

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

MONDAY, JUNE 30, 2003

SESSION OF 2003

187TH OF THE GENERAL ASSEMBLY

No. 53

HOUSE OF REPRESENTATIVES

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

THE SPEAKER (JOHN M. PERZEL)

PRESIDING

PRAYER

REV. JULIANN V. WHIPPLE, Chaplain of the House of Representatives, offered the following prayer:

Let us pray:

Loving God, You are sovereign over all of our days. When the winds of faith blow strong and our spirits are invigorated, You are with us. When the burdens of life seem oppressive, as humid as hot air, and our spirits become listless, You are with us. When a sense of calm purpose moves us from the depths of our being, You are present. When a turbulence of confusion or pain storms within us, You are present still. Forgive us when we neglect to acknowledge or to rely upon Your steadfast love. We do so for many reasons. Sometimes we do not want to see You; at other times we try stubbornly to do without You. Sometimes we lock You in the past as if Your best efforts were concluded long ago; at other times we put You off until tomorrow.

Gracious God, You know when we are insincere. You know when we doubt Your very existence. You know our faults and follies too well. Forgive our fumbling inarticulate prayers; when forming words to seek You, our minds wander to seemingly more important things, and we close with a whimper instead of with the assurance of Your power.

For new members Tom Killion and Mark Mustio, we pray that long after they take their oath, they will remember what an oath is – an appeal to You that one will speak the truth, keep a promise, and remain faithful. May they never waiver from their calling, and may they always feel that deep sense of excitement as they do at this very moment. May every day they enter into these hallowed halls be filled with wonder and amazement at such an enormous responsibility.

Teach us to pray with our entire being so that when we have concluded our thoughts, we do not walk away feeling foolish or rejected but filled with excitement waiting expectantly for Your reply. Be persistent with us, as persistent as a lobbyist with a cause, as a child with a want, as a cough that will not be stifled. Force us to acknowledge Your power and Your presence so that we will benefit from Your love and Your tender guidance.

Great God, forgive us, and grant us the wisdom to trust You, the courage to serve You, and a clean conscience to come before You. Accept these our prayers. Amen.

PLEDGE OF ALLEGIANCE

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

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, the approval of the Journal of Friday, June 27, 2003, will be postponed until printed.

BILL REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader.
Mr. S. SMITH. Mr. Speaker, I move that the following bill be taken off the table: HB 166.

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

BILL TABLED

The SPEAKER. The Chair recognizes the majority leader.
Mr. S. SMITH. Mr. Speaker, I move that the following bill be laid upon the table: HB 166.

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

COMMUNICATION FROM STATE CIVIL SERVICE COMMISSION

The SPEAKER. As required by section 203, subsection (5), of the Civil Service Act, the Speaker acknowledges receipt of the annual Veterans' Complaint Report submitted by the State Civil Service Commission.

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

LEAVES OF ABSENCE

The SPEAKER. The Chair recognizes the majority whip, Mr. Feese, who asks for a leave of absence for the gentleman from Montgomery, Mr. FICHTER; the gentleman from Allegheny, Mr. MAHER; and the gentlelady from Chester, Mrs. TAYLOR. Without objection, the leaves will be granted.

The Chair recognizes the minority whip, Mr. Veon, who asks for a leave of absence for the gentlelady from Luzerne, Ms. MUNDY. Without objection, the leave will be granted.

MASTER ROLL CALL

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

(Members proceeded to vote.)

The SPEAKER. For the information of the families of our two new members, their names will be added to the master roll after they are sworn in.

The following roll call was recorded:

PRESENT—196

Adolph	Egolf	Levdansky	Samuelson
Allen	Evans, D.	Lewis	Santoni
Argall	Evans, J.	Lynch	Sather
Armstrong	Fabrizio	Mackereth	Saylor
Baker	Fairchild	Maitland	Scavello
Baldwin	Feese	Major	Schroder
Bard	Fleagle	Manderino	Scrimenti
Barrar	Flick	Mann	Semmel
Bastian	Forcier	Markosek	Shaner
Bebko-Jones	Frankel	Marsico	Smith, B.
Belardi	Freeman	McCall	Smith, S. H.
Belfanti	Gabig	McGeehan	Solobay
Benninghoff	Gannon	McGill	Staback
Bianucci	Geist	McIlhattan	Stairs
Birmelin	George	McIlhinney	Steil
Bishop	Gergely	McNaughton	Stern
Blaum	Gillespie	Melio	Stetler
Boyd	Gingrich	Metcalfe	Stevenson, R.
Browne	Godshall	Micozzie	Stevenson, T.
Bunt	Goodman	Miller, R.	Sturla
Butkovitz	Gordner	Miller, S.	Surra
Buxton	Grucela	Myers	Tangretti
Caltagirone	Gruitza	Nailor	Taylor, J.
Cappelli	Habay	Nickol	Thomas
Casorio	Haluska	O'Brien	Tigue
Causer	Hanna	Oliver	Travaglio
Cawley	Harhai	O'Neill	True
Civera	Harhart	Pallone	Turzai
Clymer	Harper	Payne	Vance
Cohen	Harris	Petrarca	Veon
Coleman	Hasay	Petri	Vitali
Cornell	Hennessey	Petrone	Walko
Corrigan	Herman	Phillips	Wansacz
Costa	Hershey	Pickett	Washington
Coy	Hess	Pistella	Waters
Crahalla	Hickernell	Preston	Watson
Creighton	Horsey	Raymond	Weber
Cruz	Hutchinson	Readshaw	Wheatley
Curry	James	Reed	Williams
Dailey	Josephs	Reichley	Wilt
Daley	Keller	Rieger	Wojnaroski
Dally	Kenney	Roberts	Wright
DeLuca	Kirkland	Roebuck	Yewcic
Denlinger	Kotik	Rohrer	Youngblood
Dermody	LaGrotta	Rooney	Yudichak
DeWeese	Laughlin	Ross	Zug
DiGirolo	Leach	Rubley	
Diven	Lederer	Ruffing	
Donatucci	Leh	Sainato	Perzel,
Eachus	Lescovitz		Speaker

ADDITIONS—2

Killion Mustio

NOT VOTING—0

EXCUSED—4

Fichter Maher Mundy Taylor, E. Z.

LEAVES CANCELED—1

Mundy

HOUSE BILLS

INTRODUCED AND REFERRED

No. 4 By Representatives GEIST, O'BRIEN, McCALL, BLAUM, GANNON, HARPER, TURZAI, WATSON, GORDNER, DALLY, EGOLF, ADOLPH, BAKER, BALDWIN, BARD, BEBKO-JONES, BOYD, BROWNE, CAPPELLI, CORNELL, CRAHALLA, CREIGHTON, DALEY, D. EVANS, FEESE, FICHTER, FRANKEL, GERGELY, GINGRICH, GRUCELA, HARHAI, HENNESSEY, HERSHEY, HESS, HICKERNELL, JAMES, LaGROTTA, LEACH, LEWIS, MAHER, MAITLAND, MARSICO, McGILL, McNAUGHTON, S. MILLER, PAYNE, PETRARCA, PETRI, PHILLIPS, PICKETT, REED, REICHLEY, ROONEY, ROSS, RUBLEY, SATHER, SAYLOR, SCAVELLO, SCHRODER, E. Z. TAYLOR, J. TAYLOR, TIGUE, TRUE, WALKO, YOUNGBLOOD, ZUG, DeLUCA and CURRY

An Act amending Titles 18 (Crimes and Offenses), 30 (Fish), 34 (Game), 42 (Judiciary and Judicial Procedure) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for impairment due to alcohol or controlled substances, for Department of Transportation records and for investigation by police officers; and making editorial changes.

Referred to Committee on TRANSPORTATION, June 30, 2003.

No. 1760 By Representative DALEY

An Act designating Exit 23 on Interstate 79 in Washington County, known as the Marianna-Prosperty Exit, as the Farrell Jackson Exit.

Referred to Committee on STATE GOVERNMENT, June 30, 2003.

No. 1761 By Representatives DeLUCA, TANGRETTI, BIANCUCCI, DeWEESE, BEBKO-JONES, CURRY, FABRIZIO, GOODMAN, GRUCELA, HARHAI, JOSEPHS, LaGROTTA, ROBERTS, SHANER, WALKO, YOUNGBLOOD, KOTIK, SURRA, PETRARCA, MUNDY, CORRIGAN, LAUGHLIN, SAINATO, MARKOSEK, DIVEN, FRANKEL, DERMODY, LEVDANSKY, PISTELLA, READSHAW, CASORIO, CALTAGIRONE, SANTONI, WHEATLEY, ROEBUCK, STURLA, OLIVER, McGEEHAN, LEDERER, BUTKOVITZ, THOMAS, FREEMAN, LEACH, DONATUCCI, YUDICHAK, MANN, STETLER, COHEN,

COSTA, SATHER, COY, GEORGE, EACHUS, GERGELY and ROONEY

An Act amending the act of March 20, 2002 (P.L.154, No.13), known as the Medical Care Availability and Reduction of Error (Mcare) Act, further providing for board compositions and for definitions; providing for a health data warehouse; and further providing for medical professional liability claims, for reporting, for penalties and for continuing medical education.

Referred to Committee on HEALTH AND HUMAN SERVICES, June 30, 2003.

No. 1762 By Representatives McNAUGHTON, O'NEILL, BARRAR, MARSICO, J. EVANS, PAYNE, HENNESSEY, CAPPELLI, YOUNGBLOOD and SCAVELLO

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, further providing for brand registration.

Referred to Committee on LIQUOR CONTROL, June 30, 2003.

No. 1763 By Representatives GRUITZA, GEORGE, READSHAW, PETRARCA, BEBKO-JONES, BIANCUCCI, BROWNE, COHEN, COY, DALLY, GABIG, GRUCELA, HUTCHINSON, LEDERER, MCGILL, PISTELLA, ROBERTS, SAYLOR, SOLOBAY, SURRA, WALKO, WILT, HARHAI, BELFANTI, BISHOP, CAPPELLI, CORRIGAN, CREIGHTON, FABRIZIO, GOODMAN, HORSEY, JOSEPHS, MANN, MUNDY, REICHLEY, ROONEY, SHANER, R. STEVENSON, THOMAS, WHEATLEY, YOUNGBLOOD and CIVERA

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, further providing for tuition credit for children of soldiers.

Referred to Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, June 30, 2003.

No. 1764 By Representatives KENNEY, FLEAGLE, ARMSTRONG, BARD, BOYD, BUNT, CAPPELLI, CORRIGAN, CRAHALLA, CURRY, FAIRCHILD, FICHTER, FLICK, GILLESPIE, GINGRICH, GOODMAN, HARRIS, HENNESSEY, HESS, HORSEY, MAITLAND, McNAUGHTON, R. MILLER, NAILOR, NICKOL, O'NEILL, PETRARCA, ROSS, SCHRODER, SHANER, SOLOBAY, STERN, E. Z. TAYLOR, J. TAYLOR, TIGUE, TRUE, VANCE, WATSON, WILT, YOUNGBLOOD and ZUG

An Act amending the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, providing for nursing home assessments.

Referred to Committee on HEALTH AND HUMAN SERVICES, June 30, 2003.

No. 1765 By Representatives KENNEY, BROWNE, BUNT, CAPPELLI, CLYMER, CORRIGAN, CRAHALLA, DAILEY, FAIRCHILD, FICHTER, FLICK, GEIST, GINGRICH, GODSHALL, GOODMAN, HENNESSEY, HERMAN, HESS, LEWIS, MAITLAND, McNAUGHTON, NAILOR, O'NEILL, REICHLEY, ROSS, RUBLEY, SATHER, SCHRODER,

STERN, T. STEVENSON, E. Z. TAYLOR, TIGUE, TRUE, VANCE, WASHINGTON, WATSON, WEBER and YOUNGBLOOD

An Act requiring the Legislative Budget and Finance Committee to conduct an immediate actuarial study of the adequacy of Pennsylvania's medical assistance nursing facility reimbursement rates; and prohibiting any reduction in nursing facility payment rates until the study is completed.

Referred to Committee on HEALTH AND HUMAN SERVICES, June 30, 2003.

No. 1766 By Representatives KENNEY, BROWNE, HENNESSEY, FRANKEL, LEACH, PETRARCA, BOYD, BUXTON, CAPPELLI, CIVERA, CREIGHTON, CURRY, DENLINGER, DeWEESE, EGOLF, GEIST, GRUCELA, HARHART, HARRIS, HERSHEY, HORSEY, JOSEPHS, KELLER, MANN, McILHATTAN, R. MILLER, MUNDY, O'NEILL, REICHLEY, ROONEY, ROSS, RUBLEY, SAYLOR, E. Z. TAYLOR, THOMAS, TIGUE, WATSON and YOUNGBLOOD

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for liability for support.

Referred to Committee on JUDICIARY, June 30, 2003.

No. 1767 By Representatives EACHUS, LaGROTTA, SOLOBAY, GRUCELA, MUNDY, TANGRETTI, GOODMAN, MANDERINO, PRESTON, RUBLEY, HARHAI, CURRY, GEORGE, BEBKO-JONES, WANSACZ, STURLA, SHANER, YOUNGBLOOD, FABRIZIO, WALKO, CAPPELLI, COY, COHEN, JOSEPHS, YUDICHAK, STABACK, LEVDANSKY, LAUGHLIN, GERGELY, TIGUE, BISHOP, PISTELLA, DeLUCA, ROONEY, FREEMAN, McCALL and CRAHALLA

An Act amending the act of July 8, 1986 (P.L.408, No.89), known as the Health Care Cost Containment Act, further providing for the Health Care Cost Containment Council members, for council powers and duties and for data submission and collection; and deleting sunset provision.

Referred to Committee on HEALTH AND HUMAN SERVICES, June 30, 2003.

No. 1768 By Representatives GEIST, MANN, GERGELY, ALLEN, CAPPELLI, DERMODY, FRANKEL, HESS, JAMES, JOSEPHS, LAUGHLIN, LEWIS, McCALL, McILHATTAN, McNAUGHTON, ROBERTS, RUFFING, SAINATO, SCAVELLO, SCRIMENTI, B. SMITH, SOLOBAY, STAIRS, STERN, TIGUE, WALKO, WILT, WOJNAROSKI, YOUNGBLOOD, FREEMAN and HORSEY

An Act amending the act of March 20, 2003 (P.L. , No.1A), known as the General Appropriation Act of 2003, making an appropriation to the Department of Transportation.

Referred to Committee on APPROPRIATIONS, June 30, 2003.

No. 1769 By Representatives PAYNE, HARRIS, O'NEILL, REICHLEY and SCAVELLO

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, further providing for prohibition.

Referred to Committee on LIQUOR CONTROL, June 30, 2003.

No. 1770 By Representatives MAHER, CLYMER, ARMSTRONG, DAILEY, HARPER, HENNESSEY, RUBLEY, STEIL, TIGUE, GORDNER, VANCE and B. SMITH

An Act amending Title 65 (Public Officers) of the Pennsylvania Consolidated Statutes, reenacting and amending provisions relating to lobby regulation and disclosure.

Referred to Committee on STATE GOVERNMENT, June 30, 2003.

No. 1771 By Representatives MUNDY, BROWNE, BEBKO-JONES, BELARDI, BELFANTI, BISHOP, BLAUM, BUXTON, CAWLEY, CORRIGAN, COSTA, COY, CRUZ, DALLY, EACHUS, FLICK, FRANKEL, FREEMAN, GORDNER, GRUITZA, HANNA, HORSEY, JAMES, LAUGHLIN, MACKERETH, LEACH, LEVDANSKY, MANN, McCALL, MELIO, NAILOR, PRESTON, ROSS, SAINATO, SANTONI, SEMMEL, SOLOBAY, STABACK, STURLA, TANGRETTI, THOMAS, TIGUE, SAMUELSON, WALKO, WANSACZ, YOUNGBLOOD, YUDICHAK, PISTELLA, JOSEPHS, DeLUCA, GERGELY, SHANER, MANDERINO, CURRY, WASHINGTON and PALLONE

An Act providing for the strengthening and enrichment of children and families by promoting safe, healthy and nurturing home environments, for the educational and supportive services of home visiting programs in this Commonwealth, for the Ounce of Prevention grant program and for integrated community-based delivery of services; specifying program requirements; designating an oversight board; providing for responsibilities of the board and the Department of Public Welfare; specifying criteria for community program grant funding; requiring training and an independent evaluation process; and providing for quality assurance.

Referred to Committee on CHILDREN AND YOUTH, June 30, 2003.

No. 1772 By Representatives LEVDANSKY, BROWNE, STEIL, DeWEESE, FREEMAN, MUNDY, TIGUE, McGEEHAN, TANGRETTI, JOSEPHS, GERGELY, MELIO, GRUCELA, DALEY, WALKO and PALLONE

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, providing for contribution limitations and independent expenditures.

Referred to Committee on STATE GOVERNMENT, June 30, 2003.

No. 1773 By Representatives LEVDANSKY, BROWNE, STEIL, DeWEESE, FREEMAN, TIGUE, McGEEHAN, TANGRETTI, JOSEPHS, GERGELY, MELIO, GRUCELA, DALEY, WALKO and PALLONE

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, providing for definitions; establishing the Pennsylvania Fair Campaign Fund and its administration; providing for funding limitations and use and for transfers; and making an appropriation.

Referred to Committee on STATE GOVERNMENT, June 30, 2003.

