

# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

TUESDAY, JUNE 14, 2005

SESSION OF 2005

189TH OF THE GENERAL ASSEMBLY

No. 37

### HOUSE OF REPRESENTATIVES

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

#### THE SPEAKER PRO TEMPORE (ROBERT J. FLICK) PRESIDING

#### PRAYER

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

Let us pray:

God of all liberty and true freedom, today we honor the flag of our nation and what it stands for. Our flag is representative of our independence and our unity as a nation – “...one nation under God, indivisible, with liberty and justice for all.” But do we truly believe these words in our heart? We ask You to blow apart our notions of justice, liberty, and equality, tearing down our refusal to understand that none of us has truly earned these things, but we have been blessed by You to be in a place that subscribes to what it means to be under Your laws, under God. May we remember that being under God is challenging and causes us to live in a way that sees all people as Your children and forces us to stretch our horizons, to be better men and women. Lengthen our sight and enlarge our sympathies that we find no man so ugly or woman so troublesome or child so insignificant that we close the door against need or shut our eyes on hope.

We thank You, O Lord, for all those who have served in protection of what our flag stands for, for those who currently serve in the military as they attempt to bring freedom to those who have not yet experienced it, and for those who have made the ultimate sacrifice for liberty with the loss of life.

As the leaders of this State attempt to make their way through many pressing issues in order to begin their summer respite, guide them not to feed upon their people but to feed them, not to think that praising justice excuses them from doing it. Chasten them to honesty and kindness, and deny them the complacency that they are too important to obey their own laws. By whatever name they call You, vouchsafe that they stand with You, work for You, and bear with You the heavy yokes of righteousness and truth; to remember that we are a nation under God, with liberty and justice for all.

To Thine be the power and the glory forever. 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 Monday, June 13, 2005, will be postponed until printed.

#### HOUSE BILLS INTRODUCED AND REFERRED

**No. 1687** By Representatives ELLIS, HUTCHINSON, ARMSTRONG, BALDWIN, BOYD, CAPPELLI, CAUSER, CRAHALLA, DALLY, DENLINGER, FICHTER, GRELL, KAUFFMAN, M. KELLER, KILLION, LEDERER, LEH, MAITLAND, McILHATTAN, METCALFE, MILLARD, MUSTIO, PICKETT, PYLE, QUIGLEY, REED, REICHLEY, B. SMITH, R. STEVENSON, TURZAI, SAINATO, RUBLEY, GERGELY, LaGROTTA, WATSON, SHAPIRO, ROBERTS, YUDICHAK, CALTAGIRONE, E. Z. TAYLOR, HERSHEY, WILT, CORNELL, HARRIS and MARKOSEK

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, further providing for exclusion from the sales tax.

Referred to Committee on FINANCE, June 14, 2005.

**No. 1714** By Representatives READSHAW, CALTAGIRONE, OLIVER, PALLONE, PISTELLA, PRESTON, RUFFING, TANGRETTI, WALKO, WHEATLEY, WOJNAROSKI and YOUNGBLOOD

An Act amending the act of August 26, 1971 (P.L.351, No.91), known as the State Lottery Law, providing for special lottery sales, for a source of funds for repayment of bond indebtedness for mass transit purposes and for the Economic Development Fund for Mass Transit.

Referred to Committee on STATE GOVERNMENT, June 14, 2005.

**No. 1715** By Representative STERN

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, defining “incident,” “incident area” and “incident clearance”; and providing for duties of drivers approaching accident or incident scene.

Referred to Committee on TRANSPORTATION, June 14, 2005.

**No. 1716** By Representatives BOYD, SCHRODER, CAPPELLI, LEH, STERN, HERSHEY, REED, SAYLOR,

STEIL, CLYMER, HICKERNELL, PICKETT, ARMSTRONG, CREIGHTON, HARRIS, PYLE, TRUE, KAUFFMAN, BARRAR, GINGRICH, E. Z. TAYLOR, MUSTIO, GEIST and METCALFE

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for liability rules applicable to product sellers and for actions against health care providers.

Referred to Committee on CONSUMER AFFAIRS, June 14, 2005.

**No. 1719** By Representatives PETRI, WATSON, CALTAGIRONE, CLYMER, CURRY, GRUCELA, MAITLAND, O'NEILL, THOMAS and YOUNGBLOOD

An Act amending the act of July 31, 1968 (P.L.805, No.247), known as the Pennsylvania Municipalities Planning Code, further providing for definitions; amending provisions relating to municipal capital improvements; and providing for development impact fees.

Referred to Committee on LOCAL GOVERNMENT, June 14, 2005.

**No. 1721** By Representatives STURLA, BOYD, BASTIAN, BEBKO-JONES, BENNINGHOFF, BUNT, CALTAGIRONE, CORRIGAN, CRAHALLA, CREIGHTON, DALLY, DeWEESE, FAIRCHILD, FORCIER, GABIG, GERGELY, GRUCELA, HERSHEY, KOTIK, LEDERER, MANN, MUSTIO, PHILLIPS, RAYMOND, B. SMITH, SURRA, E. Z. TAYLOR, TRUE, WILLIAMS, FABRIZIO, FICHTER, FRANKEL, GEORGE, GOODMAN, HARHAI, HICKERNELL, LaGROTTA, LEH, MARKOSEK, PAYNE, RAPP, ROBERTS, STABACK, TANGRETTI, TIGUE, WALKO, WOJNAROSKI, YOUNGBLOOD, HERMAN, McCALL, PISTELLA, RUBLEY, SHANER and THOMAS

An Act designating the bridge on the portion of SR 222 southbound, crossing the Conestoga River in Lancaster County, as the AMVETS POW-MIA Memorial Bridge.

Referred to Committee on TRANSPORTATION, June 14, 2005.

**No. 1722** By Representatives LESCOVITZ, CALTAGIRONE, W. KELLER, S. MILLER, PRESTON, SCHRODER, STURLA, TIGUE and YOUNGBLOOD

An Act amending the act of March 10, 1949 (P.L.30, No.14), entitled "An act relating to the public school system, including certain provisions applicable as well to private and parochial schools; amending, revising, consolidating and changing the laws relating thereto," further providing for how school districts are constituted, for classification of school districts, for creation of new cities, boroughs and townships, for basis for and change of classification, for changing the classification of a school district and the effect of such change, for combining school districts, for property and indebtedness and rental obligations of former component school districts, for change in school districts and the effects of such change, for filing copy of action creating new district, or affecting fourth class district, for approval or disapproval of creation or change of third or fourth class districts, for annexation to district of first class, for approval of contracts and changes after vote for annexation, for tax levy or debt for buildings or grounds pending change of boundaries, etc., for small district assistance after combination of school districts, for establishment of independent districts for transfer of territory to another school district,

for amicable adjustment and apportionment, for apportionments and how and when to make them, for apportionment by commissioners, for confirmation of report, effect and costs, for court to dispose of exceptions, for apportionment by bill in equity, for districts in more than one county, for purpose, construction of subdivision, for educational performance standards, for standards for organization of administrative units, for submission of plans, for independent school districts, for approval of organizational plans, for independent district approval by State Board of Education, for consolidation of municipalities, for Department of Public Instruction to prepare plans, for establishment of reorganized school districts, for advance establishment, for property and indebtedness and rental obligations of former school districts; providing for advisory committees; further providing for number and appointment in districts of the first class A, for school board in first class A school districts, apportionment of seats and numbers, terms and methods for election of school directors in first class A school districts, for number and election in districts of the second, third and fourth classes, terms of office, for incumbent school directors and interim operating committee, for number and election in districts third class, terms of office, for number and election in districts fourth class, terms of office, for elections where district not coextensive with, or in more than one city, borough, town or township, for newly formed districts, for annexation of territory, for appointment in independent districts for transfer purposes, terms of office, for filling of vacancies, for the beginning of the school year and organization meetings, for districts second, third and fourth class permanent organization, for election of officers, for records, etc., open to taxpayers, for compensation of the secretary of the board of school directors, for duties, for compensation for school treasurers, for investment of school district funds, for copies of school laws, for temporary emergency war provisions, for temporary emergency provisions, for educational broadcasting, for the closing of schools or departments, for establishment and operation of educational television and broadcasting facilities and for free transportation; and making editorial changes.

Referred to Committee on EDUCATION, June 14, 2005.

**No. 1723** By Representatives NICKOL, ARMSTRONG, BENNINGHOFF, BOYD, CALTAGIRONE, CAPPELLI, CRAHALLA, CREIGHTON, DeLUCA, FLEAGLE, FRANKEL, GEIST, GERGELY, GILLESPIE, GINGRICH, GOODMAN, HARRIS, HERSHEY, HESS, KOTIK, LEH, MAITLAND, McGILL, McILHATTAN, R. MILLER, NAILOR, PETRI, PHILLIPS, PICKETT, PYLE, REICHLEY, RUBLEY, SAINATO, SCAVELLO, SCHRODER, B. SMITH, STERN, TANGRETTI, E. Z. TAYLOR, WALKO, WATSON and ROSS

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, defining "cyber alternative education program"; and providing for the use of the Internet for delivery of programs for disruptive students.

Referred to Committee on EDUCATION, June 14, 2005.

**No. 1724** By Representatives HERMAN, ROSS, GINGRICH, LESCOVITZ and TANGRETTI

An Act amending Title 45 (Legal Notices) of the Pennsylvania Consolidated Statutes, further providing, in legal advertising, for publication in legal journals.

Referred to Committee on JUDICIARY, June 14, 2005.

**No. 1725** By Representatives GINGRICH, ROSS, HERMAN, LESCOVITZ and TANGRETTI

An Act amending the act of May 25, 1945 (P.L.1050, No.394), known as the Local Tax Collection Law, further providing for basic

and continuing education programs for tax collectors; providing for records in possession of tax collector; further providing for expenses paid by taxing districts and for discounts, penalties and notice; providing for compensation for interim tax bills; and further providing for penalty.

Referred to Committee on FINANCE, June 14, 2005.

**No. 1726** By Representatives HERMAN, ROSS, GINGRICH, LESCOVITZ and TANGRETTI

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for form of permanent recordation and for copies of destroyed records.

Referred to Committee on JUDICIARY, June 14, 2005.

**No. 1727** By Representatives WALKO, DeWEESE, BLAUM, BELARDI, BELFANTI, BIANCUCCI, CALTAGIRONE, CRAHALLA, DERMODY, FABRIZIO, GERGELY, GINGRICH, GOODMAN, JAMES, JOSEPHS, KOTIK, McCALL, PRESTON, SIPTROTH, SHANER, THOMAS, YOUNGBLOOD and YUDICHAK

An Act providing for the licensure of persons engaged in the provision of or the procurement of long-term care planning assistance.

Referred to Committee on AGING AND OLDER ADULT SERVICES, June 14, 2005.

**No. 1728** By Representatives WALKO, DeWEESE, BLAUM, BELARDI, BELFANTI, BIANCUCCI, CALTAGIRONE, CRAHALLA, DERMODY, FABRIZIO, GERGELY, GINGRICH, GOODMAN, JAMES, JOSEPHS, KOTIK, McCALL, PRESTON, SIPTROTH, SHANER, THOMAS, YOUNGBLOOD and YUDICHAK

An Act amending the act of July 19, 1979 (P.L.130, No.48), known as the Health Care Facilities Act, further providing for licensure of health care facilities.

Referred to Committee on HEALTH AND HUMAN SERVICES, June 14, 2005.

**No. 1729** By Representatives ROEBUCK, DeWEESE, MUNDY, GRUCELA, E. Z. TAYLOR, STURLA, LEACH, CREIGHTON, BAKER, BELFANTI, BIANCUCCI, CALTAGIRONE, CRAHALLA, FRANKEL, FREEMAN, GEIST, GOODMAN, JAMES, JOSEPHS, LEDERER, MANN, McGEEHAN, THOMAS, TIGUE, WATERS, WHEATLEY and YOUNGBLOOD

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, requiring all public school districts in this Commonwealth to conduct exit interviews for all students who withdraw from school.

Referred to Committee on EDUCATION, June 14, 2005.

**No. 1730** By Representative J. TAYLOR

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for suspension of registration of unapproved carriers and for surrender of registration plates and cards upon suspension of revocation; providing for suspension of registration

plates upon third unpaid parking violation in cities of the first class; and further providing for reinstatement of operating privileges or vehicle registration.

Referred to Committee on TRANSPORTATION, June 14, 2005.

**No. 1731** By Representative J. TAYLOR

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for driving while operating privilege is suspended or revoked, for impoundment of certain vehicles and combinations for nonpayment of fines, for immobilization, towing and storage of vehicle for driving without operating privilege or registration and for disposition of impounded vehicles, combinations and loads.

Referred to Committee on TRANSPORTATION, June 14, 2005.

**No. 1732** By Representative J. TAYLOR

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for visual and audible signals on emergency vehicles.

Referred to Committee on TRANSPORTATION, June 14, 2005.

**No. 1733** By Representative J. TAYLOR

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for the offense of aggravated assault.

Referred to Committee on JUDICIARY, June 14, 2005.

**No. 1734** By Representatives EACHUS, BARRAR, BELARDI, BELFANTI, BIANCUCCI, CALTAGIRONE, CAPPELLI, CREIGHTON, DeWEESE, FABRIZIO, FICHTER, GEIST, GEORGE, GERGELY, GOODMAN, GRUCELA, HARHAI, JAMES, KIRKLAND, PRESTON, RAMALEY, READSHAW, SANTONI, SCAVELLO, SHANER, SHAPIRO, SIPTROTH, SOLOBAY, STABACK, TANGRETTI, THOMAS, TIGUE, YOUNGBLOOD and YUDICHAK

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for an automobile insurance discount for students who meet certain criteria.

Referred to Committee on TRANSPORTATION, June 14, 2005.

**No. 1735** By Representatives STURLA, STETLER, CALTAGIRONE, FABRIZIO, FICHTER, FRANKEL, GEIST, GERGELY, GODSHALL, GOODMAN, JOSEPHS, LEVDANSKY, THOMAS, MANDERINO, FREEMAN, LEACH, BLACKWELL, BISHOP, OLIVER, RIEGER, McGEEHAN, DONATUCCI, D. EVANS, GRUCELA, PETRONE, BEBKO-JONES, PALLONE, YOUNGBLOOD, ROEBUCK, WALKO, J. TAYLOR, PRESTON, WILLIAMS, BUXTON and KENNEY

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for Commonwealth portion of fines.

Referred to Committee on JUDICIARY, June 14, 2005.

### HOUSE RESOLUTIONS INTRODUCED AND REFERRED

**No. 350** By Representatives RAMALEY, GOODMAN, DeWEESE, TIGUE, SOLOBAY, BARRAR, BELARDI, BIANCUCCI, BISHOP, BLACKWELL, BUNT, CALTAGIRONE, CAPPELLI, CAWLEY, CRAHALLA, CREIGHTON, CURRY, DONATUCCI, FABRIZIO, FAIRCHILD, FICHTER, FLEAGLE, FRANKEL, FREEMAN, GEIST, GEORGE, GERGELY, GINGRICH, GOOD, GRUCELA, HARHAI, HERSHEY, JAMES, JOSEPHS, KOTIK, LEDERER, LEH, LESCOVITZ, MANN, MARKOSEK, McCALL, McGEEHAN, MELIO, MUNDY, MUSTIO, O'NEILL, PALLONE, PETRARCA, PHILLIPS, PISTELLA, READSHAW, REICHLEY, ROBERTS, SAINATO, SAYLOR, SCAVELLO, SCHRODER, SHANER, SHAPIRO, B. SMITH, STABACK, SURRA, TANGRETTI, WALKO, WATERS, MARSICO, J. TAYLOR, YOUNGBLOOD, BALDWIN and HENNESSEY

A Resolution memorializing the President and Congress of the United States to enact legislation requiring the United States Department of Defense to award a combat badge for helicopter medical evacuation ambulance (Medevac) pilots and crew.

Referred to Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, June 14, 2005.

**No. 352** By Representative BUNT

A Resolution directing the Pennsylvania Health Care Cost Containment Council to conduct a study concerning the requirement of comprehensive insurance coverage for the diagnosis and treatment of infertility.

Referred to Committee on HEALTH AND HUMAN SERVICES, June 14, 2005.

### GUESTS INTRODUCED

The SPEAKER pro tempore. The Chair would like to welcome Imani Holcomb, who is serving as a guest page. She is the guest of Phyllis Mundy and is seated with the other guest pages. Would she rise, and would you give her a warm welcome to the chamber.

We also have Sophia Waldstein, who is the guest page of Representative Gerber and Representative Shapiro. Would she please stand and accept our warm welcome.

The Chair also welcomes Andrea Hamlen, who is an intern with Representative Bob Freeman and a junior at Mary Washington College. She is the guest of Representative Freeman and is located in the balcony. We could give her a round of applause. Welcome to the House.

The Chair would also like to welcome Chris Hillyer, who is the guest of Representative Micozzie and is seated to the left of the rostrum. Thank you for coming. Welcome to Harrisburg.

### BILLS REMOVED FROM TABLE

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

Mr. S. SMITH. Mr. Speaker, I move that the following bills be taken from the table:

HB 759;  
HB 1062;  
HB 1223; and  
HB 1318.

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

### BILLS ON SECOND CONSIDERATION

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

**HB 759, PN 921; HB 1062, PN 1961; HB 1223, PN 1436; and HB 1318, PN 1967.**

### BILLS RECOMMITTED

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

Mr. S. SMITH. Mr. Speaker, I move that the following bills be recommitted to Appropriations:

HB 759;  
HB 1062;  
HB 1223; and  
HB 1318.

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

### LEAVES OF ABSENCE

The SPEAKER pro tempore. The Chair recognizes the majority whip, who requests a leave for the gentleman, Representative HERMAN, from Centre County, for the day, and so granted.

The Chair recognizes the minority whip, who requests leaves for the gentlemen, Representative CRUZ and Representative EVANS, both from Philadelphia, for the day. Without objection, the leaves are granted.

### RULES COMMITTEE MEETING

The SPEAKER pro tempore. The Chair calls for an immediate meeting of the Rules Committee.

**BILLS REREPORTED FROM COMMITTEE****HB 1510, PN 1844**

By Rep. S. SMITH

An Act amending the act of March 27, 1852 (P.L.197, No.147), entitled, "An act relative to the collection of taxes, in Crawford and Lawrence counties; to authorize the Commissioners of Erie county to borrow money; relative to a State road in Crawford county; extending the time for the completion of the works of the Centreville Water Company, and relative to Justices of the Peace of Bedford county," further providing for the collection of State and county taxes in Lawrence County.

## RULES.

**HB 1650, PN 2061**

By Rep. S. SMITH

An Act amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, further providing for resident, nonresident and tourist fishing licenses.

## RULES.

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

**HB 93, PN 87**

By Rep. HESS

An Act establishing the Long-Term Care Partnership Program; and conferring powers and duties on the Insurance Department, the Department of Aging and the Department of Public Welfare.

## AGING AND OLDER ADULT SERVICES.

**HB 338, PN 2209 (Amended)**

By Rep. LEH

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, further providing, in gross receipts tax, for the imposition of tax; and making a related repeal.

## FINANCE.

**HB 372, PN 2203 (Amended)**

By Rep. J. TAYLOR

An Act amending the act of June 23, 1931 (P.L.932, No.317), known as The Third Class City Code, further providing for residency requirements for vacancy appointments.

## URBAN AFFAIRS.

**HB 600, PN 673**

By Rep. LEH

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, providing for military tax credits for employers who pay or subsidize the wages of an employee called to active duty.

## FINANCE.

**HB 1057, PN 2204 (Amended)**

By Rep. O'BRIEN

An Act providing for the issuance of identification cards for retired law enforcement officers; and providing for the powers and duties of law enforcement agencies and the Municipal Police Officers' Education and Training Commission.

## JUDICIARY.

**HB 1108, PN 2208 (Amended)**

By Rep. ADOLPH

An Act amending the act of March 1, 1988 (P.L.82, No.16), known as the Pennsylvania Infrastructure Investment Authority Act, establishing the Water and Wastewater System Connection Funding Program to provide certain grants and low-interest loans; providing for transfer of certain moneys; and making editorial changes.

## ENVIRONMENTAL RESOURCES AND ENERGY.

**HB 1192, PN 2205 (Amended)**

By Rep. O'BRIEN

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, providing for adoption assistance programs; and making a repeal.

## JUDICIARY.

**HB 1235, PN 1448**

By Rep. O'BRIEN

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, providing for staffing levels and limitations on inmate capacity at State correctional institutions.

## JUDICIARY.

**HB 1413, PN 1701**

By Rep. ADOLPH

An Act authorizing State investment tax credits for qualified animal waste recycling facilities; further authorizing limited sales and use tax exemption; and establishing the Animal Waste Recycling Fund.

## ENVIRONMENTAL RESOURCES AND ENERGY.

**HB 1578, PN 2206 (Amended)**

By Rep. O'BRIEN

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for the offense of neglect of care-dependent person; and providing for the offense of abuse of care-dependent person.

## JUDICIARY.

**HB 1597, PN 2207 (Amended)**

By Rep. O'BRIEN

An Act providing for registration of private care residences and for background checks; imposing duties on the Department of Public Welfare; and imposing penalties.

## JUDICIARY.

**HB 1648, PN 2076**

By Rep. O'BRIEN

An Act amending the act of August 9, 1955 (P.L.323, No.130), known as The County Code, further providing for qualifications, eligibility and compensation for district attorneys; and making repeals.

## JUDICIARY.

**HB 1717, PN 2174**

By Rep. O'BRIEN

An Act amending Titles 18 (Crimes and Offenses) and 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes,

further providing for persons not to possess, use, manufacture, control, sell or transfer firearms, for firearms not to be carried without licenses, for licenses, for loans, lending or giving of firearms, for definitions, for jurisdiction, for full faith and credit and foreign protection orders, for responsibilities of law enforcement agencies, for commencement of proceedings, for hearings and for relief; providing for return of relinquished firearms, other weapons and ammunition, for relinquishment for consignment sale or lawful transfer, for relinquishment to third party for safekeeping and for registry or database of firearm ownership; further providing for emergency relief by minor judiciary, for arrest for violation of order, for private criminal complaints for violation of order or agreement, for contempt for violation of order or agreement and for procedures and other remedies; and providing for immunity, for inability to pay and for limitation on warrantless searches.

#### JUDICIARY.

### RESOLUTIONS REPORTED FROM COMMITTEE

#### HR 43, PN 168

By Rep. HESS

A Resolution memorializing the Congress of the United States to amend the Social Security Act to provide for long-term caregiver benefits.

#### AGING AND OLDER ADULT SERVICES.

#### HR 88, PN 560

By Rep. ADOLPH

A Concurrent Resolution establishing a task force to study issues concerning sewage management and treatment at publicly owned treatment facilities and systems throughout this Commonwealth, providing for an advisory committee and directing the Joint Legislative Air and Water Pollution Control and Conservation Committee to provide administrative support to the task force.

#### ENVIRONMENTAL RESOURCES AND ENERGY.

#### HR 299, PN 1893

By Rep. LEH

A Resolution directing the Legislative Budget and Finance Committee to perform a study of early retirement proposals.

#### FINANCE.

#### HR 307, PN 1927

By Rep. J. TAYLOR

A Resolution urging the City of Philadelphia to name the branch of the Free Library of Philadelphia located on Lehigh Avenue as the Lillian Marrero Memorial Library.

#### URBAN AFFAIRS.

#### HR 326, PN 2040

By Rep. ADOLPH

A Resolution encouraging the Congress of the United States and the Environmental Protection Agency to release funds to the states from the Leaking Underground Storage Tank Trust Fund.

#### ENVIRONMENTAL RESOURCES AND ENERGY.

### MASTER ROLL CALL

The SPEAKER pro tempore. The Chair is about to take today's master roll. The members will proceed to vote.

The following roll call was recorded:

#### PRESENT—199

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

#### ADDITIONS—0

#### NOT VOTING—0

#### EXCUSED—3

Cruz Evans, D. Herman

#### LEAVES ADDED—7

Benninghoff Hershey Rubley Stairs  
George O'Brien Ruffing

## LEAVES CANCELED—2

Benninghoff

Herman

**BILLS RECOMMITTED**

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

Mr. S. SMITH. Mr. Speaker, I move that HB 1510 and HB 1650 be recommitted to the Appropriations Committee.

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

**SENATE MESSAGE****RECESS RESOLUTION  
FOR CONCURRENCE**

The clerk of the Senate, being introduced, presented the following extract from the Journal of the Senate, which was read as follows:

In the Senate  
June 13, 2005

RESOLVED, (the House of Representatives concurring), Pursuant to Article II, Section 14 of the Pennsylvania Constitution, that when the Senate recesses this week, it reconvene on Monday, June 20, 2005, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, Pursuant to Article II, Section 14 of the Pennsylvania Constitution, that when the House of Representatives recesses this week, it reconvene on Monday, June 20, 2005, unless sooner recalled by the Speaker of the House of Representatives.

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

On the question,  
Will the House concur in the resolution of the Senate?  
Resolution was concurred in.  
Ordered, That the clerk inform the Senate accordingly.

**HARRISBURG LEGISLATIVE LEAVE**

The SPEAKER pro tempore. Returning to leaves of absence, the Chair recognizes the gentleman, Representative Argall.

Mr. ARGALL. Thank you, Mr. Speaker.

We need to place Representative DENLINGER on Capitol leave, please.

The SPEAKER pro tempore. The Chair thanks the gentleman.

**CALENDAR****RESOLUTIONS PURSUANT TO RULE 35**

Mr. WILT called up **HR 316, PN 1995**, entitled:

A Resolution paying tribute to and honoring the memory of Sgt. Michael Adam Marzano, a member of the Mobile Assault Platoon (MAP) 7, 3d Battalion, 25th Marine Regiment, 4th Marine Division of the United States Marine Forces Reserve, who tragically lost his life while on active duty in Iraq.

On the question,  
Will the House adopt the resolution?

The SPEAKER pro tempore. The Chair requests order in the House. This is a very important resolution and deserves every member's attention.

With that, the Chair recognizes the gentleman, Representative Wilt.

Mr. WILT. Thank you very much, Mr. Speaker, and I certainly appreciate you getting the members' attention.

I do not know if you could hear the clerk as he read the caption of this resolution, but this resolution recognizes the life and the service of Sgt. Michael Adam Marzano, who was tragically killed while on active duty in Iraq.

Mike Marzano was born in my hometown of Greenville, Pennsylvania. He attended Sharon High School. He was a member of the wrestling team there. His father got him interested in the sport of boxing. He was a superb amateur boxer.

In December of 2004, after he had already done 5 years of his enlisted service, he decided to re-up, and he volunteered for a tour of duty in Iraq as a member of the Mobile Assault Platoon 7, the 3d Battalion, 25th Marine Regiment, in the 4th Marine Division.

Unfortunately, on a day that not a lot was going on in the war, he was taken by a terrorist suicide bomber, and the news of this tragic event has ripped through our community, and for me personally, not knowing Mr. Marzano well, this is the toughest day that I have had as a legislator. The second toughest day was the day a little over a year ago that we sent our local unit to Iraq, and the good news was that just last month everyone came back, and that was a happy day, and not soon after that announcement, we got the word of Sergeant Marzano's death.

I appreciate everyone's attention. I know that we all hope that we can get through this conflict without having to take the microphone on the floor of the House and deliver this news to our colleagues.

But to me, it is also a happy occasion today because we are joined in the chamber today by Sergeant Marzano's father, Al Marzano, who is seated down front, and Al is a wonderful guy. I have enjoyed getting to know him a little bit better today as he has followed me around the Capitol. He is a retired postmaster, and his last station was the little Borough of Sandy Lake, Pennsylvania, and he is over in York with his colleagues at a convention for the postmasters across the Commonwealth of Pennsylvania.

And to you, Mr. Marzano, and to your family, we appreciate very much the sacrifice of your son, Michael. On behalf of my family, personally I want to extend a celebration, a celebratory greeting for his life today on the floor. I know you are heading

over to the Senate a little bit later, and I am happy that you are here to see the unanimous passing of HR 316.

If you would please give a warm welcome to Mr. Marzano.

Thank you very much, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and wishes to extend its condolences to the Marzano family and for your sacrifice and for the service of your son to our country, and we are all reminded that this is a time when there are those who place their lives in danger, when we have this beautiful chamber in which to work.

So with that being said, the question is, will the House adopt this resolution?

On the question recurring,

Will the House adopt the resolution?

The following roll call was recorded:

#### YEAS—199

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

NAYS—0

NOT VOTING—0

EXCUSED—3

Cruz

Evans, D.

Herman

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

The SPEAKER pro tempore. The House adopts the resolution and again extends its sympathy.

\* \* \*

Mr. J. EVANS called up **HR 344, PN 2144**, entitled:

A Resolution designating the week of June 12 through 18, 2005, as "Psychologically Healthy Workplace Week" in Pennsylvania.

On the question,

Will the House adopt the resolution?

The following roll call was recorded:

#### YEAS—199

Adolph	Fleagle	Major	Sainato
Allen	Flick	Manderino	Samuelson
Argall	Forcier	Mann	Santoni
Armstrong	Frankel	Markosek	Sather
Baker	Freeman	Marsico	Saylor
Baldwin	Gabig	McCall	Scavello
Barrar	Gannon	McGeehan	Schroder
Bastian	Geist	McGill	Semmel
Bebko-Jones	George	McIlhatten	Shaner
Belardi	Gerber	McIlhinney	Shapiro
Belfanti	Gergely	McNaughton	Siptroth
Benninghoff	Gillespie	Melio	Smith, B.
Biancucci	Gingrich	Metcalfe	Smith, S. H.
Birmelin	Godshall	Micozzie	Solobay
Bishop	Good	Millard	Sonney
Blackwell	Goodman	Miller, R.	Staback
Blaum	Grell	Miller, S.	Stairs
Boyd	Grucela	Mundy	Steil
Bunt	Gruitza	Mustio	Stern
Butkovitz	Habay	Myers	Stetler
Buxton	Haluska	Nailor	Stevenson, R.
Caltagirone	Hanna	Nickol	Stevenson, T.
Cappelli	Harhai	O'Brien	Sturla
Casorio	Harhart	Oliver	Surra
Causar	Harper	O'Neill	Tangretti
Cawley	Harris	Pallone	Taylor, E. Z.
Civera	Hasay	Payne	Taylor, J.
Clymer	Hennessey	Petrarca	Thomas
Cohen	Hershey	Petri	Tigue
Cornell	Hess	Petrone	True
Corrigan	Hickernell	Phillips	Turzai
Costa	Hutchinson	Pickett	Veon
Crahalla	James	Pistella	Vitali
Creighton	Josephs	Preston	Walko
Curry	Kauffman	Pyle	Wansacz
Daley	Keller, M.	Quigley	Washington
Dally	Keller, W.	Ramaley	Waters
DeLuca	Kenney	Rapp	Watson
Denlinger	Killion	Raymond	Wheatley
Dermody	Kirkland	Readshaw	Williams
DeWeese	Kotik	Reed	Wilt



DiGirolamo	LaGrotta	Reichley	Wojnaroski
Diven	Leach	Rieger	Wright
Donatucci	Lederer	Roberts	Yewcic
Eachus	Leh	Roebuck	Youngblood
Ellis	Lescovitz	Rohrer	Yudichak
Evans, J.	Levdansky	Rooney	Zug
Fabrizio	Mackereth	Ross	
Fairchild	Maher	Rubley	Perzel,
Feese	Maitland	Ruffing	Speaker
Fichter			

NAYS—0

NOT VOTING—0

EXCUSED—3

Cruz	Evans, D.	Herman
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The majority having voted in the affirmative, the question was determined in the affirmative and the resolution was adopted.

