

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

WEDNESDAY, JUNE 16, 1993

SESSION OF 1993

177TH OF THE GENERAL ASSEMBLY

No. 42

HOUSE OF REPRESENTATIVES

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

**THE SPEAKER (H. WILLIAM DeWEESE)
PRESIDING**

PRAYER

REV. CLYDE W. ROACH, Chaplain of the House of Representatives, from Harrisburg, Pennsylvania, offered the following prayer:

Let us pray:

O God, our help in ages past,
Our hope for years to come,
Our shelter from the stormy blast,
And our eternal home.

Before the hills in order stood,
Or earth received her frame,
From everlasting Thou art God,
Through endless years the same.

A thousand ages in Thy sight
Are like an evening gone,
Short as the watch that ends the night
Before the rising sun.

O Lord God, time passes swiftly; life is fleeting, and our days are numbered. A few more risings and settings of the sun and we, too, will bid farewell to these mundane shores.

So grant, Lord, that we resolutely pursue our tasks today as our fathers did in yesterdays so that our progeny will enjoy bright and great tomorrows.

In Your dear name we pray. Amen.

PLEDGE OF ALLEGIANCE

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

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, the approval of the Journal of Tuesday, June 15, 1993, will be postponed until printed. The Chair hears no objection.

HOUSE BILLS INTRODUCED AND REFERRED

No. 1802 By Representatives HERMAN, MELIO, PETRONE, LYNCH, RAYMOND, MIHALICH, TRELLO, GEIST, BELFANTI, OLASZ and STABACK

An Act amending the act of July 22, 1974 (P.L.589, No.205), known as the Unfair Insurance Practices Act, further prohibiting unfair practices relating to denial of certain coverage with multiple contracts of health insurance.

Referred to Committee on INSURANCE, June 16, 1993.

No. 1803 By Representatives HERMAN, OLASZ, BAKER, TIGUE, LAUB, BUNT, FAJT, CLARK, RAYMOND, STABACK, ARMSTRONG, CIVERA, TRELLO and KIRKLAND

An Act amending the act of June 28, 1947 (P.L.1110, No.476), known as the Motor Vehicle Sales Finance Act, further providing for repossession.

Referred to Committee on BUSINESS AND ECONOMIC DEVELOPMENT, June 16, 1993.

No. 1804 By Representatives HERMAN, FAJT, HUTCHINSON, GANNON, DENT, GORDNER, BROWN, YANDRISEVITS, SCRIMENTI, LAUB, BUNT, PLATTS, MASLAND, FLICK, MERRY, ULIANA, WOGAN, J. TAYLOR, HARLEY, MILLER, RUBLEY, B. SMITH, MANDERINO, RAYMOND, KENNEY, GODSHALL, GERLACH, SEMMEL, BARLEY, EGOLF, FAIRCHILD, STERN, DRUCE, TOMLINSON, L. I. COHEN, TRELLO, M. N. WRIGHT, STEIL, STURLA, HENNESSEY, FREEMAN, HASAY, SATHER, ADOLPH, E. Z. TAYLOR, TRICH and KIRKLAND

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, providing for a child care tax credit.

Referred to Committee on FINANCE, June 16, 1993.

No. 1805 By Representatives BAKER, LYNCH, BATTISTO, NAILOR, PETTTI, PERZEL, MILLER, HENNESSEY, MIHALICH, KASUNIC, ROONEY, E. Z. TAYLOR, TOMLINSON, STERN, ADOLPH, BARLEY, McCALL, BISHOP, TRELLO, LEDERER and EGOLF

An Act amending the act of May 17, 1956 (1955 P.L.1609, No.537), known as the Pennsylvania Industrial Development Authority Act, providing for travel and tourism projects.

Referred to Committee on TOURISM AND RECREATIONAL DEVELOPMENT, June 16, 1993.

No. 1806 By Representatives LLOYD, GORDNER, CARONE, SURRA, HANNA, TRICH, BAKER, NYCE, SEMMEL, KING, LAUGHLIN, M. N. WRIGHT, GODSHALL, KASUNIC, WILLIAMS, TRELLO, MILLER, TIGUE, HERSHEY, BELFANTI and GEIST

An Act making an appropriation from the Milk Marketing Fund to the Milk Marketing Board; making a transfer from the General Fund to the Milk Marketing Fund; and making repeals.

Referred to Committee on APPROPRIATIONS, June 16, 1993.

No. 1807 By Representative FEE

An Act authorizing and directing the Pennsylvania Fish and Boat Commission to convey and exchange Project 70 tracts of land in Lawrence and Northampton Counties under certain conditions.

Referred to Committee on STATE GOVERNMENT, June 16, 1993.

No. 1808 By Representatives BUXTON, COLAIZZO, CAPPABIANCA, PETRONE, RUBLEY, KASUNIC and PLATTS

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, further providing for reporting by candidates and political committees.

Referred to Committee on STATE GOVERNMENT, June 16, 1993.

No. 1809 By Representatives HARLEY, NAILOR, FARGO, PITTS, M. N. WRIGHT, GORDNER, PETTIT, LEH, KREBS, BAKER, SAYLOR, HESS, SCHULER, FLEAGLE, CLARK, LAUB, FAJT, STERN, B. SMITH, RUBLEY, TRELLO, WAUGH, MILLER, BARLEY, BUSH, MICOZZIE, HUTCHINSON, GLADECK, HENNESSEY, D. W. SNYDER, GEIST, ARMSTRONG, HANNA, PETRONE, PLATTS, DRUCE, TULLI, SCHEETZ, ADOLPH, EGOLF, ROHRER, BUNT, L. I. COHEN, STEELMAN, FLICK and GERLACH

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, further providing for work to be done under contract let on bids.

Referred to Committee on EDUCATION, June 16, 1993.

No. 1810 By Representatives DENT, NYCE, ARGALL, ALLEN, SEMMEL, O'BRIEN, WOGAN, FARGO, LYNCH, ULIANA, OLASZ, SAURMAN, PHILLIPS, E. Z. TAYLOR, ROONEY, ROHRER, PETTIT, HECKLER, GODSHALL, CLARK and CIVERA

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, further providing for security from searches and seizures.

Referred to Committee on JUDICIARY, June 16, 1993.

No. 1813 By Representatives FAJT, CARN, DURHAM, VAN HORNE, NYCE, MIHALICH, HENNESSEY, CAWLEY, KASUNIC, HUTCHINSON, FLICK, PISTELLA, BELFANTI, CLARK, VEON, KENNEY, COY, TRELLO, DONATUCCI and LEDERER

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for disclosure of policy cancellation fee calculations by insurers.

Referred to Committee on INSURANCE, June 16, 1993.

No. 1814 By Representatives HERSHEY, B. SMITH, PITTS, MILLER, PERZEL, BARLEY, SANTONI, REBER, LYNCH, MAITLAND, SEMMEL, BUNT, HASAY, GAMBLE, S. H. SMITH, WAUGH, E. Z. TAYLOR, DURHAM, ARMSTRONG, TIGUE, HUTCHINSON, TRELLO, SAURMAN, FARGO, STEIGHNER, ARGALL, GERLACH, CALTAGIRONE, SCHEETZ, STAIRS, GRUPPO, BROWN, BAKER, STERN, SCHULER, KING, GEIST, JAROLIN, D. W. SNYDER, GODSHALL, TOMLINSON, HENNESSEY, DRUCE, OLASZ, ROHRER, PETRARCA, GORDNER, LEH, CHADWICK, BUSH, STISH, DENT and YEWIC

An Act amending the act of January 8, 1960 (1959 P.L.2119, No.787), known as the Air Pollution Control Act, further providing for agricultural regulations prohibited.

Referred to Committee on CONSERVATION, June 16, 1993.

HOUSE RESOLUTION INTRODUCED AND REFERRED

No. 131 By Representatives VANCE, B. SMITH, PITTS, GORDNER, ZUG, STERN, CAWLEY, DERMODY, HENNESSEY, CESSAR, FAJT, SAYLOR, VEON, FAIRCHILD, DENT, NYCE, HESS, PLATTS, PISTELLA, MARSICO, MARKOSEK, BAKER, COY, KING, HARLEY, ROONEY, FICHTER, BELFANTI, PETRARCA, RUBLEY, ARGALL, TRELLO, FARMER, LESCOVITZ, ROBERTS, CURRY, OLASZ, DeLUCA, STABACK, LYNCH, SATHER, DONATUCCI, GIGLIOTTI, L. I. COHEN, O'BRIEN, TIGUE, LAUGHLIN, JOSEPHS, BEBKO-JONES, GEIST, CIVERA, EGOLF and GERLACH

A Resolution proclaiming July 30, 1993, as "Legal Assistant Day" in Pennsylvania.

Referred to Committee on RULES, June 16, 1993.

SENATE BILL FOR CONCURRENCE

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

SB 1018, PN 1124

Referred to Committee on MILITARY AND VETERANS AFFAIRS, June 16, 1993.

GUESTS INTRODUCED

The SPEAKER. Representative Melio from Bucks County has several guests. Jack and Jean Reilly are here with us as well as Dave and Ginny Schafer. Would they please rise and be recognized. Welcome to the hall of the House.

State Representative Jim Lynch also has some guests here from his legislative district - Tori Gray, Betty Mosburg, Chris Cheronis, Cindy Briggs, and Jerry Clark. Would they please rise and be recognized. Welcome to the hall of the House.

REPORT OF COMMITTEE ON COMMITTEES

The SPEAKER. The clerk will read the following report from the Committee on Committees.

The following report was read:

Committee on Committees
Supplemental Report

In the House of Representatives
June 15, 1993

RESOLVED, that Representative Edward J. Haluska, Cambria County, is elected as a member of the Education Committee vice Gordon J. Linton resigned.

Respectfully submitted,
Richard D. Olasz, Chairman
Committee on Committees

On the question,
Will the House adopt the resolution?
Resolution was adopted.

GUESTS INTRODUCED

The SPEAKER. The Chair would like to note the presence in the hall of the House of a guest of Representative Freeman, one of our international guests, a young lady from Sweden, an exchange student, Jennie Johanson. Jennie, would you please stand and be recognized.

Also in the hall of the House today as guests of our friend, Representative George Saurman, are two young people from his district, Amy Griffith and Carmella Jaquinto. Would they please stand and be recognized.

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

HB 1152, PN 2151 (Amended)

By Rep. COLAFELLA

An Act regulating self-referrals by health care practitioners; requiring disclosure of financial or ownership interests of health care providers in health care facilities; imposing civil penalties; conferring powers and duties on the Department of Health, the State Health Facility Hearing Board, various State licensing boards and the Department of State; and making a repeal.

INSURANCE.

HB 1654, PN 1895

By Rep. LUCYK

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, changing the Department of Military Affairs to the Department of Military and Veterans Affairs; and making editorial changes.

MILITARY AND VETERANS AFFAIRS.

LEAVES OF ABSENCE

The SPEAKER. The gentleman, Mr. Steighner, Democratic secretary, for leaves of absence.

Mr. STEIGHNER. Thank you, Mr. Speaker.

Mr. Speaker, I would ask for leave for today only for the gentleman from Allegheny, Mr. COWELL.

The SPEAKER. The Chair thanks the gentleman.

Mr. PERZEL of Philadelphia.

Mr. PERZEL. Thank you, Mr. Speaker.

I ask for leave of absence for the day for the gentleman from Chester, Mr. FLICK, and the lady from Cumberland, Mrs. VANCE.

The SPEAKER. The Chair thanks the gentleman.

MASTER ROLL CALL

The SPEAKER. The Chair is about to take the master roll. On the master roll, the members will proceed to vote.

The following roll call was recorded:

PRESENT—199

Acosta	Farmer	Lloyd	Ryan
Adolph	Fee	Lucyk	Santoni
Allen	Fichter	Lynch	Sather
Argall	Fleagle	Maitland	Saurman
Armstrong	Freeman	Manderino	Saylor
Baker	Gamble	Markosek	Scheetz
Barley	Gannon	Marsico	Schuler
Battisto	Geist	Masland	Scrimenti
Bebko-Jones	George	Mayernik	Semmel
Belardi	Gerlach	McCall	Serafini
Belfanti	Gigliotti	McGeehan	Smith, B.
Birmelin	Gladeck	McNally	Smith, S. H.
Bishop	Godshall	Melio	Snyder, D. W.
Blaum	Gordner	Merry	Staback
Boyes	Gruitza	Michlovic	Stairs
Brown	Gruppo	Micozzie	Steelman
Bunt	Haluska	Mihalich	Steighner
Bush	Hanna	Miller	Steil
Butkovitz	Harley	Mundy	Stern

Buxton	Hasay	Murphy	Stetler
Caltagirone	Heckler	Nailor	Stish
Cappabianca	Hennessey	Nickol	Strittmatter
Carn	Herman	Nyce	Sturla
Carone	Hershey	O'Brien	Surra
Cawley	Hess	Olasz	Tangretti
Cessar	Hughes	Oliver	Taylor, E. Z.
Chadwick	Hutchinson	Perzel	Taylor, J.
Civera	Itkin	Pesci	Thomas
Clark	Jadlowiec	Petrarca	Tigue
Clymer	James	Petrone	Tomlinson
Cohen, L. I.	Jarolin	Pettit	Trello
Cohen, M.	Josephs	Phillips	Trich
Colafella	Kaiser	Piccola	True
Colaizzo	Kasunic	Pistella	Tulli
Cornell	Keller	Pitts	Uliana
Corrigan	Kenney	Platts	Van Home
Coy	King	Preston	Veon
Curry	Kirkland	Raymond	Vitali
Daley	Krebs	Reber	Waugh
DeLuca	Kukovich	Reinard	Williams
Dempsey	LaGrotta	Richardson	Wogan
Dent	Laub	Rieger	Wozniak
Dermody	Laughlin	Ritter	Wright, D. R.
Donatucci	Lawless	Roberts	Wright, M. N.
Druce	Lederer	Robinson	Yandrisevits
Durham	Lee	Roebuck	Yewcic
Egolf	Leh	Rohrer	Zug
Evans	Lescovitz	Rooney	
Fairchild	Levdansky	Rublely	DeWeese,
Fajt	Linton	Rudy	Speaker
Fargo			

ADDITIONS—1

O'Donnell

NOT VOTING—0

EXCUSED—3

Cowell Flick Vance

LEAVES ADDED—1

Cappabianca

LEAVES CANCELED—1

Vance

LEAVE OF ABSENCE CANCELED

The SPEAKER. Representative Patricia Vance's name will be added to the master roll call.

BILLS REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader, Mr. Itkin.

Mr. ITKIN. Mr. Speaker, I move that SB 970, PN 1448, and SB 1052, PN 1462, be removed from the table.

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

BILLS ON SECOND CONSIDERATION

The following bills, having been called up, were considered for the second time and agreed to, and ordered transcribed for third consideration:

SB 970, PN 1448; and SB 1052, PN 1462.

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader. Mr. ITKIN. Mr. Speaker, I move that SB 1052 be recommended to the Committee on Appropriations.

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

CALENDAR

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1640, PN 1862**, entitled:

An Act amending the act of June 29, 1953 (P.L.304, No.66), known as the Vital Statistics Law of 1953, imposing a surcharge to provide funding for regional poison control centers; and establishing the Poison Control Fund.

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

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader. Mr. ITKIN. Mr. Speaker, I move that HB 1640 be recommended to the Committee on Appropriations.

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

* * *

The House proceeded to third consideration of **HB 1717, PN 2147**, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for definitions, for registration of protection from abuse orders, for responsibilities of law enforcement agencies, for commencement of protection from abuse proceedings, for hearings on petitions for protection from abuse, for relief, for service of protection from abuse orders, for emergency relief by the minor judiciary, for disclosure of addresses, for arrest, for violation of orders and for indirect criminal contempt; imposing a surcharge against defendants where a protection order is entered; providing for private criminal complaints for violations of orders or agreements and for civil contempt; further providing for confidential communications and for procedure and remedies; and providing for full faith and credit regarding certain orders.

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

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader. Mr. ITKIN. Mr. Speaker, I move that HB 1717 be recommended to the Committee on Appropriations.

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

* * *

The House proceeded to third consideration of **HB 1679, PN 2051**, entitled:

An Act amending the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, further providing for investment of moneys of the Commonwealth.

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

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader. Mr. ITKIN. Mr. Speaker, I move that HB 1679 be recommended to the Committee on Appropriations.

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

* * *

The House proceeded to third consideration of **SB 690, PN 1226**, entitled:

An Act providing for adoption of capital projects to be financed from current revenues of the Manufacturing Fund.

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

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader. Mr. ITKIN. Mr. Speaker, I move that SB 690 be recommended to the Appropriations Committee.

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

* * *

The House proceeded to third consideration of **SB 694, PN 745**, entitled:

An Act making appropriations to the Treasury Department out of various funds for payment of general obligation debt service.

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

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader. Mr. ITKIN. Mr. Speaker, I move that SB 694 be recommended to the Appropriations Committee.

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

LESLIE L. ODOM PRESENTED

The SPEAKER. We have a young man here today with us who is going to take 3 or 4 minutes prior to our commencing on page 3 of today's calendar.

Leslie Odom came in first place in the city of Philadelphia for an oratorical contest. He has already proclaimed to me that he is a constituent of Mr. Dwight Evans and he will be Dwight's replacement. But out of 70 schools in the city of Philadelphia, this young man is preeminent in his oratorical qualities. He has been described as a young Leroy Irvis, and I turn the microphone over to this young man, who is practicing the elocution skills that someday could possibly be manifest in a debating chamber such as our own.

Leslie, welcome, and you may proceed.

LESLIE ODOM. Good morning.

My speech is called the "Amazing 8."

In 1984 Bishop Desmond Tutu said, "God enlists you and me and all of us to work together with him to change the evil of this world - to change its hurts, its anxieties, its antagonisms, its poverty, its disease, its famines - to change all of this into the kingdom of Shalom; of justice and goodness, and joy and laughter, and compassion and caring and sharing."

The Reverend Dr. Martin Luther King, Jr., said, "Unless we learn to live together as brothers, surely we will die apart as fools." And Mary McLeod Bethune said, "Join our hands and hearts with the people of the world to create a fellowship of freedom, of love, of peace and brotherhood and sisterhood everywhere."

And Michael Jackson sings, "Heal the world, make it a better place, for you and for me and the entire human race. There are people dying; if you cared enough for the living, you'd make a better place for you and for me."

Dr. Mary McLeod Bethune, the first lady of black America, left us a legacy of love in her last literary will and testament. Today I would like to offer my plan for improving the world.

Good morning. I am Leslie Odom, and I will share with you Leslie Odom's "Amazing 8" - an eight-step program to improve the world.

It begins with responsibility. Can you imagine, can you see how much better the world could be if we all took responsibility for ourselves, for our babies, our young men and our young ladies; for our future, for our world, for every man, woman, boy, and girl?

Confidence. I have confidence in us all. If everyone works together, we cannot fall. If we all believe in each other, we can all unite together as sister and brother.

Faith. Keep the faith, and do not let anyone turn us around. We are ready to break every wall that has kept us bound.

Respect. Respect is something we all need regardless of race, color, or creed.

Pride. Feeling alive and holding your head up high, you feel like jumping and touching the sky. Have you ever had this feeling deep inside? This is something that I call pride.

Determination. You have got to have determination that we can come together as a nation and get rid of discrimination and all the racist proclamations.

Honesty. In our nation, this is something that many people lack, but if we try my plan, I am sure that we can get our honest, clean nation back.

Success. Can you smell it? No, because we have not done it yet, but it is guaranteed to follow if you follow my "Amazing 8."

I agree with L. Douglas Wilder, the Governor of the Commonwealth of Virginia, who said, "We will improve and move our nation forward. Fifty years from now, we will hopefully be surprised at our accomplishments."

Let us use our blackness as a challenge, not an excuse; create an ocean of opportunity for all people, for we can "Heal the world, make it a better place, for you and for me and the entire human race. There are people dying; if you cared enough for the living, you'd make a better place for you and for me."

Thank you.

Mr. RYAN. Mr. Speaker?

The SPEAKER. The gentleman from Delaware County is recognized.

Mr. RYAN. Mr. Speaker, is there any compelling reason why we cannot replace Dwight now with this young man?

The SPEAKER. The gentleman, Mr. Evans, is recognized.

Mr. EVANS. There is no question that you could probably do it now, Matt. There is no question, because really—

I want to also introduce his mother, who is here with him. His father could not because he had to work today, but his mother, who is a recreation therapist, is always there. They moved from New York, and they have been living in my district for about 5 or 6 years.

I met Leslie, I think it was 2 weeks ago, at a speaking engagement. I was supposed to be the keynote speaker, but after that speech, I gave up.

So I want to make sure I introduce Mrs. Odom, who is also here, who is his mother — Mrs. Yvette Odom.

And maybe, Matt, we could get you and Bill DeWeese to take a picture with him, please, again.

Mr. RYAN. He will be running against me.

The SPEAKER. The Chair would like to remind the members that Leslie spoke without notes, and his performance was obviously a tour de force.

The Chair welcomes the family, and again, thanks, Dwight, for bringing Leslie to our chamber.

PARLIAMENTARY INQUIRY

The SPEAKER. The gentleman, Mr. Gannon, is recognized.

Mr. GANNON. Parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman may proceed.

Mr. GANNON. What is the status of HB 587 on the calendar?

The SPEAKER. The bill is marked over for the day. However, the Parliamentarian advises that Mr. Gannon will be recognized when we come to that bill.

Mr. GANNON. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of **HB 1280, PN 1830**, entitled:

An Act amending the act of July 7, 1980 (P.L.380, No.97), known as the Solid Waste Management Act, providing for recycling of hydrochloric acid based waste pickle liquor; and prohibiting certain persons from accepting hydrochloric acid based waste pickle liquor for processing and disposal.

On the question,

Will the House agree to the bill on third consideration?

Mr. S. H. SMITH offered the following amendments No. A2745:

Amend Title, page 1, line 19, by striking out "and"

Amend Title, page 1, line 20, by removing the period after "disposal" and inserting

; and providing for a referendum on the siting of certain facilities.

Amend Bill, page 2, by inserting between lines 25 and 26

Section 2. Section 504 of the act is amended to read:

Section 504. Approval by governing body.

(a) Applications for a permit shall be reviewed by the appropriate county, county planning agency or county health department where they exist and the host municipality, and they may recommend to the department conditions upon, revisions to, or disapproval of the permit only if specific cause is identified. In such case the department shall be required to publish in the Pennsylvania Bulletin its justification for overriding the county's recommendations. If the department does not receive comments within 60 days, the county shall be deemed to have waived its right to review.

(b) (1) The department shall take into consideration the evaluation of the permit applicant's public participation process and degree of local acceptance based on the results of the municipal referendum process set forth in this subsection.

(2) When the county board of elections is in receipt of a petition signed by no less than 20% of the registered electors of the municipality in which the permit is being proposed, the county board of elections shall place on the ballot, within the election districts encompassing that municipality, a referendum at the next municipal or general election. The petition shall be in the form required for nomination petitions by the election laws of this Commonwealth. The validity of the petition and the conduct of the referendum shall be determined in accordance with the election laws of this Commonwealth.

(3) The referendum question being placed on the ballot shall read as follows:

The Department of Environmental Resources is in receipt of either a permit application or a letter of intent to file a permit application for the siting of a (general description of the facility being permitted). The permit is being submitted by (name of company, organization or individual who is submitting the permit). Do you favor the siting of such a facility within (name of municipality)?

(4) If at least 66% of the registered electors of the municipality vote in the negative, as certified by the county board of elections, the municipality shall forward the results to the department.

(5) The department shall take into consideration the results of this municipal referendum and, where the 66% negative votes are confirmed, the department shall have the power to reject or deny the permit application based on the grounds that the permit applicant has not engaged in a public participation process which adequately answers the legitimate public concerns regarding the potential negative impact of such a facility in a given municipality.

(6) (i) The permit applicant shall have the right to challenge the petition and each signature on that petition in the court of common pleas within 30 days of the submission of that petition to the county board of elections.

(ii) The permit applicant shall also have the right to challenge the election results certified by the county board of elections in the court of common pleas.

Amend Sec. 2, page 2, line 26, by striking out "2" and inserting

3

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

The SPEAKER. On the amendment, Mr. Smith is recognized.

Mr. S. H. SMITH. Thank you, Mr. Speaker.

Mr. Speaker, on that amendment, basically it is an amendment that I had drafted as a bill a couple years ago, and it is an effort to try to allow for a little greater public participation in the permitting process of waste disposal-type facilities that are permitted under Act 97. Essentially what I was attempting to do with this amendment is provide a nonbinding process by which a local municipality would be able to put a referendum-type question on the ballot to gauge public interest and/or support for a proposed facility. This would be done during the application period.

My ultimate goal is, frankly, to try to allow the Department of Environmental Resources a mechanism by which they can gauge public support. Generally, there is broad-based opposition to such facilities, and I think the part of the public permitting process that we need to try to expand is the public participation and the public acceptance of a facility. So that is pretty much what I was gearing to do. The amendment does not mandate that anything takes place. It allows for this process to be undertaken.

AMENDMENTS WITHDRAWN

Mr. S. H. SMITH. However, Mr. Speaker, in deference to the prime sponsor of the bill, I understand through our Conservation Committee counsel that there have been some

expressions of concern that this amendment might otherwise jeopardize his bill. Although it is an amendment to Act 97, it is not entirely on the same subject. So in deference to the prime sponsor of the bill, Mr. Speaker, I am going to withdraw the amendment at this time.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. STAIRS offered the following amendments No. A2747:

Amend Title, page 1, line 19, by striking out "and"

Amend Title, page 1, line 20, by removing the period after "disposal" and inserting
; and providing for payments to certain livestock producers in relation to the ingestion of beverage containers.

Amend Bill, page 1, lines 23 and 24, by striking out all of said lines and inserting

Section 1. Section 103 of the act of July 7, 1980 (P.L.380, No.97), known as the Solid Waste Management Act, is amended by adding a definition to read:

Section 103. Definitions.

The following words and phrases when used in this act shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

* * *

"Agricultural livestock producer." Any individual, partnership, corporation or other entity actively engaged in the raising of bovine, ovine, caprine, or porcine animals for food use and equine animals for their work or recreational use. Any agricultural livestock producer must own or operate a farm of not less than ten acres or have anticipated annual gross cash receipts for agricultural livestock or livestock products of not less than \$2,000.

* * *

Section 2. The act is amended by adding a

Amend Bill, page 2, by inserting between lines 25 and 26

Section 3. Section 701 of the act is amended to read:

Section 701. Solid Waste Abatement Fund.

(a) All fines, penalties and bond forfeitures collected under the provisions of this act shall be paid into the Treasury of the Commonwealth into a special fund to be known as the "Solid Waste Abatement Fund" hereby established. The Solid Waste Abatement Fund shall be administered by the department for abatement or elimination of present or potential hazards to human health or to the environment from the improper treatment, transportation, storage, processing, or disposal of solid wastes, for the indemnification of agricultural livestock producers pursuant to subsection (d), and for the enforcement of this act.

(b) All such moneys placed in the Solid Waste Abatement Fund under the provisions of this section are hereby made available immediately, and are hereby specifically appropriated to the department for the purposes specified in this section.

(c) Estimates of the amounts to be expended under this act shall be submitted to the Governor for his approval or disapproval.

(d) Agricultural livestock producers shall be entitled to receive indemnification for livestock which has died as a result of ingesting any part of a beverage container, subject to all of the following:

(1) That a licensed veterinarian within this Commonwealth shall certify and attest to the animal's ingestion of the beverage container as a major contributing cause of the animal's death.

(2) That any request for indemnification shall occur within 15 days of the date of the animal's death.

(3) That any indemnification shall not exceed 67% of the animal's appraised fair market value at the time of the animal's death or indemnification limits established under the authority of the act of June 22, 1931 (P.L.682, No.249), referred to as the Diseased Animal Condemnation Law.

(4) That no agricultural livestock producer shall receive more than \$10,000 annually as indemnification under this subsection.

(5) That all requests for indemnification shall be made on the form and in the manner as the department may by regulation prescribe.

Amend Sec. 2, page 2, line 26, by striking out "2" and inserting

4

On the question,

Will the House agree to the amendments?

The SPEAKER. On the amendment, the gentleman, Mr. Stairs, is recognized.

Mr. STAIRS. Thank you, Mr. Speaker.

My amendment addresses a concern that we have talked about in committee and talked about on the House floor a number of times, and it pertains to the bottles and litter that are along the highways. We have had bottle bills and legislation of this nature that never were able to pass. This amendment does not address any bottle bills, but it is on the subject of litter, solid waste, that is along our highways, and particularly, in my amendment, it talks about solid waste that is in farmers' fields that may lead to death of livestock.

This amendment addresses a major concern to farmers. When the legislature and the Governor enacted Act 101 of 1988, we recognized the problems created by certain solid waste and also required the recycling of bottles and cans and other types of containers. Unfortunately, the act was no panacea, because there are 15 rural counties that have no communities that require recycling. In addition, the law does not address the problem of litter collection in rural areas, only municipal curbside recycling.

Consequently, many farmers have lost thousands of dollars in time and equipment and especially animal deaths due to bottles or cans that are thrown indiscriminately into fields or pastures. When these materials are smashed or become ground up into feed, the results can be a painful death to animals which consume these shreds of glass or metal.

This amendment that I am talking about today establishes the use of the Solid Waste Abatement Fund, which currently has \$4.8 million, to provide compensation to farmers for loss of animals due to ingestion of contaminated or container litter. Payment to a single livestock producer is limited to \$10,000, and the important part here, Mr. Speaker, is that each claim on the fund must be certified by a licensed veterinarian and is limited by the amount specified in the Diseased Animal Condemnation Law.

The owner of a large animal, for instance, say a cow, could not receive more than \$1,000 for his loss and in fact may receive considerably less, depending upon the animal's value and the recovery of any insurance. Losses annually have been estimated at millions of dollars. These are losses farmers cannot afford to absorb year after year.

So I would urge that we would vote this legislation that is very friendly to Pennsylvania agriculture and certainly sends a message to our agriculture community that we do care when farmers are affected by litter that is thrown into their fields and onto their property. Thank you, Mr. Speaker.

The SPEAKER. Chairman Evans is recognized.

Mr. EVANS. Mr. Speaker, I would like to question the maker of the amendment, Mr. Speaker.

The SPEAKER. Mr. Stairs indicates he will stand for interrogation.

Mr. EVANS. Mr. Speaker, did you request a fiscal note?

Mr. STAIRS. No. There is no fiscal note applied to this. The fiscal note would be that it takes money from an existing fund, and the existing fund at the present time has a balance of \$4.8 million, so the money would come from this existing fund that we had established several years ago.

Mr. EVANS. Mr. Speaker, that is the extent of my interrogation.

Mr. Speaker?

The SPEAKER. The gentleman is recognized.

Mr. EVANS. This particular amendment needs a fiscal note. I would ask that you rule this out of order. My understanding, as it was just indicated to me, is that this will have an impact upon the budget, and I would ask that this be ruled out of order, Mr. Speaker.

BILL PASSED OVER TEMPORARILY

Mr. STAIRS. Mr. Speaker?

The SPEAKER. Mr. Stairs is recognized.

Mr. STAIRS. Could I ask for momentarily passing over the bill until we can prepare the fiscal note?

The SPEAKER. The gentleman is in order, and the Chair will pass over the bill temporarily.

MEMBER'S PRESENCE RECORDED

The SPEAKER. The gentleman, Mr. O'Donnell's name will be added to the master roll.

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of SB 880, PN 1290, entitled:

An Act providing the Early Childhood Education Professional Loan Forgiveness Program for Pennsylvania residents who graduate from institutions of higher education and who apply their educational training to positions in approved child-care facilities in this Commonwealth.

On the question,

Will the House agree to the bill on third consideration?

BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader. Mr. ITKIN. Mr. Speaker, I move that SB 880, PN 1290, be recommitted to Appropriations.

On the question,

Will the House agree to the motion?

Motion was agreed to.

CONSIDERATION OF HB 1280 CONTINUED

The SPEAKER. The gentleman, Mr. Mihalich, is recognized.

Mr. MIHALICH. Mr. Speaker, I object to going over the bill temporarily, and that is not because I disagree with the amendment. I think the amendment is a good one. At such time in the future as we get another opportunity to do that, I will support it, and I will even cosponsor it. I have farmers in my district who have the same problems as Mr. Stairs is describing in his district.

The reason I object, Mr. Speaker, is that we cannot get a fiscal note today, I am told, so if we cannot get a fiscal note today, that means my bill does not go over temporarily, it goes over until another day, in which with our scheduling arrangement as it is, I do not know whether I have got another clean shot at it. For that reason, Mr. Speaker, I object to going over it temporarily, and as I said before, I appreciate your bill; I will support it as I will Mr. Smith's bill at another time, and I will cosponsor Mr. Smith's bill.

The SPEAKER. The Chair would like to inform the membership that we are back on HB 1280, on page 3 at the bottom. The Chair had indicated that we would go over the bill temporarily. The gentleman, Mr. Mihalich, has objected, and since there was an objection, we are still on HB 1280. It was not done without objection.

AMENDMENTS RULED OUT OF ORDER

The SPEAKER. The gentleman, Mr. Stairs' amendment A2747 would require a fiscal note, and therefore, at this time this amendment is out of order.

MOTION TO SUSPEND RULES

The SPEAKER. The gentleman, Mr. Stairs, is recognized.

Mr. STAIRS. Mr. Speaker, I would like to move that we suspend the rules. I think it is 19(b). Is that the rule number to allow a lack of a fiscal note?

The SPEAKER. It is 19(a).

The gentleman has moved that the rules of the House be suspended in order that this amendment be considered without a fiscal note.

This motion is not debatable.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—98

Adolph	Farmer	Leh	Sather
Allen	Fichter	Lynch	Saurman
Argall	Fleagle	Maitland	Scheetz
Armstrong	Gannon	Marsico	Schuler
Baker	Geist	Masland	Semmel
Birmelin	Gerlach	Merry	Serafini
Boyes	Gladeck	Micozzie	Smith, B.
Brown	Godshall	Miller	Smith, S. H.
Bunt	Gruppo	Nailor	Snyder, D. W.
Bush	Harley	Nickol	Stairs

Carone	Hasay	Nyce	Steil
Cessar	Heckler	O'Brien	Stern
Chadwick	Hennessey	Perzel	Strittmatter
Civiera	Herman	Pettit	Taylor, E. Z.
Clark	Hershey	Phillips	Taylor, J.
Clymer	Hess	Piccola	Tomlinson
Cohen, L. I.	Hutchinson	Pitts	True
Cornell	Jadlowiec	Platts	Tulli
Dempsey	Jarolin	Raymond	Uliana
Dent	Kenney	Reber	Vance
Druce	King	Reinard	Waugh
Durham	Krebs	Rohrer	Wogan
Egolf	Laub	Rublely	Wright, M. N.
Fairchild	Lawless	Ryan	Zug
Fargo	Lee		

NAYS—98

Acosta	Freeman	Manderino	Rudy
Battisto	Gamble	Markosek	Santoni
Bebko-Jones	George	Mayermik	Scrimenti
Belardi	Gigliotti	McCall	Staback
Belfanti	Gordner	McGeehan	Steighner
Bishop	Gruitza	McNally	Stetler
Blaum	Haluska	Melio	Stish
Buxton	Hanna	Michlovic	Sturla
Caltagirone	Hughes	Mihalich	Surra
Cappabianca	Itkin	Mundy	Tangretti
Carn	James	Murphy	Thomas
Cawley	Josephs	Olasz	Tigue
Cohen, M.	Kaiser	Oliver	Trello
Colaella	Kasunic	Pesci	Trich
Colaizzo	Keller	Petrarca	Van Horne
Corrigan	Kirkland	Petrone	Veon
Coy	Kukovich	Pistella	Vitali
Curry	LaGrotta	Preston	Williams
Daley	Laughlin	Richardson	Wozniak
DeLuca	Lederer	Rieger	Wright, D. R.
Dermody	Lescovitz	Ritter	Yandrisevits
Donatucci	Levdansky	Roberts	Yewcic
Evans	Linton	Robinson	
Fajt	Lloyd	Roebuck	DeWeese,
Fee	Lucyk	Rooney	Speaker

NOT VOTING—5

Barley	O'Donnell	Saylor	Steelman
Butkovitz			

EXCUSED—2

Cowell	Flick
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Less than a majority of the members elected to the House having voted in the affirmative, the question was determined in the negative and the motion was not agreed to.