No. 1774 By Representatives LEVDANSKY, BROWNE, STEIL, DeWEESE, FREEMAN, TIGUE, McGEEHAN, TANGRETTI, JOSEPHS, GERGELY, MELIO, GRUCELA, DALEY, WALKO, MARKOSEK and PALLONE

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, providing for definitions; creating the Pennsylvania State Board of Elections and defining its powers and duties; providing for a fair campaign code, for regulations at polling places, for independent expenditures, for political action committees and affiliated committees, for in-kind contributions, for committee organizations, for reporting by candidates and political committees, for quarterly reports, for funding limitations and use and for transfers; making an appropriation; and making repeals.

Referred to Committee on STATE GOVERNMENT, June 30, 2003.

No. 1775 By Representatives COSTA, BEBKO-JONES, BELFANTI, BISHOP, CAPPELLI, COHEN, CREIGHTON, DALEY, DeWEESE, J. EVANS, FABRIZIO, FRANKEL, GERGELY, GORDNER, GRUCELA, HARHAI, HENNESSEY, HORSEY, JOSEPHS, KELLER, KOTIK, LEDERER, MANN, MARKOSEK, McILHATTAN, PALLONE, READSHAW, REICHLEY, ROSS, SEMMEL, SOLOBAY, THOMAS, WALKO, WANSACZ and YOUNGBLOOD

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, providing for basic property insurance optional coverage of service dogs.

Referred to Committee on INSURANCE, June 30, 2003.

No. 1776 By Representatives COSTA, CRUZ, DALEY, FABRIZIO, FRANKEL, GERGELY, HARHAI, LEACH, LEWIS, McGILL, PALLONE, PISTELLA, ROBERTS, ROONEY, SAINATO, SCAVELLO, STURLA, SURRA and YOUNGBLOOD

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, further providing for unlawful acts relative to malt or brewed beverages and licensees.

Referred to Committee on LIQUOR CONTROL, June 30, 2003.

No. 1777 By Representatives WILT, ARMSTRONG, BASTIAN, CRAHALLA, DALLY, DeWEESE, J. EVANS, GERGELY, LEH, METCALFE, O'NEILL, RUBLEY, SAYLOR, SHANER, SOLOBAY, SURRA, TIGUE, B. SMITH and FEESE

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for refunds of tax imposed upon liquid fuels or certain other fuels.

Referred to Committee on TRANSPORTATION, June 30, 2003.

HOUSE RESOLUTIONS INTRODUCED AND REFERRED

No. 343 By Representatives LEWIS, ARMSTRONG, BIANCUCCI, CAPPELLI, CRAHALLA, CREIGHTON, DALLY, DeWEESE, GEORGE, GOODMAN, GORDNER, GRUCELA, HANNA, HERSHEY, HUTCHINSON, REICHLEY, RUBLEY, SATHER, SCAVELLO, SEMMEL, TIGUE, TRUE, TURZAI, WATSON and WILT

A Resolution urging the respective boards of trustees of the State Employees' Retirement System (SERS) and the Public School Employees' Retirement System (PSERS) to support and cooperate fully with the Office of Attorney General's section 402 ruling, with the Department of the Auditor General's special performance audits of SERS and PSERS and with the timely and professional completion of the special performance audits.

Referred to Committee on FINANCE, June 30, 2003.

No. 344 By Representatives LEWIS, DALLY, SCAVELLO, GRUCELA, ARMSTRONG, BIRMELIN, CAPPELLI, CRAHALLA, CREIGHTON, DALEY, DENLINGER, DONATUCCI, EACHUS, HARRIS, HENNESSEY, JAMES, MANN, O'NEILL, PAYNE, REICHLEY, SATHER, SEMMEL, TIGUE, PICKETT, FREEMAN, GEIST, FEESE and McCALL

A Resolution encouraging the Delaware River Joint Toll Bridge Commission to develop and implement a uniform toll rate structure and a volume discount system for commercial E-ZPass users.

Referred to Committee on CONSUMER AFFAIRS, June 30, 2003.

SPECIAL ORDER OF BUSINESS

SWEARING IN OF NEW MEMBERS

The SPEAKER. Without objection, the House will now take up a special order of business, the swearing in of Representatives-elect Thomas H. Killion and T. Mark Mustio. The Chair hears no objections.

ELECTION RETURNS PRESENTED

The SPEAKER. The Chair now recognizes the Sergeant at Arms of the House of Representatives. The Chair recognizes the Sergeant at Arms, Mr. Oliver.

The SERGEANT AT ARMS. Mr. Speaker, Deputy Secretary Rapp.

The SPEAKER. The Chair recognizes Deputy Secretary Rapp.

Mr. RAPP. Thank you, Mr. Speaker.

I have the honor of presenting the returns for the special election held on June 17, 2003, in the 44th and the 168th Legislative Districts.

The SPEAKER. The Chair thanks the Deputy Secretary, and the clerk will read the returns.

The following election returns were read:

COMMONWEALTH OF PENNSYLVANIA

TO THE HONORABLE SPEAKER AND MEMBERS OF THE HOUSE OF REPRESENTATIVES OF THE GENERAL ASSEMBLY OF THE COMMONWEALTH OF PENNSYLVANIA, GREETINGS:

I have the honor to present the official returns of the Special Election for Representative in the General Assembly of the Commonwealth of Pennsylvania held in the Forty-fourth Legislative District, as the same has been certified to and filed with my office by the Allegheny County Board of Elections. Mark Mustio, having received the highest number of votes in the Special Election, and having complied with the provisions of Article XVI of the Pennsylvania Election Code pertaining to Primary and Election Expenses, was duly elected a Representative in the General Assembly.

(SEAL) IN TESTIMONY WHEREOF, I have hereunto set my hand and the seal of the office of the Secretary of the Commonwealth at the city of Harrisburg, this thirtieth day of June in the year of our Lord two thousand three and of the Commonwealth the two hundred and twenty-seventh.

Kenneth Rapp
Deputy Secretary of the Commonwealth

SPECIAL ELECTION
REPRESENTATIVE IN THE GENERAL ASSEMBLY
44th LEGISLATIVE DISTRICT
ALLEGHENY COUNTY
June 17, 2003

OFFICIAL RESULTS

	VOTE TOTALS
Democratic – Frederick E. Liechti	2,075
Republican – Mark Mustio	3,653

Commonwealth of Pennsylvania
Department of State
Bureau of Commissions, Elections and Legislation
June 30, 2003

CERTIFICATE ON ELECTION EXPENSES

COMMONWEALTH OF PENNSYLVANIA

TO THE HONORABLE SPEAKER AND MEMBERS OF THE HOUSE OF REPRESENTATIVES OF THE GENERAL ASSEMBLY OF THE COMMONWEALTH OF PENNSYLVANIA, GREETINGS:

In accordance with the provisions of Section 1632(b) of the Pennsylvania Election Code [25 P.S. §3252(b)], I do hereby certify that the candidate who was elected Representative in the General Assembly from the 44th District in the Special Election held June 17, 2003, Mark Mustio, has filed all of the reports and statements of contributions and expenditures required by the provisions of Article XVI of the Pennsylvania Election Code entitled "Primary and Election Expenses."

(SEAL) Witness my hand and the seal of the office of the Secretary of the Commonwealth this thirtieth day of June, 2003.

Kenneth Rapp
Deputy Secretary of the Commonwealth

* * *

COMMONWEALTH OF PENNSYLVANIA

TO THE HONORABLE SPEAKER AND MEMBERS OF THE HOUSE OF REPRESENTATIVES OF THE GENERAL ASSEMBLY OF THE COMMONWEALTH OF PENNSYLVANIA, GREETINGS:

I have the honor to present the official returns of the Special Election for Representative in the General Assembly of the Commonwealth of Pennsylvania held in the One hundred sixty-eighth Legislative District, as the same has been certified to and filed with my office by the Chester and Delaware County Boards of Elections. Thomas H. Killion, having received the highest number of votes in the Special Election, and having complied with the provisions of Article XVI of the Pennsylvania Election Code pertaining to Primary and Election Expenses, was duly elected a Representative in the General Assembly.

(SEAL) IN TESTIMONY WHEREOF, I have hereunto set my hand and the seal of the office of the Secretary of the Commonwealth at the city of Harrisburg, this thirtieth day of June in the year of our Lord two thousand three and of the Commonwealth the two hundred and twenty-seventh.

Kenneth Rapp
Deputy Secretary of the Commonwealth

* * *

SPECIAL ELECTION
REPRESENTATIVE IN THE GENERAL ASSEMBLY
168th LEGISLATIVE DISTRICT
CHESTER AND DELAWARE COUNTIES
June 17, 2003

OFFICIAL RESULTS

	VOTE TOTALS
Democratic – William A. Thomas 2nd	1,430
Republican – Thomas H. Killion	3,950

Commonwealth of Pennsylvania
Department of State
Bureau of Commissions, Elections and Legislation
June 30, 2003

CERTIFICATE ON ELECTION EXPENSES

COMMONWEALTH OF PENNSYLVANIA

TO THE HONORABLE SPEAKER AND MEMBERS OF THE HOUSE OF REPRESENTATIVES OF THE GENERAL ASSEMBLY OF THE COMMONWEALTH OF PENNSYLVANIA, GREETINGS:

In accordance with the provisions of Section 1632(b) of the Pennsylvania Election Code [25 P.S. §3252(b)], I do hereby certify that the candidate who was elected Representative in the General Assembly from the 168th District in the Special Election held June 17, 2003, Thomas H. Killion, has filed all of the reports and statements of contributions and expenditures required by the provisions of Article XVI of the Pennsylvania Election Code entitled "Primary and Election Expenses."

(SEAL) Witness my hand and the seal of the office of the Secretary of the Commonwealth this thirtieth day of June, 2003.

Kenneth Rapp
Deputy Secretary of the Commonwealth

COMMITTEE APPOINTED TO ESCORT MEMBERS-ELECT

The SPEAKER. The Chair appoints the majority leader, the Honorable Samuel H. Smith, and the Democrat leader, the Honorable H. William DeWeese, to escort Representatives-elect Killion and Mustio to the well of the hall of the House for the purpose of taking the oath. The committee will proceed with its duties.

It will occur. It will just take a moment here. We are waiting for the minority leader, Mr. DeWeese.

OATH OF OFFICE ADMINISTERED

The SPEAKER. The oath of office required by Article VI, section 3, of the Constitution of Pennsylvania will be administered to Representative-elect Killion by the Honorable Correale Stevens, judge, Superior Court of the Commonwealth of Pennsylvania, and former member of this House from 1981 to 1988. The oath of office will be administered.

JUDGE STEVENS. Good afternoon, everyone.

I would like to thank you all for letting me participate in this, to come back here. As you know, I have court upstairs, but when I am in the Capitol, I certainly miss being part of the State legislature.

In the 1980s we had a different agenda. I do not know what is on your House calendar now, but I know we spent a lot of time talking about gambling and taxes. I am sure you are not doing that. So I would like to wish the new members good luck.

Place your left hand on the Bible, please, and raise your right hand and repeat after me.

I, Thomas Killion, do solemnly swear that I will support, obey, and defend the Constitution of the United States and the Constitution of this Commonwealth, and that I will discharge the duties of my office with fidelity.

(Member asserted oath.)

JUDGE STEVENS. Congratulations and good luck.
Mr. KILLION. Thank you

FILMING PERMISSION

The SPEAKER. The Chair wishes to advise the members that it has given permission to Carolyn Kaster of the Associated Press for the purposes of taking still photographs.

OATH OF OFFICE ADMINISTERED

The SPEAKER. The oath of office will now be administered to Representative-elect T. Mark Mustio by the Honorable Joan Orié Melvin, judge, Superior Court of the Commonwealth of Pennsylvania.

JUDGE MELVIN. Good afternoon.

State Representative-elect Mustio, you are standing at the threshold of a major transition in your life as you move from the private sector to public service. Winston Churchill said, you make a living by what you earn; you make a life by what you give. You have turned in a path in your life to public service, and you will be fulfilled and enriched in so many ways. Remember that leadership and ethics go hand in hand, and always be open to ideas.

The Greek philosopher Epictetus said once that nature has given to men one tongue and two ears, that we may hear from others twice as much as we speak. A good listener is an important quality in a leader. Be diligent and dedicated in serving and representing your constituents. You are blessed in giving public service.

Please place your left hand on the Bible, raise your right hand, and repeat after me.

I, Mark Mustio, do solemnly swear that I will support, obey, and defend the Constitution of the United States and the Constitution of the Commonwealth of Pennsylvania, and that I will discharge the duties of the office of State Representative with fidelity, so help me God.

(Member asserted oath.)

JUDGE MELVIN. Congratulations and God bless you, State Representative Mark Mustio.

REMARKS BY SPEAKER

The SPEAKER. Gentlemen, you have been blessed here today by being able to have your entire family and friends here to this proceeding to see you sworn in. I was sworn in not that many weeks ago to this new position that I have, but if we are all three fortunate enough to get reelected, we get four tickets apiece. So enjoy this festivity, because you are never going to get this many people in here again.

On behalf of the members of the Pennsylvania House of Representatives, I am pleased to welcome our newest colleagues, the Honorable Thomas H. Killion of Delaware County and the Honorable T. Mark Mustio of Allegheny County, to the hall of the House of Representatives.

Today is a special day for Mark and Tom. You join your colleagues in this chamber to do the work for the good of all the people of Pennsylvania. It is special because today you take an oath to preserve, protect, and serve with fidelity. It is special today because you are joined here by your wives, Eileen and Marianne, and your children, Brittany, Rebecca, Ryan, and Laura, and your many friends from both sides of the Commonwealth of Pennsylvania.

Mr. Killion also has here today his Uncle Dan and his Aunt Catherine Keating. They are both with him, and I am sure that they are very proud as they witness this ceremony.

As men well known and respected in your communities, you have shown yourselves to be dedicated, dedicated to those you have promised to serve as government officials.

As you embark on your journey as legislators and lawmakers, I am sure you both realize that your success will depend on knowing when to fight, knowing when to negotiate, knowing when to give ground, and knowing when to hold your ground in order to be victorious.

In the end, however, the ultimate goals of our efforts here do transcend the political process. They revolve, instead, around the development of character, that indefinable quality that leads individuals to be good, responsible citizens – men and women who get involved in constituent issues, think for themselves, and choose to act in ways that ultimately contribute to the greater common good of all of Pennsylvania.

Few legislators on the floor of this House are known for big victories. Most are known for their steady, day-in, day-out performances in meeting the needs of their constituents and for the careful, thoughtful consideration they give to the thousands of votes that they cast here on the floor of the House of Representatives.

Attention to these matters is, in my judgment, the true measure of being a worthy member of this great institution, the House of Representatives. This is the oldest elected body in the United States of America.

All of us look forward to working with you. Your energy, your openness, your friendly advice are all welcome, and my door is always open to you as well as it is to every member of the Pennsylvania House of Representatives – and the Senators, too, although we do not like to hear from them all that much.

You both follow in the footsteps of men who will be greatly missed by this chamber. Tom replaces a friend and dear colleague, the Speaker of the House, Matthew J. Ryan, from Delaware County, and Mark replaces former Representative and now State Senator John Pippy, who is serving our country in Iraq as we speak.

While we miss them both, I join in the electorate of your districts in having no doubt that you are up to the task and will represent them with the utmost of your abilities.

Congratulations, Tom; congratulations, Mark, and welcome to the Pennsylvania House of Representatives.

I was just mentioning to the Parliamentarian I never expected to be the Speaker of the House. So if you stay here long enough, good things can happen as long as you get around and talk to your friends here.

REMARKS BY MAJORITY LEADER

The SPEAKER. The majority leader, Sam Smith, is recognized for remarks at this point in time. Representative Smith.

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

You were lamenting that you may only have four tickets if you are fortunate enough to be sworn in as Speaker in a year and a half on swearing-in day. Representative Feese told me that he would give you his four tickets, so you are up to eight.

Good afternoon, everyone.

On behalf of the House of Representatives, it is my honor and pleasure to help welcome Representatives Tom Killion and Mark Mustio as the 107th and 108th members of our caucus and to the House of Representatives.

Mark, for you, unfortunately, K will always come before M. For some members that has always been a pleasure and for others it has been a burden.

I also want to welcome the families of the legislators to our chamber. Obviously, as the Speaker referenced, it is a great day, and coming in on a special election always is nicer because you can have more of your family and friends here, and we want to welcome all of you that have been so critical to the personal and political success of these two new Representatives.

Today is the day you open up a new and what I know will be a very exciting chapter in your lives.

As you know, you are joining our ranks at a very exciting and challenging time, and as Judge Stevens noted, some of the issues have not really changed over the years, but they do kind of take on new twists, and the issues will continue to churn as we work through these coming weeks.

We know it is important that the residents of the 168th and the 44th Legislative Districts be represented as we embark on the critical decisions involving the future of the Commonwealth. These decisions will not be easy. However, I am confident that on behalf of the residents of Pennsylvania, each of you will work with us to determine the most responsible course of action.

As I was preparing and thinking about some of the obvious things, it is clear that you guys come from opposite corners of the State, and yet as different as the southeast is from the southwest in Pennsylvania, so do you have many things in common.

As people with a knowledge of business, you understand that decisions made at the State and local levels of government, whether they deal with taxes, incentive programs, infrastructure development or whatever, can have a great impact on the ability of the private sector to thrive and continue to provide jobs for Pennsylvanians.