### LEAVE OF ABSENCE

The SPEAKER pro tempore. The Chair returns to leaves of absence and recognizes the majority whip, who requests that the gentleman, Representative BENNINGHOFF, be placed on leave, and without objection, he will be placed on leave.

### GUESTS INTRODUCED

The SPEAKER pro tempore. Please welcome, as guests of Representative Mario Scavella, a group from Arrowhead Lakes, located in Coolbaugh Township, Monroe County. They are all seated in the gallery, and we welcome you to Harrisburg and to the hall of the House.

### SUPPLEMENTAL CALENDAR A

#### RESOLUTION PURSUANT TO RULE 35

Mr. LaGROTTA called up **HR 348, PN 2179**, entitled:

A Resolution recognizing the week of August 1 through 7, 2005, as "National Association of the Wolves Week" in Pennsylvania.

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—198

Adolph	Fleagle	Major	Sainato
Allen	Flick	Manderino	Samuelson
Argall	Forcier	Mann	Santoni
Armstrong	Frankel	Markosek	Sather
Baker	Freeman	Marsico	Saylor
Baldwin	Gabig	McCall	Scavella
Barrar	Gannon	McGeehan	Schroder
Bastian	Geist	McGill	Semmel
Bebko-Jones	George	McIlhattan	Shaner
Belardi	Gerber	McIlhinney	Shapiro
Belfanti	Gergely	McNaughton	Siptroth

Biancucci	Gillespie	Melio	Smith, B.
Birmelin	Gingrich	Metcalfe	Smith, S. H.
Bishop	Godshall	Micozzie	Solobay
Blackwell	Good	Millard	Sonney
Blaum	Goodman	Miller, R.	Staback
Boyd	Grell	Miller, S.	Stairs
Bunt	Grucela	Mundy	Steil
Butkovitz	Gruitza	Mustio	Stern
Buxton	Habay	Myers	Stetler
Caltagirone	Haluska	Nailor	Stevenson, R.
Cappelli	Hanna	Nickol	Stevenson, T.
Casorio	Harhai	O'Brien	Sturla
Causar	Harhart	Oliver	Surra
Cawley	Harper	O'Neill	Tangretti
Civera	Harris	Pallone	Taylor, E. Z.
Clymer	Hasay	Payne	Taylor, J.
Cohen	Hennessey	Petrarca	Thomas
Cornell	Hershey	Petri	Tigue
Corrigan	Hess	Petrone	True
Costa	Hickernell	Phillips	Turzai
Crahalla	Hutchinson	Pickett	Veon
Creighton	James	Pistella	Vitali
Curry	Josephs	Preston	Walko
Daley	Kauffman	Pyle	Wansacz
Dally	Keller, M.	Quigley	Washington
DeLuca	Keller, W.	Ramaley	Waters
Denlinger	Kenney	Rapp	Watson
Dermody	Killion	Raymond	Wheatley
DeWeese	Kirkland	Readshaw	Williams
DiGirolamo	Kotik	Reed	Wilt
Diven	LaGrotta	Reichley	Wojnaroski
Donatucci	Leach	Rieger	Wright
Eachus	Lederer	Roberts	Yewcic
Ellis	Leh	Roebuck	Youngblood
Evans, J.	Lescovitz	Rohrer	Yudichak
Fabrizio	Levdansky	Rooney	Zug
Fairchild	Mackereth	Ross	
Feese	Maher	Rubley	Perzel,
Fichter	Maitland	Ruffing	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—4

Benninghoff	Cruz	Evans, D.	Herman
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The majority having voted in the affirmative, the question was determined in the affirmative and the resolution was adopted.

### CALENDAR CONTINUED

#### BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1361, PN 1636**, entitled:

An Act amending the act of May 16, 2002 (P.L.315, No.46), known as the Community Services Block Grant Act, further providing for the expiration of the act.

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—198

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

#### NAYS—0

#### NOT VOTING—0

#### EXCUSED—4

Benninghoff	Cruz	Evans, D.	Herman
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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the bill passed finally.

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

### THE SPEAKER (JOHN M. PERZEL) PRESIDING

The SPEAKER. The House will come to order.

### GOV. JOHN ENGLER PRESENTED

The SPEAKER. Accompanied to our House chamber today by former Representative Jeff Coleman is a distinguished former Governor. With him are leaders of Pennsylvania's business community.

I am honored to introduce this morning Gov. John Engler. The gentleman was selected three times as Michigan's Governor. His political career includes service as the Senate majority leader and a member of the Michigan State House. Governor Engler currently leads the nation's largest trade association, the National Association of Manufacturers.

Would you please stand and recognize Governor Engler. Governor.

Governor Engler is accompanied by Derek Hathaway, CEO (chief executive officer) of the Harsco Corp. (Harrisburg Steel Corp.); Steve Senkowski, executive vice president of Armstrong World Industries; Matt Angello, senior vice president, Armstrong World Industries; Kirk Liddell, CEO of Irex; Ellen Horan, president of the Manufacturers Association of Berks County; Jerry Hodge of the National Association of Manufacturers; Glen Meakem, CEO of Meakem Ventures; Chris Gleason, CEO of the Gleason Group. Along with them is also Matt Brouillette, president of the Commonwealth Foundation. Would the House join me in welcoming to the hall of the House these honored guests.

Mr. DeWEESE. Mr. Speaker?

The SPEAKER. For what purpose does the gentleman rise?

Mr. DeWEESE. For Derek Hathaway, yesterday, Mr. Speaker, an entourage made a journey from the Sunshine State, and Speaker Perzel indicated they were all Republicans. I was momentarily disheartened by the lack of a bipartisan group coming from Florida, and I would also speculate that Mr. Engler's phalanx is dominated by Republican chieftains. However, I do not get a chance to say much about my good friend, Derek Hathaway, in formal settings, and from the Democratic side of the aisle, I certainly would like to welcome Derek Hathaway, from our caucus's perspective, to the hall of the House.

Thank you very much, Mr. Speaker.

The SPEAKER. Well, Mr. DeWeese, we will sponsor a trip for you to Florida to make sure that it is bipartisan.

### COMMEMORATIVE GAVEL PRESENTED

The SPEAKER. Governor Engler, on behalf of the Commonwealth of Pennsylvania and the Pennsylvania House of Representatives, I would like to present you with a Speaker's gavel to commemorate your visit. We are honored to have your presence with us here today.

And finally, at this time I would like to recognize Representatives Mike Turzai and Curt Schroder for the purposes of presenting a citation to Governor Engler.

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

On behalf of the House of Representatives of Pennsylvania, we would like to take this great pleasure in joining the Commonwealth Foundation and the Pennsylvania Manufacturers Association in lauding the Honorable Gov. John M. Engler for his many worthwhile contributions, and without reading through the entire citation, we want to also congratulate him on his position as the president and chief executive officer of the National Association of Manufacturers since 2004.

Governor Engler, it is an honor for you to be here. We really appreciate your advocacy on behalf of manufacturers in the United States of America and here in Pennsylvania and appreciate all of your efforts both in your past public service and for what you are doing today.

Thank you very, very much, and with my colleague, Curt Schroder, I would like to present you this citation.

GOVERNOR ENGLER. Well, thank you, Mr. Speaker and members of the Pennsylvania House of Representatives.

It is a delight to be back in front of a legislative body. The last time was when I was saying goodbye in Michigan after 12 years in the Governor's Office, but my first 8 years in the legislative process was spent sitting, oh, sort of off to the left, kind of right there, about right there, and I started out at the age of 22, actually, in the House of Representatives. So a very fond period and a lot of memories going a long way back.

I do want to make one important announcement, a Pennsylvania note. Next Monday I will be with a distinguished Pennsylvania citizen, Mr. Nelson Shanks, as we hang a portrait painted by the great Pennsylvanian, great American portrait artist, Nelson Shanks, in the Michigan Capitol. Unfortunately, the portrait is of me, so it is well done, given what he had to work with.

But I am pleased that you are doing some good work here. We are today a number of manufacturers from across the Keystone State here to talk about some issues on what we can do about manufacturing jobs in America and in Pennsylvania, how the legal system comes into play, and we hope to have an impact, and hopefully we will have an opportunity in the future to celebrate more of the work, Mr. Speaker, that you and this chamber are leading the way with.

Thank you very much for the resolution and the invitation to say hello this morning.

### **FAREWELL ADDRESS BY MS. WASHINGTON**

The SPEAKER. At this time I would like to ask a distinguished Pennsylvanian and a new State Senator from the Commonwealth of Pennsylvania, Representative LeAnna Washington, to say a few words.

Ms. WASHINGTON. Thank you, Mr. Speaker, and good morning.

Today is a wonderful day and a sad day. I came here this year 12 years ago when Bill DeWeese was the Speaker of the House of Representatives and the Democrats were in the majority. I learned a lot on that day. The one thing I learned is the many words that Bill DeWeese can say, and he knows the

meaning of them. I learned that Bill DeWeese learns a word every day, and I made a friend in the Speaker of the House at that time and now Democratic leader, and I want you to know, Bill, that I want to continue that friendship as I go into the Senate, that I will be calling you on the telephone, and I do expect you to return my phone call.

And after that certainly I met another Speaker, who was Matt Ryan, who is no longer with us, but I will say to you that I also had a relationship with him and was very sad when health circumstances gave him the opportunity to go to another place.

And then I met the current Speaker, who is John Perzel, and I will tell you that a Speaker's job is very difficult, difficult in the fact that they have to be bipartisan regardless of what party they are in, and these three gentlemen certainly have taught me what bipartisan politics is all about. And also, John, I will say to you as our Speaker of the House that I certainly will be calling you as well and that I value the friendship that we have established over the years. I was worried as to whether or not you would be here today when I gave this farewell speech. So I did not want to come up here until you were here. So thank you for that.

And then there were many other people that I met when I came to this great chamber, and the first female that I met when I came in here was Linda Bebko-Jones, and she said, "Hey, you. Come here. Let me show you where the ladies room is," and she was only about this tall, like right to down here, right above my stomach, and I was like, if this little lady does not get out of my face. Who is she? I did not know she was a legislator with a big mouth that calls everybody "Hey, you."

But in these 12 years that I have been here, Linda Bebko-Jones has been a wonderful friend and a colleague, and I just want to tell you a brief story about manipulation. Of course when I came here, I did not know what a WAM (walking-around money) was, and Linda said to me, "I need some money for a project in my district." And guess what? I gave her a \$5,000 WAM for Erie, Pennsylvania. Can you believe that? She never told me that WAMs were for your district. She just said she needed some money for something going on in her district, and since I thought she was my friend, I WAMed her. So, Linda, you owe me, too.

You know, on the Democratic side of the aisle, there have been many changes, I guess, as it relates to leadership, whether people actually left, went to run for another office, or had some kind of transition, and I have always thought that we should have a woman, Bill DeWeese, in leadership, and I hope that one day that woman would be Kathy Manderino, because certainly Kathy Manderino is a very intelligent legislator. She plays a phenomenal role as whip for our Philadelphia delegation. And sorry I will not be here to vote for you, Kathy, but I think it is not far; I think the opportunity will be there for you one day. So we want to give her a hand for the work that she does.

And then I would like to talk about the dean of Philadelphia, and that is State Representative Frank Oliver, who I call handsome, and I call him that because of the respect that I have for him and the work that he does in Philadelphia politics and for his leadership and longevity here in the House of Representatives. So, Frank, I will be in another chamber, but you will still be my handsome gentleman. Thank you, Frank.

And then people in Philadelphia know that I am not married, but the person whom I call my political husband is married, and that is State Representative John Myers, and I talk to John Myers probably more than I talk to any legislator or

probably anybody that I do politics with on a regular basis. And when I made the decision to run for the State Senate, he was quite upset, because he was like, you are leaving me, but certainly John and I do politics in Philadelphia and we will continue to do those politics, and while I will not be here in the chamber with my political husband, I am only a phone call away.

Representative Dwight Evans, who is our Appropriations chair, many of you, particularly we Democrats, know him for the work that he has done as Appropriations chair. He is not in the chamber today, but certainly I am now his State Senator or will be in another hour and a half, and so I know that my local politics will continue with the leadership of State Representative Dwight Evans, our Appropriations chair.

And you know, sometimes you come into places and work and you work with people and they become your fellow workers, but some of the relationships that I have established here in the House of Representatives go long and far past just fellow workers. There have been some friendships. And as I think about the late State Representative Roy Cornell, who was one of my chairmen when I first came here – now his daughter serves in his seat – that I will say to you that the relationships that we establish on either side of the aisle, regardless of our party affiliations, last long and near, and I think of Roy Cornell a lot of times when I am just sitting in a committee or walking down the hallway or see certain people or things that remind me of him.

I would also like to recognize the lady, Representative Elinor Taylor, because I have established a relationship with her, and every time we see one another, we give each other a kiss on the cheek, because as you get into this business and you know if you get to live or be here as long as some of our senior colleagues, that you learn to respect them and you learn something about their personality that you like. And so, Representative Taylor, I just want to say, I will be seeing you in the hallway still, even though I will not be here, and I hope that we will share those moments.

And to the rest of you, it has been an experience. To my friend, Representative Ruffing, I am going to be checking on you and seeing how you are doing and hope to see you as well, and to the rest of you, the opportunity to have served here in the House of Representatives with the background that I have come from, one of dysfunction and diversity, to have the opportunity to have served here in the House of Representatives for 11-plus years, and to Representative Shapiro, to have the opportunity to go to the State Senate is one that I am very humble about and excited about, and today being Flag Day, it is just a day for me to have the opportunity to serve in the House of Representatives and an opportunity to serve in the State Senate. I hope that the relationships that I have established extend to the Senate.

I heard you say that Senators do not have first names. Please remember that my first name is LeAnna and my last name is Washington.

Thank you and God bless.

### **GUESTS INTRODUCED**

The SPEAKER. The Chair would like to welcome to the back of the hall of the House the friends and family of Representative Washington. Again, the guests of Representative Washington, would they please rise and be recognized.

### **REPUBLICAN CAUCUS**

The SPEAKER. The Chair at this time recognizes the gentlelady from Chester, Mrs. Taylor.

Mrs. TAYLOR. Thank you, Mr. Speaker.

At the call of the recess, there will be a Republican caucus at 1 o'clock; 1 o'clock will be the Republican caucus.

The SPEAKER. The Chair thanks the gentlelady.

### **INSURANCE COMMITTEE MEETING**

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

Mr. MICOZZIE. Thank you, Mr. Speaker.

At the call of the recess, there will be a very important insurance meeting in the rear of the chamber.

The SPEAKER. The Chair thanks the gentleman.

The Insurance Committee will meet at the call of recess in the back of the hall of the House.

### **DEMOCRATIC CAUCUS**

The SPEAKER. Does the gentleman, Mr. Cohen, have an announcement?

The Chair recognizes the gentleman, Mr. Cohen.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, there will be a Democratic caucus immediately upon the call of the recess with both formal and informal discussions.

The SPEAKER. The Chair thanks the gentleman.

Are there any further announcements?

### **RECESS**

The SPEAKER. This House is in recess until 2 p.m.

### **AFTER RECESS**

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

### **RESIGNATION OF MEMBER**

The SPEAKER. A communication from Representative Washington, which the clerk will read.

The following communication was read:

The Honorable LeAnna M. Washington  
200th Legislative District

Tuesday, June 14, 2005

The Honorable John M. Perzel  
The Speaker  
PA House of Representatives  
139 Main Capitol Building  
Harrisburg, PA 17120-2020

Dear Speaker Perzel:

I have enjoyed the time served representing the people of the 200th legislative district in the City of Philadelphia. Because of my victory in the 4th Senatorial District, I am officially resigning from the Pennsylvania House of Representatives, effective Tuesday, June 14, 2005.

I have enjoyed serving under you as Speaker, and trust that the bipartisan relationship we have developed will continue as I am sworn in to the Senate.

Sincerely,  
LeAnna M. Washington

### LEAVES OF ABSENCE

The SPEAKER. The Chair returns to leaves of absence. The Chair recognizes the majority whip, who moves for a leave of absence for the remainder of today for the gentleman from Westmoreland, Mr. STAIRS, and the gentleman from Philadelphia, Mr. O'BRIEN. Without objection, those leaves will be granted.

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

**HB 256, PN 2210** (Amended) By Rep. STAIRS

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, further providing for definitions and for health services.

#### EDUCATION.

**HB 876, PN 999** By Rep. STAIRS

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, authorizing the department to directly reimburse educational support services providers; and repealing penalties for grant recipients.

#### EDUCATION.

**HB 1222, PN 1435** By Rep. STAIRS

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

#### EDUCATION.

**HB 1408, PN 1974** By Rep. STAIRS

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, prescribing penalties for improper use of bond proceeds.

#### EDUCATION.

**HB 1419, PN 2211** (Amended) By Rep. STAIRS

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, further providing for cost of tuition and how it is fixed under certain circumstances.

#### EDUCATION.

### BILLS REPORTED FROM COMMITTEES, CONSIDERED FIRST TIME, AND TABLED

**SB 147, PN 132**

By Rep. STAIRS

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, providing for technical assistance and information provided by department.

#### EDUCATION.

**SB 300, PN 710**

By Rep. MICOZZIE

An Act authorizing the establishment and maintenance of health savings accounts; providing for special tax provisions; and imposing restrictions on health savings accounts.

#### INSURANCE.

### SUPPLEMENTAL CALENDAR B

### RESOLUTION PURSUANT TO RULE 35

Mr. REICHLEY called up **HR 355, PN 2213**, entitled:

A Resolution designating the week of June 19 through 25, 2005, as "Biosciences Week" in Pennsylvania.

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

#### YEAS—195

Adolph	Fleagle	Maitland	Ruffing
Allen	Flick	Major	Sainato
Argall	Forcier	Manderino	Samuelson
Armstrong	Frankel	Mann	Santoni
Baker	Freeman	Markosek	Sather
Baldwin	Gabig	Marsico	Saylor
Barrar	Gannon	McCall	Scavello
Bastian	Geist	McGeehan	Schroder
Bebko-Jones	George	McGill	Semmel
Belardi	Gerber	McIlhattan	Shaner
Belfanti	Gergely	McIlhinney	Shapiro
Biancucci	Gillespie	McNaughton	Siptroth
Birmelin	Gingrich	Melio	Smith, B.
Bishop	Godshall	Metcalfe	Smith, S. H.
Blackwell	Good	Micozzie	Solobay
Blaum	Goodman	Millard	Sonney
Boyd	Grell	Miller, R.	Staback
Bunt	Grucela	Miller, S.	Steil
Butkovitz	Gruitza	Mundy	Stern
Buxton	Habay	Mustio	Stetler
Caltagirone	Haluska	Myers	Stevenson, R.
Cappelli	Hanna	Nailor	Stevenson, T.
Casorio	Harhai	Nickol	Sturla
Causer	Harhart	Oliver	Surra
Cawley	Harper	O'Neill	Tangretti
Civera	Harris	Pallone	Taylor, E. Z.
Clymer	Hasay	Payne	Taylor, J.
Cohen	Hennessey	Petrarca	Thomas
Cornell	Hershey	Petri	Tigue
Corrigan	Hess	Petrone	True
Costa	Hickernell	Phillips	Turzai
Crahalla	Hutchinson	Pickett	Veon

Creighton	James	Pistella	Vitali
Curry	Josephs	Preston	Walko
Daley	Kauffman	Pyle	Wansacz
Dally	Keller, M.	Quigley	Waters
DeLuca	Keller, W.	Ramaley	Watson
Denlinger	Kenney	Rapp	Wheatley
Dermody	Killion	Raymond	Williams
DeWeese	Kirkland	Readshaw	Wilt
DiGirolamo	Kotik	Reed	Wojnaroski
Diven	LaGrotta	Reichley	Wright
Donatucci	Leach	Rieger	Yewcic
Eachus	Lederer	Roberts	Youngblood
Ellis	Leh	Roebuck	Yudichak
Evans, J.	Lescovitz	Rohrer	Zug
Fabrizio	Levdansky	Rooney	
Fairchild	Mackereth	Ross	Perzel,
Feese	Maher	Rubley	Speaker
Fichter			

## NAYS—0

## NOT VOTING—0

## EXCUSED—6

Benninghoff	Evans, D.	O'Brien	Stairs
Cruz	Herman		

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

## LEAVE OF ABSENCE

The SPEAKER. The Chair returns to leaves of absence. The Chair recognizes the minority whip, who moves for a leave of absence for the remainder of the day for the gentleman from Clearfield, Mr. GEORGE. Without objection, that leave of absence will be granted.

## CALENDAR CONTINUED

## BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1400, PN 1688**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for indecent assault.

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

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

## YEAS—194

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

## NAYS—0

## NOT VOTING—0

## EXCUSED—7

Benninghoff	Evans, D.	Herman	Stairs
Cruz	George	O'Brien	

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 163, PN 1968**, entitled:

An Act amending the act of December 5, 1936 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the Unemployment Compensation Law, further providing for compensation rates.

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

The SPEAKER. It is the information of the Chair that both caucuses have caucused on HB 163, PN 1968.

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

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

## YEAS—194

Adolph	Fichter	Maitland	Ruffing
Allen	Fleagle	Major	Sainato
Argall	Flick	Manderino	Samuelson
Armstrong	Forcier	Mann	Santoni
Baker	Frankel	Markosek	Sather
Baldwin	Freeman	Marsico	Saylor
Barrar	Gabig	McCall	Scavello
Bastian	Gannon	McGeehan	Schroder
Bebko-Jones	Geist	McGill	Semmel
Belardi	Gerber	McIlhatten	Shaner
Belfanti	Gergely	McIlhinney	Shapiro
Biancucci	Gillespie	McNaughton	Sipthoth
Birmelin	Gingrich	Melio	Smith, B.
Bishop	Godshall	Metcalfe	Smith, S. H.
Blackwell	Good	Micozzie	Solobay
Blaum	Goodman	Millard	Sonney
Boyd	Grell	Miller, R.	Staback
Bunt	Grucela	Miller, S.	Steil
Butkovitz	Gruitza	Mundy	Stern
Buxton	Habay	Mustio	Stetler
Caltagirone	Haluska	Myers	Stevenson, R.
Cappelli	Hanna	Nailor	Stevenson, T.
Casorio	Harhai	Nickol	Sturla
Causser	Harhart	Oliver	Surra
Cawley	Harper	O'Neill	Tangretti
Civera	Harris	Pallone	Taylor, E. Z.
Clymer	Hasay	Payne	Taylor, J.
Cohen	Hennessey	Petrarca	Thomas
Cornell	Hershey	Petri	Tigue
Corrigan	Hess	Petrone	True
Costa	Hickernell	Phillips	Turzai
Crahalla	Hutchinson	Pickett	Veon
Creighton	James	Pistella	Vitali
Curry	Josephs	Preston	Walko
Daley	Kauffman	Pyle	Wansacz
Dally	Keller, M.	Quigley	Waters
DeLuca	Keller, W.	Ramaley	Watson
Denlinger	Kenney	Rapp	Wheatley
Dermody	Killion	Raymond	Williams
DeWeese	Kirkland	Readshaw	Wilt
DiGiroloamo	Kotik	Reed	Wojnaroski
Diven	LaGrotta	Reichley	Wright

Donatucci	Leach	Rieger	Yewcic
Eachus	Lederer	Roberts	Youngblood
Ellis	Leh	Roebuck	Yudichak
Evans, J.	Lescovitz	Rohrer	Zug
Fabrizio	Levdansky	Rooney	
Fairchild	Mackereth	Ross	Perzel,
Feese	Maher	Rubley	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—7

Benninghoff	Evans, D.	Herman	Stairs
Cruz	George	O'Brien	

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.

## STATEMENT BY MR. ADOLPH

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

Mr. ADOLPH. Would I be in order to speak on HB 163 now?

The SPEAKER. Under unanimous consent, the gentleman is in order and may proceed.

Mr. ADOLPH. Thank you, Mr. Speaker.

Mr. Speaker, I want to thank Chairman Allen and Chairman Belfanti for moving the bill, and I would like to thank my colleagues for withdrawing their amendments to this bill. There were actually 19 amendments to this HB 163, and all those legislators, in a very bipartisan manner, withdrew their amendments.

This bill will definitely help our senior citizens, our working senior citizens, and if they happen to get laid off, they will be able to collect full unemployment benefits as a result of this, and I want to thank my colleagues for their support.

Thank you very much.

The SPEAKER. The Chair thanks the gentleman.

## BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1365, PN 1916**, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for foreign decree of adoption.

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

Mr. **BIRMELIN** offered the following amendment No. **A01490**:

Amend Sec. 1 (Sec. 2908), page 3, line 20, by removing the comma after "ADOPTION" and inserting  
and

Amend Sec. 1 (Sec. 2908), page 3, line 21, by striking out “THE CHILD’S” where it appears the second time

Amend Sec. 1 (Sec. 2908), page 3, line 24, by striking out “CORRECT” and inserting  
certified

Amend Sec. 1 (Sec. 2908), page 3, line 27, by striking out “A STATEMENT OF” and inserting

an affidavit stating

Amend Sec. 1 (Sec. 2908), page 3, line 27, by striking out “ORPHANS’”

Amend Sec. 1 (Sec. 2908), page 3, line 29, by striking out “ORPHANS’”

Amend Sec. 1 (Sec. 2908), page 4, line 1, by striking out “A” and inserting

At the time of filing, a

Amend Sec. 1 (Sec. 2908), page 4, line 1, by striking out “FINAL”

Amend Sec. 1 (Sec. 2908), page 4, line 1, by inserting after “AND”

certified

Amend Sec. 1 (Sec. 2908), page 4, line 2, by inserting after “NECESSARY,”

and

Amend Sec. 1 (Sec. 2908), page 4, line 3, by striking out “THE CHILD’S”

Amend Sec. 1 (Sec. 2908), page 4, lines 5 through 11, by striking out all of said lines and inserting  
submitted to the clerk of the orphan’s court for court review. The clerk may charge a filing fee in accordance with the court’s regular fee schedule as approved by the president judge. The foreign decree of adoption and such other documents as may be filed with the court shall be kept in the files of the court as a permanent record of the court and shall be withheld from inspection except on order of court granted upon cause shown. Information identifying the birth parents of the adoptee shall not be required.

(b) Review.—The foreign registration form shall provide that the child’s properly authenticated copy of the foreign decree of adoption and a copy of the child’s visa and birth certificate, if available, be reviewed by the court. In cases where the court determines that the foreign adoption was full and final, the court shall direct the clerk to enter

Amend Sec. 1 (Sec. 2908), page 4, lines 14 and 15, by striking out “OF ADOPTION EVIDENCING” and inserting

reciting

Amend Sec. 1 (Sec. 2908), page 4, line 20, by inserting after “THE”

court determines that the

Amend Sec. 1 (Sec. 2908), page 4, lines 22 and 23, by striking out “CLERK SHALL ADVISE” and inserting

court shall instruct

Amend Sec. 1 (Sec. 2908), page 4, line 24, by striking out “ORPHANS’”

Amend Sec. 1 (Sec. 2908), page 4, line 26, by striking out “ORPHANS’”

Amend Sec. 1 (Sec. 2908), page 4, lines 29 and 30, by striking out “AND ADVISE THE ADOPTIVE PARENT ACCORDINGLY”

Amend Sec. 1 (Sec. 2908), page 5, line 1, by striking out “FINAL”

Amend Sec. 1 (Sec. 2908), page 5, line 2, by inserting after “AND”

certified

Amend Sec. 1 (Sec. 2908), page 5, line 12, by striking out “FINAL”

Amend Sec. 1 (Sec. 2908), page 5, line 14, by inserting after “AND”

the new name

On the question,

Will the House agree to the amendment?

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

Mr. BIRMELIN. Thank you, Mr. Speaker.

This is sort of a technical amendment to make a correction that the original bill did not take care of and for some language that was recommended by the orphan’s court people of Pennsylvania to clarify the language of the original bill.

I would urge its adoption.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

#### YEAS—192

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

#### NAYS—2

Casorio

Petrarca



## NOT VOTING—0

## EXCUSED—7

Benninghoff Evans, D. Herman Stairs  
Cruz George O'Brien

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

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

On that point, the Chair recognizes the gentleman, Mr. Birmelin.

Mr. BIRMELIN. Thank you again, Mr. Speaker.

Just a brief explanation. This is a bill that deals with the problem for parents who adopt children from foreign countries, bring them into the United States, Pennsylvania expressly in this legislation, and allows them to be able to register that birth without having to readopt them when that adoption was full and final from the country from which they received the child. Unfortunately, in Pennsylvania counties today, some are making parents readopt children, causing them needless expense of hundreds if not thousands of dollars, time, effort, and delay. For those adoptions that are full and final in the country from which the adopted child came, this will save a lot of money and time and effort for those adopting parents, and I think it is in the best interest of helping those parents adopt children as quickly as possible here in Pennsylvania.

I urge its support. Thank you.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Shall the bill pass finally?

