

LEGISLATIVE JOURNAL

TUESDAY, JUNE 9, 1998

SESSION OF 1998

182D OF THE GENERAL ASSEMBLY

No. 40

HOUSE OF REPRESENTATIVES

The House convened at 10 a.m., e.d.t.

THE SPEAKER (MATTHEW J. RYAN)

PRESIDING

PRAYER

REV. BRUCE D. McINTOSH, Chaplain of the House of Representatives and assistant pastor of Faith Bible Fellowship Church, York, Pennsylvania, offered the following prayer:

I was expecting to see cots instead of wastebaskets at the end of each of the aisles today. A long day today, a long day yesterday.

Let us pray:

Father, I ask Your blessing and Your strength for each member today, and again, Father, as yesterday, I ask for clarity of mind. Some perhaps did not get as much sleep as they would like.

Father, please remind us that you have strength that goes beyond ours and that we can rely upon Your strength. Lord, I ask that Your hand will be in the midst of the proceedings today and that You will be glorified and Your truths will be honored as a result, and I ask all these things in Your name. Amen.

PLEDGE OF ALLEGIANCE

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

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, approval of the Journal of Monday, June 8, 1998, will be postponed until printed. The Chair hears no objection.

HOUSE BILLS INTRODUCED
AND REFERRED

No. 2684 By Representatives MAITLAND, NICKOL, CLYMER, FLEAGLE, WOJNAROSKI, STEIL, FLICK, ITKIN, GODSHALL, NAILOR, READSHAW, LAUGHLIN, GEIST, B. SMITH, ARGALL, MILLER, OLASZ, COWELL, BATTISTO, ROSS, M. COHEN, E. Z. TAYLOR, ZUG, MASLAND, MARSICO, McILHINNEY, KREBS, HARHAI, HENNESSEY, SEMMEL, SHANER, STURLA, YOUNGBLOOD, M. N. WRIGHT, SAYLOR, STAIRS, BELFANTI, HESS,

BOSCOLA, STEELMAN, PLATTS, SCHRODER, HASAY and HANNA

An Act authorizing the incurring of indebtedness, with the approval of the electors, of \$100,000,000 to provide additional funding for the acquisition of, improvements to and the rehabilitation of parks, recreational facilities, educational facilities, natural areas, historic sites, zoos and public libraries.

Referred to Committee on APPROPRIATIONS, June 9, 1998.

No. 2685 By Representatives MAITLAND, FLEAGLE, CLYMER, NICKOL, WOJNAROSKI, STEIL, FLICK, ITKIN, GODSHALL, NAILOR, READSHAW, LAUGHLIN, GEIST, B. SMITH, ARGALL, MILLER, OLASZ, COWELL, BATTISTO, ROSS, M. COHEN, E. Z. TAYLOR, ZUG, MASLAND, MARSICO, McILHINNEY, KREBS, HARHAI, HENNESSEY, SEMMEL, SHANER, STURLA, YOUNGBLOOD, M. N. WRIGHT, SAYLOR, STAIRS, BELFANTI, HESS, BOSCOLA, STEELMAN, PLATTS, SCHRODER, HASAY and HANNA

An Act authorizing the incurring of indebtedness, with the approval of the electors, of \$100,000,000 to provide additional funding for the purchase of agricultural conservation easements for the preservation of agricultural land; and making a repeal.

Referred to Committee on AGRICULTURE AND RURAL AFFAIRS, June 9, 1998.

No. 2686 By Representatives LESCOVITZ, CALTAGIRONE, COY, COLAFELLA, MELIO, GIGLIOTTI, BELARDI, LEDERER, E. Z. TAYLOR, JAROLIN, LAUGHLIN, DeLUCA, BATTISTO, LaGROTTA, HARHAI, SEMMEL, BELFANTI, TRELLO, SERAFINI and BOSCOLA

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, requiring minors who commit certain offenses on school property to be tried as adults.

Referred to Committee on JUDICIARY, June 9, 1998.

No. 2687 By Representatives BROWNE, JAMES, FICHTER, DeLUCA, CAWLEY, ARGALL, BELARDI, COY, READSHAW, MYERS, TRELLO, GEIST, PHILLIPS, LEDERER, ROONEY, OLASZ, E. Z. TAYLOR, TIGUE, STABACK, McILHATTAN, MARSICO, BARD, HENNESSEY, RUBLEY, ARMSTRONG, D. W. SNYDER, MAITLAND, MAJOR, SEMMEL, HARHAI, GRUPPO, STURLA, SHANER, YOUNGBLOOD, TRUE, SCRIMENTI, L. I. COHEN,

C. WILLIAMS, BEBKO-JONES, EGOLF, BOSCOLA, CURRY, STEELMAN, WALKO and BARRAR

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for the duration and amendment of protective orders and approved consent agreements.

Referred to Committee on JUDICIARY, June 9, 1998.

No. 2688 By Representatives MASLAND, J. TAYLOR, ARMSTRONG, CARONE, DRUCE, ROSS, FARGO, GODSHALL, STEELMAN, MILLER, STERN, NICKOL, E. Z. TAYLOR, TRAVAGLIO, RAMOS, MANDERINO, ROONEY, CORPORA, READSHAW, HALUSKA, SAYLOR, TANGRETTI, RUBLEY, MAITLAND, DEMPSEY, C. WILLIAMS, STABACK, BAKER, CARN, BATTISTO, BENNINGHOFF, STEIL, L. I. COHEN, BEBKO-JONES, ORIE, TRELLO, SERAFINI, JOSEPHS, OLASZ, WILT, HENNESSEY, ADOLPH, STURLA, HARHAI, ROHRER and WALKO

An Act amending the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, further providing for the medically needy and the determination of eligibility.

Referred to Committee on HEALTH AND HUMAN SERVICES, June 9, 1998.

No. 2689 By Representatives HERMAN, STURLA, BENNINGHOFF, DENT, C. WILLIAMS, CORPORA, BISHOP, GEORGE, WAUGH, COY, M. COHEN, OLASZ, GORDNER, RUBLEY, DALEY, HALUSKA, SERAFINI, GRUITZA, E. Z. TAYLOR, GODSHALL, SHANER, TRELLO, READSHAW, DeLUCA, ORIE, WALKO, VAN HORNE, BARRAR, YOUNGBLOOD, SEYFERT, WILT, BARD, RAMOS, L. I. COHEN, STABACK, JAMES, FICHTER, HARHAI, HENNESSEY, McCALL, TIGUE, MUNDY, MANDERINO, BELFANTI, PLATTS, BOSCOLA, JOSEPHS, CAPPABIANCA and LAUGHLIN

An Act amending the act of August 26, 1971 (P.L.351, No.91), known as the State Lottery Law, further defining "income"; and further providing for determination of eligibility.

Referred to Committee on FINANCE, June 9, 1998.

No. 2690 By Representatives SAYLOR, BROWNE, HUTCHINSON, TRELLO, D. W. SNYDER, FLICK, ITKIN, GODSHALL, NAILOR, READSHAW, DEMPSEY, LAUGHLIN, FEESE, PESCI, MYERS, GEIST, CLARK, FORCIER, PHILLIPS, MILLER, LEDERER, E. Z. TAYLOR, OLASZ, YEWIC, ZUG, McILHATTAN, ROSS, BATTISTO, STABACK, DeLUCA, WILT, MARSICO, L. I. COHEN, SHANER, HARHAI, SCHULER, RUBLEY, ARMSTRONG, HENNESSEY, HERSHEY, MAJOR, DALLY, SEMMEL, LEH, ADOLPH, YOUNGBLOOD, SCRIMENTI, HESS, FARGO, ROHRER, EGOLF, BELFANTI, SEYFERT, WAUGH, SERAFINI, BOSCOLA, ROBERTS, TRUE, STEELMAN, PLATTS, HASAY, SCHRODER, WALKO and BARRAR

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, providing special tax provisions for certain children.

Referred to Committee on FINANCE, June 9, 1998.

No. 2691 By Representative CORRIGAN

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for alteration of maximum speed limits.

Referred to Committee on TRANSPORTATION, June 9, 1998.

No. 2692 By Representatives MICOZZIE, ADOLPH, CIVERA, TRUE, SCHULER, ZIMMERMAN, GANNON, BARRAR, COLAFELLA, LAUGHLIN and COLAIZZO

An Act amending the act of April 22, 1994 (P.L.136, No.20), known as the Women's Preventative Health Services Act, further providing for legislative findings and for mandated coverage.

Referred to Committee on INSURANCE, June 9, 1998.

No. 2693 By Representatives DeLUCA, GIGLIOTTI, WALKO, DERMODY, TRELLO, PRESTON, LEVDANSKY and ROBINSON

An Act amending the act of July 28, 1953 (P.L.723, No.230), known as the Second Class County Code, further providing for terms of members of the Allegheny Regional Asset District.

Referred to Committee on URBAN AFFAIRS, June 9, 1998.

No. 2694 By Representatives TANGRETTI, CORRIGAN, MAITLAND, ARGALL, VANCE, PESCI, JAROLIN, MELIO, GIGLIOTTI, SCHULER, MASLAND, OLASZ, WILT, ORIE, DEMPSEY, STERN, FAIRCHILD, HERMAN, VAN HORNE, GEIST, COY, ROBINSON, SEMMEL, BELFANTI, McCALL, BISHOP, STURLA, LAUGHLIN, CASORIO, M. COHEN, BARD, TRAVAGLIO, WALKO, THOMAS, McILHINNEY, RAMOS, L. I. COHEN, YOUNGBLOOD, MANDERINO, HARHAI, SHANER, CURRY, BOSCOLA, STEELMAN, BEBKO-JONES, MILLER, VEON, FORCIER, C. WILLIAMS, CAWLEY, MICHLOVIC, ROBERTS, WOJNAROSKI, LESCOVITZ, MARKOSEK, CAPPABIANCA, EACHUS, DALEY, ITKIN, JOSEPHS and BROWNE

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, further providing for sales and use tax definitions, for sales and use tax exclusions, for sales and use tax penalties, for personal income tax definitions, for classes of personal income, for personal income tax penalties, for realty transfer tax definitions, for realty transfer tax exclusions and for realty transfer tax penalties; and conferring powers and duties on the Pennsylvania Historical and Museum Commission.

Referred to Committee on FINANCE, June 9, 1998.

No. 2695 By Representatives SERAFINI, BROWNE, CAPPABIANCA, TIGUE, BARD, FARGO, HALUSKA, ROBINSON, D. W. SNYDER, J. TAYLOR, ROSS and McILHATTAN

An Act establishing a program for obtaining information from school districts in a uniform manner to permit statistical comparison; imposing additional powers and duties on the Department of Education, the Auditor

General and the various school districts; and providing for financial penalties for noncompliance.

Referred to Committee on EDUCATION, June 9, 1998.

No. 2696 By Representatives SERAFINI, DEMPSEY and READSHAW

An Act amending the act of December 2, 1992 (P.L.741, No.113), known as the Children's Health Care Act, further providing for legislative findings and intent, for definitions, for children's health care, for outreach, for payor of last resort and for limitation on expenditure of funds.

Referred to Committee on INSURANCE, June 9, 1998.

No. 2697 By Representatives SERAFINI, DEMPSEY, MARSICO, READSHAW, TRUE, LEDERER and MAHER

An Act rendering persons who participate in the illegal drug market liable for civil damages; and providing for the recovery of damages, for the joinder of parties, for comparative responsibility, for contribution among and recovery from multiple defendants, for standards of proof, for the enforcement of judgments and for a statute of limitations.

Referred to Committee on JUDICIARY, June 9, 1998.

No. 2698 By Representatives SERAFINI, DEMPSEY, MARSICO, READSHAW, TRUE, BOSCOLA, CORRIGAN and HERMAN

An Act prohibiting individuals who are incarcerated from having access to certain equipment and programs; providing for the disposition of certain equipment; and imposing a penalty.

Referred to Committee on JUDICIARY, June 9, 1998.

No. 2699 By Representatives SERAFINI and CIVERA

An Act amending the act of May 3, 1933 (P.L.242, No.86), referred to as the Cosmetology Law, providing for a limited license for hair colorist.

Referred to Committee on PROFESSIONAL LICENSURE, June 9, 1998.

No. 2700 By Representatives SERAFINI, TIGUE, YOUNGBLOOD and ROBERTS

An Act amending the act of August 26, 1971 (P.L.351, No.91), known as the State Lottery Law, providing for annual tickets or shares in the lottery.

Referred to Committee on FINANCE, June 9, 1998.

No. 2701 By Representatives SERAFINI, YOUNGBLOOD, FAIRCHILD and HORSEY

An Act amending the act of July 28, 1988 (P.L.556, No.101), known as the Municipal Waste Planning, Recycling and Waste Reduction Act, prohibiting the disposal of hospital waste in municipal waste landfills.

Referred to Committee on ENVIRONMENTAL RESOURCES AND ENERGY, June 9, 1998.

HOUSE RESOLUTIONS INTRODUCED AND REFERRED

No. 492 By Representatives PRESTON, DERMODY, ROBINSON, TRELLO, PISTELLA, LAUGHLIN, DeLUCA, JAMES, WOJNAROSKI, MELIO, PESCI and JAROLIN

A Resolution requesting the Auditor General to conduct a complete audit of any Allegheny County accounts that contain State moneys.

Referred to Committee on RULES, June 9, 1998.

No. 493 By Representatives DENT, ROONEY, SEMMEL, VEON, TULLI, HERSHEY, BROWNE, DALLY, HARHART, D. W. SNYDER, S. H. SMITH, RAYMOND, McCALL, BUXTON, LEH, FLEAGLE, RUBLEY, HENNESSEY, LEVDANSKY, NICKOL, WOGAN, FLICK, MAJOR, TRUE, ARMSTRONG, ROHRER, STRITTMATTER, WAUGH, NAILOR, FICHTER, JAROLIN, FORCIER, SERAFINI, MARKOSEK, BAKER, MUNDY, ORIE, MASLAND, CLYMER, WALKO, PETRARCA, CALTAGIRONE, HANNA, STETLER, CAPPABIANCA, DEMPSEY, FEESE, MCGILL, STERN, STEVENSON, HABAY, LAUGHLIN, EGOLF, MARSICO, ARGALL, ALLEN, McILHINNEY, PIPPY, WILT, WOJNAROSKI, PESCI, BUNT, MAYERNIK, COLAFELLA, KAISER, DeLUCA, MAITLAND, SEYFERT, STURLA, READSHAW, LUCYK, ZIMMERMAN, MAHER, PRESTON, BATTISTO, HERMAN, TRELLO, MILLER, DALEY, SCHULER, HALUSKA, BARRAR, SCRIMENTI, LESCOVITZ, VAN HORNE, COY, DeWEESE, McNAUGHTON, BOYES, EACHUS, HUTCHINSON, CHADWICK, BARLEY, CLARK, TANGRETTI, HESS, GRUITZA, SAYLOR, BENNINGHOFF, GRUPPO, SANTONI, BLAUM, SURRA, BELARDI, ZUG, JADLOWIEC, HARHAI, FARGO, LaGROTTA, GEIST, DERMODY, KENNEY, PETRONE, BELFANTI, PLATTS and McILHATTAN

A Resolution requesting the Pennsylvania Public Utility Commission to re-examine recent electric utility restructuring decisions; directing the commission's attention to legislative intent; and expressing concern for the financial stability of existing electric utility companies serving Pennsylvania.

Referred to Committee on RULES, June 9, 1998.

No. 494 By Representatives EVANS and BARLEY

A Resolution providing for a review of the financial matters of the Philadelphia School District by the Appropriations Committee.

Referred to Committee on RULES, June 9, 1998.

SENATE BILLS FOR CONCURRENCE

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

SB 664, PN 2040

Referred to Committee on LOCAL GOVERNMENT, June 9, 1998.

SB 665, PN 707

Referred to Committee on LOCAL GOVERNMENT, June 9, 1998.

SB 1011, PN 2034

Referred to Committee on STATE GOVERNMENT, June 9, 1998.

SB 1372, PN 2019

Referred to Committee on JUDICIARY, June 9, 1998.

SB 1373, 1783

Referred to Committee on JUDICIARY, June 9, 1998.

SENATE RESOLUTION FOR CONCURRENCE

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

SR 201, PN 2048

Referred to Committee on RULES, June 9, 1998.

LEAVES OF ABSENCE

The SPEAKER. The Chair turns to today's leaves of absence and recognizes the majority whip, who requests a leave of absence for today's session for the gentleman from Dauphin County, Mr. McNAUGHTON, and the gentleman from Lebanon County, Mr. KREBS. Without objection, leaves will be granted. The Chair hears no objection.

The Chair recognizes the minority whip, who requests a leave of absence for today's session for the gentleman from Allegheny County, Mr. OLASZ; the gentleman from Washington County, Mr. DALEY; and the lady from Erie County, Ms. BEBKO-JONES. Without objection, leaves will be granted. The Chair hears no objection.

MASTER ROLL CALL

The SPEAKER. Members will please report to the floor.

The Chair is about to take today's master roll call. The Chair adopts for the purpose of the master roll call the same procedure it has had over the past several weeks.

The members on leave of absence will be accounted for as absent. All others will be present on the representations of their whips. The Chair hears no objection.

On the master roll call, the clerk will record the vote.

The following roll call was recorded:

PRESENT—198

Adolph	Eachus	Maher	Schroder
Allen	Egolf	Maitland	Schuler
Argall	Evans	Major	Scrimenti
Armstrong	Fairchild	Manderino	Semmel
Baker	Fargo	Markosek	Serafini
Bard	Feese	Marsico	Seyfert
Barley	Fichter	Masland	Shaner
Barrar	Fleagle	Mayernik	Smith, B.
Battisto	Flick	McCall	Smith, S. H.
Belardi	Forcier	McGeehan	Snyder, D. W.
Belfanti	Gannon	McGill	Staback
Benninghoff	Geist	McIlhatten	Stairs
Birmelin	George	McIlhenny	Steelman
Bishop	Gigliotti	Melio	Steil
Blaum	Gladeck	Michlovic	Stern
Boscola	Godshall	Micozzie	Stetler
Boyes	Gordner	Miller	Stevenson
Browne	Gruitza	Mundy	Strittmatter
Bunt	Gruppo	Myers	Sturla
Butkovitz	Habay	Nailor	Surra
Buxton	Haluska	Nickol	Tangretti
Caltagirone	Hanna	O'Brien	Taylor, E. Z.
Cappabianca	Harhai	Oliver	Taylor, J.
Carn	Harhart	Orie	Thomas
Carone	Hasay	Perzel	Tigue
Casorio	Hennessey	Pesci	Travaglio
Cawley	Herman	Petrarca	Trello
Chadwick	Hershey	Petrone	Trich
Civera	Hess	Phillips	True
Clark	Horsey	Pippy	Tulli
Clymer	Hutchinson	Pistella	Vance
Cohen, L. I.	Itkin	Platts	Van Home
Cohen, M.	Jadlowiec	Preston	Veon
Colafella	James	Ramos	Vitali
Colaizzo	Jarolin	Raymond	Walko
Cornell	Josephs	Readshaw	Washington
Corpora	Kaiser	Reber	Wagh
Corrigan	Keller	Reinard	Williams, A. H.
Cowell	Kenney	Rieger	Williams, C.
Coy	Kirkland	Roberts	Wilt
Curry	LaGrotta	Robinson	Wogan
Dally	Laughlin	Roebuck	Wojnaroski
DeLuca	Lawless	Rohrer	Wright, M. N.
Dempsey	Lederer	Rooney	Yewcic
Dent	Leh	Ross	Youngblood
Dermody	Lescovitz	Rubley	Zimmerman
DeWeese	Levdansky	Sainato	Zug
DiGirolamo	Lloyd	Santoni	
Donatucci	Lucyk	Sather	Ryan,
Druce	Lynch	Saylor	Speaker

ADDITIONS—0**NOT VOTING—0****EXCUSED—5**

Bebko-Jones	Krebs	McNaughton	Olasz
Daley			

LEAVES ADDED—4

Belfanti	Carone	Lynch	Vitali
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LEAVES CANCELED—2

Carone	Krebs
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CALENDAR

BILL ON CONCURRENCE
IN SENATE AMENDMENTS

The House proceeded to consideration of concurrence in Senate amendments to **HB 1597, PN 3672**, entitled:

An Act amending the act of June 23, 1931 (P.L.899, No.299), known as the Public Bathing Law, further providing for definitions; requiring lifeguards; and providing for the use of certain pesticides in swimming pools.

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

The SPEAKER. On that question, the Chair recognizes the gentleman, Mr. Waugh.

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

You will recall, the members will recall—

The SPEAKER. The gentleman will yield.

Conferences on the floor, please break up.

Mr. Waugh.

Mr. WAUGH. Thank you, Mr. Speaker.

The members will recall that on March 31, this bill passed unanimously. This is what I refer to as the "lifeguard bill," and very quickly, I think it is important to recount the reasoning for the bill, and then I would like to refer to the amendments that the Senate indicated.

There were two near tragedies in my district involving two 6-year-olds exactly 2 years apart, near deaths, near drownings, at a public bathing facility in my district. It prompted me to look into the current laws regarding lifeguards, and what I found amazed me, and that is that due to a high court decision not too many years ago, it was decided that the Department of Environmental Resources had no authority to establish certification and requirements for lifeguards at public facilities. This bill does that.

The bill as it passed on March 31 is essentially intact with the amendments that were inserted by the Senate. The two amendments primarily will require that the Department of Health use industry standards when creating regulations for the required numbers of lifeguards at public bathing facilities and also when creating standards for certification of those lifeguards.

I would ask your approval today for final passage of this bill on concurrence.

The SPEAKER. The Chair recognizes the gentleman from Delaware, Mr. Vitali.

Mr. VITALI. Thank you, Mr. Speaker.

Will the gentleman stand for brief interrogation?

The SPEAKER. Mr. Waugh indicates that he will. You may proceed.

Mr. VITALI. Mr. Speaker, there does appear to be a change in this bill relating to swimming pool pesticides, and it seems to reduce some sort of certification requirements for the use of certain pesticides in privately owned single-family swimming pools. I am wondering if the gentleman could explain the reasoning behind that change.

Mr. WAUGH. Yes; I would be happy to.

The SPEAKER. The gentleman, Mr. Waugh.

Mr. WAUGH. Thank you, Mr. Speaker.

The change regarding pesticides is a change that was requested by swimming pool technicians; that is, people who are employed or have businesses servicing swimming pools, both private and public. Federal law today does not require that those technicians who perform the application of general-use pesticides — and I specifically cite "general-use" pesticides — in swimming pools that are privately owned and privately used be required to undergo the training standards that we now have in place through the, I believe it is the Department of Environmental Protection, or no, it may be the Department of Agriculture. But what the changes to this section of the law would do is say that those swimming pool technicians who service and provide application of pool chemicals, including chlorine application, would not be required to be trained under our current pesticide applicators' law here in Pennsylvania.

Mr. VITALI. Does the Department of Environmental Protection or the Department of Agriculture have any opinion on this amendment?

Mr. WAUGH. This bill has been through the gauntlet, if you will. We do have the approval of the Department of Health and the Department of Agriculture.

Mr. VITALI. I mean, have they addressed this section specifically? Have they signed off on this provision, either of those two departments?

Mr. WAUGH. To the best of my knowledge, they have. What we are doing is bringing our law in Pennsylvania in line with Federal law regarding these provisions.

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

On the question recurring,

Will the House concur in Senate amendments?

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

Those in favor of concurrence will remain seated; those opposed to concurrence will stand in place until such time as their name has been called out.

The following roll call was recorded:

YEAS—189

Adolph	Evans	Manderino	Scrimenti
Allen	Fairchild	Markosek	Semmel
Argall	Fargo	Marsico	Serafini
Armstrong	Feese	Masland	Seyfert
Baker	Fichter	Mayernik	Shaner
Bard	Fleagle	McCall	Smith, B.
Barley	Flick	McGeehan	Snyder, D. W.
Barrar	Gannon	McIlhattan	Staback
Battisto	Geist	McIlhinney	Stairs
Belardi	George	Melio	Steelman
Belfanti	Gigliotti	Michlovic	Steil
Benninghoff	Gladeck	Micozzie	Stern
Bishop	Godshall	Miller	Stetler
Blaum	Gordner	Mundy	Stevenson
Boscola	Gruitza	Myers	Strittmatter
Boyes	Gruppo	Nailor	Sturla
Browne	Habay	Nickol	Surra
Bunt	Haluska	O'Brien	Tangretti
Butkovitz	Hanna	Oliver	Taylor, E. Z.
Buxton	Harhai	Orie	Taylor, J.
Caltagirone	Harhart	Perzel	Thomas
Cappabianca	Hasay	Pesci	Tigue
Carn	Hennessey	Petrarca	Travaglio
Carone	Herman	Petrone	Trello
Cawley	Hershey	Phillips	Trich
Chadwick	Hess	Pippy	True

Civera	Horsey	Pistella	Tulli
Clymer	Itkin	Platts	Vance
Cohen, L. I.	James	Preston	Van Home
Cohen, M.	Jarolin	Ramos	Veon
Colaella	Josephs	Raymond	Vitali
Colaizzo	Kaiser	Readshaw	Walko
Cornell	Keller	Reber	Washington
Corpora	Kenney	Reinard	Waugh
Corrigan	Kirkland	Rieger	Williams, A. H.
Cowell	LaGrotta	Roberts	Williams, C.
Coy	Laughlin	Robinson	Wilt
Curry	Lawless	Roebuck	Wogan
Dally	Lederer	Rohrer	Wojnaroski
DeLuca	Leh	Rooney	Wright, M. N.
Dempsey	Lescovitz	Ross	Yewcic
Dent	Levdansky	Rubley	Youngblood
Dermody	Lloyd	Sainato	Zimmerman
DeWeese	Lucyk	Santoni	Zug
DiGirolamo	Lynch	Sather	
Donatucci	Maher	Saylor	Ryan,
Druce	Maitland	Schroder	Speaker
Eachus	Major	Schuler	

NAYS-9

Birmelin	Egolf	Hutchinson	McGill
Casorio	Forcier	Jadlowiec	Smith, S. H.
Clark			

NOT VOTING-0

EXCUSED-5

Bebko-Jones	Krebs	McNaughton	Olasz
Daley			

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.

PARLIAMENTARY INQUIRY

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

Mr. GANNON. Thank you, Mr. Speaker.

Mr. Speaker, I guess this would be a parliamentary inquiry, but is SB 91 on our voting schedule for today?

The SPEAKER. That is something you should discuss with the majority leader. Right now my calendar is marked for three votes, and— I am advised that it is on for today.

Mr. GANNON. Okay. Irrespective of when the bill would be called up, Mr. Speaker, would it be in order at this time to make a motion for a suspension of the rules so that members can offer amendments to SB 91 even though they were not filed by 2 o'clock yesterday?

The SPEAKER. That would not be in order at this time.

Mr. GANNON. Thank you, Mr. Speaker.

LEAVE OF ABSENCE

The SPEAKER. The Chair returns to leaves of absence and recognizes the majority whip, who asks that the lady, Ms. CARONE, be placed on leave. Without objection, leave will be granted. The Chair hears no objection.

BILL ON CONCURRENCE IN SENATE AMENDMENTS TO HOUSE AMENDMENTS

The House proceeded to consideration of concurrence in Senate amendments to House amendments to SB 888, PN 2036, entitled:

An Act regulating the construction, equipment, maintenance, operation and inspection of boilers and unfired pressure vessels; granting certain authority to and imposing certain duties upon the Department of Labor and Industry; providing for penalties; and making a repeal.

On the question,

Will the House concur in Senate amendments to House amendments?

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

Negative votes will please rise. Votes for nonconcurrence will please rise.

The following roll call was recorded:

YEAS-197

Adolph	Egolf	Maitland	Schuler
Allen	Evans	Major	Scrimenti
Argall	Fairchild	Manderino	Semmel
Armstrong	Fargo	Markosek	Serafini
Baker	Feese	Marsico	Seyfert
Bard	Fichter	Masland	Shaner
Barley	Fleagle	Mayernik	Smith, B.
Barrar	Flick	McCall	Smith, S. H.
Battisto	Forcier	McGeehan	Snyder, D. W.
Belardi	Gannon	McGill	Staback
Belfanti	Geist	McIlhatten	Stairs
Benninghoff	George	McIlhinney	Steelman
Birmelin	Gigliotti	Melio	Steil
Bishop	Gladeck	Michlovic	Stern
Blaum	Godshall	Micozzie	Stetler
Boscola	Gordner	Miller	Stevenson
Boyes	Gruitza	Mundy	Strittmatter
Browne	Gruppo	Myers	Sturla
Bunt	Habay	Nailor	Surra
Butkovitz	Haluska	Nickol	Tangretti
Buxton	Hanna	O'Brien	Taylor, E. Z.
Caltagirone	Harhai	Oliver	Taylor, J.
Cappabianca	Harhart	Orie	Thomas
Carn	Hasay	Perzel	Tigue
Casorio	Hennessey	Pesci	Travaglio
Cawley	Herman	Petrarca	Trello
Chadwick	Hershey	Petrone	Trich
Civera	Hess	Phillips	True
Clark	Horsey	Pippy	Tulli
Clymer	Hutchinson	Pistella	Vance
Cohen, L. I.	Itkin	Platts	Van Home
Cohen, M.	Jadlowiec	Preston	Veon
Colaella	James	Ramos	Vitali
Colaizzo	Jarolin	Raymond	Walko
Cornell	Josephs	Readshaw	Washington
Corpora	Kaiser	Reber	Waugh
Corrigan	Keller	Reinard	Williams, A. H.
Cowell	Kenney	Rieger	Williams, C.
Coy	Kirkland	Roberts	Wilt
Curry	LaGrotta	Robinson	Wogan
Dally	Laughlin	Roebuck	Wojnaroski
DeLuca	Lawless	Rohrer	Wright, M. N.
Dempsey	Lederer	Rooney	Yewcic
Dent	Leh	Ross	Youngblood
Dermody	Lescovitz	Rubley	Zimmerman
DeWeese	Levdansky	Sainato	Zug
DiGirolamo	Lloyd	Santoni	

Donatucci	Lucyk	Sather	Ryan,
Druce	Lynch	Saylor	Speaker
Eachus	Maher	Schroder	

NAYS-0

NOT VOTING-0

EXCUSED-6

Bebko-Jones	Daley	McNaughton	Olasz
Carone	Krebs		

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

Ordered, That the clerk inform the Senate accordingly.

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 498, PN 562**, entitled:

An Act establishing the Long-Term Care Program to be administered by the Department of Public Welfare; providing, for long-term care insurance and for the protection of certain assets, for coordination with the Medicaid program, for additional duties of the Insurance Department in relation to the precertification of certain policies offered by private insurers and for additional duties of the Department of Aging.

On the question,

Will the House agree to the bill on third consideration?

Mr. **GEORGE** offered the following amendment No. **A3135**:

Amend Sec. 306, page 6, by inserting between lines 8 and 9

(5) The availability of the grievance procedure of each precertified long-term care insurance policy and of the subsequent appeal to the Insurance Department provided for in sections 502 and 505 respectively.

Amend Sec. 502, page 7, line 29, by striking out "and"

Amend Sec. 502, page 8, line 3, by removing the period after "Program" and inserting

; and

Amend Sec. 502, page 8, by inserting between lines 3 and 4

(8) provide for a system by which policyholders may file grievances regarding their insurance policies, including a procedure for the review of written complaints and disputes within 20 days of receipt and reporting the outcome to the department.

Amend Bill, page 8, by inserting between lines 17 and 18 Section 505. Appeal procedures.

The department shall establish appeal procedures for the review of grievance decisions issued to policyholders by their precertified long-term care insurance policies. Policyholders shall have 30 days from receipt of the decision resulting from the grievance system under section 502 to file an appeal with the department. The department shall investigate and issue a final decision on the appeal within a reasonable period of time. The department's decision may be appealed to a court of competent jurisdiction.

On the question,

Will the House agree to the amendment?

The **SPEAKER**. On the question of the adoption of the amendment, the Chair recognizes the gentleman, Mr. George.

Mr. **GEORGE**. Thank you, Mr. Speaker.

Mr. Speaker, I daresay that even young people like me concern themselves over long-term nursing care. I know you do not; you are not old enough yet to worry about it. But those of us that might be fortunate enough to live long enough and unfortunately need this type of care, I think we do concern ourselves, but equally we concern ourselves about those we represent.

Long-term nursing care is on the mind of any reasonable individual who understands what can happen every day of our lives. This does not do anything earth shattering, Mr. Speaker, this amendment; it basically gives individuals a right to not petition but to intervene with the Insurance Department to insist on an appeal whenever they are told what is in a policy for some reason does not happen to avail itself. This is just a procedure that allows an individual to appeal if in fact what he has found out at a later date is not what he thought he had when he paid for the premium. Thank you, Mr. Speaker.

The **SPEAKER**. The Chair thanks the gentleman.

The gentleman, Mr. Reinard.

Mr. **REINARD**. Thank you, Mr. Speaker.

Mr. Speaker, I actually concur with the gentleman that it is not earth shattering, because to understand the content of what a precertified policy is, you probably would never run into a situation as talked about by the previous speaker.

We have passed legislation before in this House, and it is statute in the Commonwealth, that establishes what a precertified policy is. It dictates certain types of requirements and the numbers of coverages, and it details this information out. In order to be a precertified policy, it has to be that. In order to get the approval, it would have to be that. I do not see anything that this legislation does positive or negative, and I would leave it up to the members to decide which way they want to go on the legislation.

The **SPEAKER**. On the question of the adoption of the amendment, the Chair recognizes the gentleman, Mr. George, for the second time.

Mr. **GEORGE**. Mr. Speaker, the gentleman, I respect him and I admire him. I do not know much about insurance. I have bought a lot of it. I do not understand sometimes what the little language is, but there is no appeal procedure available in the Department of Insurance, and we certainly should have that. That is the entity we look forward to being able to answer inquiries.

Please vote for this. It is what your people would want. Thank you.

On the question recurring,

Will the House agree to the amendment?

The **SPEAKER**. Those in the negative will please rise and remain standing until such time as your name has been called. Negative votes will please rise.

The following roll call was recorded:

YEAS-197

Adolph	Egolf	Maitland	Schuler
Allen	Evans	Major	Scrimenti
Argall	Fairchild	Manderino	Semmel
Armstrong	Fargo	Markosek	Serafini
Baker	Feese	Marsico	Seyfert
Bard	Fichter	Masland	Shaner
Barley	Fleagle	Mayernik	Smith, B.

Barrar	Flick	McCall	Smith, S. H.
Battisto	Forcier	McGeehan	Snyder, D. W.
Belardi	Gannon	McGill	Staback
Belfanti	Geist	McIlhatten	Stairs
Benninghoff	George	McIlhinney	Steelman
Birmelin	Gigliotti	Melio	Steil
Bishop	Gladeck	Michlovic	Stern
Blaum	Godshall	Micozzie	Stetler
Boscola	Gordner	Miller	Stevenson
Boyes	Gruitza	Mundy	Strittmatter
Browne	Gruppo	Myers	Sturla
Bunt	Habay	Nailor	Surra
Butkovitz	Haluska	Nickol	Tangretti
Buxton	Hanna	O'Brien	Taylor, E. Z.
Caltagirone	Harhai	Oliver	Taylor, J.
Cappabianca	Harhart	Orie	Thomas
Cam	Hasay	Perzel	Tigue
Casorio	Hennessey	Pesci	Travaglio
Cawley	Herman	Petrarca	Trello
Chadwick	Hershey	Petrone	Trich
Civera	Hess	Phillips	True
Clark	Horsey	Pippy	Tulli
Clymer	Hutchinson	Pistella	Vance
Cohen, L. I.	Itkin	Platts	Van Horne
Cohen, M.	Jadlowiec	Preston	Veon
Colaella	James	Ramos	Vitali
Colaizzo	Jarolin	Raymond	Walko
Cornell	Josephs	Readshaw	Washington
Corpora	Kaiser	Reber	Waugh
Corrigan	Keller	Reinard	Williams, A. H.
Cowell	Kenney	Rieger	Williams, C.
Coy	Kirkland	Roberts	Wilt
Curry	LaGrotta	Robinson	Wogan
Dally	Laughlin	Roebuck	Wojnaroski
DeLuca	Lawless	Rohrer	Wright, M. N.
Dempsey	Lederer	Rooney	Yewcic
Dent	Leh	Ross	Youngblood
Dermody	Lescovitz	Rubley	Zimmerman
DeWeese	Levdansky	Sainato	Zug
DiGirolamo	Lloyd	Santoni	
Donatucci	Lucyk	Sather	Ryan,
Druce	Lynch	Saylor	Speaker
Eachus	Maher	Schroder	

NAYS-0

NOT VOTING-0

EXCUSED-6

Bebko-Jones	Daley	McNaughton	Olasz
Carone	Krebs		

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

On the question,

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

Bill as amended 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.

Negative votes will please rise.

The following roll call was recorded:

YEAS-197

Adolph	Egolf	Maitland	Schuler
Allen	Evans	Major	Scrimenti
Argall	Fairchild	Manderino	Semmel
Armstrong	Fargo	Markosek	Serafini
Baker	Feese	Marsico	Seyfert
Bard	Fichter	Masland	Shaner
Barley	Fleagle	Mayernik	Smith, B.
Barrar	Flick	McCall	Smith, S. H.
Battisto	Forcier	McGeehan	Snyder, D. W.
Belardi	Gannon	McGill	Staback
Belfanti	Geist	McIlhatten	Stairs
Benninghoff	George	McIlhinney	Steelman
Birmelin	Gigliotti	Melio	Steil
Bishop	Gladeck	Michlovic	Stern
Blaum	Godshall	Micozzie	Stetler
Boscola	Gordner	Miller	Stevenson
Boyes	Gruitza	Mundy	Strittmatter
Browne	Gruppo	Myers	Sturla
Bunt	Habay	Nailor	Surra
Butkovitz	Haluska	Nickol	Tangretti
Buxton	Hanna	O'Brien	Taylor, E. Z.
Caltagirone	Harhai	Oliver	Taylor, J.
Cappabianca	Harhart	Orie	Thomas
Cam	Hasay	Perzel	Tigue
Casorio	Hennessey	Pesci	Travaglio
Cawley	Herman	Petrarca	Trello
Chadwick	Hershey	Petrone	Trich
Civera	Hess	Phillips	True
Clark	Horsey	Pippy	Tulli
Clymer	Hutchinson	Pistella	Vance
Cohen, L. I.	Itkin	Platts	Van Horne
Cohen, M.	Jadlowiec	Preston	Veon
Colaella	James	Ramos	Vitali
Colaizzo	Jarolin	Raymond	Walko
Cornell	Josephs	Readshaw	Washington
Corpora	Kaiser	Reber	Waugh
Corrigan	Keller	Reinard	Williams, A. H.
Cowell	Kenney	Rieger	Williams, C.
Coy	Kirkland	Roberts	Wilt
Curry	LaGrotta	Robinson	Wogan
Dally	Laughlin	Roebuck	Wojnaroski
DeLuca	Lawless	Rohrer	Wright, M. N.
Dempsey	Lederer	Rooney	Yewcic
Dent	Leh	Ross	Youngblood
Dermody	Lescovitz	Rubley	Zimmerman
DeWeese	Levdansky	Sainato	Zug
DiGirolamo	Lloyd	Santoni	
Donatucci	Lucyk	Sather	Ryan,
Druce	Lynch	Saylor	Speaker
Eachus	Maher	Schroder	

NAYS-0

NOT VOTING-0

EXCUSED-6

Bebko-Jones	Daley	McNaughton	Olasz
Carone	Krebs		

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.

RESOLUTIONS PURSUANT TO RULE 35

Mr. PISTELLA called up **HR 481, PN 3673**, entitled:

A Resolution designating September 27, 1998, as "American Gold Star Mothers' Day" in Pennsylvania.

On the question,
Will the House adopt the resolution?

The SPEAKER. Negative votes? The Chair sees no negative votes.

The following roll call was recorded:

YEAS—197

Adolph	Egolf	Maitland	Schuler
Allen	Evans	Major	Scrimenti
Argall	Fairchild	Manderino	Semmel
Armstrong	Fargo	Markosek	Serafini
Baker	Feese	Marsico	Seyfert
Bard	Fichter	Masland	Shaner
Barley	Fleagle	Mayernik	Smith, B.
Barrar	Flick	McCall	Smith, S. H.
Battisto	Forcier	McGeehan	Snyder, D. W.
Belardi	Gannon	McGill	Staback
Belfanti	Geist	McIlhattan	Stairs
Benninghoff	George	McIlhinney	Steelman
Birmelin	Gigliotti	Melio	Steil
Bishop	Gladeck	Michlovic	Stern
Blaum	Godshall	Micozzie	Stetler
Boscola	Gordner	Miller	Stevenson
Boyes	Gruitza	Mundy	Strittmatter
Browne	Gruppo	Myers	Sturla
Bunt	Habay	Nailor	Surra
Butkovitz	Haluska	Nickol	Tangretti
Buxton	Hanna	O'Brien	Taylor, E. Z.
Caltagirone	Harhai	Oliver	Taylor, J.
Cappabianca	Harhart	Orie	Thomas
Carn	Hasay	Perzel	Tigue
Casorio	Hennessey	Pesci	Travaglio
Cawley	Herman	Petrarca	Trello
Chadwick	Hershey	Petrone	Trich
Civera	Hess	Phillips	True
Clark	Horsey	Pippy	Tulli
Clymer	Hutchinson	Pistella	Vance
Cohen, L. I.	Itkin	Platts	Van Horne
Cohen, M.	Jadlowiec	Preston	Veon
Colaella	James	Ramos	Vitali
Colaizzo	Jarolin	Raymond	Walko
Cornell	Josephs	Readshaw	Washington
Corpora	Kaiser	Reber	Waugh
Corrigan	Keller	Reinard	Williams, A. H.
Cowell	Kenney	Rieger	Williams, C.
Coy	Kirkland	Roberts	Wilt
Curry	LaGrotta	Robinson	Wogan
Dally	Laughlin	Roebuck	Wojnaroski
DeLuca	Lawless	Rohrer	Wright, M. N.
Dempsey	Lederer	Rooney	Yewcic
Dent	Leh	Ross	Youngblood
Dermody	Lescovitz	Rubley	Zimmerman
DeWeese	Levdansky	Sainato	Zug
DiGirolamo	Lloyd	Santoni	
Donatucci	Lucyk	Sather	Ryan,
Druce	Lynch	Saylor	Speaker
Eachus	Maher	Schroder	

NAYS—0

NOT VOTING—0

EXCUSED—6

Bebko-Jones
Carone

Daley
Krebs

McNaughton

Olasz

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

* * *

Mr. B. SMITH called up **HR 482, PN 3674**, entitled:

A Resolution memorializing the President and Congress of the United States to revise the requirement that applicants for hunting and fishing licenses provide their Social Security numbers.

On the question,
Will the House adopt the resolution?

The SPEAKER. The vote will be taken by the negative votes please rising and remaining standing until your name has been called.

The following roll call was recorded:

YEAS—197

Adolph	Egolf	Maitland	Schuler
Allen	Evans	Major	Scrimenti
Argall	Fairchild	Manderino	Semmel
Armstrong	Fargo	Markosek	Serafini
Baker	Feese	Marsico	Seyfert
Bard	Fichter	Masland	Shaner
Barley	Fleagle	Mayernik	Smith, B.
Barrar	Flick	McCall	Smith, S. H.
Battisto	Forcier	McGeehan	Snyder, D. W.
Belardi	Gannon	McGill	Staback
Belfanti	Geist	McIlhattan	Stairs
Benninghoff	George	McIlhinney	Steelman
Birmelin	Gigliotti	Melio	Steil
Bishop	Gladeck	Michlovic	Stern
Blaum	Godshall	Micozzie	Stetler
Boscola	Gordner	Miller	Stevenson
Boyes	Gruitza	Mundy	Strittmatter
Browne	Gruppo	Myers	Sturla
Bunt	Habay	Nailor	Surra
Butkovitz	Haluska	Nickol	Tangretti
Buxton	Hanna	O'Brien	Taylor, E. Z.
Caltagirone	Harhai	Oliver	Taylor, J.
Cappabianca	Harhart	Orie	Thomas
Carn	Hasay	Perzel	Tigue
Casorio	Hennessey	Pesci	Travaglio
Cawley	Herman	Petrarca	Trello
Chadwick	Hershey	Petrone	Trich
Civera	Hess	Phillips	True
Clark	Horsey	Pippy	Tulli
Clymer	Hutchinson	Pistella	Vance
Cohen, L. I.	Itkin	Platts	Van Horne
Cohen, M.	Jadlowiec	Preston	Veon
Colaella	James	Ramos	Vitali
Colaizzo	Jarolin	Raymond	Walko
Cornell	Josephs	Readshaw	Washington
Corpora	Kaiser	Reber	Waugh
Corrigan	Keller	Reinard	Williams, A. H.
Cowell	Kenney	Rieger	Williams, C.
Coy	Kirkland	Roberts	Wilt
Curry	LaGrotta	Robinson	Wogan
Dally	Laughlin	Roebuck	Wojnaroski
DeLuca	Lawless	Rohrer	Wright, M. N.
Dempsey	Lederer	Rooney	Yewcic
Dent	Leh	Ross	Youngblood

Dermody	Lescovitz	Rubley	Zimmerman
DeWeese	Levdansky	Sginato	Zug
DiGirolamo	Lloyd	Santoni	
Donatucci	Lucyk	Sather	Ryan,
Druce	Lynch	Saylor	Speaker
Eachus	Maher	Schroder	

NAYS-0

NOT VOTING-0

EXCUSED-6

Bebko-Jones	Daley	McNaughton	Olasz
Carone	Krebs		

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

* * *

Mr. STEIL called up **HR 483, PN 3675**, entitled:

A Resolution designating the week of June 21 through 27, 1998, as "Native American Recognition Week" in Pennsylvania.

On the question,
Will the House adopt the resolution?

The SPEAKER. Negative votes will please rise.

The following roll call was recorded:

YEAS-197

Adolph	Egolf	Maitland	Schuler
Allen	Evans	Major	Scrimenti
Argall	Fairchild	Manderino	Semmel
Armstrong	Fargo	Markosek	Serafini
Baker	Feese	Marsico	Seyfert
Bard	Fichter	Masland	Shaner
Barley	Fleagle	Mayernik	Smith, B.
Barrar	Flick	McCall	Smith, S. H.
Battisto	Forcier	McGeehan	Snyder, D. W.
Belardi	Gannon	McGill	Staback
Belfanti	Geist	McIlhatten	Stairs
Benninghoff	George	McIlhinney	Steelman
Birmelin	Gigliotti	Melio	Steil
Bishop	Gladeck	Michlovic	Stern
Blaum	Godshall	Micozzie	Stetler
Boscola	Gordner	Miller	Stevenson
Boyes	Gruitza	Mundy	Strittmatter
Browne	Gruppo	Myers	Sturla
Bunt	Habay	Nailor	Surra
Butkovitz	Haluska	Nickol	Tangretti
Buxton	Hanna	O'Brien	Taylor, E. Z.
Caltagirone	Harhai	Oliver	Taylor, J.
Cappabianca	Harhart	Orie	Thomas
Carn	Hasay	Perzel	Tigue
Casorio	Hennessey	Pesci	Travaglio
Cawley	Herman	Petrarca	Trello
Chadwick	Hershey	Petrone	Trich
Civera	Hess	Phillips	True
Clark	Horsey	Pippy	
Clymer	Hutchinson	Pistella	
Cohen, L. I.	Itkin	Platts	
Cohen, M.	Jadlowiec	Preston	
Colaella	James	Ramos	
Colaizzo	Jarolin	Raymond	
Cornell	Josephs	Readshaw	
Corpora	Kaiser	Reber	

Corrigan	Keller	Reinard	Williams, A. H.
Cowell	Kenney	Rieger	Williams, C.
Coy	Kirkland	Roberts	Wilt
Curry	LaGrotta	Robinson	Wogan
Dally	Laughlin	Roebuck	Wojnaroski
DeLuca	Lawless	Rohrer	Wright, M. N.
Dempsey	Lederer	Rooney	Yewcic
Dent	Leh	Ross	Youngblood
Dermody	Lescovitz	Rubley	Zimmerman
DeWeese	Levdansky	Sainato	Zug
DiGirolamo	Lloyd	Santoni	
Donatucci	Lucyk	Sather	Ryan,
Druce	Lynch	Saylor	Speaker
Eachus	Maher	Schroder	

NAYS-0

NOT VOTING-0

EXCUSED-6

Bebko-Jones	Daley	McNaughton	Olasz
Carone	Krebs		

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

* * *

Mrs. TAYLOR called up **HR 485, PN 3685**, entitled:

A Resolution designating the week of September 13 through 19, 1998, as "Older Adult Daily Living Center Week" in Pennsylvania.

On the question,
Will the House adopt the resolution?

The SPEAKER. Negative votes will please rise.

The following roll call was recorded:

YEAS-197

Adolph	Egolf	Maitland	Schuler
Allen	Evans	Major	Scrimenti
Argall	Fairchild	Manderino	Semmel
Armstrong	Fargo	Markosek	Serafini
Baker	Feese	Marsico	Seyfert
Bard	Fichter	Masland	Shaner
Barley	Fleagle	Mayernik	Smith, B.
Barrar	Flick	McCall	Smith, S. H.
Battisto	Forcier	McGeehan	Snyder, D. W.
Belardi	Gannon	McGill	Staback
Belfanti	Geist	McIlhatten	Stairs
Benninghoff	George	McIlhinney	Steelman
Birmelin	Gigliotti	Melio	Steil
Bishop	Gladeck	Michlovic	Stern
Blaum	Godshall	Micozzie	Stetler
Boscola	Gordner	Miller	Stevenson
Boyes	Gruitza	Mundy	Strittmatter
Browne	Gruppo	Myers	Sturla
Bunt	Habay	Nailor	Surra
Butkovitz	Haluska	Nickol	Tangretti
Buxton	Hanna	O'Brien	Taylor, E. Z.
Caltagirone	Harhai	Oliver	Taylor, J.
Cappabianca	Harhart	Orie	Thomas
Carn	Hasay	Perzel	Tigue
Casorio	Hennessey	Pesci	Travaglio
Cawley	Herman	Petrarca	Trello
Chadwick	Hershey	Petrone	Trich
Civera	Hess	Phillips	True

Clark	Horse	Pippy	Tulli
Clymer	Hutchinson	Pjstella	Vance
Cohen, L. I.	Itkin	Platts	Van Horne
Cohen, M.	Jadlowiec	Preston	Veon
Colaella	James	Ramos	Vitali
Colaizzo	Jarolin	Raymond	Walko
Cornell	Josephs	Readshaw	Washington
Corpora	Kaiser	Reber	Waugh
Corrigan	Keller	Reinard	Williams, A. H.
Cowell	Kenney	Rieger	Williams, C.
Coy	Kirkland	Roberts	Wilt
Curry	LaGrotta	Robinson	Wogan
Dally	Laughlin	Roebuck	Wojnaroski
DeLuca	Lawless	Rohrer	Wright, M. N.
Dempsey	Lederer	Rooney	Yewcic
Dent	Leh	Ross	Youngblood
Dermody	Lescovitz	Rubley	Zimmerman
DeWeese	Levdansk	Sainato	Zug
DiGirolamo	Lloyd	Santoni	
Donatucci	Lucyk	Sather	Ryan,
Druce	Lynch	Saylor	Speaker
Eachus	Maher	Schroder	

NAYS-0

NOT VOTING-0

EXCUSED-6

Bebko-Jones	Daley	McNaughton	Olasz
Carone	Krebs		

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

* * *

Mrs. TAYLOR called up **HR 486, PN 3686**, entitled:

A Resolution commemorating the anniversary of "The Star Spangled Banner" on September 14, 1998.

On the question,
Will the House adopt the resolution?

The SPEAKER. Negative votes will please rise.

The following roll call was recorded:

YEAS-197

Adolph	Egolf	Maitland	Schuler
Allen	Evans	Major	Scrimanti
Argall	Fairchild	Manderino	Semmel
Armstrong	Fargo	Markosek	Serafini
Baker	Feese	Marsico	Seyfert
Bard	Fichter	Masland	Shaner
Barley	Fleagle	Mayernik	Smith, B.
Barrar	Flick	McCall	Smith, S. H.
Battisto	Forcier	McGeehan	Snyder, D. W.
Belardi	Gannon	McGill	Staback
Belfanti	Geist	McIlhannan	Stairs
Benninghoff	George	McIlhinney	Steelman
Birmelin	Gigliotti	Melio	Steil
Bishop	Gladeck	Michlovic	Stern
Blaum	Godshall	Micozzie	Stetler
Boscola	Gordner	Miller	Stevenson
Boyes	Gruitza	Mundy	Strittmatter
Browne	Gruppo	Myers	Sturla
Bunt	Habay	Nailor	Surra
Butkovitz	Haluska	Nickol	Tangretti

Buxton	Hanna	O'Brien	Taylor, E. Z.
Caltagirone	Harhai	Oliver	Taylor, J.
Cappabianca	Harhart	Orie	Thomas
Carn	Hasay	Perzel	Tigue
Casorio	Hennessey	Pesci	Travaglio
Cawley	Herman	Petrarca	Trello
Chadwick	Hershey	Petrone	Trich
Civera	Hess	Phillips	True
Clark	Horse	Pippy	Tulli
Clymer	Hutchinson	Pistella	Vance
Cohen, L. I.	Itkin	Platts	Van Horne
Cohen, M.	Jadlowiec	Preston	Veon
Colaella	James	Ramos	Vitali
Colaizzo	Jarolin	Raymond	Walko
Cornell	Josephs	Readshaw	Washington
Corpora	Kaiser	Reber	Waugh
Corrigan	Keller	Reinard	Williams, A. H.
Cowell	Kenney	Rieger	Williams, C.
Coy	Kirkland	Roberts	Wilt
Curry	LaGrotta	Robinson	Wogan
Dally	Laughlin	Roebuck	Wojnaroski
DeLuca	Lawless	Rohrer	Wright, M. N.
Dempsey	Lederer	Rooney	Yewcic
Dent	Leh	Ross	Youngblood
Dermody	Lescovitz	Rubley	Zimmerman
DeWeese	Levdansk	Sainato	Zug
DiGirolamo	Lloyd	Santoni	
Donatucci	Lucyk	Sather	Ryan,
Druce	Lynch	Saylor	Speaker
Eachus	Maher	Schroder	

NAYS-0

NOT VOTING-0

EXCUSED-6

Bebko-Jones	Daley	McNaughton	Olasz
Carone	Krebs		

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

VOTE CORRECTION

The SPEAKER. The gentleman, Mr. Lynch.

