley, P.	Helm	Mustio	Tobash
Davidson	Hennessey	Neilson	Toepel
Davis	Hickernell	Nesbit	Toohil
Dawkins	Hill	Neuman	Topper
Day	Irvin	O'Brien	Truitt
Dean	James	O'Neill	Vereb
Deasy	Jozwiak	Oberlander	Vitali
DeLissio	Kampf	Ortitay	Ward
Delozier	Kaufner	Parker, C.	Warner
Dermody	Kauffman	Parker, D.	Watson
Diamond	Kavulich	Pashinski	Wentling
DiGirolamo	Keller, F.	Payne	Wheatley
Donatucci	Keller, M.K.	Peifer	Wheeland
Driscoll	Keller, W.	Petrarca	White
Dunbar	Killion	Petri	Youngblood
Dush	Kim	Pickett	Zimmerman
Ellis	Kinsey	Pyle	
Emrick	Kirkland	Quigley	Turzai,
English	Klunk	Quinn	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—5

DeLuca	Murt	Simmons	Thomas
Matzie			

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

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Mr. KNOWLES called up **HR 611, PN 2615**, entitled:

A Resolution designating the week of December 7 through 13, 2015, as "Government Reform Week" in Pennsylvania.

On the question,  
Will the House adopt the resolution?

RESOLUTION PASSED OVER

The SPEAKER. The prime sponsor has asked that we go over the resolution. We are going to go over on that resolution.

UNCONTESTED CALENDAR

RESOLUTION PURSUANT TO RULE 35

Mr. READSHAW called up **HR 565, PN 2449**, entitled:

A Resolution commemorating December 7, 2015, as "Pearl Harbor Remembrance Day."

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—198

Acosta	Evankovich	Knowles	Rader
Adolph	Evans	Kortz	Rapp
Baker	Everett	Kotik	Ravenstahl
Barbin	Fabrizio	Krieger	Readshaw
Barrar	Farina	Krueger	Reed
Benninghoff	Farry	Lawrence	Reese
Bishop	Fee	Lewis	Regan
Bizzarro	Flynn	Longietti	Roae
Bloom	Frankel	Mackenzie	Roebuck
Boback	Freeman	Maher	Ross
Boyle	Gabler	Mahoney	Rothman
Bradford	Gainey	Major	Rozzi
Briggs	Galloway	Maloney	Saccone
Brown, R.	Gergely	Markosek	Sainato
Brown, V.	Gibbons	Marshall	Samuelson
Bullock	Gillen	Marsico	Sankey
Burns	Gillespie	Masser	Santarsiero
Caltagirone	Gingrich	McCarter	Santora
Carroll	Godshall	McClinton	Saylor
Causer	Goodman	McGinnis	Schemel
Christiana	Greiner	McNeill	Schlossberg
Cohen	Grove	Mentzer	Schreiber
Conklin	Hahn	Metcalfe	Schweyer
Corbin	Hanna	Metzgar	Sims
Costa, D.	Harhai	Miccarelli	Snyder
Costa, P.	Harhart	Millard	Sonney
Cox	Harkins	Miller, B.	Staats
Cruz	Harper	Miller, D.	Stephens
Culver	Harris, A.	Milne	Sturla
Cutler	Harris, J.	Moul	Tallman
Daley, M.	Heffley	Mullery	Taylor
Daley, P.	Helm	Mustio	Tobash
Davidson	Hennessey	Neilson	Toepel
Davis	Hickernell	Nesbit	Toohil
Dawkins	Hill	Neuman	Topper
Day	Irvin	O'Brien	Truitt
Dean	James	O'Neill	Vereb
Deasy	Jozwiak	Oberlander	Vitali
DeLissio	Kampf	Ortitay	Ward
Delozier	Kaufner	Parker, C.	Warner
Dermody	Kauffman	Parker, D.	Watson
Diamond	Kavulich	Pashinski	Wentling
DiGirolamo	Keller, F.	Payne	Wheatley
Donatucci	Keller, M.K.	Peifer	Wheeland
Driscoll	Keller, W.	Petrarca	White
Dunbar	Killion	Petri	Youngblood
Dush	Kim	Pickett	Zimmerman
Ellis	Kinsey	Pyle	
Emrick	Kirkland	Quigley	Turzai,
English	Klunk	Quinn	Speaker



NAYS—0

NOT VOTING—0

EXCUSED—5

DeLuca Murt Simmons Thomas  
Matzie

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

### APPROPRIATIONS COMMITTEE MEETING

The SPEAKER. The Chair recognizes Representative Adolph for a committee announcement.

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

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

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

### REPUBLICAN CAUCUS

The SPEAKER. Representative Major, for a caucus announcement.

Ms. MAJOR. Thank you, Mr. Speaker.

I would like to announce Republicans will caucus today at 3:30. I would ask our Republican members to please report to our caucus room at 3:30. We would be prepared to come back on the floor, Mr. Speaker, at 4:30. Thank you.

The SPEAKER. Thank you, Madam Chair.

### DEMOCRATIC CAUCUS

The SPEAKER. Representative Frankel, for a caucus announcement.

Mr. FRANKEL. Thank you, Mr. Speaker.

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

### RECESS

The SPEAKER. The House will stand in recess. The Appropriations Committee will meet immediately. We will return to the floor at 4:30 p.m.

### AFTER RECESS

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

### LEAVES OF ABSENCE

The SPEAKER. Members, the majority whip has indicated that Representative PETRI of Bucks County is on leave. That will be granted. Representative KAUFER has requested to be

placed on leave. That will be granted. Representative CHRISTIANA has requested to be placed on leave. That will be granted.

Okay. Representative Kaufer is actually back on the master roll and is present on the floor.

The minority whip has indicated that Representative BRIGGS would like to be placed on leave for the rest of the day. That will be granted.

### LEAVES OF ABSENCE CANCELED

The SPEAKER. I understand that Representative Murt is on the floor and should be placed on the master roll, Representative Matzie is back on the floor and should be placed on the master roll, and Representative Simmons is back on the floor and should be placed on the master roll.

### STATEMENT BY MR. CALTAGIRONE

The SPEAKER. Representative Caltagirone, on unanimous consent.

Members, please take your seats. All members, please take your seats. All members, please take your seats. Please, if we could give the floor to Representative Caltagirone. If you have any conversations, if we could take those to the back of the chamber in the anterooms.

Representative Caltagirone, the floor is yours.

Mr. CALTAGIRONE. Thank you, Mr. Speaker.

On this special day in remembrance of the Pearl Harbor bombing that through this country and to World War II, I have had a very large delegation of Puerto Ricans who reside in my legislative district. Many of them are still alive who were part of the Borinqueneers. They were an infantry division made up of all volunteer Puerto Ricans.

There were 62,000 that joined the military service during World War II, and there were 43,000 of those that served in Korea. Of that number, and this was really kind of amazing, 2700 received Purple Hearts for their bravery, 258 Silver Stars, 628 Bronze Stars, and 10 Distinguished Service Crosses. Many of those members that are still alive reside within my district, and I just thought that it would be appropriate to honor them today on a very, very special day marking the beginning of World War II.

Thank you, Mr. Speaker.

The SPEAKER. Thank you very much, Representative Caltagirone.

### BILL REREPORTED FROM COMMITTEE

HB 1460, PN 2626 (Amended)

By Rep. ADOLPH

An Act to provide from the General Fund for the expenses of the Executive and Judicial Departments, the State Government Support Agencies and the General Assembly of the Commonwealth, the public debt and the public schools for the fiscal year July 1, 2015, to June 30, 2016, for certain institutions and organizations, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2015; to provide appropriations from the State Lottery Fund, the Tobacco Settlement Fund, the Aviation Restricted Account, the Hazardous Material Response Fund, The State Stores Fund, the Milk Marketing Fund, the Home Investment Trust Fund, the Emergency Medical Services Operating Fund, the Tuition Account Guaranteed Savings Program Fund, the Banking Fund, the Firearm

Records Check Fund, the Ben Franklin Technology Development Authority Fund, the Oil and Gas Lease Fund, the Home Improvement Account, the Cigarette Fire Safety and Firefighter Protection Act Enforcement Fund, the Insurance Regulation and Oversight Fund, the Pennsylvania Racehorse Development Restricted Receipt Account, the Justice Reinvestment Fund and the Multimodal Transportation Fund to the Executive Department; to provide appropriations from the Judicial Computer System Augmentation Account to the Judicial Department for the fiscal year July 1, 2015, to June 30, 2016; to provide appropriations from the Motor License Fund for the fiscal year July 1, 2015, to June 30, 2016, for the proper operation of several departments of the Commonwealth and the Pennsylvania State Police authorized to spend Motor License Fund money; to provide for the appropriation of Federal funds to the Executive Department of the Commonwealth and for the payment of bills remaining unpaid at the close of the fiscal year ending June 30, 2015; and to provide for the additional appropriation of Federal and State funds from the General Fund and the State Lottery Fund for the Executive Department of the Commonwealth for the fiscal year July 1, 2014, to June 30, 2015, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2014.

