

# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

MONDAY, JUNE 25, 2018

SESSION OF 2018

202D OF THE GENERAL ASSEMBLY

No. 33

### HOUSE OF REPRESENTATIVES

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

#### THE SPEAKER (MIKE TURZAI) PRESIDING

#### PRAYER

The SPEAKER. The prayer today will be offered by Pastor Daniel Yeiser of St. Matthew Lutheran Church in Hanover, Pennsylvania. He is the guest of Representative Kate Klunk, where St. Matthew Lutheran Church resides in Representative Klunk's district, and also Representative Seth Grove. He and his wife, who is with him today, reside in Representative Grove's district. Reverend, please join us.

PASTOR DANIEL YEISER, Guest Chaplain of the House of Representatives, offered the following prayer:

Thank you, Mr. Speaker, and good afternoon, everyone.  
Let us pray.

Almighty and eternal God, You are worthy to be held in reverence by all the mortal race. We thank You for the enumerable blessings which, despite our unworthiness, You have showered upon us.

With a psalmist we proclaim that this is the day that You have made. Let us rejoice and be glad in it. Thank You, God, for life and the opportunity we have in the here and now to promote, enhance, and preserve life.

As we live our lives, lead us to be ever better stewards of the time, talents, and treasures with which we have been blessed.

May we be about advocating for quality and safe life for all peoples in our districts, State, country, and world. May we be continually moved to be about promoting health, security, peace, and justice for all.

Thank You, God, for our country with the freedom and liberties that we enjoy. May we always use the freedom with which we have been blessed responsibly. Thank You, too, for our great Commonwealth with a storied tradition and wonderful landscape it possesses and holds out to us.

God, be with these Representatives today as they meet in session. Bless and guide their deliberations. We pray for Your will to be done through them. Following this time together, may we all be returned safely to our families and may all of our Representatives be returned safely to their families and their constituents to continue to, with Your presence in their lives, do Your work in promoting the common good and enriched life for all people. Amen.

### PLEDGE OF ALLEGIANCE

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

### JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, the approval of the Journal of Friday, June 22, 2018, will be postponed until printed.

### JOURNALS APPROVED

The SPEAKER. The following Journals are in print and, without objection, will be approved: Tuesday, October 24, 2017, and Wednesday, October 25, 2017.

### BILLS REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND RECOMMITTED TO COMMITTEE ON RULES

**HB 652, PN 2868**

By Rep. TAYLOR

An Act amending the act of June 25, 1931 (P.L.1352, No.332), referred to as the Delaware River Joint Toll Bridge Compact, providing for veto power by the Governor over certain actions; further providing for audits; and providing the Governor of each state with power to ratify or veto certain actions taken by commissioners.

TRANSPORTATION.

**HB 2426, PN 3559**

By Rep. TAYLOR

An Act designating a portion of Pennsylvania Route 563 in Bucks County as the PFC John Rivers Way.

TRANSPORTATION.

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

**SB 170, PN 146**

By Rep. TAYLOR

An Act amending the act of June 12, 1931 (P.L.575, No.200), entitled "An act providing for joint action by Pennsylvania and New Jersey in the development of the ports on the lower Delaware River, and the improvement of the facilities for transportation across the river; authorizing the Governor, for these purposes, to enter into an agreement with New Jersey; creating The Delaware River Joint Commission and specifying the powers and duties thereof, including the power to finance projects by the issuance of revenue bonds; transferring to the new commission all the powers of the Delaware River Bridge Joint Commission; and making an appropriation," further providing for the

Delaware River Joint Commission, for composition, for employees, for financing and for executive sessions; providing for majority approval and contract procedures; further providing for report; providing for conflicts of interest and for master plan; creating the Port Authority Transit Corporation Commuter's Council; further providing for definitions; authorizing the Governor to apply for approval; prohibiting the entrance into a compact until passage of a similar act; and making editorial changes.

TRANSPORTATION.

**SB 1156, PN 1851**

By Rep. TAYLOR

An Act designating a bridge on that portion of Pennsylvania Route 100 over the Schuylkill River in Pottstown Borough, Montgomery County, as the Newstell Marable, Sr., Memorial Bridge; designating the bridge on Stoughstown Road over Interstate 81 in Cumberland County (bridge number 21-3007-0020-0865) as the Private Raymond Lafayette Naugle Memorial Bridge; designating the bridge on Maple Avenue over the Yellow Breeches Creek in Walnut Bottom Township, Cumberland County (bridge number 21-3009-0012-0000), as the Sergeant Kenneth Lee "Buck" Devor Memorial Bridge; designating a bridge on that portion of U.S. Route 219 South, over U.S. Route 22, also known as the Admiral Peary Highway, in Cambria Township, Cambria County, as the PFC Nick Kozorosky Memorial Bridge; designating a portion of Pennsylvania Route 54 in West Mahanoy Township, Schuylkill County, as the Francis V. "Angie" McAndrew Memorial Highway; and designating a portion of State Route 2026, in Upper Moreland Township, Montgomery County, as the Corporal Michael Dennis Cooke Memorial Highway.

TRANSPORTATION.

### RESOLUTION REPORTED FROM COMMITTEE

**HR 1003, PN 3788**

By Rep. TAYLOR

A Resolution urging the Department of Transportation to conduct a study of the specifications and materials used in department-approved concrete and asphalt projects.

TRANSPORTATION.

### HOUSE RESOLUTIONS INTRODUCED AND REFERRED

**No. 1000** By Representatives TAI, VAZQUEZ, GAINEY, STURLA, BRIGGS, NEILSON, SIMS, SCHLOSSBERG, HARKINS, A. DAVIS, FRANKEL, KINSEY, BULLOCK, DEAN, DERMODY, LONGIETTI, BOYLE, RABB, DeLUCA, DAVIS, KRUEGER-BRANEKY, DALEY, CEPHAS, DONATUCCI, FABRIZIO, COMMITTA, FITZGERALD, CARROLL, DAVIDSON, MADDEN, FREEMAN, DeLISSIO, WARREN, DAWKINS, GALLOWAY, ROE, KIM, CALTAGIRONE, KORTZ, SCHWEYER, J. McNEILL, YOUNGBLOOD, D. MILLER, PASHINSKI, M. QUINN, RAVENSTAHL, WHEATLEY, DEASY, HILL-EVANS, O'BRIEN, SAMUELSON, ROEBUCK and DRISCOLL

A Resolution urging the President of the United States to immediately reverse the administration's zero-tolerance, family-separation immigration policy which has led to the removal of more than 2,000 migrant children from their parents' care and custody from April to May 2018.

Referred to Committee on JUDICIARY, June 25, 2018.

**No. 1006** By Representatives BARRAR, SCHLEGEL, CULVER, DeLUCA, HILL-EVANS, JAMES, KORTZ, MILLARD, NEILSON, M. QUINN, READSHAW and DRISCOLL

A Resolution calling on the President and Congress to institute long-term National Flood Insurance Program reauthorization and comprehensive reform.

Referred to Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, June 25, 2018.

### HOUSE BILLS INTRODUCED AND REFERRED

**No. 2528** By Representatives GREINER, CORBIN, MACKENZIE, WATSON, D. COSTA, JAMES, MILLARD, FEE, GILLESPIE, PHILLIPS-HILL, MOUL, SCHLOSSBERG, GROVE, HICKERNELL, GILLEN, ZIMMERMAN, CUTLER, B. MILLER, DeLUCA and KEEFER

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in licensing of drivers, further providing for notice of acceptance of Accelerated Rehabilitative Disposition; and, in driving after imbibing alcohol or utilizing drugs, further providing for grading, for penalties and for prior offenses.

Referred to Committee on TRANSPORTATION, June 25, 2018.

**No. 2529** By Representatives DAVIDSON, KINSEY, WARREN, SANTORA, LONGIETTI, MURT, THOMAS, BARRAR, SCHLOSSBERG, STURLA, TAI, KIRKLAND, YOUNGBLOOD, DRISCOLL and DeLUCA

An Act establishing the Safe2Say Program; and providing methods of anonymous reporting concerning unsafe activities in schools.

Referred to Committee on EDUCATION, June 25, 2018.

### SENATE BILLS FOR CONCURRENCE

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

**SB 595, PN 1654**

Referred to Committee on STATE GOVERNMENT, June 25, 2018.

**SB 735, PN 1909**

Referred to Committee on URBAN AFFAIRS, June 25, 2018.

**SB 1047, PN 1763**

Referred to Committee on URBAN AFFAIRS, June 25, 2018.

**SB 1095, PN 1894**

Referred to Committee on EDUCATION, June 25, 2018.

**SB 1126, PN 1638**

Referred to Committee on JUDICIARY, June 25, 2018.

**APPROPRIATIONS COMMITTEE MEETING**

The SPEAKER. We are looking to break for an Appropriations Committee meeting at this time. We are going to be taking a break for the Appropriations Committee to meet. Members, so we are not going to leave the floor. We are going to be at ease while the Appropriations Committee meets. My understanding is the Appropriations Committee is going to meet in the majority caucus room right now, immediately, to report out some legislation. So all the members of the Appropriations Committee should go to the majority caucus room for a meeting at the present time. We are going to be at ease, but all members of the Appropriations Committee should go to the majority caucus room. Obviously, we will not be taking votes while the Appropriations Committee meets, but we will be managing some housekeeping.

**SENATE MESSAGE**

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

The clerk of the Senate, being introduced, returned **HB 126, PN 3814**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

**SENATE MESSAGE**

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

The clerk of the Senate, being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives by amending said amendments to **SB 172, PN 1930**.

Ordered, That the clerk present the same to the House of Representatives for its concurrence.

**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 431, PN 1872; SB 530, PN 1899; SB 564, PN 1873; SB 817, PN 1910; SB 1002, PN 1912; and SB 1101, PN 1875**.

**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 159, PN 3607**

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in juvenile matters, further providing for definitions, for summary offenses and for adjudication.

**SB 431, PN 1872**

An Act amending Titles 18 (Crimes and Offenses) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in nuisances, further providing for the offense of scattering rubbish; in rules of the road in general, providing for duty of driver in litter enforcement corridors; and, in powers of department and local authorities, providing for designation of litter enforcement corridors and further providing for specific powers of department and local authorities.

**SB 530, PN 1899**

An Act amending the act of July 9, 1987 (P.L.220, No.39), known as the Social Workers, Marriage and Family Therapists and Professional Counselors Act, further providing for definitions, for qualifications for license, for reciprocity, for restriction on the use of title "licensed clinical social worker," for restrictions on the use of title "Licensed Professional Counselor," for penalties and for unlawful practice; and repealing provisions related to appropriation.

**SB 564, PN 1873**

An Act providing for installation of protective fencing on certain State-owned bridges and for powers and duties of the Department of Transportation.

**SB 817, PN 1910**

An Act authorizing the Department of General Services to extend the term of a certain lease of real property, being a portion of the Southeastern Pennsylvania Veterans' Center in East Vincent Township, Chester County; authorizing the Department of Conservation and Natural Resources, with the approval of the Governor, to grant and convey to Robbie S. Cohen-Millstein certain lands situate in Nockamixon Township, Bucks County, in exchange for Robbie S. Cohen-Millstein granting and conveying certain lands to the Commonwealth of Pennsylvania, Department of Conservation and Natural Resources, to be added to those existing lands at Delaware Canal State Park; authorizing the Department of General Services, with the concurrence of the Department of Environmental Protection, to lease to Pier 35 1/2 LLC, or its nominee, land within the bed of the Delaware River in the City of Philadelphia; authorizing the Department of General Services, with the concurrence of the Department of Environmental Protection, to lease to Penn Treaty Views LLC, or its nominee, land within the bed of the Delaware River in the City of Philadelphia; and authorizing the Department of General Services, with the concurrence of the Department of Environmental Protection, to lease to K4 Philadelphia, LLC, or its nominee, land within the bed of the Delaware River in the City of Philadelphia.

**SB 1002, PN 1912**

An Act designating a bridge on that portion of State Route 1041 over the Mahoning Creek in Grant Township and Canoe Township, Indiana County, as the Army SPC Christine L. Mayes Memorial Bridge; designating a bridge on that portion of State Route 286 over the South Branch Cush Creek River, Montgomery Township, Indiana County, as

the Sgt. Edward John Parada Memorial Bridge; designating a bridge, identified as Bridge Key 19108, on that portion of Pennsylvania Route 286 over the Two Lick Creek, Borough of Clymer, Indiana County, as the Corporal Louis R. Tate Memorial Bridge; designating a bridge, identified as Bridge Key 19109, on that portion of Pennsylvania Route 286 over the Two Lick Creek, at the east end of the Borough of Clymer, Indiana County, as the Lance Corporal Joshua T. Twigg Memorial Bridge; designating the portion of State Route 2024 and State Route 1016, also known as Monument Orviston Road, from the intersection of State Route 2024 and Main Street in Beech Creek Borough, Clinton County, to the intersection of State Route 1016 and Kato Orviston Road in Curtin Township, Centre County, as the CPL Milford H. Wensel Memorial Highway; and designating a portion of Pennsylvania Route 44 in Potter County as the Highway to the Stars.

### **SB 1101, PN 1875**

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in certificate of title and security interests, further providing for content and effect of certificate of title and for theft vehicles.

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

The SPEAKER. All members, please take your seats. We have guests that have traveled some distance. We have three championship teams with us today. Each of them has traveled some distance to be with us. All members are asked to please take their seats.

The championship softball team should all come down, the entire team. We are going to start with the softball team. Come on, ladies, the captains, and, seniors, come on up. The rest of the team, come down to the well of the House, unless we can get everybody up here on the rostrum. I am not sure if we can or not.

Okay. All members will take their seats. Close the doors of the House, please, to the Sergeants at Arms. We are not going to begin until everybody is seated. All members, please come on the House floor. Members, please be seated.

### **UPPER DAUPHIN AREA HIGH SCHOOL GIRLS SOFTBALL TEAM PRESENTED**

The SPEAKER. Representative Tobash, thank you. Please introduce the championship team.