Mr. LYNCH. Mr. Speaker, is it proper to correct the record now?

The SPEAKER. Yes.

Mr. LYNCH. On HB 1597, PN 3672, I was recorded in the affirmative. I would like to be recorded in the negative.

The SPEAKER. The remarks of the gentleman will be spread upon the record.

Mr. LYNCH. Thank you, Mr. Speaker.

SUPPLEMENTAL CALENDAR A

RESOLUTIONS PURSUANT TO RULE 35

Mr. ARGALL called up **HR 488, PN 3703**, entitled:

A Resolution designating Saturday, June 20, 1998, as "Rivers Day" in this Commonwealth in recognition of the value of Pennsylvania's rivers and streams and the efforts of Pennsylvania citizens who are committed to preserving water resources.

On the question,
Will the House adopt the resolution?

The SPEAKER. Negative votes will please rise.

The following roll call was recorded:

YEAS—197

Adolph	Egolf	Maitland	Schuler
Allen	Evans	Major	Scrimenti
Argall	Fairchild	Manderino	Semmel
Armstrong	Fargo	Markosek	Serafini
Baker	Feese	Marsico	Seyfert
Bard	Fichter	Masland	Shaner
Barley	Fleagle	Mayernik	Smith, B.
Barrar	Flick	McCall	Smith, S. H.
Battisto	Forcier	McGeehan	Snyder, D. W.
Belardi	Gannon	McGill	Staback
Belfanti	Geist	McIlhattan	Stairs
Benninghoff	George	McIlhinney	Steelman
Birmelin	Gigliotti	Melio	Steil
Bishop	Gladeck	Michlovic	Stern
Blaum	Godshall	Micozzie	Stetler
Boscola	Gordner	Miller	Stevenson
Boyes	Gruitza	Mundy	Strittmatter
Browne	Gruppo	Myers	Sturla
Bunt	Habay	Nailor	Surra
Butkovitz	Haluska	Nickol	Tangretti
Buxton	Hanna	O'Brien	Taylor, E. Z.
Caltagirone	Harhai	Oliver	Taylor, J.
Cappabianca	Harhart	Orie	Thomas
Carn	Hasay	Perzel	Tigue
Casorio	Hennessey	Pesci	Travaglio
Cawley	Herman	Petrarca	Trello
Chadwick	Hershey	Petrone	Trich
Civera	Hess	Phillips	True
Clark	Horse	Pippy	Tulli
Clymer	Hutchinson	Pistella	Vance
Cohen, L. I.	Itkin	Platts	Van Horne
Cohen, M.	Jadlowiec	Preston	Veon
Colaella	James	Ramos	Vitali
Colaizzo	Jarolin	Raymond	Walko
Cornell	Josephs	Readshaw	Washington
Corpora	Kaiser	Reber	Waugh
Corrigan	Keller	Reinard	Williams, A. H.
Cowell	Kenney	Rieger	Williams, C.
Coy	Kirkland	Roberts	Wilt
Curry	LaGrotta	Robinson	Wogan
Dally	Laughlin	Roebuck	Wojnaroski
Deluca	Lawless	Rohrer	Wright, M. N.
Dempsey	Lederer	Rooney	Yewcic
Dent	Leh	Ross	Youngblood
Dermoddy	Lescovitz	Rubley	Zimmerman
DeWeese	Levdansky	Sainato	Zug
DiGirolamo	Lloyd	Santoni	
Donatucci	Lucyk	Sather	Ryan,
Druce	Lynch	Saylor	Speaker
Eachus	Maher	Schroder	

NAYS—0

NOT VOTING—0

EXCUSED—6

Bebko-Jones	Daley	McNaughton	Olasz
Carone	Krebs		

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

* * *

Mr. GODSHALL called up **HR 489, PN 3704**, entitled:

A Resolution commemorating September 17, 1998, as the 211th birthday anniversary of the Constitution of the United States and designating the week of September 17 through 23, 1998, as "National Constitution Week" in Pennsylvania.

On the question,
Will the House adopt the resolution?

The SPEAKER. Negative votes will please rise.

The following roll call was recorded:

YEAS—197

Adolph	Egolf	Maitland	Schuler
Allen	Evans	Major	Scrimenti
Argall	Fairchild	Manderino	Semmel
Armstrong	Fargo	Markosek	Serafini
Baker	Feese	Marsico	Seyfert
Bard	Fichter	Masland	Shaner
Barley	Fleagle	Mayernik	Smith, B.
Barrar	Flick	McCall	Smith, S. H.
Battisto	Forcier	McGeehan	Snyder, D. W.
Belardi	Gannon	McGill	Staback
Belfanti	Geist	McIlhattan	Stairs
Benninghoff	George	McIlhinney	Steelman
Birmelin	Gigliotti	Melio	Steil
Bishop	Gladeck	Michlovic	Stern
Blaum	Godshall	Micozzie	Stetler
Boscola	Gordner	Miller	Stevenson
Boyes	Gruitza	Mundy	Strittmatter
Browne	Gruppo	Myers	Sturla
Bunt	Habay	Nailor	Surra
Butkovitz	Haluska	Nickol	Tangretti
Buxton	Hanna	O'Brien	Taylor, E. Z.
Caltagirone	Harhai	Oliver	Taylor, J.
Cappabianca	Harhart	Orie	Thomas
Carn	Hasay	Perzel	Tigue
Casorio	Hennessey	Pesci	Travaglio
Cawley	Herman	Petrarca	Trello
Chadwick	Hershey	Petrone	Trich
Civera	Hess	Phillips	True
Clark	Horse	Pippy	Tulli
Clymer	Hutchinson	Pistella	Vance
Cohen, L. I.	Itkin	Platts	Van Horne
Cohen, M.	Jadlowiec	Preston	Veon
Colaella	James	Ramos	Vitali
Colaizzo	Jarolin	Raymond	Walko
Cornell	Josephs	Readshaw	Washington
Corpora	Kaiser	Reber	Waugh
Corrigan	Keller	Reinard	Williams, A. H.
Cowell	Kenney	Rieger	Williams, C.
Coy	Kirkland	Roberts	Wilt
Curry	LaGrotta	Robinson	Wogan
Dally	Laughlin	Roebuck	Wojnaroski
DeLuca	Lawless	Rohrer	Wright, M. N.
Dempsey	Lederer	Rooney	Yewcic
Dent	Leh	Ross	Youngblood
Dermoddy	Lescovitz	Rubley	Zimmerman
DeWeese	Levdansky	Sainato	Zug
DiGirolamo	Lloyd	Santoni	
Donatucci	Lucyk	Sather	Ryan,
Druce	Lynch	Saylor	Speaker
Eachus	Maher	Schroder	

NAYS—0

NOT VOTING—0

EXCUSED-6

Bebko-Jones Daley McNaughton Olasz
Carone Krebs

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

* * *

Mr. HARHAI called up **HR 490, PN 3705**, entitled:

A Resolution designating September 1998 as "City of Monessen Centennial Month" in Pennsylvania.

On the question,
Will the House adopt the resolution?

The SPEAKER. Negative votes will please rise.

The following roll call was recorded:

YEAS-197

Adolph	Egolf	Maitland	Schuler
Allen	Evans	Major	Scrimenti
Argall	Fairchild	Manderino	Semmel
Armstrong	Fargo	Markosek	Serafini
Baker	Feese	Marsico	Seyfert
Bard	Fichter	Masland	Shaner
Barley	Fleagle	Mayermik	Smith, B.
Barrar	Flick	McCall	Smith, S. H.
Battisto	Forcier	McGeehan	Snyder, D. W.
Belardi	Gannon	McGill	Staback
Belfanti	Geist	McIlhattan	Stairs
Benninghoff	George	McIlhinney	Steelman
Birmelin	Gigliotti	Melio	Steil
Bishop	Gladeck	Michlovic	Stern
Blaum	Godshall	Micozzie	Stetler
Boscola	Gordner	Miller	Stevenson
Boyes	Gruitza	Mundy	Strittmatter
Browne	Gruppo	Myers	Sturla
Bunt	Habay	Nailor	Surra
Butkovitz	Haluska	Nickol	Tangretti
Buxton	Hanna	O'Brien	Taylor, E. Z.
Caltagirone	Harhai	Oliver	Taylor, J.
Cappabianca	Harhart	Orie	Thomas
Cam	Hasay	Perzel	Tigue
Casorio	Hennessey	Pesci	Travaglio
Cawley	Herman	Petrarca	Trello
Chadwick	Hershey	Petrone	Trich
Civera	Hess	Phillips	True
Clark	Horsley	Pippy	Tulli
Clymer	Hutchinson	Pistella	Vance
Cohen, L. I.	Itkin	Platts	Van Horne
Cohen, M.	Jadlowiec	Preston	Veon
Colaella	James	Ramos	Vitali
Colaizzo	Jarolin	Raymond	Walko
Cornell	Josephs	Readshaw	Washington
Corpora	Kaiser	Reber	Waugh
Corrigan	Keller	Reinard	Williams, A. H.
Cowell	Kenney	Rieger	Williams, C.
Coy	Kirkland	Roberts	Wilt
Curry	LaGrotta	Robinson	Wogan
Dally	Laughlin	Roebuck	Wojnaroski
DeLuca	Lawless	Rohrer	Wright, M. N.
Dempsey	Lederer	Rooney	Yewcic
Dent	Leh	Ross	Youngblood
Dermody	Lescovitz	Rubley	Zimmerman
DeWeese	Levdansky	Sainato	Zug
DiGirolamo	Lloyd	Santoni	
Donatucci	Lucyk	Sather	Ryan,

Druce Lynch Saylor Speaker
Eachus Maher Schroder

NAYS-0

NOT VOTING-0

EXCUSED-6

Bebko-Jones Daley McNaughton Olasz
Carone Krebs

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

* * *

Mr. HARHAI called up **HR 491, PN 3706**, entitled:

A Resolution designating July 1998 as "Rostraver Township Anniversary Month" in Pennsylvania.

On the question,
Will the House adopt the resolution?

The SPEAKER. Negative votes will please rise.

The following roll call was recorded:

YEAS-197

Adolph	Egolf	Maitland	Schuler
Allen	Evans	Major	Scrimenti
Argall	Fairchild	Manderino	Semmel
Armstrong	Fargo	Markosek	Serafini
Baker	Feese	Marsico	Seyfert
Bard	Fichter	Masland	Shaner
Barley	Fleagle	Mayermik	Smith, B.
Barrar	Flick	McCall	Smith, S. H.
Battisto	Forcier	McGeehan	Snyder, D. W.
Belardi	Gannon	McGill	Staback
Belfanti	Geist	McIlhattan	Stairs
Benninghoff	George	McIlhinney	Steelman
Birmelin	Gigliotti	Melio	Steil
Bishop	Gladeck	Michlovic	Stern
Blaum	Godshall	Micozzie	Stetler
Boscola	Gordner	Miller	Stevenson
Boyes	Gruitza	Mundy	Strittmatter
Browne	Gruppo	Myers	Sturla
Bunt	Habay	Nailor	Surra
Butkovitz	Haluska	Nickol	Tangretti
Buxton	Hanna	O'Brien	Taylor, E. Z.
Caltagirone	Harhai	Oliver	Taylor, J.
Cappabianca	Harhart	Orie	Thomas
Cam	Hasay	Perzel	Tigue
Casorio	Hennessey	Pesci	Travaglio
Cawley	Herman	Petrarca	Trello
Chadwick	Hershey	Petrone	Trich
Civera	Hess	Phillips	True
Clark	Horsley	Pippy	Tulli
Clymer	Hutchinson	Pistella	Vance
Cohen, L. I.	Itkin	Platts	Van Horne
Cohen, M.	Jadlowiec	Preston	Veon
Colaella	James	Ramos	Vitali
Colaizzo	Jarolin	Raymond	Walko
Cornell	Josephs	Readshaw	Washington
Corpora	Kaiser	Reber	Waugh
Corrigan	Keller	Reinard	Williams, A. H.
Cowell	Kenney	Rieger	Williams, C.
Coy	Kirkland	Roberts	Wilt
Curry	LaGrotta	Robinson	Wogan

Dally	Laughlin	Roebuck	Wojnaroski
DeLuca	Lawless	Rohrer	Wright, M. N.
Dempsey	Lederer	Rooney	Yewcic
Dent	Leh	Ross	Youngblood
Dermody	Lescovitz	Rublely	Zimmerman
DeWeese	Levdansky	Sainato	Zug
DiGirolamo	Lloyd	Santoni	
Donatucci	Lucyk	Sather	Ryan,
Druce	Lynch	Saylor	Speaker
Eachus	Maier	Schroder	

NAYS-0

NOT VOTING-0

EXCUSED-6

Bebko-Jones	Daley	McNaughton	Olasz
Carone	Krebs		

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

VOTE CORRECTION

The SPEAKER. The lady, Ms. Seyfert, seeks recognition in connection with what?

Ms. SEYFERT. On HB 1597 I was recorded in the positive, and I would like to be recorded in the negative.

The SPEAKER. The remarks of the lady will be spread upon the record.

RESOLUTION PURSUANT TO RULE 35

Ms. WILLIAMS called up HR 495, PN 3710, entitled:

A Resolution observing July 4, 1998, as "Let Freedom Ring" Day and encouraging Pennsylvania to participate in the National Bell Ringing Ceremony that will occur on that day.

On the question,
Will the House adopt the resolution?

The SPEAKER. On the question of the adoption of the resolution, Mr. Clymer.

Mr. CLYMER. Thank you, Mr. Speaker.

Let me strongly endorse HR 495, the Let Freedom Ring Program.

I just want to remind the members that in the borough of Sellersville in Bucks County, over the past 4 or 5 years, they have instituted this program. It is a wonderful program to bring people together, to remind the citizens of our great heritage, and at 2 o'clock the fire whistle goes and the church bells ring, and it is a program, like I said, to remind all of us that we are very privileged to live in America. It does work, this program does work, and it can work at the local level, and so I just urge members, if they have an opportunity to participate or to be part of such a program, to be involved. Thank you very much.

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

The SPEAKER. Negative votes will please rise.

The following roll call was recorded:

YEAS-197

Adolph	Egolf	Maitland	Schuler
Allen	Evans	Major	Scrimanti
Argall	Fairchild	Manderino	Semmel
Armstrong	Fargo	Markosek	Serafini
Baker	Feese	Marsico	Seyfert
Bard	Fichter	Masland	Shaner
Barley	Fleagle	Mayernik	Smith, B.
Barrar	Flick	McCall	Smith, S. H.
Battisto	Forcier	McGeehan	Snyder, D. W.
Belardi	Gannon	McGill	Staback
Belfanti	Geist	McIlhattan	Stairs
Benninghoff	George	McIlhinney	Steelman
Birmelin	Gigliotti	Melio	Steil
Bishop	Gladeck	Michlovic	Stern
Blaum	Godshall	Micozzie	Stetler
Boscola	Gordner	Miller	Stevenson
Boyes	Gruitza	Mundy	Strittmatter
Browne	Gruppo	Myers	Sturla
Bunt	Habay	Nailor	Surra
Butkovitz	Haluska	Nickol	Tangretti
Buxton	Hanna	O'Brien	Taylor, E. Z.
Caltagirone	Harhai	Oliver	Taylor, J.
Cappabianca	Harhart	Orie	Thomas
Carn	Hasay	Perzel	Tigue
Casorio	Hennessey	Pesci	Travaglio
Cawley	Herman	Petrarca	Trello
Chadwick	Hershey	Petrone	Trich
Civera	Hess	Phillips	True
Clark	Horsey	Pippy	Tulli
Clymer	Hutchinson	Pistella	Vance
Cohen, L. I.	Itkin	Platts	Van Horne
Cohen, M.	Jadlowiec	Preston	Veon
Colaella	James	Ramos	Vitali
Colaizzo	Jarolin	Raymond	Walko
Cornell	Josephs	Readshaw	Washington
Corpora	Kaiser	Reber	Waugh
Corrigan	Keller	Reinard	Williams, A. H.
Cowell	Kenney	Rieger	Williams, C.
Coy	Kirkland	Roberts	Wilt
Curry	LaGrotta	Robinson	Wogan
Dally	Laughlin	Roebuck	Wojnaroski
DeLuca	Lawless	Rohrer	Wright, M. N.
Dempsey	Lederer	Rooney	Yewcic
Dent	Leh	Ross	Youngblood
Dermody	Lescovitz	Rublely	Zimmerman
DeWeese	Levdansky	Sainato	Zug
DiGirolamo	Lloyd	Santoni	
Donatucci	Lucyk	Sather	Ryan,
Druce	Lynch	Saylor	Speaker
Eachus	Maier	Schroder	

NAYS-0

NOT VOTING-0

EXCUSED-6

Bebko-Jones	Daley	McNaughton	Olasz
Carone	Krebs		

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

REPUBLICAN CAUCUS

The SPEAKER. The Chair recognizes the gentleman from Mercer, Mr. Fargo.

Mr. FARGO. Thank you, Mr. Speaker.

At the recess we will have a Republican caucus. It will be a short but very, very important caucus. We will then break after a half-hour caucus and plan to come back on the floor at 12:30 to continue voting.

LEAVE OF ABSENCE CANCELED

The SPEAKER. The Chair notes in the hall of the House the gentleman, Mr. Krebs. He should be removed from the leave list and placed on the master roll call.

DEMOCRATIC CAUCUS

The SPEAKER. The gentleman, Mr. Cohen. I have to recognize Mr. Hershey, but, Mr. Cohen, you have an announcement with respect to your caucus?

Mr. COHEN. Yes, Mr. Speaker.

Immediately upon recess, there will be a Democratic caucus to consider the 35 bills or so that the Senate has passed and sent to us on concurrence.

The SPEAKER. The two caucus chairmen have made announcements with respect to the caucus.

Let me make a further suggestion: Be sure you eat before you come back, because it would be our intention to work on through, with no further breaks.

VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS COMMITTEE MEETING

The SPEAKER. Mr. Hershey.

Mr. HERSHEY. I seek permission to make an announcement.

The Veterans Affairs and Emergency Preparedness Committee will meet immediately after the break in room 302, South Office. We have two bills we want to move out, and we will not be very long. I encourage everyone to attend or make sure you send your proxy. Veterans Affairs and Emergency Preparedness in 302 at the break. Thank you.

The SPEAKER. The Chair thanks the gentleman.

BILL SIGNED BY SPEAKER

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

HB 1597, PN 3672

An Act amending the act of June 23, 1931 (P.L.899, No.299), known as the Public Bathing Law, further providing for definitions; requiring lifeguards; and providing for the use of certain pesticides in swimming pools.

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

RECESS

The SPEAKER. Does the Republican leader or Democrat leaders have any further business?

Hearing none, the Chair declares this House in recess until 12:30.

AFTER RECESS

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

BILLS REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader.

Mr. PERZEL. Mr. Speaker, I move that HB 1443 on today's tabled bill calendar and HB 2276 on today's tabled bill calendar be removed from the table.

On the question,

Will the House agree to the motion?

Motion was agreed to.

BILLS RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader.

Mr. PERZEL. Mr. Speaker, I move that HB 1443 and HB 2276 be recommitted to the Committee on Appropriations.

On the question,

Will the House agree to the motion?

Motion was agreed to.

CALENDAR CONTINUED**BILL ON THIRD CONSIDERATION**

The House proceeded to third consideration of **HB 1172, PN 2973**, entitled:

An Act amending the act of February 19, 1980 (P.L.15, No.9), known as the Real Estate Licensing and Registration Act, further providing for definitions, for continuing education and for broker's disclosure to seller; providing for duties of licensees generally, for duties of seller's agent, for duties of buyer's broker, for duties of dual agent, for duties of designated agent and for duties of a transactional licensee; further providing for broker's disclosure to buyer and for information to be given at initial interview; providing for written agreement with broker and for mandatory provisions of sales contract; and further providing for cemetery broker's disclosure.

On the question,

Will the House agree to the bill on third consideration?

Mr. CIVERA offered the following amendment No. **A3179**:

Amend Sec. 1 (Sec. 201), page 6, line 22, by striking out "BUYER" and inserting

"Buyer

Amend Sec. 1 (Sec. 201), page 6, line 23, by striking out "SERVICES"

Amend Sec. 1 (Sec. 201), page 6, line 26, by striking out "RELATING TO THE MARKET VALUE OF A SPECIFIED TYPE" and inserting

by a contracted buyer's agent, transactional licensee, or an actual or potential seller's agent relating to the probable sale price of a specified piece

Amend Sec. 1 (Sec. 201), page 6, line 28, by striking out "OFFERED" and inserting

, offered either

Amend Sec. 1 (Sec. 201), page 6, line 29, by striking out "OF A PROPERTY OR FOR" and inserting

for the property by a specific actual or potential consumer or for the purpose of

Amend Sec. 1 (Sec. 201), page 7, by inserting between lines 8 and 9 "Disclosure." Provision of all relevant facts, without reservation, ambiguity or distortion so as to enable a consumer to understand the options and weigh the risks and benefits in order to make a decision in his or her own best interest.

Amend Bill, page 9, by inserting between lines 3 and 4

Section 3. Section 604(a) of the act is amended by adding a paragraph to read:

Section 604. Prohibited acts.

(a) The commission may upon its own motion, and shall promptly upon the verified complaint in writing of any person setting forth a complaint under this section, ascertain the facts and, if warranted, hold a hearing for the suspension or revocation of a license or registration certificate or for the imposition of fines not exceeding \$1,000, or both. The commission shall have power to refuse a license or registration certificate for cause or to suspend or revoke a license or registration certificate or to levy fines up to \$1,000, or both, where the said license has been obtained by false representation, or by fraudulent act or conduct, or where a licensee or registrant, in performing or attempting to perform any of the acts mentioned herein, is found guilty of:

(15.1) Failing to provide a disclosure required by this act or any other Federal or State law imposing a disclosure obligation on licensees in connection with real estate transactions.

Amend Sec. 3, page 9, line 4, by striking out "3," and inserting 4.

Amend Sec. 4, page 9, line 27, by striking out "4" and inserting 5

Amend Sec. 4 (Sec. 606.1), page 10, lines 8 through 11, by striking out "REGARDLESS OF WHETHER" in line 8, all of lines 9 through 11 and inserting except that the duty of a licensee under this paragraph to present written offers may be waived by a seller of a property that is subject to an existing contract for sale if:

(i) the waiver is in writing; and

(ii) the waiver is in the manner prescribed by the commission by regulation.

Amend Sec. 4 (Sec. 606.1), page 11, by inserting between lines 9 and 10

(13) To provide disclosure to the consumer regarding any financial interest, including, but not limited to, a referral fee or commission, which a licensee has in any services to be provided to the consumer by any other person, including, but not limited to, financial services, title transfer and preparation services, insurance, construction, repair or inspection services. The licensee shall also provide disclosure regarding any financial interest which an affiliated licensee may have in any services to be provided to the consumer by any other person. The disclosures required by this paragraph shall be made at the time the licensee first recommends that the consumer purchase a service in which the licensee or an affiliated licensee has a financial interest or when the licensee first learns that the consumer will be purchasing a service in which the licensee or an affiliated licensee has a financial interest.

Amend Sec. 5, page 17, line 2, by striking out "5" and inserting 6

Amend Sec. 6, page 19, line 23, by striking out "6" and inserting 7

Amend Sec. 6, page 22, by inserting between lines 4 and 5 Section 608.3. Comparative market analysis disclosure.

A comparative market analysis must contain the following statement printed conspicuously and without change on the first page:

This analysis has not been performed in accordance with the Uniform Standards of Professional Appraisal Practice which require valuers to act as unbiased, disinterested third parties with impartiality, objectivity and independence and without accommodation of personal interest. It is not to be construed as an appraisal and may not be used as such for any purpose.

A comparative market analysis prepared in accordance with this act shall not be deemed to be an appraisal within the scope of the act of July 10, 1990 (P.L.404, No.98), known as the Real Estate Appraisers Certification Act.

Amend Sec. 7, page 22, line 5, by striking out "7" and inserting 8

Amend Sec. 7 (Sec. 608.1), page 22, line 7, by striking out "608.3" and inserting

608.4

Amend Sec. 8, page 22, line 12, by striking out "8" and inserting 9

On the question,

Will the House agree to the amendment?

The SPEAKER. On the question of the adoption of the amendment, the Chair recognizes the gentleman, Mr. Civera.

Mr. CIVERA. Thank you, Mr. Speaker.

On the amendment, Mr. Speaker, A3179 is agreed to, a technical amendment which adds a definition of "disclosure" and strengthens the disclosure language in the bill. The amendment also redefines the definition of "comparative market analysis" and adds a disclaimer requirement. This language is being added in response to the concerns raised by the real estate appraisers, who have assisted in drafting this agreed-to language.

Representative Gordner basically was the one that drew this amendment and deserves a lot of the credit to amendment A3179, and I would urge everybody's support to this amendment. Thank you.

LEAVE OF ABSENCE

The SPEAKER. The Chair recognizes the minority whip, who requests that we return to leaves of absence and add the gentleman, Mr. BELFANTI, to the leave list for the balance of today's session. Without objection, leave will be granted. The Chair hears no objection.

CONSIDERATION OF HB 1172 CONTINUED

On the question recurring,

Will the House agree to the amendment?

The SPEAKER. Negative votes will please rise.

The following roll call was recorded:

YEAS—197

Adolph	Evans	Maitland	Schuler
Allen	Fairchild	Major	Scrimenti
Argall	Fargo	Manderino	Semmel
Armstrong	Feese	Markosek	Serafini

Baker	Fichter	Marsico	Seyfert
Bard	Fleagle	Masland	Shaner
Barley	Flick	Mayermik	Smith, B.
Barrar	Forcier	McCall	Smith, S. H.
Battisto	Gannon	McGeehan	Snyder, D. W.
Belardi	Geist	McGill	Staback
Benninghoff	George	McIlhattan	Stairs
Birmelin	Gigliotti	McIlhinney	Steelman
Bishop	Gladeck	Melio	Steil
Blaum	Godshall	Michlovic	Stern
Boscola	Gordner	Micozzie	Stetler
Boyes	Gruitza	Miller	Stevenson
Browne	Gruppo	Mundy	Strittmatter
Bunt	Habay	Myers	Sturla
Butkovitz	Haluska	Nailor	Surra
Buxton	Hanna	Nickol	Tangretti
Caltagirone	Harhai	O'Brien	Taylor, E. Z.
Cappabianca	Harhart	Oliver	Taylor, J.
Cam	Hasay	Orie	Thomas
Casorio	Hennessey	Perzel	Tigue
Cawley	Herman	Pesci	Travaglio
Chadwick	Hershey	Petrarca	Trello
Civera	Hess	Petrone	Trich
Clark	Horse	Phillips	True
Clymer	Hutchinson	Pippy	Tulli
Cohen, L. I.	Itkin	Pistella	Vance
Cohen, M.	Jadlowiec	Platts	Van Horne
Colafella	James	Preston	Veon
Colaizzo	Jarolin	Ramos	Vitali
Cornell	Josephs	Raymond	Walko
Corpora	Kaiser	Readshaw	Washington
Corrigan	Keller	Reber	Wagh
Cowell	Kenney	Reinard	Williams, A. H.
Coy	Kirkland	Rieger	Williams, C.
Curry	Krebs	Roberts	Wilt
Dally	LaGrotta	Robinson	Wogan
DeLuca	Laughlin	Roebuck	Wojnaroski
Dempsey	Lawless	Rohrer	Wright, M. N.
Dent	Lederer	Rooney	Yewcic
Dermody	Leh	Ross	Youngblood
DeWeese	Lescovitz	Rubley	Zimmerman
DiGirolamo	Levdansky	Sainato	Zug
Donatucci	Lloyd	Santoni	
Druce	Lucyk	Sather	Ryan,
Eachus	Lynch	Saylor	Speaker
Egolf	Maher	Schroder	

NAYS-0

NOT VOTING-0

EXCUSED-6

Bebko-Jones	Carone	McNaughton	Olasz
Belfanti	Daley		

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

On the question,

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

Bill as amended 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.

Affirmative votes will remain seated; negative votes will kindly rise until your name is called out by the clerk.

The following roll call was recorded:

YEAS-197

Adolph	Evans	Maitland	Schuler
Allen	Fairchild	Major	Scrimenti
Argall	Fargo	Manderino	Semmel
Armstrong	Feese	Markosek	Serafini
Baker	Fichter	Marsico	Seyfert
Bard	Fleagle	Masland	Shaner
Barley	Flick	Mayernik	Smith, B.
Barrar	Forcier	McCall	Smith, S. H.
Battisto	Gannon	McGeehan	Snyder, D. W.
Belardi	Geist	McGill	Staback
Benninghoff	George	McIlhattan	Stairs
Birmelin	Gigliotti	McIlhinney	Steelman
Bishop	Gladeck	Melio	Steil
Blaum	Godshall	Michlovic	Stern
Boscola	Gordner	Micozzie	Stetler
Boyes	Gruitza	Miller	Stevenson
Browne	Gruppo	Mundy	Strittmatter
Bunt	Habay	Myers	Sturla
Butkovitz	Haluska	Nailor	Surra
Buxton	Hanna	Nickol	Tangretti
Caltagirone	Harhai	O'Brien	Taylor, E. Z.
Cappabianca	Harhart	Oliver	Taylor, J.
Cam	Hasay	Orie	Thomas
Casorio	Hennessey	Perzel	Tigue
Cawley	Herman	Pesci	Travaglio
Chadwick	Hershey	Petrarca	Trello
Civera	Hess	Petrone	Trich
Clark	Horse	Phillips	True
Clymer	Hutchinson	Pippy	Tulli
Cohen, L. I.	Itkin	Pistella	Vance
Cohen, M.	Jadlowiec	Platts	Van Horne
Colafella	James	Preston	Veon
Colaizzo	Jarolin	Ramos	Vitali
Cornell	Josephs	Raymond	Walko
Corpora	Kaiser	Readshaw	Washington
Corrigan	Keller	Reber	Wagh
Cowell	Kenney	Reinard	Williams, A. H.
Coy	Kirkland	Rieger	Williams, C.
Curry	Krebs	Roberts	Wilt
Dally	LaGrotta	Robinson	Wogan
DeLuca	Laughlin	Roebuck	Wojnaroski
Dempsey	Lawless	Rohrer	Wright, M. N.
Dent	Lederer	Rooney	Yewcic
Dermody	Leh	Ross	Youngblood
DeWeese	Lescovitz	Rubley	Zimmerman
DiGirolamo	Levdansky	Sainato	Zug
Donatucci	Lloyd	Santoni	
Druce	Lucyk	Sather	Ryan,
Eachus	Lynch	Saylor	Speaker
Egolf	Maher	Schroder	

NAYS-0

NOT VOTING-0

EXCUSED-6

Bebko-Jones	Carone	McNaughton	Olasz
Belfanti	Daley		

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

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

REMARKS SUBMITTED FOR THE RECORD

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

HB 1172 of 1997 was approved by the Professional Licensure Committee of the House of Representatives on February 11, 1998, with no negative votes. The amendment was supported by the Pennsylvania Association of Realtors.

The legislation will define the relationships between consumers and realtors. HB 1172 will also statutorily recognize the concept of dual agency. Dual agency has been a common practice in Pennsylvania for many years. Without dual agency, a buyer would be precluded from looking at any property listed by their agent, their agent's firm, or any other brokerage affiliated with the buyer's agent. Additionally, consumer confusion currently exists as many buyers believe the realtor they are working with is their agent when, in fact, they are the seller's sub-agent.

Dual agency has been recognized in our Commonwealth for many years. Our State Supreme Court acknowledged that dual agency is allowable with full disclosure in the case of *Onorato v. Wissahickon Park*, 430 Pa. 416, 244 A.2d 22 (1968). That case involved a real estate transaction in Montgomery County. The Federal courts have upheld this common law principle in *Washington Steel Corp. v. TW Corp.*, 465 F.Supp. 1100 (W.D. Pa. 1979).

Current statutory law does not provide guidelines for the disclosure and consent needed under common law. Thus, the legislature has three choices regarding dual agency. The legislature could do nothing, they can outlaw dual agency, or they can define the disclosures and consent requirements for licensees to provide to consumers.

If the legislature does nothing, the current status will continue with dual agency allowed when disclosure and consent are provided. However, there will be no statutory guidelines for licensees to follow. As such, there will be no standard format for consumer protection. Additionally, it is doubtful that the Real Estate Commission could prosecute a licensee for failing to provide adequate disclosures since there are none to follow.

If the legislature outlaws dual agency, a buyer would be precluded from looking at any home listed by their agent, their agent's firm, or any other brokerage affiliated with the buyer's agent. This is not realistic or what the consumers of Pennsylvania desire.

The Professional Licensure Committee approved HB 1172 because it appears to be the best option for protecting consumers by providing guidelines for the disclosure and consent needed under common law. HB 1172 as amended will provide the following consumer protection enhancements:

- The information real estate licensees will have to provide to consumers before acting as their representative will be defined.
- The disclosures will have to be provided at the first discussion where a substantive conversation about real estate needs occurs.
- A standard disclosure form will be utilized throughout the Commonwealth
- The disclosure forms will be promulgated by the State Real Estate Commission by regulation, which will be subject to public comment and legislative review.
- The duties real estate licensees owe to consumers will be defined by the legislation.
- The legislation will enhance the requirements for representational agreements and sales contract, which must be in writing.
- Realtors will be required to advise consumers of any possible conflicts of interest and inform consumers of their continuing duty to disclose any conflicts which may arise.
- If a buyer's agent is being compensated based upon a percentage of the purchase price, that fact must be disclosed

to the buyer at the time a representation agreement is completed.

HB 1172 will provide guidelines for disclosure which will abrogate consumer confusion and not common law. HB 1172 will create a better understanding of the relationships between consumers and realtors while providing the full disclosure required under common law.

The legislation will also allow brokers to designate agents within their office to work exclusively for a buyer or a seller in a transaction. Under this scenario, a broker could be a dual agent with one licensee acting as the seller's agents and a different licensee working as the buyer's agent in the same transaction.

The legislation also creates a limited form of agency, known as a "transaction licensee." This type of relationship will allow licensees, who choose to do so, to perform specified services for consumers without acting as their advocate, i.e. listing and advertising without negotiating sales agreements.

GUEST INTRODUCED

The SPEAKER. The Chair is pleased to welcome to the hall of the House today, as the guest of Representative Carole Rubley, Melissa Amster. Melissa is a student at Franklin and Marshall College and is an intern in Representative Rubley's district office.

BILL ON CONCURRENCE IN SENATE AMENDMENTS AS AMENDED

The House proceeded to consideration of concurrence in Senate amendments to the following **HB 413, PN 3695**, as further amended by the House Rules Committee:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for restitution for personal or property injuries, for arson and related offenses, for agricultural trespass and for control of firearms; and prohibiting transportation of passengers in open trucks.

On the question,

Will the House concur in Senate amendments as amended by the Rules Committee?

RULES SUSPENDED

The SPEAKER. On that question, the gentleman, Mr. Rooney, desires recognition. The gentleman is recognized.

Mr. ROONEY. Thank you, Mr. Speaker.

Mr. Speaker, last night when we passed SB 543, we did so with language that said the criminal background checks for long guns in Pennsylvania—

The SPEAKER. Will the gentleman please yield.

Conferences on the floor will please break up. It is very difficult to hear in these quarters. Members of staff by the door, go out it.

Mr. Rooney.

Mr. ROONEY. Thank you, Mr. Speaker.

Again, when we passed SB 543 last evening, we did so with language that said that background checks for the purchase of long guns would be potentially delayed till December of 1999. That provision is unacceptable to a number of us for a number of very different reasons.

As we discussed yesterday, if we delay the criminal background checks beyond December 1 of 1998, the FBI will be forced to consider and do those background checks at a cost to Pennsylvania consumers of between \$30 and \$35 per transaction.

I rise, Mr. Speaker, at this point to introduce my amendment, A3285, which has language that would correct that situation and keep it from occurring.

The SPEAKER. Mr. Rooney, it will be necessary for you first to suspend the rules before you—

Mr. ROONEY. I so move, Mr. Speaker.

The SPEAKER. —amendment can be adopted. Do you make that motion now?

Mr. ROONEY. Yes; I make that motion at this time.

The SPEAKER. The gentleman, Mr. Rooney, moves that the rules of the House be suspended to permit him to offer amendment A3285.

On the question,

Will the House agree to the motion?

The SPEAKER. On the question of suspension of the rules, those in favor of suspension—

Mr. ROONEY. Mr. Speaker, if I may. I believe the leader would defer.

The SPEAKER. The Democratic floor leader defers to the gentleman, Mr. Rooney. The gentleman is recognized.

Mr. ROONEY. Mr. Speaker, after extensive negotiations and discussions yesterday, I had agreed to withdraw my amendment that would correct this situation again, the situation being the FBI conducting background checks as opposed to the State Police at an exponentially higher cost to consumers and legitimate sports people in Pennsylvania. I have worked — and I very much appreciate the opportunity — I have worked with the members of the other side of the aisle, and at this time, relative to my amendment, I would like the gentleman, Mr. Godshall, if he would, to stand for a brief interrogation.

The SPEAKER. Mr. Rooney, that would not be proper on a debate on suspension.

Mr. ROONEY. Thank you, Mr. Speaker.

It is my understanding that I have an agreement with the other side to join with me in requesting the members vote in an affirmative fashion to suspend the rules to consider this amendment.

On the question recurring,

Will the House agree to the motion?

The SPEAKER. Negative votes will please rise.

The following roll call was recorded:

YEAS—195

Adolph	Evans	Maitland	Schroder
Allen	Fairchild	Major	Schuler
Argall	Fargo	Manderino	Scrimenti
Armstrong	Feese	Markosek	Semmel
Baker	Fichter	Marsico	Serafini
Bard	Fleagle	Masland	Seyfert
Barley	Flick	Mayernik	Shaner
Barrar	Forcier	McCall	Smith, B.
Battisto	Gannon	McGeehan	Smith, S. H.
Belardi	Geist	McGill	Snyder, D. W.

Benninghoff	George	McIlhattan	Staback
Birmelin	Gigliotti	McIlhinney	Stairs
Bishop	Gladeck	Melio	Steelman
Blaum	Godshall	Michlovic	Stern
Boscola	Gordner	Micozzie	Stetler
Boyes	Gruitza	Miller	Stevenson
Browne	Gruppo	Mundy	Strittmatter
Bunt	Habay	Myers	Sturla
Butkovitz	Haluska	Nailor	Surra
Buxton	Hanna	Nickol	Tangretti
Caltagirone	Harhai	O'Brien	Taylor, E. Z.
Cappabianca	Harhart	Oliver	Taylor, J.
Carn	Hasay	Orie	Thomas
Casorio	Hennessey	Perzel	Tigue
Cawley	Herman	Pesci	Travaglio
Chadwick	Hershey	Petrarca	Trello
Civera	Hess	Petrone	Trich
Clark	Horsey	Phillips	True
Clymer	Hutchinson	Pippy	Tulli
Cohen, L. I.	Itkin	Pistella	Vance
Cohen, M.	Jadlowiec	Platts	Van Horne
Colaella	James	Preston	Veon
Colaizzo	Jarolin	Ramos	Vitali
Cornell	Josephs	Raymond	Walko
Corpora	Kaiser	Readshaw	Washington
Corrigan	Keller	Reber	Waugh
Cowell	Kenney	Reinard	Williams, A. H.
Coy	Kirkland	Rieger	Williams, C.
Curry	LaGrotta	Roberts	Wilt
Dally	Laughlin	Robinson	Wogan
DeLuca	Lawless	Roebuck	Wojnaroski
Dempsey	Lederer	Rohrer	Wright, M. N.
Dent	Leh	Rooney	Yewcic
Dermody	Lescovitz	Ross	Youngblood
DeWeese	Levdansky	Rubley	Zimmerman
DiGirolamo	Lloyd	Sainato	Zug
Donatucci	Lucyk	Santoni	
Druce	Lynch	Sather	
Eachus	Maher	Saylor	
Egolf			

NAYS—2

Krebs Steil

NOT VOTING—0

EXCUSED—6

Bebko-Jones Carone McNaughton Oiasz
Belfanti Daley

A majority of the members required by the rules having voted in the affirmative, the question was determined in the affirmative and the motion was agreed to.

LEAVE OF ABSENCE CANCELED

The SPEAKER. The Chair returns to leaves of absence and notes the presence in the hall of the House of the lady, Ms. Carone, who is removed from the leave-of-absence list.

CONSIDERATION OF HB 413 CONTINUED

On the question recurring,
Will the House concur in Senate amendments as amended by the Rules Committee?

Mr. ROONEY offered the following amendment No. A3285:

Amend Title, page 1, line 4, by striking out "AND" and inserting a comma

Amend Title, page 1, line 5, by inserting after "FIREARMS"

, for sale or transfer of firearms and for firearms functions of the Pennsylvania State Police

Amend Sec. 4, page 11, line 4, by striking out "SECTION 6105(C)(1) OF TITLE 18 IS" and inserting

Sections 6105(c)(1), 6111(b)(1.4) and 6111.1(b)(3) of Title 18 are

Amend Sec. 4, page 11, by inserting between lines 17 and 18

§ 6111. Sale or transfer of firearms.

(b) Duty of seller.—No licensed importer, licensed manufacturer or licensed dealer shall sell or deliver any firearm to another person, other than a licensed importer, licensed manufacturer, licensed dealer or licensed collector, until the conditions of subsection (a) have been satisfied and until he has:

(1.4) [Prior to January 1, 1997, and following]

Following implementation of the instantaneous records check by the Pennsylvania State Police on or before [October 11, 1999] December 1, 1998, no application/record of sale shall be completed for the purchase or transfer of a firearm which exceeds the barrel lengths set forth in section 6102. A statement shall be submitted by the dealer to the Pennsylvania State Police, postmarked via first class mail, within 14 days of the sale, containing the number of firearms sold which exceed the barrel and related lengths set forth in section 6102, the amount of surcharge and other fees remitted and a list of the unique approval numbers given pursuant to paragraph (4), together with a statement that the background checks have been performed on the firearms contained in the statement. The form of the statement relating to performance of background checks shall be promulgated by the Pennsylvania State Police.

§ 6111.1. Pennsylvania State Police.

(b) Duty of Pennsylvania State Police.—

(3) The Pennsylvania State Police shall fully comply, execute and enforce the directives of this section [within four years of the enactment of this subsection.] as follows:

(i) The instantaneous background check for firearms as defined in section 6102 (relating to definitions) shall begin on July 1, 1998.

(ii) The instantaneous background check for firearms that exceed the barrel lengths set forth in section 6102 shall begin on the later of:

(A) the date of publication of the notice under section 6111(a)(2); or

(B) December 31, 1998.

On the question,

Will the House agree to the amendment?

The SPEAKER. The Chair recognizes the gentleman, Mr. Rooney.

Mr. ROONEY. Thank you, Mr. Speaker.

Again, very simply, what this amendment does is it says that criminal background checks on the purchase of long guns in Pennsylvania will take place by the Pennsylvania State Police on or before December 31 of 1998.

Again, the reality and the legislative intent here is to encourage, to the best of our ability, the State Police to have this system up and running prior to December 1 of this year, as to avoid the situation where Pennsylvania's sports men and women who purchase long guns will be subject to a background check fee of between \$30 and \$35.

Mr. Speaker, at this time I would like to ask the gentleman, Mr. Godshall, to stand for a brief interrogation.

The SPEAKER. The gentleman, Mr. Godshall, indicates he will stand for interrogation. You may begin.

Mr. ROONEY. Thank you, Mr. Speaker.

I read and interpret my amendment to say that the Pennsylvania State Police are mandated by section 6111.1 to establish instantaneous background checks for firearms that exceed the barrel lengths set forth in section 6102, commonly referred to as long arms, on the latter of the two events described in my amendment. However, if the State Police are able to establish the instant check for long arms before either event stated in my amendment, this amendment would not preclude the State Police from doing so. Is my interpretation of the amendment that I have offered, A3285, correct, in your opinion?

Mr. GODSHALL. I would totally agree that that is correct, that this would not prevent the State Police from putting it up and running prior to the dates that are mentioned in this bill, and also, I would like to say that in talking to the State Police, they have every intention of doing so as quickly as possible. They would have loved to have done so on July 1, if it would have been practical.

Mr. ROONEY. Thank you.

Mr. Speaker, I have concluded my interrogation.

The SPEAKER. The Chair recognizes the gentleman on the question.

Mr. ROONEY. Mr. Speaker, as I indicated last night, it is unfortunately a very rare occurrence in the Commonwealth of Pennsylvania whereby those of us who feel very strongly about reasonable restrictions and responsibilities imposed on firearms owners and those who very justifiably and understandably defend, to the best of their abilities, as their districts suggest, the Second Amendment right of the United States Constitution, it is very infrequent, far too infrequent, that we have an opportunity to come together—

The SPEAKER. Will the gentleman yield.

Please. Mr. Rooney deserves to be heard.

Mr. Rooney.

Mr. ROONEY. Thank you, Mr. Speaker.

Again, it is a great day in that we are able to take two very disparate groups, bring them together to realize a common goal that positively impacts on the people of Pennsylvania and the sports people of Pennsylvania. The background checks, for those of us who feel strongly, are a fundamental responsibility for reasoned firearm ownership in Pennsylvania, and for those folks who care very deeply and passionately about the price that comes with this said responsibility, I think we have been able to fashion a very reasonable and a very good compromise for all concerned.

So again, I want to thank the staff and the members on the other side of the aisle with whom I have had the pleasure of dealing in the course of the last 24 hours. With the adoption of this amendment, we will have accomplished something that has not been accomplished very frequently in Pennsylvania, and in doing so, I think we satisfy two very legitimate and very sincere concerns that will hopefully continue to be heard in this august body.

So I would respectfully ask my colleagues to vote "yes" on amendment A3285.

The SPEAKER. The gentleman, Mr. George.

Mr. GEORGE. Thank you, Mr. Speaker.

Mr. Speaker, I just read where the Governor's fifth symposium will be held in Hershey in a couple of weeks. I would urge all of us to be there, because I think you are going to see something pretty spectacular. I think you will witness a two-wheeled chariot coming in there with two black steeds pulling it, and again we will have an opportunity, since we missed the coming of Moses, that we will be able to see it again.

Now, if you happen to be there like I am going to be there, I am going to ask that gentleman why if in fact he was picked by all of these millions of sportsmen, like the gentleman, Mr. Rooney, and myself and all the rest, why we continue to believe, since he insisted that what he brought down from the mount was the statutes that we ought to live by, that I am saying that if we are going to live by statutes, let us live by what we put in, not what the NRA (National Rifle Association) puts in, and let us support his amendment and make it cheaper for the sportsmen that rely on us. Thank you, Mr. Speaker.

The SPEAKER. Well, Charlton, what do you think about that?

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

The SPEAKER. Negative votes will please rise.

The following roll call was recorded:

YEAS—198

Adolph	Egolf	Maher	Schroder
Allen	Evans	Maitland	Schuler
Argall	Fairchild	Major	Scrimenti
Armstrong	Fargo	Manderino	Semmel
Baker	Feese	Markosek	Serafini
Bard	Fichter	Marsico	Seyfert
Barley	Fleagle	Masland	Shaner
Barrar	Flick	Mayernik	Smith, B.
Battisto	Forcier	McCall	Smith, S. H.
Belardi	Gannon	McGeehan	Snyder, D. W.
Benninghoff	Geist	McGill	Staback
Birmelin	George	McIlhattan	Stairs
Bishop	Gigliotti	McIlhinney	Steelman
Blaum	Gladeck	Melio	Steil
Boscola	Godshall	Michlovic	Stern
Boyes	Gordner	Micozzie	Stetler
Browne	Gruitza	Miller	Stevenson
Bunt	Gruppo	Mundy	Strittmatter
Butkovitz	Habay	Myers	Sturla
Buxton	Haluska	Nailor	Surra
Caltagirone	Hanna	Nickol	Tangretti
Cappabianca	Harhai	O'Brien	Taylor, E. Z.
Carn	Harhart	Oliver	Taylor, J.
Carone	Hasay	Oric	Thomas
Casorio	Hennessey	Perzel	Tigue
Cawley	Herman	Pesci	Travaglio
Chadwick	Hershey	Petrarca	Trello
Civera	Hess	Petrone	Trich
Clark	Horsey	Phillips	True
Clymer	Hutchinson	Pippy	Tulli
Cohen, L. I.	Itkin	Pistella	Vance
Cohen, M.	Jadlowiec	Platts	Van Horne
Colaella	James	Preston	Veon
Colaizzo	Jarolin	Ramos	Vitali
Cornell	Josephs	Raymond	Walko
Corpora	Kaiser	Readshaw	Washington
Corrigan	Keller	Reber	Waugh

Cowell	Kenney	Reinard	Williams, A. H.
Coy	Kirkland	Rieger	Williams, C.
Curry	Krebs	Roberts	Wilt
Dally	LaGrotta	Robinson	Wogan
DeLuca	Laughlin	Roebuck	Wojnaroski
Dempsey	Lawless	Rohrer	Wright, M. N.
Dent	Lederer	Rooney	Yewcic
Dermody	Leh	Ross	Youngblood
DeWeese	Lescovitz	Rubley	Zimmerman
DiGirolamo	Levdansky	Sainato	Zug
Donatucci	Lloyd	Santoni	
Druce	Lucyk	Sather	Ryan,
Eachus	Lynch	Saylor	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—5

Bebko-Jones	Daley	McNaughton	Olasz
Belfanti			

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

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

RULES SUSPENDED

The SPEAKER. The Chair recognizes the gentleman, Mr. Feese.

Mr. FEESSE. Thank you, Mr. Speaker.

Mr. Speaker, I would like to move to suspend the rules to offer amendment 3276.

The SPEAKER. The gentleman, Mr. Feese, moves that the rules of the House be suspended to permit him to offer amendment A3276.

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

The SPEAKER. On the question of suspension of the rules, this is not a debatable motion except by the gentleman, Mr. Perzel, and the gentleman, Mr. DeWeese, or their delegate.

Mr. GODSHALL. I thought we were on amendment 3225. We are on amendment—

The SPEAKER. 3276.

Mr. GODSHALL. I apologize.

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

The SPEAKER. Negative votes will please rise.

The following roll call was recorded:

YEAS—195

Adolph	Evans	Maitland	Schroder
Allen	Fairchild	Major	Schuler
Argall	Fargo	Manderino	Scrimenti
Armstrong	Feese	Markosek	Semmel

Baker	Fichter	Marsico	Serafini
Bard	Fleagle	Masland	Seyfert
Barley	Flick	Mayernik	Shaner
Barrar	Forcier	McCall	Smith, B.
Battisto	Gannon	McGeehan	Smith, S. H.
Belardi	Geist	McGill	Snyder, D. W.
Benninghoff	George	McIlhatten	Staback
Birmelin	Gigliotti	McIlhinney	Stairs
Bishop	Gladeck	Melio	Steelman
Blaum	Godshall	Michlovic	Stern
Boscola	Gordner	Micozzie	Stetler
Boyes	Gruitza	Miller	Stevenson
Browne	Gruppo	Mundy	Strittmatter
Bunt	Habay	Myers	Sturla
Butkovitz	Haluska	Nailor	Surra
Buxton	Hanna	Nickol	Tangretti
Caltagirone	Harhai	O'Brien	Taylor, E. Z.
Cappabianca	Harhart	Oliver	Taylor, J.
Carn	Hasay	Orie	Thomas
Casorio	Hennessey	Perzel	Tigue
Cawley	Herman	Pesci	Travaglio
Chadwick	Hershey	Petrarca	Trello
Civera	Hess	Petrone	Trich
Clark	Horsey	Phillips	True
Clymer	Hutchinson	Pippy	Tulli
Cohen, L. I.	Itkin	Pistella	Vance
Cohen, M.	Jadlowiec	Platts	Van Horne
Colaella	James	Preston	Veon
Colaizzo	Jarolin	Ramos	Vitali
Cornell	Josephs	Raymond	Walko
Corpora	Kaiser	Readshaw	Washington
Corrigan	Keller	Reber	Waugh
Cowell	Kenney	Reinard	Williams, A. H.
Coy	Kirkland	Rieger	Williams, C.
Curry	LaGrotta	Roberts	Wilt
Dally	Laughlin	Robinson	Wogan
DeLuca	Lawless	Roebuck	Wojnaroski
Dempsey	Lederer	Rohrer	Wright, M. N.
Dent	Leh	Rooney	Yewcic
Dermody	Lescovitz	Ross	Youngblood
DeWeese	Levdansky	Rublely	Zimmerman
DiGirolamo	Lloyd	Sainato	Zug
Donatucci	Lucyk	Santoni	
Druce	Lynch	Sather	Ryan,
Eachus	Maher	Saylor	Speaker
Egolf			

NAYS-3

Carone Krebs Steil

NOT VOTING-0

EXCUSED-5

Bebko-Jones Daley McNaughton Olasz
Belfanti

A majority of the members required by the rules 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 concur in Senate amendments as amended?

Mr. FEESE offered the following amendment No. A3276:

Amend Title, page 1, lines 5 and 6, by striking out “; and prohibiting transportation of PASSENGERS in open trucks”

Amend Sec. 5, page 11, lines 18 through 30; page 12, lines 1 through 15, by striking out all of said lines on said pages

Amend Sec. 6, page 12, line 16, by striking out “6” and inserting
5

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

The SPEAKER. The Chair recognizes the gentleman; Mr. Feese, on the amendment.

Mr. FEESE. Thank you, Mr. Speaker.

Mr. Speaker, my amendment would delete from the bill section 4, which addresses passengers in open trucks and trailers. Set aside our philosophical differences on this issue for a moment. If you read the language of the bill, it would prohibit hayrides for children, and for those of us who have fire companies that have haunted hayrides in the fall and other nonprofit organizations that have such moneymaking activities, this bill as written would prohibit a truck from pulling a trailer full of hay and providing a hayride as a moneymaking venture for those nonprofits. The bill specifically, as it is written, prohibits children from riding in a flatbed trailer towed by a motor vehicle. So many of you, I know, have those types of fundraising activities.

Secondly, this amends Title 18, the Crimes Code. It is not a traffic offense. For those of you who have constituents who may be cited under this section, they will have a criminal record, not a traffic offense record; they will have a Title 18 summary criminal offense record, which is equivalent to public drunkenness, defiant trespass, harassment, a number of other types of criminal offenses. This should be in Title 75.

So my amendment would delete this so we can appropriately address it in a Title 75 bill and make it a traffic offense and also make it so those individuals who have fire companies in their district that raise money by hayrides, we can address that at a later time in a Title 75 bill, and I ask for your support.