#### APPROPRIATIONS.

### SENATE MESSAGE

#### HOUSE BILLS CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, returned **HB 909, PN 1126**, and **HB 1161, PN 1512**, with information that the Senate has passed the same without amendment.

### BILLS SIGNED BY SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

#### **HB 909, PN 1126**

An Act amending the act of July 7, 1947 (P.L.1368, No.542), known as the Real Estate Tax Sale Law, in sale of property, providing for additional costs for rehabilitation and maintenance.

#### **HB 1161, PN 1512**

An Act amending the act of December 22, 1983 (P.L.306, No.84), known as the Board of Vehicles Act, further providing for definitions and for license to engage in business.

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

### CALENDAR CONTINUED

#### BILL ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 1533, PN 2556**, entitled:

An Act amending the act of July 28, 1988 (P.L.556, No.101), known as the Municipal Waste Planning, Recycling and Waste Reduction Act, in recycling and waste reduction, further providing for municipal implementation of recycling programs.

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

#### BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1265, PN 2313**, entitled:

An Act amending the act of April 28, 1937 (P.L.417, No.105), known as the Milk Marketing Law, in preliminary provisions, further providing for definitions; and, in milk pricing, further providing for terms and method of payment.

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?

Members, please take your seats. Any conversations should go to the anterooms.

Representative Lawrence, you are recognized on the bill.

Members, please, Representative Lawrence has the floor. Representative Lawrence has the floor. Please go to the anterooms, and please take your seats.

Representative Lawrence.

Mr. LAWRENCE. Thank you, Mr. Speaker.

Mr. Speaker, I rise this evening in support of HB 1265. Mr. Speaker, the bill before us tonight is narrowly tailored with one goal, to ensure Pennsylvania family farmers know what is in their milk check. Mr. Speaker, to provide a brief background, the Pennsylvania Milk Marketing Board traces its origins to the 1930s. Today the Milk Marketing Board licenses and regulates the dairy industry in this Commonwealth and, among other things, sets the minimum price for milk in Pennsylvania. In 1988 the Milk Marketing Board established an over-order premium, a fee assessed on every gallon of Class I fluid drinking milk sold in Pennsylvania. Now, this fee has varied over the years and is currently set at about 16 cents per gallon. The idea behind this premium is simple: Pennsylvania consumers will be willing to pay a little more per gallon if they knew that they were helping out the Pennsylvania dairy farmer and thus ensuring a steady, reliable source of local milk.

So why is this legislation before us today necessary? Well, for decades this State-mandated over-order premium has been collected on each gallon of milk sold in Pennsylvania. Yet many family farmers will tell you they do not know how much, if any, of this State-mandated money is actually getting back to them. Many farmers have said to me that the money is lost in the system. How can this be?

Mr. Speaker, many farmers bring their milk to market through a dairy cooperative, and under the current State law, dairy cooperatives paying family farmers are under no obligation to disclose anything on the farmer's milk check showing the specific amount of State-mandated premiums

contained in the check. Instead, the board of directors of the dairy cooperative has sole discretion to do whatever they want with this State-mandated money, with no obligation to tell the State or anyone else what they are doing with it.

Now, Mr. Speaker, HB 1265 seeks to correct this issue. A Pennsylvania family farmer has the right to know how much of the payment he is getting for the milk sold off of his own farm comes from a State-mandated premium. The State-mandated over-order premium should be transparent at all times.

Mr. Speaker, this bill is solely about bringing the sunshine in and requiring some accountability with a State-mandated fee. Should not a fee levied and mandated by a State agency come with a degree of accountability or responsibility? Who among us would argue that the answer should not be yes every single time?

Mr. Speaker, may I have some order, please.

The SPEAKER. Members, I recognize the lateness of the hour and also that we are in very fluid and interesting times, but at this time Representative Lawrence does have the floor, and this is a very important bill. If I could, we are going to wait until everybody is in their seats and all the conversations are taken to the back rooms, the anterooms to the chamber. We are going to wait until we have everybody in their seats and we give the good gentleman his opportunity to speak. If you have to have a conversation, please take it to the anterooms.

Representative Lawrence, you may proceed.

Mr. LAWRENCE. Thank you, Mr. Speaker.

Mr. Speaker, I want to take a moment to address the opposition to this legislation. Many of you received a relentless bombardment of opposition to this legislation from a large dairy cooperative, and their opposition to this legislation is probably to be expected. After all, as it stands today, they are getting a 16-cent-per-gallon gravy train for every gallon of milk they supply in Pennsylvania, which totals to an unknown but very large dollar amount. They enjoy the benefits of receiving a State-mandated fee for which the State currently requires zero accountability. I am sure they would love to see the current status quo remain.

Mr. Speaker, this same dairy cooperative, in a hearing earlier this year before the House Agriculture and Rural Affairs Committee, admitted to taking Pennsylvania State-mandated milk premium money and sending it to out-of-State dairy farmers. That is absolutely reprehensible and begs for the legislation in front of us today, mandating accountability for these moneys.

Now, Mr. Speaker, I would like to make a simple comparison if I may. Several years ago the General Assembly passed legislation enacting an impact fee on Marcellus Shale gas drilling. Now, imagine if we had enacted that impact fee, but instead of the State collecting it and administering it, we just asked Chesapeake Energy instead to collect the impact fee and just spend it wherever they thought was best, and the State never bothered to ask Chesapeake Energy what they were doing with the money. And then later we found out that Chesapeake Energy was taking Pennsylvania Marcellus Shale gas impact fee money and using it to fix roads near well pads in Ohio, and when someone from the State started to question the matter, Chesapeake Energy said, "You know, this is really a matter for our corporate board. The State has no business interfering here. The State has no business asking Chesapeake Energy where we are spending this impact fee money."

Mr. Speaker, this is exactly what is happening here today in the dairy industry. The State has mandated a premium on milk for the benefit of Pennsylvania dairy farmers, and we have no idea how much of that money is getting back to them. Instead, the boards of multistate dairy cooperatives, dominated by people from outside Pennsylvania, are left to do with as they please with this money.

Mr. Speaker, the small, local dairy farmer, the farmer with 50 cows, 100 cows, even some milking 1,000 cows, the small dairy farmer, many of them have had enough. Many farmers are tired of being kept in the dark of how much of their milk check does or does not contain the State-mandated money. Mr. Speaker, I sent out earlier today, and I have copies here, petitions signed by dairy farmers from across the State, dozens of them asking for a "yes" vote on HB 1265. I am happy to share this with any member.

Mr. Speaker, a group of Amish men were here a few weeks back, met with dozens of members to advocate for this bill. I do not recall Amish men ever in the Capitol Building during my time here. Mr. Speaker, 3 weeks ago at the Pennsylvania Farm Bureau's annual policy meeting, the Farm Bureau voted in favor of the accountability and disclosure contained in HB 1265. The Farm Bureau is one of the most democratic organizations out there, and policy positions come from the grassroots up to the State level. The Farm Bureau's endorsement of this concept, even in the face of the extreme pressures from large dairy cooperatives, shows that the small dairy farmer wants accountability and transparency with this State-mandated money.

Now, Mr. Speaker, I want to address one more thing. Some might question – in fact, I have had some ask me today – why do we have this over-order premium at all? Some have argued this premium is not necessary. Some have argued it should be eliminated. Some have argued maybe the State Milk Marketing Board should be done away with. Mr. Speaker, those might be valid points, and perhaps those are issues that will one day come before this House, but they are not the issue that is in front of us now. The question before us now is, should the Pennsylvania dairy farmer, the small, local dairy farmer, should this dairy farmer who does not have any highly paid lobbyists walking the halls of this Capitol, should the dairy farmer, the backbone of agricultural infrastructure of this State, should the dairy farmer know when they open the envelope with their milk check and take a look at the dollar figure listed, should they have the right to know if even one dime of that check is coming from a State-mandated fee that is supposed to benefit them? I believe, Mr. Speaker, the answer is yes.

And what about the consumer, Mr. Speaker? How would the consumer feel if they knew they were paying what amounts to a tax on milk, only to find out that money, that tax money, was going to farmers in New York State or New England or who knows where? Imagine if Pennsylvanians were asked to pay a Pennsylvania State gasoline tax to fix roads in Maryland. Do we not owe every citizen of Pennsylvania transparency and accountability on any State-mandated fee?