Mr. TOBASH. Thank you, Mr. Speaker.

I am proud and honored to be here on this glorious day to welcome the Upper Dauphin Area Lady Trojans. They are the AA softball champions of the PIAA for the State of Pennsylvania. Welcome, girls.

So what an outstanding group of individuals, great athletes, astute young ladies, and their coaches are here as well, and some people from the administration. I would also like to mention the fact that their superintendent, Evan Williams, is here; their athletic director, Brent Bell; coaches, Bob Ligon, along with his coaching staff: Kocher, Smith, Maurer, and Messner.

I have to tell you something about this team. At the beginning of the year their record was four wins and eight losses. There were many people that were counting out the Lady Trojans as not even being in the playoffs, but they have rallied and at the end of the season not only did they not lose another game, they ended up going 17 and 8. But they brought home the first State championship for any team, any group team in Upper Dauphin history. So what a tremendous accomplishment.

Mr. Speaker, when I was on my way down here, I talked to one of my staffers, my district director, Matt Stonerod, who has got a young lady, a daughter, who played on this team and he mentioned the fact that there were some baseball players in the building and he said could I please tell Representatives Charlton, Quinn, and Ortity to keep their boys away from our girls, but after later consultation with the team, I found that they would actually like to get their photographs taken with the boys. So if that is okay, maybe they can get their picture taken with them a little bit later.

I want to mention the young ladies that are behind me: Lexi Weaver, she is a senior on the team. She was the pitcher that ended up winning them that State title, only allowing one run being scored against them. Outstanding defense from the entire team. Lea Lenker, Maddy Miller, Emily Fox, and Jenna Stonerod.

So, Mr. Speaker, once again I would like a round of applause for the outstanding effort of this team who showed that they can really get it finished. I just want to tell you one more thing. I think that I heard Representative Reed, Leader Reed, the other day mention that he has been here for about 15 years and never had a State championship team. I am not sure if that is exactly right, but I can tell you this, I am fortunate enough to have four State championship teams that I have had the chance to honor and they have all been girls athletics, girls teams from the northern part of Dauphin County and western part of Schuylkill County. I am not sure what is in the water there, girls, but you are doing outstanding work. Keep it up.

Thank you very much, Mr. Speaker.

The SPEAKER. Congratulations to the Upper Dauphin Area High School Girls Softball Team. Thanks so much for joining us and taking the time to be with us. Young ladies, stay there because they are going to do some group photos. We are going to do some here and then they will be right down. Coach and the other players are going to come right down here with the team.

The Sergeants at Arms will open the doors of the House. I am just going to wait a minute. The Appropriations Committee is coming onto the floor. They will take their seats.

### **GUESTS INTRODUCED**

The SPEAKER. To the left of the rostrum, we welcome Christy Yeiser, who is the wife of Pastor Daniel Yeiser. Please stand, Christy. Thanks so much for joining us today. Thank you.

And to the left of the rostrum, we have Tiffany Bell. Tiffany, will you stand. Tiffany is a township supervisor in West Nottingham Township, located in Representative John Lawrence's district. Is Kaitin with you? Oh, there is Kaitin. Great to have you. Kaitin is her daughter, but an intern with Representative John Lawrence. Thank you so much for joining us today.

Chairman Barrar has as his guests Erik, Diane, and Rhylea Roberts. Will you please stand. And we also have Abby Cook and, I believe I am saying it right, Jaime Simons, right? Thank you so much for being with us today. It is great that you took the time to be with us. They are with Chairman Barrar, right there.

I am going to briefly call up this young man. Trey, will you come up to the rostrum, please. He is here with his dad. Dad, come on up. We always recognize a little bit of history with this illustrious chamber and our past members. The young man to my

left, Trey Wilt, was elected as the governor of the American Legion Keystone Boys State. You saw all the Keystone Boys here. He is going to be attending the American Legion Boys National Conference at the end of July. He and his father, Roy Wilt, Jr., are guests of Representative Parke Wentling. Where is Representative Wentling? Come on up, sir. Representative Longietti as well. Now, governor – this governor has a rich pedigree. His uncle is a friend to many of us here, former member Representative Rod Wilt. He is the grandson of former House member and Senator Roy Wilt and the great-grandson of former House member Raymond Wilt. Now, that is a pedigree, Trey. We are so honored to have you and your dad here. Trey, you are at Greenville High School, right? Are you going to be a senior? You are going to be a senior upcoming, right? Well, good luck at the national conference at the end of July and congratulations and thanks for being with us. We are going to get a photo right here. Thanks for being with us. Please give him a warm welcome.

Okay. The Sergeants at Arms will close the doors of the House. We are going to do another State championship team. This team has traveled 4 hours to be with us. Bring up the entire team, please. Will all members please take your seats. Once everybody is in their seats, we will begin.

Sergeants at Arms, can you ask members to please take their seats. This team has traveled 4 hours to and another 4 hours back.

### **CANON-McMILLAN HIGH SCHOOL BASEBALL TEAM PRESENTED**

The SPEAKER. Representative Tim O'Neal and Representative Jason Ortitay are invited now to present a citation to the 6A PIAA Baseball Champions.

Representative O'Neal, the floor is yours, sir.

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

I am joined at the rostrum today by Representative Jason Ortitay to pay tribute to the Canon-McMillan High School Baseball Team.

The team captured the 2018 PIAA Class 6A State title on June 15 at Lubrano Park on the Penn State campus. The game was tied at 3-3 until the Big Macs' offense exploded in the fifth inning. All seven runs came with two outs, and in the end Canon-McMillan defeated Bensalem by a score of 10 to 3.

This is the second State baseball title in the school's history. The first happened exactly a decade earlier. This year's team compiled an impressive record of 21 wins and 5 losses for the season. It was also the WPIAL Class A Champion.

The team is led by captains Ian Hess; Zach Rohaley, from my understanding who has a record of 14 and 1; and Nick Serafino, who could not join us today. The other players on the roster are: Cameron Walker – please raise your hand when I say your name – Cameron Walker, not here; Noah Burke; Austin Abel; Brandon Kline; Gregory Siller; Kasey Checca; Steven Keelon; Nicholas Popielarczyk; Michael Murano; Mekos Mantalis; Nicholas Gregory; Jonathan Quinque; Anthony Wuenstel; Connor Flaherty; Greyden Piechnick; Alec Hannen; Brycen Virgili; Brandon Rea; Cameron Weston; and Cory Didier.

The Big Macs' head coach is Tim Bruzdewicz. I apologize. He is assisted by Scott Wolf, Dan Devitis, Eric Rosing, and Ron Beaumont. We are also joined by Canon-McMillan's superintendent, Michael Daniels, and high school principal David Helinski.

Representative Ortitay and I could not be prouder of the Big Macs' accomplishments. Mr. Speaker, I ask my colleagues to join me in honoring these exemplary young athletes.

The SPEAKER. Thank you, Representative O'Neal and Representative Ortitay. If the principal and superintendent could come on up, please, with us to take some photos, and then young men stay there. We are going to bring the whole team down as well.

Senator Bartolotta, feel free to join us. We are glad to have you on the House floor. Senator Camera Bartolotta on the House floor. Senator, we are going to talk to you about a few bills we need some help with over there. No; I am teasing, I am teasing. We are going to do some photos here in the well of the House.

### **BILLS REREPORTED FROM COMMITTEE**

#### **HB 1037, PN 3808**

By Rep. SAYLOR

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

#### **APPROPRIATIONS.**

#### **HB 1284, PN 3816**

By Rep. SAYLOR

An Act providing for the Pennsylvania Business One-Stop Shop within the Department of Community and Economic Development.

#### **APPROPRIATIONS.**

#### **HB 2075, PN 3776**

By Rep. SAYLOR

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, in rates and distribution systems, further providing for valuation of and return on the property of a public utility.

#### **APPROPRIATIONS.**

The SPEAKER. Representative DiGirolamo just greeted the team. Bensalem, of course, is in his district. This team beat a team I represent, North Allegheny, in the WPIAL Championship. They won that one 2 to 1. Twice I hear, twice. Thanks, gentlemen.

Representative Alex Charlton and Representative Chris Quinn are going to come up to the rostrum. We have another championship team. These are captains, I believe, who are going to come up here with the Representatives, and then the rest of the team, once Canon-McMillan, the Big Macs, get their seats, we are going to bring down the Marple Newtown High School champions.

The Sergeants at Arms will briefly open the doors of the House. Let members off or on the floor. We are going to close them here again shortly. Any members that wish to be on the floor, come onto the floor at this time. We are going to be closing the doors of the House here in a few seconds. All members who wish to be on the House floor, please come on. Take your seats.

Sergeants at Arms will close the doors of the House. This team has traveled some distance, at least 2 hours to be with us today. We are very honored that they would be here. So I would ask everybody to please take their seats.

### MARPLE NEWTOWN HIGH SCHOOL BASEBALL TEAM PRESENTED

The SPEAKER. At this time Representative Alex Charlton is recognized to introduce the 5A PIAA baseball championship team.

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

We are here today, Representative Quinn and I, to honor the accomplishment of the Marple Newtown Tigers as they celebrate the PIAA 5A State Championship after defeating Lower Dauphin in extra innings by a score of 2 to 1. The Tigers were down a run to Lower Dauphin in the 4th, tied up the game in the 6th, and in the 10th inning with bases loaded, two outs, Luke Zimmerman connected with an RBI (run batted in) to bring his teammate, Sean Donnell, home.

The Tigers had an incredible season this year, going 17-0 to start the season, won the Central League title, placed second in District 1 tournament, and won four State playoff games to close with a 25-2 record. We are very honored to have them as our team and with their coach, Mark Jordan. We ask everyone here to give them a very warm round of applause on their accomplishment.

The SPEAKER. Gentlemen, thank you so much for joining us. We are so honored that you would take the time to be with us here in the Capitol. We are going to do some photos up here first at the rostrum. So, gentlemen, stay there and we will have the rest of the team down to take some photos.

The Sergeants at Arms will open the doors of the House. We are going to take some photos here with these young men.

### STATEMENT BY MR. SANTORA

The SPEAKER. Representative Santora is recognized on unanimous consent. Representative Santora, on unanimous consent.

Mr. SANTORA. Mr. Speaker, I would like to congratulate the Hilltop Babe Ruth Hurricanes softball teams. These young ladies had an amazing season. Their 12-and-under team was the runner-up in this year's State championship.

These young ladies' effort did not go unnoticed, and they should keep their heads high as they played some tremendous softball this season. The Hurricanes 10-and-under team is in a battle for the State championship. It kind of reminds you of the 2008 Phillies World Series game, the final night, when it was played over two games because of a major rain delay. They are currently in the fourth inning and winning 4 to 3 and stalled due to a rain delay. We will still need to wait until this evening, and hopefully they will bring home their State championship.

And finally, last but not least, I am proud to announce the Hilltop Babe Ruth Hurricanes Softball 8-and-under team is your 2018 Pennsylvania State championship team. They are 13-0 so far. They are on the way to the Mid-Atlantic Regional Championships. I congratulate the team, their parents, and of course their coaches. Thank you, Mr. Speaker.

The SPEAKER. Thank you, Representative Santora, and congratulations.

### GUESTS INTRODUCED

The SPEAKER. We are going to introduce some guests. So, members, if you could please take your seats and then we are going to go into some votes.

Katie McCullough, where is Katie? Katie, please stand. Katie is the winner of Representative Briggs' "There Ought To Be a Law" contest." She is a fifth grade student at Penn Valley Elementary School, and she proposed to limit the use of road salt given its negative effects. Katie, thanks for being with us today.

In the rear of the House, we have Jon Reid. Jon, will you stand. Jon, just move over a little bit this way. Jon is a sophomore at the University of Michigan, and he resides in Representative Eric Roe's district and he is interning in his office today or this summer, I believe. Thanks so much for being with us. Great to have you.

In the rear of the House, we welcome – Representative Tai has some guests. They include – please stand as I announce your name and wave – Duke Wu – Duke, please wave your hand and stay standing – Athena Hallberg, Isabella Scotti, and from Representative Tai's office, Rachel Fingles. Thanks so much for joining us. We are honored to have you here today. Thank you.

Okay. Now, these are very special guests. Representative Mike Reese brought his family with him today. Representative Reese, you have to go stand with them. What a great family and just stand up front with them. We have Addy, Michael, and Claire. Come on up front, come near the railing, all three of you. Come get near Dad here. Hey, welcome. Thanks for being with Dad here today. Welcome to the House. When we break, Representative Reese, just come on up to the rostrum.

Representative Eli Evankovich has some family members here. We are so honored. Oh, they are right up front. That is excellent. John and Mia. Representative Evankovich's son, John, and his daughter, Mia. Thanks so much for being with us. Come on up front later. Okay?

Representative Zimmerman has some guests: Steve Loewen and Ralph Hess. Steve and Ralph, please wave. Great to have you. Great to have you both. Representative Zimmerman is back there with them both. Thank you.

Representative Duane Milne has some guests from West Chester: Kim and George Kazanjian – please stand – and their children, George, Kristopher, and Grant. They are all from West Chester. We are so honored to have you. Thanks for joining us today. Thank you for being here.

Representative Judy Ward welcomes Michael Burke. Michael, can you stand. Michael is there in the back. Thanks for being with us, Michael.

Representative White has "There Ought To Be a Law" contest winner Marwa Ali. Where is Marwa? Great. There is our winner. Please give her a round of applause. She is with her family. Can the family all stand, the whole family, including her sister. Mom and Dad, please stand. Great to have you here. Marwa is a fourth grade student going into fifth grade at William Loesche, and she proposed a law that students who drop out of school should go in the military and serve the country and perhaps learn a trade. Thank you so much.

In the rear of the House, Angie Guerrero. Angie, where are you? Please stand. There is Angie right back there. She is a volunteer in Representative Bernstine's district office, and she attends Ellwood City High School. Great to have you. Thank you, Angie.