VOTE CORRECTIONS

The SPEAKER. The gentleman, Mr. Saylor, is recognized. Mr. SAYLOR. Mr. Speaker, my button is not working.

The SPEAKER. The clerk will be informed that the gentleman's button has malfunctioned, and we will try to have that corrected.

Mr. SAYLOR. Would you please see that I am recorded on the motion to suspend the rules as a "yes" vote.

The SPEAKER. The gentleman's remarks will be spread across the record.

Ms. STEELMAN is recognized.

Ms. STEELMAN. Mr. Speaker, my button apparently was also not working. I would like to be recorded as a "yes" vote.

The SPEAKER. The Chair thanks the lady.

CONSIDERATION OF HB 1280 CONTINUED

On the question recurring,

Will the House agree to the bill on third consideration?

The SPEAKER. The gentleman, Mr. Ryan, is recognized.

Mr. RYAN. Mr. Speaker, we are preparing a reconsideration on the suspension. Legitimately, two of the machines were not working at that time.

The SPEAKER. The gentleman is in order.

Mr. Ryan, the Chair should inform you that the Parliamentarian informs me that a suspension-of-the-rules vote is not reconsiderable.

MOTION TO PLACE BILL ON THIRD CONSIDERATION POSTPONED CALENDAR

The SPEAKER. The gentleman, Mr. Lee, is recognized.

Mr. LEE. Mr. Speaker, may I make a motion to postpone this bill at this time?

The SPEAKER. The gentleman is in order.

Does the gentleman make that motion?

The gentleman, Mr. Lee, has moved that the consideration of HB 1280 be postponed.

On the question,

Will the House agree to the motion?

The SPEAKER. This motion is debatable, and the gentleman, Mr. Mihalich, is recognized.

Mr. MIHALICH. Mr. Speaker, I respectfully request that this bill is not postponed. It has been on the calendar; it has been in committee. Everyone here knows what it is about, or if they do not know all of the answers, I will try to supply them during the debate.

To postpone it for the purpose of including two amendments, or one amendment in particular and maybe the second one, I do not think is worthwhile to create a controversy over it because the gentleman, the sponsor of the amendment, knows that there is considerable support. I do not know if there is enough support in this House for it, but there is considerable support for it.

There will be other Act 97 bills coming on the calendar. He is aware of maybe two or three more. I do not know of any urgency there. I am sure he feels a sense of urgency for his constituents and the farmers in Pennsylvania, but I respectfully request that my bill be allowed to run now and that we address his concerns at another time, on another date, where we can focus more clearly on them. Thank you.

PARLIAMENTARY INQUIRY

The SPEAKER. Mr. Ryan is recognized.

Mr. RYAN. Point of parliamentary inquiry, Mr. Speaker.

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

Mr. RYAN. On the question of suspension of the rules to offer an amendment, would I—and I ask this out of ignorance, frankly, without looking at the rule book—would it be proper to reoffer that amendment after intervening business and again ask for a suspension of the rules, the intervening business being the motion to postpone?

The SPEAKER. The gentleman's keen appreciation for Mason's, specifically section 282, subsection 6(f), "Reconsidered or renewed for the same purpose on the same day, unless other business has intervened..."

So the gentleman is correct, and you would not have to bring the amendment up for a second time. You would just renew the motion.

Mr. RYAN. Thank you, Mr. Speaker.

PARLIAMENTARY INQUIRY

The SPEAKER. At this time we are still on the motion to postpone the consideration of HB 1280, and the gentleman, Mr. Gannon, is now recognized.

Mr. GANNON. Mr. Speaker, parliamentary inquiry.

The SPEAKER. The gentleman, Mr. Gannon, will state his point.

Mr. GANNON. Would it be in order to amend the motion?

The SPEAKER. The motion to postpone?

Mr. GANNON. Yes, Mr. Speaker.

The SPEAKER. Under section 396 of Mason's Manual, the motion to postpone cannot be amended.

Mr. GANNON. Thank you, Mr. Speaker.

The SPEAKER. You are welcome.

PARLIAMENTARY INQUIRY

The SPEAKER. Mr. Lee is recognized.

Mr. LEE. Point of parliamentary inquiry.

The SPEAKER. The gentleman will please state his point.

Mr. LEE. Relating to Mr. Gannon's motion, what vote does a motion to postpone have to do to succeed? Is it a constitutional majority or a simple majority?

The SPEAKER. Simple majority.

Mr. LEE. Thank you very much.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—97

Adolph	Farmer	Lynch	Saurman
Allen	Fichter	Maitland	Saylor
Argall	Fleagle	Marsico	Scheetz
Armstrong	Gannon	Masland	Schuler

Baker	Geist	Merry	Semmel
Barley	Gerlach	Micozzie	Serafini
Birmelin	Gladeck	Miller	Smith, B.
Boyes	Godshall	Nailor	Smith, S. H.
Brown	Gruppo	Nickol	Snyder, D. W.
Bunt	Harley	Nyce	Stairs
Bush	Hasay	O'Brien	Steil
Cessar	Heckler	Perzel	Stem
Chadwick	Hennessey	Pettit	Strittmatter
Civera	Herman	Phillips	Taylor, E. Z.
Clark	Hershey	Piccola	Taylor, J.
Clymer	Hess	Pitts	Tomlinson
Cohen, L. I.	Hutchinson	Platts	True
Cornell	Jadlowiec	Raymond	Tulli
Dempsey	Kenney	Reber	Uliana
Dent	King	Reinard	Vance
Druce	Laub	Rohrer	Waugh
Durham	Lawless	Rubley	Wogan
Egolf	Lee	Ryan	Wright, M. N.
Fairchild	Leh	Sather	Zug
Fargo			

NAYS—104

Acosta	Freeman	Manderino	Rudy
Battisto	Gamble	Markosek	Santoni
Bebko-Jones	George	Mayernik	Scrimenti
Belardi	Gigliotti	McCall	Staback
Belfanti	Gordner	McGeehan	Steelman
Bishop	Gruitza	McNally	Steighner
Blaum	Haluska	Melio	Stetler
Butkovitz	Hanna	Michlovic	Stish
Buxton	Hughes	Mihalich	Sturla
Caltagirone	Itkin	Mundy	Surra
Cappabianca	James	Murphy	Tangretti
Cam	Jarolin	O'Donnell	Thomas
Carone	Josephs	Olasz	Tigue
Cawley	Kaiser	Oliver	Trello
Cohen, M.	Kasunic	Pesci	Trich
Colafrella	Keller	Petrarca	Van Horne
Colaizzo	Kirkland	Petrone	Veon
Corrigan	Krebs	Pistella	Vitali
Coy	Kukovich	Preston	Williams
Curry	LaGrotta	Richardson	Wozniak
Daley	Laughlin	Rieger	Wright, D. R.
DeLuca	Lederer	Ritter	Yandrisevits
Dermody	Lescovitz	Roberts	Yewcic
Donatucci	Levdansky	Robinson	
Evans	Linton	Roebuck	DeWeese,
Fajt	Lloyd	Rooney	Speaker
Fee	Lucyk		

NOT VOTING—0

EXCUSED—2

Cowell	Flick
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The question was determined in the negative, and the motion was not agreed to.

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

MOTION TO SUSPEND RULES

The SPEAKER. The gentleman, Mr. Stairs, is recognized.
Mr. STAIRS. Mr. Speaker, I move to suspend rule 19(a) as I previously stated.

The SPEAKER. The renewal of the motion is in order.

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

The following roll call was recorded:

YEAS—97

Adolph	Farmer	Lynch	Saurman
Allen	Fichter	Maitland	Saylor
Argall	Fleagle	Marsico	Scheetz
Armstrong	Gannon	Masland	Schuler
Baker	Geist	Merry	Semmel
Barley	Gerlach	Micozzie	Serafini
Birmelin	Gladeck	Miller	Smith, B.
Boyes	Godshall	Nailor	Smith, S. H.
Brown	Gruppo	Nickol	Snyder, D. W.
Bunt	Harley	Nyce	Stairs
Bush	Hasay	O'Brien	Steil
Cessar	Heckler	Perzel	Stem
Chadwick	Hennessey	Pettit	Strittmatter
Civera	Herman	Phillips	Taylor, E. Z.
Clark	Hershey	Piccola	Taylor, J.
Clymer	Hess	Pitts	Tomlinson
Cohen, L. I.	Hutchinson	Platts	True
Cornell	Jadlowiec	Raymond	Tulli
Dempsey	Kenney	Reber	Uliana
Dent	King	Reinard	Vance
Druce	Laub	Rohrer	Waugh
Durham	Lawless	Rubley	Wogan
Egolf	Lee	Ryan	Wright, M. N.
Fairchild	Leh	Sather	Zug
Fargo			

NAYS—104

Acosta	Freeman	Manderino	Rudy
Battisto	Gamble	Markosek	Santoni
Bebko-Jones	George	Mayernik	Scrimenti
Belardi	Gigliotti	McCall	Staback
Belfanti	Gordner	McGeehan	Steelman
Bishop	Gruitza	McNally	Steighner
Blaum	Haluska	Melio	Stetler
Butkovitz	Hanna	Michlovic	Stish
Buxton	Hughes	Mihalich	Sturla
Caltagirone	Itkin	Mundy	Surra
Cappabianca	James	Murphy	Tangretti
Cam	Jarolin	O'Donnell	Thomas
Carone	Josephs	Olasz	Tigue
Cawley	Kaiser	Oliver	Trello
Cohen, M.	Kasunic	Pesci	Trich
Colafrella	Keller	Petrarca	Van Horne
Colaizzo	Kirkland	Petrone	Veon
Corrigan	Krebs	Pistella	Vitali
Coy	Kukovich	Preston	Williams
Curry	LaGrotta	Richardson	Wozniak
Daley	Laughlin	Rieger	Wright, D. R.
DeLuca	Lederer	Ritter	Yandrisevits
Dermody	Lescovitz	Roberts	Yewcic
Donatucci	Levdansky	Robinson	
Evans	Linton	Roebuck	DeWeese,
Fajt	Lloyd	Rooney	Speaker
Fee	Lucyk		

NOT VOTING—0

EXCUSED—2

Cowell	Flick
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Less than a majority of the members elected to the House having voted in the affirmative, the question was determined in the negative and the motion was not agreed to.

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

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.

YEAS—199

Acosta	Farmer	Lloyd	Santoni
Adolph	Fee	Lucyk	Sather
Allen	Fichter	Lynch	Saurman
Argall	Fleagle	Maitland	Saylor
Armstrong	Freeman	Manderino	Scheetz
Baker	Gamble	Markosek	Schuler
Barley	Gannon	Marsico	Scrimenti
Battisto	Geist	Masland	Semmel
Bebko-Jones	George	Mayernik	Serafini
Belardi	Gerlach	McCall	Smith, B.
Belfanti	Gigliotti	McGeehan	Smith, S. H.
Birmelin	Gladeck	McNally	Snyder, D. W.
Bishop	Godshall	Merry	Staback
Blaum	Gordner	Michlovic	Stairs
Boyes	Gruitza	Micozzie	Steelman
Brown	Gruppo	Mihalich	Steighner
Bunt	Haluska	Miller	Steil
Bush	Hanna	Mundy	Stern
Butkovitz	Harley	Murphy	Stetler
Buxton	Hasay	Nailor	Stish
Caltagirone	Heckler	Nickol	Strittmatter
Cappabianca	Hennessey	Nyce	Sturla
Carn	Herman	O'Brien	Surra
Carone	Hershey	O'Donnell	Tangretti
Cawley	Hess	Olasz	Taylor, E. Z.
Cessar	Hughes	Oliver	Taylor, J.
Chadwick	Hutchinson	Perzel	Thomas
Civera	Itkin	Pesci	Tigue
Clark	Jadlowiec	Petrarca	Tomlinson
Clymer	James	Petrone	Trello
Cohen, L. I.	Jarolin	Pettit	Trich
Cohen, M.	Josephs	Phillips	True
Colafella	Kaiser	Piccola	Tulli
Colaizzo	Kasunic	Pistella	Uliana
Cornell	Keller	Pitts	Vance
Corrigan	Kenney	Platts	Van Home
Coy	King	Preston	Veon
Curry	Kirkland	Raymond	Vitali
Daley	Krebs	Reber	Waugh
DeLuca	Kukovich	Reinard	Williams
Dempsey	LaGrotta	Richardson	Wogan
Dent	Laub	Rieger	Wozniak
Dermoddy	Laughlin	Ritter	Wright, D. R.
Donatucci	Lawless	Roberts	Wright, M. N.
Druce	Lederer	Robinson	Yandrisevits
Durham	Lee	Roebuck	Yewcic
Egolf	Leh	Rohrer	Zug
Evans	Lescovitz	Rooney	
Fairchild	Levdansky	Rudy	DeWeese,
Fajt	Linton	Ryan	Speaker
Fargo			

NAYS—2

Melio Rubley

NOT VOTING—0

EXCUSED—2

Cowell Flick

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.

PARLIAMENTARY INQUIRY

The SPEAKER. The gentleman, Mr. Reber, is recognized. Mr. REBER. I guess it is a parliamentary inquiry.

My calendar showed that Representative Mihalich had a technical amendment that he was going to offer. Did he withdraw that? Thank you. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of **HB 733, PN 1836**, entitled:

An Act amending Title 40 (Insurance) of the Pennsylvania Consolidated Statutes, providing for health insurance reforms and protections to consumers by limiting reasons of cancellation of insurance, coverage for dependent children, contestability, continuation of coverage of consumers in instances of total disability, replacement of group coverage by another insurer in continuity of coverage of the consumers who change groups, notification of change in coverage, requirement of ten-day free look of insurance, requirements for reinsurance and administrative services, electronic submission of claims and limit on premium increases for small groups.

On the question,
Will the House agree to the bill on third consideration?
Mr. KUKOVICH offered the following amendments No. A2454:

- Amend Table of Contents, page 2, lines 18 through 24, by striking out all of said lines and inserting
- 7313. Electronic submission of claims.
- 7314. Limit on premium increase.
- 7315. Availability of coverage.
- 7316. Penalties.

Amend Sec. 1 (Sec. 7310), page 14, by inserting between lines 26 and 27

(e) Review.—On receipt of a request for review the Insurance Commissioner or his designated representative shall notify the insurer and shall review the matter to determine whether the termination was in violation of this act. The commissioner or designated representative shall, within 30 days of the receipt of the request, either order the coverage reinstated or uphold the termination. The coverage shall remain in effect until the conclusion of the review. If either the insured or insurer is aggrieved by the order, the commissioner may, in his discretion, and for cause shown, hold a hearing. The coverage will continue during the

pendency of the hearing only when the initial review by the department ordered reinstatement of coverage.

Amend Sec. 1, page 15, lines 22 through 30; page 16, lines 1 through 6, by striking out all of said lines on said pages

Amend Sec. 1 (Sec. 7315), page 16, line 7, by striking out "7315" and inserting

7313

Amend Sec. 1 (Sec. 7316), page 16, line 18, by striking out "7316" and inserting

7314

Amend Sec. 1 (Sec. 7317), page 17, line 4, by striking out "7317" and inserting

7315

Amend Sec. 1 (Sec. 7318), page 17, line 15, by striking out "7318" and inserting

7316

Amend Sec. 1 (Sec. 7318), page 17, lines 23 through 25, by striking out "the cost of the premium to obtain other comparable" in line 23, all of lines 24 and 25 and inserting

\$5,000.

On the question,

Will the House agree to the amendments?

The SPEAKER. The gentleman, Mr. Kukovich, is recognized on the amendment.

Mr. KUKOVICH. Thank you, Mr. Speaker.

This is an amendment that the Insurance Department wanted placed in the bill so that there would be an adequate review procedure for individuals who might appeal on the basis they were canceled unfairly. It was a compromise that was worked out with Blue Shield because they were concerned about the timeframe and delays. This will make sure that the appeals would not only be heard but be heard in a timely fashion.

I think this is a very noncontroversial amendment and would ask the members for an affirmative vote.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—199

Acosta	Farmer	Lloyd	Ryan
Adolph	Fee	Lucyk	Santoni
Allen	Fichter	Lynch	Sather
Argall	Fleagle	Maitland	Saurman
Armstrong	Freeman	Manderino	Saylor
Baker	Gamble	Markosek	Scheetz
Barley	Gannon	Marsico	Schuler
Battisto	Geist	Masland	Scrimenti
Bebko-Jones	George	Mayernik	Semmel
Belardi	Gerlach	McCall	Serafini
Bellanti	Gigliotti	McGeehan	Smith, B.
Birmelin	Gladeck	Melio	Smith, S. H.
Bishop	Godshall	Merry	Snyder, D. W.
Blaum	Gordner	Michlovic	Staback
Boyes	Gruitza	Micozzie	Stairs
Brown	Gruppo	Mihalich	Steelman
Bunt	Hafuska	Miller	Steighner
Bush	Hanna	Mundy	Stiel
Butkovitz	Harley	Murphy	Stern
Buxton	Hasay	Nailor	Stetler
Caftagirone	Heckler	Nickol	Stish
Cappabianca	Hennessey	Nyce	Strittmatter
Carn	Herman	O'Brien	Sturla

Carone	Hershey	O'Donnell	Surra
Cawley	Hess	Olasz	Tangretti
Cessar	Hughes	Oliver	Taylor, E. Z.
Chadwick	Hutchinson	Perzel	Taylor, J.
Civera	Itkin	Pesci	Thomas
Clark	Jadlowiec	Petrarca	Tigue
Clymer	James	Petrone	Tomlinson
Cohen, L. I.	Jarolin	Pettit	Trello
Cohen, M.	Josephs	Phillips	Trich
Colafella	Kaiser	Piccola	True
Colaizzo	Kasunic	Pistella	Tulli
Cornell	Keller	Pitts	Uliana
Corrigan	Kenney	Platts	Vance
Coy	King	Preston	Van Home
Curry	Kirkland	Raymond	Veon
Daley	Krebs	Reber	Vitali
DeLuca	Kukovich	Reinard	Waugh
Dempsey	LaGrotta	Richardson	Williams
Dent	Laub	Rieger	Wogan
Dermody	Laughlin	Ritter	Wozniak
Donatucci	Lawless	Roberts	Wright, D. R.
Druce	Lederer	Robinson	Wright, M. N.
Durham	Lee	Roebuck	Yandrisevits
Egolf	Leh	Rohrer	Yewcic
Evans	Lescovitz	Rooney	
Fairchild	Levdansky	Rubley	DeWeese,
Fajt	Linton	Rudy	Speaker
Fargo			

NAYS—0

NOT VOTING—2

McNally Zug

EXCUSED—2

Cowell Flick

The question was determined in the affirmative, and the amendments were agreed to.

On the question,

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

Mr. KUKOVICH offered the following amendments No. A2459:

Amend Sec. 1 (Sec. 7303), page 5, line 25, by inserting after "history"

, age or Medicare eligibility,

Amend Sec. 1 (Sec. 7310), page 14, by inserting between lines 15 and 16

(4) The group ceases to meet the size or participation requirements as specified in the group health insurance agreement.

On the question,

Will the House agree to the amendments?

The SPEAKER. The gentleman from Westmoreland is recognized on the amendment.

Mr. KUKOVICH. Thank you, Mr. Speaker.

There are two parts to this amendment. One adds age or medicare eligibility as two specific reasons why people could not be canceled whenever their group coverage has changed.

The second part is a section that deals with protecting an insurance policy group if it loses a certain size. The purpose is to try to maintain that skimming is not done and that low-risk individuals are not taken from a high-risk group. So it makes sure that the risk is shared within that group.

I would ask for an affirmative vote.

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

The following roll call was recorded:

YEAS—201

Acosta	Farmer	Lucyk	Santoni
Adolph	Fee	Lynch	Sather
Allen	Fichter	Maitland	Saurman
Argall	Fleagle	Manderino	Saylor
Armstrong	Freeman	Markosek	Schoetz
Baker	Gamble	Marsico	Schuler
Barley	Gannon	Masland	Scrimenti
Battisto	Geist	Mayernik	Semmel
Bebko-Jones	George	McCall	Serafini
Belardi	Gerlach	McGeehan	Smith, B.
Belfanti	Gigliotti	McNally	Smith, S. H.
Birmelin	Gladeck	Melio	Snyder, D. W.
Bishop	Godshall	Mery	Staback
Blaum	Gordner	Michlovic	Stairs
Boyes	Gruitza	Micozzie	Steelman
Brown	Gruppo	Mihalich	Steighner
Bunt	Haluska	Miller	Steil
Bush	Hanna	Mundy	Stern
Butkovitz	Harley	Murphy	Stetler
Buxton	Hasay	Nailor	Stish
Callagirono	Heckler	Nickol	Strittmatter
Cappabianca	Hennessey	Nyce	Sturla
Cam	Herman	O'Brien	Surra
Carone	Hershey	O'Donnell	Tangretti
Cawley	Hess	Olasz	Taylor, E. Z.
Cessar	Hughes	Oliver	Taylor, J.
Chadwick	Hutchinson	Pezzel	Thomas
Civera	Itkin	Pesci	Tigue
Clark	Jadlowiec	Petrarca	Tomlinson
Clymer	James	Petrone	Trello
Cohen, L. I.	Jarolin	Pettit	Trich
Cohen, M.	Josephs	Phillips	True
Colafella	Kaiser	Piccola	Tulli
Colaizzo	Kasunic	Pistella	Uliana
Cornell	Keller	Pitts	Vance
Corrigan	Kenney	Platts	Van Home
Coy	King	Preston	Veon
Curry	Kirkland	Raymond	Vitali
Daley	Krebs	Reber	Waugh
DeLuca	Kukovich	Reinard	Williams
Dempsey	LaGrotta	Richardson	Wogan
Dent	Laub	Rieger	Wozniak
Dermody	Laughlin	Ritter	Wright, D. R.
Donatucci	Lawless	Roberts	Wright, M. N.
Druce	Lederer	Robinson	Yandrisevits
Durham	Lee	Roebuck	Yewcic
Egolf	Leh	Rohrer	Zug
Evans	Lescovitz	Rooney	
Fairchild	Levdansky	Rublely	DeWeese,
Fajt	Linton	Rudy	Speaker
Fargo	Lloyd	Ryan	

NAYS—0

NOT VOTING—0

EXCUSED—2

Cowell Flick

The question was determined in the affirmative, and the amendments were agreed to.

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

The SPEAKER. The gentleman from Westmoreland is recognized for a third amendment, which the clerk will read.

Mr. KUKOVICH. Mr. Speaker, if I may make a statement.

I do not want to withdraw. I have three other amendments, but I do not want to withdraw them at this point. I would respectfully request that we go over them. They are amendments which I will withdraw if some other amendments do not go in. There are some amendments that will be offered — one by Representative Colaizzo on reinsurance — that if it goes in, if it is accepted, I will have to offer some other amendments. If it does not go in, I would like to be asked after that about those amendments, if I could.

The SPEAKER. The Chair understands the gentleman's request, and it will be honored.

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

Mr. GANNON offered the following amendments No. A2061:

Amend Sec. 1 (Sec. 7305), page 11, lines 16 through 19, by striking out "The" in line 16, and all of lines 17 through 19

Amend Sec. 1 (Sec. 7316), page 16, lines 18 through 30; page 17, lines 1 through 3, by striking out all of said lines on said pages

Amend Sec. 1 (Sec. 7317), page 17, line 4, by striking out "7317" and inserting

7316

Amend Sec. 1 (Sec. 7318), page 17, line 15, by striking out "7318" and inserting

7317

Amend Bill, page 17, by inserting between lines 25 and 26 Section 2. Any regulations promulgated under this act shall to the maximum extent provide for flexibility for the benefit of small business. Regulations promulgated under this act shall be subject to the act of 19 (P.L. , No.), known as the Regulatory Flexibility Act, or to any other similar statute hereafter enacted which provides for regulatory flexibility for small business.

Amend Sec. 2, page 17, line 26, by striking out "2" and inserting

3

Amend Sec. 3, page 18, line 1, by striking out "3" and inserting

4

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

The SPEAKER. The gentleman from Delaware is recognized on the amendment.

Mr. GANNON. Thank you, Mr. Speaker.

Mr. Speaker, the way the bill is presently drafted, it exempts any of the regulations that are adopted under the proposal from the Independent Regulatory Review Commission. What this amendment does is deletes that language and permits those regulations to be reviewed by the Independent Regulatory Review Commission. I do not know why the drafters of the bill would want to exempt something of this nature from regulatory review, because I think that is a very important process.

In addition to that, Mr. Speaker, it also places the proposal under a proposal that passed this House and may become law, and that is regulatory relief for the small business community. What the amendment says is, specifically, any regulations that are adopted will provide flexibility for the benefit of small business regulations which we passed in this House and now are over in the Senate. I think it is very important to protect our small business community, and that was the purpose of the bill that was passed by the House earlier this session, and hopefully, that will become law, and then this proposal would also be subject to those regulations.

The SPEAKER. Has the gentleman concluded his remarks?

Mr. GANNON. Thank you, Mr. Speaker. Yes.

The SPEAKER. The gentleman, Mr. Kukovich, is recognized.

Mr. KUKOVICH. Thank you, Mr. Speaker.

I am going to ask for a "no" vote. I have got a specific reason or two, and then there is something I am not sure I understand, which I think would cause a great deal of confusion, not only with this bill but with any future regulations relating to this issue.

It appears that part of what the amendment does is delete the subsection dealing with limits on premium increases entirely, and that means that the bill would then have no language limiting premium increases, which is part of the key consumer protections in the bill.

There is also a provision added that deals with promulgated regulations being subject to the Regulatory Flexibility Act. I am not aware of any such act. I do not believe it exists. I think it would cause a tremendous amount of confusion.

For a number of those reasons, I would ask for a negative vote.

PARLIAMENTARY INQUIRY

REQUEST TO DIVIDE AMENDMENTS

The SPEAKER. Mr. Gannon is recognized for the second time.

Mr. GANNON. Mr. Speaker, parliamentary inquiry.

The SPEAKER. This will not constitute a recognition; it is only an inquiry.

Mr. GANNON. Mr. Speaker, can the amendment be divided?

The SPEAKER. Where does the gentleman wish to make the division?

Mr. GANNON. Mr. Speaker, I would like to divide at the point which deals with the premium increases. What I want to

do, Mr. Speaker, is remove that language from the amendment that deals with the premium increase.

The SPEAKER. The Chair would respectfully request the gentleman to be specific vis-a-vis the lines and the sections that the gentleman is referring to. Is the gentleman referring—

Mr. GANNON. Mr. Speaker, beginning— It would be paragraph two, "Amend Sec. 1 (Sec. 7316),..." down to, it just says, "7317."

The SPEAKER. So the gentleman would request that from "Amend Sec. 1 (Sec. 7316),..." down through and including number "7317," that language would be divided out of the amendment?

Mr. GANNON. Yes, Mr. Speaker.

The SPEAKER. The Parliamentarian indicates to me that that is not divisible.

Mr. GANNON. Mr. Speaker, then could each one of those sections be divided where it amends separate lines of the bill?

The SPEAKER. Will the gentleman approach the Speaker's rostrum, please?

(Conference held at Speaker's podium.)

AMENDMENTS DIVIDED

The SPEAKER. After reconsideration, the Chair has shared with the gentleman from Delaware County that his request is appropriate and that this amendment is divisible.

The amendment will be divided into part A and part B. Part A of amendment A2061 will consist of the first two lines and then the rest of the amendment beginning at "Amend Bill, page 17, by inserting between lines 25 and 26." This is approximately one-half way down the page.

Part B of the amendment will be the third line down from the top, "Amend Sec. 1 (Sec. 7316), page 16,..." all the way down through and including the number "7317." That will be part B.

It is the intention of the gentleman, Mr. Gannon, to eliminate part B, which would be "Amend Sec. 1 (Sec. 7316),..." down through and including the number "7317."

Have I stated that correctly, Mr. Gannon?

Mr. GANNON. Yes, Mr. Speaker.

On the question,

Will the House agree to part A of the amendments?

The SPEAKER. Mr. Gannon is recognized for the second time on the amendment.

Mr. GANNON. Thank you, Mr. Speaker.

To explain exactly what has been done here, Representative Kukovich brought to the attention of the House that a portion of this amendment put a limitation on controlling premiums, and what I have done is, I have taken that language out so that now the original language of the bill stays intact so far as a limitation on premium increases is concerned. What I have done is left back in the bill language so that there would be regulatory review of any regulations developed in connection with this bill, both by the Independent Regulatory Review

Commission and also regulations that would affect the small business community under a proposal that may become law.

Representative Kukovich is correct. This is not law now. But I did put that language in there, because that bill has passed the House; it may become law, and I think we have to be very mindful of the importance of regulatory relief to the small business community.

I would ask for a positive, a "yes" vote on part A of this amendment. Thank you, Mr. Speaker.

The SPEAKER. Does the gentleman, Mr. Kukovich, seek recognition for the second time?

Mr. KUKOVICH. Mr. Speaker, I think I understand what the nature of the amendment now is. It does address part of my problem.

However, I do have a problem with trying to go along with language that refers to an act that does not yet exist. I think that could cause some serious problems down the road if this bill would pass, another bill would not. I think the Insurance Department would have serious problems with that.

I have no problem with working on this issue with the Representative in the future, but at this point I would have to continue to ask for a negative vote on that divided part.

On the question recurring,
Will the House agree to part A of the amendments?

The following roll call was recorded:

YEAS—97

Adolph	Farmer	Lynch	Saurman
Allen	Fichter	Maitland	Saylor
Argall	Fleagle	Marsico	Scheetz
Armstrong	Gannon	Masland	Schuler
Baker	Geist	Merry	Semmel
Barley	Gerlach	Micozzie	Serafini
Birmelin	Gladeck	Miller	Smith, B.
Boyes	Godshall	Nailor	Smith, S. H.
Brown	Gruppo	Nickol	Snyder, D. W.
Bunt	Harley	Nyce	Stairs
Bush	Hasay	O'Brien	Steil
Cessar	Heckler	Perzel	Stern
Chadwick	Hennessey	Pettit	Strittmatter
Civera	Herman	Phillips	Taylor, E. Z.
Clark	Hershey	Piccola	Taylor, J.
Clymer	Hess	Pitts	Tomlinson
Cohen, L. I.	Hutchinson	Platts	True
Cornell	Jadlowiec	Raymond	Tulli
Dempsey	Kenney	Reber	Uliana
Dent	King	Reinard	Vance
Druce	Laub	Rohrer	Waugh
Durham	Lawless	Rubley	Wogan
Egolf	Lee	Ryan	Wright, M. N.
Fairchild	Leh	Sather	Zug
Fargo			

NAYS—103

Acosta	Freeman	Lucyk	Rudy
Battisto	Gamble	Manderino	Santoni
Bebko-Jones	George	Markosek	Scrimenti
Belardi	Gigliotti	Mayernik	Staback
Belfanti	Gordner	McCall	Steelman
Bishop	Gruitza	McGeehan	Steighner
Blaum	Haluska	McNally	Stetler
Butkovitz	Hanna	Melio	Stish

Buxton	Hughes	Michlovic	Sturla
Callagirono	Itkin	Mihalich	Surra
Cappabianca	James	Mundy	Tangretti
Carn	Jarolin	Murphy	Thomas
Carone	Josephs	O'Donnell	Tigue
Cawley	Kaiser	Olasz	Trello
Cohen, M.	Kasunic	Oliver	Trich
Colafella	Keller	Pesci	Van Horne
Colaizzo	Kirkland	Petrarca	Veon
Corrigan	Krebs	Petrone	Vitali
Coy	Kukovich	Pistella	Williams
Curry	LaGrotta	Richardson	Wozniak
Daley	Laughlin	Rieger	Wright, D. R.
DeLuca	Lederer	Ritter	Yandrisevits
Dermody	Lescovitz	Roberts	Yewcic
Donatucci	Levdansky	Robinson	
Evans	Linton	Roebuck	DeWeese,
Fajt	Lloyd	Rooney	Speaker
Fee			

NOT VOTING—1

Preston

EXCUSED—2

Cowell

Flick

The question was determined in the negative, and part A of the amendments was not agreed to.

PART B OF AMENDMENTS WITHDRAWN

The SPEAKER. The gentleman, Mr. Gannon, hereby withdraws part B of amendment A2061.

On the question recurring,

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

Mr. GANNON offered the following amendments No. A1833:

Amend Title, page 1, line 12, by removing the period after "groups" and inserting

; providing for affordable health care for employees of small businesses; providing for a tax credit; and providing penalties.

Amend Chapter Analysis, page 1, by inserting after line 20 75. Affordable Health Care

Amend Sec. 1, page 17, by inserting between lines 25 and 26

CHAPTER 75
AFFORDABLE HEALTH CARE

Subchapter

- A. General Provisions
- B. Health Insurance Policies
- C. Miscellaneous Provisions

SUBCHAPTER A
GENERAL PROVISIONS

Sec.

7501. Short title of chapter.

7502. Declaration of policy.

7503. Definitions.

§ 7501. Short title of chapter.

This chapter shall be known and may be cited as the Affordable Insurance Measure for Small Business Employees and Their Families Act.

§ 7502. Declaration of policy.

The General Assembly finds and declares as follows:

(1) The cost of health insurance coverage is not affordable for many small businesses, their employees, self-employed persons and other individuals.

(2) As a result, almost 1,000,000 Commonwealth citizens do not have any health insurance coverage.

(3) The cost of health insurance should be reduced for these citizens by:

(i) authorizing the development of new classes of hospital and medical insurance coverage for qualified groups, families and individuals; and

(ii) authorizing the department to develop means to assist in limiting the marketing and administrative costs of certain new classes of insurance coverage.

§ 7503. Definitions.