Now, Mr. Speaker, I want to make this clear. Dairy cooperatives play a vital and critical role in the dairy industry, and as private member-based organizations, they should be free from the government getting involved in contract issues between the management and the membership. It is not my business, nor do I believe it is the business of this House, to dictate the terms by which a cooperative and a dairy farmer

interact with each other. However, when a State-mandated premium enters the equation, certainly this House, certainly the family dairy farmer, and certainly the citizens of Pennsylvania who are paying the fee should know if the State-mandated premium is achieving the desired outcome.

Mr. Speaker, in closing, I would encourage the members to consider the following remarks provided by Agriculture Secretary Russell Redding to the House Ag Committee earlier this year. To briefly quote from his remarks, quote, "This value placed on Pennsylvania milk and our dairy farmers should be recognized, and be made transparent on all cooperative members' milk checks. In the spirit of transparency, disclosure, and accountability, this seems like the right thing to do. It is important that our cooperative members, who benefit from the over-order premium, are able to clearly see that benefit," end quote.

Mr. Speaker, I thank you for your patience at this late hour, and I encourage an affirmative vote on HB 1265. Thank you, Mr. Speaker.

The SPEAKER. Thank you, Representative Lawrence. Representative Mike Carroll.

Mr. CARROLL. Thank you, Mr. Speaker.

Mr. Speaker, firstly, I would like to applaud the maker of the bill for his advocacy and his passion on the subject. It is commendable.

Mr. Speaker, I think it is important to point out as we consider this bill today that a dairy farmer has a choice, and that choice – well, they have a series of choices, but one of the choices is to be in a co-op or not to be in a co-op, and for those that choose to be in a co-op, Mr. Speaker, those farmers make a decision that they would like to reap the benefits that are offered by the co-op as a result of their decision to join.

Certain things that you surrender as a result of being in the co-op include this over-order premium, because as is defined, the co-op is the actual producer of the milk. The farmer becomes a member of the collective organization, and he or she provides the milk to the co-op, and then that milk co-op markets the milk in a whole series of ways, whether it is for traditional milk or whether it is for cheese or butter. And all of the different uses of milk bring with them different benefits to the dairy farmer.

And so, Mr. Speaker, we have a choice for dairy farmers, and those that choose to be in the co-op take advantage of the opportunities provided. The co-ops, I would point out, are governed by the dairy farmers themselves. They make the decisions with respect to the governance of the co-op. It does baffle me some that if there is this tremendous distrust of co-ops, I wonder why the dairy farmer chooses to be in that co-op. I am not sure I would choose to be with an organization that I did not trust was treating me fairly with respect to all of the benefits that the co-op has to provide, including the over-order premium.

It is important also to remember, Mr. Speaker, that all of the benefits that accrue to the co-op are blended together and dispensed back to the members of the co-op for the collective good. It is true that in some cases there are members of the co-op that are in other States. I would offer that the milk from those farmers in the other States accrue a benefit to the members of the co-op from Pennsylvania because the milk is marketed in its totality. And so the very benefit that you accrue, that is accrued as a result of the milk from the out-of-State farmers, does indirectly provide a benefit to Pennsylvania farmers.

Mr. Speaker, it is important to know that these co-ops have the interest of the dairy farmers, interest at the top of their list with respect to the way that they distribute all of the benefits, because at the end of the day, the dairy farmers govern the co-op. And so, Mr. Speaker, I think it is important that we consider the impact that this bill will have in terms of its effect on the co-ops and the costs that will be imposed on them to comply with what I think really is an onerous mandate.

So, Mr. Speaker, I ask for a "no" vote on HB 1265. I think, Mr. Speaker, that this bill is attempting to solve a problem that just does not exist.

Mr. Speaker, dairy farmers have been operating in this State in co-ops for many, many years, and here we are in 2015 attempting to solve a problem that I do not think actually exists, and so for that reason, Mr. Speaker, I ask for a "no" vote.

The SPEAKER. Chairman Marty Causer.

Mr. CAUSER. Thank you, Mr. Speaker.

Mr. Speaker, I rise in support of HB 1265. Mr. Speaker, this is a very straightforward piece of legislation dealing with the Milk Marketing Law, requiring transparency with a State-mandated premium. And keep in mind, this only applies to milk used for Class I purposes, as in drinking milk that is produced, processed, and sold in Pennsylvania. It has to apply under all three of those criteria to have the over-order premium apply.

Representative Lawrence's bill would simply require that when the farmer gets his milk check, it be printed on the milk check exactly how much the farmer is getting in over-order premium, and I think that that is a responsible thing to do. I have heard about the administrative burden that would be placed on the co-ops, but in actuality, the co-ops are tracking this information right now. Under the law, they have to track where this milk is produced, processed, and sold. So they are currently tracking that information.

The bottom line is, right now they are pooling the revenue, and in our committee they admitted that some of the revenue is actually going to farmers out of State. Now, this is a Pennsylvania State-mandated premium that I think should go back to Pennsylvania farmers, so I think it is important to have transparency.

And, you know, one other point that was raised by my good friend and colleague, the minority chairman of the Ag Committee, is the fact that why would you belong to a co-op? Well, in some parts of the State, if you do not belong to a co-op, you have no place to send your milk, and I think that is an important reality for many farmers in the State.

You know, Mr. Speaker, tonight let us support our dairy farmers and vote in support of HB 1265. Thank you, Mr. Speaker.

The SPEAKER. Chairman John Maher, on the bill.

Mr. MAHER. Thank you, Mr. Speaker.

The minority chairman of the Agriculture Committee has advanced a fascinating idea. If I understand him correctly, he has advanced the notion that if individuals decide to join a co-op, that they can negotiate between themselves to abrogate State law; that they can just agree that although the State law says that that money is supposed to go and be redistributed within the State, that they can just agree to do otherwise.

Now, I suppose that by extension the folks that are paying impact fees might want to think about creating a co-op, and they can decide that instead of sending those moneys to the communities within the State they are supposed to be sending it



to, that they can just agree among themselves that they are going to send it someplace else, and that will be just fine because they are a co-op and they are reaching a deal between themselves. I do not think that really makes much sense, but it does not matter if it makes sense or not because that is not what this bill is about.

This bill is about letting a farmer know how his check was calculated every day. And those cows are manufacturing milk every day. So every day a milk truck pulls up and collects milk from the farmer, and once a month he gets a check, and that check may not have any detail about what happened with this milk premium. This bill simply says that that farmer who has been having his milk collected every day, when he gets his check, that he ought to be able to see how the milk premium is reflected in his check.

Now, obviously, it is getting calculated, because to come up with how much his check is, that needs to be calculated. So there is no extra work involved in figuring out what that check amount should be. It is only a matter of should this information be revealed to the farmer who produced the milk, and I think that answer is just so very simple.

I ask for your support on the bill. Thank you.

The SPEAKER. Does any other member wish to be recognized before Representative Lawrence has final comments?

Representative Lawrence, the second time on final passage.

Mr. LAWRENCE. Thank you, Mr. Speaker.

Mr. Speaker, I do not see, with all deference to the minority chairman of the Agriculture Committee, how joining a private organization means you have to surrender a State-mandated premium, how joining a private organization means that you are okay with a State-mandated premium going to farmers out of the State. And the suggestion that this is a problem that does not exist, with all due respect, is an insult to the dozens of family farmers who have signed this petition asking for a "yes" vote on this bill. They know this problem exists, and they are watching this vote tonight.

Mr. Speaker, I would ask on behalf of the small, local dairy farmer, the dairy farmer who belongs to the Farm Bureau or maybe who does not but is interested in seeing this bill pass in the name of good government, good governance, transparency, and accountability, I would ask for a "yes" vote on HB 1265. Thank you, Mr. Speaker.

### LEAVES OF ABSENCE

The SPEAKER. Representative HARHAI has requested to be placed on leave of absence. That will be granted. Representative HANNA has requested to be placed on leave of absence for the rest of the day. That will be granted.

### CONSIDERATION OF HB 1265 CONTINUED

On the question recurring,  
Shall the bill pass finally?

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

(Members proceeded to vote.)

The SPEAKER. Members, please take your seats. It is my understanding, given that it was locked, the clerk will record this vote, and I understand that motions for reconsideration are going to be filed.