The SPEAKER. The Chair recognizes the gentleman, Mr. Caltagirone.

Mr. CALTAGIRONE. Thank you, Mr. Speaker.

I would urge the members on this side to please support Representative Feese's amendment. I think he stated the case very eloquently. I think any of you that have agricultural areas or even the suburban and urban areas that go out to the agricultural areas for these types of activities, they are going to be penalized and end up with criminal records. That is exactly what we do not want.

I would please urge you to support the passage of this amendment. Thank you.

The SPEAKER. The gentleman, Mr. McCall.

Mr. MCCALL. Thank you, Mr. Speaker.

Mr. Speaker, I rise and ask the members to oppose the Feese amendment, and I am appealing to the good judgment of the members of this House of Representatives and maybe for them to listen to the concerns that I have.

I would agree with the members that this language is not perfect language, but I can tell them that there have been bills that have matriculated through the House and the Senate that have been around since 1994 to address the issue of children riding in the back of an open pickup truck. And I guess to personalize that issue a little bit, I sent information to every single member to tell them the story of a family in my district who has been suffering since 1994 due to the death of their son. He was a 16-year-old young

man who was riding in the back of a pickup truck, coming back from or going to football practice; and as kids sometimes do, were horsing around while driving in that pickup truck. The driver of the truck was swerving, lost control of the truck. The young man was thrown through the rear window of that pickup truck and killed.

Mr. Speaker, I would rise and say to the members, put yourself in the position of the Coughlin family and look at the picture of Matthew Hnatin that I sent around to every single one of you and put yourself in that position. This family has been suffering since 1994. This father has been working diligently with House members and Senate members trying to get something on the books so another young person does not get killed in this Commonwealth.

This language, Mr. Speaker, is about saving lives, and I would ask and tell the members that this language has been massaged, it has been worked, it has been compromised ad infinitum to get something on the books to prohibit another child from getting killed in this Commonwealth.

I would plead with you to— And I would agree with Representative Feese, it is not perfect language and it probably does not belong in Title 18. Unfortunately, we cannot get a Title 75 bill run for whatever reason, and it does belong in Title 75, but I would submit that there are people who are willing to sit down and work with members who have concerns about this language to get it in Title 75 and repealed out of Title 18.

But like I said to the members, this language has been massaged, it has been compromised. It has been compromised for farmers; it has been compromised for hunters; it has been compromised for parade participants. Let us not kid ourselves. The language that is inserted in this bill is about saving lives, and I would appeal to each and every one of you, as mothers and fathers who have children, to not support the Feese language, to defeat that language that is included in this amendment; leave the language that is in this bill so we can save lives in this Commonwealth—lives that are being foolishly, foolishly wasted.

But let me just say to the members that it seems to me to be extremely foolish to say that if you are riding in the front of a pickup truck, you have to have seatbelts on, but if you are in the back of that pickup truck, you do not have to wear seatbelts, and it is an open pickup truck. I think that is ludicrous, and I would ask the members to defeat this amendment, defeat this amendment and support the language that is contained in HB 413. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Mr. Feese, for the second time.

Mr. FEESE. Thank you, Mr. Speaker.

Mr. Speaker, I sympathize with my colleague and, of course, the victims of that tragedy, and I think that at some point in time we should look at this issue, and if we address it, address it in such a fashion that we do not preclude appropriate uses of riding in flatbed trailers, such as hayrides and things of that nature. We need to address situations like that and be mindful of those individuals who suffer, but at the same time, we have to do it right, and I would hazard a guess that victims who have suffered tragedies such as this would want us to in fact handle it in an appropriate way rather than rushing something through which harms fire companies and other nonprofit organizations who protect hundreds of lives every day in this Commonwealth.

So I ask you for your support.

The SPEAKER. The gentleman, Mr. Melio.

Mr. MELIO. Thank you, Mr. Speaker.

Very briefly, I just would like to urge my colleagues to oppose this amendment and hope that Representative Feese would put an amendment addressing the issue with the fire companies in another bill. Thank you.

The SPEAKER. The gentleman, Mr. Sturla.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, will the maker of the amendment rise for a brief interrogation?

The SPEAKER. The gentleman, Mr. Feese, indicates he will stand for interrogation. You may begin.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, I must admit, when I first saw this language, I was a little concerned because of people moving, you know, from one apartment to another or to a new house, and lots of times people pile things on the back of a pickup truck and there is somebody hanging on the back trying to hold the furniture on, and I think originally there was no provision for the speed of the vehicle, but in this bill, the way I read it, it says that the speed cannot exceed 35 miles an hour, and I have never seen people flying down the road with a truckload full of furniture doing more than 35 miles an hour.

I guess my question relates to the hayrides. I have never been on a hayride that moved faster than 35 miles an hour either. Is that the case? I mean, are the hayrides in your district at 70 miles an hour or—

Mr. FEESE. Mr. Speaker, in answer to the gentleman's question, if he would take the time to read subsection (B), he would realize that there is no speed limit in regard to children. Therefore, at a hayride, the parents could go on the hayride, but the children would be precluded from doing so. That is what subsection (B) says, if the gentleman would read the bill.

Mr. STURLA. Thank you, Mr. Speaker.

The SPEAKER. On the question of the adoption of the Feese amendment, the Chair recognizes the gentleman, Mr. McGill.

Mr. MCGILL. Thank you, Mr. Speaker.

Mr. Speaker, I stand in support of the Feese amendment.

I think it is about time that we as Pennsylvanians take responsibility for what we do. I do not believe that we need this legislation in there. I believe that people who own vehicles in the Commonwealth should be able to have people in them and act responsibly, and if more Pennsylvanians would start to act responsibly, maybe we would not need legislation like this.

With all due respect, accidents happen when people act irresponsibly. That should be up to the individuals that they act in a manner that is correct. This legislation, this amendment, would eliminate this section of the bill and allow for people from Pennsylvania to decide how they want to utilize their vehicles. Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the amendment?

The SPEAKER. Those opposed will please rise. Those opposed will please rise and remain standing until your name has been called by the clerk.

The following roll call was recorded:

YEAS—133

Adolph	Fichter	Maitland	Schuler
Allen	Fleagle	Major	Scrimenti
Armstrong	Flick	Marsico	Semmel
Baker	Forcier	Masland	Serafini
Bard	Gannon	Mayernik	Seyfert
Barley	Geist	McGill	Shaner
Barrar	George	McIlhattan	Smith, B.
Benninghoff	Gigliotti	McIlhinney	Smith, S. H.
Birmelin	Gladeck	Micozzie	Snyder, D. W.
Bishop	Godshall	Miller	Stairs
Blaum	Gordner	Nailor	Steil
Boyes	Gruitza	Nickol	Stern
Browne	Habay	O'Brien	Stevenson
Bunt	Haluska	Orie	Strittmatter
Buxton	Hanna	Perzel	Surra
Caltagirone	Harhart	Petrone	Taylor, E. Z.
Cappabianca	Hasay	Phillips	Taylor, J.
Carn	Hennessey	Pippy	True
Carone	Herman	Pistella	Tulli
Cawley	Hershey	Platts	Vance
Chadwick	Hess	Preston	Van Horne
Civera	Hutchinson	Ramos	Vitali
Clark	Jadlowiec	Raymond	Washington
Clymer	James	Reber	Waugh
Cohen, L. I.	Josephs	Reinard	Wilt
Cornell	Kenney	Roberts	Wogan
Dally	Krebs	Roebuck	Wright, M. N.
Dempsey	LaGrotta	Rohrer	Yewcic
DiGirolamo	Lawless	Ross	Zimmerman
Druce	Leh	Rubley	Zug
Egolf	Lescovitz	Sainato	
Fairchild	Lloyd	Sather	Ryan,
Fargo	Lynch	Saylor	Speaker
Feese	Maher	Schroder	

NAYS—65

Argall	DeWeese	Manderino	Staback
Battisto	Donatucci	Markosek	Steelman
Belardi	Eachus	McCall	Stetler
Boscola	Evans	McGeehan	Sturla
Butkovitz	Gruppo	Melio	Tangretti
Casorio	Harhai	Michlovic	Thomas
Cohen, M.	Horsey	Mundy	Tigue
Colaella	Itkin	Myers	Travaglio
Colaizzo	Jarolin	Oliver	Trello
Corpora	Kaiser	Pesci	Trich
Corrigan	Keller	Petrarca	Veon
Cowell	Kirkland	Readshaw	Walko
Coy	Laughlin	Riegler	Williams, A. H.
Curry	Lederer	Robinson	Williams, C.
DeLuca	Levdansky	Rooney	Wojnaroski
Dent	Lucyk	Santoni	Youngblood
Dermody			

NOT VOTING—0

EXCUSED—5

Bebko-Jones	Daley	McNaughton	Olasz
Belfanti			

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

On the question recurring,
Will the House concur in Senate amendments as amended?

MOTION TO SUSPEND RULES

The SPEAKER. Does the gentleman, Mr. Feese, have a second amendment to offer at this time?

Mr. FEESE. Yes; affirmative.

The SPEAKER. The Chair recognizes the gentleman, Mr. Feese.

Mr. FEESE. Mr. Speaker, I move that the rules of the House be suspended to permit me to offer amendment 3325.

On the question,

Will the House agree to the motion?

The SPEAKER. On the question of suspension, this is debatable only by the majority leader and minority leader.

MOTION WITHDRAWN TEMPORARILY

The SPEAKER. The gentleman, Mr. Feese, withdraws his amendment temporarily.

RULES SUSPENDED

The SPEAKER. The Chair recognizes the gentleman, Mr. Lloyd.

Mr. LLOYD. Mr. Speaker, I move that the rules of the House be suspended to permit me to offer amendment 3303.

On the question,

Will the House agree to the motion?

The SPEAKER. Negative votes will please rise.

The following roll call was recorded:

YEAS—195

Adolph	Evans	Maitland	Schroder
Allen	Fairchild	Major	Schuler
Argall	Fargo	Manderino	Scrimenti
Armstrong	Feese	Markosek	Semmel
Baker	Fichter	Marsico	Serafini
Bard	Fleagle	Masland	Seyfert
Barley	Flick	Mayernik	Shaner
Barrar	Forcier	McCall	Smith, B.
Battisto	Gannon	McGeehan	Smith, S. H.
Belardi	Geist	McGill	Snyder, D. W.
Benninghoff	George	McIlhattan	Staback
Birmelin	Gigliotti	McIlhinney	Stairs
Bishop	Gladeck	Melio	Steelman
Blaum	Godshall	Michlovic	Stern
Boscola	Gordner	Micozzie	Stetler
Boyes	Gruitza	Miller	Stevenson
Browne	Gruppo	Mundy	Strittmatter
Bunt	Habay	Myers	Sturla
Butkovitz	Haluska	Nailor	Surra
Buxton	Hanna	Nickol	Tangretti
Caltagirone	Harhai	O'Brien	Taylor, E. Z.
Cappabianca	Harhart	Oliver	Taylor, J.
Carn	Hasay	Orie	Thomas
Casorio	Hennessey	Perzel	Tigue
Cawley	Herman	Pesci	Travaglio
Chadwick	Hershey	Petrarca	Trello
Civera	Hess	Petrone	Trich
Clark	Horsey	Phillips	True
Clymer	Hutchinson	Pippy	Tulli
Cohen, L. I.	Itkin	Pistella	Vance

Cohen, M.	Jadlowiec	Platts	Van Home
Colaella	James	Preston	Veon
Colaizzo	Jarolin	Ramos	Vitali
Cornell	Josephs	Raymond	Walko
Corpora	Kaiser	Readshaw	Washington
Corrigan	Keller	Reber	Waugh
Cowell	Kenney	Reinard	Williams, A. H.
Coy	Kirkland	Rieger	Williams, C.
Curry	LaGrotta	Roberts	Wilt
Dally	Laughlin	Robinson	Wogan
DeLuca	Lawless	Roebuck	Wojnaroski
Dempsey	Lederer	Rohrer	Wright, M. N.
Dent	Leh	Rooney	Yewcic
Dermoddy	Lescovitz	Ross	Youngblood
DeWeese	Levdansky	Rubley	Zimmerman
DiGirolamo	Lloyd	Sainato	Zug
Donatucci	Lucyk	Santoni	
Druce	Lynch	Sather	Ryan,
Eachus	Maher	Saylor	Speaker
Egolf			

NAYS-3

Carone	Krebs	Steil
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NOT VOTING-0

EXCUSED-5

Bebko-Jones	Daley	McNaughton	Olasz
Belfanti			

A majority of the members required by the rules 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 concur in Senate amendments as amended?

Mr. LLOYD offered the following amendment No. A3303:

Amend Sec. 3 (Sec. 3503), page 10, lines 6 through 8, by striking out all of lines 6 and 7 and "(II)" in line 8 and inserting

(i)

Amend Sec. 3 (Sec. 3503), page 10, line 14, by striking out "(III)" and inserting

(ii)

Amend Sec. 3 (Sec. 3503), page 10, lines 20 through 24, by striking out all of said lines and inserting

(i) An offense under paragraph (1)(i) constitutes

Amend Sec. 3 (Sec. 3503), page 10, line 27, by striking out "NOR MORE THAN \$2,500"

Amend Sec. 3 (Sec. 3503), page 10, line 28, by striking out "(III)" and inserting

(ii)

Amend Sec. 3 (Sec. 3503), page 11, by inserting between lines 2 and 3

(3) For the purposes of this subsection, the phrase "agricultural or other open lands" shall mean any land on which agricultural activity or farming as defined in section 3309 (relating to agricultural vandalism) is conducted, or any land populated by forest trees of any size and capable of producing timber or other wood products or any other land in an agricultural security area as defined in the act of June 30, 1981 (P.L. 128, No. 43), known as the Agricultural Area Security Law, or any area zoned for agricultural use.

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

The SPEAKER. The Chair recognizes the gentleman.

Mr. LLOYD. Thank you, Mr. Speaker.

Mr. Speaker, my amendment addresses the agricultural trespass part of this bill, and it was negotiated with Mr. Godshall and the Republican staff about 6 or 8 months ago—

The SPEAKER. Will the gentleman yield.

Take the conference outside; please.

The gentleman, Mr. Lloyd.

Mr. LLOYD. Thank you, Mr. Speaker.

The amendment was negotiated about 6 or 8 months ago when Mr. Godshall had the agricultural trespasser part of HB 413 as a separate bill, which was on the calendar, in which it attracted a lot of opposition.

What this amendment does is, first, remove as an offense entering or remaining on any agricultural or other lands. That was the section which caused the concern that if you walked across the open lot down the street from where you lived and you knew you did not have a license or privilege to do that, you could be guilty of a summary offense. The second thing that this amendment does is to remove the cap on the criminal fine for a third-degree misdemeanor and stick with what is in the statute as the automatic fine maximum for a third-degree misdemeanor. And most important, the third thing which the amendment does is to include a definition of "agricultural or other open lands" so that people who wanted to comply with this statute or people who wanted to decide whether someone should be cited would have a clear understanding of what particular lands are subject to protection under this criminal section.

So, Mr. Speaker, based on the agreement with Mr. Godshall, I would ask for an affirmative vote on the amendment.

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Mr. Godshall.

Mr. GODSHALL. Thank you, Mr. Speaker.

This was negotiated out about 6, 8 months ago, as the gentleman says, and it does correct some of the problems that we did that were noted in the bill, and we agree with the amendment and ask for an affirmative vote. Thank you.

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

The SPEAKER. Negative votes will please rise; positive votes will remain seated.

The following roll call was recorded:

YEAS-198

Adolph	Egolf	Maher	Schroder
Allen	Evans	Maitland	Schuler
Argall	Fairchild	Major	Scrimenti
Armstrong	Fargo	Manderino	Semmel
Baker	Feese	Markosek	Serafini
Bard	Fichter	Marsico	Seyfert
Barley	Fleagle	Masland	Shaner
Barrar	Flick	Mayernik	Smith, B.
Battisto	Forcier	McCall	Smith, S. H.
Belardi	Gannon	McGeehan	Snyder, D. W.
Benninghoff	Geist	McGill	Staback
Birmelin	George	McIlhattan	Stairs
Bishop	Gigliotti	McIlhinney	Steelman
Blaum	Gladeck	Melio	Steil
Boscola	Godshall	Michlovic	Stern
Boyes	Gordner	Micozzie	Stetler

Browne	Gruitza	Miller	Stevenson
Bunt	Gruppo	Mundy	Strittmatter
Butkovitz	Habay	Myers	Sturla
Buxton	Haluska	Nailor	Surra
Caltagirone	Hanna	Nickol	Tangretti
Cappabianca	Harhai	O'Brien	Taylor, E. Z.
Carn	Harhart	Oliver	Taylor, J.
Carone	Hasay	Orie	Thomas
Casorio	Hennessey	Perzel	Tigue
Cawley	Herman	Pesci	Travaglio
Chadwick	Hershey	Petrarca	Trello
Civera	Hess	Petrone	Trich
Clark	Horsey	Phillips	True
Clymer	Hutchinson	Pippy	Tulli
Cohen, L. I.	Itkin	Pistella	Vance
Cohen, M.	Jadlowiec	Platts	Van Horne
Colaella	James	Preston	Veon
Colaizzo	Jarolin	Ramos	Vitali
Cornell	Josephs	Raymond	Walko
Corpora	Kaiser	Readshaw	Washington
Corrigan	Keller	Reber	Waugh
Cowell	Kenney	Reinard	Williams, A. H.
Coy	Kirkland	Rieger	Williams, C.
Curry	Krebs	Roberts	Wilt
Dally	LaGrotta	Robinson	Wogan
DeLuca	Laughlin	Roebuck	Wojnaroski
Dempsey	Lawless	Rohrer	Wright, M. N.
Dent	Lederer	Rooney	Yewcic
Dermody	Leh	Ross	Youngblood
DeWeese	Lescovitz	Rubley	Zimmerman
DiGirolamo	Levdansky	Sainato	Zug
Donatucci	Lloyd	Santoni	
Druce	Lucyk	Sather	Ryan,
Eachus	Lynch	Saylor	Speaker

NAYS-0

NOT VOTING-0

EXCUSED-5

Bebko-Jones	Daley	McNaughton	Olasz
Belfanti			

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

On the question recurring,
Will the House concur in Senate amendments as amended?

The SPEAKER. The gentleman, Mr. Feese.
Mr. FEESE. Thank you, Mr. Speaker.

In light of the last vote, I will withdraw amendment 3325.

The SPEAKER. The Chair thanks the gentleman.

Mr. Snyder, do you have an amendment?

Mr. SNYDER. Mr. Speaker, I withdraw that amendment. It was not necessary since the previous amendment passed.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,
Will the House concur in Senate amendments as amended?

The SPEAKER. On that question, the Chair recognizes the gentleman, Mr. Birmelin.

Mr. BIRMELIN. Mr. Speaker, I just want to remind the members that this House bill, HB 413, in addition to the other issues that we have discussed in the last 15, 20 minutes, contains a very important piece of legislation that I had passed in the House

and was incorporated into this bill a few weeks ago, and that is dealing with the issue of restitution.

And again I just want to remind you briefly that the language in HB 413 gives the victims of crimes in Pennsylvania a say in the amount of restitution that they will be receiving from those who have offended them, the defendants mentioned in this legislation. Through the district attorney and through the mechanism of HB 413, this will give a real voice and a real opportunity for victims in Pennsylvania to be properly compensated for victim crimes that involve some material, some financial loss, and I would urge its support by all the members. Thank you.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House concur in Senate amendments as amended?

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

Those in favor of nonconcurrence will please rise; negative votes on concurrence will please rise.

The following roll call was recorded:

YEAS-198

Adolph	Egolf	Maher	Schroder
Allen	Evans	Maitland	Schuler
Argall	Fairchild	Major	Scrimenti
Armstrong	Fargo	Manderino	Semmel
Baker	Feese	Markosek	Serafini
Bard	Fichter	Marsico	Seyfert
Barley	Fleagle	Masland	Shaner
Barrar	Flick	Mayernik	Smith, B.
Battisto	Forcier	McCall	Smith, S. H.
Belardi	Gannon	McGeehan	Snyder, D. W.
Benninghoff	Geist	McGill	Staback
Birmelin	George	McIlhattan	Stairs
Bishop	Gigliotti	McIlhinney	Steelman
Blaum	Gladeck	Melio	Steil
Boscola	Godshall	Michlovic	Stern
Boyes	Gordner	Micozzie	Stetler
Browne	Gruitza	Miller	Stevenson
Bunt	Gruppo	Mundy	Strittmatter
Butkovitz	Habay	Myers	Sturla
Buxton	Haluska	Nailor	Surra
Caltagirone	Hanna	Nickol	Tangretti
Cappabianca	Harhai	O'Brien	Taylor, E. Z.
Carn	Harhart	Oliver	Taylor, J.
Carone	Hasay	Orie	Thomas
Casorio	Hennessey	Perzel	Tigue
Cawley	Herman	Pesci	Travaglio
Chadwick	Hershey	Petrarca	Trello
Civera	Hess	Petrone	Trich
Clark	Horsey	Phillips	True
Clymer	Hutchinson	Pippy	Tulli
Cohen, L. I.	Itkin	Pistella	Vance
Cohen, M.	Jadlowiec	Platts	Van Horne
Colaella	James	Preston	Veon
Colaizzo	Jarolin	Ramos	Vitali
Cornell	Josephs	Raymond	Walko
Corpora	Kaiser	Readshaw	Washington
Corrigan	Keller	Reber	Waugh
Cowell	Kenney	Reinard	Williams, A. H.
Coy	Kirkland	Rieger	Williams, C.
Curry	Krebs	Roberts	Wilt
Dally	LaGrotta	Robinson	Wogan
DeLuca	Laughlin	Roebuck	Wojnaroski
Dempsey	Lawless	Rohrer	Wright, M. N.
Dent	Lederer	Rooney	Yewcic
Dermody	Leh	Ross	Youngblood
DeWeese	Lescovitz	Rubley	Zimmerman
DiGirolamo	Levdansky	Sainato	Zug

Donatucci	Lloyd	Santoni	
Druce	Lucyk	Sather	Ryan,
Eachus	Lynch	Saylor	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—5

Bebko-Jones	Daley	McNaughton	Olasz
Belfanti			

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

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

GUESTS INTRODUCED

The SPEAKER. The Chair is pleased to welcome to the hall of the House today a summer intern of Representative Pat Fleagle, Jason Umlah, from Waynesboro, who is a junior at my alma mater, Villanova; also Mr. Vitali's alma mater. Would the guest please rise.

The Chair is pleased to welcome to the hall of the House today another summer intern, working for Representative Saylor, Ryan Sanders. Would Ryan please rise.

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of SB 91, PN 89, entitled:

An Act amending the act of June 5, 1968 (P.L.140, No.78), entitled "An act regulating the writing, cancellation of or refusal to renew policies of automobile insurance;....." further providing for cancellation or refusal to renew and for review procedures and policy termination.

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

Mr. MICOZZIE offered the following amendment No. A3310:

Amend Title, page 1, lines 1 through 6, by striking out all of said lines and inserting

Amending the act of May 17, 1921 (P.L.682, No.284), entitled "An act relating to insurance; amending, revising, and consolidating the law providing for the incorporation of insurance companies, and the regulation, supervision, and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations, and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws," providing for automobile insurance issuance, renewal, cancellation and refusal; providing for quality health care accountability and protection, for responsibilities of managed care plans, for disclosure, for utilization review, for complaints and grievances, for departmental powers and duties and for penalties; providing for comprehensive health care for uninsured children; and making repeals.

Amend Bill, page 1, lines 9 through 19; pages 2 through 5; lines 1 through 30; page 6, lines 1 through 21, by striking out all of said lines on said pages and inserting

Section 1. The act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, is amended by adding articles to read:

ARTICLE XX.

AUTOMOBILE INSURANCE ISSUANCE, RENEWAL, CANCELLATION AND REFUSAL.

Section 2001. Definitions.—As used in this article the following words and phrases shall have the meanings given to them in this section:

"Commissioner." The Insurance Commissioner of this Commonwealth.

"Insurer." An insurance company, association or exchange authorized to transact the business of automobile insurance in this Commonwealth.

"Nonpayment of premium." Failure of the named insured to discharge when due any obligation in connection with the payment of premiums on a policy or any installment of such premium, whether the premium is payable directly to the insurer or its agent or indirectly under any premium finance plan or extension or credit.

"Policy of automobile insurance" or "policy." A policy delivered or issued for delivery in this Commonwealth insuring a natural person as named insured or one or more related individuals resident of the same household, and under which the insured vehicles therein designated are of the following types only:

(i) a motor vehicle of the private passenger or station wagon type that is not used as a public or livery conveyance for passengers and is not rented to others; or

(ii) any other four-wheel motor vehicle with a gross weight not exceeding nine thousand pounds which is not principally used in the occupation, profession or business of the insured other than farming.

"Renewal" or "to renew." To issue and deliver at the end of an insurance policy period a policy which supersedes a policy previously issued and delivered by the same insurer and which provides types and limits of coverage at least equal to those contained in the policy being superseded, or to issue and deliver a certificate or notice extending the term of a policy beyond its policy period or term with types and limits of coverage at least equal to those contained in the policy being extended: Provided, however, That any policy with a policy period or term of less than twelve (12) months or any period with no fixed expiration date shall for the purpose of this article be considered as if written for successive policy periods or terms of twelve (12) months.

Section 2002. Applicability.—(a) This article shall apply only to:

(1) that portion of a policy of automobile insurance providing bodily injury and property damage liability, comprehensive and collision coverages; and

(2) to the policy's provisions, if any, relating to medical payments and uninsured motorists coverage.

(b) This article shall not apply to:

(1) any policy issued under an automobile assigned risk plan;

(2) any policy insuring more than four automobiles; or

(3) any policy covering garage, automobile sales agency repair shop, service station or public parking place operation hazards.

(c) Nothing in this article shall apply:

(1) If the insurer has manifested its willingness to renew by issuing or offering to issue a renewal policy, certificate or other evidence of renewal, or has manifested such intention by any other means.

(2) If the named insured has demonstrated by some overt action to the insurer or its agent that he wishes the policy to be cancelled or that he does not wish the policy to be renewed.

(3) To any policy of automobile insurance which has been in effect less than sixty (60) days, unless it is a renewal policy, except that no insurer shall decline to continue in force such a policy of automobile insurance on the basis of the grounds set forth in section 2003(a) and except that if an insurer cancels a policy of automobile insurance in the first sixty (60) days, the insurer shall supply the insured with a written statement of the reason for cancellation.

Section 2003. Discrimination Prohibited.—(a) An insurer may not cancel or refuse to write or renew a policy of automobile insurance for any of the following reasons:

- (1) Age.
- (2) Residence or operation of a motor vehicle in a specific geographic area.
- (3) Race.
- (4) Color.
- (5) Creed.
- (6) National origin.
- (7) Ancestry.
- (8) Marital status.
- (9) Sex.
- (10) Lawful occupation (including military service).
- (11) The refusal of another insurer to write a policy, or the cancellation or refusal to renew an existing policy by another insurer.
- (12) Illness or permanent or temporary disability, where the insured can medically document that such illness or disability will not impair his ability to operate a motor vehicle. Failure to provide such documentation shall be proper reason for the insurer to amend the policy of the named insured to exclude such disabled insured from coverage under the policy while operating a motor vehicle after the effective date of such policy amendment, but shall not be proper reason to cancel or refuse to write or renew the policy. Nothing in this provision shall be construed to effect such excluded individual's eligibility for coverage under the named insured's policy for any injury sustained while not operating a motor vehicle. Illness, or permanent or temporary disability, on the part of any insured shall not be proper reason for cancelling the policy of the named insured.
- (13) Any accident which occurred under the following circumstances:
 - (i) automobile lawfully parked (if the parked vehicle rolls from the parked position, then any such accident is charged to the person who parked the automobile);
 - (ii) the applicant, owner or other resident operator is reimbursed by, or on behalf of, a person who is responsible for the accident or has judgment against such person;
 - (iii) automobile is struck in the rear by another vehicle and the applicant or other resident operator has not been convicted of a moving traffic violation in connection with this accident;
 - (iv) operator of the other automobile involved in the accident was convicted of a moving traffic violation and the applicant or resident operator was not convicted of a moving traffic violation in connection with the accident;
 - (v) automobile operated by the applicant or any resident operator is struck by a "hit-and-run" vehicle, if the accident is reported to the proper authority within twenty-four (24) hours by the applicant or resident operator;
 - (vi) accident involving damage by contact with animals or fowl;
 - (vii) accident involving physical damage, limited to and caused by flying gravel, missiles, or falling objects;
 - (viii) accident occurring when using automobile in response to any emergency if the operator of the automobile at the time of the accident was a paid or volunteer member of any police or fire department, first-aid squad, or any law enforcement agency. This exception does not include an accident occurring after the automobile ceases to be used in response to such emergency; or
 - (ix) accidents which occurred more than thirty-six (36) months prior to the later of the inception of the insurance policy or the upcoming anniversary date of the policy.
- (14) Any claim under the comprehensive portion of the policy unless such loss was intentionally caused by the insured.
- (b) An insurer may not cancel or refuse to renew a policy of automobile insurance on the basis of one accident within the thirty-six (36) month period prior to the upcoming anniversary date of the policy.
- (c) For a period twelve (12) months after notice of termination given to an agent:

(1) An insurer may not cancel or refuse to renew existing policies written through the terminated agent because of such termination except as provided in paragraph (2).

(2) An insurer may cancel or refuse to renew only such policies as could have been cancelled or nonrenewed had the agency relationship continued.

(3) An insurer shall be obligated to pay commissions for such policies that are continued or renewed through the terminated agent, except where:

(i) the insurer retained ownership of the expirations of such policies; or

(ii) the agent has misappropriated funds or property of the insurer or has failed to remit to the insurer funds due it promptly upon demand or has been terminated for insolvency, abandonment, gross and wilful misconduct or has had his license suspended or revoked.

(d) Subsequent to the twelve (12) month period after notice of termination given to an agent, an insurer may not cancel or refuse to renew existing policies written through the terminated agent without offering each such insured coverage on a direct basis or offering to refer the insured to one or more new agents in the event the terminated agent could not find a suitable insurer acceptable to the policyholder for such business. The offer need not be made if the insurer could have cancelled or nonrenewed the policy had the agency relationship continued. If the insurer retains ownership of the expirations of such policies, the insurer need not offer a new agent.

(e) An insurer may not cancel or refuse to renew a policy of automobile insurance for two or fewer moving violations in any jurisdiction or jurisdictions during a twenty-four (24) month period when the operator's record indicates that the named insured presently bears five points or fewer, unless

(1) All five points were incurred from one violation.

(2) The driver's license or motor vehicle registration of the named insured has been suspended or revoked.

(3) If, however, the driver's license has been suspended under 75 Pa.C.S. § 1533 (relating to suspension of operating privilege for failure to respond to citation) and the insured is able to produce proof that he or she has responded to all citations and paid all fines and penalties imposed under that section and that he or she has done so on or before the termination date of the policy, this suspension shall not be grounds for cancellation or for refusal to renew.

(f) The applicability of subsection (e) to one, other than the named insured, who either is a resident in the same household or who customarily operates an automobile insured under the policy shall be proper reason for the insurer to exclude that individual from coverage under the policy but not for cancelling the policy.

(g) As used in subsection (e), "points" shall mean points as set forth in 75 Pa.C.S. § 1501 (relating to licensing of drivers).

Section 2004. Valid Reasons to Cancel Policy.—An insurer may not cancel a policy except for one or more of the following specified reasons:

(1) Nonpayment of premium.

(2) The driver's license or motor vehicle registration of the named insured has been under suspension or revocation during the policy period; the applicability of this reason to one who either is a resident in the same household or who customarily operates an automobile insured under the policy shall be proper reason for the insurer thereafter excluding such individual from coverage under the policy, but not for cancelling the policy.

(3) A determination that the insured has concealed a material fact, or has made a material allegation contrary to fact, or has made a misrepresentation of a material fact and that such concealment, allegation or misrepresentation was material to the acceptance of the risk by the insurer.

Section 2005. Policy Premium Increases.—(a) An insurer may not increase an individual insured's premium or assess a premium surcharge on the basis of any moving traffic violation records, any revocation or suspension records, or any accident records, if any of the following occurs:

(1) The insured establishes that the records are erroneous or inaccurate.

(2) The citation is imposed under 75 Pa.C.S. § 1533 (relating to suspension of operating privilege for failure to respond to citation) and the insured is able to produce proof that he or she has responded to the citation and paid the fines and penalties imposed under that section. An increase or surcharge imposed prior to the date when an insured provides this proof shall terminate as of the date the insured responded to the citation which is the subject of the increase or surcharge.

(b) At the time an increase or surcharge is applied, the insurer shall notify the insured that the increase or surcharge will be terminated if the insured is able to provide the insurer with proof that the insured has responded to all citations imposed under 75 Pa.C.S. § 1533 and paid any fines and penalties imposed under that section.

(c) All insurers shall provide to insureds a detailed statement of the components of a premium and shall specifically show the amount of a surcharge or other additional amount that is charged as a result of a claim having been made under a policy of insurance or as a result of any other factors.

Section 2006. Proper Notification of Intention to Cancel.—A cancellation or refusal to renew by an insurer of a policy of automobile insurance shall not be effective unless the insurer delivers or mails to the named insured at the address shown in the policy a written notice of the cancellation or refusal to renew. The notice shall:

(1) Be in a form acceptable to the Insurance Commissioner.

(2) State the date, not less than sixty (60) days after the date of the mailing or delivery, on which cancellation or refusal to renew shall become effective. When the policy is being cancelled or not renewed for the reasons set forth in section 2004(1) and (2), however, the effective date may be fifteen (15) days from the date of mailing or delivery.

(3) State the specific reason or reasons of the insurer for cancellation or refusal to renew.

(4) Advise the insured of his right to request in writing, within thirty (30) days of the receipt of the notice of cancellation or intention not to renew and of the receipt of the reason or reasons for the cancellation or refusal to renew as stated in the notice of cancellation or of intention not to renew, that the Insurance Commissioner review the action of the insurer.

(5) Either in the notice or in an accompanying statement advise the insured of his possible eligibility for insurance through the automobile assigned risk plan.

(6) Advise the insured that he must obtain compulsory automobile insurance coverage if he operates or registers a motor vehicle in this Commonwealth, that the insurer is notifying the Department of Transportation that the insurance is being cancelled or not renewed, and that the insured must notify the Department of Transportation that he has replaced said coverage.

(7) Clearly state that, when coverage is to be terminated due to nonresponse to a citation imposed under 75 Pa.C.S. § 1533 (relating to suspension of operating privilege for failure to respond to citation) or nonpayment of a fine or penalty imposed under that section, coverage shall not terminate if the insured provides the insurer with proof that the insured has responded to all citations and paid all fines and penalties and that he has done so on or before the termination date of the policy.

Section 2007. Exemption from Liability.—There shall be no liability on the part of and no cause of action of any nature shall arise against the Insurance Commissioner, any insurer, the authorized representatives, agents and employees of either or any firm, person or corporation furnishing to the insurer information as to reasons for cancellation or refusal to write or renew for any statement made by any of them in complying with this act or for the providing of information pertaining thereto. The insurer must furnish the insured the notification required by the Federal Fair Credit Reporting Act, 15 U.S.C. § 1601 et seq., when such cancellations or refusal to write or renew occur.

Section 2008. Request for Review.—(a) Any insured may, within thirty (30) days of the receipt by the insured of notice of cancellation or notice of intention not to renew and of the receipt of the reason or reasons for the

cancellation or refusal to renew as stated in the notice, request in writing to the Insurance Commissioner that the Insurance Commissioner review the action of the insurer in cancelling or refusing to renew the policy of such insured.

(b) Any applicant for a policy who is refused a policy by an insurer shall be given a written notice of refusal to write by the insurer. The notice shall state the specific reason or reasons of the insurer for refusal to write a policy for the applicant. Within thirty (30) days of the receipt of such reasons, the applicant may request in writing to the Insurance Commissioner that the Insurance Commissioner review the action of the insurer in refusing to write a policy for the applicant.

Section 2009. Review Procedure.—(a) On receipt of a request for review, the Insurance Commissioner shall notify the insurer that a review has been requested. The Insurance Commissioner shall review the matter to determine whether the cancellation or refusal to renew or to write was in violation of this article and shall, within forty (40) days of the receipt of such request, either order the policy written or reinstated or uphold the cancellation or refusal to renew.

(b) After a review of a cancellation of or refusal to renew a policy, if the Insurance Commissioner finds the insurer not to be in violation of this article, the policy shall remain in effect until the date referred to in section 2006(2), or thirty (30) days following the conclusion of the review provided for in subsection (a), whichever is later. Provided, however, for review of cancellations under section 2004(1), the policy shall terminate as of the date provided in the notice under section 2006(2) unless the policy is reinstated. Nothing in this subsection shall be construed to prevent the insurer, at its discretion, from continuing coverage after the initial review period until such time as the Insurance Commissioner has issued a final order.

(c) After review of a cancellation of or refusal to renew a policy, if the Insurance Commissioner finds the insurer to be in violation of this article, and the insurer requests a hearing pursuant to subsection (d), the policy shall remain in effect until such time as the Insurance Commissioner has issued a final order.

(d) If either of the parties shall dispute the Insurance Commissioner's findings, that party shall have the right to a formal hearing. In the event a hearing is requested, the Insurance Commissioner shall issue notice of the hearing, which shall state the time and place for the hearing which shall not be less than thirty (30) days from the date of notice.

(e) At the time and place fixed for the hearing in the notice, the parties shall have an opportunity to be heard.

(f) Upon good cause shown, the Insurance Commissioner shall permit any person to intervene, appear and be heard at the hearing, in person or by counsel.

(g) The Insurance Commissioner may administer oaths, examine and cross-examine witnesses, receive oral and documentary evidence and subpoena witnesses, compel their attendance and require the production of books, papers, records or other documents which he deems relevant to the hearing. The Insurance Commissioner shall cause a record to be kept of all evidence and all proceedings at the hearings.

(h) The insurer shall bear the burden at the hearing to prove that the cancellation or refusal to renew complies with this article. However, if the insured requested the hearing, and fails to appear at the time and place for the hearing, the Insurance Commissioner may consider a motion to dismiss and shall not be compelled to take evidence at the scheduled hearing. In addition to any remedy in subsection (i), the Insurance Commissioner shall have the authority to order an insurer to cease and desist from acts constituting a violation of this article.

(i) Following the hearing, the Insurance Commissioner shall issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. If the Insurance Commissioner finds that the cancellation or refusal to renew violates this article, then the remedial action ordered by the Insurance Commissioner shall include at least one of the following:

(1) That the insurer reimburse the insured for any increase in the cost of insurance and any short-term cancellation fees which are incurred.

(2) That the insurer reinstate the original policy prospectively.

(3) That if an insurer has elected to continue coverage pursuant to subsection (b), the coverage shall remain in full force and effect under the terms of the policy. Reimbursement shall be in the amount incurred by the insured to secure replacement coverage during the pendency of the hearing process, which cost exceeds the cost which would have been incurred had the policy under review remained in effect. The reimbursement shall be based on the difference of the cost of the policies to the extent that the coverage and limits of the replacement coverage does not exceed the original coverage. The insured shall bear the burden to request reimbursement and prove any increase in the cost of insurance. In addition, if a prospective reinstatement of the original policy is ordered, then the reinstatement shall take effect on the next policy anniversary date, unless the insured requests that the reinstatement take effect at an earlier date.

(j) The Insurance Commissioner shall send a copy of the order to the parties participating in the hearing.

(k) All of the actions which may be performed by the Insurance Commissioner in this section may be performed by the Insurance Commissioner's designated representative.

Section 2010. Regulations.—(a) The Insurance Commissioner shall promulgate rules and regulations necessary for the administration of this article.

(b) The Insurance Commissioner may provide in such rules and regulations for the establishment of a filing fee not exceeding fifteen dollars (\$15) to accompany the request for review. Should the Insurance Commissioner decide the appeal in favor of the insured, the filing fee shall be returned immediately and the fee shall be paid by the insurer. No part of the review by the Insurance Commissioner shall be subject to the provisions of 2 Pa.C.S. §§ 501 through 508 (relating to practice and procedure of Commonwealth agencies).

Section 2011. Appeal.—(a) The decision of the Insurance Commissioner shall be subject to appeal in accordance with 2 Pa.C.S. §§ 701 through 704 (relating to judicial review of Commonwealth agency action), but the court hearing an appeal shall not decline to affirm a decision on the ground that the requirements of 2 Pa.C.S. §§ 501 through 508 were not fulfilled.

(b) Upon a determination that this article has been violated, the Insurance Commissioner may issue an order requiring the insurer to cease and desist from engaging in such violation.

(c) Whenever a violator fails to comply with an order of the Insurance Commissioner to cease and desist from engaging in such violation, the Insurance Commissioner may cause an action for injunction to be filed in court regardless of whether an insurer is licensed by the Insurance Commissioner.

Section 2012. Information and Report.—Each insurer shall maintain records of the numbers of cancellations and refusals to write or renew policies and the reasons therefor and shall supply this information to the Insurance Commissioner upon his request.

Section 2013. Penalty.—Any individual or insurer who violates any of the provisions of this article may be sentenced to pay a fine not to exceed five thousand dollars (\$5,000).

ARTICLE XXI

QUALITY HEALTH CARE ACCOUNTABILITY AND PROTECTION.

(a) Preliminary Provisions

Section 2101. Scope.—This article governs quality health care accountability and protection.

Section 2102. Definitions.—As used in this article the following words and phrases shall have the meanings given to them in this section:

“Active clinical practice.” The practice of clinical medicine by a health care provider for an average of not less than twenty (20) hours per week.

“Ancillary service plans.” Any individual or group health insurance plan, subscriber contract or certificate that provides exclusive coverage for dental services or vision services. The term also includes Medicare Supplement Policies subject to section 1882 of the Social Security Act (49 Stat. 620, 42 U.S.C. § 1395SS) and the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) supplement.

“Clean claim.” A claim for payment for a health care service which has no defect or impropriety. A defect or impropriety shall include lack of required substantiating documentation or a particular circumstance requiring special treatment which prevents timely payment from being made on the claim. The term shall not include a claim from a health care provider who is under investigation for fraud or abuse regarding that claim.

“Complaint.” A dispute or objection regarding a participating health care provider or the coverage, operations or management policies of a managed care plan, which has not been resolved by the managed care plan and has been filed with the plan or with the Department of Health or the Insurance Department of the Commonwealth. The term does not include a grievance.

“Concurrent utilization review.” A review by a utilization review entity of all reasonably necessary supporting information, which occurs during an enrollee's hospital stay or course of treatment and results in a decision to approve or deny payment for the health care service.

“Department.” The Department of Health of the Commonwealth.

“Drug formulary.” A listing of managed care plan preferred therapeutic drugs.

“Emergency service.” Any health care service provided to an enrollee after the sudden onset of a medical condition that manifests itself by acute symptoms of sufficient severity or severe pain, such that a prudent layperson, who possesses an average knowledge of health and medicine, could reasonably expect the absence of immediate medical attention to result in:

(1) placing the health of the enrollee, or, with respect to a pregnant woman, the health of the woman or her unborn child, in serious jeopardy;

(2) serious impairment to bodily functions; or

(3) serious dysfunction of any bodily organ or part. Emergency transportation and related emergency service provided by a licensed ambulance service shall constitute an emergency service.

“Enrollee.” Any policyholder, subscriber, covered person or other individual who is entitled to receive health care services under a managed care plan.

“Grievance.” As provided in subarticle (i), a request by an enrollee or a health care provider, with the written consent of the enrollee, to have a managed care plan or utilization review entity reconsider a decision solely concerning the medical necessity and appropriateness of a health care service. If the managed care plan is unable to resolve the matter, a grievance may be filed regarding the decision that:

(1) disapproves full or partial payment for a requested health care service;

(2) approves the provision of a requested health care service for a lesser scope or duration than requested; or

(3) disapproves payment for the provision of a requested health care service but approves payment for the provision of an alternative health care service.

The term does not include a complaint.

“Health care provider.” A licensed hospital or health care facility, medical equipment supplier or person who is licensed, certified or otherwise regulated to provide health care services under the laws of this Commonwealth, including a physician, podiatrist, optometrist, psychologist, physical therapist, certified nurse practitioner, registered nurse, nurse midwife, physician's assistant, chiropractor, dentist, pharmacist or an individual accredited or certified to provide behavioral health services.

“Health care service.” Any covered treatment, admission, procedure, medical supplies and equipment, or other services, including behavioral health, prescribed or otherwise provided or proposed to be provided by a health care provider to an enrollee under a managed care plan contract.

“Managed care plan.” A health care plan that: uses a gatekeeper to manage the utilization of health care services; integrates the financing and delivery of health care services to enrollees by arrangements with health care providers selected to participate on the basis of specific standards; and provides financial incentives for enrollees to use the participating health care providers in accordance with procedures established by the

plan. A managed care plan includes health care arranged through an entity operating under any of the following:

- (1) Section 630.
- (2) The act of December 29, 1972 (P.L. 1701, No. 364), known as the "Health Maintenance Organization Act."
- (3) The act of December 14, 1992 (P.L. 835, No. 134), known as the "Fraternal Benefit Societies Code."
- (4) 40 Pa.C.S. Ch. 61 (relating to hospital plan corporations).
- (5) 40 Pa.C.S. Ch. 63 (relating to professional health services plan corporations).

The term includes an entity, including a municipality, whether licensed or unlicensed, that contracts with or functions as a managed care plan to provide health care services to enrollees. The term does not include ancillary service plans or an indemnity arrangement which is primarily fee for service.

"Plan." A managed care plan.

"Primary care provider." A health care provider who, within the scope of the provider's practice: supervises, coordinates, prescribes or otherwise provides or proposes to provide health care services to an enrollee; initiates enrollee referral for specialist care; and maintains continuity of enrollee care.

"Prospective utilization review." A review by a utilization review entity of all reasonably necessary supporting information that occurs prior to the delivery or provision of a health care service and results in a decision to approve or deny payment for the health care service.

"Provider network." The health care providers designated by a managed care plan to provide health care services.

"Referral." A prior authorization from a managed care plan or a participating health care provider that allows an enrollee to have one or more appointments with a health care provider for a health care service.

"Retrospective utilization review." A review by a utilization review entity of all reasonably necessary supporting information, which occurs following delivery or provision of a health care service and results in a decision to approve or deny payment for the health care service.

"Service area." The geographic area for which the managed care plan is licensed or has been issued a certificate of authority.

"Specialist." A health care provider whose practice is not limited to primary health care services and who: has additional postgraduate or specialized training; has board certification; or practices in a licensed specialized area of health care. The term includes a health care provider who is not classified by a plan solely as a primary care provider.

"Utilization review." A system of prospective, concurrent or retrospective utilization review performed by a utilization review entity of the medical necessity and appropriateness of health care services prescribed, provided or proposed to be provided to an enrollee. The term does not include any of the following:

- (1) Requests for clarification of coverage, eligibility or health care service verification.
- (2) A health care provider's internal quality assurance or utilization review process unless the review results in denial of payment for a health care service.

"Utilization review entity." Any entity certified pursuant to subarticle (h) that performs utilization review on behalf of a managed care plan.

(b) Managed Care Plan Requirements

Section 2111. Responsibilities of Managed Care Plans.—A managed care plan shall do all of the following:

- (1) Assure availability and accessibility of adequate health care providers in a timely manner, which enables enrollees to have access to quality care and continuity of health care services.
- (2) Consult with health care providers in active clinical practice regarding professional qualifications and necessary specialists to be included in the plan.
- (3) Adopt and maintain a definition of medical necessity used by the plan in determining health care services.
- (4) Ensure that emergency services are provided twenty-four (24) hours a day, seven (7) days a week and provide reasonable payment or reimbursement for emergency services.

(5) Adopt and maintain procedures by which an enrollee can obtain health care services outside the plan's service area.

(6) Adopt and maintain procedures by which an enrollee with a life-threatening, degenerative or disabling disease or condition shall, upon request, receive an evaluation, and if the plan's established standards are met, be permitted to receive:

- (i) a standing referral to a specialist with clinical expertise in treating the disease or condition; or
- (ii) the designation of a specialist to provide and coordinate the enrollee's primary and specialty care.

The referral to or designation of a specialist shall be pursuant to a treatment plan approved by the managed care plan, in consultation with the primary care provider, the enrollee, and, as appropriate, the specialist. When possible, the specialist must be a health care provider participating in the plan.

(7) Provide direct access to obstetrical and gynecological services by permitting an enrollee to select a health care provider participating in the plan to obtain maternity and gynecological care, including medically necessary and appropriate follow-up care and referrals for diagnostic testing related to maternity and gynecological care, without prior approval from a primary care provider. The health care services shall be within the scope of practice of the selected health care provider. The selected health care provider shall inform the enrollee's primary care provider of all health care services provided.

(8) Adopt and maintain a complaint process as set forth in subarticle (g).

(9) Adopt and maintain a grievance process as set forth in subarticle (i).

(10) Adopt and maintain credentialing standards for health care providers as set forth in subarticle (d).

(11) Ensure that there are participating health care providers that are physically accessible to people with disabilities and can communicate with individuals with sensory disabilities in accordance with Title III of the Americans with Disabilities Act of 1990 (Public Law 101-336, 42 U.S.C. § 12181 et seq.).

(12) Provide a list of health care providers participating in the plan to the department every two (2) years, or as may otherwise be required by the department. The list shall include the extent to which health care providers in the plan are accepting new enrollees.

(13) Report to the department and the Insurance Department in accordance with the requirements of this article. Such information shall include the number, type and disposition of all complaints and grievances filed with the plan.

Section 2112. Financial Incentives Prohibition.—No managed care plan shall use any financial incentive that compensates a health care provider for providing less than medically necessary and appropriate care to an enrollee. Nothing in this section shall be deemed to prohibit a managed care plan from using a capitated payment arrangement or other risk-sharing arrangement.

Section 2113. Medical Gag Clause Prohibition.—(a) No managed care plan may penalize or restrict a health care provider from discussing:

- (1) the process that the plan or any entity contracting with the plan uses or proposes to use to deny payment for a health care service;
- (2) medically necessary and appropriate care with or on behalf of an enrollee, including information regarding the nature of treatment; risks of treatment; alternative treatments; or the availability of alternate therapies, consultation or tests; or
- (3) the decision of any managed care plan to deny payment for a health care service.

(b) A provision to prohibit or restrict disclosure of medically necessary and appropriate health care information contained in a contract with a health care provider is contrary to public policy and shall be void and unenforceable.

(c) No managed care plan shall terminate the employment of or a contract with a health care provider for any of the following:

- (1) Advocating for medically necessary and appropriate health care consistent with the degree of learning and skill ordinarily possessed by a

reputable health care provider practicing according to the applicable legal standard of care.

(2) Filing a grievance pursuant to the procedures set forth in this article.

(3) Protesting a decision, policy or practice that the health care provider, consistent with the degree of learning and skill ordinarily possessed by a reputable health care provider practicing according to the applicable legal standard of care, reasonably believes interferes with the health care provider's ability to provide medically necessary and appropriate health care.

(d) Nothing in this section shall:

(1) Prohibit a managed care plan from making a determination not to pay for a particular medical treatment, supply or service, enforcing reasonable peer review or utilization review protocols or making a determination that a health care provider has or has not complied with appropriate protocols.

(2) Be construed as requiring a managed care plan to provide, reimburse for or cover counseling, referral, or other health care services if the plan:

(i) objects to the provision of that service on moral or religious grounds; and

(ii) makes available information on its policies regarding such health care services to enrollees and prospective enrollees.

(c) Medical Services

Section 2116. Emergency Services.—If an enrollee seeks emergency services and the emergency health care provider determines that emergency services are necessary, the emergency health care provider shall initiate necessary intervention to evaluate and, if necessary, stabilize the condition of the enrollee without seeking or receiving authorization from the managed care plan. The managed care plan shall pay all reasonably necessary costs associated with the emergency services provided during the period of the emergency. When processing a reimbursement claim for emergency services, a managed care plan shall consider both the presenting symptoms and the services provided. The emergency health care provider shall notify the enrollee's managed care plan of the provision of emergency services and the condition of the enrollee. If an enrollee's condition has stabilized and the enrollee can be transported without suffering detrimental consequences or aggravating the enrollee's condition, the enrollee may be relocated to another facility to receive continued care and treatment as necessary.

Section 2117. Continuity of Care.—(a) Except as provided under subsection (b), if a managed care plan initiates termination of its contract with a participating health care provider, an enrollee may continue an ongoing course of treatment with that health care provider, at the enrollee's option, for a transitional period of up to sixty (60) days from the date the enrollee was notified by the plan of the termination or pending termination. The managed care plan, in consultation with the enrollee and the health care provider, may extend the transitional period if determined to be clinically appropriate. In the case of an enrollee in the second or third trimester of pregnancy at the time of notice of the termination or pending termination, the transitional period shall extend through postpartum care related to the delivery. Any health care service provided under this section shall be covered by the managed care plan under the same terms and conditions as applicable for participating health care providers.

(b) If the plan terminates the contract of a participating health care provider for cause, including breach of contract, fraud, criminal activity or posing a danger to an enrollee or the health, safety or welfare of the public as determined by the plan, the plan shall not be responsible for health care services provided to the enrollee following the date of termination.

(c) If the plan terminates the contract of a participating primary care provider, the plan shall notify every enrollee served by that provider of the plan's termination of its contract and shall request that the enrollee select another primary care provider.

(d) A new enrollee may continue an ongoing course of treatment with a nonparticipating health care provider for a transitional period of up to

sixty (60) days from the effective date of enrollment in a managed care plan. The managed care plan, in consultation with the enrollee and the health care provider, may extend this transitional period if determined to be clinically appropriate. In the case of a new enrollee in the second or third trimester of pregnancy on the effective date of enrollment, the transitional period shall extend through postpartum care related to the delivery. Any health care service provided under this section shall be covered by the managed care plan under the same terms and conditions as applicable for participating health care providers.

(e) A plan may require a nonparticipating health care provider whose health care services are covered under this section to meet the same terms and conditions as a participating health care provider.

(f) Nothing in this section shall require a managed care plan to provide health care services that are not otherwise covered under the terms and conditions of the plan.

(d) Provider Credentialing

Section 2121. Procedures.—(a) A managed care plan shall establish a credentialing process to enroll qualified health care providers and create an adequate provider network. The process shall be approved by the department and shall include written criteria and procedures for initial enrollment, renewal, restrictions and termination of credentials for health care providers.