Although you come from different parts of the State, I also noticed that you campaigned on similar issues. At the top of your priority lists are measures to reduce the tax burden on our families and stimulate the economy to create jobs. As parents you are interested in providing good educational opportunities, not only for your kids but for all the children of Pennsylvania. I am pleased that your constituents will be represented in the upcoming debates on these critical issues. Your voice will be welcomed as we deliberate a series of new education and economic stimulus programs that have been proposed by our Governor.

I guess one last thing that the two of you have in common is that you will both be filling very big shoes of those that came before you.

Representative Mustio is succeeding Representative John Pippy as a well-respected and hardworking individual who served his constituency and is currently serving his country with pride and integrity. Mark, I have no doubt you will continue to provide the same level of leadership and commitment as your predecessor.

Tom, perhaps the shoes you are filling are a little bit larger by virtue of the number of years Matt Ryan served our Commonwealth and the influence and presence he had within this chamber. I know that you have been called a consensus builder in much the same vein as Matt Ryan. In this business it is good to be known as someone who can bring people together,

for politics, by some people's definition, is indeed the art of compromise.

As you begin your new careers as legislators, you may at times feel overwhelmed and wonder just what should be first among the number of competing priorities.

Earlier this year I shared with this chamber three types of priorities that I believe all legislators bring with them to Harrisburg. I think that if you can achieve a balance among these three kinds of priorities, you can be very successful not only here in Harrisburg but in life in general.

The priorities might go in this order: First are personal priorities. They include spending time with your family and caring for an elderly parent, perhaps, or just taking time to ensure your own health and personal well-being. Then there are the parochial priorities, those issues that are important to your constituents. Safe neighborhoods or well-maintained roads or good jobs should be the things that you are continually working on to provide for the people that you represent directly. And finally, there are the political priorities. These are the larger, often philosophical priorities that a legislator holds and that come to fruition within the Commonwealth as a whole.

For the 203 members of the General Assembly, these priorities are all a little bit different. However, regardless of our unique backgrounds and perspectives, we all have the same goal of making our State a better place to work and raise a family. We all work together to forge the future direction of the Commonwealth, and now we are pleased that we have two more very capable individuals helping us to move in the right direction.

Representative Killion, Representative Mustio, we welcome you and wish you great success as members of the House of Representatives.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

REMARKS BY DEMOCRATIC LEADER

The SPEAKER. The Chair recognizes the minority leader, Representative DeWeese.

Mr. DeWEESE. Mr. Speaker, Tom and Mark, friends and family, colleagues: Shalom, assalamu alaikum, good afternoon.

This is a variegated body, and your assignments will be multitudinous, multifaceted, and multifarious.

Judge Orie Melvin invoked a lofty recollection from the Honorable Winston Churchill. I have another one. He said that all babies were something he was fond of because they all looked like him, and it reminded me that the journey that you will take here will be from the sublime to the ridiculous. There will be moments of sepulchral monotony, bourgeois imbecility, and when Vitali is at the microphone, soaring idealism.

This is not a mission that would parallel St. Paul responding to the call for aid from the Macedonians, but nevertheless, there was a call for aid that went out in your legislative districts, and notwithstanding our perdurable efforts, you folks prevailed. You won; we lost.

And again, the inimitable Churchill said – and I have used this phrase ad nauseam on this floor; some of my older colleagues are probably tired of hearing me say it – but he said the duty of the opposition is to oppose, and of course, we did that in the campaign hustings and we will do it again and again, but that is what separates us from where our former colleague,

young John Pippy, is serving now in the Middle East. For several thousand years they did not have what we have had, as Speaker Perzel said, for the last couple hundred years.

This is a vibrant, talented, exciting, happy, usually happy, group of men and women that you are joining. Now, you are not joining at a real happy time. If you had been sworn in 2, 4, 6, 8 years ago, you would have been a happy beneficiary of the Bill Clinton economy, and the Bill Clinton economy allowed my good friend, our good friend, Tom Ridge, and his lieutenant, young Schweiker, to coast with 2, 4, 5, 6, 7, and one time a \$900 million surplus, but, Mark and Tom, you are going into the teeth of an exciting moment, a challenging moment – 46 out of 50 States are having problems. They do not all have Dave Argall, but we are going to try to solve these problems, but your intrepidity, your fortitude might be necessary. We will see what kind of rough-and-tumble politicians you are when some of these measures come before us.

We were told, we were told that these special elections had to take place in a hurry to get you up here, to get you in the front phalanx. Well, you are here, and I hope that your audacity will parallel the celerity of your election.

Anyway, the grit of politics, the cussedness of human nature is something that you are all well aware of. You have been there and done that, so to speak.

In relinquishing the microphone, I would like to invoke a recollection of John Kennedy when he said that our work will not be done in the first 100 days – this was his inaugural in January of 1961 – it will not be done in the first 100 days or the first 1,000 days; it will probably not be done in the life of this administration or in our lifetimes, but let the work begin.

So as your work begins, although it is difficult to juxtapose these words in my historical retrospection of Lyndon Johnson, his favorite Biblical quote was from Isaiah, “Come...let us reason together.”

Thank you.

The SPEAKER. Those remarks will be transcribed into English for you to read later on at your own leisure.

GUESTS INTRODUCED

The SPEAKER. Mark, now for the bad news.

The Chair first recognizes, in alphabetical order, Representative Killion for the purpose of introducing his family and his guests.

Mr. KILLION. Wow. What a room. This is a little different than the Delaware County council chambers.

I am honored to be here, and I was quickly checking the computer to see if it had a thesaurus on it. I was kind of lost during Mr. DeWeese’s remarks, but thank you.

I am very, very pleased to be here. There are so many people I need to thank and want to thank, I cannot thank them all right now. I would, however, like to thank a couple people. One is Tom Judge and Robert Judge, who are right up front. Tom Judge is the Republican leader of Delaware County, and his son, Robert, many of you may know, former Secretary of Revenue under Governor Ridge. We went to grade school and high school together, and he has helped me politically over the years.

My own district leader, Andy Reilly, who actually took my seat on Delaware County Council, I would like to thank Andy as well and all the folks that came here today to see me

sworn in, but in addition to that, all of the many, many folks that helped through this campaign, as well as the others when I ran for county council and the many times I have been involved in public service.

I also want to recognize my wife and my two daughters, Eileen, Brittany and Rebecca, who are up front, and you did mention my Uncle Dan and my Aunt Catherine, who are here as my loving relatives, but more importantly, as my surrogate parents, as I have lost my mom and dad and they are not able to be here today, but I feel great in having my Aunt Catherine here with me and my Uncle Dan as well.

Thank you. I am so honored to be here. It is difficult to follow in the shoes of someone like Speaker Ryan. He was one of the first persons I met when I got involved in politics over 20 years ago. I learned a lot from him. I know that this building has his fingerprints all over it, with the fine restoration work that has been done over the years, and I am honored to walk these halls and be reminded of Matt each and every day as I do that.

Thank you.

The SPEAKER. The Chair thanks the gentleman and for the record would like to note that you look so much younger than Bob Judge.

GUESTS INTRODUCED

The SPEAKER. The Chair now recognizes Representative Mustio for the purpose of introducing his family and making remarks.

Mr. MUSTIO. Thank you.

I do have a couple additional family members here: my sister, Martha, and her husband; and my sister-in-law, Kathy Caliendo, and her son, Quinn. So I would like to welcome them.

Also my business partners, who I actually would not be able to do this without their support, two of them are here today – David Hicks and Richard Hess – and without the support of the business community and also labor, they were a big help in my campaign as well. I would like to thank them for their active participation.

It is clearly an honor to be here, and I look forward to learning a lot of new words over the course of the next year and a half, and my understanding, there is a thesaurus here.

The help of the Allegheny County delegation has been immense and particularly my campaign manager, Mary Larcinese, who is sitting in the back. I would not be here today without her hard work and guidance. So thank you very much, Mary.

Kathy Pippy also helped immensely, and I was with her husband over the weekend, and he sends his regards to all of you as well.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

MEMBERS’ PRESENCE RECORDED

The SPEAKER. The gentlemen, Mr. Killion and Mr. Mustio, will be added to the master roll.

REPORT OF COMMITTEE ON COMMITTEES

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

The following report was read:

June 30, 2003

SUPPLEMENTAL REPORT OF COMMITTEE ON COMMITTEES

AGING & OLDER ADULT SERVICES

Representative Kelly Lewis resigns from the House Standing Committee on Aging & Older Adult Services.

Representative Mark Mustio is appointed to fill the vacancy on the House Standing Committee on Aging & Older Adult Services.

GAME & FISHERIES

Representative Jeff Coleman resigns from the House Standing Committee on Game & Fisheries.

No replacement is being appointed to fill the vacancy on the House Standing Committee on Game & Fisheries at this time.

INSURANCE

Representative William Adolph resigns from the House Standing Committee on Insurance.

Representative Thomas Killion is appointed to fill the vacancy on the House Standing Committee on Insurance.

INTERGOVERNMENTAL AFFAIRS

Representative Steven Nickol resigns from the House Standing Committee on Intergovernmental Affairs.

Representative Thomas Killion is appointed to fill the vacancy on the House Standing Committee on Intergovernmental Affairs.

LABOR RELATIONS

Representative Catherine Harper resigns from the House Standing Committee on Labor Relations.

Representative Jeff Coleman is appointed to fill the vacancy on the House Standing Committee on Labor Relations.

LIQUOR CONTROL

Representative Mario Civera resigns from the House Standing Committee on Liquor Control.

Representative Mark Mustio is appointed to fill the vacancy on the House Standing Committee on Liquor Control.

PROFESSIONAL LICENSURE

Representative Karl Boyes resigns from the House Standing Committee on Professional Licensure.

Representative Mark Mustio is appointed to fill the vacancy on the House Standing Committee on Professional Licensure.

STATE GOVERNMENT

Representative Daryl Metcalfe resigns from the House Standing Committee on State Government.

Representative Mark Mustio is appointed to fill the vacancy on the House Standing Committee on State Government.

Representative David Steil resigns from the House Standing Committee on State Government.

Representative Thomas Killion is appointed to fill the vacancy on the House Standing Committee on State Government.

TOURISM & RECREATIONAL DEVELOPMENT

Representative William Adolph resigns from the House Standing Committee on Tourism & Recreational Development.

Representative Thomas Killion is appointed to fill the vacancy on the House Standing Committee on Tourism & Recreational Development.

TRANSPORTATION

Representative John Pippy resigns from the House Standing Committee on Transportation.

Representative John Evans is appointed to fill the vacancy on the House Standing Committee on Transportation.

These changes take effect immediately.

Respectfully submitted,
George C. Hasay, Chairman
Committee on Committees

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

GUESTS INTRODUCED

The SPEAKER. The Chair would like to recognize in the hall of the House a group called Coro as guests of Representative Jake Wheatley, Jr. They are Community Problem Solving Fellows. They provide a 10-week fellowship in which they develop the professional leadership skills of talented African-American college students. Would those guests please rise and be recognized by the membership.

LEAVE OF ABSENCE CANCELED

The SPEAKER. The Chair will return to leaves of absence and recognize the presence of the gentlelady from Luzerne, Ms. Mundy, who will be added to the master roll.

CALENDAR

RESOLUTION PURSUANT TO RULE 35

Mrs. GINGRICH called up **HR 339, PN 2235**, entitled:

A Resolution designating the week of September 21 through 27, 2003, as "Voter Awareness Week" in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—199

Adolph	Evans, D.	Levdansky	Sainato
Allen	Evans, J.	Lewis	Samuelson
Argall	Fabrizio	Lynch	Santoni
Armstrong	Fairchild	Mackereth	Sather
Baker	Feese	Maitland	Saylor
Baldwin	Fleagle	Major	Scavello
Bard	Flick	Manderino	Schroder
Barrar	Forcier	Mann	Scrimenti
Bastian	Frankel	Markosek	Semmel
Bebko-Jones	Freeman	Marsico	Shaner

Belardi	Gabig	McCall	Smith, B.
Belfanti	Gannon	McGeehan	Smith, S. H.
Benninghoff	Geist	McGill	Solobay
Bianucci	George	McIlhattan	Staback
Birmelin	Gergely	McIlhinney	Stairs
Bishop	Gillespie	McNaughton	Steil
Blaum	Gingrich	Melio	Stern
Boyd	Godshall	Metcalfe	Stetler
Browne	Goodman	Micozzie	Stevenson, R.
Bunt	Gordner	Miller, R.	Stevenson, T.
Butkovitz	Grucela	Miller, S.	Sturla
Buxton	Gruitza	Mundy	Surra
Caltagirone	Habay	Mustio	Tangretti
Cappelli	Haluska	Myers	Taylor, J.
Casorio	Hanna	Nailor	Thomas
Causer	Harhai	Nickol	Tigue
Cawley	Harhart	O'Brien	Travaglio
Civera	Harper	Oliver	True
Clymer	Harris	O'Neill	Turzai
Cohen	Hasay	Pallone	Vance
Coleman	Hennessey	Payne	Veon
Cornell	Herman	Petrarca	Vitali
Corrigan	Hershey	Petri	Walko
Costa	Hess	Petrone	Wansacz
Coy	Hickernell	Phillips	Washington
Crahalla	Horsey	Pickett	Waters
Creighton	Hutchinson	Pistella	Watson
Cruz	James	Preston	Weber
Curry	Josephs	Raymond	Wheatley
Dailey	Keller	Readshaw	Williams
Daley	Kenney	Reed	Wilt
Dally	Killion	Reichley	Wojnaroski
DeLuca	Kirkland	Rieger	Wright
Denlinger	Kotik	Roberts	Yewic
Dermody	LaGrotta	Roebuck	Youngblood
DeWeese	Laughlin	Rohrer	Yudichak
DiGirolando	Leach	Rooney	Zug
Diven	Lederer	Ross	
Donatucci	Leh	Rubley	Perzel,
Eachus	Lescovitz	Ruffing	Speaker
Egolf			

NAYS—0

NOT VOTING—0

EXCUSED—3

Fichter Maher Taylor, E. Z.

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

REPUBLICAN CAUCUS

The SPEAKER. Are there any Republican caucus announcements?

The Chair recognizes the gentleman from Delaware, Mr. CIVERA.

Mr. CIVERA. Thank you, Mr. Speaker.

There will be a Republican caucus immediately at the break in the majority Republican caucus room. We will be there for approximately 1 hour. Thank you.

The SPEAKER. The Chair thanks the gentleman.

DEMOCRATIC CAUCUS

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. COHEN.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, the Democrats will also caucus for about 1 hour immediately upon the call of the recess.

The SPEAKER. The Chair thanks the gentleman.

COMMERCE COMMITTEE MEETING

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

Mr. HASAY. Thank you, Mr. Speaker.

Mr. Speaker, there will be a meeting of the House Commerce Committee in room 39 at the break; the House Commerce Committee in room 39 at the break. Thank you, Mr. Speaker.

The SPEAKER. There will be a meeting of the Commerce Committee in room 39 at the break.

APPROPRIATIONS COMMITTEE MEETING

The SPEAKER. The Chair recognizes the gentleman from Schuylkill, Mr. ARGALL.

Mr. ARGALL. Thank you, Mr. Speaker.

At the declaration of the recess, the House Appropriations Committee will meet in room 245.

The SPEAKER. The Chair thanks the gentleman.

At the declaration of the recess, the Appropriations Committee will meet in room 245.

LOCAL GOVERNMENT COMMITTEE MEETING

The SPEAKER. The Chair recognizes the gentleman from Centre, Mr. HERMAN.

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

Is it the Speaker's intent to come back on the House floor for voting later this afternoon?

The SPEAKER. For the information of the members, when we recess, we will be back here on the floor of the House at 3:30, and we will be casting votes.

Mr. HERMAN. As chairman of the House Local Government Committee, we will have a meeting of the Local Government Committee after the voting session this afternoon in room 60, East Wing. I will make another announcement at that time of the exact time.

Thank you very much, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

There will be a Local Government Committee meeting after the voting session this afternoon in room 60, East Wing.

Are there any other announcements?

RECESS

The SPEAKER. This House is recessed until 3:30.

AFTER RECESS

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

STATEMENT BY MR. STERN

The SPEAKER. The Chair recognizes the gentleman, Mr. Stern, for remarks.

Mr. STERN. Thank you, Mr. Speaker.

I would like to take this moment to be able to recognize today the Bellwood-Antis High School baseball team. Earlier I had the privilege of having them on the floor of the House for a private tour. They could not be here at this moment because they had to get back to Blair County. But the Bellwood-Antis Blue Devil baseball team captured their very first State baseball championship, Class A, and they also finished with a record of 22 and 4, won the Western Region Championship game as well, and they beat Elk Lake in the championship game, Elk Lake being Representative Tina Pickett's district and Representative Sandy Major's district.