The following roll call was recorded:

#### YEAS—101

Adolph	Godshall	Maher	Ross
Baker	Greiner	Maloney	Rothman
Benninghoff	Grove	Masser	Saccone
Bloom	Hahn	McGinnis	Sankey
Boback	Harhart	Mentzer	Santora
Brown, R.	Harper	Metcalfe	Saylor
Caltagirone	Harris, A.	Millard	Simmons
Causar	Heffley	Miller, B.	Sonney
Corbin	Helm	Milne	Staats
Cox	Hennessey	Moul	Stephens
Culver	Hickernell	Mustio	Tobash
Cutler	Hill	Nesbit	Toepel
Day	James	O'Neill	Toohil
DeLissio	Jozwiak	Oberlander	Topper
Delozier	Kampf	Ortitay	Truitt
Diamond	Kaufert	Parker, D.	Vitali
Dush	Kauffman	Payne	Ward
Ellis	Keller, F.	Peifer	Warner
Emrick	Keller, M.K.	Pickett	Watson
English	Killion	Pyle	Wheeland
Everett	Klunk	Quigley	White
Fee	Knowles	Quinn	Zimmerman
Gabler	Krieger	Rapp	
Gillen	Lawrence	Reed	Turzai,
Gillespie	Lewis	Regan	Speaker
Gingrich	Mackenzie	Roae	

#### NAYS—95

Acosta	DiGirolamo	Kirkland	Petrarca
Barbin	Donatucci	Kortz	Rader
Barrar	Driscoll	Kotik	Ravenstahl
Bishop	Dunbar	Krueger	Readshaw
Bizzarro	Evankovich	Longietti	Reese
Boyle	Evans	Mahoney	Roebuck
Bradford	Fabrizio	Major	Rozzi
Brown, V.	Farina	Markosek	Sainato
Bullock	Farry	Marshall	Samuelson
Burns	Flynn	Marsico	Santarsiero
Carroll	Frankel	Matzie	Schemel
Cohen	Freeman	McCarter	Schlossberg
Conklin	Gainey	McClinton	Schreiber
Costa, D.	Galloway	McNeill	Schweyer
Costa, P.	Gergely	Metzgar	Sims
Cruz	Gibbons	Miccarelli	Snyder
Daley, M.	Goodman	Miller, D.	Sturla
Daley, P.	Harkins	Mullery	Tallman
Davidson	Harris, J.	Murt	Taylor
Davis	Irvin	Neilson	Vereb
Dawkins	Kavulich	Neuman	Wentling
Dean	Keller, W.	O'Brien	Wheatley
Deasy	Kim	Parker, C.	Youngblood
Dermody	Kinsey	Pashinski	

#### NOT VOTING—0

#### EXCUSED—7

Briggs	DeLuca	Harhai	Thomas
Christiana	Hanna	Petri	

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill fell.

\* \* \*

The House proceeded to third consideration of **HB 1660, PN 2438**, entitled:

An Act designating a bridge on that portion of State Route 403 over the Two Lick Creek, Clymer Borough, Indiana County, as the Sergeant James Robert Pantall 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. 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—196

Acosta	Everett	Krueger	Ravenstahl
Adolph	Fabrizio	Lawrence	Readshaw
Baker	Farina	Lewis	Reed
Barbin	Farry	Longiotti	Reese
Barrar	Fee	Mackenzie	Regan
Benninghoff	Flynn	Maher	Roae
Bishop	Frankel	Mahoney	Roebuck
Bizzarro	Freeman	Major	Ross
Bloom	Gabler	Maloney	Rothman
Boback	Gainey	Markosek	Rozzi
Boyle	Galloway	Marshall	Saccone
Bradford	Gergely	Marsico	Sainato
Brown, R.	Gibbons	Masser	Samuelson
Brown, V.	Gillen	Matzie	Sankey
Bullock	Gillespie	McCarter	Santarsiero
Burns	Gingrich	McClinton	Santora
Caltagirone	Godshall	McGinnis	Saylor
Carroll	Goodman	McNeill	Schemel
Causer	Greiner	Mentzer	Schlossberg
Cohen	Grove	Metcalfe	Schreiber
Conklin	Hahn	Metzgar	Schweyer
Corbin	Harhart	Miccarelli	Simmons
Costa, D.	Harkins	Millard	Sims
Costa, P.	Harper	Miller, B.	Snyder
Cox	Harris, A.	Miller, D.	Sonney
Cruz	Harris, J.	Milne	Staats
Culver	Heffley	Moul	Stephens
Cutler	Helm	Mullery	Sturla
Daley, M.	Hennessey	Murt	Tallman
Daley, P.	Hickernell	Mustio	Taylor
Davidson	Hill	Neilson	Tobash
Davis	Irvin	Nesbit	Toepel
Dawkins	James	Neuman	Toohil
Day	Jozwiak	O'Brien	Topper
Dean	Kampf	O'Neill	Truitt
Deasy	Kaufner	Oberlander	Vereb
DeLissio	Kauffman	Ortitay	Vitali
Delozier	Kavulich	Parker, C.	Ward
Dermody	Keller, F.	Parker, D.	Warner
Diamond	Keller, M.K.	Pashinski	Watson
DiGirolamo	Keller, W.	Payne	Wentling

Donatucci	Killion	Peifer	Wheatley
Driscoll	Kim	Petrarca	Wheeland
Dunbar	Kinsey	Pickett	White
Dush	Kirkland	Pyle	Youngblood
Ellis	Klunk	Quigley	Zimmerman
Emrick	Knowles	Quinn	
English	Kortz	Rader	Turzai,
Evankovich	Kotik	Rapp	Speaker
Evans	Krieger		

NAYS—0

NOT VOTING—0

EXCUSED—7

Briggs	DeLuca	Harhai	Thomas
Christiana	Hanna	Petri	

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.

**HB 1265 RECONSIDERED**

The SPEAKER. Representatives Cutler and Lawrence move that the vote by which HB 1265, PN 2313, was defeated on this December 7 day be reconsidered.

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

The following roll call was recorded:

YEAS—118

Adolph	Gillespie	Major	Roae
Baker	Gingrich	Maloney	Ross
Barrar	Godshall	Marshall	Rothman
Benninghoff	Greiner	Marsico	Saccone
Bloom	Grove	Masser	Sankey
Boback	Hahn	McGinnis	Santora
Brown, R.	Harhart	Mentzer	Saylor
Caltagirone	Harper	Metcalfe	Schemel
Causer	Harris, A.	Miccarelli	Simmons
Corbin	Heffley	Millard	Sonney
Cox	Helm	Miller, B.	Staats
Culver	Hennessey	Milne	Stephens
Cutler	Hickernell	Moul	Tallman
Day	Hill	Mustio	Taylor
DeLissio	Irvin	Nesbit	Tobash
Delozier	James	O'Neill	Toepel
Diamond	Jozwiak	Oberlander	Toohil
DiGirolamo	Kampf	Ortitay	Topper
Dunbar	Kaufner	Parker, D.	Truitt
Dush	Kauffman	Payne	Vereb
Ellis	Keller, F.	Peifer	Ward
Emrick	Keller, M.K.	Pickett	Warner
English	Killion	Pyle	Watson
Evankovich	Klunk	Quigley	Wentling
Everett	Knowles	Quinn	Wheeland
Farry	Krieger	Rader	White
Fee	Lawrence	Rapp	Zimmerman
Freeman	Lewis	Reed	
Gabler	Mackenzie	Reese	Turzai,
Gillen	Maher	Regan	Speaker

## NAYS—77

Acosta	Deasy	Kinsey	Parker, C.
Barbin	Dermody	Kirkland	Pashinski
Bishop	Donatucci	Kortz	Petrarca
Bizzarro	Driscoll	Kotik	Ravenstahl
Boyle	Evans	Krueger	Readshaw
Bradford	Fabrizio	Longietti	Roebuck
Brown, V.	Farina	Mahoney	Rozzi
Bullock	Flynn	Markosek	Sainato
Burns	Frankel	Matzie	Samuelson
Carroll	Gainey	McCarter	Santarsiero
Cohen	Galloway	McClinton	Schlossberg
Conklin	Gergely	McNeill	Schreiber
Costa, D.	Gibbons	Metzgar	Schweyer
Costa, P.	Goodman	Miller, D.	Sims
Cruz	Harkins	Mullery	Snyder
Daley, M.	Harris, J.	Murt	Sturla
Daley, P.	Kavulich	Neilson	Vitali
Davis	Keller, W.	Neuman	Wheatley
Dawkins	Kim	O'Brien	Youngblood
Dean			