The following words and phrases when used in this chapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Ambulatory surgical facility." A facility not located on the premises of a hospital which provides outpatient surgical treatment. The term does not include individual or group practice offices or private physicians or dentists, unless the offices have a distinct part used solely for outpatient surgical treatment on a regular and organized basis.

"Case characteristics." Demographic and other relevant characteristics that are considered by the insurer in the determination of premium rates for a small employer. The term excludes claims experienced, health status and duration of coverage since date of issue.

"Commissioner." The Insurance Commissioner of the Commonwealth.

"Department." The Insurance Department of the Commonwealth.

"Employee." An individual who works a minimum of 30 hours a week for an employer in return for compensation.

"Employer." A business which, during the immediately preceding calendar year, employed not more than 20 employees who were eligible for coverage under a small business health care benefit plan on at least 50% of the work days of the business.

"Health care supplier." An entity which is organized for the purpose of arranging for the provision of health care services, including, but not limited to, inpatient, outpatient, primary and specialty physician services, diagnostic and emergency care and home health care.

"Hospital." An institution having an organized medical staff which is engaged primarily in providing to inpatients, by or under the supervision of physicians, diagnostic and therapeutic services for the care of persons who are injured, disabled, pregnant, diseased, sick or mentally ill. The term includes facilities for the diagnosis and treatment of disorders within the scope of specific medical specialties, including facilities which provide care and treatment exclusively for persons who are mentally ill and drug or alcohol inpatient detoxification or rehabilitative care.

"Inequitable or inappropriate treatment." Treatment that does not meet the generally accepted medical standard of care within the community where the health care services are provided.

"Insured." Any individual or group insured under a low-cost comprehensive health insurance policy or a small business health care benefit plan.

"Insurer." An insurer, health maintenance organization, fraternal benefit society, hospital plan, health services plan corporation or health care supplier offering a low-cost comprehensive health insurance policy or a small business health care benefit plan.

"Intermediate care." Intensive day care treatment for the mentally ill provided in a State-licensed or State-approved facility or intensive, skilled and intermediate nursing home care provided in a State-licensed or State-approved facility.

"Low-cost comprehensive health insurance policy." A policy or subscription contract which an insurer may choose to offer to a qualified individual, qualified family or qualified group.

"Outpatient hospital care." Surgery, anesthesia, pre-admission testing, diagnostic X-rays and diagnostic medical and

laboratory services provided in a hospital or in an ambulatory surgical facility.

"Permitted coverage." Health or hospitalization insurance coverage under this chapter, Medicaid, Medicare or the Consolidated Omnibus Budget Reconciliation Act of 1985 (Public Law 99-272, 100 Stat. 82).

"Qualified family." Individuals who are qualified individuals and who are related to each other by blood, marriage or adoption.

"Qualified group." A group in which each covered individual or covered dependent within the group is a qualified individual. The term includes less than all employees of an employer. The term excludes a qualified purchasing group.

"Qualified individual." An individual who is employed in or is a resident of this Commonwealth and who has been without health insurance coverage, other than permitted coverage. The term includes a child newborn to or adopted by an insured after the effective date of a low-cost comprehensive health insurance policy issued to the insured which covers the insured and members of the insured's family.

"Qualified purchasing group." A group organized under section 7522 (relating to qualified purchasing groups).

"Similar plans." Plans which do not materially differ from one another in any of the following respects:

- (1) The set of services covered.
 - (2) Utilization management provisions.
 - (3) Managed-care network provisions.
 - (4) The criteria used by the insurer in underwriting coverage under a plan where variations in the criteria may reasonably be expected to produce substantial variation in the claims costs incurred under the plan.
- "Small business health care benefit plan."

(1) Except as provided in paragraph (2), any of the following:

- (i) Any health, sickness or accident insurance policy providing hospital, medical or surgical coverage for sole proprietorships or employers.
- (ii) A policy which is a subscriber contract or certificate issued by an insurer to provide hospital, medical or surgical coverage for sole proprietorships or employers.
- (iii) A subscriber contract or certificate which is issued by an entity to provide hospital, medical or surgical coverage for employers and which is subject to:
 - (A) section 630 of the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921;
 - (B) the act of December 29, 1972 (P.L.1701, No.364), known as the Health Maintenance Organization Act;
 - (C) the act of July 29, 1977 (P.L.105, No.38), known as the Fraternal Benefit Society Code;
 - (D) 40 Pa.C.S. Ch. 61 (relating to hospital plan corporations); or
 - (E) 40 Pa.C.S. Ch. 63 (relating to professional health services plan corporations).

(2) The term excludes all of the following:

- (i) Accident-only coverage.
- (ii) Fixed indemnity coverage.
- (iii) Low-cost comprehensive health insurance policies.
- (iv) Credit insurance.
- (v) Medicare supplements.
- (vi) Disability income insurance.
- (vii) Coverage issued as a supplement to liability insurance.
- (viii) Worker's compensation or similar insurance.
- (ix) Automobile medical payment insurance.

HEALTH INSURANCE POLICIES

Sec.

7521. Issuance of low-cost comprehensive health insurance policies permitted.

7522. Qualified purchasing groups.

7523. Coverage.

7524. Notice and payroll deduction.

7525. Discretionary managed-care provisions.

7526. Responsibility of insured.

7527. Disclosure.

7528. Filing and approval.

7529. Tax credit.

§ 7521. Issuance of low-cost comprehensive health insurance policies permitted.

(a) General rule.—Insurers are authorized to issue low-cost comprehensive health insurance policies to qualified individuals, qualified families, qualified groups and qualified purchasing groups.

(b) Prohibition.—An employer is prohibited from canceling a health care policy or subscriber contract for a low-cost comprehensive health insurance policy.

§ 7522. Qualified purchasing groups.

Solely for purposes of obtaining a low-cost comprehensive health insurance policy or a small business health care benefit plan, qualified purchasing groups may be formed, composed of qualified individuals, qualified families or qualified groups. Each qualified purchasing group may serve as a master policyholder. Members of qualified groups and members of qualified purchasing groups may join together solely for the purpose of obtaining health insurance coverage under this chapter. Qualified purchasing groups shall not require a health screening for membership nor require any other unreasonable barriers to membership.

§ 7523. Coverage.

(a) Required.—Low-cost comprehensive health insurance policies offered must provide the following:

(1) Thirty days of inpatient hospital surgical and medical coverage and outpatient hospital care coverage per policy year. Intermediate care coverage may be substituted for inpatient hospital care on a four-days-for-each-inpatient-day basis, and home health care may be substituted on a seven-days-for-each-inpatient-day basis.

(2) Coverage for at least four office visits per year for primary care, including prenatal and postnatal maternal care and well-baby care for covered services rendered by a licensed provider.

(3) Coverage for one mammogram screening per year for females 40 years of age or older and coverage for all medically necessary mammograms.

(4) Medically necessary child immunizations.

(5) Annual, lifetime or other benefit limits in amounts established by the department but which initially shall be not less than \$100,000 as an annual benefit and \$250,000 as a lifetime benefit.

(6) A waiting period as established by the department for transferring from a low-cost comprehensive health insurance policy issued to a qualified individual or qualified family by one insurer to a low-cost comprehensive health insurance policy issued to a qualified individual or qualified family by another insurer.

(7) If the policy covers the insured and members of the insured's family, coverage for newborn children of the insured from the moment of birth and coverage for adopted newborn children and for other adopted children, with prior coverage from the date of the interlocutory decree of adoption. The insurer may require that the insured give notice to its insurer of any newborn child within 90 days following the birth of the newborn child and of any adopted child within 60 days of the date the insured has filed a petition to adopt. The coverage of newborn children or adopted children must not be less than coverage provided for other members of the insured's family.

(8) Such provisions as the department may require for an annual or other deductible or equivalent; patient

copayments, including a differential, for nonpreferred providers; annual stop loss amounts; conversion; replacement of prior carrier's coverage; and exclusionary period for preexisting conditions.

(b) Additional offerings.—In a low-cost comprehensive health insurance policy, the insurer may offer for purchase, individually or in combination, all of the following:

(1) Coverage for additional prenatal care, including one prenatal office visit per month during the first two trimesters of pregnancy, two office visits per month during the seventh and eighth months of pregnancy and one office visit per week during the ninth month until term. Coverage for each visit may include necessary and appropriate screening, including history, physical examination and laboratory and diagnostic procedures deemed appropriate by the physician and based upon recognized medical criteria for the risk group of which the patient is a member. Coverage for each office visit may also include prenatal counseling as the physician deems appropriate.

(2) Coverage for obstetrical care, including physicians' services, delivery room and other medically necessary hospital services and services performed by licensed, certified midwives.

(3) Coverage for additional inpatient and outpatient psychiatric treatment and rehabilitative services.

(4) Coverage for cancer chemotherapy and cancer hormone treatments and services.

(5) Benefits for drug and alcohol abuse and dependency.

(6) Coverage for osteopathic services.

(7) Dental coverage.

(8) Pharmaceutical coverage.

(9) Coverage for podiatric services.

(10) Coverage for psychologist services.

(11) Coverage for optometric services.

(12) Coverage for chiropractic services.

(13) Coverage for physical therapist services.

(14) Coverage for services of clinical laboratory professionals.

(15) Coverage for services of certified registered nurses, certified registered nurse practitioners, certified enterostomal therapy nurses, certified community health nurses, certified psychiatric mental health nurses and certified clinical nurse specialists acting within the scope of their license.

(16) Coverage for medical rehabilitation services.

(c) Discretion of department.—The department shall consider the cost impact and essential nature of each of the provisions in subsections (a) and (b), and the competitive impact of the requirements and may, by regulation, waive required coverage and establish alternative benefit methods to encourage participation of insurers, employers and employees in a manner consistent with meeting the goal of providing basic health services at an affordable price accessible to those eligible for coverage under this chapter.

(d) Refusals.—

(1) No insurer may refuse to provide coverage to a new employee who was previously insured, who on the date of employment would be eligible for coverage and who on the date of employment had prior coverage which did not lapse for more than 60 consecutive days during the prior 12-month period. Nothing in this paragraph shall require an insurer to provide benefits greater than those provided to a person insured as a standard risk under a small business health care benefit plan, or a low-cost comprehensive health insurance policy greater than those provided under the employee's prior coverage.

(2) For occupations, no insurer may refuse to offer coverage solely because of the nature of the employer's business. An insurer may charge an additional premium based on the nature of the employer's business, but the total premium may not exceed 150% of the lowest premium which would be charged to that employer under section

711(b) without regard to the nature of the employer's business.

(c) Nonrenewables.—No insurer may nonrenew a low-cost comprehensive health insurance policy or a small business health care benefit plan except for any of the following reasons:

(1) Nonpayment of required premium.

(2) Fraud or misrepresentation related to an attempt to collect benefits by an individual covered by a qualified individual, qualified family, qualified group or qualified purchasing group low-cost comprehensive health insurance policy. In case of a qualified group or qualified purchasing group, the nonrenewal shall apply only to the individual and any person covered as a spouse or dependent of the individual.

(3) Noncompliance with the provisions of the policy or plan, including provisions regarding minimum numbers of or percentages of insureds.

(4) Nonrenewal with respect to all individuals, groups and purchasing groups within this Commonwealth for whom coverage is provided under similar policies.

(f) Exemption.—A low-cost comprehensive health insurance policy may be issued without the provision of the benefits or requirements mandated by Article VI-A of the act of May 17, 1921 (P.L. 682, No. 284), known as The Insurance Company Law of 1921, or by regulations promulgated under that act.

(g) Continuation.—A small business health care benefit plan and a low-cost comprehensive health insurance policy must provide for continuation of coverage for any person who has been continuously covered for at least 90 days under a small business health care benefit plan and who thereafter loses coverage by reason of termination of employment, reduction of hours, divorce, attainment of an age specified in the plan, cancellation of the policy by the employer or nonrenewal due to failure to pay required premiums, unless, within 31 days of cancellation or nonrenewal, the employer provides the person medical, surgical or hospital care or benefit coverage or unless nonrenewal is for the reason set forth in subsection (e)(4). The provisions must require the insured to make a written request to the insurer within 31 days of loss of coverage. The premium for any given period must not exceed 135% of the rate that would have been charged with respect to that person had the person been covered as the employee under the policy during the same period. When the policy under which the person was covered has been canceled or nonrenewed, the rates must be based on the rate which would have been charged to the person had the policy continued in force, as determined by the insurer in accordance with standard actuarial principles.

§ 7524. Notice and payroll deduction.

(a) Notice.—An employer that does not provide a portion of the cost of health insurance for employees shall provide notice to employees of the existence of the low-cost comprehensive health insurance policy. Notice shall be in a form prepared by the department and may be provided to employees by posting at the place of employment or in any other reasonable manner.

(b) Payroll deduction.—An insured may provide written request to the insured's employer to withhold the amount of premium on a low-cost comprehensive health insurance policy from the insured's pay, along with written instructions for remittance of the premium. Upon request under this subsection, the employer shall withhold the premium and remit the premium payment to the insurer. This subsection shall not apply if the employer would be required to make remittances to more than two different insurers. No employer required to make a remittance of a premium under this subsection is required to make remittances more often than once per month. The Department of Labor and Industry, in cooperation with the department, shall provide a copy of the form of notice under this subsection.

§ 7525. Discretionary managed-care provisions.

The insurer may include any of the following managed-care provisions to control the cost of a low-cost comprehensive health insurance policy in a manner which does not result in inequitable or inappropriate treatment of an insured under this chapter:

(1) An exclusion for services that are not medically necessary.

(2) A procedure for preauthorization by telephone, to be confirmed in writing, by the insurer of any medical service the cost of which is anticipated to exceed a minimum threshold, except for services necessary to treat a medical emergency.

(3) A preferred panel of providers who have entered into written agreements either directly with the insurer or through an intermediary-prepared provider organization to provide services at specified levels of reimbursement. A written agreement under this paragraph must contain a provision under which the parties agree that the insured will have no obligation to make payment for any medical service rendered by the provider that is determined not to be medically necessary.

(4) A provision under which an insured who obtains medical services from a nonpreferred provider shall receive reimbursement only in the amount that would have been received had services been rendered by a preferred provider, less a differential, in an amount to be approved by the department.

(5) Other managed-care and cost-control provisions which, subject to the approval of the Department of Health, have the potential to control costs.

§ 7526. Responsibility of insured.

Except as provided in section 7525(3) (relating to discretionary managed-care provisions), nothing in this chapter shall affect the obligation of an insured to pay for medical services rendered to the insured which are not covered by a low-cost comprehensive health insurance policy or a small business health care benefit plan.

§ 7527. Disclosure.

(a) Insured.—

(1) Before an insurer issues a low-cost comprehensive health insurance policy, it must obtain from the prospective insured a signed written statement, in a form approved by the department, in which the prospective insured does all of the following:

(i) Certifies as to eligibility for coverage under the low-cost comprehensive health insurance policy.

(ii) Acknowledges the nature of the coverage provided and an understanding of the managed-care and cost-control features of the low-cost comprehensive health insurance policy.

(iii) Acknowledges that, if misrepresentations are made regarding the insured's eligibility for coverage under a low-cost comprehensive health insurance policy, the person making the misrepresentation and any person covered as a spouse or dependent shall forfeit coverage provided by the low-cost comprehensive health insurance policy.

(iv) Acknowledges that the prospective insured, at the time of application for the low-cost comprehensive health insurance policy, was offered the opportunity to purchase health insurance coverage which would have included all mandated benefits or mandated optional benefits required by the laws of this Commonwealth and that the prospective insured rejected such coverage.

(2) A copy of the statement under paragraph (1) shall be provided to the prospective insured at the time of low-cost comprehensive health insurance policy delivery, and the original of such written statement shall be retained by the insurer for the longer of the period of time in which the low-cost comprehensive health insurance policy remains in effect or five years.

(b) Insurer.—Before an insurer issues a low-cost comprehensive health insurance policy, the insurer shall provide the insured with a written disclosure statement containing information the department requires, in a form approved by the department. The disclosure statement shall be separate from the insurance policy

or evidence of coverage provided to the insured. The disclosure statement shall contain at least the following information:

(1) An explanation of those mandated benefits or mandated optional benefits not covered by the low-cost comprehensive health insurance policy but which would otherwise be required to be provided under the laws of this Commonwealth.

(2) An explanation of the managed-care and cost-control features of the low-cost comprehensive health insurance policy, appropriate mailing addresses and telephone numbers to be utilized by the insured in seeking information or authorization, a list of any preferred providers then contracting with the insurer and an explanation of the obligations of the providers and the insured with regard to services determined not to be medically necessary.

(3) An explanation of the primary and preventive care features of the low-cost comprehensive health insurance policy.

(c) Misrepresentation.—A material statement made by an applicant for coverage under a low-cost comprehensive health insurance policy or a small business health care benefit plan which falsely certifies as to the applicant's eligibility for coverage under a low-cost comprehensive health insurance policy shall serve as the basis for termination of coverage under the policy. § 7528. Filing and approval.

(a) Forms.—All forms, including applications, enrollment forms, policies, certificates, evidences of coverage, riders, amendments, endorsements, disclosure forms and marketing communications, used in connection with the sale or advertisement of a low-cost comprehensive health insurance policy or a small business health care benefit plan must be submitted to the department for approval in accordance with applicable statutes and regulations.

(b) Rates.—

(1) Except as provided in paragraph (2), the premiums charged for small business health care benefit plans or for low-cost comprehensive health insurance policies shall be the same for all insureds with similar case characteristics.

(2) Any other provision of this act or any other law of this Commonwealth to the contrary notwithstanding, an insurer may charge an additional premium for a small business health care benefit plan or for a low-cost comprehensive health insurance policy based upon the claim experience of the insured, the health of individuals covered under the plan or policy and the duration of coverage. If an additional premium is charged under this paragraph, the total premium for the plan or policy may not exceed 150% of the lowest premium charged by the insurer to insureds with similar case characteristics but without the same claim experience, health of covered individuals and duration of coverage.

(3) Subject to the limitations set forth in paragraphs (1) and (2), the percentage increase in the premium rate charged to a small employer may not exceed the sum of:

(i) the percentage change in the new business premium rate for employers with similar case characteristics as measured between the first day of the calendar year in which the new rates take effect and the first day of the prior calendar year; plus

(ii) an adjustment not to exceed 15% annually based on claims experience, health status or duration of coverage; plus

(iii) any adjustment due to changes in the coverage provided or changes in the case characteristics of the employer.

(4) A small business health care benefit plan or low-cost comprehensive health insurance policy may establish a community-rated premium for all employers qualified under this chapter which differs from the community rate offered to employers which are not qualified under this chapter.

(c) Policy comparison.—The department may require that, as to each low-cost comprehensive health insurance policy approved, the insurer provide a statement of the portion of the rate or

premium applicable to the low-cost comprehensive health insurance policy coverage required by this chapter and such other information as the department may require so that prospective purchasers of policies may have an ability to make a direct comparison of the cost of the benefits within policies of the same class issued by different insurers. The department may include rate comparison or other cost information in the form of a notice, which may be provided by the department to employers.

(d) Presumption.—An insurer who raises rates after the effective date of this subsection shall be presumed to be evading the rate limitation provisions of this chapter. Such a rate increase shall be invalid. This subsection shall expire in 180 days.

§ 7529. Tax credit.

(a) Employees.—An individual who purchases a low-cost comprehensive health insurance policy or a small business health care benefit plan is entitled to a credit against the tax imposed by Article III of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, in the amount of 2.8% of the premium of the policy. This credit shall apply whether the premium is paid directly to the insurer or indirectly through a contribution to an employer. An individual who pays into a health and welfare fund of a labor organization to purchase health care insurance shall also be entitled to a credit against the tax imposed by Article III of the Tax Reform Code of 1971, in the amount of 2.8% of the payment made into the fund of the organization.

(b) Employers.—An employer who purchases a low-cost comprehensive health insurance policy or a small business health care benefit plan for its employees is entitled to a tax credit as follows:

(1) The credit shall be in the amount of 2.8% of the tax imposed by Article III of the Tax Reform Code of 1971, if the employer is a sole proprietorship, a partnership or an unincorporated association. In the case of a partnership or unincorporated association, the credit shall be divided among the members in proportion to their ownership interests.

(2) The tax credit shall be in the amount of 8.5% of the tax imposed by Article IV of the Tax Reform Code of 1971, if the employer is a corporation.

SUBCHAPTER C MISCELLANEOUS PROVISIONS

Sec.

7541. Records and reports.

7542. Regulations.

7543. Jurisdiction over providers of health care benefits.

7544. Penalties.

7545. Report.

§ 7541. Records and reports.

(a) Records.—An insurer issuing or renewing a low-cost comprehensive health insurance policy or a small business health care benefit plan in this Commonwealth shall maintain separate records of enrollment, claim costs, premium income, utilization and other information as required by the department.

(b) Reports.—An insurer providing a low-cost comprehensive health insurance policy shall furnish an annual report to the department in a form prescribed by the department. The report shall contain information the department requires to analyze the effect of insurance coverage issued under this chapter. The annual report shall be in a form consistent with the forms adopted by the National Association of Insurance Commissioners.

§ 7542. Regulations.

The department may promulgate regulations to administer this chapter. Regulations shall be consistent with the "Group Coverage Discontinuance and Replacement Model Regulation" of the Model Regulation Service (January 1990).

§ 7543. Jurisdiction over providers of health care benefits.

(a) General rule.—Notwithstanding any other provision of law, and except as provided in this section, any person or other entity which provides benefits in this Commonwealth for medical, surgical, chiropractic, physical therapy, speech pathology, audiology, professional mental health, dental, hospital or optometric expenses, whether the benefits are provided by direct payment, reimbursement or otherwise, shall comply with the requirements

of this chapter, unless the person or other entity shows that, while providing those services, it is subject to the jurisdiction of another agency of the Commonwealth, any subdivisions thereof, or the Federal Government with respect to financial solvency.

(b) Procedure.—A person or entity may show that it is subject to the jurisdiction of another agency of the Commonwealth, or any subdivision thereof, or of the Federal Government, by providing to the commissioner the appropriate certificate, license or other document issued by the other governmental agency which permits or qualifies it to provide those services. Such certificate, license or other document may constitute evidence that a person or entity is subject to the jurisdiction of another agency of the Commonwealth, or any subdivision thereof, or of the Federal Government, but such evidence is subject to rebuttal. A Department of Labor letter concerning an entity's purported status under the Employee Retirement Income Security Act of 1974 (Public Law 93-406, 88 Stat. 829) is not a certificate, license or other document, within the meaning of this section which permits or qualifies an entity to provide services.

(c) Examination.—Any person or entity which is unable to show under subsection (b) that it is subject to the jurisdiction of another agency of the Commonwealth or any subdivision thereof, or the Federal Government, shall submit to an examination by the commissioner to determine the organization and solvency of the person or the entity, and to determine whether or not the person or entity complies with the applicable provisions of law. The person or entity examined shall be responsible for the department's examination expenses to the same extent as a licensed insurance company would be responsible, if the person or entity is found to be subject to the requirements of this chapter.

(d) Conduct of business.—Any person or entity unable to show that it is subject to the jurisdiction of another agency of the Commonwealth, or any subdivision thereof, or of the Federal Government, shall be subject to all appropriate provisions of law regarding the conduct of its business.

(e) Notice.—Any person, entity, agent or administrator which advertises, sells, transacts or administers in this Commonwealth the benefits described in subsection (a), and which is required to submit to an examination by the commissioner under subsection (c), shall, if the benefits are not fully insured or otherwise fully covered by any insurer licensed to do the business of insurance in this Commonwealth, nonprofit hospital service plan or nonprofit health care plan, give notice to every purchaser, prospective purchaser and covered person of the lack of insurance or other coverage and lack of State insurance insolvency guaranty funds protection.

(f) Additional notice.—Any administrator which advertises or administers in this Commonwealth the benefits described in subsection (a), and which is required to submit to an examination by the commissioner under subsection (c), shall give notice to any person or agent, as described in subsection (e), of the elements of the coverage, including, but not limited to, the amount of "stop-loss" insurance in effect and lack of State insurance insolvency guaranty funds protection.

(g) Size of notice.—The notice described in subsections (e) and (f) shall be in ten-point type on any solicitation, application, description of benefits, renewal form or any other form provided to any person covered by a person or entity described in subsection (a).

(h) Penalties.—Upon satisfactory evidence of the violation of any of the provisions of this section, the commissioner may, in his discretion, pursue any one or more of the following courses of action, regardless of whether the person, entity, agent, solicitor, broker or company is licensed or not licensed by the commissioner:

(1) Suspend or revoke or refuse to renew the license of the offending party or parties.

(2) Impose a civil penalty of not more than \$1,000 for each violation under this chapter by the party or parties. § 7544. Penalties.

(a) General rule.—Whenever the commissioner believes, from evidence satisfactory to him, that any insurance company, association, or exchange is doing an insurance business within this

Commonwealth in violation of any provision of this chapter or any order or requirement of the commissioner issued or promulgated pursuant to authority expressly granted the commissioner by any provision of this or any other act, or is about to violate any such provision, order, or requirement, the commissioner may, in his discretion, take against the offending party or parties any one or more of the following courses of action:

(1) Revoke the certificate of authority of the offending company, association or exchange.

(2) Refuse to renew the certificate of authority of the offending company, association or exchange.

This remedy is in addition to any other remedy provided by this chapter or any other act.

(b) Notice.—Before the commissioner shall take any action under this section, he shall give written notice to the person, company, association or exchange accused of a violation, stating specifically the nature of the alleged violation and fixing a time and place, at least ten days thereafter, when a hearing before the commissioner regarding the matter shall be held.

§ 7545. Report.

On January 3, 1996, the department shall submit a report on the implementation of this chapter to the Secretary of the Senate and the Chief Clerk of the House of Representatives.

On the question,

Will the House agree to the amendments?

The SPEAKER. The gentleman, Mr. Gannon, is recognized.

Mr. GANNON. Thank you, Mr. Speaker.

Mr. Speaker, this amendment puts in place a mechanism for affordable health insurance for small businesses. It particularly focuses on those businesses with 20 or less employees.

One of the major problems that we have in this Commonwealth and across this country are the working uninsured, and these are people who are working whose employers are not providing any health care benefits, principally because of the high cost, both to the employer and to the employees. This proposal will help to eliminate that problem, particularly for those folks who are working and do not have health insurance.

What we have done, Mr. Speaker, is carefully molded a proposal that provides comprehensive health care benefits at a modest cost. Now, what types of benefits are we providing? We are providing inpatient hospital care; we are providing visits to the doctor's office; we are providing intermediate care, including outpatient care for the mentally ill; we are including some nursing home care; we are including home health care; we are including mammogram screening, and we are also including payment for child immunizations.

Now, who is covered under this proposal? It covers the employer and the employee, the spouse of the employee, and the children, including newborns and adopted children, and newborns at the moment of birth. We are also including some optional coverages that an employer can obtain for himself and his or her employees. This covers for drug and alcohol abuse, obstetrical care, additional inpatient and outpatient coverage for psychiatric and rehabilitative services, osteopathic services, pharmaceutical coverage, psychological services, optometric services, physical therapy services, and even services from a clinical laboratory.

We put some limitations in here, Mr. Speaker, also to control the cost and make certain that there is coverage

available to those employees and employers who need it and want it. We put limitations on the refusal to cover an employee whose coverage has lapsed; we put in limitations on a refusal to cover because of the occupation of an employee; and we put in limitations on the reasons that an insurance company can nonrenew, and that is only for the nonpayment of premium.

We have also provided for a mechanism for continuations of coverage, Mr. Speaker. In the small business community, employees tend to move around a lot, and what we have said is, when they move around from one employer to the other, they should have the right to take their insurance coverage with them, and sometimes, unfortunately, there is a time gap between employers and the employee loses his coverage simply because he is no longer employed and he is not getting that benefit. Where that takes place, we have provided that that employee can pick up his coverage with the new employer and does not have to worry about whether or not he developed any kind of preexisting condition. That coverage will be picked up automatically.

We have also provided that the insurer must now give full disclosure to that employee and employer as to exactly what type of coverage he is getting and what he is paying for, and finally, we have insisted that that insurance company do a comparison of the rates that that insurer is going to charge for the coverage compared to what the other rates would be charged.

Mr. Speaker, this is a fairly comprehensive proposal. I think it is a move in the right direction to providing health insurance for those people who are working and do not have insurance. It is going to bring a lot of folks into the insurance realm as far as being insured for their health care, and I urge a "yes" vote on the amendment. Thank you, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Kukovich, is recognized.

Mr. KUKOVICH. Mr. Speaker, to refresh the recollection of the members from last session and to the new members, similar amendments were offered by Representative Gannon to, if my memory serves me right, HB 20 of last session, which became the children's health care bill, and HB 536, which became the Childhood Immunization Act. The amendment failed both times.

I would refer members to a number of things that I brought up then. The New York Times, November 10, 1991, referred to this type of policy as "faltering for a lack of interest" in those States that actually did try it.

I would also refer members to a Federal General Accounting Office report, and I will read just one piece of that summary, that "Apparently, the elimination of mandated benefits has not lowered premiums enough to make a significant difference in affordability and the reduced-mandate plans generally include other restrictions that limit a plan's attractiveness to employers. Subsidies and tax credits,"—as included in this amendment—"likewise, have not been sizeable enough to encourage firms to offer" this kind of "health insurance." What we have seen in other States where they have attempted this is failure.

I would also suggest that if it would go into effect, it is going to deprive a lot of people, a lot of working people, of important health insurance coverage. If you look at the fiscal note regarding this amendment, it discusses some of the coverages that were excluded. Representative Gannon talked about some that were included, some that were excluded. These types of barebones policies simply have not sold in the States where they have been permitted.

The fiscal note has also addressed the possible cost, which could take anywhere from \$5 million to \$17 million out of State general revenues. So if you take a look at that fiscal note, you can see those numbers. You can see the kinds of coverage that would be eliminated.

I would also suggest that what we need to do here is try to address how we control costs, not simply reducing access. I would suggest that based on experiences in other States, this will not reduce costs. All it will do is reduce access.

What HB 733 does is provide a protection, a bill of rights for consumers of health insurance. This amendment will do nothing but a disservice to that concept, and I would ask, for the four or five reasons I just related, for the members to vote "no."

The SPEAKER. Representative Ritter is recognized on the amendment.

Ms. RITTER. Thank you, Mr. Speaker.

Regardless of whatever else is included in this amendment or not included, I want to draw your attention to something that is described by the maker of this amendment as an optional coverage but in fact would allow insurers to exclude, and that is prenatal care and obstetrical care, and I cannot believe that this House of Representatives would actually pass an amendment like this that would allow insurers to exclude coverage for prenatal and obstetrical care.

In conjunction with all the other reasons expressed by Mr. Kukovich, I would ask for a "no" vote.

The SPEAKER. The gentleman from Northampton, Mr. Uliana.

Mr. ULIANA. Mr. Speaker, I rise in support of the Gannon amendment.

We heard the previous speaker, Mr. Kukovich, talk about this bill, HB 733, as being something that would improve access. I would argue that it does not improve access. In fact, it may in the long run restrict access by increasing the cost of coverage.

When we analyze the insurance market in the State of Pennsylvania for health insurance, 50 percent of the policies, roughly, are ERISA (Employment Retirement Income Security Act) exempt. Therefore, they would not come under coverage of this bill. Thirty-five percent are covered under Blue Cross/Blue Shield, which already abide by these underwritings, by these policy guidelines. So what we would do is, the other 15 percent of the market, many people who are going out on their own trying to purchase health insurance, would have to pay an increased premium for that health insurance because of this bill.

We can all agree and we can talk about community rating. I think there is a large consensus around community rating. But this bill would increase costs for that 15 percent, but this amendment, Representative Gannon's amendment, would reduce costs and provide greater access for individuals across the spectrum.

When we look at individuals who are looking to get health insurance and who are purchasing it on their own, they are mostly younger working adults looking to get a policy. They are the people most unlikely to use the health care system. They are people that need catastrophic coverage for bad accidents, for something that does not happen on the job or does not happen in their car. These people are looking for options; they are looking for choices. The Gannon amendment gives them more choices than they have right now, and it does not restrict choices like HB 733 would.

For the reasons I have stated, Mr. Speaker, I urge all my colleagues, both Republican and Democrat, to support this proposal, to support the Gannon amendment, and to help out the 10 percent of Pennsylvanians or less than 10 percent who do not have health insurance; give them access to health insurance by reducing costs. Thank you very much.

The SPEAKER. Does the gentleman, Mr. Gannon, seek recognition for the second time?

Mr. GANNON. If there is no one else, Mr. Speaker, yes.

The SPEAKER. Does the gentleman, Mr. Colafella, seek recognition? The gentleman, Mr. Colafella, is recognized.

Mr. COLAFELLA. Mr. Speaker, I rise to oppose the Gannon amendment.

This particular type of coverage was tried in a few other States and practically nobody took advantage of it, because they have kept the prices low but there is practically no coverage for it and the people have refused to buy it.

Therefore, I ask for a "no" vote on this amendment.

The SPEAKER. Mr. Gannon for the second time.

Mr. GANNON. Thank you, Mr. Speaker.

Mr. Speaker, this may have been tried in other States, but they were not united States. I do not know where they were. We have looked at other States and we have learned from their mistakes in developing this proposal, Mr. Speaker.

And, Mr. Speaker, I wish if anybody got up and criticized this amendment, they would at least have the decency to read it before they criticize it, and I am getting specifically to the point of prenatal care. Yet, what are the doctor's office visits for? Prenatal care. Well-baby care. It is included in the proposal, Mr. Speaker. But what can the employer do? He can purchase additional coverage if he wishes. But we are providing that basic well-baby care and we are providing prenatal care, and that is in the amendment.

Mr. Speaker, this amendment is supported by the small business community. Particularly, the National Federation of Independent Business supports it. The American Legislative Council supports this proposal, Mr. Speaker.

We talked about reducing mandates. That is not all this proposal does, Mr. Speaker. It will provide affordable insurance for small business owners, employees, and their families.

It will bring rate stability and low-cost, comprehensive health insurance to the small group market. It will make all small group insurance collectively renewable. This means once a person has been underwritten into the system, that person cannot be canceled. No small group can be singled out for termination due to health care costs or length of coverage. The only reasons for singular termination for acceptable reasons are set forth under Mr. Kukovich's bill, and this amendment does not change that bill; this adds language. And furthermore, no small group could be singled out for an excessive rate increase, because my amendment limits how much an insurer can raise their rates.

My amendment will insure that no small group would be required to seek replacement coverage or be denied coverage. My amendment guarantees that once a person has entered the health insurance system, their insurance would not be canceled. In other words, if an individual were to lose their employer-based coverage, they would be guaranteed the right to convert to a permanent individual health insurance plan with benefits identical to their previous one. This would greatly help people leaving employment to start a new business, to hire new employees, for the young person who ceases to be a dependent, for someone changing jobs to a new company which does not provide health insurance, for the newly divorced, and for those individuals permanently leaving their place of employment.

Mr. Speaker, my amendment will, however, complement the sponsor's bill. This bill, if enacted without my amendment, will increase health care coverage costs in the marketplace.

Mr. Speaker, for those reasons I believe we should put this into law as quickly as possible, get insurance coverage to those people who are working and do not have it today, and I urge a "yes" vote on this amendment by both sides of the aisle, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Evans, is recognized on the Gannon amendment.