Emily West, will you stand. Emily is right back there in the corner. She is a graduate of Elizabethtown College with a degree in political science. She is interning with Representative Mike Sturla. Great to have you here, Emily. Thank you.

Representative Justin Walsh has his family. Where is Justin? Go with your family, Representative Walsh, and if they could all stand. Representative Walsh and his family, come on up near the railing. That is Representative Walsh's wife, Jennifer, and son, Nicholas, and daughters, Payton and Lily. Thanks so much for being with us today, family. It is great to have you. I hope everybody is going to Hersheypark or one of the other great attractions in the central part of the State.

Representative Haggerty has his family with us today. Representative Haggerty, are you near your family? Yes, he is. Come on up to the railing, sir, with the family. He has his son, Kevin Joseph, and daughter, Giovanna Rose. Great to have you today. Thank you so much, Representative.

To my left, Hattie Enterline. Where is Hattie? Please stand, Hattie. Oh, I am sorry. Hattie is working. They have her working already. She is a senior at Lock Haven University and is interning with Representative Hanna, the minority whip, and she is majoring in international relations. Great to have you. Thank you so much, Hattie.

Where is Jackie Zulli? Jackie is waving to us from the back, my back left. She is a guest of Representative Greg Rothman. Thank you. Welcome. Please welcome her.

And finally, Maggie Boyle. Maggie, would you please stand. Maggie is interning with Representative Stan Saylor for the summer. She is a senior at Lancaster Catholic High School, an honor student, on student council and plays lacrosse, and she was on the school's State champion basketball team. Great to have you, Maggie. Thanks for being with us.

### LEAVES OF ABSENCE

The SPEAKER. The majority whip requests leaves of absence for the following: Representative Tim HENNESSEY of Chester County for the day. Without objection, that will be granted.

The minority whip requests leaves for Representative Flo FABRIZIO of Erie County for the day and Representative Mike O'BRIEN of Philadelphia County for the day.

Those are the only requests for leave that we have. Without objection, those will be granted.

### MASTER ROLL CALL

The SPEAKER. We are going to proceed to vote on the master roll.

(Members proceeded to vote.)

### LEAVES OF ABSENCE

The SPEAKER. Representative Vanessa BROWN should be placed on leave. Without objection, that will be granted.

Representative MICCARELLI is not on the House floor and should be placed on leave. He is on military leave and should be marked as absent.

### MASTER ROLL CALL CONTINUED

The following roll call was recorded:

#### PRESENT—197

Barbin	Emrick	Lawrence	Reed
Barrar	English	Lewis	Reese
Benninghoff	Evankovich	Longietti	Roae
Bernstine	Evans	Mackenzie	Roe
Bizzarro	Everett	Madden	Roebuck
Bloom	Farry	Maher	Rothman
Boback	Fee	Mako	Rozzi
Boyle	Fitzgerald	Maloney	Ryan
Bradford	Flynn	Markosek	Saccone
Briggs	Frankel	Marshall	Sainato
Brown, R.	Freeman	Marsico	Samuelson
Bullock	Fritz	Masser	Sankey
Burns	Gainey	Matzie	Santora
Caltagirone	Galloway	McCarter	Saylor
Carroll	Gillen	McClinton	Schemel
Causar	Gillespie	McGinnis	Schlossberg
Cephas	Godshall	McNeill	Schweyer
Charlton	Goodman	Mehaffie	Simmons
Christiana	Greiner	Mentzer	Sims
Comitta	Grove	Metcalfe	Snyder
Conklin	Haggerty	Metzgar	Solomon
Cook	Hahn	Millard	Sonney
Corbin	Hanna	Miller, B.	Staats
Corr	Harkins	Miller, D.	Stephens
Costa, D.	Harper	Milne	Sturla
Costa, P.	Harris, A.	Moul	Tai
Cox	Harris, J.	Mullery	Tallman
Cruz	Heffley	Murt	Taylor
Culver	Helm	Mustio	Thomas
Cutler	Hickernell	Neilson	Tobash
Daley	Hill	Nelson	Toepel
Davidson	Irvin	Nesbit	Toohil
Davis, A.	James	O'Neal	Topper
Davis, T.	Jozwiak	O'Neill	Vazquez
Dawkins	Kampf	Oberlander	Vitali
Day	Kaufner	Ortitay	Walsh
Dean	Kauffman	Owlett	Ward
Deasy	Kavulich	Pashinski	Warner
DeLissio	Keefer	Peifer	Warren
Delozier	Keller, F.	Petrarca	Watson
DeLuca	Keller, M.K.	Pickett	Wentling
Dermody	Keller, W.	Pyle	Wheatley
Diamond	Kim	Quigley	Whealand
DiGirolamo	Kinsey	Quinn, C.	White
Donatucci	Kirkland	Quinn, M.	Youngblood
Dowling	Klunk	Rabb	Zimmerman
Driscoll	Knowles	Rader	
Dunbar	Kortz	Rapp	Turzai,
Dush	Krueger	Ravenstahl	Speaker
Ellis	Kulik	Readshaw	

#### ADDITIONS—0

#### NOT VOTING—0

#### EXCUSED—6

Brown, V.	Gabler	Miccarelli	O'Brien
Fabrizio	Hennessey		

#### LEAVES ADDED—3

Barbin	Maher	Sims
--------	-------	------

The SPEAKER. There are 197 members on the floor, so we have a quorum.

**STATEMENT BY MR. BRIGGS**

The SPEAKER. Representative Tim Briggs is recognized on unanimous consent.

Mr. BRIGGS. Thank you, Mr. Speaker.

Thank you so much for introducing Katie McCullough, who is my fifth grade "There Ought To Be a Law" essay contest winner for this year. It is my ninth year doing it, and there were 600 submissions and Katie's idea really shined through. But along with Katie, I wanted to introduce her family. Mary and John McCullough are in the rear of the House with her twin brother, Jack, and her little brother, Tommy. If they could also rise and be introduced.

Thank you, Mr. Speaker.

The SPEAKER. Thank you for being with us.

**UNCONTESTED CALENDAR**

**RESOLUTION PURSUANT TO RULE 35**

Mrs. HILL called up **HR 1005, PN 3086**, entitled:

A Resolution designating the week of August 6 through 10, 2018, as "YMCA Advocacy Week" in Pennsylvania.

On the question,

Will the House adopt the resolution?

The following roll call was recorded:

YEAS—197

Barbin	Emrick	Lawrence	Reed
Barrar	English	Lewis	Reese
Benninghoff	Evankovich	Longietti	Roae
Bernstine	Evans	Mackenzie	Roe
Bizzarro	Everett	Madden	Roebuck
Bloom	Farry	Maher	Rothman
Boback	Fee	Mako	Rozzi
Boyle	Fitzgerald	Maloney	Ryan
Bradford	Flynn	Markosek	Saccone
Briggs	Frankel	Marshall	Sainato
Brown, R.	Freeman	Marsico	Samuelson
Bullock	Fritz	Masser	Sankey
Burns	Gainey	Matzie	Santora
Caltagirone	Galloway	McCarter	Saylor
Carroll	Gillen	McClinton	Schemel
Causar	Gillespie	McGinnis	Schlossberg
Cephas	Godshall	McNeill	Schweyer
Charlton	Goodman	Mehaffie	Simmons
Christiana	Greiner	Mentzer	Sims
Comitta	Grove	Metcalfe	Snyder
Conklin	Haggerty	Metzgar	Solomon
Cook	Hahn	Millard	Sonney
Corbin	Hanna	Miller, B.	Staats
Corr	Harkins	Miller, D.	Stephens
Costa, D.	Harper	Milne	Sturla
Costa, P.	Harris, A.	Moul	Tai
Cox	Harris, J.	Mullery	Tallman
Cruz	Heffley	Murt	Taylor
Culver	Helm	Mustio	Thomas
Cutler	Hickernell	Neilson	Tobash
Daley	Hill	Nelson	Toepel
Davidson	Irvin	Nesbit	Toohil
Davis, A.	James	O'Neal	Topper
Davis, T.	Jozwiak	O'Neill	Vazquez

Dawkins	Kampf	Oberlander	Vitali
Day	Kaufner	Ortitay	Walsh
Dean	Kauffman	Owlett	Ward
Deasy	Kavulich	Pashinski	Warner
DeLissio	Keefer	Peifer	Warren
Delozier	Keller, F.	Petrarca	Watson
DeLuca	Keller, M.K.	Pickett	Wentling
Dermody	Keller, W.	Pyle	Wheatley
Diamond	Kim	Quigley	Wheeland
DiGirolamo	Kinsey	Quinn, C.	White
Donatucci	Kirkland	Quinn, M.	Youngblood
Dowling	Klunk	Rabb	Zimmerman
Driscoll	Knowles	Rader	
Dunbar	Kortz	Rapp	Turzai,
Dush	Krueger	Ravenstahl	Speaker
Ellis	Kulik	Readshaw	

NAYS—0

NOT VOTING—0

EXCUSED—6

Brown, V. Fabrizio	Gabler Hennessey	Miccarelli	O'Brien
-----------------------	---------------------	------------	---------

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

**UNCONTESTED SUPPLEMENTAL CALENDAR A**

**RESOLUTIONS PURSUANT TO RULE 35**

Ms. RAPP called up **HR 1007, PN 3821**, entitled:

A Resolution designating the week of September 16 through 22, 2018, as "Surgical Technologist Week" in Pennsylvania.

\* \* \*

Mrs. R. BROWN called up **HR 1008, PN 3822**, entitled:

A Resolution designating the week of July 22 through 28, 2018, as "ADA Week" in Pennsylvania.

On the question,

Will the House adopt the resolutions?

(Members proceeded to vote.)

**LEAVE OF ABSENCE**

The SPEAKER. Representative John MAHER should be placed on leave. Without objection, that will be granted.

**CONSIDERATION OF  
RESOLUTIONS PURSUANT TO RULE 35  
CONTINUED**

On the question recurring,

Will the House adopt the resolutions?

The following roll call was recorded:

## YEAS—196

Barbin	Emrick	Lawrence	Reed
Barrar	English	Lewis	Reese
Benninghoff	Evankovich	Longietti	Roae
Bernstine	Evans	Mackenzie	Roe
Bizzarro	Everett	Madden	Roebuck
Bloom	Farry	Mako	Rothman
Boback	Fee	Maloney	Rozzi
Boyle	Fitzgerald	Markosek	Ryan
Bradford	Flynn	Marshall	Saccone
Briggs	Frankel	Marsico	Sainato
Brown, R.	Freeman	Masser	Samuelson
Bullock	Fritz	Matzie	Sankey
Burns	Gainey	McCarter	Santora
Caltagirone	Galloway	McClinton	Saylor
Carroll	Gillen	McGinnis	Schemel
Causar	Gillespie	McNeill	Schlossberg
Cephas	Godshall	Mehaffie	Schweyer
Charlton	Goodman	Mentzer	Simmons
Christiana	Greiner	Metcalfe	Sims
Comitta	Grove	Metzgar	Snyder
Conklin	Haggerty	Millard	Solomon
Cook	Hahn	Miller, B.	Sonney
Corbin	Hanna	Miller, D.	Staats
Corr	Harkins	Milne	Stephens
Costa, D.	Harper	Moul	Sturla
Costa, P.	Harris, A.	Mullery	Tai
Cox	Harris, J.	Murt	Tallman
Cruz	Heffley	Mustio	Taylor
Culver	Helm	Neilson	Thomas
Cutler	Hickernell	Nelson	Thomas
Daley	Hill	Nesbit	Tobash
Davidson	Irvin	O'Neal	Toepel
Davis, A.	James	O'Neill	Toohil
Davis, T.	Jozwiak	Oberlander	Topper
Dawkins	Kampf	Ortitay	Vazquez
Day	Kaufner	Owlett	Vitali
Dean	Kauffman	Pashinski	Walsh
Deasy	Kavulich	Peifer	Ward
DeLissio	Keefer	Petrarca	Warner
Delozier	Keller, F.	Pickett	Warren
DeLuca	Keller, M.K.	Pyle	Watson
Dermody	Keller, W.	Quigley	Wentling
Diamond	Kim	Quinn, C.	Wheatley
DiGirolo	Kinsey	Quinn, M.	Wheeland
Donatucci	Kirkland	Rabb	White
Dowling	Klunk	Rader	Youngblood
Driscoll	Knowles	Rapp	Zimmerman
Dunbar	Kortz	Ravenstahl	Turzai,
Dush	Krueger	Readshaw	Speaker
Ellis	Kulik		

## NAYS—0

## NOT VOTING—0

## EXCUSED—7

Brown, V.	Gabler	Maher	O'Brien
Fabrizio	Hennessey	Miccarelli	

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

## SUPPLEMENTAL CALENDAR B

## BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 2075, PN 3776**, entitled:

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, in rates and distribution systems, further providing for valuation of and return on the property of a public utility.

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?

Representative McCarter is recognized on the bill. You may proceed.

Mr. McCARTER. Thank you, Mr. Speaker.

Would the maker of the motion please stand for interrogation?

The SPEAKER. Yes.

Mr. McCARTER. Thank you very much.

Mr. Speaker, as I understand this bill, it will only apply to lead water lines between the curb and the ratepayer's home. Is that correct?

Mr. CHARLTON. That is correct, Mr. Speaker.

Mr. McCARTER. And that this legislation, Mr. Speaker, will allow the utility to replace the lead pipes at the utility's expense and then recover the cost by spreading the cost to all existing customers. Is that also correct?

Mr. CHARLTON. Yes, Mr. Speaker, that is correct.

The SPEAKER. Please suspend. Sir, if you know the answers, you cannot subject somebody to interrogation for something you have the answers. You may speak on the bill. It is inappropriate to ask questions if you know the answers. I am sure you have had a caucus on the bill. You may speak on the bill. Interrogation is suspended.

Mr. McCARTER. Mr. Speaker, with all due respect, I do not know. I want to clarify to make sure that I do understand the bill.

The SPEAKER. You may speak on the bill. You cannot interrogate somebody for which you already have the answers. You clearly have the answers.

Mr. DERMODY. Mr. Speaker?

