

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

WEDNESDAY, NOVEMBER 17, 2004

SESSION OF 2004

188TH OF THE GENERAL ASSEMBLY

No. 70

HOUSE OF REPRESENTATIVES

The House convened at 2:45 p.m., e.s.t.

**THE SPEAKER PRO TEMPORE
(PATRICIA H. VANCE) PRESIDING**

PRAYER

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

Let us pray:

It is always right, O God, to praise You and to bless Your name. We set aside one day a year where we gather together with family and friends to remember the stalwart folk of years long past who braved the hostile seas to build in this land a home for peace and freedom. The smells of the turkey cooking, the pies cooling, and the fresh scent of evergreen remind us of all for which we have to be truly thankful.

It is always right, O God, to praise You and to bless Your name. Even if the harvests fail, even when economies falter, still You are our God; still You bless us richly. Help us to see Your active hand in bounty or scarcity, in pain as well as pleasure. By Your generosity to us, teach us to be generous to others and thus to give evidence to You that we are indeed Your thankful people.

As we pause to give thanks, we thank You for all those who serve this Commonwealth in whatever capacity, for those who have served and moved on, and for those who continue to serve. We thank You especially for those who have served and managed to retain a sense of humor. May we always remember what a healing gift laughter can be.

We are thankful that You have entrusted us with the care of this Commonwealth. "Before all else, we seek, upon our common labor, the blessings of you, Almighty God. And the hopes in our hearts fashion the deepest prayers of our whole people. May we pursue the right – without self-righteousness. May we know unity – without conformity. May we grow in strength – without pride in self. May we, in our dealings with all people, ever speak truth and serve justice. And so shall this state – in the sight of all people of good will – prove true to the honorable purposes that bind and rule us." We humbly offer our prayers. Amen.

PLEDGE OF ALLEGIANCE

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

JOURNAL APPROVAL POSTPONED

The SPEAKER pro tempore. Without objection, the approval of the Journal of Tuesday, November 16, 2004, will be postponed until printed.

HOUSE BILLS INTRODUCED AND REFERRED

No. 3002 By Representatives BENNINGHOFF, FRANKEL, HARRIS, THOMAS, R. MILLER, PETRI, PICKETT, SAYLOR, SCAVELLO, WATSON, YOUNGBLOOD, GINGRICH, GEIST and SOLOBAY

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, further providing for the excusal of students for nonattendance during temporary periods.

Referred to Committee on EDUCATION, November 17, 2004.

No. 3003 By Representatives REICHLEY, LEWIS, WRIGHT, KILLION, CREIGHTON, GODSHALL, HERSHEY, LEH, PETRI and E. Z. TAYLOR

An Act amending the act of July 5, 2004 (P.L.654, No.72), known as the Homeowner Tax Relief Act, further providing for public referendum requirements for increasing certain taxes.

Referred to Committee on FINANCE, November 17, 2004.

HOUSE RESOLUTIONS INTRODUCED AND REFERRED

No. 927 By Representatives B. SMITH and PHILLIPS

A Resolution directing the Legislative Budget and Finance Committee to conduct a study on the social, economic, philosophical and practical impact of providing expanded hunting opportunities, including hunting on Sunday, in this Commonwealth.

Referred to Committee on GAME AND FISHERIES, November 17, 2004.

No. 928 By Representatives JOSEPHS, BEBKO-JONES, CAWLEY, CURRY, GEORGE, JAMES, LaGROTTA, LEDERER, PALLONE, ROBERTS, STABACK, THOMAS, WASHINGTON, WHEATLEY and YOUNGBLOOD

A Resolution memorializing Congress to review the current situation in Iraq and to request the President of the United States to

prepare a plan to secure international support, to train Iraqi security forces, to implement a coherent reconstruction plan that brings real benefits to the Iraqi people and to take the essential steps to hold elections next year, and to report its findings to the American people.

Referred to Committee on RULES, November 17, 2004.

SENATE BILLS FOR CONCURRENCE

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

SB 798, PN 1923

Referred to Committee on RULES, November 17, 2004.

SB 859, PN 1913

Referred to Committee on CONSUMER AFFAIRS, November 17, 2004.

SB 1030, PN 1973

Referred to Committee on RULES, November 17, 2004.

RULES COMMITTEE MEETING

The SPEAKER pro tempore. The Chair recognizes the majority leader, who calls for an immediate meeting of the Rules Committee at the majority leader's desk.

BILLS REMOVED FROM TABLE

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

Mr. S. SMITH. Madam Speaker, I move that the following bills be taken from the table: SBs 1041 and 1167.

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

BILLS ON SECOND CONSIDERATION

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

SB 1041, PN 1621; and SB 1167, PN 1955.

BILLS RECOMMITTED

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

Mr. S. SMITH. Madam Speaker, I move that the following bills be recommitted to the Appropriations Committee: SBs 1041 and 1167.

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

SENATE MESSAGE

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

The clerk of the Senate, being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives by amending said amendments to **SB 1052, PN 1946.**

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

SENATE MESSAGE

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

The clerk of the Senate, being introduced, returned **HB 994, PN 4666**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

SENATE MESSAGE

HOUSE BILLS
CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, returned **HB 2022, PN 4073; HB 2218, PN 3777; and HB 2430, PN 3558**, with information that the Senate has passed the same without amendment.

BILL REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

SB 798, PN 1923

By Rep. S. SMITH

An Act establishing the Capitol Centennial Commission; providing for the commission's powers and duties; imposing a penalty; and providing for funding.

RULES.

BILLS ON CONCURRENCE REPORTED FROM COMMITTEE

HB 552, PN 4690

By Rep. S. SMITH

An Act amending the act of December 5, 1972 (P.L.1280, No.284), known as the Pennsylvania Securities Act of 1972, further providing for exempt transactions; providing for fees; and making a related repeal.

RULES.

HB 994, PN 4760

By Rep. S. SMITH

An Act empowering municipalities, counties and public transportation agencies to work cooperatively to establish Transit Revitalization Investment Districts (TRID), including

partnerships with the National Railroad Passenger Corporation requiring planning studies, comprehensive plan and zoning amendments and use of existing statutes and techniques to achieve transit-oriented development, redevelopment, community revitalization and enhanced community character through TRID creation; establishing value capture areas as a means to reserve and use future, designated incremental tax revenues for public transportation capital improvements, related site development improvements and maintenance; promoting the involvement of and partnerships with the private sector in TRID development and implementation; encouraging public involvement during TRID planning and implementation; and providing for duties of the Department of Community and Economic Development.

RULES.

SB 1052, PN 1946

By Rep. S. SMITH

An Act authorizing and directing the Department of General Services, with the approval of the Governor, to grant and convey to Erie-Western Pennsylvania Port Authority and to Robert L. and Karen N. Doult, Leona B. Disbrow, Louise F. Waller, Mary Schabacker, Paul D. and Mary Ann Brugger, and Ralph and Janet Toland, Sr., certain lands situate in the City of Erie, County of Erie; authorizing the Department of General Services, with the approval of the Governor, to grant and convey to Derry Township Municipal Authority a certain easement for sanitary sewer purposes, together with an existing sanitary sewer line and appurtenances, situate in Derry Township, Dauphin County; authorizing and directing the Department of General Services with the approval of the Governor, to grant and convey to Summerdale Associates, L.P. certain lands situate in the Township of East Pennsboro, County of Cumberland; and authorizing and directing the Department of General Services, with the approval of the Department of Military and Veterans Affairs and the Governor, to grant and convey to the Borough of Doylestown, certain lands situate in the Borough of Doylestown, Bucks County.

RULES.

BILL REMOVED FROM TABLE

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

Mr. S. SMITH. Madam Speaker, I move that SB 798 be removed from the table.

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

BILL RECOMMITTED

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

Mr. S. SMITH. Madam Speaker, I move that SB 798 be recommitted to the Appropriations Committee.

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

ACTUARIAL NOTE

The SPEAKER pro tempore. The Chair is in receipt of the following actuarial note to amendment No. 4940 to HB 2109, PN 3111.

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

GUEST INTRODUCED

The SPEAKER pro tempore. The Chair is pleased to welcome to the hall of the House a guest page today, Amanda Hampson, a senior at Bedford High School in Bedford, Pennsylvania. Amanda will be attending Mansfield University next fall and plans to major in political science. Amanda was formerly a constituent of Representative Hess and, due to redistricting, is now a constituent of Representative Bastian. Would she please rise.

LEAVES OF ABSENCE

The SPEAKER pro tempore. Are there requests for leaves of absence?

The Chair recognizes the majority whip, who requests a leave of absence for today for the gentleman from Warren, Mr. LYNCH, and the gentleman from Huntingdon, Mr. SATHER. Without objection, leaves of absence are granted.

The Chair recognizes the minority whip, who requests that the gentleman, Mr. LEVDANSKY, from Allegheny County, and the gentleman, Mr. WOJNAROSKI, from Cambria County be placed on leave for the remainder of the day. Without objection, the leaves of absence are granted.

MASTER ROLL CALL

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

The following roll call was recorded:

PRESENT—195

Adolph	Evans, D.	Lescovitz	Sainato
Allen	Evans, J.	Lewis	Samuelson
Argall	Fabrizio	Maher	Santoni
Armstrong	Fairchild	Maitland	Saylor
Baker	Feese	Major	Scavello
Baldwin	Fichter	Manderino	Schroder
Bard	Fleagle	Mann	Scrimenti
Barrar	Flick	Markosek	Semmel
Bastian	Forcier	Marsico	Shaner
Bebko-Jones	Frankel	McCall	Smith, B.
Belardi	Freeman	McGeehan	Smith, S. H.
Belfanti	Gabig	McGill	Solobay
Benninghoff	Gannon	McIlhattan	Staback
Biancucci	Geist	McIlhinney	Stairs
Birmelin	George	McNaughton	Steil
Bishop	Gergely	Melio	Stern
Blaum	Gillespie	Metcalfe	Stetler
Boyd	Gingrich	Micozzie	Stevenson, R.
Browne	Good	Millard	Stevenson, T.
Bunt	Goodman	Miller, R.	Sturla
Butkovitz	Grucela	Miller, S.	Surra
Buxton	Gruitza	Mundy	Tangretti
Caltagirone	Habay	Mustio	Taylor, E. Z.
Cappelli	Haluska	Myers	Taylor, J.
Casorio	Hanna	Nickol	Thomas
Causar	Harhai	O'Brien	Tigue
Cawley	Harhart	Oliver	Travaglio
Civera	Harper	O'Neill	True
Clymer	Harris	Pallone	Turzai
Cohen	Hasay	Payne	Vance
Coleman	Hennessey	Petrarca	Veon

Cornell, S. E.	Herman	Petri	Vitali
Corrigan	Hershey	Petrone	Walko
Costa	Hess	Phillips	Wansacz
Crahalla	Hickernell	Pickett	Washington
Creighton	Horsey	Pistella	Waters
Cruz	Hutchinson	Preston	Watson
Curry	James	Raymond	Weber
Dailey	Josephs	Readshaw	Wheatley
Daley	Keller	Reed	Williams
Dally	Kenney	Reichley	Wilt
DeLuca	Killion	Rieger	Wright
Denlinger	Kirkland	Roberts	Yewcic
Dermody	Kotik	Roebuck	Youngblood
DeWeese	LaGrotta	Rohrer	Yudichak
DiGirolamo	Laughlin	Rooney	Zug
Diven	Leach	Ross	
Donatucci	Lederer	Rubley	Perzel,
Eachus	Leh	Ruffing	Speaker
Egolf			