(b) The department shall establish credentialing standards for managed care plans. The department may adopt nationally recognized accrediting standards to establish the credentialing standards for managed care plans.

(c) A managed care plan shall submit a report to the department regarding its credentialing process at least every two (2) years or as may otherwise be required by the department.

(d) A managed care plan shall disclose relevant credentialing criteria and procedures to health care providers that apply to participate or that are participating in the plan's provider network. A managed care plan shall also disclose relevant credentialing criteria and procedures pursuant to a court order or rule. Any individual providing information during the credentialing process of a managed care plan shall have the protections set forth in the act of July 20, 1974 (P.L. 564, No. 193), known as the "Peer Review Protection Act."

(e) No managed care plan shall exclude or terminate a health care provider from participation in the plan due to any of the following:

(1) The health care provider engaged in any of the activities set forth in section 2113(c).

(2) The health care provider has a practice that includes a substantial number of patients with expensive medical conditions.

(3) The health care provider objects to the provision of or refuses to provide a health care service on moral or religious grounds.

(f) If a managed care plan denies enrollment or renewal of credentials to a health care provider, the managed care plan shall provide the health care provider with written notice of the decision. The notice shall include a clear rationale for the decision.

(e) Confidentiality

Section 2131. Confidentiality.—(a) A managed care plan and a utilization review entity shall adopt and maintain procedures to ensure that all identifiable information regarding enrollee health, diagnosis and treatment is adequately protected and remains confidential in compliance with all applicable Federal and State laws and regulations and professional ethical standards.

(b) To the extent a managed care plan maintains medical records, the plan shall adopt and maintain procedures to ensure that enrollees have timely access to their medical records, unless prohibited by Federal or State law or regulation.

(c) (1) Information regarding an enrollee's health or treatment shall be available to the enrollee, the enrollee's designee or as necessary to prevent death or serious injury.

(2) Nothing in this section shall:

(i) Prevent disclosure necessary to determine coverage, review complaints or grievances, conduct utilization review or facilitate payment of a claim.

(ii) Deny the department, the Insurance Department or the Department of Public Welfare access to records for purposes of quality assurance, investigation of complaints or grievances, enforcement or other activities related to compliance with this article and other laws of this Commonwealth. Records shall be accessible only to department employees or agents with direct responsibilities under the provisions of this subparagraph.

(iii) Deny access to information necessary for a utilization review entity to conduct a review under this article.

(iv) Deny access to the managed care plan for internal quality review, including reviews conducted as part of the plan's quality oversight process. During such reviews, enrollees shall remain anonymous to the greatest extent possible.

(v) Deny access to managed care plans, health care providers and their respective designees, for the purpose of providing patient care management, outcomes improvement and research. For this purpose, enrollees shall provide consent and shall remain anonymous to the greatest extent possible.

(f) Information for Enrollees

Section 2136. Required Disclosure.—(a) A managed care plan shall supply each enrollee and, upon written request, each prospective enrollee or health care provider, with the following written information. Such information shall be easily understandable by the layperson and shall include, but not be limited to:

(1) a description of coverage, benefits and benefit maximums, including benefit limitations and exclusions of coverage, health care services and the definition of medical necessity used by the plan in determining whether these benefits will be covered. The following statement shall be included in all marketing materials in boldface type:

This managed care plan may not cover all your health care expenses. Read your contract carefully to determine which health care services are covered.

The notice shall be followed by a telephone number to contact the plan.

(2) A description of all necessary prior authorizations or other requirements for nonemergency health care services.

(3) An explanation of an enrollee's financial responsibility for payment of premiums, coinsurance, copayments, deductibles and other charges, annual limits on an enrollee's financial responsibility and caps on payments for health care services provided under the plan.

(4) An explanation of an enrollee's financial responsibility for payment when a health care service is provided by a nonparticipating health care provider, when a health care service is provided by any health care provider without required authorization or when the care rendered is not covered by the plan.

(5) A description of how the managed care plan addresses the needs of non-English-speaking enrollees.

(6) A notice of mailing addresses and telephone numbers necessary to enable an enrollee to obtain approval or authorization of a health care service or other information regarding the plan.

(7) A summary of the plan's utilization review policies and procedures.

(8) A summary of all complaint and grievance procedures used to resolve disputes between the managed care plan and an enrollee or a health care provider, including:

(i) The procedure to file a complaint or grievance as set forth in this article, including a toll-free telephone number to obtain information regarding the filing and status of a complaint or grievance.

(ii) The right to appeal a decision relating to a complaint or grievance.

(iii) The enrollee's right to designate a representative to participate in the complaint or grievance process as set forth in this article.

(iv) A notice that all disputes involving denial of payment for a health care service will be made by qualified personnel with experience in the same or similar scope of practice and that all notices of decisions will include information regarding the basis for the determination.

(9) A description of the procedure for providing emergency services twenty-four (24) hours a day. The description shall include:

(i) A definition of emergency services as set forth in this article.

(ii) Notice that emergency services are not subject to prior approval.

(iii) The enrollee's financial and other responsibilities regarding emergency services, including the receipt of these services outside the managed care plan's service area.

(10) A description of the procedures for enrollees to select a participating health care provider, including how to determine whether a participating health care provider is accepting new enrollees.

(11) A description of the procedures for changing primary care providers and specialists.

(12) A description of the procedures by which an enrollee may obtain a referral to a health care provider outside the provider network when that provider network does not include a health care provider with appropriate training and experience to meet the health care service needs of an enrollee.

(13) A description of the procedures that an enrollee with a life-threatening, degenerative or disabling disease or condition shall follow and satisfy to be eligible for:

(i) a standing referral to a specialist with clinical expertise in treating the disease or condition; or

(ii) the designation of a specialist to provide and coordinate the enrollee's primary and specialty care.

(14) A list by specialty of the name, address and telephone number of all participating health care providers. The list may be a separate document and shall be updated at least annually.

(15) A list of the information available to enrollees or prospective enrollees, upon written request, under subsection (b).

(b) Each managed care plan shall, upon written request of an enrollee or prospective enrollee, provide the following written information:

(1) A list of the names, business addresses and official positions of the membership of the board of directors or officers of the managed care plan.

(2) The procedures adopted to protect the confidentiality of medical records and other enrollee information.

(3) A description of the credentialing process for health care providers.

(4) A list of the participating health care providers affiliated with participating hospitals.

(5) Whether a specifically identified drug is included or excluded from coverage.

(6) A description of the process by which a health care provider can prescribe specific drugs, drugs used for an off-label purpose, biologicals and medications not included in the drug formulary for prescription drugs or biologicals when the formulary's equivalent has been ineffective in the treatment of the enrollee's disease or if the drug causes or is reasonably expected to cause adverse or harmful reactions to the enrollee.

(7) A description of the procedures followed by the managed care plan to make decisions about the experimental nature of individual drugs, medical devices or treatments.

(8) A summary of the methodologies used by the managed care plan to reimburse for health care services. Nothing in this paragraph shall be construed to require disclosure of individual contracts or the specific details of any financial arrangement between a managed care plan and a health care provider.

(9) A description of the procedures used in the managed care plan's quality assurance program.

(10) Other information as may be required by the department or the Insurance Department.

(g) Complaints

Section 2141. Internal Complaint Process.—(a) A managed care plan shall establish and maintain an internal complaint process with two levels of review by which an enrollee shall be able to file a complaint regarding a participating health care provider or the coverage, operations or management policies of the managed care plan.

(b) The complaint process shall consist of an initial review to include all of the following:

(1) A review by an initial review committee consisting of one or more employees of the managed care plan.

(2) The allowance of a written or oral complaint.

(3) The allowance of written data or other information.

(4) A review or investigation of the complaint, which shall be completed within thirty (30) days of receipt of the complaint.

(5) A written notification to the enrollee regarding the decision of the initial review committee within five (5) business days of the decision. Notice shall include the basis for the decision and the procedure to file a request for a second level review of the decision of the initial review committee.

(c) The complaint process shall include a second level review that includes all of the following:

(1) A review of the decision of the initial review committee by a second level review committee consisting of three or more individuals who did not participate in the initial review. At least one third of the second level review committee shall not be employed by the managed care plan.

(2) A written notification to the enrollee of the right to appear before the second level review committee.

(3) A requirement that the second level review be completed within forty-five (45) days of receipt of a request for such review.

(4) A written notification to the enrollee regarding the decision of the second level review committee within five (5) business days of the decision. The notice shall include the basis for the decision and the procedure for appealing the decision to the department or the Insurance Department.

Section 2142. Appeal of Complaint.—(a) An enrollee shall have fifteen (15) days from receipt of the notice of the decision from the second level review committee to appeal the decision to the department or the Insurance Department, as appropriate.

(b) All records from the initial review and second level review shall be transmitted to the appropriate department in the manner prescribed. The enrollee, the health care provider or the managed care plan may submit additional materials related to the complaint.

(c) The enrollee may be represented by an attorney or other individual before the appropriate department.

(d) The appropriate department shall determine whether a violation of this article has occurred and may impose any penalties authorized by this article.

Section 2143. Complaint Resolution.—Nothing in this subarticle shall prevent the department or the Insurance Department from communicating with the enrollee, the health care provider or the managed care plan as appropriate to assist in the resolution of a complaint. Such communication may occur at any time during the complaint process.

(h) Utilization Review

Section 2151. Certification.—(a) A utilization review entity may not review health care services delivered or proposed to be delivered in this Commonwealth unless the entity is certified by the department to perform utilization review. A utilization review entity operating in this Commonwealth on or before the effective date of this article shall have one year from the effective date of this article to apply for certification.

(b) The department shall grant certification to a utilization review entity that meets the requirements of this section. Certification shall be renewed every three years unless otherwise subject to additional review, suspension or revocation by the department.

(c) The department may adopt a nationally recognized accrediting body's standards to certify utilization review entities to the extent the standards meet or exceed the standards set forth in this article.

(d) The department may prescribe application and renewal fees for certification. The fees shall reflect the administrative costs of certification and shall be deposited in the General Fund.

(e) A licensed insurer or a managed care plan with a certificate of authority shall comply with the standards and procedures of this subarticle, but shall not be required to obtain separate certification as a utilization review entity.

Section 2152. Operational Standards.—(a) A utilization review entity shall do all of the following:

(1) Respond to inquiries relating to utilization review determinations by:

(i) providing toll-free telephone access at least forty (40) hours per week during normal business hours;

(ii) maintaining a telephone answering service or recording system during nonbusiness hours; and

(iii) responding to each telephone call received by the answering service or recording system regarding a utilization review determination within one (1) business day of the receipt of the call.

(2) Protect the confidentiality of enrollee medical records as set forth in section 2131.

(3) Ensure that a health care provider is able to verify that an individual requesting information on behalf of the managed care plan is a legitimate representative of the plan.

(4) Conduct utilization reviews based on the medical necessity and appropriateness of the health care service being reviewed and provide notification within the following time frames:

(i) A prospective utilization review decision shall be communicated within two (2) business days of the receipt of all supporting information reasonably necessary to complete the review.

(ii) A concurrent utilization review decision shall be communicated within one (1) business day of the receipt of all supporting information reasonably necessary to complete the review.

(iii) A retrospective utilization review decision shall be communicated within thirty (30) days of the receipt of all supporting information reasonably necessary to complete the review.

(5) Ensure that personnel conducting a utilization review have current licenses in good standing or other required credentials, without restrictions, from the appropriate agency.

(6) Provide all decisions in writing to include the basis and clinical rationale for the decision.

(7) Notify the health care provider of additional facts or documents required to complete the utilization review within forty-eight (48) hours of receipt of the request for review.

(8) Maintain a written record of utilization review decisions adverse to enrollees for not less than three (3) years, including a detailed justification and all required notifications to the health care provider and the enrollee.

(b) Compensation to any person or entity performing utilization review may not contain incentives, direct or indirect, for the person or entity to approve or deny payment for the delivery of any health care service.

(c) Utilization review that results in a denial of payment for a health care service shall be made by a licensed physician, except as provided in subsection (d).

(d) A licensed psychologist may perform a utilization review for behavioral health care services within the psychologist's scope of practice if the psychologist's clinical experience provides sufficient experience to review that specific behavioral health care service. The use of a licensed psychologist to perform a utilization review of a behavioral health care service shall be approved by the department as part of the certification process under section 2151. A licensed psychologist shall not review the denial of payment for a health care service involving inpatient care or a prescription drug.

(i) Grievances

Section 2161. Internal Grievance Process.—(a) A managed care plan shall establish and maintain an internal grievance process with two levels of review and an expedited internal grievance process by which an enrollee or a health care provider, with the written consent of the enrollee, shall be able to file a written grievance regarding the denial of payment for a health care service. An enrollee who consents to the filing of a grievance by a health care provider under this section may not file a separate grievance.

(b) The internal grievance process shall consist of an initial review that includes all of the following:

(1) A review by one or more persons selected by the managed care plan, who did not previously participate in the decision to deny payment for the health care service.

(2) The completion of the review within thirty (30) days of receipt of the grievance.

(3) A written notification to the enrollee and health care provider regarding the decision within five (5) business days of the decision. The notice shall include the basis and clinical rationale for the decision and the procedure to file a request for a second level review of the decision.

(c) The grievance process shall include a second level review that includes all of the following:

(1) A review of the decision issued pursuant to subsection (b) by a second level review committee consisting of three or more persons who did not previously participate in any decision to deny payment for the health care service.

(2) A written notification to the enrollee or the health care provider of the right to appear before the second level review committee.

(3) The completion of the second level review within forty-five (45) days of receipt of a request for such review.

(4) A written notification to the enrollee and health care provider regarding the decision of the second level review committee within five (5) business days of the decision. The notice shall include the basis and clinical rationale for the decision and the procedure for appealing the decision.

(d) Any initial review or second level review conducted under this section shall include a licensed physician, or, where appropriate, an approved licensed psychologist, in the same or similar specialty that typically manages or consults on the health care service.

(e) Should the enrollee's life, health or ability to regain maximum function be in jeopardy, an expedited internal grievance process shall be available, which shall include a requirement that a decision, with appropriate notification to the enrollee and health care provider, be made within forty-eight (48) hours of the filing of the expedited grievance.

Section 2162. External Grievance Process.—(a) A managed care plan shall establish and maintain an external grievance process by which an enrollee or a health care provider, with the written consent of the enrollee, may appeal the denial of a grievance following completion of the internal grievance process. The external grievance process shall be conducted by an independent utilization review entity not directly affiliated with the managed care plan.

(b) To conduct external grievances filed under this section:

(1) The department shall randomly assign a utilization review entity on a rotational basis from the list maintained under subsection (d) and notify the assigned utilization review entity and the managed care plan within two (2) business days of receiving the request. If the department fails to select a utilization review entity under this subsection, the managed care plan shall designate and notify a certified utilization review entity to conduct the external grievance.

(2) The managed care plan shall notify the enrollee or health care provider of the name, address and telephone number of the utilization review entity assigned under this subsection with two (2) business days.

(c) The external grievance process shall meet all of the following requirements:

(1) Any external grievance shall be filed with the managed care plan within fifteen (15) days of receipt of a notice of denial resulting from the internal grievance process. The filing of the external grievance shall include any material justification and all reasonably necessary supporting information. Within five (5) business days of the filing of an external grievance, the managed care plan shall notify the enrollee or the health care provider, the utilization review entity that conducted the internal grievance and the department that an external grievance has been filed.

(2) The utilization review entity that conducted the internal grievance shall forward copies of all written documentation regarding the denial, including the decision, all reasonably necessary supporting information, a summary of applicable issues, and the basis and clinical rationale for the decision, to the utilization review entity conducting the external grievance within fifteen (15) days of receipt of notice that the external grievance was filed. Any additional written information may be submitted by the enrollee or the health care provider within fifteen (15) days of receipt of notice that the external grievance was filed.

(3) The utilization review entity conducting the external grievance shall review all information considered in reaching any prior decisions to deny payment for the health care service and any other written submission by the enrollee or the health care provider.

(4) An external grievance decision shall be made by:

(i) one or more licensed physicians or approved licensed psychologists in active clinical practice or in the same or similar specialty that typically manages or recommends treatment for the health care service being reviewed; or

(ii) one or more physicians currently certified by a board approved by the American Board of Medical Specialists or the American Board of Osteopathic Specialists, in the same or similar specialty that typically manages or recommends treatment for the health care service being reviewed.

(5) Within sixty (60) days of the filing of the external grievance, the utilization review entity conducting the external grievance shall issue a written decision to the managed care plan, the enrollee and the health care provider, including the basis and clinical rationale for the decision. The standard of review shall be whether the health care service denied by the internal grievance process was medically necessary and appropriate under the terms of the plan. The external grievance decision shall be subject to appeal to a court of competent jurisdiction within sixty (60) days of receipt of notice of the external grievance decision. There shall be a rebuttable presumption in favor of the decision of the utilization review entity conducting the external grievance.

(6) The managed care plan shall authorize any health care service or pay a claim determined to be medically necessary and appropriate under paragraph (5) pursuant to section 2166, whether or not an appeal to a court of competent jurisdiction has been filed.

(7) All fees and costs, related to an external grievance shall be paid by the nonprevailing party, if the external grievance was filed by the health care provider. The health care provider and the utilization review entity or managed care plan shall each place in escrow an amount equal to one-half of the estimated costs of the external grievance process. If the external grievance was filed by the enrollee, all fees and costs related thereto shall be paid by the managed care plan. For purposes of this paragraph, fees and costs shall not include attorney fees.

(d) The department shall compile and maintain a list of certified utilization review entities that meet the requirements of this article. The department may remove a utilization review entity from the list if such an entity is incapable of performing its responsibilities in a reasonable manner, charges excessive fees or violates this article.

(e) A fee may be imposed by a managed care plan for filing an external grievance pursuant to this article which shall not exceed twenty-five (\$25) dollars.

(f) Written contracts between managed care plans and health care providers may provide an alternative dispute resolution system to the external grievance process set forth in this article, if the department approves the contract. The alternative dispute resolution system shall be impartial, include specific time limitations to initiate appeals, receive written information, conduct hearings and render decisions and otherwise satisfy the requirements of section 2162. A written decision pursuant to an alternative dispute resolution system shall be final and binding on all parties. An alternative dispute resolution system shall not be utilized for any external grievance filed by an enrollee.

Section 2163. Records.—Records regarding grievances filed under this subarticle that result in decisions adverse to enrollees shall be maintained by the plan for not less than three (3) years. These records shall be provided to the department, if requested, in accordance with section 2131(c)(2)(ii).

(i) Prompt Payment

Section 2166. Prompt Payment of Claims.—(a) A licensed insurer or a managed care plan shall pay a clean claim submitted by a health care provider within forty-five (45) days of receipt of the clean claim.

(b) If a licensed insurer or a managed care plan fails to remit the payment as provided under subsection (a), interest at ten per centum (10%) per annum shall be added to the amount owed on the clean claim.

Interest shall be calculated beginning the day after the required payment date and ending on the date the claim is paid. The licensed insurer or managed care plan shall not be required to pay any interest calculated to be less than two (\$2) dollars.

(k) Health Care Provider and Managed Care Plan Protection

Section 2171. Health Care Provider and Managed Care Plan Protection.—(a) A managed care plan shall not exclude, discriminate against or penalize any health care provider for its refusal to allow, perform, participate in or refer for health care services, when the refusal of the health care provider is based on moral or religious grounds and that provider makes adequate information available to enrollees or, if applicable, prospective enrollees.

(b) No public institution, public official or public agency may take disciplinary action against, deny licensure or certification or penalize any person, association or corporation attempting to establish a plan, or operating, expanding or improving an existing plan, because the person, association or corporation refuses to provide any particular form of health care services or other services or supplies covered by other plans, when the refusal is based on moral or religious grounds.

(l) Enforcement

Section 2181. Departmental Powers and Duties.—(a) The department shall require that records and documents submitted to a managed care plan or utilization review entity as part of any complaint or grievance be made available to the department, upon request, for purposes of enforcement or compliance with this article.

(b) The department shall compile data received from a managed care plan on an annual basis regarding the number, type and disposition of complaints and grievances filed with a managed care plan under this article.

(c) The department shall issue guidelines identifying those provisions of this article that exceed or are not included in the "Standards for the Accreditation of Managed Care Organizations" published by the National Committee for Quality Assurance. These guidelines shall be published in the Pennsylvania Bulletin and updated as necessary. Copies of the guidelines shall be made available to managed care plans, health care providers and enrollees, upon request.

(d) The department and the Insurance Department shall ensure compliance with this article. The appropriate department shall investigate potential violations of the article based upon information received from enrollees, health care providers and other sources in order to ensure compliance with this article.

(e) The department and the Insurance Department shall promulgate such regulations as may be necessary to carry out the provisions of this article.

(f) The department in cooperation with the Insurance Department shall submit an annual report to the General Assembly regarding the implementation, operation and enforcement of this article.

Section 2182. Penalties and Sanctions.—(a) The department or the Insurance Department, as appropriate, may impose a civil penalty of up to five thousand (\$5,000) dollars for a violation of this article.

(b) A managed care plan shall be subject to the act of July 22, 1974 (P.L. 589, No. 205), known as the "Unfair Insurance Practices Act."

(c) The department or the Insurance Department may maintain an action in the name of the Commonwealth for an injunction to prohibit any activity which violates the provisions of this article.

(d) The department may issue an order temporarily prohibiting a managed care plan which violates this article from enrolling new members.

(e) The department may require a managed care plan to develop and adhere to a plan of correction approved by the department. The department shall monitor compliance with the plan of correction. The plan of correction shall be available to enrollees of the managed care plan, upon request.

(f) In no event shall the department and the Insurance Department impose a penalty for the same violation.

Section 2183. Administrative Review.—The provisions of this article shall be subject to 2 Pa.C.S. Ch. 5 Subch. A (relating to practice and procedure of Commonwealth agencies).

(m) Miscellaneous

Section 2191. Compliance with National Accrediting Standards.—Notwithstanding any other provision of this article to the contrary, the department shall give consideration to a managed care plan's demonstrated compliance with the standards and requirements set forth in the "Standards for the Accreditation of Managed Care Organizations" published by the National Committee for Quality Assurance or other department-approved quality review organizations in determining compliance with the same or similar provisions of this article. The managed care plan, however, shall remain subject to and shall comply with any other provisions of this article that exceed or are not included in the standards of the National Committee for Quality Assurance or other department-approved quality review organizations.

Section 2192. Exceptions.—This article shall not apply to any of the following:

(1) The act of June 2, 1915 (P.L. 736, No. 338), known as the "Workers' Compensation Act."

(2) The act of July 1, 1937 (P.L. 2532, No. 470), known as the "Workers' Compensation Security Fund Act."

(3) Peer review, utilization review or mental or physical examinations performed under 75 Pa.C.S. Ch. 17 (relating to financial responsibility).

(4) The fee-for-service programs operated by the Department of Public Welfare under Title XIX of the Social Security Act (49 Stat. 620, 42 U.S.C. § 1396 et seq.).

Section 2193. Preemption.—Nothing in this article shall regulate or authorize regulation which would be ineffective by reason of the State law preemption provisions of the Employee Retirement Income Security Act of 1974 (Public Law 93-406, 88 Stat. 829).

ARTICLE XXIII.

CHILDREN'S HEALTH CARE.

(a) General Provisions

Section 2301. Short Title.—This article shall be known and may be cited as the "Children's Health Care Act."

Section 2302. Legislative Findings and Intent.—The General Assembly finds and declares as follows:

(1) All citizens of this Commonwealth should have access to affordable and reasonably priced health care and to nondiscriminatory treatment by health insurers and providers.

(2) The uninsured health care population of this Commonwealth is estimated to be over one million persons, and many thousands more lack adequate insurance coverage. It is also estimated that approximately two-thirds of the uninsured are employed or dependents of employed persons.

(3) Over one-third of the uninsured health care population are children. Uninsured children are of particular concern because of their need for ongoing preventive and primary care. Measures not taken to care for such children now will result in higher human and financial costs later.

(4) Uninsured children lack access to timely and appropriate primary and preventive care. As a result, health care is often delayed or foregone resulting in increased risk of developing more severe conditions which, in turn, are more expensive to treat. This tendency to delay care and to seek ambulatory care in hospital-based settings also causes inefficiencies in the health care system.

(5) Health care markets have been distorted through cost shifts for the uncompensated health care costs of uninsured citizens of this Commonwealth which has caused decreased competitive capacity on the part of those health care providers who serve the poor and increased costs of other health care payors.

(6) No one sector can absorb the cost of providing health care to citizens of this Commonwealth who cannot afford health care on their own. The cost is too large for the public sector alone to bear and instead requires the establishment of a public and private partnership to share the costs in a manner economically feasible for all interests. The magnitude

of this need also requires that it be done on a time-phased, cost-managed and planned basis.

(7) Eligible children in this Commonwealth should have access to cost-effective, comprehensive primary health coverage if they are unable to afford coverage or obtain it.

(8) Care should be provided in appropriate settings by efficient providers, consistent with high quality care and at an appropriate stage, soon enough to avert the need for overly expensive treatment.

(9) Equity should be assured among health providers and payors by providing a mechanism for providers, employers, the public sector and patients to share in financing indigent children's health care.

Section 2303. Definitions.—As used in this article, the following words and phrases shall have the meanings given to them in this section:

“Child.” A person under nineteen (19) years of age.

“Children's Medical Assistance.” Medical assistance services to children as required under Title XIV of the Social Security Act (49 Stat. 620, 42 U.S.C. § 301 et seq.), including EPSDT services.

“Contractor.” An entity awarded a contract under subarticle (b) to provide health care services under this article. The term includes an entity and its subsidiary which is established under 40 Pa.C.S. Ch. 61 (relating to hospital plan corporations) or 63 (relating to professional health services plan corporations); this act; or the act of December 29, 1972 (P.L. 1701, No. 364), known as the “Health Maintenance Organization Act.”

“Council.” The Children's Health Advisory Council established in section 2311(i).

“EPSDT.” Early and periodic screening, diagnosis and treatment.

“Fund.” The Children's Health Fund for health care for indigent children established by section 1296 of the act of March 4, 1971 (P.L. 6, No. 2), known as the “Tax Reform Code of 1971.”

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

“Group.” A group for which a health insurance policy is written in this Commonwealth.

“Health maintenance organization” or “HMO.” An entity organized and regulated under the act of December 29, 1972 (P.L. 1701, No. 364), known as the “Health Maintenance Organization Act.”

“Health service corporation.” A professional health service corporation as defined in 40 Pa.C.S. § 6302 (relating to definitions).

“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 injured, disabled, pregnant, diseased or sick or mentally ill persons. The term includes facilities for the diagnosis and treatment of disorders within the scope of specific medical specialties. The term does not include facilities caring exclusively for the mentally ill.

“Hospital plan corporation.” A hospital plan corporation as defined in 40 Pa.C.S. § 6101 (relating to definitions).

“Insurer.” Any insurance company, association, reciprocal, nonprofit hospital plan corporation, nonprofit professional health service plan, health maintenance organization, fraternal benefits society or a risk-bearing PPO or nonrisk-bearing PPO not governed and regulated under the Employee Retirement Income Security Act of 1974 (Public Law 93-406, 29 U.S.C. § 1001 et seq.).

“MAAC.” The Medical Assistance Advisory Committee.

“Managed care organization.” 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 risk-assuming preferred provider organization or exclusive provider organization, organized and regulated under this act.

“MCH.” Maternal and Child Health.

“Medicaid.” The Federal medical assistance program established under Title XIX of the Social Security Act (49 Stat. 620, 42 U.S.C. § 1396 et seq.).

“Medical assistance.” The State program of medical assistance established under the act of June 13, 1967 (P.L. 31, No. 21), known as the “Public Welfare Code.”

“Mid-level health professional.” A physician assistant, certified registered nurse practitioner, nurse practitioner or a certified nurse midwife.

“Parent.” A natural parent, stepparent, adoptive parent, guardian or custodian of a child.

“PPO.” A preferred provider organization subject to the provisions of section 630.

“Preexisting condition.” A disease or physical condition for which medical advice or treatment has been received prior to the effective date of coverage.

“Subgroup.” An employer covered under a contract issued to a multiple employer trust or to an association.

“Terminate.” Includes cancellation, nonrenewal and rescission.

“Waiting period.” A period of time after the effective date of enrollment during which a health insurance plan excludes coverage for the diagnosis or treatment of one or more medical conditions.

“WIC.” The Federal Supplemental Food Program for Women, Infants and Children.

(b) Primary Health Care Programs

Section 2311. Children's Health Care.—(a) The fund shall be dedicated exclusively for distribution by the Insurance Department through contracts in order to provide free and subsidized health care services under this section and to develop and implement outreach activities required under section 2312.

(b) (1) The fund shall be used to fund health care services for children as specified in this section. The Insurance Department shall assure that the program is implemented Statewide. All contracts awarded under this section shall be awarded through a competitive procurement process. The Insurance Department shall use its best efforts to ensure that eligible children across this Commonwealth have access to health care services to be provided under this article.

(2) No more than seven and one-half per centum (7 ½%) of the amount of the contract may be used for administrative expenses of the contractor. If, after the first three (3) full years of operation, any contractor presents documented evidence that administrative expenses are in excess of seven and one-half per centum (7 ½%) of the amount of the contract, the Insurance Department may make an additional allotment of funds, not to exceed two and one-half per centum (2 ½%) of the amount of the contract, for future administrative expenses to the contractor to the extent that the Insurance Department finds the expenses reasonable and necessary.

(3) No less than seventy per centum (70%) of the fund shall be used to provide the health care services provided under this article for children eligible for free care under subsection (d). When the Insurance Department determines that seventy per centum (70%) of the fund is not needed in order to achieve maximum enrollment of children eligible for free care and promulgates a final form regulation, with proposed rulemaking omitted, this paragraph shall expire.

(4) To ensure that inpatient hospital care is provided to eligible children, each primary care physician providing primary care services shall make necessary arrangements for admission to the hospital and for necessary specialty care.

(c) (1) Any organization or corporation receiving funds from the Insurance Department to provide coverage of health care services shall enroll, to the extent that funds are available, any child who meets all of the following:

(i) Except for newborns, has been a resident of this Commonwealth for at least thirty (30) days prior to enrollment.

(ii) Is not covered by a health insurance plan, a self-insurance plan or a self-funded plan or is not eligible for or covered by medical assistance.

(iii) Is qualified based on income under subsection (d) or (e).

(iv) Meets the citizenship requirements of the Medicaid program administered by the Department of Public Welfare.

(2) Enrollment may not be denied on the basis of a preexisting condition, nor may diagnosis or treatment for the condition be excluded based on the condition's preexistence.

(d) The provision of health care insurance for eligible children shall be free to a child under nineteen (19) years of age whose family income is no greater than two hundred per centum (200%) of the Federal poverty level.

(e) (1) The provision of health care insurance for an eligible child who is under nineteen (19) years of age and whose family income is greater than two hundred per centum (200%) of the Federal poverty level but no greater than two hundred thirty-five per centum (235%) of the Federal poverty level may be subsidized by the fund at a rate not to exceed fifty per centum (50%).

(2) The difference between the pure premium of the minimum benefit package in subsection (1)(6) and the subsidy provided under this subsection shall be the amount paid by the family of the eligible child purchasing the minimum benefit package.

(f) The family of an eligible child whose family income makes the child eligible for free or subsidized care but who cannot receive care due to lack of funds in the fund may purchase coverage for the child at cost.

(g) The Insurance Department shall:

(1) Administer the children's health care program pursuant to this article.

(2) Review all bids and approve and execute all contracts for the purpose of expanding access to health care services for eligible children as provided for in this subarticle.

(3) Conduct monitoring and oversight of contracts entered into.

(4) Issue an annual report to the Governor, the General Assembly and the public for each fiscal year outlining primary health services funded for the year, detailing the outreach and enrollment efforts, and reporting by county the number of children receiving health care services from the fund, the projected number of eligible children and the number of eligible children on waiting lists for health care services.

(5) In consultation with appropriate Commonwealth agencies, coordinate the development and supervision of the outreach plan required under section 2312.

(6) In consultation with appropriate Commonwealth agencies, monitor, review and evaluate the adequacy, accessibility and availability of services delivered to children who are enrolled in the health insurance program established under this subarticle.

(h) The Insurance Department may promulgate regulations necessary for the implementation and administration of this subarticle.

(i) The Children's Health Advisory Council is established within the Insurance Department as an advisory council. The following shall apply:

(1) The council shall consist of fourteen voting members. Members provided for in subparagraphs (iv), (v), (vi), (vii), (viii), (x) and (xi) shall be appointed by the Insurance Commissioner. The council shall be geographically balanced on a Statewide basis and shall include:

(i) The Secretary of Health ex officio or a designee.

(ii) The Insurance Commissioner ex officio or a designee.

(iii) The Secretary of Public Welfare ex officio or a designee.

(iv) A representative with experience in children's health from a school of public health located in this Commonwealth.

(v) A physician with experience in children's health appointed from a list of three qualified persons recommended by the Pennsylvania Medical Society.

(vi) A representative of a children's hospital or a hospital with a pediatric outpatient clinic appointed from a list of three persons submitted by the Hospital Association of Pennsylvania.

(vii) A parent of a child who receives primary health care coverage from the fund.

(viii) A midlevel professional appointed from lists of names recommended by Statewide associations representing midlevel health professionals.

(ix) A senator appointed by the President pro tempore of the Senate, a senator appointed by the minority leader of the Senate, a representative appointed by the Speaker of the House of Representatives and a representative appointed by the minority leader of the House of Representatives.

(x) A representative from a private nonprofit foundation.

(xi) A representative of business who is not a contractor or provider of primary health care insurance under this subarticle.

(2) If any specified organization should cease to exist or fail to make a recommendation within ninety (90) days of a request to do so, the council shall specify a new equivalent organization to fulfill the responsibilities of this section.

(3) The Insurance Commissioner shall chair the council. The members of the council shall annually elect, by a majority vote of the members, a vice chairperson from among the members of the council.

(4) The presence of eight members shall constitute a quorum for the transacting of any business. Any act by a majority of the members present at any meeting at which there is a quorum shall be deemed to be that of the council.

(5) All meetings of the council shall be conducted pursuant to the act of July 3, 1986 (P.L. 388, No. 84), known as the "Sunshine Act," unless otherwise provided in this section. The council shall meet at least annually and may provide for special meetings as it deems necessary. Meeting dates shall be set by a majority vote of members of the council or by call of the chairperson upon seven (7) days' notice to all members. The council shall publish notice of its meetings in the Pennsylvania Bulletin. Notice shall specify the date, time and place of the meeting and shall state that the council's meetings are open to the general public. All action taken by the council shall be taken in open public session and shall not be taken except upon a majority vote of the members present at a meeting at which a quorum is present.

(6) The members of the council shall not receive a salary or per diem allowance for serving as members of the council but shall be reimbursed for actual and necessary expenses incurred in the performance of their duties.

(7) Terms of council members shall be as follows:

(i) The appointed members shall serve for a term of three (3) years and shall continue to serve thereafter until their successors are appointed.

(ii) An appointed member shall not be eligible to serve more than two full consecutive terms of three (3) years. Vacancies shall be filled in the same manner in which they were designated within sixty (60) days of the vacancy.

(iii) An appointed member may be removed by the appointing authority for just cause and by a vote of at least seven members of the council.

(8) The council shall review outreach activities and may make recommendations to the Insurance Department.

(9) The council shall review and evaluate the accessibility and availability of services delivered to children enrolled in the program.

(i) The Insurance Department shall solicit bids and award contracts through a competitive procurement process pursuant to the following:

(1) To the fullest extent practicable, contracts shall be awarded to entities that contract with providers to provide primary care services for enrollees on a cost-effective basis. The Insurance Department shall require contractors to use appropriate cost-management methods so that the fund can be used to provide the basic primary benefit services to the maximum number of eligible children and, whenever possible, to pursue and utilize available public and private funds.

(2) To the fullest extent practicable, the Insurance Department shall require that any contractor comply with all procedures relating to coordination of benefits as required by the Insurance Department or the Department of Public Welfare.

(3) Contracts may be for a term of up to three (3) years.

(k) Upon receipt of a request for proposal from the Insurance Department, each health plan corporation or its entities doing business in this Commonwealth shall submit a bid to the Insurance Department to carry out the purposes of this section in the area serviced by the corporation.

(l) A contractor with whom the Insurance Department enters into a contract shall do the following:

(1) Ensure to the maximum extent possible that eligible children have access to primary health care physicians and nurse practitioners on an equitable Statewide basis.

(2) Contract with qualified, cost-effective providers, which may include primary health care physicians, nurse practitioners, clinics and health maintenance organizations, to provide primary and preventive health care for enrollees on a basis best calculated to manage the costs of the services, including, but not limited to, using managed health care techniques and other appropriate medical cost-management methods.

(3) Ensure that the family of a child who may be eligible for medical assistance receives assistance in applying for medical assistance, including, at a minimum, written notice of the telephone number and address of the county assistance office where the family can apply for medical assistance.

(4) Maintain waiting lists of children financially eligible for benefits who have applied for benefits but who were not enrolled due to lack of funds.

(5) Strongly encourage all providers who provide primary care to eligible children to participate in medical assistance as qualified EPSDT providers and to continue to provide care to children who become ineligible for payment under the fund but who qualify for medical assistance.

(6) Provide the following minimum benefit package for eligible children:

(i) Preventive care. This subparagraph includes well-child care visits in accordance with the schedule established by the American Academy of Pediatrics and the services related to those visits, including, but not limited to, immunizations, health education, tuberculosis testing and developmental screening in accordance with routine schedule of well-child visits. Care shall also include a comprehensive physical examination, including X-rays if necessary, for any child exhibiting symptoms of possible child abuse.

(ii) Diagnosis and treatment of illness or injury, including all medically necessary services related to the diagnosis and treatment of sickness and injury and other conditions provided on an ambulatory basis, such as laboratory tests, wound dressing and casting to immobilize fractures.

(iii) Injections and medications provided at the time of the office visit or therapy; and outpatient surgery performed in the office, a hospital or freestanding ambulatory service center, including anesthesia provided in conjunction with such service or during emergency medical service.

(iv) Emergency accident and emergency medical care.

(v) Prescription drugs.

(vi) Emergency, preventive and routine dental care. This subparagraph does not include orthodontia or cosmetic surgery.

(vii) Emergency, preventive and routine vision care, including the cost of corrective lenses and frames, not to exceed two prescriptions per year.

(viii) Emergency, preventive and routine hearing care.

(ix) Inpatient hospitalization up to ninety (90) days per year for eligible children.

(7) Each contractor shall provide an insurance identification card to each eligible child covered under contracts executed under this article. The card must not specifically identify the holder as low income.

(m) The Insurance Department may grant a waiver of the minimum benefit package of subsection (1)(6) upon demonstration by the applicant that it is providing health care services for eligible children that meet the purposes and intent of this section.

(n) After the first year of operation and periodically thereafter, the Insurance Department in consultation with appropriate Commonwealth agencies, shall review enrollment patterns for both the free insurance program and the subsidized insurance program. The Insurance Department shall consider the relationship, if any, among enrollment, enrollment fees, income levels and family composition. Based on the results of this study and the availability of funds, the Insurance Department is authorized to adjust the maximum income ceiling for free insurance and the maximum income ceiling for subsidized insurance by regulation. In no event, however, shall the maximum income ceiling for free insurance be raised above two hundred per centum (200%) of the Federal poverty level, nor shall the maximum income ceiling for subsidized insurance be raised above two hundred thirty-five per centum (235%) of the Federal poverty

level. Changes in the maximum income ceiling shall be promulgated as a final-form regulation with proposed rulemaking omitted in accordance with the act of June 25, 1982 (P.L.633, No.181), known as the "Regulatory Review Act."

Section 2312. Outreach.—(a) The Insurance Department, in consultation with appropriate Commonwealth agencies, shall coordinate the development of an outreach plan to inform potential contractors, providers and enrollees regarding eligibility and available benefits. The plan shall include provisions for reaching special populations, including nonwhite and non-English-speaking children and children with disabilities; for reaching different geographic areas, including rural and inner-city areas; and for assuring that special efforts are coordinated within the overall outreach activities throughout this Commonwealth.

(b) The council shall review the outreach activities and recommend changes as it deems in the best interests of the children to be served.

Section 2313. Payer of Last Resort; Insurance Coverage.—The contractor shall not pay any claim on behalf of an enrolled child unless all other Federal, State, local or private resources available to the child or the child's family are utilized first. The Insurance Department, in cooperation with the Department of Public Welfare, shall determine that no other insurance coverage is available to the child through a custodial or noncustodial parent on an employment-related or other group basis. If such insurance coverage is available, the Insurance Department shall reevaluate the child's eligibility under section 2311.

(c) through (f) (Reserved)

(g) Miscellaneous Provisions

Section 2361. Limitation on Expenditure of Funds.—In no case shall the total amount of annual contract awards authorized in subarticle (b) exceed the amount of cigarette tax receipts annually deposited into the fund pursuant to section 1296 of the act of March 4, 1971 (P.L.6-No.2), known as the "Tax Reform Code of 1971," and any other Federal or State funds received through the fund. The provision of children's health care through the fund shall in no way constitute an entitlement derived from the Commonwealth or a claim on any other funds of the Commonwealth.

Section 2. All entities receiving grants under the act of December 2, 1992 (P.L.741, No.113), known as the Children's Health Care Act, on the effective date of this section shall continue to receive funds and provide services as required under that act until notice is received from the Insurance Department.

Section 3. The following acts and parts of acts are repealed:

(1) The act of June 5, 1968 (P.L.140, No.78), entitled "An act regulating the writing, cancellation of or refusal to renew policies of automobile insurance; and imposing powers and duties on the Insurance Commissioner therefor."

(2) Sections 102, 701, 702, 703, 3101, 3102, 3103 and 3105 of the act of December 2, 1992 (P.L.741, No.113), known as the Children's Health Care Act.

Section 4. This act shall take effect as follows:

(1) The addition of Article XXI of the act shall take effect January 1, 1999.

(2) The following provisions shall take effect in 60 days:

(i) The addition of Article XX of the act.

(ii) Section 3(1) of this act.

(3) The remainder of this act shall take effect immediately.

On the question,

Will the House agree to the amendment?

The SPEAKER. On the question of the adoption of the amendment, the Chair recognizes the gentleman from Delaware.

Mr. MICOZZIE. Thank you, Mr. Speaker.

SB 91 has three important parts to it. It is the automobile cancellation, the managed care, and of course, the CHIP (Children's Health Insurance Program), and I ask for a positive vote on this important bill.

The SPEAKER. The gentleman, Mr. Veon.

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

Mr. Speaker, I stand here today to oppose the Micozzie amendment to this bill, and I think that most of us have been paying close enough attention to this issue over, really, the entire course of this session to understand what is at stake as we debate this bill here today.

Mr. Speaker, I rise to oppose this bill with some great disappointment, because I think that certainly in this session just 3 weeks ago, members of this House, Democrat and Republican, had what I consider to be one of the finest days in the last few years. In a bipartisan way, members on the Republican side and members on the Democratic side stood up with amendment after amendment after amendment on behalf of the health-care consumers in the State of Pennsylvania, with rational, reasonable, well-articulated amendments on behalf of Pennsylvania's health-care consumers.

Mr. Speaker, it is with great disappointment that I have to stand here and debate against the chairman of the Insurance Committee, because all of those good amendments that we put in this bill on behalf of Pennsylvania's consumers have been stripped out of this bill, stripped out of this amendment, and we stand here today with what I think would be the weakest patients' consumer rights bill in the nation. Now, that is not good enough for the State of Pennsylvania. Of all the States, we are one of the last States to address and deal with this issue, first of all, and then to deal with it for the first time in 18 years and to pass the weakest proconsumer, patients' rights bill in the nation would be a disgrace on our part, and I think we ought to make sure that does not happen.

Mr. Speaker, I would just like to point out briefly and as quickly as possible some of the important key provisions that this House passed that are not in the amendment being offered by the gentleman, Mr. Micozzie. Most importantly, one of the amendments—and again, this amendment passed overwhelmingly, Republicans and Democrats—and that is to define what is medically necessary under managed-care law in Pennsylvania. Mr. Speaker, I cannot imagine how we could have a strong proconsumer bill without this legislature defining what is medically necessary. And, Mr. Speaker, I think it is important that the House members understand that if we do not define it by law, what happens in the gentleman's amendment is that each and every managed-care company gets to define what is medically necessary themselves, so that when your constituent wants to file a grievance—

Mr. MICOZZIE. Mr. Speaker? Mr. Speaker?

The SPEAKER. For what purpose does the gentleman rise?

Mr. MICOZZIE. Mr. Speaker, is the gentleman speaking to the amendment, in your opinion?

The SPEAKER. Yes.

Mr. MICOZZIE. Okay. Thank you.

Mr. VEON. Thank you, Mr. Speaker.

I will assure the gentleman I will try to stay on point, and I am trying to very clearly define—

The SPEAKER. Will the gentleman yield.

I was not listening closely, but from what I was listening to, I gathered that he is critical of the amendment because the amendment does not go as far as the bill that had passed here, and that was his criticism of the amendment, and if that is the case, I think that is on point and relevant.

Now I will start to listen closely.

Mr. MICOZZIE. And especially your colleague from Delaware County is up.

The SPEAKER. I just wanted to show that I do not play favorites.

Mr. MICOZZIE. Thank you.

Mr. VEON. Thank you, Mr. Speaker.

I think the Speaker is absolutely correct. What I am trying to point out are those very critical deficiencies in the gentleman's amendment. His amendment does not include these provisions that this House passed by an overwhelming bipartisan vote just 3 weeks ago.

Mr. Speaker, I was talking about medically necessary, so that in the gentleman's amendment, medically necessary would be defined by each managed-care company, so that when your constituent wants to file a grievance against that managed-care company because they are not getting the care and the coverage that they rightly think they should get, the definition used to determine whether that grievance is valid or not is the HMO's (health maintenance organization) own definition of medically necessary. Now, that is not proconsumer language; that is not patients' rights language; that is language that allows the fox to guard the chicken coop. Mr. Speaker, that should not be allowed to happen and is one important reason we should reject this amendment.

Mr. Speaker, I would like to also point out to the members, because I know there is great interest on the Republican side and the Democratic side, that this amendment does not include what is commonly called the pharmacy carve-out, and the pharmacy carve-out is, again, something that we added in the House in one of our greatest hours just 3 weeks ago on an overwhelming vote.

So that you know, without what is called the pharmacy carve-out, which I think should more aptly and appropriately be defined as the pharmacy life-support language, life-support amendment, because without the pharmacy carve-out in this bill, you are sentencing to death hundreds of pharmacies throughout the State of Pennsylvania. Hundreds of pharmacies will close up in your neighborhoods and in your counties. Now, do not take my word for it. We have a letter here from the Southeastern Pennsylvania Pharmacists Association. They sent it to all of us, and they said that here is what has happened under the law today without a pharmacy carve-out: In the city of Philadelphia, 104 pharmacists have closed; in Delaware County, 9; in Montgomery County, 20; in Chester County, 4; in Bucks County, 3, and that is just since February 1 of 1997.

Now, we do not have HealthChoices in western Pennsylvania yet, but all of us are well aware that by next year we will. So for western Pennsylvanians, you are sentencing to death hundreds of pharmacists in western Pennsylvania, let alone all those pharmacies that will continue to close in eastern Pennsylvania. Without pharmacy carve-out in this bill, again it is not a strong proconsumer, patients' rights bill, and it has to be in any final managed-care bill that we pass.

Mr. Speaker, I would also like to point out another very important provision again that passed this body overwhelmingly, Democrats and Republicans, and it also goes to the heart of what many of our consumers are asking us about. They want the best possible choice of doctors in a managed-care plan. You hear them; that is what they talk to you about. You look at any public opinion poll. Doctor choice, choice of doctor, choice of specialist, is one of the most critical issues for consumers in Pennsylvania today, and, Mr. Speaker, any kind of reasonable, rational choice of specialist

has been yanked out of this bill, pulled out of this bill, and is not included in the gentleman's amendment.

Again I would like to say, when we are talking about specialists, we are not talking about heart surgeons; we are talking about chiropractors, optometrists, physical therapists, psychologists. Those are your neighborhood, friendly health-care providers, not heart surgeons. Those are the specialists that we are talking about. This bill has stripped out any ability to have a rational choice of a doctor in the State of Pennsylvania. Mr. Speaker, I would submit to this House that that is totally unacceptable; that is not proconsumer; and that is not patients' rights.

Mr. Speaker, I would also like to point out that this amendment, unfortunately, has a very, very unacceptable grievance procedure, and again, Mr. Speaker, if you are going to have a proconsumer, patients' rights, managed-care legislation without having a strong grievance procedure, it is not worth the paper it is written on. Unless your constituent, your consumer, can have a method, a process, a system that can give them some reasonable expectation of being able to have a grievance with the insurance company to receive adequate medical care, then it is not proconsumer; it is not patients' rights; and it is not worth the paper it is written on. This is a very weak grievance procedure that is outlined in the gentleman's amendment. It is simply not acceptable.

Mr. Speaker, there are a number of other provisions that we know are not in here. I know that there are members on the Republican side, for example, that were particularly interested in chiropractors, of chiropractors being able to provide the care, particularly interested in the issue of mental-health parity, which members on both sides of the aisle have worked very hard for. This is the time that that ought to be included in this bill. It is not in here.

Mr. Speaker, for those reasons, for others that I am sure will be articulated here today, we need to reject the gentleman's amendment. We are prepared here today, Mr. Speaker, after the rejection of this amendment, to offer an amendment that will include all of those things that we passed in this chamber.

The SPEAKER. Will the gentleman yield.

That would be out of order to start debating what you may or may not do in the future. Confine your remarks to the amendment before the House.

Mr. VEON. Thank you, Mr. Speaker.

Mr. Speaker, there is clearly a better way to do it, and I would say again that this House, Republicans and Democrats, showed that way just 3 weeks ago. We stood up for the Pennsylvania consumers in one of our best hours, well articulated on both sides of the aisle. Mr. Speaker, to allow this to happen today would destroy all that work that we did. This would be the weakest patients' rights, consumer bill in the nation. Mr. Speaker, let us not allow that to happen.

I strongly encourage you to vote "no" on the Micozzie amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. DeLuca.

Mr. DeLUCA. Thank you, Mr. Speaker.

Mr. Speaker, I also rise to oppose the Micozzie amendment, and I do so mainly because of one of the things, one of the issues that we voted on, which is not in this amendment, and that is the mental-health parity amendment that we put into the legislation.

Now, Mr. Speaker, let me just tell you that mental health is an issue that affects one out of three people in the Commonwealth of

Pennsylvania. Nationally, just on the depression part of it, it costs this country \$44 billion — \$44 billion. Twelve billion of that is attributed to direct cost, and this is the amazing part: \$22 billion is borne by the employers for costs attributed to lost work, time, and reduced productivity. Let me also say that 80 percent, 80 percent of these cases can be treatable, and most of the people who take this treatment take it on an outpatient instead of an inpatient—

The SPEAKER. Will the gentleman yield.

Making mention, making mention of what is missing from the bill is one thing. To debate, to debate your old amendment from the other bill, I think is going way beyond the permissible bounds of the subject matter of the amendment before us, and that is exactly what you are doing.

Mr. DeLUCA. Well, let me ask you this, Mr. Speaker: What I am trying to do is impress on this body here that we, as elected officials of this Commonwealth—

The SPEAKER. Now, do not give a speech in connection with your question.

Mr. DeLUCA. Okay.

Would I be in order— What I am trying to do is show how important this amendment we put into the bill is to this body and to the consumers of the Commonwealth of Pennsylvania; that is all I am trying to do. I cannot do it by just saying I am against it because the mental-health parity bill is here unless I give you some statistics of what—

The SPEAKER. Mr. DeLuca—

Mr. DeLUCA. I might be wrong, but I am asking your opinion.

The SPEAKER. The amendment you are referring to was never in SB 91, was it?

Mr. DeLUCA. It was in SB 100, yes, that we passed.

The SPEAKER. Yes.

Mr. DeLUCA. Yes.

The SPEAKER. So it was never a part of this particular bill and it is not part of the Micozzie amendment.

Mr. DeWEESE. Mr. Speaker?

Mr. DeLUCA. Let me ask you this, Mr. Speaker.

PARLIAMENTARY INQUIRY

Mr. DeWEESE. Mr. Speaker, point of parliamentary inquiry.

The SPEAKER. Will the gentleman state his point of parliamentary inquiry.

Mr. DeWEESE. I am befuddled as to why the gentleman from Pittsburgh cannot talk about managed care, managed-care language in an amendment that was involved in this debate not too long ago. Whether it was in one bill or the other bill, the subject matter is the same. I would politely appeal, not formally, but the reasoning of the Chair. I think the gentleman is well within bounds and would like the Chair to reconsider his statement.

The SPEAKER. Thank you.

Would you finish with your question, Mr. DeLuca.

Mr. DeLUCA. I think why I am addressing this is because this is not in that piece of legislation, and this piece of legislation addresses a majority of this stuff that we had in SB 100, Mr. Speaker. That is the only reason I am addressing it, and that is one of the reasons I am opposing this amendment.

The SPEAKER. Our rules confine the debate to the subject matter before us, which happens to be the amendment. On final passage, all of these things that you are mentioning now and,

frankly, much of what Mr. Veon had to say would be far more relevant, but I allowed Mr. Veon to go on and I was allowing you to go on but in a contained manner. Then you were turning it into a real cause.

Mr. DeLUCA. I will try to contain it, Mr. Speaker.

The SPEAKER. Thank you.

Mr. DeLUCA. Is that okay? Can I continue?

The SPEAKER. Briefly.

Mr. DeLUCA. Briefly. I will just try to contain this.

I guess the reason that I am opposing the Micozzie amendment is mainly because of the fact that this is not in here. Fourteen other States have adopted the mental-health parity. I think it is time that Pennsylvania came into the age of taking this stigma away from individuals, because it is a very important issue, and I would hope — I would hope — that this issue would be addressed in this legislation somehow, somehow, because there are too many people in the Commonwealth who are suffering because of the fact that we have not come out of the Dark Ages in this Commonwealth.

Thank you very much, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Mr. Lloyd.

Mr. LLOYD. Thank you, Mr. Speaker.

Would the maker of the amendment consent to interrogation?

The SPEAKER. The gentleman, Mr. Micozzie, will stand for interrogation. You may begin.

Mr. LLOYD. Mr. Speaker, would you direct me to the section of your amendment which imposes on the Insurance Commissioner and the Secretary of Health the responsibility for reviewing all existing HMO and PPO (preferred provider organization) and other managed-care plans to assure that they are in compliance with your amendment.