The SPEAKER. Yes, you may proceed, the minority leader.

Mr. DERMODY. Thank you, Mr. Speaker.

Mr. Speaker, I believe if the gentleman does not know the answers, he should be entitled to interrogation.

The SPEAKER. Nobody is entitled to interrogation, first of all. There is no entitlement to interrogation. If a member does not want to stand for interrogation, they do not have to stand for interrogation. The rules do not entitle any member to interrogation. It is a privilege, not an entitlement.

Mr. DERMODY. I believe the maker of the bill has agreed to interrogation.

The SPEAKER. We will see where the next questions go.

Mr. McCARTER. Thank you, Mr. Speaker.

Is the expected— Mr. Speaker, I am trying to understand the concept involved here with a rate of return and the rate of return on what that is actually being applied to. So I guess my question is, Mr. Speaker, is it correct that this legislation allows for a utility to collect a rate of return and a return of on their incurred expenses as determined by the PUC (Public Utility Commission) for, as I think it states in the bill, 10 years. Is that correct?

Mr. CHARLTON. If you are asking me what is in the bill, yes; yes, that is correct.

Mr. McCARTER. And that that would be, and if I understand correctly, that would be on laterals that would not be the property of the utility but the owner of the property. Is that correct?

Mr. CHARLTON. Yes.

Mr. McCARTER. Are there other examples of that anywhere in the United States where we would allow a rate of return on and of for the property that is not owned by the utility?

Mr. CHARLTON. Similar legislation was passed by this body last year to allow municipal water authorities to perform this, and legislation was also passed in Indiana similar to this.

Mr. McCARTER. If I understand correctly then, the difference, however, is where one is a public utility and one is the actual water authority or municipal authority. Would that be correct?

Mr. CHARLTON. Yes.

Mr. McCARTER. So the legislation that passed last year in the code dealt specifically with municipal authorities and with the water authorities owned by municipalities as a group effort?

Mr. CHARLTON. It dealt solely with municipal authorities last year.

Mr. McCARTER. Okay. Thank you, Mr. Speaker. On the bill?

The SPEAKER. Yes, you may proceed.

Mr. McCARTER. Mr. Speaker, we definitely have a lead problem in our State, like all other States. The situation in Flint, Michigan, was a wake-up call for everyone to take notice of the problems of lead in our water and its impacts especially on children.

And I support the underlying legislation that sets us on a proactive course to replace lead laterals that may already be a problem or may become so when impacted by improperly treated water. However, this legislation as written and amended contains a very troubling new concept, and that concept is the allowance of a public utility to collect a rate of return, or profit, a return of on property they do not own. For as we have heard, Mr. Speaker, the ownership of the laterals in question will remain with the homeowner. Nowhere else in the country have I been able to find another example of this practice except by municipal authorities.

I should note that the Pennsylvania Consumer Advocate shares this concern as well, even if it is limited to a period of 10 years. If this action to replace lead laterals is to be taken, should the cost not be shared among the consumer, the State and Federal governments, and the shareholders? Why should it only be for the customers who will pay the cost? And to add insult to injury, why should the shareholders of the utility actually profit from this situation in a form never seen before?

Mr. Speaker, we expect all of our businesses in Pennsylvania to be able to make a reasonable profit on their investments on their property, but this legislation allows for the first time a publicly regulated utility to make a substantial profit on your personally owned property.

Mr. Speaker, I urge all of my colleagues to carefully consider the implications of this legislation as written. I believe it is a radical change and opens up a Pandora's box to a wholesale change in the PUC regulatory ability to protect consumer needs.

Mr. Speaker, for these reasons and the concerns of the Pennsylvania Consumer Advocate's position in opposition to the legislation, I will be voting "no" on the measure and ask my colleagues to join me.

Thank you, Mr. Speaker.

The SPEAKER. Representative Charlton, on the bill.

Mr. CHARLTON. Thank you, Mr. Speaker.

I, too, would urge everyone here to strongly think heavily on this bill and the value and importance of it. Currently there are well over 21,000 privately owned lead water pipes in Pennsylvania that are managed by, or serviced I should say, by water companies. The average cost to hire a plumber to do this work is over \$3,000. Lead, as we know, is a very serious health issue, and this bill would help to correct that health issue.

It is worth noting that regulated water utilities in Pennsylvania replace hundreds of miles of distribution pipe per year, and as they replace the distribution pipe on a neighborhood road, they currently are only allowed to notify a homeowner if their customer-owned portion of the water line contains lead. As I noted, the average cost to hire a plumber to replace this lead line can easily exceed \$3,000. If just one homeowner in the impacted community does not replace their lead water lines, the lead is disrupted and can make its way into the entire system, affecting not only the homeowners but those surrounding the home as well. If a homeowner does not replace their lead lines but the utility replaces its main, this is called a partial replacement, which can further disrupt the lead lines and make the problem worse.

This legislation would allow regulated utilities to replace this part of the line as part of its normal operations. Pennsylvania passed legislation in the Fiscal Code that allows municipalities to use public funds to do the same thing as proposed here. This allows customers of both regulated utilities and municipalities to be treated similarly and fairly. The Public Utility Commission would retain the ability to determine how these costs are recovered from consumers. The commission has already agreed that it is in the public interest to allow regulated water providers to replace customer-owned lead service lines. However, it did not allow the utility to include those assets into the rate base. This legislation would permit that. By allowing the utility to provide this service, the cost to customers is significantly less than if they had to hire a plumber to do the work.

This is a policy decision for the Commonwealth about whether they want to allow utilities to be proactively part of the solution to this national security issue. I would encourage a "yes" vote on this bill, and it is a very serious health issue predominantly in the poorer areas of our State where that cost to replace that line can be cost prohibitive. I thank you all very much for your consideration.

The SPEAKER. Representative Cutler.

Mr. CUTLER. Thank you, Mr. Speaker.

Mr. Speaker, I would also urge the members to support the bill. They might recall that last year in the Fiscal Code we allowed authorities to do this. This would simply put other companies in the private world on the same footing as them. In addition, I think it is also good public policy due to I believe the gentleman outlined previously that let us say there were 19 of the

20 that were able to be replaced but 1 was not, the increased disturbance could actually increase the turbidity of the water and therefore increase the lead levels for everybody. So it certainly is an issue of public health as well. Thank you.

### LEAVE OF ABSENCE

The SPEAKER. Representative SIMS has requested to be placed on leave.

### CONSIDERATION OF HB 2075 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.

The following roll call was recorded:

#### YEAS—181

Barbin	Ellis	Krueger	Reese
Barrar	Emrick	Kulik	Roae
Benninghoff	English	Lawrence	Roe
Bernstine	Evankovich	Lewis	Rothman
Bizzarro	Evans	Longietti	Rozzi
Bloom	Everett	Mackenzie	Ryan
Boyle	Farry	Mako	Saccone
Bradford	Fee	Maloney	Sainato
Briggs	Fitzgerald	Markosek	Sankey
Brown, R.	Flynn	Marshall	Santora
Burns	Frankel	Marsico	Saylor
Caltagirone	Fritz	Masser	Schemel
Carroll	Gainey	Matzie	Schlossberg
Causser	Galloway	McClinton	Schweyer
Cephas	Gillen	McGinnis	Simmons
Charlton	Gillespie	McNeill	Snyder
Christiana	Goodman	Mehaffie	Solomon
Comitta	Greiner	Mentzer	Sonney
Conklin	Grove	Millard	Staats
Cook	Haggerty	Miller, B.	Stephens
Corbin	Hahn	Miller, D.	Sturla
Corr	Hanna	Milne	Tai
Costa, D.	Harkins	Moul	Tallman
Costa, P.	Harper	Mullery	Taylor
Cox	Harris, A.	Murt	Thomas
Cruz	Harris, J.	Mustio	Tobash
Culver	Heffley	Neilson	Toepel
Cutler	Helm	Nelson	Toohil
Daley	Hickernell	Nesbit	Topper
Davidson	Hill	O'Neill	Vazquez
Davis, A.	Irvin	Oberlander	Vitali
Davis, T.	James	Ortitay	Walsh
Dawkins	Jozwiak	Owlett	Ward
Day	Kampf	Pashinski	Warner
Dean	Kaufer	Peifer	Warren
Deasy	Kauffman	Petrarca	Watson
Delozier	Kavulich	Pickett	Wentling
DeLuca	Keller, F.	Pyle	Wheatley
Dermody	Keller, M.K.	Quigley	Wheeland
Diamond	Keller, W.	Quinn, C.	White
DiGirolamo	Kim	Quinn, M.	Youngblood
Donatucci	Kinsey	Rader	Zimmerman
Dowling	Kirkland	Rapp	
Driscoll	Klunk	Ravenstahl	Turzai,
Dunbar	Knowles	Readshaw	Speaker
Dush	Kortz	Reed	

#### NAYS—14

Boback	Godshall	Metcalfe	Rabb
Bullock	Keefer	Metzgar	Roebuck
DeLissio	Madden	O'Neal	Samuelson
Freeman	McCarter		

#### NOT VOTING—0

#### EXCUSED—8

Brown, V.	Gabler	Maher	O'Brien
Fabrizio	Hennessey	Miccarelli	Sims

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

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

### STATEMENT BY MR. HARRIS

The SPEAKER. Representative Jordan Harris is recognized on unanimous consent.

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

Mr. Speaker, I just wanted to rise, last week as we left session on Friday, HB 1419, a bill called clean slate legislation that was worked on by Representative Delozier and myself, passed out of the Senate and now is on its way to the Governor's desk. I would be remiss if I did not stand before we close today and thank the good Chairman Marsico, his staff, Tom Dymek, and Michael Kane for all of their work on helping us get this bill done, out of the House, over to the Senate, and onto the Governor's desk. So, Mr. Speaker, I want to thank the good chairman for working in a bipartisan fashion to get this bill to the Governor's desk.

Thank you, Mr. Speaker.

The SPEAKER. Yes, sir. Thank you.

### VOTE CORRECTIONS

The SPEAKER. Representative Donna Bullock, I believe on the same issue. Is that correct? For what purpose do you rise?

Mrs. BULLOCK. I would like to correct the record.

The SPEAKER. Yes, you may proceed.

Mrs. BULLOCK. On the last bill, I believe it was, HB 2075, I was recorded in the negative. I should be recorded in the affirmative, please.

The SPEAKER. Yes. Okay. Thank you.

### STATEMENT BY MS. CULVER

The SPEAKER. Representative Culver, please come to the front. I would ask all members to please take your seats. This is a solemn bill that we have in front of us; a solemn memorial is embodied within this legislation. So I am going to ask the Sergeants at Arms to close the doors of the House, and I am going to ask all members to please take your seats. If we could clear over here too, please. The Sergeants at Arms are going to close the doors of the House. If you have a conversation, please take it off the House floor. This family has traveled some distance to be with us.

Representative Culver, the floor is yours.

Ms. CULVER. Thank you, Mr. Speaker.

Harold "Don" Whipple was a proud employee of the Pennsylvania Department of Transportation. According to his colleagues, he was a dedicated employee who truly loved his job.

He began his career while in college and worked for Maintenance District 2-0 during his breaks from school but found his permanent home in District 3-0 in 2008 as a temporary employee. He quickly obtained a permanent position and advanced to a bridge structural draftsman designer. Don was known to produce high-quality work and he had a drive to continue to learn new skills.

On August 3, 2016, Don woke up just like any other day, he did his morning routine and reported to the jobsite prepared to put in a full day's work, a normal workday for him. Sadly, the unthinkable happened and Don and a coworker were involved in a severe vehicle accident while in service to the Commonwealth and Don sustained serious injuries that ended his life. He was 33 years old.

Today we have many of his family and friends with us. And could you please stand when I say your name. Don was married to his high school sweetheart, Julia Whipple. He was the son of Dennis and Sharon Whipple, a son-in-law to Mark and Vicki Sabol, a brother-in-law to Regina and Nathan Jones.

And also with us today is his extended family from PennDOT: Secretary Leslie Richards, Pennsylvania Department of Transportation; Sandra Tosca, district executive, Maintenance District 3-0; and friends and coworkers: Ron Newcomer, Keith Johnson, Bryan Miller, Paul King, and Lloyd Ayres. If you could honor the family by standing for them, please.

The SPEAKER. Members, please remain standing for a moment of silence. Please remain standing for a moment of silence before we take the vote and Representative Culver will finish her remarks.

(Whereupon, a moment of silence was observed.)

The SPEAKER. Representative Culver.

Members may be seated. Guests may be seated.

Ms. CULVER. I am sorry to say that I did not personally get the opportunity to get to know Don, but I have heard many wonderful things about him. According to his coworkers, he was the type of employee who thrived on challenges and finding solutions to design and construction issues.

They also said he was always a consummate professional, but it was his unique personality that endeared him most to his coworkers. He spoke Russian and had a penchant for wearing funky hats. He was an outdoorsman who loved the quiet solitude of the woods but also enjoyed the company of his family and close circle of friends that included many of his coworkers. I heard that Don was intensely creative. He was a talented musician who could play a wide variety of instruments, and he made Halloween and Christmas memorable and special by the costumes he designed and wore. People waited to see what Don would devise for the holidays. They came to have high expectations and I was told they were always amazed and delighted but never disappointed. Don's kindness and humor touched many in District 3-0 and he forged many numerous friendships while at PennDOT, and I know that they miss him deeply.

Too often we forget about the risks and hazards that the frontline employees of PennDOT face every day. It is my hope that we learn to appreciate our PennDOT workers and what they do to make our roads and bridges safe for the traveling public. My fear is that drivers have become distracted and complacent and have forgotten the dangers these workers face on a daily basis. The next time you enter a work zone, please think about the lives of the workers on the jobsite and their families and proceed with the utmost of caution.

HB 2171 would name traffic route bridge 405 after Harold "Don" Whipple. The bridge was the first multispan bridge that he performed the drafting and some of the design work. He was very proud of the bridge and even had pictures of himself standing by the bridge.