ADDITIONS—0

NOT VOTING—0

EXCUSED—7

Godshall	Lynch	Nailor	Wojnaroski
Levdansky	Mackereth	Sather	

CALENDAR

RESOLUTION

Mr. McILHINNEY called up **HR 882, PN 4555**, entitled:

A Resolution encouraging the Governor and the State Geospatial Technologies Director to engage in strategic planning of geospatial technologies.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—195

Adolph	Evans, D.	Lescovitz	Sainato
Allen	Evans, J.	Lewis	Samuelson
Argall	Fabrizio	Maher	Santoni
Armstrong	Fairchild	Maitland	Saylor
Baker	Feese	Major	Scavello
Baldwin	Fichter	Manderino	Schroder
Bard	Fleagle	Mann	Scrimenti
Barrar	Flick	Markosek	Semmel
Bastian	Forcier	Marsico	Shaner
Bebko-Jones	Frankel	McCall	Smith, B.
Belardi	Freeman	McGeehan	Smith, S. H.
Belfanti	Gabig	McGill	Solobay
Benninghoff	Gannon	McIlhattan	Staback
Biancucci	Geist	McIlhinney	Stairs
Birmelin	George	McNaughton	Steil
Bishop	Gergely	Melio	Stern
Blaum	Gillespie	Metcalfe	Stetler
Boyd	Gingrich	Micozzie	Stevenson, R.
Browne	Good	Millard	Stevenson, T.
Bunt	Goodman	Miller, R.	Sturla
Butkovitz	Grucela	Miller, S.	Surra
Buxton	Gruitza	Mundy	Tangretti
Caltagirone	Habay	Mustio	Taylor, E. Z.
Cappelli	Haluska	Myers	Taylor, J.

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

NAYS—0

NOT VOTING—0

EXCUSED—7

Godshall	Lynch	Nailor	Wojnaroski
Levdansky	Mackereth	Sather	

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

RESOLUTIONS PURSUANT TO RULE 35

Mr. DIVEN called up **HR 924, PN 4724**, entitled:

A Resolution urging Major League Baseball to induct H. Douglas Harvey into baseball's Hall of Fame located in Cooperstown, New York.

On the question,
Will the House adopt the resolution?

GUESTS INTRODUCED

The SPEAKER pro tempore. On that question, the Chair recognizes the gentleman from Allegheny, Mr. Diven.

Mr. DIVEN. Madam Speaker, I will be very brief on this resolution.

I did want to recognize a young man who put a lot of time in doing the research and drafting it. That is D.J. Romaniello. If you would stand up. He is a guest here in the House today. I want to thank him for his hard work and effort. He is joined with his parents, Deb and Dan Romaniello. They are also in the House this afternoon.

This resolution is to correct what I believe is an oversight on the part of Major League Baseball. Doug Harvey is long considered one of the best umpires in National League Baseball,

and this resolution is to hopefully encourage Major League Baseball to have him appointed to the Hall of Fame.

So I thank you for your time, and I appreciate your indulgence.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—195

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

NAYS—0

NOT VOTING—0

EXCUSED—7

Godshall	Lynch	Nailor	Wojnaroski
Levdansky	Mackereth	Sather	

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

* * *

Mr. METCALFE called up **HR 926, PN 4726**, entitled:

A Resolution recognizing December 11 through 17, 2004, as "Bill of Rights Week" in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—195

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

Donatucci	Lederer	Rubley	Perzel,
Eachus	Leh	Ruffing	Speaker
Egolf			

NAYS-0

NOT VOTING-0

EXCUSED-7

Godshall	Lynch	Nailor	Wojnaroski
Levdansky	Mackereth	Sather	

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

GUESTS INTRODUCED

The SPEAKER pro tempore. The Chair is pleased to welcome to the hall of the House, as the guests of Representative Steve Samuelson, Judy Dexter and her son, Tom, who live in Bethlehem. Tom is a sixth grader at Nitschmann Middle School in Bethlehem. They are seated in the balcony. Would they please rise.

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 1096, PN 1886**, entitled:

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, further providing for use of surplus notes, for lending of securities, repurchase agreements and reverse repurchase agreements, for nonforfeiture law for individual deferred annuities and for eligible investments; deleting provisions relating to loans to companies; further defining "long-term care insurance" and "prepaid home health or personal care service policy"; providing for exempt prepaid home health or personal care service policies; and further providing for disclosure and performance standards for long-term care insurance.

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

Mr. **MICOZZIE** offered the following amendment No. **A5016**:

Amend Title, page 1, lines 1 through 20, by striking out all of said lines and inserting

Amending the act of May 17, 1921 (P.L.682, No.284), entitled "An act relating to insurance; amending, revising, and consolidating the law providing for the incorporation of insurance companies, and the regulation, supervision, and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations, and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws," further providing for use of surplus notes, for lending of securities, repurchase agreements and reverse repurchase agreements, for nonforfeiture law for individual deferred annuities and for eligible investments;

deleting provisions relating to loans to companies; further defining "long-term care insurance" and "prepaid home health or personal care service policy"; providing for exempt prepaid home health or personal care service policies; and further providing for disclosure and performance standards for long-term care insurance.

Amend Bill, page 2, lines 2 through 30; pages 3 through 22, lines 1 through 30; page 23, lines 1 through 18, by striking out all of said lines on said pages and inserting

Section 1. Section 322.1 of the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, is repealed.

Section 2. The act is amended by adding a section to read:

Section 322.2. Surplus Notes.—(a) A director, officer, person, corporation or other entity may advance cash, or other admitted assets having readily determinable values and liquidity satisfactory to the Insurance Commissioner, to a domestic insurer in exchange for a surplus note only as prescribed under this section. In addition, if a director, officer, person, corporation or other entity would acquire control of an insurer as a result of an advance, as control is defined in Article XIV, the advance may be made only after the director, officer, person, corporation or other entity has complied with the requirements relating to filing and approval of acquisitions of control prescribed under Article XIV.

(b) An advance may not be made unless the insurer has provided the Insurance Commissioner with written notice at least thirty days prior to the intended date of the advance, or such shorter period as the Insurance Commissioner may permit, and the Insurance Commissioner has not disapproved the advance prior to the intended date. The written notice shall include the form and amount of the advance, the content of the surplus note and other information relating to the advance as required by the Insurance Commissioner.

(c) Commissions, promotion expenses or finders fees may not be paid in connection with an advance except for commissions, expenses and fees customarily incurred within the context of public or private placement offerings underwritten by an investment banking or similar entity.

(d) Payment of principal or interest on a surplus note may not be made without the prior written approval of the Insurance Commissioner. The insurer shall provide the Insurance Commissioner with written notice at least thirty days prior to the intended date of the payment of principal or interest on a surplus note, or such shorter period as the Insurance Commissioner may permit.

(e) Payment of principal or interest on a surplus note shall be subordinated to payment of all other liabilities of the insurer.

(f) Payment of interest on a surplus note may be made only from the unassigned funds of the insurer.

(g) An insurer shall report the issuance and holding of surplus notes, including principal repayment and interest, in financial statements filed with the Insurance Commissioner in compliance with statutory accounting practices prescribed or otherwise permitted by the Insurance Commissioner. Statutory accounting practices are the practices and procedures prescribed by the Accounting Practices and Procedures Manual published by the National Association of Insurance Commissioners, or successor organization, or as otherwise provided by law, regulation or order of the Insurance Commissioner. Principal or interest on a surplus note may not be recorded as a liability or an expense against the insurer except to the extent that payment has been approved by the Insurance Commissioner.

(h) The term "insurer" when used in this section shall mean a domestic insurance company, association or exchange; reciprocal or interinsurance exchange; employers' mutual liability insurance association; nonprofit health plan corporation, whether operating a hospital plan or a professional health services plan; fraternal benefit society or beneficial association; health maintenance organization; preferred provider organization; the Industry Placement Facility under the act of July 31, 1968 (P.L.738, No.233), known as "The Pennsylvania Fair Plan Act"; a joint underwriting association under Chapter 7 of the act of March 20, 2002 (P.L.154, No.13), known as the "Medical Care Availability and Reduction of Error (Mcare) Act"; or another person, corporation, company, partnership, association or other entity acting as an insurer.

Section 3. Section 404.2(15) of the act, added June 11, 1986 (P.L.226, No.64), is amended to read:

Section 404.2. Investment.—Subject to the provisions of sections 405.2 and 406.1, the assets of any life insurance company organized under the laws of this Commonwealth shall be invested in the following classes of investment, provided the value of which, as determined for annual statement purposes, but in no event in excess of cost, shall not exceed the specified percentage of such company's assets as of the thirty-first day of December next preceding the date of investment:

(15) Lending of securities, repurchase agreements and reverse repurchase agreements:

(i) Definitions:

(A) "Lending of securities" means an investment, other than a repurchase agreement, whereby an agreement is entered into which transfers ownership rights and possession of securities to the borrower of such securities with the agreement providing for a return of ownership rights and possession of the securities to the lender at a specified date or upon demand.

(B) "Repurchase agreement" means a bilateral agreement whereby a company purchases securities with a related agreement that the seller will purchase or repurchase at a specified price the equivalent or similar securities within a specified period of time or on demand.

(C) "Reverse repurchase agreement" means a bilateral agreement whereby a company (i) sells securities with a related agreement to purchase or repurchase at a specified price the equivalent or similar securities within a specified period of time or upon demand or (ii) borrows funds and transfers securities to the lender with a related agreement that equivalent or similar securities will be returned to the company upon repayment of the loan within a specified period of time or on demand.

(ii) Lending of securities, repurchase agreements and reverse repurchase agreements transactions are authorized on the following conditions:

(A) The agreement for each transaction or the master agreement for a series of transactions shall be reduced to writing.

(B) Securities acquired by a company and owned subject to reacquisition pursuant to an outstanding repurchase agreement may not be sold pursuant to a reverse repurchase agreement nor lent pursuant to a lending of securities agreement. Consideration, or collateral, received from a reverse repurchase agreement or lending of securities agreement may be used to acquire securities which are equivalent or similar to the securities transferred pursuant to such repurchase agreement or lending of securities agreement; however, such acquired securities may not be

sold pursuant to a reverse repurchase agreement nor lent pursuant to a lending of securities agreement.

(C) A company is limited to no more than [two per centum (2%)] five per centum (5%) of its admitted assets being subject to lending of securities, repurchase or reverse repurchase agreements transactions outstanding with any one business entity under this clause (15).

(D) A company may engage in lending its securities or repurchase or reverse repurchase agreements up to forty per centum (40%) of its admitted assets, provided that such transactions are fully collateralized.

(E) The Insurance Commissioner may promulgate reasonable rules and regulations for investments and transactions under this clause (15), to include, but not be limited to, rules and regulations which impose financial solvency standards, valuation standards and reporting requirements.

Section 4. Section 410C of the act, amended or added July 3, 1980 (P.L.351, No.89) and July 10, 2002 (P.L.749, No.110), is amended to read:

Section 410C. Standard Nonforfeiture Law for Individual Deferred Annuities.—(a) This section shall be known as the Standard Nonforfeiture Law for Individual Deferred Annuities.

(b) This section shall not apply to any reinsurance, group annuity purchased under a retirement plan or plan of deferred compensation established or maintained by an employer (including a partnership or sole proprietorship) or an employe organization, or by both, other than a plan providing individual retirement accounts or individual retirement annuities under section 408 of the Internal Revenue Code, as now or hereafter amended, premium deposit fund, variable annuity, investment annuity, immediate annuity, any deferred annuity contract after annuity payments have commenced, or reversionary annuity, nor to any contract which shall be delivered outside this State through an agent or other representative of the company issuing the contract.