Mr. MICOZZIE. Mr. Speaker, knowing — I am going to respond to your question by making a comment — knowing Mr. Lloyd, Representative Lloyd, I already know he knows the answer to that.

Mr. LLOYD. Well, Mr. Speaker, I am willing to give you the benefit of the doubt if you can point to some language in this bill that —

Mr. MICOZZIE. It is not in there.

Mr. LLOYD. Aha; okay. Thank you.

Mr. MICOZZIE. Mr. Speaker, I remember we have a rule that if you know an answer to a question, you should not ask the question.

Mr. LLOYD. Well, actually, Mr. Speaker, I do not know the answer to the question because I never saw this amendment before we came on the floor of the House. The gentleman got up and said, here it is. It is HMO, it is car insurance, and it is CHIP; vote for it. I think this House deserves answers to questions when we are being asked to vote on controversial amendments. I am trying to find out whether that provision is in the bill. I could not find it, and that was the purpose of my question.

Mr. MICOZZIE. You got your answer.

The SPEAKER. Mr. Micozzie, yield.

Mr. MICOZZIE. Sorry.

Mr. LLOYD. The second question, Mr. Speaker, is, can you show me any language in the bill which imposes on the Insurance Commissioner or the Secretary of Health the legal obligation to review future policies to make sure that they are in compliance with your amendment?

Mr. MICOZZIE. No.

Mr. LLOYD. Mr. Speaker, if I could be recognized on the amendment.

The SPEAKER. The interrogation has ended. Is that correct?

Mr. LLOYD. Yes.

The SPEAKER. The gentleman is recognized.

Mr. LLOYD. I am sorry; excuse me. One other question of interrogation, and I do not know the answer to this question. I think I do, but I am not certain.

We sent SB 100 to the Senate. Has the Senate today or this week voted on that bill?

Mr. MICOZZIE. I do not know the answer to that question.

Mr. LLOYD. Now I am ready to speak on the amendment, Mr. Speaker.

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

Mr. LLOYD. Mr. Speaker, I think the answer to the question probably is no, that probably the Senate has decided it does not want to take the political heat for voting on a bill which we sent over to the Senate with lots of amendments.

Now, I can understand that, but what they are asking us to do today is to take the political heat for them and let them off the hook. We sent them a bill that they can simply vote to concur or they can amend and send back to us. Why are we going to send them another one? I suspect we are going to send them another one because the metroliner is in gear, the skids are greased, the deal is in, and this is going to go to the Governor and he is going to sign it into law, and this is going to be exactly like what happened on tax reform. Oh, we have done something — we have labored long and brought forth a mouse, and most people in here know it.

Now, Mr. Speaker, what use is this amendment if there is no legal obligation for the Insurance Commissioner and the Secretary of Health to make sure that existing and future plans comply with what we are saying the rules are? When we considered this issue before, the gentleman agreed to an amendment to impose that duty. Somebody decided that that was not an appropriate amendment, and I think they decided that for the same reason they did not put that into SB 100 or HB 977 at the outset, because those bills are not intended to be tough pieces of legislation.

Mr. Speaker, we can, we have, done better; we can do better today. All the Senate needs to do is to deal with SB 100. We can work that out before we go home, and that will not happen if we pass this amendment. I urge a negative vote on the Micozzie amendment.

The SPEAKER. On the question of the adoption of the amendment, the gentleman, Mr. George.

Mr. GEORGE. Now, Mr. Speaker, I am a little dubious in that you admonished a colleague of mine for talking about SB 100, and I am wondering —

The SPEAKER. Mr. George, the rules do not apply to you. You know that.

Mr. GEORGE. Well, thank you. Thank you very much. Thank you. Thank you very much. Thank you very much.

You know, like my daddy told me —

The SPEAKER. Except some of them.

Mr. GEORGE. Like my daddy told me, if you have got a friend in high places, you can do just about anything.

The SPEAKER. "Just about" is what he said.

Mr. GEORGE. Now, Mr. Speaker, as you Republicans know that have gone up to Clearfield County once in a while and tried to tell the people that they must have better than me, I come from a

very rural area and my area is basically Republican, and so we Republicans all have the same problem, those of us that come from this rural area.

Now, Representative Vance had a very fine bill; we made it better, and the gentleman, Senator Murphy, he had a pretty good bill; we made it better. And I am somewhat concerned in that when Representative DeLuca was talking about another bill, he said we are not talking about SB 91. We are not talking about SB 91; we are talking about something that is nothing, in that for 20-some years I have tried, even though I am not expert in the medical field or I am not an attorney; I am— The reason I am here, Mr. Speaker, I worked for my dad for 20 years, and he said to my brother, heck, send him somewhere where he understands the job. That is why I am here.

I want to know that if we work with matters of medical deprivation, if we work in areas like I live in where there is medically underserved, if we live in an area where down the road 75 miles there are 100 doctors, and you come from a county where 70 percent of the people are senior citizens, and every time they want to go to a hospital, a doctor loads them into an ambulance, and they go down to that medical center, and they find out when they send the bill in to Medicare that it does not cover an ambulance to a medical center, but unfortunately, in about a month or two, that poor unsuspecting individual gets a bill for \$600 or \$700 for that ride.

Now, we put in this bill, we put in that SB 100, language that would take care of the rural area, special provisions that you and I, those of us that represent the rural area, we put them in because we had heard from people time and time again. We had heard from these individuals that go to a medical center to find it closed, and they wind up going to a hospital. They do not have any coverage; they are not old enough for Medicare. The hospitals in the rural areas wind up stabilizing because medical centers do not have to stabilize. How in the heck do you stabilize an appendectomy?

Well, the truth of the matter is that what we are doing here, they removed everything that we, in the rural area, should insist upon. The amendment allows HMOs to have plans where doctors can be far, far away. They do not have to be within a reasonable distance, is what the bill said when we sent it over to the Senate, Mr. Speaker.

So I am saying in conclusion, Mr. Speaker, they are talking about health care; they are prophesying that we have health care. They are telling us that they are doing the best for us, and the fact remains, they have let us down badly, and if we do not defeat this amendment, we will be letting our people down just as well very badly.

Thank you, Mr. Speaker.

The SPEAKER. The lady, Mrs. Vance.

Mrs. VANCE. Thank you, Mr. Speaker.

I first rise to correct some of the erroneous statements that have been made earlier.

As far as there is an excellent consumer grievance process in the Micozzie amendment, the wording may be changed, and when it deals with consumers, it is called complaint; when it deals with providers, it is called a grievance. They are absolutely identical as far as the internal and external appeals process. We have put in a very strong consumer appeals process.

Secondly, to answer another concern about whether there was any recourse for the Insurance Department, I would suggest that members look on page 24, under section 2181, where they are very

clearly outlined, the actions that the Insurance Department can take. I would also like to say that because we have implemented very strong utilization review processes, that first they have to— The utilization review, in order for them to practice even in Pennsylvania, has to first certify them not once but then again in 3 years, so there are very strong safeguards.

As far as the mental-health parity issue, I strongly support mental-health parity. I do not believe this is the place for it to be. I have voted for it in the past and will continue to vote and work for its passage in the future.

This legislation is really groundbreaking and it is a consumer's bill. We are talking about covered emergency-care benefits 24 hours a day. We are allowing female enrollees direct access for OB-GYN (obstetrical-gynecological) services. We have a continuity of care, which I think is very, very important, that allows enrollees to continue to receive care from their provider for a period of 60 days after the managed-care plan terminates its contract with that provider. The 60 days can be extended if it is deemed necessary. The bill also provides continuity of care for maternity patients as well.

Another important aspect of this legislation is confidentiality of patient records. This is something I personally feel extremely strongly about and believe that we need to release enough information in order for the bill to be paid but we do not need to release the whole patient's chart.

This amendment has the most disclosure requirements that I have ever seen. It is in very plain language for everyone to understand, and it is very long and very broad as well.

As I said earlier, both consumers and providers have access to an excellent appeals process. You may call it grievance; you may call it complaint. It comes down to the fact that both consumers and providers have equal access to an appeals process.

We also talk about prompt payment of clean claims or undisputed claims. You might say, how could this possibly benefit a consumer? I would suggest to you that if a managed-care plan is not paying their bills to a hospital, the hospital is not able to be fully staffed or perhaps not have enough equipment. So I am very pleased that this amendment includes prompt payment of clean claims within 45 days.

The conscience clause, which allows payers or providers not to reimburse certain medical services, is still in the bill.

This amendment establishes Pennsylvania as a leader. We have broken ground that I truthfully, 3½ years ago when I started to work on the bill, did not think we could accomplish. We have taken giant strides to protect the consumers of Pennsylvania, and I ask for your support of the Micozzie amendment.

The SPEAKER. The gentleman, Mr. Colafella.

Mr. COLAFELLA. Thank you, Mr. Speaker.

Mr. Speaker, I rise to oppose the Micozzie amendment for three reasons. The first one is that a consumer whose auto insurance is now going to be canceled has to now pay \$15 to appeal. Before we sent the bill over, they did not have to pay anything.

If a person wants to appeal to an HMO on an external review, they did not have to pay anything before; now they have got to pay \$25.

But the primary reason why I am opposed to this legislation is, this is supposed to be a particular piece of legislation so that our consumers would be more knowledgeable about what HMO to select. What we have done is, we have taken out the opportunity for them to be able to look at a uniform format, which is so

important. For them to be able to look at what one HMO has versus another HMO, that is critical. They took this out, and I think it is wrong, and there is no way that a consumer is going to be able to compare whether they ought to join this same HMO versus another one, and for those reasons I am opposed to the amendment.

The SPEAKER. On the question, the Chair recognizes the gentleman from Delaware, Mr. Gannon.

Mr. GANNON. Thank you, Mr. Speaker.

Mr. Speaker, this amendment troubles me for a number of reasons, but perhaps the most important is because there is not any language in this amendment that gives any type of guideline or definition of what is medically necessary and reasonable treatment. The term is used throughout the legislation, "necessary and reasonable." There is one point in the bill where it says that the insurer or the HMO or the managed-care organization can develop their own definition of what is reasonable and necessary medical treatment. However, as a prior speaker said, that is analogous to letting the fox guard the chickens.

Now, on two occasions prior to this, this House inserted language in the bill similar to this saying that we wanted to have language that gave a clear, understandable definition or a guideline, if you will, of what is reasonable and necessary. Now, one of the arguments that would be made against that kind of language is, well, if you put something in that really gives us some solid definition or guideline, that there would be appeals, numerous appeals and delays. However, my experience has been and I believe the experience of many members of this House is that where the language is clear, where it is understood, and where the doubt is at a minimum, appeals are less likely to occur, and I believe that would be the situation if we had language in this amendment that gave us a clear definition of what is reasonable and necessary medical treatment.

I do not believe it is something that can be vague. I think it is something that everybody should be able to understand. We have done it in the past, and we could have done it again. We could have inserted that language in. It was expressed by the will of the House by an overwhelming majority prior to today that we did want language like that in a bill such as this. In fact, it was in two separate bills that we sent over to the Senate.

One other item troubles me, and that is that after a review takes place, there is a presumption against the reasonableness and necessity of the medical treatment that is provided. Now, what that means is, now the doctor, who is seeing the patient, treating the patient, providing medical services, is actually on the defensive. He has to prove, he has to prove that the treatment that he gave or is about to give or wants to give is reasonable and necessary. Someone who has not seen the patient, has only seen some medical records, and formulated an opinion based on a mere review of records, is now in a much higher position than someone who is licensed by this Commonwealth to practice medicine. We have required them to go to school; we have required them to take tests; we have required them to do time in hospitals and clinics to get the experience that they need before they go out and practice, and now we are making a presumption against that person that the treatment that they rendered was reasonable and necessary.

Finally, I have a great deal of trouble with language that was modified somewhat, and it was a little bit difficult to find in this document, and that was, what is a denial? Most of us, I guess as laymen, would think denial is, well, we are not going to pay that.

It sounds pretty simple, and that would be my presumption had I not read the language that is contained in the prior legislation and in this amendment.

And basically, what this amendment says, and it is on page 10, and it is under the term "Grievance"; it is not even under the term "Denial." I do not know why the drafters of the amendment did not want to make it clear what they meant when they said they were denying payment for services, but it means three things, according to this amendment. First of all, it means we are not going to pay you at all. Now, everybody can understand that. That is pretty simple. They are not going to pay you at all for the services that you gave or want to give or are about to give. The second is, well, we are going to pay you for part of it but we are not going to pay for all of it. So we are going to pay for some but we are not going to pay for all, and I think we can kind of understand that as being a partial denial, if you will.

But the third one is the most troublesome. That says, we are not going to pay you for the care that you want to give to that patient, but we will pay you for the care that we want you to give to that patient. Essentially, what that says is that this managed-care organization can take over the care of that patient and replace the judgment of the doctor with its judgment. And I can just envision, the doctor is on the phone arguing with the insurance company that he wants to provide a medical service to somebody who is very, very sick, and he says, I think they need this, and the insurance company says, well, we are only going to pay you for that and that is what we are going to do, and he is just going to hand that telephone to the patient and say, here, you argue with them; I think they are wrong. And in the meanwhile, that person gets sicker and sicker and sicker.

Mr. Speaker, this has occurred in this Commonwealth where these managed-care companies have denied services, have said, you have got to do another course, and the doctor says, that is not what I feel is in the best interest of the patient; I have that patient in front of me; you are in some office on the telephone looking at some computer screen, looking at their application for benefits, seeing what their coverage is. It is irrelevant.

But I think it is very important that we do not have insurers telling doctors how to treat their patients, and that is exactly what this amendment permits them to do, and I assume that that is why this language was put in here, because they want to give the insurance companies or the insurance companies want to have the right to direct the care of a patient, and I think that is wrong. As I said before, we license these people in the Commonwealth of Pennsylvania to practice medicine.

There is a presumption — and that is a finding by the United States Supreme Court — there is a presumption that the treatment that is rendered by somebody who is licensed by the State is reasonable and necessary, and that presumption should be overcome, not by the doctor; he does not have to prove his case. The insurance company should have to prove its case, and this excuses them from that proof and puts the burden on the doctor or the patient.

Mr. Speaker, for those reasons I urge a "no" vote on this amendment. We can do better and we should do better, and I urge a "no" vote.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the lady from Philadelphia County, Ms. Manderino.

Ms. MANDERINO. Thank you, Mr. Speaker.

Mr. Speaker, I rise to oppose the Micozzie amendment, and like many of my colleagues, I had great hope for this process and great disappointment in the result.

Throughout the whole debate — and we have heard folks say, for example, that we have this great grievance procedure in here, and you know what? That is partially true, because the grievance procedure in here is better than nothing, because what came over originally in the SB 100 bill was nothing with regard to a consumer grievance, and we, the House, spoke and said it is not right to have a grievance just for providers. You have to provide at least as good a grievance for consumers as you provide for providers, and this bill does provide a grievance for consumers. So I guess that it is better than nothing, but it could be so much more. And this is such wasted effort, because what I think is going to happen in reality is the status quo.

One of the things that was so frustrating to me during the whole discussion and push for a grievance procedure for consumers is to hear from insurers, that is okay; what you are offering is a good idea because we do it anyway. And I would sit there and say, well, if you do it anyway, why are we getting so darn many complaints? Do you know why? Because they do it on paper but they do not do it in reality, and one of the reasons they do not do it in reality is because nobody makes them tell the consumer what the grievance process is, how to grieve it, how you can access it, and when you can access it, so here was our big opportunity and we failed.

Sure, we have a section in there that says disclosure, and the disclosure section says, you should tell folks this, but we do not tell them how to. It is very clear from the language in here that you can put together one big member services plan that is about 100 pages, send it out to the members the first time they sign up, and never talk about it again. What we asked for in a grievance procedure is, when I am on the phone with my HMO and they say, no, we will not pay for that, or, no, you cannot go to that doctor, or, no, that medical condition is not covered, or, no, you cannot get a liver transplant, go to this other therapy instead, that right there and then they are required to say to the consumer, but if you disagree with me, you have a right to appeal. All this great language in here and we do not require them to simply tell the consumer that they have a right to appeal.

So the paper is there; the words are pretty. On paper there is a procedure, and just like today, no one is going to tell me about it, and I am not going to be able to access it, and before I figure out what is going on, my 15-day window to do anything about it is going to be here and gone and the calls are going to still come to your office because we did not do it right.

We should be equally as troubled by the fact that we in this House spoke so overwhelmingly in the majority about a need for a uniformed standard for definition of "medical necessity" by which everyone can judge the same thing, and that is not in this bill either. And this is not a bill that came to us from the Senate where they have rejected our ideas; this is an idea in an amendment that never left our own chamber.

So here we are, the House or some portion of the House, telling the majority of the House that the idea of having a uniform standard of medical necessity is not a good one. Well, if I am in charge of the money and I can define what a medical necessity is or is not and whether I define something as a medical necessity or just a coverage issue depends on what track you get to grieve or appeal or complain this process, and if I control all that and do not

tell you the rules when you have an unresolved complaint on the telephone, then I control everything, and I do not think that that is what the people of Pennsylvania want from us. This is supposed to be a patient's bill of rights, a consumer's grievance process. We have given the patient no right if we do not give them proper due notice and education.

We were so concerned about making sure that when you went to an emergency room, that it was you, the person who feared for your health or safety, whose decision it was judged by as to whether or not you belonged there. If you went to the hospital with heart palpitations that you deemed potentially a very serious, life-threatening condition, those were the symptoms by which you were going to be judged. We spoke clearly on that.

But in this language, when the processing of the claim for reimbursement happens, the managed-care plan shall consider both the presenting symptoms and the services provided. So in the end, they are the ones making the judgment call about whether or not you are going to get paid for the services provided. And what is going to happen? The same thing that happens today. Emergency rooms get burned a few times because they went on your presenting symptoms and somebody Monday morning quarterbacked the results and will not pay them for it, and the next thing you know, we are going to be right back with people being turned away from the emergency room. This could be so good for consumers, and it misses the point on so many, on so many points and it misses the mark on so many different issues.

Finally, this cleverly drafted amendment went even further on its anticonsumer articles in the portion of the bill that deals with automobile insurance. Today if you appeal a cancellation or make a complaint about a cancellation from your automobile insurance company to the department, your insurance, so long as you continue to pay the premiums, remains in effect until that appeal is resolved. And if you talk to folks in the department and in the business, they will tell you that those appeals are very important because many good laws to protect the consumers—

THE SPEAKER PRO TEMPORE (J. SCOT CHADWICK) PRESIDING

The SPEAKER pro tempore. Will the lady suspend.

For what purpose does the gentleman, Mr. Blaum, rise?

Mr. BLAUM. Thank you, Mr. Speaker.

Mr. Speaker, this is a very important piece of legislation. I think the lady deserves the attention of the House.

The SPEAKER pro tempore. The Chair is in agreement with that. The House will come to order. Members will please take conversations outside the room. Conversations along the wall, please break up.

Ms. Manderino.

Ms. MANDERINO. Thank you, Mr. Speaker.

The point that I was trying to make is that right now the consumer is protected during the appeal process from the cancellation of an automobile insurance policy so long as they continue to pay the premium.

This bill provides another anti-insurance consumer provision. In addition to the anticonsumer health provisions that are in the managed-care part of the bill, there are anticonsumer automobile insurance portions in the automobile insurance portion of this proposal, and that is that no longer while you wait to appeal a cancellation can you continue your current insurance. You will be

canceled upon a cursory review by the lowest level of complaint reviewer at the Department of Insurance. If at first glance they think that you may not win on an appeal, by issuing that original letter— And I know you guys get them just like I do, where 90 percent of the time they issue a letter to your constituent reinforcing the insurance company's position, and now your insured, your constituent, who does not want to accept a rubber stamp, chooses to appeal, they still have auto insurance. If we pass this law, their auto insurance will be canceled. That is unfair; that is anticonsumer; it is wrong-minded.

We should be against this bill not only for its anticonsumer managed-care provisions but for its anticonsumer automobile insurance provisions, and I ask for a "no" vote.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Washington County, Mr. Trich, on the amendment.

Mr. TRICH. Thank you, Mr. Speaker.

Mr. Speaker, I promise to make this very brief, and I know we have been at this for some time and undoubtedly there will be others who will follow who will give their various reasons as to why they either support or do not support this amendment.

I want to bring it down to something much more personal. Unfortunately, it has to do with one of our colleagues, not in this chamber but on the Senate side, one of our distinguished colleagues on the Senate side who in today's Patriot newspaper had his photo taken and a story given about his fight with leukemia. Now, the very good news is for that colleague in the Senate, his fight for leukemia is one that will be successful, because it is one of those rare types that has an extremely high success rate, and we would certainly pray and hope that that would be the case.

This particular amendment, and one of the reasons why I do not support this amendment, begins to take some of the options that you and I might have if we are faced with such a dilemma when it comes to our oncologists prescribing medication for you and me to use. In the bill that we sent to the Senate, we dealt with that issue. As a matter of fact, the wisdom of this House passed that amendment by a unanimous vote, and what we merely said to the insurance companies was this: If an oncologist prescribes a medication that is designed to help one type of cancer and they believe that that medication in combination with another medication to fight another type of cancer can be used together to be successful, then that insurance company should pay for it. We are not talking about a drug that is experimental; we are talking about drugs that have in fact been approved, that they are successful.

So I would urge my colleagues to vote "no" on this amendment, to vote "no" on this amendment so that we can go back to the drawing board and at least put in those things that we fixed once. This is certainly not a step in the way of reform for the HMO systems if in fact we are going to take tools out of the hands of our doctors who know what they are doing in prescribing medication and are now giving that determination to an insurance company. That is something that none of us should stand for, and therefore, I would hope that you would look at it on a personal nature, think about our colleague in the Senate and what would that be like if it were you or I or what would it be like if it were our family member.

Let us make certain that we correct this bill, to make sure it is something that we are proud of, and I urge you to vote "no" on this amendment.

The SPEAKER pro tempore. The gentleman from Lancaster, Mr. Sturla, on the amendment.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, will the maker of the amendment rise for a brief interrogation?

The SPEAKER pro tempore. The gentleman, Mr. Micozzie, indicates that he will stand for interrogation. You are in order and may proceed.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, I think I know the answer to this, but having been publicly flogged recently for missing a line in a bill, I wanted to make sure that I did not miss this one. Is there language in the bill that requires that services provided by the HMOs be provided within a reasonable distance as was put in some of the other bills by Mr. Lloyd?

Mr. MICOZZIE. No.

Mr. STURLA. Thank you, Mr. Speaker.

I am done with my interrogation. If I could make some comments, please?

The SPEAKER pro tempore. On the amendment.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, I believe Representative George addressed this issue briefly from a rural perspective in terms of being able to access health care and it being within a reasonable distance, and in some of the rural areas, people have to drive for hours sometimes to access health care. I would like to approach that same issue from the urban perspective, because we have seen in medical assistance programs in Philadelphia, for instance, when Mercy was first operating that program in Philadelphia, where they provided services, but, for instance, mental health services were provided in some adjoining county, and anybody who has dealt with any of their mental health services providers or advocates in their district know that a lot of times it is hard enough to get people to access those mental health services anyway. When you put them 40 or 50 or 60 miles away or make it in such a way that you cannot access it, people just simply do not access those services, and that is one of the sort of tricks that is played in terms of saying, yes, you have coverage for certain services; you just cannot ever get to those services to be covered.

Many people in urban areas, if you cannot take the bus or take a taxicab ride for a couple bucks or walk to your health services, in essence you do not have those health services. So one of the things that has been critical in this fight for trying to make and regulate HMOs in such a way that they actually do provide services has been to insure that those services got provided in a reasonable manner and within a reasonable distance so that people could access them. This amendment does not include that type of language. We are back to the same old system where somebody can advertise one thing and never actually provide those services because no one is going to access them. It is the old bait and switch. Yeah, you can have a doctor, but it is not the one that we told you. Yeah, you can have these services, but it is not where you thought you were going to get them.

I would urge members to strongly understand what it is that they would be doing by voting for this. What they are doing is setting back services being provided to their constituents in urban and rural areas, and actually some suburban areas in the State, by not saying that it has to be provided within a reasonable distance.

There are organizations that, particularly for specialty procedures, send people out of State when those same services can be provided in their own communities. That, I think, is unreasonable also, and it is not touched at all in this type of

amendment that the gentleman has opted for. I would hope that we could vote "no" on the Micozzie-amendment so that we can do some true HMO reform and some true services to the people of Pennsylvania, and I would encourage a "no" vote. Thank you, Mr. Speaker.

The SPEAKER pro tempore. On the amendment, the Chair recognizes the gentleman from Erie, Mr. Scrimenti.

Mr. SCRIMENTI. Mr. Speaker, I represent a rural district, and I am concerned that this amendment is bad for rural health care. I agree with the gentleman from Clearfield County that this amendment is bad for rural health care.

Mr. Speaker, I have a background in law enforcement, and I want to talk about the appeals process in this amendment. This amendment only gives consumers 15 days to complain to the Insurance Department about an HMO denial of their complaint. A criminal gets twice that time to appeal a guilty verdict to a judge. That is right; a criminal gets twice that time to appeal a guilty verdict to a judge in this amendment. Go figure.

Mr. Speaker, I will not vote for an amendment that allows more rights for criminals than working families. Thank you, Mr. Speaker.

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

Mr. PERZEL. Thank you, Mr. Speaker.

Mr. Speaker, today this House has the opportunity to take a strong stand on behalf of the children of Pennsylvania. This bill is a vote for children who currently face an uncertain future. A vote for this amendment gives hundreds of thousands of working families across this State hope for their most precious resource — their children. Access to quality health care is more critical than any other program we offer as a Commonwealth, Mr. Speaker. A vote for this amendment means these children do not have to face the risk of not receiving the treatment that they need for a healthy life. We cannot turn our back on Pennsylvania's future — our children.

Now, Mr. Speaker, if I could just have a little quiet, Mr. Speaker, I would like to mention a few things. When you vote "no," if you do vote "no," you are voting against the CHIP program which is in this amendment. That is for the working children, and that is for poor families across this State, and that is 122,000 kids, Mr. Speaker. That is the first thing you are voting against. You are voting against a woman's right to choose her own gynecologist and obstetrician. That is what you are voting against, Mr. Speaker, and it will be her choice if this amendment passes, not the HMO's choice, Mr. Speaker. And then you will be voting against a disabled person's right to choose their own specialist. It is just — Ah, sounds good so far. I think in blue and red it would look really outstanding.

Voting "no," you are voting "no" on emergency room visits that are currently not paid for by HMOs, Mr. Speaker. You are voting against the best parts of quality care and standards for an appeals process. That is another thing you are voting "no" on, Mr. Speaker. You are voting against the best parts of managed care for accountability in our health-care system. For too long, decisions were based on profit and not on health-care needs. And, Mr. Speaker, you would be voting against the CHIP program, which people leaving welfare to go to work will desperately need to be able to keep the jobs that they will be getting.

That is a list that the brochure writers supplied me, and I just hope you do the right thing.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Luzerne County, Mr. Blaum, on the amendment.

Mr. BLAUM. Thank you, Mr. Speaker.

Mr. Speaker, when the people of Pennsylvania and all across the country begin to lose their trust and their faith in government, this bill is a perfect example of why that happens. Not only that, but the comments of the previous speaker are why that happens.

What does this bill do? This bill, if your auto insurance is canceled, if your auto insurance is canceled by an insurance company, under present law you can appeal that. You can appeal that, and you will hold on to that insurance until that appeal is heard. What this law says, what this bill before the House says, is that that is no longer the case. If you are canceled by an insurance company and want to appeal, you can only hold on to that insurance for 30 days, which makes it very unlikely that anybody would be able to appeal, which is exactly the way the insurance industry of Pennsylvania wants it. Bring that bill to the floor of the House, Mr. Majority Leader. Bring that vote to the floor of the House as it is, and it does not pass. It does not pass, because it is not in the interests of the people of Pennsylvania.

What else does this bill do? We went through a lengthy debate on managed care and HMOs. More and more and more and more people in Pennsylvania are being thrust into these HMOs where the only thing that matters is the bottom line, and if they can deny care, if they can deny care, they will to make sure that the bottom line is enhanced. So what did this chamber do? This chamber adopted amendments when it was before us in the House of Representatives. It adopted amendments that said you were able to choose your doctor, which is a basic right of every person in this nation and should be the basic right of everybody in Pennsylvania. That amendment was put in in the House of Representatives. The insurance industry took it out in the Senate. They took it out in the Senate, so the way the bill reads right now, for specialists, that is not the case. You no longer have that right, people of Pennsylvania. They should know what is in this bill. Mr. Majority Leader, bring that bill to the floor of the House in and of itself, and guess what? It does not pass. It will not pass. No one will vote for it if people are not able to choose the doctor of their choice, the specialist of their choice.

What else does it do? It denies care. It denies care, and we had an amendment offered by the lady, Representative Mundy, to put in what is the definition of a medical necessity so that people could not be denied care, so that when a doctor believes that this is the treatment that should be given to their patient, under law, that would be defined, and an insurance company could not deny that care to a particular patient. What happened? The insurance industry took it out in the Senate, took it out in the Senate, because just like the three things I mentioned, they want to cancel your auto insurance policy after 30 days, even though you are appealing; they do not want you to be able to choose the specialist of your choice; and they do not want any definitions, God forbid, of "medical necessity" in this bill so that they have to pay for care. Bring that bill, Mr. Majority Leader, bring that bill to the floor of the House as to whether or not we should have a definition of "medical necessity" in there so people in need of care will not be denied it. If that bill in and of itself came to the floor of the House, what would happen? It would not pass. Well, how in God's name do we get — let us figure it out — how are we going to be able to cancel people's auto insurance policies after 30 days, because we do not

want them to have an insurance company while they are appealing, because we just canceled them. How do we get that passed? We will never get that past the House.

How are we going to get passed denying patients the doctors of their choice? How are we going to get that passed, because we have got to deny them, because we care about the money. We have got to deny them, so how do we do that? How do we take out Representative Mundy's amendment? How do we take that out, because we do not want any definition in there of "medical necessity" so therefore people will have to be given treatment. How do we take that out? If we bring those three terribly unpopular, grossly in opposition to the wishes of the people of Pennsylvania, how do we get that passed for our insurance companies?

I know; let us use kids. Let us pretend, let us pretend, let us pretend that we care about kids. Let us pretend that we care about CHIP, the Children's Health Insurance Program that Bob Casey started. Let us pretend that we care about it. Well, there are 300,000 uninsured kids in Pennsylvania. Well, you know, we are not going to cover them. We are not going to cover all of them. We have a \$500-million surplus; that is okay, but we are not going to cover those 300— Let us just cover some of them, and we will fool enough members of the House of Representatives into voting for the three things we really do want.

You know, these cameras are here, and this is good, you know, for the people to see the House at work. I wish the cameras could be turned into the hallways so they could see wall to wall insurance lobbyists out there trying to get— And if the press is listening, they ought to come down, because I think it would be a great picture. Come down into the hallways and take a photo of what government is like here.

There is no way, there is no way we should be canceling people's auto insurance policies in 30 days when an appeal may take months. There is no way we should be denying people the doctor and specialist of their choice. There is no way we should take out the amendment which put in a definition of "medical necessity" so that people would receive the care that they deserve. But that was done. The insurance industry took it out in the Senate. But how do you get it passed? Let us use kids. The cowards want to use kids, and this human shield, this human shield of kids and the CHIP health insurance program, which we could pass right now, we could pass that right now, not for 150,000 kids; let us cover all the kids. We have the money to do it. Let us cover the kids in the CHIP program, all the uninsured kids in Pennsylvania. If you really cared about kids, that is what you would do.

But, Mr. Speaker, it is outrageous, it is outrageous that the people of Pennsylvania are going to be shafted here today, and I do not think that may happen. I think the courage of the Representative, Representative Gannon, and others will prevail. But let us not use kids as the fellows out in the hallway intend to do into fooling the members of this House, into shafting the people of Pennsylvania. The people of Pennsylvania deserve the right, when their auto insurance is canceled, to appeal and to maintain that insurance while that appeal progresses. The people of Pennsylvania are entitled to the doctor of their choice, and when they find out, if this ever passes and they find out that they were denied this, there is no way that you are going to be able to justify that vote. And let us put into this bill the definition of "medical necessity" so that no one is denied the care that their doctor believes that they deserve and is truly appropriate.

But what is the true outrage here, Mr. Speaker, is that they are all hiding behind uninsured poor kids. They are saying, vote for the insurance industry's boondoggles, three boondoggles that they want, and cover it up by saying you voted for something for uninsured kids. We could do the CHIP bill right now. We could do the CHIP language right now without caving in to the insurance industry of Pennsylvania.

Mr. Speaker, this is one of the crummiest days in all the years that I have been here. If this bill passes, if this bill passes, I am using the kids of Pennsylvania as a shield for the insurance industry. It is an outrage. It is an outrage and it is unbelievable, and if we vote "no" on the Micozzie amendment, which we should do and must do, we have the legislation, and everybody knows it, in order to do the CHIP program, which we always believed. But let us not pretend that they give a hoot about the CHIP program. That is used as the coverup in order to get these three awful pieces of law adopted.

Mr. Speaker, I ask for a negative vote.

The SPEAKER pro tempore. On the amendment, the Chair recognizes the gentleman from Berks County, Mr. Rohrer.

Mr. ROHRER. Thank you, Mr. Speaker.

I stand up and follow all of those who have come before to express my opposition as well to this amendment. I do not think there is any reason to plow the ground that has already been so ably plowed. But I want to take a little bit of a different direction, and I need to ask the sponsor of the amendment if he would stand for interrogation, please.

The SPEAKER pro tempore. Mr. Micozzie indicates that he will stand for interrogation. The gentleman, Mr. Rohrer, may proceed.

Will the House come to order. Members will please take conversations outside the room.

You may proceed, Mr. Rohrer.

Mr. ROHRER. Mr. Speaker, I have just had a chance to kind of read through this, as all of us have; we have not seen this language. But when I get to the section on the CHIP section, I have some questions that I would like to ask of you. One of them has to do with just some facts. I mean, how many uninsured people do we have in this State?

Mr. MICOZZIE. One out of every 11 children are without insurance. Is that what you are talking about? Are you talking about children?

Mr. ROHRER. I am talking about total people.

Mr. MICOZZIE. Approximately a million.

Mr. ROHRER. How many?

Mr. MICOZZIE. A million.

Mr. ROHRER. A million out of 11 million people in this State approximately have no insurance. I have never seen those kinds of numbers substantiated. Now, I know what you are saying and I know what it says in here; there are a million. Those numbers have never been substantiated that I have been able to see, but yet they are there, and I question that.

On page 30 and page 29, there is an advisory council that is listed here. Mr. Speaker, there is listed there a representative from a private nonprofit foundation who is to be a member of this council. Can you tell me why there would be a member of a private nonprofit foundation to comprise this council?

Mr. MICOZZIE. It would be the Caring Foundation, which is one of the major providers.

Mr. ROHRER. A member of the Caring Foundation?

Mr. MICOZZIE. Yes.

The SPEAKER pro tempore. Will the gentlemen both please suspend.

For what purpose does the gentleman, Mr. Colaizzo, rise?

Mr. COLAIZZO. Would you please quiet these people down? There are people that have not made up their mind, that are listening to the debate, and they want to listen to what is being said. Would you do that please, Mr. Speaker?

The SPEAKER pro tempore. The Chair thinks you have done a pretty good job of it, and thanks the gentleman.

You may proceed, Mr. Rohrer.

Mr. ROHRER. The response is what?

Mr. MICOZZIE. Ask the question again.

Mr. ROHRER. I first asked the question why in the composition of this council there would be a designation of a private nonprofit foundation included.

Mr. MICOZZIE. The Caring Foundation members have experience dealing with children, uninsured children.

Mr. ROHRER. If it is the Caring Foundation, then why did we not put down the Caring Foundation?

Mr. MICOZZIE. You are not allowed to specifically mention an organization. I do not think it would be wise to do that.

Mr. ROHRER. Well, why could it not be another foundation?

Mr. MICOZZIE. It could be.

Mr. ROHRER. If it is, who would it be?

Mr. MICOZZIE. I have no idea who it could be. I mean, whoever has experience with children who are uninsured—

Mr. ROHRER. Okay. I hear what you are saying.

Mr. MICOZZIE. —and identify the services that they are in need of.

Mr. ROHRER. Okay. I hear what you are saying. I do not see that, but I hear what you are saying.

Another question, and then bounce off of this: As I read what is in here, we are doing what most States are doing in response to the Federal government's passage of the SCHIP program (State Children's Health Insurance Program). One of the things that they require, according to that, is the production, collection, and maintenance of data, health data, generated on all the kids and families that would be a part of the program that would be made accessible to the Federal government. Do we have any provisions in here at all that deal with data security from collected data on these individuals?

Mr. MICOZZIE. Specifically, there is nothing in the bill, but the Insurance Commissioner would oversee that. Are you talking about confidentiality?

Mr. ROHRER. I am talking about confidentiality and who gets access to the data.

Mr. MICOZZIE. That is up to the Insurance Department and the Commissioner.

Mr. ROHRER. Okay. Thank you, Mr. Speaker.

I have some real problems with what we have in the CHIP legislation, not because—

THE SPEAKER (MATTHEW J. RYAN) PRESIDING

The SPEAKER. The gentleman will yield.

Have you concluded your—

Mr. ROHRER. Mr. Speaker, I have concluded; I have concluded.

The SPEAKER. The gentleman is in order to speak on the amendment.

Mr. ROHRER. Mr. Speaker, I have all the concern in the world that we provide insurance for our children. I have six of them. I have concern for them. But at the same time, I have a problem implementing a brand-new expensive program that is being done according to Federal dictates telling us how we establish the program, what we do with it, how we promote it, how we market it, and put upon us requirements to expand existing programs such as Medicaid.

We have existing health programs in the State that care for our kids. We do not need another one. This does not guarantee in any way better coverage, better treatment, for our kids. As a matter of fact, the last report that was done on the Caring Program, which was the precursor to the CHIP program, privately funded, which covered 44,000 kids, said just in the last report, "...there is no data available regarding the utilization of BlueCHIP program services or about the impact of the program upon the health and well-being of the children who are enrolled....It is estimated that total health care costs to the private sector in Western Pennsylvania....," which is where this was set up, could be 1 percent. "Conversely, there is no clear improvement in the health status of children as a result of enrollment in the...Program."

We have a pilot program that has been in place for years. The purpose of a pilot is to determine whether or not it works. Their own report says, we have no clear data that in fact it has worked, and yet we are going to establish a brand-new bureaucracy with lots of people, with lots of money, that is going to be run by HMOs and managed care to cover the program, that is going to give the same kind of poor service that we are getting in the adult sector, and I think all of us who have problems with the managed care and HMO that we have been talking about, we built it into this program because it was one of the intents, as the program was established across the country, to drive up enrollment in Medicaid, which is under managed care and under these contracts and to be run the same way. I guarantee you, the health care of the kids will not improve the way this thing is set up, just as we have found it has not been improved and it is a problem now with the adult sector.

I believe that there are loads of problems in this whole amendment, and there are a lot of things specifically dealing with the CHIP program that have far more areas that have got to be debated and looked at before I in good conscience can say we have got a good program and we are going to go forward with it.

I ask my colleagues to oppose this amendment and spend more time fixing the problems before we put our stamp of approval on it. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman, Mr. Lloyd, for the second time.

Mr. LLOYD. Mr. Speaker, I had decided not to speak for the second time until the majority leader made his speech.

Last night we were told that everybody ought to vote to amend the Constitution so we could have 110 Republicans after the next reapportionment. This afternoon we are told we have to vote for the Micozzie amendment because if you do not, the brochure writers will get you; it will look good in red and blue. Well, I did not think that was what we were supposed to be doing here. I thought we all understood that this was a debate about how strong an HMO consumer's bill of rights we wanted, and some people have legitimate differences of opinion, and that is fair and that is

reasonable and that is why we are here, to make a decision. But if we are going to say that what the relevant, operative question this afternoon is is what about the brochure writers, then what I would invite members to do is to think about the brochures that can be put out against you if you vote for this amendment by the Pennsylvania Medical Society, by the pharmacists, by the mental health activists, by all of the groups who had a piece of the bills which we passed previously and who are not going to have a piece of what is being done here today. And you ask yourselves whether, when it becomes a question of the brochure writers and it becomes a question of political support at campaign time, if that is what this is really all about, you ask yourselves whether that is a burden you want to accept.

Now, let us be real practical. You vote down the Micozzie amendment, and the brochure writer wants to attack you for voting against an HMO consumer's bill of rights. You all have voted for a stronger bill, two stronger bills — HB 977 and SB 100 — than what you are voting against today, and if you cannot use that to defend yourself in a political campaign, then you are not nearly half as good a politician as I think you all are.

So if the question this afternoon is, how do you best protect yourself from the brochure writers, my suggestion is that you do that by voting "no," and let your Republican colleagues over in the Senate take some of the political heat for a change. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman, Mr. Cowell.

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, the majority leader's remarks have drawn a number of us to the microphone where perhaps we had intended earlier not to speak on this subject. I was intent and content to simply vote in the negative on the Micozzie amendment, but the majority leader said some things that were illuminating to Pennsylvanians and, frankly, just outrageous. They were illuminating because of the candor with which he spoke. I hope that the people who watch this program, the people who listen and read about this discussion, will remember what the majority leader said about what drives his actions and what apparently drives the Republican leadership in this chamber. What apparently drives those actions is how someone is going to write a brochure and how somebody can twist words or twist a vote to reflect a particular point of view, a political point of view, on any particular issue. No matter how you vote on issue after issue, the reality in this chamber is that somebody can take it and twist it and put it on that blue and red and white brochure and claim anything they care to claim, and unfortunately, that has become the norm in terms of how we do business here.

I am not going to endure another campaign. I have the advantage, I guess, of watching from the sidelines this time and in the future. But it is one of the things that is causing so many people to choose not to participate in this process. It is one of the things that fuels the citizens and the voters who really are not sure what the truth is at all, because one of the most powerful politicians in this State can stand here and very publicly brag about how we can take anything and paint a picture on that blue, white, and red brochure and embarrass you or praise you, and the truth really is irrelevant. It depends on what the wordmaster sent down to help drive the speech.

That is what we heard from one of the most powerful legislators in this State today. We did not hear a defense for what is in this

amendment. We did not hear a defense in any way for these proposals. It was a threat that if you happened to vote "no," here is how your views, your position, will be twisted, no matter what else you have done, no matter what else is said here, because the brochure writer — some mysterious, autonomous person — has said they can paint your words and paint your political career that way. That is what we heard from the most powerful Republican leader in this House, with all due respect to the Speaker.

The SPEAKER. That is not good enough. You have to be more apologetic than that.

Mr. COWELL. Mr. Speaker, to your credit, you did not say those things.

Mr. Speaker, there probably will be brochures written, now that that subject has been raised by the majority leader, but the brochure words may in fact highlight your failure as a leadership team to really promote meaningful, comprehensive CHIP legislation that would ensure affordable health care to all the needy children in this State. You are in charge, and you have failed to do that, and that is the real story. The brochure might talk about how you have failed to pursue in conversation with colleagues of your own party and in the administration and in the Senate the strong language that this House has already passed, ostensibly with bipartisan support, but you have failed to support what you voted for. You have failed to argue for it, and if you argued for it, you have been a miserable failure in terms of defending it. That is the real story.

The story might well be the inclination on the part of the majority leadership in this chamber to roll over again and again and again every time there is a difference with the Senate, to roll over and accept their weak version, their halfhearted attempt on issue after issue, ignoring the committee members in this chamber, ignoring even the majority members in this chamber. That is probably what the real stories will be, and the ineptitude of the leadership here to deal with the Senate, unless the game plan is simply to roll over and rubberstamp everything they happen to send and never to stand for anything ourselves and defend it, not just vote for it once so that brochure can be written but to actually defend it and stand for it and fight for it. The failure to do that may well be the story that comes out of this session.

The words in the brochure might really be about the inclination on the part of some members of the majority and certainly the leadership to support a watered-down CHIP bill, to support language that erodes the rights of automobile motorists, to retreat from the rights that Republicans and Democrats voted for only a few days ago for consumers of managed health care in this State. And finally, recalling the words that were so powerful and that caused me to stand up, the real story, as Representative Blaum suggested, might be the fact that some legislative cowards, rather than actually standing and fighting for what they say they really want, would in fact use kids, would in fact use children's health care as a tool to protect the insurance companies of this State, and that is not just a story; that is a crime.

Thank you, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Baker.

Mr. BAKER. Thank you, Mr. Speaker.

Mr. Speaker, I rise to support this amendment to SB 91. As a rural legislator, I have been concerned by some of the comments that I have heard today, and notwithstanding the protestations that I have heard, I believe that overall, this legislation will be good for rural Pennsylvania and the Commonwealth as a whole.

I do believe that there are some consumer issues in this legislation, some consumer protection issues, that are very valid, that are very real and very substantive. You have a complaint process on page 18 that is clearly enumerated, and you have a utilization review process on page 19 that is clearly enumerated. I believe that right now we do not have these kinds of protections in law, and this really will make a difference in the quality of life of our Commonwealth's residents. We just passed a series of quality-of-life bills. I believe this is also a quality-of-life bill that will help our people here in Pennsylvania.

I am very concerned about the comments regarding CHIP, and I believe that this is a major expansion in trying to assist our low-income families, our children, that are underinsured and noninsured. I can tell you, in Tioga County we have the ignominious distinction of having the 20th highest mortality rate in the nation for diabetes, and one of the reasons is because we have an annual per capita income of about \$15,500, and one of the problems is the need, of course, for education and insurance. Without insurance, they cannot get the kinds of preventive medicine, they cannot get the quality health care that they need, and I believe this will go a long way in helping hundreds if not thousands of children in the northern tier of Pennsylvania as well as 122,000 children across the Commonwealth of Pennsylvania. So I do believe this is going to make a very real, substantive difference in the lives of our people here in Pennsylvania.

This is for low-income working families, and I hear that term a lot, both on our side of the aisle and in particular on the other side of the aisle. And I also, for this side of the aisle, I do believe and reiterate the support of the majority leader and Representative Vance and Representative Micozzie and commend them for their good work that this also helps us in our efforts for welfare reform. If people are going to move from welfare to work, they need to place their children in day care. Day-care certification requires that children have immunizations, that they have the necessary health care to qualify for placement in day care, and if we are going to expect individuals to move from welfare to work, we have got to allow them to be able to place their children in day cares, and they cannot do that without the necessary insurance and preventive health that these children require. So this does in fact help welfare reform, and it does help people move from dependency to independence and the American dream.

I really believe that this is quality health care, and I believe that not only is it going to help 122,000 children receive the medical care that they need but also dental coverage. I do not know how many times throughout my district I have heard complaints that children cannot access dental coverage. Well, this also expands that opportunity for children. It is just not primary care; it is also dental coverage for our children, and that is very important to our children.

And lastly, this legislation is not everything that I want it to be, and that is all too often the case, but that is the reality of what we have today with this particular vote on this particular amendment and bill. And I believe that it is not the worst legislation and it may not be the best, but I think it is good legislation, and I think it is going to make a difference here in Pennsylvania.

And I just want to make one last comment and reminder to my colleagues on both sides of the aisle that this legislation is in fact supported by the Hospital Association of Pennsylvania, and those rural colleagues of mine that got up — and I represent probably the second or third largest rural district in the State — those rural

legislators that are concerned about this, your rural hospitals are a part of the Hospital Association of Pennsylvania, and I might remind you that they support this bill. The Pennsylvania Chamber supports this bill. The Pennsylvania Business Roundtable supports this bill. The Insurance Department supports this bill, and the Governor supports this bill. I support this bill, too, Mr. Speaker. Thank you very much.

The SPEAKER. The gentleman from Chester County, Mr. Ross. Mr. ROSS. Thank you, Mr. Speaker.

It has been suggested that we are concerned here about brochure writers, and I will tell you quite frankly, I am not. I am very interested in the people who have complained about problems with HMOs in my district. I am concerned about women who want to be able to go directly to their obstetrician-gynecologist without having to have a gatekeeper tell them whether it was okay or not. I am concerned about the people who have gone to emergency rooms and worried about whether or not that initial diagnosis is going to be covered and whether or not they are going to be adequately taken care of, and these issues are the things that people care about back in our districts. These are the things that people have asked us to come up here and deal with, and I think that if we walk out of here today and we do not pass this bill, we are going to leave our constituents and the people that we are here to represent back in the same sad condition they are in today with HMOs.

I think it is time for us to pass some changes, make some improvements, take a step forward, and get this done today. Thank you.

The SPEAKER. The Chair recognizes the gentleman, Mr. Serafini.

Mr. SERAFINI. Thank you, Mr. Speaker.

Mr. Speaker, I am just standing at this microphone for one reason, and that is to express my deep concern about the CHIP program. I think the CHIP program is one of the best programs that we have to offer for children in Pennsylvania, and in this year's budget the Governor signed on April 22, a total of \$28 million is the initiative that is expected to cover almost 140,000 children in Pennsylvania. But this amendment does not have to be the beginning or the end of the CHIP program, whether it passes or fails. The fact is that we have a bill, HB 2696, which I sponsored, which is the CHIP program. If we are so concerned about children and this amendment is troubling us, I believe that we should initially and first of all sponsor the program that affects CHIP directly, and that is HB 2696. With that bill passed, we will no longer have to worry about an amendment passing that includes not only some good programs but a lot of what I consider to be very negative to the people of Pennsylvania.

I wish that somehow we can find it in our hearts to pass HB 2696 so that the children of Pennsylvania can come first and then worry about the other parts of the amendment second. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Mr. Reinard.

Mr. REINARD. Thank you, Mr. Speaker.

Mr. Speaker, I have been listening to the debate, and the one section of this bill which I have some familiar and some actual working knowledge with deals with a section that I think a few previous speakers have misspoken on, maybe not intently, but it deals with the insurance consumers of this State.

As you know, I am an insurance agent by background, so the only people that I care about when it comes to automobile

insurance are actually the policyholders, and in this legislation, I must tell you, the policyholders are getting more protections and are getting protections from bad drivers that should not be getting the protections that they are getting today.

Now, let me just explain for a moment. We in this legislature have passed reasons why insurance companies can cancel what we have already determined are bad drivers. There is nothing new in here saying who the bad drivers are other than what this House and Senate have already agreed to. We have also gone one step further. We are trying to deal with the section dealing with when an insurer meets, at least under the insurance company's understanding, meets what we call a definition as a reason for cancellation, which is part of the act or part of the law. Presently, they have 20 days to appeal if in fact an insurance company would cancel them for any one of those specific reasons which are in Act 78 currently. This legislation increases it to 30 days. What it also does, however, is tries to go after those drivers that some have called, or at least gave an inference — we are talking about the good policyholders or drivers of this Commonwealth — are the people who have violations and then, for no other reason but to continue coverage — and realize that the appeal processes take a long period of time — utilize that appeal process. What I am talking about is someone who would have two or three violations within a 3-year period, which we know airs grounds for cancellation, according to this House. They will appeal. After the appeal is filed, as a previous speaker said, there will be a review. That reviewer will be looking at Act 78. Act 78 and the driving record of that driver will dictate what that reviewer will do, and if that reviewer finds that that policyholder is in violation of Act 78 and the grounds are there for the insurer, then they will issue their opinion. What we have said previously is that even though we know there may not be any reason why that individual should continue coverage, coverage will continue in effect until a formalized review if the person requests it. Well, if they have heinous violations, I will tell you by fact, they do continue an appeal. This appeal process, unfortunately, because we do not have in the Insurance Department a large number of people to hear these cases, takes some time, and what is happening is all the drivers' rates are being affected by that driver being part of the pool that we are all in.

What Act 78 does not do is give any restitution if in fact that original reviewer did make an error and an error was found in review. This new Micozzie amendment does do that. If one looks on page 7, they will see a whole number of new provisions that the insurers are responsible for, including repayment of any additional costs or putting them back into the original cost if in fact this review was done in error. But I must tell you, the Insurance Department of this State wants this provision only because they are attempting to keep the good drivers covered and the expenses the bad drivers bring onto all our policy rates from us.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Dent, for a few comments on the bill.

Mr. DENT. Thank you, Mr. Speaker.

I rise in support of the Micozzie amendment.

I have heard some negative comments about this amendment, and as I reread the amendment, I am actually perplexed by the opposition. I think we need to talk about what this amendment does. It does a lot of very good things for the consumers and for the working people of Pennsylvania. First and foremost, we provide

direct access for women to an OB-GYN physician. I do not know how we can overlook that. That is very significant, something that many women in this Commonwealth have been asking for as we deal with managed care and reform of that industry and the process by which people receive those services. We eliminate gag clauses in this legislation, thereby improving relationships between doctors and their patients. That is very important to our consumers and our providers, and I think we should not lose sight of that. This legislation provides for it.

We are also providing for a prudent-person standard for emergency room treatment; again, another issue that we have all received complaints about from our various constituents over the years when they have been mistreated in an emergency room, and I think this legislation does again provide for that kind of service that our constituents have demanded. We are providing for, as has been discussed earlier, meaningful utilization review, again important to the consumers and providers of Pennsylvania.

Disclosure. There is a great deal of information in this legislation on disclosure, all of which is, again, helpful to the consumers of Pennsylvania. But above all else, this legislation does expand the CHIP program, the Children's Health Insurance Program, in Pennsylvania. We have expanded this program dramatically — dramatically — and we know who that program serves. It serves the working families of Pennsylvania, the children of the working families who cannot afford health insurance. That is what we are talking about today, helping children receive basic health-care coverage because their parents are not on public assistance but are not in the position to buy their own insurance or have their employer provide it for them.

So for all these reasons I would urge this House to move Pennsylvania forward, to take this process forward and adopt this amendment that brings us, I think, to a high level in Pennsylvania and one that we should all be proud of. And again, I am perplexed by the opposition, and I believe that we should move forward. We are getting a lot of what we need here, and I think it is about time we adopt this amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman, Mr. DeWeese.

Mr. DeWEESE. Bait and switch. The gentleman who offers the amendment, the Micozzie amendment, he could have gone in and ordered a red Mustang the night before last — specific requirements, all kinds of extras, with a specific serial number on it — and then gone back in the next day and there is another red Mustang and everything is the same or almost the same, except there are a few differentials, and of course, the serial number is different. It is a classic bait-and-switch operation in society, and that is what we are voting on today with the Micozzie amendment. The Micozzie amendment is a bait-and-switch amendment. Obviously it should be sundered by all of us.