So I would like to spread these remarks upon the record, and I have remarks and a citation that I would like to present for the House record today. Again, we would like to congratulate the Bellwood-Antis Blue Devil baseball team for winning the Class A baseball State championship.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

CITATION SUBMITTED FOR THE RECORD

Mr. STERN submitted the following citation for the Legislative Journal:

COMMONWEALTH OF PENNSYLVANIA
THE HOUSE OF REPRESENTATIVES

CITATION

WHEREAS, The House of Representatives of Pennsylvania is always pleased to recognize the outstanding achievements realized by the youth of this nation in a spirit of personal sacrifice, commitment to a common goal and unity of purpose; and

WHEREAS, The Bellwood-Antis High School Baseball Team is being honored upon capturing the 2003 PIAA Class A Baseball State Championship. Ending the championship season with a record of 22 wins and 4 losses, the team also won the Blair County League North Championship, the 2003 PIAA Class A Baseball District VI Championship and the 2003 PIAA Class A Baseball Western Region Championship; and

WHEREAS, Under the expert guidance of Head Coach Steve Conlon and Assistant Coaches Bill Edevane, Tim Weiland, Matt Ballos and Jeff Plummer, the team is comprised of Chris Alley, Andy Brisbin, Nate Carlson, Adam DeArmitt, Tony DelGrosso, Ryan Kenawell, Tyler McClellan, Derrick Miller, Ryan Myers, Adam Plummer, Ricky Shannon, Zach Stere, Nick Treese and Shawn Weiland. Also providing assistance and support for the team were Michael Sakash, Principal; Rodney Kuhns, Superintendent; John Hayes, Athletic Director; Donna Tyler, School Board Vice President; Bob Miller, Scorekeeper; and Dave Showalter, Trainer.

NOW THEREFORE, The House of Representatives of the Commonwealth of Pennsylvania heartily congratulates the Bellwood-Antis High School Baseball Team upon its stellar season and championship victory; acknowledges its investment of skill and effort

in competing on a level which demands perfection; offers best wishes for continued success in all future endeavors;

AND DIRECTS That a copy of this citation, sponsored by Representatives Jerry A. Stern and Larry O. Sather on June 26, 2003, be transmitted to the Bellwood-Antis High School Baseball Team.

Jerry A. Stern
Sponsor
Larry O. Sather
Sponsor

John M. Perzel
Speaker of the House
ATTEST:
Ted Mazia
Chief Clerk of the House

BILLS REREPORTED FROM COMMITTEE**HB 501, PN 595**

By Rep. ARGALL

An Act amending Title 27 (Environmental Resources) of the Pennsylvania Consolidated Statutes, further providing for adjustments from the Environmental Stewardship Fund.

APPROPRIATIONS.**HB 696, PN 2111**

By Rep. ARGALL

An Act authorizing and directing the Department of General Services, with the approval of the Governor, to grant and convey to the Philadelphia Regional Port Authority certain lands situate in the 39th Ward of the City of Philadelphia.

APPROPRIATIONS.**HB 746, PN 873**

By Rep. ARGALL

An Act authorizing the Commonwealth of Pennsylvania to join the Interstate Wildlife Violator Compact; providing for the form of the compact; imposing additional powers and duties on the Governor and the Compact Administrator; and limiting the applicability of suspension powers.

APPROPRIATIONS.**SB 259, PN 265**

By Rep. ARGALL

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for protective equipment for motorcycle riders.

APPROPRIATIONS.**SB 340, PN 785**

By Rep. ARGALL

An Act designating the new Livestock Evaluation Center at Pennsylvania State University as the Samuel E. Hayes, Jr., Livestock Evaluation Center.

APPROPRIATIONS.**SB 387, PN 1040**

By Rep. ARGALL

An Act amending the act of July 8, 1986 (P.L.408, No.89), known as the Health Care Cost Containment Act, further providing for the

Health Care Cost Containment Council, for powers and duties of the council, for data submission and collection, for access to council data, for enforcement and penalty and for expiration; and providing for penalties.

APPROPRIATIONS.

CALENDAR CONTINUED

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 629, PN 667**, entitled:

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, 2003, to June 30, 2004, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2003.

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

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—199

Adolph	Evans, D.	Levdansky	Sainato
Allen	Evans, J.	Lewis	Samuelson
Argall	Fabrizio	Lynch	Santoni
Armstrong	Fairchild	Mackereth	Sather
Baker	Feese	Maitland	Saylor
Baldwin	Fleagle	Major	Scavello
Bard	Flick	Manderino	Schroder
Barrar	Forcier	Mann	Scrimenti
Bastian	Frankel	Markosek	Semmel
Bebko-Jones	Freeman	Marsico	Shaner
Belardi	Gabig	McCall	Smith, B.
Belfanti	Gannon	McGeehan	Smith, S. H.
Benninghoff	Geist	McGill	Solobay
Bianucci	George	McIlhattan	Staback
Birmelin	Gergely	McIlhinney	Stairs
Bishop	Gillespie	McNaughton	Steil
Blaum	Gingrich	Melio	Stern
Boyd	Godshall	Metcalfe	Stetler
Browne	Goodman	Micozzie	Stevenson, R.
Bunt	Gordner	Miller, R.	Stevenson, T.
Butkovitz	Grucela	Miller, S.	Sturla
Buxton	Gruitza	Mundy	Surra
Caltagirone	Habay	Mustio	Tangretti
Cappelli	Haluska	Myers	Taylor, J.
Casorio	Hanna	Nailor	Thomas
Causser	Harhai	Nickol	Tigue
Cawley	Harhart	O'Brien	Travaglio
Civera	Harper	Oliver	True
Clymer	Harris	O'Neill	Turzai
Cohen	Hasay	Pallone	Vance
Coleman	Hennessey	Payne	Veon
Cornell	Herman	Petrarca	Vitali
Corrigan	Hershey	Petri	Walko
Costa	Hess	Petrone	Wansacz
Coy	Hickernell	Phillips	Washington
Crahalla	Horsely	Pickett	Waters

Creighton	Hutchinson	Pistella	Watson
Cruz	James	Preston	Weber
Curry	Josephs	Raymond	Wheatley
Dailey	Keller	Readshaw	Williams
Daley	Kenney	Reed	Wilt
Dally	Killion	Reichley	Wojnaroski
DeLuca	Kirkland	Rieger	Wright
Denlinger	Kotik	Roberts	Yewic
Dermody	LaGrotta	Roebuck	Youngblood
DeWeese	Laughlin	Rohrer	Yudichak
DiGirolamo	Leach	Rooney	Zug
Diven	Lederer	Ross	
Donatucci	Leh	Rubley	Perzel,
Eachus	Lescovitz	Ruffing	Speaker
Egolf			

NAYS—0

NOT VOTING—0

EXCUSED—3

Fichter Maher Taylor, E. Z.

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.

FORMER MEMBER WELCOMED

The SPEAKER. We have a former colleague of ours here, former Representative Fred Trello, seated to the left.

GUESTS INTRODUCED

The SPEAKER. We have, as the guests of Representative Bastian, Dennis Nicklow and his wife and his family from Rockwood, Pennsylvania. They are friends of Mr. Bastian, and we would like to have them stand and be honored by the members of the General Assembly. Welcome.

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 792, PN 924**, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, providing for a prototypical school facility design clearinghouse.

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

BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader.
Mr. S. SMITH. Mr. Speaker, I move that HB 792, PN 924, be recommitted to the Rules Committee.

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

RULES COMMITTEE MEETING

The SPEAKER. The Chair recognizes the majority leader for an immediate meeting of the Rules Committee.

BILLS REREPORTED FROM COMMITTEE

HB 1000, PN 2090 By Rep. S. SMITH

An Act amending the act of February 19, 1980 (P.L.15, No.9), known as the Real Estate Licensing and Registration Act, further providing for licensing requirements and penalties.

RULES.

HB 1222, PN 1469 By Rep. S. SMITH

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for summary offenses involving vehicles.

RULES.

HB 1626, PN 2053 By Rep. S. SMITH

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, further defining "taxable income" for purposes of corporate net income tax.

RULES.

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 1000, PN 2090; HB 1222, PN 1469; and HB 1626, PN 2053.

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1131, PN 1333**, entitled:

An Act amending the act of November 24, 1998 (P.L.874, No.110), known as the Motor Vehicle Chop Shop and Illegally Obtained and Altered Property Act, further providing for the definition of "chop shop."

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

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—199

Adolph	Evans, D.	Levdansky	Sainato
Allen	Evans, J.	Lewis	Samuelson
Argall	Fabrizio	Lynch	Santoni
Armstrong	Fairchild	Mackereth	Sather
Baker	Feese	Maitland	Saylor
Baldwin	Fleagle	Major	Scavello
Bard	Flick	Manderino	Schroder
Barrar	Forcier	Mann	Scrimenti
Bastian	Frankel	Markosek	Semmel
Bebko-Jones	Freeman	Marsico	Shaner
Belardi	Gabig	McCall	Smith, B.
Belfanti	Gannon	McGeehan	Smith, S. H.
Benninghoff	Geist	McGill	Solobay
Biancucci	George	McIlhattan	Staback
Birmelin	Gergely	McIlhinney	Stairs
Bishop	Gillespie	McNaughton	Steil
Blaum	Gingrich	Melio	Stern
Boyd	Godshall	Metcalfe	Stetler
Browne	Goodman	Micozzie	Stevenson, R.
Bunt	Gordner	Miller, R.	Stevenson, T.
Butkovitz	Grucela	Miller, S.	Sturla
Buxton	Gruitza	Mundy	Surra
Caltagirone	Habay	Mustio	Tangretti
Cappelli	Haluska	Myers	Taylor, J.
Casorio	Hanna	Nailor	Thomas
Causer	Harhai	Nickol	Tigue
Cawley	Harhart	O'Brien	Travaglio
Civera	Harper	Oliver	True
Clymer	Harris	O'Neill	Turzai
Cohen	Hasay	Pallone	Vance
Coleman	Hennessey	Payne	Veon
Cornell	Herman	Petrarca	Vitali
Corrigan	Hershey	Petri	Walko
Costa	Hess	Petrone	Wansacz
Coy	Hickernell	Phillips	Washington
Crahalla	Horsely	Pickett	Waters
Creighton	Hutchinson	Pistella	Watson
Cruz	James	Preston	Weber
Curry	Josephs	Raymond	Wheatley
Dailey	Keller	Readshaw	Williams
Daley	Kenney	Reed	Wilt
Dally	Killion	Reichley	Wojnaroski
DeLuca	Kirkland	Rieger	Wright
Denlinger	Kotik	Roberts	Yewcic
Dermody	LaGrotta	Roebuck	Youngblood
DeWeese	Laughlin	Rohrer	Yudichak
DiGirolo	Leach	Rooney	Zug
Diven	Lederer	Ross	
Donatucci	Leh	Rubley	Perzel,
Eachus	Lescovitz	Ruffing	Speaker
Egolf			

NAYS—0

NOT VOTING—0

EXCUSED—3

Fichter Maher Taylor, E. Z.

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

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

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

SB 10, PN 1038

By Rep. HASAY

An Act amending Titles 12 (Commerce and Trade) and 72 (Taxation and Fiscal Affairs) of the Pennsylvania Consolidated Statutes, codifying portions of the Economic Development Financing Law and further providing for contract requirements and for Commonwealth obligations; codifying portions of the Job Enhancement Act and further providing for contract requirements, for guidelines, for administration and for application and review requirements; codifying portions of the Keystone Opportunity Zone and Keystone Opportunity Expansion Zone Act and further providing for keystone opportunity expansion subzones and for keystone opportunity improvement zones; providing for the Project Review Committee, for Keystone Innovation Zones, for the Economic Enhancement Program, for the Economic Enhancement Financing Program, for the Core Industries Infrastructure Capitalization Program, for the Water and Wastewater Infrastructure Capitalization Program, for the First Industries Program, for the Secondary Growth Stage Financing Program, for primary growth stage investment providing for the Economic Enhancement Fund; codifying the Capital Facilities Debt Enabling Act; further providing for definitions, for procedures for capital budget and debt authorizing legislation, for bonds, for appropriations for and limitations on redevelopment assistance and site development capital projects, and for funding and administration of redevelopment assistance capital projects; providing for funding and administration of site development capital projects and for the Capital Project Oversight and Review Committee; continuing debt authorization; making repeals; requiring a referendum; and making appropriations.

COMMERCE.

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 322, PN 368**, entitled:

An Act amending the act of July 7, 1947 (P.L.1368, No.542), known as the Real Estate Tax Sale Law, further providing for the definition of "taxing district" and for repeals; and imposing duties on the Department of Community and Economic Development and the Legislative Reference Bureau.

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

(Amendment A1941, offered by Mr. Levdansky on June 24, 2003, was withdrawn.)

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

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—198

Adolph	Egolf	Levdansky	Sainato
Allen	Evans, D.	Lewis	Samuelson
Argall	Evans, J.	Lynch	Santoni
Armstrong	Fabrizio	Mackereth	Sather
Baker	Fairchild	Maitland	Saylor
Baldwin	Feese	Major	Scavello
Bard	Fleagle	Manderino	Schroder
Barrar	Flick	Mann	Scrimenti
Bastian	Forcier	Markosek	Semmel
Bebko-Jones	Frankel	Marsico	Shaner
Belardi	Freeman	McCall	Smith, B.
Belfanti	Gabig	McGeehan	Smith, S. H.
Benninghoff	Gannon	McGill	Solobay
Biancucci	Geist	McIlhattan	Staback
Birmelin	George	McIlhinney	Stairs
Bishop	Gergely	McNaughton	Steil
Blaum	Gillespie	Melio	Stern
Boyd	Gingrich	Metcalfe	Stetler
Browne	Godshall	Micozzie	Stevenson, R.
Bunt	Goodman	Miller, R.	Stevenson, T.
Butkovitz	Gordner	Miller, S.	Sturla
Buxton	Grucela	Mundy	Surra
Caltagirone	Gruitza	Mustio	Tangretti
Cappelli	Habay	Myers	Taylor, J.
Casorio	Haluska	Nailor	Thomas
Causer	Hanna	Nickol	Tigue
Cawley	Harhai	O'Brien	Travaglio
Civera	Harhart	Oliver	True
Clymer	Harper	O'Neill	Turzai
Cohen	Harris	Pallone	Vance
Coleman	Hasay	Payne	Veon
Cornell	Hennessey	Petrarca	Vitali
Corrigan	Herman	Petri	Walko
Costa	Hershey	Petrone	Wansacz
Coy	Hess	Phillips	Washington
Crahalla	Hickernell	Pickett	Waters
Creighton	Horsey	Pistella	Watson
Cruz	Hutchinson	Preston	Weber
Curry	James	Raymond	Wheatley
Dailey	Josephs	Readshaw	Williams
Daley	Keller	Reed	Wilt
Dally	Kenney	Reichley	Wojnaroski
DeLuca	Killion	Rieger	Wright
Denlinger	Kirkland	Roberts	Yewcic
Dermody	LaGrotta	Roebuck	Youngblood
DeWeese	Laughlin	Rohrer	Yudichak
DiGirolo	Leach	Rooney	Zug
Diven	Lederer	Ross	
Donatucci	Leh	Rubley	Perzel,
Eachus	Lescovitz	Ruffing	Speaker

NAYS—1

Kotik

NOT VOTING—0

EXCUSED—3

Fichter Maher Taylor, E. Z.

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

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

SUPPLEMENTAL CALENDAR A

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 387, PN 1040**, entitled:

An Act amending the act of July 8, 1986 (P.L.408, No.89), known as the Health Care Cost Containment Act, further providing for the Health Care Cost Containment Council, for powers and duties of the council, for data submission and collection, for access to council data, for enforcement and penalty and for expiration; and providing for penalties.

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

Mr. **BROWNE** offered the following amendment No. **A2533**:

Amend Title, page 1, line 1, by striking out "Amending" and inserting

Reenacting and amending

Amend Title, page 1, line 16, by inserting after "COLLECTION,"

for data dissemination, for mandated health benefits,

Amend Bill, page 16, lines 6 through 11, by striking out all of said lines and inserting

Section 1. The title and sections 1, 2 and 3 of the act of July 8, 1986 (P.L.408, No.89), known as the Health Care Cost Containment Act, reenacted and amended June 28, 1993 (P.L.146, No.34), are reenacted to read:

AN ACT

Providing for the creation of the Health Care Cost Containment Council, for its powers and duties, for health care cost containment through the collection and dissemination of data, for public accountability of health care costs and for health care for the indigent; and making an appropriation.

Section 1. Short title.

This act shall be known and may be cited as the Health Care Cost Containment Act.

Section 2. Legislative finding and declaration.

The General Assembly finds that there exists in this Commonwealth a major crisis because of the continuing escalation of costs for health care services. Because of the continuing escalation of costs, an increasingly large number of Pennsylvania citizens have severely limited access to appropriate and timely health care. Increasing costs are also undermining the quality of health care services currently being provided. Further, the continuing escalation is negatively affecting the economy of this Commonwealth, is restricting new economic growth and is impeding the creation of new job opportunities in this Commonwealth.

The continuing escalation of health care costs is attributable to a number of interrelated causes, including:

(1) Inefficiency in the present configuration of health care service systems and in their operation.

(2) The present system of health care cost payments by third parties.

(3) The increasing burden of indigent care which encourages cost shifting.

(4) The absence of a concentrated and continuous effort in all segments of the health care industry to contain health care costs.

Therefore, it is hereby declared to be the policy of the Commonwealth of Pennsylvania to promote health care cost containment and to identify appropriate utilization practices by creating

an independent council to be known as the Health Care Cost Containment Council.

It is the purpose of this legislation to promote the public interest by encouraging the development of competitive health care services in which health care costs are contained and to assure that all citizens have reasonable access to quality health care.