(c) In the case of contracts issued on or after the exact date of this section as defined in subsection (l) no contract of annuity, except as stated in subsection (b) shall be delivered or issued for delivery in this State unless it contains in substance the following provisions, or corresponding provisions which in the opinion of the commissioner are at least as favorable to the contract holder, upon cessation of payment of considerations under the contract.

(1) That upon cessation of payment of considerations under a contract, the company will grant a paid-up annuity benefit on a plan stipulated in the contract of such value as is specified in subsections (e), (f), (g), (h) and (j).

(2) If a contract provides for a lump sum settlement at maturity, or at any other time, that upon surrender of the contract at or prior to the commencement of any annuity payments, the company will pay in lieu of any paid-up annuity benefit a cash surrender benefit of such amount as is specified in subsections (e), (f), (h) and (j). The company shall reserve the right to defer the payment of such cash surrender benefit for a period of six (6) months after demand therefor with surrender of the contract.

(3) A statement of the mortality table, if any, and interest rates used in calculating any minimum paid-up annuity, cash surrender or death benefits that are guaranteed under the contract, together with sufficient information to determine the amounts of such benefits.

(4) A statement that any paid-up annuity, cash surrender or death benefits that may be available under the contract are not less than the minimum benefits required by any statute of the state in which the contract is delivered and an explanation of the manner in which such benefits are altered by the existence of any additional amounts credited by the company to the contract, any indebtedness to the company on the contract or any prior withdrawals from or partial surrenders of the contract. Notwithstanding the requirements of this subsection, any deferred annuity contract may provide that if no considerations have been received under a contract for a period of two full years and the portion of the paid-up annuity benefit at maturity on the plan stipulated in the contract arising from considerations paid prior to such period would be less than twenty dollars (\$20) monthly, the company may at its option terminate such contract by payment in cash of the then present value of such portion of the paid-up annuity benefit, calculated on the basis of the mortality table, if any, and interest rate specified in the contract for determining the paid-up annuity benefit, and by such payment shall be relieved of any further obligation under such contract.

(c.1) In the case of contracts issued on or after January 1, 2006, and in the case of any class of annuity contracts issued before January 1, 2006, as to which the issuing company has filed with the Insurance Department a notice of election of the applicability of this section, no contract of annuity, except as provided under subsection (b), shall be delivered or issued for delivery in this Commonwealth unless it contains in substance the following provisions, or corresponding provisions which in the opinion of the commissioner are at least as favorable to the contractholder, upon cessation of payment of considerations under the contract:

(1) That upon cessation of payment of considerations under a contract, or upon the written request of the contract owner, the company shall grant a paid-up annuity benefit on a plan stipulated in the contract of such value as is specified in subsections (e), (f), (g), (h) and (j);

(2) If a contract provides for a lump sum settlement at maturity, or at any other time, that upon surrender of the contract at or prior to the commencement of any annuity payments, the company shall pay in lieu of a paid-up annuity benefit a cash surrender benefit of such amount as is specified in subsections (e), (f), (h) and (j). The company may reserve the right to defer the payment of the cash surrender benefit for a period not to exceed six (6) months after demand therefore with surrender of the contract after making written request and receiving written approval of the commissioner. The request shall address the necessity and equitability to all policyholders of the deferral;

(3) A statement of the mortality table, if any, and interest rates used in calculating any minimum paid-up annuity, cash surrender or death benefits that are guaranteed under the contract, together with sufficient information to determine the amounts of the benefits; and

(4) A statement that any paid-up annuity, cash surrender or death benefits that may be available under the contract are not less than the minimum benefits required by any statute of the state in which the contract is delivered and an explanation of the manner in which the benefits are altered by the existence of any additional amounts credited by the company to the contract, any indebtedness to the company on the contract or any prior withdrawals from or partial surrenders of the contract. Notwithstanding the requirements of this subsection, a deferred annuity contract may provide that if no considerations have been received under a contract for a period of two (2) full years and the portion of the paid-up annuity benefit at maturity on the plan stipulated in the contract arising from prior considerations paid would be less

than twenty dollars (\$20) monthly, the company may at its option terminate the contract by payment in cash of the then present value of the portion of the paid-up annuity benefit, calculated on the basis of the mortality table, if any, and interest rate specified in the contract for determining the paid-up annuity benefit, and by this payment shall be relieved of any further obligation under the contract.

(d) The minimum values as specified in subsections (e), (f), (g), (h) and (j), of any paid-up annuity, cash surrender or death benefits available under an annuity contract shall be based upon minimum nonforfeiture amounts as defined in this section.

(1) With respect to contracts providing for flexible considerations, the minimum nonforfeiture amount at any time at or prior to the commencement of any annuity payments shall be equal to an accumulation up to such time at a rate of interest of three per centum (3%) per annum of percentages of the net considerations (as hereinafter defined) paid prior to such time, decreased by the sum of:

(A) any prior withdrawals from or partial surrenders of the contract accumulated at a rate of interest of three per centum (3%) per annum; and

(B) the amount of any indebtedness to the company on the contract, including interest due and accrued, and increased by any existing additional amounts credited by the company to the contract.

The net considerations for a given contract year used to define the minimum nonforfeiture amount shall be an amount not less than zero and shall be equal to the corresponding gross considerations credited to the contract during that contract year less an annual contract charge of thirty dollars (\$30) and less a collection charge of one dollar and twenty-five cents (\$1.25) per consideration credited to the contract during that contract year. The percentages of net considerations shall be sixty-five per centum (65%) of the net considerations for the first contract year and eighty-seven and one-half per centum (87.5%) of the net considerations for the second and later contract years. Notwithstanding the provisions of the preceding sentence, the percentage shall be sixty-five per centum (65%) of the portion of the total net consideration for any renewal contract year which exceeds by not more than two times the sum of those portions of the net considerations in all prior contract years for which the percentage was sixty-five per centum (65%).

(2) With respect to contracts providing for fixed scheduled considerations, minimum nonforfeiture amounts shall be calculated on the assumption that considerations are paid annually in advance and shall be defined as for contracts with flexible considerations which are paid annually with two exceptions:

(A) The portion of the net consideration for the first contract year to be accumulated shall be sum of sixty-five per centum (65%) of the net consideration for the first contract year plus twenty-two and one-half per centum (22.5%) of the excess of the net consideration for the first contract year over the lesser of the net considerations for the second and third contract years.

(B) The annual contract charge shall be the lesser of (i) thirty dollars (\$30) or (ii) ten per centum (10%) of the gross annual considerations.

(3) With respect to contracts providing for a single consideration, minimum amount shall be defined as for contracts with flexible considerations except that the percentage of net consideration used to determine the minimum nonforfeiture amount shall be equal to ninety per centum (90%) and the net consideration shall be the gross consideration less a contract charge of seventy-five dollars (\$75).

(d.1) In the case of contracts issued on or after January 1, 2006, and in the case of any class of annuity contracts issued before January 1, 2006, as to which the issuing company has filed with the Insurance Department a notice of election of the applicability of this section, the minimum values as specified in subsections (e), (f), (g), (h) and (i) of any paid-up annuity, cash surrender or death benefits available under an annuity contract shall be based upon minimum nonforfeiture amounts set forth in this section.

(1) The minimum nonforfeiture amount at any time at or prior to the commencement of any annuity payments shall be equal to an accumulation up to such time at rates of interest as indicated in paragraph (3) of the net considerations, as hereinafter defined, paid prior to such time, decreased by the sum of:

(A) Any prior withdrawals from or partial surrenders of the contract accumulated at rates of interest as indicated in paragraph (3); and

(B) An annual contract charge of up to fifty dollars (\$50) accumulated at rates of interest as indicated in paragraph (3);

(C) Any premium tax paid by the company for the contract, accumulated at rates of interest as indicated in paragraph (3); and

(D) The amount of any indebtedness to the company on the contract, including interest due and accrued.

(2) The net consideration for a given contract year used to define the minimum nonforfeiture amount shall be an amount equal to eighty-seven and one-half per centum (87.5%) of the gross consideration credited to the contract during that contract year.

(3) The interest rate used in determining minimum nonforfeiture amounts shall be an annual rate of interest determined as the lesser of three per centum (3%) per annum and the following, which shall be specified in the contract if the interest rate will be reset:

(A) The five-year Constant Maturity Treasury Rate reported by the Federal Reserve as of a date, or average over a period, rounded to the nearest one-twentieth of one per centum (.05%) specified in the contract no longer than fifteen (15) months prior to the contract issue date or redetermination date under subparagraph (D) of paragraph (3);

(B) Reduced by one hundred twenty-five (125) basis points;

(C) Where the resulting interest rate is not less than one per centum (1%); and

(D) The interest rate shall apply for an initial period and may be redetermined for additional periods. The redetermination date, basis and period, if any, shall be stated in the contract. The basis is the date or average over a specified period that produces the value of the five-year Constant Maturity Treasury Rate to be used at each redetermination date.

(4) During the period or term that a contract provides substantive participation in an equity indexed benefit, it may increase the reduction described in paragraph (3)(B) by up to an additional one hundred (100) basis points to reflect the value of the equity index benefit. The present value at the contract issue date, and at each redetermination date thereafter, of the additional reduction shall not exceed the market value of the benefit. The commissioner may require a demonstration that the present value of the additional reduction does not exceed the market value of the benefit. Lacking such a demonstration that is acceptable to the commissioner, the commissioner may disallow or limit the additional reduction.

(5) The commissioner may adopt rules to implement the provisions of paragraph (4) and to provide for further adjustments to the calculation of minimum nonforfeiture amounts for contracts that provide substantive participation in an equity index benefit and for

other contracts that the commissioner determines adjustments are justified.

(e) Any paid-up annuity benefit available under a contract shall be such that its present value on the date of annuity payments are to commence is at least equal to the minimum nonforfeiture amount on that date. Such present value shall be computed using the mortality table, if any, and the interest rate specified in the contract for determining the minimum paid-up benefits guaranteed in the contract.

(f) For contracts which provide cash surrender benefits, such cash surrender benefits available prior to maturity shall not be less than the present value as of the date of surrender of that portion of the maturity value of the paid-up annuity benefit which would be provided under the contract at maturity arising from considerations paid prior to the time of cash surrender reduced by the amount appropriate to reflect any prior withdrawals from or partial surrenders of the contract, such present value being calculated on the basis of an interest rate not more than one per centum (1%) higher than the interest rate specified in the contract for accumulating the net considerations to determine such maturity value, decreased by the amount of any indebtedness to the company on the contract, including interest due and accrued, and increased by any existing additional amounts credited by the company to the contract. In no event shall any cash surrender benefit be less than the minimum nonforfeiture amount at that time. The death benefit under such contracts shall be at least equal to the cash surrender benefit.

(g) For contracts which do not provide cash surrender benefits, the present value of any paid-up annuity benefit available as a nonforfeiture option at any time prior to maturity shall not be less than the present value of that portion of the maturity value of the paid-up annuity benefit provided under the contract arising from considerations paid prior to the time the contract is surrendered in exchange for, or changed to, a deferred paid-up annuity, such present value being calculated for the period prior to that maturity date on the basis of the interest rate specified in the contract for accumulating the net considerations to determine such maturity value, and increased by any existing additional amount credited by the company to the contract. For contracts which do not provide any death benefits prior to the commencement of any annuity payments, such present values shall be calculated on the basis of such interest rate and the mortality table specified in the contract for determining the maturity value of the paid-up annuity benefit. However, in no event shall the present value of the paid-up annuity benefit be less than the minimum nonforfeiture amount at that time.