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

The following roll call was recorded:

## YEAS—194

Adolph	Fichter	Maitland	Ruffing
Allen	Fleagle	Major	Sainato
Argall	Flick	Manderino	Samuelson
Armstrong	Forcier	Mann	Santoni
Baker	Frankel	Markosek	Sather
Baldwin	Freeman	Marsico	Saylor
Barrar	Gabig	McCall	Scavello
Bastian	Gannon	McGeehan	Schroder
Bebko-Jones	Geist	McGill	Semmel
Belardi	Gerber	McIlhatten	Shaner
Belfanti	Gergely	McIlhinney	Shapiro
Biancucci	Gillespie	McNaughton	Siptroth
Birmelin	Gingrich	Melio	Smith, B.
Bishop	Godshall	Metcalfe	Smith, S. H.
Blackwell	Good	Micozzie	Solobay
Blaum	Goodman	Millard	Sonney

Boyd	Grell	Miller, R.	Staback
Bunt	Grucela	Miller, S.	Steil
Butkovitz	Gruitza	Mundy	Stern
Buxton	Habay	Mustio	Steller
Caltagirone	Haluska	Myers	Stevenson, R.
Cappelli	Hanna	Nailor	Stevenson, T.
Casorio	Harhai	Nickol	Sturla
Causer	Harhart	Oliver	Surra
Cawley	Harper	O'Neill	Tangretti
Civera	Harris	Pallone	Taylor, E. Z.
Clymer	Hasay	Payne	Taylor, J.
Cohen	Hennessey	Petrarca	Thomas
Cornell	Hershey	Petri	Tigue
Corrigan	Hess	Petrone	True
Costa	Hickernell	Phillips	Turzai
Crahalla	Hutchinson	Pickett	Veon
Creighton	James	Pistella	Vitali
Curry	Josephs	Preston	Walko
Daley	Kauffman	Pyle	Wansacz
Dally	Keller, M.	Quigley	Waters
DeLuca	Keller, W.	Ramaley	Watson
Denlinger	Kenney	Rapp	Wheatley
Dermoddy	Killion	Raymond	Williams
DeWeese	Kirkland	Readshaw	Wilt
DiGirolamo	Kotik	Reed	Wojnaroski
Diven	LaGrotta	Reichley	Wright
Donatucci	Leach	Rieger	Yewcic
Eachus	Lederer	Roberts	Youngblood
Ellis	Leh	Roebuck	Yudichak
Evans, J.	Lescovitz	Rohrer	Zug
Fabrizio	Levdansky	Rooney	
Fairchild	Mackereth	Ross	Perzel,
Feese	Maher	Rubley	Speaker

## NAYS—0

## NOT VOTING—0

## EXCUSED—7

Benninghoff Evans, D. Herman Stairs  
Cruz George O'Brien

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 1313, PN 1971**, entitled:

An Act amending the act of December 5, 1936 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the Unemployment Compensation Law, further providing for State Unemployment Compensation Advisory Council.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

## YEAS—194

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

## NAYS—0

## NOT VOTING—0

## EXCUSED—7

Benninghoff	Evans, D.	Herman	Stairs
Cruz	George	O'Brien	

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 1589, PN 1990**, entitled:

An Act amending the act of June 30, 2003 (P.L.15, No.7), known as the Medicare Hospital Service Payment Designation Act, further providing for designation of hospitals.

On the question,

Will the House agree to the bill on third consideration?

Mr. **KENNEY** offered the following amendment No. **A01499**:

Amend Sec. 1 (Sec. 2), page 1, lines 11 through 16, by striking out all of said lines and inserting

For purposes of payments to:

(1) hospitals for inpatient or outpatient hospital services under section 1886 of the Social Security Act (49 Stat. 620, 42 U.S.C. § 1395ww)[.];

(2) hospitals designated as Medicare-dependent hospitals as of April 30, 2002, or Critical Access hospitals as of [September 30, 2000,] December 31, 2005;

(3) hospitals located in a census tract with rural-urban commuting area codes 4 through 10 established by the United States Department of Agriculture; and

(4) hospitals with 50 or fewer beds that serve at a minimum 70% Medicare patient population and demonstrate service to individuals from federally designated health professional shortage areas;

are hereby designated as rural hospitals pursuant to

On the question,

Will the House agree to the amendment?

## AMENDMENT WITHDRAWN

The SPEAKER. The Chair recognizes the gentleman, Mr. Kenney, who withdraws amendment A1499.

On the question recurring,

Will the House agree to the bill on third consideration?

## RULES SUSPENDED

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

Mr. SURRA. Mr. Speaker, I move that the rules of the House be immediately suspended for the immediate consideration of amendment A1727.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

## YEAS—194

Adolph	Fichter	Maitland	Ruffing
Allen	Fleagle	Major	Sainato
Argall	Flick	Manderino	Samuelson
Armstrong	Forcier	Mann	Santoni
Baker	Frankel	Markosek	Sather
Baldwin	Freeman	Marsico	Saylor

Barrar	Gabig	McCall	Scavello
Bastian	Gannon	McGeehan	Schroder
Bebko-Jones	Geist	McGill	Semmel
Belardi	Gerber	McIlhattan	Shaner
Belfanti	Gergely	McIlhinney	Shapiro
Biancucci	Gillespie	McNaughton	Siptroth
Birmelin	Gingrich	Melio	Smith, B.
Bishop	Godshall	Metcalfe	Smith, S. H.
Blackwell	Good	Micozzie	Solobay
Blaum	Goodman	Millard	Sonney
Boyd	Grell	Miller, R.	Staback
Bunt	Grucela	Miller, S.	Steil
Butkovitz	Gruitza	Mundy	Stern
Buxton	Habay	Mustio	Stetler
Caltagirone	Haluska	Myers	Stevenson, R.
Cappelli	Hanna	Nailor	Stevenson, T.
Casorio	Harhai	Nickol	Sturla
Causar	Harhart	Oliver	Surra
Cawley	Harper	O'Neill	Tangretti
Civera	Harris	Pallone	Taylor, E. Z.
Clymer	Hasay	Payne	Taylor, J.
Cohen	Hennessey	Petrarca	Thomas
Cornell	Hershey	Petri	Tigue
Corrigan	Hess	Petrone	True
Costa	Hickernell	Phillips	Turzai
Crahalla	Hutchinson	Pickett	Veon
Creighton	James	Pistella	Vitali
Curry	Josephs	Preston	Walko
Daley	Kauffman	Pyle	Wansacz
Dally	Keller, M.	Quigley	Waters
DeLuca	Keller, W.	Ramaley	Watson
Denlinger	Kenney	Rapp	Wheatley
Dermody	Killion	Raymond	Williams
DeWeese	Kirkland	Readshaw	Wilt
DiGirolamo	Kotik	Reed	Wojnaroski
Diven	LaGrotta	Reichley	Wright
Donatucci	Leach	Rieger	Yewcic
Eachus	Lederer	Roberts	Youngblood
Ellis	Leh	Roebuck	Yudichak
Evans, J.	Lescovitz	Rohrer	Zug
Fabrizio	Levdansky	Rooney	
Fairchild	Mackereth	Ross	Perzel,
Feese	Maher	Rubley	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—7

Benninghoff	Evans, D.	Herman	Stairs
Cruz	George	O'Brien	

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

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

Mr. **SURRA (for Mr. GEORGE)** offered the following amendment No. **A01727**:

Amend Sec. 1 (Sec. 2), page 1, lines 11 through 16, by striking out all of said lines and inserting  
For purposes of payments to:

(1) hospitals for inpatient or outpatient hospital services under section 1886 of the Social Security Act (49 Stat. 620, 42 U.S.C. § 1395ww)[.];

(2) hospitals designated as Medicare-dependent hospitals as of April 30, 2002, or Critical Access hospitals as of [September 30, 2000,] December 31, 2005;

(3) hospitals located in a census tract with rural-urban commuting area codes 4 through 10 established by the United States Department of Agriculture; and

(4) hospitals with 50 or fewer beds that serve at a minimum 70% Medicare patient population and demonstrate service to individuals from federally designated health professional shortage areas including, but not limited to, Philipsburg Area Hospital and Mid-Valley Hospital;  
are hereby designated as rural hospitals pursuant to

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

The following roll call was recorded:

YEAS—194

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

NAYS—0

NOT VOTING—0

## EXCUSED—7

Benninghoff	Evans, D.	Herman	Stairs
Cruz	George	O'Brien	

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

On the question,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

## YEAS—194

Adolph	Fichter	Maitland	Ruffing
Allen	Fleagle	Major	Sainato
Argall	Flick	Manderino	Samuelson
Armstrong	Forcier	Mann	Santoni
Baker	Frankel	Markosek	Sather
Baldwin	Freeman	Marsico	Saylor
Barrar	Gabig	McCall	Scavello
Bastian	Gannon	McGeehan	Schroder
Bebko-Jones	Geist	McGill	Semmel
Belardi	Gerber	McIlhattan	Shaner
Belfanti	Gergely	McIlhinney	Shapiro
Biancucci	Gillespie	McNaughton	Siptroth
Birmelin	Gingrich	Melio	Smith, B.
Bishop	Godshall	Metcalfe	Smith, S. H.
Blackwell	Good	Micozzie	Solobay
Blaum	Goodman	Millard	Sonney
Boyd	Grell	Miller, R.	Staback
Bunt	Grucela	Miller, S.	Steil
Butkovitz	Gruitza	Mundy	Stern
Buxton	Habay	Mustio	Stetler
Caltagirone	Haluska	Myers	Stevenson, R.
Cappelli	Hanna	Nailor	Stevenson, T.
Casorio	Harhai	Nickol	Sturla
Causar	Harhart	Oliver	Surra
Cawley	Harper	O'Neill	Tangretti
Civera	Harris	Pallone	Taylor, E. Z.
Clymer	Hasay	Payne	Taylor, J.
Cohen	Hennessey	Petrarca	Thomas
Cornell	Hershey	Petri	Tigue
Corrigan	Hess	Petrone	True
Costa	Hickernell	Phillips	Turzai
Crahalla	Hutchinson	Pickett	Veon
Creighton	James	Pistella	Vitali
Curry	Josephs	Preston	Walko
Daley	Kauffman	Pyle	Wansacz
Dally	Keller, M.	Quigley	Waters
DeLuca	Keller, W.	Ramaley	Watson
Denlinger	Kenney	Rapp	Wheatley
Dermody	Killion	Raymond	Williams
DeWeese	Kirkland	Readshaw	Wilt
DiGrolamo	Kotik	Reed	Wojnaroski
Diven	LaGrotta	Reichley	Wright
Donatucci	Leach	Rieger	Yewcic
Eachus	Lederer	Roberts	Youngblood
Ellis	Leh	Roebuck	Yudichak
Evans, J.	Lescovitz	Rohrer	Zug
Fabrizio	Levdanský	Rooney	

Fairchild	Mackereth	Ross	Perzel,
Feese	Maher	Rubley	Speaker

## NAYS—0

## NOT VOTING—0

## EXCUSED—7

Benninghoff	Evans, D.	Herman	Stairs
Cruz	George	O'Brien	

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.

## GUEST INTRODUCED

The SPEAKER. We have a special guest here today as the guest of Representative Matt Wright. His name is Dan Fraley. He is the director of the Bucks County Office of Veterans Affairs. Would that guest please rise and be recognized by the House.

## BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 670, PN 763**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for food purveyor immunity.

On the question,

Will the House agree to the bill on third consideration?

Mr. **REICHLEY** offered the following amendment No. **A01702**:

Amend Sec. 1 (Sec. 8338.2), page 2, by inserting between lines 12 and 13

(c) Construction.—The provisions of subsection (a) shall be strictly construed.

Amend Sec. 1 (Sec. 8338.2), page 2, line 13, by striking out “(c)” and inserting

(d)

On the question,

Will the House agree to the amendment?

The following roll call was recorded:

## YEAS—194

Adolph	Fichter	Maitland	Ruffing
Allen	Fleagle	Major	Sainato
Argall	Flick	Manderino	Samuelson
Armstrong	Forcier	Mann	Santoni
Baker	Frankel	Markosek	Sather
Baldwin	Freeman	Marsico	Saylor
Barrar	Gabig	McCall	Scavello
Bastian	Gannon	McGeehan	Schroder

Bebko-Jones	Geist	McGill	Semmel
Belardi	Gerber	McIlhattan	Shaner
Belfanti	Gergely	McIlhinney	Shapiro
Biancucci	Gillespie	McNaughton	Siptroth
Birmelin	Gingrich	Melio	Smith, B.
Bishop	Godshall	Metcalfe	Smith, S. H.
Blackwell	Good	Micozzie	Solobay
Blaum	Goodman	Millard	Sonney
Boyd	Grell	Miller, R.	Staback
Bunt	Grucela	Miller, S.	Steil
Butkovitz	Gruitza	Mundy	Stern
Buxton	Habay	Mustio	Stetler
Caltagirone	Haluska	Myers	Stevenson, R.
Cappelli	Hanna	Nailor	Stevenson, T.
Casorio	Harhai	Nickol	Sturla
Causer	Harhart	Oliver	Surra
Cawley	Harper	O'Neill	Tangretti
Civera	Harris	Pallone	Taylor, E. Z.
Clymer	Hasay	Payne	Taylor, J.
Cohen	Hennessey	Petrarca	Thomas
Cornell	Hershey	Petri	Tigue
Corrigan	Hess	Petrone	True
Costa	Hickernell	Phillips	Turzai
Crahalla	Hutchinson	Pickett	Veon
Creighton	James	Pistella	Vitali
Curry	Josephs	Preston	Walko
Daley	Kauffman	Pyle	Wansacz
Dally	Keller, M.	Quigley	Waters
DeLuca	Keller, W.	Ramaley	Watson
Denlinger	Kenney	Rapp	Wheatley
Dermody	Killion	Raymond	Williams
DeWeese	Kirkland	Readshaw	Wilt
DiGirolamo	Kotik	Reed	Wojnaroski
Diven	LaGrotta	Reichley	Wright
Donatucci	Leach	Rieger	Yewcic
Eachus	Lederer	Roberts	Youngblood
Ellis	Leh	Roebuck	Yudichak
Evans, J.	Lescovitz	Rohrer	Zug
Fabrizio	Levdansky	Rooney	
Fairchild	Mackereth	Ross	Perzel,
Feese	Maher	Rubley	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—7

Benninghoff	Evans, D.	Herman	Stairs
Cruz	George	O'Brien	

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

### HARRISBURG LEGISLATIVE LEAVE CANCELED

The SPEAKER. The Chair notes the presence on the floor of the hall of the House of the gentleman, Mr. Denlinger. His name will be added to the roll. He is off Capitol leave.

### CONSIDERATION OF HB 670 CONTINUED

On the question,

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

### BILL PASSED OVER TEMPORARILY

The SPEAKER. HB 670 will go over temporarily.

### GUEST INTRODUCED

The SPEAKER. The Chair would like to welcome to the hall of the House Rebecca Viola, who is the guest page of Representative Dennis Leh. Would that guest please rise and be recognized.

### BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1183, PN 1734**, entitled:

An Act redesignating a bridge on that portion of SR (truck route) 271 over the Conemaugh River and the Norfolk Southern mainline, Franklin Borough, Cambria County, as the Sergeant Michael Strank Memorial Bridge.

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?

On that question, the Chair recognizes the gentleman, Mr. Wojnaroski.

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

Mr. Speaker, in 1939 Michael Strank from Franklin Borough entered the Marine Corps along with my uncle, Joe Wojnaroski, from East Conemaugh. These two boroughs are only a quarter of a mile apart, but, Mr. Speaker, 60 years ago America's finest marines braved the rugged hills of Iwo Jima in one of the bloodiest but most important battles in World War II. The casualties were high, the costs staggering, but our soldiers prevailed, and their heroism has been forever defined as one of the most famous photographs ever taken.

When people think of the United States Marines, they think of the brave men who stormed Iwo Jima and planted our nation's flag on top of Mount Suribachi. The men in that photograph embodied what it is to be a marine – tough, gritty, fearsome, and strong – something, I am sure, in which many of my colleagues who are former marines can attest to. Mr. Speaker, one of those six was Sgt. Michael Strank. He served our country in that great war and fought with valor in the Pacific and made us proud in raising the flag on Mount Suribachi.

Unfortunately, only three soldiers in that photograph survived in Iwo Jima. Sergeant Strank was not one of them. I feel it is time that we in Pennsylvania honor our fallen hero. Mr. Speaker, my proposal would rename the State Route 271 bridge over the Conemaugh River and the Norfolk Southern mainline in Franklin and call it the Sergeant Michael Strank Memorial Bridge.

My bill, 1183, has 53 cosponsors, cosponsors who recognize the service and the sacrifice that Sergeant Strank gave to our country. He has been memorialized in that famous photograph by the United States Marine Corps and that legendary statue at

Arlington, and now it is time that we at home honor him in Pennsylvania, the least we can do for one who has done so much for this country.

Thank you very much, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Shall the bill pass finally?

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

The following roll call was recorded:

#### YEAS—194

Adolph	Fichter	Maitland	Ruffing
Allen	Fleagle	Major	Sainato
Argall	Flick	Manderino	Samuelson
Armstrong	Forcier	Mann	Santoni
Baker	Frankel	Markosek	Sather
Baldwin	Freeman	Marsico	Saylor
Barrar	Gabig	McCall	Scavello
Bastian	Gannon	McGeehan	Schroder
Bebko-Jones	Geist	McGill	Semmel
Belardi	Gerber	McIlhatten	Shaner
Belfanti	Gergely	McIlhinney	Shapiro
Biancucci	Gillespie	McNaughton	Siptroth
Birmelin	Gingrich	Melio	Smith, B.
Bishop	Godshall	Metcalfe	Smith, S. H.
Blackwell	Good	Micozzie	Solobay
Blaum	Goodman	Millard	Sonney
Boyd	Grell	Miller, R.	Staback
Bunt	Gruclera	Miller, S.	Steil
Butkovitz	Gruitza	Mundy	Stern
Buxton	Habay	Mustio	Stetler
Caltagirone	Haluska	Myers	Stevenson, R.
Cappelli	Hanna	Nailor	Stevenson, T.
Casorio	Harhai	Nickol	Sturla
Causar	Harhart	Oliver	Surra
Cawley	Harper	O'Neill	Tangretti
Civera	Harris	Pallone	Taylor, E. Z.
Clymer	Hasay	Payne	Taylor, J.
Cohen	Hennessey	Petrarca	Thomas
Cornell	Hershey	Petri	Tigue
Corrigan	Hess	Petrone	True
Costa	Hickernell	Phillips	Turzai
Crahalla	Hutchinson	Pickett	Veon
Creighton	James	Pistella	Vitali
Curry	Josephs	Preston	Walko
Daley	Kauffman	Pyle	Wansacz
Dally	Keller, M.	Quigley	Waters
DeLuca	Keller, W.	Ramaley	Watson
Denlinger	Kenney	Rapp	Wheatley
Dermoddy	Killion	Raymond	Williams
DeWeese	Kirkland	Readshaw	Wilt
DiGirolamo	Kotik	Reed	Wojnaroski
Diven	LaGrotta	Reichley	Wright
Donatucci	Leach	Rieger	Yewcic
Eachus	Lederer	Roberts	Youngblood
Ellis	Leh	Roebuck	Yudichak
Evans, J.	Lescovitz	Rohrer	Zug
Fabrizio	Levdansky	Rooney	
Fairchild	Mackereth	Ross	Perzel,
Feese	Maher	Rubley	Speaker

#### NAYS—0

#### NOT VOTING—0

#### EXCUSED—7

Benninghoff	Evans, D.	Herman	Stairs
Cruz	George	O'Brien	

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

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

#### GUESTS INTRODUCED

The SPEAKER. At this time the Chair would like to recognize a special group of friends of Representative Lawrence Curry. They are the Cheltenham Township Adult School. Would those guests please rise and be recognized by the House.

#### BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1285, PN 1966**, entitled:

An Act amending Title 74 (Transportation) of the Pennsylvania Consolidated Statutes, providing for administrative practice and procedure; and making a related repeal.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

#### YEAS—194

Adolph	Fichter	Maitland	Ruffing
Allen	Fleagle	Major	Sainato
Argall	Flick	Manderino	Samuelson
Armstrong	Forcier	Mann	Santoni
Baker	Frankel	Markosek	Sather
Baldwin	Freeman	Marsico	Saylor
Barrar	Gabig	McCall	Scavello
Bastian	Gannon	McGeehan	Schroder
Bebko-Jones	Geist	McGill	Semmel
Belardi	Gerber	McIlhatten	Shaner
Belfanti	Gergely	McIlhinney	Shapiro
Biancucci	Gillespie	McNaughton	Siptroth
Birmelin	Gingrich	Melio	Smith, B.
Bishop	Godshall	Metcalfe	Smith, S. H.
Blackwell	Good	Micozzie	Solobay
Blaum	Goodman	Millard	Sonney
Boyd	Grell	Miller, R.	Staback
Bunt	Gruclera	Miller, S.	Steil
Butkovitz	Gruitza	Mundy	Stern
Buxton	Habay	Mustio	Stetler
Caltagirone	Haluska	Myers	Stevenson, R.
Cappelli	Hanna	Nailor	Stevenson, T.
Casorio	Harhai	Nickol	Sturla
Causar	Harhart	Oliver	Surra
Cawley	Harper	O'Neill	Tangretti
Civera	Harris	Pallone	Taylor, E. Z.

Clymer	Hasay	Payne	Taylor, J.
Cohen	Hennessey	Petrarca	Thomas
Cornell	Hershey	Petri	Tigue
Corrigan	Hess	Petrone	True
Costa	Hickernell	Phillips	Turzai
Crahalla	Hutchinson	Pickett	Veon
Creighton	James	Pistella	Vitali
Curry	Josephs	Preston	Walko
Daley	Kauffman	Pyle	Wansacz
Dally	Keller, M.	Quigley	Waters
DeLuca	Keller, W.	Ramaley	Watson
Denlinger	Kenney	Rapp	Wheatley
Dermody	Killion	Raymond	Williams
DeWeese	Kirkland	Readshaw	Wilt
DiGirolamo	Kotik	Reed	Wojnaroski
Diven	LaGrotta	Reichley	Wright
Donatucci	Leach	Rieger	Yewcic
Eachus	Lederer	Roberts	Youngblood
Ellis	Leh	Roebuck	Yudichak
Evans, J.	Lescovitz	Rohrer	Zug
Fabrizio	Levdansky	Rooney	
Fairchild	Mackereth	Ross	Perzel,
Feese	Maher	Rubley	Speaker

## NAYS—0

## NOT VOTING—0

## EXCUSED—7

Benninghoff	Evans, D.	Herman	Stairs
Cruz	George	O'Brien	

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 1338, PN 1596**, entitled:

An Act authorizing and directing the Department of General Services, with the approval of the Governor and the Department of Military and Veterans' Affairs, to grant and convey to the Borough of Columbia, Lancaster County, certain lands situate in Columbia Borough, Lancaster County.

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

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

## YEAS—194

Adolph	Fichter	Maitland	Ruffing
Allen	Fleagle	Major	Sainato
Argall	Flick	Manderino	Samuelson
Armstrong	Forcier	Mann	Santoni

Baker	Frankel	Markosek	Sather
Baldwin	Freeman	Marsico	Saylor
Barrar	Gabig	McCall	Scavello
Bastian	Gannon	McGeehan	Schroder
Bebko-Jones	Geist	McGill	Semmel
Belardi	Gerber	McIlhattan	Shaner
Belfanti	Gergely	McIlhinney	Shapiro
Biancucci	Gillespie	McNaughton	Siptroth
Birmelin	Gingrich	Melio	Smith, B.
Bishop	Godshall	Metcalfe	Smith, S. H.
Blackwell	Good	Micozzie	Solobay
Blaum	Goodman	Millard	Sonney
Boyd	Grell	Miller, R.	Staback
Bunt	Grucela	Miller, S.	Steil
Butkovitz	Gruitza	Mundy	Stern
Buxton	Habay	Mustio	Stetler
Caltagirone	Haluska	Myers	Stevenson, R.
Cappelli	Hanna	Nailor	Stevenson, T.
Casorio	Harhai	Nickol	Sturla
Causer	Harhart	Oliver	Surra
Cawley	Harper	O'Neill	Tangretti
Civera	Harris	Pallone	Taylor, E. Z.
Clymer	Hasay	Payne	Taylor, J.
Cohen	Hennessey	Petrarca	Thomas
Cornell	Hershey	Petri	Tigue
Corrigan	Hess	Petrone	True
Costa	Hickernell	Phillips	Turzai
Crahalla	Hutchinson	Pickett	Veon
Creighton	James	Pistella	Vitali
Curry	Josephs	Preston	Walko
Daley	Kauffman	Pyle	Wansacz
Dally	Keller, M.	Quigley	Waters
DeLuca	Keller, W.	Ramaley	Watson
Denlinger	Kenney	Rapp	Wheatley
Dermody	Killion	Raymond	Williams
DeWeese	Kirkland	Readshaw	Wilt
DiGirolamo	Kotik	Reed	Wojnaroski
Diven	LaGrotta	Reichley	Wright
Donatucci	Leach	Rieger	Yewcic
Eachus	Lederer	Roberts	Youngblood
Ellis	Leh	Roebuck	Yudichak
Evans, J.	Lescovitz	Rohrer	Zug
Fabrizio	Levdansky	Rooney	
Fairchild	Mackereth	Ross	Perzel,
Feese	Maher	Rubley	Speaker

## NAYS—0

## NOT VOTING—0

## EXCUSED—7

Benninghoff	Evans, D.	Herman	Stairs
Cruz	George	O'Brien	

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 247, PN 1862**, entitled:

An Act amending the act of July 19, 1979 (P.L.130, No.48), known as the Health Care Facilities Act, further providing for definitions; providing for licensure of home care agencies; establishing certain consumer rights and protections; and providing for inspections and plans of correction and for applicability of act.

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

Mr. **HESS** offered the following amendment No. **A01503**:

Amend Sec. 2 (Sec. 806), page 5, line 25, by striking out  
“the following training or experience” and inserting  
“at least one of the following”

Amend Sec. 2 (Sec. 806), page 5, line 27, by inserting before  
“valid”

a

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

The **SPEAKER**. On that question, the Chair recognizes the gentleman, Mr. Vitali. The gentleman waives off.

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

The following roll call was recorded:

#### YEAS—194

Adolph	Fichter	Maitland	Ruffing
Allen	Fleagle	Major	Sainato
Argall	Flick	Manderino	Samuelson
Armstrong	Forcier	Mann	Santoni
Baker	Frankel	Markosek	Sather
Baldwin	Freeman	Marsico	Saylor
Barrar	Gabig	McCall	Scavello
Bastian	Gannon	McGeehan	Schroder
Bebko-Jones	Geist	McGill	Semmel
Belardi	Gerber	McIlhatten	Shaner
Belfanti	Gergely	McIlhinney	Shapiro
Biancucci	Gillespie	McNaughton	Siptroth
Birmelin	Gingrich	Melio	Smith, B.
Bishop	Godshall	Metcalfe	Smith, S. H.
Blackwell	Good	Micozzie	Solobay
Blaum	Goodman	Millard	Sonney
Boyd	Grell	Miller, R.	Staback
Bunt	Grucela	Miller, S.	Steil
Butkovitz	Gruitza	Mundy	Stern
Buxton	Habay	Mustio	Stetler
Caltagirone	Haluska	Myers	Stevenson, R.
Cappelli	Hanna	Nailor	Stevenson, T.
Casorio	Harhai	Nickol	Sturla
Causar	Harhart	Oliver	Surra
Cawley	Harper	O'Neill	Tangretti
Civera	Harris	Pallone	Taylor, E. Z.
Clymer	Hasay	Payne	Taylor, J.
Cohen	Hennessey	Petrarca	Thomas
Cornell	Hershey	Petri	Tigue
Corrigan	Hess	Petrone	True
Costa	Hickernell	Phillips	Turzai
Crahall	Hutchinson	Pickett	Veon
Creighton	James	Pistella	Vitali
Curry	Josephs	Preston	Walko
Daley	Kauffman	Pyle	Wansacz
Dally	Keller, M.	Quigley	Waters
DeLuca	Keller, W.	Ramaley	Watson
Denlinger	Kenney	Rapp	Wheatley
Dermody	Killion	Raymond	Williams
DeWeese	Kirkland	Readshaw	Wilt
DiGrolamo	Kotik	Reed	Wojnaroski
Diven	LaGrotta	Reichley	Wright
Donatucci	Leach	Rieger	Yewcic
Eachus	Lederer	Roberts	Youngblood
Ellis	Leh	Roebuck	Yudichak
Evans, J.	Lescovitz	Rohrer	Zug
Fabrizio	Levdanský	Rooney	

Fairchild  
Feese

Mackereth  
Maher

Ross  
Rubley

Perzel,  
Speaker

NAYS—0

NOT VOTING—0

EXCUSED—7

Benninghoff  
Cruz

Evans, D.  
George

Herman  
O'Brien

Stairs

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

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

The Chair recognizes the gentleman, Mr. Metcalfe.

Mr. **METCALFE**. If I might ask a question of the sponsor.

The **SPEAKER**. The gentleman is in order. The gentleman, Mr. Hess, is recognized. The gentleman, Mr. Metcalfe, is in order and may proceed.

Mr. **METCALFE**. Mr. Speaker, just going over the fiscal note and also the summary that we had from caucus regarding this bill, does this legislation include a new \$100 fee that businesses that are employed in this business would have to pay? Licensing fee?

Mr. **HESS**. Yes; it is a whole new fee because it is a whole new category of licensing.

Mr. **METCALFE**. So it is a brand-new license and a \$100 fee for that brand-new license?

Mr. **HESS**. Yes.

Mr. **METCALFE**. All right. Thank you.

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

On the question recurring,  
Shall the bill pass finally?

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

The following roll call was recorded:

#### YEAS—173

Adolph	Fairchild	Mackereth	Ross
Allen	Fichter	Maher	Rubley
Argall	Fleagle	Maitland	Ruffing
Armstrong	Flick	Major	Samuelson
Baker	Frankel	Manderino	Santoni
Baldwin	Freeman	Mann	Sather
Barrar	Gannon	Markosek	Saylor
Bastian	Geist	Marsico	Schroder
Bebko-Jones	Gerber	McCall	Semmel
Belardi	Gergely	McGeehan	Shapiro
Belfanti	Gillespie	McGill	Siptroth
Biancucci	Gingrich	McIlhinney	Smith, B.



Birmelin	Godshall	McNaughton	Smith, S. H.
Bishop	Good	Melio	Sonney
Blackwell	Goodman	Micozzie	Staback
Blaum	Grell	Millard	Steil
Boyd	Grucela	Miller, R.	Stern
Bunt	Gruitza	Miller, S.	Stetler
Butkovitz	Habay	Mundy	Stevenson, T.
Buxton	Haluska	Mustio	Sturla
Caltagirone	Hanna	Myers	Surra
Cappelli	Harhai	Nailor	Taylor, E. Z.
Causar	Harhart	Nickol	Taylor, J.
Cawley	Harper	Oliver	Thomas
Civera	Harris	O'Neill	Tigue
Clymer	Hasay	Payne	True
Cohen	Hennessey	Petri	Turzai
Cornell	Hershey	Petrone	Veon
Corrigan	Hess	Phillips	Walko
Costa	Hickernell	Pickett	Wansacz
Crahalla	James	Pistella	Waters
Curry	Josephs	Preston	Watson
Daley	Keller, M.	Pyle	Wheatley
Dally	Keller, W.	Quigley	Williams
DeLuca	Kenney	Ramaley	Wilt
Denlinger	Killion	Rapp	Wojnaroski
Dermody	Kirkland	Raymond	Wright
DeWeese	Kotik	Readshaw	Youngblood
DiGirolamo	LaGrotta	Reed	Yudichak
Diven	Leach	Reichley	Zug
Donatucci	Lederer	Rieger	
Eachus	Leh	Roberts	
Evans, J.	Lescovitz	Roebuck	Perzel,
Fabrizio	Levdansky	Rooney	Speaker

## NAYS-21

Casorio	Hutchinson	Petrarca	Solobay
Creighton	Kauffman	Rohrer	Stevenson, R.
Ellis	McIlhatten	Sainato	Tangretti
Feese	Metcalfe	Scavello	Vitali
Forcier	Pallone	Shaner	Yewcic
Gabig			

## NOT VOTING-0

## EXCUSED-7

Benninghoff	Evans, D.	Herman	Stairs
Cruz	George	O'Brien	

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 566, PN 639**, entitled:

An Act amending the act of December 19, 1990 (P.L.1234, No.204), known as the Family Caregiver Support Act, further providing for reimbursements.