It is further the intent of this act to facilitate the continuing provision of quality, cost-effective health services throughout the Commonwealth by providing current, accurate data and information to the purchasers and consumers of health care on both cost and quality of health care services and to public officials for the purpose of determining health-related programs and policies and to assure access to health care services.

Nothing in this act shall prohibit a purchaser from obtaining from its third-party insurer, carrier or administrator, nor relieve said third-party insurer, carrier or administrator from the obligation of providing, on terms consistent with past practices, data previously provided to a purchaser pursuant to any existing or future arrangement, agreement or understanding.

Section 3. Definitions.

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

"Ambulatory service facility." A facility licensed in this Commonwealth, not part of a hospital, which provides medical, diagnostic or surgical treatment to patients not requiring hospitalization, including ambulatory surgical facilities, ambulatory imaging or diagnostic centers, birthing centers, freestanding emergency rooms and any other facilities providing ambulatory care which charge a separate facility charge. This term does not include the offices of private physicians or dentists, whether for individual or group practices.

"Charge" or "rate." The amount billed by a provider for specific goods or services provided to a patient, prior to any adjustment for contractual allowances.

"Council." The Health Care Cost Containment Council.

"Covered services." Any health care services or procedures connected with episodes of illness that require either inpatient hospital care or major ambulatory service such as surgical, medical or major radiological procedures, including any initial and follow-up outpatient services associated with the episode of illness before, during or after inpatient hospital care or major ambulatory service. The term does not include routine outpatient services connected with episodes of illness that do not require hospitalization or major ambulatory service.

"Data source." A hospital; ambulatory service facility; physician; health maintenance organization as defined in the act of December 29, 1972 (P.L.1701, No.364), known as the Health Maintenance Organization Act; hospital, medical or health service plan with a certificate of authority issued by the Insurance Department, including, but not limited to, hospital plan corporations as defined in 40 Pa.C.S. Ch. 61 (relating to hospital plan corporations) and professional health services plan corporations as defined in 40 Pa.C.S. Ch. 63 (relating to professional health services plan corporations); commercial insurer with a certificate of authority issued by the Insurance Department providing health or accident insurance; self-insured employer providing health or accident coverage or benefits for employees employed in the Commonwealth; administrator of a self-insured or partially self-insured health or accident plan providing covered services in the Commonwealth; any health and welfare fund that provides health or accident benefits or insurance pertaining to covered service in the Commonwealth; the Department of Public Welfare for those covered services it purchases or provides through the medical assistance program under the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, and any other payor for covered services in the Commonwealth other than an individual.

"Health care facility." A general or special hospital, including tuberculosis and psychiatric hospitals, kidney disease treatment centers, including freestanding hemodialysis units, and ambulatory service

facilities as defined in this section, and hospices, both profit and nonprofit, and including those operated by an agency of State or local government.

“Health care insurer.” Any person, corporation or other entity that offers administrative, indemnity or payment services for health care in exchange for a premium or service charge under a program of health care benefits, including, but not limited to, an insurance company, association or exchange issuing health insurance policies in this Commonwealth; hospital plan corporation as defined in 40 Pa.C.S. Ch. 61 (relating to hospital plan corporations); professional health services plan corporation as defined in 40 Pa.C.S. Ch. 63 (relating to professional health services plan corporations); health maintenance organization; preferred provider organization; fraternal benefit societies; beneficial societies; and third-party administrators; but excluding employers, labor unions or health and welfare funds jointly or separately administered by employers or labor unions that purchase or self-fund a program of health care benefits for their employees or members and their dependents.

“Health maintenance organization.” An organized system which combines the delivery and financing of health care and which provides basic health services to voluntarily enrolled subscribers for a fixed prepaid fee, as defined in the act of December 29, 1972 (P.L.1701, No.364), known as the Health Maintenance Organization Act.

“Hospital.” An institution, licensed in this Commonwealth, which is a general, tuberculosis, mental, chronic disease or other type of hospital, or kidney disease treatment center, whether profit or nonprofit, and including those operated by an agency of State or local government.

“Indigent care.” The actual costs, as determined by the council, for the provision of appropriate health care, on an inpatient or outpatient basis, given to individuals who cannot pay for their care because they are above the medical assistance eligibility levels and have no health insurance or other financial resources which can cover their health care.

“Major ambulatory service.” Surgical or medical procedures, including diagnostic and therapeutic radiological procedures, commonly performed in hospitals or ambulatory service facilities, which are not of a type commonly performed or which cannot be safely performed in physicians’ offices and which require special facilities such as operating rooms or suites or special equipment such as fluoroscopic equipment or computed tomographic scanners, or a postprocedure recovery room or short-term convalescent room.

“Medical procedure incidence variations.” The variation in the incidence in the population of specific medical, surgical and radiological procedures in any given year, expressed as a deviation from the norm, as these terms are defined in the classical statistical definition of “variation,” “incidence,” “deviation” and “norm.”

“Medically indigent” or “indigent.” The status of a person as described in the definition of indigent care.

“Payment.” The payments that providers actually accept for their services, exclusive of charity care, rather than the charges they bill.

“Payor.” Any person or entity, including, but not limited to, health care insurers and purchasers, that make direct payments to providers for covered services.

“Physician.” An individual licensed under the laws of this Commonwealth to practice medicine and surgery within the scope of the act of October 5, 1978 (P.L.1109, No.261), known as the Osteopathic Medical Practice Act, or the act of December 20, 1985 (P.L.457, No.112), known as the Medical Practice Act of 1985.

“Preferred provider organization.” Any arrangement between a health care insurer and providers of health care services which specifies rates of payment to such providers which differ from their usual and customary charges to the general public and which encourage enrollees to receive health services from such providers.

“Provider.” A hospital, an ambulatory service facility or a physician.

“Provider quality.” The extent to which a provider renders care that, within the capabilities of modern medicine, obtains for patients

medically acceptable health outcomes and prognoses, adjusted for patient severity, and treats patients compassionately and responsively.

“Provider service effectiveness.” The effectiveness of services rendered by a provider, determined by measurement of the medical outcome of patients grouped by severity receiving those services.

“Purchaser.” All corporations, labor organizations and other entities that purchase benefits which provide covered services for their employees or members, either through a health care insurer or by means of a self-funded program of benefits, and a certified bargaining representative that represents a group or groups of employees for whom employers purchase a program of benefits which provide covered services, but excluding entities defined in this section as “health care insurers.”

“Raw data” or “data.” Data collected by the council under section 6 in the form initially received. No data shall be released by the council except as provided for in section 11.

“Severity.” In any patient, the measureable degree of the potential for failure of one or more vital organs.

Section 2. Sections 4, 5, 6 and 7 of the act are reenacted and amended to read:

Section 4. Health Care Cost Containment Council.

(a) Establishment.—The General Assembly hereby establishes an independent council to be known as the Health Care Cost Containment Council.

Amend Sec. 1 (Sec. 4), page 16, line 12, by striking out “24”

Amend Sec. 1 (Sec. 4), page 16, by inserting between lines 17 and 18

(3.1) Four members of the General Assembly, which shall consist of the chairman and minority chairman of the Public Health and Welfare Committee of the Senate and the chairman and minority chairman of the Health and Human Services Committee of the House of Representatives. Members under this paragraph may appoint a designee to act on behalf of the member at meetings of the council and of committees, as provided in subsection (f). Designees shall be counted for purposes of determining a quorum.

Amend Sec. 1 (Sec. 4), page 17, by inserting between lines 8 and 9

(6.1) One representative of patient advocacy groups appointed by the Governor, who must be an employee of a not-for-profit patient safety advocacy organization.

Amend Sec. 1 (Sec. 4), page 17, line 19, by inserting brackets before and after “ONE REPRESENTATIVE” and inserting immediately thereafter

Two representatives

Amend Sec. 1 (Sec. 4), page 17, by inserting between lines 25 and 26

(8.1) An individual appointed by the Governor who is certified in continuous quality improvement methods.

Amend Sec. 1 (Sec. 4), page 17, line 26, by striking out “(9)” and inserting

(8.2)

Amend Sec. 1 (Sec. 4), page 17, line 29, by striking out the bracket before “(9)”

Amend Sec. 1 (Sec. 4), page 17, line 29, by striking out “[(10)”

Amend Sec. 1 (Sec. 4), page 18, line 3, by striking out the bracket before “(10)”

Amend Sec. 1 (Sec. 4), page 18, line 3, by striking out “[(11)”

Amend Sec. 1 (Sec. 4), page 18, line 7, by striking out the bracket before “(11)”

Amend Sec. 1 (Sec. 4), page 18, line 7, by striking out “[(12)”

Amend Sec. 1 (Sec. 4), page 18, line 12, by striking out the bracket before “(12)”

Amend Sec. 1 (Sec. 4), page 18, line 12, by striking out “[(13)”

Amend Sec. 1 (Sec. 4), page 18, line 26, by striking out all of said line and inserting

(c) Chairperson and vice chairperson.—The members shall annually elect, by a majority vote of the members, a chairperson and a

vice chairperson of the council from among the business and labor representatives on the council.

Amend Sec. 1 (Sec. 4), page 18, line 27, by striking out “THIRTEEN” and inserting

Seventeen

Amend Sec. 1 (Sec. 4), page 18, lines 27 and 28, by inserting a bracket before “A” in line 27 and after “SHALL” in line 28 and inserting immediately thereafter

at least six of whom must

Amend Sec. 1 (Sec. 4), page 19, line 3, by striking out all of said line and inserting

(e) Meetings.—All meetings of the council shall be advertised and conducted pursuant to [the act of July 3, 1986 (P.L.388, No.84), known as the Sunshine Act] 65 Pa.C.S. Ch. 7 (relating to open meetings), unless otherwise provided in this section.

(1) The council shall meet at least once every two months, and may provide for special meetings as it deems necessary. Meeting dates shall be set by a majority vote of the members of the council or by the call of the chairperson upon seven days’ notice to all council members.

(2) All meetings of the council shall be publicly advertised, as provided for in this subsection, and shall be open to the public, except that the council, through its bylaws, may provide for executive sessions of the council on subjects permitted to be discussed in such sessions under [the Sunshine Act] 65 Pa.C.S. Ch. 7. No act of the council shall be taken in an executive session.

(3) The council shall publish a schedule of its meetings in the Pennsylvania Bulletin and in at least one newspaper in general circulation in the Commonwealth. Such notice shall be published at least once in each calendar quarter and shall list the schedule of meetings of the council to be held in the subsequent calendar quarter. Such notice shall specify the date, time and place of the meeting and shall state that the council’s meetings are open to the general public, except that no such notice shall be required for executive sessions of the council.

(4) All action taken by the council shall be taken in open public session, and action of the council shall not be taken except upon the affirmative vote of a majority of the members of the council present during meetings at which a quorum is present.

Amend Sec. 1 (Sec. 4), page 19, line 16, by striking out the bracket before “PHYSICIANS”

Amend Sec. 1 (Sec. 4), page 19, line 17, by striking out “AND BIOSTATISTICIANS. IN APPOINTING” and inserting [and biostatisticians.], biostatisticians, one representative of the Hospital and Healthsystem Association of Pennsylvania and one representative of the Pennsylvania Medical Society. The Hospital and Healthsystem Association of Pennsylvania and the Pennsylvania Medical Society representatives shall not be subject to executive committee approval. In appointing physicians, researchers and biostatisticians to

Amend Sec. 1 (Sec. 4), page 19, lines 21 through 25, by striking out “[] AT A MINIMUM ONE” in line 21, all of lines 22 through 24 and “REPRESENTATIVE OF THE PUBLIC HEALTH SECTOR.” in line 25

Amend Sec. 1 (Sec. 4), page 19, line 25, by inserting after “DISCRETION”

and in accordance with this section

Amend Sec. 1 (Sec. 4), page 19, lines 27 through 30, by striking out “THE HOSPITAL AND HEALTHSYSTEM ASSOCIATION OF” in line 27, all of lines 28 and 29 and “APPROVAL.” in line 30

Amend Sec. 1 (Sec. 4), page 20, line 8, by striking out all of said line and inserting

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

may include reimbursement of travel and living expenses while engaged in council business.

Amend Sec. 1 (Sec. 4), page 20, line 13, by striking out all of said line and inserting

[eighteen appointed] council members under subsection (b)(1), (2), (3) and (3.1) shall serve ex officio. The council members under subsection (b)(4) through (11) shall each

Amend Sec. 1 (Sec. 4), page 21, line 15, by inserting after “MEMBER”

under subsection (b)(4) through (11)

Amend Sec. 1 (Sec. 4), page 21, line 18, by striking out all of said line and inserting

(i) Commencement of operations.—

(1) Within 60 days after the effective date of this act, each organization or individual required to submit a list of recommended persons to the Governor, the President pro tempore of the Senate or the Speaker of the House of Representatives under subsection (b) shall submit said list.

(2) Within 90 days of the effective date of this act, the Governor, the President pro tempore of the Senate and the Speaker of the House of Representatives shall make all of the appointments called for in subsection (b), and the council shall begin operations immediately following these appointments.

(j) Subsequent appointments.—Submission of lists of recommended persons and appointments of council members for the second and succeeding terms shall be made in the same manner as prescribed in subsection (b), except that:

(1) Organizations required under subsection (b) to submit lists of recommended persons shall do so at least 60 days prior to expiration of the council members’ terms.

(2) The officer required under subsection (b) to make appointments to the council shall make said appointments at least 30 days prior to expiration of the council members’ terms. If the appointments are not made within the specified time, the council chairperson may make interim appointments from the lists of recommended individuals. An interim appointment shall be valid only until the appropriate officer under subsection (b) makes the required appointment. Whether the appointment is by the required officer or by the chairperson of the council, the appointment shall become effective immediately upon expiration of the incumbent member’s term.

(k) Appointments of acting councilors.—Should any organization or individual fail to submit a list of recommended persons as required under subsection (b) within the time limits in subsection (i) or (j), the officer designated to make the appointment under subsection (b) shall appoint as many acting councilors as required under subsection (b) until such time as the list of recommended persons is submitted by the original organization as required in subsection (b).

Amend Sec. 1, page 21, lines 19 and 20, by striking out all of said lines and inserting

Section 5. Powers and duties of the council.

(a) General powers.—The council shall exercise all powers necessary and appropriate to carry out its duties, including the following:

(1) To employ an executive director, investigators and other staff necessary to comply with the provisions of this act and regulations promulgated thereunder, to employ or retain legal counsel and to engage professional consultants, as it deems necessary to the performance of its duties. Any consultants, other than sole source consultants, engaged by the council shall be selected in accordance with the provisions for contracting with vendors set forth in section 16.

(2) To fix the compensation of all employees and to prescribe their duties. Notwithstanding the independence of the council under section 4(a), employees under this paragraph shall be deemed employees of the Commonwealth for the purposes of participation in the Pennsylvania Employee Benefit Trust Fund.

(3) To make and execute contracts and other instruments, including those for purchase of services and purchase or leasing of equipment and supplies, necessary or convenient to the exercise of the powers of the council. Any such contract shall be let only in accordance with the provision for contracting with vendors set forth in section 16.

(4) To conduct examinations and investigations, to conduct audits, pursuant to the provisions of subsection (c), and to hear testimony and take proof, under oath or affirmation, at public or private hearings, on any matter necessary to its duties.

(4.1) To provide hospitals with individualized data on adverse medical events, complications and hospital infections. The data shall be risk adjusted and made available to hospitals electronically and free of charge on a quarterly basis within 45 days of receipt of the corrected quarterly data from the hospitals. The data is intended to provide the patient safety committee of each hospital with information necessary to assist it in conducting route cause analysis.

(5) To do all things necessary to carry out its duties under the provisions of this act.

Amend Sec. 1 (Sec. 5), page 21, line 25, by inserting after "ACT."

This subsection shall not apply to regulations in effect on June 30, 2003.

Amend Sec. 1 (Sec. 5), page 21, line 26, by striking out the bracket before "AUDIT"

Amend Sec. 1 (Sec. 5), page 22, lines 15 through 19, by striking out the bracket in line 15 and all of lines 16 through 19

Amend Sec. 1 (Sec. 5), page 22, lines 23 through 28, by striking out all of said lines and inserting

(1) Develop a computerized system for the collection, analysis and dissemination of data. The council may contract with a vendor who will provide such data processing services. The council shall assure that the system will be capable of processing all data required to be collected under this act. Any vendor selected by the council shall be selected in accordance with the provisions of section 16, and said vendor shall relinquish any and all proprietary rights or claims to the data base created as a result of implementation of the data processing system.

(2) Establish a Pennsylvania Uniform Claims and Billing Form for all data sources and all providers which shall be utilized and maintained by all data sources and all providers for all services covered under this act.

(3) Collect and disseminate data, as specified in section 6, and other information from data sources to which the council is entitled, prepared according to formats, time frames and confidentiality provisions as specified in sections 6 and 10, and by the council.

(4) Adopt and implement a methodology to collect and disseminate data reflecting provider quality and provider service effectiveness pursuant to section 6 [and to continuously study quality of care systems].

(5) Subject to the restrictions on access to raw data set forth in section 10, issue special reports and make available raw data as defined in section 3 to any purchaser requesting it. Sale by any recipient or exchange or publication by a recipient, other than a purchaser, of raw council data to other parties without the express written consent of, and under terms approved by, the council shall be unauthorized use of data pursuant to section 10(c).