(h) For the purpose of determining the benefits calculated under subsections (f) and (g) in the case of annuity contracts under which an election may be made to have annuity payments commence at optional maturity dates, the maturity date shall be deemed to be the latest date for which election shall be permitted by the contract, but shall not be deemed to be later than the anniversary of the contract next following the annuitant's seventieth birthday or the tenth anniversary of the contract, whichever is later.

(i) Any contract which does not provide cash surrender benefits or does not provide death benefits at least equal to the minimum nonforfeiture amount prior to the commencement of any annuity payments shall include a statement in a prominent place in the contract that such benefits are not provided.

(j) Any paid-up annuity, cash surrender or death benefits available at any time, other than on the contract anniversary under any contract with fixed scheduled considerations, shall be calculated with

allowance for the lapse of time and the payment of any scheduled considerations beyond the beginning of the contract year in which cessation of payment of considerations under the contract occurs.

(k) For any contract, which provides, within the same contract by rider or supplemental contract provision, both annuity benefits and life insurance benefits that are in excess of the greater of cash surrender benefits or a return of the gross considerations with interest, the minimum nonforfeiture benefits shall be equal to the sum of the minimum nonforfeiture benefits for the annuity portion and the minimum nonforfeiture benefits, if any, for the life insurance portion computed as if each portion were a separate contract. Notwithstanding the provisions of subsections (e), (f), (g), (h) and (j), additional benefits payable (i) in the event of total and permanent disability, (ii) as reversionary annuity or deferred reversionary annuity benefits, or (iii) as other policy benefits additional to life insurance, endowment and annuity benefits, and considerations for all such additional benefits, shall be disregarded in ascertaining the minimum nonforfeiture amounts, paid-up annuity, cash surrender and death benefits that may be required by this section. The inclusion of such additional benefits shall not be required in any paid-up benefits, unless such additional benefits separately would require minimum nonforfeiture amounts, paid-up annuity, cash surrender and death benefits.

(l) After the effective date of this section, any company may file with the commissioner a written notice of its election to comply with the provisions of this section after a specified date before the second anniversary of the effective date of this section. After the filing of such notice, then upon such specified date, which shall be the operative date of this section for such company, this section shall become operative with respect to annuity contracts, thereafter issued by such company. If a company makes no such election, the operative date of this section for such company shall be the second anniversary of the effective date of this section.

(m) Notwithstanding the provisions of subsection (d) and except as provided under subsections (c.1) and (d.1), for any contract issued on or after July 1, 2002, and before January 1, [2005] 2006, the interest rate at which minimum nonforfeiture amounts, partial withdrawals and partial surrenders shall be accumulated shall be one and one-half per centum (1.5%) per annum.

Section 5. Section 518C(a)(11)(ii) of the act, added December 22, 1989 (P.L.755, No.106), is amended to read:

Section 518C. Eligible Investments.—(a). Every domestic stock fire, stock marine or stock fire and marine insurance company shall invest and keep invested all its funds in sound investments enumerated below, except such cash as may be required in the transaction of its business. Such investments shall include:

(11) Lending of securities, repurchase agreements and reverse repurchase agreements.

(ii) Lending of securities, repurchase agreements and reverse repurchase agreements transactions are authorized on the following conditions:

(A) The agreement for each transaction or the master agreement for a series of transactions shall be reduced to writing.

(B) Securities acquired by a company owned subject to reacquisition pursuant to an outstanding repurchase agreement may not be sold pursuant to a reverse repurchase agreement nor lent pursuant to a lending of securities agreement. Consideration, or collateral, received

from a reverse repurchase agreement or lending of securities agreement may be used to acquire securities which are equivalent or similar to the securities transferred pursuant to such repurchase agreement or lending of securities agreement; however, such acquired securities may not be sold pursuant to a reverse repurchase agreement nor lent pursuant to a lending of securities agreement.

(C) A company is limited to no more than [two percentum (2%)] five percentum (5%) of its admitted assets being subject to lending of securities, repurchase agreements or reverse repurchase agreements transactions outstanding with any one business entity under this section.

(D) A company may engage in lending its securities or repurchase or reverse repurchase agreements up to forty per centum (40%) of its admitted assets: Provided, however, That such transactions are fully collateralized.

(E) The Insurance Commissioner may promulgate reasonable rules and regulations for investments and transactions under this section to include, but not be limited to, rules and regulations which impose financial solvency standards, valuation standards and reporting requirements.

Section 6. Section 809 of the act is repealed.

Section 7. The definitions of “long-term care insurance” and “prepaid home health or personal care service policy” in section 1103 of the act, amended December 20, 2000 (P.L.967, No.132), are amended to read:

Section 1103. Definitions.—As used in this article, the following words and phrases shall have the meanings given to them in this section:

“Long-term care insurance.” Any insurance policy or rider advertised, marketed, offered or designed to provide coverage [for not less than twelve (12) consecutive months] for each covered person on an expense-incurred, indemnity, prepaid or other basis for functionally necessary or medically necessary diagnostic, preventive, therapeutic, rehabilitative, maintenance or personal care services provided in a setting other than an acute care unit of a hospital. The term includes a policy, rider or prepaid home health or personal care service policy which provides for payment of benefits based upon cognitive impairment or the loss of functional capacity. The term includes group and individual policies or riders issued by insurers, fraternal benefit societies, nonprofit health, hospital and medical service corporations, health maintenance organizations or similar organizations. The term does not include any insurance policy which is offered primarily to provide basic Medicare supplement coverage, basic hospital expense coverage, basic medical-surgical expense coverage, hospital confinement indemnity coverage, major medical expense coverage, disability income protection coverage, accident-only coverage, specified disease or specified accident coverage or limited benefit health coverage.

“Prepaid home health or personal care service policy.” A policy, contract, subscriber agreement, rider or endorsement delivered or issued for delivery in this Commonwealth to provide home health or personal care services [whereby coverage for home health or personal care services is conditioned upon certification of either cognitive impairment or the inability to perform activities of daily living]. This term [shall not include home] excludes:

(1) Home health or personal care services administered through a local area agency on aging or as a government service or provided by a nonprofit association, organization or corporation other than a nonprofit health, hospital or medical service corporation.

(2) A contract or arrangement which meets all of the following criteria:

(i) Provides for services upon demand without regard to medical condition.

(ii) Does not seek or utilize any form of medical questionnaire or information, written or verbal, for assessment of health condition for any reason.

(iii) Provides for cost of services that is not based on any estimate or contingency of actual or anticipated use of services.

(iv) Does not contain any waiting period.

(v) Contains the following notice, verbatim in boldface, 18-point type on the face sheet to the contract:

This contract is not insurance; it is not to be used as a substitute or replacement for insurance; it provides none of the safeguards of insurance regulated by the Pennsylvania Insurance Department, such as a guarantee that all benefits or services will be fully funded. In the event of insolvency, there is no Pennsylvania Life and Health Insurance Guaranty Association protection.

Under Pennsylvania law, the service contract provider may not seek or use any medical information to determine your eligibility for purchasing this contract or to set rates under the contract. Further, the service contract provider must provide you with all contracted services upon demand, without regard to your medical condition or medical necessity.

Any attempted or actual solicitation or sale of this product as a substitute for or replacement of a long-term care policy is a violation of Pennsylvania insurance laws, reportable to the Insurance Department of this Commonwealth.

Section 8. The act is amended by adding a section to read:

Section 1104.1. Prepaid Home Health or Personal Care Service Policies; Exempt Entities.—Any entity that solicits or provides prepaid home health or personal care service policies claiming to be exempt under this article shall, upon demand by the department, provide all books and records which, in the department's sole judgment, are necessary for the department to determine the entity's status as an exempt entity.

Section 9. Section 1105(b) of the act, added December 15, 1992 (P.L. 1129, No. 148), is amended to read:

Section 1105. Disclosure and Performance Standards for Long-term Care Insurance.—***

(b) No long-term care insurance policy may:

(1) be canceled, nonrenewed or otherwise terminated on the grounds of the age or the deterioration of the mental or physical health of the insured individual or certificate holder;

(2) contain a provision establishing a new waiting period, in the event existing coverage is converted to or replaced by a new or other form within the same company, except with respect to an increase in benefits voluntarily selected by the insured individual or group policyholder; [or]

(3) contain coverage for skilled nursing care only or contain coverage that provides significantly more skilled care than coverage for lower levels of care[.]; or

(4) be marketed, offered or designed to provide coverage for less than twelve consecutive months.

Section 10. This act shall take effect as follows:

(1) The following provisions shall take effect in 45 days:

(i) The amendment of section 1103 of the act.

(ii) The addition of section 1104.1 of the act.

(iii) The amendment of section 1105(b) of the

act.

(2) The remainder of this act shall take effect immediately.

On the question,

Will the House agree to the amendment?

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

Mr. MICOZZIE. Madam Speaker, amendment 5016 would eliminate the existing language in SB 1096 and replace it with identical language, while making a change to the effective date of the bill as it relates to the company investment provisions within the legislation. The amendment would not in any way affect the original intent of this legislation.

I would ask my colleagues for an affirmative vote.

The SPEAKER pro tempore. On the amendment, the Chair recognizes the gentleman, Mr. Lewis, from Monroe County.

Mr. LEWIS. Thank you, Madam Speaker.

Just for the advice to my colleagues, approving this amendment will end our effort to get colon cancer into every health insurance policy in Pennsylvania; it will end the effort for us to try and change public policy to reduce the 3,000 deaths that are occurring every year in Pennsylvania on the colon cancer disease.

We have a cure; it is early screening tests, and I request my colleagues to defeat the Micozzie amendment.

Thank you, Madam Speaker.

The SPEAKER pro tempore. On the amendment, the Chair recognizes the gentleman from Delaware County, Mr. Micozzie.

Mr. MICOZZIE. Thank you, Madam Speaker.

I sincerely regret that this amendment will negate the ability of the House to consider Representative Lewis' amendment on cancer screening coverage. I support the concept of his amendment, as do a large majority of the members of this chamber who voted in favor of his identical amendment to HB 1470 on November 9. That is a bill now in the State Senate, where it awaits further consideration. I also voted in favor of the cancer screening bill when it was considered by this chamber last session. That bill also went to the Senate—Madam Speaker, may I have some quiet, please? I cannot hear myself think.

The SPEAKER pro tempore. The gentleman is correct. He deserves to be heard. Could we please have members sit and those staff who are not involved please take their seats or leave the hall of the House.

Mr. MICOZZIE. I also voted in favor of the cancer screening bill when it was considered by this chamber last session. In fact, we had a public hearing on this very issue. The bill went to the State Senate, and as we know, it died there. Based on these factors, I would say that the problem with the Lewis amendment does not reside in this chamber but, instead, resides in the Senate.

Madam Speaker, SB 1096 is the wrong bill on which to offer the screening amendment. For one, it has already been

considered and approved by this House just last week. Second, as they did last session, our friends in the Senate, on the other side of the building, have told us that if we insert this amendment into SB 1096 or any other amendment and send it to them, they will take no further action on the bill and it will die there. We cannot allow this to happen to this very important insurance bill.

