

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

MONDAY, MARCH 20, 2000

SESSION OF 2000

184TH OF THE GENERAL ASSEMBLY

No. 17

HOUSE OF REPRESENTATIVES

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

**THE SPEAKER PRO TEMPORE
(J. SCOT CHADWICK) PRESIDING**

PRAYER POSTPONED

The SPEAKER pro tempore. Without objection, we will postpone the prayer until a bit later in the afternoon and proceed directly to the Pledge of Allegiance.

PLEDGE OF ALLEGIANCE

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

JOURNAL APPROVAL POSTPONED

The SPEAKER pro tempore. Without objection, the approval of the Journal of Wednesday, March 15, 2000, will be postponed until printed. The Chair hears no objection.

COMMUNICATION FROM SPEAKER

SPEAKER PRO TEMPORE APPOINTED

The SPEAKER pro tempore. A communication from the Speaker of the House, which the clerk will read.

The following communication was read:

House of Representatives
Commonwealth of Pennsylvania
Harrisburg

To the Honorable House of Representatives

Pursuant to House Rule 1, this is to advise you that I have appointed the Honorable J. Scot Chadwick as Speaker Pro Tempore to perform all the duties of the Chair for the period Monday, March 20, 2000.

Very truly yours,
Matthew J. Ryan
The Speaker

HOUSE BILLS INTRODUCED AND REFERRED

No. 2357 By Representatives FREEMAN, BARRAR, BELARDI, BELFANTI, CIVERA, M. COHEN, CORRIGAN, COSTA, DALEY, DeLUCA, DeWEESE, FRANKEL, GEORGE, GRUCELA, HALUSKA, HARHAI, HORSEY, LAUGHLIN, MELIO, PETRARCA, PISTELLA, READSHAW, ROONEY, ROSS, SAINATO, SAYLOR, SCHULER, SOLOBAY, STABACK, THOMAS, TIGUE, WILLIAMS, WOGAN, WOJNAROSKI, YOUNGBLOOD and YUDICHAK

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for the definition of "public safety agency"; and making an editorial change.

Referred to Committee on JUDICIARY, March 16, 2000.

No. 2358 By Representatives CHADWICK, CLARK, CLYMER, DALEY, FARGO, GEIST, GEORGE, HESS, MASLAND, PLATTS, RAMOS, SAYLOR, SCHULER, SCRIMENTI, STEELMAN, STETLER, STURLA, E. Z. TAYLOR, TIGUE, TRELLO, WILT and YOUNGBLOOD

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, providing for the ability of a police officer to obtain an arrest warrant for certain violations of the Protection From Abuse Act.

Referred to Committee on JUDICIARY, March 16, 2000.

No. 2359 By Representatives CHADWICK, M. COHEN, FLICK, GEIST, GEORGE, HARHAI, LUCYK, MELIO, ORIE, PETRONE, ROSS, SATHER, STABACK, STERN, E. Z. TAYLOR, TRUE and YOUNGBLOOD

An Act amending the act of May 2, 1945 (P.L.382, No.164), known as the Municipality Authorities Act of 1945, further regulating appointments to a governing body.

Referred to Committee on LOCAL GOVERNMENT, March 16, 2000.

No. 2360 By Representatives CHADWICK, BAKER, BARRAR, CORRIGAN, GEIST, GEORGE, HENNESSEY, JAMES, MAJOR, MARSICO, MELIO, MICHLOVIC, PESCI, READSHAW, SEYFERT, STERN, E. Z. TAYLOR, TRELLO, WALKO, YOUNGBLOOD and M. COHEN

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for arrest for violation or order relating to protection from abuse.

Referred to Committee on JUDICIARY, March 16, 2000.

No. 2361 By Representative BARLEY

An Act to provide from the General Fund for the expenses of the Executive, Legislative and Judicial Departments of the Commonwealth, the public debt and for the public schools for the fiscal year July 1, 2000, to June 30, 2001, for certain institutions and organizations, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2000; to provide appropriations from the State Lottery Fund, the Energy Conservation and Assistance Fund, the Hazardous Material Response Fund, The State Stores Fund, the Milk Marketing Fund, the Home Investment Trust Fund, the Emergency Medical Services Operating Fund, the Ben Franklin/IRC Partnership Fund, the Tuition Payment Fund, the Banking Department Fund, the Firearm Records Check Fund and the Tobacco Settlement Fund to the Executive Department; to provide appropriations from the Judicial Computer System Augmentation Account to the Judicial Department for the fiscal year July 1, 2000, to June 30, 2001; to provide appropriations from the Motor License Fund for the fiscal year July 1, 2000, to June 30, 2001, for the proper operation of the several departments of the Commonwealth and the Pennsylvania State Police authorized to spend Motor License Fund moneys; and to provide for the appropriation of Federal funds to the Executive Department of the Commonwealth and for the establishment of restricted receipt accounts for the fiscal year July 1, 2000, to June 30, 2001, and for the payment of bills remaining unpaid at the close of the fiscal year ending June 30, 2000.

Referred to Committee on APPROPRIATIONS, March 16, 2000.

No. 2362 By Representative BARLEY

An Act making appropriations from the Professional Licensure Augmentation Account and from restricted revenue accounts within the General Fund to the Department of State for use by the Bureau of Professional and Occupational Affairs in support of the professional licensure boards assigned thereto.

Referred to Committee on APPROPRIATIONS, March 16, 2000.

No. 2363 By Representative BARLEY

An Act making an appropriation from the State Employees' Retirement Fund to provide for expenses of the State Employees' Retirement Board for the fiscal year July 1, 2000, to June 30, 2001, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2000.

Referred to Committee on APPROPRIATIONS, March 16, 2000.

No. 2364 By Representative BARLEY

An Act making appropriations from the Workmen's Compensation Administration Fund to the Department of Labor and Industry and the Department of Community and Economic Development to provide for the expenses of administering the Workers' Compensation Act, The Pennsylvania Occupational Disease Act and the Office of Small Business Advocate for the fiscal year July 1, 2000, to June 30, 2001, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2000.

Referred to Committee on APPROPRIATIONS, March 16, 2000.

No. 2365 By Representative BARLEY

An Act making an appropriation from the Public School Employees' Retirement Fund to provide for expenses of the Public School Employees' Retirement Board for the fiscal year July 1, 2000, to June 30, 2001, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2000.

Referred to Committee on APPROPRIATIONS, March 16, 2000.

No. 2366 By Representative BARLEY

An Act making an appropriation from a restricted revenue account within the General Fund and from Federal augmentation funds to the Pennsylvania Public Utility Commission.

Referred to Committee on APPROPRIATIONS, March 16, 2000.

No. 2367 By Representative BARLEY

An Act making an appropriation from a restricted revenue account within the General Fund to the Office of Consumer Advocate in the Office of Attorney General.

Referred to Committee on APPROPRIATIONS, March 16, 2000.

No. 2368 By Representative BARLEY

An Act making an appropriation from a restricted revenue account within the General Fund to the Office of Small Business Advocate in the Department of Community and Economic Development.

Referred to Committee on APPROPRIATIONS, March 16, 2000.

No. 2369 By Representative BARLEY

An Act making appropriations to the Carnegie Museums of Pittsburgh.

Referred to Committee on APPROPRIATIONS, March 16, 2000.

No. 2370 By Representative BARLEY

An Act making an appropriation to the Everhart Museum in Scranton.

Referred to Committee on APPROPRIATIONS, March 16, 2000.

No. 2371 By Representative BARLEY

An Act making an appropriation to the African-American Museum in Philadelphia for operating expenses.

Referred to Committee on APPROPRIATIONS, March 16, 2000.

No. 2372 By Representative BARLEY

An Act making an appropriation to the Academy of Natural Sciences.

Referred to Committee on APPROPRIATIONS, March 16, 2000.

No. 2373 By Representative BARLEY

An Act making an appropriation to the Trustees of the University of Pennsylvania for the general maintenance and operation of the University of Pennsylvania Museum.

Referred to Committee on APPROPRIATIONS, March 16, 2000.

No. 2374 By Representative BARLEY

An Act making an appropriation to the Franklin Institute Science Museum.

Referred to Committee on APPROPRIATIONS, March 16, 2000.

No. 2375 By Representative BARLEY

An Act making an appropriation to the Mercer Museum in Doylestown, Pennsylvania.

Referred to Committee on APPROPRIATIONS, March 16, 2000.

No. 2376 By Representative BARLEY

An Act making an appropriation to the Whitaker Center for Science and the Arts in Harrisburg, Pennsylvania.

Referred to Committee on APPROPRIATIONS, March 16, 2000.

No. 2377 By Representative BARLEY

An Act making an appropriation to the Arsenal Family and Children's Center.

Referred to Committee on APPROPRIATIONS, March 16, 2000.

No. 2378 By Representative BARLEY

An Act making an appropriation to the Beacon Lodge Camp.

Referred to Committee on APPROPRIATIONS, March 16, 2000.

No. 2379 By Representative BARLEY

An Act making an appropriation to the Burn Foundation, Philadelphia.

Referred to Committee on APPROPRIATIONS, March 16, 2000.

No. 2380 By Representative BARLEY

An Act making an appropriation to the Burn Foundation, Philadelphia.

Referred to Committee on APPROPRIATIONS, March 16, 2000.

No. 2381 By Representative BARLEY

An Act making an appropriation to the Trustees of the University of Pennsylvania for cardiovascular studies.

Referred to Committee on APPROPRIATIONS, March 16, 2000.

No. 2382 By Representative BARLEY

An Act making an appropriation to the Central Penn Oncology Group.

Referred to Committee on APPROPRIATIONS, March 16, 2000.

No. 2383 By Representative BARLEY

An Act making an appropriation to the Fox Chase Institute for Cancer Research, Philadelphia, for the operation and maintenance of the cancer research program.

Referred to Committee on APPROPRIATIONS, March 16, 2000.

No. 2384 By Representative BARLEY

An Act making an appropriation to the Lancaster Cleft Palate.

Referred to Committee on APPROPRIATIONS, March 16, 2000.

No. 2385 By Representative BARLEY

An Act making an appropriation to the Pittsburgh Cleft Palate.

Referred to Committee on APPROPRIATIONS, March 16, 2000.

No. 2386 By Representative BARLEY

An Act making an appropriation to The Children's Institute, Pittsburgh.

Referred to Committee on APPROPRIATIONS, March 16, 2000.

No. 2387 By Representative BARLEY

An Act making an appropriation to The Children's Hospital of Philadelphia.

Referred to Committee on APPROPRIATIONS, March 16, 2000.

No. 2388 By Representative BARLEY

An Act making an appropriation to St. Francis Hospital, Pittsburgh.

Referred to Committee on APPROPRIATIONS, March 16, 2000.

No. 2389 By Representative BARLEY

An Act making appropriations to the Wistar Institute, Philadelphia.

Referred to Committee on APPROPRIATIONS, March 16, 2000.

No. 2390 By Representative BARLEY

An Act making an appropriation to the Trustees of Drexel University, Philadelphia.

Referred to Committee on APPROPRIATIONS, March 16, 2000.

No. 2391 By Representative BARLEY

An Act making appropriations to the Philadelphia Health and Education Corporation for the MCP Hahnemann University and for continuation of pediatric services.

Referred to Committee on APPROPRIATIONS, March 16, 2000.

No. 2392 By Representative BARLEY

An Act making an appropriation to the Pennsylvania College of Optometry, Philadelphia.

Referred to Committee on APPROPRIATIONS, March 16, 2000.

No. 2393 By Representative BARLEY

An Act making an appropriation to the Philadelphia College of Osteopathic Medicine, Philadelphia.

Referred to Committee on APPROPRIATIONS, March 16, 2000.

No. 2394 By Representative BARLEY

An Act making appropriations to the Thomas Jefferson University, Philadelphia.

Referred to Committee on APPROPRIATIONS, March 16, 2000.

No. 2395 By Representative BARLEY

An Act making an appropriation to the University of the Arts, Philadelphia.

Referred to Committee on APPROPRIATIONS, March 16, 2000.

No. 2396 By Representative BARLEY

An Act making appropriations to the Trustees of the University of Pennsylvania.

Referred to Committee on APPROPRIATIONS, March 16, 2000.

No. 2397 By Representative BARLEY

An Act making appropriations to the Trustees of the Berean Training and Industrial School at Philadelphia.

Referred to Committee on APPROPRIATIONS, March 16, 2000.

No. 2398 By Representative BARLEY

An Act making an appropriation to the Johnson Technical Institute of Scranton.

Referred to Committee on APPROPRIATIONS, March 16, 2000.

No. 2399 By Representative BARLEY

An Act making an appropriation to the Williamson Free School of Mechanical Trades in Delaware County.

Referred to Committee on APPROPRIATIONS, March 16, 2000.

No. 2400 By Representative BARLEY

A Supplement to the act of July 28, 1966 (3rd Sp.Sess., P.L.87, No.3), entitled "An act providing for the establishment and operation of the University of Pittsburgh as an instrumentality of the Commonwealth to serve as a State-related university in the higher education system of the Commonwealth; providing for change of name; providing for the composition of the board of trustees; terms of trustees, and the power and duties of such trustees; authorizing appropriations in amounts to be fixed annually by the General Assembly; providing for the auditing of accounts of expenditures from said appropriations; providing for public support and capital improvements; authorizing the issuance of bonds exempt from taxation within the Commonwealth; requiring the chancellor to make an annual report of the operations of the University of Pittsburgh," 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.

Referred to Committee on APPROPRIATIONS, March 16, 2000.

No. 2401 By Representative BARLEY

A Supplement to the act of November 30, 1965 (P.L.843, No.355), entitled "An act providing for the establishment and operation of Temple University as an instrumentality of the Commonwealth to serve as a State-related university in the higher education system of the Commonwealth; providing for change of name; providing for the composition of the board of trustees; terms of trustees, and the power and duties of such trustees; providing for preference to Pennsylvania residents in tuition; providing for public support and capital improvements; authorizing appropriations in amounts to be fixed annually by the General Assembly; providing for the auditing of accounts of expenditures from said appropriations; authorizing the

issuance of bonds exempt from taxation within the Commonwealth; requiring the President to make an annual report of the operations of Temple University," 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.

Referred to Committee on APPROPRIATIONS, March 16, 2000.

No. 2402 By Representative BARLEY

A Supplement to the act of April 1, 1863 (P.L.213, No.227), entitled "An act to accept the grant of Public Lands, by the United States, to the several states, for the endowment of Agricultural Colleges," making appropriations for carrying the same into effect; and providing for a basis for payments of such appropriations, for a method of accounting for the funds appropriated and for certain fiscal information disclosure.

Referred to Committee on APPROPRIATIONS, March 16, 2000.

No. 2403 By Representative BARLEY

A Supplement to the act of July 7, 1972 (P.L.743, No.176), entitled "An act providing for the establishment and operation of Lincoln University as an instrumentality of the Commonwealth to serve as a State-related institution in the higher education system of the Commonwealth; providing for change of name; providing for the composition of the board of trustees; terms of trustees, and the power and duties of such trustees; providing for preference to Pennsylvania residents in tuition; authorizing appropriations in amounts to be fixed annually by the General Assembly; providing for the auditing of accounts of expenditures from said appropriations; providing for public support and capital improvements; authorizing the issuance of bonds exempt from taxation within the Commonwealth; requiring the President to make an annual report of the operations of Lincoln University," 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.

Referred to Committee on APPROPRIATIONS, March 16, 2000.

No. 2404 By Representatives PETRONE, ARGALL, FARGO, GRUCELA, WOJNAROSKI, PISTELLA, LUCYK, WASHINGTON, DALEY, GEIST, TRICH, LEH, CIVERA and L. I. COHEN

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for removing political advertisements; and imposing penalties.

Referred to Committee on JUDICIARY, March 16, 2000.

No. 2405 By Representatives PIPPY, BOYES, TRELLO, BARRAR, FRANKEL, GANNON, HASAY, ORIE, RAYMOND, ROSS, STETLER and WILT

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, further defining "domestic entity" and "foreign entity"; and adding a definition for purposes of capital stock and franchise taxes.

Referred to Committee on FINANCE, March 16, 2000.

SENATE BILL FOR CONCURRENCE

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

SB 1243, PN 1591

Referred to Committee on JUDICIARY, March 16, 2000.

BILLS REMOVED FROM TABLE

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

Mr. PERZEL. Mr. Speaker, I move that HB 1962, PN 2420, and HB 2097, PN 3150, be removed from the table and placed on the active calendar.

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

BILLS ON SECOND CONSIDERATION

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

HB 1962, PN 2420; and HB 2097, PN 3150.

BILLS RECOMMENDED

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

Mr. PERZEL. Mr. Speaker, I move that HB 1962 and HB 2097 be recommitted to the Committee on Appropriations.

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

BILLS REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

HB 231, PN 226

By Rep. GEIST

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, further providing for deputy secretaries of the Department of Transportation.

TRANSPORTATION.

HB 708, PN 746

By Rep. GEIST

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for disabled veteran plates.

TRANSPORTATION.

HB 1536, PN 3203 (Amended)

By Rep. GEIST

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for display of registration plate.

TRANSPORTATION.

HB 2234, PN 2927

By Rep. GEIST

An Act amending Title 74 (Transportation) of the Pennsylvania Consolidated Statutes, adding provisions relating to rail freight preservation and improvement; establishing the Pennsylvania Railroad Authority; providing for the establishment of the Pennsylvania Railway Capital Loan Fund; and making a repeal.

TRANSPORTATION.

HB 2320, PN 3204 (Amended)

By Rep. GEIST

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for emergency vehicle lighting; and providing for penalties.

TRANSPORTATION.

LEAVES OF ABSENCE

The SPEAKER pro tempore. The Chair turns to leaves of absence and recognizes the gentleman, Mr. Snyder, who requests a leave of absence for today's session for the gentleman from Delaware County, Mr. RYAN. Without objection, the leave will be granted. The Chair hears no objection. The leave is granted.

The Chair now recognizes the gentleman, Mr. Veon, who requests a leave of absence for today's session for the following members, all from the county of Philadelphia: Mr. EVANS, Mr. HORSEY, Mr. OLIVER, Mr. ROEBUCK, and Ms. YOUNGBLOOD, and the gentleman from Philadelphia, Mr. BUTKOVITZ, for the week. Without objection, the leaves will be granted. The Chair hears no objection, and the leaves are granted.

Members will please report to the floor. We are about to take the master roll.

COMMUNICATION FROM GOVERNOR

APPROVAL OF HOUSE BILL

The Speaker pro tempore laid before the House a communication in writing from the office of His Excellency, the Governor of the Commonwealth, advising that the following House bill had been approved and signed by the Governor:

HB 2057.

ACTUARIAL NOTE

The SPEAKER pro tempore. The Chair acknowledges receipt of an actuarial note for HB 1639, PN 2766.

(Copy of actuarial note is on file with the Journal clerk.)

COMMUNICATION FROM DEPARTMENT OF EDUCATION

The SPEAKER pro tempore. The Chair acknowledges receipt of the Annual Report of the Initial Study of Pennsylvania Charter Schools submitted by the Department of Education pursuant to Act 22 of 1997.

(Copy of communication is on file with the Journal clerk.)

BILL REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND Tabled

HB 2304, PN 3058

By Rep. ARGALL

An Act amending the act of June 25, 1919 (P.L.581, No.274), referred to as the First Class City Government Law, further providing for the powers and duties of the mayor.

URBAN AFFAIRS.

MASTER ROLL CALL

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

The following roll call was recorded:

PRESENT—194

Adolph	Fairchild	Manderino	Sather
Allen	Fargo	Mann	Saylor
Argall	Feese	Markosek	Schroder
Armstrong	Fichter	Marsico	Schuler
Baker	Fleagle	Masland	Scrimenti
Bard	Flick	Mayermik	Semmel
Barley	Forcier	McCall	Seyfert
Barrar	Frankel	McGeehan	Shaner
Bastian	Freeman	McGill	Smith, B.
Battisto	Gannon	McIlhattan	Smith, S. H.
Bebko-Jones	Geist	McIlhinney	Snyder
Belardi	George	McNaughton	Solobay
Belfanti	Gigliotti	Melio	Staback
Benninghoff	Gladeck	Metcalfe	Stairs
Birmelin	Godshall	Michlovic	Steelman
Bishop	Gordner	Micozzie	Steil
Blaum	Grucela	Miller, R.	Stern
Boyes	Gruitza	Miller, S.	Stetler
Browne	Habay	Mundy	Stevenson
Bunt	Haluska	Myers	Strittmatter
Buxton	Hanna	Nailor	Sturla
Caltagirone	Harhai	Nickol	Surra
Cappabianca	Harhart	O'Brien	Tangretti
Carn	Hasay	Orie	Taylor, E. Z.
Casorio	Hennessey	Perzel	Taylor, J.
Cawley	Herman	Pesci	Thomas
Chadwick	Hershey	Petrarca	Tigue
Civera	Hess	Petrone	Travaglio
Clark	Hutchinson	Phillips	Trello
Clymer	Jadlowiec	Pippy	Trich
Cohen, L. I.	James	Pistella	True
Cohen, M.	Josephs	Platts	Tulli
Colafella	Kaiser	Preston	Vance
Cornell	Keller	Ramos	Van Horne
Corrigan	Kenney	Raymond	Veon
Costa	Kirkland	Readshaw	Vitali
Coy	Krebs	Reinard	Walko
Curry	LaGrotta	Rieger	Washington
Dailey	Laughlin	Roberts	Waters
Daley	Lawless	Robinson	Williams
Dally	Lederer	Rohrer	Wilt
DeLuca	Leh	Rooney	Wogan

Dempsey	Lescovitz	Ross	Wojnaroski
Dermody	Levdansky	Rubley	Wright
DeWeese	Lucyk	Ruffing	Yewcic
DiGirolamo	Lynch	Sainato	Yudichak
Donatucci	Maher	Samuelson	Zimmerman
Eachus	Maitland	Santoni	Zug
Egolf	Major		

ADDITIONS—1

Druce

NOT VOTING—0

EXCUSED—7

Butkovitz	Horsey	Roebuck	Ryan,
Evans	Oliver	Youngblood	Speaker

LEAVES ADDED—9

Allen	McNaughton	Rieger	Washington
James	Pistella	Trich	Waters
Lescovitz			

LEAVES CANCELED—3

Butkovitz	Lescovitz	Pistella
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ANNOUNCEMENT BY
SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair has been made aware that, in a sense, the members on the Democratic side of the aisle are powerless at the moment. Power to the printer from your computers is not working right now. The electrician has been sent for, and we hope to have it corrected shortly.

CALENDAR

RESOLUTIONS PURSUANT TO RULE 35

Mrs. TAYLOR called up **HR 404, PN 3127**, entitled:

A Resolution recognizing and supporting the Chester County Flower Show.

On the question,
Will the House adopt the resolution?

(Members proceeded to vote.)

LEAVE OF ABSENCE

The SPEAKER pro tempore. The Chair returns to leaves of absence and recognizes the gentleman, Mr. Veon, who requests a leave of absence for the gentleman from Allegheny County, Mr. PISTELLA. Without objection, the leave will be granted. The Chair hears no objection. The leave is granted.

CONSIDERATION OF HR 404 CONTINUED

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

The following roll call was recorded:

YEAS—193

Adolph	Fairchild	Major	Sather
Allen	Fargo	Manderino	Saylor
Argall	Feese	Mann	Schroder
Armstrong	Fichter	Markosek	Schuler
Baker	Fleagle	Marsico	Scrimenti
Bard	Flick	Masland	Semmel
Barley	Forcier	Mayernik	Seyfert
Barrar	Frankel	McCall	Shaner
Bastian	Freeman	McGeehan	Smith, B.
Battisto	Gannon	McGill	Smith, S. H.
Bebko-Jones	Geist	McLhattan	Snyder
Belardi	George	McLhinney	Solobay
Belfanti	Gigliotti	McNaughton	Staback
Benninghoff	Gladeck	Melio	Stairs
Birmelin	Godshall	Metcalfe	Steelman
Bishop	Gordner	Michlovic	Steil
Blaum	Grucela	Micozzie	Stern
Boyes	Gruitza	Miller, R.	Stetler
Browne	Habay	Miller, S.	Stevenson
Bunt	Haluska	Mundy	Strittmatter
Buxton	Hanna	Myers	Sturla
Caltagirone	Harhai	Nailor	Surra
Cappabianca	Harhart	Nickol	Tangretti
Carn	Hasay	O'Brien	Taylor, E. Z.
Casorio	Hennessey	Orie	Taylor, J.
Cawley	Herman	Perzel	Thomas
Chadwick	Hershey	Pesci	Tigue
Civera	Hess	Petrarca	Travaglio
Clark	Hutchinson	Petrone	Trello
Clymer	Jadlowiec	Phillips	Trich
Cohen, L. J.	James	Pippy	True
Cohen, M.	Josephs	Platts	Tulli
Colafrilla	Kaiser	Preston	Vance
Cornell	Keller	Ramos	Van Horne
Corrigan	Kenney	Raymond	Veon
Costa	Kirkland	Readshaw	Vitali
Coy	Krebs	Reinard	Walko
Curry	LaGrotta	Rieger	Washington
Dailey	Laughlin	Roberts	Waters
Daley	Lawless	Robinson	Williams
Dally	Lederer	Rohrer	Wilt
DeLuca	Leh	Rooney	Wogan
Dempsey	Lescovitz	Ross	Wojnaroski
Dermody	Levdansky	Rubley	Wright
DeWeese	Lucyk	Ruffing	Yewcic
DiGirolamo	Lynch	Sainato	Yudichak
Donatucci	Maher	Samuelson	Zimmerman
Eachus	Maitland	Santoni	Zug
Egolf			

NAYS—0

NOT VOTING—1

Druce

EXCUSED—8

Butkovitz	Oliver	Roebuck	Ryan,
Evans	Pistella	Youngblood	Speaker
Horsey			

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

Mrs. TAYLOR called up HR 405, PN 3128, entitled:

A Resolution designating April 2000 as "Pennsylvania Organ and Tissue Donor Awareness Month."

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—192

- | | | | |
|--------------|------------|------------|---------------|
| Adolph | Egolf | Major | Sather |
| Allen | Fairchild | Manderino | Saylor |
| Argall | Fargo | Mann | Schroder |
| Armstrong | Feese | Markosek | Schuler |
| Baker | Fichter | Marsico | Scrimenti |
| Bard | Fleagle | Masland | Semmel |
| Barley | Flick | Mayernik | Seyfert |
| Barrar | Forcier | McCall | Shaner |
| Bastian | Frankel | McGeehan | Smith, B. |
| Battisto | Freeman | McGill | Smith, S. H. |
| Bebko-Jones | Gannon | McIlhattan | Snyder |
| Belardi | Geist | McIlhinney | Solobay |
| Belfanti | George | McNaughton | Staback |
| Benninghoff | Gigliotti | Melio | Stairs |
| Birmelin | Gladeck | Metcalfe | Steelman |
| Bishop | Godshall | Michlovic | Steil |
| Blaum | Gordner | Micozzie | Stern |
| Boyes | Grucela | Miller, R. | Stetler |
| Browne | Gruitza | Miller, S. | Stevenson |
| Bunt | Habay | Mundy | Strittmatter |
| Buxton | Haluska | Myers | Sturla |
| Caltagirone | Hanna | Nailor | Surra |
| Cappabianca | Harhai | Nickol | Tangretti |
| Cam | Harhart | O'Brien | Taylor, E. Z. |
| Casorio | Hasay | Orie | Taylor, J. |
| Cawley | Hennessey | Perzel | Thomas |
| Chadwick | Herman | Pesci | Tigue |
| Civera | Hershey | Petrarca | Travaglio |
| Clark | Hess | Petrone | Trello |
| Clymer | Hutchinson | Phillips | Trich |
| Cohen, L. I. | Jadlowiec | Pippy | True |
| Cohen, M. | James | Platts | Tulli |
| Colafella | Josephs | Preston | Vance |
| Cornell | Kaiser | Ramos | Van Home |
| Corrigan | Keller | Raymond | Veon |
| Costa | Kenney | Readshaw | Vitali |
| Coy | Kirkland | Reinard | Walko |
| Curry | Krebs | Rieger | Washington |
| Dailey | LaGrotta | Roberts | Waters |
| Daley | Laughlin | Robinson | Williams |
| Dally | Lawless | Rohrer | Wilt |
| DeLuca | Lederer | Rooney | Wogan |
| Dempsey | Leh | Ross | Wojnaroski |
| Dermody | Levdansky | Rublely | Wright |
| DeWeese | Lucyk | Ruffing | Yewcic |
| DiGirolamo | Lynch | Sainato | Yudichak |
| Donatucci | Maher | Samuelson | Zimmerman |
| Eachus | Maitland | Santoni | Zug |

NAYS—0

NOT VOTING—2

- | | |
|-------|-----------|
| Druce | Lescovitz |
|-------|-----------|

EXCUSED—8

- | | | | |
|-----------|----------|------------|---------|
| Butkovitz | Oliver | Roebuck | Ryan, |
| Evans | Pistella | Youngblood | Speaker |
| Horsey | | | |

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

PRAYER

The SPEAKER pro tempore. The Sergeant at Arms will close the doors of the House.

Earlier today we deferred the prayer, and we are now going to have today's prayer. The prayer will now be offered by our Chaplain, Rev. Juliann Pugh.

Members and all guests will please rise.

REVEREND PUGH. Prayers are not always spoken. Some prayers were meant to be sung. This morning's prayer crosses all religious lines and can be prayed to whatever God you have the pleasure to be acquainted with.

Please do not applaud at the close.
(Singing "You Alone":)

I lift my eyes when I am troubled, I lift my hands I
lift my heart
And there I stand knowing nothing can defeat me
Just as long as I know where You are.

In You alone is where I find my comfort
In You alone You're my only Hope
In You alone My heart has found a resting place
In You alone
In You alone.

So I won't fear though darkness hides me
No, I won't let my courage sway
For You are near and at the brightness of Your
glory
The shadows of the night melt away.

In You alone is promise I can cling to
In You alone You're my security
In You alone My soul has found a dwelling place
Only in You alone.

What can ever separate me from Your love?
Neither life nor death, nor anything at all
anything at all.

In You alone is where I find my comfort
In You alone You're my only Hope
In You alone My heart has found a resting place
Only In You alone
Only In You alone
Only In You alone.

Amen.
The SPEAKER pro tempore. The Sergeant at Arms will open the doors of the House.
Thank you, Reverend Pugh.

**WYOMISSING AREA HIGH SCHOOL
GIRLS CROSS-COUNTRY TEAM
PRESENTED**

The SPEAKER pro tempore. The Chair invites Representative Sheila Miller from Berks County to the rostrum for the purpose of introducing some special guests.

Mrs. MILLER. Thank you, Mr. Speaker.

I am here today to recognize some fine young athletes and coaches from Berks County who have consistently displayed the values of teamwork and dedication to their sport.

Following a perfect 16-and-0 regular season, the Wyomissing Area High School girls cross-country team won the county championship, the District III championship, and then the PIAA State championship by 40 team points. They are the first girls cross-country team from Berks County to win a State title and Wyomissing School District's second State team title overall.

I have four members of this outstanding team standing behind me this morning. Unfortunately, the fifth team member was not able to join us here today. They, along with the remaining team members, have received citations sponsored by the full delegation from Berks County and from the House of Representatives.

Serving as team captains this year were seniors Erin Flannery, who, as I mentioned, could not be with us this morning – and if they would please step forward as I call their names – Jessica Geissler, and junior Janna Sallade, last season's All-Berks Player of the Year. Also with me are twins Amy and Debbie Huss. As freshmen, they represent a promising future for the team as well.

So I would like to ask you to join me now in giving this team your traditional warm welcome of congratulations and also would like to recognize athletic director Ted Kolva. The rest of the team is seated at the back of the House, and they are also led by coach Tim Hetrich, who is also standing here with the young ladies. So again, please join me in congratulating this team.

I would like to present to them the House of Representatives citation as well as a congratulatory letter from His Excellency, the Governor, and would like to have this resolution added as part of the record. Thank you.

CITATION SUBMITTED FOR THE RECORD

Mrs. MILLER submitted the following citation for the Legislative Journal:

COMMONWEALTH OF PENNSYLVANIA
THE HOUSE OF REPRESENTATIVES

CITATION

WHEREAS, The Commonwealth of Pennsylvania is always proud to recognize the achievements realized by the youth of this nation in the spirit of personal sacrifice, commitment to a goal and unity of purpose; and

WHEREAS, The Wyomissing Area High School Girls' Varsity Cross Country Team captured the 1999 PIAA Class AA Girls' Cross Country State Championship; and

WHEREAS, The Wyomissing Area High School Girls' Varsity Cross Country Team finished its regular season with a stellar undefeated record of 16 wins and went on to win the Berks County and District III Championships prior to the State Championship meet.

Under the expert leadership of head coach Tim Hetrich and assistant coaches Erik Uliasz, Terry Flannery, Larry Levy, Ron Bennett and Maria Sajone, the team is comprised of Erin Flannery, Jessica Geissler, Janna Sallade, Kira Aribat, Astrid Chastka, Erin Crider, Amy Huss, Debbie Huss, Jessica Johnson, Danielle Mocerri, Meredith Richter, Lauren Shaub, Caroline Simmons and Caitlin Zacharias. Assisting the team were Ted Kolva, athletic director; and Jaime Glasgow, Sara Hefton, Ian Jacobi, Carrie Magistro and Tom Morse.

NOW THEREFORE, The House of Representatives of the Commonwealth of Pennsylvania congratulates the Wyomissing Area High School Girls' Varsity Cross Country Team upon winning the 1999 PIAA Class AA Girls' Cross Country State Championship; heartily commends the team members and coaches for their ability, dedication and tireless pursuit of athletic excellence; offers best wishes for continued success in all future endeavors;

And directs that a copy of this citation, sponsored by Representatives Sheila Miller, David G. Argall, Thomas R. Caltagirone, Dennis E. Leh, Samuel E. Rohrer, Dante Santoni, Jr., and Paul W. Semmel on March 20, 2000, be transmitted to the Wyomissing Area High School Girls' Varsity Cross Country Team.

Sheila Miller, Sponsor

Mathew Ryan, Speaker of the House

ATTEST:

Ted Mazia, Chief Clerk of the House

**WEST PERRY HIGH SCHOOL
JUNIOR ENGINEERING TECHNICAL
SOCIETY PRESENTED**

The SPEAKER pro tempore. The Chair would like to invite the gentleman, Mr. Egolf, to the rostrum for the purpose of introducing some special guests.

Mr. EGOLF. Thank you, Mr. Speaker.

Ladies and gentlemen of the House, I thank you for taking a few moments to honor some very special young people from my district.

On many occasions high school sports teams – and we just had one preceding this – many come to the House floor to receive our accolades because they have won a State championship in a particular sport. They are, of course, entitled to our applause and our cheers because hard work and dedication are certainly worthy of praise.

Today on this first day of spring, we are honoring a group of students who set and achieved a remarkable academic goal. The West Perry High School students of the JETS, or the Junior Engineering Technical Society, have captured first place – they are the State champions – in the National Engineering Design Challenge State competition which was held in Allentown this year. They then went on to win fifth place in the national competition which was held last month in Washington, D.C.

West Perry High was the smallest of the schools to participate in the State competition and the only one there without assistance of a major university or engineering technology firm. West Perry was also the only team with female members and a female adviser.

While this year's effort earned the State championship prize, the project that was presented last year, a pneumatic walker which helps individuals into a standing position, has been patented and was an original design by one of the team members here.

The object of the competition this year was to build a temporary, portable shelter which was inexpensive, easy to set up and to disassemble, was expandable, and suitable for a variety of environments, such as for possible military housing or temporary housing during a natural disaster or even for family camping. The JETS named their award-winning tent "The Pioneer," and we had a display of that this morning before the Secretary of Education, and they had the tent set up and showed how it was assembled and disassembled.

The JETS team consists of 23 students. We have with us today the five students who make up the presentation team, and they will accept citations from the House on behalf of the other members of the team who could not be with us today.

Before we present the citation, however, I want to recognize a very special person who has had a big influence on the lives of these students. The team's adviser, Betsy Henderson Riter, is with us here today. Since 1993 Ms. Riter has been coach and adviser of the JETS. She has coached the team through 8 years of competition. She guides her students through the project, starting with the brainstorming, researching the project, developing a prototype, building the project, and presenting it in a professional manner.

It is a lot of work, but in addition to coaching many winning teams, Ms. Riter has been rewarded with the respect of her students. Her teams, Ms. Riter's teams, have won two State championships, two seconds and one third place in State competition, and in addition to their fifth place award nationally this year, her team won the national championship in 1998, and she was down here for a presentation at that time.

It is my pleasure to present the group with citations from the House of Representatives and wish them the best as they continue their education. And I also have a citation for Ms. Riter and would like her to know how much the House of Representatives as well as the people of Perry County appreciate her efforts to help young people make the most of their educational opportunities.

Now let us give them, give the team here, the youngsters and their adviser, a warm welcome to the House of Representatives. Thank you.

GUESTS INTRODUCED

The SPEAKER pro tempore. The Chair would like to welcome some students here who are visiting with us today. They are enrolled in the gifted program at Trimmer Elementary School in the West York School District. They are here along with their teacher, Ms. Justine Shinsky, and they are the guests of Representative Todd Platts. They are seated in the gallery. Would they please rise. Welcome to the hall of the House.