## NOT VOTING—1

Davidson

## EXCUSED—7

Briggs	DeLuca	Harhai	Thomas
Christiana	Hanna	Petri	

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

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—102

Adolph	Godshall	Maloney	Rothman
Baker	Greiner	Marsico	Saccone
Benninghoff	Grove	Masser	Sankey
Bloom	Hahn	McGinnis	Saylor
Boback	Harhart	Mentzer	Schemel
Brown, R.	Harper	Metcalfe	Simmons
Caltagirone	Harris, A.	Millard	Sonney
Causser	Heffley	Miller, B.	Staats
Corbin	Helm	Milne	Stephens
Cox	Hennessey	Moul	Tallman
Culver	Hickernell	Nesbit	Tobash
Cutler	Hill	O'Neill	Toepel
Day	James	Oberlander	Toohil
DeLissio	Jozwiak	Ortitay	Topper
Delozier	Kampf	Parker, D.	Truitt
Diamond	Kaufer	Payne	Vereb
Dush	Kauffman	Peifer	Ward
Ellis	Keller, F.	Pickett	Warner
Emrick	Keller, M.K.	Pyle	Watson
English	Killion	Quigley	Wentling
Everett	Klunk	Quinn	Wheeland
Fee	Knowles	Rapp	White
Gabler	Lawrence	Reed	Zimmerman
Gillen	Lewis	Regan	
Gillespie	Mackenzie	Roae	Turzai,
Gingrich	Maher	Ross	Speaker

## NAYS—94

Acosta	DiGirolamo	Kirkland	Parker, C.
Barbin	Donatucci	Kortz	Pashinski
Barrar	Driscoll	Kotik	Petrarca
Bishop	Dunbar	Krieger	Rader
Bizzarro	Evankovich	Krueger	Ravenstahl
Boyle	Evans	Longietti	Readshaw
Bradford	Fabrizio	Mahoney	Reese
Brown, V.	Farina	Major	Roebuck
Bullock	Farry	Markosek	Rozzi
Burns	Flynn	Marshall	Sainato
Carroll	Frankel	Matzie	Samuelson
Cohen	Freeman	McCarter	Santarsiero
Conklin	Gainey	McClinton	Santora
Costa, D.	Galloway	McNeill	Schlossberg
Costa, P.	Gergely	Metzgar	Schreiber
Cruz	Gibbons	Miccarelli	Schweyer
Daley, M.	Goodman	Miller, D.	Sims
Daley, P.	Harkins	Mullery	Snyder
Davidson	Harris, J.	Murt	Sturla
Davis	Irvin	Mustio	Taylor
Dawkins	Kavulich	Neilson	Vitali
Dean	Keller, W.	Neuman	Wheatley
Deasy	Kim	O'Brien	Youngblood
Dermody	Kinsey		

## NOT VOTING—0

## EXCUSED—7

Briggs	DeLuca	Harhai	Thomas
Christiana	Hanna	Petri	

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

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

The SPEAKER. Members, thank you.

We need to proceed on the calendar. I will say that the previous bill certainly milked a lot of dramatics for us today. Bad attempt.

Representative Murt.

Mr. MURT. Yes, Mr. Speaker.

The SPEAKER. I apologize. Let me call up the bill, and then I know you have a motion.

**BILL ON FINAL PASSAGE**

The House proceeded to consideration on final passage of **HB 1638, PN 2443**, entitled:

An Act amending the act of December 29, 1972 (P.L.1713, No.367), known as the Motor Vehicle Physical Damage Appraiser Act, further providing for compliance with act.

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?

### MOTION TO RECOMMIT

The SPEAKER. Representative Murt, I understand you have a motion.

Mr. MURT. Actually, Mr. Speaker, the motion has been made previously, a motion to recommit this bill to the Veterans Affairs and Emergency Preparedness Committee for proper comprehensive and adequate vetting and for the purpose of a public hearing on this bill and on the issues that it pertains to.

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

The SPEAKER. Thank you, sir.  
Representative Tobash, on the motion, sir.

Mr. TOBASH. Thank you. Thank you, Mr. Speaker.

I ask that my colleagues vote "no" on the motion to refer this bill back to the Veterans Affairs Committee. I am fortunate enough to serve on the Veterans Affairs Committee as well as the Insurance Committee. This is a change to the auto insurance appraisal law.

It clearly deserves to be and come out of the Insurance Committee. There was a vote that was almost unanimous that was coming out of committee in favor of this bill. There was one negative vote by proxy. The bill was vetted. It was negotiated. It was amended in committee. Remember that this is merely an option for people to utilize photographs in claims appraisals, a choice for consumers. It came out of the correct committee. The Insurance Committee is where it should have been – vetted, negotiated, amended.

I ask my colleagues to vote "no" on the motion to recommit to the Veterans Affairs and Emergency Preparedness Committee. Thank you, Mr. Speaker.

The SPEAKER. Thank you, Representative.

For the second time, Representative Murt, on the motion.

Mr. MURT. Mr. Speaker, it is critically important that this bill be vetted properly, and I ask rhetorically why no hearing was held when so much is at stake, why no hearing was held when we are compromising public health and safety. Mr. Speaker, the chairman of the Veterans Affairs and Emergency Preparedness Committee has agreed to take this bill into his committee and to hold a public hearing, at least one public hearing, on this bill to ensure that it is properly vetted and to ensure that we are not compromising public health and safety.

Mr. Speaker, I add that HB 1638 is clearly on the fast track for House passage without the opinion, expertise, and input of the collision repair industry and other assorted stakeholders whose livelihood is directly related to the automotive repair industry. The proposed passage of HB 1638, without a public hearing, is blatantly unfair and shows favoritism toward the insurance industry.

Mr. Speaker, for the Insurance Federation to lobby comparisons of 45 other States where the insurance industry benefits from unlicensed appraisers and photo-estimating is not a legitimate reason to weaken our own Commonwealth's responsibility for strong consumer protection laws. No one here can provide unbiased testimony as to the successfulness and accuracy of these 45 other States and how adequate the 45 other States' damage appraisals and their processes are being accepted by their respective societies.

Mr. Speaker, I add that photo-estimating is achieved by the use of an insurance company desk reviewer and a desk auditor who have no accountability to the Pennsylvania Department of Insurance. The Pennsylvania State law specifically states that the physical damage appraiser must carry a State license as they go about the business of appraising damaged motor vehicles. The Department of Insurance has no jurisdiction over desk auditors. Furthermore, many desk review companies operate out of State and have no responsibility to comply with Pennsylvania State law.

Mr. Speaker, by allowing the estimating process to move forward using photographs, videos, or telephonic means opens the door for the insurance industry to eliminate the requirement of the personal inspection. This is a serious modification of the law and we believe the objective of the insurance industry. Without the personal inspection, how is the consumer or the Commonwealth able to identify the true identity or qualifications of an individual appraising a damaged vehicle?

### POINT OF ORDER

The SPEAKER. Representative Mustio, point of order, sir. Go right ahead.

Representative Murt, please wait.

Representative Mustio, point of order.

Mr. MUSTIO. Is the debate just on the motion, or are we debating the bill?

The SPEAKER. Just on the motion.

Mr. MUSTIO. Because I want to have a comment about the motion, but will I be able to go into as much detail on the bill as the gentleman is doing?

The SPEAKER. Representative Mustio, we will certainly provide that leeway.

Mr. MUSTIO. He is setting a precedent. Thank you.

The SPEAKER. Representative Murt, the good gentleman raises an important point. It is just on the motion.

### PARLIAMENTARY INQUIRY

Mr. MURT. And his point is cogent, Mr. Speaker.

Mr. Speaker, would I be in order to interrogate the chairman of the Veterans Affairs and Emergency Preparedness Committee?

The SPEAKER. Not on a motion; no. You would be on the bill – well, if he wanted to stand for it – but you would not be on a motion.

Mr. MURT. Mr. Speaker, I will conclude then by saying that this bill has not, I repeat, not been fully vetted. We are compromising public health and safety by allowing someone, if we do it, to craft an estimate on a damaged motor vehicle from photographs. This is bad policy. This is bad government. The only entities that are coming out ahead—

The SPEAKER. Representative Murt, Representative Murt, sir, you certainly have made your point, but you are going far astray from just the motion. Okay? If you would, we are going to conclude. You can just do a conclusion, and there are a lot of other folks that would like to speak on the motion.

Mr. MURT. Mr. Speaker, I think due diligence is best achieved by referring this bill to the Veterans Affairs and Emergency Preparedness Committee. Thank you.



The SPEAKER. Thank you, sir.

Now, the other speakers that I am going to be recognizing will be Representative Dom Costa, Chairwoman Tina Pickett of the Insurance Committee, Representative Barrar, and Representative Mustio. Those individuals will be speaking on the motion. They certainly will get some leeway, but I think they will probably each be more effective getting right to the motion.

Representative Costa, please.

Mr. D. COSTA. Thank you, Mr. Speaker.

I rise to oppose the gentleman's motion to rerefer this to a different committee, to the Veterans Affairs. HB 1638 has been vetted through the Insurance Committee with only one opposition to it, and it was a proxy. Thank you, Mr. Speaker.