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

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

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

The following roll call was recorded:

## YEAS-194

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

## NAYS-0

## NOT VOTING-0

## EXCUSED-7

Benninghoff	Evans, D.	Herman	Stairs
Cruz	George	O'Brien	

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.

### GUEST INTRODUCED

The SPEAKER. The Chair would like to welcome to the hall of the House Dr. Bob Johnson. He is a city councilman from the city of Altoona. He is here today as the guest of Representative Rick Geist. He is to the left of the Speaker. Would the doctor rise and be recognized.

### BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 63, PN 125**, entitled:

An Act providing for Commonwealth support for an Urban Teacher Loan Forgiveness Program for Pennsylvania residents who graduate from institutions of higher education and who apply their degrees to teaching in urban public schools in this Commonwealth.

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

Mr. **NAILOR** offered the following amendment No. **A01648**:

Amend Title, page 1, line 1, by inserting after "Teacher" and Empowerment District Educator

Amend Sec. 1, page 1, line 9, by inserting after "Teacher" and Empowerment District Educator

Amend Sec. 2, page 2, line 3, by inserting after "districts" and empowerment districts

Amend Sec. 2, page 2, line 8, by inserting after "areas" and academically distressed school districts

Amend Sec. 3, page 2, by inserting between lines 15 and 16 "Department." The Department of Education of the Commonwealth.

Amend Sec. 3, page 2, by inserting between lines 20 and 21 "Education empowerment list." A list prepared annually by the Department of Education containing school districts that fall below certain academic assessments as provided in section 1703-B of the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949.

Amend Sec. 3, page 2, by inserting between lines 22 and 23 "Empowerment district." A school district certified by the Department of Education as an empowerment district under Article XVII-B of the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949.

"Program." The Loan Forgiveness Program for Empowerment District Educators.

"Qualified empowerment district educator applicant." A person who, in that person's first year of full-time teaching and in each subsequent year, meets all of the following criteria:

(1) Has graduated from an undergraduate or graduate institution of higher education.

(2) Is certified by the Department of Education to teach.

(3) Executes a sworn affidavit, under penalty of perjury, that the person does not have a delinquent payment owing to any Commonwealth agency.

(4) Was hired for employment subsequent to the effective date of this act to be a full-time permanent teacher in a school district which has been placed on the education empowerment list.

(5) Is an applicant for the Loan Forgiveness Program for Empowerment District Educators in the first year of full-time teaching.

Amend Sec. 3, page 2, line 23, by inserting after " "Qualified" urban teacher

Amend Sec. 4, page 3, line 11, by inserting after "Teacher" and Empowerment District Educator

Amend Sec. 4, page 3, line 12, by striking out "Qualified" and inserting

(a) Urban teacher loans.—Qualified urban teacher

Amend Sec. 4, page 3, by inserting between lines 18 and 19

(b) Qualified empowerment district applicants.—Qualified empowerment district applicants shall be eligible for payments by the agency of a portion of the debt incurred by the applicant through agency-administered federally insured loan programs for the education necessary to be certified to teach in Pennsylvania.

Amend Sec. 5, page 3, line 26, by striking out "the qualified" and inserting

a qualified urban teacher or empowerment district educator

Amend Sec. 5, page 3, line 28, by striking out "urban"

Amend Sec. 5, page 3, line 29, by striking out "a" and inserting the

Amend Sec. 7, page 4, line 26, by inserting after "Urban" Teacher and Empowerment District Educator

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

The following roll call was recorded:

#### YEAS—194

Adolph	Fichter	Maitland	Ruffing
Allen	Fleagle	Major	Sainato
Argall	Flick	Manderino	Samuelson
Armstrong	Forcier	Mann	Santoni
Baker	Frankel	Markosek	Sather
Baldwin	Freeman	Marsico	Saylor
Barrar	Gabig	McCall	Scavello
Bastian	Gannon	McGeehan	Schroder
Bebko-Jones	Geist	McGill	Semmel
Belardi	Gerber	McIlhattan	Shaner
Belfanti	Gergely	McIlhinney	Shapiro
Biancucci	Gillespie	McNaughton	Siptroth
Birmelin	Gingrich	Melio	Smith, B.
Bishop	Godshall	Metcalf	Smith, S. H.
Blackwell	Good	Micozzie	Solobay
Blaum	Goodman	Millard	Sonney
Boyd	Grell	Miller, R.	Staback
Bunt	Gruclera	Miller, S.	Steil
Butkovitz	Gruitza	Mundy	Stern
Buxton	Habay	Mustio	Stetler
Caltagirone	Haluska	Myers	Stevenson, R.
Cappelli	Hanna	Nailor	Stevenson, T.
Casorio	Harhai	Nickol	Sturla
Causer	Harhart	Oliver	Surra
Cawley	Harper	O'Neill	Tangretti
Civera	Harris	Pallone	Taylor, E. Z.
Clymer	Hasay	Payne	Taylor, J.
Cohen	Hennessey	Petrarca	Thomas
Cornell	Hershey	Petri	Tigue
Corrigan	Hess	Petrone	True
Costa	Hickernell	Phillips	Turzai
Crahalla	Hutchinson	Pickett	Veon
Creighton	James	Pistella	Vitali
Curry	Josephs	Preston	Walko
Daley	Kauffman	Pyle	Wansacz
Dally	Keller, M.	Quigley	Waters
DeLuca	Keller, W.	Ramaley	Watson
Dermody	Kenney	Rapp	Wheatley
	Killion	Raymond	Williams

DeWeese	Kirkland	Readshaw	Wilt
DiGirolamo	Kotik	Reed	Wojnaroski
Diven	LaGrotta	Reichley	Wright
Donatucci	Leach	Rieger	Yewcic
Eachus	Lederer	Roberts	Youngblood
Ellis	Leh	Roebuck	Yudichak
Evans, J.	Lescovitz	Rohrer	Zug
Fabrizio	Levdansky	Rooney	
Fairchild	Mackereth	Ross	Perzel,
Feese	Maher	Rubley	Speaker

## NAYS—0

## NOT VOTING—0

## EXCUSED—7

Benninghoff	Evans, D.	Herman	Stairs
Cruz	George	O'Brien	

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?

## PARLIAMENTARY INQUIRY

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

Mr. STURLA. Mr. Speaker, on the previous amendment that just passed, my question was if there was a fiscal note on the amendment and what that amounted to.

The SPEAKER. There is a fiscal note. Can the gentleman, Mr. Feese, give us a dollar figure on the fiscal note that was submitted on amendment 1648?

Mr. FEESE. Thank you, Mr. Speaker.

Mr. Speaker, that fiscal note is not completed as of yet.

The SPEAKER. The Chair thanks the gentleman.

## COMMITTEE MEETING CANCELED

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

Mr. HASAY. If I am in order, Mr. Speaker, I would like to cancel the House Commerce Committee meeting scheduled for tomorrow at 11 o'clock. The House Commerce Committee meeting has been canceled for tomorrow at 11 o'clock until further notice. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

## CONSIDERATION OF HB 63 CONTINUED

The SPEAKER. Does the gentleman, Mr. Sturla, wish to file a reconsideration motion?

Mr. STURLA. Yes, Mr. Speaker.

The SPEAKER. The gentleman is in order.

## BILL PASSED OVER TEMPORARILY

The SPEAKER. The House will go over HB 63 temporarily.

\* \* \*

The House proceeded to third consideration of **HB 742, PN 833**, entitled:

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for unlawful devices and methods for taking furbearers.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

## YEAS—194

Adolph	Fichter	Maitland	Ruffing
Allen	Fleagle	Major	Sainato
Argall	Flick	Manderino	Samuelson
Armstrong	Forcier	Mann	Santoni
Baker	Frankel	Markosek	Sather
Baldwin	Freeman	Marsico	Saylor
Barrar	Gabig	McCall	Scavello
Bastian	Gannon	McGeehan	Schroder
Bebko-Jones	Geist	McGill	Semmel
Belardi	Gerber	McIlhatten	Shaner
Belfanti	Gergely	McIlhinney	Shapiro
Biancucci	Gillespie	McNaughton	Siptroth
Birmelin	Gingrich	Melio	Smith, B.
Bishop	Godshall	Metcalfe	Smith, S. H.
Blackwell	Good	Micozzie	Solobay
Blaum	Goodman	Millard	Sonney
Boyd	Grell	Miller, R.	Staback
Bunt	Gruclera	Miller, S.	Steil
Butkovitz	Gruitza	Mundy	Stern
Buxton	Habay	Mustio	Stetler
Caltagirone	Haluska	Myers	Stevenson, R.
Cappelli	Hanna	Nailor	Stevenson, T.
Casorio	Harhai	Nickol	Sturla
Causer	Harhart	Oliver	Surra
Cawley	Harper	O'Neill	Tangretti
Civera	Harris	Pallone	Taylor, E. Z.
Clymer	Hasay	Payne	Taylor, J.
Cohen	Hennessey	Petrarca	Thomas
Cornell	Hershey	Petri	Tigue
Corrigan	Hess	Petrone	True
Costa	Hickernell	Phillips	Turzai
Crahalla	Hutchinson	Pickett	Veon
Creighton	James	Pistella	Vitali
Curry	Josephs	Preston	Walko
Daley	Kauffman	Pyle	Wansacz
Dally	Keller, M.	Quigley	Waters
DeLuca	Keller, W.	Ramaley	Watson
Denlinger	Kenney	Rapp	Wheatley
Dermody	Killion	Raymond	Williams
DeWeese	Kirkland	Readshaw	Wilt
DiGirolamo	Kotik	Reed	Wojnaroski
Diven	LaGrotta	Reichley	Wright
Donatucci	Leach	Rieger	Yewcic
Eachus	Lederer	Roberts	Youngblood

Ellis	Leh	Roebuck	Yudichak
Evans, J.	Lescovitz	Rohrer	Zug
Fabrizio	Levdansky	Rooney	
Fairchild	Mackereth	Ross	Perzel,
Feese	Maher	Rubley	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—7

Benninghoff	Evans, D.	Herman	Stairs
Cruz	George	O'Brien	

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.

### CONSIDERATION OF HB 63 CONTINUED

The SPEAKER. The Chair returns to the House calendar for the day, page 2. We are back on HB 63, PN 125.

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—194

Adolph	Fichter	Maitland	Ruffing
Allen	Fleagle	Major	Sainato
Argall	Flick	Manderino	Samuelson
Armstrong	Forcier	Mann	Santoni
Baker	Frankel	Markosek	Sather
Baldwin	Freeman	Marsico	Saylor
Barrar	Gabig	McCall	Scavello
Bastian	Gannon	McGeehan	Schroder
Bebko-Jones	Geist	McGill	Semmel
Belardi	Gerber	McIlhattan	Shaner
Belfanti	Gergely	McIlhinney	Shapiro
Biancucci	Gillespie	McNaughton	Siptroth
Birmelin	Gingrich	Melio	Smith, B.
Bishop	Godshall	Metcalfe	Smith, S. H.
Blackwell	Good	Micozzie	Solobay
Blaum	Goodman	Millard	Sonney
Boyd	Grell	Miller, R.	Staback
Bunt	Grucela	Miller, S.	Steil
Butkovitz	Gruitza	Mundy	Stern
Buxton	Habay	Mustio	Stetler
Caltagirone	Haluska	Myers	Stevenson, R.
Cappelli	Hanna	Nailor	Stevenson, T.
Casorio	Harhai	Nickol	Sturla
Causser	Harhart	Oliver	Surra
Cawley	Harper	O'Neill	Tangretti

Civera	Harris	Pallone	Taylor, E. Z.
Clymer	Hasay	Payne	Taylor, J.
Cohen	Hennessey	Petrarca	Thomas
Cornell	Hershey	Petri	Tigue
Corrigan	Hess	Petrone	True
Costa	Hickernell	Phillips	Turzai
Crahalla	Hutchinson	Pickett	Veon
Creighton	James	Pistella	Vitali
Curry	Josephs	Preston	Walko
Daley	Kauffman	Pyle	Wansacz
Dally	Keller, M.	Quigley	Waters
DeLuca	Keller, W.	Ramaley	Watson
Denlinger	Kenney	Rapp	Wheatley
Dermody	Killion	Raymond	Williams
DeWeese	Kirkland	Readshaw	Wilt
DiGirolamo	Kotik	Reed	Wojnaroski
Diven	LaGrotta	Reichley	Wright
Donatucci	Leach	Rieger	Yewcic
Eachus	Lederer	Roberts	Youngblood
Ellis	Leh	Roebuck	Yudichak
Evans, J.	Lescovitz	Rohrer	Zug
Fabrizio	Levdansky	Rooney	
Fairchild	Mackereth	Ross	Perzel,
Feese	Maher	Rubley	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—7

Benninghoff	Evans, D.	Herman	Stairs
Cruz	George	O'Brien	

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 1168, PN 1873**, entitled:

An Act amending the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, further providing for special provider participation requirements.

On the question,

Will the House agree to the bill on third consideration?

Mr. **PERZEL** offered the following amendment No. **A01482**:

Amend Title, page 1, line 3, by inserting after "Commonwealth," "

providing for use of medical expenses to establish medical assistance eligibility, for lifetime limit on unpaid medical expenses, for penalty period for asset transfer, for community spouse income and for treatment of life estates and annuities; further providing for medical assistance payments for institutional care, for other medical assistance payments, for reimbursement for certain items and services and for relatives' responsibility; providing for medical assistance benefit packages, for coverage, copayments and premiums, for payment for prescription and over-the-counter medications and for eligibility limitations;

Amend Title, page 1, line 5, by removing the period after "REQUIREMENTS" and inserting  
, for restrictions on provider charges and payments and for third-party liability; and providing for data matching, for special needs trusts, for a health insurance premium payment program and for parity in insurance coverage for State-owned psychiatric hospitals.

Amend Bill, page 2, lines 6 through 11, by striking out all of said lines and inserting

Section 1. The act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, is amended by adding sections to read:

Section 441.3. Use of Medical Expenses to Establish Eligibility for Medical Assistance.—Notwithstanding any other provision of law to the contrary, in determining eligibility for retroactive and prospective medical assistance, only medical expenses incurred on or after the first day of the third month before the month of application may be deducted from countable income, provided that the expenses were not previously deducted in determining eligibility for medical assistance and are not subject to payment by another party, including medical assistance.

Section 441.4. Lifetime Limit on Unpaid Medical Expenses.—Expenses from necessary medical or remedial care recognized under State statutes or regulations but not paid for by the medical assistance program are allowable as an income deduction when determining a recipient's contribution toward the cost of long-term care services, subject to a lifetime maximum of ten thousand dollars (\$10,000), unless application of the limit would deprive a financially dependent family member of food, shelter or the necessities of life.

Section 441.5. Penalty Period for Asset Transfer.—Pursuant to section 1917(c) of the Federal Social Security Act, the department shall impose a penalty for a partial month's ineligibility where an applicant, recipient or spouse of an applicant for or recipient of long-term care services transfers assets for less than fair market value within the look-back period as defined by Federal law. Transfers of five hundred dollars (\$500) or less in a calendar month shall not be subject to the penalty.

Section 441.6. Income for the Community Spouse.—(a) When a community spouse as defined in section 1924 of the Federal Social Security Act has income below that spouse's maintenance need amount as determined in accordance with department regulations, the institutionalized spouse may transfer to the community spouse additional resources only in accordance with the following:

(1) Resources of the institutionalized spouse may be used to purchase an annuity in accordance with paragraph (2), in order to provide the community spouse with monthly income equal to the difference between:

- (i) the community spouse's maintenance needs allowance; and
- (ii) the community spouse's income from all sources if the community spouse survives the institutionalized spouse.

(2) An annuity purchased with the resources of an institutionalized spouse, as defined by section 1924 of the Federal Social Security Act, to provide income for the community spouse as determined by paragraph (1) must meet all of the following conditions:

- (i) Be actuarially sound.
- (ii) Be guaranteed.
- (iii) Pay in equal monthly payments.
- (iv) Name the department as the contingent beneficiary in the event the community spouse predeceases the expiration of the guaranteed period of the annuity, not to exceed the amount of medical assistance expended on behalf of the institutionalized spouse of the annuitant during the annuitant's lifetime.

(b) Notwithstanding the provisions of subsection (a), an institutionalized spouse is permitted to transfer income to the community spouse if either of the following conditions applies:

(1) The community spouse's income from all sources including the annuity, is less than the maintenance needs allowance determined in accordance with department regulations.

(2) The institutionalized spouse chooses to transfer income in lieu of purchasing an annuity in accordance with subsection (a).

Section 441.7. Treatment of Life Estates and Annuities in Determining Medical Assistance Eligibility.—(a) As a condition of eligibility for medical assistance, every applicant or recipient who owns a life estate in property with retained rights to revoke, amend or redesignate the remainderman must exercise those rights as directed by the department. The acceptance of medical assistance shall be an assignment by operation of law to the department of any right to revoke, amend or redesignate the remainderman of a life estate in property.

(b) Any provision in any annuity or other contract for the payment of money owned by an applicant or recipient of medical assistance, or owned by a spouse or other legally responsible relative of such applicant or recipient, that has the effect of limiting the right of such owner to sell, transfer, or assign the right to receive payments thereunder, or restricts the right to change the designated beneficiary thereunder, is void.

(c) In determining eligibility for medical assistance, there shall be a rebuttable presumption that any annuity or contract to receive money is marketable without undue hardship.

(d) Upon approval by the Federal Government of any required state plan amendment implementing this subsection and notwithstanding subsections (b) and (c), a commercial annuity purchased by or for an individual using that individual's assets will not be considered an available resource if the annuity meets all of the following conditions:

- (1) Is an irrevocable guaranteed annuity.
- (2) Guarantees to pay out principal and interest in equal monthly installments with no balloon payment to the individual so that payments are paid out over the actuarial life expectancy of the annuitant, as set forth in life expectancy tables approved by the department.

(3) Names the department as the residual beneficiary of any funds remaining due under the annuity at time of death of the annuitant, not to exceed the amount of medical assistance expended on the individual during his or her lifetime.

(4) Is issued by an insurance company licensed and approved to do business in this Commonwealth.

(e) This section applies to all annuity and similar contracts entered into on or after the effective date of this section and to life estates owned by any individual who applies or reapplies for medical assistance on or after the effective date of this section.

Section 2. Section 443.1 of the act, amended July 15, 1976 (P.L.993, No.202), is amended to read:

Section 443.1. Medical Assistance Payments for Institutional Care.—The following medical assistance payments shall be made in behalf of eligible persons whose institutional care is prescribed by physicians:

(1) [The reasonable cost of inpatient hospital care, as specified by regulations of the department adopted under Title XIX of the Federal Social Security Act and certified to the department by the Auditor General for a bed patient on a continuous twenty-four hour a day basis in a multi bed accommodation of a hospital, exclusive of a hospital or distinct part of a hospital wherein twenty-five percent of patients remain six months or more.] Payments as determined by the department for inpatient hospital care consistent with Title XIX of the Federal Social Security Act. To be eligible for such payments a hospital must be qualified to participate under Title XIX of the Federal Social Security Act and have entered into a written agreement with the department regarding matters designated by the secretary as necessary to efficient administration, such as hospital utilization, maintenance of proper cost accounting records and access to patients' records. Such efficient administration shall require the department to permit participating hospitals to utilize the same fiscal intermediary for this Title XIX program as such hospitals use for the Title XVIII program;

(2) The cost of skilled nursing and intermediate nursing care in State-owned geriatric centers, institutions for the mentally retarded, institutions for the mentally ill, and the cost of skilled and intermediate nursing care provided prior to June 30, 2004, in county homes which

meet the State and Federal requirements for participation under Title XIX of the Federal Social Security Act and which are approved by the department. This cost in county homes shall be as specified by the regulations of the department adopted under Title XIX of the Federal Social Security Act and certified to the department by the Auditor General; elsewhere the cost shall be determined by the department;

(3) Rates on a cost-related basis established by the department for skilled nursing home or intermediate care in a non-public nursing home, when furnished by a nursing home licensed or approved by the department and qualified to participate under Title XIX of the Federal Social Security Act and provided prior to June 30, 2004;

(4) The cost of care in any mental hospital or in a public tuberculosis hospital. To be eligible for such payments a hospital must be qualified to participate under Title XIX of the Federal Social Security Act and have entered into a written agreement with the department regarding matters designated by the secretary as necessary to efficient administration, such as hospital utilization, maintenance of proper cost accounting records and access to patients' records. Care in a private mental hospital shall be limited to [sixty] thirty days in a benefit period for recipients aged twenty-one years or older who are eligible for medical assistance under Title XIX of the Federal Social Security Act and for recipients aged twenty-one years or older who are eligible for general assistance-related medical assistance. Only persons aged twenty-one years or under and aged sixty-five years or older shall be eligible for care in a public mental or tuberculosis hospital. This cost shall be the reasonable cost, as determined by the department for a State institution or as specified by regulations of the department adopted under Title XIX of the Federal Social Security Act and certified to the department by the Auditor General for county and non-public institutions[.];

(5) Payments to county and non-public nursing facilities certified to participate as providers under Title XIX of the Federal Social Security Act for nursing facility services provided on or after July 1, 2004, shall be made as follows:

(i) For fiscal year 2004-2005, payments shall be made as specified in regulations adopted by the department in effect on July 1, 2003, except that:

(A) the department shall use the MSA group classification published by the Federal Office of Management and Budget in OMB Bulletin No.99-04 (relating to revised definitions of Metropolitan Areas and guidance on uses of Metropolitan Area definitions) to classify nursing facilities for rate-setting;

(B) the department shall use the definition of MA day of care published in the notice of proposed rulemaking published in the Pennsylvania Bulletin on August 14, 2004, for rate-setting and for making disproportionate share payments;

(C) the department shall recognize and make payments for nursing facility MA allowable assessment costs in accordance with the Commonwealth's approved Title XIX State Plan; and

(D) the department shall make supplementation payments to qualified nursing facilities in accordance with the Commonwealth's approved Title XIX State Plan.

(ii) For fiscal year 2005-2006, payments shall be made at the lower of the following:

(A) the rate established for the county home or non-public nursing home pursuant to subparagraph (i); or

(B) one hundred two percent of the average of the final quarterly rates calculated by the department for the county home or non-public nursing home for fiscal year 2004-2005.

(iii) Effective July 1, 2005, the department may reduce rates and payments, including disproportionate share adjustment payments and payments for bed hold or therapeutic leave days, to nursing facilities that operate below occupancy rates specified by the department.

(iv) Effective July 1, 2005, the department may adjust rates of payment based upon the acuity and resource needs of individual nursing facility residents, including residents of special rehabilitation facilities.

(v) If the department reduces or adjusts rates in accordance with subparagraphs (iii) and (iv), the department shall describe the method used to reduce or adjust the rates by publication of a notice in the Pennsylvania Bulletin. A notice published pursuant to this section shall not be subject to the act of July 31, 1968 (P.L.769, No.240), referred to as the Commonwealth Documents Law, the act of October 15, 1980 (P.L.950, No.164), known as the "Commonwealth Attorneys Act," or the act of June 25, 1982 (P.L.633, No.181), known as the "Regulatory Review Act."

(vi) No later than June 30, 2006, the department shall promulgate final-omitted regulations pursuant to section 204(1)(iv) of the Commonwealth Documents Law, specifying the methods and standards which the department will use to set rates and make payments for nursing facility services effective July 1, 2006. Regulations promulgated pursuant to this section shall be reviewed and approved in accordance with the "Commonwealth Attorneys Act," but shall not be subject to the "Regulatory Review Act";

(6) For inpatient hospital care provided during fiscal year 2005-2006, effective January 1, 2006, inpatient hospital rates shall be increased by two percent over rates in effect as of December 31, 2005;

(7) For inpatient hospital care provided during State fiscal year 2006-2007, effective January 1, 2007, inpatient hospital rates shall be increased by two percent over rates in effect as of December 31, 2006.

Section 3. Section 443.3 of the act, amended November 28, 1973 (P.L.364, No.128), is amended to read:

Section 443.3. Other Medical Assistance Payments.—  
(a) Payments on behalf of eligible persons shall be made for other services, as follows:

(1) Rates established by the department for outpatient services as specified by regulations of the department adopted under Title XIX of the Federal Social Security Act consisting of preventive, diagnostic, therapeutic, rehabilitative or palliative services; furnished by or under the direction of a physician, chiropractor or podiatrist, by a hospital or outpatient clinic which qualifies to participate under Title XIX of the Federal Social Security Act, to a patient to whom such hospital or outpatient clinic does not furnish room, board and professional services on a continuous, twenty-four hour a day basis.

(2) Rates established by the department for (i) other laboratory and X-ray services prescribed by a physician, chiropractor or podiatrist and furnished by a facility other than a hospital which is qualified to participate under Title XIX of the Federal Social Security Act, (ii) physician's services consisting of professional care by a physician, chiropractor or podiatrist in his office, the patient's home, a hospital, a nursing home or elsewhere, (iii) the first three pints of whole blood, (iv) remedial eye care, as provided in Article VIII consisting of medical or surgical care and aids and services and other vision care provided by a physician skilled in diseases of the eye or by an optometrist which are not otherwise available under this Article, (v) special medical services for school children, as provided in the Public School Code of 1949, consisting of medical, dental, vision care provided by a physician skilled in diseases of the eye or by an optometrist or surgical care and aids and services which are not otherwise available under this article.

(3) Notwithstanding any other provision of law, for recipients aged twenty-one years or older who are eligible for medical assistance under Title XIX of the Federal Social Security Act and for recipients aged twenty-one years or older who are eligible for general assistance-related categories of medical assistance, the following medically necessary services:

(i) Psychiatric outpatient clinic services not to exceed five visits per month.

(ii) Psychiatric partial hospitalization not to exceed five hundred forty hours per year.

(b) The department may grant exceptions to the limits specified in this section or in the department's regulations when either of the following circumstances applies:

(1) Granting the exception is consistent with the efficient and economical administration of the medical assistance program.

(2) The department determines that granting an exception to a limit is necessary in order to comply with Federal law.

(c) Notwithstanding any other provision of law, the department shall implement an exception process by publishing a notice in the Pennsylvania Bulletin describing such process. A notice issued pursuant to this subsection shall not be subject to the act of July 31, 1968 (P.L.769, No.240), referred to as the Commonwealth Documents Law, the act of October 15, 1980 (P.L.950, No.164), known as the "Commonwealth Attorneys Act," or the act of June 25, 1982 (P.L.633, No.181), known as the "Regulatory Review Act."

Section 4. Section 443.6(b) of the act, amended June 16, 1994 (P.L.319, No.49), is amended to read:

Section 443.6. Reimbursement for Certain Medical Assistance Items and Services.—\* \* \*

(b) Payment for the following medical assistance items and services shall be made only after prior authorization has been secured:

(1) Prostheses and orthoses.

(2) Purchase of appliances or equipment [if the appliance or equipment costs more than one hundred dollars (\$100)] as the department may authorize by publication of a notice in the Pennsylvania Bulletin.

(3) Rental of medical appliances or equipment [for a period in excess of three months] as the department may authorize by publication of a notice in the Pennsylvania Bulletin.

(4) Oxygen and related equipment in the home unless a physician states that the physical surroundings in the home are suitable for the use of oxygen and that the recipient is adequately prepared and able to use the equipment.

(5) Dental services as the department may [provide, including but not necessarily limited to, dental prostheses and appliances, extractions related to dental prostheses and appliances, and other extractions as may be provided by department regulations] authorize by publication of a notice in the Pennsylvania Bulletin.

(6) Orthopedic shoes or other supportive devices for the feet when such shoes or devices are prescribed by a physician for the purpose of correcting or otherwise treating abnormalities of the feet or legs which cause serious detrimental medical effects.

(7) Other items or services as the department may authorize by publication of notice in the Pennsylvania Bulletin.

\* \* \*

Section 5. Section 447 of the act is amended by adding a subsection to read:

Section 447. Relatives' Responsibility; Repayment.—\* \* \*

(c) The custodial parents of a dependent child under eighteen years of age who is disabled as defined by section 1611 of the Federal Social Security Act and who is not receiving benefits pursuant to Title XVI of the Federal Social Security Act shall be required to verify their income as a condition of eligibility of the child.

Section 6. The act is amended by adding sections to read:

Section 454. Medical Assistance Benefit Packages; Coverage, Copayments and Premiums.—(a) Notwithstanding any provision of law to the contrary, the department shall adopt by notice in the Pennsylvania Bulletin the benefit packages and applicable copayments for adults eligible for medical assistance under Title XIX of the Federal Social Security Act, adults eligible for medical assistance in general assistance-related and State blind pension categories, and the premium requirements for disabled children whose family income as specified in the notice is above two hundred percent of the Federal poverty income limit. Such notice shall authorize and describe the available benefit packages, applicable co-payments and premiums. The department's determination of the nature and extent of the benefit packages, copayments and premiums pursuant to this section shall not be subject to the act of July 31, 1968 (P.L.769, No.240), referred to as the Commonwealth Documents Law, the act of October 15, 1980 (P.L.950, No.164), known as the "Commonwealth Attorneys Act," or the act of June 25, 1982 (P.L.633, No.181), known as the "Regulatory Review Act."

(b) The department is authorized to grant exceptions to any limits specified in the benefit packages adopted under this section or in the department's regulations when either of the following circumstances applies:

(1) The department determines that all of the following criteria are met:

(i) The recipient has a serious chronic systemic illness or other serious health condition, which alone or in combination with other illnesses, conditions, or major trauma, necessitates medical care and treatment beyond the limits specified in the recipient's benefit package.

(ii) Denial of the exception will jeopardize the life of or result in the rapid, serious deterioration of the health of the recipient.

(iii) Granting the exception is consistent with the efficient and economical administration of the medical assistance program.

(2) The department determines that granting an exception to a limit is necessary in order to comply with Federal law.

(c) Notwithstanding any other provision of law, the department shall implement an exception process by publishing a notice in the Pennsylvania Bulletin describing such process. A notice issued pursuant to this section shall not be subject to the Commonwealth Documents Law, the "Commonwealth Attorneys Act," and the "Regulatory Review Act."

(d) As used in this section, the term "benefit packages" means the list of items and services covered by medical assistance, including any limitations on covered items and services.