A vote in favor of the amendment we are now considering is a vote in favor of maintaining the access of tens of thousands of Pennsylvania residents to purchasing deferred annuities as life insurance. Without the amendment, that important market will dry up and not be available in this State. With the end of the legislative session drawing near, we are running out of time to get this bill done, and consequently, I would ask my colleagues for an affirmative vote on amendment 5016.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Northampton, Mr. Samuelson, on the amendment.

Mr. SAMUELSON. Thank you, Madam Speaker.

I rise to oppose the Micozzie amendment for this reason: The issue of colon cancer screening is actually in two standalone bills – HB 78, sponsored by Representative Feese, and HB 2070, sponsored by Representative Pallone. Unfortunately, those bills have sat in the Insurance Committee for the entire legislative session. They have not come up for a vote. There was a public hearing, and we appreciate that. But the two bills that would get this done and provide for colon cancer screening in Pennsylvania are still sitting in the Insurance Committee as we speak.

For that reason it is necessary to vote on the Lewis amendment to accomplish colon cancer screening and provide that in Pennsylvania, and unfortunately, this Micozzie amendment would not allow the Lewis amendment to come up this afternoon.

So I urge a “no” vote on the Micozzie amendment.

The SPEAKER pro tempore. The gentleman has already spoken twice on the amendment. He cannot be recognized again.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—116

Adolph	DiGirolamo	Lederer	Scrimenti
Allen	Diven	Leh	Semmel
Argall	Eachus	Major	Smith, B.
Armstrong	Egolf	Manderino	Smith, S. H.
Baldwin	Evans, D.	Markosek	Staback
Barrar	Evans, J.	Marsico	Stairs
Bastian	Feese	McCall	Steil
Belardi	Fichter	McGeehan	Stetler
Benninghoff	Fleagle	McGill	Stevenson, R.
Biancucci	Flick	McIlhattan	Surra
Birmelin	Forcier	McNaughton	Tangretti
Bishop	Gannon	Melio	Taylor, E. Z.
Boyd	Geist	Metcalfe	True
Bunt	George	Micozzie	Turzai
Butkovitz	Gillespie	Miller, R.	Vance
Caltagirone	Gingrich	Myers	Veon
Cappelli	Goodman	Nickol	Vitali
Casorio	Gruitza	Oliver	Wansacz
Civera	Habay	Petrone	Washington
Clymer	Hasay	Phillips	Waters

Cornell, S. E.	Herman	Pickett	Wheatley
Corrigan	Hess	Pistella	Williams
Costa	Hickernell	Preston	Wilt
Crahalla	Horsey	Raymond	Wright
Cruz	Hutchinson	Rieger	Youngblood
Dailey	James	Roberts	Zug
Daley	Keller	Ross	
DeLuca	Killion	Ruffing	Perzel,
Dermody	Kirkland	Schroder	Speaker
DeWeese	Laughlin		

NAYS—79

Baker	Gabig	Maitland	Sainato
Bard	Gergely	Mann	Samuelson
Bebko-Jones	Good	McIlhinney	Santoni
Belfanti	Grucela	Millard	Saylor
Blaum	Haluska	Miller, S.	Scavello
Browne	Hanna	Mundy	Shaner
Buxton	Harhai	Mustio	Solobay
Causar	Harhart	O'Brien	Stern
Cawley	Harper	O'Neill	Stevenson, T.
Cohen	Harris	Pallone	Sturla
Coleman	Hennessey	Payne	Taylor, J.
Creighton	Hershey	Petrarca	Thomas
Curry	Josephs	Petri	Tigue
Dally	Kenney	Readshaw	Travaglio
Denlinger	Kotik	Reed	Walko
Donatucci	LaGrotta	Reichley	Watson
Fabrizio	Leach	Roebuck	Weber
Fairchild	Lescovitz	Rohrer	Yewcic
Frankel	Lewis	Rooney	Yudichak
Freeman	Maher	Rubley	

NOT VOTING—0

EXCUSED—7

Godshall	Lynch	Nailor	Wojnaroski
Levdansky	Mackereth	Sather	

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

On the question,

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

The SPEAKER pro tempore. Does the gentleman wish to speak on final passage?

Mr. LEWIS. May I approach the Speaker and have a conference?

The SPEAKER pro tempore. The gentleman will please approach the rostrum.

(Conference held at Speaker's podium.)

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

The gentleman, Mr. Lewis, from Monroe is recognized on final passage.

Mr. LEWIS. Thank you, Madam Speaker.

I support the provisions in SB 1096, and I want my remarks to always reflect that. Our hope on 1096 was to advance Pennsylvania public policy to address a disease that has a cure in Pennsylvania, a disease called colon cancer, which kills over 3,300 Pennsylvanians a year, despite the fact that we have a cure for this disease.

Presently we have tried in the House to pass this amendment several times this session, and every time it gets across the rotunda to the Senate, it dies and dies in committee.

I call upon my colleagues to continue the efforts to reduce colon cancer deaths in Pennsylvania and change public policy in Pennsylvania, to address this disease that has a cure.

Thank you, Madam Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Delaware County, Mr. Micozzie, on final passage.

Mr. MICOZZIE. Thank you, Madam Speaker.

I also support the screening for colon cancer.

I have suggested to my colleague and friend, Representative Kelly Lewis, to meet with the CEOs (chief executive officers) and to meet with the insurance industry, because many of the insurance companies already cover this mandate, and I said to the Representative that I would be more than happy to gather the lobbyists and the CEOs and try to work something out.

Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,
Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—195

Adolph	Evans, D.	Lescovitz	Sainato
Allen	Evans, J.	Lewis	Samuelson
Argall	Fabrizio	Maher	Santoni
Armstrong	Fairchild	Maitland	Saylor
Baker	Feese	Major	Scavello
Baldwin	Fichter	Manderino	Schroder
Bard	Fleagle	Mann	Scrimenti
Barrar	Flick	Markosek	Semmel
Bastian	Forcier	Marsico	Shaner
Bebko-Jones	Frankel	McCall	Smith, B.
Belardi	Freeman	McGeehan	Smith, S. H.
Belfanti	Gabig	McGill	Solobay
Benninghoff	Gannon	McIlhattan	Staback
Bianucci	Geist	McIlhinney	Stairs
Birmelin	George	McNaughton	Steil
Bishop	Gergely	Melio	Stern
Blaum	Gillespie	Metcalfe	Stetler
Boyd	Gingrich	Micozzie	Stevenson, R.
Browne	Good	Millard	Stevenson, T.
Bunt	Goodman	Miller, R.	Sturla
Butkovitz	Grucela	Miller, S.	Surra
Buxton	Gruitza	Mundy	Tangretti
Caltagirone	Habay	Mustio	Taylor, E. Z.
Cappelli	Haluska	Myers	Taylor, J.
Casorio	Hanna	Nickol	Thomas
Causer	Harhai	O'Brien	Tigue

Cawley	Harhart	Oliver	Travaglio
Civera	Harper	O'Neill	True
Clymer	Harris	Pallone	Turzai
Cohen	Hasay	Payne	Vance
Coleman	Hennessey	Petrarca	Veon
Cornell, S. E.	Herman	Petri	Vitali
Corrigan	Hershey	Petrone	Walko
Costa	Hess	Phillips	Wansacz
Crahalla	Hickernell	Pickett	Washington
Creighton	Horsey	Pistella	Waters
Cruz	Hutchinson	Preston	Watson
Curry	James	Raymond	Weber
Dailey	Josephs	Readshaw	Wheatley
Daley	Keller	Reed	Williams
Dally	Kenney	Reichley	Wilt
DeLuca	Killion	Rieger	Wright
Denlinger	Kirkland	Roberts	Yewcic
Dermody	Kotik	Roebuck	Youngblood
DeWeese	LaGrotta	Rohrer	Yudichak
DiGirolamo	Laughlin	Rooney	Zug
Diven	Leach	Ross	
Donatucci	Lederer	Rubley	Perzel,
Eachus	Leh	Ruffing	Speaker
Egolf			

NAYS—0

NOT VOTING—0

EXCUSED—7

Godshall	Lynch	Nailor	Wojnaroski
Levdansky	Mackereth	Sather	

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

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

The House proceeded to third consideration of **HB 2678, PN 4001**, entitled:

An Act providing for multistate sales and use tax administration for commerce.

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

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

The question is, shall the bill pass finally?

The Chair recognizes the gentleman from Butler County, Mr. Metcalfe, on final passage.

Mr. METCALFE. If I could interrogate the maker of the legislation.

The SPEAKER pro tempore. The gentleman agrees. You may proceed.

Mr. METCALFE. Thank you, Madam Speaker.

Madam Speaker, I just wanted to ask if the maker of the legislation would give us a brief summary of the legislation for the members' benefit. We held hearings earlier this summer, I believe, on this legislation. That is correct?

Mr. STEIL. Thank you, Madam Speaker.

Yes. This particular piece of legislation authorizes Pennsylvania to become a voting member of the implementing States under the Streamlined Sales and Use Tax Project. This project has been going on for about 5 years now, and while Pennsylvania has been participating, we are really the only major State, other than California, at this point that is not a voting member of the governing body or the decisionmaking body. As a result, we have a voice in the deliberations but we do not carry any weight in the ultimate vote that adopts the governing principles of the streamlined act. All this legislation would do is it would give us authority and make us a voting member of that group.

Mr. METCALFE. And would this legislation move us in the direction of taxing Internet items?

Mr. STEIL. In my opinion, Madam Speaker, no, it does not move us in that direction at all. Any moves that this legislature may wish to take in the future to actually implement the Streamlined Sales and Use Tax Act would require at least two additional pieces of legislation that would be required and we would debate here. There is nothing in this legislation which requires us to take any other action.

Mr. METCALFE. Thank you for your answers.

If I could make a few brief comments, Madam Speaker.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. METCALFE. Madam Speaker, as I asked those couple of questions and the maker of the legislation said, in his opinion, he does not believe that this moves us in the direction of taxing Internet items but that there would additionally need to be a couple of additional pieces of legislation in the future and whereas I would agree with him that there would have to be additional legislation, I perceive this legislation, as I think some of my colleagues do, as one of those first steps toward moving us toward taxing Internet items. I think some of the States that have become involved in this project, in entering into these joint agreements, are trying to put pressure on the United States Congress to move in that direction also. And I, for one, oppose moving us in the direction of increasing the tax burden on Pennsylvanians, of increasing taxes on Internet items, and of moving us in the direction of taking away that zone of our economy right now that is actually able to operate with less intervention from the tax policies that so many would like to see us put on the Internet sales.

So I oppose this legislation. I think it starts us down that slippery slope to taxing the items that are sold on the Internet in a fashion that so many would like to have access to taxing those items, to garner more revenue into the State's Treasury, which I think we take enough already from the people and that we should not move us in the direction of taking any more.

So I oppose this legislation because I think ultimately it will result in tax increases on areas that are not currently enforceable or taxed now.

Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Philadelphia, Mr. Thomas, on the amendment.

Mr. THOMAS. Thank you, Madam Speaker.

Madam Speaker, I rise in support of HB 2678.

I think Representative Steil hit the nail on the head when he said that, number one, all this bill does is allow Pennsylvania to be a part of the discussion, to be a part of the conversation, because there is conversation under way throughout the United States and in Congress to look at this whole issue of taxing the Internet, and I think that it is important for Pennsylvania to take this first step so that we can be at the table and provide the kind of concerns that my colleague just presented, but if we are not at the table or part of the conversation, then at some point we are going to be in the unfortunate position of having to respond to what somebody else decided was in the best interest of Pennsylvania.