The SPEAKER. Thank you, sir.

Chairwoman Pickett.

Ms. PICKETT. Thank you, Mr. Speaker.

I stand to oppose the recommitment of this bill to the Veterans Affairs Committee. I can tell you that the insurance industry, the Pennsylvania Insurance Department, and the committee worked on the bill for the past several months. The Insurance Committee got input from body shop owners. We got it in a bipartisan manner. We amended the bill in the committee per their request. What they requested, we amended into the bill. At that point they agreed with the bill. They told us that they were okay with it at that point. I believe that the bill is definitely an Insurance Committee bill. It does not belong in Veterans Affairs, and I urge you to oppose this motion. Thank you.

The SPEAKER. Thank you, Madam Chair.

Representative Barrar. Chairman Barrar.

Mr. BARRAR. Thank you, Mr. Speaker.

Mr. Speaker, over the last couple weeks, I have received hundreds of phone calls, e-mails, and letters from appraisers, from the collision auto repair businesses around this State asking for one thing. They have asked for a hearing to allow their voice to be heard.

Mr. Speaker, this bill was introduced and moved out of committee in 5 days with no stakeholder meetings or hearings to be held. Several weeks ago I questioned the maker of the bill on the House floor and asked him why there were no hearings. His response to me was because 45 other States had done it. Well, in the past 18 months, two States have repealed it. Mr. Speaker, this is not an insurance bill as many members might be thinking. They might be thinking this is a minor change to an insurance law. It is a major change—

The SPEAKER. Chairman Barrar—

Mr. BARRAR. —to the Pennsylvania Motor Vehicle Physical Damage—

The SPEAKER. If you will please—

Mr. BARRAR. —Appraiser Act. I am getting to the question. Okay? Thank you. Okay? It is a huge change in a consumer protection law.

Thank you, Mr. Speaker.

The SPEAKER. Chairman Barrar, I presume you oppose the motion? Could you just state your opposition to the motion, and when we get to the bill, you will be able to speak on the merits of the bill.

Mr. BARRAR. Thank you, Mr. Speaker.

Mr. Speaker, a hearing would tell us how this legislation will affect the current law, how does it change the duties of the State-licensed appraiser, what effect it will have on the collision

repair trade in our Commonwealth and the ability to properly repair a consumer's car. Mr. Speaker, a hearing will tell us how this affects the consumer and if they are getting a better deal out of this. Will their car be repaired to the standards that they contracted with the insurance company for?

The SPEAKER. Chairman—

Mr. BARRAR. I am raising, Mr. Speaker—

The SPEAKER. Mr. Chairman, please suspend.

Sir, if you could just come up for a moment so that we could just — could you just step forward for just a second.

(Conference held at Speaker's podium.)

The SPEAKER. The good gentleman, Chairman Stephen Barrar, on the motion to recommit to your committee.

Mr. BARRAR. Thank you for your patience, Mr. Speaker.

As you can tell, I truly believe that there needs to be a hearing on this because the people that are affected by this bill the most need to have their voices heard. I would ask the members to vote "yes" on referring that to the Emergency Preparedness Committee, because I can tell you, if we pass this legislation, we are going to put our emergency services into a lot of situations where they need to respond.

Thank you, Mr. Speaker.

The SPEAKER. Representative Mark Mustio, on the motion.

Sir, you will have an hour.

Mr. MUSTIO. You want to start the clock, Mr. Speaker.

Mr. Speaker, I stand in opposition to this motion for many reasons, but I will not get into all of them right now. I think what we need to do is have a debate. The body can determine if more information is needed. If more information is needed, then we should send it to the Insurance Committee and have those appropriate questions answered. We should not be sending and starting a precedent where I do not necessarily like this particular industry or the lobbyists for that industry, let us say, and I am going to send it to another committee. That is wrong. Let us vet it here on the floor. If we feel we need more information, then we go back to the Insurance Committee and ask them to delve a little more deeply. Thank you.

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—74

Acosta	Davis	Harris, J.	Murt
Barbin	Dawkins	Hennessey	Neilson
Barrar	Dean	James	O'Brien
Benninghoff	Dermody	Jozwiak	Parker, C.
Bishop	Diamond	Keller, W.	Quigley
Boback	DiGirolamo	Killion	Rapp
Boyle	Donatucci	Kim	Roebuck
Bradford	Driscoll	Kinsey	Rozzi
Brown, V.	Dush	Kirkland	Saccone
Bullock	English	Krueger	Samuelson
Carroll	Fabrizio	Longietti	Santarsiero
Causar	Farry	Mahoney	Schreiber
Cohen	Freeman	Maloney	Schweyer
Conklin	Galloway	McCarter	Sims
Corbin	Gibbons	McClinton	Staats
Cox	Gillen	Miccarelli	Vereb
Cruz	Hahn	Miller, D.	Vitali
Daley, M.	Harkins	Mullery	Youngblood
Davidson	Harper		

## NAYS—122

Adolph	Godshall	Matzie	Ross
Baker	Goodman	McGinnis	Rothman
Bizzarro	Greiner	McNeill	Sainato
Bloom	Grove	Mentzer	Sankey
Brown, R.	Harhart	Metcalfe	Santora
Burns	Harris, A.	Metzgar	Saylor
Caltagirone	Heffley	Millard	Schemel
Costa, D.	Helm	Miller, B.	Schlossberg
Costa, P.	Hickernell	Milne	Simmons
Culver	Hill	Moul	Snyder
Cutler	Irvin	Mustio	Sonney
Daley, P.	Kampf	Nesbit	Stephens
Day	Kaufner	Neuman	Sturla
Deasy	Kauffman	O'Neill	Tallman
DeLissio	Kavulich	Oberlander	Taylor
Delozier	Keller, F.	Ortitay	Tobash
Dunbar	Keller, M.K.	Parker, D.	Toepel
Ellis	Klunk	Pashinski	Toohil
Emrick	Knowles	Payne	Topper
Evankovich	Kortz	Peifer	Truitt
Evans	Kotik	Petrarca	Ward
Everett	Krieger	Pickett	Warner
Farina	Lawrence	Pyle	Watson
Fee	Lewis	Quinn	Wentling
Flynn	Mackenzie	Rader	Wheatley
Frankel	Maher	Ravenstahl	Wheeland
Gabler	Major	Readshaw	White
Gainey	Markosek	Reed	Zimmerman
Gergely	Marshall	Reese	
Gillespie	Marsico	Regan	Turzai,
Gingrich	Masser	Roae	Speaker

## NOT VOTING—0

## EXCUSED—7

Briggs	DeLuca	Harhai	Thomas
Christiana	Hanna	Petri	

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

On the question recurring,  
Shall the bill pass finally?

The SPEAKER. Representative Dush, point of order.

Mr. DUSH. Mr. Speaker, on the bill, please.

The SPEAKER. Yes; go ahead, Representative Dush.

Mr. DUSH. I rise in stark opposition to this bill. I worked for 3 1/2 years as an insurance investigator. You could drive the organized crime elements that are involved with this type of thing, can drive a railroad train a mile and a half long through this thing.

Let me explain something, one of the things that they can do with this. Take a photograph of some beat-up old Chevy that has been in an accident. They take the photographs of five VIN numbers (vehicle identification numbers) of other blue Chevys going out to several different insurance companies. Same car, five different insurance companies get the same claim. Yeah; it has got the VIN number, but it belongs – it is not the car that got beat up. It is another car.

Insurance fraud in this State is a multibillion-dollar-a-year industry. It costs our consumers nationwide billions. There are other elements where this thing can be, as a consumer protection point on this thing as well. I will give another

example. While I was working as an insurance investigator, I had a woman come out, she sideswiped me, came through a median, sideswiped my car. The insurance company just experienced a huge loss with California fires. They called me up and said, "Mr. Dush, we'll only pay for 90 percent of the damage." When I asked why, the adjuster said, "Well, Mr. Dush, our client says that you struck her from the rear." I said, "You paid absolutely no attention when you called here, did you?" And she said, "Why?" I said, "This is east coast investigations. You're talking to a northwestern and Florida State-certified traffic accident investigator. If I would have struck your client from the rear, I would be 100 percent at fault. Your client was cited as being at fault." Most people do not have the ability to fight these large insurance companies. Most people in that position would have said, "Okay. No problem," or just taken it.

As it was, I was able to make the argument. I told them, "Look, you have got 15 minutes to make up your mind," because she was saying she had to talk to her supervisor. I said, "You have 15 minutes to call me back or I am getting a hold of the nastiest attorney I can find down here in Philadelphia." I got the call back. They paid for it. The insurance companies are in the business of trying to enlarge their profits. The adjusters who go out there and take a look at these things, another thing that they are looking for is, was the insured at fault? If you have got brake linings that are worn, if you have got bald tires, a photograph is not going to tell you that. If your client is at fault, they are going to reduce or not pay the claim, and that is something that is reasonable. It is part of the contract that the insured signs on to.