Mr. EVANS. Mr. Speaker, as the prime sponsor of the bill, Representative Kukovich, stated earlier, I think it is very key to look at the fiscal note; that although we understand what the gentleman is attempting to do, the reality of it is that we have to look at the bottom line, and as a result of looking at the bottom line, you can see the potential estimated costs of this particular amendment.

That is an issue that we always should be concerned about, exactly how something is going to be paid for. I think that the gentleman himself should certainly be very much concerned about that particular issue, and I would ask that Democrats and Republicans alike also be concerned about that issue in terms of the costs.

In the letter I state very clearly that it has a potential \$5-million to \$17-million cost in 1993-94, and my understanding, given our understanding of not being able to have the information available to the working uninsured, this is something that we cannot afford.

So again, I would join Representative Kukovich in asking that you oppose this particular amendment. Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—98

Adolph	Fargo	Lynch	Saurman
Allen	Farmer	Maitland	Saylor
Argall	Fichter	Marsico	Scheetz
Armstrong	Fleagle	Masland	Schuler
Baker	Gannon	Merry	Semmel
Barley	Geist	Micozzie	Serafini
Birmelin	Gerlach	Miller	Smith, B.
Boyes	Gladeck	Nailor	Smith, S. H.
Brown	Godshall	Nickol	Snyder, D. W.
Bunt	Gruppo	Nyce	Stairs
Bush	Harley	O'Brien	Steil
Caltagirone	Hasay	Perzel	Stern
Cessar	Heckler	Pettit	Strittmatter
Chadwick	Hennessey	Phillips	Taylor, E. Z.
Civera	Herman	Piccola	Taylor, J.
Clark	Hershey	Pitts	Tomlinson
Clymer	Hess	Platts	True
Cohen, L. I.	Hutchinson	Raymond	Tulli
Cornell	Jadlowiec	Reber	Uliana
Dempsey	Kenney	Reinard	Vance
Dent	King	Rohrer	Waugh
Druce	Laub	Rubleby	Wogan
Durham	Lawless	Ryan	Wright, M. N.
Egolf	Lee	Sather	Zug
Fairchild	Leh		

NAYS—103

Acosta	Gamble	Manderino	Rudy
Battisto	George	Markosek	Santoni
Bebko-Jones	Gigliotti	Mayernik	Scrimenti
Belardi	Gordner	McCall	Staback
Belfanti	Gruitza	McGeehan	Steelman
Bishop	Haluska	McNally	Steighner
Blaum	Hanna	Melio	Stetler
Butkovitz	Hughes	Michlovic	Stish
Buxton	Itkin	Mihalich	Sturla
Cappabianca	James	Mundy	Surra
Carn	Jarolin	Murphy	Tangretti
Carone	Josephs	O'Donnell	Thomas
Cawley	Kaiser	Olasz	Tigue
Cohen, M.	Kasunic	Oljver	Trello
Colafella	Keller	Pesci	Trich
Colaizzo	Kirkland	Petrarca	Van Horne
Corrigan	Krebs	Petrone	Veon
Coy	Kukovich	Pistella	Vitali
Curry	LaGrotta	Preston	Williams
Daley	Laughlin	Richardson	Wozniak
DeLuca	Lederer	Rieger	Wright, D. R.
Dermody	Lescovitz	Ritter	Yandrisevits
Donatucci	Levdansky	Roberts	Yewcic
Evans	Linton	Robinson	
Fajt	Lloyd	Roebuck	
Fee	Lucyk	Rooney	
Freeman			DeWeese, Speaker

NOT VOTING—0

EXCUSED—2

Cowell Flick

The question was determined in the negative, and the amendments were not agreed to.

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

Mr. GANNON offered the following amendments No. A2060:

Amend Sec. 1 (Sec. 7305), page 11, lines 16 through 19, by striking out "The" in line 16, and all of lines 17 through 19

Amend Sec. 1 (Sec. 7316), page 16, lines 18 through 30; page 17, lines 1 through 3, by striking out all of said lines on said pages

Amend Sec. 1 (Sec. 7317), page 17, line 4, by striking out "7317" and inserting

7316

Amend Sec. 1 (Sec. 7318), page 17, line 15, by striking out "7318" and inserting

7317

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

PARLIAMENTARY INQUIRY

AMENDMENTS DIVIDED

The SPEAKER. The gentleman, Mr. Gannon, is recognized on the amendment.

Mr. GANNON. Mr. Speaker, I would request that this amendment be divided, and I would like to have it divided from the third line down to the last line, being section B.

The SPEAKER. The third line being "Amend Sec. 1 (Sec. 7316)...?"

Mr. GANNON. Yes, Mr. Speaker.

The SPEAKER. From there through the end of the amendment?

Mr. GANNON. Yes, Mr. Speaker.

The SPEAKER. And that would be the part of the amendment that would be struck?

Mr. GANNON. Yes, Mr. Speaker.

The SPEAKER. So part A of the amendment would be the first two lines, part B would be the remainder?

Mr. GANNON. Yes, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Parliamentarian indicates that the amendment is divisible.

Mr. GANNON. Thank you, Mr. Speaker.

On the question,
Will the House agree to part A of the amendments?

The SPEAKER. The gentleman's division is complete, and the gentleman is recognized on part A of the amendment, which consists of lines 1 and 2.

Mr. GANNON. Thank you, Mr. Speaker.

Mr. Speaker, I offered an amendment earlier that was objected to because it referred to a proposal that was not yet law and somehow that would nullify the effect of the amendment and whatever.

What this amendment does, Mr. Speaker, it strikes all that language out. I have taken out any limitation on the controlling premiums. This amendment only does one thing, and it says, any regulations that are adopted under this proposal will be subject to review by the independent regulatory review process.

Mr. Speaker, for the life of me I do not understand why the drafter of this proposal would want to exempt, exempt, any of the regulations from the regulatory review process. The regulatory review process is in place to protect the people of this Commonwealth, and this is a vital protection that is deliberately removed from this bill. And I want to say, yes, we want to protect the people of this Commonwealth. We want to protect the small business community. We want to protect them, and therefore, any regulations should be subject to review and comment by the people.

The SPEAKER. The gentleman from Westmoreland, Mr. Kukovich, is recognized.

Mr. KUKOVICH. Mr. Speaker, I am still not sure about the ultimate impact, but I think, trusting on that description, I would agree to that part of the amendment.

On the question recurring,
Will the House agree to part A of the amendments?

The following roll call was recorded:

YEAS—201

Acosta	Farmer	Lucyk	Santoni
Adolph	Fee	Lynch	Sather
Allen	Fichter	Maitland	Saurman
Argall	Fleagle	Manderino	Saylor
Armstrong	Freeman	Markosek	Scheetz
Baker	Gamble	Marsico	Schuler
Barley	Gannon	Masland	Scrimanti
Battisto	Geist	Mayernik	Semmel
Bebko-Jones	George	McCall	Serafini
Belardi	Gerlach	McGeehan	Smith, B.
Belfanti	Gigliotti	McNally	Smith, S. H.
Birmelin	Gladeck	Melio	Snyder, D. W.
Bishop	Godshall	Merry	Staback
Blaum	Gordner	Michlovic	Stairs
Boyes	Gruitza	Micozzie	Steelman
Brown	Gruppo	Mihalich	Steighner
Bunt	Hafuska	Miller	Steil
Bush	Hanna	Mundy	Stern
Butkowitz	Harley	Murphy	Stetler
Buxton	Hasay	Nailor	Stish
Caltagirone	Heckler	Nickol	Strittmatter
Cappabianca	Hennessey	Nyce	Sturla
Carn	Herman	O'Brien	Surra
Carone	Hershey	O'Donnell	Tangretti
Cawley	Hess	Olasz	Taylor, E. Z.
Cessar	Hughes	Oliver	Taylor, J.
Chadwick	Hutchinson	Perzel	Thomas
Civera	Itkin	Pesci	Tigue
Clark	Jadlowiec	Petrarca	Tomlinson
Clymer	James	Petrone	Trello
Cohen, L. I.	Jarolin	Pettit	Trich
Cohen, M.	Josephs	Phillips	True
Colafella	Kaiser	Piccola	Tulli

Colaizzo	Kasunic	Pistella	Uliana
Cornell	Keller	Pitts	Vance
Corrigan	Kenney	Platts	Van Horne
Coy	King	Preston	Veon
Curry	Kirkland	Raymond	Vitali
Daley	Krebs	Reber	Waugh
DeLuca	Kukovich	Reinard	Williams
Dempsey	LaGrotta	Richardson	Wogan
Dent	Laub	Rieger	Wozniak
Dermody	Laughlin	Ritter	Wright, D. R.
Donatucci	Lawless	Roberts	Wright, M. N.
Druce	Lederer	Robinson	Yandrisevits
Durham	Lee	Roebuck	Yewcic
Egolf	Leh	Rohrer	Zug
Evans	Lescovitz	Rooney	
Fairchild	Levdansky	Rubley	DeWeese,
Fajt	Linton	Rudy	Speaker
Fargo	Lloyd	Ryan	

NAYS—0

NOT VOTING—0

EXCUSED—2

Cowell Flick

The question was determined in the affirmative, and part A of the amendments was agreed to.

PART B OF AMENDMENTS WITHDRAWN

The SPEAKER. The gentleman now withdraws part B of amendment A2060?

Mr. GANNON. Yes, Mr. Speaker.
The SPEAKER. The Chair thanks the gentleman.

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

The SPEAKER. Does the gentleman have a further amendment?

Mr. GANNON. Mr. Speaker, I do, but I have the same dilemma that Representative Kukovich has. This amendment is going to be keyed on whether or not other amendments go into the bill, and I would like to hold up on the introduction of this amendment until we go through some of the other amendments, Mr. Speaker.

The SPEAKER. The Chair will accede to the gentleman's wishes, at least temporarily, and as long as tactical considerations are appropriate for Mr. Kukovich.

Mr. GANNON. Thank you, Mr. Speaker.

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

Mr. MICOZZIE offered the following amendments No. A2761:

Amend Title, page 1, line 12, by removing the period after "groups" and inserting
; and providing for the establishment and regulation of individual and employer-provided medical care savings accounts.

Amend Table of Contents, page 1, by inserting after line 20
75. Medical Care Savings Account
Amend Sec. 1, page 17, by inserting between lines 25 and

26

CHAPTER 75
MEDICAL CARE SAVINGS ACCOUNT

Sec.

7501. Short title.
7502. Declaration of policy.
7503. Definitions.
7504. Authorizing individual medical care savings accounts.
7505. Authorizing medical care savings accounts.
7506. Regulations.
§ 7501. Short title.

This chapter shall be known and may be cited as the Medical Care Savings Account Act.

§ 7502. Declaration of policy.

The General Assembly finds and declares as follows:

- (1) Almost 1,000,000 citizens of this Commonwealth are without health insurance, many while between jobs, and more are underinsured because of the effects of rising health care costs and spending.
- (2) The costs of health care are escalating, forcing employers to trim the level and availability of medical care benefits to their employees.
- (3) Overutilization of medical care services for relatively small claims is one of the most significant causes of health care cost and spending increases.
- (4) Typically, more than two-thirds of all insurance claims for health care spending are less than \$3,000 per family per year in this country.
- (5) In response to the runaway cost increases on health care spending, medical care savings accounts shall be set forth to increase health insurance availability for citizens of this Commonwealth, to provide incentives to eliminate unnecessary medical treatment and to encourage competition in seeking health care.
- (6) By setting aside money in a medical care savings account:

- (i) Millions of citizens of this Commonwealth can insure themselves for both routine and major medical services and long-term care through employer-funded or individual-funded medical care savings account arrangements and reduced-cost qualified higher deductible insurance policies.
- (ii) Employees can change jobs, using the medical care savings account to provide for their health care needs while they are between jobs.
- (iii) Sole proprietors during times of recession will have medical dollars saved to cushion them.
- (iv) Individuals and families will continue to have the freedom to choose their own doctor and other health care service providers.
- (v) High school graduates not attending college and full-time or part-time college students no longer considered dependents will be able to afford health care.
- (vi) Early retirees will have medical dollars saved to continue health coverage.
- (vii) Health care costs and spending increases will be reduced by comparative shopping by consumers for quality health care services.
- (viii) The problem of long-term care financing will be substantially reduced by empowering the citizens of this Commonwealth to save for their future needs.

§ 7503. Definitions.

The following words and phrases when used in this chapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Apportionment." The premium differential between the premiums for a qualified higher deductible plan and the plan

previously offered by the employer, based on bona fide quotes from insurers offering similar benefits for similar employees in the same geographic area. In the event that no plan was previously offered, the portion contributed to a medical care savings account may be less than the higher deductible of the qualified higher deductible plan and the premium differential formula shall be based on bona fide quotes for a low deductible health plan and a qualified higher deductible plan offering similar benefits for similar employees in the same geographic area.

"Dependent child."

(1) A person under the age of 18 who is not otherwise emancipated, married or a member of the armed forces of the United States.

(2) A person who is mentally or physically incapacitated.

(3) A person 23 years of age or younger who is enrolled as a full-time student and who is legally entitled or subject to a court order for the provision of proper and necessary subsistence, education, medical care or any other care necessary for the person's health, guidance or well-being.

"Health plan." An individual health policy, subscriber contract or certificate or plan or an employee welfare benefit plan providing medical care as defined in the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 1 et seq.) to participants or beneficiaries directly or through insurance, reimbursement or otherwise.

"Individual medical care savings account." A trust created or organized to pay the eligible medical, dental and long-term care expenses of the account holder to promote good health.

"Medical Care Savings Account." A funding vehicle organized by an employer in this Commonwealth out of which a participating employee and his dependents can pay for medical care as defined in the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 1 et seq.) or other long-term care expenses to promote good health.

"Participating employee." The employee and any dependents on whose behalf the medical care savings account is established.

"Qualified higher deductible plan." A health plan which provides for payment of covered benefits in excess of the higher deductible, which higher deductible shall not exceed \$5,000 in 1993 and, adjusted annually thereafter for increases in the cost of living in accordance with regulations.

"Trustee." A Federal or State chartered bank, savings bank, savings and loan association, credit union, insurance company, trust company or any other entity authorized to act as a fiduciary.

§ 7504. Authorizing individual medical care savings accounts.
(a) General rule.—A person may deposit cash contributions to an individual medical care savings account provided that total yearly contributions shall be made on or before April 15 of each year and shall not exceed the higher deductible of a qualified higher deductible plan.

(b) Maximum allowable deposit.—The maximum allowable amount of deposit for subsequent years may be increased annually by an amount not to exceed the higher deductible of the qualified higher deductible plan of the account holder and his or her dependents.

(c) Treatment of interest.—Interest earned on an individual medical care savings account need not be included as personal income taxable under Article III of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971.

(d) Trust by operation of law.—The individual medical care savings account shall be established as a trust and placed with a trustee. The trustee shall utilize the trust assets solely for the purpose of paying the medical, dental and long-term care expenses of the account holder.

(e) Restrictions on withdrawal.—Individual medical care savings account funds may be withdrawn by the account holder at any time for any purpose, subject to the following restrictions and penalties:

- (1) The higher deductible required for payment of covered benefits under the qualified higher deductible plan

must be reserved at all times or accounted for in eligible deductible health care expenditures under the individual medical care savings account on an annual basis.

(2) There shall be a distribution penalty for withdrawal by the account holder of individual medical care savings account funds not used for health care expenditures. Account funds or any portion thereof used as security for a loan shall be treated as distributed. Such penalty shall be 10% of the amount of interest earned as of the date of withdrawal on the account, and, upon such withdrawal, the interest earned during the prior tax year shall be subject to State income taxation.

(3) When a person is no longer considered a legal dependent under a qualified higher deductible plan the account holder may withdraw, without penalty, the premium necessary to purchase a new qualified higher deductible plan and funds to meet the higher deductible to establish an individual medical care savings account for the person no longer considered a legal dependent under the prior qualified higher deductible plan.

(f) Treatment of funds upon death.—Upon the death of the account holder, the account principle, as well as any interest accumulated thereon, shall be distributed to the decedent's estate and taxed as part of the estate as provided by law or distributed to the account holder's beneficiary.

§ 7505. Authorizing medical care savings accounts.

(a) Optional plan.—A participating employee covered under a medical care savings account arrangement may deposit contributions during a plan year to increase the valued amount of his or her apportionment set aside by the employer to cover medical care expenses. The total amount of the yearly apportionment shall not exceed the higher deductible of the qualified higher deductible plan and shall be deposited on or before April 15 of each year.

(b) Tax exempt nature of funds.—Any moneys apportioned under a medical care savings account arrangement, any interest which may be earned depending on plan arrangement and accounts used to pay for medical care shall be exempt from Pennsylvania taxation.

(c) Benefit to participating employees.—The employer may apportion to participating employees under a tax-exempt medical care savings account arrangement the amount required to cover completely the participating employees' deductibles and co-insurance, if any, under the purchased qualified higher deductible plan.

(d) Restrictions on withdrawals.—A participating employee may utilize his or her apportioned account moneys solely for the purpose of paying medical care expenses incurred by the employee, except that participating employees may withdraw on their apportionment of account funds at any time for another purpose subject to the following penalties and restrictions and penalties:

(1) The higher deductible required for payment of covered benefits under the qualified higher deductible plan must be reserved at all times or accounted for in eligible deductible medical care expenditures under the employee's medical care savings account on an annual basis.

(2) Any remaining amount of a participating employee's apportionment at the end of the year will belong to the employee with no restrictions on how the money may be spent other than withdrawals made to cover other than medical care expenses become fully taxable at the time of withdrawal.

(3) There shall be a distribution penalty for withdrawal during a plan year by the participating employee of medical care savings account funds not used for medical care expenditures. Account funds or any portion thereof used as security for a loan shall be treated as distributed. Such penalty shall be 10% of the participating employee's withdrawal, and, upon such withdrawal the interest earned during the prior full tax year shall be subject to State income taxation.

(4) When a person is no longer considered a legal dependent under a qualified higher deductible plan the employee may withdraw, without penalty, the premium

necessary to purchase a new qualified higher deductible plan and funds to meet the higher deductible to establish an individual medical care savings account for the person no longer considered a legal dependent under the prior qualified higher deductible plan.

(f) Reporting.—Employers shall cause to be issued to participating employees at least semiannually a statement setting forth amounts remaining in their accounts.

(g) Treatment upon death.—Upon the death of the participating employee, his or her remaining apportionment shall be distributed to the decedent's estate and taxed as part of the estate as provided by law or distributed to the employee's beneficiary.

(h) Tax credit for participating employers.—

(1) Employers that provide medical care benefits to their employees in accordance with the medical care savings account plan described in this chapter will receive a State tax credit against their income for each year that these benefits are provided.

(2) The amount of the credit shall be equal to 10% of the total cost of the qualified higher deductible plan purchased by the employer during the tax year. The maximum credit available to an employer in any tax year shall not exceed \$50,000 or the total amount of tax imposed by Article IV, VI, VII, VIII, IX, X or XV of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971. The credit may be applied against the taxes levied by the Articles IV, VI, VII, VIII, IX, X and XV in the Tax Reform Code OF 1971.

(3) If the amount of the credit exceeds the amount of the employer's liability for any taxable year, the amount which exceeds the tax liability may be carried over and applied against the tax liability of the employer in a future tax year. An employer shall not be eligible to use a credit, if it is not utilized within five years from the tax year in which the credit was issued.

§ 7506. Regulations.

(a) Taxation.—The Department of Revenue shall promulgate regulations necessary to enforce the tax implications of this chapter.

(b) Insurance.—The Insurance Department shall promulgate regulations concerning the qualified higher deductible plan.

On the question,

Will the House agree to the amendments?

The SPEAKER. The gentleman, Mr. Micozzie, from Delaware County is recognized on his amendment.

Mr. MICOZZIE. Thank you, Mr. Speaker.

Mr. Speaker, my amendment would permit medical care savings accounts to be established by employers for employees, for self-employed individuals, and for individuals purchasing coverage on their own. Under this program, employers and individuals can provide high deductible catastrophic coverage while funding medical care savings accounts that could be used to pay for their routine medical expenses.

These medical IRA's (individual retirement accounts) would make insurance more affordable. If enacted, the program would be based upon the following features: The health insurance premiums for a high deductible coinsurance and high out-of-pocket maximums are substantially lower than the premiums for a lower deductible policy. The difference in premiums between the high deductible policy and the low deductible policy will be placed in an employee's or individual IRA tax-deferred account. From this account, medical bills will be paid for eligible deductible expenses and other medical expenses that are not covered by the policy.

The IRA accounts are only to be used for qualifying medical bills and will provide for preventive and long-term care, and any other withdrawals would be penalized and taxed. Unused funds in the medical IRA would accumulate from year to year on a tax-deferred basis.

The medical care savings account will provide affordable insurance for employers, employees, and individuals; give the insurer the right to choose their own doctor and thus maintain freedom of choice; maintain quality care; enhance preventive care; reduce the number of uninsured.

My amendment will address head-on the problems of financing long-term care for Pennsylvanians. Medical care savings accounts are an easily understood health care reform measure that will initiate more individual freedom and responsibility in deciding their own medical needs.

I ask for an affirmative vote on this amendment. Thank you, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Kukovich, is recognized.

Mr. KUKOVICH. Thank you, Mr. Speaker.

I was aware of Representative Micozzie's amendment before and of the bill that he had introduced to create this concept, which, on its merits, I probably do not have a problem with except for the cost. First of all, to take an insurance bill of rights, which has no fiscal impact, and add such a new entity to it I think is a major problem. According to the fiscal note, the one dated June 15 which Representative Micozzie distributed, it is very difficult to compute exactly what it would mean, but according to a very conservative approach, it could cost the Commonwealth a minimum of \$15 million.

I have also been told that Representative Colafella is making this bill a key part of his hearings on long-term care; that there has been a hearing scheduled for August 24, I believe in the Representative's district, to discuss this issue in more depth. I think that is the appropriate way to go rather than try to put this kind of somewhat complicated concept to a bill of rights at the last minute.

For that reason I would respectfully ask the members to vote "no" but participate with the hearings and the ideas embodied in Representative Micozzie's bill later this summer and, therefore, would ask for a negative vote.

The SPEAKER. The gentleman, Mr. Lee, is recognized.

Mr. LEE. Thank you, Mr. Speaker.

I rise to strongly support this amendment. This makes a whole heck of a lot of sense, because what we are really doing by this amendment is returning to a different concept of health insurance we had many years ago. It used to be people purchased health insurance with the idea that they could pay their out-of-pocket expenses to go to the doctor's, et cetera, just out of their ordinary income. But what they purchased health insurance to do was to pay for catastrophic things, like hospital visits, operations, things like people purchase insurance for other reasons for — if their house burns down. If you paint your house, you do not want insurance to paint your house, but

if your house burns down, you want insurance if your house burns down.

So you used to be able to purchase a catastrophic health insurance policy, but under today's law you cannot do that, because we have all of these mandated coverages under the law. What this would allow you to do is to set up this deductible which basically says in any case where you have a small out-of-pocket expense, like going to the doctor's, dentist, et cetera, that would come out of this savings account your employer pays out for you. So what you basically do is have the option of having an insurance policy for your catastrophic coverage and then pay your day-to-day expenses out of this savings account.

Now, the other great thing about this proposal is, if you do not spend those day-to-day expenses out of your account, that money keeps accruing in the savings account, and then it can go towards your long-term care when you retire and you get older. So it is a great option for employees.

Now, there is nothing in this that says employees have to have this. They can say no, I want a health insurance policy that is going to pay for all of my benefits, like what they have right now. But this gives them the option of choosing either a catastrophic health insurance policy or basically what amounts to an HMO (health maintenance organization) or a comprehensive health insurance policy.

This is really consumer freedom to choose. I think it is a great idea. It is going to save a lot of money, and I certainly support it. Thank you very much.

The SPEAKER. Does the gentleman, Mr. Evans, seek recognition? The gentleman is recognized.

Mr. EVANS. Mr. Speaker, I guess it is always a great idea when you do not look at the cost.

I think as Representative Kukovich stated earlier relating to the amendment, you are talking about a tax credit of \$150,000, and clearly this will have a fiscal impact. That is a question that we must always ask ourselves about everything we do on this House floor, that yes, I like a lot of good ideas, too, but we have also got to figure out a way of how we pay for them.

I am saying to you what Representative Kukovich said, that the chairman of the Insurance Committee plans to have hearings, plans to look at this particular effort, and this is not something, again, that we should be shooting from the hip. So I would ask that we be negative on this particular amendment, Mr. Speaker. Thank you.

The SPEAKER. The gentleman from Montgomery County, Mr. Saurman.

Mr. SAURMAN. Thank you, Mr. Speaker.

Mr. Speaker, we do not have the opportunity to vote on really new, innovative ideas very frequently in this chamber. I think that the concept that Representative Micozzie has put forth is that kind of a situation. It is an opportunity, as Representative Lee has already stated, to return to a program whereby the catastrophic losses are covered and there is an option as to whether the individual wants to go into that savings account or pay those costs individually.

More importantly, perhaps, is the fact that he does have that option, and therefore, he or she probably will not be abusing the medical insurance which has also helped to drive costs upward. It becomes, in effect, a first-person-payer type of coverage even though the money comes from another source, because while it is there by insurance, the savings account also belongs to that individual. So the decision as to whether or not to utilize the costs that would be involved in the health care now becomes the option of the individual rather than a routine thing that automatically takes place.

It can be a very effective cost-saving tool and it has been where it has been put into place. For that very reason abuses are cut, services are utilized when they are properly designated, and in the absence of using that money, that savings account accrues and provides for long-term care.

Mr. Speaker, I have heard repeatedly over the many years that I have been here, we are going to look at that; it is in committee; we are going to have a big hearing on it, but we never hear later, never have later, the opportunity to vote on it. We offer today the opportunity to act on something that is truly beneficial, truly innovative, and truly a cost-savings measure.

I would urge a "yes" vote on the Micozzie amendment. Thank you.

The SPEAKER. The gentleman from Allegheny County, Mr. McNally.

Mr. McNALLY. Mr. Speaker, I rise to oppose this amendment.

This is a proposal, a concept, which has been advanced by my Congressman in Allegheny County, Rick Santorum, and it is a proposal which I refer to as the Rick Santorum snake-oil health reform.

This is one of the most serious assaults on employees' health insurance benefits that has ever been proposed. What it does is it establishes a contest for employees, people in this State or, if it becomes a Federal plan, God forbid, across this country, to compete in the workplace based on health care benefits. Let me just explain for the benefit of the members and for the record what the rationale is for this.

The idea is that a family plan, a conventional health insurance plan, costs something like \$4,500 a year. What Mr. Santorum, for example, suggests is that instead of an employer paying \$4,500 a year for a conventional health insurance plan, he could spend \$4,500 a year on a medical IRA. He would pay \$1,500 in premiums, and \$3,000 would go into this IRA to cover a \$3,000 deductible.

Now, one of the things that is not in this plan and is not in the Santorum plan is any requirement that the employer must continuously, year after year, continue to contribute to that IRA. Now, I ask you, what employer who wants to save money is going to continue spending \$4,500 a year just as he is under the conventional health care plan? It seems to me that employers looking for savings are going to start cutting those contributions to that IRA, saving \$3,000 a year.

Now, granted, there might be \$3,000 in that IRA to cover the \$3,000 deductible on the health insurance plan, but let me

point out to you, especially those of you who might have had children recently, that just having a baby, one child, is going to exhaust that entire \$3,000 savings in the IRA. It does not take very much to go through that IRA account.

POINT OF ORDER

Mr. SAURMAN. Point of order, Mr. Speaker.

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

Mr. SAURMAN. Point of order, Mr. Speaker.

The SPEAKER. The gentleman will state his point.

Mr. SAURMAN. Would the Chair clarify if the speaker is referring to the Santorum proposal or the amendment before us? I think we are supposed to direct our attention to that amendment.

The SPEAKER. The gentleman, Mr. Saurman, is correct that the topic for debate is the Micozzie amendment. The Chair was momentarily distracted and apologizes to the membership. The Chair did not differentiate between the two.

The gentleman, Mr. McNally, is recognized on what point, sir?

Mr. McNALLY. Well, I understand the Chair's instruction, and my point was simply that this is a plan that had been popularized at a national level. I am speaking to the amendment. It is the same concept.

The SPEAKER. The gentleman may proceed.

Mr. McNALLY. But, Mr. Speaker, you know, it just seems to me that if what we want to do is to provide universal health care coverage, the point of reform ought to be, what is work really worth? We should not have people in this country or in this Commonwealth competing in the workplace, competing in the labor force, on the basis of how much health care they are willing to accept or how little health care they are willing to accept.

It seems to me that any kind of work would assure that you should have access to health care, and we should not have, as we have today in this country and as this plan would exacerbate, the problem of people competing in the workplace as to whether they are willing to work with or without health care benefits. What that does is it assures that employers are going to start cutting health care benefits.

I think this is a very, very dangerous plan. It really would not provide any savings to employers in this State unless they would in fact start cutting the contributions to the IRA's, and as I pointed out, it would not take much to exhaust the savings that might be put into these IRA's.

I would urge opposition to the amendment. Thank you.

The SPEAKER. On the amendment, the gentleman, Mr. Kukovich, is recognized.

Mr. KUKOVICH. Thank you, Mr. Speaker.

Two final points.

One, I could understand the gentleman's consternation if the committee was simply burying his bill, but Chairman Colafella, I think, is doing everything he can to highlight the bill, create awareness, and move the process along. I think the committee

needs a chance to do that. Because of the large fiscal impact, this has to be looked at before we just rush into amending a bill on the floor that costs nothing.

Second point. Even though I am heartened by the fact that my fellow liberals, like Micozzie and Liberal Lee and Liberal Saurman, are willing to spend so much of the taxpayers' money on this plan, I think the reality is that if we take a piece of legislation such as this, which protects consumers, protects individuals with disabilities for no cost, and it gets bogged down at this point with a potentially expensive amendment, it is dead.

I do not think we can allow that to happen, and I would once again ask for a negative vote.

The SPEAKER. Mr. Micozzie for the second time on the amendment.

Mr. MICOZZIE. Thank you, Mr. Speaker.

First of all, I would like to thank the sponsor of HB 733 for accepting the concept. I think maybe later on we can work on it together. Of course, I always like to thank my fellow chairman of the Insurance Committee for giving me the opportunity later on to discuss it at different public meetings.

One thing the fiscal note did not address, I think, is the penalties and the taxes that would be paid on the amount of money that is withdrawn for other purposes. That is not contained in the fiscal note.

Pennsylvania is the fourth in the Nation for the number of insured, and we are doing a pretty good job at it. Yet we still need to rein in costs, for it has been determined that affordability, not accessibility, affordability is why we still have almost 1 million citizens in the Commonwealth without coverage.

The key to health reform in Pennsylvania is medical care savings accounts. Medical care savings accounts are a consumer-driven approach to cutting the costs of health care. It is the one idea that has the potential to actually reduce health care costs without resorting to rationing.

I ask for an affirmative vote. Thank you, Mr. Speaker.

**THE SPEAKER PRO TEMPORE
(FRED A. TRELLO) PRESIDING**

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Gannon.

Mr. GANNON. Thank you, Mr. Speaker.

Mr. Speaker, I misunderstood the signals earlier. I did want to seek recognition.

Let me address the amendment, Mr. Speaker, and I am rising to support this amendment for one good reason. How many of us have gone to the doctor or to the hospital, or a family member, a relative, a friend, or a constituent, and we have been told that the provider has talked to our insurance company and they have told them, that is not covered; you are going to have to pay for it out of your own pocket if you want the service. Mr. Speaker, this amendment does away with that scenario altogether. You go to the doctor, you go to the hospital; you can use it for any medical service that you wish.

You will not hear, that is not covered. What you will hear is, yes, this is covered and we will pay for that service, and for that reason alone, Mr. Speaker, I believe we should vote "yes" on this amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—97

Adolph	Farmer	Lynch	Saurman
Allen	Fichter	Maitland	Saylor
Argall	Fleagle	Marsico	Scheetz
Armstrong	Gannon	Masland	Schuler
Baker	Geist	Merry	Semmel
Barley	Gerlach	Micozzie	Serafini
Birmelin	Gladeck	Miller	Smith, B.
Boyes	Godshall	Nailor	Smith, S. H.
Brown	Gruppo	Nickol	Snyder, D. W.
Bunt	Harley	Nyce	Stairs
Bush	Hasay	O'Brien	Steil
Cessar	Heckler	Perzel	Stern
Chadwick	Hennessey	Pettit	Strittmatter
Civiera	Herman	Phillips	Taylor, E. Z.
Clark	Hershey	Piccola	Taylor, J.
Clymer	Hess	Pitts	Tomlinson
Cohen, L. I.	Hutchinson	Platts	True
Cornell	Jadlowiec	Raymond	Tulli
Dempsey	Kenney	Reber	Uliana
Dent	King	Reinard	Vance
Druce	Laub	Rohrer	Waugh
Durham	Lawless	Rublely	Wogan
Egolf	Lee	Ryan	Wright, M. N.
Fairchild	Leh	Sather	Zug
Fargo			

NAYS—104

Acosta	Freeman	Manderino	Rudy
Battisto	Gamble	Markosek	Santoni
Bebko-Jones	George	Mayernik	Scrimanti
Belardi	Gigliotti	McCall	Staback
Belfanti	Gordner	McGeehan	Steelman
Bishop	Gruitza	McNally	Steighner
Blaum	Haluska	Melio	Stetler
Butkovitz	Hanna	Michlovic	Stish
Buxton	Hughes	Mihalich	Sturla
Caltagirone	Itkin	Mundy	Surra
Cappabianca	James	Murphy	Tangretti
Carn	Jarolin	O'Donnell	Thomas
Carone	Josephs	Olasz	Tigue
Cawley	Kaiser	Oliver	Trello
Cohen, M.	Kasunic	Pesci	Trich
Colafella	Keller	Petrarca	Van Home
Colaizzo	Kirkland	Petrone	Veon
Corrigan	Krebs	Pistella	Vitali
Coy	Kukovich	Preston	Williams
Curry	LaGrotta	Richardson	Wozniak
Daley	Laughlin	Rieger	Wright, D. R.
Deluca	Lederer	Ritter	Yandrisevits
Dermody	Lescovitz	Roberts	Yewcic
Donatucci	Levdansky	Robinson	
Evans	Linton	Roebuck	DeWeese,
Fajt	Lloyd	Rooney	Speaker
Fee	Lucyk		

NOT VOTING—0

EXCUSED—2

Cowell

Flick

The question was determined in the negative, and the amendments were not agreed to.

Mr. GEIST. Mr. Speaker?

The SPEAKER pro tempore. For what purpose does the gentleman rise?

Mr. GEIST. Mr. Speaker, I had a previous conversation with the majority leader concerning lunch, and I would like to inquire of the Chair whether or not we are going to hold to that schedule.

Mr. Speaker, while we are waiting in place, maybe you could give us a little review of last night's Italian caucus festivities.

The SPEAKER pro tempore. Unfortunately, that would take too much of the gentleman's time, but the Chair recognizes the majority leader to answer your question.