The chairman of the committee offers this amendment after striving unrelentingly several weeks ago to include physical therapists, to include ophthalmologists, to make sure that tens and tens and tens of "mom and pop" pharmacies in the southeastern counties would be included. But the Micozzie amendment, the bait-and-switch amendment, is going to have the final impact of eviscerating Pennsylvania's managed-care legislation as we saw it several weeks ago. The bipartisan harmony that was arrived at and the accolades and eulogies that you received, Mr. Speaker, for your work are inconsequential late this

afternoon, because we have been baited and switched by this amendment.

Now, you have with your amendment, sir, cleared away some red tape for doctors, and you have, sir, with your amendment cleaned up some language for our insurance companies and for our doctors and for our insurance companies. That is good. But by baiting and switching, many of our little pharmacies in small-town Pennsylvania will not have the vitality next week, next year, that they did last week and last year because of your amendment, the bait-and-switch amendment. Emergency medical people who thought several weeks ago that you were their salvation, that their future in Pennsylvania was secure under managed care and under the Micozzie proposals, now those people also are in a great state of confusion and bewilderment. That is what is happening here today. The baiting and switching is a sorry state of affairs.

As the gentleman from Delaware County on your side of the aisle, the senior chairman, realizes, even our mental health providers and consumers were very, very favorably receiving the news of several weeks ago, before the Micozzie amendment was drafted. We had a universe. We had a very total concept, but that concept has been irremediably cleaved by the author of this amendment.

Now, you can talk all you want to about the Children's Health Insurance Program. We have an amendment here; we could kill your amendment and reinstitute CHIP within minutes, within minutes. The Children's Health Insurance Program is not at stake, sir. That is pure sophistry. To say that some brochure could be written because of CHIP being in or out is absurd; it is absolutely inconsequential.

As the gentleman from Somerset County said a little bit ago, we voted, including on your proposal and the Senate proposal, we voted twice on bills that were eminently stronger than this. This is a vitiated proposal. This is a very, very secondary type of proposal. But it makes sense that the Republican Party, with Tom Ridge at the helm, would try to perpetrate this upon us through the Micozzie amendment. I can see Ridge and Micozzie staying up late last night concocting this.

The local tax reform proposal was a phony-baloney proposal. I do not know who stayed up late; I do not know who stayed up late and engraved that one in legislative granite, but I said at this microphone or at least a more illustrious one upstairs, I said that the local tax reform proposals would not work—

The SPEAKER. Will the gentleman yield.

Mr. DeWEESE. —and they will not work.

The SPEAKER. Will the gentleman yield.

The gentleman is off the subject matter before the House, which is the Micozzie amendment, not tax reform. This day is long enough without opening up everything.

Mr. DeWEESE. With all due respect, Mr. Speaker, I am under the impression that as floor leader I have some latitude. I am trying to describe a pattern. The local tax reform and the Micozzie amendment appear to me to be the same kind of halfhearted effort. I am trying to make that nexus through my debate.

The SPEAKER. Well, I respectfully disagree. I mean, even the floor leaders have to have some reins brought on them or—

Mr. DeWEESE. I believe I have made my point, and I will not need to make it again.

In conclusion, Mr. Speaker, the Micozzie amendment, like the Mellow bill, will probably go down in history. The Micozzie amendment will go down in history among our emergency medical

people. The Micozzie amendment will go down in history among our mental health providers and consumers. The Micozzie amendment will go down in history with physical therapists. The Micozzie amendment will go down in history among our ophthalmologists, optometrists, physical therapists, chiropractors. This is a day which will live in some, some infamy.

And I will close by saying, sir, that at the dawn of the 20th century, the Ottoman Empire was referred to as "the sick man of Europe." The Micozzie amendment is the sick man of managed care. I call for its denial.

The SPEAKER. On the question of the adoption of the amendment, Mr. Micozzie.

Mr. MICOZZIE. Thank you, Mr. Speaker.

And it is M-i-c-o-z-z-i-e; that is the way you spell that name. My father always said, no matter what they say about you, make sure they say the name right and they spell the name right. Thank you.

Now, let us get down to what we are here for.

The two bills that we are talking about that are in the managed-care part of the bill are SB 100 and HB 977. They are utilization review and patients' rights. Now, you can talk about the process, and the process has been that when a bill like this comes on the floor and the cameras are on, then everyone who has anything to say about managed care, from A to Z, is going to look good in front of their constituents and try to do all the things, the good things, apple pie and motherhood, to pass an amendment. Of all the people who spoke today on that side, there is only one person who ever came to me and asked me if we could look into some provision or some bill, and that was Representative Manderino. Of all the people who have spoken, not once have you come to me or Representative Vance and said, let us look at this provision; let us look at medical necessity, the definition; let us look at the different provisions that you are concerned about. On this side of the aisle, I have had a lot of arguments with my good friend, Representative Gannon, on mental parity, but you know, we passed mental parity, because we did the job in committee, we worked on it, and we passed it, and it is over in the Senate. Representative Wright came with diabetes. We passed diabetes, HB 656. It came through this chamber, and it is up in the Senate. Mastectomy came to the committee, and the committee voted for it, and it is up in the Senate, and it was passed into law. And I can go on and on and on.

This argument on managed care is about utilization review and patients' rights. If you want to start talking about mental parity and other provisions, this is not the place to do it. The place to do it is in committee and talk about it in committee, and then if we do not pass it in committee, then you bring it on the floor. That is what the process should be.

Medical necessity. During our debate, during all the meetings we had, the definition of "medical necessity" did not come up in any of the testimonies. What came up, what came up, is a provision of how to address the nonpayment of care and to see if it was medically necessary, and we provided that in the provisions, in the appeal process and whatever we have done in HB 977 and SB 100.

Mr. Speaker, this bill is a good bill, it is a first step, and I ask for everyone's support for this bill. Thank you, Mr. Speaker.

The SPEAKER. On the question of the adoption of the amendment, the yeas and nays will now be taken. There will be a long roll call; a long roll call has been requested by the minority leader.

The clerk will begin the roll call.

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

(Members proceeded to vote.)

The SPEAKER. Will the clerk yield.

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

Last night our counters had a difficult time. I think the count was accurate to the nth degree, but if they could, as Mr. Adolph did, if they could stand in place, that would be very helpful. Thank you.

The following roll call was recorded:

YEAS—106

Adolph	Fargo	Marsico	Schuler
Allen	Feese	Masland	Semmel
Argall	Fichter	Mayernik	Seyfert
Armstrong	Fleagle	McGeehan	Smith, B.
Baker	Flick	McGill	Smith, S. H.
Bard	Geist	McIlhattan	Snyder, D. W.
Barley	Gladeck	McIlhinney	Stairs
Barrar	Godshall	Micozzie	Steil
Benninghoff	Gruppo	Miller	Stern
Boscola	Habay	Myers	Stevenson
Boyes	Harhart	Nailor	Strittmatter
Browne	Hennessey	Nickol	Taylor, E. Z.
Bunt	Herman	O'Brien	Taylor, J.
Butkovitz	Hershey	Oliver	True
Buxton	Hess	Orie	Tulli
Chadwick	Horsey	Perzel	Vance
Civera	Hutchinson	Pippy	Waugh
Clark	Jadlowiec	Platts	Williams, A. H.
Clymer	Kaiser	Raymond	Wilt
Cohen, L. I.	Keller	Reber	Wogan
Cornell	Kenney	Reinard	Wright, M. N.
Dally	Lawless	Rieger	Youngblood
Dent	Lederer	Ross	Zimmerman
DiGirolamo	Lynch	Rubley	Zug
Donatucci	Maher	Sather	
Druce	Maitland	Saylor	Ryan,
Egolf	Major	Schroder	Speaker

NAYS—90

Battisto	Evans	Lloyd	Santoni
Belardi	Fairchild	Lucyk	Scrimenti
Birmelin	Forcier	Manderino	Serafini
Blaum	Gannon	Markosek	Shaner
Caltagirone	George	McCall	Staback
Cappabianca	Gigliotti	Melio	Steelman
Carn	Gordner	Michlovic	Stetler
Carone	Gruitza	Mundy	Sturla
Casorio	Haluska	Pesci	Surra
Cawley	Hanna	Petrarca	Tangretti
Cohen, M.	Harhai	Petrone	Thomas
Colaella	Hasay	Phillips	Tigue
Colaizzo	Itkin	Pistella	Travaglio
Corpora	James	Preston	Trello
Corrigan	Jarolin	Ramos	Trich
Cowell	Josephs	Readshaw	Van Horne
Coy	Kirkland	Roberts	Veon
Curry	Krebs	Robinson	Vitali
DeLuca	LaGrotta	Roebuck	Walko
Dempsey	Laughlin	Rohrer	Williams, C.
Dermody	Leh	Rooney	Wojnaroski
DeWeese	Lescovitz	Sainato	Yewcic
Eachus	Levdansky		

NOT VOTING—2

Bishop

Washington

EXCUSED—5

Bebko-Jones Daley McNaughton Olasz
Belfanti

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

On the question,

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

The SPEAKER. Ms. Mundy, it will be necessary for you to make a motion.

The Chair recognizes the lady, Ms. Mundy.

Ms. MUNDY. Thank you, Mr. Speaker.

The SPEAKER. Will the lady yield for a moment.

The members standing on the side aisles, I have no objection to that, as long as the conversations are carried on outside of the room. To stretch, that is fine; to talk, that is not fine.

Ms. Mundy.

Ms. MUNDY. Thank you, Mr. Speaker.

I am discouraged, I am disheartened, I am sick, because all of you who claim to stand up for the people of Pennsylvania, to stand up for working families, to stand up for people who pay health insurance premiums, people who pay through their work for health insurance coverage—

The SPEAKER. Will the lady yield. Is the lady speaking on final passage?

Ms. MUNDY. At the moment, yes.

The SPEAKER. Thank you.

Ms. MUNDY. All of you who claim to support all of those things have voted for an amendment that fails to do any of those things. But I am going to give you another chance.

Mr. Speaker, without a definition, a clear, concise, standard definition for "medical necessity," this bill is largely worthless. As long as the insurance industry controls that definition—and they do by virtue of the Micozzie amendment—the consumers of Pennsylvania, whether they grieve it, whether the providers go to utilization review, as long as the insurance companies control that definition, they control the care that you get—not your doctor, not your medical provider, and not you, but the insurance companies. Now, if you all trust every insurance company to come up with a definition that is consumer-friendly, then you are more trusting than I am.

MOTION TO SUSPEND RULES

Ms. MUNDY. Mr. Speaker, I move that we suspend the rules in order to take up—I think I have the right number here—amendment No. 3273, which provides a definition—

The SPEAKER. Will the lady yield for a moment.

Ms. MUNDY. Sure.

The SPEAKER. The lady, Ms. Mundy, moves that the rules of the House be suspended to permit her to immediately offer and consider amendment A3273.

On the question,

Will the House agree to the motion?

The SPEAKER. The Chair recognizes the lady, Ms. Mundy.
Ms. MUNDY. Thank you.

If we do not suspend the rules—

The SPEAKER. Ms. Mundy, I am sorry. One other thing. I assume the gentleman, Mr. DeWeese, yields to you his leadership right on suspension.

Ms. MUNDY. Thank you.

If we do not suspend the rules to include this amendment, we have done very little to protect consumers, and I cannot argue more strenuously for standing up for Pennsylvania's consumers, health-care consumers, sick people who need treatment, who are every single day being denied treatment because it is not medically necessary and because the insurance companies control what that means.

Let us do something about that. Let us not pretend to be for women being able to go to their gynecologist when really when they get there and the gynecologist says you need a test, the insurance company says, "But that's not medically necessary." Well, who controls that definition? The insurance company.

The SPEAKER. Ms. Mundy, I hate to do this, but I think you are talking about the wrong number, at least.

Ms. MUNDY. The wrong amendment number?

The SPEAKER. Yes.

Ms. MUNDY. Okay. Well, there is a correct amendment number.

The SPEAKER. We have amendment A3345. You gave us, when I asked you for a number, 3273. Can you tell us the right number?

Ms. MUNDY. I believe the number— It is 3345. That is the correct amendment, and it has been distributed.

The SPEAKER. All right. The clerk will change the board.

Ms. MUNDY. That is the number that is showing.

The SPEAKER. I apologize.

Ms. MUNDY. Well, I apologize, Mr. Speaker. There was some confusion about the Micozzie amendment number, and that was the—

The SPEAKER. The lady is in order to continue.

Ms. MUNDY. I simply would ask you to finally, finally stand up and say that the condition that we find ourselves in in the insurance industry in Pennsylvania today is not acceptable for consumers. Please vote to suspend the rules to allow me to offer this amendment.

The SPEAKER. For what purpose does the gentleman, Mr. Gannon, rise? This is suspension of the rules, which is restricted to the two leaders.

Mr. GANNON. Mr. Speaker, may I interrogate the minority leader, the Democrat leader?

The SPEAKER. On this procedure or on this—

Mr. GANNON. On this procedure.

The SPEAKER. No.

Mr. GANNON. On—

The SPEAKER. No.

I suggest, I suggest what you do is talk to the majority leader. At this time it is appropriate for parliamentary inquiry and matters such as that, but you do not have the right to debate at this point, under our rules.

Mr. GANNON. Well, then if I may have a moment to talk to the Democrat leader.

The SPEAKER. I am sorry I recognized you.

Mr. GANNON. Just a second.

(Conference held.)

PARLIAMENTARY INQUIRY

Mr. DeWEESE. Mr. Speaker, point of parliamentary inquiry.

The SPEAKER. The gentleman will state his point of parliamentary inquiry.

Mr. DeWEESE. I yielded to the lady from Luzerne. Is it possible for me now to yield to the gentleman from Delaware?

The SPEAKER. It is not.

Mr. DeWEESE. Would the Parliamentarian reconfirm that observation, or is that—

The SPEAKER. I do not need the Parliamentarian for such a simple observation as that. That is something that you have known for years and years through your vast legislative experiences. You can delegate once. You cannot just keep delegating. That is what you taught me.

Does the gentleman, Mr. Perzel, desire recognition?

Mr. PERZEL. I was trying to find out which side he was on before I said whether I yielded to him or not.

Mr. Speaker, we now have before us the best parts of quality care, the best parts of managed care, and the CHIP program. I would ask the members not to suspend the rules so that we could get on with the process of voting for that and sending it to the Senate and getting it enacted into law by the Governor.

PARLIAMENTARY INQUIRY

The SPEAKER. Mr. Blaum, for what purpose do you rise?

Mr. BLAUM. Parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. BLAUM. Mr. Speaker, I would like a roll-call vote for this.

The SPEAKER. A long roll call?

Mr. BLAUM. Long roll call.

The SPEAKER. Under the Constitution, it requires two people to demand a long roll call.

Take a long roll call. Ms. Mundy was the second.

Those in favor of suspending the rules will vote "aye"; opposed, "no." The clerk will take a long roll call.

On the question recurring,

Will the House agree to the motion?

(Members proceeded to vote.)

The SPEAKER. Will the clerk suspend.

Mr. Blaum, you requested a long roll call. At this point a long roll call has been taken of half of the members. It is impossible, according to my mathematics, for the rules to be suspended. With your permission, I will take a short roll call on this side of the aisle. The Chair thanks the gentleman.

Without objection, we will record everyone here as a negative unless someone stands up positive— Oh, pardon me. I am sorry. Nice try; yeah. I did not take my ginkgo today. The only people that laughed at that are my age.

Without objection, everyone on the Democrat side of the aisle will be recorded in the affirmative; any negative votes will please rise.

The following roll call was recorded:

YEAS—97

Battisto	Evans	Manderino	Scrimenti
Belardi	Gannon	Markosek	Shaner
Bishop	George	Mayernik	Staback
Blaum	Gigliotti	McCall	Steelman
Boscola	Gordner	McGeehan	Stetler
Butkovitz	Gruitza	Melio	Sturla
Buxton	Haluska	Michlovic	Surra
Caltagirone	Hanna	Mundy	Tangretti
Cappabianca	Harhai	Myers	Thomas
Carn	Horsey	Oliver	Tigue
Casorio	Itkin	Pesci	Travaglio
Cawley	James	Petrarca	Trello
Cohen, M.	Jarolin	Petrone	Trich
Colafella	Josephs	Pistella	Van Home
Colaizzo	Kaiser	Preston	Veon
Corpora	Keller	Ramos	Vitali
Corrigan	Kirkland	Readshaw	Walko
Cowell	LaGrotta	Rieger	Washington
Coy	Laughlin	Roberts	Williams, A. H.
Curry	Lederer	Robinson	Williams, C.
DeLuca	Lescovitz	Roebuck	Wogan
Dermody	Levdansky	Rooney	Wojnarowski
DeWeese	Lloyd	Sainato	Yewcic
Donatucci	Lucyk	Santoni	Youngblood
Eachus			

NAYS—98

Adolph	Fairchild	Maher	Schroder
Allen	Fargo	Maitland	Schuler
Argall	Feese	Major	Semmel
Armstrong	Fichter	Marsico	Serafini
Baker	Fleagle	Masland	Seyfert
Bard	Flick	McGill	Smith, B.
Barley	Forcier	McIlhattan	Smith, S. H.
Barrar	Geist	McIlhinney	Snyder, D. W.
Benninghoff	Gladeck	Micozzie	Stairs
Birmelin	Godshall	Miller	Steil
Boyes	Gruppo	Nailor	Stern
Browne	Habay	Nickol	Stevenson
Bunt	Harhart	O'Brien	Strittmatter
Chadwick	Hasay	Orie	Taylor, E. Z.
Civera	Hennessey	Perzel	Taylor, J.
Clark	Herman	Phillips	True
Clymer	Hershey	Pippy	Tulli
Cohen, L. I.	Hess	Platts	Vance
Cornell	Hutchinson	Raymond	Waugh
Dally	Jadlowiec	Reber	Wilt
Dempsey	Kenney	Reinard	Wright, M. N.
Dent	Krebs	Rohrer	Zimmerman
DiGirolamo	Lawless	Ross	
Druce	Leh	Rubley	Ryan,
Egolf	Lynch	Sather	Speaker

NOT VOTING—3

Carone	Saylor	Zug
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EXCUSED—5

Bebko-Jones	Daley	McNaughton	Olasz
Belfanti			

Less than a majority of the members required by the rules 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 as amended?

MOTION TO SUSPEND RULES

The SPEAKER. The Chair recognizes the gentleman, Mr. Veon. Mr. VEON. Thank you, Mr. Speaker.

Mr. Speaker, of course, I am disappointed with the outcome of the vote on that amendment, and I think that members on both sides, those that agreed with me and those that disagreed, did a very good job of articulating the positions.

At the same time, Mr. Speaker, I think that it is very important that members on both sides who have offered amendments before, 3 weeks ago on the floor of the House, which were overwhelmingly passed by bipartisan vote, have the opportunity one more time, one more time, to vote for medical necessity, to vote for your local pharmacists by carving out pharmacies, vote for choice of doctors, vote for your chiropractors, vote for your physical therapists, vote for mental health parity.

Mr. Speaker, all of those things can be done and should be done here today, and I would like to move to suspend the rules for the purpose of offering an amendment to do just that, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Veon, moves that the House suspend its rules to permit him to offer amendment A3346.

On the question,

Will the House agree to the motion?

The SPEAKER. On the question of suspension of the rules, the gentleman, Mr. DeWeese, I assume, has yielded to the gentleman, Mr. Veon. On that question, the gentleman is recognized.

Mr. VEON. Thank you, Mr. Speaker.

Mr. Speaker, again, this suspension is necessary so that members here have the opportunity to cast an affirmative vote, and I know from talking to some members on our side, some members on the Republican side, that part of the difficulty with the Micozzie amendment was you were being asked to cast a negative vote. Mr. Speaker, I want to make sure that every member here has the opportunity to cast an affirmative vote, and certainly, number one, you have to cast an affirmative vote to suspend the rules so that I may offer an amendment, and that amendment will include all of those good proconsumer things that we did on the floor of the House 3 weeks ago, so that you can go back and talk to the pharmacists in your community, to all the health-care providers, optometrists, physical therapists, chiropractors, and not just to the health-care providers, Mr. Speaker, but most importantly for us, the patients that they take care of. This is not necessarily about every health-care provider; this is about the patients that they treat, and those people are in business because they do treat patients. Those are our constituents; they are certainly health-care consumers in Pennsylvania.

So I wanted to make sure that the members here had the opportunity today and did not have to leave the hall of the House and go back and tell people, well, I would have voted with you except it was not included in the amendment, so there is nothing I could do. Mr. Speaker, here is what you can do: You can suspend the rules for the purpose of offering an amendment that will include all of those things that we have talked about here on the floor of the House today.

So I would ask for an affirmative vote, Mr. Speaker, on suspension of the rules.

The SPEAKER. The Chair thanks the gentleman.

Does the gentleman, Mr. Perzel, desire to be recognized on this issue?

Mr. PERZEL. Thank you, Mr. Speaker.

As I am sure all the members here are well aware, SB 91 is now a very comprehensive bill, and I would not like to lose the positive provisions of this bill, so I would ask the members for a "no" vote on the motion to suspend the rules.

On the question recurring,

Will the House agree to the motion?

The SPEAKER. Those in favor of suspension of the rules on the Republican side of the aisle will please rise.

(Members proceeded to vote.)

The SPEAKER. On the Democratic side of the aisle, any members opposed to suspension of the rules will please rise.

The following roll call was recorded:

YEAS-95

Battisto	Eachus	Manderino	Scrimenti
Belardi	Evans	Markosek	Shaner
Bishop	George	Mayernik	Staback
Blaum	Gigliotti	McCall	Steelman
Boscola	Gordner	McGeehan	Stetler
Butkovitz	Gruitza	Melio	Sturla
Buxton	Haluska	Michlovic	Surra
Caltagirone	Hanna	Mundy	Tangretti
Cappabianca	Harhai	Myers	Thomas
Cam	Horsey	Oliver	Tigue
Casorio	Itkin	Pesci	Travaglio
Cawley	James	Petrarca	Trello
Cohen, M.	Jarolin	Petrone	Trich
Colaella	Josephs	Pistella	Van Horne
Colaizzo	Kaiser	Preston	Veon
Corpora	Keller	Ramos	Vitali
Corrigan	Kirkland	Readshaw	Walko
Cowell	LaGrotta	Rieger	Washington
Coy	Laughlin	Roberts	Williams, A. H.
Curry	Lederer	Robinson	Williams, C.
DeLuca	Lescovitz	Roebuck	Wojnaroski
Dermoddy	Levdansky	Rooney	Yewcic
DeWeese	Lloyd	Sainato	Youngblood
Donatucci	Lucyk	Santoni	

NAYS-103

Adolph	Fargo	Maitland	Schuler
Allen	Feese	Major	Semmel
Argall	Fichter	Marsico	Serafini
Armstrong	Fleagle	Masland	Seyfert
Baker	Flick	McGill	Smith, B.
Bard	Forcier	McLhattan	Smith, S. H.
Barley	Gannon	McIlhinney	Snyder, D. W.
Barrar	Geist	Micozzie	Stairs
Benninghoff	Gladeck	Miller	Steil
Birmelin	Godshall	Nailor	Stern
Boyes	Gruppo	Nickol	Stevenson
Browne	Habay	O'Brien	Strittmatter
Bunt	Harhart	Orie	Taylor, E. Z.
Carone	Hasay	Perzel	Taylor, J.
Chadwick	Hennessey	Phillips	True

Civera	Herman	Pippy	Tulli
Clark	Hershey	Platts	Vance
Clymer	Hess	Raymond	Waugh
Cohen, L. I.	Hutchinson	Reber	Wilt
Cornell	Jadlowiec	Reinard	Wogan
Dally	Kenney	Rohrer	Wright, M. N.
Dempsey	Krebs	Ross	Zimmerman
Dent	Lawless	Rubley	Zug
DiGirolamo	Leh	Sather	
Druce	Lynch	Saylor	Ryan,
Egolf	Maher	Schroder	Speaker
Fairchild			

NOT VOTING-0

EXCUSED-5

Bebko-Jones	Daley	McNaughton	Olasz
Belfanti			

Less than a majority of the members required by the rules 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 as amended?

The SPEAKER. The gentleman, Mr. Veon, did you have some further motion? The Chair thanks the gentleman.

MOTION TO SUSPEND RULES

The SPEAKER. The gentleman, Mr. Blaum, do you seek recognition?

Mr. BLAUM. Thank you, Mr. Speaker.

Mr. Speaker, I would move that the rules be suspended so that I may offer amendment 3344, which will enhance the CHIP program so that—

The SPEAKER. Will the gentleman yield.

Mr. BLAUM. Thank you.

The SPEAKER. The gentleman, Mr. Blaum, moves that the rules of the House be suspended to permit him to offer amendment 3344.

On the question,

Will the House agree to the motion?

The SPEAKER. On that question, the Chair recognizes the gentleman, Mr. Blaum.

Mr. BLAUM. Thank you, Mr. Speaker.

Mr. Speaker, the greatest outrage of this legislation is obviously removing the choice of doctor, taking out the definition of "medical necessity," and hiding behind at the same time the kids of Pennsylvania. While these lobbyists are going to be at some of the finest restaurants in Dauphin County tonight, they used the children of Pennsylvania to get their desires through this chamber.

If we are truly concerned about kids, we will adopt this amendment, and I would ask for an affirmative vote on suspension of the rules.

The SPEAKER. Mr. Perzel.

Mr. PERZEL. Thank you, Mr. Speaker.

I was just talking to our research people, and they said that the Ridge administration has agreed to do all of the things that he outlined here administratively, so therefore, I would ask for a "no" vote on the suspension of the rules. Thank you.

On the question recurring,

Will the House agree to the motion?

The SPEAKER. On the question, on the Republican side, those in favor of suspension of the rules will please rise and remain standing until their names have been called.

(Members proceeded to vote.)

The SPEAKER. The Chair would ask the Democratic side of the House to please rise if you are against the motion to suspend.

The following roll call was recorded:

YEAS-95

Battisto	Eachus	Manderino	Scrimenti
Belardi	Evans	Markosek	Shaner
Bishop	George	Mayernik	Staback
Blaum	Gigliotti	McCall	Steelman
Boscola	Gordner	McGeehan	Stetler
Burkovitz	Gruitz	Melio	Sturla
Buxton	Haluska	Michlovic	Surra
Caltagirone	Hanna	Mundy	Tangretti
Cappabianca	Harhai	Myers	Thomas
Carn	Horsey	Oliver	Tigue
Casorio	Itkin	Pesci	Travaglio
Cawley	James	Petrarca	Trello
Cohen, M.	Jarolin	Petrone	Trich
Colaella	Josephs	Pistella	Van Horne
Colaizzo	Kaiser	Preston	Veon
Corpora	Keller	Ramos	Vitali
Corrigan	Kirkland	Readshaw	Walko
Cowell	LaGrotta	Rieger	Washington
Coy	Laughlin	Roberts	Williams, A. H.
Curry	Lederer	Robinson	Williams, C.
DeLuca	Lescovitz	Roebuck	Wojnaroski
Dermody	Levdansky	Rooney	Yewcic
DeWeese	Lloyd	Sainato	Youngblood
Donatucci	Lucyk	Santoni	

NAYS-103

Adolph	Fargo	Maitland	Schuler
Allen	Feese	Major	Semmel
Argall	Fichter	Marsico	Serafini
Armstrong	Fleagle	Masland	Seyfert
Baker	Flick	McGill	Smith, B.
Bard	Forcier	McIlhattan	Smith, S. H.
Barley	Gannon	McIlhinney	Snyder, D. W.
Barrar	Geist	Micozzie	Stairs
Benninghoff	Gladeck	Miller	Steil
Birmelin	Godshall	Nailor	Stern
Boyes	Gruppo	Nickol	Stevenson
Browne	Habay	O'Brien	Strittmatter
Bunt	Harhart	Orie	Taylor, E. Z.
Carone	Hasay	Perzel	Taylor, J.
Chadwick	Hennessey	Phillips	True
Civera	Herman	Pippy	Tulli
Clark	Hershey	Platts	Vance
Clymer	Hess	Raymond	Vaugh
Cohen, L. I.	Hutchinson	Reber	Wilt
Cornell	Jadlowiec	Reinard	Wogan
Dally	Kenney	Rohrer	Wright, M. N.
Dempsey	Krebs	Ross	Zimmerman

Dent	Lawless	Rubley	Zug
DiGirolamo	Leh	Sather	
Druce	Lynch	Saylor	Ryan,
Egolf	Maher	Schroder	Speaker
Fairchild			

NOT VOTING-0

EXCUSED-5

Bebko-Jones	Daley	McNaughton	Olasz
Belfanti			

Less than a majority of the members required by the rules 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 as amended?

MOTION TO SUSPEND RULES

The SPEAKER. The Chair recognizes the gentleman from Clearfield, Mr. George.

Mr. GEORGE. Mr. Speaker, first let me say, I think I better holler "fire," because that is the only way we are going to get these Republicans to stand up.

Mr. Speaker, the gentleman, Mr. Perzel, does not want what we have done thus far molested in any manner, and that is not my purpose, and if in fact the gentleman truly and sincerely — and I do not doubt his veracity — wants to give the people something that should have been left in the bill, I am going to ask for the suspension of the rules just to add four little words, and those words, if anybody here from the rural area does not appreciate it or does not vote for it, I do not know what they would really want or what they believe, but all I would want to add, especially for the rural area, is "within a reasonable distance" so that we have doctors in the rural area and the HMOs provide them within a reasonable distance.

Now, if that is going to terrorize this bill, if that is going to send the CHIP kids running dangerously into traffic, I do not know, but all I do know is— I should have waited till Mr. Perzel went to the restroom, Mr. Speaker, but he has got pretty good kidneys, so I am going to have to do it now. So I ask to suspend the rules.

The SPEAKER. Would the gentleman be kind enough to give us the amendment number.

Mr. GEORGE. The amendment number, Mr. Speaker, is 3335.

The SPEAKER. The gentleman, Mr. George, asks that the House suspend its rules to permit the immediate consideration of amendment A3335.

On the question,

Will the House agree to the motion?

The SPEAKER. On that question, the Chair recognizes the gentleman, Mr. Perzel.

Mr. PERZEL. Thank you, Mr. Speaker.

I was told to keep it brief, although I do have an explanation for the gentleman.

I oppose the motion to suspend the rules at this point in time,
Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

The SPEAKER. On the question of suspension of the rules, on the Republican side, those in favor of suspension of the rules will stand and remain standing until acknowledged.

(Members proceeded to vote.)

The SPEAKER. On the Democrat side, those opposed to the motion will please stand until their name has been called.

The following roll call was recorded:

YEAS—95

Battisto	Eachus	Manderino	Scrimenti
Belardi	Evans	Markosek	Shaner
Bishop	George	Mayernik	Staback
Blaum	Gigliotti	McCall	Steelman
Boscola	Gordner	McGeehan	Stetler
Butkovitz	Gruitza	Melio	Sturla
Buxton	Haluska	Michlovic	Surra
Caltagirone	Hanna	Mundy	Tangretti
Cappabianca	Harhai	Myers	Thomas
Carn	Horsey	Oliver	Tigue
Casorio	Itkin	Pesci	Travaglio
Cawley	James	Petrarca	Trello
Cohen, M.	Jarolin	Petrone	Trich
Colafella	Josephs	Pistella	Van Horne
Colaizzo	Kaiser	Preston	Veon
Corpora	Keller	Ramos	Vitali
Corrigan	Kirkland	Readshaw	Walko
Cowell	LaGrotta	Rieger	Washington
Coy	Laughlin	Roberts	Williams, A. H.
Curry	Lederer	Robinson	Williams, C.
DeLuca	Lescovitz	Roebuck	Wojnarowski
Dermody	Levdansky	Rooney	Yewcic
DeWeese	Lloyd	Sainato	Youngblood
Donatucci	Lucyk	Santoni	

NAYS—103

Adolph	Fargo	Maitland	Schuler
Allen	Feese	Major	Semmel
Argall	Fichter	Marsico	Serafini
Armstrong	Fleagle	Masland	Seyfert
Baker	Flick	McGill	Smith, B.
Bard	Forcier	McIlhattan	Smith, S. H.
Barley	Gannon	McIlhinney	Snyder, D. W.
Barrar	Geist	Micozzie	Stairs
Benninghoff	Gladeck	Miller	Steil
Birmelin	Godshall	Nailor	Stern
Boyes	Gruppo	Nickol	Stevenson
Browne	Habay	O'Brien	Strittmatter
Bunt	Harhart	Orie	Taylor, E. Z.
Carone	Hasay	Perzel	Taylor, J.
Chadwick	Hennessey	Phillips	True
Civera	Herman	Pippy	Tulli
Clark	Hershey	Platts	Vance
Clymer	Hess	Raymond	Waugh
Cohen, L. I.	Hutchinson	Reber	Wilt
Cornell	Jadlowiec	Reinard	Wogan
Dally	Kenney	Rohrer	Wright, M. N.
Dempsey	Krebs	Ross	Zimmerman
Dent	Lawless	Rublely	Zug

DiGirolamo	Leh	Sather	
Druce	Lynch	Saylor	Ryan,
Egolf	Maher	Schroder	Speaker
Fairchild			

NOT VOTING—0

EXCUSED—5

Bebko-Jones	Daley	McNaughton	Olasz
Belfanti			

Less than a majority of the members required by the rules 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 as amended?

MOTION TO RECONSIDER AMENDMENT A3310

The SPEAKER. The Chair recognizes the gentleman, Mr. DeWeese, who moves that the vote by which amendment 3310 was passed to SB 91, PN 89, on the 9th day of June be reconsidered. This is a reconsideration motion of the Micozzie amendment.

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

The SPEAKER. On the question of reconsideration. Mr. DeWeese, do you desire to be recognized on the question of reconsideration? You filed a reconsideration motion.

The Chair recognizes the gentleman, Mr. Perzel.

Mr. PERZEL. Thank you, Mr. Speaker.

Mr. Speaker, we are not on the normal floor of the House of Representatives. Each member was asked to stand in place and record their vote in either the positive or the negative. There was no margin for error, Mr. Speaker, so based on that, I have to oppose the motion to reconsider that vote.

The SPEAKER. The Chair thanks the gentleman.

On the question, those in favor of the motion will vote "aye"; opposed, "no." The members will proceed to vote.

The members on the Republican side—

MOTION WITHDRAWN

Mr. DeWEESE. Mr. Speaker? I would like to withdraw the motion.

The SPEAKER. Thank you.

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

The SPEAKER. The gentleman, Mr. Trello.

Mr. TRELLO. Mr. Speaker, I rise to make a request of the Speaker or a point of personal privilege.

The SPEAKER. The gentleman will state his point of personal privilege.

Mr. TRELLO. It is on the roll-call voting, Mr. Speaker. We have taken about five or six roll-call votes, and I noticed that you have always started with the other side, and I think the members on this side would like to have you start with us first on every other vote, and the logic to this request is that maybe, just maybe, the vote on this side of the aisle might influence somebody on the other side of the aisle, and we might win one, for a change.

So if you would be so kind as to alternate the roll-call votes, it would be greatly appreciated, Mr. Speaker. Thank you.

The SPEAKER. Mr. Trello, I have been told that this side is prepared to invite you to change registration; move over here so you will not get a complex and be insecure.

Mr. TRELLO. Well, Mr. Speaker, the simple fact that my district—

The SPEAKER. No; they want to debate that. I am sorry. I better take that back.

Mr. TRELLO. Well, the simple fact that my district is 7 to 1 in my favor, there is no chance.

Mr. PERZEL. Mr. Speaker, then he can come over without changing his registration.

Mr. TRELLO. I have on several occasions.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

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

Bill as amended 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?

The Chair recognizes the gentleman, Mr. Itkin.

Mr. ITKIN. Mr. Speaker, I have been here a long time, and perhaps some of my friends might say I have been here for too long a time, but let me say this to you regarding this issue and this bill.

When you are here a long time, you begin to remember things that happened a long time ago, and although my memory may be somewhat fleeting, I do remember years ago, perhaps maybe 17 or 18, 17 years ago or 16 years ago, when this whole issue of managed care and health maintenance organizations became of interest to government, to legislatures, to health departments, as a way of delivering quality service at a reasonable price. At that time, Mr. Speaker, it was like the in thing. It was like vouchers and school choice. It was on the cutting edge of new, innovative ideas.

I had an experience with one of the first health maintenance organizations. As a child, as a child in a family who had health care because my father worked as a public employee, that was at that time a vintage, the first kind of a health maintenance organization, and it was interesting because we did not know, when you were relatively poor — my parents always claimed that they were middle class, and I would always say, from looking around, that we were upper poor — but when you are young and you are a child, you really do not need much health care, and that is why we have been able to do so much with the CHIP program. It goes so far, because so few children are sick and require a lot of expensive care.

And so as a child, I was first subject to this health maintenance organization—

The SPEAKER. Mr. Itkin, pardon me, please.

The conferences along the far wall will please just move through the door.

The Chair apologizes to the gentleman and recognizes the gentleman, Mr. Itkin.

Mr. ITKIN. Thank you, Mr. Speaker.

And my experience as a health-care consumer as a child was not a very positive one. I do recall a very painful experience; true, because it was literally painful. I remember getting a serious cut, and I was bleeding, hemorrhaging, and I went to my local physician. I was cut in the school yard, and I went down to the local physician who lived very close by, and we wrapped my hands in gauze and prevented the blood from flowing, and I went in there and what I discovered was that I needed stitches. That was not necessarily unusual. But I also realized that I did not understand because the physician would not apply any local anesthesia, and although he apologized that this might bite and this might pain, which was extremely painful, he did not apply any local anesthesia, and I found out later on why he did not apply that local anesthesia, because he got so much for seeing me that he was not going to share his limited profit with me as an added cost.

So early on, in the early eighties, when this issue came like an avant-garde issue before the legislature, I think I may have been one or just a few, I think I was the only one who voted “no,” who did not believe that this was a mechanism that would be good, a health-care mechanism that would be good for people, and with time, it looks like the concerns that the public has raised and that practitioners have raised, consumers as well, are that this is not a very, very good health-care process for people.

Mr. Speaker, I was very disappointed to see a lot of the good consumer protections taken out of this bill, and while I would agree that what Mr. Micozzie offered is an improvement of what we now have in the law, it does not go nearly far enough for us to protect the interests of our constituents.

Mr. Speaker, I will reluctantly vote for SB 91 on final passage, but I am mindful to tell you that this is a very small step and that we must address this issue with greater strength of conviction. You know, it is unfortunate that many of us are intimidated by those that pay the freight, the insurance companies of Pennsylvania. I think we have to stand tall. I think we have to demand that our constituents receive good health care, and that begins with good government regulation of what health-care practitioners may provide under managed care.

Mr. Speaker, I will vote for this bill, but I do believe that we must go further. I hope while my tenure of the General Assembly winds down, that maybe I will have a second bite at the apple. Thank you very much.

The SPEAKER. The gentleman, Mr. Veon.

Mr. VEON. Thank you, Mr. Speaker.

Mr. Speaker, I will make sure that I am as brief as possible. I know that we have had a long day here today on a very important issue.

I want to say to the members of the Democratic Caucus, quite frankly, I am very proud of the efforts that the Democratic Caucus has made on managed care not just today but this entire session. We have moved this debate from where it started to where it is today. Because of our aggressiveness, our activity on the issue, paying attention and being informed, I think we moved the debate very, very far in our direction, and I am very disappointed that the Republican Party that controls the levers of State government

today — the Governor, the House, and the Senate — has chosen today to reject our pleas and to pass what will be one of the weakest proconsumer, patients' rights bills in the nation, and I am very disappointed about the Republican Party taking that position here today.

Mr. Speaker, secondly, I am very disappointed in the lack of leadership that this Governor has provided on this issue. At the national level, quite frankly, President Clinton has again and again spoken out and asked the Republican Congress to pass a very strong patient's bill of rights. This Governor has provided no leadership on this issue, and I think because of that, to some degree, once again we will have a mediocre, bland, and very weak patients' rights bill in Pennsylvania, very much like the Governor's entire tenure — very middle-of-the-road, very bland, very mediocre; nothing very inspiring, nothing very cutting edge — and, Mr. Speaker, we are doing that here again today.

But I really do believe because of the work that we did—

The SPEAKER. Will the gentleman yield, please.

The conferences on the floor, just be quiet long enough to listen to the noise level.

Mr. Veon.

Mr. VEON. Thank you, Mr. Speaker.

Mr. Speaker, I say again, because of the work that we did, we have moved this issue, and this, by the way, is not just a Democratic issue, and we have been joined by, I think, some fairminded Republicans all throughout this process. And also, I would say, across the nation, referring to Governor Ridge again, it has not just been Democrats that have been leading the way. I think most of us received a copy of the New York State Pharmacist magazine recently with a picture of Gov. George Pataki on the cover, at the Pharmacists Association annual meeting, signing the pharmacy carve-out, saving the lives of New York pharmacists, on the cover of that magazine. So this is not just a Democratic issue, and there have been Republican Governors across the nation leading the way, in a cutting-edge way, in providing consumer protections and patients' rights all across the nation. That did not happen here and largely because of the lack of leadership of this Governor, and I am deeply disappointed in that.

Mr. Speaker, I would say finally, because we have moved the debate and because this bill is marginally better than what is in the existing law, I am going to vote for it today on final passage. We did our best, and we tried everything we could, and we were unsuccessful in our fight here today, but I think at the end of the day, this bill takes a very, very small, incremental step in the right direction, and for that reason I would encourage an affirmative vote on final passage. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentleman, Mr. Coy.

Mr. COY. Thank you, Mr. Speaker.

Mr. Speaker, I had not actually contemplated speaking on the subject, but candidly, and I know even without Mr. Veon's recommendation, although I value it, many of us were going to vote "yes" on final passage of this bill, because there are good things in it and things that will help to advance the process.

Representative Veon just mentioned pharmacies, and he pointed to an article that was in a New York State publication about pharmacies, but I think if there was one area in this legislation that we could have made it better by, and I know the gentlelady from Luzerne feels strongly about the definition of "medical necessity," and I know there are others who feel strongly about one particular

section or another, but the fact that pharmacies, which, in my opinion— And no one has to tell people like Representative George and myself about what happens in rural Pennsylvania; we primarily live there. What happens there is that a lot of consumers get their health-care advice from pharmacists. Like it or not, that is what happens. Like it or not, that is where they go on the first line, to a pharmacy, and they say to the pharmacist, what can I get for this problem, or what can I get for that problem? Maybe I cannot see the doctor; maybe I cannot get to see the doctor or to the health maintenance organization-approved physician until a later, protracted time. But they can walk into the neighborhood pharmacy or they can call the pharmacist on the telephone and talk to him or her, and the fact that they were left out of this proposal, I think, is problematic. I think it is probably the first thing that this General Assembly will be about the business of fixing. I think we will come back and realize that the pharmacists and pharmacies in Pennsylvania do so much for primary health care for most of our constituents that we will come back, all of us, and say, we needed to do something about this; we needed to address this problem; we needed to recognize the fact that pharmacists and pharmacies are often the first line of attention in health care for many of our consumers.

So just by way of warning, Mr. Speaker, I say that we are going to have to face this issue, and while it was not faced in this legislation and many other things were not faced in this legislation which would have been good, the area of recognizing the amount of influence and the amount of actual health care that is performed by pharmacists is something that this legislation neglects and something that we should have addressed in it. I am sorry we did not. Like many others, I will be voting for it, but I do hope, I do hope that in the future we will recognize this is a problem. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Shall the bill pass finally?

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

Negative votes will please rise.

The following roll call was recorded:

YEAS—195

Adolph	Evans	Maitland	Schuler
Allen	Fairchild	Major	Scrimenti
Argall	Fargo	Manderino	Semmel
Armstrong	Feese	Markosek	Serafini
Baker	Fichter	Marsico	Seyfert
Bard	Fleagle	Masland	Shaner
Barley	Flick	Mayernik	Smith, B.
Barrar	Forcier	McCall	Smith, S. H.
Battisto	Gannon	McGeehan	Snyder, D. W.
Belardi	Geist	McGill	Staback
Benninghoff	George	McIlhattan	Stairs
Birmelin	Gigliotti	McIlhinney	Steelman
Bishop	Gladeck	Melio	Steil
Blaum	Godshall	Michlovic	Stern
Boscola	Gordner	Micozzie	Stetler
Boyes	Gruitza	Miller	Stevenson
Browne	Gruppo	Mundy	Strittmatter
Bunt	Habay	Myers	Sturla
Butkovitz	Haluska	Nailor	Surra
Buxton	Hanna	Nickol	Tangretti

Caltagirone	Harhai	O'Brien	Taylor, E. Z.
Cappabianca	Harhart	Oliver	Taylor, J.
Carn	Hasay	Orie	Thomas
Carone	Hennessey	Perzel	Tigue
Casorio	Herman	Pesci	Travaglio
Cawley	Hershey	Petrone	Trello
Chadwick	Hess	Phillips	Trich
Civera	Horsey	Pippy	True
Clark	Hutchinson	Pistella	Tulli
Clymer	Itkin	Platts	Vance
Cohen, L. I.	Jadlowiec	Preston	Van Horne
Cohen, M.	James	Ramos	Veon
Colaella	Jarolin	Raymond	Vitali
Colaizzo	Kaiser	Readshaw	Walko
Cornell	Keller	Reber	Washington
Corpora	Kenney	Reinard	Waugh
Corrigan	Kirkland	Rieger	Williams, A. H.
Cowell	Krebs	Roberts	Williams, C.
Coy	LaGrotta	Robinson	Wilt
Dally	Laughlin	Roebuck	Wogan
DeLuca	Lawless	Rohrer	Wojnaroski
Dempsey	Lederer	Rooney	Wright, M. N.
Dent	Leh	Ross	Yewcic
Dermody	Lescovitz	Rubley	Youngblood
DeWeese	Levdansky	Sainato	Zimmerman
DiGirolamo	Lloyd	Santoni	Zug
Donatucci	Lucyk	Sather	
Druce	Lynch	Saylor	Ryan,
Eachus	Maher	Schroder	Speaker
Egolf			

NAYS-3

Curry	Josephs	Petrarca
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NOT VOTING-0

EXCUSED-5

Bebko-Jones	Daley	McNaughton	Olasz
Belfanti			

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

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

SUPPLEMENTAL CALENDAR G

RESOLUTION PURSUANT TO RULE 35

Mr. FLICK called up HR 496, PN 3740, entitled:

A Resolution congratulating the American Legislative Exchange Council on the occasion of its 25th Anniversary.

On the question,
Will the House adopt the resolution?

The SPEAKER. "No" votes will kindly stand up.

The following roll call was recorded:

YEAS-198

Adolph	Egolf	Maher	Schroder
Allen	Evans	Maitland	Schuler
Argall	Fairchild	Major	Scrimenti
Armstrong	Fargo	Manderino	Semmel
Baker	Feese	Markosek	Serafini
Bard	Fichter	Marsico	Seyfert
Barley	Fleagle	Masland	Shaner
Barrar	Flick	Mayernik	Smith, B.
Battisto	Forcier	McCall	Smith, S. H.
Belardi	Gannon	McGeehan	Snyder, D. W.
Benninghoff	Geist	McGill	Staback
Birmelin	George	McIlhattan	Stairs
Bishop	Gigliotti	McIlhinney	Stelman
Blaum	Gladeck	Melio	Steil
Boscola	Godshall	Michlovic	Stern
Boyes	Gordner	Micozzie	Stetler
Browne	Gruitza	Miller	Stevenson
Bunt	Gruppo	Mundy	Strittmatter
Butkovitz	Habay	Myers	Sturla
Buxton	Haluska	Nailor	Surra
Caltagirone	Hanna	Nickol	Tangretti
Cappabianca	Harhai	O'Brien	Taylor, E. Z.
Carn	Harhart	Oliver	Taylor, J.
Carone	Hasay	Orie	Thomas
Casorio	Hennessey	Perzel	Tigue
Cawley	Herman	Pesci	Travaglio
Chadwick	Hershey	Petrarca	Trello
Civera	Hess	Petrone	Trich
Clark	Horsey	Phillips	True
Clymer	Hutchinson	Pippy	Tulli
Cohen, L. I.	Itkin	Pistella	Vance
Cohen, M.	Jadlowiec	Platts	Van Horne
Colaella	James	Preston	Veon
Colaizzo	Jarolin	Ramos	Vitali
Cornell	Josephs	Raymond	Walko
Corpora	Kaiser	Readshaw	Washington
Corrigan	Keller	Reber	Waugh
Cowell	Kenney	Reinard	Williams, A. H.
Coy	Kirkland	Rieger	Williams, C.
Curry	Krebs	Roberts	Wilt
Dally	LaGrotta	Robinson	Wogan
DeLuca	Laughlin	Roebuck	Wojnaroski
Dempsey	Lawless	Rohrer	Wright, M. N.
Dent	Lederer	Rooney	Yewcic
Dermody	Leh	Ross	Youngblood
DeWeese	Lescovitz	Rubley	Zimmerman
DiGirolamo	Levdansky	Sainato	Zug
Donatucci	Lloyd	Santoni	
Druce	Lucyk	Sather	Ryan,
Eachus	Lynch	Saylor	Speaker

NAYS-0

NOT VOTING-0

EXCUSED-5

Bebko-Jones	Daley	McNaughton	Olasz
Belfanti			

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

CALENDAR CONTINUED

RESOLUTIONS

Mr. COY called up **HR 455, PN 3488**, entitled:

A Resolution urging the USDA to promote the use of appropriate poultry vaccines to prevent avian influenza.

On the question,
Will the House adopt the resolution?

REMARKS SUBMITTED FOR THE RECORD

The SPEAKER. The Chair recognizes the gentleman, Mr. Coy, on the resolution.

Mr. COY. I would just like to submit remarks for the record.

The SPEAKER. The gentleman is in order and should send them to the desk.

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

Pennsylvania's poultry industry is an integral part of our State's largest economic enterprise: agriculture. As the industry grows and changes to accommodate the needs of the next millennium, it is imperative that our animal health policies here in Harrisburg and in Washington reflect the needs of producers and consumers alike.

The purpose of HR 455 is to express the sentiment of the General Assembly of Pennsylvania that the United States Department of Agriculture should allow the use of an avian influenza vaccine to prevent and control that virus in chickens. Evidence demonstrates that such a vaccine would be more cost effective than the current control method of massive depopulation of flocks. The fact that the United States Department of Agriculture already allows the use of an avian influenza vaccine to prevent and control the virus in turkey should not be overlooked.

In the mid-1980s, this State's poultry producers were crippled by an avian influenza epidemic. In the late 1980s, this legislature created, under the sponsorship of late State Representative Samuel Morris, an Animal Health and Diagnostic Commission. This commission, consisting of experts throughout the field, was designed to depoliticize animal health policymaking within the Commonwealth. I would suggest that the United States Department of Agriculture use that same principle as it looks to the issue of an avian influenza vaccine.

I appreciate the support of my colleagues as does the industry, and I urge an affirmative vote on this important resolution.

The USDA (United States Department of Agriculture) already allows the use of an avian influenza vaccine to prevent and control the virus in turkeys. It would be equally effective in chickens and should be put to use immediately. It is more cost effective than the current control method of massive depopulation of the flocks.

The flock depopulation program conducted in 1983-1984 crippled the industry and significantly increased the cost of poultry meat and eggs to consumers.

Avian influenza, a Hong Kong H5N1-type virus, poses a continuous threat to the poultry industry in Pennsylvania, its contiguous States and the Northeast.

Under my resolution, the Pennsylvania House of Representatives urges the USDA to enter into meaningful dialogue with the poultry industry in Pennsylvania and other States regarding the research, production,

stockpiling, and use of H5- and H7-type avian flu vaccines and urges the USDA to enter into discussions with other countries regarding poultry vaccines.

Pennsylvania is ranked third in the nation in egg production and \$265 million annually is generated by the laying flocks that produce nearly 6 billion eggs.

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

The SPEAKER. The negative votes should rise.

The following roll call was recorded:

YEAS—198

Adolph	Egolf	Maher	Schroder
Allen	Evans	Maitland	Schuler
Argall	Fairchild	Major	Scrimenti
Armstrong	Fargo	Manderino	Semmel
Baker	Feese	Markosek	Serafini
Bard	Fichter	Marsico	Seyfert
Barley	Fleagle	Masland	Shaner
Barrar	Flick	Mayernik	Smith, B.
Battisto	Forcier	McCall	Smith, S. H.
Belardi	Gannon	McGeehan	Snyder, D. W.
Benninghoff	Geist	McGill	Staback
Birmelin	George	McIlhattan	Stairs
Bishop	Gigliotti	McIlhinney	Steelman
Blaum	Gladeck	Melio	Steil
Boscola	Godshall	Michlovic	Stern
Boyes	Gordner	Micozzie	Stetler
Browne	Gruitza	Miller	Stevenson
Bunt	Gruppo	Mundy	Strittmatter
Butkovitz	Habay	Myers	Sturla
Buxton	Haluska	Nailor	Surra
Caltagirone	Hanna	Nickol	Tangretti
Cappabianca	Harhai	O'Brien	Taylor, E. Z.
Cam	Harhart	Oliver	Taylor, J.
Carone	Hasay	Orie	Thomas
Casorio	Hennessey	Perzel	Tigue
Cawley	Herman	Pesci	Travaglio
Chadwick	Hershey	Petrarca	Trello
Civera	Hess	Petrone	Trich
Clark	Horsey	Phillips	True
Clymer	Hutchinson	Pippy	Tulli
Cohen, L. I.	Itkin	Pistella	Vance
Cohen, M.	Jadlowiec	Platts	Van Horne
Colaella	James	Preston	Veon
Colaizzo	Jarolin	Ramos	Vitali
Cornell	Josephs	Raymond	Walko
Corpora	Kaiser	Readshaw	Washington
Corrigan	Keller	Reber	Waugh
Cowell	Kenney	Reinard	Williams, A. H.
Coy	Kirkland	Rieger	Williams, C.
Curry	Krebs	Roberts	Wilt
Dally	LaGrotta	Robinson	Wogan
DeLuca	Laughlin	Roebuck	Wojnaroski
Dempsey	Lawless	Rohrer	Wright, M. N.
Dent	Lederer	Rooney	Yewcic
Dermody	Leh	Ross	Youngblood
DeWeese	Lescovitz	Rubley	Zimmerman
DiGirolamo	Levdansky	Sainato	Zug
Donatucci	Lloyd	Santoni	
Druce	Lucyk	Sather	Ryan,
Eachus	Lynch	Saylor	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—5

Bebko-Jones
Belfanti

Daley

McNaughton

Olasz

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

* * *

RESOLUTION PASSED OVER TEMPORARILY

The SPEAKER. Concurrent resolution Senate 134, PN 1678, is called up. The clerk will read the resolution.