And so to that end, I think it is important for us to take this first step, and I commend Representative Steil on his vision, his insight, and his insight in moving to get us to look at this issue now. But all it really comes down to is Pennsylvania should be a part of the conversation. There is no mandate; there is no affirmative conduct that comes with the passage of this bill. The bill only provides that Pennsylvania will be at the table.

Thank you, Madam Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Luzerne, Mr. Tigie, on final passage.

Mr. TIGUE. Thank you, Madam Speaker.

Madam Speaker, I stand to ask for everyone's support of this bill.

It is time that the States, not only the Commonwealth of Pennsylvania but the other States, begin to look at sales on the Internet and come up with a standardized system of taxation. We have talked about tax reform. We are losing billions of dollars by sales over the Internet. It is not that it only affects the State Treasury, but it also affects local business men and women, who cannot compete and are not on a level playing field with those who are able to make sales without collecting. And people should remember that the person who buys on the Internet, actually, under the current law, is responsible for that tax.

This is a way to look at it from a national perspective so that we are all taxing the same things; basically, if not the same rates, the same things. This will bring the sales and use tax to where it should be in this age of technology. This merely says that as Pennsylvania is represented on this negotiation panel, that we would have a right to vote.

We should approve this, and we should move ahead with this.

Thank you, Madam Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Butler, Mr. Metcalfe, on the amendment for the second time.

Mr. METCALFE. Just one additional point, Madam Speaker, from the conversations and from reviewing some of the information I had on the proposal. As I understand this legislation, as the maker of the legislation had mentioned, it was, you know, kind of a first step. There would need to be other enabling legislation before we would tax the Internet items. But I think it is important that people recognize that this is the first step, and usually when you take the first step, there are additional steps that are taken once that momentum starts.

Part of the problem is also giving away some of our sovereignty as a State to other States in this compact, in this

multistate agreement. As they work to be at the table and have people negotiate with other States what our tax policy should be here, it would push us in the direction of having to adopt those policies. By being at the table and being part of that agreement, it would push us in the direction of having to change our policies, our tax policies here in Pennsylvania, to suit the desires of what the other States have argued for if they are successful in arguing for things that we normally would not advance in our own tax policy or our own tax code.

So I would ask the members to be mindful of that while they are casting this vote. I believe this is a step in the direction of yet again taxing Pennsylvanians on items that they are not currently taxed on, of yet again trying to raise more revenue and take more out of the pockets of Pennsylvanians; in a sense, pickpocketing Pennsylvanians one more time.

So I would ask for a "no" vote on this legislation.

Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On final passage, the Chair recognizes the gentleman from Bucks, Mr. Steil.

Mr. STEIL. Thank you, Madam Speaker.

I would just like to make several points in response to the previous speaker's comments.

Number one, we do not in any way surrender any of our sovereignty in this legislation. We do not do that because we would have to sign on to the ultimate agreement. We would have to become a conforming State in order to do that. The best ability that we have to preserve our sovereignty is to be part of the negotiations, to be part of the conversations which develop the technology and the methodology by which the Streamlined Sales and Use Tax Act is implemented.

Secondly, it is important to again state that in no way does this impose any tax, change any tax rate, or change any subject of tax. It merely puts us at the table.

Thank you, Madam Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,
Shall the bill pass finally?

The following roll call was recorded:

YEAS-168

Adolph	Evans, D.	Mann	Saylor
Allen	Evans, J.	Markosek	Scavello
Argall	Fabrizio	Marsico	Schroder
Armstrong	Fairchild	McCall	Scrimenti
Baldwin	Feese	McGeehan	Semmel
Bard	Fichter	McGill	Shaner
Bastian	Fleagle	McIlhattan	Smith, B.
Bebko-Jones	Flick	McIlhinney	Smith, S. H.
Belardi	Frankel	McNaughton	Solobay
Belfanti	Freeman	Melio	Staback
Benninghoff	Gannon	Micozzie	Stairs
Biancucci	George	Millard	Steil
Birmelin	Gergely	Miller, R.	Stetler
Bishop	Gillespie	Mundy	Stevenson, T.
Blaum	Good	Mustio	Sturla
Boyd	Goodman	Myers	Surra
Browne	Grucela	Nickol	Tangretti
Bunt	Gruitza	O'Brien	Taylor, E. Z.
Butkovitz	Haluska	Oliver	Taylor, J.
Buxton	Hanna	O'Neill	Thomas

Caltagirone	Harhai	Pallone	Tigue
Cappelli	Harper	Payne	Travaglio
Casorio	Hennessey	Petrarca	True
Cawley	Herman	Petri	Turzai
Civera	Hershey	Petrone	Vance
Clymer	Hess	Phillips	Veon
Cohen	Hickernell	Pistella	Vitali
Cornell, S. E.	Horsey	Preston	Walko
Corrigan	James	Raymond	Wansacz
Costa	Josephs	Readshaw	Washington
Crahalla	Keller	Reed	Waters
Cruz	Kenney	Reichley	Watson
Curry	Killion	Rieger	Weber
Daley	Kirkland	Roberts	Wheatley
Daily	Kotik	Roebuck	Williams
DeLuca	LaGrotta	Rooney	Wilt
Denlinger	Laughlin	Ross	Wright
Dermody	Leach	Rubley	Youngblood
DeWeese	Lederer	Ruffing	Yudichak
DiGirolamo	Leh	Sainato	
Diven	Lescovitz	Samuelson	Perzel,
Donatucci	Maitland	Santoni	Speaker
Eachus	Manderino		

NAYS-27

Baker	Forcier	Hasay	Pickett
Barrar	Gabig	Hutchinson	Rohrer
Causer	Geist	Lewis	Stern
Coleman	Gingrich	Maher	Stevenson, R.
Creighton	Habay	Major	Yewcic
Dailey	Harhart	Metcalfe	Zug
Egolf	Harris	Miller, S.	

NOT VOTING-0

EXCUSED-7

Godshall	Lynch	Nailor	Wojnaroski
Levdansky	Mackereth	Sather	

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

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

The House proceeded to third consideration of SB 1112, PN 1605, entitled:

An Act establishing the Board of Directors of the Rouse Estate; and making repeals.

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

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

The question is, shall the bill pass finally?
Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

The following roll call was recorded:

YEAS—195

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

NAYS—0

NOT VOTING—0

EXCUSED—7

Godshall	Lynch	Nailor	Wojnaroski
Levdansky	Mackereth	Sather	

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.

The House proceeded to third consideration of **SB 779, PN 1306**, entitled:

An Act amending the act of June 30, 1981 (P.L.128, No.43), known as the Agricultural Area Security Law, further providing for purchase of agricultural conservation easements; and abrogating a regulation.

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

BILL RECOMMITTED

The **SPEAKER** pro tempore. The majority leader is recognized.

Mr. S. SMITH. Madam Speaker, I move that SB 779, PN 1306, be recommitted to the Appropriations Committee.

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

The House proceeded to third consideration of **HB 2917, PN 4535**, entitled:

An Act amending the act of May 1, 1933 (P.L.103, No.69), known as The Second Class Township Code, authorizing appropriations to watershed associations.

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

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

The question is, shall the bill pass finally?
Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

The following roll call was recorded:

YEAS—195

Adolph	Evans, D.	Lescovitz	Sainato
Allen	Evans, J.	Lewis	Samuelson
Argall	Fabrizio	Maher	Santoni
Armstrong	Fairchild	Maitland	Saylor
Baker	Feese	Major	Scavello
Baldwin	Fichter	Manderino	Schroder
Bard	Fleagle	Mann	Scrimenti
Barrar	Flick	Markosek	Semmel
Bastian	Forcier	Marsico	Shaner
Bebko-Jones	Frankel	McCall	Smith, B.
Belardi	Freeman	McGeehan	Smith, S. H.
Belfanti	Gabig	McGill	Solobay
Benninghoff	Gannon	McIlhattan	Staback
Biancucci	Geist	McIlhinney	Stairs
Birmelin	George	McNaughton	Steil
Bishop	Gergely	Melio	Stern
Blaum	Gillespie	Metcalfe	Stetler
Boyd	Gingrich	Micozzie	Stevenson, R.
Browne	Good	Millard	Stevenson, T.

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

NAYS-0

NOT VOTING-0

EXCUSED-7

Godshall	Lynch	Nailor	Wojnaroski
Levdanský	Mackereth	Sather	

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

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

* * *

The House proceeded to third consideration of **HB 2137, PN 4557**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for period of revocation or suspension of operating privilege.

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

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS-195

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

NAYS-0

NOT VOTING-0

EXCUSED-7

Godshall	Lynch	Nailor	Wojnaroski
Levdanský	Mackereth	Sather	

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

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

The House proceeded to third consideration of **SB 1073, PN 1485**, entitled:

An Act redesignating the bridge on State Route 228 which passes over Interstate 79 in Cranberry Township, Butler County, as the 79th Infantry Division Memorial Bridge.

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

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—195

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

Donatucci	Lederer	Rublely	Perzel,
Eachus	Leh	Ruffing	Speaker
Egolf			

NAYS—0

NOT VOTING—0

EXCUSED—7

Godshall	Lynch	Nailor	Wojnaroski
Levdansky	Mackereth	Sather	

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.

**BILL ON CONCURRENCE
IN SENATE AMENDMENTS
TO HOUSE AMENDMENTS**

The House proceeded to consideration of concurrence in Senate amendments to House amendments to **SB 137, PN 1921**, entitled:

An Act amending the act of February 13, 1970 (P.L.19, No.10), entitled "An act enabling certain minors to consent to medical, dental and health services, declaring consent unnecessary under certain circumstances," further providing for consent to treatment; providing for release of medical records; and requiring a report by the Legislative Budget and Finance Committee.

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

The **SPEAKER** pro tempore. It is moved by the gentleman, Mr. Perzel, that the House concur in the amendments.

On that question, the Chair recognizes the gentleman from Delaware, Mr. Vitali.

Mr. VITALI. Thank you, Madam Speaker.

Could someone outline the changes the Senate made to this bill?

The **SPEAKER** pro tempore. The Chair recognizes the gentleman from Philadelphia, Mr. Kenney.

Mr. KENNEY. Thank you, Madam Speaker.

For the information of the members, there was in the original provision, the Administrative Office of Pennsylvania Courts would gather information. Since they were unable to do that, we now request that the Legislative Budget and Finance Committee gather information on the number of consents. And the other issue was, there was some clarifying language regarding who had access to current records, and that was agreed to there also.

Mr. VITALI. Thank you, Madam Speaker.

May I speak very briefly on the bill?

The **SPEAKER** pro tempore. The gentleman is recognized.

Mr. VITALI. I understand this bill is going to pass overwhelmingly, but there are a couple of civil liberty concerns I think members should be aware of prior to voting on this bill.

This bill would allow juveniles between the ages of 16 and 18 who have committed no crime, who are not a danger to themselves and are not a danger to others, to be committed to an institution against their will.

I also want to point out to members that the Juvenile Law Center, by a letter dated April 12 of this year, opposes this bill because they feel it violates the due process and equal protection clauses of the United States Constitution and is contrary to what they believe are the best practices for the treatment of behavioral health disorders in adolescents.

Thank you, Madam Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,

Will the House concur in Senate amendments to House amendments?