There are so many different ways where this hurts the consumer and it opens it up for fraud that I cannot stand in support of it, and I ask the members, please, vote against this thing. I would not mind seeing it go back to the Insurance Committee for a full vetting. I would really like for a chance for those party members, the people who are a party to this, to actually get a full hearing on it. This came through way too fast, but if we are not going to have that, I would urge the members to vote "no." Thank you.

The SPEAKER. Representative Murt, first, please. Representative Murt, if I might, let me just see who all wishes to be recognized. Representative Murt, Representative Barrar, Representative Moul. No. Okay. Representative Pashinski, Representative Pickett. This is our last bill of the evening. This will be the last bill of the evening. So we have Representative Murt, Representative Barrar, Representative Pickett, and Representative Pashinski.

Representative Murt, the floor is yours.

Mr. MURT. Thank you, Mr. Speaker.

Mr. Speaker, Pennsylvania has a long history of consumer protection. When we examine the purpose of the Pennsylvania Motor Vehicle Physical Damage Appraiser Act, it is obvious that our Pennsylvania lawmakers consider the significance of a physical inspection when they emphasize "safety is paramount" language within the requirements of that act.

Mr. Speaker, we heard about 45 other States that allow this photo estimate to be the status quo. Mr. Speaker, those 45 other States may or may not have an appraisal law that is written to control the behavior of physical damage appraisers. However, "safety is paramount" is a Pennsylvania-specific requirement. Mr. Speaker, the Pennsylvania Vehicle Equipment and Inspection Regulations require that vehicles operated on our

roadways are physically inspected by State-licensed mechanics to ensure the safety of the Commonwealth's motoring public. Other States across our nation have copied our inspection program, proving that Pennsylvania does not follow. Instead, we lead the country when the issue pertains to automobile and consumer safety.

Mr. Speaker, Massachusetts passed a similar law in 2014 to permit the use of photo estimates. Within 1 year, the law was repealed to protect the State's motoring public from unsafe and improperly estimated vehicles. This is factual and truthful information, proving not all States are satisfied with photo-estimating.

Mr. Speaker, Rhode Island did not have an appraisal photo law prior to 2014 when the insurance industry offered photo-estimating to the public for the purpose of estimating damaged vehicles. Within a year, the State introduced legislation requiring physical inspections on vehicles with damages over \$2,500 due to inaccurate and unsafe estimating of vehicles through the use of photo-estimating.

With limited time and resources, Mr. Speaker, the Pennsylvania Collision Trade Guild has been able to identify two States where the practice of photo-estimating has not been as successful as the Insurance Federation has lobbied. As a matter of fact, both States rewrote their legislation, creating stronger and more effective laws to appraise consumer-damaged vehicles and placing an emphasis on the need for a physical inspection of automobile damages.

Mr. Speaker, by compromising the personal inspection requirement of the law, we will weaken the law and eliminate any enforcement power of the Department of Insurance. Without a trained and experienced State-licensed appraiser performing a hands-on inspection of the damaged vehicle, the insurance industry can use any basis to settle claims eradicating the State law and regulation and muting the powers of the Department of Insurance.

Mr. Speaker, today vehicles are being manufactured with more technical changes and complex computer systems than we have ever witnessed – safety restraint systems, airbag impact development, unibody crumple zones built within the structure of the vehicles. High-strength and boron steel, aluminum and carbon fiber are being utilized. If our Commonwealth's legislators of 1972 felt consumers needed strong consumer protection by enacting the law back then, one would ascertain that an even stronger and more consumer safeguards should be in place, not the dismantling of a law that has protected us for 43 years.

Mr. Speaker, changes to our current consumer protection law will open the doors to other revisions in the Pennsylvania Code, Title 31. It is here where the insurance lobby will go to work and dismantle whatever rights consumers have to a properly repaired automobile investment.

Mr. Speaker, I implore my colleagues to please vote in the negative on HB 1638. Thank you, Mr. Speaker.

The SPEAKER. Representative Barrar.

Mr. BARRAR. Thank you, Mr. Speaker.

I rise to ask the members to vote "no" on this legislation because it is bad for the consumers of the Commonwealth. Mr. Speaker, I understand why this bill is good for the insurance industry. It will certainly help them improve their bottom line. Well, good for them.

Mr. Speaker, this bill is not a change to the insurance law, but it amends the Appraiser Act of 1972. It is a major change to that law. It does away with the requirement of a personal inspection by a licensed physical damage appraiser. Please think about that alone, the impact that will have on the consumers, on people that own the cars. We are sacrificing the "safety is paramount" provision of the act to allow for telephone photos and desk reviews to become the normal in the industry. Who is going to do those desk reviews? Who is going to do those estimates? Is it required to be a State-licensed certified appraiser? No, it is not.

Mr. Speaker, there are no measures in this legislation to give the consumer any added protections, none whatsoever. This law was put in place to protect the consumer, and we must not allow the insurance industry to change it for their own benefit. This act was put in place because of bad conduct and unethical behavior on the part of the insurance industry in this State, who participated in a scheme of national proportion to defraud consumers all over this country and just to add to their profit margins.

Just ask yourself, why is the insurance industry in this State so highly regulated? Because they have shown us so many times that they are willing to violate the public trust to drive up their profits regardless of what the law says. They have already started doing the things that this legislation allowed, even though we have not passed it yet. They do not care. They do not need any legislative approval. They are the insurance industry. They think they can do whatever they want, and we see it time and time again.

Mr. Speaker, I have heard from hundreds of appraisers and collision repair businesses over the past few weeks. They oppose this legislation, and sadly, their voice will not be heard in this process here. Mr. Speaker, we have a responsibility to the motoring public to make sure that the insurance companies in our State live up to their contract that they have made with our consumers to protect their investment in the cars that they have paid a lot of money for. This is about consumer safety, and it should not be about profit.

I would ask the members of this House to vote "no" on this legislation. Thank you, Mr. Speaker.

The SPEAKER. Representative Tina Pickett.

Ms. PICKETT. Thank you, Mr. Speaker.

I would like to make sure that everyone knows that only a Pennsylvania-certified appraiser can work on your auto claim. They are Pennsylvania certified. They have to be. This is a "may" provision. It may be used by the consumer. It may be used to settle the claim and it may not be. It is the choice of the consumer.

Over 40 States do this now with more intending to come on board, we understand. It is for the convenience of the consumer to be able to get their vehicle back on the road faster and have it be properly repaired.

I urge a "yes" vote for this bill, please. Thank you.

The SPEAKER. Representative Pashinski, please.

Mr. PASHINSKI. Thank you, Mr. Speaker.

After hearing all the explanation, I am not even sure whether this is the same bill.

So that the members here understand, and this is extremely important, HB 1638 gives the option to use photographs in the appraisal by the policyholder. I want to repeat that. It is the

policyholder that has the power to select the photo for appraisal or not. If the policyholder chooses not to have the photo, the policyholder has the choice and the power to ask for a full appraisal.

This bill was fully vetted in the Insurance Committee, and both Democrats and Republicans supported this out of committee except for one individual.

With all due respect, this is a bill that protects the consumer, the policyholder, and if the option is chosen by the policyholder, what it allows is for a more efficient, cost-saving method to get the car repaired quicker and get the car back to the consumer. Once again, it is the policyholder that has the choice to accept a photo for appraisal or to demand a full appraisal, according to the law.

I urge everyone here to vote "yes." Thank you.

The SPEAKER. Representative Tobash, on final passage.

Mr. TOBASH. Thank you, Mr. Speaker.

As has been mentioned here, everyone needs to understand that this is simply an option, a choice for consumers to make. At the time of a claim, the process can take a very long time. If we have to require that every time there is a claim, a small fender bender, that a physical appraisal needs to be performed, it drives up the cost of doing business. This measure will improve consumer convenience. It will shorten the claims process.

We are not getting rid of appraisers. Licensed appraisers still need to perform these appraisals. There will still be supplements. It is not a final acceptance of a claim being closed. If indeed after the photograph there is more damage that is noticed, a supplement will be made. Again, it is optional. It will help drive down the cost for consumers in the Commonwealth of Pennsylvania for their insurance coverage.

Mr. Speaker, I ask my colleagues to vote "yes" for this customer-friendly, consumer-oriented piece of legislation that utilizes modern technology to help perform the claims process. Thank you very much, Mr. Speaker.

The SPEAKER. Thank you, sir.