Mr. JTKIN. Mr. Speaker, the schedule for the remainder of the afternoon has to be considered somewhat fluid. It is obvious that at this time, at 1 o'clock, members are giving thoughts for lunch, and I think it is quite appropriate at this time to recess for that purpose.

I originally believed that we might have a conference committee meeting at 1 o'clock. That does not seem to be occurring. There is still a lot of drafting work that needs to be done. It looks like 3 o'clock may be more appropriate for the conference committee to meet.

What I would like to do at this time is to break for lunch now and return to the floor at 2 o'clock, and then sometime later on as we see that we have a conference report to consider, we will then recess again for caucus and then finally come back to the floor to vote, hopefully, a conference report on SB 1.

The SPEAKER pro tempore. The Chair thanks the majority leader.

AGRICULTURE AND RURAL AFFAIRS COMMITTEE MEETING

The SPEAKER pro tempore. For the purpose of announcing a committee meeting, the Chair recognizes the gentleman, Mr. Lloyd.

Mr. LLOYD. Thank you, Mr. Speaker.

The House Agriculture Committee will meet immediately on the call of the recess in room 302B of the South Office Building. Hopefully the meeting will be very short. Thank you, Mr. Speaker.

JUDICIARY COMMITTEE MEETING

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Caltagirone, for the purpose of announcing a meeting.

Mr. CALTAGIRONE. Thank you, Mr. Speaker.

The House Judiciary Committee will meet at the call of the recess in room 8, East Wing, section A; immediately at the call. Thank you.

COMMITTEE MEETING POSTPONED

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Lescovitz, for the purpose of announcing a meeting.

Mr. LESCOVITZ. Thank you, Mr. Speaker.

Mr. Speaker, the meeting of the House Business and Economic Development Committee is canceled for today. We will have that meeting on Monday at the call of the recess. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

VOTE CORRECTION

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Melio.

Mr. MELIO. Mr. Speaker, I would just like to correct the record.

On HB 1280 on final passage, I would like to be recorded in the affirmative.

The SPEAKER pro tempore. The gentleman's remarks will be spread upon the record.

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

HB 271, PN 2164 (Amended)

By Rep. BELFANTI

An Act amending the act of May 2, 1929 (P.L.1518, No.452), referred to as the Elevator Regulation Law, further providing for rules and regulations.

LABOR RELATIONS.

HB 1702, PN 1970

By Rep. BELFANTI

An Act amending the act of December 16, 1986 (P.L.1621, No.184), entitled "An act establishing and imposing powers and duties on the Office for the Deaf and Hearing Impaired in the Department of Labor and Industry; and establishing and providing powers and duties for the Advisory Council for the Deaf and Hearing Impaired in the Department of Labor and Industry," providing for definitions and for the establishment of a program for interpreters for persons who are deaf and hard of hearing; and making an appropriation.

LABOR RELATIONS.

HB 1753, PN 2071

By Rep. BELFANTI

An Act providing for registration of apparel manufacturers and contractors; establishing the Apparel Industry Task Force and providing for its powers, duties and training; and providing for reports and for penalties.

LABOR RELATIONS.

**BILL REPORTED FROM COMMITTEE,
CONSIDERED FIRST TIME, AND TABLED**

SB 864, PN 1209 By Rep. BELFANTI

An Act providing for a cause of action for damages resulting from violations of unemployment compensation and workmen's compensation laws by bidders on construction contracts.

LABOR RELATIONS.

BILL REMOVED FROM TABLE

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

Mr. ITKIN. Mr. Speaker, I move to take SB 864 off the table.

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

RECESS

The SPEAKER pro tempore. This House will be in recess until 2 o'clock.

AFTER RECESS

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

**THE SPEAKER PRO TEMPORE
(GREGORY C. FAJT) PRESIDING**

SENATE MESSAGE

HOUSE BILL
CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, returned **HB 958, PN 1404**, with information that the Senate has passed the same without amendment.

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 502, PN 1301**.

**BILL REPORTED FROM COMMITTEE,
CONSIDERED FIRST TIME, AND TABLED**

SB 871, PN 1325 By Rep. LLOYD

An Act amending the act of June 26, 1992 (P. L. 322, No. 64), entitled "Agriculture Education Loan Forgiveness Act," further providing for the expiration of the act.

AGRICULTURE AND RURAL AFFAIRS.

**HOUSE BILL
INTRODUCED AND REFERRED**

No. 1812 By Representatives FAJT, STURLA, HERSHEY, CESSAR, HECKLER, FAIRCHILD, KREBS, RAYMOND, PRESTON, STEELMAN, CAWLEY, HUTCHINSON, TULLI, FLICK, ROHRER, PISTELLA, TOMLINSON, BELFANTI, PETRARCA, GEIST, GIGLIOTTI, SURRA and EGOLF

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

Referred to Committee on TRANSPORTATION, June 16, 1993.

**HOUSE RESOLUTIONS
INTRODUCED AND REFERRED**

No. 136 By Representatives M. COHEN, WOGAN, BUTKOVITZ, KENNEY, MCGEEHAN, LEDERER, PERZEL, KELLER, O'BRIEN, CURRY, EVANS, MANDERINO and J. TAYLOR

A Resolution memorializing the President and the Congress of the United States, the Secretary of Defense and all members of the Base Closure and Realignment Commission to consider the economic impact of relocating or closing the Department of Defense activities located at the Naval Aviation Supply Office Compound at 700 Robbins Avenue, Philadelphia, Pennsylvania.

Referred to Committee on RULES, June 16, 1993.

No. 139 By Representatives McCALL, PESCI, NYCE, DENT, B. SMITH, BEBKO-JONES, DeWEESE, BUXTON, DERMODY, PLATTS, FICHTER, PRESTON, DeLUCA, M. N. WRIGHT, GORDNER, STURLA, COY, BAKER, JAROLIN, ARGALL, D. W. SNYDER, VEON, HERSHEY, SATHER, DALEY, BELFANTI, STEIGHNER, FREEMAN, RUDY, SANTONI, STABACK, PISTELLA, LAUGHLIN, L. I. COHEN, ROONEY, DRUCE and GEIST

A Resolution directing the Education Committee to investigate the causes of firearm violence in our schools.

Referred to Committee on RULES, June 16, 1993.

No. 140 By Representatives McCALL, CURRY, PESCI, NYCE, BEBKO-JONES, TIGUE, DeWEESE, BUXTON, DERMODY, FICHTER, PRESTON, DeLUCA, M. N. WRIGHT, STURLA, HESS, COY, BAKER, JAROLIN, ROBERTS, ARGALL, FAIRCHILD, WOZNIAK, D. W. SNYDER, VEON, SATHER, SCRIMENTI, DALEY, BELFANTI, STEIGHNER, FREEMAN, RUDY, SANTONI, STABACK, MUNDY, PISTELLA, LAUGHLIN, L. I. COHEN, ROONEY, DRUCE and GEIST

A Resolution memorializing Congress to take whatever steps necessary to save the garment industry from foreign competition.

Referred to Committee on RULES, June 16, 1993.

CALENDAR CONTINUED

CONSIDERATION OF HB 733 CONTINUED

On the question recurring,

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

Mr. COLAIZZO offered the following amendments No. A2744:

Amend Title, page 1, line 12, by removing the period after "group" and inserting

; and providing for a small employer insurer reinsurance program.

Amend Chapter Analysis, page 1, by inserting after line 75. Small Employer Insurer Reinsurance Program

Amend Sec. 1, page 17, by inserting between lines 25 and

26

CHAPTER 75

SMALL EMPLOYER INSURER REINSURANCE PROGRAM

Subchapter

A. General Provisions

B. Insurer Election

C. Small Employer Insurer Reinsurance Program

SUBCHAPTER A

GENERAL PROVISIONS

Sec.

7501. Short title of chapter.

7502. Definitions.

SUBCHAPTER B

INSURER ELECTION

Sec.

7511. Small employer insurer election.

7512. Insurer election process.

SUBCHAPTER C

SMALL EMPLOYER INSURER REINSURANCE PROGRAM

Sec.

7521. Establishment of program.

7522. Organizational procedure.

7523. Plan of operation.

7524. Content of plan.

7525. Powers and duties.

7526. Reinsurance.

7527. Premium rates.

7528. Funding provisions.

7529. Certain immunities retained.

7530. Tax exemption.

SUBCHAPTER A

GENERAL PROVISIONS

Sec.

7501. Short title of chapter.

7502. Definitions.

§ 7501. Short title of chapter.

This chapter shall be known and may be cited as the Small Employer Insurer Reinsurance Program.

§ 7502. Definitions.

The following words and phrases when used in this chapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Board." The Small Group Health Insurance Board.

"Commissioner." The Insurance Commissioner of the Commonwealth.

"Department." The Insurance Department of the Commonwealth.

"Eligible employee." A full-time employee with a normal workweek of 30 or more hours who has met any applicable waiting period requirements. The term includes, but is not limited to, a sole proprietor, a partner of a partnership or an independent contractor, if the sole proprietor, partner or independent contractor is included as an employee under a health care plan of a small

employer. The term does not include employees who work on a part-time, temporary or substitute basis.

"Genetic status." The presence of a physical condition in an individual which is a result of an inherited trait.

"Group health contract." A group health insurance agreement issued by an insurer to cover employees of an employer, a trust fund established to cover employees of one or more employers and an association of employees.

"Group health insurance agreement." A health insurance agreement providing group health benefits.

"Health insurance agreement." An accident and health insurance policy, contract or group insurance certificate issued by an insurer.

"Insurer." Any insurance company, association or reciprocal, nonprofit hospital company, nonprofit professional health service plan, health maintenance organization, fraternal benefits society or any risk-bearing preferred provider organization or exclusive provider organization organized and regulated under the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, or a health maintenance organization organized and regulated under the act of December 29, 1972 (P.L.1701, No.364), known as the Health Maintenance Organization Act, or a preferred provider with a health management/"gatekeeper" role for primary care physicians organized and regulated as a health services corporation under Chapter 63 (relating to professional health services plan corporations). For purposes of this chapter, companies that are affiliated companies or that are eligible to file a consolidated tax return shall be treated as one carrier except that any insurance company, hospital plan corporation, professional health services plan corporation or fraternal benefits society that is an affiliate of a health maintenance organization located in this Commonwealth, or any health maintenance organization located in this Commonwealth that is an affiliate of an insurance company, hospital plan corporation, professional health services plan corporation or fraternal benefits society may treat the health maintenance organization as a separate carrier. Each health maintenance organization service plan that operates only one health maintenance organization in a service area of this Commonwealth shall be considered a separate carrier.

"Late enrollee." An eligible employee or dependent who requests enrollment in a health benefit plan of a small employer following the initial enrollment period provided under the terms of the health benefit plan if the initial enrollment period was for a period of at least 30 days. However, an eligible employee or dependent shall not be considered a late enrollee if:

(1) The individual:

(i) was covered under a public or private health benefit plan that provides benefits at least substantially similar to those set forth in the health care plan defined of a small employer at the time the individual was eligible to enroll;

(ii) has lost coverage under a public or private health insurance or other health benefit arrangement as a result of termination of employment or eligibility, the termination of the other plan's coverage, death of a spouse or divorce; and

(iii) requests enrollment within 30 days after termination of coverage provided under a public or private health insurance or other health benefit arrangement; or

(iv) is employed by an employer which offers multiple health benefit plans and the individual elects a different plan during an open enrollment period.

(2) A court has ordered coverage be provided for a spouse or minor child under a covered employee's health benefit plan and request for enrollment is made within 30 days after issuance of such court order.

"Participating insurer." All insurers issuing health insurance agreements covering small employers in this Commonwealth except any small employer carrier electing to be a risk-assuming carrier.

"Plan of operation." The articles, bylaws and operating rules adopted by the board under Subchapter C (relating to Small Employer Insurance Reinsurance Program).

"Preexisting condition." A disease or physical condition for which medical advice or treatment has been received within 90 days immediately prior to the effective date of coverage under a group health contract.

"Preferred provider organization." A preferred provider organization subject to the provisions of section 630 of the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921.

"Program." The Pennsylvania Small Employer Health Reinsurance Program.

"Small employer." A person, firm, corporation, partnership or association that is actively engaged in business that, on at least 50% of its working days during the preceding calendar quarter, employed at least three, but no more than 25 full-time employees, the majority of whom were employed within this Commonwealth. In determining the number of full-time employees, companies which are affiliated companies or which are eligible to file a combined tax return for purposes of State taxation shall be considered one employer. Except as otherwise provided, provisions of this title that apply to a small employer with a health benefit plan shall continue to apply until the plan anniversary following the date the employer no longer meets the requirements of this definition.

"Terminate." Includes cancellation, renewal and rescission.

SUBCHAPTER B INSURER ELECTION

Sec.

7511. Small employer insurer election.

7512. Insurer election process.

§ 7511. Small employer insurer election.

(a) Procedure.— A small employer insurer shall elect to either become a risk-assuming insurer or a reinsuring insurer. The election shall be binding for a five-year period except that the initial election shall be made within 30 days of the effective date of this chapter and shall be made for two years. The commissioner may permit an insurer to modify its election at any time for good cause shown, after a hearing.

(b) Effect of election.—A reinsuring insurer which elects to become a risk-assuming insurer shall be prohibited from reinsuring or continuing to reinsure any small employer health insurance agreement under §§ 7512 (relating to insurer election process) and 7521 (relating to establishment of program) as soon as the insurer becomes a risk-assuming insurer. However, a reinsuring insurer electing to become a risk-assuming insurer shall pay a prorated assessment based upon business issued as a reinsuring carrier for any portion of the year that the business was reinsured. A small employer insurer which elects to cease participating as a reinsuring insurer shall be permitted to reinsure small employer health insurance agreements under the terms set forth in section 7512.

§ 7512. Insurer election process.

(a) Application.—A small employer insurer may become a risk-assuming insurer by filing an application with the commissioner in a format and manner prescribed by the commissioner. The commissioner may approve the application of a small employer insurer to become a risk-assuming insurer if the commissioner determines that the insurer is capable of assuming the status pursuant to the criteria set forth in subsection (b).

(b) Approval.—In determining whether to approve an application by a small employer insurer, the commissioner shall consider all of the following:

(1) The insurer's financial condition to support the assumption of the risk of small employer groups.

(2) The insurer's history of rating and underwriting small employer groups.

(3) The insurer's commitment to market to all small employers in this Commonwealth or its service area, as applicable, in accordance with this chapter.

(4) The insurer's ability to assume and manage the risk of enrolling small employer groups without the protec-

tion of the reinsurance program provided in section 7521 (relating to establishment of program).

(c) Public notice and comment.—The commissioner shall provide public notice of an application made under this section and shall provide at least a 30-day period for public comment prior to making a decision on the application.

(d) Deemed approval.—If the commissioner does not act on the application within 90 days of its receipt, the application shall be deemed approved.

(e) Authority of commissioner.—

(1) The commissioner may rescind the approval granted to a risk-assuming insurer under this section if the commissioner determines, after notice and a hearing, that the insurer no longer meets the criteria of subsection (b).

(2) The commissioner may limit or rescind an approval granted to any risk-assuming insurer under this section if the commissioner finds that its continuance would substantially impair the financial viability of the reinsurance program or other insurers.

SUBCHAPTER C

SMALL EMPLOYER INSURER REINSURANCE PROGRAM Sec.

7521. Establishment of program.

7522. Organizational procedure.

7523. Plan of operation.

7524. Content of plan.

7525. Powers and duties.

7526. Reinsurance.

7527. Premium rates.

7528. Funding provisions.

7529. Certain immunities retained.

7530. Tax exemption.

§ 7521. Establishment of program.

There is hereby created a nonprofit entity to be known as the Pennsylvania Small Employer Health Reinsurance Program, and all reinsuring insurers as determined under Subchapter B (relating to insurer election) shall be participating insurers in this program.

§ 7522. Organizational procedure.

(a) Initial board.—

(1) Within 60 days of the effective date of this chapter, the commissioner shall give notice to all participating insurers of the time and place for the initial organizational meeting, which shall take place within 120 days of the effective date of this chapter.

(2) The participating insurers shall select the initial board which shall be subject to approval by the commissioner. The board shall be derived from insurers active in this Commonwealth in the previous calendar year in the small employer market. The board shall consist of at least five and not more than nine representatives of participating insurers who shall serve three-year staggered terms.

(b) Representation.—At least two-thirds of the members of the board shall be small employer insurers. At least one member of the board shall be, to the extent there is such an insurer in this Commonwealth that is willing to serve on the board:

(1) a representative of an insurer whose principal health insurance business is in the small employer market;

(2) a representative of a hospital plan corporation;

(3) a representative of a professional health services plan corporation; and

(4) a representative of a health maintenance organization.

(c) Membership.—No one insurer, including its affiliates, shall be represented by more than one member of the board. The commissioner shall be an ex officio voting member of the board. In approving the selection of the board, the commissioner shall assure that all participating carriers are fairly represented.

(d) Authority of commissioner.—If the initial board is not elected at the organizational meeting, the commissioner shall appoint the initial board within 30 days of the organizational meeting.

§ 7523. Plan of operation.

(a) Submission to commissioner.—Within 180 days after the appointment of the initial board, the board shall submit to the commissioner a plan of operation and thereafter any amendments thereto necessary or suitable, to assure the fair, reasonable and equitable administration of the program.

(b) Approval.—The commissioner shall, after notice and hearing, approve the plan of operation provided the commissioner determines it to be suitable to assure the fair, reasonable and equitable administration of the program and provides for the sharing of program gains or losses on an equitable and proportionate basis. The plan of operation shall become effective upon approval in writing by the commissioner consistent with the date on which the coverage under this section shall be made available.

(c) Deemed approved.—Any plan of operation or amendments thereto submitted to the commissioner by the board under this subsection shall be deemed approved by the commissioner if not expressly disapproved in writing by the commissioner within 90 days of its receipt by the commissioner.

(d) Authority of commissioner.—If the board fails to submit a suitable plan of operation within 180 days after its appointment, the commissioner shall, after notice and hearing, adopt and promulgate a temporary plan of operation. The commissioner shall amend or rescind any plan adopted by him under this subsection at the time a plan of operation is submitted by the board and approved by the commissioner.

§ 7524. Content of plan.

The plan of operation shall:

(1) Establish procedures for handling and accounting of program assets and moneys and for an annual fiscal reporting to the commissioner.

(2) Establish terms of office and procedures for filling vacancies on the board, subject to the approval of the commissioner.

(3) Establish procedures for selecting an administering insurer and setting forth the powers and duties of the administering insurer.

(4) Establish procedures for reinsuring risks and for terminating reinsurance in accordance with the provisions of this chapter.

(5) Establish procedures for collecting assessments from participating insurers subject to assessment to provide for claims reinsured by the program and for administrative expenses incurred or estimated to be incurred during the period for which the assessment is made.

(6) Provide for any additional matters at the discretion of the board.

§ 7525. Powers and duties.

The program shall have the general powers and authority granted under the laws of this Commonwealth to insurance companies and health care service plans licensed to transact business, except the power to issue health benefit plans directly to either groups or individuals. In addition, the program shall have the specific authority to:

(1) Enter into contracts as are necessary or proper to carry out the provisions and purposes of this chapter, including the authority, with the approval of the commissioner, to enter into contracts with similar programs of other states for the joint performance of common function or with persons or other organizations for the performance of administrative functions.

(2) Sue or be sued, including taking any legal actions necessary or proper for recovering any assessments and penalties for, on behalf of or against the program or any participating carriers.

(3) Take any legal action necessary to avoid the payment of improper claims against the program.

(4) Issue reinsurance policies, in accordance with the requirements of this chapter.

(5) Establish rules, conditions and procedures pertaining to the reinsurance of participating carriers' risks and to termination of the reinsurance by the program.

(6) Establish actuarial functions as appropriate for the operation of the program.

(7) Assess participating insurers in accordance with the provisions of subsection (f) and make advance interim assessments as may be reasonable and necessary for organizational and interim operating expenses. Any interim assessments shall be credited as offsets against any regular assessments due following the close of the fiscal year.

(8) Appoint from among participating insurers appropriate legal, actuarial and other committees as necessary to provide technical assistance in the operation of the program and any other function within the authority of the program.

(9) Borrow money to effect the purposes of the program. Any notes or other evidence of indebtedness of the program not in default shall be legal investments for carriers and may be carried as admitted assets.

(10) Adjust for inflation the \$5,000 deductible reinsurance requirement contained in subsection (h)(4). Also, with the approval of the commissioner, the board may increase or decrease the amounts set forth in sections 7526(4) (relating to reinsurance) and 7527(1) and (2) (relating to premium rates) if it is necessary to effectuate the purposes of this chapter, provided, however, that any changes pursuant to this shall not require that carriers retain an unreasonable level of risk.

(11) Employ or retain such persons as are necessary to handle the operation of the program and any other function within the authority of the program.

§ 7526. Reinsurance.

An insurer may reinsure with the program, subject to the following:

(1) An insurer may reinsure a level of coverage established annually by the board.

(2) Except in the case of a late entrant, an insurer may reinsure an eligible employee or dependent within 60 days of the commencement of the coverage of the small employer. A newly eligible employee or dependent may be reinsured within 60 days of the commencement of his coverage.

(3) An insurer may reinsure an entire employer group within 60 days of the commencement of the group's coverage under the plan. The insurer may choose to reinsure newly eligible employees and dependents of a reinsured group pursuant to paragraph (2).

(4) The program shall not reimburse an insurer with respect to the claims of a reinsured employee or dependent until the carrier has paid a deductible of \$5,000 in a calendar year for benefits covered by the program. Subject to the approval of the commissioner, the board may adjust the deductible to reflect increases in health care costs.

(5) An insurer may terminate reinsurance for some or all of the reinsured employees or dependents of a small employer on any plan anniversary.

(6) Premium rates charges for reinsurance by the program to a health maintenance organization which is approved by the Secretary of Health and Human Services as a federally qualified health care service plan pursuant to the Health Maintenance Organization Act of 1973 (Public Law 93-222, 87 Stat. 914), and as such is subject to requirements that limit the amount of risk that may be ceded to the program that is more restrictive than paragraph (3), shall be reduced to reflect that may not be ceded to the program, if any.

(7) The board may adjust the premium rates charged for reinsurance by the program for carriers using effective cost containment, including case management, as defined by the board.

(8) An insurer must apply its case management and claims handling techniques, including, but not limited to, utilization review, individual case management, preferred provider provisions and other managed care provisions or methods of operation consistently with both reinsured and nonreinsured business.

(9) An insurer may reinsure with the program only for coverage issued on or after the effective date of this chapter.

§ 7527. Premium rates.

Premium rates charged by the program for coverage reinsured by the program for groups with similar characteristics and coverage shall be established as follows:

(1) The entire group may be reinsured for an adjusted average market premium price that is one and one-half times the rate established by the board.

(2) An eligible employee or dependent may be reinsured for an adjusted average market premium price that is five times the rate established by the board.

§ 7528. Funding provisions.

(a) Procedure.—Following the close of each fiscal year, the administering insurer shall determine the net premiums, the pool expenses of administration and the incurred losses for the year, taking into account investment income and other appropriate gains and losses. For purposes of this section, health insurance premiums earned by insurance arrangements shall be established by adding paid health losses and administrative expenses of the insurance arrangement. Health insurance premiums and benefits paid by a participating insurer that are less than an amount determined by the board to justify the cost of collection shall not be considered for purposes of determining assessments. For purposes of this subsection, "net premiums" means health insurance premiums, less administrative expense allowances.

(b) Net loss recoupment.—Any net loss for the year shall be recouped by assessments of insurers as follows:

(1) Assessments shall first be apportioned by the board among all insurers in proportion to their respective shares of the total health insurance premiums earned in this Commonwealth from health insurance agreements covering small employers during the calendar year coinciding with or ending during the fiscal year of the pool, or on any other equitable basis reflecting coverage of small employers as may be provided by the board. An assessment shall be made under this paragraph against a health care center, which is approved by the Secretary of Health and Human Services as a health maintenance organization pursuant to 42 U.S.C. 300e et seq., subject to an assessment adjustment formula adopted by the board and approved by the commissioner for such health care centers which recognize the restrictions imposed on such health care centers by Federal law. The adjustment formula shall be adopted by the board and approved by the commissioner prior to the first anniversary of the pool's operation.

(2) If the net loss is not recouped before assessments totaling 4% of the premiums from plans and arrangements covering small employers have been collected, additional assessments shall be apportioned by the board among all participating insurers in proportion to their respective shares of the total health insurance premiums earned in this Commonwealth from other individual and group plans and arrangements, exclusive of any individual Medicare supplemental policies during such calendar year. The assessments shall not exceed 1% of the premiums of the plans and arrangements.

(c) Excess.—If assessments exceed actual losses and administrative expenses of the pool, the excess shall be held at interest and used by the board to offset future losses or to reduce pool premiums. As used in this subsection, "future losses" includes reserves for incurred but not reported claims.

(d) Proportion of participation.—Each participating insurer's proportion of participation in the pool shall be determined annually by the board based on annual statements and other reports deemed necessary by the board and filed by the carrier with it. Insurance arrangements shall report to the board claims payments made and administrative expenses incurred in this Commonwealth on an annual basis on a form prescribed by the commissioner.

(e) Interest penalty.—Provision shall be made in the program's plan of operation for the imposition of an interest penalty for late payment of assessments.

(f) Deferment.—An insurer may seek from the commissioner a deferment in whole or in part from any assessment issued by the board. The commissioner may defer, in whole or in part, the assessment of a carrier if, in the opinion of the commissioner, the payment of the assessment would place the carrier in a financially impaired condition. In the event an assessment against an insurer is deferred in whole or in part, the amount by which the assessment is deferred may be assessed against the other insurers in a manner consistent with the basis for assessment set forth in this section. The insurer receiving the deferment shall remain liable to the program for the amount deferred and shall be prohibited from reinsuring any individuals or groups in the program if it fails to pay assessments.

§ 7529. Certain immunities retained.

Neither the participation in the program as participating insurers or members of the board, the establishment of rates, forms or procedures, nor any other joint or collective action required by this act shall be the basis of any legal action, criminal or civil liability, or penalty against the program or any of its participating insurers either jointly or separately.

§ 7530. Tax exemption.

The program shall be exempt from any and all taxes.

Amend Sec. 2, page 17, line 26, by striking out "2" and inserting

3

Amend Sec. 3, page 18, line 1, by striking out "3" and inserting

4

On the question,

Will the House agree to the amendments?

The SPEAKER pro tempore. On that question, the Chair recognizes Mr. Colaizzo.

Mr. COLAIZZO. Thank you, Mr. Speaker.

Mr. Speaker, my amendment is designed to create increased competition between health insurers through the creation of an optional small employer insurer reinsurance program. Under the amendment, small group insurers can opt to share their risk by pooling individuals or groups in this newly created program. Similar programs have already been adopted in over 20 other States in the Nation.

From a small insurer's perspective, this type of risk-sharing mechanism is needed in order to allow them to offer insurance to all individuals, regardless of risk, as proposed in HB 733. From a consumer's perspective, this is needed to guarantee choices in choosing insurers. Just because an insurer is small does not mean we should force them out of the market. This is what will happen under the provisions of HB 733 without my amendment. It is important to remember my amendment makes participation in the reinsurance program optional.

I ask ladies and gentlemen on both sides of the aisle to vote favorably for this amendment. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes Representative Kukovich.

Mr. KUKOVICH. Thank you, Mr. Speaker.

Earlier I made some arguments against amendments based on the nature of this bill having no cost, being a bill of rights for consumers. That argument probably means even more now because this, to some extent, takes this from being a bill of

rights for consumers and makes it a little bit more of a bill of rights for the insurance industry.

I can understand the issue that is being addressed. However, there are some other parts of this amendment which cause me a great deal of consternation.

This amendment would increase the length of time that an insurer would have to impose limitations on consumers' coverage for preexisting conditions. That flies in the face of what we are trying to do to increase portability of this kind of coverage.

It also establishes a new small group insurance board that is made up entirely of insurers, the purpose being to preempt State regulation of certain reinsurance practices. I think that creates something somewhat unprecedented that could lead to a lot of problems down the road.

It also creates some tax-exempt status. I do not have any idea what the fiscal impact of that could be. I am not going to say that even the Department of Insurance understands what that will be. They have contacted me and said they are concerned about it, but they do not even know what that means. So this is a highly complicated thing that the insurance industry is trying to place into this bill at the last minute.

I do have correspondence from the Deputy Insurance Commissioner, the key legal adviser for the commission, saying that "...the other portions of HB 733 can easily stand on their own merits and the decision to address rate making and risk sharing should not in any way be tied to the issues of guaranteed issue and portability. As long as your companies can still continue with their current rating practices, and can purchase reinsurance on their own, there should be little or no additional financial risk from adding these consumer oriented measures." Those are the exact words in a letter from the Deputy Insurance Commissioner to the vice president and general counsel of the Insurance Federation of Pennsylvania.

I think that what could potentially happen with this new mechanism—and I would suggest that nobody really knows because of the complexity involved—is that it can result in—I guess the closest thing I could relate it to would be a new kind of assigned-risk plan with ever-increasing premiums for certain selected individuals and groups.

Apart from that, there is also a political argument. If we leave this bill as it is now, as a bill of rights for consumers, I think the issue is clear that if we allow this amendment to go in, we then make this bill into sort of a turf battle between the Blues and between the private insurers. That is in essence what this amendment will do.

If this amendment goes down, as I said to the Speaker earlier, I will withdraw the other amendments I have, one in particular which tends to level the playing field between the Blues and the private insurers, which, I suggest, would not be level if this amendment goes in.

According to Pennsylvania Blue Shield, with this amendment and even with an opt-out provision for them in this amendment, they are suggesting that more and more high-risk individuals will be forced onto the Blues by virtue of those

ever-increasing premiums that I mentioned earlier, especially on high-risk individuals.

For all of those reasons, Mr. Speaker, I think it makes good common sense to vote against this amendment and let the bill of rights for consumers go on clean as it currently is. I would ask for a "no" vote.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman, Mr. Ryan.

Mr. RYAN. Mr. Speaker, yesterday at caucus when this bill came up, we did not have a copy of the amendment. It was not available as of yesterday.

This is a lengthy 10-page amendment. We attempted here to look, scan quickly through it with staff people. The best I can gather from a brief look at it is the Blue Cross/Blue Shield forces would be very much against it, opposed to it. Commercial carriers are for it for some other reason. I suspect that money is behind all of it, and I do not know where self-insurers are. I have not been able to figure that one out, or maybe they are nowhere in this one.

But I am going to ask that this bill be held over just until we come back from caucus—we have to go to caucus anyway today—and give us an opportunity to take a look at this particular amendment in caucus, or break now and we will go to caucus and come back on the floor. I do not care, but I cannot, in good conscience, vote this particular amendment without a caucus considering the stakes that are involved.

The SPEAKER pro tempore. The Chair thanks the gentleman.

BILL PASSED OVER TEMPORARILY

The SPEAKER pro tempore. The bill will be over temporarily.

BILLS ON CONCURRENCE IN SENATE AMENDMENTS

The House proceeded to consideration of concurrence in Senate amendments to **HB 213, PN 1904**, entitled:

An Act amending the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act, further providing for prescriptions; and providing automatic suspension of practitioners' licenses for conviction of drug offenses.

On the question,

Will the House concur in Senate amendments?

The SPEAKER pro tempore. On that question, the Chair recognizes Representative DeLuca from Allegheny County.

Mr. DeLUCA. Thank you, Mr. Speaker.

Mr. Speaker, I concur with the Senate amendments and would ask my colleagues to vote on this, please.

On the question recurring,

Will the House concur in Senate amendments?

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

YEAS—201

Acosta	Farmer	Lucyk	Santoni
Adolph	Fee	Lynch	Sather
Allen	Fichter	Maitland	Saurman
Argall	Fleagle	Manderino	Saylor
Armstrong	Freeman	Markosek	Scheetz
Baker	Gamble	Marsico	Schuler
Barley	Gannon	Masland	Scrimenti
Battisto	Geist	Mayernik	Semmel
Bebko-Jones	George	McCall	Serafini
Belardi	Gerlach	McGeehan	Smith, B.
Belfanti	Gigliotti	McNally	Smith, S. H.
Birmelin	Gladeck	Melio	Snyder, D. W.
Bishop	Godshall	Merry	Staback
Blaum	Gordner	Michlovic	Stairs
Boyes	Gruitza	Micozzie	Steelman
Brown	Gruppo	Mihalich	Steighner
Bunt	Haluska	Miller	Steil
Bush	Hanna	Mundy	Stern
Butkovitz	Harley	Murphy	Stetler
Buxton	Hasay	Nailor	Stish
Callagirone	Heckler	Nickol	Strittmatter
Cappabianca	Hennessey	Nyce	Sturla
Carn	Herman	O'Brien	Surra
Carone	Hershey	O'Donnell	Tangretti
Cawley	Hess	Olasz	Taylor, E. Z.
Cessar	Hughes	Oliver	Taylor, J.
Chadwick	Hutchinson	Perzel	Thomas
Civera	Itkin	Pesci	Tigue
Clark	Jadlowiec	Petrarca	Tomlinson
Clymer	James	Petrone	Trello
Cohen, L. I.	Jarolin	Pettit	Trich
Cohen, M.	Josephs	Phillips	True
Colafrilla	Kaiser	Piccola	Tulli
Colaizzo	Kasunic	Pistella	Uliana
Cornell	Keller	Pitts	Vance
Corrigan	Kenney	Platts	Van Horne
Coy	King	Preston	Veon
Curry	Kirkland	Raymond	Vitali
Daley	Krebs	Reber	Waugh
DeLuca	Kukovich	Reinard	Williams
Dempsey	LaGrotta	Richardson	Wogan
Dent	Laub	Rieger	Wozniak
Dermody	Laughlin	Ritter	Wright, D. R.
Donatucci	Lawless	Roberts	Wright, M. N.
Druce	Lederer	Robinson	Yandrisevits
Durham	Lee	Roebuck	Yewcic
Egolf	Leh	Rohrer	Zug
Evans	Lescovitz	Rooney	
Fairchild	Levdansky	Rubley	DeWeese,
Fajt	Linton	Rudy	Speaker
Fargo	Lloyd	Ryan	

NAYS—0

NOT VOTING—0

EXCUSED—2

Cowell Flick

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

The House proceeded to consideration of concurrence in Senate amendments to **HB 718, PN 2035**, entitled:

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, providing for complimentary nonresident licenses; and further providing for restrictions on recreational spotlighting, for permit fees and for disabled person permits.

On the question,
Will the House concur in Senate amendments?

The SPEAKER pro tempore. On that question, the Chair recognizes Mr. Godshall.

Mr. GODSHALL. Thank you, Mr. Speaker.

With the Senate amendments in this bill, the first amendment allows for dog trials to be given for a 3-consecutive-day period at a cost of \$25. Presently you have to get a permit by the day, and it is \$10. There is no problem with that amendment whatsoever as I see it.

The second amendment allows for the Game Commission to issue 100 complimentary licenses to various individuals throughout the country; that is, nonresidents of the State of Pennsylvania. I know that there is a lot of controversy pertaining to that, but I think, hopefully, it will be addressed at a later time.