Section 455. Payment for Prescription and Over-the-Counter Medications.—(a) Payment for prescription drugs under the medical assistance program will be determined as follows:

(1) For brand name drugs: the lowest wholesale acquisition cost as established by the department using available nationally recognized pricing services plus six percent plus a four dollar (\$4) dispensing fee.

(2) For generic drugs: the lowest of one of the following plus a four dollar (\$4) dispensing fee:

(i) The upper payment limit as established by the Centers for Medicare and Medicaid Services.

(ii) The lowest wholesale acquisition cost as established by the department using available nationally recognized pricing services plus sixty-six percent.

(iii) The State maximum allowable cost as determined by the department: Provided, however, That the generic product must be available at the price established by the department from at least two wholesalers.

(b) Effective upon implementation of Part D of Title XVIII of the Federal Social Security Act, payment will not be available for Part D-covered over-the-counter medications for Medicare-eligible adults who are also eligible for medical assistance.

(c) Subject to section 454, for adult general assistance recipients eligible for prescription medications, excluding pregnant women, when an over-the-counter medication is the preferred medication within the therapeutic class, payment will be made for the over-the counter medication instead of the brand name or generic medication.

Section 456. Eligibility Limitations.—If, after implementation of the service coverage limits contained in sections 443.1, 443.3 and 454, the secretary, for any reason, is prevented from implementing the service coverage limits, the secretary is authorized to reduce or eliminate eligibility in the medical assistance program as may be necessary to achieve the cost savings anticipated from the implementation of the service coverage limits. Before implementing changes in eligibility authorized by this section, the secretary shall publish a notice in the Pennsylvania Bulletin specifying the changes in eligibility. Interested parties shall have thirty days in which to submit comments to the secretary. Upon expiration of the thirty-day comment period, the secretary, after consideration of the comments, shall publish a second notice in the Pennsylvania Bulletin announcing the changes in eligibility. The secretary's decision regarding changes in eligibility shall not be subject to administrative or judicial review under 2 Pa.C.S. Ch. 5 Subch. A (relating to practice and procedure of Commonwealth agencies) or 7 Subch. A (relating to judicial review of Commonwealth

agency action) or any other provision of law, nor shall any changes in eligibility implemented under this section be subject to the act of July 31, 1968 (P.L.769, No.240), referred to as the Commonwealth Documents Law, the act of October 15, 1980 (P.L.950, No.164), known as the “Commonwealth Attorneys Act,” or the act of June 25, 1982 (P.L.633, No.181), known as the “Regulatory Review Act.”

Section 7. Sections 1402, 1406 and 1409(b)(7) and (8) of the act, added July 10, 1980 (P.L.493, No.105), are amended to read:

Section 1402. Special Provider Participation Requirements.—  
(a) As a condition of participation in the medical assistance program, a medical facility shall be required to disclose to the department upon execution of a new provider agreement or renewal thereof the name and social security number of any person who has a direct or indirect ownership or control interest of five percent or more in such medical facility; such disclosure shall include the identity of any such person who has been convicted of a criminal offense under section 1407 and the specific nature of the offense involved. In addition to the disclosure required upon execution of a provider agreement, any change in such ownership or control interest of five percent or more shall be reported to the department within thirty days of the date such change occurs. Failure to submit a complete and accurate report shall constitute a deceptive practice under section 1407(a)(1) and will justify a termination of the provider agreement by the department.

(b) As a second condition of participation in the medical assistance program, a provider must maintain for a minimum of four years appropriate medical and financial records to fully support his claims and charges for payment under the medical assistance program. Such records shall at reasonable times be made available for inspection, review and copying by the department or by other authorized State officers.

(c) Payments under the medical assistance program will be made directly to providers who have signed a provider agreement with the department. Providers shall not factor, assign, reassign or execute a power of attorney for the rights to any claims or payments for services rendered under the medical assistance program. Notwithstanding the above stated language a provider may use accounts receivables as collateral at a certified lending institution.

Amend Bill, page 2, line 20, by striking out all of said line and inserting

Section 1406. Restrictions on Provider Charges and Payments.—  
(a) All payments made to providers under the medical assistance program shall constitute full reimbursement to the provider for covered services rendered. Providers may not seek or request supplemental or additional payments from recipients for covered services unless authorized by law or regulation; nor may a provider charge a recipient for other services to supplement a covered service paid for by the department. However, nothing in this act shall preclude charges for uncovered services rendered to a recipient.

(b) Charges made to the department by a provider for covered services or items furnished shall not exceed, in any case, the usual and customary charges made to the general public by such provider for the same services or items. The provider shall include its usual and customary charge for the service or item on every claim submitted to the department for payment.

(c) For the purpose of establishing the usual and customary charge to the general public, the provider shall permit the department access to payment records of nonrecipient patients.

(d) All general and specialty hospitals shall make a written or electronic copy of their charge description master available by posting an electronic copy of the charge description master on the hospital's Internet website, if any, or by making written or electronic copies available at the hospital location. The hospital shall post a clear and conspicuous notice in its emergency department, if any, in its admissions office and in its billing office that informs patients that the hospital's charge description master is available in the manner described in this subsection.

(e) Any information about charges by hospitals provided pursuant to subsection (a) shall include information about where to

obtain information regarding hospital quality, including hospital outcome studies available from the billing office and hospital survey information available from the Joint Commission for Accreditation of Healthcare Organizations or the Department of Health.

(f) In order to enforce the provisions of this section, and in addition to any other remedy allowed by law, the department may:

(1) deny payment of a claim that does not include the information required in subsection (b);

(2) impose a penalty of up to ten thousand dollars (\$10,000) for any violation of subsection (c), (d) or (e);

(3) debar the hospital from participation in the medical assistance program; and

(4) seek injunctive relief from a court of competent jurisdiction.

(g) For purposes of this section, the term “charge description master” means a schedule of charges represented by the hospital as its gross billed charge for a given service or item, regardless of payer type.

Section 1409. Third Party Liability.—\* \* \*

(b) \* \* \*

(7) In the event of judgment [or], award or settlement in a suit or claim against such third party or insurer:

(i) If the action or claim is prosecuted by the beneficiary alone, the court or agency shall first order paid from any judgment or award the reasonable litigation expenses, as determined by the court, incurred in preparation and prosecution of such action or claim, together with reasonable attorney's fees, when an attorney has been retained. After payment of such expenses and attorney's fees the court or agency shall, on the application of the department, allow as a first lien against the amount of such judgment or award, the amount of the department's expenditures for the benefit of the beneficiary under the medical assistance program[, as provided in subsection (d)].

(ii) If the action or claim is prosecuted both by the beneficiary and the department, the court or agency shall first order paid from any judgment or award, the reasonable litigation expenses incurred in preparation and prosecution of such action or claim, together with reasonable attorney's fees based solely on the services rendered for the benefit of the beneficiary. After payment of such expenses and attorney's fees, the court or agency shall apply out of the balance of such judgment or award an amount of benefits paid on behalf of the beneficiary under the medical assistance program.

(iii) With respect to claims against third parties for the cost of medical assistance services delivered through a managed care organization contract, the department shall recover the actual payment to the hospital or other medical provider for the service. If no specific payment is earmarked by the managed care organization for the service, such as in the example of a capitated payment to physicians, the department shall recover its fee schedule amount for the service.

(8) The court or agency shall, upon [further] application of the department at any time [before the judgment or award is satisfied], allow as a [further] lien against any third party payment or trust fund resulting from a judgment, award or settlement the amount of any expenditures of the department in payment of additional benefits arising out of the same cause of action or claim provided on behalf of the beneficiary under the medical assistance program, where such benefits were provided or became payable subsequent to the [original order] date of the judgment, award or settlement.

\* \* \*

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

Section 1413. Data Matching.—(a) All entities providing health insurance or health care coverage to individuals residing within this Commonwealth shall provide such information on coverage and benefits as the department may specify, for any recipient of medical assistance or child support services identified by the department by name and either policy number or Social Security number.

(b) All entities providing health insurance or health care coverage to individuals residing within this Commonwealth shall receive, process and pay claims for reimbursement submitted by the department with respect to medical assistance recipients who have coverage for such claims.



(c) To the maximum extent permitted by Federal law, and notwithstanding any policy or plan provision to the contrary, a claim by the department for reimbursement of medical assistance shall be deemed timely filed with the entity providing health insurance or health care coverage if it is filed within five years of the date the claim was paid by the department.

(d) The department is authorized to enter into agreements with entities providing health insurance and health care coverage for the purpose of carrying out the provisions of this section. The agreement may provide for the electronic exchange of data between the parties and may also allow for payment of a fee by the department to the entity providing health insurance or health care coverage.

(e) Following notice and hearing, the department may impose a penalty of up to one thousand dollars (\$1,000) per violation upon any entity that willfully fails to comply with the obligations imposed by this section.

(f) This section shall apply to every entity providing health insurance or health care coverage within this Commonwealth, including, but not limited to, plans, policies, contracts or certificates issued by:

(1) A stock insurance company incorporated for any of the purposes set forth in section 202(c) of the act of May 17, 1921 (P.L.682, No.284), known as "The Insurance Company Law of 1921."

(2) A mutual insurance company incorporated for any of the purposes set forth in section 202(d) of "The Insurance Company Law of 1921."

(3) A professional health services plan corporation as defined in 40 Pa.C.S. Ch. 63 (relating to professional health services plan corporations).

(4) A fraternal benefit society as defined in 40 Pa.C.S. Ch. 63.

(5) A health maintenance organization as defined in the act of December 29, 1972 (P.L.1701, No.364), known as the "Health Maintenance Organization Act."

(6) A person who sells or issues contracts or certificates of insurance which meet the requirements of this act.

(7) A hospital plan corporation as defined in 40 Pa.C.S. Ch. 61 (relating to hospital plan corporations).

(8) Health care plans subject to the Employee Retirement Income Security Act of 1974 to the maximum extent permitted by Federal law.

Section 1414. Special Needs Trusts.—(a) A special needs trust must be approved by a court of competent jurisdiction if required by rules of court, or if it is to be funded in an amount exceeding two hundred and fifty thousand dollars (\$250,000).

(b) A special needs trust shall comply with all of the following:

(1) The beneficiary shall be an individual who is disabled, as that term is defined in section 1614 of the Federal Social Security Act, and such disability would substantially impair the beneficiary's ability to provide for the beneficiary's own care or custody and constitutes a substantial handicap.

(2) The beneficiary shall be likely to have special needs that will not be met without the trust.

(3) Money to be paid to the trust shall not exceed the amount that appears reasonably necessary to meet the special needs of the beneficiary.

(4) The trust shall provide:

(i) That all distributions from the trust must be for the sole benefit of the beneficiary.

(ii) That any expenditure from the trust must have a reasonable relationship to the needs of the beneficiary.

(iii) That upon the death of the beneficiary, or upon the earlier termination of the trust, the department and any other state that provided medical assistance to the beneficiary must be reimbursed from the funds remaining in the trust up to an amount equal to the total medical assistance paid on behalf of the beneficiary before any other claimant is paid: Provided, however, That in the case of an account in a pooled trust, the trust shall provide that no more than fifty percent of

the amount remaining in the beneficiary's pooled trust account may be retained by the trust without any obligation to reimburse the department.

(5) The department, upon review of the trust, must determine that the trust conforms to the requirements of Title XIX of the Federal Social Security Act and any regulations adopted by the department.

(c) If at any time it appears that any of the requirements of subsection (b) are not satisfied or the trustee refuses without good cause to make payments from the trust for the special needs of the beneficiary, and provided that the department or any other public agency in this Commonwealth has a claim against trust property, the department or other public agency may petition the court for an order terminating the trust.

(d) Before the funding of a special needs trust, all liens and claims in favor of the department for repayment of cash and medical assistance shall first be satisfied.

(e) At the death of the beneficiary or upon earlier termination of the trust, the trustee shall notify and request a statement of claim from the department, addressed to the secretary.

(f) As used in this section, the following words and phrases shall have the following meanings:

"Pooled trust" means a trust subject to the act of December 9, 2002 (P.L.1379, No.168), known as the "Pooled Trust Act."

"Special needs" means those items, products or services not covered by the medical assistance program or insurance, for which a beneficiary of a special needs trust is personally liable, and that can be provided to the beneficiary to assist in, and are related to, the treatment of the beneficiary disability. The term may include medical expenses, dental expenses, nursing and custodial care, psychiatric/psychological services, recreational therapy, occupational therapy, physical therapy, vocational therapy, durable medical needs, prosthetic devices, special rehabilitative services or equipment, disability-related training, education, transportation and travel expenses, dietary needs and supplements and related insurance.

"Special needs trust" means a trust or an account in a pooled trust that is established for a beneficiary who is an individual who is disabled, as such term is defined in Title XVI of the Federal Social Security Act (42 U.S.C. § 1382c(a)(3)), as amended, consists of assets of the individual, and is established for the purpose or with the effect of establishing or maintaining the beneficiary's resource eligibility for medical assistance.

Section 1415. Health Insurance Premium Payment Program.—

(a) The department is authorized to purchase employee group health care coverage on behalf of any medical assistance recipient whenever it is cost-effective to do so.

(b) Upon request of the department, every insurer shall provide the department with benefit information needed to determine the eligibility of a medical assistance recipient for employee group health care coverage.

(c) Every insurer shall honor a request for enrollment and purchase of employee group health insurance submitted by the department with respect to a medical assistance recipient without regard to enrollment season restrictions. Once enrolled, the insurer shall honor a request for disenrollment submitted by the department, without imposing personal liability upon the medical assistance recipient, whenever it is no longer cost effective for the department to pay the premiums or when the recipient is no longer eligible for medical assistance.

(d) The department may administratively impose a civil penalty of up to one thousand dollars (\$1,000) per violation against any person who fails to comply with the requirements of this section.

(e) This section shall apply to all such policies, contracts, certificates or programs issued, renewed, modified, altered, amended or reissued on or after the effective date of this section.

(f) As used in this section, the following words and phrases shall have the following meanings:

(1) The term "insurer" includes:

(i) A stock insurance company incorporated for any of the purposes set forth in section 202(c) of the act of May 17, 1921 (P.L.682, No.284), known as "The Insurance Company Law of 1921."

(ii) A mutual insurance company incorporated for any of the purposes set forth in section 202(d) of "The Insurance Company law of 1921."

(iii) A professional health services plan corporation as defined in 40 Pa.C.S. Ch. 63 (relating to professional health services plan corporations).

(iv) A hospital plan corporation as defined in 40 Pa.C.S. Ch. 61 (relating to hospital plan corporations).

(v) A fraternal benefit society as defined in 40 Pa.C.S. Ch. 63.

(vi) A voluntary nonprofit health service plan as defined in the act of December 29, 1972 (P.L.1701, No.364), known as the "Health Maintenance Organization Act."

(vii) A health maintenance organization as defined in the "Health Maintenance Organization Act."

(viii) Any other person who sells or issues contracts or certificates of insurance.

(ix) A person, including an employer or third party administrator, providing or administering employee group health care coverage, to the maximum extent permitted by Federal law.

(2) The phrase "employee group health care coverage" means health care coverage that the department is authorized to purchase for medical assistance recipients in section 1906 of the Federal Social Security Act.

Section 1416. Parity in Insurance Coverage for State-Owned Psychiatric Hospitals.—(a) No insurer providing inpatient psychiatric care coverage to individuals shall deny payment to a State-owned psychiatric hospital for medically necessary services provided to a covered individual on the grounds that it is a government-owned facility, or on the grounds that it has not signed a provider agreement with the insurer or otherwise does not participate in the insurer's network.

(b) The provision of psychiatric services at a State-owned psychiatric hospital shall be an assignment by operation of law to the hospital of the individual's right to recover for such services from his insurer. The department may sue for and recover any amounts due with respect to such individual from his insurer.

(c) In determining the medical necessity of any inpatient psychiatric stay at a State-owned psychiatric hospital, it shall be rebuttably presumed that the patient could not be treated in an alternative setting if either of the following applies:

(1) The stay was required by court order.

(2) The patient was transferred to the State-owned psychiatric hospital from an acute psychiatric care facility, or from an acute psychiatric care unit of a general hospital, because the patient was determined medically inappropriate for discharge.

(d) State-owned psychiatric hospitals may enter into provider agreements with insurers and may accept payments under such provider agreements as payment in full, excluding the patient's liability for unpaid deductible and coinsurance amounts.

(e) The department may administratively impose a penalty of up to ten thousand dollars (\$10,000) per violation against any insurer that fails to comply with the requirements of this section.

(f) For the purposes of this section, the term "insurer" includes:

(1) A stock insurance company incorporated for any of the purposes set forth in section 202(c) of the act of May 17, 1921 (P.L.682, No.284), known as "The Insurance Company Law of 1921."

(2) A mutual insurance company incorporated for any of the purposes set forth in section 202(d) of "The Insurance Company Law of 1921."

(3) A professional health services plan corporation as defined in 40 Pa.C.S. Ch. 63 (relating to professional health services plan corporations).

(4) A hospital plan corporation as defined in 40 Pa.C.S. Ch. 61 (relating to hospital plan corporations).

(5) A fraternal benefit society as defined in 40 Pa.C.S. Ch. 63.

(6) A voluntary nonprofit health service plan as defined in the act of December 29, 1972 (P.L.1701, No.364), known as the "Health Maintenance Organization Act."

(7) A health maintenance organization as defined in the known as the "Health Maintenance Organization Act."

(8) Any other person who sells or issues contracts or certificates of insurance.

(9) Any person, including an employer or third party administrator, providing or administering employee group health care coverage, to the maximum extent permitted by Federal law.

Section 9. This act shall take effect as follows:

(1) The amendment of section 1402 of the act shall take effect in 60 days.

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

On the question,

Will the House agree to the amendment?

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

Mr. VITALI. Thank you, Mr. Speaker.

Can we have a brief explanation of this amendment?

The SPEAKER. The gentleman, Mr. Smith, the honorable majority leader, will be glad to give you a brief explanation.

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

Mr. Speaker, this amendment essentially embodies all of the proposed changes to the Welfare Code that pertain to the medical assistance program in Pennsylvania. These are all the things that were embodied in the Governor's proposal as it was presented to us in context with his budget, his budget proposal back in February.

So you know, unless you want to get into the details, the minutia and in particular, you know, multiple changes, for all intents and purposes, this is the Governor's welfare proposal.

Mr. VITALI. Could you just thresh that out just a little more for those of us who do not have those details at our fingertips.

Mr. S. SMITH. I do not know. Mr. Speaker, there has been a line in my office every day telling me all kinds of things that are in this proposal. I would imagine that a lot of the members have been pretty well inundated. My comment from some of the various providers of medical assistance and those that are involved in it, but let me just give you a couple of the key elements. Just give me one moment, Mr. Speaker.

Mr. Speaker, probably the most noteworthy items, although there are multiple elements to this proposal, are the provisions in the medical assistance benefit package that deal with hospitals, doctors, and prescriptions. Basically, it would limit people to two acute hospital visits and one rehab visit. It would limit people to 18 visits to the doctor. It would limit people to six prescriptions, three if you are on general assistance. Those are the key components as it affects people that are directly receiving medical assistance benefits. I would say that there are other elements of this that have to do with a look-back provision that the administration has proposed relative to individuals in nursing homes primarily who are seeking to become eligible for medical assistance.

Those are some of the key provisions, Mr. Speaker.

Mr. VITALI. Okay. I just want to be clear. This was essentially the Governor's proposal in February. You are not suggesting that that is his current proposal.

Mr. S. SMITH. To the best of my knowledge, Mr. Speaker, this is the Governor's current proposal. Representatives of the Department of Public Welfare and the administration were in my office within the last 2 or 3 weeks presenting and discussing the various components of this proposal. So I feel very comfortable. I mean, if the Governor has indicated he has another proposal on the board, he has not shared it with us. This is the Governor's proposal February, March, April, May, and June.

Mr. VITALI. Just to be clear, has the administration endorsed amendment 1482? Have they endorsed it recently, amendment 1482?

Mr. S. SMITH. Mr. Speaker, I do not know what you are seeking from me. I mean, I do not think that anybody went and got a letter—

Mr. VITALI. Well, let me just cut to the chase.

Mr. S. SMITH. Let me finish answering my question, Mr. Speaker.

I do not know what exactly you are seeking in the way of an endorsement, but there is no trickery here. This is the Governor's proposal as was presented to us in February. They have met with people all throughout the Capitol, with different interest groups, to discuss this proposal. As of, you know, recently as yesterday, the Governor was still acknowledging that this is his basic welfare proposal. There are no changes.

Mr. VITALI. Okay. Let me tell you what I am getting at. In February when essentially this was proposed, the budgetary situation was radically, was substantially different. Now our financial picture is better. I am trying to get at, given the better financial situation and less need for cuts, I want to be clear, it is my understanding that this is not his current proposal. The proposal he made back in February was in light of much poorer economic conditions. That is all I am trying to do. I am trying to clarify my understanding that this reflects a proposal in tougher economic times, not current conditions. Am I correct on that point?

Mr. S. SMITH. No, Mr. Speaker. The Governor was for this proposal as of yesterday, and in fact, yesterday he acknowledged that while there have been some changes in our Commonwealth's economic situation, you know, as it relates to our budget, obviously the surplus has generated more than we expected, but on the flip side of that, the Governor went from back in February they were projecting next year's medical assistance shortfall to be in the neighborhood of \$500 million; yesterday the Governor said that his latest projections are that the medical assistance shortfall will be \$1 billion per year for 5 years. So he went from a \$500 million budget shortfall in medical assistance next year to essentially a \$5 billion shortfall spread over the next 5 years. To characterize our budget situation as vastly improved since February I think is inaccurate; I think it is misleading. It is misleading in that although we have a bigger surplus than what may have been anticipated when the Governor proposed his budget in February, by and large the expansion of costs to the medical assistance programs has far outstripped any benefit we have in terms of economic surplus of that regard.

Mr. VITALI. Okay. So to the best of your knowledge and information, you believe the Governor's Office endorses amendment 1482 today.

Mr. S. SMITH. You know, you have the Governor's Office number. You can call him. I did not specifically ask him in our discussions. As of as late as yesterday—

Mr. VITALI. You are making that reference—

Mr. S. SMITH. —the Governor's Office has indicated to us—

The SPEAKER. Mr. Vitali, Mr. Vitali, the gentleman is still in order, Mr. Vitali.

Mr. S. SMITH. —that they were in support of this proposal.

The SPEAKER. Mr. Vitali.

Mr. VITALI. All I am trying to do is find out whether the Governor endorses or does not endorse this amendment as we speak. That is all I am trying to find out.

Mr. S. SMITH. And, Mr. Speaker, if I respond—

Mr. VITALI. A yes or no answer would be great on that one.

Mr. S. SMITH. And if I respond again, are you going to interrupt me?

Mr. VITALI. No; I promise.

Mr. S. SMITH. Then I will repeat my answer.

I am sorry that I cannot give you a yes or no answer, Mr. Speaker. However, we did not specifically call the Governor's Office and say, do you support amendment 1482 – if I can see the numbers right – 1482 specifically? What we did do was this amendment is basically verbatim HB 1500, which was introduced by the gentleman from Beaver County, and it is in fact the actual embodiment of the Governor's welfare medical assistance proposal. So I suppose I would and a rational person would infer from that that the Governor does in fact endorse this. Perhaps I am mistaken in doing that, but that is the best I can give you.

Mr. VITALI. Okay. I will put you down as an "I don't know" for that one, but let me ask you an easier question, if I could. Will you be voting "yes" on this amendment?

The SPEAKER. That is not a fair question, Mr. Vitali.

Mr. VITALI. Is it in order, though?

The SPEAKER. It is an inappropriate question.

Mr. VITALI. Well, let me ask you this then. Will you be making a recommendation to your members one way or the other on this one?

Mr. S. SMITH. We had discussed this in caucus, and basically our members have been informed about the content of this amendment. Of course, a lot of our members actually came to caucus to learn about what was in it, which might be a novel approach. But we discussed the pros and cons of this amendment, Mr. Speaker.

Mr. VITALI. Do you think the contents of this amendment would be good policy for the Commonwealth of Pennsylvania now?

Mr. S. SMITH. I think that we can do better, Mr. Speaker.

Mr. VITALI. Well, then why are you endorsing this amendment if you think we can do better?

The SPEAKER. Mr. Vitali, that is out of order, Mr. Vitali. If you have a question of the gentleman, ask the question.

### PARLIAMENTARY INQUIRY

Mr. VITALI. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state his point.

Mr. VITALI. Is it in order to introduce an amendment for political reasons; in other words, not to advance the substance of it but to embarrass politically another elected official?

The SPEAKER. A member can introduce any amendment that he or she wishes.

Mr. VITALI. Okay. I have no further questions.  
The SPEAKER. The Chair thanks the gentleman.

### PARLIAMENTARY INQUIRY

Mr. S. SMITH. Mr. Speaker, may I ask a parliamentary inquiry?

The SPEAKER. You certainly may.

Mr. S. SMITH. Is it a proper order of questioning to impugn another member's motives as opposed to simply trying to discern what the amendment or bill before us is?

The SPEAKER. Mr. Smith, that is why we interrupted the gentleman and indicated to you not to answer the question.

Mr. S. SMITH. So I am clear, Mr. Speaker, it is an improper—

The SPEAKER. It is improper.

Mr. S. SMITH. —technique or questioning, interrogation technique, to ask a question which seeks to impugn another member's motives? Correct?

The SPEAKER. Yes.

Mr. S. SMITH. Thank you, Mr. Speaker. I appreciate that.

Mr. DeWEESE. Mr. Speaker, a parliamentary observation.

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

Mr. DeWEESE. It is June, and there will be some pyrotechnics later; there certainly will not be any from me today. However, the gentleman from Delaware County's interrogatory to the honorable majority leader about his recommendation to his caucus is substantive and pertinent and certainly not outside the bounds of our normal parliamentary intercourse.

I would like to politely request that the Parliamentarian and the Speaker, as the next several weeks unspool, be very, very cautious about interrupting what I consider to be a legitimate exchange. I think the Chair may have been a bit precipitous, and the gentleman, Mr. Vitali's questioning of the majority floor leader was not out of bounds – I just wanted that to be on the record – and it certainly, certainly did not rise to the level of impugning the honorable gentleman.

I have said many times from this podium that I enjoy watching the British Parliament, and the rough and tumble of those debates are worthy of that great tradition spawned in the Long Parliament, crystallized in the glorious revolution, and noted throughout the 19th century with great debates with Gladstone and Disraeli and Salisbury, obviously promulgated in the 1920s, '30s, '40s by Churchill. Now, we are not Churchill, but I do not think that the gentleman from Delaware was roughing up the gentleman from Jefferson. That is what this chamber is all about – healthy, exciting, electric, contentious debate. And I know the honorable gentleman from Jefferson is a good sport, a redoubtable Republican warrior, and he has heavy armor, and it certainly was not dented by those rather innocent interrogatories of the gentleman from Delaware.

Mr. S. SMITH. Mr. Speaker?

The SPEAKER. Mr. Smith.

Mr. S. SMITH. Mr. Speaker, I would like to make a rhetorical interrogation of the minority leader, if he would care to respond; it is okay if not. May I do that, Mr. Speaker?

The SPEAKER. It seems okay to me.

Mr. S. SMITH. Since, and quite honestly, I appreciate your left-handed defense of my position; I was more than willing to answer whatever questions, although I do sometimes find it outside the bounds when one challenges a motive for doing a thing as opposed to what you are actually doing. But in light of what you just said, Mr. Speaker, would it be proper for me to ask you what recommendation you made to your caucus relative to this amendment?

Mr. DeWEESE. I would be pleased to respond quickly.

I was with you, the honorable majority leader, and the honorable Speaker and your young aide-de-camp, Mr. Feese, discussing the budget, and we had a very, very helpful 1-hour dialogue, so our caucus was terminated by the time I returned. However, however, our views were shared, and if I might respond to you in 2 or 3 minutes right now, I would like to say that this amendment – and let us just say it the way it is – is a proposal that Governor Rendell offered in February. As recently as yesterday afternoon when we met with the Governor – and you were very helpful and in the room – the Governor asked us to use these words as a negotiating point from which to launch. So it seems somewhat specious for us to cogitate on this matter at this time, to debate it at this time, until the negotiating teams have met.

This is the nub of our debate as it goes forward for the next couple of weeks, but it is somewhat premature today. People can vote their consciences, of course, but this is a tough rub against many of our citizenry at the lower end of the socioeconomic ladder, people who suffer from disabilities. This is going to be very, very difficult to embrace. But we do have extra revenues in the State stream, and this whole dynamic that we are discussing today will be ameliorated at least to some degree over the next couple of weeks. So I think it is somewhat premature for us to utilize this political mechanism that we are experiencing here on the floor right now.

Mr. S. SMITH. You would have had me if you had just said “yes” or “no,” Mr. Speaker.

Mr. DeWEESE. Had you for what?

Mr. S. SMITH. You would have won the debate if you had just said “yes” or “no.” Your long answer was not too dissimilar to my own.

The SPEAKER. Both of you should be addressing the Speaker as opposed to addressing one another.

Mr. S. SMITH. Excuse me, Mr. Speaker.

Mr. DeWEESE. Mr. Speaker, I apologize. You are correct. Protocol should reign supreme.

The SPEAKER. Mr. Smith?

Mr. S. SMITH. Ditto.

Mr. Speaker?

The SPEAKER. Yes, Mr. Smith?

Mr. S. SMITH. I am done.

The SPEAKER. That is good.

For the information of the members, this is not the British Parliament; we did have a revolution, and I would like for you to go to Mason's Manual – I know you all do not have it, but when you have the time. It is section 124, page 101, paragraph 3: “It is not the person but the measure that is the subject of debate, and it is not allowable to arraign the motives of a member, but the nature or consequences of a measure may be condemned in” very “strong terms.”

On that question, Mr. Samuelson.

Mr. SAMUELSON. Thank you, Mr. Speaker.

I would like to speak on the measure.

The SPEAKER. I would like to recognize you, but there are three ahead of you.

Mr. SAMUELSON. Okay.

The SPEAKER. The gentleman from Elk, Mr. Surra, is first.

Mr. SURRA. On the measure, Mr. Speaker?

The SPEAKER. But of course.

Mr. SURRA. Thank you very much.

Mr. Speaker, I understand what is going on here, as does everyone in the chamber. I remember very distinctly watching and following the Appropriations hearings on this proposal specifically and how my Republican colleagues just chastised the Governor for the Medicaid cuts and what it would do to Pennsylvania. And you, as I, have heard from our hospital directors and our medical providers on what this would do and what this would cause in Pennsylvania, but I find it very ironic that much of this problem has been caused by a \$450 million proposed cut from Washington in our medical assistance and Medicaid dollars. That is this year, and possibly another \$500 million next year. I am as upset as you as to what these cuts can do, but I sat here in the last 3 weeks and watched my Republican colleagues bring forth legislation that would cut taxes by 250 or a quarter billion dollars, and in the hopper there are tax cuts that would total \$850 million. Now, if you are not happy with this proposal, and we are going to run this up so we can all vote "no," how do you propose that we do better if we cut \$850 million more out of our budget? I mean, this is hypocritical and it is a joke, and let us just put it out there for what it is.