The clerk will suspend.

This resolution is over.

SENATE MESSAGE

HOUSE RESOLUTION
CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, informed that the Senate has concurred in **HR 352, PN 3014**.

SENATE MESSAGE

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

The clerk of the Senate, being introduced, returned **HB 1480, PN 3643; HB 1778, PN 3738; and HB 2328, PN 3614**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

SENATE MESSAGE

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

The clerk of the Senate, being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives by amending said amendments to **SB 1163, PN 2076; and SB 1164, PN 2077**.

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

SENATE MESSAGE

ADJOURNMENT RESOLUTION
FOR CONCURRENCE

The clerk of the Senate, being introduced, presented the following extract from the Journal of the Senate, which was read as follows:

In the Senate
June 9, 1998

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week, it reconvene on Monday, September 28, 1998, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, That when the House of Representatives adjourns this week, it reconvene on Monday, September 28, 1998, unless sooner recalled by the Speaker of the House of Representatives.

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

On the question,

Will the House concur in the resolution of the Senate?

Resolution was concurred in.

Ordered, That the clerk inform the Senate accordingly.

RESOLUTION

Mr. PERZEL called up **SR 134, PN 1678**, entitled:

A Concurrent Resolution memorializing the President and Congress of the United States not to approve the Kyoto Protocol on Global Climate Change.

On the question,

Will the House concur in the resolution of the Senate?

The SPEAKER. Negative votes will please rise.

The following roll call was recorded.

YEAS—196

Adolph	Fairchild	Major	Schuler
Allen	Fargo	Manderino	Scrimenti
Argall	Feese	Markosek	Semmel
Armstrong	Fichter	Marsico	Serafini
Baker	Fleagle	Masland	Seyfert
Barley	Flick	Mayernik	Shaner
Barrar	Forcier	McCall	Smith, B.
Battisto	Gannon	McGeehan	Smith, S. H.
Belardi	Geist	McGill	Snyder, D. W.
Benninghoff	George	McIlhattan	Staback
Birmelin	Gigliotti	McIlhinney	Stairs
Bishop	Gladeck	Melio	Steelman
Blaum	Godshall	Michlovic	Steil
Boscola	Gordner	Micozzie	Stern
Boyes	Gruitza	Miller	Stetler
Browne	Gruppo	Mundy	Stevenson
Bunt	Habay	Myers	Strittmatter
Butkovitz	Haluska	Nailor	Sturla
Buxton	Hanna	Nickol	Surra
Caltagirone	Harhai	O'Brien	Tangretti
Cappabianca	Harhart	Oliver	Taylor, E. Z.
Carn	Hasay	Orie	Taylor, J.
Carone	Hennessey	Perzel	Thomas
Casorio	Herman	Pesci	Tigue
Cawley	Hershey	Petrarca	Travaglio
Chadwick	Hess	Petrone	Trello
Civera	Horsey	Phillips	Trich
Clark	Hutchinson	Pippy	True
Clymer	Itkin	Pistella	Tulli
Cohen, M.	Jadlowiec	Platts	Vance
Colaella	James	Preston	Van Home
Colaizzo	Jarolin	Ramos	Veon
Cornell	Josephs	Raymond	Vitali
Corpora	Kaiser	Readshaw	Walko

Corrigan	Keller	Reber	Washington
Cowell	Kenney	Reinard	Waugh
Coy	Kirkland	Rieger	Williams, A. H.
Curry	Krebs	Roberts	Williams, C.
Dally	LaGrotta	Robinson	Wilt
DeLuca	Laughlin	Roebuck	Wogan
Dempsey	Lawless	Rohrer	Wojnaroski
Dent	Lederer	Rooney	Wright, M. N.
Dermody	Leh	Ross	Yewcic
DeWeese	Lescovitz	Rubley	Youngblood
DiGirolamo	Levdansky	Sainato	Zimmerman
Donatucci	Lloyd	Santoni	Zug
Druce	Lucyk	Sather	
Eachus	Lynch	Saylor	Ryan.
Egolf	Maher	Schroder	Speaker
Evans	Maitland		

NAYS-2

Bard Cohen, L. I.

NOT VOTING-0

EXCUSED-5

Bebko-Jones Daley McNaughton Olasz
Belfanti

The majority of the members elected to the House having voted in the affirmative, the question was determined in the affirmative and the resolution was concurred in.

Ordered, That the clerk inform the Senate accordingly.

BILLS SIGNED BY SPEAKER

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

SB 543, PN 2054

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for neglect of care-dependent people, for control of firearms, for firearms licenses, for firearms sale and transfer, for functions of the Pennsylvania State Police relative to firearms, for the Firearms Instant Records Check Fund and for licensing of firearms dealers; and providing for municipal housing code avoidance and for control of alarm devices and automatic dialing devices.

SB 888, PN 2036

An Act regulating the construction, equipment, maintenance, operation and inspection of boilers and unfired pressure vessels; granting certain authority to and imposing certain duties upon the Department of Labor and Industry; providing for penalties; and making a repeal.

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

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of SB 833, PN 1908, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, defining the offense of institutional sexual assault; and providing penalties.

On the question,

Will the House agree to the bill on third consideration?

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.

Mr. PERZEL. Mr. Speaker, I move, on page 3 of today's calendar, that SB 833, PN 1908, be recommitted to the Committee on Appropriations.

On the question,

Will the House agree to the motion?

Motion was agreed to.

RULES COMMITTEE MEETING

The SPEAKER. The Chair recognizes the majority leader, who calls an immediate meeting of the Rules Committee.

RESOLUTIONS REPORTED
FROM COMMITTEE

HR 484, PN 3676

By Rep. PERZEL

A Resolution urging the Attorney General to challenge the constitutionality of certain Federal statutes regarding air pollution.

RULES.

HR 494, PN 3709

By Rep. PERZEL

A Resolution providing for a review of the financial matters of the Philadelphia School District by the Appropriations Committee.

RULES.

BILLS ON CONCURRENCE
REPORTED FROM COMMITTEE

HB 1480, PN 3643

By Rep. PERZEL

An Act amending Title 54 (Names) of the Pennsylvania Consolidated Statutes, adding and changing definitions; making classifications; and providing for registrability and application for registration, duration and renewal, for cancellation for damages for fraudulent registration, for infringement, for injury to business or reputation and for remedies.

RULES.

HB 1502, PN 3699

By Rep. PERZEL

An Act amending Title 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes, further providing for persons who may execute anatomical gifts and for contributions to the Organ Donation Awareness Trust Fund.

RULES.**HB 1778, PN 3738**

By Rep. PERZEL

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for terroristic threats and for obscene and other sexual materials.

RULES.**HB 2361, PN 3084**

By Rep. PERZEL

A Supplement to the act of July 7, 1972 (P.L. 743, No. 176), known as the Lincoln University-Commonwealth Act, making appropriations for carrying the same into effect; providing for a basis for payments of such appropriations; and providing a method of accounting for the funds appropriated and for certain fiscal information disclosure.

RULES.**SB 220, PN 2075 (Amended)**

By Rep. PERZEL

An Act amending the act of August 9, 1955 (P.L. 323, No. 130), entitled The County Code, authorizing the abolition of jury commissioners in certain counties of the third class; further providing for the collection of county taxes during vacancies in the office of elected tax collectors in municipalities; providing for an excise tax in certain counties and for appropriations for radio broadcasting companies; further providing for municipal approval for certain expenditures for airports in certain counties of the second class A; and making a repeal.

RULES.**SB 640, PN 2065 (Amended)**

By Rep. PERZEL

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for juvenile matters definitions, for prisoner litigation, for limitation on remedies, for prospective relief, for time limits on settlements and for payment of damages; further providing for certain expenses and fees relating to the minor judiciary, for service of process, for collection of restitution, reparation, fees, costs, fines and penalties and for record requirements; and providing for contents of presentence reports.

RULES.**SB 1164, PN 2077**

By Rep. PERZEL

An Act amending the act of April 12, 1951 (P.L. 90, No. 21), entitled, as reenacted, Liquor Code, providing for alcoholic cider; further providing for certain performing arts facilities, for wine auction permits, for malt and brewed beverages licenses, stadium or arena permits, for distributors and importing distributors restrictions, for interlocking business, for malt or brewed beverages manufactured outside this Commonwealth, for

exceptions to limiting the number of retail licenses issued in each municipality, for incorporated units of National veterans organizations, for licenses not assignable, for application filing dates, for the filing of license renewal applications, for display of prices of alcoholic beverages, for licensee's outside advertisements, for special occasion permits and for licensee's employed by others.

RULES.**BILL ON THIRD CONSIDERATION**

The House proceeded to third consideration of **HB 969, PN 3015**, entitled:

An Act encouraging State agencies to locate facilities in a downtown area.

On the question,

Will the House agree to the bill on third consideration?

Mr. **ARGALL** offered the following amendment No. **A3142**:

Amend Sec. 2, page 1, line 12, by inserting after "flight"
and sprawl

Amend Sec. 2, page 1, line 13, by striking out "central" and inserting
traditional central and neighborhood

Amend Sec. 2, page 1, line 14, by striking out "the central business district" and inserting

these districts

Amend Sec. 2, page 2, line 5, by striking out "central" and inserting
traditional central and neighborhood

Amend Sec. 2, page 2, line 12, by striking out "downtown areas" and inserting

downtowns

Amend Sec. 3, page 2, lines 21 through 24, by striking out "which has traditionally served as the retail," in line 21, all of lines 22 through 24 and inserting

within a neighborhood of a city, borough, incorporated town or township, in every case that has traditionally served, since the founding of the community, as the retail service and communal focal point within that community of this Commonwealth.

Amend Sec. 3, page 2, line 27, by striking out all of said line and inserting

"State agency." Includes any of the departments, agencies, boards, commissions and

Amend Sec. 4, page 3, lines 3 through 29, by striking out all of said lines and inserting

The department shall establish and promulgate regulations to encourage State agencies to locate leased and State-constructed facilities in a downtown area. The regulations shall:

(1) Focus on:

(i) Local economic considerations.

(ii) The requirements of the agency.

(iii) Servicing clientele needs.

(iv) The availability of suitable space.

(v) Competitiveness in the market place.

(2) Give primary consideration to the restoration, reuse, or both, of existing structures within the downtown. When using existing structures reasonable efforts shall be made to:

(i) Restore or rebuild the structure's facade which maintains the architectural integrity of the building and streetscape according to the United States Secretary of the Interior's Standards for Rehabilitation (36 CFR 68).

(ii) Ensure that the structure meets the Americans with Disabilities Act of 1990 (Public Law 101-336, 104 Stat. 327) requirements in an aesthetically pleasing manner.

(3) Give secondary consideration to the use of in-fill construction within the downtown if the restoration or reuse of existing structures within the downtown is not determined to be a reasonable alternative by the department. When using in-fill structures reasonable efforts shall be made to:

(i) Have the scale and facade of the in-fill structure maintain the architectural integrity of the existing streetscape.

(ii) Ensure that the structure meets the Americans with Disabilities Act of 1990 requirements in an aesthetically pleasing manner.

(4) Include provisions to deny requests from State agencies to locate or to relocate outside of a downtown area unless it is documented that no reasonable alternative exists. Lack of onsite parking shall not alone be sufficient documentation when alternative parking is available within the downtown.

(5) Coordinate the location of State-constructed facilities with existing public and private sector organizations committed to community development, downtown revitalization and historic preservation.

Section 5. Report to the General Assembly.

(a) Report.—Within one year after the effective date of this act, and every year thereafter, the department shall submit a report to the Urban Affairs and Housing Committee and the Community and Economic Development Committee of the Senate and the Urban Affairs Committee and the Commerce and Economic Development Committee of the House of Representatives concerning the implementation of this act.

(b) Contents.—This report shall include, but not be limited to, the following:

(1) The total number of leased and State-constructed facilities reviewed by the department during the prior year.

(2) The number of leased and State-constructed facilities that were located in downtown areas as defined by this act.

(3) In cases where a leased or State-constructed facility was not in a downtown area, the reasons for the lease or facility being located outside of the downtown area.

(4) The number of leases and State-constructed facilities that included the restoration and reuse of an existing structure.

(5) Measures taken by the department to encourage State agencies to located in downtown areas.

Amend Sec. 5, page 3, line 30, by striking out "5" and inserting

6

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

The SPEAKER. On the question of the adoption of the amendment, the Chair recognizes the gentleman, Mr. Argall.

Mr. ARGALL. Thank you, Mr. Speaker.

Mr. Speaker, this amendment is a rewritten version of HB 969.

We have been working with the Secretary of General Services, the Center for Rural Pennsylvania, the Pennsylvania Downtown Center, the League of Cities, the Boroughs Association, Preservation Pennsylvania, trying to encourage Pennsylvania State government, like many other State governments and the Federal government, to look first when locating an office, when leasing an office. It is not an outright mandate, but it does encourage State agencies to look downtown first. For many State agencies we believe that locating downtown would be helpful in our ongoing efforts to fight blight in Pennsylvania, and I would encourage a positive vote.

The SPEAKER. The Chair thanks the gentleman.

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

The SPEAKER. Negative votes will please stand and remain standing until your name has been called.

The following roll call was recorded:

YEAS—198

Adolph	Egolf	Maher	Schroder
Allen	Evans	Maitland	Schuler
Argall	Fairchild	Major	Scrimenti
Armstrong	Fargo	Manderino	Semmel
Baker	Feese	Markosek	Serafini
Bard	Fichter	Marsico	Snyfart
Barley	Fleagle	Masland	Shaner
Barrar	Flick	Mayernik	Smith, B.
Battisto	Forcier	McCall	Smith, S. H.
Belardi	Gannon	McGeehan	Snyder, D. W.
Benninghoff	Geist	McGill	Staback
Birmelin	George	McIlhattan	Stairs
Bishop	Gigliotti	McIlhinney	Steelman
Blaum	Gladeck	Melio	Steil
Boscola	Godshall	Michlovic	Stern
Boyes	Gordner	Micozzie	Stetler
Browne	Gruitza	Miller	Stevenson
Bunt	Gruppo	Mundy	Strittmatter
Butkovitz	Habay	Myers	Sturla
Buxton	Haluska	Nailor	Surra
Caltagirone	Hanna	Nickol	Tangretti
Cappabianca	Harhai	O'Brien	Taylor, E. Z.
Cam	Harhart	Oliver	Taylor, J.
Carone	Hasay	Orie	Thomas
Casorio	Hennessey	Perzel	Tigue
Cawley	Herman	Pesci	Travaglio
Chadwick	Hershey	Petrarca	Trello
Civera	Hess	Petrone	Trich
Clark	Horsey	Phillips	True
Clymer	Hutchinson	Pippy	Tulli
Cohen, L. I.	Itkin	Pistella	Vance
Cohen, M.	Jadlowiec	Platts	Van Home
Colafella	James	Preston	Veon
Colaizzo	Jarolin	Ramos	Vitali
Cornell	Josephs	Raymond	Walko
Corpora	Kaiser	Readshaw	Washington
Corrigan	Keller	Reber	Waugh
Cowell	Kenney	Reinard	Williams, A. H.
Coy	Kirkland	Rieger	Williams, C.
Curry	Krebs	Roberts	Wilt
Dally	LaGrotta	Robinson	Wogan
DeLuca	Laughlin	Roebuck	Wojnaroski
Dempsey	Lawless	Rohrer	Wright, M. N.
Dent	Lederer	Rooney	Yewcic
Dermody	Leh	Ross	Youngblood
DeWeese	Lescovitz	Rubley	Zimmerman
DiGirolamo	Levdansky	Sainato	Zug
Donatucci	Lloyd	Santoni	
Druce	Lucyk	Sather	
Eachus	Lynch	Saylor	Ryan, Speaker

NAYS—0

NOT VOTING—0

EXCUSED—5

Bebko-Jones	Daley	McNaughton	Olasz
Belfanti			

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

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

The SPEAKER. Mr. Argall, it is my understanding you withdraw from any further amendments.

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

Bill as amended 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.

The "no" votes will please rise.

The following roll call was recorded:

YEAS—198

Adolph	Egolf	Maher	Schroder
Allen	Evans	Maitland	Schuler
Argall	Fairchild	Major	Scrimenti
Armstrong	Fargo	Manderino	Semmel
Baker	Feese	Markosek	Serafini
Bard	Fichter	Marsico	Seyfert
Barley	Fleagle	Masland	Shaner
Barrar	Flick	Mayernik	Smith, B.
Battisto	Forcier	McCall	Smith, S. H.
Belardi	Gannon	McGeehan	Snyder, D. W.
Benninghoff	Geist	McGill	Staback
Birmelin	George	McIlhattan	Stairs
Bishop	Gigliotti	McIlhinney	Steelman
Blaum	Gladeck	Melio	Steil
Boscola	Godshall	Michlovic	Stern
Boyes	Gordner	Micozzie	Stetler
Browne	Gruitza	Miller	Stevenson
Bunt	Gruppo	Mundy	Strittmatter
Butkovitz	Habay	Myers	Sturla
Buxton	Haluska	Nailor	Surra
Caltagirone	Hanna	Nickol	Tangretti
Cappabianca	Harhai	O'Brien	Taylor, E. Z.
Carn	Harhart	Oliver	Taylor, J.
Carone	Hasay	Orie	Thomas
Casorio	Hennessey	Perzel	Tigue
Cawley	Herman	Pesci	Travaglio
Chadwick	Hershey	Petrarca	Trello
Civera	Hess	Petrone	Trich
Clark	Horsey	Phillips	True
Clymer	Hutchinson	Pippy	Tulli
Cohen, L. I.	Itkin	Pistella	Vance
Cohen, M.	Jadlowiec	Platts	Van Horne
Colafella	James	Preston	Veon
Colaizzo	Jarolin	Ramos	Vitali
Cornell	Josephs	Raymond	Walko
Corpora	Kaiser	Readshaw	Washington
Corrigan	Keller	Reber	Waugh
Cowell	Kenney	Reinard	Williams, A. H.
Coy	Kirkland	Rieger	Williams, C.
Curry	Krebs	Roberts	Wilt
Dally	LaGrotta	Robinson	Wogan
DeLuca	Laughlin	Roebuck	Wojnaroski
Dempsey	Lawless	Rohrer	Wright, M. N.
Dent	Lederer	Rooney	Yewcic
Dermoddy	Leh	Ross	Youngblood
DeWeese	Lescovitz	Rubley	Zimmerman
DiGirolamo	Levdansky	Sainato	Zug
Donatucci	Lloyd	Santoni	

Druce
Eachus

Lucyk
Lynch

Sather
Saylor

Ryan,
Speaker

NAYS—0

NOT VOTING—0

EXCUSED—5

Bebko-Jones
Belfanti

Daley

McNaughton

Olasz

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

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

SUPPLEMENTAL CALENDAR C

BILL ON CONCURRENCE
IN SENATE AMENDMENTS

The House proceeded to consideration of concurrence in Senate amendments to **HB 1502, PN 3699**, entitled:

An Act amending Title 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes, further providing for persons who may execute anatomical gifts and for contributions to the Organ Donation Awareness Trust Fund.

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.

The "aye" votes will remain seated; the negative votes will please rise.

The following roll call was recorded:

YEAS—198

Adolph	Egolf	Maher	Schroder
Allen	Evans	Maitland	Schuler
Argall	Fairchild	Major	Scrimenti
Armstrong	Fargo	Manderino	Semmel
Baker	Feese	Markosek	Serafini
Bard	Fichter	Marsico	Seyfert
Barley	Fleagle	Masland	Shaner
Barrar	Flick	Mayernik	Smith, B.
Battisto	Forcier	McCall	Smith, S. H.
Belardi	Gannon	McGeehan	Snyder, D. W.
Benninghoff	Geist	McGill	Staback
Birmelin	George	McIlhattan	Stairs
Bishop	Gigliotti	McIlhinney	Steelman
Blaum	Gladeck	Melio	Steil
Boscola	Godshall	Michlovic	Stern
Boyes	Gordner	Micozzie	Stetler
Browne	Gruitza	Miller	Stevenson
Bunt	Gruppo	Mundy	Strittmatter
Butkovitz	Habay	Myers	Sturla
Buxton	Haluska	Nailor	Surra
Caltagirone	Hanna	Nickol	Tangretti
Cappabianca	Harhai	O'Brien	Taylor, E. Z.
Carn	Harhart	Oliver	Taylor, J.

Carone	Hasay	Orie	Thomas
Casorio	Hennessey	Perzel	Tigue
Cawley	Herman	Pesci	Travaglio
Chadwick	Hershey	Petrarca	Trello
Civera	Hess	Petrone	Trich
Clark	Horsey	Phillips	True
Clymer	Hutchinson	Pippy	Tulli
Cohen, L. I.	Itkin	Pistella	Vance
Cohen, M.	Jadlowiec	Platts	Van Horne
Colaella	James	Preston	Veon
Colaizzo	Jarolin	Ramos	Vitali
Cornell	Josephs	Raymond	Walko
Corpora	Kaiser	Readshaw	Washington
Corrigan	Keller	Reber	Waugh
Cowell	Kenney	Reinard	Williams, A. H.
Coy	Kirkland	Rieger	Williams, C.
Curry	Krebs	Roberts	Wilt
Dally	LaGrotta	Robinson	Wogan
DeLuca	Laughlin	Roebuck	Wojnaroski
Dempsey	Lawless	Rohrer	Wright, M. N.
Dent	Lederer	Rooney	Yewcic
Dermoddy	Leh	Ross	Youngblood
DeWeese	Lescovitz	Rubley	Zimmerman
DiGirolamo	Levdansky	Sainato	Zug
Donatucci	Lloyd	Santoni	
Druce	Lucyk	Sather	Ryan,
Eachus	Lynch	Saylor	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—5

Bebko-Jones	Daley	McNaughton	Olasz
Belfanti			

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.

SUPPLEMENTAL CALENDAR I

BILLS ON CONCURRENCE
IN SENATE AMENDMENTS

The House proceeded to consideration of concurrence in Senate amendments to **HB 1480, PN 3643**, entitled:

An Act amending Title 54 (Names) of the Pennsylvania Consolidated Statutes, adding and changing definitions; making classifications; and providing for registrability and application for registration, duration and renewal, for cancellation for damages for fraudulent registration, for infringement, for injury to business or reputation and for remedies.

On the question,

Will the House concur in Senate amendments?

The SPEAKER. The lady, Mrs. Rubley, you have been asked to give a brief definition or a brief description, rather, of the Senate amendments.

Mrs. RUBLEY. Thank you, Mr. Speaker.

HB 1480 passed the House unanimously a few months ago. It is the trademark registration bill.

The only change made by the Senate was to remove an amendment that had been inserted when it appeared before the

House, and that amendment had to deal with a person convicted of a felony being allowed to change his name. We are dealing with that issue through another bill, so therefore, we thought it was appropriate to remove that in this bill.

So I urge your support. Thank you.

The SPEAKER. The Chair thanks the lady.

On the question recurring,

Will the House concur in Senate amendments?

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

Those in favor will remain seated; those opposed will kindly stand until recognized.

The following roll call was recorded:

YEAS—198

Adolph	Egolf	Maher	Schroder
Allen	Evans	Maitland	Schuler
Argall	Fairchild	Major	Scrimenti
Armstrong	Fargo	Manderino	Semmel
Baker	Feese	Markosek	Serafini
Bard	Fichter	Marsico	Seyfert
Barley	Fleagle	Masland	Shaner
Barrar	Flick	Mayernik	Smith, B.
Battisto	Forcier	McCall	Smith, S. H.
Belardi	Gannon	McGeehan	Snyder, D. W.
Benninghoff	Geist	McGill	Staback
Birmelin	George	McIlhattan	Stairs
Bishop	Gigliotti	McIlhinney	Steelman
Blaum	Gladeck	Melio	Steil
Boscola	Godshall	Michlovic	Stern
Boyes	Gordner	Micozzie	Stetler
Browne	Gruitza	Miller	Stevenson
Bunt	Gruppo	Mundy	Strittmatter
Butkovitz	Habay	Myers	Sturla
Buxton	Haluska	Nailor	Surra
Caltagirone	Hanna	Nickol	Tangretti
Cappabianca	Harhai	O'Brien	Taylor, E. Z.
Carn	Harhart	Oliver	Taylor, J.
Carone	Hasay	Orie	Thomas
Casorio	Hennessey	Perzel	Tigue
Cawley	Herman	Pesci	Travaglio
Chadwick	Hershey	Petrarca	Trello
Civera	Hess	Petrone	Trich
Clark	Horsey	Phillips	True
Clymer	Hutchinson	Pippy	Tulli
Cohen, L. I.	Itkin	Pistella	Vance
Cohen, M.	Jadlowiec	Platts	Van Horne
Colaella	James	Preston	Veon
Colaizzo	Jarolin	Ramos	Vitali
Cornell	Josephs	Raymond	Walko
Corpora	Kaiser	Readshaw	Washington
Corrigan	Keller	Reber	Waugh
Cowell	Kenney	Reinard	Williams, A. H.
Coy	Kirkland	Rieger	Williams, C.
Curry	Krebs	Roberts	Wilt
Dally	LaGrotta	Robinson	Wogan
DeLuca	Laughlin	Roebuck	Wojnaroski
Dempsey	Lawless	Rohrer	Wright, M. N.
Dent	Lederer	Rooney	Yewcic
Dermoddy	Leh	Ross	Youngblood
DeWeese	Lescovitz	Rubley	Zimmerman
DiGirolamo	Levdansky	Sainato	Zug
Donatucci	Lloyd	Santoni	
Druce	Lucyk	Sather	Ryan,
Eachus	Lynch	Saylor	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—5

Bebko-Jones Daley McNaughton Olasz
Belfanti

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 1778, PN 3738**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for terroristic threats and for obscene and other sexual materials.

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

The SPEAKER. On that question, the Chair recognizes the gentleman from Montgomery County, Mr. Lawless.

Mr. LAWLESS. Thank you, Mr. Speaker.

Mr. Speaker, very briefly. The Senate added — for the members here — the Senate added a section on terroristic threats, and basically, what occurs now is if a person commits a terroristic threat, they can then be charged for the cost that happens in his school district for that threat; in other words, the cost of busing the students home, for example. That is basically what the Senate added.

The SPEAKER. Does the gentleman, Mr. Horsey, desire to be recognized?

We are on supplemental I, House— The board has been corrected, thanks to the gentleman, Mr. Horsey.

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

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

Negative votes will please rise in place until your name has been called out by the clerk.

The following roll call was recorded:

YEAS—198

Adolph	Egolf	Maher	Schroder
Allen	Evans	Maitland	Schuler
Argall	Fairchild	Major	Scrimenti
Armstrong	Fargo	Manderino	Semmel
Baker	Feese	Markosek	Serafini
Bard	Fichter	Marsico	Seyfert
Barley	Fleagle	Masland	Shaner
Barrar	Flick	Mayernik	Smith, B.
Battisto	Forcier	McCall	Smith, S. H.
Belardi	Gannon	McGeehan	Snyder, D. W.
Benninghoff	Geist	McGill	Staback
Birmelin	George	McIlhattan	Stairs

Bishop	Gigliotti	McIlhinney	Steelman
Blaum	Gladeck	Melio	Steil
Boscola	Godshall	Michlovic	Stern
Boyes	Gordner	Micozzie	Stetler
Browne	Gruitza	Miller	Stevenson
Bunt	Gruppo	Mundy	Strittmatter
Butkovitz	Habay	Myers	Sturla
Buxton	Haluska	Nailor	Surra
Caltagirone	Hanna	Nickol	Tangretti
Cappabianca	Harhai	O'Brien	Taylor, E. Z.
Carn	Harhart	Oliver	Taylor, J.
Carone	Hasay	Orie	Thomas
Casorio	Hennessey	Perzel	Tigue
Cawley	Herman	Pesci	Travaglio
Chadwick	Hershey	Petrarca	Trello
Civera	Hess	Petrone	Trich
Clark	Horsey	Phillips	True
Clymer	Hutchinson	Pippy	Tulli
Cohen, L. I.	Itkin	Pistella	Vance
Cohen, M.	Jadlowiec	Platts	Van Horne
Colaella	James	Preston	Veon
Colaizzo	Jarolin	Ramos	Vitali
Cornell	Josephs	Raymond	Walko
Corpora	Kaiser	Readshaw	Washington
Corrigan	Keller	Reber	Waugh
Cowell	Kenney	Reinard	Williams, A. H.
Coy	Kirkland	Rieger	Williams, C.
Curry	Krebs	Roberts	Wilt
Dally	LaGrotta	Robinson	Wogan
DeLuca	Laughlin	Roebuck	Wojnaroski
Dempsey	Lawless	Rohrer	Wright, M. N.
Dent	Lederer	Rooney	Yewcic
Dermody	Leh	Ross	Youngblood
DeWeese	Lescovitz	Rubley	Zimmerman
DiGirolamo	Levdansky	Sainato	Zug
Donatucci	Lloyd	Santoni	
Druce	Lucyk	Sather	Ryan,
Eachus	Lynch	Saylor	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—5

Bebko-Jones Daley McNaughton Olasz
Belfanti

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.

SUPPLEMENTAL CALENDAR E

RESOLUTION

Mr. PETRARCA called up **HR 484, PN 3676**, entitled:

A Resolution urging the Attorney General to challenge the constitutionality of certain Federal statutes regarding air pollution.

On the question,
Will the House adopt the resolution?

The SPEAKER. Are there negative votes on this resolution?

The following roll call was recorded:

YEAS—195

Adolph	Evans	Maitland	Schroder
Allen	Fairchild	Major	Schuler
Argall	Fargo	Manderino	Scrimenti
Armstrong	Feese	Markosek	Semmel
Baker	Fichter	Marsico	Serafini
Bard	Fleagle	Masland	Seyfert
Barley	Flick	Mayernik	Shaner
Barrar	Forcier	McCall	Smith, B.
Battisto	Gannon	McGeehan	Smith, S. H.
Belardi	Geist	McGill	Snyder, D. W.
Benninghoff	George	McIlhattan	Staback
Birmelin	Gigliotti	McIlhinney	Stairs
Bishop	Gladeck	Melio	Steelman
Blaum	Godshall	Michlovic	Steil
Boscola	Gordner	Micozzie	Stern
Boyes	Gruitza	Miller	Stetler
Browne	Gruppo	Mundy	Stevenson
Bunt	Habay	Myers	Strittmatter
Butkovitz	Haluska	Nailor	Sturla
Buxton	Hanna	Nickol	Surra
Caltagirone	Harhai	O'Brien	Tangretti
Cappabianca	Harhart	Oliver	Taylor, E. Z.
Carn	Hasay	Orie	Taylor, J.
Carone	Hennessey	Perzel	Thomas
Casorio	Herman	Pesci	Tigue
Cawley	Hershey	Petrarca	Travaglio
Chadwick	Hess	Petrone	Trello
Civera	Horsey	Phillips	Trich
Clark	Hutchinson	Pippy	True
Clymer	Itkin	Pistella	Tulli
Cohen, L. I.	Jadlowiec	Platts	Vance
Colaella	James	Preston	Van Horne
Colaizzo	Jarolin	Ramos	Veon
Cornell	Kaiser	Raymond	Walko
Corpora	Keller	Readshaw	Washington
Corrigan	Kenney	Reber	Waugh
Cowell	Kirkland	Reinard	Williams, A. H.
Coy	Krebs	Rieger	Williams, C.
Curry	LaGrotta	Roberts	Wilt
Dally	Laughlin	Robinson	Wogan
DeLuca	Lawless	Roebuck	Wojnaroski
Dempsey	Lederer	Rohrer	Wright, M. N.
Dent	Leh	Rooney	Yewcic
Dermody	Lescovitz	Ross	Youngblood
DeWeese	Levdansky	Rubley	Zimmerman
DiGirolamo	Lloyd	Sainato	Zug
Donatucci	Lucyk	Santoni	
Druce	Lynch	Sather	Ryan,
Eachus	Maher	Saylor	Speaker
Egolf			

NAYS—3

Cohen, M. Josephs Vitali

NOT VOTING—0

EXCUSED—5

Bebko-Jones Daley McNaughton Olasz
Belfanti

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

GUESTS INTRODUCED

The SPEAKER. The Chair is pleased to welcome to the hall of the House today, as the guests of Representative Habay, his father, Harry, and Jack Koehler, a member of the district staff of the Representative. Would they please rise.

SUPPLEMENTAL CALENDAR F

**BILL ON CONCURRENCE
IN SENATE AMENDMENTS
TO HOUSE AMENDMENTS
AS AMENDED**

The House proceeded to consideration of concurrence in Senate amendments to House amendments to the following SB 220, PN 2075, as further amended by the House Rules Committee:

An Act amending the act of August 9, 1955 (P.L.323, No.130), entitled The County Code, providing for the abolition of jury commissioners in counties of the third class having a population under the Federal Decennial Census in excess of 337,000 residents, but less than 341,000 residents; further providing for the collection of county taxes during vacancies in the office of elected tax collectors in municipalities; providing for an excise tax in certain counties and for appropriations for radio broadcasting companies; further providing for municipal approval for certain expenditures for airports in certain counties of the second class A; and making a repeal.

On the question,

Will the House concur in Senate amendments to House amendments as amended by the Rules Committee?

The SPEAKER. On that question, the Chair recognizes the gentleman, Mr. Lloyd.

Mr. LLOYD. Mr. Speaker, I just was interested in making sure. The calendar had not yet been passed out on our section on the floor. I am not sure if members know that this is the jury commissioner bill, and I just thought some people had considered that controversial before and might want to be aware of that and act accordingly on this vote on concurrence. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House concur in Senate amendments to House amendments as amended by the Rules Committee?

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

Members in favor will remain seated; those opposed will stand in place until they have been acknowledged by the clerk.

The following roll call was recorded:

YEAS—180

Adolph	Donatucci	Major	Schroder
Allen	Druce	Manderino	Schuler
Argall	Egolf	Markosek	Semmel
Armstrong	Evans	Marsico	Serafini
Baker	Fairchild	Masland	Seyfert
Bard	Fargo	Mayernik	Smith, B.
Barley	Feese	McCall	Smith, S. H.

Barrar	Fichter	McGeehan	Snyder, D. W.
Battisto	Fleagle	McGill	Staback
Belardi	Flick	McIlhinney	Stairs
Benninghoff	Forcier	Melio	Steelman
Birmelin	Gannon	Michlovic	Steil
Bishop	Geist	Micozzie	Stern
Blaum	Gigliotti	Miller	Stetler
Boscola	Gladeck	Mundy	Stevenson
Boyes	Gruitza	Myers	Strittmatter
Browne	Gruppo	Nailor	Sturla
Bunt	Habay	Nickol	Tangretti
Butkovitz	Haluska	O'Brien	Taylor, E. Z.
Buxton	Hanna	Oliver	Taylor, J.
Caltagirone	Harhai	Orie	Thomas
Cappabianca	Harhart	Perzel	Trello
Carn	Hasay	Pesci	Trich
Carone	Hennessey	Petrone	True
Casorio	Herman	Phillips	Tulli
Cawley	Hershey	Pippy	Vance
Chadwick	Hess	Pistella	Van Horne
Civera	Horsey	Platts	Veon
Clark	Itkin	Preston	Vitali
Clymer	Jadlowiec	Ramos	Walko
Cohen, L. I.	James	Raymond	Washington
Cohen, M.	Jarolin	Readshaw	Waugh
Colaifella	Josephs	Reber	Williams, A. H.
Colaizzo	Kaiser	Reinard	Williams, C.
Cornell	Keller	Rieger	Wilt
Corpora	Kenney	Roberts	Wogan
Corrigan	Kirkland	Robinson	Wojnaroski
Cowell	Krebs	Roebuck	Wright, M. N.
Curry	Lawless	Rohrer	Yewcic
Dally	Lederer	Rooney	Youngblood
DeLuca	Leh	Ross	Zimmerman
Dempsey	Lescovitz	Rubley	Zug
Dent	Levdansky	Santoni	
Dermoddy	Lynch	Sather	Ryan,
DeWeese	Maher	Saylor	Speaker
DiGirolamo	Maitland		

NAYS—18

Coy	Hutchinson	McIlhattan	Shaner
Eachus	LaGrotta	Petrarca	Surra
George	Laughlin	Sainato	Tigue
Godshall	Lloyd	Scrimenti	Travaglio
Gordner	Lucyk		

NOT VOTING—0

EXCUSED—5

Bebko-Jones	Daley	McNaughton	Olasz
Belfanti			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments to House amendments as amended by the Rules Committee were concurred in.

Ordered, That the clerk inform the Senate accordingly.

VOTE CORRECTION

The SPEAKER. The gentleman, Mr. Colaizzo.

Mr. COLAIZZO. Mr. Speaker, I want to be recorded in the negative on the past bill, on SB 220. I just happened to come in when it was done. Will you, please? Thank you.

The SPEAKER. The remarks of the gentleman will be spread on the record.

Mr. COLAIZZO. Thank you.

THE SPEAKER PRO TEMPORE (J. SCOT CHADWICK) PRESIDING

SUPPLEMENTAL CALENDAR D

BILL ON CONCURRENCE IN SENATE AMENDMENTS TO HOUSE AMENDMENTS TO SENATE AMENDMENTS

The House proceeded to consideration of concurrence in Senate amendments to House amendments to Senate amendments to **HB 2361, PN 3646**, entitled:

A Supplement to the act of July 7, 1972 (P.L. 743, No. 176), known as the Lincoln University-Commonwealth Act, making appropriations for carrying the same into effect; providing for a basis for payments of such appropriations; and providing a method of accounting for the funds appropriated and for certain fiscal information disclosure.

On the question,

Will the House concur in Senate amendments to House amendments to Senate amendments?

RULES SUSPENDED

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Thomas, for the purpose of making a motion.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, I would like to make a motion to revert to the prior printer's number, PN 3084.

The SPEAKER pro tempore. The Chair thanks the gentleman. Mr. THOMAS. Thank you.

The SPEAKER pro tempore. The gentleman, Mr. Thomas, moves that the rules of the House be suspended so that he may revert to prior PN 3084.

On the question,

Will the House agree to the motion?

The SPEAKER pro tempore. Those voting "aye" will remain seated; those who wish to vote in the negative will please rise until recognized by the clerk.

The following roll call was recorded:

YEAS—197

Adolph	Egolf	Maitland	Schuler
Allen	Evans	Major	Scrimenti
Argall	Fairchild	Manderino	Semmel
Armstrong	Fargo	Markosek	Serafini
Baker	Feese	Marsico	Seyfert
Bard	Fichter	Masland	Shaner
Barley	Fleagle	Mayernik	Smith, B.
Barrar	Flick	McCall	Smith, S. H.
Battisto	Forcier	McGeehan	Snyder, D. W.
Belardi	Gannon	McGill	Staback
Benninghoff	Geist	McIlhattan	Stairs
Birmelin	George	McIlhinney	Steelman
Bishop	Gigliotti	Melio	Steil
Blaum	Gladeck	Michlovic	Stern
Boscola	Godshall	Micozzie	Stetler
Boyes	Gordner	Miller	Stevenson

Browne	Gruitza	Mundy	Strittmatter
Bunt	Gruppo	Myers	Sturla
Butkovitz	Habay	Nailor	Surra
Buxton	Haluska	Nickol	Tangretti
Caltagirone	Hanna	O'Brien	Taylor, E. Z.
Cappabianca	Harhai	Oliver	Taylor, J.
Carn	Harhart	Orie	Thomas
Carone	Hasay	Perzel	Tigue
Casorio	Hennessey	Pesci	Travaglio
Cawley	Herman	Petrarca	Trello
Chadwick	Hershey	Petrone	Trich
Civera	Hess	Phillips	True
Clark	Horshey	Pippy	Tulli
Clymer	Hutchinson	Pistella	Vance
Cohen, L. I.	Itkin	Platts	Van Horne
Cohen, M.	Jadlowiec	Preston	Veon
Colaella	James	Ramos	Vitali
Colaizzo	Jarolin	Raymond	Walko
Cornell	Josephs	Readshaw	Washington
Corpora	Kaiser	Reber	Wagh
Corrigan	Kenney	Reinard	Williams, A. H.
Cowell	Kirkland	Rieger	Williams, C.
Coy	Krebs	Roberts	Wilt
Curry	LaGrotta	Robinson	Wogan
Dally	Laughlin	Roebuck	Wojnaroski
DeLuca	Lawless	Rohrer	Wright, M. N.
Dempsey	Lederer	Rooney	Yewcic
Dent	Leh	Ross	Youngblood
Dermody	Lescovitz	Rubley	Zimmerman
DeWeese	Levdanský	Sainato	Zug
DiGirolamo	Lloyd	Santoni	
Donatucci	Lucyk	Sather	Ryan,
Druce	Lynch	Saylor	Speaker
Eachus	Maher	Schroder	

NAYS-1

Keller

NOT VOTING-0

EXCUSED-5

Bebko-Jones Daley McNaughton Olasz
Belfanti

A majority of the members required by the rules 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 concur in Senate amendments to House amendments to Senate amendments?

BILL REVERTED TO PRIOR PRINTER'S NUMBER

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Thomas, for the purpose of making a motion.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, I would like to move that we revert to the prior printer's number on HB 2361, PN 3084. The reason for this request, number one, we went through a budget process; we had a budget agreement. This nonpreferred was included in that budget agreement. The Senate added an amendment which completely frustrates and disregards the existence of that agreement.

Secondly, Mr. Speaker, the amendment that the Senate added is an amendment that raises questions that have not been substantiated and assumes allegations that have not been supported.

And so to that end, Mr. Speaker, I move that we revert to the prior printer's number, send it back to the Senate, and I strongly urge the Senate to act before we leave here for the summer break, because failure to act will mean that this institution will have to go without its appropriation for 1998-99.

So I urge my colleagues to support this motion, and I urge the Senate to act with Godspeed.

On the question,

Will the House agree to the motion?

The SPEAKER pro tempore. On the motion to revert to the prior printer's number, the Chair recognizes the gentleman, Mr. Barley.

Mr. BARLEY. Thank you, Mr. Speaker.

I agree with the gentleman, Mr. Thomas, and would urge an affirmative vote on his motion.

On the question recurring,

Will the House agree to the motion?

The SPEAKER pro tempore. Those voting in the affirmative will remain seated; those wishing to vote in the negative will please rise until recognized by the clerk.

The following roll call was recorded:

YEAS-197

Adolph	Egolf	Maitland	Schuler
Allen	Evans	Major	Scrimenti
Argall	Fairchild	Manderino	Semmel
Armstrong	Fargo	Markosek	Serafini
Baker	Feese	Marsico	Seyfert
Bard	Fichter	Masland	Shaner
Barley	Fleagle	Mayernik	Smith, B.
Barrar	Flick	McCall	Smith, S. H.
Battisto	Forcier	McGeehan	Snyder, D. W.
Belardi	Gannon	McGill	Staback
Benninghoff	Geist	McIlhattan	Stairs
Birmelin	George	McIlhinney	Steelman
Bishop	Gigliotti	Melio	Steil
Blaum	Gladeck	Michlovic	Stern
Boscola	Godshall	Micozzie	Stetler
Boyes	Gordner	Miller	Stevenson
Browne	Gruitza	Mundy	Strittmatter
Bunt	Gruppo	Myers	Sturla
Butkovitz	Habay	Nailor	Surra
Buxton	Haluska	Nickol	Tangretti
Caltagirone	Hanna	O'Brien	Taylor, E. Z.
Cappabianca	Harhai	Oliver	Taylor, J.
Carn	Harhart	Orie	Thomas
Carone	Hasay	Perzel	Tigue
Casorio	Hennessey	Pesci	Travaglio
Cawley	Herman	Petrarca	Trello
Chadwick	Hershey	Petrone	Trich
Civera	Hess	Phillips	True
Clark	Horshey	Pippy	Tulli
Clymer	Hutchinson	Pistella	Vance
Cohen, L. I.	Itkin	Platts	Van Horne
Cohen, M.	Jadlowiec	Preston	Veon
Colaella	James	Ramos	Vitali
Colaizzo	Jarolin	Raymond	Walko
Cornell	Josephs	Readshaw	Washington

Corpora	Kaiser	Reber	Waugh
Corrigan	Kenney	Reinard	Williams, A. H.
Cowell	Kirkland	Rieger	Williams, C.
Coy	Krebs	Roberts	Wilt
Curry	LaGrotta	Robinson	Wogan
Dally	Laughlin	Roebuck	Wojnaroski
DeLuca	Lawless	Rohrer	Wright, M. N.
Dempsey	Lederer	Rooney	Yewcic
Dent	Leh	Ross	Youngblood
Dermody	Lescovitz	Rubley	Zimmerman
DeWeese	Levdansky	Sainato	Zug
DiGirolamo	Lloyd	Santoni	
Donatucci	Lucyk	Sather	Ryan,
Druce	Lynch	Saylor	Speaker
Eachus	Maier	Schroder	

NAYS-1

Keller

NOT VOTING-0

EXCUSED-5

Bebko-Jones	Daley	McNaughton	Olasz
Belfanti			

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

On the question,

Will the House concur in Senate amendments to House amendments to Senate amendments as amended?

The SPEAKER pro tempore. It is moved by the gentleman, Mr. Barley, that the House do concur in the amendments.

On that question, the Chair recognizes the gentleman from Delaware County, Mr. Vitali.

Mr. VITALI. Thank you, Mr. Speaker.

I am just looking for a brief explanation of what we are voting on.

The SPEAKER pro tempore. Is the gentleman, Mr. Barley, willing to provide that explanation? The gentleman is recognized.

Mr. BARLEY. Thank you, Mr. Speaker.

This is the same bill that we voted and passed twice in the House. It is the appropriation for Lincoln University.

On the question recurring,

Will the House concur in Senate amendments to House amendments to Senate amendments as amended?

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

Those voting in the affirmative will remain seated; those voting in the negative will please rise until recognized by the clerk.

The following roll call was recorded:

YEAS-197

Adolph	Egolf	Maitland	Schuler
Allen	Evans	Major	Scrimenti
Argall	Fairchild	Manderino	Semmel
Armstrong	Fargo	Markosek	Serafini

Baker	Feese	Marsico	Seyfert
Bard	Fichter	Masland	Shaner
Barley	Fleagle	Mayermik	Smith, B.
Barrar	Flick	McCall	Smith, S. H.
Battisto	Forcier	McGeehan	Snyder, D. W.
Belardi	Gannon	McGill	Staback
Benninghoff	Geist	McIlhattan	Stairs
Birmelin	George	McIlhinney	Steelman
Bishop	Gigliotti	Melio	Steil
Blaum	Gladeck	Michlovic	Stern
Boscola	Godshall	Micozzie	Stetler
Boyes	Gordner	Miller	Stevenson
Browne	Gruitza	Mundy	Stritmatter
Bunt	Gruppo	Myers	Sturla
Butkovitz	Habay	Nailor	Surra
Buxton	Haluska	Nickol	Tangretti
Caltagirone	Hanna	O'Brien	Taylor, E. Z.
Cappabianca	Harhai	Oliver	Taylor, J.
Carn	Harhart	Orie	Thomas
Carone	Hasay	Perzel	Tigue
Casorio	Hennessey	Pesci	Travaglio
Cawley	Herman	Petrarca	Trello
Chadwick	Hershey	Petrone	Trich
Civera	Hess	Phillips	True
Clark	Horsey	Pippy	Tulli
Clymer	Hutchinson	Pistella	Vance
Cohen, L. I.	Itkin	Platts	Van Home
Cohen, M.	Jadlowiec	Preston	Veon
Colaella	James	Ramos	Vitali
Colaizzo	Jarolin	Raymond	Walko
Cornell	Josephs	Readshaw	Washington
Corpora	Kaiser	Reber	Waugh
Corrigan	Kenney	Reinard	Williams, A. H.
Cowell	Kirkland	Rieger	Williams, C.
Coy	Krebs	Roberts	Wilt
Curry	LaGrotta	Robinson	Wogan
Dally	Laughlin	Roebuck	Wojnaroski
DeLuca	Lawless	Rohrer	Wright, M. N.
Dempsey	Lederer	Rooney	Yewcic
Dent	Leh	Ross	Youngblood
Dermody	Lescovitz	Rubley	Zimmerman
DeWeese	Levdansky	Sainato	Zug
DiGirolamo	Lloyd	Santoni	
Donatucci	Lucyk	Sather	Ryan,
Druce	Lynch	Saylor	Speaker
Eachus	Maier	Schroder	

NAYS-1

Keller

NOT VOTING-0

EXCUSED-5

Bebko-Jones	Daley	McNaughton	Olasz
Belfanti			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments to House amendments to Senate amendments as amended were concurred in.

Ordered, That the clerk inform the Senate accordingly.

BILL ON CONCURRENCE IN SENATE AMENDMENTS TO HOUSE AMENDMENTS

The House proceeded to consideration of concurrence in Senate amendments to House amendments to SB 640, PN 2065, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for juvenile matters definitions, for prisoner litigation, for limitation on remedies, for prospective relief, for time limits on settlements and for payment of damages; further providing for certain expenses and fees relating to the minor judiciary, for service of process, for collection of restitution, reparation, fees, costs, fines and penalties and for record requirements; and providing for contents of presentence reports.

On the question,

Will the House concur in Senate amendments to House amendments?

The SPEAKER pro tempore. Moved by the gentleman, Mr. Gannon, that the House do concur in the amendments.

The question recurs, will the House concur in the amendments inserted by the Senate as amended by the House?

On that question, the Chair recognizes the gentleman from Wayne County, Mr. Birmelin.

Mr. BIRMELIN. Thank you, Mr. Speaker.

Many of you know that this is a very significant and important piece of legislation in the three-package bill that I introduced earlier this year dealing with restitution for crime victims. It provides for wage attachment and that 50 percent of all moneys collected go to the victim first.

The Senate amended it in three ways. Number one, the restitution process was streamlined. Number two, the fees for the minor judiciary were increased by \$50 a year for the Special Court Judges Association, and the service-of-process clarifications were included as well, and I would appreciate the "yes" vote of all the members here this evening. Thank you.

The SPEAKER pro tempore. The gentleman, Mr. Cohen, is recognized.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, I would also support a "yes" vote, but I would like to call the attention of the House and the bill drafters to a point that the Democratic staff on the Judiciary Committee made to me and others. The service-of-process section in this bill now gives a 24-hour-a-day, 7-day-a-week protection to any criminal or any other person evading process, that as long as they are in a church building, they cannot be served process. It is hard for me to believe this is really the intent of this bill, but that is what it does, and we pass Judiciary Committee bills on a regular basis.

So I would hope that this language, which is an overly enthusiastic response to the problem of services being broken up, I would hope this language would be changed so we do not continue to have a 24-hour-a-day, 365-day-a-year sanctuary in all our churches for people who want to violate the law.

On the question recurring,

Will the House concur in Senate amendments to House amendments?

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

Those voting in the affirmative will remain seated; those voting in the negative will please rise until recognized by the clerk.

The following roll call was recorded:

YEAS—198

Adolph	Egolf	Maher	Schroder
Allen	Evans	Maitland	Schuler
Argall	Fairchild	Major	Scrimenti
Armstrong	Fargo	Manderino	Sermmel
Baker	Feese	Markosek	Serafini
Bard	Fichter	Marsico	Seyfert
Barley	Fleagle	Masland	Shaner
Barrar	Flick	Mayernik	Smith, B.
Battisto	Forcier	McCall	Smith, S. H.
Belardi	Gannon	McGeehan	Snyder, D. W.
Benninghoff	Geist	McGill	Staback
Birmelin	George	McIlhattan	Stairs
Bishop	Gigliotti	McIlhinney	Steelman
Blaum	Gladeck	Meljo	Steil
Boscola	Godshall	Michlovic	Stern
Boyes	Gordner	Micozzie	Stetler
Browne	Gruitza	Miller	Stevenson
Bunt	Gruppo	Mundy	Strittmatter
Butkovitz	Habay	Myers	Sturla
Buxton	Haluska	Nailor	Surra
Caltagirone	Hanna	Nickol	Tangretti
Cappabianca	Harhai	O'Brien	Taylor, E. Z.
Carn	Harhart	Oliver	Taylor, J.
Carone	Hasay	Orie	Thomas
Casorio	Hennessey	Perzel	Tigue
Cawley	Herman	Pesci	Travaglio
Chadwick	Hershey	Petrarca	Trello
Civera	Hess	Petrone	Trich
Clark	Horsey	Phillips	True
Clymer	Hutchinson	Pippy	Tulli
Cohen, L. I.	Itkin	Pistella	Vance
Cohen, M.	Jadlowiec	Platts	Van Horne
Colaella	James	Preston	Veon
Colaizzo	Jarolin	Ramos	Vitali
Cornell	Josephs	Raymond	Walko
Corpora	Kaiser	Readshaw	Washington
Corrigan	Keller	Reber	Waugh
Cowell	Kenney	Reinard	Williams, A. H.
Coy	Kirkland	Rieger	Williams, C.
Curry	Krebs	Roberts	Wilt
Dally	LaGrotta	Robinson	Wogan
DeLuca	Laughlin	Roebuck	Wojnaroski
Dempsey	Lawless	Rohrer	Wright, M. N.
Dent	Lederer	Rooney	Yewcic
Dermody	Leh	Ross	Youngblood
DeWeese	Lescovitz	Rubley	Zimmerman
DiGirolamo	Levdansky	Sainato	Zug
Donatucci	Lloyd	Santoni	
Druce	Lucyk	Sather	
Eachus	Lynch	Saylor	Ryan, Speaker

NAYS—0

NOT VOTING—0

EXCUSED—5

Bebko-Jones	Daley	McNaughton	Olasz
Belfanti			

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

Ordered, That the clerk inform the Senate accordingly.

SENATE MESSAGE**AMENDED HOUSE BILLS RETURNED
FOR CONCURRENCE AND
REFERRED TO COMMITTEE ON RULES**

The clerk of the Senate, being introduced, returned **HB 10, PN 3739; HB 135, PN 3736; and HB 1272, PN 3737**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

SENATE MESSAGE**HOUSE AMENDMENTS
CONCURRED IN BY SENATE**

The clerk of the Senate, being introduced, informed that the Senate has concurred in the further amendments made by the House of Representatives to Senate amendments to House amendments to **SB 284, PN 2028**.

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 the Senate amendments to **HB 114, PN 3694**.

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 252, PN 2023**.

RULES COMMITTEE MEETING

The **SPEAKER pro tempore**. The Chair recognizes the majority leader, who calls for an immediate meeting of the Rules Committee at the majority leader's desk.

**BILLS ON CONCURRENCE
REPORTED FROM COMMITTEE****HB 10, PN 3739**

By Rep. PERZEL

An Act amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, providing for marking of dams.