ANNOUNCEMENT BY MR. BUXTON

The SPEAKER pro tempore. Does the gentleman from Dauphin County, Mr. Buxton, seek recognition? The Chair recognizes the gentleman.

Mr. BUXTON. Thank you, Mr. Speaker.

I would like to invite all members and their staffs to visit the Harrisburg attraction displays in the East Wing rotunda tomorrow from 11 to 1 p.m. The exhibit offers information on what your constituents can do and see while visiting Harrisburg and the Capitol Building. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

INTERGOVERNMENTAL AFFAIRS COMMITTEE MEETING

The SPEAKER pro tempore. Does the gentleman, Mr. Flick, seek recognition? The gentleman is recognized.

Mr. FLICK. Thank you, Mr. Speaker.

I would like to call a meeting of the Intergovernmental Affairs Committee in the rear of the House upon recess for the purpose of considering two bills.

APPROPRIATIONS COMMITTEE MEETING

The SPEAKER pro tempore. The gentleman, Mr. Barley, is recognized.

Mr. BARLEY. Thank you, Mr. Speaker.

I would like to call for a meeting of the House Appropriations Committee immediately upon recess in the room 245 conference room of the House majority Appropriations Committee.

REPUBLICAN CAUCUS

The SPEAKER pro tempore. Does the gentleman, Mr. Fargo, have a caucus announcement? The gentleman is recognized.

Mr. FARGO. Thank you, Mr. Speaker.

In order to allow time for the committee meetings, the caucus will start at 5 minutes till 2; at 1:55 the Republican members will caucus. We will come back for voting at 3 o'clock. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

DEMOCRATIC CAUCUS

The SPEAKER pro tempore. Mr. Cohen, Democratic caucus?

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, there will also be a Democratic caucus at 1:55.

The SPEAKER pro tempore. The Chair thanks the gentleman.

RECESS

The SPEAKER pro tempore. Without objection, the House stands in recess until 3 p.m.

RECESS EXTENDED

The time of recess was extended until 3:15 p.m.

AFTER RECESS

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

BILLS REMOVED FROM TABLE

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

Mr. PERZEL. Mr. Speaker, I move that the following bills be removed from the table and placed on the active calendar:

HB 479;
HB 1156; and
HB 1831.

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

BILLS TABLED

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

Mr. PERZEL. Mr. Speaker, I move that the following bills be placed on the tabled calendar:

HB 479;
HB 1156; and
HB 1831.

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

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

HB 2038, PN 3207 (Amended) By Rep. STAIRS

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, further providing for reimbursements or payments by the Commonwealth to community colleges.

EDUCATION.

HB 2211, PN 3208 (Amended) By Rep. STAIRS

An Act amending the act of January 25, 1966 (1965 P.L.1546, No.541), entitled "An act providing scholarships and providing funds to secure Federal funds for qualified students of the Commonwealth of Pennsylvania who need financial assistance to attend postsecondary institutions of higher learning, making an appropriation, and providing for the administration of this act," further providing for the length of scholarships; and making an appropriation.

EDUCATION.**BILLS REREPORTED FROM COMMITTEE**

HB 2, PN 2545 By Rep. BARLEY

An Act establishing a unified workforce investment system; restructuring certain administrative functions, procedures and entities; transferring workforce development functions of Commonwealth

agencies; establishing the Pennsylvania Human Resources Investment Council; and authorizing local workforce investment boards.

APPROPRIATIONS.

HB 603, PN 631 By Rep. BARLEY

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 personal income tax definitions; and providing for a higher education credit against personal income tax.

APPROPRIATIONS.

HB 826, PN 884 By Rep. BARLEY

An Act designating a portion of State Route 24 in York County as the 24th Infantry Division Association Highway.

APPROPRIATIONS.

HB 1164, PN 1317 By Rep. BARLEY

An Act amending the act of December 20, 1967 (P.L.869, No.385), known as the Public Works Contractors' Bond Law of 1967, further providing for financial security of contractors.

APPROPRIATIONS.

HB 1473, PN 3205 (Amended) By Rep. BARLEY

An Act amending the act of February 11, 1998 (P.L.58, No.15), known as the Combustible and Flammable Liquids Act, further providing for regulations, for notification by manufacturers of gasoline additive information, for retail service stations and for penalties.

APPROPRIATIONS.

HB 1639, PN 2766 By Rep. BARLEY

An Act amending the act of May 29, 1956 (1955 P.L.1804, No.600), referred to as the Municipal Police Pension Law, further providing for payments to spouses; and making an editorial change.

APPROPRIATIONS.

HB 1962, PN 3206 (Amended) By Rep. BARLEY

An Act amending the act of March 30, 1811 (P.L.145, No.99), entitled "An act to amend and consolidate the several acts relating to the settlement of the public accounts and the payment of the public monies, and for other purposes," authorizing voluntary early severance plans for certain employees.

APPROPRIATIONS.

HB 2097, PN 3150 By Rep. BARLEY

An Act amending the act of August 6, 1963 (P.L.521, No.277), entitled "An act providing that probation officers shall have the power of peace officers in the performance of their duties," providing for powers of certain warrant investigators; and making an editorial change.

APPROPRIATIONS.

HB 2134, PN 2929

By Rep. BARLEY

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, providing for conditional employment.

APPROPRIATIONS.

HB 2202, PN 2876

By Rep. BARLEY

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for weapons or implements for escape.

APPROPRIATIONS.

SB 369, PN 1559

By Rep. BARLEY

An Act amending the act of May 1, 1933 (P.L.103, No.69), entitled, as reenacted and amended, The Second Class Township Code, further providing for the procedure for assessment.

APPROPRIATIONS.

SB 1038, PN 1452 (Amended)

By Rep. BARLEY

An Act establishing the Fair Credit Extension Uniformity Act; and providing for debt collection trade practices and penalties.

APPROPRIATIONS.

LEAVES OF ABSENCE

The SPEAKER pro tempore. The Chair returns to leaves of absence and recognizes the gentleman, Mr. Veon, who requests a leave of absence for the gentleman from Philadelphia, Mr. WATERS; the gentleman from Philadelphia, Mr. JAMES; and the gentleman from Philadelphia, Mr. RIEGER. Without objection, the leaves will be granted. The Chair hears no objection, and the leaves are granted.

ADDITIONS AND DELETIONS OF SPONSORS

The SPEAKER pro tempore. The Chair acknowledges receipt of additions and deletions for sponsorships of bills, which the clerk will file.

(Copy of list is on file with the Journal clerk.)

BILL RECOMMENDED

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

Mr. PERZEL. Mr. Speaker, I move that HB 2 be recommitted to the Committee on Intergovernmental Affairs.

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 47, PN 3089**, entitled:

An Act amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for unlawful restraint, for false imprisonment and for obscenity; and providing for sex offender treatment.

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

Mrs. COHEN offered the following amendment No. **A0774**:

Amend Sec. 2 (Sec. 9718.1), page 4, lines 5 through 14, by striking out "parole shall" in line 5, all of lines 6 through 14 and inserting
all of the following apply:

(1) The offender shall not be eligible for parole consideration unless the offender has:

(i) served the minimum term of imprisonment;

(ii) participated in the program under

subsection (a); and

(iii) agreed to comply with any special

conditions of parole imposed for therapy or counseling for sex offenders, including sexually violent predators.

(2) Notwithstanding paragraph (1)(iii), an offender who is a sexually violent predator is

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

The SPEAKER pro tempore. On that question, the Chair recognizes the lady from Montgomery County, Representative Cohen.

Mrs. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, this amendment was presented to us by the Pennsylvania Board of Probation and Parole. They have asked for this language. It clarifies that before an offender can be eligible for parole, he must agree to comply with any special conditions imposed by the board, and I ask that the members vote in the affirmative for this amendment.

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

The following roll call was recorded:

YEAS—188

Adolph	Fairchild	Major	Sather
Allen	Fargo	Manderino	Saylor
Argall	Feese	Mann	Schroder
Armstrong	Fichter	Markosek	Schuler
Baker	Fleagle	Marsico	Scrimenti
Bard	Flick	Masland	Semmel
Barley	Forcier	Mayemik	Seyfert
Barrar	Frankel	McCall	Shaner
Bastian	Freeman	McGeehan	Smith, B.
Battisto	Gannon	McGill	Smith, S. H.
Bebko-Jones	Geist	McIlhattan	Snyder
Belardi	George	McIlhinney	Solobay
Belfanti	Gigliotti	McNaughton	Staback

Benninghoff	Gladeck	Melio	Stairs
Birmelin	Godshall	Metcalfe	Steelman
Bishop	Gordner	Michlovic	Steil
Blaum	Grucela	Micozzie	Stern
Boyes	Gruitza	Miller, R.	Stetler
Browne	Habay	Miller, S.	Stevenson
Bunt	Haluska	Mundy	Strittmatter
Buxton	Hanna	Myers	Sturla
Caltagirone	Harhai	Nailor	Surra
Cappabianca	Harhart	Nickol	Tangretti
Carn	Hasay	O'Brien	Taylor, E. Z.
Casorio	Hennessey	Orie	Taylor, J.
Cawley	Herman	Perzel	Thomas
Chadwick	Hershey	Pesci	Tigue
Civera	Hess	Petrarca	Travaglio
Clark	Hutchinson	Petrone	Trello
Clymer	Jadlowiec	Phillips	Trich
Cohen, L. I.	Josephs	Pippy	True
Colafella	Kaiser	Platts	Tulli
Cornell	Keller	Preston	Vance
Corrigan	Kenney	Ramos	Van Home
Costa	Kirkland	Raymond	Veon
Coy	Krebs	Readshaw	Vitali
Curry	LaGrotta	Reinard	Waiko
Dailey	Laughlin	Roberts	Washington
Dally	Lawless	Robinson	Williams
DeLuca	Lederer	Rohrer	Wilt
Dempsey	Leh	Rooney	Wogan
Dermody	Lescovitz	Ross	Wojnaroski
DeWeese	Levdansky	Rublely	Wright
DiGirolamo	Lucyk	Ruffing	Yeweic
Donatucci	Lynch	Sainato	Yudichak
Eachus	Maher	Samuelson	Zimmerman
Egolf	Maitland	Santoni	Zug

NAYS—0

NOT VOTING—3

Cohen, M.	Daley	Druce
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EXCUSED—11

Butkovitz	James	Rieger	Youngblood
Evans	Oliver	Roebuck	Ryan,
Horsey	Pistella	Waters	Speaker

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

The question is, shall the bill pass finally?

On that question, the Chair recognizes the lady from Montgomery County, Representative Cohen.

Mrs. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, members of this House are committed to protecting the Commonwealth's most precious and vulnerable citizens, our children, from the ravages of sexual abuse. We have demonstrated that commitment many times by enacting legislation aimed at pedophiles, whether they search for

children on the Internet or search for children at shopping malls. Before you today is HB 47, which is another link in the chain designed to restrain those who target our children.

HB 47 is a plan to help stop the repetitive compulsive cycle of pedophiles by requiring child sex offenders to receive treatment while in prison, by requiring that they agree to special conditions if imposed while on parole — meaning continuing with sex offender treatment — and by increasing the length of incarceration for those who spirit children away before molesting them.

This legislation was developed with the help of the National Center for Missing and Exploited Children as well as those on the front lines in this fight in the Commonwealth — psychologists, psychiatrists, police officers who investigate sex crimes, and parole and probation officers who supervise sex offenders.

Last session the House voted in favor of this bill by a measure of 190 to 2. I ask my colleagues once again to cast a vote to redirect this tide of abuse.

Mr. Speaker. I have to say that statistics are telling us that at least 1 in 4 girls and 1 in 10 boys will be sexually abused before reaching the age of 18. We need a comprehensive policy that deals with this epidemic, one which focuses on maximizing the safety of the community and one which maximizes the chances that these offenders will not offend again.

Sexual crimes against children are among the most heinous imaginable, ones that walk like an evil shadow alongside the child victim for the rest of his or her life. Because of the compulsive obsessive nature of these offenders, they abuse many victims, binding these innocent children forever in a silent fraternity of shame.

Currently there is no mandatory requirement for offenders to seek counseling or therapy while in prison or on parole. By requiring such counsel and therapy, we are providing a broader scope for rehabilitation. Through psychiatric and psychological treatment, people can change their lives, resulting in positive, socially acceptable behavior, certainly a preferable means to protect our children. The bottom line is to reduce the amount of recidivism or repeated offenses after conviction by those who would sexually molest innocent children.

My legislation increases the penalty for unlawful restraint of a minor to a felony of the second degree, carrying a maximum sentence of 10 years in prison. The bill also increases the offense of false imprisonment of a child to a felony in the second degree.

Mr. Speaker, our children are counting on us today. I ask for an affirmative vote. Thank you, Mr. Speaker.

On the question recurring,

Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—190

Adolph	Egolf	Major	Sather
Allen	Fairchild	Manderino	Saylor
Argall	Fargo	Mann	Schroder
Armstrong	Feese	Markosek	Schuler
Baker	Fichter	Marsico	Scrimenti
Bard	Fleagle	Masland	Semmel

Barley	Flick	Mayermik	Seyfert
Barrar	Forcier	McCall	Shaner
Bastian	Frankel	McGeehan	Smith, B.
Battisto	Freeman	McGill	Smith, S. H.
Bebko-Jones	Gannon	McIlhattan	Snyder
Belardi	Geist	McIlhinney	Solobay
Belfanti	George	McNaughton	Staback
Benninghoff	Gigliotti	Melio	Stairs
Birmelin	Gladeck	Metcalfe	Steelman
Bishop	Godshall	Michlovic	Steil
Blaum	Gordner	Micozzie	Stern
Boyes	Grucela	Miller, R.	Stetler
Browne	Gruitza	Miller, S.	Stevenson
Bunt	Habay	Mundy	Strittmatter
Buxton	Haluska	Myers	Sturla
Caltagirone	Hanna	Nailor	Surra
Cappabianca	Harhai	Nickol	Tangretti
Carn	Harhart	O'Brien	Taylor, E. Z.
Casorio	Hasay	Orie	Taylor, J.
Cawley	Hennessey	Perzel	Thomas
Chadwick	Herman	Pesci	Tigue
Civera	Hershey	Petrarca	Travaglio
Clark	Hess	Petrone	Trello
Clymer	Hutchinson	Phillips	Trich
Cohen, L. I.	Jadlowiec	Pippy	True
Cohen, M.	Josephs	Platts	Tulli
Colafella	Kaiser	Preston	Vance
Cornell	Keller	Ramos	Van Horne
Corrigan	Kenney	Raymond	Veon
Costa	Kirkland	Readshaw	Vitali
Coy	Krebs	Reinard	Walko
Curry	LaGrotta	Roberts	Washington
Dailey	Laughlin	Robinson	Williams
Daley	Lawless	Rohrer	Wilt
Dally	Lederer	Rooney	Wogan
DeLuca	Leh	Ross	Wojnaroski
Dempsey	Lescovitz	Rubley	Wright
Dermody	Levdansky	Ruffing	Yewcic
DeWeese	Lucyk	Sainato	Yudichak
DiGirolamo	Lynch	Samuelson	Zimmerman
Donatucci	Maher	Santoni	Zug
Eachus	Maitland		

NAYS-0

NOT VOTING-1

Druce

EXCUSED-11

Butkovitz	James	Rieger	Youngblood
Evans	Oliver	Roebuck	Ryan,
Horsely	Pistella	Waters	Speaker

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.

GUESTS INTRODUCED

The SPEAKER pro tempore. The Chair would like to welcome two Washington County commissioners who are here visiting with us today. Chairman John Bevec and vice chairman Diana Irej are here. They are here as guests of Representative Tim Solobay and the rest of the Washington County delegation. They are seated to the left of the Speaker. Would they please rise. Welcome to the hall of the House.

SUPPLEMENTAL CALENDAR A

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1164, PN 1317**, entitled:

An Act amending the act of December 20, 1967 (P.L.869, No.385), known as the Public Works Contractors' Bond Law of 1967, further providing for financial security of contractors.

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

Mr. **GEORGE** offered the following amendment No. **A0815**:

Amend Bill, page 1, lines 16 through 19, by striking out all of said lines and inserting

Section 1. Section 3(a) of the act of December 20, 1967 (P.L.869, No.385), known as the Public Works Contractors' Bond Law of 1967, is amended to read:

Section 3. (a)—Before any contract exceeding [five thousand dollars (\$5,000)] two thousand dollars (\$2,000) for the construction, reconstruction, alteration or repair of any public building or other public work or public improvement, including highway work, of any contracting body is awarded to any prime contractor, such contractor shall furnish to the contracting body the following bonds, which shall become binding upon the awarding of said contract to such contractor:

(1) A performance bond at one hundred percent of the contract amount, conditioned upon the faithful performance of the contract in accordance with the plans, specifications and conditions of the contract. Such bond shall be solely for the protection of the contracting body which awarded the contract.

(2) A payment bond at one hundred percent of the contract amount. Such bond shall be solely for the protection of claimants supplying labor or materials to the prime contractor to whom the contract was awarded, or to any of his subcontractors, in the prosecution of the work provided for in such contract, and shall be conditioned for the prompt payment of all such material furnished or labor supplied or performed in the prosecution of the work. "Labor or materials" shall include public utility services and reasonable rentals of equipment, but only for periods when the equipment rented is actually used at the site.

* * *

Section 2. Section 3.1 of the act, added December 17, 1990 (P.L.694, No.171), is amended to read:

Amend Sec. 2, page 3, line 27, by striking out "2" and inserting
3

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

The SPEAKER pro tempore. On that question, the Chair recognizes the gentleman from Clearfield County, Mr. George. Before you speak, Mr. George, let me try to get some order.

The House will come to order. Conversations in the aisles will please break up. Please, conversations in the aisles, take them outside the House.

Mr. **GEORGE**. Mr. Speaker?

The SPEAKER pro tempore. Mr. George.

Mr. **GEORGE**. May I request that we run amendment 833 rather than 0815?

AMENDMENT WITHDRAWN

The SPEAKER pro tempore. Amendment A0815 is withdrawn.

The clerk will read amendment A0833.

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

Mr. GEORGE offered the following amendment No. A0833:

Amend Bill, page 3, by inserting between lines 26 and 27
Section 2. The act is amended by adding a section to read:

Section 9.1. Whenever an agency of State government exercises the power of eminent domain to purchase real property valued at more than one hundred thousand dollars (\$100,000), the agency shall publish a request for proposals with a description of the project and proposed criteria for the selection of real property in the Pennsylvania Bulletin and on the Commonwealth's Internet home page at least thirty days before any real estate contract is signed or a specific property is selected.

Amend Sec. 2, page 3, line 27, by striking out "2" and inserting
3

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

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

Mr. GEORGE. Mr. Speaker, this in no way should be difficult to understand, and I am hopeful that even those who may not want to support it would at least listen, because, Mr. Speaker, this could happen to them.

Mr. Speaker, I am told that today, the Commonwealth, certain departments, can procure by purchase lands that cost millions of dollars without announcement, without any prenotice, or without any bid, and what has happened, Mr. Speaker, in Pennsylvania just several weeks ago, there was land purchased, Mr. Speaker, for \$4 or \$5 million, land that could have been purchased for half that amount, land that would have met the qualifications much easier. But that is not my argument. My argument, Mr. Speaker, is that the—

The SPEAKER pro tempore. The gentleman is right. There is entirely too much noise on the floor of the House. If you want to talk about whether or not your favorite team won this weekend, please take it off the floor. Please. Conversations in the aisles, please break them up.

Mr. George.

Mr. GEORGE. Mr. Speaker, again, this amendment only deals to one important segment of it all, and that is even though the State, certain departments, are not forced by law to buy land through a bid or notification process, Mr. Speaker, we tell all the communities that we serve that they cannot go out and procure certain matters, and where the bid is above a certain price, where they cannot do that without notification and without a bid process, and yet the State of Pennsylvania just went out and bought 5 million dollars' worth of land without telling the people in the area that that was going there. Now, Mr. Speaker, I will speak loud enough that they will hear me in a minute.

Now, all I am asking, those people that came down here like me, and where you have a couple hundred of your citizens — and

it is not in my district, Mr. Speaker, but it could be in yours next time — they went out and they purchased 5 million dollars' worth of land for the National Guard. They did not tell anybody, and when the Policy Committee of the Democratic Party asked them, they said, well, we did not put it out for bid because we did not want to escalate the price. How about that for an answer.

Now, just last week in the Clearfield Progress, Mr. Speaker, it showed a big mansion — seven rooms, four baths — where maybe their lieutenant generals or brigadier generals will be able to encounter on the weekends while the corporals and the sergeants sleep out on the ground. And I want to tell you, Mr. Speaker, they are going to listen whether they vote for it or not, because I am not asking them not to allow this administration to do that; I am just saying to them, whenever a piece of land is going to be procured by the State without a bid proposal, if it is over \$100,000, then I simply want them to do what the law makes every other department do when there is an environmental concern: I want them to put that advisement in the Pennsylvania Bulletin. I am not asking them to spend money on advertisement. I am not asking them to go into the newspapers. I am not even asking them not to favor their favorite contributor. I am not asking them that, Mr. Speaker. Now maybe they will listen, Mr. Speaker, because it is not right, and if you as a legislator did something half this bad, you would wind up in jail. If in fact you leased your own office and benefited, you would be in jail. If in fact you took your leased car and did what these people are doing, you would be in jail.

So, Mr. Speaker, I am relying on the integrity of these 200 people that are here today, and I am saying that if you want to buy land, Governor, buy it, but at least let the townships where the land is situated, let them know through the Pennsylvania Bulletin that you are going to be buying a piece of land, it is going to consist of so many acres, and it is going to be handled in this manner so that the people through their township commissioners or their council people will know what they can expect. They will know that maybe their real estate values are going to go down. They will maybe know, Mr. Speaker, that at 2 o'clock in the morning when the shell casings are going off, they may not be able to sleep. I am simply asking us to do what I know every one of you would do if it were in your district; you would be here crying to the heavens saying, help me; my people do not want this. Let us do this honest. Let us do this in a way in which the people feel we should do it.

Now, a while ago I talked to the sponsor of the bill, and he said this amendment is no good. There is nothing wrong with the amendment, Mr. Speaker. There is not a darn thing wrong with the amendment. What is wrong here today is we have an administration that does these things, and if you want to be a part of the administration, just go ahead and vote "no," but I am going to tell you, I am going to vote "yes," Mr. Speaker. This amendment is needed, and I ask at least the folks on my side to support me on this.

The SPEAKER pro tempore. On the amendment, the Chair recognizes the gentleman from Chester County, Mr. Ross.

Mr. ROSS. Thank you, Mr. Speaker.

Mr. Speaker, with all due respect for my colleague from the other side of the aisle, I recognize there are certain circumstances that become hard cases, but we have got to be careful that we do not make sure that the cure to the disease is not worse than the disease itself.

We have an existing system with exceptions to the Sunshine Law based on real estate negotiations for very good reasons. Real estate negotiations are complicated. They create situations where there can be speculation, which can drive up the costs. There also are circumstances behind real estate negotiations that are very specific to a particular locale, and for us to overturn that whole set of standards is, in my mind, very bad policy and a very bad idea, and with all due respect I would ask my colleagues to vote "no" on the George amendment.

The SPEAKER pro tempore. On the amendment, the Chair recognizes the gentleman from Elk County, Mr. Surra.

Mr. SURRA. Thank you, Mr. Speaker.

Mr. Speaker, I rise to support the George amendment, and with respect to my colleague on the other side of the aisle, we recently experienced a situation in north-central Pennsylvania on a land transaction which is just, it is unbelievable in this day and age that in a democratic society the government would treat the local people with the disdain that they were treated in parts of Clearfield County.

Mr. Speaker, I had locally elected officials, township supervisors, contacting me, asking me questions as an elected official in the area, you know, is there some type of land transaction going on here? I made calls to General Services. Well, at this point it is just a proposal, I was told. A few months went by; the elected officials called me back and said, there is something going down up here; there is land being purchased. So I put it in writing. They said, well, there is some land being purchased, but we want to keep it as quiet as possible, Mr. Speaker, to keep the price down. And in reality, when you look at it, I really question the price that was paid for some of the property up there.

I had an individual from the Pennsylvania Game Commission, a land manager in the area, who called me on the phone and said, what is going on over there? He said, I had property, similar-type property, purchased for \$300 an acre, and now the people are saying, I am not going to sell it for that, because just down the road they are getting \$900 or \$1,000 an acre for the same property.

These types of transactions when they are done by government should be aboveboard. We should let the local people know what is going on; we should let the township supervisors know what is going on; we should let the State legislators that are elected to represent those areas know what is going on, not after the fact, Mr. Speaker. The George amendment would help improve on this, and I would appreciate an affirmative vote. Thank you.

The SPEAKER pro tempore. On the amendment, the gentleman, Mr. Snyder.

Mr. SNYDER. Thank you, Mr. Speaker.

Mr. Speaker, as the sponsor of this legislation noted, the amendment deals with a specific problem that has occurred, but if any of the members take the time to look at this amendment, it does not make any exceptions to the process of eminent domain. It requires that any real property that is taken by eminent domain in excess of \$100,000 be published in the Pennsylvania Bulletin and on the Commonwealth's Internet home page at least 30 days before the signing of any real estate contract and that there is a request for proposal with a description of the project and proposed criteria for the selection of real property.

Mr. Speaker, every day in this Commonwealth there is property being taken by eminent domain. We are getting into the highway construction period right now, Mr. Speaker, and to require that every time a property has to be taken by eminent domain, whether it is for a highway project or for another type of construction project that is of interest to the State, this would not only delay the process, Mr. Speaker, it would add costs to the process, and, Mr. Speaker, I am not quite sure that it will produce the desired results that the maker of this amendment would like.

You know, certainly we share the concerns that the maker of the amendment may have about how a particular project might have been handled and the need to make that process more public, but this certainly goes far beyond the attempt that he is trying to achieve with this amendment, and I would ask for a "no" vote.

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. George, for the second time on the amendment.

Mr. GEORGE. Mr. Speaker, may I interrogate the gentleman, Mr. Snyder?

The SPEAKER pro tempore. The gentleman, Mr. Snyder, indicates that he will stand for interrogation. You are in order and may proceed.

Mr. GEORGE. Mr. Speaker, if the State is about to take something by eminent domain, do they not have to advertise it?

Mr. SNYDER. Mr. Speaker, in order to take something by eminent domain, there would have to be authorization of the funding for that purpose. It would have to be an approved process that was authorized through the legislature or through some other budgetary process.

Mr. GEORGE. So in essence, Mr. Speaker, you would agree there would be notification, notification that would have been given, and the people would be aware the moment you went into a court and started a process, the eminent domain proceedings?

Mr. SNYDER. Mr. Speaker, there is an extensive legal process that the State must follow in order to take property by eminent domain. There must first be negotiations and an offer of purchase prior to any eminent domain actually being taken. The property owner has many legal rights, including notification.

Mr. GEORGE. That completes my interrogation, Mr. Speaker.

Mr. Speaker, without me sounding disrespectful to the gentleman that I just interrogated, and he is an attorney and he knows that no matter whether a landowner wants to sell or not, that they go in, establish the domain, 24 hours after, it is established, and then the court makes the decision on how much they are going to get. So what he is saying just does not make any sense, and he knows it. But they are worried about this, Mr. Speaker. They are worried that we are not going to take too much of this.

So I will tell you what I am going to do, Mr. Speaker. Mr. Speaker, as soon as I am done here, we are going to go up into the Reference Bureau, we are going to take out that language "eminent domain," and then the next bill that comes up that is germane to it I am going to offer it, and then I am going to find out what kind of an excuse they have for not wanting to do the right thing for their people.

AMENDMENT WITHDRAWN

Mr. GEORGE. So I withdraw this amendment, Mr. Speaker.
The SPEAKER pro tempore. The gentleman withdraws the amendment.

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

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—190

Adolph	Egoif	Major	Sather
Allen	Fairchild	Manderino	Saylor
Argall	Fargo	Mann	Schroder
Armstrong	Feese	Markosek	Schuler
Baker	Fichter	Marsico	Scrimenti
Bard	Fieagle	Masland	Semmel
Barley	Flick	Mayernik	Seyfert
Barrar	Forcier	McCall	Shaner
Bastian	Frankel	McGeehan	Smith, B.
Battisto	Freeman	McGill	Smith, S. H.
Bebko-Jones	Gannon	McIlhattan	Snyder
Belardi	Geist	McIlhinney	Solobay
Belfanti	George	McNaughton	Staback
Benninghoff	Gigliotti	Melio	Stairs
Birmelin	Gladeck	Metcalf	Steelman
Bishop	Godshall	Michlovic	Steil
Blaum	Gordner	Micozzie	Stern
Boyes	Grucela	Miller, R.	Stetler
Browne	Gruitza	Miller, S.	Stevenson
Bunt	Habay	Mundy	Strittmatter
Buxton	Haluska	Myers	Sturla
Caltagirone	Hanna	Nailor	Surra
Cappabianca	Harhai	Nickol	Tangretti
Carn	Harhart	O'Brien	Taylor, E. Z.
Casorio	Hasay	Orie	Taylor, J.
Cawley	Hennessey	Perzel	Thomas
Chadwick	Herman	Pesci	Tigue
Civera	Hershey	Petrarca	Travaglio
Clark	Hess	Petrone	Trello
Clymer	Hutchinson	Phillips	Trich
Cohen, L. I.	Jadlowiec	Pippy	True
Cohen, M.	Josephs	Platts	Tulli
Colafella	Kaiser	Preston	Vance
Cornell	Keller	Ramos	Van Horne
Corrigan	Kenney	Raymond	Veon
Costa	Kirkland	Readshaw	Vitali
Coy	Krebs	Reinard	Walko
Curry	LaGrotta	Roberts	Washington
Dailey	Laughlin	Robinson	Williams
Daley	Lawless	Rohrer	Wilt
Dally	Lederer	Rooney	Wogan
DeLuca	Leh	Ross	Wojnaroski
Dempsey	Lescovitz	Rubley	Wright
Dermody	Levdansky	Ruffing	Yewcic
DeWeese	Lucyk	Sainato	Yudichak
DiGirolamo	Lynch	Samuelson	Zimmerman
Donatucci	Maher	Santoni	Zug
Eachus	Maitland		

NAYS—0

NOT VOTING—1

Druce

EXCUSED—11

Butkovitz	James	Rieger	Youngblood
Evans	Oliver	Roebuck	Ryan,
Horsey	Pistella	Waters	Speaker

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.

CONDOLENCE RESOLUTIONS

The SPEAKER pro tempore. The House will come to order. We are about to take up two condolence resolutions on the deaths of former members of this House.

The Sergeants at Arms will close the doors of the House. Members will please take their seats.

The clerk will read the first resolution.

The following resolution was read:

COMMONWEALTH OF PENNSYLVANIA
THE HOUSE OF REPRESENTATIVES

RESOLUTION

WHEREAS, It is with deepest regret that the Commonwealth of Pennsylvania notes the passing of William G. Buchanan, Sr., a former member of the House of Representatives of Pennsylvania, on December 13, 1999, at the age of seventy-eight; and

WHEREAS, A United States Army Air Force veteran of World War II, Mr. Buchanan served the area which would become the 62nd Legislative District in the 1966 reapportionment plan, from 1953 to 1954 and from 1957 to 1967. He was chairman of the Higher Education Committee and a member of the Appropriations Committee, the Industrial Development Committee and the Mines and Minerals Committee. A longtime advocate of education, he graduated from the Indiana University of Pennsylvania and received his master's degree from the University of Pittsburgh. He was a teacher for forty-seven years at the Purchase Line School District and for one year at the Dayton School District. Mr. Buchanan was an American history and school law teacher and is remembered for sharing with his students his knowledge of government and his love of history. He was also a member of the Indiana School District Board of Directors for twenty years and chairman of the State Board of Private Academic Schools. For the past six years, he served as regional director of the six-county Region II of the Pennsylvania School Boards Association. A staunch ally of his community, Mr. Buchanan was a member of Indiana VFW Post 1989, Ben Franklin Lodge No. 753 F&AM and was a 32nd Degree Mason. He was also a member of the Historical and Genealogical Society of Indiana County, the Indiana Subordinate Grange and the Indiana County Pomona Grange and served on the board of the Indiana Free Library; now therefore be it

RESOLVED, That the House of Representatives of the Commonwealth of Pennsylvania note with great sadness the passing of William G. Buchanan, Sr., beloved family member, esteemed educator and governmental leader, and loyal servant of his community; extend heartfelt condolences to his wife, Roberta J. McLachlan Buchanan;

sons, William G. Jr. and Robert M.; daughter, Lana I. Marcoline; and eight grandchildren; and be it further

RESOLVED, That a copy of this resolution, sponsored by the Honorable Sara G. Steelman, be transmitted to Mrs. Roberta J. McLachlan Buchanan.

Matthew Ryan
Speaker of the House
ATTEST:
Ted Mazia
Chief Clerk of the House

On the question,
Will the House adopt the resolution?

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

(Whereupon, the members of the House and all visitors stood in a moment of silence in solemn respect to the memory of the Honorable William G. Buchanan, Sr.)

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

Members may take their seats.

* * *

The SPEAKER pro tempore. The clerk will read the second resolution.

The following resolution was read:

COMMONWEALTH OF PENNSYLVANIA
THE HOUSE OF REPRESENTATIVES

RESOLUTION

WHEREAS, Thomas J. Foerster, former member of the House of Representatives of Pennsylvania serving the 1st Legislative District, passed away January 11, 2000, at the age of seventy-one; and

WHEREAS, A graduate of Slippery Rock State College and the University of Pittsburgh, Mr. Foerster served twenty-eight years as an Allegheny County commissioner, fifteen of those as chairman. After he helped reorganize county government, he was elected in 1999 to the new Allegheny County Council. He is famous for his valiant efforts to help people who are needy. He campaigned to help the homeless and opened shelters for women and children during the years when nearly all homeless facilities were only for men; and

WHEREAS, Mr. Foerster was a member of numerous organizations, including Citizens Law Enforcement Assistance Network and the board of directors of Northside Pittsburgh Lions Club. He was also a coach of Perry Atoms football team and a member of the Northside Chamber of Commerce; now therefore be it

RESOLVED, That the House of Representatives of the Commonwealth of Pennsylvania note with great sadness the passing of Thomas J. Foerster; extend heartfelt condolences to his wife, Georgeann Foerster; and his family; and be it further

RESOLVED, That a copy of this resolution, sponsored by the Honorable Don Walko, be transmitted to Mrs. Georgeann Foerster.

Matthew Ryan
Speaker of the House
ATTEST:
Ted Mazia
Chief Clerk of the House

On the question,
Will the House adopt the resolution?

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

(Whereupon, the members of the House and all visitors stood in a moment of silence in solemn respect to the memory of the Honorable Thomas J. Foerster.)

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

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

RULES SUSPENDED

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

Mr. PERZEL. Mr. Speaker, I move that the rules of the House be suspended so that the House may immediately consider SB 1038, PN 1798.

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

The following roll call was recorded:

YEAS—187

Adolph	Eachus	Major	Sather
Allen	Egolf	Manderino	Saylor
Argall	Fairchild	Mann	Schroder
Armstrong	Fargo	Markosek	Schuler
Baker	Feese	Marsico	Scrimenti
Bard	Fichter	Masland	Semmel
Barley	Fleagle	Mayernik	Seyfert
Barrar	Flick	McCall	Shaner
Bastian	Forcier	McGeehan	Smith, B.
Battisto	Frankel	McGill	Smith, S. H.
Bebko-Jones	Freeman	McIlhattan	Snyder
Belardi	Gannon	McIlhinney	Solobay
Belfanti	Geist	McNaughton	Staback
Benninghoff	George	Melio	Stairs
Bishop	Gigliotti	Metcalfe	Steil
Blaum	Gladeck	Michlovic	Stern
Boyes	Godshall	Micozzie	Stetler
Browne	Gordner	Miller, R.	Stevenson
Bunt	Grucela	Miller, S.	Strittmatter
Buxton	Gruitza	Mundy	Sturla
Caltagirone	Habay	Myers	Surra
Cappabianca	Haluska	Nailor	Tangretti
Cam	Harhai	Nickol	Taylor, E. Z.
Casorio	Harhart	O'Brien	Taylor, J.
Cawley	Hasay	Orie	Thomas
Chadwick	Hennessey	Perzel	Tigue
Civera	Herman	Pesci	Travaglio
Clark	Hershey	Petrarca	Trello
Clymer	Hess	Petrone	Trich
Cohen, L. I.	Hutchinson	Phillips	True
Cohen, M.	Jadlowiec	Pippy	Tulli
Colafella	Josephs	Platts	Vance
Cornell	Kaiser	Preston	Van Horne
Corrigan	Keller	Ramos	Veon
Costa	Kenney	Raymond	Vitali
Coy	Kirkland	Readshaw	Walko
Curry	LaGrotta	Reinard	Washington
Dailey	Laughlin	Roberts	Williams
Daley	Lawiess	Robinson	Wilt
Dally	Lederer	Rohrer	Wogan
DeLuca	Leh	Rooney	Wojnaroski
Dempsey	Lescovitz	Ross	Wright
Dermody	Levdansky	Rubley	Yewcic
DeWeese	Lucyk	Ruffing	Yudichak

DiGirolamo	Lynch	Sainato	Zimmerman
Donatucci	Maher	Samuelson	Zug
Druce	Maitland	Santoni	

NAYS—3

Hanna	Krebs	Steelman
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NOT VOTING—1

Birmelin

EXCUSED—11

Butkovitz	James	Rieger	Youngblood
Evans	Oliver	Roebuck	Ryan.
Horsey	Pistella	Waters	Speaker

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.