I am going to vote "no," as will everyone, I think, but I am really befuddled by the schizophrenia of the Republican Party that thinks we can continue to fund things and cut taxes drastically at the same time. I am going to vote "no."

The SPEAKER. The gentleman from Beaver, Mr. Veon.

Mr. VEON. Thank you, Mr. Speaker.

Mr. Speaker, I do not want to belabor this, and I think many of the members on our side of the aisle, the Democrats, have made important points. We know that it is no surprise in the middle of June that the Republicans want to spend half an hour or 45 minutes in the middle of June attempting to in some way, shape, or form embarrass the Governor politically, and I guess the Republicans believe that there is some sport in that activity here in the middle of June.

I think we all know the reality is that this amendment is verbatim the bill that I have offered on behalf of the Governor, the Governor's proposed Medicaid budget. And the Governor in providing the information to us in February, I think it is important to reflect upon one important principle that he laid out here that I know is very important to the members on the Democratic side and I think will be important to members on both sides as we proceed with this debate, and the Governor said that when he struggled as to how to put this budget together, and particularly how to put together the Medicaid budget, there were some difficult decisions he had to make, and he understands they are the same difficult decisions that we have to make. We all recognize that the Medicaid budget is growing out of control and that it could, if left unchecked, swallow up much of the State budget and many of the programs, many of the other programs that members here, Democrats and Republicans, care about very deeply. So the Governor made a decision and said, legislature, here is my decision; you can reflect on this and make your own decision, but he made the decision to maintain the eligibility standards for Medicaid, and

he understood that if you are going to maintain the eligibility standards, meaning that after this budget passes, if you take his point of view, everyone who is legally eligible today, using the exact same eligibility standards, will be eligible tomorrow, and that anyone who meets that same eligibility requirement or standard next year would be eligible for Medicaid benefits.

It is an important decision we are all going to have to make. I think he made the right decision, and his budget reflected that decision. We know that there is a simple math equation here: You cannot maintain the eligibility standards that you have today, make no reduction and no change, and keep the same benefit package that you do today and keep the same reimbursement to the hospitals and the doctors and all the other providers, add 100,000 more people to Medicaid next year, and in some way, shape, or form have a balanced budget going into the next year. We understand that is a simple math equation that is not possible.

The Governor made an important decision. I agree with his decision. We should maintain eligibility. In order to do that, we are going to have to make some fine-tuned cuts and we are going to have to make some changes to the reimbursements to the providers sometime between now and when we get out of here. I think we all understand that. I understand the desire of the Republicans in mid-June to play this political game, have some political fun, at the expense of the Governor.

The Governor has also said, since the introduction of that budget, that he understands that the economy has changed somewhat since February when he introduced his budget and that he recognizes himself, publicly he said this in many different settings, that there will be a larger surplus than they anticipated when he offered his budget in February, and he has said in public settings and in many private settings that some of that surplus money, in his opinion, his recommendation, should be used to reduce the pain proposed in his own budget for Medicaid cuts. He said that in many different settings and said it publicly. I am certain that is his position today. We know that there is additional money in the surplus that was not projected in February, and our position is that some of that money should go to reduce the benefit cuts that the Governor has proposed.

And so the bill that I introduced, which is reflected in the Speaker's amendment here today, is a starting point, taking the Governor's ideas and concepts and putting it into legislative language, putting it in front of the legislature and saying that this is a starting point. And we have a lot of work to do. There has been a change in the surplus. There is an opportunity to make changes here. The legislature can certainly put other proposals on the table, and we are right in the middle of that process.

So, Mr. Speaker, I understand the desire of the Republicans to have some political fun, make some political points, spend an hour trying to politically embarrass the Governor today, but at the end of the day, we still have a lot of work to do before we get this budget done. I would recommend that the members on our side vote "no" on this bill. We do have other alternatives. We are prepared to put those on the table. We are prepared to work with our colleagues on the Republican side and the Governor to come up with a rational, reasonable Medicaid budget that does the right thing for the people of Pennsylvania.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

Does the gentleman, Mr. Smith, wish to be recognized?

Mr. S. SMITH. Yes; I would like to be recognized. I think the gentleman, Mr. Ross, was also seeking—

The SPEAKER. No; there is a list ahead of Mr. Ross. We will take you ahead of everyone else.

Mr. S. SMITH. Thank you, Mr. Speaker. Then just let me make one quick comment here before the point is lost.

I cannot understand how this amendment being introduced before this House today is somehow characterized as a joke or a farce or just at the political expedience of embarrassing the Governor. If that is the case, if this is a joke today, then what was it when the Governor introduced it as part of his entire budget? I mean, if it is a joke today, it was a joke when he introduced it in February.

Let us be serious, and let us play this on the same level playing field here today. This is not a joke; this is not a farce. This is exactly what the Governor proposed to do. If you guys all think it is a joke, a farce, or whatever, then go tell the Governor that you think his proposal is a joke or a farce. This is not the first time the administration has done this. They presented stuff that hardly a soul in this building can support, and then he turns it back on the legislature and says, oh, you guys— And this is not just the Republicans, believe me. The administration flops this on you guys, too, on the Democratic side of the aisle. You know, he is bipartisan when it comes to this. He introduces a proposal that is just almost rejected out of hand across and throughout this building, and then when we do not jump to it, he says, well, you know, you guys just go figure it out. You guys in the legislature, just figure it out. It was like the day on the gaming bill a year and a half, 2 years ago when he said, oh, there is a bill in the House and there is a gaming bill in the Senate; you guys all figure it out; give me something, and look what we ended up with.

You see, it is very serious, and the seriousness starts in the front office of this Capitol Building. We cannot continue to function well if we are starting out with stuff that you guys are characterizing as a joke and a farce. The fact is, Mr. Speaker, we have to work with concrete, doable, doable in terms of how it affects people, doable in how it affects the institutions of this Commonwealth – and yes, I am pragmatic – doable in the context of the political dynamics of this building and, you know, the political nature of Pennsylvania, and that is what we are about today, is to show that that is where we will start.

So you can characterize this as a joke if you choose, but it is not, it is not the Speaker, it is not me playing a joke, because you have to look at the origin of the material if you want to characterize it however you choose.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Mr. DeWeese.

Mr. DeWEESE. I cannot remember the Russian proverb, so I will not try to construct it from memory, but you cannot put your foot in the same stream twice. The stream has altered; the stream has changed. Four months ago when the Governor proposed this gut-wrenching series of offerings which were going to hurt many Pennsylvanians, he did so because there were only certain revenues available and he has a constitutional obligation to balance Pennsylvania's budget.

Several hundreds of millions of dollars of new money have reached the State Treasury, and the dynamics have changed. They have not changed completely for the good. We still have a very, very muscular lift to perform over the next 2 or 3 weeks. But 22 hours ago in very conversational, polite terms, the

Governor and representatives of the leadership teams of all four caucuses had what we thought and still believe to be a positive exchange. But the dynamics of February relative to Medicaid are not the dynamics of June.

Now, in an ancillary point, it should be stated for the record, as all of my worthy conservative Republican colleagues know, if it were not for the fact that President Bush has taken out the cudgel in Washington, DC, and slapped around Medicaid money, the Federal money that is due the 50 Governors, we would not be dealing with this right now. There are 50 Governors straddling this impossible chasm, and half of them, approximately, are Republicans, and they are distraught and vexed, and these kinds of exchanges are taking place in 50 State capitals around the United States on Medicaid.

But the Governor asked us yesterday to use his proposal as a starting point for negotiation, not as something to proffer for, I would say, very ephemeral political chits. So when the gentleman from Delaware County, Mr. Vitali, was asking the honorable majority leader if he would recommend a favorable or unfavorable vote, I can only postulate that since he has a very fine mind, he has indicated to his team that it would not be prudent to vote for these very, very aggressive lacerations in services to our most needy population. It would be foolhardy to vote in favor of this proposal. Governor Rendell does not want us to vote in favor of this proposal today. This is a different dynamic than it was 4 months ago.

The inherent fluidity of our process is never more manifest than in this debate right now, and we are going to come up with an unhappy solution in 2 or 3 weeks, but it will not be as unhappy as this one. So I would request a “no” vote, and for all of you whose angst is uncontainable, you should write a letter to the White House.

Mr. S. SMITH. Mr. Speaker?

The SPEAKER. Mr. Smith.

Mr. S. SMITH. Mr. Speaker, I apologize to the members that are standing on line. Just one quick point, though, and I will be more brief on this one than the last.

When the Governor proposed the budget in February, there was an anticipated surplus of \$250-or-some-odd million, and the budget proposal that he put before us essentially accounted for the spending of that surplus. So I think when we are trying to suggest that the dynamics of our budget situation has changed dramatically, if the Governor was in fact worried about the impacts of these proposed cuts, he could have absorbed virtually all of them within the then February-projected surplus as opposed to spending that, whatever it was, \$200 to \$300 million elsewhere within the context of the greater budget.

So I think that is a point of historical context that is important to keep in the frame of this debate. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

Mr. Samuelson, it is your turn. The gentleman from Northampton, Mr. Samuelson.

Mr. SAMUELSON. Thank you, Mr. Speaker.

During this discussion this afternoon, I took a look back through our list of budget amendments that the House considered back in April. Several speakers this afternoon have noted that the fiscal picture has changed and the latest estimate of the State surplus is higher than the estimate back in February, and that certainly will have an impact on the final budget negotiations.

But I also want to note that during our discussion of the budget amendments back on April 11, April 12, and April 13, you will remember we considered more than 200 amendments. At least six of them had to do with medical assistance and how this House of Representatives wanted to make changes to the Governor's proposal. In fact, all six of the amendments that I am going to cite passed this House of Representatives unanimously. There was one amendment by Representative Curtis Thomas, another by Representative Jake Wheatley, another by Representative John Pallone, one by Representative Dan Frankel, and two by Representative Kathy Manderino.

A few minutes ago the majority leader said that this proposal, this amendment 1482, reflects the original proposal, which included limits on the number of doctor visits, limits on the number of hospital visits, limits on the number of prescriptions that a person on medical assistance could obtain. Well, this House of Representatives spoke back in April. In fact, Representative Thomas had an amendment that sought to maintain current benefit levels for inpatient hospital services, 197 to nothing; Representative Manderino had one seeking to maintain current benefit levels for copayments for physician services, 198 to nothing; and Representative Frankel had one that sought to maintain the current benefit levels and copayments for prescription drugs, also passed 197 to nothing.

So my concerns about this amendment are that it does not reflect any changes due to the way that the surplus has increased, this amendment does not reflect our House of Representatives budget discussions and budget votes and those six unanimous votes that were taken back in April, it does not reflect the input the citizens have had over the last several weeks and months in the calls and the e-mails and the visits to our offices, and I do not think it represents the current status of the budget negotiations. This amendment seeks to go back in time to February. A lot has happened since February, and we should recognize the progress that has been made in the negotiations since the initial proposal back in February.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Westmoreland, Mr. Pallone.

Mr. PALLONE. Thank you, Mr. Speaker.

You know, it is not funny at all. It is certainly not a joke. It is not even the slightest bit funny or amusing. What we are dealing with here are people's lives. And as my colleague has already made so eloquently known, the status of the budget has changed dramatically since February, and for any one of us to sit here today and say that it has not, we are only lying to ourselves.

Right now there are a number of budgets, if you will, out there, but I am not sure which this affects. Is it the budget that the Governor proposed in February, is it the budget that we passed as a House some time later, or is it the budget that the Senate proposed and passed, which is also dramatically different?

The sad, sad tale here today is that we are dealing with the cards that were dealt to us because of the Republican-controlled House and Senate at the Federal level and the Republican President that sent us funding cuts. This is not Governor Rendell's idea. This is Governor Rendell's approach to deal with the Draconian cuts that have come from the Republican-controlled Washington.

We do not have the luxury to sit here in a lofty tower as they may do in Washington. We are the people's House. We deal

with the people who live in our districts. I have families in my district that will be dramatically affected because of things like this. I have families that have a mongoloid in their home that they have to deal with on a daily basis, and the Medicaid funding programs provide services to them. We have families in my legislative district and all of yours, hundreds of them, that will be dealing with these issues, and it should not be taken lightly. It is certainly not a joke and not a joke to those families.

I had a meeting recently with more than 100 families in my legislative district that represented primarily small children that are going to be affected by the Medicaid cuts, and they represented a gambit of the community, whether it be autistic children, special-needs children with mental or physical disabilities, or whatever the case may be, and the last thing that the Secretary of Health wanted us to know was that she and this particular administration, the Rendell administration, were concerned about those families and were going to make an effort to try and continue to fund the programs that those families benefit from.

Again, those conditions have changed. Originally we were responding to the Governor's proposal in February. It was changed by a number, by hundreds of budget amendments that came out of this House. It was changed by the State Senate in the budget amendments that they proposed and ultimately enacted.

And we sit here today on the eve of when we will actually sit down and do the budget work of the State and represent the people that put us here, not to try and use political volleyball. And anybody that knows me knows that I am all about the debate and I am all about the volley back and forth in discussion, but when it comes down to servicing the people that I represent, I do not play volleyball with their lives, and that is exactly what we are doing with amendment 1482. And I encourage all of you to reach down into your personal consciousness and come back and vote "no," given the conditions that have changed and that we represent the people who brought us here, not the parties that we belong to.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

## GUEST INTRODUCED

The SPEAKER. The Chair would like to welcome to the hall of the House Mr. Bill McAllister. He is a public accountant in Honesdale, PA. He is the guest today of Representative Jerry Birmelin. He is located to the left of the Speaker. Would that guest please rise and be recognized.

## CONSIDERATION OF HB 1168 CONTINUED

The SPEAKER. At this time the Chair recognizes the gentleman, Mr. Cohen.

Mr. COHEN. Mr. Speaker, I agree with the sentiments expressed so far by my fellow Democrats. Representative Vitali, Representative DeWeese, Representative Veon, Representative Pallone, have all spoken eloquently and accurately about the current situation.

One question, though, that Mr. Smith asked has not been answered: Why does Governor Rendell on repeated occasions say one thing on one date and then switch? One fact that has not yet been brought out in the debate is that our budgetary law sets

rather strict and stringent guidelines as to dates reports are due. So the Governor, at numerous times in the year, has a statutory duty to issue a report based on the facts that are available as of that date, and Governor Rendell has followed that law. He has issued reports and recommendations based on the facts that are true as of the specific dates he is required to file his recommendations or his reports, and that is why we have the situation where Governor Rendell has made a recommendation in February, which he now merely believes ought to be a starting point of discussions and not a final product today.

The Speaker pointed out, in reading Mason's Manual, that we can attack measures in very strong terms, and this is a measure that should be attacked in strong terms if there are alternatives available, and right now there are alternatives available.

This bill, this amendment, sets forth the process of leading to caps on numbers of doctor's visits, and that is all very reasonable for people who are healthy. If you are healthy, you know, anybody can live within 17 doctor's visits a year if you are healthy. The problem is if you are sick. Sick people may have problems living within those limits. Sick people may become much sicker as a result of those limits. Sick people may die as a result of those limits.

If we have no alternatives available, if there is no money, if there is no possibility of raising additional revenues, if there is no possibility of making cuts elsewhere or getting additional revenues somehow, then sometimes we have to do things that cause great suffering. But this time, on June 14, 2005, is not one of those times. As of today we do not have to do anything that causes people to suffer or to die.

I strongly urge my fellow members to vote overwhelmingly, if not unanimously, against this proposal. It is not necessary; it is harmful; in a few cases, it is deadly. It certainly deserves the opposition of the overwhelming majority of this House.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Allegheny, Mr. Maher.

Mr. MAHER. Thank you, Mr. Speaker.

I would like to thank the gentleman, Mr. Samuelson, for pointing out so eloquently how out of touch the Governor's Medicaid proposal has been since the time of its introduction. I would like to thank the gentleman, Mr. Veon, for making it clear that the Governor's proposal was unchanged when the month of May rolled around. And to my ears, I have yet to hear the Governor offer any other proposal.

As to the notion of working within a budget, Mr. Cohen suggested the Governor's scrupulous attention to requirements of his budgets and reporting, and I would like to remind that gentleman that during the Appropriations hearings we determined, with testimony provided under oath, that in fact there was \$700 million of Federal funds simply in the transportation area that were absent from this budget. That omission is far greater than any change in the surplus in intervening months, and since money is fungible, it goes to point that the Governor has his priorities, and apparently his priorities are not the people who will suffer under this proposal.

I have yet to see any scientific evidence offered by the Governor as to why six prescriptions a month is a magic number, whether those prescriptions cost \$5 or \$5,000. I have yet to see the projections from the Governor as to how many people will die, how many people in nursing homes will have to make choices from among their prescriptions, and what the

effects will be. I have yet to see the data from the Governor as to how many people will be affected by the limitation of two inpatient hospital stays a month. And certainly, as has been observed before, if you are healthy, it does not matter, but when you are sick, when you are direly sick, it makes all the world of difference. And some avenue where you can go through bureaucratic channels to appeal the absence of your third admission, if you are at death's door, may be a comfort to the deceased's family when they receive a letter 4 or 5 months later authorizing the new admission, but it is not much comfort, it is not much comfort to those of us who are here on this side of the aisle today.

I would go so far as to say, yes, it is true, we have to find a way to tame this spending, we have to find a way to balance the good with the resources that we have, but this proposal from the Governor was reckless from day one, endangered lives based on no presented research, no science, just picking numbers out of a hat — six prescriptions, two hospitals stays, and the rest of you can get sick or die. It is not a good policy.

I am delighted to learn that so many of my colleagues on the other side of this aisle will continue here in the fourth month of rejecting this policy from the Governor, and I hope you will join me in asking him what is it he is actually proposing and what science is it based on.

Thank you, Mr. Speaker.

### **THE SPEAKER PRO TEMPORE (BRETT FEESE) PRESIDING**

The SPEAKER pro tempore. The Chair thanks the gentleman.

### **LEAVE OF ABSENCE**

The SPEAKER pro tempore. The Chair recognizes the majority whip, who requests a leave of absence for the remainder of the day for the gentleman from Chester, Mr. HERSHEY. Without objection, the leave will be granted. The Chair hears no objection.

### **CONSIDERATION OF HB 1168 CONTINUED**

The SPEAKER pro tempore. The Chair recognizes the gentleman from Lancaster, Mr. Sturla.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, just so that it is known for the record, Democrats did not bring this proposal to the floor today. We did not force this measure to be voted on today. We did not ask for it to be voted on today. It was the Republican Caucus that said they wanted to vote on this measure today.

Had this measure been brought up in February, I imagine it would have actually garnered some votes, perhaps even mine, even though I find it rather Draconian, because in February we were confronted with a different situation than we are today. So my question is, why would it be brought up at this point in time by the Republican members in the legislature? Democrats did not want this to come up.

Now, I know today I am going to vote "no" on this, because I believe at this point in time there is no reason to be doing this. We have more dollars in the budget. We have talked about various alternatives as to what we might do with the medical



assistance programs. So I have my reason for voting “no,” because I believe that we can do better for those people than this particular proposal.

Up until this point I had assumed that the reason Republicans were trying to bring this measure up was because they wanted more Draconian cuts than were offered in this measure and that they were going to vote against this because they thought the cuts needed to be deeper and there needed to be people cut off of medical assistance and there needed to be less doctor visits and there needed to be less of things than is in this proposal, because up to this point, between February and now, all I had heard from the Republican side was, we needed to cut taxes further, and if we cut taxes further, there was going to be less money for these programs.

So that was my assumption, up until a few minutes ago. Now I have heard my Republican colleagues get up and say, oh, no, no, this is a terrible proposal; we want to save those people that get medical assistance; we want to allow them to have more doctor visits; we want to have more money go to the hospitals and doctors; we want all the things that you Democrats have been talking about for months now. So I am actually happy that we are going to vote on this today because now my Republican colleagues are on record as saying they want more services for medical assistance recipients. And I will even join them later on when they propose, the Governor in his budget proposed to do some business tax cuts. We can do away with those cuts also, and there will be more money for medical assistance. We can get through this, and I am willing to work with my Republican colleagues to do that now that they have professed a wish to help people that receive medical assistance.

So I am going to vote “no” today and hope that I can vote with my Republican colleagues later this month when we restore benefits to medical assistance recipients, whether it be by eliminating business tax cuts, whether it be through cutting other programs, whatever, but I am glad that they are finally on board today.

Thank you, Mr. Speaker.

### **THE SPEAKER (JOHN M. PERZEL) PRESIDING**

The SPEAKER. The Chair thanks the gentleman.

### **LEAVE OF ABSENCE CANCELED**

The SPEAKER. The Chair notes the presence on the floor of the hall of the House of the gentleman from Centre, Mr. Herman. His name will be added to the master roll.

### **CONSIDERATION OF HB 1168 CONTINUED**

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Petrone.

Mr. PETRONE. Thank you, Mr. Speaker.

Mr. Speaker, the costs of war are very sad, and I am sad to say that what we are experiencing here today is the outcome of the cost of war, whether you believe it or not. And in war, many innocents get hurt. That is very sad. And because of the cost of war and the effect on innocents, many innocents at home are affected.

A few short weeks ago I and many of my colleagues toured Children’s Hospital in Pittsburgh. We toured the floors where the bone marrow transplants were for innocent, young children, where the innocents had leukemia, where they had transplants, and they were being treated by the best medical care in the world, by the best doctors, by the best technology. They are innocent, much like those innocents that are being hurt overseas because of war, but because of this, Children’s Hospital is going to be cut \$11 million; \$11 million. But let me remind you that Children’s Hospital in Pittsburgh every year gives \$20 million worth of free care to innocents. They do not ask where they are from, what religion they are, what color they are, if they have insurance. They ask nothing because they are innocent. They get the best.

The cuts that we are talking about here, regardless of how you feel about them, are going to affect people like this, the innocents, and this is going to have a devastating, long-lasting effect on what we do not only in Pennsylvania but all of America. So I certainly hope that you search your souls about this issue.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Thomas.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, I rise to urge my colleagues to vote “no” on this amendment and let us move on.

Mr. Speaker, the last time I checked, the Governor of the executive branch has responsibility for submitting a budget within a certain period of time. That budget must be balanced; that budget must consider economic and other indicators as they exist within that very narrow time frame. But, Mr. Speaker, it is the legislature, the House and Senate, that must adopt and approve a budget by which the Governor, the executive branch, is bound by its implementation.

So, Mr. Speaker, we all agree that the proposal that was made in February is not one that worked. In fact, Mr. Speaker, we not only agreed to that, but through a very lengthy and thoughtful process, we sent over to the Senate a proposed budget that we thought needed to be considered as a final budget for ’05-’06.

Mr. Speaker, this amendment does not reflect what we sent to the Senate, and so to that end, I would like and I urge my colleagues on both sides of the aisle, let us not put forth what we received in February. Let us put forth what the people of the Commonwealth of Pennsylvania need for ’05-’06, not only in health care. Let us put forth an amendment that raises the wages in Pennsylvania. Let us put forth an amendment that creates a more friendly environment for job production, for decent wages, for good working conditions.

Mr. Speaker, I support both the majority leader and you and the leadership on my side. We have work to do. The Governor has satisfied his statutory responsibilities; now let us do ours. Let us craft a budget that addresses the needs of the people of the Commonwealth of Pennsylvania.

And last but not least, and I know I probably do not have to say this but I at least want the record to reflect, to the majority leader, I do not consider this process a joke. I do not consider what we have received or what is going on in the Commonwealth of Pennsylvania as a joke. I take my duties and responsibilities extremely seriously.

Mr. Speaker, let the work begin. Let us shape, let us comply with our statutory responsibilities and advance something that

makes sense in the areas of health care and some of the other areas that we need to deal with.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Westmoreland, Mr. Pallone, for the second time. The gentleman waives off.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

#### YEAS—0

#### NAYS—194

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

#### NOT VOTING—0

#### EXCUSED—7

Benninghoff	Evans, D.	Hershey	Stairs
Cruz	George	O'Brien	

Less than the majority having voted in the affirmative, the question was determined in the negative and the amendment was not agreed to.

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. **BLAUM** offered the following amendment No. **A01577**:

Amend Title, page 1, line 3, by inserting after "providing"  
for the State plan for regulating and licensing  
personal care homes and

Amend Bill, page 2, lines 6 through 9, by striking out all of said  
lines and inserting

Section 1. Section 211(l) of the act of June 13, 1967 (P.L.31,  
No.21), known as the Public Welfare Code, amended December 21,  
1988 (P.L.1883, No.185), is amended to read:

Section 211. State Plan for Regulating and Licensing Personal  
Care Homes.—\* \* \*

[(l) After initial approval, personal care homes need not be  
visited or inspected annually; provided that the department shall  
schedule inspections in accordance with a plan that provides for the  
coverage of at least seventy-five percent of the licensed personal care  
homes every two years and all homes shall be inspected at least once  
every three years.]

\* \* \*

Section 2. Section 1402(d) of the act, added July 10, 1980  
(P.L.493, No.105), is amended and the section is amended by adding a  
subsection to read:

Amend Sec. 2, page 2, line 20, by striking out "2" and inserting  
3

On the question,

Will the House agree to the amendment?

#### AMENDMENT WITHDRAWN

The SPEAKER. For the information of the members, the  
gentleman indicates he has withdrawn his amendment. The  
Chair thanks the gentleman.

On the question recurring,

Will the House agree to the bill on third consideration?

The SPEAKER. It is the information of the Chair that the  
gentleman, Mr. DeWeese, has withdrawn his amendment also.

On the question recurring,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

#### YEAS—193

Adolph	Fichter	Maitland	Ruffing
Allen	Fleagle	Major	Sainato
Argall	Flick	Manderino	Samuelson

Armstrong	Forcier	Mann	Santoni
Baker	Frankel	Markosek	Sather
Baldwin	Freeman	Marsico	Saylor
Barrar	Gabig	McCall	Scavello
Bastian	Gannon	McGeehan	Schroder
Bebko-Jones	Geist	McGill	Semmel
Belardi	Gerber	McIlhattan	Shaner
Belfanti	Gergely	McIlhinney	Shapiro
Biancucci	Gillespie	McNaughton	Siptroth
Birmelin	Gingrich	Melio	Smith, B.
Bishop	Godshall	Metcalfe	Smith, S. H.
Blackwell	Good	Micozzie	Solobay
Blaum	Goodman	Millard	Sonney
Boyd	Grell	Miller, R.	Staback
Bunt	Grucela	Miller, S.	Steil
Butkovitz	Gruitza	Mundy	Stern
Buxton	Habay	Mustio	Stetler
Caltagirone	Haluska	Myers	Stevenson, R.
Cappelli	Hanna	Nailor	Stevenson, T.
Casorio	Harhai	Nickol	Sturla
Causar	Harhart	Oliver	Surra
Cawley	Harper	O'Neill	Tangretti
Civera	Harris	Pallone	Taylor, E. Z.
Clymer	Hasay	Payne	Taylor, J.
Cohen	Hennessey	Petrarca	Thomas
Cornell	Herman	Petri	Tigue
Corrigan	Hess	Petrone	True
Costa	Hickernell	Phillips	Turzai
Crahalla	Hutchinson	Pickett	Veon
Creighton	James	Pistella	Walko
Curry	Josephs	Preston	Wansacz
Daley	Kauffman	Pyle	Waters
Dally	Keller, M.	Quigley	Watson
DeLuca	Keller, W.	Ramaley	Wheatley
Denlinger	Kenney	Rapp	Williams
Dermody	Killion	Raymond	Wilt
DeWeese	Kirkland	Readshaw	Wojnaroski
DiGirolamo	Kotik	Reed	Wright
Diven	LaGrotta	Reichley	Yewcic
Donatucci	Leach	Rieger	Youngblood
Eachus	Lederer	Roberts	Yudichak
Ellis	Leh	Roebuck	Zug
Evans, J.	Lescovitz	Rohrer	
Fabrizio	Levdansky	Rooney	
Fairchild	Mackereth	Ross	Perzel,
Feese	Maher	Rubley	Speaker

## NAYS—1

Vitali

## NOT VOTING—0

## EXCUSED—7

Benninghoff	Evans, D.	Hershey	Stairs
Cruz	George	O'Brien	

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 1534, PN 1889**, entitled:

An Act establishing a task force on Lyme disease and related maladies; and providing for powers and duties of the task force, the

Department of Health, the Department of Conservation and Natural Resources and the Pennsylvania Game Commission, for certain antibiotic therapies and for misconduct proceedings.

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?

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

Mr. VITALI. Thank you, Mr. Speaker.

Could the prime sponsor give a brief explanation of this?

The SPEAKER. The gentleman, Mr. Phillips, indicates he will stand and give a brief explanation.

Mr. PHILLIPS. Thank you, Mr. Speaker.

There are three parts to HB 1534. The first part would establish a task force on Lyme disease made up of a membership from the four State agencies, medical professionals knowledgeable in Lyme disease, and members of a Lyme disease support group, and the purpose of that commission is to develop a program of public and professional education on Lyme disease; disseminate information to the public on the risks, prevention, and treatment of Lyme disease; and raise awareness of long-term effects when Lyme disease goes untreated. And that is why we put that in this bill. I think it is very important that the public gets educated as to how to prevent Lyme disease and how to treat Lyme disease or to know that you have it.

The second part is, the intent of the bill is to ensure that a patient in the late stage of Lyme disease receives appropriate treatment. That is where the difference is. If it is caught early and we can get people educated, it is a very short-term treatment, but when it is not diagnosed in the early stage, then it is a lot longer term treatment, and this is what we are trying to address. It raises awareness of the long-term effects when Lyme disease goes untreated.

Third, it has to do with professional misconduct proceedings and its treatment of late-stage Lyme disease. The bill provides for a physician to prescribe long-term antibiotic therapy for late-stage Lyme disease. The physician must document the diagnosis and the treatment plan in the patient's chart. The parameters; I will give you the parameters of that.

The bill establishes parameters for misconduct proceedings for complaints regarding treatment of Lyme disease: The physician whom charges were filed against must be informed of the complaint—

Mr. VITALI. I am sorry, Mr. Speaker.

Mr. PHILLIPS. —and must receive a copy of the complaint upon request.

The SPEAKER. The gentleman is entirely correct. The noise levels are too high. Please keep the noise down.

The gentleman is in order.

Mr. PHILLIPS. When charges concern a physician's diagnosis or the treatment of Lyme disease, the charges shall contain sufficient facts to allow a judicial determination as to whether the charges are proper, and the notice of a hearing must identify the experts consulted in the case and to state the opinion of each expert.

These parameters only apply – and this is important – only apply to complaints filed by an insurance company, pharmacy benefits manager, or other business entities. Ultimately, the parameters only require the physician to be fully informed that a complaint was filed and the content of the complaint and the identity and the opinion of the experts called to testify.