On behalf of Mr. Whipple's family, PennDOT, and the constituents of the 108th Legislative District, I ask for your unanimous support of HB 2171. From this day forward this bridge may be known as the H. Donald Whipple Memorial Bridge.

Thank you, Mr. Speaker, for allowing me to take this moment to honor the life of someone who truly made a difference in this world and positively touched the lives of so many.

The SPEAKER. Thank you so much, Representative Culver.

#### STATEMENT BY MR. SANKEY

The SPEAKER. One of the cosponsors, Representative Tom Sankey, is with us as well and has a few words.

Mr. SANKEY. Thank you, Mr. Speaker.

I did know Donny and I cannot say that I grew up with him or we were best friends growing up, but he is from my area and his whole family are my constituents, and if you ever got the opportunity to meet Donny, you would like Donny. That is how it works. I cannot think the guy would have an enemy in the entire world. He certainly made the world a better place to live, and everything that this family has gone through, they have gone through more adversity and struggle in a 1-year period than most of us will probably ever go through in our lives. The world was cheated when Donny left and he was a great guy, one to remember. I know he is looking down on Julia now and he wants you to smile and he does not want you to be upset because he wants you to continue being the greatest aunt in the world to Hutch and Hattie, and I am just glad that I get to be part of this and we get to honor Donny in the right way. God bless you guys.

The SPEAKER. Thank you.

#### CALENDAR

#### BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 2171, PN 3212**, entitled:

An Act designating a bridge on that portion of Pennsylvania Route 405 over Norfolk Southern Railway tracks, West Chillisquaque Township, Northumberland County, as the H. Donald Whipple 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—195

Barbin	Emrick	Kulik	Readshaw
Barrar	English	Lawrence	Reed
Benninghoff	Evankovich	Lewis	Reese
Bernstine	Evans	Longietti	Roae
Bizzarro	Everett	Mackenzie	Roe
Bloom	Farry	Madden	Roebuck
Boback	Fee	Mako	Rothman
Boyle	Fitzgerald	Maloney	Rozzi
Bradford	Flynn	Markosek	Ryan
Briggs	Frankel	Marshall	Saccone
Brown, R.	Freeman	Marsico	Sainato
Bullock	Fritz	Masser	Samuelson
Burns	Gainey	Matzie	Sankey
Caltagirone	Galloway	McCarter	Santora
Carroll	Gillen	McClinton	Saylor
Causar	Gillespie	McGinnis	Schemel
Cephas	Godshall	McNeill	Schlossberg
Charlton	Goodman	Mehaffie	Schweyer
Christiana	Greiner	Mentzer	Simmons
Comitta	Grove	Metcalfe	Snyder
Conklin	Haggerty	Metzgar	Solomon
Cook	Hahn	Millard	Sonney
Corbin	Hanna	Miller, B.	Staats
Corr	Harkins	Miller, D.	Stephens
Costa, D.	Harper	Milne	Sturla
Costa, P.	Harris, A.	Moul	Tai
Cox	Harris, J.	Mullery	Tallman
Cruz	Heffley	Murt	Taylor
Culver	Helm	Mustio	Thomas
Cutler	Hickernell	Neilson	Tobash
Daley	Hill	Nelson	Toepel
Davidson	Irvin	Nesbit	Toohil
Davis, A.	James	O'Neal	Topper
Davis, T.	Jozwiak	O'Neill	Vazquez
Dawkins	Kampf	Oberlander	Vitali
Day	Kaufer	Ortitay	Walsh
Dean	Kauffman	Owlett	Ward
Deasy	Kavulich	Pashinski	Warner
DeLissio	Keefer	Peifer	Warren
Delozier	Keller, F.	Petrarca	Watson
DeLuca	Keller, M.K.	Pickett	Wentling
Dermody	Keller, W.	Pyle	Wheatley
Diamond	Kim	Quigley	Wheeland
DiGirolamo	Kinsey	Quinn, C.	White
Donatucci	Kirkland	Quinn, M.	Youngblood
Dowling	Klunk	Rabb	Zimmerman
Driscoll	Knowles	Rader	
Dunbar	Kortz	Rapp	Turzai,
Dush	Krueger	Ravenstahl	Speaker
Ellis			

NAYS—0

NOT VOTING—0

EXCUSED—8

Brown, V.	Gabler	Maher	O'Brien
Fabrizio	Hennessey	Miccarelli	Sims

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

At this time I would invite the family to please come up to the rostrum. If you will just walk down to your right, my left. Just come straight down the side of the hall, and we are going to have Representative Culver and Representative Sankey here to greet you as well.

GUESTS INTRODUCED

The SPEAKER. Leonard Chester is in the rear of the House. Can Leonard please stand? Leonard, how are you, sir? He is right there in the back. He is the founder of the Overcame Foundation and a Central Penn and Temple alumnus. He is a guest of Representative Joanna McClinton. Thank you so much for being with us today, sir.

As many of you know, Madam Secretary Leslie Richards, Secretary of the Pennsylvania Department of Transportation, was with us here as well. Madam Secretary, if you could wave. We are so glad that the Secretary would take the time to be with us at this occasion.

SUPPLEMENTAL CALENDAR B CONTINUED

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1284, PN 3816**, entitled:

An Act providing for the Pennsylvania Business One-Stop Shop within the Department of Community and Economic Development.

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—195

Barbin	Emrick	Kulik	Readshaw
Barrar	English	Lawrence	Reed
Benninghoff	Evankovich	Lewis	Reese
Bernstine	Evans	Longietti	Roae
Bizzarro	Everett	Mackenzie	Roe
Bloom	Farry	Madden	Roebuck
Boback	Fee	Mako	Rothman
Boyle	Fitzgerald	Maloney	Rozzi
Bradford	Flynn	Markosek	Ryan
Briggs	Frankel	Marshall	Saccone

Brown, R.	Freeman	Marsico	Sainato
Bullock	Fritz	Masser	Samuelson
Burns	Gainey	Matzie	Sankey
Caltagirone	Galloway	McCarter	Santora
Carroll	Gillen	McClinton	Saylor
Causar	Gillespie	McGinnis	Schemel
Cephas	Godshall	McNeill	Schlossberg
Charlton	Goodman	Mehaffie	Schweyer
Christiana	Greiner	Mentzer	Simmons
Comitta	Grove	Metcalfe	Snyder
Conklin	Haggerty	Metzgar	Solomon
Cook	Hahn	Millard	Sonney
Corbin	Hanna	Miller, B.	Staats
Corr	Harkins	Miller, D.	Stephens
Costa, D.	Harper	Milne	Sturla
Costa, P.	Harris, A.	Moul	Tai
Cox	Harris, J.	Mullery	Tallman
Cruz	Heffley	Murt	Taylor
Culver	Helm	Mustio	Thomas
Cutler	Hickernell	Neilson	Tobash
Daley	Hill	Nelson	Toepel
Davidson	Irvin	Nesbit	Toohil
Davis, A.	James	O'Neal	Topper
Davis, T.	Jozwiak	O'Neill	Vazquez
Dawkins	Kampf	Oberlander	Vitali
Day	Kaufer	Ortitay	Walsh
Dean	Kauffman	Owlett	Ward
Deasy	Kavulich	Pashinski	Warner
DeLissio	Keefer	Peifer	Warren
DeLozier	Keller, F.	Petrarca	Watson
DeLuca	Keller, M.K.	Pickett	Wentling
Dermody	Keller, W.	Pyle	Wheatley
Diamond	Kim	Quigley	Wheeland
DiGirolamo	Kinsey	Quinn, C.	White
Donatucci	Kirkland	Quinn, M.	Youngblood
Dowling	Klunk	Rabb	Zimmerman
Driscoll	Knowles	Rader	
Dunbar	Kortz	Rapp	Turzai,
Dush	Krueger	Ravenstahl	Speaker
Ellis			

NAYS-0

NOT VOTING-0

EXCUSED-8

Brown, V.	Gabler	Maher	O'Brien
Fabrizio	Hennessey	Miccarelli	Sims

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

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

\* \* \*

The House proceeded to third consideration of **HB 1037, PN 3808**, entitled:

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

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

(Bill analysis was read.)

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

Representative Kampf is recognized.

I see Representative Harper wants to speak on it, Representative Dean, and Representative Mullery. So we will go in that order. Representative Tobash, Representative Roe, Representative Dush.

So we are going to start with Representative Kampf, Representative Harper, Representative Dean, Representative Mullery, Representative Eric Roe, Representative Dush, Representative Tobash, Representative Emrick, Representative DiGirolamo – so we have quite a few speakers on that – Representative Schemel, and Representative Saccone.

Representative Kampf, on the bill.

Mr. KAMPF. Thank you, Mr. Speaker.

Given the interest in other individuals speaking, if you do not mind, I will defer my remarks until I hear the will of the House. Thank you.

The SPEAKER. Representative Harper.

Ms. HARPER. Thank you, Mr. Speaker.

I rise to speak in opposition to this bill.

The civil justice system in our Commonwealth plays an important role, both in helping to regulate conduct and in compensating victims. Anytime a small shopkeeper says to the kid who stocks the shelves, "Here's a snow shovel and a bag of salt. Go out and clear off the walk before somebody breaks a leg and sues me," it is the civil justice system that has caused him to do that. Similarly, when a larger entity hires a local towing company to plow the parking lot and make sure it is done by 6 a.m. before anybody gets here and then asks that the towing company also have insurance, it is because they are afraid that not clearing the parking lot will cause an accident, somebody will get hurt and blame them for not having taken care of their premises.

So the purpose of the civil justice system, in addition to helping compensate victims of somebody else's negligence or worse yet misconduct, it also helps regulate the conduct of many people who do not want to be sued. You have seen it yourself, I am sure. You have, I do not know, a bump on your sidewalk and somebody tells you better get that fixed or someone could get hurt. So you get it fixed and no one gets hurt. And it has been working that way.

Now, the bill that I am discussing today, HB 1037, actually does not deal with compensatory damages at all. It deals with punitive damages, which are very, very, very rarely given by juries in Pennsylvania and only, only when the jury finds that the conduct complained of shocks their conscience. Only when a jury finds that there was active misconduct that caused the injury or, God forbid, the death will a judge even allow a jury to consider punitive damages.

For those of us who are not lawyers, the seminal case in this area was the Ford Pinto. It happened a long time ago, but it sticks in our memory because it was a case in which it was proven that the Ford Motor Company could have fixed the problem with the gas tank on the Pinto for about \$10 a car and decided not to do it because the chances of them getting hit with enough compensatory damages to render that a good economic switch were not great enough to make it a problem. The jury in the Ford Pinto case said, in awarding punitive damages, we wanted Ford to take notice. We wanted them not to decide that \$10 a car was

too much, too much to stop a fiery crash where an entire family got burned to death, was too much, too much for them to bear. And as a result of that, the jury imposed punitive damages because we wanted to send a message, and that is the purpose of punitive damages.

The bill in front of you today would limit punitive damages for some of the most vulnerable people in our society – our moms and dads, our grandmoms and grandpops – in nursing homes, vulnerable, and in many cases, unable to speak for themselves even to ask for help. Even to ask for help, they lack that ability. So they must trust that the nursing home operator is making sure that the place is staffed correctly and well and that those people who are in charge of our older loved ones are paying attention to them. Why would we want to limit punitive damages in those cases?

In fact, the Pennsylvania Constitution, which we have all sworn to uphold, prohibits any limitation on damages except one case, workers' comp, where instead of a civil justice system, we have in place a system where the injured worker gets compensated without having to prove that someone else was negligent. Except in that case, in every other case, the Pennsylvania Constitution prohibits exactly what this bill seeks to do. And why is that? Because we recognize that the civil justice system helps keep people safe.

What message are we sending when we limit punitive damages for our oldest and most frail elderly in nursing homes? What are we telling nursing home operators? And is that a good idea? I would suggest to you it is a terrible idea. When we have a loved one in a nursing home, we already feel guilty that we do not have them home with us where we can watch over them and take care of them. We are forced to trust the nursing home. We are forced to trust that they have adequate staffing. We are forced to trust that they are watching out for our loved one. And what message is the Pennsylvania General Assembly sending when we say, you know what, these people are not worth that kind of concern, these people are not worth it?

We would essentially be telling Ford you can decide not to put a \$10 part on the back of that gas tank because you can cover the compensatory damages from the number of people who will be burned to death because of the \$10 part.

Punitive damages are in a special class by themselves for a reason. We should not limit them. We should not send the message that it is okay to come here and treat the people we love with conduct that shocks the conscience of a jury. I would ask that you all please remember your own loved ones and vote "no" on this bill.

Thank you, Mr. Speaker.

The SPEAKER. Representative Madeleine Dean.

Mrs. DEAN. Thank you, Mr. Speaker.

I, too, rise in opposition to HB 1037. This is a bill that when residents – elderly, frail, aged, sick, injured folks – are suffering from neglect in a nursing home by the operator or any of its employees, this bill would seek to cap punitive damages on that award, on that behavior. I rise in opposition because, as the gentlelady just said, this is not about compensatory damages, this is about punitive, and to rise to the level of the allowance of punitive damages and the consideration of those, the behavior has to be very different from simple negligence.

I know the maker of this bill speaks sometimes about the confusion of jurors. Well, jurors are not confused. We ask juries to take a look at complex and simple matters and we entrust them

to learn the facts, to be guided by the law, to make determinations. So the notion of confusion of jurors, I think, is rather strange; that we here in the legislature, I guess, see all these cases with great clarity, even though we are not the trier of fact.

Particularly egregious, I think, is that with legislation like this seeking to cap punitive damages, I actually got – previous legislation – I actually got postcards from residents of nursing homes asking me to vote for such legislation. That is pretty cynical, asking nursing home patients to write against their own self-interests in the case of possible neglect, injury, death. That is particularly cynical.

Punitive damages already are properly capped. They are capped by the facts. They are capped by the behaviors. They are capped by the injuries. The trier of fact is best able to handle that, and we should not impose ourselves as the trier of fact in all of these important cases against residents of nursing homes.

Please vote "no" on the bill.