(6) On an annual basis, publish in the Pennsylvania Bulletin a list of all the raw data reports it has prepared under section 10(f) and a description of the data obtained through each computer-to-computer access it has provided under section 10(f) and of the names of the parties to whom the council provided the reports or the computer-to-computer access during the previous month.

(7) Promote competition in the health care and health insurance markets.

(8) Assure that the use of council data does not raise access barriers to care.

(10) Make annual reports to the General Assembly on the rate of increase in the cost of health care in the Commonwealth and the effectiveness of the council in carrying out the legislative intent of this act. In addition, the council may make recommendations on the need for further health care cost containment legislation. The council shall also make annual reports to the General Assembly on the quality and effectiveness of health care and access to health care for all citizens of the Commonwealth.

Amend Sec. 1 (Sec. 5), page 23, line 14, by striking out all of said line and inserting

(12) Conduct studies and publish reports thereon analyzing the effects that noninpatient, alternative health care delivery systems have on health care costs. These systems shall include, but not be limited to: HMO's; PPO's; primary health care facilities; home health care; attendant care; ambulatory service facilities; freestanding emergency centers; birthing centers; and hospice care. These reports shall be submitted to the General Assembly and shall be made available to the public.

(13) Conduct studies and make reports concerning the utilization of experimental and nonexperimental transplant surgery and other highly technical and experimental procedures, including costs and mortality rates.

(14) In order to insure that the council adopts and maintains both scientifically credible and cost-effective methodology to collect and disseminate data reflecting provider quality and effectiveness, the council shall, within one year of the effective date of this paragraph, utilizing current Commonwealth agency guidelines and procedures, issue a request for information from any vendor that wishes to provide data collection or risk adjustment methodology to the council to help meet the requirements of this subsection and section 6. The council shall establish an independent Request for Information Review Committee to review and rank all responses and to make a final recommendation to the council. The Request for Information Review Committee shall consist of the following members:

(i) Four members of the General Assembly, one each to 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.

(ii) The following members appointed by the Governor:

(A) One representative of the Hospital and Healthsystem Association of Pennsylvania.

(B) One representative of the Pennsylvania Medical Society.

(C) One representative of insurance.

(D) One representative of labor.

(E) One representative of business.

(F) Two representatives of the general public.

(15) The council shall execute a request for quotations with a third-party vendor for the purpose of demonstrating a methodology for the collection, analysis and reporting of hospital-specific complication rates. The results of this demonstration shall be shared with the General Assembly. The council may recommend that this methodology be utilized for its public reporting on comparative hospital complication rates.

Amend Sec. 2, page 23, lines 15 through 17, by striking out all of said lines

Amend Sec. 2 (Sec. 6), page 24, lines 3 through 29, by striking out all of said lines and inserting

(2) Except as provided in this section, the council may adopt any nationally recognized methodology to adjust data submitted under subsection (c) for severity of illness. Every three years after the effective date of this paragraph, the council shall solicit bids from third-party vendors to adjust the data. The solicitation shall be in accordance with 62 Pa.C.S. (relating to procurement). In carrying out its responsibilities, the council shall not require health care facilities to report data elements which are not included in the manual developed by the national uniform billing committee. The following apply:

(i) Within 60 days of the effective date of this paragraph, the council shall publish in the Pennsylvania Bulletin a list of diseases, procedures and medical conditions, not to exceed 35, for which data under subsections (c)(21) and (d) shall be required. The chosen list shall not represent more than 50% of total hospital discharges, based upon the previous year's hospital discharge data. Subsequent to the publication of the list, any data submission requirements under subsections (c)(21) and (d) previously in effect shall be null and void for diseases, procedures and medical conditions not found on the list. All other data elements pursuant to subsection (c) shall continue to be required from data sources. The council shall review the list and may add no more than a net of three diseases, procedures or medical conditions per year over a five-year period starting on the effective date of this subparagraph. The adjusted list of diseases, procedures and medical conditions shall at no time be more than 50% of total hospital discharges.

(ii) If the current data vendor is unable to achieve, on a per-chart basis, savings of at least 40% in the cost of hospital compliance with the data abstracting and submission requirements of this act by June 30, 2004, as compared to June 30, 2003, then the council shall disqualify the current vendor and reopen the bidding process. The independent auditor shall determine the extent and validity of the savings. In determining any demonstrated cost savings, surveys of all hospitals in this Commonwealth shall be conducted and consideration shall be given at a minimum to:

(A) new costs, in terms of making the methodology operational, associated with laboratory, pharmacy and other information systems a hospital is required to purchase in order to reduce hospital compliance costs, including the cost of electronic transfer of required data; and

(B) the audited direct personnel and related costs of data abstracting and submission required.

(iii) Review by the independent auditor shall commence by March 1, 2004, and shall conclude with a report of findings by July 31, 2004. The report shall be delivered to the council, the Governor, the Health and Human Services Committee of the House of Representatives and the Public Health and Welfare Committee of the Senate.

(a.1) Abstraction and technology work group.—

(1) The council shall establish a data abstraction and technology work group to produce recommendations for improving and refining the data required by the council and reducing, through innovative direct data collection techniques, the cost of collecting required data. The work group shall consist of the following members appointed by the council:

(i) one member representing the Office of Health Care Reform;

(ii) one member representing the business community;

(iii) one member representing labor;

(iv) one member representing consumers;

(v) two members representing physicians;

(vi) two members representing nurses;

(vii) two members representing hospitals;

(viii) one member representing patient advocacy groups;

(ix) one member representing health underwriters; and

(x) one member representing commercial insurance carriers.

(2) The work group, with approval of the council, may hire an independent evaluator to determine the value of various data sets. The work group shall have no more than one year to study current data requirements and methods of collecting and transferring data and to make recommendations for changes to produce a 50% overall reduction in the cost of collecting and reporting required data to the council while maintaining the scientific credibility of the council's analysis and reporting. The work group recommendations shall be presented to the council for a vote.

Amend Sec. 2 (Sec. 6), page 25, line 3, by striking out all of said line and inserting

(1) uniform patient identifier, continuous across multiple episodes and providers;

(2) patient date of birth;

(3) patient sex;

(3.1) patient race, consistent with the method of collection of race/ethnicity data by the United States Bureau of the Census and the United States Standard Certificates of Live Birth and Death;

(4) patient ZIP Code number;

(5) date of admission;

(6) date of discharge;

(7) principal and up to five secondary diagnoses by standard code, including external cause code;

(8) principal procedure by council-specified standard code and date;

(9) up to three secondary procedures by council-specified standard codes and dates;

(10) uniform health care facility identifier, continuous across episodes, patients and providers;

(11) uniform identifier of admitting physician, by unique physician identification number established by the council, continuous across episodes, patients and providers;

(12) uniform identifier of consulting physicians, by unique physician identification number established by the council, continuous across episodes, patients and providers;

(13) total charges of health care facility, segregated into major categories, including, but not limited to, room and board, radiology, laboratory, operating room, drugs, medical supplies and other goods and services according to guidelines specified by the council;

(14) actual payments to health care facility, segregated, if available, according to the categories specified in paragraph (13);

(15) charges of each physician or professional rendering service relating to an incident of hospitalization or treatment in an ambulatory service facility;

(16) actual payments to each physician or professional rendering service pursuant to paragraph (15);

(17) uniform identifier of primary payor;

(18) ZIP Code number of facility where health care service is rendered;

Amend Sec. 2 (Sec. 6), page 25, line 5, by striking out all of said line

Amend Sec. 2 (Sec. 6), page 25, line 6, by striking out “[; AND]” and inserting
; [and]

Amend Sec. 2 (Sec. 6), page 25, by inserting between lines 8 and 9

(22) all electronic codes;

(23) codes indicating complications;

(24) codes indicating infections; and

(25) baby and mother birth codes.

Amend Sec. 2 (Sec. 6), page 25, line 9, by striking out the bracket before “PROVIDER”

Amend Sec. 2 (Sec. 6), page 25, lines 26 through 30; page 26, lines 1 through 10, by striking out “[] QUALITY AND SERVICE” in line 26 and all of lines 27 through 30 on page 25, all of lines 1 through 10, on page 26 and inserting

In carrying out its responsibilities, the council

Amend Sec. 2 (Sec. 6), page 26, lines 22 through 30; page 27, lines 1 through 30; page 28, lines 1 through 4, by striking out all of said lines on said pages and inserting

(e) Reserve field utilization and addition or deletion of data elements.—The council shall include in the Pennsylvania Uniform Claims and Billing Form a reserve field. The council may utilize the reserve field by adding other data elements beyond those required to carry out its responsibilities under section 5(d)(3) and (4) and subsections (c) and (d), or the council may delete data elements from the Pennsylvania Uniform Claims and Billing Form only by a majority vote of the council and only pursuant to the following procedure:

(1) The council shall obtain a cost-benefit analysis of the proposed addition or deletion which shall include the cost to data sources of any proposed additions.

(2) The council shall publish notice of the proposed addition or deletion, along with a copy or summary of the cost-benefit analysis, in the Pennsylvania Bulletin, and such notice shall include provision for a 60-day comment period.

(3) The council may hold additional hearings or request such other reports as it deems necessary and shall consider the comments received during the 60-day comment period and any additional information gained through such hearings or other reports in making a final determination on the proposed addition or deletion.

(f) Other data required to be submitted.—Providers are hereby required to submit and the council is hereby authorized to collect, in accordance with submission dates and schedules established by the council, the following additional data, provided such data is not available to the council from public records:

(1) Audited annual financial reports of all hospitals and ambulatory service facilities providing covered services as defined in section 3.

(2) The Medicare cost report (OMB Form 2552 or equivalent Federal form), or the AG-12 form for Medical Assistance or successor forms, whether completed or partially completed, and including the settled Medicare cost report and the certified AG-12 form.

(3) Additional data, including, but not limited to, data which can be used to provide at least the following information:

(i) the incidence of medical and surgical procedures in the population for individual providers;

(ii) physicians who provide covered services and accept medical assistance patients;

(iii) physicians who provide covered services and accept Medicare assignment as full payment;

(v) mortality rates for specified diagnoses and treatments, grouped by severity, for individual providers;

(vi) rates of infection for specified diagnoses and treatments, grouped by severity, for individual providers;

(vii) morbidity rates for specified diagnoses and treatments, grouped by severity, for individual providers;

(viii) readmission rates for specified diagnoses and treatments, grouped by severity, for individual providers; and

(ix) rate of incidence of postdischarge professional care for selected diagnoses and procedures, grouped by severity, for individual providers.

(4) Any other data the council requires to carry out its responsibilities pursuant to section 5(d).

(f.1) Review and correction of data.—The council shall

Amend Sec. 2 (Sec. 6), page 28, line 12, by striking out all of said line and inserting

(g) Allowance for clarification or dissents.—The council shall maintain a file of written statements submitted by data sources who wish to provide an explanation of data that they feel might be misleading or misinterpreted. The council shall provide access to such file to any person and shall, where practical, in its reports and data files indicate the availability of such statements. When the council agrees with such statements, it shall correct the appropriate data and comments in its data files and subsequent reports.

(g.1) Allowance for correction.—The council shall verify the data submitted by hospitals pursuant to subsection (c)(22) through (25) within 60 days of receipt. The council may allow hospitals to make changes to the data submitted during the verification period. After the verification period but within 45 days of receipt of the adjusted hospital data, the council shall risk adjust the information and provide reports to the patient safety committee of the relevant hospital.

(h) Availability of data.—Nothing in this act shall prohibit a purchaser from obtaining from its health care insurer, nor relieve said health care insurer from the obligation of providing said purchaser, on terms consistent with past practices, data previously provided or additional data not currently provided to said purchaser by said health care insurer pursuant to any existing or future arrangement, agreement or understanding.

Amend Sec. 3, page 28, lines 13 and 14, by striking out all of said lines

Amend Sec. 3 (Sec. 7), page 32, line 8, by striking out all of said line and inserting

(b) Raw data reports and computer access to council data.—The council shall provide special reports derived from raw data and a means for computer-to-computer access to its raw data to any purchaser, pursuant to section 10(f). The council shall provide such reports and computer-to-computer access, at its discretion, to other parties, pursuant to section 10(g). The council shall provide these special reports and computer-to-computer access in as timely a fashion as the council’s responsibilities to publish the public reports required in this section will allow. Any such provision of special reports or computer-to-computer access by the council shall be made only subject to the restrictions on access to raw data set forth in section 10(b) and only after payment for costs of preparation or duplication pursuant to section 10(f) or (g).

Amend Bill, page 32, by inserting between lines 8 and 9

Section 3. Section 8 of the act is reenacted to read:

Section 8. Health care for the medically indigent.

(a) Declaration of policy.—The General Assembly finds that every person in this Commonwealth should receive timely and appropriate health care services from any provider operating in this Commonwealth; that, as a continuing condition of licensure, each provider should offer and provide medically necessary, lifesaving and emergency health care services to every person in this Commonwealth, regardless of financial status or ability to pay; and that health care facilities may transfer patients only in instances where the facility lacks the staff or facilities to properly render definitive treatment.

(b) Studies on indigent care.—To reduce the undue burden on the several providers that disproportionately treat medically indigent people on an uncompensated basis, to contain the long-term costs generated by untreated or delayed treatment of illness and disease and

to determine the most appropriate means of treating and financing the treatment of medically indigent persons, the council, at the request of the Governor or the General Assembly, may undertake studies and utilize its current data base to:

(1) Study and analyze the medically indigent population, the magnitude of uncompensated care for the medically indigent, the degree of access to and the result of any lack of access by the medically indigent to appropriate care, the types of providers and the settings in which they provide indigent care and the cost of the provision of that care pursuant to subsection (c).

(2) Determine, from studies undertaken under paragraph (1), a definition of the medically indigent population and the most appropriate method for the delivery of timely and appropriate health care services to the medically indigent.

(c) Studies.—The council shall conduct studies pursuant to subsection (b)(1) and thereafter report to the Governor and the General Assembly the results of the studies and its recommendations. The council may contract with an independent vendor to conduct the study in accordance with the provisions for selecting vendors in section 16. The study shall include, but not be limited to, the following:

(1) the number and characteristics of the medically indigent population, including such factors as income, employment status, health status, patterns of health care utilization, type of health care needed and utilized, eligibility for health care insurance, distribution of this population on a geographic basis and by age, sex and racial or linguistic characteristics, and the changes in these characteristics, including the following:

(i) the needs and problems of indigent persons in urban areas;

(ii) the needs and problems of indigent persons in rural areas;

(iii) the needs and problems of indigent persons who are members of racial or linguistic minorities;

(iv) the needs and problems of indigent persons in areas of high unemployment; and

(v) the needs and problems of the underinsured;

(2) the degree of and any change in access of this population to sources of health care, including hospitals, physicians and other providers;

(3) the distribution and means of financing indigent care between and among providers, insurers, government, purchasers and consumers, and the effect of that distribution on each;

(4) the major types of care rendered to the indigent, the setting in which each type of care is rendered and the need for additional care of each type by the indigent;

(5) the likely impact of changes in the health delivery system, including managed care entities, and the effects of cost containment in the Commonwealth on the access to, availability of and financing of needed care for the indigent, including the impact on providers which provide a disproportionate amount of care to the indigent;

(6) the distribution of delivered care and actual cost to render such care by provider, region and subregion;

(7) the provision of care to the indigent through improvements in the primary health care system, including the management of needed hospital care by primary care providers;

(8) innovative means to finance and deliver care to the medically indigent; and

(9) reduction in the dependence of indigent persons on hospital services through improvements in preventive health measures.

Section 4. Sections 9 and 10 of the act are reenacted and amended to read:

Section 9. Mandated health benefits.

In relation to current law or proposed legislation, the council shall, upon the request of the appropriate committee chairman in the Senate and in the House of Representatives or upon the request of the

Secretary of Health, provide information on the proposed mandated health benefit pursuant to the following:

(1) The General Assembly hereby declares that proposals for mandated health benefits or mandated health insurance coverage should be accompanied by adequate, independently certified documentation defining the social and financial impact and medical efficacy of the proposal. To that end the council, upon receipt of such requests, is hereby authorized to conduct a preliminary review of the material submitted by both proponents and opponents concerning the proposed mandated benefit. If, after this preliminary review, the council is satisfied that both proponents and opponents have submitted sufficient documentation necessary for a review pursuant to paragraphs (3) and (4), the council is directed to contract with individuals, pursuant to the selection procedures for vendors set forth in section 16, who will constitute a Mandated Benefits Review Panel to review mandated benefits proposals and provide independently certified documentation, as provided for in this section.

(2) The panel shall consist of four senior researchers, each of whom shall be a recognized expert:

(i) one in health research;

(ii) one in biostatistics;

(iii) one in economic research; [and]

(iv) one, a physician, in the appropriate specialty with current knowledge of the subject being proposed as a mandated benefit; and

(v) one with experience in insurance or actuarial research.

(3) The Mandated Benefits Review Panel shall have the following duties and responsibilities:

(i) To review documentation submitted by persons proposing or opposing mandated benefits within 90 days of submission of said documentation to the panel.

(ii) To report to the council, pursuant to its review in subparagraph (i), the following:

(A) Whether or not the documentation is complete as defined in paragraph (4).

(B) Whether or not the research cited in the documentation meets professional standards.

(C) Whether or not all relevant research respecting the proposed mandated benefit has been cited in the documentation.

(D) Whether or not the conclusions and interpretations in the documentation are consistent with the data submitted.