The parameters do not – and I want to emphasize this; this came up last year when a bill was run which was similar to this bill – do not provide a physician immunity from complaints or disciplinary action carried out by the State Board of Medicine, do not apply if a complaint is filed by a patient, do not diminish the right of the State Board of Medicine or the State Board of Osteopathic Medicine to deny, revoke, or suspend the license of a physician for prescribing treatment for Lyme disease if the physician fails to monitor the ongoing care and keep accurate records of the patient receiving long-term treatment of Lyme disease.

That is the content of the bill.

Mr. VITALI. Thank you, Mr. Speaker.

What I wanted to focus on, if I could – and I really apologize; you may have said it and I missed it – but when this bill ran before, there was a concern about this bill changing the liability of a physician for misdiagnosing Lyme disease as opposed to any other disease, and I think what it did – and correct me if I am wrong – the standard for misconduct for Lyme disease diagnosis is different than all other disease diagnoses. That is what I remember from the last bill. Am I correct about that, and is that still in this bill?

Mr. PHILLIPS. You probably were misinformed on the last one. What it ultimately— The parameters only require a physician to be fully informed when he is being sued, that he has to know where it is coming from, that a complaint was filed. He has to be informed. He has to know the content of the complaint and the identity and opinion of experts called to testify. This is what he has to be informed about, and it does not provide any kind of immunity.

The SPEAKER. Would the gentleman suspend.

### POINT OF ORDER

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

Mr. COHEN. Mr. Speaker, really to raise a point of order.

On page 3 of our calendar, it says “over” for HB 1534, PN 1889. The House Democratic Caucus relied on that statement that it was over. We did not caucus on it.

The bill provides powers and duties for the Department of Health, the Department of Conservation and Natural Resources, and the Pennsylvania Game Commission. We have made no attempt to contact these agencies to get their opinions as to the merits of this bill. For all these reasons, I would urge that we pass this over until next week. There is no great urgency on this bill.

The SPEAKER. There is a young man on his way down to speak to you just for a moment, Mr. Cohen.

The House will be at ease for a moment.

The Chair recognizes the gentleman, Mr. Cohen.

Mr. COHEN. Mr. Speaker, the able Republican counsel has advanced me various procedural reasons why this bill should go forward even though we have not caucused on it. I have been

assured by him that this will not be standard operating procedure.

I wonder if Mr. Phillips would submit to interrogation on this bill.

The SPEAKER. The gentleman indicates he will stand for interrogation. The gentleman is in order and may proceed.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, this bill provides for duties of the Department of Health. Has the Department of Health taken any position on this bill?

Mr. PHILLIPS. Mr. Speaker, I have not received any comments from any of them that have been recommended to be put on this commission, although I have spoken with a couple of the, like the Game Commission, but they did not really say we are for it or we are against it. But really, my opinion is, I think they would really like to get out there and be part of this because what we are doing here is we are trying to prevent a disease that is debilitating a lot of people.

Mr. COHEN. Okay. I strongly agree with the gentleman that this is a worthwhile bill, and based on the assurances of the gentleman, there is no opposition from any of the departments who are given duties in this bill and that he has contacted these departments so they are aware of the bill. I would urge members of the House, on both sides, to support this bill.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentlelady from Philadelphia, Ms. Manderino.

Ms. MANDERINO. Thank you, Mr. Speaker.

Would the maker of the legislation stand for a brief interrogation?

The SPEAKER. The gentleman indicates he will. The gentlelady is in order.

Ms. MANDERINO. Thank you, Mr. Speaker.

Mr. Speaker, when this bill was brought up in committee, on which I sit and I did vote for it to come out of committee, I asked a question and the answer in committee was, we do not know; we will get back to you. I am hoping that you can tell me that answer before I vote on final passage.

The question was, is the treatment protocol that we are setting out as a mandated coverage in HB 1534, is that treatment protocol considered experimental by the medical community?

Mr. PHILLIPS. I do not think it is experimental. I think the Department of Health knows that it does take, when it gets into the latter stages, that it does take long-term treatment, and I think they are aware of that.

But I know that there were seven studies done. We got some letters here stating that there were no studies done, but there were seven studies done which proved that in many, many cases long-term and the type of long-term treatment that was recognized or that was done by these experts, who are Lyme physicians who have devoted themselves to this, that they have been very successful.

Ms. MANDERINO. I appreciate the clarification, but I am either not understanding the answer or I am not asking the question clearly.

It is my understanding that when you use the term is something considered experimental treatment as compared to mainstream treatment, that that is not a determination that the Department of Health makes, but that is a treatment protocol commonly accepted by the medical community, and along with that comes real questions if something is considered accepted treatment versus experimental. There are payment issues where

sometimes experimental treatment will not be paid for. There are potential liability issues where experimental treatment, if it is conducted without full disclosure, there could be liability. So I guess I was asking if you know the medical community's acceptance of this as an accepted treatment, or is it still considered experimental, not a proven way of treatment?

Mr. PHILLIPS. Mr. Speaker, I think it all depends on the treating physicians. Those who are treating Lyme and are the Lyme experts and have devoted their lives to treating Lyme disease, they do not look at it as experimental. They look at it as it is a cure for this debilitating disease which, in its latter stages, can destroy a body of an individual. So they do not look at it as experimental. They look at it as proven records that it is a success and that it is the type of treatment that is needed to cure Lyme disease when it is in its latter stages.

Ms. MANDERINO. Thank you, Mr. Speaker. I have finished my interrogation. I appreciate the response.

The SPEAKER. The Chair thanks the gentlelady.

The Chair recognizes the gentleman, Mr. Vitali.

Mr. VITALI. Thank you, Mr. Speaker. I will just speak on the bill.

I have some concerns about putting into statute what specific medical treatment may or may not subject – well, may protect a physician from charges of misconduct because that changes over time with the development of science and medicine. What may be and I think in question today is antimicrobial therapy. That may be accepted treatment today, but next month another treatment might be discovered which would be clearly superior to this, and if the physician who failed to keep up on his readings and courses did not realize that and continued to prescribe old treatment, he would be immune from charges of professional misconduct even if he in fact engaged in that. So I am concerned of putting in statute that specific treatments shield a physician from charges of professional misconduct.

Thank you, Mr. Speaker. That concludes my comments.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Shall the bill pass finally?

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

The following roll call was recorded:

#### YEAS—163

Adolph	Fairchild	Mann	Santoni
Allen	Feese	Markosek	Sather
Argall	Fichter	Marsico	Saylor
Armstrong	Fleagle	McCall	Scavello
Baker	Flick	McGeehan	Schroder
Baldwin	Frankel	McGill	Semmel
Barrar	Freeman	McIlhinney	Shaner
Bebko-Jones	Gabig	McNaughton	Shapiro
Belardi	Gannon	Melio	Siptroth
Belfanti	Geist	Micozzie	Smith, B.
Biancucci	Gerber	Millard	Smith, S. H.
Birmelin	Gergely	Miller, R.	Solobay
Bishop	Gillespie	Miller, S.	Sonney
Blackwell	Gingrich	Mundy	Staback
Blaum	Good	Myers	Steil
Bunt	Goodman	Nailor	Stern
Butkovitz	Grucela	Oliver	Stetler
Buxton	Haluska	O'Neill	Sturla
Caltagirone	Hanna	Pallone	Surra
Cappelli	Harhai	Payne	Tangretti

Casorio	Harhart	Petrarca	Taylor, E. Z.
Causser	Harper	Petri	Taylor, J.
Cawley	Harris	Petrone	Tigue
Civera	Hasay	Phillips	True
Clymer	Hennessey	Pickett	Veon
Cohen	Herman	Pistella	Walko
Cornell	Hess	Preston	Wansacz
Corrigan	Hickernell	Pyle	Waters
Costa	Keller, W.	Quigley	Watson
Crahalla	Kenney	Ramaley	Wheatley
Creighton	Killion	Raymond	Williams
Daley	Kirkland	Readshaw	Wilt
Dally	Kotik	Rieger	Wojnaroski
DeLuca	LaGrotta	Roberts	Wright
Denlinger	Leach	Rohrer	Yewcic
Dermody	Lederer	Rooney	Youngblood
DeWeese	Leh	Ross	Yudichak
DiGirolamo	Lescovitz	Rubley	Zug
Diven	Mackereth	Ruffing	
Eachus	Maitland	Sainato	Perzel,
Evans, J.	Major	Samuelson	Speaker
Fabrizio			

#### NAYS—29

Bastian	Habay	Maher	Reed
Boyd	Hutchinson	Manderino	Reichley
Curry	James	McIlhattan	Roebuck
Ellis	Josephs	Metcalfe	Stevenson, R.
Forcier	Kauffman	Mustio	Stevenson, T.
Godshall	Keller, M.	Nickol	Turzai
Grell	Levdansky	Rapp	Vitali
Gruitza			

#### NOT VOTING—2

Donatucci	Thomas
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#### EXCUSED—7

Benninghoff	Evans, D.	Hershey	Stairs
Cruz	George	O'Brien	

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 30, PN 33**, entitled:

An Act amending the act of June 2, 1915 (P.L.736, No.338), known as the Workers' Compensation Act, further providing for the payment of compensation to widows, widowers and children.

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?

On that question, the Chair recognizes the gentlelady from Philadelphia, Mrs. Lederer.

Mrs. LEDERER. Mr. Speaker, Mr. Nacke, a resident of Representative Steil's district, became one of our heroes on 9/11 when, as a passenger on Flight 93, he helped bring Flight 93 down in Shanksville, Pennsylvania, instead of our State Capitol or the White House. Now, when he became our hero, none of us intended that his children would not receive his workers' compensation benefits, but the present workers' compensation law gives all benefits to the surviving spouse. Mr. Nacke had two children by his first marriage, so they were not included in any of the benefits.

HB 30 equalizes that and gives equitable distribution to children and spouse regardless of which marriage. This bill passed unanimously last session, and I ask my colleagues out of respect for Mr. Nacke – and we have named the bill “the Nacke bill” – to please vote “yes” for all children of Pennsylvania who might become orphans.

Thank you.

The SPEAKER. The Chair thanks the gentlelady.

The Chair recognizes the gentleman, Mr. Belfanti.

Mr. BELFANTI. Thank you, Mr. Speaker.

Mr. Speaker, I rise in strong support of HB 30.

For the benefit of my colleagues, 9/11 could have happened in Philadelphia, Pennsylvania. We could have had hundreds of Pennsylvania firefighters losing their lives trying to save people from one of the Philadelphia skyscrapers. And in the case of a divorce, none of the children of those fallen heroes would have been entitled to any benefits if the firefighter had divorced and remarried. His blood kin, his sons and daughters, would have been disqualified from receiving those benefits. I am sure none of those fallen firefighters, none of those brave men or women, would want their blood relatives, sons and daughters, deprived of an equal part of whatever compensation would be available.

And please understand that the workers' comp law that was written this way to only provide money directly to the present spouse was written in the early 1900s when divorce was almost unheard of. If you ever were remarried back in those days, 99 percent of the time it was because you were widowed or a widower. So the law needs upgrading.

Also, Mr. Speaker, I believe Mrs. Lederer's husband serves on Commonwealth Court, and the Commonwealth Court heard this, this argument, to a judge who felt that this law needs remedying, but they were powerless to do anything about it, to award compensation to these children.

So, Mr. Speaker, again, with the divorce rate now hovering at about 50 percent of all American marriages, we are certain that heroes that die do not want to deprive their own sons and daughters of compensation in the event of a tragedy, particularly one where they are providing a heroic act on behalf of their fellow Pennsylvania and American citizens. So I would ask that the House please adopt this measure.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Allen.

Mr. ALLEN. Thank you, Mr. Speaker.

This bill passed out of the Labor Relations Committee unanimously. All the members supported it, and I urge all my colleagues on this side of the aisle to support it. And I thank Representative Turzai for withdrawing his amendment so that we can move ahead and get this bill to the Senate.

Thank you very much, Mr. Speaker.

On the question recurring,  
Shall the bill pass finally?

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

The following roll call was recorded:

#### YEAS—193

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

#### NAYS—0

#### NOT VOTING—1

Godshall

#### EXCUSED—7

Benninghoff	Evans, D.	Hershey	Stairs
Cruz	George	O'Brien	

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

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

The SPEAKER. The Chair would also like to thank Representative Turzai for withdrawing his amendments on HB 30 and thank the gentleman very much for that to make our day here a lot easier. Thank you.

### LEAVE OF ABSENCE

The SPEAKER. The Chair recognizes the majority whip, who moves for a leave of absence for the gentlelady from Chester, Mrs. RUBLEY. Without objection, that leave will be granted.

### CONSIDERATION OF HB 670 CONTINUED

On the question recurring,

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

Mr. **FREEMAN** offered the following amendment No. **A01183**:

Amend Sec. 1 (Sec. 8338.2), page 1, line 12, by removing the comma after “obesity” and inserting

or

Amend Sec. 1 (Sec. 8338.2), page 1, line 13, by striking out “or other generally known condition”

Amend Sec. 1 (Sec. 8338.2), page 1, line 16, by removing the comma after “obesity” and inserting

or

Amend Sec. 1 (Sec. 8338.2), page 2, lines 1 and 2, by striking out “or other generally known condition”

Amend Sec. 1 (Sec. 8338.2), page 2, lines 20 through 23, by striking out all of said lines

On the question,

Will the House agree to the amendment?

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

Mr. **FREEMAN**. Thank you, Mr. Speaker.

Mr. Speaker, the bill we have before us would grant immunity to food purveyors for any suit brought against them because of weight gain or obesity. The problem with the language of the bill as it is now drafted is that it also has a provision which would also consider “or other generally known condition.” It is my belief and my concern that that broad language would allow immunity for areas beyond the issue of obesity.

I do not think we should be passing a statute to grant immunity to anyone that has such broad language. It is conceivable that the industry could use that language as an excuse against lawsuits dealing with heart attack or hypertension or other ailments, and if the aim of this legislation is merely to provide a vehicle to prevent lawsuits on the grounds of obesity, we do not need that general language. My amendment would take that overly broad language out, leaving the intent of the bill in place.

I would urge the members to please support my amendment. I think we need to define this very carefully so that we do not

give a blank check to the industry in terms of immunity and keep it to the topic that it was designed to address.

So I urge a “yes” vote on taking out the broad language of “or other generally known condition.” Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Lehigh, Mr. Reichley.

Mr. **REICHLEY**. Thank you, Mr. Speaker.

Initially I was notified by the members that the amendment does not appear on many of the screens, so I do not know if there is anything in the computer services that can assist on that.

The SPEAKER. Mr. Reichley, it is on the screen up here.

Mr. **REICHLEY**. I am just looking at about a half dozen screens here, Mr. Speaker.

The SPEAKER. Mr. Tangretti indicates it is not on his screen.

Mr. **REICHLEY**. On this side it is not.

The SPEAKER. The House will be at ease.

Our technicians up here suggest that you try to go to rolling session and bring it up that way.

Mr. **REICHLEY**. I think the other members are indicating now they are seeing it, Mr. Speaker.

The SPEAKER. The gentleman, Mr. McNaughton, indicates he has got it up, the amendment.

Mr. **REICHLEY**. May I question the maker of the amendment, Mr. Speaker?

The SPEAKER. The gentleman, Mr. Reichley, is in order and may proceed. The gentleman, Mr. Freeman, indicates he will stand for interrogation. Mr. Reichley.

Mr. **REICHLEY**. Mr. Speaker, would the gentleman from Northampton agree that the lines to which he refers to in the bill beyond the phrase “other generally known condition,” which he is attempting to strike, the complete phrase is “other generally known condition caused by or likely to result from long-term consumption of food.” Would the gentleman agree that that is the language of the legislation?

Mr. **FREEMAN**. Mr. Speaker, it is not the language that I am striking. The language that I am striking, if you look carefully at the amendment, is “other generally known condition.”

Mr. **REICHLEY**. I understand that, Mr. Speaker, but the part he is referring to, which the gentleman is attempting to strike, does it not contain the phrase qualifying “other generally known condition caused by or likely to result from long-term consumption of food”?

Mr. **FREEMAN**. Again, Mr. Speaker, we do not touch the “caused by or likely to result from long-term consumption of food.” That language stays in there so it references back to the issue of obesity, which, it was my understanding, was the intent of the gentleman’s legislation.

Mr. **REICHLEY**. Mr. Speaker, would the gentleman agree that hypertension can be caused by a variety of circumstances or activities or congenital conditions and not exclusively by the long-term consumption of food?

Mr. **FREEMAN**. The gentleman’s point, Mr. Speaker, is well taken, but it goes to my argument that the language I am seeking to delete is overly broad. I think we need to be very careful about granting immunity, and although I do not agree with the major intent of the bill, my intent here is to make sure that if the issue is to get at obesity, we confine it to that subject matter. By allowing language that says “other generally known condition” to be contained in the bill, as the gentleman’s

legislation currently does, we allow that to go far afield from the original argument.

Mr. REICHLEY. Mr. Speaker, would the gentleman also agree, that I think he referenced heart attacks or heart disease, that that is caused by things other than the long-term consumption of food?

Mr. FREEMAN. I am sorry, Mr. Speaker. Could the gentleman repeat that. I did not quite hear it.

Mr. REICHLEY. I asked if the gentleman from Northampton would agree that, I think heart disease or heart attack was the other ailment you referenced in your opening remarks, that can be caused by things other than the long-term consumption of food?

Mr. FREEMAN. Mr. Speaker, there are many causes for heart disease as there are for hypertension, but one of the potential causes is the kind of food that one consumes, and I do not think it was his intention in drafting this legislation to go beyond the issue of obesity. At least that was my understanding on the memo that he sent out on cosponsorship and the basic thrust of the bill. If we allow the language to stay in which I am seeking to delete, it will go far afield from the issue of obesity.

Mr. REICHLEY. Would the gentleman agree that there are direct obesity-related diseases that may not necessarily be called obesity but yet result from the long-term consumption of food?

Mr. FREEMAN. I am sorry, Mr. Speaker. If the gentleman could repeat that. I am having trouble hearing.

Mr. REICHLEY. I am asking if whether the gentleman is familiar with other diseases that would be categorized or classified as similar to obesity that are related to the long-term consumption of food but are not called obesity.

Mr. FREEMAN. Yes; there are other ailments, I suppose, Mr. Speaker, that can be the result of the long-term consumption of certain foods.

Mr. REICHLEY. Would the gentleman agree that that is why one writes language in a general factor to consider all the possible diseases that could fall under the catchall phrase of "obesity" such that a plaintiff's lawyer is able to avoid the limitations on a food purveyor, such as provided in this bill, merely by alleging a disease other than obesity?

Mr. FREEMAN. Mr. Speaker, I would not agree with the gentleman on the argument he is trying to make. If the thrust of his legislation was to prevent lawsuits against food purveyors based upon the claim that their food caused obesity, then confine it to that subject. To allow the broader language which I am seeking to remove from the bill to be in the bill, it can go way beyond the issue of weight gain because it does not pertain simply to weight gain, and there may in fact be some responsibility on the part of food purveyors in the way in which they prepare food or in which they market food that could deal with other issues beyond the fact of weight gain. And it was my understanding the real attempt of this legislation was to protect food purveyors on the charge that they caused obesity, but if you allow the language that I am seeking to delete to stay in, it will go far beyond that, and I do not think that was the intention either of the author or of those supporting this legislation.

Mr. REICHLEY. Does the gentleman agree that subsection (b) regarding "exceptions" would cover just the kind of scenario he has raised, where there are other allegations that may be made against a food purveyor, such as food poisoning, such as mislabeling, such as misleading a consumer because you did not tell them everything that was in the product, which are still available to a litigant under the "exceptions" under

subsection (b) and therefore do not assist the consumer in trying to assert any liability against a food purveyor for an obesity-related claim?

Mr. FREEMAN. I would suggest to the gentleman, Mr. Speaker, that while that provides for some limited exceptions, it is not an exception that extends far enough. You are basically talking in that section about poisoning or adulteration and the like.

It was not all that long ago that McDonald's was frying their french fries in beef fat, an item that is consumed and can cause a higher cholesterol level in human beings, and yet that was not widely known to the general public. That can cause heart attack, and I think that an industry which seeks to use such food sources that are not adulterated but are still harmful to the public may in fact be liable or should be liable for their actions when it comes to the general effect it has on the public health.

So although there are exemptions outlined in the gentleman's bill, Mr. Speaker, I do not think they go far enough to consider the fact that even some basic food sources, if misused, can be detrimental to the public health, and as such, we should not be granting immunity to those food purveyors who seek to promote a dangerous consumption of certain items.

Mr. REICHLEY. So, Mr. Speaker, do I take it then that the gentleman from Northampton wants to make sure that farmers, food merchandisers, retailers, packagers, wholesalers, advertisers, and retail establishments all should suffer higher insurance costs and the threat of litigation because we did not expand this immunity provision in broader terms than obesity?

Mr. FREEMAN. No, Mr. Speaker, that is not what I am suggesting, and the gentleman is mixing apples and oranges. What I am suggesting is that if you add an overly broad phrase, as the one which I am seeking to delete, to cover "other generally known condition," you are opening the door to this broad immunity being applied inappropriately in certain circumstances. And I think if the intent of the gentleman is, as I understand it, to remove obesity as a claim that can be brought in a lawsuit, even though in the cases where that has been tried in other State courts, it has been struck down by the judges as inappropriate, if his intent is simply to remove that as a cause of action in regard to a suit against a food purveyor, he can achieve that while removing the language which, in my opinion and I think in the opinion of many, would be overly broad and provide way too much in the way of immunity to food purveyors beyond the issue of obesity.

Mr. REICHLEY. Thank you, Mr. Speaker.

On the amendment.

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

Mr. REICHLEY. Thank you, Mr. Speaker.

Mr. Speaker, the intent of this legislation is to reduce the threat of liability against all those involved in the food processing and food purveyor chain, stretching from the farmer's field all the way to the table at the restaurant or in your home. It does not involve large conglomerations or corporations necessarily, but it involves numerous small businesses involving 25 people or fewer in every one of our districts who are involved in the wholesale distribution of food, packaging of food, the sales, the marketing, the advertising, everything surrounding that, and what the Freeman amendment would attempt to do is to force those people to still suffer the impact, the time, and the cost of litigation, forcing them to defend themselves against unfair litigation and allegations.



And we were just debating for so long in the House not more than an hour ago about the impact on State finances from the uninsured, from so many people who now require the State to assist them. By permitting the Freeman amendment, you will drive up insurance costs on employers, therefore putting them in a position where they have to decide, are they going to make that insurance payment or do they cut that employee who they want to maintain? Are they going to cut that employee's insurance who they want to help and that employee's dependents who rely upon that insurance?

So the Freeman amendment has a direct economic impact on every employer who would be involved in the food commerce chain, drives up their overhead costs, and potentially threatens income levels for their employees, and most importantly, in the context of our budget debate, the affordability of health care for those employers. We need to maintain private health-care insurance and people expanding the degree of coverage for the employee's independence, not sacrificing that just for the sake of a few high-powered trial lawyers.

So I argue that the members should vote against the Freeman amendment. Thank you.

The SPEAKER. Mr. Freeman, for the second time.

Mr. FREEMAN. Thank you, Mr. Speaker.

Mr. Speaker, it is unfortunate that the gentleman has characterized my amendment in the way he has, because it simply is not true. There is nothing in my amendment which is going to drive insurance costs up for food purveyors. All it does is remove the words "other generally known condition." It gets the intent of his legislation back to its original intent, which was to provide immunity to food purveyors against suits pertaining to obesity.

I do not think this General Assembly wants to extend language in such a way that it gives a blank check to all food purveyors to hide behind some protection of immunity. The way it is loosely worded now, this bill could conceivably provide undue protection against other serious ailments. I do not think that is what this legislation was intended to be about. By removing the five words I am removing, "or other generally known condition," we get the bill back to its original meaning, we make sure that the immunity is not misused, and we address the issue the gentleman has put forward.

There is nothing at all in my amendment which is going to cause an increase in insurance premiums, and I think it is unfortunate the gentleman seeks to mischaracterize that amendment in that fashion. The reality is, we are making the language tighter; we are making sure this immunity will not be inappropriately applied into other areas of the law but will be limited solely to the issue of obesity, which was the whole intent behind the legislation.

I urge the members to vote for my amendment to provide for a tighter language that is definitely needed in order to ensure that the intent of this legislation follows where it was meant to be. Thank you.

### **THE SPEAKER PRO TEMPORE (MATTHEW E. BAKER) PRESIDING**

The SPEAKER pro tempore. The Chair thanks the gentleman.

## **LEAVE OF ABSENCE CANCELED**

The SPEAKER pro tempore. The Chair notes the presence of the gentleman, Mr. Benninghoff, who will be added to the master roll.

## **CONSIDERATION OF HB 670 CONTINUED**

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Reichley, for the second time.

Mr. REICHLEY. Thank you, Mr. Speaker.

I will address just the last statements from the gentleman from Northampton.

Throw out the insurance claims if you want. This sends a clear message to plaintiff's lawyers, if you want to make an allegation regarding long-term consumption of food, just do not claim your client suffers from obesity. Phrase it in some other way so that you evade the protections that are being afforded to those numerous merchants and businesses who are going to be protected with this legislation.

So I would ask the members to carefully consider that. Vote "no" on the Freeman amendment. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

The following roll call was recorded:

### **YEAS—88**

Bebko-Jones	Frankel	Mann	Shaner
Belardi	Freeman	Markosek	Shapiro
Belfanti	Gannon	McCall	Siptroth
Biancucci	Gerber	McGeehan	Staback
Bishop	Gergely	Melio	Stetler
Blackwell	Goodman	Mundy	Sturla
Blaum	Gruclera	Myers	Surra
Butkovitz	Gruitza	Oliver	Tangretti
Buxton	Haluska	Pallone	Taylor, J.
Casorio	Hanna	Petrarca	Thomas
Cawley	Harhai	Petrone	Tigue
Cohen	James	Pistella	Veon
Corrigan	Josephs	Preston	Vitali
Costa	Keller, W.	Ramaley	Walko
Curry	Kenney	Readshaw	Wansacz
Daley	Kirkland	Rieger	Waters
DeLuca	Kotik	Roberts	Wheatley
Dermody	Leach	Roebuck	Williams
DeWeese	Lederer	Rooney	Wojnarowski
Donatucci	Lescovitz	Ruffing	Yewcic
Eachus	Levdansky	Samuelson	Youngblood
Fabrizio	Manderino	Santoni	Yudichak

### **NAYS—106**

Adolph	Feese	Mackereth	Reichley
Allen	Fichter	Maher	Rohrer
Argall	Fleagle	Maitland	Ross
Armstrong	Flick	Major	Sainato
Baker	Forcier	Marsico	Sather
Baldwin	Gabig	McGill	Saylor
Barrar	Geist	McIlhattan	Scavello
Bastian	Gillespie	McIlhinney	Schroder
Benninghoff	Gingrich	McNaughton	Semmel
Birmelin	Godshall	Metcalfe	Smith, B.
Boyd	Good	Micozzie	Smith, S. H.

Bunt	Grell	Millard	Solobay
Caltagirone	Habay	Miller, R.	Sonney
Cappelli	Harhart	Miller, S.	Steil
Causer	Harper	Mustio	Stern
Civera	Harris	Nailor	Stevenson, R.
Clymer	Hasay	Nickol	Stevenson, T.
Cornell	Hennessey	O'Neill	Taylor, E. Z.
Crahalla	Herman	Payne	True
Creighton	Hess	Petri	Turzai
Dally	Hickernell	Phillips	Watson
Denlinger	Hutchinson	Pickett	Wilt
DiGirolamo	Kauffman	Pyle	Wright
Diven	Keller, M.	Quigley	Zug
Ellis	Killion	Rapp	
Evans, J.	LaGrotta	Raymond	Perzel,
Fairchild	Leh	Reed	Speaker

## NOT VOTING—0

## EXCUSED—7

Cruz	George	O'Brien	Stairs
Evans, D.	Hershey	Rubley	

Less than the majority having voted in the affirmative, the question was determined in the negative and the amendment was not agreed to.

On the question recurring,

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

## RULES SUSPENDED

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

Mr. REICHLEY. Mr. Speaker, I move for a suspension of the rules for consideration of amendment 1732.

On the question,

Will the House agree to the motion?

The SPEAKER pro tempore. On that motion, the gentleman, Mr. Reichley.

Mr. REICHLEY. Thank you, Mr. Speaker.

This amendment will seek to clarify the protections afforded food purveyors and also clarify the definition of "food," and I urge the members to vote to suspend. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

## YEAS—176

Adolph	Fairchild	Mackereth	Ruffing
Allen	Feese	Maitland	Sainato
Argall	Fichter	Major	Samuelson
Armstrong	Fleagle	Manderino	Santoni
Baker	Flick	Mann	Sather
Baldwin	Forcier	Markosek	Saylor
Barrar	Frankel	Marsico	Semmel

Bastian	Gabig	McCall	Shaner
Bebko-Jones	Gannon	McGeehan	Shapiro
Belardi	Geist	McGill	Siptroth
Belfanti	Gerber	McIlhinney	Smith, B.
Benninghoff	Gergely	McNaughton	Smith, S. H.
Biancucci	Gillespie	Melio	Solobay
Birmelin	Gingrich	Micozzie	Sonney
Bishop	Godshall	Millard	Staback
Blackwell	Good	Miller, R.	Steil
Blaum	Goodman	Miller, S.	Stern
Boyd	Grell	Mundy	Stetler
Bunt	Grucele	Myers	Sturla
Butkovitz	Gruitza	Nailor	Surra
Buxton	Haluska	Nickol	Tangretti
Caltagirone	Hanna	Oliver	Taylor, E. Z.
Cappelli	Harhai	O'Neill	Taylor, J.
Casorio	Harper	Pallone	Thomas
Causer	Harris	Payne	Tigue
Cawley	Hasay	Petrarca	True
Civera	Hennessey	Petri	Veon
Clymer	Herman	Petrone	Vitali
Cohen	Hess	Phillips	Walko
Cornell	Hickernell	Pickett	Wansacz
Corrigan	James	Pistella	Waters
Costa	Josephs	Preston	Watson
Crahalla	Kauffman	Quigley	Wheatley
Curry	Keller, M.	Ramaley	Williams
Daley	Keller, W.	Rapp	Wilt
DeLuca	Kenney	Raymond	Wojnaroski
Denlinger	Killion	Readshaw	Wright
Dermoddy	Kirkland	Reichley	Yewcic
DeWeese	Kotik	Rieger	Youngblood
DiGirolamo	LaGrotta	Roberts	Yudichak
Diven	Leach	Roebuck	Zug
Donatucci	Lederer	Rohrer	
Eachus	Leh	Rooney	
Evans, J.	Lescovitz	Ross	Perzel,
Fabrizio	Levdansky		Speaker

## NAYS—18

Creighton	Harhart	Mustio	Schroder
Dally	Hutchinson	Pyle	Stevenson, R.
Ellis	Maher	Reed	Stevenson, T.
Freeman	McIlhattan	Scavello	Turzai
Habay	Metcalf		

## NOT VOTING—0

## EXCUSED—7

Cruz	George	O'Brien	Stairs
Evans, D.	Hershey	Rubley	

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

On the question recurring,

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

Mr. REICHLEY offered the following amendment No. **A01732:**

Amend Sec. 1 (Sec. 8338.2), page 2, by inserting between lines 12 and 13

(c) Construction.—

(1) The provisions of subsections (a) and (b) shall be strictly construed.