### LEAVE OF ABSENCE CANCELED

The SPEAKER. Representative Hanna is back on the House floor and should be marked on the master roll.

### LEAVE OF ABSENCE

The SPEAKER. The whip has indicated that Representative DERMODY would like to be placed on leave for the rest of the day, and that will be granted.

### CONSIDERATION OF HB 1638 CONTINUED

The SPEAKER. Representative Hanna, on the bill.

Mr. HANNA. To submit remarks for the record. Thank you, Mr. Speaker.

The SPEAKER. Thank you, sir.

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

Mr. Speaker, I rise today in opposition to HB 1638. I have received several calls and e-mails from constituents, auto body shop owners, and

members of the Pennsylvania Collision Trade Guild who strongly oppose this bill. Many of you are aware of their concerns. All they are advocating for is a public hearing. They are simply requesting an opportunity to share their concerns with the bill.

Now, if this proposal is going to pass this chamber today, it is my hope that the Senate takes a moment to address the issues that have been raised here. We need a public hearing, and for that reason, Mr. Speaker, I will be voting "no" on HB 1638. Thank you.

On the question recurring,  
Shall the bill pass finally?

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

The following roll call was recorded:

#### YEAS—116

Adolph	Gainey	Markosek	Readshaw
Baker	Galloway	Marsico	Reed
Benninghoff	Gergely	Masser	Reese
Bizzarro	Gillespie	Matzie	Regan
Bloom	Gingrich	McGinnis	Roae
Brown, R.	Godshall	Mentzer	Ross
Bullock	Goodman	Metcalfe	Rothman
Caltagirone	Greiner	Metzgar	Saccone
Costa, D.	Grove	Millard	Sankey
Costa, P.	Harris, A.	Miller, B.	Saylor
Culver	Heffley	Milne	Schemel
Cutler	Helm	Moul	Schlossberg
Daley, M.	Hickernell	Mustio	Simmons
Daley, P.	Hill	Nesbit	Snyder
Davidson	Irvin	Neuman	Sonney
Dawkins	Kampf	O'Neill	Stephens
Day	Kaufman	Oberlander	Taylor
Deasy	Kauffman	Ortitay	Tobash
Delozier	Keller, F.	Parker, D.	Toohil
Dunbar	Keller, M.K.	Pashinski	Truitt
Ellis	Klunk	Payne	Warner
Emrick	Knowles	Peifer	Wentling
English	Kortz	Petrarca	Wheatley
Evankovich	Kotik	Pickett	Wheeland
Everett	Krieger	Pyle	Youngblood
Fabrizio	Lawrence	Quinn	Zimmerman
Farina	Lewis	Rader	
Fee	Mackenzie	Rapp	Turzai,
Flynn	Maher	Ravenstahl	Speaker
Frankel	Major		

#### NAYS—79

Acosta	DiGirolamo	Keller, W.	Roebuck
Barbin	Donatucci	Killion	Rozzi
Barrar	Driscoll	Kim	Sainato
Bishop	Dush	Kinsey	Samuelson
Boback	Evans	Kirkland	Santarsiero
Boyle	Farry	Krueger	Santora
Bradford	Freeman	Longietti	Schreiber
Brown, V.	Gabler	Mahoney	Schweyer
Burns	Gibbons	Maloney	Sims
Carroll	Gillen	Marshall	Staats
Causer	Hahn	McArter	Sturla
Cohen	Hanna	McClinton	Tallman
Conklin	Harhart	Miccarelli	Toepel
Corbin	Harkins	Miller, D.	Topper
Cox	Harper	Mullery	Vereb
Cruz	Harris, J.	Murt	Vitali
Davis	Hennessey	Neilson	Ward
Dean	James	O'Brien	Watson
DeLissio	Jozwiak	Parker, C.	White
Diamond	Kavulich	Quigley	



## NOT VOTING—1

McNeill

## EXCUSED—7

Briggs	DeLuca	Harhai	Thomas
Christiana	Dermody	Petri	

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.

**BILL RECOMMITTED**

The SPEAKER. The Chair recognizes the majority leader, who moves that HB 1533 be recommitted to the Committee on Appropriations.

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

**BILLS REMOVED FROM TABLE**

The SPEAKER. The Chair recognizes the majority leader, who moves that HB 677 and HB 1351 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 ON SECOND CONSIDERATION**

The House proceeded to second consideration of **HB 222**, **PN 1587**, entitled:

An Act amending the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, in public assistance, prohibiting eligibility for individuals convicted of drug distribution.

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

**BILL TABLED**

The SPEAKER. The Chair recognizes the majority leader, who moves that HB 222 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 Chair recognizes the majority leader, who moves that HB 222 be removed from the tabled calendar and placed on the active calendar.

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

\* \* \*

The House proceeded to second consideration of **HB 727**, **PN 1555**, entitled:

An Act amending Titles 24 (Education), 51 (Military Affairs) and 71 (State Government) of the Pennsylvania Consolidated Statutes, in Title 24, in preliminary provisions, further providing for definitions and construction and providing for references; in retirement membership, contributions and benefits, further providing for mandatory and optional membership, for credited school service, for waiver of adjustments and for classes of service, for elections, for eligibility points, for eligibility for annuities, for eligibility for refunds, for pickup contributions, for member contributions, for contributions for purchase of credit, for annual compensation limit, for contributions by Commonwealth, for payments by employers, for actuarial cost method, for appropriations by Commonwealth, for return of accumulated deductions, for single life annuity, for disability annuities, for termination of annuities and payment of benefits; providing for school employees' defined contribution plan; in administrative and miscellaneous provisions, further providing for the Public School Employees' Retirement Board, for administrative duties of board, for health insurance, for advisory and reporting duties, for application and election duties, for duties of employers, for rights and duties of school employees and members, for management of fund and accounts, for Public School Employees' Retirement Fund, for State accumulation account, for annuity reserve account, for State guarantee, for taxation, for attachment and assignment of funds, for approval of domestic relations orders, for irrevocable survivor annuitant and for amendment of approved domestic relations orders; providing for irrevocable successor payee; further providing for fraud and adjustment of errors and for payments to school entities by Commonwealth; providing for payments to school entities by Commonwealth commencing with the 2015-2016 school year; in health insurance for retired school employees, further providing for definitions; in Title 51, in employment preferences and pensions, further providing for military leaves of absence; in Title 71, in retirement for State employees and officers, further providing for definitions, for preliminary provisions and for membership, credited service, classes of service, and eligibility benefits, providing for State Employees' Defined Contribution Plan, further providing for contributions, for benefits and for administration, funds and accounts; and making editorial changes.

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

**BILL TABLED**

The SPEAKER. The Chair recognizes the majority leader, who moves that HB 727 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 Chair recognizes the majority leader, who moves that HB 727 be removed from the tabled calendar and placed on the active calendar.

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

\* \* \*

The House proceeded to second consideration of **HB 1581, PN 2290**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in assault, providing for the offense of strangulation.

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

**BILL TABLED**

The SPEAKER. The Chair recognizes the majority leader, who moves that HB 1581 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 Chair recognizes the majority leader, who moves that HB 1581 be removed from the tabled calendar and placed on the active calendar.

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

\* \* \*

The House proceeded to second consideration of **SB 316, PN 1369**, entitled:

An Act amending Title 62 (Procurement) of the Pennsylvania Consolidated Statutes, in general provisions, providing for public access to procurement records; and, in source selection and contract formation, further providing for sole source procurement and for emergency procurement and providing for legal services contracts.

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

**BILL TABLED**

The SPEAKER. The Chair recognizes the majority leader, who moves that SB 316 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 Chair recognizes the majority leader, who moves that SB 316 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.

**RESOLUTION**

Mr. REED called up **HR 82, PN 482**, entitled:

A Resolution honoring the life and contributions of John Patrick Stanton, humanitarian, activist and founder of the prolife movement in this Commonwealth, who died on January 31, 2014, at 86 years of age.

On the question,  
Will the House adopt the resolution?

**RESOLUTION TABLED**

The SPEAKER. The Chair recognizes the majority leader, who moves that HR 82 be removed from the active calendar and placed on the tabled calendar.

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

**RESOLUTION REMOVED FROM TABLE**

The SPEAKER. The Chair recognizes the majority leader, who moves that HR 82 be removed from the tabled calendar and placed on the active calendar.

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

**BILLS AND RESOLUTIONS PASSED OVER**

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

**ADJOURNMENT**

The SPEAKER. Representative Harry Lewis moves that the House now be adjourned until Tuesday, December 8, 2015, at 11 a.m., e.s.t., unless sooner recalled by the Speaker.

On the question,  
Will the House agree to the motion?  
Motion was agreed to, and at 6:39 p.m., e.s.t., the House adjourned.