I do have, with your indulgence, Mr. Speaker, just a very short letter I would like to read at this time. It says:

Dear Representative Godshall:

I am writing to you to ask you for a very special favor. If possible please read the following request to all members of the Pennsylvania House of Representatives prior to the vote being taken to concur on the Senate amendments attached to HOUSE BILL 718. I thank you for giving consideration to this request.

This is a one-paragraph request, and I would just like to have the indulgence also of the House if you let me read through this.

To All Members of the House of Representatives:

I address you today on behalf of the entire membership of PA SPORTSMEN FOR THE DISABLED, INC. and every physically challenged sportsman and woman that will benefit from enactment of HOUSE BILL 718. These 2,000 plus physically challenged individuals join with me in urging all of you to vote for concurrence of Senate amendments added to HOUSE BILL 718 even though you personally may not agree in principal with every amendment. Without your help and yes vote these sportsmen and women will lose forever the opportunity to archery hunt during the 1993-94 archery hunting seasons. Many of these individuals have waited their entire lives for the opportunity that HOUSE BILL 718 will provide for them. We urge each one of you not to be the reason that this long awaited outdoor recreation opportunity is forever lost and we thank all of you for considering our request

that you concur on the Senate amendments added to HOUSE BILL 718.

I ask for a favorable vote. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman and, on the issue, recognizes the gentleman, Mr. Fee.

Mr. FEE. Mr. Speaker, this bill is long overdue. It is a good bill. I would ask the members on the Democrat side to concur.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes Representative Matthew Wright.

Mr. M. N. WRIGHT. Thank you, Mr. Speaker.

I just want to interrogate the original sponsor of this bill.

The SPEAKER pro tempore. Will the gentleman stand for interrogation? He indicates that he will. The gentleman may proceed.

Mr. M. N. WRIGHT. Mr. Speaker, I just have a question about who are the elected officials that would receive these free licenses?

Mr. GODSHALL. Mr. Speaker, am I recognized?

The SPEAKER pro tempore. You are recognized.

Mr. GODSHALL. Okay. Thank you, Mr. Speaker.

The elected officials, the people that would receive the free licenses are possibly the President of the United States, Governors of various States, members of various conservation groups and/or game and fish agencies from around the country, and possibly also members of the media, possibly.

This is an amendment that was put in in the Senate. I know it is controversial, but if we do not vote favorably today on the Senate amendments, we are going to be losing this legislation which would benefit a lot of people.

The other thing is, the Fish Commission also had the authority in the past to issue 100 free licenses out of State.

Mr. M. N. WRIGHT. Thank you, Mr. Speaker.

I will resign now.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes Mr. Merle Phillips.

Mr. PHILLIPS. Thank you, Mr. Speaker.

I, too, agree with this bill. Although there seems to be slight controversy on the 100 free licenses, I believe this can be addressed later, and I would ask for concurrence on the Senate amendments. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,

Will the House concur in Senate amendments?

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

YEAS—198

Acosta	Fargo	Lucyk	Ryan
Adolph	Farmer	Lynch	Santoni
Allen	Fee	Maitland	Sather
Argall	Fichter	Manderino	Saurman
Armstrong	Fleagle	Markosek	Saylor
Baker	Freeman	Marsico	Scheetz
Barley	Gamble	Masland	Schuler

Battisto	Gannon	Mayernik	Scrimenti
Bebko-Jones	Geist	McCall	Semmel
Belardi	George	McGeehan	Smith, B.
Belfanti	Gerlach	McNally	Smith, S. H.
Birmelin	Gigliotti	Melio	Snyder, D. W.
Bishop	Gladeck	Merry	Staback
Blaum	Godshall	Michlovic	Stairs
Boyes	Gordner	Micozzie	Steelman
Brown	Gruitza	Mihalich	Steighner
Bunt	Gruppo	Miller	Steil
Bush	Haluska	Mundy	Stem
Butkovitz	Hanna	Murphy	Stetler
Buxton	Harley	Nailor	Stish
Callagione	Heckler	Nickol	Strittmatter
Cappabianca	Hennessey	Nyce	Sturla
Carn	Herman	O'Brien	Surra
Carone	Hershey	O'Donnell	Tangretti
Cawley	Hess	Olasz	Taylor, E. Z.
Cessar	Hughes	Oliver	Taylor, J.
Chadwick	Hutchinson	Perzel	Thomas
Civera	Itkin	Pesci	Tigue
Clark	Jadlowiec	Petrarca	Tomlinson
Clymer	James	Petrone	Trello
Cohen, L. I.	Jarolin	Pettit	Trich
Cohen, M.	Josephs	Phillips	True
Colaella	Kaiser	Piccola	Tulli
Colaizzo	Kasunic	Pistella	Uliana
Cornell	Keller	Pitts	Vance
Corrigan	Kenney	Platts	Van Horne
Coy	King	Preston	Veon
Curry	Kirkland	Raymond	Vitali
Daley	Krebs	Reber	Waugh
DeLuca	Kukovich	Reinard	Williams
Dempsey	LaGrotta	Richardson	Wogan
Dent	Laub	Rieger	Wozniak
Dermody	Laughlin	Ritter	Wright, D. R.
Donatucci	Lawless	Roberts	Wright, M. N.
Druce	Lederer	Robinson	Yandrisevits
Durham	Leh	Roebuck	Yewcic
Egolf	Lescovitz	Rohrer	Zug
Evans	Levdansky	Rooney	
Fairchild	Linton	Rubley	DeWeese,
Fajt	Lloyd	Rudy	Speaker

NAYS—3

Hasay	Lee	Serafini
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NOT VOTING—0

EXCUSED—2

Cowell	Flick
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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

RESOLUTIONS

Mr. OLASZ called up HR 109, PN 2063, entitled:

A Resolution directing the House Conservation Committee to study the impact of a Department of Environmental Resources takeover of the emergency reclamation program from the Bureau of Mining and Reclamation.

On the question,
Will the House adopt the resolution?

The SPEAKER pro tempore. On the resolution, the Chair recognizes Representative Olasz.

Mr. OLASZ. Mr. Speaker, this resolution directs the House Conservation Committee to undertake this study into DER's (Department of Environmental Resources) plan to assume control of the emergency mine reclamation program currently operated by the Federal Office of Surface Mining. Last month the House voted overwhelmingly to approve the investigation for HR 96.

This resolution simply directs the committee to hold hearings and report back to the House within 6 months. Do not think about it. Just vote "yes."

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—201

Acosta	Farmer	Lucyk	Santoni
Adolph	Fee	Lynch	Sather
Allen	Fichter	Maitland	Saurman
Argall	Fleagle	Manderino	Saylor
Armstrong	Freeman	Markosek	Scheetz
Baker	Gamble	Marsico	Schuler
Barley	Gannon	Masland	Scrimenti
Battisto	Geist	Mayernik	Semmel
Bebko-Jones	George	McCall	Serafini
Belardi	Gerlach	McGeehan	Smith, B.
Belfanti	Gigliotti	McNally	Smith, S. H.
Birmelin	Gladeck	Melio	Snyder, D. W.
Bishop	Godshall	Merry	Staback
Blaum	Gordner	Michlovic	Stairs
Boyes	Gruitza	Micozzie	Steelman
Brown	Gruppo	Mihalich	Steighner
Bunt	Haluska	Miller	Steil
Bush	Hanna	Mundy	Stern
Butkovitz	Harley	Murphy	Stetler
Buxton	Hasay	Nailor	Stish
Caltagirone	Heckler	Nickol	Strittmatter
Cappabianca	Hennessey	Nyce	Sturla
Carn	Herman	O'Brien	Surra
Carone	Hershey	O'Donnell	Tangretti
Cawley	Hess	Olasz	Taylor, E. Z.
Cessar	Hughes	Oliver	Taylor, J.
Chadwick	Hutchinson	Perzel	Thomas
Civera	Itkin	Pesci	Tigue
Clark	Jadlowiec	Petrarca	Tomlinson
Clymer	James	Petrone	Trello
Cohen, L. I.	Jarolin	Pettit	Trich
Cohen, M.	Josephs	Phillips	True
Colafella	Kaiser	Piccola	Tulli
Colaizzo	Kasunic	Pistella	Uliana
Cornell	Keller	Pitts	Vance
Corrigan	Kenney	Platts	Van Horne
Coy	King	Preston	Veon
Curry	Kirkland	Raymond	Vitali
Daley	Krebs	Reber	Waugh
DeLuca	Kukovich	Reinard	Williams
Dempsey	LaGrotta	Richardson	Wogan
Dent	Laub	Rieger	Wozniak
Dermody	Laughlin	Ritter	Wright, D. R.
Donatucci	Lawless	Roberts	Wright, M. N.
Druce	Lederer	Robinson	Yandrisevits
Durham	Lee	Roebuck	Yewcic

Egolf	Leh	Rohrer	Zug
Evans	Lescovitz	Rooney	
Fairchild	Levdansky	Rubley	DeWeese,
Fajt	Linton	Rudy	Speaker
Fargo	Lloyd	Ryan	

NAYS—0

NOT VOTING—0

EXCUSED—2

Cowell	Flick
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The question was determined in the affirmative, and the resolution was adopted.

* * *

Mr. RICHARDSON called up **HR 119, PN 2027**, entitled:

A Resolution relating to the use of words and phrases referring to mental illness.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—201

Acosta	Farmer	Lucyk	Santoni
Adolph	Fee	Lynch	Sather
Allen	Fichter	Maitland	Saurman
Argall	Fleagle	Manderino	Saylor
Armstrong	Freeman	Markosek	Scheetz
Baker	Gamble	Marsico	Schuler
Barley	Gannon	Masland	Scrimenti
Battisto	Geist	Mayernik	Semmel
Bebko-Jones	George	McCall	Serafini
Belardi	Gerlach	McGeehan	Smith, B.
Belfanti	Gigliotti	McNally	Smith, S. H.
Birmelin	Gladeck	Melio	Snyder, D. W.
Bishop	Godshall	Merry	Staback
Blaum	Gordner	Michlovic	Stairs
Boyes	Gruitza	Micozzie	Steelman
Brown	Gruppo	Mihalich	Steighner
Bunt	Haluska	Miller	Steil
Bush	Hanna	Mundy	Stern
Butkovitz	Harley	Murphy	Stetler
Buxton	Hasay	Nailor	Stish
Caltagirone	Heckler	Nickol	Strittmatter
Cappabianca	Hennessey	Nyce	Sturla
Carn	Herman	O'Brien	Surra
Carone	Hershey	O'Donnell	Tangretti
Cawley	Hess	Olasz	Taylor, E. Z.
Cessar	Hughes	Oliver	Taylor, J.
Chadwick	Hutchinson	Perzel	Thomas
Civera	Itkin	Pesci	Tigue
Clark	Jadlowiec	Petrarca	Tomlinson
Clymer	James	Petrone	Trello
Cohen, L. I.	Jarolin	Pettit	Trich
Cohen, M.	Josephs	Phillips	True
Colafella	Kaiser	Piccola	Tulli
Colaizzo	Kasunic	Pistella	Uliana
Cornell	Keller	Pitts	Vance
Corrigan	Kenney	Platts	Van Horne
Coy	King	Preston	Veon
Curry	Kirkland	Raymond	Vitali
Daley	Krebs	Reber	Waugh
DeLuca	Kukovich	Reinard	Williams

Dempsey	LaGrotta	Richardson	Wogan
Dent	Laub	Rieger	Wozniak
Dermody	Laughlin	Ritter	Wright, D. R.
Donatucci	Lawless	Roberts	Wright, M. N.
Druce	Lederer	Robinson	Yandrisevits
Durham	Lee	Roebuck	Yewcic
Egolf	Leh	Rohrer	Zug
Evans	Lescovitz	Rooney	
Fairchild	Levdansky	Rubley	DeWeese,
Fajt	Linton	Rudy	Speaker
Fargo	Lloyd	Ryan	

NAYS—0

NOT VOTING—0

EXCUSED—2

Cowell Flick

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

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of **IIB 194, PN 211**, entitled:

An Act amending the act of June 23, 1931 (P.L.932, No.317), known as The Third Class City Code, providing for designation of fire chiefs and deputy fire chiefs.

On the question,

Will the House agree to the bill on third consideration?

Mr. DEMPSEY offered the following amendment No. A1558:

Amend Sec. 2 (Sec. 2102), page 2, line 4, by inserting after "chief"

and deputy fire chief

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. The Chair recognizes Mr. Dempsey.

Mr. DEMPSEY. Thank you, Mr. Speaker.

Amendment 1558 corrects a drafting error in the original. It is just a technical amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—201

Acosta	Farmer	Lucyk	Santoni
Adolph	Fee	Lynch	Sather
Allen	Fichter	Maitland	Saurman
Argall	Fleagle	Manderino	Saylor
Armstrong	Freeman	Markosek	Scheetz
Baker	Gamble	Marsico	Schuler

Barley	Gannon	Masland	Scrimenti
Battisto	Geist	Mayernik	Semmel
Bebko-Jones	George	McCall	Serafini
Belardi	Gerlach	McGeehan	Smith, B.
Belfanti	Gigliotti	McNally	Smith, S. H.
Birmelin	Gladeck	Melio	Snyder, D. W.
Bishop	Godshall	Merry	Staback
Blaum	Gordner	Michlovic	Stairs
Boyes	Gruitza	Micozzie	Steelman
Brown	Gruppo	Mihalich	Steighner
Bunt	Haluska	Miller	Steil
Bush	Hanna	Mundy	Stern
Butkovitz	Harley	Murphy	Stetler
Buxton	Hasay	Nailor	Stish
Caltagirone	Heckler	Nickol	Strittmatter
Cappabianca	Hennessey	Nyce	Sturla
Carn	Herman	O'Brien	Surra
Carone	Hershey	O'Donnell	Tangretti
Cawley	Hess	Olasz	Taylor, E. Z.
Cessar	Hughes	Oliver	Taylor, J.
Chadwick	Hutchinson	Perzel	Thomas
Civera	Itkin	Pesci	Tigue
Clark	Jadlowiec	Petrarca	Tomlinson
Clymer	James	Petrone	Trello
Cohen, L. I.	Jarolin	Pettit	Trich
Cohen, M.	Josephs	Phillips	True
Colaella	Kaiser	Piccola	Tulli
Colaizzo	Kasunic	Pistella	Uliana
Cornell	Keller	Pitts	Vance
Corrigan	Kenney	Platts	Van Home
Coy	King	Preston	Veon
Curry	Kirkland	Raymond	Vitali
Daley	Krebs	Reber	Waugh
DeLuca	Kukovich	Reinard	Williams
Dempsey	LaGrotta	Richardson	Wogan
Dent	Laub	Rieger	Wozniak
Dermody	Laughlin	Ritter	Wright, D. R.
Donatucci	Lawless	Roberts	Wright, M. N.
Druce	Lederer	Robinson	Yandrisevits
Durham	Lee	Roebuck	Yewcic
Egolf	Leh	Rohrer	Zug
Evans	Lescovitz	Rooney	
Fairchild	Levdansky	Rubley	DeWeese,
Fajt	Linton	Rudy	Speaker
Fargo	Lloyd	Ryan	

NAYS—0

NOT VOTING—0

EXCUSED—2

Cowell Flick

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

On the question,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—201

Acosta	Farmer	Lucyk	Santoni
Adolph	Fee	Lynch	Sather
Allen	Fichter	Maitland	Saurman
Argall	Fleagle	Manderino	Saylor
Armstrong	Freeman	Markosek	Scheetz
Baker	Gamble	Marsico	Schuler
Barley	Gannon	Masland	Scrimenti
Battisto	Geist	Mayernik	Semmel
Bebko-Jones	George	McCall	Serafini
Belardi	Gerlach	McGeehan	Smith, B.
Belfanti	Gigliotti	McNally	Smith, S. H.
Birmelin	Gladeck	Melio	Snyder, D. W.
Bishop	Godshall	Merry	Staback
Blaum	Gordner	Michlovic	Stairs
Boyes	Gruitza	Micozzie	Steelman
Brown	Gruppo	Mihalich	Steighner
Bunt	Haluska	Miller	Steil
Bush	Hanna	Mundy	Stern
Butkovitz	Harley	Murphy	Stetler
Buxton	Hasay	Nailor	Stish
Caltagirone	Heckler	Nickol	Strittmatter
Cappabianca	Hennessey	Nyce	Sturla
Carn	Herman	O'Brien	Surra
Carone	Hershey	O'Donnell	Tangretti
Cawley	Hess	Olasz	Taylor, E. Z.
Cessar	Hughes	Oliver	Taylor, J.
Chadwick	Hutchinson	Perzel	Thomas
Civera	Itkin	Pesci	Tigue
Clark	Jadlowiec	Petrarca	Tomlinson
Clymer	James	Petrone	Trello
Cohen, L. I.	Jarolin	Pettit	Trich
Cohen, M.	Josephs	Phillips	True
Colafrella	Kaiser	Piccola	Tulli
Colaizzo	Kasunic	Pistella	Uliana
Cornell	Keller	Pitts	Vance
Corrigan	Kenney	Platts	Van Home
Coy	King	Preston	Veon
Curry	Kirkland	Raymond	Vitali
Daley	Krebs	Reber	Waugh
DeLuca	Kukovich	Reinard	Williams
Dempsey	LaGrotta	Richardson	Wogan
Dent	Laub	Rieger	Wozniak
Dermody	Laughlin	Ritter	Wright, D. R.
Donatucci	Lawless	Roberts	Wright, M. N.
Druce	Lederer	Robinson	Yandrisevits
Durham	Lee	Roebuck	Yewcic
Egolf	Leh	Rohrer	Zug
Evans	Lescovitz	Rooney	
Fairchild	Levdansky	Rubley	DeWeese,
Fajt	Linton	Rudy	Speaker
Fargo	Lloyd	Ryan	

NAYS—0

NOT VOTING—0

EXCUSED—2

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

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

The House proceeded to third consideration of **HB 337, PN 2031**, entitled:

An Act regulating toxic materials used in packaging and components thereof; and providing for additional duties of the Department of Environmental Resources, for certain procedures, for remedies and enforcement and for civil and criminal penalties.

On the question,

Will the House agree to the bill on third consideration?

Mr. VITALI offered the following amendments No. A2738:

Amend Table of Contents, page 1, line 15, by striking out all of said line

Amend Table of Contents, page 2, lines 2 through 18, by striking out all of said lines and inserting

Chapter 7. Enforcement

Section 701. Unlawful conduct.

Section 702. Enforcement orders.

Section 703. Restraining violations.

Section 704. Civil penalties.

Section 705. Criminal penalties.

Section 706. Remedies of citizens.

Section 707. Concurrent remedies.

Chapter 9. Miscellaneous Provisions

Section 901. Removal of additional toxic substances.

Section 902. State review.

Section 903. Public access.

Section 904. Repeals.

Section 905. Effective date.

Amend Sec. 103, page 4, line 5, by inserting after "component."

The term shall not include a ceramic cup which incidentally serves as a package for another product at the time of sale where said cups primary purpose and value is as a cup rather than a package for another product.

Amend Sec. 301, page 4, line 15, by striking out "one year" and inserting

two years

Amend Sec. 301, page 4, line 25, by striking out "one year" and inserting

two years

Amend Sec. 301, page 5, by inserting between lines 3 and 4

(c) Steel strapping.—For the purposes of this section, the addition of lead in the manufacture of steel strapping through the quenching process shall not be considered intentional introduction.

Amend Sec. 301, page 5, line 4, by striking out "(c)" and inserting

(d)

Amend Sec. 301, page 5, line 9, by striking out "one year" and inserting

two years

Amend Sec. 301, page 5, line 11, by striking out "two" and inserting

three

Amend Sec. 301, page 5, line 13, by striking out "three" and inserting

four

Amend Sec. 302, page 6, lines 11 through 13, by striking out all of said lines

Amend Sec. 303, page 6, lines 15 and 16, by striking out "one year" and inserting

two years

Amend Sec. 303, page 7, line 5, by inserting after "component."

The requirement to provide an amended certificate will not be triggered by changes in size, shape and label copy unless such changes affect compliance hereunder.

Amend Bill, page 7, lines 6 through 20, by striking out all of said lines

Amend Sec. 501, page 7, line 24, by striking out "(a) General rule.—"

Amend Sec. 501, page 7, lines 25 and 26, by striking out "product manufacturer, distributor or retailer" and inserting "or product manufacturer"

Amend Sec. 501, page 7, lines 27 through 29, by striking out "or at which" in line 27, all of line 28 and "or offered for sale or for promotional purposes," in line 29

Amend Bill, page 8, lines 2 through 30; page 9, lines 1 through 3, by striking out all of said lines on said pages

Amend Bill, page 9, by inserting between lines 5 and 6 Section 701. Unlawful conduct.

It shall be unlawful for any person to:

(1) Violate any provision of this act.

(2) Tender for sale to a wholesaler or retailer any package, packaging component or packaged product in violation of this act.

(3) Furnish a certificate under section 303 when the package or packaging component does not comply with section 301.

Amend Sec. 701, page 9, line 6, by striking out "701" and inserting

702

Amend Sec. 701, page 9, lines 20 through 25, by striking out all of said lines

Amend Sec. 702, page 9, line 26, by striking out "702" and inserting

703

Amend Sec. 702, page 9, lines 27 and 28, by striking out "provided in this act" and inserting "available to the department"

Amend Sec. 702, page 10, by inserting between lines 12 and 13

(c) Concurrent remedies.—The penalties and remedies prescribed by this act shall be deemed concurrent, and the existence of or exercise of any remedy shall not prevent the department from exercising any other remedy hereunder, at law or in equity.

Amend Sec. 702, page 10, line 13, by striking out "(c)" and inserting

(d)

Amend Sec. 703, page 10, line 17, by striking out "703" and inserting

704

Amend Sec. 703, page 11, lines 16 and 17, by striking out "for a first violation and" in line 16, all of line 17 and inserting "per violation. Each"

Amend Sec. 704, page 11, line 22, by striking out "704" and inserting

705

Amend Sec. 704, page 11, by inserting between lines 22 and 23

(a) Summary offense.—Any person who violates any provision of this act or any order issued hereunder shall, upon conviction thereof in a summary proceeding, be sentenced to pay a fine of not less than \$100 and not more than \$1,000 and costs and, in default of the payment of such fine and costs, to undergo imprisonment for not more than 30 days.

Amend Sec. 704, page 11, line 23, by striking out "(a)" and inserting

(b)

Amend Sec. 704, page 11, lines 26, by inserting after "of" "not less than \$1,000 but not more than"

Amend Sec. 704, page 11, line 28, by striking out "(b)" and inserting

(c)

Amend Sec. 704, page 12, line 2, by inserting after "of" "not less than \$2,500 nor more than"

Amend Sec. 704, page 12, line 5, by striking out "(c)" and inserting

(d)

Amend Sec. 704, page 12, lines 7 and 8, by striking out "and (b)" and inserting

, (b) and (c).

Amend Sec. 705, page 12, line 9, by striking out "705" and inserting

706

Amend Sec. 705, page 12, line 27, by inserting after "action" "against an alleged violator"

Amend Sec. 706, page 13, line 7, by striking out "706" and inserting

707

Amend Bill, page 14, lines 5 through 7, by striking out all of said lines and inserting

CHAPTER 9

MISCELLANEOUS PROVISIONS

Section 901. Removal of additional toxic substances.

(a) Regulations.—The department may propose to the Environmental Quality Board a regulation to remove additional toxic substances contained in packages or packaging components that it determines will pose a significant threat to public health or environment based on scientific and medical evidence and a risk assessment it performs. These additional substances may include, but need not be limited to, substances that are found to be carcinogenic or mutagenic.

(b) Risk assessment.—The risk assessment developed by the department must include a determination of whether the substance presents or will present an unreasonable risk to public health or the environment, utilizing a nationally recognized risk assessment protocol. This protocol should take into account the magnitude and severity of the harm as weighed against the benefits of the substance or mixture to society as well as the availability of substitutes for the substance or mixture and other adverse effects which such proposed action may have on society.

(c) Consultations and hearings.—Prior to recommending any additional toxic substances, the department shall consult with CONEG, the American Society for Testing and Materials, the United States Environmental Protection Agency and the Northeast Recycling Council of the Council of State Governments on the recommendation. The department shall also hold at least one public hearing on its recommendation prior to proposing a regulation to the Environmental Quality Board.

Section 902. State review.

Amend Sec. 1101, page 14, line 10, by striking out "42" and inserting

24

Amend Sec. 1101, page 14, line 17, by striking out "5(c)" and inserting

302(3)

Amend Sec. 1102, page 14, line 20, by striking out "1102" and inserting

903

Amend Sec. 1102, page 14, line 21, by inserting before "Any"

(a) Certificate of compliance.—

Amend Sec. 1102, page 14, by inserting between lines 29 and 30

(b) Confidential information.—The department may, upon request, designate records, reports or information as confidential when the person providing the information demonstrates that the information containing the trade secrets, processes, operations, style of work or apparatus of a person is confidential business information. When submitting information to the department under this act, a person shall designate the information which the person believes is confidential or shall submit the information separately from other information being submitted.

Amend Sec. 1103, page 14, line 30, by striking out "1103" and inserting

904

Amend Sec. 1104, page 15, line 3, by striking out "1104" and inserting

905

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

The SPEAKER pro tempore. On that question, the Chair recognizes Representative Vitali.

Mr. VITALI. Mr. Speaker, HB 337 is the Toxic Packaging Reduction Law. This amendment before you is the accumulation of a lot of work between many members and myself to make this bill more palatable and more accommodating to various members and to industry. I want to make one point. With this amendment, the chamber of commerce has removed this objection to this bill.

Basically, what this amendment does, among other things, is it returns the implementation of the Toxic Packaging Reduction Law to a 2-year phase-in period. The bill itself was a 1-year period.

With regard to enforcement provisions, this amendment would tone down enforcement provisions, thus removing another objection. The enforcement provisions now are in conformance with DER's requirements and also have the support of the chamber.

Furthermore, this bill alleviates some concerns that members in the glass industry had with regard to it yet still retaining the integrity of the bill.

The amendment would also narrow yet protect an amendment which dealt with steel strapping, a concern of the steel industry.

The amendment would also add language with regard to protecting confidential records of business.

The amendment would also add a provision for risk assessment. Currently in the bill four categories of heavy metals are prohibited from packaging and packaging material — mercury, lead, cadmium, and hexavalent chromium. This amendment would create a protocol, a procedure, for the addition of other elements. This again has been requested by the chamber and DER.

The amendment would also make some adjustments with regard to certificates of compliance, thus clarifying some language. This was requested by industry.

This packet of amendments, which again I will underline is the basis for the removal of any chamber of commerce objections, retains the environmental integrity of the bill, yet accommodates the business interests of the State.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Montgomery County, Mr. Reber.

Mr. REBER. Thank you, Mr. Speaker.

Mr. Speaker, very briefly. I would like to submit for the record, first of all, the letter from the Pennsylvania Chamber of Business and Industry that Mr. Vitali previously alluded to.

I would say that the proposed amendment currently before the House, A2738, does in fact bring about many of the remedial changes that were expressed as a need-type amendment by various interests throughout the Commonwealth, and I commend the sponsor of the legislation for acting accordingly and offering this amendment to remediate those concerns.

I accordingly would then suggest that the House vote in favor of the Vitali amendment currently before us.

LETTER SUBMITTED FOR THE RECORD

Mr. REBER submitted the following letter for the Legislative Journal:

Pennsylvania Chamber
of Business and Industry
One Commerce Square
417 Walnut Street
Harrisburg, Pennsylvania 17101
15 June 1993

The Honorable Gregory Vitali
103-B East Wing, Main Capitol
Harrisburg, Pennsylvania 17120

Dear Representative Vitali:

The Chamber has reviewed your proposed amendment, A 2738, to House Bill 337. We commend you for addressing our concerns about the bill. While there are still one or two amendments we would like to see added, such as an exemption for the glass industry, and some revisions in "certificate of compliance" language, the adoption of your comprehensive amendment would allow us to drop our opposition to HB 337.

We very much appreciate your willingness to work with the business community in resolving our concerns and making this bill a more reasonable and liveable one. Thank you for your cooperation.

Sincerely,
Floyd W. Warner
President

cc: House Leadership
Representative George
Representative Reber

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman, Mr. Gordner.

Mr. GORDNER. Thank you, Mr. Speaker.

Just again also briefly, I would like to rise in support of this amendment.

I had problems with the original bill as drafted, and I applaud the prime sponsor of the bill, Representative Vitali, from Delaware County for his efforts in order to take care of those concerns, and I would encourage both sides to support this amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—200

Acosta	Fee	Lynch	Santoni
Adolph	Fichter	Maitland	Sather
Allen	Fleagle	Manderino	Saurman
Argall	Freeman	Markosek	Saylor
Armstrong	Gamble	Marsico	Scheetz
Baker	Gannon	Masland	Schuler
Barley	Geist	Mayernik	Scrimenti
Battisto	George	McCall	Semmel
Bebko-Jones	Gerlach	McGeehan	Serafini

Belardi	Gigliotti	McNally	Smith, B.
Belfanti	Gladeck	Melio	Smith, S. H.
Birmelin	Godshall	Mery	Snyder, D. W.
Bishop	Gordner	Michlovic	Staback
Blaum	Gruitza	Micozzie	Stairs
Boyes	Gruppo	Mihalich	Steelman
Brown	Haluska	Miller	Steighner
Bunt	Hanna	Mundy	Steil
Bush	Harley	Murphy	Stern
Bulkovitz	Hasay	Nailor	Stetler
Buxton	Heckler	Nickol	Stish
Caltagirone	Hennessey	Nyce	Strittmatter
Cappabianca	Herman	O'Brien	Sturla
Carn	Hershey	O'Donnell	Surra
Carone	Hess	Olasz	Tangretti
Cawley	Hughes	Oliver	Taylor, E. Z.
Cessar	Hutchinson	Perzel	Taylor, J.
Chadwick	Itkin	Pesci	Thomas
Civera	Jadlowiec	Petrarca	Tigue
Clark	James	Petrone	Tomlinson
Clymer	Jarolin	Pettit	Trello
Cohen, L. I.	Josephs	Phillips	Trich
Cohen, M.	Kaiser	Piccola	True
Colafiglia	Kasunic	Pistella	Tulli
Colaizzo	Keller	Pitts	Uliana
Cornell	Kenney	Platts	Vance
Corrigan	King	Preston	Van Home
Coy	Kirkland	Raymond	Veon
Curry	Krebs	Reber	Vitali
DeLuca	Kukovich	Reinard	Waugh
Dempsey	LaGrotta	Richardson	Williams
Dent	Laub	Rieger	Wogan
Dermody	Laughlin	Ritter	Wozniak
Donatucci	Lawless	Roberts	Wright, D. R.
Druce	Lederer	Robinson	Wright, M. N.
Durham	Lee	Roebuck	Yandrisevits
Egolf	Leh	Rohrer	Yewcic
Evans	Iescovitz	Rooney	Zug
Fairchild	Levdansky	Rubley	
Fajt	Linton	Rudy	DeWeese,
Fargo	Lloyd	Ryan	Speaker
Farmer	Lucyk		

NAYS—0

NOT VOTING—1

Daley

EXCUSED—2

Cowell Flick

The question was determined in the affirmative, and the amendments were agreed to.

On the question,

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

The SPEAKER pro tempore. The Chair recognizes Representative Rubley for the possible purpose of offering an amendment to this bill.

Mrs. RUBLEY. Thank you, Mr. Speaker.

I would like to thank Representative Vitali for including the provisions affecting the timetable for this bill into his amendments. Therefore, I am withdrawing my amendments A2550 and A2600. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentlelady.

On the question recurring,

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

Mr. REBER offered the following amendment No. A2817:

Amend Sec. 303, page 6, line 26, by removing the period after "use" and inserting by the purchaser to package products. A manufacturer of packaging or packaging components may issue one certificate of compliance to each customer covering every package or packaging component sold to that customer.

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. The Chair recognizes Representative Reber.

Mr. REBER. Thank you, Mr. Speaker.

Mr. Speaker, this particular amendment refers to section 303 of the bill on page 6, and it outlines certain procedures for packaging manufacturers in the issuance of the certificates of compliance to purchasers of packaging, which is contained in the bill at the current time.

I have spoken with the prime sponsor of the legislation and he agrees that this clarifies the fact that there is only the necessity for one certificate of compliance when the same packaging and printing material is being used, even though it is being used for a number of different sizes, for instance boxes, but it does contain the identical type of packaging component as well as printing materials.

I think this clarifies the language currently in the bill, and I think more importantly it effectuates the lack of and existence of an administrative nightmare and also makes the language more clearly drafted for that purpose. I would urge its adoption.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes Representative Vitali.

Mr. VITALI. Mr. Speaker, I would like to thank Minority Chairman Reber for his amendment. I support it. It makes a good bill better. It also has the support of the Coalition of Northeastern Governors, which drafted the model legislation which is the basis for this.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—200

Acosta	Fee	Lynch	Santoni
Adolph	Fichter	Maitland	Sather
Allen	Fleagle	Manderino	Saurman
Argall	Freeman	Markosek	Saylor
Armstrong	Gamble	Marsico	Scheetz
Baker	Gannon	Masland	Schuler
Barley	Geist	Mayernik	Scrimanti
Battisto	George	McCall	Sennel
Bebko-Jones	Gerlach	McGeehan	Serafini
Belardi	Gigliotti	McNally	Smith, B.

Belfanti	Gladeck	Melio	Smith, S. H.
Birmelin	Godshall	Merry	Snyder, D. W.
Blaum	Gordner	Michlovic	Staback
Boyes	Gruitza	Micozzie	Stairs
Brown	Gruppo	Mihalich	Steelman
Bunt	Haluska	Miller	Steighner
Bush	Hanna	Mundy	Steil
Butkovitz	Harley	Murphy	Stern
Buxton	Hasay	Nailor	Stetler
Caltagirone	Heckler	Nickol	Stish
Cappabianca	Hennessey	Nyce	Strittmatter
Carn	Herman	O'Brien	Sturla
Carone	Hershey	O'Donnell	Surra
Cawley	Hess	Olasz	Tangretti
Cessar	Hughes	Oliver	Taylor, E. Z.
Chadwick	Hutchinson	Perzel	Taylor, J.
Civera	Itkin	Pesci	Thomas
Clark	Jadlowiec	Petrarca	Tigue
Clymer	James	Petrone	Tomlinson
Cohen, L. I.	Jarolin	Pettit	Trello
Cohen, M.	Josephs	Phillips	Trich
Colafiglia	Kaiser	Piccola	True
Colaizzo	Kasunic	Pistella	Tulli
Cornell	Keller	Pitts	Uliana
Corrigan	Kenney	Platts	Vance
Coy	King	Preston	Van Home
Curry	Kirkland	Raymond	Veon
Daley	Krebs	Reber	Vitali
DeLuca	Kukovich	Reinard	Waugh
Dempsey	LaGrotta	Richardson	Williams
Dent	Laub	Rieger	Wogan
Dermody	Laughlin	Ritter	Wozniak
Donatucci	Lawless	Roberts	Wright, D. R.
Druce	Lederer	Robinson	Wright, M. N.
Durham	Lee	Roebuck	Yandrievits
Egolf	Leh	Rohrer	Yewcic
Evans	Lescovitz	Rooney	Zug
Fairchild	Levdansky	Rublely	
Fajt	Linton	Rudy	DeWeese,
Fargo	Lloyd	Ryan	Speaker
Farmer	Lucyk		

NAYS—0

NOT VOTING—1

Bishop

EXCUSED—2

Cowell

Flick

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

On the question recurring,

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

Mr. TRICH offered the following amendment No. A2865:

14

Amend Sec. 302, page 6, by inserting between lines 13 and

(5) For two years from the effective date of this act any glass or ceramic package that is recyclable, refillable or reuseable that, as a unit, meets all current United States Food and Drug Administration guidelines or regulations applicable to a food contact area relating to limits on potentially harmful substances contained in the glazing, pigment, glass or ceramic material used to make the package.