(2) The provisions of subsection (d) shall be liberally construed to effect the purposes of this section.

Amend Sec. 1 (Sec. 8338.2), page 2, line 13, by striking out “(c)” and inserting

(d)

Amend Sec. 1 (Sec. 8338.2), page 2, by inserting between lines 15 and 16

“Food.” Any solid, liquid, gelatinous substance, mineral or vitamin, or combination thereof, designed or produced for human consumption related to hunger or thirst.

Amend Sec. 1 (Sec. 8338.2), page 2, line 16, by striking out “manufacturer, packer,” and inserting  
farmer, manufacturer, packer, wholesaler,

On the question,

Will the House agree to the amendment?

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

Mr. REICHLEY. Thank you, Mr. Speaker.

I want to thank the members initially for voting for amendment 1702, which seeks to narrowly construe the immunity provisions. That is to make it clear that we are seeking to offer immunity from obesity litigation for those involved in the food purveyor chain. Under the current language of the bill, food purveyors are defined as manufacturers, packers, distributors, carriers, holders, sellers, marketers, or advertisers. We noticed that there were two important groups that we wanted to include within this protection. Farmers should be protected from these kinds of allegations as well, this unnecessary litigation. So we have added farmers and wholesalers to make it clear to any plaintiff’s lawyer, defense lawyer, and judge just who the parties are who are going to be afforded the protection of this immunity.

Furthermore, because we have already enacted an amendment which is going to strictly construe the immunity provisions, we felt it necessary to define the word “food.” Food is not defined anywhere else in the Consolidated Statutes of Pennsylvania, and therefore, this amendment offers a definition of “food” which we hope is encompassing enough so that any logical judge and lawyer and party will note that “food” is “any solid, liquid, gelatinous substance, mineral or vitamin, or combination thereof, designed or produced for human consumption related to hunger or thirst.”

I believe this is a fair notice to all those who are in the manufacturing process, the distribution process, and the retail process of who should be afforded protection and not that we somehow leave it unto the vagaries of the Merriam-Webster or the Oxford dictionary for a trial judge to figure out what food is.

I would appreciate the support of the members to enact this amendment as well. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

### HARRISBURG LEGISLATIVE LEAVE

The SPEAKER pro tempore. The Chair recognizes the minority leader, Mr. DeWeese.

Mr. DeWEESE. Thank you, Mr. Speaker.

The gentleman, Mr. LaGROTTA, on Capitol leave for the remainder of the day, please.

The SPEAKER pro tempore. The Chair thanks the gentleman, and he will be posted to the master leave for the remainder of the day.

### CONSIDERATION OF HB 670 CONTINUED

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

#### YEAS—193

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

#### NAYS—1

Gannon

#### NOT VOTING—0

## EXCUSED—7

Cruz George O'Brien Stairs  
Evans, D. Hershey Rubley

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

On the question recurring,

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

The SPEAKER pro tempore. Does the gentleman, Mr. Walko, seek recognition?

Mr. WALKO. I do, Mr. Speaker. Thank you.

I have an amendment to offer. I believe it is in the hands of the appropriate clerk.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,

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

Mr. WALKO offered the following amendment No. A01670:

Amend Title, page 1, line 2, by inserting after “for”  
permissible argument as to damages at trial and for

Amend Sec. 1, page 1, line 7, by striking out “a section” and inserting  
sections

Amend Sec. 1, page 1, by inserting between lines 7 and 8  
§ 4566. Permissible argument as to damages at trial.

(a) Permissible argument.—Subject to subsection (b), in any civil action tried before a judge, jury or other tribunal, a party may make any of the following arguments during closing argument and after the judge, jury or other tribunal has requested for the argument to be made:

(1) Specifically argue in lump sums or by mathematical formula the amount he or she deems to be an appropriate award for all past and future economic or noneconomic damages or both economic and noneconomic damages claimed to be recoverable.

(2) Argue that an award of zero damages is appropriate, even if there is a finding of liability against the defendant.

(b) Disclosure.—

(1) Except as provided in paragraph (2), a party may not argue a specific sum as provided in subsection (a) unless the party first discloses to the court and opposing counsel that the party intends to argue the specific damages listed in subsection (a) prior to the presentation of closing arguments.

(2) Notwithstanding paragraph (1), arguments as to appropriate amount of economic damages may be made without notice to opposing counsel if evidence supporting economic damages has been introduced to trial.

(c) Facts and evidence.—Nothing in this section shall be construed to prevent a defendant from arguing in any case that the facts and evidence support a finding of no liability.

(d) Jury instruction.—Whenever, in a civil action, tried before a jury, a specific lump sum or mathematical formula is argued during closing arguments as provided for in subsection (a), the trial court shall instruct the jury that the sum or mathematical formula argued is not evidence but only arguments and that the determination of the amount

of appropriate damages to be awarded, if any, is solely for the jury’s determination.

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. On that question, the gentleman, Mr. Walko, is recognized.

Mr. WALKO. Thank you, Mr. Speaker.

This amendment would change the common law of Pennsylvania to permit both plaintiffs and defendants to make arguments as to the amounts of damages in a civil procedure. I request a “yes” vote.

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

Mr. HENNESSEY. Thank you, Mr. Speaker.

I rise to support the Walko amendment.

Currently Pennsylvania law does not allow trial attorneys, whether they be for the plaintiff or the defense, to state the amount sought as the result of any verdict that might be returned by the jury. Thirty or more States in this country take a contrary view and allow the attorneys to suggest amounts to the jury. It is a common complaint of anybody who has ever done trial work in Pennsylvania that jurors say that they are left, basically, to speculate or take a shot in the dark as far as what the ultimate verdict that would be appropriate would be.

And there is a school of thought that says that if you allow the attorneys to make some suggestions in terms of the ultimate amount that is being sought or, on the other side, being defended against, it might prevent some of the runaway verdicts that people complain about. Without any parameters at all, as I say, the jurors love to speculate. Plaintiff’s attorneys seeking recovery you would expect to be cautious and not suggest an outrageous amount, simply because if they do, the jury may disregard most of what their comments contain or what their case has shown simply because they are at that point thought to be unreasonable or outrageous or that they are suggestions without merit. And it is important to realize that under the Walko amendment, the defense attorneys have the same right to make some suggestions to a jury as to what parameters they think would be right for the jury to return as a verdict. Both sides are being treated equally here.

Without the amendment, the current situation in Pennsylvania, which actually forces the juries to speculate, would remain in effect. The substance of this amendment has been overwhelmingly passed by this House in several previous sessions, and its concept has certainly not caused havoc in the other 30-plus States that have it in America.

I would ask you to support the amendment. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman from Chester County and recognizes the gentleman from Chester County, Mr. Schroder.

Mr. SCHRODER. Thank you, Mr. Speaker.

Well, Mr. Speaker, here we go. You know, this amendment is not being supported by the defense attorneys of the Commonwealth. Let us make no mistake about that. This amendment is being promoted and pushed by the plaintiff’s attorneys of this Commonwealth, and why would they do that? Well, it is certainly not so that we can have more reasonable reined-in jury verdicts across the State. You can count on that.

This is nothing but a blatant attempt to tilt the playing field further in favor of a plaintiff in a liability action than it already

is tilted, and it is an attempt to play to the emotion, play to the passion, play to the sympathy of a jury, suggest an outrageously high award should be given in hopes of a big payday for the plaintiff's attorney at the end of day.

Mr. Speaker, this is a very bad idea. The cost of civil litigation in Pennsylvania and nationwide is astronomical. It would be a big mistake and a big step in the wrong direction when this General Assembly has spent so much time trying to correct excesses in our civil litigation system. I do not need to remind anyone what we have done and argued over the past few years with medical liability. We are not going to discuss or debate that whole issue today, but understand that this amendment does not just apply to the Reichley food immunity portion of the bill. This amendment, as I understand it, will apply to all civil cases.

So, Mr. Speaker, this amendment would not serve the citizens of Pennsylvania well. It would not serve our employers well by only forcing them to bear greater costs in the legal system than they already do, and it should be voted down. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Lehigh County, Mr. Reichley.

Mr. REICHLEY. Thank you, Mr. Speaker.

I do not oppose this amendment. I understand it is a very controversial issue, and I think there has been a lot of information provided in the past which argues by analogy that plaintiff counsel will not be able to, in the absence of a specific dollar figure, ask for a jury to return a fair verdict and it therefore results in a runaway verdict. I also understand the defense counsel would say this dangles a dollar figure in front of a jury which they are likely to latch on to.

I think that it is correct that this would apply to broader civil litigation than just the food immunity pact, but I will be voting for it and urge the members to carefully consider the merits of the amendment from both sides of the aisle. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the maker of the amendment, Mr. Walko.

Mr. WALKO. Thank you, Mr. Speaker.

I rise to just clarify a couple of things about this legislation.

First of all, I have introduced this amendment because I believe in the trial-by-jury system.

Second of all, very importantly, I believe that our trials by jury should be fair, and to be fair, the jury should have all evidence that is relevant before them and they should have all arguments that are relevant before them, and I believe that the amount of damages is so significant that that should be the subject of an argument before a jury.

Thank you, Mr. Speaker.

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

Mr. TURZAI. Thank you, Mr. Speaker.

Two quick points.

I would ask the members to vote "no" against the amendment, but first of all, I would like to say that Representative Reichley's bill is an excellent bill and it should not be muddled up by this amendment. So for that reason alone, people should be voting against this amendment.

Representative Reichley's bill is targeted to a narrow reform agenda item, and this particular amendment goes far astray from

what the subject of that reform is. That is a reason in itself to vote "no."

Secondly, Representative Walko, I think the merits of his amendment really need to be more threshed out, and I think they would require hearings.

I would urge a "no" vote with respect to this amendment and stay focused on Representative Reichley's real reform measure, and I applaud him for it. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman from Allegheny County and recognizes the gentleman, Mr. Gannon.

Mr. GANNON. Thank you, Mr. Speaker.

Mr. Speaker, this is not the first time that this amendment has been before the House, and every other time it has been before this body, it has passed overwhelmingly, and the reason it has passed overwhelmingly is because it is a commonsense approach to dealing with civil litigation.

A lot of folks overlook an important step here in the process of a jury determining a civil case. The first thing they have to decide is liability. Now, under our present system, the defense, of course, argues that there is no liability, we did not do anything wrong, and the plaintiff says, yes, they did something wrong and my client was injured, and these are the injuries and these are the medical expenses and this is the wage loss.

Now, it makes sense that if you are a party and you are arguing that somebody injured you, that you should also be able to say, this is what I think those injuries are worth, this is the value of those injuries. Right now we leave that entirely up to the speculation of the jury, and the defense is put in a difficult situation, because on the one hand, they can argue that there is no liability, absolutely none, but in a case where there is clear liability – and believe it or not, there are those types of cases in Pennsylvania. As much as some of the folks here who are in denial would not agree, there are people who cause injury and their liability is very clear.

For example, you are stopped at a traffic light and a drunk driver plows into the back of your car and snaps your neck. The defense is going to have an awful difficult time going into court and saying, we are not responsible. They are put in that difficult situation. This amendment would permit the defense to say, "You know, folks, the guy was drunk, smashed into the back of the car, caused serious injury. This is what we value this case at. This is what we believe we should be obligated to pay to that injured person." We can put a number to that jury. Hopefully they will agree, but it gives the defense one additional argument, one additional statement of fact that they can present to the jury.

Of course, the plaintiff can also argue the liability but also argue that, say, we believe that this injured person is entitled to this amount of money, and the jury can now balance between those two numbers. Right now in that type of case – and they happen frequently, unfortunately – the jury is left up to their own devices. These people, this may be the first time they have ever been in court, this may be the first time they have ever heard a case, this may be the first time they have ever been involved in the legal system, and they have no guidance. This gives them guidance not from just one side but from both sides, and the amendment requires that everybody be given a heads-up so both parties know exactly what either side is going to say with respect to the damages. They can argue those damages one way or the other. It gives the jury valuable information that we are not permitted to give them now, and it takes away that

speculative component. It actually takes away the roll of the dice and gives the jury some rational basis to decide, first of all, whether or not the party is liable, and secondly, if they are liable, what should they compensate that victim based on the statements given by both parties in court.

I urge a “yes” vote again on this amendment. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman from Delaware County and recognizes the gentleman, Mr. Benninghoff.

Mr. BENNINGHOFF. Thank you, Mr. Speaker.

I will keep my comments brief, but I have to not just sit here after time after time hearing people stand before this chamber and complain about the fact that issues this big are circumventing the committee process and public hearings. This is a big step we are taking here today, and I am not sure if each one of us is prepared to do that, much less present that to the public. And I would ask you to seriously consider before you make this vote that is this issue not more important that we address this before a committee and allow those members who represent the 12 million people here in Pennsylvania to do this in a fair process; more importantly, even open this up to the public to have them have some input on it.

We have a tort system now that is obviously driving the cost of health care and a lot of other initiatives through the roof. We do not have that under control. We are looking at health-care costs in this Commonwealth and this country that I do not think we are ever going to get our grips on.

This, to me, is only going to exacerbate a bad problem, and I would ask the members to seriously consider voting “no” and allow us to do this through the right process. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman from Centre County.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

#### YEAS—106

Bebko-Jones	Fichter	Mann	Samuelson
Belardi	Frankel	Markosek	Santoni
Belfanti	Freeman	McCall	Shaner
Biancucci	Gannon	McGeehan	Shapiro
Bishop	Gerber	McGill	Siptroth
Blackwell	Gergely	McNaughton	Solobay
Blaum	Good	Melio	Staback
Bunt	Goodman	Micozzie	Stetler
Butkovitz	Grucela	Mundy	Sturla
Buxton	Gruitza	Myers	Surra
Caltagirone	Haluska	Oliver	Tangretti
Casorio	Hanna	Pallone	Taylor, J.
Cawley	Harhai	Petrarca	Thomas
Civera	Harper	Petrone	Tigue
Cohen	Hennessey	Pistella	Veon
Corrigan	James	Preston	Vitali
Costa	Josephs	Ramaley	Walko
Curry	Keller, W.	Raymond	Wansacz
Daley	Kenney	Readshaw	Waters
DeLuca	Kirkland	Reichley	Wheatley
Dermody	Kotik	Rieger	Williams
DeWeese	LaGrotta	Roberts	Wojnaroski
Diven	Leach	Roebuck	Yewcic
Donatucci	Lederer	Rooney	Youngblood
Eachus	Lescovitz	Ruffing	Yudichak

Evans, J.  
Fabrizio

Levdansky  
Manderino

Sainato

Zug

#### NAYS—88

Adolph	Fleagle	Maitland	Ross
Allen	Flick	Major	Sather
Argall	Forcier	Marsico	Saylor
Armstrong	Gabig	McIlhattan	Scavello
Baker	Geist	McIlhinney	Schroder
Baldwin	Gillespie	Metcalfe	Semmel
Barrar	Gingrich	Millard	Smith, B.
Bastian	Godshall	Miller, R.	Smith, S. H.
Benninghoff	Grell	Miller, S.	Sonney
Birmelin	Habay	Mustio	Steil
Boyd	Harhart	Nailor	Stern
Cappelli	Harris	Nickol	Stevenson, R.
Causar	Hasay	O'Neill	Stevenson, T.
Clymer	Herman	Payne	Taylor, E. Z.
Cornell	Hess	Petri	True
Crahalla	Hickernell	Phillips	Turzai
Creighton	Hutchinson	Pickett	Watson
Dally	Kauffman	Pyle	Wilt
Denlinger	Keller, M.	Quigley	Wright
DiGirolamo	Killion	Rapp	
Ellis	Leh	Reed	
Fairchild	Mackereth	Rohrer	Perzel,
Feese	Maher		Speaker

#### NOT VOTING—0

#### EXCUSED—7

Cruz  
Evans, D.

George  
Hershey

O'Brien  
Rubley

Stairs

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

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

On that question, the gentleman, Mr. Cohen, is recognized.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, I am glad the Walko amendment has passed this bill. The Walko amendment certainly creates a positive incentive to vote for it. But I am concerned about the underlying basis of the bill in principle, not just in the wording. I think the Freeman amendment would have improved it had the Freeman amendment been adopted.

This bill seeks to set forth the general principle that any food purveyor is immune from liability for the effects of the food he or she sells on the human body if the food is sold legally and has complied with the law.

This has passed in the absence of knowledge of relevant facts. In the tobacco industry, there were numerous facts presented that the tobacco industry was well aware of massive dangers of smoking tobacco. They had numerous studies over a

period of many decades demonstrating the dangers of tobacco. They were also well aware there were many ways to reduce the dangers of smoking tobacco, to reduce the addictiveness of cigarettes, and despite their deep awareness of many ways to save lives by consumers of the product, they chose, for economic reasons, not to save the lives, and that is why they were hit with litigation all across the country, because it became clear that they were acting very contemptuously of their consumers.

I think we have evolved to a point where there is pretty much a common-law principle that sellers have a duty to do the best they can to minimize the dangers that their products cause, and we do not know whether or not the food industry has done that. We do know that there has been, because of fear of lawsuits, a massive increase in healthy foods. It used to be not too long ago very difficult to obtain a salad in a fast food restaurant, and now all or virtually all fast food restaurants contain salads. It used to be very, very difficult to obtain low-fat food in many fast food restaurants, and now low-fat food is very, very common. Fast food restaurants in general are making very strong efforts to improve the health of the food that they sell, and the reason that they are doing it is because they do not want to get sued, and if they are sued, they do not want to lose.

Now, I have no idea what the facts are. I do not think any facts have been discovered that there are different technologies for making food and that food could be 80 or 90 percent safer if they would just make a simple change in procedure that they are not making, or when they do discover things like Mr. Freeman talked about, they totally ignore it. You know, I do not know of any factual record in the fast food industry that would support the kind of lawsuits that were filed in the tobacco industry, but the fact that I do not know about it or the record is not public does not mean that absolutely, 100 percent, there is no such record out there. There may be such a record; there may not be such a record. There may be lawsuits; there may not be lawsuits. I do not know. But I really do not think that we ought to be acting in a manner to say that whether there is a record or not, whether they could have sold healthier food or not, whether they could have reduced significantly the amount of dangers to regular consumers from the food they sold, whatever the facts are, they are such wonderful people we ought to give them immunity.

Several years ago – actually, it is over 15 years ago now – there was a famous case with McDonald's. A woman sued McDonald's because she got burned from a cup of coffee, and she got an award of somewhere between \$2 1/2 million and \$3 million. I at one time knew the exact figure and have since forgotten it, but it was somewhere between \$2 1/2 million and \$3 million. It was a famous case at the time. And people wondered, how could she get all that money because she got burned by a cup of coffee? Everybody knows that coffee is hot and she had warnings. You know, it was common knowledge. Well, it turned out there were rather extenuating circumstances in this case. It turned out that there were many thousands and thousands of cases that had been filed, many thousands and thousands of complaints that had been filed with McDonald's about the dangers of their coffee. It turned out that there were all sorts of technology that was available to make the coffee less hot, and Representative Leach tells me that they sold it hotter than other fast food places, and there was a massive amount of research that was available about how the McDonald's coffee was uniquely hot, uniquely dangerous, and there were also

problems with the packaging. The packaging was much more difficult to open than other packaging was, so it was easier to spill. And over time a massive record became built as to why McDonald's coffee, as it was sold at that time, was uniquely dangerous, and that is how the woman wound up with a vast sum of money. And as a result of that lawsuit, McDonald's took steps to reduce its coffee temperature to a much safer temperature, to improve its packaging, to improve warning signs, and to virtually eliminate whatever dangers extremely hot coffee posed to the consumers at McDonald's.

I think this is premature; this bill is premature. We do not know whether there is any factual record to support significant numbers of suits in the food industry. We do not know whether this is any real problem at all. It conceivably could be a problem on the scale of the tobacco litigation. It also conceivably could be a problem on the scale of the YK2 scare, which absolutely did not exist. There was no YK2 problem despite heated debates about what the liability should be. Nothing wrong happened when the computers hit the year 2000. Nothing happened in the United States where a massive effort was undertaken, and nothing happened around the world where no effort was taken. There really was no problem.

We do not know what the facts are in this case, and I really believe that we ought not to be voting for this bill, so I would urge a "no" vote.

The SPEAKER pro tempore. The Chair thanks the gentleman from Philadelphia County and recognizes the gentlelady from Philadelphia County, Ms. Josephs.

Ms. JOSEPHS. Thank you, Mr. Speaker.

I want to say that I endorse the remarks wholeheartedly made by the gentleman from Philadelphia County. I do not think that preemptive legislation is any kind of activity that we ought to engage in in the legislature. We do not know the facts.

And for the information of the members on both sides of the aisle, this bill was, I believe inappropriately, but it was in the State Government Committee in the House. It emerged on a party-line vote. For those who take that into consideration, I just wanted to lay that fact before you. And in spite of the fact that I voted for several of the amendments and I think that the amendment proposed by the gentleman from Allegheny, for which I voted, was an excellent amendment, I am going to suggest that we should all vote "no" on final passage of this bill.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the lady and recognizes the lady from Luzerne County, Ms. Mundy.

Ms. MUNDY. Thank you, Mr. Speaker.

I rise in opposition to HB 670 because I do not believe that we should be doing tort reform industry by industry or company by company as we tried to do several years ago limiting the liability of Crown Cork & Seal on their asbestos cases.

Now, I realize that an amendment went in and it sort of greased the skids for passage of this bill, but I just do not think that this is the appropriate way to do tort reform. Absent any facts in any given case, we are going to give liability immunity to food purveyors, and I cannot help but wonder what would have happened if we had done that in the tobacco industry.

Mr. Speaker, this is an irresponsible thing to do, I believe, and I will be voting "no," and I wish that you would as well. Thank you.

The SPEAKER pro tempore. The Chair thanks the lady.

### LEAVE OF ABSENCE

The SPEAKER pro tempore. The Chair recognizes the gentleman, the minority leader, Mr. DeWeese, who requests a leave of absence for the gentleman, Mr. RUFFING. He will be added to the leave-of-absence list.

### CONSIDERATION OF HB 670 CONTINUED

#### MOTION TO RECOMMIT

The SPEAKER pro tempore. The Chair recognizes the gentleman from Chester County, Mr. Schroder.

Mr. SCHRODER. Thank you, Mr. Speaker.

Mr. Speaker, I would like to make a motion.

The SPEAKER pro tempore. The gentleman will state his motion.

Mr. SCHRODER. Mr. Speaker, I move to recommit this bill to the State Government Committee.

The SPEAKER pro tempore. Moved by the gentleman, Mr. Schroder, to recommit this bill to the Committee on State Government.

On the question,

Will the House agree to the motion?

The SPEAKER pro tempore. On the motion, the gentleman, Mr. Schroder, is recognized.

Mr. SCHRODER. Thank you, Mr. Speaker.

Mr. Speaker, I think this is a motion that we probably hopefully can all agree on. It seems to me that represented today on the floor of the House are two different camps. The one camp represented very eloquently by Representative Cohen does not like the Reichley bill but likes the Walko amendment. The other camp, many of us, well, we like the Reichley bill but we do not like the Walko amendment.

I think when Representative Benninghoff got up and spoke earlier, I think he made a very, very good point. Something as far-reaching, especially as the Walko amendment, should really have the benefit of some analysis through the committee process, really should be studied and hearings held, and go through the same process that resulted in the Reichley bill being brought to the floor.

So, Mr. Speaker, since there seems to be so much controversy and the House clearly falls into two different camps, I think it would be to the benefit of all of us to recommit this bill to the State Government Committee. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

#### MOTION TO AMEND

The SPEAKER pro tempore. The Chair recognizes the gentleman from Delaware County, Mr. Gannon.

Mr. GANNON. Thank you, Mr. Speaker.

Mr. Speaker, I would like to offer an amendment to the motion.

The SPEAKER pro tempore. What is the amendment, sir?

Mr. GANNON. I would like to amend the motion to refer this bill to the Judiciary Committee. This is a Title 42 bill that deals with judiciary and judicial procedure, and I believe that is

where the bill should be appropriately referred if it is going to be referred.

The SPEAKER pro tempore. Will the gentleman please suspend.

The House will be at ease.

The Chair has been advised that the motion to amend is in order.

On the question,

Will the House agree to the motion to amend?

The SPEAKER pro tempore. The gentleman may proceed.

Mr. GANNON. Thank you, Mr. Speaker.

Mr. Speaker, if the House would refer this bill to a committee, it obviously should be under the jurisdiction of the Judiciary Committee. It is a Title 42. It deals with judiciary and judicial procedure, and I would recommend that the House adopt the amendment to amend the motion to refer to the Judiciary Committee.

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

Mr. SCHRODER. Thank you, Mr. Speaker.

Mr. Speaker, I would point out to the General Assembly that this bill came from the State Government Committee. It is not as if it came from Judiciary and I am asking it to be put into State Government. It was reported out of the State Government Committee. So if the State Government Committee was the appropriate committee to put it in when it was introduced, it is certainly the appropriate committee to send it back to pursuant to this motion.

So, Mr. Speaker, I would ask that the amendment to the motion offered by Representative Gannon be voted down. I ask for a negative vote.

The SPEAKER pro tempore. The Chair thanks the gentleman.

### BILL PASSED OVER

The SPEAKER pro tempore. The bill will be gone over for the day.

There will be no further votes. Tomorrow is a nonvoting day.

### APPROPRIATIONS COMMITTEE MEETING

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Fleagle, for an Appropriations Committee announcement.

Mr. FLEAGLE. Thank you, Mr. Speaker.

There will be an immediate meeting of the House Appropriations Committee in the Appropriations room.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Appropriations Committee will meet immediately in the Appropriations room.

### STATE GOVERNMENT COMMITTEE MEETING

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Clymer, from Bucks County.



Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, just a reminder to the members of the State Government Committee that we will be meeting at 10 o'clock tomorrow in room 3 of the North Office Building. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The State Government Committee will be meeting at 10 o'clock tomorrow in room 3 of the North Office Building.

As a reminder to the members, Monday is a nonvoting day as is tomorrow.

### HOUSE SCHEDULE

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

Mr. DeWEESE. Thank you, Mr. Speaker.

Any other enlightenment relative to the potential schedule for next week that the Chair might have or the Republican leadership may have?

The SPEAKER pro tempore. Tuesday and Wednesday will be full voting days next week, Mr. DeWeese.

Mr. DeWEESE. And Thursday and Friday are still tentatively available for votes?

The SPEAKER pro tempore. That is what I understand.

Mr. DeWEESE. Thank you, Mr. Speaker.

### STATEMENT BY DEMOCRATIC LEADER

Mr. DeWEESE. Just one quick comment. Thank you very much.

The fact that we met at lunchtime today, we met with the Governor last night, and the House Republican staff on Appropriations and the Democratic staff on Appropriations are going to be meeting in the next several days relative to Medicaid, relative to all of the budget dynamics; I just wanted to make certain that the membership was aware of the fact that the leadership teams have met, are meeting, and as we speak and during the week, our Appropriations staff teams are coming up with all kinds of options and different proposals. So I just wanted that to be placed upon the record.

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

Just as a reminder, Tuesday's session of next week will begin at 11 a.m.; 11 a.m. session will start next week on Tuesday morning.

Are there any further announcements?

### VOTE CORRECTION

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Godshall, who requests to be voted in the affirmative on HB 30.

### REPORT OF COMMITTEE ON COMMITTEES

The SPEAKER pro tempore. The Chair is in receipt of a supplemental report from the Committee on Committees, which the clerk will read.

The following report was read:

#### SUPPLEMENTAL REPORT COMMITTEE ON COMMITTEES

In the House of Representatives  
June 14, 2005

Resolved that

Rep. Greg Vitali, Delaware County, is elected a member of the Appropriations Committee vice Rep. Washington resigned.

Rep. Angel Cruz, Philadelphia County, is elected a member of the Liquor Control Committee vice Rep. Washington resigned.

Rep. Jewell Williams, Philadelphia County, is elected a member of the Judiciary Committee vice Rep. Washington resigned.

Rep. Gary Haluska, Cambria County, is elected a member of the Transportation Committee vice Rep. Washington resigned.

Rep. Mark Cohen, Philadelphia County, is elected a member of the State Government Committee vice Rep. Haluska resigned.

Rep. Mark Cohen, Philadelphia County, is elected a member of the Veterans Affairs and Emergency Preparedness Committee vice Rep. Williams resigned.

Respectfully submitted,  
Rep. Robert Freeman  
Democratic Chairman  
Committee on Committees

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

### HOUSE BILL INTRODUCED AND REFERRED

**No. 1745** By Representatives FAIRCHILD, ADOLPH, ALLEN, ARGALL, ARMSTRONG, BAKER, BELFANTI, BIRMELIN, BOYD, BUNT, CAPPELLI, CIVERA, CLYMER, DENLINGER, EACHUS, ELLIS, FEESE, FICHTER, FLEAGLE, FLICK, FORCIER, GEIST, GINGRICH, GODSHALL, HABAY, HARHART, HARRIS, HERSHEY, HESS, HICKERNELL, HUTCHINSON, KILLION, LEH, MAITLAND, MAJOR, MARSICO, MCGILL, MICOZZIE, MILLARD, MUSTIO, PERZEL, PICKETT, PYLE, RAYMOND, REED, ROHRER, ROSS, SATHER, SCHRODER, SEMMEL, S. H. SMITH, SONNEY, STERN, R. STEVENSON, T. STEVENSON, E. Z. TAYLOR, J. TAYLOR, TRUE, TURZAI, WILT and ZUG

An Act authorizing and directing the Department of General Services, with the approval of the Governor, to convey tracts of land and buildings, consisting of a portion of the former Laurelton Center, located in Hartley Township, Union County, Pennsylvania.

Referred to Committee on STATE GOVERNMENT,  
June 14, 2005.

**BILLS AND RESOLUTIONS PASSED OVER**

The SPEAKER pro tempore. Without objection, any remaining bills and resolutions on today's calendar will be passed over. The Chair hears no objection.

**RECESS**

The SPEAKER pro tempore. Are there any other announcements?

Seeing none, the gentleman, Mr. Ellis, is recognized from Butler County.

Mr. ELLIS. Mr. Speaker, I move that this House do now recess until Wednesday, June 15, 2005, at 11 a.m., e.d.t., unless sooner recalled by the Speaker.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 5:16 p.m., e.d.t., the House recessed.