SUPPLEMENTAL CALENDAR B

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 1038, PN 1798**, entitled:

An Act establishing the Fair Credit Extension Uniformity Act; and providing for debt collection trade practices and penalties.

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

The SPEAKER pro tempore. The gentleman, Mr. Snyder, is recognized on the question.

Mr. SNYDER. Mr. Speaker, I would like to yield to the Representative from Delaware, Mr. Flick.

BILL REVERTED TO PRIOR PRINTER'S NUMBER

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

Mr. FLICK. Thank you, Mr. Speaker.

Mr. Speaker, I would like to move that we revert to the prior printer's number on this bill so that we might address it as it came over from the Senate.

The SPEAKER pro tempore. What prior printer's number, Mr. Flick?

Mr. FLICK. That is a very good question, Mr. Speaker. I do not have that at my disposal right now. I believe it is 1452, Mr. Speaker.

The SPEAKER pro tempore. That is also my information. The Chair thanks the gentleman.

Mr. FLICK. Then we are together on that one.

MEMBER'S PRESENCE RECORDED

The SPEAKER pro tempore. The Chair notes the presence on the floor of the gentleman, Mr. Druce, and directs that the clerk place the gentleman's name on the master roll.

CONSIDERATION OF SB 1038 CONTINUED

The SPEAKER pro tempore. The gentleman, Mr. Flick, moves to revert to prior PN 1452 on SB 1038.

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

The SPEAKER pro tempore. On the motion to revert, the gentleman from Lancaster, Mr. Sturla, is recognized.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, would the gentleman that made the motion please explain what that reversion entails in terms of removing or adding to the legislation as it currently was before us?

The SPEAKER pro tempore. Mr. Flick, the gentleman, Mr. Sturla — I am going to treat this as interrogation — the gentleman, Mr. Sturla, has asked that you explain what the motion would do.

Mr. FLICK. Mr. Speaker, I think at this time it would be appropriate to ask the chair of the Appropriations Committee to shed some light on the nature of the amendment that came into the bill when it was in his committee.

The SPEAKER pro tempore. The gentleman, Mr. Barley.

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

I believe the nature of the inquiry was such, what are we reverting to? We are actually reverting to the prior printer's number, which will take the bill back to its exact form that it was in when it came from the Senate. In the Appropriations Committee today, we placed a rather minor amendment, a clarifying amendment. However, it was brought to our attention after the meeting that it was redundant. The amendment really is not necessary and should not have been— I will not admit that it was put in in error, but it was put in not realizing the redundancy of the language. So the bill without that amendment really is clearer and probably more appropriate than having the amendment in. So that is why we are reverting.

The SPEAKER pro tempore. Those in favor of the motion to revert to prior PN 1452 will vote "aye"; those opposed, "no."

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

The following roll call was recorded:

YEAS—190

Adolph	Egolf	Major	Sather
Allen	Fairchild	Manderino	Saylor
Argall	Fargo	Mann	Schroder
Armstrong	Feese	Markosek	Schuler
Baker	Fichter	Marsico	Scrimenti
Bard	Fleagle	Masland	Semmel
Barley	Flick	Mayernik	Seyfert
Barrar	Forcier	McCall	Shaner
Bastian	Frankel	McGeehan	Smith, B.
Battisto	Freeman	McGill	Smith, S. H.
Bebko-Jones	Gannon	McIlhattan	Snyder
Belardi	Geist	McIlhinney	Solobay
Belfanti	George	McNaughton	Staback

Benninghoff	Gigliotti	Melio	Stairs
Birmelin	Gladeck	Metcalfe	Steelman
Bishop	Godshall	Michlovic	Steil
Blaum	Gordner	Micozzie	Stern
Boyes	Grucela	Miller, R.	Stetler
Browne	Gruitza	Miller, S.	Stevenson
Bunt	Habay	Mundy	Strittmatter
Buxton	Haluska	Myers	Sturla
Caltagirone	Hanna	Nailor	Surra
Cappabianca	Harhai	Nickol	Tangretti
Carn	Harhart	O'Brien	Taylor, E. Z.
Cawley	Hasay	Orie	Taylor, J.
Chadwick	Hennessey	Perzel	Thomas
Civera	Herman	Pesci	Tigue
Clark	Hershey	Petrarca	Travaglio
Clymer	Hess	Petrone	Trello
Cohen, L. I.	Hutchinson	Phillips	Trich
Cohen, M.	Jadlowiec	Pippy	True
Colafella	Josephs	Platts	Tulli
Cornell	Kaiser	Preston	Vance
Corrigan	Keller	Ramos	Van Horne
Costa	Kenney	Raymond	Veon
Coy	Kirkland	Readshaw	Vitali
Curry	Krebs	Reinard	Walko
Dailey	LaGrotta	Roberts	Washington
Daley	Laughlin	Robinson	Williams
Dally	Lawless	Rohrer	Wilt
DeLuca	Lederer	Rooney	Wogan
Dempsey	Leh	Ross	Wojnaroski
Dermody	Lescovitz	Rubley	Wright
DeWeese	Levdansky	Ruffing	Yewcic
DiGirolamo	Lucyk	Sainato	Yudichak
Donatucci	Lynch	Samuelson	Zimmerman
Druce	Maher	Santoni	Zug
Eachus	Maitland		

NAYS-1

Casorio

NOT VOTING-0

EXCUSED-11

Butkovitz	James	Rieger	Youngblood
Evans	Oliver	Roebuck	Ryan,
Horsey	Pistella	Waters	Speaker

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 agree to the bill on third consideration as amended?

The SPEAKER pro tempore. The Chair has been made to understand that all of the amendments to this bill have been withdrawn.

The Chair thanks the gentleman, Mr. George.

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS-191

Adolph	Eachus	Maitland	Sather
Allen	Egolf	Major	Saylor
Argall	Fairchild	Manderino	Schroder
Armstrong	Fargo	Mann	Schuler
Baker	Feese	Markosek	Scrimenti
Bard	Fichter	Marsico	Semmel
Barley	Fleagle	Masland	Seyfert
Barrar	Flick	Mayernik	Shaner
Bastian	Forcier	McCall	Smith, B.
Battisto	Frankel	McGeehan	Smith, S. H.
Bebko-Jones	Freeman	McGill	Snyder
Belfanti	Gannon	McIlhattan	Solobay
Benninghoff	Geist	McIlhinney	Staback
Birmelin	George	McNaughton	Stairs
Bishop	Gigliotti	Melio	Steelman
Blaum	Gladeck	Metcalfe	Steil
Boyes	Godshall	Michlovic	Stern
Browne	Gordner	Micozzie	Stetler
Bunt	Grucela	Miller, R.	Stevenson
Buxton	Gruitza	Miller, S.	Strittmatter
Caltagirone	Habay	Mundy	Sturla
Cappabianca	Haluska	Myers	Surra
Carn	Hanna	Nailor	Tangretti
Casorio	Harhai	Nickol	Taylor, E. Z.
Cawley	Harhart	O'Brien	Taylor, J.
Chadwick	Hasay	Orie	Thomas
Civera	Hennessey	Perzel	Tigue
Clark	Herman	Pesci	Travaglio
Clymer	Hershey	Petrarca	Trello
Cohen, L. I.	Hess	Petrone	Trich
Cohen, M.	Hutchinson	Phillips	True
Colafella	Jadlowiec	Pippy	Tulli
Cornell	Josephs	Platts	Vance
Corrigan	Kaiser	Preston	Van Horne
Costa	Keller	Ramos	Veon
Coy	Kenney	Raymond	Vitali
Curry	Kirkland	Readshaw	Walko
Dailey	Krebs	Reinard	Washington
Daley	LaGrotta	Roberts	Williams
Dally	Laughlin	Robinson	Wilt
DeLuca	Lawless	Rohrer	Wogan
Dempsey	Lederer	Rooney	Wojnaroski
Dermody	Leh	Ross	Wright
DeWeese	Lescovitz	Rubley	Yewcic
DiGirolamo	Levdansky	Ruffing	Yudichak
Donatucci	Lucyk	Sainato	Zimmerman
Druce	Lynch	Samuelson	Zug
	Maher	Santoni	

NAYS-0

NOT VOTING-0

EXCUSED-11

Butkovitz	James	Rieger	Youngblood
Evans	Oliver	Roebuck	Ryan,
Horsey	Pistella	Waters	Speaker

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

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

CALENDAR CONTINUED

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 445, PN 465**, entitled:

An Act providing for the Tobacco Settlement Agreement Act; conferring powers and duties upon the Attorney General and the Department of Revenue; and imposing penalties.

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

Mr. **SOLOBAY** offered the following amendment No. **A0794**:

Amend Title, page 1, line 3, by striking out "and"

Amend Title, page 1, line 3, by removing the period after "penalties" and inserting

; providing for additional funding for volunteer firefighters' relief associations; and making an appropriation.

Amend Bill, page 11, by inserting between lines 8 and 9 Section 6. Funding for purchase of insurance contracts.

(a) General rule.—Notwithstanding the formula contained in section 704 of the act of December 18, 1984 (P.L.1005, No.205), known as the Municipal Pension Plan Funding Standard and Recovery Act, each volunteer firefighters' relief association shall be allocated a minimum of \$5,000 annually to be dedicated solely for the purchase of contracts of insurance under section 6(e)(2) of the act of June 11, 1968 (P.L.149, No.84), known as the Volunteer Firefighters' Relief Association Act. These moneys shall be in addition to any annual allocation the volunteer firefighters' relief association is entitled to receive under Chapter 7 of the Municipal Pension Plan Funding Standard and Recovery Act.

(b) Purchase of insurance.—Each volunteer firefighters' relief association is responsible for obtaining and maintaining its contracts of insurance purchased with funds under this act.

Section 7. Appropriation.

The sum of \$10,000,000 is hereby appropriated to a restricted account within the Fire Insurance Tax Fund from moneys received by the Commonwealth under the Master Settlement Agreement. Moneys in the restricted account shall be paid by the State Treasurer to the treasurers of municipalities for the purpose of funding the minimum allocation to volunteer firefighters' relief associations under section 6. This appropriation shall be a continuing appropriation.

Amend Sec. 6, page 11, line 9, by striking out "6" and inserting
8

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

The **SPEAKER pro tempore**. On that question, the Chair recognizes the gentleman from Washington County, Mr. Solobay.

(Conference held at Speaker's podium.)

VOTE CORRECTION

The **SPEAKER pro tempore**. The Chair understands the gentleman, Mr. Lescovitz, would like to correct the record. The gentleman is in order.

Mr. **LESCOVITZ**. Thank you, Mr. Speaker.

I was not recorded on HR 405, PN 3128. I was here. I would like to be recorded in the affirmative.

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

GUESTS INTRODUCED

The **SPEAKER pro tempore**. While we are at ease, the Chair would like to take this opportunity to welcome some guests who are visiting with us today. Bob White, the president of Abington Savings Bank, Thomas Fewer and John Foff of the Willow Grove Bank, and Thomas Kelly of the First Keystone Federal Savings Bank are here today. They are here as the guests of Representative Ellen Bard from Montgomery County. They are seated to the left of the Speaker. Would they please rise. Welcome to the hall of the House.

CONSIDERATION OF HB 445 CONTINUED

AMENDMENT WITHDRAWN TEMPORARILY

The **SPEAKER pro tempore**. The Chair understands that the gentleman, Mr. Solobay, temporarily withdraws his amendment.

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

Mr. **GRUCELA** offered the following amendment No. **A0242**:

Amend Title, page 1, line 1, by striking out "Act" and inserting
and for a program of pharmaceutical assistance
for the elderly

Amend Title, page 1, line 2, by inserting after "General"
, the Department of Aging

Amend Title, page 1, line 3, by striking out "and"

Amend Bill, page 1, line 3, by removing the period after "penalties" and inserting
; and making repeals.

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 Section 710. Supplemental funding.
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 Chapter 31. Miscellaneous Provisions
 Section 3101. Annual report to General Assembly.
 Section 3102. Repeals.
 Section 3103. Effective date.
 Amend Bill, page 1, line 6, by striking out all of said line and inserting

CHAPTER 1 GENERAL PROVISIONS

Section 101. Short title.
 Amend Sec. 1, page 1, line 8, by inserting after "Agreement" and PACE
 Amend Bill, page 1, line 9, by striking out all of said line and inserting

CHAPTER 3 TOBACCO SETTLEMENT AGREEMENT

Section 301. Declaration of policy.
 Amend Sec. 3, page 3, line 16, by striking out "3" and inserting 302
 Amend Sec. 3, page 3, line 17, by striking out "act" and inserting chapter
 Amend Sec. 3, page 4, line 18, by striking out "clause" and inserting
 paragraph
 Amend Sec. 3, page 5, line 7, by striking out "4" and inserting 303
 Amend Sec. 4, page 8, line 9, by striking out "4" and inserting 303
 Amend Sec. 5, page 11, line 5, by striking out "5" and inserting 304
 Amend Bill, page 11, lines 9 and 10, by striking out all of said lines and inserting

CHAPTER 5 PHARMACEUTICAL ASSISTANCE FOR THE ELDERLY

Section 501. Legislative findings.
 Finding that an increasing number of this Commonwealth's elderly citizens who are living on fixed incomes are experiencing difficulties in meeting the costs of life-sustaining prescription drugs, the General Assembly, in its responsibilities to provide for the health, welfare and safety of the residents of this Commonwealth, hereby continues a limited State pharmaceutical assistance program for the elderly.
 Section 502. Definitions.
 The following words and phrases when used in this chapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:
 "A-rated generic therapeutically equivalent drug." A drug product that the Commissioner of Food and Drugs of the United States Food and Drug Administration has approved as safe and effective and

has determined to be therapeutically equivalent, as listed in "The Approved Drug Products with Therapeutic Equivalence Evaluations" (Food and Drug Administration "Orange Book"), with a specific "A" code designation only.

"Average wholesale cost." The cost of a dispensed drug based upon the price published in a national drug pricing system in current use by the Department of Aging as the average wholesale price of a prescription drug in the most common package size.

"Average wholesale price." Average wholesale cost.

"Board." The Pharmaceutical Assistance Review Board.

"Department." The Department of Aging of the Commonwealth.

"Eligible claimant." A resident of the Commonwealth for no less than 90 days, who is 65 years of age or older, whose annual income is less than the maximum annual income and who is not otherwise qualified for public assistance under the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code.

"FDA." The United States Food and Drug Administration of the Public Health Service of the Department of Health and Human Services.

"HCFA." The Health Care Financing Administration of the United States.

"Income." All income from whatever source derived, including, but not limited to, salaries, wages, bonuses, commissions, income from self-employment, alimony, support money, cash public assistance and relief, the gross amount of any pensions or annuities, including railroad retirement benefits, all benefits received under the Social Security Act (49 Stat. 620, 42 U.S.C. § 301 et. seq.) (except Medicare benefits), all benefits received under State unemployment insurance laws and veterans' disability payments, all interest received from the Federal Government or any state government or any instrumentality or political subdivision thereof, realized capital gains, rentals, workers' compensation and the gross amount of loss of time insurance benefits, life insurance benefits and proceeds, except the first \$5,000 of the total of death benefits payments, and gifts of cash or property, other than transfers by gift between members of a household, in excess of a total value of \$300, but does not include surplus food or other relief in kind supplied by a government agency or property tax rebate.

"Maximum annual income." For PACE eligibility, the term means annual income which shall not exceed 225% of the Federal poverty level. Persons may, in reporting income to the Department of Aging, round the amount of each source of income and the income total to the nearest whole dollar, whereby any amount which is less than 50¢ is eliminated.

"PACE." The Pharmaceutical Assistance Contract for the Elderly program provided for in this chapter.

"Pharmacy." A pharmacy licensed by the Commonwealth.

"Prescription drug." All drugs requiring a prescription in this Commonwealth, insulin, insulin syringes and insulin needles. Experimental drugs or drugs prescribed for wrinkle removal or hair growth are prohibited.

"Private contractor." A person, partnership or corporate entity who enters into a contract with the Commonwealth to provide services under the provisions of this chapter.

"Program." The Pharmaceutical Assistance Contract for the Elderly (PACE) as established by this chapter, unless otherwise specified.

"Provider." A pharmacy or dispensing physician enrolled as a provider in the program.

Section 503. Determination of eligibility.

The department shall adopt regulations relating to the determination of eligibility of prospective claimants and providers, including dispensing physicians, and the determination and elimination of program abuse. To this end, the department shall establish a compliance unit staffed sufficiently to fulfill this responsibility. The department shall have the power to declare ineligible any claimant or provider who abuses or misuses the established prescription plan. The department shall have the power to investigate cases of suspected provider or recipient fraud.

Section 504. Physician and pharmacy participation.

Any physician, pharmacist, pharmacy or corporation owned in whole or in part by a physician or pharmacist enrolled as a provider in the program or who has prescribed medication for a claimant in the program who is precluded or excluded for cause from the Department of Public Welfare's Medical Assistance Program shall be precluded or excluded from participation in the program. No physician precluded or excluded from the Department of Public Welfare's Medical Assistance Program shall have claims resulting from prescriptions paid for by the program.

Section 505. Drug utilization review system.

The department shall ensure that a state-of-the-art therapeutic drug utilization review system is established to monitor and correct misutilization of drug therapies.

Section 506. Reduced assistance.

Any eligible claimant whose prescription drug costs are covered in part by any other plan of assistance or insurance may be required to receive reduced assistance under the provisions of this chapter.

Section 507. Rebates for expenses prohibited.

A system of rebates or reimbursements to the claimant for prescription drugs is prohibited.

Section 508. Request for proposal.

(a) General rule.—The department shall prepare a request for proposal for the purpose of providing pharmaceutical assistance for the elderly within this Commonwealth. Upon the adoption of the General Fund budget, the Department of Revenue shall be authorized to transmit the appropriated funds in the State Lottery Fund to the State Treasurer to be deposited in the Pharmaceutical Assistance Contract for the Elderly Fund. This fund shall consist of appropriations and interest and shall be created by the State Treasurer to fund the operations of the program by the department and the private contractor. Funds not expended in the fiscal year in which they were appropriated shall not lapse and shall be available for use in the next fiscal year.

(b) Additional requests for proposals.—To provide for the continued operation of the program, the department shall prepare, as needed, requests for proposals, in addition to that set forth in subsection (a), for the purpose of providing pharmaceutical assistance for the elderly within this Commonwealth. A request for proposal shall require potential private contractors to submit a proposal for a period of time and with monetary limitations as determined by the department. Upon the enactment of an appropriation from the State Lottery Fund, the Department of Revenue shall be authorized to transmit the appropriated amount to the State Treasurer to be deposited in the Pharmaceutical Assistance Contract for the Elderly Fund. Funds not expended in the fiscal year in which they were appropriated shall not lapse and shall be available for use in the next fiscal year.

Section 509. Program generally.

The program shall include the following:

(1) Participating pharmacies shall be paid within 21 days of the contracting firm receiving the appropriate substantiation of the transaction. Pharmacies shall be entitled to interest for payment not made within the 21-day period at a rate approved by the board.

(2) Collection of the copayment by pharmacies shall be mandatory.

(3) Senior citizens participating in the program are not required to maintain records of each transaction.

(4) A system of rebates or reimbursements to eligible claimants for pharmaceutical expenses shall be prohibited.

(5) The program shall consist of payments to pharmacies on behalf of eligible claimants for 90% of the average wholesale costs of prescription drugs which exceed the copayment, plus a dispensing fee of at least \$3.50 or the dispensing fee established by the department by regulation, whichever is greater.

(6) In no case shall the Commonwealth or any person enrolled in the program be charged more than the price of the drug at the particular pharmacy on the date of the sale.

Section 509.l. Claimant financial responsibility.

(a) Subscription fee.—Upon enrollment in PACE, eligible claimants shall be required to pay an annual subscription fee of \$40. Upon appeal by an affected claimant, the department may waive a subscription fee or any portion of the fee if in the opinion of the department the fee or portion of the fee will cause undue hardship to the claimant.

(b) Copayment.—For eligible claimants, the copayment, which may be adjusted by the department on an annual basis after consultation with the board, shall be \$4 for noninnovator multiple-source drugs and innovator multiple-source drugs as defined in section 702.

(c) Dispensing fee.—Eligible claimants shall pay a dispensing fee of \$3.50 for each prescription.

Section 510. Generic drugs.

(a) In general.—Notwithstanding any other statute or regulation, if an A-rated generic therapeutically equivalent drug is available for dispensing to a claimant, the provider shall dispense the A-rated generic therapeutically equivalent drug to the claimant. The department shall not reimburse providers for brand name products except in the following circumstances:

(1) There is no A-rated generic therapeutically equivalent drug available on the market. This paragraph does not apply to the lack of availability of an A-rated generic therapeutically equivalent drug in the providing pharmacy unless it can be shown to the department that the provider made reasonable attempts to obtain the A-rated generic therapeutically equivalent drug or that there was an unforeseeable demand and depletion of the supply of the A-rated generic therapeutically equivalent drug. In either case, the department shall reimburse the provider for 90% of the average wholesale cost plus a dispensing fee based on the least expensive A-rated generic therapeutically equivalent drug for the brand drug dispensed.

(2) An A-rated generic therapeutically equivalent drug is deemed by the department, in consultation with a utilization review committee, to have too narrow a therapeutic index for safe and effective dispensing in the community setting. The department shall notify providing pharmacies of A-rated generic therapeutically equivalent drugs that are identified pursuant to this paragraph on a regular basis.

(3) The Department of Health has determined that a drug shall not be recognized as an A-rated generic therapeutically equivalent drug for purpose of substitution under section 5(b) of the act of November 24, 1976 (P.L.1163, No.259), referred to as the Generic Equivalent Drug Law.

(4) At the time of dispensing, the provider has a prescription on which the brand name drug dispensed is billed to the program by the provider at a usual and customary charge which is equal to or less than the least expensive usual and customary charge of any A-rated generic therapeutically equivalent drug reasonably available on the market to the provider.

(b) Generic not accepted.—If a claimant chooses not to accept the A-rated generic therapeutically equivalent drug required by subsection (a), the claimant shall be liable for the copayment and 70% of the average wholesale cost of the brand name drug.

(c) Generic drugs not deemed incorrect substitution.—The dispensing of an A-rated generic therapeutically equivalent drug in accordance with this chapter shall not be deemed incorrect substitution under section 6(a) of the Generic Equivalent Drug Law.

(d) Medical exception.—A medical exception process shall be established by the department, which shall be published as a notice in the Pennsylvania Bulletin and distributed to providers and recipients in the program.

Section 511. Supply.

Prescription benefits for any single prescription shall be limited to a 30-day supply of the prescription drug or 100 units, whichever is less, except that, in the case of diagnosis for acute conditions, the

limitation shall be a 15-day supply. This limitation shall not apply to topical ointments or gels that are not available in containers which meet the size and supply restrictions set forth in this section.

Section 512. Restricted formulary.

The department may establish a restricted formulary of the drugs which will not be reimbursed by the program. This formulary shall include only experimental drugs and drugs on the Drug Efficacy Study Implementation List prepared by the Health Care Finance Administration. A medical exception may be permitted by the department for reimbursement of a drug on the Drug Efficacy Study Implementation List upon declaration of its necessity on the prescription by the treating physician, except that, for Drug Efficacy Study Implementation List drugs for which the FDA has issued a Notice for Opportunity Hearing for the purpose of withdrawing the New Drug Application approved for that drug, reimbursement coverage shall be discontinued under the provisions of this chapter.

Section 513. Mail-order system.

The department may not enter into a contract with a private contractor for an exclusive mail-order system for the delivery of prescription drugs under this program. Only mail-order pharmacy services provided by pharmacies which are licensed by the Commonwealth and which have their principal place of business within this Commonwealth may participate as providers under the program. The department shall develop and promulgate specific regulations governing the practice of mail-order pharmacy and other enrolled providers to include the following minimum standards of practice to ensure the health, safety and welfare of program participants:

(1) The appropriate method or methods by which such pharmacies shall verify the identity of the program recipient and the authenticity of prescriptions received.

(2) The appropriate method or methods by which such pharmacies shall mail or deliver prescription drugs to program recipients ensuring, to the maximum extent possible, that the intended program recipient is the actual ultimate recipient of any prescription dispensed by such pharmacies.

(3) The appropriate method or methods by which such pharmacies shall communicate with program participants in emergency situations.

Section 514. Indication of price.

The retail price of the prescription shall be indicated on the label of the prescription container or furnished by separate receipt.

Section 515. Reimbursement.

For-profit third-party insurers and not-for-profit prescription plans shall be responsible for any payments made to a providing pharmacy on behalf of a claimant covered by such a third party.

Section 516. Nonliability.

(a) Persons rendering service.—Any person rendering service as a member of a utilization review committee for this program shall not be liable for any civil damages as a result of any acts or omissions in rendering the service as a member of any such committee except any acts or omissions intentionally designed to harm or any grossly negligent acts or omissions which result in harm to the person receiving such service.

(b) Officer and employees of department.—Any officer or employee of the department rendering service as a member of a utilization review committee for this program shall not be liable for any civil damages as a result of any acts or omissions in rendering the service as a member of any such committee or as a result of any decision or action in connection with the program except any acts or omissions intentionally designed to harm or any grossly negligent acts or omissions which result in harm to the person receiving such service.

Section 517. Income verification.

(a) Procedure.—The department shall annually verify the income of eligible claimants. The department shall verify the income of eligible claimants by requiring income documentation from the claimants. An application for benefits under this chapter shall constitute a waiver to the department of all relevant confidentiality requirements relating to the claimant's Pennsylvania State income tax

information in the possession of the Department of Revenue. The Department of Revenue shall provide the department with the necessary income information shown on the claimant's Pennsylvania State income tax return solely for income verification purposes.

(b) Information confidential.—It shall be unlawful for any officer, agent or employee of the department to divulge or make known in any manner whatsoever any information gained through access to the Department of Revenue information except for official income verification purposes under this chapter.

(c) Penalty.—A person who violates this chapter commits a misdemeanor and shall, upon conviction, be sentenced to pay a fine of not more than \$1,000 or to imprisonment for not more than one year, or both, together with the cost of prosecution, and, if the offender is an officer or employee of the Commonwealth, he shall be dismissed from office or discharged from employment.

(d) Coordination with Department of Public Welfare.—To the extent possible, the department and the Department of Public Welfare shall coordinate efforts to facilitate the application and enrollment of eligible older people in the Medicaid Healthy Horizons Program by processing these applications at senior citizen centers and other appropriate facilities providing services to the elderly.

Section 518. Contract.

The department is authorized to enter into a contract providing for prescription drugs to eligible persons pursuant to this chapter. The department shall select a proposal that includes, but is not limited to, the criteria set forth in this chapter.

Section 520. Board.

(a) Establishment.—The Pharmaceutical Assistance Review Board is continued to ensure that the program is providing and continues to provide the assistance intended in a fiscally responsible manner without excessively hampering the pharmaceutical industry.

(b) Composition.—The board shall be comprised of the following eight persons:

(1) The Secretary of Aging, who shall serve as its chairman.

(2) The Secretary of Revenue.

(3) The Secretary of Health.

(4) Five public members, one appointed by the President pro tempore of the Senate, one appointed by the Minority Leader of the Senate, one appointed by the Speaker of the House of Representatives, one appointed by the Minority Leader of the House of Representatives and one appointed by the Governor. Those appointed by the legislative officers shall include two senior citizens who have not been a part of the pharmaceutical industry to serve as consumer advocates and two representatives of the pharmaceutical industry, at least one of whom is a practicing Pennsylvania pharmacist. The individual appointed by the Governor must be a physician. A public member who misses two consecutive meetings without good cause acceptable to the chairman shall be replaced by the appointing authority.

(c) Review.—Using the annual report submitted by the department pursuant to section 3101 and other appropriate data sources, the board shall conduct an annual review. The board shall develop recommendations concerning any changes in the level of copayment or in the level of fees paid to participating pharmacists. The board shall review the department's therapeutic drug utilization review program on an ongoing basis. The board may also recommend other changes in the structure of the program and direct the department to enter into discussions with the private contractor concerning amendments to the contract, or the department may enter into such discussion if it deems necessary. The copayment schedule shall only be adjusted on an annual basis.

(d) Meetings.—The board shall meet at least two times per year.

Section 521. Penalties.

(a) Prohibited acts.—It shall be unlawful for any person to submit a false or fraudulent claim or application under this chapter, including, but not limited to:

(1) aiding or abetting another in the submission of a false or fraudulent claim or application;

(2) receiving benefits or reimbursement under a private, Federal or State program for prescription assistance and claiming or receiving duplicative benefits hereunder;

(3) soliciting, receiving, offering or paying any kickback, bribe or rebate, in cash or in kind, from or to any person in connection with the furnishing of services under this chapter;

(4) engaging in a pattern of submitting claims that repeatedly uses incorrect National Drug Code numbers for the purpose of obtaining wrongful enhanced reimbursement; or

(5) otherwise violating any provision of this chapter.

(b) Civil penalty.—In addition to any appropriate criminal penalty for prohibited acts under this chapter whether or not that act constitutes a crime under 18 Pa.C.S. (relating to crimes and offenses), a provider who violates this section may be liable for a civil penalty in an amount not less than \$500 and not more than \$10,000 for each violation, which shall be collected by the department. Each violation constitutes a separate offense. If the department collects three or more civil penalties against the same provider, the provider shall be ineligible to participate in PACE for a period of one year. If more than three civil penalties are collected from any provider, the department may determine that the provider is permanently ineligible to participate in PACE.

(c) Suspension of license.—The license of any provider who has been found guilty under this chapter shall be suspended for a period of one year. The license of any provider who has committed three or more violations of this chapter may be suspended for a period of one year.

(d) Repayment of gain.—Any provider, recipient or other person who is found guilty of a crime for violating this chapter shall repay three times the value of the material gain received. In addition to the civil penalty authorized pursuant to subsection (b), the department may require the provider, recipient or other person to repay up to three times the value of any material gain to PACE.

Section 522. Prescription drug education program.

The department, in cooperation with the Department of Health, shall develop and implement a Statewide prescription drug education program designed to inform older adults of the dangers of prescription drug abuse and misuse. The prescription drug education program shall include, but not be limited to, information concerning the following:

(1) The hazards of prescription drug overdose.

(2) The potential dangers of mixing prescription drugs.

(3) The danger of retaining unused prescription drugs after the need to take them no longer exists.

(4) The necessity to carefully question physicians and pharmacists concerning the effects of taking prescription drugs, including the differences between brand-name drugs and generically equivalent drugs.

(5) The advisability of maintaining a prescription drug profile or other record of prescription drug dosage and frequency of dosage.

(6) The desirability of advising family members of the types and proper dosage of prescription drugs which are being taken.

(7) The dangers of taking prescription drugs in excess of prescribed dosages.

(8) The need to obtain complete, detailed directions from the physician or pharmacist concerning the time period a prescription drug should be taken.

CHAPTER 7

PRUDENT PHARMACEUTICAL PURCHASING

Section 701. Declaration of policy.

The General Assembly finds and declares as follows:

(1) The Commonwealth, through assistance programs enacted for the benefit of its citizens, is the largest single payor of prescription medications in Pennsylvania.

(2) In order to ensure that the Commonwealth, in expending money on behalf of its citizens, is not unduly harmed

by being required to pay a price for pharmaceutical products purchased from manufacturers in excess of that established for other purchasers and reimbursers of these products and to ensure that the Commonwealth can efficiently and prudently expend its money and maximize its ability to provide for the health and welfare of as many of its needy citizens as possible, it is reasonable, necessary and in the public interest to require that pharmaceutical manufacturers offer a discount to the Commonwealth for pharmaceutical products purchased or reimbursed through State agencies.

(3) It is in the public interest for pharmaceutical manufacturers to provide the Commonwealth with data relating to the price of pharmaceutical products sold by the manufacturer to public bodies, hospitals, for-profit or nonprofit organizations, other manufacturers or wholesalers doing business in this Commonwealth in order to ensure that the Commonwealth can determine that it is being provided with the best prices offered by the manufacturer.

(4) On a national level, there has been a recognition that the need for discounts to State Medicaid agencies, which reimburse for a high volume of pharmaceutical products, exists.

(5) On a State level, the General Assembly recognizes that it is in the best interest of its citizens to provide pharmaceutical assistance in a reasonable and cost-efficient manner.

(6) Drug price inflation has caused an increase in the amount of public funds expended by PACE and General Assistance.

Section 702. Definitions.

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

“Average manufacturer price (AMP).” With respect to a covered prescription drug of the manufacturer for a calendar quarter, the average unit price paid to the manufacturer for the drug by wholesalers for drugs distributed to the retail pharmacy class of trade, except for direct sales to hospitals, health maintenance organizations and wholesalers where the drug is relabeled under that distributor’s national drug code number. Federal Supply Schedule prices shall not be included in the calculation of AMP. The term includes cash discounts and all other price reductions, other than rebates under Chapter 5 and this chapter and section 1927 of Title XIX of the Social Security Act (49 Stat. 620, 42 U.S.C. § 301 et seq.), added November 5, 1990 (Public Law 101-508, Title IV, section 4401(a)(3), 104 Stat. 1388-143), which reduce the actual price paid. For bundled or capitated sales, the allocation of the discount shall be made proportionately to the dollar value of the units of each covered prescription drug sold under the bundled or capitated arrangement. The AMP for a quarter shall be adjusted by the manufacturer if cumulative discounts or other arrangements subsequently adjust the prices actually realized.

“Best price.”

(1) For current covered prescription drugs, the lesser of:

(i) the lowest price available for the drug in this Commonwealth from the manufacturer to any wholesaler, retailer, provider, private entity or governmental entity doing business in this Commonwealth during the quarter; or

(ii) the lowest price available for the drug, as of July 1, 2000, in this Commonwealth from the manufacturer to any wholesaler, retailer, provider, private entity or governmental entity doing business in this Commonwealth increased by the Consumer Price Index-Urban from July 2000 to the month before the beginning of the calendar quarter involved.

(2) For new drugs approved for marketing after July 1, 2000, the lesser of:

(i) the lowest price available for the drug in this Commonwealth from the manufacturer to any

wholesaler, retailer, provider, private entity or governmental entity doing business in this Commonwealth during the quarter; or

(ii) the lowest price available for the drug, during the first month in which the drug was marketed, in this Commonwealth from the manufacturer to any wholesaler, retailer, provider, private entity or governmental entity doing business in this Commonwealth, increased by the percentage increase in the Consumer Price Index-Urban from the first day of the first month of marketing to the beginning of the calendar quarter involved.

(3) The term excludes any price less than 8% of the average manufacturer price in the same quarter for which the average manufacturer price is computed.

(4) The term includes Federal supply schedule prices.

(5) Best price shall be determined on a unit basis and shall be adjusted by the manufacturer if cumulative discounts, rebates or other arrangements subsequently adjust the prices actually realized. For capitated sales, the allocation of the discount shall be made proportionally to the dollar value of the units of each drug sold under the capitated arrangement.

“Bundled or capitated sales.” The packaging of drugs of different types where:

(1) the condition of rebate or discount is that more than one drug type is purchased; or

(2) the resulting discount or rebate is greater than that which would have been received had the drug products been purchased separately.

“Consumer Price Index-Urban” or “CPI-U.” A price index compiled by the Bureau of Labor Statistics of the United States Department of Labor for measuring the average change in the prices paid by urban consumers for a fixed market basket of services.

“Covered prescription drug.” A legend drug, insulin, an insulin syringe or an insulin needle eligible for payment by the Commonwealth under PACE or designated pharmaceutical programs.

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

“Depot price.” The price available to any depot of the Federal Government for purchase of drugs from the manufacturer through the depot system of procurement.

“Designated pharmaceutical programs.” The General Assistance Program and the Special Pharmaceutical Benefit Program in the Department of Public Welfare and the End Stage Renal Dialysis Program in the Department of Health.

“Direct seller.” Any person, partnership, corporation, institution or entity engaged in the selling of pharmaceutical products directly to consumers in this Commonwealth.

“Distributor.” A private entity under contract with the original labeler or holder of the national drug code number to manufacture, package or market the covered prescription drug.

“Doing business in this Commonwealth.” The direct or indirect selling or the making of covered prescription drugs available for sale in a continuous and systematic manner with the reasonable expectation that these products will be sold to consumers in this Commonwealth.

“FDA.” The Food and Drug Administration of the Public Health Service of the Department of Health and Human Services.

“General assistance.” The general assistance program of the Department of Public Welfare of the Commonwealth.

“Innovator multiple-source drugs.” A multiple-source drug that was originally marketed under a new drug application approved by the FDA. The term includes:

(1) covered prescription drugs approved under Product License Approval (PLA), Establishment License Approval (ELA) or Antibiotic Drug Approval (ADA); and

(2) a covered prescription drug marketed by a cross-licensed producer or distributor under the approved Abbreviated New Drug Application (ANDA) when the drug product meets this definition.

“Manufacturer.”