The SPEAKER. Representative Mullery.

Mr. MULLERY. Thank you, Mr. Speaker.

Mr. Speaker, I rise in opposition to HB 1037. I would love to be able to rise in support of legislation that improves the delivery of care at nursing homes or improves safety at nursing homes or ensures that residents at our Commonwealth's nursing homes receive the best medical care available to them. Unfortunately, HB 1037 does none of that. Instead, this legislation simply seeks to cap damages available to one of our constituents injured or killed in a manner that was outrageous, with evil motive or with reckless indifference. That is all. I cannot foresee any instance where the quality of care provided to one of our constituents will be improved by passage of this bill.

All HB 1037 does is protect those who fail to provide the care our constituents deserve. This legislation is more concerned about the bottom lines of corporations than the medical care provided to the poor, elderly, disabled, and most vulnerable Pennsylvanians residing in our nursing homes or residential care facilities.

If you really care about your constituents in nursing homes or RCFs, demand that those facilities in your district take better care of your constituents. Tell them if you want to get sued less often, do your job and provide the best care available to our families, friends, and neighbors. A "yes" vote on this bill does not do that. A "yes" vote on HB 1037 tells those nursing homes it is okay to keep doing what you are doing, we will protect you with this artificial cap so your insurance premiums stay low and your bottom lines stay black.

HB 1037 can be summed up very simply: It is a bill that does absolutely nothing to improve medical care, but a whole lot to ensure bad actors are protected. It is unfair to you, your constituents, and nursing homes that play by the rules.

I urge a "no" vote on HB 1037. Thank you, Mr. Speaker.

The SPEAKER. Representative Paul Schemel.

Mr. SCHEMEL. Thank you, Mr. Speaker.

Mr. Speaker, about 80,000 Pennsylvanians currently live in skilled nursing homes. That is 0.6 percent of our State's population. However, this cohort of our population consumes a significant and growing share of our State budget. So if you look at our State budget, which we just passed, human services are the largest chunk. They exceed K through 12 education. If you look at our human services spending, a significant amount of that is on Medicaid and a significant amount of our Medicaid spending is on seniors living in skilled nursing homes. Now, human services

already outstrips spending on K through 12 education, and the largest share of human services spending goes to fund long-term care.

Other States with aging populations like Florida and Texas have adopted caps on punitive damages such as we are considering here today. Mr. Speaker, if we do not do something in Pennsylvania to rein in the spending, to control the costs, the expansion of costs that we have on Medicaid, then we will not be able to educate our children going forward. This bill goes a long way toward controlling those costs. I encourage my colleagues to vote in favor of Representative Kampf's bill.

The SPEAKER. Representative Eric Roe.

Mr. ROE. Thank you, Mr. Speaker.

I stand in support of HB 1037, and I respectfully ask that all of my colleagues do the same.

I am proud to have one of Genesis HealthCare's nursing home facilities in my district. Brandywine Hall, located in East Bradford Township, has almost 200 residents and 200 employees. I mention Brandywine Hall because it is one of the nursing homes that currently pays more to defend and settle frivolous lawsuits than it spends on food for its residents. Let me repeat that. Some of these nursing homes spend more on lawsuits than they do on food. And it is not because they are poorly run facilities, and it is not because of egregious offenses, and it is not because they provide inadequate care for the seniors that they serve. They spend so much on lawsuits because Pennsylvania's inadequate tort laws are so relaxed that predatory law firms from out of State come in and try to find problems where none exist. And because we lack the sorely needed tort reforms to prevent this, they continue to cost the taxpayers and ratepayers more and more, lining the pockets of these predatory firms and keeping nursing home residents from receiving the care that they deserve.

Mr. Speaker, age is a one-way street, and even though I am one of the more, one of the younger members of this legislature, I would sure like to know that high-quality nursing homes will one day be available for me. That is why we need to cap the amount of punitive damages to 250 percent. I will be casting my vote today in support of those hardworking staff members and in particular those seniors in my district. This will keep funding where it belongs, with the residents of these nursing homes.

I urge my colleagues to vote "yes" on HB 1037. Thank you, Mr. Speaker.

The SPEAKER. Representative Jesse Topper.

Mr. TOPPER. Thank you, Mr. Speaker.

Just to address one of the early speakers, a constitutionality question, I want to make sure everybody is aware that we already have this kind of a cap in place, actually a cap of 200 percent for doctors. It has been in place in the law of the land for years.

Mr. Speaker, in my opinion, this is a pro-consumer bill. We adopted on this floor many amendments that were favorable to certain groups. Members brought forth their amendments; they were put into it. There has been compromise reached on this issue by the prime sponsor. It is time to move this issue forward because something that is not pro-consumer is if these facilities are not in this State. They do not have to be here. They do not have to exist. They provide a service, and it is a service, I believe, we should be grateful for.

Thank you, Mr. Speaker.

The SPEAKER. Representative DeLissio.

Ms. DeLISSIO. Thank you, Mr. Speaker.

Mr. Speaker, I was not planning to speak today, but I have been listening very carefully to this, and as some of my colleagues know, I actually come out of this field, times almost two decades, as a provider. And as a provider, there is nothing I would do to jeopardize the safety and well-being of those in my care – those residents, those patients, those folks, whether they lived in skilled nursing, whether they lived in personal care or assisted living.

When I came into this body back in '11 and '12, there was a House bill similar to this to cap punitive damages, and it failed and it failed by a very slim margin, and I was very conflicted back then as to which way to vote and where my thoughts and feelings were on this bill. And over the intervening 6 years, Mr. Speaker, what I have seen is that this situation has become exacerbated. This threat to this industry is real. These cases do not make it to court because the risk of going to court is too great.

I have talked to a few people here to get their thoughts and their input on this, and I often told my staff when I headed two different retirement communities that we always had to be prepared to defend ourselves even when we are right. Well, that cost of defending ourselves means less dollars available for care. And what I have seen in the last 6 years, I have seen this situation just encroach further and further and more. In fact, I saw an e-mail earlier today, Mr. Speaker, that I was pretty horrified to receive because it is the same type of advertising, if you will, that appeals to those family members who are feeling guilty and may be feeling bad because they are not able to have their mom or dad continue to live with them or live in their own homes. So this is a very complex and complicated problem.

And it has come – and again, Mr. Speaker, I will say that this is hearsay because I do not have it firsthand – we have so many lawyers in the body – but it is my understanding that in a session previous to this, the group most opposed to this now was in fact in favor of a 250-percent cap in exchange for some other, some other legislation that would move at the time that was favorable. That is not happening this time. So this 250-percent cap is in excess of the 200 percent that was put in place in 2002. We are 16 years past that deadline, and as far as I am aware, this has not been constitutionally challenged and it has allowed our citizens who are our consumers to access better care by putting that cap in place.

So after great thought, great looking at many sides of this, I will be in fact a "yes" vote today and urge my colleagues to think carefully as well. Thank you.

The SPEAKER. Representative Mike Tobash.

Mr. TOBASH. Thank you, Mr. Speaker.

And I want to thank my colleague from Chester County for offering this piece of legislation. I have to tell you that this is one of the most compassionate pieces of legislation that we can vote on in this session.

You see, we have a societal problem. The societal problem is this: that our most vulnerable citizens – our moms, our grandmothers – they are in situations where the cost of care can become unaffordable to them for a number of reasons, and that nursing home care, I have to tell you, is very expensive.

Look, we want a society of citizens that can take care of themselves. But with nursing home costs constantly on the rise – the cost for care in the State of Pennsylvania can be \$165,000 a

year or more. So what do people do when they cannot afford to pay the \$165,000 for the care that they need? They turn to the insurance market and they purchase insurance. We have had some discussion on that. They buy long-term-care insurance. But let me tell you what is happening right now in 2018 in the State of Pennsylvania. The four largest insurance carriers offering long-term-care insurance have been granted double-digit rate increases.

Our colleague, the gentlelady from Luzerne County, had brought up a few days ago transparency in insurance rating. I can tell you that that already takes place. Through filing with the Insurance Department in the State of Pennsylvania, those companies need to show their experience, they need to show what their costs are and their expenses, and they need to show their expected loss potential. How much will it cost them to offer the coverage that some of our most vulnerable citizens need for care in their latter years of their lives? Well, I can tell you that those four large rate increases that will take place have the rates for the four largest companies going up by 63 to 94 percent over the next number of years. So the insurance becomes unaffordable.

Well, in the State of Pennsylvania and in other States we have got a safety net, and it is great news, it is Medicaid and it is free. Well, I have to tell you it is not free. Here is what happens – and we know these people – someone goes, someone's grandmother goes into a nursing home because they have a stroke. Husband already passed away. They have been pretty good savers and they have got some assets, but she starts spending \$15,000 a month because she is not yet eligible for Medicaid. By the time that she is down to \$2,000 in savings, they have taken her home, Medicaid starts to pay.

This bill is very simple. It is very simple in that it takes away the punishing costs that are associated with long-term care – not the costs for pain and suffering, not the costs for medical bills, not other expenses that are incurred, but the costs for punishment or punitive damages. What we have to do in this bill is simply lower those punitive damages as we have done in other health-care areas to be something that is reasonable, because those punishing damages are affecting our most elderly and vulnerable citizens. They are affecting ourselves.

Please, I ask that we help the gentleman from Chester County, help him to help all of you and help all of our constituents. Vote "yes" for HB 1037. Thank you, Mr. Speaker.

The SPEAKER. Representative Cris Dush.

Mr. DUSH. Thank you, Mr. Speaker.

I think the body will be happy that the previous five speakers on both sides of the aisle have pretty much made most of my points, so I will not belabor this. But what I will say is, I have five nursing homes in my district, and having worked doing insurance investigative work in the past, I know how the predatory law firms from out of State are willing to come in and try and they are willing to settle because that is cheap, that is easy for them. But when we as taxpayers are footing that bill, when those nursing homes that are actually providing good care would otherwise stand and fight, I want to give them the opportunity to stand and fight for their reputations as well as for the people that they serve.

We are concentrating more on fiscal responsibility, and I cannot help but make the connection between this bill and being held accountable to the Pennsylvania taxpayers. HB 1037 keeps Medicaid dollars here in Pennsylvania instead of lining the pockets of predatory law firms from out of State. I want our money staying here and I want it staying available to help the

people my nursing homes and yours take care of. Thank you very much.

The SPEAKER. Representative Joe Emrick.

Mr. EMRICK. Thank you, Mr. Speaker.

Mr. Speaker, I rise in full support of HB 1037, and I applaud the good gentleman from Chester County for the amount of work he has put into this legislation for quite a few years actually.

Mr. Speaker, let me offer this perspective. One of the larger long-term and post-acute-care companies in the country not only has a significant presence here in Pennsylvania but is actually headquartered down in Chester County. And, Mr. Speaker, let me just emphasize this point: At the end of 2016 just this one company was forced to spend \$110 million for the year in tort liability, \$110 million just for one long-term-care company. What makes matters worse, Mr. Speaker, because of the lax laws we have in Pennsylvania, \$20 million of those \$110 million were right here in Pennsylvania. That is what it cost that company.

Now, Mr. Speaker, imagine the hundreds and hundreds of millions of dollars, if not billions, that these companies are forced to spend in tort liability rather than patient care. So, Mr. Speaker, if we pass legislation like HB 1037, we give these companies the opportunity to not only recoup these savings but to reinvest that money where it belongs and that is in the quality of care of their patients. And imagine, Mr. Speaker, if that happens how many lawsuits will be reduced throughout the country, let alone Pennsylvania.

Thank you, Mr. Speaker.

The SPEAKER. Representative Gene DiGirolamo.

Mr. DiGIROLAMO. Thank you, Mr. Speaker.

For me, this issue is not very complicated, Mr. Speaker, so I am not going to speak on some of the legal stuff or on what a lot of people believe, that this bill is unconstitutional.

We are cast here in the House of Representatives many times in trying to come up with what is fair. In this instance it is what is fair to the nursing homes but also what is fair to our senior citizens, our most vulnerable, our disabled, and our frail. And, Mr. Speaker, in my opinion, this bill, HB 1037, goes way too far in doing that balance in favor of the nursing homes and away from protecting our most vulnerable, our seniors, our frail, and our disabled, Mr. Speaker.

HB 1037, what it actually does is cap punitive damages. And under Pennsylvania law, punitive damages may only be awarded for conduct that is outrageous because of the defendant's reckless indifference to the right to others. What this bill is asking to do is reduce the amount of money a jury can require a nursing home to pay, not just for injuring or killing someone, but injuring or killing someone in a fashion that was outrageous with evil motive or with reckless indifference.

Mr. Speaker, for me, this is an easy vote. For me, this is an easy vote. I am voting in favor of protecting our elderly, our seniors, our disabled, and our frail, and I am voting "no" on HB 1037 and ask everyone else to do the same. Thank you.

The SPEAKER. Representative Rick Saccone.

Mr. SACCONI. Thank you, Mr. Speaker.

I rise in opposition to this bill. Last week we voted to exempt, and rightfully so, that means caps on the damages do not apply to veterans, people with intellectual disabilities, people who were sexually assaulted or raped. Rightfully so, we voted to exempt them.

But if I am a mute person who is not a veteran and I am boiled to death in a bathtub, the caps on damages still remain, and that is an actual case. Unspeakable cases like this. If my feeding tube

is not cleaned because the nursing home staff is not properly trained and I die because maggots are clogging my breathing tube, the caps on damages still remain.

We should go the full distance and extend the exemption to everyone. We should not be rewarding bad behavior.

In addition, we have raised the constitutional issue a couple of times. A number of my colleagues have raised it. I just want to read to you, very short, Article III, section 18, other than workmen's compensation—

The SPEAKER. Sir, are you making a motion?

Mr. SACCONI. No; no, I am not.

The SPEAKER. Okay. You may proceed.

Mr. SACCONI. Thank you, Mr. Speaker.

Article III, section 18, says this: Other than workmen's compensation, "...in no other cases shall the General Assembly limit the amount to be recovered for injuries resulting in death, or for injuries to persons or property...." It is very clear. There is no distinction between compensatory and punitive damages in the Constitution.