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

The SPEAKER pro tempore. On that question, the Chair recognizes Representative Trich.

Mr. TRICH. Thank you, Mr. Speaker.

With the help and cooperation of my colleague, Representative Mihalich, and also the cooperation of the prime sponsor, we were able to negotiate an arrangement with members of the industry concerning one specific pigment that is used in the coloration of glass.

The amendment before the House merely gives a 2-year delay and exemption for the glass industry so that they can advance their technologies to come up with an alternative chemical, an alternative pigment, for the coloring of red in glass. It is important, because one of the industries in my home district depends upon that particular pigment as we speak, and this gives them the time that they will need.

So I would ask for an affirmative vote on this amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Vitali.

Mr. VITALI. Mr. Speaker, I again would like to thank Representative Trich for his work on the bill. I do support the amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—200

Acosta	Farmer	Lucyk	Santoni
Adolph	Fee	Lynch	Sather
Allen	Fichter	Maitland	Saurman
Argall	Fleagle	Manderino	Saylor
Armstrong	Freeman	Markosek	Scheetz
Baker	Gamble	Marsico	Schuler
Barley	Gannon	Masland	Scrimenti
Battisto	Geist	Mayernik	Semmel
Bebko-Jones	George	McCall	Serafini
Belardi	Gerlach	McGeehan	Smith, B.
Belfanti	Gigliotti	McNally	Smith, S. H.
Birmelin	Gladeck	Melio	Snyder, D. W.
Bishop	Godshall	Merry	Staback
Blaum	Gordner	Michlovic	Stairs
Boyes	Gruitza	Micozzie	Steelman
Brown	Gruppo	Mihalich	Steighner
Bunt	Haluska	Miller	Steil
Bush	Hanna	Mundy	Stern
Butkovitz	Harley	Murphy	Stetler
Buxton	Hasay	Nailor	Stish
Caltagirone	Heckler	Nickol	Strittmatter
Cappabianca	Hennessey	Nyce	Sturla
Carn	Herman	O'Brien	Surra
Carone	Hershey	Olasz	Tangretti
Cawley	Hess	Oliver	Taylor, E. Z.
Cessar	Hughes	Perzel	Taylor, J.
Chadwick	Hutchinson	Pesci	Thomas
Civera	Itkin	Petrarca	Tigue
Clark	Jadlowiec	Petrone	Tomlinson

Clymer	James	Pettit	Trello
Cohen, L. I.	Jarolin	Phillips	Trich
Cohen, M.	Josephs	Piccola	True
Colafrlla	Kaiser	Pistella	Tulli
Colaizzo	Kasunic	Pitts	Uliana
Cornell	Keller	Platts	Vance
Corrigan	Kenney	Preston	Van Horne
Coy	King	Raymond	Veon
Curry	Kirkland	Reber	Vitali
Daley	Krebs	Reinard	Waugh
DeLuca	Kukovich	Richardson	Williams
Dempsey	LaGrotta	Rieger	Wogan
Dent	Laub	Ritter	Wozniak
Dermody	Laughlin	Roberts	Wright, D. R.
Donatucci	Lawless	Robinson	Wright, M. N.
Druce	Lederer	Roebuck	Yandrisevits
Durham	Lee	Rohrer	Yewcic
Egolf	Leh	Rooney	Zug
Evans	Lescovitz	Rubley	
Fairchild	Levdansky	Rudy	DeWeese,
Fajt	Linton	Ryan	Speaker
Fargo	Lloyd		

NAYS—0

NOT VOTING—1

O'Donnell

EXCUSED—2

Cowell Flick

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

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—201

Acosta	Farmer	Lucyk	Santoni
Adolph	Fee	Lynch	Sather
Allen	Fichter	Maitland	Saurman
Argall	Fleagle	Manderino	Saylor
Armstrong	Freeman	Markosek	Scheetz
Baker	Gamble	Marsico	Schuler
Barley	Gannon	Masland	Scrimenti
Battisto	Geist	Mayernik	Semmel
Bebko-Jones	George	McCall	Serafini
Belardi	Gerlach	McGeehan	Smith, B.
Belfanti	Gigliotti	McNally	Smith, S. H.
Birmelin	Gladeck	Melio	Snyder, D. W.
Bishop	Godshall	Merry	Staback
Blaum	Gordner	Michlovic	Stairs
Boyes	Gruitza	Micozzie	Steelman
Brown	Gruppo	Mihalich	Steighner
Bunt	Haluska	Miller	Steil
Bush	Hanna	Mundy	Stern
Butkovitz	Harley	Murphy	Stetler

Buxton	Hasay	Nailor	Stish
Caltagirone	Heckler	Nickol	Strittmatter
Cappabianca	Hennessey	Nyce	Sturla
Carn	Herman	O'Brien	Surra
Carone	Hershey	O'Donnell	Tangretti
Cawley	Hess	Olasz	Taylor, E. Z.
Cessar	Hughes	Oliver	Taylor, J.
Chadwick	Hutchinson	Perzel	Thomas
Civera	Itkin	Pesci	Tigue
Clark	Jadlowiec	Petrarca	Tomlinson
Clymer	James	Petrone	Trelo
Cohen, L. I.	Jarolin	Pettit	Trich
Cohen, M.	Josephs	Phillips	True
Colafrlla	Kaiser	Piccola	Tulli
Colaizzo	Kasunic	Pistella	Uliana
Cornell	Keller	Pitts	Vance
Corrigan	Kenney	Platts	Van Horne
Coy	King	Preston	Veon
Curry	Kirkland	Raymond	Vitali
Daley	Krebs	Reber	Waugh
DeLuca	Kukovich	Reinard	Williams
Dempsey	LaGrotta	Richardson	Wogan
Dent	Laub	Rieger	Wozniak
Dermody	Laughlin	Ritter	Wright, D. R.
Donatucci	Lawless	Roberts	Wright, M. N.
Druce	Lederer	Robinson	Yandrisevits
Durham	Lee	Roebuck	Yewcic
Egolf	Leh	Rohrer	Zug
Evans	Lescovitz	Rooney	
Fairchild	Levdansky	Rubley	DeWeese,
Fajt	Linton	Rudy	Speaker
Fargo	Lloyd	Ryan	

NAYS—0

NOT VOTING—0

EXCUSED—2

Cowell Flick

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

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

BILL ON SECOND CONSIDERATION

The following bill, having been called up, was considered for the second time and agreed to, and ordered transcribed for third consideration:

SB 1068, PN 1369.

RULES SUSPENDED

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

Mr. ITKIN. Mr. Speaker, I move that we suspend the rules to immediately consider HR 138.

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

The following roll call was recorded:

YEAS—201

Acosta	Farmer	Lucyk	Santoni
Adolph	Fee	Lynch	Sather
Allen	Fichter	Maitland	Saurman
Argall	Fleagle	Manderino	Saylor
Armstrong	Freeman	Markosek	Scheetz
Baker	Gamble	Marsico	Schuler
Barley	Gannon	Masland	Scrimenti
Battisto	Geist	Mayernik	Semmel
Bebko-Jones	George	McCall	Serafini
Belardi	Gerlach	McGeehan	Smith, B.
Belfanti	Gigliotti	McNally	Smith, S. H.
Birmelin	Gladeck	Melio	Snyder, D. W.
Bishop	Godshall	Merry	Staback
Blaum	Gordner	Michlovic	Stairs
Boyes	Gruitza	Micozzie	Steelman
Brown	Gruppo	Mihalich	Steighner
Bunt	Haluska	Miller	Steil
Bush	Hanna	Mundy	Stern
Butkovitz	Harley	Murphy	Stetler
Buxton	Hasay	Nailor	Stish
Caltagirone	Heckler	Nickol	Strittmatter
Cappabianca	Hennessey	Nyce	Sturla
Carn	Herman	O'Brien	Surra
Carone	Hershey	O'Donnell	Tangretti
Cawley	Hess	Olasz	Taylor, E. Z.
Cessar	Hughes	Oliver	Taylor, J.
Chadwick	Hutchinson	Perzel	Thomas
Civera	Itkin	Pesci	Tigue
Clark	Jadlowiec	Petrarca	Tomlinson
Clymer	James	Petrone	Trello
Cohen, L. I.	Jarolin	Pettit	Trich
Cohen, M.	Josephs	Phillips	True
Colaella	Kaiser	Piccola	Tulli
Colaizzo	Kasunic	Pistella	Uliana
Cornell	Keller	Pitts	Vance
Corrigan	Kenney	Platts	Van Horne
Coy	King	Preston	Veon
Curry	Kirkland	Raymond	Vitali
Daley	Krebs	Reber	Waugh
DeLuca	Kukovich	Reinard	Williams
Dempsey	LaGrotta	Richardson	Wogan
Dent	Laub	Rieger	Wozniak
Dermody	Laughlin	Ritter	Wright, D. R.
Donatucci	Lawless	Roberts	Wright, M. N.
Druce	Lederer	Robinson	Yandrisevits
Durham	Lee	Roebuck	Yewcic
Egolf	Leh	Rohrer	Zug
Evans	Lescovitz	Rooney	
Fairchild	Levdansky	Rublely	DeWeese,
Fajt	Linton	Rudy	Speaker
Fargo	Lloyd	Ryan	

NAYS—0

NOT VOTING—0

EXCUSED—2

Cowell	Flick
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A majority of the members elected to the House having voted in the affirmative, the question was determined in the affirmative and the motion was agreed to.

RESOLUTION

The SPEAKER pro tempore. The gentlelady, Mrs. Harley, calls up HR 138, which will be read by the clerk.

The following resolution was read:

House Resolution No. 138

A RESOLUTION

Designating the week of September 18 through 24, 1993, as "Voter Awareness Week."

WHEREAS, A democracy is dependent upon an educated, informed and active electorate; and

WHEREAS, Fifty million people in the United States are eligible to vote but are unregistered; and

WHEREAS, The percentage of Americans voting has declined steadily in the past 30 years, and voter apathy is cited as the greatest contributing factor; and

WHEREAS, A voter awareness day places special emphasis on the importance of voting and registering to vote; therefore be it

RESOLVED, That the House of Representatives proclaim the week of September 18 through 24, 1993, as "Voter Awareness Week."

- Ellen A. Harley
- Stanley E. Saylor
- Matthew N. Wright
- John R. Gordner
- P. Michael Sturla
- Jim Lynch
- John W. Fichter
- Charles W. Dent
- Kathy M. Manderino
- Elaine F. Farmer
- Thomas C. Petrone
- Frank W. Yandrisevits
- Paul W. Semmel
- Robert J. Flick
- Richard D. Olasz
- Daniel F. Clark
- George T. Kenney, Jr.
- Lawrence Roberts
- Patricia H. Vance
- Stephen R. Maitland
- Edward H. Krebs
- Thomas M. Tigue
- Dante Santoni, Jr.
- Carole A. Rubley
- Patricia Carone
- Howard L. Fargo
- C. Allan Egolf
- Anthony M. DeLuca
- Martin L. Laub
- Elinor Z. Taylor
- Arthur D. Hershey
- William Russell Robinson
- George E. Saurman
- Phyllis Mundy
- Albert W. Pettit
- Victor John Lescovitz
- Richard J. Cessar
- Timothy L. Pesci
- T. J. Rooney
- David G. Argall
- Richard A. Kasunic
- Katie True
- Edward G. Staback
- Lynn B. Herman
- Michael L. Waugh
- Dennis E. Leh
- Babette Josephs

Robert L. Freeman
Lita Indzel Cohen
Italo S. Cappabianca
Linda Bebko-Jones
Frank J. Gigliotti
Timothy F. Hennessey
Larry O. Sather
Gregory C. Fajt
Todd R. Platts
Bruce Smith
Robert E. Belfanti, Jr.
Sheila M. Miller
Raymond Bunt, Jr.
Anthony J. Melio
Richard A. Geist
Samuel E. Rohrer
Ron Raymond
Jim Gerlach
Frank Tulli, Jr.
Fred A. Trello
Teresa E. Brown
John M. Perzel
Peter J. Zug
Dick L. Hess
Ronald S. Marsico

Carone	Hershey	O'Donnell	Tangretti
Cawley	Hess	Olasz	Taylor, E. Z.
Cessar	Hughes	Oliver	Taylor, J.
Chadwick	Hutchinson	Perzel	Thomas
Civera	Itkin	Pesci	Tigue
Clark	Jadlowiec	Petrarca	Tomlinson
Clymer	James	Petrone	Trello
Cohen, L. I.	Jarolin	Pettit	Trich
Cohen, M.	Josephs	Phillips	True
Colafrilla	Kaiser	Piccola	Tulli
Colaizzo	Kasunic	Pistella	Uliana
Cornell	Keller	Pitts	Vance
Corrigan	Kenney	Platts	Van Home
Coy	King	Preston	Veon
Curry	Kirkland	Raymond	Vitali
Daley	Krebs	Reber	Waugh
DeLuca	Kukovich	Reinard	Williams
Dempsey	LaGrotta	Richardson	Wogan
Dent	Laub	Rieger	Wozniak
Dermody	Laughlin	Ritter	Wright, D. R.
Donatucci	Lawless	Roberts	Wright, M. N.
Druce	Lederer	Robinson	Yandrisevits
Durham	Lee	Roebuck	Yewcic
Egolf	Leh	Rohrer	Zug
Evans	Lescovitz	Rooney	
Fairchild	Levdansky	Rubley	DeWeese,
Fajt	Linton	Rudy	Speaker
Fargo	Lloyd	Ryan	

On the question,
Will the House adopt the resolution?

The SPEAKER pro tempore. On that question, the Chair recognizes Representative Harley.

Mrs. HARLEY. Thank you, Mr. Speaker.

In light of the fact that we have been considering on a number of occasions ways to encourage people to become more active in the electoral process, I would hope that all of my colleagues would join me in support of this important resolution. Thank you.

The SPEAKER pro tempore. The Chair thanks the lady.

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

The following roll call was recorded:

YEAS—201

Acosta	Farmer	Lucyk	Santoni
Adolph	Fee	Lynch	Sather
Allen	Fichter	Maitland	Saurman
Argall	Fleagle	Manderino	Saylor
Armstrong	Freeman	Markosek	Scheetz
Baker	Gamble	Marsico	Schuler
Bartley	Gannon	Masland	Scrimenti
Battisto	Geist	Mayernik	Semmel
Bebko-Jones	George	McCall	Serafini
Belardi	Gerlach	McGeehan	Smith, B.
Belfanti	Gigliotti	McNally	Smith, S. H.
Birmelin	Gladeck	Melio	Snyder, D. W.
Bishop	Godshall	Merry	Staback
Blaum	Gordner	Michlovic	Stairs
Boyes	Gruitza	Micozzie	Steelman
Brown	Gruppo	Mihalich	Steighner
Bunt	Haluska	Miller	Steil
Bush	Hanna	Mundy	Stern
Butkovitz	Harley	Murphy	Stetler
Buxton	Hasay	Nailor	Stish
Caltagirone	Heckler	Nickol	Strittmatter
Cappabianca	Hennessey	Nyce	Sturla
Carn	Herman	O'Brien	Surra

NAYS—0

NOT VOTING—0

EXCUSED—2

Cowell Flick

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

PARLIAMENTARY INQUIRY

The SPEAKER pro tempore. The Chair recognizes Representative Gannon.

Mr. GANNON. A parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman may proceed. What is the nature of the inquiry?

Mr. GANNON. Mr. Speaker, on HB 587, if we go over that bill today, what position will it be in on the next legislative day?

The SPEAKER pro tempore. The Chair is advised that the bill will still be in a position to be called up for a vote by Representative Gannon.

Mr. GANNON. All right. Thank you, Mr. Speaker.

In light of that, Mr. Speaker, I have no objection to the bill going over today.

The SPEAKER pro tempore. The Chair thanks the gentleman.

DEMOCRATIC CAUCUS

The SPEAKER pro tempore. For what purpose does the gentleman, Mr. Coy, rise?

Mr. COY. For the purpose of an announcement.

The SPEAKER pro tempore. The gentleman may proceed.
Mr. COY. Mr. Speaker, I would like to call a meeting of the Democratic Caucus at 4 p.m. to discuss the Conference Report on SB 1, the workers' compensation legislation. The majority leader intends to return to the floor at 5 p.m.

The SPEAKER pro tempore. The Chair thanks the gentleman.

CONFERENCE COMMITTEE MEETING

Mr. COY. Mr. Speaker?

The SPEAKER pro tempore. The gentleman may proceed.

Mr. COY. A further announcement that the Conference Committee on SB 1 will be meeting in the Senate majority caucus room at 3:30 p.m.

The SPEAKER pro tempore. The Chair thanks the gentleman.

REPUBLICAN CAUCUS

The SPEAKER pro tempore. The Chair recognizes the minority caucus chairman, Representative Geist.

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

The Republicans will caucus at a quarter to 4 promptly, and we will see them all in the caucus room.

The SPEAKER pro tempore. The Chair thanks Representative Geist.

RULES COMMITTEE MEETING

The SPEAKER pro tempore. The Chair recognizes the majority leader, Mr. Itkin.

Mr. ITKIN. Mr. Speaker, I rise to announce a meeting of the Rules Committee to be held at 5 o'clock in the anteroom of the House chamber, which is to the right of the Speaker's podium.

The SPEAKER pro tempore. The Chair thanks the gentleman.

APPROPRIATIONS COMMITTEE MEETING

The SPEAKER pro tempore. The Chair recognizes Representative Gordon Linton.

Mr. LINTON. Thank you, Mr. Speaker.

I would like to announce a meeting of the House Appropriations Committee at the recess in the majority caucus room.

The SPEAKER pro tempore. The Chair thanks the gentleman.

RECESS

The SPEAKER pro tempore. The House will now be in recess to the call of the Chair.

AFTER RECESS

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

THE SPEAKER (H. WILLIAM DeWEESE) PRESIDING

FILMING PERMISSION

The SPEAKER. The House Republican video team is on the floor, the team consisting of Tom Pyne and Ralph Guida.

Also this evening, Marcus Kirkland and Tom Herdman of the Democratic broadcast team are here.

Both will be filming with audio concerning SB 1.

BILLS REREPORTED FROM COMMITTEES

HB 145, PN 1169

By Rep. EVANS

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, prohibiting the possession of a firearm or other dangerous weapon in a court facility.

APPROPRIATIONS.

HB 292, PN 1790

By Rep. EVANS

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, providing for out-of-State coverage and for notice of compensation; and further providing for group accident and sickness insurance.

APPROPRIATIONS.

HB 633, PN 697

By Rep. EVANS

An Act authorizing superintendents, wardens and other officials in charge of correctional institutions to establish inmate work force programs.

APPROPRIATIONS.

HB 690, PN 754

By Rep. EVANS

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, further providing for the form of official primary ballots; providing for funding of certain Statewide elections; limiting certain contributions; imposing powers and duties on the Department of State; and providing penalties.

APPROPRIATIONS.

HB 849, PN 912

By Rep. EVANS

An Act amending the act of November 17, 1982 (P.L.676, No.192), known as the Manufactured Housing Construction and Safety Standards Authorization Act, providing for installation of manufactured homes.

APPROPRIATIONS.

HB 850, PN 913

By Rep. EVANS

An Act amending the act of November 24, 1976 (P.L.1176, No.261), known as the Mobile Home Park Rights Act, further providing for evictions, for park rules and regulations, for maintenance and repairs, for underskirting and tie-down equipment, for community associations, for overnight guests, for written leases, for installations, for business visitors, for fees at competitive prices, for security deposits, for abandoned homes, for sales of manufactured homes and for sewer and water facilities.

APPROPRIATIONS.

HB 851, PN 2174 (Amended)

By Rep. EVANS

An Act providing for dispute reconciliation in manufactured housing communities; establishing the Manufactured Housing Community Commission and providing for its powers and duties; conferring powers and duties on the Department of Community Affairs; imposing fees on manufacturing housing communities; establishing the Manufactured Housing Fund; and imposing duties on the Legislative Reference Bureau.

APPROPRIATIONS.

HB 1420, PN 1843

By Rep. EVANS

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for cruelty to animals; and prohibiting the offering of live animals as prizes.

APPROPRIATIONS.

HB 1702, PN 1970

By Rep. ITKIN

An Act amending the act of December 16, 1986 (P.L.1621, No.184), entitled "An act establishing and imposing powers and duties on the Office for the Deaf and Hearing Impaired in the Department of Labor and Industry; and establishing and providing powers and duties for the Advisory Council for the Deaf and Hearing Impaired in the Department of Labor and Industry," providing for definitions and for the establishment of a program for interpreters for persons who are deaf and hard of hearing; and making an appropriation.

RULES.

HB 1753, PN 2071

By Rep. ITKIN

An Act providing for registration of apparel manufacturers and contractors; establishing the Apparel Industry Task Force and providing for its powers, duties and training; and providing for reports and for penalties.

RULES.

HB 1762, PN 2041

By Rep. ITKIN

An Act assigning development of high speed intercity rail passenger service to the Pennsylvania Turnpike Commission and providing for its powers and duties; and making appropriations.

RULES.

SB 1052, PN 1462

By Rep. EVANS

An Act reenacting and amending the act of July 8, 1986 (P. L. 408, No. 89), entitled "Health Care Cost Containment Act," changing the title; further providing for legislative policy, for the Health Care Cost Containment Council and its powers and duties for data submission and collection, for data dissemination and publication, for health care for the medically indigent, for mandated health benefits, for access to council data, for special studies and reports, for enforcement and penalties and for contracts with vendors; eliminating provisions on appropriations; providing for reporting; further providing for termination; and making editorial changes.

APPROPRIATIONS.

SB 1098, PN 1487 (Amended)

By Rep. EVANS

A Supplement to the act of (P.L. , No.), entitled "Capital Budget Project Itemization Act for 1993-1994," itemizing public improvement projects, furniture and equipment projects, transportation assistance projects, flood control projects and redevelopment assistance projects to be constructed or

acquired or assisted by the Department of General Services, the Department of Environmental Resources, the Department of Community Affairs or the Department of Transportation, together with their estimated financial costs; authorizing the incurring of debt without the approval of the electors for the purpose of financing the projects to be constructed or acquired or assisted by the Department of General Services, the Department of Environmental Resources, the Department of Community Affairs or the Department of Transportation; stating the estimated useful life of the projects; authorizing certain waivers; making appropriations; and making repeals.

APPROPRIATIONS.

BILLS ON SECOND CONSIDERATION

The following bills, having been called up, were considered for the second time and agreed to, and ordered transcribed for third consideration:

HB 145, PN 1169; HB 292, PN 1790; HB 633, PN 697; HB 690, PN 754; HB 849, PN 912; HB 850, PN 913; HB 851, PN 2174; HB 1420, PN 1843; HB 1762, PN 2041; and SB 1052, PN 1462.

RESOLUTIONS REPORTED FROM COMMITTEE**HR 105, PN 1926**

By Rep. ITKIN

A Resolution providing for the House Health and Welfare Committee to undertake a comprehensive investigation and analysis of the availability and accessibility of the Norplant contraceptive for low-income women.

RULES.

HR 125, PN 2083

By Rep. ITKIN

A Resolution directing the House Conservation Committee to conduct hearings across this Commonwealth on unhealthy lead levels found in public drinking water supplies.

RULES.

HR 128, PN 2109

By Rep. ITKIN

A Resolution memorializing the Congress of the United States to protect the environmental, economic and health and safety interests of the people of Pennsylvania in regard to low-level radioactive waste.

RULES.

HR 131, PN 2152

By Rep. ITKIN

A Resolution proclaiming July 30, 1993, as "Legal Assistant Day" in Pennsylvania.

RULES.

HR 136, PN 2170

By Rep. ITKIN

A Resolution memorializing the President and the Congress of the United States, the Secretary of Defense and all members of the Base Closure and Realignment Commission to consider the economic impact of relocating or closing the Department of Defense activities located at the Naval Aviation Supply Office Compound at 700 Robbins Avenue, Philadelphia, Pennsylvania.

RULES.

HR 139, PN 2166

By Rep. ITKIN

A Resolution directing the Education Committee to investigate the causes of firearm violence in our schools.

RULES.

HR 140, PN 2167

By Rep. ITKIN

A Resolution memorializing Congress to take whatever steps necessary to save the garment industry from foreign competition.

RULES.

BILLS RECOMMENDED

The SPEAKER. The Chair recognizes the gentleman from Allegheny County, Mr. Itkin.

Mr. ITKIN. Mr. Speaker, I move that we recommit the following bills to the Appropriations Committee:

HB 1702;
HB 1753; and
HB 1762.

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

LEAVE OF ABSENCE

The SPEAKER. Without objection, the Chair returns to leaves of absence and recognizes Joe Steighner.

Mr. STEIGHNER. Thank you, Mr. Speaker.

Mr. Speaker, I would ask that Representative CAPPABIANCA from Erie be on leave for the remainder of the day.

The SPEAKER. The Chair thanks the gentleman.
Mr. Cappabianca's name will be placed upon the leave list.

CALENDAR CONTINUED**BILLS ON THIRD CONSIDERATION**

The House proceeded to third consideration of **HB 1187, PN 2057**, entitled:

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

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

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.
Mr. ITKIN. Mr. Speaker, I move that HB 1187 be recommit-
mitted to the Appropriations Committee.

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

* * *

The House proceeded to third consideration of **HB 412, PN 2050**, entitled:

An Act providing for the establishment of a commission to evaluate the structure and system of taxation in Pennsylvania, for the appointment of members, for the powers and duties of the commission and for cooperation by other Commonwealth entities.

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

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.
Mr. ITKIN. Mr. Speaker, I move that HB 412 be recom-
mitted to the Appropriations Committee.

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

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 181, PN 1435**; and **SB 503, PN 1447**.

BILLS SIGNED BY SPEAKER

The Chair gave notice that he was about to sign the following bills, which were then signed:

HB 213, PN 1904

An Act amending the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act, further providing for prescriptions; and providing automatic suspension of practitioners' licenses for conviction of drug offenses.

HB 718, PN 2035

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, providing for complimentary nonresident licenses; and further providing for restrictions on recreational spotlighting, for permit fees and for disabled person permits.

HB 958, PN 1404

An Act amending the act of September 30, 1983 (P.L.160, No.39), known as the Public Official Compensation Law, providing for the salaries of members of the Pennsylvania Public Utility Commission; and making repairs.

SB 181, PN 1435

An Act providing for environmental education programs; providing for further duties of the Department of Education and the Department of Environmental Resources; creating the Environmental Education Fund; and providing for the disposition of a portion of certain fines and penalties.

SB 502, PN 1301

An Act amending the act of May 11, 1889 (P. L. 188, No. 210), entitled "A further supplement to an act, entitled 'An act to establish a board of wardens for the Port of Philadelphia, and for the regulation of pilots and pilotage, and for other purposes,' approved March twenty-ninth, one thousand eight hundred and three, and for regulating the rates of pilotage and number of pilots," further providing for rates of pilotage.

SB 503, PN 1447

An Act amending the act of March 29, 1803 (P. L. 542, No. 156), entitled "An act to establish a Board of Wardens for the port of Philadelphia, and for the regulation of pilots and pilotages, and for other purposes therein mentioned," further providing for power of commissioners to license pilots, for rules of disputes, for review of proceedings, for neglect of duties and for disabled vessels; providing for inactive status, for refresher training, for grounds for discipline, for disciplinary sanctions, for additional pilotage, for compulsory pilotage and for penalties; and making repeals.

SB 686, PN 1067

An Act making an appropriation from the Public School Employees' Retirement Fund to provide for expenses of the Public School Employees' Retirement Board for the fiscal year July 1, 1993, to June 30, 1994, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1993.

SB 1025, PN 1139

An Act amending the act of August 6, 1941 (P. L. 861, No. 323), entitled, as amended, "Pennsylvania Board of Probation and Parole Law," further providing for pre-parole drug screening tests.

SENATE MESSAGE**SENATE ADOPTS REPORT OF
COMMITTEE OF CONFERENCE**

The clerk of the Senate, being introduced, informed that the Senate has adopted the Report of the Committee of Conference on the subject of the differences existing between the two Houses on **SB 1, PN 1486**.

SUPPLEMENTAL CALENDAR A**REPORT OF COMMITTEE
OF CONFERENCE CONSIDERED**

Mr. ITKIN called up for consideration the following Report of the Committee of Conference on **SB 1, PN 1486**, entitled:

An Act amending the act of June 2, 1915 (P. L. 736, No. 338), entitled, as reenacted and amended, "The Pennsylvania Workmen's Compensation Act," adding and amending certain definitions; redesignating referees as workers' compensation judges; further providing for contractors, for insurance and self-insurance, for compensation and for payments for medical services; providing for coordinated care organizations; further providing for procedures for the payment of compensation and for medical services and for procedures of the department, referees and the board; adding provisions relating to insurance, self-insurance pooling, self-insurance guaranty fund, health and safety and the prevention of insurance fraud; further providing for certain penalties; making repeals; and making editorial changes.

On the question,

Will the House adopt the report of the committee of conference?

RULES SUSPENDED

The SPEAKER. On that question, the Chair recognizes the gentleman from Allegheny County, the majority leader, Mr. Itkin.

Mr. ITKIN. Thank you, Mr. Speaker.

I would hope that the House could come to attention now so that we can get on with the very important business of the evening.

The SPEAKER. The House will please come to order. This debate has been awaiting us for months and months and months.

The gentleman, Mr. Itkin, is recognized.

Mr. ITKIN. First, I would like to make one point, and I would like to make it very clearly: This bill, SB 1, stabilizes rates. It protects the workers' comp system from the vagaries of a changing economy. It reduces costs, but it does not specifically provide for lower rates. It will not by itself guarantee lower rates because we as a legislature have no control over the ups and downs of inflation and recession, but it will put up a shield defending workers' comp rates against an unpredictable economy.

Right now insurance companies in Pennsylvania pay workers' comp claims from two sources: premiums and investment income. This means, of course, that when the economy is in a hole and investment income falls, insurance companies must dip deeper into the premium arena for the money to pay workers' comp claims.

We could make concessions and cuts, all in an effort to keep costs down, but it just will not stop that vicious cycle of falling investment income and rising premiums. The conference committee report allows for, one, immediate rate relief, and then freezes rates for 1 year.

In an uncertain economy, we are stabilizing the workers' compensation program, and is not stability what Pennsylvanians want these days? When so many economic factors are out of control — when, for example, the Defense Department closes military bases; when jobs go overseas to workers earning a few pennies an hour; when health care costs go through the roof — should we not grab hold of one item that we can control? Of course we should, and today we can do just that.

The House and Senate members and staffers working on this issue have done a yeoman's job, never giving up on their desire to hammer out an agreement. We knew going into the negotiations that we would not end up with an ideal bill or anyone's dream legislation. Instead, we strove for an ideal compromise, for everyone's dream concession.

In my ideal compromise, the General Assembly creates an atmosphere of stability for business owners and for workers. In this tranquil environment, business people do not waste their energies dreading the next time they have to write out a check for workers' compensation premiums, and employees do not

fret over what happens to their families if they have an accident.

By adopting this conference report, we take a big step forward toward a stable business climate, and that means increased revenue for the Commonwealth and ultimately jobs for Pennsylvanians. Thank you very much, Mr. Speaker.

At this time, for us to take up for immediate consideration SB 1, I move to suspend the rules that we can immediately consider SB 1 this evening.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—167

Acosta	Fichter	Maitland	Santoni
Adolph	Fleagle	Manderino	Sather
Allen	Gamble	Markosek	Saurman
Argall	Gannon	Marsico	Saylor
Armstrong	Geist	McCall	Scheetz
Baker	George	McGeehan	Schuler
Barley	Gerlach	McNally	Semmel
Battisto	Gigliotti	Melio	Serafini
Belardi	Gladeck	Merry	Smith, B.
Birmelin	Godshall	Michlovic	Smith, S. H.
Bishop	Gordner	Micozzie	Snyder, D. W.
Blaum	Gruppo	Miller	Staback
Boyes	Haluska	Mundy	Stairs
Brown	Harley	Murphy	Steighner
Bunt	Hasay	Nailor	Steil
Bush	Heckler	Nickol	Stern
Caltagirone	Hennessey	Nyce	Stetler
Cam	Herman	Olasz	Strittmatter
Cawley	Hershey	Oliver	Surra
Cessar	Hess	Perzel	Tangretti
Chadwick	Hughes	Pesci	Taylor, E. Z.
Civera	Hutchinson	Petrarca	Taylor, J.
Clark	Jadlowiec	Petrone	Thomas
Clymer	Jarolin	Petit	Tomlinson
Cohen, L. I.	Josephs	Phillips	Trich
Cohen, M.	Kaiser	Piccola	True
Colafiglia	Kasunic	Pistella	Tulli
Colaizzo	Keller	Pitts	Uliana
Cornell	Kenney	Preston	Vance
Corrigan	King	Raymond	Van Home
Coy	Kirkland	Reber	Veon
Curry	LaGrotta	Reinard	Vitali
DeLuca	Laub	Richardson	Waugh
Dempsey	Laughlin	Rieger	Williams
Dermody	Lawless	Ritter	Wogan
Donatucci	Lederer	Roberts	Wozniak
Druce	Leh	Roebuck	Wright, M. N.
Durham	Lescovitz	Rohrer	Yewcic
Evans	Linton	Rooney	Zug
Fairchild	Lloyd	Rubley	
Fajt	Lucyk	Rudy	DeWeese,
Fargo	Lynch	Ryan	Speaker
Farmer			

NAYS—29

Bebko-Jones	Fee	Masland	Steelman
Belfanti	Freeman	Mayermik	Stish
Butkovitz	Hanna	Mihalich	Sturla
Buxton	Krebs	O'Donnell	Tigue
Carone	Kukovich	Platts	Trello

Daley	Lee	Robinson	Wright, D. R.
Dent	Levdansky	Scrimenti	Yandrisevits
Egolf			

NOT VOTING—4

Gruitza	Itkin	James	O'Brien
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EXCUSED—3

Cappabianca	Cowell	Flick
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A majority of the members elected to the House having voted in the affirmative, the question was determined in the affirmative and the motion was agreed to.

On the question recurring,
Will the House adopt the report of the committee of conference?

Mr. GLADECK. Point of order, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Gladeck, is recognized for a point of order.