(1) An entity which is engaged in any of the following:

(i) The production, preparation, propagation, compounding, conversion or processing of prescription drug products:

(A) directly or indirectly by extraction from substances of natural origin;

(B) independently by means of chemical synthesis; or

(C) by a combination of extraction and chemical synthesis.

(ii) The packaging, repackaging, labeling or relabeling, or distribution of prescription drug products.

(2) The entity holding legal title to or possession of the national drug code number for the covered prescription drug.

(3) The term does not include a wholesale distributor of drugs, drugstore chain organization or retail pharmacy licensed by the Commonwealth.

“National drug code number.” The identifying drug number maintained by the FDA. The complete eleven-digit number must include the labeler code, product code and package size code.

“New drug.” A covered prescription drug approved as a new drug under section 201(p) of the Federal Food, Drug, and Cosmetic Act (52 Stat. 1040, 21 U.S.C. § 321(p)).

“Noninnovator multiple-source drug.” Any of the following:

(1) A covered prescription drug which is not an innovator multiple-source drug approved under an Abbreviated New Drug Application (ANDA) or an Amended Antibiotic Drug Approval (AADA).

(2) A drug that has been approved for substitution under the act of November 24, 1976 (P.L.1163, No.259), referred to as the Generic Equivalent Drug Law.

“PACE.” The program under Chapter 5.

“Private entity.” Includes a for-profit entity and a nonprofit entity.

“Producer Price Index for Pharmaceuticals.” The prescription drug producer price index compiled by the Bureau of Labor Statistics of the United States Department of Labor for measuring average changes in selling prices received by domestic drug manufacturers.

“Provider.” A licensed pharmacy or dispensing physician enrolled as a provider in PACE or designated pharmaceutical programs.

“Rebate period.” A calendar quarter or other period specified by the Secretary of Aging with respect to the payment of rebates under an agreement as provided in section 703.

“Secretary.” The Secretary of Aging of the Commonwealth.

“Single-source drugs.” Legend drug products for which the FDA has not approved an Abbreviated New Drug Application (ANDA).

“Unit.” A drug unit in the lowest identifiable amount, such as tablet or capsule for solid dosage forms, milliliter for liquid forms and gram for ointments or creams. The manufacturer shall specify the unit for each dosage form and strength of each covered prescription drug in accordance with the instructions developed by the Health Care Financing Administration for purposes of the Federal Medicaid Rebate Program under section 1927 of Title XIX of the Social Security Act (49 Stat. 620, 42 U.S.C. § 301 et seq.).

“Wholesaler.” Any person, partnership, corporation, institution or entity to which the manufacturer sells the covered prescription drug, including a pharmacy or chain of pharmacies, but that does not relabel or repackage the covered prescription drug. Section 703. Rebate agreement.

(a) Requirement.—PACE and designated pharmaceutical programs shall not reimburse for any covered prescription drug without a rebate agreement between the department and the manufacturer of the covered prescription drug.

(b) Exception.—Subsection (a) shall not apply if the availability of the drug is essential to the health of eligible claimants as determined by the department.

(c) **Agreements.**—Manufacturers of prescription drugs reimbursed under PACE and designated pharmaceutical programs must enter into a rebate agreement with the department under this chapter to obtain such reimbursement. Nothing in this chapter shall be deemed to affect or impair any agreement made under the former provisions of Chapter 5 or 7 of act of August 26, 1971 (P.L.351, No.91), known as the State Lottery Law, or of Chapter 6 of the act of August 14, 1991 (P.L.342, No.36), known as the Lottery Fund Preservation Act.

(d) **Notice.**—The department shall notify enrolled providers of PACE and designated pharmaceutical programs on an annual basis and, as appropriate, of all manufacturers who have entered into a rebate agreement.

(e) **Drug formulary.**—Except as provided in section 512, there shall be no drug formulary, prior or retroactive approval system or any similar restriction imposed on the coverage of outpatient drugs made by manufacturers who have agreements in effect with the Commonwealth to pay rebates for drugs utilized in PACE, provided that such outpatient drugs were approved for marketing by the Food and Drug Administration. This subsection shall not apply to any act taken by the department pursuant to its therapeutic drug utilization review program under section 505.

Section 704. Terms of rebate agreement.

(a) **Quarterly basis.**—A rebate agreement shall require any manufacturer of covered prescription drugs to provide to the department a rebate each calendar quarter in an amount specified in section 705 for covered prescription drugs of the manufacturer reimbursed during the quarter. The rebate shall be paid by the manufacturer not later than 30 days after the date of receipt of the information described in subsection (b) for the period involved.

(b) **Information.**—

(1) The department shall report to each manufacturer, not later than 60 days after the end of each calendar quarter, information by zip code of provider on the total number of dosage units of each covered prescription drug reimbursed under PACE and designated pharmaceutical programs during the quarter.

(2) A manufacturer may review the information provided under paragraph (1) and verify information. Adjustments to rebates shall be made to the extent that information indicates that utilization was greater or less than the amount previously specified.

(3) In the event that in any quarter a material discrepancy in the department's information is certified by the manufacturer prior to the due date of the rebate, the department and the manufacturer shall, in good faith, attempt to resolve the discrepancy. If resolution is not reached within 30 days of receipt of the manufacturer's certification by the department, the manufacturer may appeal the department's decision under the department's formal fair hearings and appeals process. The manufacturer shall pay the department that portion of the rebate amount which is not disputed within the required time frame under this chapter. Any balance due, plus statutory interest, shall be paid or credited by the manufacturer or the department by the due date of the next quarterly payment after resolution of the dispute.

(c) **Manufacturer provision of price information.**—

(1) Each manufacturer with an agreement in effect under this chapter shall report to the department not later than 30 days after the last day of each quarter all of the following:

(i) The average manufacturer price.

(ii) For single-source drugs and innovator multiple-source drugs:

(A) the manufacturer's best price for covered prescription drugs for the quarter; and

(B) the best price in effect on July 1, 2000.

(iii) For new drugs, the best price in effect during the first month of marketing the new drug.

(2) The department shall retain the services of an independent contractor to survey wholesalers, direct sellers and manufacturers that directly distribute their covered prescription drugs, when necessary, to verify manufacturer prices reported under paragraph (1). Any survey conducted shall not reveal to the department nor to any other person or entity other than the independent contractor the name, identity, location, actual acquisition invoice, other proprietary information or any information from which the department might be enabled to ascertain the name, identity or location of any wholesaler, direct seller or provider so surveyed unless the contractor has gathered sufficient evidence to enable the department to bring charges against any wholesaler, direct seller or provider in violation of subsection (d)(3).

(d) **Penalties.**—The department shall administer penalties as follows:

(1) A manufacturer who fails to supply information required under subsection (c)(1) shall be liable for a civil penalty in the amount of 2% of the rebate next required to be paid, plus \$1,000 for each day that the information is late. If the information is not reported within 30 days of the due date, the agreement shall be suspended for services furnished after the end of the 30-day period until the date the information is reported or the expiration of 45 days, whichever is later.

(2) A manufacturer who knowingly supplies false information that is required under subsection (c)(1) shall be liable for a civil penalty in the amount of \$50,000 for each item of false information.

(3) A direct seller, manufacturer or wholesaler who refuses a request for information or knowingly provides false information that is required under subsection (c)(2) shall be liable for a civil penalty in the amount of \$50,000.

(4) Penalties collected under this subsection shall be deposited into the State Lottery Fund.

(5) All civil monetary penalties imposed under this chapter are in addition to other civil or criminal penalties.

(e) **Confidentiality of information.**—Information disclosed by manufacturers, wholesalers or direct sellers under this chapter is confidential and shall not be disclosed by the department in a form which discloses the identity of a specific manufacturer, wholesaler or direct seller or the prices charged for drugs by the manufacturer or wholesaler, except as the department determines to be necessary to carry out this chapter and to permit the Department of the Auditor General and the Office of State Inspector General to review the information provided.

(f) **Length of agreement.**—A rebate agreement shall remain in effect for an initial period of not less than one year and shall be automatically renewed for a period of not less than one year unless terminated under subsection (g).

(g) **Termination.**—

(1) The department may provide for termination of a rebate agreement for any reason. Termination shall not be effective earlier than 60 days after the date of receipt of notice of termination by the manufacturers.

(2) A manufacturer may terminate a rebate agreement for any reason. Termination shall not be effective earlier than 60 days after the date of receipt of notice of termination by the department.

(3) Termination of the rebate agreement shall not affect rebates due under the agreement before the effective date of termination.

(4) Commonwealth Court shall have original jurisdiction over cases of termination of agreements under this subsection. Commencement of an action under this paragraph shall not delay the effective date of termination.

(5) If a rebate agreement is terminated for cause, another agreement with the same manufacturer or a successor manufacturer may not be entered into until a period of one year

has elapsed from the date of the termination unless the department finds good cause for an earlier agreement.

Section 705. Amount of rebate.

(a) Single-source drugs and innovator multiple-source drugs.—With respect to single-source drugs and innovator multiple-source drugs, each manufacturer shall remit a rebate to the Commonwealth. Except as otherwise provided in this section, the amount of the rebate to the Commonwealth per calendar quarter with respect to each dosage form and strength of single-source drugs and innovator multiple-source drugs shall be equal to the product of the total number of units of each dosage form and strength reimbursed by PACE and General Capital Assistance in the quarter and the following:

(1) For quarters beginning after April 2000, the greater of the following:

(i) The difference between the average manufacturer price and 85% of that price after deducting customary prompt payment discounts for the quarter.

(ii) The difference between the average manufacturer price for a drug and the best price. For calendar quarter beginning after April 1, 2000, and ending before January 1, 2001, the rebate under this subparagraph shall not exceed 25% of the average manufacturer price. For calendar quarters beginning after December 31, 2000, and ending before January 1, 2002, the rebate under this subparagraph shall not exceed 50% of the average manufacturer price.

(2) For quarters beginning after December 31, 1996, the product of the total number of units of each dosage form and strength reimbursed by PACE and designated pharmaceutical programs in the quarter and the difference between the average manufacturer price and 83% of that price, after deducting customary prompt payment discounts.

(b) Rebate for other drugs.—

(1) The amount of the rebate to the Commonwealth for a calendar quarter with respect to covered prescription drugs which are noninnovator multiple-source drugs shall be equal to the product of:

(i) the applicable percentage of the average manufacturer price, after deducting customary prompt payment discounts, for each dosage form and strength of such drugs for the quarter; and

(ii) the number of units of such form and dosage reimbursed by PACE and general assistance in the quarter.

(2) For the purposes of paragraph (1), the applicable percentage for calendar quarters beginning after September 30, 1992, and ending before January 1, 1997, is 11%.

(c) Revised rebate for other drugs.—Beginning after December 31, 1996:

(1) The amount of the rebate to the Commonwealth for a calendar quarter with respect to covered prescription drugs which are noninnovator multiple-source drugs shall be the greater of the product of:

(i) the applicable percentage of the average manufacturer price, after deducting customary prompt payment discounts, for each dosage form and strength of such drugs for the quarter; and

(ii) the number of units of such form and dosage reimbursed by PACE and designated pharmaceutical programs in the quarter.

(2) For purposes of paragraph (1), the applicable percentage is 17%.

(d) Drugs approved after act takes effect.—

(1) In the case of a covered outpatient drug approved for marketing after August 14, 1991, and before November 21, 1996, any reference to January 1, 1991, shall be a reference to the first day of the first month during which the drug was marketed.

(2) In the case of a covered outpatient drug approved for marketing after November 20, 1996, any reference to January 1, 1996, shall be a reference to the first day of the first month during which the drug was marketed.

Section 706. Excessive pharmaceutical price inflation discount.

(a) General rule.—A discount shall be provided to the department for all covered prescription drugs. The discount shall be calculated as follows:

(1) For each quarter for which a rebate under section 705(a) and (b) is to be paid after December 31, 1991, and before January 1, 1997, the average manufacturer price for each dosage form and strength of a covered prescription drug shall be compared to the average manufacturer price for the same form and strength in the previous calendar year, and a percentage increase shall be calculated.

(2) For each quarter under paragraph (1), the average percentage increase in the Producer Price Index for Pharmaceuticals over the same quarter in the previous calendar year shall be calculated.

(3) If the calculation under paragraph (1) is greater than the calculation under paragraph (2), the discount amount for each quarter shall be equal to the product of:

(i) the difference between the calculations under paragraphs (1) and (2); and

(ii) the total number of units of each dosage form and strength reimbursed by PACE and general assistance and the average manufacturer price reported by the manufacturer under section 704(c)(1).

(b) Revised general rule.—A discount shall be provided to the department for all covered prescription drugs. The discount shall be calculated as follows:

(1) For each quarter for which a rebate under section 705(a) and (c) is to be paid after December 31, 1996, the average manufacturer price for each dosage form and strength of a covered prescription drug shall be compared to the average manufacturer price for the same form and strength in the previous calendar year and a percentage increase shall be calculated.

(2) For each quarter under paragraph (1), the average percentage increase in the Consumer Price Index-Urban over the same quarter in the previous calendar year shall be calculated.

(3) If the calculation under paragraph (1) is greater than the calculation under paragraph (2), the discount amount for each quarter shall be equal to the product of:

(i) the difference between the calculations under paragraphs (1) and (2); and

(ii) the total number of units of each dosage form and strength reimbursed by PACE and designated pharmaceutical programs and the average manufacturer price reported by the manufacturer under section 704(c)(1).

(c) New bemarketed drugs.—For covered prescription drugs that have not been marketed for a full calendar year, subsection (a) shall apply after the covered prescription drug has been on the market for four consecutive quarters. The drug's initial average manufacturer price shall be based on the first day of the first quarter that the drug was marketed.

Section 707. Lowered best price.

(a) General rule.—If the rebate under section 705 and the discount under section 706 would establish a lowered Federal best price, as defined in section 1927(c)(1)(C) of the Social Security Act (49 Stat. 620, 42 U.S.C. § 1396r-8(c)(1)(C)), the manufacturer shall be liable for a total rebate and discount in an amount that does not reduce the Federal best price for that covered prescription drug.

(b) Procedure.—Any claim by a manufacturer that a rebate would establish a lower Federal best price under subsection (a) shall be verified in writing by a department-approved independent public accounting firm within 45 days of the end of the quarter for which the

claim is asserted. The information provided to the public accounting firm shall remain confidential.

(c) Civil penalty.—A manufacturer which provides false information under this section shall be liable for a civil penalty in an amount not to exceed \$50,000. Each item of false information constitutes a separate violation.

Section 708. Exemption.

Section 521(a) shall not apply to rebates under this chapter.

Section 709. Disposition of funds.

(a) PACE.—Money received under this chapter in connection with PACE shall be deposited in the Pharmaceutical Assistance Contract for the Elderly Fund.

(b) Designated pharmaceutical programs.—Money received under this chapter in connection with designated pharmaceutical programs shall be treated as a refund of expenditures to the appropriation which originally provided the funding for the pharmaceutical purchase.

Section 710. Supplemental funding.

(a) Supplemental funding.—The following sums are hereby appropriated to the department for deposit into the Pharmaceutical Assistance Contract for the Elderly Fund from the moneys received by the Commonwealth from the Master Settlement Agreement:

- (1) \$106 million for fiscal year 2000-2001.
- (2) \$112 million for fiscal year 2001-2002.
- (3) \$119 million for fiscal year 2002-2003.
- (4) \$126 million for fiscal year 2003-2004.
- (5) \$134 million for fiscal year 2004-2005.

(b) Definition.—As used in this section, the term "Master Settlement Agreement" has the meaning given in section 302.

Section 711. Penalty.

Penalty.—A person who violates this chapter commits a misdemeanor and shall, upon conviction, be sentenced to pay a fine of not more than \$1,000 or to imprisonment for not more than one year, or both, together with the cost of prosecution, and, if the offender is an officer or employee of the Commonwealth, he shall be dismissed from office or discharged from employment.

CHAPTER 31

MISCELLANEOUS PROVISIONS

Section 3101. Annual report to General Assembly.

(a) Submission of report.—The department shall submit a report no later than April 1 of each year to the chairman and minority chairman of the Aging and Youth Committee of the Senate, the chairman and minority chairman of the Aging and Youth Committee of the House of Representatives and the Pharmaceutical Assistance Review Board.

(b) Collection of data.—The department shall maintain monthly statistical records on PACE, including the level of participation and any patterns of unusual drug usage for purposes of formulating the annual report.

(c) Information for inclusion in annual report.—The annual report shall contain, but not be limited to, all information relating to:

- (1) The number of persons served by PACE and their counties of residence.
- (2) A breakdown of the numbers and kinds of pharmaceuticals used.
- (3) The cost of prescriptions.
- (4) An estimate of actual expenses incurred by pharmacists participating in the program.
- (5) The results obtained by the drug education program under section 522.
- (6) Information regarding the operation of the therapeutic drug utilization review system for the prior calendar year, which shall include, at a minimum:
 - (i) The scope of physician and pharmacist participation in the system.
 - (ii) A description of claimant response to the system.
 - (iii) Data for each month of the covered period regarding the number of prescription revisions based on

utilization review, including drug information, cost savings and the policy used by the department to make utilization review decisions.

(7) Information on the existence and scope of fraudulent activity and violations of Chapters 5 and 7 participating in PACE.

(8) Information regarding the financial status of PACE, including, but not limited to, the adequacy of any applicable deductible and copayment levels, based upon the financial experience and projections of PACE.

Section 3102. Repeals.

(a) General rule.—Except as provided in subsection (b), Chapters 5 and 7 of the act of August 26, 1971 (P.L.351, No.91), known as the State Lottery Law, are repealed.

(b) Exception.—Section 517(c) of the State Lottery Law is saved from repeal.

Section 3103. Effective date.

This act shall take effect in 60 days.

On the question,

Will the House agree to the amendment?

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

Mr. GRUCELA. Thank you, Mr. Speaker.

Mr. Speaker, the tobacco settlement money, I believe, offers us a tremendous opportunity, perhaps a golden opportunity — I think maybe an appropriate word for those in their golden years — to extend the PACE (Pharmaceutical Assistance Contract for the Elderly) program. After a Policy Committee hearing in the district, we found that many, many seniors either become ineligible with the PACENET (Pharmaceutical Assistance Contract for the Elderly Needs Enhancement Tier); we have had some come to us with expenses of \$490, falling \$10 short, some others falling short by a little bit more. So we have a great program in PACE, but I think we have, again, an opportunity to make it better.

Many seniors at that Policy hearing admitted that with the high cost of prescription drugs, in many cases they cheat on their medications and do not take the pills that they should take during the day. I know they are telling the truth, because I know it was the case in my own family, when many times my brother and I used to have to count my mother's pills to make sure that she would take them in accordance with her prescription, and oftentimes when she would not, it was because she was trying to save on the costs.

Seniors also, Mr. Speaker, tell us that in many instances they have a double-edged sword. They get an increase in their Social Security; we may give them another \$100 property tax rebate. This counts as income, which in many cases, on the other hand, makes them ineligible for PACE.

So, Mr. Speaker, I think we have, as I stated in the beginning, a tremendous opportunity to expand the PACE program to make more seniors eligible for PACE. Therefore, Mr. Speaker, I offer amendment A0242, which will address that problem. Thank you, Mr. Speaker.

The SPEAKER pro tempore. On the amendment, the gentleman, Mr. Veon, is recognized.

Mr. VEON. Thank you, Mr. Speaker.

Mr. Speaker, I rise to very strongly support the Grucela amendment to this bill.

Mr. Speaker, when the Governor made the case that all of the tobacco settlement money, tens and tens of millions of dollars

that are allocated to Pennsylvania, when he made the case that all that money must go to health care for the people of Pennsylvania, when he made that case, the members on this side of the aisle, the Democrats, made it clear to other members in this General Assembly that there was one issue that all of our constituents were talking to us more about than any other issue, and that is the cost of prescriptions, the cost of prescriptions for senior citizens in Pennsylvania. And, Mr. Speaker, the PACE program does a good job, and Republicans and Democrats have supported that for years and years and years, but, Mr. Speaker, here is a way right here today, with the Grucela amendment, to offer more help for seniors in Pennsylvania to pay for their prescriptions. Every single one of us, no doubt every week, hears from some constituents who tell us that they do not have enough money to pay for prescriptions in Pennsylvania.

So, Mr. Speaker, when we talk about tobacco settlement money going for health care, I would make the case that there cannot be any more important priority for this legislature than providing help for seniors to pay for prescriptions, and, Mr. Speaker, the Grucela amendment does just that. This is a way to provide for tens of millions of dollars of help to senior citizens in Pennsylvania to pay for their medications that they cannot afford to pay for. They are making decisions every day about whether to pay for the medicine or to pay for rent, to pay for medicine or pay for taxes, to pay for medicine or pay for food, and, Mr. Speaker, this is the only real program that has been provided in any of this debate and discussion to say that we ought to help them pay for their prescriptions, help them pay for their medication; do not require them to make that tough choice. Mr. Speaker, the Grucela amendment provides that kind of help for seniors in this State, and I strongly urge and encourage an affirmative vote for the Grucela amendment. Thank you, Mr. Speaker.

The SPEAKER pro tempore. On the amendment, the gentleman, Mr. Armstrong, from Lancaster County is recognized.

Mr. ARMSTRONG. Thank you, Mr. Speaker.

This bill is a very important bill in realizing the funds that are coming into this State. The essence of this bill is to establish the escrow account for the nonparticipating manufacturers and dealing with those nonparticipating manufacturers. That is all this bill deals with. If we murky up this particular piece of legislation, then we risk greatly and we turn it into a possibly, especially in regard to this amendment, a nonqualifying statute, and all of the money — all of the money — is at risk. I do not think any of us want to sit here and make that decision today.

GERMANENESS QUESTIONED

Mr. ARMSTRONG. I rise today to oppose this amendment on the grounds of germaneness. This legislation is the embodiment of the model statute that was negotiated by our Attorneys General in the national tobacco settlement agreement. Although the agreement makes great strides in assuring the accountability of the tobacco manufacturers, if Pennsylvania is to ensure these long-term public health and financial gains, it is critical that all manufacturers be held accountable for the potential societal and health costs associated with their sales. The model statute embodied in HB 445 accomplishes this goal.

This legislation requires nonparticipating manufacturers to either pay into the fund held in reserve for the State's cost in

treating smoking-related illnesses or join the Master Settlement Agreement. Accordingly, it is important that Pennsylvania's statute qualify as a model statute. To accomplish this, the language that is ultimately enacted should adhere to the language contained within the Master Settlement Agreement as closely as possible. Simply put, adopting amendments and enacting legislation that deviates from the model could put all future payments made to the Commonwealth under this settlement at risk. Indeed, the Master Settlement Agreement provides that should an enactment be determined to be a nonqualifying statute, then the allotted payment to the Commonwealth should be reduced unless and until the passage of a qualifying statute has been accomplished.

Further, I would just like to say I understand, I understand these amendments that are going to be coming before us, and I think that the House should have their day and I believe wholeheartedly that we are going to have that day to deal with these issues in another piece, but this is not the piece to be dealt with. To date, any State that has passed this model statute has realized the agreement in place. Those that have passed legislation that has transferred into a qualifying statute or a nonqualifying statute today is in a logjam somewhere in an office in New York, and they cannot get the agreement because the tobacco companies are holding them at bay.

Now, do we want to put our legislation at bay by the tobacco companies? I say no, and I ask for you to join me today to say no to their attempts to muddy this legislation and keep it as clean as possible. Therefore, I am asking you to vote "yes," though "no" that it is not germane.

The SPEAKER pro tempore. The gentleman from Lancaster County, Mr. Armstrong, has raised the question of whether amendment A0242 is germane. Under House rule 27, questions involving whether an amendment is germane to the subject shall be decided by the House.

On the question,

Will the House sustain the germaneness of the amendment?

PARLIAMENTARY INQUIRY

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

Mr. VEON. Thank you, Mr. Speaker.

Mr. Speaker, a point of parliamentary inquiry first.

The SPEAKER pro tempore. The gentleman will state the point.

Mr. VEON. I just would like to have you answer the question that this motion is debatable by any member of the House?

The SPEAKER pro tempore. And twice at that.

Mr. VEON. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The gentleman is recognized.

Mr. VEON. Thank you, Mr. Speaker.

Mr. Speaker, with all due respect to the previous speaker, he is making a motion on germaneness, and he is, as I understand it, trying to make the case to this House that a bill that is to provide millions of dollars to provide health care for Pennsylvanians, to provide health care to Pennsylvanians as directed by the Governor of this State — the Governor made the statement that the tobacco settlement money should be spent on

health care for Pennsylvanians – I think most members in the House here agree with that. Mr. Speaker, as this gentleman knows as he tries to tell us about having this be a model statute, there are other States that have spent this money on education, there are other States that have spent this money in going to the General Fund, there are other States that have spent this money to give it back to tobacco farmers, and there are a number of other proposals made by many other States to do all kinds of things. But here in Pennsylvania, Governor Tom Ridge said, let us spend it on health care.

And, Mr. Speaker, I would make the case that there is no issue that is more germane to this General Assembly, there is no issue that is more important to our constituents, than finding a way to help them pay for their prescriptions – there is no question about that – at the national level, at the State level. This is a very important issue to the people of Pennsylvania. Germane? It is critical for the health care of people in Pennsylvania that we find a way to help them pay for prescriptions. Now, we are talking about the ability here to provide tens of millions of dollars in assistance to people in Pennsylvania who right now, today, cannot afford to buy their medicine. Now, if that is not germane to a bill that is supposed to be for health care in Pennsylvania, I do not know what is.

So again, with all due respect, the gentleman is absolutely wrong. This issue is germane; this issue is critical. Mr. Speaker, let us get on and let us vote for an amendment that provides millions of dollars to Pennsylvanians who desperately need it to buy their medication. Thank you, Mr. Speaker.

The SPEAKER pro tempore. On the question of germaneness, the Chair recognizes the gentleman from Lehigh County, Mr. Snyder.

Mr. SNYDER. Thank you, Mr. Speaker.

Mr. Speaker, this amendment is not germane to HB 445. Yes, it is a germane issue to the tobacco settlement fund distribution, but that is not what is before the House of Representatives today. The bill that this would be germane to is a bill that we will be considering during the budget process when we determine how the tobacco settlement funds are expended by the Commonwealth. This bill, Mr. Speaker, is simply part of the master agreement that was signed by the Commonwealth of Pennsylvania with the other States that will be receiving tobacco funding. All this act does is ensure that all tobacco product manufacturers doing business in the Commonwealth either join in the Master Settlement Agreement or that they put into an escrow account specific amounts of money to cover their claims against potential lawsuits. Mr. Speaker, this is not distribution legislation.

I would like to put into the record, Mr. Speaker, from the Master Settlement Agreement for the House to fully understand why no amendments to this bill can be germane. Mr. Speaker, I am reading from page 65 of the Master Settlement Agreement, which reads in part, “Each Participating Manufacturer and each Settling State agree that the model statute in the form set forth in Exhibit T...” – which is the model statute, which, by the way, is what we have before us right now – “if enacted without modification or addition (except for particularized state procedural or technical requirements) and not in conjunction with any other legislative or regulatory proposal, shall constitute a Qualifying Statute.” This is where it is important. It reads, quote: “Each Participating Manufacturer agrees to support the enactment of such Model Statute if such Model Statute is

introduced or proposed (i) without modification or addition (except for particularized procedural or technical requirements), and (ii) not in conjunction with any other legislative proposal.” Mr. Speaker – that is the end of the quote from the settlement – but if we amend this agreement, the manufacturers do not have to give Pennsylvania any money. So whether this amendment that spends \$106 million for pharmacy or some of the other amendments that will spend portions of this money are put into this particular legislation, we will get zero, no money at all. So it does not matter how many amendments we put in here to spend this money, we will get zero, and 10 percent or 20 percent of zero is still zero. That is why this amendment is not germane. This amendment is something we need to consider in another month or so when we consider how to spend the money that we hope to get. But if we do not get past this legislation, we will not get any money to argue over how it is going to be spent.

I ask for a “no” vote on germaneness, Mr. Speaker.

The SPEAKER pro tempore. On germaneness, the Chair recognizes the lady from Cumberland County, Representative Vance.

Mrs. VANCE. Thank you, Mr. Speaker.

I rise to say that this amendment is not germane, not that the proposed amendments do not have merit, but this is the first step down the road; this is the legislation that we need to put in place in order to be able to spend the tobacco moneys. Yes, we have received the first payment, but we cannot spend it at this time. We need to first pass this as the contractual agreement agreed to by the Attorneys General, and then everyone will have a say in the future about how this money should be distributed. Without this, we run the risk of it being a nonqualifying amendment, which simply means that the tobacco companies would have to agree to anything we would do. I do not want to put the tobacco companies in the driver’s seat as to how we dispense this money in Pennsylvania.

So I think it is critically important that we vote that it is not germane. This does not mean that anybody gives up their right to have a say in the distribution later, but it is very important that presently we pass this model legislation as only the first step, and I ask for a “no” vote on germaneness.

LEAVE OF ABSENCE CANCELED

The SPEAKER pro tempore. The Chair notes the presence on the floor of the gentleman from Philadelphia, Mr. Butkovitz, and directs the clerk to place the gentleman’s name on the master roll.

CONSIDERATION OF HB 445 CONTINUED

The SPEAKER pro tempore. On the question of germaneness, the Chair recognizes the gentleman from Northampton County, Mr. Grucela.

Mr. GRUCELA. Thank you, Mr. Speaker.

Mr. Speaker, I do not know why we make things so complicated around here. I have only been here for a short time, but it would seem to me that if those who have been here a longer time know all of the various rules and whether things should be amended or not amended, then perhaps these 30-some amendments should not have been allowed to be offered in the first place, and we could save everybody a lot of time.

It may not be germane and it may be murky to some, but it is pretty crystal clear to me, and I think senior citizens appreciate the fact, if we keep it simple, that we would not have allowed this and we will deal with it at a future date, and it is my understanding, from those who are even speaking against germaneness, that they do favor the PACE-plus proposal as we have proposed it.

This is certainly germane to a senior citizen who has to determine whether or not he is going to take his pain medication or his heart medication, so in essence, again, the simplicity of this, I believe, you are talking about tobacco money that is supposed to go for health care, and you have health-related issues, such as PACE. Every senior realizes that PACE has something to do with his or her health.

So I say, Mr. Speaker, if in fact this amendment is not germane, then I would suspect that none of the other 29 amendments are germane either, and therefore, we could really expedite this entire process and just deal with it as it is and then come back at a future date and do the right thing and have this PACE-plus proposal that will increase those minimums so that more seniors will be eligible.

So thank you, Mr. Speaker.

LEAVE OF ABSENCE

The SPEAKER pro tempore. The Chair returns to leaves of absence and recognizes the gentleman, Mr. Veon, who requests a leave of absence for the lady from Philadelphia County, Ms. WASHINGTON. Without objection, the leave will be granted. The Chair hears no objection. The leave is granted.

CONSIDERATION OF HB 445 CONTINUED

The SPEAKER pro tempore. On the question of germaneness, the Chair recognizes the gentleman from Franklin County, Mr. Coy.

Mr. COY. Thank you, Mr. Speaker.

Mr. Speaker, the question before us is, as the Representative from Northampton County said, relatively simple, and that is, shall this House of Representatives be able to say yes or no to substantive amendments on how the tobacco funds are going to be spent in Pennsylvania?

Now, I have heard about the model statute, and I have read about the model statute, but I think that it is clear in Pennsylvania that there is only one constitutionally authorized body that can authorize the expenditure of funds, and that is the legislature. The House and the Senate are authorized constitutionally to pass appropriations bills.

Now, as the gentelady from Cumberland County pointed out, we have already received some of these dollars. That is true; over \$200 million. And we are going to get another \$280 million, almost half a billion dollars this fiscal year. We have it already.

The question of germaneness on this bill is really a question of whether this House will have anything to say about the substantive facts of these amendments, and on this one, it is prescription drugs.

Now, I do not know about you, but I do not want to go home and try to explain to a senior citizen who cannot afford prescription drugs that I did not think that some bill was germane. I do not think they are going to buy that. I do not think

they are going to buy the fact that when we had an opportunity to earmark a certain amount of dollars from this tobacco settlement by your vote in the House of Representatives, we decided that it was not germane. Well, this is germane, and it is germane because this may be the only opportunity we have to vote on this type of legislation.

Now, folks can say it may not happen, folks can say it may happen differently, but I have a sneaky feeling that the next time we get to vote on these matters, on the appropriation of these dollars, will be when we see a State budget bill coming back this year and it will be all enmeshed in that.

Now, we think we have an obligation to the senior citizens of the Commonwealth to meet their needs, and we have the great good fortune under this master tobacco settlement to have the dollars to do it. A vote for germaneness is a vote for you to have an opportunity to express your opinion about providing dollars for prescription drugs for senior citizens, and a vote against germaneness is a vote against providing funds for senior citizens for drug prescriptions. It is that simple. It is that clear. It is not confusing.

If you want to hide, if you do not want to consider these and other good amendments, frankly, many of the amendments were drawn also by members from the Republican side. They must have thought they were pretty good. I think they are pretty good. I think we will have a chance to vote on them.

But this is clearly one that I think is a bellwether in our desire to provide prescription funds for senior citizens in Pennsylvania. It is your opportunity as a legislator to say, I feel so strongly about this that I want it in this bill.

Let us vote "yes" on germaneness, because if it is not germane to this bill, it will never be germane to any bill that this body considers. Thank you, Mr. Speaker.

The SPEAKER pro tempore. On germaneness, the gentleman, Mr. Eachus, is recognized from Luzerne County.

Mr. EACHUS. Thank you, Mr. Speaker.

I would like to echo Mr. Coy's comments about germaneness, but I would like to add one thing. What we have heard from the majority whip is technicalities that were developed by tobacco settlement attorneys, and today they want us to capitulate their wishes in a tobacco settlement developed by tobacco settlement attorneys, to thwart our opportunity to provide lifesaving prescription drugs to more senior citizens in this Commonwealth.

I do not know how members of this House could possibly vote that this is not germane, and we should not be kowtowing to the tobacco settlement interests over our own senior citizens. They are struggling with the rising costs of pharmaceutical drugs, and I support my colleague from the Lehigh Valley in support of germaneness, and I appreciate your vote "yes."

MOTION WITHDRAWN

The SPEAKER pro tempore. On germaneness, the Chair recognizes the gentleman, Mr. Armstrong, for the second time.

Mr. ARMSTRONG. Mr. Speaker, very, very unfortunately, and I think personally I am doing the wrong thing, because I think that it has already been set in stone with what a lot of other States have already experienced. They have gone ahead and mingled their model statute with funds like this, and they are getting nowhere. I think it is a horrible lesson for us to learn. I did not write the rules. The rules are as they are. I know how it

is being played out. But at this point, there is a lot of politics that are being played here today, and I will withdraw the motion for germaneness, but you guys are going to be the ones that are going to be guilty of screwing this legislation up. Thank you.

The SPEAKER pro tempore. The Chair is not sure. Did the gentleman withdraw his motion?

Mr. ARMSTRONG. I thought I said I withdraw the motion, but again, it is against my better judgment.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

The SPEAKER pro tempore. Returning to amendment A0242, the gentleman from Lehigh County, Mr. Snyder, is recognized.

Mr. SNYDER. Thank you, Mr. Speaker.

Mr. Speaker, obviously what we see playing here is not a sincere effort to try to get hundreds of millions of dollars to the Commonwealth of Pennsylvania so we can address health-care issues and other issues of concern to our citizens. What we are seeing, Mr. Speaker, is an obvious attempt to derail an effort that is meaningful to getting to the Tobacco Settlement Fund. As we said, by amending this bill, we are putting into jeopardy the ability to collect hundreds of millions of dollars. But as one of the leaders on the other side said, the citizens only care how you vote on paid prescription programs, and that is the vote you are going to have to live with over the next 6 months. Well, if that is the game we want to play, we will go along with it for now, Mr. Speaker, but if that is the case they want to play, we will provide them the opportunity in another month to actually sincerely and seriously discuss how these funds will be distributed, but today we are going to play political football, and we are going to go away here with a tie.

We ask all our members to vote "yes."

The SPEAKER pro tempore. The gentleman, Mr. Veon, for the second time on the amendment.

Mr. VEON. Thank you, Mr. Speaker.

Mr. Speaker, we are certainly grateful that the Republican whip is encouraging members on the Republican side to see the light on this issue, and I know that the gentleman talked about playing politics here today, and, Mr. Speaker, I just want to make the case, what the Democrats have learned over the last couple of years is that to get your way on an issue that you believe in, to provide help to average, middle-income, middle-class Pennsylvanians, there is no question that you have got to fight, you have got to scratch, you have got to claw, you have got to do everything you can possibly do, because the Republicans are not going to make it easy to accomplish those things on behalf of your constituents. We learned that on property taxes. We learned that on managed care. We are learning that now on prescription assistance for people who desperately need it.

So yes, we are going to do whatever it takes, Mr. Speaker, to provide prescription help, help for senior citizens to pay for their medicine, and we are going to do that here today, and we are going to do that as we follow this bill through the process, and when it comes back from the Senate, we are going to stand up here again and say, they deserve it; they need our help; let us

make sure that we provide it — tens of millions of dollars for prescription assistance in Pennsylvania.

So we appreciate the fact that our politics, our actions, our hard work, our aggressiveness is going to result in an amendment passing today that would, if it became law, help thousands of seniors in Pennsylvania pay for their medications.