RULES.**HB 135, PN 3736**

By Rep. PERZEL

An Act amending the act of April 9, 1929 (P.L. 177, No. 175), entitled The Administrative Code of 1929, providing for an osteoporosis prevention and education program; eliminating the expiration period of televised international and interstate simulcastings of horse races; and making repeals.

RULES.**SUPPLEMENTAL CALENDAR B****RESOLUTION**Mr. EVANS called up **HR 494, PN 3709**, entitled:

A Resolution providing for a review of the financial matters of the Philadelphia School District by the Appropriations Committee.

On the question,

Will the House adopt the resolution?

The **SPEAKER pro tempore**. Those voting in favor of the resolution will remain seated; those voting in the negative will please rise until recognized by the clerk.

The following roll call was recorded:

YEAS—198

Adolph	Egolf	Maher	Schroder
Allen	Evans	Maitland	Schuler
Argall	Fairchild	Major	Scrimenti
Armstrong	Fargo	Manderino	Semmel
Baker	Feese	Markosek	Serafini
Bard	Fichter	Marsico	Seyfert
Barley	Fleagle	Masland	Shaner
Barrar	Flick	Mayernik	Smith, B.
Battisto	Forcier	McCall	Smith, S. H.
Belardi	Gannon	McGeehan	Snyder, D. W.
Benninghoff	Geist	McGill	Staback
Birmelin	George	McIlhattan	Stairs
Bishop	Gigliotti	McIlhinney	Steelman
Blaum	Gladeck	Melio	Steil
Boscola	Godshall	Michlovic	Stern
Boyes	Gordner	Micozzie	Stetler
Browne	Gruitza	Miller	Stevenson
Bunt	Gruppo	Mundy	Stritmatter
Butkovitz	Habay	Myers	Sturla
Buxton	Haluska	Nailor	Surra
Caltagirone	Hanna	Nickol	Tangretti
Cappabianca	Harhai	O'Brien	Taylor, E. Z.
Carn	Harhart	Oliver	Taylor, J.
Carone	Hasay	Orie	Thomas
Casorio	Hennessey	Perzel	Tigue
Cawley	Herman	Pesci	Travaglio
Chadwick	Hershey	Petrarca	Trello
Civera	Hess	Petrone	Trich
Clark	Horsey	Phillips	True
Clymer	Hutchinson	Pippy	Tulli
Cohen, L. I.	Itkin	Pistella	Vance
Cohen, M.	Jadlowiec	Platts	Van Home
Colafella	James	Preston	Veon
Colaizzo	Jarolin	Ramos	Vitali
Cornell	Josephs	Raymond	Walko
Corpora	Kaiser	Readshaw	Washington
Corrigan	Keller	Reber	Waugh
Cowell	Kenney	Reinard	Williams, A. H.
Coy	Kirkland	Rieger	Williams, C.
Curry	Krebs	Roberts	Wilt
Dally	LaGrotta	Robinson	Wogan

DeLuca	Laughlin	Roebuck	Wojnaroski
Dempsey	Lawless	Rohrer	Wright, M. N.
Dent	Lederer	Rooney	Yewcic
Dermody	Leh	Ross	Youngblood
DeWeese	Lescovitz	Rublely	Zimmerman
DiGirolamo	Levdansky	Sainato	Zug
Donatucci	Lloyd	Santoni	
Druce	Lucyk	Sather	Ryan,
Eachus	Lynch	Saylor	Speaker

NAYS-0

NOT VOTING-0

EXCUSED-5

Bebko-Jones	Daley	McNaughton	Olasz
Belfanti			

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

SUPPLEMENTAL CALENDAR J

BILLS ON CONCURRENCE
IN SENATE AMENDMENTS

The House proceeded to consideration of concurrence in Senate amendments to **HB 10, PN 3739**, entitled:

An Act amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, providing for marking of dams.

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

The SPEAKER pro tempore. It is moved by the gentleman, Mr. Platts, that the House do concur in the amendments inserted by the Senate.

The question recurs, will the House concur in the amendments inserted by the Senate?

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

Mr. PLATTS. Thank you, Mr. Speaker.

A real quick review of the amendments in the Senate.

This bill, HB 10, seeks to protect the fishing, boating, and swimming public from the dangers of low-head dams. The Senate passed it unanimously with several technical amendments and three substantive amendments that I think improve the bill. Quickly, they are: changes the penalties from criminal penalties to civil penalties for noncompliance; they added an administrative appeal process to the legislation so that dam owners who think they are wrongly included in the legislation have a means of appeal; and finally, they ensure that any fine moneys collected under the legislation go to the Fish and Boat Fund.

The intent of this bill is to seek to prevent tragic loss of life such as the death of Joe Keller, a Boy Scout in my district, who died saving a friend in a stream.

I appreciate the House's concurrence and ask for that at this time. Thank you.

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.

Those voting in the affirmative will please remain seated; those voting in the negative will please rise until recognized by the clerk.

The following roll call was recorded:

YEAS-189

Adolph	Eachus	Major	Schuler
Allen	Evans	Manderino	Scrimenti
Argall	Fairchild	Markosek	Semmel
Armstrong	Fargo	Marsico	Serafini
Bard	Feese	Masland	Seyfert
Barley	Fichter	Mayernik	Shaner
Barrar	Fleagle	McCall	Smith, B.
Battisto	Flick	McGeehan	Snyder, D. W.
Belardi	Gannon	McGill	Staback
Benninghoff	Geist	McIlhattan	Stairs
Birmelin	George	McIlhinney	Steelman
Bishop	Gigliotti	Melio	Steil
Blaum	Gladeck	Michlovic	Stetler
Boscola	Gordner	Micozzie	Stevenson
Boyes	Gruitza	Miller	Strittmatter
Browne	Gruppo	Mundy	Sturla
Bunt	Habay	Myers	Surra
Butkovitz	Haluska	Nailor	Tangretti
Buxton	Hanna	Nickol	Taylor, E. Z.
Caltagirone	Harhai	O'Brien	Taylor, J.
Cappabianca	Harhart	Oliver	Thomas
Carn	Hasay	Orie	Tigue
Carone	Hennessey	Perzel	Travaglio
Casorio	Herman	Pesci	Trello
Cawley	Hershey	Petrarca	Trich
Chadwick	Hess	Petrone	True
Civera	Horsey	Phillips	Tulli
Clark	Hutchinson	Pippy	Vance
Clymer	Itkin	Pistella	Van Horne
Cohen, L. I.	Jadlowiec	Platts	Veon
Cohen, M.	James	Preston	Vitali
Colaella	Jarolin	Ramos	Walko
Colaizzo	Josephs	Raymond	Washington
Cornell	Kaiser	Readshaw	Waugh
Corpora	Keller	Reber	Williams, A. H.
Corrigan	Kenney	Reinard	Williams, C.
Cowell	Kirkland	Rieger	Wilt
Coy	Krebs	Roberts	Wogan
Curry	LaGrotta	Robinson	Wojnaroski
Dally	Laughlin	Roebuck	Wright, M. N.
DeLuca	Lawless	Rohrer	Yewcic
Dempsey	Lederer	Rooney	Youngblood
Dent	Lescovitz	Ross	Zimmerman
Dermody	Levdansky	Rublely	Zug
DeWeese	Lloyd	Sainato	
DiGirolamo	Lucyk	Santoni	
Donatucci	Lynch	Saylor	Ryan,
Druce	Maitland	Schroder	Speaker

NAYS-9

Baker	Godshall	Maher	Smith, S. H.
Egolf	Leh	Sather	Stern
Forcier			

NOT VOTING-0

EXCUSED—5

Bebko-Jones
Belfanti

Daley

McNaughton

Olasz

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 135, PN 3736**, entitled:

An Act amending the act of April 9, 1929 (P.L.177, No.175), entitled The Administrative Code of 1929, providing for an osteoporosis prevention and education program; eliminating the expiration period of televised international and interstate simulcastings of horse races; and making repeals.

On the question,

Will the House concur in Senate amendments?

The SPEAKER pro tempore. Moved by the lady, Mrs. Cohen, that the House concur in the amendments inserted by the Senate.

The question recurs, will the House concur in the amendments inserted by the Senate?

On that question, the Chair recognizes the lady from Montgomery County, Mrs. Cohen.

Mrs. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, I strongly urge the entire House to vote in favor of the Senate amendments. This bill did pass the House unanimously.

I have worked with the Senate in devising the amendments that you see before you. This is a bill that I have been working on for 4 years. Osteoporosis is a very devastating disease. It is preventable; it is treatable, and it costs us, the taxpayers, in addition to the pain and suffering, \$20 billion a year. As I said, we can treat this disease; we can prevent this disease. It is a pediatric disease, and most health-care providers are totally unaware of the consequences and of the treatment possibilities. This bill will indeed help us to disseminate information to health-care providers so that they can help and save us pain, suffering, and certainly billions of dollars a year in taxpayer money.

I strongly urge everyone to concur in HB 135 in the Senate amendments. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the lady and recognizes the gentleman from Bucks County, Mr. Clymer.

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, I want to remind members that this bill deals with the continuation of simulcasting in Pennsylvania. It does not expand gambling.

As some members have shared with me for various and sundry reasons, they will be voting for this legislation, but as they have also indicated, their vote is not to be construed as though they have changed their position of strong opposition to casino gambling in Pennsylvania; that opposition remains intact, but I do understand their position on this issue and on this bill. As for myself, I will be a "no" vote. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Philadelphia County, Mr. Cohen, on concurrence.

Mr. COHEN. Thank you.

Mr. Speaker, will Mr. Clymer consent to interrogation?

The SPEAKER pro tempore. Mr. Clymer, would you stand for interrogation? The gentleman indicates that he will. You may proceed.

Mr. COHEN. Thank you.

Mr. Speaker, as all of us have just seen this language, and the lady from Montgomery did not explain it, will the gentleman explain what this does in the simulcasting area?

Mr. CLYMER. What it does, it removes the sunset provision so that there can be a continuation of simulcasting as it now exists in Pennsylvania.

Mr. COHEN. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Horsey, on concurrence.

Mr. HORSEY. Mr. Speaker, I rise to ask for a positive vote on this bill on concurrence.

There are issues that are more important than horses, and one of those issues, Mr. Speaker, without being disrespectful, is the medical condition of women. My mother and my wife are still living. I just recently lost my grandmother. I would like to think that this vote, Mr. Speaker, is a vote in favor of women, and I am prepared to cast it in favor of this particular bill. Thank you, Mr. Speaker.

The SPEAKER pro tempore. Mr. Gordner, are you seeking recognition? You were behind the column. The gentleman is recognized.

Mr. GORDNER. Thank you, Mr. Speaker.

Like a bill earlier today, it is a shame that two different issues are combined into one bill.

I certainly support the provisions that Representative Cohen has been working very hard on in regard to osteoporosis prevention and education. Likewise, I adamantly oppose this provision dealing with the simulcasting and gambling issue.

Prior to this, we had a sunset date, which is coming up on this gambling issue. I think the best way to approach this would be to impose a new sunset date 5 years down the road so that we can continue to look at the pulse of this issue and find out whether it is working or not working in our Commonwealth.

For those reasons I would urge members to vote against this bill in regard to the simulcast issue and that we might be able to have an amendment introduced or the bill changed to return a sunset date on this very important issue. Thank you.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Bucks County, Mr. Corrigan, on concurrence.

Mr. CORRIGAN. Thank you, Mr. Speaker.

I rise to support HB 135 on concurrence.

Five years ago this month there was a meeting in this building prior to the adoption of a simulcast bill in Pennsylvania, and there were some concerns about whether or not that was the right way to go. The gentleman, Mr. Itkin, from Pittsburgh was in a leadership position at that time. He attended a meeting and was concerned about this issue, and he asked and everyone at that meeting, 5 years ago this June, agreed on a 5-year sunset. During the 5-year period, Mr. Speaker, there have been no incidents. The truth of the matter is that the simulcasting industry has done a great deal to save horse

racing in Pennsylvania. This is a very important issue for that industry, and I strongly suggest a "yes" vote on concurrence. Thank you.

The SPEAKER pro tempore. The Chair recognizes Mr. Horsey for the second time.

Mr. HORSEY. Thank you, Mr. Speaker.

Relative to this bill being attached to another bill, Mr. Speaker, that is beyond our control. We need to send a clear message, a positive message, to voters who do not really fill this chamber in large numbers, and that is women, Mr. Speaker. We need to send the message to women that we support them and we support their issues and their issues are important to us as men, and I urge support on concurrence on HB 135. Thank you, Mr. Speaker.

The SPEAKER pro tempore. On concurrence, the Chair recognizes the gentleman from Somerset County, Mr. Lloyd.

Mr. LLOYD. Thank you, Mr. Speaker.

Mr. Speaker, would the gentleman, Mr. Clymer, consent to interrogation?

The SPEAKER pro tempore. The gentleman indicates that he will. You are in order.

Mr. LLOYD. Mr. Speaker, I am just trying to make sure I understand this gambling issue. Under the law now, the authority to have simulcasting at any of our tracks is scheduled to sunset. Is that correct?

Mr. CLYMER. That is correct.

Mr. LLOYD. And this bill will remove that sunset forever.

Mr. CLYMER. That is correct.

Mr. LLOYD. This bill does not in any way change who is eligible to have simulcasting.

Mr. CLYMER. That is my understanding; that is correct.

Mr. LLOYD. And this bill has nothing to do with off-track betting of any kind?

Mr. CLYMER. Like slots at the racetrack as an example?

Mr. LLOYD. Well, no, Mr. Speaker. What I was talking about was several years ago we had legislation enacted over the veto of Governor Casey having to do with off-track betting parlors. This legislation does not affect that in any way.

Mr. CLYMER. No. The 23 off-track betting parlors that were provided in that legislation back in 1988, those numbers remain the same; nothing changes, and that is the information that I have been able to garner.

Mr. LLOYD. Well, are those facilities in some way allowed—They simulcast, do they not?

Mr. CLYMER. That is correct.

Mr. LLOYD. If this bill were not passed, does that mean that—Under the law now, can there be more than those 23?

Mr. CLYMER. No.

Mr. LLOYD. There cannot be?

Mr. CLYMER. No; no.

Mr. LLOYD. All right. So that this does not take away—this does not open the door so that we are going to have additional OTB facilities over and above what we have in operation at the present time.

Mr. CLYMER. That is correct.

Mr. LLOYD. Thank you, Mr. Speaker.

LEAVE OF ABSENCE

The SPEAKER pro tempore. The Chair returns to leaves of absence and recognizes the gentleman, Mr. Snyder, who requests a leave for the balance of the day's session for the gentleman from Warren County, Mr. LYNCH. Without objection, the leave will be granted. The Chair hears no objection, and the leave is granted.

CONSIDERATION OF HB 135 CONTINUED

The SPEAKER pro tempore. On concurrence, the Chair recognizes the gentleman from Allegheny County, Mr. Itkin.

Will the gentleman suspend. I will try to get you some order.

Will the House come to order. Conversations on the walls, please break up. Please take conversations outside the room. It has been a long day.

Mr. Itkin.

Mr. ITKIN. Thank you, Mr. Speaker.

I just wanted to point out on HB 135, since I was one of the architects in simulcasting, in my judgment, it has performed well, and I support the bill in its current form.

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.

Those voting in the affirmative will remain seated; those wishing to vote in the negative will please rise until recognized by the clerk.

The following roll call was recorded:

YEAS—177

Adolph	Egolf	Maitland	Sather
Allen	Evans	Major	Schroder
Argall	Fairchild	Manderino	Scrimenti
Baker	Fargo	Markosek	Semmel
Bard	Feese	Marsico	Serafini
Barrar	Fichter	Masland	Shaner
Belardi	Flick	Mayermik	Smith, B.
Birmelin	Gannon	McCall	Smith, S. H.
Bishop	Geist	McGeehan	Snyder, D. W.
Blaum	George	McGill	Staback
Boscola	Gigliotti	McIlhinney	Stairs
Boyes	Gladeck	Melio	Steelman
Browne	Godshall	Michlovic	Steil
Bunt	Gruitza	Micozzie	Stetler
Butkovitz	Gruppo	Miller	Stevenson
Buxton	Habay	Mundy	Sturla
Caltagirone	Haluska	Myers	Surra
Cappabianca	Hanna	Nailor	Tangretti
Carn	Harhai	Nickol	Taylor, E. Z.
Carone	Harhart	O'Brien	Taylor, J.
Casorio	Hasay	Oliver	Thomas
Cawley	Hennessey	Perzel	Tigue
Chadwick	Herman	Pesci	Travaglio
Civera	Hess	Petrarca	Trello
Clark	Horsey	Petrone	Trich
Cohen, L. I.	Itkin	Phillips	Tulli
Cohen, M.	Jadlowiec	Pippy	Vance
Colafella	James	Pistella	Van Horne
Colaizzo	Jarolin	Platts	Veon
Cornell	Josephs	Preston	Vitali
Corpora	Kaiser	Ramos	Walko
Corrigan	Keller	Raymond	Washington

Cowell	Kenney	Readshaw	Waugh
Coy	Kirkland	Reber	Williams, A. H.
Curry	Krebs	Reinard	Williams, C.
Dally	LaGrotta	Rieger	Wilt
DeLuca	Laughlin	Roberts	Wogan
Dempsey	Lawless	Robinson	Wojnaroski
Dent	Lederer	Roebuck	Wright, M. N.
Dermody	Leh	Rohrer	Yewcic
DeWeese	Lescovitz	Rooney	Youngblood
DiGirolamo	Levdansky	Ross	
Donatucci	Lloyd	Rubley	Ryan,
Druce	Lucyk	Sainato	Speaker
Eachus	Maher	Santoni	

NAYS-20

Armstrong	Fleagle	McIlhattan	Stern
Barley	Forcier	Orie	Strittmatter
Battisto	Gordner	Saylor	True
Benninghoff	Hershey	Schuler	Zimmerman
Clymer	Hutchinson	Seyfert	Zug

NOT VOTING-0

EXCUSED-6

Bebko-Jones	Daley	McNaughton	Olasz
Belfanti	Lynch		

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.

LEAVE OF ABSENCE

The SPEAKER pro tempore. The Chair returns to leaves of absence and recognizes the gentleman, Mr. Itkin, who requests a leave for the balance of today's session for the gentleman from Delaware County, Mr. VITALI. Without objection, the leave will be granted. The Chair hears no objection. The leave is granted.

SUPPLEMENTAL CALENDAR K

BILL ON CONCURRENCE IN SENATE AMENDMENTS TO HOUSE AMENDMENTS

The House proceeded to consideration of concurrence in Senate amendments to House amendments to **SB 1164, PN 2077**, entitled:

An Act amending the act of April 12, 1951 (P.L.90, No.21), entitled, as reenacted, Liquor Code, providing for alcoholic cider; further providing for certain performing arts facilities, for wine auction permits, for malt and brewed beverages licenses, stadium or arena permits, for distributors and importing distributors restrictions, for interlocking business, for malt or brewed beverages manufactured outside this Commonwealth, for exceptions to limiting the number of retail licenses issued in each municipality, for incorporated units of National veterans organizations, for licenses not assignable, for application filing dates, for the filing of license renewal applications, for display of prices of alcoholic beverages, for licensee's outside advertisements, for special occasion permits and for licensee's employed by others.

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

The SPEAKER pro tempore. Moved by the gentleman, Mr. Serafini, that the House concur in the amendments.

The question recurs, will the House concur in the amendments inserted by the Senate as amended by the House?

On that question, the Chair recognizes the gentleman from Lackawanna County, Mr. Serafini.

Mr. SERAFINI. Thank you, Mr. Speaker.

Mr. Speaker, SB 1164, which the House approved last week, was further amended by the Senate—

The SPEAKER pro tempore. Will the gentleman suspend? I cannot hear you, and if I cannot hear you, I know no one else can either.

The House will come to order. Members will please take their conversations outside the room.

Mr. Serafini.

Mr. SERAFINI. Thank you, Mr. Speaker.

SB 1164, which the House approved last week, was further amended by the Senate and is before us for consideration, for concurrence consideration. In its consideration of the bill, the Senate has removed two provisions from the legislation and has inserted one additional item.

The Senate has removed the language which limited the eligibility for secondary-service-area applications to golf courses and ski resorts. With this change, the current law will remain unchanged. In addition, the Senate has removed the language in the bill which would have allowed volunteer fire companies possessing catering club licenses to sell tickets for the catered functions at the door.

In addition to these changes, the bill has been amended to include language which is going to allow alcoholic cider to be sold through our beer distribution system and taxed as a malt or brewed beverage. The House previously approved this issue as part of SB 926 during the month of April. The alcoholic content percentage now allowed for cider products under the bill would be 5.5 percent. When the bill left the House, the alcoholic content allowed would have been 6 percent.

Mr. Speaker, as it is currently drafted, SB 1164 contains many practical and important changes to the Pennsylvania Liquor Code. Therefore, I would appreciate an affirmative vote on concurrence. Thank you very much.

I appreciate all of the support that we received from both Republican and Democratic members in preparing this legislation. Thank you.

The SPEAKER pro tempore. On concurrence, the Chair recognizes the gentleman from Westmoreland County, Mr. Casorio.

Mr. CASORIO. Thank you, Mr. Speaker.

I will not beleaguer the point. I know it is getting late in the day. I would just like to make a couple of brief comments, if I could.

This Senate bill, we will not get into a discussion of whether this will lead to the privatization of the State stores. We will leave that decision up to you. We have made our position clear on that before. What this Senate bill does is attempts to break down the best system of alcohol control in the world. That is a fact. We know that this will, and the Fraternal Order of Police, again, have pledged their opposition to this bill. This will lead to, in their

opinion, increased DUI (driving under the influence) arrests, increased underage drinking, and greater accessibility of alcohol to young people and especially folks in rural and urban areas alike, Mr. Speaker.

The last time we had 98 members, including myself, opposing this bill, and we are looking for the same support today. I would ask for a negative vote on this Senate bill, and keep the best system of alcohol control in the world intact. Thank you, Mr. Speaker.

The SPEAKER pro tempore. On concurrence, the gentleman from Bucks County, Mr. Corrigan.

Mr. CORRIGAN. Thank you, Mr. Speaker.

I also would like to keep the State store system intact. We debated this a couple of months ago, the gentleman, Mr. Casorio, and myself. This is not an attack on the State store system in any way. This is the sale of wines in barrels to be delivered to the restaurant or to the user. It in no way affects the operation of the State store. I have been here for 12 years and have repeatedly defended the State store system. We will continue to do that, and I do ask for concurrence in Senate amendments in 1164.

Thank you, Mr. Speaker.

On the question recurring,

Will the House concur in Senate amendments to House amendments?

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

Those voting in the negative will please rise; those voting in the affirmative will please remain seated. Negative votes, please rise until recognized by the clerk. There are several of you, so please, when you are recognized, sit down.

The following roll call was recorded:

YEAS—144

Adolph	Eachus	Manderino	Serafini
Allen	Evans	Markosek	Seyfert
Argall	Fargo	Marsico	Shaner
Bard	Feese	Masland	Smith, B.
Barrar	Fichter	Mayernik	Smith, S. H.
Battisto	Fleagle	McCall	Snyder, D. W.
Belardi	Flick	McGeehan	Staback
Benninghoff	Gannon	McGill	Stairs
Bishop	George	McIlhinney	Steelman
Blaum	Gigliotti	Melio	Stetler
Boscola	Gladeck	Michlovic	Stevenson
Boyes	Godshall	Micozzie	Sturla
Browne	Gruppo	Myers	Surra
Bunt	Habay	Nailor	Tangretti
Butkovitz	Haluska	Nickol	Taylor, E. Z.
Buxton	Hanna	O'Brien	Taylor, J.
Caltagirone	Harhart	Oliver	Tigue
Carone	Hasay	Orie	Trello
Cawley	Hennessey	Perzel	Trich
Chadwick	Herman	Pesci	Tulli
Civera	Horsey	Pippy	Vance
Cohen, L. I.	Jadlowiec	Platts	Van Horne
Colaella	James	Ramos	Veon
Colaizzo	Jarolin	Raymond	Washington
Cornell	Kaiser	Readshaw	Waugh
Corpora	Keller	Reber	Williams, A. H.
Corrigan	Kenney	Reinard	Williams, C.
Coy	LaGrotta	Rieger	Wilt
Dally	Laughlin	Roberts	Wogan
DeLuca	Lawless	Roebuck	Wojnaroski
Dempsey	Lederer	Rooney	Wright, M. N.
Dent	Leh	Ross	Yewcic

Dermody	Lescovitz	Rubley	Youngblood
DeWeese	Lucyk	Saylor	
DiGirolamo	Maher	Schroder	Ryan,
Donatucci	Maitland	Semmel	Speaker
Druce	Major		

NAYS—52

Armstrong	Fairchild	Levdansky	Santoni
Baker	Forcier	Lloyd	Sather
Barley	Geist	Mellhattan	Schuler
Birmelin	Gordner	Miller	Scrimenti
Cappabianca	Gruitza	Mundy	Steil
Carn	Harhai	Petrarca	Stern
Casorio	Hershey	Petrone	Strittmatter
Clark	Hess	Phillips	Thomas
Clymer	Hutchinson	Pistella	Travaglio
Cohen, M.	Itkin	Preston	True
Cowell	Josephs	Robinson	Walko
Curry	Kirkland	Rohrer	Zimmerman
Egolf	Krebs	Sainato	Zug

NOT VOTING—0

EXCUSED—7

Bebko-Jones	Daley	McNaughton	Vitali
Belfanti	Lynch	Olasz	

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

Ordered, That the clerk inform the Senate accordingly.

PARLIAMENTARY INQUIRY

The SPEAKER pro tempore. Does the gentleman, Mr. Barley, seek recognition for the purpose of making a motion on SB 185?

Mr. BARLEY. Thank you, Mr. Speaker.

A parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state the point.

Mr. BARLEY. Is SB 185 on the calendar in a position to be called up?

The SPEAKER pro tempore. Since it was not on the voting schedule, the rules would have to be suspended to call it up. It is on supplemental calendar H, but you would have to suspend the rules to call it up.

RULES SUSPENDED

Mr. BARLEY. Mr. Speaker, I move to suspend the rules to call up SB 185.

The SPEAKER pro tempore. The gentleman, Mr. Barley, moves that the rules of the House be suspended so that the House may immediately consider SB 185 on supplemental calendar H.

On the question,

Will the House agree to the motion?

The SPEAKER pro tempore. Those in favor of the motion will remain seated; those opposed will please stand until recognized by the clerk.

The following roll call was recorded:

YEAS—196

Adolph	Egolf	Maitland	Schroder
Allen	Evans	Major	Schuler
Argall	Fairchild	Manderino	Scrimenti
Armstrong	Fargo	Markosek	Semmel
Baker	Feece	Marsico	Serafini
Bard	Fichter	Masland	Seyfert
Barley	Fleagle	Mayernik	Shaner
Barrar	Flick	McCall	Smith, B.
Battisto	Forcier	McGeehan	Smith, S. H.
Belardi	Gannon	McGill	Snyder, D. W.
Benninghoff	Geist	McIlhattan	Staback
Birmelin	George	McIlhinney	Stairs
Bishop	Gigliotti	Melio	Steelman
Blaum	Gladeck	Michlovic	Steil
Boscola	Godshall	Micozzie	Stern
Boyes	Gordner	Miller	Stetler
Browne	Gruitza	Mundy	Stevenson
Bunt	Gruppo	Myers	Strittmatter
Butkovitz	Habay	Nailor	Sturla
Buxton	Haluska	Nickol	Surra
Caltagirone	Hanna	O'Brien	Tangretti
Cappabianca	Harhai	Oliver	Taylor, E. Z.
Carn	Harhart	Orie	Taylor, J.
Carone	Hasay	Perzel	Thomas
Casorio	Hennessey	Pesci	Tigue
Cawley	Herman	Petrarca	Travaglio
Chadwick	Hershey	Petrone	Trello
Civera	Hess	Phillips	Trich
Clark	Horsely	Pippy	True
Clymer	Hutchinson	Pistella	Tulli
Cohen, L. I.	Itkin	Platts	Vance
Cohen, M.	Jadlowiec	Preston	Van Horne
Colaella	James	Ramos	Veon
Colaizzo	Jarolin	Raymond	Walko
Cornell	Josephs	Readshaw	Washington
Corpora	Kaiser	Reber	Waugh
Corrigan	Keller	Reinard	Williams, A. H.
Cowell	Kenney	Rieger	Williams, C.
Coy	Kirkland	Roberts	Wilt
Curry	Krebs	Robinson	Wogan
Dally	LaGrotta	Roebuck	Wojnaroski
DeLuca	Laughlin	Rohrer	Wright, M. N.
Dempsey	Lawless	Rooney	Yewcic
Dent	Lederer	Ross	Youngblood
Dermody	Leh	Rublely	Zimmerman
DeWeese	Lescovitz	Sainato	Zug
DiGirolamo	Levdansky	Santoni	
Donatucci	Lloyd	Sather	Ryan,
Druce	Lucyk	Saylor	Speaker
Eachus	Maher		

NAYS—0

NOT VOTING—0

EXCUSED—7

Bebko-Jones	Daley	McNaughton	Vitali
Belfanti	Lynch	Olasz	

A majority of the members required by the rules having voted in the affirmative, the question was determined in the affirmative and the motion was agreed to.

**THE SPEAKER (MATTHEW J. RYAN)
PRESIDING**

SUPPLEMENTAL CALENDAR H

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 185, PN 2078**, entitled:

An Act providing for the highway capital budget project itemization for the fiscal year 1996-1997; and transferring a certain township road to the Commonwealth.

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

Mr. **BARLEY** offered the following amendment No. A3354:

Amend Sec. 351, page 116, by inserting between lines 1 and 2

(m) Independence Gateway	
(1) Chestnut Street to Race Street and 5th Street to 6th Street, Pavement, Curb and Sidewalk Improvements	1,200,000
(n) JFK and 30th Street	
(1) Roadway Realignment and Pedestrian Safety Improvements	800,000

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

POINT OF ORDER

The **SPEAKER**. On the question of the adoption of the— The Chair apologizes to the gentleman. Mr. Lloyd.

Mr. **LYOYD**. A point of order, Mr. Speaker.

The **SPEAKER**. The Chair recognizes the gentleman, Mr. Lloyd.

Mr. **LYOYD**. Mr. Speaker, I am not sure whether I was given the wrong bill—

The **SPEAKER**. The gentleman will yield.

The conferences to the right of the Speaker, please.

Mr. Lloyd.

Mr. **LYOYD**. Mr. Speaker, I do not know whether I was given the wrong bill or not, and I do not know whether that is the situation with anybody else or not, but according to the calendar, we are considering PN 2078. A bill and an amendment which were passed out to me earlier today carry PN 2061. I am not going to hold up the process by insisting on a copy of 2078, but I would like somebody to tell me what the difference is between 2061 and 2078.

The **SPEAKER**. Mr. Lloyd, the difference in the two printer's numbers was at the request of the Democrat leaders, who apparently picked up a mistake of the Reference Bureau and changed the word "Jade"—J-a-d-e—Township to "Jay" Township, and it was—

Mr. **LYOYD**. So there were no projects deleted from the bill.

The **SPEAKER**. None deleted or added, other than maybe Jade lost something, but—

Mr. **LYOYD**. Not in my district. Thank you, Mr. Speaker.

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

The **SPEAKER**. Negative votes will please rise.

The following roll call was recorded:

YEAS—196

Adolph	Egolf	Maitland	Schroder
Allen	Evans	Major	Schuler
Argall	Fairchild	Manderino	Scrimenti
Armstrong	Fargo	Markosek	Semmel
Baker	Feese	Marsico	Serafini
Bard	Fichter	Masland	Seyfert
Barley	Fleagle	Mayernik	Shaner
Barrar	Flick	McCall	Smith, B.
Battisto	Forcier	McGeehan	Smith, S. H.
Belardi	Gannon	McGill	Snyder, D. W.
Benninghoff	Geist	McIlhattan	Staback
Birmelin	George	McIlhinney	Stairs
Bishop	Gigliotti	Melio	Steelman
Blaum	Gladeck	Michlovic	Steil
Boscola	Godshall	Micozzie	Stern
Boyes	Gordner	Miller	Stetler
Browne	Gruitza	Mundy	Stevenson
Bunt	Gruppo	Myers	Strittmatter
Butkovitz	Habay	Nailor	Sturla
Buxton	Haluska	Nickol	Surra
Caltagirone	Hanna	O'Brien	Tangretti
Cappabianca	Harhai	Oliver	Taylor, E. Z.
Carn	Harhart	Orie	Taylor, J.
Carone	Hasay	Perzel	Thomas
Casorio	Hennessey	Pesci	Tigue
Cawley	Herman	Petrarca	Travaglio
Chadwick	Hershey	Petrone	Trello
Civera	Hess	Phillips	Trich
Clark	Horsey	Pippy	True
Clymer	Hutchinson	Pistella	Tulli
Cohen, L. I.	Itkin	Platts	Vance
Cohen, M.	Jadlowiec	Preston	Van Horne
Colaella	James	Ramos	Veon
Colaizzo	Jarolin	Raymond	Walko
Cornell	Josephs	Readshaw	Washington
Corpora	Kaiser	Reber	Waugh
Corrigan	Keller	Reinard	Williams, A. H.
Cowell	Kenney	Rieger	Williams, C.
Coy	Kirkland	Roberts	Wilt
Curry	Krebs	Robinson	Wogan
Dally	LaGrotta	Roebuck	Wojnaroski
DeLuca	Laughlin	Rohrer	Wright, M. N.
Dempsey	Lawless	Rooney	Yewcic
Dent	Lederer	Ross	Youngblood
Dermody	Leh	Rubley	Zimmerman
DeWeese	Lescovitz	Sainato	Zug
DiGirolamo	Levdansky	Santoni	
Donatucci	Lloyd	Sather	Ryan,
Druce	Lucyk	Saylor	Speaker
Eachus	Maher		

NAYS—0

NOT VOTING—0

EXCUSED—7

Bebko-Jones	Daley	McNaughton	Vitali
Belfanti	Lynch	Olasz	

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

On the question,

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

The SPEAKER. The Chair recognizes the gentleman, Mr. Barley, who offers the following amendment, which the clerk will read.

Mr. Barley, what is your next amendment? I understand you have three.

The Chair recognizes the gentleman, Mr. Barley, who submits an amendment in the name of Mr. Roberts. The clerk will read the amendment.

On the question recurring,

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

Mr. BARLEY offered the following amendment No. A3326:

Amend Sec. 326, page 68, by inserting between lines 6 and 7
(d) SR 119

(1) Intersection at Bellevue Road,
Bullskin Township, Traffic Signal
Installation

100,000

On the question,

Will the House agree to the amendment?

The SPEAKER. Negative votes will please rise.

The following roll call was recorded:

YEAS—196

Adolph	Egolf	Maitland	Schroder
Allen	Evans	Major	Schuler
Argall	Fairchild	Manderino	Scrimenti
Armstrong	Fargo	Markosek	Semmel
Baker	Feese	Marsico	Serafini
Bard	Fichter	Masland	Seyfert
Barley	Fleagle	Mayernik	Shaner
Barrar	Flick	McCall	Smith, B.
Battisto	Forcier	McGeehan	Smith, S. H.
Belardi	Gannon	McGill	Snyder, D. W.
Benninghoff	Geist	McIlhattan	Staback
Birmelin	George	McIlhinney	Stairs
Bishop	Gigliotti	Melio	Steelman
Blaum	Gladeck	Michlovic	Steil
Boscola	Godshall	Micozzie	Stern
Boyes	Gordner	Miller	Stetler
Browne	Gruitza	Mundy	Stevenson
Bunt	Gruppo	Myers	Strittmatter
Butkovitz	Habay	Nailor	Sturla
Buxton	Haluska	Nickol	Surra
Caltagirone	Hanna	O'Brien	Tangretti
Cappabianca	Harhai	Oliver	Taylor, E. Z.
Carn	Harhart	Orie	Taylor, J.
Carone	Hasay	Perzel	Thomas
Casorio	Hennessey	Pesci	Tigue
Cawley	Herman	Petrarca	Travaglio
Chadwick	Hershey	Petrone	Trello
Civera	Hess	Phillips	Trich
Clark	Horsey	Pippy	True
Clymer	Hutchinson	Pistella	Tulli
Cohen, L. I.	Itkin	Platts	Vance
Cohen, M.	Jadlowiec	Preston	Van Horne
Colaella	James	Ramos	Veon
Colaizzo	Jarolin	Raymond	Walko
Cornell	Josephs	Readshaw	Washington
Corpora	Kaiser	Reber	Waugh
Corrigan	Keller	Reinard	Williams, A. H.
Cowell	Kenney	Rieger	Williams, C.
Coy	Kirkland	Roberts	Wilt
Curry	Krebs	Robinson	Wogan
Dally	LaGrotta	Roebuck	Wojnaroski

DeLuca	Laughlin	Rohrer	Wright, M. N.
Dempsey	Lawless	Rooney	Yewcic
Dent	Lederer	Ross	Youngblood
Dermody	Leh	Rubley	Zimmerman
DeWeese	Lescovitz	Sainato	Zug
DiGirolo	Levdansky	Santoni	
Donatucci	Lloyd	Sather	Ryan,
Druce	Lucyk	Saylor	Speaker
Eachus	Maher		

NAYS-0

NOT VOTING-0

EXCUSED-7

Bebko-Jones	Daley	McNaughton	Vitali
Belfanti	Lynch	Olasz	

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

On the question recurring,

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

Mr. **GEIST** offered the following amendment No. **A3297**:

Amend Title, page 1, lines 2 and 3, by striking out “; AND TRANSFERRING A CERTAIN TOWNSHIP ROAD TO THE COMMONWEALTH”

Amend Sec. 324, page 64, lines 1 through 3, by striking out all of said lines

Amend Bill, page 137, lines 3 through 15, by striking out all of said lines

On the question,

Will the House agree to the amendment?

The **SPEAKER**. On the question of the adoption of the amendment, the Chair recognizes the gentleman, Mr. Geist.

Mr. **GEIST**. Thank you very much, Mr. Speaker.

This is agreed to. Roll it.

Mr. **SURRA**. Mr. Speaker?

The **SPEAKER**. The gentleman, Mr. Surra.

Mr. **SURRA**. Mr. Speaker, I just want to put on the record my support of Mr. Geist's motion to suspend the rules. The department and the chairman of the Transportation Committees on both sides of the aisle had made a commitment to help me with my problems.

The **SPEAKER**. This vote is on the amendment itself.

Mr. **SURRA**. Oh, it is on the amendment? Okay.

The **SPEAKER**. We have suspended the rules.

Mr. **SURRA**. Well, I support the amendment. Thank you.

On the question recurring,

Will the House agree to the amendment?

The **SPEAKER**. Negative votes will please stand up.

The following roll call was recorded:

YEAS-196

Adolph	Egolf	Maitland	Schroder
Allen	Evans	Major	Schuler
Argall	Fairchild	Manderino	Scrimenti
Armstrong	Fargo	Markosek	Semmel
Baker	Feese	Marsico	Serafini
Bard	Fichter	Masland	Seyfert
Barley	Fleagle	Mayemik	Shaner
Barrar	Flick	McCall	Smith, B.
Battisto	Forcier	McGeehan	Smith, S. H.
Belardi	Gannon	McGill	Snyder, D. W.
Benninghoff	Geist	McIlhattan	Staback
Birmelin	George	McIlhinney	Stairs
Bishop	Gigliotti	Melio	Steelman
Blaum	Gladeck	Michlovic	Steil
Boscola	Godshall	Micozzie	Stern
Boyes	Gordner	Miller	Stetler
Browne	Gruitza	Mundy	Stevenson
Bunt	Gruppo	Myers	Strittmatter
Butkovitz	Habay	Nailor	Sturla
Buxton	Haluska	Nickol	Surra
Caltagirone	Hanna	O'Brien	Tangretti
Cappabianca	Harhai	Oliver	Taylor, E. Z.
Carn	Harhart	Orie	Taylor, J.
Carone	Hasay	Perzel	Thomas
Casorio	Hennessey	Pesci	Tigue
Cawley	Herman	Petrarca	Travaglio
Chadwick	Hershey	Petrone	Trello
Civera	Hess	Phillips	Trich
Clark	Horsey	Pippy	True
Clymer	Hutchinson	Pistella	Tulli
Cohen, L. I.	Itkin	Platts	Vance
Cohen, M.	Jadlowiec	Preston	Van Horne
Colaella	James	Ramos	Veon
Colaizzo	Jarolin	Raymond	Walko
Cornell	Josephs	Readshaw	Washington
Corpora	Kaiser	Reber	Waugh
Corrigan	Keller	Reinard	Williams, A. H.
Cowell	Kenney	Rieger	Williams, C.
Coy	Kirkland	Roberts	Wilt
Curry	Krebs	Robinson	Wogan
Dally	LaGrotta	Roebuck	Wojnaroski
DeLuca	Laughlin	Rohrer	Wright, M. N.
Dempsey	Lawless	Rooney	Yewcic
Dent	Lederer	Ross	Youngblood
Dermody	Leh	Rubley	Zimmerman
DeWeese	Lescovitz	Sainato	Zug
DiGirolo	Levdansky	Santoni	
Donatucci	Lloyd	Sather	Ryan,
Druce	Lucyk	Saylor	Speaker
Eachus	Maher		

NAYS-0

NOT VOTING-0

EXCUSED-7

Bebko-Jones	Daley	McNaughton	Vitali
Belfanti	Lynch	Olasz	

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

On the question recurring,

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

Mr. BENNINGHOFF offered the following amendment No. A3355:

Amend Sec. 314, page 44, by inserting between lines 1 and 2 (k) SR 150

(1) Section 114, Benner Pike, Shiloh Road Area, Widening to Five Lanes and Resurfacing 3,800,000
(Base Project Allocation - \$3,000,000)
(Land Allocation - \$500,000)
(Design and Contingencies - \$300,000)

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

The SPEAKER. Negative votes will please rise and remain standing until your name has been called out.

The following roll call was recorded:

YEAS—196

Adolph	Egolf	Maitland	Schroder
Allen	Evans	Major	Schuler
Argall	Fairchild	Manderino	Scrimenti
Armstrong	Fargo	Markosek	Semmel
Baker	Feese	Marsico	Serafini
Bard	Fichter	Masland	Seyfert
Barley	Fleagle	Mayernik	Shaner
Barrar	Flick	McCall	Smith, B.
Battisto	Forcier	McGeehan	Smith, S. H.
Belardi	Gannon	McGill	Snyder, D. W.
Benninghoff	Geist	McIlhattan	Staback
Birmelin	George	McIlhinney	Stairs
Bishop	Gigliotti	Melio	Steelman
Blaum	Gladeck	Michlovic	Steil
Boscola	Godshall	Micozzie	Stern
Boyes	Gordner	Miller	Stetler
Browne	Gruitza	Mundy	Stevenson
Bunt	Gruppo	Myers	Strittmatter
Butkovitz	Habay	Nailor	Sturla
Buxton	Haluska	Nickol	Surra
Caltagirone	Hanna	O'Brien	Tangretti
Cappabianca	Harhai	Oliver	Taylor, E. Z.
Carn	Harhart	Orie	Taylor, J.
Carone	Hasay	Perzel	Thomas
Casorio	Hennessey	Pesci	Tigue
Cawley	Herman	Petrarca	Travaglio
Chadwick	Hershey	Petrone	Trello
Civera	Hess	Phillips	Trich
Clark	Horsey	Pippy	True
Clymer	Hutchinson	Pistella	Tulli
Cohen, L. I.	Itkin	Platts	Vance
Cohen, M.	Jadlowiec	Preston	Van Horne
Colaella	James	Ramos	Veon
Colaizzo	Jarolin	Raymond	Walko
Cornell	Josephs	Readshaw	Washington
Corpora	Kaiser	Reber	Waugh
Corrigan	Keller	Reinard	Williams, A. H.
Cowell	Kenney	Rieger	Williams, C.
Coy	Kirkland	Roberts	Wilt
Curry	Krebs	Robinson	Wogan
Dally	LaGrotta	Roebuck	Wojnaroski
DeLuca	Laughlin	Rohrer	Wright, M. N.
Dempsey	Lawless	Rooney	Yewcic
Dent	Lederer	Ross	Youngblood
Dermoddy	Leh	Rubley	Zimmerman
DeWeese	Lescovitz	Sainato	Zug
DiGirolamo	Devdanský	Santoni	
Donatucci	Lloyd	Sather	Ryan,
Druce	Lucyk	Saylor	Speaker
Eachus	Maher		

NAYS—0

NOT VOTING—0

EXCUSED—7

Bebko-Jones	Daley	McNaughton	Vitali
Belfanti	Lynch	Olasz	

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

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

Bill as amended 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.

All negative votes will kindly rise.

The following roll call was recorded:

YEAS—196

Adolph	Egolf	Maitland	Schroder
Allen	Evans	Major	Schuler
Argall	Fairchild	Manderino	Scrimenti
Armstrong	Fargo	Markosek	Semmel
Baker	Feese	Marsico	Serafini
Bard	Fichter	Masland	Seyfert
Barley	Fleagle	Mayernik	Shaner
Barrar	Flick	McCall	Smith, B.
Battisto	Forcier	McGeehan	Smith, S. H.
Belardi	Gannon	McGill	Snyder, D. W.
Benninghoff	Geist	McIlhattan	Staback
Birmelin	George	McIlhinney	Stairs
Bishop	Gigliotti	Melio	Steelman
Blaum	Gladeck	Michlovic	Steil
Boscola	Godshall	Micozzie	Stern
Boyes	Gordner	Miller	Stetler
Browne	Gruitza	Mundy	Stevenson
Bunt	Gruppo	Myers	Strittmatter
Butkovitz	Habay	Nailor	Sturla
Buxton	Haluska	Nickol	Surra
Caltagirone	Hanna	O'Brien	Tangretti
Cappabianca	Harhai	Oliver	Taylor, E. Z.
Carn	Harhart	Orie	Taylor, J.
Carone	Hasay	Perzel	Thomas
Casorio	Hennessey	Pesci	Tigue
Cawley	Herman	Petrarca	Travaglio
Chadwick	Hershey	Petrone	Trello
Civera	Hess	Phillips	Trich
Clark	Horsey	Pippy	True
Clymer	Hutchinson	Pistella	Tulli
Cohen, L. I.	Itkin	Platts	Vance
Cohen, M.	Jadlowiec	Preston	Van Horne
Colaella	James	Ramos	Veon
Colaizzo	Jarolin	Raymond	Walko
Cornell	Josephs	Readshaw	Washington
Corpora	Kaiser	Reber	Waugh
Corrigan	Keller	Reinard	Williams, A. H.
Cowell	Kenney	Rieger	Williams, C.
Coy	Kirkland	Roberts	Wilt
Curry	Krebs	Robinson	Wogan

Dally	LaGrotta	Roebuck	Wojnaroski
DeLuca	Laughlin	Rohrer	Wright, M. N.
Dempsey	Lawless	Rooney	Yewcic
Dent	Lederer	Ross	Youngblood
Dermody	Leh	Rubley	Zimmerman
DeWeese	Lescovitz	Sainato	Zug
DiGirolamo	Levdansky	Santoni	
Donatucci	Lloyd	Sather	Ryan,
Druce	Lucyk	Saylor	Speaker
Eachus	Maher		

NAYS-0

NOT VOTING-0

EXCUSED-7

Bebko-Jones	Daley	McNaughton	Vitali
Belfanti	Lynch	Olasz	

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

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

The SPEAKER. There will be no further official votes.

HEALTH AND HUMAN SERVICES COMMITTEE MEETING

Mr. O'BRIEN. Mr. Speaker?

The SPEAKER. Mr. O'Brien.

Mr. O'BRIEN. There will be a meeting of the Health and Human Services Committee at the rear of the House immediately following the close of business.

The SPEAKER. There is an immediate meeting of the Health and Human Services Committee at the back of the hall of the House.

VOTE CORRECTIONS

The SPEAKER. Mr. McGill.

Mr. MCGILL. Mr. Speaker, to correct the record.

On HB 10 I was recorded in the affirmative. I want to be voted in the negative, please.

The SPEAKER. The remarks of the gentleman will be spread upon the record.

Mr. MCGILL. Thank you.

The SPEAKER. The lady, Ms. Seyfert.

Ms. SEYFERT. Yes, to correct the record.

I was voted in the negative on HB 135 and would like to be recorded in the positive. Thank you, Mr. Speaker.

The SPEAKER. The remarks of the lady will be spread upon the record.

The gentleman, Mr. McCall.

Mr. MCCALL. Thank you, Mr. Speaker.

On SB 220 I was recorded in the affirmative. I would like the record to reflect I would have voted in the negative.

The SPEAKER. The remarks of the gentleman will be spread upon the record.

BILLS SIGNED BY SPEAKER

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

HB 10, PN 3739

An Act amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, providing for marking of dams.

HB 114, PN 3694

A Joint Resolution proposing amendments to the Constitution of the Commonwealth of Pennsylvania, further providing for the selection of the chairman of the Legislative Reapportionment Commission; providing for the effective date of newly reapportioned districts and for the election of Senators in certain circumstances; and further providing for retirement of justices, judges and justices of the peace.

HB 135, PN 3736

An Act amending the act of April 9, 1929 (P.L.177, No.175), entitled The Administrative Code of 1929, providing for an osteoporosis prevention and education program; eliminating the expiration period of televised international and interstate simulcastings of horse races; and making repeals.

HB 1480, PN 3643

An Act amending Title 54 (Names) of the Pennsylvania Consolidated Statutes, adding and changing definitions; making classifications; and providing for registrability and application for registration, duration and renewal, for cancellation for damages for fraudulent registration, for infringement, for injury to business or reputation and for remedies.

HB 1502, PN 3699

An Act amending Title 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes, further providing for persons who may execute anatomical gifts and for contributions to the Organ Donation Awareness Trust Fund.

HB 1778, PN 3738

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for terroristic threats and for obscene and other sexual materials.

SB 252, PN 2023

An Act providing for a procedure and method of execution; and making repeals.

SB 284, PN 2028

An Act amending the act of December 18, 1984 (P.L.1005, No.205), entitled Municipal Pension Plan Funding Standard and Recovery Act, further providing for additions to the actuarial valuation report, for supplemental State assistance and for a home rule municipality formerly classified as a city of the second class; authorizing the reestablishment of initial unfunded actuarial accrued liability; specifying a new 40-year amortization period; prescribing the calculation of the amortization contribution for the pension funds; and providing for alternative funding mechanism.

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

The SPEAKER. Tomorrow will be a nonvoting session day.

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

HB 1673, PN 3734 (Amended) By Rep. HASAY

An Act amending the act of August 11, 1941 (P.L.900, No.344), known as the Unfair Sales Act, adding a definition of "motor fuel"; and providing for competitive markets, for advertisement and for penalties.

COMMERCE AND ECONOMIC DEVELOPMENT.

HB 2435, PN 3232 By Rep. HERSHEY

An Act repealing the act of December 29, 1972 (Sp.Sess., P.L.2024, No.5), entitled "An act authorizing abatement of real estate taxes because of destruction or damage of property by flood, or the refund of the amount of such taxes by certain political subdivisions; authorizing assessment of properties retroactive to January 1, of the year of flood damage and authorizing reimbursement to certain political subdivisions for real estate taxes lost due to the flood of September 1971 and the Great June Flood of 1972."

VETERANS AFFAIRS AND EMERGENCY
PREPAREDNESS.

HB 2437, PN 3234 By Rep. HERSHEY

An Act repealing the act of May 15, 1945 (P.L.545, No.215), entitled "An act relating to the rate of pay for policemen, firemen and park guards in cities of the first class; providing for a system whereby policemen, firemen and park guards of cities of the first class who shall enter, or who shall have entered, the military service during the present hostilities shall be paid upon honorable discharge and re-entry into the police, fire or park guard service at the same rate of pay as if they had actually served on the police force, fire bureau or park guard force of cities of the first class during the years, months or days they were in the military service."

VETERANS AFFAIRS AND EMERGENCY
PREPAREDNESS.

HB 2474, PN 3742 (Amended) By Rep. HERSHEY

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, providing for halls of fame in veterans' homes.

VETERANS AFFAIRS AND EMERGENCY
PREPAREDNESS.

**BILLS REPORTED FROM COMMITTEES,
CONSIDERED FIRST TIME, AND TABLED**

SB 94, PN 1818

By Rep. HASAY

An Act amending the act of December 22, 1989 (P.L.687, No.90), entitled Mortgage Bankers and Brokers Act, further providing for definitions, for loan correspondents, for limited mortgage broker, for wholesale table funders, for license applications, requirements, exemptions, duration, fees, limitations, suspensions or revocations and for enforcement and penalties.

COMMERCE AND ECONOMIC DEVELOPMENT.

SB 510, PN 2079 (Amended)

By Rep. HERMAN

An Act amending the act of July 7, 1947 (P.L.1368, No.542), entitled, as amended, Real Estate Tax Sale Law, defining "delinquent" taxes; and requiring successful bidders of property subject to sale to provide a certification that they do not have delinquent real estate taxes or municipal utility bills that are more than one year outstanding.

LOCAL GOVERNMENT.

The SPEAKER. Do the Republican leaders have any further business? Do the Democratic leaders have any further business? Any corrections to the record? Reports of committee?

STATEMENT BY DEMOCRATIC LEADER

The SPEAKER. Mr. DeWeese.

Mr. DeWEESE. Just one statement before we retire for the summer.

I am disappointed that the State Senate Republicans and hence our own Republican leaders on the floor were unable to work out an arrangement where we could have established a legislative precedent for our major banks and, for that matter, for our smaller banks. Mellon Bank and PNC Bank in western Pennsylvania are among the most robust business organizations in our State, and there is imminent peril that massive organizations on Wall Street might be presumptive enough to take them over.

I would like to think that we could have been more helpful to some of our major western Pennsylvania businesses, and I leave with my caucus for the summer with that statement of regret, that the State Senate Republicans and that the State House Republicans were unable to help us as the Democratic Caucus pushed vigorously to try to make sure that Mellon Bank and PNC Bank and, for that matter, other banks in the State were given more legislative protection — legislative protection — from massive takeovers by multinational banks outside of our State.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

BILLS AND RESOLUTION PASSED OVER

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

ADJOURNMENT

The SPEAKER. The Chair recognizes the gentleman from Allegheny County, Mr. Maher.

Mr. MAHER. Mr. Speaker, I move that this House do now adjourn until Wednesday, June 10, 1998, 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 6:27 p.m., e.d.t., the House adjourned.