(4) To provide the Mandated Benefits Review Panel with sufficient information to carry out its duties and responsibilities pursuant to paragraph (3), persons proposing or opposing legislation mandating benefits coverage should submit documentation to the council, pursuant to the procedure established in paragraph (5), which demonstrates the following:

(i) The extent to which the proposed benefit and the services it would provide are needed by, available to and utilized by the population of the Commonwealth.

(ii) The extent to which insurance coverage for the proposed benefit already exists, or if no such coverage exists, the extent to which this lack of coverage results in inadequate health care or financial hardship for the population of the Commonwealth.

(iii) The demand for the proposed benefit from the public and the source and extent of opposition to mandating the benefit.

(iv) All relevant findings bearing on the social impact of the lack of the proposed benefit.

(v) Where the proposed benefit would mandate coverage of a particular therapy, the results of at least

one professionally accepted, controlled trial comparing the medical consequences of the proposed therapy, alternative therapies and no therapy.

(vi) Where the proposed benefit would mandate coverage of an additional class of practitioners, the results of at least one professionally accepted, controlled trial comparing the medical results achieved by the additional class of practitioners and those practitioners already covered by benefits.

(vii) The results of any other relevant research.

(viii) Evidence of the financial impact of the proposed legislation, including at least:

(A) The extent to which the proposed benefit would increase or decrease cost for treatment or service.

(B) The extent to which similar mandated benefits in other states have affected charges, costs and payments for services.

(C) The extent to which the proposed benefit would increase the appropriate use of the treatment or service.

(D) The impact of the proposed benefit on administrative expenses of health care insurers.

(E) The impact of the proposed benefits on benefits costs of purchasers.

(F) The impact of the proposed benefits on the total cost of health care within the Commonwealth.

(5) The procedure for review of documentation is as follows:

(i) Any person wishing to submit information on proposed legislation mandating insurance benefits for review by the panel should submit the documentation specified in paragraph (4) to the council.

(ii) The council shall, within 30 days of receipt of the documentation:

(A) Publish in the Pennsylvania Bulletin notice of receipt of the documentation, a description of the proposed legislation, provision for a period of 60 days for public comment and the time and place at which any person may examine the documentation.

(B) Submit copies of the documentation to the Secretary of Health and the Insurance Commissioner, who shall review and submit comments to the council on the proposed legislation within 30 days.

(C) Submit copies of the documentation to the panel, which shall review the documentation and issue their findings, pursuant to paragraph (3), within 90 days.

(iii) Upon receipt of the comments of the Secretary of Health and the Insurance Commissioner and of the findings of the panel, pursuant to subparagraph (ii), but no later than 120 days following the publication required in subparagraph (ii), the council shall submit said comments and findings, together with its recommendations respecting the proposed legislation, to the Governor, the President pro tempore of the Senate, the Speaker of the House of Representatives, the Secretary of Health, the Insurance Commissioner and the person who submitted the information pursuant to subparagraph (i).

Amend Sec. 3 (Sec. 10), page 32, lines 9 through 16, by striking out all of said lines and inserting

Section 10. Access to council data.

(a) Public access.—The information and data received by the council shall be utilized by the council for the benefit of the public and public officials. Subject to the specific limitations set forth in this section, the council shall make determinations on requests for information in favor of access.

(a.1) Outreach programs.—The council shall develop and implement outreach programs designed to make its information understandable and usable to purchasers, providers, other Commonwealth agencies and the general public. The programs shall include efforts to educate through pamphlets, booklets, seminars and other appropriate measures and to facilitate making more informed health care choices.

(b) Limitations on access.—Unless specifically provided for in this act, neither the council nor any contracting system vendor shall release and no data source, person, member of the public or other user of any data of the council shall gain access to:

(1) Any raw data of the council that does not simultaneously disclose payment, as well as provider quality and provider service effectiveness pursuant to sections 5(d)(4) and 6(d) or 7(a)(1)(iii).

(2) Any raw data of the council which could reasonably be expected to reveal the identity of an individual patient.

(3) Any raw data of the council which could reasonably be expected to reveal the identity of any purchaser, as defined in section 3, other than a purchaser requesting data on its own group or an entity entitled to said purchaser's data pursuant to subsection (f).

(4) Any raw data of the council relating to actual payments to any identified provider made by any purchaser, except that this provision shall not apply to access by a purchaser requesting data on the group for which it purchases or otherwise provides covered services or to access to that same data by an entity entitled to the purchaser's data pursuant to subsection (f).

Amend Sec. 3 (Sec. 10), page 32, line 29, by striking out all of line and inserting

(c) Unauthorized use of data.—Any person who knowingly releases council data violating the patient confidentiality, actual payments, discount data or raw data safeguards set forth in this section to an unauthorized person commits a misdemeanor of the first degree and shall, upon conviction, be sentenced to pay a fine of \$10,000 or to imprisonment for not more than five years, or both. An unauthorized person who knowingly receives or possesses such data commits a misdemeanor of the first degree.

(d) Unauthorized access to data.—Should any person inadvertently or by council error gain access to data that violates the safeguards set forth in this section, the data must immediately be returned, without duplication, to the council with proper notification.

(e) Public access to records.—All public reports prepared by the council shall be public records and shall be available to the public for a reasonable fee, and copies shall be provided, upon request of the chair, to the Public Health and Welfare Committee of the Senate and the Health and Welfare Committee of the House of Representatives.

(f) Access to raw council data by purchasers.—Pursuant to sections 5(d)(5) and 7(b) and subject to the limitations on access set forth in subsection (b), the council shall provide access to its raw data to purchasers in accordance with the following procedure:

(1) Special reports derived from raw data of the council shall be provided by the council to any purchaser requesting such reports.

(2) A means to enable computer-to-computer access by any purchaser to raw data of the council as defined in section 3 shall be developed, adopted and implemented by the council, and the council shall provide such access to its raw data to any purchaser upon request.

(3) In the event that any employer obtains from the council, pursuant to paragraph (1) or (2), data pertaining to its employees and their dependents for whom said employer

purchases or otherwise provides covered services as defined in section 3 and who are represented by a certified collective bargaining representative, said collective bargaining representative shall be entitled to that same data, after payment of fees as specified in paragraph (4). Likewise, should a certified collective bargaining representative obtain from the council, pursuant to paragraph (1) or (2), data pertaining to its members and their dependents who are employed by and for whom covered services are purchased or otherwise provided by any employer, said employer shall be entitled to that same data, after payment of fees as specified in paragraph (4).

(4) In providing for access to its raw data, the council shall charge the purchasers which originally obtained such access a fee sufficient to cover its costs to prepare and provide special reports requested pursuant to paragraph (1) or to provide computer-to-computer access to its raw data requested pursuant to paragraph (2). Should a second or subsequent party or parties request this same information pursuant to paragraph (3), the council shall charge said party a reasonable fee.

(g) Access to raw council data by other parties.—Subject to the limitations on access to raw council data set forth in subsection (b), the council may, at its discretion, provide special reports derived from its raw data or computer-to-computer access to parties other than purchasers. The council shall publish regulations that set forth the criteria and the procedure it shall use in making determinations on such access, pursuant to the powers vested in the council in section 4. In providing such access, the council shall charge the party requesting the access a reasonable fee.

Amend Bill, page 32, by inserting between lines 29 and 30

Section 5. Section 11 of the act is reenacted to read:

Section 11. Special studies and reports.

(a) Special studies.—Any Commonwealth agency may publish or contract for publication of special studies. Any special study so published shall become a public document.

(b) Special reports.—

(1) Any Commonwealth agency may study and issue a report on the special medical needs, demographic characteristics, access or lack thereof to health care services and need for financing of health care services of:

(i) Senior citizens, particularly low-income senior citizens, senior citizens who are members of minority groups and senior citizens residing in low-income urban or rural areas.

(ii) Low-income urban or rural areas.

(iii) Minority communities.

(iv) Women.

(v) Children.

(vi) Unemployed workers.

(vii) Veterans.

The reports shall include information on the current availability of services to these targeted parts of the population, and whether access to such services has increased or decreased over the past ten years, and specific recommendations for the improvement of their primary care and health delivery systems, including disease prevention and comprehensive health care services. The department may also study and report on the effects of using prepaid, capitated or HMO health delivery systems as ways to promote the delivery of primary health care services to the underserved segments of the population enumerated above.

(2) The department may study and report on the short-term and long-term fiscal and programmatic impact on the health care consumer of changes in ownership of hospitals from nonprofit to profit, whether through purchase, merger or the like. The department may also study and report on factors which have the effect of either reducing provider revenue or increasing provider cost, and other factors beyond a provider's control which reduce provider competitiveness in the marketplace, are explained in the reports.

Section 6. Section 12 of the act is reenacted and amended to read:

Amend Sec. 3 (Sec. 12), page 33, line 8, by striking out "MAY" and inserting

shall

Amend Sec. 3 (Sec. 12), page 33, line 15, by inserting after "DATA"

under section 6

Amend Sec. 3 (Sec. 12), page 33, line 17, by striking out "\$10,000" and inserting

\$1,000

Amend Sec. 3 (Sec. 12), page 33, line 18, by striking out "FIVE YEARS" and inserting

one year

Amend Bill, page 33, by inserting between lines 18 and 19

Section 7. Sections 13, 14, 15, 16, 17.1 and 18 of the act are reenacted to read:

Section 13. Research and demonstration projects.

The council shall actively encourage research and demonstrations to design and test improved methods of assessing provider quality, provider service effectiveness and efficiency. To that end, provided that no data submission requirements in a mandated demonstration may exceed the current reserve field on the Pennsylvania Uniform Claims and Billing Form, the council may:

(1) Authorize contractors engaged in health services research selected by the council, pursuant to the provisions of section 16, to have access to the council's raw data files, providing such entities assume any contractual obligations imposed by the council to assure patient identity confidentiality.

(2) Place data sources participating in research and demonstrations on different data submission requirements from other data sources in this Commonwealth.

(3) Require data source participation in research and demonstration projects when this is the only testing method the council determines is promising.

Section 14. Grievances and grievance procedures.

(a) Procedures and requirements.—Pursuant to its powers to publish regulations under section 5(b) and with the requirements of this section, the council is hereby authorized and directed to establish procedures and requirements for the filing, hearing and adjudication of grievances against the council of any data source. Such procedures and requirements shall be published in the Pennsylvania Bulletin pursuant to law.

(b) Claims; hearings.—Grievance claims of any data source shall be submitted to the council or to a third party designated by the council, and the council or the designated third party shall convene a hearing, if requested, and adjudicate the grievance.

Section 15. Antitrust provisions.

Persons or entities required to submit data or information under this act or receiving data or information from the council in accordance with this act are declared to be acting pursuant to State requirements embodied in this act and shall be exempt from antitrust claims or actions grounded upon submission or receipt of such data or information.

Section 16. Contracts with vendors.

Any contract with any vendor other than a sole source vendor for purchase of services or for purchase or lease of supplies and equipment related to the council's powers and duties shall be let only after a public bidding process and only in accordance with the following provisions, and no contract shall be let by the council that does not conform to these provisions:

(1) The council shall prepare specifications fully describing the services to be rendered or equipment or supplies to be provided by a vendor and shall make these specifications available for inspection by any person at the council's offices during normal working hours and at such other places and such other times as the council deems advisable.

(2) The council shall publish notice of invitations to bid in the Pennsylvania Bulletin. The council shall also publish such notice in at least four newspapers in general circulation in the Commonwealth on at least three occasions at intervals of not less than three days. Said notice shall include at least the following:

(i) The deadline for submission of bids by prospective vendors, which shall be no sooner than 30 days following the latest publication of the notice as prescribed in this paragraph.

(ii) The locations, dates and times during which prospective vendors can examine the specifications required in paragraph (1).

(iii) The date, time and place of the meeting or meetings of the council at which bids will be opened and accepted.

(iv) A statement to the effect that any person is eligible to bid.

(3) Bids shall be accepted as follows:

(i) No council member who is affiliated in any way with any bidder shall vote on the awarding of any contract for which said bidder has submitted a bid, and any council member who has an affiliation with a bidder shall state the nature of the affiliation prior to any vote of the council.

(ii) Bids shall be opened and reviewed by the appropriate council committee, which shall make recommendations to the council on approval. Bids shall be accepted and such acceptance shall be announced only at a public meeting of the council as defined in section 4(e), and no bids shall be accepted at an executive session of the council.

(iii) The council may require that a certified check, in an amount determined by the council, accompany every bid, and, when so required, no bid shall be accepted unless so accompanied.

(4) In order to prevent any party from deliberately underbidding contracts in order to gain or prevent access to council data, the council may award any contract at its discretion, regardless of the amount of the bid, pursuant to the following:

(i) Any bid accepted must reasonably reflect the actual cost of services provided.

(ii) Any vendor so selected by the council shall be found by the council to be of such character and such integrity as to assure, to the maximum extent possible, adherence to all the provisions of this act in the provision of contracted services.

(iii) The council may require the selected vendor to furnish, within 20 days after the contract has been awarded, a bond with suitable and reasonable requirements guaranteeing the services to be performed with sufficient surety in an amount determined by the council, and upon failure to furnish such bond within the time specified, the previous award shall be void.

(5) The council shall make efforts to assure that its vendors have established affirmative action plans to assure equal opportunity policies for hiring and promoting employees.

Section 17.1. Reporting.

The council shall provide an annual report of its financial expenditures to the Appropriations Committee of the Senate and the Appropriations Committee of the House of Representatives.

Section 18. Severability.

The provisions of this act are severable. If any provision of this act or its application to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application.

Section 8. Section 19 of the act is reenacted and amended to read:

Amend Sec. 19, page 33, line 20, by striking out “2009” and inserting

2008

Amend Sec. 19, page 33, line 21, by striking out “2008” where it appears the first time and inserting

2007

Amend Sec. 19, page 33, line 21, by striking out “2008” where it appears the second time and inserting

2007

Amend Bill, page 34, line 4, by striking out all of said line and inserting

Section 8. Section 20 of the act is reenacted to read:

Section 20. Effective date.

This act shall take effect immediately.

Section 9. This act shall apply retroactively to June 29, 2003.

Section 10. This act shall take effect immediately.

On the question,

Will the House agree to the amendment?

The SPEAKER. On that question, the Chair recognizes the gentleman, Mr. Browne, for a brief explanation of the amendment.

Mr. BROWNE. Thank you, Mr. Speaker.

Amendment 2533 is an agreed-to amendment that was compiled through work from both the Democrat and Republican Caucuses in the House, the Governor’s Office, and the stakeholders who are involved in the Health Care Cost Containment Act and the council.

It makes some comprehensive changes to the act by adding membership by the General Assembly, a member of a patient advocacy group, someone who is an expert in quality improvement methods, someone who is a member of the public health sector. It also adds additional powers to the Health Care Cost Containment Council in line with our work on medical malpractice and patient safety committees, allows them to collect data and disseminate that data on adverse medical effects so patient safety committees can better evaluate issues that relate to mistakes and patient safety issues within our health-care systems. It makes the regulatory review process that was added in committee prospective so that changes can be made and amendments can be added to regulations that apply to the Health Care Cost Containment Council on issues prospectively, not retroactively.

Much of the discussion on the Health Care Cost Containment Act had to do with data collection, and there were amendments added, provisions added in this amendment, that would provide for open bidding and the establishment of an independent information review committee to analyze the different types of information and data collection that would be best for patient safety reporting. And it also adds an abstraction and technology work group with different members, stakeholders, of the General Assembly and the health-care community to evaluate cost-effective measures for data collection. That was a lot of the discussion during the committee discussions on the Health Care Cost Containment Act in terms of the cost to hospitals for data collection.

As I said, it is a comprehensive amendment, but it has been worked out and agreed to by all the relevant stakeholders, and I ask for an affirmative vote.

The SPEAKER. For the information of the members, 2533 was listed as the Perzel amendment, and Mr. Browne has

now explained what that amendment is. The Chair would thank the gentleman.

The Chair recognizes the gentleman, Mr. Eachus.

Mr. EACHUS. Thank you, Mr. Speaker.

This is the amendment that we caucused on this morning, and it is an agreed-to amendment. I would appreciate the members' support.

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Mr. Tangretti, is recognized.

Mr. TANGRETTI. Thank you, Mr. Speaker.

I just wanted to ask a question of, I guess, the gentleman, Mr. Browne, if he will agree to an interrogation. One brief question.

The SPEAKER. The gentleman indicates that he will.

Mr. TANGRETTI. Thank you, Mr. Speaker.

When we had the Insurance hearings and we had the executive director of the Patient Safety Authority before the Insurance Committee, they were lamenting the fact and the Hospital Association and a number of other people were lamenting the fact that we were collecting data from three different sources from the hospital – HC-4, the patient safety committee, and the Department of Health – and there was a recommendation and a consideration that we were asked to be made that perhaps we consolidate that in some fashion, and specifically, I had an amendment that would have given HC-4 the ability to collect the data under the Mcare Act (Medical Care Availability and Reduction of Error Act) for the purposes of disseminating that then to the authority for their purposes as opposed to duplicating that effort with the Patient Safety Authority. I was asked to withdraw that amendment, and I just want to make sure I understand your explanation correctly. Do the changes that are being made, and specifically the amendment that you are offering for the Speaker, in fact give the authority to HC-4 to collect that data for the Patient Safety Authority?

Mr. BROWNE. Thank you, Mr. Speaker.