Thank you, Mr. Speaker. I would also encourage an affirmative vote.

The SPEAKER pro tempore. On the amendment, does the lady from Cumberland County, Mrs. Vance, seek recognition? The lady waives off.

The gentleman, Mr. Coy, is recognized on the amendment. The gentleman waives off.

The gentleman, Mr. Trello, from Allegheny County is recognized on the amendment. Will the gentleman suspend. The Chair did not see the majority leader.

The Chair recognizes the majority leader.

Mr. PERZEL. Mr. Speaker, I do not have the exact count on what the 20 amendments cost. We have approximately \$400 million to spend. The first amendment spends \$106 million. So the other side of the aisle is kidding the people of Pennsylvania that they can afford all the things that are in there. I guess we have given up on our 50-percent property tax reduction. That was \$400 million, too.

But I wanted to tell the people of Pennsylvania what we did do. We did expand the property tax and rent rebate program last year so that seniors in Pennsylvania this year would qualify for it. Over 100,000 more seniors are qualified for the property tax and rent rebate program, Mr. Speaker. And this year we are cutting property tax; we are giving back to the Commonwealth of Pennsylvania, the people, \$330 million of their tax dollars to spend any way they see fit. We are not sending it back to the school districts in hopes that they will send the money back; we are sending it back to the taxpayers of the Commonwealth of Pennsylvania, Mr. Speaker.

So voting for this is nice, and it is all well and good, but the money is not there to pay for all the ideas that are out there today, so if we are going to play politics, both sides may as well play politics; vote for all these amendments; it will come back from the Senate; none of this will be in there, and you will have kidded the people of Pennsylvania again, like you did with the tax increase in 1991, when there was no relief for seniors in there.

So, Mr. Speaker. I would urge the members to vote "yes," send it on to the Senate and have a good time, but they are not going to see it.

The SPEAKER pro tempore. Now, Mr. Trello, the Chair apologizes to you. You are recognized.

Mr. TRELLO. That is all right, Mr. Speaker. I would just take a moment to interrogate Mr. Snyder.

The SPEAKER pro tempore. The gentleman indicates that he is willing to stand for interrogation. You may proceed.

Mr. TRELLO. Mr. Speaker, the question was brought up on germaneness on the Grucela amendment. In your opinion, are all the other amendments, would they be considered nongermane to this piece of legislation?

Mr. SNYDER. Mr. Speaker, the answer to that question is that any amendment, whether it is a Republican or Democratic amendment, that is listed for this bill would be nongermane. We cannot allow any amendments that would change the legislation as it was agreed to under the Master Settlement Agreement. The

Master Settlement Agreement contained the language of the bill that has to be passed for this, and as you remember, this is so that the manufacturers are— What happens is, the manufacturers who agreed to pay into the settlement said, we want also the nonmanufacturers who did not enter into this agreement to be covered. Why should some tobacco companies have to pay and others do not? So this legislation was crafted as part of the agreement prior to them paying the money and said, this is what every State is going to pass that deals with nonparticipating tobacco company manufacturers. So we cannot have any amendments of any nature other than this bill. Thank you.

Mr. TRELLO. Thank you, Mr. Speaker.

That is the end of my interrogation. I just wanted to make sure that amendments for both sides of the aisle were going to get the same treatment, and thank you very much.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

Mr. ARMSTRONG. Mr. Speaker, I am not speaking on germaneness. I spoke on germaneness before.

A prior speaker said that we all should vote "yes" for these. For those of you who are going to be honest to yourselves, honest to your constituents, honest to what you should do with this bill, you are going to vote "no" on this amendment and you are going to vote "no" on every other amendment, so you hold yourself true to what this model legislation is all supposed to be about.

So I encourage you all, I know some of you feel you have got to do this, but I encourage you all to be true to what this is all about. Thank you.

The SPEAKER pro tempore. The gentleman, Mr. Yudichak, is recognized.

Mr. YUDICHAK. Thank you, Mr. Speaker.

I rise in support of the Grucela amendment that would expand PACE coverage to more than 400,000 senior citizens in Pennsylvania.

I think it is interesting, Mr. Speaker, that as we stand in this great chamber, the word of playing politics is brought out to the floor. I have only been here a short while myself, but I suspect that politics has been played in this chamber once or twice before. I am happy that the politics that is being played today is being played to benefit 400,000 seniors in Pennsylvania.

It is about time that the working-class families of this great Commonwealth and the senior citizens of this great Commonwealth get their fair share here in this great chamber, so I encourage your support of the Grucela amendment. Thank you.

The SPEAKER pro tempore. On the amendment, the Chair recognizes the gentleman from Erie County, Mr. Cappabianca.

Mr. CAPPABIANCA. Thank you, Mr. Speaker.

May I further interrogate the majority whip, Mr. Snyder?

The SPEAKER pro tempore. Mr. Snyder, are you willing to stand for interrogation?

Mr. Cappabianca, the gentleman indicates that he will. You may proceed.

Mr. CAPPABIANCA. Thank you, Mr. Speaker.

Mr. Speaker, is it your contention then that the Master Settlement Agreement would be negated if this amendment or any other amendment is placed, and therefore, the settlement,

the \$400 million-plus that we receive every year, would cease to come?

Mr. SNYDER. That is correct, Mr. Speaker.

Mr. CAPPABIANCA. That is your contention, that they can cease to send us any more money if we were to pass this particular piece of legislation with any of these amendments which will describe how the money will be spent. Is that your final answer?

Mr. SNYDER. It is A, B, C, or D, and it is— Mr. Speaker, there are terms and conditions that are necessary prior to manufacturers setting forth the funding that is necessary to go to the States, and this is one of the qualifying conditions that have to be in place for the manufacturers to pay into this fund. The answer is yes, and that is my final answer.

Mr. CAPPABIANCA. Well, if it is your final answer, then we should tell the Attorney General that let them negate it and tell him that we will introduce a monopoly legislation that all tobacco products, because they are a drug like alcohol, will be sold through the State of Pennsylvania's stores and we will take all the money.

The SPEAKER pro tempore. Mr. Cappabianca, have you finished your interrogation?

Mr. CAPPABIANCA. I would advise everyone to vote for this amendment and all the other amendments.

The SPEAKER pro tempore. The gentleman, Mr. Grucela, for the second time.

Mr. GRUCELA. Thank you, Mr. Speaker.

Mr. Speaker, once again I ask the question, how did we make this so complicated? If in fact those who are leaders would have known that this bill should run clean, then why did we allow on both sides of the aisle some 30 amendments to be attached? I think we could have, again, made this process a whole lot simpler if in fact we had said that this is what the law says or what the bill says and anything else that might be involved. And many times some of these amendments seem to have an awful lot of similarity in their drafting.

So I say once again, you know, on the leadership's part, perhaps when these kinds of bills come up and it is in fact something that has to be done without amendment, then that is the way it should have run.

But I would like to say one final thought, and that is this, Mr. Speaker: Do not ever question my sincerity for senior citizens, or I would never have proposed this to begin with. There is a lot of money out there that is coming in that was not expected. It is different than the surpluses that we have been running. I am very, very sincere about this amendment, and I think the majority of the members in this body are very sincere about providing this kind of support for senior citizens as they pay for these high-cost prescription drugs.

So I may not know yet all these nuances and all these technicalities that seem to permeate this building. However, I know this: I know that the cost of prescription drugs is high, and I know that many seniors cannot afford them, and I know that many seniors cheat on their medications because they cannot afford them, and I know that we have the money to help them out, and shame on us if we do not. Thank you, Mr. Speaker.

The SPEAKER pro tempore. On the amendment, the Chair recognizes the gentleman from Franklin County, Mr. Fleagle.

Mr. FLEAGLE. Thank you, Mr. Speaker.

Mr. Speaker, I assume that this discussion and debate here today is the opening round of what is going to be a long trail of

discussion on the tobacco settlement, but I just wanted to use this amendment to get across some personal thoughts on this subject in general and some current concerns that I have, and I know the gentleman that made this amendment is very sincere about this, and if I was a betting man, I would say that the amendment is probably going to pass now and we are going to love this bill to death.

But I will say — and I have said this in other meetings in various committees that I have had — that this generation has one chance to cure cancer, and my personal thought is that that \$11 billion, Mr. Speaker, we will never see \$11 billion again for one cause, and I am hoping that we can tell our grandchildren that we used that to cure cancer. And my biggest fear — and it is coming to pass — is that we will take this money, this \$11 billion, we will pick it apart in amendments like this and other things, and I know everybody wants to give money to the senior citizens and everybody wants to give money to the hospitals, everybody wants to give money out of this to education, but what is going to happen is — and I ask you to reflect upon this as we continue this debate and particularly on amendments like this — we are going to dilute this money so much that at the end of 10 years or whatever this \$11 billion is going to run over, we will end up with nothing. The health of our Commonwealth will not be any better.

So think about that as you are voting on this amendment, and it is a great amendment, I guess, but think about that as we approach this subject. What will we tell our grandchildren that we did with this \$11 billion? Not one person in here has been unaffected by cancer in their lives or their family's life, and that is where it should go. Thank you, Mr. Speaker.

The SPEAKER pro tempore. On the amendment, the Chair recognizes the lady from Cumberland County, Representative Vance.

Mrs. VANCE. Thank you, Mr. Speaker.

I have been for a very long time an advocate for the senior citizens in our Commonwealth. I care about their well-being. I certainly care about their health. I care about them too much to perpetuate a hoax; to tell them that if we pass this legislation today, that means that they will get these benefits. It is cruel to deceive our constituents, and that is what we are doing. We have to be able to pass this legislation to enable us to then come back. Again, I repeat, it is a first step. Why do you think people get such jaded opinions about politicians? Because we do things like this, that we perpetuate hoaxes. If we care about them, we will pass this cleanly and then have the opportunity to do something meaningful that really will benefit not just senior citizens. When we talk about cancer research, it is not just for senior citizens. When we talk about smoking cessation, we are talking about our young people as well.

I ask you, if you really care about your constituents, to take a long, hard look at this, and let us do the right thing so that the Commonwealth will be able to not only obtain the tobacco money but be able to disburse it as well. Thank you.

The SPEAKER pro tempore. On the amendment, the Chair recognizes the Democratic leader, Mr. DeWeese.

Mr. DeWEESE. The gentelady from the 87th District was not quite so transfixed by the idea of a hoax when we had a convicted felon sitting on the floor of the House.

Now, drug prices are going through the roof, Mr. Speaker; drug prices are going through the proverbial roof. Why are we so emotionally involved in this debate today for our

senior citizens? It is obvious: Governor Ridge did not have this proposal in his budget address and the House Democrats do. That is a line of demarcation between the administration and many of us on this side of the aisle.

Now, the honorable majority leader was lamenting the expenditure of money vis-a-vis the expenditure of money in other areas of concern. But one thing that should be focused upon by every man and woman in this chamber today is that this money is new money; these dollars are new dollars. Due to the national tobacco settlement, \$11 billion over the next 25 years will come into our Commonwealth. About a half a billion dollars a year will be available for what we all believe, I hope, to be the palliation of some of our more distressing challenges in the world of health care, and as has been said from sundry microphones displayed across this floor, there is no more fundamental focus for our health care than for our senior citizens and for the escalating costs of prescription drugs.

Now, again, the gentleman, I believe from the 98th District, the York County gentleman, one has to admire his conservatism. It is pure and undiluted. He said that he thought this process was wrong and he is going to vote against it. But we have heard manifestations of palpable hypocrisy from a variety of other Republican leaders who say, vote for it, but when it comes back from the Senate, it will be ripped out.

So vote for it, GOP stalwarts; vote for it; look good back home, and we will get away with it. But if anybody out there is listening, I doff my hat to the pure conservatives who are going to conserve their perspective on this issue.

Notwithstanding the fact that I think the parliamentary bushwhacking of a few moments ago is something that we have to get used to around here, but if we as a minority, a loyal opposition, a loyal opposition, are ever going to inculcate our views on this process, we have to do it with amendments. And if this amendment from the gentleman from Lehigh was so, so malodorous, why did the gentelady way back somewhere in the anonymity of the Republican backbenches, why did she adopt it as her own? Why do you embrace all of our amendments when it comes to the tobacco settlement? You can only have it so much for so long.

I remember Maria Theresa, one of the preeminent officials of Europe in the 18th century, during one of the divisions of Poland, Frederick the Great was upset by Maria Theresa, because she wept at the division of Poland, but when her plenipotentiaries and ambassadors gathered in the castle's great room, Maria Theresa and the Austro-Hungarian empire embraced every single inch of the European continent that they could, and Frederick the Great said — and these words remind me of all you Republicans today — “She weeps, but she takes her share.”

Well, you want to have the best of both worlds. You want to introduce all these amendments that are ours, after you have plagiarized them, and now you are saying you are going to acquiesce to the Senate? You are going to vote “yes,” except for my noble conservative friend there halfway back. I cannot say how much I admire my noble conservative — unbesmirched, unsullied, undiluted conservatism. Armstrong, you deserve — Yeah; yeah.

All I am saying is, he is going to vote “no,” most of you are going to vote “yes.” this is going to pass, and then it is going to come back, and what are we as a House going to do? Are we going to do what we do again and again and again, be

acquiescent to the Commonwealth Senate? Are those potentates and panjandrums of the other side of the building going to dominate us again? Do we not ever get tired of being dominated? We are a vibrant and original and creative entity.

Tobacco money, tobacco money, in the late 20th century and the early 21st century, is a proverbial windfall, and we have to put every nickel of it into health care, and we would like to put a lot of that money into the reduction of senior citizens' prescriptions. The Grucela amendment is noble, the Grucela amendment is worthy, and every single Republican that votes "yes" today — and there will be a lot of you — you will be squirming, you will be squealing, you will be oscillating all over the place, but you will vote for it, and when it comes back, we have to show the State Senate who is boss around here once in a while. I challenge you to be consistent. Vote "yes" on the Grucela amendment.

The SPEAKER pro tempore. On the amendment, the Chair recognizes the majority leader.

Mr. PERZEL. We did, Mr. Speaker, try to set up a committee to look at the cost of pharmaceuticals, but the minority leader never appointed anybody to it, so we cannot get them working just yet.

But, but, Mr. Speaker, I guess we are looking at sincerity whether we mean it or not. This is pure politics, Mr. Speaker; pure. Just so the people of Pennsylvania see, it is a hoax; it is a game. We are all going to vote for it. It is going to be a big vote. We are all going to vote to help seniors. Everybody in this chamber wants to help seniors. There is not one person in here that does not want to help seniors. But it is a hoax to tell them they are going to get this, because they are not going to get this.

Now, the vote is going to be big. It is going to go to the Senate. We cannot afford to go on the Net and look at the 3 or 4 billion dollars' worth of ideas you have and fund them all without raising taxes, which is what you did last time you were in charge. Now, if that is what you want to do, well, maybe the people of Pennsylvania will put you back in charge and you can raise the taxes, Mr. Speaker, but I do not think they are going to do that. I do not think they are going to do that April 4, June 20, or November 4.

And, Mr. Speaker, there is nobody over here that does not want to see more money go to senior programs, but ultimately, you cannot afford every single program. We have put away money so that when there is a downturn, we have the money so we do not have to raise taxes. You want to use that for programs. All of a sudden you have forgotten your \$500 million for a 50-percent property tax reduction. Now you are on to this. You have gas taxes, every tax. You want to do away with the gas tax so that we can give people back their money. Great ideas, Mr. Speaker, but not a lot of common sense behind them.

I would urge the members to vote "yes." It is going to go to the Senate, and they are right, they are going to take it out.

LEAVE OF ABSENCE

The SPEAKER pro tempore. The Chair returns to leaves of absence and recognizes the gentleman, Mr. Snyder, who requests a leave of absence for the gentleman from Schuylkill County, Mr. ALLEN. Without objection, the leave will be granted. The Chair hears no objection. The leave is granted.

CONSIDERATION OF HB 445 CONTINUED

The SPEAKER pro tempore. Mr. DeWeese.

Mr. DeWEESE. Lincoln said at Gettysburg, it is "...above our poor power to add or detract." Well, it is not above our poor power to add or detract when it comes to senior citizens and the escalating costs of drugs.

Now, the gentleman made similar commentaries dripping with vituperation and truculence last year when we discussed property taxes, but after 12 months, the bravado was suffused with a feeling of sanctimony and almost obsequiously aggressive actions to embrace our property tax perspective. So we were able to lure the administration and the people within the majority leader's command tent to go with us on property taxes. All of his argumentation vis-a-vis the big-dollar picture is specious, because tobacco money is new money, almost \$500 million a year for the next 25 years, and it is up to the General Assembly, not just the State Senate, Mr. Speaker, but all of us to decide where that money goes.

What the Grucela amendment is doing — and again, it was copied by members of your own party, so it cannot be all that bad — but what it is doing is saying we are putting a prime focus on the reduction of prescription drugs. That is all that we are doing. But if you folks are going to vote "yes" today and allow the State Senate to rip it out and come back and we go through this charade again, it will be brought up to you again and again. And if you really feel the way the honorable gentleman from Philadelphia, the majority leader, feels, then I would suggest that you be courageous and vote with the gentlemen from York and Lancaster; you should vote "no." If this is a craven, pusillanimous effort on behalf of some of your colleagues, then be bold and vote "no."

The SPEAKER pro tempore. The gentleman, Mr. Perzel.

Mr. PERZEL. Mr. Speaker, would the gentleman, Mr. Grucela, stand for a brief interrogation?

The SPEAKER pro tempore. The gentleman indicates that he will. You are in order and may proceed.

Mr. PERZEL. I see what you are doing with your amendment, Mr. Speaker. I just wanted to know which of these we were cutting out to pay for your amendment. There are tobacco cessation programs, education programs for youth, cancer research, heart and lung research, insurance for the uninsured, escrow fund for the future, uncompensated care for the hospitals. I just wondered which ones we are going to do away with.

Mr. GRUCELA. Thank you, Mr. Speaker.

Mr. Speaker, the rest of those amendments are entirely up to the House to debate and decide in each member's own mind how they want to handle them. I simply prioritize my amendment for what I believe is something that is very necessary, and that is to provide a better program for all those seniors in the Commonwealth of Pennsylvania who right now may not be eligible for PACE but under this amendment would become eligible. As for the other amendments, I would suspect we would have to take them one at a time and decide in our own minds whether or not they are germane and whether or not we can afford them, but in terms of my priorities, Mr. Speaker, I put these first.

Mr. PERZEL. By offering this plan, Mr. Speaker, you have altered what the Governor came out for. Something has to be cut. There is only so much money. Some of those programs

have to be cut to pay for your program. I asked you which ones. I did not ask for a speech. I just asked you which ones you wanted to cut; just 106 million dollars' worth, that is all.

Mr. GRUCELA. Mr. Speaker, I do not in front of me have the particulars of what our and my particular priorities are as compared to the Governor's. The Governor is only one person. We are 253 of us in the legislature, but I believe we do have the final say in the auspices of government as to whether or not, how the money is spent. I believe the government and any executive in the American governmental system simply proposes a budget and it is up to the legislative body to determine how those moneys are particularly spent. So I believe at some time— Again, I do not have in front of me my particular priorities. I would be happy to share with you at any time those. Again, I do not have them exactly in front of me, but there are some areas where I believe we do not necessarily have to provide the tobacco moneys, and I believe this is an area, senior citizens, PACE-plus, is an area where we should provide the money, and that is what I believe, and that is my priority, and in due course I would be happy to tell you where I would take that money from. Thank you.

Mr. PERZEL. Mr. Speaker, due course is now.

I was just curious. We are all here. We are all for seniors. We have all admitted that. You never told us yet in the twice you have been up there where you are going to cut. What goes in order to pay for your program? Something has to go.

Mr. GRUCELA. My priority, again, Mr. Speaker, is senior citizens. I believe the Governor could have done better with PACE. Currently the proposal for the seniors, I believe, is well within the framework of the amounts of money that we are going to get, and as I had mentioned to you before, I did not have the particulars in front of me as to where I may want to cut what the Governor's proposal is.

I am actually not, I believe, cutting anything but looking out for the betterment of the PACE program, to increase those minimum requirements for senior citizens so that we can make more seniors eligible for PACE so they do not have to decide whether or not to take the pills today or to put them off and so they will not have to decide, as the gentleman, Mr. Veon, said much earlier, whether to pay for food or whether to pay for increased costs in other areas.

So, Mr. Speaker, again, I am not cutting anything but simply asking that we take care of what Tom Brokaw called our greatest generation, and that is those seniors in the Commonwealth of Pennsylvania.

Mr. PERZEL. Thank you, Mr. Speaker.

But on page 19, lines 50 to 59 outline how we are going to spend the money, and coming from the background that you have, when your students would not give you an answer, I am sure you kept asking till you got the answer. You did not tell me which one of those lines you want to cut. We cannot afford everything plus this without cutting something without raising taxes. So please, just tell me which one it is that you would like to cut. That was a simple enough question. Just pick one.

Mr. GRUCELA. Thank you, Mr. Speaker.

Mr. Speaker, I think I have answered the question, and at this time I do not think it would behoove us to further this debate in any way, shape, or form. I believe we are just wasting all the time of the members.

Mr. PERZEL. Mr. Speaker, this is a violation of House rules. Back in January we did pass a rule that said, when you were

going to spend money in one portion of the budget, you had to cut the money out from another portion of the budget. So the gentleman still has not answered the question. We would like to know on our side of the aisle what we are going to cut to pay for this.

Mr. DeWEESE. Mr. Speaker? Mr. Speaker?

Mr. PERZEL. Nobody has answered the question, Mr. Speaker. They have a lot of answers but none for the question.

PARLIAMENTARY INQUIRY

Mr. DeWEESE. Point of parliamentary inquiry.

The SPEAKER pro tempore. Will the gentleman suspend.

Go ahead, Mr. DeWeese. Your point?

Mr. DeWEESE. I would like to address this to the Chair: Is this the budget debate? Would the Chair consider this a budget debate?

The SPEAKER pro tempore. No, I would not.

Mr. DeWEESE. Thank you.

The SPEAKER pro tempore. The gentleman, Mr. Snyder.

Mr. SNYDER. Mr. Speaker, the Democratic leader just asked a question about what this bill is. Now, they cannot have it both ways. An hour ago we tried to explain that this is just enacting legislation that implements the master agreement. Now they want to require that funding be directed from that proposal, and yet they do not want to say this is not a budget bill. Well, you know, make up your mind. Do you want to make this a budget bill? Do you want to make this enacting legislation or what? If it is a budget bill, follow the rules. Once again you want to ignore the procedure here for the purpose of political expediency.

Mr. DeWEESE. Mr. Speaker?

The SPEAKER pro tempore. Mr. DeWeese.

Mr. DeWEESE. This money comes from our friends at R.J. Reynolds and from Philip Morris; this does not come from the taxpayer. This is not a budget matter, and, Mr. Speaker, we do not have exactly the same rules in our general legislative exchange as we do when we deal with the budget. The gentleman knows that, and I wish he would admit that.

They say that we cannot make up our mind. Well, they cannot make up their mind whether they are going to vote for it or against it. They cannot make up their mind whether they are going to sink into the slime of base hypocrisy or whether they are going to be bold like my friend from Lancaster County.

So we all have a hard time making up our mind sometimes around here, but I think if you are in favor of Pennsylvania's senior citizens, you will vote for the Grucela amendment and you will fight like heck when it comes back ravaged by the State Senate.

The SPEAKER pro tempore. Mr. Coy for the second time.

Mr. COY. Thank you, Mr. Speaker.

Mr. Speaker, earlier in the debate, and I would like to return to some of the points that were made earlier in the debate, because I know that the gentlelady from Cumberland County and the gentleman from Franklin County who spoke especially about their concerns for seniors and their concerns, especially on the part of the gentleman from Franklin, for cancer research were very genuine, and I applaud them. But let me point out to you why this amendment is not a stretch.

Some of you may have heard of some of these terms: Platinol-AQ, Paraplatin, Fludara, Interferon, Aredia. They are drugs, prescription drugs, very expensive prescription drugs, that are used to treat patients with cancer. Now, to enact a program within this bill to cover the prescription costs of those very expensive chemotherapies is not a stretch, and it is not abandoning the central point of this legislation, that we should be about the business of spending this money for problems that have been caused primarily by smoking.

So my response is, I think we can do both, and I think this amendment attempts to do both. It attempts to use those dollars that we have available to us to help not only senior citizens, although this amendment is aimed particularly at them, who happen to have many problems, not the least of which may be a problem with cancer. So payment for prescriptions for those types of drugs is not a stretch. It is very legitimate, and it is an expenditure which this House ought to apply to this measure.

The amendment is well founded, well taken, and I encourage a positive vote.

The SPEAKER pro tempore. The gentleman, Mr. Michlovic, from Allegheny County on the amendment.

Mr. MICHLOVIC. Thank you, Mr. Speaker.

Mr. Speaker, I am going to join my conservative colleague and vote against this amendment and all the amendments, and I am going to do that because I really believe that this process of sending a bill laden with all kinds of amendments, more amendments and costs and expenses than we have money, is really a charade, as somebody pointed out earlier, and I believe that we ought not spend the money before we get the money. We need the basic piece of legislation to get the money.

But there is also a lot of charade going on on the floor of this House, and again, as somebody pointed out, it is not the first time. This amendment, very ingeniously, places a lot of people in jeopardy — they are facing reelections in a couple weeks — with senior citizens, and I wonder if we would be so eager to vote on these kinds of amendments if those senior citizens did not vote disproportionately more than the rest of the population, did not vote more than children vote. We do not seem to get up at these microphones and talk so vigorously and so idealistically for children as we do seniors.

We put \$800 million a year into senior services in Pennsylvania through the revenues of the lottery. Not only that; we have promised not to touch that money, and we have not done that for over 30 years, 25 or 30 years that that lottery program has existed. Much of it, \$400 million or more, into prescription assistance for the seniors. I do not know how much more— This gives \$167 million more for those senior citizens in that program, but I wonder if that need — and I believe there is a need — if that need outweighs the need of the people that the Governor has proposed, those that are working poor that do not have insurance. I represent them, too, and I, for one, would like to stand at this microphone and have somebody in this hall say, we need to think about them as well.

And the majority leader is right; if you cut \$160 million or more from this budget to pay for these services, what other services are you going to take out? Who is going to lose? There is only so much money here, even though it is a lot of money, and we are going to have to make decisions along the line, and I do not like this decision process.

I think that leadership and this leadership have got to get together at some point in time and decide how we are going to

spend that \$11 billion and come to some consensus before these bills come to the floor. We cannot go through this process of trying to amend in on the floor the money from this tobacco settlement. We have got to have some consensus, and I have been here long enough to know that that is possible. In the past we have voted on budgets and bills like this where leadership from both sides of the aisle got together and then we went into caucus and they told us the facts of life. We are not getting the facts of life here; we are getting politics.

And I think that we need to get back to reality, pass the legislation, first get the money, and then have a real process for deciding how we spend it, and so I am going to abide by my colleague, Mr. Armstrong's suggestion and vote "no" on these amendments and vote for the bill, at least so that some of those constituents who are not senior citizens will get consideration in this process.

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 of absence for the gentleman from Dauphin County, Mr. McNAUGHTON. Without objection, the leave will be granted. The Chair hears no objection, and the leave is granted.

CONSIDERATION OF HB 445 CONTINUED

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—138

Argall	Donatucci	Lucy	Sainato
Baker	Druce	Maitland	Samuelson
Bard	Eachus	Major	Santoni
Barley	Fairchild	Mann	Sather
Barrar	Feese	Markosek	Scrimenti
Battisto	Fichter	Marsico	Shaner
Bebko-Jones	Fleagle	Masland	Solobay
Belardi	Flick	Mayernik	Staback
Belfanti	Frankel	McCall	Stairs
Benninghoff	Freeman	McGeehan	Steelman
Bishop	George	McGil	Stetler
Blaum	Gigliotti	McIlhinney	Stevenson
Browne	Gladeck	Melio	Sturla
Butkovitz	Gordner	Micozzie	Surra
Buxton	Grucela	Mundy	Tangretti
Caltagirone	Gruitza	Myers	Taylor, E. Z.
Cappabianca	Habay	O'Brien	Taylor, J.
Carn	Haluska	Orie	Thomas
Casorio	Hanna	Perzel	Tigue
Cawley	Harhai	Pesci	Travaglio
Civera	Harhart	Petrarca	Trello
Clark	Hasay	Petrone	True
Cohen, L. I.	Herman	Pippy	Van Horne
Cohen, M.	Josephs	Platts	Veon
Colafella	Kaiser	Preston	Vitali
Corrigan	Keller	Ramos	Walko
Costa	Kenney	Raymond	Williams
Coy	Kirkland	Readshaw	Wogan
Dailey	Krebs	Reinard	Wojnaroski
Daley	LaGrotta	Roberts	Wright
Dally	Laughlin	Robinson	Yewcic
DeLuca	Lawless	Rooney	Yudichak
Dermody	Lederer	Rubley	Zimmerman

DeWeese	Lescovitz	Ruffing	Zug
DiGirolamo	Levdansky		
NAYS—49			
Adolph	Forcier	McIlhattan	Semmel
Armstrong	Gannon	Metcalfe	Seyfert
Bastian	Geist	Michlovic	Smith, B.
Birmelin	Godshall	Miller, R.	Smith, S. H.
Boyes	Hennessey	Miller, S.	Snyder
Bunt	Hershey	Nailor	Steil
Chadwick	Hess	Nickol	Stern
Clymer	Hutchinson	Phillips	Strittmatter
Cornell	Jadlowiec	Rohrer	Trich
Curry	Leh	Ross	Tulli
Dempsey	Maher	Schroder	Vance
Egolf	Manderino	Schuler	Wilt
Fargo			
NOT VOTING—2			
Lynch	Saylor		
EXCUSED—13			
Allen	McNaughton	Roebuck	Ryan,
Evans	Oliver	Washington	Speaker
Horsey	Pistella	Waters	
James	Rieger	Youngblood	

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?

Ms. MUNDY offered the following amendment No. A0232:

Amend Title, page 1, line 3, by striking out "and imposing penalties." and inserting establishing the Public Health Trust Fund and Public Health Trust Fund Board; authorizing a grant program for community-based public health initiatives and the use of funds for certain purposes related to public health; providing for powers and duties of the Department of Health and the State Treasurer; imposing penalties; and making an appropriation.

Amend Sec. 2, page 3, by inserting between lines 15 and 16

(7) The Commonwealth will receive over \$11,000,000,000 in the settlement of the litigation against the tobacco product manufacturers.

(8) As the settlement is to compensate for losses incurred for medical treatments, this money should be used to improve the health of Pennsylvanians.

(9) The Commonwealth has a limited system of public health services, and these services are often provided by community organizations, local schools and private foundations.

(10) A portion of the money from the tobacco settlement should be invested in improving the public health services of these entities, particularly for services relating to tobacco use and prevention.

(11) Certain demographic groups and geographic regions within this Commonwealth suffer from unusually high rates of tobacco-related diseases and are therefore in great need of public health services.

(12) A program offering challenge grants to local organizations for public health services would enable these

bodies to expand their initiatives and improve health in their communities.

(13) Because of the limited public health system, the Commonwealth also lacks information on the health of its citizens.

(14) Grants to support information sharing and compiling would improve the understanding of public health needs and encourage the spread of successful programs.

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

"Board." The Public Health Trust Fund Board of Trustees established in section 7.

Amend Sec. 3, page 4, lines 25 through 28, by striking out all of said lines and inserting

"Department." The Department of Health of the Commonwealth.

"Fund." The Public Health Trust Fund established in section 6.

"Master Settlement Agreement." The settlement agreement and related documents entered into on November 23, 1998, by the Commonwealth and leading United States tobacco product manufacturers and approved by the court in Commonwealth v. Philip Morris, April Term 1997, No.2443 (C.P. Philadelphia County), on January 13, 1999.

Amend Bill, page 11, lines 9 and 10, by striking out all of said lines and inserting

Section 6. Public Health Trust Fund.

(a) Establishment.—The Public Health Trust Fund is hereby established as a special nonlapsing fund in the State Treasury. The sum of \$30,000,000 is hereby appropriated to the Public Health Trust Fund from the first payment to the Commonwealth under the master settlement agreement. This appropriation shall be a continuing appropriation and shall not lapse at the end of the fiscal year.

(b) Trust fund.—All moneys in the fund shall be held in trust and shall not be considered general revenue of the Commonwealth but shall be used only to effectuate the purposes of this act. Expenditures from the fund shall be subject to audit by the State Treasurer and Auditor General as provided by law.

(c) Additional deposits.—All interest, dividends and capital gains earned from the deposit of moneys accumulated in the fund shall be deposited in the fund for the same use.

Section 7. Public Health Trust Fund Board.

(a) Establishment.—The Public Health Trust Fund Board is established in the Department of Health. The board shall administer the program and award grants. The department shall perform budgetary, accounting, procurement and other support services.

(b) Board composition.—The board shall consist of 13 members, as follows:

(1) Two members of the Senate, one each appointed by the Majority Leader and the Minority Leader, and two members of the House of Representatives, one each appointed by the Majority Leader and the Minority Leader.

(2) The Secretary of Health.

(3) The Physician General.

(4) The Attorney General.

(5) Six public members. Two public members shall be appointed by the Governor, and one each shall be appointed by the President pro tempore of the Senate, the Minority Leader of the Senate, the Speaker of the House of Representatives and the Minority Leader of the House of Representatives. Public members appointed under this subsection shall demonstrate knowledge in public health issues, be representative of the demographic composition of this Commonwealth and, to the extent possible, be representative of the providers and recipients of public health services. Public members shall be subject to the advice and consent of the Senate.

(c) Term of office.—The term of each public member shall be three years and until a successor is appointed and qualified. However, of the public members initially appointed, the members appointed by the Governor shall serve for three years, the members appointed by the

President pro tempore of the Senate and the Minority Leader of the Senate shall serve for two years and the members appointed by the Speaker of the House of Representatives and the Minority Leader of the House of Representatives shall serve for one year. A public member shall serve no more than two consecutive terms, whether partial or full. A vacancy shall be filled for the balance of the unexpired term in the same manner as the original appointment.

(d) Officers and rules.—The Secretary of Health shall serve as chairperson of the board. The board may elect other officers annually and establish committees as it deems necessary and has provided for in the regulations it promulgates. Business transacted by the board shall be conducted in accordance with 65 Pa.C.S. Ch. 7 (relating to open meetings).

(e) Meetings.—The board shall meet not less than four times annually at the call of the chairperson.

(f) Compensation.—Board members shall serve without compensation but shall be reimbursed for actual and reasonable expenses incurred in the performance of their official duties. Reimbursements shall be allocated from general funds.

Section 8. Powers and duties of board.

The board shall:

(1) Develop a program to award grants from the fund to community organizations, schools and foundations to support regional and local public health initiatives or Statewide public health information sharing. Grants may be used for public health education or outreach programs and community health improvement projects, including, but not limited to, baseline health assessments. In developing the grant program, the board shall consider the needs of demographic groups and geographic regions which suffer from disproportionately high rates of lung cancer or other tobacco-related diseases. The board shall require applicants to provide evidence of matching funds equal to the amount awarded as a condition of receiving an award. Grants shall be awarded on an annual basis.

(2) Promulgate regulations providing for the criteria for the granting of fund moneys and provide for publicizing the grant program.

(3) Administer the program and award grants, including, but not limited to, by establishing procedures and utilizing forms as may be necessary to implement this act, and monitor the expenditure of fund moneys.

(4) Provide for publicizing successful public health initiatives funded by the grant program and facilitating the exchange of information among public health providers.

(5) Report to the Governor and the General Assembly annually on the grants awarded, the impact on grantees, the amount of funds spent, the amount projected to be spent and the amount projected to be received.

Section 9. Powers and duties of department.

The department shall carry out its duties and responsibilities under this act through staff employed by the department.

Section 10. Powers and duties of State Treasurer.

On an annual basis, the State Treasurer shall make available to the board for its use, consistent with section 5, such fund moneys as are requested by the board, and such funds are hereby appropriated to the board for the purposes set forth in this act.

Section 11. Effective date.

This act shall take effect immediately.

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

AMENDMENT WITHDRAWN

The SPEAKER pro tempore. The lady withdraws the amendment. The Chair thanks the lady.

On the question recurring,

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

Mr. MELIO offered the following amendment No. A0231:

Amend Title, page 1, line 3, by striking out "and imposing penalties." and inserting

providing for a portion of the tobacco settlement agreement funds to be used to provide grants to assist individuals to purchase group health insurance upon employment termination; imposing powers and duties on the Department of Labor and Industry; establishing the Uninsured Interim Coverage Fund; imposing penalties; and making an appropriation.

Amend Sec. 2, page 3, by inserting between lines 15 and 16

(7) Access to and affordability of health care coverage is a crucial concern for unemployed Pennsylvanians.

(8) Under the Consolidated Omnibus Budget Reconciliation Act of 1985 (Public Law 99-272, 100 Stat. 82), referred to as COBRA, an employee who is insured under a group health insurance policy through his place of employment has the right, upon termination of employment, to continue coverage under the group policy at the employee's expense.

(9) While many Pennsylvanians are entitled to access to health insurance under COBRA, most cannot afford the cost of coverage.