If you take that oath of office seriously and you are here to defend the Constitution and protect our seniors, you must vote "no" on this bill. Thank you, Mr. Speaker.

The SPEAKER. Representative Mike Sturla.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, I find it interesting that there are people that want to limit punishment. That is what punitive damages are. They are punishment for bad behavior.

It has been pointed out that the compensatory stuff stays. So that person who is in the nursing home who is making \$10,000 a year, if they cannot go to work anymore in the nursing home, I am not sure what it is that they get. So we will keep that part. But we are not going to keep the part that punishes a nursing home that has bad behavior, and not just bad behavior like oops, sorry that happened; that has never happened before; we are always fully staffed; we do the right things. This is a once in a, you know, whatever occurrence. These are people that repeatedly show willful disregard for the patients in their nursing homes.

Now, I have seen many of you when we talk about criminal activity out on the street, there is what are called aggravating circumstances. You know, it is bad enough that they ran over somebody, but then they ran over them and backed over them and ran over them again and backed over them again. And we go that is aggravated. They did not just accidentally run over that person; they purposely ran over that person. And we say there is extra punishment that goes along with some of those things because it was willful conduct.

We are not talking about the accident that occurs here; we are talking about willful conduct and limiting punishment on willful conduct. If you do not and if you are not allowed to be penalized for willful bad conduct, chances are that willful bad conduct will continue. And what this bill says is, that is okay because at least we are saving money. "Even though we are saving money" has not been defined in terms of how much we are saving or who is saving money, because for all the claims that this is going to save so much money, that we will now be able to keep seniors in the nursing homes, no one has produced one shred of evidence that shows that in States that do have caps on punitive damages that the nursing home rates went down, that the nursing home profits went up, that the insurance rates went down. Not one shred has been produced here.

This is just pie in the sky. If we just do not punish anyone for their willful bad conduct, everything will be okay. How about if we took that attitude with everything we do here? It does not matter what the crime, it does not matter whether it was willful or not, you just cannot be punished for it. We would not have anyone in jail. We do not lock corporations in jails. What we do is say, you have to pay a fine to change your conduct and that fine is called punitive damages, and this bill disallows punitive damages that are meaningful.

I would encourage a "no" vote.

The SPEAKER. Representative Pashinski.

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

We have had a robust discussion already.

There is no doubt in this country, certainly in this State a nursing home and those facilities are absolutely vital to take care of our family, those that have reached an age and a condition of mental health and physical health that they need this kind of support. I have visited many of them, and I think like many of you, you have seen the difference between one facility and another. There is no doubt that these facilities not only are necessary but play a vital role in the conditions of folks in their final days, in their final years.

We are looking for what is fair and what is right. Those words came up before: what is fair to those that have assumed the responsibility to take care of those that cannot take care of themselves, and what is fair to the families of those people that have not received the kind of care they should, and because of reckless or procedures of endangerment, those folks have since passed.

We have talked about the idea of reckless conduct. The idea of those that do not take care of those that we love in the manner they should. We have also talked about what it would be if we did not have rules and regulations and if we did not have laws. If we did not have a stop sign or a signal light, would people stop or would they just go through? What is the point of this? The point is, we are, we are a State, a country of laws, because human nature takes over and without laws and without retribution, without punishment, without consequences, people do some crazy things.

This issue is about life and death. It should not be about profits. Of course there is a certain amount of money that is needed to operate appropriately. But without the laws and regs, would they do it for the good of the people or would they do it for the good of the shareholder? Some would do it for the right reasons, others not.

So when you hear about things such as a half inch of maggots found in a resident's feeding tube, that is certainly reckless and neglectful, and how could someone not be held accountable for that? When there were no resuscitation attempts in the McMaster death, how could someone not be held responsible? When the Florida nursing home was accused of the coverup after 10 deaths during Hurricane Irma, how could someone not be held accountable? Without those laws, without those consequences, unfortunately people will work toward their profit.

I urge a "no" for HB 1037. Thank you.

The SPEAKER. Representative Toohil.

Ms. TOOHIL. Thank you, Mr. Speaker.

I rise to ask that we protect our seniors by opposing HB 1037.

The argument that reducing punitive damages exposure helps prevent frivolous lawsuits is, I think, misleading. Punitive damages only arise in the most egregious cases which, by

definition, would not be frivolous. These most egregious cases would not be frivolous. A case that is clearly frivolous – and defendants know them when they see them – would never rationally trigger a fear of punitive damages exposure. Punitive damages hold reckless companies accountable for egregious wrongdoing, and in doing so, it deters future misconduct.

So in some of the cases that we spoke about that were cited, they are not just simple accidents or negligence. It was referenced before the case where someone was allowed to literally boil in a bathtub. That is a real case. The one where there was a failure to clean feeding and breathing tubes for so long that maggots spread throughout a resident's stomach and lungs, it is something that really happened. Not providing a person with food or water for 4 days. Rather than treating someone for a broken hip suffered from falling out of bed, instead an employee put them back in bed and allowed gangrene to set in. Failing to report a hernia leading to total bowel incontinence. Not cleaning or moving a person for so long that their skin attached to their bedsheets. And we had talked about when you do not conduct a proper background check for an employee and that employee, based upon their prior activities, later turns around and does that same type of activity harming a resident of one of these long-term-care facilities.

People are smart enough to elect us as their government officials. People are smart enough to make decisions involving the imposition of a death penalty when they are on a jury. How come the supporters of HB 1037 do not believe that people that are placed on a jury are smart enough to award fair compensation for nursing home abuse or neglect cases? Why is that? The very foundation of our democracy is that we let the people decide.

Contrary to what you are being told, punitive damages are rarely sought. Only in the most egregious cases, like the ones that I talked about above, only in those is a jury permitted to hear a request for punitive damages. Under the Mcare Act, punitive damages cannot be awarded for negligence or even gross negligence. Punitive damages may only be awarded for a harm that results from a tortfeasor's willful or wanton conduct or reckless indifference to the rights of others. Only the most egregious cases, which are far from frivolous, produce large punitive damages awards.

And HB 1037 is ignoring what really is happening. In 2014 Pennsylvania had 127 medical malpractice cases, including dentistry, radiology that went before a jury. Of those, the jury only awarded and ruled in favor of the injured party 23 times out of that 127. And it brings the question, why do these attorneys not, they are highly paid defense attorneys, they are trial attorneys, they are skilled trial attorneys that work for insurance defense, you would think that if they saw a case that was frivolous, that they would just say, bring it; bring it to trial; I will meet you in the courtroom. But they do not do that.

And you have to look also at the numbers. We are talking about the lives of individuals who maybe they cannot walk anymore, maybe they have dementia, they are reaching levels of mental incapacity, and when you take an actuary who presents those numbers in a courtroom, they determine the life, what your life worth is, like what your life is worth right now. And many times these individuals obviously that are living in these long-term nursing facilities, they cannot work. They have completely lost their earning capacity. It is at a zero. Zero multiplied by 250 percent of this cap that you would be inserting equals zero.

So I am grateful that there have been amendments on the bill regarding rape victims because many times the actual damages in rape cases are often zero if the victim does not suffer a loss of

wages, if the victim is still able to come to work, or if there is no reduction in future earning potential. So while that is a good amendment and I am glad that that language is in there, I do not feel that it is enough. I do not feel that this is something smart that we should be doing for our constituents, our parents, our loved ones, and someday, unfortunately, many of us may go into long-term-care facilities and we want to protect and make sure that we are treated with the utmost care and that punitive damages caps are not going to give these harmful, harmful places that allow harm for their residents to have just carte blanche ability to not protect their seniors.

So I would ask a "no" vote on HB 1037. Thank you, Mr. Speaker.

The SPEAKER. Representative Bryan Cutler.

Mr. CUTLER. Thank you, Mr. Speaker.

Mr. Speaker, I rise in support of this proposal from the good gentleman from Chester County. I would like to quickly run through the reasons why I think this would be an improvement over our current system. There has been a lot of attention given to the size and the scope of the caps and the nature of it, but I think certain parts of it are worth rehighlighting.

Mr. Speaker, we already do this for the Mcare proposal at 200 percent. This is actually higher at 250. Someone else previously mentioned that many facilities spend more money on litigation costs than they do food. I, for one, would rather see the care being given to the patients and the food budgets go up as opposed to the litigation side of the equation.

So that begs the question, why do individuals settle? Mr. Speaker, the gentledady from Philadelphia who comes from this industry outlined it very well, I believe, and it is worth noting the reason that there is a settlement in cases where there is a question of a jury award, the reason that they settle is because of the costs and the economics behind it. Approximately out of every dollar or premium that is collected, about 70 cents goes to showing up in court. So if you are looking at 70 percent of every dollar that you spend on litigation costs – and that is costs whether you win or lose, and that is important because you could lose the case and still pay an award on top of that – this is just the cost of showing up. So oftentimes the businesses will make the decision to settle for a much lower amount because it ensures a lower reduction to the care and the money that they can provide for patients. You say, how is that possible? Well, if they can settle it for 30 cents on the dollar, that is now half the cost of going to court and not risking the award, and that is very important because it provides predictability.

There have been some questions about the constitutionality, and I would actually like to read from the Constitution and then visit what the courts have already said about this. Article III, section 18, says, "...but in no other cases shall the General Assembly limit the amount to be recovered for injuries resulting in death, or for injuries to persons or property...." While that was accurately quoted previously in the debate, I do think it is important to get some context as to what does that mean. Mr. Speaker, when you visit what the court has said once in 1983 and again in 2005, they lend some light on this, and I am quoting, "Punitive damages do not compensate the Plaintiff for injuries, but, as the nomenclature suggests, these damages punish the defendant and seek to deter similar behavior by the Plaintiff or others similarly situated." In 2005 quoting this very case, the Supreme Court of Pennsylvania explained that, quote, "[d]amages awarded in a negligence action compensate a plaintiff for his or her losses. Punitive damages, in contrast, are not

awarded to compensate the plaintiff for her damages but rather to heap an additional punishment on a defendant who is found to have acted in a fashion which is particularly egregious."

So do punitive damages have their place? Yes, Mr. Speaker, they do. And at 2 1/2 times the compensatory damages – and to put this in context, if you have a \$10 million settlement, under the compensatory side of the equation, this would still allow for up to \$25 million in punitive damages – I think that that is a sufficient hammer in order to deter this kind of conduct. Nothing will change that equation because they are directly linked. And while some might argue that the compensatory damages may not be sufficient, the truth is, that is what we trust the jury to decide. We are putting the guardrails in that debate to ensure that the cost to both the businesses in terms of predictability as well as the availability of care to each and every one of our constituents is so important.

Mr. Speaker, I want to echo the comments of the gentleman from Chester County. I would like to think that I am fairly far away from needing those services, but the truth is, my own mother needed those services and I was very glad that they were there. But in talking to the administration at the nursing home where she once resided, this is a very real problem. We added money into the budget and we talked about adding money into the budget for these services, but the truth is, what is the sense of adding the money if we cannot ensure that it gets to the patients?

Mr. Speaker, this bill ensures that it can be delivered through care, food, and services for the patients. I think it is a reasonable compromise and one that I believe the members should support. I urge a "yes" vote.

The SPEAKER. Representative Kampf.

Mr. KAMPF. Thank you, Mr. Speaker.

Mr. Speaker, listening to the debate it reminded me – I am sure all of you have over the years heard the stories or read the newspapers about the jury who awarded some huge number because the coffee was too hot, right? Or the suit that was brought by the person driving the, I think it was a Winnebago, and he went in the back because he had to get something while it was going down the road and there was a crash. He was driving, there was a crash, but he was not at the wheel, and the claim was that there should have been some sort of autopilot on the RV, right? So in contrast to that, we have examples of egregious situations all the way back to the 1970s and Ford Pinto. And what that means is that our system over the years has been wrestling with the problem of how do we handle claims and runaway verdicts. They do happen. They happen in all parts of the tort system.

And we are not the only State to address this. This body some years ago voted on this bill and passed it over to the Senate without amendment. But there are States all over the country that have been doing things on limitations of noneconomic damages or punitive damages, trying to wrestle with this issue. This legislation is part of that. How do we deliver justice but how do we deliver care? And there is nothing wrong with introducing and voting on a piece of legislation that is working toward solving that problem, whether it is in a particular sector like health care or it is in some other part of our economy.

People have been talking about punitive damages. These cases generally do not go to trial. Punitive damages are used as a lever, a negotiating tool, and in the setting where we have our frail, our elderly, our loved ones, you can imagine the concern if you are a defendant company or an individual of going before a jury. Almost 100 percent of these cases settle as a result. And so the bill attempts to try to limit in certain cases the risk of the punitive

damages award, not eliminate it, but limit it, so that settlements are fair and costs are lower, and that is a reasonable bill for this body to vote on.

That is how the bill started out. But this body last week changed it, and this bill is actually the collective voice, in my opinion, of all of us, probably more than almost any piece of legislation that I have seen on the House floor amended in my 8 years. This bill, of course, has my voice in it, as the prime sponsor. It also has the gentelady from Luzerne County's voice in it. It has the gentelady from Philadelphia's voice in it. It has the gentleman from Luzerne County's voice in it through my amendment. It has the gentelady from Greene County's voice in it. It has the gentleman from Berks County's voice in it through one of the other amendments. It has the gentleman from Philadelphia County's voice in it through one of the amendments; the gentleman from Montgomery County's voice in it through one of the amendments; the gentelady from Delaware County's voice in it through one of the amendments; the gentleman from Allegheny County's voice in it through his amendment; and several of the gentlemen from Bucks County through their amendments. And also the gentleman from Delaware County and the gentleman from Cambria County, their amendments are in this bill. So it is the collective will across the aisle of this body.