Yes, the amendment provides powers for the Health Care Cost Containment Council to collect data on adverse medical effects, which will be reported to the patient safety committees to use in evaluating their processes in the hospitals to improve patient safety. So that is correct, yes.

Mr. TANGRETTI. Thank you very much.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—199

Adolph	Evans, D.	Levdansky	Sainato
Allen	Evans, J.	Lewis	Samuelson
Argall	Fabrizio	Lynch	Santoni
Armstrong	Fairchild	Mackereth	Sather
Baker	Feese	Maitland	Saylor
Baldwin	Fleagle	Major	Scavello
Bard	Flick	Manderino	Schroder
Barrar	Forcier	Mann	Scrimenti
Bastian	Frankel	Markosek	Semmel
Bebko-Jones	Freeman	Marsico	Shaner
Belardi	Gabig	McCall	Smith, B.
Belfanti	Gannon	McGeehan	Smith, S. H.

Benninghoff	Geist	McGill	Solobay
Biancucci	George	McIlhattan	Staback
Birmelin	Gergely	McIlhinney	Stairs
Bishop	Gillespie	McNaughton	Steil
Blaum	Gingrich	Melio	Stern
Boyd	Godshall	Metcalfe	Stetler
Browne	Goodman	Micozzie	Stevenson, R.
Bunt	Gordner	Miller, R.	Stevenson, T.
Butkovitz	Grucela	Miller, S.	Sturla
Buxton	Gruitza	Mundy	Surra
Caltagirone	Habay	Mustio	Tangretti
Cappelli	Haluska	Myers	Taylor, J.
Casorio	Hanna	Nailor	Thomas
Causar	Harhai	Nickol	Tigue
Cawley	Harhart	O'Brien	Travaglio
Civera	Harper	Oliver	True
Clymer	Harris	O'Neill	Turzai
Cohen	Hasay	Pallone	Vance
Coleman	Hennessey	Payne	Veon
Cornell	Herman	Petrarca	Vitali
Corrigan	Hershey	Petri	Walko
Costa	Hess	Petrone	Wansacz
Coy	Hickernell	Phillips	Washington
Crahalla	Horsely	Pickett	Waters
Creighton	Hutchinson	Pistella	Watson
Cruz	James	Preston	Weber
Curry	Josephs	Raymond	Wheatley
Dailey	Keller	Readshaw	Williams
Daley	Kenney	Reed	Wilt
Dally	Killion	Reichley	Wojnaroski
DeLuca	Kirkland	Rieger	Wright
Denlinger	Kotik	Roberts	Yewcic
Dermody	LaGrotta	Roebuck	Youngblood
DeWeese	Laughlin	Rohrer	Yudichak
DiGirolo	Leach	Rooney	Zug
Diven	Lederer	Ross	
Donatucci	Leh	Rubley	Perzel,
Eachus	Lescovitz	Ruffing	Speaker
Egolf			

NAYS—0

NOT VOTING—0

EXCUSED—3

Fichter Maher Taylor, E. Z.

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?

RULES SUSPENDED

The SPEAKER. The Chair recognizes the gentleman, Mr. Eachus, for the purpose of suspending the rules.

Mr. EACHUS. Thank you, Mr. Speaker.

On suspension, this technical amendment addresses some drafting anomalies that were in the bill and really cleans up some sections to allow for more significant savings for hospitals.

So I would appreciate the members' support on suspension. Thank you.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—199

Adolph	Evans, D.	Levdansky	Sainato
Allen	Evans, J.	Lewis	Samuelson
Argall	Fabrizio	Lynch	Santoni
Armstrong	Fairchild	Mackereth	Sather
Baker	Feese	Maitland	Saylor
Baldwin	Fleagle	Major	Scavello
Bard	Flick	Manderino	Schroder
Barrar	Forcier	Mann	Scrimenti
Bastian	Frankel	Markosek	Semmel
Bebko-Jones	Freeman	Marsico	Shaner
Belardi	Gabig	McCall	Smith, B.
Belfanti	Gannon	McGeehan	Smith, S. H.
Benninghoff	Geist	McGill	Solobay
Biancucci	George	McIlhattan	Staback
Birmelin	Gergely	McIlhinney	Stairs
Bishop	Gillespie	McNaughton	Steil
Blaum	Gingrich	Melio	Stern
Boyd	Godshall	Metcalfe	Stetler
Browne	Goodman	Micozzie	Stevenson, R.
Bunt	Gordner	Miller, R.	Stevenson, T.
Butkovitz	Grucela	Miller, S.	Sturla
Buxton	Gruitza	Mundy	Surra
Caltagirone	Habay	Mustio	Tangretti
Cappelli	Haluska	Myers	Taylor, J.
Casorio	Hanna	Nailor	Thomas
Causar	Harhai	Nickol	Tigue
Cawley	Harhart	O'Brien	Travaglio
Civera	Harper	Oliver	True
Clymer	Harris	O'Neill	Turzai
Cohen	Hasay	Pallone	Vance
Coleman	Hennessey	Payne	Veon
Cornell	Herman	Petrarca	Vitali
Corrigan	Hershey	Petri	Walko
Costa	Hess	Petrone	Wansacz
Coy	Hickernell	Phillips	Washington
Crahalla	Horsey	Pickett	Waters
Creighton	Hutchinson	Pistella	Watson
Cruz	James	Preston	Weber
Curry	Josephs	Raymond	Wheatley
Dailey	Keller	Readshaw	Williams
Daley	Kenney	Reed	Wilt
Dally	Killion	Reichley	Wojnaroski
DeLuca	Kirkland	Rieger	Wright
Denlinger	Kotik	Roberts	Yewcic
Dermody	LaGrotta	Roebuck	Youngblood
DeWeese	Laughlin	Rohrer	Yudichak
DiGirolamo	Leach	Rooney	Zug
Diven	Lederer	Ross	
Donatucci	Leh	Rublely	Perzel,
Eachus	Lescovitz	Ruffing	Speaker
Egolf			

NAYS—0

NOT VOTING—0

EXCUSED—3

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

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

Mr. EACHUS offered the following amendment No. A2602:

Amend Sec. 2 (Sec. 6), page 12, line 20 (A2533), by striking out “In” and inserting

Except as provided in subparagraph (i), in

Amend Sec. 2 (Sec. 6), page 14, lines 40 through 42 (A2533), by striking out all of said lines and inserting

Amend Sec. 2 (Sec. 6), page 25, line 7, by striking out the bracket before “(21)”

Amend Sec. 2 (Sec. 6), page 25, line 8, by striking out “(D).]” and inserting

(d)[.];

(22) all external cause of injury codes, commonly called

E-codes;

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

The following roll call was recorded:

YEAS—199

Adolph	Evans, D.	Levdansky	Sainato
Allen	Evans, J.	Lewis	Samuelson
Argall	Fabrizio	Lynch	Santoni
Armstrong	Fairchild	Mackereth	Sather
Baker	Feese	Maitland	Saylor
Baldwin	Fleagle	Major	Scavello
Bard	Flick	Manderino	Schroder
Barrar	Forcier	Mann	Scrimenti
Bastian	Frankel	Markosek	Semmel
Bebko-Jones	Freeman	Marsico	Shaner
Belardi	Gabig	McCall	Smith, B.
Belfanti	Gannon	McGeehan	Smith, S. H.
Benninghoff	Geist	McGill	Solobay
Biancucci	George	McIlhattan	Staback
Birmelin	Gergely	McIlhinney	Stairs
Bishop	Gillespie	McNaughton	Steil
Blaum	Gingrich	Melio	Stern
Boyd	Godshall	Metcalfe	Stetler
Browne	Goodman	Micozzie	Stevenson, R.
Bunt	Gordner	Miller, R.	Stevenson, T.
Butkovitz	Grucela	Miller, S.	Sturla
Buxton	Gruitza	Mundy	Surra
Caltagirone	Habay	Mustio	Tangretti
Cappelli	Haluska	Myers	Taylor, J.
Casorio	Hanna	Nailor	Thomas
Causar	Harhai	Nickol	Tigue
Cawley	Harhart	O'Brien	Travaglio
Civera	Harper	Oliver	True
Clymer	Harris	O'Neill	Turzai
Cohen	Hasay	Pallone	Vance
Coleman	Hennessey	Payne	Veon
Cornell	Herman	Petrarca	Vitali
Corrigan	Hershey	Petri	Walko
Costa	Hess	Petrone	Wansacz
Coy	Hickernell	Phillips	Washington
Crahalla	Horsey	Pickett	Waters
Creighton	Hutchinson	Pistella	Watson
Cruz	James	Preston	Weber
Curry	Josephs	Raymond	Wheatley
Dailey	Keller	Readshaw	Williams
Daley	Kenney	Reed	Wilt
Dally	Killion	Reichley	Wojnaroski
DeLuca	Kirkland	Rieger	Wright
Denlinger	Kotik	Roberts	Yewcic
Dermody	LaGrotta	Roebuck	Youngblood
DeWeese	Laughlin	Rohrer	Yudichak

DiGirolamo	Leach	Rooney	Zug
Diven	Lederer	Ross	
Donatucci	Leh	Rubley	Perzel,
Eachus	Lescovitz	Ruffing	Speaker
Egolf			

NAYS—0

NOT VOTING—0

EXCUSED—3

Fichter	Maher	Taylor, E. Z.
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The majority having voted in the affirmative, the question was determined in the affirmative and the amendment was agreed to.

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

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

The Chair recognizes the gentleman from York, Mr. Nickol.
Mr. NICKOL. Thank you, Mr. Speaker.
Would the chairman of the Health and Human Services Committee kindly consent to interrogation?

The SPEAKER. The gentleman has risen and indicates that he will.

Mr. NICKOL. Mr. Speaker, the PHC-4 Act as amended in 1992 allowed in section 10(f), clauses (1) and (2), that employers have access to raw data concerning their employees. Since that time, the Federal HIPAA (Health Insurance Portability and Accountability Act) law has gone into effect prohibiting this type of information sharing to protect individual privacy. The law we are considering today we are actually reenacting, because it expired last night, and this language, contrary to Federal law, is therefore being reestablished here today.

I think it is important that we establish whether or not it is our intent to challenge the privacy protections of HIPAA and whether or not we intend for employers to access raw data concerning their employees through PHC-4.

The SPEAKER. The gentleman, Mr. Kenney, is in order and may proceed.

Mr. KENNEY. Thank you, Mr. Speaker, and let me thank the speaker for the question.

He is absolutely correct. Present Federal law, the HIPAA legislation, does prohibit employers accessing raw data collection on employees, and let me assure the speaker that this legislation, the intent is not to breach the privacy provisions of HIPAA, and we do not intend for employers to access raw data concerning their employees. That is the intent of the legislation.

Mr. NICKOL. Thank you, Mr. Speaker.

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

Mr. EACHUS. Thank you, Mr. Speaker.

I rise to support SB 387, and I want to thank again the bipartisan work of the chairman of the Health and Human Services Committee, the Speaker's office, and the majority leader's office.

Once again, we put together an excellent product that maintains the integrity of health-care data that has been the hallmark of the Health Care Cost Containment Council. The ability for us in Pennsylvania to extrapolate health-care data to make important decisions regarding the direction of our hospital systems, the safety of our patients, is significantly addressed in this legislation and maintains the quality of data that we have become, really, we have become positively aware that HC-4 puts out.

The other key issue is that we have made sure that those who purchase health care – those in the Chamber of Commerce, our business community, and our labor community – still maintain a significant standing on the board of HC-4, which has always been the goal, that the people who purchase health care are the ones who should be able to run this organization. That has been maintained, and the integrity of HC-4 has been addressed.

And finally, as a focus of Governor Rendell's medical malpractice reform system, the Health Care Cost Containment Council will collect data which will help our hospitals become safer places for patients. The patient safety initiative addressed by the House Democrats and by the Republican members on the other side is important to making sure that we address the health needs of patients. Also, the net effect may be lowering medical malpractice costs for hospital systems.

So once again I want to thank the members of the other side of the aisle, Representatives Browne and Vance, and the Republican and Democratic staffs. Larry Clark of our staff did an excellent job here.

Thank you, Mr. Speaker.

On the question recurring,
Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—199

Adolph	Evans, D.	Levdansky	Sainato
Allen	Evans, J.	Lewis	Samuelson
Argall	Fabrizio	Lynch	Santoni
Armstrong	Fairchild	Mackereth	Sather
Baker	Feese	Maitland	Saylor
Baldwin	Fleagle	Major	Scavello
Bard	Flick	Manderino	Schroder
Barrar	Forcier	Mann	Scrimenti
Bastian	Frankel	Markosek	Semmel
Bebko-Jones	Freeman	Marsico	Shaner
Belardi	Gabig	McCall	Smith, B.
Belfanti	Gannon	McGeehan	Smith, S. H.
Benninghoff	Geist	McGill	Solobay
Bianucci	George	McIlhattan	Staback
Birmelin	Gergely	McIlhinney	Stairs
Bishop	Gillespie	McNaughton	Steil
Blaum	Gingrich	Melio	Stern
Boyd	Godshall	Metcalfe	Stetler
Browne	Goodman	Micozzie	Stevenson, R.
Bunt	Gordner	Miller, R.	Stevenson, T.
Butkovitz	Grucela	Miller, S.	Sturla
Buxton	Gruitza	Mundy	Surra

Caltagirone	Habay	Mustio	Tangretti
Cappelli	Haluska	Myers	Taylor, J.
Casorio	Hanna	Nailor	Thomas
Causer	Harhai	Nickol	Tigue
Cawley	Harhart	O'Brien	Travaglio
Civera	Harper	Oliver	True
Clymer	Harris	O'Neill	Turzai
Cohen	Hasay	Pallone	Vance
Coleman	Hennessey	Payne	Veon
Cornell	Herman	Petrarca	Vitali
Corrigan	Hershey	Petri	Walko
Costa	Hess	Petrone	Wansacz
Coy	Hickernell	Phillips	Washington
Crahalla	Horsey	Pickett	Waters
Creighton	Hutchinson	Pistella	Watson
Cruz	James	Preston	Weber
Curry	Josephs	Raymond	Wheatley
Dailey	Keller	Readshaw	Williams
Daley	Kenney	Reed	Wilt
Dally	Killion	Reichley	Wojnaroski
DeLuca	Kirkland	Rieger	Wright
Denlinger	Kotik	Roberts	Yewcic
Dermody	LaGrotta	Roebuck	Youngblood
DeWeese	Laughlin	Rohrer	Yudichak
DiGirolo	Leach	Rooney	Zug
Diven	Lederer	Ross	
Donatucci	Leh	Rublely	Perzel,
Eachus	Lescovitz	Ruffing	Speaker
Egolf			

NAYS—0

NOT VOTING—0

EXCUSED—3

Fichter Maher Taylor, E. Z.

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

Ordered, That the clerk return the same to the Senate with the information that the House has passed the same with amendment in which the concurrence of the Senate is requested.

JUDICIARY COMMITTEE MEETING

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. O'Brien.

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

I would like to announce that at the adjournment today, there will be a meeting of the House Judiciary Committee in room 205 of the Ryan Office Building.

The SPEAKER. The Chair thanks the gentleman.

At the adjournment, there will be a meeting of the Judiciary Committee in room 205 of the Ryan Building.

LOCAL GOVERNMENT COMMITTEE MEETING

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

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

At the conclusion of today's session, the House Local Government Committee will meet immediately in room 60 of the East Wing.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

At the conclusion of session, the Local Government Committee will meet in room 60 of the East Wing.

For the information of the members, there will be no further votes today, but the desk will be remaining open.

DEMOCRATIC CAUCUS

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

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, at 10:30 tomorrow morning – 10:30 tomorrow morning – there will be a Democratic caucus to go over the helmet bill and the voting schedule for Tuesday and Wednesday.

HEALTH AND HUMAN SERVICES COMMITTEE MEETING

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

Mr. KENNEY. Thank you, Mr. Speaker.

Mr. Speaker, the Health and Human Services Committee will meet tomorrow morning at 10 a.m. in room 205 of the Ryan Office Building.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Health and Human Services Committee will meet tomorrow at 10 a.m. in room 205 of the Ryan Office Building.

HOUSE BILL INTRODUCED AND REFERRED

No. 1785 By Representatives CALTAGIRONE, CASORIO, SURRA and TRAVAGLIO

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, further providing for the prohibition on certain political activity and for the governing body of the authorities; and providing local choice for fluoridation of public water.

Referred to Committee on URBAN AFFAIRS, June 30, 2003.

THE SPEAKER PRO TEMPORE (PATRICIA H. VANCE) PRESIDING

BILL REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

SB 8, PN 1046 (Amended)

By Rep. O'BRIEN

An Act amending Titles 18 (Crimes and Offenses), 30 (Fish), 34 (Game), 42 (Judiciary and Judicial Procedure) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for display of registration plate, for impairment due to alcohol or controlled substances, for Department of Transportation records, for automated red light enforcement systems in first class cities, for enumeration of

police powers, for investigation by police officers and for certain surcharges; and making editorial changes.

JUDICIARY.

BILLS AND RESOLUTIONS PASSED OVER

The SPEAKER. Without objection, any 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 Delaware County, Mr. Killion.

Mr. KILLION. Madam Speaker, I move that this House do now adjourn until Tuesday, July 1, 2003, at 11 a.m., e.d.t., unless sooner recalled by the Speaker.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 5:50 p.m., e.d.t., the House adjourned.