(10) Thousands of unemployed Pennsylvanians receive financial support from the unemployment compensation program, and many of these individuals are in great need of assistance payments for health insurance under COBRA.

(11) Providing assistance to the unemployed in securing health insurance coverage will reduce the economic burden on these individuals and their families, and will ensure that they receive appropriate care at an appropriate time.

Amend Sec. 3, page 4, lines 25 through 28, by striking out all of said lines and inserting

"COBRA." Title X of the Consolidated Omnibus Budget Reconciliation Act of 1985 (Public Law 99-272, 100 Stat. 82).

"COBRA continuation coverage." Coverage under a group health plan provided pursuant to Title XXII of the Public Health Service Act (58 Stat. 682, 42 U.S.C. § 300bb-1 et seq.), section 4980B of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 4980B) or Title VI of the Employee Retirement Income Security Act of 1974 (Public Law 93-406, 88 Stat. 829).

"Department." The Department of Labor and Industry of the Commonwealth.

"Master Settlement Agreement." The settlement agreement and related documents entered into on November 23, 1998, by the Commonwealth and leading United States tobacco product manufacturers and approved by the court in *Commonwealth v. Philip Morris*, April Term 1997, No. 2443 (C.P. Philadelphia County), on January 13, 1999.

Amend Sec. 3, page 7, by inserting between lines 28 and 29

"Unemployment compensation." The income support program established by the act of December 5, 1936 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the Unemployment Compensation Law.

"Unemployment compensation recipient." An individual receiving unemployment compensation benefits.

Amend Bill, page 11, lines 9 and 10, by striking out all of said lines and inserting

Section 6. Interim coverage for the uninsured.

(a) Payment for health insurance costs.—The department shall pay the health insurance premium for any eligible unemployment compensation recipient who elects to receive this payment.

(b) Eligibility.—An unemployment compensation recipient shall be eligible for health insurance premium payments if the recipient:

- (1) is eligible for COBRA continuation coverage;
- (2) does not have access to health insurance through another source, such as a family member or another government program; and
- (3) has, at the time of enrollment in the unemployment compensation program, a projected annual income in relation to family size that does not exceed 300% of the poverty level by family size, as defined by the United States Bureau of the Census and revised annually.

(c) Reduction in unemployment compensation benefits.—The unemployment compensation payments for unemployment compensation recipients who elect to receive health insurance premium payments under this act shall be reduced by 20%. An amount equivalent to the savings realized by this reduction shall be transferred from the Unemployment Compensation Fund or other department unemployment compensation funds to the Uninsured Interim Coverage Fund, which is hereby established as a special nonlapsing fund in the State Treasury.

(d) Informing beneficiaries.—The department shall inform all unemployment compensation recipients of the availability of health insurance premium payment assistance, and it shall assist them in determining their eligibility and applying for COBRA continuation coverage.

Section 7. Regulations.

The department shall administer this act and shall promulgate rules, regulations and standards for its proper enforcement and administration.

Section 8. Appropriation.

The sum of \$65,000,000 is hereby appropriated from the moneys received by the Commonwealth from the Master Settlement Agreement to the Uninsured Interim Coverage Fund for the fiscal year July 1, 2000, to June 30, 2001, to carry out the provisions of this act. This appropriation shall be a continuing appropriation and shall not lapse at the end of the fiscal year.

Section 9. Effective date.

This act shall take effect July 1, 2000, or immediately, whichever is later.

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. On that question, the Chair recognizes the gentleman from Bucks County, Mr. Melio.

Mr. MELIO. Thank you, Mr. Speaker.

Under the Federal law, COBRA (Consolidated Omnibus Budget Reconciliation Act), every worker who loses his or her job may elect to continue health insurance coverage under their former employer's health insurance plan. They must pay 102 percent of the full premium in order to do so. The typical premium runs from \$180 a month for an individual plan and \$300 for a family plan. An individual who is eligible for unemployment benefits could receive a State subsidy to help pay for COBRA coverage. The individual would pay 20 percent of his or her unemployment comp benefit, and the State would pay for the remainder of their COBRA coverage, so long as they remained eligible for unemployment compensation. Mr. Speaker, in order for a worker to participate, in addition to being enrolled in unemployment compensation, he or she must have no other source of health insurance coverage and have a projected annual family income while on unemployment compensation of less than 300 percent of the Federal poverty level. We call the program Interim Coverage for the Unemployed, ICU.

Mr. Speaker, some facts to weave in: Today in Pennsylvania one of every eight adults of working age, 18 to 64, does not

have health insurance — 13 percent. One of every 10 Pennsylvanians does not have health insurance. We have taken steps to expand insurance coverage for the children through CHIP (Children's Health Insurance Program). We now need to do something for working adults. Today when a worker loses their health insurance, they can pay to continue the health insurance their employer had provided, but they must come up with 102 percent of the premium. Most workers, Mr. Speaker, cannot afford that when they are on unemployment compensation. Nationwide, less than 12 percent of those eligible for this so-called COBRA coverage can afford to purchase it. We estimate that at any given point in time, 250,000 Pennsylvanians are on unemployment compensation. That represents about 20 percent of the total number of uninsured.

And I may note that one of the gentlemen on the other side from Lehigh County agreed with me, had the same amendment, and I urge my colleagues to support this amendment. Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—134

Argall	DiGirolamo	Levdansky	Ruffing
Baker	Donatucci	Lucyk	Sainato
Bard	Druce	Lynch	Samuelson
Battisto	Eachus	Maitland	Santoni
Bebko-Jones	Feese	Major	Sather
Belardi	Fichter	Mann	Scrimenti
Belfanti	Fleagle	Markosek	Shaner
Benninghoff	Flick	Marsico	Solobay
Bishop	Frankel	Mayernik	Staback
Blaum	Freeman	McCall	Stairs
Browne	George	McGeehan	Steelman
Bunt	Gigliotti	McGill	Stetler
Butkovitz	Godshall	McIlhinney	Stevenson
Buxton	Gordner	Melio	Sturla
Caltagirone	Grucela	Micozzie	Surra
Cappabianca	Gruitza	Mundy	Tangretti
Cam	Habay	Myers	Taylor, E. Z.
Casorio	Haliuska	O'Brien	Taylor, J.
Cawley	Hanna	Orie	Thomas
Civera	Harhai	Perzel	Tigue
Clark	Harhart	Pesci	Travaglio
Clymer	Herman	Petrarca	Trello
Cohen, L. I.	Josephs	Petrone	Van Horne
Cohen, M.	Kaiser	Pippy	Veon
Cotafela	Keller	Platts	Vitaii
Corrigan	Kenney	Preston	Walko
Costa	Kirkland	Ramos	Williams
Coy	Krebs	Readshaw	Wogan
Dailey	LaGrotta	Reinard	Wojnaroski
Daley	Laughlin	Roberts	Wright
Dally	Lawless	Robinson	Yewcic
DeLuca	Lederer	Rooney	Yudichak
Dermody	Leh	Rubley	Zimmerman
DeWeese	Lescovitz		

NAYS—55

Adolph	Forcier	Metcalf	Seyfert
Armstrong	Gannon	Michlovic	Smith, B.
Barley	Geist	Miller, R.	Smith, S. H.
Barrar	Gladeck	Miller, S.	Snyder
Bastian	Hasay	Nailor	Steil
Birmelin	Hennessey	Nickol	Stern
Boyes	Hershey	Phillips	Strittmatter
Chadwick	Hess	Raymond	Trich
Cornell	Hutchinson	Rohrer	True

Curry	Jadlowiec	Ross	Tulli
Dempsey	Maher	Saylor	Vance
Egolf	Manderino	Schroder	Wilt
Fairchild	Masland	Schuler	Zug
Fargo	McIlhattan	Semmel	

NOT VOTING—0

EXCUSED—13

Allen	McNaughton	Roebuck	Ryan,
Evans	Oliver	Washington	Speaker
Horsey	Pistella	Waters	
James	Rieger	Youngblood	

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?

Ms. STEELMAN offered the following amendment No. A0233:

Amend Title, page 1, line 1, by striking out "Providing for the Tobacco Settlement Agreement Act" and inserting

Implementing the tobacco litigation Master Settlement Agreement

Amend Title, page 1, line 3, by inserting after "Revenue;" providing for the establishment, implementation and administration of the Pennsylvania Biomedical Research Authority; imposing powers and duties on a board of trustees; providing for the issuance of notes and bonds;

Amend Bill, page 1, by inserting between lines 3 and 4

TABLE OF CONTENTS

Chapter 1. Tobacco Settlement
 Section 101. Short title of chapter.
 Section 102. Declaration of policy.
 Section 103. Definitions.
 Section 104. Requirements.
 Section 105. Public inspection.
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 Section 301. Short title of chapter.
 Section 302. Legislative intent.
 Section 303. Definitions.
 Section 304. Creation of Pennsylvania Biomedical Research Authority.
 Section 305. Revenues of authority.
 Section 306. Powers and duties of authority.
 Section 307. Specific power to issue bonds.
 Section 308. Covenants and express conditions on obligations.
 Section 309. Nature and effect of pledges.
 Section 310. State Employees' Retirement System and Public School Employees' Retirement System.
 Chapter 5. Miscellaneous Provisions
 Section 501. Effective date.

Amend Bill, page 1, line 6, by striking out all of said line and inserting

CHAPTER 1
TOBACCO SETTLEMENT

Section 101. Short title of chapter.

Amend Sec. 1, page 1, line 7, by striking out "act" and inserting chapter

Amend Sec. 2, page 1, line 9, by striking out "2" and inserting 102

Amend Sec. 3, page 3, line 16, by striking out "3" and inserting 103

Amend Sec. 3, page 3, line 17, by striking out "act" and inserting chapter

Amend Sec. 3, page 4, line 18, by striking out "clause" and inserting paragraph

Amend Sec. 3, page 4, lines 25 through 28, by striking out all of said lines and inserting

"Master Settlement Agreement." The settlement agreement and related documents entered into on November 23, 1998, by the Commonwealth and leading United States tobacco product manufacturers and approved by the court in Commonwealth v. Philip Morris, April Term 1997, No.2443 (C.P. Philadelphia County), on January 13, 1999.

Amend Sec. 3, page 5, line 7, by striking out "4" and inserting 104

Amend Sec. 3, page 7, line 6, by striking out "act" and inserting chapter

Amend Sec. 4, page 8, line 9, by striking out "4" and inserting 104

Amend Sec. 4, page 8, lines 13 and 14, by striking out "date of enactment of this act" and inserting effective date of this chapter

Amend Sec. 4, page 8, lines 22 and 23, by striking out "date of enactment of this act" and inserting effective date of this chapter

Amend Sec. 4, page 8, lines 24 and 25, by striking out "date of enactment of this act" and inserting effective date of this chapter

Amend Sec. 4, page 8, line 27, by striking out "date of enactment of this act" and inserting effective date of this chapter

Amend Sec. 4, page 8, line 29, by striking out "date of enactment of this act" and inserting effective date of this chapter

Amend Sec. 4, page 9, lines 1 and 2, by striking out "date of enactment of this act" and inserting effective date of this chapter

Amend Sec. 4, page 9, line 28, by striking out "paragraphs" and inserting paragraph

Amend Sec. 5, page 11, line 5, by striking out "5" and inserting 105

Amend Bill, page 11, lines 9 and 10, by striking out all of said lines and inserting

CHAPTER 3
PENNSYLVANIA BIOMEDICAL
RESEARCH AUTHORITY

Section 301. Short title of chapter.

This chapter shall be known and may be cited as the Pennsylvania Biomedical Research Authority Act.

Section 302. Legislative intent.

The General Assembly finds and declares as follows:

(1) Pennsylvania's teaching colleges, academic health centers and cancer research institutes have allowed this Commonwealth to become a national leader in medical education and research.

(2) Health care, the largest nonagriculture segment of this Commonwealth's economy, accounts for more than 14% of the domestic State product.

(3) At the heart of this Commonwealth's pharmaceutical and emerging biotechnology industries is medical research for which Pennsylvania provides no direct support or investment.

(4) Many academic health centers have reorganized their research operations to encourage technology transfer and to

allow these institutions to share in the intellectual property created by researchers at the institutions.

Section 303. Definitions.

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

“Authority.” The Pennsylvania Biomedical Research Authority.

“Biomedical company.” A person whose headquarters or base of operations is located in this Commonwealth, engaged in the research, development, production or provision of biomedicine for the purpose of developing or providing products, processes or technologies for specific commercial or public purposes, including, but not limited to, medical, pharmaceutical and nutritional and other health-related purposes, or a person whose headquarters or base of operations is located in this Commonwealth who is engaged in providing services or products necessary for such research, development, product or provision of service. The term includes bioinformatics, biomedicine, biopharmacogenomics, biopharmaceuticals, biorobotics, bioscience, biotechnology and genome research companies.

“Biomedicine.” The continually expanding body of fundamental knowledge about the structure and function of biological systems which seeks, through research, to use that knowledge of naturally occurring processes to develop products, services and technologies to address medical problems, prolong life and prevent and treat disease.

“Board.” The board of directors of the Pennsylvania Biomedical Research Authority.

“Bonds.” Bonds, notes or other evidences of indebtedness issued by the authority pursuant to this chapter.

“Clinical trials.” Tests conducted at a site located within this Commonwealth that has been approved for conducting studies on the efficacy of drugs and other pharmaceutical products leading to approval by the United States Food and Drug Administration.

“Debt service on bonds.” Any cost related to the issuance, refinancing, refunding or payment or any other costs associated with the issuance and maintenance of bonds or notes by the Pennsylvania Biomedical Research Authority.

“Financial manager.” An organization authorized to do business in this Commonwealth that:

- (1) is authorized to act as a trustee pursuant to the provisions of the Employee Retirement Income Security Act of 1974 (Public Law 93-406, 88 Stat. 829) or an insurance company;
- (2) (i) is licensed or chartered by the Insurance Department or Department of Banking;
(ii) is chartered by an agency of the Federal Government; or
(iii) is subject to the jurisdiction of the Federal Securities and Exchange Commission; and
- (3) provides or secures venture capital.

“Fund.” The Biomedical Research Revolving Fund.

“Governmental unit.” Any agency of the Commonwealth or any county, municipality or school district, or any agency, instrumentality, authority or corporation thereof, or any public body having local or regional jurisdiction or power.

“Public School Employees’ Retirement System.” The retirement system for public school employees created pursuant to 24 Pa.C.S. (relating to education).

“Research center.” An academic health center, medical school or federally approved cancer research center located within this Commonwealth.

“State Employees’ Retirement System.” The retirement system for State employees created pursuant to 71 Pa.C.S. (relating to State government).

“Venture capital.” A financial investment that results in the acquisition of equity interests or a combination of debt and equity interests which is expected to grow substantially in the future and in which the expected return on investment is to come predominantly from an increase in the value of the equity interests.

Section 304. Creation of Pennsylvania Biomedical Research Authority.

(a) Establishment.—There is hereby established a body corporate and politic, with corporate succession, to be known as the Pennsylvania Biomedical Research Authority. The authority is constituted an instrumentality of the Commonwealth, and the exercise by the authority of the powers conferred by this chapter shall be deemed and held to be a public and essential governmental function.

(b) Membership.—The authority shall consist of an 11-member board of directors composed of:

- (1) The Physician General.
- (2) The Secretary of Health.
- (3) The Secretary of Community and Economic Development.

(4) Two Senators, one each to be appointed by the President pro tempore of the Senate and the Minority Leader of the Senate.

(5) Two members of the House of Representatives, one each to be appointed by the Speaker of the House of Representatives and the Minority Leader of the House of Representatives.

(6) Four persons to be appointed by the Governor, who shall serve for a term of two years and shall be eligible for reappointment as follows:

- (i) One shall be a licensed physician in this Commonwealth.
- (ii) One shall be a representative of a biomedical company or a trade or regional association that represents biomedical companies.
- (iii) One shall be a representative of a health consumer interest group.
- (iv) One shall be a representative of a research center.

(c) Officers.—The Secretary of Community and Economic Development shall be the chairman and chief executive officer of the authority. The board shall biannually elect a vice chairman. The board shall select a secretary and treasurer who need not be members of the board, and the same person may be selected to serve as both secretary and treasurer.

(d) Vesting of powers.—The powers of the authority shall be vested in the board in office from time to time, and eight members of the board shall constitute a quorum at any meeting. Action may be taken and motions and resolutions adopted by the authority by the affirmative vote of at least seven members of the board. No vacancy on the board shall impair the right of a quorum of the members of the board to exercise the powers and perform the duties of the authority.

(e) Designees.—Each public officer member of the board may designate an officer or employee of the Commonwealth to represent him at meetings of the board. Each designee may lawfully vote and otherwise act on behalf of the member of the board for whom he constitutes the designee. The designation shall be in writing delivered to the authority and shall continue in effect until revoked or amended in writing delivered to the authority.

(f) Services.—Research, investigation and other services necessary for the operation of the board shall be carried out from resources and by employees from the various executive departments represented on the board. All applicable Commonwealth departments and agencies shall cooperate with and provide assistance to the board, which may at its discretion provide financial reimbursement.

(g) Dissolution.—The authority may be dissolved by law, provided that the authority has no bonds or other debts or obligations outstanding or that provision has been made for the payment or retirement of all such bonds, debts and obligations. Upon any dissolution of the authority, all property, funds and assets of the authority shall be vested in the Commonwealth.

(h) Credit and taxing power of the Commonwealth.—The authority shall have no power at any time to pledge the credit or taxing power of the Commonwealth or any of its municipalities or political

subdivisions nor shall any of its obligations be deemed to be obligations of the Commonwealth or any of its political subdivisions.

Section 305. Revenues of authority.

(a) Sources of revenues.—The authority may receive money from sources of revenue, including, but not limited to, the following:

- (1) State funds appropriated to the authority.
- (2) Federal funds appropriated to or granted to the authority.
- (3) Venture capital from private companies.
- (4) Proceeds from the sale of bonds of the authority authorized under section 307.
- (5) Proceeds from the sale of any Commonwealth general obligation bonds issued under sections 307 and 308.
- (6) Proceeds from the sale of authority assets.
- (7) Repayment of loan principal.
- (8) Payment of interest on loans made by the authority.
- (9) Interest earned on the investment of authority moneys.

(b) Control of revenues; investment of funds.—The board shall have exclusive control and management of all moneys of the authority and full power to invest moneys not required for immediate use in any securities or other investments in which funds of the Commonwealth are authorized to be invested and in any other type of security or investment if, prior to the acquisition of the securities or investments, the board determines by resolution that the type of security or investment is in the best interests of the authority and the State Treasurer approves of the type of security or other investment.

(c) Fiduciary status of board.—

(1) The members of the board, employees of the board and agents thereof shall stand in a fiduciary relationship regarding the investments and disbursements of any of the moneys of the fund and shall not profit either directly or indirectly with respect thereto. The board may, when possible and consistent with its fiduciary duties imposed by this subsection or other law, including its obligation to invest and manage the fund, consider whether an investment in any project or business enhances and promotes the general welfare of this Commonwealth and its citizens, including, but not limited to, investments that increase and enhance the employment of Commonwealth residents and stimulate further investment and economic activity in this Commonwealth.

(2) In determining whether an investment meets the standard of prudence, the board may consider, together with the expected return on and the risk characteristics of the particular investment, the actual and expected future returns and the risk characteristics of the total venture capital investments held by the board at the time and the degree to which the proposed new investment would promote further diversification within the venture capital asset class.

(3) The board in its prudent discretion may make any investments which meet the standard of prudence set forth in paragraph (1) by becoming:

- (i) a limited partner in partnerships that will hold or make the investments or by acquiring stocks or shares or units of participation or otherwise participating beneficially in the fund of any corporation or trust organized or created and existing under the laws of the United States or of this Commonwealth, if the liability of the fund shall be limited to the amount of its investment;
- (ii) by supporting clinical trials of any drug or pharmaceutical in exchange for a financial interest in that drug or pharmaceutical or the company developing that drug or pharmaceutical; or
- (iii) by supporting research at a research center that the board believes has a reasonable expectation of resulting in a product or service which can or will be transferred to a biomedical company, in exchange for future financial consideration.

(d) Legislative declaration concerning certain authorized investments.—The General Assembly finds and declares that authorized investments of the fund made by or on behalf of the board under this section whereby the board becomes a joint owner or stockholder in any company, corporation or association are outside the scope of the original intent of and therefore do not violate the prohibition set forth in section 8 of Article VIII of the Constitution of Pennsylvania.

(e) Limitations on investments.—Notwithstanding any other provision of this chapter to the contrary, the board shall invest the moneys in the fund exclusively to provide loans to or take an equity interest in biomedical business ventures, including supporting research and product development and transfer at research centers and supporting clinical trials, within this Commonwealth. The board may make these investments directly or through an approved financial manager.

(f) General fund and other separate funds or accounts.—

(1) The board shall establish a general fund from which it may authorize expenditures for any of the purposes of this chapter.

(2) The board shall establish and administer a Biomedical Research Revolving Fund and may establish such other separate revolving funds and accounts when determined by the board to be necessary or convenient. The board may deposit no more than \$725,000,000 in funds and accounts established under this paragraph from the sources specified in subsection (a)(4) and (5). This limitation shall not apply to any Federal funds.

(3) The board may also establish such nonrevolving funds and accounts as it deems necessary or convenient. Any funds from sources specified in subsection (a)(4) and (5) which are not deposited in the board's revolving funds and accounts shall be deposited into these nonrevolving funds and accounts.

(g) Loan repayment.—Subject to any agreement with the holders of bonds, repayments of loan principal, together with any interest thereon, shall be deposited with the authority. Repayments from loans made from revolving funds and accounts may be deposited in such funds and accounts as the board shall determine. Repayments from other loans shall be deposited in nonrevolving funds and accounts for the purpose of repayment of general obligation bonds of the Commonwealth issued under the authority of this chapter. The board shall maintain such separate funds and accounts as may be necessary for the deposit of payments made under authority or requirement of Federal or State law.

Section 306. Powers and duties of authority.

The authority shall have and may exercise all powers necessary or appropriate to carry out and effectuate the purposes of this chapter, including, but not limited to, the following:

- (1) Conduct examinations and investigations and take testimony, under oath or affirmation, on any matter necessary to the determination and approval of project applications.
- (2) Sue and be sued, implead and be impleaded, complain and defend in all courts.
- (3) Adopt, use and alter at will a corporate seal.
- (4) (i) Make bylaws for the management and regulation of its affairs and make and, from time to time, adopt, amend and repeal rules and regulations governing the administrative procedures and business of the authority.
- (ii) Notwithstanding subparagraph (i) and in order to facilitate the speedy implementation of the Biomedical Research Program, the board shall have the power and authority to promulgate, adopt and use guidelines that shall be published in the Pennsylvania Bulletin. The guidelines shall be subject to review pursuant to section 204(b) of the act of October 15, 1980 (P.L.950, No.164), known as the Commonwealth Attorneys Act, and shall not be subject to review pursuant to the act of June 25, 1982 (P.L.633, No.181),

known as the Regulatory Review Act, and shall be effective for a period not to exceed two years from the effective date of this chapter.

(iii) After expiration of the two-year period, all guidelines relating to the Biomedical Research Program shall expire and shall be replaced by regulations which shall have been promulgated, adopted and published as provided by law.

(5) Make contracts of every name and nature and execute all instruments necessary or convenient for the carrying on of its business.

(6) Accept grants from and enter into contracts or other transactions with any Federal, State or local agency.

(7) Provide financial assistance, including, but not limited to, loans, loan guarantees, bond guarantees and grants for projects fulfilling the purposes of this chapter.

(8) Collect fees and charges relating to projects funded under this chapter, as the board determines to be reasonable, relating to activities undertaken in furtherance of the purposes of this chapter.

(9) Borrow money and issue bonds and provide for the right of holders thereof in accordance with the provisions of this chapter.

(10) Pledge, hypothecate or otherwise encumber all or any of the revenues or receipts of the authority as security for all or any of the bonds of the authority.

(11) Receive appropriations and apply for and accept grants, gifts, donations, bequests and settlements from any public or private source.

(12) Acquire, own, hold, construct, improve, rehabilitate, renovate, operate, maintain, sell, assign, exchange, lease, mortgage or otherwise dispose of real and personal property or any interest therein in the exercise of its powers and the performance of its duties under this chapter.

(13) Procure insurance against any loss in connection with its property and other assets and operations in any amounts and from any insurers as it deems desirable.

(14) Contract for the services of attorneys, accountants and financial experts and any other advisors, consultants and agents as may be necessary in its judgment, subject to the requirement that the chairman shall ensure that minority-owned or minority-controlled firms shall have an opportunity to participate to a significant degree in the provision of any contractual services purchased by the authority.

(15) Subject to any agreement with holders of its bonds, notes or other obligations, purchase bonds, notes and other obligations of the authority.

(16) Subject to any agreement with holders of its bonds, notes or other obligations, obtain as security for payment of all or any part of the principal of and interest and premium on the bonds, notes and other obligations of the authority, lines of credit and letters of credit in any amounts and upon any terms as the authority may determine, and pay any fees and expenses required in connection therewith.

(17) Do any act necessary or convenient to the exercise of the powers enumerated in this section or reasonably implied therefrom.

(18) Prepare plans and reports and provide for public participation as deemed appropriate.

(19) Fund prefeasibility studies from any of its sources of revenue.

(20) Establish an equity interest in any company that receives assistance from the fund in a measure determined on a valuation of the amount of the assistance and to acquire and sell security interests at public or private sale; to negotiate modifications or alterations to security interests; to foreclose on security interest in default or commence any action to protect or enforce any right conferred upon it by any law, security

agreement, contract or other agreement; to bid for and purchase property which was the subject of such security interest at any foreclosure or at any other sale; to acquire or take possession of any such property; and to exercise any and all rights as provided by law for the benefit or protection of the authority or security interest holders.

(21) To make and execute contracts and to pay the reasonable value of services rendered to the authority pursuant to those contracts.

Section 307. Specific power to issue bonds.

(a) Principal amounts.—The authority may issue its bonds, notes or other obligations in principal amounts as in the judgment of the authority shall be necessary, but not to exceed a total sum of \$300,000,000, to provide sufficient funds for any of its corporate purposes. Corporate purposes shall be deemed to include:

(1) The payment, funding or refunding of the principal of or interest or redemption premiums on any bonds issued by it, whether the bonds to be funded or refunded have or have not become due.

(2) The establishment or increase of reserves to secure or to pay the bonds or interest thereon.

(3) All other costs or expenses of the authority incident to and necessary to carry out its corporate purposes and powers.

(b) Negotiable instrument designation.—Whether or not the bonds are of a form and character as to be negotiable instruments under the terms of 13 Pa.C.S. (relating to commercial code), the bonds are made negotiable instruments within the meaning of and for the purposes of 13 Pa.C.S., subject only to the provisions of the bonds for registration.

(c) Resolution; terms of bonds.—Bonds shall be authorized by resolution of the board, may be issued in one or more series and shall bear any date or dates, mature at any time or times not later than 35 years from the date of issuance thereof, bear interest at any rate or rates or at variable rates, be in any denomination or denominations, be in any form, either coupon or registered, carry any conversion or registration privileges, have any rank or priority, be executed in any manner, be payable from such sources in any medium of payment at any place or places within or without this Commonwealth and be subject to any terms of redemption, purchase or tender by the authority or the holders thereof, with or without premium, as the resolution or resolutions may provide. A resolution of the authority authorizing the issuance of bonds may provide that the bonds be secured by a trust indenture between the authority and a trustee, vesting in the trustee any property, rights, powers and duties in trust consistent with the provisions of this chapter as the authority may determine. Such resolution may further provide for the acquisition of credit enhancement devices such as bond insurance, letters of credit or any other instruments to carry out the provisions of this section.

(d) Public or private sale.—Bonds shall be sold initially at public sale at any price or prices and in any manner as the authority may determine, subject to the requirement that the chairman shall ensure that minority-owned or minority-controlled firms shall have an opportunity to participate to a significant degree in any bond sale activities. Any portion of any bond issue so offered and not sold or subscribed for may be disposed of by private sale by the authority in such manner and at such prices as the authority shall direct.

(e) No prior preconditions on bond issuance.—Bonds may be issued under the provisions of this chapter without obtaining the consent of any department, division, board, bureau or agency of the Commonwealth and without any other proceeding or the happening of any other conditions or other things than those proceedings, conditions or things which are specifically required by this chapter.

(f) Limitation on obligations.—Bonds issued under the provisions of this chapter shall not be a debt or liability of the Commonwealth or of any of its political subdivisions other than the authority and shall not create or constitute any indebtedness, liability or obligation of the Commonwealth or of any political subdivision. All bonds shall be payable solely from revenues or funds pledged or available for their

payment as authorized in this chapter, including the proceeds of any issue of bonds. Each bond shall contain on its face a statement to the effect that the authority is obligated to pay the principal thereof or the interest thereon only from its revenues, receipts or funds pledged or available for their payment as authorized in this chapter, that neither the Commonwealth nor any political subdivisions are obligated to pay the principal or interest and that neither the faith and credit nor the taxing power of the Commonwealth or any political subdivision is pledged to the payment of the principal or the interest on the bonds.

(g) Nature of obligation and payment.—Each issue of bonds may, if it is determined by the authority, be general obligations of the authority payable out of any revenues, receipts or funds of the authority, or special obligations payable out of particular revenues, receipts or funds, subject only to agreements with the holders of the bonds. Bonds may be secured by one or more of the following:

(1) Pledges of revenues and other receipts to be derived from the payment of the interest on and any principal of notes and bonds issued by one or more governmental units and purchased by the authority, and any other payment made to the authority pursuant to agreements with any governmental unit or a pledge or assignment of any notes and bonds of any governmental units, and the rights and interests of the authority therein.

(2) Pledges of loan payments, rentals, other revenues to be derived from loan agreements, leases or other contractual arrangements with any person or entity, public or private, or a pledged or assignment of any such loan agreements, leases or other contractual arrangements, and the rights and interests of the authority therein.

(3) Pledges of grants, subsidies, contributions, appropriations or other payments to be received from the Federal Government or any instrumentality thereof or from the Commonwealth, any Commonwealth agency or other governmental unit.

(4) Pledges of all moneys, funds, accounts, securities and other funds, including the proceeds of the bonds.

(5) Mortgages and security interests covering all or part of any project or other property of any person or entity, real or personal, then owned or thereafter to be acquired, or a pledge or assignment of mortgages and security interests made or granted to the authority by any person or entity, and the rights and interests of the authority therein.

(h) Exemption from taxation.—All bonds and notes issued under the provisions of this section shall be exempt from taxation for State and local purposes.

Section 308. Covenants and express conditions on obligations.

In any resolution of the authority authorizing or relating to the issuance of bonds, the authority, in order to secure payment of the bonds, and, in addition to its other powers, may, by provisions in the resolution which shall constitute covenants by the authority and contracts with the holders of the bonds, do the following:

- (1) Secure the bonds.
- (2) Make covenants against pledging all or part of its revenues or receipts to other parties.
- (3) Make covenants limiting its right to sell, pledge or otherwise dispose of notes and bonds of governmental units, loan agreements of public or private persons or entities, or other property of any kind.
- (4) Make covenants as to additional bonds to be issued, the limitations thereon, the terms and conditions thereof, and the custody, application, investment and disposition of the proceeds thereof.
- (5) Make covenants as to the incurring of other debts by it.
- (6) Make covenants as to the payment of principal or of interest on bonds, the sources and methods of the payment, the rank or priority of bonds with respect to liens or security interests or the acceleration of maturity of bonds.

(7) Provide for replacement of lost, stolen, destroyed or mutilated bonds.

(8) Make covenants as to the redemption, purchase or tender of bonds by the authority, or the holders thereof, and the privileges of exchanging them for other bonds.

(9) Make covenants to create or authorize the creation of special funds or accounts to be held in trust or otherwise for the benefit of holders of bonds, or of reserves for other purposes and as to the use, investment and disposition of moneys held in those funds, accounts or reserves.

(10) Provide for the rights, liabilities, powers and duties arising upon the breach of a covenant, condition or obligation and prescribe the events of default and the terms and conditions upon which any or all of the bonds shall become or may be declared due and payable before maturity and the terms and conditions upon which the declaration and its consequences may be waived.

(11) Vest in a trustee or trustees within or without this Commonwealth in trust any property, rights, powers and duties as the authority may determine. These may include any or all of the rights, powers and duties of any trustee appointed by the holders of bonds or notes, including rights with respect to the sale or other disposition of notes and bonds of governmental units and other instruments and security pledged pursuant to a resolution or trust indenture for the benefit of the holders of bonds and the right, by suit or action, to foreclose any mortgage pledged pursuant to the resolution or trust indenture for the benefit of the holders of the bonds, notes or other obligations, and to limit the right of the holders of any bonds to appoint a trustee under this chapter and to limit the rights, powers and duties of the trustee.

(12) Pay the costs or expenses incident to the enforcement of the bonds or the provisions of the resolution authorizing the issuance of those bonds, or the trust indenture securing the bonds or any covenant or agreement of the authority with the holders of the bonds, notes or other obligations.

(13) Limit the rights of the holders of any bonds to enforce any pledge or covenant securing bonds.

(14) Make covenants other than or in addition to the covenants authorized by this chapter of like or different character and make covenants to do or refrain from doing any acts and things as may be necessary, or convenient and desirable, in order to better secure bonds or which, in the absolute discretion of the authority, will tend to make bonds more marketable, notwithstanding that the covenants, acts or things may not be enumerated in this chapter.

Section 309. Nature and effect of pledges.

A pledge of revenues, receipts, moneys, funds or other property or instruments made by the authority shall be valid and binding from the time when the pledge is made. The revenues, receipts, moneys, funds or other property pledged and thereafter received by the authority shall be immediately subject to the lien of the pledge without its physical delivery or further act, and the lien of any pledge shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the authority irrespective of whether the parties have notice of the lien. Neither the resolution nor any other instrument by which a pledge under this section is created or evidenced need be filed or recorded except in the records of the authority.

Section 310. State Employees' Retirement System and Public School Employees' Retirement System.

The State Employees' Retirement System and the Public School Employees' Retirement System are authorized to invest funds through the authority, to make investments in conjunction with that authority, to partner with the authority or any financial manager contracting with the authority in making investments in biomedicine. Investments and commitment of funds shall meet the same fiduciary standard applied to investments made by the authority and shall be deemed to meet the applicable fiduciary standard for each retirement system. Investments

or commitment of funds shall not apply against any limitation in statute or regulation on the amount or percentage of retirement system funds that can be invested in venture capital.

CHAPTER 5
MISCELLANEOUS PROVISIONS

Section 501. Effective date.

This act shall take effect as follows:

- (1) Chapter 1 shall take effect in 60 days.
- (2) Chapter 3 shall take effect immediately.
- (3) This section shall take effect immediately.

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

The SPEAKER pro tempore. On that question, the Chair recognizes the lady from Indiana County, Representative Steelman.

Ms. STEELMAN. Thank you, Mr. Speaker.

This amendment specifies the creation of a biomedical research authority for Pennsylvania, an authority which would issue bonds and would be able to invest in biomedical research and in bringing new products to market.

The biomedical industry in Pennsylvania is one of our most significant economic engines. Amazingly enough though, the biggest investor in Pennsylvania's biomedical industry 2 years ago was actually the Wisconsin retirees' fund. We are missing out, and with the infusion of new money into the Commonwealth in the form of the tobacco research settlement, we have an opportunity to create an investment vehicle that will benefit Pennsylvanians economically as well as in terms of their public health.

I hope you will support the amendment.

The SPEAKER pro tempore. On the amendment, Mr. Perzel.

Mr. PERZEL. Mr. Speaker, I know it is irrelevant, but could we just get— How much does this one cost?

Ms. STEELMAN. The estimate that came from the Appropriations chairman is \$27 million a year.

Mr. PERZEL. Thank you.