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

The following roll call was recorded:

YEAS—182

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

Eachus	Leach	Rooney	Perzel,
Egolf	Lederer	Ross	Speaker

NAYS—13

Coleman	Forcier	Rohrer	Vitali
Creighton	Josephs	Stern	Wheatley
Curry	Metcalfe	Thomas	Yewcic
Denlinger			

NOT VOTING—0

EXCUSED—7

Godshall	Lynch	Nailor	Wojnaroski
Levdansky	Mackereth	Sather	

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

Ordered, That the clerk inform the Senate accordingly.

SUPPLEMENTAL CALENDAR A

BILL ON CONCURRENCE IN SENATE AMENDMENTS

The House proceeded to consideration of concurrence in Senate amendments to **HB 552, PN 4690**, entitled:

An Act amending the act of December 5, 1972 (P.L.1280, No.284), known as the Pennsylvania Securities Act of 1972, further providing for exempt transactions; providing for fees; and making a related repeal.

On the question,

Will the House concur in Senate amendments?

The SPEAKER pro tempore. It is moved by the gentleman, Mr. Hutchinson, that the House concur in the amendments inserted by the Senate.

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

Mr. VITALI. Thank you, Madam Speaker.

I am wondering if the maker of the bill could explain the changes made to this bill by the Senate.

The SPEAKER pro tempore. The gentleman has declined.

Mr. VITALI. Thank you, Madam Speaker.

I am wondering if perhaps the chairman of the committee this bill came out of might want to pick up the banner and run with it, as it were.

The SPEAKER pro tempore. The gentleman, Mr. Feese, agrees to stand.

Mr. VITALI. Thank you, Madam Speaker.

Madam Speaker, could you give a brief explanation of the changes made to this bill while it was over in the Senate?

Mr. FEESE. Madam Speaker, in response to the gentleman's question, all that the bill does now is that it deletes language from the Administrative Code regarding the collection of fees for the sales of securities within the Commonwealth and places that language which exists now in the Administrative Code into the Securities Act.

Mr. VITALI. So it is purely technical. The fees charged are the same. It is just the part of the law where those fees are found, this bill is moving that.

Mr. FEESE. That is correct, Madam Speaker.

Mr. VITALI. Thank you, Madam Speaker.

The SPEAKER pro tempore. The Chair thanks both gentlemen.

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

The following roll call was recorded:

YEAS—195

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

NAYS—0

NOT VOTING—0

EXCUSED—7

Godshall	Lynch	Nailor	Wojnaroski
Levdansky	Mackereth	Sather	

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

Ordered, That the clerk inform the Senate accordingly.

SUPPLEMENTAL CALENDAR C

BILL ON CONCURRENCE
IN SENATE AMENDMENTS

The House proceeded to consideration of concurrence in Senate amendments to **HB 944, PN 4666**, entitled:

An Act empowering municipalities, counties and public transportation agencies to work cooperatively to establish Transit Revitalization Investment Districts (TRID), including partnerships with the National Railroad Passenger Corporation requiring planning studies, comprehensive plan and zoning amendments and use of existing statutes and techniques to achieve transit-oriented development, redevelopment, community revitalization and enhanced community character through TRID creation; establishing value capture areas as a means to reserve and use future, designated incremental tax revenues for public transportation capital improvements, related site development improvements and maintenance; promoting the involvement of and partnerships with the private sector in TRID development and implementation; encouraging public involvement during TRID planning and implementation; and providing for duties of the Department of Community and Economic Development.

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

The SPEAKER pro tempore. It is moved by the lady, Mrs. Rubley, that the House concur in the amendments inserted by the Senate.

On that question, the Chair recognizes the gentleman from Delaware, Mr. Vitali.

Mr. VITALI. Madam Speaker, I am not sure we caucused on this bill. Maybe someone from leadership can help me out on this. This does not look familiar.

The SPEAKER pro tempore. The lady, Mrs. Rubley, will be happy to answer your questions.

Mr. VITALI. I am just wondering, might it be appropriate to pass this over until we can caucus on it?

Point of order.

The SPEAKER pro tempore. The gentleman will cease for just a moment, please.

BILL PASSED OVER TEMPORARILY

The SPEAKER pro tempore. This bill will go over temporarily.

APPROPRIATIONS COMMITTEE MEETING

The SPEAKER pro tempore. The Chair recognizes the gentleman from Schuylkill County, Mr. Argall, for the purpose of an Appropriations meeting.

Mr. ARGALL. Thank you, Madam Speaker.

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

The SPEAKER pro tempore. Again, the Appropriations Committee will meet in room 245 at the declaration of the recess; that is the Appropriations Committee.

The Appropriations Committee will meet immediately. We are going to be at ease for just a very short time. Members of the Appropriations Committee should go immediately to that meeting.

We will be voting more bills, so please just be at ease for a moment.

VOTE CORRECTION

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

Mr. MARKOSEK. Madam Speaker, to correct the record, if this is appropriate.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. MARKOSEK. Thank you, Madam Speaker.

On SB 1096, amendment 5016, I was recorded in the affirmative and wish to be recorded in the negative.

Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman. Your remarks will be spread across the record.

The House will be at ease.

**THE SPEAKER (JOHN M. PERZEL)
PRESIDING****BILLS SIGNED BY SPEAKER**

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HB 552, PN 4690

An Act amending the act of December 5, 1972 (P.L.1280, No.284), known as the Pennsylvania Securities Act of 1972, further providing for exempt transactions; providing for fees; and making a related repeal.

HB 2022, PN 4073

An Act amending the act of April 16, 1992 (P.L.155, No.28), known as the Assessors Certification Act, further providing for nonapplicability.

HB 2218, PN 3777

An Act amending the act of June 1, 1956 (1955 P.L.1944, No.655), referred to as the Liquid Fuels Tax Municipal Allocation Law, adding a definition of "computer-related hardware, software and

training"; further providing for moneys appropriated to municipalities; and making editorial changes.

HB 2430, PN 3558

An Act amending the act of June 29, 1953 (P.L.304, No.66), known as the Vital Statistics Law of 1953, providing for unidentified dead bodies and fetal remains.

SB 296, PN 311

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for court orders relating to adoption records.

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

**BILLS REPORTED FROM COMMITTEE,
CONSIDERED FIRST TIME, AND TABLED****HB 296, PN 4742 (Amended)**

By Rep. ADOLPH

An Act making an appropriation to the Department of Public Welfare for emergency energy assistance.

ENVIRONMENTAL RESOURCES AND ENERGY.**HB 2250, PN 4743 (Amended)**

By Rep. ADOLPH

An Act providing for the sale of electric energy generated from renewable and environmentally beneficial sources, for the acquisition of electric energy generated from renewable and environmentally beneficial sources by electric distribution and supply companies and for the powers and duties of the Pennsylvania Public Utility Commission.

ENVIRONMENTAL RESOURCES AND ENERGY.**BILLS REMOVED FROM TABLE**

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

SB 912;
SB 895; and
SB 1097.

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

BILLS ON SECOND CONSIDERATION

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

SB 912, PN 1851; SB 895, PN 1141; and SB 1097, PN 1962.

BILLS RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.
Mr. S. SMITH. Mr. Speaker, I move that the following bills be recommended to the Committee on Appropriations:

SB 912;
SB 895; and
SB 1097.

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

BILLS REREPORTED FROM COMMITTEE

HB 2799, PN 4293 By Rep. ARGALL

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for persons not to possess, use, manufacture, control, sell or transfer firearms and for carrying firearms on public streets or public property in Philadelphia.

APPROPRIATIONS.

SB 79, PN 1944 By Rep. ARGALL

An Act amending the act of July 6, 1995 (P.L.255, No.34), known as the Dual Party Relay Service and Telecommunication Device Distribution Program Act, expanding the scope of the act; further providing for definitions; providing for establishment of the Print Media Access System Program; further providing for establishment of dual party relay service; and making editorial changes.

APPROPRIATIONS.

SB 677, PN 1283 By Rep. ARGALL

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, further providing for the Office of Trial Staff and for bureaus and offices; providing for consumer protection and information and for expiration of alternative telecommunications services; and making a repeal.

APPROPRIATIONS.

SB 779, PN 1971 (Amended) By Rep. ARGALL

An Act amending the act of June 30, 1981 (P.L.128, No.43), known as the Agricultural Area Security Law, further providing for purchase of agricultural conservation easements; and abrogating a regulation.

APPROPRIATIONS.

SB 904, PN 1905 By Rep. ARGALL

An Act amending Titles 18 (Crimes and Offenses), 23 (Domestic Relations), 34 (Game), 42 (Judiciary and Judicial Procedure), 53 (Municipalities Generally), 68 (Real and Personal Property), 71 (State Government), 74 (Transportation) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes, changing the name of "district justice" to "magisterial district judge" and replacing references to "justice of the peace" with "magisterial district judge."

APPROPRIATIONS.

SB 912, PN 1851 By Rep. ARGALL

An Act amending Title 3 (Agriculture) of the Pennsylvania Consolidated Statutes, providing for crop insurance premium payments and for a report by the Department of Agriculture; and making a repeal.

APPROPRIATIONS.

SB 921, PN 1326 By Rep. ARGALL

An Act amending the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, providing for delivery sales of cigarettes.

APPROPRIATIONS.

SB 927, PN 1941 By Rep. ARGALL

An Act amending the act of August 9, 1955 (P.L.323, No.130), known as The County Code, further providing for the governing board of a third class county convention center authority; and further defining "market area" with respect to certain counties.

APPROPRIATIONS.

SB 936, PN 1250 By Rep. ARGALL

An Act providing for the Pennsylvania Amber Alert System; authorizing and directing the Pennsylvania State Police to establish and maintain the Pennsylvania Amber Alert System; assessing costs; and providing for immunity and penalties.

APPROPRIATIONS.

SB 966, PN 1927 By Rep. ARGALL

An Act designating a certain bridge carrying State Route 322 over Conestoga River in Earl Township, Lancaster County, as the Representative Leroy M. Zimmerman Memorial Bridge.

APPROPRIATIONS.

SB 981, PN 1332 By Rep. ARGALL

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, further providing for Educational Assistance Program definitions; and establishing the Educational Assistance Program Fund.

APPROPRIATIONS.

SB 997, PN 1906 By Rep. ARGALL

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for expenses for district justices; and making a related repeal.

APPROPRIATIONS.

SB 1032, PN 1920 By Rep. ARGALL

An Act amending Title 54 (Names) of the Pennsylvania Consolidated Statutes, consolidating provisions on judicial procedure for name changes; further providing for name change by order of court; and making a repeal related to judicial procedure for name changes.

APPROPRIATIONS.

SB 1041, PN 1972 (Amended) By Rep. ARGALL

An Act providing for the continuation of the Pennsylvania Senior Environment Corps volunteer program administered by the Department of Environmental Protection and the Department of Aging.

APPROPRIATIONS.

SB 1167, PN 1955 By Rep. ARGALL

An Act amending the act of August 26, 1971 (P.L.351, No.91), known as the State Lottery Law, defining "less expensive"; and further providing for generic drugs and for amount of rebate for certain prescription drugs.

APPROPRIATIONS.

SB 1233, PN 1848 By Rep. ARGALL

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, further providing for general powers of the Pennsylvania Liquor Control Board, for sales by Pennsylvania Liquor Stores and for unlawful acts relative to liquor, malt and brewed beverages.

APPROPRIATIONS.

SUPPLEMENTAL CALENDAR B

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 921, PN 1326**, entitled:

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?

Mr. Vitali. Does the gentleman wish to be recognized?
Mr. VITALI. Yes, Mr. Speaker.
I am just looking for a brief explanation of this bill.
Mr. Speaker, I am going to withdraw that interrogation.