Mr. GLADECK. I would like to be recognized for the purpose of making a statement.

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

Mr. GLADECK. Mr. Speaker, thank you.

We have dealt with this issue for quite a long period of time, a year and a half, 2 years, depending on who is counting days. I would like to say that I have had the pleasure of working with several individuals in the Pennsylvania State Senate on this bill, and I would like to thank them publicly for their efforts. I would like to especially thank Senator Mellow and Senator Madigan and Senator Lincoln. I think that the State Senate—and I hope that this body will follow suit—has exhibited to the people in Pennsylvania what bipartisanship on a very difficult issue can actually mean.

There are those of us who are against this bill for certain reasons and may be in favor of it for others, but the truth of the matter is that the workers' comp system in Pennsylvania is in fact broken. For the last year and a half when I have spoken on this issue at various times on this floor, I have tried to convey to you my honest, sincere opinion that Pennsylvania's businesses are at a distinct disadvantage with those in surrounding States, especially for those of us who happen to reside and represent districts in southeastern Pennsylvania. The States of Maryland and Delaware and New Jersey are in fact business friendly and we in Pennsylvania are not, and one of the major reasons and possibly the major reason why we have a problem in keeping business in the five suburban counties and along the borders of those States is because our workers' comp rates are exorbitantly high.

It is my feeling that the Conference Committee Report on SB 1 is a report that all of us should vote "yes" for. It is not the end of workers' compensation debate nor should it be. This is only the first step, in my estimation, towards making Pennsylvania competitive with other States and continuing to make us competitive with other States.

One of the reasons why this legislation was so difficult for us over the last several months or years even is because the General Assembly and succeeding Governors never saw fit to deal with the issue. If you have a business and you do not keep up with your competition, you soon fall behind that competition, and this body has to understand that we are in fact in direct competition with the States that surround us when we want to keep business in Pennsylvania and hopefully to attract new businesses.

There are those of us who were members of that conference committee who could have insisted on the inclusion of a number of other items. We could have insisted on the inclusion of no double-dipping for Social Security and pension recipients. We could have requested the inclusion of informal conferences. We could have insisted on the inclusion of the limitation on legal fees. We could have insisted on the inclusion of specific standards of evidence. We could have included a recalculation of the employee's average wage. We could have insisted on a cap on the maximum benefit, and yes, we could have insisted that companies decide how long specifically the injured worker will see a specific doctor, as they do in the State of New Jersey. But we did not do that. All of us came from different parts of the State and from different sides of the issue, and we recognized that we had to compromise on it, and the result is the Conference Committee's Report on SB 1.

I would like to ask you for your positive support on that, and thank you for your indulgence.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentleman, Mr. Belfanti.

Mr. BELFANTI. Thank you, Mr. Speaker.

Mr. Speaker, I believe that we are probably here and this is probably a fait accompli, but I would like to make some comments for the record in my request for asking the members of this chamber to vote "no" on the Conference Report of SB 1. I have very few prepared remarks, but I would appreciate the members' attention for the few remarks that I do have.

The SPEAKER. This is obviously a multifaceted issue. The gentleman is anxious to express his perspective, and the members will please give Mr. Belfanti their attention.

Mr. BELFANTI. Thank you, Mr. Speaker.

I will attempt to be brief, and if the members would just bear with me momentarily.

As I said, I believe that this evening SB 1 will be adopted by this chamber. However, I am still asking members of this chamber to vote against it for a number of reasons.

You might expect that as chairman of the House Labor Relations Committee, I would stand here and talk about the many, many changes that negatively affect injured workers in this Commonwealth. You might expect that and I will not disappoint you, but I will not enumerate all of the changes that negatively affect injured workers in this Commonwealth. The fact is, we made a deal many, many years ago that when a worker gives up a right to sue an employer for an injury that was sustained in the course of that employment on the job site, workers' compensation insurance would cover that individual's

medical costs and would sustain his standard of living to some degree until he has recuperated and returns to work. I believe that many of the provisions of SB 1, conference report, break that deal.

Further and more importantly, the change in the minimum benefit provision erases protections for low-income and long-term related disabilities. It also unfairly changes the standard of evidence, weighting it against injured workers, and the cost containment of 113 percent of medicare is little more than a ruse.

But I could support many of the provisions of this legislation if I felt that the business community was going to realize the savings. Unfortunately, the way this bill has been crafted, that is not going to be the case.

I want to express my appreciation to the House members of the conference committee for what Representative Itkin described as performing a yeoman's task. I believe that the negotiations that they engaged in were quite difficult and that they brought this legislation as far as they could. Unfortunately, it did not go far enough, either in keeping our deal with injured workers or with making a deal to do something for the business community.

This legislation does not roll back any portion of the 24-percent average rate increase suffered by our employers last December. In negotiations, we attempted to get a 2-year moratorium on future rate increases as a result of the savings that are envisioned by the embodiment of this legislation, and a 1-year moratorium was also asked for. The Senate would not agree to any of these changes.

I cannot understand, I cannot believe, that any member of this chamber can go back to their district and explain to their business people, who expect a rate reduction, perhaps a retroactive rate reduction this July, why they are not going to get one. I am going to play Nostradamus here a bit and predict that this October the insurance industry is going to be back in for another rate increase, and come December, a rate increase in double digits will be approved for all of our area business people. This legislation could have had language in it to prevent that from happening, but it does not. The odds are that over the course of the next 3 years, insurance rates may rise as high as an additional 40 percent over and above where they are now.

But the thing that troubles me most, Mr. Speaker, is that this legislation, like the six pieces of legislation that have come before this chamber in the past 2 years, does nothing to touch the outrageous profits that are being reaped by the insurance industry. They are outrageous; they are allowed to continue, and the issue of reserving practices, where the insurance industry hides money so that they can come in for more money on the backs of labor and from our small and medium and even big business, is going to be allowed to continue.

Until we address the issue of reserving practices, until we look at some of the other issues like freezes in exchange for givebacks and rollbacks and offsets of workers' comp against unemployment comp, I do not know why our businesses are not getting back any of the money that we purportedly are

going to be saving by adopting this legislation. The money is going to be kept by one business, not all of our businesses, one business, and that is the insurance business. This bill is good for that business and no other, and I cannot support it, and I would ask that my colleagues vote "no" on the Conference Report of SB 1. Thank you.

The SPEAKER. The gentleman from Philadelphia, Mr. Thomas, is recognized.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, these comments are primarily for the record.

For 2 years now or more, we have been trying to accomplish workmen's compensation reform. One of the things that has been central to this whole discussion, negotiations, and movement from one side to the other has been the need for a reduction in Pennsylvania workmen's compensation costs. It is extremely clear that Pennsylvania has the highest cost of most other States in this country, and so reduction of rates, getting a handle on injuries that we have not had a handle on in the past, and providing some equitable balance between workers and employers have been central to our efforts to reform workmen's compensation.

I want to commend Representative Lloyd, I want to commend the members of the conference committee for the time, energies, headaches, and efforts that they have put in in fashioning this conference report. I also want to commend leadership for its efforts to push forward in coming up with something.

But in the final analysis, Mr. Speaker, what we have before us would not bring down rates. In fact, it might provide a foundation for a major increase in rates, because we have not put a cap on rates in the bill, nor have we declared a moratorium on rising costs in workmen's compensation, nor have we imposed an affirmative freeze on costs, and so to that end, we cannot in good faith say that this conference report reflects those things that have been central to our efforts to reform workmen's compensation.

Secondarily, Mr. Speaker, we have talked about the need for getting a handle on hearing loss. We have said time and time again that it is time for us in Pennsylvania to get a handle on hearing-loss injuries, and I know that Representative Lloyd and other members of this House, from both sides of the aisle, have felt very strongly about this. It is my understanding that affirmative efforts are under way to get a handle on hearing losses, so I hope that when we return next week, that becomes a priority for resolution.

So, Mr. Speaker, it is my feeling that until this body reduces costs, strikes a balance between the employer and the employee, and until we get a handle on workmen's compensation in Pennsylvania, then this conference report, while it goes to some degree in dealing with that, it does not go far enough. So I hope that prior to the end of this term or in the upcoming days and weeks, we come back and we deal with those things that our constituents, both worker and employer, have said to us are necessary in reforming workmen's compensation in Pennsylvania. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

Mr. Adolph is recognized.

Mr. ADOLPH. Thank you, Mr. Speaker.

I rise to support SB 1, the conference report. The reason I rise to support SB 1 is for the same reasons why back on March 30, 1993, I rose to oppose the Lloyd bill, and that, Mr. Speaker, was for some specific issues in the Lloyd bill, and it is my opinion that the members of the conference committee have taken into consideration those very important issues for the small businesses of Pennsylvania. I would like to just briefly discuss those issues with my colleagues.

Number one is the double-dipping of the unemployment and the workers' compensation. Under the Lloyd bill, we would offset unemployment with the workers' comp benefit. Well, SB 1 now offsets workers' comp with the unemployment, thus reducing the workers' comp benefits.

Number two, the minimum benefit. The employees that make under \$168 a week will receive 90 percent of their gross wages for their entire length of disability. Under the Lloyd bill, back on March 30, 1993, after 6 weeks they would receive the minimum benefit of \$168. I felt at that time it would give the employees an incentive to stay to the 7 weeks in order to get a raise in their weekly benefit. That has been corrected with the conference report.

Another issue that has been addressed is the stockholder-officer exemption. Under the Lloyd bill, that exemption started at \$45,000 or \$75,000. Well, now there is no salary. A small business owner that makes \$15,000, \$20,000 in wages a year can now elect to be exempt from the workers' compensation insurance.

Many of my colleagues in our caucus were concerned about how will we be competitive with the surrounding States of New Jersey and Delaware. Well, if you are an officer of a business and the majority of your employees are officers or family members, you will not have a workers' compensation premium. That could be a 100-percent reduction, 50-percent reduction in premiums.

I believe the members of the conference committee took into consideration the needs of the small businessmen throughout the State, and I would like to thank them for their consideration.

I would like to ask my colleagues of the House for an affirmative vote for SB 1. Thank you very much.

The SPEAKER. The Chair thanks Mr. Adolph and recognizes the gentleman, Mr. Richardson. Does the gentleman no longer seek recognition? The gentleman indicates that he does. Take your time.

Chairman Richardson is recognized.

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

Mr. Speaker, I rise to oppose the Conference Committee Report on SB 1, and I think that there are a number of things that need to be pointed out.

It is always amazing to me that this House of Representatives would take the opportunity to say that it is okay to vote for a 24-percent increase for the insurance industry, but if I would ask for a 24-percent increase for welfare recipients in the Commonwealth, I would have been run out of this House

of Representatives. But we do not have any problem whatsoever in dealing with that here today.

It seems to me that if we are not willing to talk about a cost-of-living adjustment for long-term injured workers, however there is a COLA for health care providers, I find that to be awful strange, particularly in a period of time when we are supposed to be responsible men and women and responsible legislators to deal specifically with that.

Also, Mr. Speaker, this bill does not pass on to business the savings realized from the medical cost containment, and we are talking about 113 percent of medicare. Employers will pay higher premiums.

Then, Mr. Speaker, we have unfair changes in this bill: The standard of evidence, weighing it against injured workers, more than doubles the amount of time that an injured worker must obtain treatment from a company-listed health care provider; change in the minimum benefit provisions erases protection for low-income workers with long-term work-related disabilities; and finally, Mr. Speaker, inadequate workplace safety enforcement or protection from the retaliation for workers who exercise their legal rights under the workmen's compensation.

I feel this is abominable. I believe that what we are doing is we are trying to satisfy some big people, only the big bosses, only those who feel that they can stick it to the little guy again. It is about time that we send a signal to those at the top and say that we are not going to allow this to take place and that we are going to be for the working man, the working woman, the working class who put their lives on the line every single day but do not get any relief whatsoever. We stick it to the poor, we stick it to those who are working poor, and we never seem to ever want to come up with some compromise that allows them an opportunity to get a break. Who do we think we are? Why can we not give that increase to people who really need it? The insurance companies certainly are not suffering and they are certainly not dying, and for us not to deal with rolling back that 24-percent increase in any way, shape, or form is a kind of situation that makes me believe that we really do not care about the masses of the people here in the Commonwealth of Pennsylvania.

Mr. Speaker, for that and the reasons I have already enumerated, I ask for a negative vote on the Conference Committee Report on SB 1.

The SPEAKER. The gentleman from Washington County, Mr. Daley, is recognized.

Mr. DALEY. Thank you, Mr. Speaker.

I will be very brief.

I, too, want to congratulate the conference committee, the Labor Relations Committee, and all of us for all the time that we spent on this issue. However, in our hurry and rush to produce something, we have produced a product that really is not good for anyone in Pennsylvania.

This bill provides balance. This bill provides balance because everyone is hurt. Small businesses are hurt, labor is hurt; everyone is hurt.

In a few short months we are going to find out when people come back to us, because when this issue was not

addressed for the last several months, we heard from small businesses saying, roll back the 24 percent. We did not do that. We are not doing that, and rates are going to go up. This is not workers' compensation reform; this is workers' compensation disaster.

I ask for a "no" vote, Mr. Speaker.

On the question recurring,

Will the House adopt the report of the committee of conference?

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

YEAS—122

Adolph	Fargo	Leh	Saurman
Allen	Farmer	Lloyd	Saylor
Argall	Fichter	Lucyk	Scheetz
Armstrong	Fleagle	Lynch	Schuler
Baker	Gamble	Maitland	Semmel
Barley	Gannon	Markosek	Serafini
Battisto	Geist	Marsico	Smith, B.
Birmelin	Gerlach	Masland	Smith, S. H.
Boyes	Gladeck	Mayernik	Snyder, D. W.
Brown	Godshall	Merry	Stairs
Bunt	Gordner	Micozzie	Steighner
Bush	Gruppo	Miller	Steil
Carn	Haluska	Mundy	Stern
Carone	Hanna	Nailor	Stetler
Cessar	Harley	Nickol	Strittmatter
Chadwick	Hasay	Nyce	Taylor, E. Z.
Civera	Heckler	Perzel	Tomlinson
Clark	Hennessey	Pettit	True
Clymer	Herrman	Phillips	Tulli
Cohen, L. I.	Hershey	Piccola	Uliana
Cornell	Hess	Pitts	Vance
Corrigan	Hutchinson	Platts	Van Horne
Coy	Itkin	Preston	Veon
Dempsey	Jadlowiec	Raymond	Vitali
Dent	Kenney	Reber	Waugh
Druce	King	Reinard	Wogan
Durham	Krebs	Rohrer	Wright, M. N.
Egolf	LaGrotta	Rooney	Zug
Evans	Laub	Rubley	
Fairchild	Lawless	Ryan	DeWeese,
Fajt	Lee	Sather	Speaker

NAYS—77

Acosta	George	McGeehan	Rudy
Bebko-Jones	Gigliotti	McNally	Santoni
Belardi	Gruitza	Melio	Scrimenti
Belfanti	Hughes	Michlovic	Staback
Bishop	James	Mihalich	Steelman
Blaum	Jarolin	Murphy	Stish
Butkovitz	Josephs	O'Donnell	Sturla
Buxton	Kaiser	Olasz	Surra
Caltagirone	Kasunic	Oliver	Tangretti
Cawley	Keller	Pesci	Taylor, J.
Cohen, M.	Kirkland	Petrarca	Thomas
Colafella	Kukovich	Petrone	Tigue
Colaizzo	Laughlin	Pistella	Trello
Curry	Lederer	Richardson	Trich
Daley	Lescovitz	Rieger	Williams
DeLuca	Levdansky	Ritter	Wozniak
Dermody	Linton	Roberts	Wright, D. R.
Donatucci	Manderino	Robinson	Yandrisevits
Fee	McCall	Roebuck	Yewcic
Freeman			

NOT VOTING—1

O'Brien

EXCUSED—3

Cappabianca Cowell Flick

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the report of the committee of conference was adopted.

Ordered, That the clerk inform the Senate accordingly.

CALENDAR CONTINUED

BILL ON CONCURRENCE
IN SENATE AMENDMENTS

The House proceeded to consideration of concurrence in Senate amendments to **HB 1261, PN 2143**, entitled:

An Act amending the act of April 9, 1929 (P. L. 343, No. 176), known as The Fiscal Code, further providing for redevelopment assistance capital projects.

On the question,

Will the House concur in Senate amendments?

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

YEAS—199

Acosta	Fee	Lucyk	Santoni
Adolph	Fichter	Lynch	Sather
Allen	Fleagle	Maitland	Saurman
Argall	Freeman	Manderino	Saylor
Armstrong	Gamble	Markosek	Scheetz
Baker	Gannon	Marsico	Schuler
Barley	Geist	Masland	Scriminti
Battisto	George	Mayernik	Semmel
Bebko-Jones	Gerlach	McCall	Serafini
Belardi	Gigliotti	McGeehan	Smith, B.
Belfanti	Gladeck	McNally	Smith, S. H.
Birmelin	Godshall	Melio	Snyder, D. W.
Bishop	Gordner	Merry	Staback
Blaum	Gruitza	Michlovic	Stairs
Boyes	Gruppo	Micozzie	Steelman
Brown	Haluska	Mihalich	Steighner
Bunt	Hanna	Miller	Steil
Bush	Harley	Mundy	Stem
Butkovitz	Hasay	Murphy	Stetler
Buxton	Heckler	Nailor	Stish
Caltagirone	Hennessey	Nickol	Strittmatter
Carn	Herman	Nyce	Sturla
Carone	Hershey	O'Brien	Surra
Cawley	Hess	O'Donnell	Tangretti
Cessar	Hughes	Olasz	Taylor, E. Z.
Chadwick	Hutchinson	Oliver	Taylor, J.
Civera	Itkin	Perzel	Thomas
Clark	Jadlowiec	Pesci	Tigue
Clymer	James	Petrarca	Tomlinson
Cohen, L. I.	Jarolin	Petrone	Trello
Cohen, M.	Josephs	Pettit	Trich
Colafella	Kaiser	Phillips	True
Colaizzo	Kasunic	Piccola	Tulli
Cornell	Keller	Pistella	Uliana
Corrigan	Kenney	Pitts	Vance
Coy	King	Platts	Van Home

Curry	Kirkland	Preston	Veon
Daley	Krebs	Raymond	Vitali
DeLuca	Kukovich	Reinard	Waugh
Dempsey	LaGrotta	Richardson	Williams
Dent	Laub	Rieger	Wogan
Dermody	Laughlin	Ritter	Wozniak
Donatucci	Lawless	Roberts	Wright, D. R.
Druce	Lederer	Robinson	Wright, M. N.
Durham	Lee	Roebuck	Yandrisevits
Egolf	Leh	Rohrer	Yewcic
Evans	Lescovitz	Rooney	Zug
Fairchild	Levdansky	Rubley	
Fajt	Linton	Rudy	DeWeese,
Fargo	Lloyd	Ryan	Speaker
Farmer			

NAYS—0

NOT VOTING—1

Reber

EXCUSED—3

Cappabianca Cowell Flick

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

BILL ON CONCURRENCE
IN SENATE AMENDMENTS AS AMENDED

The House proceeded to consideration of concurrence in Senate amendments to the following **HB 878, PN 2108**, as further amended by the House Rules Committee:

An Act amending Titles 74 (Transportation) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the distribution of asset maintenance funds; authorizing the creation of a transportation authority to function in each metropolitan area consisting of any county of the first class and all nearby counties within a radius of 20 miles of any such first class county, as a body corporate and politic and as an agency and instrumentality of the Commonwealth for the purpose of establishing an integrated mass transportation system with all pertinent powers, including, but not limited to, leasing, acquiring, owning, operating and maintaining a system for or otherwise providing for the transportation of persons; authorizing the borrowing of money and issuance of bonds therefor and conferring the right of eminent domain on such an authority; altering the jurisdiction of the Pennsylvania Public Utility Commission; authorizing the acceptance of grants from Federal, State and local governments; limiting actions against such an authority and exempting it from taxation; authorizing counties and municipalities to enter into compacts for the financing of each authority and to make appropriations in accordance with such compacts; creating a citizen advisory committee; conferring exclusive jurisdiction upon certain courts with respect to matters relating to such authority and empowering each authority to function outside the metropolitan area under certain terms and conditions; continuing the existence of a presently existing transportation authority; providing for suspensions for offenses involving controlled substances, for certain out-of-State documentations, for reports by courts and for the allocation of oil company franchise tax revenues to the Pennsylvania Turnpike Commission; and making a repeal.

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

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

YEAS—199

Acosta	Fee	Lucyk	Ryan
Adolph	Fichter	Lynch	Santoni
Allen	Fleagle	Maitland	Sather
Argall	Freeman	Manderino	Saurman
Armstrong	Gamble	Markosek	Saylor
Baker	Gannon	Marsico	Scheetz
Barley	Geist	Masland	Schuler
Battisto	George	Mayernik	Scrimenti
Bebko-Jones	Gerlach	McCall	Semmel
Belardi	Gigliotti	McGeehan	Serafini
Belfanti	Gladeck	McNally	Smith, B.
Birmelin	Godshall	Melio	Smith, S. H.
Bishop	Gordner	Merry	Snyder, D. W.
Blaum	Gruitza	Michlovic	Staback
Boyes	Gruppo	Micozzie	Stairs
Brown	Haluska	Mihalich	Steelman
Bunt	Hanna	Miller	Steighner
Bush	Harley	Mundy	Steil
Butkovitz	Hasay	Murphy	Stern
Buxton	Heckler	Nailor	Stetler
Caltagirone	Hennessey	Nickol	Stish
Cam	Herman	Nyce	Strittmatter
Carone	Hershey	O'Brien	Sturla
Cawley	Hess	O'Donnell	Surra
Cessar	Hughes	Olasz	Tangretti
Chadwick	Hutchinson	Oliver	Taylor, E. Z.
Civera	Itkin	Perzel	Taylor, J.
Clark	Jadlowiec	Pesci	Thomas
Clymer	James	Petrarca	Tigue
Cohen, L. I.	Jarolin	Petrone	Tomlinson
Cohen, M.	Josephs	Pettit	Trello
Colafrella	Kaiser	Phillips	Trich
Colaizzo	Kasunic	Piccola	True
Cornell	Keller	Pistella	Tulli
Corrigan	Kenney	Pitts	Uliana
Coy	King	Platts	Vance
Curry	Kirkland	Preston	Van Horne
Daley	Krebs	Raymond	Veon
DeLuca	Kukovich	Reber	Vitali
Dempsey	LaGrotta	Reinard	Waugh
Dent	Laub	Richardson	Williams
Dermody	Laughlin	Rieger	Wozniak
Donatucci	Lawless	Ritter	Wright, D. R.
Druce	Lederer	Roberts	Wright, M. N.
Durham	Lee	Robinson	Yandrisevits
Egolf	Leh	Roebuck	Yewcic
Evans	Lescovitz	Rohrer	Zug
Fairchild	Levdansky	Rooney	
Fajt	Linton	Rubleby	DeWeese,
Fargo	Lloyd	Rudy	Speaker
Farmer			

NAYS—0

NOT VOTING—1

Wogan

EXCUSED—3

Cappabianca	Cowell	Flick
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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments as amended by the Rules Committee were concurred in.

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

RULES SUSPENDED

The SPEAKER. The Chair recognizes the majority leader. Mr. ITKIN. Mr. Speaker, I move that the rules of the House be suspended in order that HR 142, Representative Steelman's resolution, will be considered.

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

The following roll call was recorded:

YEAS—198

Acosta	Farmer	Lloyd	Ryan
Adolph	Fee	Lucyk	Santoni
Allen	Fichter	Lynch	Sather
Argall	Fleagle	Maitland	Saurman
Armstrong	Freeman	Manderino	Saylor
Baker	Gamble	Markosek	Scheetz
Barley	Gannon	Marsico	Schuler
Battisto	Geist	Masland	Scrimenti
Bebko-Jones	George	McCall	Semmel
Belardi	Gerlach	McGeehan	Serafini
Belfanti	Gigliotti	McNally	Smith, B.
Birmelin	Gladeck	Melio	Smith, S. H.
Bishop	Godshall	Merry	Snyder, D. W.
Blaum	Gordner	Michlovic	Staback
Boyes	Gruitza	Micozzie	Stairs
Brown	Gruppo	Mihalich	Steelman
Bunt	Haluska	Miller	Steighner
Bush	Hanna	Mundy	Steil
Butkovitz	Harley	Murphy	Stern
Buxton	Hasay	Nailor	Stetler
Caltagirone	Heckler	Nickol	Stish
Cam	Hennessey	Nyce	Strittmatter
Carone	Herman	O'Brien	Sturla
Cawley	Hershey	O'Donnell	Surra
Cessar	Hess	Olasz	Tangretti
Chadwick	Hughes	Oliver	Taylor, E. Z.
Civera	Hutchinson	Perzel	Taylor, J.
Clark	Itkin	Pesci	Thomas
Clymer	Jadlowiec	Petrarca	Tigue
Cohen, L. I.	James	Petrone	Tomlinson
Cohen, M.	Jarolin	Pettit	Trello
Colafrella	Josephs	Phillips	Trich
Colaizzo	Kaiser	Piccola	True
Cornell	Kasunic	Pistella	Tulli
Corrigan	Keller	Pitts	Uliana
Coy	Kenney	Platts	Vance
Curry	King	Preston	Van Horne
Daley	Kirkland	Raymond	Veon
DeLuca	Krebs	Reber	Vitali
Dempsey	Kukovich	Reinard	Waugh
Dent	LaGrotta	Richardson	Wogan
Dermody	Laub	Rieger	Wozniak
Donatucci	Laughlin	Ritter	Wright, D. R.
Druce	Lawless	Roberts	Wright, M. N.
Durham	Lederer	Robinson	Yandrisevits
Egolf	Lee	Roebuck	Yewcic
Evans	Leh	Rohrer	Zug
Fairchild	Lescovitz	Rooney	

Fajt Fargo	Levdansky Linton	Rublely Rudy	DeWeese, Speaker
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NAYS—0

NOT VOTING—2

Mayernik	Williams
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EXCUSED—3

Cappabianca	Cowell	Flick
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A majority of the members elected to the House having voted in the affirmative, the question was determined in the affirmative and the motion was agreed to.

RESOLUTION

The SPEAKER. On HR 142, Representative Steelman offers the resolution, which the clerk will read.

The following resolution was read:

House Resolution No. 142

A RESOLUTION

Recognizing the Diamond Jubilee of Nanty Glo.

WHEREAS, The historic and extraordinary Borough of Nanty Glo, in Cambria County, is celebrating its Diamond Jubilee this week; and

WHEREAS, Its incorporation was signed by the Honorable Marlin B. Stephens, Judge of Cambria County Court of Quarter Sessions and became official on September 2, 1918; and

WHEREAS, Nanty Glo holds a unique place in Pennsylvania history, having had at one time the largest number of independent coal companies operating at one time in any location in Pennsylvania; and

WHEREAS, Nanty Glo was the home of John Brophy, a union organizer and official who became President of District 2 of the United Mine Workers of America and was instrumental in founding the AFL-CIO; and

WHEREAS, The First Burgess of the Borough, James P. Larchmont, was elected on September 16, 1918; and

WHEREAS, The current Mayor, Arthur C. Price, Sr., and Borough Council President, James Bracken, join with all the citizens of Nanty Glo in celebrating its Diamond Jubilee by holding week-long festivities the week of June 13 through 19, culminating in a borough parade on Saturday, June 19; therefore be it

RESOLVED, That the House of Representatives recognize the Diamond Jubilee of the Borough of Nanty Glo and extend its heartfelt congratulations and appreciation to Nanty Glo for its many valued contributions to the welfare of this Commonwealth.

Sara G. Steelman
Thomas F. Yewcic

On the question,
Will the House adopt the resolution?

The SPEAKER. Ms. Steelman is recognized.

Ms. STEELMAN. In response to some interrogatories about the origin of the name "Nanty Glo," I wanted to explain that this is a Welsh name. Originally it was spelled as three words, "Nant-Y-Glo," and the translation, very appropriately, is "rivers or valleys of coal." Thank you.

The SPEAKER. For the 40 of us who represent coal mining districts, thank you very much.

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

The following roll call was recorded:

YEAS—199

Acosta	Fichter	Lynch	Santoni
Adolph	Fleagle	Maitland	Sather
Allen	Freeman	Manderino	Saurman
Argall	Gamble	Markosek	Saylor
Armstrong	Gannon	Marsico	Scheetz
Baker	Geist	Masland	Schuler
Barley	George	Mayernik	Scrimenti
Battisto	Gerlach	McCall	Semmel
Bebko-Jones	Gigliotti	McGeehan	Serafini
Belardi	Gladeck	McNally	Smith, B.
Belfanti	Godshall	Melio	Smith, S. H.
Birmelin	Gordner	Merry	Snyder, D. W.
Bishop	Gruitza	Michlovic	Staback
Blaum	Gruppo	Micozzie	Stairs
Boyes	Haluska	Mihalich	Steelman
Brown	Hanna	Miller	Steighner
Bunt	Harley	Mundy	Steil
Butkovitz	Hasay	Murphy	Stern
Buxton	Heckler	Nailor	Stetler
Caltagirone	Hennessey	Nickol	Stish
Cam	Herman	Nyce	Strittmatter
Carone	Hershey	O'Brien	Sturla
Cawley	Hess	O'Donnell	Surra
Cessar	Hughes	Olasz	Tangretti
Chadwick	Hutchinson	Oliver	Taylor, E. Z.
Civera	Itkin	Perzel	Taylor, J.
Clark	Jadlowiec	Pesci	Thomas
Clymer	James	Petrarca	Tigue
Cohen, L. I.	Jarolin	Petrone	Tomlinson
Cohen, M.	Josephs	Pettit	Trello
Colafella	Kaiser	Phillips	Trich
Colaizzo	Kasunic	Piccola	True
Cornell	Keller	Pistella	Tulli
Corrigan	Kenney	Pitts	Uliana
Coy	King	Platts	Vance
Curry	Kirkland	Preston	Van Horne
Daley	Krebs	Raymond	Veon
DeLuca	Kukovich	Reber	Vitali
Dempsey	LaGrotta	Reinard	Waugh
Dent	Laub	Richardson	Williams
Dermody	Laughlin	Rieger	Wogan
Donatucci	Lawless	Ritter	Wozniak
Druce	Lederer	Roberts	Wright, D. R.
Durham	Lee	Robinson	Wright, M. N.
Egolf	Leh	Roebuck	Yandrisevits
Evans	Lescovitz	Rohrer	Yewcic
Fairchild	Levdansky	Rooney	Zug
Fajt	Linton	Rublely	
Fargo	Lloyd	Rudy	DeWeese,
Farmer	Lucyk	Ryan	Speaker
Fee			

NAYS—0

NOT VOTING—1

Bush

EXCUSED—3

Cappabianca	Cowell	Flick
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The question was determined in the affirmative, and the resolution was adopted.

The SPEAKER. The Chair would like to announce there will be no further votes, no further votes. The Chair will remain open for some housekeeping.

VOTE CORRECTION

The SPEAKER. Mr. Reber is recognized.

Mr. REBER. Mr. Speaker, on HB 1261 my switch did not operate. I would like to be voted in the affirmative, please.

The SPEAKER. The gentleman's remarks will be spread across the record.

REMARKS SUBMITTED FOR THE RECORD

The SPEAKER. The gentleman, Mr. Trich, from Washington County is recognized.

Mr. TRICH. Mr. Speaker, I would like to offer remarks for the record, please.

The SPEAKER. The gentleman is in order.

The clerk will please fetch his remarks.

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

Mr. Speaker, even though the Democrat members of the conference committee worked long and hard to seek a just solution to the workers' compensation reform issue and did move the debate in the right direction, in my estimation, major concerns still remain.

In particular, labor is being asked to make sacrifices and businesses would not realize any reduction in the currently high "workmen's comp" insurance rates. The only real winner, as I see it, is the insurance industry. Therefore, I cannot and will not vote to accept the conference committee report.

My decision is based strictly on the aspect of fairness. The conference committee report is not fair to the workers, nor to the businesses of this Commonwealth. I have great respect for Representative Itkin, Representative Lloyd, and Representative Veon, and I applaud their honest and sincere efforts. That notwithstanding, however, I must vote in the negative.

VOTE CORRECTION

The SPEAKER. The lady, Mrs. Rubley, is recognized.

Mrs. RUBLEY. On HB 1280, PN 1830, I would like to be recorded in the affirmative, please.

The SPEAKER. The Chair thanks the lady.

PARLIAMENTARY INQUIRY

The SPEAKER. The gentleman, Mr. Gannon, is recognized.

Mr. GANNON. Mr. Speaker, what is the present status of HB 733?

The SPEAKER. The gentleman will yield momentarily.

Mr. GANNON. Thank you, Mr. Speaker.

The SPEAKER. Mr. Gannon, the staff informs me that it will be run on Monday.

Mr. GANNON. Thank you.

So it is gone over for the remainder of today?

The SPEAKER. Yes.

Mr. GANNON. Thank you, Mr. Speaker.

SUNSHINE NOTICE

The SPEAKER. The clerk will please read the following sunshine notice.

The following communication was read:

House of Representatives
Commonwealth of Pennsylvania
Harrisburg

NOTICE SESSION TIME HOUSE OF REPRESENTATIVES

Notice is hereby given, in accordance with the Act of July 3, 1986, P.L. 388, No. 84, that the House of Representatives will convene in open session in the Hall of the House on the following date and time:

THURSDAY, JUNE 17, 1993, 11:00 AM

John J. Zubeck
Chief Clerk
House of Representatives

JUNE 16, 1993

COMMUNICATION FROM ACTING GOVERNOR

BILL SIGNED BY ACTING GOVERNOR

The Secretary to the Acting Governor presented the following communication from the Acting Governor:

APPROVAL OF HB 853.

Commonwealth of Pennsylvania
Governor's Office
Harrisburg

June 16, 1993

To the Honorable, the House of Representatives
of the Commonwealth of Pennsylvania

I have the honor to inform you that I have this day approved and signed House Bill 853, Printer's No. 1980, entitled "AN ACT amending the act of June 23, 1931 (P.L.932, No.317), entitled 'An act relating to cities of the third class; and amending, revising, and consolidating the law relating thereto,' further providing for the sale of real and personal property; providing for FIRE OFFICERS AND FOR appointments to the board of health; permitting interests in firefighters' pension funds to vest after 12 years under certain conditions; providing for the amount of the retirement allowance benefit vested; adding a definition; and making an editorial change."

Mark S. Singel
Lieutenant Governor
Acting Governor

BILL SIGNED BY SPEAKER

The Chair gave notice that he was about to sign the following bill, which was then signed:

HB 1261, PN 2143

An Act amending the act of April 9, 1929 (P. L. 343, No. 176), known as The Fiscal Code, further providing for redevelopment assistance capital projects.

BILLS AND RESOLUTION PASSED OVER

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

ADJOURNMENT

The SPEAKER. The Chair recognizes the gentleman, Mr. Harold James.

Mr. JAMES. Mr. Speaker, I move that this House do now adjourn until Thursday, June 17, 1993, at 11 a.m., e.d.t., unless sooner recalled by the Speaker.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 8:01 p.m., e.d.t., the House adjourned.