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

The following roll call was recorded:

YEAS—113

Barrar	Eachus	Lescovitz	Santoni
Battisto	Feese	Levdansky	Sather
Bebko-Jones	Fichter	Lucyk	Scrimenti
Belardi	Frankel	Major	Shaner
Belfanti	Freeman	Mann	Solobay
Benninghoff	George	Markosek	Staback
Bishop	Gigliotti	Mayernik	Stairs
Biaum	Godshall	McCaill	Steelman
Browne	Gordner	McGeehan	Stetler
Butkovitz	Grucela	Melio	Sturla
Buxton	Gruitza	Mundy	Surra
Caitagirone	Habay	Myers	Tangretti
Cappabianca	Haluska	O'Brien	Taylor, J.
Cam	Hanna	Orie	Thomas
Casorio	Harhai	Pesci	Tigue
Cawley	Harhart	Petrarca	Travaglio
Clark	Hasay	Petrone	Trelio
Cohen, M.	Herman	Pippy	Van Horne
Colafella	Josephs	Preston	Veon
Corrigan	Kaiser	Ramos	Vitali
Costa	Keller	Readshaw	Walko
Coy	Kenny	Reinard	Williams

Daley	Kirkland	Roberts	Wogan
Dally	Krebs	Robinson	Wojnaroski
DeLuca	LaGrotta	Rooney	Wright
Dermody	Laughlin	Ruffing	Yewcic
DeWeese	Lawless	Sainato	Yudichak
Donatucci	Lederer	Samuelson	Zug
Druce			

NAYS—76

Adolph	Egolf	Marsico	Saylor
Argall	Fairchild	Masland	Schroder
Armstrong	Fargo	McGill	Schuler
Baker	Fleagle	McIlhattan	Semmel
Bard	Flick	McIlhinney	Seyfert
Barley	Forcier	Metcalfe	Smith, B.
Bastian	Gannon	Michlovic	Smith, S. H.
Birmelin	Geist	Micozzie	Snyder
Boyes	Gladeck	Miller, R.	Steil
Bunt	Hennessey	Miller, S.	Stern
Chadwick	Hershey	Nailor	Stevenson
Civera	Hess	Nickol	Strittmatter
Clymer	Hutchinson	Perzel	Taylor, E. Z.
Cohen, L. I.	Jadlowiec	Phillips	Trich
Cornell	Leh	Platts	True
Curry	Lynch	Raymond	Tulli
Dailey	Maher	Rohrer	Vance
Dempsey	Maitland	Ross	Wilt
DiGirolamo	Manderino	Rubley	Zimmerman

NOT VOTING—0

EXCUSED—13

Allen	McNaughton	Roebuck	Ryan,
Evans	Oliver	Washington	Speaker
Horsey	Pistella	Waters	
James	Rieger	Youngblood	

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. WALKO offered the following amendment No. A0229:

Amend Title, page 1, line 1, by inserting after "Act"
and for use of tobacco settlement moneys for charitable purposes

Amend Title, page 1, line 2, by inserting after "General"
, the Department of Public Welfare, the Auditor General

Amend Title, page 1, line 3, by inserting after "Revenue;"
establishing the Uncompensated Care Fund;

Amend Sec. 2, page 3, by inserting between lines 15 and 16
(7) Hospitals provided over \$704,000,000 in uncompensated care in 1998, a figure that has risen over 5% annually over the past decade.

(8) Uncompensated care is clearly related to the ability of patients to pay for care. In turn, the two factors limiting a patient's ability to pay are the lack of insurance coverage and the lack of income. Currently, nearly one of every ten Pennsylvanians does not have health insurance coverage, a figure that has risen over the past five years.

(9) We do not have reliable data on the geographic and demographic distribution of the uninsured within this

Commonwealth. There are, however, reliable surrogates for the uninsured, including the income data and unemployment data, as well as Medicaid enrollment data.

(10) The Medicaid program in this Commonwealth currently provides payments to assist some hospitals with the costs of providing uncompensated care for low-income and uninsured patients. There are three basic funding streams under Medicaid for this purpose. They include inpatient disproportionate share payments, outpatient disproportionate share payments and community access fund provider payments. Of this Commonwealth's 254 acute care hospitals, 128 receive funds through these three programs. Combined Federal and State funds for these hospitals amount to about \$304,000,000, about 56% of the reported cost of uncompensated care at those hospitals receiving assistance. The Federal Government provides slightly more than half of these funds.

(11) This Commonwealth does not have a public hospital system to provide charity care. In those states that do run public hospitals, uncompensated care represents about one-third of the total costs for those facilities.

(12) On average, the tobacco settlement will provide the Commonwealth approximately \$400,000,000 annually in State revenues. These moneys can be used to supplement State Medicaid spending. Tobacco settlement moneys channeled through the Medicaid program would be matched with Federal funds.

(13) As one of the standards for qualifying as an "institution of purely public charity" under the act of November 26, 1997 (P.L.508, No.55), known as the Institutions of Purely Public Charity Act, an institution must provide uncompensated goods and services equal to 3% or more of its total operating expenses.

(14) Providing compensation to hospitals bearing a significant financial burden from uncompensated care permits the continued viability of those institutions and continued access to care for the medically indigent and uninsured.

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

"Charges." The rate or amount billed by a provider for specific goods or services provided to a patient, prior to any adjustment for contractual allowances.

Amend Sec. 3, page 4, by inserting between lines 24 and 25

"Disproportionate share payment." A payment made to a qualifying hospital that serves high volumes or large numbers of Medicaid and indigent care patients under the Pennsylvania Medicaid program, including matching funds made available by the Federal Government pursuant to Title XIX of the Social Security Act (49 Stat. 620, U.S.C. § 301 et seq.). The term shall include any payments made to hospitals for inpatient disproportionate share, outpatient disproportionate share and community access on or before the effective date of this act.

"Fund." The Uncompensated Care Fund created under this act.

"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 or patients with behavioral health problems

"Hospital service territory." The geographic region used by the Pennsylvania Health Care Cost Containment Council to determine the area in which the preponderance of each hospital's patient load resides.

Amend Sec. 3, page 4, by inserting between lines 28 and 29

"Medicaid." The State-administered program operated under sections 443.1, 443.2 and 443.3 of the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code.

"Medically indigent." Low-income and moderate-income individuals who either lack health insurance coverage or whose health

insurance coverage is insufficient to provide them with adequate coverage for the services that they require or who are enrolled in or are eligible for enrollment in the Medicaid program.

"Payer." A governmental or nongovernmental third-party payer or any other purchaser of hospital services.

Amend Sec. 3, page 7, by inserting between lines 28 and 29

"Uncompensated care." Patient care for which a hospital receives no compensation, including the cost of providing free inpatient and outpatient care to the medically indigent, the cost of delivering such care to patients who do not pay some or all of their charity care and other bad debt as defined by regulation of the Department of Public Welfare. The term does not include the difference between negotiated or contractual payments which are below hospital usual and customary charges, other discounts from charges, unpaid balance billing of Medicaid patients or the cost of community service programs, educational programs, outreach programs and other special programs. The term also does not include any overdue Medicare or Medicaid payment owed by the Federal or State government of any Medicare or Medicaid contractor.

Amend Bill, page 11, by inserting between lines 8 and 9

Section 6. Uncompensated Care Fund.

(a) Fund created.—An Uncompensated Care Fund is created within the Department of Public Welfare as a restricted receipt account.

(b) Deposits.—The following deposits shall be made into the fund:

(1) Beginning in the State fiscal year starting July 1, 2000, disproportionate share payments shall be deposited into the fund. The initial amount deposited shall be equal to the sum of all disproportionate share payments made in the State fiscal year beginning July 1, 1999, or the year beginning July 1, 1998, whichever is greater, times 1.025, plus the appropriate Federal match for that amount. Annually, the General Assembly shall deposit an amount equal to at least the prior year contribution times 1.025, plus the appropriate Federal match.

(2) Beginning in the State fiscal year starting July 1, 2000, annually, at least 10%, but not more than 25% of the funds available to the Commonwealth through the tobacco settlement shall be deposited in the fund. Such contributions shall be construed to be State funds for disproportionate share payments and qualify for Federal Medicaid matching funds.

(3) Voluntary contributions by other payers may be deposited into the fund as received.

Section 7. Powers and duties of Department of Public Welfare.

The Department of Public Welfare shall have the following powers and duties:

(1) In conjunction with the advisory committee created under this act, adopt in regulation and use an allocation formula to distribute moneys from the fund to qualifying hospitals. Such a formula shall include the following factors:

(i) The volume and percentage of inpatient Medicaid patient visits compared to total hospital visits.

(ii) The volume and percentage of outpatient encounters covered by Medicaid compared to total outpatient encounters.

(iii) The percentage of households in hospital service territory at or below the Federal poverty level.

(iv) The annual unemployment rate for the hospital service territory.

(v) Hospital audited uncompensated care costs compared to hospital net patient revenue.

In order to qualify for payment from the uncompensated care pool, hospitals shall provide uncompensated care equal to 3% of their total expenditures on patient care. Hospitals that currently receive inpatient and outpatient disproportionate share payments or payments from the community access fund would be guaranteed to receive at least 90% of the amount that they received in State fiscal year 1998-1999.

(2) Develop a definition and accounting methodology for use by the hospitals in determining uncompensated care levels.

(3) Require each hospital to submit audited financial statements that include statements of the uncompensated care level for that hospital.

(4) Distribute and disburse moneys from the fund to qualifying hospitals.

(5) Deny payment to any hospital that fails to provide the Department of Public Welfare with an audited financial statement or fraudulently accepts payment under this act.

(6) Recoup funds from hospitals that have been overpaid for uncompensated care.

(7) Levy financial penalties and withhold in full or in part payments to hospitals that fail to meet their obligations under this act.

(8) Develop, implement and use such forms, records, rules, regulations and procedures as may be necessary to implement this act.

Section 8. Duties of hospitals.

(a) Financial statement.—Hospitals shall annually provide the Department of Public Welfare, within 120 days of the completion of its fiscal year, an audited financial statement that includes a statement as to the level of uncompensated care provided by that hospital.

(b) Other requirements.—Qualifying hospitals that receive payments from the fund shall:

(1) Accept patients regardless of their ability to pay.

(2) Enroll health system owned physician practices and clinics as Medicaid providers.

(3) Agree not to balance bill Medicaid patients or other patients whose household income was at or below 185% of the Federal poverty level.

(4) Submit a plan to the Department of Public Welfare for its approval that would assess the ability of low-income individuals, Medicaid beneficiaries and the uninsured residing in that hospital's service territory to access outpatient services. The plan would include a description of how that hospital will ensure broader access to outpatient care and preventative services.

(5) Make a good faith effort to determine if patients have health insurance coverage, file timely and complete claims to secure payment for services rendered.

(6) Fulfill any other obligations imposed on hospitals receiving disproportionate share payments pursuant to Federal or State law and regulation.

Section 9. Audits.

(a) Departmental.—The Department of Public Welfare may audit the records of any hospital receiving payments under this act to disapprove the allowance of any uncompensated care amount, to determine the reasonableness of any data used in calculating the allocation and distribution system, and otherwise to ensure compliance with this act. The Department of Public Welfare shall have the authority to order an independent performance audit of the claims management, billing and collection processes of any hospital receiving payments from the fund.

(b) Auditor General.—The Auditor General may audit the records of any hospital to determine compliance with this act. Such authority shall include performance and fiscal audit responsibility. The Auditor General shall periodically conduct a random audit of the uncompensated care of a select sample of hospitals and provide the General Assembly and the Department of Public Welfare with a report on the results of such audits.

Section 10. Waiver request.

The Department of Public Welfare, in cooperation with representatives of the hospital industry, shall develop an application to request a waiver by the Federal Health Care Financing Agency to allow Medicare disproportionate share payments made to Commonwealth hospitals to be deposited into the fund.

Section 11. Availability of uncompensated care funds.

No hospital shall advertise by any means the availability of uncompensated care, its designation as a hospital qualifying for uncompensated care funding or the receipt of moneys from the fund.

Section 12. Reports.

The Department of Public Welfare shall annually report to the General Assembly the following information:

(1) The name, address and amount of uncompensated care provided by each hospital in this Commonwealth.

(2) The amount paid to each qualifying hospital from the fund.

(3) Deposits into and disbursements from the fund.

(4) Any other information deemed relevant and useful.

Amend Sec. 6, page 11, line 9, by striking out "6" and inserting

13

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. On that question, the Chair recognizes the gentleman from Allegheny County, Mr. Walko.

Mr. WALKO. Thank you, Mr. Speaker.

This amendment would supplement current Medicaid funds to provide health insurance for low-income, indigent, and otherwise uninsured by dedicating up to 25 percent of the tobacco settlement moneys to create an uncompensated-care bill.

We all know the problems of our hospitals in Pennsylvania. Roughly two-thirds of them are experiencing financial distress, and at the same time in Pennsylvania we have 1.2 million people without health-care coverage, and that number is growing at twice the average in the nation. I think that this is a great opportunity to address the glaring need for health-care coverage.

And I might say something else and why we should be doing this amendment and others. I do not as a rank-and-file member want to wait until my leadership reaches a consensus, then it comes here to the House floor, and I have a simple "yes"—"no" vote. If we do not debate this now, if not now, when? Whom do we leave it up to, our leadership, or do we have a say? I want to have a say, and more importantly, do we leave it up to the bureaucrats in the Department of Welfare? I believe it is altogether fitting and proper that we have these discussions and debates and votes on the House floor.

My amendment would cost roughly \$60 million in the first year. If the majority leader wants my plan for the tobacco settlement money, I will lay it forth. It is roughly less than \$500 million per year, and I deeply appreciate a "yes" vote on this amendment. Thank you.

LEAVE OF ABSENCE

The SPEAKER pro tempore. The Chair returns to leaves of absence and recognizes the gentleman, Mr. Veon, who requests a leave of absence for the gentleman from Washington County, Mr. TRICH. Without objection, the leave will be granted. The Chair hears no objection. The leave is granted.

CONSIDERATION OF HB 445 CONTINUED

The SPEAKER pro tempore. On the amendment, the Chair recognizes the gentleman from Allegheny County, Mr. Maher.

Mr. MAHER. Thank you, Mr. Speaker.

I am hoping to interrogate the maker of the amendment.

The SPEAKER pro tempore. The gentleman indicates that he will. You are in order and may proceed.

Mr. MAHER. Mr. Speaker, I am hoping my good friend from Allegheny County can help me understand the interrelationship of this amendment with that one which we have just passed, which is to say that the prior amendment is placing approximately \$65 million for purchasing through the State insurance for those who might otherwise be uninsured and which would seem to be the source of any losses hospitals have for uncompensated care. Now, your amendment would take approximately \$100 million or some fraction less than that to pay for uncompensated care. Well, if we have just insured the uninsured, is there going to be uncompensated care? Have you had the opportunity to perform that analysis?

Mr. WALKO. It would be a great honor to attempt to give my opinions, Mr. Speaker, to the gentleman from Allegheny County, but I am not sure to which amendment the gentleman is referring. The Grucela amendment?

Mr. MAHER. No; I am sorry, Mr. Speaker. The Melio amendment which just appropriated \$65 million for uninsured coverage.

Mr. WALKO. Well, that deals with COBRA continuation for the unemployed, and that would indeed pick up someone who would otherwise be uninsured for that period of time, and that is a noble goal. My particular legislation would cost roughly \$60 million per year and would be meant to not only provide health insurance coverage for the uninsured but it would alleviate the mass burden because of uncompensated care being borne by many of our hospitals, particularly those in urban areas.

Mr. MAHER. And if I might ask another question, Mr. Speaker. It would be this uncompensated care that you are seeking to provide relief to hospitals for. Does this uncompensated care include what would be contractual allowances; that is, the difference between the stated fees for care and that which is actually paid by insurers?

Mr. WALKO. It would include any care that is not paid for. So, basically, we would be looking at — we would have to work with the hospital community in coming up with a formula, there is no doubt, and the Department of Health would be charged with that duty to work out the formula.

Going back to the Melio amendment, I am not sure I adequately answered that question that the Representative was attempting, I believe, to deal with unemployed individuals. They are not included in the 1.2 million persons in Pennsylvania without health insurance, and they furthermore are not included in the financial pressures on the health-care industry in Pennsylvania.

Mr. MAHER. Thank you, Mr. Speaker.

On the amendment?

The SPEAKER pro tempore. The gentleman is in order.

Mr. MAHER. Mr. Speaker, I represent a community that has an individual residing in it who is someone who has worked very hard on the tobacco settlement, someone who was one of a half dozen Attorneys General across the nation who got together and arm-wrestled this result from big tobacco.

What we have before us today is the tail on that dog. This is the provisions about little tobacco. What was agreed upon and the reason that we can even have this debate about where

money should be spent is because there is a framework for an agreement that is nationwide.

This is a redundant point perhaps from earlier, but through all these amendments, no matter how well intended they might be, no matter how pure theater they may be, we are undermining the very ability to expend the funds that these amendments seek to expend, and consequently, consistent with my earlier votes, I will vote "no" on this amendment and every one which follows. Thank you, Mr. Speaker.

LEAVE OF ABSENCE

The SPEAKER pro tempore. The Chair returns to leaves of absence and recognizes the gentleman, Mr. Veon, who requests a leave of absence for the gentleman from Washington County, Mr. LESCOVITZ. Without objection, the leave will be granted. The Chair hears no objection. The leave is granted.

CONSIDERATION OF HB 445 CONTINUED

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

Mr. PERZEL. Mr. Speaker, just for the members' information, that last amendment could cost up to \$114 million. I just hope we do not spend it all, because the two bastions of Democrat control in the Commonwealth of Pennsylvania, the city of Philadelphia needs \$300 million and Allegheny County wants a billion. So we better save a little money for that.

The SPEAKER pro tempore. On the amendment, the Chair recognizes the lady from Philadelphia County, Ms. Manderino.

Ms. MANDERINO. Thank you, Mr. Speaker.

Mr. Speaker, I rise to support the Walko amendment.

I have not been supporting all of the amendments because I do think that we do have to set our priorities, and I respect those folks who have set their priorities differently than I have.

However, this bill, I just want to point out to people, is consistent with the Governor's proposal on the Tobacco Settlement Fund. This bill is analogous to the charity-care proportion of the bill. The provisions of this amendment are a little bit more flexible. It said that anywhere between 10 percent as a minimum and 25 percent as a maximum could be set aside for the charity-care portion, and the Governor has asked for 10 percent.

And what this bill has that nobody from the administration has yet to spell out to us is some particulars about how that charity care uncompensated fund should act, and I think the particulars of this legislation are very important and are also very well constructed, because they are constructed in a way that would combine the 10 percent that the Governor asks for for charity care with our already existing Community Access Fund, with our already-being-spent disproportionate share moneys, put them all together in a fund in order to maximize their usage, and then put requirements on the recipient hospitals and providers who receive these funds to make sure that they provide access to people who do not have access, and I think that accomplishes about the best bang for our buck that we can get in this portion of the proposal.

So if you were concerned about whether or not amendments were consistent or not with the Governor's proposal, this particular one is, and I think it is a good idea, and I would ask for your endorsement.

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

The following roll call was recorded:

YEAS—127

Adolph	Donatucci	Levdansky	Samuelson
Baker	Druce	Lucyk	Santoni
Bard	Eachus	Maitland	Sather
Barrar	Feese	Major	Scrimenti
Battisto	Fichter	Manderino	Shaner
Bebko-Jones	Flick	Mann	Solobay
Belardi	Frankel	Markosek	Staback
Belfanti	Freeman	Mayernik	Stairs
Bishop	Gannon	McCall	Steeleman
Blaum	Geist	McGeehan	Stetler
Boyes	George	McGill	Stevenson
Browne	Gigliotti	Melio	Sturla
Butkovitz	Godshall	Micozzie	Surra
Buxton	Gordner	Mundy	Tangretti
Caltagirone	Grucela	Myers	Taylor, E. Z.
Cappabianca	Gruitta	O'Brien	Taylor, J.
Cam	Habay	Orie	Thomas
Casorio	Hanna	Pesci	Tigue
Cawley	Harhai	Petrarca	Travaglio
Civera	Harhart	Petrone	Trelo
Cohen, M.	Hasay	Pippy	Van Horne
Colafella	Herman	Preston	Veon
Corrigan	Josephs	Ramos	Vitali
Costa	Kaiser	Raymond	Walko
Coy	Keller	Readshaw	Williams
Curry	Kenney	Reinard	Wogan
Dailey	Kirkland	Roberts	Wojnarowski
Daley	Krebs	Robinson	Wright
Daily	LaGrotta	Rooney	Yewcic
DeLuca	Laughlin	Rubley	Yudichak
Dermody	Lawless	Ruffing	Zug
DeWeese	Lederer	Sainato	

NAYS—59

Argall	Fargo	McIlhattan	Schuler
Armstrong	Fleagle	McIlhinney	Semmel
Barley	Forcier	Metcalfe	Seyfert
Bastian	Gladeck	Michlovic	Smith, B.
Benninghoff	Haluska	Miller, R.	Smith, S. H.
Bunt	Hennessey	Miller, S.	Snyder
Chadwick	Hershey	Nailor	Steil
Clark	Hess	Nickol	Stern
Clymer	Hutchinson	Perzel	Strittmatter
Cohen, L. I.	Jadlowiec	Phillips	True
Cornell	Leh	Platts	Tulli
Dempsey	Lynch	Rohrer	Vance
DiGirolamo	Maher	Ross	Wilt
Egolf	Marsico	Saylor	Zimmerman
Fairchild	Masland	Schroder	

NOT VOTING—1

Birmelin

EXCUSED—15

Allen	Lescovitz	Rieger	Waters
Evans	McNaughton	Roebuck	Youngblood
Horsley	Oliver	Trich	Ryan,
James	Pistella	Washington	Speaker

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. COY offered the following amendment No. A0230:

Amend Title, page 1, line 3, by inserting after "Revenue;" establishing the Tobacco Settlement Fund for moneys received by the Commonwealth from resolution of certain matters; and establishing the Tobacco Settlement Policy Council;

Amend Sec. 3, page 4, lines 25 through 28, by striking out all of said lines and inserting

"Council." The Tobacco Settlement Policy Council established in section 7.

"Fund." The Tobacco Settlement Fund established in section 6.

"Implementing legislation." Legislation enacted in accordance with the provisions of the Constitution of Pennsylvania authorizing the creation of programs and the authorization of expenditures from the Tobacco Settlement Fund. This term shall not include spending authorizations included in an appropriations act.

"Master Settlement Agreement." The settlement agreement and related documents entered into on November 23, 1998, by the Commonwealth and leading United States tobacco product manufacturers and approved by the court in Commonwealth v. Philip Morris, April Term 1997, No.2443 (C.P. Philadelphia County), on January 13, 1999.

Amend Bill, page 11, by inserting between lines 8 and 9 Section 6. Establishment of Tobacco Settlement Fund.

The Tobacco Settlement Fund is hereby established in the State Treasury. All moneys made available to the Commonwealth after January 1, 1999, from the tobacco settlement agreement shall be credited to this fund and shall be subject to the provisions of the act of June 29, 1976 (P.L.469, No.117), entitled "An act relating to the fiscal affairs of the Commonwealth concerning duties of the Governor, the Secretary of Revenue and the Budget Secretary, with respect to the submission of and signing the budget for any fiscal year; and, after a budget is enacted, regulating the issuance of warrants by the State Treasurer for certain requisitioned funds and imposing duties on persons authorized by law to issue requisitions for the payment of moneys from the State Treasury; and prescribing that Federal funds received by the Commonwealth shall be deposited in the General Fund account with certain exceptions." Interest earned by investment of moneys in this fund by the Treasury Department shall also be credited by the Treasury Department to this fund. No funds may be expended from this fund except by annual appropriation by the General Assembly.

Section 7. Tobacco Settlement Policy Council.

(a) Establishment.—A Tobacco Settlement Policy Council is hereby established and shall advise the Governor and the General Assembly on matters of policy related to the development and implementation of programs for the expenditure of moneys in the Tobacco Settlement Fund.

(b) Membership.—The council shall consist of the following members:

- (1) The Secretary of Health.
- (2) The Physician General.
- (3) One member of the Senate appointed by the Majority Leader of the Senate.
- (4) One member of the Senate appointed by the Minority Leader of the Senate.
- (5) One member of the House of Representatives appointed by the Majority Leader of the House of Representatives.
- (6) One member of the House of Representatives appointed by the Minority Leader of the House of Representatives.
- (7) Three public members appointed by the Governor.

(8) One representative of hospitals and health systems appointed by the Minority Leader of the House of Representatives.

(9) One representative of the medical community appointed by the Minority Leader of the Senate.

(10) One representative of the medical research community appointed by the Majority Leader of the House of Representatives.

(11) One representative of private charitable foundations appointed by the Majority Leader of the Senate.

(c) Development of Statewide plan.—Within six months of the effective date of this act, the council shall develop a detailed plan for the expenditure of the moneys in the fund. The council shall make recommendations on legislation and appropriation authorizations to the Governor and the General Assembly. Annually, the council shall review expenditures from the fund and make appropriate recommendations to the Governor and the General Assembly.

(d) Annual report to General Assembly.—The council shall submit an annual report to the General Assembly on or before September 30 of each year summarizing and evaluating the expenditure of funds under this section during the previous State fiscal year.

(e) Inclusion in Governor's budget request.—The Governor shall include the recommendations of the council in his annual budget request to the General Assembly.

Section 8. Bar on appropriation.

No funds may be dispersed from this fund except upon appropriations made in accordance with law.

Amend Sec. 6, page 11, line 9, by striking out "6" and inserting
9

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

The SPEAKER pro tempore. On that question, the Chair recognizes the gentleman from Franklin County, Mr. Coy.

Mr. COY. Thank you, Mr. Speaker.

Mr. Speaker, the amendment does not spend any more money. The amendment, simply put, indicates that these dollars from year to year are subject to appropriation by the legislature, and it creates a council which would advise the legislature and the Governor on recommendations for spending the dollars.

I think many of us feel strongly that over the years as we continue to have this money infused, that the legislature should, on an annual basis, look at the expenditure of these funds and authorize them.

So I would encourage a favorable vote. Thank you, Mr. Speaker.

The SPEAKER pro tempore. On the amendment, the Chair recognizes the gentleman from Lancaster County, Mr. Armstrong.

Mr. ARMSTRONG. Thank you, Mr. Speaker.

It is good that this one does not cost any money, but it does corrupt the legislation. It takes it out of being a model statute into a nonqualifying statute. So vote "no," please.

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

The following roll call was recorded:

YEAS—99

Battisto	DeWeese	Lucyk	Santoni
Bebko-Jones	Donatucci	Manderino	Scrimenti
Belardi	Druce	Mann	Shaner
Belfanti	Eachus	Markosek	Solobay

Bishop	Feese	Mayemik	Staback
Blaum	Frankel	McCall	Stairs
Boyes	Freeman	McGeehan	Steelman
Browne	George	Melio	Stetler
Butkovitz	Gigliotti	Mundy	Sturla
Buxton	Gordner	Myers	Surra
Caltagirone	Grucela	Orie	Tangretti
Cappabianca	Gruitza	Pesci	Thomas
Carn	Haluska	Petrarca	Tigue
Casorio	Hanna	Petrone	Travaglio
Cawley	Harhai	Platts	Trello
Cohen, M.	Harhart	Preston	Van Horne
Colafella	Josephs	Ramos	Veon
Corrigan	Kaiser	Readshaw	Vitali
Costa	Keller	Reinard	Walko
Coy	Kirkland	Roberts	Williams
Curry	LaGrotta	Robinson	Wojnarowski
Daley	Laughlin	Rooney	Wright
Dally	Lawless	Ruffing	Yewcic
DeLuca	Lederer	Sainato	Yudichak
Dermody	Levdansky	Samuelson	

NAYS—87

Adolph	Fichter	Major	Saylor
Argall	Fleagle	Marsico	Schroder
Armstrong	Flick	Masland	Schuler
Baker	Forcier	McGill	Semmel
Bard	Gannon	McIlhattan	Seyfert
Barley	Geist	McIlhinney	Smith, B.
Barrar	Gladeck	Metcalf	Smith, S. H.
Bastian	Godshall	Michlovic	Snyder
Benninghoff	Habay	Micozzie	Steil
Bunt	Hasay	Miller, R.	Stern
Chadwick	Hennessey	Miller, S.	Stevenson
Civera	Herman	Nailor	Strittmatter
Clark	Hershey	Nickol	Taylor, E. Z.
Clymer	Hess	O'Brien	Taylor, J.
Cohen, L. I.	Hutchinson	Perzel	True
Cornell	Jadlowiec	Phillips	Tulli
Dailey	Kenney	Pippy	Vance
Dempsey	Krebs	Raymond	Wilt
DiGirolamo	Leh	Rohrer	Wogan
Egolf	Lynch	Ross	Zimmerman
Fairchild	Maher	Rublely	Zug
Fargo	Maitland	Sather	

NOT VOTING—1

Birmelin

EXCUSED—15

Allen	Lescovitz	Rieger	Waters
Evans	McNaughton	Roebuck	Youngblood
Horsey	Oliver	Trich	Ryan,
James	Pistella	Washington	Speaker

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. SOLOBAY reoffered the following amendment No. A0794:

Amend Title, page 1, line 3, by striking out "and"

Amend Title, page 1, line 3, by removing the period after "penalties" and inserting

; providing for additional funding for volunteer firefighters' relief associations; and making an appropriation.

Amend Bill, page 11, by inserting between lines 8 and 9 Section 6. Funding for purchase of insurance contracts.

(a) General rule.—Notwithstanding the formula contained in section 704 of the act of December 18, 1984 (P.L.1005, No.205), known as the Municipal Pension Plan Funding Standard and Recovery Act, each volunteer firefighters' relief association shall be allocated a minimum of \$5,000 annually to be dedicated solely for the purchase of contracts of insurance under section 6(e)(2) of the act of June 11, 1968 (P.L.149, No.84), known as the Volunteer Firefighters' Relief Association Act. These moneys shall be in addition to any annual allocation the volunteer firefighters' relief association is entitled to receive under Chapter 7 of the Municipal Pension Plan Funding Standard and Recovery Act.

(b) Purchase of insurance.—Each volunteer firefighters' relief association is responsible for obtaining and maintaining its contracts of insurance purchased with funds under this act.

Section 7. Appropriation.

The sum of \$10,000,000 is hereby appropriated to a restricted account within the Fire Insurance Tax Fund from moneys received by the Commonwealth under the Master Settlement Agreement. Moneys in the restricted account shall be paid by the State Treasurer to the treasurers of municipalities for the purpose of funding the minimum allocation to volunteer firefighters' relief associations under section 6. This appropriation shall be a continuing appropriation.

Amend Sec. 6, page 11, line 9, by striking out "6" and inserting
8

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

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

Mr. SOLOBAY. Thank you, Mr. Speaker.

Twenty-five percent of the times that our emergency service personnel firefighters leave their station to answer a call, it is because of the cause of some tobacco-related incident. Whether it is going to help grandma, who is having trouble breathing because of the asthma and emphysema she has developed, or whether it is going to help someone in a car accident who has dropped a cigarette butt in the car while they were driving, going off to some home that parents carelessly left the matches lying around or a lighter where a child has picked them up and started a fire, or even that situation where a cigarette butt has smoldered in a couch, tobacco products have caused 25 percent of our fire-related emergencies in this Commonwealth. While those firefighters participate in that fire-related incident, they have the opportunity to get injured, killed, or even dismembered by some type of an accident.

Following along with the Governor's attempt to make health care a priority with the tobacco settlement moneys, we are looking to provide for each relief association of each volunteer fire company \$5,000 additional money each year so that they can be able to provide a health and accident policy on their members. A lot of the companies right now do not receive that minimum amount of money of \$5,000 and are unable to provide insurance for their membership. We are asking these men and

women to volunteer their time and put their life on the line and cannot oftentimes offer them any more than what workmen's compensation covers.

So therefore, we ask that this amendment be accepted by the membership and an affirmative vote to protect our firefighters who become injured or maimed because of cigarette-related incidents. Thank you.

The SPEAKER pro tempore. The House will be at ease momentarily.

(Conference held at Speaker's podium.)

The SPEAKER pro tempore. The House will come to order.

PARLIAMENTARY INQUIRY

Mr. SNYDER. Mr. Speaker, a question of parliamentary procedure.

The SPEAKER pro tempore. The gentleman will state the point.

Mr. SNYDER. Mr. Speaker, we have an amendment that was just approved by the House prior to amendment 794 being brought to the House floor. Under the previous amendment, number 230, it now provides that all moneys made available to the Commonwealth after January 1, 1999, from the tobacco settlement agreement shall be credited to a Tobacco Settlement Fund. Mr. Speaker, I think we have somewhat of a conflict here that first we have directed specific appropriations to go to specific purposes that we have approved; now we have an amendment that says all funds shall go into a Tobacco Settlement Fund.

Mr. Speaker, I am not quite sure what effect amendment 794 will now have on amendment No. 230. Since all moneys were supposed to go into a fund, is this the money that is left over after the specific appropriations or is this all the money, and if it is all the money, then how could we have specific appropriations?

The SPEAKER pro tempore. As the gentleman is aware, we have been having that discussion up here for the past several minutes. It is my understanding that the gentleman, Mr. Coy, would like to reconsider his amendment and withdraw it, and probably the fastest way to get at this would be for the gentleman, Mr. Solobay, to temporarily withdraw his amendment so we could get there.

Mr. SNYDER. Mr. Speaker, before we recognize the gentleman for reconsideration, however, I think it is important for us to have a better understanding of this amendment, 230, unless you want to recognize me on reconsideration to give me an explanation, but I would like to have an explanation prior to reconsideration of 230.

AMENDMENT WITHDRAWN TEMPORARILY

The SPEAKER pro tempore. Mr. Solobay, are you willing to withdraw your amendment temporarily so we can get this resolved? The Chair thanks the gentleman.

The gentleman temporarily withdraws his amendment.

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

MOTION TO RECONSIDER AMENDMENT A0230

The SPEAKER pro tempore. The Chair is in receipt of a reconsideration motion filed by the gentleman, Mr. Coy, who moves that the vote by which amendment A0230 was passed to HB 445, PN 465, be reconsidered.

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

PARLIAMENTARY INQUIRY

The SPEAKER pro tempore. Now, on the motion, Mr. Snyder.

Mr. SNYDER. First of all, Mr. Speaker, I do not know why we want to reconsider the cheapest amendment. This one was only \$15,000 compared to \$370 million.

Mr. Speaker, I would oppose reconsideration of this amendment, Mr. Speaker, because let me ask you again through either parliamentary procedure or for some clarification. It is my understanding that amendment 230 provides that all funds that are made available to the Commonwealth from the tobacco settlement agreement shall now go into this fund, which means that if all the money goes into this fund, the specific appropriations no longer are relevant to the fund. Otherwise, if the specific appropriations were allowed to be in law, there would not be any money to be able to go into this fund.

The SPEAKER pro tempore. Let me try to answer the question as best I can. It is fairly complicated.

The gentleman, Mr. Coy's amendment set up a council, which was to make recommendations to the Governor and the General Assembly as to how the tobacco money was to be spent. The Governor was then required to include those specific recommendations in his budget. The amendments prior adopted, the amendments previously adopted today, have already appropriated that money in other ways, and the following amendments will do more of the same. Therefore, there is an inherent conflict.

Mr. SNYDER. So, Mr. Speaker, again, under the first page of the amendment, it establishes a Tobacco Settlement Fund. It is my understanding that under the prior amendments, there was money appropriated basically to the General Assembly from the tobacco settlement, and those amendments were making specific appropriations for specific purposes with dollar amounts attached to them.

Now, this amendment that was passed by the House, number 230, provides that all the moneys be put into a fund that is hereby statutorily created for the sole purpose of disbursing tobacco funds. Mr. Speaker, if amendment 230 stands, is it correct that the specific appropriations that were adopted prior to this no longer are valid?

The SPEAKER pro tempore. That would be my ruling.

Mr. SNYDER. And, Mr. Speaker, then if we would deal with any subsequent amendments to this, those also would be out of order because of the fact that this statute says that all tobacco funds go into this fund. It makes no exceptions.

The SPEAKER pro tempore. I have not reviewed all of the subsequent amendments that we are to consider, but any that would make specific appropriations, like the ones we have considered so far, would fall.

Mr. SNYDER. Mr. Speaker, if I can be recognized on this motion?

The SPEAKER pro tempore. On the motion.

Mr. SNYDER. Mr. Speaker, we have already kept a tally of how much money was appropriated specifically—

Mr. VEON. Mr. Speaker?

Mr. SNYDER. This is on reconsideration. I would like to speak on reconsideration.

PARLIAMENTARY INQUIRY

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

Mr. VEON. Parliamentary—

The SPEAKER pro tempore. The gentleman may state the point.

Mr. VEON. Excuse the interruption, Mr. Speaker. A point of parliamentary inquiry.

At what point in this process— Let me put it this way: Would it be in order right now to appeal the ruling of the Chair?

The SPEAKER pro tempore. Mr. Veon, the reason for the delay was we were trying to determine for sure whether or not I had actually made a ruling yet or whether I had talked about what ruling I would make if asked. But I guess I probably have made a ruling that is appealable at this point, and let me clarify what that is. My ruling is that the Coy amendment, A0230, would knock out any of the prior amendments adopted that made specific monetary appropriations. I have not made a specific ruling on any of the amendments that we have not yet considered because I would need to look at each one as it came up, but any forthcoming amendment that would do the same thing, I would rule similarly. So that is the ruling I have made.

RULING OF CHAIR APPEALED

The SPEAKER pro tempore. Is it your wish to make a motion on that?

Mr. VEON. Yes, Mr. Speaker.

The SPEAKER pro tempore. I gather that is a motion to appeal the ruling of the Chair?

Mr. VEON. Yes, Mr. Speaker. I would like to appeal the ruling of the Chair.

The SPEAKER pro tempore. The gentleman, Mr. Veon, appeals the ruling of the Chair that the amendments which made specific monetary appropriations adopted prior to amendment A0230 would be out of order.

When an appeal is taken, the Speaker should clearly state the decision, which I believe I have just done, which is being appealed. When the debate is concluded, the question is stated as follows: Shall the decision of the Chair stand as the judgment of the House?

On the question,

Shall the decision of the Chair stand as the judgment of the House?

PARLIAMENTARY INQUIRY

The SPEAKER pro tempore. On that question, are there members seeking recognition?

Mr. SNYDER. Parliamentary question.

The SPEAKER pro tempore. The gentleman, Mr. Snyder.

Mr. SNYDER. Mr. Speaker, how are you framing the question for the floor?

The SPEAKER pro tempore. Thank you. I will answer that.

The question will be framed as follows: Those in favor of sustaining the Chair's decision will vote "aye"; those opposed, "no." That is how the question will be framed.

Mr. Veon.