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—195

Adolph	Evans, D.	Lescovitz	Sainato
Allen	Evans, J.	Lewis	Samuelson
Argall	Fabrizio	Maher	Santoni
Armstrong	Fairchild	Maitland	Saylor
Baker	Feese	Major	Scavello
Baldwin	Fichter	Manderino	Schroder
Bard	Fleagle	Mann	Scrimenti

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

NAYS—0

NOT VOTING—0

EXCUSED—7

Godshall	Lynch	Nailor	Wojnaroski
Levdansky	Mackereth	Sather	

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.

**FAREWELL ADDRESS
BY MRS. DAILEY**

The SPEAKER. The Chair at this time would like to invite Representative Mary Ann Dailey to the rostrum to deliver some brief remarks for the members of the General Assembly. Please keep the noise level down. The gentlelady is entitled to be heard by the membership.

Mrs. DAILEY. My humble beginnings are probably similar to others in this great chamber. I am the daughter of first-generation Americans and the granddaughter of immigrants from the Abruzzo region in central Italy. Although I represent citizens in Montgomery County, I am a native of Monessen, a small mill town, a small mill town located along the Monongahela River in western Pennsylvania. Monessen, a melting pot of eastern, western, central, and southern European immigrants who came to work in the nearby mills, is a town steeped in traditions, ethics, and a heritage that continues to influence my life.

Like other men in my hometown, my late father, Henry D'Altorio, spent his life in the dirt, heat, and noise of a wire mill with the dream and belief his children would live a better life. My father never understood theology, but he had the greatest faith in God, prayed his rosary daily, and attended Mass every Sunday and on many weekdays. He was unscrupulously honest to a fault, and he exhibited integrity and personal ethics at a level that I could only hope to achieve. Together, he and my lovely mother, Viola, who was a stay-at-home mom throughout my childhood, nurtured and educated their two children, for whom they had high expectations. As a result, my brother became a physician and I became a registered nurse. I deeply regret my father did not live to see me awarded my doctorate in nursing, nor did he see me sworn in as a member of this great chamber. I have faith, however, that he saw me from above and knows.

My family and the working-class community in which I grew up influenced the way I accomplish tasks – with organization, self-direction, motivation, and very hard work – and my life's accomplishments reflect these traits and habits as well as the moral values that I learned from my parents.

Politics is not a job to which I aspired and still do not consider myself as a politician. Rather, I look at myself as someone who has been actively involved in my community and that my community involvement just happened to include being the Representative of the 146th Legislative District in the General Assembly. It is a great honor to have served for the past 6 years as a Representative of the wonderful, hardworking families of the 146th District in Montgomery County, and I am humbled by the fact that I was chosen by them to serve as a member of the Pennsylvania House of Representatives.

John Adam's stern warnings about the dangers of career legislators, the current nursing faculty shortage, and my 30 years of hands-on health-care experience all influenced my decision not to pursue reelection and to return to the role of nurse educator. Without ample numbers of professional nurses prepared at the masters and doctoral levels, we will be unable to provide adequately educated role models for staff nurses and sufficient faculty to prepare those wishing to enter the profession of nursing, particularly at the baccalaureate and graduate levels where the need is most critical.

Before departing here and returning to my profession, I must express my sincere gratitude to several members of the House of Representatives for special opportunities afforded to me.

I am proud to have served as a board member of the Pennsylvania Trauma Systems Foundation, established to promote the advancement of trauma services, to develop accreditation standards for trauma centers, and to provide expedient, quality health care for trauma victims. Thank you, Chairman Dennis O'Brien and Chairman George Kenney, for

relinquishing your respective seats and allowing me to serve in your stead on this important board.

Act 13 of 2002 established the Patient Safety Authority, an independent State agency charged with taking steps to reduce and eliminate medical errors by identifying problems and recommending solutions that promote patient safety in hospitals, ambulatory surgical facilities, and birthing centers. The authority is accomplishing its mission in many ways too extensive to report here. Thank you, Speaker Perzel, for allowing me to be a member of the original 11-member board of the Patient Safety Authority, the first of its kind in the nation. I am proud to serve on this board and hope to continue in that capacity in the future.

Members of the General Assembly rarely receive credit for the common practice of working together in a bipartisan effort. I offer a special thank you to Representative Tony DeLuca, who worked with me as a friend and colleague to sponsor whistleblower protection legislation for licensed health-care workers. After 6 years of combined effort on this issue, HB 2371 passed the House by a unanimous vote and now awaits consideration in the Senate. Thank you, Tony, and thank you, George Kenney, for your assistance on moving that bill.

To Chairman Tom Gannon, who arranged hearings this session on several bills that assist nursing professionals and who worked for consensus in moving delegation language out of the Professional Licensure Committee, thank you for addressing the needs of nurses in this Commonwealth.

To Chairman Russ Fairchild, thank you for moving out of committee HB 2385, which added an exception to the invasion of privacy laws to include protection from video voyeurism or "upskirting." This bill is now on the voting calendar of the Senate.

To Chairman Dick Hess, thank you for moving HB 1039. The Senate may have completely gutted the bill in its original language before it became law, but you moved it in its original form.

To my colleagues in the pro-life caucus, thank you for inviting me to serve on the executive board with Representatives Birmelin, Tangretti, Tigue, and True and to have worked with Ed Hussie. I am proud to have been an outspoken voice for life and to have had the opportunity to further the efforts of Project Women-in-Need.

To Caucus Chairman Elinor Taylor and all the women of the House, I extend my thanks for your friendship and support, and I exhort you to remember the words of Margaret Thatcher: "The woman's mission is not to enhance the masculine spirit, but to express the feminine; hers is not to preserve a man-made world, but to create a human world by the infusion of the feminine element into all of its activities.

"In politics, if you want anything said, ask a man. If you want anything done, ask a woman."

The members of the Montgomery County Republican delegation represent a diverse and changing population in the southeast. For this reason we do not always agree on issues. Some of us agree on very little, but when we do agree, it is a monumental event. I want to thank Delegation Chairman Bob Godshall and all the members of our delegation for their friendship and support over the past years.

Too often we forget to acknowledge the assistance of our Harrisburg and district office staff and the expertise of our professional research staff. Thank you, Elana, Veronika, Karen,

and Joan. To Mark Brown, Sharon Schwartz, Karen Dalton, and Joyce Frigm, who assisted me in great measure with their special talents, I offer my thanks as well. Of course, there are many other staff who help us every day and who deserve our gratitude for all that they do for us.

Republicans are rare in my hometown of Monessen. However, I am proud to serve with two other members from my hometown, both Democrats of course – Representative Kathy Manderino, whose distinguished father was my parents' lawyer, and Representative Ted Harhai, whose brother was a high school classmate of mine. I will stop to see Teddy when I return home.

To all my friends in the Italian-American caucus, I wish you buona fortuna e cent'anni. For those who have forgotten the mother tongue, I will translate later. Maybe you will invite me back to sing "New York, New York" at your next budget bash.

There is a Latin proverb "servire est vivere," which literally means "to serve is to live." What are the benefits of service to others? Aristotle told us, "We live in deeds, not years; in thoughts, not breaths; in feelings, not in figures on a dial. We should count time by heartthrobs. He most lives who thinks most, feels the noblest, acts the best." The humanitarian Albert Schweitzer stated, "I do not know what your destiny will be, but one thing I know: The only ones among you who will be really happy are those who have sought and found how to serve." And finally, the great physicist and mathematician Albert Einstein said, "Only a life lived for others is a life worthwhile."

I have spent my entire adult life in the service of others, which has brought me great personal satisfaction. I hope you will recall me as a kind and respectful person and a woman deeply committed to ensuring quality health care and advocating for the highest standards in patient care and safety. To help ensure that quality and safety, we need to address an acute shortage of professional nurses. That shortage is a problem that cannot and will not be solved here. So I leave with the intent to help solve that problem if only by recruiting and teaching one student nurse at a time.

Thank you for your kindness and respect. I am honored to be your colleague.

Before I leave, I would like to leave these parting thoughts with you: [Singing:]

May each day of your life be a good day,
 May the Lord always watch over you,
 And, may all of your memories be happy
 And may all of your wishes come true,
 May each day of your life be a good day, now,
 good-bye.

ANNOUNCEMENT BY SPEAKER

The SPEAKER. There will be an immediate meeting in room 245, requested by the Speaker and the majority leader, of the Republican chairmen immediately upon the recess, the Appropriations meeting room.

There will be no further votes today.

GAME AND FISHERIES COMMITTEE MEETING

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

Mr. B. SMITH. Thank you, Mr. Speaker.

The Game and Fisheries Committee will hold a very important meeting to consider a House resolution. The meeting will be in hearing room 2 of the North Office Building; hearing room 2 of the North Office Building immediately, immediately.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

There will be a Game and Fisheries Committee meeting to consider a House resolution in hearing room 2 of the North Office Building.

DEMOCRATIC CAUCUS

The SPEAKER. Mr. Cohen.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, there will be a Democratic caucus tomorrow morning at 10:30; Democratic caucus tomorrow at 10:30.

The SPEAKER. The Chair thanks the gentleman.

RECESS

The SPEAKER. This House is recessed to the call of the Chair.

AFTER RECESS

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

THE SPEAKER PRO TEMPORE (PATRICIA H. VANCE) PRESIDING

APPROPRIATIONS COMMITTEE MEETING

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Argall, who announces an immediate meeting of the Appropriations Committee in the Appropriations room, immediately.

Again, all members of the Appropriations Committee, report immediately to room 245. All members of the Appropriations Committee, report to room 245 immediately.

BILL REMOVED FROM TABLE

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

Mr. S. SMITH. Madam Speaker, I move that SB 856 be taken off the table.

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

BILL ON SECOND CONSIDERATION

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

SB 856, PN 1951.

BILL RECOMMITTED

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

Mr. S. SMITH. Madam Speaker, I move that SB 856 be recommitted to the Appropriations Committee.

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

RULES COMMITTEE MEETING

The SPEAKER pro tempore. The majority leader calls for an immediate meeting of the Rules Committee at the majority leader's desk.

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

SB 1030, PN 1973

By Rep. S. SMITH

An Act providing for the sale of electric energy generated from renewable and environmentally beneficial sources, for the acquisition of electric energy generated from renewable and environmentally beneficial sources by electric distribution and supply companies and for the powers and duties of the Pennsylvania Public Utility Commission.

RULES.

BILLS REREPORTED FROM COMMITTEE

SB 798, PN 1923

By Rep. ARGALL

An Act establishing the Capitol Centennial Commission; providing for the commission's powers and duties; imposing a penalty; and providing for funding.

APPROPRIATIONS.

SB 844, PN 1975 (Amended)

By Rep. ARGALL

An Act providing for the highway capital budget project itemization for the fiscal year 2003-2004 and for the additional capital budget transportation assistance project itemization for the fiscal year 2003-2004; providing for limited waiver of local requirements; further providing for the location of a crime laboratory facility; and making a repeal.

APPROPRIATIONS.

**THE SPEAKER (JOHN M. PERZEL)
PRESIDING****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. The Chair recognizes the gentleman from Lehigh, Mr. Reichley.

Mr. REICHLEY. Mr. Speaker, I move that this House do now adjourn until Thursday, November 18, 2004, at 11 a.m., e.s.t., unless sooner recalled by the Speaker.

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

Motion was agreed to, and at 10:59 a.m., e.s.t., Thursday, November 18, 2004, the House adjourned.