There is lots of talk about how broad the application of this bill is. There are significant limitations in this legislation. If you want this bill not to apply to cases involving the intent to harm, then you should vote for the bill because there is an exception in it for any conduct which is the intent to harm. If you support exempting from this bill convictions for a crime or going into a diversionary program for a crime, it is in the bill now so you should vote for it. If you do not want this bill to apply to anybody who has post-traumatic stress injury or disorder, you should vote for this bill. If you support veterans, you should vote for this bill. If you support children, you should vote for this bill. If you want conduct which can be classified as assault or battery or physical abuse, and many of those things that you heard from this podium from the folks speaking against it fall into those categories, they are exempt from the bill that is now before you on third consideration. If you do not want to give any limitation on punitive damages where records have been falsified in the case, then you should vote for this bill. If you want to protect people with intellectual disabilities, then you should vote for this bill. And if you would like to study the outcome of this legislation once it is enacted in the law, you should vote for this bill, because all of those concepts are contained in the bill and they are good reasons to vote for this and they are part of the reason that I am going to vote for it.

But I am also going to vote for it for another reason. I am going to vote for it because I believe the caregivers who came into my office and talked about this situation, not just CEOs (chief executive officers) and managers, but rank-and-file employees, your constituents who care every day and do it very, very well in these places of care. They came into my office, they called me on the phone, they e-mailed, and they came to the Capitol. They were in the rotunda. And I know that they were in many of your offices telling the same story. And if you have forgotten, let me remind you of what they are talking about, a never-ending increase in the number of claims that are brought against their facilities – lawyers, many of whom are from out of State, taking out full-page advertisements in our local newspapers describing and soliciting violations of the thousands and thousands of regulations that apply to this sector; advertising on television, and

with many of these newspaper advertisements, individual facilities get 10 or 15 claims each right after the newspaper ad appears. And at 200 grand a claim, which is what happens in Pennsylvania, Mr. Speaker, that is \$1 1/2 or \$2 million per facility per ad that is added to their bottom line, and those \$200,000 claims never ever get to a jury.

This for a set of homes and institutions and care providers that care for 55,000 or more of our constituents. That number is going to go up. These places are going to see greater demand. And at the same time the reimbursement rates particularly for Medicaid are below cost. Imagine having to deal with below-cost reimbursement rates and a tort system which does not favor you, where you cannot even go to trial and state your case.

Bankruptcies are occurring. Back in 2002 when we enacted this reform for our physicians – and that is on the books since 2002; there is a limitation on punitive damages for our physicians of two times compensatory damages – there was a crisis. Doctors were leaving. Health-care insurers were not insuring our doctors. The same kind of problem is happening caring for our most elderly today. Costs are north of \$100 million-plus for litigation to our Medicaid beds alone in this sector, more than for food for some of our institutions and much of that is going to pay contingency fees for plaintiff's lawyers who are taking out the ads in the first place. Literally, they are bleeding a system dry that is meant to care for the most frail.

And for those who said at this podium that if you want to take care of the elderly, then do better so you will not be sued, I said last week and I want to remind you, go to the New England Journal of Medicine where this issue was studied. There is almost no correlation at all between the number of lawsuits against your building and the quality of care that you are providing. There is no real correlation between the quality of care and the number of lawsuits. And the cost in time – depositions, statements in front of video cameras, cross-examined by lawyers, the mountain of discovery or documents that are subpoenaed and have to be produced, not to mention the impact on the morale being sued as an individual or as a company trying to provide care, after you have been sued 10 or 15 times a few days after an ad runs in your local newspaper – this is a crisis, and it warrants giving the caregivers new tools to deal with it.

Mr. Speaker, a couple of final points.

The SPEAKER. Please take your seats. Members, please take your seats.

Mr. KAMPF. There was an issue raised on constitutionality, and I know a couple of colleagues stood up and said that this is constitutional. Let me run through it. Our Constitution says you cannot limit the amount of damages. The bill does not limit the amount. It is not a hard cap. It simply says that there will be a ratio of 2 1/2 times compensatory damages. It does not limit the amount. It does not limit damages for injury. Punitive damages are meant to punish. They are not about injury or medical expenses or pain and suffering. There has been no challenge since 2002 to that similar provision for our doctors. The origins of this very change to our Constitution in 1874 were laws on the books written by the railroads that said you could only get \$3,000 if your family member died at the hands of a railroad. This is not a hard cap. Our bill is just a limitation, and the Supreme Court of the United States itself has said that there must be a limit, a connection, a ratio between punitive damages and compensatory damages, and I daresay the Ford Pinto case, under today's United States Supreme Court rulings, would be unconstitutional. We are

merely following the concepts announced by our own United States Supreme Court by enacting this legislation.

And punitive damages – I know there is always a desire to vilify the insurance companies. They are awful, they are terrible, I know that is what people say. You can believe that if you like, but the law of Pennsylvania, Mr. Speaker, is that punitive damages are not covered by insurance. They come out of the pocket of the caregivers, and that is, again, why, that is why all of these cases are settled, because if your reimbursement rates were low, care was very difficult to perform for the most frail and the elderly and you knew that if you went to trial and one dollar of punitive damages was going to come out of that pocket, you would settle too. You are faced with a Hobson's choice: you have no right way to go.

This legislation gives those good caregivers a tool, a path forward to care for our elderly, to put dollars back into those rooms and to the care of our constituents. A vote for them is a vote "yes." A vote "no" is against them. Please vote "yes" for 1037.

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.)

## LEAVE OF ABSENCE

The SPEAKER. Representative Bryan BARBIN has requested to be placed on leave. Without objection, that will be granted.

## CONSIDERATION OF HB 1037 CONTINUED

On the question recurring,  
Shall the bill pass finally?

The following roll call was recorded:

YEAS—91

Benninghoff	Gillespie	Maloney	Reese
Bernstine	Godshall	Marshall	Roae
Bloom	Greiner	Marsico	Roe
Boback	Grove	Masser	Rothman
Causer	Hahn	McGinnis	Ryan
Cook	Heffley	Mehaffie	Saylor
Corbin	Helm	Mentzer	Schemel
Corr	Hickernell	Metcalfe	Sonney
Cox	Hill	Miller, B.	Stephens
Culver	Irvin	Milne	Tallman
Cutler	James	Moul	Taylor
Day	Jozwiak	Mustio	Tobash
DeLissio	Kampf	Nelson	Toepel
Delozier	Kauffman	Nesbit	Topper
Diamond	Keefer	Oberlander	Ward
Dowling	Keller, F.	Ortitay	Warner
Dunbar	Keller, M.K.	Owlett	Watson
Dush	Klunk	Peifer	Wentling
Emrick	Knowles	Pickett	Wheeland
English	Lawrence	Quigley	Zimmerman
Everett	Lewis	Rader	
Fee	Mackenzie	Rapp	Turzai,
Fritz	Mako	Reed	Speaker
Gillen			

## NAYS—103

Barrar	Dermody	Kirkland	Readshaw
Bizzarro	DiGirolamo	Kortz	Roebuck
Boyle	Donatucci	Krueger	Rozzi
Bradford	Driscoll	Kulik	Saccone
Briggs	Ellis	Longietti	Sainato
Brown, R.	Evankovich	Madden	Samuelson
Bullock	Evans	Markosek	Sankey
Burns	Farry	Matzie	Santora
Caltagirone	Fitzgerald	McCarter	Schlossberg
Carroll	Flynn	McClinton	Schweyer
Cephas	Frankel	McNeill	Simmons
Charlton	Freeman	Metzgar	Snyder
Christiana	Gainey	Millard	Solomon
Comitta	Galloway	Miller, D.	Staats
Conklin	Goodman	Mullery	Sturla
Costa, D.	Haggerty	Murt	Tai
Costa, P.	Hanna	Neilson	Thomas
Cruz	Harkins	O'Neal	Toohil
Daley	Harper	O'Neill	Vazquez
Davidson	Harris, A.	Pashinski	Vitali
Davis, A.	Harris, J.	Petrarca	Walsh
Davis, T.	Kaufer	Pyle	Warren
Dawkins	Kavulich	Quinn, C.	Wheatley
Dean	Keller, W.	Quinn, M.	White
Deasy	Kim	Rabb	Youngblood
DeLuca	Kinsey	Ravenstahl	

## NOT VOTING—0

## EXCUSED—9

Barbin	Gabler	Maher	O'Brien
Brown, V.	Hennessey	Miccarelli	Sims
Fabrizio			

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

**GUESTS INTRODUCED**

The SPEAKER. Representative Seth Grove has with him his daughter, Raegan. Raegan, please wave. Everybody, we are glad to see Representative Grove and his daughter, Raegan.

Representative Jim Christiana. Stand up, please. Nolan, how are you doing, buddy? He is with his son, Nolan. Great to see you, buddy.

Representative Ryan Warner is over to my left. Representative Ryan Warner has got Ben with him, Ben Warner. Ben, how are you doing, bud?

Members, if you could, please take your seats.

**ANNOUNCEMENT BY SPEAKER**

The SPEAKER. Representative Eli Evankovich. Today is going to be his last voting day. The good gentleman has indicated that come, I believe, in August – he has, as you know, his two children with him – he will be resigning from the House. We are going to miss him immensely. He is going to be taking charge of a Pennsylvania company, high-tech and manufacturing. He is going to take charge of that as CEO.

Representative Evankovich, we wish you and your family nothing but the best. May God bless you.

We are going to make sure that Representative Evankovich, if he has the time in September or October, if he could come and do his farewell remarks. We are going to make sure that we get a good day for him to do so.

**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 552, PN 589**

An Act amending Titles 51 (Military Affairs) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in Department of Military Affairs, further providing for Pennsylvania Veterans' Memorial Trust Fund; in State Veterans' Commission and Deputy Adjutant General for Veterans' Affairs, further providing for Veterans' Trust Fund; in Pennsylvania Veterans' Memorial Commission, repealing provisions relating to the Pennsylvania Veterans' Memorial Trust Fund and to expiration; and, in registration of vehicles, further providing for Pennsylvania monument registration plate.

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

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

The House proceeded to second consideration of **HB 593, PN 625**, entitled:

An Act amending Title 64 (Public Authorities and Quasi-Public Corporations) of the Pennsylvania Consolidated Statutes, in Commonwealth Financing Authority, further providing for Second Stage Loan Program.

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 593 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 593 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 2241, PN 3290**, entitled:

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, in other subjects of taxation, providing for prohibited fees, surcharges and taxes; and making inconsistent repeals.

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 2241 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 2241 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 1105, PN 1315**, entitled:

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

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 1105 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 1105 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 1401, PN 2610**, entitled:

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, providing for volumetric severance tax; and making a related repeal.

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 1401 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 1401 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 1603, PN 2121**, entitled:

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, in hunting and furtaking, further providing for trespass on private property while hunting.

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 1603 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 1603 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 1835, PN 2548**, entitled:

An Act amending Title 35 (Health and Safety) of the Pennsylvania Consolidated Statutes, in grants to fire companies and emergency medical services companies, further providing for definitions, for award of grants and for requiring fire companies and emergency medical services companies to establish a social media policy in order to be eligible to receive grant funds.

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 1835 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 1835 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 1836, PN 2549**, entitled:

An Act authorizing the Commonwealth of Pennsylvania to join the Physical Therapy Licensure Compact; and providing for the form of the compact.

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 1836 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 1836 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 SPEAKER. At this time the House is going to stand in recess until the call of the Chair. We are not going to be announcing a specific return date. In fact, we are going to be at the subject of the call of the Chair by the Speaker. There are no further votes. However, I would like to just make a couple announcements, please.

### ANNOUNCEMENT BY SPEAKER

The SPEAKER. Members, this week there is going to be maintenance with respect to each and every person's, member's desk, each member's desk. That is going to occur this week. So for that to occur, we need you to take any items that you have in your desk or on top of your desk, other than the laptop, if you could please take any items out of your desk or from the top of your desk. Maintenance is going to be coming through to each of our desks this week.

In addition, I want to wish each and every one of you, really, a great few weeks here with your families over the summer and back home with your constituents. I know that there is much work to do in each of your respective districts, but also, please take some time to enjoy your wonderful families. We have been here for the better part of the month and not back in the districts and it is important to go back to those districts and convey the good work that has been done over the last couple of months.

As I indicated, you will be at the call of the Speaker. You will be at the call of the Speaker. We do not have a specific return date at this time.

May each of you God bless, and I am sure I am going to see quite a few of you over the summer. Thank you.

### ANNOUNCEMENT BY MRS. DEAN

The SPEAKER. Representative Dean, go ahead.

Representative Dean has an announcement.

Mrs. DEAN. Thank you, Mr. Speaker.

Thank you for the good wishes for everybody.

There will be an immediate meeting of the southeast delegation in my office, 32 East Wing; immediate meeting of the southeast delegation. It will be quick and it will be our send-off for summer.

### ANNOUNCEMENT BY MR. DUSH

The SPEAKER. Representative Dush, do you wish to be recognized?

Members, I apologize.

Representative Dush, please come up to the rostrum, to the podium right here.

Representative Dush.

Mr. DUSH. Thank you, Mr. Speaker.

Members, I rise on unanimous consent just to ask for your prayers for a friend of mine or—

The SPEAKER. Members, if you could, please. Please, good gentleman, suspend.

Members, if you could just give the good gentleman a moment here. He is asking for your prayers for a good friend of his.

Mr. DUSH. Mr. Speaker, thank you.

I rise to ask for your prayers. My cousin, Larry Gontero, was lost out on Lake Gallitzin on Friday. His boat was found on the shore. They have not found his body. They have not found him. I am hoping they find him alive and our prayers are.

But I want to thank the first responders around the Prince Gallitzin Park, everybody from around, the divers and everyone. My family has said that they have been nothing but professional and very caring, and I pray that— Right now they are bringing in a couple specialized dive teams, because the area that they have not searched yet has rebar and concrete down there that could pose a risk to the divers. So I will ask that you also join me in prayer for those first responders who are out there as well.

Thank you very much, Mr. Speaker.

The SPEAKER. Thank you, sir.

As I said, Godspeed to everybody. Thank you.

### RECESS

The SPEAKER. The House will stand in recess until the call of the Chair.