Mr. VEON. Thank you, Mr. Speaker.

Mr. Speaker, like anyone here, we are reluctant and I certainly am reluctant to appeal the ruling of the Chair, but, Mr. Speaker, in this case, the ruling that the Speaker made, number one, was very complicated, very complex, very difficult to articulate to the members, although I know you tried your best to do so.

And number two, Mr. Speaker, I believe that your interpretation of that complex issue is absolutely wrong. So, Mr. Speaker, I do have to reluctantly appeal the ruling of the Chair.

The fact is this is another Republican attempt to undo everything that we just did. We passed amendments to provide prescription assistance for the elderly; we passed amendments to provide help for the unemployed; we passed amendments to provide for charity care in hospitals across the Commonwealth, and after having done all that, now, Mr. Speaker, we have an effort to undo it. You tried to stop it from going in in the first place. We were successful in making the case that it ought to go into this bill, and now we have an effort to simply undo it, to remove from the bill all of those good things that we just put in there.

Mr. Speaker, that is why I have to appeal the ruling of this Chair. This debate is not over; this fight is not over. We are going to be back here for the rest of this year until we get help for those senior citizens in Pennsylvania who need help paying their medication, paying their prescriptions.

So, Mr. Speaker, I would again reluctantly say that we must overrule the ruling of the Chair. Thank you, Mr. Speaker.

The SPEAKER pro tempore. Mr. Veon, some of what you said is absolutely true. I did the best that I could to explain it. It may not have been the best explanation. I have certainly been wrong before and I will be wrong again about things, but I am going to take exception to one thing you said. This ruling was not part of some plan foisted on you by the majority party. I made that ruling after consulting with the Parliamentarian based on my interpretation of what I read.

Mr. Snyder.

Mr. SNYDER. Mr. Speaker, we started this debate a couple hours ago and said that this is not a substantive debate based on what we need to do to get the tobacco money. This was turned into a political debate. And if there is any wonder why voters are cynical, as anybody watching this process is going to understand, this process sometimes is just not explainable.

But, Mr. Speaker, for the Democratic whip to stand up now and say that this is some effort by the Republican Party to retreat from what was just done is absolutely, totally inaccurate and totally false. These are all Democratic amendments. There have been no Republican amendments offered to this bill, and, Mr. Speaker, just look at the amendment that we just passed. It said, "All moneys made available to the Commonwealth after January 1, 1999, from the tobacco settlement...shall be credited

to this fund..." It is called the Tobacco Settlement Fund. All the previous amendments did not refer to appropriating moneys from the Tobacco Settlement Fund. Now, if all the moneys just got transferred to the Tobacco Settlement Fund and the other amendments just appropriate money, how do you get the money out of the Tobacco Settlement Fund?

Mr. Speaker, this legislation transferred all moneys to that fund. For those amendments to be proper, they would have to be amending this proposal to say that any appropriation coming from the Tobacco Settlement Fund would have to go to X place or Y.

This is their proposal. We agreed to this proposal because we feel that perhaps the legislature should have some opinion into how the fund should be distributed in the future rather than statutorily making specific allocations, and as we have done earlier, we said they have already spent almost all the tobacco money on issues and we did not even get to the health-care issues that the Tobacco Settlement Fund was originally set up for.

Mr. Speaker, they are just trying to backtrack now. We now have at least a decent proposal to go to the Senate that says the money should go into the Settlement Fund, the legislature should have a say in how that money is expended, and that is really how we began this debate a couple hours ago, saying we should have a voice in it. This now gives us that voice, and we ask for a "yes" vote on the appeal of the Chair, because there is no other way you can read this amendment than to say that all the money has gone into this fund, and unless those other amendments specifically mention this fund that the money comes out of, they are now out of order, Mr. Speaker.

And finally, Mr. Speaker, the Democrats are the ones who gave us the order of amendments that they wanted run. So this is, again, we followed their procedure; we followed their recommendations of what amendments they wanted run, in what order. So now to say that we are trying to mess up the process, you know, it is their own work and it is their own problem, and let them worry about it later. Thank you.

The SPEAKER pro tempore. Mr. Veon, for the second time.

Mr. VEON. Thank you, Mr. Speaker.

Mr. Speaker, I just would make the case that the amendments that we have already passed are absolutely silent on where the money has to be appropriated from. It does not say anything in those amendments about where it comes from. What we have here is a logical way and a logical place to put those funds and a logical way to spend those funds.

The fact is, when we got here today, Mr. Speaker, with all due respect to my colleague on the other side, the Republican whip, the fact is that the Republicans stood up and said, we do not want to pass anything that helps pay for prescriptions for seniors in this State. It is not appropriate for this bill; it is not germane for this bill. We won that debate, and now we are back here again after we did all of that work — the Republicans actually joined us in the end and agreed with our position — now here we are, in my judgment, attempting, the Republican Party, the Republican members of the House, attempting to undo this bill.

In my opinion, if this ruling of the Chair holds up, we will not provide assistance for seniors to pay for prescriptions this year. That is what this issue is all about; that is what this motion is all about. So we have to overrule the Chair on this ruling if

we are going to help pay for prescriptions for seniors that deserve it in Pennsylvania. Thank you, Mr. Speaker.

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

Mr. PERZEL. Thank you, Mr. Speaker.

Mr. Speaker, these are your amendments to this bill, the order you asked for them in, and one of your amendments took everything out that you did.

I started this whole debate earlier today saying that it was a hoax that you were perpetrating on the people of Pennsylvania, and now you continue the charade because you could not get your own people to draft the amendments right, and now you are asking us to help you fix your mistake. We are not going to help you fix your mistake.

So, Mr. Speaker, let us roll the vote and see where we are.

The SPEAKER pro tempore. The question recurs, shall the decision of the Chair stand as the judgment of the House?

Mr. DeWEESE. Mr. Speaker, would you explain one more time a "yes" vote and a "no" vote?

The SPEAKER pro tempore. I was just about to do that. Thank you, Mr. DeWeese.

Those in favor of sustaining the Chair's decision will be voting "aye"; those opposed will vote "no."

On the question recurring,

Shall the decision of the Chair stand as the judgment of the House?

The following roll call was recorded:

YEAS—99

Adolph	Fairchild	Maher	Sather
Argall	Fargo	Maitland	Saylor
Armstrong	Feese	Major	Schroder
Baker	Fichter	Marsico	Schuler
Bard	Fleagle	Masland	Semmel
Barley	Flick	McGill	Seyfert
Barrar	Forcier	McIlhattan	Smith, B.
Bastian	Gannon	McIlhinney	Smith, S. H.
Benninghoff	Geist	Metcalfe	Snyder
Birmelin	Gladeck	Micozzie	Stairs
Boyes	Godshall	Miller, R.	Steil
Browne	Habay	Miller, S.	Stern
Bunt	Harhart	Nailor	Stevenson
Chadwick	Hasay	Nickol	Strittmatter
Civera	Hennessey	O'Brien	Taylor, E. Z.
Clark	Herman	Orie	Taylor, J.
Clymer	Hershey	Perzel	True
Cohen, L. I.	Hess	Phillips	Tulli
Cornell	Hutchinson	Pippy	Vance
Dailey	Jadlowiec	Platts	Wilt
Dally	Kenney	Raymond	Wogan
Dempsey	Krebs	Reinard	Wright
DiGirolamo	Lawless	Rohrer	Zimmerman
Druce	Leh	Ross	Zug
Egolf	Lynch	Rublely	

NAYS—87

Battisto	Donatucci	Mann	Scrimenti
Bebko-Jones	Eachus	Markosek	Shaner
Belardi	Frankel	Mayemik	Solobay
Belfanti	Freeman	McCall	Staback
Bishop	George	McGeehan	Steelman
Blaum	Gigliotti	Melio	Stetler
Butkovitz	Gordner	Michlovic	Sturla
Buxton	Grucela	Mundy	Surra
Caltagirone	Gruitza	Myers	Tangretti
Cappabianca	Haluska	Pesci	Thomas

Casorio	Hanna	Petrarca	Tigue
Cawley	Harhai	Petrone	Travaglio
Cohen, M.	Josephs	Preston	Trello
Colafella	Kaiser	Ramos	Van Horne
Corrigan	Keller	Readshaw	Veon
Costa	Kirkland	Roberts	Vitali
Coy	LaGrotta	Robinson	Walko
Curry	Laughlin	Rooney	Williams
Daley	Lederer	Ruffing	Wojnaroski
DeLuca	Levdansky	Sainato	Yewcic
Dermody	Lucyk	Samuelson	Yudichak
DeWeese	Manderino	Santoni	

NOT VOTING—1

Cam

EXCUSED—15

Allen	Lescovitz	Rieger	Waters
Evans	McNaughton	Roebuck	Youngblood
Horsey	Oliver	Trich	Ryan,
James	Pistella	Washington	Speaker

The majority having voted in the affirmative, the question was determined in the affirmative and the decision of the Chair stood as the judgment of the House.

Mr. PERZEL. Mr. Speaker?

The SPEAKER pro tempore. Mr. Perzel.

Mr. PERZEL. If they do not want Mr. Coy because of that, we will take him.

On the question recurring,

Will the House agree to the motion?

The SPEAKER pro tempore. The Chair returns to the reconsideration motion filed by the gentleman, Mr. Coy, to amendment A0230.

Mr. Coy, would you like to be recognized on your motion?

Mr. SNYDER. Mr. Speaker, is there a motion before us?

The SPEAKER pro tempore. Yes; there is a reconsideration motion filed by the gentleman, Mr. Coy, to his amendment before the House, and I have asked the gentleman if he seeks recognition on his motion.

MOTION WITHDRAWN

The SPEAKER pro tempore. The gentleman, Mr. Coy.

Mr. COY. Mr. Speaker, I will withdraw the motion.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,

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

LEAVE OF ABSENCE CANCELED

The SPEAKER pro tempore. The Chair notes the presence on the floor of the gentleman, Mr. Pistella, and directs that the clerk place his name on the master roll.

CONSIDERATION OF HB 445 CONTINUED

The SPEAKER pro tempore. For the information of the members, what we are now doing is going through the rest of the amendments to determine which ones are still in order and which ones are not.

(Conference held at Speaker's podium.)

PARLIAMENTARY INQUIRY

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

Mr. SNYDER. Mr. Speaker, I rise for a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state the point.

Mr. SNYDER. Mr. Speaker, based on the ruling of the Chair being upheld by the House, I would like to inquire of the Speaker to inform the House as to which of the remaining amendments would be in order for consideration subsequent to the action we just took.

The SPEAKER pro tempore. Thank you.

What we have been doing in the time since the ruling of the Chair was upheld is going through the amendments one by one, and there are two that would still be in order. They would be amendment A0237 filed by the gentleman, Mr. George, and amendment A0245 by the gentleman, Mr. Blaum. The others would be out of order.

PARLIAMENTARY INQUIRY

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

Mr. GRUITZA. Thank you, Mr. Speaker.

I want to ask for a point of parliamentary inquiry myself.

The SPEAKER pro tempore. The gentleman will state the point.

Mr. GRUITZA. Given everything that has taken place here, I am wondering if there is a motion such as the motion to revert to a prior printer's number, even though this bill has not been reprinted, where we can take this back and put it in its original form and vote on this since we have created this quagmire. Amendments that we all support and we would like to see in here have been taken out. I do not know if a motion for a prior printer's number would do that or a suspension of the rules to somehow get this back to basics where we can dispose of it.

The SPEAKER pro tempore. Mr. Gruitza.

Mr. GRUITZA. Yes, Mr. Speaker.

The SPEAKER pro tempore. There is no prior printer's number to go back to, so that is not available to you. We have been discussing that. The only way to resurrect those amendments that were voted and approved earlier would be to bring back Mr. Coy's reconsideration motion on his own amendment, pass that, and then that would revalidate those amendments.

Mr. GRUITZA. Thank you, Mr. Speaker.

PARLIAMENTARY INQUIRY

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

Mr. SOLOBAY. Personal privilege, Mr. Speaker.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. SOLOBAY. I would assume then that you are saying that the amendment that I had previously spoken on is now out of order?

The SPEAKER pro tempore. Amendment A0794?

Mr. SOLOBAY. That is correct.

The SPEAKER pro tempore. Yes.

Mr. SOLOBAY. But would I be out of order to ask to appeal the ruling of the Chair on this amendment?

The SPEAKER pro tempore. Technically, you can do that, because the ruling of the Chair related only to amendments that had been approved prior to the Coy amendment.

(Conference held at Speaker's podium.)

The SPEAKER pro tempore. The House will come to order.

**MOTION TO RECONSIDER
AMENDMENT A0230**

The SPEAKER pro tempore. The Chair is in receipt of a reconsideration motion filed by the gentleman, Mr. Coy, who moves that the vote by which amendment A0230 was passed to HB 445 be reconsidered.

On the question,

Will the House agree to the motion?

The SPEAKER pro tempore. On the motion, does the gentleman, Mr. Coy, seek recognition?

Mr. COY. Mr. Speaker, let me say I offered the motion to reconsider the vote so that if it is passed, I will withdraw the amendment, and that clears the whole matter up. But I do it not necessarily because I agree with the Chair's ruling, because we do not agree with the Chair's ruling. We do not feel that the setting up of this special fund and the requirement that recommendations be made by this council can undo what the legislature, what the House, has already done or what the House may do by appropriation.

But since the Chair has ruled that way and intends to rule that way on several other amendments, I think the best way to clear the matter up at this point is to reconsider the vote on the amendment and then withdraw the amendment and we can proceed reasonably with the amendments that are yet to come and the amendments that have come before.

So I ask for a "yes" vote on the matter of reconsideration of the vote. Thank you, Mr. Speaker.

The SPEAKER pro tempore. Mr. Snyder, do you seek recognition?

Mr. SNYDER. Yes, I do, Mr. Speaker.

The SPEAKER pro tempore. The gentleman is in order.

Mr. SNYDER. Mr. Speaker, in order for government to proceed, we have to follow order and a process. We have followed that process, Mr. Speaker, by receiving a ruling from you that the previous amendments do not stand as a result of amendment 230 being adopted. The House upheld that decision.

Now we hear that because the other side disagrees with that decision, they need to find another way around it.

Mr. Speaker, the majority of our members voted for amendment 230. It achieves the goal that we discussed this afternoon, which is a goal that all participating members of the General Assembly have the ability to have a voice in the determination of how tobacco settlement funds are to be distributed. The amendment provides that the Senate majority and minority, the House majority and minority, as well as three public members and other members of the affiliated industries — the hospital, medical community, and medical research community — be represented on this council. Mr. Speaker, if that is what we are trying to achieve, and that is what we heard all afternoon, that we want to have input into this process, this amendment provides us with that input.

I think for us to pass legislation that pretty much strips almost the entire amount of money that was set aside in the tobacco settlement for health care and then walk away this evening without knowing where that money is going to come from is not responsible on our part.

We have an amendment, 230, that I think achieves the goals that we have set out to do today, and I would ask for a “no” vote on the motion to reconsider. Thank you.

The SPEAKER pro tempore. On the question, the Chair recognizes the gentleman from Luzerne County, Mr. Blaum.

Mr. BLAUM. Thank you, Mr. Speaker.

Mr. Speaker, I rise to support the motion to reconsider the Coy amendment.

Let us understand what happened here. It happened from the very beginning of the consideration of this bill when the Grucela amendment was adopted which helped senior citizens with their prescription drugs. That amendment was a dramatic improvement for a great many people in Pennsylvania. We have seen other very beneficial amendments that have been adopted by the House today, but the Grucela amendment was adopted with 138 votes.

Representative Coy offered his amendment, another good amendment, but because of a ruling by the Speaker, by the acting Speaker, for some reason the ruling of the Coy amendment says in fact that the Grucela amendment is no longer valid, as I understand the ruling. Therefore, to make the Grucela amendment valid, to help the senior citizens of Pennsylvania, not because of the wording of the Coy amendment but because of the ruling of the Chair, we must now reconsider the Coy amendment. One hundred and thirty-eight members of this House voted for Representative Grucela’s amendment to benefit senior citizens, yet if those members do not vote to reconsider the Coy amendment, senior citizens in Pennsylvania will not be helped.

This is a complicated procedure, but one thing is true: One hundred and thirty-eight people are on record as voting for expansion of the prescription drug programs and benefits for Pennsylvania’s senior citizens. Because of the ruling of the Chair, not because of the wording of the amendment but because of the ruling of the Chair, in a roundabout way, the effect of the Grucela amendment will be nullified. We cannot let that happen. So therefore, Representative Coy has made a motion to reconsider his amendment and therefore to reinstate the Grucela amendment and all the good that comes with it.

Make no mistake about it, Mr. Speaker, a vote against reconsideration is a vote against allowing the Grucela amendment to go forward in this process. So I urge all the members of the House to support the Coy motion to reconsider the amendment, to remove it. I congratulate the gentleman, Mr. Coy, on being willing to do that and to allow the Grucela amendment and the other amendments, which we adopted here today, to go forward. Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—88

Battisto	Donatucci	Mann	Santoni
Bebko-Jones	Eachus	Markosek	Scrimenti
Belardi	Frankel	Mayernik	Shaner
Belfanti	Freeman	McCall	Solobay
Bishop	George	McGeehan	Staback
Blaum	Gigliotti	Melio	Steelman
Butkovitz	Gordner	Michlovic	Stetler
Buxton	Grucela	Mundy	Sturla
Caltagirone	Gruitza	Myers	Surra
Cappabianca	Haluska	Pesci	Tangretti
Casorio	Hanna	Petrarca	Thomas
Cawley	Harhai	Petrone	Tigue
Cohen, M.	Josephs	Pistella	Travaglio
Colafella	Kaiser	Preston	Trello
Corrigan	Keller	Ramos	Van Horne
Costa	Kirkland	Readshaw	Veon
Coy	LaGrotta	Roberts	Vitali
Curry	Laughlin	Robinson	Walko
Daley	Lederer	Rooney	Williams
DeLuca	Levdansky	Ruffing	Wojnaroski
Dermody	Lucyk	Sainato	Yewcic
DeWeese	Manderino	Samuelson	Yudichak

NAYS—99

Adolph	Fairchild	Maher	Sather
Argail	Fargo	Maitland	Saylor
Armstrong	Feese	Major	Schroder
Baker	Fichter	Marsico	Schuler
Bard	Fleagle	Masland	Semmel
Barley	Flick	McGill	Seyfert
Barrar	Forcier	McIlhattan	Smith, B.
Bastian	Gannon	McIlhinney	Smith, S. H.
Benninghoff	Geist	Metcalfe	Snyder
Birmelin	Gladeck	Micozzie	Stairs
Boyes	Godshall	Miller, R.	Steil
Browne	Habay	Miller, S.	Stern
Bunt	Harhart	Nailor	Stevenson
Chadwick	Hasay	Nickol	Strittmatter
Civera	Hennessey	O’Brien	Taylor, E. Z.
Clark	Herman	Orie	Taylor, J.
Clymer	Hershey	Perzel	True
Cohen, L. I.	Hess	Phillips	Tulli
Cornell	Hutchinson	Pippy	Vance
Daily	Jadlowiec	Platts	Wilt
Dally	Kenney	Raymond	Wogan
Dempsey	Krebs	Reinard	Wright
DiGirolamo	Lawless	Rohrer	Zimmerman
Druce	Leh	Ross	Zug
Egolf	Lynch	Rubley	

NOT VOTING—1

Cam

EXCUSED—14

Allen	Lescovitz	Roebuck	Youngblood
Evans	McNaughton	Trich	
Horsey	Oliver	Washington	Ryan,
James	Rieger	Waters	Speaker

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

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

Mr. GEORGE offered the following amendment No. A0237:

Amend Sec. 5, page 11, line 8, by inserting after "bulletin)" and the Department of Health shall post the Master Settlement Agreement for public inspection on the department's World Wide Web site

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

PARLIAMENTARY INQUIRY

The SPEAKER pro tempore. On that question, the Chair recognizes the gentleman from Clearfield County, Mr. George.

Mr. GEORGE. Mr. Speaker, point of inquiry, please.

The SPEAKER pro tempore. The gentleman will state the point.

Mr. GEORGE. Now, is it your assertion that all the amendments that appoint moneys toward a fine program will not be run?

The SPEAKER pro tempore. Yes.

Mr. GEORGE. Will there be— I have heard for the last 3 hours that this is not the bill that we should be using, that this is merely a bill assigning what should be done according to the criteria established by those who awarded the moneys. Will there be another opportunity to place programs in?

The SPEAKER pro tempore. The gentleman might want to direct that question to the majority leader or the Appropriations Committee chairman.

Mr. GEORGE. Well, Mr. Speaker, you know, a while ago I heard both of the leaders over there, if you will permit me, denounce voting for PACE programs, denounce how bad—

Mr. SNYDER. Mr. Speaker? Mr. Speaker?

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

Mr. SNYDER. I am looking at amendment 237. Correct?

The SPEAKER pro tempore. Yes.

Mr. SNYDER. Amendment 237 deals with putting this agreement on the World Web. I am not quite sure where the maker of the amendment is going with this debate.

The SPEAKER pro tempore. The gentleman did not begin his debate on 237. He asked—

Mr. SNYDER. But that is what is before the House, Mr. Speaker.

The SPEAKER pro tempore. He asked for a point of parliamentary inquiry. We are currently going through that.

Mr. SNYDER. Is interrogation part of parliamentary inquiry?

The SPEAKER pro tempore. He is asking me a question. I am going to let him ask the question.

Mr. GEORGE. And I thank you, Mr. Speaker, for your integrity and your willingness to stand up there and responsibly act like a pro tem rather than some of these people like the gentleman that just questioned my integrity. I would not slam a toilet seat as hard as that guy slammed the people today.

The SPEAKER pro tempore. Mr. George—

Mr. GEORGE. Now, Mr. Speaker, again—

The SPEAKER pro tempore. Mr. George, perhaps you ought to get back to your question to me.

Mr. GEORGE. Mr. Speaker, I have a right to ask these questions. I have been here as long as anyone else today. I have had amendments, and I could not help that they were down on the end of the pile. I heard three times it was my leaders that put them there. I do not know, but I do not care whether they are at the front of the pile or the end of the pile.

But I have a diabetes amendment. There is no plague any worse for younger people today, Mr. Speaker, than diabetes I. Sixteen million people are afflicted with it, and we are standing here playing games, not you, but them, and I want an answer as to whether I am going to get a shot at saving the lives of these people, and some of them I know that have had a leg cut off or have gone blind and young people who cannot afford \$5,000 for an instrument to be able to inject insulin because taking it by injection is not working any longer. That is important to me.

I am not trying to play politics, Mr. Speaker. I want to know, can I suspend the rules and ask that my diabetes amendment be placed into this bill?

The SPEAKER pro tempore. No, Mr. George. If an amendment is out of order, you cannot suspend the rules to offer it.

Mr. GEORGE. Well, I do not intend to appeal your ruling. I have to accept your ruling that while they play over there, and some of them who have opposition, if you will, they voted for the PACE program. They would not have voted for it if they were unopposed, and I do not care. Nobody is going to—

Mr. SNYDER. Mr. Speaker? Mr. Speaker, I object.

This is not a parliamentary inquiry; this is not a parliamentary inquiry, Mr. Speaker. If he wants personal privilege, let him have personal privilege to have a speech. What is the parliamentary inquiry?

The SPEAKER pro tempore. Will the gentleman suspend.

I believe the gentleman, Mr. George, has asked whether or not he would have the opportunity to offer those other amendments. The only amendment he has that is in order is amendment A0237. I believe we have completed that process.

Mr. GEORGE. Well, Mr. Speaker, again, the diabetes amendment does not say \$5 million, \$10 million. It does not say anything other than that the Department of Health will make that assignment. It says up to \$1,000, but it does not say that we are going to say it. We are saying that the Department of Health, Mr. Speaker, says it. So why is it a specific assignment of money and we do not even know what the money will be?

The SPEAKER pro tempore. Mr. George, your amendments have specific dollar appropriations in them. As a result, they are out of order.

Mr. GEORGE. Mr. Speaker, it says not to be in excess of \$1,000 per individual. I do not know what the criteria is that the department will assign, to what individual will be entitled to it, if you will permit me.

Mr. Speaker, I would hate to see Mr. Snyder have a relapse. I will withdraw my parliamentary inquiry.

The SPEAKER pro tempore. Does the gentleman wish to be recognized on amendment A0237?

Mr. GEORGE. Yes, I do.

The SPEAKER pro tempore. The gentleman is in order.

Mr. GEORGE. I thought somebody else plagiarized this. I did not know it was mine. But anyway, if you want me to run it, I will.

Mr. Speaker, I rise today to offer amendment 237. The amendment simply requires the Department of Health to post the Master Settlement Agreement for public inspection on the World Wide Website. I think they will agree to this amendment, Mr. Speaker, because they wanted it to be theirs a while ago. Thank you very much.

The SPEAKER pro tempore. Mr. Snyder, on the amendment.

Mr. SNYDER. Mr. Speaker, we support the amendment, because if the other side would have read the agreement 3 hours ago, they would have understood what we were saying about amendments. So we certainly support this, so hopefully the next time they will not say they do not have the information they need.

PARLIAMENTARY INQUIRY

The SPEAKER pro tempore. On the amendment, Mr. DeWeese.

Mr. DeWEESE. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state the point.

Mr. DeWEESE. The Chair stated that if an amendment was ruled out of order, it would not be possible to suspend the rules and allow that amendment to be considered to be in order. I am under the impression that our rules would prima facie keep that from being out of order. If we suspended our rules, we could make it in order. I am only asking as a future reference.

The SPEAKER pro tempore. Yes. You raise a good point, because I may have been a little hasty in the way I said that. If you will just suspend for one moment, I am going to clarify that.

Mr. DeWeese, it would not be so much the rules of the House you would be talking about suspending as the rules of general parliamentary authority. I suppose you could suspend those and offer something nonsensical, that did not make any sense, but that is what you would be really moving to suspend.

Mr. DeWEESE. I guess we will confront that in the future or we will not confront it in the future. Thank you very much.

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

The following roll call was recorded:

YEAS—156

Argall	Druce	Major	Sather
Baker	Eachus	Manderino	Saylor
Bard	Egolf	Mann	Schuler

Barley	Fairchild	Markosek	Scrimenti
Battisto	Feese	Marsico	Semmel
Bebko-Jones	Fichter	Mayernik	Seyfert
Belardi	Fleagle	McCall	Shaner
Belfanti	Frankel	McGeehan	Smith, B.
Bishop	Freeman	McGill	Snyder
Blaum	Gannon	McIlhattan	Solobay
Boyes	Geist	McIlhinney	Staback
Browne	George	Melio	Stairs
Bunt	Gigliotti	Michlovic	Steelman
Butkovitz	Gordner	Micozzie	Stetler
Buxton	Grucela	Mundy	Stevenson
Caltagirone	Gruitza	Myers	Strittmatter
Cappabianca	Habay	Nailor	Sturla
Carn	Haluska	O'Brien	Surra
Casorio	Hanna	Orie	Tangretti
Cawley	Harhai	Perzel	Taylor, E. Z.
Chadwick	Harhart	Pesci	Taylor, J.
Clark	Hasay	Petrarca	Thomas
Cohen, L. I.	Herman	Petrone	Tigue
Cohen, M.	Hess	Phillips	Travaglio
Colafella	Hutchinson	Pippy	Trello
Cornell	Jadlowiec	Pistella	True
Corrigan	Josephs	Platts	Tulli
Costa	Kaiser	Ramos	Van Horne
Coy	Keller	Raymond	Veon
Curry	Kenney	Readshaw	Vitali
Dailey	Kirkland	Reinard	Walko
Daley	Krebs	Roberts	Williams
Daily	LaGrotta	Robinson	Wogan
DeLuca	Laughlin	Rooney	Wojnaroski
Dempsey	Lawless	Rubley	Wright
Dermody	Lederer	Ruffing	Yewcic
DeWeese	Levdansky	Sainato	Yudichak
DiGirolamo	Lucyk	Samuelson	Zimmerman
Donatucci	Maitland	Santoni	Zug

NAYS—30

Adolph	Fargo	Lynch	Ross
Armstrong	Flick	Maher	Schroder
Barrar	Forcier	Metcalfe	Smith, S. H.
Bastian	Gladeck	Miller, R.	Steil
Benninghoff	Godshall	Miller, S.	Stern
Birmelin	Hennessey	Nickol	Vance
Civera	Hershey	Rohrer	Wilt
Clymer	Leh		

NOT VOTING—2

Masland	Preston
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EXCUSED—14

Allen	Lescovitz	Roebuck	Youngblood
Evans	McNaughton	Trich	
Horsey	Oliver	Washington	Ryan,
James	Rieger	Waters	Speaker

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. BLAUM offered the following amendment No. A0245:

- Amend Sec. 4, page 10, line 10, by inserting after "days" after notice by the Attorney General
- Amend Sec. 4, page 10, line 19, by inserting after "days" after notice by the Attorney General

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

The SPEAKER pro tempore. On that question, the Chair recognizes the gentleman from Luzerne County, Mr. Blaum.

Mr. BLAUM. Thank you, Mr. Speaker.

Mr. Speaker, this amendment simply clarifies when a tobacco manufacturer must adhere to the requirement and place their funds in escrow. The amendment states that the funds should be placed in escrow 15 days after receiving notice from the Attorney General. Thank you, Mr. Speaker.

The SPEAKER pro tempore. Mr. Snyder.

Mr. SNYDER. Mr. Speaker, we support the amendment.

LEAVE OF ABSENCE CANCELED

The SPEAKER pro tempore. The Chair returns to leaves of absence and notes the presence on the floor of the gentleman, Mr. Lescovitz, and directs the clerk to place the gentleman's name on the master roll.

CONSIDERATION OF HB 445 CONTINUED

The SPEAKER pro tempore. On the amendment, Mr. Armstrong.

Mr. ARMSTRONG. Mr. Speaker, this amendment actually would be in line with what the Master Agreement is. So I would just encourage everybody to vote "yes."

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

The following roll call was recorded:

YEAS—188

Adolph	Druce	Lynch	Samuelson
Argall	Eachus	Maher	Santoni
Armstrong	Egolf	Maitland	Sather
Baker	Fairchild	Major	Saylor
Bard	Fargo	Manderino	Schroder
Barley	Feese	Mann	Schuler
Barrar	Fichter	Markosek	Scrimenti
Bastian	Fleagle	Marsico	Semmel
Battisto	Flick	Mayernik	Seyfert
Bebko-Jones	Forcier	McCall	Shaner
Belardi	Frankel	McGeehan	Smith, B.
Belfanti	Freeman	McGill	Smith, S. H.
Benninghoff	Gannon	McIlhattan	Snyder
Birmelin	Geist	McIlhinney	Solobay
Bishop	George	Melio	Staback
Blaum	Gigliotti	Metcalfe	Stairs
Boyes	Gladeck	Michlovic	Steelman
Browne	Godshall	Micozzie	Steil
Bunt	Gordner	Miller, R.	Stern
Butkovitz	Grucela	Miller, S.	Stetler
Buxton	Gruitza	Mundy	Stevenson
Caltagirone	Habay	Myers	Strittmatter
Cappabianca	Haluska	Nailor	Sturla
Cam	Hanna	Nickol	Surra
Casorio	Harhai	O'Brien	Tangretti
Cawley	Harhart	Orie	Taylor, E. Z.
Chadwick	Hasay	Perzel	Taylor, J.
Civera	Hennessey	Pesci	Thomas
Clark	Herman	Petrarca	Tigue
Clymer	Hershey	Petrone	Travaglio
Cohen, L. I.	Hess	Phillips	Trello
Cohen, M.	Hutchinson	Pippy	True
Colafeila	Jadlowiec	Pistella	Tulli

Cornell	Josephs	Platts	Vance
Corrigan	Kaiser	Preston	Van Horne
Costa	Keller	Ramos	Veon
Coy	Kenney	Raymond	Vitali
Curry	Kirkland	Readshaw	Walko
Dailey	Krebs	Reinard	Williams
Daley	LaGrotta	Roberts	Wilt
Dally	Laughlin	Robinson	Wogan
DeLuca	Lawless	Rohrer	Wojnaroski
Dempsey	Lederer	Rooney	Wright
Dermody	Leh	Ross	Yewcic
DeWeese	Lescovitz	Rubley	Yudichak
DiGirolamo	Levdansky	Ruffing	Zimmerman
Donatucci	Lucyk	Sainato	Zug

NAYS—0

NOT VOTING—1

Masland

EXCUSED—13

Alien	McNaughton	Trich	Ryan,
Evans	Oliver	Washington	Speaker
Horsey	Rieger	Waters	
James	Roebuck	Youngblood	

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

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

The following roll call was recorded:

YEAS—188

Adolph	Druce	Lynch	Samuelson
Argall	Eachus	Maher	Santoni
Armstrong	Egolf	Maitland	Sather
Baker	Fairchild	Major	Saylor
Bard	Fargo	Manderino	Schroder
Barley	Feese	Mann	Schuler
Barrar	Fichter	Markosek	Scrimenti
Bastian	Fleagle	Marsico	Semmel
Battisto	Flick	Mayernik	Seyfert
Bebko-Jones	Forcier	McCall	Shaner
Belardi	Frankel	McGeehan	Smith, B.
Belfanti	Freeman	McGill	Smith, S. H.
Benninghoff	Gannon	McIlhattan	Snyder
Birmelin	Geist	McIlhinney	Solobay
Bishop	George	Melio	Staback
Blaum	Gigliotti	Metcalfe	Stairs
Boyes	Gladeck	Michlovic	Steelman
Browne	Godshall	Micozzie	Steil
Bunt	Gordner	Miller, R.	Stern
Butkovitz	Grucela	Miller, S.	Stetler
Buxton	Gruitza	Mundy	Stevenson
Caltagirone	Habay	Myers	Strittmatter
Cappabianca	Haluska	Nailor	Sturla
Cam	Hanna	Nickol	Surra

Casorio	Harhai	O'Brien	Tangretti
Cawley	Harhart	Orie	Taylor, E. Z.
Chadwick	Hasay	Perzel	Taylor, J.
Civera	Hennessey	Pesci	Thomas
Clark	Herman	Petrarca	Tigue
Clymer	Hershey	Petrone	Travaglio
Cohen, L. I.	Hess	Phillips	Trello
Cohen, M.	Hutchinson	Pippy	True
Colafella	Jadlowiec	Pistella	Tulli
Cornell	Josephs	Platts	Vance
Corrigan	Kaiser	Preston	Van Horne
Costa	Keller	Ramos	Veon
Coy	Kenney	Raymond	Vitali
Curry	Kirkland	Readshaw	Walko
Dailey	Krebs	Reinard	Williams
Daley	LaGrotta	Roberts	Wilt
Dally	Laughlin	Robinson	Wogan
DeLuca	Lawless	Rohrer	Wojnaroski
Dempsey	Lederer	Rooney	Wright
Dermody	Leh	Ross	Yewcic
DeWeese	Lescovitz	Rubley	Yudichak
DiGirolamo	Levdansky	Ruffing	Zimmerman
Donatucci	Lucyk	Sainato	Zug

NAYS—0

NOT VOTING—1

Masland

EXCUSED—13

Allen	McNaughton	Trich	Ryan,
Evans	Oliver	Washington	Speaker
Horsey	Rieger	Waters	
James	Roebuck	Youngblood	

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

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

The SPEAKER pro tempore. There will be no further votes today.

VOTE CORRECTION

The SPEAKER pro tempore. The Chair recognizes the gentleman from Montgomery, Mr. Godshall.

Mr. GODSHALL. Mr. Speaker, I was recorded in the negative on the Grucela amendment A0242 to HB 445. I would like to be recorded in the affirmative.

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

BILL REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

HB 2351, PN 3142

By Rep. FLICK

An Act amending the act of June 23, 1999 (P.L.159, No.22), known as the New Economy Technology Scholarship Act, authorizing an extension of eligibility for persons pursuing postgraduate degrees.

INTERGOVERNMENTAL AFFAIRS.

RESOLUTION REPORTED FROM COMMITTEE

HR 374, PN 3210 (Amended)

By Rep. FLICK

A Resolution urging the President and the Congress of the United States to work together to reform the financial structure of the Coal Act to ensure that retired coal miners continue to receive the health care benefits they were promised and rightly deserve.

INTERGOVERNMENTAL AFFAIRS.

JUDICIARY COMMITTEE MEETING

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Gannon, who calls for a meeting of the Judiciary Committee tomorrow morning at 10 a.m. in room 40 of the East Wing.

DEMOCRATIC CAUCUS

The SPEAKER pro tempore. Mr. Cohen.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, I would just like to announce for the benefit of the Democratic members within the sound of my voice that there will be a brief caucus tomorrow morning at 10:30; 10:30 tomorrow morning. We will go over procedures for participating in the budget process, and we will also have some representatives from the Low Income Housing Coalition.

I urge the attendance of the members tomorrow morning at 10:30.

BILLS AND RESOLUTIONS PASSED OVER

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

ADJOURNMENT

The SPEAKER pro tempore. The Chair recognizes the gentleman from Westmoreland County, Mr. Harhai.

Mr. HARHAI. Mr. Speaker, I move that this House do now adjourn until Tuesday, March 21, 2000, at 11 a.m., e.s.t., unless sooner recalled by the Speaker.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 7:10 p.m., e.s.t., the House adjourned.